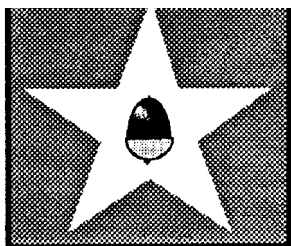


Conflict Studies Research Centre

C W Blandy

Chechnya: Normalisation

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P40

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C W Blandy

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Introduction

The terrorist attacks in New York and Washington on 11 September 2001, followed by the formation of a coalition for the eradication of global terrorism, served as a catalyst for the Russian government to begin to seek the termination of the second Russo-Chechen conflict, then well into its second year. With the realisation that Russia could face the prospect of a dangerous escalation of conflict in Central Asia with the potential for spill-over into Russia's southern border lands through Uzbekistan and Tajikistan, or at least the need for an increased military presence there for the foreseeable future, it is not surprising that President Putin should turn his attention to fresh efforts to stop the fighting in Chechnya, to enable a partial withdrawal of federal forces from there. Putin's first attempt to terminate the conflict was by ultimatum on 24 September 2001 for the *boyeviki* to lay down their arms within 72 hours.¹ It met with little response. Military operations continued during 2002, with well-publicised incidents and a threatened spill-over into Georgia, confirming the President's need to seek a "normalisation" of the situation.

President Putin signed a decree on 12 December 2002 authorising a referendum on the Chechen Constitution, and the holding of presidential and parliamentary elections in Chechnya.² The referendum would take place on 23 March 2003 with elections some eight months later in November or December, to coincide with those of the Russian Duma. *"The war which the 'trench general' in the summer of 1999 publicly vowed would finish victoriously within two to three months [was] already entering into a fourth year"*.³ A poll in June 2002 had shown 62% of Russians in favour of negotiations with the Chechen resistance movement. The average poll results over the previous two years had shown only 22% in favour of negotiation, with 72% voting for the continuation of the war.⁴ There can be little doubt that the terrorist attack by Movsar Barayev and his group on the Dubrovka theatre on 23 October 2002 provided a spur for the Kremlin to announce publicly its plans for Chechnya.⁵ Similar "outrageous actions" by the Chechen separatists in the 1994-1996 Russo-Chechen conflict had had the effect of focussing Moscow's attention on the need for a cease-fire and the negotiating table.

¹ See C W Blandy, *"Chechnya: The Need to Negotiate"*, CSRC, OB88, November 2001, pp3-6.

² *Kommersant*, 16 December 2002, p3, *"Putin permits Chechnya's return to Russian legal territory"* by Alla Barakhova.

³ <http://www.kavkaz.org/russ/article.php?=4639>, Kavkaz-Tsentr, 15 August 2002, *"Memuary okopnogo generala"* by Sulman Marokkanskiy. A short commentary on Colonel General Gennadiy Troshev's book *"Moya Voyna"*.

⁴ <http://2002.novayagazeta.ru/nomer/2002/62n/n62n-s39.shtml>, *Novaya Gazeta*, No 62, 26 August 2002.

⁵ The Jamestown Foundation, *Chechnya Weekly*, Vol 3, No 37, 17 December 2002 provides a comprehensive résumé of queries on whether the Russian authorities had advance notice of the raid. See also *Nezavisimaya Gazeta*, No 273, 23 December 2002, p9, *"Tragediya "Nord-Osta" priblizila mirnoye uregulirovaniye chechenskogo krizisa"* by Il'ya Maksakov.

Present Situation

Federal Approach

It is important to understand how President Putin and those around him perceive the normalisation of the situation in Chechnya.⁶ His approach is fundamentally different to that advocated by the West, in particular to the tenacious advocacy on human rights issues by rapporteur Lord (Frank) Judd of the Parliamentary Assembly of the Council of Europe (PACE). In part the difference is explained by the Russian conviction that the recurring Chechen military conflict is part of a much wider struggle in which Russia is the protective glacis and bastion, the front line of the civilised world against the evil, disruptive forces operating under the banner of Islamic fundamentalism.⁷ The Kremlin policy in Chechnya has been vindicated in its own eyes by its struggle against the brand of global terrorism lapping its southern extremities some way ahead of the United States' war against terrorism.

Moreover the methods employed to resolve the Dubrovka Theatre siege reflected these convictions. It became patently clear that federal normalisation methodology simply would not include negotiation with separatist leaders or their representatives as people in the West and those concerned with human rights believed it should. The limitations imposed on the OSCE mission at Znamenskoye, reducing it to monitoring the distribution of relief aid as opposed to human rights abuses, is a further example of the Kremlin's stiffened approach.

By the end of 2002 *Nezavisimaya Gazeta*⁸ noted a departure from the line adopted on 18 November 2001, when Akhmet Zakayev, Chechen President Aslan Maskhadov's envoy for Europe, under immunity from arrest and prosecution met for talks with Viktor Kazantsev at Moscow's Sheremet'yevo-2 airport. Anyone participating in such contacts was henceforth guilty of assisting terrorism. The article speculated whether presidential plenipotentiary for the North Caucasus

⁶ Blandy, "*Chechnya: The Need to Negotiate*", pp8-9. "The Russians have insisted that the armed opposition in Chechnya must surrender and hand in all their weapons before any negotiations can take place. Moreover, the Russian President proposed to the illegal armed bandit formations that they should immediately terminate all contact with international terrorists and their organisations. Furthermore they must take the decision to halt all diversionary actions and activities; in return federal forces would stop their counter-terrorist activities. It is important to note that the President proposed to start discussions, not on the political fate of the Chechen people and status of Chechnya, but on the process of disarming the illegal formations solely in the context of their returning to a normal and peaceful life. Moscow will also insist on making the following demands in any negotiations with the armed resistance in Chechnya: **First and foremost**, the prevention of Chechnya becoming a hotbed of Islamic radicalism, terrorism and gangsterism ever again. **Second**, in order to integrate the territory of Chechnya into the overall defensive and transport-communication space of Russia, there must neither be Turkish nor 'Mujahedin' bases there. Border servicemen and customs officials must also ensure access to Georgia and the Caspian littoral. **The third task** is to obtain reliable guarantees for legal and social-economic stability in Chechnya, which must neither become a haven for bandits, nor a breeding ground of destitution and epidemics."

⁷ N N Novichkov, V Ya Snegovskiy, A G Sokolov, V Yu Shvarev, "*Rossiyskiye Vooruzhennyye Sily V Chechenskom konflikte*", Kholveg-Infoglob - Trivola, Paris & Moscow, 1995, p187.

⁸ *Nezavisimaya Gazeta*, No 9, 22 January 2003, p7. "*Sposobnost' k dialogu*" by Vladimir Kara-Murza Mladshiy.

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Viktor Kazantsev was now liable to be included amongst those assisting terrorists. Furthermore, the author noted that the presidential aide Sergey Yastrzhembskiy⁹ likened *'the so-called liberal European social-democrat policy of "pacification" of terrorists'* to the 1930s appeasement policies of London and Paris. President Putin himself stated that it was totally unacceptable for anyone to hold negotiations with any representative of Maskhadov. This approach can be summarised by one small headline regarding the nomination of Salambek Maigov as a personal representative of President Maskhadov on 3 February 2003: *"Moscow ignores Maskhadov nomination"*.¹⁰

The federal authorities not only attempt to minimise efforts by Aslan Maskhadov's special representatives to find a political settlement, but also employ measures to discredit their standing, integrity and validity. A recent example is the federal government's attempts to extradite Akhmed Zakayev, Maskhadov's representative to Europe, from Denmark and the UK on grounds of criminal acts committed by Zakayev during the first Russo-Chechen conflict,¹¹ despite the 12 March 1997 amnesty for Russian soldiers and Chechen separatists. Little effort was made by the federal authorities to collate evidence as to wrongdoing by Zakayev in the period between the first and second conflicts until his arrest in Copenhagen in October 2002. It is clearly difficult to collect firm evidence or investigate crimes which perhaps took place some eight years ago amidst the ongoing turbulence in Chechnya, or which perhaps were never committed. Compare this with the notorious activities of the Narodnyy Kommissariat Vnutrennykh Voysk (NKVD) in Chechnya in 1937: *"The general psychology behind these arrests was clearly expressed by the chief of the regional NKVD of Gudermes, Gudasov, when one of his somewhat inexperienced assistants asked him ingenuously, 'How can we arrest a man if we have no evidence against him?' Gudasov replied: 'We can always find evidence provided he wears a Caucasian hat.'*¹² Nothing has changed.

One could be forgiven for believing that the two extradition attempts against Zakayev were primarily directed against his efforts in presenting the need for a political solution. The recent testimony of Lord Judd to PACE highlights the true worth of Zakayev for the Chechen cause.

⁹ <http://www.nns.ru/Person/yastr/>, "Yastrzhembskiy Sergey Vladimirovich, 21 January 2000 nominated as assistant to the President of Russia on the coordination of analytical-information work of federal organs of executive power, participating in the conduct of the counter-terrorist operation on the territory of the North Caucasus region, and in conjunction with the the mass-media".

¹⁰ <http://www.nns.ru/chronicle/index.html>, NSN: *Temy dnya*, 13 February 2003, *"Moskva ignoruruyet nakhacheniya Maskhadova"*.

¹¹ *Izvestiya.Ru*, 29 November 2002, pp1-5, *"Akhmed, oni ne sdayutsya!" - "Unitozhit!"* by Vadim Rechkalov. "From February 1995 through to November 1996 Akhmed Zakayev commanded the so-called South-Western Front, 38 km front and in depth to the Georgian border. At the peak of his career (from March though to October 1996) Zakayev commanded 2,000 men. At the present time in Chechnya more or less two bands operate actively, the leaders of which began to fight under the command of Zakayev. The former commander of the Zavodskiy ROVD Grozny (during the period of Maskhadov's government) Isa Munayev (approximately 1,000 fighting men), and he concealed themselves in the mountainous parts of Southern Chechnya, running between Shatoy, Sharoy and Itum-Kale rayony."

¹² *"The Chechens and the Ingush during the Soviet Period and its Antecedents"* by Abdurahman Avtorkhanov, in *"The North Caucasus Barrier - The Russian Advance towards the Muslim World"*, Marie Bennigsen-Broxup (Ed), C Hurst & Co, 1992, pp146-194.

*“Of those associated with the Chechen fighters with whom I have met and spoken, it is with [Zakayev] that I have been able to have some of the most intelligent discussions about the global realities as they affect the people of the Chechen Republic and about the need for a political settlement. His removal at this stage from even tentative steps towards engagement in a political settlement does not seem to me self-evidently to help”.*¹³

There was another twist to the Zakayev affair on 26 February 2003. Two weeks earlier, Aleksandr Prokhanov, Editor of *Zavtra*, an outspoken but popular left-wing newspaper, flew to London and carried out an in-depth interview with Zakayev in the “*respectable London Lanesborough Hotel*”¹⁴ on 12 February 2003. As a result of the interview, the Press Ministry in Moscow issued an official warning to the newspaper for violating the provisions of Article 4 of the Law on Mass-Media and Article 1 of the Federal Law on Countering Extremism. According to the Deputy Press Minister Mikhail Seslavinskiy, the warning was made on the grounds that “*the interview incited inter-ethnic enmity, and the spreading of materials of an extremist nature through the mass-media is inadmissible*”.¹⁵ One of Zakayev’s allegations, that part of the funds the pro-Russian Chechen administration receives from Moscow is passed on to Chechen separatists, would have been particularly damaging. Some observers believe that the real reason behind the Press Ministry’s warning was not so much the Zakayev interview as the fact that Prokhanov and Boris Berezovskiy, the Kremlin’s *bête noire*, in self-imposed exile in London, have been on especially friendly terms recently. Notwithstanding this, the Kremlin simply did not want any additional coverage of the Chechen situation.

Neutralisation Of Military

Just as important as the suppression of external influences is neutralising the conservative attitudes of the military over the methods to be used for the normalisation of the situation in Chechnya. In other words, the introduction and implementation of political initiatives necessitated the demonstration of firm political control over senior members of the military establishment, whose oft-expressed opinions have been indicative of a determination for complete and unassailable victory.¹⁶ Many senior Russian officers had lost sons in Chechnya, Generals Pulikovskiy and Shpak to name but two.

Chechnya has become a catalyst at least for acknowledging the need to rethink military security strategy for the Russian Federation as a whole, to reevaluate the tasks and structures of MOD troops and those of the Internal Troops (MVD). These are urgent projects in their own right, together with the need for a professional army which is capable of producing well-trained, combat ready, rapid reaction forces, as opposed to a conscript one designed to fight NATO over 20 years ago. Lack of funds has partly been caused by the continuous drain on resources due to

¹³ http://chechnya.jamestown.org/pubs/view/che_004_003_001.htm, “Zakayev will he be extradited?”, Chechnya Weekly, Vol 4, No 3, 6 February 2003.

¹⁴ <http://zavtra.ru/cgi//veil//data/zavtra/03/481/21.html>, *Zavtra*, No 6, February 2003, “*Chto vporu Londonu, to rano dlya Moskvy*” interview with Akhmed Zakayev by the Chief Editor of *Zavtra*. The second half of the interview was published in *Zavtra*, No 7.

¹⁵ <http://gazeta.ru/2003/02/27/Communistdai.shtml>, Gazeta.Ru, 27 February 2003. “*Communist daily on last warning after Zakayev interview*” by Boris Sapozhnikov.

¹⁶ <http://www.strana.ru/news/167065.html>, 18 December 2002, “*Gennadiy Troshev otkazalsya vozglavit’ Sibirskom voyennyi okrug*”.

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the two Russo-Chechen wars, amounting to some US\$ 100,000,000,000, according to Ruslan Khasbulatov and Ivan Rybkin.¹⁷ They provide a breakdown of expenditure by all the power ministries and services, which include the Ministry of Defence, MVD, Ministry for Emergency Situations (MChS), Federal Security Service (FSB), Ministry of Communications and the Federal Border Service (FPS) between 1999 and 2003.

Table 1 - Military Expenditure on 2nd Russo-Chechen War¹⁸

Year	Expenditure - Running Budget Mlrd Rubles	Federal Budget - Extra Funds Mlrd Rubles	Total Mlrd Rubles
1999	3	10 - 12	13 - 15
2000	10 - 15	25 - 30	35 - 45
2001	10	10	20
2002	10	7	17
2003	15	12	27
Total	53	71	123

The second conflict was the more costly, due to emphasis on the 'non contact battle' with maximum use of aviation and artillery. Khasbulatov and Rybkin add the rider that their data is probably at the lower end of the scale.

Whilst it could be said that it was the military that made Putin in 1999-2000 and in effect handed him the presidency,¹⁹ the relationship has now changed, partly due to the fact that the war is well into its fourth year, despite regular optimistic assessments that the bandits have been beaten. The federal casualty lists show no sign of diminishing. The death toll in December 2002 climbed to 4,572: *"it transpires that 292 servicemen of federal troops were killed over the past four months, which the military said was the most peaceful period in the republic for a while"*.²⁰ Many analysts believe that there was a campaign to remove generals who had served in Chechnya and *"who are acting as a brake in normalising the situation in Chechnya"*.²¹

"Where have the generals who ensured victory in the elections been driven? Konstantin Pulikovskiy driven to a godforsaken place and heads the Far Eastern federal district as the president's [plenipotentiary representative], Vladimir Shamanov became the governor of a known failed

¹⁷ *Kavkazskiy Vestnik*, internet version, 9 April 2003. *"Ekonomicheskiye aspekty voyny v Chechne"* by R I Khasbulatov & I P Rybkin.

¹⁸ Ibid.

¹⁹ <http://zavtra.ru/cgi/veil/data/zavtra/01/379/61.html>, *Zavtra*, No 10, March 2001, *"Polkovnik Putin I Polkovnik Budanov"* by Capt Vladislav Shurygin.

²⁰ <http://gazeta.ru/2003/02/18/SecondCheche.shtml>, *"Second Chechen Campaign takes its toll"* by Boris Sapozhnikov. "According to Defence Ministry reports, the official casualty toll of all the power-wielding agencies with troops deployed in the separatist province in the period from September 1999 to December 2002 currently stands at 4,572 servicemen killed and 15,549 wounded - a total of 20,121 servicemen - enough to man two motor rifle divisions."

²¹ *Nezavisimaya Gazeta*, No 265, 10 December 2002, p2, *"Khoroshiy general"* by Vadim Solovov'yev.

province, Gennadiy Troshev was transferred to a decorative appointment supervising Cossack affairs.”²²

It is important to remember that it is firmly believed in the Kremlin, the federal military and other power structures that Chechnya is part of the Russian Federation, and as such it remains an internal matter for Moscow to deal with as it thinks fit. Furthermore, the voices that seek to explain Chechen separatist views, and plans produced by them for consideration, will be ignored or silenced in one way or another.

Mechanics Of Normalisation

The All-Chechen Peoples Congress held in Gudermes on 11 December 2002 had the opportunity to read the draft constitution in the full knowledge that the “*Constitutional Commission will not ignore a single remark*”.²³

On 12 December 2002, President Putin issued Decree No 1401: “*Concerning confirmation about conducting a referendum of the Chechen Republic on the draft Constitution of the Chechen Republic, drafts of laws of the Chechen Republic 'About the elections of the President of the Chechen Republic' and 'About the elections to the Parliament of the Chechen Republic'*”.²⁴ Special Issue No 3 of *Vesti Respubliki* dated 19 December 2002 contains the decree ordering the referendum and elections; the decree for conducting them; the decree for the electoral commission of the Chechen Republic of 15 December 2002 No 4/4-3 and direction to the Head of Administration of the Chechen Republic etc; an address by the Head of Administration to President Putin; a letter from the Head of Administration of the Chechen Republic to the Chairman of the Chechen electoral commission A-K V Arsakhanov of 16 December 2002; a decree for the electoral commission of 17 December 2002 No 8/5-3 concerning the registration of the initiating group; the draft constitution; the draft law on presidential elections; and the draft law on parliamentary elections.

Constitution Of Chechen Republic

An earlier constitution of the Chechen Republic dated from 2 March 1992,²⁵ resulting from the declaration of independence in the autumn of 1991, with amendments on 11 November 1996 and 3 February 1997; other drafts of treaties and proposals could also have had a bearing on the wording of the draft

²² *Nezavisimaya Gazeta*, No 63, 19 March 2003, p2, “*Dlya voyennoy reformy trebuyetsya lider*” by Pavel Arsen'yev.

²³ <http://216.239.57.100/search?q=cache@6YoBAoaxFtoC:www.themoscowtimes.com/doc/H>, Interfax, 11 December 2002, “*Draft Constitution, election bills distributed among Chechen congress delegates*”.

²⁴ *Vesti Respubliki*, Spetsvypusk, No 3, 19 December 2002. A slightly different version was published on the official Chechen government website www.Chechnya.gov.ru. This is the text on which the current analysis is based.

²⁵ <http://www.chechen.org/content.php?catID=4>, “*Postanovleniye Parlamenta Chechenskoy Respubliki 2 Marta 1992. N 108, Groznyy - O poryadke vstupleniya v silu - Konstitutsii Chechenskoy Respubliki*”.

constitution.²⁶ Apart from the Khasavyurt Accords of 30/31 August 1996, the most important documents are the Russian Federation – Tatarstan Treaty of 15 February 1994, the ‘Bashlam’ draft proposal of 24 July 1996, and the separate draft treaties produced by Russian and Chechen delegations in August 1997.

Table 2 - Outline Of Chechen Constitution

Section	Chapter		Articles
1	1	Basis of Constitutional Order	1 to 13
	2	Rights & Freedoms of People and Citizens	14 to 57
	3	State Structure of the Chechen Republic	58 to 62
	4	President of the Chechen Republic	63 to 77
	5	Parliament of the Chechen Republic	78 to 91
	6	Organs of Executive Power	92 to 95
	7	Judicial Authority, Procuracy, Advocacy & Notary	96 to 106
	8	Local Self-Government	107 to 111
	9	Constitutional Amendments	12
2	-	Concluding & Transitional Positions	

Points Of Note

Chapter 1 - Basis Of Constitutional Order

Chapter One, Article 1. Clause 1 refers to the ‘Chechen Republic (*Nokhchiyn Republic*)’ as a ‘democratic, social, law-governed state, republican in administration’. The inclusion of the Chechens’ own name for the country maybe intended to make it more acceptable to them. Vladimir Zhirinovskiy made a curious point in July 1999, that Chechnya could not be called the Chechen Republic, or Ichkeria, because Chechen territory was in a transitional period and would therefore have to be called the “national enclave of the Chechen people situated in a state of self-determination”.²⁷ Directly reflecting the Kremlin’s absolute opposition to Chechen independence, Clause 2 states that:

The territory of the Chechen Republic is united and indivisible and is an inalienable part of the territory of the Russian Federation.

After experiencing some form of de facto independence from 1991 to October 1999, for the Chechen this wording seems to ignore the crux of the matter. Tom de Waal comments: “as if a simple declaration on the fact that Chechnya fits into the composition of the Russian Federation, allows the consideration the problem has been solved, the question of status was already the main reason for the two wars”.²⁸

It will be remembered that Ivan Rybkin, using a literary turn of phrase, cautioned that it was not possible to solve all the Chechen problems “by a single wave of the

²⁶ C W Blandy, “Chechnya: The Need to Negotiate”, OB88, CSRC, November 2001, p14, Table 2 lists the treaties and proposals which might have served as a blueprint. For the texts of the 1994-1997 documents, see Annexes in C W Blandy, “Chechen Status – Wide Differences Remain”, CSRC, P27, February 1998.

²⁷ *Nezavisimaya Gazeta*, No 117, 1 July 1999, p8, “Kak reshit’ Chechenskuyu problemu” by Vladimir Zhirinovskiy, Leader of the Liberal Democrat Party of Russia.

