

POLICY AND PRACTICE NOTE

Protecting Human Rights Defenders in the North Caucasus: Reflections on Developments from 2009 to the Present

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Abstract

Since the end of the second Chechen conflict,¹ Russian authorities have struggled to contain the spread of Islamic extremism across Russia's entire North Caucasus region, especially in Chechnya, Ingushetia, Dagestan and Kabardino – Balkaria. Grave human rights violations in the course of counter-terrorism operations in these regions have been widely documented during the second Chechen conflict and its aftermath.² While international non-governmental organizations (NGOs) and intergovernmental bodies have long been concerned about the level of impunity for human rights violations in the North Caucasus, the murder of a well-known Chechen human rights activist in July 2009 prompted an equally strong focus on the security of human rights defenders (HRDs) working in this region. This paper first discusses several issues related to the protection of HRDs, specifically: the provision of security trainings; the application of the term 'HRD'; the adoption of 'tracking' technology; the need for an integrated understanding of 'security'; the importance of recognizing threats by non-state actors; the specific needs of women HRDs; and the effectiveness of evacuation. Finally, this paper presents questions on the sustainability of the one security model implemented thus far in a situation in which human rights work is simply too risky for local defenders to undertake.

Keywords: Chechnya; civil society; gender-specific threats; Russia; security

Introduction

Interest in improving security for human rights defenders (HRDs) in the North Caucasus region grew sharply after mid-2009, following the murder of

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1 Officially, the counter-terrorism operation and corresponding legal regime ended in Chechnya only on 15 April 2009. Active combat, however, ceased in 2001.

2 See e.g. Amnesty International (2012), Human Rights Watch (2005), Memorial Human Rights Centre (2003), in addition to many press releases by these organizations over the years.

Natalia Estemirova, a prominent Chechen human rights activist employed by the Grozny office of the Moscow-based Memorial Human Rights Centre. Ms Estemirova was known for her fearless work documenting the most sensitive cases of grave human rights abuses, an activity that has become steadily more dangerous since Ramzan Kadyrov, the current head of the Chechen Republic, consolidated power. No one has been held accountable for Ms Estemirova's murder and the investigation has been called ineffective by several leading human rights non-governmental organizations (NGOs) (see International Federation for Human Rights (FIDH, 2013).

Following the murder of Ms Estemirova in July 2009, three more activists from Chechnya and Ingushetia were murdered between September and November that year. Fortunately, the extraordinary deadlines of human rights work in the North Caucasus observed in 2009 has since decreased, likely in part due to the prompt evacuation—temporary and permanent—of highly threatened activists. Nonetheless, two journalists and two lawyers in Dagestan were killed between 2011 and mid-2013, and HRDs in several regions continue to receive threats to their livelihoods and sometimes their physical security.

Civil society in the North Caucasus

Civil society in the North Caucasus is diverse. However, the most well-known local groups deal with the most notorious and problematic human rights violations occurring there, which include disappearance, extrajudicial killing, torture and unfair trial. Activists and NGOs who focus on these violations mainly carry out monitoring activities, and some conduct litigation at the European Court of Human Rights (ECtHR, or the Court).³

Women's rights issues in the region have only recently begun to receive more attention from the international community, although local NGOs focusing on social, psychological and legal issues particular to women, especially in Chechnya, have been operating for some years. Local youth support organizations are also common in Chechnya.

Generally, women tend to be more active than men in pursuing justice for grave abuses against male relatives,⁴ and civil society groups across the region, regardless of their thematic focus, tend to be dominated by women.⁵

3 Between 2005 and 2013, the Court has handed down over 200 judgments finding Russia responsible for grave human rights abuses committed mainly in Chechnya and Ingushetia. For a breakdown of cases decided and pending before the ECtHR, see the website of Russian Justice Initiative: <http://www.srji.org/en/legal/cases>.

4 Statistics on file with Russian Justice Initiative.

5 Lawyers in the region who work on human rights issues such as arbitrary detention, torture and unfair trial are neither predominantly male nor female.

