

## ПРАВООЗАЩИТНЫЙ ЦЕНТР "МЕМОРИАЛ"

### MEMORIAL HUMAN RIGHTS CENTER

127051, Россия, Москва, Малый Каретный пер., д. 12

Тел. +7 (495) 225-3118

Факс +7 (495) 624-2025

E-mail: [memhrc@memo.ru](mailto:memhrc@memo.ru)

Web-site: <http://www.memo.ru/>



## Bulletin of the Memorial Human Rights Center

### Situation in the North Caucasus conflict zone: analysis from the human rights perspective.

Spring 2010

HRC Memorial continues its work in the North Caucasus. We offer a new issue of our regular bulletin containing a brief description of the key events featured in our news section over the three spring months of 2010 and a few examples of our analysis of the development of the situation in the region. This bulletin contains materials collected by the Memorial staff working in the North Caucasus and published on the Memorial website as well as media and news agencies reports.

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## The President of Russia and the human rights activists

Major terrorist attacks involving suicide bombers and taking the lives of 52 people and leaving another 150 wounded took place in *Moscow* on **March 29** and in *Kizlyar* on **March 31**.

Those events had entailed new organisational measures related to the anti-terrorism struggle as well as significant toughening of the country's leaders' rhetoric. Whereas the working visits made by the Russian President **Dmitry Medvedev** to *Kabardino-Balkaria* and *Karachaevo-Cherkessia* a month before the bombings were mainly remembered for the idyllic images of visits and inspections to exemplary schools and farms, the mentioned events compelled the President to revert

to his earlier harsh mobilising rhetoric and even abandon the adopted image of a "president of law". Immediately after the Moscow bombings he called for merciless elimination of the terrorists in the event that they offer resistance. This declaration appears to be somewhat strange, - as if things were different before. And on **April 2** at a meeting with representatives of the security services in *Makhachkala* Dmitry Medvedev said that those who had organised the attacks in Moscow and Kizlyar were going answer with their lives for what they have done, - and that despite the moratorium on death penalty that currently exists in Russia (*Interfax news agency, 2.4.2010*). The security services did not depart from their practice of killing terrorists rather than proving their guilt in court and soon reported that the three direct perpetrators involved in the Moscow metro bombings had been eliminated (*ITAR-TASS, 13.5.2010*). The FSB Director **Alexander Bortnikov** also reported that all the members of the gang responsible for the Moscow metro bombings had been identified (but none had been arrested so far), and that the investigation of the attacks was expected to be completed shortly. Among the persons suspected by the FSB of complicity in the bombings in question that had already been eliminated was **Akhmed Rabadanov** killed on **April 26** in the *Khasavyurt district of Dagestan*. He had been identified by the Dagestan law enforcement services from the printed out recordings of the surveillance cameras in the Moscow metro (*Novoye delo, 30.4.2010*).

The terrorist attacks in Moscow and Kizlyar were followed by certain organisational arrangements. At a meeting held in Makhachkala on **April 1** the Russian President named the five essential components of victory over terror which were: strengthening of the law enforcement system - the Ministry of Interior, the FSB, the judicial system; the tactic of dealing target preventive blows to the terrorists which are intended to destroy them and their hiding places; assistance to those who have decided to "break up with the insurgent past"; economic growth and giving special attention to the aspect of morality and spiritual values (*Novoye delo, 2.4.2010*). All of the measures listed above had been repeatedly advertised and even begun to be implemented. The majority of those efforts had unfortunately been sunk by the inefficient bureaucratic routine.

For the purposes of this programme's implementation, on **April 7** Mr. Medvedev ordered the creation within a period until **April 19** of a permanent terrorist response team in the North Caucasus Federal District. The responsibility for creating such a permanent team was laid on the FSB director Alexander Bortnikov, the Minister of Interior **Rashid Nurgaliev** and the Chairman of the Investigative Committee of the RF Prosecutor General's Office **Alexander Bastrykin**. Dmitry Medvedev had also instructed the Prosecutor General **Yuri Chaika**, the Chairman of the Investigative Committee and the head of the Presidential Administration **Sergei Naryshkin** to submit before **May 15** their proposals concerning improvements to the law in the form of toughening the criminal responsibility for terrorist abettors. Moreover, the President instructed them to prepare before **April 30** relevant proposals on the creation of a programme on countering crime and terrorism on the territory of the North Caucasus Federal District.

Some time later the website of the National Anti-Terrorism Committee published an announcement on the creation of an active inter-departmental response team which is to be spearheaded by "one of the heads of the Investigative Committee of the Public Prosecutor's office of the Russian Federation". The key task assigned to this new structure is coordination of the operational and investigative activities of the FSB, the Ministry of Interior and the Investigative Committee of the Public Prosecutor's office (*the website of FSB National Anti-Terrorist Committee, no date*). The development of the counter-terrorism legislation suddenly assumed an unexpected course after the bombings in Moscow. In the early summer a draft law was introduced by the Russian government before the Lower House of Parliament (the State Duma) providing for an enlargement of the FSB powers with regard to crime prevention, particularly with regard to prevention of extremism and terrorism-related crimes (*the official website of the FSB, 3.6.2010*). The draft law was expected to grant the FSB the power to serve, as a "preventive measure", "warnings to individuals to the effect that if the latter continue with their unlawful activities, this

may result in their criminal liability”; “such warnings are issued with a view to giving people time to mend their ways”. To prevent citizens from ignoring such warnings, the draft law envisaged introduction of administrative liability for refusal to obey lawful orders contained in such official warnings (*the website of the FSB*, 11.6.2010). The FSB was therefore supposed to be vested with the power to punish even prior to the actual commission of offence. Similarly to the case with the aftermath of the Beslan hostage crisis, the authorities did their best to avail of the panic and fear that had seized the masses after the metro bombings in order to expand and entrench the powers of the security services.

The massive protest on the part of the human rights activists and political opposition forces had, however, compelled the partisans of further empowerment of the FSB to back out. The final version of the new draft law provides for administrative liability following refusal to obey lawful orders of an FSB officer with no relation to any warnings issued.

In its declaration On Amendments to the Law on the FSB activity (**July 15**) the International Public Organisation Memorial gave the following opinion of the said innovation: “An attempt to create a crossbreed between the rule of law and an invariably unlawful politically repressive mechanism will inevitably result in either complete devaluation of the rule of law or in such repressions lacking intended effectiveness. In this case we believe that we have an instance of both coming into existence here” (<http://www.memo.ru/2010/07/15/fsb.htm>).

Along with the usual enlargement of the police agencies’ powers, there was, however, a fundamentally different reaction of the federal authorities in respect of the situation in the North Caucasus demonstrated by the Russian President’s attempt to hear the voice of the human rights community.

On **May 19, 2010** a meeting between the President of Russia Dmitry Medvedev and a group of human rights activists working with the North Caucasus region was held in the Kremlin. The meeting was organised by the Civil Society Institutions and Human Rights Council under the President of Russia headed by **Ella Pamfilova**.

Only three members of the Council were actually among those attending the meeting: the Chair of the Council Ella Pamfilova, the Chair of the Moscow Helsinki Group Ludmila Alexeyeva and member of the Memorial HRC Board, the chair of the Civic Assistance committee, Svetlana Gannushkina. Along with the latter, Memorial was represented at the meeting by Alexander Cherkassov, a member of the Memorial HRC Board, Timur Akiev, the head of the Memorial office in Nazran, Ingushetia, Oyub Titiev, a staff member of Memorial HRC in Gudermes, Chechnya, and Zaur Gaziev, a staff member of Memorial in Dagestan.

The meeting was also attended by prominent Moscow and North-Caucasus-based human rights and public activists: among them - **Magomed Mutsolgov** (MASHR), **Azamat Nalgiev** (Human Rights Council of Ingushetia), as well as high-ranking government representatives: the deputy head of the presidential administration **Vladislav Surkov** and the plenipotentiary presidential envoy in the North Caucasus, vice-premier **Alexander Khloponin**.

According to Ms. Pamfilova, it was precisely the personalities of the participants that ensured such an “unusual and unprecedented” format of the meeting.

Another important fact is that the problems of the North Caucasus region were being openly discussed with Mr. Medvedev and an unabridged 40-page record of it was put up on the presidential website on the same day (*the website of the Russian President*, 19.5.2010; for the Memorial HRC report on the meeting see: <http://www.memo.ru/2010/05/19/1905102.htm>).

Dmitry Medvedev's stance was that the meeting had been organised with the purpose of ensuring “a fruitful discussion of the general situation in the region, particularly focusing on the human rights and freedoms angle”. He assured the human rights activists attending the meeting that this was only the first in a row of similar working meetings with them and that he is fully resolved to continue to deal with the region’s problems taking into account the voice of the civil society.

The meeting was held at the time when news of ceaseless human rights violations continued

to arrive from the North Caucasus - which can, in fact, be described as a routine situation for this region.

Thus, 20-year-old **Zelimkhan Chitigov**, disabled since childhood, was abducted on *April 27* in the Ingush town of *Karabulak*. On *May 1* his family discovered him in court with traces of severe beatings. Chitigov felt faint right in the court room and he was taken to hospital in a critical condition ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207119.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207119.htm); *Kavkazsky uzel*, 6.5.2010).

On *April 28*, **Aslambek Nasardinov** was abducted in the village of Starye Atagi in the Grozny (rural) area of Chechnya. He was released 5 days later. The family refused to relate the details of his release ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205876.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205876.htm)).

On *April 28*, Memorial HRC published materials concerned with the grave procedural violations with which the investigation of the assassination of the Minister of Interior of Dagestan **Adilgerey Magomedtagirov** committed last year appears to be replete. The suspects are subjected to torture and ill treatment, they had long been concealed from their lawyers and denied medical assistance, etc ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205856.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205856.htm)).

On *May 7*, 23-year-old **Ruslan Mutaliev** was arrested in the village of *Ekazhevo* (*Ingushetia*). According to official press releases, large quantities of explosives had been discovered at his home, while his sister **Fatima Mutalieva** claims that during the search the police had taken away almost all of the family's belongings, including a shower cabin. The night after this her brother was found in a hospital with traces of most terrifying torture ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205880.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205880.htm) *Kavkazsky uzel*, 8.5.2010).

On the night of *May 19*, right before the date of the meeting with human rights activists in the Kremlin, following a night search in the Ingush village of *Plievo* the security forces beat up 33-year-old **Khamzat Tsechoyev** taking him away after this to an unknown location. His entire house was literally turned upside down. It later turned out that Khamzat Tsechoyev was suspected of complicity in the **2004** attack in Ingushetia. Some time later he was discovered at the Nazran district police department where he was being coerced to confess his involvement. On *May 21* Khamzat was released against a pledge not to leave his village ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207119.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207119.htm); *Kavkazsky Uzel*, 19.5.2010).

Meanwhile, the dramatic story of **Shamil Gaziev's** arrest and detention on the premises of Makhachkala's Kirovsky district police department was unfolding in the neighbouring Dagestan. Gaziev's whereabouts and condition were concealed from his relatives and lawyers, during that time he was subjected to heavy beatings which resulted in his confessing his complicity in the terrorist attack in Kizlyar on March 31, 2010. What has to be emphasised here in particular is the fact that the Deputy Public Prosecutor of the republic and the vice-premier of the republican government had proved to be equally helpless before the officers of the Kirovsky district police department: the police did not heed their telephone requests to suspend their "investigation procedures"... ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207117.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207117.htm)). And such examples are many...

The meeting between President Dmitry Medvedev and human rights activists on May 19 was full of complex touchy moments. The President was talking to people who were trying to bring to his knowledge the vexed problems of current life of the region, and it was quite clear that this was not exactly what he is accustomed to hearing from his subordinates. Along with the problems of high unemployment rates, social instability, the rampant corruption of the authorities, the outflow of ethnic Russians, the clannish system of life which have repeatedly been stressed at high political levels as the driving factors behind the terrorist threat, the human rights activists raised such issues as the complete degradation of the judicial system, the pressure on, and the organised defamation campaign against, the region's human rights activists and journalists on the part of the authorities, the omnipresent arbitrariness of the security services in respect of civilians, e.g. abductions, application of unlawful practices in detention and interrogation, extortion of bribes in exchange for release of detained persons and the return of dead bodies, pressure on the families and relatives of

militants. All of the participants emphasised that these practices do nothing but play into the hands of the militants.

