

ПРАВООЗАЩИТНЫЙ ЦЕНТР "МЕМОРИАЛ"

MEMORIAL HUMAN RIGHTS CENTER

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

Тел. +7 (495) 225-3118

Факс +7 (495) 699-1165

E-mail: memhrc@memo.ru

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



Bulletin of Memorial Human Rights Center

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

Autumn 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 autumn 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.

Table of Contents

Kabardino-Balkaria: nine months of the Counter-terrorism Operation. What are the results?.....	1
Kabardino-Balkaria: nine months of the Counter-terrorism Operation. The Prielbrusye on the breaking point of endurance.....	6
Kabardino-Balkaria: violation of human rights in autumn 2011.....	11
Kabardino-Balkaria: judicial trials with respect to members of the armed underground....	13
The practice of "the adaptation" of insurgents: Dagestan, Ingushetia and Kabardino-Balkaria. .	16
Dagestan: violations of human rights and a rising tide of civil confrontation.....	21
Ingushetia: a trial of Karabulak policemen.....	27
Chechnya: the front of the building and its backside.....	31
New decisions of the European Court of Human Rights with respect to the North Caucasus...	35
Filing new complaints.....	36

Kabardino-Balkaria: nine months of the Counter-terrorism Operation. What are the results?

A considerable part of our Bulletin is devoted to the situation in *Kabardino-Balkaria* and the process and outcomes of the Counter-terrorism Operation continuing on a large part of the territory of

the Republic *from February till December 2011*, as well as to its social and economic consequences, the situation in the sphere of human rights and judicial trials concerning cases of recent years. Unlike *Chechnya, Ingushetia* and *Dagestan*, where one may tie up with some reservations, the fact of the unfavourable situation (the incipience of the fundamentalist terrorist underground, the vicious circle of terror and antiterror) with the armed confrontation, the same explanation not holding good for Kabardino-Balkaria. Here it has already been obvious since long ago, that the negative potential of Islamic fundamentalism is being released in the first place due to efforts of state structures, namely administrative, law-enforcement and security agencies. In the struggle against “extremists” and terrorists, they systematically neglect and violate human rights, only creating mobilisation potential for their opponents in this manner. Memorial Human Rights Center already wrote about it¹, while analysing the preconditions of the open armed march-off the Kabardino-Balkarian Jama’at *on 13-14 October 2005*. The judicial investigation and then a trial of the participants of those events have proceeded for six years running, however the flow of messages from the Republic testifies to a fact that it failed to break loose from the vicious circle.

* * *

On 5 November 2011, the legal regime of the Counter-terrorism Operation, introduced in *the end of February 2011* after a series of attacks of the insurgents, was completely called off in Kabardino-

1 A.Zhukov. Kabardino-Balkaria: Heading for a Catastrophe. Moscow; Memorial Human Rights Center, 2008.

Balkaria. These offences included: an attack of insurgents² on a group of Moscow tourists *on 18 February 2011* at the entrance of *the village of Zayukovo of the Baksansky District*; a demolition of the ropeway *Azau – Stary Krugozor on the Mt. Elbrus* in the night of *19 February* and a detection of a car with a high-yield bomb near a hotel in *the Elbrus District*. The settlements of *Tyrnyauz; Kendelen; Bedyk; Bylym; Tegenekli; Terskol; Elbrus; Neitrino; Verkhni Baksan; Lashkuta of the Elbrus District, Zhankhoteko; Zayukovo; Atazhukino and Islamei of the Baksansky District* found themselves in the zone of the Counter-terrorism Operation where a special legal regime had been carried out. *On 27 February*, the regime of the Counter-terrorism Operation was also introduced on part of the territory of the city of *Nalchik* and in some settlements of the *Chegemsky and Chereksky districts (News Agency Interfax, 07.11.11)*.

In the beginning of *October 2011*, **Rashid Nurgaliyev**, Minister of Internal Affairs of the Russian Federation, while assessing the criminogenic situation in Kabardino-Balkaria, informed that the number of crimes of terrorist nature, committed in the Republic since the beginning of the year, reduced twofold in comparison with the similar period of the past year (*RIA Novosti News Agency, 05.10.2011*). *On 17 November 2011*, **Valery Ustov**, Head of the Investigation Department of the Investigating Committee in Kabardino-Balkaria summed up the outcomes of the Counter-terrorism Operation at a press conference in Nalchik: according to him, the underground in the Republic is presently “*not so powerful as it was earlier, but it influences the criminogenic situation in Kabardino-Balkaria*”. According to his version, from the beginning of the year till *16 November*, 74 acts of encroachment on the life of law enforcement officers and servicemen were committed in the Republic of Kabardino-Balkaria (out of this number, 41 were committed during special operations of agents of national security, aimed at liquidating members of illegal armed groups). In 2011, 27 law enforcement officers were killed (the same number of men were killed in the period from January till November of the past year and 33 men during the year 2010), 32 officers wounded (44 in the past year). Besides, according to V.Ustov, it was proved that that year members of illegal armed groups killed 12 peaceful citizens, who did not have any relation to security structures, and three times encroached on the life of heads of administrations of *Chegem, Khasanya* and *Verkhnyaya Zhemtala* (two of them were killed) (“*Gazeta Yuga*”, *24.11.2011*).

In 2011, agents of national security killed 70 insurgents (16 for the whole period of the past year), out them 20 were wanted leaders and members of the bandit underground.

General-Lieutenant V.Ustov published some striking figures which, as a rule, remain as such only on pages of office documents: according to information of the Federal Security Service of Russia, the Ministry of Internal Affairs and the Investigating Committee of Russia, there are 874 persons in Kabardino-Balkaria, who are members of illegal armed groups, as well as people who “*sympathised and helped them*”. V.Ustov explained: “*These numbers are indisputable. They also include 44 persons who are on the wanted list. These 44 are likely to both blast and kill some twenty more people. In 2007, they numbered 500 persons and 860 in 2010. These are both operative and investigatory data. This is but obvious: some 10 persons escape at a time, and they are no more there. Believe me, these are figures approximating the reality. After all, it may be seen in every settlement, who was a member of which group and whose statements were not absolutely correct and lawful. At some instant such people disappear. And it is clear where they escape... And some data appear... They appear on the*

² This crime is considered to have been solved. As for the motive of the criminals, the most absurd story, as it would seem, prevailed in the course of the investigation: the militants chose that very tourist group because they regarded that a kinswoman of **Nikolai Patrushev**, formerly Director of the Federal Security Service of Russia and presently Secretary of the Security Council of the Russian Federation (the woman had the same surname). As **B.Ustov**, Head of the Investigation Department of the Investigating Committee in Kabardino-Balkaria reported, the militants “*informed everyone here and there about the date of their departure and about the tourists’ camp to which they were heading both via the Internet and using other methods. The criminals tried to capture the group, and after they failed to do it a murder occurred...*” (“*Gazeta Yuga*”, 24.11.2011). A murder weapon – a Kalashnikov-type submachine gun – was later seized in the place of the battle with a detachment of insurgents in the settlement of Progress of the Stavropol Territory at the border with Kabardino-Balkaria, where practically the whole ruling clique of the Republic’s underground was annihilated).

Internet, threatening officers of power agencies and representatives of the authority. I think, this figure is real” (“*Gazeta Yuga*”, 24.11.2011). From this somewhat addle comment, it is possible to draw a conclusion that according to agents of national security, all these persons, except for active insurgents, make up a kind of “a mobilisation reserve” of the underground, which is still rather considerable in the Republic of Kabardino-Balkaria, while just “the tip of the iceberg” appears to be seen on the surface. The last fact is easy to check up by comparing a list of 44 searched-for insurgents, posted on the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, with the surnames of 16 insurgents reported by law enforcement agencies as annihilated or detained this autumn during special operations.

Out of this number, 14 were not included in the list of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, though after carrying out special operations it was, as a rule, reported that eliminated persons were on the federal wanted list. On the other hand, two individuals from the list of wanted persons, relevant for **December 2011** (the list is dated **as of 8 November 2011** on the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria) had long been liquidated, namely **Ruslan Batyrbekov - on 7 October 2011** and **Alim Lampezhev – on 3 September 2011**. Anyway, the lists of wanted persons, which are being published, are not obviously full, and the strength of active insurgents in the Republic is certainly higher. If one considers the fact that, according to General V.Ustov, 103 persons were detained during a year on suspicion of their involvement in and assisting the activity of illegal armed groups in the Republic of Kabardino-Balkaria (“*Gazeta Yuga*”, 24.11.2011), and 70 liquidated, as stated above, then the total number of the insurgents and their “sympathisers” as of 2011 appears to be around a thousand persons. The fact that the underground does not reduce, is also indirectly admitted by republican agents of national security. In an address of the Operations Headquarters of the Republic of Kabardino-Balkaria **on 24 October 2011** it is reported, in particular, that “*leaders of the so-called bandit underground acting on the territory of the Republic are carrying out their active work aimed at remanning their numbers. “Fighters for sanctity of belief” are recruiting young men for their gangs*” (the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, 24.10.2011).

It is no wonder that before and after the cancellation of the Counter-terrorism Operation the activity of insurgents shows no trend for decrease, and armed clashes with representatives of law-enforcement agencies continue.

Also, easily distinguishable is the handwriting of Kabardino-Balkarian insurgents: savage punishments of harmless citizens who appeared to be in their path or who did not yield to their racket.

Thus, **on 3 October**, 50-year-old **Suadin Pshukhov** was shot in Nalchik, owner of a refuelling station, known to everybody by the fact that he bred Kabardian horses for the sake of reviving Kabardian national traditions and took part in arranging horse processions (*"Kavkazsky Uzel"*, 13.10.2011). It is known that Islamists are extremely irritated at the revival of national - in their opinion pagan - traditions not regulated by Islam.

On 7 October, **Mukhtar Baizullayev**, Director of the hotel complex "Ushba", was shot in Tyrnyauz reportedly for his refusal to pay "a zakyat" (a tax) to insurgents at a rate of 500 thousand roubles as some mass-media inform (*"Kavkazsky Uzel"*, 08.10.2011; *"Gazeta Yuga"*, 13.10.2011).

The same day, on 7 October, **around 21:00**, in the high-mountainous *settlement of Neitrino of the Elbrusky District* a 56-year-old married couple of two employees of the Baksansky Neutrino Observatory of the Institute of Nuclear Investigations of the Russian Academy of Sciences, was killed by two criminals, namely **Zhamal Guliyev**, Chief Engineer of the Laboratory Building and **Yelena Guliyeva**, Systems Administrator of the Observatory. The 84-year-old mother of the killed woman, **Ye.P.Vasilyeva**, was tied up (*"Kavkazsky Uzel"*, 07.10.2011, 10.10.2011). According to one of versions, this was a revenge of the underground. Around a year ago, **Khussein Lokyayev**, an inhabitant of the settlement of Neitrino, who was on the wanted list (**on 10 June, 2011**, he was killed in the course of armed clashes near the settlement) was pasting leaflets near entrances of apartment houses, which ordered not to take alcoholic drinks and not to sell the same in shops. Zhamal tore a leaflet off his entrance. This incident was seen by someone of his neighbours. Some time later, when he was going home after parking his car, he encountered Lokyayev. The latter hit Guliyev several times, reminding him of the leaflet and warning against touching such messages in future (*"Gazeta Yuga"*, 13.10.2011; *"Kavkazsky Uzel"*, 16.10.2011). The persons suspected of the murder of the scientists were killed a few hours later. They were: an inhabitant of Tyrnyauz [*tyrny'uz*], **Rustam Benigerov**, and an inhabitant of *the Saratov Region*, **Minayev**, who left his native places two years ago and appeared in Kabardino-Balkaria. Some documents and personal belongings from the house of the Guliyevs were found with the killed persons.

On 11 November, **Akhmat Gegrayev**, General Director of the firm "Ahmat and K", a father of five children, was killed in *the village of Yanikoy of the Chegemsky District*. The firm headed by him was engaged in manufacturing ash blocks, big consignments of which were being sold in Chechnya (*"Gazeta Yuga"*, 17.11.2011). At a press conference which took place a few days later Chief of the Investigation Department of the Investigating Committee in the Republic of Kabardino-Balkaria, V.Ustov, informed that the killed person had been receiving threats on flesh-cards and that such kind of blackmail was practised by insurgents. V.Ustov addressed businessmen: *"One should not conceal these facts. We are ready to provide physical protection for each businessman. We have such cases, among victims are both heads of administrations and representatives of commercial structures. Concerning Akhmat Gegrayev? He did not have such a protection. He earned cooling sums of money by earnestly working and he would never pay anybody"* (*"Gazeta Yuga"*, 24.11.2011).

On 18 November, the burnt-up corpse of **Khasen Bzhenikov**, a driver of an alcohol tank truck and a worker of one of local vodka distilleries was found out on a scrap-heap in *the village of Sarmakovo of the Zolsky District*. His death was caused by extensive burns and a pain shock. As local residents surmise, Bzhenikov was killed by insurgents who considered his work to be sinful (*the website 07KBR*, 18.11.2011). Soon, however, a representative of the Zolsky District Department of Internal Affairs informed that no version of a murder by insurgents was being considered at all. According to the investigators, this was not their handwriting. Why they decided so was not explained (*"Kavkazsky Uzel"*, 21.11.2011).

There continue bloody clashes with the insurgents who flatly refuse to surrender.

On 3 September, around 6.00 in the morning, a special operation began, aimed at eliminating a group of insurgents the traces of whom were found by agents of national security as a result of carried out operative and search actions. In the district circumscribed by several streets, a regime of a counter-terrorism operation was declared. Initially, four members of an illegal armed group were found in a private house in *Shukov Street*. Being summoned, they opened return fire. One of them was liquidated on the spot, the others tried to escape through the nearby kitchen gardens.

They failed to break through the cordon, and the active phase of the special action proceeded already in a house in *22 Molodyozhnaya Street* where all of them were killed. As a result of the armed clash, three law enforcement officers got wounded (*"Gazeta Yuga"*, 08.09.2011)

On 7 September, two attacks were delivered on officers of the Ministry of Internal Affairs in the Baksansky District. One civilian, an inhabitant of the Chechen Republic, who had to face a bombardment accidentally, was killed, and two policemen got hurt, but their wounds were not life-threatening.

On 15 September, a police "UAZ" vehicle was blasted in *the Chereksky District*, one police officer suffered a brain contusion (*"Gazeta Yuga"*, 22.09.2011).

On 20-21 September, five members of the underground were annihilated in *the settlement of Bylym of the Elbrussky District*. Among the eliminated persons was **Akhmat Katsiyev** (his Muslim name is **Abdul-Muklin**) who was a member of "the Elbrussky Jama'at" and who had been on the wanted list since 2007 on suspicion of committing encroachment on the lives of law enforcement officers several times. The master of the house, **Kamil Mirzoyev**, was not suspected of committing any specific crimes, but he intercommunicated with the bandit underground and was under supervision of agents of national security. During the armed skirmishes, three fighters of special troops from the city of Perm, two of whom were officers died from their wounds (*"Rossiyskaya Gazeta"* [Russian newspaper], 21.09.2011).

On 6 -7 October, a special operation was carried out in *Tyrnyauz*, in the course which two insurgents were killed, presumably, an inhabitant of Tyrnyauz, **Ruslan Batyrbekov**, and an inhabitant of *the village of Gerpegezh*, Maryana O. (*the official website of the Ministry of Internal Affairs on the Republic of Kabardino-Balkaria*, 24.10.2011; *"Gazeta Yuga"*, 13.10.2011).

On 7 October, during a special operation in *Baksansky Street* in Tyrnyauz, which lasted all through the night, two insurgents were killed. Subsequently, they were identified as the cousins **Budayev** (*"Gazeta Yuga"*, 24.11.2011).

On 13 November, in the evening, during a check of documents **Tembot Mamkhegov**, 22 years old, was killed in Tyrnyauz. He had a pistol about him, belonging to an investigator of the Ministry of Internal Affairs killed two years ago, as well as some ammunition, medicines and small loafs of bread (*"Gazeta Yuga"*, 17.11.2011).

On 14 November, **Khasan Kushkhov** and **Zaudin Zhambikov**, district police officers, were killed in *the residential district "Volny Aul"* in Nalchik. Shortly before this event, a repair had been finished in the community police office in *Kalmykov Street*. Captain Kushkhov was burning down some construction waste on a clearing to the right of the office. **Around 12.30**, Lieutenant Zhambikov drove up. At the same time, three unknown persons turned their steps towards them from the direction of *Rustaveli Street*. One of them took up position behind a metre-high mesh fencing confining the territory of the community police office, and the other two remained on the outside. It was they who opened the first fire, then the third man started to shoot. Three criminals escaped by a captured taxi, and they were transporting the tied-up taxi driver along with them (*"Gazeta Yuga"*, 17.11.2011).

On 21 November, three insurgents were killed in *Bogdan Khmel'nitsky Street* in Nalchik during a special operation. In this case, a soldier of special troops and a woman living nearby were wounded. A one-room apartment on the third floor of a five-storey building, in which some insurgents concealed themselves, was taken by assault. After the fight, they were identified: these were a 30-year-old **Rustam Khamgokov**, an inhabitant of Nalchik, a 27-year-old **Arsen Afashagov** from Baksan and a 29-year-old **Vitaly Ortanov**, an inhabitant of Chegem. The latter, according to the Investigation Department of the Investigating Committee of the Russian Federation, was registered as a local police officer and trainee in the Department of the Ministry of Internal Affairs of the Chegemsky District. On 14 July 2011, he disappeared without leaving a trace after some unknown persons visited him in his place late in the evening. Saying that it was necessary for him to go to *the village of Kuba*, V.Ortanov left, leaving his documents, his phone and money. He was searched for as a missing person. A criminal case under Item 105 of the Criminal Code (murder) was initiated in the Investigation Department of the Investigating Committee of Russia in the Chegemsky District of the Republic of Kabardino-Balkaria. The training of V.Ortanov was coming to an end by that time, they were going to give him a permanency. For this purpose, he was to pass a test using a lie detector which he was allegedly afraid of (*"Gazeta Yuga"*, 24.11.2011).

However, on the next day the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, taking care of “*esprit de corps*”, altered the wording of the Investigation Committee: V.Ortanov really tried to find a situation in the Department of the Ministry of Internal Affairs of the Chegemsky District, however during some verifying actions he was suspected of intercommunicating with the underground: he was tested twice with a lie detector and the same confirmed his possible involvement in the activity of an illegal armed group two times. “Understanding that he was going to be uncovered in the near future - a message of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria read - V.Ortanov disappeared from his house, without warning anyone of his relatives, and had been until recently on the wanted list” (the website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, 22.11.2011).

From the report quoted above, it is clear that the majority of special operations and the most atrocious crimes of insurgents fall on the Elbrusky District. On the whole, the situation in the Republic is stably heavy, and the cancellation of the Counter-terrorism Operation and of dozens of legal restrictions were determined, obviously, not by the progress in the struggle against the underground - there is simply no such go-ahead – but by fears for the destiny of the Kabardino-Balkarian segment of the tourist cluster, which topic will be discussed below in the text.

Kabardino-Balkaria: nine months of the Counter-terrorism Operation. The Prielbrusye on the breaking point of endurance

As noted by Memorial Human Rights Center, the humanitarian crisis in the Prielbrusye was a consequence of an almost nine-month-long counterterrorism operation on part of the territory of the Republic. Tourism is the only source of income of the inhabitants of the Prielbrusye. Members of Memorial Human Rights Center, **Ekaterina Sokirianskaya**, **Rustam Matsev** and **Yelena Bairamkulova**, worked in that zone and in the end prepared a report: “Nine Months of the Counter-terrorism Operation: the Prielbrusye Is on the Breaking Point of Endurance”.

