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Bulletin of the Human Rights Center “Memorial”

The Human Rights Center “Memorial” continues its work in that area in the North Caucasus, where armed conflicts are still going on. In this bulletin we give a short overview over the general situation of the three winter months 2007 and an abstract and a summary of how the situation is developing. This bulletin is based on materials collected in the North Caucasus by members of “Memorial” (these materials are also published on our website) and on information provided by news agencies and the media. Sources are sufficiently quoted.

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The decline of abductions and the human rights boom in Chechnya: Background information on the sensation

When talking about Chechnya's key problem in the last years, i.e. the abduction of people through security agencies, one could explain its decline as a "statistical uncertainty" still last winter, but in spring 2007 it has become a clear tendency: In the winter months the abduction of people virtually vanished, and for the first time this is acknowledged not only by state officials, but also by human rights activists and NGOs. At the beginning of May, the head of the Human Rights Center "Memorial" **Oleg Orlov** declared, "*For the first time the number of abducted people is declining. Up to now all information of the sort was extremely exaggerated by the officials, but this time it is actually true. At least we notice this decline, too*". According to **Orlov**, to solve this unhealthy problem, the authorities only had to advise their servicemen to drop the practice of abductions.

During the three winter months 2007 "Memorial" documented the abduction of four persons in Chechnya, of who two were set free by their kidnappers after a while and two have disappeared. In the same period of time last year "Memorial" documented 85 cases of abduction.¹ However, it is impossible for us to record all crimes of that type.

Human rights organizations repeatedly noted that in the last years the abductions were carried out mainly by members of different security structures, which were called into being during the "Chechenization" of the conflict. By all appearances, they received a corresponding order from the Chechen government in January 2007, which was vaguely mentioned in the press (*Gazeta.Ru*, 7.5.2007). Until then NGOs did not describe the abductions of people as a process controlled by the authorities. A good example for this was in March 2003, while preparations were being made for the referendum on the constitution, the apparatus of forced disappearances was switched off for a whole month. It is worth noting that during that period of time, mainly members of federal security services operating in Chechnya were responsible for the abduction of people.

One of the reasons for these changes (i.e. the decline) was that for many years human rights activists did not tire of pointing out the problem of abduction to the Russian and international public and put pressure on the federal and Chechen authorities.

So now the official authorities have developed a veritable anti-torture and anti-abduction campaign. For instance, one of the members of the Chechen parliament, **Ibragim Khultygov**, publicly declared, "*The practice of torture in Chechnya caused a situation, which might lead to a social explosion, whose impact one cannot foresee*". Using different words, the First Vice President of the Chechen government, **Adam Delimkhanov**, stated, that "*only through real endeavors of the Republic's government we can avoid a massive unrest of a population, who is discontented with the practice of torture and illicit investigation methods*" (*Interfax*, 4.5.2007). Statements like these were completely impossible to think of some months ago, but are not unusual now.

The reason for this is by far not only the officials' worries about their image and their efforts to appear as successful leaders of a region of the Russian Federation. There are other reasons too. This becomes clear if one looks at who the main targets of the Republic officials' critics are: Above all, it was ORB-2 and the Procuracy of the Chechen Republic that were attacked most.

¹ See: <http://www.memo.ru/hr/hotpoints/N-Caucas/misc/razr/12006.htm>

The conflict between the Chechen President, **Ramzan Kadyrov**, and the ORB-2 (Criminal Investigative Office #2 under the local department of the Ministry of the Interior of the South Federal District), which employs up to 150 persons, mainly in Chechnya, has already lasted since the beginning of 2006 and lies in the fact that ORB-2 is one of the few entities not directly subordinated to the Interior Ministry of the Chechen Republic, but loosely linked to it. ORB-2 carries out (or at least has carried out until very recently) unlawful detentions and torture of imprisoned persons. The accusations against ORB-2, which are raised by human rights activists² and official authorities of the Chechen Republic, are fully justified and reasonable. For now, as the official Chechen security agencies have abandoned the practice of abductions, this is the strongest argument against having ORB-2 continue its work in Chechnya. It embodies all evil and is fought against by the Ministry of the Interior of the Chechen Republic. On 4 May 2007, the heads of the Interior Ministry units of the Chechen Republic jointly addressed President **Kadyrov**, requesting him to take up the matter of expelling ORB-2 out of Chechnya directly with the Russian Interior Minister, explaining their motivation with the constant practice of systematic torture against persons under investigation. It is important to note that by taking such measures they disassociated themselves from these sorts of crimes.

In this fight Russian and international NGOs turned out to involuntarily serve as an ally for **Ramzan Kadyrov**. They had often expressed their concern about the investigation methods of ORB-2³, even before Kadyrov got into power. In March 2007, **Thomas Hammarberg**, the Human Rights Commissioner of the Council of Europe, and **Ramzan Kadyrov** proclaimed a common stand on ORB-2.

In fact the data on which the position of NGOs, in particular of "Memorial", is drawn allows to affirm that unlawful detentions and torture were practiced in ORB-2 until very recently. **Shamsudi M. Khadisov**, who had been unlawfully detained (actually kidnapped) on 14 February 2007 by members of unidentified security agencies, submitted a written declaration to the Grozny office of "Memorial" on 9 March 2007. The security officials who had detained him did not tell their names, had him handcuffed, pushed him into a car and drove off with him. He was brought to an undisclosed location, where they led him into a room, handcuffed him to a radiator and interrogated him whereby they applied torture using electric shocks. They wanted him to confess crimes he had never heard of before. The next day **Khadisov** was brought to ORB-2, where he was beaten again and as a result of that confessed to "his participation in a mine attack". After that he was brought to SIZO-20/1 in Grozny, where he withdrew the confessions made at ORB-2. Three days later he was brought to ORB-2 once again, where he was beaten again and threatened to be raped with a bludgeon. They ordered him to stick with the testimony, which was "necessary" to their investigations. The ORB members also threatened to kidnap, torture and rape his relatives. When he was no longer able to bear the torment, **Khadisov** tried to commit suicide and slit his wrists. Only after that did they bring him back to the pretrial detention center.⁴

We want to note that human rights activists and Chechen officials represent two essentially different positions. In the eyes of the former the problem of abductions and torture is inherent to the system and typical – at least until recently – for all security agencies on Chechen territory. Chechen authorities

² <http://www.memo.ru/hr/hotpoints/N-Caucas/doc11/2c.htm>

³ www.memo.ru/2007/03/19/1303071.html

⁴ www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m75390.htm

make efforts to accredit them to ORB-2 only, by this pursuing their own political goals. The latter support the human rights activists in their main demand to close the temporary detention facility located on ORB-2 territory, whose existence contradicts the norms of the legislation of the Russian Federation. The Chechen Republic officials demand the closing of the whole ORB-2, that demonstrates independence from the Republic's official authorities.

Additionally, the Chechen officials harshly criticize the Republic's Public Prosecutors Office. . One can assume that this critique is based on the same motives as the actions against ORB-2. Observers already noted that the Chechen Republic Public Prosecutors Office, headed by **Valery Kuznetsov** and in no small measure manned with employees on temporary mandate (critics call them "minions waiting in the wings"), is sufficiently independent from the Republic's security services. Complaints about the Public Prosecutors Office were expressed by the Chechen Republic human rights ombudsman, **Nurdi Nukhazhiev**, whose opinion gained considerable weight after **Ramzan Kadyrov** started talking in human rights terms. "*The analysis of answers from members of the Public Prosecutors Office on complaints of persons taken into custody about having been tortured testifies that all checks by the Public Prosecutors Office only pretend to have formal character and have a predetermined result*", **Nukhazhiev** said at a meeting of Chechen security officials on 4 May 2007 (*IA Regnum*, 4.5.2007). In the controversy with the Public Prosecutors Office he turned out to be a very successful character. Unlike many high officials of the Chechen Interior Ministry, he can quite sincerely clamor about abductions and torture, demand they be investigated and punish the perpetrators, while not being at risk to get accusations as an answer.

