



MEMORIAL Human Rights Center
Migration Rights Network

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On the situation of residents of Chechnya in the Russian Federation

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The Migration Rights Network of Memorial Human Rights Center comprises 56 offices of free legal aid to forced migrants, with 5 of the offices located in Chechnya and Ingushetia (www.refugee.memo.ru)

Lawyers of the Migration Rights Network in Moscow work using the base of the Civic Assistance Committee, a charity helping refugees (www.refugee.ru).

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I. INTRODUCTION

The previous sixth report on the situation of Chechens in Russia covered events through October 2007¹. There has long been plenty of material for preparing the next yearly report. However, when compiling it we face the problem of safety both for those whose destinies we describe and of those officers of our organization who work in Chechnya.

Of course, the problem existed earlier as well, but the level of danger became such that we no longer risk publishing and presenting a report, which would openly tell about the situation in Chechnya. In the end of 2007 such a presentation already resulted in a storm of protests from the leadership of the republic.

Besides, the applicants themselves dare to approach us or the law enforcement bodies more and more rarely, more and more of them refuse to tell about the violent acts committed against them, fearing persecution by the authorities. If they do come and tell about their grieves, they almost always prohibit us from making their stories public. Therefore, despite a decrease in abductions and extrajudicial executions, we cannot reliably determine how high the percentage of the information that we lose is. We still included one tragic case of applying to law enforcement bodies into the report (Appendix 1).

Despite the drastic decrease in registered abductions of people by the law enforcement and in cases of tortures, the abductions, tortures and other violations of human rights nevertheless remain commonplace in the republic.

Besides, in 2008 the numbers started to grow again, as shown in the tables below.

Abductions, disappearances

Year	Abducted	Set free with or without ransom	Found murdered	Disappeared	Under investigation
2006	187	94	11	63	19
2007	35	23	1	9	2
2008	42	20	4	13	5

Murders

Year	All	Civilians	Law enforcement	Militants	Unknown
2006	101	33	24	34	10
2007	54	16	23	15	0
2008	72	24	20	18	10

In 2009, the tendency didn't change (Appendix 2). From time to time we get information from anonymous sources. In March 2009, we learnt that starting from

¹ [http://refugee.memo.ru/C325678F00668DC3/\\$ID/6AE81AEE666DB64BC32573AA00016555](http://refugee.memo.ru/C325678F00668DC3/$ID/6AE81AEE666DB64BC32573AA00016555)

January law enforcement agencies frequently abducted residents of the Dargo village of Vvedensky district. Officers of Memorial Human Rights Center visited Dargo and ascertained that uniformed persons from the neighboring Nozhay-Yurt district regularly come to take young lads and sometimes even girls with them. As a rule, the abducted return home beaten up and intimidated in a few days. There were registered more than 20 of such cases.

However, not all of them came back, and the fate of some abducted persons still hasn't been found out. Officers of Memorial Human Rights Center applied to the Chechnya Prosecutor's Office asking to perform a check of the abduction facts that they had learnt about. As a result of the check, it was established that unlawfully detained persons had been transported to Nozhay-Yurt where they had been kept and beaten up at the deployment of the patrol police regiment of the Chechen Republic Ministry of Interior named after A. Kh. Kadyrov.

At that, a division of the same regiment is deployed in the village. They don't participate in the abductions, but they don't prevent those from happening either.

Prosecutor's Office staff spoke to many residents of the Dargo village who had been subjected to unlawful detention and had been transported to Nozhay-Yurt. However, the victims, without refusing the facts, flatly refused any official witnessing. On the other hand, the unlawful detentions in Dargo stopped right after the beginning of the Prosecutor's Office check.

It is necessary to state that in Chechnya there has formed a totalitarian regime based on violence, delation, and fear. Even the seminars for teachers of small schools in mountain villages and for young human rights campaigners organized by Civic Assistance Committee raise suspicions. Participants of the seminars have to speak "informally" to law enforcement officers who probe to find out about seminar discussions with Moscow human rights defenders, but in particular with their foreign colleagues. The conversations include warnings and threats.

In summer 2008, the Chechen Republic President Ramzan Kadyrov said it was necessary to exert pressure on relatives of those who, in the opinion of the authorities, left for the mountains: "...we have to make use of the Chechen customs. In the past such people were cursed and banished." After that there spread a practice of setting houses of suspects on fire. A few families left their villages after they had been threatened (Appendix 3).

Violations of women's rights are additionally fostered by Vaynakh traditions (Appendix 4). Forced marriages, polygamy, marriages to underage girls are just a part of Russian law violations, against which there is currently no protection in Chechnya.

Female students of the Chechen State University, highly cultured modern young ladies, bitterly tell how they are forced to wear headscarves, which they had to accept after a few expulsions. Besides, they make them buy headscarves, and now also uniform, at a high price and of bad quality. The girls who try objecting to the constraints are treated rudely and without esteem by the guards, who may push them, take them by their hands, or lead them out of the building. The girls turn out to be isolated from the society, they cannot leave their houses in the evening, or meet at a public place. Students speak of a lawless situation, in which women who get abducted or married by their relatives without their consent find themselves. Not a single one of the female students we asked was prepared to live with a future husband who would also have other wives.

At the same time, Vaynakh traditions contain a number of mechanisms constraining arbitrariness towards women. Besides, in the Soviet times the women had by far more opportunities to engage the law enforcement system on their side.

According to the RF President, the whole state system of Russia is corrupted from top to bottom², however, the level of corruption in Chechnya probably is a few times higher than the all-Russian averages, and the corruption here is virtually open. Job seekers pay to obtain a position at certain tariffs, and applicants to higher education institutions also pay for admission.

On April 16, 2009, the regime of counter-terrorist operation was repealed in Chechnya. This means that Chechnya will be authorized to become a destination of international flights, import goods from abroad, with the customs functioning at the airport. Federal troops in the territory of the Chechen Republic will be regrouped, and their soldiers will stop getting additional remuneration. Many of them are leaving Chechnya for that reason already now.

However, there is a big question whether all of the above will favorably affect the observation of human rights in the Chechen Republic. And the answer to it is that, most likely, it won't.

(See the "Chronicle of violence" by Memorial Human Rights Center on the violations of rights in Chechnya at <http://www.memo.ru/hr/hotpoints/caucas1/rubr/2/index.htm>).

² See <http://www.hro.org/node/5204>

II. CHECHENS IN THE PENITENTIARY AND JUDICIAL SYSTEMS

The main topic of our report is the situation of Chechens in the judicial and penitentiary systems. Discrimination, humiliation, and violation of the right to life of Chechens in prisons, as well as the danger for any Chechen to find herself or himself on trial in court without any guilt are recognized by the Chechen leadership and in fact do comprise a large stratum of problems.

The situation of prisoners from Chechnya in Russian prisons

International organizations monitoring the state of penitentiary systems in the world more than once equaled conditions of imprisonment in Russia to torture. In the 2007 report of Mr. V. P. Lukin, the RF Human Rights Ombudsman, the situation in prisons is also called "close to torture". At that, in recent years there were noticed certain positive changes in conditions of imprisonment: the food became better, the problem of overcrowding is getting resolved. However, these positive tendencies in no way touched upon the inhuman prison order, which is characterized by an increase in cruelty, sophistication in methods of humiliation and rude use of force, often without any rational foundation. One of reasons for bitterness is that the law enforcement bodies, including the penitentiary institutions, got a large influx of persons who had gone through the war in the Chechen Republic. The majority of them bring in skills coupled with traumatized mind and a charge of hatred acquired in the course of the warfare, which is particularly dangerous for those who recently were perceived as enemies.

Therefore there is a category among the Russian convicts for whom imprisonment is connected to the direct threat to their life and health, and that is the Russian Chechens. As a rule, the Chechens who got their enormous terms as a result of fabricated charges are a priori considered dangerous special offenders who are inclined to violations of regime and to escape. If the prisoners or guards include those who served in federal troops in the territory of Chechnya during the warfare, their attitude towards the Chechens is easy to predict.

The majority of Chechen residents serve their term far from home. According to Article 73 of the RF Criminal Execution Code, as a rule the convicts serve their term in the limits of the federal subject where they resided or were convicted. However, the Chechen Republic until recently had no penal colony. Besides, in 2005, Article 73 underwent amendments, according to which the place of sentence completion is chosen by the federal penitentiary body, that is, the decision is made in Moscow³. Such crime categories include participation in illegal armed formations, banditry, infringement on the life of police officers, and some others, under which Chechnya residents as a rule get criminal convictions.

That makes it difficult for them to see their relatives and tell them about their situation. Besides, it is only possible for many Chechen residents to visit their imprisoned relatives thanks to a program of the Red Cross. At that, the visitors themselves often become subjected to persecution by the local police.

Human rights ombudsmen and non-governmental organizations get a lot of complaints about facts of humiliation and violence against Chechens. The discrimination on ethnic and religious grounds is also a part of daily life of the Russian penitentiary system.

³ There are grounds to believe that the amendments are connected to the case of Khodokovsky.

Below is described a number of cases, about which we were informed in the course of the last year. A part of them is taken from applications to our offices, while others come from the information that we received from our colleagues⁴.

We have received information from the colony Tomsk-3 of the city of Tomsk that convict **Islam Isayevich Taipov** serving his term there is subjected to incessant tortures and violence. Islam himself wouldn't be able to pass a word to his relatives: one of the convicts who were kept together with him learnt a note by heart and asked his own relatives to relate its contents to any Chechen who they would meet out of prison. It is necessary to underline that the colony, in which Taipov is held, is considered a "red" zone and is known for its cruelty, while its orders are customarily brutal. However, the way the administration and guards treat Islam is a rarity even for that place.

Relatives of Islam communicated that on the very first day in the colony, on May 16, 2008, he was stripped naked, and then they hounded dogs on him. His body has scars from their bites. After that, they kept him naked in the disciplinary cell for 15 days and beat him daily. Islam says that he himself doesn't know how he survived.

During their visit to Tomsk, relatives of Islam Taipov managed to meet the warden of the colony whom they told about their concern for Islam's health and asked not to oppress him, to which the warden answered that he was soon retiring and had no means to influence whatever was going on in the colony. The same, the inability to influence things, was stated by a troop commander.

While visiting Taipov, his relatives (his mother and his father's sister) noticed that he still had wounds and scars from beating in the disciplinary cell. They tell that a strong young fellow became a skeleton in a few months spent in jail. They only were allowed to communicate to him via a monitor. As a robot, Islam repeated, "I'm fine, I don't need anything." Next to him there sat an officer of the camp who controlled the conversation. Not a single word in the native tongue was spoken, as before the beginning of the conversation Taipov's relatives had been warned that they were permitted to speak only Russian.

Only the interference of human rights defenders relieved the situation of the young convict.

Rustam Taipov, an uncle of Islam convicted in the same case, is kept in the federal budget institution colony IK-11 of the Bor town in the Nizhny Novgorod Oblast. When Rustam was yet kept in Grozny prison right after conviction, two law enforcement officers entered his cell, mercilessly pummeled him, and claimed that when on zone, Rustam and everybody convicted in the same case would be killed.

Taipov at first wasn't beaten in the Nizhny Novgorod Oblast colony, but the pressure against him was present. There are testimonies that the order to be "pressing" Chechens (and Georgians after the Georgian events) came from Moscow, and if the officers of the colony would refuse to obey it, they would soon find themselves next to those whom they guarded. It is known that in the same colony there are former soldiers and police officers serving terms for crimes committed while in action in Chechnya during the warfare. Usually their crimes were violence against their own fellow soldiers and officers, as well as theft.

On April 21, an unknown woman called Civic Assistance Committee and told that according to her information in IK-11 penal colony there had been created intentionally hard conditions for convicts from Caucasus. They were beaten and humiliated, they were cruelly punished for no reason.

⁴ See, for instance, <http://ru.indymedia.org/newswire/display/21623/index.php>.

Not surviving the suffering, convicts opened their veins and stomachs. They were kept in disciplinary cells for months, their walks were a sophisticated form of torture: the guards would let hundreds of people into a small court where they had to spend a long time in a jam.

During meals, prisoners suffering from tuberculosis, hepatitis and AIDS were put at the same table as the others and fed from the same plates and dishes as people who were yet healthy. Illnesses were purposefully spread among the victims. As we constantly keep hearing, convicts from Chechnya got more than others did.

The Committee sent an inquiry to Mr. Yu. I. Kalinin, the head of the Federal Penitentiary Service, asking to verify the anonymous caller's information.

In ten days after that we were informed that the situation of the prisoners got better. The colony's managers were stirred, and the convicts were interrogated to determine from where the information came.

Unfortunately, it is not always and not for long that our letters have such an effect.

Farid Khayrulayevich Israilov, convicted for 5 years and serving his term in a colony in Tomsk, according to his mother, was subjected to beating, which resulted in broken ribs. After his mother's complaint, the warden of the colony again beat the prisoner and broke his nose. Following that, Israilov got 6 months of disciplinary room. He was deprived of a long visit of his mother, who was also humiliated when she came to the colony. She learnt about what was happening to her son from a former prisoner who was just released after finishing his term. He informed her that Farid was systematically beaten, and once was barely not suffocated with a towel.

Three months later the mother still managed to meet her son. On his right leg she saw a haematoma. She understood that Farid's ribs were broken from his condition. However, the colony's medics didn't find any damage. A prosecutor's office investigation didn't result in anything either.

Unfortunately, we have to acknowledge that in Russian prisons there has formed a special complex of executions applied to those professing Islam, particularly, to those who come from the North Caucasus, Chechens and Ingushs. Thus, it is virtually ubiquitous that those doing namaz are threatened with punishments from guards and administration for "violations of regime"; there is information that in some institutions the Muslim prayer is under open prohibition. The difference between penitentiary institutions in this regard reveals itself only in causes to such prohibition. Many Chechen prisoners tell that they are forced to eat exclusively pork dishes, without being given any other food. In some prisons it is even prohibited to read Koran. In one of the colonies, while Muslims are doing the morning namaz (prayer), they turn on frivolous "chastushkas" (folk style humorous rhymes) on the loud speakers. A Chechen who showed his indignation against this was sent to the disciplinary cell.

Islam Said-Akhmedovich Batsiyev, born 1977, is kept in the penal colony USH-382/4 in the town of Pugachev of Saratov Oblast. His wife applied to Memorial Human Rights Center with a complaint about the cruelty, with which her husband is persecuted in prison: he gets beaten up, they don't let him do prayers requiring him to produce some official permission for namaz. She describes his condition as follows: *"I saw him beaten, with 2 left ribs broken, one leg swollen, the head was all bumps, the right kidney was damaged, he was all pale and weak."* When he attempted to resort to the doctor of the colony, they simply took him away from the doctor's office, without providing him with any aid.

Batsiyev is not given letters from home, they constantly put him into the disciplinary cell. After his wife's visit he was put into isolation ward for the term of 10 days. However, 2 months have passed since, and he is still there.

Without any formal reason, the management of the prison constantly threatens to transfer Batsiyev to the prison of Balashov town where he would be put into a barrack of strict regime as opposed to a regular zone.

In fall 2008, Memorial Human Rights Center received information that prisoner **Rizvan Balavdiyevich Taysumov** is also getting sadistically humiliated because of his religiousness. He was severely beaten up by other convicts during convict transportation under the order of the warden of Irkutsk prison. The beating took place at the so-called "presskhata" (a cell where specially chosen convicts torture the disobedient ones put in there). Torturing continued for two weeks. He was held in a cell in ropes and tortured in most sophisticated way. For more than a year now he has been kept in the underground of the penitentiary institution UV/8 of the town of Blagoveschensk in Amur Oblast without access to medical aid. They don't let his relatives meet him. After a wounding during the warfare Taysumov gets around on crutches.

Those kept in the IK-1 colony of **Nadvoitsy village of Segerzh district of Karelia** are subjected to tortures and regular beating by armed gangs of supervisors and so called "prison commandos". Supervisors not only oppress Muslims, they prohibit them from praying. Prisoners tell that Mr. Fedotov, the colony warden, personally controls the process. Namaz is proclaimed "a violation of order" in the IK-1 concentration camp.

There were cases when a Chechen who asked for a permission to pray was offered to go to an Orthodox Church. There are great many complaints about seizures of Korans, prayer rugs, and subhahs, while making searches at the place of imprisonment. It often happens that prison officers intentionally humiliate religious feelings of prisoners.

For instance, on July 16, 2008, in IK-68/1 colony of the city of Tambov, officers belonging to a special police troop were beating up Chechens and Dagestanis in the presence of other prisoners, making them cry "Allah Akbar!" They used batons and electroshock weapons. As a result, prisoners had their ribs broken.

M. L. Yusupkhadzhiyev, a prisoner of the Nizhny Tagil colony, complains that Muslims are disallowed from praying and threatened with words, "we will make you wear crosses." Local priest father Alexander provoked a clash between Christians and Muslims by his insulting utterances regarding the Muslim religion.

Muslims don't get a chance to pray. After the warden of the colony had noticed one of the prisoners doing namaz, he summoned him and told him that he wasn't going to see "how Muslims stand on all fours in a barrack." There were 7 convicts of Slavic nationality who were converts to Islam in the camp, and the warden of the camp ordered for them all to be baptized.

At the end of 2008, Memorial Human Rights Center was approached by an Ingush writer **Isa Kodzoyev** seeking help. He told the human rights defenders that his son **Zalmakh Kodzoyev** serving sentence in the Udarny village of Zubova Polyana district in the Mordovian Republic (FGU IK-4, troop 7) was kept in unbearable conditions directly threatening not only his health, but also his very life.

Zalmakh Kodzoyev is gravely ill. He was diagnosed with tuberculosis and lungs decay, however as a prisoner he couldn't get the necessary medical aid. Besides, prior to imprisonment he suffered a serious craniocerebral trauma, and he is missing a large part of his frontal bone. Zalmakh was already hospitalized in a very grave condition a few times, however, at this stage doctors of the camp's hospital cannot provide him neither

with an adequate treatment, nor with good meals. Therefore the condition of the prisoner becomes increasingly grave, and the colony administration doesn't permit to send him to another medical institution. At the same time, the very climate of Mordovia is highly detrimental to his illness. Relatives of Z. I. Kodzoyev petitioned on multiple occasions asking to transfer him to one of the penitentiary institutions of South Federal Region, but so far they only got refusals. Apart from tuberculosis, Zalmakh Kodzoyev who was sentenced to 24 years of strict regime colony suffers from consequences of dangerous craniocerebral trauma (in connection to which he had already been operated and had to undergo a repeat operation, but that became impossible because of his arrest). However, despite of this, starting from the first days after his appearance at the colony, the administration began to exert pressure on the new prisoner and to use severe measures to "educate" him. Parents of Kodzoyev who came to see him witnessed his extreme exhaustion; besides, there are testimonies that while under investigation and later during transportation to the colony their son became subject to beating and tortures.

Replying to the inquiry made by Civic Assistance Committee, the Prosecutor's Office gave a detailed list of all Kodzoyev's illnesses together with data on medical aid he was provided with. The reply read as follows: *"the Republic Diagnostic Center carried out a magnetic resonance imaging of the brain. Medical opinion – after-effects of the craniotomy, cystic lesions and scars on both frontal lobes. Atrophic changes of the brain."* (Appendix 5).

Independent medical experts came to the conclusion that Zalmakh Kodzoyev needed hospitalization, urgent medical treatment and an operation. However, the prison medics and administration believe that *"there are no medical contraindications to convict Z.I. Kodzoyev's serving his term"* in the Mordovian camp.

Violence and humiliation in a specific colony are often systematically and purposefully used on a whole group of Chechen prisoners.

In the **penal colony of Nizhny Tagil town of Sverdlovsk Oblast** the cases of convicts from Chechnya and Ingushetia are marked by a red line, which means that the prisoner is inclined to plotting escape, without any ground for such a classification. The red line means additional hardening of the regime. Apart from other limitations, a convict should undergo a check every two hours.

Management uses all possible reasons to punish convicts from Caucasus, often punishing them without a reason. In the colony there exists a special "educational troop" where the convicts from Chechnya are kept as notorious offenders. The decision about troop closure was made in March or April of 2007, but it still functions.

There appeared a lot of information about special, comparatively more difficult situation of prisoners in colonies of strict regime in Irkutsk Oblast. There happen the same things as described above: beating, purposeful incarceration of prisoners under conditions that are detrimental to their health, tortures aimed at obtaining testimonies to be used for opening new criminal cases. Relatives of these people witness that such arbitrary rule is not perceived as anything special or illegal by the personnel of the colony. Chechens are persecuted with full understanding of the officers' impunity, openly threatened with "living in a very own hell on earth", with all measures being taken to fulfill these threats.⁵

R. Kh. Magomadov, whose brother is serving a sentence in Penal colony 398/2 of Rostov city, recently informed Memorial Human Rights Center about a new danger that

⁵ <http://islam.com.ua/forum/index.php?showtopic=15629>

got poised over his relative already in the colony where he had been sent in 2002 after the conviction for 24 years of strict regime by Rostov Oblast court. The prisoner told that around September 20, 2008 he had been summoned to the office of operative troop where people who had introduced themselves as Federal Security Service officers had requested that he write a frank confession about his participation in illegal military formations. They had threatened that in the case of refusal they would use the same methods of investigation as earlier, during first investigation, when they had been obtaining a confession in the commitment of crimes, under which he had been convicted.

Back then in 2001 when he was abducted, he was held for about twenty days in the temporary isolation ward of Shali town police office, where he was tortured and beaten up. They turned down the attorney who his relatives hired for him, after she had asked that a medicolegal examination be held upon seeing traces on the body and face of the client. (The information is drawn from the application of R. Kh. Magomadov to Memorial Human Rights Center).

Testimonies of relatives are often the only chance for those who suffer from the arbitrary rule of prison authorities to appeal for aid at least in some way. The other source of information is the words of those who are released from the penitentiary institutions and speak up about what they had to face in prison.

In March 2009, Memorial Human Rights Center was approached by Norwegian human rights defenders who had become aware of violations of rights of convict I. I. Dashayev, born on September 5, 1982, who served his term in the institution IR 99/11 of Zvezdny village in the town of Surgut, Khanty-Mansiysk autonomous region. They had been called by an unknown, possibly calling from prison, and informed that Dashayev was constantly tortured, and his life was in danger.

Colleagues passed to us the telephone number, from which they had been called, but our attempts to contact the caller were futile. However, in a short while we received a call from an unidentified telephone number. The caller who refused to give his name informed us that I. Dashayev was beaten up constantly and severely from the day of his appearance at IR 99/11 colony on February 2, in the opinion of the caller, purely on ethnic grounds and not because of any order violations.

Ms. S.A. Gannushkina approached the Director of the Federal Penitentiary Service Yu. I. Kalinin asking to take prompt measures to normalize the situation of Ilyas Isayevich Dashayev. The reply came on April 2, 2009. As usual, all violations towards Dashayev were denied, and they communicated that he was *a member of the section of discipline and order of the troop*, i.e. agreed to collaborate with administration and look after other convicts. Human rights defenders consider these sections to be the most disgusting mechanism of oppressing some convicts by others.

It is virtually impossible to prove anything when applying to the Prosecutor's Office.

There are cases when the whole investigation is falsified, starting with medicolegal examination.

It is often not only useless, but also dangerous for prisoners to complain to higher Russian instances. The result of visiting prisoners and arranging media coverage often is increased pressure.

In November 2008, a sister of **Turpal-Ali Abdrakhmanov**, the resident of Gudermes town who served his sentence in a colony of strict regime in the city of Krasnoyarsk, applied to an office of Memorial Human Rights Center.

In August 2008, he petitioned General V. K. Shayeshnikov, the head of the Federal Penitentiary Service in Krasnoyarsk region.

After meeting him, Turpal-Ali started having problems. He was removed from his work and locked up. Senior lieutenant Vaganov rudely cursed Abdurakhmanov in front of other prisoners and told him that he was getting transferred to Norilsk. In November 2008, Turpal-Ali called his sister and told her that he was in Norilsk, speaking in Russian and very briefly, and one could hear that there was somebody near him and the conversation was under control. The sister called Memorial and said that she received a letter with a new address from Turpal-Ali and sent him some parcels, but they were returned. The relatives of the prisoner don't know what to do next. Later he called them again, but parcels still do not reach him.

The right of prisoners to see an attorney is also violated.

Common wife of convict **Shamil Khatayev**, serving his sentence in FBU LIU-7 (medical correctional facility) of the Polevoy village in the Kirsanov district of Tambov Oblast, told it to Ms. Svetlana Gannushkina that her husband had asked for an attorney to be sent to him promptly to prepare a supervisory complaint and also to prevent him from being further humiliated. On March 10, 2009, attorney V. A. Shaysipova, a member of Tambov's office of the Migration Rights Network, came to the colony and, after producing her certificate of employment and her order, asked the deputy warden of the penal institution lieutenant colonel Ye. A. Demenkov and the warden lieutenant colonel V. A. Yurkov to arrange her visit to the prisoner. However, she was refused, in violation of the Constitution of the Russian Federation, the Law "On the activity of attorneys and the institution of attorney in the Russian Federation", and the RF Criminal Execution Code.

The ground for refusal to the attorney was the consideration of the management of LIU-7 that she didn't present materials showing that she had made an agreement for provision of legal aid with Khatayev proper. The warden of LIU-7 V. A. Yurkov requested an official confirmation of Ms. Shaysipova's intention to really provide Sh. E. Khatayev with legal aid instead of, as he put it, "just looking at him". Mr. V. A. Yurkov said, *"We already had such facts when attorneys just came to look at a convict, to make sure he was all fine. Khatayev is all fine, he doesn't want to see an attorney."* The latter was a direct lie.

In the course of an hour and a half Mr. V. A. Yurkov and Mr. Ye. A. Demenkov along with a major who later joined them and presented himself as the head of security service, simply humiliated the poor woman, provoked a scandal, threatened her with administrative charges, and said they would use physical force and throw her out of their territory, if she wouldn't leave voluntarily.

The attorney believes that the management of LIU-7 intentionally violated the constitutional right of Khatayev to defense, being afraid of publicity to be given to objectionable facts regarding Shamil Khatayev who was put into the disciplinary cell.

Zaurbek Yunusovich Talkhigov is subject to cruel treatment in the Republic of Komi. After an attempt to help set free hostages of Dubrovka he was sentenced to 8,5 years of incarceration in a colony of strict regime on charges of "assisting terrorists and taking hostages." The story of his conviction has already been described in the report of the Migration Rights Network "On the situation of residents of Chechnya in the Russian Federation June 2004 – June 2005." Zaurbek came to the theater center following a call by RF State Duma deputy Aslanbek Aslakhonov, and it was also from him that he got the cellular number of Movsar Bayrayev, the leader of terrorists. Zaurbek called him standing next to Federal Security Service officers and tried to make Bayrayev set foreign citizens free. That same day he was arrested for an attempt to assist terrorists. On

September 9, 2003, the cassation instance represented by the judicial board on criminal cases of the RF Supreme Court left his sentence unchanged. The text of the sentence directly mentioned that, when Zaurbek Talkhigov came to the theater center, "he had no intention to assist terrorists." Talkhigov has lodged a claim with the European Court of Human Rights.

In summer 2005, administration of the colony applied to make the regime of Talkhigov's incarceration stricter. He was charged with regular violations of regime.

