

Replies and Comments:

Noëlle Quénivet

For comments:

Noelle.Quenivet@ruhr-uni-bochum.de
0049.234.3227956

On the web

<http://www.ifhv.de/>

Focus

Conflict in the Chechen Republic
Doc. 9559
22 September 2002

“Among the main points made in the reporting period were the following "priority issues of concern" to the Council of Europe, identified by Lord Judd in his [...] report Doc 9559 Part II [...]: [...]

- far greater speed and effectiveness by the responsible law enforcement authorities in reviewing and pursuing all complaints about unlawful killing and about missing, maltreated or tortured people; it is essential to see more evidence of criminal investigations being initiated whenever they should be, of their outcome and of the penalties imposed by the judicial authorities on wrongdoers; reliable statistics should be regularly available to the Parliamentary Assembly of the Council of Europe with convincing records of the progress being made; at present the absence of such reliable information remains frustrating and disturbing.”

Accountability for violations of human rights and humanitarian law in Chechnya: the trial of Colonel Yuri Budanov

The high profile trial of Colonel Yuri Budanov, a senior Russian officers, on charges of human rights abuses in Chechnya, was closed on December 31, 2002 by a verdict of acquittal. Budanov was charged with having killed with his bare hands Kungaeva, a Chechen woman he believed to be a sniper. The investigation, however, found that neither the woman nor any of her relatives had ever been involved in such activities. On the night of March 26, 2000, Kungaeva was abducted from her parents' home. What happened afterwards can be derived from the initial *post mortem* that clearly establishes that the girl was then stripped and beaten, before being raped and finally strangled. Budanov never denied having killed the girl but pleaded from the very beginning of the prosecution that he had acted in a moment of rage during a night-time interrogation. The rape charges were dropped without explanation, thereby questioning whether the procuracy was denying the rape, or whether it was unable to identify a suspect in the rape. Budanov was eventually charged with three crimes: kidnapping resulting in death, abuse of office accompanied by violence with serious consequences, and murder of an abductee.

After four psychiatric examinations, two of them finding Budanov sane and in control of his actions and two others declaring that he was “temporarily insane” while committing the crime, the Rostov District Military Court relieved Budanov of criminal responsibility and sent him for compulsory in-patient treatment, as recommended by the psychiatric panel.

The case had, for about two years, polarised public opinion in Russia all the more as some viewed Budanov as a hero while others believed that he would get away with murder simply because his victim was a Chechen. Yet, high-ranking officers of the Russian armed forces had expressed their dismay at the crimes perpetrated by Budanov even before he stood trial. As the first trial against a member of the Russian authorities stationed in Chechnya, it gave much hope to different organisations that Russia was taking violations of human rights and humanitarian law seriously.

Earlier reports from the Council of Europe and more particularly from the Commissioner for Human Rights had shown that the Prokuratura was committed to prosecuting the perpetrators of such violations, even if it was frequently faced with numerous material difficulties. Also the work of Kalamonov, the Russian President's Special Representative for Human Rights in Chechnya was generally praised as its office staffed with some experts of the Council of Europe forwarded criminal cases to the prosecutor's office (though it was never clear what happened to them afterwards). On September 22, 2002, the Parliamentary Assembly of the Council of Europe/Russian State Duma Joint Working Group on Chechnya (JWG) presented its report where it required far greater speed and effectiveness by the responsible law enforcement authorities in reviewing and pursuing all complaints about unlawful killing and about missing, maltreated or tortured people.

The acquittal of Budanov on the basis of temporal insanity at the time of the murder has seriously shadowed this hope and some organisations such as Human Rights Watch again raise questions about whether Moscow really wants to investigate crimes and human rights abuses committed by its troops in Chechnya.

Responsibility

BOFAXEs are published by the Institute for International Law of Peace and Humanitarian Law of the Ruhr-University Bochum: IFHV, NA 02/33 Ruhr-Universität Bochum, 44780 Bochum. Tel: 0049234/3227366, Fax: 0049234/3214208.

BOFAXEs are supported by the German Red Cross. **The writer is solely responsible for the content.**