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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

Summer 2011

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 summer months of 2011, 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 and published on the Memorial's site, as well as reports of mass media, have been used.

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The second anniversary of the murder of Natalya Estemirova: nobody has been punished, and the investigators are on the wrong track

Two years ago, *on 15 July 2009*, our colleague, one of the leading experts of Memorial Human Rights Center, **Natalya Estemirova**, was abducted near her house in *Grozny* then carried out to Ingushetia and shot.

At first, the investigation team under the guidance of **Igor Sobol**, Inspector of the Investigation Department of the Investigating Committee of the Russian Federation in the Southern Federal District considered some versions of the carnage of Natalya: 1) because of her professional activity; 2) for the purpose of discrediting the authorities of the Chechen Republic; 3) out of hostile relations on the part of a person; 4)

she was killed by officers of power structures of the Chechen Republic in connection with her giving publicity to some facts of infringement on rights of citizens. However, later it got about that *on 25 January 2011* the investigators decided in favour one version, having rejected all the others.

At present, the investigation has not been officially finished. *In July 2011*, it was extended till *15 November 2011*.

The investigators' version boils down in brief to that Estemirova was killed by **Alkhazur Bashayev**, a member of an illegal armed group and a native of *the village of Shalazhi*, on the grounds of his personal hostility, allegedly indignant about her publications concerning the recruitment work which A.Bashayev carried out among the Chechen youth. However, another wording of the motives of the crime appears in the files of the case: "for the purpose of discrediting the authorities of the Chechen Republic". It was soon declared that A.Bashayev was killed during a pin-point air attack *on 19 November 2009*. Undoubtedly, if it had not been for the high profile of the crime, the case would have been already closed for a long time in connection with the death of the suspected person.

Judging by the preliminary results of the investigation announced by A.Bastrykin, Chairman of the Investigating Committee of the Russian Federation *in July 2011*, the investigators are satisfied with the general course of the investigation and consider that A.Bashayev was motivated enough to commit that crime. And the proofs collected by the investigators incontrovertibly "*testify to the involvement of A.Bashayev in the commitment of the murder of Estemirova*" confirmed **A.Markin**, an official representative of the Investigating Committee the Russian Federation (*ITAR-TASS, 07.15.2011*).

However, there are so many inconsistencies and absurdities in the files of the case, with some part of which the colleagues of N.Estemirova managed to familiarise themselves lawfully, that they had to start their own investigation. The results of this independent investigation were issued in the form of a report which was published at a press conference on the eve of the second anniversary of the murder, i.e. *on 14 July 2011*. Members of the International Federation for Human Rights (Fédération Internationale des Droits de l'Homme, FIDH), Memorial Human Rights Center, as well as journalists of "Novaya Gazeta" with which the murdered woman cooperated were engaged in the investigation of the circumstances of N.Estemirova's murder (<http://www.memo.ru/2011/07/14/1407111.pdf>; <http://www.memo.ru/2011/07/14/1407111.doc>).

Firstly, the authors of the report inquired into the accessible part of the materials of the criminal case. A number of circumstances came to light, which allowed to cast discredit on the official version. For instance, the major proofs, namely a pistol from which Estemirova was killed and a forged certificate of an officer of the Ministry of Internal Affairs, in the name of Alkhazur Bashayev, were found out in the house of the prime suspected person *on 13 January 2010* when nobody had lived there for half a year already. Moreover, that house was surely under the supervision of law enforcement agencies because Alkhazur Bashayev had been chased for a long time already in connection with his involvement in the activity of an illegal armed group. Is it possible to imagine that after committing a high-profile murder the insurgent would risk stealing in that empty house and concealing there some important evidence pointing out directly to him as a murderer in such circumstances?

Anyone but A.Bashayev might have faked the certificate because the photograph on the certificate was fabricated by way of superimposing a photographic image of a person, taken from Format No.1P of an Application for Issue of Passport, and an image of the uniform of an officer of Ministry of Internal Affairs of the Chechen Republic, who had been killed by then. It is reasonable to ask a question: to whom service documents were easier of access: to the insurgent A.Bashayev or to the law enforcement officers?

In Grozny, they found out the VAZ-2107 car belonging to A.Bashayev in which N.Estemirova was carried out to Ingushetia according to a version of the investigators. Some samples of soil which adhered to the car tires and some specimens of fragments of herbs which got stuck under the hood were taken. Based on the results of the research only two kinds of plants from six found out coincided with those which grow the place where N.Estemirova was killed, and the soil samples failed to match. Besides, not a single trace of the biological material of N.Estemirova sampled for an analysis was detected in the car found out in Grozny: neither sweat, nor hair, although it was a hot day, especially in view of the fact that N.Estemirova had resisted.

Meanwhile, the identification of the single person suspected of the murder of Natalya and mentioned by name poses big problems. Only fragments of bodies remained in the place of the elimination of the insurgents among whom A.Bashayev was also mentioned; however A.Bashayev's passport was found out there without a single stain of blood. Head of the investigation team could not explain this rather strange circumstance in his conversation with **Oleg Orlov**, Chairman of Memorial Human Rights Center, and even he himself expressed a surprise.

An official report about A.Bashayev's death occurred during the special action which was guided by **Adam Delimkhanov**, Deputy of the State Duma and the cousin of Head of the Chechen Republic, **Ramzan Kadyrov**, was promulgated in *November 2009*. The blood brother of Alkhazur Bashayev, **Anzor**, who lives in France, confirmed later that Alkhazur had really ceased to contact him since the November of the year before last.

In the course of the official investigation of the murder, they took samples of human material from under N.Estemirova's nails and specimens of sweat of the person, who was apparently holding her in the car by force, from her blouse. A DNA analysis was performed. It turned out that three men and one woman were involved in the crime.

The comparative analysis of DNA opens huge possibilities for investigators, but Russian examining officials have made nothing of them for the past two years. The participants of the independent investigation decided to fill the vacuum at least partially.

Anzor Bashayev, having learned about the suspicions with respect to his brother, voluntarily handed samples for a DNA analysis over to them in France, observing all necessary legal procedures. Such an analysis was performed in *Switzerland* at the request of the authors of the report. Then in *Russia*, experts compared obtained profiles of DNA of Anzor Bashayev and accomplices of the abduction and murder. As Anzor is a blood brother of the alleged murderer, such a comparison enables to find out with a high probability whether the DNA of Alkhazur Bashayev was present among traces of the criminals. It was established that Alkhazur Bashayev was not the person who forcibly held N.Estemirova in the car. Also, it may be stated with a very high probability that his DNA was not present in the materials taken from under N.Estemirova's nails. In order to be 100 percent sure of this, it is necessary to perform additional analyses. However, it appears that the Russian investigators have already used **all (!)** the biological material taken from under the nails of the murdered woman, it is therefore no more possible to continue an DNA examination.

And what does turn out then?

The results of the independent investigation have shown that the official investigators have no grounds to put forward the involvement of the insurgent Alkhazur Bashayev in murder of Natalya as the main version. The representatives of Public Prosecutor's Office and the Investigating Committee of the Russian Federation have no good grounds to state that this crime "has been practically solved".

The consequences of the comparison of DNA profiles produced during the independent investigation, have yielded one more important result. It was found out that there were no traces of A.Bashayev's DNA among fragments of the bodies of the insurgents killed during that special operation when he was also allegedly eliminated.

So where is he then? Is he killed or is he yet alive?

On the day of the two-year anniversary of the murder of Natasha, **A.Markin**, an official representative of the Investigating Committee of the Russian Federation declared, without the slightest doubt, that Alkhazur Bashayev who had been earlier declared to be torn to ribbons in an air attack was wanted again on the charge of the committment of crimes envisaged in Part 2 of Article 208; items "a, b and c" of Part 2 of Article 126; items "c and g" Part 2 of Article 105; Part 2 of Article 222 of the Criminal Code of the Russian Federation (involvement in the activity of an illegal armed formation; abduction of a person; murder; and illicit arms traffic) (*ITAR-TASS, 15.07.2011*). Investigator I.Sobol found it difficult to reply O.Orlov's question whether A.Bashayev was after all alive or dead and how his passport came to the hands of officers in the Ministry of Internal Affairs of the Chechen Republic.

The very motivation of A.Bashayev, if one admits that it was he who committed this crime, is very strange. Really, how publications of Memorial Human Rights Center could do harm to the reputation of the insurgent if all his fellow villagers all the same knew about this activity of his, and the successful recruitment work was expected to make the insurgent's esteem rise in his environment. Especially, how it could occur to A.Bashayev to kill Natalya Estemirova *"for the purpose of discrediting the authority of the Chechen Republic"*?! This motivation was sounded by A.Markin **on 15 July**.

Despite the absurdity and unprovability of the said version, the investigators continue to consider it as the only one. Not excluding any versions of the murder of N.Estemirova, her colleagues regard the involvement of officers of law-enforcement structures in the crime, specifically that of the policemen of the Kurchaloyevsky District Department of Internal Affairs, as extremely probable.

It was the investigation of their unlawful activity that Natalya devoted the last days of her life to. Thanks to her, the facts of the abduction of father and son **Albekov**, inhabitants of *the village of Akhkinchu-Borzoi*, on **7 July 2009** and their execution in public, were published. From the materials of the case it follows that before **January 2010** the investigators tried to finish off the version regarding the involvement of the officers of the Kurchaloyevsky District Department of Internal Affairs in the murder of N.Estemirova, who had been accused by her of carrying out extrajudicial executions of local residents. Simultaneously, Investigator I.Sobol sent at least two messages to Public Prosecutor's Office of the Chechen Republic regarding the detection of some signs of crimes under articles "abduction" and "excess of powers of office" in the actions of the policemen of the Kurchaloyevsky District Department. The results of the check of these messages are not known (*Gazeta.Ru, 14.07.2011*). Without counting on that the investigators would become interested in the conclusions of human rights activists and journalists, the colleagues of the murdered woman handed over the results of the investigation immediately to President of the Russian Federation, Dmitry Medvedev. This happened at a meeting of the Council for Civil Society Development and Human Rights under President of the Russian Federation in Nalchik **on 5 June 2011**.

"This is, actually, not an alternative report, but an announcement that the investigation of the case of Natasha Estemirova is on the wrong track. I want you to be the first man who takes it in his hands out of people external in relation to the authors of this report. I hope that it will serve to the safety of the authors to some extent", Svetlana Gannushkina, a member of the Board of Memorial Human Rights Center and a member of the Presidential Council for Assistance to Development of Institutions of Civil Society and Human Rights under President of the Russian Federation, said to President of the Russian Federation. (*Kasparov.Ru, 06.07.2011*). On 14 July, on the eve of the second anniversary of the murder of Natalya Estemirova, the Report was promulgated at a press conference in the Independent Press Center in Moscow. It is possible to familiarise oneself with the full text of the Report on the website of Memorial Human Rights Center (www.memo.ru/2011/07/14/1407111.html).

Probably, the Report of the human rights activists, eventually exerted some influence on the investigation bodies. At all events, **Aleksey Vasilkov**, a representative of the General Prosecutor's Office declared **on 8 September** at a press conference that the investigation bodies were also considering the version of the involvement of representatives of law-enforcement structures in N.Estemirova's murder. However, at the same press conference of A.Vasilkov declared that the crime had been actually solved, and that the investigators had established a suspect who was on the wanted list. The name of the suspected person was not mentioned at the time (*RIA Novosti News Agency, 08.09.2011*).

The completion of the judicial proceedings on Oleg Orlov's case

On 14 June 2011, in Judicial Precinct No.363 of the District of Khamovniki of the city of Moscow, Judge **Karina Morozova** passed a judgement of acquittal to **Oleg Orlov**, Chairman of the Council of Memorial Human Rights Center, accused of a libel against President of the Chechen Republic, **Ramzan Kadyrov** (the text of the sentence, as well as other materials of the process, are available on the website of Memorial Human Rights Center: www.memo.ru/2011/06/14/1406112.html). According to the court's judgement, *"the fault of the Defendant has not been proved by the evidence of the investigation into the case"*. "The

analysis of the materials of the criminal case enables to draw a conclusion that there are no constituent elements of offence in the actions of O.Orlov”, the Judgement read. Neither could the prosecution prove O.Orlov’s direct criminal intent to slander (*ITAR-TASS, 24.06.2011*).

Let us remind that the investigation insisted on that Head of Memorial Human Rights Center had libelled Kadyrov by spreading some information about the involvement of Head of the Republic in the murder of Human Rights Activist N.Estemirova in his public statements made immediately after her murder on 15 July 2009. In particular, he declared: *“I know, I am sure that I know who is guilty of Natasha Estemirova’s murder. All of us know this person. His name is Ramzan Kadyrov, this is President of the Chechen Republic”*.