The sparsely populated Elbrusky District of the Republic of Kabardino-Balkaria occupies an extensive territory in the mountainous part of the Republic. Only 29.5 thousand people live in 11 settlements (including one town, *Tyrnyauz*) in the valley of the river *Baksan*. The social situation is tense: in **2009**, the unemployment rate made 48.4 %, that is to say 6615 out of 13656 people of the able-bodied population according to “the social passport of the district”. In this regard, truth to tell, not a single unemployed person was officially registered (*please see: the social passport of the district on the website of the Elbrusky Municipal District of the Republic of Kabardino-Balkaria*). After the activation in the Elbrusky District, introduction of the regime of the Counter-terrorism Operation here and closing of the tourist zone, the scale of unemployment, undoubtedly, increased considerably. It is yet difficult to obtain actual figures: official agencies speak about 650 unemployed in the beginning of the year and a one-third growth for the period of the Counter-terrorism Operation (*the website of the Elbrus Municipal District the Republic of Kabardino-Balkaria, 26.10.2011*). Meanwhile, according to a statement of President the Republic of Kabardino-Balkaria, **A.Kanokov**, the unemployment rate, on the contrary, is very low in the whole of the Republic: 2.9 % (*the website of President of the Republic of Kabardino-Balkaria, 28.10.2011*).

Within the nine months of the impact of the regime of the Counter-terrorism Operation in the district which is entirely focused on tourist business - more than 80 % of the population of the Prielbrusye are connected with the functioning of the resorts (“*Rossiyskaya Gazeta*”, 03.11.2011) - the economy was flung into a deep depression, and a considerable part of the population was thrown below the poverty line. Now businessmen are on the verge of going bankrupt: they have been paying interests on credits and clearing utility bills all this time and have not drawn any income. The tourist branch which once developed dynamically to a considerable extent at the expense of private funds of local businessmen, is now sustaining huge losses.

The district centre, *the town of Tyrnyauz*, is located in a gorge at a height of 1200 meters above the sea level. A highway passes through the town to the bottom of Elbrus. In the mountainous part of Kabardino-Balkaria there are practically no workplaces beyond the budgetary sphere and tourist business. The Tyrnyauzsky Ore-Dressing Industrial Complex which is pegged to one of the world's

largest deposits of strategic metals, tungsten and molybdenum, and which ensured work to thousands of miners before the beginning of 1990s is now abandoned and devastated. In autumn 2010, the multikilometre shaft tunnels of the mine of the industrial complex became a refuge for a detached unit of insurgents in search of whom hundreds of agents of national security were sent (*"Kavkazky Uzel"* 26.10.2010).

For many years, the authorities of the Republic have tried to attract investors to the complex. In autumn 2011, probably, the problem passed the dead centre: the Joint-Stock Companies, namely "Kompaniya Volfram", "All-Russian Bank of Development of Regions" and the Department of Natural Resources of the Foreign Trade Bank declared their interest in the restoration of the tungsten and molybdenum production at the Tynryauzsky tungsten and molybdenum deposit (*the website of President the Republic of Kabardino-Balkaria*, 21.10.2011). Two former directors of the enterprise suggested two variants of restoration of the manufacture to investors, which envisage, though, demothballing and recovery of old mines and shaft tunnels, using new modern equipment and technologies. The restoration of the old excavations can cut down expenses on the start of the industrial complex (*"Gazeta Yuga"*, 20.10.2011; *"Kavkazsky Uzel"*, 24.10.2011). The state embodied by the Republic's leadership declares that not so much a pattern of ownership is of importance for it as the very work of the city-firming enterprise. Depending on a variant chosen, 250 to 420 people will get a permanent job (previously, up to 1300 people worked at the mine) and up to 1500 people a part-time job (for the period of restoration) (*the website of President the Republic of Kabardino-Balkaria*, 21.10.2011; *"Gazeta Yuga"*, 20.10.2011).

There is a huge distance between projects and real manufacture, and local residents are yet occupied only with large and small tourist business or focused on the sale of their handicraft products to visitors. If worst comes to worst, they collect and sell the nature's gifts, namely nuts, berries and mushrooms. With the introduction of the regime of the Counter-terrorism Operation, it was prohibited for local residents to go to the forest. Their only sources of income were grants and pensions. The most primitive kind of earnings, i.e. lease of houses to incoming tourists also stopped. "Tourists were not allowed to visit us, it is reported that gangsters are being entrapped here, says Emma who leases an apartment to visitors in the settlement of Elbrus, which is located at the bottom of a mountain, above the district centre. During a season I used to earn about 100 to 120 thousand, on the basis of which I lived afterwards till the next summer. And I earned nothing for the past year and now I live on credit. It is good that a hope is now beginning to dawn that everything will come to norm – the regime [*of the counter-terrorism operation*] has been sort of cancelled for ever" (*"Moscow News"*, 07.11.2011).

The most beautiful resorts in the high-mountain part of the Elbrusky District, namely *the glade of Azau* and *the glade of Tcheget* are empty. Only one café continued to operate in the glade of Azau at the time of the Counter-terrorism Operation, where dozens of cozy European style hotels, cafes and small restaurants usually worked, and the only visitors of this café were servicemen of the Main Intelligence Directorate.

In the regional Ministry of Sports and Tourism, they calculated that in 2011 the tourist business had lost its incomes from at least 90 thousand holiday-makers, which is the difference between the number of tourists this year and in the past year (*NewsInfo*, 11.11.2011).

The authorities initially understood that the area might appear to be on the breaking point of endurance. From the first days of the Counter-terrorism Operation, they promised that businessmen would be given installments for settling their credits and that their payments would be delayed before the economic activity restored. They promised governmental support to common inhabitants who had lost their earnings. However, the state aid to inhabitants of the Elbrusky District was reduced even below half-measures. Small sums (15 thousand roubles paid to a family on the once-only basis) were given only to jobless and poor persons, after following an improbably long bureaucratic procedure, and only in August – half a year later after the announcement of the regime of the Counter-terrorism Operation. They refused help even to those who simply had a part-time farm, not to speak of businessmen (*"North Caucasus"*, 01.07.2011; *"Moscow News"*, 07.11.2011).

The opening of the resorts of the Prielbrusye involves new expenditures for local businessmen. With a view of strengthening security in the Verkhny Prielbrusye, where there had never been any stationary community police offices of internal affairs agencies (apart from a branch of police, organised in the settlement of Elbrus and a stationary community police office established in the high-

mountain *settlement of Terskol*) it was ordered to organise a police control room and two offices for immediate reaction forces for the private security enterprises. These firms were to coordinate their activities with internal affairs agencies. The maintenance of private security firms, as well as ensuring video monitoring of the territory and highways adjacent to hotels; installation of a unitary dispatcher service for organised conveyance of tourists (construction of a bus service station in the highland is only being contemplated) – all these expenses should be born by businessmen. In this connection, President of the Republic of Kabardino-Balkaria noticed: “One should not shift all responsibility to the shoulders of law enforcement agencies and power structures. If you want to draw incomes from servicing holiday-makers, you should also take pains to ensure security by investing part of your incomes into this sphere” (*the website of President of the Republic of Kabardino-Balkaria, 10.11.2011*).

Private enterprises which have “survived” after the Counter-terrorism Operation again rely merely on their own forces. Businessmen are not too optimistic about a quick restoration of the branch: tourists were compelled to search for alternative resorts beyond the Prielbrusye. Local businessmen with nostalgically recall how they entertained visitors from Europe, Japan, Korea, not to mention Russians. Simultaneously, the stream of tourists flowing to such mounting skiing resorts of Kabardino-Balkaria, as *Bezengi, Ullu-Tau, Dzhantugan* has reduced, although no regime of the Counter-terrorism Operation was introduced there. Tour operators note that in spring many lovers of resting in the mountains yet telephoned and inquired about tickets to Elbrus, but now the region is in bad repute already. “By autumn, applications had stopped to be submitted. Obviously, those who wanted to have a rest in the region, have already changed their plans”, informed one of tour operators (*NewsInfo, 11.11.2011*).

The regime of the Counter-terrorism Operation in Kabardino-Balkaria has become a reason for an inrush of sportsmen in the neighbouring North Ossetia where *in 2011* mountain-skiing and mountaineering camps did not cope with numbers of those wishing to spend a summer in the mountains (“*Moscow News*”, 07.11.2011).

While discussing the causes of the introduction of “the Counter-terrorism Operation”, businessmen of the Republic of Kabardino-Balkaria are inclined to conspirology, without at all sympathizing with the state in its efforts aimed at liquidating the extremist underground. They explain the long validity period of the regime of the Counter-terrorist Operation (which is as a matter of fact, a tourist blockade of the All-Russian resort) by interests of big business which, as they say, intends to carry out property redistribution: to make small businessmen go bankrupt, bring new investors there and go halves itself. “We do not think that the Counter-terrorist Operation was introduced here for safety reasons. They themselves brought a “Zhiguli” car here [a motor vehicle with an explosive is meant here, which was found out *on 19 February 2011* in the resort of *New Tcheget*. – Memorial Human Rights Center], then they themselves unmined the car. And we know that this car was earlier registered in an agency. Someone has arranged this provocation, said a woman, one of local business persons expressing a wide-spread opinion to representatives of Memorial Human Rights Center. According to reports of the Council of Elders of the Balkarian People, which is most radical according to estimations of the local authorities, small and middle businessmen (owners of small hotels and chalets; cafes and kebab houses; manufacturers and sellers of products made from down and wool; providers of implements) were instructed by the authorities, who received their orders from upper instances, to curtail their business and “occupy themselves with animal husbandry, plant growing, with anything they liked but only below the town of *Tyrnyauz* geographically and beyond the limits of the recreation zone of the Prielbrusye” (*NewsInfo, 11.11.2011*).

This conspirological version also includes “a foreign trace”: indeed, the negotiations became animated and some contracts had already been concluded with foreign investors ready to invest into the construction of mounting skiing resorts in the North Caucasus. In their plans, the Elbrussky District of the Republic of Kabardino Balkaria rank first.

On 26 May 2011 in *Deauville, France*, presidents of Russia and France agreed that France would render all-round assistance in the development of resorts of the North Caucasus and would invest considerable funds into them. The strategy of the development of the North Caucasus includes a project of creating a tourist cluster, “*Elevation 5642*”, envisaging an evolution of winter mounting skiing resorts, including the Prielbrusye. Created *in September 2010*, the company “Resorts of the

North Caucasus” intends to invest 451.4 billion roubles into the North Caucasus. The mounting skiing resorts are to become pearls of the North Caucasus. The company controls the construction of six such facilities in five regions, namely *Lago-Naki* in *Adygea* jointly with *the Krasnodar Territory*; *Elbrus* and *Bezengi* in *Kabardino-Balkariya*; *Arkhyz* in *Karachayevo-Circassia*; *Mamison* in *North Ossetia*; and *Matlas* in *Dagestan*. The mountain Elbrus as a mounting skiing resort has some objective advantage over “competitors” from the neighbouring republics: owing to the elevation above the sea level, a mountain-skiing season on the natural snow here can last eight to nine months in a year, subject to the commissioning of the third construction stage of the rope-way in the site *Mir – Gara-Bashi*, capable to bring skiers to a high elevation, and the same cannot be completed just because of the absence of an investor (“*Gazeta Yuga*”, 17.11.2011).

The development of the cooperation with big French investors proceeded at the X-th International Economic Forum “Sochi-2011” **in the middle of September 2011**. Here, an agreement was signed with the Korean company “Korea Wester Power” (KWP), which plans to allocate 1 billion euro for the construction of facilities of power infrastructure (*RBS [RosBusinessConsulting]*, 16.09.2011). **In November**, the investors were joined by the Singapore company “Suprema Associates”, which is ready to invest 1 billion dollars into the resort infrastructure (*the website “Tourist Cluster” of the North Caucasus*, 16.11.2011).

In order to improve the economic conditions of the construction of the resort complex, a decision was taken in January 2011 on the establishing a special economic zone of tourism and recreation in the region. The decision was signed by heads of administrations of the Chegemsky, Chereksky and Elbrusky Districts jointly with the governments of the Russian Federation and the Republic of Kabardino-Balkaria. In October, an issue of incorporating *the Zolsky District* into the Special Economic Zone was also considered. The purpose of this was, as indicated in the official communique on the website of President the Republic of Kabardno-Balkaria, “*developing the northern slope of the Elbrus*” (*the website of President of the Republic of Kabardino-Balkaria*, 04.10.2011). It is interesting to note that the borders of the special economic zone in four neighbouring regions (the Republic of North Ossetia-Alania; the Republic of Dagestan; the Karachayevo-Cherkess Republic; the Krasnodar Territory – Adygea) had already been defined by that time and approved by joint governmental resolutions of the Russian Federation, of heads of regions and municipalities (*the website “Tourist Cluster” of the North Caucasus*, 24.10.2011).

Some essential amendments were expeditiously included in the Federal Law “On Special Economic Zones in the Russian Federation” for simplifying the development of the tourist cluster. **On 25 November 2011**, a new federal law was approved by the Federation Council and sent to be signed by President of the Russian Federation. The law envisages, in particular, a possibility of transferring land plots and real estates, which are state and municipal property, to a management company within the borders of the Special Economic Zone. The list of grounds for reservation and withdrawal of land plots for accommodation of facilities of the Special Economic Zone was supplemented. Finally, some changes were incorporated into the procedure of use of specially protected natural territories. The law permits accommodating facilities of capital construction and tourist industry on them. The order of utilisation of land became essentially simpler (*the website “Tourist Cluster” of the North Caucasus*, 25.11.2011).

The Parliament of Kabardino-Balkaria gave its consent to the Republic’s Government for depositing republican property with a balance-sheet value of 791 million roubles into the authorized capital of the Joint Stock Company “Resort Elbrus” to be established as a contribution of the Republic of Kabardino-Balkaria. According to a decision of the Government, apart from the Republic such entities as the Joint Stock Company “Rope-ways of the Prielbrusye”; the Joint Stock Company “Elbrusturist” and an unnamed private investor will become members of the Joint Stock Company “Resort Elbrus”. In this regard, there should be not less than 51 % of voting shares of the new Joint Stock Company in the state ownership the Republic of Kabardino-Balkaria. Kabardino-Balkaria shall include such facilities as a mountain-skiing line to be reconstructed from the station “Azau” to “Staryi Krogozor”, with a length of 3020 m; a system of artificial snow production on this line; an electrical supply system of the gondola-type rope-way “Azau” – “Staryi Krugozor” and an electrical supply of the second and third construction stage of the rope-way to Elbrus; a passenger rope-way of “Azau” – “Staryi Krugozor” and an overhead rope-way “Staryi Krugozor” – “Mir” in the authorized capital of

the Joint Ctock Company. The establishing of the Joint Stock Company “Resort Elbrus” should ensure, as it is considered by the Government, *“the necessary conditions for effective functioning and investment”* of rope-ways in the Prielbrusye (*“Gazeta Yuga”, 06.10.2011*). The redistribution of the property and its assignation to private persons is proceeding at full speed. At a meeting with inhabitants of the Elbrussky District in the beginning of November 2011 President A.Kanokov said, in his response to the anxiety of the inhabitants about the destiny of the rope-way, that he would give it to any inhabitant of the district if the latter “could manage” its maintenance. (*“If there are such businessmen in the district, then of course they will be the first to be given an opportunity to develop there business here”*). But in the absence of such entrepreneurs he was compelled to search for interested persons elsewhere (*the website of President of the Republic of Kabardino-Balkaria, 26.10.2011*). It is common knowledge that after the blasting of the rope-way no repair was carried out for a long time exactly because of the absence of its financing (*“Gazeta Yuga”, 17.11.2011*).

It is the Elbrussky District that is designed to become “the feature” of the Kabardino-Balkarian segment of the tourist cluster. At any rate, this follows from an interview of President the Republic of Kabardino-Balkaria: *“The main tourist project in this district is the construction of a multipurpose mountain-skiing complex of “Azau” with an envisaged volume of investments making more than 2.6 billion roubles*. Besides, a possibility of attracting budgetary provisions of the Investment Fund of Russia is being studied. Now, some new rope-ways have been constructed in the Prielbrusye and new accommodation facilities are being put into operation. All in all, nine hotels have been put into service with a total number of accommodations making around 700 (*From A.Kanokov's interview to the Edition “Expert-Yug”, 12.09.2011*).

According to the project, the high-mountain resort “Elbrus-Bezengi” (the mountaneering resort of Bezengi is in Chereksky District) with a throughput of 29 thousand people a day, is to be constructed **by 2020**. It will occupy an area of 320 sq. Km; the length of ski-runs will make 170 km and that of slope lines - 1360 hectares. It is envisaged to construct 30 lifts with a throughput capacity of 61500 men per hour and hotels with 14 450 accomodations. In the settlement of Terskol of the Elbrussky District it is planned to construct the highest mountainous bus service station in Europe **by 2014** (*the website of President of the Republic of Kabardino-Balkaria, 04.10.2011*).

In this regard, the reassurance of officials that the local population will only benefit from the establishing of the tourist cluster does not seem to be very convincing. According to Chairman of the Board of Directors of the Joint Stock Company “Resorts of the North Caucasus”, **Akhmed Bilalov**, the interests of local population and small business will not suffer, after all the people will be able to avail of all advantages of the Special Economic Zone till **2023** alongside with big investors. “We will provide land plots free of charge, we will bring communications and help with obtaining of credit on attractive terms for a period of 10 to 15 years, we will ensure tax privileges ...” A.Bilalov promises to exclude corruption completely (local officials will be debarred from money flows, distribution of land plots and giving permissions) and a possibility of conflict of interests (the resort cluster, as A.Bilalov assures, is created on lands “not occupied by any economic agents) (*the website “Tourist Cluster of the North Caucasus”, 27.10.2011*). Earlier, almost the same things, but in a more popular way were spoken about by A.Kanokov, President of the Republic of Kabardino-Balkaria, at a meeting with inhabitants of the settlement of Elbrus: “We still intend to attract investments to the development of the tourist-and-recreation complex. The Elbrussky District will become even more attractive because a special economic zone will be created here. In this respect, nobody’s rights will be prejudiced, since everything is being done primarily for the inhabitants of the district... There is no point in resisting the coming of large companies from central areas of the country: everything that they construct will work for your benefit” (*the official website of the Elbrussky Municipal District the Republic of Kabardino-Balkaria, 26.10.2011*).

Probably, the words of the officials are sincere, and the arrival of big businesses in this world of handicraft business will change it to the best.

At all events, after the nine-month-long Counter-terrorism Operation the life of the local population and the conditions of the activity of local businessmen have changed drastically and for ever.

Kabardino-Balkaria: violation of human rights in autumn 2011

Realising a possibility of malignant of consequences of violence with respect to persons suspected of contacts with insurgents (and undoubtedly keeping in mind the bitter experience of the events of **13-14 October 2005**), the law enforcement agencies of Kabardino-Balkaria are compelled to periodically offer some explanations concerning messages about actions of agents of national security, cases of abduction torture and disappearance of persons suspected of contacting insurgents.

Unfortunately, it is not a question of reconsidering the practice of illegal violence. These explanations are usually reduced to negation of facts which take air.

Sometimes, this denial is expressed outright: some information is characterized only as *“false and baseless... stories about excessive harshness of agents of national security with respect to arrested persons”* and *“used by ideologists and leaders of the bandit underground”* (from an address of the Operating Headquarters of the Republic of Kabardino-Balkaria to inhabitants of the the Republic, the official website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, 24.10.2011).

