

**ПРАВООЗАЩИТНЫЙ ЦЕНТР "МЕМОРИАЛ"**

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**Bulletin of the Memorial Human Rights Centre**

**Situation in the North Caucasus conflict zone:**

**Analysis from the human rights perspective**

**Winter 2008 – 2009**

*The Memorial Human Rights Centre continues its work in the North Caucasus. We offer you here the 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 trends in development of the situation in the region. This bulletin contains materials collected by the Memorial Human Rights Centre working in the North Caucasus and published on the Memorial website as well as media and information agencies reports.*

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### Dmitry Medvedev in Ingushetia: An Apocalyptic Scene

The social and political situation in Ingushetia has been changing drastically over the past few months. This transformation is directly linked to the change of the leader of the republic and only became possible since the country's leaders in the Kremlin had finally understood: the situation in Ingushetia had become critical and was posing now a serious threat to the peace and stability in the entire region, including Chechnya which has itself survived two wars. Hence, the special attention of President of Russia **Dmitry Medvedev** to the first steps of the new Ingush President **Yunus-Bek Yevkurov** appointed to this position upon the solicitation of the former on **October 31, 2008**.

In **January 2009** the President of the Russian Federation held two meetings with Yevkurov repeatedly declaring his open support of Ingushetia's new leader. On **January 20** Medvedev arrived to Ingushetia accompanied by top officials of the security services and his plenipotentiary envoy in the Caucasus region Vladimir Ustinov. And on **January 29** Yevkurov went to Moscow for "talks" in the Kremlin.

The analysis of the circumstances and the results of these meetings is rather important in order to understand the view of the situation in the republic that Moscow currently has. The line chosen by the new president, including the U-turn of the Ingush authorities now "turning their face" to the civil society and the opposition, is coordinated and subject to approval by the RF presidential administration and the president's plenipotentiary envoy in the Southern Federal District of which the latter fairly expressed informed the public (*President Rossii* website, 20.1.2009). The details of Medvedev's visit to Ingushetia deserve special attention. Quite unexpectedly for the entire officialdom, the President of Russia disembarked from a helicopter right in Magas. The circumstances of his visit were reminiscent of the dramatic blitz visit of his predecessor, the then newly elect president of the Russian Federation **Vladimir Putin**, who arrived to Grozny ad hoc in March 2000 on a jet fighter. Medvedev was accompanied by high-ranking government officials: Plenipotentiary Envoy in the Southern Federal District **Vladimir Ustinov**, Minister of Regional Development **Victor Basargin**, director of the Federal Security Service **Alexander Bortnikov**.

The protocol of the meeting of the two presidents and the rest of government officials in Magas was published on the official website of the President of Russia (hereinafter the information is taken from the website "President Rossii", 20.1.2009). The situation in the republic was for the first time officially recognized as disastrous by the top level leaders.

Medvedev declared that *“too many problems have long been neglected”* in Ingushetia, while *“the crime situation in the republic can be described as extremely aggravating”*, requiring *“urgent measures.”* Medvedev acknowledged that the previous administration of Ingushetia had been deceiving the federal centre: speaking of the problems, *“having been accumulating for years”*, Medvedev remarked that, despite the investments into major projects, such as the industry, the positive results of those efforts *“would have been supposed to have emerged by that time, yet are not observed”*. It should not be forgotten that the key figures of the previous regime, - **Murat Zyazikov, Musa Medov** and the rest – have all received new important appointments in the Moscow structures of the RF Ministry of Interior and no inspection of their activity in their past capacities can be expected, so it seems.

The economic situation in the republic clearly shocked the President of the Russian Federation, as far as we can judge from his observations and remarks. The unemployment rate in the republic is 57 % (quoting Medvedev: *“An appalling scale of unemployment”*). The share of the processing industries in the republic’s gross product is a mere 3% (Medvedev: *“How could have such decline ever become possible?!”*). The largest industrial enterprise – IngushNefteGazProm - has long been bankrupt. 84% of the agricultural production is produced in personal vegetable gardens. The republic has practically become locked in subsistence economy. The per capita gross regional product is 10 times lower than across the rest of the Russian Federation. According to Mr. Basargin, who was accompanying Medvedev on his trip, Ingushetia is approaching the *“verge separating it from infrastructural collapse”*.

No less concern is caused by the crime situation and the terrorism threat in the republic - in the view of the FSB Director Bortnikov: *“if we are to compare with the other parts of the North Caucasus, it can be described as critical”*. Over the past 2008 *“figures for various types of terrorist and extremist activities have increased many a time. Over 400 instances have been recorded”*.

Medvedev set two key tasks before Yevkurov solving which would help disorientate and neutralise the armed Ingush underground: one consisted in fighting with the social and economic chaos in the life of the republic’s population and the other – in improving the public image of the republican law enforcement services. The President of the Russian Federation, on his side, had promised to support the implementation of the national projects (*“before they totally fall through”*) in the field of health care, education, housing construction, which had already been launched in Ingushetia, as well as to consider the possibility of launching a special governmental programme specifically for Ingushetia (instead of the pan-Caucasian programme for the entire Southern region of Russia), and to allocate a 29 billion rubles subsidy to sustain the republic’s economy.

On the same day the presidential decree was signed ordering the appointment of police colonel **Ruslan Meyriev** as the Republican Minister of Interior.

## **President Yevkurov’s first 100 days in office: Achievements**

We chose **February 7, 2009**, the 100-day anniversary of the appointment of the new president of Ingushetia Yunus-Bek Yevkurov as a benchmark for reviewing the first results of his work over this period in the capacity of the head of the region.

The atmosphere in the republic’s society is changing drastically. The top authorities are for the first time for many years turning their face to the society having taken an initiative in seeking dialogue with it by initiating measures and steps which would have been fraught with severe repressions under the previous regime. The steps already undertaken by the president

Yevkurov are cardinally different from the style maintained by his predecessor, or even speaking more generally – by the leader of any other region of Russia – and we can now speak of Ingushetia, - albeit in form alone, - has been transformed from the most corrupt and clan-ruled region of the country to something next to a haven of liberalism and civil freedoms. At least, the tendency towards such transformation is obvious.

In the eyes of an average Ingush the personality of the new president is in itself attractive and commands respect: he is a veteran officer, a colonel who has been awarded the Star of the Hero of Russia for his military achievements. It is widely known in the republic that Yevkurov had helped to release several Russian soldiers kept as prisoners of war during the second Chechen war. Nowadays, the rumours often boast of his personal participation in the anti-terrorist operations in the mountainous parts of Ingushetia – the “real” combat operations, including the annihilation of **Abu-Walid**’s group (*Novaya Gazeta*, 16.2.2009).

What is also of crucial importance is the equal self-distancing of Yevkurov from all the key local clans. The decision on his candidacy (as well as the candidacy of Ruslan Meyriev to the position of the Minister of Interior) was made, according to his own words, “at the top level, from among the persons who have long lost close ties with Ingushetia. And so Yevkurov got down to his work demonstrating the directness typical of people with little experience of being in power...

Yevkurov also clearly realizes all the shortcomings and the crimes of the previous administration. He openly speaks about dozens and hundreds million of rubles out of the budget which have vanished in the numerous “unfinished construction projects”, which were for an amazingly long period presented to the public as major achievements of the republic’s economic development (*Novaya Gazeta*, 9.2.2009). However, he is determined not to waste time raking up the past and is ready to start a new page in his republic’s history announcing a “financial amnesty”: “*Anyone who chooses to return the ill-gotten money into the treasury will be pardon on all charges*” (in his interview to *Novaya Gazeta*, 9.2.2009). To date there has been only one known case of criminal proceedings initiated against a top civil servant – and that was **Issa Ozdoyev**, the ex-Minister for Youth Policies, Sports and Tourism. He was taken in custody on charges of misappropriation of 14 mln rubles allocated for the construction of a sports centre (however, he had already been convicted on charges of misappropriation under Zyazikov as well). A number of civil servants working in the housing and utilities sector on the level of district administrations were also arrested. Yevkurov himself has confessed to having been offered various types of bribe (USD 2,7 mln, an armoured jeep, etc). Speaking at the Congress of the People of Ingushetia, he declared publicly that he is praying to Allah to continue to help him resist such temptations (*Vlast*, 9.2.2009).

The strategic task that Yevkurov sets before himself consists in liquidation of the social premises for further recruitment of young men into illegal armed groups. The task of ensuring the conditions under which the social aiding and abetting base currently at the terrorists’ disposal will begin to shrink and gradually disappear will require the solution of a whole number of political and social problems: create jobs, establish close control over the operations of law enforcement services, especially, their counter-terrorism activities, improve the public image of the authorities. The first steps undertaken by the new president were precisely in these areas. And a lot has been done over this short period of time.

Last winter Yevkurov continued the practice of holding meetings with representatives of the human rights community and with the victims of arbitrariness on the part of the security services – the practice introduced upon his assumption of office. On **December 1, 2008** he met with the families of those abducted and killed in the republic. Yevkurov reassured those gathered to meet him – up to 150 people, - that he is well aware of their situation and ready to offer his help so long as it is within his powers. That meeting was also attended by the then acting Minister of Interior Meyriev who told the people how he envisaged arrangement of the work of

the security and law enforcement services and improving the cooperation with their counterparts in the neighbouring regions. Among other plans was the repeated evaluation of the skills of the entire republican Ministry of Interior staff assessing their adequacy for the positions currently held (*Magas website, 8.12.2009*). The minister asked the people to show understanding in their attitude to the work of the police since very often people tend to be rash with their condemnation of all actions so long as they come from law enforcement officers ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155367.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155367.htm))/

In an interview to *Novaya Gazeta* the President of the Republic of Ingushetia described the new algorithm for holding operations in neutralisation and detention of persons suspected of involvement with the illegal armed groups: “*From now on every special operation will be held in the presence of a representative of my office, a public prosecutor or a precinct police officer..*”(*Novaya Gazeta, 9.2.2009*). The President insists on that the procedural regulations shall be observed in the presence of the above. Some of the special operations are attended by the presidential advisor and his former comrade-in-arms, **General Alexey Vorobyev** (*Novaya Gazeta, 16.2.2009*).

Complaints about the arbitrariness of the law enforcement officers are subject to public checking, often accompanied by the visits of the production crew of the Ingushetia state television to the scene of events. The role played by the mass media has increased dramatically. The correspondent of the *Vesti* newspaper has spotted the president of Ingushetia putting print-outs from the *Ingushetia.Org* website which often publishes critical feedback concerning some or other top officials. Every such article bears a presidential resolution on the operational information having been verified (*Vlast, 9.2.2009*). A hotline has been opened serving families whose relatives have been abducted (*Magas website, 2.12.2008*). Yevkurov openly demonstrates his concern for the fate of the abducted persons and their families. Thus, after the abduction on November 26 of **Islam Akhmedovich Malsagov**, born in 1979, by unidentified armed persons, the President invited the family of the abducted man to visit and speak with him and promised them that he will do all that is in his power to help find Malsagov. It is so far known that Islam had been taken away in the direction of North Ossetia (the car drove off in the direction of the *village of Maysky*), and all the security structures of the Southern Federal district have been informed of this ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159082.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159082.htm)).

The Public Human Rights Council has been created with **Azamat Nalgiev** – a prominent public figure in Ingushetia who has years of cooperation with the Memorial to his credit – appointed as its chair ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155561.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155561.htm)). The person appointed to be the President’s legal advisor was the defence attorney of the family of the assassinated owner of the *Ingushetia.Ru* website, **Musa Pliev**. Many of the civil servants working for the previous administration have been replaced – Yevkurov used his power to dismiss directly or achieve the dismissal of some of the most odious figures among the civil servants of Zyazikov’s team: such as acting vice president **Bashir Aushev**, who was responsible for the security services under Zyazikov, Minister of Interior **Musa Medov** etc.

The judicial system, - which had lost the vestiges of credit in the eyes of the population over the recent years, - is also seeing certain changes. At least, with regard to high-profile cases, such as the case of the owner of the *Ingushetia.Ru* website Magomed Yevloyev, the courts of Ingushetia now make decisions which would have been absolutely impossible in the former times. The attorneys representing the family of the assassinated man successfully step by step explain their own version of the events in court. The goal of the family of the late Yevloyev is to achieve the re-determination of the case as “premeditated murder” and criminal liability not only of the current “scapegoat” – lower-rank police officer **Ibragim Yevloyev**, who had shot Magomed Yevloyev, but also of those behind this assassination.

It is known that the initial story proposed by the investigating authorities under the previous administration of the republic was rather simple and primitive to say the least: after his

arrest at the *Magas airport* on **August 31, 2008** Magomed Yevloyev was being taken away in a police car inside which his behaviour was aggressive and boisterous resulting in a squabble during which the pistol of one of the police officers made a stray shot. The only person charged in the case was the person who had killed Yevloyev by negligence.

There is little doubt that under the previous president Zyazikov this story would have been easily proven in court. However, the change of administration allowed Ingushetia's courts to demonstrate "political flexibility" and they gradually started giving in to the arguments of the defence attorney of the Yevloyev family (Musa Pliev). On **November 12, 2008** the Nazran district court, and the Supreme Court of the Republic of Ingushetia - on **January 30, 2009** - ruled on the arrest of Magomed Yevloyev at the Magas as unlawful since there were not sufficient grounds for summoning Yevloyev for interrogation (*IA Interfax, 30.1.2009*). Now the defence attorneys were given an opportunity to call for charging the investigating officers, who had initiated the unlawful arrest of Magomed Yevloyev, with criminal liability. Moreover, now the defence has demanded prosecution of all the police officers who were directly involved in the unlawful arrest and the subsequent taking away of Yevloyev in a police car. There were 5 or 6 of such policemen, among them was the investigating officer who had made the decision on Yevloyev's arrest, the superintendent of the Main Department of Internal Affairs who was responsible for actually bringing Yevloyev for interrogation, as well as a representative of the district police department on the territory of whose jurisdiction the airport was situated (*RIA Novosti, 16.2.2009*). Finally, on **March 16, 2009** the defence achieved initiation of criminal proceedings on the fact of Yevloyev's illegal arrest pursuant to Article 285 of the Criminal Code of the Russia Federation (abuse of official powers). As attorney Musa Pliev described it, "*we are speaking here of the law enforcement services deciding on delivering the witness for interrogation without sufficient grounds for this*" (*Interfax Information Agency, 16.3.2009*).

**On March 19** the preliminary hearings in Magomed Yevloyev's assassination case started.

Significant changes are taking place in the administrative structures. A number of heads of local administrations (of the Malgobek, Sunzhensky districts, the city of Magas, the villages of Galashki and Voznesenskaya) have been dismissed with new people having been appointed to their positions. Yevkurov firmly believes that trust and confidence in the head of the local administration will help to deal a major blow to the extremist underground: "*Here, for example, we have one head of administration, who has organized major repairs of the bridge and the school, who has built some facilities for his village, has installed electricity somewhere. The head of administration should take the spade into his own hands and go out and work along with the rest... Representatives of the authorities should always be on the forefront. If he is a good leader, the people will follow him and there won't be any aiding and abetting to the militants there. If people trust their leader..*" (From his interview to *Novaya Gazeta, 9.2.2009*). The President of Ingushetia demands from his heads of administration thorough awareness of what is happening in their villages. On **February 6** the President ostentatiously dismissed head of administration of the *Galashki village Arapkhanov*, because during his term in office there were two abettors of the militants openly living in his village and Arapkhanov had spoken in their defense after their arrest ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161575.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161575.htm)).

Yevkurov has repeatedly appealed to the population of the republic demanding from them to refuse the bandits shelter, food or any material help: "*These terrorists have found refuge at somebody's home or in the flats of our relatives and friends. Yet today it is not them, these terrorists, who have lost the vestiges of their human nature and appearance, but it is those who have given them shelter and food and are purposely concealing them from justice that are our primary concern. Yet the owners of such houses and flats are not only concealing criminals, but they are themselves criminals if they thus enable the terrorists to fulfill their diabolical plan*", - declared the president at one of the meetings (*Respublika Ingushetia website, 6.2.2009*).

One of the key tasks set by the new president of the republic is the eradication of the tradition of blood feud which has become especially widespread in the recent years, due to the general aggravation of the political situation and the reciprocal terror of the militants and the security services. Blood feud involves a wide range of relations of the immediate sides to the conflict driving both the former and the latter into hiding and compelling them to commit crimes. Yevkurov has held several meetings with the families of the mortal enemies, on one occasion - on **February 14** - going as far as gathering them under the same roof (representatives of 180 families). The first results of the educational campaign did not take long to appear – four families, two of which have been “at swords’ points” for almost 40 years, have declared their resolution to forget the past (*Ingushetia.Org, 14.2.2009*).

One of the measures aimed at eradication of the terrorist underground envisaged by the republican authorities is explanatory outreach to the population. Ingushetia’s authorities are testing a series of different “amnesty” schemes, when people caught with weapons in their hands, yet having no grave crimes on their record, are released in exchange for a pledge to cease their criminal activity. This was the case of three young Ingush men who were transporting firearms and ammunition and were detained on **December 5, 2008** at a traffic police post. It is reported that *«the detained have repented of what they have done and have voluntarily renounced participation in illegal armed groups. This has been taken into account by law enforcement services, who are now deciding on the possibilities of their social re-integration, employment and social protection»* (“Magas”, 7.12.2008). Under the previous administration such scheme as explanatory outreach to the arrested members of illegal armed groups would have been unthinkable.

### **Congress of the People of Ingushetia**

An important step forward in building a new model of the relations between the authorities and the masses – this was the role intended for the Congress of the People of Ingushetia. The Congress was convened upon the initiative of the Ingush President in *Magas* on *January 31, 2009*. On the whole, the Congress answered these expectations becoming a kind of public demonstration of the popular support that the new government enjoys. However, it also resulted in bringing out to the surface the first signs of frictions between the current republican authorities and some of the key representatives of the opposition.

It should not be forgotten that precisely this type of congress as “*a representative body of the people of Ingushetia*” and provided for by the Constitution of the Republic of Ingushetia (Article 105) and a special republican law adopted in April 1999 was what the Ingush opposition was unsuccessfully pressing for under President Zyazikov.

The delegates in the Congress were elected at village and town gatherings, this was also the case of settlements located on the territory of *the Prigorodny district of North Ossetia*. The number of delegates from one settlement depended on its population. On the whole, the elections of the delegates can be described as democratic. According to President Yevkurov, those were elected “*in an atmosphere of complete freedom, at community gatherings, upon a recommendation from public organizations and movements, including human rights associations. The authorities were in no way imposing anything on anyone. I, on the contrary, had suggested to the heads of local administrations, to opt for the most democratic way of election of delegates leaving this task to the elders of the Ingush clans*” (*Vlast, 9.2.2009*). The Congress was preceded by lengthy consultations between the President and representatives of NGOs and common citizens of the Republic. The total number of elected delegates was 346, plus 10 delegates from NGOs, the latter number included such prominent human rights activists as Magomed Mutsolgov, Ruslan Badalov and others. The elections into the latter category of candidates were held at the NGO conference on **January 15**.

There were, however, dissidents in this case. The Congress was not attended by one of the most prominent figures in the anti-Zyazikov opposition **Magomed Khazbiev**, who had for years been the chair of the informal organizational committee in charge of organizing the all-national protest rallies. According to the *Vremya Novostey* newspaper, it was his own decision to refuse the invitation to show his solidarity with a number of his comrades who were not elected to (*Vremya Novostey*, 2.2.2009).

