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## Bulletin of Memorial Human Rights Center

**The situation in the zone of conflict in the North Caucasus: an evaluation by human rights activists**

**Autumn 2010**

*Memorial Human Rights Center is continuing its activity in the North Caucasus. We offer our regular Bulletin: a brief description of the main events of the three autumn months of 2010, as well as some generalisations and tendencies of the situation's development. While preparing the Bulletin, materials gathered by members of Memorial Human Rights Center in the North Caucasus, published on the Memorial's site, reports of mass media on the human rights situation in the North Caucasus have been used.*

### Table of Contents

<a href="#">"Crafty statistics" ...</a>	2
<a href="#">...And real terror</a>	4
<a href="#">The condition of the terrorist underground</a>	6
<a href="#">Searches for a strategy of developing the North Caucasus</a>	12
<a href="#">The "Kadyrov versus Orlov" trial</a>	14
<a href="#">The beginning of a litigation process in Vienna and prospects of the repatriation of Chechens from Europe</a>	17
<a href="#">Infringements of human rights in the Chechen Republic</a>	19
<a href="#">The two years of Y-B.Yevkurov's presidential term: failures and successes</a>	23
<a href="#">The abductions in Ingushetia do not cease</a>	26
<a href="#">Abductions committed far from one's home</a>	30
<a href="#">Cases of prosecution of lawyers in Dagestan</a>	37
<a href="#">What is happening in Kabardino-Balkaria?</a>	41
<a href="#">A judicial process in Nalchik</a>	44
<a href="#">Some new decisions of the European Court of Human Rights</a>	45

## *“Crafty statistics” ...*

“The operative situation on the territory of the district is rather complex... It has practically not improved... The agresiveness of bandit groups does not decrease ... Their activities are merging with organised criminality... The number of bombardments, blastings, murders of peaceful citizens, spiritual leaders, law enforcement officers does not diminish ... People in many places continue to live in an atmosphere of alarm and fear for themselves and the relatives ...” this is how President of the Russian Federation Dmitry Medvedev characterised the situation in the North Caucasus at a meeting with chiefs of federal power departments and heads of the regions of the North Caucasian Federal District (SKFO) [*SKFO is the corresponding Russian abbreviation*] in Yessentuki on 19 November 2010, summing up the process of the implementation of his orders aimed at normalizing the situation in the region, given by him at a Meeting in *Stavropol* on 19 August 2009 (see *the site of President of the Russian Federation, 19.08.2010*). For the past 15 months, the position has been practically not put into motion, with the exception of “*some successes*” “*in separate sectors*”. Once similar estimations were already made public by the mouth of President D.Medvedev – in January 2009 But then they concerned only the situation in Ingushetia (for more detail see: [www.memo.ru/2009/03/31/3103091.htm#\\_Toc226269290](http://www.memo.ru/2009/03/31/3103091.htm#_Toc226269290)). Now such a situation is being stated by him already in four constituent entities of the Russian Federation.

The situation is aggravated by the fact that even President of Russia, to all appearance, has no objective information about the state of affairs in North Caucasian Federal District because the statistics that he is provided by various power departments, by his own admissions, “is crafty, and cannot be trusted... This is phoney, in many cases” (*the site of President of the Russian Federation, 19.10.2010*).

“Memorial” has long pointed at the flagrant statistical mess originated in law enforcement bodies from year to year. Elementary negligence, interdepartmental inconsistency, terminological confusion and downright forgeries strike the eye at every attempt at analysing and generalising the substantive data characterising the situation in the region. It concerns various facts: the number of detained and killed insurgents, the quantity of acting terrorists, committed and prevented terrorist acts, losses of employees of power departments, losses of civilians, etc.

One may illustrate it by some fresh data which, probably, President of the Russian Federation himself had to employ.

If one uses a certain source, then an impression is created that there is quite a successful struggle going on against insurgents. Thus, for instance, on 22 September Head of the Directorate of Prosecutor General’s Office of the Russian Federation in the North Caucasian Federal District Artyom Melnikov informed that in the course of eight months of the year 2010 50 acts of terrorism were prevented; more than 800 kg of explosives, 560 items of fire-arms and more than 140 explosive devices prepared for blasting were taken out of illicit traffic by agents of national security. Besides, 160 insurgents (“*Kavkazsky Uzel*” [*«Kavkazsky Uzel»*], 22.09.2010) were eliminated on the territory of the North Caucasian Federal District.

If one attempts to compare and analyse the whole assemblage of statistical materials offered by various power departments then there emerges an incredible mess. On 25 October, A.Melnikov’s colleague Ivan Sydoruk, Assistant Prosecutor General of the Russian Federation in the North Caucasian Federal District, declared at a Session of the Committee of the Council of Federation dealing with legal and judicial issues that 400 insurgents had been destroyed in the North Caucasus since *the beginning of the year 2010* (*Interfax News Agency, 25.10.2010*). And according to the information of Alexander Bortnikov, Director of FSB [*FSB is the Russian abbreviation of Federal Security Service of Russia*], made public by him just at the Presidential Meeting in Yessentuki on 19 November, i.e. almost one month after the speech of I.Sydoruk, only 332 insurgents had been annihilated since the beginning of the year 2010 (*the site of FSB of the Russian Federation, 19.11.2010*). But at the same time, according to I.Bortnikov, 530 “bandits and accessories” had been detained since the beginning of the year, whereas to I.Sydoruk’s knowledge their number was only 219 (*Interfax News Agency, 25.10.2010*).

According to a statement by the same I.Sydoruk, as of *October 2010* 352 crimes of “terrorist nature” were registered (*Interfax News Agency, 25.10.2010*). This figure correlates with the data published in the Press-Service of the Central Administration of Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District: during the first 9 months of 2010 330 crimes of “an extremist and terrorist trend” were committed in the District (*Interfax News Agency, 21.10.2010*). But according to Minister of Internal Affairs Rashid Nurgaliev’s data made public by him on 13 September 2010 more than a month before I.Sydoruk’s declaration, 498 “crimes of terrorist nature”, including 284 bombardments and 214 blastings had been committed since the beginning of the current year in the District. Besides, 58 military combats had been recorded (*RIA [Russian Information Agency] Novosti News Agency, 13.10.2010*). On 15 September, I.Sydoruk reported about 37 acts of terrorism committed in the North Caucasus since the beginning of the year, whereas a month later, on 25 October, he counted only 13 of them in the same region and also since the beginning of the year (*Russian Information Agency «Novosti News Agency», 15.9.2010, Interfax News Agency, 25.10.2010*)!

While proceeding to generalising data, we note the same interdepartmental disorder. By an estimation of I.Sydoruk, Deputy Prosecutor General, the number of terrorist crimes in the Caucasus has grown four times this year (*Interfax News Agency, 25.10.2010*), and as per Director of Federal Security Service A.Bortnikov’s data, the same, on the contrary, reduced by 20 %. Moreover, according to A.Bortnikov, the number of terrorist crimes on the territory of the Chechen Republic diminished by half, (*the site of Federal Security Service of the Russian Federation, 19.11.2010*) whereas according to Sydoruk’s information, exactly 254 of 352 (i.e. 72 %) terrorist crimes registered by Prosecutor General’s Office falls on the Chechen Republic.

Perhaps, only the Investigatory Committee under Prosecutor’s Office of the Russian Federation did not reveal itself in the rash statistics. Alexander Bastrykin, its Head, only said without going into details about the events occurring in the North Caucasus: “this is almost war” (*from an interview to Radio Station “Echo of Moscow”, 09.10.2010*).

Referring to regional statistics and statements by heads of regions would certainly lead to a yet greater mess as regions, as a rule, try to “underreport” their problem indices at the expense of their neighbours.

It is curious that the terminological base employed by power departments and connected with antiterrorist activity also causes a mess and controversions among authorities. In particular, the widely used term “crimes of terrorist nature” (“of terrorist trend”), includes as per the provisions of Item 24 of Federal Law No.35 of the Russian Federation “On Counteraction to Terrorism” as of **1 March 2006** (though the Federal Law does not contain this term) not only crimes envisaged in the articles of the Criminal Code of the Russian Federation concerning terrorism, namely Article 205 (an terrorist act); Article 205.1 and 205.2 (assistance to terrorist activity and public appeals for the same) but also articles which do not contain the term “an terrorist act”, namely Article 206 (a capture of a hostage); Article 208 (organisation of an illegal armed group or participation in the same); Article 211 (hijacking an airplane or a waterborn transportation means or an an item of rolling stock); Article 277 (an encroachment on the life of a state or public figure); Article 278 (a forcible seizure of power or a forcible retention of power); Article 279 (an armed rebellion); Article 360 (an attack on persons or institutions which are under international protection). Assistance in committing crimes provided for by Articles 206; 208; 211; 277; 278; 279 and 360 in accordance with Article 205.1 of the Criminal Code of the Russian Federation is qualified as “assistance to terrorist activity” (the text of Federal Law No.35: <http://base.garant.ru/12145408/#3>; Order No.339 of Prosecutor General of the Russian Federation as of **22 October 2009** containing a list of offences of terrorist nature: <http://genproc.gov.ru/documents/orders/document-84/>). Thus, “a crime of terrorist nature” is a broad term encompassing both acts of terrorism proper and crimes committed for terrorist purposes connected with organisation and preparation of terrorist acts and forms and methods of carrying them out.

Various approaches to the interpretation of terrorist activity generate collisions and permit officials to resort to tricks directed at sugaring up the reality. Thus, immediately after I.Sydoruk's speech in the Council of the Federation on 25 October, in the course of which he told that 254 “crimes of terrorist nature” had been committed since the beginning of the year on the territory of

the Chechen Republic, Government of the Chechen Republic considered it necessary to provide an explanation in which it emphasised that since the beginning of 2010 “no one terrorist act” had been committed in Chechnya. And indeed: even in matters of the most resonant actions committed by insurgents criminal cases are presently initiated in Chechnya under articles of the Criminal Code, which do not relate to the category of “crimes of terrorist nature”. For example, regarding the attack on the village of Tsentoroi on 19 August 2010, a criminal case was initiated under Article 317 (an encroachment on the lives of law enforcement officers); Article 167 (a deliberate destruction or damage of property); Articles 222 and 223 (illegal arms traffic and manufacture) and Part 2 of Article 209 (participation in a stable armed group) (*“Kavkazsky Uzel, 30.08.2010*). And with regard to the attack on the building of Parliament of the Chechnya Republic in Grozny a criminal case was initiated under Article 105 (a murder); Article 317 (an encroachment on the lives of law enforcement officers) and Article 222 (illicit arms traffic) (*Rosbalt News Agency, 19.10.2010*). So, there is no terrorism in Chechnya, there remains only banditism. It may be stated that they “have succeeded” in finally overcoming terrorism in Chechnya by means of manipulations involving terminology and loosely applying articles of the Criminal Code. The motivation of the Chechen authorities in this case is absolutely transparent: “statistical data submitted in such a manner (i.e. the data offered by I.Sydoruk - *Memorial Human Rights Center*) can formulate an incorrect perception of the state of the law and order in the Chechen Republic” (*the Site “Head and Government of the Chechen Republic”, 26.10.2010*). In November, in a conversation with a German correspondent, President of the Chechen Republic was demonstrating that 254 attacks of insurgents were not even equal to one terrorist act (*“Die Tageszeitung”, 22.11.2010, the translation: InoSMI, 23.11.2010*). However, it is obvious that the explanations of the Chechen authorities do not at all clarify the situation but are only employed to avert aspersions from a mythological “peaceful” image of Chechnya.

Are the demonstrative attacks of suicide insurgents on representatives of authorities and civil populace not acts of terrorism? Do they not correspond to the definition of a terrorist act in Federal Law No.35 “On Counteraction to Terrorism”, namely “committing an explosion, an arson or other actions intimidating the population and creating a threat of death to man; causing a considerable property damage or an emergence of other serious implications as well as posing a threat of committing the said actions for the same purposes, in order to influence the process of authorities’ or international organisations’ decision-making” (*Item 3 of Article 3 of the Federal Law*)?!

In a conclusion of the statistical subject, we shall note that in these latter days Russian official persons give their quantitative estimations of the acting underground noticeably less often. This is the most important and traditionally the least accurate category of departmental statistics, which has always been distinguished by a variety of opinions and which has always caused some poignant sarcasm of observers. Only the Press-Service of the Central Administration of Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District noted that more than 70 bandit groups are operating on the territory of the North Caucasian Federal District (*Interfax-Yug [south] News Agency, 21.10.2010*). And General Nikolay Rogozhkin, Commander-In-Chief of Internal Troops of Ministry of Internal Affairs, reported that there were about 500 insurgents, but at once disavowed his own statement, making a reservation that “nobody will be able to check up this number” (*Russian Information Agency “Novosti News Agency”, 29.09.2010*).

And on the whole, there is nothing to do but only to sympathise with Dmitry Medvedev, who attempted to puzzle out this heap of sounding figures and who made a uniquely correct conclusion out of them: the war is continuing, and no end of it is to be seen. Acknowledgements of this conclusion are the terrible terrorist act in Vladikavkaz and several attempts of terrorist acts in other big cities of the North Caucasus.

### **...And real terror**

In the morning of 9 September, near the entrance of the Central Market of Vladikavkaz, the capital of North Ossetia-Alania, a suicide bomber in a “Volga” car triggered a bomb with a capacity

of 30-40 kg in a trinitrotoluol equivalent. At the time of the explosion, there occurred a rupture of a gas-cylinder which was also in the car. The car was completely blasted through the explosion (*Interfax News Agency, 10.09.2010*). 17 persons apart from the die-hard perished. The total number of victims made 173 persons. The overwhelming majority of the victims and injured persons were civilians, among them women and juvenile children. 11 seriously wounded persons were delivered to Moscow for treatment (*Interfax News Agency, 10.09.2010*). Thanks to the vigilance of the security guards, the car failed to pass directly onto the market's territory where people were "compacted" in a dense crowd. The security guards did not let the car onto the market's premises because the driver, young man aged 20-22, refused to open the car boot (*The Republic of Ingushetia, Russian Information Agency News, 10.09.2010*). Head of North Ossetia Taimuraz Mamsurov believes that in case a criminal had managed to drive into the crowd of people, the number of victims would have been not less than two hundred people ("*Kommersant*" [*businessman*], 27.09.2010).

It is recognised that the police officers at guard-post KPM-105 [*KPM is a Russian abbreviation for a checkpoint*] on the administrative border of Ingushetia and North Ossetia, showed a flagrant negligence while examining the car (which appeared to be filled with explosives) immediately before the terrorist act. The investigation also established that during the examination the terrorist produced a driver's licence issued in the name of a person who was considered as deceased (*GTRK [Public State-Owned TV and Radio Company] "Stavropol Territory", 22.09.2010*).

Vladikavkaz markets have been targets of terrorist attacks for the fifth time since 1999 already, and each time, due a big number of victims, insurgents accomplished their ends: the degree of pressure in relations between Ossetians and Ingushes instantly got to the end of their tether. Even Head of the Republic Taimuraz Mamsurov failed to check himself and demanded for a return to the practice of death penalty in the country and even to that of out-of-court executions of captured insurgents, as well as proposed to legislatively "reconsider the responsibility of the families in which they grew up..." "He who has brought up this beast knows what the latter is capable of and should bear responsibility for it", T.Mamsurov said. He also proposed a complete appropriation of one's property and dwelling and even a revival of such an ancient custom as ostracism, that is an exile from one's native place, as methods of punishment ("*Kommersant*", 27.09.2010).

Then what to say about ordinary inhabitants of North Ossetia? *On 13 September*, hundreds of young Ossetians, having marched with nationalist slogans along the central streets of Vladikavkaz, went smashing *the settlement of Kartsa* close to the city where there lived mainly Ingushes (it was the natives of this village that were condemned in 2002 for the preparation and carrying-out of an explosion in the market in 1999, which took away the biggest number of lives). The crowd was stopped by OMON [*a Russian abbreviation for 'Special Designation Militia Unit'*] and troops within less than a kilometre from the settlement. Arthur Amethanov, Minister of Internal Affairs of the Republic of the Republic of North Ossetia-Alania, as well as other representatives of Government of the Republic, had to hold negotiations. The settlement was encircled, and its inhabitants were forbidden to leave their houses in order to avoid excesses ("*Kavkazsky Uzel*", 14.09.2010, *News Agency "15-th Region", 13.09.2010*). As a result, it was decided to meet in three days and decide what to do further.

Three days later, the beligrent moods somewhat subsided, and the authorities took some preventive measures, in particular, they prolonged studies at higher education institutions in order to reduce the number of the youth holding mass-meetings. *On 15 September*, a meeting was held in a quieter atmosphere, although all the same around 2 thousand people gathered in the Freedom Square.

At the meeting, a collective demand was read out appealing for limiting the entry to North Ossetia from the direction of Ingushetia, for strengthening the control over visitors who arrive by car from the neighbouring next republics and for suspending the resettlement of Ingush refugees to the territory of North Ossetia, etc. ("*Kavkazsky Uzel*", 15.09.2010).

It should be noted that the persons guilty of committing terrorist acts were condemned only in one out of four cases, namely for the terrorist act of 1999. Judging by the statements of high-ranking representatives of power agencies, investigators already managed to clear the latest crime hot on the trail. *In the beginning of October*, in the large forest area of the Nazranovsky District, three barrels containing a mix of ammonium nitrate and aluminium powder were detected, which [*the mix*] was used for manufacturing an explosive in order to carry out an terrorist act near the Central Market of

Vladikavkaz (*"Kavkazsky Uzel"*, 12.10.2010). On 12 October, Director of FSB A. Bortnikov declared that five persons had been detained, suspected of the preparation and carrying-out of this crime (ITAR-TASS [Information Telegraph Agency of Russia], 12.10.2010). However, it was not clear whom the investigating agencies consider to be the organizers of the terrorist act. On 27 September, a certain Issa Hashagulgov was detained, who was at once declared to be the leader of Ingush insurgents and organizer of the explosion in Vladikavkaz. And on 18 November, the Federal Security Service Directorate spread some information across Ingushetia about a detention of the presumed organizer of the terrorist act and leader of the so-called "Karabulak bandit groups" Yusup Dzangiev (Russian Information Agency "Novosti News Agency", 18.11.2010).

Meanwhile, the proliferation of terror onto new, previously safe territories became a reality. In the spring of 2010, a powerful explosion thundered at near the Palace of Culture in Stavropol. On 17 August 2010, a bomb blasted in a crowded street in Pyatigorsk. Finally, on 30 September, they managed to prevent an explosion in the sleeping district of Stavropol thanks to the vigilance of townspeople. A parked car was found out near a café, in the passenger compartment of which and in close proximity from the car, in a heap of rubbish, they revealed an explosive equivalent by its capacity to 90 kg of trinitrotoluol. More than 3 thousand people had to be evacuated. In the car compartment there was the corpse of a local taxi driver to whom the car belonged (Lenta.ru, 30.09.2010). Later on, Head of the Investigating Committee under Prosecutor General's Office A. Bastrykin informed that not two but three explosives had been loaded: one in the car, the other near the car (intended for an investigation group), and the third at some distance (intended for people in a cordon, journalists and casual passers-by) (Interfax News Agency, 09.10.2010).

The summer terrorist act in Pyatigorsk was similarly organised: a private taxi car was blown up, whose driver was killed. The composition of the explosives used in Pyatigorsk and Stavropol was identical (Russian Information Agency "Novosti News Agency", 01.10.2010). Whereas some terrorist acts in the cities of Kavminvod [the Area of Caucasian Mineral Waters] had occurred earlier, which fact was explained by the cities' proximity to North Caucasian republics, the capital of the Territory, the city of Stavropol, came into the view of terrorists for the first time, which causes a major concern of townspeople and of the populace of the whole territory.

There is a hope that the crimes on the Stavropol Territory will be cleared. At least, it was declared **on 26 October** that "in the course of carrying out operational processing of materials, concerning one of bandit groups which consisted of inhabitants of the North Caucasian Region", there was terminated the preparation of the next massive terrorist act in Pyatigorsk. On this day, a criminal gang consisting of Nogais and led by a Darghin was eliminated in the Neftekumsky District of the Stavropol Territory. In one of the households belonging to the members of the gang, 200 kg of an explosive were found out. The investigating agencies connected the activity of the gang with the carrying-out of the terrorist acts on the Stavropol Territory (*"Kommersant"*, 30.10.2010).

### ***The condition of the terrorist underground***

In the autumn, the conflict between Chechen insurgents and supporters of **Doku Umarov**, "Emir of Imarat Caucasus", (they are now called "imaratchiks" in mass media) continued to develop. A public discussion, at first chaotic and inconsistent, assumed some sufficiently clear-cut forms in the autumn; the participants of the conflict defined the positions. On the one hand, D. Umarov, Emir of the virtual Islamic state "Imarat Caucasus", and insurgents of Dagestan, Ingushetia and Kabardino-Balkaria who supported him and who drew attention to themselves on the Internet with their corresponding declarations. On the other hand, a number of Chechen warlords (**Khusein**, **Aslanbek** and **Tarkhan**) and **Mokhannad**, an Arab, who joined them (and began to head the split as it is believed in D. Umarov's camp) and who is considered to be an emissary of the international terrorist network "Al-Qa'ida" in the North Caucasus (*"The Kavkazsky Dzikhad"* [Caucasian Jihad], 07.10.2010). According to D. Umarov, the main complaint of Mokhannad against supporters of "Imarat" consists in that the construction of a sharia statehood came to a deadlock - not only in the North Caucasus, but also in Afghanistan and Iraq. As explained by D. Umarov, before "a fitna" (a distemper) became known to the mass media, the Chechen emirs invited him to "the Majlis" where

they demanded to transform “Imarat Caucasus” to a certain union like the United Arab Emirates wherein Islamic states would be built according to their national feature. D.Umarov refused. He recognises his having some certain limitations, but he declares that the question of the degree of his fault should be resolved only by “a sharia court” because according to shariyat only “a kufr” (a renunciation of faith) of “an emir” is a basis for cancellation of “the bayat” (a sharia oath) sworn to him.