**Svetlana Gannushkina** spoke of the dialogue between the authorities and the population in the North Caucasus stressing how different the nature and the scope of this dialogue are in different republics despite rather similar conditions. Speaking of the practice of arsons and other means of pressurising militants' families in Chechnya Ms. Gannushkina again emphasised that *"this tactic merely helps to draw new members into the militants' ranks"*. She quoted some outrageous declarations of representatives of the Chechen government to the effect that even those who *"mentally support"* the Wahhabis or who literally *"smell of Wahhabism"* are going to be eliminated. Ms. Gannushkina called the attention of the President to the fact that the Chechen media are persistent in their daily task of creating a menacing atmosphere which, in turn, gives a green to arbitrariness on the part of common police officers who deal with citizens on a daily basis, making the all-consuming fear of law enforcement services rule among ordinary Chechens. As an example, Ms. Gannushkina described the existing dialogue between the authorities and the civil society in other republics. The President's attention was also called to the problems of housing currently experienced by those who had fled the Chechen republic abandoning their homes.

The deplorable situation with respect for human rights in Dagestan was described in detail by Dagestani journalist and staff officer of Memorial HRC **Zaur Gaziev**. He noted that the drastically spreading phenomenon of the so-called "islamisation" in the recent years can be explained by the fact that, in the absence of properly functioning civil society institutions, the popular protest is quite naturally channelled into the religious vein. That said, those who protest against the actions of the republican authorities usually choose to adhere not to the Sufi teaching which is traditional for this region but to join the radical Salafi movement. An entire social stratum which generates members of illegal armed groups and suicide bombers has been formed in the recent years. Law enforcement agencies respond to this with the ever increasing state terror, arbitrary executions and widespread torture. Cruelty and terror have become mundane practice on both sides of the conflict. The security forces often purely imitate struggle with terrorism with their only real aim being the achievement of stable and constantly increasing financing of their structures. Special operations rarely end up in arrests: this would mean that investigation would have to be conducted, and that would inevitably reveal numerous violations on the part of the security forces, not to speak of the fair amount of chance that possible criminal liaison between them and the militants might come to light.

Nevertheless, all the human rights activists agreed that the dialogue between the society and the authorities is a very realistic option, and an excellent example of this is the tactic pursued by the President of Ingushetia **Yunus-Bek Yevkurov**. The head of the Memorial HRC office in Ingushetia **Timur Akiev** expressed his favourable opinion of Mr. Yevkurov's work mentioning, however, that the republic's security services quite openly sabotage the line of the Ingush President because killings during arrests, illegal search, and damage of property continue to take place as they did before. Considering the tiny size of the republic, the news of every such operation immediately become common knowledge which only helps further radicalisation of young people and the swelling of the militants' ranks. The prestige of, and the confidence in, the authorities is thus clearly undermined. "The President of Ingushetia faces the choice of either finding some kind of excuse for such arbitrariness, or admitting that he does not have sufficient powers to do something about it. Both ways are most undesirable," said Timur Akiev.

The words of **Oyub Titiyev** concerning the necessity of setting up a special laboratory for identification of the remains of war victims in Chechnya met with understanding on the part of the Russian President.

Some statements were met with a rather sharp reaction on the part of the Russian President who fervently disagreed with the human rights activists on certain points. For example, he rejected the allegation that the social and cultural life of the North Caucasus has currently become entirely

excluded from the general social and cultural context of life in Russia. He also strongly disagreed with the argument that the courts have brought total discredit upon themselves saying that there are in any case no other courts with which the current ones could be replaced. The President was clearly surprised to hear the opinion that demonstration of maimed bodies of militants has long become a kind of key promotional stunt for the armed underground: videos depicting this are distributed among ordinary citizens, shown at homes in order to kindle hatred for the authorities and their representatives. The President demanded from Tamerlan Akiev to produce explicit information showing the antagonism on the part of the security services in respect of the efforts of the Ingush president. Zaur Gaziev was warned that he should not separate Dagestan from the entire Russian territory speaking of its problems as if it was some unintegrated outside enclave.

Even though President Medvedev emphasised from the very start that he is far more aware of the problems of the North Caucasus than each and everyone of his visitors, the impression was that certain facts were only brought to his knowledge by the human rights activists and that he had no opinion of his own on that account ("I have no answers here for the time being", such was his reaction to the remark that public demonstration of dead militants' bodies only serves further exasperation of some young people against the authorities). This was the impression shared by many participants in the meeting. For example, the director of the Kabardino-Balkaria Human Rights Centre, **Valery Khatazhukov**, said that he felt like "some very important details and nuances were only learnt by the President's during our meeting with him" (*Kavkazsky uzel*, 21.5.2010).

It must equally be noted that, despite the President's firm promise at the beginning to give the floor to all those willing to speak, the time limit of 3 minutes per speaker was truly harsh, so to speak, i.e. it would have sufficed for brief remarks during debates but most definitely not for giving a succinct description of the problem. The result was that those who spoke first were unable to keep the time meaning that other participants in the meeting (like, for example, Alexander Cherkassov) were not given an opportunity to speak at all.

A number of very specific proposals were made by the President of Russia and his plenipotentiary envoy in the North Caucasus Federal District based on the results of the meeting. Among such was the decision to examine the proposal to set up a new competent body under the auspices of the presidential plenipotentiary envoy, which would enjoy the respect and confidence of the region's population – a council of elders. The proposal was made by Ms. Ella Pamfilova. The major difficulty, however, lies in the task of making such a council a truly efficient and trusted instrument of the civil society, and not yet another nominal bureaucratic agency.

The President furthermore gave a few explicit instructions: to start the work on the creation of a permanent public council for the North Caucasus (it was emphasised at the meeting that its members shall be appointed from among respected human rights activists with Alexander Khloponin being appointed to supervise the process); work out a range of measures and a strategy for maintaining schools which accommodate very few pupils and medical first-aid stations in remote highland areas (Alexander Khloponin, Andrei Fursenko, Tatyana Golikova, Vladislav Surkov were appointed in charge of this); to examine the possibility of optimising the number of checkpoints currently operating in the North Caucasus (the persons in charge are Alexander Khloponin and Rashid Nurgaliev), and of setting up a laboratory for identification of the remains of war victims in Chechnya (the person appointed to supervise this was Alexander Khloponin). The deadline for all of these tasks was set as **October 2010**.

Mr. Medvedev had promised to give a most careful examination to all the written petitions and documents that the participants in the meeting had brought to him and to consider the problems described there. He expressed his satisfaction with the fact that such direct tough words had been said to him directly to his face and in a place like the Kremlin. The President also expressed his firm belief that the human rights movement in the North Caucasus is apparently alive and kicking, as well as high praise in respect of the human rights activists' work. An important political statement

was also made to the effect that those heads of regions who refuse to enter into dialogue with the civil society of the region, "and are hiding from it behind a tall fence" should quit their posts. No names were announced but it was mentioned that some had already had to go.

The general atmosphere of the first meeting of the President with human rights activists from the North Caucasus was rather tense yet it now appears that further development of direct dialogue with the top leaders of the country cannot be doubted. We sincerely hope that similar meetings will be held in the future.

## **The President of Chechnya in the limelight of the media and the human rights community**

In the spring of 2010 an international organisation *Reporters without Borders* named Ramzan Kadyrov an enemy of the free press in Russia, along with Vladimir Putin who had been accorded the same title (*Kavkazsky Uzel*, 5.5.2010).

Meanwhile, Kadyrov is apparently feeling rather confident in the way he is acting. The President of Russia has recently conferred the rank of a general on him and, as it appears, Kadyrov has grown quite accustomed to his new position already. "*As a police general, I...*" as quoted by Novosti TK Grozny, 12.3.2010). In the majority of cases he and his milieu do not bother all too much about choosing arguments when it comes to waving aside all accusations against them confining themselves to retaliatory threats, curses and accusations. A kind of tribute to civilised ways of conflict resolution was recently demonstrated by Kadyrov through a series of anti-defamation civil lawsuits lodged by him with a view to "protect his honour and dignity". However, last winter when the initiative of mass lodging of lawsuits against all "insulters" began to appear rather anecdotal, all the lawsuits were withdrawn in one fell swoop (*see the winter 2009-2010 bulletin*), with Ramzan Kadyrov announcing that he had "forgiven" all those who had slandered him.

However, the number of persons daring to criticise him did not appear to decrease in the spring of 2010 either. Mr. Kadyrov's legal representative **Andrei Krasnenkov** had again begun to speak about possible lawsuits for libel which the president was planning to lodge. This time the targets of the presidential revenge were **Vyacheslav Izmailov**, observer with Novaya Gazeta, a political analyst **Stanislav Belkovsky** and human rights activist Sergei Kovalyov (*Kavkazsky Uzel*, 30.4.2010). Just as before, Kadyrov's side appeared to perceive even pettiest offences dealt to the Chechen President as deserving attention and reaction. For example, in the case of Sergei Kovalyov the mentioned lawsuit was supposed to be based on a press conference given the latter where he, according to Krasnenkov, suddenly "switched the subject to Mr. Kadyrov saying that Kadyrov is an accomplished bandit, that there is no real struggle with terrorism underway, and then switched to another subject again" (*Kavkazsky Uzel*, 30.4.2010).

The Chechen President's name appears in the materials of several criminal cases which have received wide international attention. The spring of 2010 brought Mr. Kadyrov a most unpleasant sequel of two long-term scandals.

The first was to do with the investigation of the **January 13, 2009** murder of a Chechen émigré, a former member of Ramzan Kadyrov's guard, Umar Israilov, in Vienna. Israilov openly accused, via the Western press and via his complaints to the prosecutor general's office, the President of Chechnya of keeping an illegal prison in his family village of Tsentoroi and of his personal participation in torturing prisoners there (*Kavkazsky Uzel*, 30.4.2010). Israilov was likely to become a key witness in the trials initiated by European human rights defenders in courts of the countries subscribing to the principle of universal jurisdiction. In **April** Austrian investigators announced that they had come into possession of indirect evidence indicating that two persons involved in this crime – **Otto Kaltenbrunner** and **Shaa Turlayev** – had links with Ramzan Kadyrov. The former, an immigrant from the USSR (some sources claim that he is an ethnic

Chechen born under a surname of **Edilov**), was arrested soon after the murder, based on a description received by the police. Copies of documents signed by Shaa Turlayev – advisor to the Chechen President – were found in his car. It was discovered later that shortly before Israilov was murdered, Turlayev had arrived in Vienna to meet with Kaltenbrunner and **Lecha Bogatyrov** – the prime suspects in Israilov's murder (*Kavkazsky Uzel*, 26.4.2010). A photo depicting Kaltenbrunner together with Kadyrov was discovered in the mobile phone belonging to the former man. Turlayev was an acting advisor to the President of Chechnya at the time of the murder.

The Austrian State Offices for the Protection of the Constitution and Counter-Terrorism (LVT), who were in charge of investigating this murder, had come to the conclusion that the order for this abduction may have come from Chechen authorities. On **April 27** the spokesman of the Wien's Public Prosecutor's office, **Gerhard Jarosch**, announced to the press: «The report states clearly: «It can be reasonably suggested that the abduction had been sanctioned at the top level of Chechen authorities – in brackets – by Mr. Kadyrov" (*BBC Russian*, 28.4.2010). The Austrian investigators believe that the criminals had abduction in mind, and not a murder. The latter outcome was the result of a failed abduction attempt (*Vremya novostey*, 29.4.2010).

The press secretary of the Chechen President, **Alvi Karimov**, immediately made a statement to the effect that all this was nothing short of a provocation against Mr. Kadyrov (*BBC Russian*, 28.4.2010). Kadyrov's legal representative, Andrei Krasnenkov, in his turn, said that the deceased Israilov had himself been implicated in a series of murders and had numerous enemies who were after him under the common law of blood feud. With regard to the Chechen President's advisor Turlayev, Mr. Krasnenkov said that he was free to act as he saw fit. The photo on which the Chechen President is depicted together with Kaltenbrunner was of no meaningful significance, Mr. Krasnenkov said, as "dozens of different people get photographed together with Mr. President every day" (*Gazeta.Ru*, 29.4.2010).

The second episode was connected to the trial of the man involved in the July 28, 2009 attempt on the life of Isa Yamadayev – one of three living brothers of the formerly powerful Yamadayev clan, - which started on April 21 in Moscow. The accused is 24-year-old Khavazh Yusupov – a former officer of Isa Yamadayev's personal guard. On **April 21**, before the trial was opened, Mr. Yamadayev himself addressed an open letter to the Prosecutor General's Office of the Russian Federation in which he directly accused Ramzan Kadyrov of being behind that attempt. The letter was published by the *Moskovsky Komsomolets* daily. To support his words, he produced an extract of the records of Yusupov's interrogation which he claims to have obtained during the examination of the case materials as the aggrieved party.

