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The Costs of Peace in Chechnya

EMMA GILLIGAN

After two wars with Russia, the small Russian republic of Chechnya is now in what might be called the third stage of its post-Soviet development. This stage, emerging out of the second Chechen war (1999–2005), hinges on the highly personalized and absolute power of the republic's young president, Ramzan Kadyrov. The postwar period has undoubtedly been more stable than the past decade; there are no bombs falling or regular antiterrorism operations, and new construction dominates the skyline of Grozny, the capital. Yet understanding the cost of this peace for Chechen society requires an explanation that moves beyond postwar reconstruction. Kadyrov has built peace through force, not consensus, governing the republic with oppressive power.

Today, Chechen identity is defined by three competing discourses. The first stems from the legacy of the moderate nationalist movement that gave rise to a generation of Chechens versed in civil society and human rights, hoping to build a state based on the rule of law. The second is the officially sanctioned ideology of Sufi Islam that now monopolizes the public and private spheres, regulating social behavior and eliminating political competition. It is among the chief governing tools of the president. The third discourse is that of the radical jihadists who continue to promote Wahhabism and incite violence, providing a pretext for campaigns of collective punishment by Kadyrov's security forces.

While the radical jihadists persist in their efforts to recruit new members and attack landmarks, they are not the unified threat they once were. Kadyrov's forces have marginalized the movement, using coercion to lure separatist fighters back into the ranks of Chechnya's law enforce-

ment structures. Growing ideological rifts in the Caucasian Emirate, the radical movement's organization, have aided this process. Its new leader, Aslan Byutukayev, swore allegiance to the Islamic State (ISIS) as recently as July 2015. It is estimated that some 200 to 300 Chechen fighters, no longer motivated by Chechen nationalism, have gone to Syria to fight under the banner of ISIS.

This third stage of Chechen development is best characterized as a contest between civil society, Kadyrov's security forces, and Russia's response to its diminishing power in this small republic. Highly professional Russian nongovernmental organizations such as Memorial and the Committee Against Torture have long resisted the corrupt judicial system in Chechnya. Despite the fear that now pervades Chechen society, they are not alone. Ordinary citizens are confronting the legal system as relatives are detained, disappeared, or tortured. The value structure of the generation of Chechens and Russians who sought the rule of law in the early 1990s is one of the only counterweights to Kadyrov's adopted Islamist politics.

While addressing the crucial question of why Kadyrov became a political force of such significance in the region, it is also necessary to understand how civil society is mediating that rise. In the absence of other serious political options, the rights defenders are providing the most compelling form of protest. This is not a long-term solution to the state's monopoly on power, but with proven mobilizing potential built on two decades of challenging Russian war crimes in the region, it is a partial answer to a situation of tragic proportions.

ISLAMIC PERSONALITY CULT

Ramzan Kadyrov had two distinct political advantages when he came to power in 2007 at the age of 30. He was the son of the Chechen president and mufti (chief cleric) Akhmad Kadyrov, who was assassinated in 2004, and he rose to

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power at the height of Russia's "Chechenization" campaign. Granted an unprecedented degree of independence by this transfer of political, military, and administrative power from the federal center in Moscow, he has been able to micromanage the implementation of his vision of an Islamic state. The construction in Grozny of Russia's largest mosque in 2008 was the first indication of his new push to force a fixed identity on the region. Equally important was his establishment of Hafiz schools for the study of the Koran, an Islamic University, and a center for Islamic medicine. Together these projects symbolize the essence of Kadyrov's ambitions: Chechnya would become the regional Mecca for Russia's 20 million Muslims.

Kadyrov's unique position has allowed him to pursue a policy of forced Islamization in the public sphere and to build a personality cult. Moscow indulges the young president's vision, contingent on his success in achieving a complete and unambiguous suppression of the insurgency. Kadyrov presents himself as a devout Muslim, a populist leader, and a celebrity figure; a television program is aired each evening outlining his major activities of the day. A coordinated public relations strategy uses the regional and Russian press, Instagram, the Russian social networking service VKontakte, the Akhmat youth movement, and massive public events to bolster his image and promote his conservative views. In the evenings, neon lights spelling out the message "Thank You, Ramzan" flicker up and down the sides of the capital's skyscrapers.