Now D.Umarov has obviously concentrated his attention on Dagestan. In the end of August, he appointed **Khasan (Israpil Velidzhanov)** “Emir and Valiya” of Dagestan (i.e. a military and civil governor). The latter was “a commander-in-chief of the Southern sector of the Dagestan front” and “a naib” (an assistant) of the previous “Emir of Dagestan” **Saifullakh (M.Vagabov)** killed **on 21 August 2010** (“*Hunafa*”, 01.09.2010). **On 18 October**, by his “omr” (a decree), D.Umarov also appointed **Ali Abu Muhammad ad-Dagistani**, operative as “Kadhi of Vilayat Dagestan”, to be “Supreme Kadhi of the Sharia Court of Imarat Caucasus” (“*Kavkaz-Tsentr*” [*Caucasus Centre*], 18.10.2010). It was by the appointment of the new “Kadhi” that D.Umarov promised to carry out a certain kind of judicial examination of the warlords in rebellion. For the time being, **on 16 October** D.Umarov dismissed two commanders of “the fronts” in Chechnya from office, and “the fronts” themselves, according to D.Umarov, were “disbanded”, and were subject to be created again. “The Emirs of the sectors” of “the abolished fronts” were instructed to renew their bayat to “Emir of Imarat Caucasus” Doku Abu Usman” after receiving this decree.

In a comprehensive statement “in connection with the fitna among mujahedins”, published on many Internet sites of insurgents **on 18 October**, D.Umarov made a detailed review of “the struggle of mujahedin brothers” throughout the world (“*Kavkaz-Tsentr*”, 18.10.2010). Earlier, his invocations of “the world situation” were no more than ready-made phrases. D.Umarov emphasised the international significance of his own position by that.

It is curious that D.Umarov explains “the fitna” by the intrigues of Russian special services which “have joined our ranks with the help of munafiks holing up abroad and brought about dissidence”. And foreign Chechen separatists, in his opinion, are united by “the devilish club” of “the notorious Berezovsky” (“*Kavkaz-Tsentr*”, 18.10.2010). In a paradoxical manner, the circle of enemies and insurgents, and those of the Russian Federation closed around Berezovsky.

The opening of a new Internet information resource *InfoKavkaz*, called upon to acquaint the public with events occurring in “Vilayat Nokhchiychyo of Imarat Caucasus», i.e. in Chechnya, became a propagandic response to Chechen separatists. If one considers that the supporters of D.Umarov have not conceded any significant Internet resource to dissidents (Chechen separatists publish their statements on open video sites of the *www.dailymotion.com* type, as well as on the *News Agency DAYMOHK* site of foreign Chechens), then “the umarovtsy” may be said to be yet winning an absolute victory in the information field.

Considering the importance of the ideological component of the conflict for many insurgents and sympathisers, militants win over noble theologians. For example, sheik **Abu Basyr at-Tartussi**, who is well-known in the Muslim world, regularly passes “fetwas” (religious explanations) to the good of “Imarat Caucasus”, substantiating them by complex descriptions from the field of Muslim theology and law (fikha). He personally applied to Mokhannad, calling him “to order”: “Either confess and obey to Emir Doku Abu Usman, or leave the Caucasus and go home” (“*The Caucasian Jihad*”, 04.10.2010, “*Islam Din*”, 14.09.2010, 20.9.2010). D. Umarov’s opponents enlisted the support of another authoritative Arabian scientist, namely sheikh **Yusuf Kardavi**, the organizer and ideologist of the international organisation “Moslem Brothers” (see: “*The Caucasian Jihad*”, 29.9.2010).

It is clearly that although the split in the camp of insurgents appeared to be deep the discussion has now passed into disputes concerning legal and religious subjects. No one party dared to come and “resolve everything using a submachine gun”, as D.Umarov proposed in the beginning of the conflict. In this regard, the direct participants of the conflict (not to confuse them with numerous Internet commentators) were very reserved in their personal statements and they did not decisively abandon their “brotherly” lexicon, including the lexis used with respect to the Arab Mokhannad who was declared to be the main causer of the split.

The situations of both the parties are, obviously, grave enough. Despite the mess in the statistics offered by power departments, it is clear that the struggle against insurgents, being waged now, is intensive. According to official data, since the beginning of the year, 167 to 400 members of illegal armed groups have been annihilated, 219 to 530 of their accessories detained, over 560 units of weapons confiscated (*"Kavkazsky Uzel"*, 13.09.2010; 19.09.2010 and 22.09.2010, *Interfax News Agency*, 25.10.2010, the site of *FSB of the Russian Federation*, 19.11.2010).

In *Ingushetia*, the armed underground has been appreciably suppressed by now. In *Chechnya*, its activity is slowly decreasing, though the dynamics here was almost unnoticeable in recent years (the autumn of 2006: 39 agents of national security perished and 99 wounded; the autumn of 2007: 20 and 68; the autumn of 2008: 16 and 43 the autumn of 2009: 22 and 44 and the autumn of 2010: 15 and 39 correspondingly). On the contrary, in *Dagestan* and *Kabardino-Balkaria*, insurgents are extremely active. Here one special action follows another, in which big losses are born by both the parties. **On 18 October 2010**, Minister of Internal Affairs, R.Nurgaliev, who arrived in Dagestan, declared that the insurgents had suffered a determined blow here (*Russian Information Agency "Novosti News Agency"*, 18.10.2010)., Minister of Internal Affairs mentioned, for the first time, the practice of introducing officers of special services into terrorist groups for the purpose of finding out, neutralizing them, as well as of preventing acts of terrorism. According to R.Nurgaliev, this work had shown its high efficiency, and a number of massive acts of terrorism had been successfully prevented (*Russian Information Agency "Novosti News Agency"*, 27.10.2010). Really, in the summer of the current year, the insurgents admitted on their Internet sites that Russian special services had managed to find and neutralise their leaders **Magas** and **Said [sa'id] Buryatsky** with the help of a well-hushed-up "krot" [*a mole, "a spy"*] whom the insurgents, however, allegedly traced and executed.

In an appeal written on **18 October 2010**, Doku Umarov and his cohort **Supyan Abdullaev**, sitting in the wood, just on the bare ground admitted that hard times had come for them: "Many Mujahedins are killed, and those who are alive have no sufficient means even for nourishment". The insurgents' base of aiding and abetting is shrinking, without which they cannot exist. "Recently our brother brought us half a carcass of a ram, and we, forty Mujahedins, managed to satisfy our appetite fully at least for the first time for a great while to satiety", D.Umarov admitted (*"Kommersant"*, 03.11.2010).

At the same time, there is certainly a considerable share of archness in the video appeals of the leaders of the insurgents: they have long chosen the image of ascetic martyrs; it favourably distinguishes them from the corrupted authorities and from the law enforcement agencies of the North Caucasian republics in the eyes of the mountain youth. In the statements of high-ranking representatives of Russian power departments, the fact of the high organisation and technical erudition of the insurgents was mentioned several times this autumn. Thus, in September, Minister of Internal Affairs R.Nurgaliev was demonstrating some automobile identification numbers with blinds, which are used by insurgents in the North Caucasus. He emphasised that this was a recent know-how: "By pressing a button one makes the blinds go down, closing an alphabetic-numeric combination of a state-assigned identification number, and an evil-doer who has committed a crime in one region moves unnoticed to some other constituent entity of the Federation", Head of Ministry of Internal Affairs of the Russian Federation told (*Russian Information Agency "Novosti News Agency"*, 13.9.2010). The grafting of insurgents the criminal underworld and an active "development" of local sources of financing their illegal activity are also becoming evident. Thus, just short of 44 cases of demolitions of shops and other enterprises have been recorded on the District's territory, whose owners refused to pay a tribute to the insurgents (*Russian Information Agency "Novosti News Agency"*, 25.10.2010).

As has already been said, during the last few months, the most powerful blow was inflicted on the Ingush extremist underground which not only lost its spiritual leaders and organizers of "all-Imarat" scale, such as Said Buryat and Magas, but also many rank-and-file "Mujahedins". In the prior Bulletin, we mentioned that the organizational structure and number of Ingush insurgents is uncertain now. In the video appeals posted this autumn on the site *Hunafa.com*, the faces of the insurgents are hidden under solid masks. Earlier they did this seldom. Apparently, it means that the overwhelming majority of Ingush insurgents leads a legal way of life, there are no constantly



operating detachments in the wood, they are formed only for carrying out separate actions, the number of which as such is, however, few now. In the video frames, one may count no more than 12 to 15 insurgents, but they are well-equipped and armed, with grenade launchers as well. They are demonstrating surpluses of small arms, calling out the youth for “the Jihad”, and assert that nobody of “the Mujahedins” is starving (*Hunafa.com*). The present heads of the Ingush bandit underground are mainly disguised Arabian pseudonyms. During the autumn, at least two “Emirs” of Ingushetia alternated: the place of a certain **Abdul-Aziz** was occupied by someone called **Adam. Abu Dudzhan** is “Kadhi” of Ingushetia, who also hides his face. All of them recognise the supreme power of Doku Umarov. The site *Hunafa.com* does not mention **Issa Hashagulgov** and **Yusup Daurbekov** detained by agencies of FSB in the end of September and beginning of November and named as leaders (the former was even declared “Emir” of insurgents in Ingushetia), does not mention. However, it does not mean that the mentioned persons have no relation to the underground. Probably, they are in prison and have not become “shakhids”, insurgents try not to aggravate their situation.

Since *the spring of 2010*, Dagestan has confidently taken the first place in the statistics of losses which are suffered by agents of national security, and already last winter it began to occupy the first line of this sad superiority on the death-roll. According to official data, 127 people perished and 303 were wounded in the course of the first 10 months of 2010 in the Republic. Transport communications, telecommunications and power enterprises, as well as other important facilities of life support became objects of die-hard terrorists’ attacks. Cases of the employment of suicide bombers have become frequent. The number of victims among the peaceful population has essentially increased. Thus, only *on 25 September*, as a result of a suicide bomber’s blasting in *Makhachkala*, 44 persons suffered, in this case half of them were casual passers-by and civilians (“*Chernovik*” [draft copy], 01.10.2010). At the same time, the assumed number of insurgents who perished as a result of special operations in Dagestan cities and villages, is estimated to be some tens this autumn. People of various professions turn out to be insurgents. The whole Republic was shocked this autumn by some news that *on 2 October*, during a special action in *Gamidov Street* in *Makhachkala* a certain **Rimikhan Ziyadov**, active Vice-Captain of the Second League Professional Football Club “Dagdiesel” showed an active resistance and was killed.

The tendency of the last months is unequivocal: the number of terrorist attacks on representatives of authorities in the Republic of Dagestan is steadily growing. In early autumn, in the Republic, some rumours were about that “an introduction of regular army troops onto the territory of Dagestan” is being prepared and that the military forces would begin a full-scale counterterrorism operation (“*Chernovik*”, 17.09.2010; 01.10.2101 and 8.10.2010).

It should be said about an attempt to carry out a massive terrorist at the new *Irganaysky Hydroelectric Power Station*, the major infrastructural facility of the region, which sixteenfold surpasses the Baksansky power station in its productive capacity, which also suffered a terrorist attack in this summer. *On 7 September*, mass-media informed about a popping sound and a large-scale fire at the hydroelectric power station, occurred at **22:19**. And next day, an explosive device with an explosive capacity of upto 3 kg (according to some other information: upto 10 kg) in a trotyl equivalent was found out near the main hydraulic unit in the turbine building and one more mine-trap was revealed beside it. However, the investigating bodies did not connect these two events with each other, declaring the fire to be a consequence of the depressurization of the oil pump installations (*RBK [RosBusinessConsulting]*, 09.09.2010; “*Chernovik*”, 17.09.2010). Accordingly, no rigid managerial conclusions followed, which were promoted by President of the the Russian Federation after the terrorist act at the Baksansky Hydroelectric Power Station.

Meanwhile, the Dagestan edition “*Chernovik*” reminds that *on 22 July 2010* a certain **Vladimir Red’kin**, Chief Engineer of Open Joint Stock Company “Sulaksky Hydrocascade” was abducted, in whose balance the Irganaysky Hydroelectric Power Station was. The edition suggests that the purpose of the abduction might be gathering some data on the Hydroelectric Power Station’s technical characteristics. V.Red’kin was released *on 3 September*. And still earlier, in March, son of **Nurmagomed Aliev**, General Director of Open Joint Stock Company “Sulaksky Hydrocascade”, **Ali Aliev**, was abducted (insurgents deny their involvement in the last crime and even condemn the offence: it ostensibly does not correspond to their understanding of norms of Sheriyat, (*Guraba*,

24.10.2010; "Chernovik", 29.10.2010). Already after the incident at the Irganaysky Hydroelectric Power Station, **on 13 September**, they attempted the life of **Magomed Malikilaev**, General Director of Open Joint Stock Company "Sulaksky Hydroeneromontazh", who is a relative of N.Aliev, but the former managed to escape from his attackers in a car, he getting off with some minor wounds. All this, in the opinion of the edition, may testify to the heightened attention of the insurgents to hydropower industry facilities of the Republic ("Chernovik", 17.9.2010).

The Internet sites of Dagestan insurgents, in their turn, declared that the terrorist act was being prepared, in order "to punish the impious people" (obviously, a flooding of the villages situated lower along the course of the river *Avarskoye Koysu* was meant, which would inevitably occur). The insurgents of the Avarian "Jama'at" Guraba asserted that the bombs had been carried onto the premises of the power station by one man and the organisation of the terrorist act required minimum forces and means. In their opinion, it proves the futility of efforts aimed at protecting the infrastructural facilities undertaken after the blasting of the Baksansky Hydroelectric Power Station (*Guraba*, 04.10.2010).

The Chechen schismatic insurgents who do not get any powerful ideological support and do not have their own information resources, try to show their "commodity", organising sounding terrorist raids designed for wide public, as well as international response. **On 29 August**, an attack was launched on the Kadyrovs' patrimonial settlement, *Tsentoroy (Khosi-Yurt)*, about which we narrated in detailed in the latest Bulletin and in information reports. One more similar action occurred **on 19 October** in Grozny, when a group of insurgents (according to various data, numbering three to four persons) managed to break into the building of Parliament of the Chechen Republic. There they began chaotic shooting, killing 3 and wounding 17 people. All the insurgents were annihilated. According to the information of Memorial Human Rights Center, one of them was a native of the village of Sernovodsk of the Sunzhensky District, **Chichkanov Muslim Khizirovich**, born in 1987; another one, as per some unconfirmed data, was his fellow villager, **Khabaev Arbi Umalatovich**. Both went to "the wood" in August 2009 and were on the wanted list ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220990.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220990.htm)).

It is interesting that the insurgents, probably, took advantage of the behaviours which had reigned in the Republic for a long time, when every more or less prominent chief was accompanied by a cavalcade of cars with armed bodyguards: "Everyone comes with his own retinue, with his own weapons, wearing his various uniforms", Ramzan Kadyrov speaks. "Here, in the city, there is no need to ride in motor convoys. Where is one going, having three to four cars? Is he going to a war? With such an army one can carry out any special action and even wage a war" (TK [TV channel] "Vaynakh", 19.10.2010). According to one version, the insurgents arrived to the Parliament's building by taxi and waited, when the gate would open for a passage of some governmental cars ("Rossiyskaya Gazeta" [Russian newspaper], 20.10.2010). As per Ramzan Kadyrov's version, "the sentries failed to recognise the terrorists and perished, because the militants had fetched the Minister's car and they were wearing militia uniforms ..." (TK "Vaynakh", 19.10.2010).

During the attack, Speaker of Parliament of the Chechen Republic, **Dukuvakha Abdurakhmanov**, was in the building (the windows of its office were fired at by the insurgents). And the arrival of Minister of Internal Affairs of the Russian Federation Rashid Nurgaliev accompanied by Ramzan Kadyrov was expected soon. Nevertheless, Federal Minister, despite the event, characterised the situation in the Republic as absolutely quiet (*NEWSru.com*, 19.10.2010).

On the whole, as before, in order to estimate the scales and the pattern of the district-wise distribution of the extremist movement, it is necessary to address the statistics of losses of Russian agents of national security in the conflict zone in the North Caucasus. Agents of national security suffered the greatest number of losses in Dagestan where, according to Minister of Internal Affairs of the Russian Federation R.Nurgaliev, 89 law enforcement officers had been recorded as killed; 171 had been wounded, 93 had lost their labour ability since the beginning of the year (*Russian Information Agency "Novosti News Agency"*, 18.10.2010). A calculation of the losses of Russian agents of national security for the autumn 2010, carried out according to reports by Russian information agencies and mass media, depicts the following picture:

## A Table

	September		October		November		Total	
	Killed	Wounded	Killed	Wounded	Killed	Wounded	Killed	Wounded
Chechen Republic	6	15	5	11	4	13	15	39
Ingush Republic	3	1	2	6	-	2	5	9
Republic of Dagestan	21	68	5	1	16	24	42	93
Kabardino-Balkarian Republic	5	7	3	8	5	-	13	15
Total	35	91	15	26	25	39	75	156

By comparison, *in the summer of 2010*, the total number of losses of national security agents in the conflict zone made 102 killed and 152 wounded men. And then the greatest number of victims fell on Dagestan: 50 killed and 52 wounded men. The autumn losses of national security agents in other republics are commensurable with those of the summer: in the Chechen Republic 20 men were killed and 52 wounded; in Kabardino-Balkaria 14 people were killed and 17 wounded. Only in Ingushetia, *in 2010*, the trend towards a reduction of the number of losses remained: in spring 11 men killed, 42 wounded; in summer 9 men killed, 27 wounded; and in autumn 5 men killed, 9 wounded. During *the autumn of 2009*, the total number of losses of national security agents in the conflict zone made 52 men killed and 121 wounded (i.e. it was by 33.5 % lower than in the autumn of 2010) . Then the greatest number of losses fell on the Chechen Republic (22 men killed and 44 wounded), while in Dagestan and Ingushetia the losses spread approximately equally (14 men killed and 31 wounded; and 12 men killed and 37 wounded correspondingly), and in Kabardino-Balkaria the tendency towards an increase in the number of terrorist crimes (4men killed and 6 wounded) was just appearing.

Thus, once again it may be regretfully stated that no pacification has yet come to stay in the North Caucasus. The level of the losses which are suffered by national security agents remains to be stably high and it is not only decreasing but also growing. This is especially evident, if one pays his attention to the dynamics of the losses. This, *in the autumn of 2006*, totally for the North Caucasian republics, they recorded 60 men killed and 126 wounded; *in the autumn of 2007* 53 men were killed and 126 wounded; *in the autumn of 2008* 83 men were killed and 143 wounded; *in the autumn of 2009* 52 men were killed and 121 wounded, *in the winter of 2009-2010* 54 men were killed and 136 wounded, *in the spring of 2010* 64 men killed and 135 wounded, *in the summer of 2010* 102 men were killed and 152 wounded; and *in the autumn of 2010* 75 men were killed and 156 wounded. In the course of time, the losses of national security agents only redistribute themselves differently among the republics, but they do not decrease.

Therefore, one may quite trust the words of President of the Russian Federation D.Medvedev, quoted in the beginning of the present Bulletin about the extreme complexity of the situation, the same as the information of A.Bastrykin, Head of the Investigating Committee under Prosecutor General's Office who declared in a conversation with a presenter of the "Echo of Moscow" broadcasting station that the law enforcement bodies of the North Caucasian republics "sustain casualties of upto five to six men daily" ("*Echo of Moscow*", a "*Dura Lex*" radio broadcast, 09.10.2010).

As before, the peaceful population is suffering very big losses. Just at the time of the explosion in Vladikavkaz 17 persons perished and 173 were wounded. According to the messages of news agencies, totally 39 people became victims of terrorist acts, bombardments, stray bullets and splinters, and 236 were wounded during the three autumn months.

## *Searches for a strategy of developing the North Caucasus*

Against this background, a vigorous working-out of a strategy of developing the region sunken in the civil war is continuing. In the beginning of September, Alexander Khloponin, Plenipotentiary Representative of President of the Russian Federation in the North Caucasian Federal District and Vice Prime Minister of Government presented a Strategic Plan for Development of the North Caucasus to **Vladimir Putin**. It was set to be accepted *in July 2010*. The main point of the Project had been announced earlier: coping with the political instability of the region by means of taking measures for its social and economic recovery in it.

The major provisions of the Plan are as follows. The total cost of investment projects in the North Caucasus, envisaged in the Plan, will make around 600 milliard roubles before 2025. We may notice that over the last 10 years 800 milliard roubles were invested in the development of the North Caucasus from the federal budget (*the site of Chairman of Government of the Russian Federation, 06.7.2010*). By 2025, it is planned to create not less than 400 thousand workplaces; to increase the annual growth rate of the gross national product on the North Caucasian regions upto 7.7 % and raise the average salary in the North Caucasian Federal District upto 23 thousand roubles. They plan a radical reorganisation of the public health service and educational system and creation of a federal university in the North Caucasian Federal District.

Meanwhile, considering the 14-year-old prospect of implementing the Program, the set figures do not seem too ambitious, whereas some calculations seem inadequate to the social-demographic rates of the development of the region. By now, 449 thousand unemployed peoples in the region have been officially registered (*Russian Information Agency "Novosti News Agency", 25.10.2010*). And according to the calculations of demographers, per annum upto 35 thousand redundant working hands appear in Dagestan alone. So, even a successful realisation of the Program for the creation of workplaces cannot meet the requirements of only one republic (*"Vremya Novostei" [time of news], 12.11.2010*).

The declared size of state investments (600 milliard roubles) is but a starting sum designed for the development of the infrastructure. They are placing their stake on the attraction of private funds. Thus, for instance, in years to come it is planned to invest upto 60 milliard roubles in the infrastructure of the public resort system of the North Caucasus in order to attract upto 360 milliard roubles of private investments (*Ibidem*). But it is here that the most intricate problem for today's region is hidden: it is very difficult to find some investors. The whole republics (Ingushetia, Dagestan) are practically deprived of an inflow of capital and are stagnating, existing only at the expense of state transfers. As A.Khloponina admits, it is impossible to entice even such well-to-do and extremely rich people as **Suleiman Kerimov** or **Mikhail Gutseriev** into their small native land: "They have certain doubts that everything will go smoothly in their republic". But, according to some official, "representatives of large business are obliged to show by their example that they are not indifferent towards what is happening in their republics" (*"Kommersant", 12.11.2010*).

Presently, Government of the Russian Federation is working out a program for providing state insurance of upto 70 % of investments. A.Khloponin informed that Government had taken a decision on granting the state guarantees of Government of the Russian Federation in a volume of 50 milliard roubles next year. The efficiency of these guarantees consists in that they are offered without securing. According to A.Khloponin, this actually project lending (*"Kommersant", 12.11.2010*).

