



MEMORIAL Human Rights Center

CIVIC ASSISTANCE COMMITTEE

Edited by

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## CHECHENS IN RUSSIA

*Criminal prosecution of the Chechen Republic residents.*

*The situation of women in the Chechen Republic.*

*Property problems in Chechnya.*

Moscow

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## Introduction

It's been more than ten years since peace and prosperity were announced in the Chechen Republic. News shows of all countries abound with pictures of restored avenues of Grozny, recently opened Argun-city, the biggest and the most beautiful mosque in Europe, exuberant and luxurious festivities.

European countries have started deporting Chechens to Russia, and those newly arrived are denied asylum.

But somehow a rumor spread over Chechnya that Germany had decided to accept 40 thousand Chechens and each family would be given a small allotment and a bit of money to build a house. And so naive people, who have easily believed an evident invention for some reason, sell all their belongings, collect money for a carrier, hire a bus, and whole streets rush to Germany. Thousands of Chechens leave behind all the beauties of the republic built anew, their homes and their land loved as strongly as only Chechens can love trading it all for uncertainty, for doubtful hopes to reach the promised land.

European migration services are puzzled: what happened, why do people flee their peaceful homes and travel to unknown lands, why are these people, who have known trouble in plenty for the last few decades so credulous?

What would happen, if let's say, it was announced in Germany that the US are ready to accept a few hundreds of thousands of Germans, provide them with a slot of American land and some money to build a small sun-dried bricks house? How many of people willing to leave everything behind and rush into the unknown would there be?

If this is happening with Chechens there must be certain reasons for it. A man must feel really bad to put at stake everything in his life in exchange for an ephemeral hope that some unknown people are ready to accept him somewhere.

We can point to the basic reasons for it.

**Fear.** I would like to name fear weighing upon people as the first reason. People still go missing in Chechnya. At that the decrease in statistics of the abducted and the killed does not look trustworthy. People are afraid of turning to law enforcement agencies and human rights defenders, as they no longer believe that anybody can help them.

In this report we cite the stories of young Chechens, victims of tortures and false charges who pled guilty after their relatives – parents, wives, sisters - were threatened with tortures and violence. Detentions of family members of illegal armed formations (NVF) participants often follow the same scenario: a person is either forced to become an informer or charged with ties with NVF. Then avowals of guilt are extorted under tortures and pressure, and people are sentenced to imprisonment under fabricated charges. When incited to inform on others, people are blackmailed with threats of charges with serious crimes connected with terrorism and of being sent to prison. Some people yield to this pressure, mostly out of fear for their relatives.

When imprisoned Chechens and other residents of the North Caucasus are subjected to severe discrimination not only on the part of other convicts and the administration of penitentiary facilities. Courts do not pass judgements on early parole, neither do they rule on cancellation of punishment for ill people. Thus a disabled Lechi Djanaraliev who was seriously injured with a gunshot wound during detention, has been kept in custody for many years and is on the list of those “inclined to escape” despite our enormous efforts.

Another convict with an amputated leg is regularly placed in a penal isolation ward where it's forbidden to sit – one can only stand all day long.

Several Chechens and North Caucasian natives were permanently subjected to humiliation and insults up to beatings on the part of a penal colony staff on ethnic grounds and during performance of religious rites. In February 2012 criminal proceedings with regard to the beating of convicts were instigated at the demand of the Civic Assistance Committee lawyer, but the security were acquitted. The lawyer's titanic efforts resulted in the cancellation of this sentence upon appeal. The case was reviewed, but with the same result: an acquittal sentence in April 2014. And in June this year special purpose troops arrived in the colony and beat up the convicts who had written applications. Later the Supreme Court of the Republic upheld the acquittal sentence.

(For more information on the situation of Chechen Republic residents in the penitentiary system facilities see the report of the Civic Assistance Committee of 2014.)

Persecution is recurrent, that's why people are ready to flee anywhere to save their lives and escape humiliation.

**Corruption and arbitrariness.** The second reason for the population to flee Chechnya is the all-embracing corruption openly penetrating all the spheres of life which is combined with a total lack of the rule of law. In the Corruption Perceptions Index of 2013 Russia ranked 127<sup>th</sup> out of 177 countries (<http://www.transparency.org/cpi2013/results>). But the level of corruption in the Chechen Republic is much higher than the average level in Russia. Extortions from state employees, entrepreneurs, any business are exercised openly. Those who refuse to pay a part of their salaries put their chiefs in the situation when the latter have to pay themselves, and face the threat of dismissal.

Modern institutions do not function, it is practically not possible to understand where the money belonging to the citizens disappears from the bank. Neither the prosecution office, nor the investigative bodies are in a position to counter it.

Families with many children turn to the Civic Assistance Committee in relation to the “maternity fund” that can be spent to improve housing conditions for the child, on his treatment or education. After an investigation we had undertaken it turned out that the decision on payment of the maternity fund was made, that the money was transferred to Chechnya from Moscow, but never reached the women's accounts. Their accounts are empty. In reply to our enquiry we received an answer that the money was taken for the repayment of a construction or renovation

credit. However, the bank failed to present a copy of the credit contract the women deny having signed. They also refer to the fact that no renovation was made in their houses and no construction materials were bought. In our conditions banks have a controlling function, and when a purpose crediting contract is signed, the bank won't pay against invoices of a different purpose. It means that the women could not have withdrawn the money from their bank accounts. The bank could only pay against the invoices for the construction or renovation presented, and the copies of these documents were to have been kept in the bank.

As we are going to show below, the order or just a wish of the head of the Republic has much more weight than any law.

**The so-called “return to traditions”.** And finally, the process of the so-called “return to traditions” Vainakhs never actually had is of a great importance. We discuss it in detail in this report – mostly in the section devoted to the situation of women. The cult of power and wealth was never characteristic of a considerably democratic traditional Vainakh society. It was not a custom to humiliate members of society, pride and courage were valued more than a rude force of an absolute power. Education was considered as one of the main values, since it could not be taken away from people during neither the wars, nor the occupation or deportation. The status of a woman in the family, despite its subordinate position, was high. In the family her role was dominating: «The paradise is under your mother's feet”, runs the wisdom Vainakhs love to repeat. It was not acceptable to force a woman to wear a headscarf. Only the eldest man in the family could make a critical remark concerning her behavior. Firing with paint balls, lecturing or physical abuse (a simple sexual harassment in fact) would never have been possible in the past.

Freedom-loving Chechens don't want to live in such a situation. But they don't have any internal alternative. It is possible to hide from persecution at their relatives' or friends' in other regions for a short while. But such a fugitive can't settle anywhere permanently. As soon as he wants to go for a work, to study or simply to see a doctor, the question of his registration will arise. And having drawn up a registration, this person becomes accessible for the Chechen authorities, since the information on the whereabouts will also be sent there.

Memorial has interrogated the lawyers of the “Migration Rights” Network – all the answers run that it is only possible for Chechen families to settle in other regions of Russia if they have their own housing, work and friends or relatives who ready to help them.

## **Criminal prosecution of the residents of the Chechen Republic**

Any person regardless of his sex, age, health condition or social status is subjected to the risk of illegal prosecution (with the exception of practically only small children). However, there are categories for whom this risk is increased and some groups for whom persecution is practically inevitable. The latter include people who have at least once attracted the attention of the law enforcement agencies on suspicion with connections with the armed opposition. At that this risk extends to those who fought on the opposition side (including during the first war) and those who voluntarily or under pressure, deliberately or without even knowing it, have at least once done a small favor for the rebel fighters (have given a lift, bought some food, offered shelter for the night), as well as relatives and friends of the rebel fighters or those whom Kadyrov men consider as such, random people slandered by somebody under tortures.

The persecution of these people usually follows the scheme described below:

- abduction, keeping in an unknown place without formally registering the detention, tortures with a view to extort avowals of guilt as accessories to the armed underground (tortures are often accompanied by money extortion, and sometimes the relatives manage to free the abducted for ransom, which, however, serves no guarantee from repeated abductions);

- if the abducted agrees to give the evidence demanded, he is "legalized": detention is drawn up (with a later date indicated), a charge is brought under Article 208 of the RF Criminal Code "Organization of an illegal armed formation or participation in it" (less frequently under Article 209 "Banditry" or article 210 "Organization of a criminal community or participation in it"). The person is afterwards placed in custody in a pre-trial detention center, with the help of a lawyer is persuaded to agree to a special judicial procedure (see below) and sentenced to one or two years of imprisonment;

- if the abducted endures tortures and does not give the evidence wanted by Kadyrov's men, they continue tortures and finally kill him. If he spent quite a long time in an illegal prison and grew a beard, he is dressed in camouflage, equipped with a gun and is passed for a rebel fighter killed in action. In case this can't be done the corpse is secretly buried or destroyed. If the circumstances do not allow killing the abducted, he is thrown away in a deserted place crippled by tortures.

Judicial proceedings of the cases related to the participation in an illegal armed formation is a pure formality. Acquittals are out of the question. There exists an unofficial instruction of the Ministry of Justice of the Chechen Republic to provide those charged with participation or complicity in illegal armed formations with state-appointed lawyers who should not be too diligent. If the relatives invite another lawyer to defend the accused and this lawyer zealously fulfils his duty, the same Ministry will try to deprive the lawyer of his status. Many lawyers working in human rights organizations are subjected to this pressure.

State-appointed lawyers usually recommend their clients charged with complicity in illegal armed

formations, to agree to a special judicial procedure. This new institution of Russian criminal law (Chapter 40 of the RF Criminal Procedural Code) provides for delivering a sentence without examining the evidence of the guilt of the accused – with the consent of the accused. At that the sentence passed in the course of a special procedure can't be appealed against due to irrelevance of the court's conclusions with regard to the facts of case. Appeal is only possible in case of violations of criminal procedural legislation. The fact that under a special procedure the punishment ruled can't exceed two thirds of the maximum term provided for the incriminated crime makes it attractive for the accused.

The special procedure is especially widely used in Chechnya in connection with charges with complicity in illegal armed formations, as it has proved an extremely convenient way of giving an appearance of legality of charges based on confessions extorted under tortures.

Consideration under a special procedure is assigned at the request of the accused, but it's very easy to persuade a person who's been through tortures to submit such a request, as for him it means reduction of the prison term and the end of sufferings.

If the case is considered in the usual order and the accused states at the hearing that he pled guilty under tortures, the court, as a rule, ignores this statement, which has no impact on the sentence. The judge reads out written testimony, the information provided by the investigation and states that it is more reliable. Changes in the testimony are interpreted by the judge as an intention to avoid or mitigate the punishment. The court abruptly cuts short any mention of the tortures.

For those who have served their sentences under Article 208 and returned to Chechnya, the persecution does not end. Upon release the greater part of them go through the same ordeals once again: abduction, tortures, conviction or death. Some of them are persuaded to “cooperate”, which means to provide assistance by slandering or provoking with a view to fabricate criminal cases against other people. In case of refusal the victim is threatened with a repeated abduction with all the well-known consequences.

There are several reasons for the fact that Chechens who have served their sentences on charges with complicity in illegal armed formations are subjected to persecution.

First of all, Chechen authorities, intolerant to any dissent, have good reasons to consider these people, who have been through tortures and the greater part of whom have been convicted guiltlessly, as secret and unsatisfied opponents of the regime.

Secondly, enforcement structures need to fulfill the plan of combating separatism, and the result demanded is not civic peace in the republic but the number of destroyed or imprisoned rebel fighters and their accomplices. That is why they look for the easiest way to achieve this result: they check the addresses and grab the people they already know, from whom, in addition to it, it is easier to force the necessary evidence, as many of them are morally and physically crushed and are very well aware of what expects them in case of abduction or arrest.

Thirdly, force structures agents themselves are interested in a complete disappearance or as long imprisonment as possible of those whom they abducted, tortured and sent to prison, as they don't

want to be held responsible for their crimes — if not by the law, then by tradition, in accordance with which the family (clan, teip) can't forget the insult. Offenders or their relatives should be punished, which signifies the start of the feud, which is a matter of honor for the family insulted by the tortures and illegal persecution. That is why, regardless of any high rank Kadyrov's men can hold, they understand that family members of the insulted person present a permanent threat to them.

Fearing the continuation of persecution some Chechens who have served their sentences under Article 208 (“Organization of illegal armed formation or participation in it”), are reluctant to return to Chechnya and try to settle in other regions of Russia. However, this does not guarantee any security to them. And the matter is not only the fact that Kadyrov's men can find them in any region of Russia. An important factor creating conditions for discrimination and persecution of Chechens who have served their sentence under Article 208 is the law of 7 August 2001 # 115-FZ “On counteracting the legalization (money laundering – *the author's note*) of crime income and funding of terrorism”. In accordance with this law the Federal Service of Financial Monitoring (Rosfinmonitoring) compiles and regularly publishes “The list of organizations and physical entities with regard to whom there is information on their complicity in extremist activity or terrorism” in the government newspaper “Rossiyskaya gazeta”. (This list is spread in the Internet under the title “List of terrorists”, see [www.scribd.com/doc/81134640](http://www.scribd.com/doc/81134640)). One of the grounds for the inclusion in this list is a previous conviction under several articles of the Criminal Code, including Article 208. The above-mentioned law allows the banks to deny the people on the list a number of banking operations. In practice this permission is interpreted as an absolute prohibition, and the person on the list can't even have a credit card made. However, the consequences of the inclusion in the “List” go far beyond the right to carry out banking operations. Regardless of whether the people on the list are really involved in terrorism or not they get a life-long stigma of “terrorists” which turns them into outcasts and a convenient target for new persecutions.

**Below are several typical stories of Chechens who've fallen victims of persecution in the last few years.** (*In some of the cited cases we indicate real names of their heroes, others are fictitious depending on how well known some stories are and assumed danger of disseminating others*).

1. In May 2008 the resident of the Valerik village of Achkhoy-Martan region of Chechnya A. was abducted and subjected to tortures by local force structure officers (supposedly from the 7<sup>th</sup> company of the Ministry of Interior of the Chechen Republic) with a view to extort avowals of complicity in one of the leaders of the armed opposition killed in May 2008 in the village of Valerik. Earlier A. indeed bought some foodstuffs twice to a person who had addressed him at the mosque saying he was hungry. Knowing that this simple act of mercy would be interpreted as a crime contrary to the law and common sense, A. flatly denied this fact and after a few hours of torture was taken to the forest and released. He survived only thanks to the fact that his relatives managed to trace where the abductors had taken him and insisted on his release.

Having failed to benefit from the first abduction of A., force structure officers started looking for

him the next day exerting pressure on his relatives so that the latter would take him to the police themselves promising that the young man would get away with a suspended sentence. His father yielded to this pressure but A. himself refused to plead guilty of a non-committed crime. He had no other way out but to escape. So A. left first for St. Petersburg, to his elder brother, and then – having learnt of his friend's arrest and a framed-up criminal case against him – to Poland, where he applied for a refugee status.

A. spent two years from 2009 to 2011 in Poland as an asylum seeker, was denied status and in December 2011 was deported to Russia. However, it was not for long that he enjoyed a calm life in his motherland. In August 2012 – without any legal pretext – enforcers started exerting inexorable pressure on A.'s relatives to force A. to come to the police, though no charges against him were presented. Fearing for a repeated abduction and tortures A. secretly fled Chechnya and then – Russia. At the moment he is once again seeking asylum in one of the European countries.

