

Bulletin of the Memorial Human Rights Center

Situation in the North Caucasus conflict zone: analysis from the human rights perspective. Autumn 2009

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

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Kadyrov vs. Orlov

The autumn of 2009 saw further developments in the conflict between Memorial HRC and the Chechen authorities led by the President **Ramzan Kadyrov**. As was related in more detail in the previous bulletin (<http://www.memo.ru/2009/09/29/2909092.htm>), on **July 15, 2009** the Chairman of the Memorial Human Rights Centre **Oleg Orlov** made a public declaration to the effect that the President of the Chechen Republic was directly responsible for **Natalya Estemirova's** assassination.

After that a large-scale defamation campaign was launched across Chechnya targeting Memorial and anything that remotely had to do with it. The campaign was accompanied by threats addressed to Memorial officers as well as by the blatant surveillance on some of them. In his interview to the *Zavtra* newspaper on September 24, 2009 Ramzan Kadyrov went as far as declaring that Memorial is "*an organization that has been founded with the specific subversive purpose of derogating Russia*".

Simultaneously Memorial began to face certain complications for its activity from the legal aspect.

On **July 17** Ramzan Kadyrov's attorney **Andrei Krasnenkov** announced that he was intending to go to court with a suit to defend the honour, dignity and public reputation of the President of Chechnya in connection with Orlov's allegations which were part of the public statement made by Memorial. Orlov in his turn told the media that he was quite ready to answer for his words and wholly welcomed Kadyrov's attempts to resolve the conflict between them within the framework of the law and not through some other means as may have been expected.

In addition to the civil suit, Ramzan Kadyrov also requested from the Moscow Main Department of Interior to open criminal proceedings against Oleg Orlov pursuant to Article 129 (slander) of the Russian Criminal Code.

On **August 28** Oleg Orlov gave official explanations concerning his public statement as part of the preliminary examination conducted by the Moscow Main Department of Interior. On **September 3** it was announced that the Department in question had decided to dismiss the criminal complaint against Orlov for failure to find formal elements of crime in his words. Kadyrov's attorney, however, sent a complaint to the Public Prosecutor's office demanding to reverse the decision of the Moscow Main Department of Interior. On **September 24** it became known that the Moscow city Public Prosecutor's office had reversed the dismissal of the criminal case by the police and sent the materials of the case for further examination to the department for preliminary inquest administration of the Moscow Main Department of Interior.

On **September 25** the examination of the merits of Kadyrov's suit against Orlov and Memorial HRC began at the Tverskoy court of Moscow chaired by Judge **Tatyana Fedosova**. The plaintiff was demanding from the defendants an official retraction of the following extracts from the official statement of Memorial where Oleg Orlov was quoted as saying:

"I know who is behind Natasha Estemirova's murder, I am positive of this. We all know who this person is. His name is Ramzan Kadyrov, he is the President of the Chechen Republic. Ramzan had already pronounced open threats and insults addressed to Natalya Estemirova and he saw her as his personal enemy. We do not know whether the actual order was given by him in person or it was done on the initiative of someone from among his trusted comrades-in-arms, anxious to curry favour with their leader. The Russian President Dmitry Medvedev is apparently quite content with having a murderer as the head of one of the subjects of the country under his leadership".

"When Natasha took the liberty to voice her protest against the policy of forcing young women to wear headscarves in public, she was summoned for a private conversation with Mr. Kadyrov. She told us that the latter had been making open threats to her, saying: "Yes, my hands are up to the elbows in blood. And I am not ashamed of that. I have killed before and will continue to kill bad people. We are fighting against the enemies of our Republic."

"We also know that the most recent reports prepared by Natasha, featuring recent abductions, extrajudicial executions, as well as a public execution in one of the villages, had provoked the wrath of the ruling elite in Chechnya".

"Ramzan Kadyrov has made any work by human rights activists in the republic practically impossible".

Moreover, the claimant was requesting for the court to order payment of reparations in respect of moral damage in the amount of 5 million rubles from each of the defendants.

The interests of Oleg Orlov were represented by attorney **Anna Stavitskaya** and Memorial HRC was represented by attorneys **Anna Karetnikova** and **Sergey Davidis**. The hearings were public and the courtroom was packed.

In his testimony before the court (<http://www.memo.ru/2009/09/25/2509091.htm>) Oleg Orlov alleged that the suit filed by Ramzan Kadyrov contained unfounded claims and should therefore not be satisfied. Some of the claims contained in Memorial HRC's statement should be regarded as an opinion concerning the mode of acting by the public official in question, based on the review and systemisation of the large volume of facts and reports accumulated during the course of the work of Memorial HRC over the years. As well, the Constitution of the Russian Federation stipulates that no-one shall be forced by the state to renounce his opinion or to adopt an opinion that he or she disagrees with.

Other extracts from the statement contain no information that could be deemed as defacing the honour, dignity and reputation of the claimant.

Yet a third group actually corresponded with the realities.

The goal of the defendants was to prove that Mr. Kadyrov was politically responsible for the assassination of Natalya Estemirova with their arguments being the following:

The matter here is not just that under the Chechen Constitution, the public authorities are obliged to protect the rights and freedoms of the individual and the citizen, but also that the President of the Chechen Republic is the chief executive of the Chechen authorities and therefore he is responsible for what occurs on the territory of the Chechen Republic. However, in the case of Ramzan Kadyrov he is not only formally, but, indeed, actually responsible for what is happening in the republic which is under his leadership.

In fact, the claimant himself had placed the following statement on his website: “I consider myself personally responsible for everything that happens on the territory of this republic” (http://www.ramzankadyrov.ru/press.php?releases&press_id=1044&month=07&year=2007).

Numerous facts and media reports prove that Ramzan Kadyrov maintains actual and absolute control not only over the civil executive authorities in the republic, but also over the work of the Chechen law enforcement services. This can be easily inferred from the news bulletins and the political programming of the Chechen television.

That being said, the civil administration and law enforcement officers who operate under the control of the President of their Republic continue to flagrantly violate human rights often claiming that they are acting upon direct instructions from Ramzan Kadyrov.

The atmosphere of complete impunity and arbitrariness of law enforcement officers reigns across the entire territory of Chechnya.

Quite naturally, human rights activists feel compelled to protest against such blatant human rights violations. Natasha Estemirova, in her capacity as a Memorial HRC officer, had been collecting and revealing facts related to human rights violations and she was most outspoken on such matters.

The truth is, however, that rather than focusing on investigating the actual violations, the top authorities in the republic have been concentrating their efforts on publicly portraying members of independent human rights organisations operating in the republic as people who have made it their goal to hinder the peacemaking and stability-generating efforts of the Chechen authorities. It is not infrequent for viewers of the Grozny public television channel to hear from the television screens that the human rights activists are in fact nothing short of abettors of the terrorists accompanied by appeals to eliminate all abettors of the terrorists, including those “who support their ideas in thought alone”.

The current situation in the Chechen Republic is one where just being labelled a human rights activist in itself means exposing yourself to considerable danger.

It is quite obvious that if the above descriptions is a faithful representation of the reality, this means that the general public has every reason to conclude that Ramzan Kadyrov was politically responsible when it comes to Natasha Estemirova’s assassination. To prove the validity of such conclusion, Oleg Orlov himself, as well as the witnesses for the side of the respondent had cited numerous facts before the court, as well as presented documentary evidence, including public statements made by various representatives of the Chechen authorities, recordings of declarations made on the Grozny television channel, communications with the prosecutor’s office and reports by various human rights organisations.

The court hearings were resumed on October 6. All in all, the court had heard 6 witnesses for the defence and 4 witnesses for the claimant. The claimant himself did not appear at the hearings.

On **October 6** following the pleadings of the parties, the court delivered its judgement (<http://www.memo.ru/2009/09/10/res.rar>) partially satisfying Mr. Kadyrov’s suit. The greater part of the above-mentioned extracts from the statement made by Memorial were deemed as “fallacious and defamatory, defacing the honour, dignity and reputation” of Ramzan Kadyrov. The court compelled the defendants to make an official retraction in this respect. The part that was not acknowledged as defamatory was: “*We know that the most recent reports prepared by*

Natasha, featuring recent abductions, extrajudicial executions, as well as a public execution in one of the villages, had provoked the wrath of the ruling elite in Chechnya". Furthermore, the court ordered the defendants to pay the claimant a compensation in respect of moral damage: Oleg Orlov was personally ordered to pay 20,000 rubles, while Memorial HRC was ordered to pay 50,000 rubles.

The transcript of the minutes of the two court hearings can be found on the Memorial website (<http://www.memo.ru/2009/09/10/sud.htm>).

Following the results of the court proceedings, the Chairman of the Memorial HRC Board Oleg Orlov made a statement (<http://www.memo.ru/2009/10/09/091009.html>) to the effect that the defendants disagreed with the ruling of the court and were intending to appeal it at a higher court authority. In the event of dismissal of the appeal by the city court the defendants intended to seek justice at the European Court of Human Rights.

Despite all this, Orlov expressed his satisfaction with the course of the court proceedings, even though the final decision was in his view erroneous. In the course of the trial at the court of first instance the defendants had achieved their goal of provoking discussion on a number of crucial questions and issues, such as the political responsibility of Ramzan Kadyrov in relation to Natalya Estemirova's assassination, as well as the degree of his liability for the current critical situation of the human rights community in Chechnya.

On **November 16** the defendants lodged a cassational appeal against the ruling of the Tverskoy district court with the Moscow city court (www.memo.ru/2009/11/18/1811091.htm).

In his turn, on **October 13** Andrei Krasnenkov, Ramzan Kadyrov's attorney, described the amount awarded by the court in respect of the moral damage as "laughable" and expressed his determination to seek its reconsideration (www.memo.ru/2009/10/14/1410092.htm). Thus, on **October 15** he forwarded a brief cassational appeal to the Moscow city court against the ruling of the Tverskoy district court of Moscow (www.memo.ru/2009/10/14/1410093.htm).

Meanwhile, on **October 20** the Moscow Main Department of Interior opened criminal proceedings in respect of Oleg Orlov pursuant to Part 2 and 3 of Article 129 of the Russian Criminal Code ("slander") in connection with "*the dissemination of slanderous information accompanied by accusations of the implication of the President of the Chechen republic Ramzan Kadyrov in the assassination of Natalya Estemirova made in the presence of media representatives*" (see the order on institution of criminal proceedings - <http://www.memo.ru/2009/11/03/crimcase.rar>).

The first interrogations in connection with this criminal case were held in the autumn of 2009.

In the meantime, the inquiry into the assassination of Natalya Estemirova is following its quite expected course, i.e. progressing exactly how that the majority of the Russian public had been sure that it would. The officials regularly come out with the usual contradictory statements. For example, on **October 15** an officer of the law enforcement services who had wished to remain anonymous declared that "*unfortunately, the investigators can so far boast of no clear leads that could guide them to the actual perpetrators and the conspirators of this crime*" (*Kavkazsky Uzel*, 15.10.2009). Yet shortly afterwards, on **October 19** the Chairman of the Investigative Committee of the Prosecutor Generals' Office **Alexander Bastrykin** said that the investigation had made a substantial progress and that they were on the verge of "solving this crime" (*Kavkazsky Uzel*, 19.10.2009). Nevertheless, no-one had been arrested in connection with this crime in 2009. It now appears that the investigation into this appalling murder, dynamic as it was in the beginning, has by now stumbled over serious obstacles.