*On 30 September*, they declared a creation of two new financial institutions for managing investments: Open Joint Stock Society "Corporation for Development of the North Caucasus" and Open Joint Stock Society "Health Resorts of the North Caucasus". Both the organisations are associated companies of "Vneshekonombank" [*foreign economy bank*]. The tasks of the first one will include selection of profitable projects, search for and support of their investment, as well as pre-design financing (*Russian Information Agency "Novosti News Agency", 30.09.2010*). The second one will be created for managing a uniform tourist complex which is being now formed in the region. V.Putin specified that the issue concerned such health resorts, as "Arkhyz" in

Karachaevo-Circassia, “Lago-Naki” in Adygeya, “Mamison” in North Ossetia, “Matlas” in Dagestan and “Elbrus” in Kabardino-Balkaria (Ibidem). Besides, the staff of Plenipotentiary Representative of President of the Russian Federation in the North Caucasian Federal District are developing a project of developing the Kavminvodsky [*pertaining to the region of the Caucasian Mineral Waters*] Agglomeration (the towns and cities of the Caucasian Mineral Waters) Kavminvody Group of the Stavropol Territory and some districts of Karachayev-Circassia and Kabardino-Balkaria), which envisages creating a special economic zone with a preferential system of taxation on this territory (*Russian Information Agency “Novosti News Agency”, 29.10.2010*).

The next document which, on the authority of A.Khloponin, is to be ready in December 2010 will be a specific plan of strategy. It will be a list of steps and time periods for each republic, indicating specific responsible people both at the federal and regional level (*“Kommersant”, 12.11.2010*).

In order to supervise the implementation of the projects and expenditure of funds, a position of Deputy Minister of Regional Development, with permanent residence in the North Caucasus, was established. Besides, a Government Commission is to be convened quarterly under the chairmanship of Prime Minister V.Putin.

A.Khloponin informed that by then 1100 investment projects had been presented to Plenipotentiary Representation of the North Caucasian Federal District, totalling more than 3.4 milliard roubles. However there is no design and estimate documentation for 90 % of these projects, which does not yet enable to finance them (*Russian Information Agency “Novosti News Agency”, 29.09.2010*). On the whole, “a huge amount of work has been done”, Plenipotentiary Representative summarises (*“Kommersant”, 12.11.2010*).

Such is the federal authorities’ vision of the social and economic development of the North Caucasian region. It is recognised that no program of socio-political modernisation of the region has been envisaged for ensuring this, with the exception of some private projects, for instance the Public Council of the North Caucasian Federal District.

There are 43 members in this Council, who have been appointed in equal proportions by the federal authority, regions and Plenipotentiary Representative of President in the District, (*REGNUM News Agency, 15.11.2010*). The published list of the members of the Council (see, e.g.: <http://www.newsland.ru/news/detail/id/601803/>) causes some bewilderment. At first sight, the organizers obviously aspired to present the interests of all public strata of the Region: the Council’s structure included Muslim and Orthodox religious figures, university teachers, representatives of public organisations of North Caucasian people and Cossacks. An order to organise the Public Council was given to A.Khloponin by President of the Russian Federation, based on the results of his Meeting with human rights advocates who deal with problems of the North Caucasus **on 10 May 2010** in the Kremlin. However, only two human rights advocates were included in the Council’s composition from Moscow, namely Lyudmila Alekseyeva and Svetlana Gannushkina from among the participants of the Meeting. Only one person (**E.Kh.Barkinkhoyeva**, Chairman of the Committee for Assistance in Search of Hostages and Missing Persons, Representative of General Lebed’s Peace-Making Mission) was included out of the list of independent human rights activists working directly in the region. At the same time, the composition of the Council included some representatives of little-known public organisations, certain “spiritual and public leaders” of whom nobody knows anything, directors of the big enterprises, officials, etc. An impression is created that the Council’s composition was selected in haste, “just for the sake of ticking off”, as they say. So far, the Council has manifested itself only by its statement concerning the December riots of football fans in Moscow.

As for the rest, the last decisions of the highest representatives of authority in the Russian Federation with respect to the personnel (the reassignment of President of Kabardino-Balkaria, the whole-hearted support of the course of Chechen President, etc.) speak well for the fact that the Federal Centre prefers to preserve the existing state of affairs, instead of interfering with the already fully formed system. One year ago, while analysing the first policy statements of Khloponin appointed to hold the post of a Plenipotentiary Representative in the North Caucasian Federal

District, Memorial Human Rights Center expressed their anxiety that the new institution would focus on resolving only economic problems. It looks as if these apprehensions prove true.

In the subsequent chapters, some socio-political aspects of the modern life of the North Caucasian republics are analysed in the first place. It can be inferred by the reader what investment climate is generated by the present situation.

### ***The “Kadyrov versus Orlov” trial***

***In the autumn of 2010***, they began hearings concerning the case of **Oleg Orlov**, Chairman of the Council of Memorial Human Rights Center, accused of defaming President of Chechen Republic, Ramzan Kadyrov. The criminal case under Part 3 of Article 129 (defamation) of the Criminal Code of the Russian Federation was initiated **on 20 October 2009**. Just before the beginning of the hearings, **in February 2010**, it was declared that R.Kadyrov refused, at his mother’s request, to prosecute human rights activists for his defamation. But the case against O.Orlov was not closed. **In the summer of 2010**, at one of O.Orlov’s interrogations, it was found out that neither “the national customs and traditions”, nor the motions of some public figures, nor the requests of R.Kadyrov’s mother were sufficient for R.Kadyrov. He wished that his offender should tender “personal and public apologies” to him. That is to say, he continues to lay claims to Chairman of the Council of Memorial Human Rights Center and he is not going “to stop any prosecution” ([www.memo.ru/2010/09/10/1009101.htm](http://www.memo.ru/2010/09/10/1009101.htm)).

The hearings of the case of Oleg Orlov are taking place at Judicial Branch No.363 of the Khamovnichesky District of the city of Moscow (4 Street of the Year 1905, Building 1) under the chairmanship of **Karina Aleksandrovna Morozova**, Judge of Peace. Originally, **Yana Vladimirovna Fomichyova**, Assistant Public Prosecutor of Moscow’s Central Administrative District of the Central Administrative District, acted as a state accuser in the litigation; and at the second session she was replaced by **Tatyana Viktorovna Popova**. The Complainant, Ramzan Kadyrov, is represented by **Andrey Anatolevich Krasnenkov**. Lawyer **Genry Markovich Reznik** is a Trial Lawyer of the Defendant.

The first session took place **on 13 September 2010**. All in all, five sessions had been held before the end of the autumn of 2010.

In the beginning of the judicial hearings, Lawyer G.Reznik challenged A.Krasnenkov, Representative of the Complainant, because A.Krasnenkov was interrogated three times as “Representative of the Complainant” at the stage of the preliminary investigation, and this evidence was attached to the case in that capacity [*as that of Representative of the Complainant*]. However, according to the norms of the Code of Criminal Procedure of the Russian Federation, there exists no such argumentum under a criminal case as “evidence of Representative of Defendant”. A.Krasnenkov was interrogated as per the procedure applied to examining a witness and, hence, he was one from then on. In the context of Article 72 of the Code of Criminal Procedure, he cannot participate in the process as a defender. Despite the obviousness of the most fragrant infringement of the Code of Criminal Procedure committed at the stage of the preliminary investigation, the Judge rejected G.Reznik’s petition after a half-an-hour (!) meeting, substantiating her decision with a paradoxical assertion. Having enumerated the provisions of Article 72 of the Code of Criminal Procedure, she declared literally as follows: “the said norms of the law do not contain any interpretation of the complainant’s representative’s [*previous*] participation in such a quality in the proceedings of the given criminal case in such a quality as a circumstance excluding his participation” (!).

Since then, according to G.Reznik, any sentence which was to be eventually passed with regard to the given case, could be already challenged as illegal.

During the three first sessions, seven witnesses of the prosecuting party were interrogated: **Aminat Malsagova**, Head of the Staff of the Public Chamber of the Chechen Republic, earlier Chairman of the Public Organisation “North Caucasian Peace-Making Center”; **Olkhazar Dzubairae**v, an employee of the Staff of Human Rights Representative in the Chechen Republic;

**Umar Dzhumaliev**, Administrator of Human Rights Representative in the Chechen Republic; **Tamara Kagirova**, Head of the Regional Public Organisation “Search of Missing Persons”; **Sergey Komkov**, President of the All-Russia Fund of Education, a member of the Advisory Councils under the Security and Education Committees of the State Duma; **Nurdi Nukhazhiev**, Human Rights Commissioner in the Chechen Republic; and **Ismail [isma'il] Dadalaev**, Assistant Deputy of **Adam Delimkhanov**, a deputy of the State Duma. Some of these witnesses practically were not testificators as such, because they did not inform about the facts, but were making evaluations to the words of O.Orlov told by him after the murder of **Natalya Estemirova**, and were retelling the response of other people to the words and characterising the situation in the Chechen Republic on the whole. Some of the witnesses of the prosecuting party factually acted, voluntarily or involuntarily, as witnesses of the defending party, reporting about the extreme situation in which human rights organisations turned out to be in the Chechen Republic.

The evidence of N.Nukhazhiev, Human Rights Commissioner in the Chechen Republic, was making a strange impression. He attempted to refuse to answer the questions of the Defendant. The Judge had to explain him the duties of his being a witness. During the interrogation, he declared that the Memorial had been allegedly accusing Kadyrov in his involvement in the murders of **Stanislav Markelov**, **Anastasiya Baburova** and **Zarema Sadulaeva**. However, subsequently, while answering the questions of Lawyer G.Reznik, N.Nukhazhiev was compelled to admit that those statements of his did not represent the facts. Regarding a number of the questions asked by Lawyer Genry Reznik and Oleg Orlov, particularly those concerning the cases of the abduction of people and the public statements of Ramzan Kadyrov about Natalya Estemirova and the Memorial, about the firing on women who were not wearing their kerchiefs, *in Grozny*, using some paintball guns, etc., N.Nukhazhiev asserted that he “*did not know*”, “*did not possess any information*”, “*could tell nothing*”. According to O.Orlov, N.Nukhazhiev either does not obviously conform to the position of a Human Rights Commissioner, or he was deliberately misleading the court.

The witness Ismail Dadalaev also showed a strange ignorance. According to his assertion, he had never heard about the statement of his chief, Deputy Adam Delimkhanov, widely quoted in mass media, when the latter equated human rights activists to accessories of “shaitans” (insurgents) (see: a video recording on the site “Kavkazsky Uzel”: <http://kalmykia.kavkaz-uzel.ru/blogs/posts/2359> and <http://www.hro.org/node/6340>).

At the second judicial session, both the parties moved their motions to the Judge.

Lawyer G.Reznik requested to attach several documents to the files of the criminal case. G.Reznik informed that **on 15 September**, Andrey Krasnenkov, Representative of the Complainant gave a comprehensive interview to the Broadcasting Station “Russian News Service”, in which he accused O.Orlov of the fact that the latter had infringed the measure of restraint applied toward him in the form of recognizance not to leave and, hence, he should be kept in a pre-trial detention centre. G.Reznik notified that no measure of restraint had been applied to O.Orlov and that any measure of restraint, except for imprisonment, could be applied only with the consent of a defendadant. In evidence, G.Reznik presented his correspondence with the superiors of Inspector **Yuliya Khatchenkova** who was processing the criminal case of O.Orlov. The answer which arrived to the address G.Reznik was characterised by the Lawyer as an apology for the unauthorized actions of the subordinate (the letter of G.Reznik: [www.memo.ru/2010/07/23/pr.pdf](http://www.memo.ru/2010/07/23/pr.pdf); the answer of **Tatyana Volkova**, Head of the Second Department of the Investigating Department of the Investigating Directorate under the Department of Internal Affairs of the Central Administrative District: [www.memo.ru/2010/09/07/pgr.jpg](http://www.memo.ru/2010/09/07/pgr.jpg)). G.Reznik petitioned for attaching these documents to the files of the criminal case.

The Judge fully satisfied G.Reznik’s motion.

Also, they considered the petition of A.Krasnenkov, Representative of the Complainant, concerning a repeated linguistic examination of the text of Memorial Human Rights Center’s statement “On Natasha Estemirova’s Murder” ([www.memo.ru/2009/07/15/1507093.htm](http://www.memo.ru/2009/07/15/1507093.htm)). According to A.Krasnenkov, “the experts had not considered all the sentences”. Besides, Representative of the

Complainant declared the examination “was defective and insufficient”. In this regard, A.Krasnenkov expressed no mistrust either towards the examination technique, or towards the Expert and Centre under the Municipal Department of Internal Affairs where the examination was carried out. The decision on the petition was postponed by the Court to the next session ([www.memo.ru/2010/09/27/2709103.htm](http://www.memo.ru/2010/09/27/2709103.htm)). Obviously, already in the beginning of the third session A.Krasnenkov himself abandoned his petition, understanding its invalidity.

At the fifth session which took place **on 25 November 2010**, they began an interrogation of the witnesses of the defending party, namely Igor Orlov (System Administrator of Memorial Human Rights Center); Yuliya Klimova (Press Secretary of Memorial Human Rights Center); **Svetlana Gannushkina** (a member of the Council of Memorial Human Rights Center, Chairman of the Committee “Civil Assistance”, a member of the Council For Assisting Development of Civil Society and Human Rights Institutions under President of the Russian Federation); and **Alexander Cherkasov** (a member of the Council of Memorial Human Rights Center, a member of the Advisory Council at the Representative under Human Rights Commissioner of the Russian Federation).

Yu.Klimova and I.Orlov told the Court about the circumstances of the message about N.Estemirova's death appearing on the site of Memorial, which contained O.Orlov's evaluation of the circumstances of her death and which became a reason for initiating a criminal against him.

S.Gannushkina is one of the last persons who saw N.Estemirova alive. She told the Court about her trip to the North Caucasus **in July 2009**, N.Estemirova's last case (the public execution of **Rizvan Albekov** in the village of *Akhkinchu-Borzoi*) and the extremely negative response of Chechen authorities to the investigation of the case. S.Gannushkina gave a detailed account of the events of **15 July**, the day of N.Estemirova's abduction and death, when the witness was in Ingushetia busy with her routine pursuits. Also, S.Gannushkina depicted the situation connected with the observance of human rights and freedom of speech in the Chechen Republic, emphasising that it was extremely tight. By her evaluation, R.Kadyrov in person was in many ways responsible for this. S.Gannushkina spoke about R.Kadyrov's hostile attitude towards N.Estemirova and the Memorial as a whole, about threats directed against N.Estemirova.

A.Cherkasov informed the Court about some particulars of two personal meetings of N.Estemirova with R.Kadyrov, stressing that the latter treated her demonstratively chilly. He imparted the details of last cases of abductions and murders of people committed by law enforcement officers of the Chechen Republic, which which N.Estemirova concerned herself. Also, he told about the prosecution of **Akhmed Gisaev**, N.Estemirova's colleague and assistant, after her death.

During the interrogation of Cherkasov, Representative of the Complainant, A.Krasnenkov, suddenly began to ask some absurd questions as to whether there was “a special group exercising psychological and physical pressure upon people in the Memorial with whom the latter was not pleased” ([www.memo.ru/2010/11/25/2511103.htm](http://www.memo.ru/2010/11/25/2511103.htm)).

On the whole, both R.Kadyrov's Representative and some witnesses of the prosecuting party, while commenting on the process, employ the tactics which was already made operational long ago in the Chechen Republic, consisting in “demonising” the Memorial as a certain aggressive, perhaps massacre organisation interfering with the conducting of the investigation.

**All the materials of the judicial proceeding “R.Kadyrov versus O.Orlov” (files of the criminal case, expert judgements, a bill of particulars, press releases, complete shorthand records of judicial sessions) are posted in the section “Trial” on the site of Memorial Human Rights Center: <http://www.memo.ru/2009/11/03/sudeng.html>.**

Meanwhile, *on 20 October 2010*, the European Parliament adopted “Resolution on the Situation with Human Rights in the North Caucasus and the Criminal Prosecution of Oleg Orlov” in which, in particular, it condemned “the initiation of a criminal case against Oleg Orlov and called upon competent authorities to promptly revise the decision on the initiation of the criminal legal proceedings; it drew attention to the fact that the statements similar to those that Oleg Orlov made, are legitimate in the conditions of democracy and cannot entail civil or criminal punishment”. Furthermore, the European Parliament noted some flagrant violations of the Code of Criminal Procedure of the Russian Federation in the course of the carrying-out of the preliminary investigation (an infringement of Article 72) (see also:



### ***The beginning of a litigation process in Vienna and prospects of the repatriation of Chechens from Europe***

**On 16 November**, a judicial trial was opened in the capital of *Austria, Vienna*, threatening to deal a serious blow to the image of the Chechen authorities and their leader **Ramzan Kadyrov**. Some hearings began, concerning the case of the murder of a refugee from the Chechen Republic, **Umar Israilov**, the former security guard of the Kadyrovs, in Vienna **on 19 January 2009**. He joined the ranks of “the kadyrovtsy” [*followers of R.Kadyrov*] after Ramzan Kadyrov (Head of Security Service of President of the Chechen Republic at that time) “granted him his life” as a captured insurgent **in the summer of 2003**. And **in the autumn of 2004**, U.Israilov deserted the colours and fled from Russia to Austria. Later, he was openly speaking to journalists about his experience of being “a kadyrovets”. And more, he lodged a complaint with the European Court of Human Rights (ECHR). According to U.Israilov’s statement stated in this complaint R.Kadyrov tortured him personally, forcing him to join the ranks of “kadyrovtsy” as it was a unique alternative of death (they dealt so with many caught insurgents). Soon after making these statements, Umar Israilov was killed near to the house in which he lived.

The Austrian police managed to detain three suspects hot on the trail, namely **Ramzan Edilov** (He borrowed the name of the Nazi criminal **Otto Kaltenbrunner** when receiving a status of a refugee), **Turpal-Ali Yeshurkaev** and **Muslim Dadaev**. **On 15 March 2010**, the Division for Struggle against Terrorism in Vienna submitted to the Office of Public Prosecutor of Vienna a final report of 214 pages regarding the results of the investigation. In this report, Ramzan Kadyrov's two nearest assistants, **Shaa Turlaev** and **Magomed Daudov** (now the latter holds a post of First Vice-Premier in Government of the Chechen Republic), and President of the Chechen Republic himself were designated as suspects in that they gave an order to kill or abduct the man, which led to the victim’s death.

In the bill of particulars presented by the Office of Austrian Public Prosecutor, it was stated that the purpose of the direct crime committers was “a forcible abduction of Umar Israilov with the aim of transporting him beyond the bounds of the country and subsequently giving him to the hands of the officials of the Russian Chechen Republic or, in case of this plan failed, a murder of Umar Israilov”.

The first part of the judicial trial took place in the period from **16 November 2010** till **26 November 2010**.

In the process of the interrogation of witnesses, the three defendants admitted that they somehow or other participated in attempting Umar Israilov’s life, and this ended with his murder.

So, Turpal-Ali Yeshurkaev identified himself on a video record made by an external supervision chamber near a tobacco shop in *Leopoldshtrasse* on the day of the murder. The white socks in which T-A.Yeshurkaev tucked his camouflage trousers became a special sign.

On a photograph shot by one of the eyewitnesses of the murder, the person escaping from the scene of crime was clearly seen to be wearing white socks and camouflage trousers.

Major evidence testifying to a close contact between the defendants at the time of and after the murder was manifested by print-outs of their mobile phone billings.

After the Public Prosecutor demonstrated some photos showing Ramzan Edilov (Otto Kaltenbrunner) and Ramzan Kadyrov, the former also admitted the fact which he had long denied: there existed close contacts between him and Head of the Chechen Republic Ramzan Kadyrov and the latter’s adviser Shaa Turlaev.

R.Edilov, S.Turlaev and R.Kadyrov repeatedly met with each other on the territory of the Chechen Republic to where Ramzan Edilov went having a status of a secret leader of the Austrian

Chechen diaspora. In the Court, R.Edilov did not deny that his task was gathering some information about the situation in the Chechen Republic for intensify the return of Chechen refugees back home.

During ten days, more than 30 witnesses in the case, including two well-known European politicians, namely a Swiss Senator, a Lecturer of the Parliamentary Assembly of the Council of Europe (PACE) **Dick Marti**, a British parliamentarian, a Lecturer of PASE **Lord Frank Judd**, as well the first-rate European researcher of the Chechen conflict **Od Merlen**. They described the situation in today's Chechen Republic on the whole and told about the arbitrariness, violence and cult of R.Kadyrov's personality there.

**On 26 November**, Presiding Judge of the Viennese Criminal Court, **Friderich Forsthuber**, finished the first part of the hearings of the case of Umar Israilov's murder and made an official decision on summoning President of the Chechen Republic Ramzan Kadyrov to be interrogated regarding his involvement in this murder ([www.memo.ru/2010/11/16/1611101.html](http://www.memo.ru/2010/11/16/1611101.html), "*Novaya Gazeta*" [new newspaper], 17.11.2010, 01.12.2010).

A June Report specially prepared by D.Marti for PASE was attached to the judicial examination files. In this report, he harshly criticised the arbitrariness and impunity of both federal and local power structures committing crimes on the territory of the Chechen Republic, which are not, as a rule, investigated.

Judging by the statements R.Kadyrov himself, everything that is occurring in Vienna irritates him greatly. Many times he emphatically asserted his non-participation in this affair, maintaining that some certain forces which he allegedly knew very well, but which he had never named, were waging an information against him and the Chechen Republic (*see, for example: Die Welt, 22.11.2010, a translation of InoSmI*). A.Krasnenkov, Representative of R.Kadyrov, declared in his turn that his customer would on no account go there for an interrogation: "There is nothing to him to do there". In A.Krasnenkov's opinion, nobody can force R.Kadyrov to participate in the judicial session ("*Kavkazsky Uzel*", 30.11.2010).

The next session took place **on 3 December**. They interrogated the widow of Umar Israilov and his father **Sharpuddi**, the key witness of the prosecuting party, who had been held a hostage for one year, as it appears from the case files, in some illegal prison in *the village of Tsentoroi* after his son fled to Europe. At a judicial session, he particularised his misadventures. Now S.Israilov is an Applicant registered at the European Court of Human Rights. In his Appeal he informed about the torture which he had to experience. Sharpuddi Israilov is constantly surrounded by guards, as Austrian authorities consider that his participation in the process poses a serious threat to his life. Nobody is authorised to come near to S.Israilov during a judicial session. Even the translator, who translates the evidence of a witness from the Chechen language into Russian and German, sits in some other row ("*Kavkazsky Uzel*", 03.12.2010, 04.12.2010).

The next judicial session will take place **on 18 January 2011**. It is assumed that some remaining witnesses and the Public Prosecutor will appear before the Court. The adjudgment of the sentence is preliminarily planned for **25 January 2011**.

The judicial trial which began in Vienna is, undoubtedly, of key importance for Chechens living abroad, as the Austrian Chechen diaspora is the greatest: 19 thousand people out of 103 thousand (*TK "Vainakh"*, 13.10.2010). They give birth to children who become Belgians, Frenchmen, Germans and who wish to know about their distant native land, especially when they associate it with contract murders.

The judicial proceeding that has excited Europe can negatively affect the process of the repatriation of Chechens, one of R.Kadyrov's major projects, which is in any case developing without any appreciable successes. It is important to note that today's Chechen emigrants are not only the refugees of the first and second Chechen wars. Chechens are leaving in swarms even today's restored and outwardly safe Republic. As **Ramzan Ampukaev**, an activist of the Chechen diaspora and a supporter of R.Kadyrov, admits, **in 2008** upto 50 inhabitants of the Chechen Republic crossed daily the Polish border alone (*TK "Vainakh"*, 13.10.2010). Obviously, these are the people who do not find themselves to be of use in the modern Chechen Republic and yet do not wish to take to "the woods" either.

## *Infringements of human rights in the Chechen Republic*

For the Chechen emigrants who want to get a foretaste of the state of affairs in their homeland, it is worth familiarising themselves with some of the latest statements of Chechen President. For example, they will know that he awards prizes out of his own assets for every dead (100 thousand dollars) and alive (500 thousand dollars) insurgent (*The television channel "Vainakh", 10.08.2010, 20:30*). They will learn that in the Chechnya they subject parents to repression for the crimes committed by their sons, declaring "ch1ir" to them ("revenge" in the Chechen language). (R.Kadyrov announced after the attack on Tsentoroi (Khosi-Yurt): "I address especially those who live in the village of Khosi-Yurt. I have pardoned them. Next time, a father will be held responsible for the actions of his son. Otherwise they will be both shot in the head and their brains will be beaten out. If you give birth to a baby, you must be responsible for it. Both you and me. A father is to be responsible for his son, a mother is to bear responsibility for her daughter"; *the television channel "Vainakh", 30.08.2010, 20:30*). They will know that those who have joined insurgents are "incurably ill", and it is necessary to kill them: "...Those who have become infected with this disease (*Memorial Human Rights Center*: those are meant who have joined an illegal armed group) are incurable. Killing them is an only quick way of disposing of the infection ... If we are men, we must annihilate them in the near future... Nothing should worry us more than this, except for their destruction. It was necessary to shoot them down anyway, well, and after they have done this they must be shot down even faster. You should only think of saying a prayer, fasting and destroying these shaitans" (*the television channel "Vainakh", 30.08.2010, 20:30*). They will learn that all power structures, without exception, are under his control; even those who in law bear no relation to him: "Magomed (*Memorial Human Rights Center*: he addresses First Deputy Chairman of Government of the Chechen Republic, M.Daudov), employ all the structures, Ministry of Internal Affairs, FSB, internal troops, the secret service" (*the television channel "Grozny", 02.09.2010, 22:30*). All these messages are not just print-outs of confidential telephone conversations. The inhabitants of the Chechen Republic hear similar expressions of the President almost daily. This is the everyday activity of the Chechen TV, the everyday life of the Chechen Republic of Today.

And these are not merely words.

The work of independent human rights activists in the Chechen Republic is now extremely complicated and life-threatening in the proper sense of the word. Meanwhile, several specific facts of the most flagrant infringements of human rights in the Chechnya became known to the employees of Memorial (see below). Surely, the number of crimes committed by national security agents extends further; however it seems impossible to carry out some full-fledged monitoring of the situation with human rights under the present conditions.

**On 3 September 2010**, about 3:00, officers of power structures captured the parents of four insurgents in *the Vedensky District*, who went to "the woods" **in 2008**. Two families live in *the village of Vedenno*, and two others reside in *the village of Dyshne-Vedenno* (*Memorial Human Rights Center*: no surnames and addresses are specified here at their request). The officers delivered in the Department of Internal Affairs of the Vedensky District and began to threaten them, demanding that they should return their sons. The national security agents stressed that it was not for last time that the parents were taken away and things would be even worse, if they did not find some way of bringing their children back.

Approximately at 9:00, after leaving the mothers of the insurgents on the premises of the District Department of Internal Department, the officers of power structures carried the fathers away to the forest. There they were busy combing the locality till evening, using the detained men in the capacity of "human shield". "They threatened to kill us. To be honest, this would be liberation for me: I am not bold enough to take my own life, one of them admitted.

According to the evidence of local residents, since the time the young men went to the "woods", their parents know no rest. They are constantly taken away to the District Department of

Internal Affairs, interrogated, threatened, accused of them having brought up their children badly, because they have chosen such a path ([www.memo.ru/2010/09/09/0909101.htm](http://www.memo.ru/2010/09/09/0909101.htm)).

**On 24 September 2010**, some officers of republican power structures abducted seven inhabitants of *the village of Davydenko* of the Achkhoy-Martanovsky District. As per the evidence of some eyewitnesses, at around 5:00, more than 100 officers of power structures, riding in 20 cars of different models, moved into the settlement and divided into several groups. Five persons were abducted almost simultaneously: **Rasul Khalimovich Madaev**, born in 1985; **Isa Saidtselimovich [sa'idtselimovich] Khabaev**, born in 1986, his brother **Mussa Saidtselimovich Khabaev**, born in 1992 (they live in *46 Vostochnaya Street*); **Rakhman Imranovich Maltsagov**, born in 1985 (he lives in *29 Kooperativnaya Street*); and **Makhmud Rashidovich Salikhov**, born in 1980 (a sight-impaired person; he lives in *43 Sadovaya Street*). Another inhabitant of the village of Davydenko, **Adam Mukhmadovich Yusupov**, born in 1986 (he lives in *1 Hampashi Nuradilov Street*) disappeared under unascertained circumstances **on 23 September 2010**.

They all were taken away according to an identical scenario: some officers of power structures would break into houses, dressed in a camouflage uniform. Without introducing themselves, they would take a person away. His folks were not informed to where he would be taken. As a rule, they promised to release a person after checking up his documents or asking him some questions.

After yet a while, some officers of the Achkhoy-Martanovsky District Department of Internal Affairs arrived at the village. They made a round of some houses where the abducted men lived. They were searching for a fertilizer produced on the basis of ammonium nitrate, which is suitable for manufacturing an explosive. On this very day, at 18:00, they released Rasul Madaev, Mussa Khabaev, Makhmud Salihov and Rakhman Maltsagov. Their relatives took them away from the Achkhoy-Martanovsky District Department of Internal Affairs. Presumably, the detained persons were brought the District Department of Internal Affairs from the territory where the so-called "petropolk" [*"oil regiment" exclusively ensured the security protection of oil-fields, oil-products pipelines, or other industrial facilities*] was situated (*the village of Belgatoy of the Shalinsky District*). At 21:00 they released Aslan Kabaev and Abdulla Maltsagov. Adam Yusupov and Isa Khabaev were also in the Department of Internal Affairs of the Achkhoy-Martanovsky District, they were not released from under guard. The sister of Isa Khabaev managed to see him. According to her story, he was in an awful condition, there were traces of torture on his body.

**On 24 September**, **Svetlana Gannushkina**, a Member of the Council of Memorial Human Rights Center and Chairman of the Committee "Civil Assistance" telephoned Duty Public Prosecutor of the Chechen Republic **Lechi Mezhiyev** and Deputy Minister of Internal Affairs of the Chechen Republic **Andrey Yanishevsky**, simultaneously sending fax inquiries to both the addresses. A. Yanishevsky was in Moscow at that time, but responded, got in touch with his employees and inquired about the abducted persons. After that, he called Gannushkina back and informed her where the abducted men were. On 25 September, approximately at 21:00, some of the power structures dressed in camouflage uniforms took away Rasul Madaev, Abdulla Maltsagov and Makhmud Salikhov again.

**In the morning of 26 September**, the relatives of the abducted persons assembled near the Department of Internal Affairs of the Achkhoy-Martanovsky District. They stood there the whole day, but no one from the management of the District Department of Internal Affairs went out to see them. And the lawyer was not allowed into the militia division. On this very day, the relatives of the arrested persons applied, with the help of an employee of Memorial Human Rights Center, at the Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in Chechen Republic, the Achkhoy-Martanovsky Inter-District Investigating Division of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic, the Office of Public Prosecutor of the Russian Federation in the Chechen Republic, the Office of Public Prosecutor of the Achkhoy-Martanovsky District and the Office of Public Prosecutor of the Chechen Republic. Appeals against the unlawful actions of the officers of the Department of Internal Affairs of Achkhoy-Martanovsky District were lodged with all these authorities.

In the Interdistrict Investigations Committee, the officers informed the relatives that cases of M.Yusupov and M.Khabaev had been sent to them *[to the officers]*. Some charges under Article 208 (organisation of an illegal armed group or involvement in its activity) and Article 317 (an encroachment on the life of a law enforcement agency's officer) of the Criminal Code of the Russian Federation had been brought against the men. The parents of all the arrested persons invited some lawyers. The case of Madaev is being dealt with by Lawyer **Anzor Arsanukaev** ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m219294.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m219294.htm)) who was invited by Memorial Human Rights Center. As the officers of Memorial Human Rights Center found out, M.Salikhov and R.Maltsagov also are kept in custody. M.Salikhov was charged under Article 317 of the Criminal Code, and R.Maltsagov (as well as Madaev) was accused under Article 208. All the five persons are being kept in detention centre of the city of Grozny.

**On 15 September 2010**, at around 2:00, some officers of power structures unlawfully detained **Said-Arbi [sa'id] Mazhaevich Tsurayev** in the village of *Achkhoi-Martan*, born in 1961, living in 31 Umarov Street (formerly: 27 Orekhov Street). Without introducing themselves and not showing their documents, they ordered Said-Arbi to clothe himself; they took his mobile phone and passport, after which they led him away from his house.

In the course of three days, his relatives could not find out the whereabouts of Said-Arbi. In the Department of Internal Affairs of the Achkhoi-Martanovsky District, they were repeatedly told that he was not there. However, on the fourth day his relatives incidentally learnt that Said-Arbi was just there.

After a while, S-A.Tsurayev was transported to a pre-trial detention centre of the city of Grozny. They brought a charge against S-A.Tsurayev under Article 208 (organisation of an illegal armed group or participation in its activity) of the Criminal Code of the Russian Federation.

According to his relatives, Said-Arbi turned a penny working at private building lots. They asserted that Said-Arbi bore no relation to insurgents; he did not follow their ideas. However, his family was chased because of Said-Arbi's nephew, **Ortsa Said-Akhmedovich Tsurayev**, born in 1979, who had been in the ranks of illegal armed groups since **2009**. **In August 2009**, one of the houses of the brothers Tsurayevs was blocked by upto 300 military men coming in armoured vehicles. They conducted a search and were asking about Ortsa. Then they took away **Alvi Mazhaevich Tsurayev**, born in 1959, and his son Imran Tsurayev, born in 1987. The servicemen tortured them, demanded they should sign some documents and were asked about the whereabouts of Ortsa. Their relatives managed to release them, but the prosecutions of the Tsurayevs did not stop. **In August 2010**, Imran Tsurayev living in 189 Zavety Ilyicha Street and his cousin **Anzor Said-Akhmedovich Tsurayev**, born in 1990, who was staying with him, disappeared in the city of Grozny. Some officers of power structures informed the parents that their children went away to join insurgents.

As the mother of Imran Tsurayev said, her children were born and grew up in *Kazakhstan*; all their life they lived there. Comparatively recently, having decided that peace came to stay in the Chechen Republic, they returned to their historical homeland. "I sometimes wonder, what for we have come here and brought our children. My son has always had a longing for Kazakhstan; all his friends were there, but he has always wished to live in his native land. It was to Kazakhstan that he wanted to go just before he disappeared", Imran's mother relates.

**On 28 of October**, the mass-media informed that the day before a local resident, Imran Tsurayev, was killed in Achkhoi-Martan in a fire-fight. It was reported that he had been in the ranks in a group of insurgents headed by a certain **Batalov** for two months already. According to some national security agents, a Makarov-type pistol and three self-made grenades, khattabki *[from the proper name Khattab]*, were found out ("Kavkazsky Uzel", 28.10.2010).

**On 1 September 2010**, in the city of Grozny, some officers of power structures abducted Imran Tsurayev's son-in-law (the husband of his younger sister) **Adam Vakhaevich Tuganov**, born in 1978. He was taken away from his house located in *38b Kadyrov Avenue*, Apt. No.16. On the third days after his detention, they managed to find him out in the Department of Internal Affairs of the Achkhoi-Martanovsky District. Adam was accused of assisting the insurgents (Article 208 of the Criminal Code of the Russian Federation). The officers allowed Adam's wife together with his

mother to see him only a week later. According to their story, he was in a state of collapse ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m219302.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m219302.htm), "Kavkazsky Uzel", 08.9.2010).

According to the relatives of S-A.Tsuraev and A.Tuganov, Said-Arbi and Adam were sentenced to one year of imprisonment. Some officials promised the relatives that the men would serve their term in a colony-type settlement in the Chechen Republic and they would be released to go home at the weekend. However, S-A.Tsuraev and A.Tuganov were sent to a general-regime penal colony in *the Volgograd Region*.

In the end of the autumn, some more clamant examples of crimes committed by representatives of power structures came to Memorial's notice. The response of the republican authorities to these crimes (the same as a total absence of such) may be very indicative.

**On 14 November 2010**, approximately at 21:00, an officer of the Road Safety Service of the Directorate of State Road Traffic Safety Inspection of Ministry of Internal Affairs in the Chechn Republic, Senior Lieutenant of Militia **Gelani Aliev** was killed near the bus stop "Transmash" in *the Staropromyslovsky District of the city of Grozny*. According to the information of Memorial Human Rights Center, G.Aliev attempted to check up the documents of a driver who seemed to be drunk to him. The driver and his passenger turned out to be officers of power structures and got indignant about the fact of the document inspection. They phoned their acquaintance, **Aslan Magomadov**, a former serviceman of the battalion "Zapad" [*West*] of the special troops of the Main Intelligence Directorate of the Russian General Staff. He was known under the call sign of "Tyson". A.Magomadov arrived there. In the course of the further quarrel, A.Magomadov killed G.Aliev shooting him through the back.

The crime received a wide public response. A.Magomadov who escaped from the scene of the crime *был объявлен в розыск* was put on a wanted list; and even President of the Chechen Republic expressed his opinion regarding the incident. In particular, R.Kadyrov assured that the murderers would be punished, and he showed his extreme discontent at the fact that the officers of State Road Traffic Safety Inspection had behaved unworthily and had no detained the criminals. It may be assumed that one of the reasons, which provoked such a keen suseptibility of R.Kadyrov, was caused by the fact of A.Magomadov's probable station: being a former serviceman of the battalion "Zapad" he could continue his service in the Special Company of the 18-th Separate Guards Motorised Brigade (until recently it has been the 42-nd Guards Motorised Division) deployed at a base of Ministry of Defence of the Russian Federation in *Khankala*. The Special Company was established after the battalion "Zapad" was reduced in the autumn of 2008 (the same thing also occurred to the other Chechen battalion of Ministry of Defence, namely "Vostok" [*East*]). Earlier, Head of the Republic already repeatedly showed his discontent about the unlawful actions of officers of the power structures deployed at the military base in Khankala, namely about the fact that they did not report to him, ignore the requirements of officers of State Road Traffic Safety Inspection. President of the Chechen Republic insists that their certificates should be taken away from them, which they show off everywhere, and declared that it was not clear to him in general who these people were and from where they hailed.

It is necessary to notice that **on 9 January 2011** they attempted on the life of **Bislan Yelimkhanov**, the latest Commander of the battalion "Zapad" and the now Commander of the Special Company, directly at a checkpoint of the military base in Khankala, as a result of which he was badly wounded and one of the military men accompanying him perished. Bislan Yelimkhanov was a participant of the two Chechen war campaigns and he fought in the ranks of federal servicemen. He had a lot of enemies both among insurgents and among Chechen militiamen with whom the military men of "Zapad" had some armed conflicts ("*Kommersant*", 12.01.2011).

Another grave crime that was also committed, presumably, by officers of law enforcement structures did not caused any response on the part of the authorities, and the criminals, to all appearance, enjoy a complete impunity.

**On the night of 9 November**, a certain **Islam Isayevich Chagaev**, born in 1980, was shot by some unknown persons in *the Zavodskoy of the city of Grozny*. According to the relatives of the killed person, in the beginning of November Islam arrived to Grozny from *Omsk* to visit his

relatives. They learnt about the circumstances of Islam's murder of from some eyewitnesses of the crime.

**On 8 November**, at around 23:00, I.Chagaev gave his friends a lift as far as the restaurant "Zamok" [castle] in *Industrialnaya Street*. I.Chagaev lingered near the restaurant, talking to his two friends. At that time, some armed man approached them and asked, if they were "the barygi" [dealers in stolen goods] or not. A controversy arose between the man and I.Chagaev, which which turned into a fight. The unknown person shot several times at the ground beneath I.Chagaev's feet and called someone for help by the phone. Soon not less than five armed people approached to the place of the incident in an "Infiniti" jeep. The friends of Islam disappeared from the scene, and he remained alone. The armed people tried to shove I.Chagaev into the boot but they did not manage to do so, then they shot him twice through the head. The attackers brought the mortally wounded Islam to the Ninth Municipal Hospital and left him there. The doctors were forbidden to record this case. Islam was operated on for an hour and a half, but they did not manage to save him. In the afternoon, **on 9 November**, some people drove up to speak to the relatives of I.Chagaev. They introduced themselves as officers of Public Prosecutor's Office of the Zavodskoy District of Grozny (they did not show any documents). Some officers of Public Prosecutor's Office photographed the body of the killed person and left.

An employee Memorial Human Rights Center telephoned Public Prosecutor's Office of the Zavodskoy District Factory and asked a question about the murder of I.Chagaev. In Public Prosecutor's Office they informed him that a criminal case had been initiated and was in the procedure under No.21056. **As of 29 November**, they did not manage to establish the persons involved in the murder of I.Chagaeva. Obviously, no investigatory actions were carried out (or else they were conducted very slowly). Anyway, the medical staff was not interrogated, and nobody became interested in the data of the video observation cameras. Moreover, some video observation cameras were installed in the hospital. Some employees of the Memorial" visited the hospital, but the staff did not tell about the circumstances of the hospitalisation of I.Chagaev. They managed to find out some facts about the nurses who were on duty that night. The medical attendants were intimidated and did not wish to speak. They only reported that I.Chagaev was brought to them past midnight. The people who delivered him behaved very rudely, they threatened and strictly prohibited to record the information about the wounded man no matter where. And he was marked as "an unknown person" in all the documents. According to the nurses, it also leaked out that some chiefs from a medical medical unit affiliated to the Out-Patient Hospital of Ministry of Internal Affairs arrived at Hospital No.9 that night, and some people, presumably officers of power structures, dressed in military and civilian clothes, stood near the entrance of the hospital.

As was explained by the acquaintances of the Chagaevs, the instigator of the quarrel with Islam was an inhabitant of *the village of Sernovodsk of the Sunzhensky District, the Chechen Republic*, and the person who came later and who probably shot at I.Chagaev was an inhabitant of *the village of Tsentoroi of the Gudermessky Region of the Chechen Republic*.

It remains unknown why such a grievous murder was disregarded by mass media. No dignitary ever made an announcement in this connection.

### ***The two years of Y-B. Yevkurov's presidential term: failures and successes***

**On 31 October 2008**, Parliament of Ingushetia confirmed a new president of this Republic in office. The results of the two-year administration of Yunus-Bek Yevkurov are estimated ambiguously.

On the one hand, by applying some drastic measures and counteraction **in 2010** toward the most repulsive representatives of the underground (**Said Buryatsky** and **Magas**) they managed to appreciably stop the activity of extremist groups. Presently, attacks on officers of power departments and authorities on the Republic's territory became isolated. We may remind that in recent years Ingushetia, with its small territory, continuously took the first place regarding the number of losses which were suffered by Russian national security agents on the territory of the North Caucasus. At a

Meeting of Y-B.Yevkurov with Prime Minister of the country **V.Putin on 16 September 2010**, the latter noted “a small decrease in the crime rate” (“*Kommersant*”, 17.09.2010). Y-B.EYevkurov himself considers that “the number of crimes of terrorist nature, of enormous and especially grievous crimes” has substantially decreased. And he is, perhaps, nearer the truth. But it is yet premature to speak about a complete defeat of the underground on the territory of Ingushetia. This was demonstrated by a massive terrorist act in Vladikavkaz, all the traces of which lead to Ingushetia. But on the whole, the situation became rather quiet in this Republic for the past months. It gives some hope that President Y-B.Evkurov has chosen a correct political course directed not only towards rigid resistance to insurgents, but also at achieving civil peace through an open dialogue of the authority with the civil society.

Nevertheless, the number of critics and even opponents of President of the Republic of Ingushetia is growing. And it would be absolutely incorrect to consider all of them as bureaucratic-corruptional opponents of the course of Y-B.Yevkurov.

The two-year anniversary of his administration became the ultimate informational motive of criticising President of the Republic of Ingushetia. Certainly, the political opponents of President do not find any positive things: “infrastructural disorder, corruption, regionalism, infringements of human rights, connivance with respect to the neighbours from Ossetia, resulting in a detriment of Ingush interests”.

And really, a very difficult situation has arisen in socio-economic and socio-political spheres. The Republic takes the second place after the Chechen Republic in the North Caucasian Federal District its rate of unemployment (the registered jobless rate makes 23 % of the able-bodied population, whereas the real unemployment rate calculated using the criteria of the International Labour Organisation makes 54 %). As contrasted to the general growth level of industrial production in the country equal to 9.6 %, a recession has been recorded both in industry and agriculture of Ingushetia (“*Kommersant*”, 17.09.2010). These are inveterate problems connected with the objectively adverse conditions of economic activity in the Republic, the backwardness of the infrastructure, the personnel shortage and the extraordinary activity of the extremist underground all past years. The condition of the educational sphere is catastrophic. In the Republic, there is a shortage of 20 thousand places for pupils, 50 % of schools work in three shifts, and the availability of infant schools makes only 10 % of what is required (*RIA [Russian Information Agency] News*, 29.09.2010). The investment climate in the Republic is extremely unfavourable. President of the Republic of Ingushetia understands that the investor now “must be dragged there ... And not because that it is unsafe there but because that there there is no such field of activity which exists in other regions and in other places” (*Russian Information Agency “Novosti News Agency”*, 18.09.2010). Presently, Y-B.Yevkurov can only offer the investor what is termed as “a big psychic income”: “even if he does not obtain any benefit in terms of the material, he will receive it in terms of the spiritual” because in doing so he will deposit money in the stabilisation of the restless region” (*Russian Information Agency “Novosti News Agency”*, 19.09.2010).

Yet one of the acutest problems of the public life of the Republic remains the issue of the Ossetian-Ingush reconciliation. The first President of Ingushetia **Ruslan Aushev** who headed the Republic after the six-day armed Ingush-Ossetian conflict was resolutely trying to return Ingush refugees the places of their permanent residence in North Ossetia and supported the requirement of “the territorial vindication”, i.e. the transfer of *the Prigorodny District* to Ingushetia. It was under him that the process of the refugees’ returning there began. **Murat Zyazikov** who took up an extremely cautious attitude towards this sensitive issue; the problem assumed a latent character under him, although the returning of the refugees proceeded with a mixed success. Currently, the most part of the families which were compelled to flee from the Prigorodny District of North Ossetia in 1992, managed to come back, though many settlements of this Republic yet remain “closed” for the return of Ingushes, who previously lived there on lawful grounds.

Y-B.Yevkurov resolutely cut the Gordian knot of the territorial dispute in a military style. A municipal reform carried in the autumn of 2009 froze the existing administrative-territorial delimitation with North Ossetia and rendered any further territorial lawsuits with the neighbours impossible. This step alienated a considerable quantity of nationalist-minded inhabitants of Ingushetia from him.



In 2010, Y-B.Yevkurov continued his policy aimed at a rapprochement between Ingushetia and Ossetia, which extremely irritated many people. The visit of Y-B.Yevkurov to *Tskhinvali* (South Ossetia) in September, where he took part in the celebrations devoted to the occasion of the 20-th anniversary of the declaration of South Ossetia's state independence, became the last of such demonstrative acts. As a result, even his Adviser **Aslan Kodzoev** leveled his criticism against President of the Republic of Ingushetia, after which the former was immediately dismissed (*"Kavkazsky Uzel"*, 25.09.2010). In the historical memory of the Ingushes, the inhabitants of South Ossetia are firmly associated with the events of 1992 when they took an active part in the Osetian-Ingush conflict.

Now a pool popular enough Internet resources has formed in Ingushetia, which bitterly criticise any action of Y-B.Yevkurov, namely *Angusht.com*, *Ingushetiaru.org*, *Ingnews.ru*, *Ri-online.ru*, etc.

Some of the initiatives of President of the Republic of Ingushetia, which failed to be implemented are in many cases misinterpreted by the inhabitants of the Republic. Thus, against the background of the conditions when the creation of jobs in Ingushetia is hampered due to objective reasons, last year a plan was initiated to direct the Republic's manpower into the channel of doing the seasonal work traditional for the mountain regions, namely to form some working teams for their transfer to the sparsely populated Russian regions of the North and the Ural Mountains, which require working hands.

Resettling whole families to some permanent place of residence was also considered. Both in the tsarist time and in the Soviet period, such practice was widespread, but basically it was, to tell the truth, a matter of people's initiative. And this time, the idea of resettling Ingushes to the Sverdlovsk District failed: an agreement between the regions was reached at the top-level; a decision to pay traveling expenses at a rate of 59 thousand roubles per family was taken; however the immigrants found some ramshackle houses of abandoned residential settlements in the places of destination (*"Kommersant"*, 17.09.2010). This initiative yielded nothing but a negative effect: at once some comparisons with the Stalin deportations in the Ingush mass-media.

**In the end of August 2010**, a meeting of Ingush teips [*Chechen generic clans*] was held in Nazran. They complained about the policy of Y-B.Yevkurov. A convocation of "an alternative parliament" ("Mekh-Khela") was announced. Some attempts to legitimise this institution were undertaken several times, beginning **in February 2008**, when the conflict of the civil society with the former President of the Republic of Ingushetia M.Zyazikov turned into an acute phase. The opposition movement was headed by the leader of the social cause "Justice for Ingushetia" **Magomed Khazbiev** (*"Kavkazsky Uzel"*, 29.08.2010).

A return to the idea of "an alternative parliament" was designed to show that the policy of Y-B.Yevkurov was no different from that of M.Zyazikov. But while the authorities previously turned their deaf ear to this, now the initiators of convening "an alternative parliament" immediately received an offer to carry on a dialogue with the officials. However, according to the information of **Kaloy Akhilgov**, Press Secretary of President of the Republic of Ingushetia, this time the representatives of the public do not wish to get into contact with the authorities.

They consider the process of the investigation of several sounding cases as a certain indicator of the efficiency of Ingush President's activity in the Republic. For example, investigating the murder of one of the Ingush opposition's leaders, **Maksharip Aushev**, **on 25 October 2009** is factually sabotaged, as his relatives believe, by the investigatory team: they are not summoned to be interrogated and not inform about the process of the investigation. A parallel investigation is being conducted by the family of the Aushevs. **In September 2010**, father of the perished person, **Magomed-Khadzhi Aushev** declared that knew the names of the murderers, as well as some details of the crime. It is worthy of note that soon after that the former team of inspectors working on the given case was taken off the job, and a new brigade was formed for verifying the words of M-Kh. Aushev (*"Kavkazsky Uzel"*, 21.24.2010; 24.9.2010).

The Administration of the Republic of Ingushetia demonstrates, in every possible way, its openness to a society and its readiness for carrying on a dialogue. Soon after the meeting of Y-B.Yevkurov with M-Kh.Aushev **on 28 September**, K.Akhilgov declared that since then any appeal of an inhabitant of Ingushetia, "even if was not directly sent to President and simply appeared on the

Internet” would be checked without fail. Also, K.Akhilgov assured the inhabitants of the Republic that President of Ingush Republic “personally looks through applications, replies to them and gives orders regarding what measures it is necessary to take with regard to appeals of citizens”. According to K.Akhilgov, one may apply to President not only in person but also using a direct hot line (its number was published), a blog and, finally, through some local and central mass-media (“*Kavkazsky Uzel*” 28.09.2010). Just few people among heads of Russian regions can be compared to President of the Republic of Ingushetia from the viewpoint of the degree of accessibility and availability of feedback with the population.

Y-B.Yevkurov does not stop his dialogue with the relatives of insurgents either. In every way, he encourages parents who persuade their children to come out of “the woods”. He promised the parents of former insurgents who are serving terms of imprisonment to help get to the places of confinement of their sons (*Ingushetija.Org*, 13.10.2010).

As is evident from the foregoing, Y-B.Yevkurov continues to make advances to the civil society in Ingushetia; however not all of his initiatives meet with support from the public. The way of resolving the Ossetian-Ingush issue, chosen by him, alienated many Ingushs from him. And this problem is not a single one.

### ***The abductions in Ingushetia do not cease***

Law enforcement officers’ committing abductions remains, as before, one of the primary factors which essentially diminish the confidence of Ingushetia’s inhabitants in the president of the Republic. The more so that ill-wishers try to link some of similar crimes with the name of President of the Chechen Republic. Y-B.Yevkurov has not been able to cope with the arbitrariness of national security agents for two years already, despite his sincere efforts. People are yet abducted, taken out beyond the bounds of the Republic, tortured and killed. As may be inferred from the facts described below, the abductions are yet of a massive nature. When relatives manage to draw the maximum attention of journalists and authorities to some or other specific case, it is possible to avoid such flagrant violations of human rights. For example, after the terrorist act in Vladikavkaz occurred, some persons who had some or other relations with a suicide bomber shortly before the terrorist act, were detained and got out of their relatives’ sight for a short period of time, but soon were found in Vladikavkaz. No unlawful methods of inquiry were applied to them.

**On 17 September**, the procedural status of one of the persons arrested in the first days following the terrorist act, **Sait-Ali Dobriev** [*sa’it*], who sold his “Volga” car to the suicide bomber, was changed from a witness to a suspect; however, he was released later, and the investigators have no claims to him ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218442.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218442.htm); [www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218452.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218452.htm), “*Kavkazsky Uzel*”, 20.9.2010; 23.9.2010).

A rare occurrence when they managed to trace the fate of an abducted person up to a judicial sentence may be displayed by the story of **Rustam Dzeitov**, which began and finished within some unusually short terms. **On 7 September 2010, at around 4:00**, some officers of an ascertained power structure abducted a certain **Rustam Maksharipovich Dzeitov**, born in 1982, in *the village of Ekazhevo of the Nazranovsky District*. The national security agents numbering upto 60 men, who spoke Russian, did not introduce themselves and showed no documents. Rustam Dzeitov was put in an armoured “Gazel” [*gazelle*] minibus with no registration numbers and took him away in an unknown direction. His relatives tried to establish his whereabouts but this was unsuccessful. They applied at all the law enforcement structures of the Republic, at the local Security Council and to President of Ingushetia Y-B.Yevkurov in person. Nobody could tell them intelligibly about the reasons for the detention and about the whereabouts of Rustam. President of the Republic of Ingushetia entrusted Acting Secretary of the Security Council **Bekhan Atigov** with a task of examining into this case. The latter assured the Dzeitovs that Rustam was all right and that he lived in a hotel. However, B.Atigov refused to specify where that hotel was, as well as the reason for the

detention of R.Dzetov: in interests of the investigation ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218454.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218454.htm)).

Later the relatives managed to know that R.Dzeitov was kept in the isolation ward of Ministry of Internal Affairs of the Republic of North Ossetia-Alania in Vladikavkaz. According to Maksharip Dzeitov, father of Rustam Dzeitov, his son was beaten up for several days, and they forced him to criminate himself. Rustam admitted of storing of two grenades, but he refused to acknowledge his involvement in the activity of illegal armed groups ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220057.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220057.htm)).

**On 3 December 2010**, a decision made by the Nazranovsky District Court of Ingushetia came into force, according to which Rustam Dzeitov was sentenced to two and a half years' imprisonment in a standard regime penal colony. The Defendant was found guilty of committing crimes envisaged in Part 2 of Article 208 (involvement in the activity of an armed group); Part 2 of Article 222 (illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, of their basic parts, ammunition, explosives and blasting assemblies manufactured by a group of persons by previous concert) of the Criminal Code of Russian Federation. "In the process of the investigation, some irrefutable evidence was gathered, testifying to the active participation of the condemned person in ensuring the activity of an illegal armed group; in concealing and transporting members of bandit groups; in transporting and storing weapons, ammunition and military equipment for the needs of the bandit underground", a Representative of the Directorate of Federal Security Service said. The criminal case with regard to R.Dzeitov was initiated by the Investigatory Branch of the Directorate of Federal Security Service **on 27 September**, following his detention, and was examined according to a special procedure after he admitted his fault and due to "his active cooperation with the investigators (*Ingushetija.Org*, 03.12.2010).

**On 7 October**, two local residents, namely **Ilez Dzeitovich Daurbekov**, born in 1983, who lived in *the Malgobeksky District, the village of Nizhniye Achaluki, 88 Shosseynaya Street*; and **Aliskhan Khasanovich Kuzikov**, born in 1983, who lived in *the Malgobeksky District, the village of Verkhniye Achaluki, 43 Dzerzhinsky Street*.

According to the relatives who refer to some witness evidence collected by them, the young men were detained at the post of State Road Traffic Safety Inspection and were carried away by some unknown people riding in cars with no registration numbers.

The relatives began their own investigation of the disappearance. **On 9 October**, their statement was promulgated on the Internet, in which it was asserted, in particular, that I.Daurbekov was a father of two children, a guardian of his sick parents and a dedicated Sunni Moslem for whom the observance of norms of Islam and of Russian legislation was very important (*Magas.ru*, 09.10.2010).

**On 10 October**, when the relatives had already secured a meeting with President of the Republic of Ingushetia Y-B.Yevkurov, some officers phoned them from Ministry of Internal Affairs of the Chechen Republic and informed that Ilez Daurbekov and Aliskhan Kuzikov had been killed by some agents of the Directorate of Federal Security Service of the Russian Federation in the Chechen Republic while carrying out a special operation in the area of *the village of Surkhakhi*. In a press release of the Directorate of Federal Security Service of the Russian Federation in the Chechen Republic, published on that same day, it was reported that I.Daurbekov and A.Kuzikov were killed during a car search when they showed resistance. It is also known that "the other two unascertained persons managed to disappear in a solid wood" (*the site "The Republic of Ingushetia"*, 11.10.2010). The corpses of A.Kuzikov and I.Daurbekov were handed over to their relatives for burial. Their bodies were heavily charred, there were some pieces of wire on the body of Daurbekova, using which he was possibly tied up ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220060.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220060.htm)).

The site "Angusht.com", which is oppositional to the present authorities (many observers link it with the encirclement of the former President of the Republic of Ingushetia M.Zyazikov), explains the abduction and murder of Ilez Daurbekov by the fact that he was actively opposing the construction of a weekend house colony around his native village of *Nizhniye Achaluki*. According to the site, I.Daurbekov took the lead of some initiative group that demanded that the building contract should be transferred to the inhabitants of the village, who suffered from unemployment.

During the judicial examinations, it was allegedly found out that Akhmed Yevkurov, a blood brother of President of the Republic of Ingushetia was the contractor (*Angusht.com, 08.10.2010*).

**On 28 November**, at around 13:00, some unknown persons abducted a local resident, **Iles Magomedovich Agiev**, in the central market of the city of Nazran, from the premises of an appliance shop. He was born in 1986 and lived in *14 Ortskhanov Street*. According to **Dzhamaleily Agiev**, Iles's brother, upto 10 armed people wearing masks and dressed in camouflage uniforms broke into the appliance shop which belonged to their family. They came in several armoured UAZ vehicles. The unknown persons kept their submachine guns aimed at them until Iles was taken away. The relatives do not know who took Iles away and where to. Right after the abduction, they applied to all the law enforcement structures of the Republic but the whereabouts of the abducted person failed to be established.

**On 18 November**, ten days before the abduction of Iles Agiev, his brother **Mikhail Agiev** was killed by some officers of FSB. It occurred around 11:00 in *the Barsukinsky Municipal District of the city of Nazran, in Dudurgov Street*. According to the information of the Press Service of the Directorate of Federal Security Service of the Russian Federation in the Chechen Republic, the car in which M.Agiev and two more inhabitants of Nazran (**Alik Tumgoev** and **Magomed (Gaki) Barakhoev**) rode was fired on by some officers of a mobile post of Road Patrol Service (a special division of FSB) after the driver refused to stop the car when requested by the officers of Road Patrol Service. The car broke into flames. Three persons who were inside died. As per some official information, M.Agiev and his companions were in the ranks of a subversive and terrorist group connected with **Yusup Dzangiev**, the leader of "Karabukakhsy group", detained earlier.

**On 30 November**, in the evening, some people phoned the relatives of Iles Agiev from the Directorate of the Directorate of Federal Security Service by the Russian Federation in the Republic of Ingushetia and informed them that Iles was with them in the Directorate (in *the city of Magas*). He was suspected of his involvement in the activity of an illegal armed group. In order to protect the interests of I.Agiev, his relatives invited Lawyer **V.Kostoev** ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m226227.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m226227.htm)).

Some new cases of abductions and disappearance of people cause a revival of street-type forms of protest which were widespread under President Zyazikov. Thus, **on 18 October** the relatives of a certain **Dzhamaleily Musayevich Gagiev**, an inhabitant of the village of Ali-Yurt, born in 1967, who disappeared **on 14 October**, blocked the Federal Route "Kavkaz" [*Caucasus*] with some trucks, around the so-called Magassky Circle.

Approximately half an hour after the beginning of the spontaneous meeting, Chief of the District Internal Affairs of the city Nazran drove up to the place of the carrying-out of the action, and then Chairman of Government of the Republic of Ingushetia **Alexey Vorobev**, Minister of Ministry of Internal Affairs of the Republic of Ingushetia **Victor Pogolov**, Public Prosecutor of the Republic of Ingushetia **Yury Turygin**, Acting Secretary of the Security Council of the Republic of Ingushetia **Bekhan Atigov** arrived there. Chairman of Government of the Republic of Ingushetia and Public Prosecutor of the Republic of Ingushetia promised to make every effort for his search and asked the relatives to wait for the results of the work of law enforcement bodies. After the conversation with the representatives of the authority, the participants of the meeting dispersed. The meeting lasted about two hours. ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220500.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220500.htm)). Nothing was known about the fate of D.Gagieva as of the end of December 2010. An investigatory case was initiated based on the fact of his disappearance.

Detentions of alleged criminals are still sometimes accompanied by pogroms [*the Russian word 'pogrom' means a massacre*] in people's houses, robberies and insults of relatives. Thus, for example, while detaining a certain **Zurab Idrisovich Tseloev on 29 October**, some agents of national security did not produce any documents, they behaved rudely, offended and humiliated the tenants. They were breaking the furniture and damaged a car. They took the arrested person away in an unknown direction, without explaining the reasons for his detention ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m220991.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m220991.htm)).

**On 5 November**, Zurab Tseloev was released and came back home. As it was found out, he was detained by mistake. Zurab does not know where he was and what power structures kept him in custody for several days. He and his relatives refused to make any further comments.

And **on 15 November**, a meeting place of Y-B.Yevkurov with some relatives, whose relatives were on the wanted list, took place *in the city of Magas* in the building of the Administration of President of the Republic of Ingushetia. Among other cases, the incident with Zurab Tseloev was also discussed. The officials plucked up their courage to admit their error. As it was reported in an official message of the Press Service of President of the Republic of Ingushetia, “the main issue regarding the confusion arisen around the three young men, namely Zurab Tseloev, Iles Aushev and Akhmetkhan Aushev” was raised at the meeting. The information that the aforementioned persons were on the wanted list was transferred to some mobile posts of Road Patrol Service. Though, according to **Isa Gireev**, Deputy Minister of Internal Affairs of the Republic of Ingushetia, there was necessity for doing so. The young men were really delivered several times to a militia station for listening to some prophylactic admonitions, but they were not involved in crimes. A commission was given by President of Ingushetia to make an investigation within the shortest time and to report on the results of the same” ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m224189.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m224189.htm), the site “*Republic of Ingushetia*”, 15.11.2010; *Ingushetia.Org*, 26.11.2010).

In human rights organisations, they continue to receive information about applying torture, knocking out confessing evidence and hindering the work of lawyers. In this regard, it cannot be denied that the number of such cases has become noteworthy less than in the previous years.

**On 17 November**, an inhabitant of the village of Yandare of the Nazranovsky District, **Mikhail Hashagulgov**, lodged a repeated appeal with the Representative Office of Memorial Human Rights Center of the city of Nazran. **On 8 October 2010**, some officers of FSB detained his son, **Islam Khashagulgov**, born in 1987. At the same time, they did not inform his relatives that they were taking Islam away: his whereabouts was not known for 24 hours.

**On 9 October**, some agents of the power structures came to the Khashagulgovs’ house with the aim of a repeated search (they introduced themselves as officers of the North Caucasian Directorate of the Investigating Committee under Prosecutor General’s Office of the Russian Federation). They informed the people that Islam was in a temporary holding facility of Ministry of Internal Affairs in the Republic of North Ossetia-Alania. In order to protect his interests, the relatives invited a lawyer, but the investigator who was examining the case of Khashagulgov declared that he would not admit any lawyers from Ingushetia and the Chechen Republic to this case since Islam, as he said, wished some lawyer from another region to protect him. **On 23 October**, Mikhail Khashagulgov was received by Y-B.Yevkurov and informed him about the infringements committed on the part of the investigating bodies. Y-B.Yevkurov gave a commission to Public Prosecutor of the Republic of Ingushetia Yu.Turygin to puzzle out the causes of the prohibition against some lawyer’s admission to the case ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m.224188.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m.224188.htm)).

According to the information of the employees of Memorial Human Rights Center in Nazran, a lawyer was admitted to Khashagulgov only in the beginning of December. The lawyer learnt from his defendant that the latter was beaten up and tortured during the investigation; and thus they forced him to sign confessing evidence in that he was related to the preparation of the terrorist act in the market of the city of Vladikavkaz.

The information concerning cases of torture does not always find its acknowledgement. Thus, **on 13 October**, an inhabitant of the town of Malgobek, **Khava Dahkilgova**, who lives in 13 “B” Oskanov Street, Apt. No.6, lodged a written application with the human rights organisations of the Republic of Ingushetia. **On 10 September 2010**, some militia officers detained her grandson **Dzhamaleila Timerhanovich Oziev**, born in 1989, in the city of Yakutsk. **On 29 September**, D.Oziev was convoyed to Ingushetia where he was received in temporary holding facility under the Department of Internal Affairs of the Malgobeksky District. There his relatives were informed that the arrested person was suspected of an involvement in the activity of an illegal armed group.

As Khava Dahkilgova asserted, no lawyer was admitted to defend Dzh.Oziev. The relatives of Dzh.Oziev declared that they were torturing Dzhamaleila, forcing him to criminate himself.

*In 2008*, in the process of a special operation, carried out by law enforcement officers, Dzhamaileila's brother, **Movsar Oziev**, was killed. He was suspected of an involvement in the activity of an illegal armed group (*Ingushetia.Org, 18.10.2010, [www.memo.ru/hr/hotpoints/caucas1/msg/2008/05/m\\_135221.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/05/m_135221.htm)*). Dzh.Oziev himself was once detained in the same year by agents of national security, however he was subsequently released. After that, his grandmother sent him to Yakutsk to his relatives.

Some human rights organisations and of the Republic of Ingushetia began to verify messages that Dzhamaileila Oziev was cruelly treated. It was found out that the lawyers, to whom the relatives of an arrested person applied for a service, fulfilled their duties in bad faith. In order to check the information, Human Rights Commissioner sent his Assistant to the Malgobeksky District Department of Internal Affairs. The latter met with Dzh.Oziev. No facts of torture were confirmed to be true. No markings of beating-up were visible on his body. There were no complaints regarding the conditions of his detention except for the fact that the officers of the District Department of Internal Affairs do not accept any parcels from relatives. In November, Human Rights Commissioner visited Dzh.Oziev a second time. Besides, representatives of the Non-Governmental Human Rights Organisation "Amnesty International" were allowed to see the latter. He did not make any substantial complaints about the conditions of his detention.