2. In October 2009 19-year-old resident of stanitsa Pervomaiskaya of Groznensky region of Chechnya S. allowed his acquaintance who had recently returned from Europe, to spend a few nights in his relative's empty house. S. didn't know that his acquaintance was an NVF member. One day, when S. was shepherding sheep not far from his stanitsa, he was abducted by unidentified police officers and was subjected to tortures for three days in an unknown place. On the fourth day he was delivered to Staropromyslovsky ROVD (regional police department) of Grozny where he was also tortured with a view to extort information on armed underground and an avowal of aiding illegal armed formations. Only closer to the end of tortures he learnt that the rebel fighter nicknamed Seryi, the acquaintance with whom he was forced to acknowledge, was his very friend who had returned from Europe. Despite severe tortures S. refused to give evidence required until his torturers threatened they would bring and torture his brother and father. This threat made him sign an avowal of aiding illegal armed formations in the form of a one-time purchase of clothes and hygienic items for the sum of 15 000 rubles (500 USD). After that he was released against recognizance not to leave.

At the end of January 2010 S. was again abducted by the officers of Staropromyslovsky ROVD. There he was tortured for the whole day to make him slander somebody he didn't know. Having failed to achieve their goal, the policemen had to let him go.

In May 2010 S. was sentenced by the Grozny district court to 2 years of imprisonment for a crime under part 2 of Article 208 of the RF Criminal Code. The state-appointed lawyer persuaded S. to agree to the consideration of his case under a special procedure.

S. served his sentence in Volgograd colony # 3, where he became a victim of permanent persecution on the part of the administration: he was humiliated, beaten up, placed in a penal isolation cell under farfetched pretexts. Because of this he opened his veins twice. In July 2011 several senior Chechen prisoners turned to the management of the colony with a request to put an end to the persecution of the young man. This request was interpreted as a riot, special police was called to the colony, all Chechen prisoners were dragged out into the yard, made to undress and



lie on the ground and were beaten up. This event came to light, a special commission arrived in the colony, but found no violations in the actions of the colony management. The prisoners' attempt to hold the administration responsible with the help of a hired lawyer brought no results. (The information about this event was disseminated in the Internet by the Chechen writer Ruslan Zakriev, see: <http://chechnyatoday.com/content/view/15870/557>). After that, at the end of September 2011 S. was transferred to general regime colony # 12 of the town of Volzhsky in the Volgograd region where he stayed till the end of his term.

In May 2012 S. was released and returned home. 10 days later he was again abducted by unidentified policemen: they put a bag on his head and took him to an unknown location, where he was threatened for a few hours and warned that he would still be of use and shouldn't try to escape.

At the beginning of August 2012, when S. was on a pasture, a car drove up to him and he was offered to get in. Police and FSB agents sitting in this car, without introducing themselves tried to make him agree to cooperate with the help of threats. He refused and the same night fled Chechnya. A few days later he called his mother, and she told him that at that very moment she was being interrogated by the police who affirmed that S. "had joined the rebels in the mountains".

S. has repeatedly tried to leave Russia and seek asylum in Europe, but was deported. For a few months S. lived in Moscow thanks to the financial support provided by the Civic Assistance Committee, was planning to get married and live peacefully doing any work that would let him to. We have failed to help him. In 2014 he went to Turkey. According to the latest information the young man found no other way out but to move to Syria where he was killed under unknown circumstances.

3. 23-year-old resident of Grozny I. worked in his cousin R.'s construction company upon graduation from the university. In July 2010 his distant relative who had joined illegal armed formations after his brother's murder by the police, started exerting pressure on I. demanding the latter should buy clothes and food for himself and his comrade. This relative also demanded R. should buy him two guns. In case of refusal he threatened the brothers with rebel fighters' revenge.

At the beginning of August I. and R. fulfilled the demands of the rebel fighters hoping to end the pressure on their part. A few days later I. was abducted and held in the police department of the Staropromyslovsky district of Grozny. Despite an honest account of his contacts with rebel fighters I. was subjected to severe tortures and psychological pressure for nine days until R. abducted together with him agreed to give Kadyrov's men all his fortune. After that the police drew up I. and R's arrest, stopped torturing them and transferred them to a pre-trial detention center. As a result of tortures I. had suffered he could not walk.

In November 2010 I. was sentenced by the Staropromyslovsky district court of Grozny to a year and a half of imprisonment for a crime under part 2 of Article 208 of the RF Criminal Code. I. served his sentence in two colonies in Volgograd where he was subjected to permanent

persecution on the part of the administration.

In September 2011, when I. was still in the colony, his cousin R. who had been released not long before, was abducted and went missing. That is why I.'s parents took him to the neighboring country right after his release in February 2012. In June 2012 I.'s younger brother was detained in Chechnya. The police demanded he should inform of I.'s whereabouts. It turned out that a resident of the Valerik village had slandered I. under torture thinking that this would do no harm to I. who was abroad. Thus I. can't return to his motherland.

The risk of persecution of relatives of the abducted, killed or convicted under charges with terrorism or complicity in illegal armed formations is almost as high as for real or sham rebel fighters and their “accomplices” themselves. Human rights defenders working in Chechnya observe that force structure agents keep pursuing these people's families, as they see in them, and not without reason, those dissatisfied with the regime and their personal enemies hoping to make them answer for their crimes one day. Moreover, it is easier to accuse members of these families with complicity with illegal armed formations: these charges look quite convincing.

4. A typical example is the numerous **Baidullaev family** from the village of Yandi of Achkhoy-Martan region of Chechnya.

During the first Chechen war elder Baidullaev brothers participated in the armed resistance to the federal troops, were wounded. Their mother, Zoya Terekhova, helped the wounded – rebel fighters, soldiers, civilians (in 2002 she was killed in Grozny in a crossfire while she was helping a wounded rebel fighter). After the end of the first war the Baidullaev brothers did not take part in armed resistance, but under Kadyrov's rule have drawn keen attention of the force structures as potential opponents possessing skills of a guerilla war. In this connection one of the brothers fled Chechnya and doesn't inform even his relatives of his whereabouts, as the contacts with them are most likely under control of the force structures. The other two brothers fled Russia.

The second reason for persecution of the Baidullaev family are acquaintances of one of the six brothers, Taimir, among rebel fighters. In 2008 one of them was captured, and there was a broadcast on local TV with him giving avowals of his guilt. In particular, he stated that Taimir (whose photo was found in the rebel's mobile phone) was a member of NVF. (Afterwards he asked Taimir's relatives for pardon for this false evidence saying that he gave it under torture).

After this broadcast Taimir was detained by the officers of Achkhoy-Martan regional police department (ROVD). Head of this department Taus Mamakaev, notorious for his greed and cruelty, told Taimir the latter could be released for 300 thousand rubles. Taimir's relatives brought 100 thousand rubles to the ROVD head and promised to bring 200 more thousand rubles the next day, after which Taimir was released and had to go hiding. He was put on a wanted list, and all his relatives fell victims of permanent persecution on the part of the force structures.

In April 2008 Taimir was detained together with three other young residents of the village. Among those detained was Baidullaevs' 20-year-old nephew Kazbek. He was forced to give evidence that he was involved in illegal armed formations and was sentenced to 6 months of

imprisonment. He was released in October 2008, and on an early morning of 21 March 2009 he was abducted from his own house. He was beaten up in Achkhoy-Martan ROVD for three days till he agreed to plead guilty for complicity in NVF. Kazbek was convicted under article 208 of the RF Criminal Code and was sentenced to 2,5 years of imprisonment. Soon after release he was again taken to Achkhoy-Martan ROVD. After his relatives paid Mamakaev 50 thousand rubles, he was released, only to be abducted and go missing one month later.

Another Baidullaevs' nephew, Anzor Baidullaev, is visually handicapped. In 2008 he was convicted under article 208 of the RF Code together with Kazbek, and on 22 March 2009 after Kazbek's abduction, the force structures came to Anzor's home as well, but the latter was not in. He fled to escape Kazbek's lot. (On persecution of Kazbek and Anzor Baidullaev see Memorial Human Rights Center newsletter "Situation in the zone of conflict in the North Caucasus: human rights defenders' evaluation. Spring 2009" <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

On 16 August 2008 enforces burst into the apartment where Rustam and Taimir Baidullaev lived. Taimir managed to escape through the window, but Rustam was taken to a deserted place and was beaten up with accusations that he was helping his brother and was an accomplice in the latter's crimes. Rustam lost consciousness and came to in hospital, where strangers who had found him in the suburbs of the town had taken him.

On 15 May 2009 force structures officers traced Taimir and tried to seize him. According to the Ministry of Interior of Chechnya he offered the police armed resistance and was killed in a return fire (<http://ria.ru/incidents/20090515/171191979.html>). In fact, according to witnesses' evidence, Taimir shoot back, but blew himself up with a grenade he was carrying for the occasion of an arrest to avoid tortures.

However, after Taimir's death the persecution of the Baidullaev family did not stop. On 25 May 2009 Kadyrov's men took the pregnant wife of one of the brothers and for 5 days interrogated her in a basement asking questions about her husband and Taimir's friends. After she fainted from physical and nervous exhaustion, she was brought back and dropped at the entrance of the apartment block where she lived.

In February 2009 Beslan Baidullaev residing in Grozny, was summoned to the police department of the Katayama village — and disappeared. Afterwards it turned out that he was detained in the police department and handed over to the Achkhoy-Martan ROVD head T. Mamakaev who took Beslan to his department. 2 weeks later Beslan confessed under tortures that he had helped NVF. The police were extorting a bribe from Beslan's relatives to mitigate his sentence to one year of imprisonment, and the relatives paid the bribe.

On 8 April 2010 force structures agents detained two other Baidullaev nephews in the village of Achkhoy-Martan, a 22-year-old Shamil Baidullaev and a 21-year-old Adlan Galaev, a disabled young man suffering from TB. Illegal methods of investigation were applied to both, the lawyer hired by the relatives was not admitted to the detainees. Both were convicted under article 208: Adlan got a suspended sentence, Shamil is serving his on the territory of Chechnya.

In 2012 another Baidullaev brother was arrested - Khamid.

On 18 June 2012 Adlan Galaev was repeatedly abducted from his home in the village of Yandi, and the next day Baidullaev's minor relative, 9<sup>th</sup> grade student Mairbek Baidullaev, born in 1996, was abducted from his aunt's house in Grozny. Their whereabouts remain unknown.

The last event in an endless chain of persecution of the Baidullaev family was the disappearance of Beslan Baidullaev. Released in 2010 from the Chernokozovo prison, he settled in Grozny, got married. On 22 May 2013 he went to the Baidullaev family house in the village of Yandi for some household needs. That night he sat up late at his relatives' and then went to sleep in his own house. At dawn a large number of enforcers were seen near his house. Beslan never returned to Grozny. There is still no information about him (<http://memo.ru/d/160389.html>). Our organization turned to the prosecution office with regard to Beslan Baidullaev's disappearance, however, we did not receive any persuasive answer. The suspicion expressed by the law enforcement agencies that Beslan "had gone to the mountains" (i.e. joined rebel fighters) does not stand up to criticism, since there were enough force structures officers around his house not to let him flee.

**5. Belimkhanov Umar Vakhaevich.** Lived in the town of Gudermes, the brother of the killed NVF member Adam Belimkhanov. For more than three years he lived with his family in Norway, from where he was deported back to Russia in November 2011.

Umar Belimkhanov's lawyer Bryn Risnes tried to prevent his family's deportation. In this connection he sent a number of questions to our organisation. The questions and our answers are cited below, moreover, the Civic Assistance Committee and Memorial Human Rights Center referred an expert conclusion on Umar Belimkhanov's case to Norway stating that Umar and his family's return to Russia was dangerous for them. Memorial Human Rights Center chair and Svetlana Gannushkina testified in his case on Skype. However, the deportation did take place.

*«Dear Mr. Bryn Risnes!*

I am glad to answer your questions concerning the asylum case of Umar Belimkhanov – Adam Belimkhanov's brother.

*(1) Role and importance of Adam Belimkhanov?*

Adam Belimkhanov was one of the most famous NVF participants. He was born in the village of Khosi-yurt (Tsentoroy) – the same village with Kadyrov, which gave him some promotion opportunities in the power hierarchy of Chechnya. According to the testimony of Said Burlaksky, a well-known field commander and chronicler of the Chechen underground, Adam repeatedly left the NVF unit and set off for purchases of weapons and military equipment to the villages and towns of Chechnya. The passport with the Khosi-Yurt registration served as a pass and protection to him. (See <http://www.kavkazcenter.com/russ/content/2009/06/24/66403.shtml>).

Adam Belimkhanov's death was covered in Chechnya as a big victory. Our staff member Akhmet

Gisaev who was at the moment responsible for the press monitoring, translated Kadyrov's and his environment's speeches in mass media humiliating Adam Belimkhanov's relatives, including even his grandmother.

***(2) Will his death mean less danger for his brother?***

Adam Bilemkhanov's death does not deprive his relatives, especially brothers, of their status of Kadyrov's enemies. If traditions regulate in some way hostility and revenge, in the present-day Chechnya Kadyrov's environment have extended the sphere of responsibility far beyond the customary boundaries. No norms are observed, murders, violence against women, house arsons have become a routine matter in Chechnya.

I will cite the information on recent events that can't be openly published with real names indicated not to expose the informers to mortal danger.

*«On 18 June a special operation started with a view to seize NVF members. Force structures officers took away all the abovementioned (those mentioned to me by the informant. S.G.) relatives of the alleged rebel fighters and made them walk around the forest with them till morning. They were brought home only on the evening of 19 June.*

*In the morning of 20 June they were again forced to walk around the forest by the force structure officers and were let off only in the evening. The same situation repeated on 22 June.*

*For the period from April 2011 and till the present moment, according to various data, about 40 young men joined armed resistance in the mountains from the 5 regions of the republic. Lawlessness, arbitrariness of the force structures, unemployment urges young men to join rebel fighters. The force structures are counteracting this phenomenon punishing the relatives.*

*After 17 June local force structures officers without any sanctions detained many young men who were in their opinion connected with the resistance».*

On 24 June at 3 p.m. in the village of Geldagan armed camouflaged people drove two families out of their houses (we do not indicate the names for safety reasons) and burnt the houses down. Both houses were completely burnt, incendiaries stood waiting for the houses to burn down, some were even shooting the fire on camera. The son of the owner of one of the houses had joined the armed resistance, the other house was burnt exclusively due to kinship between the two owners.

Two days later the house of another relative of the NVF member, who had been convicted and had already served his sentence, was burnt down. We know of similar operations, which were conducted with regard to people who had in fact left Russia.

The revenge for the kinship with those who had a long time ago joined rebel fighters can be delayed or cancelled only in case these relatives make part of Kadyrov's environment and are involved in the crimes of this monstrous regime.

A young man finding himself in this system can't refuse to be involved in its crimes. He can't but

leave the country again. However, we know that there's no hiding even abroad, which can be illustrated by the murder in Vienna of Umar Israilov, who was pardoned and made an associate by Kadyrov. However, Umar refused to take part in tortures and murders taking place in Ramzan Kadyrov's illegal prisons, where Umar himself and then his father spent terrible months and were also subjected to tortures. Umar fled Russia and told about what was happening in Chechnya and in Kadyrov's environment, he informed Austrian authorities of the threats he received, but the former did not consider his apprehensions as deserving serious attention.

That is why Adam Bilemkhanov's death does not affect positively the security of his relatives, including his brother.