Violations included, for instance, addressing a guard with a singular pronoun (which is a custom in Zaurbek's native land); refusal to eat with a dirty spoon, which, according to a guard, was specially brought from tuberculosis barrack; refusal to execute the order "lights-out" (as he hadn't completed his prayer at that moment); showing in a formation in new clothes without stripes (he was only given the stripes a minute before the formation time, without thread and needle).

Even before the application was made, Zaurbek received and served disciplinary punishments for all of the above transgressions.

On August 11, 2005, in Syktyvkar there took place a court session. The decision made was to move Talkhigov for two years from colony to prison where he was treated cruelly during all of his stay. He was beaten up, they put him to disciplinary cell on multiple occasions.

In June 2006, Zaurbek felt seriously ill and asked to see a doctor. The results of analyses showed that he was ill with a serious infection, hepatitis-C, which he contracted while in prison. However, as a matter of course, it didn't affect the conditions, under which he served his sentence.

After the return to colony, to the severe climate of the Republic of Komi, his illness started progressing again. In 2007, they sent him to a hospital for an operation, but the doctors refused to do it.

In December 2008, Zaurbek got unlucky again: they refused him a long visit of his mother and sister who had already arrived. Zaurbek had the right to the visit already since spring, but his relatives could only save the money and come in the end of the year. At the day of their arrival Zaurbek was punished for smoking in a place where it was prohibited. They put him in a barrack of strict regime (usually a poorly heated space) for three months. It was for the first time that Talkhigov tried to excuse himself and asked not to punish him with the cancellation of the visit. But the repentance didn't help, and the humiliating punishment was left in force.

In February 2009, an attorney invited by Memorial Human Rights was sent to Zaurbek. The attorney described his bad physical condition and was ready to petition against his being kept in a barrack of strict regime. However, the reaction of the administration and visitors from the Federal Security Service was such that Zaurbek turned down the attorney's help fearing for his relatives' lives.

Very recently, a failure ended the attempt of Z. Murtazaliyeva, a convict on fabricated charges, and her attorney for her to get released on parole.

The court of Zubova Polyana district in the Mordovian Republic considered eight applications for early release on parole. Seven of them were granted. The only refusal was to Zara Murtazaliyeva, convicted in 2005 on the charge of terrorist act attempt in the Okhotny Ryad trade center.

In March 2004, Zara, trying to hide from the Chechen war in Moscow, met two Russian women who had converted to Islam in a mosque. It happened during a large-scale anti-Chechen company, when those who came from the North Caucasus were

blamed as the worst sinners. Security services spied on the mates. And Zara unwisely spoke to the mates about the injustice of warfare in Chechnya.

Zara was detained for the lack of registration, but then they “found” explosives in her bag at the police station. Moscow City court sentenced her to 9 years of imprisonment. It has been publicly spoken many times that the case of Murtazaliyeva is full of discrepancies. The President of Chechnya R. Kadyrov also claimed that the girl was innocent. And now, after almost five years after the arrest, when Zara served more than half of the term, she tried to get released early on parole. According to Murtazaliyeva, there is no way she can clear the penalties she got from the administration of the colony, “not a single stimulation I receive for my work is approved by the management.” In September 2005, Murtazaliyeva was reported as “keeping a skirt of undetermined kind”, eight months later they reported her for “making her bed inaccurately”. Later, as the term for early release approached, the penalties became more frequent. “She didn’t wake at the ‘veille’ signal”, “violated the standard for closing”, “quarreled with a convict”, “didn’t come to the canteen for the intake of food”. There were 13 penalties altogether. It is needless to say that Murtazaliyeva cannot appeal against these penalties in court order. She doesn’t have the money for attorneys who could do such a thankless work.

Attorney M. Morozova who defended Zara on the commission from Memorial Human Rights Center asked the court to take into account that nobody suffered as a result of Murtazaliyeva’s actions, that there existed a special solicitation about her from the government of Chechnya, and that she was guaranteed a job in the office of the Chechen ombudsman in Grozny. However, the reference for Murtazaliyeva from the colony administration (“registered as a terrorist, indifferent to the life of the troop, admits conflicts with administration”) and, mainly, the ethnicity of the prisoner and the nature of the article, under which she was convicted, proved to be the most important. After such an evaluation it became clear that nobody is going to release Zara. Judge E. Kuzmin refused an early release on parole to Murtazaliyeva. Commenting on this decision, her attorney said symbolic words, “The judge just couldn’t act differently. They don’t release early under such articles.” In the course of that day seven other applications were considered, and they were all granted, though the articles were no less grave than the one, under which Murtazaliyeva was sentenced. Sale of narcotics, robbery, assault causing heavy bodily harm did actually take place, and still women who committed them could count on mercy and alleviation of their punishment and were set free. Zara Murtazaliyeva stayed to serve her sentence, which she received for her alleged intention to commit a crime.

The illegal interference into the right of prisoners to appeal to the European Court is characteristic for the whole Russian prison system. According to the effective legislation, complaints to the Court are not a part of correspondence that is subject to examination by administration of the institutions of confinement (Article 21 of the Federal law No. 103 “On the detention of suspects and those charged with crimes” of July 15, 1995). These amendments undoubtedly protect the right of prisoners to appeal to the European Court. But in practice it is clearly not enough for prisoner applicants to European Court to avoid pressure and persecutions on the part of their institution’s administration.

On July 30, 2008, **Shamsudi Said-Khuseynovich Abdulkadyrov** serving sentence in IK-18 colony of the Murmashi village in Murmansk Oblast started a hunger strike. He protested against unjust attitude to him in the prison management suspecting that it had to do with his having lodged a complaint with the European Court of Human Rights. Abdulkadyrov was punished for slightest causes and without them, and, on April 24, he

was severely beaten up by prison officers, at that the warden was among those who humiliated him.

Shamsudi Abdulkadyrov, born 1981, underwent the amnesty procedure in 2003, however, on January 16, 2004, he was arrested and convicted by the Supreme Court of the Chechen Republic to 17 years of strict regime under a number of RF Criminal Code articles including murder. Abdulkadyrov pleaded not guilty and said in court that he copped out during investigation because he was tortured. The court didn't believe the defendant. In 2005, Abdulkadyrov appealed to the European Court of Human Rights, certain that he would be able to prove his case. In 2006, his innocence of the murder was confirmed after they found the weapon, which made a mortal shot. Nevertheless, nothing changed for Abdulkadyrov.

On March 21, 2008, Shamsudi was transferred from usual conditions of incarceration to strict ones, as he was acknowledged to be a persistent violator of regime.

Together with him there was put Eugeny Viktorovich Timoshin who is also an applicant to the European Court since March 2005. While talking to a Migration Rights officer, he noticed that Abdulkadyrov was not only constantly isolated in his camera, but they also created a vacuum around him, punishing everybody who contacted him.

Timoshin and two other Muslims, V. B. Spitsin and R. Aslanov, joined the hunger strike started by Sh. Abdulkadyrov. They were on strike till August 20, 2008. The reason for this was not only the persecution of those who complained to the European Court, but also the prohibition to do namaz and read Koran.

All four of them were transported to hospital in stretchers. By the end of the hunger strike they couldn't even talk, being completely weakened.

The conditions in hospital weren't as hard as in prison proper, and Shamsudi Abdulkadyrov felt better, but there was no guarantee that lawless actions against him and **other participants** of the hunger strike wouldn't be repeated.

Medical assistance is difficult to obtain both during transportation and in prison. There are cases when even four months after arrival the prisoner's location remains unknown, and then human rights defenders have to step in. For instance, a prisoner from Chechnya cannot get a leg prosthesis in one of the colonies.

Those whose term is about over are particularly vulnerable. In some colonies they create favorable conditions for law enforcement officers who force those who are already preparing for freedom to confess to committing some undetected crime by torture. Such vicious practice flourished in Chernokozovo before spring 2008 where such prisoners were also forced to pay for the possibility to get released on time.

Provocations of other prisoners aiming at convicts from the Chechen Republic are not always suppressed by the guards. There have already been established a number of cases when Chechen prisoners of Russian prisons perished. Their relatives are afraid to demand investigations of death cases, which can quite possibly turn out to be murders.

For instance, on July 1, 2007, **Azamat Uspayev**, 22 years old, a young and absolutely healthy person, fell from the first floor in one of the prisons of Murmansk Oblast for unknown reason and died from the traumas (two weeks prior to his death he sent a complaint to the European Court of Human Rights).

In fall 2007, the corpse of Mr. Bichkarev, a resident of Shelkovskoy district of the Chechen republic, who also died in prison under strange circumstances, was brought to his relatives.

In Udmurtia, **Islam Shepovich Serbiyev**, born 1977, was beaten up so severely that he was sent to the medical unit.

Dzhamalay Shamkhanovich Aliyev, born 1979, was sentenced to 13 years under Article 208 and Article 209 of the RF Criminal Code in 2003. He began the completion of his sentence in Vladikavkaz, however, after the terrorist act committed in Beslan, he was again sent to investigation ward where he was kept for three months and then transported to the city of Syktyvkar. In a month after his arrival, he was sent to investigation ward one more time, this time in the village Verkhny Chev in Syktyvkar, in the institution OS-34/1. In accordance with the law, the term of incarceration in investigation wards cannot exceed one year and should be prolonged every two months by the decision of a prosecutor of high rank.

It also greatly facilitates committing crimes against prisoners that though according to the law officers of the Federal Penitentiary Service have to inform relatives about the place of a prisoner's incarceration within four months, cases are frequent when no information about prisoners comes in a very long time. In this time crimes are often committed against the prisoner in transportation prisons, there are particularly many complaints regarding colonies of Chelyabinsk and Irkutsk.

In such cases it is difficult for victims to file a claim with the prosecutor's office also because visible traces of beating abate in time, while serious medical examinations are not accessible. Impunity lets administrations of colonies abuse power, punishing for a long time for minor violations of regime, as a result of which some prisoners don't leave disciplinary cells for months or even years.

Ismail Amelyevich Tatayev spent almost two years in solitary confinement at the FGU IK-9 colony of Volgograd Oblast. During all of this time his relatives barely managed to obtain short visits to the prisoner, at that the administration of the colony used all possible means to put obstacles in their way.

Answering the inquiry by Ms. S. A. Gannushkina to the Prosecutor General's Office, the head of the division on supervision of criminal sentences completion lawfulness replied that he didn't see grounds for repealing measures of Tatayev's punishment.

The practice of refusing visits from relatives is especially painful for those who can only visit from far away. Nebi Tatayeva, Ismail's mother, came to visit him for the first time in June 2007.

In the beginning of November 2007, they authorized a two days visit. She came to visit the son with two daughters of Ismail, but was one day late for the indicated date, so the visit only lasted one day.

The attorney of the Migration Rights Network who tried to help Ismail sent him a certified letter with blanks of warrants for attorneys of the European Court, which he had to fill in and sign. I. Tatayev indeed received the blanks, signed them and gave the letter with warrants to the deputy warden for mailing. However, the warrants never came back to the lawyer. During a visit, his mother could secretly bring in the blanks and bring them out filled in and signed. In January 2009, Ismail called his mother's cellular phone and told her that they transferred him to a troop of strict regime.

During the last visit the mother was told that the son may call her on 14's day of every month and she passed phone cards costing 1,5 thousand rubles to him. Since then there was only one call.

In the phone conversation that lasted two minutes, **Ismail** told to his mother that in March he would get permission for a visit of 4 days from his relatives. In almost two years at this colony he obtained a long visit only once and only for one day. Nebi saved money for the visit to her son for a long time and, without getting a repeat call and seeing that March was at its end, she went to the colony together with Ismail's wife Makka and

three small daughters (the eldest of whom had 6,5 years of age). Upon arrival to the colony, she learnt that Ismail was punished and he wouldn't get a visit.

A visit of 2 hours was still granted after Nebi lost her consciousness because of the nervous pressure. She used the occasion to pass a parcel to the son, but he never got anything of what she passed. The next 2 hours visit took place in August of the same year, and again Tatayev didn't get the parcel.

According to his mother, Ismail's health is in horrible condition, his heart, liver, and kidneys are all diseased. For half a year he ate only bread, which he was given together with the food, because the food was made with pork fat.

During her visits, the mother usually examines the body of her son to see the traces of violence. This time the son refused to take off his coat, and she thought that he had traces of injuries on his body. While visiting, relatives are allowed to bring food to convicts, but they didn't let Ismail take anything and didn't even take the parcel. A transfer of 1000 rubles sent by Ismail's mother on January 24 was never received.

The case of Tatayev is not singular. Volgograd colonies are among the leaders in violating convicts' rights. Convicts informed human rights defenders that R. B. Daudov born in Urus-Martan village and serving his term at one of the colonies was put into a cell from his first days in the colony and spent there already a few years, being subject to tortures. Relatives don't come to see him, though he has many. Convicts asked to help him.

We would like to put a special emphasis on the story of **Zubayr Zubayrayev**, which became known all around the world and drew attention also because Zubayr was naive enough to believe that peace came to Chechnya and returned to the native land from abroad.

Zubayr Zubayrayev was born and grew up in the Tolstoy-Yurt village not far from Grozny. He was the fifth child in a family, the only boy among five sisters. When Zubayr was 14, his father died in an accident. Zubayr was left the only man in the household. Now a married man and provider of his mother and sisters, he took part in neither of the two Chechen wars. His family participated in antimilitary actions and pickets, and sometimes their house hosted refugees from Grozny, peaceful men, both Russians and Chechens.

However, even this could become a serious ground for suspicions on the part of security services. Many cases are known where they arrested people as militants and terrorists without any cause whatsoever. Zubayr was informed a few times that he got "blacklisted", and his relatives insisted that he leave. In Austria there live relatives of Zubayrayevs, and Zubayr and his wife Madina moved in with them in 2004.

They lived there for a little bit more than year. In 2006, Zubayr learnt that his mother was diagnosed with cancer and that she needed to go to treatments regularly, while there was nobody to bring there the old woman who lived in a village for all of her life. Zubayr, his wife and a small son born in Vienna went to the homeland. Possibly, they considered that suspicions that made them leave were no longer topical, and now hardly anybody would think of laying farfetched accusations against Zubayr.

Indeed, at first nobody bothered the family. The mother of Zubayr grew better, and, after a prolonged treatment in hospital in the city of Rostov, she came back home.

However, on February 23, 2007, Zubayrayev went missing. For three months his relatives were looking for him and finally found him in the district police office of the Groznensky district.

As Malika, Zubayr's sister⁶, tells, it was already there that he became subject to torture, *"they would pull out his nails, torture him with electric shock, trying to get information about some fighters, a confession that he knew them."* Besides, he was constantly threatened with new tortures, and if he wouldn't confess to crimes made up by the investigation, his relatives might also get persecuted. They also threatened the pregnant wife of Zubayr who got into hospital after his disappearance.

In the beginning of June 2007, Zubayr told to his sisters who managed to get to see him that he had defamed himself, having given in to severe pressure. The Supreme Court of the Chechen Republic sentenced him to 5 years imprisonment on charges of infringement on law enforcement officer's life (Article 317 of the Criminal Code) and illegal possession of weapons (Article 222). Zubayrayev was transported from Chechnya to the 25th colony in Volgograd Oblast (Frolovo village).

Things that happened to him subsequently can hardly be called tortures, for it was tortures, which didn't have any specific goal. It was more than once that he became subject to beating. Officers of the colony simply burst into the cell of Zubayrayev and started to beat him, including striking him on the head with plastic bottles filled with water till he would lose consciousness. Zubayr who was a strong and healthy man before his arrest began to suffer from frequent pain in the heart, kidneys, and liver. In a few months they virtually turned him into an invalid.

Zubayr complained against the deputy warden of the colony who was among those who beat him. A criminal case was brought in at the fact of serious bodily assault. Zubayrayev was transferred to the colony 9 of Volgograd City wherefrom they sent him to LIU-15, a medical penal colony. However it was also here that they continued to beat Zubayr up. In particular, now they wanted him to write a confession that his words about tortures that he had undergone in the Russian prisons were a lie. Relatives of other prisoners, having learnt about how he was tortured, called his sister and said to her, *"If you don't take him from here soon, there will remain nothing but a dead body."*

Malika and Fatima Zubayrayevs were allowed to see their brother only on the condition that they would make him sign the required paper. Upon seeing Zubayr, they were amazed at his condition. *"Zubayr was maimed to the degree that he couldn't move on his own, and recognized us only by voice,"* Malika told to a journalist. *"When I asked why my brother was in such a condition, officers of the colony answered that Zubayr who before his imprisonment never suffered from epilepsy had fallen twice during an attack and damaged his head."*⁷

Media started covering things happening to Zubayr.

A group of human rights defenders visited Volgograd on November 9-10, 2008, in order to establish facts. Mr. Imran Ezhiyev, the chair of the North Caucasus division of the Society for Russian-Chechen Friendship said the following after visiting Zubayrayev⁸: *"I have met him thrice and understood that he isn't provided with the necessary medical aid. The wounds that have been inflicted on him by officers of the colony fester. Zubayr doesn't get the necessary bandaging."* At the same time, a representative of the administration claimed that the best conditions had been created for the convict Zubayrayev, however, he harmed himself by taking a run and hitting the wall

⁶ Quoted is the article by Ye. Maglevannaya that appeared in the Civitas online publication on March 07, 2009, see <http://vestnikcivitas.ru/pbls/572>.

⁷ Quoted is the article of Z. Tsvetova "He pounds his head on the wall" published in Novye Izvestiya on February 11, 2009.

⁸ Quoted in the article of Z. Tsvetova.

with his head, as well as by rubbing salt into his wounds, all this in order to get a transfer to Chechnya (Appendix 6). *"All of this is certainly untrue,"* Mr. Ezhiyev said. Among those who visited Zubayr there was Mr. Alikhan Soltakhanov, a board member of the Good without Borders International Foundation, a coordinator of medical programs and surgeon orthopedist. He described Zubayrayev's condition as follows: *"He looked extremely exhausted, and barely could move around. He literally was emaciated and morally drained. All the left side of his face from the forehead to the chin was a huge haematoma, at that, the face was distorted and swollen and virtually lost sensitivity on the left, that is a paresis of the facial nerve occurred, speaking in medical terms... His arms looked as if they tore pieces of meat out of them using pincers. There was a festering wound on his right knee. Zubayr told that the wound was inflicted with a screwdriver, which they used to virtually pierce the knee. Both shins had subcutaneous wounds about 5 cm in diameter, which already started to heal and with due care, bandaging with ointment, could heal very fast, but the care wasn't really there... They began changing bandaging only upon our arrival. Both of his feet had perforating wounds about 0,5 cm, also festering, they perforated his feet with nails. As a result of all this Zubayr could barely move around leaning against a crutch, which they were, as I knew, trying to take away from him, since he allegedly didn't need it, much as he couldn't walk at all without it. His general condition was grave. Constant giddiness and losses of consciousness were a sign of extremely serious brain concussion⁹."*

The fate of the prisoner from Chechnya attracted attention of both Russian and western human rights defenders (a picket in Novopushkinsky Square in November 2008, statements of Amnesty International in Zubayrayev's defense¹⁰, etc.). However, neither the reaction of international community, nor publications in media, nor the above-mentioned visit of Mr. I. Ezhiyev to the colony changed the convict's situation. After the departure of human rights defenders Zubayrayev was again put into disciplinary cell.

On February 11, 2009, a press conference with the participation of Mr. Imran Ezhiyev, Ms. Yelena Sannikova, Ms. Svetlana Gannushkina, and Mr. Lev Ponomaryov took place in Moscow. In the course of the press-conference there were demonstrated photographs taken during a visit to Zubayrayev. One could see marks from nailing his feet to the floor. Mr. Ezhiyev added that Zubayrayev was all bandaged, with bandages soaked with pus. The head of Zubayrayev grew in size because of getting beaten with batons.

A sister of Zubayrayev told that the management of the colony threatened to finish Zubayrayev off, if he doesn't stop complaining to human rights defenders. She herself started getting threats both from law enforcement officers in Chechnya proper and from those working in the Volgograd office of the Federal Penitentiary Service.

"We have to organize a committee including a representative of the RF Human Rights Ombudsman, officers of the Chief Office of the RF Federal Penitentiary Service, members of the Public Chamber's expert committee on human rights in the Chechen Republic, Volgograd human rights defenders and representatives of the prosecutor's office," said Mr. Imran Ezhiyev. *"This committee should question both convicts and officers of LIU-15 who is connected to the situation around Zubayr."*

⁹ Quoted in the interview with I. Ezhiyev and A. Soltakhanov on the site of the Chechen Committee of National Salvation.

¹⁰ See addresses of the Amnesty International to the Warden of the colony YaR-154/15 A. I. Mansvetov, the Director of the Federal Penitentiary Service Yu. I. Kalinin, the Prosecutor General Yu. Ya. Chayka, the RF Plenipotentiary on Human Rights V. P. Lukin, the Prosecutor of the Volgograd oblast L. L. Belyak at the site of the Amnesty International, <http://www.amnesty.org.ru/pages/russia-index-rus>.

The tortures temporarily stopped after the press conference. However, on March 13 there was taken a court decision following a petition from the administration of the colony on the transfer of Zubayrayev to prison for further sentence completion, i.e. the conditions of his incarceration were made stricter.

This caused serious fears for the life of Zubayrayev. On March 17, Mr. Vladimir Lukin was approached both personally and in writing by Ms. Svetlana Gannushkina who referred to witnesses and asked Mr. Lukin to do everything possible to prevent a tragic development of the events. In her address, Ms. Gannushkina proposed to accept the suggestion of Mr. Imran Ezhiyev about sending representatives of the Ombudsman's office to Volgograd and expressed readiness to participate in this visit.

In reply, the Ombudsman's office sent a copy of colony administration's letter where Zubayrayev is charged with self-injury and self-aggression. *"In each case of autoaggression Z. I. Zubayrayev was provided with necessary medical aid,"* asserted the letter.

On March 22, Memorial Human Rights Center hired attorney Mussa Khadisov for representing Zubayrayev, and the attorney immediately left for Volgograd to make sure one more time that the convict was subject to torture. Attorney Khadisov filed a complaint against Zubayrayev's transfer to prison.

The arrival of Mr. Mussa Khadisov turned out to be very timely. Ms. Yelena Maglevannaya, a journalist and human rights defender who did a lot to inform the public about Zubayrayev's situation, started having problems. On March 20, the administration of LIU-15 filed a claim against her defending its honor and business reputation.

Officers of the colony sought compensation for damage to their business reputation first in the size of 5 and then 500 thousand rubles, accompanied by an apology. The text that in their opinion should be read by Yelena Maglevannaya begins as follows, *"Officers of the criminal execution system serve to the state, and this service requires courage, endurance, restraint and complete devotion from them..."*

On March 26, 2009, Mr. Mussa Khadisov, the attorney of Zubayr Zubayrayev spoke at the first hearing of Ye. Maglevannaya's case in Kirov district court of Volgograd. He confirmed that when he had seen his client shortly before the hearings there had been a lot of marks of torture on his body, particularly on the legs. Two Chechen human rights defenders from the Center on Human Rights at the office of the Chechen ombudsman, Ms. Roza Shamiyeva and Ms. Madina Astamirova, confirmed that the current warden of the colony LIU-15 had served at the investigation ward in Chernokozovo, notorious for tortures of the detainees¹¹.

The attitude towards Zubayrayev in particular and to the Chechens in general of a doctor, assistant to the head of regional office of the Federal Penitentiary Service on the observation of human rights in penal institutions and colony warden ad interim is described in the chapter "On the Image of the Enemy in Mass Consciousness" of the present report. These are persons whose opinions and past should be investigated into at appointment to their posts, and they cannot be objective neither to Zubayrayev, nor to any other person who will dare to act in his defense.

Court hearings continued on May 12 and May 14. The court flatly denied it to representatives of Maglevannaya to call Zubayr Zubayrayev himself to witness at the hearing, possibly, because the very sight of the exhausted person would turn down all

¹¹ See the article "Judicial persecution of Ms. Yelena Maglevannaya, a journalist and human rights defender", published by Front Line, an organization providing urgent practical aid to human rights defenders in risky situations at <http://www.frontlinedefenders.org/ru/node/1561>.

claims of colony officers that he hadn't been subject to any tortures. During the hearings, the plaintiff's side demonstrated some video recordings, allegedly confirming that Zubayrayev injuries were self-inflicted. However, witnesses claimed they could see nothing like that in the recordings. Despite that, the court accepted the claim and sentenced Ms. Yelena Maglevannaya to a fine of 200 thousand rubles.

However, the imprisonment of Zubayr is still tumultuous. His relatives were informed that they put a person into his cell who was convinced that relatives of Zubayr were guilty of the death of his father. The neighbor is a constant threat. But that's not the end of it all. On April 12, the relatives learnt again that Zubayr was getting beaten up in prison. The local lawyer who they commissioned, Mr. Edal-Bek Magomadov, asked for a permission to visit the client. He was only allowed a visit on April 23. As a consequence of his visit, he petitioned the warden of LIU-15:

"On April 23, 2009, when visiting convict Z. I. Zubayrayev in the colony LIU-15 of the city of Volgograd I found traces of beating, haematomas, and bruises on the body of Z. I. Zubayrayev. The worst bruises were located in the area of shoulders, breast, and ribs. The lower back in the area of the waist also has traces of beating. The indicated bodily injuries were inflicted on convict Z. I. Zubayrayev on April 10 and 12, 2009... I asked for the doctor or warden of the institution to be called to the meeting room in order to have the above-mentioned injuries recorded, to which there was given a flat refuse."

The story of Zubayr Zubayrayev continues.

The information about cruel treatment of prisoners comes in almost daily.

On May 6, 2009, we received the following letter of a Chechen refugee from colleagues in Norway about the above-mentioned **Rizvan Taysumov**:

"I have emergency business. I have received information that some lad Rezvan Taysumov who is now kept in prison is being transferred to a different camp where there have already happened murders of those who come from the same parts as I.

Even here they beat him on various farfetched causes, and now they just send him to die. Today he should get to FBU IK/2 Single Space of Cell Type at the address Vozzhayevka station, Amur Oblast.

Furthermore, at the same zone IK/2 they have Mr. Ibragim Alaudinovich Katsayev, this person is kept under strong press and humiliated. The help of human rights defenders is needed."

Another letter came in 5 days:

"Very recently a Russian lad has hanged himself because of violence from other prisoners who work for administration in the camp whereto they are transferring Rezvan Taysumov. He didn't survive humiliation and violence. The name of the lad was Artyom Yuryevich Morozov."

The latter message was verified by our attorney working in Amur Oblast. Morozov was indeed found hanged on May 9. He had been sentenced to 3.5 years of imprisonment. The day before his death a psychologist spoke to him who stated that Artyom Morozov's mood wasn't at all gloomy, and he was interested in learning about the procedure for obtaining a long visit from relatives. It will hardly ever become known whether it was a suicide or a murder.

Things that happened to Artyom Morozov show the overall level of common troubles in certain penal institutions in the Russian Federation. It is exactly such institutions where they often send residents of the Chechen Republic for serving their sentences.

Fabrication of criminal cases

Mass fabrication of criminal cases became the most cruel and cynical form of persecuting Chechens.