Sometimes some more detailed explanations with an analysis of specific cases concerning the detention of persons suspected of extremism are given. Thus, at a press conference **on 17 November, 2011** in *Nalchik* Head of the Investigation Department of the Investigating Committee in the Republic of Kabardino-Balkaria, **V.Ustov**, informed: *“Parents apply to us: their son is missing. And after some insignificant time it is found out that he is an active member of the bandit underground and that he is operating illegally. For a long time did the mother of an inhabitant of the Chereksy District, Islam Zhangurazov, deluge us with complaints: her son had been abducted by officers of special services. And he appeared to be in the bandit underground. In Nalchik, Beslan Shavayev was registered as a missing person, he was found to be in an illegal armed group and was annihilated while showing resistance in February 2009. An inhabitant of Chegem, Kardanov. A few days before his being involved in an encroachment on the lives of five employees of the State Traffic Control Department in February this year, his mother had lodged an application about the disappearance of her son. And a few days later he was liquidated. Well, how can a normal person simply leave his house and disappear? And the application was written in order to show: her son was an ordinary person. He collected warm clothes, a passport and other documents. Where could he go? It would be better if they could keep their children from fleeing to the woods”*. At the same press conference, anticipating a question from journalists regarding some special operations aimed at destruction, V.Ustov adduced some statistics, trying thereby to prove that not all insurgents were purposefully annihilated by all means: since the beginning of the year 103 persons suspected of their involvement in the activity of illegal armed groups had been detained. (*“Gazeta Yuga”*, 24.11.2011).

It is impossible, in principle, to deny that feigning an abduction can be employed by members of the underground for masking recruitment of new insurgents: above we have mentioned the policeman and trainee, **V.Ortanov**, who feigned his own abduction for masking his flight to *“the woods”* **in summer of 2011**. However, as far as we know, such instances are isolated.

Judging by the stream of application lodged with Memorial Human Rights Center, there are lots of real abductions. In applications received from people unfamiliar with each other and detained in different areas of the Republic, similar details characterising the tactics of law enforcement agencies in the Republic of Kabardino-Balkaria may be traced. For example, apart from commonplace abductions and cases of beating and torture using electric current, threats of execution or even imitations of execution are employed. In many statements, they write about hand-grenades planted by agents of national security and about a subsequent offer to choose between two evils after planting. By choosing a hand-grenade an abducted person remains alive and sometimes is even released, but he signs a certificate of withdrawal of ammunition and thus appears to be a hostage of agents of national security, making their *“reserve”*, so to say, for the future.

Thus, **on 1 September 2011**, an inhabitant of the Republic of Kabardino-Balkaria, **Murat Azretovich Bizhev**, lodged his application with legal experts through the agency of a lawyer. He informed that **on 24 August** he was abducted on his way to work in *the village of Baksanenok* by two people wearing masks. They drew a polyethylene bag on his head, took him out into the field and tortured, also applying electric current. Then the torture proceeded on some premises till he confessed

the storage of a hand-grenade. On next day, his detention was formalised officially, in the presence of some line-up witnesses. In the presence of the witnesses, a hand-grenade was taken out of Murat's pocket. On the same day, the Nalchiksky Municipal Court selected a measure of restraint in the form of taking M.Bizhev into custody. M.Bizhev was accused under Item 222 (illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, their basic parts, ammunition, explosives and explosive devices) of the Criminal Code of the Russian Federation (www.memo.ru/2011/09/02/0209112.html).

As the portal "Kavkaz-News" reported *on 17 September*, M.Bizhev was seen in a pre-trial detention centre by some representatives of the Public Supervisory Commission, and the Investigation Department of the Investigating Committee of the Russian Federation in the Republic of Kabardino-Balkaria admitted to examination a report regarding an application of unlawful methods by law enforcement officers with respect to the arrested person (http://www.kavkaz-news.info/portal/cnid_189424/alias_Caucasus-Info/lang_en/tabid_2434/default.aspx).

On 30 August 2011, an inhabitant of the city of Nalchik, **Natalya Yuryevna Chuvileva**, lodged an application with Memorial Human Rights Center. She informed that *on 29 August*, around **19:00**, her sons **Ivan** and **Yury Bitsuyev** were detained at the bus service station by some law enforcement officers and taken in the Department of Internal Affairs of Nalchik. In the evening of the same day, a search was conducted in their apartment, during which time, according to her statement, a hand-grenade was planted in the kitchen. Yury was released in the evening of **30 August**, and Ivan remained to be under guards. The Lawyer of the Bitsuyevs noted that some psychological pressure was applied to his client, forcing him to admit his fault in the crimes which he had not committed. Ivan informed the Lawyer that in the period from **29 August** till **30 August** he was deprived of food and sleep, and they did not give him a chance to contact his relatives. At present, Ivan is suspected of committing a crime under Item 222 of the Criminal Code of the Russian Federation, (www.memo.ru/hr/hotpoints/caucas1/msg/2011/09/m260907.htm). Subsequently, it came to light that Yury Bitsuyev had not managed to avoid criminal prosecution either. Three days after the search, he was invited to the police department and they performed his identification as the person who committed a theft *in August 2011*, with no participation of his lawyer, **Yelena Bairamkulova**, with whom he signed an agreement. The identification took place late at night. *On 3 November 2011*, an acquaintance of the Bitsuyevs, **Vladimir Klimov**, was detained. He was beaten by some unknown policemen while he was in the building of the previous Department of Internal Affairs of the "Iskoz" District of the city Nalchik. They demanded that he should provide some new information regarding a theft case and threatened to plant drugs or a hand-grenade (www.memo.ru/2011/11/08/0811111.html).

On 27 September 2011, an inhabitant of the town of Tyrnyauz, **Malik Mukhamatovich Appayev**, applied to Memorial Human Rights Center. He informed that *on 22 September* he was in the house of his spouse's parents living in *16 Eneyev Street, Apt. 21*. After dinner, Malik went into the balcony along with his spouse and his mother-in-law. From there they saw some people standing near the house, wearing masks and dressed in camouflage uniforms. They ordered them to leave the apartment as some special operation was allegedly beginning. When the family were going out of the entrance, Malik was detained, they tied up his hands, drew a non-transparent bag on his head and threw him to the ground. While lying, he felt, according to his story, something shoved into his pocket and behind his back. After that, he was being transported to some place for a long time, presumably to Pyatigorsk, and beaten. Then M.Appayev was taken to the Elbrusky District Department of Internal Affairs, where he was advised to admit his fault and say that he had found the hand-grenade withdrawn from him, otherwise he would be brought back and the sessions of torture would resume. Malik said that he had found the grenade in the channel near *the river Baksan* in the town of Tyrnyauz and signed his explanations written down by the agents of national security. After that, he was released. The investigator demanded that he should bring a copy of his passport on the following day and that he should present himself there on demand. *On 26 September*, a forensic medical examination was carried out at the request of Malik, which recorded injuries on his body: a burn wound in the area of his left buttock; a graze of the little finger of his left hand and the same on his right shin; a graze on the dorsum of his nose; and a blood stain on his left shoulder. Malik was afraid for his life, his health and for the safety of his family. According to Malik's Lawyer, no accusation has been yet presented, he is kept under a recognisance not to leave (www.memo.ru/2011/09/29/2909111.html).

On 27 September 2011, between 12:30 and 13:30, **Albert Auesovich Tutov** was abducted in the town of Tyrnyauz of the Elbrusky District, opposite a police office, near a hairdressing saloon (www.memo.ru/2011/09/29/2909112.html). *On 28 September*, in the morning, Albert was released by his abductors and lodged a written application with Memorial Human Rights Center. He informed that *on 27 September* he arrived at the town of Tyrnyauz of the Republic of Kabardino-Balkaria in order to replace his passport in the Department of the Federal Migration Service of the Russian Federation in the Republic of Kabardino-Balkaria. Albert was waiting for his turn in the street, when around **12:30** a white VAZ-21114 car with dark tinted windows drove up to him, out of which two armed people dressed in civilian clothes and wearing masks got out, tied him up, drew a non-transparent polyethylene package on his head and took him away in some unknown direction. They tortured him using current, beat him, feigned his execution, forcing him to provide information about his elder brother **Yury Tutov**. In the morning, A. Tutov was again taken to some place. On the way, they were threatening him and demanded that he should not complain and report on the occurrence. Besides, the abductors said that they would leave him alone if he admitted that a hand-grenade had been withdrawn from him (which they would plant on him). They declared that *“that time he would be spared, but next time he would be taken away to where they shoot people”*. He was taken out of the car near the village of Yanikoy of the Baksansky District of the Republic of Kabardino-Balkaria. Albert Tutov informed that some burns remained on his fingers from the sessions of torture with electric current. Besides, he assumed that he had suffered a brain concussion. In the Bureau of Forensic Medical Examination, they refused to carry out his examination because at the time of his application there he had no passport (his passport was kept in the Department of the Federal Migration Service of the Russian Federation in the Republic of Kabardino-Balkaria). Albert Tutov is afraid for his life and health (www.memo.ru/hr/hotpoints/caucas1/msg/2011/09/m263708.htm).

On 14 October, an inhabitant of the town of Baksan of the Republic of Kabardino-Balkaria, **Beslan Aslanovich Zhanov**, lodged a written application with Memorial Human Rights Center, in which he informed about some details of his abduction and release. On that day, around 13:30, he was coming back by car from the town of Baksan after visiting his uncle, **Boris Zhanov**. A white VAZ-21114 car with dark tinted windows and “taxi-type checkers” on the roof moved across his car. Four people dressed in civilian clothes and wearing masks took Beslan out of the car, struck him down to the ground and then made him sit in their car. There they drew a plastic package on his head and tied his hands up with an adhesive tape behind his back. One of the abductors declared that they were “black hawks” (an illegal armed organisation allegedly operating independently, which was, however, definitely linked up by local observers with agents of national security, primarily with the Centre “E”) and that they were driving to Mozdok where they were going to kill Beslan, making *“a martyr sacrificing his life for belief”* out of him. They drove for about 40 minutes. Then they interrogated and beat Beslan for some hours and tortured him with electric current. The abductors asked where his younger brother was and whether Beslan helped insurgents. Then he was taken out into the field. They removed the package from his head and showed him where the town of Baksan was and advised him to forget everything that had happened to him.

(www.memo.ru/hr/hotpoints/caucas1/msg/2011/10/m266343.htm).

On the whole, despite the long period of “the Counter-terrorism Operation”, the law enforcement agencies have failed to essentially to lower the level of violence in the Republic using power methods: its dynamics in Kabardino-Balkaria has been perhaps the most adverse for the past three years among the republics of the North Caucasus.

Kabardino-Balkaria: judicial trials with respect to members of the armed underground

In *Nalchik*, there continues a judicial trial that concerns the case relating to the attack on the city *on 13-14 October 2005*. The Court has already considered ten of thirteen episodes of the criminal case, in particular, i.e. those connected with attacks on the buildings of the Ministry of Internal Affairs of Kabardino-Balkaria; the Centre “E”; the Federal Security Service Directorate; the Department of the Federal Service for Execution of Punishments; the 1-st, 2-nd and 3-rd Departments of Internal Affairs; the base of the Special Designation Police Detachment; a border detachment unit; two armament

shops; as well as the episode of an armed clash in *the holiday village "Landysh" [lily-of-the-valley]*. Hundreds of witnesses have been interrogated, and a considerable quantity of materials of the criminal case (the Businessman, 9/22/2011) made public.

In autumn 2011, the Court was considering the episode of an attack on a regiment of the Patrol and Inspection Service of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria. According to a version of the investigators, *in December 2004* 31-year-old inhabitant of the city of Nalchik, **Anzor Chochev**, suggested for "*extremist-minded*" members of the Volnoaulsky and Northern religious communities, namely **Anzor Kereshev**; **Stanislav Chechenov**; brothers **Azamat** and **Dzhambulats Nabitov**; **Azamat Brayev**, an inhabitant of *the village of Shalushki*; and **Dzhambulats Shidakov** from *the village of Inarkoy* to join an organised criminal community (all of them were killed on 13 October 2005). The group that attacked the position of a regiment of the Patrol and Inspection Service also included inhabitants of Nalchik, namely **Zalim Tekhazhev** (he hid himself, and his name was put on the international wanted list); **Valery Bolov** (he died *on 16 February 2008* in one of hospitals of Nalchik from a serious disease); **Edward Mironov**; and an inhabitant of *the village of Kendelen*, **Kanshaubi Boriyev** (both is in the prisoner's dock).

According to the bill of indictment, they earthed four plastic barrels in Nalchik, Shalushka and in *the village of Kenzha*, in which some weapons were stored. On 13 October 2005, between 6 to 7 o'clock in the morning, they transported the ammunition to V.Bolov's garage in Severnaya Street, namely four submachine-guns; three "SKS" rifles; five Makarov-type pistols; two "Kedr" submachine carbines; an "RPG-22" grenade launcher; some F-1 grenades; and some cartridges. Around 7 to 8 o'clock, a briefing meeting was held on a football ground behind the garages. Around 9:10, these persons, under arms, drove up to the corner of Severnaya Street and Teplichny Lane in a "Gazel" car (the same had been hired allegedly for having a rest outside). The position of the regiment of the Patrol and Inspection Service was fired on from several directions at a time. Warrant Officer **Aslan Khavpachev** (according to the investigators, E.Mironov shot at him using a pistol), Senior Lieutenant **Zamir Dyshekov** and Junior Lieutenant **Timur Dyshekov** were killed as a result of the attack. 12 policemen and 3 civilians were wounded.

In the beginning of the fight, V.Bolov left and went to the territory of one of the neighbouring organisations, hid his weapon and went away, but soon was detained. E.Mironov and A.Brayev seized a car and hid themselves. In the area of *Nartan*, they took a horse away from a local resident. They were about one month in hiding and then came to a house in *Festivalnaya Street* in *the residential district "Volny Aul"* in Nalchik, where E.Mironov surrendered and A.Brayev was killed during a special operation *on 12 November 2005*.

The most part of the group left Nalchik in the captured car, went towards *Chegem* and was fired at while on the route by some police officers. The attackers abandoned the car and hid themselves in a corn field. During the operation, in which some servicemen of internal troops and fighting helicopters participated, almost all of them were killed, only K.Boriyev stayed alive.

Having waited till night, he left that place and concealed his weapons in one of the arms dumps in the area of an old Christian cemetery in *Kalyuzhny Street* and went into hiding, but he was detained *in the middle of November 2005*. In the course of the armed clash in the field, an officer of the Baksansky Department of the Security Council of the Russian Federation, **Murat Sizhazhev**, died; a soldier of internal troops was wounded; and a woman was injured in one of streets of Chegem (*"Gazeta Yuga"*, 10.11.2011).

The Defence in the judicial process asserts that the majority of the defendants had voluntarily refused to commit the crime, therefore they should not be kept in prison. As Lawyer **Oleg Kelemetov** who participates in the process declared in an interview to the Edition "Moscow News", "*almost all those who are in custody, are "refuseniks". Yes, say, they were going with weapon to the police station but they stopped a hundred metres short of it, turned around and went away home. The main attackers were killed*" (*"Moscow News"*, 19.09.2011). If the involvement of one or another defendant in a certain episode has been incontestably proved by the investigators, defence counsels try to prove that their clients did not shoot at victims and were spewing shells in a distracting, chaotic and otherwise ineffective manner. Lawyers and defence counsels elucidate in detail under what circumstances the injured agents of national security got their wounds, trying to prove that these victims might become a result of some "friendly" fire from their defending colleagues.

In September 2011, the Court once again prolonged the measure of restraint for 55 defendants in the form of detention in custody. The Prosecuting Counsel **Olga Chibineva** also insisted on placing **Kazbek Budtuyev**, **Zalim Ulimbashev** and **Sergey Kaziyev** under detention, who had been at various times released under a recognisance not to leave, although the Prosecution petitioned for their imprisonment. Speaking about the replacement of the recognisance not to leave with an arrest with respect to three defendants, O.Chibineva noted that the evidence of K.Budtuyev given during the preliminary investigation had not been examined yet in the Court; that Z.Ulimbashev who had been released for medical treatment, was not undergoing it; and S.Kaziyev was being treated in some other hospital which had not been defined by the Court. Nevertheless, the Court left the measure of restraint for all the three persons without any changes (*RIA Novosti News Agency*, 19.09.2011). It is not improbable that eventually the Prosecution will all the same get their own way: in the autumn the judicial sessions were postponed twice - *on 12 September* and *on 13 October* - because of a non-appearance of S.Kaziyev let out on bail. When the process was to be resumed *on 12 September* after a break, it was found out in the beginning of the session that S.Kaziyev, who was released under a recognisance not to leave *in June 2011* in connection with a serious disease (thrombophlebitis of the feet, chronic hepatitis), had been hospitalised in an in-patient department and had failed to inform the Court about it (*"Gazeta Yuga"*, 22.09.2011). *On 13 October*, he did not appear in court because he had been hospitalised in a dermatovenerologic clinic. Then the Court passed a decision on S.Kaziyev's reconduction for the next session in case of his absence without valid excuse (*"Kavkazsky Uzel"*, 13.10.2011). He appeared at the next session, *on 17 October*, with a medical warrant certifying that he was able to attend court sessions regarding his state of health (*"Gazeta Yuga"*, 20.10.2011).

The state of health of many defendants is worsening: they have been in prison for six years. As one of them noted in the Court, "we all have already grown old here". **Sarabi Seyunov** who probably has an active form of tuberculosis, according to lawyers, has applied three times for medical aid during the past sessions, saying that they neither make antipyretic and anaesthetic injections nor treat him in the pre-trial detention centre. Once Khabas Emkuzhev applied to the Court, saying that S.Seyunov could not himself speak because he was feeling bad. S. Seyunov asked to call a first aid ambulance, but some physicians from the pre-trial detention centre were requested into the session hall. And they made a decision after rendering their assistance: *"This person can participate in the session"*. *On 11 November*, S.Seyunov was sent for a medical examination to a republican hospital of the Department of the Federal Service for Execution of Punishments in *Kamenka*. In connection with the continuation of his examination, the sessions due *on 14 and 17 November* were cancelled (*"Gazeta Yuga"*, 17.11.2011). *On 17 November*, Judge **G.Gorislavskaya** read out a medical certificate according to which S.Seyunov was undergoing medical treatment and would be convoyed to the pre-trial detention centre for his participation in the judicial process *on 24 November*. E.Mironov remarked to this that it was necessary to call a first aid ambulance brigade to the session hall when defendants complain of their state of health. As a matter of fact, an impersonal diagnosis was necessary: *"S.Seyunov has been spitting blood for a year. Now he is in an awful condition and will not have recovered by the 24-th anyway. He will be stuffed with medicines and bring to court, but he will fall ill in a week's time again. His is a very bad condition. There is no guarantee that he will survive"*. Soon it became obvious that the hospitalisation of S.Seyunov would last half a year to one year, which might drag out the whole process. The Court found a way out which, seemingly, will be used in similar situations henceforth: *on 24 November* it was announced allocation about the separation of the criminal case of Defendant S.Seyunov, who is undergoing medical treatment in a hospital of the Federal Service for Execution of Punishments in Kabardino-Balkaria, into an individual procedure. Many defendants have long time been near him during the sessions and now demand that they should also be examined for the purpose of detecting their potential TB-illness (*"Gazeta Yuga"*, 24.11.2011).

* * *

In the meantime, another big trial of members of the Kabardino-Balkarian underground ended in Kabardino-Balkaria *in autumn 2011*. The North Caucasian District Military Court, having considered the case of the so-called "Urvansky Jama'at", adjudged eight inhabitants of Kabardino-Balkaria guilty according to the majority of criminal charges and imposed penalties ranging from 16 years of

imprisonment and to a life sentence on them. According to the investigators, the illegal armed group was organised by an inhabitant of *the village of Psygansu of the Urvansky District of Kabardino-Balkaria*, **Alim Bitokhov**, *in January 2005*, presumably for the purpose of creating an Islamic state with a Sharia form of governance on the territory of the Republic of Kabardino-Balkaria. Members of the illegal armed group illegally purchased and transported a considerable quantity of fire-arms, ammunition, explosives and explosive devices which were stored in hide-outs in the vicinity the villages of Psygansu and *Saryi Cherek of the Urvansky District*. They were trained in handling fire-arms and practised shooting.