***(3) If it is not safe for the brother to stay in Chechnya, can he live in a different region of Russia?***

In our annual reports for the last few years we have been providing evidence of the fact that there is no alternative of resettlement for residents of Chechnya, because the authorities are doing their best to make all Chechens return to the Chechen Republic. Attempts to leave Chechnya and settle in other regions of Russia fail: Ramzan Kadyrov's intention to gather all Chechens in Chechnya is encouraged by the federal and regional authorities. Chechens are denied house rent, registration, employment, in an insulting way humiliating ethnic and human dignity.

A constant threat to find oneself imprisoned refers both to Chechens in Chechnya and to those who are permanently residing in other regions. Force structures officers plant drugs, weapons, explosives upon them, frame up charges with terrorism. At court they can't rely on humane treatment and justice. In penitentiary facilities Chechens are subjected to humiliation, beatings and permanent risk of life.

Residents of Chechnya and its natives don't have any financial means to provide for housing. Compensation for the housing lost in the Chechen Republic constitutes 120 thousand rubles, about 4 thousand USD. It is not only impossible to buy a house with this money, but it is not enough even for renting for a period exceeding 3-6 months depending in the region. Moreover, for the last three years funds are practically not allocated for the payment of compensations from the state budget. In 2009 only 87 families received compensations, payments for the next two years are planned to be paid at the same speed. Considering the fact that positive decisions were made only with regard to families who had left Chechnya during the military actions acknowledged by the authorities, we can state that thousands of families have been waiting or compensation for at least 6 years.

We would like to note that, *to evaluate real alternative for resettlement elsewhere in the country protection should be granted by the state body de jure; the applicant should have an opportunity of a safe, decent and legal access to the protected area within the country; there should exist conditions for meeting the needs of vulnerable groups; conditions in this area should be sufficient not to make the applicant go back to the area where he is running a risk of a serious harm on one of the convention grounds; absence of risk of a serious harm should be determined objectively and must not be considered unlikely. Alternative is rarely possible in cases when it is the*

government that is the agent of persecution. (See «ECRE Guidelines on the treatment of Chechen internally displaced persons, asylum seekers and refugees in Europe» [http://www.unhcr.org.ua/img/uploads/docs/Guidelines%20on%20the%20treatment%20of%20Chechen%20internally%20displaced%20persons%20\(IDPs\),%20asylum%20seekers%20and%20refugees%20in%20Europe%20\(2011\)%20rus.pdf](http://www.unhcr.org.ua/img/uploads/docs/Guidelines%20on%20the%20treatment%20of%20Chechen%20internally%20displaced%20persons%20(IDPs),%20asylum%20seekers%20and%20refugees%20in%20Europe%20(2011)%20rus.pdf) )».

Since the Belimkhanov did not have the means to leave for another country, they had to go back to the Chechen Republic. Below is Umar Belimkhanov's account of his return:

*«As soon as we landed in the airport in Moscow, the FSB officers took us to their office. Only thanks to the intervention of human rights defenders who had been notified by their Norwegian colleagues of our deportation and who had come to meet us, we successfully reached the Chechen Republic. Upon arrival in the Republic I managed to find out the circumstances of my father's death. After the murder of my brother Adam, force structure officers forcefully took away my father somewhere and demanded he should speak out in the media accusing and repudiating his son. Father refused to speak out with such a statement, after which he was severely beaten. After that he was in hospital. Three months later he died of a kidney fit. Before he never complained of a kidney disease and was sure his kidneys were hurt as a result of those beatings.*

*After our arrival on 2 December 2011 I was taken to a base in the village of Tsentoroy (Ramzan Kadyrov's patrimony where he has a secret prison describe by numerous witnesses – S.G.). I was kept there till the end of the month and tortured with electricity. I was rebuked for having left the country. Before the departure I had been warned not to leave the republic. They poked human rights defenders' articles about our family in my face, insulted and tortured me because of them. Releasing me they told me not to leave the republic and not to change my telephone number. For this reasons I am afraid to leave alone, without my family, and I don't have the means to take the family with me. After release and until today I have been having pains in my head around the right ear and in my left side. Recently I learnt that the soil together with the remains from the mass burial ground of those killed by the force structures, whose bodies were not given out to the relatives, was loaded by excavators on the trucks and taken away somewhere. There is some information that they were buried on the outskirts of the Tsentoroy village. My brother's corpse which hasn't been given out should also be there. None of our relatives communicate with us, even close relatives are afraid not only to help, but to even mix with the members of our family. None of our family can find a job, and it has become a real problem for us to earn our bread. We can't provide for food and clothes for our children. I constantly feel that I am being watched”.*

In January 2013 Umar Belimkhanov got into a car accident: an oncoming car collided with his, at that the driver of the other car practically did not suffer and got away with an arm fracture. Umar was heavily wounded and died in hospital. His wife is convinced that the car accident was framed up.

Below we cite the translation of a TV show transcription in which Ramzan Kadyrov forces Adam Belimkhanov's and Taimir Baidullaev's close relatives to repudiate the former standing at their bodies. After this procedures the bodies of the killed were never given to the relatives for burial.

The translation and comments were made by Akhmed Gisaev – Memorial staff member who received asylum in Norway after Natalia Estemirova's murder. Akhmed Gisaev was subjected to persecution as a witness in this case and left Russia upon advice of the investigator who couldn't guarantee his security.

« «Grozny” TV channel 16. 05. 2009 «Special reportage” show 9:20 p.m..

*Topic – explosion, subversive act near the MVD. Consequences, killing of those allegedly involved in NVF.*

*At the beginning a reel was broadcast (apparently, a telephone talk), two persons against the resistance forces flag).*

**Person 1:** «For each killed brother we'll kill five munafiks (hypocrites) or murtads (apostates) (i.e. Russian elements). They are Allah's enemies, that is why we will fight with them. This is our brother who has decided to sacrifice his life at the jihad against this injustice, against these scoundrels!»

**Person 2 (allegedly a suicide bomber):** «Inshallah, they are our brothers and they are shaheeds! We won't leave it like this. We are sure to take vengeance!».

**The ChR President Ramzan Kadyrov:** «Parents should know that Chechens have been killed! Those who had a kin and a tribe. I kept saying we must put an end to this war but the more you yield to them, the more insolent they get. Well, why blow up, spoil the city! Honest to Allah! We'll destroy Wahhabis and those who are connected with them in Chechnya! I have been waiting up to now, I thought they would come to their senses, but from now on I won't leave alone those whose children are in the forest. They must bring their children or destroy these bastards. Otherwise we will. We won't even capture them, and then we won't allow to even pronounce their names. Who is Umarov – a swindler!»

**Minster of Interior of the Chechen Republic R. Alkhanov:** «At a distance of 500 meters a suicide bomber blew himself up. He approached, said hello, and when he came up closer to the policeman, there was an explosion. Our two officers are killed, three are wounded. This is not a jihad!»

**TV host:** «Before dusk the suicide bomber was identified, as was the circle of accomplices. In the course of the operation and search actions the Chechen MVD officers destroyed four accomplices who had assisted in the terrorist act. The terrorists' corpses were presented to the relatives for identification. The terrorists' relatives were not even mourning. That is only understandable! The officers who destroyed terrorists, saved the relatives from trouble the terrorists could bring to all their kin with their actions».

**Further on corpses of the killed alleged NVF members are shown.**

**Ramzan Kadyrov security service head (Patriot):** «He does not deserve to be the native of the Khosi-Yurt (Tsentoroy) village. Nobody knows him in this village. We have saved you from danger...».



**Killed Adam Belimkhanov's grandmother:** «I kept following him. Tried to stop him, but in vain».

**(the village of Tsentoroy) The uncle of killed Adam Belimkhanov:** «I am his uncle. We did not agree with his activities. Now we are even relieved that it's all happened in this way...May be the others will stop, seeing this. He has never lived here and no one knows him in this village...».

**Ramzan Kadyrov security service head (Patriot):** «He would be known if he were a man. In this case everybody would know and respect him. At this moment we don't consider him a man. This is what will happen to all the others...».

**Host:** «Here is a record where he is advocating Wahhabi ideas».

**Adam Belimkhanov (of the killed, allegedly an NVF member):** «There is no Islam here! Violence is everywhere, but there isn't a hint of the religion...».

Further on the reportage continues and the corpses of the killed – alleged rebel fighters – are demonstrated.

Adam Belimkhanov's corpse is shown in the broadcast, it is lying on the ground, uncovered, the military kick it with their legs and insult. The relatives standing near are awfully frightened, can hardly say anything. They even have to thank their relative's murderer. It is all happening in a humiliating way for the relatives and the killed.

**Host:** «And this is the family of the killed Baidullaev Taimir».

**An armed person in civilian clothes:** «You are his father! You remember I told you to bring the son back?! Well, look at this!».

**Father (of the killed, allegedly an NVF member):** «You should know that any father would wish his son no harm. I tried to bring him back...»

**An armed person in civilian clothes:** «Yesterday he jumped into somebody's barn, shot back and then exploded himself...».

**Courts, just like all other authorities in Chechnya, are subjected to direct intervention on the part of the executive power representatives and Kadyrov in person** (see Memorial Human Rights Center newsletter “Situation in the zone of conflict in the North Caucasus: evaluation of human rights defenders. Spring 2014: <http://www.memo.ru/uploads/files/1360.pdf>).

6. A bright example of this is the story of the jury verdict with regard to persons accused of robberies of officials' houses. On 25 February 2014 in the Supreme Court of the Chechen Republic the jury acquitted **Alvi Abdurakhmanov** and **Magomed Akaev**. Together with Ibragim Bakaniev they were charged with assaults on private houses for the most part belonging to local officials and robbed them as part of a bandit formation. The accused were charged under part 2 of

article 209 (banditry), pp. “a” and “b” of part 4 of article 162 (robbery) and under a number of other articles of the RF Criminal Code, under which they were threatened with long-term sentences. In particular, according to the investigation data, in one of the assault attempts a police officer was killed in the shoot-out («Kavkazsky uzel», 20.9.2013). In the course of the trial numerous evidence was provided to the jury confirming that the criminal case file materials had traces of gross falsification at least with regard to two of the accused – Abdurakhmanov and Akaev. The accused themselves gave up their avowals of guilt they had signed under torture in the course of the pre-trial investigation. As a result the jury acquitted Abdurakhmanov and Akaev. Bakaniev was found guilty only under article 317 (attempt on the life of a law enforcement agent). The acquitted were released in the court room. Madina Abdurakhmanova, Alvi Abdurakhmanov's sister, immediately sent him to his relatives in the village of Valerik for security reasons fearing revenge on the part of the relatives of the man killed in one of the robberies. However, on the night of 25 February the force structures started looking for both acquitted. At about 6 p.m. in Grozny armed people came to the house where A. Abdurakhmanov lived permanently. They did not introduce themselves, did not show any documents but demanded that Alvi Abdurakhmanov should be immediately given out to them, and Akaev's whereabouts disclosed threatening with serious consequences for the relatives in case of refusal. Armed law enforcement officers came to that house and to M. Akaev's house also demanding that relatives should give him out. Right upon release Akaev went in hiding, and his whereabouts are still unknown.

The reasons for the force structures' activity became clear when the same night, at 10 p.m. a fragment of the Chechen Republic head Ramzan Kadyrov's speech was broadcast on the “Grozny” TV channel. He spoke about the acquittal with anger, and came down on the judge and the jury with harsh criticism. It followed from this speech that since Kadyrov personally and the force structures who are actually subordinate to him, are convinced of the guilt of the accused, the job of the court is just to draw up the guilty verdict “for those who shot at the police officers, and then acknowledged their guilt themselves”. Kadyrov several times emphasized the fact that in the course of the investigation the accused pled guilty, while “these ones (i.e. the jury – the author's comments) came and acquitted them”. Apparently unfamiliar with the case Kadyrov stated in his speech that the accused had been detained on the crime site with the guns, which does not correspond to the materials of the case file. Kadyrov did not know either, that the fact of tortures during investigation was documented and that a corresponding application had already been filed with the Strasbourg court. Having seen this broadcast on TV Alvi Abdurakhmanov's relatives got so scared that the next day, on 26 February, committed an unprecedented deed for the Chechen society – made Alvi come back to Grozny and give himself in to the authorities. There he was immediately detained and kept in the operational search unit of the Criminal Search of the Interior Ministry of the Chechen Republic in Grozny. Formally he was not detained, and in response to the victim's sister Madina's application to the Investigation Committee, Prosecution Office, Investigative department for Chechnya and Investigative department for the North Caucasus in the North Caucasus Federal Circuit, the Investigative department informed her that no one had detained her brother, and all this time he had been with at his friends'. Despite several

visits of the sister and the mother, Abdurakhmanov's whereabouts are still unknown.

In the meantime the Investigative department of the RF Investigation Committee for the Chechen Republic opened two criminal cases at once upon the applications of the jury members who took part in the court proceedings of the Abdurakhmanov's and Akaev's cases stating they had been allegedly threatened with "health harm" if they didn't deliver an acquittal verdict with regard to the accused. It's worth mentioning that these two jury members filed their applications with the investigation bodies only on 27 February 2014, i.e. two days later after the acquittal verdict was delivered and after Kadyrov's angry speech. The appearance of these applications can become not only the grounds to cancel the acquittal verdict, but also a means of exerting pressure on the family of the acquitted so that the latter don't complain of law enforcers' illegal actions. On 14 March the Prosecution Office of the Chechen Republic appealed against Abdurakhmanov's and Akaev's acquittal at the Supreme Court of the Chechen Republic. Having called the sentence unmotivated and illegal, the Prosecution Office asked the Criminal chamber of the RF Supreme Court to cancel the acquittal and refer the case to a review. However the RF Supreme Court upheld the acquittal.

Immediately upon release Magomed Aakaev went hiding, and his whereabouts are still unknown. According to some information, Akaev is in Europe where he will hopefully be granted asylum.

Despite several dates with his sister and wife, Alvi Abdurakhmanov's situation remains uncertain.

7. Another symbolic example is connected with criminal prosecution of the Chechen public figure, president of Caucasian People's Assembly **Ruslan Kutayev**. In defiance of the authorities' policy on 18 February 2014 he organised and held a scientific conference devoted to the 70<sup>th</sup> anniversary of the deportation of Chechens and Ingushs from their historical motherland. In the course of the conference Kutayev allowed himself critical remarks on the republican authorities' political position on the deportation issue. The next day, on 19 February all conference participants were summoned to the office of the Republic head to meet Ramzan Kadyrov, who gave a dressing-down to the organisers of the unapproved conference. Kutayev refused to take part in this humiliating event. On 20 February Ruslan Kutayev was detained in the village of Gekhi of Urus-Martan region on suspicion of keeping heroine. According to the official version he was detained in the street since his behavior seemed suspicious to the police patrol. During the search a large dose (3 grams of heroine) was "found" in his pocket, which he had allegedly found on a taxi seat and automatically put in his pocket. But these confessions were most likely given under torture to which Kutayev was subjected during the first days of his detention. At that, according to Kutayev's written testimony given to the lawyer, deputy interior minister of the Chechen Republic A. Alaudinov and head of the administration of the head and the government of the Chechen Republic M. Daudov personally took part in the beatings and electric current tortures. Later on Kutayev confirmed this information at court (the Novaya gazeta, 12.5.2014). Kutayev pled guilty under tortures, and his avowal of guilt became the foundation of the charge with keeping drugs. At that, as Kutayev's relatives and close friends say, it's hard to imagine a more absurd charge against him than keeping drugs: Kutayev is a healthy life-style fanatic, and moreover, a devout Muslim, very scrupulous in terms of religious norms observation (the Novaya

gazeta, 4.6.2014). The investigation of this case set a sort of a record – it lasted only five days, including two days of the weekend. Already on 25 April 2014 the first court hearing of the criminal case against Kutayev took place in Urus-Martan regional court of the Chechen Republic. He is charged under article 228 p.2 (illegal keeping of drugs in large sizes with no purpose of selling) of the RF Criminal Code. In the course of the court hearing the testimony of the witnesses for the prosecution were heard, which aroused more questions and doubts rather than provided reliable evidence. The Chechen policemen failed to describe at court how the package found during Kutayev's body search was packed and opened, why the police didn't make any photos during the search though they did photographed the scene. The witnesses also failed to explain why Kutayev was not sent for a medical examination after detention and why the information on the crime was not properly registered. The witnesses themselves evoked distrust. According to the defence, these persons were repeatedly invited as witnesses by the officers of the department for counteracting illegal drug turnout of the Criminal Investigation Department of the Chechen Interior Ministry (witness Naurbiyev) or couldn't tell in detail about a girl they came to visit (witness Batalov). The evidence of a number of witnesses given at court contradicts the version of the investigation and questions the stand of the prosecution. Nevertheless on 7 July the Urus-Martan Municipal court of the Chechen Republic found Ruslan Kutayev guilty under article 228 p.2 of the RF Criminal Code and sentenced to four years of imprisonment.

