

Bulletin of the Memorial Human Rights Center

Situation in the North Caucasus conflict zone:

analysis from the human rights perspective

Summer 2009

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 2008 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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Assassination of Natalya Estemirova

On July 15, 2009 the Memorial Human Rights Centre sustained a tremendous loss. Our remarkable colleague and dear friend, one of the most active and prominent members of the Memorial HRC Board, Natalya Estemirova, who had been working at the Memorial Grozny office since its opening in 2000, was assassinated.

Natasha Estemirova was abducted on July 15 near her house, right in front of her neighbours' eyes, at **about 8.00 am**. She was grabbed and forced into a white VAZ-2107 vehicle. All she had time to do was cry out that she was being abducted. Natasha Estemirova had a number of appointments on that day, including one with Head of the Investigating Committee of the RF Public Prosecutor's Office in the Chechen Republic V.A. Ledenev, and a trip to the Stavropol Krai, together with officers of the Chechen Ministry of Interior. However, she did not show up for any of these meetings and no phone calls had been received from her either. People at the Memorial Grozny office began to worry and went to her house to check, but all they discovered were the eyewitnesses of her abduction. They questioned them and the information was immediately sent to the Ministry of Interior and the Public Prosecutor's office for Chechnya, the Human Rights Ombudsman of the Russian Federation, who, in his turn, informed the heads of the Ministry of Interior.

On the same day, at 4.30 pm, the body of Natasha Estemirova with gunshot wounds in the chest and the final "check" shot on the head was discovered on the territory of Ingushetia, about 100 m away from the *Kavkaz* motorway, in the vicinity of the *village of Gazi-Yurt*. The expert analysis showed that she was shot dead at around 11 am – two or three hours after being abducted.

Such ostentatious reprisals against a woman, who was a widely known public figure not only in the North Caucasus, but equally throughout the world, as well as a mother of a 15-year-old girl, caused a tremendous wave of indignation. The work of Natasha Estemirova in the field of human rights defence had brought her a number of international awards. She was the first person to receive the Anna Politkovskaya Award in 2007, in 2004 she won the Swedish government award "The Right to Life" (sometimes referred to as an Alternative Peace Nobel Prize). In 2005 the largest fraction in the European Parliament – the European People's Party – European Democrats (EPP-ED) awarded her the Robert Schumann medal. In 2007 Estemirova received a Human Rights Watch Defender Award.

Who was behind this assassination? Who had ordered it and whose hands committed it?

The answer to these questions can only be given by the Court.

All we can now say with certainty is the following: the Chechen authorities had repeatedly expressed their anger and frustration in connection with Estemirova's work. Natasha herself, as well as human rights activists on the whole, have frequently found themselves targets of massive defamation campaigns, insults and threats. Their role was more than once likened by the authorities to that of the militant underground. Less than a fortnight before Natalya Estemirova's assassination, on **July 4**, a member of the RF State Duma, a relative and a close friend of **Ramzan Kadyrov**, **Adam Delimkhanov**, spoke on the Chechen television, plainly saying the following: *"There are certain groups and individuals who call themselves human rights activists, but who in reality are helping these shaitans ([devils]), bandits and militants, who are working to help them realise their cause and to protect them... Their crimes are in no way smaller than those of the militants who are hiding in the woods... Our boys here, our best warriors, our commanders ask me what is it that these people [human rights activists] want? I answer that we do not care a damn about these people... God willing, we will bring all those evil-doers to justice and make them answer for their deeds. Each of them, be he a Chechen, an Ingush, or anyone else, must know that he will some day be held answerable for his words..."* (*Kavkazsky uzel*, 3.8.2009)

The hostility and hatred felt by Ramzan Kadyrov towards Natalya Estemirova has apparently been his attitude toward her since their first meeting back in July 2004. At that time Natasha was accompanying Anna Politkovskaya on her visit to Kadyrov's residence in the village of Tsentoroi. Politkovskaya came to interview Kadyrov, the interview was subsequently published in Novaya Gazeta on 21.06.2004 (<http://politkovskaya.novayagazeta.ru/pub/2004/2004-051.shtml>). Estemirova was present during that interview and was even compelled to intervene when the conversation became too heated.

In the late winter - early spring of 2008 the situation almost looked like the Chechen authorities were ready to begin a dialogue with the human rights activists. During his meeting with members of the Memorial HRC the Chechen President appointed Natasha Estemirova as head of the recently established Grozny Public Council for Assistance in Defending Human Rights and Freedoms of Citizens (www.memo.ru/2008/02/27/2702081.html). Natasha had held one meeting of the Council in that capacity.

However, on **March 31, 2008** the mayor of Grozny **Muslim Khutchiev** sent urgent summons to Estemirova ordering her to come to the Grozny Palace of Youth for a talk about further operation of the Grozny Public Council. The President of the Chechen Republic entered suddenly in the middle of their conversation and immediately changed the tone of the discussion. Kadyrov now and again started shouting at her. He came down on Estemirova severely criticising her for her interview featured in a documentary entitled "*Islamic Evolution*" by the REN-TV channel shown on 30.3.2008, where she condemned the practice of intervention of the state into private life of the population, in particular, the pressure on women to wear headscarves in public. He also said that the Memorial HRC was spreading absolutely unsupported rumours defaming the republic's leaders and that he himself sees no positive result of the government's interaction with human rights organizations. Ramzan Kadyrov announced that he was removing Estemirova from the chair of the Grozny Public Council and demanded that Memorial suggest a candidate to replace her upon the condition that such a person would be supportive of the Chechen authorities' policy on headscarves. As for Estemirova, he insistently recommended that she quit her activities involving visits to the ministries and governmental agencies under his authority (<http://www.memo.ru/2008/02/22/2202081.htm>, <http://www.memo.ru/2008/04/18/1804084.htm>).

Natalya Estemirova took some of Kadyrov's words as insults and open threats addressed to herself. After that the Memorial HRC leaders pressed for Natalya to leave Chechnya and Russia for several months in the **summer of 2008**.

The truth...unacceptable and undesirable

In his telegramme from July 18 addressed to the Memorial office in Grozny President of the Russian Federation **Dmitry Medvedev** expressed the following promise: "*This crime will be investigated with utmost thoroughness and the guilty will by all means sustain their deserved punishment*" (www.memo.ru/2009/07/20/2007092.htm). The same determination was voiced earlier, on **July 16**, at a press conference in Germany. Immediately, on the very day of assassination, Head of the Investigative Committee of the RF Public Prosecutor General's Office **Alexander Bastrykin**, was sent on a mission to Grozny with instructions from the Russian President to take the investigation under his personal control (*the official website of the President of the Russian Federation*, 16.7.2009). The task of investigating this crime was assigned to an investigative group specifically created by the Investigative Directorate of the Southern Federal District and led by senior investigating officer of the Public Prosecutor's Office, **Igor Sobol**.

However, both the family and the colleagues of Natalya Estemirova are highly skeptical about any possibility of a fair and effective investigation into this horrific crime. Their opinion is based upon the recent series of political assassinations in Russia, all of which remain unsolved to this day.

The public declaration of Russian President Dmitry Medvedev clearly demonstrated that the authorities have set up certain limitations for the investigation. When speaking in Germany at the press conference, he had no other choice but to answer journalists' questions about the assassination that had just taken place. Medvedev was civil in his words about the murdered woman (one only need to compare his reaction to that of his predecessor Vladimir Putin straight after the assassination of Anna Politkovskaya). However, the Russian President immediately and categorically discarded one of the most likely leads. He declared that any speculations of possible involvement of Chechen President Ramzan Kadyrov in Natalya's assassination could not be described as anything other than sheer provocation, *"a most primitive one as well as most unacceptable for Russian authorities"* (the official website of the President of the Russian Federation, 16.7.2009).

Other representatives of the authorities sometimes suggest even wilder speculations, barely bothering to involve the tiniest degree of plausibility into their ideas. Deputy Minister of the Interior of Russia **Arkady Yedele** beat it all when describing the murder as "a provocation on the part of the guerilla leaders aiming at discrediting the leaders of the federal subjects and their law enforcement services", "murder on the grounds of troubled family relationship", robbery, "because the victim had been receiving money, grant funds for executing certain assignments".

The latter suggestion is particularly absurd. Mr. Yedele, who holds such a senior position in the Russian government, should know none the better that grant money is transferred to the bank accounts of relevant organisations, while their staff just receive salaries. Beside that, Natalya was not "acting around on some assignments", but openly and officially doing her work in defence of human rights, which had, by the way, also received high praise from the President of Russia.

All this inevitably creates the impression that the country's leaders are simply unable to take any decisive measures that would help to ensure the safety of human rights activists, journalists and ordinary people in Chechnya. Considering the circumstances, the members of Memorial HRC have made the decision to suspend its operation in Chechnya, on the grounds of concern for the health and safety of the staff in Grozny who are exposed to serious threats, while the Chechen authorities *"are showing overt hostility towards any independent public initiatives and total lack of understanding of the principles behind normal life of civil society... they openly liken human rights activists to terrorists and voice unveiled threats in their respect"* (www.memo.ru/2009/07/20/2007091.htm).

Meanwhile, the first and the second versions, which are passed in whispers around Grozny and which were only voiced by a few liberal media sources in Russia, but which was openly pronounced by the Western media, is more than obvious against the background of the realities of today's Chechnya, where an illusion of peace and stability has been given in exchange for total deprivation of all rights and freedoms, and the omnipresent fear of being abducted and killed at any moment. Natalya Estemirova found her death from that which she had been fighting against all these past years, - the arbitrariness and brutality of, first, the federal military forces, and now – although not a degree more restrained or less cruel – the local law enforcement services.

All this was openly voiced by Chairman of the Memorial HRC Board Oleg Orlov, who also named President of Chechnya Ramzan Kadyrov as the person directly responsible for Estemirova's assassination. The prominent human rights activist stressed that he does not allege that Kadyrov had personally given the order to murder her, however, the direct responsibility for establishing and maintaining the system of arbitrariness on the part of security and law enforcement services. The entire republic is living under the absolute control of one man. Here it would come in most appropriately to quote Chairman of the Accounting Chamber Sergey Stepashin, who, when asked in his interview by the Ren-TV television channel, whether he thought it peculiar that the tax declaration of Ramzan Kadyrov contained mention of only one

car as being in his possession – a VAZ-2105, said: *“Ramzan Kadyrov owns the entire republic. There is therefore little need for you to lose sleep over his welfare”* (Vlast, 1.6.2009).

Kadyrov deemed Orlov's words offensive and decided to kill two birds with one stone, so to speak. First, he tried to achieve initiation of criminal proceedings against Orlov under Part 3 of Article 129 (slander accusing a person of committing a grave or especially grave crime). Secondly, he submitted a suit for defence of his honour and dignity to court, demanding an official retraction from Oleg Orlov and Memorial HRC as well as compensation in the amount of 10 mil rubles.

Before that he personally phoned Orlov trying to persuade him that he was wrong. Kadyrov's arguments were simple and unsophisticated. They were first voiced in a private conversation with Oleg Orlov. The idea apparently seemed a convenient one to Kadyrov and he continued to elaborate on it further on in his interviews. He claims that the law enforcement services of all levels are totally free from his control: *“Our security and law enforcement structures are not accountable before the President, the Minister of Interior has also been appointed directly by the President of Russia, just like myself. The Prosecutor General of the Chechen Republic, the entire Drug Control Service, all governmental structures in the Chechen republic – none of them are subordinate to the President* (Radio Liberty, 8.8.2009). His sole duty is that of ensuring that they all *“work properly”*. Nor does he have any control or influence over the counter-terrorism operation on the border of Chechnya and Ingushetia: it is the commanders of regiments and security services units who are in charge there. And as for the question what on earth is Adam Delimkhanov doing over there - well, he is simply helping out with a bit of useful advice and general recommendations. It is hard to accept that he himself firmly believes in what he says. At any rate, this “argument” is now repeated as a solid proof of Kadyrov's innocence.

Ramzan Kadyrov, who was apparently tired of endless criticism from the liberal media and human rights activists, unexpectedly gave away what has apparently long been in his thoughts. In an interview to Radio Liberty on **August 8** Kadyrov gave the following irritated opinion: *“Why would Kadyrov kill a woman who was of no interest to anyone? She had no honour, no dignity and no shame, and yet I appointed her as the Chair of the Grozny council. And I was doing my best, I was repeating it to her that we need to be more objective when we try to resolve actual problems. Well, she did not like that. She was negligent about her duties, she missed a few sessions of the Council, harping instead on her old song”* (Radio Liberty, 8.8.2009).

The obvious inconsistency of Kadyrov's and Medvedev's statements is very indicative of the true situation of the federal authorities and their leader in today's Chechnya. It is quite probable that Kadyrov's fervent pledge of allegiance and loyalty to Putin was no coincidence: *“Putin is my hero. I love him. I respect him. I'd give my life for him. I owe my life to this man. Loyalty to him is something very personal to me...”* And, somehow completely departing from reality, Kadyrov further exclaims: *“I want him to be president of Russia for life”* (Radio Svoboda, 8.8.2009).

