

Let's Call Chechnya's Systematic Murder of LGBT+ Individuals What it Is

By Dale Davis

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In 2018, Maksim Lapunov became one of the most widely known victims of a government-sanctioned purge of gay, bisexual, transgender, and other non-heterosexual men and those who did not conform to traditional gender norms in the Chechen Republic, Russia.ⁱ He alleged that for twelve days, the government of the Chechen Republic unlawfully detained him in Grozny, where officials physically assaulted him and subjected him to “psychological terror” by beating and torturing other LGBTI men in his presence.ⁱⁱ These officials even ordered him to contact another man suspected of being gay in order to set up a “rendezvous,” at which point this second man was arrested and tortured.ⁱⁱⁱ Lapunov is the only victim to date who has publicly addressed the Chechen government on the international stage.^{iv}

As a semi-autonomous republic of Russia, Chechnya has enjoyed wide latitude for independent governance. Since at least 2017, the republic’s leader (and ally of Russian President Vladimir Putin), President Ramzan Kadyrov, has unabashedly employed its military forces to detain, arrest, torture, and murder anyone considered under the LGBT umbrella.^v When viewed in light of Russia’s infamous law outlawing LGBT “propaganda,”^{vi} the autocrat Kadyrov has arguably extended Russia’s legalized anti-LGBT discrimination to an ultimate endpoint: state-sponsored arrests and murders. This only further scapegoats this community precisely because of the sexual or gender identity of its members^{vii} in order for Kadyrov to maintain his own grip on power.^{viii}

However, the Russian Federation is a treaty member of the Council of Europe and thus must follow both the European Convention on Human Rights (the “Convention”) and the precedent of the European Court of Human Rights (the “ECtHR”). The Convention requires all parties to protect the right to life of all individuals within the particular party’s territory.^{ix} As a unit of the Russian Federation, the Chechen Republic must adhere to the Convention.

The ECtHR, which interprets the Convention, provides a mechanism through which to remedy state-sponsored violations of the right to life.^x Whenever an individual alleges a deprivation of this right, the state party must conduct an “effective investigation.”^{xi} But here, the Chechen government under the direction of President Ramzan Kadyrov has conducted an anti-gay extermination of its own population^{xii} and thereby violated Article II of the Convention. But because President Kadyrov himself instigated this extermination, it is unlikely that either the Chechen or Russian government will satisfy the obligation to investigate this state-sanctioned terror. Moreover, the history of litigating human rights abuses committed in Chechnya at the ECtHR shows that the republics’ governments are either unwilling or unable to establish the factual record for a meaningful adjudication.^{xiii} This standard route of litigating a case at the ECtHR against the Chechen government would therefore prove futile.

The Council of Europe should instead act on the Parliamentary Assembly’s (“PACE’s”) precedent and past recommendations to establish an “ad hoc” tribunal. This tribunal would have the singular focus of adjudicating human rights abuses committed by the Chechen Republic against

its own people—particularly, LGBTI individuals.^{xiv} The PACE should adopt a resolution identifying the Kadyrov regime’s anti-LGBTI purge as genocide.^{xv} Although the PACE has yet to declare a human rights abuse within its territory “genocide,” the circumstances in Chechnya warrant such a seldom and solemn label.

ⁱ Carl Schreck, “Lonely Witness: A Gay Russian’s Stalled Bid for Justice in Chechnya Crackdown,” Radio Free Eur./Radio Liberty (Oct. 16, 2018), <https://www.rferl.org/a/lonely-witness-a-gay-russian-s-stalled-bid-for-justice-in-chechnya-crackdown/29546448.html>.

ⁱⁱ Schreck, “Lonely Witness.”

ⁱⁱⁱ Schreck, “Lonely Witness.”

^{iv} Schreck, “Lonely Witness.”; Office for Security and Cooperation in Europe. *OSCE Rapporteur’s Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation*. Dr. Wolfgang Benedek. 2018, https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf.

^v Human Rights Watch, “They Have Long Arms and They Can Find Me,” HRW (May 26, 2017), <https://www.hrw.org/report/2017/05/26/they-have-long-arms-and-they-can-find-me/anti-gay-purge-local-authorities-russias>. Adam Taylor, Ramzan Kadyrov says there are no gay men in Chechnya – and if there are any, they should move to Canada,” Washington Post (July 15, 2017), <https://www.washingtonpost.com/news/worldviews/wp/2017/07/15/ramzan-kadyrov-says-there-are-no-gay-men-in-chechnya-and-if-there-are-any-they-should-move-to-canada/>. Katy Steinmetz, “A Victim of the Anti-Gay Purge in Chechnya Speaks Out: ‘The Truth Exists’,” Time (July 26, 2019), <https://time.com/5633588/anti-gay-purge-chechnya-victim/>.

^{vi} Federal’nyi Zakon RF o Vnesenii Izmenii v Federal’nyi Konstitutsionnyi Zakon “O Konstitutsionnom Sude Rossiiskoi Federatsii” [Federal Law of the Russian Federation on Amendments to the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”], Rossiiskaia Gazeta [Ros. Gaz.] [Russian Gazette] (Dec. 16, 2015), <https://rg.ru/2015/12/15/ks-site-dok.html> [https://perma.cc/B393-V3HL].

^{vii} Schreck, “Lonely Witness.”

^{viii} Council of Europe, Parliamentary Assembly, Committee on Equality and Non-Discrimination, *Persecution of LGBTI people in the Chechen Republic (Russian Federation)*, 2018, <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24962&lang=en>. J.K. Trotter, “Some Basic Facts About Chechnya,” *The Atlantic* (April 19, 2013), <https://www.theatlantic.com/national/archive/2013/04/some-basic-facts-about-chechnya/316111/>. Contrasted with his traditional values approach, Kadyrov argues that LGBTI individuals are inherently anti-Chechen, inconsistent with Islamic morality, and resultant of Western global dominance. Human Rights Watch, “They Have Long Arms and They Can Find Me.”

^{ix} EUR. CONV. HUM. RTS., art. II, https://www.echr.coe.int/documents/convention_eng.pdf.

^x Research Report, European Court of Human Rights, *The nature and the scope of the procedural obligation under Article 2 of the Convention*, 1, 5 (May 5, 2015), https://www.echr.coe.int/Documents/Guide_Art_2_ENG.pdf.

^{xi} Research Report, *The nature and the scope*.

^{xii} Human Rights Watch, “The Have Long Arms and They Can Find Me.”

^{xiii} Philip Leach, “Egregious human rights violations in Chechnya: appraising the pursuit of justice,” in *Russia and the European Court of Human Rights*, eds. Lauri Malksoo & Wolfgang Benedek (2018), 260-67, <https://www.cambridge.org/core/books/russia-and-the-european-court-of-human-rights/egregious-human-rights-violations-in-chechnya-appraising-the-pursuit-of-justice/7C641889C3E1699E3200FCBF32742982>.

^{xiv} Leach, “Egregious human rights violations in Chechnya” 258-59.

^{xv} Although “genocide” is a politically and socially charged word, that term should apply with the utmost solemnity in this case. While genocide under the Geneva Convention requires the systematic killing or infliction of intentional bodily or physical harm to members of a “national, ethnical, or racial group,” that definition should encompass LGBTI+ individuals. For more information on genocide, see *Convention on the Prevention and Punishment of Genocide*, Art. II, United Nations, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.I_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf.