

**Bulletin of the Memorial Human Rights Center**  
**Situation in the North Caucasus conflict zone: analysis from the human rights perspective.**  
**Winter 2009-2010**

The Memorial Human Rights Center continues its work in the North Caucasus. We offer a new issue of our regular bulletin containing a brief description of the key events featured in our news section over the three winter months of 2009-2010 and a few examples of our analysis of the development of the situation in the region. This bulletin contains materials collected by the Memorial Human Rights Center staff working in the North Caucasus and published on the Memorial website as well as media and news agencies reports.

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**The creation of the North Caucasus Federal District. A Hope for a Change for the Better?**

In the *winter of 2009-2010* the federal centre had implemented yet another administrative reform in the conflict zone of the North Caucasus the declared goal of which was the enhancement of the operational efficiency and effectiveness of governance in the region.

On *January 19* the President of Russia Dmitry Medvedev announced his decision to create a North-Caucasus federal district which was to include the *Stavropol region* and all of the North Caucasus republics except Adyghea, with Pyatigorsk as its administrative centre. The plenipotentiary envoy of the newly-created federal district is the ex-governor of the Krasnoyarsk region **Alexander Khloponin**. Khloponin had also simultaneously become a deputy prime minister, being thus put into a position of double subordination, so to speak: to the President and to the prime minister of Russia at once. Many observers interpreted that as a repercussion of the other, unadvertised side of this administrative reform which consisted in a not so successful attempt by the presidential team to remove the North Caucasus region from the tight long-term dependence on Prime Minister **Vladimir Putin's** team.

The new envoy and deputy prime minister will, according to the statements made by the official authorities, be endowed with all possible governance levers that may be required for the purposes of effective influence on, and supervision over, the actions of the heads of the member republics. The plenipotentiary envoy, which position, as we all know, is not found in the Russian Constitution, becomes a supervisor over the regions on behalf of the federal centre, the top executive authorities'

flesh and blood in the field, so to speak. The presidential envoy for the Southern Federal District Vladimir Ustinov, whose duties included until recently the supervision over the North Caucasus republics, did not have any even remotely similar powers, and had generally, in the opinion of many observers, somehow distanced himself (or been removed) from all actual involvement in the life of the conflict-ridden region, focusing instead solely on fulfilling his representative capacity.

The creation of the North Caucasus Federal district, though publicly announced by the Russian President in his Address to the Federal Assembly last autumn, seems to have come as an almost unexpected change for the local ruling elites. That is to say, just a few days before its institution Ramzan Kadyrov had described in detail in his interview to the *Nasha Versiya* newspaper why he believes that the creation of a new administrative position would be “not quite a wise step” since, in his opinion, “introducing intermediaries between the President of Russia and the presidents of the republics would be nothing else than a sign of weakness and incapability”. He had also pronounced against “tarring all the regions with one brush”. The basis of his preferred political construction, as it frequently happens with Ramzan Kadyrov, were his personal relations with Vladimir Putin. He appeared to be unable to fathom why an intermediary should be needed between him and Mr. Putin (but NOT with Mr. Medvedev on the other side – *Memorial HRC*), since it was at any rate all too clear that he would never ever betray Mr. Putin’s trust and “was ready to die for him should there be a question of not letting him down” (the website “*The President and the Government of the Chechen Republic*”, 13.01.2010).

However, what is done is done, and the heads of all of the regions comprising the new federal district, including Ramzan Kadyrov, accordingly approved the decision, though their attitude in this matter was not of a most enthusiastic one.

We can now only wait for concrete steps on the part of the new presidential envoy. Alexander Khloponin is generally considered to be a praiseworthy executive and a close friend of a number of major entrepreneurs who could subsequently be asked to make investments in the North Caucasus economy. That must be about it. While presenting his credentials to the heads of administrations of the regions comprising the new federal district he made a joke which seemed exceedingly shrewd and relevant at the time saying that he was himself scared of his new capacity. Compared to the region that was previously in his charge – the relatively quiet and vast Siberia, - the burning North Caucasus may well prove to be a real challenge for him putting his courage and determination to test.

What has so far been done by the presidential envoy in the North Caucasus during the first few weeks in this capacity?

He spent the winter merely sizing up the region, scrutinising from a distance its most sore spots. He has so far only made visits to the relatively peaceful *North Ossetia (February 23)*, *Kabardino-Balkaria* and *Karachaevo-Cherkessia (February 27)*. Moreover, on **February 20** he attended the inauguration ceremony for the new president of Dagestan. On the trips to Kabardino-Balkaria and Karachaevo-Cherkessia Mr. Khloponin was accompanying Russian President Dmitry Medvedev. He has to date only met with the presidents of Chechnya and Ingushetia on “neutral ground”. It is obvious however that making a visit to those republics would be something quite different from simply going to North Ossetia or Karachaevo-Cherkessia.

Judging by the first public statements made by Alexander Khloponin, the new presidential envoy sees himself primarily as an economist, a crisis manager and supervisor of the region. He sees the North Caucasus as a most promising ground economically, despite the decades of neglect. The way

he set the priorities at the meeting in *Nalchik* on **February 27** also speaks for itself. He believes that the operative strategy would be “*the effective use of monetary resources allocated by the federal centre to the republics of the district towards resolving the problems of employment, development of the energy, recreational, agro-industrial and educational innovations complexes, as well as towards the implementation of municipal development programmes provided for cities and towns whose infrastructure lags behind in respect to their growth*” (*Kavkazsky Uzel*, 27.02.2009). The technocratic approach of Mr. Khloponin, consisting of his fantastic plans about hi-tech clusters appearing on this God-forsaken territory, - ravaged by war and vandalised by dishonest and corrupt authorities, - is most certainly not his own initiative. It was Russian Prime Minister Vladimir Putin who had charged him with the task of urgently creating a regional development programme the pillars of which shall be creation of new jobs, industrial and agricultural development of the region, as well as development of the tourism industry (*Kavkazsky Uzel*, 23.01.2010). All this so far gives an impression that Khloponin is going to distance himself from the political problems of the North Caucasus.

Here it begs the question: does he really believe that the war in the region is over?! And that now we have nothing else to do but develop and invest in higher education, tourist resorts and livestock farming? And is Chechnya now a truly “dynamically developing region” whose experience is worthy of being copied by the neighbouring republics (the website “*Ramzan Akhmatovich Kadyrov*”, 8.02.2010), and not a territory of authoritarian rule, fear, and complete civil lawlessness?

Yet, the political and legal matters are the very basis of the situation in the North Caucasus. We would like to see the new presidential envoy understand that he will only achieve success in his new assignment if he realises that the need for respect for human rights does not go against the need to ensure public security, but is, on the contrary, an essential condition for achieving this, and that grave violations of the law with which operations conducted as part of the war on terror are frequently ridden only contribute to further growth and expansion of terrorist activities.

Abductions and unlawful arrests, the operation of secret illegal prisons, torture, forced “disappearances” and extrajudicial executions create a rift between the society and the authorities. Not only the immediate victims of such violations and their families, but also much wider strata of the local population are, unfortunately, affected and may consequently be regarded as potentially mobilisable resources for the extremist fundamentalist underground. The danger and harm of the widespread practice of fabrication of criminal cases lie not only in conviction of innocent people but equally in the fact that real terrorists remain at large and continue with their destructive activity, while misleading information assumes an official legal status. All this effectively undermines the counter-terrorist efforts by making them inefficient, to say the least.

An important role in the general improvement of the human rights situation, - and, consequently, the security situation in the region, - may well be played by human rights organisations. In order for this to happen, however, the state structures must abandon their tradition of perceiving such organisations as “enemies of the state and terrorist abettors”.

If the new presidential envoy not only manages to achieve this but will also build his policies on the basis of this reality, the region has a very good chance of seeing prompt changes for the better.

The key to solving the problems afflicting the North Caucasus lies in tackling the whole multitude of them: the economic hardships, the fight against corruption, human rights defence, the war on terror etc, etc. This is immensely difficult, almost impossible. Yet, any different approach to overcoming the current crisis is most decidedly doomed to fail.

## Kadyrov vs. Orlov. Continued...

On **January 21, 2010**, the Moscow city court examined the cassation appeals in the civil suit lodged by **Ramzan Kadyrov** against **Memorial HRC** and **Oleg Orlov**.

The background of the case was described in detail in our previous bulletin ([www.memo.ru/2010/01/11/1101102.htm](http://www.memo.ru/2010/01/11/1101102.htm)). We will only remind that Ramzan Kadyrov had lodged a civil suit against Oleg Orlov and Memorial HRC claiming that his honour and dignity had suffered damage from Orlov's words when the latter publicly pinned the blame for **Natasha Estemirova's** assassination on him.

The victory was formally with Ramzan Kadyrov: on **October 6** the Tver district court of Moscow partially granted the appeal, ordering the respondent party to make an official retraction of the words that had caused Kadyrov's indignation and to pay to the latter compensation in the amount of 70,000 rubles (instead of the initially claimed 10 mln). Oleg Orlov had expressed his content with the course of the judicial proceedings despite the decision of the court which was, in his opinion, plainly unlawful. He noted that the litigation had sparked a much-needed discussion of a whole number of important issues, including Ramzan Kadyrov's political responsibility for the assassination of Natalya Estemirova and his responsibility for the extremely difficult and perilous situation of independent human rights organisations in today's Chechnya.

The materials of this civil suit can be found on the Memorial HRC website: ([www.memo.ru/2009/09/10/sud.htm](http://www.memo.ru/2009/09/10/sud.htm)).

The claimant party had described the compensation amount as "laughable" lodging a cassation appeal with the Moscow city court ([www.memo.ru/2009/10/14/1410093.htm](http://www.memo.ru/2009/10/14/1410093.htm)). In their turn, representatives of Memorial HRC and Oleg Orlov had also lodged a cassation appeal claiming that the ruling of the Tver district court had been in violation of the provisions of the RF Constitution and the European Convention of Human Rights and Freedoms which guarantee everyone the right to voice freely their opinion ([www.memo.ru/2009/11/18/1811091.htm](http://www.memo.ru/2009/11/18/1811091.htm)).

The Moscow city court had upheld the decision of the Tver district court dismissing the cassation appeals.

Memorial HRC and Oleg Orlov are currently preparing a joint complaint to the European Court of Human Rights.

Meanwhile, in parallel to the ongoing civil proceedings, criminal proceedings had been initiated against Oleg Orlov in connection with alleged elements of the violation punishable under Part 2 and 3 of Article 129 of the RF Criminal Code ("slander") in connection with the spreading, as the order on institution of criminal proceedings put it ([www.memo.ru/2009/11/03/crimcase.rar](http://www.memo.ru/2009/11/03/crimcase.rar)), "*of slanderous information containing accusations of the President of the Chechen Republic, Ramzan Kadyrov, of involvement in the assassination of N. Kh.Estemirova, in the presence of media representatives*". The investigating authorities had interrogated Oleg Orlov, as well as a number of journalists and human rights activists, and Ramzan Kadyrov himself who was interrogated in Grozny (*Gazeta.Ru*, 09.12.2009). Mr. Kadyrov was pressing for the opening of criminal proceedings against Orlov.

During the winter of 2009/2010 the President of Chechnya Ramzan Kadyrov has lodged a number of other complaints and suits with the Russian law enforcement and judicial authorities against human rights activists and liberal journalists who had at some point criticised him or his actions in his capacity as president. The civil suit against *Novaya Gazeta* was lodged in respect to the six articles published between **May 2008** and **February 2009**, covering the general situation in Chechnya, as well as a series of murders of Chechen emigrants abroad. Similarly to the suit against Oleg Orlov, the plaintiff had not restricted himself to the civil proceedings, but was moreover

demanding from the Moscow city police to initiate criminal proceedings against the journalists of this newspaper on (*NEWSru.com*, 29.10.2009, *Kasparov.Ru*, 22.12.2009). In December the plaintiff side announced that similar steps would be taken in respect of the chair of the Civic Assistance Committee **Svetlana Gannushkina** (*Gazeta.Ru*, 09.12.2009).

Another target of Kadyrov's claims was the Chair of the Moscow Helsinki Group Ludmila Alexeyeva. The reason for his grudge against her was her statement at a press conference of **May 23, 2008** saying that "gangs consisting of Kadyrov's men roam across Chechnya, killing, kidnapping and abusing people, doing what they please". A suit based on these allegations had been lodged with the Moscow main department of internal affairs (*NEWSru.com*, 02.02.2010).

The escalation of the pressure had coincided with the growing international attention to the situation with human rights in Russia. On **December 10**, the International Human Rights Day, Russian human rights activists had found themselves in the limelight of the Western public and media. They received a number of prestigious international and Russian awards (the European Parliament's Sakharov Prize awarded to Memorial HRC and personally to **Oleg Orlov**, **Sergey Kovalev** and **Ludmila Alexeyeva**, the French Republic's human rights prize "Liberty, Equality, Fraternity" awarded to the Chechen organisation "Save the Generation", the posthumous awarding of Natalya Estemirova and Maksharip Aushev with the special Russian Federation's Human Rights Ombudsman's medal "Hasten to Do Good), several reports and statements concerned with the problem of respect for human rights in the Russian Federation were made (e.g., the report of the Council of Europe Commissioner for Human Rights **Thomas Hammarberg** on the situation in the North Caucasus and the report of the 71<sup>st</sup> member of the US Congress to the US President on the deterioration of the situation with human rights in Russia in general, and particularly in the North Caucasus).

We can only guess that, unlike his attorney, Ramzan Kadyrov had soon grown tired of incessant lawsuits the outcome of which, as the civil suit against Oleg Orlov had clearly demonstrated, may quite often be much less predictable than his own customary policy of "direct action" in dealing with his adversaries. On **February 5** Kadyrov's attorney **Andrei Krasnenkov** was still willingly offering comments to *Novaya Gazeta*, in which he praised the details and the prospects of the case (*Kavkazsky Uzel*, 6.2.2010), and on **February 9** the President of Chechnya firmly announced his decision to give up on further litigation.