It should also be pointed out that Kadyrov shamelessly misrepresents the facts. Natasha couldn't have been skipping sessions of the Grozny Public council because she was only appointed as chair of this council in late February 2008, the March session of the council had been chaired by her, then by the end of March Kadyrov dismissed her.

Soon after that comment from Kadyrov about the late Natalya Estemirova another murder of NGO activists was committed in Grozny. On **August 11 Zarema Sadulayeva** and her husband **Umar Dzhabrailov**, the leaders of the NGO ‘Save the Generation’, were abducted from their organisation's headquarters. According to information available to the Memorial, the two human rights activists were taken away from their office by unidentified armed men driving a grey Zhiguli-vehicle. They did not even hide their faces. Earlier they had visited the office saying that they would like to order a prosthesis from the organisation. After taking the couple away the same men returned to pick up Dzhabrailov's forgotten mobile phone and car. In the morning the bodies of the abducted couple with multiple gunshot wounds were discovered in the

trunk of the car in which they had been abducted the day before, in the *Chernorechye district* of *Grozny*. The car was parked on the side of the road 10 metres from the entrance to the republican rehabilitation centre.

Kadyrov declared: *"I am appalled by what has happened. This is a cynical, inhumane and contemptuous murder, a murder of two people who had dedicated themselves to helping the handicapped and people with disabilities. I see this crime as an outrage against the entire society, an attempt to intimidate our people as a whole and each and every Chechen specifically."* The President of Chechnya declared that solving this murder will be a "matter of honour" for him (*The website 'Ramzan Akhmatovich Kadyrov', 11.8.2009*).

So who may, in fact, be behind the attempts to intimidate the people of Chechnya? In our opinion, it is obvious that abducting people in broad daylight, without hiding their faces, openly moving around Grozny with weapons in their hands is only possible for one category of population in today's Chechnya – those who have connections to the authorities and various governmental agencies.

Intimidation attempts against Memorial HRC officers in Chechnya and surveillance on them

In August 2009 officers of the Memorial HRC office in Grozny found themselves subjected to open surveillance and pressure. They were facing a very realistic threat to their security.

Just before her assassination **Natalya Estemirova** was working on several cases related to recent abductions, murders and tortures of civilians in Chechnya. One of the most critical cases, which she was working on in the last days of her life was the abduction of **Zelimkhan Salaudinovich Khadzhiev** and **Apti Ramzanovich Zaynalov** on **June 28, 2009** in *Grozny*. On **July 3** the maimed Zaynalov was discovered at the Achkhoy-Martan hospital by a member of the Memorial HRC Grozny office **Akhmed Hamzatovich Gisayev**, who was helping Natalya Estemirova in her work on this case.

Akhmed Gisayev is himself an applicant to the European Court of Human Rights in the case 14811/04 (*Gisayev v. Russia*), concerning his illegal detention in Chechnya on **October 23, 2003** by officers of the federal forces and their subsequent application of torture on him. Akhmed Gisayev was able to establish that Apti Zaynalov was delivered by officers of the Republican security forces to the Achkhoy-Martan hospital in a critical state. Then Akhmed Gisayev and Natalya Estemirova began to press for his release and initiation of criminal proceedings on the basis of torture and illegal detention. On **July 7** Natalya Estemirova and the mother of Apti Zaynalov **Ayma Makayeva** appealed to the Public Prosecutor's office of the Achkhoy-Martan district. However, officers of the security structures immediately removed Apti Zaynalov from the hospital taking him away to an unknown destination.

Around **July 10** Akhmed Gisayev realised that he had been placed under surveillance: he had noticed that a GAZ-31029 vehicle with the number *"B 391MY 95 PYS"* and tinted windows had been following him from the Memorial office all the way back to his home. Then that car stopped right in front of Gisayev's house. There was a portable radio transmitter on the windscreen of the car – a sure sign that the car belonged to officers of the security forces. In the morning of **July 15** Natalya Estemirova was abducted and murdered. On the same day Memorial Human Rights Centre, on behalf of Apti Zaynalov's mother, Ayma Makayeva, requested that the European Court of Human Rights apply Rules 39, 40, 41 and 54 of the Rules of the Court. The application *Makayeva v. Russia* was registered under no. 37287/09 and communicated to the authorities of the Russian Federation on **July 20, 2009**. The key testimonies which the application was based upon were those of Natalya Estemirova and Akhmed Gisayev. After Estemirova's assassination Akhmed Gisayev, the only remaining witness in Zaynalov's case, had again observed that same GAZ-31029 vehicle. On two separate occasions the car was spotted not far from Gisayev's house (*Grozny, Shakespeare st, 25*) and remain there for considerable periods of time. Gisayev communicated this to **Igor Sobol**, a senior criminal investigator with the

Southern Federal District Investigative Directorate of the RF Public Prosecutor's Office's Investigative Committee, who leads the group in charge of the criminal investigation into Estemirova's assassination.

On **August 12** Akhmed Gisayev was summoned by an investigating officer of the Chechen Republic Investigative Directorate of the RF Public Prosecutor's Office's Investigative Committee (his name is Beslan, his surname is unknown), who was checking the circumstances of Apti Zaynalov's disappearance. Together they went to the Achkhoy-Martan hospital and verified Gisayev's testimonies on the spot, speaking with the medical staff, and then they went to the Achkhoy-Martan district Public Prosecutor's Office. After that the investigator drove Gisayev back to his home in Grozny. When they reached his house, Akhmed saw the same GAZ-31029 car and indicated it to the investigating officer, yet the latter neglected to do anything about it. On the evening of **August 13** Akhmed Gisayev together with his wife were returning home after visiting their relations living in the same district of Grozny. When they were already about 200 metres from his house, a white VAZ-2107 vehicle drove up to them. Several armed men, some wearing camouflage and some in plain clothes jumped out of the vehicle. Holding Akhmed at gunpoint they searched him and checked his documents. The unidentified men did not introduce themselves and ignored Gisayev's question concerning the grounds of their actions. Gisayev told them that he was a staff member of Memorial and showed them his identity card. Then one of the men asked him with a jeer: *"So it was one of your people that got murdered? And do you know why she was killed?"* After that they returned Gisayev's documents and left. Gisayev immediately informed senior investigation officer Igor Sobol of the incident and inquired what had been done by the investigating authorities to establish the identity of the owner of the GAZ-31029 vehicle which he had on numerous occasions spotted near his house. The investigator replied that, according to the information he had gathered, such a car was not registered anywhere, that is to say, a car with such a number plate does not officially exist.

Early in the morning of **August 14**, a passport-checking operation started on the street where Gisayev lived. It has been a long time since such operations were last held in that district. The operation was conducted by the joint forces of the republican security agencies and the federal servicemen, while the officers of the local security services were only checking the houses on the odd side of the street on which Gisayev's house stands. Among the security forces' officers, who were checking the members of Akhmed's household, was the man who, on the previous evening of **August 13**, had led the group of armed men driving the VAZ-2107 vehicle and checked his passport. Gisayev immediately reported this to senior investigating officer **Igor Sobol**. Due to the pressure and attempts at intimidation Gisayev faces, and considering that he is an applicant to the European Court of Human Rights in the case *Gisayev v. Russia*, as well as a key witnesses in the case *Makayeva v. Russia*, where his colleague Natalya Estemirova had been closely working with him and subsequently murdered, Memorial Human Rights Centre is currently requesting that the Court apply Rule 29 of the Rules of the Court ("interim measures").

Gisayev was not the only staff member of Memorial HRC in Chechnya to have been exposed to pressure and intimidation after the assassination of Natalya Estemirova. All the members of Memorial currently working in the region consider their lives to be in danger and themselves in need of protection. On the day after Estemirova's assassination, police task officers working in *Khankala*, who were in charge of the investigation into Natalya's assassination, told the Memorial staff that their office, located at Mayakovskogo st., 84, had been placed under surveillance. On **July 16**, after Estemirova's funeral was held in the village of *Koshkeldy*, Memorial staff member **Ekaterina Leonidovna Sokirianskaya** went to Urus-Martan together with several police task officers. Their car was followed by a grey Lada-Priora. Sokirianskaya is domiciled in St Petersburg on a permanent basis, but was travelling in Chechnya for work-related reasons at the time. Sokirianskaya is also a witness in the criminal investigation of Estemirova's assassination.

On **July 17** another Memorial HRC officer who left the Grozny headquarters at **about 9:00 pm** was driving on the Grozny-Gudermes motorway and noticed that he was being followed by a car with tinted windows. He slowed down to let the car drive past but the car continued following him. He stepped on the gas and the car, as if in pursuit, did the same. He then slowed down again and the car overtook him, drove past and then stopped waiting for him to catch up. Some time after that the Memorial officer in question finally managed to shake his pursuers off his tail.

Another Memorial HRC officer of the Grozny headquarters, who previously came under fire from Chechen Ombudsman Nurdi Nukhazhiev on July 10 in connection with his work on the recent cases of human rights violations committed by republican security officers, also found himself under surveillance. On **August 11, at about 4:00 pm** unidentified individuals were conspicuously watching his house from a white VAZ-2107 vehicle with tinted windows. He made it clear to them that he had noticed the car, so they drove off, up the streets, turned round beyond the houses at its end, and parked on the other side of the row of houses.

Considering the brutal murder of Memorial's leading officer in Grozny Natalya Estemirova on July 15, 2009, the murder of two other civil activists, **Zarema Sadulayeva** and **Alic Dzhabrailov** less than a month after that, Memorial Human Rights Centre considers such pressure on its officers in Chechnya as a direct and immediate threat to their personal security. On **August 14** Memorial HRC sent a letter to the Russian Federation Ombudsman, Vladimir Lukin, requesting him to not delay in appealing to the Chechen office of the RF Public Prosecution, the RF Public Prosecutor General's Office, the RF Ministry of Interior, demanding immediate investigation into the above-mentioned incidents, as well as to ensure the safety of Memorial HRC staff in the Chechen Republic (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172821.htm).

And now the war starts...again

Summer 2009 saw an unprecedented rise in the activity of the militant underground in the North Caucasus. Ingushetia and Dagestan have become true frontlines of the armed hostilities, on a par with Chechnya. There is no denying now that the situation is nothing short of grave. And again the term 'war' is increasingly used in reference to the events unfolding in the region. Another indicative fact is that the triumphant reports about the final victory over terrorism in the North Caucasus, chanted widely and abundantly throughout the previous years, noticeably diminished in early 2009, almost ceasing by the time summer arrived. Many key officials, including Russian President Dmitry Medvedev, admit that the assumption that the situation in the North Caucasus had reached a period of relative calm proved to be deeply mistaken: the conflict had not been resolved, nor even contained; moreover, there was a clear and tangible danger of its spread across other regions of the North Caucasus, where the situation has until now been relatively calm.

One of the most obvious and objective indicators confirming the escalation of the hostilities is, in our view, the casualty toll for officers of various security agencies in the North Caucasus. The table below displays the estimated figures based upon information obtained via open sources, such as Russian media agencies, and collected and analysed by the VoineNet website.

	June		July		August		TOTAL	
	Killed	Wounded	Killed	Wounded	Killed	Wounded	Killed	Wounded
Chechnya	4	23	27	38	21	40	52	102
Ingushetia	11	10	10	24	26	80	47	114

Dagestan	10	4	14	29	19	22	43	55
Kabardino-Balkaria	-	4	-	3	-	1	-	8
North Ossetia	-	1	-	1	-	-	-	1
TOTAL	25	42	51	95	64	138	142	280

The casualties sustained by the security agencies over the summer period were almost three times the figure estimated for the spring 2009 period, which, during that time, was already believed to be excessive (**66 killed** and **96 wounded**). For comparison, a year ago, the total number of casualties among officers of law enforcement services for the summer 2008 period was **82 killed and 169 wounded** in all the republics of the North Caucasus. The summer 2007 estimates taken from the same source gave the number of casualties among Russian military and law enforcement officers as **61 killed and 132 wounded**, the summer 2006 figures were **83 killed and 210 wounded**, and the respective figures for the summer of 2005 were **102 killed and 265 wounded**. Therefore, the number of irretrievable combat losses of the security services has even exceeded the figures of four years back – the period of large-scale activity of **Basayev** and **Sadulayev**. Another notable feature is the sharp increase in the casualties sustained by the security structures on the territory of the Chechen Republic, here the lifting of the counter-terrorism regime resulted in a resumption of large-scale hostilities, and news of losses sustained by police forces continue to arrive on a daily basis.