The standard mechanism of persecution is simple: when performing housing or body search, police officers plant a small amount of narcotics, bullets, a grenade, or explosives, and then, after having detained the citizen, they wring a confession out of him or her. At that, there is often no other grounds to check papers, do a body or housing search than close attention of law enforcement bodies to persons of a specific ethnic background.

In December 2007, before the elections, Moscow police officers made rounds of apartments of those who were from Chechnya by origin, writing down their passport information and requiring to inform the local police office of who was going to visit them at that time.

Persons from Chechnya by origin get special attention at the passport control when crossing borders. They are delayed, their passports are taken away for additional checks. There were cases when the passport control lasted so long that it resulted in missing the plane. For instance, in December 2007, Ms. Lydia Yusupova, a nominee for the Nobel peace prize, missed her plane to Italy at Sheremetyevo airport. In summer 2008, the situation repeated twice at Vnukovo airport, as participants of the rehabilitation seminar organized by Memorial Human Rights Center for its officers were flying out and flying back in. At that, a special one hour check was performed for those whose origin was Chechnya without any explanation. One of the Chechens nearly got detained for expressing discontent with that. The chief of brigade threatened him with a court trial and falsified his replies on the fly. The process could only be stopped when the head of the group produced a member certificate of RF President's Council on Human Rights.

It is obvious that all this is taking place at secret directions from higher-ups, though it is also consistent with the general xenophobic attitude towards Chechens.

Even though the criminal cases are fabricated in a very obvious manner, those charged with criminal offences as a rule are not acquitted. The best that attorneys can manage is return cases for further investigation or obtain a conditional sentence.

Sometimes investigators offer small terms or conditional sentences in return for a confession, which is a corollary proof of the groundlessness of charges. However, there are known many cases when a defendant is imprisoned for a long time on fabricated charges.

U. Batukayev, R. Musayev, and L. Khamiyev from Chechnya are still detained following their arrest in May 2007. On November 1, 2008, the Moscow city court prolonged again the term of their arrest (till January 5, 2009, for the accused Lors Khamiyev, till January 8, 2009, for Umar Batukayev and Ruslan Musayev, as Gazeta.Ru informs with a referral to RIA Novosti).

Umar Batukayev, Ruslan Musayev, and Lors Khamiyev are being charged with the intention to blow up a car with explosives. The case is investigated by the Federal Security Service, therefore the suspects are kept in the Lefortovo investigation ward of the Service. According to the investigation's story, the accused were a part of a terrorist group headed by Lors Khamiyev. At the order of the latter, Umar Batukayev, a student at the Academy of Economics and Law, and Ruslan Musayev, a graduate of the Moscow banking institute, bought VAZ-2107 car and turned it into a car bomb. The day before the Victory day, Federal Security Service officers found and then defused the car using a robot. At first the investigation worked on the story about Chechens preparing to blow up

the car during the celebration of the Victory day. However, now the Federal Security Service officers believe that the suspects prepared an attempt on the life of the Chechnya President Ramzan Kadyrov. According to the investigation, they were planning to murder the head of the republic during his participation in the holiday celebrations at the capital. Original articles of the RF Criminal Code, under which the accused were being prosecuted ("Illegal possession and transportation of weapons", "Attempt of a terrorist act", etc.) were reinforced by the article "Preparation of an attempt on life of a state or public figure."

Attorney M. Musayev believes that the prosecution didn't find direct proofs of his client's guilt and is based solely on hypotheses of the investigators.

One could suggest that the accusation of an attempt on Kadyrov's life was added to deprive the suspects of support from Chechnya.

The process was in its very beginning when all suspects on the case were made to take some medicaments, as a result of which Mr. Ruslan Musayev lost consciousness in the courtroom during the determination of a measure of restriction. They had to call an emergency to get him back to senses. Mr. Batukayev, who has since been kept under arrest in Lefortovo is not allowed visits from his relatives. This is a well-known instrument of psychological pressure on those under investigation.

The court hearings on the case weren't public. On April 2, 2009, the Moscow City court sentenced the defendants to the terms of between five and eight years in a colony of strict regime. Specifically, Loris Khamiyev was sentenced to eight years in a colony of strict regime and Umar Batukayev was sentenced to five years in a colony of common regime. The accused Ruslan Musayev was acquitted, he didn't get any term. However, the reason for that wasn't stated by the judge as the motivational part of the sentence wasn't pronounced in the open court hearing.

Persons originally from the Chechen Republic cannot feel safe in the RF territory: they constantly are in the "risk group", under the threat that they will have to bear responsibility for crimes that they didn't commit. The stories are rare that would both confirm it and finish favorably to their heroes.

On December 12, 2007, Mr. **Mokhmad Betmirzayev**, thrice champion of Russia and the World in kickboxing, was detained at Vnukovo airport in Moscow.

Agents explained to him that they wanted to question him in connection with the murder of some Ms. Smirnova, committed on January 27, 2007. Betmirzayev explained that he didn't know the woman. On December 20, 2007 he was nevertheless charged with the murder, and Savelovsky district court issued an order for his arrest.

Some muscovite Ye. M. Smirnova was beaten to death with bats by two unknown persons. According to the hypotheses of the detectives, Smirnova, having quarreled with a friend of hers, started calling his acquaintances on the telephone, terrorizing them with her calls. Some of them organized her murder so that she wouldn't bother them any further. Investigators interrogated persons whom Smirnova called, but they couldn't collect any proofs confirming their guilt in her murder. There was a person among those interrogated whom Smirnova called particularly often. He mentioned Mokhmad Betmirzayev as his close friend, and this turned out to be enough formal reason for an arrest.

Not a single proof of Betmirzayev's connection to the murder of Smirnova was found. Moreover, the investigative actions and expert examinations undertaken under the case confirmed groundlessness of criminal charges against him. Thus, as is stated in the material of the criminal case, there were found a baseball bat, cigarette ends, two used

syringes, chewing gum, and traces of blood at the place of the event. But the records of occurrence site survey weren't presented to the defendant's side, despite numerous applications. According to forensic biological and genetic tests, Mokhmad Betmirzayev doesn't have anything to do with the evidence found, and the murder weapon doesn't have his finger imprints. This didn't prevent investigators from passing the case to the Moscow military prosecutor's office.

During all of the year preceding detention, Betmirzayev participated in numerous sport events and often went abroad. Had he wanted to flee from justice, he would have many opportunities to do that. He was charged 11 months after the murder, right at the end of the year, when they had to draw up balance and report about the investigation success.

The ombudsman in the Chechen Republic Nurdi Nukhazhiyev, when addressing the prosecutor of Moscow Yuri Syomin on the case of Betmirzayev, notes that the agents who detained the sportsman at the airport asked whether he had money, rich relatives in Moscow, assistance from the Diaspora, and pressed him to make a confession that he committed the murder.

Mr. Nukhazhiyev noted¹², *"It is clear from the investigator's resolutions and circumstances of the criminal case that the preliminary investigation exhausted all procedural possibilities for proving the defendant's guilt from the very start."*

In his address, Mr. Nurdi Nukhazhiyev asked the prosecutor of Moscow to take measures to stop the ungrounded criminal proceedings against Mokhmad Betmirzayev and direct the efforts of investigators towards the establishment of the real initiators of the crime.

Defending the arrested champion, representatives of the Chechen ministry of sport, deputy chair of the Chechen government Ziyad Sabasbi, and a representative of the kickboxing federation of Russia pledged for him to be set free. The interference of the human rights protection community also was important, Ms. S. A. Gannushkina petitioned the prosecutor vouching for Mr. M. Betmirzayev and asking to release him. The article of the journalist Zoya Svetova published in Novyye Izvestiya, one of the central newspapers, attracted the attention of the public to Betmirzayev.

The active defense of Mokhmad organized by his father Adlan Betmirzayev who was a human rights campaigner for many years and is well known to the human rights protection community led to a success.

After eight months spent in detention, Mokhamd Betmirzayev was released without the right to leave Moscow.

Even having served a sentence, a Chechen cannot be sure of regaining freedom.

In 2005, **Movsar Beksultanov**, a resident of Achkhoy-Martan where the Voronezh police special task force troop is stationed, was sentenced for participating in illegal military formations. The defense managed to prove that Beksultanov was tortured during investigation, and a criminal case was brought in on facts of illegal methods of investigation. But this didn't stop the prosecution, and Movsar served three years in the colony 2 of the city of Voronezh. About a month prior to release date, he was visited in the colony by the chief of the Zheleznodorozhny police office of Voronezh Vyacheslav Kulikov who served as the head of criminal police in Achkhoy-Martan. Kulikov demanded that Movsar write a new confession on his case. "Otherwise they will meet

¹² See, for instance, the communication of RIA Novosti of August 01, 2008 at <http://ug.rian.ru/incidents/20080801/81704893-print.html>.

you at the exit from the colony and give you a new term. You won't survive four years somewhere next to Magadan with your gastric ulcer." Beksultanov refused to defame himself.

On June 16, 2008 during the day when Movsar Beksultanov was scheduled to be released, his relatives, father, mother, and a five years old niece, came to meet him. All of them, including the girl, were detained. They were brought to the district office of Voronezh police where they spent 3 hours without any explanations. (A characteristic feature of such cases is that no traces of detention can be found. The inquiry about ungrounded detention of a few persons including a child that we sent to the prosecutor's office had a standard reply, "the facts you conveyed weren't confirmed under an objective verification.")

While those meeting him were in detention, Movsar Beksultanov left the prison and was immediately stopped by police officers in civilian clothing. He gave them the release certificate, after which they virtually abducted him: handcuffed him, and, having covered his head with prison overalls, forced him into a car.

The officers later explained the abduction with absurd causes, for a moment claiming that a grenade was found in his bag, then telling about some cellmate who threatened to kill Beksultanov for some offence. Finally, they said that narcotics were found in Beksultanov's Koran (!), held by the officers in their hands for some time.

After this Movsar was brought to the district police office of the Voronezh's Central district where he was kept without food and drink for two days. Unbearable pain made Movsar suffering from a gastric ulcer commit a suicide attempt.

After two days (during detention without a court order for 48 hours), Beksultanov was brought to the court for choosing a measure of restriction. There Beksultanov "learnt" that he was detained on June 16 at 23.00 (that is 8 hours later than the factual detention time) next to the colony for disorderly conduct, and narcotics were found on him in the course of a body search. A new criminal case against Movsar Beksultanov was brought in.

The fabrication of a new case and the court trial didn't take place, however. The judge of the Central district of the city of Voronezh didn't sanction Movsar Beksultanov's arrest, disbelieving his guilt. Zoya Svetova quotes the attorney Yelena Kuznetsova's words in her article "How a release from prison turns into a new term of imprisonment"¹³: *"One has to give credit to the judge who understood the situation very well. How could a convict who just got released bring narcotics out of the colony? They do body search when releasing them. It means that Movsar was leaving the zone without the narcotics, and two minutes later the narcotics appeared. Besides, the colony is equipped with permanent video surveillance. It is surprising, but the investigator remembered about this only in five days. Apparently, she knew it only too well that the record was by then destroyed."*

Movsar was aided both by Voronezh and Moscow human rights defenders (including Mr. Bityutsky, an attorney of the Migration Rights Network) and also by the human rights ombudsman in Chechnya and reporters. In a few months the case on the narcotics found in Koran was dropped because of the absence of corpus delicti.

It is not at all always that efforts of public campaigns bring at least relative success.

¹³ Novyye Izvestiya, October 29, 2008.

In May 2008, Civic Assistance committee was approached by Zareta Dzhanaraliyeva, a sister of **Lechi Musayevich Dzhanaraliyev**, about whom Memorial Human Rights Center had already reported¹⁴.

Lechi Dzhanaraliyev, born 1980, an officer of the district police office of Zavodskoy district was found guilty of banditry and sentenced to 12 years in prison by the Supreme Court of the Chechen Republic. He is gravely ill, and they were obliged to release him because of his health condition. However, instead the Federal Penitentiary Service decided to transport Dzhanaraliyev to Mordovia.

Lechi Dzhanaraliyev was detained on April 8, 2005. He went in a car of his neighbor who volunteered to take him home. On the road, Lechi's acquaintance ignored the requests to stop from the military. They opened destruction fire at the car. The driver was killed, and they found a gun on him. Lechi Dzhanaraliyev was wounded in the head and in the spine. After detention he spent about a month in the city hospital 9. Upon treatment completion the doctors said that Dzhanaraliyev would need a repeat operation in a year. He needed a skull trepanation and plastic prosthetics. Dzhanaraliyev obtained the status of invalid of the 1st group. In the course of the trial they brought him into the courtroom in a stretcher. Despite Dzhanaraliyev not having much in common with his neighbor and became disabled as a result of severe wounding, the court found him guilty and sentenced him to 13 years of imprisonment in a colony of strict regime. In August 2005, the Supreme Court of the Chechen Republic, a cassation instance, dropped the charge of possessing weapons, but left "banditry" in place (how is it possible without weapons?). The term of punishment became half a year shorter.

At first Dzhanaraliyev served his sentence in the town of Georgiyevsk of Stavropol region. On March 19, 2008, a special committee on medical examination of convicts consisting of eight people diagnosed Lechi Dzhanaraliyev with the diagnosis of "open cerebral injury", which is on the list of illnesses exempting from the completion of a sentence in accordance with Paragraph 23 of the RF Government Resolution of February 6, 2004. The committee set Dzhanaraliyev forth for a release.

They returned Lechi to the Chechen Republic and put him into the investigation ward 1 in the city of Grozny.

However, soon after that Dzhanaraliyev was transferred to the investigation ward of Chernokozovo village instead of release. He was kept there for about two weeks.

The final decision on his release had to be made by the court. However, Mr. V. A. Agarkov, a judge of Georgiyevsk town court, didn't agree with the opinion of the medics. His resolution reads as follows, "Despite Mr. Dzhanaraliyev's 'suffering from diseases on the 'List of Diseases Preventing from Sentence Completion', his life is currently not in danger, and he is capable of completing his sentence in a specialized medical institution in a colony..."

In the end of May 2008, Lechi's family was informed that they intended to transport him to Mordovia. The medical opinion that Dzhanaraliyev should be set free for health reasons was ignored.

Upon learning about such a decision, his relatives applied to Memorial Human Rights Center and to the Office of the Human Rights Ombudsman in the Chechen Republic. The decision on transportation was appealed against, and the complaint of Dzhanaraliyev was still at the stage of consideration on June 30, when he was transported to the investigation ward of the city of Pyatigorsk, and further to Mordovia.

¹⁴ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/07/m138037.htm>

According to the words of witnesses, fellow convicts who were transported together with Dzhanaraliyev, the treatment of Lechi by the officers of the investigation ward were inhuman. The convoy took him from the cell where he was located, dragged him to the car, and threw him into it, sending him by usual means of transportation without a doctor.

Neither human rights defenders, nor the Human Rights Ombudsman could resist the cruelty of the court. One could suggest that this is a form of revenge for Lechi Dzhanaraliyev's refusal to plead guilty despite of all of the efforts of the investigation and judges.

According to Ms. Zareta Dzhanaraliyeva, the sister of Lechi who visited him in Mordovia, the condition of her brother was extremely grave, he was emaciated to exhaustion, suffered from severe headaches, couldn't service himself, and needed urgent and radical medical aid. Memorial Human Rights Center commissioned an attorney to defend Dzhanaraliyev, but so far he couldn't meet his client.

On March 23, 2009, Civic Assistance Committee was approached by the representative of the Chechen Ministry of Health Ms. Satsita Uspayeva who for many years cooperated with the Committee on providing residents of the Chechen Republic with medical aid.

It was the more unexpected for the non-governmental organization's officers when Satsita told them that on October 21, 2008, her husband, Mr. **Akhiyad Magomedzhovich Baysarov**, was sentenced to 8 years of imprisonment on a charge of abduction.

The abduction took place in Moscow in 1999. The abducted, Mr. Serzhik Dzhilavyan, was supposed to meet up with Akhiyad Baysarov, but was forcibly taken away from the place of meeting and kept in isolation for 11 days. After his release, Dzhilavyan lodged an application with the law enforcement bodies where he mentioned the failed meeting with Baysarov. Right after that Dzhilavyan left for Yerevan.

Akhiyad Baysarov was arrested, but after 8 months of imprisonment they released him after a written undertaking not to leave. The investigation was stopped because of the absence of the victim.

Baysarov spent 10 years under the undertaking not to leave. In 2006, Mr. Dzhilavyan appeared in Moscow where Mr. Baysarov accidentally met him. It turned out that Dzhilavyan long had investigated his abduction on his own and had found out that its organizer was his guard. At Baysarov's request, Dzhilavyan wrote about it to the investigation authorities. However, instead of closing the file, they sent it to the court. Dzhilavyan went to all hearings and tried to protect Baysarov. But it was all in vain, the sentence was as cruel as it was absurd, which didn't prevent the cassation instance from confirming it.

Probably, it is the only case when the cassation complaint for the defendant was written also by the victim.

Akhiyad Magomedzhovich Baysarov is an invalid of 2nd group, he has a gastric ulcer and diabetes, some time ago he went through an infarct. He has two underage children. All this wasn't taken into account by the court. Participants of the process keep filing complaints, but the positive outcome of this strange case is still not foreseen.

Non-governmental organizations keep getting information that they send bodies of those who died in prison to Chechnya. Relatives apply to law enforcement authorities with investigation requests in such cases very rarely.

Imali Vikharzhiyevich Ayubov, born 1978, a resident of the Oyskhar village, was sentenced to 16 years of imprisonment by the Supreme Court of the Chechen Republic on

July 10, 2006, and then transported to a tuberculosis zone, the institution OI-92/4 of the Dagestan Republic office of the Penitentiary Service of the RF Ministry of Justice. He had been kept there since May 2007. **Ayubov** was in bad condition and in September 2008 a medical committee made a decision that he and 5 other convicts were subject to release according to the legislation. The administration of the colony in turn applied to the court of Sovetsky district in the city of Makhachkala on September 28, 2007, with a petition on the release of **Ayubov**.

However, on December 31, 2007, the court refused **Ayubov**'s release. The cause for this was that the relatives couldn't collect the necessary sum of money. On April 11, 2009, a volunteer called Memorial Human Rights Center and told that **Imali Ayubov** had died in the colony. An officer of the Human Rights Center went to see his relatives in the Oyskhar village and made sure that the news was true. It was impossible to ask questions at the funerals, but it became clear from conversations of the relatives that he died because of an illness. Attempts were made to set him free to let him die in peace at home. The last amount that they asked for his release was 750 thousand rubles (before they named 130 thousand dollars). The relatives were collecting the money, but managed to collect only a half¹⁵.

It should be noticed that only an insignificant fraction of cases comes in sight of the human rights defenders. As a rule, relatives attempt to resolve the issue quietly using connections and money. The faith in justice and legal mechanisms is almost lost, and not without a foundation. We often learn about the events of the kind by indirection and don't get permission from the victims to speak up about the event, ask the press in and commission an attorney who refuses to bring a bribe to the court. Therefore, when we are approached by applicants who lost their hope in getting their relative released, it often turns out that the case has gone so far that all terms have passed and there is already no way to help.

The only hope for acquittal till recently was the possibility to get the case considered by a jury trial where falsifications could be exposed in a number of situations. However, on December 30, 2008, a law went into effect, which excluded the following crimes from the consideration of a jury trial: Article 205 (Terrorist Act), Article 206 Part 2-4 (Taking a Hostage), Article 208, Part 1 (Organization of an Illegal Military Formation), Article 212, Part 1 (Organization of Mass Disorders), Article 275 (High Treason), Article 276 (Espionage), Article 278 (Capturing or Holding Power with Force), Article 279 (Armed Rebellion), or Article 281 (Diversion).

The human rights community produced a distinctly negative evaluation of such a change to the RF Criminal Execution Code. The law violates the legal logic: before it came into effect, a jury trial could be chosen by those charged with crimes subject to trial in courts no lower than the courts of the RF federal subjects. Besides, fabrications on charges of criminal acts, participation in an illegal military formation, and mass disorders are the most widespread ones. Professional judges are afraid to bring in acquittals on such charges.

¹⁵ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/04/m163327.htm>

III. ON THE IMAGE OF THE ENEMY IN MASS CONSCIOUSNESS

Over the past years, the image of the Chechen who is dangerous, cruel and hostile to Russia has become ingrained in mass consciousness. Media outlets no longer need to shape this image of the enemy. It is enough just to flesh it out, using the appropriate formulas and expressions that have already become set – and no proof is needed. Material gets the required emotional coloring and any fact can be presented as yet another proof of the already existing myth.

Article by Grigory Geroyev titled “A new path of development for Chechnya? We’ll go on short rations ourselves just to feed the Chechens” posted on January 13, 2009, on the official web-site of the Political News Agency (APN)¹⁶ is a typical example illustrating this. The author starts off citing quite commendable words from a New Year's Eve address by Ramzan Kadyrov to the nation of Chechnya: *“The most important thing is to break those stereotypes that had been imposed over a number of years... I’m asking the Almighty Allah to never let war and bloodshed descend on our heads and to make the new times for the Muslims of Russia a period of further revival of spirituality, culture and traditions, for people without spiritual roots are deprived of the past, and there can be no future without the past.”*

Then Geroyev cites the words of the Chechen culture minister Dikalu Muzakayev, who summing up the results of the past year expressed confidence that Chechnya would soon reach *“a qualitatively new level — the level of an intellectual and cultural center of the entire North Caucasus.”*

“Our republic possessed vast museum collections, most of which have been irrevocably lost. ...Young people from that generation were deprived of the opportunity to fully inherit the beautiful traditions and customs of their ancestors... homes and communications can be restored, but to restore the spiritual heritage is a tremendous challenge,” Muzakayev said.

The Minister speaks about the restoration of cultural facilities damaged during the hostilities: a new Chechen national library, the idea of establishing a department for the protection of material culture sites, and the construction of a National Museum of Regional Studies in Grozny.

One might expect that Geroyev’s article would also deal with the revival of culture in Chechnya. But it’s nothing of the sort.

Geroyev switches to a completely different subject. He says that the debate *“which today has started in Chechnya around the early release of Yury Budanov, former colonel of the Russian Army and holder of the title Hero of Russia, in no way suggests that Chechnya “has been breaking old stereotypes.”* Geroyev rebukes Chechens for being angry at the release of the murderer young Chechen girl Elza Kungayeva, whose parents risked going to law.

For Geroyev, Budanov still holds the title of Hero of Russia, although he was stripped of this title as long as seven years ago. Geroyev complains that Chechens *“do not give a slightest thought to the fact that they themselves did things that in no way did them credit during the last two conflicts. Among these things were terrorism and banditry fueled by Chechen separatism; drug trade; abductions for ransom or subsequent use of the abducted as slaves; barbaric traditions steeped in bizarre religious beliefs; finally, sadism.”*

¹⁶ <http://www.apn.ru/opinions/article21216.htm>

Putting aside the discussion of the Budanov case, as well as the grammar and the language of the article, one can not fail to note how strange in itself is the logic according to which it was written. In response to the call to break stereotypes, the author immediately starts replicating them.

One might think, what relation museums and libraries have to Budanov and separatism? Well, none, really, whatsoever.

The article contains no sensible reasoning. The author replicates a set of associations: Chechens – slave owners – drug dealers – terrorists – barbarians – savages – sadists. They slander our hero (even if this hero is a murderer!) and, therefore, cannot be sincere in their desire for the revival of cultural values in Chechnya.

To make the required impression on the mass reader Geroyev does not at all need to show why and in what ways the projects of the Chechen Republic's culture ministry are harmful and why the idea of reviving *"spirituality, culture and traditions"* is bad. It is enough to flesh out the myth – and in its context the article's final conclusion becomes acceptable: *"by supporting the Chechen national culture and reviving their traditions, Russia destroys its own culture and traditions."*

The primitive and extremely poor article prompted a flurry of comments on the Internet. They came mostly from young people. With rare exception, the remarks were full of xenophobia and hatred towards Chechens and conviction that the Russian people is humiliated and subdued. There were also some words of sympathy for Budanov, but mostly he was seen with contempt. A comment below presents a typical attitude in the most concise way:

"I have no pity for this non-white trash, but Budanov is a lackey, why doesn't he shoot himself? He has really dishonored himself and looks now like those black-assed pigs." Rare retorts came from persons from the Caucasus, who turned the tables on the majority of commentators. The few reasonable comments are swamped in the oozy mire of hatred. No one refers to the revival of the cultural heritage.

Studies of the formation of the "language of enmity" used by the media repeatedly suggest the existence of the practice of making unprompted references to ethnicity in media crime reports. "Natives of Chechnya detained in Moscow when they tried to sell a forged bill..."¹⁷ "A Chechen hitman detained in the Czech Republic"¹⁸ "The case, in which six Chechens are charged with launching an illegal migration route across Belarus, sent to court"¹⁹ "A purely Chechen operation" (an article about the investigation of a contract killing)²⁰ ...

As Ye. O. Khabenskaya wrote in her study "Ethnic stereotypes and xenophobia in the media"²¹:

"Journalists, building on the fears and phobias existing in mass consciousness, consciously or unconsciously give an ethnic dimension to the crime situation... A significant portion of ethnoconflictogenic publications in the above media deal with developments in the North Caucasus and problems of terrorism and help demonize the image of the "Chechen" and the "man from the Caucasus". Inaccurate use by journalists of a number of religious terms (shahid, mujahid, warrior of Allah, etc.) when

¹⁷ See report by PRIME-TASS posted on March 25, 2009 at 18:00 on its web-site at <http://www.prime-tass.ru/news/show.asp?id=877860&ct=news>.

¹⁸ See report by Rosbalt-Moscow, posted on December 19, 2008 at 18:01 in the News section, available at <http://www.rosbalt.ru/2008/12/19/604859.html>.

¹⁹ See http://www.belta.by/ru/news/archive?date=24_02_2009&page=2&id=337841.

²⁰ See *Vedomosti* of April 7, 2009 <http://www.vedomosti.ru/newspaper/article.shtml?2009/04/07/189804>.

²¹ <http://ashpi.asu.ru/studies/2005/hbnskja.html>

referring to bandits and suicide bombers helps shape erroneous perceptions of Islam norms and, accordingly, a negative image of the Muslim. We have found that the most conflictogenic articles on the subject of terror have been published by the Argumenty i Fakty weekly, followed by the daily newspapers Moskovsky Komsomolets and Moskovskaya Pravda. In a number of cases, such publications can be seen in the context of the criminal and civil law as inciting ethnic and interconfessional hostility (Article 282 of the Criminal Code of the Russian Federation)."

Chechens are described in such a way as to produce an a priori assumption that they are guilty of a host of "deadly sins"; acts devoid of all plausibility are readily inscribed to them. Let us cite two examples, the full details of which are available to us.

Let's recall the story of Movsar Beksultanov that we have already mentioned in this Report.

In 2004, Beksultanov was arrested in the town of Achkhoy-Martan. He was charged with aiding Wahhabis. Under torture that continued for many hours he confessed to the charges and was sentenced to three years in prison. He was sent to Penal Colony 2 of the city of Voronezh to serve his sentence.

Two months before the end of his prison-term, Movsar was visited in his cell by a man the young Chechen remembered all too well: it was the man who interrogated him on several occasions during 2004 in Achkhoy-Martan (Voronezh-based police officers were at the time on a mission in Chechnya). "The man warned me that if I didn't give information about militants I would be met at the colony's gate and jailed again," Beksultanov said.