The press service of the Chechen President unexpectedly announced that the President was dropping all his claims against the human rights activists and journalists explaining that this was due to.... a personal request of his mother **Aymani Kadyrova**, as well as of certain prominent Russian journalists – **Maxim Shevchenko** and **Vladimir Mamontov**, and member of the Russian Public Chamber **Anatoly Kucherena**. It turned out that the above-mentioned personalities had not in the least called the relevance of the claims made by the Chechen President into question. They, however, believed that it was far more important to "focus the president's attention on the numerous economic and social problems affecting our country as a result of the global recession", which makes it "far more reasonable to try and consolidate the efforts directed at the resolution of the mentioned problems than waste them on endless litigation". A separately stated reason was the request of Ramzan Kadyrov's mother who had reminded her son of the traditional for the Chechen society respect for elders and the taboo on arguing with them.

It is quite possible that certain appeals of journalists – whether formal or informal – addressed to Ramzan Kadyrov had indeed taken place (at least, Maxim Shevchenko has confirmed that he had addressed Kadyrov on the matter). Still, it is hard to believe that Mr. Kadyrov would have heeded their advice to the point of giving up on his pursuit in defence of his honour and dignity. Hardly anyone would deny the fact that such behaviour would have been most untypical of Mr. Kadyrov. The theory suggested by Oleg Orlov appears to be much more plausible: the criminal suit lodged by Mr. Kadyrov had no prospects of success in court, which meant that it was far better from his point of view to pronounce in favour of dropping the charges himself rather than wait for the court to

dismiss the case, which would have indeed been detrimental to the president's reputation. Moreover, any examination of civil suits in courts would inevitably result in most undesirable discussion of the situation with human rights and civil freedoms on the territory in Kadyrov's charge. Carried away by his zeal to succeed in the the litigation attorney Krasnenkov was unable to hide his surprise over Kadyrov's decision to quit saying that he disapproves of this choice. The plaintiff himself did not vouchsafe to attend the final session of the court upon the suit that he had lodged against *Novaya Gazeta* held on **February 15** (*Kavkazsky Uzel*, 16.2.2010).

The view from the "official" Chechnya is naturally practically polar. The "governmental" human rights defender Nurdi Nukhazhiev described Ramzan Kadyrov's decision as nothing short of "noble" and "wise": this was after all an "act of mercy" towards his adversaries in cases which had "good prospects of success in court". Nukhazhiev is naturally equally glad for the enemies of the Chechen President – "after all, they continue to be our dearly beloved colleagues in our cause of defending human rights". At the same time Kadyrov had, in Nukhazhiev's opinion, "*not let certain persons involved in this case continue with their self-advertising campaign which they had in fact launched in order to improve their status and boost their own popularity at the expense of the President of the Chechen Republic (IA Grozny-Inform, 11.2.2010).*

Finally it should not be forgotten that Kadyrov's "fine gesture" was not entirely as straightforward as it may seem: Kadyrov may withdraw his civil suits (although that will effectively deprive him of any right to bring the same matter to court again in the future), but putting an end to the criminal proceedings is not up to him. As of **April 1** the latter proceedings against Oleg Orlov were ongoing.

## **Resumption of the Memorial HRC operations in Chechnya**

After the murder of Natasha Estemirova the operation of the Memorial HRC offices in Chechnya was temporarily suspended because of the realistic threat to the lives and security of a number of Estemirova's co-workers. Her assassination was in itself a clear and unambiguous proof of that danger. There was blatant surveillance over some of the Memorial officers who were forced to leave the republic urgently.

The result of this was primarily detrimental to ordinary people of Chechnya who were largely left without legal assistance. In the meantime, news continued to arrive from Chechnya reporting new human rights violations: forced disappearances, torture and extrajudicial executions.

(<http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172819.htm>

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m182190.htm>

[www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm)).

In November more than 80 Russian human rights organisations had addressed an open letter to Memorial HRC calling upon us to resume our work in Chechnya, promising to provide us with any assistance we might need and claiming that the deficit of civil society action was felt particularly sharply during the period of our absence in the republic (*IA Interfax*, 13.1.2010).

The decision of Memorial HRC on the resumption of operations in Chechnya was announced on **December 16** in **Strasbourg** at a press conference dedicated to the awarding of the European Parliament's **Sakharov's Prize** to the Russian human rights activists. This award was the best proof of the recognition by the European community of the achievements of Russia's human rights defenders, as well as a worthy tribute to those colleagues of ours who have perished on their path of fighting for justice.

There are seemingly no formal obstacles to Memorial's return into Chechnya. On the contrary, the

announcements made by Memorial concerning the resumption of its work were met with fervent reassurances of the official authorities as to the absence of any hindrances to the work of human rights organisations in the republic. Memorial HRC was not specifically mentioned by name by either President Kadyrov or any of his officials who all spoke more vaguely about humanitarian and relief organisations in general (*Rossiyskaya Gazeta*, 12.2.2010).

Nevertheless, judging by the current situation and the attitude to Memorial on the part of the Chechen authorities over the past years, it would have been truly hard to expect that the latter would just accept our return to active work in Chechnya without objections and refrain from reminding us that we are in fact most unwanted on the territory of Chechnya. This time the media representatives received on **December 23, 2009** and on **January 10, 2010** letters from the office of the Chechen human rights ombudsman Nurdi Nukhazhiev. Those letters had been signed by representatives of dozens of Chechen humanitarian and civil society organisations who were telling Memorial HRC in various ways and using a whole range of expletives that it is not wanted by the people of Chechnya. Some of these organisations were not known to anyone previously whereas the heads of a whole number of the actually existing organisations had confessed in a private conversation that they had not even known anything about such letters, let alone signed such. Four among them had given their permission to disclose their names. They are **Lipkan Bazayeva** – the head of the *Women's Dignity* organisation, **Abdulla Istamulov** – the president of the *SK-Strategia* centre, **Supyan Baskhanov** of the *Committee Against Torture*, **Minkail Ezhiev** – the head of the *Chechen Republic Human Rights Centre*. Another important thing to note is that the first version of the letter was received by Oleg Orlov by email from the address of the Human Rights Ombudsman of the Chechen Republic on **January 22** (*Kavkazsky Uzel*, 30.12.2009).

In the opinion of Oleg Orlov, that alleged statement of NGOs and its hidden background that was revealed later clearly demonstrate that “*the work of non-governmental organisations in Chechnya is indeed fraught with serious complications.*” The majority of those who had “signed” the statement had not come forward to repudiate the fraud into which they had been, whether consensually or not, implicated and those who did had later disowned their declarations.

## **The Great Leader**

Having examined the conflict between the human rights activists and the President of Chechnya, it would be worth reminding what the position of the latter is in today's republic.

Ramzan Kadyrov is a political figure of federal significance who openly voices his opinion concerning not only internal affairs of the Russian Federation, but equally concerning the country's foreign policy, the latter fact being rather unusual and, at any rate, not expected from a head of a region. He freely offers Russia's leaders his advice as to what to do with Ukraine and Georgia speaking on behalf of the entire Russian Federation (*Vremya Novostey*, 24.12.2009). The Parliament of Chechnya proclaims itself ready to found an international peace prize (named, most naturally, after **Akhmat Kadyrov**), which would be nothing less of an alternative to the Nobel peace prize, claiming that the latter had been utterly discredited by having been awarded to the American President **Barak Obama** who is waging several wars at once in different parts of the world (*Kavkazsky Uzel*, 16.12.2009).

The President of Chechnya lays claims to being not only a political and administrative leader of his

region, but, in fact, a true master of the universe, within the borders of the territory under his control. He complains of the lack of authority which is supposed to enable him to fire the muftis of those mosques which are currently “half empty”, saying what a pity it is that muftis are not like ministers as yet (!), since the latter “no longer even dare to ask what the reason for their dismissal was”. He equally offers the religious leaders free lectures in theology like, for example, his proclamation that “*The Prophet used to say that Paradise has been promised to those who fight against Wahhabis*” (even though the Wahhabi movement came into being in the XVIII century only – becoming a popular teaching in Arabia 12 centuries after the death of the Prophet) (*Vainakh TV Channel. The special bulletin of 14.01.2010*).

Ramzan Kadyrov is equally the republic’s chief restorer and a patron of all reconstruction work in Chechnya. Thanks to the generous transfers from Moscow, the restoration work in Grozny and the rest of Chechnya continues at an enthusiastic rate. In 2009 a total of 2,419 facilities were officially in the process of construction or restoration. 2,289 among those are multi-storey blocks of flats. 67 educational facilities, among them are a number of pre-school facilities, and 35 health care facilities had been constructed (*the website “Ramzan Akhmatovich Kadyrov”, 16.1.2010*). Now, when Grozny has been almost entirely reconstructed, a new goal has been set forth: “*Grozny must become the most beautiful city of the North Caucasus*”. This may well mean that additional expenditures and extravagance may follow – something like the construction of a colossal mosque, an international airport, cinema studios etc, etc.

It shall be noted that in the past year the Chechen Republic had received 57 billion rubles from the federal centre which is an unparalleled amount comparing to all the other regions of Russia. During the meeting with Prime Minister Vladimir Putin, - whose faithful follower Kadyrov does not tire of proclaiming himself, - held on **December 21, 2009** in the Kremlin, Kadyrov was asking Putin to “*continue with the regular aid to his region*” and by no means “*cut the financing*” because “*Chechnya is expecting to see major progress in 2010*” (*IA Interfax, 21.12.2009*). The most convincing and advantageous plan suggested by the Chechen President will require further 180 billion rubles for the purposes of implementation of the new strategy of turning the republic into an industrially developed region.

Ramzan Kadyrov’s mother **Aymani Kadyrova** has been made a significant spiritual authority in the republic. He often refers to her words and advices in his interviews (one of such even contained a phrase like: “*you should ask my mum about it...*” – “*Nasha Versiya*”, *14.1.2010*). Almost any visit by the federal authorities or foreign guests to the republic includes a visit to the grave of Akhmat-hajji Kadyrov in *Tsentoroi* - the family village of the Kadyrov clan. And in late **December 2009** a mosque named after Turpal-Ali Kadyrov was opened in that very village of Tsentoroi (*President and Government of the Chechen Republic, 31.12.2009*). (Turpal-Ali was Akhmat Kadyrov’s oldest grandson and Ramzan’s nephew who had died a year earlier as a result of a car crash after the 12-year-old was given an opportunity to drive a Jeep on his own). The father of Turpal-Ali, Zelimkhan Kadyrov, died soon after Akhmat Kadyrov’s assassination making Turpal-Ali Akhmat Kadyrov’s eldest heir. Hence, the personality cult of a teenage kid.

As for Ramzan Kadyrov himself, he has recently replenished his collection of titles and awards obligingly showered upon him by the Russian authorities, statesmen and public organisations (the collection includes such titles as “member of the Russian Academy of natural Sciences” and “member of the Russia’s Union of Journalists”). Now Mr. Kadyrov has become a major general of the Russian police – a title conferred on him by virtue of a special decree of the President of Russia of **November 10, 2009** (the relevant shoulder straps were solemnly handed over to him on **December 14** and the event was publicly announced on the same day). “*Rossiyskaya Gazeta*” was



ingenuous enough to remind the President of his meager period of service for the Ministry of Interior structures: Mr. Kadyrov had worked for the Chechen Ministry of Interior for a while, later becoming a communications and special equipment inspector of a special police squad, the commander of the special oil surface facilities guard and the Chechen Republic governmental premises guard (*Rossiyskaya Gazeta*. 12.11.2009). The next step in his career was a position in the security service of the President of Chechnya, which, as we all know, could have only remotely had anything to do with the official law enforcement services. According to official sources, the previous police rank held by Mr. Kadyrov was “colonel of the police”, unofficial sources claim he was a senior lieutenant (*Life.Ru*. 13.11.2009). At any rate, any candidate willing to be eligible for the rank of major general is required to occupy the high position of the head of a regional ministry of interior department or be the head of a department in the central headquarters of the Ministry of Interior of RF. Two university degrees or a profile academy degree are nearly a requirement and are, consequently, most desirable. Mr. Kadyrov cannot boast of meeting any of the three requirements to his credit. This can only be yet again explained by Moscow’s inability to decline the whims of the Chechen leader and the Russian leaders having succumbed to his pressure.

Civil servants working under Kadyrov feel compelled to maintain the personality cult of their “master” not only inside the republic, but equally beyond its borders. Any doubts concerning the infallibility of, or the success achieved by, the Chechen President expressed on the federal level are met with most bitter sensitivity. One example of this was the sharp reaction of the Chairman of the Chechen Parliament **Dukhvakha Abdurakhmanov** to the remark made by the presidential envoy Vladimir Ustinov as to that the current rate of confidence that President Kadyrov could count on would stand somewhere at 55%. Mr. Abdurakhmanov enhanced his retaliatory remarks with further comments to the effect that the Chechen people constantly find ways to express “their infinite gratitude and appreciation” towards their President; “as soon as they observe him approaching, they immediately gather around him knowing that their complaints will be heard and their problems will be solved without delay”. According to Mr. Abdurakhmanov, “*the REAL rate of confidence that the Chechen population has in its President Ramzan Akhmatovich Kadyrov well exceeds 100%* (underlined by Memorial HRC), *and this confidence is indeed infinite and limitless, which is something that none of the regional leaders in Russia can boast of*” (the website “*The President and Government of the Chechen Republic*, 30.12.2009).

### **The Murders and Disappearances of Maksharip Aushev’s Relatives**

Following the assassination of the prominent businessman and political figure Maksharip Aushev in **October 2009** his extended family has seen a whole chapter of murders and abductions of his distant relations, among them were equally women who are not normally targeted in such warfare. The motives of such persecution remain rather unclear and have given to various doubts.