Kadyrov's political narrative is grounded in a rejection of Salafism. His disdain for the fundamentalist creed does not appear to be based largely on doctrinal grounds. It arises more from a fear of the threat that the Islamic insurgency poses to his authority and his standing in the eyes of the Russian leadership. This explains his arbitrary approach to doctrinal issues. He has imposed a political ideology that mixes Chechen Sufism with a more orthodox Sunni Islam, so that the traditional sociocultural practices that define Chechen Sufism, such as the dancing prayer ritual of the *dhikr*, pilgrimages to the mausoleums of sheikhs, and customary law (*adat*), are being merged with state-institutionalized practices that embrace aspects of sharia law. He has said publicly that sharia supersedes Russian law, but only certain

aspects of sharia have been applied in Chechnya, the most conspicuous being a ban on alcohol, the encouragement of polygamy, decreed prayer times, and restrictions on women.

In 2006, Kadyrov launched a "Virtue Campaign" that chastised young women for "immodest dress" and forced them to wear headscarves. He actively supported militants who attacked women with paintball guns for failing to conform to the new regulations. "A woman should know her place," the president said during a televised interview. In Chechnya, he added, "Man is the master. Here, if a woman does not behave properly, her husband, father, and brothers are responsible. According to our tradition, if a woman fools around, her family members are obliged to kill her. . . . As president, I cannot allow them to kill. Therefore, let women not dress indecently."

THE KREMLIN'S BARGAIN

Maintaining the status quo with the Kremlin has been instrumental to Kadyrov's success. The

Russian state has not colonized Chechnya in the classical sense, by robbing the republic of resources; instead, the policy of President Vladimir Putin has been to give Chechnya more and more aid in exchange

for regional security. Russia has fed millions of dollars into the region for reconstruction and social services. And the results have been impressive. There are new housing developments as well as state structures that work, if not adequately or judiciously, at least well enough to pay pensions and provide very basic social services. One cannot vouch for the quality of the vast number of building projects—a fire all but destroyed the Olymp skyscraper, and laborers have repeatedly complained of not being paid—but the reconstruction activity is evidence of progress.

Given this reliance on Moscow, Kadyrov seeks to promote an ideology that includes Russian patriotism. Superficially, this takes the form of banal propaganda posters and a continuous stream of compliments directed toward Putin, most recently expressing Kadyrov's support for his foreign policy in Ukraine. On a more meaningful level, Kadyrov vehemently denies the brutal violence that characterized the Russo-Chechen wars in the post-Soviet period. There is no memorial to the civilian victims. Instead, Chechen and Russian

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law enforcement officers killed in the course of duty are regularly celebrated and memorialized in the capital. The erasure of the history of civilian deaths is clearly intended to assuage Russia's sensitivity to the death toll.

This denial of history now includes Joseph Stalin's 1944 deportation of Chechens to Kazakhstan. Kadyrov decreed in April 2011 that the traditional day of mourning for the deported would be moved from February 23 to May 10, the anniversary of his father's death. The memory of the deportation thus has been subsumed by a single figure, the late Akhmad Kadyrov, making him the representative of all of the deportees and effectively depriving the rest of their own memory. The monument in the capital to the victims of the mass deportation has been dismantled with the promise that it will be relocated to a more central location.

Despite Kadyrov's obsequious behavior, the problem now is the declining power the Russian state has over his security forces and the Chechen Ministry of Internal Affairs. Most law enforcement responsibility, along with significant political, administrative, and military functions, was handed over to local Chechen forces. The first sign of this transition was in 2007, when Kadyrov prevailed in an internal bureaucratic clash between his private forces and Operational Service Bureau 2, a unit of Russia's Federal Security Bureau (FSB). In a tacit admission that the situation is radically different in the North Caucasus than elsewhere in the Russian Federation, Putin has made a series of personnel appointments that are clearly intended to strengthen Moscow's control over developments, all of which have failed. Kadyrov's April 2015 instruction allowing his security forces to open fire on authorities from Russia if they should try to carry out operations on Chechen territory without his consent was the latest sign of his shift to a much more public assertion of his power.