According to the officers of the Nazranovsky Office of Memorial Human Rights Center, by now Dzhamaileila Oziev has been convoyed to a pre-trial detention centre of Pyatigorsk.

### ***Abductions committed far from one's home***

In the Report "Mechanisms of Impunity in the North Caucasus (2009-2010): How Do They Work?", published *in June 2010*, Memorial Human Rights Center marked that cases of abducting inhabitants of North Caucasian republics in other regions of Russia are becoming more frequent. We express our alarm due to the fact that the lawless practice of forced abduction of people, employed by law enforcement agencies in the North Caucasus, extends to other regions of Russia (*see: [www.memo.ru/2010/06/18/1806103.htm](http://www.memo.ru/2010/06/18/1806103.htm)*).

During *the autumn of 2010*, abductions of inhabitants of Kabardino-Balkaria, Dagestan and Ingushetia in various regions of Russia assumed a regular nature. Not all cases of disappearance may be qualified as abductions. Memorial Human Rights Center does not exclude that some of vanished persons might have escaped of their own accord due to some criminal and other motives. However, in a number of cases, the information available with us permits us to declare in a responsible manner that cases of disappearance of people resemble abductions carried out by representatives of power structures. In their form, they are similar to abductions practised for a long time in the zone of confrontation in the North Caucasus.

*On 27 October 2010*, at around 16:00, an inhabitant of Ingushetia, **Umar Akhmetovich Dzaurov**, born in 1987, disappeared in the city of Rostov-on-Don under some obscure circumstances. As it follows from the appeal of his uncle, **Mamed-Bashir Dzaurov**, Umar went to Rostov *on 11 October 2010* in search of a job. He was invited by **Musa Akhilgov**, an acquaintance, who lives in this city. A few days after Umar's arrival, some militia officers visited Musa's apartment in order to register Umar. They copied his passport data, took his finger-prints and left.

*On 21 or 22 October*, the militia officers came again and detained M-B.Dzaurov. They accused him of an infringement of the rules of the passport regulations and sentenced him to five days of arrest. For him to serve his sentence, Umar was placed in a special reception centre of the Republic of Ingushetia for administratively arrested persons under the Department of Internal Affairs of Rostov-on-Don. His friends who waited for him *on 27 October* at the gate of a special reception centre of the Republic of Ingushetia never saw him go out. The militia officers, in their turn, maintained that they had him let out (*[www.memo.ru/2010/10/29/2910104.htm](http://www.memo.ru/2010/10/29/2910104.htm), Ingushetia.Org, 29.10.2010*).

As of the end of December 2010, U.Dzaurov's fate was not known.

**On 28 October 2010**, Lawyer **Magomed Gagiev**, who acted in the interests of an inhabitant of Ingushetia **Khizir Musayevich Daurbekov**, lodged a Written Application with the Representative Office of Memorial Human Rights Center in *the city of Nazran*.

As it follows from the Application, in the morning **of 27 October** Khizir Daurbekov, who was going by bus from Nazran to *Moscow*, was detained by law enforcement officers *at the stationary guard-post "Bobrovka"* located at the entrance into the Voronezh Region. It failed to be established, officers of which power structures performed his detention. In his Application, the Lawyer reminded that according to the requirements of Part 1, Article 96, stated in the Code of Criminal Procedure of the Russian Federation, an investigator/inspector shall notify someone of [*a person's*] near relations [*about his detention*] not later than within 12 hours since the time of detaining a suspect, and in case they are absent he shall inform other relatives, or provide the suspect with a possibility of such notification ([www.memo.ru/2010/10/29/2910104.htm](http://www.memo.ru/2010/10/29/2910104.htm), *Ingushetia.Org, 29.10.2010*). **On 3 November 2010**, Lawyer **M.Gagiev** informed Memorial Human Rights Center that **on 29 October** some officers of law enforcement structures conducted a search in the house of the Daurbekovs in Ingushetia (*the village of Yandare, 80 Akhriev Street*). They reported that Kh.Daurbekov had been detained and was kept in a temporary holding facility of Ministry of Internal Affairs of the Republic of North Ossetia-Alania. He was suspected of having committed crimes envisaged in the Item "b" of Part 3, Article 205 (a terrorist act), Items "a" and "e" of Part 2, Article 105 (a murder), Part 1, article 222 (illegal storage of weapons) and Part 1, Article 223 (illegal manufacture of weapons) of the Criminal Code of the Russian Federation ([www.memo.ru/2010/10/29/2910104.htm](http://www.memo.ru/2010/10/29/2910104.htm); [www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m222910.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m222910.htm)). The Lawyer was not admitted to Daurbekov until the middle of November ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m224188.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m224188.htm)).

**On 20 October**, inhabitants of Ingushetia **Mukhamed Aslambekovich Khutiev**, born in 1973, and **Magomed Khashagulgov** disappeared under obscure circumstances at the exit from the city of Makhachkala. **On 21 October**, the wife of M.Khashagulgov, **Louisa Medova**, lodged a Written Application with Memorial Human Rights Center. M.Khutiev heads a branch of the self-regulatory organisation "Guild of Builders of the North Caucasian Federal District" in Ingushetia, and M.Khashagulgov works at this branch as a main specialist.

**On 20 October**, M.Khutiev and M.Khashagulgov started out in a "Toyota-Korolla" car for the city of Makhachkala where the head office of their organisation is located. However, they did not return home (see: [www.memo.ru/2010/10/25/2510102.htm](http://www.memo.ru/2010/10/25/2510102.htm)).

As of **the end of November**, they failed to establish the whereabouts of M.Khutiev and M.Khashagulgov. President of the Republic of Ingushetia Y-B.Yevkurov met with the relatives of the vanished persons. However, the situation never cleared up.

In the autumn, cases of disappearance of the North Caucasus' natives in Moscow where they come in search of a job or for medical treatment became frequent.

**In the end of September**, the relatives of some persons who disappeared in Moscow on the night from **24 to 25 September 2010** applied at Memorial Human Rights Center. In the evening, five persons, namely **Zelimkhan Akhmetovich Chibiev**, **Magomed Khaibulayevich Israpilov**, **Dzhamal Ziyadinovich Magomedov**, **Akil Dzhavatkhonovich Abdullaev** and **Dovar Nazimovich Asadov**, three of whom were inhabitants of the North Caucasus (Kabardino-Balkara and Dagestan), went in two cars to the Historical Mosque (*Moscow, 28 Bolshaya Tatarskaya Street*) in order to accomplish their Friday namaz [*as-salat*]. They did not come back home. All the five persons, according to the Application of the relatives were acquainted with each other. The wives of Zelimkhan Chibieva and Magomed Israpilov, **Aneta Barasbievna Sunsheva** and **Kseniya Vladimirovna Nazhmutdinova**, moved their motions concerning the abduction of their husbands to Prosecutor General's Office of the Russian Federation, the Municipal Department of Internal Affairs of the city of Moscow and Public Prosecutor's Office of the city of Moscow, as well as to human rights activists. Memorial Human Rights Center directed inquiries to Prosecutor General's Office of the Russian Federation and the Investigating Committee under Prosecutor's Office of the Russian Federation, as well as appeals to Human Rights Commissioner of the Russian Federation and in Human Rights Commissioner of Moscow ([www.memo.ru/2010/10/08/0810101.htm](http://www.memo.ru/2010/10/08/0810101.htm)).

**On 3 November**, the wives and mothers of the abducted persons came for a reception to the Committee “Civil Assistance”. A decision was taken to render some legal assistance to the relatives of the vanished persons. For this purpose, Lawyers **Emil Taubulatov** and **Gulnara Bobodzhanova** were invited, and their meeting with the applicants was organised.

In the process of discussing the circumstances of the case, some additional details of the men’s disappearance leaked out. It was found out that **on 24 September**, in the afternoon, eight young men who were familiar with each other went to the mosque in Bolshaya Tatarskaya Street. Apart from the above-mentioned persons, there were citizens of Russia **Aleksander Khaidov** and **Anzor Gasanov**, and a citizen of Tajikistan **Khasan Nakkash**. All the three men went off in one car along with Dovar Asadov. A.Gasanov got out of the car near his house in Khovrino.15 minutes later he began calling his friends in order to learn how they reached their destinations; but their phones had been already disconnected. **On 29 October**, Anzor Gasanov was detained on suspicion of an armed assault; during his detention he was wounded and taken to hospital under militia escort. Now Anzor is in pre-trial detention centre No.4 of the city of Moscow.

**Nailya [na’ilya] Kazakova**, mother of D.Asadov and mother-in-law of Kh.Nakkash, who arrived from Dushanbe for search of her relatives, applied to the Embassy of Tajikistan, which sent a diplomatic note to Ministry of Foreign Affairs of Tadzhikistan. And the Ministry, in its turn, addressed Ministry of Foreign Affairs of Russia. **On 17 November**, in response to the inquiries, they received some answers concerning an initiation of investigatory cases with respect to Dovar Asadov and Khasan Nakkash, which are in the procedure of the Department of Internal Affairs of CAO Северного Административного Округа the North Administrative District of of the city of Moscow.

**On 18 November**, a criminal case was initiated under Part 2 , Item “g”, Article 126 (an abduction of several persons) of the Criminal Code of the Russian Federation. **On 29 November**, three Applicants, the wife of Israpilov, Kseniya Nazhmutdinova, the mother of A.Khaidov, **Alyona Strogonova** and Nailya Kazakova were interrogated within the framework of this case as witnesses. But Lawyer Bobodzhanova demands that the wives and mothers should be recognised as complainants.

At first, the case was in the procedure of the Golovinsky Office of Public Prosecutor of Moscow, because when the contact with the vanished persons interrupted at around 2:00 **on 25 September** they were still in Moscow. Inspector **D.V.Portman** who was entrusted with the processing of the case, vigorously tackled it in the beginning. However, subsequently she told N.Kazakova that “it was well known to the latter where there her son and the son-in-law were”. As she assumed, they were being trained in terrorists’ camps, and the relatives were making noise to put up a smoke-screen. In the beginning of December, the inspector refused to accept appeals for recognizing the women complainants, substantiating this by the fact that the business was being transferred to the Koptevsky Office of Public Prosecutor, according to the place of occurrence. However, the case was not received there and, as Lawyer Bobodzhanova found out, it had not been sent anywhere. Thus, all actions with regard to the case were suspended.

And the case of the missing persons who were riding in the first car is developing likewise slowly, but a different manner. Operative Authorised Officer **Maksim Rasskazov** told the wives of Z.Chibiev and Dzh.Magomedov, namely Aneta Sunsheva and **Olga Skryabina**, during their first visit to Public Prosecutor’s Office of the town of Dolgoprudnoye how their husbands were being detained. However, subsequently they were explained that he had mistaken their husbands for some other arrested persons.

In the Office of Public Prosecutor of the city of Dolgoprudnoye, Lawyer Emil Taubulatov was informed that the materials of the inspection which concerned the three arrested persons had been transferred to the Military Procuracy. After carrying out long searches, the Lawyer managed to find out that the inspection materials had been transferred the Investigating Department of the Solnechnogorsky District of the Military Investigating Directorate of the Moscow Military District of the Investigating Committee under Prosecutor General’s Office of the Russian Federation. Lawyer Taubulatov got the requisites of the case in the Office of the Military Investigating Directorate of the Moscow Military District and telephoned **Belikov**, Chief of the Solnechnogorsky



Division, who proposed that the Lawyer should arrive, lodge an official application regarding the case and receive a written reply.

It only remains to finish the story with the words: to be continued.

**On 22 October 2010**, the relatives of a certain **Mirza Leonidovich Mamayev**, an inhabitant of the Republic of Dagestan applied at Memorial Human Rights Center. He arrived from *Kaspiysk* in search of a job and disappeared, as they said, in *Moscow on 22 October 2010*. M.Mamayev disappeared along with his acquaintance **R.Makhmud** (his real name was changed at the request of his relatives) after militia officers stopped the young men to check their documents. Next day, their friend **Gamzat Zalov** who had arrived in Moscow from Dagestan for his medical treatment vanished. In the judgement of the relatives of the missing men, they were abducted by some law enforcement officers. Immediately after receiving the information about the disappearance of the people, Memorial Human Rights Center forwarded a message about this to the law enforcement agencies. One week later, **on 29 October**, one of the missing persons, R.Makhmud, was released by the abductors. The employees of Memorial Human Rights Center found and interrogated this man and his relatives. It was found out that at the entrance of the underground railroad R.Makhmud and Mirza Mamayev was stopped by some men wearing uniforms, who introduced themselves as militia officers. They led the young men into a lane where allegedly their car was. From behind, they pulled R.Makhmud's knitted cap over his eyes and knocked him on the head. He has fainted away. He came to himself in some dark rooms, his hands and feet were tied up and his cap was drawn over his eyes. He asserts that he was neither interrogated nor beaten. It seemed to him that he had spent two days in his confinement (in actual fact it was one week). Makhmud feels badly after what happened. He does not know anything about the fate of **Gamzat Zalov** and **Mirza Mamaev** ([www.memo.ru/2010/11/08/0811103.htm](http://www.memo.ru/2010/11/08/0811103.htm)). Memorial Human Rights Center sent a motion regarding this fact to the agencies of the Office of Public Prosecutor containing a demand initiating a criminal case. The investigating bodies have yet not made any decisions until now and are carrying out a pre-investigatory check.

**On 1 November 2010**, an inhabitant of *Ingushetia*, **Alikhan Umarbekovich Ortskhanov**, born in 1984, disappeared in *Moscow*. Two weeks before, he arrived in the capital, obtained employment at some private security enterprise and operated some construction machinery in the site (19 Shirokaya Street, Housing Group 1, Building 1). Alikhan lived in the same address temporarily. He was in the site when his relatives contacted him by phone for the last time. On 1 November, the foreman saw Alikhan leaving the site to have lunch. After that, A.Ortskhanov disappeared. His brother, **Bekhan Ortshanov**, immediately began his search; he rang up every militia branch and mortuary; he lodged an application with Memorial Human Rights Center. He informed that in the beginning of **October 2010** some officers of FSB, while carrying out a special operation in the village of Surkhakhi of the Nazranovsky District of the Republic of Ingushetia, killed **Aliskhan Kuzikov**, his good acquaintance. In his opinion, the disappearance of Alikhan Ortskhanov may be somehow linked with this circumstance ([www.memo.ru/2010/11/02/0211103.htm](http://www.memo.ru/2010/11/02/0211103.htm)).

**On the evening of 8 November**, a man dialed the number of Bekhan's mobile phone, who presented himself as an inspector of FSB. He informed him that Alikhan was being kept in the investigatory isolation ward "Lefortovo" in the capacity of a suspect under a criminal case initiated according to Part 2 of Article 208 (involvement in the activity of an illegal armed group) and Part 3 of Article 222 (illegal arms traffic committed by an organised group) of the Criminal Code of the Russian Federation, and that in the course of a month they would charge him of committing crimes on the territory of Ingushetia and the North Ossetia. As explained by the inspector, Alikhan was detained **on 3 November**. Where he was **on 1 and 2 November** is not known ([www.memo.ru/2010/11/10/1011101.htm](http://www.memo.ru/2010/11/10/1011101.htm)).

### ***Dagestan: in search of peace***

The Dagestan authorities continue to search for measures capable of stopping the Republic's slipping into a civil war. In this regard, their efforts are being made in several directions at once: a

forceful suppression of the underground; initiation of a negotiating process with moderate Salafit leaders; organisation of a wide public dialogue regarding the situation in the Republic; adaptation of those people who went to “the woods” but then decided to return to peace life, having no time to sully their names by participating in terrorist acts. However, non-forceful methods of appeasing the region are basically just at a stage of discussion and study.

Big hopes are set on a national division which is being created in the Republic, specially intended for struggling against insurgents in Dagestan. Many people in the Republic believe that the excessive violence committed while carrying out special operations, the great number of victims among civilians are a result of the actions of deputed agents of national security, who regard the local populace indifferently or antagonistically and who are unfamiliar with the customs of Dagestan nationalities. In reports of the local press, related to the carrying-out of counterterrorism operations in the Republic, they emphasise quite often that when Dagestan agents of national security try to interfere, for example, with some parliamentary mission then they receive some caesural answer “an obvious slavic dialect” after which the operation develops according to the sternest scenario (“*Chernovik*”, 17.9.2010). According to the Dagestan edition “Chernovik”, the 16-thousand-strong Dagestan militia was practically excluded from the struggle with the extremist underground after the death of Minister of Internal Affairs **A.Magomedtagirov** in the summer of the last year (“*Chernovik*”, 17.9.2010; 01.10.2010). In the neighbouring Chechnya a similar situation has been unthinkable for a long time already, and to some people this experience seems to be the only one that is true.

However, the supporters of such a point of view should be reminded that over the period of the previous years it was the local agents of national security from Republican Ministry of Internal Affairs who were involved in abductions, torture, out-of-court executions.

Now, the basic load of carrying out power operations in Dagestan rests on the shoulders of law enforcement structures of which are federally subordinated (this was recently stressed by President of the Russian Federation too, see: “*Vremya Novostei*”, 22.11.2010). Today, a fairly impressive power contingent is housed in Dagestan: some ordinary militia, the republican OMON and Specialised Designation Militia Department, the mobile group of Federal Ministry of Internal Affairs, the Regional Special-Purpose Department of the Directorate of Federal Security Service, some frontier guards, the 102-nd Separate Operative Tasks Brigade of Internal Security Troops of Ministry of Internal Affairs, the 136-th Buinaksky Motorised Brigade of Ministry of Defence of the Russian Federation, the battalion of Marines of Ministry of Defence of the Russian Federation, the Botlikhsky Mountain Brigade of Ministry of Defence of the Russian Federation is billeted. An addition of the Dagestan National Division to such an impressive force is a measure caused which was more likely caused by political rather than military factors.

**On 18 October**, Minister of Internal Affairs R.Nurgaliev arrived in Dagestan, who inspected the newly established 450-th Separate Special Mechanised Battalion as part of the 102-nd Separate Operative Task Brigade of the Internal Security Forces of Ministry of Internal Affairs. The contingent of the Battalion, according to Minister, “incorporates young men aged 25 to 30 years, i.e. military men who served in different corners of this country, they all come from Dagesta”. R.Nurgaliev appeared to be happy about the deployment of the Battalion (*Russian Information Agency “Dagestan”*, 18.10.2010). The decision regarding the formation of the Dagestan Battalion (it was originally reported that there would be two or three such batallions) totalling 600 to 700 men (this information was given by **N.Rogozhkin**, Commander-in-Chief of the Internal Security Forces of Ministry of Internal Affairs: *PBK*, 03.12.2010) was made by President of the Russian Federation in the end of the summer of 2010. A high salary and big fringe benefits are designed to contribute to the positive motivation of Dagestan servicemen. (“*Chernovik*”, 03.09.2010)

The 450-th Battalion is a brainchild of Head of the Republic. Its material and technical support, as well as provision with utilities are fulfilled at the expense of the budget of Dagestan. In the area of Makhachkala, they started to construct a military camp for a permanent disposition of the Battalion (*Russian Information Agency “Dagestan”*, 18.10.2010, *Russian Information Agency “Novosti”*, 29.9.2010). Although the Dagestan Battalion is assumed to be structurally part of the Internal Security Troops of Ministry of Internal Affairs, it will, to all appearance, directly report to

the local Minister of Internal Affairs, the same as the Chechen Battalions “Yug” [*south*] and “Sever” [*north*] which belong to the Internal Security Troops of Ministry of Internal Affairs of the Russian Federation just formally. According to some information, the Dagestan servicemen are trained by Chechen experts (“*Nezavisimaya Gazeta*” [*independent newspaper*], 26.11.2010).

Along with the strengthening of power structures, the Republic’s leadership tries to find some points of reconciliation with those who were just recently considered as its ideological opponents. With the appointment of a new President of the Republic *in February 2010*, discussions regarding the necessity for meeting the wishes of supporters of Salafit Islam, who number tens thousand in Dagestan, are conducted continuously. *On 4 September*, as a result of a terrorist act, **Bekmurza Bekmurzaev**, Minister of National Policy, External Relations and Information, was badly wounded. He largely personifies the course of a rapprochement involving moderate Salafits (*Russian Information Agency “Dagestan”, 04.9.2010*). It may testify to the fact that the Dagestan authorities have chosen the right way which is not to the liking of those who support the further escalation of the conflict.

*On 2 November 2010*, President of Dagestan, **Magomedsalam Magomedov**, signed a Decree concerning the formation of “Commission under President of the Republic of Dagestan for Rendering Assistance to the Persons, Who Decided to Stop Their Terrorist and Extremist Activity on the Territory of the Republic of Dagestan, in Their Adaptation to Peaceful Life” which must assist the insurgents who decided to lay down arms and leave “the woods”. 14 people are included in the commission, and it is headed by **Rizvan Kurbanov**, First Deputy Chairman of Government of Republic Dagestan ([www.memo.ru/2010/11/03/0311101.htm](http://www.memo.ru/2010/11/03/0311101.htm), see the full text of Decree No.264 of President of the Republic of Dagestan and the commission’s composition: <http://www.kavkaz-uzel.ru/articles/176479/>).

It is difficult to say to what extent the activity of this Commission will be effective. On the one hand, Rizvan Kurbanov has a reputation for being a tough but non-discriminating functionary.

Critics only point to the fact that agents of national security prevail in the composition of the Commission; there are only few people representing the civil society; and no representative of the human rights community of Dagestan appeared to be in the Commission at all. At the same time, **Abbas Kebedov**, the well-known Muslim scientist of the Salafit trend is included in its structure; A.Kebedov started to create a public human rights organisation which is believed to be able to become a working body of “the Commission for Adaptation” as it is called in the Republic (“*Chernovik*”, 25.11.2010). M-Kh.S.Saaduev, Imam of the Central Mosque of Makhachkala, who is considered to be a person capable and ready to carry on dialogue with salafits is also on the Commission.

In the local press, one may find a lot of scepticism concerning the new institution. According to some Dagestan political scientists, it is possible to withdraw the insurgents from “the woods” only by granting personal guarantees of inviolability to them, as it was done in due course by **Ramzan Kadyrov** (“*Nezavisimaya Gazeta*” [*independent newspaper*], 09.11.2010). However, will this institution lead Dagestan, along with the creation of national troops, towards “the Chechenisation process”, one of the institutional features of which became the authoritative regime resting upon armed power uncontrollable by the Federal Centre?