During the debate of the parties, the Public Prosecutor asked to adjudge O.Orlov guilty and impose a fine of 150 thousand roubles on him. R.Kadyrov's party, in their turn, insisted on three years of a general-regime penal colony for the human rights advocate. And the Defendant himself and his lawyer were asking the Court to pass a verdict of not-guilty.

During the process, while answering to questions of the Judge in a video conference R.Kadyrov said that he had met N.Estemirova two times, but he had never criticised or threatened her, but he only gave her his advice concerning a television interview and wearing a kerchief. *“She was laughing when she was leaving me”*, he added.

Answering a question about his relation to N.Estemirova, Head of the Chechen Republic first announced the following: *“I have not tracked down her activity. I am not a judge to pass judgement and give estimations. She was a very good, she was a normal woman”*. But a few minutes passed, and the same R.Kadyrov declared the opposite: *“As a woman and as a mother she is good, and as a human rights advocate, as a person who protects rights of people, she did it without honour, conscience and dignity. I saw nothing sacred, nothing useful for our people in her work. I protect human rights, I swore an oath, when I was assuming office: I will protect and protect the rights of the citizen and the person, and I do it. To me in this life more remains nothing, besides, therefore she does not help and has never helped us”*.

There were a great deal of similar contradictions in R.Kadyrov's answers.

(*see http://www.memo.ru/2011/05/20/2005111.htm#_Toc293928708*). However, the main thing from R.Kadyrov's interrogation was obvious: it was N.Estemirova’s human rights activity that his hostile attitude toward her was caused by.

Records and interpretations of television interviews and other public statements of R.Kadyrov and people from his environment were also attached to the files of the case, in which they were calling for infringement of the due course of law and human rights, they expressed their opinions about human rights activists and about Memorial Human Rights Center with hostility, they threatened them expressly or by implication.

Resting on a big complex of investigated testimony, documents, publications of mass-media, the Court considered that O.Orlov passed only evaluative judgements in his public pronouncements and did not assert that it was R.Kadyrov who killed N.Estemirova.

In the prevalent day-to-day realities of the functioning of the legal system in Russia, the decision of the Khamovnichesky Court a big surprise for both the parties because everyone was sure of an opposite outcome of the process. *“I did not expect such a decision ... I understood that the process was political, and I know perfectly well what attitude toward law within the framework of the political process is... Nevertheless, a miracle occurred”*, O.Orlov admitted after the announcement of the verdict of not guilty (*“Yezhednevnyi Zhurnal” [daily magazine], 14.06.2011*). The response of Head of the Chechen Republic is no less emotional. R.Kadyrov's representative in the Court, **A.Krasnenkov**, informed in reply to some inquiries of journalists: *“In Grozny aeverybody is shocked”* (*“Russkaya Sluzhba Novostei” [Russian news service, RSN], 14.06.2011*); *“I have called him (R.Kadyrov), we have discussed everything. He did not expect such a thing to happen”* (*“Voice of America”, 14.09.2011*). It is known that Head of the Republic considered the statement of the Human Rights Activist *“as a big label on the family of the Kadyrovs’*.

A.Krasnenkov, who had hardly recovered from “the shock”, explained that the failure had been due to a whole conspirilological theory.

He reckoned both the prosecution party (Public Prosecutor’s Office of Moscow), and Judge Karina Morozova among O.Orlov’s allies. In his opinion, the Judge was being allegedly pressurised by Public Prosecutor’s Office, and the Judge who started the process calmly (this was manifested, according to A.Krasnenkov, in that the Judge herself addressed him several times and assured him that the sentence would be accusatory). Then, since the middle of October she “became unexpectedly nervous” and remained in such condition before the adjudgment (*an extract from A.Krasnenkov's interview with the Radio Station “Russkaya Sluzhba Novostei”, 03.08.2011*).

Except for some strange statements of A.Krasnenkov, which could themselves form a basis for bringing a suit for slander, the aggrieved party and R.Kadyrov's supporters gave no comments on the judicial process, with the exception of a regular filippic of the Chechen high-ranking Human Rights Advocate, N.Nuhazhiyev. He draws conclusions of an oecumenic scale from the results of the process: he says that Oleg Orlov (we would notice here that Human Rights Representative N.Nuhazhiyev writes the surname of O.Orlov using lower-case letters “in a cultured way”) and Memorial Human Rights Center are guilty of having turned the Russian society into “an amassment of people for whom such eternal values as the Divine of creations, traditions, spirituality, morals, patriotism, sound sensation of national pride will become concepts subject to derision” (*the website of Human Rights Representative in the Chechen Republic, 20.06.2011*).

As far as the actual procedural actions are concerned, in connection with the completion of the process *on 24 June*, A.Krasnenkov lodged a petition of appeal regarding the passing of the verdict of not guilty to Oleg Orlov. The consideration of the complaint was first appointed to be on *8 August*, but on application of the Defence of O.Orlov and in connection with the leaves of absence of O.Orlov and his Defender Genry Reznik the Kamovnichesky Court of Moscow postponed the hearings to *4 October* (*RAPSI [Russian Agency of Legal and Judicial Information], 08.08.2011*). A Report of Appeal about the decision of the Magistrate Court on *22 July* was submitted to the Kamovnichesky District Court of Moscow and State Accuser A.B. Sadovnikov with a request to overrule the verdict of not guilty and pass a verdict of guilty to O.Orlov as per Part 3 of Article 129 of the Criminal Code of the Russian Federation.

(<http://www.memo.ru/2011/09/27/ap.pdf>).

The situation in the Republic of Kabardino-Balkaria

In Kabardino-Balkaria, the criminogenous situation remains tense, although to all appearances the law enforcement agencies managed to reach a turning point in the struggle and gain their own advantage. In spring 2011, after a regime of counterterrorism operation on part of the territory of the Republic was announced and thanks to the strengthening of power structures of the Republic, the main groups of insurgents were crushed. Dozens of members of the underground, including a number of odious leaders who publicly made themselves responsible for high-profile murders of officials, public and religious figures, scientists, tourists and hunters in their video speeches on the Internet incurring, were killed. During the summer months, pieces of news about annihilation of insurgents, including leaders of bandit groups such as that **Tamerlan Dyshekov**, came in regularly. In the end of July, Head of the Ministry of Internal Affairs the Republic of Kabardino-Balkaria insisted that the regime of counterterrorism operation should be preserved (*quoted from an interview of Minister of Internal Affairs of the Republic of Kabardino-Balkaria, S.Vasilyev, with “Gazeta Yuga”, 21.07.2011*). However, already in August, the regime was raised on the most part of the territory of the Republic.

However, whereas the power constituent of the struggle against the underground in Kabardino-Balkaria yields positive results, the establishing of dialogue with the radically-minded part of the society and attempts at influencing the moods of young people remain in an embryo state. The notorious “reporting of the number of corpses” yet prevails. It is recognised that law enforcement bodies of the Republic of

Kabardino-Balkaria adopt to the full extent the extremely rigid style of the counterterrorist struggle from their colleagues in the neighbouring republics, preferring to destroy not only insurgents who furnish armed resistance to them resistance but also suspected persons indeed.

There are yet no public institutions able to become intermediaries between the authority and “the woods”. It is hardly possible to consider the new bureaucratic structure created *in June 2011*, namely the Public Council under President of the Republic of Kabardino-Balkaria as such: the Council’s composition is too awkward-to-handle (representatives of public and religious organisations, sportsmen, culturalists and so forth), and its functions are uncertain and protocolary (“promoting an increase in the efficiency of the interaction between agencies of state power and the society; strengthening of civil society institutions; and assuring protection of rights and freedoms of man and citizen”) (*“Kavkazsky Uzel”*, 21.07.2011)

The authorities of Kabardino-Balkaria are yet not able to talk to insurgents and their families using at least the same language, which the Ingush or Dagestan authorities have learnt to do. The efforts of the Republican authorities aimed at legalising insurgents and granting amnesty to them – as was done at different times in other republics of the North Caucasus – have proved totally ineffective. The results in Kabardino-Balkaria turned out to be the worst. As Minister of Internal Affairs on the Republic of Kabardino-Balkaria, **S.Vasilyev**, acknowledged, not a single insurgent has yet taken advantage of the proposal of the Republic’s leadership and of the possibilities of legislation which grant a right to conclude a bargain with public justice and consider a case according to a special order (*“Gazeta Yuga”*, 21.07.2011).

In spring, the authorities persistently demanded that a few families of insurgents should publicly address their sons. Then the families did not dare to do so. In summer, the degree of the extent of parents obviously reached its extremity, and following a meeting with S.Vasilev in the beginning of August, who gave a guarantee of a lawful and fair investigation into crimes of their children (*the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria*, 04.08.11), they resolved to appear with a public video message expressing their penetrating appeal for their children to change their minds and stop the civil war because *“the cemeteries are full of tombs of young people”*, *“a Moslem kills a Moslem”* (please see the video record:

<http://market.yandex.ru/model.xml?hid=90639&modelid=7306451&clid=502&ncrnd=6597>).

As a matter of fact, the fate of this peace-making initiative, unique for Kabardino-Balkariya, has proved to be sad, showing the whole depth of a precipice between contending parties in the Republic. **On 22 September**, one and a half months after the first appeal of the mothers, a second one was published, from which it follows that sons of two women who conveyed their video message in summer, were killed literally before their very eyes. During a special operation in *the town of Baksan* when four insurgents who showed resistance were killed (*for the details of the operation please see: “Kavkazsky Uzel”*, 03.09.2011; 04.09.2011), some mothers asked to be allowed to negotiate. *“They ran around the cordon requesting to permit them to talk to their sons and give them a chance for saving themselves. They cried, fell to the ground, stood up to their feet, begged again, although they did not know whose sons were blocked there, but they asked not to kill the youngsters. Cannot they be detained and then be judged if they are guilty?”*, the new appeal sounded (*“Voice of Islam”*, 22.09.2011). As a result not only the insurgents were killed, but also the hope of their parents for a good outcome in the future was lost. *“This case has proved to us that everything said by the Minister was a deceit from the very beginning”*, the Appeal as of **22 September** read (*“Voice of Islam”*, 22.09.2011).

The failed initiative to attract the meditorial services of parents in negotiations with insurgents remained unique until recently. A Commission for Adaptation promised by President of the Republic of Kabardino-Balkaria as far back as May, similar to the one that is operative in Dagestan, has not been created until now (*“Kavkazsky Uzel”*, 12.08.2011).

And the campaign for onerous hand-over of weapons and ammunition, launched in summer 2011, is proceeding unsuccessfully. Not numerous volunteers are widely propagandised: they, as the initiators would say, not only remain unpunished, but also make a pretty penny out of it. For example, it is possible to get 4 thousand roubles for a pistol; 1.6 thousand roubles for a grenade, etc. (*the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria*, 11.07.2011).

At the same time, there grows the indignation of inhabitants about actions of law enforcement bodies in Kabardino-Balkaria, which have adopted but bad experience from agents of national security in the neighbouring republics. Special operations resembling extrajudicial executions, occur in increasing frequency. Killed persons are declared to be insurgents who [*allegedly*] offer armed resistance during a detention or check of documents. **On 6 July**, a picket of relatives and neighbours of **Beslan Zeushev** killed by police took place in *the town of Baksan*. B.Zeushev turned out to be one of four people killed in the past days and declared to be insurgents. The picketers blocked the bridge over the river Baksan and demanded a meeting with President of the Republic of Kabardino-Balkaria, **Arsen Kanokov**. B.Zeushev's relatives claimed that he had not been involved in any activity of religious extremists and terrorists. He was a sportsman in the past. He occupied himself with resale of cars to the bitter end. In the Republic, law enforcement bodies assert that B.Zeushev had not been taken alive because he showed armed resistance, firing not less than two shots (*"Kavkazsky Uzel"*, 07.07.2011).

On 12 June, 2011, mass detentions of young men took place in *the town of Baksan* within the framework of operative-and-search operations aimed at establishing and detaining insurgents involved in the killing of Colonel **Kh.Bagatyrev**, Deputy Chief of the Centre for Struggle against Extremism of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria. Kh.Bagatyrev was killed during a special operation in *Kalmykov Street* in the town of Baksan. Officers of law enforcement bodies and servicemen had addresses of townsmen registered in law enforcement bodies as "prayers" in their hands. They seized people in their houses, put them in military "Ural" trucks and brought them to the District Department of Internal Affairs of the town of Baksan. Memorial Human Rights Center know the names of nine arrested persons were later released: **Takhir Ruslanovich Dyshekov**, **Islam Mukhamedovich Beshkurov**, **Arsen Sharifovich Mollayev**, **Murat Rezuonovich Gedgafov**, **Artur Rezuonovich Gedgafov**, **Zaur Khasanovich Khashpakov**, **Safarbi Nurgaliyevich Kashezhev**, **Artur Khasanovich Abazov**, **Valery Mukhamedovich Mishkhozhev**. After a while, the arrested persons were released, but they had refused to lodge their applications with any institution, being afraid of revenge on the part of agents of national security.