These expressions of power have been manifested in diverse ways since the 2006 assassination of the journalist Anna Politkovskaya, which was found to be the work of Chechen and FSB contract killers. Kadyrov's leading political and military competitors have all been assassinated: Both Movladi Baysarov and Ruslan Yamadayev were gunned down in central Moscow, in 2006

and 2008, respectively. One year later, Ruslan's brother Sulim was shot dead in a parking garage in Dubai. Kadyrov's former bodyguard, Umar Israilov, was assassinated while walking out of a grocery store in Vienna in 2009 after accusing the president of personally torturing him. More recently, Kadyrov's associate Zaur Dadayev was one of five North Caucasians detained in connection with the February 2015 assassination of Russian opposition leader Boris Nemtsov in Moscow. Investigators have failed in all of these cases to determine who ordered the killings.

THE STRASBOURG STRATEGY

This third stage of Chechnya's post-Soviet development is being shaped by the self-aggrandizing violence of Kadyrov's forces, on the one hand, and attempts by civil society to make visible the human suffering in the region, on the other. For the rights activists, the battleground lies in two realms—restoring the memory of past abuses through applications to the European Court of Human Rights (ECHR) and pursuing contemporary cases of detention, disappearances, and torture through either national courts or the ECHR.

In January 2007, Kadyrov gave directions to his subordinates to stop the abductions. Yet it soon grew clear that he could not completely destroy the radical insurgency, and by 2009 the disappearances had resumed. The evidence suggests that today more people are being detained for information, tortured, and then released, rather than being disappeared. The exact number of cases is difficult to determine since many people agree not to lodge official complaints in exchange for the return of their relatives or information about their whereabouts. Since 2001, the overall number of disappeared is between 3,000 and 5,000 individuals.

The rights defenders' protest strategy has taken several forms. The first is the very successful approach of systematizing the response to past and ongoing abuses. Lawyers and activists continually use Russian and international human rights law, the national courts, and the ECHR to publicize violations. During the second Chechen war it became apparent that the complaints were being sent back and forth between the criminal and civil prosecutors' offices in a ploy to avoid opening investigations. With no clear domestic remedy available, a

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group of Russian lawyers filed an application with the ECHR, resulting in the first Chechen trial in Strasbourg in February 2005. The cases pertained to a Russian airstrike on a civilian convoy and Red Cross vehicle traveling from Grozny to the border of Ingushetia in October 1999. The court ruled that Russia had violated the European Convention on Human Rights with respect to the right to life, destruction of property, and the convention's ban on torture and inhumane or degrading treatment; the six plaintiffs received compensation from the Russian government totaling 67,926 euros. Since July 2015, the ECHR has heard 293 cases from Chechnya.

This has produced an unusual situation for legal activists. The European court has no criminal jurisdiction in Chechnya; it can only rule on violations of the human rights convention and then urge the Russian government to pay compensation, reopen cases, and reform the investigatory and judicial structures. Yet the court has become one of the most crucial resources for the promotion of justice in Chechnya and a venue in which lawyers, activists, and victims can bring public attention to their cases. There is no doubt that working through the ECHR has enhanced the mobilizing strategies of local actors; it has helped them to set priorities, make rights demands, and bargain from a position of greater strength and conviction. The court system in Strasbourg has influenced the way issues are conceived and expressed locally, illustrating how such legal frameworks can affect local identity and interests. Much experience has been gathered since the first complaint was lodged. Four major organizations—Memorial, the Committee Against Torture, the European Advocacy Center, and the Russian Justice Initiative—continue to bring individual cases to the court to secure a historical record of the violations that occurred during the Chechen wars.

The process of dealing with the intransigence of the local power structures inside Chechnya has created what might be one of the strongest long-term legacies of the rights movement in the region. Lawyers must prove that no domestic remedy is available before submitting their application to the ECHR. Showing material documentation of the state's failure to investigate a case means also exposing the failures of the Chechen system, as well as the anomalies within it. This serves an extremely important educational function, providing information on institutional obstacles and in some cases details about the officials allegedly

responsible for them. For example, it is clear that the Chechen Ministry of Internal Affairs simply refuses to cooperate when the Chechen branch of the Federal Investigative Committee (with responsibility for oversight of law enforcement agencies) requests information. The committee is generally informed that the material is classified as "top secret." This sort of information on embedded structures and processes is useful to the victims, the lawyers, the activists, and the court in Strasbourg.