The accused relates the details of his meetings with President Kadyrov where, it is claimed, Yusupov was threatened with his family being murdered if he refuses to commit such an attempt on Yamadayev's life. On the contrary, in the event of success he was promised a million dollars as a reward. The intermediary who had given Yusupov the weapon and taken him to the scene of the planned crime was the already mentioned Chechen President's advisor Shaa Turlayev whose name also appears in Umar Israilov's assassination case materials. The assumption that it was precisely Turlayev who had organised the attempt is further supported by the fact that he had been declared wanted by the police. This was announced by numerous Russian news agencies and electronic media quoting an unnamed source at the Main Investigation Directorate of the Investigative Committee of the Russian Prosecutor General's Office on **April 8, 2010** (*Gazeta.Ru*, *Kommersant*, *Vremya novostey* etc). *IA Rosbalt* specified that Turlayev was suspected of the involvement in crimes punishable under Part 3, Article 30, Clause "h" of Part 2 of Article 105 ("attempted murder") and 222 ("illegal storage of firearms") of the Russian Criminal Code (*IA Rosbalt*, 8.4.2010). It was also announced that Turlayev's case had been severed from the criminal investigation of the attempt on Sulim Yamadayev's life.

Isa Yamadayev is, however, certain that the only retribution that his enemies are going to receive will be the trial of the actual perpetrator. He alleges that despite Yusupov's testimony, the



organiser of the attempt appears in the case materials as an “unidentified person” (*Moskovsky Komsomolets*, 21.4.2010).

The Chechen President’s press service had flatly discarded all accusations claiming that all that had been said by Yamadayev can only be described as an attempt by “the evil forces” to discredit and demean Ramzan Kadyrov. The facts cited by Yamadayev are flatly denied. In respect to the wanted advisor Shaa Turlayev, it appears that the latter is undergoing a course of medical rehabilitation in Chechnya and is not in fact hiding from anyone at all (*news agency Grozny-Inform*, 22.4.2010; *the website Ramzan Akhmatovich Kadyrov*, 21.4.2010; *IA Rosbalt-Yug*, 22.4.2010; *Novaya Gazeta*, 12.4.2010). It is worth reminding that according to *Grozny Inform* news agency of **July 27, 2009**, Shaa Turlayev was assisting, upon an instruction from the President of Chechnya Ramzan Kadyrov, “the Chechen law enforcement services who were conducting a special operation in elimination of terrorist groups in the republic’s mountainous areas”. As Kadyrov puts it, Turlayev has invaluable experience in chasing terrorists owing to his previous “job” as a field commander. Yet Turlayev’s current official status is unclear: Mr. Kadyrov’s press secretary A.Karimov was unable to state clearly whether Turlayev currently continues to hold the office of advisor to the President (*Gazeta.Ru*, 8.4.2010). It is, however, quite clear that he is enjoying the protection and favourable assistance of the Chechen authorities.

In **April** a short yet intensive information campaign evolving around the need to defend the honour and dignity of Shaa Turlayev – a former militant and warlord who had until 2004 been actively fighting against the federal troops and the Chechen police – was launched in Chechnya. Chechen Ombudsman Nurdi Nukhazhiev observed among other things that Turlayev had been “brought up in the best of the Chechen traditions” and “is simply not capable of murder” (*Grozny-Inform news agency*, 10.4.2010). The Yamadayev brothers had naturally been chosen as an illustrative example of the opposite – the extreme cruelty and immorality – having been described as “masters of provocation and political games” (*Idem*).

Going back to the Yamadayev brothers, it must be reminded that the fate of the ex-commander of the *Vostok* special task force battalion of the Main Intelligence Directorate, the Hero of Russia, Sulim Yamadayev, the responsibility for the attempt on whose life Isa Yamadayev also pins on Ramzan Kadyrov. The Yamadayev family continues to allege that Sulim is alive and undergoing a course of treatment in the UAE. As a proof of this, Isa Yamadayev has been publicly showing the photo of Sulim in hospital bed. The Dubai police have once again discarded these rumours as “sheer nonsense” reiterating that Sulim “is dead and buried” (*Gazeta.Ru*, 16.4.2010).

Meanwhile, on **April 12**, a year after the attempt on the life of Sulim Yamadayev, the Dubai court sentenced the two men arrested in connection with this crime - Ramzan Kadyrov’s groom **Makhdi Lornia**, a native of Iran, and a Tajikistan-born businessman **Maksudjon Ismatov** – to life imprisonment. In the UAE life sentence is in fact restricted to 25 years’ imprisonment. Sulim Yamadayev’s family believes that the sentence is fair enough (*Kavkazsky Uzel*, 12.4.2010). **Adam Delimkhanov**, member of the Russian State Duma, Kadyrov’s relation and right hand, suspected by the Dubai police of organising this murder, has been declared internationally wanted by Interpol since **April 27, 2009**. Delimkhanov currently continues to be on the list of wanted persons which can be found on the Interpol website ([http://www.interpol.int/public/Data/Wanted/Notices/Data/2009/68/2009\\_11968.asp](http://www.interpol.int/public/Data/Wanted/Notices/Data/2009/68/2009_11968.asp), see also: *Vremya novostey*, 13.4.2010).

## **“Defence and respect for human rights is our sacred duty” (extract from Ramzan Kadyrov’s interview to foreign correspondents<sup>1</sup>)**

*Memorial* HRC has repeatedly called attention to the widespread practice of the Chechen authorities to employ illegal methods of pressure on the militants and their families forcing the former to surrender to the security services. Such methods include (applied at choice or as a complex of measures) psychological pressure, physical violence, the burning down of houses and social ostracism, i.e. expulsion of such families from their native places by their neighbours. The lack of any reaction to these criminal practices on the part of law enforcement services merely encourages further violence, making the rhetoric of the Chechen authorities increasingly aggressive. On March 22 Mr. Kadyrov declared the following: *“Make the families of those who are hiding in the woods go and fetch them, and do not let them return until they actually find them and bring them back with them... You should not leave it to us to be running around after them, dying in clashes with them, freezing in the woods... go and look for them yourselves and bring them home. If they refuse to obey, kill them, if you cannot do that – hand them over to the authorities. Catch them and put them into irons, if everything else fails!”* (Vainakh TV channel, 22.3.2010). After the Moscow metro bombings in March the local television channel are pouring out threats addressed to militants’ families 24 hours a day. For example, on April 7, 2010 the Vainakh television channel showed a meeting between the republican authorities and the people whose children are suspected of having joined the militants’ ranks. The mayor of Grozny, Muslim Khuchiev, had made a public promise to treat the parents of suspected militants in a manner similar to that which their children demonstrate in respect of civilian population. The prefect of the Staropromyslovsky district of Grozny, Zelimkhan Istamulov, said in his turn: “If you think that after this conversation of ours, you will be able to safely go back home and sit there, you are quite wrong... If you think that from this moment on you will be able to move around freely, you are very much mistaken”. Human rights ombudsman Nurdi Nukhazhiev, who was present at the time when these declarations were made, displayed no reaction to such words. The tactic of pressure and threats in respect of the families of militants was suggested by the late Akhmat Kadurov back in 2004, his son Ramzan has ever since repeatedly voiced similar ideas both with reference to his father’s legacy and as his own personal stance (see the 2004 report of *Memorial* HRC “Chechnya 2004: “New” Methods of Anti-Terror. Hostage taking and repressive actions against relatives of alleged combatants and terrorists” [www.memo.ru/hr/hotpoints/caucas1/msg/2005/03/m33235.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2005/03/m33235.htm)). For a short while (2006-2007) the Chechen security forces had abandoned that practice: the unfolding struggle for power made it necessary to create a positive image of the new Chechen leader. But later on the same rhetoric, as well as the practice of abductions and torture, returned.

The quotes by Muslim Khuchiev and Zelimkhan Istamulov given above constitute plain elements of criminal offence. Memorial Human Rights Centre forwarded inquiries to the federal authorities with regard to these declarations. At the **May 19** meeting in the Kremlin the human rights activists again brought up the issue, this time bringing it to the attention of the President ([www.memo.ru/2010/04/12/1204103.htm](http://www.memo.ru/2010/04/12/1204103.htm)). Soon afterwards the Memorial HRC office received a letter from the Russian President’s administration saying that the complaint concerning the promises and the threats voiced by the mayor of Grozny and other officials had been forwarded for examination to the Chechen Public Prosecutor’s office. No reply has been received from this office so far.

Meanwhile, in **March 2010**, Memorial HRC had registered another case of purposeful act of setting fire to a house belonging to the parents of an alleged militant. On **March 16**, at dawn, the house of the Khashuyev family, which is located on *Naberezhnaya st.*, in the town of *Shali*, and is still under construction caught fire. The vigilance of the neighbours and the prompt reaction of the

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<sup>1</sup>The interview of April 29, 2010 (Ramzan Akhmatovich Kadyrov website).

firemen had helped to extinguish the fire soon enough to save the house. This is very likely to have been an arson: a bottle containing remainder of some diesel fuel was found on the spot. The day before this the premises where the Khashuyevs actually reside were searched by police officers who claimed they had information to the effect that the son of the master of the house, **Magomed Khashuyev**, had joined the militants ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m200937.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m200937.htm)).

Memorial HRC is resolved to continue its work in registering incidents of violation of human rights related to the anti-terrorist struggle declared by the authorities.

A certain kind of quintessence of the arbitrariness and lawlessness reigning in the republic's law enforcement system can be found in the abduction of human rights activist, member of the Danish Refugee Council, **Zarema Gaysanova**, in *Grozny*, on **October 31, 2009**. The details of the course of the inquiry only became known to us after we demanded to see the criminal case materials pursuant to a complaint that our officers had drawn up on behalf of Zarema's mother, **Lida Gaysanova**. In **April 2010** Memorial HRC published those materials on its website ([www.memo.ru/2010/04/16/1604101.htm](http://www.memo.ru/2010/04/16/1604101.htm)).

Zarema Gaysanova was abducted during a special operation which, as media claimed, was conducted under the personal command of Ramzan Kadyrov. The Chechen Ministry of Interior announced that a militant had been hiding in the Gaysanovs' house and that he was killed during the attempted arrest ([www.mvdchr.ru/page.php?r=10&id=1372](http://www.mvdchr.ru/page.php?r=10&id=1372)). The house itself was destroyed as a result of that special operation, but nothing was officially declared in respect of possible arrest of Ms. Gaysanova. The neighbours say that they saw her being taken out by armed men and shoved inside a vehicle.

We have no information as to whether or not Zarema Gaysanova had any links with the armed underground, nor how and why a militant happened to be inside the Gaysanovs' house. We equally cannot eliminate the possibility that he was hiding there with Zarema's consent. It is, however, also possible that he had entered the house quite unexpectedly for her, as he was trying to escape the pursuit. He may have introduced himself to her as a workman doing the repairs in their house. All these possibilities should be examined in the course of fair and objective investigation. But no criminal investigation, whether on suspicion of aiding and abetting a militant or on suspicion of involvement in any other crime had been opened in respect of Zarema Gaysanova, she had not been charged officially, nor had she been officially arrested or detained – she simply went missing.

Criminal investigation was initiated in connection with Zarema Gaysanova's disappearance.

From the very start the law enforcement agencies showed every tendency to sabotage the inquiry into this abduction. The report of Zarema's disappearance was received from her mother on **November 1, 2009**, yet it was only registered on **November 9** and the criminal proceedings were opened by investigating officer **M.F. Tamayev** on **November 16** only. A colleague of his, investigating officer **Abayev**, who had examined the scene of the special operation on October 31 had not been interrogated, nor had the eyewitnesses of the abduction (except two of them). A protocol of the refusal of Zarema Gaysanova's neighbours to give testimonies had been drawn up instead.

Open sabotage has equally been observed on the part of police officers. Since Ms. Gaysanova was abducted on the territory of the *Leninsky district of Grozny*, investigating officer Tamayev forwarded on **November 18, 20, 27** and **December 6** relevant instructions to this district's police department, however, none of those instructions had been complied with although the Russian Code of Criminal Procedure stipulates that all instructions of an investigating officer shall be fulfilled within 10 days from the date of receipt.

Although the Ministry of Interior had reported on a special operation having been held in the Gaysanovs' house and even put up a video on its website showing the people who were conducting the operation with their faces being clearly discernible, the investigators have been unable to identify the persons in charge of that special operation for months now. This is little surprise

considering that governmental officials had not been interrogated by the investigating authorities at all.