For a clearer description of the situation of the conflict the following short list of high profile crimes committed by the militant underground would be useful. On **June 4** a Chechen police convoy was attacked on the territory of Ingushetia. 9 officers were killed as a result. On **July 26** a suicide bomber blew himself up near the theatre centre in *Grozny*. 4 police officers and 2 civilians were killed, 5 others were wounded. On **August 2** unidentified gunmen opened fire on a police convoy on the motorway leading into the village of *Itum-Kale* in *Chechnya*. 5 operative officers were killed and 6 were wounded. On **August 13** a group of militants numbering up to 15 attacked a roadside patrol post, and then the same group attacked a nearby sauna in the city of *Buinaksk* in *Dagestan*. 4 police officers and 7 women working at the sauna were killed. On **August 14** a clash took place between the police and two militants who occupied one of the private houses in the settlement of *Kerla-Yurt* in the *Grozny* district. 4 police officers were killed, 4 more were wounded. On **August 17** two suicide bombers drove into the yard of the Nazran district police department in a Gazel vehicle laden with explosives, whereupon they blew up the vehicle. 21 people were killed as a result of that blast, 140 more were wounded, this number includes 20 police officers among those killed and 76 among those wounded. On **August 25** a suicide bomber blew himself up in the *Shali* district of *Chechnya*. 4 police officers and 2 bystanders were killed, one other officer was wounded.

This build-up of violence made it look all the more strange for **Akhmed Zakayev**, the head of the unrecognised entity of “the Chechen Republic of Ichkeria” to declare the “surrender” of its armed forces at the end of July. Memorial has repeatedly stressed that Zakayev’s possible return to Chechnya had become a true obsession for Ramzan Kadyrov. His obstinate attempts to make Zakayev return, despite Zakayev’s complete lack of influence over the present-day guerilla forces, appears to be more of a whim, which the Chechen President simply cannot refuse himself. He and his envoys in Europe do not tire of coaxing Zakayev to return, promising him a complete pardon (ignoring the fact that Zakayev is federally wanted for a number of grave crimes). Yet, fully realizing that in Russia there may be quite a few unpleasant surprises in store for him, Zakayev is in no haste to return, despite his regular positive declarations about the Chechen authorities (but never about Russia’s authorities). The “ceasefire” announced on **August 1** by the “Ichkerian army” became the culmination of the Chechen-Ichkerian “peace process”. However, that was merely followed up by yet greater escalation in the conflict. Russian authorities did not comment on the story, while “the Supreme Shariah Court of the Caucasus

Emirate” “sentenced” Zakayev to death (*Kavkaz-Center*, 25.8.2009). It is more or less clear what was in this whole show for Kadyrov: he cannot resist an opportunity to move a step closer to the fulfillment of his cherished dream of becoming the one and only leader of the Chechen nation. It is, however, a mystery as to what interest Zakayev may have in all of this. However, history has also known quite a few cases of nostalgia driving irreconcilable opponents of Bolshevism into Stalinist Russia.

The current situation of the armed underground

So what has the situation been like for the armed underground? The following image emerges on the basis of available sources.

1. Apparently excellent coordination of militants’ operation.

Earlier Russian officials often used to claim that militant groups are scattered and incapable of any coordinated well-planned action; however, today the federal centre says otherwise. Head of the Investigative Committee of the RF Public Prosecutor’s Office Alexander Bastrykin admits that militants’ activities have drastically intensified. *"Bandits move around the North Caucasus region freely and swiftly. They no longer restrict their operations to the territory of one particular republic, as they did before, instead they easily move around between Dagestan and Ingushetia, and then they can equally easily relocate to Kabardino-Balkaria"* (*Nezavisimaya gazeta*, 10.7.2009).

The armed underground continues to be led by Doku Umarov, whom in **mid-July** the Chechen authorities had declared in all probability dead. Later reports alleged that he had most likely been gravely wounded. Finally, it was announced instead that it had been some of his closest comrades-in-arms who had been killed. That was the period of most intense joint operations by the Chechen and Ingush police forces in the border zone between the two republics. The media did their best to heat up the tension reporting that the militant groups and their leaders have been entrapped in a circle formed by law enforcement forces. However, after the attempt on Yunus-Bek Yevkurov’s life, the attack on a Chechen police convoy and a number of other major terrorist attacks, the official authorities no longer voiced reports on the persecution and elimination of Umarov. Moreover, on **June 22**, the day of the attack on the Ingush President, a new video appeal by Umarov, in which he commented on this attack, was recorded and placed on the militant websites on **July 11**.

2. Adoption of practice of individual terror targeting top authorities in the North Caucasus republics (although it is possible that some of these attacks are of purely criminal nature). On **June 5** the Minister of Interior of the Republic of Dagestan **Adilgerey Magomedtagirov** was shot dead with an automatic rifle, while attending the wedding of one of his subordinates’ daughter. By the look of it, the attack had been carefully planned out. There are serious indications that Magomedtagirov had been deliberately snared into attending that wedding. The militant underground claimed the responsibility for the attack.

Two people in Ingushetia, Deputy Chair of the Supreme Court of the Republic, **Aza Gazgireyeva** and ex-Minister of Interior and deputy prime minister **Bashir Aushev**, were assassinated in **June**. On **August 12** Minister of Housing and Construction **Ruslan Amerkhanov** was gunned down in his own cabinet. In **July** an unsuccessful attempt was committed on the life of Ingushetia’s Minister of Sports and Tourism **Ruslan Balayev**. The culmination of the individual-targeting wave of terror was the attempt on the life of President of Ingushetia Yunus-Bek Yevkurov on **June 22**. The explosion of a car loaded with 70 kg of explosives and driven by a suicide bomber literally squashed the President’s Mercedes. Considering the injuries received by Yevkurov, his survival was nothing short of a miracle.

Rumours about plans of an attempt on the life of Ramzan Kadyrov transpired were constantly circulating all throughout the summer. And on **July 26** a major terrorist attack was committed near the theatre centre in Grozny. The suicide bomber did not succeed in getting inside the theatre and was forced to set off the bomb at its entrance. Subsequently, several high-ranking officers of the police were killed. According to our information, Ramzan Kadyrov was

planning to attend that show that was being given at the time, yet he had been unexpectedly delayed on his trip.

3. Operations and attacks carried out by the militants are becoming increasingly more sophisticated both in terms of organisation and elaboration, which is undoubtedly indicative of more careful preparation and higher skills in practical terrorism. The militants' operations are becoming multi-staged requiring more effort and funds. For example, the *August 12* terrorist attack was very expensive as the militants used several hundred kilogrammes of explosives. The official authorities voiced a report that after the blast the crowd of police officers and onlookers present on the spot were exposed to gunfire by militant snipers (*Ingushetia.Org*, 17.8.2009). The attacks on Adilgerey Magomedtagirov and Yunus-Bek Yevkurov had been meticulously planned and were technically complex.

4. The militants act in larger groups, which had been rather rare in recent years. Indicatively, during the attack on the Chechen police convoy in Ingushetia, the latter were exposed to gun and machinegun fire from several angles at once. Up to 15 militants took part in the attack on the road-side police post and a sauna in Dagestan, etc.

5. Resumption of the grim and very effective (from the militants' point of view) tactic of using suicide bombers to achieve their goals. Back in *mid-May 2009* in his video appeal Doku Umarov announced the restoration of the so-called "Riyadus Salihiiin Shaheed Brigade". This group has claimed responsibility for a number of attacks committed during the summer, including the assassination attempt on Yunus-Bek Yevkurov. The majority of the bloodiest high-profile terrorist attacks in the summer of 2009 involved suicide bombers: the attempt on the life of Ingush President, Yunus-Bek Yevkurov, the attack on the concert hall in Grozny, the blast near the Nazran municipal police department and many others.

The revival of the practice of martyrdom is yet another sign of extreme radicalisation of the armed underground.

6. The militants are ever less mindful of the number of civilian victims that their actions result in. Moreover, they undoubtedly realize that, while waging a war against federal and local law enforcement services, they inevitably sacrifice a substantial number of innocent people from among the civilian population. For example, the *August 17* attack in Nazran caused severe damage to a 10-entrance block of flats located in close vicinity to the municipal police department premises. Dozens of residents, including children between the ages of 2 and 12, received various wounds. One woman died of her injuries in her own flat (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172823.htm). Such examples are abundant. Militants do not bother themselves with explanations or excuses for their actions, declaring that all of the civilian population is indirectly supporting the Russian authorities. In response to the statement of **Alexander Cherkassov**, a member of the Memorial HRC board, that the militants fully realised the consequences of their attack for Nazran civilians, the militants alleged on their Kavkaz-Center website that the Ministry of Interior heads consciously surround themselves with a "human shield" placing their institutions in the midst of residential complexes (*Kavkaz-Center*, 17.8.2009). It is obvious that the militants also feel that they no longer need the support and sympathy of the locals. It can be assumed, on the other hand, that the militant leaders feel sure that they are at any rate guaranteed the support of a certain stratum represented by religious young people.

Certain social groups (such as fortune-tellers, businessmen who deal in selling alcohol, prostitutes) become primary targets of the militants who consciously eliminate them on the basis of their own interpretation of Islamic norms.

For example, on *August 13*, a police post, and then, a public sauna, came under attack in Dagestan, near Buynaksk. The latter attack resulted in seven young women who are believed to have been engaged in prostitution services at that place having been gunned down. As was the case before in Ingushetia, the actual intimidation effect was sufficiently strong in itself: the Dagestan-based weekly 'Chernovik' reports that all similar locations in Buynaksk and

Makhachkala closed down temporarily as a result. The saleswoman in a nearby kiosk was spared by the militants because she was wearing a headscarf (*Chernovik, 21.8.2009*).

The Internet propaganda front

A separate issue that we would like to call attention to is the Internet propaganda campaign launched by the militants and the measures taken by the authorities to counteract it. The propaganda line of the militant underground has undergone serious evolution over the recent months and can in itself be regarded as a new tendency in their struggle. They have fairly successfully integrated their cause into the web reality, while their websites are extremely popular – judging by the number of users on their web forums, at least.

The main target of the propaganda war between the militants and the official media in the North Caucasus region are young people. We have already repeatedly stressed that in the eyes of this category of population the militants' propaganda, attractively full of passion, conviction, fatalism and lack of interest in material welfare, scores well in comparison to the already stale mainstream officialdom. These tendencies are currently further exploited in the militants' propaganda. Several trends, however, need to be emphasized.

The militants have long abandoned the nationalistic and liberation motifs in their propaganda, opting instead for a religious and moralistic line, the latter undoubtedly being a much more fruitful field for them. This is also prompted by the clear realization of the fact that they would hardly be able to build an independent religious state of their own at the moment. The firm conviction of the moral justification of their cause makes up with a vengeance for the generally primitive level of various institutes of the Kavkaz Imarat, which, however, has been given much less emphasis recently than in late 2007 when the Imarat was established and constituted the principal opposition to another virtual government entity – Akhmed Zakayev's "Chechen Republic of Ichkeria". The virtual clashes of the two self-proclaimed entities at the time had given both the Russian and the Chechen authorities abundant grounds for sarcastic comments. Nowadays, Ichkeria is most definitely no rival to the Imarat and has even openly "laid down its arms".

The propaganda gurus of the 'Imarate' are doing all they can to persuade young people that they offer the only true and accurate interpretation of Islamic norms, and according to that interpretation, the spiritual goal of any true Muslim's life is aspiration for martyrdom. The "righteous" and "godly" image of the militants is not tarnished even by the growing number of innocent deaths resulting from their actions. They have labelled all those who are not openly fighting against Russian authorities as tacit supporters and even accomplices of the latter, who themselves deserve righteous revenge, while certain social groups are consciously targeted, as we mentioned above.

One of the key propaganda methods of the extremists is moralising. Sad as it is, today's realities of life in Russia offer no shortage of examples for unfavourable comparisons. The contrast between the moral portrait of an officer of state police and a "mujahedeen" is often exploited. While the former image is firmly associated in the public mind with corruption, unscrupulousness and lack of integrity, the latter, - regardless of the actual truth behind it, - is presented as a virtuous, righteous and irreproachably just character.

Bashing local police forces has already been occasionally used before as an instrument of propaganda, yet at nowhere near the current scale. Apparently, the militants are pursuing two goals with this propaganda: striking the rights cords in the souls of the religious or hesitant young people and intimidating law enforcement officers themselves. Numerous addresses to police officers, in which the militants appeal for their repentance and attempt to win them over to their side, have recently been appearing on the web. Sometimes warnings from the militants are addressed to particular officers of the police, as was in the case of the militants' warning to the officers of the Khasavyurt pre-trial detention centre, who had been accused of "torturing faithful Muslims" (*Jamaat Shariah website, 14.7.2009*). The militants' websites had repeatedly claimed that the police officers are not allowed to hand in their notice of their accord and that "there is a

trend in officers of the police defecting the ranks law enforcement structures and “*leaving for the mountains*” (*Jamaat Shariah website, 17.7.2009*).

