

Bulletin of the Memorial Human Rights Center Situation in the North Caucasus conflict zone: analysis from the human rights perspective Autumn 2008.

The Memorial Human Rights Centre continues its work in the North Caucasus. We offer you here the new issue of our regular bulletin containing a brief description of the key events featured in our news section over the three autumn months of 2008 and a few examples of our analysis of the trends in development of the situation in the region. This bulletin contains materials collected by the Memorial Human Rights Centre working in the North Caucasus and published on the Memorial website as well as media and information agencies reports.

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September and October 2008 in Ingushetia: the Climax of Terror

By the autumn 2008 the situation in Ingushetia became increasingly tense. In the summer independent observers, among them were staff members of the Memorial Centre, described the situation as catastrophic, yet after the murder on **August 31** of one of the opposition leaders **Magomed Yevloyev**, it simply came out of control. According to reports from the media and the press services of the security structures, the casualties sustained by the security services in the tiny Ingushetia have for the first time reached the rates comparable to the neighbouring Chechnya – **104 killed in Ingushetia against 103 killed in Chechnya**. The situation was deteriorating all through the **autumn 2008**: in **September** the casualties of the security services were **14 officers killed and 32 wounded**, in **October** – **15 officers killed and 26 wounded**, while the corresponding figures for Chechnya for **September and October** together were **9 officers killed and 32 wounded**. The total casualties of the security services in Ingushetia over the **autumn of 2008** were **34 officers killed and 70 wounded**, - over **45 % of the total number of casualties sustained by all the North Caucasus republics (81 killed and 143 wounded)**. Just for comparison, over **the autumn of 2007** the casualties in Ingushetia were **19 officer of the security services killed and 24 wounded** (see www.memo.ru/2007/12/27/2712071.htm).

The official crime statistic published after the resignation of the President Murat Zyazikov (*for more detail see below*), also appears to be rather disturbing. Over the first 9 months of 2008 alone, 1,546 crimes, of which 43.9% were qualified as grave offences, have been committed in a republic, the population of which (even according to the official, considerably exaggerated, data) is slightly under half a million people, - **Yuri Turygin** announced on **November 7** at a meeting of prosecution officers. There has been a 31% rise in the number of murders, a 44% rise in the number of cases of grave bodily injuries, a 36% rise in the number of crimes related to arms trafficking, a 100% rise in the number of racketeering and gang crimes. The number of attempts on lives of law enforcement officers and servicemen had more than doubled and reached 148 as compared to the 86 over the entire 2007. As a result, according to the official data, 62 officers had been killed and 161 had received injuries of various degrees of severity (*Prokuratura Respubliki Ingushetia website, 7.11.2008*).

The situation in the republic in the autumn was developing according to the worst of the scenarios forecast – this can be judged from the tendencies which were budding in the summer and were now marking themselves much more clearly.

Firstly, the militants proceeded to large-scale attacks often targeting security services convoys. Thus, the attack on the column of the internal troops and the inter-service police squad numbering together over 100 men on the **Alkhasty-Surkhahi in the Sunzhensky district on October 18** resulted in three servicemen killed and eight others wounded. The guerilla militants attacked and seriously damaged an armoured vehicle and two Ural vehicles. The militants group numbering between 10 and 30 persons disappeared in the nearby woods (*Kavkazsky uzel, 18.10.2008*). On **October 23** a Mi-24 helicopter of the fire support forces of the Ministry of Defence came under fire in *the Sunzhensky district* (*Kavkazsky uzel, 23.10.2008*).

Secondly, the militants had chosen the tactic of organising several simultaneous attacks in different locations. Thus, on one day, **October 16**, they blew up two cars in the settlement of *Ordzhonikidzevskaya* and in *Malgobek*, exposed a private house in Karabulak, a slot-machine club in *Ordzhonikidzevskaya* and a police post in *Nazran* to gunfire attacks. Moreover, up to 10 militants held the village of *Muzhichi* under blockade for about half an hour, searching for one police officer with whom they had scores to settle (*Kavkazsky uzel, 16.10.2008*). Similar events, although on a lesser scale, were occurring on a daily basis all through September and October.

Thirdly, the militants' activities have demonstrated the apparently growing influence of the religious fundamentalist ideology. Intolerance for secular political institutes, the traditional Islam and its practices, the established secular community life of the Ingush people as well as for the Christian population of the republic, is revealed through almost each of their actions and attacks. Shops selling alcohol are set on fire, - on the night of October 4 alone five such shops were set on fire (the number varies according to different sources (*Chronicle of Violence of the Memorial Human Rights Centre 4.10.2008 issue*)). The special release from the "*headquarters of the Vilayat G'alg'ayche armed forces*" dedicated to this attack declared that the struggle with all and any manifestations of the secular way of life – "*the world of haram and kufr*" – would be continued (*Hunafa.com, 9.12.2008*).

Demonstrative murders of defenceless Russian-speaking residents also continued. Two women – **Vera Nedosekova** (**September 10**, in the settlement of *Troitskaya*) and **Valentina Miroshnichenko** (**October 23**, in the settlement of *Ordzhonikidzevskaya*) were shot dead in the autumn of 2008 (see www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146751.htm)

Operations in destroying militants hiding in private properties often assume a protracted and bloody character. Militants offer fierce resistance resulting in their assaulters sustaining more than serious losses. Thus, on **September 14**, in the village of *Verkhniye Achaluki of the Malgobek district of Ingushetia* operation was carried out involving the special units of the FSB Department for Ingushetia, the mobile detachment of the Russian Ministry of Interior and servicemen of the Internal Troops of the Russian Ministry of Interior as well as armoured vehicles and several combat helicopters. According to the official releases, having learnt that a group of militants was hiding in one of the houses in *Verkhniye Achaluki*, the security services

blocked the building situated at *Zarechnaya ul., 48* (the Ingush police report gives a different address - *Zarechnaya ul., 51*), belonging to **Sultan-Girey Bulguchev**. The militants were offered to surrender, but they refused and the battle lasted for 10 hours. The house was completely destroyed as a result and the people hiding inside were killed. It was announced that in the course of the special operation three militants had been killed and a large amount of weapons and ammunition had been seized. The security service also sustained losses in the number of four officers, among them, the FSB colonel Alexander Nagovitsyn, first deputy of the Head of the FSB Department for Ingushetia, who was in charge of the operation, six other security services officers were wounded. The neighbours of the Bulguchev family told the Memorial staff among the killed was the son of Sultan-Girey, Adam Bulguchev. He was killed even before the assault began, upon an attempt of the officers to enter the house using him as a shield. The militants opened gunfire which triggered off the assault. Later Adam was declared to have been a militant himself in the official report (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146758.htm).

In addition to the apparent organizational and numerical strengthening of the terrorist underground, among the factors prompting the autumn collapse in Ingushetia one should list the cause, which is fairly “traditional” for Ingushetia – inadequate and frequently indiscriminate violence on the part of the law enforcement agencies, waging (or simulating) a war on terrorism. This embitters the population, strengthening and expanding the social base of the militant underground. The Memorial Human Rights Centre has been for years calling upon the Russian authorities and the international community to turn their attention to this factor. This issue was again raised in the report prepared by the Memorial for another round of human rights consultations between representatives of the Russian Federation and of the European Union, that report was presented by the Russian human rights activists on **October 20** in *Paris* (the spokesperson on their behalf was officer of the Ingush branch of the Memorial **Tamerlan Akiev**) (www.memo.ru/2008/10/27/2710081.htm).

However, what really triggered off the autumn bloodshed was the murder of one of the opposition leaders, a person of great influence in Ingushetia – **Magomed Yevloyev** – that happened while he was carried away in a police car following his detention (more detail on that can be found in our previous bulletin – (www.memo.ru/2008/10/16/1610081.htm)).

Headquarters Under Fire

In **September and October** the targets of the militants’ attacks in Ingushetia frequently became civil servants of various rank, many of whom had, in addition to all, some family relation to the President Murat Zyazikov. This was widely perceived as resulting from the murder of Magomed Yevloev on **August 31**. It is difficult to say whether this was part of the blood revenge declarations which had been pronounced more than once at the latter’s funeral. The colleagues and friends of Yevloyev’s who carried out their own investigation of the circumstances of his murder, announced on **September 20** a list in which “*in accordance with the ways of the Ingush the doom of blood revenge extended upon everyone who was in one way or other involved in the murder of Magomed Yevloev*”. That list, headed by Murat Zyazikov, included 17 high-ranking officials and officers of the law enforcement agencies of the republic (*Ingushetia.Org, 20.9.2008*).

On the night to **September 7** the house of the Deputy Chairwoman of the People’s Assembly of *Ingushetia* **Tamara Khautieva** came under gunfire opened by unidentified persons from machine-guns and small arms, - no-one was hurt, the roof was damaged, the glass in the windows was broken. Earlier, on **August 19**, the house belonging to the brother of Tamara Khautieva, **Zelimkhan Khautiev**, situated next to his sister’s house, came under gunfire opened by unidentified persons. Zelimkhan Khautiev was head of the department of citizens’ submissions at the President’s Administration, before that he was the head of the supervision and Auditing Bureau of the Republic of Ingushetia. According to the official version, the arrest of

Magomed Yevloev during which he was killed, was made as part of the criminal case opened pursuant to the fact of gunfire attack on the house of Zelimkhan Khautiev. Yevloev was seen by prosecution as a witness in that case (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146749.htm).

On **September 10**, in *Nazran* unidentified persons shot dead the head of the motor transport sector of Ingushetia **Bekhan Uruskhonovich Zyazikov**, cousin of the President of the Republic. The father of Bekhan, **Uruskhan Zyazikov**, was abducted in the spring 2007, was held hostage for several months and was only released in October 2007 (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146752.htm).

On **September 19**, in the village of *Ekazhevo*, in the Sunzhensky district of Ingushetia a Mercedes-Brabus vehicle belonging to the deputy head of a branch of the Republican Radio and Television Transmission Centre, a distant relative of the President **Tugan (Tukhan) Zyazikov**, was blown up – he himself and his passenger received injuries of their lower limbs (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146761.htm).

On **September 30**, in *Nazran* a car was blown up on the route along which the escort of Ingushetia's Minister of Interior **Musa Medov** was traveling. The bomber driving the car was killed, and there were wounded among local residents. Several house properties around the place of the incident were seriously damaged. The force of the explosion was sufficient to make it heard within the radius of several kilometers. Nobody of the minister's escort sustained any injuries (www.memo.ru/2008/09/30/3009081.htm).

On **October 6** in *Nazran* the car belonging to the legal adviser of the antenna and mast constructions factory **Anzor Zyazikov**, a distant relative of the President Zyazikov came under fire. Zyazikov escaped the attack unscathed, his passenger was killed.

On **October 8** in *Nazran* the car belonging to the deputy head of the motor transportation unit of the Ingushetia Ministry of Interior **Daud Medov**, a nephew of the Minister of Interior Musa Medov. The explosive device was attached to the bottom of the Lada-Priora vehicle. At the time of the blast, the car was parked at the gate of his house. No-one was hurt and no damage was done, the car burnt out (*IJA REGNUM*, 8.10.2008)

On **October 26** in *Nazran* a car carrying the Deputy of Ingushetia's Minister of Economy **Arsamak Zyazikov**, a relation of the President's, and the President's aide, **Said Kotiev**, got blasted. Both got off with light injuries (*Narodnoye Sobraniye Respubiki Ingushetia* website, 27.10.2008).

On **October 27** officer of the traffic police **Zakre Zyazikov** (who, according to the *Ingushetia.Org* website, is a relation of Murat Zyazikov) became target of a gunfire attack. Zakre Zyazikov received grave wounds and was taken to hospital (*Kavkazsky uzel*, 27.10.2008).

Quite naturally, blood feud against the Zyazikov family has never been officially declared (if one can generally speak of the possibility of its official declaration in the XXI century). Similarly, Zyazikov himself always flatly denied any connection between the attacks on his relatives and the murder of Yevloyev and his own person (*in an interview given to the REN-TV television channel* <http://ingushetia.org/news/15711.html>). It is quite obvious that the situation created around the President of Ingushetia by the late October was perfectly intolerable to him and he was compelled to spend more time taking care of his own safety than of the problems of the republic under his leadership. It is highly probable that the hunt against the President and members of his family had its part in prompting the Kremlin to finally make the clearly belated decision on a drastic change of its policy in Ingushetia – the decision that was made amidst the practically raging civil war in the republic.

Overdue Resignation

On **October 31** news came of resignation of the President of Ingushetia **Murat Zyazikov** and of the appointment of **Yunus-Bek Yevkurov** to this position. Yevkurov is a completely new

person on the Russian political scene; in fact, the media tended to misspell his name at first and had only one low quality photo of him to display.

In accordance with the established custom, the People's Assembly of Ingushetia confirmed Yevkurov in his new office. The change of power happened so swiftly and, seemingly, unexpectedly for both presidents, the former and the current one. Two days earlier, on **October 29**, Zyazikov was still giving verbose interviews covering most general issues, receiving congratulations from the chairman of the Council of Muftis of Russia for his "efficient work in the office", while the presidential website was lulling the population into illusory comfort with Soviet-type proclamations: "The harvest is growing", "The life in villages is improving". On the morning of **October 30** Zyazikov was opening a children's sports tournament and in the evening he suddenly "expressed his wish to voluntarily resign", which immediately received the approval of the President of the Russian Federation Dmitry Medvedev.

45-year-old Yevkurov is a professional military man, colonel, his latest rank held in the army was deputy chief of staff of the Privolzhsko-Uralsky military command. Previously, he was chief of staff of the 217th guards parachute regiment of the 98th guards airborne division. In 1999 Yevkurov was commanding the Russian paratrooper unit, which entered Kosovo and secured the *Prishtina International airport*, ahead of the peacekeeping forces from other countries. Yevkurov was one of the commanders in "the antiterrorist operation" in the North Caucasus, which brought him the title of Hero of Russia in 2000.

The resignation of Zyazikov was long-awaited, however, nobody ever imagined that Yunus-Bek Yevkurov could be a possible candidate to the office of the President of Ingushetia.

According to the official version, Zyazikov resigned as a result of his own decision. However, the media almost immediately began to express their doubts in this regard referring to their sources close to the Kremlin administration (*Kommersant, Vedomosti, Vremya novostey, 31.10.2008*). Zyazikov was pursuing the chosen line by denying, until his very resignation, the escalating tensions and instability in the Republic. On **October 25**, in response to the questions from foreign journalists on their collective visit to Ingushetia about the abductions and murders of local residents documented by the MASHR and Memorial human rights organizations, and about the probability of a civil war breaking out in the republic, Zyazikov said the following: "People speaking of any violence and conflicts here are nothing less than mentally deranged, the only war we are waging here today is the battle to continue the construction of homes and the work on potato fields" (*Respublika Ingushetia website, 25.10.2008*).

Zyazikov's resignation was technically an early one, yet it is hard to disagree with the first President of Ingushetia **Ruslan Aushev** who described this decision as "belated" (*Ingushetia.Org, 31.10.2008*): the republic had by then been reached the stage of a deep social crisis and economic recession.