The investigation of this criminal case has presently been transferred to a different investigating officer who appears to demonstrate just about as much enthusiasm.

In the meantime, the fate of Zarema Gaysanova remains unknown.

The rights of ordinary citizens are blatantly violated not only in connection with the struggle against the armed underground. On just any occasion where the interests of ordinary people clash with the plans of the authorities, the latter invariably prevail. Memorial has already brought up the issue of unceremonious, unlawful eviction of residents of individual houses and entire blocks of flats whose homes happen to be located inside reconstruction zones.

Thus, in the town of *Gudermes* which has recently been literally turned into one huge construction site, the residents of *Zheleznodorozhnaya str.* have been ordered by officers of the town administration to vacate their cottages and were given 3 days to do so. On **March 1** the demolition of those cottages started. Nothing was offered in exchange and the residents of an entire precinct were left with no other choice but to start looking for new housing. Since the autumn of 2009, in Gudermes alone, a large number of people have been ordered to move out of their flats and houses and only few have been offered some sort of alternative accommodation. By now, the greater part of the dwellings where these people lived has been demolished. What might appear curious is the fact that none of the residents had voiced any protests with regard to such arbitrariness. Furthermore, neither the mass media, nor the Chechen Human Rights Ombudsman have shown any concern for the issue ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m199343.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m199343.htm)). Television continues to show groomed images of the reality: the town is immersed in 24-hour restoration and construction work, a high-rise complex of buildings is being erected as are numerous other facilities. The entire town centre is practically undergoing a revamp (*the website Ramzan Akhmatovich Kadyrov, 12.3.2010*).

## **Dagestan: human rights violations continue**

On May 11 President of Dagestan Magomedsalam Magomedov was appraising the work of the republic's law enforcement services at a meeting with the heads of the law enforcement and security services of Dagestan. He emphasised the need to deal with the problem of human rights violations and the detrimental repercussions of the latter. The President of Dagestan acknowledged that the current scale of human rights violations occurring in the republic is quite unprecedented. Unlawful arrests seem to be an especially touchy issue: "Law enforcement services frequently detain people for several days in blatant violation of all norms of the criminal procedure legislation". The consequences of such detentions are deplorable not only for the republic's budget (for example, for the entire year 2009 the amount of compensations paid for unlawful criminal prosecution had reached 183 mln rubles). What is even more worrying, the president said, is the fact that "these people become our enemies, enemies of the state. They subsequently choose either to aid and abet bandits and militants, or to pursue the path of outlaws themselves" (*Kavkazsky Uzel, 13.5.2010*).

In April 2010 Memorial HRC had registered six abductions in the republic (of those six five have been released, the whereabouts of the sixth abductee remain unknown).

On April 27, resident of the village of Levashi, Magomed Ramazanov, reported that in the village of Novy Kostek in the Khasavyurt district, armed men wearing masks had abducted his relatives - Magomedzagir Isagadzhiev, Israpil Medzhidov and Kurban Aliev. He believes that the abduction may have been connected with the clash between officers of law enforcement services and the militants on April 26 in the vicinity of the village of Mutsal-aul in the Khasavyurt district of Dagestan. According to the Dagestani Ministry of Interior and the FSB Department for Dagestan, two presumed militants, natives of the village of Novy Kostek, Akhmed Rabadanov and Ali

Isagadzhiev, had been killed. The latter was an uncle of Magomed Ramazanov. Law enforcement services reported later that Akhmed Rabadanov had been on the federal wanted list and had been in all probability accompanying the suicide bombers to Moscow in March. The Dagestani newspaper Novoye delo claims, on the contrary, that Akhmed Rabadanov had been disabled since childhood and was a caretaker to his father who had Group 1 disability (<http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205874.htm>, <http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205873.htm>; see also: Novoye delo, 30.4.2010).

On **April 29**, in the aftermath of the events in the village of Novy Kostek, three local residents, the **Magomedaliyev** brothers - **Mukhtar**, **Magomedrasul** and **Murad**, were abducted. They were allegedly abducted by the same unidentified persons as Aliev, Isagadzhiev and Medzhidov had been earlier on **April 27**.

Five of the six abducted men returned home during the first few days in May. One of them, Murad Magomedaliyev, related how he had been kept in the Kizlyar district police department where he was interrogated in connection with the April 26 killing of militant Akhmed Rabadanov. Others claimed that they had been severely beaten and forced to confirm that the killed Rabadanov was a militant. The fate of Magomedzagir Isagadzhiev remains unclear. According to the local Chernovik weekly, officers of law enforcement services had told Kurban Aliev, one of the arrested men, on that same day that Isagadzhiev had escaped ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205872.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205872.htm); Chernovik, 7.5.2010).

Another incident of abduction was registered on **May 31** when **Akhmednabi Nazhmutdinov** was taken away from his home in the village of Chernyayevka in the Kizlyar district. His brother **Oki** had long been a member of a militant group, which had put the life of Akhmednabi under the constant surveillance by law enforcement services. He had already been arrested twice before ([www.memo.ru/2010/06/08/0806101.htm](http://www.memo.ru/2010/06/08/0806101.htm)). On **June 9** Nazhmutdinov's family blocked the E-119 motorway demanding that the authorities take urgent measures concerned with search for the abducted man. The protesters were forcefully dispersed, 16 people were arrested, some of them had suffered severe beatings resulting in significant harm to their health ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/06/m209029.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/06/m209029.htm), [www.memo.ru/2010/06/10/1006103.htm](http://www.memo.ru/2010/06/10/1006103.htm)).

Early in the morning of **April 15**, a special operation was being held in the village of Kara-Tyube in the Baba-Yurt district, during which the house where **Patimat Ismailovna Nurudinova**, **Baruyat Omarovna Abdullayeva** and **Aminat Nazhmutdinovna Magomedova** lived was destroyed. The three women were arrested immediately before the operation started. Various sources claim that, as a result of the assault, one or two men hiding inside the house were killed. The police have so far been unable to identify the killed man (men) and began to question local residents precisely with the purpose of identifying those they had killed.

At about 7:00am, the security services began searching the village houses and arresting local residents. 18 people were taken to the Baba-Yurt district police department, among them three women, including one pregnant woman and one nursing mother. They were all kept at the police department for three days without being charged (the men had to stay in the open air). Only following the intervention of journalists and human rights activists (among them was the Chair of the Civic Assistance Committee, member of the Memorial HRC Board Svetlana Gannushkina), who appealed directly to the deputy prime minister of the Dagestan government, **Rizvan Kurbanov**, who, in his turn, passed the message on to the Dagestani President, the detained people were finally released. On **April 21-22** the justice of the peace of the Baba-Yurt village ruled on termination of the administrative proceedings in respect of the detained persons on account of absence of a corpus delicti. ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205847.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205847.htm)). According to one of the local residents, **Khan-Magomed Magomedov**, all those detained had been



on record with the district police as Salafi believers since the **autumn of 2009** when a massive brawl involving 60 men took place of the village. Some of those involved in the brawl - supporters of the Spiritual Administration of Dagestani Muslims complained to the police claiming that it had allegedly been precisely Salafis that they had clashed with (Novoye delo, 23.4.2010).

It is worth noting that the recent months have seen a considerable aggravation of the long-lasting tension between the Salafi adherents and the followers of the region's traditional Islamic teachings. This tension sometimes results in brawls and attacks on the Salafis who normally turn out to be a more vulnerable minority. Thus, on **May 2**, in the village of Dylm in the Kazbekovsky district, officers of the police, along with the Murids (supporters of the local sheikh), had severely beaten 7 Salafis who were in transit through the village and stopped to buy bread and medication. Officers of the operational investigation group of the Kazbekovsky district police department, who arrived at the local chemist's upon a phone call from one of the locals, began beating those men who had long beards. The beatings continued on the district police department premises. One of those who had been beaten, **Murat Satabalov**, died of internal bleeding some time later ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/06/m209019.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/06/m209019.htm)).

According to information collected by officers of Memorial HRC, the investigation of the **June 5, 2009** assassination of the Dagestani Minister of Interior **Adilgerey Magomedtagirov** is also not devoid of grave violations ([www.memo.ru/2009/06/08/0806091.htm](http://www.memo.ru/2009/06/08/0806091.htm)). Memorial HRC has received a written petition from **Khasibat Borzieva**, a resident of Makhachkala ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m198832.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m198832.htm)). She claims that on **February 21, 2010** her brother **Shamsulla Borziev** was arrested by officers of law enforcement services on suspicion of complicity in Adilgerey Magomedtagirov's assassination. On the following day Borziev was found to have suffered multiple injuries, bruises, thermal burns, and had a broken leg. Borziev had to have ambulance called into the court room for him; the police, however, did not allow doctor to give him necessary medical assistance taking him away to an unknown location. It was discovered later that he had been taken to Vladikavkaz (the Republic of North Ossetia - Alania). For 16 days his lawyer was not allowed to see him on the grounds that the suspects had allegedly decided to choose other lawyers to represent them, although the defence attorney representing the interests of **Abdulmazhid Manapov**, for example, is a cousin of his, and a decision to decline her services would not appear very logical. Moreover, waiver of counsel shall be performed in the presence of the latter, according to the law (Chernovik, 12.3.2010, 30.4.2010).

A protest rally was held in this connection on **March 1-2** bringing together about 3,000 people, according to Khasibat Borzieva's estimates (according to the Chernovik weekly the number of protesters was about 2,000). On March 2 the rally was dispersed by police special task force officers who had brutally beaten up the participants (see the Memorial HRC news section: [www.memo.ru/2010/03/05/0503101.htm](http://www.memo.ru/2010/03/05/0503101.htm)). The mother of Abdulmazhid Manapov, the second suspect in the minister's assassination case, had her teeth knocked out. After the dispersal of the rally about 10 people applied for medical help.

On **April 14, 2010** judge of the Sovetsky district court of Vladikavkaz, **Z.K. Gubayeva**, extended the detention period of Shamsulla Borziev until **June 5, 2010**, which constituted a blatant violation of Article 47 of the Russian Constitution and Article 35 of the RF Code of Criminal Procedure ("changing the territorial jurisdiction of a criminal case").

It is worth noting that the police had displayed no animosity on the first day of the rally. What's more, with the assistance of the Dagestan envoy to the President of Russia, **Gadji Makhachev**, a group of family members of the arrested men and defence attorneys representing their interests were received by the Dagestani President Magomedsalam Magomedov who is reported to have welcomed them with apparent sympathy and understanding and even allegedly described the situation with the arrested men as an "Appalling violation of all norms of the law!" After hearing all that the people had to say to him, he ordered Makhachev to sort out the situation

and even phoned the President of North Ossetia-Alania, **Taymuraz Mamsurov**, asking him to do the same on his side. However, on the following day the police brutally dispersed the protest rally. It has not been clarified who exactly had given the command to apply force (Chernovik, 5.3.2010).

Since the day of his arrest, **February 21, 2010**, Borzиеv has been kept in a temporary detention facility - and that despite the fact that the procedural instructions plainly forbid keeping suspects in custody for over 10 days upon the expiry of which the suspects should be transferred to a pre-trial detention facility ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205856.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205856.htm)). With regard to the other three suspects - all of them are servicemen from the Botlikh mountain rifle brigade, - unlawful methods of investigation are apparently being used in their respect as well. The alleged perpetrator of the assassination, contract officer Andrei Rezanov, on whose testimonies the prosecution is based, has already changed his statement three times at least. He initially claimed that he had an alibi: on the day when Adilgerеy Magomedtagirov was assassinated he was in Penza with his wife. However, later he confessed his complicity in the crime. The mastermind of the assassination has not been identified by the investigation as yet (Chernovik, 30.4.2010).

The stance taken by the new president of Dagestan Magomedсalam Magomedov who has on several occasions urgently intervened in situations fraught with human rights violations responding to appeals addressed to him by the families of abducted and tortured people, deserves special examination. Steps in support of the civil societies, like the ones made by the Ingush President, immediately elicit a warm and approving response from the republic's population. It is well-known, for example, that when Mr. Magomedov had helped to ensure the observance of the course of law in the case of those who had been detained upon suspicion of compliance in Magomedtagirov's assassination, the protesters gathering at a rally in Makhachkala were even planning to openly declare their gratitude to their president when they were unexpectedly dispersed by the police. The lack of coordination between the actions of the head of the republic and its security services shows yet another similarity between the situation in Dagestan and that in Ingushetia. There is no gainsaying that in Ingushetia too even high-ranking authorities often prove to be helpless in the face of the guerilla violence. Their direct instructions may well be ignored. This was the case of the **May 18** arrest of **Shamil Gaziev** who was secretly kept at the Kirovsky district police office of Makhachkala for several days where he was exposed to torture in an attempt to coerce him into confessing his compliance in the Kizlyar bombing of March 31. The attempts by the deputy prosecutor of the republic, **Magomed Dibirov**, and the deputy prime minister of the republic's government, **Rizvan Kurbanov**, to intervene by making relevant telephone calls from were quite futile. The police continued with their "investigatory" procedures violating a whole lot of laws and norms ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207117.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m207117.htm)).