The Congress was marked by the constructive moods dominating the discussions. The organisers had managed to avoid the much feared officialdom and empty rhetoric. Three issues were introduced onto the agenda:

1. The social and political situation in the republic and ways of its possible improvement.
2. Adopting a law on local self-governance.
3. Fighting the corruption.

([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m160191.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m160191.htm))

The first and the third issues had been frequently discussed over the recent months by both representatives of the authorities and of the civil society and their assessment of the situation demonstrated relative unanimity, yet the issue concerning the adoption of the law on local self-governance became the subject of fierce debate also becoming a central issue at the Congress.

Despite its seeming mundaneness, this problem is extremely topical for today's Ingushetia since it involves settlements located on the territory of the Prigorodny district of the Republic of North Ossetia-Alania or Vladikavkaz. The territorial dispute around these settlements has already once led to bloodshed back in 1992. And still, the majority of Ingushetia's residents believe that within the framework of enforcement of the provisions of the RF Law on Rehabilitation of the Nations – Victims of Political Repressions, these territories have to be returned to Ingushetia. It has been impossible to enforce the Federal Law on Creation of Local Self-Governance Bodies for years precisely because the boundaries of Ingushetia have been impossible to define. To this day Ingushetia and Chechnya remain the only regions of the Russian Federation on the territory of which the federal law on local self-governance is not applicable. Finally, on **October 29, 2008** the RF State Duma adopted the law on completion by **January 1, 2010** of the work on creation of local self-governance bodies in these republics (*Rossiyskaya Gazeta*, 31.10.2008). Therefore, the issue of administrative affiliation with regard to the boundaries of municipal entities of the Republic of Ingushetia has become the bone of contention.

Over the previous years the republican authorities have been making mere vague attempts at raising the issues of boundary demarcation, yet never discussed this problem in specific terms either on the federal level or with the neighbouring republic for fear of the public reaction which this sore issue could provoke. Currently, clearly realizing that any radical, drastic resolution of this issue in favour of Ingushetia's stance is out of question for the federal centre, President Yevkurov and his supporters arrived at the Congress offering a compromise version of the law: not demanding the return of the Prigorodny district, yet indicating that in the course of progressive implementation of the 1991 Law of the Russian Soviet Federative Socialist Republic On Rehabilitation of the Nations – Victims of Political Repressions, new municipal entities may potentially be included into Ingushetia's territory ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m160191.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m160191.htm)). The North Ossetian side is indeed ready to discuss the issue of territorial demarcation – this was clearly proven by the meeting between Yunus-Bek Yevkurov and his counterpart from North Ossetia-Alania **Teymuraz Mamsurov**, held shortly before the Congress, on **January 22**. It is equally clear that the Ossetian authorities will absolutely reject any debates concerning the territorial claims of their neighbours (*Respublika Severnaya Ossetia-Alania* website, 2.1.2009). The meeting between



Yevkurov and Mamsurov was held for purely ceremonial purposes and did not result in the signing of any documents. The journey on the path to reconciliation has not yet started on the ordinary average citizens' level. It is also enough to read the discussion of the meeting between the two presidents on the forums of the popular Ingush and Ossetian websites (e.g. *Ingushetia.Org* and *15<sup>th</sup> Region*), overflowing with negative comments, to understand how distant the perspective of reconciliation on the informal, street level currently is.

According to the data provided by the Ingush side, around 18,000 ethnic Ingush are still unable to return to their homes in the Prigorodny district (over 7,000 of them are those who were personally the victims of the expulsion of 1992 and around 11,000 are members of their families who were either born or became members of the refugees' families after 1992). Yunus-Bek Yevkurov was the first person over the years to speak about his people's painful problem using concrete approach, not the regular populist rhetoric, yet based on today's realities and the realization of that the return of the lost district to Ingushetia presently remains impossible. At the same time, the return of the Ingush refugees to the Prigorodny district and allocation of funds for their accommodation is already more than feasible (*Vlast*, 9.2.2009, *Novaya gazeta*, 9.2.2009).

This position sparked off violent argument giving rise to a serious opposition trend to the President both at the Congress of the People of Ingushetia and afterwards. A common viewpoint holds that the legislative formalisation of the administrative and territorial *status quo* with North Ossetia may in future turn out to be an insurmountable barrier on the way of Ingushetia's demands for the return of the Prigorodny district. The opponents of the law believe that it defies the federal laws *On Rehabilitation of the Nations – Victims of Political Repression* and *On the Creation of the Republic of Ingushetia* adopted in the early 1990s, where the Prigorodny district was recognized as part of Ingushetia.

Nevertheless, President Yevkurov managed to win the support of some of the participants in the Congress, which ensured the adoption of the desired version of the resolution, namely, the one which refrained from stating the immediate return of the Prigorodny district as the key goal, calling instead to "take all measures possible" to mend the relations and the cooperation with the authorities of North Ossetia-Alania to ensure the return of the refugees to the Prigorodny district (*Ingushetia.Org*, 8.2.2009). There was also an appeal adopted calling upon the Ossetian people ("all people of good will") to put no obstacles on the way of the returning and resettling Ingush forced migrants in the Prigorodny district and in Vladikavkaz.

On **February 10** the Congress of the People of Ingushetia adopted in the first reading and not without certain complications (which is a unique case for the Ingush parliament – 14 votes for and 5 votes against) the draft laws ***On Demarcation of the Borders of Municipal Entities of the Republic of Ingushetia and Assigning Them the Status of Rural Settlement, Municipal District and Urban District*** and ***On Creation of Local Self-Governance Bodies for Newly Formed Municipal Districts, Urban Districts and Rural Settlements in the Republic of Ingushetia*** in the wording suggested by the President.

On **February 12** President Yevkurov declared that he was ready to request from the Presidential Envoy and the Russian Prime Minister "to help with the return of the refugees who are currently living on the territory of our republic to their homes abandoned by them in the Prigorodny District of North Ossetia" (*Interfax-Yug*, 12.2.2009). He specifically emphasised that: "*We are currently not speaking of returning the Prigorodny district as part of Ingushetia. We are seeking a different solution to this problem, that is, to return people to the places of their permanent residence*".

On **February 18** the Ingush parliament adopted this law in the second and third readings. It should nevertheless be noted that this law does not exclude the possibility of future accession of new municipal formations within the framework of implementation of the law *On Rehabilitation of the Nations – Victims of Political Repression*. Furthermore, this law does not annul Article 11 of the Constitution of the Republic of Ingushetia proclaiming that "*the*

*paramount task of the government*” is “*to achieve by political means the return of the territories unlawfully taken away from Ingushetia*”. The goals related to the Prigorodny district continue to remain pure theory. Yet, a serious step was made towards further mending of Ingushetia’s painful relations with its neighbour Ossetia and the return of the remaining refugees to the Prigorodny district.

Nevertheless, the law on local governance drove a wedge between the President of Ingushetia and the prominent figures from among the anti-Zyazikov opposition movement, the relations between whom were until that moment virtually unclouded. The new oppositional movement, which is only shaping itself today, is a fragmentary conglomerate of smaller non-governmental organizations, yet it stands a good chance of accumulating power and political weight should it choose the issue of “return of the lost territories” as its political platform. The birth of the new political movement has already been announced by **Magomed Khazbiev**. The regular bulletin of the opposition has also been launched.

On **February 11** the second conference of Ingushetia’s NGOs was held in *Nazran* bringing together representatives of 22 NGOs. According to its press release, “...*all of the participants were unanimous in their categorical rejection of the line chosen by the authorities aiming at promotion of an anti-Ingush republican law, believing that the authorities are acting this way under the pressure from the federal centre and solely seeking to please the latter...*” (*Ingushetia.Org*). On **February 19**, following the definitive adoption by the People’s Assembly of the Republic of Inghushetia of the laws on local self-governance, **Magomed Mutsolgov**, the leader of the Mashr autonomous non-governmental organization and of the Union of Families’ of the Abducted, resigned from the Human Rights Commission under the President of Ingushetia. He had not, however, notified Chair of the Commission, **Azamat Nalgiev**, of this decision. Nonetheless, in a private interview with a staff member of the Memorial Mutsolgov declared that his resignation should not be regarded as a demarche against the new leadership and that he continues to be ready to offer any support and assistance to President Yevkurov in his good initiatives ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161568.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161568.htm)).

To sum up the above-said, the demarcation of Ingushetia’s borders may in future result in a political crisis and a new split between the republican authorities and the civil society which are currently demonstrating a tendency towards rapprochement.

### **Yevkurov’s first 100 days in office: Key Failures**

Despite the apparently sincere resolution of the new republican administration to implement drastic changes in its policies, the comprehensive support of the federal centre in this respect, the orientation of the new leaders towards cooperation with Ingushetia’s civil society, including the political opposition, the social and political situation in the republic is so far changing at an extremely slow pace, with little or no change at all in certain aspects and areas. This is primarily true with regard to the reciprocal terror of the militants and the law enforcement services, who, continuing to provoke each other, have long driven the republic into a deadlock. The militants continue to be extremely active in this region. On the other hand, abductions and extrajudicial executions of persons suspected of aiding and abetting the militants are still practised by law enforcement forces.

The appointment of Yunus-Bek Yevkurov had a very particular purpose in it – the new leader of Ingushetia had to be a person who had not yet discredited himself through involvement in cruel extrajudicial actions, suppression of the opposition, corruption-related scandals – all that, which had earned an ill fame for the previous president’s team and what was objectively nurturing the protest sympathies ranging from participation in non-violent actions of civil protest to aiding and abetting the guerilla underground and the armed struggle against the legitimate authorities. These shortcomings were actively used by the militants’ website in their propaganda, which was finding fertile ground among the population.

Now the militant propaganda has temporarily lost its topicality. From Yevkurov's very first days in office the guerilla websites were seeking to discredit and besmirch his name. This propaganda continues to be massive, yet it has become much less specific or grounded. The guerilla ideologists try to persuade the average citizens of Ingushetia that there is little difference between Yevkurov and Zyazikov as the leaders of the republic, which is a weak allegation, to judge even at first glance. They emphasise Yevkurov's military past, his participation in the counter-terrorist operation in Chechnya in the early 2000s. In the eyes of the extremist militants he is a "*murtad*" – an apostate, who "had been committing atrocities together with the Russian kafirs who were killing Muslims" and who has received a "kafir star as their hero" (*Kavkazmonitor.com*, 24.1.2009). No instances of his atrocities are revealed, however, and it would not even occur to anybody to compare Yevkurov with Budanov. Other arguments in this line, like the allegation that Yevkurov has surrounded himself with persons alien to the Ingush culture, or with those who have betrayed it, (*his assistants allegedly speak "broken Ingush" - (Hunafa.com, 29.12.2008)*), are ludicrous and clearly preposterous.

The last remaining trump card of the militants, though a rather weighty one, are the abductions and murders of young men that continue to occur in the republic. Until the new administration achieves the elimination of this practice, the militants will continue to exploit this in their struggle for the minds of the Ingush youth. The new administration is indeed seeking to eradicate this practice, yet the information collected by human rights campaigners and journalists indicates that tortures, abductions, extrajudicial executions, the practice of unwarranted search continue to take place.

Thus, on **December 6, 2008** two persons were killed during a special operation in the city of *Nazran*: **Magomed Alievich Aushev**, born 1982, and **Ramzan Umatgireyevich Uzhakhov**, aged 25.. According to the official report, they had been involved with illegal armed groups and offered armed resistance at the time of their arrest. According to their landlady, **Marem Muruzheva**, who was an aunt to Uzhakhov, her nephew had no personal acquaintance with her lodger Magomed Aushev, whose real name turned out to have been **Musa Shovgenov**. Ramzan was killed because he took to heels scared of the servicemen. Shovgenov did not even offer any resistance, according to the landlady. During the search in the Muruzhevs' house, in addition to miscellaneous variables, the officers seized two cars: one belonging to Uzhakhov (which was later returned) and an Audi A-8 (which was not returned), personal papers, photographs, mobile phones. During the search the security officers had broken the furniture and utensils ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159034.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159034.htm)).

On **January 24, 2009** the brothers **Akhmet** and **Rustam Uzhakhov** were killed inside the trade centre in the city of *Nazran* where they both worked in a photographic studio. According to the information of the Memorial, the Uzhakhov brothers were religious Muslims and practised prayer closing down the studio for a short break for this purpose. The federal security officers timed their operation for one of such breaks. Local police officers were not allowed inside the cordon ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159949.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159949.htm)), no representatives of Ingushetia's President were observed either. The *Ingushetia.Org* website also reports that a young woman, who happened to be a casual eyewitness of the murder, was abducted (*Ingushetia.Org*, 25.1.2009).

On **February 17**, at about **5 pm**, resident of the *Barsukinsky municipal district* of *Nazran* **Musa Salamkhanovich Daurbekov**, born 1977, was abducted in the city of *Nazran* and then killed by unidentified men.

According to the accounts of eyewitnesses, the abductors approached Daurbekov in a black Lada-Priora vehicle. They were wearing light-coloured camouflage uniform and were armed with automatic weapons. Musa Daurbekov was sitting inside his own car at that moment. The abductors forcedly pushed him into their Lada-Priora and took him away in an unknown direction. On **February 18** Daurbekov's dead body was found on the north-western edge of the

Barsukinsky municipal district of Nazran, near an abandoned farm. It had penetrating gunshot wounds on the head and body and traces of torture. Daurbekov's mobile phone was switched on and put next to his dead body.

Musa Daurbekov was living an average life, working at construction sites. According to his family, they were not under blood revenge from anyone and had no major debts. On **August 3, 2005** Musa Daurbekov's younger brother, **Magomed Salimkhanovich Daurbekov**, born 1980, was convicted by the Supreme Court of the Republic of Ingushetia and sentenced to 15 years imprisonment in close confinement for participation in the June 2004 attack on law enforcement officers in Ingushetia ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161676.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161676.htm)).

Search and arrests accompanied by numerous procedural violations continue to take place.

On **February 12**, in the village of *Muzhichi*, officers of an unidentified security structure conducted search of the houses of two local residents: **Taysum Timerkhanov**, domiciled at *Oskanova st.*, and **Akhmed Ozdoev**, domiciled at *Muzeynaya st.*

The search in the two houses was conducted simultaneously. The security services numbering up to 40 men arrived in the village in several Gazel minibuses, they were speaking Russian and Chechen. One group broke into the Timerkhanovs' house, the second went to the Ozdoevs' house. In both cases the security officers did not introduce themselves or explain the reasons for their visit. In Taysum Timerkhanov's house they beat up his son, **Khassan**, aged 22, were insulting the women, smashing the furniture and destroying the possessions. 12,000 were stolen from the house. The security officers were behaving in a similar way in the Ozdoevs' house, except that the family members were not subjected to beatings. No-one was arrested as a result ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m156537.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m156537.htm)).

On **February 26** in the *Gamurzievsky municipal district* of Nazran on *Ozieva st.*, officers of federal security structures arrested three local residents in the course of a "special operation": **Savarbek Abdulsalamovich Oziev**, born 1956, domiciled at *Ozieva st., 15a*, **Akhmet Magomedovich Oziev**, born 1960, and his wife domiciled on the same street. The same evening the press service of the FSB Department in Ingushetia reported that the two arrested men were suspected of involvement in armed attacks on law enforcement officers and that military ammunition, uniforms, a rifle and two grenade launchers had been discovered in their houses.

On the same day, the Memorial Human Rights Centre office in the city of Nazran received a written petition from **Sonya Ozieva**, the wife of Savarbek Oziev. According to her testimony, over 50 security officers (almost all of them were in masks) arrived in two armoured vehicles, four Gazel minibuses, UAZ and Ural vehicles etc. They cordoned off a section of the Oziev street and, splitting up in two groups, they conducted simultaneous search in the households of Savarbek and Akhmet Oziev. Before the search in the house of Savarbek Oziev, the commander in the special operation produced a relevant warrant. The officers inspected all the premises, including the attic and the auxiliary constructions, several times over, accompanied by the owners of the house. Tracker dogs were also involved in the searched. After the search of the house the servicemen held a brief meeting deciding to conduct a repeated search of the shed, which this time resulted in them finding a grenade launcher and several cartridges of the 7,62 mm caliber. Upon the completion of the special operation, Savarbek Oziev, Akhmet Oziev and his wife were arrested, though the latter was released several hours later. At about 6.00 pm Sonya Ozieva received a phone call from investigating officer **Alexander Nesterenko** who informed her of that her husband was being kept at the pre-trial detention centre of *Vladikavkaz* and that he was on record with the Investigating Department of the Investigative Committee under the Public Prosecutor's Office of the Southern Federal District. He and Akhmet Oziev were charged pursuant to Article 222 (illegal storage, acquisition, transfer, sale, or carrying of

firearms, ammunition, explosives and explosive devices) ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161672.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161672.htm)).

These examples show that the practice of abductions and extrajudicial executions, the arbitrariness in respect of people on trial, defendants and convicts in terrorism-related cases continues to exist. The law enforcement services are slow to change their tactic. The quality and the skills of the personnel is another problem. It is enough to remember what enormous effort it cost the new president to achieve the dismissal of Musa Medov, the former Minister of Interior, whose name was linked by the public opinion to many negative events in the republic. The situation is about the same among the lower ranks of the internal hierarchy of these services. Besides, police service is far too unpopular with the population and is fraught with incredible risk to life.

The new president has not, by the look of it, yet managed to achieve full coordination of the operation of Ingushetia's Ministry of Interior with the federal FSB and Ministry of Interior structures not subordinate to the former on the territory of Ingushetia, as well as with the security services of the neighbouring republics who carry out their "counter-terrorist" operations not taking into account the social impact of such in the republic.

Having assumed the commitment to put an end to the widespread arbitrariness of the law enforcement services, Yevkurov found himself compelled to comment on many special operations, thus putting himself into a disadvantaged position, since the current public opinion holds almost any special operation of the security forces for a criminal act. For example, the murder of the Uzhakhov brothers received the following qualification from the President: *"I know that many people are now saying that they were innocent lads at their workplace and the special task force broke into their studio in an armoured vehicle. But you must understand that the special task forces do not act without a reason. There were intelligence reports, recorded telephone conversations. Although the Uzhakovs' premises had already been searched a fortnight earlier, components of explosive mixtures were found there this time. The brothers had been put under surveillance. So it was not like you are now saying: they just came and shot the boys. They came in and offered to surrender. Then the older brother opened fire and only then..."* (from his interview to *Novaya Gazeta*, 9.2.2009). The information at the disposal of the President and the media regarding the special operation in the village of *Kantyshevo* on **February 1** also appears to be diametrically contradictory. In the course of that operation wide search of houses was conducted, yet no-one was arrested. According to Yevkurov, *"they arrived, inspected everything. Nothing was found but what can we do. False alarm also happens. They apologized and left"* (from his interview to *Novaya Gazeta*, 9.2.2009). According to the *Ingushetia.Org* website, *"armed men in masks break into households, insult the owners, treat them roughly, conduct unwarranted search, turning the entire house upside down"* (*Ingushetia.Org*, 1.2.2009).

There are also some other promises with the fulfillment of which Yevkurov has so far had little success – one such promise was that given by him in person to the parents of **Akhmed Tochiev** and **Islam Malsagov** who were abducted in November and December last year.