We would like to note that **Valery Kuznetsov** was absent in Chechnya the whole month of May, officially because he was "in medical treatment outside the Republic" (*Nezavisimaya Gazeta*, 23.05.2007). His employees could not give information on when he would return to the office, which does not exclude that **Kuznetsov** was "politically ill". He was substituted by Prosecutor **Vladimir Chernyaev**, who had to respond to **Nukhazhiev's** accusations.

It is recognized that the complaints concerning the Public Prosecutors Office are utterly reasonable and were several times brought forward by human rights activists. Its slow and ineffective work has several times been the subject of cases at the European Court of Human Rights. It is arguable that the Public Prosecutors Office sabotaged the investigations on many crimes against civilians. As a rule, crimes committed by federal security agencies remain uninvestigated.

On the other hand, right now under **Kuznetsov**, the Public Prosecutors Office started to investigate a number of crimes committed by representatives of the Chechen Republic security services.

It is possible that the Chechen Republic's Prosecutors Office published the details of the recently closed investigations in the case of the former police lieutenant **Ruslan Asuev** as a response to its critics. In 2005, Asuev was deputy chief commander of the regiment field squadron of the extra departmental security service for the protection of the petrocomplex of the Chechen Republic Ministry of the Interior (the Oil Protection Regiment, manned largely with former members of the security service of the President of the Chechen Republic). In the first half of 2005, together with a group of other members of the Chechen Interior Ministry, **Asuev** carried out several kidnappings with the intention to extort money from the victims' relatives and then kill them. They left weapons and a "suicide bomber's belt" with the dead bodies, masking them as "foiled terrorists" (*Vremya novostey*, 24.5.2007). Thus, the bandits ensured their successful rise in the ranks. The crimes of Asuev and his

band were investigated by institutions of the Chechen Republic Public Prosecutors Office, the FSB and ORB-2 (*Rossiyskaya Gazeta*, 16.3.2007).

Already in January 2007, two of **Asuev's** band members, **Islam Agaev** and **Aslan Dzhamulaev**, were sentenced to heavy imprisonment terms. The verdict stated that the convicted, "as firm members of an armed grouping under the veil of an Antiterrorist Center unit committed crimes of gangsterism by attacking people and subsequently killing them". The court noted that the band featured "structural stability, close interrelation between its members founded on a strict role allocation" and clear action coordination by the band members. **Agaev** was sentenced to 13 years in prison, **Dzhamulaev** to 12.5 years.

The verdict was not discussed in the media, just like the verdict of 26 December 2006 against 18 former members of the Antiterrorist Center, PPMS-2 and other Kadyrov-controlled police units (**Chapanov**, **Abuzidov**, **Burkhanov**, **Edishev**, **Kashtarov**, **Soltakhanov** and others), who from 2004 to 2006 "set up a firm band" and "being on duty", plundered local residents.

In mid-March 2007, *Rossiyskaya gazeta* wrote about the **Asuev** case. In this article lurid details of the case were published, but nevertheless there were hardly any reactions to it. At the end of May, however, all newspapers wrote about it, although the **Asuev** trial had not yet begun.

In *Kommersant* the details of the **Asuev** case were commented by ORB-2 chief colonel **Aslambek Khasambekov**, a man almost unknown in public, who seldom gives interviews. "Memorial" repeatedly pointed out the sustained and close liaison between the work of the Public Prosecutors Office and ORB-2. However, in mid-March, the Public Prosecutors Office initiated a criminal case on the beating of Goyskoe resident **Ramzan Khasiev** by ORB-2 investigators.⁵ **Ramzan Kadyrov** took the investigations of this case under his personal control. The **Khasiev** case is also closely monitored by "Memorial" lawyers. So far one gets the impression that the investigating officers of the Public Prosecutors Office do not demonstrate special eagerness in their investigations.

On 24 May 2007, the Procurator General's Office of the Russian Federation gave information about yet another criminal case of four members of the Bureau of Criminal Investigation of the Chechen Ministry of the Interior, who were accused of abuse of office and abduction. According to the case files, the authorized operation officers arrested an Ingush resident, brought him to the Chechen Ministry of the Interior building, held him for three days in their office, where they had him handcuffed to a radiator, and blackmailed USD 20,000 from his friends. The policemen were arrested and the court chose to apply pre-trial restrictions in form of prior detention.

That the Public Prosecutors Office has published these facts of the distance swordplay between **R. Kadyrov** and the heads of ORB-2 shows that the involved federal authorities are ready to fight for their position in the Chechen Republic. It is unpredictable how the confrontation of the Chechen Public Prosecutors Office and its ORB-2 ally with the forces controlled by the Chechen President is going to end. However, it is necessary to mention that one direct consequence of this fight will be a decline in the number of serious crimes, mostly abductions, which literally scourged the Republic in the last years. From this point of view one can only appreciate such a fight.

⁵ see:

www.memo.ru/hr/hotpoints/caucas1/msg/2007/02/http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m75384.htm75584.htm

Nevertheless we want point out that although it is acknowledged that these criminal bands consisted of agents of official authorities, “who committed crimes while being on duty”, the investigation organs and the court do not follow up on the chain responsibility for these crimes and stay away from the logical conclusion that the responsibility for the widespread and systematic practice of torture, abduction and disappearance of people in Chechnya lies with the state institutions.

Finally, following curious incident should be mentioned: When the chairman of the Audit Chamber, **Sergey Stepashin**, came for an official visit to Chechnya, something very unexpected and unpleasant for the Chechen authorities happened, about which the media hardly received any information (*Profil magazine*, 4.6.2007). On 24 May 2007, **Kadyrov** and his guest decided to visit the new building of the Chechen FSB Department. However, his security guards and numerous followers were not allowed to pass through inside the complex of buildings. As a result, the FSB complex got rapidly surrounded by **Kadyrov’s** armed men and from inside the gates were welded together by the defending FSB servicemen. The besieged took up defensive positions and set up sharp shooters on the roof. This clear demonstration of power and independence by the local FSB Department, an institution which leads a shadow existence and is almost not present in the media, shows that after the struggle with ORB-2 and the Republic’s Public Prosecutors Office a new Rubicon lies ahead of **Kadyrov** – and maybe it is going to be the last one.

Ingushetia – “Island of Peace” or centre of the standoff in the North Caucasus?

The situation in Ingushetia in 2006 and the beginning of 2007 remained unstable and often explosively dangerous. In spring 2007, most news in “Memorial’s” information summaries focused on Ingushetia and the general situation of instability rather than news on terrorist attacks and fights. About these terrorist attacks and fights in Ingushetia there is less information available as it has been and is the case in Chechnya.

The Republic’s main problem for already over half a year remains the unlawful acting of security forces - both local ones and from neighbouring Chechnya and North Ossetia - which cannot always be identified. The smallest republic in the North Caucasus confidently marched up to the top position in the number of abductions in relation to its population size, leaving Chechnya far behind. According to “Memorial’s” monitoring statistics there were 12 persons abducted in Ingushetia in the spring of 2007, some of whom were later released or successfully traced. Among the persons abducted was a close relative of Ingushetia’s President **Murat Zyazikov**, **Uruskhan Zyazikov**,⁶ although his disappearance is most likely not linked to the official power departments.