The assassination of Maksharip Aushev

Assassinations of human rights activists and prominent opposition leaders continue to agitate the ever troubled region of the North Caucasus. This autumn the same sad fate had befallen another prominent and highly popular political and public figure in Ingushetia - Maksharip Aushev. He was assassinated on *October 25, 2009*, at about 9:40 am, while driving along the Kavkaz Federal Route, in the vicinity of the village of Nartan, which lies within the Chegem district of *Kabardino-Balkaria*. Aushev's car came under gunfire from a VAZ-2112 car driving past. Aushev was not alone at the time - a relation of his, Tanzila Dzeitova, was with him in the car. Maksharip died on the spot as a result of the incurred injuries; the woman was taken to hospital in a critical condition and had to undergo several surgeries. Later, on *December 6*, she died still in the intensive care unit (*Ingushetia.Ru, 6.12.2009*).

The President of Ingushetia Yunus-Bek Yevkurov paid a visit to Maksharip Aushev's parents and offered them his condolences. Yevkurov had promised to do all that was in his power to ensure that this crime would be solved. He even went on to declare that the assassination of Maksharip Aushev was indeed an attack targeting the leaders of the republic and him personally (*Radio Ekho Moskvy, 26.10.2009*).

On *October 26* Maksharip Aushev was buried at the family cemetery in the village of Surkhakhi. His funeral was attended by many of his compatriots (www.memo.ru/2009/10/29/2910092.html).

Maksharip Aushev's introduction onto the political scene was due to rather dramatic events.

His son and nephew were abducted on September 18, 2007 and kept at an illegal detention facility situated in the village of *Goity* in the *Chechen Republic*.

(http://www.memo.ru/2008/02/12/1202081.htm#_4.5.Незаконные_задержания_и_похищ)

. Maksharip Aushev had achieved what seemed almost impossible – the release of the abducted men. For this end he had to employ all his influence and money pulling all possible strings among Chechen security services. Yet he would never have succeeded in achieving the result he sought had he not decided to employ one other, last resort – organizing a mass protest action in Nazran. Upon his appeal several hundred men blocked one of the intersections in Nazran with concrete blocks. They were demanding from the authorities to find the Aushev brothers and bring them back, to investigate other instances of abduction and murders of Ingushetia's civilians, as well as to punish for the perpetrators. The officers of the republican special task police (OMON) attempted to disperse the protest rally and unblock the intersection, as they had been ordered to. This provoked clashes, violence against the protesters, shooting above their heads from automatic weapons and machine-guns from the arriving armoured vehicles. The OMON officers were forced to retreat. Only after the news of the release of the abducted men arrived, the protesters were compelled to unblock the road and leave for their homes. This was an explicit message to the authorities that the patience of Ingushetia's people had come to an end.

Those events had somehow drawn Maksharip Aushev, a successful businessman, into politics. In November 2007 he became one of the organisers of the protest rally against Murat Zyazikov's administration and the arbitrariness of the federal security and military forces. After another protest event held in January 2008 criminal proceedings were opened in his respect as well as in respect of the other organisers of the manifestations of the protest. Aushev had spent several months at the pre-trial detention facility until finally the Supreme Court of Ingushetia acquitted him on all charges.

Following the change of the leadership in the Republic of Ingushetia, Maksharip Aushev declared his support of the new president Yunus-Bek Yevkurov. He retired from active involvement in the public and political life yet continued to be a prominent figure in the republic

enjoying great authority. Upon Yevkurov's suggestion, he was made a member of the council of experts under the RF Human Rights Ombudsman.

During the autumn of 2009 Maksharip Aushev had repeatedly made declarations to the effect that unidentified armed men in uniforms kept trying to kill him. Thus, for example, on **September 15**, at about 6:10 pm, officers of an unidentified security service attempted to abduct Maksharip Aushev in the city of *Magas*. He had been invited to attend a meeting at the Ingushetia Security Council to discuss the current social and political situation in the republic on the eve of the local elections. On his way back Aushev's car was blockaded not far from the group of governmental buildings by armed men who blocked the road with two armoured personnel vehicles and a Gazelle vehicle which had no identification markings. They attempted to seize Maksharip but he managed to escape and tried to attract the attention of the drivers passing by. Among those happened to be some acquaintances of Aushev's, one of them – the assistant to the head of Ingushetia's government – came up to the armed officers, produced his identity card and asked for explanations. The officers claimed that Aushev's car was on the police search list of stolen cars. The civil officer suggested that they all go to the traffic police post, which was several dozen meters away, and check this. The traffic police officers checked Aushev's documents and car and confirmed that the car was not on any of their lists. The unidentified officers drove off in the direction of Nazran. Aushev, in his turn, went home accompanied by his friends.

On the same day Aushev got in touch with the President Yevkurov and told him what had happened. Yevkurov promised to clear up the situation.

On the morning of **September 16**, the President held an emergency meeting with the heads of the republican defence and security services, the agenda of the meeting included Aushev's attempted abduction. According to his own account, the President's reaction to the occurrence "*was sharp*" as he demanded to ensure an effective investigation into the incident (*Kavkazsky uzel*, 17.9.2009). Maksharip Aushev believed that his abduction may have been arranged by the ex-President of Ingushetia Murat Zyazikov and the ex-minister of Interior Musa Medov. In his opinion, this was their retaliation on him for his activity as the leader of the anti-Zyazikov opposition, the symbol of which he had been since 2007 (www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m178071.htm).

Among ordinary people of Ingushetia it is widely believed that the ex-president of the republic or certain people from his team had indeed been behind Maksharip Aushev's assassination.

Russian and foreign human rights organisations have appealed to Russia's leaders with a demand to ensure an effective investigation into this crime (www.memo.ru/2009/11/10/1011092.htm).

It is beyond all doubt that Maksharip Aushev's assassination, whoever was behind it, leads to further destabilisation of the already critical situation in Ingushetia.

President Yunus-Bek Yevkurov's first year in office: the first disappointing results

In mid-August 2009 the President of Ingushetia Yunus-Bek Yevkurov returned to his office following a lengthy recovery after a grave injury received as a result of the attempt on his life perpetrated by a suicide bomber. The President's first comments were about his dissatisfaction with what he saw upon his return to his work.

That return of the President Yevkurov was marked by a horrific terrorist attack on the Nazran municipal department of interior resulting in hundreds of victims.

The social and economic situation in the republic continues to be extremely preoccupying. The Republic continues to be a subsidised region with regard to up to 93% of its economy. 40% of the population live below the poverty line. The unemployment rate ranges between 53% and 57% (*IA Interfax, 22.10.2008*). In the spring of 2009 a federal target programme was adopted for a term until the end of 2016 – this had been announced during the visit of the Russian President Dmitry Medvedev in **January 2009**. The primary goal of this programme is the reduction of the unemployment rate and the Russian government is planning to allocate 32 billion rubles for its purposes. The first tranche of 1,5 billion rubles is expected this year. The funds are intended for spending on the creation of an infrastructure and industrial facilities the construction of which will, in turn, create jobs for the locals. Moreover, Yunus-Bek Yevkurov had achieved the allocation of firm employment quotas for 1,000 jobs at the Olympic construction sites to residents of Ingushetia (*Kavkazsky Uzel, 28.9.2009, Ingushetia.Org, 28.9.2009*).

That being said, the economic hardships are not the only challenge currently faced by the Ingush President – plenty of other long-standing problems are showing no sign of progress towards their resolution so far.

Despite his unquestionable personal integrity, courage and abundant energy, the position of the President Yevkurov power can hardly be described as stable. For one thing, he keeps losing battles with the reign of the rampant bureaucracy in his republic, one after another. One such lost battle was the first ever municipal elections in the history of the republic, which were held on October 11 and were marked, according to various independent observers, by numerous blatant violations despite the extremely low turnout. For example, the opposition leader Magomed Khazbiev claims that someone had filled out the ballots in the place of his entire extended family, yet by the time Khazbiev had returned to the polling station bringing *Ren-TV* correspondents along with him, the chair of the election commission had simply concealed herself and claimed later that the street on which the Khazbievs live belonged to a different electoral precinct (*Kavkazsky Uzel, 19, 20.10.2009*). The violations had been filmed and photographed; this had not, however, resulted in any major consequences for the election committee. According to Khazbiev's words, the polling station were immersed in deathlike silence – the turnout was extremely low (*Kavkazsky Uzel, 6.10.2009*).

According to the officially released election results, the pro-Kremlin United Russia party had a next-to-landslide victory in the municipal elections in Ingushetia - 72,3% of the voters had chosen to support this party, the Just Russia Party came second with 12,6% of the votes, followed by the Liberal Democratic Party of Russia which had received 5,7% and the Communist Party with its expected result of 5,6% votes (*Ingushetia.Org, 12.10.2009*). According to the Chairman of the Republic's Election Commission Musa Yevloyev, the turnout in the elections was 82% of the total number of voters on the electoral roll. He specifically stressed that "the election committee had not received any complaints from the polling stations concerning possible violations related to either the voting itself or the vote count" (*Ingushetia.Org, 12.11.2009*).

In addition to the reasonably founded suspicions concerning the results of the elections, the matter around which the elections themselves revolved was highly unpopular in the republic. The municipal elections confirmed the existing administrative territorial demarcation with North Ossetia which in the eyes of many means that all further claims to the disputable territories, primarily the Prigorodny district, as well as the prospects of their return, become all the more of an abstract matter of distant theoretical plans. The chief motivation behind President Yevkurov's actions is the desire to cut the deadlock once and forever, even if this will be done at the expense of a compromise with the Ossetian neighbours. Such a solution to a matter which is more than just sensitive for the Ingush people, though clearly demonstrating remarkable courage and

perseverance, could hardly win the sympathy and understanding among even those Ingush who constitute the core of the President's loyal supporters.

A major blow to Mr. Yevkurov's authority and reputation in the republic was dealt by the assassination of Maksharip Aushev (see the Assassination of Maksharip Aushev chapter above).

The results of the investigation into the assassination of another opposition leader, - the owner of the oppositional website Ingushetiya.Ru Magomed Yevloyev, - had not satisfied the vast majority of the Ingush public. The court had upheld the dubious version suggested by the investigators about an allegedly "accidental shot in the temple" which had killed Yevloyev while he was being taken away in a police car. The aggrieved party and their lawyers had not succeeded in achieving re-qualification of Yevloyev's assassination case pursuant to Article 105 ("felonious homicide").

Earlier, at the beginning of September 2009, **Yah'ya Yevloyev**, the father of Magomed Yevloyev, spoke at the round-table conference entitled "Paths towards peace and reconciliation" and held at the *Assa* hotel in Nazran, stating in the presence of the President of Ingushetia that the investigation into his son's murder had been biased from the very start pursuing the sole goal of covering those truly responsible for Magomed Yevloyev's assassination – those who had given the unlawful order to detain him. *"My impression is that the people who were implicated in the assassination of Magomed Yevloyev continue to be in power in our republic: I am talking about the ex-President Murat Zyazikov and the ex-Minister of Interior Musa Medov, who seem to still be there, having lost none of their influence, in my view,"* concluded Mr. Yevloyev.

President Yevkurov disagreed with the opinion that someone else was in reality in charge of the republic. *"Today the only valid and actual head of the republic is me"*, he stressed. He reassured Yah'ya Yevloyev that the investigation into his son's murder would be impartial, thorough and end in a fair trial. Yevloyev objected to the effect that he had no doubt that the sentence received by the immediate perpetrator of the assassination would be most lenient, whereas the masterminds behind the assassination would simply go scot-free (www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m176367.htm).

However, Mr. Yevloyev's forecast proved to be true in just a short while: the accused, **Ibragim Yevloyev**, was merely charged with careless handling of arms. The trial itself was a rare example in the practice of law where the public prosecutor was in actual fact acting as a defender of the accused, having literally joined his efforts with the judge to vindicate the unlawfulness of possible re-qualification of charges (*Ingushetia.Org, 12.11.2009*). As a result, in the middle of December the defendant was sentenced to 2 years' imprisonment at a penal colony – exactly the sentence that the public prosecutor had been demanding for him.