Non-governmental organizations in the North Caucasus: the impact of the recent crackdown on civil society

Following the return of Vladimir Putin to the Russian presidency in May 2012, the State Duma passed, at record speed, a raft of legislation to regulate and restrict freedom of speech and assembly as well as to stigmatize the activities of civil society. In June 2013, following an unprecedented campaign of inspections of NGOs across Russia initiated several months earlier, a significant number of NGOs began to receive warnings that their activities required them to register as ‘foreign agents’⁶ under the most controversial new piece of legislation, the so-called ‘foreign agents law’.⁷

While the new legislation threatens to weaken civil society all over Russia, it is important to keep in mind that the current wave of repression may have a greater impact on civil society in the North Caucasus than on the more visible and better funded NGOs based in Moscow and other major cities. This is due as much to the inherent risks of carrying out human rights work in the North Caucasus as to the pernicious efforts of local authorities to use the period of uncertainty and confusion following the passage of the new legislation to further their own agenda. The latter may be particularly insidious, as it may result in repressive actions that are not as obviously tied to the foreign agents legislation, or which may affect less visible or vocal NGOs, or those working on issues not normally considered ‘dangerous’. For example, several NGOs focusing on psychological and legal support for women in Chechnya were told, following inspections, that their statutes needed to reflect a restricted geographical mandate—namely Chechnya only, as opposed to the North Caucasus region—meaning that the NGOs in question would no longer be able to carry out trainings outside of Chechnya (*Abubakarova interview, 2013*). Another NGO was told to remove all references in its statute to ‘youth’ and ‘sports’ (*Rochowanski interview, 2013*).

These examples illustrate that NGOs engaged in social activism, women’s rights or youth support in Chechnya are now being viewed by the local authorities with just as much suspicion as those working on more ‘traditional’ human rights issues, such as torture or disappearances, because the former are perceived as usurping the regime’s ideological strongholds. This reality should therefore be borne in mind when assessing both the overall health of civil society in Chechnya, as well as the security needs of HRDs and NGOs whose activities might not technically fit into a ‘human rights’ paradigm.

6 At the time of writing, several NGOs have been designated as foreign agents by local courts. These include the election watchdog ‘Golos’ as well as a leading lesbian, gay, bisexual and transgender (LGBT) NGO in St Petersburg. At least 20 other NGOs have gone or will soon go to court to challenge the Prosecutor’s determination that their activities qualify them as ‘foreign agents’.

7 The Federal Law of 20 June 2012 N121–FZ requires NGOs to register as ‘foreign agents’ if they carry out ‘political’ activities with foreign funding. There is as yet no official definition of the term ‘political’.

The effectiveness of security trainings

Since 2009, international NGOs and foundations have initiated new platforms to support threatened activists in the North Caucasus, including the provision of security trainings. However, while such efforts to support threatened HRDs are extremely well intentioned, their practical impact is often limited because organizers possess an inadequate understanding of local civil society, and make unilateral decisions as to whom to invite for these trainings. Therefore, the trainings do not always reach the right audience and are also sometimes viewed by participants as a ‘free ride’ to a different country rather than valued as a learning experience. Furthermore, such trainings do not necessarily target those HRDs who are most threatened. Certain activists may be invited to several trainings a year, while others, who may be no less threatened, might not be invited to attend any.⁸ This approach also has another major drawback, namely that the host sets the agenda, which encourages a passive attitude on the part of the participants.

One way to remedy this situation is to replace the current ‘invitation-only’ approach with an open application process. This would educate the host about the most relevant security issues faced by HRDs in the region and at the same time encourage HRDs to think actively about their own security needs. Encouraging HRDs to take responsibility for their own security is an essential step in ensuring the sustainability of human rights work in dangerous regions.

The application of the ‘human rights defender’ label

It is also worthwhile to question the application of the HRD label. It is important, for example, that this label not be used only for senior, famous activists and leaders—it should also include younger, less prominent activists and regular staff of NGOs. On the other hand, it is also important to determine whether certain types of activists, for example, those who do not believe in ‘human rights’ because it conflicts with Islamic values, constitute HRDs.⁹

Another worthwhile question to pose in this regard is whether, given the numerous judgments made by the European Court on human rights abuses in the region, particularly vocal applicants to the ECtHR could be included in the concept of HRDs for the purposes of receiving training in advocacy, media and security, or for receiving funding for relocation in the event of threats connected to applications lodged at the European Court.¹⁰ In a region

8 In 2012, an activist from the North Caucasus who was invited twice within several months to security trainings sent a relative to go in her place.