Another thing contributing to the uneasy situation in Ingushetia are some already almost forgotten mopping-up operations from the last years: passport control operations; in April and May in the villages of Ali-Yurt, Surkhakhi, Gayrbek-Yurt, in the Cossack village Voznesenskaya and the town of Malgobek. The operations lasted from several hours to several days and were carried out jointly by federal and local security forces (in cases where their departmental identity could be determined). Although, generally speaking, in their last special operations the security agencies disallowed major

⁶ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m75384.htm>

violence against civilians, did not plunder and did not abduct people, all procedural irregularities, such as refusing to identify themselves or show their documents, roughness and obscene language against local residents, were part of the operation procedures at all stages.⁷

It is attracting attention that in Ingushetia sometimes similar operations are in force for a long period of time. The military has time to settle in the outskirts of populated areas, pitch a tent camp, dig a trench shelter and thereby raise the assumption with the local residents that they would stay for a long time. As human rights activists have observed, the results of these operations are insignificant: Only once was a wanted militant, **Daurbekov**, detected and then, by the way, taken to an undisclosed location.⁸

None the less, the barbarous special operations for the “neutralization” of persons suspected to be members of illegal armed groupings, which were heavily perturbing the local residents in spring 2006/07, almost ceased. Mainly these barbarous special operations were executions of unarmed persons with a precise shot in the head, often in front of many witnesses. Subsequently the dead were declared “militants”, and the special services could report on another success.

In spring 2007 “only” one suspect was killed this way: On 15 March 2007, **Khusen Mutaliev** was shot in his yard, and then immediately declared to have been an “ideological leader of illegal armed wahhabit groupings”.⁹ According to human rights activists, **Mutaliev** was not a wanted person and there were no criminal charges pending against him, although he had previously been arrested by law enforcement agencies.

All in all, one gets the impression that because of public opinion and the work of human rights activists, the fight against terrorism changed from executions to “softer” forms, such as abductions (which usually implicate torture) and mopping-up operations.

The actual situation in Ingushetia in the last months was described in the report “The Lost Right: Violence Without Borders” by the head of the human rights organization “Mashr”, **Magomed Mutsolgov** (the entire report was published on the organization’s website¹⁰). In the report, the problem of abduction of people (until the beginning of 2007, 144 persons had been abducted) and their subsequent detention in the remand prison in Vladikavkaz is analyzed and the tactics of the fighting operations in the residential areas are closely looked at, etc. It is possible that the publishing of this report is the reason why “Mashr” is imposed by pressure and why **Mutsolgov** was repeatedly advised to engage “in something else” and to stop annoying the authorities. In the internet news it emerged that the Ministry of the Interior of the Republic of Ingushetia was preparing a provocation in terms of defamation or even murder against him (*Ingushetia.ru*, 2.5.2007). The NGO “Mashr” has been in existence for 15 months. Over that period, it has been officially and unofficially checked over ten times and audited by various authorities, including by the prosecutor's office, the FSB and the Registration Service (state agency working under the Russian Ministry of Justice, tasked with

⁷ www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m78456.htm,

www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m75582.htm,

www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m74371.htm

⁸ www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m75583.htm

⁹ www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m69045.htm

¹⁰ <http://www.mashr.org/docs/report.pdf>, 19.2.2007

supervision over NGOs). However, not a single check revealed any infringements by the organization.¹¹

It is highly appreciated that the authorities in the Republic of Ingushetia are able to maintain peace and order, no matter how much the republic is shaken by misfortune. For instance, on 23 May in Nazran, a young man was abducted by persons in a Gazel car with Chechen license plates. At the same time, Ingush President **Murat Zyazikov**, who has recently celebrated his fifth anniversary in power, was talking in the Kremlin to **Vladimir Putin** about the economic successes and his fight against unemployment. Neither the problem of abduction of people nor the problem of the refugees in Prigorodny District in North Ossetia was discussed (*Republic of Ingushetia. The official site, 22.5.2007*). In general, at least from an official point of view, the Republic of Ingushetia can be described as an “island of peace” in the North Caucasus, and the period of **Murat Zyazikov's** presidency as an “era of national rebirth”, as the *Nezavisimaya Gazeta* (26.4.2007) wrote in a tone not typical for the newspaper. *Moskovskie Novosti*, whose correspondents did not ask Zyazikov a single uncomfortable question in a long interview (see *Moskovskie novosti, 1.6.2007*), also joined the campaign for a “positive image” for the Ingush President.

Ingushetia – North Ossetia

The lack of stability in Ingushetia is heavily accentuated by the after-effects of the 1992 conflict (with North Ossetia), which have not been overcome yet, particularly in the Prigorodny District in North Ossetia. The problem is now concentrated around the village of Mayskiy. The Government of the Republic of North Ossetia-Alania aspires to resettle those Ingush families, who so far stayed in North Ossetia-Alania, to the neighbouring purpose-built village Noviy (lit. ‘New’) in Ingushetia. For the moment there are trailers and temporary barracks standing on the grounds of the site of the village to-be. But it is important for the authorities to show Moscow that those internally displaced persons who so far have not had the chance to return to their former dwellings, are now ready to build new homes elsewhere.

At the end of spring 2007, 15-23 Ingush families (about 100 persons) remained in Mayskiy, as they feared that by moving they would lose their status as IDPs and hence would not be able to claim any further governmental support in obtaining new dwellings.¹² In the case of the village of Mayskiy, the authorities act considerably correct. However, the problem of return is not solved for many Ingush staying in different places in Prigorodny District and Vladikavkaz. To draw the attention of the federal authorities to their problem, Ingush refugees, who had arrived in Moscow already on 14 May 2007, embarked on a hunger strike at the building of the Federation Council of the Federal Assembly of the Russian Federation (Upper House of Parliament) on 30 May 2007. However, they broke up the hunger strike the next day, when the deputy speaker of the Upper House, **Aleksandr Torshin**, and the Ingush senator **Vasiliy Likhachev**, welcomed the refugees. **Torshin** promised that the problem of Prigorodny District would be discussed in the Federal Council no later than 14 June 2007 (*Ingushetia.ru, 31.5.2007*).

The regular participation of representatives of the legal body of the Republic of North Ossetia-Alania in special operations in Ingushetia, with the aim to capture persons suspected of terrorism and

¹¹ www.memo.ru/hr/hotpoints/caucas1/msg/2007/05/m78449.htm

¹² www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m78467.htm

membership of the resistance, does not contribute to a normalization in bilateral relations. In several cases the servicemen identified themselves, as it happened on the arresting of **Magomed Gazgireev** on 4 April in the Cossack village of Ordzhonikidzevskaya,¹³ but more often they act differently: Wearing masks they break into the house, beat the residents and take the “arrested” persons to an undisclosed location. Most of the times the abducted persons later reappeared in the remand prison in Vladikavkaz. Such a practice causes tensions, for which events like the one on 29 March 2007 at the administrative border of Ingushetia and North Ossetia have become typical. Members of the Road Patrol Service of the Ministry of the Interior of the Republic of Ingushetia halted a convoy of three cars, in which they discovered almost 20 members of the Regional Directorate for Combating Organized Crime (RUBOP) of the Ministry of the Interior of North Ossetia-Alania and a resident of Ingushetia who had been abducted by the former. With joint effort, the Ingush policemen and the relatives of the man, who had hurried to the place of the incident, freed the latter. However, one car with supposedly another abducted person successfully escaped on North-Ossetian territory. More servicemen of the Ministry of the Interior arrived at the station and took the arrested RUBOP members to the Ministry of the Interior of the Republic of Ingushetia. According to witness accounts, all in all 15 servicemen were arrested.¹⁴ The commander of the Directorate for Combating Organized Crime of North Ossetia, **Mark Metsaev**, immediately declared that there had been no conflict between the policemen at all, “*We carried out an ordinary operation. We arrested a contraband gold smuggler in Ossetia, but his accomplice escaped to Ingushetia. Our men pursued him and in doing so crossed the border*”. According to him, his men were authorized to operate on Ingush territory without informing the local Ministry of the Interior about it, on which, however, members of the Ingush Ministry of the Interior showed incomprehension. “*Now the situation is completely settled, the arrested person will soon be convoyed to Vladikavkaz,*” **Metsaev** declared (*Kommersant*, 30.3.2007).