Almost two months after Maksharip Aushev’s assassination the family of his second (common law) wife became a target of a true manhunt. On **December 6** Leila Magomedovna Dzhanieva (the mother of Aushev’s second wife Fatima), born 1958, was killed in a car blast in Nazran. She was in the car together with her sons: Amirkhan Makhmudovich Dzhaniev, born 1988 (died in hospital on December 21, 2009), and Muslim Makhmudovich Dzhaniev, born 1984, and the pregnant Fatima Dzhanieva herself who received serious injuries. Leila Dzhanieva was the mother of Fatima,

Amirkhan and Muslim and the mother-in-law of the assassinated Maksharip Aushev. The day before, **December 15**, their car had spent about 40 minutes at a temporary mobile checkpoint located at *Solnechnaya St.*, in *Nazran*, while being searched and examined by officers of an unidentified law enforcement structure. The law enforcement officers were lifting the seats inside the car and, as the brother of the late Leila Dzhanieva, Yunus Dzhaniev conjectured, they may have planted an explosive device there at the time and later set it off with a remote control. Shortly before the blast the car was again stopped at the very same checkpoint but this time only for a few minutes. Leila Dzhanieva had just returned home after hajj (pilgrimage to Mecca) and was on her way to visit her relatives and give out the gifts. The car was stuffed with prayer rugs, headscarves, fabrics and various other articles of the kind (*Kavkazsky Uzel*, 21.12.2009).

Representatives of the authorities had made a number of controversial declarations, one of which was to the effect that the cause of the explosion was an accidental blast of the explosives that the owners of the car were transporting (*the website of the Public Prosecutor's Office of Ingushetia*, 16.12.2009), and later – that the blast was a result of the car having come under open fire by law enforcement officers who opened fire after the driver ignored their demands to stop making a sharp U-turn instead (*IA Interfax*, 16.12.2009).

Immediately after the attack Yunus Dobriev submitted a petition to the Memorial Nazran office in which he was asking to assist him with the close investigation of the assassination of his sister and two nephews, as well as with protecting the surviving nephews Ali and Fatima from persecution and arbitrariness and ensuring respect for their rights.

And on the next day, **December 17**, at about 1:10pm, on the Federal Kavkaz motor route, in the area of the so-called “Ekazhevo roundabout”, a suicide bomber driving a Lada-Priora vehicle set off an explosive at the time when a military motorcade was driving past a traffic police checkpoint. 18 people, among them 7 civilians (there was a bus stop and a number of vending kiosks next to the scene of the attack), were injured as a result. There were no deaths only because the police officers had heeded a car which separated itself from the motorcade and was gathering speed moving rapidly in their direction and stampeded (*Kommersant*, 18.12.2009). The person behind the wheel turned out to be **Batyr Makhmudovich Dzhaniev**, aged 23, another son of Leila Dzhanieva, who was not in the car together with the rest of the family on the tragic day.

According to the family of the deceased, Batyr had been working in *St Petersburg* as a security guard at one of the local enterprises. Since **October 2009** he had been back home helping another brother of his with building a house. According to his family, he was also a student at one of the Arkhangelsk universities. Whatever the case, the family claims that on **December 14** they had helped him to pack up and saw him off boarding a long-distance bus with the destination of Mineralniye Vody as he was intending to travel to Arkhangelsk from there. It therefore turned out that he had not left in reality. Moreover, his attack had been carefully prepared because as early as on the following day he had a car that was on the search list of the *Moscow region* police and 40 kilos of explosives at his disposal, not to speak of his mental readiness to commit a suicide attack. The Prosecutor of Ingushetia Yuri Turygin made an official statement describing the attack as an act of revenge for the deceased family (*IA Interfax*, 18.12.2009) Many people inside Ingushetia itself believe however that the militant underground had taken advantage of the condition of shock in which the young man was at the time and used it to drive him to the idea of committing a suicide attack. In that case he can hardly be described as having been involved with the guerilla underground. The relatives of Batyr Dzhaniev absolutely deny the possibility of him having blown himself up. Fatima's mother-in-law and Maksharip Aushev's own mother **Maryam Dzhanieva** said that, in her belief, Batyr had most likely been intercepted by law enforcement officers somewhere on the way, after having parted with his relatives, who later made use of his fingerprints to frame him for another suicide bombing case (*IngushetiaRu.Org*, 21.12.2010).

The house of the Dzhaniev family had never been searched by the police prior to these events, none of the Dzhaniev brothers had a police record or was wanted by any law enforcement services.

On **December 18** President of Ingushetia Yunus-Bek Yevkurov invited the nearest relatives of the deceased Dzhanievs to meet with him. The families of those injured as a result of the terrorist attack at the traffic police post had been invited as well. The conversation evolved solely around the attack. Criminal proceedings were initiated in connection with the murder of Leila Dzhanieva and her two sons by the republican investigative department of the Investigation Committee of the RF Public Prosecutor's Office. The youngest son of the deceased Leila Dzhanieva, 17-year-old Ali Dzhaniev, was recognised as the victim in this case.

However, that very Ali Dzhaniev later himself became a suspect in a case on preparation of a terrorist attack. This was however not the end of the chapter of macabre vicissitudes befalling the family of Magomed Aushev's second wife. On the night of **December 25** several other relatives of Fatima Dzhanieva went missing in St Petersburg: Yusup Dobriev, born 1968, Yunus Dobriev, born 1971, – Fatima's maternal uncle, who had commented on the death of his family members earlier, – and the last surviving son of Leila Dzhanieva, Ali Dzhaniev, born 1992, as well as a nephew of Leila Dzhanieva **Magomed Adzhiev**.

On the evening of **December 25** in St Petersburg Yusup and Yunus Dobriev, Ali Dzhaniev and Magomed Adzhiev went in their car to meet their relatives who lived in the same city. An hour after their departure they stopped answering their mobile phones.

On the morning of **December 26** the family of the abducted men reported the disappearance to the 30<sup>th</sup> police department of the Vasileostrovsky district of St. Petersburg. The report of Yunus Dobriev's wife Tanzila Dobrieva was only accepted after prolonged arguments. The report was then passed on to the 86<sup>th</sup> police department of the Primorsky district, where it was kept for two weeks before giving it proper consideration. Only on **January 9** was Tanzila Dzhanieva finally able to speak to the precinct police constable of the Primorsky district.

Criminal proceedings pursuant to Para A of Part 2 of Article 105 of the RF Criminal Code (murder of two or more persons) were only initiated on **January 25**, although the term for consideration of reports concerning committed crimes is 3 days, as stipulated by the law. The criminal proceedings are conducted by the St Petersburg department of the Investigation Committee of the Public Prosecutor's Office of Russia.

Quite sadly, the investigating authorities had not availed of the opportunity to examine the recordings of the video surveillance cameras from the supposed location of the abduction. By the end of February the recordings had been destroyed due to the expiry of the retention period.

The recordings of the video surveillance cameras around the location had been saved and withdrawn from the municipal monitoring centre only upon a petition from the aggrieved party – represented by Tanzila Dobrieva. Having gained access to those recordings, the aggrieved party was able to determine the place and time of the abduction. The recording clearly shows how the Dobrievs' car was being pursued by two light-coloured minivans that were driving in violation of all traffic regulations. The family also recognised one car on the recording as similar to that which on the morning of the disappearance had been observed following members of the family around.

**In the early February** the car belonging to the disappeared men was discovered in the course of investigative actions not far from the place where they were abducted. It was parked in such a location which is not covered by any of the traffic monitoring video surveillance cameras, and had a dent on one side.

Disappointed with the results of the official inquiry, or rather with not seeing any results, the aggrieved party and their relatives have conducted an investigation of their own. Accompanied by a Memorial HRC officer, they took the initiative in visiting the residents of the blocks situated opposite the supposed location where the abduction had taken place. This was done in March 2010

and four eyewitnesses of the crime had been discovered as a result. They related in detail how on the night of **December 25 to 26, 2009** a police operation was conducted to apprehend the passengers of a motorcar of the same make as the one that the abducted men were driving. The persons conducting the special operation were armed and wearing masks and black uniforms without any insignia on it.

The witnesses related how the car in which the abducted men were driving was cut off by a black jeep on the road (the dent discovered on one side of the car was apparently the result of the collision), and blocked the way. Men in uniform jumped out of the two minivans, overpowered the passengers of the car forcing one of them to lie down on the hood of the car, another one was handcuffed, yet another was forced to lie down on the ground and kicked on his head. After that the detained Ingush men were put into different cars and taken away. The entire operation took just a few minutes. One of the men conducting the operation was filming all the movements of his colleagues, another one was handling the traffic flow on the road.

All of the eyewitnesses agree that the operation resembled a very well-organised, professional detention operation conducted by officers of law enforcement services.

Now, with the testimonies of the eyewitnesses in their hands, the families of the deceased intend to go to the European Court of Human Rights.

At the end of December, following the disappearance of the four members of the Ingush family in St Petersburg, the Ingushetian Ministry of Interior made an appeal to the people of Ingushetia asking for assistance with tracing the whereabouts of Ali Dzhaniyev who is suspected of involvement with the terrorist underground. The law enforcement services believe that he may well follow suit of his brother and blow himself up in a car (*BBC Russian, 20.12.2009*). It is obvious that the disappearance that took place in St Petersburg is treated by them not as an abduction but, on the contrary, as an attempt to avert the suspicion from the abducted men. The families of the missing men submitted their reports to law enforcement services but, as far as Memorial HRC is concerned, the investigation has been at a standstill practically from the very start.

The abducted men, or rather their bodies, may as well soon “re-appear” labeled as those of militants who had been killed during some special operation or some terrorist attack in the North Caucasus allegedly because of offering armed resistance to law enforcement services. Whichever scenario will follow, the fact is – over a few weeks an entire family has been practically eliminated. Could any rhetoric about peaceful life and order in Ingushetia make sense in an atmosphere like that?

Meanwhile, at the beginning of February, the family of Maksharip Aushev, frustrated with the meager progress made by the investigation, demanded transfer of the case to the central headquarters of the Investigative Committee of the Prosecutor’s Office of Russia. In their opinion, the investigation is being unreasonably protracted and has not yet brought any result that may have rightfully been expected. Over three months have passed since the assassination and the investigation is still at the stage of witness interrogation. Moreover, some of the current members of the investigating team are the same persons who had unlawfully instituted criminal proceedings against Aushev back in 2009 (on charges of orchestrating mass riots of which he was later acquitted by the court). On *February 8* Yunus-Bek Yevkurov met with the father of the assassinated man, Magomed Aushev (*Kavkazsky Uzel, 8.2.2010*).

### **President Yevkurov’s Line**

The tragic story of the Aushev family clearly demonstrates just how critical the current situation in Ingushetia is.

This is so despite the fact that the President of the Republic Yunus-Bek Yevkurov is apparently not sparing himself in his efforts to save the lives and souls of young Ingush men, dealing with issues which are not normally within a president's jurisdiction. A very illustrative example of this are the events that took place on **January 28, 2010** in the *village of Troitskaya* and which can be described as nothing less than an absolutely unique case for the entire history of anti-terrorist campaigns in the North Caucasus. On the previous evening officers of the Ingush police forces, acting within the framework of the operational and investigative measures taken in connection with the shelling of a police Gazelle vehicle and the resulting death of several police officers the day before, surrounded House No 24 on *Krasina St.*, where **Yusup Magomedovich Mutsolgov**, born 1988, resides. Having noticed armed men in masks approaching Yunus Mutsolgov, who was alone at home at the time, threw an improvised hand-grenade in their direction following which he opened fire from a non-lethal pistol which had been re-modeled to be used for shooting live cartridges. One officer of the police was injured as a result. The house of the Mutsolgov family was surrounded by the police forces who had summoned reinforcements and opened retaliation fire. It is not all that impossible to surmise what would, with a good deal of probability, have happened next: the house would have been destroyed with heavy armaments whereas Mutsolgov's body would have been found under its ruins. The indelible social stigma of having been a "militant" is also usually part and parcel of such operations.

However, this time the news of a special operation being held in the village of Troitskaya was immediately brought to the notice of the republic's authorities. Officers of Ingushetia's Security Council were soon present at the scene of events, President Yunus-Bek Yevkurov arrived shortly afterwards. The assault was suspended. The four hours of tense negotiations with the active involvement of Yusup's mother and President Yevkurov had resulted in Mutsolgov's surrender. Yusup had enjoyed personal acquaintance with the President of Ingushetia: a month and a half before these events, on **November 16**, Yunus-Bek Yevkurov had invited him for a personal meeting with him, along with other relatives of those recently abducted and/or killed.

Yusup Mutsolgov was not on the police wanted list, nevertheless, he had been repeatedly detained by law enforcement officers and subjected to torture and humiliation. Upon his release after one such arrest Yusup addressed a written statement to a number of human rights organisations, among them was Memorial HRC. Despite all this, Mutsolgov did not heed the appeal to hand in any weapons owned, which was voiced at that very meeting with the relatives of the militants. A pistol, transformed to make it suitable for live ammunition fire, and a hand-grenade, which were seized from him during his arrest, had, according to his own words, belonged to his brother who was killed in 2008 ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/01/m192418.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/01/m192418.htm)).

Yusup Mutsolgov's story is by no means an isolated case. On the contrary, Mr. Yevkurov is making every conceivable effort to ensure he personally meets with the family and the parents of each of the killed militants, the heads of warring clans etc. For example, following the fire exchange between the members of the **Valedov** and the **Merzhoyev** clans on **December 4, 2009** in the course of which 5 had been killed and 9 wounded, Mr. Yevkurov attended the funerals on both sides (*Ingushetia.Org*, 5.12.2009). Following a major special operation in the *Sunzhensky district* on **February 11 – 12, 2010**, during which over a dozen militants had perished, he invited the parents of those militants to meet with him (*Republic of Ingushetia*, 16.2.2010). Hardly anyone from among the heads of Russia's regions spends that much time in personal interaction with the population under their authority.