Among the fundamentally new tendencies we would like to emphasize the following:

First, renouncing abstract religious theories and anti-Russian political propaganda, the militants’ spiritual leaders (Doku Umarov, Said Buryatsky and others) choose instead to fill their video and Internet appeals with very specific episodes of the militants’ daily life which are meant to give their “roving”, camp lifestyle a touch of youthful romanticism. Umarov posing in front of the camera showing off a bunch of fresh trout which he had just caught in the river on his own is a strong argument alone. All you need to add is a handful of buckwheat and there you are with your meal for 20 men! (*Kavkaz-Center, 11.7.2009*)

Articles offering a detailed analysis of a militant’s equipage, all this under a motto of “A mujahedeen should always be well-fed, warm and full of strength”, are not infrequent either. The details of a militant’s ammunition are openly discussed by militants themselves and their sympathizers on one of the websites in a most expert-like manner.

Secondly, the summer of 2009 saw a drastic escalation of the confrontation in the cyberspace. For militants Internet is the crucial resource and channel for conveying their position to young people. For this purpose the militant underground runs a large number of websites, which usually differ from each other based on either geographical area of focus (each “*villayat*” has its own page) or according to their profile and format (informational, religious and educational, “official”, etc).

Thirdly, the new tendency brought by the summer of 2009 manifested itself in numerous hacker attacks on the part of the militants on the official websites of the authorities and of media agencies of Chechnya, Ingushetia and Dagestan. In the late June – early July, the most visited websites – among them, Ingushetia.Org, the website of Ingushetia’s Ministry of Interior, the website of Chechnya’s Ministry of External Relations, Nationalities, Press and Information *chechnyatoday.com*, a number of Dagestani websites – had all become targets of hacker attacks. Many of them were put out of order for a substantial period of time (up to three weeks).

So what does the official propaganda offer to counteract the active pressure from the militants on the front of public sensibilisation?

Despite the fact that the Internet propaganda campaign has been a reality for years, its contents and wording undergo little change with the time, it continues to consist primarily of cliché slogans and threats worded in the same old threadbare way. For example, the official website of the Chechen Republic Ministry of External Relations, National Policy, Press and Information *www.chechnyatoday.com* sees its goal in “*offering a decisive and crushing rebuff to the inhuman and anti-Islamic ideology of the Wahhabis*”. The general position of the Chechen media can be summed up by this quote “we will go through fire and water not compromising an inch when it comes to our goals and our tactics will be akin to a permanent outreach and awareness-raising hurricane, till final and definitive victory, till we make our lives free of this evil of terrorism” (*IA Grozny-Inform, 1.7.2009*).

Who is to blame and what is there to be done?

The country’s leaders are extremely preoccupied with the recent escalation of terrorist activity in the republics of the North Caucasus – this is obvious from the increasingly frequent visits of the country’s top officials to the region. Russian President Dmitry Medvedev has made several visits to the North Caucasus during the summer, each time as a result of a high-profile assassination or major terrorist attacks. The federal government is prepared to face the worst possible scenario. It is no coincidence though that the large scale military exercises ‘Kavkaz-2009’ held in June focused on drilling tactics of repelling large-scale aggression by terrorist groups. In a setting and environment as realistic as possible, all available means, including aircrafts, a hundred artillery weapons and tanks were committed to winning an uncompromising victory against the nominal “terrorists” (*RIA Dagestan, 3.7.2009, 6.7.2009*).

The declarations of the Russian President were also becoming increasingly tough. During the meeting of the RF Security Council held in *Stavropol* on **August 19** the President set forth his large-scale programme to mend the situation in the North Caucasus. This programme was elaborated on the basis of long and thorough reflection and consultations. Some fragments of it had previously been made public, however, as it appears that the chapter of terrorist attacks had helped to compile the statement much sooner. The President openly acknowledged the fact that the illusion of improvement and gradual cessation of hostilities in the North Caucasus, so popular in the recent years, had been but a mere facade. In reality, the situation was nothing short of disastrous.

At a meeting in Stavropol the President assured everybody that he was ready to go right through to the end, mercilessly dismissing civil servants of every rank for their failure to comply with his instructions. He emphasized the three main causes of the ineffectiveness of the anti-terrorism campaign: corruption, the clan mentality, and the ineffective work of the authorities, particularly of the security and law enforcement structures (*RIA Dagestan*, 6.7.2009). Many people, including some civil servants, claim that the police are not only unable to protect civilians but are equally helpless when it comes to defending themselves. Following the terrorist attack on the Nazran city police department, it came out that the police had been informed that the militants were planning a major attack using a yellow Gazel vehicle several days in advance, yet they were unable to track down such a vehicle. *"This terrorist attack could have easily been averted"*, - said the President.

In this connection Dmitry Medvedev announced his intention to initiate a drastic reshuffle; he was determined to fire all those who had discredited themselves and staff the law enforcement agencies with "new blood", i.e. with people who would be deemed trustworthy and responsible, as well as significantly improve the social and the security conditions for life and work of police officers and officers of the security services.

Immediately after the terrorist attack near the Nazran city police department on **August 17** President Dmitry Medvedev removed Ruslan Meyriev from the position of Minister of Interior of the Republic of Ingushetia, to which position he himself had appointed the latter 9 months earlier, upon Yunus-Bek Yevkurov's assumption of the office of President of the republic. The Ingushetian police became the target of most unflattering criticism. *"I believe that what has happened was not the result of the terrorists' activity alone, but equally of the unsatisfactory quality of law enforcement services' work"*. And yet, it is worth noting that Ruslan Meyriev's nomination for this position was chosen in late November last year with the personal approval of the new President of the Republic, Yunus-Bek Yevkurov. Both Yevkurov and Meyriev had served in the Russian armed forces in various regions of Russia for many years, separated from life in a clan-influenced community. Great hopes were pinned on his candidacy, especially with regard to improving the situation with the police personnel in Ingushetia. However, it is obvious that the 9 months had not been enough to implement all those aspirations. There has yet to be found a solution to the problem of increasing the strength of the Ingush police (*the official website of the Ministry of Interior of the Republic of Ingushetia*, 31.7.2009).

The search for a way out of the current deadlock has led the federal authorities along the old, well-tested route: Deputy Minister of the RF Ministry of Interior **Arkady Yedelev** was appointed as the superintendent of all law enforcement services of Ingushetia right after the Nazran terrorist attack took place, another RF army officer, **Viktor Zhirnov**, became acting Minister of Interior of the republic. It was then announced that temporary operational groups consisting of Ministry of Interior officers from various regions of Russia, "with experience of serving in the North Caucasus", would be dispatched to the republic in order to help the Ingush police. The idea that the federal authorities had behind all these appointments is quite clear: "experienced" police officers headed by Arkady Yedelev, who are understandably outsiders when it comes to the clan structure and relations, will help eradicate the deeply-rooted corruption in the republic.

Meanwhile, the experience of control and management by “outsiders” of the recent years in the North Caucasus invariably demonstrates that this measure is hardly effective: security services from other regions serving on an assignment are more prone to use extreme cruelty in their struggle with terrorism. According to independent experts, the two months which Yunus-Bek Yevkurov spent recovering after the attempt on his life were spent precisely on this: the dialogue with the civil society was suspended, special operations were held one after another. Member of the Memorial HRC Board **Alexander Cherkassov** believes that Yevkurov’s team started coming apart even before the attempt on his life. In the recent years Memorial has repeatedly pointed out in its bulletins and reports that the burden of responsibility for violations of the law in the course of special operations lies with officers arriving in Ingushetia from other regions of Russia and serving on an assignment, which envisages operating outside the control of the republican authorities. The turning point was the fact that the joint special operation launched in May in cooperation with the Chechen Ministry of Interior, soon transformed into successive fierce and, in the long run, counter-productive operations on the territory of Ingushetia. “Yevkurov is now returning to Ingushetia, which has undergone a serious throwback over these two past months, and the blame for that lies not only on the law enforcement forces but also with the local authorities”, - Cherkassov added (*Gazeta.Ru*, 18.8.2009).

The above-said is fully applicable to Dagestan, which was also “honoured” with a presidential visit this summer. The RF Minister of Interior also visited the region.

The terrorist threat in the republic has reached an extreme level. The grave crime situation and scale of corruption have become a norm of life, use of slave labour is flourishing, ethnic conflicts seem to burst through onto the surface here and there, while routine domestic conflicts frequently end in gunfire and murders, etc, etc.

The effectiveness of such special operations is also highly questionable. For over a year the village of *Gimry* has been living under the regime of a special complex preventive operation. Previously, it was living under the counter-terrorism operation regime imposed on **December 15, 2007**, a week after the assassination of member of the People’s Assembly of Dagestan **Gazimagomed Magomedov (Gimrinsky)**. The results of the 20-month-long siege of the village are as follows: 1 militant killed, 8 militants and 21 abettors detained. 66 firearms seized (*Chernovik*, 31.7.2009).

Amidst the continuing chapter of attempts on lives of police officers, the appalling situation of their financial provision and the social and psychological atmosphere within their ranks, as well as the acutely negative attitude toward representatives of the law enforcement and military, the morale of the police personnel is also on the decline. Thus, according to the *Chernovik* weekly, some 15 officers of the police in the *Kizilyurt district* of *Dagestan* have handed in their notice, yet they cannot get it signed and are threatened with that the grounds for termination of their contract will be stated in their work record books as “*Fired for cowardice*”. It can therefore be concluded that the primary task currently faced by the Ministry of Interior of the Republic of Dagestan is that of optimization of the police personnel, reducing the numbers by holding re-qualification testing, while those who pass having proved their qualifications and professional skills and ability, shall be given a significant pay rise (*Chernovik*, 14.8.2009).

And yet, amidst all these good intentions and torrents of criticisms targeting Ingush and Dagestani law enforcement services, not a word of disapproval has been said regarding the Chechen law enforcement services. The country’s leaders apparently assume that the Chechen police are not liable to corruption, clan mentality and are by no means involved in abductions or extrajudicial executions; such assumptions seem to be unacceptable for the authorities, nor are they believed to have been transformed into President Kadyrov’s personal guard.

The trial in the Nalchik attack case

The trial against those accused of the *October 2005* armed attack in Nalchik is in full swing in *Kabardino-Balkaria*. The case is characterized, among other outstanding aspects, by the record number of defendants – 58 people. Memorial HRC has published a series of materials of its own concerning this trial – clearly unprecedented in the history of Russia. A comprehensive research paper entitled ***“Kabardino-Balkaria: On the path to disaster. The history behind the armed attack on Nalchik on October 13-14, 2005”*** was published by our centre in a separate book (www.memo.ru/2008/10/09/0910081.htm). The number of complainants and civil plaintiffs in the case is 440, with over 1,500 witnesses, while the case materials themselves consist of over 1,300 volumes.

Preliminary hearings into the events of October 2005 started in **October 2007**. In **March 2008**, in the course of the preliminary hearings, the majority of defendants voted in favour of a jury trial. Selection of jury members went on all through the year of 2008; however, by the end of the year the jury had not been completely struck yet.

Meanwhile, at the very end of 2008, acting upon a recommendation from Russian President Dmitry Medvedev, the State Duma removed cases of terrorism from the jurisdiction of jury trials. This was done in spite of the protests on the part of the attorneys for the defence who claimed that this law has no retroactive effect and that such a decision would contravene the Russian Constitution, **February 20, 2009**. The Supreme Court of Kabardino-Balkaria granted the petition by the state prosecution for dismissal of the jury. The Court decided to refer the case to the Chairman of the Supreme Court of Kabardino-Balkaria who would appoint a panel of three professional judges (*Novaya Gazeta*, 25.2.2009).

On **March 18** the preparations for the court hearings were started. The readings began in mid-March. On **April 20**, the head of the group of state prosecutors Olga Chibineva completed the announcement for the bill of indictment. None of the defendants pleaded guilty, but several of them did plead guilty to storing firearms. According to the prosecution, the participants in the attack on the security and law enforcement services of Kabardino-Balkaria pursued the sole objective of starting an armed coup, seizing power and achieving secession of the region from the Russian Federation. On **May 4** the judicial inquiry began, the procedure for examination of evidence was set, several witnesses were interrogated – two officers of the road police and some other persons. On the following day, **May 5**, a decision was made at the court session to modify the judicial inquiry procedure. The Court supported the side of the prosecution in its petition for comprehensive interrogation of witnesses with regard to places they had visited before the actual events (*Kavkazsky uzel*, 11.6.2009).

The trial is being held in open court, only some of its sessions are held behind closed doors. After the opening of the trial in the spring of **2009** the defence attorneys of the defendants achieved satisfaction of some of their claims. For example, certain fragments of evidence obtained with violations of the norms of criminal procedure (under torture) have been excluded from the case materials.