We believe that the fact that the first steps undertaken by the new president in his office were aimed at bringing the governmental authorities closer to the civil society is a good sign. Yevkurov was behind the initiative to organise the meeting between the President and the opposition leaders – **Maksharip Aushev, Magomed Khazbiev** and **Musa Pliev**. The agenda of the discussion included the urgent problems and realities the very existence of which was until recently blatantly denied: extrajudicial killings, disappearances of civilians, corruption, the arbitrariness of the security services. This would have been unthinkable under President Zyazikov, - just a few months earlier the opposition leaders were subject to severe persecution, on August 31 one of them – Magomed Yevloyev - was shot dead. The persecutions continued after his death: in September hundreds of security services conducted a thorough search of the households of **Maksharip Aushev** (*Chechenskaya street, 17*) and **Magomed Khazbiev** (*Tsoroyeva street, 2*) (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146759.htm). Now Yevkurov entrusts Khazbiev with a rather delicate task of going to the Nalchik pre-trial detention facility and endeavoring to persuade a group of Ingush detainees accused of terrorism to cease their hunger strike against the guarantees of complete observance of their procedural rights given by the President himself (*Respublika Ingushetia, 9.11.2008*).

The opposition leaders themselves, whose views are largely the key factors influencing the public opinion in the republic, so far speak of the new president using exclusively complimentary and praiseful designations – as an “agreeable man” and an “exemplary Ingush: (*Ingushetia.Org*, 3.11.2008, *Kavkazsky uzel*, 7.11.2008).

The opposition has also taken some steps in the direction of reconciliation with the new republican authorities, making it clear that it has no intention to demand its share of power from them. According to the leaders of the opposition movement, their primary goal is to put an end to the arbitrariness of the security officers. Zyazikov’s resignation is an important step in this direction. Maksharip Aushev, a well-known person enjoying authority and respect in the republic, who was prosecuted under Zyazikov, now declared that he believes his mission to have been accomplished and intends to take a break for a few months. None of the opposition activists were included into the new cabinet, whether they had been approached with proposals to that effect remains unknown. The new head of Ingushetia’s government **Rashid Gaysanov** and the head of the presidential administration **Ibragim Tochiev** used to work in Ruslan Aushev’s team (although subsequently both held positions in Zyazikov’s cabinet) (*Kavkazsky uzel*, 14.11.2008). The deputy head of the government is now **Magomed-Salikh Aushev** – before Zyazikov’s resignation he and a colleague of his **Bamatgiri Mankiev** – both members of the government – represented the small oppositional fraction in the Ingush parliament frequently harshly criticising the republican authorities. After the parliamentary elections *in December 2007* both of them allied themselves with the extra-parliamentary opposition and became members of “the alternative parliament” – a civil movement created as a protest against the unfair elections into the official republican parliament. Following the change of leadership in the republic, “the alternative parliament” announced its voluntary dissolution. Its head **Bamatgiri Mankiev** now became member of the Public Human Rights Commission under the President of Ingushetia.

On *November 26* a meeting was held between the President of Ingushetia and representatives of human rights organizations – the Memorial Human Rights Centre, MASHR, the Chechen Committee for National Salvation and a number of others (www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m154679.htm). The agenda included discussion of the prospects of cooperation between the NGOs and the republican authorities. The views and opinions regarding the situation in the republic and the possible ways to resolve it, as expressed by the participants in the meeting, proved to be rather kindred. Among other issues discussed was the need to put an end to the practice of taking detainees (who, in actual fact, can be considered as abducted) out of the republic to the neighbouring regions, where confessions of crimes allegedly perpetrated by them are frequently obtained from them under torture. The necessity to respect the rights of persons suspected of involvement in the activities of illegal armed groups and of strict observance of the due process of law in the course of special operations were also featured.

An important step in this direction was the establishment of the Public Human Rights Council by President Yevkurov on *December 1*. The person appointed as the chairman of this council is **Azamat Nalgiev**, a well-known human rights activist with whom the Memorial has been enjoying a long and fruitful partnership (www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m155561.htm). The Public Council will operate side by side with Russia’s Ombudsman Office in Ingushetia, which had completely discredited itself over the past years blatantly ignoring the reports of arbitrariness on the part of security services in respect of the population of the republic.

Even before his meeting with the human rights activists, at one of his first meetings with the heads of the security services, Yunus-Bek Yevkurov set out the new policy of the republican authorities regarding security operations: “*No special operations should ever and under any circumstances be conducted on the territory of Ingushetia without proper notification of the republican law enforcement agencies*” (*Respublika Ingushetia*, 9.11.2008).

It remains unclear how successful the implementation of the President's instructions is going to be. Achieving tangible changes for the better will require no less than breaking down the system of "legitimised lawlessness": removing the most odious figures strongly associated with this system in the eyes of the republic's population, - this primarily includes the Republican Minister of Interior and the Republican Prosecutor. The head of a subject of the Russian Federation does not have the authority to discharge them, since they are appointed by the President of the Russian Federation and the Prosecutor General of the Russian Federation respectively. The Constitution of Ingushetia only provides for the right of the President of Ingushetia to propose his preferred candidates to the federal authorities (Article 54 Para 21).

Musa Medov, the Minister of Interior, continued to hold his office until **November 25** (officially he was on leave), when the order of the Minister of Interior of the Russian Federation on his discharge from office was announced. The acting minister of interior appointed was **Ruslan Meyriev**, who was until recently virtually unknown (just as Yevkurov himself, in fact) to the wider public; even his rank (was he a colonel or a lieutenant colonel?) was uncertain, the only thing known was that "he had been serving as a law enforcement officer in Nizhnevartovsk" (*IA Interfax*, 25.11.2008). The determination of the federal centre to radically re-shuffle the entire republican authority establishment staffing it with ethnic Ingush from various regions of Russia is obvious. Both Medov and Zyazikov were "removed" from the republic receiving new appointments in Moscow, at the central headquarters of the Ministry of Interior, as generals (the former was made a police colonel-general in May 2008) (*RBKdaily*, 26.11.2008).

However, even the discharge of Medov did not deter the former top officers of the Ingushetian Ministry of Interior from their intention to defend their positions, at least, at first. Immediately after the news of Meyriev's appointment came, **Vadim Selivanov**, the deputy minister of interior of Ingushetia, himself one of Medov's team, denied this in an interview given to *Ekho Moskvy* radio station. Selivanov alleged that the acting minister of interior of the republic was lieutenant colonel **Apti Khalukhayev** (*Gazeta.Ru*, 35.11.2008). The latter had also been appointed the deputy minister under Zyazikov; his name was widely mentioned in the media in connection with the abduction of several REN-TV journalists and human rights activist Oleg Orlov of the Memorial Human Rights Centre in November 2007, - it was reported that Khalukhayev was behind the order to life the guard at the Assa Hotel right before the attack of the abductors (www.memo.ru/hr/hotpoints/caucas1/msg/2007/11/m116121.htm). The report of Khalukhayev's appointment never received any subsequent confirmation, however, it is quite clear that the appointment of a new Minister of Interior was surrounded with fierce struggle and rivalry in the corridors of power.

Another odious figure – the republican prosecutor **Yuri Turygin** – to date continues to be in office. On **November 4** he attended a meeting with the new president (*Respublika Ingushetia*, 4.11.2008), on **November 7** he took part in the aforementioned meeting of prosecution officers, but after that he seems to have disappeared out of sight of the media. This may testify of a "forced leave", during which a serious struggle for the republican prosecutor's office may be unfolding.

Like the majority of local officials, Turygin has incidentally demonstrated a remarkable change in his views concerning the situation in the republic coinciding with the appointment of a new president. Not more than a week before Zyazikov's resignation Turygin was repeating his words almost verbatim: his chief concern was the unflattering image of the republic as presented in the media: journalists tended to "offer unreliable and untrue information with regard to the situation with law enforcement and public order in the Republic of Ingushetia thus destabilising the situation even further" (the official website of the Public Prosecutors Office of the Republic of Ingushetia, 24.10.2008), the prosecutor was again and again proclaiming that "the situation in the republic is under absolute control", that he "would not see it fit to speak of any rise in crime in Ingushetia" (October 27, 2008, see website "Narodnoye Sobranie Respubliki Ingushetia", 27.10.2008). A week after the change of the top leader of the republic Turygin started talking of a sharp deterioration in the situation, a drastic, - comparing to the previous year, - rise in armed

banditry as well as in the number of casualties among law enforcement officers (website *Prokuratura Respubliki Ingushetia*, 7.11.2008).

Another aspect that deserves mentioning is the “progressive” tendencies demonstrated by the courts in Ingushetia. The month of **November** alone saw them deliver several crucial decisions which would have been impossible under the previous president and which in many ways challenge the very legitimacy of his regime and disavow his policies. On **November 7** the Division for Civil Cases of the Supreme Court of Ingushetia revoked the ruling of the Nazran Court on recognising the interview of businessman **Musa Keligov** published on the *Ingushetia.Ru* website as containing elements of extremism and referred it for reconsideration. It should be noted that the expertise assessment of this very interview had served as the basis for the decision of the Kuntsevsky district court of Moscow of **June 6, 2008** on the closure of *Ingushetia.Ru* website (*Kavkazsky uzel*, 7.11.2008). On **November 12** the Nazran district court declared as illegal the arrest of the owner of the *Ingushetia.Ru* website **Magomed Yevloyev** after which the latter received a mortal gunshot wound (*Kavkazsky uzel*, 12.11.2008). On **November 18** the Supreme Court of the Republic of Ingushetia ruled on the unlawfulness of the refusal of the Sunzhensky district court to change its determination of Yevloyev’s murder as a violation under Article 109 “Infliction of Death by Negligence” to Article 105 “Murder”. However, there is currently no question of re-determination: the Supreme Court of the Republic of Ingushetia merely demanded from the court of primary jurisdiction to eliminate procedural irregularities committed in consideration of the petition of the plaintiff’s lawyers for re-determination (*RIA Novosti*, 18.11.2008). As of **mid-December**, the lawyers of the Yevloyev family had not achieved success in their demands to recognise his death as murder.

Although the trial has not started yet, Yevloyev’s case has already been several times assigned for examination by different judges in Ingushetia, yet each of them self-recused due to being in some way or other related to either the plaintiff or the defendant side (*RIA Novosti*, 28.11.2008). Representatives of the defendant side, supported by the Prosecutor’s General Office of the Southern Federal District, demanded to hold the trial in a different region “due to the invariable partiality of the court”. The attorneys of the plaintiff side, on the contrary, insist on holding the trial on the territory of Ingushetia since many key witnesses may be unable to come to other regions for interrogation (*Kavkazsky uzel*, 28.11.2008, *Kommersant*, 30.11.2008).

Heavy Legacy

Yunus-Bek Yevkurov received a heavy legacy into his hands upon the assumption of his new office. His presidency is unlikely to turn out to be a trouble-free page in the history of his republic

The dreadful terrorist attack committed on **November 6** in the capital of *North Ossetia, Vladikavkaz* was apparently aimed at shattering the relative stability achieved in the region. The female suicide bomber blew herself up in a minibus. 12 people were killed. Such crimes inevitably contribute to escalation of inter-ethnic tensions. Rumours rapidly spread across North Ossetia about the woman having allegedly been a 45-year-old native of Ingushetia (*Kavkazsky uzel*, 8.11.2008) seeking to avenge the murder of **Tamerlan Shakriev**, a 24-year-old resident of **Nazran**, who was killed on **October 30** in Vladikavkaz, - according to the official version, at the time of the attack on the *Vilnius* police post (*Ingushetia.Org*, 9.11.2008, www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m152513.htm). It was also reported that persons of Ingush nationality passing through the Ekazhevo traffic police post on the road from Vladikavkaz to Nazran started having problems immediately after the attack: they were detained at the post for hours, their cars and luggage were subject to additional search. This resulted in traffic congestion on the motorway (*Ingushetia.Org*, 8.11.2008). On **November 12** a report came (though it was never confirmed by the authorities) that an Ossetian woman had been detained at

the Nazran market while attempting to blast herself (*Magas.Ru, 12.11.2008*). On **November 17** in Moscow, a brawl involving a number of Ingush and Ossetian students ended up in a murder of a 19-year-old Ossetian. All of these events are used by terrorists to achieve their goals of escalating the tensions between the nations of the North Caucasus.

The Investigative Committee of the Prosecutor General's Office of the Russian Federation attempted to sooth the public fears claiming that an act of revenge committed a week after the death of a relation is practically unfeasible, – such attacks usually take months to prepare (*Kommersant, 8.11.2008*). It is nevertheless quite clear that the Investigative Committee focuses on checking this version of events. Thus, the search in the house of **Salengirey Gireyev**, was conducted within the context of investigation of this particular case (*for more information about the search see below*). There have been reports of officers of the Ingushetia Department of FSB having visited the family of Tamerlan Shakriev and asked after the whereabouts of all female relatives of the murdered man.

The direct connection between those two events is claimed to exist by one of the militants' websites (*Hunafa.com, 15.11.2008*), which openly describes the attack as an act of revenge for Shakriev's murder. One of the websites also provided in detail a different version of Shakriev's murder, according to which he never committed any attacks on the police post but was seized by the Ossetian policemen and beaten by them to death. Since Tamerlan was killed on the anniversary of the break-out of the Ossetian-Ingush conflict of 1992, his murder was described as "ritual". (*Islamsky komitet, 26.11.2008*). The responsibility for the terrorist attack in the minibus taxi was claimed by the Riyadus-Salikhin Shahid Battalion.

People in Ingushetia itself believe that the story about an Ingush suicide bomber is far-fetched and absolutely unfounded. The population in Ingushetia would have known about such a thing having taken place at the local level. The republic is tiny and thoroughly patriarchal. Disappearance of a woman in one family could not possibly go unnoticed. Moreover, Vainakh people are traditionally very particular about burying their relatives according to the tradition, no matter who these relatives are. Yet to date no Ingush family has claimed the remains of the presumed suicide bomber. No credible argument supporting this version has so far been produced.

Moreover, the public in Ingushetia was inclined to link the terrorist attack in Vladikavkaz to the appointment of a new president in their own republic – this attack was allegedly intended to demonstrate to the new leader just how complicated and dangerous the situation was (*Ingushetia.Org, 7.11.2008*)

The armed underground in Ingushetia is doing its best to prevent the new president from acquiring any degree of confidence in this situation, to provoke the authorities to respond with terror, as was their practice under President Zyazikov. The militants make such young people, whose brothers and friends have fallen victims to special operations, their primary targets for recruitment.

The appointment of Yevkurov brought a slight reduction in the number of armed attacks and terrorist acts: all in all, according to open sources, the casualties sustained by the security services in Ingushetia in November were **5 persons killed and 12 wounded** (the total for **September and October** was **29 killed and 58 wounded**).

Terrorist attacks in public places not targeting directly law enforcement officers are becoming increasingly frequent. Fire attacks and bomb attacks in Ingushetia often target open markets and trading institutions. Over **the second half of October** alone four shops, a hotel, a church and an office block had either been burnt down, exposed to gunfire attacks or blasted. Once a bomb exploded at an open market. Another bomb blasted the monument of Hero of the Russian Civil war Idris Zyazikov. Two blast attempts in public places were prevented. In all cases the explosive devices were low-power, not containing any sub-ammunition and apparently not intended for killing or wounding the maximum possible number of people. It is obvious that the fundamentalist underground is seeking to influence the society through dictating the norms of behaviour which it sees fit: for example, by blowing up shops selling alcohol.

