

Behind their backs: Russian forces' use of Civilians as Hostages and human shields during the Chechnya war

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Abbreviations

APC — **Armored Personnel Carrier**
CRI — **The Chechen Republic of Ichkeria**
FP — **Filtration Point**
FSS — **Federal Security Service**
HRC — **Human Rights Center**
IA — **Internal Army**
ICV — **Infantry Combat Vehicle**
MD — **Ministry of Defense of the RF**
MIA — **Ministry of Internal Affairs of the RF**
ORT — **The name of a Russian television company**
RC — **Republic of Chechnya**
RF — **Russian Federation**
RTR — **The name of a Russian television company**
VSAAAN — **Voluntary Society for Assistance to the Army, Air Force and Navy**

I. Introduction

During the course of military activity in Chechnya and in the neighboring territories, both sides involved in the conflict have used the civilian population as «human shields»,¹ and took hostage large numbers of the civilians.²

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During the course of the Chechen-Russian war, the Russian side has used some of the civilians detained at the filtration points as hostages.

Likewise, from the beginning of the war, the Russian side illegally declared that captured Russian soldiers are «hostages» of the Chechen fighters. This use of this term came about as the result of carefully thought-out and systematically implemented policy to consider the conflict in Chechnya outside the context of human rights. Russian officials denied the presence of a conflict (of either an international or non-international character) and reduced the situation to a «disarmament of criminal formations» which was strictly an internal affair of Russia. In accordance with the official position regarding the conflict, the situation with prisoners and forcibly detained individuals was systematically viewed in a criminal context. In other words, the Chechen side was treated, not as a legitimate warring enemy, but rather as a group of criminal formations which should be dealt with outside the law. As a result, Russian soldiers captured by Chechen detachments were deprived of the official status «prisoners». The status of prisoners of war or of individuals forcibly detained by a belligerent side provides for certain legal guarantees. The Russian side did not respect these guarantees, rather they chose to free their hostages from the «criminal formations» by way of exchange or ransom.

Beginning in December 1994, captured Russian soldiers were placed in the headquarters of the army of the CPI. This was connected most likely with the lack of development of their armed forces

and also with the absence of other separately guarded places or the strength to organize necessary guarding elsewhere. Nonetheless, in the Presidential Palace, the most well-known place for the detention of prisoners, those held were kept in the most closely guarded parts of the basement. As the fighting neared the center of the city, prisoners were divided into smaller groups and evacuated.

According to our sources, the first incident when captured Russian soldiers were used as hostages by Chechen forces occurred on May 27, 1995 when the commander of the Western division, Ruslan Gelaev, announced that if the bombing of the village in the Shatoisky region continued, five prisoners of war would be killed per day. Eight were killed altogether.³ A second similar ultimatum was made by Ruslan Khaikhoroev, the commander of the Bamutsky battalion, but was later retracted by Khaikhoroev himself, by his superiors and by the representatives of the Department of State Security of the CRI.⁴

Beginning in Fall 1995, in addition to the capturing of hostages, the Chechen side began to organize the kidnapping of civilians which took on a mass character in December 1995.⁵ In these particular incidents, it is difficult to discern purely criminal acts from the capturing of evident «collaborationists», «officials of the occupying administration», etc. In kidnapping builders and electrical specialists from Russia, the Chechen side noted the necessity of detaining «officials of the secret service». There were, in fact, secret agents of the Russian special services among those civilians (construction workers, engineers, etc.) who were kidnapped,⁶ although, they formed a minority. The majority of kidnapped civilians whose affiliations with the secret service were not proved was released by way of ransom.⁷ From the point of view of the «Memorial» HRC, these incidents of kidnapping should be qualified as the taking of hostages.

Various officials of the Russian Federation have, from the very first days of armed conflict, repeatedly blamed the armed forces of the self-proclaimed CRI for using unarmed citizens as «human shields» during the fighting. However, concrete facts supporting these accusations have not been brought forth. The «Memorial» HRC does not have any information which verifies that such acts occurred before June 1995.⁸

It is well known that in June 1995 and in January 1996 a detachment of Chechen fighters attacked civilian points in Budennovsk and in Kizlyar, captured the city hospital, rounded up many civilians (including children, women and elderly people) and declared those captured as well as hospital personnel and patients to be hostages. Then, using them as «human shields», they retreated beyond the borders of the territory controlled by the RF. In Budennovsk, many of the hostages were shot.

During the course of the entire war, detachments of the armed forces of the self-proclaimed CRI repeatedly chose military objects in densely populated regions and conducted warfare in populated areas that had yet to be evacuated by the civilian population. Such action is considered a violation of humanitarian norms, although it should not really be qualified as using a «human shield».⁹ Both sides could be blamed for the fact that before the start of armed fighting the civilian population of Grozny was unable to leave the city. Neither the government of the RF nor the leadership of the CRI took any serious measures to evacuate the civilian population before the bombing started. Only after the bombing had begun did the Ignushetia Ministry of Emergency Situations permit three groups of buses filled with civilians to leave. However, the fourth group of buses was directly impeded by the leadership of the CRI. On the orders of those closest to D. Dudaev, the group of buses was stopped and forced to return to Grozny. There are also other known incidents when the evacuation of civilians from Grozny was impeded by formations of the CRI.¹⁰

Beginning in the spring of 1995 when the fighting spread outside of Grozny, Russian troops repeatedly hindered the evacuation of the civilian population from populated areas that were being subjected to shooting, armed attacks and bombing.

In March of 1996, the «Memorial» HRC for the first time received news that the Russian troops were using the civilian population as «human shields.» (The «Memorial» HRC does not have information which hints at the use of «human shields» by the Russian side before this time.) In the course of the fighting in Grozny in August 1996, the use by the Russian forces of captured civilians as hostages took on a mass character.

In this report, there are also examples given of several incidents when the Russian forces used civilians detained at filtration points as hostages. However, most attention will be given to the their

new practice (used in the last six months of fighting — from March until August 1996) of capturing civilians during the fighting and using them as «human shields». A part of the IA MIA RF (including the 101st brigade, which was permanently stationed in Grozny) and a division of the MIA sent to Chechnya is primarily at fault in these acts.

II. The Use of Detained Individuals as Hostages: 1995-1996

At the end of 1994, filtration points began to function in the cities of Mozdok (Northern Osetia Republic), Stavropol, Pyatigorsk (Stavropol region) and later in Grozny. These points were established as a place where those who were suspected of participation in the fighting against Russian forces or of having committed a criminal act on the territory of Chechnya could be brought. However, during the first six months of the war, there were not any normative documents which clarified the status of or regulated the activities of such filtration points.

The arbitrary nature of the detention led to the imprisonment of an overwhelming majority of individual citizens who had not taken part in the fighting.¹

Some of the citizens detained at the filtration points were used as hostages by the federal services of the RF. As a result, the Chechen side was, in many instances, offered people who had not participated in the fighting and who were not officials of the self-proclaimed CRI in exchange for Russian soldiers.