## Ingushetia: no change in the tactic of struggle against terrorism

On **March 2 - 3**, a large-scale special operation was held in the village of *Ekazhevo* in the *Nazran district*. Six militants were killed during that operation and more than 10 were arrested. One other member of the armed underground group, **Adam Bashirovich Kodzoyev**, born 1979, an officer of the RF Federal Treasury Department for the Republic of Ingushetia, was killed on **March 4** in the village of *Sredniye Achaluki*. The FSB reported that he was the "treasurer" of this armed group, which, again according to the security service's assurances, was responsible for 15 terrorist attacks committed over the period **between November 2009 and February 2010** against officers of state, the local authorities and civilians.

The main success of the special operation was the elimination of the renowned ideological leader of the militant underground, **Said Buryatsky** (born - **Alexander Tikhomirov**) ([www.memo.ru/2010/03/05/0503102.htm](http://www.memo.ru/2010/03/05/0503102.htm)). This was undoubtedly a major success of the Russian

security services, especially considering the fact that Said Buryatsky's fame and influence had been spreading beyond the fundamentalist underground groups with his ideology becoming accepted in much wider Islamic circles in the North Caucasus. His sermons had largely contributed to the growing support of the militants' cause among the population, and many of those who "left for the woods" drew their inspiration precisely from his teaching.

The situation saw little change, however, with regard to the price of this success of the security services, that is to say, just as before, it was achieved through unnecessary bloodshed, excessive violence and massive human rights violations.

The operation toll was 7 men killed - the four Kartoyev brothers and 3 other men. 10 were arrested (among them were three other brothers of the same family). All of them had been taken to the Moscow Lefortovo preliminary detention facility on suspicion of involvement in the **November 27, 2009** Nevsky Express bombing.

On **March 3** and **10**, officers of Memorial HRC visited Ekazhevo and met with the parents of the Kartoyev brothers who are accused of participation in illegal armed groups and of concealing Said Buryatsky. According to **Umatgiri Alaudinovich Kartoyev**, the head of the family, he was on his way back home from the mosque at about 6am on **March 2** when the street was suddenly filled with armed officers of security services. The latter surrounded Kartoyev's house as well as the neighbouring houses belonging to his sons. The family members did not quite have the time to understand what was going on when shooting suddenly broke out. The intensity of the fire was very high and it continued well into the night.

During the shelling three of the Kartoyev brothers: **Tukhan**, **Nazir** and **Akhmed**, were killed, three others - **Tarkhan**, **Tatarkhan** and **Beslan**, were arrested. The houses had been badly damaged. On the following day, **March 3**, law enforcement officers began to search the Kartoyevs' house. Gunfire was suddenly heard again and this time it lasted for the entire day. It was announced later that one of the militants, who had survived the day before and had been hiding in the cellar, had opened fire at the investigating officers of the team that was conducting the search. One of them was killed as a result, a special police task force officer was gravely wounded. The retaliation fire killed **Magomed Kartoyev** who had been hiding in the cellar.

During those days similar armed clashes between militants and law enforcement services had also taken place on Alambekova str., in the vicinity of an abandoned house, half a mile away from the epicentre of the clashes on Kartoyeva str. Local residents told Memorial HRC officers that 4 bodies had been found under the ruins of two houses ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m198834.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/msg/2010/03/m198834.htm)).

Many of those whose houses happened to be within the zone of the special operation allege that their property had been deliberately damaged and ransacked. Many of them are now left without shelter, furniture, jewellery and other belongings which, as they say, were being openly taken out by the military officers, who would even take such things as packs of baby's diapers. The women and children were not allowed to leave their houses during the search and the shelling, while the security services offices opened fire at all corners and cellars that appeared somehow suspicious to them. The Kartoyevs allege that one of the officers had allegedly told them: "*What did you expect? We are paid 90,000 rubles each for every hour of special operations that we conduct, that is why every operation simple has to last that long*" ([www.memo.ru/2010/03/18/1803102.htm](http://www.memo.ru/2010/03/18/1803102.htm)).

On **May 7**, the head of the Kartoyev family, Umatgiri Kartoyev, was invited to meet with the President of Ingushetia where the latter again voiced the official version of the events. Mr. Kartoyev, however, continues to claim that his sons had nothing to do with the armed underground and had been making an honest living with no links whatsoever to Said Buryatsky. The Kartoyev family believe that Said Buryatsky had been hiding not in one of the houses on their street but on the neighbouring Albogachieva str. instead (*Kavkazsky Uzel*, 14.5.2010).



On **May 6, 2010**, shortly after 7am, local resident **Zelimkhan Muratovich Oziev**, born 1986, domiciled on *Gazikova str.* in the village of *Kantyshevo*, *Nazran district of Ingushetia*, was killed during a special operation by officers of the federal security services.

The officers of the security services driving armoured vehicles and several dozen other vehicles surrounded the Ozievs' house. Some of the vehicles had registration plates of Region 95, others had no registration plates at all.

After that the residents were ordered through loudspeakers to come outside. Inside the house at the time were the wife of the master of the house **Tamara Ozieva** and her children - **Zelimkhan**, born 1986, **Timur**, born 1978, **Ayna**, born 1981, as well as Timur's wife and Ayna's four-year-old son. All of them came outside. The officers ordered Zelimkhan and Timur to stick up their hands but Zelimkhan attempted to run instead and was killed by automatic gun fire (Ayna Ozieva claims that he was shot upon coming out of the house. *Kavkazsky Uzel*, 6.5.2010). The Ozievs' house was exposed to intensive gunfire and was severely damaged as a result, the furniture was broken. The press service of the FSB Department for the Republic of Ingushetia claim that Zelimkhan Oziev was a member of the armed underground and took part in the raid on the Nazran department of the republic's branch of the *Russian Post* on **April 15, 2010**. The head of the Oziev family, **Murat Oziev**, who died in **January 2009**, was a prominent opposition journalist, the editor-in-chief of the *Angusht* newspaper. The Oziev family had so far had no trouble with the police. None of the family members had been wanted by the police with all of them living fairly open lives and not hiding from anyone whatsoever ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205871.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205871.htm)) .

What is, nevertheless, worthy of separate note is that abductions do not always involve inevitable torture and ill treatment of abductees. In cases when the security services merely need some useful evidence from such persons, the latter are often treated in a fairly decent way. Thus, for example, on **April 8**, **Zeynap Daurbekova**, mother of four, including one infant, was abducted in Nazran, and on **April 21** a certain **Khizar Bokov** was abducted in Karabulak. Officers of unidentified security services took away Daurbekova and Bokov from their homes in cars without registration plates. Some time later both returned home unharmed. Nevertheless, arrest without notification of the family of the arrested where such person is being taken, amounts in practice to abduction and constitutes a clear violation of the Code of Criminal Procedure. The President of Ingushetia Yunus-Bek Yevkurov raised this issue in one of his latest interviews

(see: [www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203143.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203143.htm);  
[www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205860.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205860.htm);  
[www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205855.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m205855.htm);  
[www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203147.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203147.htm)).

## Developments in the Armed Conflict in the North Caucasus

The chapter of successful special operations conducted by the Russian security services against the armed underground in the winter continued during the spring of 2010. The militants had lost a number of their key leaders, both actual and symbolic, one of the most significant losses being the **March 2** death of a respected and widely supported ideological leader of the militants, **Said Buryatsky** (see "Ingushetia: no change in the tactic of struggle against terrorism" above). Nowadays, when the militants' ranks mainly consist of young men of the "war generation", people like Buryatsky, who was both charismatic, had a decent Islamic education and spoke good Russian which remains the language of inter-ethnic communication in the Caucasus - are few and far in-between. This blow to the rebels' forces was aggravated by the elimination of another prominent militant who was long perceived as a charismatic guru of Salafu adherents, - **Anzor Astemirov (emir Seyfullah)**, the leader of the Kabardino-Balkarian militant underground, who was killed by Russian law enforcement services soon after Buryatsky, in *Nalchik* on **March 24** during a joint special operation conducted by the FSB and the police forces (other sources allege that it was

spontaneous retaliation fire during a document check) (*Interfax news agency, 25.3.2010; Kavkazsky Uzel, 25.3.2010*). Astemirov was much older than Buryatsky and had long been pursuing "the path of jihad", he had also received a fundamentalist religious education in Saudi Arabia, yet had been much less popular than Buryatsky in the recent years. Astemirov is believed to have been one of those behind the **October 13, 2005** Nalchik raid by the militant underground. He was also widely regarded as one of the masterminds behind Imarat Kavkaz, a project of religious state in which he had been accorded the position of "the qadi of the Shariah court" by **Dokku Umarov** (Kavkaz Center, 9.4.2010).

Among the prominent militants killed during the spring of 2010, along with Ansoz Astemirov and Said Buryatsky, were the prominent warlord and field commander, **Chinghiskhan Gishayev**, who was one of the closest allies of Dokku Umarov, and Arabic Islamic militant **Abu Khaled** who had been waging jihad in the North Caucasus for 13 years and was in charge of the psychological and technical training of young militants. On **March 22**, in Makhachkala, the "emir of Grozny", **Salambek Akhmadov**, was killed in a joint operation by Chechen and Dagestani police forces and FSB officers.

The armed underground had therefore lost over the recent months a good number of its leaders and most prominent militants standing at the top of the inner hierarchy of Imarat Kavkaz. The estimated numerical strength of the armed underground remains nevertheless significant - 500 people (the data provided by **Nikolai Rogozhkin**, Deputy Minister of Interior, *Ingushetia.Org, 26.3.2010*). Law enforcement services may well have more precise figures available but this type of information is for some unknown reason kept secret from the general public. Official sources claim that currently the names of all those "leaving for the woods" are put on record by the republican Ministry of Interior and the FSB Department and such people are therefore all individually known to the authorities. The estimated figures for such "renegades" in 2010 were 50 in Kabardino-Balkaria (ITAR-TASS, 14.1.2010), 187 in Chechnya (15-20 of those have been killed) (*the website Ramzan Akhmatovich Kadyrov, 4.5.2010*).

It is, however, not infrequent that perfectly law-abiding citizens, who are living at their official place of residence and are far from hiding from anyone, equally become victims of such special operations. One is lead to believe that either those hiding in the woods represent a merely share of the all-penetrating terrorist network, or absolutely innocent outsiders are regularly killed along with the criminals. The most likely answer is that both theories have place to be.

The leader of the militant underground, Dokku Umarov (who, according to Ramzan Kadyrov's assurances, is "a senile man" who is "unable to walk by himself" and is "dying of hunger in abandonment", NTV, 7.4.2010) also continues to be at large. He equally continues to be able to maintain a fairly good level of discipline within the militants' ranks. At least, the number of terrorist attacks involving suicide bombers, who were until recently trained and instructed by Said Buryatsky, is not only far from decreasing but is, on the contrary, rising steadily. The major terrorist bombings in Moscow and Kizlyar in late March were committed after Buryatsky's own death.

An objective indicator of just how active the North Caucasus terrorist underground is can be found in the casualty figures for Russia's security services operating in the region presented by Memorial HRC in each of its quarterly bulletins.

In the table below you will find the figures published by Russian news agencies and compiled by the VoineNet.Ru website. In the spring of **2010** the total losses sustained by the security services were 64 people killed and 135 wounded. Just for comparison, in the spring of **2009** the respective figures were 59 killed and 97 wounded (while the spring of **2008** figures were 40 killed and 89 wounded). This means that the growth trend that has been observed in respect of losses sustained by Russian security and law enforcement services continues. A certain decrease has recently been observed in Chechnya alone (14 killed and 23 wounded in **2010** as compared to 16 killed and 39 wounded for the same period in **2009**). In the winter of 2009/2010 there were 7

officers killed and 28 wounded as registered in Chechnya. The bulk of human casualties now falls to the account of Ingushetia and Dagestan.