How do representatives of the state power respond to these challenges under the changed circumstances?

On the one hand, the security services continue with their adopted practices of crude methods violating the norms of the law. On the other hand, the new government of the republic is demonstrating clear efforts to break up with this practice.

On **November 11** officer of the Chechen Ministry of Interior **Musa Tochiev** was shot dead in *Malgobek (Republic of Ingushetia)*. On **November 13** officers of security officers - allegedly officers of the City Defence Forces ^{1[2]} of the Malgobek District Department of Interior and the FSB Department in Ingushetia – took four suspects to the City Defence Forces premises: **Magomed Bashirovich Tsokiev**, born in 1980; **Timur Bashirovich Tsokiev**, born in 1987; **Ibragim Sulambekovich Aushev**, born in 1988 and **Tamerlan Alievich Tankiev**, born in 1985.

On **November 19** Tamerlan Tankiev was released and he immediately appealed to the Mashr human rights organization. He told about the devious torture that he had been subjected to while his torturers were demanding from him to confess his involvement in the murder of a policeman. The same kind of torture was applied to the rest of those detained.

On the **night of November 19** unidentified persons opened fire at the house of the Tsokiev family and burnt down the house belonging to the Tankiev family. *“We had not lived in that house, which burnt down, for about a month. Quite naturally, it was never heated and any alleged gas leak is completely out of question. The house had been quite clearly deliberately set on fire and has burnt down almost to ashes”*, - told Tamerlan Tankiev. He also reported that the police have not yet returned his mobile phone seized at the time of his arrest, that the security forces had taken 39,000 rubles, some gold jewellery from his home and 15,000 rubles from his office. According to Tankiev, his internal organs were beaten off, he is suffering from constant headaches and nausea. On **November 20** Tsokiev, Aushev and Tankiev underwent a forensic medical examination which confirmed presence of grave consequences of beatings and torture. Ibragim Aushev was released on November 19 together with Tankiev (*Kavkazsky uzel, 21.11.2008*). To the knowledge of the Memorial, both of them sought medical assistance and were admitted to hospitals in that connection.

The 10-day term of legal detention of suspects was to expire on November 23. However, according to *Ingushetia.Org*, on **November 23** Magomed Tsakiev was taken straight from his hospital bed and placed into the temporary detention centre ^{2[3]} of the Republic of Ingushetia (*Ingushetia.Org, 26.11.2008*). Timur Tsakiev currently remains there. As the Memorial Human Rights Centre was able to learn, the Tsokiev brothers are facing charges of illegal carriage of firearms (the *Ingushetia.Org* website claims, however, that the charges have not been officially brought yet – see: *26.11.2008* update). Tankiev and Aushev have not been charged with any crimes yet.

Assault with battery, robbery, destruction of the houses of the suspects – these would appear to be an expected outcome of an average inquest in a ‘terrorism’ case. However, this case has shown a number of significant deviations from the adopted practice. The fact of this arrest came to the knowledge of the President of the Republic, Yunus-Bek Yevkurov, on the following day. He met with the family of the detained and promised that no arbitrariness in respect of the detained men would be allowed to take place. He demanded from the law enforcement agencies to provide evidence of involvement of the detained men in the crime they are suspected of within ten days or, failing that, to release them. The prominent opposition leaders – Maksharip Aushev, Magomed Khazbiev and others – also promised all possible assistance on their part to the detained men.

As a result, two of the detained men were soon released, all the four were able to register their injuries under a forensic examination and were provided with necessary legal counseling. The relative improvement of the situation is not to be doubted – a mere month ago the fate of the

detained men would have been far more tragic. Now it is different. A criminal case was opened, “while the trail is hot”, against unidentified law enforcement officers pursuant to Article 286, Part 3, Para “a” (“Exceeding Official Powers”) of the Criminal Code of the Russian Federation. The investigating authorities are seeking to establish the identities of the law enforcement officers involved in torturing and beating detainees. Will they be allowed to do that?

Another case evidencing the transition in the law enforcement practices took place on **November 22** in the village of Katyshevo (*Ingushetia*). Here officers of the federal security services, - presumably, the FSB Department for the Republic of North Ossetia – Alania - searched the house of a local resident **Salengirey Salmanovich Gireyev**, born in 1956, residing at: *Gireyev-khutor, Podgornaya, 28*.

The search was conducted within the context of investigation of the **November 6** terrorist attack in *Vladikavkaz*. The security services were primarily interested in the female members of the Gireyev family. The examination of the dwelling premises was not devoid of procedural abuse but, on the whole, the servicemen were polite and did not resort to brutal force. From what the Gireyevs were able to elicit out of a conversation between the security service officers and the Ingush police who arrived later, the former were going to take the head of the family to Vladikavkaz for interrogation. After a flat refusal of the precinct police superintendent to sanction this, an officer of the investigative team suggested that Gireyev himself comes to Vladikavkaz to the investigative committee premises at *Pushkinskaya ul.* and talks to Investigating Officer **Andrey Kim**. The same officer drew a map of the location and provided Kim’s telephone number. The Ingush precinct superintendent **Dugiev** said that Gireyev should not go to Vladikavkaz. The security service officers suggested a meeting with Gireyev at a busy location in Vladikavkaz, near the ElectroTsink factory, promising to ask him a few questions and then let go. This option was also rejected by the precinct superintendent – Dugiev said that all questions can perfectly well be asked on the Ingushetia Investigative Committee premises.

Officer called **Oleg** declared that had they only wanted to take Gireyev away, they would have done so long time ago without much ado. The security service officers apologised before Gireyev and his family for the inconvenience caused and left taking the documents and the mobile phones away with them. No copy of the search warrant was given to the Gireyevs with the unavailability of copy-machines cited as the reason.

When the security services convoy was leaving, officers of the Nazran Department of Interior arrived at the scene. Superintendent of the Nazran Department of Interior Yandiev told the head of the group of security services officers that in future, in compliance with an order of President Yevkurov, all arrests taking place on the territory of the Republic will have to be performed either by the Ingush security forces, or with their knowledge, and even in the latter case, the arrested will have to be delivered for interrogation by Ingush police officers.

On **November 24** Gireyev appealed to the Public Prosecutor’s of Ingushetia. Criminal investigator Belkharoyev phoned up criminal investigator Kim in his presence. Criminal Investigator Kim promised that he would return the documents and the mobile phones seized from the Gireyevs (www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m155366.htm).

Ingushetia remains a field of operations of law enforcement officers from the neighbouring regions, - this means that the declared goal of the new Ingush President to ensure obligatory participation of local law enforcement officers in arrests and procedural actions has so far not been achieved (www.memo.ru/2008/11/18/1811081.hm, *Kavkazsky uzel*, 21.11.2008). On **November 25** news came of the abduction of another young man – Akhmed Tochiev, a friend of the above-mentioned Tsokiev brothers, Aushev and Tankiev (*Ingushetia. Org*, 28.11.2008). Tochiev’s whereabouts remain unknown to date. His parents came to the meeting between President Zyazikov and the families of the abducted^{3[4]}. However, neither the President, nor the Minister of Interior were able to provide any proper reassurance for the families. We can only hope that the Ingush police are indeed determined to stand up in defence of its people and restore

its reputation in the eyes of the Ingush population and that this will be the start of a growing and dominant tendency. Yunus-Bek Yevkurov has so far demonstrated every sign of resolution to achieve this.

Prolongation of the Trial in the Case of the 12 Accused of the June 2004 Attack on Ingushetia

Another piece of the dubious legacy received by the new administration of Ingushetia from their predecessors is the long-drawn-out trial of the 12 men, natives of *Chechnya and Ingushetia*, accused of participation in the attack on *Ingushetia* in **June 2004**. The cases of **Adam Mutaliev, Ilez Ganiev, Baybulat Amirkhanov, Akramat Gambotov, Daud Mutaliev, Murat Esmurziev, Temuri Pareulidze, Magomed Kodzoyev, Zurab Estoyev, Arbi Khatuyev, Zelimkhan Gardaloyev, Mussa Dzortov** have been merged into one, the above-named are mainly charged with the same kind of felony and grave crimes: banditry, participation in a criminal community, murder, commission of several terrorist attacks, illegal sale and storage of firearms and ammunition, destruction and damage of property, encroachment on the life of an officer of a law-enforcement agency etc. This trial is the last in a series of trials of those involved in the 2004 attack on Ingushetia. The case is heard by the jury.

The Memorial Human Rights Centre continues to monitor “the trial of the 12” and has repeatedly called attention to violations committed by the law enforcement agencies – both at the time of detaining the accused and in the course of the inquest (see www.memo.ru/hr/hotpoints/caucas1/msg/2007/04/m78451.htm). Violations continue to take place in the course of the legal proceedings. The proceedings have practically been suspended since the accused have been transferred from the temporary detention facility in Ingushetia to the pre-trial detention centre in Pyatigorsk and later to the pre-trial detention centre in Nalchik, where they are currently being kept. The official reason for their transfer were the repair works simultaneously conducted in all of the three temporary detention centres of Ingushetia, – in *Nazran, Malgobek and Ordzhonikidzevskaya*. The Nazran temporary detention centre was closed for repairs in **June 2008**, the other two were closed in August. It remains unclear what the motives of the former head of Ingushetia’s Ministry of Interior **M.Medov** in making such a decision were. The result was the inevitable adjourning of the trials held in the courts of the Republic, since the accused now had to be transferred to the detention facilities of the Stavropol Territory and Kabardino-Balkaria, which complicates their prompt delivery into courtrooms.

The hearings in “the trial of the 12” were held at the premises of the Supreme Court of the Republic of Ingushetia in *Nazran* until **June 2008**. The judicial enquiry was completed in June, the hearings are still ahead, yet they are being constantly adjourned. Meanwhile, there is evidence of that the accused, who are for the time being kept at the Nalchik temporary detention facility, are subject to psychological and physical pressure. The families of the accused claim in their petition to the Memorial Human Rights Centre that the accused undergo regular beatings. The Chairman of the Supreme Court of the Republic of Ingushetia **M.V.Zadvornov** suggested to the attorneys that the proceedings continue in *Nalchik*. The attorneys expressed their fears about the safety of their clients, since the law enforcement agencies of Kabardino-Balkaria have demonstrated intolerance and cruelty towards people accused of terrorism and terrorist-related crimes. Zadvornov reassured them that the necessary security measures would be taken in respect of their clients (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146763.htm). As a result, the attorneys agreed to proceed with the trial in Nalchik in a circuit court, however, the opening of the trial is again being adjourned. The defence attorneys and family members of the accused believe that the trial shall be completed as soon as possible, without further protraction and delays, since such would put the health of the accused at risk. The Memorial has already reported that some of the accused under this trial were subject to severe beatings on **February 15**,

2008 at the Nalchik temporary detention facility. In response, some of them attempted opening their veins (www.memo.ru/hr/hotpoints/caucas1/msg/2008/02/m120621.htm).

On **October 21** all the 12 of the accused declared a hunger strike in protest against the ungrounded adjourning of the start of court hearings (*Kavkazsky uzel*, 1.11.2008).

On **November 5** a special commission was delegated by the new President of Ingushetia Yunus-Bek Yevkurov, to visit and talk to the strikers. The members of the commission included the chairman of the organizational committee of the Ingush nationwide rally **Magomed Khazbiev**, member of the Ingush parliament **Mukhtar Buzurtanov**, judge **M.Imiev** and other prominent persons. By that time, the prisoners had already suspended their hunger strike in the hope of that the change in the republican leadership will entail positive changes in their own situation. Nothing has so far been reported on the results of that meeting.

On **November 19** the Nalchik pre-trial detention facility was visited by another commission also created on Yevkurov's order. Those on the commission included the Deputy Chairman of the Ingushetia Parliament **B.Aushev**, the director of the Ingushetia Department of the Federal Penitentiary Service **Gagiev**, representative of the Ingushetia Ministry of Interior Major **R.Yevloev** and member of the Ingushetia Parliament **M. Buzurtanov**. The commission delivered an official statement based on the results of its inspection claiming that "*according to the results of the actions taken, no instances of violations of the constitutional rights of the people kept at the facility have been detected*" (*Respublika Ingushetia* website, 20.11.2008). In an interview given to the *Ingushetia* newspaper one of the members of that commission B.Aushev declared: "*I would like to emphasize that a week before this order appeared members of our parliament met with the authorities of the Nalchik pre-trial detention facility at a request from the families of the detained, which significantly facilitated our work during the second inspection. Although we were by no means refused hospitality, the receiving side expressed their surprise at the fuss made around 12 detainees from Ingushetia. According to K. Maibiev, the head of the Federal Penitentiary Service of Kabardino-Balkaria, they are treated on the same principle as the rest of detainees: there is neither special pressure on them due to their nationality, nor are they granted any special privileges. The conditions in the detention centre are similar to those in an ordinary prison. However, he mentioned that there have been complaints involving our fellow countrymen with regard to observing the internal discipline. In a word, we have met with the detained and can state now that the conditions in which they are being kept at the Nalchik pre-trial detention centre fully comply with the norms stipulated by the law. The excessively protracted trial against them is another matter here.*

*Indeed, the trial has more than once been suspended and later resumed. There has even been an attack on the convoy attempting to set the accused free. The latest suspension period in the trial started relatively recently when the state prosecutor challenged the judge of the Supreme Court of Ingushetia **M. Imiev**" (*Ingushetia* newspaper, 6.12.2008).*

Indeed, the next court hearing scheduled for **November 17** was canceled because the state prosecutor **Kolyuzhny** challenged **Judge Imiev** alleging that the judge may be an interested party in this case since he previously worked at the Public Prosecutor's Office of Ingushetia. Despite lack of substantiation for this statement, the challenge of the judge was accepted. As a result, the hearing of the case have lasted for over one and a half years and was suspended due to the fault of the Prosecutor's Office, which had voiced no claims against the composition of the court earlier and had not challenged the judge in the course of the trial. The defence attorneys of the accused believe that these were malicious actions of the Prosecutor's Offices aimed at eventually frustrating the judicial proceedings.

The pretexts for protracting the proceedings vary, yet the reason behind it, - as many in Ingushetia believe, - is the same. The case is heard by a jury, who, as experience shows, very promptly react to any evidence of tampering with witnesses and to any evidence of the accused having been subject to torture. Usually, such hearings end in an acquittal by the jury (*Kavkazsky uzel*, 8.11.2008).

“The case of the 12” is not the only case examination of which in court is artificially protracted on the grounds of “repair works at the temporary detention facilities. Thus, this was the reason for postponing in early August the trial of **Uruskhan Inalov** detained on **November 23, 2007** on suspicion of involvement in the gunfire attack on military servicemen (www.memo.ru/hr/hotpoints/caucas1/rubr/9/1200711.htm, *Ingushetia.Ru* 28.11.2007). The same reason for the transfer was declared: all the detention facilities in Ingushetia are closed for repairs and renovation. The *Ingushetia.Org* website published the letter of a brother of Inalov’s who had telephoned all people concerned and received an unexpected reply: “*The authorities are waiting for the reply to the letter of the members of the People’s Assembly of Ingushetia on abolition of jury as practice until 2010*” (*Ingushetia.Org*, 28.8.2008). The former president of Ingushetia had repeatedly presented before the federal authorities his initiative on abolition or suspension of the practice of jury in the republic. Such inquiries were addressed to the State Duma in 2004, 2005 and 2007 (*Ekho Mosky, 24.11.2004, Kavkazsky uzel, 30.6.2007 etc*). The reasoning was always the same: jury members take the side of the criminals and tend to acquit terrorists. Here President Zyazikov referred to the “positive” (in his view) experience of Chechnya where introduction of the practice of juries in courts was postponed until early 2010.