Only one of the arrested persons, Valery Mishkhozhev, lodged a written application with Memorial Human Rights Center **on 13 June**. He conveyed some details of his detention and of its consequences. He was seized in the house of his brother and used as a human shield during an inspection of the premises. He was beaten near the house, and then in an investigator's office. His pregnant (in her eighth month of pregnancy) wife was detained too (www.memo.ru/2011/06/15/1506112.html).

On 26 June 2011, **Svetlana Magomedovna Bedzhiyeva**, an inhabitant of *the town of Tyrnyauz of the Elbrusky District of the Republic of Kabardino-Balkaria*, lodged a written application with Memorial Human Rights Center. She informed that some law enforcement officers had detained her son, **Murat Maratovich Bedzhiyev**, **on 25 June** in the town of Tyrnyauz. M.Bedzhiyev was found out in the evening of **27 June** in the Investigatory Department of the Elbrusky District, affiliated to the Investigation Department of the Investigating Committee of the Russian Federation in the Republic of Kabardino-Balkaria. It is on record that previously he had been in the Department of Internal Affairs of the Elbrusky District. His lawyer managed to talk to his client and find out that the latter had been cruelly beaten and tortured with electric current. The lawyer lodged a petition for carrying out a forensic medical examination and inspection of M.Bedzhiyev. In the same night, Murat was transported again to the Department of Internal Affairs of the Elbrusky District. He was complaining of a heart pain and headache, after which an emergency ambulance was called for him. A judicial session was held on **28 June**, at which they chose a measure of restraint with respect to M.Bedzhiyev in the form of placement in detention.

The lawyer of M.Bedzhiyev informed that a measure of restraint was being chosen in the courtroom on the same day with respect to **Makhmud Rasulovich Tilov**, born in 1984. The defender of M.Bedzhiyev took a photo in the courtroom: there were clearly visible traces of beating on the body and face of the accused person. The lawyer found out that M.Tilov has been detained by agents of national security **in the evening on 26 June**, when he was going to his relatives' wedding in the Elbrusky District. According to the relatives of M.Tilov, agents of national security planted a grenade on him, then arrested him in connection with "the found out" ammunition and drove him away in an unknown direction. As a result of

search carried out by the relatives, they managed to find out M.Tilov only a day later, *in the evening of 27 June*, in the Department of Internal Affairs of the Elbrusky District. A first aid ambulance was called to the Department in order to help him. Doctors ascertained a suspected closed craniocerebral injury. A consultation of a surgeon was required, after which he was taken to a hospital. M.Tilov was charged according to Article 222 (illegal keeping of weapons) of the Criminal Code of the Russian Federation

(www.memo.ru/2011/06/29/2906111.html).

Memorial Human Rights Center express their serious concern because of the fact that law enforcement bodies of Kabardino-Balkaria resort to wrongful actions and violence with respect to representatives of fundamentalist Muslim communities. We remind the readers that similar actions of the Republican structures in **2003-2005** led to some tragical consequences *on 13 October, 2005*.

Neighbours of insurgents who hide in private houses and apartments become involuntary victims of special operations. While “flushing out” insurgents from their shelters, agents of national security employ machine guns and special facilities, often destroying neighbouring dwellings. After a fight ends, tenants of damaged apartments and houses find it very difficult to force the authorities to carry out repairs or indemnify for a loss. One of such cases was made public by the Internet edition “Kavkazsky Uzel”. A year ago, *on 24 August, 2010*, a special operation aimed at destructing a group of insurgents in a five-storeyed house in 82, Zakharov Street of the city of Nalchik was carried out. The insurgents hid in one of the apartments on the fifth *[fourth]* floor. During the operation, 12 large apertures were made in the roof of the house, the whole facade, the entrance and the doors of apartments were speckled with hits of bullets and splinters. The window frames in the apartment subjected to a combat assault were knocked out. The entrance of the house and the staircase landing on the fifth *[fourth]* floor represented a wild, surrealistic picture. The next-door apartment was almost completely destroyed. The house has remained in such a state for one year already, and the city authorities do not start a repair, appealing to the fact that the operation was conducted by federal forces and not by local agents of national security. A young landlady from the next-door apartment lives at her acquaintances’, and the bottom apartments which appeared to be under the punched roof are being filled with rainwater and melt water (*please see a video record: <http://www.kavkaz-uzel.ru/articles/190870/>*).

The regime of counterterrorism operation continues to be maintained on high-mountain territories of the Elbrusky District and on part of the Baksansky District. Meanwhile, the tourist branch of Kabardino-Balkariya, which ensured earnings to thousands of inhabitants of the Republic, is gradually declining. The Government of the Republic of Kabardino-Balkaria reacts to the situation inertly, brushing the whole matter off by paying out insignificant indemnifications the allocation of which, in addition, appeared to be heavily over-bureaucratized. As far back as *25 April 2011* Chairman of the Government of the Republic of Kabardino-Balkaria, I.Gerter, informed that some non-recurrent indemnifications would be paid to inhabitants of *Prielbrusye [the vicinity of the Mt. Elbrus]* who had suffered from the absence of tourists. A working group established by the Government of Kabardino-Balkaria has started to entertain applications of citizens. It was declared that every application would be considered on an individual basis after drawing up an inspection certificate (“*Kavkazsky Uzel*”, *29.06.2011*). *In the end of June*, at last, it got about that 1 million 530 thousand roubles (!) is to be allocated from the Republican budget of Kabardino-Balkaria to all those who had suffered from a loss of earnings due to the effect of the regime of counterterrorism operation. 15 thousand roubles fell to the share of the first turn of poor inhabitants of the Elbrusky District, numbering 102 people. Around 200 more applications of inhabitants of the Elbrusky District are there to be considered by officials (“*Kavkazsky Uzel*”, *30.06.2011*).

It is interesting to note that the stream of tourists to Kabardino-Balkaria has not stopped completely: messages about accidents involving climbers who are taken unawares by bad weather in high mountains arrive regularly from the Republic. Officers of the Ministry of Emergency Situations had to render assistance even to some Polish tourists last summer. However, the number of supporters of extreme sports, who undertake ascensions to the peaks of the Big Caucasian Ridge at their own risk, is statistically miserable and they are not able to assign work to tourist facilities of the Republic.

In connection with the regime of counterterrorism operation, the renewal of the mounteneering infrastructure has been also suspended. In particular, the construction of a life-saving hut at the top of the Mt.Elbrus, instead of the one destroyed by wind in 2010, has been postponed to the summer of the next year. The shelter for climbers was being created so that those who effect an ascent of the mountain could take cover from rough weather which can be mortally dangerous in the mountains (*"Kavkazsky Uzel"*, 10.08.2011).

An escalation of the Balkarian trouble

Besides the problem of religious extremism and terrorism, interethnic relations are becoming steadily aggravated in the Republic. The issue of the allotment of distant pastures is a key one. Some years ago, territories of distant pastures were singled out in the form of the so-called "inter-rural territories" by a decision of the Parliament of Kabardino-Balkaria, i.e. they were withdrawn from the jurisdiction of rural settlements and placed at the disposal of the Republican authorities.

However, this swituation does not suit anybody. The Balkarians consider this as a danger of arable lands being finally lost. With the low level of the employment of the Balkarians, animal breeding remains an only way for them to survive. For example, in *the settlement of Verkhnyaya Balkaria* merely some dozens of people out of five thousand local residents occupy budgetary positions (teachers, physicians and law enforcement officers). The others breed bovine and small-size cattle which number several tens of thousands of head (*"Kavkazsky Uzel"*, 27.06.2011). The Balkarian party insists on the legal attachment of the pastures to Balkarian villages (according to their estimations, the area of Balkarian lands after the deportation reduced from 503 thousand hectares to 223 thousand hectares and is decreasing even more now with the transfer of the pastures to state property). The Kabardians, on the contrary, demand that the pastures should be left for public use, "as it has historically developed", asserting that now the quantity of the lands which are in the use of the Balkarians is also disproportionately great in relation to their numbers (*"Kavkazsky Uzel"*, 27.06.2011). The parties have been disputing for many years, disagreeing to even the slightest concessions.

The state has its own interest in the problem of the pastures, therefore it is trusted by neither of the parties. One of segments of a tourist cluster - a mega-project of the federal authorities – is to be accommodated on the territory of the Republic, on which they pin their hopes for peaceful and progressive development of the North Caucasian region. An inevitable allotment of the lands for the tourist and resort infrastructure has not yet taken place, but this possibility is already frightening all local residents. **On 28 June 2011**, the Parliament of the Republic took Solomon's decision: the law "On the Order of the Designation of Territories and Use of Lands for the Purpose of Distant Animal Breeding" decrees that all the mountain pastures which are located mainly in places of compact habitation of the Balkarians (in *the Zolsky, Chegemsky, Chereksky and Baksansky Districts*) and which were attributed to inter-rural pasture-lands in 2005 should be transferred to republican property in order to be purposefully used as distant pastures under leases (the present users gaining an advantage). According to this decision, **in 2014** the boundaries of pastures should be specified according to the current practice of land tenure. The law was adopted quickly, without public discussion. Officials in the Republican Administration admitted at once that it would not suit either the Balkarian or Kabardian parties, but they termed it as the only compromise (*"Kavkazsky Uzel"*, 28.6.2011; 07.07.2011; *"Gazeta Yuga"*, 14.07.2011). The quality of this "compromise" could be assessed **on 30 July** when a representative conference of public figures in Nalchik again failed to come to any conclusion and barely ended with a mass fight. **Ibragim Yaganov**, a Kabardian public figure and the organizer of the forum, was cruelly beaten up by some unknown persons the day before (*"Gazeta Yuga"*, 04.08.2011).

The Balkarian party constantly appears to be in a position of a defending side owing to its constraining minority, coming forward with initiatives that seem excessive to the Kabardian majority. One of the latest and obviously non-go ideas was submitting a project of the Constitution of the Republic for approval at an autumn session of the Parliament, in which a five-year rotation of the presidential post between representatives of Kabardian, Balkarian and Russian ethnoses is envisaged. Tacit allocation of quotas for

occupying high state posts has long existed in the even more multinational Republic of Dagestan. Also, under a pressure of the Balkarian public heads of 17 Balkarian villages addressed President of the Russian Federation. Their document states that a number of the latest decisions of the Republican authorities contradict Federal Law No.131-FZ as of 6 October 2003 “On General Principles of the Organisation of Local Self-Government in the Russian Federation”, namely: annexing the Balkarian suburbs of *Kasanya* and *Belaya Rechka* to the city of Nalchik and depriving them of their independent administrative status, as well as creating interrural territories, etc. The Balkarians did not hesitate to warn President of the Russian Federation about extremism to which the people driven to “a verge of fighting for survival”. However, the insurgents making their living in the Republic have never publicly interfered with land and interethnic lawsuits being guided primarily by their social and confessional motives. They have killed both Kabardians and Balkarians in like manner and they have manifestly reached “an interethnic consensus”, emphasising their supraethnic (Muslim) identity in every way possible.

Some shamefulness was added to the Balkarian problem by an unexpected incorporation of the authoritative Balkarian public organisation “Council of Elders of the Balkarian People” in “List of Organisations and Individual Persons Known To Be Involved in Extremist Activity or Terrorism” drawn up and made public by ROSFINMONITORING [*the Federal Service for Financial Monitoring*] for the purpose of suppressing illegal financial activity of persons and organisations involved in terrorism. The Council of Elders of the Balkarian People turned out to be on this list alongside with “Al-Ka’ida” and “Imarat Caucasus”. A scandal that was raised immediately after that and the fact of representatives of the Balkarian public having appealed to a court, soon forced ROSFINMONITORING to exclude the Council of Elders from “the terrorist list”. However, what they call “a feeling of resentment” has remained there to stay. It was not for the first time that this public organisation had to establish the legality of their existence and their non-involvement in extremism and terrorism to satisfaction of court (“*Gazeta Yuga*”, 11.08.2011). **In May 2010**, the Supreme Court of Kabardino-Balkaria passed a decision to liquidate the Council of Elders of the Balkarian People in connection with of “their carrying-out of extremist activity” (one of the Council’s public statements was recognised as such). However, **in July 2010** the organisation was rehabilitated by the Supreme Court of the Russian Federation, which granted a petition of the Council of Elders of the Balkarian People concerning their appeal for cancellation of the decision of Kabardino-Balkaria’s Supreme Court. The Council of Elders of the Balkarian People was not included in the recently established Social Council under President of the Republic of Kabardino-Balkaria (“*Klub Regionov*”, 22.07.2011).