²⁸ http://news.bbc.co.uk/hi/russian/press/newsid_2878000/2878981.stm, op cit. “Chechnya I Irak: v nadezhde na mire”, review prepared by Gleb Levin, BBC Monitoring Service.

sword".²⁹ General Andrey Nikolayev, former head of the State Border Service and now Chairman of the State Duma Committee on Defence, put a more humanitarian slant on the problem in an article back in September 1996 which still encapsulates the problems of coming to terms with the negative, disturbing and distressing effects of conflict in Chechnya:

*History testifies: to start a war rapidly is easy, but to end a war quickly is very complicated. Declaration of a ceasefire is still not the cessation of war, it is not the achievement of peace. A colossal time is required to adapt people to that situation in which they find themselves. Possibly it requires a few generations, before people return to a normal state, the wound is scarred over, they forget injuries and losses. Therefore, probably, it is too early to say that the Chechen problem will be rapidly resolved. One can find a way for normalisation. One can negotiate on what to do and how to go further. But to report that tomorrow everything that has happened in Chechnya has ceased, seems to me frivolous and irresponsible.*³⁰

The earlier constitution of 2 March 1992 as amended reflected the "gain" and "freedom" which independence bestowed on the Chechen people:

*"The Chechen Republic is a sovereign and independent, democratic, legal state, formed as a result of the self-determination of the Chechen nation. It possesses the supreme right in relation to its territory and national riches; independently determining its external and internal policy; adopting the Constitution and Laws, which possess supremacy on its territory. State sovereignty and independence of the Chechen Republic are indivisible, unshakeable..."*³¹

Having failed to prolong self-determination, Chechens are now faced with the cold, stark realities of the latest version of the constitution: a bitter blow for those who strove to achieve independence from Moscow. No wonder the Kremlin is hinting at wider powers of autonomy. However, a person could be forgiven for wondering where and how the promised powers will be implemented. How will they be interpreted when changes in the leadership of the Russian Federation occur?

Chapter One, Article 6. Clause 1, paragraph 2 states that:

In matters of exclusive jurisdiction of the Russian Federation as well as joint jurisdiction of the Russian Federation and Chechen Republic, federal constitutional laws and federal laws shall have a direct legal effect over the whole territory of the Chechen Republic. In the event of contradiction between a federal law and a regulatory act of the Chechen Republic, the federal law will prevail.

Clause 2 goes somewhat further: "Laws and other regulatory legal acts adopted under the competence of the Chechen Republic must not contradict federal laws and

²⁹ See Charles Blandy, "Chechen Connections: From Khasavyurt to Moscow", P24, CSRC, September 1997, p45.

³⁰ *Literaturnaya Gazeta*, No 35, 4 September 1996, p10; see C W Blandy "Chechen Connections: An End to Conflict in Chechnya?", P25, CSRC, August 1997 p29, Box 18.

³¹ <http://www.chechen.org/content.php?catID=4>, op cit.

the Constitution of the Chechen Republic". This is in line with Putin's policy since he became President; his government has spent considerable efforts to ensure this in other constituent parts of the Federation.

More detail about joint jurisdiction is given in Chapter Three, *"The State Order of the Chechen Republic"*, Article 60. However, it would appear that even when matters are within the jurisdiction and competence of the Chechen authorities, federal authorities can interfere. Here, there could well be a degree of friction between federal law and the Adat, particular over polygamy and the ramifications of blood feuds (see below).

Chapter One, Article 7 states that:

In the Chechen Republic local government is acknowledged and guaranteed. Local government is independent within the limits of its own authority. Organs of local government are not included within the organs of state government.

What precisely are the institutions involved in local government? One of the factors leading to the breakdown of Chechen society and political life has been the absence of parties and institutions. The only bodies active in a form of local government are village elders and the individual *teip* councils of elders guided by Adat and Sharia Law. These are discussed in detail below.

Chapter One, Article 8. *"Clause 1. An ideological, political, diverse and multiparty state is declared in the Chechen Republic."* But the multiparty state is limited by Clause 2 in which: *"No ideology in the category of state or obligation can be established"* and Clause 4 specifically forbids *"the creation and activity of public associations the aims or actions of which are directed towards a forced change of the foundations of the constitutional structure and violation of the unity of the Chechen Republic and Russian Federation, inflaming social, racial, national and religious dissension, the creation on the territory of the Chechen Republic of any armed or militarised formation not envisaged by the Constitution of the Russian Federation and by federal Law"*.

Undoubtedly this is not only directed towards Chechen separatism but also the wider phenomena of Islamic extremism and Wahhabism, in whatever form they may take in the future. However, it should be remembered that the Sufi Brotherhoods were and continue to be closed, semi-secret societies, albeit religious ones. The different orders of the Sufi Brotherhoods are based on *"clanic and sub-clanic formations ... As in the Chechen territory (maybe even more so) the Ingush clans are used by the Sufi orders as a basis for recruitment"*³² and historically have been distinguished by *"their underground, clandestine, actively militant anti-Soviet (anti-*

³² Alexandre Bennigsen & S Enders Wimbush, *"Muslims of the Soviet Empire - A Guide"*, 1986, Hurst & Co, London, p184, "Before the Revolution, the Chechen *teip* was based on common economic interests. This bond has since disappeared, but the *teip* nevertheless remain political and psychological realities. Each has its own cemetery, is ruled by an assembly of elders, and has its unofficial clanic court (*teipanam klekhel*). The *teip* are divided into smaller, sub-clanic formations (*nek'e* or *gar*), comprising 10-50 families bound by certain strict obligations (hospitality and, in the past, participation in vendettas) and ruled by a council of elders. In general, these clanic and sub-clanic formations serve as a basis for Sufi Brotherhoods." The blood feud or fear of one is still undoubtedly a factor in Chechen society.

Russian and anti-Communist) character".³³ The question remains whether the more militant of the Sufi Brotherhoods could be classified as being undesirable within Clause 4. Their acceptability may well depend on the body responsible for the classification.

Chapter One, Article 9 covers the earth and natural resources which under Clause 2 "are used and preserved in the Chechen Republic as the basis for life and activity of the nation living on the territory of the Chechen Republic". Clause 2 is limited by Clause 3: "the legal regulation of the questions of ownership, usage and disposal of the ground and other natural resources is realised by the legislature of the Chechen Republic within the limits and order established by the Constitution of the Russian Federation and the Federal Law".

There is the question of the exploitation of oil and other mineral and forestry resources. How much benefit or percentage share will the Chechen Republic receive? In the earlier constitution, under Chapter 1, Article 1, national riches belonged to the Chechen Republic. Article 8-9 of that constitution stated:

"In the Chechen Republic economic freedom of citizens and working collectives, different forms of ownership and equal conditions of their legal protection are guaranteed. In the Republic ownership is divided into private and state. The land, its bowels, air space, water, the plant and animal world in their natural state are the inalienable property of the Chechen Republic. The grant of their ownership and usage to citizens, enterprises, establishments and organisations is carried out in conformity with the law, on account of society's requirements and interests."

Chapter One, Article 10 is concerned with the question of languages within the Chechen Republic. Clause 1 states that Chechen and Russian are the state languages within the Chechen Republic. However, Clause 2 states that Russian is the language for inter-ethnic communication and official clerical work in the Chechen Republic.

In the opinion of Anna Politkovskaya, this is a question of linguistic discrimination.³⁴ No consideration has been given to Chechen being either the first or main language. According to Politkovskaya, Dokka Iltsayev, Director of the Consultation Point of the Human Rights Centre "Memorial", called this "a policy which goes outside the confines of propriety" and she notes that furthermore this precise definition is not found in any other republic of Russia. In Article 99, Clause 2, "Legal proceedings in the ChR [Chechen Republic] will be conducted in the Russian language. Again - not a word about Chechen."³⁵ Politkovskaya goes on to point out that in the RF Constitution, the Criminal Code and the Russian Civil Code there are requirements for a respectful approach to ethnic languages.

Chapter Two - Rights & Freedoms Of A Person & A Citizen

Chapter Two, Article 16. Clause 3 states that "Men and women have equal rights and freedoms and opportunities for their realisation". In the earlier Chechen

³³ Bennigsen & Wimbush, op cit, p189.

³⁴ <http://2003.novayagazeta.ru/nomer/2003/20n/n20n-s17.shtml>, *Novaya Gazeta*, No 20, 20 March 2003, "Potrebleniye Novoy Konstitutsii" by Anna Politkovskaya.

³⁵ Ibid.

constitution, the wording is exactly the same in Article 22. However, this is not entirely true under the Adat:

“Women have been deprived of the right to vote in deciding on the general-political life of the teip. On the other hand women occupy a high position in the family. The senior woman in the family arranges the housekeeping, her word is law for daughters, daughters-in-law and sons. In general the older woman plays the dominant role in social life. Often very bloody fights were stopped in moments when the women, especially an old one, appeared in a headress amongst the fighters. In all occasions, without exception, an offence, insult or killing a woman were considered a more serious crime than insulting or murdering a man. In the period [under consideration] that is in the period when paternal law functioned, the husband was head of the house. The wife was subject to his authority. However, for the Chechens the murder of a woman was and remains the greatest disgrace. Civil rights of a woman, save the right of a vote, were protected at the same level as those of the man.”³⁶

Chapter Two - Article 19. Clause 1 states that “Everyone has the right to freedom and personal inviolability. No one can be held in slavery”, whilst Clause 2 provides amplification, with the exclusion of being under arrest awaiting trial or as a result of a judicial verdict.

An eye-catching reference to this clause was made by Il’ya Maksakov in the opening sentence of an article relating to the publication of the new constitution, “After almost 150 years after the abolition of slavery in the USA, Chechnya adopts an anti-slavery constitution”.³⁷ Slavery is not an entirely unknown phenomenon in Chechen history. An article in *Nezavisimaya Gazeta* in July 1999 stated that more than 46,000 Russians and others were enslaved, being used on important work “from the gathering of wild onions to the construction of the road to Grozny through Itum-Kale and Tazbichi”.³⁸ More recently, just before the referendum on the constitution, an article by Dmitriy Sokolov-Mitrich in *Izvestiya* centred on the same question. He was astonished that a referendum was about to be held in Chechnya, where not so long ago a slave-owning society had developed, and that: “Immediately after the referendum a civilised style of government would be established - for this 10 years would be required. But the very word “Chechnya” after the referendum would not sound so sombre. One of the disgraceful phenomena which burdens this word is the problem of ‘white slaves’.”³⁹

The eradication of kidnapping and trading of hostages of course depends to some extent on the degree to which the Chechen parliament can curb excesses of *teip*

³⁶ Zayndi Shakhbiyev, “Sud’ba Checheno-Ingushskogo Naroda”. Assotsiyatsiya Obshchiy Yevro-Aziatskiy Dom. Rossiya Molodaya, Moscow, 1996, pp103 & 105.

³⁷ *Nezavisimaya Gazeta*, No 275, 25 Decenber 2002, p1, “V Chechne otmenyayut rabovladel’cheskiy stroy” by Il’ya Maksakov.

³⁸ *Nezavisimaya Gazeta*, No 120, 6 July 1999, p5, “O polozheniye Russkikh v Chechenskom Respublike” by the Department of Ethnic Problems of the Russian People of the Russian Ministry for Federal Affairs and Nationalities of the RF.

³⁹ <http://www.izvestia.ru/life/article31441>, 20 March 2003, “Dva raba” by Dmitriy Sokolov-Mitrich.

influence and power. It is also dependent on the amount of freedom Chechens are allowed without interference from Moscow to sort out their own problems.

Chapter Two, Article 22. *“The home is inviolable. No one can enter the dwelling against the will of the people living there, except in cases established by federal law or on the basis of a court decision.”* One wonders, given ‘cleansing’ (*zachistka*) counter-terrorist operations set against a background of civil war, how is this Utopian concept possible at the present time?

Chapter Two, Article 29. Clause 1: *“Citizens of the Russian Federation, living in the Chechen Republic (citizens of the Chechen Republic) have the right to participate in the control of matters of the Chechen Republic directly and through their representatives”.*

This wording is deliberately unclear, and there is no other definition of what constitutes a citizen of the Chechen Republic. Indeed, *‘This clause contradicts the law on citizenship Putin himself signed in 2002, a law which does not provide for any other form of citizenship than Russian’*.⁴⁰

This is also a mechanism by which Moscow could be in a position to manipulate strictly Chechen affairs, for example to allow members of federal forces stationed temporarily in Chechnya to participate in elections in the same way that members of the permanently deployed units and subunits of the Ministry of Defence and MVD are allowed to vote there.

Chapter Three - State Structure Of The Chechen Republic

Chapter Three, Article 53. This article, consisting of two paragraphs, provides for the limitation on rights and freedoms during a state of emergency and the introduction of a state of emergency under the procedure established by federal constitutional law.

Chapter Three, Article 59. Clause 5. The composition of the Chechen Republic includes the towns of republic significance and rayony listed below. There are three towns of republic importance and 18 rayony, in all amounting to 21 administrative-territorial entities. The Republic Council is formed by one representative from each of these administrative-territorial units under Chapter 5, Article 79, Clause 1.

Table 3 - Composition Of Chechen Republic

Towns Of Republic Importance	Rayony
Groznyy, Argun, Gudermes	Akhoy-Martanovskiy, Vedenskiy, Galanchozhskiy, Groznenskiy, Gudermesskiy, Itum-Kalinskiy, Kurchaloyevskiy, Nadterechnyy, Naurskiy, Nozhay-Yurtovskiy, Staro-Yurtovskiy, Sunzhenskiy, Urus-Martanovskiy, Cheberloyevskiy, Shalinskiy, Sharoykiy, Shatoyskiy and Shelkovskiy.

Chapter Four, Articles 63 to 77 - President Of The Chechen Republic

Citizens of the Chechen Republic elect a president in a secret ballot. The Chechen president is the leader of the executive authority in Chechnya. Under Article 63 *“The President of the Chechen Republic is the highest official functionary of the Chechen Republic and heads the executive power of the Chechen Republic”.*

⁴⁰ Dr Sergei Markedonov, Russian Regional Report, Vol 8, No 7, 7 May 2003.

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Article 64: "In taking up the post the President of the Chechen Republic makes to the multinational/multi-ethnic people of the Chechen Republic the following vow:

"I swear in the realisation of the authority of the President of the Chechen Republic to respect and defend the rights and freedoms of a person and citizen, to defend the rights of the multi-ethnic people of the Chechen Republic and to truly serve them, to observe and defend the Constitution of the Chechen Republic and the laws of the Republic".

Box 1 - Article 70 - Executive Responsibilities Of The Chechen President

1. The President of the Chechen Republic directly or through the organs of executive power of the Chechen Republic guarantees the implementation of a single state policy in the sphere of the social economic development of the Chechen Republic, and in the areas of finance, science, education, public health, social security and ecology.
2. The President of the Chechen Republic:
 - a) represents the Chechen Republic in relations with federal organs of state power, the organs of state power of subjects of the Russian Federation, the organs of local self-government and in respect of external-economic and international connections;
 - b) signs and promulgates laws of the Chechen Republic or turns down laws approved by the Parliament of the Chechen Republic, signs negotiations and agreements on behalf of the Chechen Republic;
 - c) brings to the attention of the President of the Russian Federation, the Government of the Russian Federation and other organs of state power of the Russian Federation drafts of acts the adoption of which is within their competency;
 - d) from the agreement of the National Assembly appoints the chairman of the government of the Chechen Republic, his deputies, ministers carrying out delegated powers in the spheres of finance, economics, industry and agriculture and also relieves them of duty; appoints other ministers in their place and governs the organs of executive power of the Chechen Republic in conformity with the republic law;
 - e) in accordance with the proposal of the chairman of the government of the Chechen Republic forms the government of the Chechen Republic;
 - f) presents to the Republic Council the candidates for appointment of chairman, deputy chairmen and judges of the Constitutional Court of the Chechen Republic, agreeing the candidacy for appointment of Justices of the Peace of the Chechen Republic;
 - g) makes the decision about the premature dissolution of the authorised Parliament of the Chechen Republic (dissolution as a result of the adoption by a given organ) or another normative legal act which contradicts the Constitution of the Russian Federation, federal laws adopted according to the articles of the Russian Federation and articles of joint conduct of the Russian Federation and the Chechen Republic, the constitution of the Chechen republic, if such contradictions have been established by an appropriate court, and the Parliament of the Chechen Republic does not eliminate them within six months from the time of a legal decision coming into force;
 - h) nominates the date for extraordinary elections to the Parliament of the Chechen Republic (house of parliament) on the occasion of a premature dissolution of the Parliament of the Chechen republic (chambers of parliament);
 - i) has the right of legislative initiative;

- j) no less than once a year presents a report to the Parliament of the Chechen Republic (at a joint session of its chambers);
- k) presents to the Republic Council the candidacy for the appointment of the Chairman of the National Bank of the Chechen Republic; to put before the Republic Council the question of relieving from duty the Chairman of the National Bank of Chechnya;
- l) agrees the candidacy of the Procurator of the Chechen Republic. Presents to the Parliament of the Chechen Republic the candidacy of the Procurator of the Chechen Republic, and submission to the General Procurator of the Russian Federation for his agreement;
- m) appoints half the personnel of the Electoral Commission of the Republic;
- n) has the right to demand a convocation of extraordinary sittings of the chambers of the Parliament of the Chechen Republic, and to call the elected chambers of the Parliament of the Chechen republic to a session at a time earlier than that established by the Constitution of the Chechen republic;
- o) has the right to participate in the work of the Parliament of the Chechen Republic with the right of a consultative voice;
- p) forms his own department and appoints his heads of department;
- q) appoints for a term his authorised representatives in the Federation Council of the Federal Assembly of the Russian Federation from the executive organs of state power of the Chechen Republic; appoints and relieves from duty the authorised representative of the President of Chechen Republic in the Parliament of the Chechen Republic;
- r) suspends the action of normative and other acts of executive power of the Chechen Republic and repeals them if they contradict the Constitution of the Chechen Republic;
- s) confers state awards of the Chechen Republic in the order established for the conferring of awards of the Russian Federation;
- t) realises other authorities in relation to federal laws and the Constitution of the Chechen Republic.
3. The President of the Chechen Republic issues decrees and instructions.
4. The decrees and instructions of the President of the Chechen Republic are binding throughout the territory of the Chechen Republic.

It can be seen that the executive powers of the Chechen president are not only wide-ranging in scope but also provide the incumbent with almost unfettered political power within the republic and in dealings with the Russian Federation at all levels. He is directly responsible for socio-economic development, finance, science, education, health, social security and ecology. They are all far-reaching subjects, but ones which are directly connected to the lives of the people, who if dissatisfied can vote against him in the next election. The nomination of appointees as chairman of the Chechen National Bank, Procurator and half the electoral commission are within his competence. He also has the right to participate in the Chechen Parliament in a consultative capacity. The extent of the presidential authority means that parliament is largely a debating chamber and consultative body. However, it is of interest to note that unlike the Georgian president, the Chechen president has no mandate to appoint heads of town councils or rayon heads of administration.

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Any citizen of the Russian Federation over the age of 30 is eligible to run for the position of President of Chechnya. The presidential term of office is four years.⁴¹ This allows someone other than a Chechen to be president, for instance someone like retired Colonel General Gennadiy Troshev, the former commander of the North Caucasus Military District (NCMD), whose loyalty to Moscow is unquestioned, but who has family links, social ties and connections with the Chechen people and whom they could accept in that capacity.

It should also be noted that there is a clause which enables the President of the Russian Federation to dismiss a Chechen president should the need arise: Chapter Four, Article 72, sub-clause “g”. It would seem somewhat invidious, indeed undemocratic, for the people of Chechnya having elected their president to be faced with the fact that he could be removed by the Russian president at a later date.

Chapter Five - Parliament Of The Chechen Republic

It has been argued that a vertical structure of political power would not work because Chechnya has never been united as there are *“representatives of more than 150 teipy there. Therefore it is logical to propose that a parliamentary form of government is better for Chechnya, in which there would not be one leader but different politicians, regions and families could obtain power and adopt a collective decision.”*⁴²

The draft proposes a bicameral parliament divided into two bodies, namely a Republic Council, in other words a senate, consisting of 21 people. The second body, the National Assembly will consist of 40 deputies who are directly elected. Note that these figures seem to be inconsistent: there are 21 constituent parts of Chechnya, which elect two representatives each, but provision is only made for a 40-deputy Assembly. The draft constitution differs from the federal and other republican constitutions by incorporating and distinguishing the rights and responsibilities of each house of parliament. **Articles 79 & 80** provide further detail: deputies are elected to the Chechen Parliament for four years. They must be citizens of the Russian Federation having attained 21 years and are permitted to work on a professional permanent basis, on a profession for a defined period, or without a break from their main activity in accordance with the law of the Chechen Republic. (I intend to deal with the electoral processes in a future paper.)

The new constitution of the Chechen Republic thus ignores the basic reason for desiring independence in the first place. It does not resolve the issue of the return of Chechnya to becoming a full, valued and willing subject of the Russian Federation. It also ignores the fact that Chechens throughout their history have had a system of discussion and consultation with decisions being made on a collective basis through elders and *teip* councils. And yet, the Chechens have endorsed the document. The process by which they did so is discussed below.

⁴¹ It will be remembered that there was some surprise when it transpired that Maskhadov’s term of office was 5 years.

⁴² Tom de Waal,
http://news.bbc.co.uk/hi/russian/press/newsid_2878000/2878981.stm.

Referendum On Draft Constitution

*"In essence, the results of the referendum have a particular juridical force, as in the presidential elections of 1997, the difference is only in the fact that the referendum was carried out under the barrels of submachine guns of Russian soldiers, but the presidential elections under the barrels of boyeviki submachine guns."*⁴³

Referendum Preliminaries

According to the Chairman of the Central Election Commission, Aleksandr Veshnyakov, despite being conducted in the course of the continuing counter-terrorist operation, the referendum would be considered valid if at least 50% of voters registered in Chechnya participated.⁴⁴ Veshnyakov's optimism was based on the premise that Chechnya had already accumulated considerable experience in the conduct of elections through local election committees, as demonstrated by the Russian Federation presidential elections in March 2000 and the August 2000 Duma elections which resulted in the election of a Chechen deputy, Aslanbek Aslakhonov.⁴⁵ Veshnyakov assured all the people who had temporarily left Chechen territory that they would be able to participate in the referendum as well. Viktor Kazantsev during a long interview on 14 March 2003 noted that *"voting will take place in unusual circumstances, a significant number objective problems exist, but they are being resolved"*.⁴⁶ He also added that serious preparatory work, including electoral rolls and the establishment of polling stations had already been accomplished.

There was certainly one matter which could well be open to abuse, the question of federal servicemen deployed to Chechnya being allowed to vote in the referendum. Clarification came from the Russian Federation extraordinary and plenipotentiary ambassador to Azerbaijan, Nikolay Ryabov. Ryabov stated that the right to vote in the referendum had only been extended to servicemen who were part of units and subunits permanently stationed in Chechnya, such as servicemen in 46th Brigade of Internal Troops and 42nd Motor Rifle Division.⁴⁷ These numbered approximately 35,000 to 37,000 men, and would comprise some 7% of voters in Chechnya. The overall contingent of federal servicemen in Chechnya at the time was around 80,000.