The federal authorities have now gone further, - **in December 2008** a draft law on abolition of jury trials for 8 types of felony and grave crimes – these terms are normally used in respect of “crimes against state power”: terrorism, espionage, mass disorders etc. On **December 17** the law was adopted by the Federation Council of the Russian Federation. Its adoption did not require the normally inevitable in such cases campaign of defamation of the jury as a social institution. Nobody from among the officials took the trouble to clearly explain why such law was all that necessary. The only step to be accomplished yet is obtaining the signature of the President which will enable courts to freely bring indictments on trumped-up charges based on forced confessions obtained by torture. This practice is hardly likely to have a positive impact on the stabilization of the situation in the North Caucasus.

The Downfall of the Yamadayev brothers and the Disbandment of the Vostok Battalion

In autumn 2008 the long-brewing conflict in the *Chechen Republic* demonstrated an unexpected outcome.

The **spring 2008** escalation of the confrontation between the President of Chechnya **Ramzan Kadyrov** and the **Yamadayev** clan, who controlled the Vostok battalion, reached its final phase in **autumn 2008**. As a result, the Yamadayevs suffered the definitive defeat, to put it into military terms, and sustained significant personnel losses.

The pressure on the Yamadayev brothers and the Vostok battalion continued through **April 2008** and **the summer**. During the first summer months the Vostok militants were blocked at their base, while **Sulim Yamadayev** –declared as a *persona non-grata* in Chechnya – was “undergoing medical treatment” in Moscow. The conflict was simmering and almost stagnant, yet such periods of deceptive calm are in the best traditions of the new Chechen political scene.

A most unexpected turn of events in the midst of this calm was participation of the Vostok battalion in the 5-day Russian-Georgian war. The Vostok did not merely take part in the hostilities but was in the vanguard of the fighting. Its militants had gained the fame of brave and generous warriors. For the Russian press these bearded men in camouflage were literally a reward (*see the summer bulletin for more details: www.memo.ru/2008/10/16/1610081.htm*), Sulim Yamadayev was eager to pose before cameras.

However, in Chechnya itself the exploits of Yamadayev’s militants were hardly acknowledged and with little enthusiasm. The local press, which would otherwise spare no convenient occasion to vaunt virtue and heroism of the Chechen militant, kept silence According

to Sulim Yamadayev himself, it was precisely the fame earned by the Vostok battalion during the last war that contributed to bringing the outcome of his conflict with Ramzan Kadyrov closer.

On **September 24 at 5.15 pm** a Mercedes S600 vehicle stopping at the red traffic lights on *Smolenskaya ploschad* in *Moscow* was approached by a man who opened fire at the people inside the car. **Ruslan Yamadayev**, ex-deputy of the State Duma, Hero of Russia and Companion of the Supreme Order established by the separatist Ichkeria government “Hero of the Nation”, colonel of the Russian armed forces and an Ichkerian brigadier general, was killed.

Ruslan Yamadayev was buried on **September 26** at the family cemetery in Gudermes, next to the grave of his brother **Jabrail**, exploded by the separatist militants in 2003. Sulim and Badrudi Yamadayev, who have been banished from Chechnya, did not show up at the funeral of their older brother.

The death of the oldest brother did not bring any relief in the pressure on the Yamadayev family, in fact, quite the opposite, it was reinforced along several lines.

Criminal prosecution of Sulim Yamadayev in the context of the criminal case opened against him on **May 4, 2008** was resumed. On **November 11** it was announced that the security services had received an order to deliver him by force to Chechnya for an interrogation. The ground for this order was an interview broadcast on the Grozny television channel on November 10. Two former officers of the Vostok battalion – **Rasul Baymuradov**, the commander of the Shatoi area group and **Gurman Gadzhimuradov**, a squadron leader. The interview portrayed the Yamadayev brothers as bloodthirsty monsters, who personally participated in killing their victims. According to this television interview, the other militants of the Vostok battalion merely detained people whom the brothers ordered them to detain. They also gave their testimony on the circumstances of the scandalous abduction and murder of the brothers of the President of the Moscow Industrial Bank **Abubakar Arsamakov - Yunus** and **Yusup**, and of their driver. Those testimonies were publicized in detail by the press service of the Chechen President on **November 11**. The officers claim that it was precisely Sulim Yamadayev in person, who, on **February 8, 2007**, gave the order to abduct the Arsamakov brothers, whom he intended to use as hostages in his dispute with Hamzat Arsamakov over the right of ownership of the St Petersburg meat-processing plant ‘Samson’ (*IA Interfax, 11.11.2008*). Following the abduction of the Arsamakovs, the latter were shot dead by the younger Yamadayev brother – **Badrudi**, who was de facto the commander of one of the Vostok subunits, according to the interviewed men. Their bodies were subsequently dismembered and hidden. The press service did not report who was behind those crimes and what was the involvement of the Vostok officers in this respect.

The press service also informed that Sulim Yamadayev is wanted on charges of murder of **Usman Batsiev**, a resident of the Gudermes district. The inquest has proved that Yamadayev “together with a group of unidentified persons” detained Batsiev on **December 23, 1998** on the federal highway “Kavkaz” in the vicinity of the village *Jalka* in the *Gudermes district*, later killing him and burying him in secrecy in the forest. Moreover, the responsibility for the killing spree at *Stanitsa Borozdinovskaya* in summer **2005**, when one person was killed and 11 disappeared without trace, is also claimed to lie with Yamadayev.

On **November 8, 2008** a spokesman for the Russian Ministry of Defence suddenly announced the disbandment of the Vostok battalion as well as of the Zapad battalion. The military reform, which to date consists almost exclusively in reductions in the Armed Forces, arrived at the more than just convenient time (*Nezavisimaya gazeta, 10.11.2008*). The Ministry of Defence top officials had declared that reductions were not going to affect the combat troops but the official establishments only. Nevertheless, it was decided to convert the Chechen Vostok and Zapad battalions of the 42th guard rifle division, – which cannot possibly be described otherwise than combat troops – into motorized rifle companies, reducing the bulk of their personnel and depriving them of their elite status of the Main Intelligence Directorate special task. Moreover, only people, who successfully pass re-evaluation tests, will be enlisted, - that is to say, only those who are loyal to the Chechen President. There will be no place for any Fronde-type attempts. All this was reported to Ramzan Kadyrov by the Chief Commander of the Land

Forces Colonel General Vladimir Moltenskiy. The military forces which could support Sulim Yamadayev in his confrontation with Ramzan Kadyrov are no more.

Sulim Yamadayev himself volunteered to tell "Novaya Gazeta" in his interview how "the disbandment" was actually proceeding: *"Early in the morning of **November 1** my combatants were disarmed and the battalion was declared to have been disbanded"*. This was officially declared on **November 8** only, when it became clear that "the reform" had managed to pass without bloodshed. According to the spokesman, some 50 more men apparently remained on Yamadayev's side, yet they are separated by thousands of kilometers from their leader and this support is therefore rather reduced to moral support only. A certain number of volunteers are serving as his bodyguards in Moscow. Yamadayev claims that neither he himself, nor any of his people could have been involved in the abduction of the Arsamakov brothers, and that he only intervened in the dispute over the rights of ownership of the 'Samson' plant upon a request or even an order rather from Ramzan Kadyrov (*Novaya Gazeta*, 24.11.2008).

Checking the suspicions in respect of the Vostok battalion members has been made the charge of a joint commission of Russia's Ministry of Defence and the Military Public Prosecutor's Office. Even before it started its work, Ramzan Kadyrov had solicited for the majority of former Vostok militants before the commission claiming that they *"had served their Fatherland and people in all good faith and fidelity, defending its interests and fighting against the terrorist threats"* (website *"President and Government of the Chechen Republic"*, 11.11.2008). The appeal of Kadyrov *"not to confuse concrete criminals, who in this case are the commanders of the Vostok battalion with ordinary combatants"* reminds us of the practice of recruiting into the presidential security services from among combatants of units the commanders of which have fallen out of grace with Kadyrov. As a result, the commanders become the only persons responsible for the numerous crimes perpetrated by the squads under their command. In all the events described above, including the killing spree in Borozdinovskaya, the responsibility is ascribed to the two Yamadayev brothers, Sulim and Badrudi, alone. In some cases "the combatants under Yamadayev's command" are referred to as "a group of unidentified men" or "a group of Yamadayev's subordinates", however, practice shows that they are unlikely to be caught and charged. Sulim Yamadayev himself took up a philosophical attitude to his former comrades-in-arms switching sides in favour of Kadyrov, apparently recognising that this would be the best option for them as he could not do anything else for them. As to his own fate, he claims that a special task group had been sent out, allegedly to arrest him, but that, in reality, their goal is to kill him (*Novaya gazeta*, 24.11.2008). These apprehensions do not appear to be far-fetched considering the events of November 2006, - the murder of another commander without commander without his army - **Movladi Baysarov** - in the very centre of Moscow. The similarity of Yamadayev's and Baysarov's stories cannot escape anyone who has even basic knowledge of what the war between the clans is like in modern Chechnya. It appears that a fair and impartial court judging Yamadayev for the real crimes perpetrated by him would be the best solution for him.

Fathers Held Answerable for Their Sons (continued)

In the autumn of 2008 further spread of the common practice of influencing militants via exposing their families, especially parents, to pressure, was observed. Using the traditional parental authority as a means of pressure on the militants is a sensible and appropriate idea for the dissuasion of the latter, yet it is not infrequently implemented with the use of methods far from lawful, which is hardly bound to persuade many to quit the militants' ranks and "come out of the forest". The Memorial had already reported of a wave of arsons and evictions of families of the militants from their houses, which swept across Chechnya in **summer 2008** (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146745.htm).

This had become common knowledge across the republic and even despite the clearly pitiful state of the civil society and its modern institutions, these events became the subject of close attention of the republican authorities. On **September 4** a meeting between representatives of the authorities, - Deputy Minister of Media and Communications **Zelimkhan Musayev**, Head of the Department of External Affairs, National Policy, Media and Communications **Islam Khatuyev**, Deputy Head of the Department of Religion and Non-Governmental Organisations **Aslan Taimaskhanov**, Deputy Mufti of the republic **Khamzat Kharimkhanov**, - and the heads of non-governmental and religious organisations operating in the Chechen Republic was held at the House of Press in Grozny. The meeting was dedicated to a general overview of the problems in the social and political life of the republic and the aftermath of the Russian-Georgian war. However, human rights activist Kheda Saratova spoke up and told about the major and the most urgent problem – the growing tendency of young people to leave their homes and join the militants' ranks. The local authorities, in return, evading the necessity of any serious educational and outreach work, choose to put the families of such young people under unprecedented pressure. Saratova's words were met with massive support from the majority of those present. The head of the Public Council of the Grozny administration, president of non-governmental organisation 'Laman Az' **Aslan Dinayev** named the reason for this trend of joining the militants' ranks: "*If the problem with the lack of jobs for young people is resolved in our republic, our youth would have other options than taking off for the woods*". The President of the 'Ekho Voyny' movement **Zeynab Gashayeva** called the attention to the moral aspect of the problem: harsh pressure on the families goes against the norms of the Vainakh ethics and seriously harms the traditional upbringing of young people: ([http://\(www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146724.htm\)](http://(www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146724.htm)).

Following the broad publicity and discussion of the events of the summer 2008, no more news of arsons of houses belonging to the families of the militants have been received so far. The unlawful pressure on the part of the state structure has been replaced with public and community influence, which quite apparently still has the authorities standing behind it. However, these measures do not violate the law and in no way infringe the human rights of the population. Thus, in **early October** news came from *the Vedeno district* about the decision made by a special congregation of the local community to impose a boycott on a family whose members had joined the militant underground – refuse any community support to them, exclude them from community activities, deprive them of their share when distributing the meat after ritual slaughters etc. This was announced by the head of the district administration **Shamil Magomayev** (*Kavkazsky uzel*, 8.10.2008).

The pressure on the parents of the militants has also been registered, though to a lesser extent, in Ingushetia. Thus, according to the petition submitted to the Memorial by a resident of *the town of Karabulak* **M.N. Vanieva**, starting from **2004** she has been receiving regular visits of the security services officers, demanding that she discloses to them the whereabouts of her son, **Anton (Akhmed) Mikailovich Vaniev**, born in 1981 and suspected of having connections with the militants ([www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146729.htm](http://(www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146729.htm)). However, we cannot yet speak of a massive scale of this practice of pressure on the families of militants, which has assumed the nature of a sweeping campaign in Chechnya becoming as yet a reality in Ingushetia.

“All out!” New Urban Development Technologies on Trial in Chechnya

One of the key goals proclaimed by the President of Chechnya Ramzan Kadyrov, as we all know, is to erase all signs reminiscent of the war from the face of the republic and turn Chechnya into the most improved region in Southern Russia. This noble idea, which has been

repeatedly declared and has practically received the status of the Chechen national idea, is being implemented with the vigour and authoritative tenacity so typical of Kadyrov. The success achieved cannot be doubted. Grozny stuns the eye with the grandeur of both the restored buildings and the newly constructed ones called to help the city achieve the non-official status of "the capital of the North Caucasus". Among the latest achievements of the Chechen builders and designers is the recently renovated Grozny's main thoroughfare – *Prospekt Pobedy* - which was given a new name - *Prospekt Putina*, - on the day of the combined festivity – the Day of the City and the birthday of the Chechen President, **October 5**. The length of the avenue is about 1,5 km. It is home to 26 buildings, the ground floors of which are occupied by governmental agencies, cafes, offices, shops. The buildings are decorated with grey and red granite, about 700 trees were planted along the lane, which was, in addition to all framed with cast-iron grates.

On **October 17** the largest mosque in Europe, named after *Akhmat Kadyrov*, with a capacity to accommodate 10,000 people was opened in *Grozny*. The mosque is part of the "Heart of Chechnya" complex, which is also comprised by the Kunt-Khadzhi Russian Islamic University, the Religious Board of Muslims, a madrasah, an Islamic library and a dorm for the students (*Lenta.Ru, 17.10.2008*).

However, there is the other side of the medal to all these marvels in the shape of serious expenses for the people of Chechnya and violation of their rights. Chechen civil servants often demonstrate remarkable ingenuity in their ways of extracting money and lands from their population, the only explanation for which may lie in the mentality-related peculiarities of the people of Chechnya and in the equally peculiar judiciary situation in the republic.