	March		April		May
	killed	wounded	killed	wounded	killed
Chechnya	7	12	4	5	3
Ingushetia		12	8	12	3
Dagestan	13	24	10	24	9
Kabardino-Balkaria			2	3	5
Total	20	48	24	44	20

As far as the official statistical data of losses is concerned, those have for the first time in many years of monitoring demonstrated the lack of those perennial incongruities and confusion that had been repeatedly called attention to by Memorial HRC there is some degree of unanimity now. At a meeting with human rights defenders on **May 19** the President of Russia Dmitry Medvedev announced the casualty figures for the preceding year 2009. According to the Ministry of Interior data, in 2009 there had been 544 terrorism-related crimes registered on the territory of the North Caucasus, over 750 attempts on the lives of law enforcement officers, with 235 having been killed, 686 - wounded (*the website of the President of the Russian Federation, 19.5.2010*). Similar data was announced in the early 2010 by the Deputy Minister of Interior, **Arkady Yedele**v (*ITAR-TASS, 17.1.2010*). These figures are very close to the statistics collected by Memorial HRC based on the analysis of media reports, according to which during the year **2009** the casualties sustained by Russian law enforcement services and armed forces as a result of armed clashes with the militants and terrorist attacks had reached 835 people, of which 273 were killed and 562 were wounded. According to the data available from **Vladimir Ustinov**, the presidential envoy in the South Federal District, over the 11 months of 2009 the total casualty toll for servicemen and law enforcement officers, together with civilians, was 1,263 people as compared to 914 in **2008** (*Kavkazsky Uzel, 23.12.2009*).

Vladimir Ustinov gave a total casualty figure which comprises victims among law enforcement offices, the armed forces and the civilian population. Yet the latter category is constantly suffering from counter-terrorism efforts just as much as from the actions of the militants as such. That said, in the recent months the number of civilians suffering at the hands of the militants is constantly growing. According to the estimates based on reports of the Russian media, this spring the civilian victims figures were **23 people killed** and **76 wounded**. With officers of state being primary targets of their attacks, little do terrorists care about numerous civilians, their fellow countrymen, with whose families they are not infrequently personally acquainted, who equally become victims of their struggle. This tendency to demonstrate indifference for civilian casualties has become more marked since the creation of a new Islamic state - *Imarat Kavkaz* - was declared; now the masterminds behind the attacks often justify the killing of civilian population by calling the latter direct or indirect abettors of the federal forces and local authorities.

On **March 31** two suicide bombers blew themselves up in a busy place opposite a school building in *Kizlyar, Dagestan*. 4 civilians were killed and 11 wounded as a result of this attack. In the Khasavyurt district of Dagestan the bombing near a traffic police checkpoint on April 26

resulted in 13 civilians being affected, among them was 1 child. The Nalchik, Kabardino-Balkaria bombing at a race-track on May 1 left 30 spectators wounded, with one of them dying of his wounds later. In some rather rare cases the militants do indeed make attempts to separate civilians from their target police officers before the actual attack. There were accounts, for example, of how, just before the second bomb went off in Kizlyar on March 31, the suicide bomber dressed as a police officer was trying to force the onlookers away from the scene of the first explosion at which the police were busy working and where he himself was on his way to (*Novoye delo*, 2.4.2010). Despite that, the probability of his actions resulting in civilian victims did not avert him from realising his intentions.

That said, the militants' ranks continue to grow on account of young people joining the fundamentalist underground; certain categories of population can also be counted as sympathisers. A major driving force behind this process is the generally low social conditions. A typical situation of the Dagestani village of Novy Kostek, where the 17-year-old **Jannet Abdullayeva**, who blew herself up in the Moscow metro, was originally from, was aptly described by one of the locals: *"Every spring we have more and more young people joining the militants hiding in the woods, it is the same every year, you know, they have no other choice in life. See that settlement on top of a hill? There are 27,000 people living in it, but there are no jobs, no infrastructure, not even gym or a football field+ They had nothing to get themselves down to here? I feel sure that 80% of those who "leave for the woods" could be easily stopped and their focus diverted if only there was a will to help them"* (*Komsomolskaya Pravda*, 3.4.2010).

With a relatively modest yet stable recruitment base consisting mainly of religious and marginalised youth, and with permanent sources of financial support for their activities, the militants can afford to ignore the opinion of the wider population. As far as the financing is concerned, it is more and more frequently acknowledged at top levels of power that the militants have now become dependent chiefly on internal financing rather than international sources. The authorities acknowledge that the militant groups have imposed a kind of tax on the local entrepreneurs and civil servants making the already problematic business climate in the North Caucasus republic significantly worse still. In Dagestan, for example, President Magomedov claims that it is precisely because of this that the authorities are "unable to make investors operating in the republic to stay here. News arrive of such investors beginning to gradually wrap up their operations" (*Kavkazsky uzel*, 13.5.2010).

The fund raising for the purposes of the "jihad" continues to take place abroad as well. In early May a certain **Yevgeny Petrov** suspected of being the militants' financial emissary in charge of raising funds in Ukraine and Kazakhstan, was arrested in *North Ossetia*. At the time of his arrest he had firearms, large amounts of money in rubles and dollars and fake documents in a different name with him (*Kommersant*, 7.5.2010).

It becomes clear from the above incidents that the militants are capable of operating in rather large groups and offer prolonged resistance to significantly superior forces of law enforcement services and the military.

**On March 20-21** a large group of militants was discovered in the vicinity of the village of *Gubden* in the *Karabudakhkent* district and was blocked by the police and FSB forces and police special task units, who were also receiving support from helicopters. On **March 21** the FSB and the police forces, along with the internal troops, proceeded to mop-up" the highland areas occupied by the militants. 16 bodies of the militants were discovered along with explosives, machine guns, light machine guns, and a sniper rifle. The official death toll of the law enforcement forces is 4 officers killed.

In the meantime, a large group of armed militants numbering up to 20 men was blocked by law enforcement services in the *Vedensky district of Chechnya*. Chechen President Ramzan

Kadyrov reported that during the special operation 4 militants had been killed and several had been wounded. On the following day the law enforcement services reported 6 militants killed as well as casualties among their officers being 3 men killed and 2 wounded. President Kadyrov claimed that among the eliminated militants was one of the most prominent guerilla leaders, Abu Khaled.

On **April 11** another large group of militants numbering up to 15 men was discovered in the vicinity of the village of *Gubden*. The militants offered fierce resistance compelling the law enforcement forces to engage artillery and helicopters. 3 contract officers were killed, 7 others were wounded (*RIA Dagestan*, 12.4.2010).

The militants increasingly employ the tactic of using suicide bombers for their attacks. The leader of the North Caucasus militant Islamic underground, Dokku Umarov, assumed the responsibility for the Moscow metro bombings declaring that the **March 29** attack was carried out upon his personal instruction. The two attacks in *Kizlyar* on **March 31** killing 12 and wounding 27 people were also perpetrated by suicide bombers. On **April 29** a suicide bomber blew up a Lada-Priora vehicle near the police checkpoint at the entrance to the village of *Dylym* on the border of the *Khasavyurt* and *Kazbekovsky districts* in *Dagestan*. 4 people were killed, 17 were wounded (*Kavkazsky Uzel*, 30.4.2010). A number of planned attacks involving suicide bombers had been averted. For example, on **April 5** in the town of *Karabulak* in the *Republic of Ingushetia* a suicide bomber, who was unable to gain access to the municipal police department premises, blew himself up at the entrance. His car stuffed with 50 kg of explosives was also discovered on time the casualties being "moderate" as a result with 2 police officers killed and 1 wounded (*Ingushetia.Org*, 5.4.2010).

In the recent months the militants have been increasingly using the tactic of double attacks. When investigators and law enforcement officers arrive at the scene of the first attack, a second suicide bomber arrives to blow himself up among them. This helps militants to achieve a far greater number of victims among police and security officers. Suicide bombers also disguise themselves as police officers dressing in police uniform, which enables them to come closer to genuine police and military officers. Their methods are utterly crude, however. The car used in the double bombing in *Kizlyar* was a regular Niva with a plain sheet of paper stuck on its windscreen with a hand-written inscription POLICE. Such "marking" did nothing but attract the attention of the genuine police. The second suicide bomber showing up at the scene of events in a short while was merely wearing a police jacket over a tracksuit (*Novoye delo*, 2.4.2010).

Special attention should be given to the situation in *Kabardino-Balkaria*, which has seen a significant escalation of the armed rebels' activity in recent months. Their numbers, - at least, of those who are members of permanent terrorist groups, - are not large; as it was mentioned before, there are up to 50 active militants on the territory. That is to say, this is the number of young men who were not found at their official domicile and whose whereabouts are unclear. The majority of those are already on the federal and international wanted list (*ITAR-TASS*, 14.1.2010). The intensity of terrorist activity here is significantly lower than in *Ingushetia* or *Dagestan*, for example. But what cannot be gainsaid is that the numbers are growing.

The growing intensity of terrorist attacks against representatives of public authority and law enforcement services was registered even before the elimination of the long-term leader of the *Kabardino-Balkarian* militant underground, Anzor Astemirov. His death did nothing to reduce that tendency. The rebels' activity also covers a rather large geographic are. The history of the militants' action in **May 2010** alone may serve as a good example of this: the bomb at a race-track in *Nalchik* on **May 1**; the discovery of a car bomb in the *Baksan district* on **May 7**; the shooting attack on a traffic police post in *Baksan* on **May 10**; the incident with an extra-departmental security squad coming under fire in *Tyrnyauz* and the **May 16** bombing in *Nalchik*; the bomb going off near a community police office in *Nalchik* on **May 19**; the assassination of the public prosecutor of *Baksansky district* on **May 29**; the gunning down of several Federal Penitentiary Service officers in the *Prokhladnensky district* on **April 22**; a powerful explosive device found at the Eternal Fire

memorial in *Tyrnyauz* on **April 23**; the explosion at a bus stop in *Nalchik* on **May 24**; an explosive device discovered near the police premises in *Baksan* and the car bombs in traffic police vehicles in *Tyrnyauz* and *Nalchik* on **April 25**; the attack on a police patrol car in the *Chereksky district* on **May 31**, etc (the data for May 2010 taken from *Kavkazsky Uzel* and *Voinenet.Ru*).

According to the Kabardino-Balkarian Ministry of Interior's official statistics, the number of crimes punishable under Article 317 ("encroachment on the life of an officer of a law enforcement agency") of the Russian Criminal Code has doubled this year in comparison to the same period last year (*Nezavisimaya gazeta*, 28.5.2010).

The death toll resulting from militant strikes in Kabardino-Balkaria is fortunately still quite moderate, terrorist attacks here are sporadic and no large active groups of militants have been detected recently.

## **Abduction of Maksharip Aushev's relatives in St Petersburg and the ensuing investigation**

The spring of 2010 brought new developments in the story of the **December 28, 2009** abduction in *St Petersburg* of four relatives of Maksharip Aushev, one of the leaders of the Ingush opposition, who was himself assassinated in the autumn of 2009. In our winter bulletin we had already described how the inquiry into the abduction of Yusup and Yunus Dobriev, along with **Ali Dzhaniev** and **Magomed Adjiev**, had been practically sabotaged by the law enforcement services of St Petersburg: a criminal case in connection with the abduction was only opened with a significant delay, a number of important investigative measures had not been taken, which had resulted in key evidence having been irretrievably lost, etc ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m200938.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/03/m200938.htm)).

The family of the abducted were compelled to conduct their own investigation supplying the police investigators with facts that they had discovered on their own. Memorial HRC has been contributing its modest efforts to assist them with this task. The evidence and witness statements obtained allow us to believe that the four men had been abducted by officers of unidentified state security services and that the abduction was part of a well-planned special operation.

On **April 5** Memorial HRC submitted an application to the European Court of Human Rights in which lawyer **Olga Tseitlina** asked the Court to address the Russian authorities with questions concerning the whereabouts of the relatives of the assassinated Ingush opposition leader, to demand clarifications as to whether they had been taken under arrest, whether they had been provided with legal and medical assistance, what their confinement conditions were, as well as to indicate to the Russian government the necessity of taking urgent steps to ensure that the due course of law is observed in case such steps have not been taken.

On **April 7** the ECHR demanded from the Russian government to submit until **May 19, 2010** copies of documents related to the steps taken in this regard ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203158.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203158.htm); see also: [www.memo.ru/2009/12/29/2912094.htm](http://www.memo.ru/2009/12/29/2912094.htm)). Having examined the documents concerning the disappearance of Maksharip Aushev's relatives submitted by the Russian Federation to the stipulated deadline, the ECHR did not deem it necessary to demand that the Russian government take urgent measures to ensure the observance of the procedural norms in respect of the abducted, since it was not convinced that the latter were kidnapped by officers of the state. The Court invited the lawyers of the family to comment on the documents submitted by the Russian government until **June 25**.