⁴³ <http://www.kommersant.ru/archive/archive-material.html?docId=373016>, *Kommersant*, No 50, 25 March 2003, *"Chechentsy vernulisya v Rossiyu"* by Alla b-Barakhova, Musa b-Muradov.

⁴⁴ *Kommersant*, 16 December 2002, p3, *"Putin permits Chechnya's return to Russian legal territory"* by Alla Barakhova.

⁴⁵ <http://www.nns.ru/person>, "Aslakhonov Aslambek Akhmedovich DOB: 11 March 1942; village of Noviye Atagi, Shalinskiy rayon. At the end of 1999 created a social-political organisation "Union of the Peoples of Chechnya", the aim of which was the coordination of actions of citizens of Chechnya living outside the limits of their historic homeland. 20 August 2000 elected as a Duma deputy from Chechnya when he received 31% of the vote."

⁴⁶ <http://www.nns.ru/interv/arch/2003/03/14/int9367.html>, op cit, *"Kazantsev uveren v Chechentsakh"*, interview by *Nezavisimaya Gazeta*.

⁴⁷ *Kavkazskiy Vestnik*, 13 March 2003, *"Novaya Konstitutsiya Chechni predpologayet vvedeniye ponyatiya Grazhdanskiy Chechenskoj Respubliki"* with commentary by El'dar Zeynalov, Director, Human Rights Centre of Azerbaijan.

Ryabov also mentioned that there were some 66,000 Chechen displaced persons temporarily living in Ingushetia, who could go to the border areas to participate in the referendum; refugees could not take part in the referendum if they did not get to Chechen territory. Thus, an editorial commented, when there was a Russian general election, it was possible to vote on a ship at sea, or at an embassy when abroad: *“But here when the problem of Chechnya is being decided, refugees from Chechnya could not vote, but here are soldiers called-up into the army for 1.5 years and stationed in Chechnya, who have the right to decide the fate of a region which lies thousands of kilometres from their permanent place of residence”*.⁴⁸

Electorate Turnout & Voting

In the event the results of the referendum, which was observed by *“around 150 Russian and more than 20 foreign journalists exceeded all expectations”*⁴⁹ of the Kremlin and local authorities. The head of the Chechen electoral commission Abdul-Karim Arsakhanov made an early report based on the results of 48 polling stations that *“The Chechen people have voted ‘for’ all three questions on the referendum, concerning the new constitution, the laws on presidential and parliamentary elections”*.⁵⁰ In another interview, Arsakhanov added that *“the mentality of our people is such that if they are united around an idea, then they do not know of a way of retreating”*,⁵¹ understandable satisfaction with his discharge of responsibilities by the head of an electoral commission whose planning and organisation apparently proceeded without untoward incident or observed irregularity: although other accounts present a different picture concerning the size of the turnout. The Prosecutor’s office did not report any violations of procedure, neither did CIS observers, who believed that voting was organised and carried out in accordance with international standards. Whilst the OSCE did send observers, PACE believed not only that the referendum was premature, as most of the population had not had the chance to read the documents, but also the republic was still in a state of civil war, where freedom of movement could be severely curtailed. Consequently, PACE as a matter of principle did not send any observers.

However, from the Kremlin’s point of view, the quicker the referendum on the Chechen constitution could be organised and carried out, the more rapid would be the divestiture of legitimacy of President Aslan Maskhadov and his government, and the transfer of power in accordance with the transitional arrangements embedded in the constitution. As soon as the new Chechen constitution came into force, with the official publication of the results on 26 March 2003, *“the former government of Chechnya, including the elected President Aslan Maskhadov, lose their legitimacy”*.⁵² This removed a major, if symbolic, obstacle to Chechnya’s re-incorporate not only as a de jure subject but also a de facto one, within the Russian Federation.

⁴⁸ Ibid.

⁴⁹ <http://www.smi.ru/03/03/24/1189571.html>, 24 March 2003, *“Chechnya progolosovala”*.

⁵⁰ <http://www.prime-tass.ru/ns/7/20030324/324007.htm>, *“Narod Chechni progolosoval ‘za’ po vsem trem voprosam referendumu”*.

⁵¹ <http://www.vremya.ru/2003/51/5/54053.html>.

⁵² <http://www.kommersant.ru/archive/archive-material.html?docId=373016>, *Kommersant*, No 50, 25 March 2003.

Not only was the constitution of Chechnya approved but so also were the laws on the election of the Chechen president and parliament. The results exceeded expectations: on the constitution of Chechnya 96.5% of the electorate voted a convincing 'yes'; on the presidential and parliamentary elections, the electorate gave positive 'yes' votes amounting to 95% and 96% respectively, with a turnout of 80% of the electorate.⁵³ An official representative of Groznyy city administration Ibris Yasuyev reported that: *"81% of the electorate [there] had voted for the constitution... In the largest rayon of Chechnya - Nadterechnyy 96.8% of voters had approved the constitution."*⁵⁴

*Kommersant*⁵⁵ waxed lyrical about the fact that such a friendly poll had not been seen in earlier elections: the one held in 1995 only achieved 60% for the head of the republic; not surprising since most of the Chechen nation were in the process of repelling federal forces. In the presidential elections in 1997, Maskhadov only gained 59.3% of the vote.

The turnout of voters from 46th MVD Brigade, 42nd Motor Rifle Division, *komendaturny* and border service units situated in Chechnya on a permanent basis was 100%:⁵⁶ not surprising for people under military discipline! Perhaps more amazing was the fact that in the SIZO (detention centre) at Chernokozovo where 189 people were under investigation, Kuduz Astamirov, head of the establishment, said that *"not one had renounced his legal right,"*⁵⁷ although it was true that there were no leaders of bandit groups there. One of the people to have passed time within the walls of Chernokozovo was Andrey Babitskiy, a journalist well-known for his reporting of events early in the second Russo-Chechen conflict. Astamirov recalled, *"He did not complain about the conditions of custody, he only complained that he was being held illegally."*⁵⁸

One of the most interesting reports in the press was the claim that the most active polling areas were the *"immemorial Wahhabiti"* mountain *rayony*, such as Vedenskiy and Itum-Kalinskiy *rayony*, where some 85% of the electorate had voted.⁵⁹ Whilst Itum-Kalinskiy *rayon* is perhaps the largest in area of all the *rayony* in Chechnya, it has the sparsest population, for in the *"20 mountain villages there is only a population of about 3,000 people"*.⁶⁰ In two *rayony* considered to be most pro-Russian, Naurskiy and Nadterechniy, the turnout was very low, perhaps due to complacency or lack of canvassing effort on the part of the pro-Russian authorities. In Vedenskiy *rayon*, the thought of coercion by persons in federal employ cannot

⁵³ <http://www.politcom.ru/2003/zloba2019.php>, 25 March 2003, *"Chechnya poverila v Konstitutsiyu"* by Tat'yana Stanovaya.

⁵⁴ <http://www.smi.ru/03/03/24/1189571.html>, 24 March 2003.

⁵⁵ *Kommersant*, No 50, 25 March 2003.

⁵⁶ <http://www.smi.ru/03/03/24/1189571.html>, 24 March 2003.

⁵⁷ Ibid.

⁵⁸ <http://www.gzt.ru/rub.gzt?rubric=novosti&id=3155000000008136>, 24 March 2003, *"Referendum proshel"* by Ivan Yegorov.

⁵⁹ Ibid.

⁶⁰ *Nezavisimaya Gazeta*, No 117, 30 June 2001, p2, *"Federalny prepyatstvuyut ukhodu boyevikov"*, by Aleksandr Ryabushev & Il'ya Maksakov.

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have been very far away, particularly if one recalls the problems experienced by the people living in the villages of Makhety, Tevzana, Khatuni and Sel'mentaufen.⁶¹ *Vremya Novosti*⁶² also wrote that in the areas where the majority of the Chechens belonged to the most irreconcilable *teipy* the turnout of voters was exceptionally high. Moreover, in Zekur-Yurt, the ancestral village of Maskhadov, some 60% of the electorate went to cast their votes; in Basayev's homeland of Vedeno, 85% of those eligible had voted by 1500 hrs, even though activity had been expected from those opposed to the referendum.

Bakhtyar Akhmedkhanov reported that there had been raids by *boyeviki* on polling stations the night before the referendum in the village of Valerik in Achkhoy-Martanovskiy rayon and a firefight against the OMON post in Sernovodsk, with further raids in Gikalo and Staryye Atagi in Groznenskiy rayon.⁶³ "Various cameras established in Chechnya were recording separate groups of citizens going to participate in the referendum ... huge resources were mobilised for the victory over history."⁶⁴ Nevertheless, the Chechen separatists published their own data on the referendum results: Movladi Udugov's *Kavkaz-tsentr* claimed that the actual turnout was no more than 10-12%.

Chechen Forced Migrants - Problems

Polling stations outside Chechnya had only been organised in Ingushetia. Chechen refugees in Dagestan and Volgograd oblast' had to make arrangements to travel back into Chechnya. Not everyone who wanted to participate was able to make the journey.

Box 2 - Experience Of Refugees⁶⁵

Refugees from Khasavyurt (Dagestan)

At 0600 hrs around 300 refugees having the right to vote travelling in seven buses from Khasavyurt accompanied by an armed escort arrived at the Chechen border villages of Verkhniy and Nizhniy Gerzel'. Besides, a further 175 people motored in their own vehicles – they intended to vote at the place of permanent residence: at Nozhay-Yurt, Urus-Martan and Vedenskiy rayon... Furthermore, in all the town markets in Khasavyurt mini-headquarters were organised to ensure participation and transport... In all 873 people went to vote. Over the whole day in Khasavyurt not one serious happening was registered.

Refugees from Volgograd Oblast'

Around 50,000 forced migrants from Chechnya live in Volgograd oblast'. More than half of them up till now have a pass for Grozny and its suburbs and are collecting themselves together to return home, as soon as life in the republic improves. Long before the referendum they turned to the representatives of local authorities with a request to organise polling stations in places where refugees were concentrated. The authorities agreed and

⁶¹ See C W Blandy, "Chechnya: Dynamics of War - Hounded Out?", P36, CSRC, September 2001, p8.

⁶² <http://www.smi.ru/03/03/24/1189571.html>, 24 March 2003.

⁶³ <http://www.vremyamn.ru/cgi-bin/2000/1127/1/3>, *Vremya MN*, No 1127, 25 March 2003, "Referendum - po Maskhadovu" by Bakhtiyar Akhmedkhanov.

⁶⁴ <http://www.kolokol.ru/chechnya/26923.html>, Kolokol, 24 March 2003, "Lozh', video, referendum" by Il'ya Mil'shteyn.

⁶⁵ <http://www.gzt.ru/rubricator.gzt?id=3155000000008185>, 24 March 2003, "Kadyrov ne sdelał nichego, chtoby dat' vozmozhnost' bezhentsam vernuysya" by Sergey Pasulov, Svetlana Medvedeva & Nadezhda Magnitskaya.

even promised to allot resources to organising polling. "Of course their votes must be facilitated. And our task is to help them realise their right in the referendum," said Nikolay Maksyut, governor of the oblast'. But the central election commission was against. Its decision to consider voting of Chechens solely on the territory of Ingushetia was completely unexpected for the forced migrants, in as much that many did not have the means to go to their homeland at the present time. We are also inhabitants of Chechnya, living only temporarily in another territory. Why wasn't our opinion considered? "I think that on the question, do you wish to return to Chechnya, not one Chechen will say no. We will all return there. We all desperately want to vote. I have lived in Volgograd oblast' for several years, but all the same I want to return."

Refugees in Ingushetia

During the period of the referendum in Ingushetia two polling stations were in operation. One was situated at Galatochniy township, Karabulak, which is not far from Nazran'. The second is at a similar point with Chechens living cheek by jowl not far from the Chechen border. However amongst Chechens living on the territory of Ingushetia, there was no unanimity of feeling on the occasion of the referendum. "I won't go to the referendum, because I don't wish to take part in this deception, I don't believe that it is possible to build a better thing on blood," says Mina Barzayev. "I consider that not one decent person must accept participation in this fraud. I know exactly that no member of my family, none of my acquaintances will go to the referendum. Kadyrov has done nothing to stabilise the situation in the republic and provide an opportunity to refugees to return to their homes. He resolves his own questions, but he hasn't aided refugees one half-kopek. Why must we help him now?"

Reasons For Voting

It would appear that the majority of the voters had not read the text of the constitution nor the laws on the elections, but had voted simply 'for' the referendum.⁶⁶ Many were against the threats of the *boyeviki*. Undoubtedly, the activities of the successors to Arbi Barayev and his henchman in Alkhan-Kala who threatened villagers with death if they participated in the referendum contributed to this. According to *Kommersant*, much of the referendum's success was attributed to the skill and 'spin' of political PR specialists who succeeded in convincing the Chechens that the natural alternative to voting 'for' the referendum was, regrettably, a continuation of the war, using the slogan "*Go on the road to peace - referendum*". *Kommersant* quoted a poll by *Groznenskiy Rabochiy*: 75% of those questioned said that the main reason for voting in the referendum was the hope that it would lead to a cessation of conflict, further shooting and *zachistki*. Chechens did not vote for the constitution, but for the proposal to preserve their own lives: "*Vladimir Putin was no Boris Yel'tsin and a second Khasavyurt would not happen*".⁶⁷

Perhaps a more objective estimate of the electorate's thoughts are obtainable through the Obshchestvennoye Mneniye Foundation, which researched the opinions of Chechens in some 75 populated points. Interviews were carried out with "*the educated and uneducated, mountain people and those from the plains, also men and women. In depth interviews (2-3 hours of conversation) and focus-groups were conducted*".⁶⁸ Their findings are summarised in Box 3 below.

⁶⁶ *Kommersant*, No 50, 25 March 2003.

⁶⁷ *Ibid.*

⁶⁸ <http://www.izvestia.ru/community/article32084>, 2 April 2003.

Box 3 - Opinion Poll Findings⁶⁹**Question: What results were the most interesting and unexpected for you?**

Answer: That approximately one third of those with whom we spoke still noted peace signals. People in Chechnya are constructive towards positive decisions. Blokposts are removed – they notice this. The next time they consider the matter of Budanov – they notice this as well. The address of the President of course. But in this 50% consider that nothing is changing. And 10% consider the situation has deteriorated. Of course the replies on the question about the status of Chechnya were amazing: 67% were for Chechnya remaining within Russia. The first reaction: ‘It cannot be!’ It is necessary to understand that amongst this 67% were very different people. Some were disappointed in a free Chechnya. Some wanted to restore their home. Some believed that children will obtain the chance of education. But when we invited them to talk about the research on Chechen TV, my Chechen colleagues prevailed on me not to talk about the fact that 67% of those questioned saw Chechnya in the composition of Russia: “You will go, but we live here!”

Question: How do you relate to the figures of the electoral commission: more than 90% voted ‘for’ the constitution?

Answer: The figures, I think are genuine, because those who did not want to vote never went to the polling stations. The people went who believed in the peace signals. Now it's important that the authorities show a real political will in the betterment of life.

Another sociological survey conducted by *Valideyta* produced almost identical results.

“67% of those approached considered that Chechnya should be with Russia, 17% spoke for a sovereign republic, 15% don't know. 67% said they would participate in the referendum, 22.3% would not, and around 10% hadn't decided. Questioned on the situation in the republic, 39% considered that there are substantial improvements, noting the actions of the federal authorities on normalising the situation. Of course there are still 46% who believe the situation remains tense, and 10% believe it is getting worse.”⁷⁰

The feeling which gathered pace was that *“the euphoria of the first days after the ‘grandiose success’ of the referendum has come to naught”*.⁷¹ Analysts have been making wild guesses as to how there were significantly more voters than those listed in the electoral rolls, with the obvious conclusion that either there was a degree of manipulation or haphazard preparation on the part of the Chechen administrative authorities and electoral commission. Some media electronic outlets made reference to another variant on the theme of Potemkin villages.⁷² For those with a disposition to cynicism, one snippet of information lightened the gloom when the great holiday atmosphere of the much heralded “Constitution Day” had passed

⁶⁹ Ibid.

⁷⁰ <http://www.politcom.ru/2003/zloba1984.php>, 18 March 2003, “*Chechnya gotova povernutsya litsom k Moskve*” by Natal'ya Serova.

⁷¹ *NG Regiony*, No 5, 31 March 2003, p10, “*Okhrana Kadyrova strashneye zachistok*” by Maria Bondarenko & Andrey Riskin.

⁷² <http://www.chechen.org>, 25 March 2003, “*Mir, napominayushchiy variant s potemkinskimi derevnyami*”.

leaving the realisation that the referendum had been “*a mirage*”.⁷³ Administration head Kadyrov had provided budget monies for the distribution of presents to all women who gave birth and people whose name day was on 23 March, but more qualified for the benefit than expected: “*On Constitution Day it was announced straightaway that there were 103 newly born [babies] (each mother received a 10,000 ruble prize) although initially they had only talked about some 20*”.⁷⁴

Relationship Between The Centre & Subjects In The Russian Federation

The most important question stemming from the acceptance of the new Chechen constitution will be the relationship between the federal Centre and the republic. Since the accession of Vladimir Putin to power there had been a departure from the practice of negotiated relations between the Centre and subjects of the RF; many of the agreements have now lost their force. The laws of Federation subjects have been brought into line with those of the RF. Would there now be renewed attempts by certain republics to widen their autonomy? Tat'yana Stanovaya believes⁷⁵ that the Russian regional elites at the present time are relatively weak: the adoption of a special status for Chechnya will be perceived by regional leaders as commensurate with the present situation and will not lead to resistance and opposition. However, the Kremlin is not even contemplating the bestowal of vast tranches of power on Groznyy. The ‘centre-RF subject’ relationship is a restraining factor on the degree of autonomy on offer to the Chechens. Stanovaya sounded a warning that: “*Nevertheless, such a ‘concession’ will be a reminder to the regional elite and in the event of a growth of tension between the centre and the regions, it will be used as an argument for the defence of their own regional interests*”.⁷⁶

The Russian President’s announcement about the intention to bestow ‘a wide autonomy’ on the republic carried an undoubted PR slant, and surely played a role in attracting several moderate separatists to vote for the constitution. On the other hand, perhaps it is a sign of real preparedness on the part of the federal Centre to present Chechnya with a special status within the Russian Federation. In going for a ‘wider autonomy’, the Kremlin would not be strengthening separatist tendencies, for the President of the RF has the right to remove the Chechen President by decree at any time. According to Stanovaya, autonomy in a framework permitted by the federal Centre would assume a symbolic character. But the Chechen of whatever hue, having gained any sort of concession from Moscow, is hardly likely to regard it as symbolic, particularly after the well-documented struggle of some 250-300 years! It should be noted that the present head of Administration in Chechnya, Kadyrov, is not so much interested in political but rather economic autonomy, whereas the opposition, separatists and Maskhadov supporters are interested in political autonomy. Economic strength is power amongst the *teipy* and leads to greater political influence - the wide geographical spread of the Benoy and Tsentoroy *teipy* and their influence in every walk of life leads to a slice from any pie.

According to Stanovaya, the federal Centre intends to include in the understanding of a ‘wide autonomy’ measures which will include political autonomy as well. Furthermore, on 19 March 2003 a meeting took place between the Secretary of the

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ <http://www.politcom.ru/2003/zloba2019.php>, 25 March 2003, “*Chechnya poverila v Konstitutsiyu*” by Tat'yana Stanovaya.

⁷⁶ Ibid.

RF Security Council, Sergey Yastrzhembskiy, and representatives of the moderate opposition, who also expressed their support for the referendum. At this meeting Yastrzhembskiy introduced three members of the 1997 parliament with whom he had been in contact, acting Chairman Isa Temirov, Baudi Tsomayev and Khasan Atayev. It would appear that contact had in fact been established with members of Maskhadov's government in October 2002.⁷⁷ At the meeting Yastrzhembskiy floated the idea of an amnesty for *boyeviki*, saying it would be helpful provided certain procedures were observed, but that the decision to declare an amnesty should be made by the State Duma. Amongst others at the meeting was Malik Saidullayev,⁷⁸ a Chechen businessman from Moscow. Saidullayev did not rule out the possibility that the amnesty might be extended to some field commanders.

The Amnesty

There are connections between an amnesty and the matter of a wide autonomy for the Chechen people. Any amnesty must distinguish with great clarity the categories it seeks to cover. For instance, should there be distinctions between a Chechen separatist and Wahhabi Arab mercenary, the latter an outsider exploiting the Chechen cause for his own ends? It must be wide-ranging in scope, with the capability of pardoning not only the more humble participants but also others higher up the chain of command from both sides, Chechen and Russian alike. However, all the most serious crimes and offences by both sides should ideally be the subject of a special commission, noting particularly the excesses of *zachistki*, continual sweep and search operations, the SIZOs and the "knock on the door at night".⁷⁹ One must not forget the excesses by separatists and extremists, particularly the killing of nine prisoners of war after the federal refusal to hand over Colonel Budanov to the Chechens. The application of such a ruthless policy by extremists quite clearly renders any thought of amnesty for them nigh impossible.

Prelude To Announcement

Ruslan Khasbulatov described the referendum as "*the highest level of democratic instruments which society uses. But tyrannical and dictatorial regimes repeatedly use this instrument most often and successfully. And in conditions of occupation, absence of normal life, in situations when people live in fear, to foist a referendum is cynical.*"⁸⁰ On the amnesty he said: "*Those who avenge murdered relatives are not required in it. As also those who fight for independence. Of course soldiers and officers of the Russian Army will be amnestied. It is more important for them as already an international tribunal is being talked about. I am indifferent to the act of amnesty. As an independent factor capable of turning the situation, it has no significance...*"⁸¹

⁷⁷ *Izvestiya*, 20 March 2003, p1 "Mercy for the Fallen" by Il'ya Maksakov.

⁷⁸ See Blandy, "*Chechnya: Federal Retribution, Encirclement, Forceful Intervention & Isolation*", P34, CSRC, March 2001.

⁷⁹ For a list, see C W Blandy, "*Chechnya: Dynamics of War, Brutality & Stress*", P35, CSRC, July 2001, p4-5.