A 28-year-old inhabitant of Psygansu, Alim Bitokhov, and a 34-year-old inhabitant of the village of Chegem-2, **Alim Khubiyev**, were sentenced to life imprisonment. According to the materials of the case, *on 8 May 2008* A.Khubiyev killed his cousin F., who was suspected of his contacts with the Security Council of the Russian Federation, by the decision of A.Bitokhov, using a Kalashnikov-type submachine gun. A. Khubiyev took part in an attack on bill collectors of “Rosneft” together with A.Bitokhov *on 2 July 2008*, in the course of which one man was killed, two wounded and 877.7 thousand roubles stolen. *On 5 December 2007*, A.Khubiyev killed an authorised operative officer of the Urvansky District Department of Internal Affairs, **Arustam Alborov**, in the village of Saryi Cherek, using a submachine gun.

On 2 July 2008, a 28-year-old **Rustam Zhilov** from Saryi Cherek, sentenced to 22 years of imprisonment, made two shots with a pistol at an inhabitant of *the village of Prokhladnoye*, **Kovalev**. On very day, a “Zhiguli” car belonging to the killed Kovalev who occupied himself with private taxi-driving, was used while attacking the employees of “Rosneft”.

A 30-year-old inhabitant of *the village of Chegem-2*, **Anzor Bogotov**, was sentenced to 20 years of imprisonment in a colony with a strict regime. The investigators came to a conclusion that he had taken a direct part in the murder of Arustam Alborov and an attack on the bill collectors of “Rosneft”. In both the cases, he did not shoot, but in the first episode he asked a police officer to come out of the house and in the second, being at the wheel of a motor vehicle on the road “Nalchik – Maisky”, he caused a situation as a result of which result the “Rosneft” car stopped and A.Bitokhov and A.Khubiyev had a chance of throwing a grenade and firing at the bill collectors.

A 27-year-old former serviceman, **Amir Isakov**, from Saryi Cherek, was sentenced to 20 years, and his fellow villager, **Rustam Karanashev**, aged 28 years, to 18 years of imprisonment.

One more inhabitant of Saryi Cherek, a 27-year-old **Roman Sokhov**, got 17 years, and a 40-year-old inhabitant of Chegem, **Mukhamed Shogenov**, 16 years of imprisonment in a colony with a strict regime (*“Kavkazsky Uzel”*, 30.09.2011).

The practice of “the adaptation” of insurgents: Dagestan, Ingushetia and Kabardino-Balkaria

The idea of the pacification of the underground by way of voluntary legalisation of its members and accomplices assumed some new embodiments for the past year. There no legal tools for this: none of numerous amnesties granted in recent years did not imply, for instance, Article 317 of the Criminal Code (encroachment on lives of servicemen and law enforcement officers), that is to say it did not actually apply to insurgents.

In the absence of other lawful alternatives, some specially created commissions are gaining more and more popularity with the power-wielding elite of the North Caucasus. Such a commission has been working in Dagestan *since November 2010*, and *in September 2011* an analogous one was also established in *Ingushetia*. The issue of creating of such a body has long been discussed in *Kabardino-Balkaria*. As a result, the whole region of the conflict in the North Caucasus appears, one way or other, to be drawn in the work of similar conciliatory bodies, and a bit clumsy term “adaptation” has already come to stay for the designation of their activity.

But Chechnya remains to be an exception, where the authorities deny the very existence of the problem: supposedly there is no significant underground here, therefore there is no need in pursuing “adaptation” and creating commissions. We would, however, note that nearly the entire modern system

of power in the Chechnya, which has been created since 2003 in the course of “the Chechenisation” of the conflict, might be termed as a product of the process of the “adaptation” of the armed underground, carried out using specific methods. Members of this underground, however, were not brought back to peaceful life but they were rather recruited for work in local power structures, using highly convincing methods.

On 5 September, Head of the Republic, **Yunus-Bek Yevkurov**, announced a creation of a Commission for Adaptation in Ingushetia, underlining in this regard that the Commission was established following Dagestan’s sample (*Life News*, 05.09.2011). **In July 2011**, a delegation of officials from Ingushetia even visited Dagestan intentionally in order to get acquainted with the work of a local commission, and was given, in this respect, some personal explanations from its Chairman, the First Vice-Premier of the Government of the Republic of Dagestan, **Rizvan Kurbanov**.

The Ingush and Dagestan Commissions have much in common. This concerns, first of all, the state institutions which are not duly authorised. The Commissions can only petition with corresponding bodies for leniency towards persons who voluntarily lay down their arms at the stage of an investigation, legal proceedings or service of sentence. They can promote rendering legal assistance to them; help “adapted” persons and members of their families in arranging their accommodation and everyday life; petition for mitigation of punishment for those whose fault has been proved or for permission to serve their sentences within the bounds of the North Caucasian Federal District; pay for an annual trip of relatives to the place where an “adapted” person serves his punishment (*“Kavkazsky Uzel”*, 09.09.2011; *the Republic of Ingushetia*, 10.09.2011). The same as in Dagestan, the Ingush Commission received a peculiar functional “makeweight” in the form of a responsibility to consider application of citizens regarding the facts of infringement of rights and freedoms observed during counter-terrorism operations (*“Kavkazsky Uzel”*, 09.09.2011).

Thus, in both the republics some universal operative agencies have been established, which “embrace” the non-coercive sector of the struggle against the extremist underground and which are called upon to resolve issues connected with elimination of penalties of law enforcement operations.

However, it has been obvious since the time of the establishment of the Commission in Ingushetia that the Ingush authorities do not copy Dagestan’s experience blindly. The work of the Commission here is non-public and even, one may say, conspiratorial. And this distinguishes an operative and search activity from the work of a department of public relations. This fact, however, reflects a difference in approach to the struggle against the underground and to preventive measures against extremism in the two republics.

For one thing, there has been no official publication of the Decree by President of the Republic of Ingushetia regarding the establishment of the Commission. The exact date of its creation is even indeterminate: the first announcement about its foundation appeared on the website of *“Life News”* **on 5 September 2011**, and on other websites **on 9-10 September**. One may only read about the personal composition of the Commission (not absolutely accurate at that) on the website of *“Kavkazsky Uzel”*. The Commission included representatives of security agencies, public and political figures of the Republic, The Chairman: **Akhmed Kotiyev**, Secretary of the Security Council of Ingushetia. The members of the Committee: **A.Bazgiyev**, a member of the Public Chamber of the Republic, retired Colonel of Police; **M.Gagiyev**, Chief of the Department of the Federal Department of Execution of Punishments; **B.Gandaloyev**, Vice-President of the Council of Teips of Ingushetia; **M.Ganiyev**, Head of the Fund for Support of Anti-Terrorism Fight and Assistance to Persons Who Suffered from Actions of Members of Illegal Armed Groups; **A.Gudantov**, Chief of the Department of Public Relations under the Administration of Head of the Republic; **M.-G.Dzagiyeu**, a member of the Public Chamber of the Republic of Ingushetia, the former Minister of Justice of Ingushetia; **Kh.Ilyasov**, Chief of the Department of the Ministry of Justice of the Republic; **S.Kulkin**, the First Deputy Head of the Department of the Security Council of the Russian Federation of Ingushetia; **A.Nalgiyev**, Assistant to the Adviser of Head of the Republic, Chairman of the Public Commission for Protection of Human Rights under Head of Ingushetia; **D.Ozdoyev**, Human Rights Commissioner in the Republic; **Ya.Patiyev**, Minister of Public and Inter-Ethnic Relations of Ingushetia; **V.Smirnov**, Federal Inspector of the Republic of Ingushetia; **A.Uzhakhov**, Deputy Head of the Investigation Department of the Investigating Committee of the Republic (*“Kavkazsky Uzel”*, 09.09.2011). Head of the Ingush

Representation of Memorial Human Rights Center, **Tamerlan Akiyev**, who had been away was also included in the Commission. They failed to notify him, and he missed the first session.

The authorities of Dagestan consider it necessary to make the work of the Commission as open as possible, regarding this as its important propaganda function. Speaking about former insurgents, Chairman of the Dagestan Commission, R.Kurbanov, marks: *“After returning and joining the society, they can themselves explain to those who are standing at a cross-road that there is nothing for them to do in the woods, that settling down to a criminal course means going nowhere. And others will follow them”*. (*“Moscow News”*, 13.11.2011). The work of the Commission for Adaptation is being knowingly and widely covered in the press and on the television. Occasionally, the latter assumes certain traits of a show that relates stories about difficult fates of “adapted” persons.

In Ingushetia, presumably, the greatest attention will be given to the safety of “adapted” persons and members of their families, which matter presupposes classifying their names as secret. The functional duties of the Ingush Commission, among other issues, include *“assistance in ... moving to a permanent place of residence beyond the bounds of the Republic of Ingushetia”* (*Magas.Ru*, 09.09.2011). Former insurgents must, as it were, get away from the destiny of their people for ever. It is an aspiration for anonymity that is traditional for Ingushetia: here the names of those who leave “the woods” were not made public in former times either. With all the advantages of this approach, insurgents who lay down their arms are completely excluded from propaganda activities. Besides, it will be objectively impossible to estimate work of the Commission because of impersonality of the information about “adapted” persons.

The success of the activity of the Dagestan Commission, be it yet modest, is based substantially on the personal authority of its Chairman, namely **Rizvan Kurbanov**, the First Vice-Premier of the Government of Dagestan, the influence of whom, as is believed in the Republic, extends further beyond his post that is formally far from being the first in the Government. The Commission includes heads of all republican power structures, as well as those of departments, which are responsible for information policy and which R.Kurbanov addresses, all the same, indirectly in the capacity of their curator in the Government. The composition of the Ingush Commission is by far more diverse: it uncludes many featureless chiefs of departments, who were probably deputied by heads of their agencies in order to “fill positions”. Probably, this composition will prove to be non-optimal and require some updating: the prestige and informal relations of its members are important for the successful work of such a commission. President of Ingushetia, whose name is most commonly mentioned in connection with attempts aimed at legalising members of the Ingush underground, did not wish to join the Commission. This also downgrades the authority of this institution.

In Ingushetia, the work of the Commission, as the first two months of its existence have shown, is really not transparent: little is known about it except for some declarations of President of the Republic of Ingushetia, which appeared in the press. Thus, *on 8 September* Yu.-B.Yevkurov announced that three insurgents had given themselves up in the course of one week (*The Republic of Ingushetia*, 08.09.2011). The circumstances of this acknowledgement of guilt and the role of the new Commission in this matter are not clear.

The situation in Kabardino-Balkariya is even more complex. The dialogue of the authority with the society here is less pronounced, but at the peak of the fierce struggle against the armed underground in *winter and spring 2011* (please see Section 1 of the present Bulletin) President of the Republic of Kabardino-Balkaria, **A.Kanokov**, was ready to condescend to establishing a commission similar to that of Dagestan and even announced about the beginning of its formation (*“Komsomolskaya Pravda”*, 18.05.2011), but the matter advanced no further. Some “inconsistent signals” continued to arrive from the Republic’s leadership.

On 23 October 2011, the Operations Headquarters and the authorities of Kabardino-Balkaria once again declared their readiness to create conditions for bringing the young men back from the bandit underground to normal life. As the statement has it, a full, all-round and objective investigation of criminal cases is guaranteed to those who give themselves up, and if there are no signs of grave crimes in their actions they may be released from criminal prosecution according to active legislation (*“some repeated delarations of the leadership of the Republic confirm this”*). The Operations Headquarters also addressed human rights organisations, declaring its readiness to cooperate and consider *“all constructive proposals aimed at developing mechanisms of involvement in the matter of*

ensuring publicly-disclosed and objective investigation of cases with respect to citizens who abandon their criminal activity” (RIA Novosti News Agency, 23.10.2011; the official website of the Ministry of Internal Affairs of the Republic of Kabardino-Balkaria, 24.10.2011).

A few days later, President of the Republic of Kabardino-Balkaria, A.Kanokov, addressed in the same vein. He noted that *“he had repeatedly met with parents and relatives of members of illegal armed groups, proposing to search for all possible contacts and to arrange a corridor for bringing back those who had gone to the woods”*. He informed that there had already been a precedent: two persons had voluntarily surrendered, and they would get a minimum punishment. *“I will gather relatives still on a larger scale, we will work and cooperate with the Operations Headquarter. I think that it is the best time now to give these lads a chance”*. He promised to personally guarantee safety and impartial investigation with respect to these people (*“Kavkazsky Uzel”*, 26.10.2011).

The words of President of the Republic of Kabardino-Balkaria were disavowed by Chief of the Investigation Department of the Investigating Committee in the Republic of Kabardino-Balkaria, **V.Ustov**, at a press conference **on 17 November**: *“This interaction has yielded yet nothing. But we hope very much... We will ensure an absolutely just decision. He may make a plea bargain with public justice, there are no problems concerning it. This will considerably commute a punishment. An inhabitant of Baksanenok, Kozhokov, who had been involved in a murder of officers of the Department of the Federal Service for Execution of Punishments, including two women, got 12 years as a result of a plea bargain with public justice”* (*“Gazeta Yuga”*, 24.11.2011). As V.Ustov further assured, the law enforcement bodies do not aspire to eliminate persons suspected of involvement in the activity of illegal armed groups by all means. Since the beginning of 2011, 70 insurgents have been annihilated, and 103 insurgents and their accomplices detained (*“Gazeta Yuga”*, 24.11.2011).

However, the confidence placed in the authorities by relatives of insurgents, who could become intermediaries in negotiations, is nevertheless inconsiderable.

In October 2011, a group of inhabitants of Kabardino-Balkaria, consisting mainly of relatives of insurgents either killed and alive (*“mothers and relatives from Baksan, Chegem and Nalchik, whose sons are in hiding”*) wrote an open letter to the authorities and the public, eloquently entitled: *“young Caucasians, both Moslems and policemen, are perishing”*. They wrote that despite a promise given earlier by Minister of Internal Affairs of the Republic, **S.Vasilyev**, to admit mothers to negotiations with insurgents, they refused such a possibility to **Lampezhova** and **Kachkarova** during the above-mentioned special operation **on 3 September 2011**, whose sons were among blocked the insurgents. The internet Edition *“Kavkazsky Uzel”* tried to look into this situation and lodged an inquiry with the Investigation Department of the Investigating Committee of Russia. In return, they received a non-committal reply: the investigation is proceeding, and *“citizens Lampezhova and Kochkarova had not lodged any applications with the Investigation Department of the Investigating Committee of the Russian Federation in the Republic of Kabardino-Balkaria regarding the wrongful actions of law enforcement officers during the carrying-out of the special operation (”Kavkazsky Uzel”, 15.10.2011).*

In November, it had been one year since the time the Dagestan Commission for Adaptation was established. As R.Kurbanov declared, 40 persons had passed through it during the year, and negotiations are being conducted with 67 persons more regarding their surrender to the authorities. According to R.Kurbanov, the activity of the Commission had not been formalised for the past year, and the work on each application had been organised depending on the circumstances of a case: *“Sometimes relatives of those who are in the woods apply and ask to help rehabilitate them. They lodge an application both on their behalf and in the name of a person. We begin to study the situation, we carry out negotiations with them. If it turns out that there is no bloody crime committed by a person, we hold a session of the Commission and decide what to do with them. Or somewhere an insurgent is in an hide-out: then we resort to the help of relatives, imams and psychologists. Recently, we managed to persuade a person to surrender”* (*“Moscow News”*, 13.11.2011)

The latest episode of the work of the Commission is connected with a case of **Beslan Batsiyev** who has lived in *Belgium* since 2003. He has been on the wanted list for nine years. B.Batsiyev himself asserts that he did not shoot at anyone during his stay in the woods, he only cooked meals for his comrades-in-arms. A direct transmission of the session of the Commission **as of 31 October 2011** was broadcast on the Internet. The negotiations with B.Batsiyev began **as early as February 2011**; some federal structures including the Ministry of Foreign Affairs of the Russian Federation were

employed. B.Batsiyev came for the sake of his sick mother and family living in misery, who needed help (*“Dagestanskaya Pravda”*, 01.11.2011). While discussing the case of B.Batsiyev, a small verbal duel occurred between members of the Commission, which characterised some positions of its participants. R.Kurbanov reminded the attendees of a promise given previously to D.Batsiyev, stating that the latter would walk free before a trial, and that the former Head of the Investigation Department of the Investigating Committee of the Republic of Dagestan, **Kasumbek Amirbekov**, had declared his assistance in resolving that issue. The new Head of the Investigation Department, **Aleksander Savrulin**, got surprised: *“I do not know what the former head had promised to you, because the solution of the question does not fall within our competence. As far as I know, this criminal case is being investigated in the North Caucasian Federal District, and B.Batsiyev is accused of having committed several crimes”* (*“Novoye Delo”*, 08.11.2011). As a result, R.Kurbanov’s posture won: B.Batsiyev went directly from the House of Government, where a session of the Commission for Adaptation was being held to an investigating agency in order to make a statement concerning his acknowledgement of guilt. He had a leniency application allowed by the Commission in his hands (*“Dagestanskaya Pravda”*, 01.11.2011).

Among “adapted” persons there turn out to be some ideological “Jihadists” who arrive in Dagestan with “a one-way ticket” expecting “to find paradise” in the struggle against “infidels”. As R.Kurbanov said, the Commission managed to “reeducate” two of such visitors from *Chelyabinsk* and *Cheboksary*, who originally “did not hear us and even did not try to hear”. Understanding that such people drew their elementaries of Islam basically from sermons of **Said Buryatsky**, members of the Commission contrasted the idea of peaceful religion to extremist ideology, for which purpose they had sent some persons to be adapted to study in a madrasah from where they came out as people with *“absolutely different mentality people”*, if one trusts R.Kurbanov. *“Somewhat later, their relatives kept coming to us and thanked, R.Kurbanov added. And the lads themselves thanked us for the fact that they had found some friends in our Republic”* (*“Moscow News”*, 13.11.2011).

In the end of the summer and in the autumn, the first acts of voluntary surrender of insurgents on the security of the Commission for Adaptation took place, who had rendered an armed resistance to law enforcement agencies. This merit should not be credited to the Republic Commission but to the Derbent Municipal Commission for Adaptation, working in interaction with the former and headed by the First Deputy Head of the Administration, **Tatshatdin Sultanov**.

On 26 August, the group of members of an illegal armed group fired at the building of the Department of the Security Council of the Russian Federation in Derbent, after which some insurgents were blocked in a house. One of the attackers was killed in the firing. After attracting relatives of the blocked persons to negotiations, two insurgents surrendered to the authorities.