Notwithstanding all the efforts by President Yevkurov to this effect, special operations continue to be conducted outside of his control. Unidentified security structures (or, at least, those not known and not controlled by the presidential administration) continue to roam the republic and pursue their own goals which seemingly consist in rendering cruel and unlawful vengeance. The circumstances of the attempted abduction of Maksharip Aushev on **September 15** are very indicative of today's realities. Unidentified people in military uniform yet without any insignia, driving vehicles without number plates blocked one line on a thoroughfare, just a hundred meters away from the traffic police post, checking the cars driving past and no-one dared to ask a question as to who they were. As Maksharip Aushev described the situation himself afterwards, «the situation is such that if someone has an armoured personnel vehicle and firearms, no-one cares who these people actually are. We have so many different security structures operating on our territory that distinguishing one from another is no longer either possible or, in fact, makes any difference» (*Ingushetia.Org, 16.9.2009*).

It is obvious that this situation can by no means be regarded as a feather in President Yevkurov's cap. The people, who only recently counted themselves among the avid supporters of the newly appointed president, are now beginning to voice the first signs of their

disappointment with his policies. Even Maksharip Aushev who until his assassination continued to maintain close relations with Yunus-Bek Yevkurov had nevertheless begun to openly speak of the inability of the new administration of Ingushetia to sort out the same old problems inherited by it from their predecessors. On **September 7, 2009** the re-structured website of the Ingush opposition www.ingushetiya.org (not to be confused with *Ingushetia.Org*, both websites are currently operating under similar interface, very similar addresses and publish contents which can be described as parallel coverage from the opposite viewpoints) published an article by Maksharip Aushev in which the latter claimed that the new President of Ingushetia had only partially fulfilled the promises he had been giving out to the opposition. The majority of the civil servants who used to work under Murat Zyazikov continued to hold their positions (this includes the Chairman of the Republic's Supreme Court, the Prosecutor General and a number of others). "Contrary to our expectations, the situation in the republic has seen a change for the worse. Murders and assassinations have become a mundane reality of our offices, homes and streets. Officers of the security structures continue to plant bodies mutilated by torture thus simulating their active struggle with illegal armed groups", wrote Maksharip Aushev in his article. Such is however the general tone of all materials published on this website run by Magomed Khazbiev.

President Yevkurov does not shun most desperate measures in his attempts to regain the control over the republic. Upon his return to the republic on **August 23**, having interrupted the course of rehabilitation that he was undergoing, he declared that, in his opinion, the situation there had regressed, the republic's authorities could be characterised by an extreme degree of bureaucratisation and inefficiency. The law enforcement services had failed to avert a major terrorist attack at the Nazran municipal department of interior which was perpetrated on **August 17**. The President evaluated the work of the government over the period of his absence as barely satisfactory. On the very day of the President's return, **August 23**, the deputy prime minister **Ruslan Tsechoyev** and a number of other officials in the republic were dismissed.

On **October 5** the President of Ingushetia dismissed the entire government of the republic headed by **Rashid Gaysanov** – the former Minister of Economic Development in Murat Zyazikov's government. On **October 15** speaking before the parliament he nominated his own ex-colleague and friend **Alexei Vorobyev**, who used to be the Chairman of the republican Security Council, to the position of the head of Ingushetia's government. That appointment met with strong resistance and discontent on the part of certain groups of the Ingush public who believed that a leading position like that should be held by an ethnic Ingush (*Ingushetia.Org*, 20.10.2009) and that "a hundred thousand Vorobyevs will never do as much as one Ingush can" (*Gazeta.Ru*, 5.10.2009).

Mr. Yevkurov continues with the strategy that he had chosen from the very start (one which is most unusual for this region considering local political traditions). This strategy consists in reliance on people whom he personally trusts and who are free from all ties with the local clan-based system, regardless of the ethnic origin of such people and of their status in the Ingush society. Other examples of this strategy are the **September 4** appointment of an FSB officer **Nikolai Gluschenko** to the newly established position of the presidential aide for the interaction with the law enforcement services, while in April 2009 **Vladimir Borschov**, who had earlier been working at the FSB central headquarters, became the head of presidential administration. What matters primarily for President Yevkurov is that the person he appoints to a decision-making position is an excellent expert in his field. For example, Gluschenko, in his opinion, "has been deeply immersed into the real life of the region", in addition to being "a first-class expert in the field of situation monitoring and analysis" (*IA Rosbalt*, 8.9.2009).

Another initiative that had sparked a wave of indignation among many ethnic Ingush was the suggestion for unemployed families to voluntarily relocate to the economically depressed areas of the Russian Uralic and Far North regions for permanent settlement and agricultural activities. An agreement was signed in October with the administration of *Sverdlovsky region*

concerning the resettlement of 120 families into the depopulated Shalinsky district. Quite understandably, the prospect of such programme was met with a dubious reaction in a republic whose history is forever overshadowed by the Stalinist deportations, especially, considering that for its implementation Mr. Yevkurov had chosen a person who has long lost all contact with his republic and has been residing in the Sverdlovsk region on a permanent basis **A.-M. Bogatyryov** (*Kommersant*, 22.10.2009).

This, however, does not mean that Mr. Yevkurov renounces social institutions which are traditional for the Ingush people. In mid-October the long-standing idea of convening a Council of Ingush teips was brought into practice. In 2008, before Murat Zyazikov's resignation, there was an alternative parliament operating in the republic consisting of representatives of the 22 major Ingush clans. After Yunus-Bek Yevkurov was elected the President of the Republic the alternative parliament dissolved itself. The current restoration of the "council of teips" now proclaims its goal not as "*opposition to those in power*" but as "*encouraging the involvement of the population of the public in enforcing law and order among representatives of their own teip*". According to its masterminds, the council of teips is meant to ensure that all the teips have a fair representation in the republican leadership, non-governmental organisations and even among university students (*IA Rosbalt*, 14.10.2009).

Another factor that has aggravated the need for a faithful representative of the civil society was the dismissal on **September 17** of the Human Rights Ombudsman of the Republic of Ingushetia Karim-Sultan Kokurkhayev – that civil servant was a remnant of the Zyazikov era, an elderly man who saw his office solely as a cushy job. Yunus-Bek Yevkurov declared that Kokurkhayev's work was "not visible, especially as he has provided no answers to any of the questions I had raised before him" (*Kavkazsky Uzel*, 18.9.2009). Yevkurov is looking for that type of an ombudsman who would "*take a stick into his hands and walk himself to every city, every town and every distant hamlet lost high in the mountains*". There is so far no-one of the kind in sight.

Special operations in Ingushetia

On **October 29, 2009**, at about 4 am, in the village of *Ordzhonikidzevskaya* (*Sleptovskaya*) in the *Sunzhensky* district of Ingushetia officers of an unidentified security service abducted a local resident **Maskhud Khamutkhanovich Makhloyev**, born 1982, domiciled at: *Pavlova St, 55*. The officers drove up to the house of the Makhloyev family in an armoured personnel vehicle, several Gazelle minibuses as well as other vehicles; they broke into the house, did not introduce themselves or produce any identity documents, spoke Russian and were wearing camouflage uniforms and masks. Several of them blocked the master of the house, **Khamutkhan Makhloyev** and his wife, the others broke into the room where Maskhud and his younger brother **Ibragim** were sleeping. The brothers were beaten up; Ibragim was tied up with sellotape, while Maskhud was taken outside and the armed men then drove off together with him to an unknown location.

The Makhloyev family reported the incident to the district police department and the public prosecutor's office but that had however brought no results. The republic law enforcement services are unaware of who may have abducted Maskhud. On **October 29, 2009** Makhud's father, Khamutkhan Makhloyev, appealed to Memorial HRC for help. As of late 2009, Maskhud Makhloyev's whereabouts had not been established and criminal proceedings were opened in connection with his disappearance (www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m185203.htm).

On **November 4, 2009**, at about 12:30 am, in the village of *Plievo*, *Altievsky* municipal district of *Nazran*, Republic of Ingushetia, up to 25 armed men wearing camouflage uniforms

and masks broke into the house of **Boris Adilgeriyevich Pliev**. Failing to produce any identity documents or introduce themselves, they grabbed the master of the house's son, **Aliskhan Pliev**, born 1979, snatched the mobile phone out of his hands, pulled a sack over his head and took him out into the yard. Aliskhan's relatives allege that several motorcars and an armoured UAZ vehicle were parked outside in the street not far from the house, all had tinted windows and no number plates. Aliskhan was shoved into a silver-coloured VAZ-21114 and taken away in the direction of *Nazran*. The family of the abducted man had been appealing to all possible law enforcement services in the Republic. On **November 9, 2009** Boris Pliev appealed to the Memorial HRC office in Nazran. As of the end of 2009, the whereabouts of Aliskhan Pliev were unknown and criminal proceedings had been opened in relation to his disappearance (www.memo.ru/hr/hotpoints/caucas1/msg/2009/11/m185200.htm).

There are still reasons to believe that abducted people are taken into the Chechen Republic where illegal investigation techniques and methods are used on them.

Thus, on the night of **September 5, 2009** in the *village of Nesterovskaya, in the Sunzhensky district of Ingushetia* officers of unidentified security structures abducted **Magomed Borisovich Oziev**, born 1986, domiciled at *Mira st, 38*. The unidentified officers, who were speaking Russian and Chechen, took him away from his home through the road police checkpoint located on the regional border between Ingushetia and Chechnya (www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m176371.htm). As of late 2009, the whereabouts of Magomed Oziev were officially unknown and criminal proceedings had been opened regarding his disappearance.

There is very little change in the tactics when it comes to special operations carried out by law enforcement services on the territory of Ingushetia. Law enforcement services invariably aim at killing suspected militants in order to avoid further complication for themselves, which will inevitably arise with the need to prove in court that the arrested men are indeed militants. Such operations also often result in accidental civilian victims who are subsequently also written down as militants or their abettors.

For example, on **October 17** the FSB Department for the Republic of Ingushetia distributed a press release in which it reported that the day before, during the "*verification of operational information*" on the militants' movements, an armed group, which had offered armed resistance, was blockaded inside one of the houses. Four militants who had been ascribed to a certain "*armed gang operating in the plains*", were killed. There were no casualties among law enforcement officers. The press release contained the names and surnames of the killed men: **Aslanbek Vakhidovich Machukayev, Alikhan Vakhidovich Machukayev, Rosa Rashidovna Khayauri** and **Nazir Gaydarov**. Rosa Khayauri was reported to have been clasping an F-1 hand grenade in her hand-1 (*IA Interfax, 16.10.2009*).

On **October 20** staff members of Memorial HRC visited the location where the special operation was held and interrogated eyewitnesses. They were able to learn that the operation was held in House No 1 on *Kirov Street*, where **Rosa Rashidovna Khayauri**, born 1964, who worked as a nurse, and her two sons **Sulumbek Vakhidovich Machukayev**, aged 20, and **Aslanbek Vakhidovich Machukayev**, born 1989. They had been renting the house for three years (Rosa Khayauri was a native of the village of *Chemulga* in the *Sunzhensky district of Ingushetia*, after her marriage she moved to live in the village of *Bamut* in the *Achkhoi-Martan district of Chechnya*). Sulumbek Machukayev had gone to the mosque shortly before the special operation began, and it was due to that alone he survived. The other two men who were killed – **Nazir Gaydarov** and **Alikhan Machukayev** – were in no way related to the family occupying the house. They may have been hiding from the police. Nazir Gaydarov at least was wanted by the police on the suspicion of being involved with illegal armed groups. He had earlier served his sentence after being convicted of involvement with illegal armed groups. His own brother had been killed in the course of a special operation. As far as Rosa Khayauri and her sons, who were

subsequently declared to have been militants, are concerned, her neighbours merely state that they were living very open lives, Rosa Khayauri was very popular with the locals and well-known to many (www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m182565.htm). The Kavkazsky Uzel internet resource alleges, quoting Rosa Khayauri's brother, that Nazir Gaydarov and Alikhan Machukayev had accidentally got into his sister's house: they were fleeing the pursuit which started on a neighbouring street and were blocked in the vicinity of Khayauri's house (*Kavkazsky Uzel*, 24.10.2009).