For example, according to the numerous reports in the official Russian media, Djokhar Dudaev's older brother, Bekmuza Dudaev, was detained on February 19, 1995 and brought to the Lefortovo prison in Moscow. No proof of his participation in the fighting was ever found nor was he declared to be an official of the CRI. It was simply announced that «he had a big influence on his brother».² On April 6, 1996, it was announced that B. Dudaev was exchanged for Vyacheslav Dmitrenchenko, a major of the 22nd special assignment brigade of the CAI who had been taken prisoner on January 7th. In addition to B. Dudaev a large group of those detained at the filtration point were also offered. Before their release, however, they were required to sign a document stating that they had no claims against the management of the filtration point. Included in this group was Takhir Davletyakaev, the general prosecutor of the Shelkovsky region, who refused to be exchanged and demanded that he be charged of a crime in accordance with the law. Despite his insistence, he was exchanged with the rest of the members of the group.

According to information from Isa Madaev,³ a representative of the leadership of the armed forces of the CRI who conducted the exchange from the Chechen side, the discussion was not about Dudaev's older brother, but rather about his younger brother, Makharbi, who had worked in Grozny as a taxi driver. Furthermore, the Chechen side insisted that he be excluded from the list of those who were to be released in that particular exchange.⁴ According to Madaev, this was done because Djokhar Dudaev had ordered the execution of the officer who the Russian side had been trying to exchange for his brother Makharbi.

Those detained were used as hostages as well as for other reasons.

In January 1996, Madaev was detained in a Grozny filtration point. His relatives, who approached the MIA RF in March regarding the possibilities of his release, were told that Madaev could be freed in exchange for a captured Russian soldier, but that they would have to find one themselves. The women responded that they had neither the resources nor the connections necessary to find and pay off the ransom of a captured Russian soldier. As another solution, officials of the MIA RF suggested that they find, dig up and bring in the bodies of three officers from a specific detachment of the MIA who had been killed in the course of the fighting in Grozny between March 6-8, 1996. They were also told where the bodies were buried. Earlier attempts by the Russian side to remove the bodies had been impeded by shooting in the nearby area. The women brought the bodies of two officers and the burned remains of a third to the Russians, and toward the end of March, Madaev was released.⁵

According to the story of Madina Magomadova,⁶ officials of the MIA RF promised to release her brother, Shamsa Magomadov if she found out and provided them with information about the whereabouts of a certain captured Russian soldier. When she met those conditions, she was told that that soldier was not needed and that she should find out the whereabouts of a certain captured officer. When she presented that information, the demands again changed. To this day, her brother has not been released and no information about his whereabouts is known.

According to materials of the Russian power structures which were made available after the taking

of Grozny by Chechen forces in August 1996, there was a document prepared by officials of the FSS on July 29, 1995 «On the Whereabouts of Russian Soldiers Taken Prisoner by Illegal Military Formations». This document contains sentences similar to the following one: «On July 25, in an encounter with citizens who were interested in exchanging their own men for captured Russian soldiers, it became clear that they had recently been looking for such soldiers who could be used in an exchange.» What follows is an account of the information which these civilians obtained in the course of their searches.

We have mentioned only those instances where criminal activities (blackmail or trading people) have taken place «in the name of the State». The examples are not about the release of prisoners for money, i.e. the private criminal activities of soldiers and officials of the MIA RF.

III. March 1996. «Human Shield» in Samashki

Samashki is a large village located in the Western flatlands of Chechnya. At the beginning of the war, there were 2100 plots of land¹ populated by about 14,600 people. Chechens made up the majority of the population although a small part was composed of Russians.

Since the very beginning of the war, the village has been the victim of numerous artillery and mortar shootings and air attacks.

On April 7-8, 1995, the village was occupied by a combined force of soldiers from the IA and from a special division of the MIA RF. The entrance of these federal forces was met with resistance by a small group of self-armed villagers. The larger detachment of fighters had left Samashki one month earlier, following an ultimatum from the Russian forces.

Following the Russian force's occupation, a «cleansing» of the village was conducted.² In the course of the operation, civilians were murdered, detainees were harassed and houses were burned down. During the «cleansing» alone, more villagers were killed than in the course of the fighting, and more severe destruction to the village also occurred at this time.³

During Summer and Fall 1995, when the large-scale fighting had come to a standstill due to the peace talks being held in Grozny, the majority of villagers returned to Samashki. Destroyed houses began to be repaired and rebuilt. During that same period, 100 fighters from the village also returned.

All this time, the Russian forces were stationed in the outskirts of Samashki.

From February 1996, in various Chechen regions, Russian troops once again began conducting special operations that resembled the «cleansings». In mid-March, Samashki was chosen as the object of just such an operation. At this time, a Chechen military detachment of 120 soldiers under the command of Khizir Khachkaeva moved into the village. (In general, the number of soldiers in Samashki during the fighting reached 260-300 people, which, with respect to the war in Chechnya, is a considerable amount.)

On the night of March 14, Samashki was surrounded by Russian forces. The government of the village was given an ultimatum — to give up fighters and weapons. The quantity of the demand, however, was not indicated.

Beginning at 4 P.M. on March 14th, inhabitants of the village began to leave the village through a special «corridor» that was created for that purpose. In the evening, the head of the local administration told the villagers that he had managed to agree with the soldiers that there would be neither an assault nor a «cleansing» of the village and that the soldiers would leave. However, at 6 A.M. on March 15th, representatives of the Russian forces announced to officials of the local administration that from 8 A.M. to 10 A.M. that morning, a «corridor» in the direction of Ingushetia would be opened for the inhabitants to leave; after that, the storming of the village would begin. A panic seized the village, not all the inhabitants were able to leave, many were unable to decide in such a short time what they would do with their property and cattle, and some of the villagers began to leave the village by a route different from the «corridor» route. At the Russian posts, men aged 15 to 55 were selectively (based on certain available lists and also arbitrarily) detained for «filtration». This led to a delay in the villagers' ability to leave the city and to the return of some of them to the village. According to the most modest estimates, some 5000 villagers remained. They were impeded from leaving until March 19.

The Chechen rebels prepared to defend Samashki which was subjected to massive shooting attacks from tanks, howitzers and from helicopters. The village was bombed from the air and ammunition of tremendous power was used. The intensity is evident from the fact that dozens of charred Russian army

vehicles remained on the streets of the village after the fighting had ended.⁴

The division of the Russian forces slowly entered the village from the east. When they met resistance, they retreated and then attacked those points with artillery and mortar shells and air raids. On the streets, which ran from east to west, soldiers in armored vehicles moved forward. Areas the soldiers passed were thoroughly combed.

In these conditions, the soldiers of the Russian forces⁵ resorted to using «human shields.»⁶ Civilians of Samashki were used by Russian soldiers as «human shields» to protect their armored cars. This was connected to the fact that during the course of the war in Chechnya armored equipment turned out to be defenseless against grenades which were frequently used in street fighting.

The following is from the account of Salauddin Saliev who lives in Samashki on 9 Vygonnaya Street.⁷

«On March 15th, I was visiting my neighbor, Abdulselim Movdaev, who lived at 6 Vygonnaya Street. There were six of us altogether; he and I, his mother and father, my wife and my daughter. A little after two o'clock, a few soldiers came in...

"Who's here?"

"An old man and woman, my wife and my daughter," I said.

"Is there anybody else?"

"No, there's nobody."

"The old man and woman can stay, you two, get out here now!"

We went outside. On the street there were APCs, tanks, soldiers...

We were told: "You two, climb up on that...tank."

They made us sit on the tank. They made us sit on top of the tank from where they were shooting. They were shooting and the two of us were just sitting on top of the tank...