On 14 October, some members of the underground, blocked in the Novy Posyulok [*new settlement*] in Makhachkala, namely **Nariman Mirzamagomedov** and **Telman Gadzhimustafayev** laid down their arms in the course of negotiations. According to the information of the National Antiterrorist Committee, the 41-year-old N.Mirzamagomedov was the leader of a Derbent group of insurgents, and the 24-year-old T.Gadzhimustafayev was its active member. According to agents of national security, the surrendered insurgents had been involved in a bombardment of the settlement of Mamedkali’s police division in *the Derbent District*, a shelling of the building of the Department of Internal Affairs in *the town of Dagestanskiye Ogni*, as well as in the murder of a headmaster of the settlement of Sovetskoye of the Magoramkentsky District, **Akhmedov**, committed **in July 2011** (*News Agency Interfax*, 15.10.2011). Even before the beginning of the special operation, the blocked persons had been addressed by a member of the Derbent Municipal Commission for Adaptation, **Sevil Novruzova**, and by the parents of N.Mirzamagomedov and T.Gadzhimustafayev. It is worthy of note that the insurgents in Makhachkala accepted the negotiations on the condition that Rizvan Kurbanov gave a guarantee to them personally, the same as it had been one and a half months before in Derbent (*“Kavkazsky Uzel”*, 16.10.2011). The weekly *“Novoye Delo”*, referring to an interview of the father of T.Gadzhimustafayev, insists on the fact that only relatives participated in the negotiations, but confirms that Telman Gadzhimustafayev already had an intention to surrender, some time before that, and that *“he took an interest in a commission for adaptation”*. A week before T.Gadzhimustafayev turned out to be blocked by agents of national security, his parents lodged an application with the Commission for Adaptation (*“Novoye Delo”*, 21.10.2011). Thus, the information about the

Commission and its activity is being propagated among insurgents and make a demoralising impact on them, which is expected by the authorities.

According to a report of "*Kavkazsky Uzel*", a session of the Municipal Commission took place **on 25 October** in Derbent. It was decided to assist five townsmen including Telman Gadzhimustafayev, who surrendered **on 15 October**, regarding their request to serve sentences on the territory of Dagestan ("*Kavkazsky Uzel*", 26.10.2011).

On 20 October, one more person involved in the activity of the group of N.Mirzamagomedov, 23-year-old **Zamir Agashirinov**, a citizen of *Kazakhstan*, surrendered after negotiations in *the settlement of Reduktorny* in Makhachkala. As officers of law enforcement agencies consider, he rendered panderly assistance to insurgents. He had a pistol with him. It is not reported whether members of the Commission participated in the negotiations, but the connection between the two acts of voluntary surrender is obvious. As a source of the newspaper "Novoye Delo" informed, "*it is most likely that Zamir Agashirinov would also apply to the Commission in the near future*" ("*Novoye Delo*", 28.10.2011).

In conclusion, one cannot but say that **on 4 December** Head of the Commission for Adaptation, R.Kurbanov, got into the State Duma on the rolls of the party "United Russia". He moved to Moscow and left all his posts in Dagestan. How this fact is going to be reflected in the work of the Commission is yet not clear.

Dagestan: violations of human rights and a rising tide of civil confrontation

Despite all efforts of President of Dagestan, **Magomedislam Magomedov**, acts of infringement of human rights, abduction and torture, committed by law enforcement officers in the context of the struggle against religious extremism and terrorism continue to occur in Dagestan.

In autumn 2011, legal experts recorded numerous cases of abduction and torture, as well as a massive mopping-up operation according to the "Chechen" scenario of the period of the second military campaign.

Thus, **on 1 September 2011** brothers, **Zaur Muradovich Gasanov**, born in 1988, and **Kamilpasha Muradovich Gasanov**, born in 1993, who had been engaged in some finishing work at a construction site, were abducted in *Stavropol*. Having declared that Zaur had been involved in an attempt on the lives of some police officers **on 5 August 2011** together with **Magomed Abdusalamov** in *the town of Izberbash of the Republic of Dagestan*, agents of national security brought them to the premises of a security agency in *Lenin Street* in *Stavropol*. Kamilpasha was released in the evening. Zaur was transported to Dagestan, first to *Makhachkala* and then to *Izberbash*. Gasanov's Lawyer, **Murat Magomedov**, notes that his client had been tortured and beaten: there are some hematomas on his back; some traces of torture using electric current on the fingers of his hands; some burns on his palms. Gasanov informed the Lawyer that he had been tortured and beaten in *Stavropol*, *Makhachkala* and *Izberbash* and that he had criminated himself, not stomaching the violence, and had confirmed his involvement in the murder. However, according to him, he was at home in the town of *Izberbash* on 5 August, on the day of the attack on the policemen, and there are some witnesses to this (www.memo.ru/hr/hotpoints/caucas1/msg/2011/09/m260908.htm).

On 22 October, around 9:00, an inhabitant of *the settlement of Shamkhal in the city of Makhachkala*, **Gasan Magomedovich Murtazaliyev**, born in 1966, was abducted. He went home by taxi from his sister's house in *the town of Buinaksk* and disappeared on his way there. A few days later, his relatives found a severely beaten-up and frightened taxi-driver who said that some unknown armed people wearing masks and dressed in gym suits attacked his car on the way to *Makhachkala*, beat him up, wrote down the addresses of his relatives and threatened to kill him. They drove Gasan away in some unknown direction. According to his relatives, the taxi-driver refused to disclose the details of the abduction of Gasan, trembling for his life and the safety of his family. According to the knowledge of the law enforcement agencies, the brother of the abducted G.Murtazaliyev is an insurgent (www.memo.ru/hr/hotpoints/caucas1/msg/2011/10/m266352.htm).

Around **18:30, on 13 October**, an inhabitant of the city of Makhachkala, **Rustam Magomedovich Yakhyayev**, born in 1974, living in *66 Shamil Street, Apt. 6*, was abducted near his house by six law enforcement officers dressed in camouflage uniforms, beat him, made him sit in a "Gazelle" car and took him away in some unknown direction. In the night, his relatives managed to find out that Rustam had been abducted by some officers of the Ministry of Internal Affairs who had interrogated it concerning the murder of Deputy Chief of the Department of the Federal Service for Execution of Punishments of Dagestan, **Magomed Murtuzaliyev**, committed on 23 September 2011.

On 17 October, the relatives of R. Yakhyayev planned to go out for a protest action, but some officers phoned them from the police division of *the town of Izberbash* and informed that Rustam had been brought to them in a state of alcohol intoxication (the relatives say that some vodka was forcedly poured into his mouth). A protocol on an administrative violation was drawn up, and he was convicted and fined. Meanwhile, Rustam subsequently said that the abductors had brought him to some unknown place where they had been kept him for four days without giving him water and food, beaten and tortured him using electric current, accusing him of committing the murder of M. Murtuzaliyev. The abductors tied his hands and feet up; they kicked him in the head with their feet and struck at his kidneys with a plastic bottle filled with water. They inquired about Rustam's car which he had never had. During the detention, they took 31 thousand roubles and a cellular telephone away from Rustam.

On 18 October, Rustam applied to a surgical branch of the Republican Clinical Hospital where physicians diagnosed a craniocerebral trauma and a multitude of bruises and scratch marks. His lawyer informed that no initiation of a criminal case concerning the abduction was allowed.

On 19 October, R. Yakhyayev was summoned to the Investigation Department in the capacity of a witness in the case of the murder of M. Murtuzaliyev. After a short conversation, they took his fingerprints and carried out a blood test. Then he was taken to an identity parade. The witnesses of the murder of the officer of the Department of the Federal Service for Execution of Punishments did not recognise him as a murderer, and Rustam was released

(www.memo.ru/hr/hotpoints/caucas1/msg/2011/10/m266354.htm, *New business of 10/21/2011*).

In the beginning of September, the parents of **Ruslan Magomed-Eminovich Magomedov**, born in 1991, living in *94 "A" Akushinsky Avenue, Apt. 13*, in Makhachkala, applied to Memorial Human Rights Center. They informed that as a result of a special operation carried out **on 12 July 2011**, around 14.30, their son was seriously injured. Ruslan was going to a sports shop, preparing for some competitions on the Stavropol Territory. On his way there, he met an acquaintance with whom he studied in the same stream but in a parallel class. As it turned out, his acquaintance was an insurgent. At this time, a police "UAZ" vehicle stopped near them, and some armed people rushed out of it. A shoot-out started. The agents of national security killed his acquaintance, and Ruslan was wounded. After that, they took the wounded person to a police station and held there without delivering medical aid. After 21.00, he was nevertheless brought to a hospital and operated on. Subsequently, Ruslan was transferred to Municipal Hospital No.1 for treatment, having a diagnosis: a gunshot splintered fracture of the left hip and an injury of the sciatic nerve (as a result of a gunshot wound); a brain contusion; and a closed craniocerebral trauma. During the summer, the state of his health did not improve, the temperature did not abate for more than two months, his foot muscles atrophied, and his foot itself did not function due to a rupture of his sciatic nerve. The doctors recommended some treatment outside the Republic.

Although no criminal case with respect to Ruslan was initiated and no measure of restraint was selected punishment, the law enforcement agencies did not permit the wounded person to leave the hospital, and his ward was under round-the-clock protection. **On 5 September**, this fact was testified to by members of Memorial Human Rights Center, the Regional Non-Governmental Organisation of Dagestan "Mothers of Dagestan" and journalists who visited hospital where Magomedov was kept (www.memo.ru/hr/hotpoints/caucas1/msg/2011/09/m260909.htm).

Under the pressure of the public, Ruslan was nevertheless let out of the hospital and sent for treatment beyond the bounds of Dagestan. In December 2011, he returned to the Republic and again appeared to be within the eyeshot of law enforcement agencies. It came to the knowledge of officials of Memorial Human Rights Center in Dagestan that a search was performed in R. Magomedov's house **on 30 December 2011**. At 7 o'clock in the morning, 5 to 6 men entered the house, three of them were wearing masks. They showed a search warrant. Therein it was specified that some weapons might be

stored in the household and that Ruslan Magomedov was suspected of being involved in a crime committed in Makhachkala the day before, *on 29 December 2011*. Meanwhile, Ruslan moved around with a Yelizarov-type orthopedic device on his left hip and they did him a dressing every day. It is clear that he was not able to leave the house. Memorial Human Rights Center continues to track the development of this strange story.

From *23 September* till *30 September 2011*, a mop-up operation was carried out in the remote mountain village of *Khutrakh of the Tsuntinsky District*, where there live nearly 340 people. This made one recall the events of the second Chechen war. The Tsuntinsky District is notable for its high unemployment rate and underdeveloped social sphere and infrastructure even against the background of Dagestan: interruptions of electrical supply are frequent and the villages are not gasified. There is no industry, and the main occupation of the inhabitants is cattle breeding. *Khutrakh* is one of the hardest-to-reach villages in the area, it is located almost at the very border near Georgia.

In the Tsuntinsky District, the hard-to-get mountainous and woody region, insurgents skillfully conceal themselves and make regular sallies and attacks on law enforcement officers and frontier guards. Some inhabitants of *Khutrakh* were in the ranks of illegal armed groups - peasants do not deny this. As head of the administration of the village, **Rasul Kurbanov** admitted in an application lodged with Memorial Human Rights Center, *"in our village, sons from many families are in the woods"*. Immediately before a mop-up operation, *on 8 and 17 September*, some attacks on vehicles with frontier guards were launched. As a result of the armed clashes, one frontier guard was killed and four wounded. Obviously, these events provoked the actions of agents of national security and the involvement of representatives of the border guard in them. The mopping-up of the villages, lasting for many days, had a distinct character of a punitive operation, a revenge for the previous attacks of the insurgents.

Having learned about the occurrence, officials of Memorial Human Rights Center and members of the Organisation "Mothers of Dagestan" visited the village of *Khutrakh on 8 October*, interrogated the inhabitants, had a talk with the head of the administration of the village and accepted applications from victims.

They said that *on 23 September 2011* a tent camp appeared at the outskirts of the village, which was also used as headquarters and a filtration camp: detained inhabitants were brought to this place; they were interrogated and tortured. At this check-point, the legal experts had to communicate with the frontier guards. The frontiersmen did not deny the fact of the carrying-out of a special operation in the village of *Khutrakh*, explaining it by some difficult operative conditions: a small group of insurgents whose relatives lived in the village operated in the neighbourhood. Apart from the border guard, officers of other structures of the Security Council of the Russian Federation and those of the Ministry of Internal Affairs participated in the mopping-up operation.

The most part of the military equipment remained outside the village. Simultaneously, up to 30 motor vehicles drove into the village. More than a hundred armed agents of national security wearing masks and dressed in camouflage uniforms, speaking Russian and Avar, inspected a house after house irrespective of the fact whether there were their owners inside or not. On entering a house, they neither introduced themselves, nor showed any documents, nor explained the reason for their actions; they behaved extremely rudely. The inspection of houses was often accompanied by open robbery: agents of national security not only took away some valuable things and money with themselves right in the eyes of the owners but also foodstuffs, medicines and household items. There were cases of blatant vandalism: the servicemen intentionally broke furniture and spoiled property. If the owners tried to express their indignation and stop the arbitrariness, they were beaten up.

During the following days, the household checks proceeded. Many houses were visited by the agents of national security several times. In the course of the whole mopping-up, the agents of national security kept detaining and taking inhabitants - both men, and women - away from the village and brought them to the tent camp where they were interrogated and tortured. Some were delivered to the District Department of Internal Affairs or to the nearest *Khuprin* frontier post or to the village of *Hebda*. Incidents of torture and beating occurred in each of these places. The majority of the detained men were subjected to cruel treatment: battery, torture using electric current and imitation of execution by shooting. They did not beat women and teachers of the local school. They demanded that the people

should submit information about insurgents and hidden weapons and against their neighbours. They drew polyethylene packages on the heads of all the arrested persons.

The most massive detention in the village occurred on the last day of the mopping-up operation, **on 30 September**, when people were coming out of the mosque.

As a result of the special operation, nobody was taken into custody, everyone came back home. Searches did not yield any results either. However, this does not make the actions of the security agents lawful and does not justify them in any way (www.memo.ru/2011/10/14/1410111.html). Such violent actions only play into the hands of propagandists serving insurgents who have already posted a message about the mopping-up operation in the Tsuntinsky District on their websites, describing the lawlessnesses of “the infidels” in colour.

The Ministry of Internal Affairs of Dagestan declared that their officers had not permitted any wrongful actions, they only checked some operative information: “*There prevails a tense situation in the Tsuntinsky District now. We got a piece of information that some armed people had been noticed in the area of the settlement of Khutrakh. In order to check this knowledge and find out criminals, some officers of security departments had been accommodated near the village. Apart from carrying out checks inside the village, they were combing the adjoining territories for the purpose of finding the insurgents who were stationed in the woods, and carried out ambuscading actions*”. In a reply to a question regarding cases of torture and mockery, a representative of the Ministry of Internal Affairs said that no applications from the victims had been lodged with them (“*Novoye Delo*”, 21/10/2011).

Inhabitants of Dagestan react more and more bitterly to cases of lawlessness, occurring in the Republic, and the growth of the protest movement may serve as an indicator of this. Last autumn, at least six meetings were held in the Republic (**on 9 September; on 21 September; on 3 October; on 22 October; on 21 November; and on 25 October**) at which citizens demanded that an active battle should be fought against corruption, and abductions and torture of people should be stopped. A wide use of Islamic topics and symbolics by orators and protestors was characteristic of these meetings (it is especially noticeable in video reportings, for example:

<http://www.youtube.com/watch?v=FpRWfle-aP8>; <http://www.moidagestan.ru/blogs/25996/9214>;
<http://islamonline.kz/index.php?>

option=com_community&view=videos&task=video&userid=133&videoid=15&Itemid=1&lang=ru).

The protesters emphasise that not only social, but also a religious and ethical split has occurred in the Republic; “*the Moslems*” of “*the ummah*” are being prosecuted “*only because they put their faith in Great Allah*”. The protesters pray collectively and chant: “*Allah akbar!*” (This phrase is, perhaps, the most often pronounced at meetings). An especially strong impression was made by a several-thousand-strong procession and a meeting on 25 November in Makhachkala, which gave rise to a feeling, on the part of Internet commentators, of a contiguity of this event with the Egyptian revolution which occurred under banners of Islamic revival (“*Kavkazsky Uzel*”, 28.11.2011). Probably, this why the law enforcement agencies react to these appearances very nervously. One of the meetings was harshly dispersed by the police.

On 9 September, a meeting was held in Makhachkala, devoted to the protection of the rights of three inhabitants of Kizlyar, namely **Omar Omarov, Murad Gasanov and Ruslan Gadzhimagomedov**, suspected of aiding and abetting insurgents. The arrested persons asserted that the law enforcement officers had planted some drugs in their cars, a trotyl block and a ball grenade (“*Kavkazsky Uzel*”, 08.09.2011; *the Blog “My Dagestan”*, 09.09.2011). It was already the second meeting held for the protection of the inhabitants of Kizlyar. The first one took place **on 26 August**.

On 21 September, a regular meeting held in protest of acts of abduction and arbitrariness, which were committed by security agencies, took place in front of the building of the Avar Theater. Legal experts, lawyers and journalists of Dagestan became initiators of this action. About a hundred persons gathered for the meeting (*the website of the All-Russian Social Movement “For Human Rights”*, 30.09.2011).

On 3 October, a more crowded meeting, declared by its organizers as “an all-Republican anticorruption rally”, took place near the building of the City Hall of Makhachkala in *Lenin Square*. It gathered about five hundred people. The organisers of the action were the Union of Public Associations “Fatherland”, the Dagestan Republican Organisation of “The Russian Union of Veterans of Afghanistan” and the Tabasaransky Anticorruption Committee. The protesters were also joined by

inhabitants of the Kizlyarsky District, who had earlier organised some meetings in Makhachkala in support of three fellow countrymen (*“Novoye Delo”*, 10.10.2011).

The authorities did not accord the venue of the meeting with the organisers, proposing *Rodopsky Avenue* to them, in the square near the Avar Theater. A few days before the meeting, the organisers had sent a letter to the City Hall of Makhachkala, expressing their disagreement with the City Hall’s decision therein. However, they received no answer to this letter and thought themselves to have a right to hold the meeting where it was originally planned to be held. The participants of the anticorruption rally demanded that the authorities should take measures in the fight against corruption and give more attention to social protection of citizens. Apart from some anticorruption slogans, the gathered people unrolled posters with a requirement to stop “the lawlessness of special services”. The protesters broke through the cordon of policemen who, however, did not rebuff them in the beginning. The people proceeded to the monument of V.I.Lenin and began the meeting there after they unrolled some banners. The meeting passed calmly enough, but at its very end the police officers unexpectedly demanded that they should fold the posters and break up within two minutes; and then they started to disperse the people, snatch them out of the crowd, beat them with bludgeons and electric shockers, and drag into buses. A fight started. 28 persons were detained (please see the video: <http://news.bcm.ru/society/2011/10/05/286735/1>).

Six arrested persons were fined and then released by the evening of **4 October**.

22 persons were transferred to Pre-Trial Detention Centre No.1 of Makhachkala. To the knowledge of Memorial Human Rights Center, they were put in two small chambers (measured 2 by 2 meters and 2 by 3 meters) where it was not possible either to lie down, or to sit down; they were not given food and anything to drink (*“Kavkazky Uzel”*, 11.10.2011). A Member of the Council of Memorial Human Rights Center, **Svetlana Gannushkina**, telephoned Vice-Premier of the Security Block of the Government of the Republic of Dagestan, **Rizvan Kurbanov**, who promised to direct the situation to a legal channel. The arrested persons were released from the Pre-Trial Detention Centre **on 5 October**.

According to the Republican police, some administrative protocols with respect to all the persons conveyed from the meeting were drawn up in accordance with Article 20.2 (infringement of an established procedure of organising or carrying-out a meeting) and Article 19.3 (insubordination to a lawful order of a police officer) of the Administrative Offences Code of the Russian Federation (www.memo.ru/hr/hotpoints/caucas1/msg/2011/10/m264356.htm, *“Novoye Delo”*, 07.10.2011).

The position of the authorities was explained by Deputy Chief of the Republican Police, **Magomed Ismailov**: the actions of law enforcement bodies were lawful, after all *“the meeting was an unapproved one”*. He asserted that *“they had beaten nobody”*. To a question why they started to detain the people after the meeting, Ismailov declared that some infringements had been recorded and that *“they had been obliged to take measures”*, even post factum.