The entire summer was spent on interrogations of witnesses for the prosecution and of the victims in the attack on the premises of the Ministry of Interior and of the Directorate for Combating Organised Crime. The defendants and their defence attorneys are also present at the interrogations of witnesses, and due to their cross-examinations the court rarely manages to accomplish the interrogation of more than 1 or 2, occasionally 3 witnesses, in one court session. In late August the presiding judge **Galina Gorislavskaya** made a decision to invite only one witness per each session, in order to avoid making witnesses waste their time by repeatedly turning up in vain for their hearings (*Kavkazsky uzel*, 24.8.2009). However, this order was not complied with - the court continues to summon only two witnesses per session to give their testimonies.

A matter of special concern is the defendants' state of health, which has been seriously deranged due to the years that they spent in detention. Some of them are suffering from serious diseases. In early June, faced with 40 of the defendants threatening to go on a hunger strike, the court agreed to allow **Sergey Kaziev**, who is suffering from a grave form of hepatitis, to undergo treatment at the *SPID-centre* (*Kavkazsky uzel*, 4.6.2009). Before that Kaziev had merely been given superficial medical assistance at the penal colony dispensary, where the course of treatment consisted of baralgin injections. On **June 25** the court hearings were suspended for a fortnight due to Kaziev's inability to participate in them. An independent medical practitioner, who was brought out from Yessentuki to examine him, insisted on his urgent admission to a hospital (*Kavkazsky uzel*, 25.6.2009). Sergey Kaziev is an applicant in a case which has been submitted to the European Court of Human Rights.

On **June 19** many of the defendants submitted a petition for their release on recognisance to not leave the city or for changing the measure of restraint in favour of house confinement instead. That petition was supported by their defence attorneys. The majority of those who signed the petition referred to grave deterioration of their health as the main reason. The response of the court came on June 22 and consisted of the extending the detention period by another three months (*Kavkazsky uzel*, 22.6.2009).

The witness statements reveal many previously unknown details about the October 13-14 events in Nalchik, as well as the background situation with the persecution of religious young people in the republic throughout the years preceding the attack. Establishing the facts about the events leading to the Nalchik attack is primarily in the interests of the defendants and their attorneys who believe that the policy and the actions of the republican authorities up to 2005 provide if not a justification, then, at least, an explanation to what happened on October 13, 2005 in Nalchik. They specifically ask the interrogated witnesses and the aggrieved to speak about the pressure under which religious people in the republic had been living, about the records of religious extremists kept by the authorities, the closures of mosques and the widespread practice of torture at police stations.

On **June 23** two high-ranking police officers were interrogated as witnesses in the cases – head of the Centre on Countering Extremism **Valery Kirzhinov** and deputy head of the Criminal Investigation Directorate **Arsen Tishkov**, who held the position of superintendent of the department for countering religious extremism at the Directorate for Combating Organised Crime. The defendants and their attorneys were granted an opportunity to interrogate both witnesses in detail. Many of the defendants identified them as the persons who regularly subjected them to torture both before (when they were arrested for the purpose of so-called “preventive conversations”), and after the Nalchik attack (*Kavkazsky uzel*, 23.6.2009). The fact of use of violence in respect of the defendants was also confirmed by one of the anonymous witnesses (*Kavkazsky uzel*, 20.7.2009).

Some of the witnesses are interrogated on an anonymous basis or in the absence of press correspondents. The reason for this is the danger to their lives or personal safety, or the fact that they work for law enforcement services. The defendants themselves believe that the people hiding behind anonymity are, in fact, those who tortured them during the inquiry or even before the Nalchik attack.

It is interesting how the interrogation of witnesses by the defence attorneys reveals how many officers of the law enforcement services had in fact failed to ascertain the actual meaning of the essential terms that were so widely used as a basis of the ideological campaign launched during the period preceding the attack on Nalchik. It is well known that the wide use of those terms and labels had considerably contributed to the rising tensions in the republic. Very few could, for instance, explain the difference between radical and traditional Islam. Adherence to radical Islamic teaching has always been grounds for persecution of certain categories of the population; however, the criteria for defining the degree of religious affiliation are extremely vague. For example, one of the witnesses interrogated – an officer of the traffic police – alleged that they had been ordered to arrest and take to the police office all drivers in whose cars Islamic

religious literature was discovered. There were no instructions as to the nature or profile of such literature.

The witnesses are just as much confused when it comes to clarification of the practice of keeping “preventive records”. How, for example, is this different from keeping current records? Having your name entered onto the preventive records usually means nothing other than big trouble for young men, and may well lead to them being subjected to torture and humiliation (*Kavkazsky uzel*, 18.8.2009).

It was also revealed that the law enforcement agencies of Kabardino-Balkaria had information about an attack being planned about a week before it happened. Some of the witnesses, from among high-ranking officers of the police, alleged that “*many had known about it, and some even knew about the planned date*”. According to the ex-superintendent of the Department for Combating Religious Extremism of the Ministry of Interior Directorate for Combating Organised Crime **Arsen Tishkov**, the attackers numbered 200 (*Kavkazsky uzel*, 24.6.2009).

The court hearings were resumed in the autumn of 2009.

Human rights violations in Dagestan

Dagestan has been the centre of attention of the top federal authorities throughout the entire summer. Following the assassination of **A. Magomedtagirov** the republic was visited by Russian President Dmitry Medvedev and Russian Minister of Interior Rashid Nurgaliev. On **June 9** a visiting session of the RF Security Council chaired by Dmitry Medvedev was held in *Makhachkala*. According to the *Chernovik* weekly, in **June 2009** the RF Prosecutor General's Office conducted an inspection of the work of the Dagestan Ministry of Interior which had revealed serious violations as well as the generally unsatisfactory performance of the Dagestan Public Prosecutor's Office in respect of its duty of supervising the work of agencies responsible for criminal investigations, searches and operational activities (*Chernovik*, 7.8.2009). This may well have been the reason for replacing the then Republican Public Prosecutor Igor Tkachev with Andrei Nazarov. Tkachev spent three years in this office but did not manage to establish firm control over the corruption-ridden law enforcement services in the republic. It is quite obvious that Andrei Nazarov, who arrived in Dagestan from the Chelyabinsk region, will also find it extremely difficult to accomplish this tremendous task.

The assassination of Adilgerey Magomedtagirov was followed by the inevitable reshuffling within the Dagestan Ministry of Interior. The position of the Minister of Interior is now held by **Ali Magomedov**, a career officer of the state security services (serving since 1976). He had previously held the position of advisor to the President of Dagestan, and later – of the Secretary of the Dagestan Security Council. The fact that it has taken more than a month to achieve the approval of the new candidate (and we remember that in Ingushetia the right candidate to take over after Ruslan Meyriev was found within a day) underlines how long it takes to negotiate such matters and reach an agreement in the multinational republic of Dagestan (according to information available to *Kommersant* daily, this appointment was preceded by a number of meetings between the Dagestan President **Mukhu Aliev** and RF Minister of Interior Rashid Nurgaliev – *Kommersant*, 17.7.2009). Experts are unanimous in that the appointment of an FSB officer, who has no ties with the police structures and hierarchy, is undoubtedly a victory on the part of Mukhu Aliev, especially considering the approaching (in the spring of 2010) expiration of his presidential term. Furthermore, he has been known to have not always been able to get on well with the Ministry of Interior officials (*Chernovik*, 24.7.2009). Dagestan Presidential office representatives openly expressed their hope that now the president and the minister of interior will finally be able to work as an efficient team (*Radio Ekho Moskvy*, 17.7.2009).

All this reshuffling was taking place amidst an unprecedented wave of terrorism-related violence in Dagestan, which has resulted in huge casualties both among officers of the security services and among civilians. The sharp rise in terrorist attacks began after Magomedtagirov's

assassination and continued all through the summer. The authorities continue to respond to such provocations with the good old tactic of state terror.

The regions most affected by terrorist activity are *Makhachkala, Khasavyurt, Khasavyurtovsky, Karabudakhkent, and Sergokalinsky districts*. These regions account for 72% of the total number of terrorist-related crime (*RIA Dagestan, 11.6.2009*). The authorities confess that the militant groups have recently been benefiting from better financing from abroad, which helped to fuel the intensity of their attacks. According to the official data, 61 terrorist attacks had been committed in the first 5 months of 2009 (*RIA Dagestan, 6.7.2009*).

At the same time, Dagestan continues to have a high number of abductions committed by law enforcement officers. The police claim that their struggle with abductions is on the whole rather successful and that the bulk of cases of abduction that they have to register are cases of bride kidnapping – a homage to an old-fashioned custom. This was announced in **July** to the members of a new special public human rights and freedoms enforcement working group established on **May 4** (the RF Public Chamber was represented by such prominent figures as **Nikolai Svanidze, Ludmila Alexeyeva, Genri Reznik, Valery Tishkov** – (*Kavkazsky uzel, 4.5.2009*).

The data available to Memorial HRC shows that abductions and extrajudicial executions of persons suspected of terrorism continue to take place.

Thus, on August 17 Memorial HRC received a petition from representatives of the public movement “Mothers of Dagestan for Human Rights” asking for assistance in establishing the whereabouts of **Emirali Magomedovich Magomedov**, born 1974, resident of *Derbent*. His mother, **Ishira Magomedova**, believed he may have been abducted as he had disappeared on **August 17**. His mother began to worry because Emirali had been accustomed to invariably phone her and his boss to tell them that he was alright. Emirali was a father of three and a religious man professing Salafi teaching, had no pernicious inclinations or habits. Last May the Magomedovs’ house had already been searched by the police. Ishira Magomedova claims that at that time a hand-grenade and cartridges were planted by the officers conducting the search. Emirali’s brother **Tagi Magomedov** was presumed guilty. Criminal proceedings were initiated against him pursuant to Article 222 (storage of firearms and ammunition) (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172822.htm).

The family immediately began to worry since several abductions had recently been registered in Derbent, all of which ended with the bodies of the abducted being discovered in a morgue bearing traces of torture. On **August 19** the family learnt that Emirali was being held at the Derbent district police department. An unnamed law enforcement officer told them off-the-record that a special operation in disarming illegal armed groups was being conducted in the neighbouring *Kaytagsky district*. He suggested that Magomedov may be found somewhere in that area. When the family set off for the village of *Dipkhani* of the *Kaytagsky district*, they were shown photographs of the people killed during the special operation. Emirali’s cousin identified his body on one of the photos as his. There were traces of violence and torture on his face. The family was then told that his body was in the morgue of Makhachkala. His closest relatives arrived for identification and were shown an envelope containing 22 cartridges that were removed from his body and several personal items that allegedly belonged to the deceased. According to the members of his family, those items had nothing to do with Emirali. His entire body was covered in bruises along with scratches. Both legs had been broken, one of them was swollen, while the ligaments had been torn. There were clear marks of blows on the head and other forms of torture. The family claims they had seen a few dozen of bodies with similar injuries in the morgue at the time (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173489.htm).

On August 23, at 3:00 pm Islam Askerov, born 1988, was abducted from his home in *Makhachkala*. Unidentified men in plain clothes hit him on the back of the head, pulled a sack over his head and dragged him away. On the same day, at **10:00 pm, Arsen Butayev**, born 1986, and **Artur Butayev**, born 1987, were abducted as well. The circumstances of the abductions are

similar: men wearing plain clothes blocked the road and, not bothering to introduce themselves or to produce any documents, they ordered the young men out of the car and to lie face down on the ground, they then put sacks on their heads. The young men were taken to unknown premises, which they were not able to identify and where they were subjected to severe beatings and torture forcing them to confess their alleged participation in illegal armed groups and military training received “in the woods”. The sacks were on their heads all throughout this time. The abductors did not speak with any of the typical Dagestan accents and addressed each other mostly as “*falcon*” or “*scorpio*”. The young men were kept on the premises for several hours. After that they were again taken away in the Gazelle vehicle which had brought them there along with two other men who were already in the car: **Gadji Gunashev** (Gudaliyev in some of Memorial’s news bulletins) and **Amiraslan Islamov**. The circumstances of the abduction of the latter two are unknown.

The abducted men were taken away in the direction of the settlement of Zelenomorsk, past the Makhachkala airport, where they were put into their own car. Their hands were tied with sellotape and there were plastic bags on their heads. Chlorophorm was pumped into the compartment, petrol was poured over it, and a firecracker was thrown onto the driver’s seat. After that, the abductors left. Islam Askerov was able to untie himself and help Arsen Butayev to do so as well. They threw the firecracker out of the car and fled. The sound of the explosion was heard by the abductors and they began to pursue the escaping men in their car. But as it was raining heavily, the car was not able to traverse the muddy terrain. The other three abductees were still in the car. The young men reached Kaspiysk and phoned their relatives. The latter arrived at the spot where the car had been left but did not find anything or anyone there, except for scraps of Sellotape, the mobile phone of one of the abducted men and a firecracker crater.