Thus, the costs related to the already mentioned reconstruction of the *Prospekt Pobedy* (*Putina*), - which was the second already over the recent years and cost, according to some sources, 1 billion rubles, - were unexpectedly distributed between businessmen and public institutions, whose offices are located on this street. On **October 6**, the next day after the ceremonial opening, upon coming to work in the morning, people found the doors of their offices sealed. The seal on some of them read that this had been done by the city administration of Grozny, the seals on other doors were illegible. They could only be opened after a payment of 200,000 to 500,000 rubles to representatives of the organizations in charge of the construction works. No documents were ever signed, the owners and heads of the companies were only shown some list with names and the amount of payment indicated on it. Everybody was obliged to pay, with no exception made for public institutions. Among the latter category 8 have offices on the *Prospekt Pobedy*, among them were the Ministry of Education, the Court Justice Department, the historical museum and the municipal library. According to our sources, the majority of businessmen and institutions had to pay the amount demanded (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m150093.htm)

Problems related to owning land property in the centre of the city, which is the ideal site for elite construction, is a topical problem in today's Grozny, - just as in many other cities of Russia. Similarly to the previous example, the local mentality and judicial peculiarities endow the ways of resolution of this problem with the special local flavour. Moreover, land property relations in Grozny are considerably tangled and complicated by the two destructive wars, several major migration flows and changes of power in the region, all this contributes to the ability of the strongest to interpret the situation in their own favour.

This is clearly confirmed by the petition from the owners of private households located in the city centre on *the Abakanskaya, Sanatornaya, Chekhova streets* and *the Vishnevyy side-street*, received by the Memorial office in **early September**. These streets are adjacent to *the Kirov Park of Recreation and Leisure*. During both wars this area was the zone of severe fighting, over 70 families found themselves without shelter. Over the entire period of fighting they would repeatedly leave the city, then come back and try to restore their houses. They continue to hold all necessary documents confirming their rights to this property. Nevertheless, starting from **2002** they began to encounter various obstacles on the path to reclaiming their property under the pretext that a complex of governmental buildings is planned to be erected on the site of the Kirov

Park. The district was taken under guard, the residence of the demolished houses were not allowed to enter it. The Public Prosecutor's Office has repeatedly confirmed the right of the owners of land to continue residing on the plots that belonged to them before the war broke out and stated that the city administration is violating the law. The administration was ordered to rectify the violations committed, yet these orders failed to elicit any kind of reaction on the part of the administration.

In *summer 2008* residents were shown new plots of land allotted to them by the administration – those plots were located on the outskirts of the city, the place had long been occupied by the city dump. The territory is quite clearly unusable for construction works and the majority of the families have no money to invest in construction anyway. They are not even offered any compensation that they would be entitled to under the new law, in fact, their property located in the vicinity of the Kirov Park had never undergone the evaluation procedure. Instead, the administration officials launched a series of verification procedures as to whether the documents held by the property owners were really valid. The people submitted attested copies of their title documents, yet the officials demanded from them to submit the original copies. Eleven of the residents obediently submitted their original copies. As a result, the documents of two of them went permanently missing in the depths of tables of the Chechen officialdom, while the rest were deemed invalid on the basis of some obscure expertise conducted upon an order from the administration. The property owners have never seen the official results of that expertise and cannot, therefore, contest them in court, however, they have already been informed that they have no rights to anything at all. The residents appealed to the last authority which they trusted – the President of the Russian Federation. A similar situation is unfolding for private property owners who used to live in the vicinity of the Minutka square. (www.memo.ru/hr/hotpoints/caucas1/msg/2008/09/m146727.htm).

A similar scenario could be observed unfolding in *summer-autumn 2008* in *Gudermes*. In *spring 2008* the construction of a 7-storey hotel in the centre of the city was completed. It is not known who the owner of the hotel is, all that is known is that he occupies one of the most influential positions in the republic. In *mid-July* an entire residential district around this hotel was literally raised to the ground.

Years ago the authorities had built cottages for families of railway workers in this district. In subsequent years most of those cottages were privatised. Many residents had erected new constructions on their plots, many built shops in which they worked, paying required taxes. It remains unclear whose decision it was to destroy the district and build new houses instead. There is information that this has been envisaged by the general city reconstruction plan. This does not explain, however, why it was necessary to destroy the dwellings which their owners had been carefully and lovingly creating for decades. All the constructions were destroyed by bulldozers, while the residents receive 1 mln rubles and 600 sq m plots on the outskirts of the city in compensation. The destruction of the district proceeded under the tacit protest from the residents.

Vocational school No 8 situated directly behind the hotel, which was the only educational institution in the republic specialising in training qualified railway personnel, was also demolished.

Then the turn of the neighbouring residential district came. This time, however, the residents offered considerable protest in response, and some women stood in the way of the bulldozer destroying their houses. The joint effort of the residents resulted in payment of compensations ranging from 3 to 8 mln. The district was entirely demolished in two weeks' time. The residents of the adjacent districts are waiting apprehensively what is going to happen next. From what they have been able to learn, they would be allowed to spend this winter in their houses, after which their property would be demolished as well (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m149845.htm).

Worse still is the situation of the residents of house *No 8 on Zhukova str*, in the *Zavodskoy district of Grozny*. The house is in disrepair and is on the plan for demolition, yet its dwellers are not offered even temporary shelter instead. The 30-flat house, which, according

to the deficiency act of the Housing Sector Production Office of the Zavodskoy district of **April 5, 2004** is destroyed to the extent of 85% and is beyond repair, nevertheless, continued to be home to 10 families. All of them are officially registered in this house. **In early summer 2008** the district authorities temporarily registered three more persons there; those people previously lived in the Zavodskoy district.

Since the occupants of the house did not leave their homes during the armed hostilities, they have no refugee status and are not entitled to accommodation at the temporary accommodation centres^{4[5]}. On the other hand, nobody was in reality in charge of either conducting repairs of the building or of providing shelter to its occupants, because the building was in the inventory of the Grozny Oil Refinery, which was completely destroyed during the war. People do not know where to go. Many of them come from orphanages and have no family in Chechnya, who could accommodate them. Many families have disabled among their members. The district administration told them that it is their own concern to find temporary accommodation for themselves. This, however, requires financial resources and these people have no spare money, all of them are living on the breadline surviving on meager pensions and child or unemployment benefits or scrape along doing odd jobs.

None of the residents can boast of having a permanent job (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m150095.htm). **As of the end of December** the situation with House No 8 on the Zhukov street remained unchanged: thanks to all the effort of the Memorial staff, the eviction of the people, - which practically meant throwing them out onto the street, - was prevented. One of the residents – the disabled **Yuri Semenovich Spasitelev**, born in 1950, - was sent to the residential home for the elderly.

Problems of Internally Displaced Persons in Chechnya

Meanwhile, the issue of housing is far from being resolved in Chechnya. The internally displaced persons continue to be the most vulnerable population category in Chechnya, which has officially already ceased to exist as such, since temporary accommodation centres were disestablished at **the end of 2007 – 2008**. The areas of compact settlement of internally displaced persons, – usually represented by several families settled together, – that continue to exist till today, are illegal and, therefore, both the authorities and the owners of the premises have a green light for any arbitrary actions in their respect. In the latter case the authorities generally keep out of the matter allowing individual owners “resolve” the problems of refugees as they see fit, not infrequently using violent means.

Thus, on **October 5, 2008** a woman called **Aishat** appeared in the *Sabila* area of compact settlement of refugees in *Grozny, Michurina ul, 76*. She brought along with her up to 20 young men, who started breaking windows and doors upon her orders before the eyes of the refugees living in there. The astonished residents were told that the house was her property and that she may dispose of it in any way she pleases.

The house was inhabited by 5 families resettled from *Nazran* at **the end of 2004**. All the families are relatively young, and never had their own houses because of the war. They were invited to return to Chechnya as part of an intensive agitation campaign, but when they finally arrived, it turned out that there was no accommodation available for them at the temporary accommodation centres. They had been renting flats for over a year, but the rent had risen and they were compelled to demand from the government to keep its pledge. Then they were offered to move into a two-storey block of flats which, according to the deputy head of the Federal Registration Service in Chechnya **Alavdi Khasimikov**, he owned as his private property. The migration service signed an agreement with the refugees and covered the expenses related to their accommodation there. However, last year temporary accommodation centres ceased their

existence and another officer of the migration services, a certain **Agayev**, announced that the refugees would have to move out of the building. About a month ago Aishat started appearing regularly in the neighbourhood demanding that the refugees clear the premises. People showed children to her and begged her to allow them to stay as they had nowhere to go. Appeals to all possible authorities, up to the republican government, were blatantly ignored by the civil servants. By the winter most people had found shelter in the houses of their relations or else rented flats (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m150092.htm).

There are also cases when civil servants make their independent decisions on throwing people out of their houses citing public needs and interests as allegedly sufficient grounds justifying their actions – among such the necessity to carry out reparation works in order to convert the building into a hospital later on is most frequently mentioned. On **October 8** in the city of Grozny the temporary accommodation centre located at the following address: *Koltsova ul., 4*, was approached by several cars, including several lorries, all this was managed by **Nasruddin Saidov**, deputy head of administration of the Staropromyslovsky district. He demanded that the residents move out of the building intended for setting up one of the blocks of the 5th Children's Hospital in there. The lorries were intended for people to load their possessions. The people were indignant at the order since they had nowhere to transport their possessions to: their dwelling, which was destroyed during the military hostilities, has not been restored to date, and no compensations have ever been paid to its owners. Yet, Saidov continued to determinately demand their eviction and had brought several armed officers of the security services with him.

An officer of the Memorial **Akhmed Gisayev**, who came straight to the place of the incident in his car upon the refugees' request, suggested the civil servant shows the documents on the basis of which the eviction was to take place, otherwise, those actions were unlawful and could be qualified as abuse of office. Saidov spent some time there and left with a promise to resolve the issue of resettlement via the heads of the administrations of those districts where the refugees used to dwell before the war broke out; the security officers followed him.

Several families remain at the temporary accommodation centres, most of them are not originally from Grozny. According to the information available to the Memorial, by the early December the situation had not changed. (www.memo.ru/hr/hotpoints/caucas1/msg/2008/10/m150096.htm).

Many refugees whose situation is particularly urgent and distressful have repeatedly been assured by the authorities that they would be provided with the facilities that they so much need. Such promises were generously ladled out at **the end of 2007**, when the campaign was launched for liquidation of temporary accommodation centres – the disgraceful reminders of the past war disturbing the eyes of the Chechen authorities. Many refugees were granted the amounts of 18,000 Rbs at the time in order to be able to rent facilities for 6 months, over this period they were guaranteed to be granted new accommodation. "Letters of guarantee" were issued by the republican authorities as a pledge of those promises. To date the 18,000 Rbs have long run out, while "the letters of guarantee" are of no use any longer since now the republican authorities refuse to recognise their validity (www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m153807.htm).

Information bulletins of the Memorial over the entire period of autumn 2008 contain dozens of documented stories of deprived families who appear to have no optimistic prospects in their situation. On the whole, we are currently decidedly far from being able to speak of any successful resolution of the housing issue in Chechnya.

Dagestan. War on Terror: New Progress Reported by LAW Enforcement Forces, while Armed Underground Continues to Grow

In the autumn 2008 the law enforcement forces held several major operations which resulted in destruction of several dozens of militants and their accomplices. This scale of anti-

terrorist operations and of losses sustained by the militants was, in fact, unprecedented for Dagestan. *In early September* several almost simultaneous operations held in different parts of Dagestan – in the *Khasavyurt* and *Derbent* districts on *September 7–8*, - resulted in destruction of a total number of 10 militants, among them was the veteran leader of the Khasavyurt group **Askhab Bidayev** and the leader of the Derbent militants **Ilgar Abdurakhman-ogly Mollachiev** (aka – **Amir Abdul Majid**), who were long wanted on the federal level. The latter is often referred to as “the commander of the Dagestan front” and the successor of Rappani Khalilov, who was responsible for the relations with the Al-Qayeda sponsors before being killed two years ago (*New Times*, 8.9.2008). The militants’ website ‘Kavkaz-Center’ alleged that Mollachiev (Abdul Madjid) “had been an active militant of the jihad” and that the credit for having considerably expanded the operational zone southwards goes to him (*Kavkaz-Center* 11.9.2008). Askhab Bidayev is also widely known as the leader of the Khasavyurt militant group and long remained surprisingly elusive from the law enforcement forces.

In October the Supreme Court of Dagestan opened the trial of another prominent member of the terrorist underground – **Bammat Skeikhov**, who was the head of the Buinaksk ‘Jamaat’ armed group (other sources claim the name of the group was ‘Seyfullah’), detained in the course of an operation in *the village of Gimry last February*. Sheikhov stands trial pursuant to three articles of the Criminal Code: organization of a criminal community, illegal storage of firearms, encroachment on the life of a law enforcement officer (*RIA Dagestan*, 17.10.2008, *Kavkazsky uel*, 15.10.2008, *Gazeta.Ru*, 15.10.2008). *By late November* the trial had not started yet and on *November 12* the jury, which was only formed as a result of tremendous efforts and only upon the fourth attempt was dissolved. It was discovered that the senior member of the jury is a friend of one of the accused, while another used to be a mate of another militant leader already killed by that time (*RIA Dagestan*, 12.11.2008).

Other major operations of the security services in Dagestan include:

On *September 7* ten militants were killed at a location *1,5 km north-west of the village of Tsumur in the Suleman-Stalsky district*. According to the FSB account, re-deployment of a group of militants, who were allegedly planning to seize a secondary school, was scheduled for that night, an ambush was laid on their route and the Gazelle vehicle in which the militants were driving drove into that. According to *RIA Dagestan*, the terrorists responded to the proposal to surrender with opening fire from automatic rifles at the law enforcement officers. The fire exchange resulted in two officers of the FSB Department for Ingushetia receiving gun wounds, one of them died later. After that, ten militants were killed in the course of the fire exchange (*RIA Dagestan*, 17.9.2008). The Kavkaz-Center website reported that intensive gunfire exchange took place in the forested parts of *the Suleman-Stalsky district*, the Russian side introduced artillery and helicopters into action. (*KavkazCenter*, 17.9.2008). According to the parents of the killed men, 5 of the 10 young men killed had no criminal record and were not wanted for any crimes, they took to the woods fearing punishment for participation in the mass brawl in Derbent in which one man was killed (*Kavkazsky uzel*, 17.9.2008).

On *October 26, at 6 pm* in the capital of Dagestan law enforcement officers detained a group of 17 people on whom Wahhabi literature and propaganda CDs were found. It is reported that young men were released following the interrogation (*RIA Dagestan*, 27.10.2008).

On *November 17* four militants were killed as a result of an assault of a flat in one of Makhachkala’s districts, which lasted several hours. Initially the security services did not know the exact address of the flat or the house, where the militants may have been, and they were scouring several adjacent residential districts. According to the *Chernovik* newspaper, the sole ground for the operation was only one intercepted telephone conversation. After discovering the location where the militants were hiding, the security services negotiated possible surrender, including negotiations involving relatives of the militants (this is confirmed by several sources), yet the besieged refused any contact with the law enforcement services. Heavy weapons were used during the assault. The *Kavkaz-Center* website alleged that several dozen Russian security

service officers were killed in the attack (*Kavkaz-Center, 17.11.2008*). The security services have not disclosed any figures on their casualties.

However, shortly after the September special operations, the militants demonstrated their ability to operate in the manner of organised and mass actions which were rarely observed over the recent years.