I said to the commander: "You are all hiding behind your equipment, and the two of us are sitting up here, this is dangerous! Bullets are whistling by, one of them could hit us!"

"We need you up there, so just sit and be quiet," responded the commander as another soldier began to insult us with rude swear words. So we just sat there... Occasionally shots would be fired from somewhere, a soldier was even injured right near us. For about 6-7 hours they drove us around like that."

In that time period, the Russian division was able to move forward about 300-400 meters to the intersection with Ambulatoynaya Street.

According to Salauddin Saliev:

«Two soldiers were in their APC, and they stuck their heads out of the hatch. I said to one of them:

"Are you a natsman?"¹⁰ I can see that you are natsman. What nationality are you?"

He said to me, "I'm a Kazakh."

"How did you wind up in the Russian army?" I asked, "Kazakhs have their own government, don't they?"

"No, we lived in Volgograd, I was drafted from there."

I asked him: "Do you speak Kazakh?"

"I do," he responded.

So I said to him in Kazakh: "Tell the commander that we are freezing up here. We are dressed lightly; it's already getting dark. Tell him to let us down from here."¹¹

It was already about 9 o'clock in the evening. He went over to the commander and said: "Let those two guys down..."

"No, let them stay up there for a while. We need them... up there!" And he didn't let us down.

After a little while, the same guy reported to the commander: "I have just gotten orders to occupy our former position." I thought to myself, "What are their former positions? Where are they taking us?" As it turned out, they headed back and stopped right near my house.

After some more time, I again addressed the commander, saying: "Let us down!" And he did.

This incident is not unique. On March 17th at about 6 o'clock in the morning, Russian soldiers entered the house at 2 Rabochaya Street (parallel to Vygonnaya Street). There, in a concrete basement, the residents of several houses in the area were hiding from the shooting. According to Shepa Izmailov,

the owner of the house, there were about 30 women, 8-10 children, 8-9 elderly people and a few young men.

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The following is from the account of one of the women, Sovdat Murtazalieva, who lives in Samashki at 25 Vostochnaya Street.¹²

«They said: "Everybody out." They made us all come out of the basement. They swore at us and yelled, "Get on! Get on!" They were trying to keep themselves hidden and were shooting. They put three of us up on a tank which was there. And one child, Timran¹³ was also placed on top of it. He was not even six years old, yet he was made to get up onto the tank. There were also two other young boys, just a little older.¹⁴

I fell unconscious here, near the gate... I thought they were going to start shooting and kill us all. That is what I was thinking when I lost consciousness.



What follows is the description of these events from the viewpoint of the owner of the house from where people were taken and used as a «human shield».¹⁵

«At 5 o'clock in the morning, we heard thundering noises from the tanks and other machinery. I looked out the window and saw that an APC was approaching. Armed soldiers ran into our courtyard. I said to the older men and women, "Let's begin to slowly go outside so that we don't take them by surprise." We didn't know what mood they were in. I slowly



moved one of the old men along. I stayed right beside him but I felt scared nonetheless. Four soldiers were standing outside with sub-machine guns, four with machine guns. Near the gate was a soldier with an army radio. We walked out of the basement toward the house and stood against the side... The commander was a major. He wasn't wearing a shoulder strap. When he walked away, I asked a young guy, a Muscovite, what the commander's title was. He said that he was a major. And then I asked that same young guy, "What happened? Why are you doing this? What's the problem?" He said that the day before one of the commanders had been killed and that now they were combing the village. They were all sitting there, shots were being fired all around. And then, the commander said: "All the women, stand up! You, you and you!" He pointed at three women, among them Lala and Koka, my neighbors.

"Let's go, get up on the tank."¹⁶ They walked around, but they couldn't get up... they're women... And Lala is very weak. Then the children were brought over. Three of Koka's children. "Get on!" Then we were permitted to bring Sovdat back to the basement. When we came back, the commander ordered everyone off the tanks...

The following account was related by Lala Gaerbekova:¹⁷

«I am still in shock. With guns to our heads we were told to get up onto a tank on Rabochaya Street. Three children, their mother, Koka, my sister, Anya Gaerbekova, and myself. I asked «Can I walk in front of the tank — I have a weak heart?» I was not allowed. Twenty minutes later, I fell unconscious. My sister jumped down. I heard someone say: «You bitch, I'm going to shoot you.» That was the only time that they spoke to us like that. My sister grabbed me from under the shoulder. After that, they placed us in the front of the tank. They made us walk in front of the tank and said: «If one bullet is shot at us, we will kill you.» But no shots were fired. Not one.»

According to Shepa Izmailov:

«When the women and the children climbed down, they told us: «Go stand up in front.» We all went and stood in front of the tank or the APC. Beside us was Koka and her sons. There was shooting going on all around us... As we were walking, I noticed that Shamsutdina's house was on fire, and he was walking with us.

Nearly everybody who was in the basement walked along in front of the armored car. In such a way, those people being used as «human shields» walked along in front of the armored cars for about 300 meters over the course of several hours. When they got tired of standing, they were allowed to sit on the ground.

When they reached the canal which runs through Samashki from north to south, Russian soldiers stopped. The armored car that was being covered by the «human shield» was hidden behind a house. Between noon and 2 o'clock in the afternoon the commander ordered the civilians to leave. The people began to carefully make their way back. Timirbai Elisyanov, who was also a part of the «human shield», was killed on his way back to his home on Rabochaya Street.

Khizir Khachukaev, the commander of a special force division of the armed forces of the CRI and the soldiers from his unit who were defending Samashki, told representatives of the «Memorial» HRC¹⁸ that in Samashki, soldiers from the Russian forces «made civilians get up on the armored vehicle and drove around with them in front.» Fighters from Chechen units claimed that they refrained from opening fire on armored vehicles when they were covered by «human shields». They tried to encircle the Russian troops, but were forced to retreat or remain in small groups behind them. They offered resistance mostly in the center of the village when the Russian soldiers released the residents who had made up the «human shield».

«Human shields» were not again used in Samashki since, on the following morning, residents living near the area that had become the new arena for armed fighting gathered near the Russian troops in the region of the canning factory in the southern outskirts of the village. These people had to demand for more than 24 hours to be let out of the city, despite the fact that gunfire from helicopters had already lead to several casualties. At 12 o'clock in the afternoon on March 19th, they were released by Russian border guards.¹⁹

The «Memorial» HRC does not have any information as to whether or not the use of «human shields» was sanctioned by the commanders of the mission in Samashki or if it was the initiative of individual officers leading troops in the village.

A part of the Northern Caucasus division of the Internal Army²⁰ and the 58th Army of the MD RF²¹ were involved in the taking of Samashki.

IV. Grozny, August 1996. The Taking of Hostages in the Region of Military Compound #15

In the first half of August, the city of Grozny was like a layered cake, where neighborhoods, blockposts¹ and individual buildings under the control of the Russian forces interweaved with the

territory occupied by units of the army of the self-proclaimed CRI. The majority of the encircled divisions and groups of soldiers from the Russian army found themselves in a difficult situation.

A part of the Russian forces were based in the neighborhood of the republican hospital on Lenin Street, which was on territory known as the «15th town».² At the start of the fighting in Grozny, this territory remained in the possession of the federal forces and soldiers from other regions of the city were able to retreat to this area.