The continuation of the judicial trial in Nalchik

Presently, some much-publicised judicial trials of cases of insurgents are proceeding in a long train in Kabardino-Balkaria’s: the Supreme Court of the Republic is considering the cases of members of “the Urvansky Jama’at”, i.e. the diversionists who blew up the Baksansky Hydroelectric Power Station last year and who are also accused in the case of an attack on *Nalchik* on 13 October 2005.

The process concerning the attack on Nalchik has lasted for three years and caused a big public reaction in the Republic and beyond its boundaries. Recently, the prosecution party headed for a forced termination of the trial and they repeatedly declared this. The most part of evidence has already been examined. “*Actually an indictment is heading into the homestretch*”, **Olga Menshikova**, Chief of the Department for Assuring Participation of Public Prosecutors in Consideration of Criminal Cases Processed by Courts of the Administration of the General Prosecutor’s Office of the Russian Federation in the North Caucasian Federal District, declared at a press conference (*News Agency Interfax*, 30.06.2011).

In summer, an episode of an attack on the Nalchik board guard detachment was being considered. Heretofore, already nine episodes from the multivolume criminal case had been studied. Totally, there are 12 episodes in the case. In the end of the process, two more episodes are expected to be considered, namely regarding some attacks on a road patrol service in *the settlement of Khasanya* and on the base of a regiment of road patrol service.

In July, an interval in the sessions till **12 September** was announced. The Court granted a petition of Lawyer **Elizaveta Shak** concerning a need for treating her child in the Russian Children's Clinical Hospital in Moscow *from 17 July till 7 August*. The Lawyer presented a warrant for a medical treatment in the Russian Children's Clinical Hospital and some air tickets. Two clients of Ye.Shak agreed to her being replaced for the period of her absence, but two others did not give such consent. In this connection, a break was announced in the judicial sessions (*"Gazeta Yuga"*, 14.07.2011).

Public Prosecutor's Office have already announced their plans to demand lifelong terms for 15 of 58 defendants. O.Menshikova informed about this. It is interesting to note that the lifelong terms "have not been yet distributed" between defendants personally. In the opinion of O.Menshikova, it is necessary to apply such a punishment with respect to persons whose commitment of murders is proved, as well as to leaders of gangs. But it was not mentioned exactly who were subject to this punishment (*"Kommersant"*, 30.06.2011; 01.07.2011). At the same time, O.Menshikova noted that part of the accused persons deserved indulgence as they had been involved in the reckless scheme of the attack on the capital of the Republic of Kabardino-Balkaria "practically blindfolded" (*"Gazeta Yuga"*, 07.07.2011).

In summer, there were 56 people in the prisoners' dock. Two defendants were released from custody in 2010 for undergoing a hospital treatment. **On 7 July**, before declaring a break in the sessions until autumn, the Court released one more defendant, namely Sergey Kazieyv, from under guard. S.Kaziyev was liberated under a written pledge of recognisance not to leave in order to undergo a treatment in a local infectious hospital. The participants of the process had long paid their attention to his ill state of health. However, the doctors of the prison hospital had persisted for a long time that he was capable to be present at judicial sessions. On the insistence of the defence, a medical examination of S.Kaziyev was carried out by some outside experts, namely by chief infection disease doctor of the Ministry of Health of the Republic of Kabardino-Balkaria and a vascular surgeon.

In their conclusion, the doctors made a diagnosis: liver cirrhosis of viral aetiology, an active phase of the re-compensation stage; an acute phlebotic syndrome of the lower limbs; as well as some more diseases. Hospitalisation was recommended to S.Kaziyev. On the assumption of this conclusion, the Court nevertheless considered it possible to change his measure of restraint. In this regard, it was noticed that delivering S.Kaziyev from the obligatory participation in the judicial sessions would contribute to the advancement of the process, on which the prosecution insisted: some of the last sessions in summer 2011 were disrupted just because S.Kaziev felt bad (*"Kommersant"*, 08.07.2011; *"Gazeta Yuga"*, 07.07.2011).

In general, the defendants in this case declare their petitions for calling doctors for rendering medical aid to them in increasing frequency. Such assertions were made, in particular, by certain **Anuar Goov** [go'ov], **Murat Kashirgov**, **Zaur Sokmyshev** (*"Kavkazsky Uzel"*, 04.07.2011). Many defendants have acquired a whole bunch of serious chronic diseases for years of their detention in a pre-trial detention centre. Thus, they diagnosed that a certain **Azamat Ahkubekov** had suffered at different times from chronic cholecystitis; a trauma of the left shank, because of which a chronic venous insufficiency developed; complicated tuberculosis of the top lobe of the left lung. Last summer, bilateral otitis has developed in his case. A.Ahkubekov assumes an active attitude in the process. In this connection, as he believes, he is constantly placed in a disciplinary cell where it is cold and wet

(www.memo.ru/2011/06/17/1706112.html, *the Caucasian knot*, 6/28/2011).

Meanwhile, **in the middle of May** Memorial Human Rights Center received some replies from Public Prosecutor's Office of the Republic of Kabardino-Balkaria and from the Administration of Federal Service for the Execution of Sentences of the Russian Federation in the Republic of Kabardino-Balkaria to their inquiries concerning cases of regular infringement of rights of prisoners in the Pre-trial Detention Centre of *the city of Nalchik of the Kabardino-Balkarian Republic*, namely facts of mass beating of defendants who are targeted in the investigation of the case of the attack on Nalchik; carrying-out of house-checks; withdrawal of complaints; rejection of lawyers's requests for meeting with their wards. The answers received confirmed the fact that the information concerning the infringement of rights of prisoners had been considered and verified. However, according to the data of the check, no infringements had been established.

Besides, the Administration of Federal Service for Execution of Sentences informed that the Investigation Department of the Investigating Committee of the Russian Federation in the Republic of Kabardino-Balkaria refused to initiate a criminal case with respect to officers of the Pre-Trial Detention Centre of Nalchik, having found no constituent elements of offence in their actions. Complaints of the prisoners regarding the conditions of their keeping are considered groundless by Public Prosecutor's Office and the Administration of Federal Service for Execution of Sentences. They failed to establish the facts when prisoners were not given food, when the heating was disconnected for the night and when no medical assistance was rendered. The Administration of Federal Service for Execution of Sentences concluded in the end of their answer that "nobody had been subjected either to torture, or brutal or degrading treatment, or punishment" in Pre-trial Detention Centre-1 of Nalchik.

Memorial Human Rights Center expresses their regret that Public Prosecutor's Office of the Republic of Kabardino-Balkaria and the Administration of Federal Service for Execution of Sentences the Russian Federation in the Republic of Kabardino-Balkaria cover up some obvious facts of excess of powers of office on the part of the officers of the Pre-trial Detention Centre of the city of Nalchik. Such an attitude of the supervising bodies contributes to the situation of destabilisation in the Republic and undermines the legitimacy of state structures (www.memo.ru/2011/07/06/0607114.html).

The situation in Dagestan

Dagestan continues to remain the most disturbing region of the North Caucasus. The high activity of the underground is combined here with a whole host of social, confessional and ethnic conflicts penetrating into the Dagestan society at all levels. Due to the mass circulation of fire-arms among the population, many arguments such as land, interethnic, interconfessional and simply household disputes quite often end with shooting causing losses of life. Last summer, squaring of accounts involving use of weapons and numerous victims would happen almost every week.

On 28 July, at the outskirts of *the Dagestan village of Akhty*, approximately 20 persons from each side started a fight in the course of which a representative of one of the parties opened fire using an automatic machine-gun. As a result, one person was killed and five more got wounded. After that a group of local residents blocked the highway, demanding that the shooter should be found.

In the end of July, a mass fight occurred in *the Akhtynsky District of Dagestan, in the village of Akhty*. 30 persons participated in the scuffle, all the local residents. At the height of the fight, one of its participants opened fire using a smooth-bore gun. The fighters took a run, and five people remained to lie on the ground: one killed and four wounded persons ("*Moskovskiy Novosti*", 10.08.2011).

On 9 August, in *the Untsukul'sky Region*, a conflict which was proceeding in a latent way between inhabitants of two villages, namely *Untsukul* and *Gimry*, took the form of a mass fight. Some young men from two the neighbouring villages mixed in a hand-to-hand fighting slightly past midnight near one of the refuelling stations. The fight grew into a skirmish, and five people were killed. Two more persons were shot by certain furious rascals after some time near a hospital where physicians had brought bodies of the victims of the fight. On the spur the moment, the young men attacked a man and his three-year daughter from the village of Gimri. A 27-year-old **Magomed Ziyavutdinov** had brought his wife to be confined to the district hospital. He decided not to leave his under-age daughter in the house alone ("*Moskovskiy Novosti*", 10.08.2011). Both the persons became casual victims of the conflict. The inhabitants of Gimry considered themselves to be an aggrieved party as it was they who had suffered losses, and there were some innocent victims. The inhabitants of Untsukul, needless to say, wholly side with their fellow villagers. The reasons for the conflict are unknown, according to an official story it was a domestic-type scuffle (*ibid*).

In Internet blogs the contradictions between the two villages were actively discussed, which became aggravated after the murder of **Magomedgadzhi Tagirov**, Head of the Administration of the Untsukul'sky District, **on 2 August**. The inhabitants of Untsukul associate this murder with the natives of the village of

Gimri. In recent years, this village got the name of “a nursery of Wahhabism” and is renowned as a provenance of many leaders of insurgents, including one of the most odious leaders of the Dagestan underground, **Ibragim Gadzhidadayev**.

According to some information promulgated in Internet blogs, the inhabitants of Untsukul delivered an ultimatum to their neighbours: they shall not appear on the territory of Untsukul on pain of death. An informant in Untsukul, whom representatives of Memorial Human Rights Center telephoned that day, denied this version of the events.

A special commission was established in order to reconcile the inhabitants of Gimri and Untsukul. The commission’s composition includes some esteemed and authoritative religious figures from different areas of Dagestan (“*Kavkazsky Uzel*”, 21.08.2011).

On 12 August, a mass fight between inhabitants of *the village of Shushanovka of the Kizilyurtovsky District* took place. For many years, the side of autochthonous inhabitants and that of immigrants from *the village of Borozdinovskaya (the Chechen Republic)*, who left it after the Chechen Battalion “Vostok” carried out a terrible “mop-up operation” there in 2005, have been opposing each other. From time to time, the tension escalates into fights in which the newly-arrived party come to harm more often due to their lesser number. In a fight which occurred **on 12 August**, one person suffered, 37 people were detained (“*Kavkazsky Uzel*”, 14.08.2011).

It stands to reason that each similar fight winds up the spring of the local conflicts yet harder.

However, the main problem of the development of the Republic, as President of Dagestan **M.Magomedov** admits, are as before terrorism and extremism (*RIA Dagestan*, 24.07.2011). In the end of August, President of the Republic of Dagestan acknowledged that even more crimes of terrorist nature were committed in Dagestan that year than in the past (“*Kavkazsky Uzel*”, 25.08.2011). The insurgents continue to furnish a fierce resistance to representatives of the authority, inflicting telling blows on them.

Thus, **on 7 June**, as a result of a shelling of the car of **Maksud Sadikov**, Rector of the Institute of Theology and International Relations, carried out by some unknown persons in *Makhachkala*, the latter was killed. **In the evening of 28 July**, a certain Rabadan Umarov, Acting Head of *the village of Verkhniye Ubeki* was killed in *the Levashinsky District*. **On 28 July**, Head of the Department for Information Policy and of the Press-Service of President of Dagestan, Garun Kurbanov, was killed. Most probably, the cause of G.Kurbanov’s murder was his intransigent attitude towards the extremists became. **On 2 August**, a home-made explosive device actuated in *Buinaksk*. It was mounted under the car of Head of the Untsukulsky District, **Magomedgadzhi Tagirov**. Apart from Head of the District there were his son, his driver and his security guard in the car. All of them died. The irony of it is that the day before the criminal attempt, **on 1 August**, M.Tagirov participated in a meeting devoted to issues of security and law and order on the territory of separate municipal entities, which was held in Makhachkala by President of the Republic. M.Tagirov conveyed some information about an emergency situation in the Untsukulsky District to the leadership of the Republic and agents of national security (“*Kavkazsky Uzel*”, 03.08.2011). **On 5 August**, **Shamil Rasulov**, former Head of the Municipal Entity “*Tlyaratinsky District*” was shot dead in Makhachkala.