In early April the defence attorneys of the aggrieved party sent inquiries to law enforcement services (the Prosecutor General's office, the Ministry of Interior, the FSB) asking whether any of these services had been involved in the arrest of the abducted men or had any information



concerning their whereabouts. The reply received from the Ministry of Interior stated that its officers had no involvement in the arrest of the men in question.

The inquiry addressed to the FSB had been examined by the deputy head of the FSB department of negotiations and legal procedures, **V.S. Sheleg**, who in his letter of *April 21, 2010* No133/5-107 declined to provide information requested in the inquiry with reference to the attorney's alleged lack of powers authorising him to obtain such information. On *May 24* attorney **I. Pavlov** submitted a complaint to the Kuibyshevsky district court of St Petersburg in which he alleged that the decision of the FSB was unlawful and in violation of the Russian Constitution as pertains to the right of citizens to obtain information not classified as state secret, as well as of a number of federal laws including the Law On Advocacy in the Russian Federation. Despite the arguments presented by the attorney, on *June 7* the Kuibyshevsky district court dismissed the complaint.

It became known later that another lawyer representing the interests of the Dobriev family had, independently from I.Pavlov, sent a similar inquiry on *July 4* to the regional FSB department for St Petersburg and Leningradsky region and had received an official reply stating that the investigative department of the mentioned FSB regional department held no information regarding an arrest or detention of Yunus and Yusup Dobriev, Ali Dzhaniyev and Magomed Adjiev.

## Further developments in the Nalchik trial

The court hearings in the trial for the armed raid by a large group of militants on Nalchik in *October 2005* continue. The entire spring was spent on interrogation of the witnesses for the prosecution in respect of the fourth episode of the criminal case - the attack of the militants on the Nalchik 2<sup>nd</sup> municipal police department. On *May 24* the court proceeded to the examination of the fifth episode - the raid on the North Caucasus Anti-Terrorism Centre (*Kavkazsky Uzel*, 24.5.2010). The case is being examined by a panel of professional judges, without involvement of a jury at any stage of the trial.

Two months - *April* and *May* - were spent in court pleadings between the defendants and their attorneys, on the one side, and the prosecution, on the other side, regarding the possibility of introducing jury into the trial.

In the spring of 2010 the Constitutional Court of Russia examined the appeal of two lawyers participating in the trial - **Magamed Abubakarov** (officer of Memorial HRC) and **Tatiana Psomiadi**. The lawyers claimed that the amendments introduced into the Russian Code of Criminal Procedure (a law establishing this was signed by the Russian President on December 30, 2008) under which terrorism-related cases are not to be examined by juries, contravene the Russian Constitution. In addition to that, it should be born in mind that not all of those standing on trial in connection with the Nalchik attack were charged with terrorism ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205878.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/05/m205878.htm)).

The arguments presented by the lawyers did not, however, appear quite convincing to the court. On *April 19* the Constitutional Court of the Russian Federation ruled to the effect that deprivation of persons accused of terrorism of the right to trial by jury does not contravene the country's fundamental law. The Constitutional Court had concluded that the right to trial by jury does not count among the fundamental human rights and that certain categories of citizens may therefore be exempt from its application (*Ruling of the Constitutional Court of Russia 8-II/2010*; see the website of the Constitutional Court of Russia, [www.memo.ru/2010/04/21/kbr.htm](http://www.memo.ru/2010/04/21/kbr.htm)).

On *March 26* the last in a series of extensions of the detention period for the detainees was due to expire. The lawyers asked for the release of two defendants, **S. Kaziev** and **A. Berov**, who are both seriously ill, but were refused by the court on the pretext that the defendants were likely to start interfering with the witnesses and other participants in the trial. On *March 23* the detention period was extended by 3 months in respect of all the defendants (*Gazeta Yuga*, 25.3.2010).

The court hearings are held in a tense atmosphere. The defendants maintain that the bulk of evidence collected by the prosecution had been obtained with gross violations of the RF Code of Criminal Procedure, and not infrequently - under torture. Some of the witnesses, - especially those who had previously also been accused of involvement in the Nalchik attack but were later released on amnesty or as a result of a bargain with the investigators, which consisted in giving false testimony against the others to save themselves, - have taken the defendants' side (thus, resident of Nalchik, **Zelimkhan Karayev**, who had been accused of participation in the attack on the 2nd municipal police department and was released later, was questioned on *April 12*. During his questioning he told about the inhumane torture that he had been subjected to immediately after his arrest on *October 13, 2005*, under which he had incriminated himself and the others (*Gazeta Yuga*, 15.4.2010).

The defendants' lawyers continue to call the attention to the pre-history of the Nalchik events, which shows that the so-called "praying", i.e. practicing Muslims, had been subjected to unprecedented pressure on the part of Kabardino-Balkarian law enforcement services during the period of 2000-2005. During the court hearings the defence attorneys repeatedly asked the security services officers, who were interrogated as witnesses, questions concerning the notorious "lists of faithful Muslims" kept by the Kabardino-Balkarian law-enforcement services. Being included on such a list meant getting into serious trouble which may have taken any form, ranging from police checks to arrests and beatings, as well as various other forms of police supervision and repressions. Many witnesses acknowledged the existence of such lists. It seems that there were no clear criteria for inclusion of religious people on such lists. Many police officers had trouble seeing the difference between the traditional Islam and the fundamentalist "Wahhabi" groups. Former precinct police superintendent **Kh. Zhabelov** told how initially even schoolchildren could have been easily included on such lists. Later, Zhabelov claims, many such "extremists" were excluded from such lists with only those who demonstrated excessive piety in their religious practices left under police observation (*Kavkazsky Uzel*, 20.5.2010).

The interests of two of the 58 defendants - **Kazbek Budtuyev** and **Rasul Kudayev** - are represented in court by a staff lawyer of Memorial HRC. Memorial HRC believes that these two men are not guilty of the crimes they were charged with and that the criminal cases against them had been fabricated. Several other defendants have received legal assistance from Memorial HRC in connection with their having been subjected to torture. Relevant applications have been submitted to the ECHR.

Rasul Kudayev was seriously ill having returned home from the Guantanamo detention camp and was unable to move around by himself, and it would have therefore been simply physically impossible for him to take part in the raid.

Kazbek Budtuyev was the only one charged with regard to the attack on the Nalchik 2nd municipal police department. Memorial HRC believes that the case evidence against him is unsound and that the case materials had been fabricated. The defence attorney is demanding the termination of the criminal case against Kazbek Budtuyev and his release from custody.

The prosecution claims that Kazbek Budtuyev had been actively involved in a criminal community created with a view to committing grave and especially grave crimes, and is guilty of banditry, armed mutiny, terrorism, attempts on the lives of officers of law enforcement services and military officers, murders and other less grave offences committed by the criminal community of which he was a member at the time of the October 13, 2005 raid on Nalchik.

The prosecution refers to Budtuyev's own testimonies, the psycho-physiological expertise (which in practice means polygraph test), as well as the evidence given by Zelimkhan Karayev who had admitted to all the offences he was accused of and had testified against Budtuyev. However, the defence attorneys believe - and are supported in their opinion by Zelimkhan Karayev's testimonies in court on *April 12* and *April 13, 2010* - that the testimony given by him during the preliminary



investigation had been obtained due to his subjection to unlawful cruel treatment and may not be regarded as anything else but self-incrimination.

On **October 13, 2005** at about 10 am Zelimkhan Karayev was awoken by his mother **Fuze Karayeva**. She told him that the sound of shots had been heard in the city and that his father had gone along with his sister to pick up the school, he was grabbed and dragged him into the Dom Radio premises where he was cruelly beaten. Karayev had a beard and happened to have an Islamic prayer book in his pocket but no identity papers on him. That is why, he was immediately "identified" as a Wahhabi. The beatings continued for several days in a row. Later a forensic medical examination established that the violent treatment to which Karayev was subjected had caused grave harm to his health. In **October 2006** 7 men, including Kazbek Budtuyev and Zelimkhan Karayev, were taken from the preliminary detention facility to the 6<sup>th</sup> Dept where each of them separately was offered amnesty upon the condition of confessing to having been armed and involved in the October 13, 2005 raid. Karayev was told that all the other arrested men, including Budtuyev, had agreed to incriminate themselves. Considering that freedom was at stake, Karayev also agreed to incriminate himself and the rest of men. On the following day he and the others who had accepted the bargain were released. Budtuyev had, on the contrary, refused to sign any documents, maintained he was innocent and, therefore, remained in custody.

With regard to Kazbek Budtuyev, his defence attorney maintains that he had spent the entire day of October 13, 2005 at home. When the shooting and the bombing started, he went outside to see what it was. A lot of other people, including Budtuyev's neighbours, also went outside upon hearing shots and explosions. Over a dozen eyewitnesses corroborate his statement that he had made during the preliminary inquiry. But now the court seems to keep ignoring that evidence.

In the morning of **October 24, 2005** police officers arrived at Budtuyev's home and arrested him. Budtuyev offered no resistance during his arrest and the police officers did not resort to violence. Budtuyev was taken to the Department for Organised Crime Control (UBOP) of the Kabardino-Balkarian Ministry of Interior where he was subjected to torture and forced to give evidence that the police needed. On the same night UBOP officers took Budtuyev to the emergency unit of the Nalchik municipal clinical hospital for he was in a critical condition, with multiple bruises on his abdomen, chest and damage kidneys and liver. In hospital Budtuyev was kept under the constant guard of the UBOP officers. He was not allowed to receive visitors and was kept handcuffed to his bed. An official protocol of detention was only drawn up on **November 7**, the actual time and date of Budtuyev's arrest were not indicated in it.

Despite repeated interrogations involving torture and ill treatment Budtuyev had not on any single occasion testified against anyone, nor incriminated himself. According to the forensic medical expertise, the violent treatment to which Budtuyev had been subjected had caused grave harm to his health.

Budtuyev and Karayev were interrogated in a face-to-face confrontation. The latter corroborated Budtuyev's testimony saying that he had incriminated him under the psychological and physical pressure to which he had been subjected by law enforcement services.

In **July 2006** Budtuyev was subjected to a psycho-physiological expertise (i.e. polygraph testing). His defence attorney was not present during the procedure. The results of the testing allegedly confirmed Budtuyev's complicity in the raid of October 13, 2005. Under the provisions on criminal procedure the results of polygraph testing may not be treated as evidence in criminal cases and may only serve as an auxiliary tool for the purposes of investigative procedures. In this case, however, the results were presented as a psycho-physiological expertise and only by means of this ruse had the investigators obtained some sort of "evidence" supporting their version of events. No other evidence indicating Budtuyev's complicity in the events of October 13, 2005 has so far been produced.

Presently, the Supreme Court of Kabardino-Balkaria continues with the examination of the evidence presented by the state prosecution with respect to the attack on the Nalchik 2<sup>nd</sup> municipal

police department. After the examination is over, the Memorial HRC staff lawyer is planning to demand a change in the evidence examination procedure, present evidence indicating the innocence of Kazbek Budtuyev available, including the testimonies of 30 eyewitnesses corroborating his alibi. After the examination of the evidence presented by the defence, the Memorial lawyer intends to make a move for termination of the criminal prosecution of Kazbek Budtuyev ([www.memo.ru/2010/04/21/kbr.htm](http://www.memo.ru/2010/04/21/kbr.htm)).

## New ECHR judgements in cases from the North Caucasus

During the spring 2010 the ECHR had delivered 15 judgements in cases concerning human rights violations in the North Caucasus. For the first time a decision was delivered in a case from Dagestan and this is also quite important in our view. The geography of the impact of the ECHR decisions regarding crimes committed by Russian federal servicemen within the framework of the counter-terrorist operation on the territory of the 3 republics – Ingushetia, Dagestan and Chechnya. The bulk of cases examined by the ECHR come from the latter region. One decision of those delivered during this last spring was in a case from Ingushetia.

In the six cases (*Mutsolgov vs Russia*, *Abayeva vs Russia*, *Sadulayeva vs Russia*, *Khatuyeva vs Russia*, *Khutsayeva vs Russia* and *Tasatayeva vs Russia*) the interests of the applicants were represented by staff lawyers of Memorial HRC and the London-based European Human Rights Advocacy Centre.