According to the testimony of witnesses, on August 11, 12 and 17, servicemen conducted a «cleansing» in the areas adjacent to the 15th town which were composed mostly of one-story buildings (Izberbashkaya, Kalinin, Kuibyshev, Lazo, Matrokov, Odeskaya, Ukrainskaya, Shchors Streets). In the course of these «cleansings», civilians were seized and brought to the military compound. As a condition of their release, relatives of those captured were made to bring in the bodies of dead Russian soldiers or to provide for the delivery of goods to Russian posts which were being blockaded. These same relatives were forced to engage in talks with units of the armed forces of the CRI in order to see that these demands could be met. Numerous people who witnessed or in some way suffered from the «cleansings» were interviewed by the «Memorial» HRC.

On August 12th, Alexei Evgenevich Ptukhin, who was born in 1975 and lives on 68 Shchors Street, and two of his neighbors, Mamed Yusupov and Musa Mankiev,³ left home at about 10 o'clock in the morning. According to M. Mankiev, «it was quiet on the street, there were no signs of any Russians, a group of Chechen fighters were walking along the streets». These young men had intended to simply buy some cigarettes and then immediately return home. However, at the corner of the street, they were detained by Russian soldiers who checked their documents, then handcuffed them and lead them away. The boys were told that there was nothing to be afraid of, that they were simply being used as shields until they reached the military compound and would then be released. Several other detainees, including two Russians who seemed quite drunk, were also taken. The detainees were lead into the military compound where an officer examined their hands and shoulders⁴ after which he declared them all to be rebels. The fact that Russians were detained particularly angered the Russian soldiers.

According to Musa Mankiev:

«We were forced to lay on the ground and were tied up. Then I heard one of them say: "Are these three Russians?"

"Yes," responded someone else.

"Shoot them," said the first, "They aren't Russians, they're traitors. All the Russians have left already." I didn't really believe that they would shoot them. I thought they were just trying to scare them.

The three Russians, including Ptukhin, were immediately separated from the rest and lead away.

The following account was told by Magomed Taramov, born in 1941 and living on 41 Odeskaya Street.⁵

«They came to our house on the 12th. I went out myself to open the gate so that they didn't force it open with the butt of their guns. My son⁶ and I were placed against the side of the house. My family was in the house, there were children there, a lot of shouting, noise, hubbub. The women showed them our passports. We aren't fighters and definitely hadn't take any part in the armed conflict. We were brought out to the street, where about nine people were standing by a wall. We were joined by even more people who had been taken from their homes. Altogether there were twenty four people. A colonel was in charge. Our hands were tied up and we were led along the street.

On Lenin Street there was some serious gunfire. The soldiers took cover behind us...

We were led through a hole in a fence into the military compound...

In the evening of August 12th, relatives of those detained, mostly women, headed in the direction of the military base with white flags.⁷ However, they were shot at and as a result went home. The following morning, these relatives along with Victoria Petrovna Arutyunova, the director of School #34 of the October region, again approached the military base. They were not allowed into the military base although several officers came out. The women were able to convince these officers that the detained men had not taken part in the fighting. Apparently, the officers had already understood that and they expressed their readiness to release the detainees, but only on the condition that the women brought

them wounded soldiers from the 13th blockpost which was surrounded by Chechen fighters or the bodies of Russian soldiers who had been killed near the «Luch» store.

Garib Asiyalov, who lives at 8 Lazo Street⁸ related how the women approached him and requested that he be present during the talks with the officers. At the military base, he tried to shame the officer who attended and to prove to him that such actions were a disgrace. He also tried to explain that peace talks between the Russian and Chechen sides had already begun. In response to that, G. Asiyalov claims that the officer said: «That doesn't concern me. I could care less about Lebed and Maskhadov — I take orders from Kulikov.⁹ We will exchange a head for a head — our wounded or dead men for your living ones.»

On the first day, the women were not able to get permission from the Chechen rebels to take away wounded soldiers from the 13th blockpost. On the following day, the well-known Chechen commander, Akhmed Zakaev declared that he was prepared to give up one wounded Russian soldier in exchange for the release of one detained person from the Chechen side. He refused to send his men to dig up dead bodies but promised that he would not impede Russian soldiers from doing so.

The relatives rented a truck and began to transport wounded and dead soldiers. According to G. Asiyalov, 32 hostages were exchanged. There were some complications since the women often brought in the bodies of dead soldiers who weren't under the jurisdiction of that military compound.¹⁰

However, Alexei Ptukhin, Magomed and Alimkhan Taramov weren't among those released. An officer, in command of a certain intelligence group, promised that on the next day he would give up the bodies of three people who had been shot. In exchange for them, he wanted the bodies of some dead soldiers from his group. On the following day, after the bodies of these soldiers had been brought in, relatives of the hostages were first given the body of an unknown person and then the body of Alexei Ptukhin. There were four bullet wounds on his body and his head was smashed.

Magomed and Alimkhan Taramov were released several days later in exchange for the bodies of eight Russian soldiers.

Immediately after the exchange, all the interviewed hostages and their relatives left Grozny and did not return until September.

Those who were detained recounted that they were treated with cruelty.

After being beaten severely, Yusupov and Mankiev were thrown into a pit where they remained for three days.

Magomed Taramov

«In the "15th town», we were blindfolded and told to lie on the ground... After that four people, including my son and I, were among those selected. We were taken to an APC. I thought that, because of the background noise from the motor, they either wanted to hang or shoot us... Two soldiers put me on the APC. I then thought — they're going to hang me. I was placed up there and behind me there was another guy like myself and we were tied together with wire... I then understood that they were making a target out of us, that they wanted to drive down Lenin Street and were hoping that the rebels wouldn't fire. After fifteen minutes of driving around, I immediately realized that we were at Khankala.¹³

Four people were driven in like that and were placed in a pit where the other detainees were kept. Those being kept in the pit were subject to beatings every day as well as frequent harassment from the contracted soldiers.¹⁴ Magomed Taramov was once interrogated.

After five days, both father and son (the Taramovs) were taken back to the «15th town». There they were told that they would soon be exchanged. They were again beaten although this time a certain Russian officer interceded on their behalf and guarded them until their release.

Among those detained were two militiamen, Murat and Movsar (those relating the account could not remember their last names) from the MIA CR. Their homes had been searched by Russian soldiers who found their guns. They were brought to Khankal along with the Taramovs and were kept together in the same pit. They were interrogated and, like the others, they were also beaten. However, in connection with the fact that the MIA CR took an interest in their fate, they weren't exchanged but were instead released on August 22-23.

Another «cleansing» of the areas adjacent to the «15th town» took place on August 17th, in which new hostages were seized.

The first report regarding the hostage takeover of civilians in this region was released on Radio

Liberty on August 19th. Correspondent V. Dolin confirmed that a group of masked Russian soldiers had broken into several houses near the local hospital in Grozny on August 17th, had taken non-militant residents hostage, had attempted to take able men hostage, and ended up abducting 20 youngsters.

Representatives of the «Memorial» HRC interviewed local residents living regarding the abovementioned events. Those interviews revealed that Russian soldiers conducted this «cleansing» in the area of the «15th town» during which hostages were seized and taken to a military compound. The opposition forces did not engage in the conflict, and simply retreated from the area.¹⁵

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While conducting this «cleansing», the Russian forces fired on houses with automatic weapons and

machine-guns. After the military forces departed that evening, mortar firing descended upon the quarters — probably with the intention of preventing the retaking of the area by rebel forces. As a result, according to witnesses, many peaceful civilians were killed or wounded.