After G.Kurbanov's murder, President of Dagestan made a decision to provide those people who are engaged in ideological work with personal protection: “*For this purpose, some special structures ensuring the safety of municipal employees; workers of state power organs; representatives of clergy and institutions of education; and that of those who are at the forefront of the ideological struggle will be created. We will try to do it in such a way that the best-deserved Daghestanis who assume a firm and courageous attitude could be protected by the state*” (“*Kavkazsky Uzel*”, 25.08.2011).

It is recognised that the murder of Garun Kurbanov, an influential official in Dagestan and an immediate assistant of President of the Republic occurred on the next day after the opening of the Dagestan Economic Forum, a grandiose event on the scale of the Republic. It is easy to imagine what impression this incident

made on numerous foreign visitors, i.e. potential investors, on whom they place their stake in Dagestan (*"Kommersant"*, 29.07.2011).

In the conditions of the continuing terror on the part of the insurgents, on the one hand, and in view of an economic breakthrough of the North Caucasian region, which is beginning to take shape in connection with expected enormous federal transfers and an inflow of investments, on the other hand, the Dagestan authorities by no means want to find themselves outside of the track of progressive advance. There are 70 large-scale projects in Dagestan's investment package, which someone else should finance. It is necessary for the Republic's authority to cope with religious extremism as soon as possible. In summer, M. Magomedov even informed that it was a matter of just one and a half to two years for his administration to fulfill this task (*ITAR-TASS*, 27.07.2011). It is clear that these are yet only benevolent intentions. It is possible to consider the establishing and functioning in the Republic of a commission for adaptation of insurgents who decide to lay down their arms and return to peaceful life as a step taken in this direction. In Dagestan, where fundamentalists are considerably numerous and partially legalised, the struggle involving power methods alone manifests an absolutely dead-end track that contributes to recruiting new and yet new fighters for the underground.

The Commission for Adaptation in Dagestan under the chairmanship of Vice-Premier, **Rizvan Kurbanov**, has been operating for more than half a year already, and judging by some statements of Dagestan officials and of functionaries from the neighbouring republics, the Commission's activity was been estimated to have been satisfactory by this time. From the time of the Commission's formation in the end of last year and till the end of **August 2011** nearly 40 persons passed through it. If one looks closely into each individual case, it is not uncommon that applicants have a very indirect relevance to illegal armed groups, and crimes committed by them are not grievous. Often applicants are persons who are already condemned and who petition for relaxing conditions of their detention or for releasing them on parole (sometimes even time limits that are fixed for them are suspended).

Some condemned persons generally have no relation to the underground (for instance, in July a term fixed for a fugitive Daghestani who was arrested and convicted only 20 years later after he committed a military crime was reconsidered – "Kavkazsky Uzel", 18.08.2011).

However, in the same summer the Commission also considered some cases of real "militants from the woods", of those who consciously left his house and joined the armed struggle against the legitimate authority. Thus, they managed to persuade **Seidula Kazanalipov** to come out of the woods by the agency of parents and Head of the *Botlikhsky District* on the security of the Commission for Adaptation. **Since 2008**, he has professed and propagandised radical Islam, and **in September** last year he left his house. The Commission believed the story of S. Kazanalipov, stating that he had been only engaged in economic activities in the the camp of insurgents. After an exchange of views, the Commission decided unanimously to lodge a motion with the Investigation Department of the Investigating Committee of Dagestan and with Public Prosecutor's Office of the Republic for selecting a measure of restraint not connected with any confinement under guard with respect to S. Kazanalipov.

On 14 July, the commission considered an appeal of the former Amir of the Lavashinsky group of insurgents, **Zaipulla Gazimagomedov**, an associate of **Magomedali Vagabov**, the leader of Dagestan insurgents, killed **in August 2010**, who asked to assist him in the matter of serving time on the territory of Dagestan. A positive decision was taken regarding this issue (*"Kavkasky Uzel"* 19.07.2011).

The mechanism has started functioning, and it is better than to have nothing. Without it, these 40 people would have been killed during special operations either deservedly or without guilt. Parents of real insurgents already apply to the Commission and they consider R. Kurbanov's authority as a guarantee that there will be an objective approach to the investigation of crimes of their sons (*"Kavkazsky Uzel"*, 25.08.2011; *"Chernovik"*, 12.08.2011; *"Dagestanskaya Pravda"*, 06.08.2011).

Such mechanisms were used earlier. In Ingushetia, President **Yu.-B. Yevkurov** has employed to the maximum traditional institutes for carrying out explanation work aimed at insurgents, the remonstrance of "militants from the woods" is pursued primarily at a family level and it by no means always extend to the public domain. (And in the meantime, owing to such gentle work they had managed to legalise 16

insurgents since the beginning of 2011) (*RIA Novosti News Agency, 08.08.2011*). In Chechnya, in due course, “the adaptation” consisted in timely legalising former insurgents and placing them at the service of Republican power structures. In Kabardino-Balkaria, neither the authority, nor the underground are yet ready for dialogue; practically not a single decisive step towards has been taken. The way of establishing a bureaucratic body for carrying out work aimed at insurgents along which the Dagestan authorities started going seemed to many hopeless and formal.

It is interesting to note that the terminology of “adaptation” has already permanently come into the common use of top-ranking Dagestan officials who actually pin hopes on their brainchild: “*About 40 persons have been adapted by the Commission. There has been not a single complaint on the part of the adapted persons and their relatives*” (R.Kurbanov); “*Come out of the woods. Lay down arms. Stop this absolutely unfair war... And we will adapt you to normal life*”. (M.Magomedov) (“*Expert*”, 07.07.2011).

This example of Dagestan, as likely as not, will be replicated in Kabardino-Balkaria where President of the Republic announced his own Commission for Adaptation *as early as the middle of May 2011*. However, this project is yet foot-dragging there.

A proposal to create a commission for social adaptation of insurgents who lay down arms, similar to that of Dagestan but already in the scale of the whole North Caucasus, was sounded by the member of Memorial Humn Rights Center, **S.Gannushkina**, at a meeting with President of the Russian Federation, **D.Medvedev**, in Nalchik *on 5 July 2011* (*News Agency REGNUM, 13.07.2011*). It was supported in a reply to recommendations of Prosecutor General’s Office of the country. We have the text of this response.

Health resorts and travel destinations as a cure-all solution

The summer of 2011 was marked by a break-through in the planning of the development of the North Caucasus. The country’s leadership declared a transition from situational, ill-coordinated actions to systematic and long-term development of the region with an emphasis on the area’s obvious natural and climatic advantages. Plenipotentiary Representative of Russian President and Vice-Premier of the Government, **A.Khloponin**, is literally generating ideas. Here, the matter concerns ecologically clean agriculture and road construction; waste-processing factories and an indigenous hi-tech “Silicon Valley”. However, the major attention of high-ranking officials is now focused on the development of health resort, tourist and sanatorium spheres. An idea that the North Caucasus should become a gem among health resorts not only at the level of Russia, but also internationally is being announced more clearly. *In June 2011*, the North Caucasian region was presented just as a future resort of world class, safe for western investments, at the St.Petersburg International Economic Forum. During the summer, several agreements with the French party were signed. At first, Presidents of Russia and France, **D.Medvedev** and **N.Sarkozi**, adopted a joint declaration on the development of the North Caucasus at the Summit of Eight Countries in the French town of Deauville; and *on 17 June* an agreement was signed between the recently established Open Joint-Stock Company “Resorts of the North Caucasus” and the French State Holding “Caisse des Depots et Consignations” at the St.Petersburg International Economic Forum (“*Kavkazsky Uzel*”, 30.06.2011).

So far there has been nothing to brag about in this branch. At the Dagestan International Economic Forum held *on 27-28 July* in *Makhachkala*, some information of the Federal Agency of Tourism was announced: the share of the North Caucasian Federal District in the tourist branch of the Russian Federation makes only 6 %, and the share of tourism in the gross national product the North Caucasian Federal District does not exceed 10 % (“*Kavkazsky Uzel*”, 08.06.2011). One may say that tourism and the sanatorium sphere in the region is in shambles. Tourists have long stopped visiting the Chechen Republic and Ingushetia; in Kabardino-Balkaria this sphere of economy quickly delapidated in connection with the regime of counterterrorism operation. In the land of mountains, Dagestan, with its 600 kilometers of sandy beaches and one of the most ancient cities of the world, Derbent, tourism was in an embryo state even in Dagestan’s palmy days.

There is an impression, judging by the frequency and variety of the statements concerning the health resort prospects of the region that the leaders of the country have lastly found, as it would seem to them, some firm soil under their feet. And they are resolved to implement their conception literally at any cost. The idea of the development of the tourist cluster should become a powerhouse of the economic development of the region, all other projects are subordinated according to this concept now.

In summer, some long-term programmes of the development of the region were published. Presently, three federal target programmes have an effect in the North Caucasian Federal District, namely “Social and Economic Development of the Republic of Ingushetia in 2010–2016”; “Social and Economic Development of the Chechen Republic in 2008–2013”; and “South of Russia (2008–2013)” (the matter concerns the constituent entities of the Russian Federations which are part of the North Caucasian Federal District). In summer, the Government of the Russian Federation published at once several long-term programmes of the development of the regions of the North Caucasus and projects relating to individual branches of economy.

Undoubtedly, the Programme of MINREGIONRAZVITIYA [*Ministry of Regional Development*] of the Russian Federation, namely “Development of the North Caucasian Federal District in the Period Lasting till 2025”, to which it is planned to allocate an astronomical sum of 3.9 billion roubles including 2.6 billion roubles from the federal budget, is a mega-project (*RIA Novosti News Agency, 03.08.2011*). The three already operating federal target programmes listed above should be structurally incorporated into this Programme (*RIA Novosti news agency, 01.08.2011*). The Programme consists of ten sub-programmes formed on the basis of proposals of the constituent entities of the Russian Federation, which are part of the North Caucasian Federal District.

Totally, the Programme includes more than 8300 activities. A creation of conditions of strengthening economic, social and political safety on territories of the North Caucasian Federal District; a dynamical transformation of the functional content and structural organisation of the social and economic systems of the regions of the North Caucasian Federal District in context of market transformations; as well as an integration of these systems into the uniform Russian economic space should become the major result of its implementation.

The principal expenses lie ahead already in the nearest years (2014 – 2019), when it will be necessary to allocate annually about 400 billion roubles from the federal budget. It is planned to direct the most part of the funds (720.7 billion roubles, or 32 % of all resources) to the most topical and at the same time the most densely populated region of the North Caucasian Federal District, Dagestan. Kabardino-Balkaria ranks second: 19 %. The Chechen Republic, a long-term absolute leader in the sphere of the consumption of federal transfers, actually shares the third place (12.3 and 12.2 %) with Karachayevo-Circassia. Ingushetia ranks fifth (10.6 %). The least part of the funds pass into the possession of the Stavropol Territory and North Ossetia, which are quite successful relative to the other regions of the North Caucasian Federal District (*the official website of the Ministry of Regional Development of the Russian Federation, 25.07.2011*).

In summer, the Programme was widely promulgated. However, as it turned out, the same had not been approved by specialised departments: neither by the Ministry of Economic Development, nor by the Ministry of Finance. The Ministry of Finance of the Russian Federation declared that it did not approve such enormous expenses. “*Everything will be within the limits of the budget*”, Deputy Minister of Finance, T.Nesterenko, declared. The proposed expenditures “*go far beyond the limits of the allocations envisaged in the budget*”. According to T.Nesterenko, is inadmissible to lift individual regions out of the general context of the social and economic development of the country and develop them separately from the other regions (*RIA Novosti News Agency, 03.08.2011*). Officials from MINEKONOMRAZVITIYA [*Economic Development Ministry*] have also made one understand that the tasks assigned in the Programme are absolutely unmanageable for the budget (*RIA Novosti News Agency, 01.08.2011*).

It is obvious that a long procedure of coordinating the provisions of the Programme, connected with its curtailment and optimisation within acceptable values are yet ahead.

The condition of the underground in summer 2011

During the summer of 2011, law enforcement authorities summarised intermediate results of the operational-and-investigative and operational-and-military tactical activity in the republics of the North Caucasus during the first six months. In speeches of heads of federal and regional enforcement organisations there sounded a new tone regarding the struggle against the underground. This trend was characterised by Minister of internal affairs, **R. Nurgaliev**, as “an ***offensive*** and purposeful activity” (emphasised in bold italics by Memorial Human Rights Center). About “the ***offensive nature*** of the fight against counter-terrorism and with religious-and-extremist gang groups” also spoke this summer **S.Vasyliiev**, Minister of Internal Affairs of Kabardino-Balkaria. Previously, politicians and law enforcement officers of different levels repeatedly announced “*a final*” defeat of the underground, however this related more to the propaganda sphere than to real methods of fighting the opponent.