The strength of this approach lies in its constant insistence on compliance with Russian law as activists regularly interact with domestic legal and political institutions. Dealing with the local power structures means lodging an initial enquiry with law enforcement agencies or the prosecutor's office on the whereabouts of an abducted individual. The first step is to ensure that a relative acquires the status of an "aggrieved person" before an investigation is formally launched. Passing this stage is difficult enough, since officials often refuse to start the most rudimentary investigations, openly confessing that they too are concerned for their personal safety. The role of the rights defenders then becomes that of chief investigator in the case. Along with family members, they check dates and times of events, interview witnesses, or travel to checkpoints or the sites of abductions.

In response to this ongoing failure of the prosecutor's office to conduct the most basic investigations, or in instances where the office simply refuses to accept materials to initiate proceedings, rights defenders have been able to convince the ECHR to respond to cases of abducted individuals within several days by citing the court's rules. Since 2009, the court can issue a high priority order demanding that the Russian government take immediate measures to address a disappearance and provide documentation of the measures taken in response. This strategy has already secured the release of several individuals soon after a high priority order was handed down, effectively cutting short the time between abduction and release, which is when individuals are most prone to disappear completely.

COLLECTIVE PUNISHMENT

There are limits to this legal mobilization, especially in relation to the collective punishment campaigns inflicted on the relatives of suspected insurgents. In 2008, Kadyrov began

introducing the concepts of collective responsibility and collective punishment into his broader strategy to eradicate jihadist forces. As of July 2015, 15 homes belonging to families of suspected insurgents had been burned down in revenge for the actions of their children or siblings. It is unclear to what extent clan-based identities are shaping this strategy, but certainly the notion of the familial unit is integral to Kadyrov's Islamization policy, and he has openly blamed the families of alleged jihadist fighters for their actions. In a video posted on YouTube in December 2013, Chechnya's First Deputy Interior Minister Apti Alaudinov was seen warning officials in the town of Urus-Martan that he had *carte blanche* from Kadyrov to plant incriminating evidence on, arrest, imprison, or execute without trial anyone who either "looks remotely like an Islamic militant" or who expressed the slightest criticism of the republic's authorities. "There will be no more ways to cover up for your relatives," he vowed. "Everybody has to put his own house in order."

The Russian government does not seem to have exerted any control over this practice. Except for potential claims at the ECHR, it is difficult to imagine how rights defenders are going to address the collective punishment of families, which is not dissimilar to the punitive campaigns launched by the Russian armed forces against entire villages during the Chechen wars. This is a practice advocated by Kadyrov personally and it appeals to a populist sentiment of revenge. It also reflects a values debate promoted by Kadyrov, in which the legitimacy of certain acts is judged by their purported compatibility with "Chechen culture."

Kadyrov strenuously opposes the work of organizations such as Memorial and the Committee Against Torture. Their constant questioning of the president's methods and their attempts to make power accountable in Chechnya have provoked threats and violence. These attacks began soon after the abduction and death of the Memorial activist Natalya Estemirova in 2009. Kadyrov subsequently initiated a libel case against Oleg Orlov, the head of Memorial, who alleged that Kadyrov had personally threatened Estemirova. More recently, Igor Kalyapin, the director of the Committee Against Torture, was accused in 2014 of supporting the radical insurgency.

Because of these threats, the activists face severe limitations on their work, especially in terms of access. They now operate in mobile monitoring units that rotate into Chechnya for two to three weeks at a time. In late May 2015, one such group from the Committee Against Torture was attacked in Grozny by a mob of young men demonstrating against Kalyapin. The mob broke down the door of the organization's offices, smashed equipment inside, and forced the staff to flee out the back windows. The group's car was attacked with sledgehammers. In December 2014, two activists from the group were detained in their apartment and their office was torched. Soon after that incident, a rally against terrorism was held in Grozny with official authorization; the demonstrators demanded that Kalyapin be banned from Chechnya.

GLIMMERS OF JUSTICE

The question of abductions remains a challenge for Kadyrov. He is well aware that he must publicly address this issue in order to maintain local support. His difficulty is how to admit that abductions are part of the legacy of the Russo-Chechen wars without implicating either himself or the Russian armed forces.