9 Activism in the North Caucasus may sometimes blur the line between Islamic activism—advocating the implementation of sharia law and *adat* (customary law)—and human rights activism (usually based on the European Convention). This raises complicated questions about the extent to which the former kind of activism should be supported.

10 One potential recent example is Mr Islam Umarpashayev, a young Chechen who complained before the Court of being kidnapped, tortured and groomed—i.e. made to grow a long ‘Wahhabi’ beard—for a set-up in which his dead body would be presented as that of a killed

gripped by fear of reprisals for reporting human rights abuses, those intent on seeking justice despite the risks who make applications to the Court might contribute to the larger goal of promoting accountability if more external support and legitimation of their plight were forthcoming.

Technology for tracking human rights defenders

In early April 2013, the Swedish NGO Civil Rights Defenders unveiled the ‘Natalia Project’¹¹—named after, and said to be inspired by the fate of, Ms Estemirova: a security bracelet device that combines GPS/GSM technology and social media to provide rapid responses to threats to HRDs. The release of the bracelet was covered extensively in the media (see e.g. [BBC News, 2013](#)). Although the bracelet is intended for HRDs all over the world, it is appropriate to mention it here, given that the bracelet bears the name of Ms Estemirova, and that several activists in the North Caucasus have been among the first to be fitted with the device.

The development of tracking technology for HRDs working in dangerous contexts appears sound in principle but remains as yet untested for effectiveness. It is unclear, for example, whether such devices actually accomplish more than simply setting up a sound security protocol and following it closely, or making sure that HRDs at risk do not move around alone. In any case, the device is not a panacea, and moreover should not give defenders a false sense of security, which could lead them to abandon good practices. Furthermore, as far as the North Caucasus is concerned, most of the HRDs who have suffered the worst fates have been victims of contract-style assassinations, which would render such a bracelet useless. Thus, the statements made by Civil Rights Defenders that the bracelet would have saved the life of Natalia Estemirova¹² appear speculative at best.

‘Cause-and-effect’ security versus integrated security

In general, the security needs of HRDs in the North Caucasus may not always match the presumptions and expectations of international donors, who may still favour ‘cause-and-effect’ security strategies—with a clear link between the threat and the HRD’s work—when in fact a more integrated approach, which takes into account the activist’s specific life situation from all angles, may be appropriate. The integrated security model takes as its central premise the notion that it is not the source of the activist’s problems that should determine the merits of an intervention, but rather the effect of the problems on the

militant. Umarpashayev and his family were relocated to a region outside of Chechnya at the expense of his representatives before the ECtHR, the NGO Interregional Committee against Torture, in order to ensure their safety during the investigation.

11 See <http://natalia.civilrightsdefenders.org>.

12 See interview with Robert Härde, Executive Director of Civil Rights Defenders, BBC World News, available at https://www.youtube.com/watch?feature=player_embedded&v=L-5NE03kBuM.

activist's ability to continue their work.¹³ Implementing an integrated approach to HRD security in the North Caucasus might be particularly appropriate in the areas of assessment of physical and psychological health, and the origin and nature of threats, as explored below.

Psychological and physical health

The psychological and physical consequences of everyday work as a HRD in the North Caucasus can be insidious and debilitating. Mental health issues most commonly encountered in the field include insomnia, lack of concentration, post-traumatic stress syndrome (PTSD), memory loss, and depression. One leading local lawyer once expressed her exasperation at 'having to go to court, where you tell the judge: "it's black". And everyone can see that it's black. But the judge says: "no—it's white". Sometimes I think I am the one going crazy, and I just want to give up.' (Abubakarova interview, 2013)

Many others talk about being haunted by thoughts of victims and their families at night and suffering from chronic lack of sleep. Others develop, after years of harassment, chronic weaknesses in immunity, making them sick once a month (Rochowanski interview, 2013). Currently, two female HRDs from Chechnya in their early thirties are receiving treatment for breast cancer, and many other young defenders have required surgery or intensive therapy and some cannot work for considerable lengths of time due to health problems.