According to some published data, one might consider, firstly, the intensification of special military operations and other activities aimed at fighting the insurgents (according to the Ministry of Internal Affairs of the Russian Federation, 957 similar operations were carried out in the North Caucasian Federal District during the six months of the year) and, secondly, the notable reduction in the number of casualties among law enforcement agents, with the high level of losses among insurgents and their supporters remaining the same, as a statistical expression of the proclaimed “offensive” tactics.

According to R.Nurgaliev’s information, during the first half of the year 206 insurgents were killed and 225 detained, including their supporters (*Interfax*, 27.06.2011). In comparison with the analogous period of the last year, twice as many insurgents were killed; one and a half as many fire-arms confiscated; twice as many items of ammunition, six as many landmines and missiles were withdrawn. (*RIA Novosti*, 24.07.2011)

Meanwhile, ***as of the end of July***, losses among the personnel of bodies and subdivisions of internal affairs and federal forces reduced by 31% as compared with the same period of the past year and made 352 officers, including 99 men killed in the execution of official duty and 253 men injured. (*RIA Novosti*, 24.07.2011). In the end of August, the reduction in the losses was somewhat specified and made 29.3 % (*the webpage of Ministry of Internal Affairs of the Russian Federation*, 29.08.2011).

An assertion that the losses among law enforcement agents reduced was confirmed in the quarterly statistics of Memorial Human Rights Center based on the information of the “Voine.net” webpage.

Table 1. Losses of law enforcement agents and military personnel during the summer of 2011 according to Russian news agencies.

	June		July		August		TOTAL	
	killed	injured	killed	injured	killed	injured	killed	injured
Chechnya	3	7	4	18	8	21	15	46
Ingushetia	1	2	1	6	6	9	8	17
Dagestan	12	21	7	14	9	21	28	56
Kabardino-Balkaria	3	8	4	-	1	2	8	10
Stavropol Territory	-	-	-	2	-	-	-	2
TOTAL	19	38	16	40	24	53	59	131

In comparison with the similar statistics of the summer period of 2010 (in Dagestan, 56 men killed, 53 injured; in Chechnya, 20 men killed, 52 injured; in Kabardino-Balkaria, 14 men killed, 17 injured; in

Ingushetia, 9 men killed and 27 injured; the total number of losses among law enforcement personnel in that time period made 102 men killed and 152 injured), it is obvious that the number of casualties has decreased in all the republics.

During the year before last summer, 2009, the losses even made 142 thousand men killed and 208 injured. In general, the present level of casualties among representatives of law enforcement structures in the summer period which remains traditionally to be the highest due to the seasonal activation of insurgents turned out to be the lowest in the six years following the summer of 2006.

The law enforcement officers also think high of their “offensive strategy” as regards a substantial reduction in civil casualties: by 57 % as compared with the similar period of the past year (*the website the Ministry of Internal Affairs, 29.08.2011*). According to some alternative calculations by Memorial Human Rights Center, during the summer of 2011 32 people were killed by terrorists and 40 injured in the North Caucasus (these figures are qualified as approximate ones). Last summer, the analogous indices showed 31 people as killed and 109 as injured accordingly (a 51% reduction). The matter also concerns some accidental victims of terrorist acts and deliberate murders of people who, in the opinion of Islamists, do not observe Islamic moral rules (mass killings of people who drank alcoholic drinks during the month of Ramadan added to regular attacks on fortunetellers and alcohol sellers).

All the official statistics presented above and devoted to the operational activity originated from structures (federal and regional) of the Ministry of Internal Affairs. It is the most numerous and diverse. But when it comes to issues of registration, qualification and investigation of terrorist crimes of terrorist nature and when other law enforcement bodies (such as the Investigative Committee and Prosecutor’s Office) become involved in the process, there appears a confusion which passes understanding and which we witness while issuing one Bulletin after another during all the past years. The Ministry of Internal Affairs, the Investigative Committee of the Russian Federation and Prosecutor’s Office estimate such a key indicator as the level of terrorist activity in the first half of 2011 in diametrically opposing ways. **On 24 June**, Minister of Internal Affairs, **R.Nurgaliyev**, asserted that “*the subversive-and-terrorist activity*” had reduced by 36 % (we would note, in passing, this new term; it is also interesting to know in which indices this “activity” is estimated) (*ITAR-TASS, 24.06.2011*). Only few days later, **on 30 June**, Chairman of the Investigative Committee of the Russian Federation, **A.Bastrykin**, declared just the opposite: the number of crimes of extremist and terrorist nature grew in comparison with the previous year and also very abruptly: crimes of terrorist nature increased by 35 % and those of extremist nature of by 16 % (*RIA Novosti, 30.06.2011*). And lastly, Prosecutor General of the Russian Federation, **Y.Chaika**, finally confused everyone by declaring that as compared with the first half of 2010 the number of crimes of terrorist nature had increased by one and a half (i.e. by 50 %) and made 335. And moreover, in the long placated, as it would seem, Chechnya the Prosecutor General counted 135 similar crimes (just short of 40 % of all terrorist crimes registered in the whole North Caucasus Federal District!) (*RIA Novosti, 29.08.2011*). But according to the statistics of the Chief Administration of the Ministry of Internal Affairs of the North Caucasian Federal District, 184 crimes of terrorist nature had been recorded in first half of 2011, in which connection 151 of them fell Kabardino-Balkaria and Dagestan (*RIA Novosti, 15.07.2011*). Thus, according to one set of data 135 crimes of terrorist nature fall on Chechnya, while according to other sources only 33 crimes fall on Chechnya and Ingushetia taken together. The difference is fourfold! What is this: a complete incompetence of law enforcement structures and of their chiefs in particular? Or is it an absolute lack of incoordination in their work and a tough inter-authority struggle which lead to an absolute absence of contacts and an incongruity in professional terminology? Whom should we believe and who lies? If one takes statistics of one authority as a basis, then is there any guarantee against someone going a wrong way following false numbers? But one thing may be said for sure: law enforcement agencies have again made a laughing-stock of themselves. But this fact disturbs them least of all.

Let us consider the situation in each republic (according to statistics of the Federal Ministry of Internal Affairs and republican ministries of internal affairs; the other authorities have not published their regional data). “The offensive strategy” has produced an obvious effect, in the first place, in Kabardino-Balkaria. In Ingushetia, the situation has remained stable for the second year running, and in Dagestan, according to the opinion of law enforcement officers themselves, the situation continues to deteriorate. It is difficult to give

an objective evaluation of the situation in Chechnya, resting only on official information because it is obviously measured out in doses by local authorities.

In **Kabardino-Balkaria**, in the course of a few months they managed to knock down the surge of terror, which would soon flood, as it seemed, the Republic, turning it into a semblance of what it looked like in Ingushetia and Chechnya and what is going on now in Dagestan. Since *the end of February 2011*, a regime of counterterrorism operation began to have effect on part of the territory of the Republic (*the Elbrusky, Baksansky, Chegemsky and Chereksky Districts* and part of the city of Nalchik). During the first half of 2011, 52 members of illegal armed groups were annihilated and 61 people were arrested. 84 items of fire-arms (including 15 submachine-guns, 48 pistols, 2 machine-guns), as well as ammunition and explosives were withdrawn from the illegal arms traffic (*the website of the Ministry of Internal Affairs of Kabardino-Balkaria, 15.07.2011*).

While the law enforcement agents in the Republic of Kabardino-Balkaria, who were facing an abrupt surge of terrorist activity, showed some obvious perplexity on their part, as well as their inability to rebut the impudent and cruel enemy in the past year, now the law enforcement authorities are acting in a firm, resolute and often excessively tough manner (unfortunately adopting the experience of special operations carried out in the neighbouring republics). Some special measures aimed at improving the skills of local law enforcement agents in furnishing resistance to terrorist attacks are being taken. In particular, in summer a number of military exercises of power structures were carried out, the scenarios of which maximally approximated probable actions of insurgents. For example, in the course of the tactical-and-special exercises titled as “Organisation and Carrying out of Actions Aimed at Suppressing Terrorist Acts in an Air Transport Facility”, which took place *late in June*, a scenario was drilled when some small groups of insurgents “force” their way onto the territory of the airport “Nalchik” and “seize” hostages, using some evasive actions (*“Kavkazsky Uzel”, 30.06.2011*). *Early in July*, in Kabardino-Balkaria, some agencies of the Federal Security Service of Russia and the Ministry of Internal Affairs conducted exercises in “the protection” of the State Border in the area of Verkhnyaya Balkaria [*Upper Balkaria*]. In summer, in the vicinities of Nalchik, they even reactivated a ground of the Air Forces, on which “some assault activities of aircraft” were drilled in mountain conditions.

On 11 August, the regime of counterterrorism operation was revoked from 10 o'clock in the morning in some districts of Nalchik, namely in *Volny Aul, Khasanya* and *Belaya Rechka*, as well as in the majority of districts, except for the Elbrusky and part of the Baksansky Districts (*“Kavkazsky Uzel”, 12.08.2011; RIA Novosti News Agency, 11.08.2011*). The authorities associate the revocation of the regime of counterterrorism operation with a future restart of the tourist branch of the Republic. According to Head of the Republic, a restoration of the rope-way in Prielbrusye [*the vicinity of the Mt.Elbrus*] and then a presumable opening-up of mountain ski resorts (*RIA Novosti News Agency, 06.07.2011*) are planned to fulfilled by the autumn.

However, the struggle against the underground in the Republic is obviously far from being completed. “Pin-point” attacks of insurgents on law enforcement officers, often high-ranking ones, are continuing. Last summer they killed some officers, namely Major **A.Tunev** who had been sent on mission from the Perm Territory; **A.Tokhov** and **A.Bitokhov**, Majors of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria; Captain **A.Aslanov**; Lieutenant Colonel **Kh.Bogatryyov**, Deputy Chief of the Centre for Struggle against Extremism under the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria; Colonel **M.Sizhazhev**, Deputy Chief of the Operational Investigation Unit of the Department of Internal Affairs of the Baksansky District; and some other high-ranking officers.

The number of persons on the wanted list under articles of the Criminal Code of Russian Federation, usually imputed to insurgents (Articles 105; 205; 208; 222; 295; 317; and 318) not only failed to decrease as compared with the autumn-and-winter period, but also increased essentially by way of contrast (up to 41 persons, while there were 24 in spring 2011) (*please see the site of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, the Section “Search”*). *In August*, it was declared that there were 43 members of illegal armed groups wanted (10 internationally and 33 federally) (*RIA Novosti News Agency, 24.08.2011*).

It is Kabardino-Balkaria along with Dagestan that the main mass of crimes of terrorist nature fall on; and the general increase of them, according to the Ministry of Internal Affairs, made 40 % as compared with the past year. Here, 210 law enforcement officers suffered (*RIA Novosti News Agency, 15.07.2011*). In the Republic of Kabardino-Balkaria, agents of national security sustained the major part of losses early in 2011. According to some official statistics of the Ministry of Internal Affairs, from the beginning of the year and till **July 2011** 47 crimes were committed on the territory of the Republic of Kabardino-Balkaria, associated with incidents encroachment on the life of law enforcement officers, servicemen and persons executing justice and carrying out preliminary investigation. In the similar period of the past year, 108 similar crimes were recorded (*RIA Novosti News Agency, 11.07.2011*).

While the terrorist activity in Kabardino-Balkaria was essentially crushed had already been by the end of the spring, and the long-term highest ranks of local insurgents had been liquidated during the special operations, it is in no way possible to regain control over the situation in Dagestan.

Such towns and cities as *Makhachkala, Khasavyurt, Buinaksk, Kizlyar, Kizilyurt*, as well as the *Karabudakhkent*sky, *Kizilyurtov*sky, *Kizlyars*ky, *Magaramkent*sky, *Sergokalinsk*sky, *Untsukul*sky, *Khasavyurtov*sky, *Tsumadinsk*sky and *Tsuntinsk*sky Districts, are officially (according to President of the Republic, **M.Magomedov**) are considered to be the Republic's most extremism-affected areas. In this respect, the Khasavyurtovsky and Kizilyurtovsky districts; the Tsuntinsk and Tsumadinsk districts; the Karabudakhkent and Sergokalinsk districts border on each other, spaced at the same time wide enough from the other above-mentioned districts. Hence, it is possible to speak about a few relatively autonomous areas of the propagation of the underground ("*Kavkazsky Uzel*", 02.08.2011). Simultaneously, the insurgents do not keep in one place, migrating across the Republic's territory. Thus, according to the information of the Directorate of the Federal Security Service in Dagestan, out of 26 registered members of the bandit underground of the plain Kizlyar District, the major part represents natives of the high-mountain Tsuntinsk and Tsumadinsk districts ("*Kavkazsky Uzel*", 25.08.2011). The situation in the Kizlyar District, where 12 murders of active public figures who declared their aversion to extremism had been committed since the beginning of year, was separately discussed in the Government of Dagestan in August ("*Kavkazsky Uzel*", 25.08.2011).