Special attention is given to work with the militants' families. Mr. Yevkurov has held numerous meetings with members of such families admonishing them to try and persuade their loved ones to come back "from the woods". It is worth noting that in the opinion of the Ingushetian president, the wives and mothers of those who are killed on the suspicion of involvement with the militants are not infrequently themselves to blame for compelling their husbands and sons to declare revenge by appealing to their "sacred duty as men" (*Respublika Ingushetia*, 8.2.2010). Moreover, in his opinion, *"the parents of the militants often only begin to feel concerned and compelled to act when their dearly beloved son is either killed, or arrested, claiming until that very moment that their son is perfectly innocent and by no means mixed up in anything illegal"*. He insisted on that the claims of some of such parents to the effect that their son has gone missing and that he had been disobedient to their admonishing and orders, are mere ruses aimed at misleading the authorities (*Respublika Ingushetia*, 3.2.2010).

The lack of guarantees of fair law enforcement practices and trial often compel many of the suspects to resist detention using every last-ditch possibility to do so. Abductions orchestrated by law enforcement services have a particularly damaging impact. As Yunus-Bek Yevkurov puts it himself: *"...the incidents of abductions in our republic that become known to the general public play a major negative role as one of the most powerful destabilizing factors in the region. Abductions undermine the confidence of the population not only in the law enforcement services, but equally in the authorities, as well as in law and order, in general"* (*Respublika Ingushetia*, 19.1.2010). The Ingushetian President believes that *"according to the operational data available from the law enforcement services, 90% of those abducted in our republics are either themselves members of the illegal armed groups, or else abettors of such. This, however, does not mean that it is normal for such a person to go missing without a trace"* (*IA Interfax*, 18.1.2010).

The President nevertheless deserves credit for the tenacity and perseverance that he has demonstrated with his efforts to pursue the course he had once and for all chosen – that of bringing the militants – whom he sees as "young men who have simply gone astray in this life" – back to peaceful life and teaching them to express their discontentment in peaceful ways and through peaceful means. This has been his conscious approach to the problem from his very first days in office and he has remained faithful to it even after the attempt on his life in the summer of 2009. Moreover, in the recent months his line of impelling the militants to choose peaceful ways has become far more articulate and well-targeted. *"The key strategic line of our policy in this matter has so far been and will continue to be the demonstration of our good will towards those who have fallen short of the law, our striving to persuade them to give up on their involvement with criminal gangs, bandit groups, on engaging in terrorism as a means of achieving their purposes or abetting others on this path"*, Mr. Yevkurov stated in his special address to his compatriots on **February 8** (*Respublika Ingushetia*, 8.2.2010). *"Our goal should be not to kill them but to persuade them to mend their ways"*, - this was how he described the task assigned to the republic's law enforcement agencies at one of the meetings with the heads of such (*Respublika Ingushetia*, 29.1.2010).

The openness and personal honesty chosen as the key assets of the winning strategy of its President have made Ingushetia a very special case among the regions of the North Caucasus in terms of the intensity of public life and the current dialogue between the people and the authorities.

Yunus-Bek Yevkurov was deservedly declared the Man of the Year 2009 by the prominent Expert magazine, having in addition received the prestigious For Faith and Loyalty award from the St

Andrew's Foundation (*Respublika Ingushetia*, 14.12.2009).

That being said, Ingushetia continues to rank first among the regions of Russia with its high unemployment rates (52% of the labour force) and the lowest gross regional product rate.

A total of 14 federal target programmes, which provide for the implementation of over 100 projects, - among them the construction of 11 health care facilities, 24 educational facilities, -including 11 schools, - 12 industrial facilities, 16 facilities for the agro-industrial complex, a youth community centre, and 3 sports and fitness facilities, are currently in the process of being implemented in the republic (*RBK*, 23.12.2009). In late December a first pre-trial detention centre in the republic designed to accommodate 76 detainees was opened (*Respublika Ingushetia*, 29.12.2009). The year **2010** is due to see the beginning of regular tranches provided for within the framework of the federal target programme "The social and economic development of Ingushetia" advertised back in **2008** and expected to bring billions of rubles into the republic (although the financing is expected to be moderate during the first three years of the programme's operation). The government of the republic has developed a special programme for financing the republic's infrastructure: the plans include the restoration of livestock breeding complexes, a number of industrial enterprises capable of producing competitive products, and a duplication of the number of medical facilities. The laying of the foundation for 29 new facilities to be constructed in the nearest future is planned for **2010** (*RIA Novosti*, 3.2.2010). The construction of new premises for the republican Ministries of Health Care, Educations and Culture, a cathedral mosque and a drama theatre has already started currently (*Respublika Ingushetia*, 11.01.2010).

The recent months saw active negotiations with the heads of the relevant governmental agencies and state-owned corporations who are ready to work on expanding the scale of the pan-national projects in the republic.

The struggle with the staggering unemployment rates continues to make use of some very non-trivial methods. For example, in the *village of Troitskaya* a battalion of local Ingush men has been formed and assigned with auxiliary services: helping with the maintenance of public order, aid in case of calamities, etc. The possibility of assigning Ingush teams to work at various oil and gas industry facilities up in the north of the country on a rotational basis is currently under consideration (*RIA Novosti*, 3.2.2010). Housing programmes targeting the republic's citizens currently residing in dilapidated housing facilities (the programme envisages the construction of a housing complex consisting of more than 500 cottages), as well as the refugees from Chechnya who have wished to stay in Ingushetia, are also being actively implemented. Mr. Yevkurov has signed a bilateral agreement with Taimuraz Mamsurov, the president of North Ossetia-Alania, on a joint action programme providing, among other steps, for the return of the Ingush refugees to the places where they previously used to reside in the Prigorodny district of North Ossetia and which they had left as a result of the **1992** Ossetian – Ingush conflict (*Respublika Ingushetia*, 17.12.2009).

It goes without saying that not everything that was planned has been achieved in the field of human rights. Each of our quarterly bulletins shows a new toll of extrajudicial executions, abductions and other crimes perpetrated by unidentified security services on the territory of Ingushetia. No marked abatement in the scale of terrorist attacks targeting officers of the police and representatives of law enforcement services has so far been achieved. Quite naturally, the President of the Republic is not able to intervene in all special operations taking place on his territory, as he did in the case with

Yusup Mutsolgov. That is why, although the overall number of known incidents, which could be qualified as extrajudicial executions, has dropped; such cases nevertheless continue to take place.

### **The practice of “manufacturing” militants continues**

In both Ingushetia and Chechnya special operations continue to take place and almost anyone who happens to be killed by representatives of the state has a good chance of being posthumously designated as a “militant killed during a special operation”.

Thus, on **December 7, 2009** in the village of *Ordzhnikidzevskaya in the Sunzhensky district* a local resident **Beslan Khassanovich Tsoroyev**, aged 24, domiciled at *Lenina St., 23*, was killed during a special operation conducted by the Russian FSB Department in Ingushetia. According to the official report, he had offered armed resistance to officers of the FSB and was killed in retaliatory fire.

On **December 22** the Memorial HRC office in Nazran received a written report from **Khassan Tsoroyev**, the father of Beslan Tsoroyev. He claims that the FSB officers had no grounds whatsoever for killing his son. At 7:15am their house was surrounded by armoured vehicles. Everyone was ordered through loudspeakers to come out. **Khassan Tsoroyev**, his wife **Ashat** and their son Beslan came out of the house. Khassan and Ashat were put into a Gazelle vehicle and taken away for interrogation. They were released later.

At about 9:00am the law enforcement officers in charge of the special operation left. When Khassan went back into the house he found officers of the Ingush police inside there. They ordered him to stay out of the bedroom but Khassan had caught a glimpse of Beslan’s body lying in a pool of blood near the sofa. The local policemen said that during the search Beslan was allegedly asked to lift the sofa and show what was underneath it. At that moment Beslan ostensibly snatched a machine gun from under the sofa and fired a shot in the leg of one of the servicemen; and was then himself killed in retaliatory fire. He had three gunshot wounds on his head. He had not been on record with the local law enforcement services ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m192407.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m192407.htm)).

Last November another long-lasting story – that of the persecution of **Alikhan Sultanovich Markuyev** – had found its quite expected resolution. On **November 27** his body bearing gunshot wounds was found on the outskirts of the village of *Serzhen-Yurt* in the *Shali district*. A machine-gun was discovered nearby. In 2009 Markuyev had been detained twice and later was abducted by officers of law enforcement structures.

Two years ago, on **August 1, 2007** Alikhan Markuyev left Argun and went “into the woods” (i.e. joined the underground armed groups) along with three other young men. In **September 2008**, amidst the wave of appeals by the Chechen authorities for the militants to return to law-abiding life, Markuyev surrendered against personal guarantees from **Ibragim Temirbayev**, the head of Argun town administration. His surrender was registered in accordance with all required formalities in the report and criminal offence registration journal of the Argun municipal police department. No criminal proceedings were initiated at first, but later they were nevertheless opened, although Markuyev remained at liberty, under the sole obligation of turning up for interrogations.

After the major terrorist attack at the theatre centre in *Grozny* on **July 26, 2009** it turned out that the suicide bomber in that instance was a resident of *Argun* **Rustam Mukhadiev** who had “left for the woods” together with Alikhan Markuyev back in **2007**. Markuyev was consequently again detained on the suspicion of aiding the suicide bomber, despite his having a solid alibi for the day when the attack was committed. He was held in detention at the Argun municipal police department, while neither his relatives, nor lawyers were allowed to see him. As a result, after conducting a relevant check-up, investigating officer of the Investigating Committee of the *Shali district* Ruslan Movlayev had discovered that the actions of the officers of the Argun municipal police department



contained elements of abuse of authority.

At about 9:30pm on **August 2** Alikhan phoned his parents asking them to come and pick him up at the Argun district police department where the head of the criminal investigation department, known under the nickname of **Richard**, publicly handed the severely beaten Alikhan over to them, saying that the latter had no guilt on him and returning Alikhan's mobile phone. However, halfway back to their home their car was blocked on the road and 6-7 armed men in fancy masks forcedly dragged Alikhan out taking him away with them to an unknown location. Richard later told the family that Alikhan had "again gone into the woods". And yet on the next day he publicly demonstrated to everyone around Markuyev's mobile phone which he had returned to the latter in front of his parents the day before ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm)).

Nothing had been known of the fate of Alikhan Markuyev following his abduction until he became yet another "militant killed in action".

On **February 15, 2010** a trip into the local woods to gather ramsons ended up in a tragedy for four local men from the Chechen village of *Achkhoi-Martan*. Those four would have also easily been written down as "militants" had it not been for the active stance of the human rights defenders from Memorial HRC and Human Rights Watch who were able to objectively reconstruct the actual course of events.

According to official reports, on **February 11-12, 2010**, a special operation was conducted in the wood situated on the border of the Chechen Republic and the Republic of Ingushetia, in the vicinity of the Ingush villages of *Arshty* and *Dattykh*. The result of that operation, as reported by the law enforcement services, was the elimination of a large group of militants (up to 20 persons), while possible casualties among civilian population were flatly denied.

Meanwhile, on **February 12**, news began to arrive from the region to the effect that a number of locals had been killed during the special operation. On **February 13** the staff of Memorial HRC visited the village of *Arshty*. On **February 14** staff officers of the Memorial HRC office in Chechnya and of Human Rights Watch questioned several dozens eyewitnesses of the events in question.

It turned out that a large number of civilians, who were around gathering ramsons, had accidentally entered the zone of the special operation which fact had resulted in numerous casualties. On **February 12** this was confirmed by the authorities. The Ingushetian President's press secretary **Kaloy Akhilgov** told in an interview to the Ekho Moskvy radio station that: "...about 70 locals had to be removed out of the zone of the special operation as they were there on a seasonal ramsons gathering... Four of them had, unfortunately, happened to come under fire and were killed" (*Ekho Moskvy*, 12.2.2010). The same was voiced by President Yevkurov himself in his interview to *RIA Novosti* (*RIA Novosti*, 12.2.2010). Rumours began to spread that there had in reality been 14 civilians killed. An immediate reaction followed from the militant underground who announced, citing their "own sources", that at least 12 high-school students from the village of *Achkhoi-Martan* (Chechnya) had been killed during the special operation, as well as that there had been no armed hostilities in the *Sunzhensky district* of Ingushetia in those days (*Kavkaz-Center*, 13.2.2010). Later all such information was proven inaccurate. The final confirmed figures are 4 men killed and one missing.

The questioning conducted by the human rights defenders had helped to ascertain that on **February 10-11** a large group of local residents from *Achkhoi-Martan* and other nearby villages (a total of 200 people) took a trip on buses and in vans into the wood on the border with Ingushetia for the

seasonal gathering of ramsons. Those local residents had previously received a written permission from the head of administration of the Achkhoy-Martan district who had guaranteed free movement of the people and transport into the area where they intended to pick ramsons. The families of the killed men provided the human rights campaigners with lists of names of those who had intended to go on the trip, executed on an official form and bearing the seal of the local administration.