At the end of October 2014 the panel of judges of the Supreme Court of the Chechen Republic considered Kutayev's appeal. The Court ruled to change the sentence of the Urus-Martan Municipal Court of the Chechen Republic of **7 July 2014** with regard to Ruslan Kutayev, namely:

- delete from the sentence R. Kutayev's conviction under p.2 of article 228 “illegal purchase of drugs” as excessive;
- cancel additional punishment in the form of one-year imprisonment;
- mitigate the punishment prescribed to Kutayev R.M. Under p. 2 of article 228 from 4 years to 3 years and 10 months of imprisonment in a general regime colony with no fine.
- Indicate that the term of serving Kutayev's sentence is calculated from **7 July 2014**.

The Supreme Court left the rest of the sentence unchanged and did not satisfy the lawyer's appeal. Moreover, the Supreme Court of the Chechen Republic stopped proceedings in relation with Kutayev's complaint of tortures in August.

8. Officially **Suleiman Edigov** was detained on 12 September 2012. However, according to his words, the officers of the interior Ministry of the Chechen Republic abducted him as early as on 3 August 2012. It is confirmed by his mother's application concerning her son's abduction filed with Memorial Human Rights Center on 27 August 2012. Later on it became known that Suleiman was subjected to lengthy and cruel tortures with electricity in the regional police department (ROVD) with a view to extort an avowal of guilt. After the confessions wanted by the force structures officers were extorted from Edigov, he was transferred to the Operational and Search Department of the Chechen Interior Ministry where he was kept till there were no more

traces of beatings, and only after that he was officially “detained in the market place”.

Those were these very personal confessions that became the main proof of his guilt in the indictment. And only when the prosecutor demanded 18 years of imprisonment for the accused in the course of the court trial, Suleiman Edigov turned to the judge with a statement about the abduction and tortures and showed the traces of electricity tortures on his hands.

At that point an unprecedented thing happened: judge Abubakarov considered the reasoning of the defence and decided to resume judicial examination of the case. The witnesses of the abduction, the nurse who tended t Edigov's wounds after tortures in the operational search unit of the Chechen Interior Ministry, other defence witnesses, experts and doctors were interrogated. The interrogations revealed apparent contradictions in the testimonies. As the judge concluded, “judicial examination provided the court with evidence confirming the reasoning of the accused Edigov S.S. that R.Sh. Alkhanov's subordinates, police officers illegally abducted him on 3 August 2012, kept him in custody till 12 September 2012, wound his fingers with aluminum wire, subjected him to tortures with electric current forcing him to plead guilty, inflicted rotting wounds around four and five fingers that didn't heal for a long time” (the Novaya gazeta, 11.11.2013). Afterwards judge Abubakarov received threats on the part of high-ranking law enforcers including presumably the Ministry of Interior of the Chechen Republic lieutenant general R. Alkhanov. As in the case described above it was said to the judge that Edigov was guilty of the crimes incriminated to him and the judge was warned against delivering an acquittal.

On 1 November 2013 judge Abubakarov recused himself as a judge motivating it with the fact that “after the intervention of an official of such a level (meaning the Chechen Interior minister)... any sentence I deliver... will look either as a concession in case of conviction or a as a demonstration of bravery in case of acquittal, i.e. as a contract or a protest one” (the Novaya gazeta, 11.11.2013). After this unprecedented demarche of judge Abubakarov Edigov's case became known in the judicial community and the Bar of the country (Russian reporter, 12.2.2014).

However, the judicial community of the Chechen Republic represented by the Judicial Council of Chechnya not only refused to support Abubakarov but considered his deed as a gross violation of judicial ethics. The Council submitted a request to the Higher Qualification Board of Judges of the RF to deprive Abubakarov of the judge status before the appointed time. The Prosecutor of Chechnya Sh. Abdul-Kadyrov also demanded Abubakarov were deprived of the judge status and a criminal case opened against him. As of July 2014 Abubakarov was still in the position of the judge of the Supreme Court of the Chechen Republic. But the situation remains tense. To protect their father from potential trouble Abubakarov's sons moved in with him.

After Abubakarov's recusation Edigov's case hearings resumed the “needed” course under the guidance of the member of the Presidium of the Supreme Court of the Chechen Republic G. Alexandrov. The new judge dismissed practically all the applications of the defence with no hesitation (including the requests to exclude from the evidence system the testimony extorted from Edigov under torture or with gross violations of Russian criminal procedural norms),

granted petitions of the prosecution and ignored Edigov's statements concerning the abduction and tortures.

In protest against judicial arbitrariness Edigov was on a hunger strike from 14 till 31 March 2014. At first he was brought to the court room on a stretcher, but on 26 April the judge had to suspend the proceedings. It was probably due to the protest of the accused that the Investigation Department of the RF Investigation Committee for the North Caucasian Federal Circuit cancelled the decision to deny the opening of a criminal case against the law enforcers (of 27 February 2014) who took part in Edigov's abduction and tortures and ruled an additional review of the case. However, on 29 April it turned out that the investigation bodies had denied the opening of a criminal case against those who tortured Edigov for lack of corpus delicti. The expected result was a harsh sentence delivered by judge Alexandrov on 23 May 2014 – Suleiman Edigov was found guilty of having committed crimes under articles 317 and 222 p.2 of the RF Criminal Code and sentenced to 14,5 years of imprisonment in a strict regime colony.

On 7 November 2014 the RF Supreme Court dismissed Edigov's appeal upholding the ruling of the Supreme Court of the Chechen Republic of 23 May 2014. The lawyers are drafting complaints to the Presidium of the Supreme Court and the ECHR.

In conclusion to the chapter we would like to note that at the end of 2013 – beginning of 2014 the European Court of Human Rights granted an unprecedented number of complaints on Russian authorities from the North Caucasus residents.

41 complaints concerning forced disappearance of 67 residents of Chechnya (2001 – 2006) were fully or partially granted. The European Court found the Russian Federation guilty of the violation on the merit of Article 2 (the right to life) of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – Convention), as well as other articles of the Convention. Moreover, in the majority of cases the Court found procedural violations connected with the lack of effective investigation.

4 complaints of 17 applicants under cases on refusal to give out rebel fighters' corpses to their relatives for burial were also granted.

Later, in summer 2014 two more ECHR decisions were delivered with regard to the natives of Chechnya who are not residing in the republic at the present moment. The cases *Amadaliev vs. Russia* and *Antayev vs. Russia* concerned the incidents of violence on ethnic grounds, discrimination of reluctance of the authorities to investigate these incidents.

In the first case the police did not properly investigate the assault on Amadaliev and his friend by fifteen nationalists in the village of Chastoozeriye of the Kurgan region, though the policemen had enough rapid information to do it.

In the second case Antayev and seven other applicants were beaten up by the police during a search. In the course of the searches the police insulted the victims and allowed themselves racist remarks. No one was held liable, and the motive of ethnic hatred was not considered at all.

In both cases the ECHR found Russia guilty of the violation of Article 3 of the Convention (prohibition of torture and cruel treatment). In Antayev's case Article 14 of the Convention was also violated (prohibition of discrimination). (See Memorial Human Rights Center newsletters at <http://www.memo.ru/d/2403.html>).

## **On the situation of women in the Chechen Republic... again.**

A lot has already been written on the situation of women in the Chechen Republic. <sup>1</sup>

However, we keep confronting a lack of understanding of this problem both within and outside of Russia. The main reason for this lack of understanding is the lack of adequate information on what is going on, since the problems of relationship between men and women, children born out of wedlock, rapes, not to mention the problems of the LGBT community, are a strict taboo in the Chechen culture.

At that the mentioned problems remain topical. Moreover, they are aggravated, and new problems arise connected, as it has already been said above, with the fact that a strict adherence to traditions is nowadays replaced with declarations and arbitrariness on the part of the environment of the Republic head in power. Often uncultivated, but invested with unlimited power, today people interpret traditions as they want, and force others to put up with it.

The Chechen leaders' idea of traditions might change quite often. Ramzan Kadyrov interprets traditions basing on his interests and even momentary moods. If it used to be considered that a bride's abduction is a "beautiful Caucasian custom", one day Ramzan Kadyrov announced that a groom would be severely punished for a bride's abduction. At that no distinction is made between a girl's voluntary participation in an abduction by the man she loves and a forced coercion to marriage. Memorial newsletters contain a case of a girl who voluntarily took part in the staged-up abduction organized by her fellow-student. However, her relatives made her return and then killed her. The criminal case was opened, but due to the girl's disappearance, despite the fact that her body was thrown out in front of the house before all the neighbors' eyes, no investigation

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<sup>1</sup> See, for example, «Alternative report based on the results of a sociological survey "Women's rights in the Chechen Republic", Women of Don, 2010, <http://www.donwomen.ru/uploads/Including-in-the-Sphere.pdf>,

"A woman should know her place". Human Rights Watch, 2010, <http://www.kavkaz-uzel.ru/articles/182092/>,

«The right to be a person», Svetlana Gannushkina, Ezhednevny journal, 2008, <http://ej.ru/?a=note&id=8638>,

«ECRE Guidelines of The Treatment of Chechen IDPs, Asylum Seekers and Refugees in Europe», 2011 г., <http://www.ecre.org/topics/areas-of-work/returns/174.html>.

«Sexual slavery and death is in store for women seized by the Chechen security service», Mark Franketti, InoPressa, August 2011. <http://inopressa.ru/article/15aug2011/sundaytimes/chechen.html>

Materials of the workshop on 15.07. 2012 «Gender view on the safety for women in the North Caucasus» <http://www.donwomen.ru/archives/2314>.



followed. The girl's relatives tried to kill her fiancѳ as well, but did not have enough influence and resources to do it.

Thus one and the same action can be interpreted both as the observation of traditions and their violation, depending on the agent of the action.

Below we are citing several examples revealing the situation of women in the present-day Chechen Republic.

**1. During the last few years the so-called “murders of honor” have become a frequent phenomenon in Chechnya - when men commit an act of reprisal with their female relatives even for the slightest deviation from the “norms of behavior of a Chechen girl”.**

These incidents have taken place before as well, we can't say this cruel tradition never existed. However, during the last few years a decision is not made on the basis of the tradition, but represents the arbitrariness of high-ranking relatives. Close relatives of girls dare not complain, because it does not result in the punishment of the guilty, but only casts a shadow on the memory of the killed girl and all the members of her family.

On 6 July 2013 in the city of Grozny of the Chechen Republic a 20-year-old **Khadizhat Elimkhanova** was abducted and disappeared. The force structures offices might have taken part in her abduction.

Memorial Human Rights Center staff received the information on what happened on 23 July from unofficial sources. They met the mother of the abducted, Laila (Lily) Khasieva, interrogated her and took her application for assistance. Before Khasieva had never turned to any human rights organizations.

Khadizhat Elimkhanova lived with her mother in an apartment block in Mayakovskogo street in Grozny. Her father had left the family and Chechnya a long time ago.

On 6 July at about 6 p.m. Khadizhat went out telling her mother she was going to see her friend Zalina who was living in the neighboring building. The girls exchanged clothes, and Khadizhat wanted to give back Zalina's skirt. They spent about 15 minutes at Zalina's and then went out into the street together – Elimkhanova was going home. At 6.30 p.m. the girls were standing at a shop in Mayakovskogo street, near apartment block # 147. Then Zalina went away, and Khadizhat lingered, evidently, she was sending a text message.

At that moment a “Lada Priora” car stopped near Elimkhanova, and two men jumped out of it. One of them, a tall and thin man was wearing a camouflaged uniform and had a gun holster on his hip, the other one, short and solid, was wearing civilian clothes. Before the eyes of numerous witnesses the men attacked the girl. Khadizhat offered resistance. However the assailants threw her into the car beating and took her away. The whole incident was recorded by the camera hanging over the entrance to the shop.

Soon Zalina came back and learnt from the people near the shop what had happened. But for some reason she didn't even call her friend's mother and did not inform of the abduction.

As Khadizhat did not return home and did not answer her mobile, her mother, Layla Khasieva, started looking for her. Almost immediately she managed to find out about what had happened from the neighbors and find the witnesses of the abduction. According to their words, one man tried to prevent the abduction, but the armed criminal threatened that he would shoot. Another witness said that the abductors told the people around: "We are from Khosi-Yurt" (Kadyrov's family village, which means that the men belonged to the top caste of Kadyrov people). There were testimonies that the girl called one of the abductors Muslim and asked to leave her alone.

In the present-day Grozny only a force structure agent can allow himself to openly wear a gun holster. The same night Layla Khasieva wrote an application about her daughter's abduction to the police department of the Staropromyslovsky district of Grozny. However, no task force was sent to the crime site and no measures to detain the criminals without delay were taken.

Only on the third day after the abduction the police officers of the Staropromyslovsky police department interrogated Khasieva, examined the crime site and took the videotape recordings from the camera installed at the shop.

On 12 July Khasieva referred a written application to the Investigation department of the RF Investigation Committee for the Chechen Republic of the Staropromyslovsky district, from where it was referred to the Investigation department of the RF Investigation Committee for the Chechen Republic. According to Layla, only after that a serious investigation of the crime started.

The fate of Khadizhat Elimkhanova is still unknown.

According to the neighbors, on the day of Khadizhat's disappearance two men, looking like the abductors by description, asked the neighbors where Layla and her daughter Khadizhat lived.

The number of the car in which the girl was abducted was not registered on anyone's name. These numbers are usually used by the officers of the force structures in their operations.

Layla Khasieva assumes that a relative of Khadizhat's father called Muslim might be connected with her daughter's abduction. He serves in a special battalion on a military base in Khankala, where many of the ex-fighters of the "West" recognizance battalion disbanded in 2008 serve. According to Khasieva, this man threatened Khadizhat earlier, passed threats through her girlfriends. He didn't like the way she behaved. Most likely, this became the reason for the crime.

**2. Women's independence may also annoy certain men convinced that a woman's place is in the kitchen. Dissatisfaction with an excessively independent behavior of women might entail tragic circumstances. One of examples is the story of murder of three women.**

In the morning of 10 May 2013 **Zaman Aidamirova** residing in the village of Nagornoye of Groznensky region received a phone call from a certain Sultan who introduced himself as a district policeman from the village of Geldagan and asked where Zaman's daughters Satsita and Zargan were. The mother said they must be at the car wash in that village. Sultan said everything was scattered in the car wash, there was a lot of blood, but the women were not there.