During the first half of 2011, 118 crimes of terrorist nature were committed on the territory of Dagestan, which number was bigger by 19 as compared with the similar period of the past year. Among other crimes, the insurgents carried out 76 bombardments and 42 blasts (*RIA Novosti News Agency, 24.06.2011*). For the six months of 2011, the federal forces lost 40 policemen in Dagestan; 74 men got wounded. Thus, in the Republic 100 people were killed and 118 detained ("*Kommersant*", 28.06.2011).

In order to fight the insurgents, the federal authorities are compelled to build up the group of law enforcement bodies in the North Caucasus. **In March 2011**, some there passed silent messages regarding the strengthening of the groups of law enforcement bodies in Kabardino-Balkaria and Dagestan. They were also confirmed by officials from the General Headquarters of Commander-in-Chief of Internal Security Troops of the Ministry of Internal Affairs ("*Novoye Delo*"[*new business*], 28.03.2011). In the Republic of Kabardino-Balkaria, these measures have obviously promoted a certain improvement of the situation. And in Dagestan, some new strengthening of the local law enforcement bodies was required already in summer. In the end of summer, President of the Republic of Dagestan met with President of the State. According to M.Magomedov, following the results of the meeting **on 19 August** in Sochi with **D.Medvedev**, Head of the State, and considering the complexity of the operative conditions, the increased burden on officers of the Federal Security Service of Russia, of the Ministry of Internal Affairs and on servicemen of Internal Security Troops of the Ministry of Internal Affairs of Russia, a commission was given in order to increase the number of divisions of Internal Security Troops up to 7 thousand men in the Republic (*RIA Dagestan, 19.8.2011*). Forming a Group does not mean that several thousands policemen from other regions will be additionally detached to Dagestan. On the contrary, its basis will be constituted by officers of the Ministry of Internal Affairs of the Republic of Dagestan (5497 men). Besides, the Group will include 150 officers of the Special Designation Police Detachment and the Specialised Designation Police Detachment, 878 servicemen of Internal Security Troops of the Ministry of Internal Affairs of the Russian Federation, among them 500 men from the composition of special purpose divisions, as well as and 10 crews of the

Road Patrol Police of the Ministry of Internal Affairs of the Russian Federation. All these forces will engage in the struggle against the underground. And this is being done despite the fact that some special antiterrorist divisions are already operating in the Republic: a mobile group of the Ministry of Internal Affairs of the Russian Federation in Dagestan; reserves of special divisions; and a group of internal security troops (“*Kommersant*”, 28.6.2011). In the autumn of the last year, a big public response was caused by the formation of a special detached unit out of natives of Dagestan в составе of the 102-nd Brigade of Internal Security Troops of the Ministry of Internal Affairs, deployed on the territory of Dagestan. It got its informal name as “Group-800” (according to the regular number of its fighters). It was not specified what relation “Group-800” and other divisions of the Ministry of Internal Affairs would have to the new antiterrorist structure.

In **Ingushetia**, the situation is on the whole stable. According to the information of the Minister of Internal Affairs of the Russian Federation, **R.Nurgaliyev**, 165 similar attacks on law enforcement officers were registered in 2009, whereas already 104 in the past year. For the five months of the current year, only 11 crimes of this kind have been committed, although as a whole the situation is characterized as “unvaryingly complicated” (*ITAR-TASS*, 14.06.2011).

The local authorities knowingly try to transmit just good news from the Chechen Republic, the same as they did in the previous years. In this Republic, officials do not get tired of striking verbal blows on the opponent and without fail call them “final” and “determined” attacks. The same is true for the last summer, when Minister of the Ministry of Internal Affairs of the Chechen Republic, **R.Alkhanov**, summarising the work of his Department for the last half-year, set a task of “carrying out actions for a *final* liquidation of the debris of bandit groups and of the terrorist underground” (*the website of Head and of the Government of the Chechen Republic*, 20.07.2011). If one operates in terms of figures, then during the operative, search and special operations conducted during the first six months of the current year 30 insurgents and 79 members of illegal armed groups were detained as a result of joint actions of officers from the Ministry of Internal Affairs of the Chechen Republic; the Ministry of Internal Affairs of Russia; the Directorate of Federal Security Service of Russia; and other power structures. In addition, 21 members and accomplices of illegal armed groups are inclined to an appearance with guilty (*RIA Novosti News Agency*, 10.08.2011). There is no knowledge about any victims among Chechen agents of national security, however **R.Alkhanov** made an exotic enough statement that the most part of losses which are being sustained now by Chechen agents of national security, are due to explosions of mines and ammunition left from the first and second Chechen wars.

Judging by a casual find in the place of a fight in the Khasavyurt District of Dagestan, the insurgents do not experience any considerable hardships regarding their financing. Here, a group of insurgents was chased for three days, *from 15 to 18 August*, in a big forest area. Six of them were killed, and some law enforcement officers suffered too.

While combing the locality, the law enforcement officers found some bags with money, which made no less than 37 million roubles. It is assumed that the Khasavyurt group of insurgents had collected the funds from local businessmen, using blackmail and threats (“*Kommersant*”, 19.08.2011). According to some unconfirmed information, Head of the Untsukul'sky District, Magomedgadzhi Tagirov, who was killed together with his son, his security guard and his driver, also forfeited his life *on 2 August*, for his unwillingness to pay “a tribute” to people from “the woods” (“*Kavkazsky Uzel*”, 03.08.11). And *on 11 August*, in the Dagestanian town of *Izberbash*, officers of the Directorate of Federal Security Service of Russia and the Ministry of Internal Affairs of Dagestan detained an inhabitant of the Republic who was extorting 200 thousand roubles from a businessman for needs of insurgents (*the website “No to War”*, 11.08.2011). Pieces of information about cases of insurgents extorting money from businessmen come from other republics as well. *On 5 August*, in Nalchik, the police detained a local resident suspected of having extorted 5 million roubles from a businessman for financing an illegal armed group (*RIA Novosti News Agency*, 05.08.11). *On 11 July*, a criminal case concerning a charge of an inhabitant of the Dinsky District of the Krasnodar Territory of financing an illegal armed group in the North Caucasus was initiated in the Sovietsky District Court of *Krasnodar* (“*Kavkazsky Uzel*”, 11.07.2011).

New decisions of the European Court of Human Rights with respect to the North Caucasus

Last summer, the European Court of Human Rights in Strasbourg adopted 11 decisions on cases of infringement of human rights in the zone of conflict in the North Caucasus. In two cases (“Gerasiyev and others versus Russia” and “Nakayev versus Russia”) the interests of the aggrieved party were represented by a lawyer of Memorial Human Rights Center, Dokka Itslaev and in two more (“Velkhiyev and others versus Russia” and “Isayeva and others versus Russia”) lawyers of Memorial Human Rights Center and the European Human Rights Advocacy Centre (EHRAC) pleaded jointly. The Court obliged the Russian Federation to pay to the applicants an indemnification of the moral damage at a rate of 675000 euros; of the material damage at a rate of 401000 euros; and 26500 euros and 5249 pounds sterling for litigation expenditures.

The Summer Session of the Strasbourg Court was marked by an important precedent: **on 29 July, 2011** the Court applied Rule 39 of the Regulations of ECHR (security measures) for the first time in cases concerning the conflict in the North Caucasus, namely with respect to the case of Tamirlan Suleimanov abducted in Grozny **on 9 May 2011**.

T.Suleimanov was carried away in some unknown direction from his work in Grozny. Two days before, he was also taken away from his work, presumably by some officers of the Staropromyslovsky District Department of Internal Affairs in the city of Grozny. He was repeatedly beaten and forced to confess to the preparation of a terrorist act but was soon released.

On 9 May, right after the second abduction of Tamirlan, his father, **Doka Suleimanov**, applied to the Oktyabrky District Department of Internal Affairs where the circumstances of the case were recorded based on his story. **On 10 May**, the father lodged a written application to the Investigating Committee and Public Prosecutor’s Office, whereas the inspectors interrogated some witnesses of the abduction at the scene of the crime. **On 18 May**, the Investigation Department of the Investigating Committee of the Chechen Republic filed a criminal case under Article 126 of the Criminal Code of the Russian Federation (abduction committed by a group of persons according to previous concert, using life-threatening violence). The father of T.Suleimanov also managed to find out that the chief of one of regional departments of internal affairs of the Chechen Republic might have been involved in the abduction.

On 24 May, Memorial Human Rights Center lodged a complaint with the European Court on behalf of the father of the abducted person, as well as a request for the application of Rule 39.

On 26 July, considering some additional information, Memorial Human Rights Center lodged one more inquiry regarding the application of the 39-th Rule. According to some new data, Suleimanov was presumably on the premises of “the base” of the Kurchaloyevsky District Department of Internal Affairs in *the village of Yalkhoi-Mokhk*.

The Court requested for the Government of Russia to give an explanation concerning T.Suleimanov’s probable location on this “base” and applied Rule 39 **on 29 July 2011** having received no irrefragable answer. The Court pointed out that it was necessary to ensure a full access to all the premises of “the base” in the village of Yalkhoi-Mokhk to the investigating bodies. The Court indicated that it was essential to take measures in order to establish whether T.Suleimanov was being kept in that place (or whether he had been held in detention there earlier).

Strictly speaking, Rule 39 is directed not at protecting an individual person but at ensuring a lawful procedure with respect to them: *“At the request of a party to a case or at the suit of any other interested person”, a court “may explain preliminary measures to parties, which... should be taken on behalf of them or in the interests of appropriate implementation of an investigation carried out”*. It may be said that by applying this Rule the European Court strives not to allow any irreparable wrong. Rule 39 is often used for cases concerning an extradition (for example, in countries where death penalty remains in force). Formerly, the Court refused to apply Rule 39 for cases of abduction of people in the North Caucasus.

The Government of Russia should have given a full report on the fulfillment of these instructions of the Court before 2 August 2011. However, a reply which came with a delay appeared to be superficial and unconscientious. Presently, ECHR are preparing an appeal against this on behalf of the Applicant.

Meanwhile, an acute legal collision around the decisions of the Strasbourg Court, which is connected with a legislative initiative of Senator **A. Torshin**, is reaching a crisis point. **On 27 July**, the State Duma's Committee for Constitutional Legislation and State Construction recommended to pass the bill introduced by A. Torshin in the first reading. It envisages that the Constitutional Court should establish whether Russia shall execute decisions of the Strasbourg Court or not - in case Russian legislation and the European Convention for the Human Rights Protection and Fundamental Freedoms disagree. A positive decision on a complaint of **Konstantin Markov**, a captain of the Russian Army and a divorced father of three children, taken by Strasbourg judges was a reason for the emergence of such a situation. He complained that according to Russian legislation he could not be granted a leave for baby-minding. With the whole insignificance of this special case, as it might appear, one should not forget that the Russian Federation is a long-term leader as far the number of complaints lodged with the European Court is concerned, and this quantity is estimated to amount to dozens of thousands. Decisions made by the Court are much less in number, but nevertheless at least a small part of Russians has a possibility to seek justice, without finding it in their country. The initiative of A. Torshin can drain this feeble streamlet.

Representatives of the Russian human rights community have addressed themselves to the deputies of the State Duma with an open appeal containing a warning against severe international and legal consequences for Russia in case this law is adopted. Item 4 of Article 15 of the valid Constitution of the Russian Federation clearly and unambiguously establishes a priority of international conventional rules over national legislation and enables individual persons and legal entities to directly refer to universally recognised pacts and conventions in the matter of protection of their rights and legitimate interests.

In this connection, the provisions of the bill introduced cannot be at all considered before a respective alteration of the Russian Constitution takes place. Involvement of any state in any contractual relations is a voluntary matter. This concerns the recognition of the priority of ECHR decisions over Russian national legislation as well. Russia's observance of its obligations in the field of human rights is a criterion of its civilised status in the community of European countries (*"Kavkazsky Uzel"*, 30.06.2011; *"Novaya Gazeta"*, 30.06.2011).

Gerasiyev and others versus Russia (the decision was made on 7 June 2011)

In the beginning of April 2000, the village of *Shaami-Yurt* of the Chechen Republic was subjected to bombardment. A few inhabitants, including **Valid Gerasiyev**, concealed themselves in cellars. **On 5 April 2000**, some federal army troops began a special operation in the village. The servicemen ordered the inhabitants to leave their cellars for checking documents. After the check they seated V. Gerasiyev in a mini-bus and drove him away in an unknown direction. Since then, there has been no news about him. Three other inhabitants of the village were also detained on that day. One of them was later found killed, and two more were missing.