Among the unintentional deaths were

- Malika Temirbulatov, born in 1937 (address: 32 Third Ukrainian pereulok);
- Madin Gantemirov, born in 1976 (address: 43 Ul. Alexeeva);
- Kod Arsamoakov, born in 1932 (address: 9 Third Ukrainian pereulok);
- Adam Nanaev, born in 1948.

Among the wounded were

- Abraham Temirbulatov, born in 1953 (address: 1 Third Ukrainian pereulok),
- Eza Tsechoeva, born in 1924,
- Muslim Tsechoev, born in 1955,
- Rezan Temirkhanov, born in 1940 (address: 56 Ul. Kuybysheva),
- Rosa Mousarova, born in 1977 (address: 51 Ul. Alekseeva),
- Ivan Nikolaevich Evmenev, born in 1910 (address: 43 Ul. Alekseeva),
- Yuri Ivanovich Evmenev, born in 1951 (address: 43 Ul. Alekseeva),
- A.

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The following is an excerpt from the account of Aishat Khadasheva [.16](#)

«On August 17th at 8:20AM, the soldiers began to fire and descend upon us. They descended upon us from above — from the Central hospital at the end of Izberbashskaya Street...There were masses of soldiers and lots of tanks and armored vehicles. As the soldiers descended upon us, it became clear that they were inebriated; they were waving their fists — oh! how savagely they behaved...Our neighbor was visiting at the time, and was playing chess with my husband. The soldiers led my husband, our son, and the neighbour outside.¹⁷ They said to my son: »Show us your hands." My son had been working in the boiler station...And the soldiers told him: «You have callouses on your hands.» As one of the soldiers was contemplating whether they should take him with them, another shouted: «Take them away! Take them away!» They took off my husband's jacket, and began to strangle him with it, and then, they led the three detainees away to the APC...I grabbed onto the APC and refused to let go. Then, the soldiers dragged me into the unit as well."

According to Aishat Khadasheva's account, the Russian soldiers did not loot her house, however, it was not at all uncommon for them to steal from other houses. «They would open the gates, enter the house, choose whatever they wanted, and then spray the remains with their machine guns.» Nina, one of the neighbors who survived — a Russian — entered the courtyard of the Khadashev's house while the soldiers were still occupying it. She tried to convince them to behave more humanely toward the civilians, and emphasized that Russians also lived in the apartment complex. In response, they swore at her, and said «If you were sane, you would not be living here yourself!» They then raided her house and stole her son's clothes.

Many witnesses have acknowledged that raids, theft, and vandalism occurred while troops «cleansed» the houses, however, this topic is not the focus of this particular report.¹⁸

In addition, it should be noted that the soldiers did not take hostage all the men they encountered. Svetlana Gapuraeva confirmed the accuracy of Aishat Khadasheva's story, but acknowledged that the soldiers did not detain her two sons, husband, or brother-in-law who were in the house.¹⁹ On two occasions, Russian soldiers entered her house, but only to check her documents.

Sultan Larsanov reported that he was a witness to a similar incident:²⁰ His relatives, who were living on the corner of Ul. Kalinina and Ul. Matrosova were rounded up to be led away as hostages, when Sultan's children started to cry. A Russian officer cried out «I also have a son and a daughter. My soul can not bear this sin!» And he ordered that the hostages be freed.

In the military compound where Aishat Khadasheva was taken, she tried to find out what had happened to her relatives:

«I cried: "Please, if there is among you at least one person, one commander, someone, please, listen to me." Someone shouted from under an alcove: "Take her away! Take her away immediately! Blindfold her!" Then, they dragged me down to the APC, took me home, and deposited me there.»

The next day, when Aishat Khadasheva returned to the military compound with her neighbors, they were informed that the detained persons would be released in exchange for the corpses of Russian soldiers, buried near the bus station and the chemical plant. The women begged the Chechen rebels for assistance, got a car and then drove to the site and began to dig up the corpses. They soon realized that the task was beyond their strength, and agreed that it would be easier for the Russian soldiers to pass through the land occupied by Chechen rebels and take the corpses away themselves. Two burial grounds were dug up, and 28 corpses were dragged away. As compensation, some of the hostages, including Ishmat Khadasheva's relatives, were released; however, their passports were not returned to them. While in the compound, they had remained under surveillance for 36 hours, during which time, they were blindfolded and their hands were bound.

The following is an incomplete list of hostages seized on August 17th.²²

*Musa Abdulaev, born 1968 (address: 39 Ul. Matrosova);
Ruslan Abdulaev, born 1962 (address: 39 Ul. Matrosova);
Sheukhi Golbatsev, born 1960 (address: 18 Third Ukrainian pereulok);
Ramzmn Gishaev, born 1969 (address: 19 Third Ukrainian pereulok);
Dima Daudov, born 1969 (address: 170a Third Ukrainian pereulok);
Abdurashid Magamgadiev (address: 12 Third Ukrainian pereulok);
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Said Mamadeav (address: 8 Third Ukrainian pereulok);
Khalid Merzhoev, born 1961 (address: 39 Second Izberbashskii pereulok);
Ruslan Ozniev, born 1961 (address: 5 Third Ukrainian pereulok);
Sultan Ozniev, born 1965 (address: 5 Third Ukrainian pereulok);
Sultan Khadashev, born 1940 (address: 41 Ul. Izberbashskaya);
Iliaz Khadashev, born 1973 (address: 41 Ul. Izberbashskaya).*

The above hostages were released (in exchange for the corpses of Russian soldiers) on August 19th. According to witness accounts, in some cases, Russian soldiers demanded that relatives of the detained provide, in addition to the corpses of Russian soldiers, food and drink to soldiers positioned in the blockaded guardposts.

V. Grozny, August 1996. Occupation of Municipal Hospital No. 9¹

In the beginning of August during bombing in Grozny, one of the groups of surrounded Russian soldiers managed to find shelter in a few houses near Municipal Hospital No. 9 on Ul. Mozdoksaya. These Russians were part of a division that was located approximately six hundred meters from the hospital in VSAAAN, a former auto-mechanic school.

Although they controlled a large part of the area adjacent to the city's hospital, the Chechen rebels were not directly based on the territory of the hospital.

At this time, there were approximately 300 sick and wounded Grozny citizens housed in Municipal Hospital No. 9 (1/3 of whom were immobile), as well as an additional 100 relatives taking care of their sick relatives and 90 members of the medical staff. (By the time the building was occupied by Russian troops, approximately 30 members of the medical staff remained.)² Among the patients, there were approximately 20 children. According to Movsar Tembulatov, assistant to the head doctor of the hospital, during the first few days of the fighting wounded Chechen rebels, to whom doctors had refused medical care, were redressed in civilian clothing and placed among the other patients.³

The hospital was not intentionally fired upon, but since the city was so heavily bombed, doctors began to relocate the patients to the basement of the hospital on August 8-9 in order to insure their security.

On August 9th, Russian soldiers invaded the hospital.