He also hinted that *“someone is intentionally organising these disorders in the Republic”*, and he strongly recommended Dagestan mass-media not to concentrate on meetings but on the propagation of feats of police officers in the struggle against insurgents. He was sincerely surprised, demonstrating some rather doubtful legal consciousness, uncharacteristic of a law enforcement officer: “Why there was no meeting with a demand to stop terror and not to flee the woods? Why such meetings are not held in the Republic, why people fail to gather and say: a killed terrorist should not be buried in a settlement and insurgents should be resettled along with their families?” (*“Novoye Delo”*, 21.10.2011).

On 22 October, a meeting against abductions was held the Central Square of Buinaksk, in the city’s Administration Building. This was occasioned by the abduction of a local resident and a father of six children, **Salman Abakarov**, **on 11 October**. About two hundred people participated in the action. As participants of the meeting reported, **on 10 October** S.Abakarov left his house and went for a commemoration in the *Untsukulsky District*. On the same day, he visited his mother in *the settlement of Shamilkala*, and in the evening when his wife called him S.Abakarov answered that he was already on the way and would be at home in two hours. After that, he disappeared. **On 17 October**, Abakarov’s burned car was found in a gorge of the Karabudakhkentky District.

Mayor of Buinaksk, **Gusein Gamzatov**, met the participants of the action. He invited an initiative group from among the protesters to his office to discuss the circumstances of the case. Public Pro-

secutor of the city participated in the conversation. S.Gamzatov assured the relatives that all measures were being taken for finding S.Abakarov (*"Kavkazsky Uzel"*, 21.10.2011).

On 21 November, one more less-crowded meeting - about hundred participants - was held by public organisations, namely "Union of the Fair-Minded", "Akhlyu Sunna", "Dagestan as the World of Peace and Consent", and by relatives of abducted persons in Makhachkala, near the building of the Avar Theatre. Among participants of the meeting "against the arbitrariness of law-enforcement structures" were inhabitants of the settlement of Shamkhal where several people had been detained **on 19 November**. The speakers called upon inhabitants of Dagestan to protect their rights, overcoming fear, and promised to stage new protest actions (*the website "Mothers of Dagestan"*, 21.11.2011).

The most crowded meeting against abductions of people and the arbitrariness of the authorities took place **on 25 November** in Makhachkala near the building of the Russian Drama Theatre. The organizers had preliminarily lodged an application according to an established procedure, and meeting accorded by the authorities. In the application lodged with the Ministry of Justice, the objectives of the meeting were specified rather extensively: a discontent with the raging of criminality, mass unemployment, corruption, a huge difference between the rich and the poor, abductions, etc. *"At the meeting we will demand that the abducted people find should be found. If we had declared the meeting in such a format, they would not have accepted accept our application, the organizer of the meeting, Saadula Abusupyanov, admitted. Therefore it was necessary to include other topics too"* (*"Novoye Delo"*, 18.11.2011).

According to different estimates, the meeting gathered 2.5 to 3 thousand people (*Gazeta.Ru*, 25.11.2011, *"Kavkazsky Uzel"*, 25.11.2011, www.memo.ru/2011/11/25/2511115.html). They demanded that the authorities should look into the facts of unlawful arrests and abductions of people. The meeting was prompted by the abduction of an inhabitant of Makhachkala, **Rizvan Abusupyanov**. It was abducted near the Tsumadinsky Market where he worked as a salesman. His car was blocked by three vehicles near the entrance of the market, some armed people wearing masks, went out of the cars, handcuffed him, shoved him violently into a white "Lada_Priora" car and took him away towards *the settlement of Semender*. Some eyewitnesses tried to interfere, but the abductors stopped them by threatening with weapons and saying that they were "from the agency".

According to Saadula Abusupyanov, the brother of the abducted person, he had applied to the Republican Office of Public Prosecutor, the Public Chamber, the Ministry of National Policy, Religious and External Affairs and written Head of the Republic, but "already more than two weeks have passed without any information about Rizvan, and formal replies are given to our numerous applications".

The protesters were met by Vice-Premier of the Government of Dagestan, **Rizvan Kurbanov**, who proposed to create an initiative group, sit down at the negotiating table and resolve the issues together. The meeting passed calmly, there were no arrests. In the end of the action, a resolution was read out, in which the following requirements were stated: *"Put an end to corruption, clannishness, all-permissiveness with respect to some people and lawlessness with regard to others; stop discrimination based on religious affiliations, discontinue the constant escalation of the conflict on the part of security structures; stop arbitrariness, arrests and detentions without grounds and without observance of the legal procedure established by the Law of the Russian Federation; carry out activities based on principles of information openness, humanity, legality, objectivity and publicity"*. According to the people gathered, that was only a beginning. If they do not see *"any effective and notable response"*, then they will further gather for meetings every Friday (*"Novoye Delo"*, 29.11.2011).

In the course of a few days after the meeting, some representatives of the Centre for Counteraction to Extremism under the Ministry of Internal Affairs of Dagestan came to the organisers and specified the details of abductions which had been discussed at the meeting. The interrogations proceeded in a civil manner.

Meanwhile, while responding to the meeting as of 25 November, the Office of Public Prosecutor of Dagestan informed that 29 appeals of citizens regarding facts of abductions of people, committed by persons dressed in camouflage uniforms, had been considered in the period from January till October 2011. In 13 cases, the information about abductions was not confirmed. 8 persons were really detained by law enforcement agencies, out of which number five were arrested in connection with their being suspected of committing crimes. At the same time, they declared in the Press-Service of the Office of

Public Prosecutor of the Republic: the results of the investigation into the criminal cases show that the information regarding the involvement of law enforcement officers in abductions is only presumable and is based on an assumption that that abductors had some fire-arms, were dressed in camouflaged uniforms and wore masks (*"Kavkazsky Uzel"*, 29.11.2011).

Ingushetia: a trial of Karabulak policemen

In autumn of 2011, three years had passed since the beginning of Yunus-Bek Yevkurov's tenure in office in Ingushetia. The results of these years are inconsistent, and this is illustrated by a judicial trial of police officers, namely a former chief and a former senior operative authorised officer, proceeding in the Karabulaksky District Court. This process became notorious primarily because of the fact that agents of national security are being tried for resorting to torture for the first time in the period of "the counter-terrorism operation" and for the first time in the North Caucasus in general. And it might be possibly named as part of the general process of the improvement of the situation. However, in the bill of indictment there are also other constituent elements of offence. A picture of a system arbitrariness and impunity, which cannot be reduced to two "shoulder-strapped werewolves", stands out.

On 12 September 2011, a legal investigation of a criminal case began in the Karabulaksky District Court. It concerns an accusation of **Ilyas Nalgiyev**, the former Senior Operative Authorised Officer Responsible for Priority Cases (the Centre for Counteraction to Extremism under the Criminal Police of the Ministry of Internal Affairs in the Republic of Ingushetia), and **Nazir Guliyev**, the former Chief of the Karabulaksky District Department of Internal Affairs. I.Nalgiyev was under an accusation of committing crimes coming within the purview of Part 1 and Items "a"; "b" and "c" of Part 3 of Article 286 (excess of powers of office); Item "a" of Part 3 of Article 111 (deliberate infliction of a severe injury on the health); Part 2 of Article 325 (stealing or damage of documents, stamps, seals or stealing of excise labels, special marks or conformity marks); Item "c" of Part 3 of Article 226 (misappropriation or extortion of weapons, ammunition, explosives and explosive devices); and Part 3 of Article 285 (abusing powers of office) of the Criminal Code of the Russian Federation. I.Guliyev was accused of committing crimes envisaged in Part 3 of Article 327 (tampering, manufacture or sale of counterfeit documents, state awards, stamps, seals and letterheads), Part 1; Item "a" of Part 3 of Article 286; and Part 3 of Article 285 of the Criminal Code of the Russian Federation.

Federal Judge **Fatima Ausheva** acted as a chairman. **Mikhail Ahilgov** and **Magamedkhan Murzabekov** were holding charge from the Office of Public Prosecutor.

A charge against both the defendants was brought based on many episodes of infringement of law and in view of crimes committed while they executed their duties of office. 14 persons were recognized as victims in the case. Initially, the process was protracted by the defendant party, but *in October 2011* it proceeded at full speed.

Charges brought against the defendants regarding the torture of **Zelimkhan Chitigov** detained *on 27 April 2010* imparted the greatest notoriety to the case of N.Guliyev and I.Nalgiyev. They brutally tortured him for four days, trying to extract a confession of at least something, beginning with a theft of three hens and ending with staging an act of terrorism. As a result of the torture, a heavy injury was inflicted on the health of Zelimkhan, and most likely he was doomed to spend the rest of his life "chained" to an invalid's wheelchair. Before the arrest, he had been a healthy and strong guy, and after his release he got scared at the sight of men; shouted; closed his face with his hand; concealed himself under a bed. He didn't recognize his kindred; he lost his speech; he could not eat and drank from a small bottle. His mother **Zukhra** applied to Memorial Human Rights Center, and she was assisted in sending her son to the Hospital named after Botkin in *Moscow*. There, as a result of the treatment, Zelimkhan's speech restored, he rose to his feet literally by some miracle; at first he used crutches and then a stick. He spent nine months lying on a hospital bed and sitting in an invalid chair. Zelimkhan suffers from a sick backbone, sick feet, a brain cyst, a ruptured eardrum, a strong loss of eyesight. A heavy psychological trauma is inflicted on him. In this regard, Z.Chitigov remained to be a suspected person; the criminal case against it, closed only *in August 2011*, was soon reopened.

Z.Chitigova's interests are represented by a lawyer of Memorial Human Rights Center, **Tamara Tsechoyeva**. According to observers, among whom there was a member of the Council of Memorial Human Rights Center, Chairman of the Committee "Civil Assistance", **Svetlana Gannushkina**, as well as **Yelena Burtina** and employees of the Nazran Office of Memorial Human Rights Center, the judicial process challenged the possibility of making a true legal decision.

On the day of the beginning of the process, possibly for "equalizing" the chances of the parties, a criminal case with respect to Z.Chitigov reopened. A Decision by Public Prosecutor, **Murzabekov**, drawn up very carelessly, with many procedural and grammatical errors read as follows: numerous violations were committed with regard to Z.Chitigov during the first judicial process. In the period from **May 2010** till **July 2011**, the case was illegally transferred from the procedure of one investigator to the procedure of another seven times (!): **R.B.Tochiyev - R.B.Kotiyev - R.B.Tochiyev - A.V.Kosenko - R.B.Tochiyev - A.V.Kosenko - A.D.Merzhoyev**. Protocols of investigatory actions in the criminal case were drawn up violating the requirements of Article 166 of the Criminal Procedural Code of the Russian Federation, often no dates are filled out in them; they are not duly signed by the persons who participated in the carrying-out of investigatory actions. Contrary to the requirements of Item 1 of Part 2 of Article 42 and Article 198 of the Criminal Procedural Code of the Russian Federation the persons who participated in the criminal legal proceedings and who prescribed examinations did not familiarized themselves with their results. Having enumerated all this, the Public Prosecutor, nevertheless, decided to resume the investigation against Z.Chitigov, ordering in this to eliminate the violations committed earlier.

Apart from that, already in the beginning of the process the relatives of the accused persons began "their active work" aimed against the victims and witnesses: they openly intimidated them, threatened them and their families. An unknown woman came to visit mother of Zelimhan Chitigova, **Zukhra**, in a luxury car and said that if Zuhra applied to court and gave evidence she would regret that. Zukhra answered her that would apply without fail. The woman said: "*If you do not think of yourself think of the children*". As a result, Zukhra is afraid to let her eldest daughter go to a higher education institution and her younger one to attend school.

In the beginning of the hearings, after one of the sessions ended, the defenders, defendants and some victims stood near the Court for about a half an hour and negotiated something. The meeting was conducted by the lawyer of the defendants, **Aza Yandiyeva**, the others nodded amicably. As a result, all the victims sent their applications requesting the Judge to consider the case in their absence. They said that they had no claims against the defendants and that they left the issue to the discretion of the Court.

Those witnesses and victims who nevertheless participate in the sittings of the Court, showed at the sessions that they "had clean forgotten" everything that they spoke about during the preliminary investigation. Many witnesses either deny their evidence given in the course of the inquest, or deny the authenticity of their signatures in the interrogation reports, or assert that they signed without reading the documents.

The prosecution party also tried to discredit the investigation team led by Inspector **Adlan Ferzauli**, presenting the case against N.Guliyev and I.Nalgiyev as fabricated. These attempts, not quite concealed and very clumsy, are easily found out at judicial sessions. Thus, **on 8 November**, a former trainee of the Karabulaksky Municipal Department of Internal Affairs, **Isa Tsurov**, was summoned for an interrogation regarding the episode of the detention of **Gorchkhanov** and **Paragulgov**. After the Public Prosecutor asked his first questions, Isa unexpectedly informed that Inspector Ferzauli came to see him in the morning and handed him a paper with the following words: "*Say in court what is written here, you are yet to live more...*". The text on the paper completely corresponded to the evidence which I.Tsurov gave during the investigation. In this regard, as the Public Prosecutor noted, there was nothing essential in that brief evidence, for the sake of which it made sense to bear pressure upon the witness. Speaking about this morning visit in the Court and answering questions, I.Tsurov constantly contradicted himself and finally was at a loss, when it was found out that Ferzauli had not been able to visit him as he was outside the Republic. Now, his evidence caused already irony on the part of the defenders: Lawyer of N.Guliyev characterised the witness as a real catch for the Court. The Public Prosecutor agreed and added: "*He has been sent to us by Divinity*".

The defendants came late for sessions, behaved impudently during hearings and interrupted participants of the judicial process. Despite the requirements of the Defence of Z.Chitigov, which pointed to the gravity of the crimes; the obvious danger to participants of the process, emanating from the defendants; the probability that the defendants would abscond from justice, the Judge did not dare to change the measure of restraint from recognisance not to leave to detention in custody with respect to them, quoting an expression from the Criminal Procedural Code of the Russian Federation in her decision: *“There are no grounds to assume that I.V.Nalgiyev will disappear from the investigation agencies and the court or will be able to impede the objective legal investigation of the case. There are no data proving that the accused person may abscond from the bodies of preliminary investigation or from the court; forge evidence, bear pressure upon an aggrieved person, a witness, etc.”* It is impossible to agree to the last assertion: the behaviour of I.Nalgiyev and his “support group”, who openly menaced Z.Chitigov not only during breaks, but also in the course of sessions, cannot be conceived differently, i.e. not as pressure brought to bear upon the victims. **On 25 September 2011**, I.Nalgiyev celebrated a wedding, and sitting at a festive table he said that the young couple were going to leave the country. However, so far they have had to take Zelimkhan Chitigov and his family a safe place beyond the bounds of Russia.

Again, we would note that the other points of the bill of indictment considered in the Court, are also noteworthy, because they illustrate on the whole the condition of the law-enforcement system in the Republic.

The detention of a driver of a “KAMAZ” truck, loaded with black oil fuel, and officers of the Ministry of Internal Affairs accompanying it may be viewed as vivid episode. “The shouder-strapped werewolves” demanded that the owner of the truck, **Islam Khamhoyev** should give one million roubles and a “Lada Priora” car, threatening that otherwise some “things” would be detected in his luggage boot (an arsenal of weapons), their withdrawal will be recorded with a video camera and I.Khamkhoyev would “become an insurgent” with all ensuing consequences. I.Khamkhoyev was released after his brother paid 600 thousand roubles.

The episode with an attempt to capture the building of the Karabulaksky Municipal Department of Internal Affairs, made by I.Guliyev (who was suspended from his duties) **on 17 September 2010**, appears to be absolutely fantastical. The victim in the case, Chief of the Karabulaksky Municipal Department, **Isa Khamhoyev** (he replaced I.Guliyev in this position), testified in the Court **on 28 October** as follows: “According to an order of Minister of Internal Affairs, I took over the office of Chief of the Municipal Department of Internal Affairs of Karabulak. **On 17 September 2010**, in the morning, I was at the workplace. Ten minutes to eight, I believe so, I.Guliyev tried to enter my office. Before that, according to an order of the Ministry of Internal Affairs, I announced a plan “Fortress”: in case of an attack or attempt to seize the Department, the plan “Fortress” was to be brought into action on the premises. The building was surrounded. However, for reasons undefined, I.Guliyev managed to get into the Department. To my question what he was after, I.Guliyev said nothing and went up to my office, keeping silent. When I was sitting myself in the armchair, I.Guliyev pushed me aside. I told him: “That are you doing, use your brains!” But I.Guliyev struck me. Then I applied a hold of unarmed self-defence, and I.Guliyev fell down and banged against the table. He tried to jerk out a pistol, but I snatched it from him and placed in the safe. Hearing the noise, some officers of the Municipal Department of Internal Affairs came running and took I.Guliyev away to the ground floor”.

Later on, such a dialogue between the participants of the process took place.

Public prosecutor Akhilgov: For which reason did you announce the plan “Fortress”?

The Complainant I.Khamkhoyv: There was some information that I.Guliyev was going to attempt capturing the Department.

Public prosecutor: And regarding the motor transport?

Complainant: A few days before, I called to I.Guliyev and asked him to return the office transport and vehicles, which had been stolen and which should be on the territory of the Department at the disposal of Chief of the Municipa Department of Internal Affairs (the defendants used stolen and then found cars in the purposes: *a comment of the author*).

Public prosecutor: What kind of transport it was?

Complainant: These were three motor vehicles which were on the Federal Wanted List, namely a “VAZ 2114” car and two “Priora” cars.

Public prosecutor: And what kind of office transport?

Complainant: a “Volga” car and two “Priora” cars. I.Guliyev told me that he would come to work on the 17-th. I told him in return that until an order of the Minister came into effect I would fulfill the duties of the Chief of the Department.

Public prosecutor: Did you see I.Guliyev later that very day?

Complainant: Yes, I saw him in the office of district police officers. He tried to strike me again and dropped the computer monitor. The officers pacified him.

Then I.Nalgiyev’s Lawyer, **Aza Yandiyeva**, proceeded to interrogate.

Lawyer Yandiyeva: on 13 August, when I.Guliyev was going on leave, did you know that he was not entitled to take the office transport away with him?

Complainant: Yes, I knew it and likewise that he had no right to take away operations officers with him from among the personnel of the Patrol and Inspection Service, the whole platoon. I reported the Minister repeatedly regarding this and telephoned I.Guliyev time and again.

Lawyer: Also what did I.Guliyev answer you?

Complainant: He said nothing.

Lawyer: And what measures were taken by you after that?

Complainant: I reported to the Minister.

Lawyer: And what did the Minister answer?

Complainant: After that, there came Head of the Republic and said that it was necessary to leave two men in the guard for I.Guliyev and the others should be returned to the Department.

Lawyer: And did he say nothing about the transport?

Complainant: He said that one car should be left for I.Guliyev, and the remaining transport was to be taken away.

Lawyer: Have you taken it away?

Complainant: No.

Lawyer: Why?

Complainant: Why do you ask? I made some attempts to return the transport, but I was told in the Ministry of Internal Affairs that I should do nothing to avoid a conflict.

Lawyer: Who exactly told this?

Complainant: The leadership of the Ministry of Internal Affairs.

Lawyer: Who exactly?

Complainant: I cannot tell this

Chief of the Municipal Department of Internal Affairs, dismissed from office, takes the whole population of cars and a platoon of officers away with him, whereas the leadership of the Republican Ministry of Internal Affairs does not demand that the same should be returned in order to “*avoid a conflict*”! In so doing, the leadership gives him both means for attempting a forceful capture of the Municipal Department of Internal Affairs and confidence in his impunity and, as it would seem, the leaders should share the responsibility with him.