According to Zaman, her daughters Aidamirova Satsita Almanovna, born in 1988, the mother of

two children, and Zargan Almanovna, born in 1990, the mother of one child, were both divorced, but in defiance of traditions, asserted their right to keep the children.

The sisters decided to open a small business of their own. They rented a car wash in the village of Geldagan. According to the contract with the premises owner Ibragim Khamzatov the sisters were to renovate the building at their own cost and expenses and start working after the renovation. The first month – from 15 April till 16 May – the rent was cleared off at the expenses on the renovation, but afterwards the sisters were to pay a certain sum monthly. The car wash started working at the beginning of May.

On 9 May at 10 p.m. the mother talked to her daughters over the phone, they said everything was fine. The sisters lived in a service room in the car wash, and they were with their friend Selima who had come to visit them. According to the mother's words Selima was about 20 years old, she was thin and short, and had her arm broken, she was wearing a cast. So she couldn't have done any harm to the sisters. In the morning the mother tried to call, but the phone was switched off.

Zaman wrote an application to the police department of the Groznensky district in which she described all the recent events in detail.

The mother tried to find out about the fate of her daughters, but in vain. The premises owner Ibragim Khamzatov told her that on the morning of 10 May he also tried to call the sisters but the phone didn't work. Driving by he saw that the doors of the car wash were open, he entered, but didn't find anyone. Everything in the room was scattered, there was blood on the walls and on the floor, as well as small fragments of human bodies. The corpses disappeared from the crime site.

Zaman turned to the regional police department (ROVD) of the Groznensky district with an application on her daughters' disappearance.

Memorial employees on their part conducted their own investigation of the case, and managed to collect some information about what had happened.

On the night of 9 May the sisters and their guest Selima sat up late before going to bed. When they were already sleeping, armed people got into the room (supposedly, through the window) and started shooting at them from Kalashnikovs with silencers and from PSM pistols (compact self-loading pistols). On the morning of 10 May the police operational brigade found numerous cartridge cases of the above-mentioned models of weapons. After the police visited the crime site, this evidence disappeared.

Near the car wash there is a gas station with security cameras installed that might have recorded the criminals and their movements. This tape could allow to identify the criminals. However, as far as it is known, the tapes of the period when then crime was committed, disappeared.

The car wash is located at the outskirts of the village, but the residents of the neighboring houses most likely would have heard the shooting if the silencers had not been used.

When the police operative brigade from the regional police department started examining the crime site a crowd gathered around the car wash. According to the witnesses, at that moment a

bearded young man with a gun on his hip drove up and introduced himself as “Ranger” to the police. (Many local force structures agents in Chechnya – ex-rebel fighters – prefer calling themselves not by the name but by their nice-sounding call signs, often the same ones they used in the times of the participation in the underground: «Jihad», «Lord», «Bear», «KGB agent», «Richard», etc.). However, some of the local residents told the Ranger's real name – Ali (they gave his last name as well, which is not cited here for security reasons). The witnesses, local residents, heard part of the Ali-Ranger's phone talk, he was telling about what had happened at the car wash saying “This is our doing, and the people above know it”.

A search case was opened by the interior bodies in connection with the women's disappearance. The Investigation Committee of the republic opened a criminal case under article 105 (murder) of the RF Criminal Code. The Investigation Committee staff visited the crime site. On 17 July the new head of the Chechen Investigation Department of the RF Investigation Committee S.I. Bobrov visited the car wash. According to the local residents, Ranger drove up the car wash at the same time again, observed the investigators from aloof till they left, often called somebody.

As of the present moment the car wash owner is arrested on suspicion of being an accessory to the crime. The validity of this suspicion arouses serious doubts.

**3. A woman's active independent actions might arouse a negative attitude and become the grounds for her persecution. What is the most tragic is the fact that the woman is so deprived of any protection and is so vulnerable that even her closest relatives might take the side of the pursuers for fear for their own life.**

The student of Chechen state University Khava took part in the project of the Civic Assistance Committee “Human rights education in the North Caucasus” in 2009-2011. In September 2010 a new student Rezeda joined her group, resuming her studies in the last year after a break. Rezeda had serious family problems she sometimes shared with Khava who saw tears in the girl's eyes. The girl was pregnant, and her husband Ruslan insulted, beat and starved her. Rezeda asked Khava to help her seek assistance in the Civic Assistance Committee.

Khava, considering herself a member of the human rights organization, could not dismiss the request of a person in need of help. She saw that the young girl was on the verge of a suicide and decided to help her understanding that it might prove dangerous for both of them.

In July 2011 Rezeda got in hospital after another beating by her husband. Khava took care of her, brought her food and money without which treatment in Chechnya is impossible. At that time Rezeda's husband called her elder brother and demanded the latter should take her back, but the brother refused.

Then Khava helped Rezeda to write an application to the Mufti council, and Rezeda with her husband were invited to talk to the Mufti. Mufti deputy who turned out Ruslan's relative, talked to each of the spouses, told Rezeda that her husband was a good Muslim, and that she behaved wrongly, did not listen to her husband, wanted some freedom, while she should obey her husband. And then told Rezeda's brothers that the conflict between the spouses was settled.

The same day Khava persuaded Ruslan to let Rezeda go to the university with her, but instead took her to the government commission for family reconciliation set up by Ramzan Kadyrov where she had arranged a meeting beforehand. The Commission chair offered Rezeda to write an application that her husband beat her. Then the chair and his assistant went to Rezeda's husband together with Khava and Rezeda. Before the Commission members Ruslan blamed his wife for not wearing a scarf, for refusing to go to Moscow to exorcise demons, for coming home late after classes, for not answering the phone when he called her. The chair read out an extract from the Koran for Rezeda and said that there were no demons in her. Then he tore Rezeda's application and told her she had to obey her husband, and told the husband not to beat his wife at least till the baby comes. After that the fights between the spouses and Rezeda's beatings resumed.

Rezeda's brothers threatened to lock her up till the birth of the child and then to kill and give the baby to the father in case she returned to her parents' house. The young woman was on the verge of a suicide.

Then Khava decided to help Rezeda to run away from her tyrant husband and brothers. She told the Civic Assistance Committee staff about Rezeda's situation and it was decided to secretly bring Rezeda to Moscow.

At the beginning of August 2011 Rezeda made up her mind to escape, but had no money to do it. Khava helped her to sell the jewelry, buy a bus ticket and leave for Moscow. In Moscow Rezeda gave birth to a son, at that she had to persuade the doctors to provide her and her baby with medical assistance with no registration, which she couldn't draw up, as her relatives could find her at the address. Later on Rezeda and her son were granted asylum in Norway.

It is noteworthy that after Rezeda's escape to Moscow the Civic Assistance Committee sent her letter to her closest people – grandparents. The letter said that she was fine, in good health and safe. It was sent in such a way that it was impossible to determine Rezeda's whereabouts.

Some time after Rezeda's escape Ruslan called Khava and threatening her demanded she should disclose Rezeda's whereabouts to him. He said that her relatives and the police were tormenting him charging him with his wife's murder. (In the present-day Chechnya such an outcome would not be impossible.)

Khava agreed to meet Ruslan, but he didn't come. Instead, 2 hours later Rezeda's mother and sisters started calling Khava and blamed her for having led a married woman astray, insulted Khava, demanded she should bring Rezeda back. For several days Rezeda's relatives called Khava 200 times a day and attacked her with text messages. Finally Khava had to throw away her SIM-card.

3 weeks later a car with tinted windows stopped near Khava in the street. There were four men in the car. They pushed Khava inside and brought her to Staropromyslovsky police department in Grozny.

The men in the car did not introduce themselves, said that the police had received an application about a person's disappearance, in which Kava was involved. They asked her if she knew Rezeda.

Khava confirmed, but said she didn't understand what was going on and demanded the men should let her go. The driver rudely told her to shut up.

At first, not to harm anyone, Khava didn't acknowledge anything at the police. But after a heavy pressure on the part of the head of the police department Khava burst out crying and told everything concealing only Rezeda's whereabouts (said that the girl had gone to one of her brothers in Ufa). Afterwards Khava was summoned to the police one more time – they took her to the market so that she identified the buyer of Rezeda's jewelry and warned her not to change her phone number and not to leave. The policemen threatened to bring Khava to criminal responsibility for a false report on Rezeda's relatives.

Khava discussed the situation with her mother and decided to flee Chechnya. One of Chechen NGOs organized a long-term internship abroad for her. Khava left. Some time later her younger brother called her and said that he had to leave for Kazakhstan with their mother to stay with the mothers' relatives. He told that after Khava's departure Rezeda's relatives had exerted permanent pressure on Khava's parents, blamed them for the fact that with the help of their Khava a married pregnant woman was abducted. They were saying that Khava's father should answer for his daughters' actions. Instigated by his relatives the father regularly beat up his wife and son demanding that Khava should come back home.

In November 2011 Khava came to visit her mothers' relatives. It turned out her mother had had a heart attack. She kept completely aloof from her daughter's problems. All the mother's relatives treated Khava very rudely considering her guilty for the parents' separation and her mother's disease.

Khava stayed with one of the relatives, whose family had a cafe, and worked in this cafe doing all the hard work.

In December 2011 Khava's father unexpectedly came to Kazakhstan. He said that Khava should go to Chechnya with him since Rezeda's relatives demand Khava in their disposal threatening him with a murder. Khava tried to explain to her father what had happened to Rezeda, but he didn't want to listen. Khava suggested gathering the Council of Elders to settle the conflict or to turn to the Prosecution Office, but the father decided that Khava would be handed to Rezeda's relatives who would decide her fate.

After that Khava went to live in a hostel. She worked in other cafes as a dishwasher and a cleaner, as a peddler, distributed make up items. In summer she worked on vegetable plantations, lived in a van. She fell ill, strained her spine, overchilled internals. Just like migrants in Russia, Khava faced a lot of problems due to the lack of registration and the fact that she didn't know the Kazakh language, that's why she had to change jobs very often.

In October 2013 Khava's father came to Kazakhstan again, found Khava in a shop where she was working as a cashier. The father tried to grab Khava, but she dodged. He started shouting at her telling her to come out from behind the cash desk, swore: “Stinker, you've caused such a trouble,

and now you're trying to sit snug? People keep coming to me and want me to answer for the abducted woman! I can't even get married!”

The customers and shop keepers came running hearing the noise. While the father was talking to them, Khava managed to escape through the storage room. Afterwards Khava learnt that her father was very excited, demanded his daughter's address and telephone number. For a few days Khava was hiding in her acquaintance's kiosk. She called the Civic Assistance Committee staff, told about what was happening to her and was immediately invited to come to Russia.

While Khava's relatives don't know about her whereabouts, she is safe, but this situation can change any moment. Trying to help her friend Khava destroyed her own fate and relationship with her family.

Another example of the lack of trust on the part of the closest relatives is the story of a young woman **Aimat**. Together with her fiancѳ and some of his friends Aimat was seen by her distant relative who was seeking an affair with Aimat himself and tried to get a date with her by all means. He even resorted to blackmail threatening the girl to tell about her shameful deed – spending time in a cafe with a few men at once. Aimat did not pay attention to his threats being sure she did nothing wrong. But the relative kept his word and after the girls' refusal (she ignored his courting) complained to the girl's mother and other relatives coloring the story by saying that Aimat was seeing several men at once.

Then the mother, who lived outside the city, invited the girl to come and see her and locked her up in the room. She waited for Aimat's younger brother to come, who according to her words was to decide the girl's fate.

The pressure of numerous relatives, the authority of the person who told about Aimat's “love affairs” played a crucial role: both Aimat's mother and brother were ready to kill the girl.

Only her father managed to save her, and at the present moment she is safe, but her situation is very hard, with no psychological or any other support.

**4. A woman who gives birth to a child out of wedlock becomes an absolute outcast. If relatives find out about an unmarried woman's pregnancy, they will prefer to kill her and conceal what happened. If other people find out about the woman's situation, she can only flee and hide from her pursuers. But it doesn't always help. One can't but wonder how zealously the relatives are ready to pursue the “criminal” sparing neither time nor money.**

Since the questions asked by migration bodies and lawyers of Chechen women seeking asylum in Western countries repeat, we'll cite the answers to the basic ones.

***If a single woman with children comes back to Chechnya after a long sojourn abroad, and if she has no connections in the republic, what will her future be like?***

It is practically impossible for a Chechen single woman with children to reside in Chechnya without any relatives, since the kinship with Chechens extends to very distant relations. However, it doesn't mean that these relatives will help the woman. But they certainly will interfere with her

life.

No one will lend her any housing, if it is not known, where she comes from, whose her children are, who their father is.

If the children are born out of wedlock, the woman's life is directly threatened by the men of her clan. Without any brothers or a father there will be no one to stand up for her. And even if somebody does, the clan won't let it happen. If such a woman dares to return to Chechnya at all.

Housing rent, employment – literally everything will arouse numerous questions mentioned above. And the ending might be tragic.

Wherever she settles, she can't avoid all these questions and ostracism at best. It will affect her children as well, who will know that they are not “full-fledged” Chechens, and they will grow in solitude.

I must note that we regularly deal with cases when relatives pursue women with children.

One of our applications ran away from Chechnya pregnant, had a baby, lived in Moscow with her child born out of wedlock, met a wonderful Russian guy, married him and gave birth to a second baby in this marriage.

Her cousins not only found her in Moscow, but gave themselves the trouble to hunt for her in Poland where the family had fled from persecution. Exhausted, the spouses returned to Moscow. Finally, we managed to send them to the USA where they were granted asylum.

Another woman went to give birth to her child in Italy, but had to come back when her term of sojourn came to an end. Unfortunately, she did not know about the asylum system. Upon her return to Russia with a daughter she hid in a shelter in one of Russian towns where she was only kept for three months, then stayed now with one friends, now with other, fearing somebody will find out about her at home all the time. She was in danger and couldn't find a job, because she needed a registration for that, the receipt of which includes sending an enquiry at the address of permanent residence, and in this case her whereabouts would become known to her relatives.

Now we managed to get a Schengen visa for her, and she went to Italy again and asked for asylum. However, Italian migration bodies do not trust the information she gave and suggest she would return and live in a different region. We are supporting her asylum application, the authorities do not deport her, but do not grant her an opportunity to stay in Italy either.

### ***Can her children be taken from her?***

If it turns out that the children were born in wedlock, the relatives of the children's father would immediately appear. According to Chechen customs, the children **belong** to their family. They are sure to take the children. One doesn't need a good imagination to understand what kind of a shock the children who grew in a European society, were taken away from their mother and are not used to a strange family would experience.

I know of cases when a 14-year-old daughter was taken away from a mother who came for a visit



to Chechnya and married off. It was done by the relatives of the girl's deceased father, who did not help the mother raise the girl and whom she saw for the first time. Such a stand is supported by the republican authorities, and it is impossible to appeal it against with no support of high-ranking officials.

***Can she be subjected to persecution?***

Undoubtedly, a single woman can be persecuted, as has been mentioned above. Not only the family of the child's father might decide to take the child from the mother – her own family under the pressure of prejudice might decide that the woman is disgraced and should be killed. Such a decision is executed secretly, the corpse of the killed woman is dug up and it is announced that she's missing.