Umar Khunarikov, a surgeon in Municipal Hospital No. 9, retold the events:⁴

«On the morning of the ninth, a group [of soldiers] slipped into the hospital and started to shoot from inside the building. In a few hours they disappeared. We had a strict agreement with the soldiers that neither side was permitted to enter the hospital and interfere in the hospital's functions. The commander of the forces based near the hospital, gave us his word and his forces did not enter the hospital's premises.»⁵

On the tenth, an even more determined group of Russian soldiers entered the hospital's premises. This group was led under the command of Vladimir, a battalion commander. The soldiers demanded that

the hospital release the Chechen rebels they were protecting. They forced the nurses to stand against the wall."

According to Movsar Tembulatov:

«The Russian soldiers reasoned their actions by the fact that someone had been firing at them from the hospital. They searched the entire hospital as well as the attic, but nothing was found. Then, they searched the basement. When we went downstairs, they placed me or one of the other doctors in front of them, like a shield, with a machine gun against our back.»

There were about 20-30 soldiers in the group, including both drafted soldiers as well as older soldiers. The hospital's medical staff called the older soldiers «contracted» soldiers. It is possible that some of the soldiers occupying the hospital were from of a special sub-division of the MIA.⁶

According to the account told by Zuli Suleimanova, a nurse in the traumatology wing:⁷

«When the soldiers came in, Toita¹¹ and I were standing in the corridor, and we shouted: "No one is permitted to enter this division. We have a lot of seriously wounded individuals. If you come in, then the rebels outside the hospital will fire on us because they know you are in here."

They forced Toita and I against the wall with their machine guns. They demanded that we give up the soldiers. You see, they found some weapons in the courtyard. I told them that nothing out of the ordinary is going on in the hospital, no military participation, and no rebels were hiding in the hospital. I thought that there was no longer anything to hide — indeed, two seriously wounded rebel fighters without weapons were carried into the hospital, and no one else bearing weapons had entered the hospital. In the morning, the rebels took the two corpses away.

Andrei, one of the commanders of the forces — a Buryat¹² — said that they would not leave until they had thoroughly checked everything. They began forcibly opening doors, went downstairs into the basement, but didn't end up finding anything suspicious, and said that they would leave."

However, as the group of Russian soldiers was leaving the hospital, Volodya, the battalion commander, was shot in the thigh and seriously wounded while still in the courtyard of the hospital. The doctors and nurses carried him back to the hospital and gave him immediate assistance.

The soldiers radioed their commander and requested assistance.¹³ Later the medical staff found out what response the soldiers got to their request: «assistance won't be sent — stand strong until the end.» Evidently, in an attempt to protect themselves, the soldiers had to occupy a defensive stand in the hospital. According to the medical staff, they closed off and even mined the entrances and said: «Nobody is going anywhere.» The only opening remained through two windows overlooking the hospital's courtyard, through which water, reserves, and food was passed. A few people holed up in the hospital managed to escape through these windows.

Soldiers set up shooting stations on all the floors.

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According to Umar Khunarikov:

«From the 10th through the 11th, fearing that Chechen soldiers might fire on the Russian soldiers located inside the hospital, we carried the patients down to the basement.¹⁴ The basement had not been used for ages; it was dirty and humid. Theoretically, it was forbidden for us to go down to the basement since if attacked, the Russian soldiers couldn't use us as cover.

Later, two doctors and nurses approached the Chechen rebels and pleaded for them not to fire at the hospital. The rebels said that not a single shot would be fired if the Russians would leave the hospital. But whether they were ordered not to leave or else were afraid, they ended up staying all night."

According to Larisa Bokaeva, a nurse in the surgical sector:¹⁸

«We had 210 seriously wounded patients in the basement. They were literally rotting there since we were forbidden to provide them with medical assistance. Many of them died as a result. The soldiers often prevented us from going down into the basement and from getting medical supplies — — everything depended on their mood. There were two corpses lying in one of the wings. They were already beginning to decompose, but the soldiers nonetheless forbid us to bury them.»

According to nurse Larisa Bokaeva, during the time that the hospital was taken hostage, eight patients died in the basement. Tembulatov, assistant to the head doctor, reported that ten patients had died, and that their deaths were directly related to the lack of adequate medical care due to the conditions. However, he denied that the soldiers directly obstructed the doctors from offering medical assistance — — the doctors were given permission to enter the basement through two entrances from the hospital's courtyard, and with special permission, they were allowed to collect medical supplies from the upper floors.

Nurse Kurueva alleged that the soldiers «broke all the safes and took all the hospital's drugs.»¹⁹ Tembulatov denied that safes were broken, but confirmed that «the soldiers had opened all the doors on the upper floors, that all the medical supplies were shifted around, and that everything was in complete disarray.» In addition, according to the nurses, the soldiers shot themselves up with Promedol.²⁰

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On August 11th negotiations with the rebels surrounding the hospital continued. The group which had taken the hospital hostage was in regular radio-contact with its commander. The soldiers told the nurse that their commander had ordered them not to leave the hospital. In the meantime, groups of Russian soldiers hidden in surrounding houses began to venture toward the hospital. As a result, based on different estimations, there were about 60-90 Russian soldiers in the hospital. After the battalion commander, Volodya,²⁴ was wounded, command of the Russian soldiers occupying the hospital was transferred to some other officers. According to Tembulatov, there were three separate groups of soldiers each with their own commander occupying the hospital, yet all were under the command of a person nicknamed «Bob.»

According to Khizir Khachukaev, commander of one of the CRI units blockading the hospital.²⁵

«Their commander said: ÷If you let us leave without firing a single shot, then we'll leave.» Well, okay, we offered them the chance to leave. But, they held out until the evening, at which point they said that they were given orders not to leave. They threatened to torture the patients if we opened fire on them or stormed the hospital.»

According to the Chechen rebels, during negotiations the Russian soldiers threatened to throw grenades into the basement where the patients were located if their demands were not satisfied.

It ought to be noted that the Russian soldiers who were occupying the hospital realized that they were acting much like the Chechen terrorists who had occupied hospitals on two previous occasions. The nurses told the representatives of the «Memorial» HRC that the threat «of repeating Budennovsk» was acknowledged several times, and one of the commanders even said that he was repeating «the feat of Basaev.»²⁶ Tembulatov relayed the following dialogue which took place between himself and «Alik», the commander of one of the groups of soldiers who were occupying the hospital:

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Alik — "Are you one of the superiors?"

Tembulatov — "I am."

Alik — "Do you remember Budennovsk?"

Tembulatov — "Yes."

Alik — "You are going to be our human shield."

According to Zuli Suleumanova:

«There was an agreement between both sides not to shoot. Two houses away there were wounded Russians, and the soldiers left to bring them back to the hospital. Khizir Khachukaev sent one of his men, Ibragim, unarmed. He had to accompany the Russian soldiers so that there would not be any shooting. They took me and another nurse, Zarema, with them. The three of us were hostages. We all voluntarily cooperated so that no one in the hospital would be harmed. We collected all the wounded bodies and even one corpse. Then, just as we were leaving, Ibragim, who was leading the way, was hit by a sniper. And only then did we realize that there was no unity among the groups of Russian soldiers. A Chechen soldier couldn't have shot him. Finally we escaped through a window facing away from the shooting.

The house that we had entered was occupied by drafted²⁷ soldiers. I was not able to leave the house immediately because of the shooting, and so I sat with them for some time. The soldiers were crying. They told me that they originally didn't even know where they were being sent: "When we arrived in Chechnya, only then did we realize where we were."