Later on, Isa Khamkhoyev declared in his evidence that he had no claims against the former policeman and asked to consider the case in his absence. Maybe the present Chief of the Municipal Department of Internal Affairs renounced his claims against the onetime officer because he gained the victory over him in the fight. We would note that Khamkhoyev is one of few complainants who refused to settle their conflict in a “*vainakh*” manner (with the participation of elder people and paying an indemnification), and did not call upon the Court to deliver them from punishment.

The process is proceeding. Memorial Human Rights Center closely watches its course. Please also see: [http:// www.memo.ru/2011/09/13/1309111.html](http://www.memo.ru/2011/09/13/1309111.html); [http:// www.memo.ru/2011/10/06/0610114.html](http://www.memo.ru/2011/10/06/0610114.html); [http:// www.memo.ru/2011/10/21/2110111.html](http://www.memo.ru/2011/10/21/2110111.html); <http://www.memo.ru/2011/12/27/2712112.html>; the publication “*A Hundred Hours in the Hell*”, “*Russian Reporter*”, No. 37: http://expert.ru/russian_reporter/2011/37/sto-chasov-v-adu/).

As we may see, the struggle with “*police lawlessness*” (to say the least of it) is not merely proceeding with difficulty: it becomes obvious that it is not a matter of “*stand-alone episodes*” but it is a case of a system which is not going to surrender.

However, a trial of even two militiamen cannot but affect all this system.

Besides, the course taken by Yunus-Bek Yevkurov in the very beginning of his guidance of the Republic and aimed at achieving a situation when counter-terrorism and authority on the whole might be perceived by inhabitants as a protection against a general threat and not as a security threat which is, perhaps, even more terrible, than terrorism is yielding results (please also see the section about “the adaptation” of insurgents).

Eventually, the situation in the Republic for the past three years has cardinally improved. Thus, the number of the killed and wounded agents of national security in Ingushetia has decreased sevenfold: from 356 *in 2009* to 47 *for 2011*.

Chechnya: the front of the building and its backside

The modern Chechen Republic if one considers it in the mirror of mass-media and through the prism of messages of legal experts, makes a strange impression. There is one picture, that of luxury turning into kitsch, ostentatious piety and paternalism. Also, there are reports testifying to lawlessness and defenselessness of people. And both the images have been almost carried to the absolute. In this regard, any attempts to superimpose them, even hints at criticism of the pageantry, are immediately suppressed by the authorities.

Modern public life in Chechnya is a fantastic mix of Islam, adat and the unconditional imperative “Ramzan has ordered”. Russian state and legal institution appear to be, in point of fact, almost a sheer form, a facade behind which some phenomena and processes take place, which are highly distinct from all-Russian ones.

If one judges not only by public statements but also by impressions of journalists and independent observers, derived from conversations with inhabitants of the Republic, except for an narrow enough circle of residents of the Republic - families of insurgents and persons reckoned among them; refugees huddling in corners; the thin Russian community – inhabitants of the Chechen Republic are really proud of their present, of their leader, and do not want anything more for their life. The Chechens, who have tolerated no supreme authority above them since the beginning of time, are close to the recognition of it as such and almost near to the acceptance of the cult of personality.

It seems that any achievements are attainable for **Ramzan Kadyrov**.

Thus, it was declared this autumn that he had once and for all eradicated blood feud – a century-old institute - which neither the power of Russian tsars, nor the Soviet power was able to overcome. For one year, R.Kadyrov has reconciled 450 families and has already dismissed the Commission for Reconciliation, established by him a year ago, as redundant (*the website “Ramzan Akhmatovich Kadyrov”, 23.09.2011; “Nezavisimaya Gazeta”, 19.10.2011*).

He emphasizes the high position of Chechnya among devout Moslems.

In September 2011, the bowl of **Prophet Mohammed**, which had been stored at home by descendants of the cousin of the Prophet, who live in Great Britain, was delivered for “eternal enshrinement” to Chechnya. R.Kadyrov managed to persuade them (it is affirmed, that this bowl was, of course, given free of charge) to present the relic to the Chechen people. From now on, the bowl will be annually exposed for everyone’s survey on Mohammed’s birthday, and all those who wish may drink water from it (*the website of Head and Government of the Chechen Republic, 08.09.2011*). After the bowl of the Prophet arrived at the airport of Grozny, it was carried around the city and then across Chechnya in a “Rolls-Royce” cabriolet, accompanied by tens of luxury cars. The hood and luggage boot of the limousine were covered by carpets from the tomb of the prophet. Ramzan Kadyrov was sitting solemnly right there (*“Vzglyad”, 22.09.2011*). (*A photo report may be seen on the website of State News Agency “ChechenInfo” <http://www.checheninfo.ru/novosti/fotorep/8880-chashu-proroka-muhammeda-provezli-po-selam-chechni-fotoreportazh.html>; please see the video: <http://www.youtube.com/watch?v=mljr9Uei7z4>*). It only remains wonder at how this corresponds with the image of the modest and ascetic Prophet.

Ramzan Kadyrov’s birthday which is celebrated *on 5 October* and which has started to “incidentally” coincide with the City Day of Grozny of late, was especially brightly solemnised this year. By the City Day (but in no way by the 35-year-old anniversary of R.Kadyrov who has strictly forbidden to

celebrate his birthday) there had been timed the commissioning of the system of a huge complex “Grozny-City” consisting of eight skyscrapers with 18 to 40 storeys. Stars of the world’s show business were invited to participate in the celebrations: the holder of two “Oscar” awards, actress **Hilari Suonk**, actor **Jean-Claude Van Damme**, musician **Vanessa May**. Some Russian and Ukrainian “stars” also took part the holiday: singers **Sofia Rotaru**, **Yulia Savicheva**, **Katya Lel’**, **Ruslana**, producer **Fyodor Bondarchuk** and actor **Sergey Bezrukov**.

When a tentative programme of the celebrations and the list of star visitors came to knowledge, the International Human Rights Organisation “Human Rights Watch” sent inquiries to some of the actors, requesting them to confirm their participation and simultaneously reminded them of fact that the Chechen authorities had probably got mixed up in a number of much-publicised crimes, in mass infringement of human rights and torture. Some cases were presented concerning the murder of the former security guard of R.Kadyrov, **Umar Israilov**, which was considered in Vienna and the murder of the member of Memorial Human Rights Center, **Natalya Estemirova**, in 2009, which elicited a wide response. Five days before the Grozny celebrations, the Berlin non-governmental organisation “European Centre for Constitutional Laws and Human Rights” published an open letter addressed celebrities with an appeal to abandon their participation in the festival in Grozny. The writers of the letter were pointing to an acute problem of torture in Chechnya and were stressing that the presence of well-known persons at the event in the Republic’s capital will work for R.Kadyrov’s image (“*Kavkazsky Uzel*”, 12.10.2011).

Some people complied with this: singer **Shakira**, actors **Eva Mendes** and **Kevin Costner** rejected the invitations to arrive in Grozny.

“Human Rights Watch” urged those who nevertheless took part in the festival to abandon fees and gifts which they received for their visit or performance in Grozny. It seems that some actors really did not know where they were going. Some of them publicly declared that would reject the paid fees in favour of charity organisations already after they returned home. In particular, Hilari Suonk publicly repented her gesture and issued an official statement a few days after the concert, in which she was expressing “*a deep regret*” in connection with her participation in the event in Grozny. She added that there was no mention of R.Kadyrov’s birthday in the invitation to the concert. She offered her fee which made, by hearsay, 1.5 million dollars, to various charity organisations. H.Suonk dismissed her manager and two agents who had organised the trip (“*Moskovsky Komsomolets*”, 31.10.2011). Following her example, the ballet troupe of the German “MDR” TV channel declared that it would place their fee on the account of the organisation “Reporters with No Borders” (“*Echo of Moscow*”, 25.10.2011).

It is not known, at whose expense the fees were paid out. Chief of the Department of Arts and Educational Institutions under the Ministry of Culture of the Chechen Republic, **Roza Pashayeva**, informed on behalf of the Chechen authorities that the Government of the Republic, the City Hall and the Turkish firm that had been erecting the complex “Grozny-City”, as well as Chechen businessmen, including **Ruslan Baisarov** was engaged in the invitation of the world’s celebrities (“*Kavkazsky Uzel*” 11.10.2011). R.Kadyrov declared that “*our partner builders of the complex “Grozny-City” had been busy inviting, we only provided law and order*” (“*Komsomolskaya Pravda*”, 13.10.2011). In reply to a question whence he got the money for the maintenance of the Republic, R.Kadyrov declared artlessly: “*Allah gives it ... I do not know. Money comes from somewhere*” (*Gazeta.Ru*, 05.10.2011). Obviously, the federal budget is understood by him as a charisma that will never cease to be granted (“*New Times*”, 24.10.2011).

“Human Rights Watch” received a rather strange “reply”. A certain Chechen autonomous non-commercial organisation “Analytical Centre “Opinion Poll Media”, which neither has a website, nor any appreciable professional history (the search engine only finds one sociological analysis carried out by this organization in 2009), organised a strange opinion poll among inhabitants of Chechnya: “*What is your attitude towards the statements of “Human Rights Watch” concerning the presence of world stars at the festive events?*” Persons interrogated had to choose between “*extremely negatively*”, “*negatively*” and “*abstained from voting*”. According to “the analysts”, the human rights organisations have encroached on an important constitutional law, namely a right to leisure (!), of which Chechens were deprived during two military campaigns (*News Agency ChechenInfo*, 02.11.2011).

However, the rather gloomy reality breaks through the façade and is manifested in mass-media at times. Abductions of persons suspected of their involvement in the activity of insurgents and cases of

torture are an everyday occurrence; however no news about them practically spread beyond the bounds of the Republic in the conditions of the total absence of independent mass-media. Federal officials and federal mass-media also say “either well or nothing” of the modern Chechen Republic. The level of permissible criticism was displayed by Plenipotentiary Representative of President in the North Caucasian Federal District, Vice-Premier of the Government of the Russian Federation, **Aleksander Khloponin**, who unexpectedly noted in an interview with some western journalists: “*Young men experience a lack of freedom, they want to develop more dynamically. We really have a certain problem regarding this, it is obvious*”. It remained a puzzle what he meant, he did not dare to expand on this thought (*NEWru.com, 09.09.2011*).

Under these conditions, a real event was the broadcasting of a story about the case of **Islam Umarpashayev** on the NTV television channel in a programme “Central Television” on 30 October. However, the leadership of the NTV channel timely “thought better of it” withdrew the ten-minute reporting from the broadcast after it had already been televised for *the Far East*. But its record was widely circulated on the Internet (by the evening, the story had been seen by 53 thousand people), and this illustration concerning the situation with freedom of speech in Russia was commented on by the world’s mass-media (*Polit.Ru, 18.12.2011*).

The plot, in particular, was about how unsuccessfully criminal cases of abductions, which continue to occur in the Republic, are being investigated. Today, only lawyers of the Consolidated Mobile Group are working in Chechnya, the kernel of which is composed by the Nizhny Novgorod Human Rights Organisation “Committee against Torture” with **Igor Kalyapin** at the head. The story of I.Umarpashayev who was abducted by Chechen officers from the Special Designation Police Detachment became pivotal in the topic. The officers had kept him at their base for almost four months, preparing him “for a result”, that is say in order to kill him under the semblance of a militant with a grown beard and long hair. After that, they were compelled to release him, but only under the pressure brought to bear upon him by legal experts. The members of the Consolidated Mobile Group performed some enormous work in lieu of the state in the investigation of the abduction of I.Umarpashayev (*“Novaya Gazeta”, 01.11.2011*).

Islam Umarpashayev was detained in his house in Grozny in December 2009 by some unidentified officers of law-enforcement structures (earlier he had served a seven-month term for his involvement in the activity of an illegal armed group, and such kind of people remain “in the sights” of law enforcement agencies for a long time). No documents were formalised in this respect, and the policemen failed to explain the reason for the detention. After that, Umarpashayev disappeared. He was released only four months later. He said that he had been kept all this time in a basement of one of the buildings located on the territory the Special Designation Police Detachment of the Ministry of Internal Affairs of the Chechen Republic. No charges were brought against Islam, but they would say, in this regard, that he was being prepared “for a result” by Victory Day, i.e. his corpse would be presented after a false special operation. For this purpose, they began to nourish him and did not allow him to shave off his beard. A representative of the family Umarpashayev, I.Kalyapin and his colleagues have collected some evidence that I.Umarpashayev was being kept at the base of the Special Designation Police Detachment. His father lodged a complaint with the Strasbourg Court and it applied to the Ministry of Justice of the Russian Federation, following which they had to release Islam.

Based on the fact of the abduction of I.Umarpashayev, the Investigating Committee issued a criminal case which was transferred on 13 December 2010 for the procedure of the Main Investigations Directorate of the Investigating Committee of Russia (please see the details of the abduction of I.Umarpashayev in a Report by Memorial Human Rights Center: “*Mechanisms of Impunity in the North Caucasus (2009-2010) – How Do They Function?*”:

www.memo.ru/2010/06/18/1806103.htm#_Toc272763134).

The case of I.Umarpashayev has hopelessly stuck up motionless because the Chechen law enforcement agencies and the Central Directorate of the Ministry of Internal Affairs of Russia in the North Caucasian Federal District actually sabotage its investigation. The Investigating Committee of the Russian Federation (the case was entrusted to Senior Inspector for Priority Cases, Colonel **Igor Sobol**), in its turn, cannot make officers of the Ministry of Internal Affairs fulfill its lawful requirements. Despite the fact that I.Sobol satisfied some petitions regarding the carrying-out of some investigatory actions, these measures fail to be taken. Police officers do not come for interrogation and identifica-

tion, and the leadership of the law-enforcement agencies of the Chechen Republic and the Central Directorate of the Ministry of Internal Affairs of Russia in the North Caucasian Federal District openly ignored the investigation.

Inspector I.Sobol has repeatedly forwarded orders, obligatory for execution (!), regarding the summoning of police officers in order to carry out investigatory actions with them, but his orders have failed to be obeyed.

The case of I.Umarpashayev is just an illustration of complete powerlessness of the federal investigating agencies and probably of the federal authority as a whole, to which fact legal experts have already drawn the attention of functionaries oftentimes, including President of the Russian Federation. Suffice it to recall a letter of Head of the Investigation Department of the Investigating Committee under the Public Prosecutor's Office of the Russian Federation the Chechen Republic, **V.A.Ledenev**, addressed to the Minister of Internal Affairs of the Chechen Republic, **R.Sh.Alkhanov**, dated *as of August 2010*. It directly said that the agencies of the Investigating Committee are incapable to carry out their duties regarding the investigation of crimes, as a result of systematic sabotage on the part of officers from agencies of the Ministry of Internal Affairs of the Russian Federation in the Chechen Republic. V.Ledenev, in particular, noted that *"the operative tracking of the given criminal cases [the ones concerning facts relating to abductions of inhabitants of the Chechen Republic in 2009-2010] is being carried out in an inadequate manner; orders regarding the carrying-out of operative and search actions, as well as inquiries of inspectors of the Investigation Department are fulfilled with violation of dates... and not fully; and incoming replies are basically of formal character and do not contain required data"*. V.Ledenev brought to the notice of R.Alkhanov numerous facts of the absence of response to lawful requirements of inspectors; *"poor organisation of the work"* and *"a desktop-oriented approach"* to officers of the Ministry of Internal Affairs in the Chechen Republic, *"which adversely affects the uncovering and investigation of grave crimes and especially grave offences"* (www.memo.ru/hr/hotpoints/caucas1/msg/2011/04/m248040.htm).

Nevertheless, as I.Kalyapin believes, the very fact of the initiation of the case is an omen: *"R.Kadyrov's patrons in the Kremlin want to let him know that the impunity of his clan has its limits"* (*The Sunday Times*, 14.11.2011).

There is a certain bright sport in this respect. In the period from **10 October** till **13 October 2011**, the Yessentuksky Municipal Court began to consider a complaint of Chairman of the Inter-Regional Public Organisation "Committee against Torture", Igor Kalyapin. It concerned the frank inactivity of officials from the Main Directorate of the Ministry of Internal Affairs of the Russian Federation in the North Caucasian Federal District. Such an obvious violation of requirements of legislation is either connected with complete non-professionalism of policemen of the Central Administrative Board of the District who are simply not capable to fulfill their duties, or aimed at delivering persons involved in abductions from accusation and criminal prosecution (*please see the text of the complaint: www.memo.ru/2011/10/10/1010112.html*).

However, **on 13 October 2011** the Court passed a decision refusing the satisfaction of the complaint. At the same time, I.Kalyapin was on the whole happy with the result because even such a decision can help put this case in motion. At a judicial session on 12 October, Inspector I.Sobol did not recognise his unlawful inactivity, specifying that he had begun to investigate this case only *in January 2011*. Before that, the case had been in an investigating agency of the Chechen Republic, and practically no necessary investigatory actions were being carried out with respect to the case. Since the the time the work on the case began, Inspector I.Sobol has done some huge work. Now, the criminal case consists more than of 30 volumes. Ten of them include inquiries and appeals of various international and Russian government authorities, non-governmental organisations, as well as replies to these inquiries. This circumstance testifies to a wide public response to the case of I.Umarpashayev.

I.Sobol admitted that his orders directed to the Ministry of Internal Affairs had failed to be fulfilled in due time. However, now the obstacles in the investigation of the case are being gradually removed, and interaction is being forged. According to Igor Sobol, he continues to do his utmost for the persons guilty of the abduction of I.Umarpashayeva to be brought to responsibility. The International Human Rights Committee expresses its hope that the case will be eventuated in a sentence of the Russian Court earlier than the relevant complaint is considered in the Strasbourg Court (www.memo.ru/2011/10/14/1410112.html).

The case of I.Umarpashayev is unique because not only legal experts but also investigating agencies actively participated in the destiny of Islam. Surprising is even a fact that in today's Chechnya his relatives addressed their applications to legal experts and he himself did not withdraw these appeals after his release. Such applications also continued to be filed in 2011. The further course of these cases confirms the effectiveness of the system of the organised impunity of "agents of national security". Thus, *on 12 September*, the European Court of Human Rights filed a complaint of the relatives of a certain **Tamerlan Suleimanov** abducted by agents of national security in Grozny *on 9 May 2011*. In his case, the Court applied an urgent procedure under Article 39 - for the first time regarding a complaint from *the North Caucasus*.

Although there were some data about his probable whereabouts in *the village of Yalkhoy-Mokhk* (in one of the rooms of the Kurchaloyevsky District Department of Internal Affairs), which fact was confirmed by the inspector for the information of the father of the abducted person. However, no resolute actions were taken for his release or, at least, for his legalization. The Russian Federation was to have reported about taken measures to ECHR *till 14 December 2011*. But until now the only appreciable action so far has been... the publication of a message about the initiation of a criminal case and about the distinctive marks of the abducted person the website of the Investigation Department of the Investigating Committee of the Russian Federation in the Chechen Republic in the beginning of November.

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

In autumn 2011, the European Court of Human Rights adopted only three decisions on cases of infringement of human rights in the zone of conflict in the North Caucasus. However, "the portfolio" of lodged and pending legal cases practically doubled: 58 complaints were filed. Besides, one of complaints considered on the merits and one of lodged complaints relate to events of the first Chechen war, namely to crimes committed before *1998*.