So far, it is premature yet to speak about the prospects of the Commission. Neither organizational nor legal bounds of its work have been defined.

*In the autumn of 2010*, it was reported about one more attempt at finding a way out of the crisis, a forum, which will be convened in the Republic in the near future: “the All-Dagestan Forum, namely the Congress of the people of Dagestan”. The purpose of the Forum was formulated by President of the Republic of Dagestan M.Magomedov: “*A fair and opened all-Dagestan discussion of the problems of our society and prospects of its development, which will enable us to channel all sound forces in the struggle against extremism and terrorism and make it possible to direct the energy of our people to creation*” (*the official site of President of Republic Dagestan* <http://president.e-dag.ru/>, 29.09.2010).

The latest similar forum was held in Dagestan 18 years ago. And all in all there were two national congresses (in 1920 and 1992) in the history of Dagestan, and both of them were of fatal nature for Dagestan inhabitants: at the First Forum, Dagestan's statehood (the Dagestan Autonomous Soviet Socialist Republic) was proclaimed; at the Second Forum, the people of Dagestan, being under the conditions of the disintegration of the country and the military conflicts in the Caucasus, declared for a unity with Russia. Parallels with the previous congresses in the Republic are drawn constantly. This means that the present Forum is being convened in an epoch critical for the Dagestan people, when the issue of their future is being resolved and when the Republic, according to **Zikrula Ilyasov**, First Deputy Minister of National Policy, Religious Affairs and External Relations of the Republic of Dagestan, is on the threshold of chaos (*Russian Information Agency "Dagestan"*, 12.11.2010). President of Dagestan counts on the fact that the Congress will play a consolidating role and enable to rally the population in the struggle with terrorism: "Our enemies must realise that it is not a small group of people that is waging war against them but the whole population is against them, that all Dagestan citizens condemn them..." M. Magomedov warns against this event developing into some ceremonial formality, therefore he insists that the delegates of the Congress should be selected out of the number of the most well-deserved and esteemed people by the medium of direct democracy: openly, at peasant meetings, in work collectives (*"Dagestanskaya Pravda"* [Dagestan truth], 30.9.2010). And as **Zubairu Zubairuev**, Deputy Chief of the Information and Analytical Directorate of President of Dagestan, noticed that the formalism and indifference of the participants of the Congress may lead to a situation when "the Dagestan society will fail to use the last chance" (*"Dagestanskaya Pravda"*, 12.11.2010). Thus, many people in Dagestan put their last hopes upon the Congress.

**In October-November 2010**, an active preparation for this forum was underway: three thousand delegates of the congress of thereabout were being elected throughout the Republic (for comparison, little more than one thousand delegates were invited to the First World Congress of the Chechen people which was held *in Grozny on 12 to 13 October 2010*). In the press and on TV, some active propagation of this event was being launched, and its purposes and expected results (*Russian Information Agency "Dagestan"*, 12.11.2010) were being explained. The preparation of the Congress and the discussion of the same were going on openly in the mass-media; topics of terrorism, religious extremism and of possible dialogue were constantly being discussed with representatives of other trends of Islam; also with the assistance of the highest officials; and supporters of Salafism were officially invited to in order to come into contact. As **Garun Kurbanov**, Head of the Department for Information Policy under the Administration of President of the Republic of Dagestan noted at one of preparatory meetings, "it is certainly necessary to speak about what ordinary people think... especially in places where we are dealing with terrorism today. We need to meet them and obtain an interview from them regarding why entire families in some settlements are taking to "the woods", why parents support them [*their sons*] in their illegal manifestations" (*Russian Information Agency "Dagestan"*, 12.11.2010).

The Congress of the people of Dagestan took place in Makhachkala **on 15 December 2010**. We shall write in detail about the results of this Forum in the next Bulletin.

In autumn in Dagestan several new cases of abductions were recorded.

**On 15 September 2010**, at around 11:00, a certain **Ramazan Sakhratulaevich Gamzatov** was abducted *in the settlement of Semender of the city of Makhachkala*. Presumably it was done by some officers of power structures. The abduction occurred near the place of R. Gamzatov's part-time residence (*99 Petrovsky Street*). He was made to get into a "Gazelle" car of white colour with tinted glass windows and having no registration numbers. The time of the abduction was recorded by a video observation camera of the Hotel "Sairai" located in Petrovsky Street. In a video recording, one may see a white "Gazelle" car and a white "Lada-Priora" car which had tinted glass windows glasses too and which had no registration numbers. Since 15 September, nothing has been known about the whereabouts of Ramazan Gamzatov ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218456.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218456.htm)).

**On 26 September 2010**, in the village of *Khetokh of the Tsuntinsky District of the Republic of Dagestan*, some armed people entered the house of certain **Magomed Abakarov**. According to some unconfirmed data, they were officers of the Department for Struggle against Extremism. They came in order to conduct a search. Nobody was at home except for **Ali Magomedovich Aliev**, born in 1991. **Abdurashid Abdulkadyrov**, an officer of the Tsuntinsky District Department of Internal Affairs, came there along with the unknown persons. They took Ali Aliev away along with them, without informing his relatives about it. A. Abdulkadyrov asserts that the arrested person has been delivered to the Tsuntinsky District Department of Internal Affairs, but when A. Aliev's relatives went there, it turned out that he was not there. Ali Aliev's relatives also reported that 3 more two persons had been detained in the village. As the local residents asserted, they saw some people dressed in dark uniforms making one of the arrested persons change his seat. A bag was put on his head ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m\\_219300.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m_219300.htm)).

**On 4 October 2010**, Ali Aliev's relatives informed Memorial Human Rights Center that he was kept in one of temporary holding facility in Dagestan. They maintained that there were some traces of torture on his body, which fact was recorded during a physical examination ([www.memo.ru/2010/10/04/0410101.html](http://www.memo.ru/2010/10/04/0410101.html)).

**On 14 October**, A. Aliev was released on his own recognizance. He was suspected of aiding an illegal armed group. However, if the law enforcement bodies had had some valid evidence of it, such a lenient measure of restraint would have been hardly chosen with respect to A. Aliev.

**On 21 November 2010**, Memorial Human Rights Center received an application concerning the disappearance a certain **Shaikhulisam Alievich Abusupyanov**, which occurred four days earlier. He was born in 1980 and lived in *7 Tsentralnaya Street, the village of Bolshaya Kozyrevka of the Kizlyar District*. On the same day it got about that the body of S. Abusupyanov had been found, bearing some traces of torture, gunshot and knife-inflicted wounds. **On 17 November**, at 8:00, S. Abusupyanov left his house driving a VAZ-2107 car and went to the Registration Chamber in *the city of Kizlyar* in order to receive a house property certificate. He did not contact any more. According to his wife, last year in September they searched in their house but did not find anything illegal then. Several times after that, Sh. Abusupyanov was summoned to be interrogated in the militia. Before that, he was busy trading in Makhachkala for some time and came home seldom. A while ago, Sh. Abusupyanov felt that he was being shadowed ([www.memo.ru/2010/11/22/2211102.html](http://www.memo.ru/2010/11/22/2211102.html)).

The Dagestan Weekly Magazine "Chernovik" also informed about several cases of mass detentions occurred that autumn. Thus, *the village of Botash-Yurt of the Khasavyurt District* was blocked by some armoured vehicles **on 28 October**, after the murder of **Basyr Salatgerreyev**, Imam of the local mosque. 20 young men were detained and delivered to the Khasavyurt District Department of Internal Affairs. And **on 29 October**, in *the settlement of Shamkhal of the Kirov District of Makhachkala* some mass searches were carried out, and the settlement itself was cordoned by some officers of law enforcement structures. An inhabitant of the settlement, **Shamsudin Magomedov**, said that right after a morning prayer his house was blocked by some armed people wearing masks and dressed in camouflage uniforms. The men who surrounded the house spoke with no Caucasian accent, from which the inhabitants concluded that they were militia officers detached for service. Then, some officers of the local militia station, already without wearing any masks, searched Sh. Magomedov's house. During the search, which was being carried out without any witnesses, nothing illegal was found out in Sh. Magomedov's house. Nevertheless, he was delivered to the local militia station along with other 30 to 40 arrested persons. Everybody was photographed. They took the detained persons' finger-prints and interrogated them, trying to find out everyone's religious views.

Along toward evening, some persons were taken away to a temporary holding facility of Makhachkala, the others were released ("*Chernovik*", 04.11.2010).

### ***Cases of prosecution of lawyers in Dagestan***

Memorial Human Rights Center already reported about cases of the beating-up of Dagestan lawyers **Sergey Kvasov**, **Sapiyat Magomedova** and **Dzhamila Tagirova** (<http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/04/m203156.htm>; <http://www.memo.ru/2010/06/21/2106102.htm>; <http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/07/m211557.htm>).

In autumn, the prosecution of lawyers proceeded.

**On 7 September**, an officer of the Federal Service for Control of Drug Trafficking in Makhachkala (narkokontrol [*control of narcotics*]) inflicted a physical injury to Lawyer **Gyulnara Bammatova** (the Collegium “the Caucasus”) who tried to enter the Office of the Republican Directorate of Drug Control. “It was necessary for me to receive some documents in order to proceed to the case, G.Bammatova said to a journalist of the newspaper “Novoye Delo” [*new business*]. There were the mother of my defendant and a probationer together with me who witnessed the occurrence. An officer at the entrance checkpoint, ranking as a warrant officer, refused to let us pass, saying that it was necessary to write out a permit. But when I had my permit written out, he did not allow to pass all the same. I continued to insist on my right to pass to the Office. The warrant officer began to threaten that would throw me out. And finally he seized my arm with one of his hands and my neck by his other hand and threw me aside out of my way in the presence of the numerous officers of the Directorate who were watching our dispute” (“Novoye Delo”, 08.09.2010).

The Lawyer fell, bashing her head against a metal barrier.

G.Bammatova lodged an Appeal with the Soviet Regional Office of Public Prosecutor and then she went for a medical examination to the Centre of Medicolegal Investigation. However, an expert there refused to accept her, pleading that his working hours had ended.

After that, G.Bammatova, as she said, lost her consciousness. She was delivered to the Central Hospital in an emergency ambulance. The doctors there made a diagnosis of her condition: “a brain concussion”.

In the Directorate of Drug Control, a correspondent of “Kavkazsky Uzel” was informed that G.Bammatova “had fallen by herself” when “she tried to break into the building” without the help of an accompanying officer of the Directorate, prescribed according to the instruction (“Kavkazsky Uzel”, 08.09.2010).

**On 7 October 2010**, there occurred another incident connected with some violence committed against a lawyer. At 12:15, an assault was upon lawyer **Zinfira Mirzaeva** in the village of *Uchkent of the Kumtorkalinsky District*. Z.Mizayeva acted as a counsel for a defendant accused of a cattle theft. She photographed the scene, namely the cattle-pen from which eight rams had been stolen the day before. A certain **Imamdin Ziyavudinov**, an officer of State Road Traffic Safety Inspection, ran out of the house located nearby. He recognised Z.Mirzaeva, as he had earlier appeared in court as a witness for another case concerning a theft of rams. He began to offend Z.Mirzaeva using an abusive language, preventing her from photographing the place of occurrence. I.Ziyavudinov attempted at hitting the woman, but he was stopped. At that time, **Ainuddin Ziyavudinov**, an officer of the water resources militia, the brother of Imamdin drove up to the scene in a jeep. Acting together, they made the woman sit on the back seat of the car and brought her to the Kumtorkalinsky District Department of Internal Affairs. Using the camera of Z.Mirzaeva’s mobile phone, the militia officers recorded a video of the street in which I.Ziyavudinov lives and after that they tried to accuse Z.Mirzaeva of her aiding terrorists. However, Z.Mirzaeva’s colleagues who arrived at the Kumtorkalinsky District Department of Internal Affairs immediately paid their attention to the fact that the video was shot already after her detention, according to the phone timer. Under the pressure of the lawyers, the militiamen were compelled to release Z.Mirzaeva and return her the phone ([www.memo.ru/2010/10/11/1110101.htm](http://www.memo.ru/2010/10/11/1110101.htm)).

Next day, **on 8 October**, Z.Mirzaeva lodged an Appeal with the Kizilyurtovsky Inter-District Investigating Department of the Investigatory Directorate for instituting criminal proceedings against the Ziyavudinov brothers for the insult, illegal imprisonment, excess of official powers and falsification of evidence. **On 10 October**, Imamdin Ziyavudinov, was elected Head of the Administration of the village of Uchkent in the Kumtorkalinsky District of Republic Dagestan ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220056.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220056.htm)).

As it came to the notice of Memorial Human Rights Center, a criminal case under Part 2 of Article 330 (arbitrariness committed applying violence or of a threat of using the same) of the

Criminal Code of the Russian Federation was initiated against A.Ziyavudinov *on 4 November*. However, A.Ziyavudinov, appealed against the Decision in the Kumtorkalinsky District Court (earlier he worked for many years in the Kumtorkalinsky District Department of Internal Affairs). The Court admitted this appeal to the case, breaking rules of jurisdiction and demonstrating its concernment in favour of A.Ziyavutdinov. Lawyer Z.Mirzaeva's appeals for considering her case in the Kiziljurtovsky Municipal Court according to the court jurisdiction and for recusing were dismissed. *On 23 November 2010*, Judge of the Kumtorkalinsky District Court N.Kamalov satisfied A.Ziyavudinov's Appeal, considering the Decision on the initiation of the criminal case as illegal. The Decision of the Kumtorkalinsky District Court was appealed by Lawyer and Public Prosecutor of the Kumtorkalinsky District in the Supreme Court of the Republic of Dagestan. A cassational investigation of the case was appointed on *17 January 2010*.

The prosecution of Lawyer **Sapiyat Magomedova** beaten up by militiamen in the building of the Khasavyurt Municipal Department of Internal Affairs *on 17 June 2010* is continuing. Under a powerful public pressure, criminal case No.06836 was initiated on *1 July 2010* based on the fact of the beating-up of S.Magomedova on the grounds of a crime envisaged in Item "a" of Part 3 of Article 286 (an excess of official powers) of the Criminal Code of Russian Federation, with regard to the officers of the special fire team of the Patrol and Inspection Militia Service of the Khasavyurt Municipal Department of Internal Affairs. However, already on the next day, *on 2 July 2010*, a criminal case under Article 319 (an insult of a representative of authority) of the Criminal Code of the Russian Federation was also initiated with regard to S.Magomedova herself.

*On 30 September 2010*, S.Magomedova was summoned to the Investigating Directorate of the Investigating Committee under Public Prosecutor's Office of the Russian Federation in the Republic of Dagestan where they interrogated her in detail about what happened on 17 June ([www.memo.ru/2010/06/28/2806101.html](http://www.memo.ru/2010/06/28/2806101.html); [www.memo.ru/2010/06/25/2506103.htm](http://www.memo.ru/2010/06/25/2506103.htm); [www.memo.ru/2010/06/21/2106102.htm](http://www.memo.ru/2010/06/21/2106102.htm)).

Also, Inspector **Kh.Aslangerayev** acquainted the Complainant with the decisions concerning the scheduling of some medicolegal examinations: in order to define the degree of the health damage caused to Militia Officer **B.Magdiev**, to ascertain the degree of the health damage inflicted on the Complainant herself, as well as regarding the assignment of a complex judicial-biological and medical-criminalistic examination for determining of the presence of her perspiration-and-fat secretions on B.Magdiev's T-shirt and on the shoulder strap of B.Abdulkhadzhiev's service coat. D.Magomedov proposed a disqualification of an expert from the Central Administration of "Republican Bureau of Forensic Medical Examination" of the Republic of Dagestan because did not place confidence in that institution's procedure of the examination.

On the same day, Inspector **Baulov** applied a measure of restraint in the form of recognizance not to leave with respect to D.Magomedov. According to the Code of Criminal Procedure of the Russian Federation, a measure of restraint shall be applied on extraordinary occasions, and the case of the known-known Lawyer Sapiyat Magomedova who was beaten up by militia officers obviously was not such a circumstance. The measure of restraint was applied in order not to enable S.Magomedova to leave beyond the bounds of Dagestan and protect her rights and interests more effectively. Subsequently S.Magomedova managed to obtain a change of the measure of restraint by appealing it in court.

At the same time, no measure of restraint was applied with regard the militia officers who beat S.Magomedova up. Their actions were not even personally qualified and, accordingly, they were not dismissed from office for the period of the investigation.

Sapiyat Magomedova appealed the Decision concerning the initiation of a criminal case against her as per Article 125 (a legal process of processing complaints) of the Code of Criminal Procedure of the Russian Federation. However, *in December 2010*, the Court dismissed a complaint against the non-feasance of Public Prosecutor's Office. But investigation term on criminal case concerning is prolonged by Magomedova.

The story of the beating-up of Lawyer Sapiyat Magomedova affected her Defendant **M.Evtemirova** as well. Soon after broadcasting the TV programme "Justice" on the "REN TV"

channel, the case of M.Evtemirova was returned to Inspector **Stambulov** (most likely, he was the person who authorised the beating-up of the Lawyer). According to M.Evtemirova, Stambulov was threatening her, declaring that he would obtain her adjudgement at all costs and that “Moscow would not help her”. *In the beginning of October 2010*, M.Evtemirova was put on the federal wanted list, although she did not escape from the investigators and is not absconding. She is under her roof ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220062.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/10/m220062.htm)).

*On 22 September*, a meeting was held in Makhachkala, the participants of which protested against the fabrication of criminal cases, the abduction of people and reprisals against lawyers ([www.memo.ru/2010/09/20/2009103.htm](http://www.memo.ru/2010/09/20/2009103.htm), the site of Human Rights Commissioner in the Russian Federation, 23.09.2010).

The story of S.Magomedova's beating-up and subsequent criminal prosecution received a wide public response in the Republic and beyond its bounds. In response to the lawlessness with regard to S.Magomedova, her colleagues, the lawyers of *the town of Kizilyurt* and of *the Kizilyurtovsky District*, declared that beginning with *1 November*, they would refuse to participate in the capacity of defence counsels in the cases examined by the investigators and inspectors of the Kizilyurtovsky Department of Internal Affairs and by those of the Kizilyurtovsky Inter-District Investigating Department of the Investigating Directorate of the Investigating Directorate under Public Prosecutor's Office of the Russian Federation in the Republic of Dagestan. *On 26 October*, a press conference was held in Makhachkala in the Editorial Office of the newspaper “Chernovik”, in which Lawyers **Zinfira Mirzaeva** and **Salimat Kadyrova**, Journalist **Zarema Gasanova** and Human Rights Activist **Svetlana Isaeva** took part. One of the journalists asked a question whether it was possible to call a strike when it was known that militia officers had their “own” lawyers who were always ready to follow the tastes of investigators in defiance of the interests of their defendants. S.Kadyrova answered that if these lawyers continued to act in such a way and would not support the protest of their colleagues, she was ready to declare “a ruthless war” and, to start with, she would publish the surnames of such lawyers ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m221001.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/11/m221001.htm)).

Such lawyers were really found out. 12 lawyers, as they had promised, declared a strike *on 1 November*, but some of their colleagues secretly participated in investigatory actions. This enabled the law enforcement agencies not to interrupt the investigatory process without paying any attention to the strikers, while the protestors reminded of themselves when they demanded to hold a meeting with Head of the Kizilyurtovsky District Department of Internal Affairs. At last, *on 13 November*, a meeting of municipal lawyers headed by Salimat Kadyrova, Chairman of the Kizilyurtovsky Inter-District College of Lawyers, with **Musa Imanaliev**, Public Prosecutor of the Kizilyurtovsky Inter-District Office of Public Prosecutor, and **Askhabali Zairbekov [Za'irbekov]**, Chief of the Regional Department of Internal Affairs, took place in the Kizilyurtovsky Municipal Court. **Abdula Valigasanov**, Councillor of the Lawyers Chamber of the Republic of Dagestan was also present at the meeting.

The lawyers directly declared that insults and humiliations of lawyers was an old practice. Now these things are done in the presence of defendants and are quite often accompanied by manhandling. And as a matter of fact most lawyers are women. All this greatly discredits the role of a defence counsel in the public's opinion. The impunity of the people who insult lawyers who cannot protect themselves does not contribute to their authority. At the meeting, some issues concerning the responsibility of specific persons, in particular that of **Rasul Saduev**, Deputy Chief of the District Department of Internal Affairs were raised. On 27 August 2010, he offended Lawyer **Raisat Gazieva [Rai'sat]** extremely cynically. He turned her out of the building of the District Department of Internal Affairs, thereby preventing her from defending **B.U.Abusupyanov**, a local inhabitant, who had been detained shortly before this. The Lawyers were saying that even were ready engage their relatives to the trial in order to wipe out the disgrace of the insults. However, they preferred yet to resolve the issues legally. The more so since they understood that would be immediately declared to be “Wahhabites”. At the meeting, the lawyers announced that they would prepare a special appeal to President of the Republic of Dagestan on behalf of all advocacy community of Dagestan. It would be impossible, as the lawyers consider, to wave aside such an appeal.



After the meeting with Public Prosecutor and Chief of the District Department of Internal Affairs the lawyers call the strike off. They considered the protest action carried out by them and the meeting with the regional agents of national security as their victory, though they could not but admit that “they failed to hear some iron-clad guarantees on behalf of Chief of the Department of Internal Affairs that the rights of lawyers on the territory of the department trusted to him would be guaranteed” (*“Chernovik”*, 19.11.2010).

### ***What is happening in Kabardino-Balkaria?***

President of Kabardino-Balkaria **Arsen Kanokov** who was renominated to occupy this post on **1 September 2010** by the local Parliament as advised by President of the Russian Federation, wishes to see his Republic as “an islet from where the prosperity of the District will start to spread”. The local authorities try to show their optimism with regard to the prospects of the development of the Republic. They point out that in the course of the five years of the first term of A.Kanokov the dependence of the Republic’s budget on government grants reduced from 72 % to 46 %. The rate of unemployment in the Republic of Kabardino-Balkaria (4.8 % of the registered unemployment and 14,4 % of the general unemployment) is higher than the average rate in the country (1.5 % of the registered unemployment and 6.8 % of the general unemployment). It is essentially lower than, for instance, in the Chechen Republic (the general unemployment is 43.4 %) or in Ingushetia (the general unemployment is 54 %) (*the official site of President of the Republic of Kabardino-Balkaria*, 15.04.2010, *“Vremya Novostei”*, 02.09.2010; *Ingushetia.Ru*, 24.11.2010). In comparison with the neighbouring North Caucasian national republics the indices of Kabardino-Balkaria seem to be fantastic. They consider constructing 50 small hydroelectric power stations all at once in the short term (now the Republic provides itself with electricity only upto 27-30 %). Some money was allotted from the federal budget for reconstructing the federal route “Kavkaz”, for building a number of other roads and an international airport in *Nalchik* (*“Gazeta Yuga”*, 14.10.2010).