The family turned to Memorial for help with calling public attention to this abduction and achieving the release of the three young men. They feared that Artur Butayev, Gadji Gunashev and Amiraslan Islamov would be found killed having been declared members of illegal armed groups and that they would only receive their bodies. They claim that none of the three had been professing Salafi Islam or been a member of any totalitarian sect or extremist group (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173486.htm).

On **August 26** families of abducted young men held a rally in *Makhachkala* with over 100 people gathering on the Lenin square. They were holding posters and banners with demands to find the abducted men and put an end to abductions and extrajudicial executions in Dagestan. The protesters began to shake the grating separating the government premises from the square and soon after that the police proceeded to disperse the rally. A squabble broke out between police officers and women wearing headscarves. Officers of the special task forces joined the regular police forces, and about 15 women dressed in accordance with the Islamic norms were arrested and taken away by the police.

Among the participants in the rally were members of Mothers of Dagestan for Human Rights who unsuccessfully attempted to penetrate the premises of the Dagestan Security Council (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173535.htm).

A few days later bodies of three young men were discovered in a burnt-out car. When this incident came to public knowledge, various speculations appeared as to who may have been behind this murder. Among such speculations were the theories suggesting involvement by special units of the RF Ministry of Defence or the RF Ministry of Interior troops, reprisals on the part of the militant underground for the failed railway blast attempt on **August 13**; or of the “death squadrons” avenging police officers killed by guerilla militants (the latter speculation was voiced by the human rights activists). There were also rumours of an internal conflict within the religious community and that some of those involved in it had disguised themselves in military uniform and orchestrated the attack.

As subsequent events showed, the August abductions were the first in the new wave of abductions seen by Dagestan in the autumn of 2009.

Meanwhile, shortly before the described events, on the night of **August 20, 2009, at about 2:00 am**, a fire broke out in the headquarters of the human rights NGO “Mothers of Dagestan for Human Rights” (*located at Kurshilova st, 9, Makhachkala, Republic of Dagestan*). The office had been burnt throughout, all the documents and property of the organisation were destroyed, the office equipment is no longer usable. Fortunately, there were no casualties. The damage is estimated at 500,000 rubles and the cause of the fire was most likely arson. The only reason why the vital documents – the file containing charter documents and the seal – survived was that they were kept at the home of Svetlana Isayeva, the chair of the organisation. Isayeva reported arson to the Sovetsky district police department of Makhachkala, who declined to register her report saying that their officers had allegedly spoken to firefighters and an expert of the latter service had issued a conclusion that the fire in the office had been caused by a short-circuit failure in the electric wiring (although the power had been cut in the office for two weeks by that time and the staff were working at their homes). Isayeva believed from the very start that this had been a case of arson. Her suspicions were later confirmed by a firefighting officer who had discovered burnt newspaper shreds steeped in petrol in a pile of broken glass under one of the windows which he collected those shreds for an expert analysis (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172818.htm).

Fathers are held answerable for their sons and sons are held answerable for their fathers: Hostage Taking is a Routine Practice in the War on Terror in Chechnya

It just to happened that the bulk of information on which this chapter is based had been collected and revealed by the late Natalya Estemirova. These are some of the last results of her work...

Not only has the criminal tactic of intimidation and direct violence in respect of members of militants’ families been met with no condemnation on the part of the authorities or law enforcement agencies, but there have also recently been signs of its creative evolution. These tactics are assuming an increasingly dramatic scale, which now includes public murders.

In this connection we nevertheless have to call special attention to the position of the official Chechen human rights ombudsman **Nurdi Nukhazhiev** who is persistently pressing for the creation of a special inter-departmental commission for investigation into the abductions committed by the federal military forces between 1995 – 2002 (in summer 2009 he accosted the President of Russia with this initiative. Source: *the website “President and Government of the Chechen Republic”, 6.7.2009*), yet stubbornly ignores human rights violations that continue to take place at present. This position has helped Nukhazhiev to curry favour with the Chechen leaders as well as gain the comfortable status of a respectable human rights activist. Unlike “certain activists” of Memorial, the Civic Assistance Committee and the Helsinki Group, who, “blinded by hatred towards the Chechen leaders” (*the website ‘Human Rights Ombudsman of the Chechen Republic’*) are investigating abductions committed by Chechen security forces at the present time.

It should nevertheless be emphasised that Memorial HRC fully supports and welcomes any efforts aimed at investigation of mass war crimes committed on the territory of Chechnya in the recent past, including creation of an inter-departmental commission. This should however by no means distract the attention from the crimes that continue to take place today.

In the afternoon of **July 7, 2009** residents of the village of *Akhkinchu-Borzoi* in the *Kurchaloi district of Chechnya* **Rizvan Abukhadzhievich Albekov** and his son **Aziz** were abducted in the village of *Dzhugurty* in the *Kurchaloi district of Chechnya*, presumably by officers of the respective district police department. Several hours later unidentified armed men publicly executed Rizvan Albekov in the centre of the village of *Akhkinchu-Borzoi*.

On the morning of that day the Albekovs received a visit from the superintendent of the territorial police department of the village of *Yalkhoi-Mokhk* in the *Kurchaloi district of the Chechen Republic* known to them under the name of **Iles**. He wanted to see Rizvan Albekov but

the latter happened to be away. Rizvan's daughter gave Iles her father's mobile phone number and he left. At around midday, in the village of *Dzhugurty*, officers of the security services stopped a Niva vehicle carrying Albekov and his son. One of the police officers got behind the wheel of the Niva, while the driver was put on the back seat. Then the car took Albekov and his son away from the village, while another car followed them. On the same day, closer to midnight, armed men in camouflage uniforms came to Akhkinchu-Borzoi. For a while they were driving around the village, then stopped in the centre near the place where a group of young men were standing. They dragged Rizvan, who only had his underwear on, out of the car. The men asked Rizvan whether he had been aiding militants. Rizvan shook his head in response. Then they shot him several times and announced that this would be the fate of anyone discovered to be associated with the militants. Residents of *Akhkinchu-Borzoi* telephoned the district public prosecutor's office to report this incident.

Rizvan Albekov had lived with his family in the Stavropol region for a long time. In **2008** he returned to the village of *Akhkinchu-Borzoi*, bought a small house on the edge of the village and moved in there together with his family. Aziz Albekov graduated from school in **2009**.

In **October 2000** a brother of Rizvan, **Vakhazhi Albekov**, was caught by Russian servicemen while searching for stray cattle and blown up in the neighbouring forest. Another brother of his, **Ali Albekov**, submitted an application to the European Court of Human Rights in connection with this. On **October 9, 2008** the ECHR delivered its judgement in the case Albekov and others v. Russia deciding in favour of the applicants. The applicant himself did not live to see this, he had died of cancer (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m166693.htm).

The Albekovs' case is one of the latest cases that Natalya Estemirova was working on before her death. Details about the Albekovs' abduction and Rizvan's execution were published on the Memorial website while she was still alive. After Estemirova's assassination news came of Aziz Albekov's release, he had been abducted together with his father on **July 7, 2009**. Memorial HRC cannot offer more details on the case due to the suspension of its work in Chechnya (www.memo.ru/2009/07/21/2107092.htm).

In addition to the mentioned extrajudicial execution, one other similar case deserves special mention as being a particularly representative one – the abduction and subsequent release of the son of one of **Doku Umarov**'s closest comrades, **Supyan Abdullayev**. Or, at least, "*the closest comrade*" is how the militants' website describes him ("*Kavkaz-Center*", 27.6.2009).

Maskhud Abdullayev, a student at the Islamic University in Cairo, Egypt, was first detained and afterwards deported from the country for violation of the migration regulations. However, he mysteriously disappeared upon his arrival at the Domodedovo airport. The people, who had come to meet Maskhud, never saw him arrive. They vainly waited for him until the next morning.

The FSB duty post at the airport was giving contradictory information depending on who they spoke to. Thus, 5 hours after the plane landed, the people waiting for Abdullayev to arrive were told that he had been detained by the FSB for additional checking. However, one of our staff members who phoned the FSB airport duty post was told that Abdullayev had crossed the border and had been released three hours earlier. Yet another hour passed and the answer was that Abdullayev had in all probability gone to collect his luggage, yet later they added: "*Or he may well have been detained by representatives of some other security service*".

In an attempt to establish Maskhud Abdullayev's whereabouts Memorial HRC forwarded inquiries to all relevant law enforcement agencies.

On **June 29** Abdullayev unexpectedly appeared in a Grozny TV channel's live broadcast "*Tochki opory*", however, neither the family nor human rights activists felt certain that Maskhud was acting of his own free will or that he was safe. Shortly afterwards he again appeared on television, this time in the company of Chechen Human Rights Ombudsman Nurdi Nukhazhiev. After that Memorial HRC began to receive replies to its inquiries from the various law enforcement services with reference to this broadcast and an MK article that followed it claiming that Maskhud has been released.

On July 14 Svetlana Gannushkina, a member of the Memorial HRC Board, accompanied by Natalya Estemirova, who was assassinated on the following day, together went to the Public Prosecutor's Office, the Ministry of Interior and the Investigative Committee Department for the Chechen Republic and submitted complaints addressed to the Minister of Interior and the Head of the Investigative Directorate demanding investigation into the possible abduction of Maskhud Abdullayev and forced deprivation of freedom in his respect.

On July 20 Svetlana Gannushkina received a phone call from a young man who introduced himself as an investigator of the Investigative Department for the Chechen Republic and suggested that she speak to Maskhud. Gannushkina insisted that, as a member of Memorial, she should be allowed to meet with Maskhud in Grozny. Finally, she managed to have a conversation with him on the phone, while **Shakhman Akbulatov**, member of the Memorial Grozny office, managed to meet with him in person. Moreover, Maskhud finally got in touch with his mother **Satsita Abdullayeva** on the phone. After having given mostly evasive one-worded answers to all the questions that he was asked, he walked away accompanied by men whom he described as "friends" and with whom he claimed to have spent all that time. The only thing that we were able to learn was that at that time he was preparing his documents for moving into Azerbaijan as he was planning on leaving soon.

On July 22, 2009, at about 2:30 pm Maskhud Abdullayev crossed the border of the Russian Federation and was met on the Azerbaijani side by his mother, Satsita Abdullayeva, and officers of the UNCHR (for more details see: www.memo.ru/2009/06/29/2906092.htm, www.memo.ru/2009/06/22/2206091.html, www.memo.ru/2009/07/21/2107091.htm).

Memorial HRC has repeatedly pointed out that the republican law enforcement and security agencies of Chechnya make ample use of the pressure tactics against militants in the form of burning down the houses of their relatives (www.memo.ru/hr/hotpoints/caucas1/msg/2009/03/m162902.htm). This tactic was especially widely used during this past year, when houses of members of militants' families were burnt down in an open and exemplary manner. Below we give a few more recent examples.

On June 18, 2009 at 5:00 am officers of the republican law enforcement agencies burnt down two houses belonging to the **Baysuyev** family located on *Kh.Nuradilov Street* of the village of *Engel-Yurt in the Gudermes district of Chechnya*. **Sheikh-Akhmed Baysuyev** is a guerilla militant. The torched houses belonged to his parents, **Said-Magomed**, born 1935, and **Nurzhani**, born 1940, **Baysuyevs**.

Officers wearing black and camouflage uniforms broke into the Baysuyevs' house, dragged Said-Magomed and his wife outside, took their passports from the premises, filled the rooms with hay and set both houses on fire (one was made of sun-dried bricks, the other – of burnt bricks). After that the officers took the cattle out of the sheds and set a haystack on fire. They did not leave until they made sure that all the property had burnt down.

At about the same time other officers broke into the houses of Sheikh-Akhmed Baysuyev's sisters – **Maka**, born 1965, and **Medni**, born 1967. They live together with their husbands in the same village. One of the officers hit Medni on the face. They turned everything in their houses upside down and damaged property (www.memo.ru/2009/06/26/2606091.html).

On June 29 at dawn officers of the security services burnt down the house of the **Dadilov** family located at *Uralskaya st, 5*, in the town of *Shali*. They threw Magomed Dadilov's wife and four minor children out of the house locking them in the house of his brother, who lived at a separate premise in the same yard. Petrol was poured all around the rooms of Magomed's house and then the whole house was set on fire. The officers waited until the fire enveloped the entire house and only then left.

The day before **Magomed Mukhtarovich Dadilov**, born 1970, the owner of the house, was taken away by officers of the security structures. Later his family learnt that four other people – neighbours of his – had been taken away as well. Three days later they were told that Magomed had been placed in the temporary detention unit of the Shali district police department

and charged with aiding and abetting **Abubakar Musliev**, who, according to the official version, was killed on **June 29** during a special operation. On **July 1** the official websites of Chechnya published the news of the Emir of Shali Abubakar Musliev having been killed and five accomplices of his being taken under arrest (according to different sources, the latter five had been persuaded to surrender). It is quite possible that Dadilov had been considered as one of Musliev's abettors (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m167070.htm).