Beksultanova versus Russia (*Beksultanova v. Russia*, Complaint No. 31564/07, the decision was taken on *27 September, 2011*)

In the morning of 2 October 2004, an officer of the Special Designation Police Detachment came to the house of **Aminat Beksultanova**, the Declarant, and ordered her son, **Timur Beksultanov**, born in 1980 to go along with him in order to check some information concerning his connection with insurgents. At the time, Timur was on remand. He was incriminated according to items 208; 222 and 317 of the Criminal Code of the Russian Federation in connection with his being suspected of an attack on police officers in *Achhoi-Martan on 6 July 2003*. He was to appear for an interrogation *on 7 October 2004* and according to the Declarant he intended to deny all the charges. Timur left with the officer of the Special Designation Police Detachment. Subsequently, some witnesses informed that they had seen Timur and that officer at a block post, and that there had been some cars, armoured troop-carriers and a big group of agents of national security in the same place. After checking Timur's certificate of identity, they beat him, shot his hip and shoulder through, shoved him into one of the armoured troop-carriers and drove away. Since then, nobody has seen Timur any more. The Declarant constantly applied to the authorities and asked them to carry out an investigation into the disappearance of her son, but no separate criminal case regarding his abduction was ever initiated.

ECHR recognised that the Russian authorities were 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) in the context of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and decreed that the defendant state shall be obliged to pay the Declarant 60000 euros as an indemnification for the moral damage and 3000 euros against litigation expenses.

Tashukhadzhiyev versus Russia (*Tashukhadzhiyev v. Russia*, Complaint No.33251/04, the decision was taken **on 25 October 2011**)

During the first war in the Chechen Republic, Elbek Tashukhadzhiyev, born in 1970, worked as a driver of an “Ural” fuel tank truck. **On 9 February 1996**, he was driving through the village of *Berkat-Yurt*. Not far from a check-point of the Russian federal forces, his truck was stopped by a group of servicemen of the 205-th Separate Motortised Rifle Brigade (Military Unit No.74614) under command of Major Aleksander Zavgorodny. After that, Elbek disappeared. Subsequently, his burnt-up fuel tank truck was found in the suburbs of the village of *Berkat-Yurt*.

On 5 August 2004, relatives of Elbek Tashukhadzhiyev lodged a complaint with ECHR, which was filed **on 11 March 2009**. The Court recognised that the Russian Federation was responsible for an infringement of Article 2 (a right to life), Article 5 (a right to freedom and personal inviolability), in their procedural part, as well as Articles 6 and 13 (a right to effective judicial examination and an effective means of legal safeguard) in the context of Articles 2 and 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and decreed that the defendant state should be obliged to pay the Declarant 30000 euros as an indemnification for the moral damage.

This is the first decision and now, obviously, the first test-case judgement of ECHR in the matter concerning the events of the armed conflict in the North Caucasus when an infringement was committed before 5 May 1998, i.e. the date of the entry of the European Convention for the Protection of Human Rights and Basic Freedoms into force with regard to the Russian Federation. In this connection, the decision could not be taken on the very crime of forcible abduction: the Court was not in the position to ascertain the responsibility of the state for the deprivation of Tashukhadzhiyev of his right to life. It could only decree in connection with the failure to uninvestigate this offence. The Court, thus, continues to extend its jurisdiction to crimes against the humanity, which obviously do not have any limitation period. A year before (**on 29 November 2010**), the Court made an important remark (in its decision on the case “Amuyeva and others versus Russia”, Paragraph 70) regarding the observance of the six-month term between entering the last appeal to national authorities and lodging a complaint with the Strasbourg Court. In point of fact, an exception was made for complaints under Article 2 (the right to life) of the Convention, “especially in the context of war crimes and offences against humanity”. ECHR decided that “public interest in prosecution and condemnation of guilty persons should be unconditionally recognised” regarding such cases and that even “many years later after events” it has no good grounds to be too strict” to applicants.

Sambiyeva versus Russia (*Sambiyeva v. Russia*, Complaint № 20205/07, the decision was taken **on 8 November 2011**)

On 13 August 2003, Said-Emin [*sa'id*] Sambiyev and a citizen, V.M, both officers of R.Kadyrov’s security service Akhmat-Khadzhi, were going by taxi to *the village of Makhety*. The taxi was stopped near *the village of Tavzani*, at a block post, by some servicemen of Troop Unit 28337-A. Both the men were taken to the premises of the 45-th Regiment of airborne forces in *the village of Khatun*. **On 25 August 2003**, the citizen V.M. was released. He said that he and Said-Emin had been contained in two separate pits not far from each other and that Said-Emin had been several times beaten, being accused of murdering a policeman and blasting an armoured troop-carrier. He had been tortured during his detention in custody for him to admit the committment of these crimes. Said-Emin was seen alive shortly before the release of V.M. Said-Emin was not released and he disappeared. The investigation on the grounds of his detention and disappearance yielded no results.

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) in the context of Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and decreed that the defendant state should be obliged to pay the Declarant 60000 euros as an indemnification for the moral damage and 2000 euros against litigation expenses.

Filing new complaints

A false impression might be created as if the Court has impeded the work on complaints lodged from the North Caucasus. However, apart from the three complaints listed above and considered on the merits, 58 more appeals were filed during the autumn of 2011. One of these complaints concerns incidents of torture in the course of the investigation into “The Case of 58 Persons” in *Nalchik* (please see above in the text). The complaint concerned an incident of cruel treatment occurred during a special operation in *Ingushetia*. One appeal was lodged in connection with a case of the abduction of **Tamerlan Suleimanov on 9 May 2011** in *Grozny* (please see above) and one more regarding a forcible reaving-away of property, committed by servicemen 12 years ago, at the very beginning of the second Chechen war. The rest of 54 filed complaints concern cases of forced of people during the confrontation in the Chechen Republic.

Filed on 7 September 2011:

“Pitsayeva and others versus Russia”, (Complaint No.53036/08, lodged *on 22 October 2008*).

On 14 November 2002, **Mulat Barshchigov** was abducted by agents of national security and disappeared.

“Salamova and others versus Russia», (Complaint No.61785/08, lodged *on 24 November 2008*).

On 6 June 2003, **Isa** and **Usman Eskiyev** were abducted by agents of national security and disappeared.

“Yagaeva versus Russia” (Complaint No.8594/09, lodged *on 1 February 2009*).

On 17 March 2006, **Zaindi Ayubov** was abducted by agents of national security and disappeared.

“Nazyrova versus Russia” (Complaint No.21126/09, lodged *on 26 February 2009*).

On 20 April 2000, **Badrudi Nasyrov** and **Said Selim Aguyev** were abducted by agents of national security and disappeared.

“The Debizovs, Kasumovs, Taisumovs and others versus Russia” (Complaint No. 24708/09, lodged *on 28 April 2009*).

On 5 November 2002, **Khamzat Debizov**, **Akhmed Kasumov**, **Magomed Kasumov**, **Adam Eskirkhanov** and **Ismail Taisumov** were abducted by agents of national security and disappeared.

“Adiyeva and others versus Russia” (Complaint No.30327/09, lodged *on 15 May 2009*).

On 30 June 2002, **Aslambek Adiyev**, **Albert Midayev** and **Magomed Elmurzayev** were abducted by agents of national security and disappeared.

“Petimat Magomadova versus Russia” (Complaint No. 36965/09, lodged *on 8 July 2009*).

On 27 October 2002, **Buvaisar Magomadov** was abducted by agents of national security and disappeared.

“Adieyva versus Russia” (Complaint No. 61258/09, lodged *on 6 November 2009*).

On 8 September 2004, **Said Adiyev** was abducted by agents of national security and disappeared.

“Saraliyeva, Khungayeva and Umatgiriyeve versus Russia” (Complaint No. 63608/09, lodged *on 18 November 2009*).

On 14 February 2002, **Aidrus Saraliyev**, **Artur Yeliseyev** and **Bislan Chadakhanov** were abducted by agents of national security and disappeared.

“Kagermanov and Yakhaeva versus Russia” (Complaint No.64811/09, lodged *on 24 November 2009*).

On 4 February 2002, **Ruslan Kagermanov** was abducted by agents of national security and disappeared.

“Aliev and Dombayev versus Russia” (Complaint No.67322/09, lodged *on 12 November 2009*).
On 4 November 2002, **Apti Dombayev** was abducted by agents of national security and disappeared.

“Inalova versus Russia” (Complaint No.4334/10, lodged *on 29 December 2009*).
On 11 August 2003, **Gilani Aliyev** was abducted by agents of national security and disappeared. Along with him, **Aslan Khadisov** was abducted by agents of national security and disappeared.

“Amirov and others versus Russia” (Complaint No.4345/10, lodged *on 23 December 2009*).
On 9 March 2006, **Mikhail Borchashvili** was abducted by agents of national security and disappeared.

“Khadzhiyeva and others versus Russia» (Complaint No.4386/10, lodged *on 31 December 2009*).
On 30 October 2001, **Khasan Khadzhiyev** was abducted by agents of national security and disappeared.

“Viskhadzhiyev and others versus Russia» (Complaint No.11873/10, lodged *on 24 February 2010*).
On 28 October 2002, **Aslanbek Viskhadzhiyev**, **Yasin Viskhadzhiyev**, **Yusup Baisultanov** and **Sultan Viskhadzhiyev** were abducted by agents of national security and disappeared.

“Yesita Ismailova versus Russia” (Complaint No.25515/10, lodged *on 5 April 2010*).
On 4 November 2001, **Anzor Ismailov** was abducted by agents of national security and disappeared. Along with him, **Musa Merluyev** was abducted by agents of national security and disappeared (please see “Merluyev versus Russia”, Complaint No.36141/10).

“Malikhat Ibragimova versus Russia” (Complaint No.30592/10, lodged *on 18 May 2010*).
On 24 April 2001, **Masud Khakimov** was abducted by agents of national security and disappeared.

“Murdalova and others versus Russia” (Complaint No. 32797/10, lodged *on 2 June 2010*).
On 9 July 2001, **Mirza Murdalov**, **Aindi** and **Umar Ismailov** were abducted by agents of national security and disappeared.

“Chapanova versus Russia” (Complaint No.32965/10, lodged *on 8 June 2010*).
On 30 July 2002, **Edward Zainadinov** was abducted by agents of national security and disappeared.

“The Yusupovs versus Russia” (Complaint No.33944/10, lodged *on 11 June 2010*).
On 15 June 2002, **Aslan Yusupov** was abducted by agents of national security and disappeared.

“Merluev versus Russia” (Complaint No.36141/10, lodged *on 28 June 2010*).
On 4 November 2001, **Anzor Ismailov** was abducted by agents of national security and disappeared. Along with him, **Musa Merluyev** was abducted by agents of national security and disappeared (please see “Ysita Ismailova versus Russia”, Complaint No.25515/10).

“Shalaeva versus Russia” (Complaint No.38770/10, lodged *on 9 June 2010*).
On 9 October 2001, **Salamu Shalayev** abducted by agents of national security and disappeared. Along with him, **Khassolt Sugaipov** was abducted by agents of national security and disappeared.

“Abdulvakhidova versus Russia” (Complaint No.52446/10, lodged *on 17 June 2010*).
On 26 May 2001, **Adam Abdulvakhidov** was abducted by agents of national security and disappeared.

“Tsakayeva and others versus Russia” (Complaint No.54733/10, lodged *on 8 September 2010*).
On 2 November 2001, **Timur Tsakayev** was abducted by agents of national security and disappeared.

“Elbuzdukayeva versus Russia” (Complaint No.62244/10, lodged *on 13 October 2010*).

On 25 February 2004, **Suleiman Yunusov** was abducted by agents of national security and disappeared.

“The Basnukayevs, Alisultanovs and others versus Russia» (Complaint No.66420/10, lodged **on 7 October 2010**).

On 16 April 2000, **Maisur Basnukayev**, **Vakha Alisultanov** and **Shamsudi Alisultanov** were abducted by agents of national security and disappeared.

“Dadayeva versus Russia” (Complaint No.67305/10, lodged **on 8 November 2010**).

On 24 September 2001, **Mairbek** and **Aslambek Shavanov** were abducted by agents of national security and disappeared.

“Kisa Dzhabrailova [*dzabra'ilova*] and others versus Russia» (Complaint No.68860/10, lodged **on 28 October 2010**).

On 5 November 2002, **Ibragim Dzhabrailov** was abducted by agents of national security and disappeared.

“The Minayevs versus Russia” (Complaint No.70695/10, lodged **on 10 November 2010**).

On 5 September 2002, **Mairbek Minayev** was abducted by agents of national security and disappeared.

Filed on 12 September 2009:

“Doka Suleimanov versus Russia” (Complaint No. 32501/11, lodged **on 29 May 2011**).

On 9 May 2011, **Tamerlan Suleimanov** was abducted by agents of national security and disappeared. **In July 2011**, the Applicant found out that his son was being held in detention in *the village of Yalkhoi-Mokhk*, about which he informed the inspector who was carrying out an investigation on the grounds of the abduction of Tamerlan. **On 20 July 2011**, the inspector confirmed the fact but said that “*it was impossible to release Tamerlan in a lawful way*”.

Filed on 15 September 2011:

“Zara Gakayeva and others versus Russia” (Complaint No.51534/08, lodged **on 30 September 2008**).

On 7 June 2003, **Timerlan Soltakhanov** was abducted by agents of national security and disappeared.

“Yesiyeva and others versus Russia” (Complaint No.4401/10, lodged **on 30 December 2009**).

On 19 September 2002, **Aldam Yesiyev** was abducted by agents of national security and disappeared.

“Alimkhanova and others versus Russia” (Complaint No.25518/10, lodged **on 5 April 2010**).

On 26 January 2001, **Khamzat Alimkhanov** and **Sulim Khatulov** were abducted by agents of national security and disappeared.

“Saidulkhanova versus Russia” (Complaint No.25521/10, lodged **on 28 April 2010**).

On 13 January 2004, was abducted by agents of national security and disappeared.

“Khamizat Magamadova versus Russia” (Complaint No.28779/10, lodged **on 29 April 2010**).

On 25 December 2000, **Akhmed Gazuyev** was abducted by agents of national security and disappeared.

“Arzhiyeva against Russia” (Complaint No.33175/10, lodged **on 21 May 2010**).

On 3 May 2005, **Usman** and **Valid Arzhiyevs** were abducted by agents of national security and disappeared.

“Elikhanova versus Russia” (Complaint No.47393/10, lodged **on 13 August 2010**).

On 1 November 2001, Khavazhi Elikhanov was abducted by agents of national security and disappeared.

“Temiraliyeva and others versus Russia” (Complaint No.54753/10, lodged **on 13 September 2010**).
On 9 July 2002, Aslan Dzhamalov was abducted by agents of national security and disappeared.

“Paizulayeva and others versus Russia” (Complaint No. 58131/10, lodged **on 27 September 2010**).
On 30 April 2001, Magomed Cherkasov and Ayub Istamulov were abducted by agents of national security and disappeared.

“Vakhidova versus Russia” (Complaint No.62207/10, lodged **on 15 October 2010**).
On 22 June 2000, Musa Vakhidov was abducted by agents of national security and disappeared.

“The Musayevs versus Russia” (Complaint No.73784/10, lodged **on 29 November 2010**).
On 8 May 2001, Robert Musayev was abducted by agents of national security and disappeared.

“Bimuradova versus Russia” (Complaint No.3769/11, lodged **on 2 December 2010**).
On 27 May 2002, Magomed Bimuradov was abducted by agents of national security and disappeared.

Filed on 19 September 2011:

“Khamukov and Khamukova versus Russia” (Complaint No.26591/08, lodged **on 28 May 2008**).
The Applicants applied to ECHR in connection with the events of **13-14 October 2005** in the city of Nalchik, Kabardino-Balkaria, and complained of torture applied in the case of **Daniil Khamukov** arrested on 13 October 2005, one of those accused according to “The Trial of 58 Persons”.

Filed on 17 October 2011:

“Tazhiyeva and others versus Russia” (Complaint No.32394/11, lodged **on 7 July 2011**).
The Applicants assert that on 3 March 2011, during a special operation in *the village of Nasyr-Kort* (the Republic of Ingushetia) they were subjected to cruel treatment, and their property was destroyed.

Filed on 7 November 2011:

“Bakhrudin Akhmatov versus Russia” (Complaint No.№ 38828/10, lodged **on 16 June 2010**).
On 6 January 2005, Lom-Ali Akhmatov was abducted by agents of national security and disappeared.

“Mukhtarova and others versus Russia” (Complaint No.2543/11, lodged **on 27 December 2010**).
On 16 July 2003, Rustam Shakhgarayev, Zelimkhan Kagirov, Zelimkhan Latayev and Khavazhi Aliyev were abducted by agents of national security and disappeared.

“Mazhiyeva and others versus Russia” (Complaint No. 2650/11, lodged **on 27 December 2010**).
On 4 January 2003, **Alik, Arbi, Khasan and Khusein Mazhiyevs** were abducted by agents of national security and disappeared.

“Baimuradova and others versus Russia” (Complaint No.2685/11, lodged **on 3 December 2010**).
On 14 July 2001, Sobur-Ali Bedigov was abducted by agents of national security and disappeared.

“Kharayeva and others versus Russia” (Complaint No.2721/11, lodged **on 8 December 2010**).
On 27 July 2004, Andarbek Bugayev was abducted by agents of national security and disappeared.

“Salmurzayeva versus Russia” (Complaint No.7409/11, lodged **on 29 December 2010**).

On 21 July 2002, Alkhazur Salmurzayev was abducted by agents of national security and disappeared.

“Musluyeva versus Russia” (Complaint No.14321/11, lodged **on 11 February 2011**).

On 8 June 2002, Rizvan and Bislan Musluyev were abducted by agents of national security and disappeared.

“The Dokuyevs versus Russia” (Complaint No. 26277/11, lodged **on 7 April 2011**).

On 11 August 2002, Uvais Dokuyev was abducted by agents of national security and disappeared.

“Uspanova versus Russia” (Complaint No.30146/11, lodged **on 19 April 2011**).

On 15 July 2002, Shadit Magomayev was abducted by agents of national security and disappeared.

Let us separately note the complaint “Utsmiyeva and others versus Russia” (Complaint No.31179/11, lodged **on 6 May 2011**). **On 10 June 1996**, Isa Utsmiyev, Larisa and Anzhela Ansarov were abducted by agents of national security and disappeared. The complaint relates to some events of the first Chechen war, to a crime committed before the ratification by the Russian Federation of the European Convention for the Protection of Human Rights and Fundamental Freedoms **on 5 May 1998** (as well as the complaint “Tashukhadzhiyev versus Russia” considered ad rem).

Filed on 21 November 2011:

“Mikiyeva and Menchayeva versus Russia” (Complaint No.61536/08, lodged **on 9 December 2008**).

On 3 May 2001, Isa Mikiyev was abducted by agents of national security and disappeared.

“Deshi Ibragimova versus Russia” (Complaint No.6647/09, lodged **on 23 January 2009**).

On 16 July 2003, Artu Ibragimov was abducted by agents of national security and disappeared.

“Ashat Kosumova and others versus Russia” (Complaint No.6659/09, lodged **on 30 December 2008**).

On 8 May 2004, Ramzan Shaipov was abducted by agents of national security and disappeared.

Filed on 28 November 2011:

“The Abdulkhadzhiyevs versus Russia” (Complaint No.40001/08, lodged **on 29 July 2008**).

On 8 October 1999, some Russian servicemen wounded the Applicants, Malika and Ramzan Abdulkhadzhiyev, and took their cattle away from them.

Such “package-wise” filing of cases concerning incidents of abduction of people committed at different times in different places means that the Court, based on its experience in handling the already considered cases (134 as of the end of November 2011), was adequately convinced of the sameness of the line of policy both of national security agents abducting people, and of investigating bodies ensuring them [agents] in-system impunity. This filing may be considered as recognition of the widespread and regular practice of forcible abductions of people in the North Caucasus, which constitute crimes against humanity, which have no limitation period according to the International Convention for the Protection of All Persons from Forcible Abductions (2006).