Wide outrage in the republic was provoked by the news of grave human rights violations with regard to several residents of Nazran who are either currently on trial or have already been convicted. Thus, at the end of January, it became known that the rights of the persons held on remand in the Ministry of Interior temporary detention unit of the city of Nazran on suspicion of involvement in illegal armed groups were being grossly violated (the Memorial Human Rights Centre had received petitions from **Salman Dzeytov**, **Rustam Kartoyev**, **Akroman Dzaurov** and **Khadis Tumgoyev**). The suspects are regularly taken to court hearings from the Pyatigorsk pre-trial detention unit to Nazran in unheated prison vans; many of them have caught cold. When four men refused to be taken back to Pyatigorsk referring to the relevant clauses of the Law On Detention in Custody of Suspects and Persons Charged with Crimes, the special task police force

broke into their cells and beat up the suspects who had on two occasions cut their veins as a sign of protest ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159950.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159950.htm)).

Another criminal case (the accused in custody are A.Mutaliev, A.A. Gambotov, M.I. Kodzoyev and others – 12 persons in total) is a good example of how ineffective and slow the work of the law enforcement system generally is, including the investigating authorities, court, the convoy guards, the procuracy supervision. The joint “efforts” of these services make it possible to ensure infinite protraction of trials compelling the defendants and their defence attorneys to accept their terms regarding the course of investigation and trial. These people have been held in detention since 2005 – 2006. The indictment was affirmed in February 2007. The trial had been repeatedly adjourned under various pretexts: challenge of the judge by the prosecution, protraction in selection of the jury, open sabotage on the part of the convoy service of the Ingush Ministry of Interior who would fail to deliver the suspects into the courtroom, the failure of the state prosecutors to appear in court etc. The hearings only reached the phase of final debates by autumn 2008, however, the prosecution then challenged the judge and the trial was again adjourned: after the challenge of the judge everything had to be started over again. The term of detention of the defendants in custody was once again extended until **April 15, 2009**.

Appeals to the Ingushetia Ministry of Interior, the Public Prosecutor’s office and the President of the Republic have so far brought no results. For all this, the defence attorneys are demanded to agree to illegal transfer of the court hearings to Kabardino-Balkaria, - under the pretext that the crime situation in Ingushetia allegedly causes special concern. The trial is held with involvement of a jury selected in Ingushetia, and the change of its location to another region will inevitably further protract it for an uncertain period, - since ensuring regular appearance of all of the twelve jury members in court will then become a substantial problem. The defence attorneys of the accused believe that all this is mere camouflage due to the absence of weighty evidence, - the fact, which will not slip the attention of the jury.

This is all so far perceived by the society as the vestiges of the previous regime and Yevkurov’s administration presently enjoys substantial popular trust. Whether it is going to maintain and augment this will depend on its ability to cope with these system pathologies. This will also largely determine the scale of popular support on which the armed underground will be able to count.

Aiming at undermining the confidence of the population in the currently popular president, the militants make it their tactic to intensify the attacks and assaults provoking inadequate reaction from law enforcement services, which eventually often turns out to have a disastrous effect on the life of civilians. The key target of the extremist terror continues to be law enforcement officers – lower and top ranks alike. On **December 24** an attempt was committed on the life of superintendent of the Malgobek district police department **Mukhazhir Yevloyev**, his driver was killed. On **January 11 Khozhakhmed Miglaurov**, the commander of a squadron of one of the troops units was killed in *Nazran*. On **January 20**, in *Nazran*, **Alikhan Geroyev**, the deputy superintendent of the criminal investigation department of the Sunzhensky district police station, was wounded, the woman who was together with him in his car was killed. On **January 27**, Lieutenant Colonel **Timur Archakov**, the commander of the motorised battalion of the RF Ministry of Interior, was assassinated. On **January 30 Magomed Tsaroyev**, an ex-officer of the FSB Department in Ingushetia, was killed in *Nazran*. On **February 24 Akmed Torshkhoev**, the Assistant Public Prosecutor of Ingushetia, was assassinated. On **February 28** an attempt was committed on the life of superintendent of the criminal investigation department of the Sunzhensky district police station **Magomed Yevloyev**; Yevloyev himself and two police officers who were with him were wounded.

The terror targeting non-Ingush population with no connections whatsoever to the law enforcement services, also continued to be practised. On **December 9** an attempt was committed on the life of a certain **Kitskieva**, an ethnic Russian. She discovered a suspicious pack near her

house and called the police. Officers of the Karabulak municipal police department arrived at the spot together with several mine engineers. After the bomb in the pack was defused, another explosive device detonated in the vicinity. There were no casualties. On **February 7, Zurab Dzhavakhishvili**, the art director of the children's band "The Dawns of Ingushetia", was mortally wounded.

The terror targeting the security and law enforcement forces and civilians has now been supplemented by the popular President becoming a target for physical elimination. The declarations of FSB representatives concerning possible preparation of large-scale terrorist attacks targeting "*the newly appointed leaders of the republic*" appear to be justified (*RIA Novosti*, 14.2.2009). According to the FSB information, in **January 2009** a group of suicide bombers arrived in Ingushetia from the *Tyumen region* and *Karachayevo-Cherkessia* (numbering 4 persons, of whom one was an ex-police captain, one was an ethnic Russian who had converted into Islam and one was a young woman), they were placed for "temporary residence" into one of the households in *Nazran*. The information about this was received by the law enforcement services. On **February 6** the personal data and the photos of the suspects were posted in public places and the local residents were called to display utmost vigilance (*Ingushetia.Org*, 6.2.2009). The campaign in checking passports of all local residents lasted an entire week (*Ingushetia.Org*, 14.2.2009). On **February 12**, during one of such checks, the squad of police officers was exposed to gunfire coming from *house No 8* on the *Gorovodzheva st.* Reinforcing forces were summoned, including armoured vehicles. The besieged militants detonated a powerful explosive device which completely destroyed the two-storey mansion and three adjacent buildings. The force of the explosion was between 70 and 100 kg of TNT equivalent, according to different estimates. According to official reports, 4 militants and 4 law enforcement officers were killed and 1 police officer was wounded. According to unofficial information, up to 15 people were killed, 21 police officers and 3 civilians were wounded (*Ingushetia.Org*, 12.2.2009).

During the examination of the building destroyed by the bomb explosion the FSB staff bomb technicians discovered six ready for use explosive devices based on a mixture of ammonium nitrate, aluminium powder and TNT of a total mass of over one tonne, artillery ammunition and firearms.

Such an amount of explosives had not been used by the militants since the early 2000s. A terrorist attack of this scale was last on record being prepared by **Shamil Basayev** in **summer 2006** (that attempt ended in himself being killed by his own explosive device). There is also an opinion that the powerful explosion in the premises of the Court Bailiffs Service in *Nazran* on **January 13, 2009**, which completely destroyed that two-storey building and was declared to have been a gas explosion, was in reality carried out by the same group. 8 persons were killed and 22 were wounded as a result (*Interfax Information Agency*, 13.1.2009). According to eyewitnesses, no-one had smelt gas and the gas boilers are located in the annex and not in the cellar where the epicenter of the explosion was ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159190.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159190.htm)). The militants did claim the responsibility for the bomb attack on the premises of the court bailiffs service (*Kavkaz-Center*, 13.1.2009)..

The fate of the oldest of the group of militants who blew themselves up in *Nazran* on **February 12**, whose body has been identified - **Khassan Uvaisovich Mutaliev**, is sadly very typical and representative for present-day Ingushetia. According to the FSB information, Mutaliev (the code name – **Abdulla**) was a close ally of the leader of the Ingush militant underground, "**amir Magas**" (**A.Taziev/Yevloyev**), and had organised and carried out a series of sabotage and terrorist attacks on law enforcement officers (*Ingushetia.Org*, 12.2.2009). Meanwhile, two years ago, on **March 15, 2007** Khassan Mutaliev was still trying to defend his family using perfectly legal means. He appealed to the Memorial Human Rights Centre on account of the repeated abductions and tortures of his brother, **Khusseyn Mutaliev** ([www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m69045.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m69045.htm)). Khusseyn was killed when

“attempting to escape” in the yard of his own house, in front of his family’s eyes. He had a child who was three months old. His murder had caused a major public outrage in the republic and even featured in a television broadcast on the *RenTV* channel ([www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m87323.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/03/m87323.htm)). However, the official inquiry did not bring any results, while Khasan Mutaliev joined the militant groups hiding in the woods and became a leader of one of them, receiving the nickname of ‘Abdulla’ and becoming a suicide bomber (see also: *Ingushetia.Org*, 13.2.2009). Such transformation of law-abiding people into extremist militants is one of the main sources of growth of the militant ranks in Ingushetia.

The main outcome of the new Ingushetia’s President Yunus-Bek Yevkurov’s first 100 days in office was the awareness of the gravity of the crisis into which Ingushetia has been immersed over the past years. Dragging the republic out of this quagmire will be a difficult task which will require time as well as a range of political, social and economic measures. Both the republican and the country leaders demonstrate in every possible way their readiness to work on this. The time is yet to show what the outcome of these good intentions will be.

### **The Ineradicable Militant Underground**

In winter 2008–2009 the federal security forces carried out a number of successful operations in conjunction with their colleagues from the North Caucasus law enforcement forces. As a result, the militants sustained considerable losses, including from among their leadership. Two “amirs” (front commanders) – **amir Muaz (Umar Sheikhulayev)**, the leader of the strong *Jamaat Shariah* group, and **amir Waleed** (or **Abu-Waleed**; born - **Vakha Dzheneraliev**) - the leader of the *Mansoor* special unit operating on the Ingush-Chechen border, were killed. The former was appointed to the position of “the Dagestan Front commander and the Vali of the Villayat Dagestan” by **Doku Umarov**, the leader of the North Caucasus militant underground, who on some of the militants’ websites is referred to as **Dokka Abu-Usman**) on **December 5, 2008** (*Jamaat Shariah website*, 5.12.2008), and as soon as on **February 5, 2009** he was killed in **Makhachkala**. Sheikhulayev became the fourth amir (since the establishment of the Dagestan front”) killed by law enforcement forces, and the fourth such amir for the past year (**Elgar Mollachiev** was killed in **autumn 2008**). Sheikhulayev was declared to have been the direct perpetrator of the **December 29, 2008** assassination in Makhachkala of Major General Valery Lipinsky, the acting commander of the Ministry of Interior Internal Troops Group in the North Caucasus (*Chernovik*, 9.1.2009).

Three other militants were killed together with amir Muaz. Two weeks later three special operations were held in Makhachkala, 5 militants were killed and four were arrested after putting up armed resistance. The FSB reported on the elimination of “the Sheikhulayev gang”. 11 militants were killed together with amir Waleed in the vicinity of the Ingush village of *Alkud* in a clash with law enforcement forces on **December 24-25, 2008** ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159035.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m159035.htm)). This was one of the most successful recent operations of the Russian security forces. The deaths of amirs Muaz and Abu-Waleed were confirmed by the militants’ websites.

This last winter the militant underground groups in Dagestan and Ingushetia sustained heavy blows from the security services, while in Chechnya it displayed little activity. However, the media coverage of the anti-terrorist campaign in the North Caucasus also shows the renunciation of the triumphant adulations so characteristic of the previous years. The official spokespersons for the federal security forces, let alone the republican authorities, express their deep concern with the situation in the region. The only remaining incorrigible optimist today is, in fact, Ramzan Kadyrov himself. On **January 10, 2009** he once again declared a definitive victory over the terrorist underground (website “*Ramzan Akhmatovich Kadyrov*”, 10.1.2009). It



is quite clear to everyone now that the fight against the underground has entered in a new prolonged, stationary stage. For the first time the official rhetoric begins to speak of an “extensive aiding and abetting base”, which is essential for the functioning of the extremist underground. The open recognition of the problem of widespread aiding and abetting on the part of the population has destroyed the image of a militant as an outcast, a black sheep rejected by the society and representing some marginal minority: there is a certain stratum of sympathizers among local population from which the underground will be nurtured and which will allow it to regenerate each time like some Phoenix bird. The recruiters of new militants are also not giving up their work – in Chechnya alone 7 such recruiters had been arrested or killed over 2008 (*Information Agency “Chechenskaya Respublika segodnya”, 17.1.2009*).

These new tendencies in covering issues related to the extremist underground of the North Caucasus continue to employ the good old concepts of placing the eternal enemy an source of all problems abroad. According to RF Deputy Minister of Interior Arkady Yedelev, the militants continue to receive money, arms and equipment from abroad, from their contacts in the Al-Qayida, among such are new radio destruct systems which “cannot be blocked by the systems we use”. Representatives of the Al-Qayida also “conduct regular inspections of the bandit groups” in Chechnya and Dagestan (*RIA Novosti, 21.1.2009*). Head of the FSB Department in Dagestan **Vyacheslav Shanshin** believes that the militants receive support from the intelligence services of a number of Western states whose representatives arrive to the North Caucasus pretending to be tourists or staff of non-governmental organizations: the US (“our key enemy”), the UK, Poland, Georgia, Turkey etc. The special service chief is much more vague when it comes to describing the tactic of the formidable foe: they are waging “invisible wars”, “influence the geopolitical processes”, “induce certain processes in the community”, etc, etc. (*RIA Dagestan, 27.12.2008*). Ingushetia’s President Yunus-Bek Yevkurov has also repeatedly spoken of clear intervention of the US intelligence services into Ingushetia’s internal affairs.

If one chooses to analyse the essence of the declarations of these key authorities in earnest, it inevitably turns out that Al-Qayida is waging a war against Russia in the North Caucasus in collaboration with the Western intelligence services.

Deputy Minister Yedelev gave the following assessment of the militants’ activity last winter: their strength in Ingushetia – up to 120 active militants and 1,237 abettors; in Chechnya – up to 500 militants, the approximate numbers of abettors are not given (*Interfax, 23.1.2009*). The official figures concerning the strength of the militant underground in Dagestan were not given.

A year ago, in March 2008, the strength of the militant forces in the entire North Caucasus region was officially estimated at 400 – 500 men (*RIA Novosti, 26.3.2008*). Nonetheless, according to equally official reports, over the entire past year alone the underground had lost no less than 546 people killed, arrested or laying down their arms (the estimates published by the *Kavkazsky Uzel* website, *21.1.2009*). According to the reports of the Chechen Ministry of Interior, Chechnya alone had 5 armed groups liquidated over the past year, 324 militants were arrested, 61 were killed while offering armed resistance, including 5 leaders, 93 militants had been persuaded to give themselves up (*Information Agency “Chechenskaya Respublika segodnya”, 17.1.2008*). All in all, the Chechen militant underground had lost 472 active members. 77 militants had been killed in Dagestan (*Chernovik, 26.12.2008*), and 61 – in Ingushetia, according to official reports ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161680.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161680.htm)). The number of militants arrested or surrendered in Dagestan and Ingushetia was not announced. At any rate, simple comparison of these figures shows that the entire militant “population” should have been annihilated in 2008 several times over at least. Therefore, what we have is clearly either some instance of inter authority statistical confusion and deliberate inflation of figures, which have already been exposed by the media and human rights campaigners, or otherwise, we can speak of a sudden growth in the armed underground numbers.

The latter appears to be rather likely considering the intensity of armed clashes and terrorist attacks, especially in Ingushetia and Dagestan. Large groups of militants act as coordinated units. From the reports that have leaked into the media it appears that, apart from the above-mentioned armed clash in the Ingush village of *Alkun* which resulted in the death of 12 members of amir Abu-Waleed's gang (however, the *Kavkaz-Centre* website published an allegation on *January 29, 2009* claiming that the group of militants had broken out of the encirclement), there was also the discovery of a group of militants numbering up to 30 persons on **February 9** in the *Vedensky district* of Chechnya. Three police officer were wounded in the course of the fighting, one died in hospital later. Later, during the examination of the scene of events a dead body of one of the militants was found, there were also traces of blood around and surgical dressing materials. Fighting involving use of artillery and helicopters lasted for two days, yet no official information is available as to its outcome (*Kavkazsky uzel, 11.2.2009*). On February 11, in a forest located not far from the village of *Gerpegez*h in *Kabardino-Balkaria* law enforcement officers discovered a large group of militants who opened fire at them. As a result, 7 militants were killed, one police officer was wounded (*Kavkazsky uzel, 11.2.2009*).

Another criterion helpful in providing an objective assessment and determining the intensity of combat activity in a conflict and the militant underground potential – the casualties of the law enforcement and security structures resulting from armed clashes and attacks. The *voinenet.ru* website, which conducts constant monitoring and compilation of information in this regard, reports that over the winter 2008 – 2009 8 militants were killed and 18 were wounded in Chechnya, 7 and 27 respectively in Dagestan, 21 and 55 – in Ingushetia, 1 and 2 – in Kabardino-Balkaria, 2 and 1 respectively in North Ossetia. The total casualty figures of the security forces stood at **37 killed** and **113 wounded**. This is far less than the **autumn 2008** figures (**83 killed** and **143 wounded**), which is usually explained by the seasonal factor. A drastic change in the pattern of casualties of the security forces consisted in the definitive shift in the bulk of casualties from Chechnya to Ingushetia. This tendency persisted for the past six months, while in autumn 2008 these indicators reached the same level.

It would be helpful to compare the data given above with the casualty figures of the law enforcement structures for the period of a year back – **the winter 2007/2008**. In total, 42 officers of the security structures had been killed and 85 persons had been wounded, of them 18 were killed and 40 were wounded in Chechnya, 11 were killed and 24 were wounded in Ingushetia, 7 were killed and 18 were wounded in Dagestan, 3 killed and 3 wounded in Kabardino-Balkaria, 2 killed in Karachaevo-Cherkessia, 1 was killed in North Ossetia. Finally, in winter **2006-2007** the same sources give the following figures: **25 killed** and **70 wounded** (see the Memorial bulletins: [www.memo.ru/2007/12/27/2712071.htm](http://www.memo.ru/2007/12/27/2712071.htm), [www.memo.ru/2007/03/14/1403072.html](http://www.memo.ru/2007/03/14/1403072.html)). We can therefore speak of a stable, from year to year, growth in the casualties of the security forces - chiefly on account of the situation in Ingushetia.

As the customs has it, at the end of each year the security and law enforcement services summarise the work done over the year publishing the official casualty figures, among other reviews. These incomplete statistical data contain figures that are already rather significant and not much different from the data collected by the Memorial: 39 police officers killed in Dagestan and 81 wounded (*Chernovik, 26.12.2008*), over the 11 months of 2008 39 police officers were killed and 88 were wounded in Ingushetia, as well as 28 and 61 officers of the Ministry of Defence respectively ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161680.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161680.htm)). The official casualty figures for the security forces in Chechnya were not available.

While examining the present-day militant underground in the North Caucasus, special attention should be given to its **Ingush** segment – the so-called *Villayat Ghalghayche* of the *Caucasus Imarat*. This category of militants demonstrates extremely intensive activity, while the law enforcement services of this republic sustain higher losses than the combined figures for their colleagues in Chechnya and Dagestan, although the territory of Chechnya, including the

mountainous and wooded areas so convenient for setting up militants' bases, is much larger than that of Ingushetia.

One fundamental peculiarity of the situation in Ingushetia consists in the militants' social base being far more extensive and far from everyone from among their numbers is living the life of "the outlawed brotherhood" in the woods, enjoying the support of an extensive "aiding and abetting base" (Police General Yedelev spoke of 1,237 "abettors", Yevkurov put it much more bluntly - "*thousands*"). Many militants openly live lives of common citizens, going out to wage their "jihad" by night only. In all probability, it was precisely such "night" militants that blew themselves up on *January 7* inside a garage in the town of *Karabulak* while they were manufacturing an explosive device there. Daily life acquaintances of some of the 11 militants killed in the vicinity of the village of *Muzhichi* together with amir Abu-Waleed have written messages to the following effect on forums: "*We only learnt about them being mujahideens when persecution was launched against them (Hunafa.com, 29.12.2008)*". It is no coincidence that the news of discovery of militants' bunkers in forested and mountainous areas arrive much more frequently from Dagestan and Chechnya. It is precisely this that explains the large number and the simultaneousness of the militants' strikes and attacks, as well as the increasingly popular practice of arsons and bomb attacks on shops which can be described as a kind of "simplified jihad", not requiring major effort, risk and organisational arrangements.