All in all, during the spring of 2010 25 applicants had had judgements delivered in their cases, with a total amount of 1,372,000 awarded in compensation of non-pecuniary damage, 120,000 - in compensation of pecuniary damage. Moreover, the Russian Federation was ordered to pay 41,762 euro in compensation of legal costs and expenses. What is notable is not only the fact that the total compensation amount had increased significantly, but also that the average compensation amount per one applicant has grown as well. A year ago the average compensation amount was 11,000 euro, now it has reached 57,000 euro.

### **Mutsolgov and others vs Russia** (judgement delivered on *April 1, 2010*)

**Bashir Mutsolgov** went missing on **December 18, 2003** after his abduction outside his house in the town of *Karabulak (Ingushetia)* by a group of men who were armed with machine guns and were speaking Russian with a native accent. The armed men had arrived in two cars and were wearing masks and camouflage uniforms. They forced Bashir Mutsolgov inside one of the cars and took him away to the Karabulak police department.

The ECHR found violations by the Russian Federation of Articles 2, 3, 5 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms in connection with the abduction of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The European Court awarded the applicants: in respect of non-pecuniary damage – **20,000 euro** jointly to the first two applicants, **5,000 euro** to the third applicant, **35,000 euro** jointly to the fourth and the fifth applicants; in respect of pecuniary damage: **10,000 euro**, and **2,001.89 euro** for legal costs and expenses. ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200964.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200964.htm)).

### **Tasatayevs vs Russia** (judgement delivered on *April 8, 2010*)

On **May 31, 2001**, at **about 4am**, a military UAZ vehicle appeared on *Shvernika ulitsa* in the town of *Urus-Martan (Chechnya)*. Armed servicemen wearing black masks and equipped with portable transceivers, who had sniffer dogs with them, broke into the house of the Tasatayev family. They searched the house and arrested **Aslan Tasatayev** and his cousin **Aslanbek Tasatayev** taking

them away in their UAZ vehicle. Both young men have been missing since then. The investigation of their disappearance had brought no results.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the abduction of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **120,000 euro** in respect of non-pecuniary damage, and **5,000 euro** for legal costs and expenses.

**Umalatov and others vs Russia** (judgement delivered on *April 8, 2010*)

*Early in the morning of October 15, 2002*, officers of security services conducted a target mopping-up operation in the *village of Nagornoye, Chechnya*. **Usman Umalatov** and **Shamad Durdiev** were arrested in their homes. The FSB officers took them away along with 9 other residents of Nagornoye. Those nine were released later but Usman and Shamad went missing. The authorities had failed to carry out an effective investigation of their disappearance.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the abduction of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **120,000 euro** in respect of non-pecuniary damage, and **2,750 euro** for legal costs and expenses.

**Abayeva vs Russia** (judgement delivered on *April 8, 2010*)

On *September 13, 2000*, at *about 4pm*, **Magomed-Ali Abayev** and **Anvar Shaipov** went to the downtown Urus-Martan. They were stopped at a checkpoint by two Russian servicemen who took away their passports and took them into an abandoned factory building nearby. Nothing has been known of Magomed-Ali or Anvar ever since. The investigation of their disappearance proved to be ineffective.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the abduction of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **132,000 euro** in respect of non-pecuniary damage, and **2,115 euro** for legal costs and expenses ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200969.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200969.htm)).

**Mudayev and Mudayeva vs Russia** (judgement delivered on *April 8, 2010*)

On *January 29, 2003*, the Russian federal forces conducted a special operation in the *village of Raduzhnoye, Chechnya*. Over 20 persons were arrested. At about 8 am a group of armed servicemen broke into the house of the **Mudayev** family arresting **Aslan** and **Mokhmad** and a relation of theirs. On *January 30* all of the arrested men except Aslan and Mokhmad were released but the two brothers went missing. The investigation of their disappearance had produced no results.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the abduction of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **120,000 euro** in respect of non-pecuniary damage, **20,000 euro** in respect of pecuniary damage, **3,150 euro** for legal costs and expenses.

**Sadulayeva vs Russia** (judgement delivered on *April 8, 2010*)

On *December 9, 2002*, at *noon*, **Aslan Sadulayev** and 3 other men went to *Urus-Martan* in a VAZ vehicle. At the intersection of the motorways leading from *the villages of Komsomolskoye* and *Alkhazurovo* to Urus-Martan they were stopped at a checkpoint by federal servicemen. A

commuter bus was also stopped there at the same time. The people inside the bus saw the servicemen checking the documents of the three men from Sadulayev's violet VAZ-2109 vehicle. They identified one of those as Aslan Sadulayev. The driver and Aslan Sadulayev were shoved in an armed personnel carrier and taken in the direction of Urus-Martan. Sadulayev's mate was soon released. According to him, the servicemen had promised that they would merely interrogate the arrested men and then release them. The arrested men were taken to the Urus-Martan district military commandant's office. It remains unknown to this day where Aslan had been taken and what had become of him. The investigation into his disappearance had proved unavailing.

The ECHR found violations of Articles 2, 3, 5 и 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **60,000 euro** in respect of non-pecuniary damage, and **1,100 euro** for legal costs and expenses ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200970.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m200970.htm)).

**Abdurashidova vs Russia** (judgement delivered on *April 8, 2010*)

On *March 14, 2005* at *about 5:30am*, a group of about 50 armed men in 2 armed personnel carriers and a car drove up to the house of Zulpa Abdurashidova's family in the village of *Solnechnaya* in the *Khasavyurt district of Dagestan*. They broke into the house and opened fire. The 7-year-old **Sumaya Abdurashidova** received a gun wound on the head and died. Two other men, who happened to be inside the house, were also killed. The entire house and all the belongings of the family were destroyed while Sumaya's father was taken to the Khasavyurt district police department. The family had repeatedly demanded that a criminal case be opened in connection with Sumaya's death and the destruction of their property. Whether criminal proceedings have been initiated or not remains unclear to the present day.

The ECHR found violations of Articles 2 and 13 of the Convention and Article 1 of Protocol 1 in connection with the death of the applicants' relative, the failure to carry out an effective investigation, the lack of an effective remedy and destruction of an entire residential building.

The Court awarded the applicants **60,000 euro** in respect of non-pecuniary damage, **8,000 euro** in respect of pecuniary damage, **3,480 euro** for legal costs and expenses.

**Serievs vs Russia** (judgement delivered on *April 8, 2010*)

On *December 26, 2002*, a missile flew inside the **Seriev** family house in the village of *Belgatoy, Chechnya* wounding the mother of the family, **Bilkiz Ashkhabayeva**, who died on the same day. The investigation under the criminal case opened in connection with her death had been suspended due to the impossibility to identify the person/persons to be brought to criminal responsibility.

*June 1, 2004 at 5 am* several cars drove up to the Serievs' house. About 30 armed men in masks jumped out of the cars and broke into the house. The men arrested **Sarali Seriev** taking him away to an unknown location. Sarali has been considered missing ever since. The investigation of his abduction had brought no results.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **60,000 euro** in respect of non-pecuniary damage, and **6,500 euro** for legal costs and expenses.

**Khatuyeva vs Russia** (judgement delivered on *April 22, 2010*)

On *August 2, 2004, at about 8am*, special federal forces units carried out an operation in the refugee camp in the village of *Ordzhonikidzevskaya, Ingushetia*, during which **Sultan Khatuyev**

and his six neighbours were arrested. The other six men were later released. They allege that Khatuyev was treated by the security services officers with extreme cruelty and had been beaten. Some time later he disappeared and is considered to be missing to this day. The investigation of Salman Khatuyev's disappearance and abduction had been ineffective.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court ordered the Russian Federation to pay to the applicants **60,000 euro** in respect of non-pecuniary damage, **10,000 euro** in respect of pecuniary damage, and **2,165 euro** for legal costs and expenses ([www.memo.ru/2010/04/22/2204101.htm](http://www.memo.ru/2010/04/22/2204101.htm)).

**Tupchieva vs Russia** (judgement delivered on *April 22, 2010*)

On *January 3, 2003, at about 5:30am*, a group of armed men wearing camouflage uniforms arrested **Wahit Dzhabrailov** in his home in the *town of Shali, Chechnya* taking him away in an operational vehicle to the Shali district police department. Wahid has been believed missing since then. The investigation of his appearance had not resulted in establishing his whereabouts.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The applicants were awarded by the Court **60,000 euro** in respect of non-pecuniary damage, **10,000 euro** in respect of pecuniary damage, and **5,500 euro** for legal costs and expenses.

**Mutayeva and others vs Russia** (judgement delivered on *April 22, 2010*)

On *January 19, 2004, at about 2:30pm*, several military vehicles approached the house of the **Mutayev** family in the *village of Assinovskaya, Chechnya*. A group of 20 armed men in camouflage uniforms woke up the entire family for a document check. The servicemen checked the documents, searched the house and ordered **Luisa Mutayeva** to follow them for interrogation. Luisa was shoved into one of the cars and taken away. Nothing has been known of her ever since. The investigation of the incident had produced no results.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **50,000 euro** in respect of non-pecuniary damage and **4,000 euro** for legal costs and expenses.

**Suleimanova vs Russia** (judgement delivered on *May 12, 2010*)

On *May 16, 2000, at about 7am*, **Ramzan Suleimanov**, his pregnant wife **Petimat Aydamirova**, **Ibragim Suleymanov** and **Aslanbek Aydamirov** left their home village of *Gekhi* in *Chechnya* and went to visit a sick relation. Their burned van was later found in the vicinity of Gekhi. Petimat's body was found nearby. The curfew had prevented the locals and the village administration from examining the scene of the crime. Later, on *May 19, 2000*, the remains of Ramzan, Ibragim and Aslanbek bearing traces of violent death were also discovered. The investigation of the murders was unavailing.

The ECHR found violations of Articles 2, 3, 5 and 13 of the Convention in connection with the death of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **150,000 euro** in respect of non-pecuniary damage, and **60,000 euro** in respect of pecuniary damage.

**Shakhabova vs Russia** (judgement delivered on *May 12, 2010*)

On **November 23, 2002, at about 10pm Adam Khurayev**, who was staying with his aunt in *Urus-Martan*, went outside into the yard. At that moment about 15 men wearing masks and camouflage uniforms broke into the house and searched it. They then called somebody who was in the yard and left in an armoured personnel carrier and two UAZ vehicles. When the servicemen left, Adam's family realised that he was missing. The investigation of his disappearance had brought no tangible results.

The ECHR found violations of Articles 2, 3, 5, 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **60,000 euro** in respect of non-pecuniary damage, **2,000 euro** in respect of pecuniary damage, and **4,000 euro** for legal costs and expenses.

**Dzhabrailov and others vs Russia** (judgement delivered on *May 20, 2010*)

On **February 16, 2003, at about 7am**, a group of armed men in masks broke into the house of the Dzhabrailov family in the village of *Pervomayskoye, Chechnya*, arresting the two brothers - **Walid** and **Aslan Dzhabrailov**. They spent 2 days in a temporary detention facility where they were subjected to ill treatment. On **February 18, 2003** Aslan was put in a military vehicle inside which he discovered the dead body of his brother Walid. The servicemen drove up to an abandoned building and threw Walid's body inside it, following which they took Aslan inside the building and shot him in his head (the bullet, however, passed tangentially merely scratched him). Aslan fell on the ground pretending to be dead. Before leaving the building, the servicemen laid explosives on the brothers' bodies. After they left Aslan managed to get outside and return home. The investigation into the abduction of the two brothers and the subsequent death of one of them had produced no results.

The ECHR found violations of Articles 2, 3, 5 и 13 of the Convention in connection with the death of the applicants' relative, the failure to carry out an effective investigation and the lack of an effective remedy.

The Court awarded the applicants **94,700 euro** in respect of both pecuniary and non-pecuniary damage.

**Khutsayev and others vs Russia** (judgement delivered on *May 27, 2010*.)

On **December 16, 2001, between 2 and 3am**, a group of servicemen wearing camouflage uniform broke into the houses of the **Khutsayev** and **Didayev** families in the village of *Gekhi* in *Chechnya*. The servicemen beat up several members of the families and searched the house taking all valuables with them. Upon leaving, they also took **Beslan Khutsayev**, **Movsar Khutsayev** and **Adam Didayev** away with them. None of these three arrested men had been seen ever since with the investigation having proved unavailing.

The ECHR found violations of Articles 2, 3, 5, 8 and 13 Convention and Article 1 of Protocol 1 in connection with the abduction and death of the applicants' relatives, the failure to carry out an effective investigation, the lack of an effective remedy and destruction of an entire residential building.

The Court awarded **166,000 euro** of compensation to all the applicants jointly.