On June 16, 2008, the day Movsar was released, he was stopped by police officers in plain clothes not far away from the penal colony. He presented his certificate of release, after which he was handcuffed, forced into a car with his prison overalls pulled over his head and taken to the Central District police department of the city of Voronezh.

His abductors gave ridiculous reasons for his detention: first they claimed that a grenade was found in his bag, later, they told him that drugs were discovered in a Koran that had been seized from Beksultanov and was for some time held by the abductors.

Movsar was held at the Central district police department of the city of Voronezh for two days without food and water. Because of the unbearable pain, Movsar who suffers from gastric ulcer attempted suicide. A new criminal case was opened against Movsar Beksultanov.

Field investigators' plans to put him behind bars again were unexpectedly disrupted by a judge of the Central district of the city of Voronezh: she did not sanction Movsar Beksultanov's arrest, citing the lack of legal grounds for his detention. Movsar was helped by the fact that human rights defenders, Voronezh-based journalist Svetlana Tarasova and the Human Rights Ombudsman in Chechnya got involved in his defense. Several months later, the case of drugs found in a Koran was dropped because of the absence of corpus delicti. The story ended with a relative success, although the persons guilty of trumping up the evidence went unpunished.

However, in the article "Basayev's close henchman detained in Chechnya" published on NEWS.RU web-portal²² and cited by many other media outlets, including a web-site devoted to... anti-drug efforts, this story looks completely different.

Of course, Beksultanov's detention was presented as a heroic mission: *"as a result of a carefully planned operation, successful detention of militant Movsar Beksultanov was*

²² <http://www.newsru.com/arch/russia/18jun2005/bas.html>

carried out. The search of the house and grounds produced six shells used to produce landmines, plastic explosives, an improvised explosive device, a Shmel infantry rocket flame thrower, and a large inventory of various items used in production of improvised explosive devices” (quote from an Interfax news agency’s report).

According to the report’s author, there was a whole arsenal of weapons held at Beksultanov’s home. Movsar’s father gave a completely different story when asked to describe the “carefully planned operation”: “How they produced evidence in that case is a story of its own. Police officers burst into our home more than a dozen times. They turned everything upside down and beat everyone who got in their way. They presented only one demand: make your son confess to the fact that he is a Wahhabi...” Movsar himself was barely 21 at the time.

Yet, running a weapons depot in a residential building is by no means the limit of supernatural abilities of the young man. Leaving the penal colony on the day of his release he, according to the information released by that same Interfax²³ and repeatedly republished in various media outlets (including, for instance, those reporting on anti-drugs efforts), took with him...a large consignment of opium and several kilograms of explosives. Once outside the prison, he, as a certain “interlocutor” was reported as saying by Interfax Center information agency, not going far from the colony’s gate immediately “tried to contact local criminals via drug dealers, but was detained by field investigators of the regional Office for Combating Organized Crime.”

VrnNews information agency gave its audience a different, even more unnatural version of the events. In addition to the information about the drugs, the report’s author, O. Orlova quotes the words of a certain “news agency’s source in the regional law enforcement agencies”: *“While in prison, he [Movsar Beksultanov] maintained contacts with members of an armed gang of his brother, Timur Beksultanov. In addition, he tried, together with other persons convicted for terror crimes, to launch a secret group with features characteristic of Wahhabi Jamaats of extremist type operating in the North Caucasus.”*²⁴

Yet, no matter how absurd is the version presented in the article, no rebuttals were made after the case was dropped. And the bizarre version of the events is still available on the Internet – where it was posted. The administration of the colony did not go to court to seek protection from slander – despite reports by the media that extremist groups are launched on its premises and drugs and explosives are taken out of it in huge quantities.

A reader who is not critically minded is ready to embrace such perceptions of the Chechen and will not wonder why a person who is barely released after three years in prison instead of seeking to meet his father and mother (who came to Voronezh to take him home and were, by the way, immediately detained by police officers without any grounds) would first try to establish contacts with local criminals right near his penal colony’s gate. Nor are they likely to ask why after all the law enforcement officers detained Movsar Beksultanov without waiting for him to meet the buyer of the arsenal of weapons and the kilos of drugs he took with him from the prison. Stereotypes do not need any logic.

²³ See the article “A member of an illegal armed gang, who has served his sentence, is detained with a large **consignment** of opium” published on July 21, 2008 on the web-site of Interfax news agency, available at: http://www.interfax-russia.ru/r/B/centerObw/493.html?id_issue=12100983.

²⁴ See article “A Chechen militant caught with a consignment of opium after barely leaving a Voronezh prison”, available at http://vrnnews.ru/news_type/index.php?type=3&id=4058.

Even more consistently the image of the enemy has been shaped in the case of Zara Murtazaliyeva. The fact that the girl is serving a sentence and attempts to help her have not thus far been successful makes it all the more easier to accomplish. Despite the fact that the investigators ultimately failed to prove any guilt of Murtazaliyeva or her links to terrorists, the Moscow City Court found Zara guilty of “preparing a terror act of bombing to intimidate the public, disrupt public order and damage property” “involving other persons into acts of terror” and “illegal acquisition, possession and carrying of explosives” and sentenced her to nine years in prison.

“Zara Murtazaliyeva, being an active member of armed gangs fighting federal forces, having undergone special training in a suicide bomber training camp outside the city of Baku, the Republic of Azerbaijan, in September 2003, arrived in Moscow to prepare terror acts”, reads her indictment, which was widely quoted by the media.

The mass media also alleged that Murtazaliyeva was involved in the first military campaign in Chechnya (1994–1996), fighting on the side of the militants. The girl’s mother presented to the investigators certificates confirming that during that period her daughter was diligently attending classes at a secondary school: in 1994, Zara was just eleven. The mysterious camp outside Baku also proved to be an absurd fiction. It was not included even in the investigators’ report, rife with far-fetched conclusions and falsifications. Azerbaijan was surprised at the story of a suicide bomber training facility most of all. “It is extraordinary to hear that some suicide bomber training camps exist in the territory of Azerbaijan. And it is even more than strange to see such naked allegations being released by Russian official bodies” (this statement by the First Secretary of Azerbaijan’s Embassy in Russia Shamil Garayev was quoted in Anatoly Shvedov’s article *“The Nikulino Prosecutor’s Office discovered a suicide bomber training camp outside Baku”*). The embassy filed an official protest with the Russian Foreign Ministry, stating that no terror camp exists outside Baku and cannot exist there even in theory, since the indicated location is the site of health resorts well-known in Azerbaijan.

After Zara’s arrest, her friends Anya and Dasha were repeatedly called in for questioning and faced with requests that they “confess” to the fact that Zara had tried to recruit them to become shahids. They tried to intimidate the girls by saying that otherwise they would be turned from witnesses to defendants. According to the lawyer, the first depositions, which the girls gave in the absence of lawyers, were written as if they used a carbon copy and their language was not the one used by girls aged 18. Anya Kulikova’s mother, who turned for help to Svetlana Gannushkina, Chairwoman of Civic Assistance Committee, has repeatedly said she does not want Anya to tell lies and betray her friend.

Valentina Kulikova claimed that Zara had had only positive influence on the girls. After meeting her, Dasha, for instance, quit drugs.

On June 18, 2004, the national daily Izvestiya published an extensive interview journalist V. Rechkalov carried out with Anya and Dasha. The article had an expressive title: “How to become a shahid girl.” However, the words of Anya and Dasha as heard by the journalist show more of an ordinary youthful enthusiasm than an impact of any propaganda. “I generally have always been on the side of the weak,” said one of the two girls explaining why she had said she “wanted to help wounded Chechens...work as a medic.” And one can also sense the ardor of a neophyte: the girls had just embraced Islam by the time of the interview. And it by no means happened under Zara’s influence: they even met for the first time when the girls were already going to a mosque.

Yet, the reader gets a very different picture from the materials that were published in the press... Although the girls' answers to the journalist's questions contained no confessions of immediate plans to become terrorists, the skillfully clipped parts of this article were for a long time republished by various publications, often without references to the original text. These were published under different titles, including "I once asked how one could become a shahid", "Girls in Moscow embrace Islam and are willing to go to Chechnya to fight Russians", etc. Moskovsky Komsomolets daily on December 23, 2005 carried a short report "Sisters in jihad" signed by Lina Panchenko and Svetlana Meteleva, a notorious agent provocateur who more than once infiltrated certain ethnic groups not only to subsequently write an article full of lies, but also to appear later in court as a *witness for the prosecution against her recent "friends"*.

The article contained a blatant lie: "Murtazaliyeva tried to put *psychological pressure* on her Russian female friends, demanding that they serve her." FederalPost information agency also followed suit. Its report "A Chechen female terrorist trained Moscow girls to become suicide bombers" (May 20, 2004) *gave a whole version that linked together* the charges of terrorism and recruitment of *shahid women pressed against Zara*. The very titles themselves cause anxiety and enmity in the reader, making them feel hostile. Citations *torn from the context* like the ones quoted above make one feel scared.

This is a dramatic and unfortunately very frequent manifestation of the "language of enmity", often used by the media when describing people from Chechnya. Inaccurate advertisements and subtitles are a separate problem. Being elements of advertising, rather than journalism, they play a specific role: to attract and retain viewers or readers. However, often one or two inaccurate but catchy phrases are remembered longer than the rest of the report.

Of course, the case of Zara Murtazaliyeva also got another, different kind of coverage as well. Articles by Zoya Svetova, Aleksandr Bourtin, and Alik Akhundov give a very different picture, the one which is much more detailed and closer to reality. Neither the newspapers, nor the news portals that published them – *Polit.Ru, Kommersant, Russky Courier, Novyye Izvestiya*, and others – can in any way be called gutter media or have small readerships. Those willing can easily learn about how material evidence disappeared during the investigation, about the pressure on witnesses, and about the letter from Azerbaijan's embassy, after which the story of a terrorist camp outside Baku was shattered to pieces... They can even learn that one of the witnesses, Anya Kulikova, withdrew the testimonies she gave during the investigation. However, the truthful information sinks in the sea of lies, which are not left behind in the past: invalid and biased information about Zara's case continues to spread.

Three years passed (the trial of Zara took place in January 2005) and on October 10, 2008, YOKI.RU information portal posted another article with a telling title: "Human rights defenders stand up for a terrorist woman." The timing of its publication was not accidental: precisely on October 7, 2008, a court hearing took place, in which Zara's bid for early release on parole was turned down.

The author, Sergey Makarov, again repeats the entire set of charges which have already been repeatedly refuted in the press, presenting them as reasonably reliable facts: "*Having arrived in Moscow in 2003, a Chechen woman was recruiting potential shahid girls.*"

"How can she, a person who got training in one of the suicide bomber training camps and who was ready to sacrifice her life for Allah, repent the cause of her life?" Once again, we hear about a suicide bomber training camp. Once again, we hear about a

cunning recruiter feeding ordinary Russian girls stories about “*how great it is to be a shahid girl, living a completely different life – all you have to do is ‘go to Baku, there’s a camp there’.*”

And, finally, the conclusion: “*Plastic explosives are not sold in Russian stores, and the recruitment of future suicide bombers that the envoy from hell carried out for several years speaks only of deliberate actions and the desire to kill, which can hardly be obliterated by ordinary pangs of conscience.*” The article fails to say though why, in Sergey Makarov’s view, “*the desire to kill*” is more effectively obliterated by imprisonment without the possibility of early release on parole, rather than by “*pangs of conscience*”. But then the mythological pattern was presented without any reticence. An “*Envoy from Hell*” is a weird description for a girl who was arrested at the age of 23 and sentenced to 8.5 years in prison. Hardly anything can be surprising now, given the fact that journalists from the *Moskovsky Komsomolets* daily wrote as early as in 2005 that Zara was “*that very Black Fatima who was behind the bombing in Tushino*”²⁵.

Of course, it was not the author of this ridiculous report on YOKI.RU who decided that Murtazaliyeva’s bid for early release on parole should be turned down, despite a letter the court received from the Chechen ombudsman, who expressed his willingness to give Murtazaliyeva a job in his office in Grozny, and the fact that the Chechen Government filed an application in support of her early release, which is a rare occasion. The decision was taken by the court. But the fact that the story of an “*envoy from hell*” “*ready to sacrifice her life for Allah*” and recruiting Moscow girls to send them to a “*suicide bomber training camp outside Baku*” continues to spread is entirely on his conscience. And it is still to be seen whose lives will be affected by the image of the enemy crawling around the country’s capital with plastic explosives in her handbag and three kilos of drugs concealed in a Koran.

It is virtually impossible to get apologies from authors for inaccurate statements or false accusations when the matter involves Chechens. As we have already mentioned, even the publishing of clear and unambiguous evidence showing that the information about “terrorists” and “slave owners” is invalid does not guarantee that the journalist who used it will publicly go back on their words.

But once the honor and dignity of those tormenting prisoner Zubayr Zubayrayev²⁶ were hurt, the response came immediately.

As it has been already noticed above, on March 26, 2009, the Kirov District Court of the city of Volgograd considered the claim of the local LIU (medical correctional facility) administration against Ms. Yelena Maglevannaya on defending its “business reputation”. The head of the facility accused Yelena of slander and forgery of evidence: without denying the fact that Zubayrayev showed signs of serious injuries, the administration argued that they were a result of self-inflicted harm. Moreover, according to the response received from the administration, “Z. I. Zubayrayev received necessary medical care in every instance of self-aggression.”

Further hearings were postponed until mid-May, since the defendant requested to obtain photo and video materials made slightly over a year ago by the commission at the Office of the Human Rights Ombudsman in Volgograd. Only non-resident witnesses

²⁵ On July 5, 2003, at the entrance to the Tushino airfield, where a rock festival called Kryliya (Wings) was held, two female suicide bombers killed 17 people.

²⁶ See the full story of Z. I. Zubairayev in the section “The situation of prisoners from Chechnya in Russian prisons” of Chapter II.

were examined. There were three of them: Zubayr's current lawyer, Musa Khadisov, who was invited by Memorial Human Rights Center, and two human rights defenders from Grozny, Roza Shamiyeva and Madina Astamirova, who work at the Human Rights Center at the Office of the Human Rights Ombudsman in Chechnya.

Musa Khadisov visited Zubayr precisely one day before the court hearing; he gave a detailed description of the signs of torture he saw on his client's body: feet nailed through, a screw driven into his knee joint, and wounds on his head and legs.

Roza and Madina, on their part, gave the court some very interesting details of the biography of Mr. V. D. Deripasko, the current acting head of LIU-15: he served in Chechnya during the second war; during his tenure at the Chernokozovo investigation ward dogs were set on people with his participation. In penal colony at the village of Frolovo, Volgograd Oblast where Zubayr had served his sentence before he was transferred to LIU-15, the colony administration head showed him a knife and said: "I used this very knife to kill Chechens, and I will cut your head off; the lucky outcome for you would simply be shot by a firing squad." The above facts are also presented in Zubayr's written statements, entered into the case files and read out by his lawyer in the court hearing.

The facility's representatives could not come up with a comment and only the head of the surgery department S.B. Karavayev asked each of the witnesses in turn, "Did Zubayr tell you that any of the facility's doctors had used physical force against him?" It's a surprise to hear such a question from a doctor: physical force does not seem to be on the list of methods of providing medical care to patients.

However, the above evidence did not make the judge sympathize with the tormented prisoner. The court intends to consider adding owners of all websites, which published Yelena Maglevannaya's articles as codefendants in the facility's suit.

As for Mr. S.B. Karavayev, his attitudes towards Chechens are unambiguous and clearly presented in his LiveJournal blog. This is what he wrote about the Budanov case: *"It is clear that for Chechens and all Chechen-lovers the best outcome would be to see Budanov's heart fail and have him die in prison, while under investigation and carrying a stigma of a criminal in the eyes of "public opinion". This must be prevented by all means: get the best doctors, buy the best medicines, perform every medical operation needed, but make sure the colonel stays alive and is released under amnesty. Released to make sure that anyone who would ever think of going to war against Russia remembers that the expression a la guerre comme a la guerre has a Russian translation."* And he is waging a war of his own, having posted in his blog a photo of Yelena Maglevannaya below the words "Know your enemies by sight!" and cited statements by Ms. Irina Antonova, the Deputy Head of the region's Chief Office of the Federal Penitentiary Service in charge of human rights, who insulted Zubayrayev and accused him of shamming, having the protection of rich patrons and getting an unfairly short prison term.

Is it surprising then that Zubayr Zubayrayev has been having hard times in the hands of "friends" like these?

As it has been mentioned above, on May 14, the court ruled that Ms. Yelena Maglevannaya was guilty and sentenced her to the exorbitant fine of 200 thousand rubles.

A common way to project negative ethnic stereotypes is to make rhetorical generalizations about the features of the "national" character or "cultural" features of the

way of life and behavior of Chechens. Stereotypes become deeply ingrained in mass consciousness, and even the most prominent and active members of civil society cannot escape them.

In the end, we would like to cite an excerpt from the article “We will get more freedom and strength if we leave the Caucasus” authored by the Chairman of the Perm Civic Chamber and editor-in-chief of the newspaper *Lichnoye Delo* Igor Averkiyev²⁷, published on January 27, 2009.

Arguing the case for the need for the Caucasus to separate from Russia, or, more exactly, for Russia to separate from the Caucasus, Averkiyev explains it by the incompatibility of cultures.

According to Averkiyev, who hardly ever visited Chechnya himself, *“Kadyrov’s regime is the choice of the Chechens, no matter what political conspiracy theorists might think on this matter and no matter how obvious the Kremlin’s involvement in the formation of this regime might seem. Kadyrov’s regime is a regime built by the Chechen people itself and its recognized leaders, with its full consent, and based on its traditions, customs, and political culture. But these traditions, customs, and political culture are alien to Russia. This is neither bad, nor good – this is a fact. We simply belong to different civilizations. Apparently it is so trivial that it is not taken into account.”*

Below are the features of those “Chechen and Russian civilizations” according to Averkiyev:

“Everything that happens today in Chechnya does not in any way fit into the notions of standard and normalcy generally held in Russia. The list of these “Chechen abnormalities”... includes treating the woman as an inferior being, which is a thing of the distant past in Russia; religiosity which is excessive and fanatical for the Russian taste; power worship that is immoderate even by Russian standards; totalitarian nature of clan relationships; and many other things.

Hostage taking in Chechnya is almost a trade; using slave labor of prisoners is a normal household practice, killings of women for “misbehavior” can be justified by tradition. The “public price” of a human life is very different with them and us: There can be no “soldiers’ mothers” in Chechnya; there can be no shahids in Russia. It is possible and sometimes advisable for a person in Chechnya to die in the name of ideals; in Russia it is not advisable since long ago and already almost impossible. After the end of a war, Chechen men do not suffer any kinds of post-Vietnam or post-Afghan syndromes: personal involvement in killing enemies of their people for many of them is still one of the advisable and prestigious forms of self-fulfillment, not a mental disaster, like is the case for the majority of residents of the East European Plain or Siberian lowlands and highlands.

When during the last war Chechen warriors had to kill Russian prisoners of war, they killed them like they would slaughter cattle: by cutting the throat from ear to ear. It was not because they were particularly cruel, but because they treat persons of a different faith and of foreign race who were taken prisoner as non-humans, as cattle, and treat them like cattle. The Russian soldier can not do it; his xenophobia is not so consistent.

²⁷ http://www.kavkaz-uzel.ru/articles/uhod_s_Kavkaza

Despite the careless disrespect for other person's life and fits of embittered cruelty, it's always a human being that he kills, no matter how brutal and hostile they are. Hence, all those "post-war syndromes."

There is no hatred towards Chechens among normal residents of "small-town Russia." There are attitudes of mistrust and suspicion, and the desire to insulate oneself, to have nothing to do with them. Many have fear. However, average Russians do not wish average Chechens death, destruction and "disappearance from the face of the Earth." "Leave us alone and don't have any business with us", that's all they need."

What an amazing lenience towards the Russian soldier, who kills in a fit of embittered cruelty out of careless disrespect for other person's life! And how readily all Chechen "abnormalities" are attributed to the entire people, and only those citizens of Russia are recognized as "normal" who are devoid of hatred and suffer the pangs of conscience!

How absurd is this call to the Chechens: *Leave us alone – that's all we need!*

This article was vigorously debated in the human rights community. However, we have to admit that it caused the feelings of rejection almost exclusively among those who had seen both Chechen wars with their own eyes, worked long and hard in Chechnya and had strong professional links and warm personal relationships with Chechen colleagues.

Averkiyev writes vividly; his articles are filled with confidence and power and, therefore, are appealing to many readers. His key idea – Russia should leave the mountainous part of the Caucasus – undermines the imperial approach towards the future of Russia we all are concerned about.

The trouble is that in his article he writes about things he does not know at all, having got the information about Chechens from smart journalists who created a stereotype that bears little resemblance to reality.

Below is the comment presented by Mr. Oleg Orlov, the Chairman of Memorial Human Rights Center, during a discussion held by the People's Assembly Club of public organizations:

"How did it happen that a person claiming leadership in a regional non-governmental organizations community and seen as a serious developer of human rights techniques insulted an entire people in his article in an offhand manner and based on racist stereotypes? Is it not the shaping of the image of the evil hostile "ALIEN" identified on ethnic grounds?"

What if we say that there were many more Chechens brutally killed in Russian captivity than there were Russian prisoners killed and present the materials available to us which show how dead bodies of militants taken prisoner are dumped out of transport vehicles: they did not have their throats cut – they just died of wounds in those vehicles or suffocated? Averkiyev's article contains a ready answer to this: look at the murderers "here" – they all suffer from all kinds of syndromes, while this is not at all the case with the murderers "there"; "there" killing is nothing.

And if we cite the fact that a landfill with dead bodies, which had their throats cut, was discovered outside the Russian military base in Khankala – "our guys did the cutting" - it would still prove nothing to Averkiyev.

Our colleagues from the Caucasus attended seminars and workshops organized by Averkiyev. They read with interest his studies into the problems of organizing the activity of a non-governmental organization. And now they are going to read this insulting work. What did they do to deserve an insult from a person they saw as their colleague?

Averkiyev knows very little about the subject he writes about. As a result, he writes things that are not just insulting, but, which is worse, wrong and insulting.

Most of his assertions about Chechen society, habits, etc. have no connection to reality. Kadyrov's regime could in no way emerge based on Chechen traditions, customs, and political culture – it was formed only through their destruction, a dreadful mutation as a result of mass violence.

What has struck me in this article was not the fact that somebody poured on the reader yet another bucket of stereotypes steeped in xenophobia and myths based on the lack of knowledge of the subject. I find it unacceptable that this was written by someone from our community."

There's no sense in challenging Averkiyev's statements. He cannot fail to know how many people defend former colonel Budanov, who was convicted in one of the two cases in which military officers got some real imprisonment sentences for crimes against civilians in Chechnya. No post-Chechnya complexes are observed in them.

However, the stereotype has been shaped and is not subject to any appeal.

IV. PROVISION OF HOUSING TO INTERNALLY DISPLACED PERSONS IN THE REPUBLIC OF INGUSHETIA

According to the Federal Migration Service Office for the Chechen Republic, as of January 1, 2007, 57,349 internally displaced persons (IDPs) had been registered under Form 7 (registration form for a family that arrived because of emergency). By the end of the year, they all had been struck off the register which guaranteed them at least a minimum food assistance and the right to live in temporary accommodation points (TAPs).

By the beginning of 2009, there had been just 3,400 families (8,500 persons) of IDPs left who were found to be in need of accommodation. However, the problems of internally displaced persons are still urgent.

The state has thus far failed to develop and pass additional legal instruments providing for specific legal safeguards to IDPs and detailing the responsibilities of state bodies and officials towards them, as well as mechanisms and procedures designed to give them the opportunity to get fully reintegrated.

It is clear that the problem of getting accommodation remains among the most pressing ones for IDPs.

Support to TAP inhabitants in settling down

The administration has been working to close down TAPs, following the instructions of the President of the Chechen Republic Ramzan Kadyrov, since May 2006. The Chechen authorities built their case for closing down TAPs around the “degrading influence on the Chechen culture” of the refugee community.

Memorial Human Rights Center has regularly reported in its reports and news releases on the previous campaigns to “shut down”, but not solve the problems related to the provision of support to IDPs in the Chechen Republic. Decree of the Government of the Chechen Republic No. 181-r of April 21, 2006 established a Commission for the Enforcement of Standards and Rules of Tenancy in TAPs located in the territory of the Chechen Republic. As part of the above commission’s activities, IDPs have been struck off the registers for Form 7.

A political decision was taken to remove the problem of IDPs from the radar of the Russian and the world public, since it was a vivid sign of the continuing disaster, which did not in any way fit into the picture of the revival of the Chechen Republic.

In pursuance of the Decree of the Government of the Chechen Republic No.387-r of October 17, 2007, TAPs were abolished and the burden of providing help to forced migrants in settling down was passed entirely to the Chechen authorities. The buildings and premises of temporary accommodation points got status of family hostels and the responsibility for their maintenance was transferred to the Government of the Chechen Republic. FMS (Federal Migration Service) of Russia ceased to be responsible for the supervision of the implementation of programs of housing and resettlement support for IDPs; management of hostels was transferred to the respective district administrations of the Chechen Republic.

One might guess that the Federal Government also supported this decision, since it was relieved of the burden to maintain the TAP system and assist the people supported by it.

In October 2007, the Joint Working Group for the Legal Protection of IDPs Rights, including representatives of the United Nations Office of the High Commissioner for Refugees (UNHCR) in the North Caucasus, the Human Rights Ombudsman, governmental bodies, and non-governmental organizations sent recommendations to the President of the Chechen Republic, which were developed based on the findings of a study into the problem of IDPs. They included a request to allow IDPs who had uninhabitable housing or no own housing at all to spend the coming winter on the premises of TAPs that were converted into hostels. According to the UNHCR, the number of such citizens was no less than 10,000. The letter also drew attention to the fact that the main role in addressing the issue of resettlement and helping TAP inhabitants to settle down was assigned by the government to municipal and district administrations. However, for too many local administrations this was a burden they could not bear; this task was particularly challenging for rural ones, which did not have adequate resources and opportunities to help the returning citizens to settle down. Despite the above factors, the vigorous efforts to resettle hostel residents were launched and pursued during the winter period.

Starting from December 2007, the Chechen authorities intensified the large-scale process of shutting down hostels that previously had TAP status and moving their inhabitants, internally displaced persons, to the areas where they had lived before.

The review of numerous complaints and applications, as well as findings of on-site monitoring suggested that in the process of disbanding temporary accommodation points the rights of their inhabitants were grossly violated. "Voluntary" applications by IDPs to get struck off the registers for Form 7 were mostly completed under crude pressure.

People who were moved out into the unknown were handed out 18,000 rubles to rent housing for six months and a letter of guarantee signed by the head of the commission for resettlement of forced migrants Bakharchiyev, confirming the fact that the specified category of citizens is entitled to priority in getting housing. At the same time, the letters of guarantee did not specify the period within which the individuals evicted from former TAP were to be provided with housing.

The question of where one can rent housing in the areas of previous residence if the housing stock has not been restored there yet was left unanswered. Besides, it is impossible to rent housing for a family for 3,000 rubles per month.