Of course, without in-depth scientific and quantitative research, such examples remain merely anecdotal, although the incidence of mental and physical ailments among HRDs in the North Caucasus appears to be higher than average. Although it is impossible to prove that HRDs suffer mental and physical health problems *because* of their work, the integrated security model would advocate support based on the fact that the HRD is *too sick to work*. Decisions on interventions in such situations should also take into account the high cost of quality health care in the region, as well as regional particularities such as distrust of the medical profession.

Threats by non-state actors

Although threats and attacks from state authorities in the North Caucasus are among the most deadly, both male and female HRDs may face serious threats by non-state actors in a variety of other contexts which may or may not be directly connected to their work, but which may pose serious risks to their health and safety. Some lawyers may in fact face the most dangerous threats not from the authorities, but from cases which they take 'on the side', such as civil litigation concerning property or inheritance disputes, when they may come up against very powerful and influential private citizens, sometimes with links to the authorities. Anyone with 'connections' to power structures in the North

13 The concept of 'integrated security' has gained ground particularly in the context of women's rights (see e.g. Barry, 2011).

Caucasus, even in a personal capacity, is potentially a very dangerous opponent. The same holds for anyone intent on seeking ‘blood vengeance’,¹⁴ which is still an active practice. In a very recent example from May 2013, a journalist in Ingushetia was threatened with blood vengeance by the family of a disappeared man for supposedly dishonouring the victim’s family in an article written about the disappearance.

Another example dates from September 2009, when leaflets were distributed by anonymous authors in the capital of Dagestan containing a ‘list’ of targets for blood vengeance. Two of the listed targets, a journalist and a lawyer, were killed in September 2011 and July 2013 respectively. Commenting on the journalist’s assassination, Tanya Lokshina, Deputy Director of Human Rights Watch’s Russia office, said: ‘Even if there was a personal aspect to his murder then it became possible because of the atmosphere of complete impunity which the Russian authorities have allowed to flourish [in Dagestan].’ (*The Guardian*, 2011)

These examples illustrate that in the North Caucasus the almost total lack of protection by the state can be seen as effectively enabling attacks by non-state perpetrators, which pose as much of a threat to HRDs as those by state authorities.

Specific needs of women human rights defenders

The regime of Ramzan Kadyrov has generated international attention, for the first time, to women’s issues in Chechnya, given the promotion of his ‘virtue campaign’ for women (Human Rights Watch, 2011: 9) and his public apologies for honour killings (Parliamentary Assembly of the Council of Europe (PACE), 2010: 9, para. 11), which occur not altogether infrequently in Chechnya and in other republics of the North Caucasus.

Less often mentioned is the fact that family law in Chechnya and other parts of the North Caucasus is by default regulated by *adat*, or customary law, whose tenets hold that a woman is never a full legal adult and cannot make any decisions without the consent of her male relatives. In particular, a woman has no parental or custody rights, no inheritance rights, and no property rights as such.

Since female HRDs are not excepted when it comes to conforming to gender norms, the reality of gender relations in the North Caucasus means that female HRDs may have particular security needs. For example, female HRDs may be subjected to threats specifically from family members, sometimes combined with threats from state authorities. At least two female Chechen activists in recent years were evacuated from Chechnya due to threats stemming not from their professional activities, but from their families: one was faced with a forced marriage and another risked losing her children when her ex-husband tried

14 Blood vengeance refers to a form of vigilante justice based on the principle of ‘an eye for an eye’, and is deeply connected to the concept of preserving the honour of a family or clan.

several times to kidnap them. In an example of ‘combined threats’, a woman activist was actually forced into marriage by her family precisely because the authorities were threatening her. Other female activists have been threatened with ‘punitive’ divorce because of their work, accused by the authorities of being prostitutes or ‘bad women’, been deprived of custody of their children, and have become the victims of potentially deadly rumours about sexually promiscuous behaviour (Rochowanski interview, 2013), which in present day Chechnya can lead, in the most severe cases, to ‘honour killing’.