A month earlier Shali saw another example of reprisals against the father of a presumed guerilla militant. The Memorial Grozny office received a visit from **Mairbek Sakhabovich Askhabov**, domiciled at: *64, Ivanovskaya st, Shali, Chechen Republic*. On **May 28, 2009** **Yusup Denilbekovich Askhabov** was murdered in the town centre. On the same day law enforcement officers brought the disfigured body of Yusup to his father's house and threw it into the yard. The officers were met by Yusup's father, **Denilbek Askhabov**, an elderly crippled man. He was knocked down on his son's body and severely kicked and beaten with the butts of their guns. The women, who happened to be in that yard, were beaten up as well. After that, Denilbek was taken to the centre of Shali, thrown out of the car, at which point the officers began to beat him in front of the locals.

When the officers left, bystanders helped him get to the hospital where he was given first aid; however, no-one from the medical staff dared register the injuries resulting from the beatings. Denilbek's health has immensely deteriorated – he has lost his memory (www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m164238.htm).

New abductions in Chechnya

To continue with the facts described in the previous chapter and for personal information of Nurdi Nukhazhiev and the federal authorities, considering their tendency to present an idealistic image of the Chechen security services, below is a list of recent abductions committed in Chechnya in summer 2009.

On **June 12, at about 2:00 am** a local resident **Ruslan Musayevich Merzhoyev**, born 1985, was abducted by officers of unidentified security structures from the area of compact settlement of refugees in the village of *Bamut in the Achkhoy-Martan district of the Chechen Republic*.

Unidentified gunmen in masks and dressed in camouflage, drove inside the area of compact settlement in two vehicles: a VAZ-21010 and a VAZ-2114. They then broke into the room where Ruslan Merzhoyev lived with his family, he was grabbed and dragged outside. After that several men searched the premises, made sure that there was no-one else hiding there, except for the women and children, and left. Ruslan was taken out into a field where he was tortured with electric current and beaten with a thick club. His torturers were trying to force him to confess that he had been taking food to a certain **Azamat** with a white Zhiguli vehicle. Ruslan did not want to confess to anything that he had not done, so the gunmen took Ruslan to the village of *Assinovskaya of the Sunzhensky district of the Chechen Republic*, threw him out of the car on one of the streets with a plastic bag on his head and drove off (www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m166055.htm)

On **June 28** after 11 am, **Zelimkhan Salaudinovich Khadzhiev**, a Grozny resident born 1970 and domiciled at *Balashovskaya st, 1*, was abducted under unclear circumstances. He left home driving a GAZ-3102 vehicle in the direction of the city centre and never returned. There was a certain **Apti Zaynalov** in the car with him. On the day of Zelimkhan Khadzhiev's disappearance security officers came to his house and carried out an unsanctioned search. Zelimkhan's father, Salaudin, demanded that the intruders introduce themselves but this was met with a rude refusal and he was threatened with a gun. After that the security officers took away with a Toyota belonging to the GrozNefteGaz company. The Khadzhievs subsequently called the police to report the robbery. When the police arrived, they examined the scene of the events and registered their report. Very soon a man, who identified himself as "*Beliy*", phoned Salaudin's second son, **Shamil**, and told him where their car could be found. On the evening of **July 7**

Salaudin went to the department of interior of the Zavodskoy district in Grozny. Two deputies of the superintendent, Zelimkhan Abukhadzhiev and Abu Didiev, confirmed off-the-record that Zelimkhan Khadzhiev had been detained by officers of the security structures, and they said that he would only be checked and released after that.

On **July 9** staff member of Memorial Natalya Estemirova, together with Salaudin Khadzhiev, went to speak to the superintendent of the Zavodskoy district department of interior of Grozny, **Aslanbek Shiruyevich Sakazov**, and asked him to explain what measures had been taken to establish the whereabouts of Zelimkhan Khadzhiev. Sakazov confirmed that his deputies may have certain information but they were not present at the time. He also said that the person who introduced himself as "Beliy" to Shamil Khadzhiev was, in fact, an officer of the Shatoi district department of interior. He also said that the police were taking all the necessary search measures to identify the location of the abducted man.

As of **July 13** the whereabouts of Zelimkhan Khadzhiev had not been established.

As for Apti Zaynalov, his family was not even aware of his arrest and believed he was in *Saratov*, Russia. His mother accidentally learnt about his detention from some acquaintances of hers who had spotted him in the Achkhoy-Martan hospital, gravely wounded and guarded by armed men. As was already mentioned above, staff members of Memorial HRC **Natalya Estemirova** and **Akhmed Gisayev**, together with his mother **Ayma**, began to demand the release of Apti Zaynalov. On **July 7** public prosecutor of the Achkhoy-Martan district **Yu.V. Potapov** ordered his subordinates to go to the hospital, along with the mother, and to clear the situation up on the spot, however, they basically ignored his order. Very soon Zaynalov was taken away from the hospital in an unknown direction by the persons who were guarding him, right in front of his mother's eyes. His current whereabouts are also unknown (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m167052.htm. See also: www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m166686.htm, www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m166688.htm)

On the night between **June 3** and **4, 2009** unidentified armed men wearing bulletproof vests and helmets abducted **Rasanbek Alkhazurovich Telkhigov**, born 1988, from his home. Unidentified persons penetrated into the house of the Telkhigov family located at *3rd Budennogo pereulok, 19, the village of Gekhi, Urus-Martan district*. They took away with them two members of the Tekhilgov family – Rasanbek and **Khamzat** – and drove off in two vehicles. Khamzat later returned home, while Rasanbek disappeared without a trace. Further searches undertaken by the family via police and public prosecution officers brought no results (www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m164243.htm).

On **July 2** the family of Rasanbek Tekhilgov and of another young man Apti Shamsayev, who was also abducted in the village of *Gekhi* on the night of May 25, held a protest picket in front of the government buildings in Grozny. About 25 people took part in that picket which lasted for over an hour. The protesters were repeatedly approached by armed men in camouflage who insisted they leave the spot. However, the protesters carried on with their action until the head of the governmental department for interaction with the security agencies came out to speak to them in person. He suggested that the relatives of abducted people file a formal complaint addressed to him personally. The parents of Rasanbek and Apti filed such a complaint and declared that they would close the protest rally for the day, however, if the abducted men weren't discovered before long, they would hold another protest (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m166342.htm).

The recent trend demonstrates that the abducted individuals and their families are increasingly afraid of reporting abductions to law enforcement services or complaining to human rights defenders. A rare exception is the story of **Markuyev Alikhan Sultanovich**, born 1988, which drew a lot of public attention. He was abducted from his home at *Gagarina st, 106, app. 16* in the town of *Argun* on the night between **August 2** and **3, 2009** by officers of the security services of the Chechen Republic, presumably of the Argun municipal police department. The whereabouts and the fate of Alikhan Markuyev currently remain unknown.

On **August 23, 2009** Alexander Cherkassov, member of Memorial HRC, who was travelling on a mission in the Chechen Republic, was approached by the mother of the abducted young man, Khava Dzhansuyeva, who, together with her relatives and neighbours, related the circumstances of the abduction and the events which preceded it.

Two years earlier, on **August 1, 2007** Alikhan Markuyev left Argun with three other local young men – **Rustam Mukhadiev, Shamil Soltakhanov and Askhab Selimurzayev** – and all four of them “went into the woods” (joined the illegal armed groups).

A year ago, on **September 20, 2008**, during a massive campaign of the Chechen authorities calling upon militants to return from the woods, Alikhan Markuyev surrendered with the personal guarantees on the part of **Ibragim Temirbayev**, head of administration of the town of Argun. The law enforcement services registered his “voluntary surrender”. The Investigative Committee under the Public Prosecutor’s Office issued a decision on the refusal to initiate criminal proceedings against him. However, very soon the Markuyevs learnt, via some of their relations working for the law enforcement services, that on **November 5, 2008** a criminal investigation had nevertheless been initiated in respect of Alikhan on suspicion of involvement in crimes punishable under Part 2 of Article 208, Part 2 of Article 222 and Part 317 of the Criminal Code of the Russian Federation. He was not detained, but merely summoned for a “conversation” to identify killed militants, etc.

On **July 26, 2009** a suicide bomber blew himself up in front of the Grozny Theatre entrance during a performance which had gathered over 800 viewers. 6 high-ranking police officers were killed. President of Chechnya Ramzan Kadyrov had also planned on attending the performance. The remains of the suicide bomber were identified – he turned out to be Rustam Mukhadiev, a resident of Argun, one of those three who had “gone into the woods” back in 2007 together with Alikhan Markuyev.

Over the period from July 25 to 27, 2009 Markuyev was working with his mother at a construction site in Argun – this fact has been corroborated by numerous witnesses.

On **July 28**, at about **6 pm** the Markuyevs received a visit from a detective officer of the criminal investigation section of the Argun department of interior, who introduced himself as Zevadi. He said that he had been ordered to take Alikhan Markuyev to the municipal police station for yet another brief “talk”. Since such “talks” were a matter of routine, the parents of Markuyev had no apprehensions about letting him go with the police officer.

Later on, Alikhan’s father and sister were also brought to the police station. The officers were trying to make them admit that on the day when the terrorist attack was committed Alikhan had an appointment with Rustam Mukhadiev in Argun. Alikhan’s relatives denied this.

On **July 30** one of Alikhan’s sisters, Madina Markuyeva, filed a complaint with the Shali inter-district public prosecutor’s office against the unlawful detention of A.S.Markuyev. Because Alikhan remained in unlawful detention on the premises of the municipal police department, and neither his attorneys, nor his family were allowed to see him, on **August 2**, after she filed another complaint against the failure of the investigating authorities to take any relevant measures. As a result of this, investigating officer of the Investigative Committee of the Shali district Ruslan Movlayev conducted a check pursuant to the complaint which revealed signs that official powers had been abused by officers of the Argun municipal police department.

At about 9.30 on August Alikhan phoned his parents and asked them to come to the Argun district police department. There the head of the criminal investigation section, known to them by the nickname of “*Richard*”, handed the severely beaten Alikhan over to them in public, and said that the latter was not guilty of anything, he then proceeded to give them his own mobile phone number.

However, when they were halfway their home, their car was blocked and 6-7 armed men wearing “stocking”-type masks or fancy dress masks forcefully pushed Alikhan out and took him away to an unknown location. All appeals to “Richard” brought no results: he rudely discarded the assumption of any involvement of the law enforcement services in the abduction, claiming that Alikhan must have again “gone into the woods”. The family believes that it was, on the

contrary, the police who had put on that little act merely to clear themselves of any suspicion of involvement in Alikhan's abduction. They see more confirmation of this by the fact that on the following morning "Richard" openly displayed to everyone Alikhan's cell phone which had been returned to the latter back on August 2.

The parents decided to urgently take their two other sons – Ayubkhan and Raybek – out of Chechnya, because "Richard" was demanding that they too show up for an interrogation. The whereabouts of Alikhan Markuyev remain unknown.

New abductions and cases of torture in Ingushetia

Abductions, torture and extrajudicial killings continue to occur on the territory of Ingushetia. Unlike the neighbouring republics, the abduction problem here is not hushed up; rather, on the contrary, it is openly raised by the president himself. Right up until the attempt on his life on **June 22** Yunus-Bek Yevkurov frequently held meetings with human rights activists and with the parents of abducted and murdered men to actively involve them in the quest for a solution to the crisis. The last such meeting in which he participated was held on **June 10**. Yunus-Bek Yevkurov not only refuses to conceal the problem but he is also proactively doing his best to bring the message about what is happening through to the president of Russia. On the eve of that last meeting, on **June 9**, at a session of the country's Security Council held in Makhachkala, Yevkurov discussed with Dmitry Medvedev and Rashid Nurgaliev the abduction of two young residents of Ingushetia – certain individuals, Tsidzoyev and Tankiev – who were kidnapped in spring 2009. According to some information obtained during the investigation, they were being held at the ORB-2 base in *Grozny*. Yevkurov's next meeting with human rights activists and families of those abducted and militants was scheduled to take place after June 20, yet was called off due to the terrorist attack against the President of Ingushetia (www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m164244.htm).

In the meantime, abductions and extrajudicial executions continue to take place in Ingushetia, while the Ingush police are usually left out of the operations held.

In the evening of June 4, in the town of Karabulak in Ingushetia, officers of the security structures abducted local resident **Aslan Uvaisovich Bekbotov**, born 1985, who was temporarily residing with his family in a rented house at *Pervomayskaya st, 2*.