On December 13, 2007, residents of the hostel at 11, Ponyatkova Street, Grozny, filed a statement with Memorial Human Rights Center, complaining against the attempts to unlawfully move them to the areas of permanent residence.

Representatives of the authorities requested that those who lived there leave the premises, claiming that they had been allocated for establishing a cancer detection center.

Repair and maintenance works to establish a cancer detection center were immediately launched on the premises of the former TAP, which made the already difficult living conditions even more difficult. From time to time gas and electricity were cut off. This was made to force people to move out. One should take into account the fact that among the inhabitants of the temporary housing they tried to disband there were lots of persons with health issues (including tuberculosis and cancer patients), and a high number of infants and babies; the majority of residents belonged to the most vulnerable groups of the population.

Those persons were evicted. Some families from among those that lived in that building were eventually moved to other hostels located in the city of Grozny; however,

the majority was left virtually without shelter and forced to solve their housing problems themselves.

More than ten families were moved into the hostel at Vyborskaya Street. However, to live there they had to pay their rent. These rules are also in force now in other former TAP converted into hostels. The rent is between 500 and 900 rubles per month per room. Many people cannot afford even that amount of money, since only the most vulnerable citizens of Chechnya, who cannot find jobs, remain in these “temporary homes”. There are disabled persons in almost every family.

Zura Dadyeva is daughter-in-law in Khava Shamsadova's family and the wife of her son Albert. Khava's three daughters live together with them. They were not given an apartment and had nowhere to go. They rented a small house for 5,000 rubles per month.

Azaman Dbirmagalayeva, who has two children, aged 16 and 14, a widow (her husband died in 2001), received a land plot for construction in the village of Avtury, with no housing. The administration head temporarily provided the single woman with children with a room in a semi-destroyed boarding school.

Zulpa Aliyevna Makhtiyeva, together with her husband and five children, received a letter of guarantee for 2,000 rubles. The family stayed for the night in a shed at her friends' at the village of Michurina; their belongings were piled up in the yard.

Deshi Askhabova (born 1947), together with her son, daughter-in-law and a child, did not receive any compensation. Their house had been destroyed and a one-room apartment was given to the entire family. She cannot live with her son-in-law at her daughter's place, since this goes against the tradition.

Inhabitants of the former TAP decided to turn to the President of the Republic via the media to tell him about their problems. They were sure that he was unaware of their situation, but as soon as he learned about it he would defend them against the heartless bureaucrat.

The response of the Zavodskoy District Prosecutor's Office which came to the inquiry by Memorial Human Rights Center about violations of the rights of IDPs living in the former TAP at the address: 4, Vyborskaya Street, Grozny, said that in pursuance of the Decree of the Government of the Chechen Republic No.242-rp of August 2, 2008 the building was only temporarily placed under the operational management of Migration Service for the Chechen Republic. It meant that the prosecutor's office recognized as lawful the return of the TAP building to the management of the Zavodskoy District administration for consequent establishment of a hostel and, accordingly, the requirement to pay rent for accommodation.

On December 23, 2007, rooms were vacated for those who were moved into the hostel at Okruzhnaya Street, with previous tenants evicted.

The Chechen leadership suggested that heads of district and rural administrations invite those who were permanently registered in their territories and allocate them land plots at their places of permanent residence. According to some reports, administration head of the Vvedeno District Dunayev was beaten up by deputy head of the municipal administration because he objected to this. Residents were told that until they complete construction of their own houses they would have to live in a rented apartment, for which the local administration would pay 2,000 rubles per month (it is unclear what regulation specifies this). Letters of guarantee were issued to very few persons and though they were completed on forms, the signature of administration head was lacking. People could not find apartments for rent, while housing and administrative authorities did nothing to help

them in that. Some persons, particularly those permanently registered in rural areas, were not offered anything at all.

There were reports of people moved out of hostel rooms by force, with their belongings thrown out, and sometimes scuffles ensued. Many persons, especially women, had to put their signatures on the applications prepared in advance by local administration officials to avoid conflicts between their men and armed people. In this way the authorities managed to significantly reduce the number IDPs for whom they were responsible. Some of the IDPs who held out against arbitrariness have been simply struck off the registers by completing certificates of the above-mentioned Commission. It should be noted that the decree of the Chechen Government to establish the Commission does not detail either its powers, or the way its decisions are to be documented, or the guidelines it should follow when inspecting TAPs. Therefore, its actions were in conflict with the provisions of the Housing Code of the Russian Federation, which allow eviction of citizens from residential housing only in a judicial procedure. And even a letter of guarantee is not a safeguard against ending up on the street.

For instance, Lem-Ali Saytakhanov had lived since 2003 in a TAP that was later converted into a hostel, at the address: 28, Tchaikovskogo Street, Grozny. He was permanently registered at the address: 124, Chernoglaza Street, Bdg. B, Grozny. His home was completely destroyed; he did not receive any compensation. When he was evicted from his TAP in January 2008, he was given "a letter of guarantee" and 18,000 rubles to rent housing for six months. Upon the expiration of this period, Lem-Ali had to move in to the place of his two sisters and nephews, since he had no money to pay the rent himself. His sisters (one of them a widow raising two children) live in the same TAP at Tchaikovskogo Street. At the Zavodskoy District administration office Saytakhanov was told that his letter of guarantee was invalid.

On January 10, 2008, residents of the hostel at Vyborskaya Street (Chernorechye settlement, the Zavodskoy District of Grozny) were informed that renovation works were to be started shortly in the building and, therefore, they had to leave it within ten days. Those who were permanently registered in the Zavodskoy District but had not received compensation were promised money to pay for a rented apartment for six months by representatives of the local administration. To receive it, they had to write statements that they pledged to leave their hostel as soon as they got 18,000 rubles to pay for rented housing. People protested this proposal: it was an extremely cold winter and, according to the rules, inhabitants could not be evicted from the rooms they occupied before April 15, i.e. the end of the so-called "heating season". Besides, it was not easy to find housing, since in Chernorechye settlement buildings have not been renovated yet. The hostel residents were extremely angered at the situation. It is virtually impossible to rent an apartment for 3,000 rubles per month, since the actual price for a rented apartment is at least 1.5 to 2 times higher. Besides, it was unclear where they would get money to pay the rent after the six months period expired. However, officials were adamant, saying there were following Ramzan Kadyrov's orders.

Based on an application by residents of the hostel converted from the former TAP located in the city of Grozny at the address: Mayakovskogo settlement, the Staropromyslovsky District, Memorial Human Rights Center sent to the Staropromyslovsky District Prosecutor's Office an inquiry about unlawful actions by local administration officials:

"...On January 15, 2008, deputy administration head of the Staropromyslovsky District of Grozny A. Bersanov announced to the TAP residents that he got orders to

have the hostel vacated. Those who would voluntarily vacate their rooms were promised payment in the amount of 18,000 rubles to pay a six-month rent. At the same time, the hostel's superintendent M. Idigova read out the order to vacate rooms before January 20, 2008. In other words, she announced that they would be evicted by force.

Many TAP residents find this "rent" option unacceptable, since this would mean only a stop-gap solution to their housing problem.

The internally displaced persons fear they could be moved out by force in case of their refusal to obey.

In view of the above, I'm asking you to give a legal opinion of the actions of the superintendent of the said hostel and the representatives of the administration of the Staropromyslovsky District of Grozny and in the presence of grounds take response measures to protect the housing rights of the citizens living in the above hostel."

The Staropromyslovsky District Prosecutor's Office notified Memorial Human Rights Center that the actions of the administration officials might reveal elements of crime under Article 330 of the Criminal Code of the Russian Federation (arbitrariness), which according to the code of criminal procedure were to be investigated by an investigator from Interior Ministry bodies. On March 11, 2008, an investigator with the Investigations Department of the Staropromyslovsky District Police Office issued order to dismiss the criminal complaint. On March 18, 2008, the prosecutor's office notified that that order had been revoked and the files were sent for additional examination. It should be mentioned that while Interior Ministry bodies were reacting, breaking the procedural time limits for processing of complaint, the TAP residents were evicted, with each family given 18,000 rubles to pay the rent.

After all the disbanding, shutting down and conversions of TAPs into hostels, all kinds of reshuffling of their inhabitants from one district to another it is difficult to say now how many hostels are left and how many residents they house.

All IDPs are tired of roaming from one place to another, losing jobs, interfering with their children's studies at schools they have attended for long periods of time. They insist on getting a permanent place of residence, not a temporary home.

Restoration of the housing stock and its occupation

The Chechen authorities have been taking certain steps to help IDPs to settle down.

IDPs receive apartments from municipal housing stocks. In the town of Argun, the Chechen Government allocated 100 apartments. In addition, heads of five district administrations in the city of Grozny pledged to allocate 100 apartments each from their respective housing stocks.

At the same time, it is clear that the housing that is being restored and allocated is not enough to satisfy the needs of all homeless citizens of the Chechen Republic who need homes. Flows of people move into the reception offices of public organizations on a daily basis, asking for help at least with getting temporary accommodation.

There are families, which need particular care and attention, since they belong to vulnerable groups. Their insecure situation affects them even more than others. However, their problems do not get adequate attention.

In July 2008, Memorial Human Rights Center was approached by two elderly residents of Grozny, Viktoriya Grigoriyevna Kuradzhn and Alla Yakovlevna Kharlamova, born 1927 and 1939 respectively.

Viktoriya Kuradzhn holds the titles of war and labor veteran. In 1943, as a sixteen-year-old girl, she went to work at a secret defense plant producing cannons and only

after the Victory Day she was assigned to the Lenin Plant, where she worked until retirement. In the latter days of her life, she virtually found herself left on the street: her family moved out of the Chechen Republic and left behind the elderly woman with health issues; the house at Parafinova Street where she had lived for almost all her life was destroyed in the hostilities, and she did not get any compensation.

Alla Kharlamova was born and grew up in Grozny, all her life she worked at the Grozny Chemical Plant. One of her two brothers died; the other one had left the Chechen Republic long ago. She retired before the first Chechen war and her pension is 2,000 rubles. Alla Kharlamova has no family.

They both live in a building at the address: 14, Industrialnaya Street, in a semi-destroyed and half-burnt room. Before moving into the ruins on Industrialnaya Street, they both had lived in that same basement they used to hide in during the hostilities. Then the Zavodskoy District administration officials provided them with housing, explaining that it was not good to live in a basement and they could stay in the housing until they were given more adequate living conditions. However, even that shelter would not last long. Repair works will soon be started in the building (of which there are only two sections left), and it was suggested that the elderly women urgently vacate their current shelter. Two options that are proposed include moving into a hostel (Memorial Human Rights Center staff visited it and can attest that the condition of the building that houses the hostel is as unsafe as that of the room they live in now) or moving into a home for elderly people, the prospect that scares the women both because of the loss of any independence and difficult living conditions. Both women are still capable of tending to themselves and, therefore, would like to live independently.

In their attempts to help Viktoriya Kuradzhan and Alla Kharlamova, Memorial Human Rights Center staff turned to the Grozny City Administration, the Zavodskoy District administration, and the Social Protection Ministry. An article about them, written by Natalia Estemirova, appeared in the local newspaper Groznensky Rabochy.

However, the options offered by bureaucrats of all levels stay the same: a home for the elderly or hostels. One of the hostels that was offered (at Vyborskaya Street), according to the administration officials themselves, has no vacant rooms, since it is occupied by former inhabitants of TAPs who are not residents of the city of Grozny; inhabitants of the other hostel are already under the threat of eviction: they have been also asked to vacate the rooms they occupy.

Zura Eskayeva is an elderly woman and an invalid of 2nd group. She is virtually alone: her only daughter lives in Kamchatka. Currently, Zura has to live in another person's apartment, since she has lost her home.

Since 1981, Zura Eskayeva had worked as a house painter at Repairs and Construction Office 1 of the city of Grozny. For her twenty two years of hard work, in 1983 she was given an apartment in Grozny.

On November 10, 1994, the apartment was privatized and was owned by Eskayeva as private property, as confirmed by the registration certificate she was issued.

During the hostilities of 1994-1995, her house was partially destroyed; however, later it was restored. The house was again damaged during the second military campaign. During that period Zura, like many other city residents lived in a basement. After government institutions were restored in Chechnya, the building residents hoped for the restoration of their housing. In this regard, they turned to officials at every level, but received conflicting answers: one time they would hear that their house was

scheduled for restoration, another time they would hear that apartment owners were entitled to compensations (for lost housing).

As early as on September 9, 2003, Zura filled an application with a commission for compensation payments; however she was never notified of its decision. Meanwhile, her son-in-law, who also owned an apartment in that same building, got his compensation claim turned down on the grounds that the house would be restored. While officials could not make up their mind about what to do with the building, the latter was taken to pieces for construction materials by neighbors. Zura tried to prevent this looting, but to no avail. The historical building, which was built in 1913, was destroyed.

Zura wrote a letter to the Chechen Government. As early as 2006, she also filed a statement with Memorial Human Rights Center, the staff of which wrote numerous complaints to various officials attempting to help her; however, the complaints produced no results.

Another big problem is that some families, which have grown over the years of roaming, can no longer live together. In peaceful times, they would have built or bought housing for young families starting to live separately; but for many years they were deprived of this opportunity. Now they have to be content with the miserable amount of compensation for an entire big family or restore a home where they can no longer live in together.

Left without assistance are the families that had rented housing or lived in a hostel, waiting for their turn to receive apartments from their employers. Now it appears that the state has no obligations to them. During the hostilities, the situation of these categories of IDPs was in no way different from that of the others. Now they are virtually evicted into the street. Since local district authorities are not responsible for them because they don't have permanent residence registration anywhere, this responsibility should be picked up by the Federal Government, namely the RF Federal Migration Service, as a body tasked with addressing the problems of IDPs. However, we do not see it happening.

There are lots of examples when the same apartment is claimed by several families. Sometimes there are three or more of them: the old dwellers, the new ones, and those who paid a bribe to move in. The latter are ready to defend their right, quite literally, with weapons in their hands; people do not dare to move in to such apartments for fear of their lives.

For instance, the family of Yelena Alekseyevna Islamova was first given an apartment in the Leninsky District of Grozny (18, Diakova Street, apt. 57). Sometime later, it emerged that the apartment had other legitimate owner. The owners of the apartment who returned home came daily demanding her to vacate their housing. The administration admitted the fact that those people were owners of the apartment and asked them to wait for ten days to let them find a different apartment for Islamova. They had to wait for three months. Finally, Islamova was given another apartment in the same district (6, Kosiora Street, apt. 48). On March 27, Yelena Islamova informed Memorial Human Rights Center that the new apartment, too, was owned by other people. Thus, Yelena Islamova's housing problem was not solved; instead, a problem appeared for legitimate owners of the apartment as well.

In June 2008, Uveys Tovsultanov was granted housing in the city of Grozny at the address 6, Pervomayskaya Street, the Leninsky District. It turned out that it belonged to another family. The owners of the apartment demanded that he vacate it. The owner could prove his rights, since he had all the necessary documents. The apartment was not an abandoned one and Tovsultanov's family had only a permit to move in, signed by Muslim

Khuchiyev. Uveys was granted another apartment, to which he had to move before March 24, 2008 (that was the third apartment in a row provided to him).

The apartment needed renovation and was uninhabitable.

On April 3, 2008, the Leninsky District administration decided to move Tovsultanov to a hostel, since an interdepartmental commission refused to grant him an apartment. The reason for this unjustified refusal was that he had permanent registration in the house that had been restored but never owned by him and he had never lived there. In reality, Uveys and his mother lived at land plot 56 in the Oktyabrsky District. That housing had been completely destroyed. It was agreed that after Uveys produced documents to that housing, the administration would submit his file to the interdepartmental commission for new examination.

Bad condition of the allocated housing and its quite relative habitability is a separate problem.

The Staropromyslovsky District administration initially gave Ruslanbek Musayev's family an apartment in the house that had been in unsafe condition since 1988. Several days later, they together with other dwellers were moved out. The second apartment provided to them also proved to be uninhabitable, unless a major renovation was performed. It had a leaking roof and was half-destroyed. Currently, the Staropromyslovsky District administration pays for the housing rented by the Musayev's family.

The construction of some of the buildings opened today was started back in the Soviet times. It turns out that there are citizens who have documents for that housing issued to them back then. When IDPs try to move in conflict situations abound.

Those who receive apartments from the so-called "abandoned housing stock" are also faced with a similar problem. Despite the fact that they have the necessary documents on hand, they often have to go through a long court process to defend their right to the housing. And the other party in the process is the property owner who bought it from Russian residents fleeing Grozny during the early 1990s. It makes no sense to try to pin the blame on anybody in such situations. Apartments were sold for a song – just so that to get enough money to pay travel expenses, without proper documentation; therefore, many of the apartment owners who left Grozny considered themselves entitled to compensation under the Regulation of the RF Government No. 510 of April 30, 1997 for the apartments they had sold. The apartments for which such compensation was granted are included into the state housing stock, the so-called "abandoned housing stock". According to official data, there are more than 5,800 apartments registered in the abandoned housing stock.

Thus, as a result of rushed settlement of the problem of resettling hostel residents, another group of victims has emerged – property owners evicted from the housing they have purchased without proper documentation. They are angry at the authorities for giving preference to residents of hostels and jeopardizing rights of those who have settled down during the war using their own resources. The massive seizure of "abandoned" apartments creates an acute conflict situation around the resettlement of hostel dwellers and leads to an increase in social tensions.

Memorial Human Rights Center office in Grozny was approached by dwellers of Building 24 at Tchaikovskogo Street, the Oktyabrsky District of Grozny, who had unsuccessfully tried to move into their apartments for many years. The Grozny Clothes Production Association built this 5-storeyed building on the said street back in 1985 for

its employees. During the 1990s, many dwellers privatized their apartments and have documents of title on hand.

The hostilities made the house dwellers move into safer places and the house was partially destroyed. In 2003, the restored building was rented for five years by the Federal Migration Service for the Chechen Republic to house a TAP, and IDPs who returned from Ingushetia moved into it. At the same time, the city administration assured the actual owners that after IDPs were resettled they could occupy their apartments. In February 2008, the TAP was closed; the last remaining IDPs, despite cold winter conditions, were forced into the street and given 20,000 rubles. The building was completely renovated.

In March 2008, the Grozny City Administration decreed that the first two floors of the building be given to a magistrates service of the Oktyabrsky District, while the third floor was allocated for a design institute. Apartments on the fourth and fifth floor still are empty; they have no electricity, gas or running water; windows and doors are also absent. The house dwellers who have documents for their housing (approximately 25 families) repeatedly applied to the district prosecutor's office and the local administration, as well as to the Grozny City Administration; however, their problems have not been solved yet.

In March 2008, Memorial Human Rights Center office in Grozny was approached by dwellers of Building 14 at Tukhachevskogo Street (the Leninsky District of the city of Grozny). They believe that their house has been unlawfully destroyed. The building consisted of six sections. During the hostilities, the biggest damage was done to the third section, where all 20 apartments were destroyed. Several apartments were also damaged in the first and the second sections. The building's foundation was not damaged at all. In April 2007, it was suggested that dwellers leave the house to let construction workers perform repair works. The dwellers did not want to move out, since many of them had nowhere to go and no temporary housing was provided to them, despite the requirement of the law. The Leninsky District administration officials called in a police squad and evicted them by force. In November 2007, the building was fenced off and renovation works started. However, on February 28, 2008, the decision was taken to demolish the building. The dwellers were explained that they could not complete the renovation by the deadline of May 2008, and, therefore, the building had to be demolished. The dwellers' question about where to live was answered: go anywhere you want. The house was demolished in a matter of days; the foundation pit was filled; the fence was removed; and there were no traces left of Building 14. Most apartments in the destroyed sections were privately owned by the dwellers and some were rented. Currently almost all dwellers of Building 14 have to pay for rented accommodation.

Thus, in practice, with all the rapid restoration of housing and revival of Chechnya, thousands of people there still live without a home and without hope to get one in the foreseeable future. This problem will not be solved unless the Federal Government gets involved in the efforts to provide housing to residents of the Chechen Republic.

Meeting with President of the Chechen Republic Ramzan Kadyrov and its implications

On February 22, 2008, a meeting took place between President of the Chechen Republic Ramzan Kadyrov and representatives of Memorial Human Rights Center, at which the problem of IDPs was discussed among other issues. As a result of the meeting, the President of the Chechen Republic instructed the head of the Grozny City

Administration Muslim Khuchiyev to verify together with Memorial Human Rights Center member Natalya Estemirova all the information concerning violations of the rights of internally displaced persons (including during their resettlement from TAPs) and correct the situation if the reports proved to be true.

The verification inspection was started immediately on that night. It identified two incidents that called for an immediate intervention of the authorities to correct the situation.

The first incident was related to the family (six members) of Nazo Gaurgashvili, which was returned from Georgia in November 2006 after they were assured that housing would be provided to them within 12 months. In January 2008, Nazo's family had to move out of the former TAP, taking the 18,000 rent rubles: they were told that otherwise they would be evicted by force. They failed to rent an apartment and stayed with their friends, near the school attended by Nazo's two children.

Nazo Gaurgashvili was immediately promised that her family would get an apartment.

On February 26, the apartment was granted. Mayor's Office official took Nazo by car to the location and showed her the apartment; however, they did not enter it and did not give Gaurgashvili's family any documents. When Nazo tried to inspect the apartment, neighbors told her that the apartment has an owner. She immediately went to the Mayor's Office official who had shown her that apartment and informed him about the situation. To that she was told she had to defend her apartment, since there was no such thing as "vacant" apartments. Later, it was explained to her at the Housing Office that a personal account already existed for "her" apartment. The Mayor's Office countered that the personal account had been opened illegally, and she could be issued her documents. Then the Housing Office again stated that the apartment already had an owner. This uncertain situation had not been resolved as of April 2009.

The second incident was related to Zulpa Makhtiyeva's family. This family was moved out of a TAP without money for rent, after incorrect information about the availability of housing had come from the area of their origin. They settled in Grozny, in a small makeshift shelter, the owners of which have asked them to vacate it: they have major construction going on in the yard and need this room for construction workers. When inspecting the site, Mayor Muslim Khuchiyev agreed that it was not suitable for living; however, he decided to check their housing in the village of Dachu-Borzoi. Later, human rights defenders were told that the house had been restored and promised to be shown a video recording with it. In turn, Memorial Human Rights Center staff made photos of the tiny room on the site of the house and explained that the Makhtiyevs had constructed it themselves. However, the living conditions and the floor space make it impossible for the family to live in this single room that they have restored. This was acknowledged by the Oktyabrsky District administration, on which territory the Makhtiyevs found themselves, but no serious action was taken. At the same time, the administration head of the village of Dachu-Borzoi, who was supposed to take care of the family, trying to justify himself, called them cheats.

During that same meeting, the question was raised of resettling inhabitants of a settlement in Grozny called Shanghai, which had been built without authorization by persons who had no housing. The President was given a letter, in which a settlement's resident complained against the authorities shutting it down, throwing its inhabitants out into the street. Later in the day, the Mayor of Grozny together with representatives of

Memorial Human Rights Center visited the Shanghai settlement and talked to its inhabitants.

It was ascertained that the Grozny City Administration gave inhabitants of this settlement 16 apartments and 26 land plots (residents themselves could decide what to take), as well as construction materials. However, those new apartments already had their legitimate owners and no documents were issued for land plots. The Mayor of Grozny firmly said that he wouldn't tolerate this situation.

Staff of Memorial Human Rights Center has monitored the situation around the settlement for a year.

Fifteen families were allocated land plots. However, there were protracted delays in getting documents for land use.

Eight families were given apartments, three of which proved to be the "problematic" ones, i.e. there were other individuals claiming the apartment in question or a legitimate owner who hadn't forfeited their rights to it. Other recipients of apartments expressed concerns that they might face similar problems with allocated housing in the future, especially after the buildings with those apartments were restored.

In February 2009, Shanghai was razed to the ground. Several families were resettled into a hostel converted from a former TAP at Okruzhnaya Street, which no longer has running water and heating.

Roza Khamzayeva occupies a room there. Her husband and adult son do not live with her, but stay at their friends'. They registered in the apartment "granted" to them to be able to get a passport, take a job, and get medical treatment. The apartment they were given belongs to another family, which lives there.

Petimat Gadzhayeva, invalid of 2nd group, living in Okruzhnaya Street with her daughter who is a widow and a grand-daughter is in the same situation. The apartment, at which they are officially registered, is occupied by other people.

Ali Tsagayev lives in a bus; he has no other place to live, although he has received a plot for construction. His wife and three sons live with different relatives. His family was not put on the list of those 14 families, which were supplied with prefabricated panel houses by the UNHCR for the period of construction of their own homes.

It was only in April 2009 that they started to issue documents for land plots.

Finishing our account of the meeting with Ramzan Kadyrov, we cannot fail to mention that the President of Chechnya put Ms. Natalya Estemirova, a member of Memorial Human Rights Center, on the Grozny Municipal Public Council for the Promotion of Human and Civil Rights and Freedoms and appointed her its chairwoman during the meeting.

A meeting of this Public Council chaired by Natalya Estemirova took place on March 28. In the meeting there were discussed the issues of organizing the activity of the Council, the procedure for interaction between territorial police units and public organizations, as well as activities of custody and guardianship authorities, etc. Some individual complaints were also considered.

On March 31, the Mayor of Grozny Muslim Khuchiyev suddenly asked Natalya Estemirova to immediately arrive at the Youth Palace of the City of Grozny where the President of the Chechen Republic Ramzan Kadyrov visited at the time. While there, the Mayor of Grozny first briefly discussed the future activities of the municipal Public Council with the Memorial representative. However, the President of the Chechen Republic abruptly changed the subject and the tone of conversation, when he entered the room. He started to harshly criticize Natalya Estemirova. The main reason for his attack

was Natalya Estemirova's views she stated in the program "The Islamic Evolution" aired on March 30 on REN-TV channel. The Memorial member had spoken against the interference of the state into the private life of citizens and condemned the attempts to impose mandatory wearing of headscarfs by women in public places in the Chechen Republic by administrative regulations.

The President of the Chechen Republic did not confine himself only to this criticism. He said that Memorial Human Rights Center was spreading unsupported information, which tarnished the image of the leadership of the Republic and claimed that he did not see any positive results of the efforts of human rights organizations. Finally, he said that he dismissed Natalya Estemirova from the post of chairperson of the Grozny Municipal Public Council for the Promotion of Human and Civil Rights and Freedoms. Moreover, he demanded that Memorial Human Rights Center send a person to sit on this Council who would agree with the policy of the Chechen authorities concerning wearing of headscarfs by women and strongly recommended that Natalya Estemirova cease to visit ministries and departments controlled by the President of the Chechen Republic.

Memorial Human Rights Center refused to send its representative to sit on the Grozny Municipal Public Council for the Promotion of Human and Civil Rights and Freedoms in place of Natalya Estemirova. The views and judgments she had voiced on REN-TV channel are consistent with the position of Memorial Human Rights Center.