The effectiveness of evacuations

Temporary evacuations from the region have often been successful at providing activists, and sometimes their families, with a much-needed break from the pressure and stress of their work, and the feelings of frustration and hopelessness it may produce. While evacuation should not be viewed only as a measure of last resort and may be only one strategy chosen by an activist among other security measures, it is often the measure chosen by those most at risk. For those most at risk, however, the effect of temporary evacuations may fade quickly. For example, for someone like Ms Estemirova, who faced a constant barrage of threats, but continued to work on high-profile and dangerous cases, it is difficult to speculate about the possible success of temporary evacuation.

In a recent example, the designed benefits of an evacuation lasted for only a short period of time for Magamed Abubakarov, a Chechen criminal defence lawyer known for his willingness to take on sensitive cases. In December 2011, shortly after returning home from a period of evacuation, Mr Abubakarov was involved in a car accident under highly suspicious circumstances; he suffered severe injuries, but survived. After a second evacuation, Mr Abubakarov again became the target of threats only a few weeks after his return home to Nalchik in late January 2013, when he began to receive death threats sent to his mobile phone, which continued after he reported the incident to the police (Amnesty International, 2013).

It is unclear what lessons can be drawn from the lack of success in obtaining a ‘cooling-off period’ for Mr Abubakarov following his evacuations, but his situation highlights that lawyers in particular may be unable to lower their profile sufficiently in order to work safely in the region on particularly sensitive cases, because their work brings them into direct contact with state institutions known for their repressive tactics. Moreover, as a group, lawyers may be a particularly vulnerable target in any case, since they do not always possess a broader civil society support network. Even if a lawyer is employed on a contract basis with an NGO, Russian law does not allow lawyers to enter into regular employment contracts and contains hurdles to representation of clients by a legal entity, such as an NGO. Therefore, the lawyer’s name will always appear on any official legal submissions.

The examples of Ms Estemirova and Mr Abubakarov illustrate that there is a threshold beyond which it is too dangerous for a HRD to continue their

work without the most serious consequences for their health and livelihood. This presents an opportunity to discuss one of the security strategies implemented in Chechnya following the murder of Ms Estemirova and its potential as a sustainable security model.

The creation of the Joint Mobile Group in Chechnya

After the death of Natalia Estemirova, the office of the Memorial Human Rights Centre in Grozny, where Ms Estemirova worked, suspended their operations in Chechnya, citing security concerns for the rest of their staff. Following this development, in November 2009 the Interregional Committee Against Torture based in Nizhny Novgorod formed a ‘joint mobile group’ (JMG) of lawyers from different regions of Russia to work on a rotational basis in Chechnya, focusing on the investigation of serious crimes such as disappearances and extrajudicial killings committed by local Chechen forces. Before being set up in Chechnya, mobile groups had been established on an ad hoc basis to conduct investigations in other Russian regions such as Bashkiria, Tver, Stavropol, Krasnodar and Chuvashia, which produced significant results in terms of timely documentation of systematic abuses ([International Rehabilitation Council for Torture Victims \(IRCT\), 2012b](#)).¹⁵ The Committee articulates the rationale behind the JMG model as follows:

The [JMG]. . . is used only in the context of large scale or systematic violations, when the region featuring such violations: 1) lacks human rights NGOs capable of conducting a professional public investigation on their own; or 2) when due to the large scale of violations local NGOs do not have the capacity to conduct such an investigation; or 3) when involvement of local human rights defenders into such investigations might pose a real threat to their lives, health and security, or that of their families. ([IRCT, 2012a](#))

The work of the JMG, which investigated a total of seven cases, including the last case investigated by Natalia Estemirova before her assassination, was awarded the Front Line Defenders’ Award for Human Rights Defenders at Risk in May 2011 ([Front Line Defenders, 2011](#)). Inside Russia, a debate between the leader of the group and a well-known journalist helped raise awareness about the realities of Kadyrov’s regime in Chechnya.¹⁶

Because of the JMG’s relative success in investigating sensitive cases in one of the most dangerous climates in Russia while avoiding serious security incidents, it is worthwhile to examine JMG’s durability as a security model.