A fundamental distinction of the Ingush militant underground is its demonstrative fundamentalist stance manifested through actions not linked directly to violence against representatives of the authorities and law enforcement officers. During all of the past year a campaign was gathering pace in destroying the "*things of haram*", from the militants' point of view: gaming clubs and Internet cafes, shops and cafes selling alcohol etc. According to media reports, in the winter 2008–2009 9 of such locations had been bombed, burnt down or had come under gunfire attacks. In 5 other cases bombs were timely disarmed. On three occasions the targets of the attacks were mobile communication transmission towers.

The Ingush militants themselves described this activity as "the educational outreach" of "the legitimate Islamic authority". The targets for such "legitimate" attacks were proclaimed to be those locations and sales outlets which make profit by selling alcohol, drugs and encouraging depravity, as well as their owners. Attacks on other objects (for example, hairdresser's shops, shops selling personal hygiene products etc) were declared as unjustified (*Hunafa.com, 9.12.2009*). As it seems, the militants' leaders fear that their "noble" mission may gradually degrade to mere hooliganism because of possible inflow of simple thugs into their ranks. This "industry" so popular in Ingushetia is practically non-existent in Dagestan and Chechnya, which indicates a certain organizational and ideological autonomy of the Ingush underground. Religious extremists seem to achieve their goals: local businessmen gradually closing up their shops selling alcohol and other products likely to provoke the militants' wrath. According to accounts from locals, it has now even become difficult to buy cigarettes in Nazran, and, therefore, the number of such attacks has dropped drastically over the recent months. This is also reflected by the police statistical data. Yet, there have been two murders of women who were selling alcohol under the counter.

In Ingushetia's neighbours of Chechnya and Dagestan the same task of eradication of gambling business and trade in alcohol has been assumed by the governmental authorities in these republics who inevitably become allies of the fundamentalist underground in this regard. Although, from the purely ideological point of view, the traditional for Chechnya and Dagestan branch of Islam is infinitely far from the Sufi Salafist beliefs of Doku Umarov's followers, many of their prescriptions concerning the everyday life of the faithful coincide along many lines. In Chechnya, where gambling and slot machines have long been prohibited, the authorities have now drastically restricted the sale of alcohol, authorizing this only within the span of two hours in the morning. Moreover, shops selling alcohol often get closed down on the pretext of having

violated the trade regulations. The situation in Dagestan is different. The campaign for moral integrity of the masses is only gathering pace there, and is largely prompted by the action from above – the adoption of the federal law prohibiting gaming business. The republic is literally flooded with slot machines. Amazing as it may seem, yet the Dagestan Ministry of Interior reports that “*one-arm bandits can be found in every gym of the municipal and district police stations in Dagestan*”. The total number of such machines operating in Dagestan reaches 4,000! Starting from January 20, 2009 these machines began to be massively taken out and sent under the press (*RIA Dagestan, 22.12.2008, 20.1.2009, 20.2.2009*).

### **Abductions and widespread torture: a new wave of violence against civilians in Chechnya**

*The end of 2008* saw a sharp rise in the number of abductions, cases of torture, and extrajudicial executions in Chechnya. Over **November-December 2008** alone the Memorial Human Rights Centre had registered 10 cases of abductions (four persons were subsequently released, three disappeared without trace, the remaining three were killed).

In **January 2009** six more people were abducted. Meanwhile, according to the annual report of Chechen human rights ombudsman **Nurdi Nukhazhiev**, in 2008 his office recorded “*a sharp drop in the number of abductions*”. The figures provided by him to support these allegations rather speak of the contrary: in 2008 350 persons arrested in violation of the law and kept in detention in pre-trial detention units were released (*website “President and Government of the Chechen Republic”, 20.1.2009*).

The data collected by the Memorial indicated much smaller numbers: over the entire year 2008 42 persons had been abducted (of which 20 were released or ransomed, 4 were found dead, 13 went missing and 5 were later “discovered” in official detention facilities) against the 35 abducted in 2007 (23 were released, one was found dead, 9 went missing, two were under prosecution). These data are clearly incomplete since people are becoming increasingly reluctant to report abductions or even talk about such cases, with regard to the 2008 statistical data this category of crimes remains largely latent. The strife between the republican leaders and the Yamadayev clan and the Vostok battalion was marked by frequent abductions of the Vostok militants and members of their families – which was reflected in the numerous interviews that they gave to the media – yet if they did indeed choose to complain, they would go to their commanders and not to human rights campaigners.

However, the confrontation with the Yamdayevs had resulted in the exposure of the crimes committed by the Vostok commanders and militants – abductions and murders of Chechen civilians. The republican Ministry of Interior and the Public Prosecutor’s office have been making public statements about successful investigation of those crimes.

That said, it was somehow always been omitted that these abductions, tortures and disappearances were committed not by the “illegal armed groups” but by the RF security forces as part of routine “counter-terrorism” operations.

Currently, the situation in Chechnya is rather stable and can be described as being under the control of the security forces, who are successfully resisting all attempts of the armed underground to destabilise the life in the republic, searching for guerilla militants and their “abettors”. Reports of arrests of such arrive almost daily. It is quite possible that tortures to which abductees are exposed and their extrajudicial executions continue to be a sort of “side effects” of this work in liquidation of the militant underground.

Below we will give more detailed accounts of some of the cases of abductions, torture and extrajudicial executions in Chechnya (including those committed in November), of which the Memorial was informed last winter.

Early in the morning of **November 18, 2008** local resident **Salavdi Ruslanovich Sambulatov**, born 1988, domiciled at *Mozdokskaya st., 32*, in *Gudermes* was abducted by officers of unidentified security structures.

According to the victim's relatives, the abductors were ethnic Chechens and were dressed in camouflage. Having seized Salavdi they quickly left their home and disappeared in an unknown direction.

The family turned to the district police department for explanations but were told that the latter had nothing to do with the incident. 3 or 4 hours after the abduction of Salavdi the same security officers again came to the Sambulatovs' house and took away Salavdi's older brother **Umalat Sambulatov**. This time the family were able to follow the abductors and establish that the car which took Umalat away, entered the premises of the Ministry of Interior 6<sup>th</sup> department. Both brothers were released the same evening. According to their family, Salavdi had been beaten during the interrogation while Umalat was taken away as an instrument of moral pressure and psychological coercion.

After the release of the Sambulatov brothers, the abductors bullied them into withdrawing their complaint from the Public Prosecutor's office. The abducted brothers themselves declined any comments.

In 2002 officers of unidentified security forces abducted the father of Salavdi and Umalat, **Ruslan Khamitovich Sambulatov**, born 1957, and his own brother **Sultan Khamitovich**, born 1964. Their whereabouts remain to date unknown, while the criminal proceedings have been closed ([www.memo.ru/2009/01/13/1301091.htm](http://www.memo.ru/2009/01/13/1301091.htm)).

Late at night on **November 28**, in the *Staropromyslovsky district of Grozny*, officers of security services opened gunfire at young men driving in a car killing two of them: **Ibragim Payzullayev**, aged 18, and **Adam Salangiriev**, aged 21. Another person who was inside the car together with them was **Ilyas Abdrakhmanov**, born 1990, who managed to escape and only due to that he survived the attack. According to him, shortly before this incident, he, Payzullayev and Salangiriev met a certain **Lom-Ali Arsanukayev** in the *Shanghai hosing precinct* (in *Grozny*), who offered them to join an illegal armed group. They had an appointment to meet with Arsanukayev on November 28, however, he did not turn up for that meeting. On their way back from their appointment, the young men fell into the ambush set by the security forces.

The same was told by Ilyas Abdrakhmanov to the superintendent of the territorial police department **Khusseyn Magomadov**. Magomadov told Ilyas's mother, that he would take her son to Commander of the Ministry of Interior extra-departmental security guards regiment in the Chechen Republic **Sharip Delimkhanov** ("the oil regiment"\*)). The killed men and Abdrakhmanov were accused of the murder of deputy commander of "the oil regiment". *Lechi Taldakhov* on **November 22, 2008**. Abdrakhmanov only returned home on **December 13**. The Public Prosecutor's office forced him to write a statement that he had spent all this time "walking around Mozdok". After his return home, his mother decided to send him away from Chechnya because there was no guarantee against possible future persecution.

On **November 30 at about 8 pm** unidentified persons abducted brothers **Akhdan** and **Alvi Ilayev** from their home in the *village of Pervomayskaya of the (rural) Grozny district of the Chechen Republic*. Some of the officers took out the arrested men, the others stayed inside the house opening gunfire in one of the rooms, carrying out an unauthorised search without search witnesses, turned everything upside down, and then sat down to dine plundering the family's reserves of food. Later on, they arrested 17-year-old **Imam Ilayev** – a younger brother of Akhdan and Alvi.

The arrested men were taken to the territorial police department of the *(rural) Grozny district*, located in the vicinity of the *Dolinsky settlement*, on the former base premises of the Goret's paramilitary unit which was under the command of the late **Movladi Baisarov**. The

superintendent of this territorial police department is **Khusseyn Magomadov** (the code name – Iran), a former subordinate of Baisarov, who had gone over to Ramzan Kadyrov's side. The sister of the Ilayevs **Zalina** and Akhdan's pregnant wife **Khadizhat** were also taken to the police station. The women were taken into another room separately from the men and soon they heard the brothers screaming. Akhdan and Alvi were being tortured. Khadizhat felt faint and was taken home. Zalina was taken home three hours later. Imam Ilayev was brought back home several hours after his arrest. He was absolutely demoralised and said that he had been tortured with electric current being demanded to provide information about some militants unknown to him.

The security officers left the Ilayevs' house at about 4 am leaving broken dishes and crashed furniture. They took with them the TV set, a video player, a ladies' sheepskin coat and other wear, golden jewellery, money, photos and identity papers of all the members of the family. They also took away the bag which Khadizhat had packed intending to take with her to the maternity hospital, having thrown out the baby diapers.

At about the same time the oldest of the Ilayev brothers, **Zurab**, who was living with his aunt at the *Karpinsky kurgan*, was urgently summoned to his place of work – the 5<sup>th</sup> squadron of "the oil regiment", where he had been serving since 2002. At about **10.00 am** he received a phone call from his cousin and told her that he was together with his brothers and being summoned for interrogation.

On **the afternoon of December 1** the Ilayevs received a visit from the precinct police officer who told them that the brothers were under suspicion of involvement in the November 24 attack on the *village of Sadovoye of the (rural) Grozny district* which resulted in the assassination of the deputy commander of "the oil regiment" **Lechi Taldakhov**, as well as of two of his relatives and the advisor to the republican mufti.

On **December 2** the press service of the Ministry of Interior circulated a report on the annihilation of two guerilla militants as a result of a special operation in the Grozny (rural) district. The local television showed a news broadcast featuring bodies which friends of the family identified as belonging to the Ilayev brothers. Their bodies were dressed in camouflage, although their neighbours can also testify to that they were taken away from home in plain clothes. The official report claimed that "the militants" had been killed in the (rural) Grozny district between the villages of *Nagornoye* and *Kerla-Yurt*, however, on the same day, at about **8.00 pm**, people passing by the Karpinsky kurgan witnessed a special operation conducted, as a result of which two militants were annihilation, according to the officers cordoning off the zone.

On the same day Khadizhat gave birth to a son.

On **December 3** the mother of the Ilayev brothers was summoned to the forensic expertise bureau of Grozny. At the city morgue she identified the bodies of her sons Alvi and Akhdan. They died of gunshot wounds, but their bodies were also covered with raw sores and bruises.

On **December 5** the families reported Zurab Ilayev's disappearance to the Public Prosecutor's office and the police, since his whereabouts were unknown to them since December 1, simultaneously launching their own inquiries. They were told that Zurab had allegedly been dismissed from his service back on November 17. However, he had been serving up until the very day of his arrest continuing to carry his officially assigned arms.

On **December 10** the family of Zurab Ilayev were informed of that his body was at the city morgue where it was delivered on **December 8**. The body had been found by local boys near the Karpinsky kurgan, 200 metres from the deployment base of the Sever battalion. Zurab's body bore traces of beatings and strangling.

The operations in seizure of the "recruited" young men, - Ibragim Payzullayev, Adam Salangeriev and Ilyas Abdurakhmanov and the Ilayev brothers, - were conducted under the

command of Khusseyn Magomadov, a former militant of the FSB special squad – “Gorets” – which had until 2006 been under the command of Movladi Baysarov.

Based on the results of its own investigation *Novaya Gazeta* suggested that those “operations” had been a mere act of provocation aiming at concealing the assassination of Lechi Taldakhov who criticized the practice of abductions and torturing of Chechen civilians coercing them to “confess” to various crimes (*Novaya Gazeta*, 15.12.2008).

In all probability, the security officers were indeed trying to enhance their “crime solving rates”. The courts in Chechnya have already had precedents in examining homicide and other grave crimes cases which had been committed so as to pass off for “fight with terrorism”, - one of the best known was the case of ex-police officer **Asuyev** and his accomplices (see: [www.memo.ru/2007/12/27/2712071.htm](http://www.memo.ru/2007/12/27/2712071.htm)).

The official investigation of these crimes is constantly hampered in many different ways. Criminal case No 40044 was opened on the fact of the murder of Zurab Ilayev pursuant to Article 105 of the RF Criminal Code by the Investigation Department of the Investigative Committee under the RF Public Prosecutor’s Office for the Zavodskoy district, in Grozny, on January 12, 2009. However, in December 2008 officer of the Investigation Department of the Investigative Committee under the RF Prosecutor General’s Office for the Grozny (rural) district, a certain Vagapov, refused to initiate criminal proceedings on the fact of abduction and murder of Alvi and Akhdan Ilayevs. On **February 6, 2009** the Public Prosecutor’s office of the Chechen Republic repealed the order on dismissal of the criminal proceedings. According to what public prosecutor of the Chechen Republic **Mikhail Mikhailovich Savchin** announced on March 4, 2009 in a conversation with a member of the Memorial Board **Svetlana Alekseyevna Gannushkina**, the case materials related to this incident had been sent for further verification to the Investigation Department for the Chechen Republic of the Investigative Committee under the RF Prosecutor General’s Office.

On **December 3, at about 10.00 pm**, officers of unidentified security structures abducted three locals from the village of *Roshni-Chu* in the *Urus-Martan district* of the *Chechen Republic*: **Abu-Selim (Idris) Abumuslimovich Israpilov**, born 1976, **Kyuri Mukhidovich Aziev**, born 1984, domiciled at: *Geroyev Velikoy Otechestvennoy Voyny st., 11*, and a certain individual named **Mumadi**, aged 30. They were taken away from Israpilov’s house. The abductors drove up to the house in a Lada-Priora vehicle and were wearing camouflage uniforms and masks and speaking Chechen. They failed to produce any documents or introduce themselves. Mumadi returned home at about midnight. The unidentified officers dropped him off in the middle of a field not far from *the village of Alkhan-Yurt*. The families of Kyuri and Abu-Selim started searching for them. The public prosecutor’s office of the Urus-Martan district was reluctant to accept the report from the relatives. On the evening of **December 4 Israpilov and Aziev** were released. They were not able to say where they had been kept. They had been beaten and tortured, amidst demands to confess to involvement in illegal armed groups. They cannot say who the people interrogating them were. After their release they were summoned to the Urus-Martan district police department where they were “advised” to withdraw the report on the abduction and to write a statement explaining their absence with a retreat trip during which a fight had occurred resulting in their injuries and bruises. Fearing further persecution, Israpilov and Aziev consented and wrote such statements ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155771.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155771.htm)).

**On the night to December 22** unidentified persons in camouflage abducted local resident **Bilal Abubakarovich Izrailov**, aged 35, from his home on *Sovetskaya st., the village of Oyskhara* in the *Gudermes district* of the *Chechen Republic*. There are five sons in the Izrailov family, four of them had studied theology in the Arab countries. Bilal had studied at an Islamic university in Egypt. Four days before his abduction he returned from his hajj to *Mecca*. He is described as an extremely decent, religious man, well-versed in Islam.

([www.memo.ru/2009/01/13/1301091.htm](http://www.memo.ru/2009/01/13/1301091.htm)). On **March 8, 2009** the Memorial learnt that Bilal Izrailov had returned home. He declined all comments.

January 2009 saw the continuation of the practice of abductions in Chechnya.

**On January 2, 2009**, at about 3 pm, in Gudermes, officers of unidentified security forces abducted local resident **Salman Aldabirovich Mutayev**, born 1985, residing on *Molodezhnaya st.* According to an accidental eyewitness – a 12-year-old teenager – Salman was approached by a silver-coloured Lada-Priora vehicle bearing a taxi panel on the roof, when talking on a mobile phone. Armed men in masks jumped out of it, seized Salman and forced him into the car. On the same day the family of Salman submitted a written report to the Gudermes district police department and the district public prosecutor's office. They were told to come back “after the holidays”. In **November 2008** officers of the Gudermes district police office of the Chechen Ministry of Interior had already arrested Salman Mutayev on suspicion of aiding the residents of *the village of Tsentoroi*, who had been hatching an attempt on the life of Chechen President **Ramzan Kadyrov** in **July 2008**. He was then released on the same day after being interrogated ([www.memo.ru/2009/01/20/2001093.htm](http://www.memo.ru/2009/01/20/2001093.htm)). As of *the beginning of March 2009*, no information about Salman Mutayev's whereabouts was available.

Abductions of people may not only be used in “investigation” of terrorist attacks, but also for concealing crimes committed by police officers themselves.

**On January 13, 2009** shortly after midnight unidentified men in white camouflage cloaks and masks smashed the door and broke into the house of **Zaurbek Salamuyevich Tagirov**, born 1986, located on *Tikhaya st., the village of Tsotsin-Yurt in the Kurchaloyevsky district of the Chechen Republic*, and took him away in an unknown direction. He was severely beaten in the yard. His parents reported his abduction, yet later they found out through private channels that their son was being kept at the Kurchaloyevsky district police department. **On January 15** the parents appealed to human rights campaigners for help. They alleged that the local police have been persecuting **Zaurbek** and his entire family since **October 2008**. This was the time when Zaurbek, who had no driving licence, was driving an old van loaded with hay from his grandfather's place in *Tsotsin-yurt* to *the village of Geldagana*. He was stopped by the road police patrol who took him to the district police station. The next day he was released having been subjected to severe beatings, while his car had burnt down in the yard of the district police station. Shortly afterwards criminal proceedings were initiated on the fact of beatings and destruction of property. The criminal liability in these proceedings should have apparently been assigned to the officers of that district police station. After that, the Tagirovs began to receive regular visits from officers of the Kurchaloi district police department, the village qadi and the head of the village administration. All of those were asking and demanding from the Tagirovs to withdraw their complaint, yet the Tagirovs had not even submitted any and had very little influence on the course of investigation. The Tagirovs believe that the reason for Zaurbek's abduction was precisely the investigation of the above-mentioned criminal act ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159187.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159187.htm)).