Another conflict between policemen of the two republics ended with mutual hostage taking on both sides: On 27 April 2007, at the city border of Nazran at the “Yekazhev intersection” at the national “Kavkaz” highway members of the Road Patrol Service of the Ministry of the Interior of the Republic of Ingushetia detained two members of the Ministry of the Interior of North Ossetia-Alania. They had discovered a soldier of the Ministry of Defence of the Russian Federation in their car, and it turned out that they had sold him a wanted car earlier, then took it away from him and now offered it for buyback. The same day members of the Road Patrol Service of the Ministry of the Interior of the Republic of North Ossetia-Alania, who were on duty at the KPP-105 station at the border of the two republics (“Chermenskiy area”) started, without motive, to detain bypassing members of the Ministry of the Interior of the Republic of Ingushetia and took them to the Regional Department of Internal Affairs of the Prigorodniy District. More than 20 persons were arrested that way. On 28 April 2007, the policemen from North Ossetia, who had been arrested in Ingushetia, were turned over to representatives of the Ministry of the Interior of the Republic of North Ossetia-Alania.¹⁵

These sorts of incidents clearly do not contribute to a normalization in the bilateral relations in the former conflict zone.

¹³ www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m71872.htm

¹⁴ www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m70379.htm

¹⁵ www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m78470.htm

Mountain residents without mountains: The situation of residents of Chechnya, who were forced to move from the mountains to the plains after the revival of the armed conflict in 1999

At a joint press conference on 13 March 2007, **Kh.N. Bakhaev**, **E.Yu. Burtina** and **L.Z. Genel** from the "Civic Assistance" Committee, and the "Memorial" representatives **L.S. Yusupova** and **A.S. Titiev** presented the report "The Situation of residents of Chechnya, who were forced to move from the mountains to the plains after the revival of the armed conflict in 1999". The report is based on the results of field research that was conducted from 11-13 December 2006. As a part of the press conference at the Independent Press Center the documentary film "The Crying Sun" was shown, in which the village of Zumsoy is presented as an example for the overall devastation and desolation in the high mountain villages. As they are little in number, they were temporarily staying outside Chechnya and had not obtained the official status of refugees, for a long time neither the state nor NGOs paid any attention to the fate of the mountain residents who had left their villages. However, it is in fact thousands of people who had been separated from their homes, did not benefit from social allowances and were forgotten by the local authorities. Human right activists interviewed members of 105 different families who had left their homes in the mountain areas of Chechnya. Most of them left in 2002, the year of the heaviest combats in the mountains. Their reason for leaving their homes was stated to be permanent violence against them, both from "federal" soldiers and rebel fighters. One in four families reported a family member to be killed, hurt or having disappeared without a trace as a result of the mopping-up operations and bombings. The houses of many families were destroyed.

Now these people live in poverty in the plains. Hardly any of them have permanent registration addresses or employment. Only 11 of the 339 persons interviewed who were of age to be employed have permanent jobs. It is true that with the help of relatives many built their own houses out of adobe and straw, but since they do not have registration documents or property they cannot consider themselves owners of these houses.

The left villages (the interviewed persons come from 20 different villages) are in a state of utter desolation; the infrastructure is destroyed and it is impossible for them to return in the near future. The death of the Chechen mountain villages is also a cultural catastrophe, as the original and ancient Chechen mountain culture is getting lost.

It should be mentioned that recently there was a fundamental change in how the government of the Chechen Republic understands the problems of the mountain and high mountain districts. Only last year, **Kadyrov** announced plans to transform the areas into a tourist resort zone. At that time, these announcements were rather perceived as propaganda, but within the last months the authorities made real steps forward in this direction. So the hope was raised that the many socio-economic problems of the mountain residents – almost 100% unemployment, substandard living conditions, destroyed infrastructure and a significant percentage of refugees - are starting to be solved.

In spring 2007, **Kadyrov** regularly visited the Vedenov, Shatoi, Sharoi, Itum-Kale and Nozhay-Yurt districts, held executive retreats with the government and re-organized the cadre. Now the Government of the Chechen Republic arranges separate reconstruction measures as part of its complex programme for the development of the mountain districts. The regional authorities work out programmes for the development of the local agricultural sector and submit them to the Government

of the Chechen Republic. In particular, it is suggested to revive the tobacco production, highland sheep breeding, horse breeding and other locally traditional branches of agriculture (*Press service of the chairman of the government of the Chechen Republic, 20.4.2007*).

Indeed, there are plenty of measures that bring the mountain residents what they did not have in Soviet times: Their villages received wire and cellular telephone access, as well as gas supply and a water pipe network. In the Nozhay-Yurt district a coating plant was built and soon a brick making plant will be opened. Asphalt roads are now leading where they did not lead to before the war, and bridges have been built. There is construction on the way to extend the gas supply network to the Vedeno district. The plan foresees that by the end of next year every house will be connected to the gas supply and water pipe network. Over seven years, the center of the region (the town of Vedeno), degenerated, and so did even its very old park, as it served as a training ground for the military, the neighbouring streets and the district's cultural center. Now these sites are reconstructed: The cultural center, the park, the administration buildings, the streets and roads, the main square and the pavements are all under construction and changing virtually every day. In the Itum-Kale district, reconstruction work is also carried out on a big scale: schools and hospitals, bridges and industrial facilities are being built.

In March 2007, the question of creating conditions for the return of the mountain residents to their home villages was raised. It was recognized that "*over the last years many mountain villages were left by their inhabitants, and one settlement after the other disappeared from the map of the Republic*" (*Press service of the chairman of the government of the Chechen Republic, 30.3.2007*). The government of the republic carries on negotiations with the heads of FSB (to which the Federal Frontier Service is subordinated) about the villages near the boarder, to which their former residents were not allowed to return earlier. So far they could agree on the resettlement to the village of Motskari in the Itum-Kale district.

War after peace

In spring 2007, the armed opposition in the North Caucasian conflict zone continued. As earlier, the war was conducted on two fronts: a real one and a propaganda one, and this "second front" often contests the first, thus considerably deforming the picture of the actual events taking place. The contradictory parties see the situation in an antipodal way. **Ramzan Kadyrov** insists after **Basayev's** death: "*Today, the insurgents do not represent any longer a danger for us. Now only small groupings are left in the republic - the remains of the illegal armed formations. Besides they do not get any support from the local residents. (...) And the crime rate in the republic is considerably lower than in the regions nearby.*" (*Regnum News Agency, 18.4.2007*).