According to what the human rights activists were told by the 16-year-old **Adlan Mutayev** who had gone off to gather ramsons together with his brother **Arbi** and their friends **Shamil Katayev** and **Movsar Tatayev**, on *February 11*, while coming out of the forest, they found themselves exposed to direct gunfire. Katayev and Tatayev were wounded. The Mutayev brothers attempted to flee. The 16-year-old Adlan was injured on the leg but managed to hide in a pit and the approaching servicemen did not see him. The next two days were spent by Adlan hiding from the servicemen in a deep ditch where a brook flowed and where he had found a spring of fresh water. After that he started searching for a way out of the wood, despite the gunfire wound and his frost-bitten limbs. Locals discovered him near the edge of the wood. Arbi Mutayev also attempted to hide but was seized by the servicemen, who were described as armed men of Slavic appearance wearing camouflage. Holding Arbi at gunpoint they ordered him to drag his wounded mates who were still alive at that time. Shamil was imploring the servicemen not to kill him. When Arbi was no longer able to drag his friends, they pulled a hat over his head, the sound of gunshots followed. Taking Arbi Mutayev away with them, they forced him to walk around the wood, half-naked, subjecting him to every manner of humiliation. He was only released two days after.

Apart from Katayev and Tatayev, another victim of this special operation was **Ramzan Susayev** who, according to his family, was killed with a gunshot to his chest (*"...the entire right side of his body had been riddled with bullets, his back had been torn to pieces, his left arm had been broken, and there was a gunshot wound on his right side..."*) and **Movsar Dakhayev** (born 1992, domiciled at: Achkhoy-Martan, Mamakayeva St., 36), who was killed with three shots in his back. We can thus speak of all the victims having been killed from firearms and, possibly, finished off after having been wounded. This means that there was no question of the so-called "blind" fire for effect from helicopters or artillery which the authorities initially claimed had taken place. All the dead bodies had been photographed by their families, their photos were published on the Memorial webpage. The questioned local residents claim that one other resident of their village, **Mayr-Ali Vakhayev** (born 1965), has until present time not returned from the woods. His body has not been found and nothing more is known about his fate.

The human rights defenders had questioned a total of several dozen residents of Achkhoy-Martan, including families of the deceased and several other ramsons gatherers. They all claimed that no one had alerted them about a special operation being held in the woods on those days and that they had encountered no hindrance in driving through the checkpoints on their way there.

Ramsons picking is a traditional spring-time activity and means of survival for the poorest population strata in Ingushetia and Chechnya, which helps such people to make at least some modest extra money during this season. Not all of the families of the deceased were even able to find sufficient means to bury their relatives. It was reported later that the Chechen authorities had paid such families a compensation in the amount of 300,000 rubles each out of the Akhmat Kadyrov Fund, whereas the Ingush authorities had paid them 50,000 rubles each ([www.memo.ru/2010/02/15/1502101.htm](http://www.memo.ru/2010/02/15/1502101.htm), *Gazeta.Ru*, 13.2.2010, *IA Interfax-Yug*, 14.2.2010; *Kavkazsky Uzel*, 16.2.2010).

## **The Nalchik Trial and Abductions in Kabardino-Balkaria**

The trial in the case of the October 13, 2005 terrorist attack on the capital of Kabardino-Balkaria, Nalchik, continues. 35 officers of various law enforcement and military structures, 14 civilians, as well as 92 of the attackers had been killed as a result of the clash. Criminal proceedings had been initiated and 58 people had been charged (the initial number was 59 but one of those, Valery Bolov, had died during the course of investigation). The remaining 58 have been charged with a range of crimes pursuant to Articles 105 (murder), 205 (terrorism), 209 (banditry), 210 (organisation of a criminal community and participation in it), 222 (illegal acquisition, transfer, sale, storage, transportation or bearing of firearms, its basic parts, ammunition, explosives, and explosive devices), 317 (attempt on the life of a law enforcement agency) and a number of other articles of the Criminal Code of the Russian Federation.

According to the prosecution, all of those crimes could be qualified as attempts against the RF constitutional order, aimed at achieving the secession of Kabardino-Balkaria from the Russian Federation and the creation of an independent state on its territory. The defendants do not plead guilty on any of the charges, apart from a few among them who have confessed to having illegally possessed or carried firearms.

The trial began in *November 2007* chaired by Judge of the Supreme Court of Kabardino-Balkaria Mukhamed Tushuyev. The following year was spent in attempts to form the jury within the Republic of Kabardino-Balkaria –attempts which had eventually ended in failure. In *January 2009* a law abolishing jury in cases related to terrorism charges was adopted (the law was later appealed in the Constitutional Court of Russia but the latter upheld the law in *April 2010*).

In *March 2009* the case was transferred to a panel of three professional judges chaired by Judge **Galina Gorislavskaya** of the Supreme Court of Kabardino-Balkaria. On *December 2, 2009* it became known that by virtue of a presidential decree Galina Gorislavskaya had been appointed as a judge of the Moscow Region Court. This made the defence in the trial in question fear that the examination of the case would have to start all over again and this time be possibly held in a different region. That news caused major concern among the defendants. Some of them made a motion requesting to assign Judge Gorislavskaya back to Nalchik to preside over the trial in question.

The appointment of Galina Gorislavskaya was announced on December 7. As it turned out, she had appealed to the President of Russia with a request for a transfer to the metropolitan region a year before. All the references and other necessary documents had been forwarded to the Supreme Court of Russia as provided for by the established procedure, and later passed on to the presidential administration. Many observers and participants in the Nalchik trial agree that, in view of the above, Gorislavskaya would not have been supposed to be appointed to the panel of three professional judges in charge of a case the examination of which was due to last until *October 13 (Gazeta Yuga, 10.12.2009)*.

The December sessions had demonstrated a peculiar situation: the attorneys for the defence insisted that the decisions made by the court were illegitimate, including, among others, the decision on yet another extension of the term of detention of the defendants which was previously due to expire on *December 26*, as the decree was supposed to enter into force on the day of its signing by the President of Russia. In response to the request to show the text of the ruling, Judge Gorislavskaya merely referred to its electronic version as being the only one available. In response to an inquiry from the Kabardino-Balkarian printed source *Gazeta Yuga*, the Personnel and Civil Service Department of the Supreme Court of Russia deputy head of the administration **Valery Fadeyev** confirmed on *December 17* that Galina Gorislavskaya had indeed been appointed as a judge of the Moscow city court but was authorised to continue with presiding over the Nalchik trial (*Gazeta*

*Yuga*, 17.12.2009). The outcome of the December 17 session was that the court most expectedly extended the detention term for all of the 58 defendants until **March 26, 2010**. In response to the lawyers' doubts concerning the legitimacy of that decision it was reported that the court had specifically stressed in its ruling that it did not, for the time being, dispose of a document that would "adequately confirm the appointment of the judge of the Supreme Court of Kabardino-Balkaria to serve at any other court": "No documents to that effect have been received by the Supreme Court or published by official media". The next session of the court was postponed until January 12 "due to illness" of Judge Galina Gorislavskaya (*Gazeta Yuga*, 24.12.2009).

And now, a month later, the bizarre situation with Judge Galina Gorislavskaya had met with a very fine resolution. On **January 1, 2010** *Gazeta Yuga* reported that Presidential Decree No 1372 of **December 2, 2009** on the new appointment of Judge Gorislavskaya had been cancelled by Presidential Decree No 1410. Considering that this cannot have been announced at the court sessions on **December 10** and **17**, the newspaper believes that the presidential decree may have been signed post factum. It must also be noted that both these presidential decrees have been deleted from public access on the website of the President of Russia (<http://document.kremlin.ru/index.asp>) depriving anyone of the opportunity to read them. The legal consequences of the published decree No 1410 consist precisely in that all court sessions taking place after December 2, 2009 become perfectly legitimate. There was no session held on December 2 itself. The status quo of the entire situation had thus been restored, yet the inside background behind that whole strange story continues to be a mystery.

During the court proceedings many of the defendants and their attorneys claimed that they had been subjected to pressure on the part of law enforcement officers in the course of the inquiry and the proceedings. The issue of urgent need of medical assistance to the defendants and the failure to provide such had also repeatedly arisen in the course of the inquiry and the court proceedings. Several among them, for example, **Rasul Kudayev, Sergey Kaziev, Eduard Mironov, A.S. Akhkubekov, Serabi Seyunov** – are seriously ill yet they have no access to necessary medical attendance. It was precisely the lack of medical aid that had eventually led to the death of another defendant Valery Bolov. In the meantime, a criminal case has been opened pursuant to Part 1 of Article 318 of the RF Criminal Code (use of violence that does not endanger human life or health against a representative of authority) against one of the defendants **Zaur Tokhov**. According to the investigating authorities, on **January 18** at about 2.30pm (this happened during the dinner break when the defendants were being taken back into the courtroom) he had hit one of the convoy guards on the head inside the courtroom. According to Tokhov's own version of events, his actions had been a mere response to the violent actions of that convoy guard towards him (*Gazeta Yuga*, 25.02.2010).

As of late February, three incidents all being part of the terrorist attack (the case covers a total of 10 episodes) had been examined by the court, dozens of eyewitnesses had been interrogated. The interrogation of the eyewitnesses and the aggrieved party in the attack on the Nalchik police station 1 (the third episode) had been completed, the documents from the criminal case concerning this episode were in the process of being announced ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m191642.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m191642.htm)). The interrogation of the eyewitnesses and victims in the fourth episode (the attack on the police station - 2) began on February 27 (*Kavkazsky Uzel*, 16.2.2010).

The families of the defendants make regular attempts to appeal against violations of their legitimate rights. Thus, a protest rally had been planned to be held at 10 am, on **November 25, 2009**, in Nalchik, in front of the Kabardino-Balkaria parliament premises (on Lenina avenue). The protesters were going to demand from the authorities to provide medical aid to the defendants. The city authorities had been notified of the intention to hold a rally in accordance with the law and within the term provided by it; no objections had been received from them at the time. Nevertheless, the protesters (a total of about 40 people), were forcibly dispersed; many of them, as well as some eyewitnesses and observers, like, for example, a staff lawyer with Memorial HRC **Magamed Abubakarov**, were detained by the police ([www.memo.ru/2009/12/02/0212091.htm](http://www.memo.ru/2009/12/02/0212091.htm)).

Meanwhile, reports about abductions do arrive from Kabardino-Balkaria, albeit more rarely than from Ingushetia and Chechnya, yet all seem to follow the same scenario, which have been adopted by law enforcements services in Chechnya and Ingushetia literally “by drill”.

On **December 15, 2009**, at about 11:30pm, unidentified individuals abducted **Georgi Shotayevich Nakani**, born 1988, in the village of *Neitrino* in the *Elbrusky district* of *Kabardino-Bakaria*.

The abductors, numbering three or four persons, had arrived in two Lada-Priora vehicles: a black and a silver-coloured one, both without number plates. They attempted to shove Georgi into one of the cars but he had managed to break away from them and ran. After that the unidentified attackers opened fire. Nakani was apparently injured and fell. The abductors seized him, put him into the car taking him away to an unknown location. An eyewitness had identified one of the attackers as the head of the criminal investigation department of the town of *Tyrnyauz* **Aslan Kaufov**.

The family of the abducted man began to search for him almost immediately. The Tyrnyauz district police department declined any information on the matter. On the morning of **December 16** they spotted two Lada-Priora vehicles of black and silver colour without number plates. An officer of the road patrol ordered one of the cars to stop but was shown a special FSB ID card and had to let the car pass through. Later on Deputy Minister of Interior of Kabardino-Balkaria **Ruslan Alberdiev** said that immediately after they were notified of the abduction, the Minister of Interior **Yuri Tomchak** phoned the FSB department but was told that the latter had nothing to do with it. According to Alberdiev, inquiries had been forwarded to all the security structures that are entitled to special ID cards: “Relevant steps are being taken but this will take time”.

Criminal proceedings were initiated pursuant to the fact of abduction, yet the whereabouts of Georgi Nakani remain unknown, as does his fate. The eyewitness who had identified the head of the criminal investigation department declines to give an official statement fearing for his life. He had however verbally re-affirmed to the family of the abducted man that one of the attackers was definitely Aslan Kaufov.

On **December 16** **Aminat Alimovna Nakani**, the mother of Georgi Nakani, and his aunt **Dzhamilyat Badzhuyevna Budayeva** went on a hunger strike protesting against the lack of essential and urgent investigative steps in solving the crime. On **December 19** Georgi’s family held a picket in front of the Government premises in Nalchik.

Aminat Nakani had also submitted a written statement to Memorial HRC, the Chair of the Presidential Council for Development of the Civil Society and Human Rights **Ella Pamfilova**, member of the Kabardino-Balkarian Public Chamber **P.K.Taov**, the Kabardino-Balkaria Ombudsman **B.M. Zumakulov**, the chairman of the Kabardino-Balkarian Human Rights Centre **V.N. Khatzhukov**, as well as to a number of other organisations.

Under the provisions of Article 34 of the European Convention of Human Rights and Freedoms, Memorial HRC submitted on **February 18** a complaint on behalf of Aminat Nakani to the European Court of Human Rights. Considering the fact that the abduction had only taken place recently and there is a reasonable chance that the abducted may still be alive and may even be subjected to torture, the applicant is hoping for her case to be examined on a priority basis by the European Court, as well as for the Court to immediately notify the Government of the Russian Federation of this fact for the purpose of the latter taking urgent steps towards establishing the whereabouts of Georgi Nakani and providing him with necessary medical and legal assistance.

It should be noted that the Nakani family had already been target of persecution on the part of the security services. Thus, in October 2009 law enforcement officers had detained **Murtaza Nakani**, Georgi’s older brother, twice; Murtaza’s wife, **Khalimat Zanibekova**, and Vladimir Nakani, Georgi’s cousin, had each been detained once. According to the family, the detained had been subjected to beatings but had decided against making official complaints ([www.memo.ru/2009/12/29/2912093.htm](http://www.memo.ru/2009/12/29/2912093.htm)). Georgi himself had no police record and had not been detained previously. He had no permanent employment: in the summer he was usually busy making

hay, in winters he used to help tourists around. One and a half months before the abduction he had become a father. According to one of the opinions, he would have been of little interest to law enforcement services and may have been abducted by mistake: a federally wanted criminal **Hussein Lok'yayev** lives in the same block as Nakani (*Gazeta Yuga*, 24.12.2009).