The European Court considered the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 60000 euros as an indemnification for the moral damage to all applicants together; and 5500 euros as a compensation for litigation expenditures.

Vitayeva and others versus Russia (the decision was on 7 June 2011)

The applicants to the case are the wife, mother and son of **Magomed Kudayev** who disappeared after his abduction by some servicemen who spoke Russian and Chechen from his house in *Grozny*.

In the evening of 27 March 2004, around 22:00, some armed servicemen broke into the house of the Applicant. Magomed was ordered to dress himself and follow the men. They had arrived in two UAZ cars. These vehicles were later seen at a block post on the road leading to Khankala where a Russian military base is situated. From the information received by the applicants and confirmed with files of the case, it follows that Magomed was probably abducted by some servicemen of the Battalion “Vostok” [east] and delivered to their base in *Vedeno* where he was admittedly tortured.

The European Court declared the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 20000 euros as an indemnification of the material damage to two applicants together; 60000 euros as a compensation for the moral damage to all the applicants together; and 4500 euros for litigation expenses.

Kosumova and others versus Russia (the decision was made on 8 June 2011)

The applicants to the case are immediate relatives of **Abdula Kosumov** who disappeared after he was abducted by some Russian servicemen from his house in *the village of Mesker-Yurt of the Chechen Republic*.

Early in the morning of 22 November 2002, a group of Russian servicemen burst into the house of Abdula. The abductors did not introduce themselves. They covered Abdula’s head with cloth and took him out into the street, he having only his underwear on. The first group of the officers searched Abdula’s house while the other one rushed into the part of the house belonging to his brother and fired on the entrance door. Half an hour later, the servicemen allowed Abdula to dress himself and drove him away. Some men remained in the courtyard and prevented his relatives from leaving the house. On the same night, one more person was detained in the village of Mesker-Yurt.

The European Court considered the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 20000 euros as an indemnification for the material damage to two applicants together; 60000 euros as a compensation for the moral damage to all the applicants together; and 4500 euros against litigation expenses.

The Movsayevs versus Russia (the decision was made on 14 June 2011)

The applicants to the case are the wife and brother of **Salambek Movsayev** who disappeared after his detention by law enforcement officers. *On 23 February 2006*, S.Movsaev was going to *Grozny* with his wife and son. In *the village of Chechen-Aul*, his car was stopped by two armed people. They asked Salambek what his name was, pulled him out of his car and forced him to take a seat in one of the cars standing nearby. Seven or eight armed men more, dressed in camouflage uniforms, got out of these cars and were observing the occurrence. The wife of Salambek tried to run after her husband, but the abductors ordered her and her son in Chechen not to interfere, threatening with their weapons. Some local residents were also witnesses to the abduction.

18 days later, *on 13 March*, the body of Salambek with two gunshot wounds was found in the immediate vicinity of the police station of the Oktobrsky District of Grozny. There were some traces of torture on the body, to which he was probably subjected in the confinement.

A preliminary investigation into the fact of S.Movsayev's death was suspended for a period from *13 June* till *22 October 2009*. The identities of the criminals have not been established.

The European Court emphasised that the authorities failed to take critically important investigatory actions for the case. At the same time, the Court considered that the abduction and death of Salambek could not be certainly imputed to representatives of the state. The European Court declared the Russian authorities to be responsible for an infringement of Article 2 (a right to life) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 15000 euros as an indemnification for the moral damage to the First Declarant and 9000 euros as a compensation for the moral damage to the Second Applicant; and 2000 euros against litigation expenditures.

Isayev and others versus Russia (the decision was made on 21 June 2011)

The applicants are four relatives of **Zelimkhan Isayev**. *In the evening of 9 May 2004*, Z.Isayev together with his stepsister, **Lipa Dudusheva**, was at his home in *the village of Goi-Chu of the Chechen Republic*. Around 20:30, some armed people wearing masks rushed into their internal courtyard, seized Zelimkhan and handcuffed him. Zelimkhan did not render any resistance. The armed men searched the house, not finding anything illegal. Then they seated Zelimkhan into an UAZ car and drove him away in some unknown direction. The relatives of Z.Isayev tried to pursue the UAZ car but unsuccessfully.

On 10 May, the relatives of Zelimkhan got to know that he had been kept in the Urus-Martanovsky Department of the Federal Security Service of Russia after his detention, and then he had been transported to the Urus-Martanovsky District Department of Internal Affairs. One of officers of the Federal Security Service of Russia informed the relatives that Zelimkhan had showed resistance during his detention and had been wounded.

On 12 May, Zelimkhan was brought to a hospital. His brothers managed to meet him and photograph injuries on his body. Zelimkhan told his relatives that after his detention on 9 May the officers of the Federal Security Service of Russia tortured him all night long; in particular, they applied electric current and seared open areas of his body with burning cigarets, beat him with rubber bludgeons in order to force him to tell them “everything that he knew”. *On 10 May*, Zelimkhan agreed to sign some documents without reading them. After that, he was transported to the District Department of Internal Affairs.

On 16 May, the health of Zelimkhan abruptly deteriorated, and in the night of the same date he died of an acute renal insufficiency, anuria, pulmonary oedema and other traumas.

The European Court considered the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 78000 euros as an indemnification for the moral damage to all applicants together (www.memo.ru/2011/06/22/2206112.html).

Giriyeva and others versus Russia (the decision was made on 21 June 2011)

The applicants to the case are the mother, brother and sister of **Isa Aigumov** who disappeared after his detention by Russian servicemen in his own house. *On 9 January 2002*, a group of armed servicemen approached the house of the applicants in *the village of Avtury of the Chechen Republic*. Isa was taken out and seated in a car. The servicemen searched the house. They found nothing, and before their departure they blocked the entrance door with a metal pipe lest the people should leave the house. Some witnesses noticed the cars to depart in the direction of *the town of Shali*. Isa has not been seen ever since. The investigation into the fact of his disappearance proved to be ineffective.

The European Court considered the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to

freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 12000 euros as an indemnification for the material damage to the two applicants together; 60000 euros as a compensation for the moral damage to all applicants together; and 5500 euros against litigation expenditures.

Makharbiyeva and others versus Russia (the decision was taken on 21 June)

In the evening of **24 March 2001**, a certain **Adam Makharbiyev** and his two cousins I. Makharbiyev and L.Makharbiyev were driving from *the village of Chernorechye to the village of Gekhi of the Chechen Republic*. At a block-post supervised by officers of the Special Designation Police Detachment from *Yaroslavl*, their car was stopped. All the three men were detained. Brothers I. Makharbiyev and L.Makharbiyev were brought to Regional Commandant's Office. L.Makharbiyev was released next day, and I.Makharbiyev yet one day later. Adam's arrest was confirmed by Military Commandant's Office, but he was not released. And he has been missing since then.

The European Court established an infringement by the Russian Federation of a number of articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular, Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard).

The Russian Federation is obliged to pay 101000 euros as an indemnification for the moral and material damage against the cases “**Makharbiyeva and others versus Russia**”, as well as “**Nakayev versus Russia**” (please see below).

Nakayev versus Russia, (the decision was made on 21 June 2011)

On 4 December 1999, between 11:00 and 12:00, some Russian power structures began their artillery-and-missile bombardment of *the village of Martan-Chu of the Chechen Republic*. A certain **Ibragim Nakayev** was visiting his friends when a shell hit his car parked nearby. Ibragim suffered multiple hits and had to repeatedly undergo medical examination and treatment. Despite his application for excitation of a criminal case, it has been not clear till now, whether a case has been brought before a court.

The European Court established an infringement by the Russian Federation of Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (a right to an effective means of legal safeguard).

Velkhiyev and others versus Russia (the decision was made on 5 July 2011)

The Applicants for the case are two relatives of **Bekhan Velkhiyev**. **In the morning of 20 July 2004**, B.Velkhiev was in the house of his brother Bashir in *the Ingush village of Barsuki*. Around 8:30, approximately 30 armed people dressed in camouflage uniforms broke into the courtyard and drew a bead on the children of Bashir. Without showing a warrant, the servicemen searched the house. Having withdrawn 10300 euros and valuable things, they seated Bekhan and Bashir in a car and drove away to the the Department for Organised Crime Control under the Ministry of Internal Affairs of the Republic of Ingushetia in *the city of Nazran*.

After the first interrogation, Bekhan and Bashir were taken different cells. Bekhan later said that the officers of the Department tortured him: they beat him with rubber bludgeons, hitting his backbone among other spots; applied electric wires, moistened with water, to his groin. The officers of the Department demanded that Bekhan should tell them about the attacks recently launched by insurgents on *the city of Nazran*. Bekhan heard shouts of other people who were probably being tortured too. Then he fainted. When Bekhan came to his senses, he was placed in a cell, and then he was translated to another one located in the building of the Ministry of Internal Affairs in Nazran.

Next morning, around 8 a.m., Bekhan was released by the Investigator of Public Prosecutor's Office of Nazran. The Investigator informed him that Bashir had not survived after being tortured. A medical forensic examination of the corpse of Bashir showed a presence of multiple bruises, suffered as a result of infliction of repeated blows using heavy blunt subjects (bludgeons), of cuts on the wrists, as well as of traces of stabs on the breast. The injuries were inflicted in the course of 24 hours preceding the death and provoked a traumatic shock which caused it.

A long investigation of the murder brought but one rank-and-file police officer to the prisoner's box, who was acquitted by the Nazranovsky Court in 2007. Chief of the Department for Organised Crime Control, **Bakharoyev**, whom the relatives of Velkhiyev considered to be a real initiator of the death of Bashir, was killed after a while, presumably by insurgents. An investigation concerning "the unknown officers of the mobile detached unit" continued till **2009**. The investigation was suspended and then renewed again.

The European Court declared the Russian authorities to be responsible for an infringement of Article 2 (a right to life), Article 3 (prohibition against inhumane and dishonouring treatment), Article 5 (a right to freedom and personal inviolability), Article 13 (a right to an effective means of legal safeguard).

The Russian Federation is obliged to pay 130 000 euros as an indemnification for the moral and material harm and 5 248,55 pounds sterling against the reimbursement of litigation expenditures

(www.memo.ru/2011/07/06/0607113.html).

Khashuyeva versus Russia (the decision was made on 7 July 2011)

The Declarant is **Kameta Khashuyeva**, the mother of the 11-year-old **Mamed Bagalayev** who died after he was hit by a casual bullet during an exchange of fire in *the town of Shali on 1 August 2003*.

That day Mamed played with his brothers in the courtyard of his house in Shali when a group of servicemen arrived at the place in a GAZ-53 truck and armored troop-carrier. The men got out of the truck and opened fire. It was found out that they were carrying out a special operation. The children ran to a temporary shed which was in the courtyard in order to hide. Being already on the premise, Mamed noticed that he was bleeding and then he fainted. Later, a few men dressed in camouflage uniforms and wearing masks went into the shed where the profusely bleeding Mamed lay. Despite some requests of his sister, **Rezeda**, they refused to help the child. Only about one hour later, when the special operation ended, a district police officer took the boy to a hospital, but the doctors had nothing to do but to verify his death.

A criminal case on the grounds of Mamed's death was initiated, which was eventually suspended "*in view of a failure to establish a person subject to be brought to a criminal trial*".

The Court considered that the boy was killed by Russian servicemen themselves, as it was established that the city was completely supervised by them on that day, and the truck in which they approached the place was also withdrawn by Russian military men from a local resident.

The European Court considered the Russian authorities to be responsible for an infringement of Article 13 (a right to an effective means of legal safeguard) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 45000 euros as an indemnification for the moral damage.

Gubiyev versus Russia (the decision was made on 19 July 2011)

The Applicant for the case is Businessman **Suleiman Gubiyev**. His mill was blown up by Russian military men from Troop Unit No.3660 of the Internal Security Troops of the Ministry of Internal Affairs of the Russian Federation in *the village of Chechen-Aul of the Chechen Republic in 2000*. A refuelling station nearby also suffered a damage. Both the facilities belonged to the Limited Liability Company "Voskhod" [*sunrise*] of which S.Gubiyev was a founder. The owner passed through all judicial instances in Russia, but they refused him a payment of an indemnification.

The Strasbourg Court decreed that Russia infringed on a right to protection of property, namely it violated Article 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Russian Federation is obliged to pay 6000 euros as an indemnification for the moral damage; 340000 euros as indemnification of the material damage; and 4500 euros against the reimbursement of litigation expenditures.