⁸⁰ <http://www.nns.ru/interv/arch/2003/04/10/int9552.html>, NSN: Interv'yu nedeli Arkhiv, *Nezavisimaya Gazeta*, 10 April 2003, "Ruslan Khasbulatov: *Kadirov stanovitsya malen'kim Saddamom*".

⁸¹ Ibid.

On 25 March Artem Vernidub started an article with the words: *“Today the first interruption occurred in the propaganda campaign following the referendum on the constitution of Chechnya. An anonymous source in the presidential administration disavowed one of the pre-election promises of President Putin.”*⁸² Vernidub’s anonymous source gave him to understand that not too much serious attention need be given to the president’s promise of an amnesty to the *boyeviki*. According to the source, while the draft amnesty was being considered, they had not been able to find a firm basis for it: *“It’s necessary to think it over and form it juridicially.”*⁸³ In Vernidub’s opinion, Putin had in mind an amnesty which would be addressed to all the participants of the armed resistance in Chechnya. It would be unlike the amnesty that the president had already tried to propose *“on 25 October 2001, when he turned to the separatists on the television with an invitation to surrender their weapons and begin talks about the return to a peaceful life.”*⁸⁴ This announcement led to the unfruitful meeting between Akhmed Zakayev and Viktor Kazantsev at Sheremet’yevo in November 2001. Apart from a limited ceremonial surrender of weapons around Kadyrov’s house in Tsentoroy, little happened. It was extremely difficult for the *boyeviki* to hand their weapons in, for they were caught between two stools. They could be regarded as having fought in the illegal, armed bandit formations, but they could just as easily be regarded as traitors and shot by the extremists. Therefore an amnesty was vital: the war would not stop without one.

The fears of people wishing to hand in their weapons are indeed very real: *“according to official sources the military in Chechnya have a connection to 300 occurrences in the abduction of people...”*⁸⁵ This is quite likely to be only the tip of the iceberg. The picture becomes even more sombre when the views of PACE on the need for a tribunal to investigate federal military criminal behaviour are, not surprisingly, dismissed by the present Chechen authorities, including Akhmad Kadyrov, who said, *“it is superfluous. Here we have had so many tribunals already they are not necessary for us.”*⁸⁶ Superfluous a tribunal may be, but the alleged activities of Kadyrov’s band of bodyguards might explain his opposition to it (see below). The news that a new SIZO would come into operation in Grozny capable of holding up to 500 occupants, having had a three-year refurbishment and renovation, so replacing Chernokozovo which entailed a round journey of 150 km, could hardly have brought any joy or hope to the average Chechen.⁸⁷

Provisions Of The Amnesty

Amnesties had been introduced or extended by the Russian State Duma (Gosduma) and the pro-Russian Chechen government on four occasions between 1996 and February 2000 (President Putin’s invitation on 25 October 2001 to the separatists to surrender their weapons is not regarded as a amnesty).

⁸² <http://www.gazeta.ru/2003/03/18/4e4encynepol.shtml>, 25 March 2003, *“Chechentsy ne poluchat ni amnistii, ne aptonomii”* by Artem Vernidub.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ *Nezavisimaya Gazeta*, No 77, 16 April 2003, p1, *“Skandal’noye priznaniye prokurora respubliky”* by Svetlana Ofitova & Maksim Glikin.

⁸⁶ <http://www.kvestnik.org>, *Kavkazskiy Vestnik*, 13 March 2003, *“PACE predlozhl sozdat’ tribunal po voyennym prestupleniyam v Chechne”*.

⁸⁷ <http://lenta.ru/vojna/2003/04/21/isolator>, Lenta.Ru: KAVKAZ: *“V Groznom otkryli novyy SIZO”*.

Chechnya: Normalisation

Table 4 - Previous Amnesties⁸⁸

Date	Amnesty
1996	Zavgayev, Head of Chechen government announced an amnesty
12 March 1997	The Gosduma adopted the resolution "Concerning the announcement of an amnesty in relation to people who have publicly carried out dangerous acts in connection with armed conflict in the Chechen Republic". Falling under the amnesty were people who had perpetrated crimes in the period from 9 December 1994 to 31 December 1996.
13 December 1999	The Gosduma adopted the resolution "Concerning the announcement of an amnesty in relation to people who have carried out publicly dangerous acts in the course of the conduct of an anti-terrorist operation in the North Caucasus". Participants from illegal armed bandit formations or armed resistance benefited up to 1 February 2000.
20 February 2000	The Gosduma extended the period of the amnesty to midnight on 15 May 2000.

The new amnesty covers potentially criminal acts within Chechnya between 12 December 1993 and 1 August 2003, subsequently amended to 1 September 2003.

Box 4 - Resolution Concerning An Amnesty In Connection With The Adoption Of The Constitution Of The Chechen Republic - 6 June 2003⁸⁹

In connection with the adoption of the Constitution of the Chechen Republic governed by the principle of humanism, with the aim of strengthening the civil world and in accordance with point "e" part 1 article 103 of the Constitution of the Russian Federation, the State Duma of the Federal Assembly of the Russian Federation decrees:

1. Not to institute criminal matters in respect of persons who have publicly carried out dangerous acts in the course of an armed conflict and (or) the conduct of counter-terrorist operations within the borders of the former Checheno-Ingush Autonomous Soviet Socialist Republic who have refrained from participation in illegal armed formations or voluntarily surrendered weapons and combat equipment, in respect of military servicemen, employees of the Ministry for Internal Affairs of the Russian Federation, establishments and criminal investigation organs of the Ministry of Justice of the Russian Federation, and civilian personnel, workers and employees of the Armed Forces of the Russian Federation, other troops, military formations and organs, who have publicly carried out dangerous acts in the course of the conduct of the designated armed conflict and counter-terrorist operations.
2. To cease criminal actions lodged with organs of inquiry and preliminary consequences, and criminal matters not considered by the courts, in respect of persons designated in point 1 of the present Resolution.
3. To free persons from serving a sentence as designated under point 1 of the present Resolution.
4. Not to extend the actions of points 1-3 of the present Resolution to persons who have carried out acts foreseen by articles 66-68, 77, 91, 102, 102, 117, 121, 1261, 146, 1762, 1912, 229, 240 and 242 of the Criminal Code RSFSR, confirmed by the Law of the RSFSR from 27 October 1960 "Concerning confirmation of the Criminal Code of the RSFSR", in the

⁸⁸ *Moskovskiy Novosti*, No 15, 2--28 April 2003, "Amnistiya pod grifom "sekretno"" by Sanobar Shermatova.

⁸⁹ <http://www.rg.ru/oficial/doc/gd/4125-03.shtml>, "Postanovleniye Gosudarstvennoy Dumy, Federal'nogo Sobraniya Rossiyskoy Federatsii", 6 June 2003, N4125-III GD.

edition of laws and other normative legal acts, which were adopted in the period from 27 October 1960 to 1 January 1997, to the parts concerning the insertion of changes and additions to the Criminal Code of the RSFSR;

to persons who have carried out acts foreseen by articles 105, 111, 126, 131, 132, 152, 162, 205, 206, 209, 244, 277, 281, 294-296, 317, 333, 334 and 357 of the Criminal Code of the Russian Federation;

to persons who have carried out crimes of especially dangerous recidivism; foreign citizens and person without citizenship.

5. To expunge the conviction of people freed from serving a sentence based on point 3 of the present Resolution.

6. The present Resolution comes into force from the day of its official publication and is executed in the order envisaged by the resolution of the State Duma of the Federal Assembly of the Russian Federation...

Shortly after the referendum, Pavel Krashenninikov, Chairman of the Duma Legislative Committee, gave a few details on the procedure which would be followed in bringing the amnesty into force, for:

“An act of amnesty is exclusively within the competence of the State Duma, there was no need for approval of the Federation Council, or the signature of the president. After the Duma voted on the two resolutions, namely the announcement of the amnesty and the order for its implementation, the text would then be published in “Rossiyskaya Gazeta” or “Parlamentskaya Gazeta” and from the moment of its publication it would come into force.”⁹⁰

Krashenninikov explained the limitations of the amnesty:

“The amnesty cannot apply only to a person of a defined nationality - it is a violation of the Constitution. We consider that a person who has committed a terrorist act in Moscow and in other towns, an organiser or participant, of course does not come within the amnesty. Furthermore those people who commit serious or especially grave crimes, for example murder, piracy [robbery], burglary cannot be amnestied... Accordingly, if the matter is about trading in petrol on the territory of Chechnya at this moment - then the person could be amnestied, if the matter is about trading in petrol in Vladivostok or Yekaterinburg, then this amnesty would not in any case apply to them. In the counter-terrorist operation Russian citizens as well as Chechens participated, and the amnesty applies to them equally. In the case when a warrant officer trades in petrol and is caught for this, he would be amnestied.”⁹¹

Krashenninikov explained that people would be eligible to be included under the amnesty if they have not committed serious crimes. Consequently, in the case of Budanov, in as much as he has been accused of a crime committed on the territory of Chechnya, he would fall within the amnesty. But he has been charged with a serious crime, so the amnesty would not apply to him.

⁹⁰ <http://www.nns.ru/interv/arch/2003/04/03/int9497.html>, NSN: Interv'yu nedeli Arkhiv, 3 April 2003, “Amnistiya luchshe zachistok i bombezhek” from Rossiyskaya Gazeta.

⁹¹ Ibid.

First Reading

On 16 May 2003 the State Duma Committee on Legislation recommended to the Duma to take the resolution concerning the amnesty in the normal way, but on 20 May they decided to consider it straightaway in three readings at the plenary sitting on 21 May. However, the Communists refused to vote if the process was taken so quickly, because in their opinion it violated Duma regulations.⁹² Consequently, the three readings of the draft resolution proposed by President Putin took place with the first reading on 21 May, the second on 4 June and the third and final reading on 6 June 2003.⁹³

At the first reading, 358 deputies voted for the resolution, with 18 deputies voting against.⁹⁴ There was one important amendment, an extension of the original expiry date of 1 August to 1 September 2003. Centrists and rightwingers supported the resolution. According to the leader of the 'Russia's Regions' group, Oleg Morozov: *"the amnesty works for that portion of Chechen citizens who do not want to fight. It is that 'fortochka' [a small hinged pane for ventilation in windows of Russian houses] which is open to those who wish to enter into the political process."*⁹⁵ The use of the word *fortochka* is illuminating: not much, but just enough for a breath of air - the minimum. In Morozov's reasoning, President Putin had promised an amnesty to the Chechen people on the eve of the referendum on the Constitution to help the political process on its way to normalisation. Consequently the president was in a hurry to carry out his promise and ensure success in the forthcoming elections. His amnesty proposal had been enlarged and widened to include participants in both the first and second Chechen campaigns.

The State Duma also considered another draft resolution on the amnesty prepared by the Chechen deputy Aslambek Aslakhanov. Aslakhanov proposed an amnesty for those who had not committed especially dangerous crimes in Chechnya, but also for those Chechens *"saving themselves from the hell at home in their native land [who] were forced to leave"*.⁹⁶ Aslakhanov had laboured long and hard over his alternative draft. *"My draft of the amnesty is directed not only at the boyeviki, but also normal Chechens throughout the whole of Russia, whom the militia have caught through the surreptitious planting of narcotics."*⁹⁷ Basically Aslakhanov's draft was scheduled to cover: first, those who have surrendered their weapons; second, people sentenced to up to 5 years loss of freedom; third, men and women under 50 years of age. It was also Aslakhanov's hope that the best would be taken from his draft and that of the Duma to make one good and comprehensive document. Whilst the committee declined to recommend the Aslakhanov draft, they recommended that the government develop a mechanism of protection for those amnestied from possible reprisals by the terrorists. Understandably, Aslakhanov saw the problem not from the point of view of deputies sitting in Moscow but in terms of the actual

⁹² <http://www.gzt.ru/rubricator.gzt/id=3155000000012254>, GZT.ru, 21 May 2003, "Kommunisty amnistii ne khotyat" by Anastasiya Matveyeva.

⁹³ Ibid, 22 May 2003, "Amnistiya budut prinimat' po chastyam" by Ol'ga Redikina & Aleksandr Igorev.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid, 21 May 2003, "Kommunisty amnistii ne khotyat" by Anastasiya Matveyeva.

⁹⁷ <http://www.gazeta.ru/2003/04/15/amnistiya4e4e.shtml>, Gazeta.Ru, 15 April 2003, "Chechentsev prostyat v Mae" by Boris Sapozhnikov & Artem Vernidub.

experiences of the Chechen people: *"It is necessary to give the Chechen people the possibility of returning to a peaceful life, to grant them a workplace so that they can create and maintain families. If the people are deceived and their hopes are dashed, then there will be a catastrophe."*⁹⁸

Whilst Aslakhanov would not speculate about the number of people who would come under his draft amnesty, he stressed two points: first, no amnesty can stop a war and secondly it cannot be predicted whether an amnesty would stop the resistance of the *boyeviki*. Furthermore, he added, it certainly could not be used for a person such as Aslan Maskhadov.

Box 5 - Comments On Amnesty⁹⁹

Adam Bibulatov, Former Battalion Commander of Shamil' Basayev's 'Suicide Fighters' (by telephone)

"The amnesty is necessary of course, but not as the Duma considers. If it is approved, it will involve a minimum number of people. I will explain. First, Chechens convicted for participation in illegal armed formations, as a rule, received long periods of imprisonment and do not fall within this amnesty. Second, those who are still in the mountains are afraid to surrender weapons, because on the very next day the *federaly* will come to them, to surreptitiously place drugs, weapons and convict them anew. This is the best case, and does not exclude being taken away at night in a BTR to an unknown destination.

Whilst *zachistki* and visits at night continue no one will hand in weapons. The present amnesty will only be another loophole for corrupt officials and procurators who for money will free those who have rich relations to buy them out of prison. A breakthrough and huge step in trust towards the federal government would be a universal national amnesty which Aslambek Aslakhanov proposed."

Ali Atuyev, Former Commander of Land Forces, Brigadier General (by telephone from Chechnya)

"I was amnestied after the first Chechen campaign. And that amnesty was a real step, otherwise after my arrest by the Daghestani *rubopvtsy* [organised crime fighting unit] in 1998 I would hardly be alive now... The amnesty should include those people who took up weapons for an idea or by mistake. But this matter is delicate. I would compare this with the work of a micro-surgeon.

There is one inexactitude and it needs to be amputated. For example, information often reaches me that in Chechnya absolutely innocent people, especially youngsters are missing, who in general never took up arms. Understandably without exaggeration it does not happen in Russia, but as a whole it is possible to observe law and order.

Now the most important thing is to prevent the historically developing chain of wars in the Caucasus. And the amnesty is a step in removing enmity between Chechens and Russians."

Lema Kasayev, Former Deputy Chairman of the Checheno-Ingush ASSR Government

The amnesty creates a political prerequisite for the stabilisation of the situation in Chechnya, and in this, it seems to me, is the main objective. Today favourable conditions are being formed so that a peaceful life is finally established in the republic. If we dispossess the terrorists of support from the local population, the liquidation of the bands will be a question of time.

⁹⁸ <http://www.gzt.ru/rubricator.gzt/rubric=novosti&id=3155000000011837>, GZT.ru, 16 May 2003, "*Chechenskim boyevikom ostalos' tol'ko sdatsya*" by Anastasiya Matveyeva.

⁹⁹ http://www.elrg@rg.ru/Anons/arc_2003/0522/1.shtm, *Rossiyskaya Gazeta*, No 96, 22 May 2003, "*Proshchenaya sreda - Mneniye*".

Many of those who help the *boyeviki* could repent, but are frightened of repression by the state for their actions which are regarded under the Criminal Code as crimes. The amnesty is directed at them, but not those people who blow up the administration, buses with children, old men and women. For murderers, rapists, kidnappers of people and hostages there are only two ways out: prison or death. Nor must it be forgotten that in the republic it is vital to create the economic conditions for a return to a peaceful life. Without this any political initiative of the country's leadership, even mercies such as amnesties will not give the expected result.

There must be a peaceful alternative to having submachine guns, otherwise *boyeviki* will migrate from the mountains to the villages. By day they plough the land, but at night they work off the dollars from al Qaeda and other international terrorist organisations, murdering local activists and representatives of the federal government."

Second Reading

At the second reading, 300 deputies voted for the amnesty, two voted against and one abstained.¹⁰⁰ With regard to the procedure for adopting it, 308 deputies voted for, two voted against and there were no abstentions. The sitting approved the extension of the amnesty to 1 September 2003.

The Chechen deputy Aslakhanov wanted to widen still further the number of people who would qualify for an amnesty. He wanted to include those people who had committed crimes and were under extreme pressure, as a result of outrages against the religious or national feelings of inhabitants of the republic. Aslakhanov also proposed that the amnesty would include all minors, old men, children and invalids. However, once again the Duma declined his proposal, having decided that such an excessive widening was unwarranted, so perhaps it was not surprising that he commented, *"I never expected anything from this amnesty - in the last amnesty in 1997 in all 39 people were amnestied and now only 10 will be, no more"*.¹⁰¹

One matter which attracted the concern of another deputy was the fact that there was no mechanism to protect those who had surrendered weapons from abuse by the law enforcement agencies. A possible way round this problem was to give the president's special adviser on human rights a role in monitoring the lawfulness of the amnesty.

This transaction requires trust. One of the problems is that throughout the course of the second Chechen conflict there has been a complete absence of trust. The hostility between the warring factions is such that it is not possible to proceed without go-betweens. One wonders how much credence can be given to Kadyrov's statement that *"questions of guaranteeing safety to boyeviki who have surrendered weapons are under my personal control,"* particularly when he said in almost the same breath that the amnesty must touch everyone less *"the odious bandits of the Maskhadov and Zakayev type"*.¹⁰² Kadyrov and his allies the Yamadayev brothers, whilst occupying high positions in the pro-Russian Chechen administration, do not have untainted pasts from the Russian point of view.

¹⁰⁰ <http://www.gzt.ru/rub.gzt?rubric=novosti&id=3155000000013366> GZT.ru, 4 June 2003, *"Gosduma prodlila Chechenskuyu amnistiya - do 1 Sentyabrya 2003"*.

¹⁰¹ Ibid.

¹⁰² <http://www.nns.ru/chronicle/index.html>, NSN: Temy dnya, 23 April 2003, *"Kadyrov ne obeshchayet razoruzheniya boyevikov"*.

Third Reading

On 6 June 2003 the Gosduma approved the resolution with 351 deputies voting for the resolution.¹⁰³

Box 6 - Views Of Duma Deputies At Third Reading¹⁰⁴

Pavel Krasheninnikov, Chairman of the Duma Legislative Committee, urged the newspaper proprietors to publish as quickly as possible, so that those wishing to return to a peaceful life could return to their homes more quickly. *“A pardon would only be extended to those who surrendered weapons before 1 September 2003.”*

The Chairman of the “Russia’s Regions” group Vladimir Butkeyev looked at the amnesty with optimism: *“Fewer people come within the amnesty, and this is already good. The amnesty also concerns our servicemen who have broken the law. This is an act of humanity on the part of the Russian government, indisputably it will be a step towards the renewal of a peaceful life in Chechnya.”*

However, the Deputy Speaker from the Liberal Democrat Party of Russia (LDPR) faction, Vladimir Zhirinovskiy, was convinced that if the *boyeviki* vacated the forests and descended from the mountains it would not be to rebuild Chechnya. *“We give them money, they buy weapons and kill our soldiers. And we will constantly be aware of information about something being blown up somewhere.”*

“Money was paid to people so that they would fight, but we must pay them so they won’t fight. Formerly, they paid money to Shamil, he went to Kaluga and lived peacefully there,” Yuriy Tsybakin, a “Yedinstvo” deputy recalled, in a reference to the 19th century Chechen leader.

Sergey Mitrokhin, a “Yabloko” deputy, considered that *“An amnesty is a strong instrument, but it must be used opportunely. But now Chechnya is a deadend, an escalation of violence, terrorist acts. And an amnesty is turned into PR for bureaucratic bookkeeping. Such an amnesty will not induce anyone to surrender weapons.”*

Nikolay Kharitonov, leader of the Agrarian Party, said that *“Today we already have a little stone, it’s not necessary to throw it to Chechnya, but to pave this way for them. And if the boyeviki don’t wish to surrender their weapons, it is necessary then to untie the hands of the military.”*

Comparing the 1999 amnesty with the one in 2003, there are significant differences. In the 1999 amnesty, as the status of Chechnya was undefined as a result of the Khasavyurt Accords of 30/31 August 1996 the text took the following form for those eligible for a pardon:

“Persons who publicly carried out dangerous acts in the course of the conduct of the anti-terrorist operation in the North Caucasus, who have ceased armed opposition and have voluntarily surrendered weapons and combat equipment.”¹⁰⁵

The 2003 amnesty is more precise. The categories of *federaly* falling within the present amnesty have also been widened. The 1999 text included *“Military*

¹⁰³ http://www.elrg@rg.ru/Anons/arc_2003/0607/3.shtm, *Rossiyskaya Gazeta*, No 110, 7 June 2003, “*Den’ proshcheniya*”.

¹⁰⁴ Ibid.

¹⁰⁵ *Moskovskiye Novosti*, No 15, 22-28 April 2003.

Chechnya: Normalisation

servicemen, employees of organs belonging to the Interior Ministry and employees of criminal investigation systems,” whereas the 2003 text also includes: *“civilian personnel, workers and employees of the Armed Forces of the Russian Federation, other troops, military formations and organs”*.¹⁰⁶

In the 1999 amnesty, among criminals disbarred from benefiting from the amnesty were: *“Military servicemen, employees of organs belonging to the Interior Ministry and employees of criminal investigation systems, who had carried out the theft of firearms, ammunition, explosive substances and sold them to participants of illegal armed formations, either firm armed groups (bands) or to different people who are opposed to the conduct of the anti-terrorist operation in the North Caucasus”*.¹⁰⁷ However, in the 2003 amnesty, only the sale is amnestied; the theft remains a crime to be pursued.

Snezhkina airs the view that the amnesty of 2003 cuts out a whole list of criminal matters such as rear element theft, criminal violence, *dedovshchina*, the violation of the laws of flying - crimes by the *federaly* against their own side. In this regard Snezhkina cites two instances where senior officers will be amnestied: General Cherkashenko whose faulty operational planning resulted in the the death of members of a spetsnaz detachment when attacked by their own aircraft in the year 2000; and those whose violation of orders resulted in the loss of a Mi-26 helicopter and the death of 118 people in August 2002 at Khankala.