**On January 12** resident of Grozny **Beslan Magomedovich Ugurchiev** was abducted by the forces of the republican police special task force on the outskirts of the village of *Alkhan-Churt in the (rural) Grozny district of the Chechen Republic*. On that day Beslan Ugurchiev was returning to Grozny from the village of Alkhan-Churt. At **about 10.00 pm** Beslan reached the thoroughfare and decided to hike. A Lada-Priora vehicle stopped near him. The men inside it (presumably, officers of security forces) demanded from him to show his passport. Beslan replied that he did not have it with him because he had lost it. After that unidentified men expressed their indignation at his having a beard. Beslan attempted to explain that whether to have a beard or not is essentially a matter of his own choice, yet this argument produced little effect on the men inside the car and one of them phoned for the police special task forces to arrive. The latter arrived shortly afterwards and arrested Ugurchiev without giving any valid



explanations. Beslan was taken to the base of the police special task forces located in the Ippodromny residential precinct of Grozny. For two days Beslan was subjected to severe beatings and extreme torture demanding from him to sign some papers. Beslan succumbed and signed what was required of him. He was kept in custody for another 11 days. After his release, fearing fabrication of a criminal case against him, Beslan Ugurchiev wrote a statement on his unlawful arrest to the public prosecutor's office, however, he later changed his mind about submitting it ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m160181.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m160181.htm)).

On **January 20**, shortly after midnight, the following persons were abducted from their flat in Grozny (*Ugolnaya st., 285, fl.19*): **Salavdi Atkhakievich Adamov**, born 1957, his wife **Maryam Dokuyevna Adamova** and their daughter **Zaira**, born in 1989. The abductors were wearing camouflage uniform and masks, some of them had stripes with the letters PMSN on their uniform (the special task police regiment named after Akhmad Kadyrov), they arrived in three motorcars. At about 4.00 am Maryam was brought back home. She cannot account for where she had been – she had clothes tied around her head all the time. Maryam immediately reported to the district police department what had happened and submitted a statement to the Public Prosecutor's office. **On the evening of January 21** Salavdi Adamov and Zaira returned home as well. In a conversation with the Memorial staff the Adamov family assured the human rights campaigners that they had not been subjected to any form of violence and do not intend to either complain or comment the incident ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159368.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/01/m159368.htm)).

\* *“the oil regiment” – the regiment in charge of the security of oil infrastructure facilities; in actual practice the regiment is widely involved in active warfare.*

### **Reciprocal terror of the security services and guerilla militants in Chechnya: burning of houses**

The summer 2008 bulletin of the Memorial Human Rights Centre contained a detailed description of the peculiar and rather tough “innovation” adopted by officers of local administrations and of various security structures in Chechnya, - whose exact allegiance or identity is, quite naturally, most often impossible to establish, - in their struggle to make young people return out of “the woods” to peaceful, law-abiding life. Their own method of influencing the militants through their family members is to burn down their homes. The Memorial staff had registered 17 arsons of this type in the course of the summer 2008. The list of the houses burnt together with the names of their owners was also provided, though this may well have been incomplete ([www.memo.ru/2008/10/16/1610081/htm](http://www.memo.ru/2008/10/16/1610081/htm)). This truly barbarian practice of influencing the minds and emotions of those hiding “in the woods” was in many cases further aggravated by the fact that not infrequently the houses were set on fire with the members of the household inside. Moreover, a new practice was introduced: that of eviction of the families of militants – a form of ostracism practiced across the majority of traditional societies and always regarded as a worst form of punishment. As far as we can judge from the declarations of Ramzan Kadyrov addressed to head of administration of the town of Argun **Ibragim Temirbayev**, who became a pioneer in the new practice of “moral pressure” on the militants, this practice has not encountered any condemnation or resistance on the part of the Chechen president. He also held up Temirbayev as an example for the other heads of administration to follow, - as the latter *“has demonstrated successful implementation of measures planned within the context of the work with the families of militants”* (extract from Kadyrov's interview on the *Grozny TV channel, 9.8.2008*).

During the *winter 2008 – 2009* the arsons of houses occupied by family members of militants continued to take place. We have registered three cases of arsons, yet these data are most definitely incomplete.

The practice of setting houses on fire as an «educational» measure has long been employed by the guerrilla militants and was only recently adopted by law enforcement services as well. In *December 2008* alone there were three attacks of the militants on households of persons actively collaborating with the authorities either presently or in the past. The details of the two of these attacks came to the knowledge of the Memorial Human Rights Centre. The militants continue to be active in the *Vedeno district*, where they still feel relatively safe. Just to remember that earlier, in *June 2008*, the militants seized the village of *Benoy-Vedeno* in the *Nozhay-Yurt district* on the border with the Vedeno district for one night, having burnt down five houses there belonging to the head of the village administration and the local police officers.

Below we will describe a few cases of arsons of houses committed either by the state security services or by the militant groups, since these acts were remarkably similar and, in fact, identical when it comes to goals and methods that law enforcement cannot often be effectively distinguished from militants. Moreover, their actions are often linked to each other (the attack of the security servicemen on the house of **the Gakayevs** – relations of the late “amir” **Muslim Gakayev**, and the attack of militants on the family of **Khadzhi Sadulayev**, who is believed to have given away Gakayev’s gang to the security officers back *in 2006*).

On *December 5* the house of the Gakayev family in the village of *Elistanzhi, Vedeno district*. The Gakayev family consists of three persons: **Ramzan**, born in 1949, his wife **Kameta**, born in 1956, and their daughter **Zhanna**.

Ramzan’s two nephews **Khuseyn and Muslim** joined the illegal armed groups back *in 2000*. Muslim (Dunga) became one of the leaders in the armed underground. Since then the family has been subject to incessant harassment. Their aunt was abducted and has been missing since 2006. The Gakayevs’ house was repeatedly broken into by servicemen under the pretext of looking for the fugitive brothers. Sometimes they would stay in the house and once even lived there for an entire month together with its owners.

On *December 5* the house was approached by security servicemen in several cars. Having surrounded the house and thrown Ramzan out (his wife was at hospital at the time and the daughter was attending to her), they started spilling petrol all over the house. Ramzan begged them to stop, tried to point out that the neighbour’s house is practically adjacent to his and will inevitably burn down as well, but the servicemen were not listening. Then Ramzan said that there was an excavator in the village and its owner could be asked to destroy one side of the roof and some partitions before the house would be set on fire. The excavator arrived and detached the roof of the adjacent building. The Gakayevs’ house was burnt without letting its owner to take anything out, whether possessions or documents.

The family has been wandering around the village in search of a shelter. There are vacant houses in Elistanzhi and many of the villagers sympathise with the Gakayevs, yet are afraid of giving them shelter.

On *December 23* the house of the Zavgayev family in the village of *Rubezhnoye (Sovetskaya Rossiya)* of the *Naursky district*. A large group of servicemen wearing camouflage set on fire the house of former head of administration **Tagil Zavgayev**, domiciled on the Mozdokskaya st. His son **Musa** joined that group of militants in *autumn 2007*. Since that time Tagil has been subject to constant harassment on the part of the local police who were pressurizing him to make his son return home.

On the same day of *December 23*, after the house of the Zavgayev family in the village of Rubezhnoye was burnt down, it is quite possible that it was the same squad that came to the **Butsayevs’** house. The owners of the house had left for Grozny in the evening. The master of the

house **Movladi** received a phone call from his brother who told him that servicemen had arrived in several cars and that they wanted to burn down his house. The Butsayevs immediately returned and found the servicemen smashing the furniture in the house and pouring petrol on it. The house occupied by the Butsayevs is divided into two halves. The second half of the house is occupied by the family of the head of administration of the village of Khimoi in the Sharoi district, **Idris Amayev**. He was pleading the servicemen to stop because his half of the house would have inevitably burnt down as well. Instead he was ordered to detach his part of the roof within 15 minutes in order to save his house.

After setting the house on fire the servicemen remained in the vicinity for half an hour to make sure that the entire house had caught fire, and only after that they left. Amayev's house was saved by other villagers and by the arriving fire squad who drew up a protocol of fire. The police were forced to launch an investigation into the circumstances of the incident, however, the investigating authorities have, according to various sources, distorted their statements citing domestic accident as the cause of the fire.

The two sons of Movladi Butsayev joined the militant groups in 2004 and 2005. Their parents did not know about this and were hoping for their sons' return, sooner or later, until the day when the police presented to them the photos of their sons as listed among suspected militants. Since then the parents have been subject to constant harassment on the part of the local administration and the security services. This harassment became especially intense in the summer 2008. Movladi's wife was taken to the *Shatoi district* department of interior where she was demanded to make her sons return from the woods. After the arson Movladi was advised to send off his youngest son somewhere to a safe place lest he too may become the target of persecution.

On the night of **December 4, 2008** the militants attacked the house of the ex-head of administration of the village of *Agishty in the Vedeno district*, the 72-year-old **Khadji Sadulayev**. The militants came at about midnight. The persons staying in the house at that time included Khadzhi Sadulayev himself, his 58-year-old wife Taus and their 32-year-old son Salman. The entire family, including the elderly woman, were shot dead. One of the militants' websites published a video tape on which a mujahideen, who introduced himself as Movsar, declared that this was the revenge of the militants of the late "amir" Muslim Gakayev's group for the death of their three comrades who were allegedly betrayed to the police by Khadzhi Sadulayev, who was the head of administration of the Agishty village at the time.

According to the official version voiced by **Ruslan Alkhanov**, the Chechen Minister of Interior, the responsibility for the latest attack in Agishty lies with the last remaining of the Gakayev brothers - **Khusseyn**.

**On the same night of December 4** the houses of the **Ospanov** and **Estamirov** families were burnt down in the village of *Tevzeni of the Vedeno district*.

We now also know the details of the arson on the Ospanovs' house. At the time of the attack 8 members of the household were at home, including 3 young children. Men wearing camouflage, and some of them – also masks, threw the Ospanovs out in the middle of the night, not even letting them to put anything substantial on. In doing so the armed men were kicking and pushing them demanding to hurry up. The wife of the master of the house, **Yakha**, only managed to take their passports out, of all the documents they had. She saw how the armed men were tearing down the curtains, carpets, while also clearly attempting to tuck away some valuables. After that they poured petrol over the remaining possessions, went up to the attic and poured it all over with petrol as well. Having done that, they broke all of the 15 windows and set the houses on fire. The Ospanovs were forced to stand back 30 metres away from their house while held at gunpoint. The arsonist continued to hang around the location for about half an hour before they made sure that the entire house had caught fire.

After that night spent in the open air Saypuddi spent a month in hospital with nephritis. His wife has sustained grave stress, with which she has not to date fully coped. The Ospanov family's house had 9 rooms and was built by Saypuddi and his brother in **1969**.

Saypuddi's youngest son **Bekkhan**, born in 1980, joined the militants' in **2006**. On **October 7, 2008** Saypuddi renounced Bekkhan at the mosque. He has repeatedly appealed to his son via the local television: «If you have chosen to wage your *gazzavat*, then first come back home and kill you father and your mother and your *gazavvat* will thus be accomplished.» Saypuddi had for years demonstrated his loyalty to the legitimate authorities and took active part in election campaigns.

### **National Consolidation a-la Ramzan Kadyrov: the international aspect**

The most notable efforts applied by the President of Chechnya over the past months to achieve his goal of consolidation of the Chechen people were focused on work with ethnic Chechens living abroad – according to Minister of External Relations, National Policies, Press and Information of the Chechen Republic **Lema Ilyasov**'s information, the number of such Chechens reaches 208,000 (*speaking at the "Otkrovenny razgovor" show on the "Grozny" television channel, 10.12.2008*). So the game is worth it. The recent years have seen the campaign in encouraging Chechens living abroad to return becoming more and more intensive. Large-scale propaganda of the recent achievements of the Chechen economy, of its political stability and successful restoration of peace has been launched. Such propaganda is carried out via a well-developed Internet resource network run by the Chechen authorities, and recently their arsenal of media resources was supplemented by the *Grozny* television channel launching satellite broadcasting (*Media Agency Grozny-Inform, 25.12.2008*).

It is apparently by means of "collecting" Chechens from all over the world that Ramzan Kadyrov envisages the realization of his historic mission as "the father of his nation". In pursuit of this goal he is ready to go through thick and thin disregarding even the fact that many of those Chechens living in exile abroad are facing terrorism charges at home.

Their return to their homeland entails a legal dilemma and quite natural resistance to such "amnesty" on the part of the federal security structures.

Among the most widely publicized "repatriation" stories was that of last winter's negotiations between Ramzan Kadyrov and head of the government of the unrecognized Chechen Republic of Ichkeria **Akhmed Zakayev**, who is currently living in exile in London.

Zakayev is not only the leader of the separatist-supporting émigré community whose extradition has been unsuccessfully sought by the Russian prosecution first from Denmark and then from the United Kingdom. The granting of political asylum to Zakayev by the United Kingdom was largely helped by the efforts of Boris Berezovsky – the sworn enemy of those who are in power in today's Russia. Judging by the current circumstances, any negotiations with him would appear unimaginable. Nevertheless, as it is, there seem to be no taboos for Kadyrov. His obstinacy when it comes to the fate of the Ichkerian leader, whose influence on the events in the Caucasus is disputable, shows that Kadyrov feels so confident of his position that he believes he can afford any steps and actions no matter how irrational they would appear from the political point of view. However, from Kadyrov's own perspective such a step is highly rational. His goal is to gather all Chechens around the globe under his rule. Should the symbol of the independent Ichkeria impersonated by Zakayev return to Chechnya, this could mean a major success for Kadyrov in his propaganda campaign aimed at strengthening and ensuring the absolutism of his own power. What is, however, quite clear is the fact that there is no question of Zakayev and his fellow opposition members playing any role in the political life of today's Chechnya.

The situation of the London-based head of the virtual Ichkerian government was rather vulnerable on both sides: invectives and mockery targeting him were heard not only from the Chechen authorities in Grozny but also from radical Islamists supporting the idea of “the Caucasus Emirate”. Zakayev’s clownish image somehow compensated for his inaccessibility for the Russian justice and this state of things was fairly satisfactory to the Russian authorities.

All the more unexpected was the rapid rapprochement, almost a direct dialogue, between Zakayev and Kadyrov, which became obvious in autumn 2008 and was developing all through the *winter 2008–2009*. In 2008 Zakayev had repeatedly spoken about his possible return to Chechnya. The Chechen authorities also made efforts to facilitate the return of various members of Maskhadov’s government. Last summer the Ichkerian ex-defence minister and presently the chairman of the Chechen National Assembly **Magomed Khambiev**, brought his brother – the former Ichkerian minister of health **Umar Khambiev** back from Italy. He led talks with Zakayev as well, the latter had promised to inform of his decision “*by the end of September*”. Ramzan Kadyrov unexpectedly delivered a lengthy declaration regarding possible return of the former Ichkerian leaders – Zakayev, in particular, expressing his hope that the latter “*would find sufficient wisdom and courage to see the truth and find the path that would lead him back to the land of his fathers*”. However, the upper limits of the possible career that the latter could make at home were also unambiguously stipulated: Kadyrov offered Zakayev a job with the recently restored drama theatre which the latter had left in his own time for an opportunity to be on the frontline of fighting (*NEWSru.com, 18.8.2008*). In August the *Gazeta* newspaper published an interview with Khambiev who had delivered the words of Kadyrov - Zakayev is free to return home and has Kadyrov’s personal guarantees of his safety for that: “*They are free to return to their fatherland and can rely on us to face no prosecution. This is the promise of our president*” (*Gazeta, 18.8.2008*). Zakayev said that he does not exclude the possibility of his return declining to name the exact date, however, and stating his motives as follows: “*I am now in search of a political solution to the situation because no military solution is possible here*” (*Gazeta, 18.8.2008*).

Zakayev in his turn had considerably qualified his criticism of the Chechen security services now resorting to the officially adopted terms (“Chechen police officers”) and does make allowances for criticism of the mujahideens, with their excessive cruelty in respect of other “Muslims” (referring to the Chechen security services), and calls to “*do all that is possible to prevent further escalation of this*” (i.e. of the civil war inside the Chechen nation). As Zakayev himself puts it, he and his comrades-in-arms “*are not waging a war against Ramzan Kadyrov, they are waging a war against the occupational troops*”. “*The aggressor here was Russia... Yet the de-colonisation of Chechnya has become an undeniable reality. Chechnya has achieved maybe not both absolute de-facto and de-jure independence, yet the process of de-colonisation has been practically completed*” (“*kavkazanhaamash*” website, 21.9.2008 and 9.12.2008). These last words of his make one doubt whether Zakayev envisages his return as that to the Republic of Chechnya, a subject of the Russian Federation, or to the independent Ichkeria?

In late 2008 - early 2009 the contacts with Zakayev and his company have come out into the open while the official Chechen media and officials spoke increasingly favourably of Zakayev’s personality. Kadyrov’s representative at those talks was again Khambiev, while Zakayev was represented by **Yaragi Abdullayev**.

**On February 9** Ramzan Kadyrov announced the invitation to Akhmed Zakayev to return home and to become a governmental official in charge of the development of national culture. According to Kadyrov, Zakayev had expressed his own desire to return in a *private conversation* with him earlier (*Kavkazsky uzel, 10.2.2009*).

The commotion surrounding Zakayev’s intentions finally did elicit a very sharp reaction on the part of the Russian security services. At the end of January 2008 the FSB Public Relations Service announced that on **January 17** an envoy of Zakayev, a certain **Khadiev**, was killed in

Chechnya – he was allegedly a “*militant leader*”, whose death “*will deal a heavy blow to the separatist forces potential*”. It was reported that “*Khadiiev’s activity in Russia consisted in re-organisation of the structural parts of the armed underground on the plains of Chechnya and in Dagestan under the control of Zakayev*” (*Kavkazsky uzel*, 27.1.2009). The prospect of restoration of the armed underground under Zakayev’s leadership and aegis seems rather a fantastic scenario, the influence that he may enjoy in Chechnya is highly questionable, let alone in Dagestan, however, the signal from the RF security services was more than obvious.

The reaction of the press service of the Chechen President to such news was rather calm: to the general effect that Zakayev is “one of the few relatively adequate representatives of the so-called Ichkerian government”, who rejects terrorism as a method and who “*does not have a trail of crimes behind him*” (*Press Agency “Chechenskaya Respublika segonya*”, 9.1.2009).

All the accusations brought up against Akhmed Zakayev proved to be absolutely ungrounded. In summer 2003, members of the Memorial Sergey Kovalev and Alexander Cherkasov were called to give their testimonies in the London Magistrate Court at the hearings on Zakayev’s extradition. In the course of the cross-interrogation of the witnesses, including those referred by Russia’s Prosecutor General, it was revealed that 10 out of the 10 (!) charges against Zakayev concerning crimes against civilian population, captive servicemen, Orthodox clergy, etc, had been fabricated. Meanwhile, Russia continues to insist on these charges to date and the guarantees provided by Kadyrov should not be much relied on as protection for Zakayev against prosecution in his home country.

Despite all this, Chechnya has recently seen the return of a number of much more odious figures, such as the former special representative of Dokku Umarov in Europe **Bukhari Barayev**, the father of Movsar Barayev, the leader of the group of terrorists who seized hostages in October 2002 at the Nord-Ost musical performance at the Dubrovka Theatre in Moscow, and a half-brother to **Arbi Barayev**, an infamous terrorist mixed up in numerous abduction cases (*Kavkazsky uzel*, 26.2.2009). According to his own account, his return was prompted by the opportunity “*to watch the broadcasting of the Grozny television channel in Europe*” combined with the “*long hours of reflection on this matter*” (*Kavkazsky uzel*, 18.2.2009).