In September, owing to a pure coincidence, one of the typical stories of how young men, who have gone through such special operations, subsequently turn into militants, became known to the wider public. On **September 11, 2009** when the house of a police officer in *Nazran* came under a gunfire attack, a 21-year-old resident of Nazran, **Mukhammad Nurdinovich Kodzoyev**, was accidentally killed by one of his own ricocheted bullets (www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m176818.htm).

According to the information held by Memorial HRC, on **October 14, 2008** Mukhammad Kodzoyev was unlawfully arrested, along with his four friends, by police officers and taken to the Nazran police department. Kodzoyev and one of the arrested men were then beaten up. The arrested men spent two days in detention. On **October 16** the justice of the peace found Kodzoyev and his friends guilty of disorderly conduct (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m152918.htm). In all probability, Kodzoyev had after that simply decided to "leave for the woods" and take vengeance on the police (www.memo.ru/2009/09/28/2809092.htm).

Meanwhile, on **November 16** another meeting was held between the President of Ingushetia Yunus-Bek Yevkurov and the families of young men who had been abducted, killed in the course of special operations, and those who were on remand.

Among those invited to attend the meeting were the parents of **Shamil Makhloyev**, who had been killed during the special operation in the *village of Ordznikidevskaya*, **Yusup Mutsolgov** who was tortured after his arrest, the parents of **Magomed Oziev** who is on the missing list, and of the recently abducted **Aliskhan Pliev** from *the village of Plievo*, as well as the relatives of **Yevloyev** who is currently on remand.

According to the President's information, the antiterrorist propaganda campaign for the young people is progressing successfully. He told about 14 young men who had heard the appeal of the authorities and left the woods choosing to return to normal law-abiding life: "12 of them were given jobs or an opportunity to study, the two who already have blood on their hands will be given minimum punishment", Yevkurov said.

After that the relatives of the abducted spoke saying that in their opinion things were far from going smoothly. The father of one of the abducted men, **Biysolt Oziev**, told how on the night from **September 4 to 5**, at 2 am, armed men broke into their house and took his son away. Nothing has been known of him ever since. Yunus-Bek Yevkurov reassured him that criminal investigation had been launched into the circumstances of his case: "*The investigators do have their leads, something to go upon by now. However, these things should not be divulged in the interests of the investigation.*"

Movsar, the brother of the recently abducted **Aliskhan Pliev**, spoke about his brother's arrest back in 2004 after the tragic events of June 2004: "*His health had seriously deteriorated then and he had been in a fragile state ever since*". Above we related how unidentified men in masks broke into the Plievs' house in broad daylight and took their son away with them. Movsar observed quite rightly that "*no-one, except law enforcement officers, drives armoured UAZ vehicles and abducts people by day and night*".

"There is every reason to believe that Pliev is on the territory of the republic as the day when he was abducted was precisely one of those when no armoured UAZ vehicles had crossed

our borders. Several governmental security services use such armoured vehicles”, said the President recalling that the investigation into the circumstances of this case is in full swing.

Marem Makhloyeva told her own story of having been left without a breadwinner after the murder of her son **Shamil**. The President promised to help the family find jobs as well as well support them in their struggle with everyday hardships.

“I only have one son left, one was killed, the other has been given a 25-year prison sentence”, - such were the laments of the mother of the **Mutsolgov** brothers, who gave an account of the trials and miseries that her family had to go through. Her son **Yusup Mutsolgov**, who was present at the meeting, told about the tortures that he had to undergo after being arrested. He complained of the lawlessness and arbitrariness of the law enforcement officers during and after arrests.

“These abductions are in the first place a blow to me, my own good name, my reputation and renown in the eyes of my people”, - with these words the President of Ingushetia concluded the meeting.

After the meeting was closed the President invited each family to have a conversation with him in private.

Armed Conflict in the North Caucasus

In the autumn of 2009 the intensity of terrorist attacks in the conflict zone had dropped, albeit insignificantly, in comparison with the spring and summer figures, at which time it had reached the levels typical of the active phase of the counter-terrorist operation of the early 2000s. It nevertheless remains extremely high – a fact which is recognised by the top authorities of the country, including the President of Russia **Dmitry Medvedev**. According to the data announced by **Alexander Bastrykin**, the Chairman of the Investigative Committee of the RF Prosecutor General’s Office, on **October 22**, the number of terrorism-related crimes had risen by 57% over the past year, reaching a total of 513 (Mr. Bastrykin had however failed to specify the exact dates based on which the indicated period was estimated). Earlier, on **September 29** the Russian Minister of Interior **Rashid Nurgaliev** reported that the 2009 counter-terrorist operation death toll in the North Caucasus was 270 militants killed and 450 arrested (*Kavkazsky uzel*, 22.10.2009). On **October 13**, at the session of the National Anti-Terrorism Committee, Director of the FSB Alexander Bortnikov announced that 19 planned terrorist attacks and acts of sabotage had been prevented since early July, 178 active militants had been neutralised. According to Bortnikov’s words, among those militants killed was a native of Algeria, a certain “Doctor Mokhammed”, who had been assigned by Al-Qaida to come to Russia and coordinate the terrorist activities in Dagestan, warlords **Mustapayev**, **Mansurov**, **Barykhoyev**, **Kamalutdinov**, the emirs of the “Kabardino-Balkarian jamaat” **Dotkulov** and **Dzhappuyev**, as well as the head of the Dagestan “Sharia court” **Saadulayev**. Moreover, it was reported that the conspirators of the attempt on the life of the Ingush President, **Dzortov** and **Aliev**, who were said to have been the leaders of the “Ingushetian jamaat”, had been killed, while the crime itself was considered to have been solved (*ITAR-TASS*, 13.10.2009). It was also reported that the person suspected of involvement in the terrorist attack on *Nazran* on **August 17** had been arrested as well.

The most typical feature of recent months is the active use of suicide bombers for perpetration of large-scale blasts. According to the operational information available from the law enforcement agencies, as well as the information published by the militants on their websites, suicide bombers are normally trained by warlord **Muslim Gakayev** and their “spiritual mentor” was the late popular extremist preacher and religious teacher **Said Buryatsky**, aka **Said Abu Saad** (born **Alexander Tikhomirov**), who had enjoyed great authority among the followers of non-traditional Islam in the North Caucasus.

Dozens have fallen victims of terrorist attacks perpetrated by suicide bombers during the autumn of 2009. In the morning of **September 1** a suicide bomber blew up his own car near the traffic police northern checkpoint in *Makhachkala*, where he was stopped for an identity check. 13 people were afflicted, one of them died. On **September 10** four officers of the police and one innocent passer-by were wounded as a result of yet another suicide bomb attack in *Grozny*. On **September 12** in *Nazran* 8 people were wounded as a result of an explosion perpetrated by a suicide bomber near a road police post in Ingushetia, one of them died as a result. On the same day, at the intersection of *Mira Street* and *Stakhanovtsev Street* in *Grozny* the police officers who were cordoning off the stadium stopped a suspicious young man to check his documents. He, consequently, set off a belt laden with explosives and fastened to his body. Three police officers were seriously injured. On **September 16** a young woman blew herself up on one of the streets of *Grozny*. As a result of the blast, two police officers and four passers-by were wounded (*IA Grozny-Inform*, 16.9.2009). On **October 21** in *Grozny*, in the vicinity of *Sadovaya street*, a police patrol attempted to detain a 17-year-old young man who then triggered an improvised bomb. Four officers of the police and a passer-by were wounded. The other two suicide bombers killed during the last autumn, whose identities were established later, turned out to be two young men of 19 and 21 years of age.

The President **Ramzan Kadyrov** himself and the second person in the republican leadership **Adam Delimkhanov** have on one occasion themselves nearly fallen victims of suicide bombers. A motor car loaded with explosives attempted to break through the construction site where they were about to arrive. According to the Deputy Minister of Interior **Roman Edilov**, police officers had noticed a metallic container inside the car (*IA Interfax*, 23.10.2009), made several warning shots and then opened fire for effect. The driver of the car was killed. During the examination of the interior of the car a 200-liter container presumably filled with explosive substance was discovered (*IA Grozny-Inform*, 26.10.2009). Military engineers were called to the scene. That being said, many of those who are following the developments in these matters could not have failed to notice that on the photo presented to the public, as well as on the video images from the scene of the events, it is obvious that the car that had come under fire from the police officers had all of its windows tinted, besides that there were no traces of bullets to be seen; the only thing visible was the body of the killed driver (*Kavkazsky uzel*, 25.10.2009).

Director of the FSB Alexander Bortnikov emphasized that in September 2009 alone 5 militants, who had been intending to become suicide bombers, - one of whom had been planning a terrorist attack during the celebrations of the Day of the City, - had been eliminated.

The militants' websites provide information about a group of 20 suicide bombers belonging to the "Shali sector of the Eastern Front" who had joined "*the istishkhad*", i.e. "*the war of martyrdom involving blasts of qafirs and murtads with the efforts of mujahids*". Such websites usually also contain suicide declarations of the shahids themselves, where they stress that they are leaving for "the pastures of Heaven" by their choice and of their own volition. One of them observes that "*the dollars that normally occupy so much of the people's minds will be of no use to me there, on the other side. Those who have not lost the ability to think should know none the better. Now I have come to realise that this world is a mere nothing!*" Indeed, the growing spread of the practices of martyrdom which now accounts for a large part of all terrorist attacks resulting in casualties sustained by the security forces shows that the terrorist underground in the North Caucasus is rapidly developing along the line of increased radicalisation and religious fanaticism. Shahids have become one of the key symbols of propaganda on the militants' websites – they are portrayed as praiseworthy examples of faith, religious austerity and courage typical of a true mujahedeen.

Whereas the militant ideologists praise in every possible way the shahids and their fanatical faith in their cause, the official Chechen authorities are doing their best to portray the

armed underground as a bunch of mercenaries. On **November 27** reports arrived of **Aina Sidgalieva**, - who had been linked to the militants and responsible for their financial affairs, - having been killed by law enforcement officers in Astrakhan. She had been regularly receiving money transfers from Poland in one of Astrakhan's banks – that money was intended as salary for militants (the transfer amounts were about 50,000 dollars each month) (*Lenta.Ru*, 27.11.2009). The woman had blown herself up with a hand-made grenade, whereas her two bodyguards were arrested. Kadyrov himself attributes the “martyrdom” phenomenon to the popularity of drug abuse among young people and to the “brainwashing” efforts of the warlords and guerrilla commanders (*Zavtra*, 23.9.2009).

Militants are able to procure large quantities of explosives and thus use cars as mobile bombs. For example, the above-mentioned terrorist attack perpetrated in *Nazran* on **September 12** had required 50 kg of explosives, while dozens of kilogrammes of explosive mixture must have been used for the attempt on Ramzan Kadyrov's life.

We continue to believe that one of the most obvious and objective indicators of just how critical the situation is are the statistics of casualties sustained by various law enforcement and security services in the North Caucasus. Below we provide the statistic calculated on the basis of open resources, such as Russian media agencies and monitored by the *VoineNet* web resource.