***What other risks are awaiting her in Chechnya? In case she settles in another region of Russia?***

No other Russian region accepts Chechens fleeing the Chechen Republic. There are no acceptance mechanisms, the status of a forced settler is not provided, it's difficult to draw up a registration. Three Chechen women working in our organization are renting their housing, but are registered at their colleagues'. Only thanks to this they can live and work in Moscow. They are hiding their ethnic origin from their landlords.

It is noteworthy that the State Duma is considering a draft law prohibiting citizens to reside not at the place of their registration. If this law is passed, which is most likely, as it was suggested by the RF President, we will all become violators and will be subjected to persecution together with our registered colleagues.

Chechens are a small people with extremely extended kinship and neighbourhood relations. If a Chechen meets a woman who is hiding from her relatives' persecution, they will sooner or later find out where she is – and a chase will start.

Certainly, huge risks are connected with the growth of xenophobia in Russia. Both the woman and her children might fall victims of a nationalist assault. Nationalistic incidents can happen in the street, at work and quite often at school with regard to children.

Rendering assistance to vulnerable categories of persons by NGOs is hindered. It should be noted that in 2014 a law was passed prohibiting the citizens to live not a place of residence. Now our colleagues and we become lawbreakers and can be subjected to prosecution together with our registered wards. It has already happened to our colleague in the Kaluga region Tatiana kotliar and 150 other citizens convicted for a “fictitious registration” (see the RF Criminal Code:

***Article 322.2. Fictitious registration of an RF citizen at a place of sojourn or a place of residence in a living space in the Russian Federation and fictitious registration of a foreign citizen or a stateless person as a place of residence in a living space in the Russian Federation.***

*Fictitious registration of an RF citizen at a place of sojourn or residence in a living space in the*

*Russian Federation, as well as fictitious registration of a foreign citizen or a stateless person in living space in the Russian Federation -*

*are punished by a fine in the amount from one hundred thousand to five hundred thousand rubles or in the amount of a salary payment or another convict's income for the period of three years or forced work for a term of up to three years or without such a term with the deprivation of the right to occupy certain positions and exercise certain activities for a term of up to three years or without such a term.*

**5. Since women's problems can be referred to gender problems, we will allow ourselves to extend the topic a little bit and talk about the persecution of LGBT community in the Chechen Republic.**

It is well known that homophobic laws have recently been passed in Russia turning any mention of the topic into propaganda of homosexuality, which is punished with criminal prosecution.

In the North Caucasus, especially in Chechnya, this topic is a strict taboo, that is why we have dealt only with several cases of residents of Chechnya complaining of homophobia and personal persecution for all the years of work of the Civic Assistance Committee. Recently we have received two complaints.

The first one was received from a young Chechen man, participant of the Civic Assistance Committee project “Human rights education in the North Caucasus”.

Having survived the Chechen war, Isa got involved in charity activities when he was a student: he organised actions of assistance to homeless children. Later on he became an activist of a youth human rights group in Chechnya, within the framework of which he organised human rights and peacebuilding workshops for schoolchildren. However, Isa's active civic stand and human rights activity aroused dissatisfaction of his relatives. He was subjected to pressure, it was considered that his activity hinders him to observe Islamic canons and Chechen customs and endangers his family in terms of relations with the authorities.

In the present-day Chechnya almost any public activity revealing or covering the problems in the region, arouses keen attention and entails control on the part of local authorities, human rights defenders and public figures are subjected to pressure.

In June 2012 Isa informed the Civic Assistance Committee that the pressure on the part of his family has increased, that he is forbidden to leave the republic and threatened with house arrest. Isa was very stressed. It was decided to help him find an opportunity to study or an internship in Russia or Germany. However, the reasons for his nervousness and psychological discomfort were not quite clear.

In October 2012 Isa secretly moved to Moscow and told one of the Civic Assistance Committee members about the details of his departure and the reasons why he couldn't go back to Chechnya.

One of the cousins cracked Isa's account in the “Odnoklassniki” (“Classmates”) social network, read Isa's personal messages and found out that Isa was homosexual and was dating a young man,

citizen of Uzbekistan. People belonging to sexual minorities are considered sinful, going against religion and traditions and are subjected to persecution. Homophobic behavior is considered a disgrace not only for the person himself, but for all his family and clan members and “should be punished” with murder or re-education.

Having learnt about Isa's sexual orientation, three of his cousins forcibly brought him from home to a park at night, insulted and humiliated Isa, beat him up, threatened with murder (one of them had a gun). They also demanded Isa should tell them the name and the address of his partner to carry out a reprisal with him as well. For the night Isa was locked in the house of one of his cousins.

The next day the cousins took Isa to a mosque against his will, so that an imam would cleanse his sins. The cousins made Isa acknowledge his sinfulness and confess his sins.

After that he was brought back home. Since then his cousins started threatening that they would tell everything to Isa's parents and other relatives – and the Isa's uncle at whose house he was living would kill him. The cousins demanded money for their silence. This blackmail continued even after Isa move to Moscow. Isa was very afraid his parents would learn about his sexual orientation because it would make them suffer and worsen his relations in the family, which were already tense due to his public activity.

A few days after the abduction Isa committed a suicide attempt, having taken pills, but the emergency managed to save him.

Isa was in his last year of studies at the university, was an excellent student, received increased scholarship and before moving to Moscow arranged it with the administration of the university that he would be able to come and pass his exams with all the others.

However, some time later his scientific supervisor informed him that his family members had come to the university. They said that Isa was mentally ill, that he ran away and demanded the university should detain Isa if he came to studies. Thus he lost an opportunity to finish his education and receive a higher education diploma.

At the end of August Isa fled from home being no longer able to endure the pressure and strain in the family relations. He decided to break off his relationship with the family. He was hiding at his only friends', who knew his story.

In September 2012 Isa's cousins found him and wanted to forcefully bring him home. They threatened they would marry him and send him to live in a mountainous village. Then he ran away from them and left for Moscow.

Having learnt that Isa was in Moscow his cousins started calling him threatening and demanding he should come back home, otherwise they would do it by force. While the other family members kept demanding money. Thus he had to buy out his right to freedom and justify his stay in Moscow.

On 21 November Isa's cousin called him and delivered an ultimatum. He demanded Isa should

come home and marry within a month, otherwise he would come to Moscow and kill him.

This is what Isa wrote to a CAC member after this conversation:

*«Today my cousin got married finally. I had a talk with my elder brother. These are his words: nothing will stop me now, I'll get to you now and soon you'll either return here and beg for mercy or you'll go straight to hell. I have stood up with you for a long time, played with you. I won't tell anything to anybody and have it you with you myself, a freak of nature. No one will stop me now. This is my last call to you. If you come back yourself, everything will be different and milder. Think and decide for yourself. If you decide to come back, come, but if you don't come back by 21 December, I'll carry out my promise. You've got a month to make a decision. Thank me for my generosity and kindness».*

On 12 December Isa's mother told him that his brother together with his friends had left for Moscow. It was clear that it was not safe for Isa to stay in Russia, not to mention the fact that he doesn't have and won't have an opportunity to openly talk about his orientation and work normally in the field of human rights protection in the North Caucasus.

At the end of 2012 Isa left Russia and applied for asylum in one of the European countries.

The other application was from two women from Chechnya who had long been a couple. Their relatives found out about them. One of them was sentenced to death, but managed to escape. The other was granted by her humane relatives some time to quickly get married. In both family, as in the whole society, there is no understanding of the nature of homosexuality.

The fate of this couple is uncertain, that's why we won't cite the details of their present-day mishaps.

On the whole the situation with regard to sexual minority rights in Russia is extremely difficult and tends to be worsening, which is confirmed by the Moscow Helsinki Group report (see : <http://www.mhg.ru/publications/EA10000>).

In Chechnya at the moment the situation is even more complicated and is also tending to worsen due to the crisis of values aggravated after many years of wars and expressed in an active cultivation of radical religious and traditional norms of behavior (see the reports of International Crisis Group: <http://www.crisisgroup.org/~media/Files/europe/caucasus/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict.pdf> , <http://www.crisisgroup.org/~media/Files/europe/caucasus/221-the-north-caucasus-the-challenges-of-integration-ii-islam-the-insurgency-and-counter-insurgency.pdf>).

## **How housing property issues are settled in the Chechen Republic**

As for all the other residents of Russia the housing problem remains most urgent. **The citizens who left the Chechen Republic can't get their housing back.**

Since 1991 there have been several flows of internal migrants from the Chechen Republic. The reasons for fleeing were different.

The first wave – before the start of the military campaign – consisted mostly of Russian population fleeing discrimination. Only a part of those who left Chechnya obtained a status of forced settlers which, in defiance with law, was granted only in the presence of a registration (propiska). And even fewer were provided with housing given to this status holders as the funds from the federal budget were allocated.

The second wave of internally displaced persons from the republic comprised residents fleeing from military actions that started at the end of 1994 and ended at the end of 1996. Only in April 1997 the RF Government ruling # 510 stipulated the payment of a compensation in the amount of 120 thousand rubles per family for this wave of IDPs. Before the financial crisis in 1998 this compensation was sufficient to purchase a very modest housing. But very few had the time to receive it. To receive compensation one had to collect a lot of documents and write a written renunciation of the housing left in Chechnya. Not everyone managed to collect all the necessary documents or decided giving up their apartment for money with which you couldn't buy anything after the crisis outburst in August – the real value of this money dropped down five times and turned into a trifling sum.

The status of a forced settler was not provided to Chechens who had left the republic at that time, in accordance with a special order of the head of the Federal Migration Service. This policy remained valid hereafter.

The third wave refers to the so-called peaceful years between the two wars, it was not big, mostly due to the fact that it was already very difficult for Chechen residents to settle in other regions of Russia. The status of a forced settler was practically not granted to anyone: the authorities demanded direct evidence of persecution on the part of the Chechen government. Compensation requests were accepted only from those who had left Chechnya before 1996.

The fourth wave started with the second Chechen war at the end of 1999. All those who had the tiniest opportunity of settling in other regions of Russia tried to flee Chechnya. Only 2% (12 thousand people) of the total number of IDPs from this wave were granted the status of a forced settler. Only after a third application with the RF Supreme Court we managed to secure the extension of Ruling # 510 on those who left Chechnya after the second wave of the military actions. However, appealing against the sum of payments failed, and it still constitutes 120 thousand rubles per family, that is why many do not want to give up their houses and apartment in Chechnya to get this sum.

Now, when peace has been allegedly established in the Chechen republic the residents who left Chechnya, are trying to get their property back or obtain apartments in the newly built houses. But as a rule their apartments are occupied by new tenants who have moved in with false documents or a bribe to the representatives of the administration.

To get their property back the real apartment owners have to turn to court. But judges as a rule take the side of the new tenants, as they are tied with the administration officials who have put the new tenants in out of kinship and common interests. The lawyers of Memorial Human Rights Center try to help legal owners, but unfortunately, it's a rare case when justice is sought.

Below you will find two examples of such a fight that will most likely fail.

In August 1994 **Irina Victorovna Vorobyova**, born in 1961 and residing in Chechnya, bought an apartment in an apartment block in Dyakova street in Grozny. Her own housing was destroyed. The previous owner was an elderly Russian man who was going to leave the republic with his wife. The deal was effected at the notary office. Irina moved in the purchased apartment.

In 1995 at the beginning of military actions Vorobyova had to leave the city. Like all other Chechen residents, she couldn't expect what scale military actions would assume. Planning to come back home some days later, she didn't take the documents on the apartment – they were left in the apartment. Vorobyova asked her good acquaintance – Said-Khasan Shakhgeriyev – to look after the housing and left him the keys.

However, soon it became obvious she won't be able to come back for a long time. First Irina left for Pyatigorsk and then moved to Moscow to stay with her acquaintances.

At the end of 1995 Vorobyova's mother who stayed in Grozny (lived at 2, Tukhachevskogo street) reregistered Irina's purchase contract and received confirming documents from the Technical Inventory Bureau (BTI). However, during the August events in 1996 she hurriedly left Chechnya leaving all the housing documents in Grozny.

In 1998 Irina met Seid-Khasan Shakhgeriyev in Moscow, who told her the apartment was safe: he was living in it himself with his wife Leila Alieva. Since then he called Irina from time to time to inform her of the housing state.

Since 2006 Shakhgeriyev stopped calling. Irina learnt by chance from their common acquaintance that he had died. Vorobyova found the telephone number of Seid-Khasan's elder brother and called him to find out the fate of her apartment. She learnt from him that Seid-Khasan's widow Leila Alieva was living in the apartment and that she should address her all her questions.

When Vorobyova called Alieva the latter announced that now it was her apartment and she was not going to give it back to anyone.

In 2010 Vorobyova turned for assistance to the Moscow point of Migration Rights Network of Memorial Human Rights Center operating at the premises of the Civic Assistance Committee. From Moscow the case was transferred to the Network lawyers in Grozny. They managed to find

out that Irina Vorobyova's apartment is now registered as belonging to Leila Alieva allegedly in accordance with the sale contract of 3 October 1994. At that neither the BTI nor the Housing Property Management (ZHEU) of the Leninsky district had the copies of the contract.

The lawyers sent an enquiry to the police department with a request to conduct an inspection of the property right for the apartment. In the course of the inspection it was ascertained that Leila Alieva had died in October 2010. Vorobyova's apartment stayed empty for a long time, which was confirmed by the district policeman. The Network lawyer **Sultan Telkhigov** found out that Alieva's heirs had not applied for acceptance of inheritance.

Due to the defendant's absence, the lawyer turned to the BTI with a request to annul the record of Alieva's property right for the apartment at issue. However, he was refused. Then on 24 August 2011 the lawyer filed Vorobyova's property right recognition claim as well as the annulment of the record of Alieva's property right with the court. At that time nobody lived in the apartment.

On 14 October 2011 the Leninsky district court of Grozny satisfied Vorobyova's claim having recognized her property right. As it was necessary to draw up the technical and cadastral certificates of the apartment to register the property right, Telkhigov started negotiating with the district policeman concerning the opening of the door.

But the district policeman informed the lawyer that the deceased Shakhgereyev's relatives were living in the apartment. The lawyer of Shakhgereyev's relatives got in touch with Telkhigov and told him he had lodged an application with the court requesting the annulment of the recognition of Vorobyova's property right in connection with new circumstances. On 24 February 2012 the term of appeal was restored, the court decision in Vorobyova's favor cancelled and a new hearing of the case appointed.

In the course of the new hearing Khasan Shakhgereyev – Seid-Khasan's brother – intervened with the case as a third party. He was the guardian of two minor Seid-Khasan Shakhgeruev and Leila Alieva's orphans. He filed a claim for the recognition of the children's property right.

At Telkhigov's plea the plaintiff's witnesses residing in Krasnodar and Rostov-on-Don were summoned to court. Despite the fact that it followed from the witnesses' testimony that the apartment at issue was Vorobyova's property, the Leninsky District Court rejected her claim on 13 December 2012. Khakhgereyev's claims in the interests of Shakhgereyev and Alieva's children were satisfied.

This decision was appealed against. On 23 April the civil chamber of the Supreme Court of the Chechen Republic 2013 dismissed the appeal and upheld the decision of the district court.

Cassation appeal to the presidium of the Supreme Court of the Chechen Republic was not satisfied either. Moscow lawyers of the Migration Rights network filed an application in Irina Vorobyova's interests in the RF Supreme Court.