Moreover, at the end of 2008 Chechnya saw the return of Akhmed Zakayev’s own brother **Buvadi**, who arrived against the personal guarantees from Ramzan Kadyrov and immediately left for *the Pankissi gorge* in Georgia with the task of calling upon the Chechen refugees remaining there to return – again against Kadyrov’s personal guarantees. According to the information available to the Memorial, 36 ethnic Chechen families responded to this appeal and moved back to Russia around the New Year 2009. Several families who hold Georgian passports, found themselves in a quandary: they were refused entry into Russia, and as of early March they were staying in a rented flat in Tskhinvali at a loss as to what the future holds for them.

Towards the end of the winter it became clear that Ramzan Kadyrov had again succeeded in getting his own way with the country’s leaders: on **February 17** Special Representative of the President of the Russian Federation on International Cooperation in the Fight against Terrorism and Transnational Organized Crime, **Anatoly Safonov** announced the possibility of an amnesty for persons charged with various crimes who choose to return to Chechnya (*Kavkazsky uzel*, 26.2.2009).

Quite naturally, the efforts of the Chechen authorities with regard to the republic’s foreign policy do not target solely and exclusively the formerly most prominent opposition leaders. massive propaganda campaign was unfolded targeting ethnic Chechens both in their homeland and abroad (the means were not lacking, since the new government makes wide use of satellite television and Internet for this purpose). Every attempt is being made to convince them that in Europe Muslims will not be able to realize themselves as people of faith, that 80% of the refugees have not found their place in their new country of residence, that the Chechen refugee

assistance programmes are aimed not at adaptation, yet at diluting and eventually destroying the national and religious identity of the Chechen people. Blatant “scary tales” are made use of: “*The Chechens living there are deliberately given pork to eat and some of our fellow countrymen even have to pick grapes there on their knees, otherwise, they may lose their job...*” etc (speaking at the “*Otkrovenny razgovor*” show, the “*Grozny*” television channel, 10.12.2008).

**February 18** saw a kind of apotheosis of “the national reconciliation” a-la Kadyrov. In a live broadcast (which was for some obscure reason announced as televised debates) of the *Grozny* public television and radio company, the President of Chechnya spent four hours telling about his vision of “the development prospects for the Chechen Republic and the ways of consolidation of the civil society”. Among the participants were the already mentioned Bukhari Barayev, ex-director of the Department for Relations with the Vainakh diaspora **Ramzan Ampukayev**, Ichkerian ex-defence minister **Magomed Khambiev**, former officer of the Ichkerian security services **Shaa Turlayev**, the former warlords etc. The topic of the “debates” was in no way an unexpected one. Kadyrov denied the militants the right to nationality and faith in God, leaving them only with greed and moral corruption. On the contrary, those militants who have repented, have, according to his firm belief, already made their notable contribution into Chechnya’s development. The latter were also given word and all seemed to speak to the same effect that “all that they had been fighting for has already been achieved in Chechnya, that is why, further resistance would simply be against common sense (website *President i Pravitelstvo ChR*, 19.2.2009). The concept of the event was a novelty in itself: dozens of civil servants, former warlords, clergymen – of both the Maskhadov-Zakayev’s and Umarov’s eras were brought together in one hall (the former, nevertheless, outnumbered the latter), - and all were signing praises to the current regime with one voice.

Some of the most sensational declarations did not see their way into the press, however. The former advisor to Maskhadov and the Ichkerian defence minister announced that allegedly, as early as in 2004 they, together with their leader Maskhadov, were ready to seek compromise with Moscow. They emphasised that the armed clashes went on even during the negotiations and Chechen youths were therefore dying even then. This makes the actions of Maskhadov, Basayev and the rest of Ichkerian leaders, who had already signed or were allegedly ready to sign the treaties, look like examples of most ignoble treachery. Amazing as it is but from the words of ex-minister of defence Khambiev one can conclude that he was the one who talked Maskhadov out of peace negotiations speaking in favour of continuing with armed hostilities. This confession on the part of Khambiev did not elicit any keen reaction from the audience, quite unlike the accusations of Maskhadov’s betrayal of his people (*Kavkazsky uzel*, 18.2.2009).

Yet, amidst this series of events called to demonstrate the consolidation of the Chechen nation worldwide and the campaign for return of Chechen émigrés, two instances of assassination of political refugees from Chechnya occurred in Austria and Turkey. The identities of the assassinated, as well as of the immediate perpetrators of the crimes, remain unknown. What is known is that the victims were fierce critics of the current Chechen leaders.

**On January 13, 2009** Umar Israilov – formerly a member of the militant separatist groups, later, Ramzan Kadyrov’s own guard and subsequently, a refugee in Europe, was killed on a street in *Vienna*. At the end of 2006 Israilov submitted an application against Russia to the European Court of Human Rights in which he accused Kadyrov of widespread and systematic application of torture and abductions as methods of exerting pressure on his opponents. On **January 31, 2009** *The New York Times* published a copy of Umar Israilov’s application to the ECHR in full. Israilov claimed that after he fled Chechnya for abroad, his father **Sharpuddi (Ali) Israilov** was held hostage in Tsentoroi for a while (the latter had also submitted a separate application to the ECHR) (*Kavkazsky uzel*, 12.2.2009).

The father and son Israilovs had repeatedly declared that despite the fact that they both were granted an opportunity to live a peaceful secure life (Umar Israilov had received political asylum in Austria while his father was granted political asylum in Norway), they are still resolved to seek justice and put an end to the arbitrariness of the Russian and Chechen authorities.

8 immigrants from Chechnya suspected of involvement in Israilov's assassination were arrested in Austria over the subsequent few days. On **January 22** the French daily *Le Monde* published the story of one of the detained men – a certain **Artur Kurmakayev** – who confessed to having been given the task of assassinating former guard of the Chechen President Umar Israilov. He also declared that several hundred immigrants from Chechnya have been put on a list of those marked for physical annihilation (Akhmed Zakayev also appears on that list). According to the UK broadsheet *The Sunday Times*, a certain Chechen named **Arbi** came to the Austrian police after Israilov's assassination saying that he now feared for his own life. His task consisted in making Chechens residing in Austria return back home, for this he was being paid by the Chechen government. He had visited Umar Israilov **shortly** before the assassination of the latter demanding that he withdraws his application to the European Court (*InoSMI*, 25.1.2009).

In their joint declaration on the Vienna murder ([www.memo.ru/2009/01/16/1601092.htm](http://www.memo.ru/2009/01/16/1601092.htm)) Human Rights Watch, Amnesty International and the Memorial Human Rights Centre reminded of yet another crime in the same line: on **August 3, 2008** a certain Makhmadsalah Masayev who claimed to have been kept in inhuman conditions for 4 months **in 2006** in the secret prison created in the village of *Tsentoroi*, was abducted. Masayev had submitted numerous complaints to the Public Prosecutor's Office of the Republic of Chechnya, where he explicitly indicated that his detention was sanctioned by Mr. Kadyrov. Masayev's current whereabouts remain unknown ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m146592.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m146592.htm)).

During the winter two more of the former militants **Islam Dzhanibekov (December 8, 2008)** and **Ali Osayev (February 26, 2009)** were killed on the other edge of Europe – in Turkey (*Gazeta.Ru*, 27.2.2009). It was reported that they both were uncompromising critics of the current Chechen leaders.

Indeed, in the early spring of 2009, on the other side of Europe, in Norway, one of the Chechen émigrés, **Ruslan Khalidov**, confessed (just as Kurmakayev had done earlier), that he was one of a gang of Chechen hired gunmen operating outside Russia. According to his own confession, his task was to kill one of the leaders of the Chechen diaspora in Norway **Magomed Ocherkhadji** as well as to publicly discredit the Chechen refugees thus urging the Norwegian authorities to deport them from their country. Khalidov is a maternal nephew of **Shaa Turlayev**, the former head of the guard service of Aslan Maskhadov, who had recently gone over to Kadyrov's side becoming a close aide of the Chechen president. According to Khalidov, who is himself a former militant, both Turlayev and Kadyrov and other top officers of the security services keep their own prisons where detained militants and members of their families abducted as hostages are tortured and often personally participate in these tortures. Khalidov claims to have seen this himself and offers numerous examples. He declared that he had no other choice but to accept his uncle's offer to become a member of the gang of hired gunmen, the alternative for him as a militant accused of killing a police officer would have been to perish of torture in a similar prison (*Kavkaz-Center*, 3.3.2009). In his interview given to Radio Liberty Khalidov claimed that he had been subjected to severe torture and humiliation “*which he has not the heart to speak of*”. Khalidov declined to give a clear explanation as to his reasons for voluntarily disclosing his thereto secret role (*Radio Liberty*, 5.3.2009). However, according to the Kavkaz-Center website, on **March 12** he again affirmed his words, although the Norwegian authorities are trying to hush up the incident (*Kavkaz-Center*, 12.3.2009).



Finally, the name of Ramzan Kadyrov was not spared in connection with the investigation into the murder of former member of the State Duma **Ruslan Yamadayev** either. On **January 20, 2009** it became known that a new suspect had appeared in the case, and this suspect was 31-year-old **Aslan Diliev**. He was detained on **December 24, 2008** on the suspicion of involvement in the murder of the leader of the so-called "*Lasagna criminal gang*" **Mustafa Shidayev** in **May 2006**. As the younger brother of the assassinated parliamentarian **Isa Yamadayev** claimed later, Diliev was suspected of involvement in the assassination of Ruslan Yamadayev and a number of other contract murders. According to Isa, his family immediately thought of Diliev as being behind this: "*the entire pattern of the crime was indicative of this, there was also some outside information*". Isa also speaks rather unambiguously of the person behind the murder: "*It is not hard to guess who is behind all of these crimes, all you need is to remember what Diliev's last job was.* (Rosbalt Information Agency, 20.1.2009). Journalists have managed to obtain certain privy information that the two surviving Yamadayev brothers, Sulim and Isa, continued to be exposed to fierce pressure on the part of unidentified persons. According to Isa, there was an attempt on **January 31, 2008** to set on fire his own house in Gudermes into which he had invested USD 5 mln, while Sulim's house was burnt down on **January 13, 2009** (*Life.ru*, 15.1.2009, *Kommersant*, 16.1.2009). The news of Sulim Yamadayev's house having been burnt down was unofficially confirmed by the Chechen Ministry of Interior – the house had burnt to ashes. Isa Yamadayev is currently residing in Moscow while Sulim Yamadayev was residing abroad. The whereabouts of the youngest of the Yamadayev brothers, Badrudi, who is officially on the federal wanted list, are unknown.

Admittedly, we have no real evidence to claim anything definite with regard to persons who may be behind these assassinations. It also remains unknown how far Khalidov's story can be trusted, - his account is full of contradictions, incongruities and ambiguities. At any rate, all these events had a most negative impact on the public image of the Chechen leaders compelling them to provide explanations.

The public officials of the Chechen Republic as well as the local media began to speak of attempts to discredit Ramzan Kadyrov in the media "*at the deeply conspiratorial instigation of certain terrorism and armed underground ideologists* (*Information Agency "Chechenskaya Respublika Segodnya"*, 23.1, 28.1.2009). Head of the research and information department of the President and the Government of Chechnya **Lema Gudayev** appeared with a special statement in connection with the publication by certain media of the materials claiming possible involvement of Ramzan Kadyrov in a series of assassinations committed recently in Europe and in Russia, asserting that there have been attempts recently to discredit the President of the Chechen Republic. All such accusations were flatly waived aside by Gudayev as "*absurd*", "*cynical*", "*extremist*" etc. (*Information Agency "Chechenskaya Respublika Segodnya"*, 23.1.2009). What is interesting is that at **the end of February 2009**, quite unexpectedly even for his immediate co-workers, Gudayev, who had been responsible for the ideological propaganda of the Chechen leadership, was dismissed by the President of the Chechen Republic (*Kavkazsky uzel*, 26.2.2009). It is possible that his line of counterpropaganda had appeared far too vague to Ramzan Kadyrov himself, especially against the background of layouts of secret prisons and descriptions of their locations put forward by their opponents.

Indeed, the press service of the Chechen President was quick to change their tone and a new accusation targeting Ramzan Kadyrov coming from Khalidov was admirably retorted. A lengthy story based on accounts of Khalidov's closest relatives was broadcast depicting him as a liar and a shady individual, who had no other choice but to go into hiding abroad because of his debts and similar transgressions which had brought disgrace upon him and his whole family. It turned out that Khalidov's uncle is not Turlayev at all but an entirely different person (*IA Grozny-Inform*, 7.3.2009). All these people appeared on television, while YouTube - the video sharing website – quite speedily offered its viewers a dynamic demo featuring the "revelations"

of Khalidov's and Turlayev's relatives. To support their words, the demo contains some extracts of home video dated 2005 showing the most humiliating punishment for a Chechen male ("stripping off of pants"), being inflicted on a young man resembling Khalidov. The demo is accompanied by subtitles explaining Khalidov's "hypocrisy" and "deceitful nature" (<http://www.youtube.com/watch?v=d041IbgQxpo>). Comparing the work of the Chechen President's press service in this case, it is hard to fail to observe the marked contrast with Gudayev's declarations about "conspiratorial outputs" of information and "absurd accusations".. At the same time it has to be recognized that while the information revealed by Khalidov has some validity, his moral portrait is of no significance from the purely legalistic point of view.

## The situation in Dagestan

The situation in Dagestan in winter 2008 – 2009 remained extremely complicated. Attacks on civil servants and officers of law enforcement services continued to occur. The high-profile assassinations during the winter 2008 – 2009 included the gunning down of **Kazimbek Akhmedov**, the head of the "Untsukul'sky district" municipal unit, and of four men who were with him at the time. The incident happened at a mountain pass, on the *Makhachkala – Buynak'sk route*, in a road café *Vstrecha* on **February 1**, where the birthday of the acting prosecutor of the Untsukul'sky district **Ibragimhalil Omardibirov** was being celebrated. At about **07.40 pm** two men wearing masks and camouflage entered the café. Holding the owner of the café at gunpoint they demanded to show them the cabin where the head of the Untsukul'sky district was celebrating with his friends. The officer of the Directorate for Combating Economic Crimes, who genuinely took the armed men for police officers and even showed them his ID, was shot dead right in front of the cabin.

This is not the first case of assassination of a head of administration over the recent months. On **November 12** last year **Murtazali Kuramagomedov**, the head of the administration of the Charodinsky district was assassinated on *the Makhachkala-Verkhniy Gunib route*. A red Zhiguli vehicle blocked the way to his official Volga vehicle, the people inside it opened gunfire and rapidly escaped the scene of events. The driver was also killed (*Information Agency Yug-Inform*, 13.11.2008). According to the Dagestan Ministry of Interior, in this case the criminals were found and the case was closed.

The arbitrariness of the security services, who are fighting or simulating fight with terrorism, continues to be one of Dagestan's most urgent and worrying problems. Nevertheless, even here attorneys and human rights activists can boast of certain occasional victories. Thus, in **early February 2009** attorney **Bakanay Guseynova** managed to achieve the release of **Nariman Mamedyarov** from custody against a pledge not to leave the city. He was abducted by the security forces back on **September 25, 2008** and subsequently subjected to tortures with the purpose of forcing him to confess to various crimes (the Memorial had given a detailed account of Mamedyarov's story describing this as "a classic example of the routine practice": [www.memo.ru/2008/10/17/1710081.htm](http://www.memo.ru/2008/10/17/1710081.htm)).

Human rights organizations also managed to achieve the release of **Alibek Navurbegovich Abunazarov**, born 1970, ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161211.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161211.htm)), - on **February 17** he was abducted on the street while on his way to a wet market to buy food. It is known that on the same day a special operation resulted in the arrest of **Alil Shamkhalovich Amirkhanov**, a friend of Alibek Abunazarov's, who was, however, released on the following day.

The Memorial only learnt the news of Abunazarov's abduction on **February 18** and informed attorney Bakanay Guseynova of what had happened. On the morning of **February 19**

Public Prosecutor of Dagestan **Igor Viktorovich Tkachev** received a phone call from Human Rights Ombudsman of the Russian Federation **Vladimir Petrovich Lukin**. Tkachev told him that Abunazarov was held in detention at the Kirovsky district police station of Makhachkala. Guseynova went to that police station but was told that they had not had anyone under the name of Abunazarov delivered to them. On the next day, **February 20**, **Tatyana Kasatkina**, the Memorial executive director, phoned up the republican Public Prosecutor from Moscow asking him about Abunazarov's whereabouts. At **4.00 pm** Tkachev told Kasatkina that Abunazarov had been released and was on his way home. Meanwhile, he was only released at 9.30 pm and came home morally distraught and with traces of severe beatings. On the same day he wrote a petition addressed to the Memorial Human Rights Centre complaining of grave violation of his rights ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161565.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161565.htm)). Presently, attorney Guseynova has taken up the task of defending Abunazarov and she has submitted a complaint about unlawful actions of law enforcement officers to the Public Prosecutor's Office of the Kirovsky district of Makhachkala and as of **early March** the facts describe in this complaint were being verified.

Human rights campaigners and lawyers do not always manage to rescue abducted and illegally arrested persons in time. On **February 24** the Memorial Human Rights Centre received a petition from **Bariyat Magomedovna Abdulazizova** in which she describes the circumstances of the unlawful arrest and application of illegal methods of interrogation to her son, **Kurban Magomedov**. He was arrested on **February 4, 2009** in *Makhachkala, the Republic of Dagestan* and charged with crimes pursuant to Article 222 (illegal storage of firearms) of the Criminal Code of the Russian Federation. According to eye-witnesses, at the time of his arrest Kurban Magomedov was screaming out about something being planted on him. None of his relatives or family members were ever informed of his arrest. Bariyat Abdulazizova learnt about this by pure chance: Kurban had managed to yell out his mother's phone number to a passer-by who, in her turn, informed his family and relatives of what had happened. In the evening of **February 5** Kurban Magomedov was finally discovered in one of the temporary detention units of Makhachkala and defence attorney **Ziyavudin Uvaysov** was then allowed to meet with him. The latter told the mother of the arrested man that Kurban had been beaten and tortured with electric current while being demanded to confess to his involvement with illegal armed groups ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161570.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m161570.htm)).

There are, however, signs of that the realization of the inadmissibility and the disastrous effect of unlawful methods of arrest and detention is slowly finding ground among the top ranks of Dagestan's security structures. For example, on **December 24, 2008**, at the extended meeting dedicated to the problems of extremism, head of the FSB Dagestan Department **Vyachslav Shanshin** suggested a more broad approach to their work: *"If a young man is a member of a Wahhabi group, we must first understand who made him choose this path. If the reason was a grudge against someone (in power), this means that we should avoid this happening again and treat people properly. If some social problem of his has not been resolved, this is again a sign of our failure somewhere in our work. And if corruption is thriving, that means, it is high time we looked at ourselves and our subordinates, - such was the message of the head of the FSB Department, (RIA Dagestan, 24.12.2009).*

In winter 2008–2009 cases of prosecution by the authorities of public movements and media sources, who still dare speak up against the arbitrariness and brutality of law enforcement services, had their continuation. One notable case was the arrest of relatives of members of the *Mothers of Dagestan* movement and of the editorial staff of the oppositional *Chernovik* weekly.

In the first case *"a passenger of a minibus taxi"* was arrested on **January 11, 2009** in the vicinity of the town of Kizilyurt, according to the initial official report. A typical *"militant's arsenal"* was found on her: an F-1 grenade, two 200-gramm TNT blocks, 26 cartridges of 9 mm caliber, 3 mobile phones, 7 SIM cards, a *"Morals of a Righteous Muslim"* book and USD 700 (*RIA Dagestan, 12.1.2009*).