	September		October		November		TOTAL	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Chechnya	6	16	13	28	3		22	44
Ingushetia	6	18	1	9	5	10	12	37
Dagestan	7	20	5	4	2	7	14	31
Kabardino-Balkaria		1	1	4	3	1	4	6
Karachaevo-Cherkessia						3		3
TOTAL	19	55	19	35	13	21	52	121

The losses sustained by the law enforcement and security services continued to be significant all through the past autumn, yet they were considerably lower than the summer 2008 figures which had reached a total of 400 victims due to the militants' activities (142 killed and 280 wounded). It is equally important to note that the casualty figures of the security services for the autumn of 2009 (83 killed and 143 wounded) are lower than those for the same period in 2008.

The drop in the statistics of losses sustained by various law enforcement and security services can be explained by both the seasonal factor, such as the sharp escalation of the guerilla militants' activities each summer, and by the certain undoubted degree of success of the uncompromising war on terrorism declared by the Chechen and Ingush authorities in the late spring of 2009. Notwithstanding the recent trend, one will only be able to speak of a substantial subsiding of the military underground activity if this tendency persists until next autumn.

The greatest losses are sustained by the law enforcement and security services in Chechnya. However, by all appearances, this is also where the armed underground is sustaining its greatest losses as well. According to the claims of the Chechen Ministry of Defence, they had managed to deal a number of hard blows to the guerilla militant underground in October-November 2009 as a result of which dozens of militants had been killed. In October alone 35 militants had been killed and 42 apprehended on the territory of the Chechen Republic (*IA Grozny-Inform*, 9.11.2009). During the special operation in the Achkhoy-Martan district at the

beginning of November a detachment numbering up to 20 men was eliminated, among them was a close aide of **Dokku Umarov**, a certain **Islam Uspakhadzhiev** (*IA Grozny-Inform*, 14.11.2009). One should, however, bear in mind that these official figures may not reflect the reality all too accurately and in actuality contain substantial exaggerations.

The Chechen media and President regularly report that many special operations are conducted under the direct command of Ramzan Kadyrov. In the absence of the President of Chechnya his place in the line of battle is occupied by the member of the RF State Duma Adam Delimkhanov who is fighting in person with weapons in his hands. Chechen law enforcement and security units are actively operating on the territory of Ingushetia, which Yunus-Bek Yevkurov had permitted them to do even before the attempt on his life. It has also been reported that by virtue of a decision of the operational headquarters in the Chechen Republic, special task squads and detachments are also operating on the territory of Dagestan (*IA Grozny-Inform*, 9.11.2009).

The autumn of 2009 saw organizational changes and a reshuffling of the structures which are in charge of the counter-terrorist operations in the Chechen Republic. During this process the operational headquarters of the counter-terrorist operations were transferred from the direct command of the RF Deputy Minister of Interior to the jurisdiction of the head of the republican FSB department **Alexander Sulimov**. The headquarters have all the forces and resources of the United Armed Forces in the North Caucasus at their disposal. Since 2006, from the moment of the adoption of the Federal Law On Counteracting Terrorism and the accompanying Presidential Decree On Counter-Terrorism Measures, the operational headquarters in all of the subjects of the Russian Federation were put under the charge of the heads of the regional FSB departments, while the overall responsibility for them was with the National Anti-Terrorism Committee headed by the Director of the RF FSB. The only exception was made in respect of Chechnya where the operational headquarters remained under the jurisdiction of the RF Ministry of Interior and were headed by General **Arkady Yedelev**, who was, however, a former FSB officer himself. Many observers believed that this arrangement, routine as it may seem at first glance, was in fact a most emphatic success on the part of Ramzan Kadyrov who had managed to convince the federal authorities that there was no longer any need of federal supervision over the operational headquarters in his republic. It is widely believed as well that Sulimov is far more loyal and obedient to orders from *Grozny* than Yedelev was (*Kavkazky uzel, EJ*, 16.10.2009). There are, however, other contrary opinions which claim that the actual attitude of the Russian FSB to the current Chechen authorities can be described as nothing other than rather hostile. At the same time, it is known that there had been solid professional and personal ties between General Yedelev and President Kadyrov.

Later, on **November 10** the Russian President **Dmitry Medvedev** de facto legitimised that which had already established since May 2009 – the supremacy and authority of the Chechen headquarters over all the other headquarters in the region - by deciding that the forces and resources of the United Armed Forces in the North Caucasus will henceforth be allocated “upon request from the heads of the headquarters” in the neighbouring republics “coordinated with the operational headquarters in Chechnya”. In other words, the Chechen operational headquarters were granted a perfectly legal right to control the operations of the united military forces in Dagestan and Ingushetia and engage supplementary forces of their own. Both these regions, which share a common border with Chechnya, have their own operational anti-terrorist headquarters led by the heads of the republican FSB departments (*Gazeta.Ru*, 13.11.2009).

Human Rights Violations in Dagestan

In Dagestan, just like in Ingushetia, the past summer was marked by a drastic rise in the number of abductions perpetrated by law enforcement officers. In the autumn this trend

continued and the grave level that it has recently assumed was recognised by the Dagestani President **Mukhu Aliev** stating on **November 10** that *«just in these few recent months this problem has again taken its place on the agenda»*. However, the President of Dagestan, though publicly acknowledging the existence of the problem, by no means believes that the law enforcement services are in any way responsible other than their responsibility for letting these crimes go unsolved. In this respect the law enforcement services are, in his opinion, *guilty of crimes insofar and so long as they fail to solve them* (*Kavkazsky uzel, 11.11.2009*). There are, of course, the ever present allusions to “certain media and human rights campaigners” who are nurturing speculations about possible involvement by the law enforcement services in these crimes. Moreover, the Dagestani authorities often suggest that such abductions may be staged in order to cover up «a safe escape into the woods».

The human rights campaigners believe that the problem is far more complicated and cannot be solved by merely shifting the blame. According to the figures collected by the Mothers of Dagestan NGO, 13 people had been abducted in Dagestan over the first half of September alone.

Memorial HRC confirms some of these facts. The majority of abductions had occurred over the first half of September, while those abducted were themselves adherents to the strict Islamic tradition, dressed accordingly and observed all the rites prescribed by their religion. The families of the abducted are unanimous in their belief that the abductions were perpetrated by the Dagestani law enforcement services. The authorities, however, absolutely reject such accusations. Considering how appallingly obvious and blatant these crimes are, the investigating authorities are compelled to open inquiries into such cases. Nevertheless, this is apparently just as far as their reaction goes.

In the evening of **September 6, 2009** in *Derbent* **Mirza Shahsuvarovich Kasimov**, born 1976, the owner of a housewares store, was abducted by plain-clothed men in masks who blocked his car with two cars on a street. After that Mirza's phone number was repeatedly in and out of service and text messages were coming from his phone, all to the general effect that Mirza had allegedly “decided to join the brothers in the woods”. His brother Ramil mentioned in his report to Memorial HRC that the text messages had contained errors. According to Ramil, Mirza was not particularly fond of writing text messages usually opting for live conversations and was, in addition to all this, a very well-educated, literate man. Ramil finds it hard to believe that his brother may have abandoned his four children and left his family for “the woods”.

The Kasimov family are followers of Shi'a Islam, yet Mirza had been converted into Salafism and became a stringent follower of this rite observing all the regulations concerning appearance (he had a beard and wore Islamic clothes) as well as the lifestyle. *When his relatives tried to warn him that he was being watched, he replied that he saw no guilt with himself and was therefore scared of nothing.*

On **September 9, 2009** after 7:00 pm in *Derbent, the Republic of Dagestan* **Sirazhutdin Radzhabovich Umarov**, born 1977 in the *village of Kala, the Derbent district of Dagestan*, went off to meet an officer of the police who was a good friend of his and never came back. Shortly before that Sirazhutdin came back from Kazan where he had been working and was arrested on suspicion of involvement with the illegal armed groups. He was forced to give them all he had earned and was then released. He normally wore European clothes and did not stand out on the streets. His wife claims that some of his family members were adherents to the Salafi teaching.

(www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m175876.htm)

In the morning of **September 10**, **Nariman Feyzullakhovich Mamedyarov**, born 1975, went missing in Makhachkala. In the evening, on his way home he phoned his wife and told her that he was going to be home in a little bit asking her if there was anything she wanted him to buy, but he never arrived. This was a sufficient reason for his relatives to become worried

considering that he had already been abducted several times. After his last abduction he was released with the help of Memorial HRC in **February 2009**.

(www.memo.ru/hr/hotpoints/caucas1/msg/2009/02/m171641.htm).

Nariman's family was vainly trying to get through to him on the phone. On the following morning they drew up reports to the republican prosecutor's office, the Dagestan Minister of Interior and the President of Dagestan, which they sent by post with delivery notification. No information has been available after that as to his whereabouts.

(www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m178072.htm).

Only by the end of November the sad fate of all three of them became known. Deputy Public Prosecutor of Dagestan **Magomed Dibirov** reported that on **September 11, 2009** an armed clash took place in the vicinity of the village of *Sirtych* in the *Tabasaransky district* of *Dagestan*; four militants had been killed. The deceased turned out to be **Mirza Kasimov, Sirazhutdin Umarov, Nariman Mamedyarov**, as well as **Nikolai Nikolayev**, a resident of the Krasnodarsky Krai (*Gazeta.Ru*, 24.9.2009). Deputy Prosecutor Magomed Dibirov reported that the possibility of the people whose bodies were discovered having been abducted and murdered by the militants was also being considered, as was the version of them having staged their own abduction with the purpose of safely leaving "for the woods." In that case their relatives were regarded as accomplices to their crime.

Officers of Memorial HRC had managed to get in touch with Nariman Mamedyarov's relatives. The latter learnt about the armed incident several days after it happened through unofficial channels. The names of those who were killed were first withheld. A source in the Ministry of Defence had disclosed that the operation had been conducted by the internal troops and there was no official information about the location of the bodies. On **September 24** Nariman's brothers **Ruslan** and **Ayvaz (Robert) Mamedyarov** went to the Derbent morgue for the identification of an unknown body in the hope that this might have been their brother – they had never received any official notices. According to his relatives, despite the fact that Nariman's body had already considerably decomposed, they could still distinguish bruises and abrasions. The ligaments of his fingers had apparently been torn out during the tortures. On **September 25** Nariman Mamedyarov's body was returned to his relatives. Before the burial they filmed it on a mobile phone. In their opinion, despite the already significant degree of decomposition, the traces of violent death were still quite obvious on the body

(www.memo.ru/2009/09/28/2809091.htm).

A similar fate had befallen **Murad Salikhov**, born 1985, abducted on **October 29, 2009** in Makhachkala. He was killed shortly afterwards. Before his abduction he was making his living as a gypsy cab driver. On that day Murad Salikhov had phoned a friend of his to tell him that he had just taken another order and was on his way to the settlement of Tyube to pick up his customer. Suddenly he screamed into his handset: "They are taking me away!" "Who? Cops? The police?" – his friend asked. "Yes!" – that was all that Murad had time to say. At that point they were disconnected. According to the *Kavkazsky Uzel* Internet resources, Salikhov's wife Zagra Kazimagomedova phoned the criminal investigator in charge at the investigative department of the Public Prosecutor's office for the Sovetsky district of Makhachkala who told her that her husband had been detained as a witness in a case which they were investigating. Her report on abduction was declined by the police under various pretences (*Kavkazsky Uzel*, 30.10.2009).

Murad Salikhov was a follower of the Salafi teachings yet, fearing accusations of extremism, he was always careful to live a fairly open public life. A brother of his, **Magomed Salikhov**, had been a member of the armed underground groups and was killed in **2004**. Shortly before this, the father of Murad and Magomed, **Abdulmuslim Salikhov**, was killed with a shot to the back of his head while driving a route taxi minibus.