Table 5 - Procurator General's List Of Criminal Acts Committed By Federal Forces During 2nd Conflict¹⁰⁸

Crime	Criminal Code RF Article	Number Committed	Remarks
Murder	105	12	
Murder	108	1	Self-defence
Murder	109	2	Causing death by negligence
Theft	158-163	13	Theft of personal belongings
Harm to health	118	1	
Premeditated destruction or damage	167	1	
Exceeding authority	286	4	
Violation of driving rules	350	5	Driving armoured vehicles
Criminal negligence	293	1	
Rape	131	2	
Hooliganism	213	5	

In the light of the continuous publicity which has been given to crimes against the civil population with massive artillery and aerial bombardment and the never-ending *zachistki*,¹⁰⁹ the case list of crimes allegedly committed by federal forces

¹⁰⁶ <http://www.kolokol.ru/chechnya/32949.html>, Kolokol.ru, 21 May 2003.

¹⁰⁷ Ibid.

¹⁰⁸ <http://www.kolokol.ru/chechnya/32949.html>, Kolokol.ru, 21 May 2003.

¹⁰⁹ See C W Blandy, *“Chechnya: Dynamics of War, Brutality and Stress”*, P35, CSRC, July 2001; also idem, *“Chechnya: Dynamics of War - Hounded Out?”*, P36, CSRC, September 2001.

against the local population in Chechnya which have been lodged with the procurator general of the Russian Federation is appallingly deficient.

In the normal course of events an amnesty should draw a line under a conflict, from where both sides can swallow their differences, endeavour jointly to live in peace and even give opportunities for 'rebels' to become part of the political process. As Nasrudy Kalugich pointed out:

*"The optimum government turns society into a fully-fledged organism: a whole, vibrant, rational entity, which develops into a high degree of self-provision in turn protected from spontaneous, uncontrolled and ill-intentioned destructive influences. In society such a government has wide support, establishing peace and prosperity. A bad government on the other hand destroys society, the internal and external links around its environment. The present day situation in the Chechen Republic is a result of an extreme degree of this deformity".*¹¹⁰

An amnesty for Chechen and Russian alike could be a beneficial process towards enrolling the support of the silent majority of the civilian population for a new start in Chechnya.

However, it is hard to disagree with Snezhkina's overriding impression that this second Chechen amnesty is *"an amnesty of the victors... And victors are not judged."*¹¹¹ Those who have participated in combat operations against federal forces, organising attacks and diversions or partisan warfare simply do not come within the terms of the amnesty. Should a federal serviceman be killed or injured as a result of a mine or other explosive device, any member of a separatist group which laid the mine, even though he may have had no connection with the laying of that particular mine, could be accused of murder or attempted murder and is therefore ineligible for the amnesty. With such a universal 'hook' it will be possible to apprehend and hold a former *bojevik* at any time in the future.

Furthermore, the amnesty will give Akhmed-Khadzhi Kadyrov and his team almost three months to bring order to Chechnya through the Chechen militia, Kadyrov's large bodyguard and others. *"The idea of the action of a promise and reconciliation ascended in the air long ago."*¹¹²

It is understandable that in Moscow's perception, normalisation has been long overdue. A start has now been made. Yet having viewed the chaos in Chechnya from a distance, maybe neither totally comprehending nor caring about the dynamics of the situation, and ignoring the fact that to a large degree responsibility lies at its door, the Kremlin may have erred in not going more actively down the longer and at times frustrating route where views from outside the closed link between Moscow and Grozny could have played a larger part in a positive endeavour to bring normality to Chechnya on a deeper and more equitable foundation.

¹¹⁰ NG - *Regiony - Oktyabr' 2001*, No 13, 16 October 2001, p9.

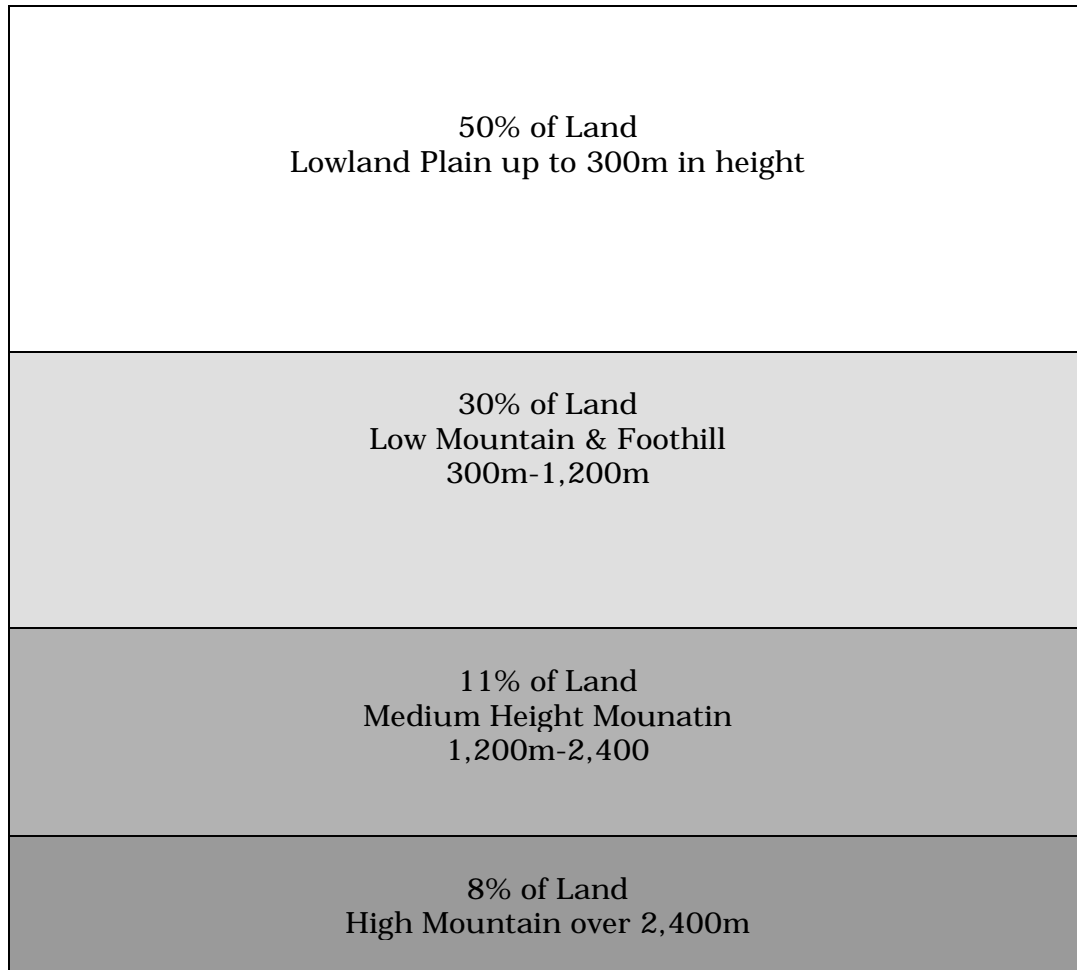
¹¹¹ Ibid.

¹¹² http://www.egk.ru/article.php?article_id=2445&name_heading=BNYTRENNIYMIR, "Mission pochtii impossible" by Aleksandr Mnatsakanyan.

Chechen Society

The geographical dimensions of this mini-republic only measure some 100 by 80 kilometres, and its topographical surface is complicated, intricate and diverse. It is worth noting that 80% of the land is in fact under 2,200 metres, but the territory over 1,200 metres, where the diehard anti-Russian elements are strongest, only represents some 19% of the land. This must surely make a strong rebuttal for any territorial division, on the grounds that it would scarcely be a viable economic enterprise.¹¹³

Figure 1 - Chechen Terrain From North To South¹¹⁴



To understand contemporary Chechen society it is helpful to become acquainted with the *tukkhumy* (societies) and *teipy* (clans); however, the structure of society in Chechnya is rather more complicated. A number of studies have been “*far from complete*”.¹¹⁵ Understandably, even among Chechen writers, differences exist in

¹¹³ See C W Blandy, “*Pankisskoye Gorge: Residents, Refugees and Fighters*”, P37, CSRC, March 2002, p10 for insights into low population in Itum-Kale rayon.

¹¹⁴ Author’s note. Quite obviously Figure 1 above, being a very generalised diagram, does not take account of features such as the Tersko-Sunzhenskaya Highland which lies between the River Terek and the Chechen Central Plain.

detail, emphasis and nuance. Mayrbek Vachagayev however explodes some of the myths: the seeming homogenous nature of Chechen society, the influence of *tukkhumy* on the communal process, the illusion that *teip* power decides everything and the misconception of dividing Chechens into mountain dwellers and plainsmen.

Basic Structure Of Chechen Society

During the 16th and 17th Centuries nine *tukkhumy*, composed of separate *teipy* were formed in Chechnya, the “*Akkiy, Myalkiy, Nokhchmakhkakhoy, Orstkhoy (Ershtkhoy), Terloy, Chantiy, Cheberloy (Chebarloy), Sharoy and Shotoy*”.¹¹⁶ Whilst Vachagayev and Aydayev are in agreement over the names and number of *tukkhumy* which came into being, they differ over the question of blood ties.

Vachagayev states that the Chechen nation was formed from a political-military union of nine blood-related *tukkhumy* in each of which blood-related *teipy* (clans) were developed.¹¹⁷ On the other hand, Aydayev maintains that “*A Chechen tukkhum was a military economic union of a defined group of teipy, which had no blood-relation ties, but were combined into a much higher association for joint decision-making or the solution of general tasks concerning defence from enemy attacks, trade and economic bartering*”.¹¹⁸

According to Aydayev whilst seven out the nine *tukkhumy* mentioned above were formed on a territorial basis, the Terloy and Chantiy unions were formed through ties of blood-kinship.¹¹⁹

From the time that Chechen *teipy* started to grow in size, members of a particular *teip* formed their own separate, tightly-knit *kvartal* or *kup* (quarter or community) within a village society. As they developed into large blood-related families a new structure came to be formed within the *teip*, namely the *gar*. Vachagayev illustrates this by the example of the Benoy *teip* which is divided into nine *gary*, namely the Ati, Gurzhmakhkakhoy, Doyvshi, Zhobi, Asti, Ochi, Yonzhb, Chupal and Edi.¹²⁰ Aydayev notes that in the case of the Terloy as a result of development and growth, segmentation of the main union structure also took place with the establishment of *gary*, namely the Beshni, Bavloy, Zherakhoy, Kenakhoy, Matsarkhoy, Nikaroy, Oshniy, Sanakhoy and Shyundiy¹²¹ which according to Vachagayev are now considered as *teipy*.¹²² Sometimes there were no *gary*, so the *teip* structure went

¹¹⁵ Mayrbek Vachagayev, “*Sovremennoye Chechenskoye Obshchestvo*”, p16, “*Tsentral'naya Azia i Kavkaz*”, No 2, 2003.

¹¹⁶ “*Chechentsy istoriya sovremennost'*”, Ed, Doctor Yu A Aydayev, Member of the Academy of Natural Sciences RF & Academy of Social Sciences, Mir domu tvoyemu, 1996, p185. The Chechen Regional Department of the Academy of Social Sciences and the Institute of National Literature and Entsiklopedias of the Academy of Natural Sciences participated in the publication.

¹¹⁷ Vachagayev, op cit, p17.

¹¹⁸ Aydayev, p185.

¹¹⁹ Ibid.

¹²⁰ Vachagayev, op cit, p17.

¹²¹ Aydayev, op cit, p185.

¹²² Vachagayev, op cit, p18.

vertically down to the subdivision below the *gar*, namely the *nek'* (branch). In order to ascertain the location of a *teip* or communities belonging to a *teip* in large populated points on the plain, use is made of the *gar* or *nek'*, for a whole village can be divided into *nek'i* in their various *kvartal* or *kupy*. In giving the example of the large number of *nek'i* in Avtury belonging to the Gunoy *teip*, Vachagayev also makes the point that as the *teipy* themselves have become numerically large today, even the *nek'i* have the characteristics of a *teip*. The entities below the *nek'* are the *tsa* (large family/extended family) and *dozal* (ordinary family).

Table 5 - Structure Of Chechen Society¹²³

Chechen Name	Russian	English Appellation & Remarks
<i>Kam</i>	<i>Narod</i>	People/Nation
<i>Tukkhum</i>	<i>Obshchestvo</i>	Society
<i>Teip</i>	<i>Klan</i>	Clan - a complex, multi-stage formation
<i>Va'r</i>	<i>Vyar</i>	According to Aydayev, "a blood-related group of people, a word which more accurately defined the understanding of the word <i>teip</i> " ¹²⁴
<i>Gar</i>	<i>Otvetvleniye</i>	Offshoot. Sometimes the <i>gar</i> level does not exist
<i>Nek'</i>	<i>Vetv'</i>	Branch
<i>Tsa</i>	<i>Familiya</i>	Large family/extended family - grandfather, sons, grandsons
<i>Dozal</i>	<i>Semya</i>	Family - husband, wife & their children
<i>Kup</i>	<i>Kvartal</i>	Each village was divided into various <i>teip</i> quarters, communities or blocks of flats in towns

Tukkhumy

Leaving aside the question of blood-related ties, the Chechen *tukkhum* was a form of military-economic or military-political union of a group of *teipy*, combined together for joint decision-making or defence from enemy attacks, trade and economic bartering. A *tukkhum* used to occupy a defined piece of territory and *teipy* which were part of the *tukkhum* occupied themselves in the surrounding area in hunting, livestock breeding and agriculture. Each *tukkhum* spoke a particular dialect of the Vaynakh language.

A Chechen *tukkhum*, unlike a tribe or clan, did not have an official head or chief, and neither did it have a military commander (*byachcha*).¹²⁵ From this it becomes evident that a *tukkhum* was not so much an organ of government, but perhaps more of a social organisation, which was an important phase in the development of the concept of government. Likewise, the formation of *tukkhumy* can be seen to be part of the formative process of a nation, although the tendency for local division by *teipy* in many respects continues to exist. Within the *tukkhum*, there was a Council of Elders, a consultative organ, with representatives from all the *teipy* which were members of that *tukkhum*. All the tribes within the *tukkhum* had equal rights, but these rights were subject to modification depending on the position and degree of respect in which they were held. The *tukkhum* council was convened in the event of the need to resolve inter-*teip* arguments, differences and disputes; and for the defence of the *tukkhum's* interests as well as those of individual *teipy*. Next in line was the National Council (*Mekhhhan Kkhel*) composed of *teip* elders and religious

¹²³ Ibid, p17.

¹²⁴ Aydayev, op cit, p189.

¹²⁵ Ibid, p185.

leaders, which discussed individual problems and issues relating to customs. The national council had the right to declare war and make peace, to carry out negotiations with foreign ambassadors, to conclude alliances and to break them off.

Vachagayev points out that whilst everyone nowadays knows that there were nine *tukkhumy*, not everybody is aware that some *teipy* have no connection with *tukkhumy* at all and existed outside a *tukkhum* over a large span of history: the Gukhoy, Dzumsoy, Sumsoy, Maysty, Mul'khoy, Nashkhoy (Charmakhoy), Peshkhoy, Kharsenoy, Khukhoy, Sadoy and Chinkhoy are prominent examples.¹²⁶ Today on account of their size they make the claim that they have the same structure as a *tukkhum*, having *gary* and *nek'i* which gives them the right to call themselves *teipy*.

According to Vachagayev the concept of *tukkhumy* nowadays in Chechnya is a phenomenon that few talk about; maybe a small number of people are able to say correctly in which *tukkhum* their *teip* was formed, but “a *tukkhum* as a structure no longer plays any practical role in society”.¹²⁷ A *tukkhum* today in Vachagayev's opinion only has a function from a limited, geographical standpoint in assisting those interested in researching *teip* blood relations.

Box 6 - Composition Of The Nine *Tukkhumy*¹²⁸

Seven Established on Territorial & Economic Grounds

Akkiy (Akkintsy or Aukhovtsy):

Teipy: Barchakhoy, Zhevoy, Zogoy, Nokhoy (Nokkoy), Pkharchoy, Pkharchakhoy, Viappii
Locations: occupied whole of eastern Chechnya on the border with Daghestan, Aukh, high mountain areas of Little Chechnya

Myalkhi

Teipy: Amkhoy, Bastiy, Benastkhoy, Italchkhoy, Kalmalkhoy, Koratkhoy, Kegankhoy, Meshii, Sakankhoy, Teratkhoy, Charkhoy, Erkhoy, Barchakhoy, Dzharkhoy, Yuegankhoy
Locations: occupied south-western Chechnya on the border with Khevsuretia and Ingushetia

Nokhchmakhkhoy

Teipy: Large *teipy* were united in this *tukkhum*, such as, Alleroy, Belgatoy, Benoy, Biltoy, Gendargenoy, Gordaloy, Gunoy, Zandakhoy, Ikhirkhoy, Ishkhoy, Kurchaloy, Sesankhoy, Chermoy, Tsentaroy, Chartoy, Egkhashbatoy, Enakkhalloy, Enganoy, Shonoy, Yalkhoy, Aytkkhaloy, Dattkhoy, Kushbukhoy (same as Aliroy), Shchontapoy, Shirdi, Shuonoy, Elistanzhoy, Ersanoy

Locations: present in the east and north east of Chechnya, but particularly in the central areas, namely Ichkeria, Bol'shaya Chechnya, Kachkalik

¹²⁶ Vachagayev, op cit, p20. List of *teipy* never included in a *tukkhum*: “Amakhoy, Belkhoy, Betsakhoy, Bigakhoy, Garchoy, Goy, Galoy, Giloy, Gukhoy, Guchingkhoy, Dzumskhoy, Zumskhoy, Zurzak'khoy, Kstankhoy, Key, Kuloy, Kkhartoy, Lashkaroy, Mazarkhoy, Maysty, Marshaloy, Merloy, Mulkoy, Nashkhoy, Nikotoy, Peshkhoy, Sakhandoy, Syabaloy, Tulkkhoy, Kharsenoy, Khurkoy, Khukoy, Khurkhoy, Tsatsankhoy, Teysi, Charkhoy, Chinkhoy”.

¹²⁷ Ibid, p19.

¹²⁸ Aydayev, op cit, p187. Shaded parts are from Vachagayev, op cit, p18.

Chebarloy (Cherbeloy)

Teipy: Day, Makazhoy, Sadoy, Sandakhoy, Sikkakhoy, Surkhoy, Arstkhoy, Achaloy, Basoy, Begchakhoy, Bunikhoy, Zu'khoy, Kezenkhoy, Kelay, Makazhoy, Nizheloy, Nokhch-Kelay, Pigakhoy, Sikkhoy, Khoy, Tsikapoy, Chebyakhkinkhoy

Locations: as with the Sharoy *tukkhum* occupied the south east of Chechnya and along the River Sharo-Argun

Sharoy

Teipy: Kinkhoy, Rigakhoy, Khikhoy, Khoy, Khakmadoy, Shikaroy, Zhogaldoy, Ikaroy, Kinkhoy, Kiri, Khimoy, Khulandoy, Cheroy

Locations: same as Chebarloy

Shotoy

Teipy: Varandoy, Vasharandoy, Gattoy, Kelay, Marshoy, Nikhaloy, Pkhamtoy, Sattoy, Khakkoy, Tumskhoy, Khal-Kelay

Locations: occupying Central Chechnya along the valley of the Argun

Ershtkhoy (Orstkhoy)

Teipy: Galoy [Galay], Gandaloy, Garchoy, Merzhoy, Muzhakhoy, Tsechoy, Alkhoy, Andaloy, Belkharoy (Ingush familiya), Bokoy (Ingush familiya), Bulguchkhoy, Vielkha-Nek'i, Galay, Gandaloy (Ingush familiya), Garchoy, Merzhoy (Ingush familiya), Muzhakhoy (Ingush familiya), Muzhgakhoy, Orgkhoy, Fergkhoy (Ingush familiya), Khevkharay, Khevkhakharoy, Chechoy (Ingush familiya)

Locations: western Chechnya, in the valley of the River Nizhniy Martan (River Fortanga)

Two Tukkhumy Formed By Blood Kinship Ties**Chantiy Union:**

Teipy: Borzoy, Bugaroy, Khildekharoy, Derakhoy, Kkhokadoy, Khacharoy, Tumsoy

Locations: upper reaches of the River Chanti-Argun

Terloy Union:

Teipy: Beshni, Bavloy, Zherakhoy, Kenakhoy, Matsarkhoy, Nikaroy, Oshniy, Sanakhoy, Shyundiy, Eltparkhoy

Location: Same as for Chantiy Union

Teipy

Teipy were described by Bennigsen and Wimbush as the basic cell of Chechen society, "a *clanic, exogamous, patronymic formation, with members descending from a common [male] ancestor (twelve generations as a rule)*".¹²⁹ Aydayev, writing in 1996, went a little further and stated that not only is a *teip* the basic cell of Chechen society, but: "It is a group of families which has developed on the basis of primitive, simple practical relations, in which its members making use of identical personal rights are bound together by kinship blood ties through the line of paternal descent. Freedom, equality and brotherhood, although not articulated formally by anyone, were the basic essentials in the early beginnings of tribal structure leading to the whole organisation of Chechen society."¹³⁰

Writing in 2003 Vachagayev describes a *teip* as "a complex, multi-staged formation"¹³¹ which has led to misconceptions among certain academics and politicians who have placed an inordinate amount of emphasis on this structure.

¹²⁹ Bennigsen & Wimbush, op cit, p184.

¹³⁰ Aydayev, op cit, p187.

¹³¹ Vachagayev, op cit, p20.

He dismisses statements which make claims about particular *teipy* being considered as “*very large and rich*” as revealing the speakers' ignorance. Not only are such approaches to the subject characteristic of Russian politicians, generals and journalists, he writes, but Chechen politicians as well have made similar mistakes and continue to do so.

Box 7 lists the names of some of the 135 *teipy* which to a degree are reflected in village and settlement names.