Ingushetia: campaign to squeeze refugees out to Chechnya continues

The campaign to squeeze Chechen IDPs out of Ingushetia was launched in December 1999, during the hostilities. These efforts intermittently receded and intensified with renewed vigor, like it was the case in November-December 2002, when Murat Zyazikov became the President of Ingushetia. Public organizations have continuously followed the process and their efforts to counter it sometimes were successful. Since the beginning of 2009, attempts have been made to force the last remaining 10,000 IDPs to leave Ingushetia. Particular pressure is exerted on inhabitants of compact accommodation points (CAPs), which still house approximately 3,000 IDPs.

On February 27, 2009, IDPs from Chechnya living in Mekhstroy refugee camp (9, Michurina Street, stanitsa of Ordzhonikidzevskaya) applied to a Memorial Human Rights Center office with a statement.

In particular, the statement reads: *"We live under such inhuman conditions not out of boredom. Of course, we would like to live in our homeland, in normal conditions. We want to have our own place, our own home. But no one offers us anything of the kind. We don't want to be taken off the migration agencies' books and go into the unknown, without having any guarantees. Do we not deserve some moral compensation or a solution to our housing problem after all these long years of roaming?"*

In general, nobody takes our rights into account here."

According to the information available to Memorial Human Rights Center, almost all of the forced migrants from the Chechen Republic living in the territory of Ingushetia have faced this kind of problem. A similar declaration by refugees from the Kristall camp located in the city of Nazran was posted on the web-site of the Maximum news agency.

On March 4, IDPs from the Chechen Republic living in Angusht refugee camp (35, Mutaliyeva Street, Nazran) applied to the Memorial Human Rights Center office in Nazran with a written statement.

They said that at the end of February 2009 members of a special commission from Chechnya comprised of representatives of district administrations and officials of the migration service of the Chechen Republic had visited their camp several times.

They suggested to IDPs to get removed from the books of migration agencies (Form 7) and return to Chechnya. The commission was accompanied by officials of the migration service of the Republic of Ingushetia who said that all forced migrants from Chechnya would be taken off the records before *March 15*.

The Chechen refugees were angered by that kind of treatment. The main reason why they don't return home is that they have nowhere to live. They don't have any financial means to rent a place. The children of migrants go to Ingush schools, and this is another problem that Chechen refugees would face: getting their children enrolled in new schools in the middle of a school year.

"We, citizens of the Russian Federation who don't have our own accommodation and whose rights have been violated for a long time in the roughest form, will again be denied our rights, but this time already on another level. We are forced to live in privately owned property. We want to have our own homes, but no one offers us anything of the kind. And we don't want to be taken off the migration agencies' books without any guarantees."

On April 6, 2009, IDPs from the Chechen Republic living in Mekhstroy CAP (9, Michurina Street, stanitsa of Ordzhonikidzevskaya) turned to a Memorial Human Rights Center office and Civic Assistance Committee with a written statement.

In their statement, they complained that they had been illegally deleted from the database of the Federal Migration Service for the Republic of Ingushetia (struck off the register for Form 7). According to the IDPs, starting from February 2009, their CAP was regularly visited by representatives of the migration services of the Republic of Ingushetia and the Chechen Republic, who requested that they get struck off the register for Form 7. In the process, the migration service officials used different unlawful pressure techniques, threats, insults, threatened to discontinue payments of child allowances, unemployment compensation, and pensions to IDPs, halt the provision of humanitarian assistance, etc.

Many IDPs do not have their own housing in Chechnya and they have nowhere to return; therefore they refused to sign applications to get them struck off the registers. However, on April 2, Mr. A. Archakov, the owner of Mekhstroy, showed to IDPs certificates confirming that they had been struck off the register for Form 7 and warned them that they had either to move out within two days or pay the rent in the amount of 1,000 rubles per room.

On April 3, forced migrants came to the RF Federal Migration Service for the Republic of Ingushetia to meet with Mr. M. Ilezov, acting head of service, and ask for explanation of the grounds, on which those certificates were completed. M. Ilezov called into his office V. Khasimikov, a migration service officer from the Chechen Republic assigned to the office in the Republic of Ingushetia. At M. Ilezov's request, V. Khasimikov brought all personal records of IDPs from Mekhstroy and showed them applications dated March 31, 2009, submitted in their name and showing that they voluntarily had been struck off the register for Form 7.

All applications were completed in the same handwriting and signatures were forged. Inhabitants of Mekhstroy CAP claim none of them signed any applications. They demanded that these applications be handed over to them. V. Khasimikov promised to do it on April 4, but later refused to do so, giving the excuse that their applications had been

sent to Chechnya. Ruslan Badalov, head of the public organization Chechen Committee for National Salvation was present at the meeting between IDPs and Ilezov. He recorded the conversation of the migrants with the migration service officials and made photos of the forged applications using the camera of his mobile.

IDPs were also greatly surprised by the fact that in March 2009 officers of the Federal Migration Service for the Republic of Ingushetia produced 17 certificates confirming that 17 forced migrants (together with members of their families) did not reside in Mekhstroy CAP, which is also untrue. On the day when the Federal Migration Service officers carried out their inspection all inhabitants of Mekhstroy specified in the certificates were present there.

In their statement the Chechen IDPs ask human rights defenders to help them in protecting their rights that were violated when they were illegally struck off the register for Form 7. They also ask protection against the targeted efforts to forcefully squeeze them out of places of temporary residence.

On April 3, IDPs from Mekhstroy CAP filed a collective complaint with the Prosecutor's Office of the Republic of Ingushetia to make inquiries into the forgery of documents.

On April 6, Memorial Human Rights Center lawyers helped the migrants to prepare a complaint to be filed with Sunzha District Court against the unlawful actions by the department of FMS of the Russian Federation for the Republic of Ingushetia.

Based on a letter from the inhabitants of Mekhstroy, an inquiry was sent to the leadership of the Republic of Ingushetia.

Following the letter of Mekhstroy inhabitants, Civic Assistance Committee made an inquiry to the administration of the Republic of Ingushetia.

The reply was only received in mid-May. It was signed by the Minister on public relations and interethnic ties (signature without printed name). Although the answer from Ingushetia was prepared in a soft hortatory key, it ensued from the text that Ingush authorities were no longer ready to give asylum to Chechen internally displaced persons. The Minister refers to the fact that the Anti-Terrorist Operation is over, and the Chechen authorities are ready and willing to receive their inhabitants and give housing to them. We are explained that now it's spring, the best time to return, as it's time to work in the garden and renovate housing. According to Ingush authorities, the inhabitants of Mekhstroy are *"no longer registered on the basis of the acts examining living conditions at places of their permanent residence in the territory of the Chechen Republic, prepared by representatives of administrations of towns and districts of the Chechen Republic on the suitability of their housing for living."* Besides, as is remarked in the reply of the Minister, the inhabitants of Chechnya have lived in Ingushetia for so long that *"they have integrated into the economy of the Republic, trading in the markets and doing business. ... they have become accustomed to their situation, it is their habit to be dependents of the state and burden authorities with their private problems."*

It is described above how ready the Chechen Republic is to provide everybody who needs housing with it. However, it should also be reminded that authorities of Ingushetia always assured the IDPs that nobody would force them to return. Now the authorities of Ingushetia virtually acknowledged that the IDPs didn't express their own wish to return to the Chechen Republic voluntarily.

It is not clear also why doing business is equaled to dependency.

V. THE SITUATION OF CHECHENS IN OTHER REGIONS OF RUSSIA

The situation of Chechens in Russia outside the territory of the Chechen Republic was described in each of our preceding reports. In the last year and a half it didn't have any positive changes.

It can be seen from the information conveyed in the previous chapter that xenophobia towards Chechens became rooted in the minds of the Russian public.

It is still as difficult for Chechens to rent an apartment or find a job. Many visitors of Civic Assistance Committee confess that when renting housing they hide their ethnicity. They are afraid to ask housing owners to provide them with registration, much as there are now no problems with it compared to a few years ago. A Russian citizen can stay for 90 days without registration at the place of sojourn in a federal subject different from the one of his residence.

However, at that, such persons cannot get a job, they cannot obtain full-fledged medical service and social protection. In order not to reveal their ethnicity, our applicants often have to acquire fake registration in housing different from the one that they rent. At that, there always remains the risk of exposure, sack, and deprivation of social benefits and medical aid.

Let's mention a number of cases of discrimination and persecution that the Chechens are subject to in various regions and in different situations.

Before any important event, the law enforcement authorities conduct special preventive actions on the "neutralization" of places where there reside Chechens and sometimes other persons of Caucasus origin.

Mr. Musa Muradov, a correspondent of the Vlast magazine so describes such a pre-election action, which his family was subjected to not long before the elections to the State Duma in December 2007²⁸:

"A few days before the elections a police officer called my apartment on the entrance door intercom. Surprised by the visit without a cause, my wife asked our neighbors if any of them had called the police for some reason. No, they hadn't had. And the police officer himself repeated,

'I am here for you, not for them, open up!'

'Why us? We haven't called you either.'

'In connection with the elections, we draw up a record of residents of certain apartments, – the police officer said.'

'You mean the apartments were persons from the North Caucasus live?' – guessed my wife.

'Yes, exactly so, open up now,' - the police officer demanded strictly.

'You see, my husband is not at home, I'm afraid. Perhaps you could come another time?' – suggested my wife, remembering my instruction not to open the door to persons she didn't know, whoever they introduced themselves as.

However, the concierge already opened the door, and the police officer walked up the stairs and again insisted on my wife's opening the apartment door. My wife opened the door.

The police officer introduced himself as the precinct officer and asked to produce passports of my wife and 18 year old daughter as well as the birth certificate of our 3

²⁸ "The Chechen checkmark", Vlast magazine issue 47 of December 3, 2007.

year old son, who looked with interest at the first, but I think not the last police officer in his life.

Upon having rewritten documents data into his notebook, the precinct officer proceeded to interrogation. He asked whether there were guests in the apartment and whether anybody of our relatives or acquaintances was going to visit us in the nearest future, 'If anybody comes, don't forget to let us know at once.'

When leaving, he asked my wife whether I had left my passport at home, but figured that he asked a stupid question (who in Moscow among those from Caucasus would leave home without a passport?), and asked me to stop by the station.

I did stop by the station, interested in seeing how the police would justify their actions. I found the very police officer that visited my place at the main police station at 32, Petrozavodskaya Street. As soon as I named my surname and address, the police officer who introduced himself as Konstantin Vasilyevich asked me to produce my passport.

'Why?' – I asked.

'We investigate you.'

'What does it mean that you investigate me? What have I done?'

'You have done nothing, give me the passport, we will get your data on the record, and you will be free to go.'

'And why do you investigate me, if I haven't done anything?' – I was indeed interested to hear what he would say.

'We investigate you in connection to the upcoming elections.'

'And what are you going to do to investigate me?'

'We will be tracking your guests. For nothing illegal to happen, you have to inform us about your guests, I have clearly explained it to your wife!'

'My five year old niece is going to visit me, will I have to inform you about that as well?'

'Five year old?' – Konstantin Vasilyevich pondered. 'I guess that is not necessary, but if somebody older comes, do inform me, it is obligatory!'

'Do you think that I and my guests can threaten the elections?'

'It is not my thinking, the higher-ups instructed us to put on the record all of the apartments where Chechens and other persons from North Caucasus live.'

Musa Muradov recollects that they asked him to fill out a special questionnaire for Chechens when he was getting a temporary registration at rented housing three years ago. The questionnaire consisted of five pages and contained, among others, the following questions:

Which mosque do you attend and how many times a week?

Which teip do you belong to?

Where do your relatives reside and what do they do, also including the relatives of your wife?

I had to describe all scars on my body with the indication of time and circumstances, under which they appeared.

They asked me to draw up a list of acquaintances living in Moscow with their addresses and telephones.

"I even asked the police officer whether I'd have to list all of them, as there were hundreds. The police officer answered they needed them all. I remember that I started my

list with Sergey Yasterzhembsky and Vladimir Putin, although without providing a cellular number, as it is known that he doesn't use it," Muradov says.

According to Musa Muradov, he, a well-known reporter, used his professional skills and called a few high-ranking police officers. They all denied the existence of the special Chechen questionnaire. And they lied, since the lower ranks honestly sent in a sample of such a questionnaire to Civic Assistance Committee as a proof to our Chechen officer not having been subject to any personal measures of pressure.

"Precinct police officers didn't get any special instructions on representatives of any specific ethnicities, it all is unauthorized activities. The police have the objective to use all means to ensure safety at the polls. But we don't have any special suspicions against Chechens, please rest assured," he was told at this time.

Musa Muradov decided not to participate in the elections. Apparently, after the measures taken towards protecting the state against his family he stopped feeling himself a citizen of the Russian Federation.

Construction workers from Goyskoye village of the Chechen Republic called Civic Assistance Committee from the small town of Solnechnogorsk in summer 2008. Some fifteen Chechens worked on the construction of a twelve-storey house. This kind of work was very popular among Chechens in the Soviet time, with seasonal Chechen construction brigades scattered all around the Soviet Union. Whole villages and towns were built with their hands.

Most of Solnechnogorsk construction workers were professionals, and two were former police officers. They didn't have anything to do with illegal armed formations. Moreover that, almost all of them were well acquainted with the attorney Dokka Itslayev, the head of Memorial Human Rights Center office in Urus-Martan who lives in Goyskoye.

As it usually happens, the construction workers lived in small temporary houses near the site of construction and were happy that they could find a job, which they couldn't do in the labor-abundant Chechnya.

However, according to the words of those who called, the workers became a subject of constant and intent attention of Solnechnogorsk police. As soon as some of them risk going to the store located next to the site, the vigilant police detain them. Instead of the store they find themselves in the district police office where they are told that "all Chechens are terrorists, they won't let them work in Solnechnogorsk, and if they don't go to Chechnya while the going is good, they will be put to prison as a case will turn up."

Illegal foreigners work at the site, but they are only fleeced by the police, while the Chechens are constantly threatened with criminal prosecution. On the day when the workers called Ms. Svetlana Gannushkina, the Chairwoman of the Civic Assistance Committee, a few of them were detained without any grounds and spent two days in detention. Ms. Gannushkina called an officer on duty in the Moscow Oblast who made an inquiry and informed her that the police officers intend to get a sanction of the court for administrative arrest of the Chechens for their lack of registration. The allowed term of detention of 48 hours elapsed on Sunday. The judge on duty wasn't available, so after long wrangling about whether the absence of judge is enough reason for prolonging the term of citizen's detention in violation of the Article 22, Part 2 of the RF Constitution, the police officers had to set the detainees free.

The freed construction workers called Ms. Gannushkina to thank her. They asked her, *"How come, illegal foreigners work at the site, and we are getting kicked out? Are we citizens of Russia or not?"* This question remains unanswered.

In his yearly report, Mr. Boris Ponosov, an officer of the Perm office of the Migration Rights Network of Memorial Human Rights Center informs about the cleansing after the Chechen pattern at the Bolshaya Sosnova village that was carried out by police special task force in summer 2007.

This village hosted a compact settlement of seasonal workers from the Chechen Republic. On July 31 at 6.30 in the morning, armed persons in masks and nondescript uniforms broke into the space where the workers slept. Without introducing themselves they demanded that the workers dress fast. In order to speed things up the strangers swore, kicked the workers, boxed them, and beat them with butts of their guns. Without letting them fully dress, they put them into cars and brought them to the base of a former forestry enterprise at 58, Naberezhnaya Street. All the Chechens were put face against the wall. For more than 3 hours they kept them standing without explaining anything, but not forgetting to go near them to swear, insult, or kick. All questions like "why the detention? why face against the wall? who are you?" were reacted to with beating and answered, "it's none of your business"! Russians and persons of other nationalities who accidentally got into the cleanup were set free. And about 10 in the morning they let the Chechens go after a documents check still without any explanation. The actions of law enforcement authorities had a marked discriminative character, persecuting and humiliating persons of the Chechen origin.

Right after the action was over, Kerimov brothers who permanently reside in Bolshaya Sosnova and are leaders among the Chechens informed Mr. Boris Ponosov about the night events. In the evening he personally spoke with a number of victims and drew up four applications to the court to claim moral damage in connection with inflicted traumas and offences. These applications were filed with the court.

Unfortunately, not a single of the cases was considered by the court as the Perm Chechen diaspora intervened and persuaded the workers that no further legal action be taken. The Chechens approached the Perm Krai prosecutor's office and the main police office of the Krai. They met Mr. Gorlov, the head of the police. Ponosov learnt from Kerimovs that they managed to settle the events and no mass applications to the court are favored. The four applications already made were later revoked.

Soon unknown persons called Mr. Boris Ponosov and told him that the special police task force undertook raids looking for Chechens also in the wholesale depots in the area of Zaostrovka district. During the raid they let go all illegal foreign workers with questionable documents, while Chechens stood against the wall for a few hours as in Bolshaya Sosnova.

Mr. Vasayev, a pensioner and past head of Bolshaya Sosnovka's police office who consults Kerimovs on legal issues, also became a victim of the raid. He stood together with the Chechens against the wall for three hours for his refusal to report about the Chechen residences in the village. Such a treatment of the old colleague proves it again that the police didn't have any information or suspicions discrediting the Chechens, they simply undertook an action of intimidation.

After the action of the police special task force, many Chechens went to the local hospital where traces of beating were recorded. However, all further steps of Boris Ponosov were fettered by the directions of the Chechen diaspora leaders who decided not to take legal action.

The cited case is typical, much as is the reaction to it. We obtain a lot of information about similar cases, but they only have consequences, if a criminal case is brought in. Otherwise the victims prefer to settle everything with the police and to hush up the incident.

When looking for a job, Chechens face serious difficulties and often insults. On February 13, 2009, Ms. Fatima Sultanovna Madayeva, born 1966, approached Civic Assistance Committee. More precisely, the day before reception Fatima called Ms. Gannushkina, the Chairwoman of the Committee, on the cellular telephone. The handset first relayed only crying and then a female voice said, "For what? I cannot live like that, I don't want it! Why may they insult me in such a fashion? What specifically have we done to the people that everybody may humiliate us like that?" One should know the usual restraint of the Chechens to understand the condition of this woman. After quieting down a little, Fatima explained that she was walking down the road and crying: she just had been insulted in an atelier where she had wanted to become a seamstress.

The next day Fatima Madayeva told her story at the office of Civic Assistance Committee. She came to her acquaintances with two daughters. Her daughters, 19 and 22 years old, study by correspondence at the Chechen State University. The older Bella is a student of psychological faculty, and the younger Madina is a student of law. Fatima is divorced, so nobody will be able to protect her daughters in Chechnya if somebody wants to force them into a marriage. Three young women wanted to find a job. Besides, the girls wanted to study foreign languages, Madina already began to study Japanese.

Looking for a job, Fatima called all enterprises that announced opportunities in her specialty. There were a lot of opportunities. Fatima called ateliers and clothing factories, asking if they still needed a seamstress and getting a positive answer. Then she told them that she was a Chechen and obtained a negative answer in a rude or apologetic form.

Finally, the atelier TOT-2, JSC she was told that it was irrelevant. Inspired, Fatima went to apply in person. However, they met her in an unfriendly manner and some boss or engineer (the lady didn't present herself) asked her about her nationality and expressed doubt in a Chechen's ability to be a seamstress. In reply to the innocuous question of what they knew about the Chechens, Fatima was said, "I know that the Chechens are gangsters, thieves, murderers and rapists."

The reaction of Fatima to this announcement seemed too acute to the boss. She said, "Here you have revealed yourself, we have Tajiks and Kirghizs working here, but they don't show their pride. You have yet to prove that you are also human." Ms. Fatima Madayeva decided not to prove that she was a human. She couldn't find a job. Civic Assistance Committee send a request to Ms. Valentina Vladimirovna Bryzhalova, TOT-2, JSC director, asking to perform educational work in her organization. The letter came back, despite the address of the atelier and the name of its director being published at a number of advertising web-sites.

Ms. Fatima Madayeva made a number of other attempts of finding a job, but still couldn't find anything. A month of selfless efforts adversarially affected her health, and she fell gravely ill.

In the introduction to our report, we have already mentioned the scrupulous attention, which the security service officers paid to the participants of seminars for teachers of mountain areas of the Chechen Republic.

There were no problems connected to the visit of Chechen teachers to the first seminar in Moscow area that took place in October 2008 during autumn vacation. The

seminar took place at the Training Center of the town of Moskovsky where they are accustomed to hosting all sort of groups: this is where congresses of political parties, all sorts of societies and movements are hosted. For a long time, seminars for lawyers of the Migration Rights Network took place there twice a year, to which officers of the Network came from throughout Russia. In October 2002, exactly during the time of the terrorist act in Dubrovka, we were holding a seminar for attorneys from Chechnya in the Training Center, as after a long break the judicial system was being restored in Chechnya. Despite the common state of stupor and horror, nobody came to the Center to offend the Chechen attorneys with their suspicions.

The second seminar for teachers took place on March 21-29, 2009 in the town of Puschino near Moscow. This time the Chechen participants caused a stir at the local police office. The seminar was held during spring school vacation. For teachers from Chechnya to be able to learn original teaching methodologies, the seminar was timed to the yearly Puschino Winter School attended by school students and teachers from different regions of the country.

In the very first day of the seminar, police officers stopped a few teachers to check their documents, asked them where they were from and why they came to Puschino. The participants told them that they came to a seminar and lived in the town's hotel. After a while, criminal police came to the hotel and asked to be given copies of all passports of those who came from Chechnya. Having discussed the situation, organizers of the seminars decided to make the copies and pass them to the police. But this wasn't the end of it all. Police officers would come to the hotel almost daily, explaining that they were acting under a secret order in an "Antiterror" operation and that they had the right to perform fingerprinting and photographing of all participants.

Despite not finding any criminal intentions in the Chechen teachers, on April 1 their participation in the Puschino Winter School was discussed at a session of the town administration. Mr. M. A. Roytberg, the head of the school, learnt that in accordance with the rules effective in the Moscow Oblast he had to inform the town authorities and law enforcement about the visit of teachers from Chechnya and provide their lists. Thus, there was acknowledged the existence of some secret order regarding the Chechen, which Mr. Roytberg had to guess. Unfortunately, many figures in authority and common citizens indeed "guess" the existence of such orders and try not to have business with those coming from Caucasus. At the same time, particularly receptive individuals enter into the spirit of such orders and sincerely consider communication with their fellow citizens from Caucasus dangerous.

During the summer vacation we are planning the third concluding seminar for teachers from mountain villages of Chechnya, therefore we sent an inquiry to the RF Ministry of Interior asking to clarify the lawfulness of the requirements to us and the administration of Puschino Winter School (Appendix 8).

The last example characterizing the situation of Chechens in Russia has to do with their treatment at the border of Russia. In August 2008, Memorial Human Rights Center conducted a seminar on working with people who went through a stress for its officers from the hot spots. At the same time, the seminar was supposed to exert a rehabilitative influence of our colleagues tired after long years of hard life and work. The seminar took place on the seashore in Turkey.

All officers coming from Chechnya were detained at the border control in Vnukovo airport, and their passports were put aside without any explanation. In a while everybody except the ethnic Chechens and Ingushs got their passports back and was let through for

embarkation. Questions of the colleagues who weren't let through were answered with rudeness. Ms. Gannushkina, the head of the seminar, had to find the person in charge of the brigade working on passport control and give written explanations about objectives of the travel, the topic of the seminar, and the charter of the Memorial. Ms. Gannushkina passed a list of seminar participants to the border guards and indicated the date of return of the group in a written explanation, asking to deliver the colleagues for the repetition of this procedure upon the return.

Immediately before the flight, Ms. Gannushkina dictated an inquiry to the Federal Security Service, a part of which the border guards are, to her secretary remaining in Moscow, asking about the basis, on which the group underwent the check in such a strange and insulting manner.

On the way back, everything repeated, but in a more rude and insulting form, the conversation with the chief of the brigade was even harsher and included threats to bring in a criminal case about our colleagues who dared to call this discrimination.

Right upon the arrival we sent a second inquiry to the Federal Security Service. Both inquiries had identical replies, the essence of which was that the control was handled in strict observance of parts 6-10 of the RF Government resolution No. 50 "On the order of application of means and methods of control when letting individuals, vehicles, cargo and animals across the state border."

Ms. Svetlana Gannushkina studied the resolution mentioned in the replies and made sure that during the detention of her Chechen colleagues at the border, which took more than an hour, a few parts of this document were violated. According to part 8 of the Resolution, all actions of the border service should be motivated and explained to citizens. Besides, a selective check, if this could at all be called a check, on the ethnic grounds contradicts to Article 14 of the European Convention on Human Rights and Fundamental Freedoms.

A third request about this followed (Appendix 9), to which there came no reply.

VI. CONCLUSION

Our seventh report is dedicated solely to the situation of Chechnya residents. In the previous sixth report the topic was broader. We noticed that the overall situation in the North Caucasus wasn't encouraging. In the past year and a half it didn't change for the better.

The North Caucasus becomes more and more heterogeneous, and the situation in each of its republics remains unstable and dangerous for different groups of residents. Ingushetia, where armed fighting stopped for a while after a change of president, is again as unstable as it used to be.

The situation in Dagestan needs special attention, as it is quite possible that the influx of refugees from there will increase. The bodies of the interior of this republic turned into a source of constant threat to the population, about which they constantly petition non-governmental organizations. Local campaigners are under severe pressure. Relations between ethnicities reach high degree of tension, particularly where Chechen compact settlements exist.

Up to now, the Ossetian-Ingush conflict didn't find its final resolution, and the situation in the Prigorodny district of the North Ossetia remains tense despite efforts of the federal authorities and financial investments. The situation becomes even more grave also because there remain more than 24 thousand forced migrants from internal regions of Georgia in the territory of the North Ossetia, and they still didn't get any housing. After the events of August 2008 thousands of new refugees were added to them.

The analysis of situation in each of the enumerated republics as well as the information from monitoring the situation in the Chechen Republic can be found in other reports of Memorial Human Rights Center and in reports of our colleagues from other non-governmental organizations.

VII. APPENDICES

Appendix 1.

Abduction of a former prisoner of Ramzan Kadyrov's illegal prison

On August 3, 2008, in Grozny, unidentified armed persons in camouflaged uniforms abducted Mokhmadsaloros (Salikh) Denilovich Masayev, born in 1966.

There is every reason to believe that his abduction was a revenge for the fact that unlike many others he had not been afraid to openly demand that illegal acts against him be investigated.

The man was already abducted once in Chechnya in 2006 and held prisoner in an illegal prison. On September 29, 2006, unidentified armed people detained M. D. Masayev, M. A. Deniyev, and V. A. Sigauri at a mosque in Gudermes. After that the three men disappeared. Their relatives were unable to get any information on what happened to them next. However, three months later, Deniyev and Sigauri were released by the kidnappers, and another month later, Masayev was released as well.

Unlike most other people with a similar experience, Salikh Masayev sought to have the kidnappers who had illegally deprived him of freedom for four months brought to justice and punished. Masayev claimed that officials of the Chechen Interior Ministry had held him in a secret prison, located on the premises of a unit of the Ministry of Interior of the Chechen Republic.

In late 2007 and early 2008, Masayev appealed to Russian and international human rights organizations, including the Human Rights Watch, Amnesty International, and Memorial asking to provide lawyers to him. On March 18, 2008, Masayev was found to be a victim in criminal case No. 55096, filed by the prosecutor's office on his illegal imprisonment and deprivation of freedom.