On **October 31**, acting upon a report from the Salikhov family, a member of the Memorial HRC Board and the Head of the Civic Assistance Committee Svetlana Gannushkina faxed an enquiry to the Public Prosecutor's office of Dagestan. The prosecutor-on-duty Alilov replied that they had received operational information about a car blast with four armed people inside. All the four were killed. The surviving piece of the car number plate – 026 – indicated that the car may have belonged to Murad Salikhov and the driver had a written permission to drive that car. On the same evening an officer of Memorial HRC was contacted by Murad Salikhov's uncle saying that he had identified his nephew's body (www.memo.ru/2009/11/02/0211092.html).

In the morning of September 8, 2009 **Sirazhutdin Minatulayevich Shafiev**, born 1971, domiciled at: *Derbent, Mira St., 15*, was abducted while on his way home after taking his child to the kindergarten. In front of numerous eyewitnesses two cars cut off Sirazhutdin's vehicle and blocked the road in front of it. Men in camouflage uniforms and masks ran out of those cars, and without introducing themselves, nor showing any identification documents, they grabbed Sirazhutdin and brutally shoved him into one of the cars. Following which they took him away to an unknown location. The wife of the abducted man **Khadizhat Shafieva** appealed to Memorial HRC with a written statement. She described in detail how the Shafievs' house is located not far from the house of **Emirali Magomedov** who had been abducted and killed in **August 2009**, and that her husband had been on friendly terms with Emirali for quite a while (www.memo.ru/hr/hotpoints/caucas1/msg/2009/09/m175883.htm).

On the same day, September 8, after his abduction, the relatives of Sirazhutdin Shafiev went out to a spontaneous protest rally on the streets of Derbent but were dispersed by the police forces. This was the second (see www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173534.htm) protest rally in a row organised by the families of abducted men protesting against the wave of abductions that has recently struck Dagestan.

On the same day, **September 8, 2009**, in Makhachkala, the route taxi minibus of **Rashid Abdullayevich Gasanov**, born 1982 (domiciled at S.Stalskogo St., 79b), was stopped by armed men in plain clothes and masks. They forced him into their car, which had no number plates, and took him away to an unknown location. One of Rashid Gasanov's colleagues happened to be an eyewitness of his abduction and notified the dispatch controller. Memorial HC received a written statement from **Subigat Gasanova**, the wife of Rashid Gasanov. According to her, Rashid had a beard and wore clothes required by the Islamic norms, he practiced namaz yet was never a member of any illegal armed groups. His own brother Shamil Gasanov was a well-known leader of the guerilla underground in Dagestan and was killed during a special operation in January 2007. All these years the law enforcement officers had never left Rashid in peace. He had been abducted and arrested a total of 7 times.

On **October 22, 2009** at 8:15 pm **Eldar Gabilyevich Meteyev**, born 1984 (domiciled at: *the township of Severny, 47* in his home town of *Khasavyurt*), left home taking a route taxi minibus. He got out near the town market and headed for the Megafon office where he needed to pay for a purchased telephone. He was not able to accomplish that. According to eyewitnesses, on Toturbieva St., not far from the "green" market Eldar was approached by a bordeaux-coloured VAZ-2107 vehicle. Two men in plain clothes got out. They handcuffed Eldar, put him into a dark-blue VAZ-2109 vehicle which drove up to that spot shortly after their car, taking him to an unknown location. After learning of what had happened, the family of the abducted man reported to the police and the prosecutor's office but nothing has been known of Eldar Meteyev ever since (www.memo.ru/hr/hotpoints/caucas1/msg/2009/11/m185200.htm).

Surprisingly enough, the families of those abducted and the human rights campaigners sometimes succeed in compelling the law enforcement services to acknowledge the existence of the actual practice of abductions, tortures and murders of young men, as such. Thus, in early

September criminal proceedings were opened for a very publicised abduction of five young men, which took place on August 23, 2009, and which was immediately made known by Memorial in the hope of eliciting a proper response from the authorities (for further detail see: www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173485.htm). Later on three of those young men were found dead, two had managed to escape. Upon their families' petition Memorial HRC had sent an enquiry to the Russian Federation Prosecutor General's Office. On September 23 a reply came from the Public Prosecutor's Office of the Republic of Dagestan acknowledging the fact of abduction of **Askerov, Islamov, Gunashev** (who had appeared in our materials under the name of **Gudaliev**) and the **Butayev** brothers, yet omitting the information received from their families as to that after the abduction they were taken to an unknown location where they were subjected to tortures and forced to confess to their involvement with the illegal armed groups. The reply of the Public Prosecutor's office stated that this case was being investigated under the personal control of the President of Dagestan (www.memo.ru/2009/09/29/2909091.htm).

Rare as they are but cases where the abducted men are released after a while do occur.

On **October 15** a resident of *Makhachkala*, **Arslanbek Bagaudinovich Zakayev**, born 1980, was abducted in front of numerous eyewitnesses. At 10:00 am he left home for work (his job is to install plastic windows), and arrived at his workplace at about 12:30. Later Arslanbek went out to buy water and nothing was known of him ever since. According to passers-by, he was approached by several cars out of which armed men in masks jumped and forced Arslanbek into one of the cars. The eyewitnesses heard him screaming "*Hands off me!*".

After the circumstances of his abduction became known, Zakayev's relatives filed reports with the republican Prosecutor's office and the Leninskoye district police department of *Makhachkala*. Shortly after this Zakayev was released yet the details of his release remain unknown (www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m182564.htm).

On **October 2**, **Adil Salimgerev**, who had arrived the day before from *Podolsk, Moscow region*, where he had been working as a selling assistant at an *Eldorado* chain store, to attend a friend's wedding, was killed in the *village of Toturbiy-Kala* in the *Khasavyurt district*. He was intending to leave back for *Podolsk* the next day and had even bought a ticket but his friends had persuaded him to stay overnight in his home village. In the evening he, together with **Rasul Muratbekov** and **Rashid Dzhamalov**, drove up to the house of Adil's relations in a friend's car. According to eyewitnesses, at that moment their car was approached from behind by four vehicles without number plates: 2 black VAZ-2421 vehicles, a Lada-Priora and a white or silver-coloured Jeep. The men who were inside the Jeep opened fire from machine-guns through the sunroof. The first shots were aimed at the driver. Adil jumped out of the car screaming: "*Don't shoot, we are not armed!*" However, the attackers did not cease the fire transferring it instead at the running man. After that the killers came out of the car and approached the scene of the crime. They took the bodies of the killed men outside and made finishing fatal shots. Shortly afterwards, a mobile detachment of the federal security services arrived cordoning off the spot. The crowd that had gathered at the scene was dispersed with gunshots in the air, however, eyewitnesses had noticed how the armed men planted a hand-grenade, a pistol and a machine-gun into the hands of the murdered men (www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m182562.htm).

A very similar case occurred on **September 25**, when the 26-year-old **Alikhan Dinov**, a resident of *Makhachkala*, was killed. On that day Dinov, together with his uncle **Kurban Magomedov**, a relation of **Gasam Muslimov**, drove back to his home on *Kazbekov St.* in the car belonging to the latter. Dinov was preparing for his wedding which was planned to take place on September 26. Alikhan's fiancée was not an ethnic Dagestani, that is why, his parents had been refusing to accept their son's choice for three years, but seeing his determination they were compelled to give their approval. On one of the intersections a fire exchange between law enforcement officers and two men in another car nearby broke out suddenly. Magomedov and Muslimov laid down on the floor of their car but Dinov jumped out and hid himself somewhere

outside. When he screamed out asking them not to shoot, the fire was opened in the direction where he was standing. He was killed, whereupon the armed men approached the bodies of the deceased and made two finishing shots into each body, including Dinov. The eyewitnesses claim that one of the armed men had planted a pistol into the hand of the killed Alikhan. The fiancée of the deceased confirmed that the wedding was planned within a short while.

Immediately after the murder of Alikhan Dinov his relatives held two protest rallies. The second had gathered over a thousand protesters who were holding posters with demands which require no further explanations: "We demand to stop arbitrary murders of innocent people", "Our children are no expendable material for you!" "Who is going to be the next?" The protesters demanded from the federal and regional authorities to provide information on Dinov's involvement with any extremist armed groups, to investigate his murder within separate criminal proceedings with the creation of a special investigating commission which will consist of representatives of the Public Chamber, the Human Rights Committee, human rights NGOs and the aggrieved party (*Kavkazsky uzel*, 30.9.2009).

Dagestan on the brink of civil war

With the number of abductions and extrajudicial executions registered in Dagestan in the summer and autumn of 2009 having dangerously skyrocketed, the social and political situation in the republic had in correlation demonstrated clear signs of deterioration. The scale of violence in this region is extremely high. The uncompromising struggle with the guerilla militants and their abettors – conducted with the use of all methods that the law enforcement agencies see fit – verges on total lawlessness and arbitrariness. A typical example of this would be the **September 30** assassination of the senior investigator of the Khasavyurt inter-district department of investigation for the Dagestan department of the Investigative Committee under the RF Public Prosecutor's Office **Gamzat Musayev** by the senior inspector of the deployed battalion of the Road Patrol Service **Seyfula Isayev** on the Kavkaz Federal Route. The latter demanded that the former opens the bonnet of his car, while the former refused to do so. The result was that the road police officer shot him dead (*Interfax press agency*, 21.10.2009). We will never know what would have happened had Musayev not turned out to be a police investigator - he would have in all probability subsequently become "a guerilla militant who offered armed resistance during his arrest".

This spreading practice of mutual terror is affecting an increasing number of families. Families of missing and abducted people as well as of those who have been extra-judicially executed are becoming increasingly active. News regularly arrives of them blocking streets and roads at various locations around the republic. Their demands for the return of their children or husbands back home to their families and punishment of those guilty are quite within the limits allowed by the law; however, their protest gatherings are usually brutally dispersed by the police.

On the other hand, the families of police officers killed while on duty are becoming increasingly active on the civil and political arena. This is however not only arising due to any actual public initiative, but also from the provocative imitation of such.

In early **September 2009** unidentified individuals had spread hundreds of leaflets allegedly written by "relatives of police officers killed in Dagestan". The leaflets contain murder threats addressed to 250 people who were described as "abettors of illegal armed groups". The names and surnames of 16 of these individuals were mentioned explicitly. Among these 16 are prominent human rights activists, journalists and attorneys (for the complete text of the leaflet see www.memo.ru/2009/09/08/0809091.htm).

Indeed, if one chooses to qualify some "counter-terrorist operations" as extrajudicial executions, one inevitably puts themselves at risk of being labelled "an abettor of the terrorists". One of those whose names appear on the "death list" has appealed to the President of Russia in

his personal weblog. Attorney and television host **Rasul Kadiev** calls the attention of the president to the fact that, despite the existing official moratorium on capital punishment in the Russian Federation, it is in actuality practised in the North Caucasus. The majority of operations in counteracting the persons suspected of involvement in guerilla activities explicitly aim at nothing other than actually killing them. It is obvious from the numerous facts that arrest is not even an option in the eyes of security services. Apparently innocent and accidental victims of such special operations are usually written off as militants or their abettors (<http://kadiевrasul.livejournal.com/7554.html>).

This yearning for revenge may at first glance appear quite justified, however, the ways in which the vindication is suggested manifest from a purely terroristic nature. The authors of the leaflet claimed responsibility for the murder of three young men in a suburb of Makhachkala in August 2009. Those three had allegedly been part of a militant group who had been planning a bomb blast on a local railway. Two other young men had managed to escape, yet the authors of the leaflet portray this as an act of goodwill and, at the same time, as a warning to others who choose to stand by the terrorists. This story had made the news all throughout Dagestan at the time. After it was made public two more rallies were held in Makhachkala with demands to put an end to murders and abductions. Both times the protesters were dispersed by the special task police forces. That compelled the civil activists to declare that at their next rally they were going to call for the resignation of the Russian President Dmitry Medvedev.