The name of the arrested woman appeared in the later press releases of the police: **Dinara Butdayeva**, born 1976, a sister to **Gyulnara Rustamova**, member of the *Mothers of Dagestan* movement. This organization has recently been subjected to immense pressure and intimidation attempts on the part of the republican authorities and law enforcement agencies.

According to the information collected by the Memorial, Dinara had gone to Kizilyurt to visit her husband's relations. On her way back she took a minibus route taxi heading for *Makhachkala*. The taxi stopped at the intersection with the road to Kizilyurt letting out a woman. And shortly afterwards, at about **6 pm**, the taxi was stopped by a police unit on duty. Declining to give any explanations or to conduct on-the-spot search, the police officers took all the passengers together with the driver to the Kizilyurt district police station, where it turned out that in the course of the search of the minibus two TNT blocks were found under one of the seats. Having spent about one and a half hours at the police station, Dinara went to the toilet room leaving her possessions unattended. Upon her return, she in person and her possessions were searched and the above-described ammunition was found. At **9.00 pm** Butdayeva was informed of her arrest.

Attorney **Ziyavutdin Uvaysov** hired by the family was not allowed to visit his client at the temporary detention unit, he was also insulted by one of the officers there, a police major. The attorney was only able to meet his client on **January 13**, after the court had decided on the measure of restraint for Butdayeva – she was taken into custody on suspicion of illegal storage of firearms and on the grounds of the negative references on her personality provided by the Centre for Combating Extremism ([www.memo.ru/2009/01/15/1501091.htm](http://www.memo.ru/2009/01/15/1501091.htm)). According to Butdayeva's defence attorney Bakanay Guseynova, the investigation of her defendant's case was completed in early March and is ready to be brought to court.

It should be remembered that Dinara Butdayeva is (or, rather, was, since her husband and brother have already been killed during police special operations) closely related to the armed underground of Dagestan. Her husband, a certain **Masharipov**, was one of the leaders of Dagestan's terrorist underground.

As far as the *Chernovik* weekly, - which is notorious for vexing the authorities with its articles about police brutality and arbitrariness, - is concerned, back in **summer 2008** its editor-in-chief **Nadira Isayeva** was charged with incitement of hatred using her official position (Part 2 of Article 282 of the Criminal Code of the RF). On **February 25, 2009** the three key journalists of the weekly – **Magomed Magomedov**, **Timur Mustafayev** and **Biyakaya Magomedova** – were also charged pursuant to the same article of the Criminal Code, but with reference to Part 1 of it providing for less grave offences. Later, similar charges were brought up against editor of the society and politics desk of the weekly **Artur Mamayev**.

Whether by pure coincidence or not, but on **February 21** a relative of A.Mamayev, **Akhmed Aliev**, was arrested upon suspicion of involvement in terrorist activities. Two other persons were arrested together with Aliev – **Jamaludin Aliev** (a friend of Akhmed Aliev's, who was at the time doing repair works at his house) and **Nurmagomed Aliev** (Akhmed's older brother). Chair of the public committee *Mothers of Dagestan* **Gyulnara Rustamova** forwarded a statement addressed to the Chairman of the Memorial Board Oleg Orlov, in which she described the details of the arrest and subsequent detention of these men in custody. Nurmagomed Aliev was released on the following day. He told how Akhmed Aliev had been tortured with electric current. Jamaludin Aliev was only allowed to meet his defence attorney two days after his arrest, Akhmed was refused the right to meet with his defence attorney for a whole week, referring to some "special regime" declared by the superintendent of the police service of the city of Makhachkala **Rasul Gazimagomedov**, - there was allegedly "*some information about possible attack on the temporary detention unit by members of armed groups*" (*RIA Dagestan*, 2.3.2009). Nadira Isayeva, editor-in-chief of *Chernovik*, believes that this was done in order to conceal the traces of torture (*Kavkazsky uzel*, 3.3.2009).

## The conclusion of Farid Babayev's murder

January 2009 saw the conclusion of the trial of the men charged with the November 29, 2007 assassination of **Farid Babayev**, a Dagestani human rights campaigner and the leader of the Dagestan branch of the Yabloko Party. The interests of the Babayev family were represented by lawyers of the Memorial Human Rights Centre **Bakanay Guseynova** and **Dokka Itslayev**. The Memorial Human Rights Centre was following closely the course of investigation and has on more than one occasion published reports on the circumstances of that assassination and on the course of the trial (see: [www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m151536.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m151536.htm), [www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m152502.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m152502.htm), [www.memo.ru/2008/12/26/2612081.htm](http://www.memo.ru/2008/12/26/2612081.htm)).

According to the verdict delivered by the jury on **January 20, 2009**, of the two defendants **Rasil Mamedrizayev** was found guilty (pursuant to Article 105 Part 2 Para “g” and “h” (murder) of the Criminal Code of the Russian Federation. With regard to Article 222 Part 3 (illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, its basic parts, ammunition, explosives, and explosive devices) he was fully acquitted. The court was provided sufficient evidence of that he was the immediate executor of Babayev's assassination. There was another defendant in the case charged with exactly the same articles – **Seferali Sefirmirzoyev**, however, the jury acquitted him with regard to all the charges. Two days later, on **January 22** Mamedrizayev was sentenced by the Supreme Court of the Republic of Dagestan to 16 years in close confinement.

The defence is not satisfied with this verdict and believes that Sefirmirzoyev's guilt was not proven only due to the apparent incompleteness of the preliminary inquest which prevented the jury from forming a comprehensive and objective picture of the crime. For example, the inquest had failed to conduct the normally required physical confrontation and identification of the suspects procedures. For unclear reasons **Sedredin Kanberov**, who was proven to have been the paymaster behind the assassination, was released from detention on **March 5, 2008**. Kanberov immediately went into hiding ([www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m159946.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m159946.htm)).

In the course of the court proceedings it became quite clear that the key witnesses in the case were exposed to pressure on the part of the accused side. Thus, witness Akayev indicated with utmost certainty in court that he was subjected to pressure and asked the presiding judge for protection. The judge promised to “consider” his plea. Immediately upon that the attorneys for the defence told the witness that the case materials contain data about his relatives and then again demanded the witness to declare whether he recognises anyone of those sitting in the prisoners' dock. Akayev again asserted to have seen Mamedrizayev running out of Babayev's home with a pistol in his hand at the time when the murder was committed. The trial had been repeatedly adjourned due to non-attendance of several witnesses who, having given their testimonies in the course of the preliminary inquest, were later afraid to repeat them in court ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m158807.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m158807.htm)). The brothers of the assassinated man believe that the person behind the pressure exerted on the witnesses was the brother of Sedredin Kanberov, high-ranking officer of the Dagestan Ministry of Interior **Ruzmedin Kanberov**, who had been exploiting his official capacity in order to obtain personal information concerning all the witnesses in the case, including those whose identity was kept anonymous (*Kavkazsky uzel*, 25.1.2009, *Chernovik*, 23.1.2009).

The gaps and lacuna in the criminal proceedings as well as the absence of one of the key accused in the case – Kanberov, - are obvious; the incongruities in the testimonies of witnesses became the reason of the legally contradictory verdict of the jury: on the one hand, they found Mamedrizayev guilty of murder committed by means of a pistol, on the other hand, they declined to find him guilty of carrying and storage of firearms. This appears to be rather illogical and inconsistent.

Defence attorney of the defendant **Suleyman Azuyev** described the verdict of the jury and the subsequent sentence as “*absolutely ungrounded and not in keeping of the law*”. “*The charges were highly controversial from the very start. That is why the defence will undoubtedly appeal the verdict in court*”, - Azuyev said (*Kavkazsky uzal*, 25.1.2009). The prosecution also announced its intention to appeal the verdict unsatisfied with the fact that one of the accused has managed to escape punishment ([www.memo.ru/2009/02/03/0302093.htm](http://www.memo.ru/2009/02/03/0302093.htm)).

### **New ECHR judgements on cases from Chechnya and Ingushetia**

*In winter 2008 – 2009 the European Court of Human Rights had delivered 27 judgements on cases from Chechnya and 2 judgements on cases from Ingushetia. In 3 cases the demands were considered insufficiently founded and only partially supported by the Court. In six of these cases the interests of the applicants were represented by the lawyers of the Moscow Memorial Office and the European Human Rights Advocacy Centre in London (the cases of **L. Umayeva v Russia**, **R. Bersunkayeva v Russia**, **N. Abdulkadyrova v Russia**, **Z. Medova v Russia**, **Ayubov v Russia**), as well as by the Memorial staff lawyer in Urus-Martan (Chechnya) **Doka Itslyayev** in one other case (the case of **Gandaloyeva v Russia**).*

*In total, the ECHR has awarded the applicants a total amount of **EUR 2,115,336**, including **EUR 1,639,441** in respect of non-pecuniary damage, **EUR 187,046** in respect of pecuniary damage, as well as **EUR 159,746** and **GBR 2,596** in compensation of legal costs and expenses. The total amount that the Russian Federation has been ordered to pay is **EUR 2,482,128** and **GBR 2,596**.*

*Over the past six months there has been a steady growth in the number of cases on which the ECHR has delivered its judgements. Hundreds of applicants have won their cases against Russia. In **autumn 2008** the ECHR had delivered **17 judgements** in cases from Chechnya – in all of them the Court found in favour of the applicants, ordering the Russian Federation to pay compensations in respect of pecuniary and non-pecuniary damage, as well as of legal costs and expenses, in the total amount of **EUR 1,195,569** and **GBP 1,489**. Therefore, we can speak of the number of judgments delivered in cases from the Russian North Caucasus having almost doubled, while the compensation amounts awarded have more than doubled. Unfortunately, with regard to implementation of the ECHR judgements, the RF government continues to confine itself to payment of compensations to applicants from Chechnya, even in those cases, when the European Court indicated the need for effective investigation on the domestic level. However, further investigation in successful cases against the Russian Federation is not practiced.*

### **Case of Lipatu Umayeva v Russia**

On **December 4, 2008** the European Court of Human Rights delivered its judgement in the case of **Umayeva v Russia**. The applicant was wounded on **January 23, 2000** during the evacuation of refugees from Grozny through a humanitarian corridor announced by the Russian military. While the convoy of civilians wearing white bandages was moving along the indicated route, they were exposed to shelling from the direction of where a federal regiment was based. Later on they came under fire from a helicopter-based sniper. As a result, the applicant received

several gunshot wounds and was only able to get access to medical aid a week after the incident. She continues to suffer from the repercussions of those injuries.

The Court found a violation by the Russian Federation of Article 3 of the European Convention on Human Rights (right to life), since there was no evidence as to that the use of military force was adequate and absolutely necessary in that case. The Court further found violation of Article 13 of the Convention (right to an effective remedy) due to the lack of a thorough and effective investigation of the incident. As a result, the Court awarded the applicant compensation in the amount of **EUR 4,736** in respect of pecuniary damage and **EUR 30,000** in respect of non-pecuniary damage, as well as **GBP 1,783** for costs and expenses related to the services of the applicant's attorney.

### **Case of Raisa Bersunkayeva v Russia**

On the same day the European Court of Human Rights delivered its judgement in the case of **Bersunkayeva v Russia**.

On **June 13, 2001** the son of the applicant, **Raisa Bersunkayeva, Artur Bersunkayev** was apprehended in the house of her brother-in-law in *Urus-Martan*, by armed men wearing in camouflage and masks. According to the neighbours' testimonies, the son of the applicant was apprehended and taken away in either a Ural vehicle or an armoured personnel vehicle parked not far from where he was apprehended. Nothing has been known of Artur Bersunkayev ever since, although representatives of the federal and regional authorities had confirmed the fact of detention of the applicant's son.

The Court found that, taking into account the facts of the case, Artur Bersunkayev shall be declared dead and the responsibility for his death is with the Russian authorities.

The Court unanimously found violation of Article 2 of the Convention (right to life) as regards the disappearance and death of Artur Bersunkayev and of Article 5 (right to liberty and security of person) as regards the ineffective investigation. The Court also found that the treatment by the authorities of Raisa Bersunkayeva herself (lack of investigation, failure to reply to her appeals and inquiries) constitutes elements of inhuman treatment and is a violation of Article 3 of the Convention (prohibition of torture and inhuman and degrading treatment). The Court also found that the applicant had no effective remedies before a national authority in violation of Article 13 of the Convention, while the Russian Government had failed to comply with the provisions of Article 38 refusing to offer its full cooperation with the Court.

The Court awarded the applicant compensation in the amount of **EUR 35,000** in respect of non-pecuniary damage and **EUR 4,700** for legal costs and expenses ([www.memo.ru/2008/12/05/0512081.htm](http://www.memo.ru/2008/12/05/0512081.htm)).

### **Case of Gandaloyeva v Russia**

In its judgement in the case of **Gandaloyeva v Russia** the European Court of Human Rights found the Russian Federation responsible of the extrajudicial execution of **Alaudin Gandaloyev**, born 1938, who was a forester in the forest on the edge of Achkhoy-Martan on **September 17, 2003** by Russian federal servicemen. **Viskhan Khassanovich Badayev**, born 1952, (also a forester at the Achkhoy-Martan forestry farm) was killed together with Gandaloyev.

Alaudin Gandaloyev went up in his car to his place of work where he was normally in charge of controlling the discharge of firewood to the residence of the neighbourhood. His son, **Emir Gandaloyev**, was driving the car. Badayev was already awaiting him there.

The three men were standing on the road near the car and chatting. At that moment three armed men in camouflage and masks came out of the nearby bushes. Pointing their guns at the men, they demanded to see their documents. Emir Gandaloyev received a heavy blow with the butt of the gun from behind and was ordered to lie down. Immediately he heard two submachine gun bursts. One of the armed men picked up Emir's documents from the ground (his passport fell inside the car, while the document lying on the ground was the vehicle registration document made out in the name of a different person). The armed man said: "*He is just a driver*" – and threw the document back on the ground. After that the three armed men left again through the bushes. On the same day criminal investigation into the circumstances of the death of A. Gandaloyev and V. Badayev was opened, yet it brought no results.

On **September 24** the Regional Emergency Operations Centre in Charge of Supervising the Counter-Terrorism operation in the North Caucasus announced the annihilation of two militants who had opened gunfire at the federal forces near the village of *Yandi* ([www.memo.ru/hr/hotpoints/caucas1/msg/2003/09/m8948.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2003/09/m8948.htm)).

[www.memo.ru/hr/hotpoints/caucas1/msg/2003/12/m8947.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2003/12/m8947.htm)).

The Court found violation of Article 2 (right to life) and Article 13 (right to an effective remedy) of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of these violations, the lack of effective remedies before a national authority.

The applicant was awarded **EUR 35,000** in respect of non-pecuniary damage and **EUR 2,650** for costs and expenses.

### **Case of Nurzhan Abdulkadyrova v Russia**

On **January 9, 2009** the European Court of Human Rights delivered its judgement in the case of **Abdulkadyrova and others v Russia**.

The applicant's husband (the other applicants are close relatives of hers) **Ayndi Dzhabayev** disappeared during the "address checking of intelligence information", conducted by Russian federal forces in *Urus-Martanovsky district of Chechnya* on **September 8, 2002**.

The applicant was long and vainly trying to establish her husband's whereabouts. Only a year later **Ayndi Dzhabayev** was acknowledged as missing. The criminal proceedings were repeatedly suspended and then re-opened.

The Court has found violation by the Russian authorities of Article 2 of the European Convention (right to life) since **Ayndi** died as a result of arrest. The Court also found violation of Article 2 in connection with the failure of the state to conduct effective investigation. The Court noted that the failure of the state to investigate **Ayndi's** disappearance also contained a violation of Article 3 of the Convention (inhuman treatment in relation to the applicants). Furthermore, the court noted that **Ayndi** was held in detention in the absence of the guarantees provided by Article 5 of the European Convention (right to liberty and security of person). Furthermore, there was violation of Article 8 (respect for privacy and family) and Article 1 of Protocol No. 1 (protection of possessions) as regards the unlawful search of the applicants' house and the damage caused in the course of the search. The applicants had not been granted any substantial or effective remedies on the domestic level in violation of Article 13 of the Convention (right to an effective remedy). Finally, the Court found the State responsible for violation of Article 38(1) (a) of the Convention (obligation to ensure conditions necessary for consideration of the case) as regards



its refusal to submit all the materials of the criminal case in investigation of **Ayndi**'s disappearance.

The Court awarded these applicants jointly compensation in the amount of **EUR 11,509** and **EUR 35,000** in respect of non-pecuniary damage ([www.memo.ru/2009/01/11/110109.htm](http://www.memo.ru/2009/01/11/110109.htm)). More details about the case of Abdulkadyrova v Russia can be found on <http://ehracmos.memo.ru/page.php?page=271>.

### **Case of Zalina Medova v Russia**

On **January 11** the European Court of Human Rights delivered its judgement in the case of **Medova v Russia** on disappearance in **2004** of the applicant's husband **Adam Medov**, resident of Ingushetia.

On **June 15, 2004** Adam Medov, born 1980, left home driving his own car. As was revealed later, he was apprehended on the same evening, together with his passenger **Aslan Kushtonoshwili**, and taken to the FSB premises in Magas where the apprehended men were subjected to torture. To prevent his family from searching for him, on the following day Adam Medov was forced to phone home and tell his family that he would be delayed in connection with the car breakdown.

On **June 17** both apprehended men were taken out to Chechnya. The car in which they were being transported (A. Medov was lying in the boot) by officers of the FSB Department in Chechnya was stopped for checking at the traffic police post situated at the administrative border between Ingushetia and Chechnya, the Ingush traffic police officers stopped two cars carrying armed men who were going into Chechnya. The abductors were even detained, yet the police were then forced to release them together with the captive Medov and Kushtonoshwili. Nothing has been known of the fate of the abducted men ever since. A month later criminal investigation was opened into the circumstances of their disappearance. However, the authorities were unable to establish their whereabouts. More detail about the abduction of Adam Ayubov can be found in the extract from the Memorial Human Rights Centre report "A Conveyor of Violence" (Moscow, 2005) at: [www.memo.ru/hr/hotpoints/N-Caucas/konnas](http://www.memo.ru/hr/hotpoints/N-Caucas/konnas)).

The European Court of Human Rights found a violation of Article 2 (right to life), Article 5 (right to liberty and security of person) and Article 13 in conjunction with Article 2 (right to an effective remedy). The Russian government declined to provide the Court with the materials of the criminal case initiated in connection with the abduction of Adam Medov. In this connection the Court found a violation by the Russian Federation of Article 38 (1) (a) of the Convention (refusal to ensure conditions necessary for consideration of the case).

Judge Spielmann in his partly dissenting opinion argued that the Court should have also granted the request of the applicant to order the Russian authorities to carry out an effective investigation of the disappearance.

The Court awarded the applicant **EUR 35,000** in respect of non-pecuniary damage. The Russian Federation was also ordered to reimburse the legal costs and expenses in the amount of **EUR 6,420** and **GBP 813.25**.

This was the first judgement delivered by the European Court of Human Rights in an application concerning disappearance of a person abducted by Russia's security forces on the territory of Ingushetia. Other similar applications are pending ([www.memo.ru/2009/01/15/1501093.htm](http://www.memo.ru/2009/01/15/1501093.htm)).

## Case of Ayubov v Russia

On **February 12, 2009** the European Court of Human Rights delivered its judgement in the case of **Ayubov v Russia** concerning the disappearance of **Adam Ayubov**, the son of the applicant, and the destruction of the applicants' possessions by Russian federal servicemen.