On **October 21** two consecutive attacks on police officers, most likely coordinated with each other, were perpetrated in the *Sergokalinsky* and *Karabudakhkent* districts. First, three unidentified men, driving a car taken by force from a local resident, opened fire at the mobile post of the Department of Interior having killed one police officer and wounded three. Later on a remote-controlled bomb was exploded on the route along which a convoy of police vehicles proceeded - four UAZ vehicles and a bus carrying Special Task Force officers going to the scene of the first incident. The convoy was also exposed to gunfire as a result of which 5 police officers were killed and 9 were wounded. According to the estimates of the Ministry of Interior of Dagestan, the number of attackers was between 15 and 18. The search for them lasted two days yet brought no result (*Chernovik, 24.10.2008*).

Moreover, Dagestan is witnessing a consistent trend of regular murders of senior officers of the security services – heads of the Russian Ministry of Interior departments, of the Directorate for Combating Organised Crime, district police departments, etc. Thus, the death toll for the **autumn 2008** included a colonel, a lieutenant colonel and four majors. The responsibility for these crimes was assumed by the so-called **Shariah Jamaat** on one of the militants' websites, the motive for the murder, as declared, was participation of police officers in “the tortures of Muslims” (*Kavkaz-Center, 23.9.2008*).

Therefore, despite the powerful strikes causing more than little damage to the armed underground, the latter is still going strong and is able to recover fairly quickly. In one of his recent speeches Minister of Interior of Dagestan **Adilgerey Magomedtagirov** acknowledged that after each strike against the militants in Dagestan, “*they were able to rapidly recover their forces and reinforced their positions*”. In September the first deputy of the Republican Public Prosecutor **Magomed Dibirov** announced that in Dagestan 1,237 persons are on the police file being either suspected of or accused of involvement in extremist activities (*Kavkazsky uzel, 24.9.2008*). Later on, Magomedtagirov announced that the militants operating on the territory of Dagestan represent 7-15 organised groups.

In November the Russian security services disclosed the details of the operation in blocking a cash money channel which was allegedly used for financing terrorism. On **September 17** 330 mil rubles, USD 1,775,000 and 600,000 EUR were found on a passenger of a Makhachkala-Moscow flight. Such an amount of cash, from apparently criminal sources, could have only been intended for purchase of weapons, financing of illegal armed groups and for other unlawful acts, the law enforcement services believe. According to their claims, this amount would have been enough to equip a group of 2,500 militants! (*Pravda.Ru, 15.11.2008*)

Every time when a large number of militants are killed in the course of special operations, the issue of returning their bodies to their relatives arises. The bodies of killed terrorists are not returned to their families for burial at their family cemetery – they are buried in common graves under specially assigned numbers. The human rights community has repeatedly denounced such practice as barbaric. Nevertheless, it is known that some deviations from this practice are not infrequent, for example, in Ingushetia the bodies of killed young men declared to have been terrorists are often returned to their relatives. In Dagestan a wave of public disturbances caused by the relatives of the young men killed demanding the return of their bodies rose after the large-scale operations in early September. After the simultaneous killing of ten people in the Suleyman-Stalsky district, with the FSB claiming that the killed men were on their way to seize a school, only the family of Ravil Novruzov received his body back, the rest were buried anonymously and in secrecy. The demands of the families of the other men were met by the Ministry of Interior of the Republic of Dagestan with allegations of that: “*Novruzov was himself no terrorist. He only agreed to help provide the terrorist group with money and food and when*

he came and brought those, they did not let him go. (RIA Dagestan, 10.10.2008). It remains unclear how the degree of culpability of the others was determined. The families believe that the men killed had no links to the terrorist underground, and that their reason for being in that forest was completely different: two months ago a brawl at a wedding celebration ended up in one person being killed. Four men of those guilty went into hiding in the woods fearing punishment for the murder. The rest were summoned for interrogation by the Department for Combating Organised Crime, where they were demanded to disclose the whereabouts of their friends. After that, the rest also took to the woods (*Kavkazsky uzel, 20.9.2008*). The families claimed that certain intermediaries offered to sell to them the bodies of their boys demanding one million rubles for each body. Later the officials of the Dagestan Ministry of Interior declared that their “Ministry is no grocer’s shop for you here” and that it is up to the Public Prosecutor’s to decide what to do with the bodies, not to them.

We should note that recently the procedure for reclaim of bodies by relatives on the basis of a court decision was formalised in legislation. It is the court that has to determine the guilt of the person killed and prove his involvement in the terrorist activities. This regulation was introduced into the legislation after the examination by the Constitutional Court of the Russian Federation of the petition from the families of those killed during the attack on the governmental agencies in *Nalchik in 2005*.

Dagestan. Ideological battle and its current results

The republican authorities continue with their active efforts in counteracting terrorism and religious extremism on the ideological and educational levels. Last autumn saw a series of public events and actions through which the authorities sought to establish a dialogue with the society concerning this issue. On **September 9** a meeting of the Public Council under the Ministry of Interior of Dagestan was held, on **September 24** – a seminar for the Security Council of the Republic of Dagestan with the deputy heads of administrations dedicated to the issues of public security in municipal districts and cities, **November 20 – 21** opened the All-Russia representative workshop conference on “The current issues of counteracting nationalist and political extremism”. On **September 24** a round-table conference dedicated to the problems of juries operation in Dagestan, - the agenda included the attitude of juries to allegations by the accused of having been subjected to tortures (as far as the Memorial is concerned, the event was held on a rather pro forma basis and went unnoticed by the republican media).

The speakers at these events all expressed their concern with the growing spread of the radical Islam and involvement, in this connection, of new wider contingents of young people into the terrorist underground. It was again declared that “the results of the work in information and propaganda counteraction of extremism leave a lot to be desired” (*Mukhu Aliev, 20.11.2008*).

In October 2008 Adilgirey Magomedtagirov, the Dagestan Minister of Interior, publicly acknowledged that Wahhabi teaching had “taken gained firm ground on the Dagestani soil gradually ousting and replacing our traditional Tariqah ways”. 1,370 practising Wahhabis are currently on the record with the Dagestan Ministry of Interior. Special surveillance has been put on young people who had done some sort of religious studies in the Arabic countries. The terms «Wahhabi» and «terrorist» have long become synonymic in Dagestan although it is far from being a hard and fast rule that the former essentially entails the latter. Wahhabis, - or Salafis, as they refer to themselves, - the followers of fundamentalist Islamic teaching rejecting the local traditional interpretation of Islam and living in their own rather closed communities – are severely persecuted in Dagestan. The authorities deliberately force them into a marginalized situation, which is just one step away from joining the armed underground.

Only recently did it come to the knowledge of the human rights activists that the more religious part of the residents of the village of Gubden has long been victim of persecution on the part of the authorities. Their households are regularly searched without any warrants, unlawful

detentions and interrogations, during which the detained may well be beaten or tortured, are not rare either, some of those arrested earlier were subsequently put under surveillance, all telephones are tapped. Mass arrests when 10, 12 or sometimes even 40 persons, may be taken to local police stations without any sufficient legal grounds for this have become common practice there. Families are living in constant fear and stress, children are scared of men in military uniform, women sleep fully dressed every night awaiting sudden “break-ins” by security services officers. Men avoid leaving the territory of the village on their own fearing abductions and enforced disappearances. Recently they have even been avoiding traveling alone inside the village. Around 20 families succumbed to the pressure and left Gubden over the recent months. There is every reason to believe that the natives of this village **Saigadzhy Saigadzhiev, Nustapa Abdurakhmanov, Akhmed Gadzhimagomedov**, who were killed on **October 28** and declared to have been active members of the armed underground, had in reality been abducted by the security services, tortured and killed by a finishing fatal shot in the head (www.memo.ru/2008/11/26/2611081.htm). This and similar methods of “combating terrorism”, which do nothing but contribute to its spread, were discussed at the press-conference “Security and human rights in Dagestan” held in Moscow on **November 24**. The conference was organised by the Memorial human rights centre and the speakers on its behalf were **Oleg Orlov** and **Ekaterina Sokirianskaya**. Another speaker participating in the conference was the chairwoman of the board of Human Rights Organisation Mothers of Dagestan **Svetlana Isayeva** (<http://www.memo.ru/2008/11/25/2511082.html>). The speakers repeatedly stressed that Dagestan has recently become one of the most troubled regions of the North Caucasus, the fundamentalist ideology has gained a lot of popularity here.

Considering this situation, “the battle for people’s minds” – the term frequently used by President **Mukhu Aliev**, - becomes a rather complicated task. Earlier the authorities were calling to expand the anti-Wahhabi propaganda to all levels, including local district press. However, the low professionalism of those in charge of putting the scheme into practice, rather clumsy and absurd propaganda tools prove to be nothing but counter-productive. Currently, the calls for total spread of propaganda have ceased with nothing being offered to serve the goal instead.

The assessment of the work of the agencies responsible for information policy came in the form of the discharge of **Eduard Urazayev**, the Republic of Dagestan Minister for Nationalities Policy, Information and External Relations, on **November 21**. The head of the Public Television and Radio Company “Dagestan”, **Garun Kurbanov**, was appointed to this position in lieu of Urazayev. At one of the September events he spoke up against the excessively severe attitude of the security forces and their overreacting to any criticism of their actions in the media.

Indeed, along with the “battle for positive news”, the authorities display no less concern with regard to frequent “leaks” of negative news into the media. Another line of their efforts are all possible attempts to prevent possible portraying of militants or followers of the Wahhabi teaching in any positive light. The work in this direction has notably intensified since **summer 2008**. The appeal to intensify the counteraction to “the aggressive line pursued by a number of commercial editions” who have chosen “defamation of the work of security services as their policy” was first voiced by the President of Dagestan back at the aforementioned November workshop conference. It is fairly easy to qualify as “the aggressive line” any attempt at analyzing the current situation in the republic and the tendencies helping the spread of extremism: the arbitrariness of the security services, abductions and tortures of young people, rather controversial “special operations”, devastating assaults of households, persecution of religious young people.

The pressure on the independent press in the republic has intensified recently. Last September a linguistic expertise was ordered for materials appearing in the “*Vremya deystviy*” newspaper published since **2006** and becoming highly popular after a series of publications on the arbitrariness of the security services in their “struggle with terrorism”. **Last summer** saw the onset of its troubles, first, it was abandoned by its founder – the director of the Derbent sparkling

wines distillery. *At the end of July* all office equipment and furniture were taken out of the editorial office, after that the staff stopped receiving salaries. Since then the newspaper reduced its publishing space to 4 (later - 8) broadsheets instead of 24, and is published using the donations from its readers. The newspaper is now printed in Makhachkala – the printing house in Derbent refused to take orders from the media source that has fallen out of grace with the authorities. Later **Magomed Khanmagomedov**, the newspaper editor-in-chief, was summoned to the Ministry of Interior and strongly recommended to refrain from “portraying Wahhabi militants as heroes”. The materials in respect of which a linguistic expertise was ordered were precisely those dealing with the arbitrariness and atrocities committed by the security services – the articles by Ruslan Gasanov “**And in the eyes the blood of children**” and “**Masked killers**” published on **July 2, 2008**. In the first article the author analyses in detail the special operations in Derbent, in the other he criticises the actions of officers of security structures seconded for duty in Dagestan from other regions of Russia (*Kommersant*, 19.9.2008).

The issue of seconded security services officers was also raised in the article entitled “**Terrorist No 1**” published by the *Chernovik* newspaper, prompting the current wave of its persecution.

The “*Novoye Delo*” newspaper, which also enjoys a considerable popularity in the republic (circulation - 20,000), is currently in litigation with Deputy Mayor **Abdurakhman Guseynov** who had accused the media source of collaboration with the militants.

Another press edition currently going through litigation is “*Nastoyascheye vremya*” newspaper. Its journalist team has sued its founder **Rizvan Rizvanov** for “impeding their journalism work and censorship”, - for example, he had forbidden them to write about the search conducted on the premises of the *Chernovik* newspaper. A criminal case was opened against Rizvanov, however, in October the judicial division for criminal cases of the Supreme Court of Dagestan closed it. The staff journalists of the newspaper appealed this decision.

The persecution of the *Chernovik* newspaper and of its editor-in-chief Nadira Isayeva by the law enforcement services continued to take place. On **August 26** search was conducted in her flat and the flats of the most prominent staff journalists of the newspaper within the context of the criminal case against Isayeva initiated last summer on the charges of inciting ethnic violence and calling for overthrow of the constitutional system and order (*Kavkazsky uzel*, 26.8.2008; see also: www.memo.ru/2008/10/27/2710081.htm). In addition to this, in **the autumn** the newspaper lost in court the suit against it from the republican Ministry of Interior concerning a publication telling about the corruption within this governmental body. The Ministry of Defence suit was partially satisfied – the court demanded from the newspaper to offer its apologies and publish a retraction (*Kavkazsky uzel*, 13.11.2008). The *Chernovik* continues to come out, yet it has become noticeably more cautious and less outspoken in expressing its viewpoints. Publications concerning events related to terrorism and the “struggle” with it give bare facts of the matter without editorial comments or in their official version.

Journalists continued to regularly come under attacks and assaults. Some of these incidents may well be ascribed to pure hooliganism, yet others were clearly politically motivated. On **November 20** a staff journalist of the *Novoye Delo* newspaper **Gadzhimurat Sagitov** was attacked and beaten up in his own office. The motives of the attack are not quite clear, since Sagitov’s job rather had to do with the marketing of the newspaper and not with writing articles for it. On **November 10**, **Alexander Polyakov**, the sports correspondent for the *Chernovik* newspaper, was attacked and beaten in the entrance hall of the block of flats where he lived. He received numerous wounds on the head and was taken to hospital. The most notorious attack on journalists was the assassination of **Telman (Abdullah) Alishayev**, a journalist of the Islamic television company “*TV-Chirkey*” whose car was exposed to gunfire on **September 2**. Alishayev was taken to one of Makhachkala’s hospitals where he died on the following morning. The local media emphasized that Alishayev had been the voice of the active anti-Wahhabi propaganda in the republic, he was the author of the film entitled “**Ordinary Wahhabism**”, which, according to *Kommersant*, put him on the militants’ black list published on the *Kavkaz-Centre* website

(*Kommersant*, 4.9.2008). It is obvious that this assassination had been carefully planned and perpetrated by members of the terrorist underground.

The already complicated situation of the human rights organisation “Mothers of Dagestan”, in whose surrounding the authorities keep discovering active militants, has deteriorated still further: one of its leaders – **Gyulnara Rustamova** – is now directly accused of collaboration with the militants. The authorities link the “Mothers of Dagestan” to **Nustapa Abdurakhmanov** murdered in the *Sergokalinsky district* on **October 28** and declared to have been an “active human rights activists”. The press service of the Dagestan Ministry of Interior announced in a press release that Abdurakhmanov was “*a follower of Wahhabi teaching, had studied in Pakistan, was closely linked to the leaders of the terrorist groups, actively collaborated with the militants being involved in recruitment work among young Dagestani men*”. Abdurakhmanov indeed carried on him an identity card of the Mothers of Dagestan, however, one can hardly speak of any close collaboration between him and the organization. The latter, as well as the family of Abdurakhmanov and of another two residents of Gubden also killed on October 28, have every reason to doubt the allegations that the men put up resistance at the time of arrest. According to the relatives, their bodies bore apparent traces of torture and beatings, their arms and clavicles were broken, not to mention numerous haematomae, bruises and burns all over. Two of them had received finishing shots in the head. There is also a video recording on which you can see their bodies (*Кавказский узел*, 30.10.2008, www.memo.ru/2008/11/26/2611081.htm).

