

## **Chechen Murder Case Colonel Acquitted**

The only Russian officer publicly tried for an atrocity in Chechnya has been freed on the grounds that he was insane.

Early on the evening of December 31, as Russia's New Year's holiday was beginning, the long-running saga of the murder trial of Russian tank commander Colonel Yury Budanov ended with his acquittal on grounds of insanity.

The case was unique here, as it was the only one in which a serving Russian officer in Chechnya was standing trial for an atrocity committed there - the murder of a teenage Chechen girl. As such, it was seen as a test of how a Russian military court treated one of its own officers, apprehended for a serious crime.

Human rights activists have universally condemned the verdict, saying that it now gives the green light to the Russian military to act with impunity in the war-torn republic.

Budanov, commander of the 160th tank regiment in Chechnya, was charged with the murder of the 18-year-old Kheda (also known as Elza) Kungayeva in March 2000. The girl was also raped, but no rape charge was brought against the accused.

That Budanov killed Kungayeva is not disputed. On March 26, 2000, the day in which Vladimir Putin was confirmed as president of Russia, Budanov and a group of soldiers arrived in an armoured personnel carrier at the house of the Kungayev family in the Chechen village of Tangi-Chu.

The parents of the house were not at home. Budanov and three other soldiers seized their daughter Kheda and took her back with them to their base.

Later that evening, Budanov summoned his soldiers and ordered them to bury the girl's dead body in woodland. He himself was in his underwear, while her clothes had been slashed with a knife. A medical examination later determined that the girl had been raped and strangled.

Budanov, supported by his chief of staff Ivan Fyodorov and several soldiers, later tried to resist arrest by Russian general Valery Gerasimov. He was detained and finally brought to trial in February 2001 in a military court in the city of Rostov-on-Don.

The reason it took so long for Budanov to come to trial was that he underwent several psychiatric examinations, as his defence team sought to prove that he had committed the crime while mentally unstable.

An initial examination in a military hospital judged him to be basically sane. Subsequent examinations, including three by the Serbsky Institute in Moscow, determined him first to be "temporarily insane" and finally to have been insane for a period of three months before he committed the murder.

For most of the trial, Budanov was completely calm and conversed in normally with an IWPR correspondent through the bars of the cage where he was being held.

Just before the end of the trial, a scandal erupted, however, when the lawyer representing the Chechen girl Abdullah Khamzayev said that Budanov gave the impression of being an entirely sane person, whose psychic health was not in doubt. Budanov swore at Khamzayev and accused him of being responsible for the death of Russian soldiers.

After this exchange, the judge declared an adjournment and the last week of the trial took place without Budanov present.

The trial became politicised as the defence claimed that Budanov was a distinguished soldier. They said that the Chechen village where the tragedy took place was a dangerous place, where a large quantity of weapons had been confiscated, a helicopter had been shot down and three tanks destroyed by Chechen rebels.

They claimed that Budanov had been shown a photograph showing Kungayeva with a sniper's rifle in her hand.

"A Chechen girl can play with dolls by day and be a sniper, a sapper or a radio-operator by night," the defence said.

Neighbours of the murder victim from Tangi-Chu responded that the Kungayevs were a respected family of farmers and that Kheda was an extremely retiring girl, who spent most of her time at home.

"She was very modest and shy girl, who was very embarrassed even to pass a group of boys in the village or at school," her friend Taisa Suleimanova testified. "She was the eldest of five children and had to do many household chores - like tending the cows and sheep - because her parents were away all day working in the vegetable garden. It's simply impossible to imagine a girl like this as a sniper."

Visa Kungayev, the father of the dead girl, said afterwards, "Throughout the whole trial we felt that we were not the victims, but the accused."

He did not blame his lawyers but said, "The military, as represented by influential generals (Vladimir Shamanov and (Gennady) Troshev and others set themselves the goal of getting Budanov out of jail at any price."

Lieutenant-general Vladimir Shamanov, a former senior commander in Chechnya and now governor of Ulyanovsk region, publicly defended Budanov, calling him a "talented commander" and an "honest citizen of our country." He had been awarded the Order of Courage medal.

The mother of the murdered girl, Roza Bashaeva said the trial had completely destroyed her health.

"We had to prove what was obvious, endure injustice and humiliation both in the trial and outside it, because there are plenty of people in Russia who believe that all Chechens are guilty in advance," she said. "And yet we have to achieve justice for the sake of the memory of our daughter."

The family complained that the trial had been weighted against them. Several of their basic demands, including inviting General Gerasimov, who had arrested Budanov, to testify, were not accepted.

The family is now appealing the verdict.

Many in Chechnya have been following the trial closely - and were not surprised by the way it turned out.

"We expected this result," said Said-Magomed Gelagayev, a well-known teacher from Grozny. "We guessed that a murderer in epaulettes would escape punishment."

"I remember one of his comments in the court room: 'I did what others are doing in Chechnya.' That's the way it is, a huge number of similar crimes have been committed in the years of the war and only Colonel Budanov ended up in the dock."

Zura Magomadova, the headmistress of the school in the Soglasie camp, where the Kungayevs now live, said that her faith in Russian justice had been destroyed, "It's a shame that the trial did not live up to the hopes of people like me. Now the lack of punishment unties the hands of the criminals."

Eliza Musayev of the human rights organisation Memorial commented, "A Russian court is not free, the trial of Budanov showed us that."

Yury Tumanov, a freelance journalist in Rostov-on-Don, covered the Budanov trial. Asiyat Vazayeva is a freelance journalist based in Ingushetia.

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