**December 20** brought the news of the second abduction within a span of one week. In the village of *Verkhnyaya Zhemtala* the 23-year-old student of the Faculty of Engineering and Physics of the Kabardino-Balkarian State University **Islam Zhangurazov**, who was at home on a week-end visit, went to the village mosque for the 5 o'clock prayer. While he was on his way four motorcars drove along the street at high speed. Having caught up with Zhangurazov the four cars made a U-turn. A loud conversation was heard taking place between him and the arrivals. Soon after, the cars left the village taking the student along with them. Nothing has been known of him ever since. According to his family, Islam Zhangurazov had never been involved with anything illegal, and never even charged with administrative offences and had no police record (*Gazeta Yuga*, 1.01.2010).

By the end of **January 2010** it had become known that on **December 10, 2009** another incident of abduction had taken place in Nalchik following which the victim of that abduction had left home for an unknown location.

On **December 10** at about 11pm 27-year-old **Beslan Abazov**, a resident of *Volny Aul*, went out to a kiosk located not far from his home. He had barely taken out the money when 5 men described by Beslan's mother as able-bodied individuals in red uniforms with light-reflecting stripes on it broke into the premises and, claiming that they were the police, overpowered the young man, handcuffed him and, having shoved him into a silver-coloured VAZ 2109 under a number plate 32, drove off. The owner of the kiosk, who knew the abducted man well, got in touch with his parents immediately after the men left. The parents reported the incident to the police. Their son came back home at 5am. He had been severely beaten and barely able to stand on his feet. Beslan Abazov told his family that he had been taken to an unknown location, kicked and beaten, tortured with electric shock with his torturers demanding that he tells them the whereabouts of a certain Arsen Khazhbiev, wanted by the police. Abazov used to know the said person as they had grown up in the same locality but had long lost touch with him. Judging by the accent of the abductors, they were from some other regions of Russia. Several days after those events Beslan Abazov left home and never returned. He told his parents that he would not be able to sustain such torture and humiliation should he happen to be again subjected to it. He has ever since sent them only one text message saying "Everything's OK" (*Gazeta Yuga*, 28.01.2010).

## **Dagestan: the new president vs the old problems**

The top levels of the Dagestan authorities have recently seen a major reshuffle. After the end of **Mukhu Aliev's** presidential term, he was succeeded by the new president **Magomedislam Magomedov**. The latter's candidacy was approved by the People's Assembly of Dagestan on **February 10, 2010** following a dramatic pause made by the President **Dmitry Medvedev** before nominating his preferred presidential candidate for Dagestan. This is the first case in the history of the modern practice of direct appointment of heads of regions by the President of Russia, when the nomination of candidates for the elections by the local Legislative Assembly was postponed until the latest deadline of the term stipulated by the law for this procedure and later even beyond it – 30 days prior to the expiry of the presidential term of the outgoing president (this deadline was introduced to come into effect starting with **2010** by virtue of a decision of the Russian President himself) the name of the new president had still not been announced. Finally, on **February 8**, 12 days before the expiry of Mukhu Aliev's presidential term Dmitry Medvedev suggested to the People's Assembly of Dagestan the candidacy of a member of the People's Assembly of the

Republic of Dagestan, the son of a former president of the republic **Magomedali Magomedov**, Magomedsalam Magomedov (*Novaya Gazeta*, 20.1.2010). The members of the Assembly gave their immediate approval of the suggested candidacy without any discussion or objections.

This unprecedented delay in time was undoubtedly spent in attempts to bring the numerous interested parties, ranging from the Russian Presidential Administration and government to the influential local ethnic clans, to some kind of agreement. The former were initially rather discontented with the “long” list of candidates suggested by Dmitry Medvedev in December 2009; Mr. Magomedov being among the names appearing on that list. That discontentment was voiced via members of the republican parliament and was equally concerned with the ethnic composition of the list of candidates (which consisted of four ethnic Dargins and one Avar), as well as the practical detachment of these candidates from the current life in the republic (the majority were holding teaching or civil service jobs in Moscow). Nevertheless, on **February 21 Magomed Abdullayev** - one of those who were on the “long list” - was confirmed in the office of the head of the government. Both Magomedov and Abdullayev are linked by the Russian press to the billionaire **Suleiman Kerimov**'s “team” (*Kommersant*, 26.2.2010). Both have an academic background.

The new president was bound to immediately find himself a hostage (or even a part) of the long-standing system of ethnic quotas in distribution of top political offices in the republic. Even before his appointment Mr. Magomedov had declared that he was determined to stick to it (*RIA Novosti*, 8.2.2010). The President and the head of government are traditionally representatives of the two largest ethnic groups in the republic – the Dargins and the Avars, respectively (although the Avars are a more numerous group). In the post-Soviet Dagestan there was a tacit convention according to which the prime minister was always an ethnic Kumyk (under Mukhu Aliev this position was held by the Kumyk **Shamil Zaynalov**). This time there did not happen to be an ethnic Kumyk among the top echelons of power and on **February 16** up to 3,000 members of the Kumyk community held a protest rally in central Makhachkala demanding the return of the practice of fair quotas. This is not only a matter of prestige but equally of economic importance. For example, the Kumyks consider the densely populated plain area stretching from *Makhachkala* to *Buinaksk* to be the area of their historical settlement and dominance. They therefore regard one of their own people holding the position of the prime minister as a guarantor of their lawful land interests (*Chernovik*, 19.2.2010).

The fact that Magomedsalam Magomedov is the son of Magomedali Magomedov - a former head of Dagestan who had been holding this office (what was then the office of the Chairman of the State Council) prior to the election of Mukhu Aliev – has received a wide range of polar reactions from political observers depending on their profile views. Some see it as a wise step since Magomedsalam has been involved in the big-time political scene of Dagestan since his youth, and is very familiar with the entire clan system, all of the clans and their spheres of interest. Others believe this circumstance to be precisely an insurmountable barrier and claim that it was precisely during Magomedov's era that the clan-based system of corruption had taken such a deep root and firmly established itself in Dagestan, a reality which even Mukhu Aliev had failed to eradicate during his term. The latter fear that Magomedsalam will become a hostage to his father's will and desires, a reluctant reactionary and an oppressor of the freedom of speech and opinion (*Novoye Delo*, 12.2.2010).

Whichever opinion is closer to the truth, a far more important question for Dagestan is what its new leaders see as its future? The first statements made by Magomedsalam Magomedov seem to be

quite encouraging. Speaking before the members of the People's Assembly as a presidential candidate, he mentioned the necessity of *"serious social, economic, political and ideological changes in the life of the republic"*. Mr. Magomedov also stressed that the traditional problems affecting Dagestan often represent a vicious cycle: poverty generates terrorism, terrorism is a major hindrance to stability, and the state of emergency imposed due to it breeds corruption and other bureaucracy-related vices which are a stumbling block on the path to stability in the republic and, consequently, its prosperity, as well as the prosperity of its population (*Chernovik, 12.2.2010*). The previous leaders perfectly realised and repeatedly raised all of these problems. But now a completely new, fundamentally different approach to breaking this cycle is suggested. *"The solution to the problem does not lie solely in the field of military and law enforcement operations, - said Magomedali Magomedov, - we should not forget that the ranks of extremists count with a significant number of young people who had been involved in unlawful activities and confrontation with the authorities through deceit and by means of false promises. We must counteract this influence with a more constructive ideology. It is quite beyond doubt that those who have not stained their name with involvement in terrorist attacks deserve a constructive dialogue and negotiations with them; a whole system of measures, including possible amnesty and reintegration of these people back into peaceful life, shall be developed. We simply must guarantee their safety... We must strive for the consolidation of our society through some kind of communal pact. We must all understand that there is no such problem that could not be resolved through negotiations. All our grudges and resentment shall be left behind. I am by no means willing to rake up past troubles, or divide the citizens of Dagestan into "my own" people and "others", what we must do is on the contrary, destroy those lines of segregation. My goal is to unite, not to divide"* (*Chernovik, 12.2.2010, Kommersant, 11.2.2010*). It is also important to remember that in addition to his excellent education and economic achievements (a PhD holder and a professor) Magomedov is also a practicing Muslim and has already gone on a hajj, which is an important asset in the eyes of the people of Dagestan (*Novoye Delo, 12.2.2010*). It is believed that this is going to help him in the future to better understand the religious issues affecting the life in the republic.

President Magomedov's reconciliatory and unifying rhetoric is very akin to that of Ingushetia's president Yunus-Bek Yevkurov who has been struggling with two fronts representing today's reality in his republic for the second year in a row – the extremist underground that had taken deep roots in the Ingush society on the one side, and the corruption that has penetrated the republic's authorities of all levels, on the other. We hope to be able to see quite clearly in the near future whether Mr. Magomedov is ready to persevere along this line like his Ingush counterpart.

In the meantime, little change is seen in Dagestan and our staff continues to register new incidents of human rights violations in the republic. During the year 2009, Memorial had received reports of 16 incidents of abductions perpetrated by officers of various security services. The last one in that series took place on the night of **December 25**.

At about half past twelve two cars drove up to the house of **Abdurashid Ubaydullayevich Rashidov** in the *village of Gubden* in the *Karabudakhkent* district. Up to 10 people armed with machine guns and wearing black uniform and masks tied up the head of the household and pushed him down on the floor. They then forced his wife Umukusum, the two daughters, Maryam and Aigimik, and his daughter-in-law Bariyat Rashidova to lie down next to him. The question *"What do you want from us?"* received no answer from the intruders who merely shouted: *"Down! Shut up!"* The men took with them the money and gold (including a pair of earrings and an antique necklace) that they had found while rummaging the house, and beat up the women.

Meanwhile, several men went upstairs into the room where Abdurashid's son **Magomed** was



sleeping. He too was beaten up and, having not been given time to get dressed, he was dragged outside and shoved into a VAZ 211 vehicle without number plates, following which he was taken to an unknown location ([www.memo.ru/2009/12/29/2912095.htm](http://www.memo.ru/2009/12/29/2912095.htm)).

On **January 11, 2010** at about 2:30pm 27-year-old **Kerim Asadulayev** and **Gebek Mamayev** were killed in *Makhachkala* on *Irchi Kazak St.* The two friends were just leaving the Z&M café. Kerim went to his car and got behind the wheel while his friend was walking on the pavement towards the car. At that moment a Gazelle vehicle stopped next to them. No less than 5 armed men in masks and training outfits jumped out of it and opened fire at the two men. 40 bullets had been fired at Kerim who was then finished off with a final shot in the head. The eyewitnesses claim that the attackers had been waiting for their prey in the vicinity. When the young men were finally dead, the murderers began to fire into the air demanding that the eyewitnesses leave the scene of the crime. According to the latter, a hand grenade was planted into Kerim's hand and a pistol was planted into his friend's hand. The local TV production crew arrived later and filmed the scene of events. The local 3pm news bulletin reported that two "suspected militants" had been killed by law enforcement services ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m198826.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m198826.htm)).

Another similar incident took place on **January 22, 2010** in *Derbent*. It was however unique in that the abduction planned by the police had apparently gone all wrong in the process and the victim had managed to escape. As the Memorial staff and the members of the human rights organisation Mothers of Dagestan for Human Rights were able to learn, on the morning of **January 22** there was an attempted abduction of **Rumil Begeyev**, born 1982. The victim was walking along *Agaseyev avenue* to his place of work, when a VAZ-2114 car drove up to him and armed men in masks jumped out of it and began beating him. During the struggle a random shot from a gun was fired, as a result of which one of the police officers was, as it turned out later, fatally wounded. Begeyev managed to escape amidst the confusion caused by the accidental shot.

On the same day the human rights campaigners received a statement from Begeyev's relatives who claimed that he was the one to have made the lethal shot from a gun which he had managed to snatch from one of his attackers. They also announced that Rumil was ready to surrender in exchange for guarantees of observance of all procedural norms of the law in his respect. Shortly afterwards, the head of the Dagestan Ministry of Interior press service **Mark Tolchinsky** confirmed that an operation in apprehension of Rumil Begeyev who was suspected of involvement with the militant underground had been conducted in Derbent and that the latter had managed to inflict four gunshot wounds to the police sergeant Rafik Magomedaliev, as a result of which the latter died on the spot, while Begeyev himself had fled. Mark Tolchinsky reported to the federal and local media that the acting head of the Anti-Extremism Centre of the Dagestan Ministry of Interior **Akhmed Bataliev** had arrived at the Derbent municipal police department in person and was ready to offer his personal guarantee that once detained by the police Begeyev would not be subjected to violent treatment (*Kommersant*, 22.12.2009).

At about 6pm a delegation consisting of journalists and human rights activists who had specifically arrived in Derbent came to the municipal police department along with Begeyev's relatives for a meeting with Akhmed Bataliev. Unexpectedly for both the journalists and the police, Begeyev's wife, **Nasiba Asvarova**, announced that she was unaware of her husband's whereabouts and that for the time being he had no intention to surrender. Later on she submitted a written statement to Memorial claiming that her husband was not the person who had fired the shot at the police officer, and that the information provided earlier by his sister was erroneous. Rumil Begeyev's wife explained that the family had for the present decided against handing him over to the police as they feared that the latter would compel him to take the weapon from which the riot-police officer was killed into his hands so that they would make sure they have his fingerprints on it. Nasiba Asvarova said that prior to the incident of **January 22** her husband had already been in trouble with the law. In **May 2009** the law enforcement services had attempted to institute criminal proceedings against him, however, the jury had acquitted him of all charges.

As of *the end of February 2010* the negotiations with Begeyev's family concerning his possible voluntary surrender had not been successful ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/01/m192408.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/01/m192408.htm)).