In an interview with the *Novaya Gazeta* newspaper, given on July 10, 2008, M. Masayev accused Ramzan Kadyrov of being involved in his illegal imprisonment and described personal meetings with Kadyrov when in prison.

He was abducted once again on August 3, 2008. At the present time the fate of Salikh Masayev is unknown.

According to his brother, Oleg Masayev, Salikh decided to visit his children and wife, who lived at their relatives' in the village of Sernovodsk of the Sunzha District of the Chechen Republic. Salikh Masayev left after telling his brother that he would flag down a taxi in downtown Grozny and head for Sernovodsk.

Relatives concerned by Mokhmadsaloros' absence started looking for him on the following day. At Grozny's central mosque, frequented by Salikh to pray, his brother was told that people had seen Salikh snatched and taken away by people in camouflaged uniforms next to the Rosselkhozbank building in downtown Grozny.

On getting the information, Oleg Masayev turned to the Zavodskoy District Interior Ministry Department; however, policemen refused to take his statement. His conversation with the police made it clear that his brother had been detained on the instructions of the Chechen Republic authorities.

It was only after insistent demands of human rights activists that Interior Ministry bodies responded. An internal investigation into the fact of the refusal to take a statement on the abduction was under way and efforts were taken to find M. D. Masayev. These efforts have so far led to no result.

Appendix 2.

North Caucasus: disturbing tendencies

Memorial Human Rights Center
<http://www.memo.ru/2009/04/28/2804091.htm>

April 27, 2009

Compared to 2008, in January-February 2009, the amount of abductions in the Chechen Republic has grown, while the amount of those who died increased in the Republic of Ingushetia.

Memorial Human Rights Center has constantly monitored human rights violations in the North Caucasus since 1999. We have been recording all cases of abductions, disappearances without a trace, murders, and other violations that become known to us. Most of our information comes from the Republic of Ingushetia and from the Chechen Republic.

Officers of Memorial Human Rights Center don't have the capability to record all violations of human rights in Ingushetia and Chechnya, therefore our information cannot be considered exhausting. Nevertheless, comparing the amount of the crimes we have recorded in different periods, one can make conclusions about the situation in these regions and its dynamics.

Chechnya

Memorial Human Rights Center has already noticed that the amount of abductions in Chechnya grew again in the end of the year 2008 (<http://www.memo.ru/2009/01/13/1301091.htm>).

This tendency is preserved: in all 34 persons were abducted *in January-April 2009* (20 of them were residents of Dargo village in Vedensky district of the Chechen Republic). 27 persons among those abducted were later set free; two were found murdered; two went missing; three "surfaced" later in temporary detention wards or investigation wards and are now under investigation.

To compare, Memorial Human Rights Center recorded 42 cases of abduction in the whole of the year 2008 (7 persons in January-April 2008).

The circumstances of these abductions indicate that representatives of law enforcement were involved in these crimes.

At the same time, the amount of murders of civilians recorded by our officers has gone down. 2 murders have become known to the Memorial this year. In the same period of the last year, Memorial Human Rights Center recorded 5 murders of civilians.

On the other hand, it is as yet impossible to speak of any reliably established tendencies.

Ingushetia

The situation with abductions in Ingushetia has remained at about the last year's level. In 2009 three persons were abducted in the republic; two of them were later murdered, and one disappeared. To compare, two local residents were abducted in January-April 2008 (one was later set free, the other one disappeared), and 22 persons were abducted in the duration of the whole year.

That being said, the amount of murders in the republic has increased: Memorial Human Rights Center has recorded 59 murder cases in four months of the current year.

Among those murdered:

- 21 civilian (6 persons were murdered by the unknown; 5 persons were murdered by law enforcement officers or allegedly so; 2 persons were apparently murdered by militants; 8 persons were blown up in the Office of Bailiffs),
- 12 officers of the local law enforcement,
- 6 attached military officers and enlisted soldiers,
- 20 militants.

To compare, *in January-April 2008*, Memorial Human Rights Center has recorded 9 persons perished, among them 6 civilians and 3 law enforcement officers (9 in the official records).

Memorial Human Rights Center sends inquiries to the RF Prosecutor General's Office and to the prosecutor's office of the corresponding region on each known case of abduction. We request that facts be verified and criminal cases be brought in regarding the abduction, disappearance, or murder. In some cases, Memorial Human Rights Center provides victims with the assistance of attorneys.

Appendix 3.

The practice of arsons of suspected terrorists' houses

MEMORIAL HUMAN RIGHTS CENTER²⁹

27 March, 2009

Popular practice:

Arsons of houses of terrorist relatives continue in Chechnya

The practice of setting houses of terrorist relatives on fire continues in the Chechen Republic. Memorial Human Rights Center has registered 26 such cases since summer 2008 (see List 1). Such arsons are undoubtedly committed to put pressure on the relatives of militants hiding in the woods. The Chechen authorities approve of such measures to say the least. For instance, Chechen President Ramzan Kadyrov said the following, when commenting on the relatives of militants: *"We should use the Chechen traditions. Such people used to be cursed and expelled. This is normal, as they feed information to their relatives hiding in the woods. They warn them of danger: "The police inspected our village today. Beware, and may Allah save you." They provide them with food and assistance. Militants kill our police officers and burn down our houses. Every single family has a relative hiding in the woods. I myself spent some time in the woods; I talked to 7,000 people who surrendered and left the woods. So, those families whose relatives hide in the woods are accomplices to their crimes; they are themselves terrorists, extremists, Wahhabis, and Shaitans. Some of them publicly disavow their relatives just to be left alone, but they covertly continue assisting terrorists."* (Chechen President Ramzan Kadyrov's speech at a cabinet meeting on August 9, 2008, broadcast by the Grozny TV channel at 9.37 p.m.). To give him justice, it is worth mentioning that similar tactics were actively used by militants against people who chose to support the current authorities of the republic (see List 2). The latest information on arsons in Chechnya is given below.

Unidentified people set ablaze the house of Aslanbek Ebishev at 25, Pervomayskaya Street, Shali, Chechnya on 13 March, 2009.

On 12 March, the Shali Recreation Center hosted a meeting of regional authorities and law-enforcement officials with the local youth. The meeting discussed the fight against Wahhabis and those falling under their influence. The authorities were represented by the head of the Shali District administration, police chief M. Daudov, District Prosecutor Serbiyev, the village cad (judge), and several elders specially invited from Grozny. The precinct police officer invited Yusup Ebishev to the meeting and the latter was the first to be given the floor. He said that the police, the prosecutor's office, and public organizations should join their efforts in the fight against Wahhabism. Parents cannot always be near their children, while the Wahhabism ideology wins the minds of young people through websites, telephone messages, literature, and video disks, sold everywhere including mosques. According to Ebishev, society should also play a serious role in curbing such influence, as parents cannot cope with the problem on their own.

All other speakers argued against Yusup's statement that society and law-enforcement agencies, as opposed to parents alone, were responsible for the fact that young people joined militants, and the tone of each speech grew tougher. At night two cars stopped next to the Ebishevs' house; armed people, wearing balaclavas, got out of the cars, entered the yard, and set ablaze the house of Aslanbek Ebishev, Yusup Ebishev's brother.

It was the second arson suffered by the Ebishevs. Officers of an unidentified security service of the Chechen Republic set Yusup Ebishev's house on fire on the night of 28 August, 2008. The house of the Musliyevs was also set on fire in Shali on the same night. The houses of the Musliyevs and the Ebishevs were set ablaze because their children had joined militants. The system of measures designed to counter illegal armed groups and adopted in the Chechen

²⁹ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/03/m162902.htm>

Republic includes putting pressure on relatives of militants up to direct threats to their lives and health. The Ebishevs already suffered a heavy loss in January 2000. Yusup's eldest son, 18-year-old Alikhan, was killed in a rocket attack targeting Shali.

List 1.

The list of burnt down houses of relatives of suspected terrorists (Chechnya)

On 4 July, 2008, the house belonging to the Musikhanovs family was set on fire by officers of an unidentified security service in the village of Samashki of the Achkhoy-Martan District.

On 12 July, 2008, unidentified armed people wearing camouflage uniforms and balaclavas burnt down the house of Sherpudin Demelkhanov in the village of Geldagana of the Kurchaloy District.

On the night of 12 July, 2008, an attempt at setting on fire the house of Sheykh Yusupov, born in 1956, at 9, Sovetskaya Street, Kurchaloy, was made. The house was saved by the neighbors.

On 13 July, 2008, the house of Ibragim Magomadov was burnt down in the village of Khidi-Khutor of the Kurchaloy District. The arsonists also set ablaze a field engine owned by the Magomads.

On 16 July, 2008, armed people wearing balaclavas and camouflage uniforms stormed the house of Iliyas Umarov, forced everyone outside, and burnt the house down in the village of Nikikhita of the Kurchaloy District. They also burnt down the house of his cousin Akhmed Umarov in a similar fashion.

On 17 July, 2008, the house of the Abdulkhanovs was burnt down in the village of Aslanbek Sheripov of the Shatoy District. At the very same time the house of an old couple of Yusupovs was set on fire in the village of Gikalovsky of the Grozny Rural District, but their neighbors helped them put out the fire. On the night of 22 July, 2008, the house of Ramzan Abdurakhmanov was burnt down in the village of Tsentoroi of the Kurchaloy District. On the night of 30 July, 2008, houses of Elimkhanov and Makhmud Azizov were set on fire in the village of Alleroy of the Kurchaloy District. On 4 August, 2008, the house belonging to the Izrailovs at 5, Orekhova Street was burnt down in the town of Argun.

On the night of 28 August, 2008, houses belonging to the Yusupkhadzhiyevs, the Ebishevs, and the Musliyevs were burnt down in Shali. On the same night, the house of the Aliyevs was set ablaze in the village of Mesker-Yurt.

On 2 October, 2008, the houses of the Darshayevs, the Butsugovs, and Zhovtayeva, which accommodated the Dakhayevs, were burnt down in the village of Alleroy of the Kurchaloy District.

On the night of 4 December, 2008, the houses of the Ospanovs and the Estamirovs were burnt down in the village of Tevzana of the Vvedeno District, and an attempt to set a house on fire was made in the village of Khatuni of the Vvedeno District.

On 5 December, 2008, the house of the Gakayevs was burnt down in the village of Elistanzhi of the Vvedeno District.

On 23 December, 2008, the house of the Zavgayevs was burnt down in the village of Novoterskoye of the Naurskaya District.

On 23 December, 2008, the house of the Butsayevs was burnt down in the village of Rubezhnoye of the Naurskaya District.

On the night of 13 March, 2009, the house of the Ebishevs at 25, Pervomayskaya Street, Shali, was set on fire for the second time.

List 2.

Arson of houses by militants

According to witnesses, a unit of up to 300 armed militants of the Chechen Republic of Ichkeria entered the village of Alleroy of the Kurchaloy District at 8.15 p.m. on 23 September, 2004. The militants split up into several groups. One of the groups surrounded the building

where the headquarters of a security service reporting directly to Ramzan Kadyrov (the so-called 'kadyrovtsy') was located. However, the militants did not attempt to enter the building or even fire at it, confining themselves to shots in the air. At that time a Volga motor-car drove out of the headquarters. The militants stopped the car, forced the driver out, and burnt the car down, letting the driver go.

Another team of militants, led by Akhmed Avdarkhanov, entered the yard of Suleyman Abuyev, leader of the local 'kadyrovtsy' unit. Suleyman's mother was inside the house at the time. Avdarkhanov told her that he would set ablaze her son's house since the latter had betrayed their faith and promised to burn down the house of her second son, Saltan Abuyev, an ex-head of the Kurchaloy Interior Ministry Department killed by the militants on 20 September, 2001. The militants set one of the houses on fire, leaving the other one intact for the family to live in.

A helicopter appeared over the village at about 11 p.m. The militants opened machine-gun fire at the helicopter, after which it left. There was no combat, other than chaotic fire in various parts of the village. Nevertheless, a 13-year-old girl was reported to have been wounded as a result of the fire. The militants walked around the village, shopped, and paid for their purchases. They left the village at about midnight.

The 'kadyrovtsy' arrived at the village on the morning of 24 September. They were extremely aggressive and occasionally shouted threats at the locals, promising to wipe the village off the face of the earth. In an apparent attempt to take revenge on the militants the 'kadyrovtsy' burnt down several houses of their relatives, in particular, houses of Khas-Magomed Nasurov and Ruslan Dalkhadov (he was detained and killed by the 'kadyrovtsy' in spring 2004). The late Dalkhadov's wife and five underage children were left homeless. According to Alleroy residents, a total of nine houses were burnt down within two days: two houses belonging to the Abuyevs and seven houses of terrorist relatives.

A team of unidentified armed people, supposedly militants, killed two women and set on fire several local houses in the village of Dyshno-Vvedeno of the Vvedeno District, Chechnya, at about midnight on 10 August, 2005. One person was abducted. The militants first attacked the house of the Abdulkerimovs at 5, Pochtovaya Street. A group of eight people stormed the house and grabbed Deshi Yezidovna Abdulkerimova, the owner. They duct-taped the woman to the bed, sprayed the rooms with gasoline found in the yard, and set the house on fire, leaving Abdulkerimova inside. According to her neighbors, who had told the militants her address, they accused the old woman of collaborating with the federal authorities and of the fact that her grandson was a police officer. They did not allow the neighbors to put out the fire. Abdulkerimova was burnt alive.

After that the unidentified militants approached the house of the Satayevs at 51, Rechnaya Street. They called Ayzan A. Satayeva, born in 1955, and demanded money. Several days before a man had entered Satayeva's cafe in the village of Vvedeno and told her that she was to pay 100,000 rubles to militants. It was the same amount of money that the militants demanded now. Ayzan said that she was not able to pay so much money as she had orphans to support. The leader ordered one of his subordinates to kill the woman, but the latter did not comply at once. Ayzan cried and begged for mercy. The leader swore and repeated his order. One of the militants fired his machine gun at Ayzan's head. When leaving, the militants fired several tracer bursts in the air.

Then they went to the house of local policeman Alikhan Altemirov at 25, Shkolnaya Street. He was not at home at that time. The militants kicked out his mother, Khavra Gazaliyevna Atabayeva, and brothers Bulat and Zayndi, tied their hands down with duct tape, put them on the ground in their neighbors' yard, and demanded the keys to the car of their relative. Khavra said that they did not have the keys. Then the militants opened fire on the car, poured gasoline over the house, and set it ablaze. When the entire house was on fire, they threatened to wipe out the entire family if Alikhan Altemirov did not resign from the police. They also set ablaze the house of police sergeant Khalis Turayev at 91, Ushayeva Street, kicking his wife and five little children outside. They also threatened to kill the entire family, if Turayev stayed with the police force.

They burnt down the house of Kazbek Debishev, a serviceman of the Vvedeno District commandant's office, in a similar fashion. They went on air and reported the 'job' done. The conversation was intercepted by the Vvedeno District police.

According to the locals, while a group of suspected militants was acting in the village, they also set up a roadblock at the intersection of the Lenina Street and the Sadovaya Street to stop and inspect every passing vehicle. That was how they stopped and then abducted Senior Duty Officer of the Vvedeno District Department of the Interior Ministry, Senior Lieutenant Anzor Nazarbekovich Muradov.

His relative from the Rostov Region, whom Muradov was driving to his parents, witnessed the abduction. He said that at first the militants had intended to shoot Muradov on the spot, but then one of them had recognized him and spoke in his defense. The militants had an argument, but then decided against killing Muradov. Instead, they drove his car to a side, opened fire on it, and took Muradov with them. Muradov's whereabouts are currently unknown.

A unit of up to 60 armed men entered the village of Benoy-Vvedeno of the Nozhay-Yurt District, Chechnya, on the night of 13 June, 2008. They set up roadblocks, and burnt down three houses belonging to the Umarovs: that of Zamid Umarov, his son Khamid, and his grandson Almaksud. According to their relatives, Khamid and Almaksud were officers of the so-called security service of Ramzan Kadyrov and members of the unit led by Alambek Yasayev (In 2007, Alambek Yasayev fell out of favor with the Chechen authorities and was fired from the post of deputy interior minister). Khamid and Almaksud served in a security agency of some sort at the time of the incident.

The militants tried to stop a passing vehicle at a temporary roadblock, but the driver ignored their warnings and kept on driving. The militants opened small arms fire on the car, wounding Khami Yasayev and killing his son and nephew Aslan. They were driving home from their relatives'. When they saw there was a wounded person in the car, the militants ordered him to be taken to hospital; however, the wounded person died on the way to hospital. All three victims were relatives of Alambek Yasayev, but the attack on the vehicle was an accident. The unit seized a large arms cache at one of the houses. The militants freely left the village on the same night.

For more information, see also:

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m146310.htm>

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m144307.htm>

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146765.htm>

Appendix 4.

Article "*The Right to Be a Human*" by Svetlana Gannushkina

"Unfortunately, there are females among us who tend to forget the code of conduct of women from mountain tribes. Their male relatives, who consider themselves to be offended by their conduct, sometimes resort to the mob law against such females."

That was the comment of the Chechen ombudsman Nurdi Nukhadzhiyev on the murder of six young Chechen females, which took place on the night of 25-26 November³⁰.

Three bodies were found in the Staropromyslovsky District of Grozny; bodies of two women who had been shot were found near an abandoned kindergarten on the road from Grozny to Shatoy; and the sixth body was found on the road from Grozny to the stanitsa of Petropavlovskaya.

The six females were shot point-blank in the chest or in the head. Spent cartridges were found next to the bodies.

Yet another burnt body of a young girl, shot in the head, was found outside the village of Engenoy of the Gudermes District two days later.

Reporters called this series of cruel murders an execution.

³⁰ Kommersant newspaper Issue 216(4033) of December 27, 2008.

Everyone immediately decided without a doubt that the women were executed for unbecoming conduct, though extrajudicial executions are nothing new in Chechnya. Just a short time ago, such executions were carried out for different reasons and sparked a wave of indignation.

How can it be that the only regret expressed by the Chechen ombudsman with regard to the terrible tragedy was at the fact that Chechen women had forgotten the “code of conduct of women from mountain tribes?” He never offered his condolences to relatives of the victims.

The investigation into the killings has just begun. We have no idea who shot the defenseless women.

However, the reaction of the Chechen ombudsman and many others has the following explanation: a woman in Chechnya has ceased to be an equal and respected human being, capable of deciding herself what to do with her life and what destiny to choose.

Ramzan Kadyrov was more civil in commenting on the murders. According to a press release of his press office, the Chechen President said at an expanded meeting of the Chechen Cabinet and heads of district and municipal administrations on 28 November:

“This is an outrage. Nothing of the kind has ever occurred in the territory of the Chechen Republic. Actions of the murderers, no matter who they might be, cannot be justified by any traditions. Moreover that, neither the Chechen people, nor Islam have such traditions. Therefore, I have always called for stepping up efforts aimed at early prevention of such crimes, at spiritual and moral education and at creating a healthier society.”³¹

However, what does Ramzan Kadyrov mean by moral education? In an interview, posted on the same website on 11 November, he condemns girls who wear European clothes:

“...nowadays I am very concerned about the kind of clothes our girls wear. Brides sometimes meet their future mothers-in-law and relatives of their grooms almost naked with their head uncovered. They wear mini-skirts and untressed hair in the streets. The mentality of our people does not permit such conduct.

I would really like the Chechen girl to look like a true Muslim, respecting customs and traditions of her people.

The committee for youth affairs plans to contract famous couturiers to design a common uniform for youth educational institutions.”

These might seem to be harmless wishes. However, the Chechen President has more than once quite clearly stated the attitudes he has towards women.

An excerpt from Ramzan Kadyrov’s interview to Aleksandr Grymov, a reporter of the *Komsomolskaya Pravda* newspaper, published on 24 September, is given below:³²

“I have the right to criticize my wife. My wife does not have the right to criticize me. The Chechen wife is a housewife. The woman should know her place... The woman should give her love to the man. ... The woman is a property, while the man is the owner. In Chechnya if the woman misbehaves, her husband, father, and brother are responsible. According to our tradition, if the woman fornicates, her relatives kill her. Sometimes a brother kills a sister or a husband kills a wife.

Men are incarcerated because of this... Being the President, I cannot let people kill each other. So, don’t let them (*women*) wear shorts.”

Well then, the woman is property, designed to please the man and deprived of the right to criticize him or provoke punishment by wearing shorts (Frankly speaking, I have never seen a Chechen woman wearing shorts!). And the owner, encouraged by the authorities, may go ahead and have several wives, and if one of them misbehaves he may well get rid of her and get another piece of property.

Women have better put up with it, stay at home and do the housekeeping so as not to draw the fire upon themselves, both figuratively and literally.

Chechnya has recently suffered a brutal war, when villages and cities were bombed into the ground and many people were killed! Young men were detained, tortured, and killed during sweep operations regardless of their innocence or guilt. Who was the first to openly fight against

³¹ Grozny Inform, <http://www.grozny-inform.ru/main.mhtml?Part=8&PubID=9845>.

³² <http://www.kp.ru/daily/24169/380743/print/>

arbitrariness? Who blocked motor roads with tanks rolling along them? Who spent endless hours standing outside the offices of prosecutors and military commanders in an attempt to save their sons, husbands, and brothers? And finally, who found a way to tell the world of the atrocities committed in Chechnya? Who helped the Chechen people survive?

Chechen women, that is who! They openly fought for their people, their survival, and honor without any weapons.

Zeynab Goshayeva, who stood beside us at every anti-war rally, and returned to Chechnya time and again to come back and witness about what was happening there.

Eliza Musayeva, Lida Yusupova, and Lipkhan Bazayeva, who set up human rights offices in Chechnya at the most troubled times, were brave enough to counter frequently drunk armed people, committing atrocities in the course of cleansing operations, and speak the truth in the face of high-ranking federal officials.

Natasha Estemirova brought a videotape showing the destruction, murders, and graves to Moscow. It is her that the Chechen President has recently expelled from the Grozny Municipal Public Council for the Promotion of Human and Civil Rights and Freedoms for her statement in an interview that she does not always wear a headscarf and does not wear it in public places.

The same holds true for ordinary women, mothers, and wives who evacuated their families from the war-torn Chechnya to other Russian regions. When men could not go outside without risking a prison term for drugs, weapons, or explosives which somehow by a miracle found their way into their pockets, even if the latter had been sewn up in advance, it was women who had to shoulder the burden of providing for their families. After feeding their families in the morning they would spend hours in the cold in the market selling vegetables, or sweep bus stops, or move huge garbage cans.

A girl from a refugee camp managed to enter an elite Moscow college and graduated with honors. And what was all that for? When she returned to her parents to now peaceful Grozny, she was forced to marry an unknown and totally strange man. The “beautiful Caucasian custom” of abducting the bride was in fact observed as follows: the girl was snatched in the street, dropped so her head hit the blacktop, and then pushed into a car unconscious. She regained consciousness at the house of her future husband, without realizing what was going on but being perfectly aware of the fact that no one would come to her rescue.

Once I received a woman, holding quite a high-ranking post in present-day Chechnya. She came for medical reasons, but wanted to talk about a different subject: “You might think what all the fuss is about – to wear or not to wear a headscarf. However, the matter is not the headscarf itself, but the humiliation we have to cope with on a daily basis. My office can be stormed by armed young men just for a check whether all the girls wear headscarves and becoming clothes. They lecture me as well, and interfere with my work. Never before would strange men dare treat a woman, let alone their elder with a higher social rank, like that.” And then suddenly fear showed in her face: “Please, do not use my name anywhere and do not retell this conversation to anybody, otherwise they will find me.”

I promised to keep my mouth shut and I never talked about girls abducted to become wives or concubines, and underage daughters taken away from their mothers who could not get help from officials. One of particularly active mothers like that was secretly told: “No one will help you, they marry underage girls themselves.”

I can no longer keep silent. It is not because I believe that the seven women were killed by their relatives (this version does not seem to hold up), it is because I saw the reaction of Chechen society to the tragedy and read comments on Chechen websites. And then I feared for the fate of those I have grown to like over the past few years and whom I wish happiness and freedom regardless of their sex, confession, race, or nationality as is stipulated in the Russian Constitution, so frequently claimed to be adhered to by the Chechen President.

Svetlana Gannushkina

3 December, 2008

Appendix 5.

Reply of the Prosecutor's Office of Mordovia to the inquiry about Kodzoyev

Prosecutor's Office of the Russian Federation
Prosecutor's Office of the Republic of Mordovia
Dubravnya Prosecutor's Office
50, Dzerzhinsky Street, Yavas, Zubovo-Polyansky
District 431160
Tel. (8-257) 2-25-67, Fax 2-40-89

To S.A. Gannushkina

28.01.2009 No. 256zh 2005/61

Head of the Migration Rights Network of
Memorial Human Rights Center

The Dubravnya Prosecutor's Office has investigated your inquiry about the violation of the penitentiary legislation of the Russian Federation by the administration of the FBU IK-4 penal colony in the form of an improper medical treatment of, an improper nutrition of, a pressure on, an infliction of cruel punishment on, and the refusal to transfer convict Z. I. Kodzoyev to another region for health reasons.

The investigation has established that convict Z. I. Kodzoyev, born in 1972, arrived at the Office of the Federal Penitentiary Service for the Republic of Mordovia on 18 March, 2005 and served his term at the FBU IK-4 penal colony in the Republic of Mordovia.

During a medical examination on the arrival, he pointed out that he had had pulmonary tuberculosis since 1994, peptic ulcer since 1992, and a traumatic brain injury with craniotomy in 1997-1998.

Anthropometric data – a height of 182 cm, a weight of 73 kg. A visual inspection finds a bone defect in the right frontotemporal area, a post-surgical carved scar.

On 30 May, 2005, Z. I. Kodzoyev applied to the medical unit with a complaint about a headache. Given a diagnosis of "After-effects of the brain injury with a vegetative syndrome. The post craniotomy state," he underwent a ten-day outpatient treatment and was relieved of fatigue duties in hot weather under direct sunlight and hard work, another round of outpatient treatment took place from 14 July through 1 August, 2005.

From 4 October until 1 November, 2005, Kodzoyev underwent medical examination in hospital for convicts, and got advisory opinions of medical experts.

4 October, 2005 – thoracic cage photofluorogram – heart and lungs found healthy. Electrocardiography results normal. Blood and urine tests normal.

5 October, 2005 – fibrogastroduodenoscopy, medical opinion – superficial gastritis. Duodenal cap ulcer.

6 October, 2005 – consultation of a psychiatrist, diagnosis - after-effects of the brain injury with a craniotomy. Asthenoneurotic syndrome, vascular and sedative treatment.

6 October, 2005 – examination by an ophthalmologist, no pathology detected.

14 October, 2005 – plan radiography of the skull in two planes – post-craniotomy defect of the frontal bone. Metal clips.

Consultations of a surgeon, diagnosis - after-effects of the brain injury with a craniotomy in the right frontotemporal area with pulsation of the brain.

Z. I. Kodzoyev underwent treatment at the therapeutics department for recrudescence of peptic ulcer, duodenal cap ulcer. He was discharged from hospital for convicts on 1 November, 2005.

He was put under dispensary observation at the FBU IK-4 penal colony of the Office of the Federal Penitentiary Service for the Republic of Mordovia, a procedure for his medical monitoring and treatment was determined.