Box 7 - Chechen Teipy (Clans)¹³²

Aytkkhaloy, Achaloy; Alleroy;
 Barchakhoy, Belkhoy, Belgatoy, Benoy, Betsakhoy, Biltoy, Bigakhoy, Burglaroy;
 Varanddoy, Vashandaroy, Va'ppiy;
 Galoy [Galay], Gandaloy, Glarchoy, Glattoy, Gendargenoy, Giloy, Gloy, Glordaloy, Gukhoy, Gunoy;
 Dattakhoy, Day, Dishniy, Do'rakhoy;
 Zhevoy;
 Zandakhoy, Zlogoy, Zumsoy (same as Burglaroy), Zurzak'oy, Zur'khoy;
 Ishkhoy, Ikhlikhoy, Italchkhoy;
 Kamalkhoy, Key, Keloy, Kuloy, Kurchaloy, Kushbukhoy (same as Aliroy), Kkharoy, Klegankhoy;
 Lashkaroy;
 Makazhoy, Marshaloy, Merzhoy, Merloy, Mazarkhoy, Maystoy, Muzhakhoy, Mulkoy, [Melkhi]
 Nashkhoy, Nizhaloy, Niklaroy, Nikhaloy, Nokkkhoy;
 Peshkhoy, Pkh'amtoy, Pkh'archoy;
 Rigakhoy;
 Sadoy, Sakh'andoy, Syarbaloy, Sa'ttoy;
 Tulkhoy, Turkhoy;
 Kharachoy, Khersanoy, Khildekh'arkhoy, Khoy, Khulandoy, Khurkhoy, Kh'akkoy (same as Shchogankhoy), Kh'akmadoy, Kh'acharoy, Khimoy, Khikhoy, Khurkoy;
 Tsatsankhoy, Tsentaroy, Tsechoy;
 Chartoy, Charkhoy, Chermoy, Charkhoy, Chinkhoy, Chungaroy;
 Sharoy, Shik'aroy, Shirdoy, Shuonoy, Shpirdiy;
 Eglashbatoy, Elstanzhiy, Enakkhaloy, Ersanoy, Erkhoy;
 Yalkharoy.

***Teip* Evolution**

Small Chechen *teipy* were surrounded by larger and stronger neighbours, Georgians, Kabardins, Kumyks and others, the feudal leaders of which constantly encroached upon the liberty and interests of the smaller clans/tribes. This, together with the absence of any form of statehood in Chechnya, had a strong influence on *teip* cohesion. Aydayev makes an important point which has certainly been manifest during the second Russo-Chechen conflict, namely that cohesion even in ancient times in the face of an external threat tended to give the appearance, “*but only the appearance of equality, brotherhood and the defence of mutual interests of one another*”.¹³³

The owners of the defensive towers which are such a historical feature in Chechnya attained a dominant position in their area and therefore were able to block

¹³² Aydayev, op cit, p189.

¹³³ Aydayev, op cit, p185.

mountain paths and extract tolls.¹³⁴ The land belonged to *teipy* but not to single families. Thus, various *teipy* (but not their families) became rulers and the weaker *teipy* became vassals of the strong or “went into slavery or under the patronage”¹³⁵ of stronger *teipy*. Unransomed prisoners or hostages became slaves,¹³⁶ who might after marriage remain in the tribe with the rights of junior members. All members of the *teip* considered themselves to be equal and to be free men (*uzden*). “Consequently by the 17th century in the mountains of Checheno-Ingushetia there was no formulation of feudalism, but only an infection of its elements.”¹³⁷

Nevertheless, Aydayev maintained that whilst the Chechen *teip* by the beginning of the 17th century was by no means an archaic entity, the decline of the *teip* system had already started:

*“The tribal structure of the Chechens of this period was already the product of its own decline, a manifestation of its potential internal contradictions, of the decay of its forms, which have appeared unshakeable up until now, and which have followed from the original, rightful principles of tribalism, which had earlier cemented the tribal structure and artificially held its decline in check. These old forms and tribal principles had already come to be contradicted by those socio-property changes for the better, which have grown every day within separate clan/tribal cells. The juridical framework of tribal/clan corporations no longer related to the property-structure of society.”*¹³⁸

The process was hastened later by forced resettlement from mountain to plain during the Long Caucasus War 1817-1864, when it was accompanied by the tsarist policy of land allotment of so many *desyatina* per male person,¹³⁹ which in turn provided an element of private ownership as opposed to land and accommodation being held in common. Land allotment was part of a distinct tsarist policy to winkle Chechen resistance out of the mountain massif to wooden dwellings which could be easily destroyed by military force, in contrast to the almost impregnable and indestructible stone mountain auls. Perhaps later, decision making by *teip* councils

¹³⁴ Shakhbiyev, op cit, p95. “The toll or customs duty for a through-passage: one bullet or one powder charge from the traveller, one ram for driving a flock of sheep through, and caravan duty on goods.”

¹³⁵ Ibid.

¹³⁶ Troshev, “*Moya Voyna*”, p80. “At one time also Russian forebears of Shamil’ Basayev joined the Benoy *teip*. Yes, Russians. It’s known that the hereditary lair of the Basayevs is situated in the village of Dyshne-Vedeno. It’s not simply a mountain aul. During the Caucasian War in 1840 according to the decree of the Avar Imam Shamil’ Russian prisoners founded it. But not those who fell into bondage by force. Russian deserters and turncoats built the settlement, voluntarily transferring to the enemy. After adopting Islam the ‘new Chechens’ with special fanaticism fought with weapons against their former comrades. Russian traitors applied not a little force to become Vaynakh peoples. For 160 years, ‘pure-bred’ inhabitants of Ichkeria mockingly called the natives of Dyshne-Vedeno *Chechens with Russian tails*.”

¹³⁷ Shakhbiyev, op cit, p96.

¹³⁸ Aydayev, op cit, p188.

¹³⁹ “Desyatina - Russian unit of land area equal to 2400 sq sazhen’ (sazhen’ = 7 ft) or 1.09 hectares, Ozhegov, *Slovar’ Russkogo Yazyka*, Moskva, Izdatel’stvo Russkiy Yazyk, 1978, p149.

in their mountain fastness did not adequately reflect the working conditions of those on the plain.

Without doubt, the greatest threat to Chechnya and Chechen society came from north of the Terek River. It could be said that the perceived, constant threat from the north retarded the development of Chechen society. A similar effect can be seen with regard to the Georgians' lack of experience in external affairs through the results of two hundred years or so of Russian occupation, which has led to the fact that the governance of the Georgian state is not fully developed.¹⁴⁰ In fairness to Russia, one should perhaps add that the natural characteristics of the Chechen and the Georgian have also played their part.

One of the striking factors in Chechen society prior to both the recent Russo-Chechen conflicts was an absence of parties and political movements.¹⁴¹ There are some 135-150 *teipy* in the republic; some are larger than others, *"but contrary to widespread belief none of them has a uniform political stance towards the internal struggle in the country"*.¹⁴² Galaev points out that *teipy* and their members with the passage of time have tended to become dispersed away from their original geographical areas. According to Galaev this geographical dispersion tended to make Chechens more disposed to the influence of other perceptions encountered in their new locality. Therefore, *"it is the geographical rather than the clan factor that influences peoples' loyalties"*.¹⁴³ However, other evidence confirms that the clan factor is still an important influence,¹⁴⁴ especially in the mountainous south, where people still for the most part live in their original locations, and where *teip* influence and power remain a prominent feature in everyday life. Inadvertently these people, with their quaint ways and traditions, were under-represented in the Chechen power structures during the Soviet period, in the face of an *"opportunistic, civic, peaceful population bloc"*¹⁴⁵ living in the commercially developed and relatively prosperous central lowland plain of Chechnya, *"orientated firmly towards the Federal Centre as a pro-Russian electorate"*.¹⁴⁶

"In reality it is teip (clan) relationships in Chechnya which define the political system, the foreign policy of that country and the underlying relationships within Chechen society and the Chechen state... Teipy never live in a specific area. Members of a teip are distributed throughout

¹⁴⁰ *Perceptions*, June-August 1998, Vol III, No 2, p43, "Security Threats in the Caucasus: Georgia's View" by Dr Aleksandr Rondeli, Director of Foreign Policy Research & Analysis Centre, Ministry of Foreign Affairs, Republic of Georgia.

¹⁴¹ Magomet Galaev, *"The Chechen Crisis: Background and Future Implications"*, P17, CSRC, June 1995, p3.

¹⁴² Ibid.

¹⁴³ Ibid, p3.

¹⁴⁴ Bennigsen & Wimbush, op cit, p184.

¹⁴⁵ http://www.ng.ru/net/2001-04-18/0_euroasia.html, *Nezavisimaya Gazeta*, No 62, 18 April 2001, "Vedeno ili Vashington" by Khozh-Akhmet Nukhayev.

¹⁴⁶ Ibid.

the republic. So, the teip system tends not to divide the nation. On the contrary, it tends to consolidate the Chechen nation."¹⁴⁷

Whilst the last sentence of the extract above may well have been true in the initial stages of the first Chechen conflict, at the present time it is far from case. On the other hand, it could be said that the distribution of *teip* members throughout the republic has tended to increase *teip* political and economic influence by association and dispersion. Vachagayev provides an example concerning the Benoy *teip* which to some degree adds nuance and yet contradicts Galaev. In the 17th century the Benoy established a new Benoy village on the banks of the Terek River, having left their mountain aul of Benoy. However, today all of them, according to Vachagayev, including those who live in the mountains in Nozhay-Yurt *rayon* and those who live on the plain are representatives of one *teip* and do not form their opinions along geographical lines.¹⁴⁸ Nevertheless geographical location and environment must also have a degree of influence, village society plays an important part.

In the 1997 Chechen parliamentary elections, according to Vachagayev, candidates were not identified by *teip* membership, as illustrated by the events in the Avtury electoral constituency which consisted of two villages, Avtury and Mesker-yurt, resulting in an electoral battle between candidates from both the villages. At the count it became clear that the electors in Mesker-Yurt had voted for the candidate from Avtury. It is also interesting to note that the Benoy *teip* council has not met for 5-6 years. According to Vachagayev, *teip* power is considered by Chechens to belong to yesteryear. *Teipy* are now more concerned with land disputes, marriages, funerals and blood feuds.

Vachagayev also notes that today Chechen society is not exclusively composed of Chechen *teipy*; 'new' *teipy* have been formed from immigrant neighbouring people, including a substantial number of *teipy* from Dagestan, which today represent "one quarter of the *teipy*",¹⁴⁹ facts which tend to dismiss external claims of a homogenous Chechen society.

Example Of *Teip* Political Power

In January 1996, according to Troshev,¹⁵⁰ the elders of the Alleroy *teip* (to which Maskhadov belonged) "were as happy as children" at the presidential election result when Maskhadov polled almost 60% of the votes. The first serious blow Maskhadov inflicted on his rivals in the internal political struggle following the elections was directed against the Benoy *teip* (Sh. Basayev) and the Melkhi *teip* (Kh. Yarikhanov): only representatives of the Alleroy and Gordaloy *teipy* remained in the government.

¹⁴⁷ Yevgeniy Krutikov, observer for *Segodnya* newspaper on "Russia" TV's "Details" programme, 23 December 1997, BBC Summary of World Broadcasts, SWB SU/311/B/19 [32]. See also Blandy, OB61, CSRC, July 1998, "Chechnya: A Beleaguered President".

¹⁴⁸ Vachagayev, op cit, p20.

¹⁴⁹ Ibid, p18. New *teipy* include: "Ardaloy, Batsoy, Gurzhiy, Mekhaloy, Chartoy and Shoy - Georgian; Abzoy - Abazinskiy origins; Arselay and Orsy - Russian; Gebertloy - Kabardin; Zhugtuy - Jewish; Nogiy - Nogay; Turkoy - Turkish; Cherkaziy - Cherkess, Gezday - Tatar". Chechen *teipy* with Dagestani **origins**: "Akkhshoy, Almakkhoy, **Andi (Anditsy)**, Antsaloy, Arganoy, Akhtoy, Bortiy, Gaz-gumkiy (Laktsy), Galgtloy, Gumkiy (Kumyki), Danukhoy, Zhay, Kogattiy, Kubchiy (Kubachintsy), kulinakhoy, K'ordoy, Melardoy, Sarkhoy, Soglattoy, **Syudniy (Avartsy)**, Tarkkhoy (Kumyki), Tundalkhkhoy, Udaloy, Khakaroy, Khark'aroy, Tsadarkhoy (Tsudarintsy), Chanakkhoy, Chungaroy, Sholardoy, Etloy".

¹⁵⁰ Troshev, "Moya Voyna", p182.

There were no combat operations in 1994-1996 in Alleroy, thanks to the oil installations situated on the outskirts of the settlement, which brought Maskhadov's clan unofficially between 30-35 million (old) rubles a day.¹⁵¹

Maskhadov took control of the Southern Oil Company (YuNK) which for a very long time had been under the control of the Melkhi *teip*. One of the reasons that the control of YuNK was wrested away from the Melkhi *teip* concerned funding. The factor which restrained the field commanders in the first conflict was financial control by the then Chechen President, Dzhokhar Dudayev, leader of the Melkhi. All the sources of funding were in the hands of Dudayev and his Minister of Foreign Affairs, Shamseddin Yusuf. During the time of active operations, the leaders of the Chechen resistance worked like a well-oiled machine: Yusuf obtained and brought the money over from abroad; Dudayev distributed it, whilst Maskhadov, the Chief of Staff, and all the other field commanders fought. Such practices “allowed ‘the taming’ of some excessively wayward and zealous commanders, in effect stopping them as they had to make a choice: either they subordinated themselves entirely to the Commander in Chief [Dudayev] or they became ‘outside the law’.”¹⁵² Nowadays the main sources of finance come through terrorism, cattle-rustling, organised crime and hostage-taking.

Regulation Of Community Life Through The Adat

Adat is:

“Customs or rules of behaviour, accepted by one or other group of Muslims or active in a defined area covered by Islam on account of generally observed customs. In a strict sense Adat is a custom by which the fikkh (normative basis of the Shariat) has a special place in the regulation of the conduct of Muslims ... At the present time in the regions covered by Islam in Russia a series of Adat norms are preserved, which set out the form of inter-operative customs with the Shariat instructions. Certain of the norms (for example, blood feuds, or polygamy)¹⁵³ actively contradict Russian legislation. In a series of regions of the North Caucasus (for example in Ingushetia and Chechnya) the possibility of a legal reinforcement of separate positions of the Adat and adopting practical steps in this direction is being discussed.”¹⁵⁴

Adat was the juridical norm of the *teip* structure. It has a particular importance in the mountainous south of Chechnya. Shakhbiyev describes Adat as:

“A law created on the basis of economics and the mode of life of agriculturally-settled and nomadic cattle-breeding tribes. Adat affects

¹⁵¹ Ibid.

¹⁵² *Nezavisimaya Gazeta*, No 21, 6 February 1997, p5, “Nakanune stolknoveniya s metropoliyey” by Bakar Taysumov, Director of the Vaynakh Republican Party Analytical Centre.

¹⁵³ See Bennigsen & Wimbush, p185, on polygamy, but also see *levirate*, p249, the custom of a widow marrying the brother of her deceased husband and *sororate*, p250, the custom of a widower marrying the sister of his deceased wife. It will be remembered that former President Aushev of Ingushetia tried to get the Russian duma to change its opposition to these customs.

¹⁵⁴ *NG Nauka*, No 4, 12 March 2003, “Mezhdu obshchinoy I gosudarstvom” by Armen Geyvandov.

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questions that are contiguous with everyday life; besides this, it includes the questions of crime, family and inheritance. A teip is characterised by the laws, privileges and obligations of its members in relation to the legal institution of teipism. There are 23 basic, obligatory principles established by the legal institution of teipism for society."¹⁵⁵

In no way does Adat replace religious observance and the Shariah, as Khalmukhamedov explains: *"Chechen society is patriarchal and traditional; the norms of the common law (Adat) coexist with the adopted Islamic norms of the Shariah. Together they form the backbone of society."*¹⁵⁶

Some of the factors of Chechen life which become apparent through the Adat are the natural informality of Chechen life, the fact that every Chechen is a free man, and that under Principle 13, the power and authority of the Chechen *teip* leader is that of a moral teacher; he does not have the means of coercion or force at his disposal.¹⁵⁷ So in a small, close-knit society which depended on discussion it was not surprising that the real power resided in the hands of the *teip* elders and village council. Unofficial leaders were and still are commonplace amongst the peoples of the North Caucasus, especially in Chechnya where: *"From 90-95% of their problems, quarrels, matters of organisation, life and even of a criminal nature they do not turn to the official power organs, but resolve them through eminent people"*.¹⁵⁸

*"At the local level in Chechnya there has always been real but informal power in the form of a village council, which consists of the most respected people (elders and young educated men). The local people trust them because they are neighbours; the decisions and words carry weight. All important decisions in the village are decided by these informal structures."*¹⁵⁹

Amongst the 23 Principles of Adat (time and space preclude detailed examination in this paper), perhaps the most important are those which are concerned with *teip* leadership, the selection of a leader, the *teip* council of elders and the right to appoint and change the leader. The principle which is most often mentioned though, particularly in the mass media, is the one which provides the regulation for blood feuds. This has direct relevance to the presidency of Aslan Maskhadov and the extent of his powers, and helps to explain some of his seeming inability to liberate hostages. One remembers the unsuccessful operation with the limited help of Khunkar-Pasha Israpilov's anti-terrorist centre in summer 1998 to free Camila Carr and John James from the clutches of the Akhmadov brothers and Arbi Barayev. Whilst Maskhadov's attempt by force was unsuccessful, freedom was

¹⁵⁵ Shakhbiyev, op cit, pp96 to 102.

¹⁵⁶ <http://www.ca-c.org/dataeng/bk02.03.khalm.shtml>, "How to Return to Normality in Chechnya" by Aleksandr Khalmukhamedov, Department Head, RF Ministry for Federation and Nationalities Affairs.

¹⁵⁷ Shakhbiyev, ibid.

¹⁵⁸ *NG - Regiony*, No 13, 16 October 2001, pp7 & 9, "Kak vosstanovit' vlast' I upravleniye v Chechnye" by Il'ya Maksakov.

¹⁵⁹ <http://www.ca-c.org/dataeng/bk02.03.khalm.shtml>, Central Asia and The Caucasus, "How to Return to Normality in Chechnya" by Aleksandr Khalmukhamedov.

attained through Berezovskiy's money.¹⁶⁰ Maskhadov was always very much against paying money to the kidnapping cartels because it only encouraged others to come back for even higher ransom sums. Kisriev made the point that everyone in Chechnya knows where kidnapped people are held. The hostages are transported to other locations in Chechnya as a result of being sold on from one *teip* to another:

*"No one can get them out without risking his life. Even the President of Chechnya [does not] have the power to take the hostage from this or that particular teip. He can only buy them out. If he kills these people, he will have to deal with the entire teip. Every teenager in the teip would consider it an honour [to] fulfil the blood revenge obligations. Neither the rank nor the position would have an impact on the motives of the teip."*¹⁶¹

Box 8 - Adat Principle No 8 - Blood Feuds¹⁶²

A declaration is made by a whole *teip* to another *teip* of a blood feud for the murder and public discreditation of a member of a *teip*. The murder of a member of a *teip* would result in the immediate meeting of the *teip* council of elders in which the close relatives of the deceased would also participate.

After establishing the details of the situation and the reasons for the murder the *teip* council of elders took a decision about vengeance for the dead person. The lawbreaker's *teip* would convene its own council of elders which would explore urgent compensation with the *teip* of the deceased. In such circumstances the opposing sides very often did not yield. Representatives of neutral *teipy* became involved and then a council of tribes (*tukkhum*) was convened when the conditions for reconciliation were worked out. Conditions were diverse.

For example, for the murder of a member of a large, respected *teip* it was necessary to pay 63 head of cattle. Assaulting and wounding with a firearm would cost 20 head of cattle. For attempted murder with a firearm and a misfire 60 head of cattle would be demanded. A member of a weak *teip* would 'pay' 21 head of cattle. The infliction of a wound with a firearm would cost 6. If the conditions for reconciliation were adopted then the matter was closed. In the event of a refusal the offending *teip* would choose whom they wanted killed; usually they chose the murderer... The murderer had no right of appeal.

In the southern mountains and at the level of village or settlement, *teip*, village or community elders came to play a substantial role in trying to maintain law and order as a result of the "near paralysis of the official law enforcement bodies in

¹⁶⁰ <http://2002.novayagazeta.ru/nomer/2002/83n/n83n-s01.shtml>, "Dlya Aslana Maskhadova teper' opasneye ego okruzheniye, nezheli rossiyskiye spetssluzhby" by Vyacheslav Ismaylov.

¹⁶¹ Presentation at Conflict Management Group, Roger Fisher House on "The Historical and Anthropological Roots of Negotiation Culture in Dagestan and Chechnya", 3 September 1998 by Dr Enver Kisriev, Representative of Dagestan, RF, Network of Ethnological Monitoring & Early Warning of Conflict (EAWARN).

¹⁶² Shakhbiyev, op cit, p97. It is of interest to note that "If a husband found his wife with a lover and killed them both, then he did not answer for this [act]; if the husband killed the wife or the lover, then he would become involved in a blood feud with the relatives and answer as a murderer".

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Dudayev's Chechnya".¹⁶³ For example: "Representatives of one of the richest and most influential teipy, the Chinkhoy, convened a congress at which they decided to set their own independent power within their clan territory. Other teipy (the Genderchenoy, Peshkhoy, Nashkhoy) followed suit" and "nearby in the village of Shalazhi the elders refused to let the militants into the village and human lives were saved". However, when "the elders of Gekhi-Chu allowed Ruslan Gelayev's followers to enter the village [during the second conflict] the village was shelled by federal forces and destroyed".¹⁶⁴

Opposition To Federal Rule**Box 9 - Delineation Of Chechen Society Into Groups**¹⁶⁵

First: the peaceloving, law-abiding, but extremely passive majority (more than 90% of inhabitants)

Second: at the top of the scale are the people whose actions are beneficial to society (30,000-40,000 eminent people - informal authority).

The distinguished people in the republic are divided into three groups. The most numerous and separate group are the learned - academics, businessmen, directors, cultural leaders, healthcare professionals, educationalists, propagandists, the technical intelligentsia. Most people turn to them for the resolution of certain simple uncomplicated arguments, quarrels and disputes and life's clashes. The spiritual authorities occupy an intermediate position. In this group one finds the experts on Shariah, leaders of the Muslim Brotherhoods, many people respected for their honest and upright life. People turn to them with questions the solution of which requires knowledge of the prescriptions of Islam. The smallest group numerically, but an influential one, are the descendants of the Prophet Mukhammad, ustazy and sheikhs, leaders of Sufi orders, united in a single council, the chairman of which is Sayd-Fasha Salikhov. Members of four families directly descended from Mukhammad are the highest authority. Their political weight is a precious property not only of Chechnya but also the whole of the Russian Federation. At the present time this resource is not sought by the federal authorities.