In turn, the president of the unacknowledged Ichkeriya, **Dokka Umarov**, does not get tired of attracting attention to his person. His interviews periodically appear on separatist sites like *Kavkaz-Center* and *Chechen-Press* (see for example: *Chechen-Press, 15.3.2007, 8.3.2007, 23.2.2007*). His announcements are stereotypic, and its contents are rather similar to his previous comments from the summer of 2006, when he took office: the forces of the mojaheds are being reorganized, thousands of young men ask to join them, but the forces of resistance cannot arm all people who are actually interested in that, etc. [sic.] The whole treatment of the conflict is based on the idea of jihad as the confrontation of so-called "true Muslims" who can only exist in a condition of jihad and so-called

traitors who "grasp for the cow tail" [in its literal interpretation] already having chosen economic well-being. At the same time, it is interesting to note, that perhaps for the first time a separatist leader encourages and welcomes the independent struggle of self-organized military groups as "*djamaat fighters*" ("*voennye dzhaamaty*"), and even so-called "*revengers-on-their-own*" (*mstiteli- odinochki*). Also very uncommon is the appeal for "Muslims, who serve in power structures of the enemy, but fear the anger of Allah" to desert. Earlier, the relationship of the separatists to what they call "*national-traitors*" ("*nacional-predateli*"), or *hypocrites* ("*munafiki*") was irreconcilable. Whether the disintegration of a uniform command is a sign of resistance, a degradation of resistance itself, or only propaganda rhetoric is difficult to say. We can only note that earlier theses of a uniform command, a regular war and ruthlessness to traitors were used in all announcements of the insurgents as a refrain. We also need to add that in the spring of 2007, the insurgents lost one more leader of higher echelon. On 4 April 2007, **Suleyman Imurzaev**, commonly known as **Khayrulla**, was killed in Chechnya. He was a man from the nearer circle around **Shamil Basayev**, who was commander (a so-called "emir") of the insurgents' "East front".

However, despite the significant successes in the suppression of the insurgent underground in the Northern Caucasus, fighting and acts of terrorism in Ingushetia, the Chechen Republic and Dagestan continue unceasingly. At least, because of the green cover in the mountainous and forested districts, the epicenter of the fighting moves to the south, while the number of storms of apartments and privately owned homes, which in winter 2006/2007 occurred almost weekly, has decreased. The figures listed below are calculated on the basis of data from the web-site *Voine.net*,¹⁶ which accumulates information on people who became victims in the conflict zone from the main Russian news agencies. In March 2007, soldiers, militiamen and other law enforcement bodies lost 8 people who died, and 14 of their people got wounded. In April 2007, these figures showed 28 people killed (from these, 18 people died on 27 April 2007 in a catastrophe in the Shatoi district, when a military helicopter was probably violently brought down by the insurgents) and 22 people wounded; and in May 2007 - 12 killed and 30 wounded. The overall number for the three spring months is 48 killed and 66 people wounded. This number can be compared with the winter period 2006/2007, when 31 people were killed and 79 wounded. Thus, the occurrence of "dense foliage" has not significantly affected the activity of the insurgents, unlike during the similar period of last year when the actions of the separatists became much more intensive in spring. It became the reason for high losses of the Russian military and local militiamen. For example, in May 2006 law enforcement bodies and soldiers lost 43 people and had 101 wounded as a result of fighting operations, bombardments and explosions. In April 2006 there were 26 people killed and 51 persons wounded (according to figures from "*Voine.net*"). The insurgents, who at this time still were under the leadership of Basayev and Sadulayev, quite often engaged in open fights with soldiers and militiamen, often using heavy arms, including grenades, and actively engaged in a mine war. Currently these tactics, which demand significant human and material input, are used less and less often.

During spring 2007, the number of insurgents killed and people detained under suspicion of participation in resistance grew. According to the webpage "*Voine.net*", in March 2007 there were, accordingly, 10 and 7, in April 2007 it was 6 and 28, and in May 2007 it was 17 and 19 persons. Additionally, within the three spring months, 25 caches of weapons and ammunition were discovered,

¹⁶ Note of editor: the name of the webpage is obviously a kind of play with words, for it literally can be translated as "*no to war*", since it, as many sites on the www, contains the Russian word for no, *net*, in one of its possible transcriptions

collectively a rather significant arsenal. The main bulk of victims, and also of arrested suspects, are from the Chechen Republic.

To try to establish the number of insurgents when relying on information from official representatives of the authority structures is, as always, an ungrateful business and invariably leads into a deadlock: each department operates with its own figures calculated on the basis of data from unknown sources. So we can only list them (all of them concern Chechnya): 300 insurgents and "active and passive accomplices" (according to the military commandant of the Chechen Republic, Major General **Leonid Krivonos**, 11.5.2007); 70-90 groups with an aggregate number up to 800 persons (Commander-in-Chief of the Ministry of Interior troops, Colonel General **Nikolay Rogozhkin**, 24.3.2007); 37 groups with an aggregated number up to 450 persons (according to the head of the Russian forces' general staff in the North Caucasus, General **Arkady Edelev**, 19.3.2007) (*RIA Novosti*, 19.3.2007, "*Newsru.com*", 11.5.2007). All these figures were already given by the same people in the past year; neither amnesties, nor the successfully conducted special actions made any change. The only thing that can be understood through the generals' statements is that the armed resistance is not over and that howls of victory are premature.

In order to bring some more evidence, some examples are listed.

On 7 April 2007, in an area located in the neighborhood of the villages Hashki-Mohk and Gordali in the Nozhay-Yurt district of the Chechen Republic, there was a fight between staff members of the Chechen law enforcement structures and a group of insurgents. The Chechen law enforcement structure had received operative information that a group of armed people from Dagestan were moving ahead into Chechnya. Employees of the "Neftepolk" (the Oil Protection Regiment), the Nozhay-Yurt ROVD and of the battalion "Sever" ("north") were ordered to catch the insurgents with the support of helicopters. A fight broke out, which lasted for about 30 minutes. As a result of the fight, two employees of the "Neftepolk" were killed (**Valid Basaev** from the village Kokshelda; it was not possible to find out the name of the second victim) and one fighter of the battalion "Sever" (**Isa Bisaev** from Novogroznensk).

Four more employees of the law-enforcement structures were wounded. Two killed officials, Bisaev and Basaev, had previously been active participants of operations against the federal troops. There is no data about human losses among the insurgents. Within the next 10-12 days, militiamen from the Nozhay-Yurt ROVD (Regional Department of Internal Affairs) and employees of the battalion "North" combed through the area where the fight took place with the purpose of finding the group of insurgents who fled, but without results.¹⁷ On the separatists' website *Kavkaz-Center*, the event is described as a whole battle, during which dozens of people from the Russian side were killed. Furthermore, it gives also alleged details - taken from the negotiations of the village elders with the insurgents - about the process of gathering the corpses of the Chechen fighters of the battalion "North" and of militiamen from the battlefield remaining there after the separatists had left, altogether 59 corpses. (*Kavkaz-Center*, 11.4.2007). It is quite probable that this message is a result of the information war in which the separatists always used to succeed.

On 4 March 2007, near the village of Sharo-Arun in the Sharoy district of the Chechen Republic there was another violent fight between members of the battalion "North" and a group of insurgents. During the fight, a 16-years old inhabitant of Grozny, **Yusup Seriev**, was killed. About seven months before,

¹⁷ www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m75386.htm

Seriev had left for a pilgrimage to the tomb of mother Kunta-Hadzhi together with friends, and since then had not returned home. Some days after Yusup had left home, employees of official power structures in Grozny took **Yusup's** older brother, **Ilyas**, from his own house. Ilyas was kept in the police station of the Shatoi district (the **Serievs** originally come from this area) for four days before releasing him. The destiny of Yusup remained unknown to his family. Only on 4 March 2007, they found out that he had stayed in the mountains together with the insurgents.¹⁸

The age of the killed insurgents attracts our attention. At times, among them are 15-16-year-old young men. Here we need to remind the reader, that **Dokka Umarov** not without satisfaction ascertains that there is a "problem" - an "inflow" of youth and not enough weapons to arm everyone. On 25 May 2007, this was recognized by the other party. The Chechen mufti, **Sultan-Khadzhi Mirzaev**, came along with a sophisticated speech to the parents of the Chechen youth, where he evoked them to conduct explanatory work "*three times a day*", in which they should explain to them the harm of wahhabism (*Interfax*, 25.5.2007). The mufti estimates the number of teenagers who left to the mountains as "*about two dozen*" – a figure that separatists immediately challenged (see website *Daymokh*, 25.5.2007).