The penal colony medical unit provided Z. I. Kodzoyev with outpatient treatment for ten days from 2 February, 2006 and again from 31 May until 10 June, 2006 for recrudescence of gastroduodenitis and peptic ulcer, and a diet was prescribed.

12 April, 2006 – an active call, a vascular and vitamin treatment for brain injury was prescribed.

22 June, 2006 – examined by a surgeon at the penal colony medical unit and treated for lumbodinia.

A follow-up examination and treatment in hospital for convicts starting from 27 June, 2006. Thoracic cage photofluorogram normal. Fibrogastroduodenoscopy, medical opinion – frank duodenitis. Cicatricial-ulcerous deformation of the duodenal cap. Examination by a psychiatrist and a surgeon, the diagnoses remained the same.

On 30 June, 2006, started receiving treatment at the therapeutics department with the following diagnosis: “recrudescence of gastroduodenitis, remission of peptic ulcer, after-effects of the brain injury with a craniotomy, asthenoneurotic syndrome.” Kodzoyev was put on a sick list from 30 June, 2006 until 11 July, 2006.

18 July, 2006 – examination by a neurologist, diagnosis – after-effects of the brain injury with a craniotomy in the form of an asthenoneurotic syndrome, the frontal bone defect, and pulsation of the brain. No threat of recrudescence of lumbodinia. It was recommended that his job placement should rule out work in the sewing workshop, at night, and near moving mechanisms. Vascular, vitamin, and analgesic treatment at the medical unit was prescribed.

24 June, 2006 – hospital treatment at the medical unit was proposed, Kodzoyev declined, outpatient treatment was conducted.

27 September, 2006 – active call, preventive treatment for existing diseases was prescribed.

20 February, 2007 – treatment for vertebragenous lumbodinia was prescribed.

27 February, 2007 – Kodzoyev applied for bed rest, bed rest was not granted and in this light Kodzoyev broke off his medical treatment.

21 March, 2007 – active call. Medical examination was conducted, and recommendations were given. No treatment was prescribed for the lack of medical symptoms.

16 July, 2007 – sent by the Office of the Federal Penitentiary Service for the Republic of Mordovia to Vladikavkaz under the decree of the Republic of North Ossetia-Alania Supreme Court dated 26 June, 2007.

Kodzoyev arrived at the FBU IK-4 of the Office of the Federal Penitentiary Service for the Republic of Mordovia on 14 December, 2007.

8 January, 2008 – active call, medical examination was conducted, no treatment was prescribed for the lack of medical symptoms.

4 March, 2008 – thoracic cage photofluorogram normal.

11 May, 2008 – Kodzoyev applied to the medical unit with complaints of cough with stethocatharsis, labored breathing during physical activities, a feeling of obstruction behind the breastbone, weakness, a lack of appetite, and a body temperature of 37.4 degrees Centigrade. Diagnosis acute bronchitis, a treatment was prescribed.

13 May, 2008 – another sick call, complaints remained the same, a body temperature of 38 degrees Centigrade.

15 May, 2008 – examined by a phthisiotherapist, suspicion of tuberculosis, sent to hospital for convicts.

22 May, 2008 – admitted to the chest department of the hospital for convicts, treated until 19 December, 2008 with a diagnosis of “infiltrative tuberculosis of the upper part of the right lung in the decay phase. Few view computerized tomography (+). Dispensary registration group 1B.”

When in hospital for convicts, Z. I. Kodzoyev once again received advisory opinions of a neurologist and a surgeon, diagnoses remained the same.

25 October, 2008 – kidney ultrasonic scanning – signs of nephrolithiasis.

27 October, 2008 – examined by an ophthalmologist, diagnosis - neuropathy of the fundus of the eye.

The hospital discharge report contains an entry, stating that Kodzoyev repeatedly breached hospital rules.

On 19 December, 2009, Z. I. Kodzoyev was transferred to the FBU LIU-3 medical penitentiary of the Office of the Federal Penitentiary Service for the Republic of Mordovia, a special medical treatment facility, designed to house and provide outpatient treatment to patients,

suffering from active tuberculosis, with a diagnosis of “infiltrative tuberculosis of the first and the second sections of the right lung in the resolution phase, initial fibrosis. Few view computerized tomography (-). Dispensary registration group 1B. After-effects of the brain injury with a craniotomy in the form of an asthenoneurotic syndrome, the frontal bone defect, and pulsation of the brain.” A phthisiotherapist conducted a dispensary registration, determined treatment, and prescribed antituberculous medicines until May 2009, X-ray four times a year, blood, urine, and phlegm tests once every three months, additional tests if necessary.

26 December, 2008 – the Republic Diagnostic Center carried out a magnetic resonance imaging of the brain. Medical opinion – after-effects of the craniotomy, cystic lesions and scars on both frontal lobes. Atrophic changes of the brain.

In the course of his incarceration, Kodzoyev has twice received certificates for additional packages for health reasons.

At the present time Kodzoyev’s condition is stable, there is no decline in the state of his health. Kodzoyev gets treatment, prescribed by the phthisiotherapist and the psychiatrist.

Convict Z. I. Kodzoyev is under medical observation; he gets medical treatment for corresponding diseases.

No violations in the management and the treatment of convict Z. I. Kodzoyev were detected.

Under Order of the Ministry of Health and the Ministry of Justice of the Russian Federation No. 346/254 dated 28 August, 2001 “On adopting the List of Medical Contraindications to Serving Terms of Imprisonment in Certain Areas of the Russian Federation”, there are no medical contraindications to convict Z.I. Kodzoyev’s serving his term of prison at a facility of the Office of the Federal Penitentiary Service for the Republic of Mordovia.

Provision of meals to convicts at the penal colony is organized in compliance with Order of the Ministry of Justice No. 125 dated 2 August, 2005 “On Adopting Standards of Nutrition and Material Supply for Convicts...” Officer of the day supervises food products being put into the pot and makes a corresponding entry in the food products logbook. The nourishment value quality control is exercised three times a day by medical personnel, who take samples immediately before food distribution.

Under Chapter 13 of the Correctional Institution Internal Regulations, approved by Order No. 205 of the Russian Ministry of Justice dated 3 November, 2005 (hereinafter referred to as the Regulations), convicts are entitled to submit proposals, statements, applications, and complaints in their own name only. All written proposals, statements, applications, and complaints are forwarded to corresponding addresses by the penal institution administration. They are registered by special registration departments or the penal colony secretariat.

The investigation has established that the logbook for registering complaints and statements of convicts, submitted from 2005 until 2008, lists one (1) appeal of convict Z.I. Kodzoyev to Director of the Russian Federal Penitentiary Service to be transferred to another region to serve his sentence. No reply has been received so far. The mail has been recorded in the logbook for registering complaints and statements of convicts and forwarded to addressees within the period of time, envisioned by the law. No flaws were detected in the work of special registration departments or the penal colony secretariat pertaining to forwarding and receiving mail.

Facts of putting pressure on convict Z. I. Kodzoyev are denied by questioned officials of the FBU IK-4 penal colony administration: penal colony head V. S. Glinov, deputy head of the penal colony for security and operations D. N. Gorbunkov, security department head R. Sh. Palyutin, operations department I. S. Shindyakov, as well as convicts living in the same cell with Z. I. Kodzoyev: A. N. Zarayev, B. V. Meshcheryakov, V. F. Roshchenko, Ye. V. Altabayev, and I. Ye. Gorkun.

The investigation has demonstrated that the allegations specified in the inquiry have not been proved. The Prosecutor’s Office has no reasons to react to the allegations in question.

If you chose to disagree with the decision taken, you have the right to appeal against the decision to a superior prosecutor’s office or a court of law.

Dubravnya Prosecutor Legal Counselor First Class

V.A. Doroshenko

Appendix 6.
Reply of the Federal Penitentiary Service
to the inquiry about Zubayrayev

ADMINISTRATION OF THE HUMAN RIGHTS OMBUDSMAN
IN THE RUSSIAN FEDERATION

47, Myasnitskaya Street, Moscow 107084,
Tel.: 607-39-69, Fax: 607-39-77
No. 10272-29
To No. 141 dated 17.03.2009

To S.A. Gannushkina

Chairperson of Civic Assistance Committee

33, Dolgorukovskaya Street, Building 6, Moscow 127006

Dear Svetlana Alekseyevna,

Your inquiry about the protection of the rights of convict Z.I. Zubayrayev, imprisoned at FBU LIU-14 medical penitentiary of the Office of the Russian Federal Penitentiary Service for the Volgograd Region, addressed to the Human Rights Ombudsman in the Russian Federation, has been examined.

The office of the Human Rights Ombudsman in the Russian Federation has been monitoring the situation concerning convict Z.I. Zubayrayev since 21 January, 2009.

On the instructions of the Ombudsman, we hereby forward to you a copy of the latest information, provided to us on request by the Russian Federal Penitentiary Service.

Annex: a copy of the reply containing two pages.

Sincerely yours,

Deputy Head of the Office

for the State Protection of Human Rights

V.V. Bazunov

RUSSIAN MINISTRY OF JUSTICE
FEDERAL PENITENTIARY SERVICE
(Russian FPS)

14, Zhitnaya Street, Moscow, GSP-1, 119991
Tel.: (495) 982 19 00
Fax: 982 19 30
05.03.2009 No. 10/22-890/317
To No. 2118-29 dated 28.01.2009

To Ombudsman in the Russian Federation
V. P. Lukin
47, Myasnitskaya Street, Moscow

Dear Vladimir Petrovich,

The Russian Federal Penitentiary Service has examined the appeal of N. Sh. Fattyakhitdinov to send convict Zubayr I. Zubayrayev, born in 1978 and currently serving a term of imprisonment at the FBU LIU-15 medical penitentiary of the Office of the Russian Federal Penitentiary Service for the Volgograd Region, to a medical examination.

On arriving at the FBU IZ-34/1 detention facility of the Office of the Russian Federal Penitentiary Service for the Volgograd Region on 17 October, 2007, Z. I. Zubayrayev underwent a medical examination and was put under a dispensary observation due to the chronic disease he suffered from. His medical history reads that Z. I. Zubayrayev suffered brain injuries as a result of traffic accidents in 1995, 1997, 2004, and 2006, and thus he was treated by corresponding doctors for after-effects of the brain injuries in the form of headaches and occasional losses of consciousness.

On 27 October, 2008, Z. I. Zubayrayev was transferred to the FBU IK-25 penal colony, where he remained under the dispensary observation. Convict Z. I. Zubayrayev was in the FBU IK-9 penal colony from 31 January, 2008 until 20 February, 2008. On 20 February, 2008, convict Z. I. Zubayrayev was sent to the FBU LIU-15 medical penitentiary for hospital examination and treatment. He was discharged in a satisfactory condition, and the doctors recommended that he should continue undergoing outpatient treatment and dispensary

observation. Zubayrayev received outpatient treatment at the FBU LIU-15 medical unit from 13 July, 2008. From 23 October, 2008 until 15 December, 2008, the convict was examined and treated at the department of surgery of the FBU LIU-15 hospital. He was discharged from the hospital in a satisfactory condition.

While serving his term of prison, convict Z.I. Zubayrayev has repeatedly committed self-aggression, malingered, and simulated convulsions inflicting physical injuries on himself, which is recorded in the medical documentation. The latest simulation took place on 15 January, 2009. The bodily damage, shown in the pictures enclosed in the appeal of Mr. N. Sh. Fattyakhidinov, was inflicted by Z. I. Zubayrayev on himself in the course of self-aggression. On each occasion of self-aggression Z. I. Zubayrayev received the necessary medical care.

In February and November 2008, Z. I. Zubayrayev's relatives were allowed to meet the convict. Neither the convict, nor his relatives filed any complaints about wrongful acts of the correctional institution administration to the Office of the Russian Federal Penitentiary Service for the Volgograd Region.

In May 2008, Z. I. Zubayrayev applied to the investigation department of the Dzerzhinsky District of Volgograd of the Investigation Office, the Investigation Committee of the Russian Prosecutor's Office for the Volgograd Region with a complaint about the illegal use of force on him by official of the FBU LIU-15. The investigation established the absence of criminal event under Paragraph 1, Provision 1, Article 24 of the Russian Code of Criminal Procedure and recommended that no criminal case should be filed under Article 286, Provision 1 of the Russian Criminal Code on 25 December, 2007.

On 13 February, 2009, Z. I. Zubayrayev was transferred to the Central Bureau of Medical and Social Examination of the Volgograd Region to undergo repeated examination and confirm his invalidity group. No signs of disability were detected, and thus the convict was not found to be a disabled person.

At the present time, the convict is at the FBU LIU-15 medical penitentiary. The state of health of Z. I. Zubayrayev is considered to be satisfactory, and the convict does not make any complaints. He is still under the dispensary observation and continues receiving the recommended outpatient treatment. The facility has the required medicines to provide treatment to convict Z.I. Zubayrayev.

A copy of the reply has been forwarded to the claimant.

Deputy Director

A.S. Kononets

Appendix 7.

Reply of the Prosecutor's Office of the Chechen Republic to the inquiry about violation of the rights of tenants of temporary accommodation points in the city of Grozny

Prosecutor's Office of the Russian Federation Prosecutor's Office of the Chechen Republic 42, Idrisova Street, Grozny, Russia 364000 18.04.2008 No. 7-40-128-08	To S. Gannushkina Head of the Migration Rights Network of Memorial Human Rights Center 33, Dolgorukovskaya Street, Building 6, Moscow 127006
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The Prosecutor's Office of the Chechen Republic has investigated your inquiry about violation of the rights of tenants of temporary accommodation points in the city of Grozny.

The investigation conducted has established that the temporary accommodation points for internally displaced persons have not been operational in Grozny since 1 November, 2007.

In pursuance of Decree of the Chechen Government No. 242-rp dated 2 August, 2001, temporary accommodation points for internally displaced persons were established at Grozny's

former hostels, placed under the operational management of the Federal Migration Service Office for the Chechen Republic.

Decree of the Chechen Government No. 181-r dated 21 April, 2006 established a commission to enforce standards and rules of tenancy in temporary accommodation points. The commission adopted a decision to strike off the register those individuals who forfeited their status of internally displaced persons (at personal requests of internally displaced persons owning habitable housing; individuals whose houses had been rebuilt; and individuals provided with municipal housing).

In pursuance of Decree of the Chechen Government No. 387-r dated 17 October, 2007, buildings previously earmarked to be used as temporary accommodation points were transferred from the operational management of the Office of the Russian Federal Migration Service for Chechnya to the management of administrations of Grozny Districts to be used as hostels.

For instance, the temporary accommodation point at 4, Vyborgskaya Street, Zavodskoy District, Grozny, has been out of operation since 1 November, 2007. It was used as a basis for a hostel, currently housing 129 families (634 people), including 96 families (504 people) from Chechen rural areas. The hostel is in a satisfactory condition, and the rooms meet the requirements to residential housing.

A total of 67 apartments have been allocated to internally displaced persons, residents of Grozny's Zavodskoy District since the beginning of operation of the temporary accommodation point. Since 1 September, 2006, a total of 126 families (604 persons) have been resettled from the former temporary accommodation point and provided with rented apartments, with the rental fees paid for six months in advance. The Grozny administration guarantees that all resettled families will have been provided with separate housing by the time the above-mentioned period expires.

A total of 114 families from Grozny's Leninsky District, lacking housing, have been put on the list of those in need of better living conditions. In October 2007, 24 families from the Leninsky District received apartments in the Leninsky District of Grozny. According to the Leninsky District administration, temporary accommodation points at 12, Malgobekskaya Street and 47, Kirov Blvd. have been resettled, and a hostel at 15/4, Dudayev Blvd. houses 92 families. The hostel, accommodating temporarily displaced persons, is supervised by the district administration and provides adequate living conditions, including heating, gas supply, electricity, and water supply. The district administration has so far received no written complaints or notifications from the displaced persons in question concerning their living conditions.

There were a total of nine temporary accommodation points in the Staropromyslovsky District of Grozny. As of 1 January, 2008, they housed 500 families, with only 393 of them being Grozny residents. At the present time they are provided with rented apartments, with the rental fees paid for six months in advance. The Grozny administration guarantees that all resettled families will have been provided with separate housing by the time the above-mentioned period expires. A total of 126 families have been resettled from former temporary accommodation points in the Staropromyslovsky District of Grozny. According to the Staropromyslovsky District administration, tenants of the hostel at 119, Mayakovsky Street (including A. A. Iliysova, Kh. D. Kiloyeva, N. U. Mutsaroyeva, and Z. A. Nagiyeva) have been provided with rented apartments, with the rental fees paid for six months in advance.

A similar situation concerning the rights of internally displaced persons holds true for the Oktyabrsky District of Grozny.

Neither the district administration, nor the Federal Migration Service Office of the Russian Federation for the Chechen Republic have taken decisions on forced eviction of internally displaced persons from former temporary accommodation points and now hostels.

The Grozny City Administration and district administrations exercise a constant supervision of hostels. The asset holder is personally responsible for compliance with the standards and rules of tenancy. The Prosecutor's Office has established no facts of illegal closure of temporary accommodation points or forced eviction of tenants without providing them with other accommodations.

Corresponding investigations were launched into complaints of housing rights violations, submitted by temporary accommodation point tenants to the Prosecutor's Office of the Chechen

Republic and prosecutor's offices of corresponding Grozny's districts. The claimants were notified of the results of such investigations.

For instance, the investigation into the complaint of tenants of the hostel at 15/4, Dudayev Blvd., Grozny, launched by the prosecutor's office of the Leninsky District of Grozny, established that hostel superintendent E.A. Shaipova had illegally collected a sum of 13,740 rubles.

On 5 March, 2008, the prosecutor's office of the Leninsky District of Grozny sent the investigation materials to the preliminary investigation body to consider criminal prosecution.

On 23 January, 2008, the prosecutor's office of the Staropromyslovsky District of Grozny forwarded the complaint of tenants of the temporary accommodation point at 119, Mayakovsky Street that hostel superintendent M. Idigova had collected rental fees, to the investigation department of the Staropromyslovsky District. The investigation conducted in compliance with Articles 144-145 of the Russian Code of Criminal Procedure established the absence of crime elements in the actions of M. Idigova and recommended that no criminal case should be filed under Paragraph 2, Provision 1, Article 24 of the Russian Code of Criminal Procedure.

In 2007, the prosecutor's office of the Oktyabrsky District of Grozny received four complaints from temporarily displaced persons. Following the investigation of these complaints the Oktyabrsky District prosecutor sent two recommendations to the head of the district administration that violations of the housing law should be eliminated. The violated rights of the claimants were reinstated.

In the course of the investigation on 4 February, 2008 the prosecutor's office of the Oktyabrsky District of Grozny submitted materials of the investigation into the illegal eviction of tenants from a temporary accommodation point by officials of the Oktyabrsky District of Grozny to the Zavodskoy Inter-District Investigation Department of the Investigation Committee of the Russian Prosecutor's Office for Chechnya. The investigation conducted in compliance with Articles 144-145 of the Russian Code of Criminal Procedure established the absence of criminal event and recommended that no criminal prosecution should be conducted under Paragraph 1, Provision 1, Article 24 of the Russian Code of Criminal Procedure.

The Prosecutor's Office of the Chechen Republic will continue protecting the rights of internally displaced persons, taking exhaustive response measures against every breach of the violation in the future as well.

Head of the Federal Legislation

Enforcement Department

Senior Counselor of Justice

R. D. Makhmudov

Appendix 8.

Inquiry to the Ministry of Interior with regard to the existence of special rules regulating the sojourn of Chechen Republic residents in other federal subjects

CIVIC ASSISTANCE

Regional Public Charity Organization for Assistance to Refugees and Forced Migrants

April 06, 2009

To the RF Minister of Interior R. G. Nurgaliyev

Dear Rashid Gumarovich,

From September 1, 2008, Civic Assistance Committee has been working on a project of aid to schools and teachers of the mountain areas of the Chechen Republic. The aim of the project is to improve the quality of education in mountain schools of Chechnya by means of psychological and professional rehabilitation of teachers who survived war and to create modern conditions for teaching and studying. The project envisages two types of activities: 1. Psychological-pedagogical seminars for teachers; 2. humanitarian aid to schools in the form of equipment (office equipment, sporting equipment, musical instruments, etc.).

There have been planned three seminars, their program consisting of four blocks: training in the basic use of computers, getting to know original pedagogic methodologies, doing psychological studies and a cultural program (visiting museums, theaters, etc.).

The first seminar took place at the Training Center of the Moskovsky sovkhos near Moscow in October last year during autumn school vacation. No special measures were taken by the local law enforcement towards the participants of the seminar, and there were no problems in the village connected to the arrival of Chechen teachers.

The second seminar took place in the town of Puschino in Moscow area on March 21-29, 2009. This time the arrival of the Chechen teachers became a subject of scrutiny by the local police.

In the very first day officers of the criminal police stopped a few participants of the seminar in the street to check their documents, asked where they had come from and why. The participants told them that they had come for a seminar and resided in the town hotel. After a while, officers of the criminal police came to the hotel and asked to be given copies of passports of all visitors from Chechnya.

In the evening of the same day, Mr. Alexander Andreyevich Gruznov, an agent of the crime detection, came to the hotel. Speaking to Ms. Ye. A. Kokorina, an officer of the Committee and the manager of the seminar, he explained it that the crime detection has the right to request copies of passports, fingerprint and photograph all visitors from the Chechen Republic under the Antiterror operation they were carrying out. He also said that he acted on the basis of a secret order. With the agreement of the seminar participants, we passed copies of passports to the police.

On March 25, police officers came to the hotel one more time. Mr. Ivan Ivanovich Gordeyev, district agent of Puschino police office, asked the manager of the seminar about the program, and about what Chechen teachers were doing at the local school. (In order for teachers from Chechnya to learn original pedagogic methodologies, the seminar was timed to the annual Puschino Winter School, which is attended by school students and teachers from different regions of the country). The district agent also wanted to attend the psychological training, but Ms. Ye. A. Kokorina explained it to him that strangers may not attend psychological training.

On April 1, the issue of Chechen teachers' participation in the Puschino Winter School was discussed at a session of the town administration, where Mr. M. A. Roytberg, the head of the Puschino Winter School, was reprimanded that, according to the rules effective in the Moscow Oblast, he had to inform authorities and law enforcement bodies about the arrival of the Chechen teachers in advance and provide their list.

We have been planning to conduct the third seminar during the summer vacation. In this connection we have to know how lawful the requirements to us and to the administration of the Puschino Winter School were, namely:

1. whether the police officers indeed have the right to ask to request copies of passports, photograph and fingerprint all residents of the Chechen Republic going to other regions of Russia,

2. whether there are effective rules at the territory of the Moscow Oblast, obliging organizers of events with participation from Chechnya residents to inform local authorities and law enforcement bodies about the events in advance and provide them with lists of participants, and if the rules do exist, what kind of rules those are (who and when passed them),

3. whether such rules are in effect only in the Moscow Oblast, or in the whole of the Russian Federation,

4. whether the special questionnaires for Chechen Republic residents to fill out as a part of registration procedures, introduced in the year 2000, are still in use.

Thank you beforehand for your reply.

Sincerely,

Svetlana Gannushkina

Chairwoman of the Civic Assistance Committee,

Member of the RF President's Council on Facilitating Institutions of Civic Society and Human Rights

Executing officer: Ms. Ye. Yu. Burtina

Appendix 9. Inquiry to the RF Federal Security Service

To the Director of the Federal Security Service of the Russian Federation,
Army General ALEXANDER VASILYEVICH BORTNIKOV

Dear Alexander Vasilyevich,

In August and September of this year, I twice addressed you with the question about the criteria used to detain citizens of the Russian Federation when they are crossing the border for long enough time to carry out a more thorough check of their documents.

I cannot consider satisfactory the answers that I received, bearing the signature of Mr. Zabrodin, the first deputy head of the border service, dated August 8 #21/1/1/1434 and September 11 #21/1/1/1485.

As I informed in my inquiries, Memorial Human Rights Center conducted a seminar on working with persons who went through stress for its officers.

At the same time, the seminar had to produce rehabilitative influence on the officers themselves, working in difficult and sometimes dangerous conditions.

It is quite obvious that the double incident at the border, when citizens of certain nationality were detained and their passports weren't returned to them for an hour without any explanations, couldn't but decrease the effect of rehabilitation and their joy of returning to the native land.

Mr. Zabrodin claims that the control was carried out in strict correspondence with provisions 6-10 of the RF Government Resolution No. 50 "On the order of application of means and methods of control when letting individuals, vehicles, cargo and animals across the state border."

Having studied the Resolution, I have selected the provisions, which had immediate effect on the members of our group.

The paragraph 7 of the Resolution reads as follows:

"Authorizing the border crossing, the state control bodies use the following methods of control in accordance with the federal legislation:

- a) documents checking;
- b) interviewing;
- c) obtaining explanations;
- d) surveying;

...

- e) body search; ..."

At the time when they took away passports of our colleagues, and the colleagues themselves were sent back behind the border line, there were conducted no interviewing, no explanations were obtained and no personal interrogation held.

In accordance with paragraph 8, "when performing the control, the state control bodies have the right to make a **motivated** request for additional documents and information in the written form to any individuals, public organizations, state authorities and bodies of local self-government who issued corresponding documents and determine the term of provision for the additional documents and information. "

The information was requested from me, as I have already written in my first letter, by Mr. Belov, a Federal Security Service officer, as our group was leaving the Russian Federation on August 22. They received lists of the group members from me, and I explained the objectives of the trip and informed them that all members of the group worked for our organization. However, I would like to underline that all of this information was requested by the border guards **without any motivation**.

At that, I have mentioned it to Mr. Belov when we were coming back and asked to pass the obtained lists and information to the brigade that would be on duty on August 31. My objective

was to prevent colleagues from unpleasant impressions on our return. Unfortunately, my request wasn't fulfilled.

Simultaneously with this, even before our flight, I composed a letter addressed to you containing questions that still haven't been answered.

As a matter of course, the Resolution No. 50 says nothing about the possibility to carry out the control proceeding from the ethnic identification, place of birth or residence.

As you realize, such an approach could be treated as discrimination, prohibited by the RF legislation and Article 14 of the European Convention on Human Rights and Fundamental Freedoms. Proceeding from the above, I ask you to give substantial answers to the questions.

- What were the reasons for scrutiny and delaying of our officers, solely those of them who resided or was born in Chechnya?

- What are the criteria used to carry out the described check of individuals passing border control at the airport?

- If the check didn't have to do with the ethnicity of the citizens under control (which I hope for), how can it be explained that only individuals of certain origin became subject to it?

- Why don't the border guards condescend to explaining (**motivate**) their actions, as is required by the Resolution?

I would like to hope that this time answers to my questions won't have a formal character. It is the responsibility of all Russian official bodies to cooperate with representatives of the civil society, therefore I ask you to view this letter as a part of such a dialogue.

I have to note one more time, that such problems at the border make RF citizens feel insulted, which isn't coercive with the mending of peaceful life of the Caucasus peoples and doesn't serve to the state interests of the Russian Federation.

Sincerely,

Svetlana Gannushkina

Head of the Migration Rights Network of Memorial Human Rights Center,

Member of the RF President's Council on Facilitating Institutions of Civic Society and Human Rights

Правозащитный центр «Мемориал»
103051, Москва, Малый Каретный пер., д. 12.

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