The Chechen prosecutor Mikhail Savchin told Kadyrov in March 2010 in a public setting that the basic reason for the abductions "is the absence of willpower at the very top." As far as we know, Savchin remains untouched; the prosecutor's criticism, though stark, was permissible, since what appears most important to Kadyrov is ensuring that his government has a monopoly on the public narrative in Chechnya, even if it includes the topic of abductions. Following this rebuke, a Chechen Supreme Court judge, Vakhid Abubakarov, recused himself from a case, stating that the minister of internal affairs, Ruslan Alkhanov Shakhievich, had called to warn him against acquitting the defendant. Charged with arms possession and attempting to kill a law enforcement officer, the defendant, Suleiman Edigov, claimed that Chechen police abducted and tortured him with electric wires to extract a confession in 2012. Abubakarov noted in the formal letter in which he recused himself that there was clear evidence supporting Edigov's claims. The judge reasoned that the pressure exerted on him was an indication of the strong evidence of grave crimes committed by

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Chechen law enforcement officers. It is unheard of for judges in Chechnya not only to disclose that they have been pressured through “telephone justice” to take a particular course of action, but to identify the perpetrator as Abubakarov did.

The activists’ determined recourse to the law, however, has paid off. In May 2011, Ruman Kosumova, who lost her daughter in 2003 to shelling in the Vedeno district, was granted 30,000 rubles (about \$1,070 at the time) by the Leninsky District Court of Grozny. In a ruling that mirrors the ECHR’s orders for compensation to be paid to victims, she was awarded restitution for moral suffering caused by the actions of local prosecutors. Although Kosumova later took her case to the ECHR over the state’s failure to conduct an effective investigation of her daughter’s death, this was one of a number of critical domestic judgments.

The civil courts in Chechnya were previously prohibited from examining cases in which claims exceeded 9,000 rubles. The practical effect of this limitation was that the regional courts denied most claims filed for material losses caused by military activity during “antiterrorist operations.” Since 2006, the Committee Against Torture has pursued cases in which six law enforcement agents have been convicted for torture and 11 cases in which plaintiffs have received between 15,000 and 500,000 rubles in compensation for moral and material suffering. The pursuit of these convictions was inspired by the 2005 trial of Sergei Lapin, a militia officer who was the first to be tried and convicted on Chechen territory for the disappearance of a civilian.

THE FUTURE OF CHECHENIZATION

There should be no illusions about the political context in which civil society is now operating in Russia and Chechnya. Kadyrov is engineering public identity through forced Islamization, manipulating culture for political ends, and marginalizing the Russian constitution. In the same way that the Kremlin has fashioned its own human rights organizations, Kadyrov has created his own version of a human rights ombudsman and an advisory human rights council. The first issues of the ombudsman’s newsletter were devoted to the president’s own contributions to human rights in the region. Recent issues have concentrated on the

values debate steered by Kadyrov. The ombudsman has attacked local activists who believe they have the “exclusive right to give [their own] definition of ‘human rights.’”

Yet this strategy to silence criticism has failed. While it is true that the role of such state institutions is to co-opt the discourse of rights from individual activists and NGOs, the Chechen ombudsman is keeping vital issues such as abductions, the rights to housing, and other crucial social questions in the public domain. If government representatives speak publicly and publish reports about such social problems, then local activists can legitimately discuss how to address them and question the government’s handling of them.

By taking the Russian government’s treatment of human rights activists as an example, we can develop a clearer idea of what might evolve in Chechnya. Despite its draconian measures to eradicate nongovernmental competition, Moscow has not been able or even willing to completely eliminate human rights activism. The Kremlin has involved activists in its bureaucratic structures, with varying degrees of success. And activists have wavered constantly in their approach to state initiatives. But local actors continue to monitor human rights and function as critics of the state despite facing arrest, violence, and public vilification.

Mikhail Fedotov, Putin’s human rights adviser, urged the creation of the Chechen Human Rights Council in 2013. Fedotov also warned Kadyrov in late 2014, in the aftermath of the attack on the Committee Against Torture, that “if anything happens to these activists, it would be incredibly stupid.” This warning was not heeded—a second attack occurred six months later. Yet in June 2015, Fedotov formally requested that the Ministry of Internal Affairs provide official protection to Kalyapin, the first such request since Politkovskaya was provided with bodyguards in 2002. It is doubtful whether Putin will restrain Kadyrov, since the Chechen president’s anti-Western hysterics mimic his own, and the stigmatization of human rights activists is a convenient rhetorical device. Yet Fedotov’s statements just might signal that Putin has authorized him to warn Kadyrov against going too far. ■