Third: at the bottom end of the scale are the disruptive elements of society, consisting of no more than 3-4% of the population: the antithesis of the leaders, these people consist of mafiosi, bandits, people involved in commerce, drug peddlers, hypocrites, intriguers, descendants of informers, lumpen-proletariat and drug addicts.

In Kalugich's view, the crisis in Chechnya was created artificially, the corps of unofficial leaders and the peaceful population were suppressed, intimidated and exterminated, and the destructive elements found themselves in power. Unofficial authority in the last 10 years has been subjected to especially destructive action, and "this has become the main reason for the corrosion of society, of the disturbance..."¹⁶⁶

¹⁶³ Both examples from Galaev, op cit, p4.

¹⁶⁴ <http://www.ca-c.org/dataeng/bk02.03.khalm.shtml>, Central Asia and The Caucasus, "How to Return to Normality in Chechnya" by Aleksabdr Khalmukhamedov.

¹⁶⁵ NG - *Regiony*, No 13, 16 October 2001, "Kak vosstanovit' vlast' I upravleniye v Chechnye" by Il'ya Maksakov.

¹⁶⁶ NG - *Regiony - Oktyabr' 2001*, No 13, 16 October 2001, p9.

Some of the field commanders, criminal gangs and others with shady connections work solely in their own interests to survive and enrich themselves by whatever means possible, with perhaps more than a hint of *teip* interest and support. Chechen survival at a certain level was therefore effected through illegal means. Even when, for the first time ever, Chechnya had free elections in January 1997 for the presidency and parliament, it soon became apparent that the system was open to abuse and corruption through the power of *teipy* which had a tendency to work directly against the interests of an elected but enfeebled republic government as a result of a biased selection of ministers,¹⁶⁷ in contrast to the criteria adopted by Ruslan Aushev in Ingushetia, *"I took people neither according to nationality, nor according to teip, but professionals whom I could trust"*.¹⁶⁸

Lord Judd in his recent report to PACE described the forces and elements which were opposed to Moscow and the pro-Russian Chechen interim regime in the following manner:

*"I detect at least three elements amongst the fighters in the Chechen Republic... There are the extremists, largely indistinguishable in their motivation, if essentially part of al Qaeda. There are the criminals and opportunists with a vested interest in the war because of what they can materially gain from it. There are the political players who, however, misguided or unjustified in having done so ... have taken to arms in justification to seek a political and cultural identity for the Chechen people whom they perceive as unbearably humiliated and oppressed."*¹⁶⁹

On the other hand, Anna Politkovskaya described the conflict in Chechnya as being provoked by the plethora of federal troops, associated subunits and detachments under the auspices of the counter-terrorist operation:

*"According to my deep conviction here a real civil war is going on, which is being provoked by the three year old so-called 'anti-terrorist operation', when brother is against brother, family against family. The situation is bloody and critically entangled. The zone is swamped with detachments of many hues. First of all the troops - the spetsnaz, the SOBR, the OMON, the "Al'fa" etc, the actions of which have long ceased to have anything in common with the laws of the RF. The so-called forces of resistance, the illegal armed formations - a very dissimilar mass of fighters, for the most part subordinated only to the voice of their own hearts oppose the troops."*¹⁷⁰

¹⁶⁷ Interview with the new Deputy President of Chechnya, Vakha Arsanov: "They will have to meet the following requirements. First, they must be religious and God-fearing. Secondly, professionalism and moral qualities will be taken into account. Thirdly, a candidate's war record in the two years from 1994-96 will be taken into account. These are the three requirements which all appointed government members should meet." BBC Summary of World Broadcasts, SU/2835, 5 February 1997. In practice the criteria were not met.

¹⁶⁸ See C W Blandy, *"Chechen Connections: An End to Conflict in Chechnya?"*, CSRC, P25, August 1997, p12.

¹⁶⁹ http://chechnya.jamestown.org/pubs/view/chw_004_003_001.htm, Chechnya Weekly, Vol 4, No 3, 6 February 2003, *"Defining the Chechen Fighters"*.

¹⁷⁰ <http://2002.novayagazeta.ru/nomer/2002/68n/n68n-s18.shtml>, *Novaya Gazeta*, No 68, 16 September 2002.

Active resistance to federal occupation and the pro-Russian administration according to Khozh-Akhmet Nukhayev could be “*divided into three segments*”: the ‘official’ Chechen Republic, represented by Maskhadov; traditional home guard detachments; and the structured organisation of the ‘Wahhaby’.¹⁷¹

The segments are still very much an active factor which cannot be discounted, even though major deployments are now in all probability past history, though whilst “*several former large formations have been pared down to the minimum, this does not mean that they are unable to grow again when required*”.¹⁷² Significant damage, disruption and casualties continue to be a major setback for federal forces as well as pro-Russian Chechen organs and agencies. By using the classic hit and run tactics of the guerrilla, maximum effect is achieved by the minimum of manpower.¹⁷³ Actions are not confined to mining culverts and dirt tracks, attacking federal blokposts, assassinating pro-Kadyrov village leaders, but also, for example, the attempted downing of a Mi-8 helicopter carrying Lt-General Makarov to Nozhay-Yurt by means of a thin aluminium wire stretched across the narrowest part of the gorge, or the destruction of Chechen government building by kamikazi vehicles loaded with explosives.¹⁷⁴ The *boyeviki* tend to operate on a shift pattern of a week to two weeks in Grozny, making use of the network of underground passages developed before the first conflict. An educated guess would suggest that in: “*Oktyabr’skiy district some 20 to 30 boyeviki come, go away, migrate. In Staropromyslovskiy district there are 15-20 extremists. In Zavodskiy district 30-40 men, perhaps one hundred, maybe a little more*”.¹⁷⁵

Effects On Chechen Youth

Chechen youth is impatient for change. Young Chechen men and women are becoming tired of the slow rational approach - they want action, they want federal troops removed from Chechnya and are tempted to believe that only the most outrageous terrorist methods will achieve this aim, in much the same way that Shamil’ Basayev’s operation at Budennovsk in June 1995 brought the Russians to the negotiating table. Movsar Barayev and his group of young Chechens at Dubrovka are an indication of this new phenomenon. As Politkovskaya wrote in October 2002:

“Barayev the younger, and remaining leadership of the ‘commando-diversionary battalion of people under sentence of death’, which went to Moscow, are from the generation of ‘sons’ disgruntled with the fact that Maskhadov is conservative and unrealistic. In the opinion of the ‘sons’ there are few military orders from Maskhadov and money from him is less than nothing... ‘Maskhadov to the devil! We will conduct our own war.’ I

¹⁷¹ http://www.ng.ru/net/2001-04-18/0_euroasia.html, *Nezavisimaya Gazeta*, No 62, 18 April 2001, “*Vedeno ili Vashington*” by Khozha-Akhmet Nukhayev. For further discussion see C W Blandy “*Chechnya: The Need to Negotiate*”, OB88, CSRC, November 2001.

¹⁷² <http://2001.novayagazeta.ru/nomer/2001/71n/n71n-s03.shtml>, *Novaya Gazeta*, No 71, 1 October 2001.

¹⁷³ *Nezavisimoye Voyennoye Obozreniye*, No 36, 11 October 2002, “*Boyeviki stali rabotat’ vakhrovym metodami*” by Andrey Yugov.

¹⁷⁴ *Izvestiya*, 30 December 2002, p2.

¹⁷⁵ <http://www.utro.ru/articles/20030326111541136449.shtml>, *Utro*, 26 March 2003, “*Na kar’yere Maskhadova krest*” by Oleg Petrovskiy.

heard this repeatedly in the course of this late summer and early autumn ... and lived with this feeling in September - it is necessary to hurry. Necessary to speak."¹⁷⁶

And in November 2002: *"The second Chechen war is at an obvious dead end, where from one side those methods which were adopted by the military in the course of the so-called 'anti-terrorist operation' are the methods of reproducing terrorism and raising a new generation of selfish avengers, oppressed by their own dead and abduction of kin"*.¹⁷⁷

It should also be remarked that it is becoming more common for young women volunteers to participate in such actions, even as suicide bombers. These are often educated young women who have lost family members in the conflict. Two such participated in the Znamenskoye bombing on 12 May 2003.

It should come as no surprise that the youth of Chechnya are impatient and despairing. The devastating report of the situation in the republic by Ruslan Khasbulatov in November 2000 speaks for itself:

*"The Chechen Republic as a unified social-economic organism does not exist any more. Industrial, commercial, sustenance and any other form of connection between populated points which operated over centuries have either disappeared completely, or exist in a rudimentary form, occasionally breaking through the powerful 'blockers'. The population of the republic is in a state of god-forsaken isolation from the outside world. Isolation is the most successful part of the counter-terrorist operation being carried out, which in fact has been transformed into a war against all the peaceful population of the republic."*¹⁷⁸

Regrettably, Khasbulatov's words continue to have resonance in April 2003:

*"Chechnya is a closed world, in which, as in a cauldron, suffering, hope and expectations boil and seethe. And an illusionary picture is formed about themselves. In conditions when in the street rumours reign, they can only learn about themselves from Central TV - but there the anti-Chechen 'construct' simply makes a dent."*¹⁷⁹

It is important to remember that whilst life has certainly moved backwards into the dark ages, it was not always like it is now.

¹⁷⁶ <http://2002.novayagazeta.ru/nomer/2002/81n/n81n-s11.shtml>.

¹⁷⁷ <http://2002.novayagazeta.ru/nomer/2002/83n/n83n-s02.shtml>.

¹⁷⁸ *Nezavisimaya Gazeta*, No 247, 29 December 2000, "Sitvatsiya V Chechenskoy Respubliki" by Ruslan Khasbulatov.

¹⁷⁹ <http://www.izvestia.ru/community/article32084>, 2 April 2003, "Chechnya perestayet byt' 'Chernoy dyrom'" by Olga Timofeyeva.

Box 10 - Zayndi Shakhbiyev's Childhood In The Late 60s & 70s¹⁸⁰

"Shalazhi is one of the beautiful corners of the world, where a chain of mountain ridges, as it were, protect our village. If it is viewed from the side it appears as a huge cup, at the bottom of which small, matchbox houses are scattered about. Dense green forest, green meadows, ..." and where; "In all of this was much fun and enjoyment. So, sometimes having watched a film (at that time television sets were few) we built huts, played indians, and each thought of himself as Tarzan."

The most daunting event in the innocent world of a seven year old was the fact that: "The Solomenskoye village school of Stavropol' Kray awaited me. My life of freedom was finished, the passage of flocks of sheep, listening to the stories of old men by the campfire, and in the morning waking up under the dampening rain, seizing a stick, running to round up the cattle that had strayed during the night ... The Russian (language) I knew was very very, weak, my whole collection of words which I possessed was that used by children in the street."

The comparison between 'now' and 'then' emphasises the depths to which the present situation in Chechnya has descended. In fact, the very survival of the Chechens as a people, the preservation of the customs and way of life have now become dominant issues. During the Long Caucasian War, Sheikh Kunta-Khadzhi Kishinskiy considered the continuation of the war with Russia as death for the mountainmen. In 1864 the sheikh called on the Chechens to stop fighting the Russians and search for a compromise, and to save themselves:

*"Brothers, stop fighting. They are provoking us into war, in order to destroy us ... If they force going to church - go. It is only walls. Only your spirits are Muslim. I never believe that any Turks will help us. Therefore you are able to live with Russians, but if they force you to forget your language, your customs - rise and die as one."*¹⁸¹

A considerable weight of evidence points to the creation of a generation which is far more radical, impatient and willing to use outrageous violence to achieve their aims than perhaps has been the norm amongst the field commanders of yesteryear. The current generation may take up the cause of something far wider than the limited aims of separatism of Chechnya from Russia. Moreover, other events outside the Caucasus could also stimulate Muslim hatred and loathing: make no mistake, Russia is already within this envelope.

The Interim Administration

Undoubtedly one of the most significant outcomes of the referendum is the strengthened position of Akhmad-Khadzhi Kadyrov, not only in the republic itself but also in the forthcoming presidential elections.¹⁸² Kadyrov considers himself to

¹⁸⁰ Shakhbiyev, op cit, pp103 & 105.

¹⁸¹ *NG - Stsenarii*, No 7, 8 July 1998, p13, "Rossiya - Chechnya: Yest' li vykhod?" by Dzhabrail Gakayev.

¹⁸² <http://www.nns.ru/Person/kadyrov/>, "Kadyrov Akhmad Khadzhi: DOB: 1954 in Central Asia. Family: born into a religious family. (Family of Kadyrov comes from the village of Khos-Yurt, Kurchaloyevskiy rayon and belongs to the influential Benoy *teip*.) Higher education: In the 1980s completed studies at Mir-Arab Medressa together with the

be the main claimant for the presidential chair, although *“he is not able to secure the pre-election support of the Kremlin: Moscow is trying to find a more authoritative person who will be able to unite the nation”*.¹⁸³ According to Aslambek Aslakhonov, Kadyrov has repeatedly stated that he will put his name forward as a candidate, and he has often said that he has the support of the Kremlin.¹⁸⁴ For whilst the Kremlin is ‘grateful’, full of praise for the referendum held under the auspices of Kadyrov, it has its doubts in the long term over Kadyrov; after all, he is regarded with fear and distaste by the majority of Chechens and viewed as a traitor. Whilst Kadyrov is living in a palace, half the population of Chechnya is without a roof over their heads. Furthermore, much of this fear of Kadyrov is based on the fact that the *“teip of Kadyrov is the most powerful in the republic... People are not so afraid of zachistki as of the Kadyrov bodyguards who are selected from his relatives.”*¹⁸⁵ The current situation therefore needs to be examined in some detail.

A Presidential Decree of 18 May 2000 appointed V G Kazantsev as the Plenipotentiary Representative of the President of the Russian Federation in the North Caucasus Federal District (now the Southern Federal District (YuFO)). It was envisaged that Akhmed Kadyrov as the acting head of the supreme executive body of the state authority in the Chechen Republic would perform his duties in close coordination with Kazantsev. The post of Special Representative of the President of the Russian Federation on Ensuring Human and Citizens’ Rights and Freedoms in the Chechen Republic is now held by Abdul-Khakim Sultygov.¹⁸⁶

Chairman of Council of Muftis of Russia, Razvil’ Gaynutdin. 1994-1996 fought against federal forces. In 1996 became Mufti of Chechnya. In 1996 participated in negotiations of Lebed’ and Maskhadov at Staryye Atagi. In 1998 first criticism of Maskhadov about spread of Wahhabism. In 1999 severely condemned ‘invasion’ of Basayev and Khattab into Dagestan and went into opposition against Maskhadov. On 10 October 1999 removed from post of Mufti of Chechnya by Maskhadov. In October announced that Gudermes, Nozhay-Yurt and Kurchaloy rayony were zones freed from Wahhabism, creating self-defence detachments to counter Wahhabis. Kadyrov became a key figure for Russian military. Direct participation of Kadyrov resulted in capture of Gudermes without bloodshed. In April 2001 had talks with Ruslan Gelayev. 12 July 2000 appointed head of administration of Chechen Republic. In September 2002 nominated as leader of Gossovet praesidium group on questions of countering religious extremism in Russia. On 6 December 2002 announced his intention to run for President of the Chechen Republic”.

¹⁸³ *Kommersant*, No 50, 25 March 2003.

¹⁸⁴ <http://www.nns.ru/interv/arch/2003/03/28/int9457.html>, NSN: Intervyu nedeli Arkhiv, “U Kadyrova budut ser’ezniye konkurenty”, *Nezavisimaya Gazeta*, 28 March 2003.

¹⁸⁵ *NG Regiony*, No 5, 31 March 2003, p10. Presumably the reference to Kadyrov’s *teip* is on the basis that he belongs to the Benoy, one of the largest in Chechnya.

¹⁸⁶ It will be remembered that Sultygov hailed President Putin’s statement of 24 September 2001 with fulsome and perhaps excessive praise. “It is possible to say with confidence that the statement of President RF Vladimir Putin on 24 September 2001 will become a turning point in the Chechen tragedy, the beginning of which came about in September 1991 by the forcible liquidation of the legally elected organs of the government of Checheno-Ingushetia.” *Nezavisimaya Gazeta*, No 197, 20 October 2001, p7, “Volya naroda - klyuch k uregulirovaniyu” by Abdul-Khakim Sultygov.

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Other senior appointments of note include Stanislav Il'yasov,¹⁸⁷ an accomplished former politician in the government of Stavropol' Kray possessing technical-business experience in the energy sector at director level, who became Prime Minister of the pro-Russian Chechen government on 19 January 2001 and in November 2002 instead became a Minister of the Russian Federation responsible for coordination of the executive authority on social economic development of the Chechen Republic. Mikhail Babich was nominated Prime Minister on 12 November 2002 and on 10 January 2003 was also appointed director of the headquarters organising the referendum in Chechnya. Following his resignation at the beginning of February 2003, President Putin informed Akhmet Kadyrov and Stanislav Il'yasov that Anatoliy Popov¹⁸⁸ would be the new Prime Minister in the Chechen administration and would take up his post on 10 February 2003. Whilst these are the main personalities, it is necessary to delve a little deeper into the power struggle between Babich and Kadyrov to identify some of the currents and shadows swirling around the interim regime in Groznyy.

Babich's education and employment testified to his ability and skills in economic and financial management, although certain financial irregularities had come to light.¹⁸⁹ There was degree of bewilderment over the appointment of the deputy governor from Ivanov oblast' to the post of premier in the Chechen government.¹⁹⁰ However, that a Chechen had not been appointed as prime minister perhaps betokened that President Putin, even though he was keen for Chechens to take over their own administration, was still chary of Chechen control being exercised over federal money. "*Babich for Chechnya is no stranger - he was a military man who served in Groznyy.*"¹⁹¹ Babich himself stated that he did not have the right to explain the appointment, as it was made by the president himself, which leads one to speculate over the particular sphere which comprised his earlier military training. The appointment led to the Chechens themselves to comment that he was a "*butcher*" [*myasnik*].¹⁹²

¹⁸⁷ <http://www.nns.ru/Person/ilyasov/>, "Il'yasov Stanislav Valentinovich. DOB: 24 June 1953 at Kizlyar, Dagestan. Education: In 1980 completed Leningrad electro-technical institute with the speciality of 'engineer of electrical communications'. Titles/Awards: Doctor of Technical Science, Member-Correspondent RAN. On 6 December Metropolitan Gedeon awarded Il'yasov the Orthodox Church's Order for assistance in the restoration of Orthodox churches in the North Caucasus."

¹⁸⁸ <http://www.nns.ru/Person/popov/>, "Popov Anatoliy Aleksandrovich DOB 10 July 1960 in the village of Sovetskoye in Volgograd oblast'. Education: Completed the economic faculty of Volgograd Agricultural Institute. Doctor of Economic Science. Participated as a volunteer in the Chernobyl' nuclear power station clean up; in 1991 consultant to the apparatus of USSR Council of Ministers, then worked as deputy chief of the directorate of Menatep Bank; from 22 April to 3 September 1998 was financial director of "*Rosoboronekспорт*"; in December 2000 stood for governorship of Volgograd oblast'. 14 May 2002 appointed General Director of the federal Fiscal Enterprise "Direction on restorative-construction works in Chechnya"; 16 August 2002 appointed deputy chairman of Commission on restoration of Chechnya; 10 February 2003 appointed Prime Minister of the Chechen Republic."

¹⁸⁹ *Chechnya Weekly*, Vol 4, No 1, 22 January 2003.

¹⁹⁰ <http://www.smi.ru/02/11/13/888791.html>. "*Voyenny dlya Chechni - ne postoronnyy*" by Vsevolod Vosledov.

¹⁹¹ Ibid.

¹⁹² Ibid.

However, it was not long before the uneasy relationship between Kadyrov and Babich, one which had “*seethed every day*”¹⁹³ exploded into the open over the appointment of a new Finance Minister. At the beginning of January 2003 Kadyrov dismissed Sergey Abramov from the post of Finance Minister, an appointment officially within the gift of the federal centre, and appointed Abramov’s deputy Eli Isayev in his place. This was done initially without the knowledge and authority of Babich and certainly went against a presidential decree which stated that appointments at this level of seniority in the interim administration could only be enacted by the Premier, Babich. Babich protested vehemently against the reshuffle, stating that the appointment was a violation of President Putin’s decree. In the ensuing dispute the first reaction of the federal centre was in favour of Babich, to whom the republic prosecutor Vladimir Kravchenko gave his support.¹⁹⁴ However, as the ‘cold war’ between Kadyrov and his Prime Minister stretched out for more than a month, Moscow was forced to devote considerable thought as to which side it should support.

The problem which faced Moscow was twofold. First, the problems not only had a financial aspect but also an ethnic dimension, namely that Babich and Kravchenko were Slavs, whilst Kadyrov and Isayev were Chechens. Second was the question of fiscal control over funds from Moscow and their legal, secure disbursement to the proper recipient departments and government agencies in Chechnya. Some sources had inferred that the reason for the suicide bombing of the government building on 27 December 2002 was to destroy the financial records of the interim administration.¹⁹⁵ The dilemma for Moscow, put simply, amounted to either losing the loyalty of Kadyrov or losing control over the finances. A simple worldly logic, according to *Itogi*, led to the final decision being in favour of Kadyrov, for whilst there was an abundance of officials who could undertake the task of Finance Minister there was only one loyal Kadyrov, and to support Babich at the expense of steadiness in the republic, particularly during the run-up to the referendum, would in all likelihood lead to greater turmoil. Therefore Kadyrov not only had to remain in power, but be seen to have the backing of the president. Babich resigned from both his appointments.

Having stated that “*Mikhail Babich will not return to Grozny*”,¹⁹⁶ Kadyrov tried to consolidate his position by creating another list of possible ethnic Chechen candidates to fill the Finance Minister’s appointment, but these were all rejected by the Kremlin out of hand. With the cooperation of Il’yasov, the Federal Minister for Chechen Affairs, the next candidate to be put up for consideration by Kadyrov was Nikolay Aydonov.¹⁹⁷ In January 2001 Aydonov had been considered for the post of Chechen Prime Minister but had declined the appointment in favour of Stanislav

¹⁹³ <http://politcom.ru>, 15 January 2003, “*Tret’ya Chechenskaya*” by Vitaliy Portnikov.