As "Memorial" found out, the public statement of the Chechen mufti somehow summed up a meeting of the Minister of Internal Affairs of the Chechen Republic, **Ruslan Alkhanov**, and the deputy prime minister of the Chechen Republic, **Adam Delimkhanov**, with relatives of people, who are on the list of people searched by the police. The meeting took place on 19 May 2007 in Grozny. It was informal, that is without unwanted publicity; our legal experts were informed from the relatives, who participated in the meeting about the matters discussed. In the hall there were about one hundred civilians from different regions of Chechnya and approximately as many employees of the authorities' structures. Some people witnessed that in the last months before the meeting, dozens of young men "*went away to the mountains*". This happened after the amnesty term had ended. There is no hope for them, but they leave anyway, knowing that in doing so they cause serious problems for their own families; relatives had been killed in the course of military actions, they had been exposed to torture or humiliation, they were in constant danger of being kidnapped and accused of participation in the so-called underground. It did not turn out to be a business-like and fruitful discussion. **Delimkhanov** basically spoke most, it was announced, that now there would not be mercy to anybody, and that if any of the insurgents fall into the hands of the siloviki "*they will cut their heads off*". He also promised, and **Alkhanov** confirmed, that masked "siloviki" would rush in at night at the homes of those families who supply their left sons with meals and clothes. There will also be punishment for neighbors who knew about the intentions of those who left. When the word was given to relatives, an elderly person said that if his son was caught, he would allow them to do anything with him. But a woman at the other end of the hall began to ask for her four sons. In her opinion, the three who live with her should not be responsible for the one who left. But she was told again that the whole family will be responsible for one who left. Additionally, it was said that if in the village an employee of a law-enforcement agency or any other authority structure was harmed, all relatives of the insurgents living in the village would be punished. The meeting lasted for approximately one hour. On 31 May 2007, there was no information that any of the people who left had yet returned back home.¹⁹

Speaking about the tactics of the struggle against terrorism, it is necessary to emphasize that the "siloviki" still try to fight their opponents with mass fire in order to keep their own losses to a

¹⁸ www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m74598.htm

¹⁹ www.memo.ru/hr/hotpoints/caucas1/msg/2007/05/m83810.htm

minimum. In this connection, casual lessons of peaceful inhabitants – passers-by or people who live in a neighborhood, which is chosen for a storm - became more frequent. So, in April, during the storm of an apartment house in the Untsukul'sk area in Dagestan, a woman was wounded. On 20 May 2007 in Khasavyurt, two passers-by (including a child) who got between the casual fire of militiamen were wounded and died as a result of their injuries. On 22 May 2007, militiamen opened direct fire on a suspect at a crowded roadhouse in Kaspisk, wounding three people.

Details of one such tragic incident that happened in Chechnya was told to "Memorial" by some of its victims. In the morning of 24 March 2007, close to the village Urdyukha in the Shatoi district military, men of the local commandant's office shot three local inhabitants. One of them, **Khaldat Mutakova**, born 1969, was killed at once. The two others, **Zalpa Mutakova**, born 1967, and their daughter-in-law, **Zaira Kasumova**, born 1980, received heavy gunshot wounds. The women, who were out in the wood to collect ramson, were obviously taken for insurgents by the soldiers. According to one of the survivors, **Zalpa Mutakova**, they opened fire without warning. One of the women had enough time to call relatives on her cellular telephone, which she also told the approaching soldier. We must add that after this the soldiers understood their mistake and paid attention to what the women tried to tell them. Together with the family, who in the meantime had arrived running from the village, a half a kilometer away from where the incident took place, the military officials rendered the victims first medical aid and then arranged for their transport to hospital. The head of the scouting troop, who accidentally shot the women, was detained.²⁰

The reconstruction of Chechnya

The reconstruction of Chechnya has become a reality even for committed doubters. "*If you want to see the ruins of Grozny, then it is better to go there quickly*", so the appeal of the British *The Independent* to lovers of extreme tourism. The foreign correspondent walks the center of Grozny with an unhidden astonishment and looks at the repaired pavements and fountains. "*The changes are really impressive*", confirms a Belgian journalist (*Le Soir*, 14.3.2007).

Larger building and restoration works are being conducted in all four regions of Grozny. Earlier, in the Leninsky district, two micro-regions were rebuilt, and in the Staropromyslovsky district a cottage village called "Vozrozhdenye" has been opened, where dozens of families from so-called temporary accommodation centers have been settled. In the Oktyabrsky district of Grozny alone, there are plans to finish more than 3.000 apartments by the beginning of summer 2007. On 4 May 2007, about two hundred Chechen families from temporary accommodation centers received accommodation in the new village "Ramzan". The village is being developed in Grozny's Staropromyslovsky district (*Nezavysimaya gazeta*, 11.4.2007). Until the end of May, in Grozny's Oktyabrsky district, 83 multi-storied houses, totaling 3.400 apartments were finished. There are plans to finish 720 restored and 27 inhabited houses with a total space of more than 2.2 million square meters during 2007. There are also economic infrastructures developed, including a supermarket, a combined trade and exposition center, a shopping center, a central mosque, a sports complex named after Akhmet Kadyrov, a students' campus, a museum complex, a governmental concert hall etc. All of this is being built anew.

²⁰ www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m70047.htm

There are attempts to settle the process of distribution of housing space in Grozny. In March 2007, a special commission was founded in order to check the legality of the residence of the present owners in the flats. The necessity of such a check was provoked by numerous cases of so-called self-squat ("*samozahvat*") of vacant apartments in the previous years. It is being announced that the place of illegal inhabitants will be taken by the most needy refugees from the TACs. (*Nezavisimaya gazeta*, 26.3.2007).

Such a benchmark building project needs huge financial input. If, by the federal program "Reconstruction of the economy and the social sphere of the Chechen Republic" from 2002 to 2006, 30 billion of rubles were invested, then in the period from 2008 to 2011 the Chechen authorities ask for 104 billion. For 2007, there is planned to schedule 11 billion rubles. Attempts to shorten the amount of funding causes opposition from Grozny. For example, **Kadyrov** personally offered **German Gref**, who shortened the federal program for reconstruction works for 2008-2011 by about 40%, employment with them in the Chechen government. The president of the Chechen Republic is very discontent with the federal officials: "*When we take up the question of restoration, everybody is OK with it and promises to do everything necessary, but at the same time there are no resources allocated.*" (*Chechnya Free.Ru*, 25.5.2007). In fact, the funding of reconstruction works is not being prolonged for the first year. According to facts from the Chamber of Accounts of the Russian Federation, from the federal target program "Reconstruction of the economy and the social sphere of the Chechen Republic" there have been used only 81,2% of the open resources (22,5 billion rubles). The program for 2006 in its final form was updated only on 25 April 2007. A similar situation is repeated this year. The parameters for the Program for 2007 in Moscow have not been specified until now, the list of buildings and objects to be financed for 2007 has yet to be generated, the departmental responsibility is uncertain. Resources of altogether 11,8 billion rubles, which have been stipulated for 2007, are certain for the "administrative regions" of Russia and have not been distributed until now (*Official site of the Audit chamber of the Russian Federation*, 24.5.2007). Delays in the reception of the stipulated amount of money can be explained by the slow output of project-design documentation from Chechnya; frequently, such documents do not even exist at all.