According to the same press release of the Dagestan Ministry of Interior, Gyulnara Rustamova (Butdayeva) is involved in organising rallies, active defence of the rights of persons convicted for participation in illegal armed groups and for aiding and abetting them and “*maintains close contacts with the female terrorist underground of Makhachkala*” (*Газета.Ru*, 31.10.2008).

On **November 17** during the assault of one of the flats in a multi-storey block of flats in Makhachkala, four militants were killed, among them was **Vadim Butdayev**, a brother of Gyulnara Rustamova’s. He had previously spent several months in hiding from the law enforcement services who suspected him of involvement in a number of grave terrorism-related crimes, including the murder of **Telman Alishayev**, a television journalist, and major **Arsen Zakaryayev**, an officer of the Directorate for Combating Organised Crime, on **October 2** (the last words of the latter caught by the eyewitnesses allegedly were: “*it was Vadim*”) (*Kommersant*, 4.9.2008).

The murdered Butdayev had offered fierce resistance. It is beyond any doubt that he indeed was a militant. Let us not forget, however, that his family has for years been subject to harsh harassment and persecution. Officer Zakaryayev was killed after the truth about the atrocious tortures and rape of a nephew of Butdayev’s, **German Hidirov**, became known (this was described by the Memorial earlier: www.memo.ru/hr/hotpoints/caucas1/msg/2008/03/m129505.htm, www.memo.ru/hr/hotpoints/caucas1/msg/2008/03/m129008.htm etc), for which the officer is believed to be responsible.

Svetlana Isayeva, the chairwoman of the Mothers of Dagestan, declared at the aforementioned conference that their movement condemns any form of violence. They by no means justify persons who choose to take up arms and a murder of a police officer and that of a civilian are equally tragic and unacceptable events in their eyes. However, amidst the lawlessness and violence, many young people see no other way out of it but to defend themselves with arms thus solving the problem of their own safety, in an attempt to avoid becoming victims of torture and extrajudicial executions as well as avenge their murdered or dishonoured relatives. The vicious cycle is thus never broken...

Classic Example from Routine Practice: Abduction and Attempted Fabrication of a Criminal Case in Dagestan

The Memorial has on numerous occasions described instances of fabrication of criminal cases, - a practice which has become pandemic in the North Caucasus. Currently, what we are struggling with in Dagestan is a classic example of fabrication of a criminal case. On **September 25** in *Makhachkala* a certain **Mamedyarov Nariman Feyzulakhovich**, born in 1975, *domiciled at: Makhachkala, Petra Pervogo street, 42, flat 3*, working as a tile setter taking private orders. As it became known later on, another young man – **Murad Khiriyasulov** – was arrested on the same day, yet he was released later and declined to talk about the circumstances of his arrest.

On **October 1** the wife of Mamedyarov reported the disappearance of her husband to the human rights organisation Mothers of Dagestan and to the Memorial human rights centre. **Aysha Mamedyarova** expressed her certainty of that her husband had been abducted by officers of the security services. A couple of days before his disappearance Nariman had told her about being watched by several cars without license plates but she did not consider this to be of great significance at the time.

Nine days later, on **October 3**, Nariman managed to phone up his relatives and tell them that he was being kept at the Buinaksk district police department. On **October 4** at **11 am** Bakanay Guseynova, an attorney with the Memorial human rights centre, arrived to the premises of the district police department accompanied by Mamedyarov's brothers. However, she was not allowed to enter, despite her persistent demands and the warrant produced. The loud indignation of the brothers brought out to them the deputy superintendent of the police department, who introduced himself as **Arsen**. The attorney was allowed to enter the yard of the premises. Arsen phoned the police duty station following which he announced that Mamedyarov's name does not appear in the Police Department register of arrested persons, no-one under this name had been delivered to them, nor was his named found among those arrested under administrative procedure.

Over the following 3 days the superintendents of the Buinaksk district police department were denying that the abducted man was being kept on their premises. The intervention of the Ombudsman of the Russian Federation **V.P. Lukin** alone helped the law enforcement agencies of the republic "to discover" the disappeared man. On the evening **October 7** Lukin was informed of that Mamedyarov was being kept at the Buinaksk district police department on the basis of "an administrative arrest for 10 days", allegedly for offering resistance to police officers. The attorney of the Memorial was only able to visit her defendant **after another 5 days**, during which she was denied access to him under various far-fetched pretext. Mamedyarov was unable to move on his own after severe beatings and torture with electric current, one of his arms was broken and gangrene was starting to develop on it. Mamedyarov himself was however happy to just be alive after all and pleaded for urgent medical assistance.

On **October 7**, when Mamedyarov's defence attorney and family arrived to the Buinaksk district police department, they were once again told that Mamedyarov was not there.

On **October 8** his defence attorney visited all the magistrate's courts in the district and was able to find out that Mamedyarov was arrested by Magistrate's Court No 46 of the Buinaksk district on the basis of an order of **October 2, 2008** pursuant to Article 9.3 Para 1 of the Code of Administrative Offences of the Russian Federation. According to this order, Mamedyarov was detained on **September 30, 2008** in the forested range in the Buinaksk district near the *Kazanishensky water reserve* with an arm in bandages and in dirty clothes. In response to the request from the law enforcement officers to produce his identity papers, he offered resistance. The materials of the case on administrative offence lack the account given by Mamedyarov himself as to what he was doing in that forest.

The court issued to the defence attorney a copy of all the case materials on the administrative offence committed by Mamedyarov and she went to the Buinaksk district police department this time with the ruling of the court and a warrant. This time the police admitted to

keeping Mamedyarov under a 10-day arrest on their premises for commission of an administrative offence.

However, over the subsequent days the attorney continued to be denied access to her defendant. Ms. Guseynova was only able to finally to meet with the deputy superintendent of the Buinaksk district police department, that very "Arsen", who addressed her with rather explicit threats. "Arsen" had told her that the 10-day term of administrative arrest had already expired for Mamedyarov and that he had been transferred to the Prosecutor's Office of Republic of Dagestan for interrogation within the context of criminal case No 801167, pending at the Investigative Department of the Investigative Committee of the Dagestan Public Prosecutor's Office opened on the fact of the attack on offices of the security services on **September 2, 2008** pursuant to Article 317 of the Criminal Code of the Russian Federation (encroachment on the life of a law enforcement officer). The inspection by the prosecutor's office conducted upon the demand from the attorney, revealed that, according to Mamedyarov's own confession, no pressure was ever brought on him, he had accidentally fallen in the forest breaking his arm, after which he was detained on September 30. The deputy prosecutor refused to issue to the attorney a copy of the warrant for arrest informing her that he still had ten days to make the decision regarding the petition.

Upon her return to Makhachkala, the attorney learnt at the administrative office of the Investigative Department of the Investigative Committee of the Dagestan Public Prosecutor's Office, that criminal case No 801167 was not pending on the Prosecutor's Office agenda and that Mamedyarov had not been delivered to the Prosecutor's Office for conducting proper investigative actions.

On **October 11** the defence attorney was finally able to meet with her defendant. Mamedyarov had been subjected to such severe beatings and torture with electric shock that he was unable to write because of the pains all over his body. The attorney drew up a petition to the Prosecutor's Office on his behalf writing down his testimonies. Nariman described to her the vicissitudes that he had to go through: he was abducted on the evening of September 25 by men wearing masks, he had a sack pulled over his head and was taken out of the city, the abductors were demanding from him to confess his involvement in the activities of the armed underground groups and his links to a certain "Vadim". He was first threatened with being shot on the spot, then, beaten. After that he was taken back into the city and tortured with electric current.

According to Mamedyarov's own conjecture, he had spent the first two days in Makhachkala, at "the 6th Department" because he could hear the voice of the muezzin calling the faithful to a special prayer – Azan – coming from the principal mosque of Makhachkala situated apparently not far from where he was kept. The voice of the muezzin reciting Azan was very familiar to Mamedyarov. On the second day his arm got badly swollen, he was anonymously taken to some medical establishment where X-rays were taken and his arm was put into plaster. In the first few days he was kept with a sack over his head, after that he was simply blindfolded to prevent him from observing his surroundings.

Later he was transferred from the 6th Department in Makhachkala to the Buinaksk district police department. There he was given documents to sign, the nature of which he was not able to understand due to his poor health condition.

As of **October 16** nobody had so far been able to explain to the defence attorney on what grounds Mamedyarov had been detained and what it was that he was suspected of. It was obvious that the investigative authorities were themselves at a loss as to what they could possibly charge the detained man with. The investigating officers were evading the defence attorney by all possible means, as well as the need to answer the above question. The attorney was also refused access to the case materials. From the arrest warrant, which the attorney received from her client, she was able to conclude that he was suspected of involvement in the terrorist attacks of **September 2, March 9 and 14, 2008**, pursuant to Articles 317 and 222, Para 1. Neither the circumstances under which the offence was committed, nor the exact involvement of Mamedyarov in it were mentioned there. The attorney feared that the investigating authorities

were deliberately protracting the procedure in order “to adjust” the evidence to the version concocted by them.

Indeed, on *October 1* a colleague of Mamedyarov’s, tile-setter **Rustamov Usman Salmanovich**, born in **1982**, also employed as a guard at the railway, was also arrested. This was reported by his mother to the human rights organisation Mothers of Dagestan on *October 3*. Rustamov had not been tortured. He was summoned to the railway police post where his testimony was not even taken down – it was merely demanded that he puts his signature on a blank list. On the following day he and his father were summoned this time to the FSB office, where it was explained to them that there was information about Usman having been seen in the forest together with Nariman Mamedyarov. Denying the acquaintance with Mamedyarov would have been senseless, since they were working together. Rustamov was released under a pledge not to leave the city.

Usman Rustamov pleaded with the Mothers of Dagestan to make his testimony public, since he had probably, by negligence, signed a testimony incriminating an innocent person. He has also asked them to appeal on his behalf to all possible government authorities and law enforcement agencies to put an end to his prosecution and help him in defending his constitutional rights.

Why has the above happened to Mamedyarov, Rustamov and Khiriyasulov? The answer is: all the three are practicing Muslims who regularly attend mosques and observe the religious rituals. Such young people are considered to be followers of the fundamentalist Islamic teaching and are, consequently, the primary target of illegal arrests made with the purpose of obtaining information about members of the armed underground and fabricating criminal cases (*for more detail on these cases see: www.memo.ru/2008/10/17/1710081.htm*)

First results in Farid Babayev assassination trial

On October 22, 2008 the court hearings were opened in Makhachkala in the case of assassination of Farid Babayev, a human rights activist, chairman of the Dagestan branch of the Yabloko party. The charged in the case are two persons charged with direct liability for perpetration of the crime – natives of the village of Miskindzha in the Dokuzparinsky district, Mamedrizayev Risal Zeynedievich and Sefimerzoyev Seferali Seferalievich, charged with crimes pursuant to Articles 105 (murder) и 222 (illegal carriage of firearms) of the Criminal Code of the Russian Federation. The person behind the assassination – since few would doubt the fact this was a contract killing – has not been established. The accused themselves are presently denying all accusations against them despite having confessed to the crime earlier. The motive of the murder has officially not been established to date. The interests of the Babayev family are represented by the attorneys of the Memorial Centre **Bakanay Guseynova** and **Dokka Itslayev** (see also www.memo.ru/hr/hotspots/caucas1/msg/2008/10/m151536.htm)

The attack on Babayev took place on November 21, 2007. Three days later he died in hospital without regaining consciousness. A facial composite of the suspected killer was immediately created, however, the efforts in detaining him on the hot trail were unsuccessful. The search for the assassin resulted in the arrest of Mamedrizayev on March 3, 2008 in the Republic of Yakutia. The latter alleged in the course of preliminary investigation that he was acting upon the orders from Abas Abasov – the son of the head of the Dokuzparinsky district Kerimkhan Abasov. Farid Babayev was known for his harsh criticism of the head of the Dokuzparinsky district and the republican police for opening gunfire at the participants in a peaceful rally on April 25, 2006, who were demanding Abasov’s resignation following numerous violations taking place in this most remote highland district of Dagestan, which is also the least populated one in the republic.

Abasov Jr was taken into custody on May 4, however, several days later a statement came from Mamedrizayev this time asserting that the former had no involvement in the crime.

Simultaneously, the deputy head of the Dagestan Investigative Department Mirzabala Mirzabalayev declared that one could possibly have no faith in Mamedrizayev's testimonies at all. Abas Abasov was released under a pledge not to leave the city, the criminal proceedings against him were soon closed (*Kommersant*, 12.5.2008). On May 24, Russian media sources reported that Mamedrizayev addressed to the Prosecutor General of Russia Yuri Chaika, the Russian Minister of Interior Rashid Nurgaliev, speaker of the State Duma Boris Gryzlov, Public Prosecutor of Dagestan Igor Tkachev, a petition in which he accused Abasov Jr of being behind the assassination and claimed that he had changed his initial testimonies under pressure and threats (*RIA Novosti*, 24.5.2008). Nevertheless, the criminal proceedings against Abasov Jr were not re-opened and the results of the examination of Mamedrizayev's petition remain unknown. In October, after the opening of the court hearings the public prosecutor publicly announced the name of the new suspect behind the assassination, Sedredin Kanberov, who had allegedly given the gun to Mamedrizayev and had promised him USD 15,000 as a reward. The investigators alleged that the same person had also been directly in the crime, acting as the driver to the accomplices in the murder. Currently Kanberov is in hiding and is on the federal wanted list (*Kommersant*, 23.10.2008).

The Kanberovs are part of an influential Lezgi family, originating from the Dokuzparinsky district. The Kanberov brothers hold very high positions in the republican authority structures and are prominent figures in the Dagestan political life. Thus, the director of MPK Makhachkalasnabsbyt, Mader Ganievich Kanberov, is a member of the People's Assembly of the Republic for the Dokuparinsky district; in 2006 he was running for the mayor of Makhachkala, many media sources alleged he could become the next head of the government (*see Chernovik*, 27.1.2007, 24.10.2008, the website of the Electoral Commission of the Republic of Dagestan, *Dagestanskaya pravda*, 22.12.2006). To the knowledge of the plaintiffs, Babayev's brothers, one of the brothers of the currently suspected S.Kanberov, is holding a position at the Dagestan Ministry of Interior.