### **The Struggle Against the Armed Underground: the 2009 results and the 2010 Prospects**

The unusually cold and snowy winter of **2009/2010** had somewhat contributed to the general abatement of the militants' activity, yet did not halt it completely.

The end of the year was, as usual, marked by numerous summarised statistical publications focusing on the results of the counter-terrorist campaign in 2009. And, as always, it takes a considerable effort to find one's way through the labyrinth of statistical data supplied by various governmental agencies. Nevertheless, they all unanimously demonstrate a clear increase in the terrorist activity in the North Caucasus in 2009 as compared to 2008, which is little surprise considering the escalation of violence and the rise in the number of terrorist attack during the warm season of 2009, the intensity and the scale of which would have been more typical for the era of Basayev's and Khattab's peak of activity. According to the deputy minister of the interior Arkady Yedelev, the number of terrorism-related crimes in Russia's south had increased almost by 150% over one year reaching a total of 544 incidents (*ITAR-TASS, 17.1.2010*). General Yedelev was obviously unaware of the Southern Federal District envoy Vladimir Ustinov's **December 22, 2009** statement in which the latter announced that according to his own statistics, the number of terrorism-related crimes over the 11 months of 2009 alone had reached 786, which was an increase by 1/3 on the previous year (*Kavkazsky Uzel, 23.12.2009*). It is interesting to note that, according to Arkady Yedelev, the bulk of terrorism-related crimes are perpetrated in the Chechen Republic (437), Dagestan (44) and Ingushetia (41). It is difficult to say where these figures come from, as our regular and systematic monitoring of all official information arriving from the North Caucasus gives no reason to assume that Chechnya tops the list in this respect, let alone, way ahead of its neighbouring regions.

Last year the militant underground sustained a major blow to their position. On **February 2** one of the co-founders of the Al-Qaida North Caucasus network, a faithful comrade-in-arms of **Khattab** and **Doku Umarov, Seyf Islam** (aka Egyptian national **Mokhammad Shabaan**), was killed in Dagestan (*Novoye Delo, 5.2.2010*). Unlike many other killed militants, who are perceived as "militant underground leaders" mainly due to their portrayal as such by the law enforcement services, Seyf Islam had indeed been one of the top leaders of the militant front; his picture can be found on the homepage of the well-know militants' web-resource Kavkaz-Center, along with the photos of Doku Umarov, Magas and others of the same group. Moreover, the "Defence Minister" of Ichkeria, **Rustaman Makhauri**, who, it is claimed, had provided the security services with important information (although the militants had disowned him denying his affiliation with their movement), had been caught by the law enforcement services in Chechnya.

In Chechnya alone, 148 members of illegal armed groups had been eliminated during the past year. The Chechen police forces operating in the territories of Dagestan, Ingushetia, North Ossetia have the elimination of 38 members of the illegal armed groups to their credit. During the entire year 290 bandits had been arrested on the territory of the republic (*the website Ramzan Akhmatovich Kadyrov, 19.1.2010*). The struggle for domination over Chechnya's territory has become far more uncompromising. For comparison, over the entire past year 61 militants had been killed, with 324 having been arrested and 93 persuaded to surrender (*the website Ramzan Akhmatovich Kadyrov,*

17.1.2009). Last year had seen the elimination of 153 members of the guerilla underground, 111 had been detained along with their abettors (*Vesti.Ru*, 8.1.2010). No statistics are available for Ingushetia. In a number of cases, the federal forces and the law enforcement services had managed to deal a substantial blow to the militant underground. Thus, on **February 11-12** a large armed gang was eliminated in the wooded areas near the Ingush village of *Arshty*. The official reports claim the elimination of up to 18 militants (*Respublika Ingushetia*, 12.2.2010). The *Kavkaz-Center* website lists the names of the 12 shaheeds killed near *Arshty*. The militants were well-armed: five machine-guns had been found (among other weapons) at the scene of the clash (*Kavkazsky Uzel*, 16.2.2010).

There are major disparities in the estimates of the current situation with the armed underground and the number of militants, and this has been the case for years, equally reflecting both a very vague idea about the adversary and the vested interests of various departments. For example, General Yedelev gave the estimates of the total number of militants in the North Caucasus as 800, including the abettors, whereas Ramzan Kadyrov continues to be faithful to himself repeating the same thing year after year: the total number of active militants on the territory of Chechnya cannot exceed a few dozen, all in all, and those few are “desperately hiding in the woods” and “dying of hunger” (*in an interview given to “Rossiyskaya Gazeta”, 12.2.2010*).

It is clear that such a considerable spread in the statistical indicators available from various law enforcement agencies, to which attention is inevitably drawn by the media at the end of each year, does nothing other than discredit the security services. The President of Ingushetia Yunus-Bek Yevkurov was the first to publicly acknowledge this by saying that “*putting any explicit figures on it would merely result in making those who do so a universal laughing stock*”. With each coming year, twice as many militants turn out to have been eliminated during the previous year as their ranks are presumed to be constantly growing on account of new adherents and they also have plenty of “abettors” (*RIA Novosti*, 24.12.2009). It is curious that even the President of Russia, who is in fact the actual “end consumer” of all such statistics of the governmental agencies, has obviously grown tired of the endless statistical figures with which the representatives of various security and law enforcement services have literally been fulminating. At a meeting with the FSB director Alexander Bortnikov he called upon the latter not to “*speak about some abstract figures which may in fact not even exist in reality*” (*Novoye Delo*, 15.1.2010).

The militants had made their own summary of the year by putting up an interview with Doku Umarov dated January 2010 on all their websites. The leader of the militant underground was, however, extremely careful with his words and managed to avoid any explicit mention of any single fact related to his “holy struggle”. The only link between his speech and the events of 2009 was Umarov’s declaration concerning the revival of the “*Riyyad-Salikhniyn suicide bombers brigade*” – the peak in the number of suicide bomber attacks had indeed occurred in 2009. The terrorist attacks orchestrated by the militants were the cause of a major part of the casualties sustained by the security forces during the year, as well as civilian casualties. Umarov’s gloomy rhetoric frequently goes beyond all possible reason: “*When Stalin came to power....the children educated in...mosques were all used as food for the fish in the Sunzha river having been ground up by a huge mincing machine, which was set up on the KGB premises on the bank of our home river* (*Kavkaz-Center*, 14.2.2010). The lack of confirmed facts and the general demagoguery of the militants’ leader, infrequently bordering on sheer madness, undoubtedly testify that the militant underground is going through difficult times.

Both sides continue to lose their leading figures in the battle. Thus, in Dagestan two high-ranking officers of the police – the head of the Makhachkala department of interior Colonel **Akhmed Magomedov** and the head of the inter-district anti-extremism department **Gaur Isayev** – were killed in early February as a result of a series of terrorist attacks. The official terrorism-related casualty toll of the police forces in Dagestan for the past year was 58 officers killed and 135 wounded, 56 officers of the police had become totally disabled (*Vesti.Ru*, 8.1.2010). The casualty toll for Ingushetia was 81 officers of the law enforcement services killed and 231 wounded (*Respublika Ingushetia*, 19.1.2010). According to the Deputy Minister of Interior General Arkady Yedelev, the total casualty figure for police officers alone resulting from clashes with the armed underground was 235 killed and 686 wounded (*ITAR-TASS*, 17.1.2010). And according to the former presidential envoy in the Southern Federal District **Vladimir Ustinov** for the 11 months of 2009 the total number of killed and wounded law enforcement officers and servicemen, as well as civilians, was 1,263 people against 914 in 2008.

It is worth looking at the statistics of casualties sustained by the RF security and law enforcement services that Memorial HRC has been collecting over the few recent years based on open sources. According to these statistics, in **2009** the casualties sustained by the Russian law enforcement services and armed forces as a result of armed clashes with the militants and terrorist attacks had reached **835 people**, of which **273 had been killed** and **562 wounded** (this figure can be broken down by the republic as follows: *Chechnya – 93 people killed and 192 wounded, Ingushetia - 92 people killed and 231 wounded, Dagestan – 83 people killed and 119 wounded, Kabardino-Balkaria – 5 killed and 16 wounded, North Ossetia – 4 people wounded*). Therefore, despite the considerable spread in the statistical indicators, the figures offered by Memorial and those offered by the state security services are more or less within the same range.

February	TOTAL		January					
	Killed	Wounded	Killed	Wounded	Killed	Wounded	Killed	Wounded
Chechnya	1	10	0	10	6	8	7	28
Ingushetia	5	27	6	9	9	44	20	80
Dagestan	4	12	10	14	13	2	27	28
<b>TOTAL</b>	<b>10</b>	<b>49</b>	<b>16</b>	<b>33</b>	<b>28</b>	<b>54</b>	<b>54</b>	<b>136</b>

The above table shows the summarised casualty toll of the law enforcement services. These figures are on par with the previous season – **the autumn of 2008 (52 killed and 121 wounded)**, yet substantially higher than the statistic for the previous winters. For comparison, over the **winter season of 2008/2009** the security services had lost **37 officers killed and 113 wounded, in the**

*winter of 2007/2008 – 42 and 85, in the winter of 2006/2007 – 25 and 70* offices respectively. Thus, despite a certain “seasonal” decrease in the militants’ activity, the general trend demonstrates its annual growth. The modest casualty toll for the **Chechen Republic** is also not quite indicative: the figures were even lower during the last winter season (**8 killed and 18 wounded**), however, during the warm season Chechnya had again topped the list in terms of the scale of the militants’ activity.

One thing needs to be stressed at this point. Practically the entire past year was marked by the unprecedented union of the efforts of the two neighbouring republics – Chechnya and Ingushetia – for the purposes of eliminating the armed bandit groups operating in the respective Sunzhensky districts of the two republics located along their shared administrative border. For many years the militants were feeling rather safe in their activities precisely due to the fact that they were based in the border area and were able to move freely from one republic into the other. The large-scale operation which had received such a wide coverage in the media being described as “the last winning battle” against the militants had unexpectedly fallen flat due to a comical incident. Not being all too experienced in the art of political speech, Yunus-Bek Yevkurov had taken the liberty to speak about certain criminal trends among the Chechen refugee population residing on the territory of Ingushetia. Considering their extreme sensitivity to any criticism emanating from outsiders, the Chechen leaders, represented by the head of the government **Dukvakha Abdurakhmanov** immediately retaliated with harsh criticism of the Ingush people and their leader, almost bordering on open insults. After the almost proverbial quarrel between the two neighbours, there was naturally no question of any further joint operations. In his latest interview given to “Rossiyskaya Gazeta” Kadyrov thus defined his “scope of work”: *“I am solely responsible for the Chechen Republic. And on our side the struggle with the remaining militant groups is nothing less than successful”*. In response to the interviewer’s direct question as to whether any coordination between the law enforcement services of Chechnya, Dagestan and Ingushetia is in place, Kadyrov said that “generally speaking, such a practice exists” yet immediately after that he stressed that the leaders of the neighbouring republics were at variance as to the approach to the counter-terrorist struggle making a thinly veiled hint at the Ingush President: *“Other leaders have a tendency to regularly call for negotiations and the use of diplomacy when it comes to terrorists. And my opinion is that this is no place to stand on ceremonies. We must keep catching and imprisoning them. And if they offer armed resistance – we will eliminate them”* (Rossiyskaya Gazeta, 12.2.2010).

The distinctive feature of last year’s special operation was the almost total exclusion of the federal armed forces from the operations conducted on the territory of Ingushetia. The numerical and organisational weakness of the Ingush police forces was balanced out by the numerical strength and experience of their Chechen colleagues. The practice of massive involvement of the federal forces has now returned, at least in the case of Ingushetia, and the combat tactic changed immediately. The media sources have reported that *“units of the FSB, the Interior troops of the Ministry of Interior and the Ministry of Defence have taken part in a special operation held on **February 11-12** in the vicinity of the village of Arshty in the Sunzhensky district of Ingushetia”*. Upon discovery of persons suspected of being militants operating in the forests, they would not enter into an open combat but would instead summon for assistance Mi-24 helicopters which would shell the entire locality. As was mentioned before, the fire from the helicopters had left victims among civilians as well (Lenta.Ru, 12.2.2010, Moskovsky Komsomolets 13.2.2010, Gazeta.Ru, 13.2.2010).

This winter curious information had emerged with regard to the armed underground financing

sources. Previously, the officials had almost invariably spoken of a certain exterior source: “aid” from Al-Qaida and a number of other Islamic extremist organisations, and – less directly – the financing coming from the Western intelligence services who are supposedly doing their best to keep the conflict in the North Caucasus burning. This time, Russian Minister of Interior **Rashid Nurgaliev** indirectly acknowledged that a certain share of the militants’ funding comes from their control over the rampant corruption channels in the republic. In other words, the militants extort money from the local governmental authorities in exchange for guarantees of personal safety. The head of the Russian police ministry called upon the Dagestan police to engage into a more active crackdown on corruption and embezzlement-related crimes (*Vesti.Ru*, 8.1.2010).

It is curious that in the case of Dagestan a substantial source of money channeled towards the militants’ funding is the illegal catching of the most valuable protected fish species. According to Mr. Nurgaliev, “*The armed criminal groups equipped with speedboats, most up-to-date navigator communications devices, are acting with the ever growing audacity and boldness*”. The key obstacle on the way to blocking this channel is again the all-penetrating corruption: according to Mr. Nurgaliev, only two cases of detention of poachers with a large illegal catch on their hands had been registered over the past year.

This must indeed be the first time that an acknowledgement of the corruption of state authorities being a factor in the financing of the militant underground has come from such a high-ranking official. Despite this, at the grass-root level the rumours to the effect that the militants had imposed a “tax” to be paid by the political elite in exchange for the security guarantees were very common. During the term of President Murat Zyazikov’s administration such rumours were voiced almost openly. What’s more, in a recent interview President Yevkurov noted that the weapons seized from the militants in 2010 must have again mysteriously returned into their hands as the very same weapons had already been seized from them back in 2006 (*RIA Novosti*, 3.2.2010).