While evacuating the wounded bodies, they were showered upon by mortar fire and one of the Russian soldiers shielded a nurse from a flying shrapnel. Having witnessed this episode, one of the interviewees declared that «it would not be fair to write them all off as scoundrels and bastards.»

Only four wounded Russian soldiers made it to the hospital.

According to Movsar Tembulatov:

«From the first moment the Russian soldiers appeared, I suggested several ways of getting out of the situation. We tried to conduct negotiations with the opposing commanders. We first offered to surround the Russian soldiers with a »living shield" and get them safely to the military compound based in VSAAAN, the auto-mechanic school. We requested that they allow us to transfer our patients out of the hospital. However, this issue went unresolved — they said that it was imperative that they discuss this issue with their commander...

The second day after the hospital was seized, a young man named Alikhan approached us. He was wearing clothes with the International Red Cross emblem. He said that he had come to the hospital at the request of a Chechen division of the Red Cross in order to transfer all the mobile patients to the International Red Cross Center. Later we realized that the Red Cross division had not sent him, but rather, he had acted on his own. Alikhan had also made an agreement with the rebels not to shoot the patients leaving the hospital. We were glad that at least some of the patients would be able to leave. But the Russian commanders who were in the hospital refused to let anyone leave, regardless of who it was."

The reason for the refusal was such: people walking in a large group on the streets of Grozny would be exposing themselves to danger. The doctors were told that the decision to permit anyone to leave the hospital could only be made by the commander of the troops based in VSAAAN. The Russian officers allowed Tembulatov and Alikhan to leave the hospital with them so that they could speak directly to the commander in charge, and contacted him by radio in advance of the visit.²⁸

According to Movsar Tembulatov:

«We ran to the military compound. As we approached the compound, we cried out for the soldiers not to shoot. The soldiers met us and led us to the commander in charge... We explained the entire situation to him, and requested that he release all the mobile patients and assistants. He negotiated with us, and finally said: "I will allow 50 people to leave — but only women and children." In addition, he agreed to allow two medical personnel to accompany them, as long as they too were women. Alikhan led the women and children out of the hospital. There could have been more than 50 of them — we did not count them exactly. Practically all the children and women wishing to leave left. Many of the women refused to leave because they feared that once the women left, the soldiers would kill the men."

On the morning of the following day — August 12th — the head of the post-operation recovery department heard on the radio that the hospital had supposedly been seized by rebels who had taken the medical staff and patients hostage. This information soon reached the Russian soldiers and seriously alarmed them — they were afraid that other groups of Russian forces would start bombing or heavily shooting

At mid-day on August 12th, Russian troops located in VSAAAN attempted an assault on the

hospital. The rebels surrounding the hospital managed to hold off the assault, and two APCs were set ablaze (one of them, which was in front of the main entrance on August 19th and 20th, was observed by representatives of the «Memorial» HRC). Four of the soldiers who managed to break through to the hospital were captured by Khachukaev's men.²⁹

During the attack, shooting came from inside the hospital. According to the nurses, the Russian soldiers had dragged into the hospital «machine-guns, mortar weapons, and a small, long cannon on wheels...As soon as they began to fire the machine-guns, we were all deafened.» According to the testimony of one of Khachukaev's men, the rebels began to fire only in response to shooting from inside the hospital. As a result of the shooting, two Chechen soldiers were killed, and according to the medical staff, there were also wounded Russian soldiers. It was only during this attack that the hospital was subject to shooting.³⁰

During the attack, Russian soldiers tried to force the men held hostage in the hospital to gather the wounded bodies in the hospital's courtyard.

According to Kisa Kurueva, a nurse in the operating room:³¹

«During the attack, they forced from the basement the men, children, elderly, as well as those who were assisting the sick and wounded.³² We asked: «Where are you taking them?» And they responded: «Our wounded must be picked up from the street — the sooner the better.» We told them they should go and gather the bodies themselves, and that we would not let any of our men leave the hospital. All the women stood up and tried to prevent the soldiers from leading the men away. The soldiers began to swear, and threatened to shoot. We said: «Go ahead, shoot.» We also forbid the male doctors from leaving the hospital.»

After the assault failed, the soldiers in the hospital realized that there would be no more assistance, and again proposed talks with the rebels about leaving the hospital for the VSAAAN, where a larger group of soldiers were based.

According to Khachukaev, he himself initiated the discussion by ordering the officer they had captured to write a message to the soldiers in the hospital.³³

According to an account provided by one of Khachukaev's men:³⁴

«We agreed to attend the negotiations only because we wanted to free the patients. There were women, old people with liver and kidney problems in the hospital. There were a lot of Russian-speaking patients there as well...They entered the negotiations because their men were in our hands — a lieutenant and other soldiers. Only after we had captured them did they agree to engage in negotiations. They were given the opportunity to leave armed — nobody demanded that they put their weapons down. Simply leave with their weapons in hand, and if they were going to fight, then it could at least be in a different place. They did not demand that condition — we suggested it.»

Khachukaev, the Chechen commander, and Alik, one of the commanders of the soldiers occupying the hospital, met in front of the hospital. A few nurses and doctors, including Tembulatov, surrounded them so as to guarantee their safety during the meeting. Alik agreed to lead the Russian soldiers occupying the hospital back to VSAAAN; however, he demanded a guarantee of their safety. He did not trust the Chechen commander's promises not to shoot. Tembulatov repeated his former proposal — some of the hostages would voluntarily form a «human shield» around the Russian soldiers along the road back to VSAAAN.

Within three to four hours on August 12th, an agreement had been reached.

According to Khizir Khachukaev:

«We agreed that they would lead the hostages, patients, and medical staff back to their territory. We also promised to turn over our hostages. During the negotiations, they threatened that should something happen, they would kill the hostages...such threats from officers in the MIA.»

Both sides agreed not to take the hospital hostage and not to open fire on it in the future.

The Russian soldiers demanded that 100 people accompany them. The medical staff, the mobile patients and their relatives agreed to accompany the soldiers.³⁵ In addition, two unarmed rebels accompanied the group. The «human shield» surrounded the soldiers; the wounded and dead soldiers were also protected by the shield.

As the group progressed toward VSAAAN, an unpleasant incident occurred. According to Tembulatov, the Chechens released their hostages once the group was no longer on the hospital's

premises. The soldiers leading the group took this to mean a breach of the agreement.

One of the hostages, Khadis Malsagov recalled the incident.³⁶

«As soon as we exited the hospital, they lined up the women and said that they were going to shoot them if they refused to release the hostages immediately. One of the doctors broke away from the group, and ran back to the hospital in tears. After that, the rebels quickly brought all the hostages out into the open.

Near the gate of the compound, they tried to take a surgeon, the assistant to the head doctor of the hospital (Movsar Tembulatov), with them because they claimed only to have one medical attendant in the compound. But, the women managed to free the surgeon.»

This account was also confirmed by reports of others present during the incident, including Zuli Suleumanova who, among others, was threatened with her life.

In the meantime, the medical staff in the hospital prepared the remaining patients for an evacuation to the International Red Cross Center, which was located nearby.