15 For more information on the history and work of the mobile groups in these regions, see [Taubina \(2008\)](#).

16 An article by journalist Yulia Latynina provoked a back-and-forth debate between the journalist and the head of the mobile group, Igor Kalyapin, on the methods of the JMG (see [Latynina, 2011](#)).

The Joint Mobile Group as a security model: questions of sustainability

From a security standpoint, the JMG in Chechnya operated on the assumption that it was too dangerous to have local lawyers working on the cases it was investigating. As one of the group members said: ‘They had the idea that [Estemirova] was causing problems and without her there would be fewer problems . . . But who am I? We rotate. They know there are people behind us and that if they kill me someone else will come’ (*New York Times*, 2011). The JMG in Chechnya was characterized by its long mission length for the rotational lawyers and its particularly stringent security measures, operating on the principle of ‘safety in numbers’, and communicating according to a strict chain-of-command structure (IRCT, 2012c). These operational principles have been successful in preventing serious security incidents for the members of the group, although one incident of prolonged detention was reported.¹⁷

The JMG, of course, clearly represents more than a security model. In examining the sustainability of the JMG as a protection mechanism, however, more general questions also arise, such as inclusiveness of membership and interaction with local civil society across the wider North Caucasus.

In terms of the group’s membership, for example, it is unclear to what extent the JMG systematically welcomes lawyers from outside of the Committee’s own network, and whether there is a selection process for interested participants from other NGOs or from independent practitioners, especially from the North Caucasus. In addition, until recently, it was tacitly accepted that women were not accepted into JMG ranks, presumably because members of the group live in barrack-like conditions in one apartment. Only two women have participated in the JMG, and clearly remain the exception. Given that civil society in Chechnya and the wider North Caucasus is far from dominated by men, however, the JMG’s membership should ideally reflect the gender balance more accurately.

The JMG clearly has expertise—related both to human rights methodology as well as to security measures—which could be shared more widely in the interests of sustainability. In general, lawyers in the North Caucasus benefit from professional capacity building and information sharing in various areas. With human rights lawyers and activists facing similar—if less acute—risks in other regions of the North Caucasus aside from Chechnya, it could be desirable to expand the JMG’s membership in Chechnya, as well as to set up other groups in different republics. As noted above, unlike other civil society activists, lawyers may be more isolated and have less of a support network. Taking part in an initiative like the JMG could help them form more locally sustainable support networks which might be helpful when they return home to continue work on their own cases.

17 The most serious incident involving the group’s physical security appears to have been the detention of three members overnight in Shali, Chechnya (see *Novaya Gazeta*, 2010).

Of course, a serious expansion of the JMG would require significant additional funding for any organization taking up the logistical coordination of the group. Furthermore, in certain contexts, JMGs may not be feasible. For example, local defence lawyers involved in a mass criminal trial in Nalchik, which has been ongoing for over seven years, have faced repeated harassment and in certain cases death threats and attempted assassination. Thus far, in this context, two outside lawyers (from Ingushetia) were brought in with separate funding to continue the defence of one of the most high-profile detainees, but with 58 co-defendants in this case, implementing this solution on a grander scale would entail a considerable financial and logistical commitment.

Conclusion

The commitment by the international community to improve security for HRDs in the North Caucasus is one that will hopefully continue, as HRDs have benefited greatly, and will continue to do so, from training, awareness raising and temporary evacuation, among others. Comparing approaches to security adopted over the past four years with the troubling social and political dynamics in the North Caucasus in general points towards the need to encourage HRDs to articulate their own priorities and strategies, and to foster an integrated approach to security that takes into account the complex reality of human rights work in the North Caucasus. In the meantime, more research is needed on the long-term consequences for the mental and physical health of HRDs operating in high-risk situations.

The formation of the JMG in Chechnya represents a largely successful security model in a situation in which local defenders have too much at stake to continue their work. The model raises issues of sustainability in a climate of decreased funding for work on the North Caucasus and a continued need for building capacity among local NGOs and lawyers in the region. With an appropriate level of commitment and participation, however, the model appears to carry much potential for increasing the level of solidarity, networking and advocacy between activists at the local level.

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