### **Work of the Joint Mobile Task Group of Lawyers and Human Rights Activists in Chechnya**

In *late 2009*, a new form of work of human rights activists, which had earlier been tested in other regions of Russia, - a “joint mobile task group” - was introduced in Chechnya as well. Groups of lawyers travelling on brief work assignments to various regions are capable of collecting and drawing up necessary documents on a short term basis and then providing a follow-up for such cases acting as representatives of victims along the entire chain of proceedings. This tactic has been used since the mid-2000s in those regions of Russia where the local human rights organisations are objectively unable to ensure due level of safety for their own members and the local population in general. This was the tactic that the human rights organisations were initially suggesting for the case of the Bashkortostan town of Blagoveschensk after the police “mopping-up” operation there back in 2004.

Human rights organisations are mushrooming in the Chechen Republic. The vast majority of those are operating under the close surveillance and guidance of the head of the governmental human rights watchdog Nurdi Nukhazhiev, and in obedience to his careful instructions. And it is beyond all doubt that many of them are dealing with very serious issues indeed, such as crimes committed by the federal forces and security services during the first years of the Second Chechen war or even

during the First Chechen war. It equally cannot be denied that certain human rights organisations also work with present-day human rights violations committed by the security services of the Chechen Republic and sometimes even achieve the release of the abducted or unlawfully detained persons, or manage to put an end to unlawful persecution. They, however, avoid taking such cases to the legal level, refrain from helping people with writing complaints and official reports to the authorities, and by no means strive to give those incidents any publicity. The events of the summer and autumn 2009, the assassination of Natalya Estemirova and the pressure to which some of her colleagues had been exposed resulting in the suspension of the Memorial HRC work in Chechnya, - all of this had convinced us that the work on a public level, tackling the legal side of human rights violations occurring “here and now” and offering any publicity to such cases may be fraught with real danger to the life and personal safety of those who attempt to do so. We believe that in our absence the situation with respect for the most basic human rights had deteriorated further still and all work in the prevention and investigation of cases of torture, murder and disappearance had practically come to a standstill.

In late November 2009 human rights activists from all over Russia made an attempt to fill in this obvious lacuna in the best way they could. Those human rights activists included, among others, the Nizhny Novgorod Committee Against Torture, the Moscow Institute of Human Rights and the Public Verdict Foundation – all in all, over a dozen organisations. They announced the creation of a Public Commission on Chechnya and the formation of a joint mobile task group consisting of lawyers from various regions of Russia for the purposes of operation in the Chechen Republic. Its declared tasks and objectives include: *“protection of victims of torture, inhumane treatment, and bringing persons responsible for grave human rights violations, or those who, in violation of their obligations as stipulated by the international and Russian law, had not taken all necessary and reasonably expected measures for prevention and punishment of such violations, to liability according to the law”* (the webpage of the Committee Against Torture, 23.11.2009).

The official statistics claim that all of the above-mentioned phenomena are non-existent in Chechnya. Nevertheless, when the lawyers and human rights campaigners arrived in the republic on an assignment, they were able to quickly compile a batch of cases on which follow-through work was started – here are a few examples from among those cases. The first case is the abduction of **Zarema Ibragimovna Gaysanova** on **October 31, 2009** in central *Grozny*. She went missing following a special operation which was conducted under the personal control by Ramzan Kadyrov. More detail about this can be found in our previous autumn 2009 bulletin. Another case was that of a resident of *Shali* **Denilbek Sakhabovich Askhabov** who had reported having been beaten up on **May 28, 2009** by officers of law enforcement services, as well as the abduction of his son **Abdul-Yazit Askhabov** on the night of **August 4 to August 5, 2009**. The third case was the last that Natalya Estemirova was working on before her death along with another Memorial HRC officer Akhmed Gisayev (who was forced to leave Chechnya in August 2009 and Russia in the autumn of 2009). The incident around which the story evolved was the abduction on **June 29, 2009**, the secret detention at the Achkhoy-Martan hospital and the subsequent disappearance on **July 7, 2009** of **Apti Ramazanovich Zaynalov** (see the summer 2009 bulletin). The fourth case is related to the **October 21, 2001** abduction of **Said-Salekh Abduganievich Ibragimov**, the burning down of his relatives’ house in the village of *Goyty*, and the harassment of his father **Adnan Ibragimov**. The human rights activists had insisted upon a check-up being carried out in respect of Adnan Ibragimov’s report, as well as prepared and submitted to the RF Prosecutor General’s office a statement demanding to

conduct a thorough investigation into this case (see *the webpage of the Committee Against Torture, 14.12.2009, Novaya Gazeta, 21.12.2009*).

The tactic chosen by the joint mobile task group is plain: “In each case where we come across a violation of the law related to criminal proceedings which can be described as a violation of human rights of a particular individual, we appeal that particular violation and seek restoration of the due course of the legal procedure. That being said, we refrain from public accusations in respect to civil servants and officials in the absence of solid proof of their involvement and responsibility... all reports coming from residents of Chechnya receive a response in the form of meticulous quality work on our side in cooperation with the investigative committee and other law enforcement agencies (see *the webpage of the Committee Against Torture, 10.2.2010*). Using references to the Code of Criminal Procedure as their weapon these lawyers are incessantly demanding respect for, and compliance with, the law.

In the cases described above the lawyers had appealed the results of the investigative procedures, complaining of the authorities’ failure to act, in the courts of the Chechen Republic, and had achieved from the investigating authorities the opening of investigative procedures in respect of officers of the security services of Chechnya who, according to reports received by members of the joint mobile task group, may be implicated in the indicated violations. Previously the investigating authorities of the Department for Investigation of Most Important Cases of the Public Prosecutor’s Office in Chechnya – the highest investigating authority in the republic! – had never even attempted to summon traffic patrol police officers for interrogation. Formally speaking, this is major progress, even though little has changed in terms of practice: if before such officers were never interrogated because the investigating authorities “perfectly realised everything” and never summoned them at all, now they never turn up for interrogation and do not reply to the subpoena received from the Investigating Committee and the Public Prosecutor’s Office.

However, even such careful work in human rights monitoring focusing purely on legal proceedings had provoked an expected reaction from the Chechen law enforcement structures. On the evening of **February 7, 2010** human rights activists **Dmitry Yegoshin** (*Yoshkar-Ola*), **Roman Veretennikov** (*Krasnodar*) and **Vladislav Sadykov** (*Bashkiria*) were detained by the police and taken to the Shali district police department. Their arrest was carried out with the direct involvement of the head of the Shali district police department **Magomed Daudov** who himself appears to be implicated in one of the cases on which the joint mobile task group are working. The activists had spent 15 hours at the police station, where they were taken to different rooms and forced to listen to certain instructions and “educational” explanations. Neither their detention, nor their subsequent release had been registered with required formalities whereas the replies given by the officers of the police department to phone inquiries concerning the fate of the detained activists were nothing short of absurd ([www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m192783.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m192783.htm), see also: [www.memo.ru/2010/02/08/0802101.htm](http://www.memo.ru/2010/02/08/0802101.htm)).

The law enforcement services announced that the human rights activists had been arrested upon a report from a local resident who claimed that these individuals were trying to coerce her into committing perjury against the authorities (*IA Grozny-Inform, 9.2.2010*). The usual criticism of dissenters followed from the Chechen human rights ombudsman **Nurdi Nukhazhiev**. In December 2009 he had already suggested that the lawyers “should rather go find some work to do somewhere in Vologda”, now he came down on them with accusations of employing methods of operation,



which were more typical of espionage work, and of the reluctance to cooperate with the local human rights agencies, i.e. operate under the close control by the authorities (*the webpage of the Human Rights Ombudsman of the Chechen Republic, 8.2.2010*). Similarly to the events of December 2009 (when a campaign launched against Memorial HRC included an open letter from the local human rights organisations some of the signature under which were subsequently reported to have been forged, there were also reports that those whose signatures were genuine had been coerced to sign that letter), this time the expected “public reaction” also followed without fail. The only Chechen NGO that was part of the public commission on Chechnya was the *Objektiv* movement. In her confusing statement the director of *Objektiv* Kheda Saratova stated other things that “*she had not taken part in the latest fact-finding mission of the joint mobile task group*”: “*...I had not even been offered to join them, in fact. As a matter of fact, I would like to stress that I had never really done any work in association with the joint mobile task group and I now declare that I officially withdraw my membership in it*” (*IA Grony-Inform, 11.2.2010*). Informal sources have suggested that she or her family may have been receiving threats.

The work of the joint mobile task group nevertheless continued and, although in none of the cases the whereabouts of the missing people have so far been established, nor has a single case ended in the conviction of those responsible, one of the tasks that had been assigned to it can nonetheless be considered to have been accomplished.

It is obvious that inside the Chechen Republic there is absolutely no question of applying any national legal remedies to help and protect its citizens. The work of the joint mobile task group has helped to more or less identify how this system of institutionalised impunity works.

### **New ECHR Judgements in cases from Chechnya**

During this past winter the European Court of Human Rights had delivered four judgements in cases concerning violations taking place in the Chechen Republic. The interests of the applicants in the case ***Dubayev and Bersunkayeva v Russia*** were represented by staff lawyers of Memorial HRC and the European Human rights Advocacy Centre (EHRAC, London); in the other cases the interests of the applicants were represented by staff lawyers of Stitching Russian Justice Initiative.

### **Dubayev and Bersnukayeva vs Russia (judgement delivered on 11.02.2010).**

The applicants in the case were **Rizvan Dubayev** and **Saudat Bersnukayeva**. They had submitted the application on behalf of their sons, **Islam Dubayev** and **Roman Bersnukayev**, who went missing after voluntary surrendering to representatives of the Russian federal forces in **March 2000**.

Islam Dubayev had been a member of an illegal armed group operating under the flag of the Chechen Republic of Ichkeria whose forces were waging a war against the Russian federal troops in the *Urus-Martan district of Chechnya* since the autumn of **1999**. Roman Bersnukayev was also among the members of that group.

On **March 14, 2000**, they learnt from the locals that the RF State Duma had announced an amnesty for militants and surrendered to the federal troops at the village of Martan-Chu. Nothing has been

known of them ever since. In April 2000 the family of Roman Bersunkayev received a visit from a man who confirmed that Roman had been handed over to the FSB officers after his surrender. During the year 2000 FSB officers had provided the applicants with copies of the order on dismissal of criminal charges against their relatives and certificates of their voluntary laying down of arms. They also stated that Roman Bersnukayev and Islam Dubayev were released soon after their arrest. The European Court of Human Rights found that the applicants' relatives had been unlawfully and deliberately killed by Russian servicemen and that the state had failed to carry out an effective investigation into those cases. Violations of Articles 2, 5, 13 of the European Convention of Human Rights in respect of the applicants' relatives had also been found, while in respect of the applicants themselves there had been a violation of Article 3 of the Convention. The Russian Government was ordered to pay EUR 60,000 to each of the applicants in respect of non-pecuniary damage and EUR 639 to the applicants' representatives as a compensation for their services. [www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m198075.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2010/02/m198075.htm))

### **Guluyeva and others vs Russia (judgement delivered on 11.02.2010).**

The applicants were three residents of Grozny, Chechen Republic

On **July 13, 2002**, at about 2.00am, a group of armed men drove up to the house of the Guluyev family in Grozny waking up the entire family. Two armed men from whom a strong smell of alcohol was emanating came in and seized **Ramzan Guluyev**. When other members of the family ran out into the yard, the servicemen began to beat him with their weapons. Shortly afterwards the servicemen left taking Ramzan away with them. Nothing has been known of the latter ever since. The criminal investigation proved to be utterly ineffective.

The European Court of Human Rights found violations of Articles 2, 3, 5, 13 of the Convention in connection with the death of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy.

The European Court awarded the applicants jointly EUR 65,000 in respect of non-pecuniary damage, EUR 10,800 to the first applicant in respect of pecuniary damage, as well as EUR 1,650 for legal costs and expenses.

### **Alieva vs Russia (judgement delivered on 18.02.2010).**

The applicant is a resident of Grozny, Chechen Republic.

On **October 29, 2002** at about 2.00am around 30 armed men wearing masks forced the door in the flat of the Aliev family in Grozny. The armed men dragged Abu Aliev out of bed, forced him to lie down on the floor and started beating him. After that they left taking him away with them. A neighbour had seen them dragging Abu, who was only to be able to hop on one leg the other having been injured, to one of their cars and then taking him away with them. Nothing has been heard of Abu since then. The official inquiry into his disappearance had brought no results.

The European Court of Human Rights found violations of Articles 2, 3, 5, 13 of the Convention in connection with the death of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy. The Court awarded EUR 60,000 in respect of non-pecuniary damage and EUR 1,650 for costs and expenses.

**Iriskhanova and Iriskhanov vs Russia (judgement delivered on 18.02.2010).**

The applicants are two residents of the village of Samashki in the Chechen Republic.

On the evening of **June 19, 2002** a large group of armed men broke into the house of the Iriskhanov family in the *village of Samashki*. **Zurab** and **Gilani Iriskhanov** attempted to flee and the armed men opened fire. Zurab was injured. The brothers were then tied up, beaten with the butts of machine-guns and taken away in different cars. Zurab had been missing ever since. The investigation into his disappearance had failed to bring any tangible results. Gilani was released on **June 27, 2002**. He had been brutally beaten during his apprehension and was in need of medical aid after that.

The European Court of Human Rights found violation of Articles 2, 3, 5, 13 of the Convention in connection with the death of the applicants' relatives, the failure to carry out an effective investigation and the lack of an effective remedy. The Court awarded both EUR 60,000 to both applicants jointly, and EUR 5,500 for costs and expenses.