When the people who participated in the «human shield» returned from the military compound, the hospital was subject to mortar firing. Up until that point, the hospital had only been subject to minor mortar firing; yet, upon the return of the «human shield,» the hospital was subject to several rounds of mortar firing for a half-hour. Those hospital employees interviewed confirmed that the Chechen rebels had not yet reached the hospital's premises — they only managed to enter the hospital the following day after the evacuation of all the patients and the medical staff.

According to Usam Malsagov, one of the hostages in the basement.³⁷

«As soon as the women returned to the hospital, the wounded and ill patients started to move around more freely — they even ventured out of the basement. I also left the basement. At that very moment, the hospital was showered on by mortar firing. A young medic shouted: “Go back, go back! Don't come out!” The crowd of patients stopped in their tracks, and stood dumbstruck. Then, shooting started to come from the basement's exit. I don't know how it happened, but the young medic, standing two to three steps below me, was shot to death while I only ended up with a contusion.»

Thus, nurse Toita Kutukhanova, born in 1973, was killed (address: Staraya Sunzha, 18 Ul. Ozernaya).³⁸ As a result of this round of mortar firing, two other nurses, two doctors and one female patient were wounded.

That evening, the remaining patients and the medical staff evacuated the hospital, and were relocated to the International Red Cross Center in the morning.

* * *

The testimonies of witnesses and victims provide a reasonable basis to assume that the Russian soldiers who took the patients and medical staff in Municipal Hospital No.



9 and civilians in the vicinity of the «15th town» hostage, did not undertake these actions on their own, but rather acted under direct orders from the commanders of their units.

The following episode also serves as a clear indication of this. Five months before the above-mentioned events took place — in March 1996 — similar events had already occurred in Grozny. Masses of Chechen rebels penetrated the city, and over the course of a few days, serious fighting took place. Radio recordings were taken of conversations held during this period between a Russian blockpost surrounded by Chechen rebels and the headquarters of the MIA of the RF (code 800). The Russian soldiers at the blockpost were apparently in a desperate situation — they hardly had any cartridges left; there were many casualties; evening had fallen. However, in response to their desperate demands for assistance, the headquarters instructed that there was no assistance available, and moreover, they should «take two Chechen families hostage and leave the area under their cover.» In any case, no one was taken hostage, and the surrounded soldiers responded: «Those who are attacking are not thinking about who is Chechen or Russian. We will make the decision ourselves.»³⁹

VI. An Evaluation of the Russian Federation's Actions in Accordance with International Law and Russian Legislation.¹

The above-mentioned actions of the armed forces of the RF and officials of federal organs of the RF qualify as the use of hostages which is a serious violation of international human rights both with respect to international and non-international conflicts.

The authors of this report, viewing the military action in Chechnya as an armed conflict of a non-international nature, believe that the defense of war victims should be guaranteed in strict agreement with Article 3, a part of all the Geneva Conventions since August 12, 1949, as well as the Second Additional Protocol to the Conventions. In addition to this, both sides of an armed conflict should respect all other norms for engaging in war.

Article 3 applies to «an armed conflict of a non-international character which takes place on the territory of one of the High Contracting Parties,² and Article 4 of the Additional Protocol to the Geneva Convention³ which explicitly prohibits the taking of hostages. In the present conflict, there has been a serious violation of these articles.

In both Samashki and in Grozny (Municipal Hospital #9 and Military Compound #15), servicemen⁴ of the Russian forces infringed upon the lives, physical inviolability and health of civilians who were not involved in the military action. Such an infringement is prohibited by the above-mentioned articles.

In Samashki and in Grozny, civilians were the objects of attacks and hence, Russian servicemen violated Part 2 of Article 13 of the Additional Protocol to the Geneva Convention which states that «neither the civilian population as a whole nor individual civilians should be the object of an attack.»

According to the Second Additional Protocol, all the wounded and sick, whether or not they took part in the armed conflict, should be respected and defended and, under all circumstances, they must be treated humanely and offered evacuation and medical assistance in the greatest possible capacity and in the shortest possible time (Article 7); Medical personnel should be respected and defended and they should be given all the possible help so that they may fulfill their duties (Article 9); Medical formations (as well as civilian formations) should be respected and defended and must not be the object of an attack (Article 11)." The actions of the servicemen of the Russian forces at Municipal Hospital #9 in Grozny contradict these articles.

The taking of hostages and the use of «human shields» is such a gross disregard for civilized norms that it is difficult to evaluate these actions from the point of view of international human rights agreements. Nonetheless, it is possible to ascertain that in both Samashki and in Grozny (in Municipal Hospital #9 and at Military Compound #15) servicemen of the Russian forces violated Article 6 of the International Pact on civil and political rights,⁵ which proclaims the right to live as the inalienable right of each person as well as the fact that nobody can be arbitrarily deprived of life. Hostages were threatened with death; the lives of those who were used as part of a «human shield» were put in serious danger; there is evidence to believe that in at least one incident, a hostage (A. Ptykhin) was executed.

The hostages as well as those used in «human shields» were subjected to cruel, inhumane and degrading treatment which is prohibited by Article 7 of the international Pact.

People were subjected to arbitrary detention which violates Article 9 of this Pact.

The above described actions of servicemen of the RF are criminally punishable in accordance with the Criminal Code of the RF. They fall under the following definition given in Article 126.1 («The Taking of Hostages») of the Criminal Code of the RF: «The seizure or detainment of individuals as hostages, in conjunction with the threat to kill, cause bodily harm or prolong the detainment of that individual with the intention of forcing the government, an international organization, a legal entity, individual or group of individuals to engage in or refrain from engaging in an activity as a condition for the freeing of the hostage...» However, for servicemen committing the same act, Article 267 (Chapter 12 — «War Crimes») of the Criminal Code of the RF is applied: «Violence to the population in the region of military action».

The actions mentioned above were committed under aggravating circumstances: with respect to the helpless (the sick and wounded) — Article 39 Point 5 of the Criminal Code of the RF; with dangerous methods (subjecting civilians to the possibility of death by using them as «human shields» in the areas where military action is taking place) — Article 39 Point 9 of the Criminal Code of the RF; with particular cruelty (subjecting children to dangerous situations in the presence of their mothers) — Article 39 Point 7 of the Criminal Code of the RF.

In a legal sense, there was no necessity in the actions of the Russian soldiers. In accordance with Article 14 of the Criminal Code of the RF, an action is only considered necessary if the injury that was caused is less than that which might have been if the action was not undertaken. In the given cases, although the Russian soldiers at times found themselves without weapons, they should not have saved their own lives at the expense of the lives of dozens of civilians who were in no way guilty of anything. The harm that they caused was by no means less than the harm which they may have prevented by their actions.

In an evaluation of the above-mentioned actions of the soldiers of the armed forces of the RF and of the federal organs of the RF, it is necessary to take into consideration the fact that they committed them under orders from their superiors. Furthermore, the seizure of Municipal Hospital #9 and the taking of hostages in Military Compound #15 occurred either under the direct orders of a superior officer or at least with his knowledge.

The recording of radio transmissions which were played on the program, «Vzglyad» on September 6, 1996, proves that in at least one incident, the Head Management of the MIA RF gave the direct order to those servicemen under their control to take civilians hostage or to use them as «human shields».

The taking of hostages and the use of «human shields» in Chechnya by servicemen of the armed forces of the RF and officials of the federal organs of the RF was not an isolated incident; rather it was the norm.