**Ludmila Pavlovna Stanizhevskaja**, born in 1950, lived in Grozny. She owned an apartment at 5, Rosa Luxemburg street. The housing was allocated to her father by his employers. After the

parents' death the ownership was drawn up in Ludmila Pavlovna's name. In summer 1993 Stanishevskaya privatized the housing, became its owner and lived there. In 1999, with the beginning of the second Chechen campaign Stanishevskaya had to flee Chechnya. She found shelter with her friends in Belarus.

Stanishevskaya had all the constitutive documents for the housing in Chechnya.

After the active military actions ceased, Stanishevskaya tried to find out the fate of her apartment through her acquaintances. It turned out it had been occupied by other people. They behaved glaringly, threatened Stanishevskaya's acquaintances, who made enquiries concerning the apartment. Ludmila Pavlovna's relative living in Moscow turned to the Civic Assistance Committee for legal assistance. In June 2012 the lawyer of the Grozny office of Migration Right Network Sultan Telkhigov took up the case.

He made enquiries to the BTI of Grozny and the district housing management department (ZHEU). He managed to find out that Stanishevskaya's apartment was down on the name of a certain Tabarka Kagirova. At that at BTI the apartment was registered on the basis of the sale contract of 21 November 2000, while at ZHEU – on the basis of the authorization to occupy the apartment of 8 February 1999. In August 2012 Telkhigov filed a claim to recognize the deal as invalid with the Zavodskoy district court.

Kagirova was notified of the date and the time of the hearings, but she didn't appear. At the end of September 2012 two armed men came to lawyer Telkhigov's home and introduced themselves as Kagirova's relatives (they looked like the force structures agents). They wondered what claims Memorial Human Rights Center employee could have for this apartment. When Telkhigov explained that he represented Stanishevskaya's interests in accordance with agreement with Memorial Human Rights Center, they asked for the telephone number of the plaintiff's relative living in Moscow.

Several hearings took place under Stanishevskaya's case. The representative of the defendant asked the court to postpone the proceedings every time, since they couldn't define the whereabouts of an important witness. In mid-December 2012 the defendants did not come to another hearing. The judge suggested delivering a default judgement. Since the fact that the judgement was delivered by default can become grounds for its cancellation, the lawyer was against. The Court decided to leave the claim without consideration provided that after the New Year holidays the trial would resume.

In 2013 the hearings of the case were appointed three times – and all the three times the defendants did not come, despite a timely notification of the date and the time. Finally on 14 February a default judgement was delivered: Ludmila Stanishevskaya's claims were fully satisfied.

As it was expected, at the end of March the default judgement was cancelled at the defendant's application. Lawyer Telkhigov was informed of the hearing already after it had taken place. The case was referred to another judge, though there were no grounds for that.



In April Sultan found out that the judge had dismissed the application since neither the plaintiff nor his representative came to the hearing. Telkhigov applied for the cancellation of the definition on denial to consider the case.

In the course of the hearing which took place on 28 May 2013 the defendant – Kagirova – stated that her document for the apartment for an authorization to occupy it and not the sales contract. At the defendant's application the hearings were postponed again. Then Kagirova missed several hearings again.

The next hearing took place on 18 June. Telkhigov filed additional application to the claim, in particular, demanded recognizing the defendant's authorization to occupy the apartment as invalid. Kagirova filed a counter claim – to recognize as invalid Stanizhevskaja's registration certificate. The Court decided to involve the Housing Policy Department in the case. The hearing was postponed once again. On the next hearing on 27 June the consideration of the case was postponed till 8 June at the request of the representative of the Department. On that day the defendant did not come, and the hearing was appointed for 15 July.

On 15 July the defendant solicited for an expert examination of Stanishevskaja's documents to establish the correspondence of the date indicated in the documents with the factual time of drawing up the documents. The Court satisfied the solicitation. The proceedings of the case are suspended.

Memorial Human Rights Center is planning to send a letter to the chairperson of the RF Supreme Court with the facts of unjustified court procrastination in the case of Ludmila Stanishevskaja.

### **Davydenko village. A rare luck**

In summer 2012 the administration officials of Achkhoy-Martan region and Davydenko village demanded villagers should by all means sign a lease agreement for the land allotments where their houses owned by the villagers are standing. Thus in fact people were forced to acknowledge that the land was not in their permanent perpetual use as the law stipulates but belongs to the administration. And hence it is impossible to simply register one's property rights for these land allotments.

Many of the villagers had to sign these lease agreements. Some of them were forced fraudulently, other – under threats. When the villagers started objecting and wanted to complain to the law enforcement agencies, the representatives of the regional administration declared that it was the instruction of the head of the Republic Ramzan Kadyrov and hence all attempts to turn anywhere would be useless.

It is noteworthy that the actions of the administration officials evidently contradicted the land laws of the RF. According to article 3 of the RF Land Code the right of perpetual (with no fixed term) use of land allotments belonging to the state or municipal property the citizens enjoyed before the given Land Code was introduced is preserved. Considering the fact that the RF Land Code came into effect in 2002, the abovementioned villagers preserved their right of perpetual (with no fixed term) use of their land allotments.

According to article 3 of the Federal law of 25.10.2001 N 137-FZ «On the enactment of the RF Land Code» the registration of the property right on the land allotments which were allocated for perpetual (with no fixed term) use is not limited by any terms. It follows from paragraph 9.1 of the law mentioned that if a land allotment had been allocated before the enactment of the RF Land Code as a personal subsidiary plot or for the purpose of individual housing construction, the citizen with such a land allotment at his disposal has a right to register his property right for the land allotment. Citizens who've inherited or received on other grounds the property right for the buildings or construction located on the abovementioned land allotments owned by the state or municipality also have a right to register their property right for these land allotments.

It follows from the enumerated norms of land law that the residents of the Davydenko village have a right to register their property right for the land allotments on which their houses are located.

Meanwhile the lease agreements the villagers had to sign deprive them of this right. According to article 36 of the RF Land Code land allotment leaseholders can become the owners of these allotments only having purchased them at a price fixed by the executive power bodies (see <http://www.memo.ru/d/149070.html>).

The lawyer of Migration Rights Network of Memorial Human Rights Center Sultan Telkhigov drafted claims on the recognition as invalid of lease agreements, annulment of the registration record of these agreements in the Unified State Register and recognition of the permanent perpetual right of use of their allotments by the villagers.

All the necessary documents for filing the claim with the court were provided by four applicants: L.I. Khadueva, E.Kh. Sukhaev, Z.S-S. Okueva and I.N. Alimsultanov. The situations of these four applicants were different. Okueva and Khadueva bought houses in 1990 and 1991 and they have sales contracts. As for Sukhaev and Alimsultanov, allotments were allocated to them in 1988 and 1991, which is confirmed by the statements from rural household registers of the Davydenko village. However, they all had a right to register their property right for the land.

Claims were filed with the Achkhoy-Martan regional court on 18 April 2013. The lawyer sent enquiries to the administration of Achkhoy-Martan region and the Davydenko village with a request to inform, since when the villagers possess their real estate. According to the response, they have been owning the housing and land allotments since the end of 1980s - beginning of 1990s..

The first hearing was appointed on 31 May. The court involved the village administration as a third party. However, due to the fact that the representative of the defendant was not ready for the hearing, the trial was postponed for 21 June. At first the judge was inclined to satisfy the plaintiffs' claims. But at the last moment his stand changed. And on 26 June 2013 the court dismissed the claim. The lawyer obtained the court judgement only on 23 July 2013. On 26 July the lawyer appealed against the judgement.

In February 2013 Memorial Human Rights Center applied to the Prosecution Office of the Chechen Republic with a request to conduct an inspection of violations of the RF land laws by the executive power bodies of the Achkhoy-Martan region of the Chechen Republic.

As it follows from the answer of the Prosecution Office of 22 March, in the course of the inspection it was ascertained that “administration officials of the region violate the demands of the land laws and the rights of the citizens forcing them to sign lease agreement for the land allotments allocated for individual housing construction long before the laws came into effect”. Basing on the results of the inspection Interregional Prosecutor submitted the instruction “to eliminate the violations of the law and prevent similar violations in future, as well as to conduct a functional audit check and bring the guilty to disciplinary liability...».

It is noteworthy that the answer allegedly sent to Memorial HRC by the Interregional Prosecution Office in March 2013, never reached us. In July the Prosecution Office of the Republic sent a follow-up letter, which was never received.

On 25 July the Memorial HRC lawyer called the Prosecution Office of the Republic and received the copies of the letters. These letters were enclosed to the appeal.

While the Davydenko villagers were settling their land dispute the administration of the Achkhoy-Martan region and the village changed, which, however, did not affect the stand of the administration in this dispute. However, the pressure on the villagers who had not signed lease agreements, stopped.

On 12 September the Civil Chamber of the Supreme Court of the Chechen Republic acknowledged that the villagers of the Davydenko village of Achkhoy-Martan region have a property right for the land allotments and that the lease agreements signed with the regional administration were invalid. On 4 October the villagers received copies of the appeal definition and can register their property rights in the Registration Chamber.

The villagers asserted their property rights for the houses and land allotments for more than a year.

It is noteworthy that in 2010 after the report of the RF Government on the fulfilment of the RF President's commission to draft suggestions on housing provision of citizens who lost their housing as a result of the crisis resolution in the Chechen Republic and who left the republic, the RF Government was charged with elaboration and presentation of suggestions on state support to this category of citizens in a 3-months term.

In 2011 the Ministry for Regional Development called a commission to elaborate a new procedure of state support provision. The commission comprised the representatives of the Ministry for Regional Development, Ministry of Finances of Russia, Ministry for Economic development, Federal Migration Service and representatives of NGOs, including the author of the report Svetlana Gannushkina.

In the course of several sessions the Commission elaborated a detailed procedure of state support provision having divided the target audience in three groups:

- citizens who lost housing and who are registered by the local authorities as in need of housing;
- citizens who were granted the status of a forced settler but who did not receive any state support;
- citizens who received state support in accordance with Ruling # 510 of the RF Government of 30 April 1997.

A stage-by-stage solution of the problem for the term till 2015 was suggested.

But the CAC keeps receiving letters from citizens and NGOs of assistance to refugees and forced migrants citing the same problems: the programme of state support is practically not implemented. As of the present moment only those registered as low-income and in need of housing can receive real assistance, i.e. the first category of citizens. The others – those who provide for themselves but who have not received a compensation for the lost housing until now, those who have received a small sum due to the absence of adjustment for inflation, those who are not registered a low-income but don't have a housing of their own and many others fail to obtain state support.

Svetlana Gannushkina keeps drawing attention of the society to this situation, and corresponds first of all with the RF Government concerning the non-fulfilment of the commission of the President of 2010. As of today these actions have brought no result.

## How economic disputes are settled in Chechnya<sup>2</sup>

The story of **Alvi Shaipov**, residing in the Chernorechye village of the Zavodskoy district of Grozny and his appeal to the head of the Republic as the ultimate authority show as quickly and not at all in favor of the law economic disputes are settled in Chechnya.

Memorial Human Rights Center repeatedly informed that for two years Shaipov had been trying to defend his property — a water tower where he was going to open a cafe (see <http://memo.ru/d/85044.html>, <http://memo.ru/d/136259.html>). On the night of 15 June 2012 the District Prefecture, despite Shaipov's documents on the property, demolished the building. No legal written instructions had been given to do it.

Shaipov turned to Memorial Human Rights Center lawyer.

On 10 July 2012 Shaipov applied to the Prosecution Office of the Zavodskoy district complaining of an illegal demolition the building. Simultaneously he turned to the Zavodskoy Interregional Investigation Department (MSO) complaining of abuse of office. The application lodged with MSO was returned as it was allegedly not signed by the applicant. Shaipov sent another application but did not receive any answer. There was no reaction from the Prosecution Office either.

Shaipov tried to find out what happened to his applications. He received an oral explanation that an inspection was under way. At the same time Shaipov and his relatives were subjected to pressure. Unknown persons visited the entrepreneur and demanded he should recall his applications. The Prosecution Office and MSO officials recommended to do the same.

Shaipov turned to the Zavodskoy district court demanding to recognize the inaction of the Zavodskoy MSO and Prosecution Office as illegal. The court dismissed his complaints. After that, however, official answers from these bodies were received. According to the MSO notification the department found a violation in the actions of unidentified persons provided for by article 330 (arbitrariness) of the RF Criminal Code, in connection with which the material was sent to police department # 3 of Grozny. Judging by their answer, the Prosecution Office referred Shaipov's application for inspection to the local police department.

Memorial HRC lawyer turned to police department # 3 with a request to provide the results of the inspection. It followed from the answer of the police that in the course of the inspection a violation of article 286 (abuse of office) and article 330 (arbitrariness) of the RF Criminal Code were found. The materials were sent to the prosecution office of the Zavodskoy district to determine the jurisdiction. Later the opening of a criminal case at Shaipov's application was denied. The lawyer appealed against this decision, but the court left the complaint without consideration.

At the same time the trial concerning the recognition of the prefecture actions as illegal was

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<sup>2</sup> See <http://www.memo.ru/d/158578.html>

under way in the Arbitral Court of the Chechen Republic. The judge dismissed Shaipov's demands. The prefecture representative stated that his agency was not involved in the demolition, though he didn't deny the presence of his staff at the demolition of the building. According to the prefecture representative's words, he was just driving by and stopped.

Shaipov filed an appeal to the 16<sup>th</sup> Appeal Arbitral Court in the city of Essentuki of Stavropol territory. But the court left the decision unchanged.

Finally, Shaipov turned to Ramzan Kadyrov through the Instagram.

On 18 March 2013 a meeting of Kadyrov and Shaipov took place, at which the head of the administration of the Chernorechye village Khasan Kamaev, representatives of force structures and the mayor's office took part. The meeting was broadcast on local TV. Alvi Shaipov told Kadyrov about his problem, named those guilty for the demolition of the building. However, the head of the Republic did not find any violation in the actions of the local officials. He stated that the order on the demolition of the water tower originated directly from him.

The head of the administration of the Chernorechye village, whom Shaipov blamed for illegal demolition, acknowledged his responsibility in a peculiar way:

□ When we were standing there, him (Alvi Shaipov – *the author's note*) and his brother came up to us, started having it out with me at once and demanding explanations. I said I was head of the region and that I was responsible for the demolition. My chief at that time was Muslim Khuchiev (ex-mayor of Grozny – *the author's note*). This one came down on me. I said that if he wanted to have a fight, I agree, I'll send away my security and everyone – and we'll fight. He said he hadn't come for a fight, but wanted to talk to the person who was in charge of the demolition. I repeated that I was head of the region and that I was in charge of these actions. It turns out, they went to the Prosecution Office, called the police, wrote a complaint on me to the Investigation Committee.

The head of the Republic supported Kamaev. He repeated that it was his personal decision, and the head of the administration was not to blame for it. The leaders of the republic were guided by the main aim in this case – to restore the republic by all means. Kadyrov explained to Shaipov that the attempts to alter the water tower into a cafe would have cost him much more than to build a new one. Moreover, the water tower was located almost on the highway, and no one would have allowed Shaipov to do it. But if he wanted to do business, the head is ready to help him. “We won't let you build anything there, as this is the zone for the construction of state objects. He (the head of the administration – *the author's note*) is spending his own money on equipment and works. People are working there. Did you see a foundation pit being dug there? We have already spent 80 000 000 rubles on these works. And when we build everything up there and put things in order, who will benefit from it? First of all, your children. We are doing our best for your and your children's sake. By the way, not a kopeck of the state money was spent on it. We are doing it ourselves, building, cleaning. Do your business, take any land slot around the lake, show me a project of what you want to make, and I'll give you a land slot. Work and pay taxes – and that's it. But no one would ever want to come to your tower on top of a hill. If you want to build a hotel –

do it, a Disneyland – you're welcome, anything you want – I allow you”, - stated the head of the Republic.