The court hearings were due to start on July 23, yet they were repeatedly adjourned because of the failure of the required number of potential jurors to turn up in court. Not a single one of the 350 potential jurors turned up for the primary selection scheduled for August 5. The initial explanation for this was hot weather and the generally low sense of civil responsibility of the population of Makhachkala (*Gazeta.Ru*, 5.8.2008). The subsequent three attempts to form a jury also failed. It was only formed on October 15, - which was the fifth attempt, - and was only achieved through attracting people from the districts. The first hearings were held on October 22, and even those were an inch away from being sabotaged – the last member of the jury arrived half an hour late for the hearings (*Kommersant*, 23.10.2008). Difficulties with forming juries is an endemic “disease” of the judicial system in Dagestan, this is especially true for trials for politically-motivated contract killings. The true reason for that lies not in the lack of civil responsibility, nor in the whims of weather but in very realistic danger which all participants in such trials and their families may face in this connection. People are afraid of getting in the way of the bickering between the clans in court fearing revenge. The background of the Babayev assassination trial is no secret to anyone in the republic. The authority of the jury is rather low in the republic: the name of **Magomed Salikhov**, who had twice been acquitted by the jury of terrorism charges, including in the case of the Buinaksk explosions before being killed on November 17 this year while offering armed resistance in the course of a special operation. The first hearings were held on October 22, while at the second hearings, on **October 30, Judge Ibragim Garunov** announced that, upon a petition from Public Prosecutor **Guseyn Alilov**, the subsequent hearings would be held *in camera* with the purpose of ensuring the safety of the participants in the trial, primarily the police officers, since it was decided to interrogate them in court as additional witnesses. Holding *in camera* trials, when this is done for the purposes of ensuring the safety of the parties to such trial as well as of their relatives and members of their families, is permissible pursuant to Part 4 of Article 241 of the Criminal Code of the Russian Federation, which the public prosecutor referred to. The public prosecutor also mentioned a letter

received by the Public Prosecutor's office from the deputy head of the Dagestan Ministry of Interior **Valery Zhernov**. The letter alleged that, according to the operational information available, the police officers who were to appear at several high-profile trials as witnesses are currently subject to unprecedented pressure. This prompted the deputy minister to petition for *in camera* examination of cases. Moreover, the prosecutor mentioned another factor, which, in his opinion, may influence the testimonies of the witnesses, and that was the biased coverage of the case in the media (*Kommersant*, 31.10.2008).

The victim party in the case – the younger brothers of Farid Babayev, **Artur** and **Aydyn** – and their attorneys supported the prosecutor's petition. The Babayev brothers have provided their own information about the pressure experienced by the witnesses in the case. In their statement they allege that the brother of the suspected customer ordering the assassination, Sedredin Kanberov, a high-ranking officer of the Dagestan Ministry of Interior, had access to all operational information and had figured out the identities of the witnesses - even those who remained anonymous for the trials - and is now trying to intimidate police officers acting as witnesses in the case. The Babayevs believe that in this situation keeping the identities of the witnesses in strict anonymity is probably the only way to persuade them to stick to the testimonies given in the course of the preliminary inquest.

The first open hearings showed that the witnesses had been subjected to such thorough intimidation campaign that many are by now willing to go back on their own words. One of the first witnesses interrogated was officer of the patrol guard service **Islam Alibatyrov**, whose squad was the first to arrive at the scene of the crime, alleged with certainty that he had seen a red Zhiguli vehicle with 284 on its licence plate rapidly driving away from the scene of the crime. His earlier testimonies given at the preliminary inquest, where he spoke about a silver-coloured Zhiguli vehicle with a 067 licence plate, had been given with the same degree of certainty. He explained the contradiction with having signed the protocol without reading it, being in haste and wishing to avoid further hassle in the face of a possibility of being called as a witness. Following a prolonged counter interrogation he concluded with certainty: "*It was red! I am absolutely positive!*" (*Kommersant*, 23.10.2008). The plaintiffs, Farid Babayev's brothers, allege that Alibatyrov had already undergone proper "*working with*".

The following hearings of October 30 were not attended by several immediate witnesses of the crime who would have been able to identify the accused during the inquest, among them was another police officer **Agalar Ibragimov**. The court will have to arrange their compulsory attendance, which does not at all mean that they will not go back on their earlier testimonies as Alibatyrov had done already. Witnesses, who had been interrogated earlier in the course of the preliminary inquest, now refuse to testify against the accused and change their testimonies, despite their names having been replaced with alias and their identities being kept anonymous for the sake of their own safety. Successful proceeding on with the trial will require firm security guarantees which would persuade people to stick to the rule of law and bona fide judicial procedure.

Nevertheless, after the interrogation of the witnesses for the prosecution on **November 21** Judge Ibragim Garunov again made the decision to hold an open process since the threat to the witnesses related to the need for them to publicly speak in court, was no longer there, in his opinion (*Gazeta.Ru*, 21.11.2008).

On November 24, on the first anniversary of Farid Babayev's assassination, the Memorial held a picket in memoriam in the centre of Moscow near Kropotkinskaya metro station, calling for a just trial for the actual perpetrators of the assassination and the customers (<http://www.memo.ru/2008/11/20/2011082.html>).

New ECHR Judgements in Cases from Chechnya

In autumn 2008 the European Court of Human Rights had delivered an unprecedentedly high number of judgements in cases from Chechen civilians affected in the course of the second Chechen war of 2000 – 2003.

The interests of applicants in the five cases described below were represented by the lawyers of the joint project of the Memorial Human Rights Centre and the European Human Rights Advocacy Centre (EHRAC).

In total, the ECHR delivered 17 judgements in cases from Chechnya. In all these cases, except one, Russia was found guilty of violations of the Convention on Human Rights (principally, of Articles 2, 3, 5, 13, 38) and has been ordered to pay major pecuniary compensations as well as reimburse applicants' legal costs and expenses.

In the case **Salatkhanovs v Russia** (the applicants, husband and wife, alleged that the murder of their son by federal forces servicemen in Chechnya and the failure to investigate properly the circumstances of his death had violated their son's right to life) the Court had found no violations of the Convention.

The total amount in compensations that the Russian Federation was ordered to pay in the aforementioned Chechen cases lost by the State is EUR 1,049,000 in respect of non-pecuniary damage, EUR 67,601 in respect of pecuniary damage, as well as EUR 78,968 and GBP 1,489 in reimbursement of legal costs and expenses.

1) Case of **Ruslan Mezhidov v Russia**

On **September 25** the European Court of Human Rights delivered its judgement in the case **Mezhidov v Russia**, in which it acknowledged that the five members of Ruslan Mezhidov's family were killed as a result of the shelling of the village where they were living at the time by Russian artillery troops. This is the record amount of compensation awarded by the Court to a single applicant in a case from Chechnya.

In the evening on **October 5, 1999** the parents, brother and two sisters of Ruslan Mezhidov were at their home in the village of Znamenskoye. Ruslan was away. **Between 7 and 9pm** five or six artillery shells were shot at the village from the direction of a mountain on which the Russian troops were based. All of the family members were killed by a shell blast in their yard.

The Court acknowledged that the applicant's family was killed as a result of the shelling of the village Znamenskoye by Russian artillery in violation of Article 2 of the Convention of Human Rights (right to life).

The Court also concluded that no adequate effort to investigate possible involvement of federal troops in the shelling of October 5, 1999 had been made. Therefore, the Russian Federation had failed to conduct a comprehensive and effective investigation into the death of the five members of the applicant's family in violation of the procedural aspect of Article 2 of the Convention.

The Court noted that, in circumstances where, as in the applicant's case, the criminal investigation into the death of his immediate family had been ineffective and the effectiveness of any other remedy that might have existed, had consequently been undermined, the State had failed in its obligations, in violation of Article 13 (right to effective remedy).

The Court also noted that in refusing to submit copies of documents requested by the Court for the establishment of the circumstances of the murder of the five members of the applicants' family, the Russian Government failed to meet its obligations under Article 38 § 1 (a) of the Convention (obligation to furnish necessary facilities for the examination of the case).

The European Court of Human Rights awarded the applicant EUR 100,000 in compensation. (www.memo.ru/2008/09/25/2509081.htm).

2) Case of **Ayset Akhmadova and Yusup Akhmadov v Russia**

On the same day, **September 25**, the ECHR delivered its judgement in the case of Akhmadova and Akhmadov v Russia.

The case matter is the following: on **September 29, 2002** a group of five armed men in masks and camouflage broke into the house of the **Akhmadov** family in *Urus-Martan*. Leaving the house, they took the eldest son **Adnan Akhmadov** away with them. He was tied and pushed

into an armoured personnel carrier which drove off. Adnan has not been seen ever since. The inquest into his disappearance had failed to produce conclusive results.

The Court has found that there had been a violation of Articles 2, 3, 5, 13 of the Convention by the Russian Federation in respect of the involvement of the federal forces in the applicants' son's death, inhuman treatment, failure to carry out an effective investigation of these violations, lack of effective remedies on the domestic level. The Court awarded the applicants, jointly, EUR 35,000 in respect of non-pecuniary damage, EUR 3,000 in respect of pecuniary damage, EUR 3,650 – for costs and expenses.

3) Case of Asiyat Lyanova and Rashan Aliyeva v Russia

On *October 3, 2008* the European Court of Human Rights delivered its judgement in the case **Lyanova and Aliyeva v Russia** in which it found the Russian Federation guilty of unlawful detention and death of two teenage sons of the applicants.

The interests of Lyanova were represented by the lawyers of the joint Memorial – EHRAC project, the interests of Aliyeva – by the lawyers of the Stitching Russian Justice Initiative.

In the evening of June 28, 2000 in Grozny, the applicants' sons, 16-year-old **Murad Lyanov** and 15-year-old **Islam Dombayev**, together with their 17-year-old friend were on their way to the latter's home. However, their parents were vainly waiting for them to return. Three teenagers were detained in the course of a joint operation of the Pskov special police forces (OMON) and operational task force brigades and taken to their infamous military base *in Khankala*. Nothing has been known of them since then.

The Court concluded that the evidence in the case is sufficient to recognise that *on the night from June 28 to 29, 2000* federal forces were carrying out a special operation on Sadovaya street in Grozny, as a result of which Murad and Islam were detained and can be presumed dead/ This constitutes a clear violation of the obligations of the States under Article 2 of the European Convention on Human Rights and Fundamental Freedoms (right to life).

The Court considered that the applicants had suffered, and continued to suffer, distress and anguish as a result of the disappearance of their relatives and their inability to find out what had happened to them. The indifferent and inhuman manner in which their complaints had been dealt with by the authorities had to be considered by the Court to constitute inhuman treatment, in violation of Article 3 (prohibition of torture, inhuman or degrading treatment or punishment).

The Court further found that Murad and Islam had been held in unacknowledged detention without any of the safeguards contained in Article 5 of the Convention (right to liberty and security).

The State had failed to provide the applicants with effective remedies in respect of their sons' right to life, in violation of its obligations under Article 13 of the Convention.

Furthermore, the Government had refused to submit documents requested by the Court with regard to establishing the circumstance of the disappearance of Murad and Islam, thus failing to comply with its obligations under Article 38 § 1 (a) of the Convention (obligation to furnish necessary facilities for the examination of the case).

The Court awarded each applicant EUR 37,000 as compensation in respect of pecuniary and non-pecuniary damage. Moreover, the Court ordered to reimburse the costs and expenses of the lawyers of the joint Memorial – EHRAC project (for more detail see: www.memo.ru/2008/10/02/0210081.htm, [www.memo.ru/Search/show.pl?url=http://www.memo.ru/hr/hotpoints/caucas1/prop/letters/t11.htm&words=%CC%F3%F0%E0%E4+%CB%FC%FF%ED%EE%E2](http://www.memo.ru/hr/hotpoints/caucas1/prop/letters/t11.htm&words=%CC%F3%F0%E0%E4+%CB%FC%FF%ED%EE%E2))

4) Case of Ramzan Albekov and others v Russia

On *October 9* the ECHR delivered its judgement in the case of **Albekov and others v Russia** and found Russia guilty of falling short of its obligations in protecting lives of its citizens

in Chechnya who are killed by anti-personnel mines. This is so far the first ECHR judgement on instances of injuries or deaths of civilians in Chechnya by anti-personnel mines.

Two civilians **Vakhazhi Albekov** and **Khasayn Minkailov** were killed on **October 23, 2000** by anti-personnel mines planted in the vicinity of a Russian military base near the village of *Akhkinchu-Barzoy* in Chechnya, **Nokha Uspanov** was maimed in the same event.

The Court found that Russia has failed to endeavour to locate and deactivate mines regardless of who had laid them, and to provide the villagers with comprehensive warnings concerning possible dangers, and concluded that the State had violated its positive obligation under Article 2 of the Convention to protect the lives of Mr Vakhazhi Albekov, Mr Khasayn Minkailov and Mr Nokha Uspanov.

The official inquest into the incident was only instituted four years later after the Court had communicated the application to the respondent Government for observations. Therefore, the Russian Federation had failed in its obligation under Article 13 of the Convention (right to an effective remedy).

Moreover, Russia refused to submit a transcript of the case materials in cases opened pursuant to the deaths of Vakhazhi, Khasayn and maiming of Nokha, thus refusing to cooperate with the Court and violating Para 1 (a) of Article 38 of the Convention (obligation of the State to furnish necessary facilities for the examination of the case).

The families of Vakhazhi Albekov and Khasayn Minkailov were awarded a compensation in the amount of EUR 35,000 in respect of non-pecuniary damage, while the mother of Nokha Uspanov received EUR 20,000.

5) Case of Tamara Shaipova and others v Russia

On November 6, 2008 the ECHR delivered its judgement in the case of **Shaipova and others v Russia**.

The case matter is the following. *At about 2.30 am on April 9, 2003* a large group of armed men in camouflage outfits numbering about 10 persons entered the house property of the **Shaipov** family in *Urus-Martan*, where they arrested **Akhmed Shaipov** without producing any documents authorising this action. They ordered the other members of the family to stay inside and took Akhmed away with them. Nothing has been known of him since then. Inquest into his disappearance did not bring any results.

The Court found a violation by the Russian Federation of Articles 2 and 13 of the Convention in enforced disappearance (presumed death) of the applicants' relatives, ineffectiveness of investigation of these violations, lack of effective remedies on the domestic level. The Court awarded the applicants a compensation in the amount of EUR 6,000 in respect of non-pecuniary damage, (a total to all the applicants), EUR 4,150 - for costs and expenses.

Furthermore, over the autumn 2008 the European Court of Human Rights had delivered another 18 judgements listed below:

1. **Akhmadova v Russia** (the March 6, 2000 arrest and subsequent disappearance of Mussa Akhmadov)
2. **Tagirova and others v Russia** (the February 7, 2003 arrest and subsequent disappearance of Movsar Tagirov)
3. **Akhmadov and others v Russia** (the October 27, 2001 fire attack from a helicopter and killing of two civilians – Zalina Mezhidova and Akhmad Gekayev).
4. **Khadzhialiev and Elikhanova v Russia** (the December 14, 2002 arrest and subsequent murder of the brothers Rizvan and Ramzan Khadzhaliev)
5. **Magomadova and Iskhanova v Russia** (the November 14, 2002 arrest and subsequent disappearance of Viskhadzhi Magomadov and Khassan Mezhiev)
6. **Turova and others v Russia** (the April 26, 2003 arrest and subsequent disappearance of Ibragim Turov)

7. **Musayev and others v Russia** (the December 10, 2000 arrest and subsequent murder of Magomed Magomadov, Said-Rakhman Musayev and Odes Mitayev)
8. **Yusupova and Zaurbekov v Russia** (the October 17, 2000 disappearance of Abdulkasim Zaurbekov)
9. **Khalidova v Russia** (the November 29, 2002 arrest and subsequent disappearance of the brothers Isa and Shamil Khalidov)
10. **Rasayev and Chankayeva v Russia** (the December 25, 2001 arrest and subsequent disappearance of Ramzan Rasayev)
11. **Takhayeva and other v Russia** (the November 13, 2002 arrest and subsequent disappearance of Ayoub Takhayev).