On **September 2** a group of human rights activists consisting of members of Memorial HRC and The Mothers of Dagestan Committee held a press conference entitled “Squadrons of Death in the North Caucasus. Summer 2009” at the Independent Press Centre. According to **Alexander Cherkassov**, member of the Memorial HRC Board, “squadrons of death”, - a phenomenon characteristic of dictatorial regimes, - have been operating in the North Caucasus for over 10 years now. “An entire system of organised violence involving such inalienable attributes of squadrons of death as torture, abductions, illegal prisons and extrajudicial executions, has been established”, Cherkassov was quoted as saying. However, today their existence is for the first time openly recognised. On **September 8** Memorial HRC and the human rights movement “Za Prava Cheloveka” made an open appeal to the President of the Republic of Dagestan, the director of the FSB and the RF Prosecutor General demanding from them to ensure the protection of those in respect of whom threats had been voiced, as well as take measures towards identification of the “avengers” (www.memo.ru/2009/09/08/0809091.htm). The human rights activists believe that the persons behind those leaflets are, in fact, officers of state security services whose goal is to make the practice of state terror look like operations of some mythical “groups of avengers”.

The official stance of the Dagestan authorities is condemnation of the authors of these leaflets. The Dagestani President **Mukhu Aliev** had demanded from the law enforcement services to ensure the safety of the people whose names appeared on the “death list” yet no-one had been granted personal protection by the state. Nevertheless, in September-October police investigators had conducted a series of special checks of the leaflets’ contents for possible elements of offences punishable under Articles 105 (murder), 209 (banditry), 280 (public appeals for extremists violence), 129 (slander) and 5 other articles of the RF Criminal Code (*Gazeta.Ru*, 7.10.2009). Criminal proceedings were opened by the Investigative Committee of the Republican Public Prosecutor’s Office on **October 25** based upon the results of the checks and in connection with the public appeals for acts of extremist violence and incitement of hatred or enmity with the threat of use of violence (Part 1 of Article 280 of the RF Criminal Code, Para (a) Part 2 of Article 282 of the RF Criminal Code) (*Kavkazsky uzel*, 25.10.2009). The first interrogation of witnesses in the case – the two *Novaya Gazeta* journalists *Akhmednabi Akhmednabiev* and *Natalya Kraynova* whose names appear on the lists of people “sentenced” to death by the “avengers” – was held on **November 13** (*Kavkazsky uzel*, 13.11.2009).

However, even among the official authorities of Dagestan a number of supporters of the “avengers” have manifested themselves. For example, on **October 12** the Chairman of the Public Chamber of the Republic of Dagestan **Abulmuslim Murtazaliev** declared that the authors of the leaflets had the sole intention of “simply urging the journalists to bring their activity back into the legal framework” (*RIA Dagestan, 12.10.2009*). Later on a series of media sources published a more radical declaration made by the permanent envoy of the Republic of Dagestan to the President of the Russian Federation, a prominent Dagestani political figure, **Gadzhi Makhachev**. Speaking at the round-table conference held in Moscow on the occasion of the 10th anniversary of the attack on Dagestan perpetrated by Basayev’s gang he had proposed off-the-record to start creating “avenger squads” consisting of relatives of police officers who had been killed by the fighters. He also suggested creating community defence squads consisting of locals in villages where “capable young men are loafing about with no decent occupation to keep them busy and wasting their time on card games”. Makhachev’s declaration instantly provoked a scandal and was soon removed from the news ribbons of *RIA Novosti* and *Izvestia*. Makhachev himself soon took back his own words. Even though his statement was not for the press, the fact that such debate concerning the possible creation of “avenger squads” has taken place in itself shows that it does occupy the minds of a certain part of the Dagestani authorities and public (*Kavkazsky uzel, 25.10.2009*).

The leaflets spread by the anonymous "avengers" had received a lot of attention across the republic and were widely discussed in the media, including on the militants' web-resources.

It is quite possible that an example of their response to the actions of the “avengers” was the murder of a local schoolteacher, **Elena Triftonidi**, and of her daughter at the cemetery of the village of *Gubden* in the *Karabudakhkent district*. The two women had come to the cemetery to commemorate the late Abdulmalik Magomedov, the husband of Elena Triftonidi, and a police officer who was assassinated on **October 21, 2008**, allegedly by members of Magomedali Vagabov's gang who had been known to address threats to families of police officers (*RIA Dagestan, 13.11.2009*).

A new attempt to find a way out of the deadlock, as the current situation in Dagestan may be described, was made in the autumn of 2009 by a member of the RF Public Chamber, journalist **Maksim Shevchenko**. He took up the initiative and became the head of a group of experts on North Caucasus affairs (the group consist of **Grigory Shvedov**, editor-in-chief of the *Kavkazsky Uzel* Internet resource; **Alexei Malashenko**, an expert of the Moscow Carnegie Centre; and **Alexei Sitnikov**, secretary of the commission on inter-ethnic relations of the Russian Public Chamber), who had held a series of round-table conferences in *Derbent, Buinaksk, Khasavyurt* and *Makhachkala* during the period between **October 23** and **26** (and later in *Nalchik* as well) discussing the issues of cooperation between the authorities, on the one side, and young people and religious communities, on the other. The conferences were attended by representatives of both sides: civil society activists and media figures as well as civil servants and government officials. M. Shevchenko believes that "that which Dagestan is so desperately in need of today is what the North Caucasus is in general lacking these days - a chance for people to unburden themselves by speaking up about their problems, needs and concerns (*Chernovik, 19.10.2009*). Much to the surprise of the distinguished Moscow guests, ordinary people appeared to be quite at ease expressing in front of the government representatives their discontent with the latter (*Kavkazsky uzel, 27.10.2009*). It is worth mentioning, however, that the patriarchal democracy, being characteristic of Dagestan's political life, has for centuries had the tradition of easily going hand-in-hand with the equally patriarchal clannish structure of the society and rampant corruption.

One can nevertheless assume that the idea of introducing "platforms for open dialogue" is a fairly effective step, judging by the highly nervous reaction with which the initiative was met on the militants' web resources who normally take no heed of the numerous official "peace-

making" forums. The militant gurus have clearly perceived the danger of losing their authority in the eyes of *"the hesitant members of oumma"* represented by the so-called *"doubting jammaats"* which consist mainly of *"moderate Salafis"* (*Jammat Shariah*, 9, 11.11.2009).

Amidst the moral degradation of those in power, the complete loss of authority, the all-penetrating corruption and an extraordinary degree of dishonesty and cheating in elections in Dagestan, such a platform for dialogue could easily turn into a barrier separating a disillusioned young man, who has lost all faith in secular lifestyle, and the infamous "woods".

New Strategy of Memorial HRC Operation in the North Caucasus

Memorial HRC and the European Human Rights Advocacy Centre (EHRAC) had tested a new method of operation in the North Caucasus which has so far proved to be efficient and in result, three men who had been abducted were released over a short period of time.

Over the period since 2000 the staff lawyers of the joint Memorial-EHRAC project had submitted over 80 applications to the European Court of Human Rights; all of which concerning abduction and murder cases in the North Caucasus. The greater part of those applications concerned events that had taken place several years before the actual submission. The main subject of complaint was the failure on the part of the Russian state to conduct proper investigations into blatant human rights violations committed by representatives of military and law enforcement forces. In all of its judgements in cases concerning abductions and disappearances in Chechnya the ECHR had come to the conclusion that the people in question had in all probability been killed by officers of the aforementioned forces shortly after their arrest. It shall be noted that the number of such crimes had been steadily decreasing up to late 2008. However, 2009 was marked by a rise in the number of civilian abductions and murders.

This had compelled the joint Memorial-EHRAC project to modify in *mid-2009* its pattern of work involving submission of complaints concerning abductions in the North Caucasus to the European Court of Human Rights. Now, the complaint is submitted to the Court within a few days after the actual abduction, while the probability of that the abductee is still alive is still high. The new approach introduced for such cases has two main objectives:

- 1) draw the attention of the authorities to the fact that an application has been submitted to the ECHR concerning an abduction. This should compel the authorities to conduct an effective investigation or, in the event of involvement of state military or law enforcement services in the abductions, release the abducted persons;
- 2) obtain evidence of the fact of abduction and of possible involvement by military and law enforcement officers while there are still traces of evidence (which is often impossible with cases dating back a year or longer).

Thus, since *June 2009* the joint project had submitted to the ECHR 6 applications and requests for urgent application of interim measures under Rules 39-41 of the Rules of the Court. These rules provide for the application of interim measures in the event that there is an imminent risk of irreparable damage to the person in question. In the case of abductions, which have only just taken place recently, the Court may urgently inform the authorities and demand they take urgent measures to investigate the circumstances so that the likelihood of finding the person alive will still be high. These actions do not relate to recognition of the actual violation of the Convention on the part of the state, rather they are interim measures which would help to trace and save a particular person. Applications and requests have been submitted with regard to the following people:

1. Rustam Kagirow was abducted by unidentified individuals (the circumstances of his abduction are highly indicative of the involvement of state security services) on *May 17, 2009* on a street near his home in the *Achkhoi-Martan district of Chechnya*; the prosecution authorities had initiated criminal proceedings; the application to the ECHR was submitted on *July 8, 2009*.

2. Aпти Shamsayev was abducted by armed men (the circumstances of his abduction are highly indicative of the involvement of state security services) on *May 25, 2009* from his home in the *Urus-Martan district of Chechnya*; the prosecution authorities had initiated criminal proceedings; the application to the ECHR was submitted on *June 10, 2009*.

3. Rasambek Telkhigov was abducted by armed men (the circumstances of his abduction are highly indicative of the involvement of state security services) on *June 4, 2009* from his home in the *Urus-Martan district of Chechnya*; the prosecution authorities had initiated criminal proceedings; the application to the ECHR was submitted on *June 25, 2009*.

4. Aпти Zaynalov was abducted by unidentified men (the circumstances of his abduction are highly indicative of the involvement of state security services) on *June 26, 2009* in *Grozny, Chechen Republic*. Later on he was seen in one of the district hospitals of Chechnya, badly beaten, surrounded by armed men guarding him; the prosecution authorities had initiated criminal proceedings; the application to the ECHR was submitted on *July 15, 2009*.

5. Sirazhudin Shafiev was abducted by armed men (the circumstances of his abduction are highly indicative of the involvement of state security services) on *September 8, 2009*. They had blocked the road in front of Shafiev's car not far from his home in *Derbent, Republic of Dagestan*; the prosecution authorities had initiated criminal proceedings; the application to the ECHR was submitted on *September 14, 2009*;

6. Zelimkhan Gabarov was abducted by armed men (the circumstances of his abduction are highly indicative of the involvement of state security services) on *September 25, 2009* from his home in *Urus-Martan, Chechen Republic*; the application to the ECHR was submitted on *September 30, 2009*.

The reaction of the Court to all of the above-mentioned complaints was prompt and adequate, manifesting itself in inquiries made to the Russian authorities and containing plenty of "uncomfortable" questions (e.g. what measures had been taken by the authorities to establish the whereabouts of the abducted; had the persons indicated in the inquiry been arrested by law enforcement agencies; was it known by the Russian authorities where and in what conditions they were kept; had they been charged under particular articles of the law etc, etc).

In one of these cases the Court's decision to apply Rule 39 in respect to the abducted is still expected; in the two other cases the Court had declined to apply interim measures under Rule 39, however decided to mark the case for priority examination.

As a result, Shamsayev, Telkhigov and Gabarov were released by their abductors and brought back home. The first was released 52 days after his abduction (*July 16*), the second – 42 days (*July 16*), the third – 8 days respectively (*October 3*).

Therefore, in three cases out of the six, i.e. in 50% of the cases, the new project strategy has proven its efficiency so far as release of the abducted is concerned. Moreover, the ECHR has examined and continues to examine such applications on a priority basis, which may also be regarded as a positive result of this strategy.