On **January 19, 2000** a group of armed men in camouflage arrived in a Ural van to *Narvskaya st.* in *Grozny*. After checking the documents of Adam Ayubov and his neighbours, they apprehended the latter and took them away in an unknown direction. About an hour later the same soldiers returned in the same van and destroyed the house and two vehicles in the yard from a flame-thrower. Two men detained at the same time as Ayubov were released on the same day. According to their testimonies, they were apprehended by officers of special task forces from Novosibirsk serving in Chechnya. The fate of Adam Ayubov remains to date unknown.

The family of Adam have repeatedly appealed to prosecution agencies of various levels, the Ministry of Interior and various other administrative authorities of Chechnya. They never received any sensible response from the latter regarding the course of investigation of Adam's disappearance.

The Court noted that the Russian Government had failed to provide the materials of the criminal case. However, considering the nature of the operation in arresting Adam, as described, and also based on the eyewitnesses' statements of the January 19, 2000 operation, the Court concluded that Adam was apprehended by representatives of the state and therefore found violation of Article 2 (right to life), as well as violation of Article 5 (right to liberty and security of person), Article 13 in conjunction with Article 2 (right to an effective remedy) and Article 1 of Protocol 1, and a separate violation of Article 1 of Protocol 1 (protection of possessions). On account of the refusal of the Russian government to provide the Court with the materials of the criminal case concerning the disappearance of Adam Ayubov, the Court found violation of Article 38 (1) (a) of the Convention (refusal to ensure conditions necessary for consideration of the case).

The ECHR ordered Russia to pay to the applicant a compensation in the amount of **EUR 35,000** in respect of non-pecuniary damage, **EUR 35,000** in respect of pecuniary damage, as well **EUR 485** for costs and expenses incurred by the applicant.

[www.memo.ru/2009/02/13/1302091.htm](http://www.memo.ru/2009/02/13/1302091.htm)

### *The applications in the rest of the cases had been prepared by the staff lawyers of the Stitching Russian Justice Initiative:*

The case of **Askharova v Russia** concerned the special operation conducted by the Russian federal forces in the village of *Serzhen-Yurt* on **May 18, 2001**, in the course of which **Sharani Askharov** was detained together with 8 other persons. Six were released later. The seventh was found dead. Sharani and one other man went missing. Two of the released men affirmed that they had been taken away in one armoured personnel vehicle, together with Sharani.

The Court found violation of Articles 2, 3, 5, 13, 38 § 1 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of these violations, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court. The Court awarded the applicant **EUR 35,000** in respect of non-pecuniary damage, and **EUR 6,150** for costs and expenses.

In the case **Akhmadova v Russia** it was established that on **March 6, 2002** **Musa Akhmadov** was apprehended by a group of servicemen at the checkpoint near the village of *Kirov-Yurt* and was handed over to the headquarters of the 51<sup>st</sup> airborne regiment deployed in *Khatuni*. Later he was transferred to the FSB special subdivision based in the same camp.

The Court found violation of Articles 2, 3, 5, 13, 38 §1 (a) of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of these violations, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The Court awarded the applicants jointly **EUR 35,000** in respect of non-pecuniary damage, **EUR 3,101** in respect of pecuniary damage, as well as **EUR 8,150** for legal costs and expenses.

In the case of **Tagirova v Russia** the Court found that the Russian Federation had failed to conduct an effective investigation of the disappearance of **Movsar Tagirov**, a police trainee, apprehended on **February 7, 2003**. Nonetheless, the Court found that the evidence submitted was not sufficient or persuasive enough to support the allegations that Russian servicemen had been implicated in Movsar's abduction and subsequent disappearance.

The Court found violation of Articles 2, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The Court awarded the applicants jointly **EUR 9,400** in respect of non-pecuniary damage, and **EUR 3,650** for legal costs and expenses.

In the case of **Musikhanova and others v Russia** the applicants had submitted that a close relative of theirs had been unlawfully detained and murdered by agents of the Russian State in Chechnya and that the authorities had failed to conduct an effective investigation into the circumstances of his death. The applicants claimed that the distress and anguish that they had suffered as a result of the disappearance of their relatives and the manner in which their complaints had been dealt with by the authorities had to be considered to constitute inhuman treatment, while the violation of their procedural rights is largely caused by their ethnic background and the fact that they reside in Chechnya.

The Court found violation of Articles 2, 3, 5, 13, 38 § 1 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of these violations, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The Court awarded the applicants jointly **EUR 39,000** in respect of non-pecuniary damage and **EUR 7,150** for legal costs and expenses.

In the case of **Ilyasova v Russia** the Court found that on **November 15, 2002** Russian servicemen drove to the applicants' house in the village of *Mesker-Yurt* in an armoured personnel vehicle. The servicemen apprehended **Adam Ilyasov** who subsequently went missing.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of these violations, the lack of effective remedies before a national authority.

The Court awarded the applicants jointly **EUR 35,000** in respect of non-pecuniary damage, **EUR 4,000** to the first applicant in respect of pecuniary damage, **EUR 6,000** for legal costs and expenses.

In the case of **Nasukhanova and others v Russia** (the judgement delivered on **December 18, 2008**) the Court found the following: **at about 2 am on February 3, 2003** approximately 30 armed men in camouflage arriving in armoured personnel vehicles and Ural vehicles broke into a house in the village of Pervomayskaya. They apprehended **Ruslan Kasumov** and one other person. Both apprehended men have since then been missing.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The Court awarded: **EUR 25,000** to the first and the second applicant jointly and **EUR 25,000** to each of the other 4 applicants in respect of non-pecuniary damage, **EUR 2,000** to the first and the second applicant jointly in respect of pecuniary damage, and **EUR 3,650** for costs and expenses.

In the case of **Arzu Akhmadova and others v Russia** (the judgement delivered on **January 8, 2009**) it was established that during the special operation held in the village of *Stariye Atagi* over the period from **March 6 to March 11, 2002** the federal forces had detained several young men at their homes and took them to the filtration point where they were subjected to cruel treatment. Upon the completion of the special operation 11 young men did not return home. Several burnt bodies were later discovered in the vicinity, the authorities refused to order an exhumation of these bodies. Since their apprehension their families have been vainly trying to learn anything about their whereabouts and fate. The official criminal investigation into the circumstances of the disappearances was opened, but brought no results.

The Court found violation of Articles 2, 3, 5, 13, 34 38 § 1 (a) of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority, attempts to intimidate the first applicant, as well as the refusal of the Russian authorities to cooperate with the Court.

The court awarded all the 11 applicants jointly: **EUR 315,000** in respect of non-pecuniary damage, **EUR 15,000** in respect of pecuniary damage, as well as **EUR 16,993.16** for costs and expenses.

In the case of **Dzhamayeva and others v Russia** it was established that **over the period from March 6 to March 11, 2002** the federal forces were conducting a large-scale special operation in the village of *Stariye Atagi*. In the morning of **March 6** **Ismail Dzhamayev** left his parents' home driving in the direction of his friend's house. He saw two armoured personnel vehicles on the street, was afraid and went inside his friend's house. The servicemen followed him inside and apprehended both him and his friend. His friend was later released but Ismail himself went missing ever since. Altogether 11 persons from the village of *Stariye Atagi* went missing as a result of that special operation (see also the previous case description). The investigation into the circumstances of Ismail's disappearance brought no results.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The four applicants were jointly awarded **EUR 35,000** in respect of non-pecuniary damage, **EUR 5,000** in respect of pecuniary damage and **EUR 6,335.92** for costs and expenses.

In the case of **Zakriyeva and others v Russia** (the judgement delivered on **January 8, 2009**) the Court found Russian authorities responsible for the absence of effective investigation of the disappearance of **Aslanbek Khamzayev** in the vicinity of the village of *Novye Aldi* on **June 25, 2002**. However, the Court considered that the evidence submitted was insufficient or not persuasive enough in order to conclude on the involvement of Russian servicemen in the apprehension and subsequent disappearance of Aslanbek.

The Court found violation of Article 2 of the Convention as regards the disappearance of the applicants' relative and the lack of effective investigation of this violation.

The Court awarded the 8 applicants jointly **EUR 8,550** in respect of non-pecuniary, damage **EUR 3,650** for costs and expenses.

The case of **Shakhgiriyeva and others v Russia** (the judgement delivered on **January 8, 2009**) concerns the detention by Russian federal forces of 8 persons in the course of the large-scale special operation in the village of *Chechen-Aul* on **October 23, 2002**.

Two of them were released later on. The other six, among them **Magomed Shakhgiriev, Ali Magomadov, Ismail Umarov, Umalat Abayev** and others went missing. On **November 3, 2002** three residents of the village of *Chechen-Aul*, including **Aslan Israilov** and **Khassin Yunusov**, went to Grozny in search of the missing men. They never came back. On **November 8, 2002** the bodies of 5 of the 6 men who went missing on October 23, 2002 were discovered in a forest near the village of *Vinogradnoye*. On **April 18, 2003** the bodies of the 3 men who disappeared on November 3, 2002, were discovered not far from the settlement of *Khankala*.

The Court concluded that Magomed Shakhgiriev, Ali Magomadov, Ismail Umarov and Umalat Abayev had been killed by federal servicemen, yet it found the evidence submitted insufficient to draw the same conclusions in respect of Aslan Israilov and Khassin Yunusov.

The Court found violation of Articles 2, 3, 5, 13, 38 § 1 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violations, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The seven applicants were jointly awarded **EUR 160,000** in respect of non-pecuniary damage, **EUR 23,400** in respect of pecuniary damage and **EUR 8,107** for costs and expenses.

The case **Dangayeva and Taramova v Russia** (the judgement delivered on **January 8, 2009**) concerns the murder of **Saidkhasan Dangayev** by federal servicemen in his house in *Grozny* on **October 23, 2002**. Saidkhasan had been employed as a court bailiff and was killed while attempting to offer resistance to the servicemen who broke into his house by night.

The Court found violation of Articles 2 and 13 of the Convention as regards the disappearance of the applicants' relative and the lack of effective investigation of this violation.

The Court awarded the two applicants jointly **EUR 7,491** in respect of non-pecuniary damage, **EUR 5,300** to the first applicant in respect of pecuniary damage, and **EUR 4,150** for costs and expenses.

In the case of **Abdurzakova and Abdurzakov v Russia** (the judgement delivered on **January 15, 2009**) the Court unanimously found Russia guilty of the disappearance of **Vakha Abdurzakov**, a resident of Chechnya. He was apprehended by the servicemen in his house in

*Urus-Martan*, in Chechnya, on **October 25, 2002**. A few days after his arrest his parents received a visit from a woman who offered them to pay a certain amount of money to an officer of the Urus-Martan FSB department in exchange for Vakha's release. That woman later claimed before the investigating officers that she had duly given that money to the mentioned officer. However, Vakha was not released and has on the contrary been missing since then.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The Court awarded the two applicants jointly **EUR 35,000** in respect of non-pecuniary damage and **EUR 3,650** for costs and expenses.

In the case of **Zaubekova and Zaurbekova v Russia** (the judgement delivered on **January 22, 2009**) it was established that **Isa Zaurbekov** was detained following a search in his house conducted by federal servicemen on **February 11, 2003** and subsequently went missing.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The Court awarded the two applicants jointly (the wife and the daughter of the murdered man) **EUR 35,000** in respect of non-pecuniary damage, **EUR 9,000** to the first applicant in respect of pecuniary damage, as well as **EUR 7,150** for costs and expenses.

In the case **Dolsayev and others v Russia** (the judgement delivered on **January 22, 2009**) the Court found that the four brothers: **Beslan, Rizvan, Rizavdi and Shuddi Dolsayev** were taken away from their home on **October 21, 2001** by unidentified men wearing Russian army uniform, and their fate has ever since been unknown.

The Court has found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, lack of effective remedies before a national authority.

The Court awarded the applicants jointly **EUR 140,000** in respect of non-pecuniary damage, **EUR 10,000** to the first applicant in respect of pecuniary damage, as well as **EUR 5,500** for costs and expenses.

In the case of **Sambiyev and Pokayeva v Russia** (the judgement delivered on **January 22, 2009**), the Court established that on **April 10, 2004** in the village of *Stariye Atagi* unidentified men in military uniform abducted **Anzor Sambiev**. Anzor's body was found on the following day bearing signs of violent death.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The two applicants were jointly awarded compensation in the amount of **EUR 35,000** in respect of non-pecuniary damage, **EUR 5,000** in respect of pecuniary damage, as well as **EUR 6,000** for costs and expenses.

In the case of **Khadisov and Tsechoyev v Russia** (the judgement delivered on **February 5, 2009**) the Court found Russia responsible for the unlawful apprehension and tortures inflicted on **Salambek Khadisov** and **Islam Tsechoyev** (this was a rare case where the **victims** are alive and acted as the applicants in court for themselves). Salambek and Islam, who had never met each other before, were apprehended on **September 23, 2001** in the *Sunzhensky district* of Ingushetia.

On the same day they were taken to the military base in the city of Nazran where they were subject to harsh beatings and then transferred to *Khankala*, the main base of the Russian federal forces in Chechnya, where they were put into a dungeon and kept there during 5 days periodically taken out for interrogation only. They had repeatedly been subjected to torture before being transferred to the 6<sup>th</sup> department for combating organized crime of the *Staropromyslovsky district* of *Grozny* and were finally released on **October 12, 2001**. After their release Salambek and Islam were hardly able to walk, the skin on their feet had been grazed, their faces and bodies were swollen and covered with haematomas.

The Court found violation of Articles 3, 5, 13, 38 § 1 of the Convention as regards the cruel, practically barbarous treatment of the applicants on the part of federal servicemen, the lack of effective investigation of this violations, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The two applicants were awarded **EUR 35,000** each in respect of non-pecuniary damage, and **EUR 9,008.20** for costs and expenses.

The applicants in the case of **Khaydayeva and others v Russia** (the judgement delivered on **February 5, 2009**) are the relatives of the five men who went missing after having been apprehended at the checkpoint in the vicinity of the village of *Duba-Yurt* in Chechnya on **June 9, 2002**. Several eyewitnesses, including two special police task force officers who were conducting the checkpoint, later told the investigating officers that the servicemen of the 348<sup>th</sup> battalion of the Ministry of Interior apprehended **Said-Salu Akhmatov, Mansur Ismailov, Suliman Malikov, Adlan** and **Aslan Khatsuyevs**. Over several subsequent years the authorities continued to deny that the five men had ever been apprehended by them.

In **October 2007** the Russian government notified the Court of that the five detained men were released on the following day after their apprehension, on **June 10, 2002**. However, the government had failed to submit relevant documents confirming their release. The fate of the five men remains unknown to date.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The eight applicants were awarded in respect of non-pecuniary damage: **EUR 35,000** jointly to the first and second applicant, **EUR 70,000** jointly to the third and the fourth applicant, **EUR 35,000** jointly to the fifth and the sixth applicants, **EUR 35,000** jointly to the seventh and eight applicant, in respect of pecuniary damage: **EUR 6,000** jointly to the third and fourth applicant, as well as **EUR 6,000** for costs and expenses.

The case of **Idalova and Idalov v Russia** (the judgement delivered on **February 5, 2009**) concerns the disappearance of **Marvan Idalov** on **November 22, 2002** following his detention by servicemen in the village of *Akhkinchu-Barzoi* in Chechnya. Nothing has been known of him ever since.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The two applicants were awarded jointly **EUR 35,000** in respect of non-pecuniary damage and **EUR 3,650** for costs and expenses.

In the case of **Bantayeva and others v Russia** (the judgement delivered on *February 12, 2009*) it was established that on *January 2, 2003* a group of men in masks and camouflage armed with machine guns broke into the house of **Abubakar Bantayev** in the village of *Komsomolskoye*. They took away some valuables, took Abubakar out and pushed him into a UAZ vehicle. At about the same time a similar operation was carried out in the house of his brother **Salman Bantayev**. Salman was put into a UAZ vehicle which then drove off to *Gudermes*. The brothers have not been seen ever since. The criminal investigation was opened, yet later suspended due to the impossibility of identifying persons implicated in the crime.

The Court had found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The eleven applicants were jointly awarded **EUR 70,000** in respect of non-pecuniary damage, **EUR 15,000** in respect of pecuniary damage, as well as **EUR 5,000** for costs and expenses.

In the case of **Meshayeva and others v Russia** (the judgement delivered on *February 12, 2009*), it was established that on the night from *December 16* to *December 17, 2002* while conducting a special operation in the village of *Martan-Yurt* armed officers of the Russian federal forces in masks broke into the house of the **Meshayev** family and apprehended **Lema Meshayev**, taking him away in an armoured personnel vehicle. In a similar way the federal servicemen were conducting detentions in the **Saidayevs'** house. The armed men broke into the house, checked the passports of the family members, and took **Bislan Saidayev** away with them. He was taken away in an armoured personnel vehicle together with Meshayev. The inquiry into the disappearance lasted for over year, yet brought no results.

The Court found violation of Articles 2, 3, 5, 13, 38 § 1 (a) of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The 16 applicants were jointly awarded **EUR 70,000** in respect of non-pecuniary damage, **EUR 8,500** in respect of pecuniary damage, as well as **EUR 5,150** for costs expenses.

In the case of **Sagayev and others v Russia** (the judgement delivered on *February 26, 2009*) it was established that on *August 30, 2002* armed servicemen in camouflage uniforms and masks drove up to the house of the **Sagayev** family in the village of *Urus-Martan, Chechnya*. They apprehended Ilyas Sagayev and took him away in an unknown direction. The members of the family could hear the sound of the armoured vehicles' engines in which Ilyas was being taken away. He went missing. The inquiry into his disappearance brought no substantial results.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.



The Court awarded the applicants jointly **EUR 70,000** in respect of non-pecuniary damage, **EUR 5,000** to the second and the seventh applicant jointly in respect of pecuniary damage, **EUR 7,344.10** for costs and expenses.

In the case of **Astamirova and others v Russia** (the judgement delivered on *February 26, 2009*) it was established that on *August 5, 2002* several armed men, officers of the Russian federal forces, broke into the house of the Astamirovs' in the village of *Gekhi*, in Chechnya. They conducted an unwarranted search and detained Aslambek Astamirov, following which he went missing. Only five months after Astamirov's apprehension, succumbing to the pressure from the numerous oral and written petitions and complaints from his family, in December 2002, the public prosecutor's office opened criminal proceedings concerning the abduction. Yet? to date? the authorities have been unable to conduct effective investigation into the circumstances of this incident.

The Court found violation of Articles 2, 3, 5, 13, 38 § 1 of the Convention as regards the death of the applicants' relative, the lack of effective investigation of this violation, the lack of effective remedies before a national authority, as well as the refusal of the Russian authorities to cooperate with the Court.

The applicants were jointly awarded **EUR 35,000** in respect of **non-pecuniary** damage, **EUR 12,000** jointly to the second, fourth, fifth and sixth applicant in respect of pecuniary damage and **EUR 7,903** for costs and expenses.

In the case of **Vagapova and Zubairayev v Russia** (judgement delivered on *February 26, 2009*) the Court found that on *December 21, 2004* at about 5.15 am several armed men in military uniforms broke into the Zubairayevs' house in the village of *Chechen-Aul*, in Chechnya. They started beating the son of the family, **Alis Zubairayev**. Then, having grabbed Alis and shoved him into a UAZ vehicle, they drove off. Alis has not been seen ever since. The inquiry into his disappearance brought no results.

The Court found violation of Articles 2, 3, 5, 13 of the Convention as regards the death of the applicants' relatives, the lack of effective investigation of this violation, the lack of effective remedies before a national authority.

The applicants were jointly awarded **EUR 35,000** in respect of non-pecuniary damage, and **EUR 4,500** for costs and expenses.