In that case, at the expense of whom is the city being restored? Ramzan Kadyrov's answer to this question is interesting: "*The rates of construction in the republic are so high that we now basically build, thereby we use some red tape ... We try to rely basically on our own strength. We take credits, we borrow, in general, we look for all possibilities.*" ("*Rossiyskaya gazeta*", 10.7.2007). The means received as a result of "*looking for all possibilities*" (their sources are not disclosed) are accumulated in the "*Fund named after A.A.Kadyrov*", which acts as a "buyer" of all regenerative works in Chechnya. This curious fact can be read by every person interested, on a big information board on the Friendship-of-people square in the center of Grozny. At the same place it is possible to learn that from means of the fund there were already more than 80 thousand sq. m. of habitation restored in Argun and Gudermes, as well as the "Severnny" airport, the main streets of Grozny and much more.

Thus, in the opinion of the head of the human rights center "Memorial", **Oleg Orlov**, with regards to the restoration of Chechnya, "*absolutely opaque financial schemes are being applied, it is rather a massed, not a targeted expenditure of budgetary funds*" (*Gazeta.Ru*, 7.5.2007). "*There is also an exactly fixed quantity of houses, fixed by the heads of the according districts of Chechnya, which they are obliged to restore. – points out O.Orlov .- And they should find means for this restoration in any way independently. It is clear, that such an approach to restoration stimulates also no-purpose expenditure of budgetary funds, plunders and puts some tasks to the population*".

Federal officials are under a strong impression from the changes happening in the republic. The chairman of the Audit Chamber of the Russian Federation, **Sergey Stepashin**, visited Chechnya last year and was “shaken” by what he saw (*“I was there, you will not deceive me.”*) (from an interview in *“Novaya gazeta”*, 19.3.2007). On 24 May 2007, he was again in Grozny for a one-day visit, where he scattered compliments to **Ramzan Kadyrov** (*Vremya novostej*, 25.5.2007). Earlier, the first deputy prime minister, **Dmitry Medvedev**, had been to Chechnya on a one-day visit. He also was impressed by what he saw (*Kommersant*, 17.4.2007). The visits of both high officials had a legal character. Now, similarly, in Moscow they get used to receiving the words of **Kadyrov** and do not annoy him with inconvenient questions. In relation to the regenerative processes and financing of Chechnya, **S. Stepashin** earlier declared: *“I am simply convinced that if you trust people, you need to trust them until the end and then ask for the result.”* With such a statement it becomes somehow inappropriate to speak about *“trivial things - how much has been spent in a wrong direction, how much money went into no-purpose, how much was spent inefficiently”* (from a TV-interview to *Rossiya*, 12.5.2006).

In summary we shall note that the Chechen parliament does not get tired of finding all possible new ways of getting resources from the federal budget. Several months ago the Chechen parliament declared that it formed a parliamentary commission to estimate the damage caused to the republic by the last two military campaigns. Neither the methods, nor the criteria of calculation were revealed, which left the impression that the final figures are accepted “by the rule of thumb”. The federal center reacted lethargically and did not take the requirements seriously. However, the Chechen officials were not at all lazy and thought up new payments for the Kremlin: an indemnification for the genocide of 1944 and the following years, and for the lost property of these years. The indemnification should make 18 billion rubles this year and then 10 billion rubles annually from next year on. (*Nezavisimaya Gazeta*, 21.3.2007). We must note that the documentary substantiation of this claim is even more illusive than of the previous - archival materials on people deported are left only in fragments; to list their number now can only be guesstimated. In this light, the reaction from Moscow was predictably indifferent.

The Dagestan Sicily

The people of Dagestan include a large variety of ethnic groups, unlike the now nearly mono-ethnic Chechnya and Ingushetia. This affects the majority of the forces involved in the republic, needs a certain coordination of their interests and solutions for rising conflicts, and interferes with the centralization of power and the erection of an authoritarian regime. But often the above cited “coordination of interests” and “solutions for rising conflicts” are not accomplished by legal means, which, in the end, contribute to the situation in Dagestan as it is today.

Dagestan still gets torn from the long clan war, which already led to firefights between high-ranking officials. For instance, on 2 March, in the run-up to the local elections, there was a shooting between the head of the district administration and one of his subordinates. On 28 March 2007, the heads of administration of the Sergaklinskiy District and the head of the village of Sergalka sorted out their relationship in a similar way. As every party of the conflict stands for a large number of relatives and followers, the fights usually grow vehement. The outcome of the shooting of 2 March, for example, was two dead and four heavily injured. It is important to note that many similar incidents happened in

the run-up to the regional elections of 11 March. Journalists then tempted to see them set in a political background, especially since the candidate for deputy and the first in the list of candidates of the “Union of Right Forces” (SPS) in the town of Kizlyar was abducted and has been missing since. However, the conflicts between public officials is not caused by a political struggle, but by a contention of clans. Firefights can easily be sparked by trivial and ordinary controversies, for example, when one political opponent does not assign a narrow mountain road to the other – and this is how the conflict resolutions in Dagestan differ from those in all other regions in Russia, including the neighbouring regions.

These are not the only differences: in the multilevel elections from 11 March – in which “Unified Russia” (russ. “Yedinaya Rossiya”) won with 64% - electoral law was so prevalently infringed that not even the State Duma could ignore it. The official election results were announced only 10 days after the elections took place. The votes for the two most indignant parties – the communist party and “Patriots of Russia” (russ. “Patrioty Rossii”) were “recalculated” to let them pass the seven percent hurdle. The illusion that there was an intrinsically political election campaign at all was articulately countered by the mayor of Makhachkala, **Said Amirov**, who is considered protector of the opposition party SPS and political opponent to President **Mukhu Aliev**. “*They want to be elected to parliament*”, **Amirov** said, and that there are more aspirants for the “Unified Russia” party list than available positions on it. Officials of the Makhachkala city hall did not join SPS “*because they have such a good life*”, and “*not because they are against ‘Unified Russia’, but because they want to be elected to parliament and are therefore forced to do so*” (*Kommersant-Vlast*, 5.3.2007). People want to go to parliament. There is no place for political arguments, but criminal arguments fit perfectly.

The complex polyethnic pattern in Dagestan left its mark on the local parliamentary elections after the majority constituency had been abolished. Now the ethnic composition is reflected in the party lists: In the top positions of the party list of “Unified Russia”, for example, are Dargins and Avars, and Lezgins top the list of “Patriots of Russia”.

After the elections, the First Speaker of the Dagestan Parliament, **Magomedislam Magomedov**, a son of the influential former President of the State Council of Dagestan **Magomedali Magomedov**, could no longer keep his position. His assignment as First Speaker at the beginning of 2006 was presumed to be the reason for his father to agree to resign after 20 years in power. The new Speaker is the former mayor of the town of Izberbash and a protégé of President **Mukhu Aliev**. On the whole, the **Magomedov** clan is dismissed from influential positions. At the same time, **Mukhu Aliev** shows his power – a thing which previously was considered untypical for him. It is possible that this marks the end of the period that Dagestan politicians cautiously call “the era of powerless leaders” (*Caucasian Knot*, 9.3.2007).

Since the inhabitants of Dagestan do not get any help from the authorities, they have to defend their interests themselves at meetings, which take place partly in the regions and partly in the government buildings in Makhachkala. The active and direct participation of the people in politics is another specifically Dagestan phenomenon. In fact, only recently was it possible to displace the head of the Kazbek District, **Amir Azaev**, by means of “direct democracy”. Several years ago he had publicly shot someone at close range. Although local residents pleaded for his conviction, amongst others in Makhachkala and Moscow, Dagestan judicial authorities irrevocably acquitted **Azaev**. Four years after **Azaev** had committed this crime, the District’s residents could elect a new head of administration in April 2007.

