

Q&A _____

The brutal persecution of LGBTQ in Chechnya

What crimes does the criminal complaint allege?

The crimes alleged in the criminal complaint to the German Federal Prosecutor's Office are attempted incitement of murder, extermination, torture, "disappearances," infliction of serious physical and mental harm, deprivation of liberty, and persecution of more than 150 people. Most survivors of this violence by Chechen security forces are gay or bisexual men; transgender and genderqueer individuals, as well as lesbian and bisexual women, have also been targeted. The individual acts were committed in the context of a systematic and widespread attack against LGBTQ, and therefore constitute international crimes under the German International Criminal Code (VStGB).

When and where did the crimes take place?

The crimes detailed in the complaint were committed in several Chechen Republic cities between 2017 and 2019. However, similar crimes were also reportedly committed in 2020.

Why are people in Chechnya persecuted because of their sexual identity?

Chechen society is strongly influenced by conservative and patriarchal values. Today's norms and social codes originate from centuries-old Chechen customary law (*adat*), which attributes strong heteronormative roles – i.e. a clear separation between the male and female gender, and their respective roles in society. These roles affect many areas of Chechen life and manifest in strict gender codes, such as the compulsory wearing of a headscarf for women, and the acceptance of polygamy for men. Sexual orientation is also subject to strict heteronormative rules. Any expression of a non-heterosexual identity is seen as a violation of the norm – even

though homosexuality is not a punishable offense under Russian law, which also applies in Chechnya.

The Chechen government extensively promotes heteronormative and patriarchal values as “unwritten laws” it uses as justification to oppress various groups, especially LGBTQ. On several occasions, Chechen officials have claimed that there are no LGBTQ people in the republic. In an interview with the US television channel HBO, Head of the Republic Ramzan Kadyrov described LGBTQ people as “devils” and “subhuman.” Kheda Saratova, Kadyrov’s advisor and representative of the Chechen Human Rights Council, also stated in an interview that living out a non-heterosexual orientation goes against tradition and will therefore be fought until there are no LGBTQ people left in Chechnya. These statements show society’s profound gendering, which demands unconditional adherence to heteronormativity. At the same time, these statements show that the Chechen government explicitly aims to oppress and eradicate LGBTQ people as a group.

Who is particularly persecuted in Chechnya?

Oppression is especially directed against homosexual and bisexual Chechen men who are forced to hide their homosexuality in order to conform to the image of masculinity enshrined in Chechen society. Thus, the relatives of homosexual and bisexual men force them to marry women to form a traditional family. Homosexual family members are often considered a disgrace. In this context, Chechen authorities pressure LGBTQ people’s family members to restore the family’s reputation by killing their homosexual or bisexual relative.

Since 2017, LGBTQ have been persecuted aggressively. The acts of the perpetrators suggest that those affected are denied their masculinity. For example, those affected were given female names and had their beards shaved off during detention in order to outwardly conform to the corresponding image of a woman. On several occasions, prisoners were told that they were not men because of their sexual orientation, and that this was reason enough for the abuse.

Has there been any attempt to bring these crimes to justice?

These crimes have not been solved in Russia. Although Russian law enforcement has been carrying out investigative measures in 2017, they have been insufficient and not aimed at actually solving the crimes or identifying those responsible. The authorities’ decision to discontinue the investigation without having identified a single suspect suggests that it was a sham. The perpetrators have not seen any criminal or disciplinary consequences.

What is the legal basis for the criminal complaint filed in Germany?

ECCHR and the Russian LGBT Network refer to the principle of universal jurisdiction, which came into force in Germany in 2002 with the International Criminal Code. According to this principle, the gravest crimes, such as genocide, war crimes and crimes against humanity, affect the international community as a whole, not just individuals or individual countries. When international forums for criminal justice are not available, universal jurisdiction can provide an alternative route via national procedures. This allows Germany (and other states that have universal jurisdiction) to prosecute international crimes regardless of who committed them, where they were committed, or against whom. The complaint also elaborates on common points of references between Germany and the EU.

Why should Germany investigate these crimes?

Addressing these crimes would fit Germany's long-standing efforts to uncover crimes within the framework of the Council of Europe's human rights protection system and the Organization for Security and Cooperation in Europe. Germany co-launched the OSCE's Vienna Mechanism in August 2018, which called on Russia to investigate crimes against LGBTQ people. Due to the Russian government's poor response, 16 OSCE member states, including Germany, initiated the Moscow Mechanism in November 2018 for an investigative commission to examine the crimes. Since the OSCE and Parliamentary Assembly of the Council of Europe's publication of the investigation findings, the Russian government has not taken any further steps to meet OSCE or Council of Europe human rights protection standards. By investigating the crimes and issuing arrest warrants for the suspects, Germany would make an important contribution to upholding the European human rights protection system and international law, as well as send a strong signal to the Russian authorities that impunity is unacceptable.

Where does ECCHR's information come from?

The criminal complaint is based primarily on information from the Russian LGBT Network, which interviewed many of those affected to document these crimes. It also draws on information from independent Russian journalists and Human Rights Watch employees. In the course of their research, they interviewed survivors and gathered information on Chechen security apparatus command structures.

Furthermore, the criminal complaint relies on information collected by the OSCE, the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Parliamentary Assembly of the Council of Europe on the reported crimes, which was published in their reports. The German Federal Office for Migration

and Refugees helpfully included information on crimes against LGBTQ in Chechnya in its 2019 country report, which the criminal complaint also includes.

What is the role of Sphere Foundation/Russian LGBT Network?

Sphere Foundation/Russian LGBT Network is a Russian-wide NGO based in Saint Petersburg that advocates for equal rights for people who identify as LGBTQI. Following the first reports of crimes committed in Chechnya in February 2017, the LGBT Network began to relocate those affected, and in certain cases their family members, to other regions of Russia, and later abroad if necessary, for their safety. Since April 2017, the LGBT Network has assisted over 235 people in leaving Chechnya and interviewed those affected. The network has published several reports about the information obtained in these interviews on crime scenes, suspects and scope of the crimes.

What do we demand?

The criminal complaint was filed to provide German law enforcement with critical information on the international crimes committed in the Chechen Republic of the Russian Federation between 2017 and 2019, as well as to request the German federal public prosecutor initiate investigations into the reported crimes and those responsible. Based on the prosecutor's findings, a structural investigation as well as individual investigations into the suspects should then be initiated. Then, arrest warrants that can be enforced internationally should be issued.

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European Center for Constitutional and Human Rights (ECCHR)