¹⁹⁴ http://www.itogi.ru/Paper2003.nsf/Article/Itogi_2003_02_10_132758C9.html, *Itogi*, No 6, 12 February 2003, “*Dva puti, odin Kadyrov*” by Andey Kamakin.

¹⁹⁵ http://chechnya.jamestown.org/pubs/view/chw_004_001_002.htm, *Chechnya Weekly*, Vol 4, No 1, “*Power struggle erupts within Pro-Moscow Chechen Administration*”.

¹⁹⁶ <http://www.themoscowtimes.com/stories/2003/02/06/014.html>, 6 February 2003, “*Kadyrov: Babich will not return*”.

¹⁹⁷ <http://gazeta.ru>, 10 February 2003, “*Chechen PM goes on permanent vacation*” by Yelena Vrantseva. “Unlike Babich, who had never been to Chechnya before, Nikolay Aydonov is a Grozny native, and was secretary of a Chechen district committee... Aydonov built his career in Chechnya, starting as the head of the Shali district committee.”

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Il'yasov.¹⁹⁸ One year later Viktor Kazantsev invited Aydonov to become mayor of Groznyy, but he again declined. On this occasion, though, it was the Kremlin which rejected his candidacy.

Three factors probably swung in favour of Popov's appointment as Finance Minister. First, it was believed that the federal security services supported the appointment, for there were many who remembered Kadyrov's part in the first Chechen conflict. Second, there was a need to safeguard federal money; again there were many in Moscow who did not fully trust the combination of Kadyrov and Il'yasov. Third, Popov's CV and the fact that he was Russian made him eminently suitable for the post and he could be regarded as the safe pair of hands required by Moscow. The federal government had made it clear that they were not willing to give unlimited power to Kadyrov: the federal funds for the restoration of the republic lay in the hands of the Premier. These funds could be used as an economic and political lever of control. The appointment also reminded Kadyrov that whilst Babich had been removed, it was still the Russian President who would not only dispose of ministers but also would appoint them. According to Mikhail Tolpegin, Popov knew everything about Chechnya and was not afraid of disagreement with Kadyrov.¹⁹⁹

Akhmad-Khadzhi Kadyrov

Akhmad-Khadzhi Kadyrov gives the impression of being a tough, strong and undeviating leader who will brook no argument. The reasons for his break with President Aslan Maskhadov over increasing Wahhabi influence in 1999 are well-known. It is a matter of speculation as to whether, had there been no Wahhabi influence, no interference with the Sufi tradition and no fundamentalist incursion into the North Caucasus way of life, Kadyrov would have become an ally of the *federaly*. General Troshev provides a thoughtful insight into the character of Kadyrov.

Box 11 - Kadyrov By Troshev²⁰⁰

I have talked with Kadyrov for hours. We met often. I liked his candour, honesty. Neither did he conceal the fact that he fought against the *federaly* in the first war nor his previous idealism or to hide unfavourable information about himself.

I saw that Kadyrov strives for the truth (in the wide sense of the word). I saw that behind stood a huge mass of people - Chechens from different levels of society. I saw that he is a reliable, spiritual and even a political leader. I saw that he was our ally.

I meditated for a long time, evaluating the personal characteristics of Kadyrov, weighing points for and against. I turned over in my mind other well-known people in Chechnya. I did not finally come to a decision. At the end of spring 2000, having agreed the question with my superior, I wrote to President Vladimir Putin with a proposal to appoint Kadyrov as head of the republic's administration.

In June the decree was issued. Akhmad-Khadzhi became the official leader of Chechnya. Not a little time has passed since then. All sorts of things have happened. But not once have I regretted the step that I made in relation to Kadyrov. I hope that it will not lead to disappointment in the future.

¹⁹⁸ *Nezavisimaya Gazeta*, No 23, 7 February 2003, p2, "Akhmad Kadyrov ishchet prem'yera" by Sergey Migalin.

¹⁹⁹ *Nezavisimaya Gazeta*, No 27, 12 February 2003, p4, "Ya tam vsekh znayu" by Mikhail Tolpegin.

²⁰⁰ Troshev, "Moya Voyna", p371.

Anna Politkovskaya views Kadyrov from a completely different perspective.

Box 12 - Kadyrov By Anna Politkovskaya²⁰¹

... Later, a field commander at the time of the first Chechen war, one of the people very close to Dudayev, and from 1995 was Mufti of Chechnya with the prefix 'Field' Mufti, in as much that he was not appointed by the spritual authorities of Chechnya but by a meeting of field commanders of the first Chechen war, having discovered a cleric who could declare a *gazawat* against Russia.

In Chechnya Kadyrov has another nickname: the "Mufti of Accretion", which reflects much. It is convincing and terrible - in the head of the republic's persona with negative authority. Everyone speaks roughly the same: *"He will end badly because he betrayed"*. Bear in mind that at the beginning of the second Chechen war Kadyrov crossed over from Maskhadov to Putin. The most striking thing is that pro-Russian Chechens, members of the former opposition to Dudayev, Ichkeria and Maskhadov and antagonists of the Kremlin have similar evaluations of Kadyrov's personality.

In 2001 and 2002 Kadyrov did nothing to win the respect of his people, he again regrettably became renowned in Chechnya for he never countered or opposed the severe sweep and search operations, the mass disappearances of people after their arrest by federal servicemen. In this connection the majority talk about him as a traitor of his people and this of course was more than being a traitor to Maskhadov and the independence of Ichkeria.

I was shocked at the April meeting (2002) with him and his cabinet in Groznyy. He only looked sullen and only unfriendly, he spoke much about himself, as a loved one, about the fact that he was the spiritual mentor of Maskhadov, that he actually formed his personality as responsible for the fate of the nation,²⁰² about the fact that he was the enemy of any sort of negotiations with his former comrades-in-arms, that he wishes to regenerate in Chechnya the 'night' methods of the NKVD on destroying the people - only he said nothing about God, from time to time shaking his fists and talking without end "T", "T", "T".

Ambition and wariness could be added to the pen picture of Kadyrov. As Anna Politkovskaya wrote following the Chechen Peoples Congress on 11 December 2002:

*"People susceptible to betrayal and not [only] once, have one characteristic from birth - they never trust anyone, because they know that no one will trust them under any circumstances. Akhmat-Khadzhi Kadyrov seeing himself as head of the administration of Chechnya, in connection with the fact that the president nominated him for this appointment, is a typical confirmation of this general rule ... A cheat and betrayer of others is always afraid of one thing - that just somebody will stab or betray him. Kadyrov is one, up to the end he trusts no one. Putin included as well. Grovel oneself - but not trust."*²⁰³

²⁰¹ Anna Politkovskaya, *"Vtoraya Chechenskaya"*, Igor' Zakharov, 2002, p174.

²⁰² Akhmed Zakayev's comments during an interview with Thomas de Waal in London, IWPR, Caucasus Reporting Service, No 167, 21 February 2003, reveal Kadyrov's guidance of Maskhadov. "It was [Kadyrov] who tried to persuade Maskhadov that he was not a president, but a tsar, that the constitution was anti-religious. All the religious violence in Chechnya was the fault of Kadyrov. He spoke out against abolishing the death penalty and for public executions. It was all Kadyrov."

²⁰³ <http://2002.novayagazeta.ru/nomer/2002/92n/n92n-s20.shtml>, *Novaya Gazeta*, No 92, 16 December 2002, *"Chernyy s'ezd chernogo nala"* by Anna Politkovskaya.

According to an earlier article by Anna Politkovskaya, Kadyrov has his own illegal bandit formation, which earns its living by the abduction of people, and has its own “internal” prison and headquarters in the village of Tsentoroy, Kadyrov’s home village.²⁰⁴

Box 13 - Kadyrov’s Illegal Bandit Formation²⁰⁵

According to Politkovskaya’s calculations the punitive force known as the *Kadyrovtsy* came into being some time around March 2002. In a sense the *Kadyrovtsy* were not attached to any one side in the conflict but had an ideological gravitation towards the *federaly*. Nevertheless, it was an illegal bandit formation, which sought a figment of legitimacy by calling themselves Kadyrov’s bodyguards. However, for the bodyguard detachment to possess any form of legitimacy was a complete fiction, for the Chechen Ministry of Justice maintained Kadyrov’s bodyguard organisation had not been registered. In reality it was on a par with Basayev’s brigade or the remnants of the bandit formations belonging to Khattab or Arbi Barayev. The manpower for the bodyguard detachment is recruited in the main from his relatives. “Everything is changed according to the course of the business, degenerating into a snake-like hybrid combining the traditions of a tsarist bodyguard and Soviet NKVD-KGB.”

Activities

“Opposite the house in which Kadyrov lives in Tsentoroy, approximately 20 to 30 metres from it, near the road and a water tap is a small one storey building. The *Kadyrovtsy* call it the headquarters. Usually the bodyguard detachment of the head of the republic is located here. In the house are five rooms. One of these is used all the time as a cell for those arrested. Behind the headquarters a screen has been added. Underneath it are three cells where those arrested are held. They come from very different population centres in Chechnya. Who are these people? First, those who have been caught storing explosive substances. Second, those having contacts with *Wahhabity* Dzhamaats. Third, those caught accidentally. Ramazan, the younger son of Kadyrov, administers justice over them. Like a real court Ramazan chairs [the proceedings]. Those people in the opinion of Ramazan who have not made serious violations remain in the cells for different periods. Ramazan and Ruslan, head of the security detachment, nominate the period. Those who have made serious violations are sent off to No 15 Molsovkhodz. It is approximately 15km west of Groznyy. There together with those detainees are more belonging to Kadyrov’s security detachment. It is not known what happens to the detainees. No 15 has a reputation of housing kidnapped people. In this village in Maskhadov’s time too very many abductees and victims were situated.”

The ‘Disappeared without Trace’

“The business about secret prisons and torture, of course, is absolutely secret, especially given that the *Kadyrovtsy* are not fools and try to restrain witnesses. However, contemporary Chechen life itself plays against them. It is well known that one of the most terrible of its tragedies is the mass disappearance of people. Today the people who have vanished without trace have almost reached 3,000 and no one knows the exact number. I recall how this usually happens: unknown people in masks and camouflage (but kitted out identically, bought from one of those traders in the market) swoop, snatch and take away, and from this moment across the whole of Chechnya the relatives of the abducted start to comb: it is useless to expect the truth from the official structures, and including from Kadyrov, no one will start to search. The relatives search themselves - above ground and underground for their ‘own’ and ‘strangers’. This is the answer of citizens to a state which is incapable of protecting them. Families collect evidence, tokens, clothing, they behave warily

²⁰⁴ <http://2002.novayagazeta.ru/nomer/2002/68n/n68n-s18.shtml>, *Novaya Gazeta*, No 68, 16 September 2002, “*Tikhiye, ili grazhdanskaya vojna silami spetsssluzhb*” by Anna Politkovskaya.

²⁰⁵ <http://2002.novayagazeta.ru/nomer/2002/68n/n68n-s18.shtml>, *Novaya Gazeta*, No 68, 16 September 2002.

and circumspectly, acting as an investigative team on a special case. Today it is possibly true to say: when the war ends, in the country there won't be better sleuths than relatives of the abducted. They are the most highly qualified fusion [*splav*] of the FSB, MVD and the procuracy in one person ... From a certain time trails of the abducted started to lead strongly in the first place to the village of Tsentoroy, Kurchaloyevskiy *rayon*, known that Kadyrov lives here. Moreover, the routes stop at the structure directly adjacent to the so-called house of Kadyrov ... And the second trail led to the so-called No 15 Molsovkhov.

"In this a regularity was followed: if from the Tsentoroy torture chambers someone from the imprisoned somehow was released to freedom, then from No 15 Molsovkhov only the sepulchral cold wind blew. Because only sometimes, later, accidentally, somewhere the bones of those were found whose trails led to Molsovkhov - placed surreptitiously, laid away from the dogs. Over time yet one more piece of information has appeared: Kadyrov is striving to buy up sectors in Tsentoroy, resettling families not necessary for him in other villages, and relocating families of his bodyguards in the vacated land."

Politkovskaya asks the question: if the law enforcement structures in Chechnya are for the most part extremely well-informed about the activities of Kadyrov's detachment of bodyguards, how is it that they do not lift a finger against them?

Box 14 - Kadyrov's Relationship With Federal Intelligence & Security Services²⁰⁶

"There are two answers to this question. One is logical. The other is irrational. I begin with the second. The general ideological platform of special services representatives on duty in the zone of the 'anti-terrorist operation' consists of a very simple approach: *"Yes, let them quarrel amongst themselves! And the more the better."* The propagation of the civil war by Russian special forces is of course stupid, but a tangible result of three years of the second Chechen tragedy. The logical answer is in the fact that to everyone, including to Kadyrov and the special services, it is necessary to destroy Maskhadov and his people. They are allies in this for the time being, and therefore their interests today are so close that each "does not notice" a bandit in a neighbour's house.

First is the fact that part of the people who found themselves in Kadyrov's torture chambers are those who fought or sympathised with the fighters, or were socially active in the time of Ichkeria... The second detail: from the beginning of this year [2002] the conversations of witnesses about the way people were abducted, the trails of which later led to Tsentoroy and No 15 Molsovkhov started to begin with a description by one small picture or other: *"Unknown people in camouflage, masks and helmets with microphones communicating in whispers entered our home very quietly"*. People started to call them the "Silent Ones". They "worked" silently, coordinating actions by microphones and moving about in ankle-high boots with thick rubber soles, that is the occasions when sleeping relatives in next-door rooms even did not stir until the time the door was closed behind the 'silent ones', and looking into the room where the sons slept, a mother understood that they had been abducted...

This "deliberate silence" is a very important component of the "Kadyrov" trade. Because with the "microphones" - it is not the *Kadyrovtsy*, but most likely members of the GRU, servicemen in detachments of the Main [military] Intelligence Directorate, from which a most unpleasant deduction flows: members of the GRU only operate according to the direct orders of the *Kadyrovtsy* and bring the 'ordered item' to them, only collecting and investigating and putting someone at the mercy of the head of the republic's bodyguards."

It is interesting to note that during the contretemps between Kadyrov and Babich, there was a whisper that the heads of the MOD, MVD and the FSB had written to

²⁰⁶ Ibid.

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the Russian president in late December 2002 allegedly voicing misgivings about the activities of Kadyrov and recommending his removal from office before the referendum on 23 March. According to *"Chechnya Weekly"*,²⁰⁷ the concerns and allegations about Kadyrov centred on continued links with Chechen separatists; possession of foreign bank accounts; and the transformation of the Chechen police force into his own personal bodyguard.

Kadyrov having made his intentions clear to run for the Presidency of Chechnya, Il'ya Maksakov argued that the Kremlin could hardly tolerate the interim Chechen government becoming Kadyrov's presidential campaign headquarters.²⁰⁸ Sergey Sergiyevskiy postulated that the Kremlin wished to neutralise all the factors which could discourage Chechens from participating in the referendum: *"it is not ruled out that Kadyrov could be amongst such factors"*.²⁰⁹ However, from the federal viewpoint, despite his sins, Kadyrov has been instrumental in enabling, maintaining and reinforcing the Kremlin policy in the denial of democratic participation by the people of Chechnya up until the present time. At the moment Kadyrov can only develop a political process with the help of Moscow, so that any movement for the establishment of political institutions will be within the Kremlin's template and control.

It comes as no surprise that the federal Centre is striving to weaken Kadyrov politically; not everyone in Putin's circle supports Kadyrov. Second, Kadyrov does not have undoubted authority as a leader in the republic and does not possess the ability to consolidate Chechen society around him. Kadyrov may have considerable administrative and economic resources for his presidential election campaign, but the Kremlin can always block his candidacy for the post. Kadyrov probably has an ally in Viktor Kazantsev, who probably gave him support during the Babich contretemps. Of course there is the view, too, that a head of administration in charge of financial disbursements to the Chechen population could use that position to influence his election campaign.

Nevertheless, a different picture emerged from an article entitled *"The Indispensable Kadyrov"*:²¹⁰ the peaceful interlude in Chechnya concluded with the referendum, and recent explosions have resulted in casualties being counted in tens once again. As Riskin speculated:

*"What will be, when the greenery blossoms? ... Maskhadov following the referendum no longer had any legitimate claims to be President of Chechnya, Basayev was outside the law for evermore. And blood would continue to be spilt."*²¹¹

²⁰⁷ http://chechnya.jamestown.org/pubs/view/chw_004_002_005.htm, Vol 4, No 2, 30 January 2003, *"Kadyrov fends off Babich"*.

²⁰⁸ *Nezavisimaya Gazeta*, No 5, 17 January 2003, p4 *"V Strasburge rassmatrivayutsya zhaloby Rossiyu"* by Il'ya Maksakov.

²⁰⁹ http://www.ng.ru/politics/2003-03-03/1_kadyrov.html, *Nezavisimaya Gazeta*, No 41, 3 March 2003, *"Kadyrov ishchut zamenu"* by Sergey Sergiyevskiy.

²¹⁰ *NG Regiony*, No 6, 14 April 2003, p10, *"Nezamenimyy Kadyrov"* by Andrey Riskin.

²¹¹ *Ibid.*

The number of weapons handed in by the *boyeviki* were just single items. The impression given by Riskin was that the Kremlin, without Kadyrov, would not be able to make one step in Chechnya. This, together with the award of “Holder of the Order of Friendship of Nations” to Kadyrov led to a little levity:

*“Kadyrov in Moscow. Kadyrov in Grozny. In a Papakha, in a cap. On a building. With the President (two in the room, I and Putin) ... Figaro here, Figaro there. And everything is grasped.”*²¹²

According to Riskin, the inhabitants of Chechnya were strongly convinced that with all the benefits and riches of the election there was no other alternative to Kadyrov.

On 30 May 2003 Akhmad Kadyrov issued a special decree on the formation of the Chechen Gossoviet (State Council) and its first session which would take place no later than 10 June when the chairman and other officers would be elected. According to Kadyrov, the Gossoviet would play an important role in the political life of the republic, since *“its members would be elected by the people and they would act in the name of the people”*.²¹³ Kadyrov, as if to demonstrate his *“indispensability”*,²¹⁴ on 30 May also suddenly dismissed the whole government, the heads of the rayon administrations and the mayor of Grozny. Even Stanislav Il'yasov, the Federal Minister for Chechen Affairs, was taken by surprise,²¹⁵ possibly reflecting a waning of the Kremlin's attention to matters Chechen,²¹⁶ possibly due to the fact that *“the Kremlin judging by everything does not have time to change horses in midstream, but Kadyrov understands this very well”*.²¹⁷ Anatoliy Popov, the Premier, was instructed by Kadyrov to form a new government.

Shortly after the announcements, Kadyrov officially awarded a bonus of 5,000 rubles to 19 rayon heads.²¹⁸ As Bakhtiyar Akhmedkhanov noted, it was clear whose interests would be promoted and for whom the Gossoviet would act. In the new Chechen Constitution, the head of the rayon administration and one other elected person from each rayon would be members of the Gossoviet, thus Kadyrov could have at least one protégé if not two from each rayon.²¹⁹

²¹² Ibid.

²¹³ <http://www.vremyamn.ru/cgi-bin/2000/1168/1/3>, Vremya MN, 31 May 2003, *“Chechne dayut Gossoviet”* by Bakhtiyar Akhmedkhanov.

²¹⁴ *Nezavisimaya Gazeta*, No 111, 5 June 2003, p2, *“Demonstratsiya nezamenimosti po-Kadyrovski”* by Andrey Riskin.

²¹⁵ *Nezavisimaya Gazeta*, No 112, 6 June 2003, p2, *“Shakhidi vzryvayut federal'yye tyly”* by Andrey Riskin.

²¹⁶ Ibid, p1, *“Yastrzhembskiy vse men'she zanimayetsya Chechney”* by Svetlana Ofitova.

²¹⁷ *Nezavisimaya Gazeta*, No 111, 5 June 2003, p2.

²¹⁸ *Nezavisimaya Gazeta*, No 110, 3 June 2003, p4, *“Kadrovaya revolyutsiya po-Chechenski”* by Andrey Riskin.

²¹⁹ <http://www.vremyamn.ru/cgi-bin/2000/1168/1/3>, Vremya MN, 31 May 2003.

Other Presidential Candidates

According to Khasbulatov²²⁰ other possible candidates in the Chechen presidential elections could well be Maskhadov himself, Salambek Maigov and Akhmet Zakayev. Khasbulatov stated that Zakayev had never utilised his popularity, and in the process of combing Chechnya, Khasbulatov's people had not come across a single person who spoke ill of Zakayev. Khasbulatov reckoned that Mashkadov was not "*too influential in the republic*".²²¹ Possibly there was a chance that Khasbulatov might consider running for President of Chechnya himself? Other potential candidates are Malik Saydullayev, Aslambek Aslakhanov and maybe even General Troshev. One cannot but feel that Troshev's heart will remain in the Caucasus and it cannot be excluded that an office there might beckon some time in the future.

Aslambek Aslakhanov²²² considered that Kadyrov would face serious rivals in the presidential race which would include people such as Salambek Khadzhiyev, Malik Saydullayev, Khuseyn Dzhabrailov, Khasbulatov and the brothers Bazhayev. At the present time it certainly looks as if Kadyrov has all the chances of becoming the next President of Chechnya, but it should also be remembered that he is a frequent target of those whose views do not coincide with his, as demonstrated by yet another attempt on his life on 25 April 2003.²²³

A detailed look at these possible contenders will have to wait for a future paper.

There is also speculation that in view of the 15 or so possible candidates for the Chechen presidential elections Kadyrov could announce that Chechnya does not need a president, and that for the Chechen the parliamentary model is preferable - discussion and councils. This might make it easier for Kadyrov to stay in power, and would be similar to the Daghestani model of government. However, whilst government by consensus is indeed the traditional Chechen way, it would require major changes to the constitution which has just been accepted by referendum, and this is extremely unlikely.

²²⁰ <http://www.nns.ru/interv/arch/2003/04/10/int9552.html>, NSN: *Nezavisimaya Gazeta*, 10 April 2003.

²²¹ Ibid.

²²² <http://www.nns.ru/interv/arch/2003/03/28/int9457.html>, NSN: *Intervyu nedeli Arkhiv*, *Nezavisimaya Gazeta*, 28 March 2003.

²²³ <http://gazeta.ru/2003/04/25/boevikivzorv.shtml>, "*Pod Groznym vzorvali dvoynika Kadyrova*" by Anton Brazhitsa.

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