But the criminogenic situation in Kabardino-Balkariya continues to remain tense and shows a tendency toward deterioration. The extremist underground in the Republic is becoming more and more active. Kabardino-Balkariya has already surpassed Ingushetia in the number of losses that are suffered by law enforcement officers from the hands of terrorists and it almost matches Chechnya.

The reasons for such fast growth of the extremist underground in the Republic are explained differently. In the first half of the current year, when the intentions of the federal authority concerning a nominee for the post of President of the Republic of Kabardino-Balkaria were not clear (A.Kanokov's term of appointment was to expire in September), there emerged some “speculations” which link the splash of the activity of the local underground with the presidential reassignment. The supporters of President complained that their enemies attempted to demonstrate, in such a manner, the incapacity of the acting authorities (*“Vremya Novostei”*, 02.9.2010). This thesis was also supported by President of the Republic of Kabardino-Balkaria himself who asserted that “everything is indicative of the fact that some people who are interested in my deserting the post of Head of the Republic invested money in the summer terrorist acts in Kabardino-Balkaria” (*“Kommersant”*, 01.10.2010).

However, while the presidential race in Kabardino-Balkaria finished, the situation continues to become aggravated. “But since the beginning of September the disposition has a little changed, A.Kanokov admits, and the both reasons and financiers behind the extremist manifestations in the Republic of Kabardino-Balkaria are common for the whole North Caucasus” (*“Kommersant”*, 01.10.2010).

At a Meeting of President of the Russian Federation with heads of the North Caucasian regions, held in Yessentuky **on 19 November**, the level of terrorist threat in Kabardino-Balkaria, along with Dagestan, was estimated to be the highest one in the North Caucasian Federal District. This was said by **Valery Zhernov**, Head of the Operations and Search Bureau of the Central Administrative Directorate of Ministry of Internal Affairs in the North Caucasian Federal District (*“Komsomolskaya Pravda”*, *the North Caucasus*, 20.11.2010). According to him, the number of terrorist acts committed in the Republic of Kabardino-Balkaria has grown from 21 in 2009 to 117

during ten months of 2010. As explained by **A.Bastrykin**, Head of the Investigating Committee under Prosecutor General's Office, the biggest growth of the number of murders in Russia is observed in Kabardino-Balkaria (by 91 % as compared with 2009) (*Interfax News Agency*, 28.10.2010). Since the beginning of the year, 32 militia officers have perished and 50 persons wounded in the Republic. 21 insurgents (*"Kommersant"*, 01.10.2010) have been annihilated.

The dismissal of **Yury Tomchak**, Minister of Internal Affairs of Kabardino-Balkaria, from office removed by Dmitry Medvedev *on 19 November* became an expected response to the dangerously explosive growth of criminality and extremism in the Republic. He was replaced by Colonel **Sergey Vasilyev**, the former Deputy Chief of the Department of Internal Affairs of the Kemerovsky Region.

Little is known about the structure and strength of the extremist underground in the Republic of Kabardino-Balkaria.

It is just obvious that it is equally active both in the Kabardian and Balkarian parts of the Republic, as well as in the multinational Nalchik. Killed and detained insurgents mentioned in the militia's reports are natives of all areas of the Republic without exception.

Judging by the names and surnames, then out of the 17 insurgents mentioned this autumn 13 are Kabardians and 4 Balkarians (the ratio is 4.25 to 1; and the ratio of Kabardians and Balkarians in the Republic's population according to the census of 2002 is 4.76 to 1). Presently, a case concerning a large gang ("the Urvansky Dzamaat") was handed over to the Supreme Court of the Republic of Kabardino-Balkaria, in which one half of the members were inhabitants of the Urvansky District and the other half those of the Chegemsky District (*Russian Information Agency "Novosti"*, 27.10.2010). According to the information of President of the Republic A.Kanokov, "*the Baksansky and Elrussky areas of the Republic ("Kommersant"*, 01.10.2010) are especially prone to radicalization". Searching for some national "specialisation" of insurgents is, perhaps, senseless as the Baksansky District is by 93 % inhabited by Kabardians and only by 0.9 % by Balkarians; whereas the Elbrussky District is by 65 % inhabited by Balkarians and only by 11 % by Kabardians (*the site "Investment Data Card of the the Republic of Kabardino-Balkaria. A map showing the national composition of the population in the areas of the Republic of Kabardino-Balkaria: [www.kbr-invest.ru/imgs/pictures/501/national.jpg](http://www.kbr-invest.ru/imgs/pictures/501/national.jpg)*). And as for the level of social and economic development, the Baksansky District is a leader in the Republic in terms of the well-being of its citizens.

President of the Republic A.Kanokov finds the reason for the youth's joining the insurgents in the same sphere as his neighbours R.Kadyrov, Y-B.Yevkurov and M.Magomedov: "Without having a distinct youth policy pursued by the state in the Caucasus, without having a more attractive ideology it is impossible for us to resolve this problem. Look at what ideologists of terrorism do from the opposing side. They give faith and money. And what do we do? We neither give money, nor we are able to convince". It is necessary "to build and strengthen the vertical structure of spiritual Muslim leaders" who now have no authority with the population. "If the youth escapes to the underground and prays in its little preaching-houses and does not wish to go to the mosque, this means that either illiterate or inauthoritative people work in this mosque, or those who are not captivated by their business", President of the Republic of Kabardino-Balkaria (*"Kommersant"*, 08.10.2010) believes.

As in other republics, the major objects of insurgents' attacks are representatives of law enforcement agencies and authorities. However, Kabardino-Balkarian insurgents also descend to murdering civilians. A few years ago, the Republic was astounded by a murder of nine hunters in the area of the village of Lechinkay of the Chegemsky District. And on 4 November, this year near a highway Chegem-2 – Lechinkay they found the bodies of two hunters, inhabitants of Nalchik, with gunshot wounds in an "Oka" motor vehicle. They were the 69-year-old **Vyacheslav Kirilyuk** and the 64-year-old **Vladislav Revazov**. The hunters' guns (*"Gazeta Yuga"*, 11.11.2010) were stolen.

The authorities of the Republic are taking measures aimed at strengthening agencies that maintain law and order. In the autumn of 2010, 12 armoured vehicles were provided for the needs of Road Patrol Service and inspectors of the traffic militia. And in Nalchik, which is more frequently becoming an object of terrorists' attacks, they are installing video observation cameras. Prime Minister of the Republic **A.Merkulov** formulates the problem unambiguously: "Just to close Nalchik along its perimeter in order to know who is driving and who is leaving". It is necessary to

notice that the accountable strength of the Kabardino-Balkarian militia, according to President of the Republic of Kabardino-Balkaria A.Kanokov, makes from 6 to 7 thousand people, while in the Chechen Republic the population of which is a little bigger than that of the Republic of Kabardino-Balkaria, the contingent makes from 17 to 30 thousand militiamen as per different estimates (*"Kommersant"*, 01.10.2010).

The anti-terror methods applied in the Republic is no different from analogous methods in other republics. Persons suspected of being involved in terrorism are seldom captured live. Most commonly, massive assaults on houses are carried out, as a result of which all suspects perish. In case suspects are detained, torture is not infrequently applied to them. One of the latest cases which has become known to Memorial proves it.

**On 18 November 2010**, a certain **Mukhammed Khachimovich Shakov**, a shop-assistant in a butcher's shop, born in 1985, and a certain **Islam Mukhamedovich Beshkurov**, the owner of the above shop, born in 1983, were detained in the Republic of Kabardino-Balkaria. As Lawyer of Memorial **Magamed Abubakarov** (who worked his approach to his customer M.Shakov with a great difficulty) managed to find out, both the arrests were accompanied by numerous procedural infringements: only after a considerable time lapse of time, when the field investigators tied M.Shakov and I.Beshkurov up, some investigators and witnesses arrived, who found some ammunition there. After that, the detained persons were carried to Center "Ts" where they were interrogated for a long time and subjected to torture (they both had some traces left on their bodies) and only then they were delivered to the District Department of Internal Affairs where their detention was formalised. At that time, both of them were suspected of committing a crime provided for in Part 1 of Article 222 (illegal storage, transportation or carrying of ammunition, explosives or explosive devices) of the Criminal Code of the Russian Federation ([www.memo.ru/2010/11/22/2211103.html](http://www.memo.ru/2010/11/22/2211103.html)).

In the end of September, six mothers of the young lads who went to "the woods" addressed President of the Republic. They noted that their sons' escape was connected with "the groundless prosecutions" on the part of power structures: "We mean false arrests made due to some reasons or without any, torture, continual searches attended by insults and humiliations, fabrication of cases when one might stealthily place some cartridges or a grenade in order to have an opportunity "to work" with an alleged offender for obtaining some necessary evidence. At the same time, according to the mothers they do not try to rehabilitate their children. "But we cannot believe that officers of power structures are not able to detain a person alive, the women continued, rather they do not want these people to speak and they do not want any trial... Our children are not animals and they have the right to be given a fair trial. If they are found guilty let them receive punishment. We ask to help us rescue our children" (*"Gazeta Yuga"*, 30.09.2010).

The declarations of the mothers of insurgents are not unreasonable. President of the Republic of Kabardino-Balkaria A.Kanokov made a sensational confession to a correspondent of "Kommersant": the lists of "security risks" compiling which led to an open revolt of "faithful Moslems" in Nalchik five years ago, have been maintained till now! "Imagine that some person has not violated anything, he lives a peaceful life and goes to a mosque. But as soon as some sounding crime is committed they start pulling out such people from their houses. When something happens, there comes an immediate report: this was committed by the group of a such-and-such man. And who has given you the information that this group is his? From whence do you know? It is past all understanding, A.Kanokov says (*"Kommersant"*, 10.08.2010).

The front of civil opposition in the Republic of Kabardino-Balkaria rests not only on the ground of religious extremism, but it is also in the field of interethnic relations, primarily between Kabardians and Balkarians. The modern conflict is connected, first of all, with unfair (according to both parties) distribution of inter-settlement territories in the districts where there lives the major part of Balkarians (the Chegemsky, Elbrusky and Chereksky Districts and Nalchik). During the implementation of the Municipal Reform of 2003-2005 (Federal Law No. 131 as of 06.10.2003), it was found out that the sparsely populated Balkarian villages in the mountains appeared to possess much more land than the big Kabardian and Russian villages in the plain. Therefore, they reached a Scotch verdict: vast masses of territories were allocated for the so-called inter-settlement lands

which municipalities could not use. Practically, only those lands which were occupied by villages remained in the possession of the Balkarian municipalities. Some municipalities lost their self-independence entirely in the course of the reform as, for instance, the Balkarian suburbs of Nalchik, namely *Khasanya* and *Belaya Rechka* (“*Vremya Novostei*, 22.11.2010). All through the recent years, Balkarian public organisations asserted their right to possess these lands. Since the summer of 2010, old Balkarian men have hunger-striking in the Manezhnaya Square in Moscow, replacing each other; and young Balkarians have placed pickets opposite the House of Government of the Russian Federation. Kabardians, in their turn, fear that if Balkarians had their own way, Kabardian villages will be left without the most valuable mountain pastures. “40 % Balkarians live in the mountains, other people live in the plain, **Ibragim Yaganov**, Chairman of the Kabardian Public Organisation “Khase” speaks. It turns out that there are Balkaria and Kabardino-Balkaria. Practically, the Balkarians who are not a fraternal people to us, lay claim to 70 % of the territory of the Republic” (“*Vremya Novostei*”, 09.02.2010). Both Kabardians and Balkarians appeal to history in the disputes, including ancient one. Besides some mutual claims, representatives of both the peoples apprehend that some ski mounting resorts may be constructed on the lands that were withdrawn from the economic turnover.

### *A judicial process in Nalchik*

**On 13 September 2010**, the hearings of the case concerning the attack on the capital of the Republic of Kabardino-Balkaria **on 13 October 2005** were resumed after a month’s break in *Nalchik* in the Supreme Court of the Republic of Kabardino-Balkaria. In the autumn, they heard the testimony about the episode of the attack on the building of the Republican Directorate of FSB. Some complainants and prosecution witnesses were being interrogated.

A challenge of **Galina Gorislavskaya**, Presiding Judge (“*Gazeta Yuga*” [newspaper of the south], 12.08.2010) proposed by the most of defendants and defence counsels became a reason for the long break in the process. However, the Panel of Judges board came to a conclusion that there were no grounds for challenging the Judge after considering the application of the defendants, mentioning that a challenge might be only fulfilled either prior to the beginning of a process or during the same: in case the basis for the challenge was not previously known. G.Gorislavskaya remarked that all the arguments of the defendants and defence counsels concerned an evaluation of the Court’s actions and decisions taken by the same during the process, and this could not be an argument for a challenge (“*Gazeta Yuga*”, 16.09.2010).

**On 20 September 2010**, they were settling an issue of prolongating of a a measure of restraint with respect to the defendants. **O.Chibineva**, head of a team of accusers expressed her opinion that it was necessary to extend the measure of restraint in the form of custodial placement with regard to 57 defendants because the circumstances, under which it was applied, according to the prosecuting party, did not change. Moreover, O.Chibineva disagreed with the Decree of the Supreme Court of the Republic of Kabardino-Balkaria as of **21 June 2010**, according to which they changed the measure of restraint with respect to one more defendant, **Kazbek Budtuev**, (he was sentenced to a house arrest). The defending party spoke against the opinion of the prosecuting party, underlining that many defendants were suffering from serious diseases, and they were not provided with the proper help in an investigatory insulator (“*Gazeta Yuga*”, 09.09.2010).

However, eventually the restraint in the form of detention in custody was extended till 26 December 2010 with respect to all the defendants except for K.Budtuev. The Court specified that the defendants were charged of committing grave and especially heinous crimes in several episodes considering which was not yet finished. Ascertaining the degree of their guilt might be possible only in the end of the judicial session. The court found no medical indications for discharging [them] from custody either. The court also dismissed an invocation of the fact of an excessive protraction of the court proceeding, noting that the judicial sessions were often disrupted because of the lawyers’s failure to appear in court (indeed, the hearings did not take place either on that day or during a few days that followed because due to various reasons some or other lawyer was absent). On the contrary, the measure of restraint with respect to Kazbek Budtuev was changed by the Court to

recognizance not to leave. In this regard, it was taken into consideration that in the course of three months K.Budtuev did not once infringe on the restrictions imposed on him according to the conditions of his house arrest (*Russian Information Agency "Novosti"*, 20.09.2010; 23.09.2010).

Immediately after the disclosure of this decision, the Defendant **Sergey Kaziev** lodged a Cassational Appeal against the Court's Decision regarding the extension of the term of his detention in custody. He considered that the condition of his health objectively prohibited him from staying in a pre-trial detention centre where there was no necessary attendance (*"Gazeta Yuga"*, 30.09.2010).

At a judicial session *on 20 September*, the Defendant **E.Mironov** made an Application for sending the files of the case to the Investigating Directorate of the Investigating Committee under Public Prosecutor's Office of the Russian Federation in the Republic of Kabardino-Balkaria in order to settle (according to Articles 144-145 of the Code of Criminal Procedure of the Russian Federation) the issue of bringing O.Chibineva to criminal responsibility for slander. She accused his younger brother **D.Mironov** of the murder of **V.Bogatryyov**, Deputy Head of the Investigatory Isolation Ward of the city of Nalchik. D.Mironov presented some documents according to which neither the investigating agencies nor Public Prosecutor's Office charged D.Mironov of V.Bogatryyov's murder. The Court satisfied this Application, and the case files were forwarded to the Investigating Directorate for checking ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218451.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m218451.htm), *"Gazeta Yuga"*, 23.9.2010).

### ***Some new decisions of the European Court of Human Rights***

***In the autumn of 2010***, the European Court of Human Rights (ECHR) adopted 4 decisions on cases concerning the infringement of human rights in the North Caucasus. In all cases the applicants were inhabitants of the Chechen Republic.

In the case **"Amueva and others versus Russia"**, the interests of the applicants were represented by lawyers of Memorial Human Rights Center and by those of the European Human Rights Advocacy Center (EHRAC, London). In the other cases, the interests of the applicants were represented by the Human Rights Organisation "Legal Initiative in Russia".

All in all, the appeals of **19 applicants** were remedied in the autumn, to whom **550000 euros** were awarded for a moral damage and **44976 euros** for a material damage. Besides, the Russian Federation should compensate **26086.54 euros** for litigation expenses.

In 2010, ECHR noticeably increased sums of indemnifications for a moral harm, which Russia should pay to each of the applicants who complained about the infringements of their rights during "the counterterrorism operation" in the North Caucasus. This primarily concerned Article 2 (a right to life), Article 3 (a prohibition of torture), 5 (a right to freedom and person's inviolability) of the European Convention of Protection of Human Rights and Basic Freedoms.

#### **Merzhueva and others versus Russia (the decision was made on 7 October 2010)**

The applicants are seven members of two families, two relatives of which disappeared after their detention in 2002 and 2003 in the settlement of *Katyr-Yurt of the Achkhoi-Martanovsky District of the Chechen Republic*.

The applicants informed the European Court of Human Rights against an infringement of Articles 2; 3; 5 and 13 (a right to effective legal effective protection) of the European Convention.

The European Court of Human Rights established that the provisions of these Articles were infringed on by the Russian Federation, and awarded to the applicants altogether **8976 euros** of indemnification for a material damage and **120000 euros** for a moral damage. Also, the Russian Federation is obliged to compensate **7500 euros** for litigation expenses.

#### **Sadykov versus Russia (the decision was made on 7 October 2010)**

The applicant is **Alaudin Sadykov**, a former school teacher and an inhabitant of *the city of Grozny*.

At the time of his detention, Alaudin worked in a funeral team of Ministry of Emergencies of the Russian Federation, and also assisted in the delivery of water and food stuffs to the inhabitants of *the Oktyabrsky District of the city of Grozny*. Around 10 o'clock in the morning **on 5 March 2000** two UAZ cars with Russian servicemen approached him and asked for him to show them the way. When he fulfilled their request, they did not let him to dismount but delivered him to the Oktyabrsky Temporary Department of Internal Affairs of the city of Grozny where a combined detached unit of the militia from the Khanty-Mansi Autonomous Area was based. Here he was kept for almost three months. During his detention, Alaudina was made to chew and swallow the hair shorn off from his head, they burnt the palm of his right hand through, broke his nose, his ribs, knocked his teeth out and then cut off his ear. Apart from that, they stole his property amounting to a sum exceeding three millions roubles from Alaudin's house.

**In May 2000**, A.Sadykov was eventually released. **In June 2000**, he informed Public Prosecutor's Office about his cruel treatment, but in the course of an official investigation no suspects were established.

It is necessary to notice that the combined detached unit of the militia from the Hunty-Mansi Autonomous Area showed itself in Grozny in the most terrible way: arrested persons were subjected to torture in the Ocityabrsky Temporary Department of Internal Affairs, and detained people vanished from there.

The European Court of Human Rights ascertained an infringement of Articles 3; 13 and 38 (a duty of parties to cooperate with a court) of the European Convention and Article 1 of the Protocol No.1 of the Convention (protection of property) by the Russian Federation.

They awarded: **70000 euros** for a moral damage; **9000 euros** for a material damage; and **8375.54 euros** for litigation expenditures.

#### **Satsita Israilova and others versus Russia (the decision was made on 28 October 2010)**

The applicants are seven inhabitants of *the city of Grozny*.

Early in the morning **on 13 February 2003** a detachment of upto forty armed men broke into the apartment of **Ilyas Yansuev** in Grozny. They searched the apartment. When leaving, they took Ilyas Yansuev and his brother **Isa Jansuev** away. The brothers were made to sit in an armored troop-carrier which drove away to a military base in *Khankala*. The Yansuev brothers disappeared without a trace. An official investigation of the disappearance was carried out but it yielded no results.

The European Court of Human Rights ascertained an infringement of Articles 2; 3; 5; 13; 34 and 38 of the European Convention of Protection of Human Rights and Basic Freedoms by the Russian Federation.

They awarded: **120000 euros** altogether to all the applicants for a moral damage; **27000 euros** altogether to all the applicants for a material damage; and **8000 euros** for litigation expenses.

#### **Amueva and others versus Russia (the decision was made on 25 November 2010)**

The applicants are four members of two families living in *the village of Ghehi-Chu of the Urus-Martanovsky District of the Republic of Chechnya*.

The relatives of the applicants, namely **Adam Israilov** [*Isra'ilov*], **Turpal Israilov**, **Aslanbek Israilov** and **Aslanbek Dzhabraïlov** [*Dzabra'ilov*] were killed **on 7 February 2000** during a special operation in the village of *Gehhi-Chu of the Urus-Martanovsky District of the Chechen Republic*. The actions of the servicemen were supervised by General **Vladimir Shamanov**, Commander of the Group "Zapad" [*west*] of Federal Troops and General **Yakov Nedobitko**, Commander of the Division "DON-100" of Internal Security Troops of Ministry of Internal Affairs.

The servicemen who conducted searches in the houses of the inhabitants, including that of the applicants, took the above-mentioned men away into a separate courtyard for establishing their involvement in the activity of the insurgents had entered Gekhi-Chu shortly before from the direction of *Katyr-Yurt*. After the servicemen left the village, the bodies of Adam Israilov, Turpal Israilov, Aslanbek Israilov and Aslanbek Dzhabraïlov were found in the court yard of one of the

houses. There were gunshot and knife-inflicted wounds on their bodies, including in the area of the heart.

A criminal case regarding this fact was initiated only *in July 2000*, that is to say five months after the murder of the relatives of the applicants. *In December 2000*, it was suspended. And it resumed only *in November 2005*. However, subsequently the case was again suspended “in connection with the fact of unascertaining the persons subject to be charged as defendants”. An Appeal was lodged with the European Court of Human Rights *in April 2006*.

The European Court of Human Rights ascertained an infringement of Articles 2 and 13 European Convention by the Russian Federation. They awarded: **60000 euros** for a moral damage for each killed relative (together **240000 euros**), as well as a remuneration of **2212 euros** for litigation expenditures.

([www.memo.ru/2010/11/30/3011101.html](http://www.memo.ru/2010/11/30/3011101.html)).