Up to 100 officers of the security agencies, all wearing masks, drove to his house in several armoured UAZ vehicles, two or three armoured personnel vehicles and several Gazel minibuses. Some of them broke into the house and conducted an unwarranted search, they also searched the neighbours' homes. Aslan was dragged outside, severely beaten, pushed into one of the cars and taken away in an unknown direction. 15,000 rubles, a gold-plated watch, a mobile phone, a ladies' bag and a room fan were discovered to be missing after their visit. 20 minutes after Aslan's abduction the family received a visit from their precinct police superintendent who interviewed them about the incident yet at the time he was himself unaware of who had taken Aslan away or where he was taken to.

In the afternoon of **June 5** Aslan's wife **Eyita Saitova** received a phone call from a man who introduced himself as an FSB officer and he told her that Aslan was being kept in the pre-trial detention facility of Vladikavkaz.

On the same day the press service of the FSB Department for Ingushetia disseminated a statement claiming that "the leader of the so-called *"Karabulak bandit gang"* had been detained in the course of a special operation, he offered no armed resistance and voluntarily surrendered to the officers of the FSB Ingushetia Department and the Ingushetian Ministry of Interior.

Aslan Bekbotov had been under close surveillance by the law enforcement agencies since autumn 2007 when an acquaintance of his, Apti Dalakov, was killed in Nazran. In January 2009 his brother Ruslan was killed in his own garage as a result of careless handling of explosives (www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m164327.htm, See also: www.memo.ru/hr/hotpoints/caucas1/msg/2007/09/m99635.htm, www.memo.ru/hr/hotpoints/caucas1/msg/2007/07/m91733.htm).

On **July 10** at 5:30 am, in the village of *Ordzhonikidzevskaya (Sleptovskaya)* in the *Sunzhensky district of Ingushetia*, officers of an unidentified security agency abducted local resident **Batyr Muratovich Albakov**, born 1983, domiciled at the following address: *Mozdokskaya st., 56, flat 13*.

Early in the morning several armed men knocked on the door of the Albekovs' house. One of them was dressed in camouflage, the rest were in plain clothes. They introduced themselves as officers of the Nazran district police department. Batyr was taken away, allegedly for "clarification of certain circumstances", in a steel-coloured VAZ-2110 vehicle, with the number 786 region 95. The family turned to the Nazran district police department for help but were told there that the police department did not have anyone by the name of Batyr Albakov in detention, and that their officers had not been sent to arrest such a person. Appeals to other security agencies in Ingushetia brought no result. Until July 21 it was not possible to establish Batyr Albakov's whereabouts. His relatives believed that officers of the ORB may well be involved in Batyr's abduction. When they came to the ORB department in Ingushetia, they observed a man who resembled one of the men who came to their house on that morning.

In **February 2009** Batyr Albakov graduated from the distance learning department of the Rostov branch of the Moscow State Technical University of Civil Aviation. He had been working at the Magas airport in Ingushetia since **2009** (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m167028.htm).

On **July 21** the Ministry of Interior of Ingushetia reported that one of the militant leaders – **Batyr Muradovich Albakov** – was killed in the vicinity of the village of *Arshty in the Sunzhensky district of Ingushetia*. **Adam Delimkhanov**, a member of the RF State Duma, under whose command the operation in the Sunzhensky district is conducted, told *Interfax* that Albakov was killed in a fire exchange which broke out after the officers of the Sever battalion of the Ministry of Interior Internal Troops, Chechen police officers of the Sunzhensky and Leninsky district police departments and officers of the FSB Department of Ingushetia were exposed to gunfire attack from the direction of the forest, at about 1:20 pm, three kilometers south of Arshty. According to the information provided by the Ingushetia Ministry of Interior, Albakov had been wanted by the police.

On **July 22, 2009** the family was given back their son's body – apart from gunshot wounds, there were also cut wounds and his body bore traces of torture (www.memo.ru/2009/07/23/23070911.htm, see also: www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m167028.htm).

On **July 2, at about 7 am**, in the village of *Kantyshevo in the Nazran district of Ingushetia*, officers of the FSB Department for Ingushetia, acting in collaboration with officers of the Temporary Task Force of the RF Ministry of Interior, conducted a special operation along *1st Shkolny per*. During that operation one person suspected of involvement with the illegal armed groups was killed. An officer of the Temporary Task Force of the Ministry of Interior was killed, while a police officer had been wounded.

According to official reports, at **7:15 am** during an investigative search operation in the village of Kantyshevo, an unidentified man, who was hiding in a trailer, opened fire at the law enforcement officers. He was killed by retaliation fire. There were no eye-witnesses of the special operation.

On the same day officers of the security services arrested **Magomed Akhmedkhanovich Archakov**, born 1973, a local himself, and the owner of the land plot on which the trailer stood. His brothers: **Akhmat**, born 1973, and **Musa**, born 1977, were arrested as well. On the third day Akhmat and Musa were released. Magomed Archakov was placed in the temporary detention facility belonging to the Ministry of Interior of the Republic of Ingushetia on suspicion of concealing a militant. Magomed was subjected to cruel torture and beatings while being forced to confess to involvement in this crime. He is unable to say where he had been detained for three days or which law enforcement agency the officers who had interrogated him had been from. According to his relatives, Magomed did not agree to perjure himself, as he had not rented out

his land plot to anyone. He ran a business raising bullocks and locked the trailer for the night. He simply could not account for how an armed man appeared on the plot of land belonging to him. After being tortured Magomed Archakov remains in a grave physical condition. After the intervention by a defence attorney, a doctor was allowed to see Magomed and give him an injection of painkillers. Magomed's kidneys had been beaten ragged, his ribs were broken, and his ears and the skin under his nails bore traces of needle pricks. He needs urgent admittance to the hospital (www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m166313.htm).

As was frequently the case before, the versions of the same special operation voiced by various authorities and those based on information collected by the staff of the Memorial HRC may often be diametrically opposed. Thus, *early in the morning of August 22 in the village of Ordzhonikidzevskaya (Sleptovskaya) in the Sunzhensky district of Ingushetia* officers of the federal security structure were conducting a special operation during which local resident **Shamil Asmanovich Makhloyev**, born 1987, domiciled at *Trudovaya st, 34*, was killed.

According to a press release of the FSB Department for Ingushetia, *"during investigative search operations officers of the Ministry of Interior and the FSB met with armed resistance. In the course of the armed clash Makhloyev Shamil Asmanovich, born 1987, received fatal wounds. One of the FSB officers received a minor injury in his arm. Firearms and ammunition were discovered in the area of the clash"*.

However, according to the family of the killed man, Shamil Makhloyev simply had no time to offer any resistance. He was led behind the house. After that, shots were heard. From behind the house an officer was carried on a stretcher. He was conscious and there was no blood seen on him. Another officer, with no mask on, approached Shamil's mother, **Marem**, and asked her how Shamil had been earning his living. She replied that he was working as a construction worker and an assistant plasterer. The officer said to her that over the past 3-4 years her son had been "engaged in obvious wrongdoing". Marem replied that this just could not be true because Shamil had only just completed his military service a year and a half earlier and he served in Sakhalin, where he received excellent references from the command. In recent years officers of various security agencies regularly conducted checks and searches in the Makhloyevs' house (24 times over the past four years!). Shamil and his brothers Islam and Ismail had repeatedly been arrested and subjected to torture. Islam, who is visually impaired, was convicted back in 2003 for aiding and abetting the militants. In 2004 he was suspected of involvement in the attack on Ingushetia, after which he left home and his fate has been unknown ever since.

The Ingush police forces were not allowed to intervene in the special operation conducted in the Makhloyevs' house. The FSB also refused to disclose to which hospital the reportedly wounded FSB officer had been taken (www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173537.htm).

New ECHR judgements in cases from Chechnya

The number of judgements delivered by the European Court of Human Rights establishing Russia's responsibility for grave human rights violations in Chechnya has exceeded 100; nevertheless, the government continues to fail to demonstrate any relevant effort to ensure legal security. This was the message proclaimed on **June 4** by the three human rights NGOs: Human Rights Watch, Memorial Human Rights Centre, and Stitching Russian Justice Initiative.

During the new round of human rights consultation held on May 26 this year the European Union and Russia agreed that "responsible, timely and accurate execution of the European Court judgements is of paramount importance". Nevertheless, according to human rights activists, this declaration will most likely turn out to be nothing more than empty words, as has almost always been the case before.

Since the first judgements in so-called "Chechen cases" were delivered in **February 2005**, the European Court of Human Rights has found the Russian state guilty of the deaths of over 200 people. The majority of such cases concerned murders and forced disappearances at the hands of the federal troops. On **May 14, 2009** the Court delivered its hundredth and hundred-

and-first judgements in Chechen cases, three more decisions were made on **May 28**. Following that, in the summer of 2009 alone judgements were delivered in 7 more cases. Thus, the total number of ECHR judgements on cases from Chechnya has reached 111.

Two thirds of judgements in applications from Chechnya are related to forced disappearance cases, while the majority of the remaining one third fall under extrajudicial executions, indiscriminate shelling and bombings, tortures and destruction of property. To this day nobody has been brought to justice in Russia itself in connection with violations found by the European Court of Human Rights.

Currently, no less than 300 applications concerning human rights violations in Chechnya and other republics of the North Caucasus are pending at the European Court of Human Rights.

“Russia has been found guilty of violating the right to life in the majority of cases involving this violation – that is to say, the number of such cases from Russia alone was greater than the total number of such cases received from the other 46 Council of Europe member states since the day of its establishment in 1959, - says Roemer Lemaitre, legal director for Stitching Russian Justice Initiative. – Unless the guilty ones begin to sustain due punishment for their crimes, the rights to life will continue to be a mere proclamation in Chechnya”.

In 109 of 111 judgements the ECHR found Russia at fault for failing to conduct effective investigations, although in the majority of cases there had been more than sufficient evidence of involvement of state agents, i.e. officers of the military and law enforcement structures, in the committed violations. Criminal proceedings are usually suspended “due to impossibility to identify person(s) responsible for the offence”.

There has been only one application from Chechnya in which the Court did not find any violations of the European Convention on Human Rights. In that case a federal serviceman had been convicted in Russia to 10 year’s imprisonment for murder of a Chechen resident. Although the trial only started after the family went to the European Court, the Court later found that the applicants had been provided with sufficient legal protection on the national level.

Council of Europe agencies have repeatedly complained about Russia’s attempt to delay the ratification of Protocol 14 to the Convention. This Protocol aims at facilitating the examination process of cases by the heavily overloaded ECHR, as well as granting further powers to the Committee of Ministers as a body responsible for supervising the execution of the Court’s judgements. Russia remains the only member of the Council of Europe who has to date declined to ratify this protocol.

Human Rights Watch, Memorial HRC and Stitching Russian Justice Initiative have called upon the Russian government to:

- Ratify Protocol 14 without reservations.
- Resume the investigation into those cases in which the investigative measures taken by the government have been deemed insufficient or ineffective by the European Court of Human Rights, as well as ensure thorough and effective investigation leading to prosecution of the guilty.
- Conduct a careful revision of the national legislation and subordinate legislation related to use of force by military and law enforcement structures, ensuring the conformity of those norms to the international human rights standards.
- Conduct a close inspection of the investigation proceedings concerning possible violations on the part of military servicemen, law enforcement officers and other government agents.

Below is a brief overview of judgements delivered by the European Court of Human Rights during *the summer of 2009*. There had been on the whole 7 judgements delivered, applications of 15 applicants with total compensations of **EUR 311,000**, including **EUR 283,000** for non-pecuniary and **EUR 28,000** for pecuniary damage. In addition to that, Russia has been ordered to cover legal expenses in the amount of **EUR 26,550**.

In the case **Magomadova v. Russia** the interests of the applicant were represented by staff lawyers of the Memorial-EHRAC London project. In the other cases the applicants received

legal assistance from staff lawyers of the human rights NGO “Stitching Russian Justice Initiative”.

Mutsayeva v. Russia (27.7.2009)

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/233813e697620022c1256864005232b7/ed54fd7de6f6aa03c12575fd0040c4af?OpenDocument>

Karimov and others v. Russia (16.7.2009)

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=852558&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

Yusupova and others v. Russia (9.7.2009)

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/1d4d0dd240bfee7ec12568490035df05/8104ea0838d494bec12575ed0040692c?OpenDocument>

Pukhigova v. Russia (2.7.2009)

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/e4ca7ef017f8c045c1256849004787f5/d6e4605d33bf765bc12575e400324492?OpenDocument>

Magomadova v. Russia (18.6.2009)

http://www.ius.info/EUII/EUCHR/dokumenti/2009/06/CASE_OF_MAGOMADOVA_v._RUSSIA_18_06_2009.html

Khasuyeva v. Russia (11.6.2009)

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/233813e697620022c1256864005232b7/5b18564e90f06e78c12575d100390085?OpenDocument>

Khalitova v. Russia (11.6.2009)

<http://sim.law.uu.nl/SIM/CaseLaw/hof.nsf/1d4d0dd240bfee7ec12568490035df05/2db4d84c3375a602c12575d10038dda0?OpenDocument>