(See also: www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m1
www.memo.ru/hr/hotpoints/caucas1/msg/2009/10/m182186.htm).

New judgements by the European Court of Human Rights in cases from the North Caucasus

As we had already noted in the previous bulletins, the number of judgements delivered by the European Court of Human Rights in connection with applications submitted by victims of the two wars in the North Caucasus had risen sharply over 2008 - 2009 in comparison with the previous years. During the autumn of 2009 the ECHR had delivered judgements in **11 more cases**, ruling in favour of **54 applicants from Chechnya and 4 applicants from Ingushetia**. One application was struck out of the list of cases as the applicants had not been in contact with

the Court. The Russian Federation has been ordered to pay to the applicants a total of **EUR 540,000** in respect of non-pecuniary damage, **EUR 126,245** in respect of pecuniary damage, as well as **EUR 58,990** in compensation of legal costs and expenses.

Asadulayeva and others v. Russia (17.9.2009)

The applicants are three residents of the village of *Alkhan-Kala* in the *Grozny* district of the Chechen Republic.

On **January 14, 2004** at about 12 o'clock **Bekman Asadulayev**, an officer of the police forces, arrived at a police department in *Grozny* along with his two colleagues. They passed the guard post and entered the building, where they were stopped by several armed military servicemen. The servicemen had checked their identity papers, arrested Bekman and took him away to an unknown location. Bekman has not been seen or heard of ever since.

The Court had found violation by the Russian Federation of Articles 2, 3, 5 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms relating to the disappearance of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies.

The Court awarded: in respect of non-pecuniary damage - **EUR 31,000** to the first applicant and **EUR 2,000** to the other two applicants; **EUR 20,000** – in respect of pecuniary damage; **EUR 5,200** for costs and expenses.

Magomadova and others v Russia (17.9.2009).

The applicants are five residents of Grozny, the Chechen Republic.

At about 4:30 am on **February 9, 2003**, a group of military servicemen broke into the house of the **Magomadov** family in *Grozny*. The servicemen forced Ruslan Magomadov to lie down on the floor, tied his hands behind his back and pulled a pillow-slip over his head. They put him into an armoured personnel carrier and took him away. Magomadov's fate has been unknown ever since.

The European Court of Human Rights held that the Russian Federation had committed violations of Articles 2, 3, 5 and 13 of the Convention relating to the disappearance of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies.

The Court awarded the applicants jointly **EUR 35,000** in respect of non-pecuniary damage; **EUR 7,000** to the first applicant and **EUR 24,000** jointly to the three other applicants in respect of pecuniary damage; as well as **EUR 5,500** for costs and expenses.

Zabieva and others v Russia (17.9.2009).

The applicants are four residents of the village of *Galashki*, Republic of Ingushetia.

In the evening of **June 10, 2003** **Tamara Zabieva** and her two sons, **Ali** and **Umar Zabiev**, were driving home. When they were not far from their home village the lorry that they were in came under fire. Umar, who was behind the wheel, was wounded. The car crashed into a tree; Ali ran to the village for help. Upon his return some 40 minutes later, bringing the police and neighbours along with him, he found his mother lying on the ground wounded, while Umar had disappeared. The villagers began to search for the missing man, however, many of them were soon arrested by federal military servicemen who were in the surrounding woods. On the next day the villagers found Umar's body with gunshot wounds and traces of torture on it in the woods.

The European Court of Human Rights had established a violation by the Russian Federation of Articles 2, 3 and 13 of the Convention relating to the abduction of the applicants' relative, the authorities' failure to carry out effective investigations into the circumstances of this crime and the lack of effective remedies.

The Court awarded **EUR 15,000** in respect of non-pecuniary damage to the first applicant, **EUR 30,000** to the three other applicants jointly; in respect of pecuniary damage - **EUR 7,340** to the first applicant and **EUR 2,905** to the other; as well as **EUR 4,500** for costs and expenses.

Rezvanov and Rezvanova v Russia (24.9.2009).

The applicants are residents of the Chechen Republic

Early in the morning of **December 10, 2002** a group of federal military servicemen broke into the house of the **Rezvanov** family in *Urus-Martan*. They threatened the family with their weapons and asked whether there were any men in the house. When **Akhmed Rezvanov** came out to meet them, they put him into the car and took him away to an unknown location. Akhmed has not been heard of ever since.

The European Court of Human Rights found a violation by the Russian Federation of Articles 2, 3, 5 and 13 of the Convention relating to the disappearance of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies.

The Court awarded the 7 applicants jointly **EUR 40,000** in respect of non-pecuniary; **EUR 1,500** in respect of pecuniary damage; **EUR 5,500** for legal costs and expenses.

Babusheva and others v Russia (24.9.2009).

The applicants are seven residents of the Chechen Republic.

On February **4, 2003** at about 11 am, a group of Russian federal military servicemen arrived at the house of **Ramzan Babushev** in the village of *Makkhety* and asked him to repair their UAZ vehicle as Ramzan was a professional mechanic. Ramzan began working and 10 minutes later about 20 armed men in masks ran into the yard, handcuffed Ramzan and pulled a sack over his head. They pushed him into their armoured personnel vehicle but before leaving the servicemen searched the house having taken some valuables away with them. Ramzan has not been seen ever since. Criminal proceedings were opened but produced no tangible results.

The European Court of Human Rights found that the Russian Federation had committed violations of Articles 2, 3, 5, 8 and 13 of the Convention and of Article 1 of Protocol 1 relating to the death of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies, as well as damage to property.

The Court awarded the seven applicants jointly **EUR 35,000** in respect of non-pecuniary damage; **EUR 8,000** in respect of pecuniary damage; and **EUR 5,500** in compensation of legal costs and expenses.

Aminat Ilyasova and others v Russia (1.10.2009)

The applicants are three residents of the Chechen Republic.

At about 5 am on **August 11, 2002** a group of armed men wearing masks and camouflage drove up to the house of the **Ilyasov** family in two armoured personnel vehicles, a UAZ and a VAZ vehicle. They carried out a brief search of the house and arrested **Musa Ilyasov** who lived there. They tied his hands, pulled a pillow-slip over his head and took him away. Musa Ilyasov has been missing ever since. Criminal proceedings were opened but the investigation had brought no results.

The European Court of Human Rights found that the Russian Federation had committed violations of Articles 2, 3, 5 and 13 of the Convention relating to the death of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies.

The Court awarded the three applicants jointly **EUR 35,000** - in respect of non-pecuniary damage; **EUR 2,000** – in respect of pecuniary damage; **EUR 5,200** for legal costs and expenses.

Shemilova and Shemilov v Russia (8.10.2009).

The applicants were residents of the Chechen Republic.

The Court **did not award anything** due to the application having been struck out of the list of cases by the Court.

The application was struck out of the list of cases, as the applicants had not been responding to letters from the Court.

Satabayeva v Russia (29.10.2009).

The applicant is a resident of *Urus-Martan*, the Chechen Republic.

Yusup Satabayev was arrested by FSB officers in **February** of **2000**. On **July 27, 2000** the criminal proceedings against him were closed. On **July 28, 2000** he was taken to the Temporary Department of the Interior of the *Urus-Martan* district in Chechnya. On **August 14, 2000** the temporary police department officially informed Yusup's mother that her son had been handed over to the Zapad group of federal forces, after that Yusup went missing. Criminal proceedings were initiated pursuant to his disappearance, yet the investigation had brought no results.

The European Court of Human Rights held that there had been violations of Articles 2, 3, 5, 13 and 38 § 1 of the Convention relating to the abduction of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies, as well as the refusal of the Russian government to cooperate with the Court (refusal to submit the documents requested by the Court).

The Court awarded the applicant **EUR 35,000** in respect of non-pecuniary damage; **EUR 4,790** for costs and expenses.

Vakhayeva and others v Russia

The applicants are seven residents of *Urus-Martan*, the Chechen Republic.

On **August 1, 2000** the federal forces were conducting a special operation in *Urus-Martan* arresting several men, among them – **Kazbek Vakhayev**. The arrested men were taken to the *Urus-Martan* district temporary police department. On **August 13** Kazbek's family learnt that he had been handed over to the federal forces Zapad group. This was the last that was known of him. Criminal proceedings were opened pursuant to his disappearance, however, the inquiry had brought no tangible results.

The Court had found violations of Articles 2, 3, 5, 13 and 38 § 1 of the Convention relating to the abduction of the applicants' relative, the lack of effective investigation of this crime and the lack of effective remedies, as well as the refusal of the Russian government to cooperate with the Court (refusal to submit the documents requested by the Court).

The Court awarded all the applicants jointly **EUR 35,000** in respect of non-pecuniary damage; **EUR 7,000** in respect of pecuniary damage; **EUR 7,550** for costs and expenses.

Khantieva and others v Russia (29.10.2009)

The applicants are four residents of *Grozny*, the Chechen Republic.

At about 6 am on **December 4, 2000** a group of armed men wearing masks and camouflage uniforms broke into **Mairudin Khantiev's** flat in Grozny. The armed men dragged Mairudin outside via the balcony, shoved him into their UAZ vehicle and took him away. He has not been heard of ever since. At that time a curfew had been imposed across the territory of the republic and the district where Mairudin lived was surrounded by checkpoints set up by the federal troops. The investigation within the framework of the criminal proceedings opened pursuant to the fact of his abduction had brought no results.

The Court held that there had been violations of Articles 2, 3, 5 and 13 of the Convention by the Russian Federation relating to the abduction of the applicants' relative, the lack of effective investigation of this crime and the lack of effective remedies.

The Court awarded two of the applicants **EUR 20,000** and the other two applicants **EUR 15,000** in respect of non-pecuniary damage; **EUR 2,000**; as well as **EUR 4,200** in compensation of legal costs and expenses.

Ustarkhanova v Russia (26.11.2009)

The applicant is a resident of *Achkhoi-Martan*, the Chechen Republic.

On **January 6, 2003** at about 6 am a group of armed military servicemen broke into the house of **Balavdi Ustarkhanov** and arrested him. They took Balavdi away in their car having passed through the checkpoint unhindered driving in the direction where a federal troops base was located. Balavdi Ustarkhanov has been missing ever since. The investigation opened for his abduction had given no results.

The Court held that there had been violations of Articles 2, 3, 5 and 8 of the Convention by the Russian Federation relating to the abduction of the applicants' relative, the lack of effective investigation of this crime and the lack of effective remedies.

The Court awarded **EUR 35,000** in respect of non-pecuniary damage to all the applicants jointly; **EUR 10,000** in respect of pecuniary damage; and **EUR 5,550** for costs and expenses.

Ismailov and others v Russia (26.11.2009).

The applicants are 21 residents of *Achkhoi-Martan*, the Chechen Republic.

On **January 14, 2003** at about 4 am several military vehicles drove along the *Orekhova st.* in *Achkhoi-Martan*. Armed military servicemen broke into the house of the **Ismailov** family and arrested **Aslan** and **Aslambek Ismailov**. The residents of the neighbouring houses, **Khizir** and **Yaragi Ismailov**, were arrested as well, as was **Yusi Daydayev**, who was with them. The arrested men were taken away to an unknown location. None of the five have been seen ever since. The investigation into the context of the criminal proceedings initiated pursuant to the fact of their abduction had brought no tangible results.

The Court held that there had been violations of Articles 2, 3, 5, 8 and 13 of the Convention by the Russian Federation relating to the abduction of the applicants' relative, the lack of effective investigation into this crime and the lack of effective remedies.

The Court awarded all the applicants jointly **EUR 175,000** in respect of non-pecuniary damage; **EUR 34,500** in respect of pecuniary damage; **EUR 5,500** for costs and expenses.