Besides, throughout the spring, the Republic was close to an energy crisis because of outstanding debts vis-a-vis the energy supplier companies. In March the electric power supply for Makhachkala was cut back to 70% (*RIA Dagestan, 18.3.2007*). This action was taken again in May.

Along with violent “political” fights, difficulties between ethnic and religious groups intensify. A very subtle way of score-setting was chosen by unidentified masked persons in camouflage and equipped with MGs, who on 30 March forced entrance into the “Yuzhnaya” (lit. “Southern”) mosque and beat and robbed the attendants. Some of the praying men were pushed into a bus and later dumped by the roadside outside the town. Apart from that, the back of their heads were shaved. The website “*Caucasian knot*” wrote about these incidents, but both the Dagestan Ministry of the Interior and the Imam of the mosque acted as if nothing had happened, and so this incident has never been examined by the authorities. One can only guess the reason for this action, which also has a certain symbolic meaning. There are, however, rumors about tensions between the imam and a young mosque-goer. Apart from that, some Muslims are set up about several Russians, who have converted to Islam and come to visit the mosque (*Caucasian Knot, 1.4.2007*). In any case, all victims of the above mentioned attack gave up on any further examination of the incident, as they don’t believe in the effective work of the law enforcement authorities and as they had been treated “not so badly” by the unidentified servicemen: they widened the holes in the plastic bags, which they had put over their heads, so they could breath more easily, and while riding on the bus they often asked them how they were doing (*Caucasian Knot, 30.5.2007*).

In some areas the authorities have a hard time keeping the conflicts between the ethnic groups under control. This spring punchfests broke out on national grounds between Chechens and Laks in Khasavyurt, and between Dargins and Kumyks in the Karabudakhkentskiy District. The Dargins then demanded from the authorities the separation of their densely populated area, the Gubentskaya zone (*Gazeta.ru, 13.4.2007*).

Dagestan is also confronted with the problem of abduction of people. On 28 May 2007, a demonstration of the residents of the village of Leninkent in the Kirov District took place at the main square in Makhachkala. They demanded that their abducted fellow villagers, who had disappeared on 26-27 March, would be brought back. The demonstrators complained about their relatives being abducted and brought out of Dagestan, and then put on trial for terrorism with fabricated accusations. The call center of the Directorate for Combating Organized Crime (RUBOP) refused to make any comments concerning this claim (*Caucasian Knot, 28.4.2007*). Even the victims do not want to tell what had actually happened. However, members of the Human Rights Center “Memorial” found out several details when attending this demonstration. For instance, it is known that the majority of the abducted men have returned home, while six or seven persons remain missing for longer than a month already. After the demonstration, the Dagestan Minister of the Interior, **A. Magomettarigov**, talked with the relatives of two abducted men and promised to ensure that steps leading to the detection of the fate of the disappeared men were taken.

Cases on Chechnya at the European Court of Human Rights

In spring 2007 the ECHR delivered two judgments, which originated on an application of residents of Chechnya against the Russian Federation, the ninth and tenth since 2005. Both hearings dealt with abduction and subsequent murder in the course of mopping up operations during the second Chechen war. For another time, the Court found Russia guilty of having violated numerous provisions of the European Human Rights Convention. Russia has to pay the applicant parties compensation and is also to ensure a thorough and effective investigation capable of leading to the identification and punishment of those responsible for the crimes.

In the first case from 5 April 2007 the ECHR sentenced Russia for the disappearance and death of 61 years old Chechen resident **Shakhid Baysaev**. The interests of his relatives were represented by the NGO "Russian Justice Initiative".

In the case of "**Asmart Baysaeva v. Russia**" the ECHR considered the detention and subsequent disappearance of **Shakhid Baysaev**, who was detained during a mop-up operation held by Russian OMON servicemen (special police forces) in the village of Podgornoe in Chechnya in March 2000. The OMON units had just suffered significant casualties from a friendly fire incident and were searching for rebels allegedly responsible for the incident. **Baysaev** was detained together with about 50 other people and has not been seen since.

In its judgment the Court pointed to the existence of unique video footage of the detention as an important piece of evidence. Russian soldiers filmed the detention themselves and later sold the videotape to **Asmart** for 1,000 USD.

After the detention of her husband, **Asmart** immediately complained to the authorities. Despite her continued efforts and the existence of the video footage of the detention, the Russian authorities failed to carry out an effective investigation. The Court noted that the investigation was plagued by "inexplicable delays in performing the most essential tasks", and found it "astonishing" that the persons depicted in the videotape had been neither identified nor questioned. The information about the possible burial place of her husband was not adequately pursued either.

In its unanimous judgment the Court stated that the detention of **Baysaev** had been unlawful, as Russian troops disregarded domestic legal procedures (Article 5 of the European Convention for Human Rights); that **Baysaev** must be presumed dead considering circumstances of his detention and the fact that he has been missing for more than six years (Article 2); that the investigation into the disappearance of **Baysaev** has been inadequate (Article 2); that the suffering of **Baysaev's** wife as a result of her husband's "disappearance" and the failure of the Russian government to take adequate steps to clarify his fate reaches the threshold of inhuman and degrading treatment (Article 3) and that the refusal of the Russian authorities to submit the documents of criminal investigation file constitutes a failure to assist the Court in its investigation (Article 38).

The panel of seven judges, which included the Russian judge, ordered Russia to pay **Asmart Baysaeva** 50,000 Euro in compensation for moral damages. The government is also obliged to take steps to properly investigate **Baysaev's** disappearance. (*website of the Russian Justice Initiative, 5.4.2007*).

In the second case from 10 May 2007 the ECHR convicted Russia for the disappearance and killing of a young man from Chechnya. As in the first case, the interests of his relatives were also represented by the NGO “Russian Justice Initiative”.

In the case “**Akhmadova and Sadulaeva v. Russia**”, the ECHR considered the illegal detention, disappearance and killing of **Shamil Akhmadov**, a father of five small children, who was detained during a large-scale mopping-up operation in the town of Argun, Chechnya, on 12 March 2001. More than a year after the detention, local residents discovered **Akhmadov's** body, badly mutilated, in a field outside of Argun.

Akhmadov was one of more than 150 detained that day. While most of the detainees were released within days, eleven of them, including **Akhmadov**, “disappeared.” The bodies of seven of the disappeared were discovered in two mass-graves in Chechnya, one of which was located on the edge of the main Russian military base in Chechnya, at Khankala. The Court concluded that these events were related and that Russian State authorities must be held responsible for **Akhmadov's** death.

In a unanimous judgment, the Court found that the detention of **Akhmadov** had been unlawful as Russian troops disregarded domestic legal procedures (Article 5 of the European Convention for Human Rights); that Russia must be held responsible for **Akhmadov's** death (Article 2); that the investigation into the disappearance and killing of **Akhmadov** has been inadequate on numerous accounts (Article 2); the suffering of **Akhmadov's** wife and mother as a result of **Akhmadov's** death and the failure of the Russian government to take adequate steps to investigate the killing reaches the threshold of inhuman and degrading treatment (Article 3) and that the refusal of the Russian authorities to submit the documents of criminal investigation file constitutes a failure to assist the Court in its investigation (Article 38).

In its judgment, the Court paid particular attention to the inadequacy of the investigation, noting that it was plagued by inexplicable delays and could only be described as dysfunctional. For example, the investigation collected documents relating to the mop-up operation only three and a half years after the disappearance, and it does not appear that the investigators questioned any of the servicemen involved in the operation. The investigation was adjourned and reopened at least six times, and it was transferred from one prosecutor's office to another on at least five occasions for no apparent reason. According to the Court, the conduct of the prosecutor's office “creates a strong presumption of at least acquiescence in the situation” (*website of the Russian Justice Initiative*, 5.4.2007).