Frightened Shhaipov assured everyone that if the decision was made by the head of the republic, he didn't have any more questions. He also said that he couldn't undertake any construction projects, as he didn't have the funds to do it. Kadyrov didn't miss the opportunity to remind Shaipov of the money he was spending “complaining to all sorts of courts”. Alvi explained that he considered the actions of the authorities unjust and that is why he sent his complaints. Kadyrov answered:

- I swear by the Koran, he (Khasan Kamaev – *the author's note*) did you a real favor. You need bricks for construction, concrete, a land parcel? I'll allocate this to you. What do you want? Tell me what you need for the start. Just build, and don't keep a half-destroyed building.

Alvi Shaipov rejected financial assistance of the head saying he could provide for himself.

In the opinion of the republic head, things would have gone so far as Shaipov tried to calmly talk to the head of the administration.

As far as we know, Alvi repeatedly tried to do it, but no one took his arguments into consideration.

Kadyrov “left” Shaipov the right to continue litigation, if the latter still considered the decision of the authorities unjust. He stated that he was ready to pay for all his expenses, even take a vacation to go with him everywhere and testify that the building was demolished at his instruction:

- Four courts have said you're wrong. Not only in Chechnya, but in Essentuki as well but I'm telling you now – appeal for the 5<sup>th</sup> time. If you fail, then appeal in Moscow. If they refuse you there, go to the Hague court, and then to American courts. They hate me”, said Kadyrov. “Turn to human rights defenders. I am not asking you not to appeal. We say we are right anyway, because it was necessary to demolish the building and so it was demolished”.

At the end of the meeting Kadyrov insisted on an informal reconciliation between Shaipov and Kamaev.

## Discreditable practices with maternal fund

Illegal cashing of maternal fund – one of widespread forms of fraud — has become widespread in the North Caucasus as well. As a result certificate holders receive only a part of the funds due, and quite often swindlers steal the whole fund. Hundreds of women fall victims, criminal cases are opened (see <http://www.memo.ru/d/179248.html>).

Maternal fund fraud has acquired the most outrageous character and scale in Chechnya: armed law enforcers defend the criminals here, while the victims seeking redress are threatened with an execution.

In cases of fraud with maternal fund criminal cases are opened. In other republic of the North Caucasus officials have repeatedly been brought to criminal responsibility for the last few years<sup>3</sup>.

But in Chechnya officials turn out never involved in fraud<sup>4</sup>.

Meanwhile it is obvious that the officials hindering the use of maternal fund provoke the citizens to effect illegal deals. And the fraud can act only in collusion with officials and sometimes even policemen.

Nevertheless, none of the officials or policemen has been charged. 15 out of 140 victims dared to continue seeking justice: in October 2012 they sent complaints to 12 instances, including federal and republican agencies of the Investigation Committee, the Federal Security Service (the FSB), prosecution offices, the Interior Ministry and the RF President. The applicants cited facts testifying to the fact that a large-scale fraud could not have been committed without the participation of the officials of the Pension Fund of Russia for the Chechen Republic and high-ranking law enforcers in the Chechen Republic. In March 2013 the Interior Ministry of the Chechen Republic accomplished the verification of facts indicated in the complaints. Opening of a criminal case was denied. The decision on denial was cancelled, a new inspection was appointed. In April prosecution was again denied. In November the applicants have repeatedly appealed against the denial.

According to the official data, in March 2012 the Investigation Department of the Interior Ministry of the Chechen republic referred to court a criminal case with regard to the resident of

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<sup>3</sup> See: [«Visits to the Pension Fund of Dagestan...»](http://kavpolit.com/obyski-v-pensionnom-fonde-dagestana/) <http://kavpolit.com/obyski-v-pensionnom-fonde-dagestana/>,  
[«Ex-head of the Pension Fund in Ingushetia suspected in large scale fraud»](http://www.kavkaz-uzel.ru/articles/203869) <http://www.kavkaz-uzel.ru/articles/203869>,  
[«Ex-head of the Pension Fund of Ingushetia in pre-trial detention, report law enforcers»](http://www.kavkaz-uzel.ru/articles/204180) <http://www.kavkaz-uzel.ru/articles/204180>,  
[«Under the case of Pension Fund department in Vladikavkaz heads of 18 commercial companies checked»](http://www.kavkaz-uzel.ru/articles/213233) <http://www.kavkaz-uzel.ru/articles/213233>)

<sup>4</sup> [«Two Chechen residents charged with selling maternal fund certificates»](http://www.kavkaz-uzel.ru/articles/207840) <http://www.kavkaz-uzel.ru/articles/207840>, <http://www.memo.ru/d/179248.html>



the republic Rumisa Alieva charged with a large-scale fraud. According to the materials of the case Alieva by previous concert with a group of people stole other persons' property and documents. With the help of her two acquaintances she forged the permissions for the construction of houses.

Alieva got in touch with maternal fund certificate holders, introduced herself as an employee of various companies or a bank employee, gained their trust and offered them to cash maternal fund at a fee, i.e. receiving the cash against forged construction documents. In fact, certificate holders did not receive any money.

Alieva was charged with stealing 48 million rubles. In September 2012 the Zavodskoy district court of Grozny sentenced Alieva to six years of imprisonment, two other women got suspended sentences. According to official information, some of the victims were paid their money back in the amount of 5 million rubles. One of the victims, Elmira Isaeva, told her story. In 2009 she received a maternal fund certificate for the sum of 330 thousand rubles and decided to use it for the improvement of the housing conditions of the family – build a new house. To do it she first of all had to sign a contract with the construction company to get construction materials, and then – to submit this contract to the republican agencies of the Pension Fund so that they transferred the funds to the account of the construction company.

It is noteworthy that in Chechnya construction material for these purposes can be purchased only in the companies that are directly cooperating with the Pension Fund. It is known that some of these construction companies formally belong to the relatives of the Pension Fund officials. According to Isaeva, there are huge lines in these companies, and their employees openly demand 3 thousand rubles to draw up the documents.

In August 2010 Isaeva learnt from the people in the line about a certain Rumisa Alieva who “helps to make accessible maternal fund”. Isaeva was told that Rumisa was working directly at the instruction of the republican government to assist the Pension Fund and construction companies, since the latter were not coping with the flow of applicants.

Elmira Isaeva met Alieva. The latter produced a favorable impression on her. Rumisa had several assistants, was guarded by policemen. Alieva said she was acting at the instruction of the head of the republic Ramzan Kadyrov, that she was allegedly instructed to pay special attention to the families with disabled children. Elmira's daughter is a person with childhood disability, had several complicated surgeries and was in need of more. Elmira believed she would get assistance.

A few days later Rumisa's assistant, a certain Marina Djabrailova, called Isaeva. She said that to quickly receive construction materials Isaeva was to give her the following documents: the children's birth certificates, marriage certificate, the original of the maternal fund certificate, copies of the parents' passports, a certificate of insurance, etc. Elmira gave her the copies of the documents, but kept the original of the maternal fund certificate.

The next day Alieva called Elmira herself and asked her to give Marina the original of the certificate. Marina came to Isaeva's house with Movsar Djambekov, who introduced himself as

Marina's husband. Marina told Elmira that they needed to go together to the town of Shali to Rayana construction company (later on renamed in Mega-Stroy). Isaeva gave Djabrailova the original of the certificate. When they came to Shali, the company agents gave her to sign some forms. Some of them had something written on them, but she wasn't let to read them, and just obediently signed them.

Two weeks later Rumisa Alieva called one again and asked to come to Shali one more time and sign the rest of the papers. Isaeva fulfilled her request, and then went together with Marina Djabrailova to a notary and drew up an obligation to spend the funds of the maternal certificate for the improvement of the family's housing conditions.

Then, accompanied by Djabrailova, Elmira Isaeva went to the Zavodskoy district department of the Pension Fund. Marina entered one of the department offices without waiting in a line and went out together with the Pension Fund official named Anetta, who took Elmira's documents. Then Isaeva was invited to draw up the documents in the welfare payments unit, but her child burst out crying in her hands, and she had to leave. And Marina gave instructions to Anetta to fill out and sign all the documents for her.

Later, at the stage of the investigation, she had to prove she didn't write any applications.

Isaeva got in touch with Alieva to find out about further actions, and the latter asked to wait for two months. She explained it took time to accomplish the whole procedure. However, two months later Elmira did not receive any reasonable answer. Alieva more and more often did not answer her calls. Then Isaeva decided to go to the construction company to find out the fate of the certificate. She managed to meet the management of the company who advised her to turn to the Pension Funds. In the district department of the Pension Fund Elmira found out that her money was transferred to the account of the Rayana construction company two months ago. It was not explained to her on what grounds it was done.

She went to the construction company again, and found out that Marina Djabrailova and Movsar Djabbekov had taken her money for the purchase of construction materials in cash.

Isaeva and her husband decided to demand construction materials or the money from Rumisa Alieva. They found out they were not the only victims of the swindler. Elmira met other deceived women and having found out Alieva's address, they went to her place.

At the entrance they saw a crowd of people demanding their certificates. It turned out that Alieva was making her deals right at her place. The women tried to enter the house, but armed security did not let them. A camouflaged man came out to them, introduced himself as Vakha (nicknamed Mad). He demanded the women would leave and started shooting above their heads. Vakha stated he was a cousin of the head of the republic on his mother's side.

Then Elmira called Marina Djabrailova and Movsar Djabbekov and demanded they should give her certificate back. They threatened that if she mentioned their names, they would deal shortly with her.

In winter the deceived women organized a piquet near the mayor's office in Grozny trying to draw the attention of the municipal management to their problem. Grozny mayor Muslim Khuchiev went out to them and announced he wouldn't allow unauthorized rallies. The women broke up.

Isaeva came to Alieva's home once again to talk. There she met an armed person wearing a uniform who introduced himself as the police head of the Kurchaloy region Bagir Sadulaev. It was later ascertained it was not true. It means that he had important ties in the power structures, otherwise he would have been immediately detained for wearing weapons and a uniform.

Sadulaev said that he was acting at the order of the head of the republic and was to make sure that Alieva should return the certificates to the women. In his presence Alieva signed an obligation to return maternal funds to 22 women.

But time passed, and there were no results. Isaeva and other deceived women continued to complain to various instances. Elmira called her acquaintance from the force structures and told about her problem. Sadulaev somehow learnt about it and started threatening the women with rape and "leaving them to rot in prison".

At the end of 2010 Elmira turned to the Organized Crime investigation department of the Chechen Interior Ministry in connection with Sadulaev's threats. The next day, when Isaeva was at the department, Alieva and Sadulaev came there. After their visit Elmira was told to go home, that there was no and won't be any application from her.

Some time later Alieva called Elmira and said she had already paid the Chechen Interior Ministry officers a million rubles to hush up the case.

On 5 March 2011 Marina Djabrailova's brother called Elmira and asked her to come to Shali so that he gave her the certificate back provided that she stopped complaining.

They came to Shali after 9 p.m. and saw Marina Djabrailova and her brother in a car. The brother asked them to follow his car. So they did. The cars stopped in a deserted place, near the forest. Movsar Djambekov accompanied by armed camouflaged people drove up to them in three cars. They started threatening Elmira with shooting, and her husband who tried to protect her, was beaten up. Neither the money, nor the certificate was returned to them.

Later, when the Investigation department of the Chechen Interior Ministry started investigating the fraud case, Isaeva told the investigator about it. However, the crime was not investigated.

Criminal proceedings were instituted only in April 2011. Alieva was accused of fraud (p. 4 of article 159 of the RF Criminal Code), stealing of official documents committed out of mercenary interests (p. 1 of article 325), complicity as an organiser in forging of official documents (p. 3 of article 33, p. 1 of article 327). Her two accomplices were accused only of forging the documents. The investigation lasted for a year.

On 26 September 2012 Alieva was sentenced to six years of imprisonment. The court obliged Alieva to pay all the stolen money to 140 victims. At the lawyer's question what she did with the

money she said she had spent it. The court did not even ask this question to the defendant. A lot from Elmira's and other victims' testimonies were not reflected in the interrogation transcripts during the investigation. Moreover, according to Isaeva, her testimonies in the course of the trial were not fully reflected in the court hearings transcripts. None of the officials taking part in the fraud was held liable. The investigation did not answer the question where the allegedly allocated funds disappeared.

It was not indicated in the criminal case file if the property of at least one victim was found and what had been done to find it. According to Isaeva, the officials of the RF Interior Ministry for the Chechen Republic did not register all her evidence in procedural documents, did not take into account her complaints of threats. They flatly refused to register the fact of threats of physical reprisals on the part of Marina Djabrailova, Movsar Djambekov and their security.

Corrupt alliance of swindlers, officials and force structures is still flourishing. As it was mentioned in the introduction, the forms of fraud are different, but their results are insurmountable. At the director of the Pension Fund of the Chechen Republic Mokhmad-Emin Akhmadov reported to the head of the republic Ramzan Kadyrov two years ago already: «We can assert that the problem of fraud in this sphere (working with maternal fund – *author's note*) is not longer topical for the republic”.

See also:

[«Five persons suspected of large-scale stealing of maternal fund»](#),

[«Ingush Interior Ministry investigating maternal fund and business subsidies fraud»](#),

[«1,5-million worth fraud with maternal funds revealed in Chechnya»](#),

[«Chechen resident made 44 million rubles on maternal fund»](#),

[«Investigation does not rule out the involvement of state structures in maternal fund fraud»](#),

[«Suspects of maternal fund fraud detained in Chechnya»](#),

[«4606 maternal fund certificates issued in Chechnya since the beginning of the year»](#),

[«Any attempts to cash maternal fund are illegal»](#).

## Conclusion

In conclusion we can't but mention a flagrant atmosphere of xenophobia, migrant phobia and Caucasian phobia merging into a wave of hatred flooding Russia.

Neither the population, nor the authorities representatives consider the residents of the North Caucasus as full-fledged Russian citizens. Often enmity and fear towards them exceed xenophobia with regard to the Central Asian citizens. It might probably be explained by the fact that the Caucasian residents are ready to stand up for themselves when they are humiliated. The notorious events in Biryulyovo following the murder of a local young man by a migrant fell short of a real pogrom on 13 October. (However, some elements of the pogrom still did take place: driver of non-Slavic appearance were thrown out of their cars, passers-by were beaten up, etc.). The police, which stopped a pogrom, the next day started a real hunt for migrants in the streets and in houses at the order of the Moscow Chief department of Interior Ministry head Yakunin.

Two days after a cut short pogrom, on 15 October, a young Chechen Andi, graduate of a Moscow university who had been living in the capital for a long time, was attacked in a shuttle bus.

The shuttle bus was driving along the Kutuzov prospect, Andi was sitting next to the driver. A man on the bus came up to Andi from behind and without any preliminary signs of his intention stabbed Andi in the neck. Then he tried to stab Andi in the chest, but the latter covered his chest with his left hand which was severely damaged as a result – the ligaments were cut.

The shuttle bus stopped, the driver jumped out of it, screamed from fear and ran away. The assailant escaped, Andi tried to catch him, but soon fell with no strength left.

No one interfered, not a single car stopped while an Azerbaijani named Gulam caught up with the shuttle bus. He put Andi in his car and tried to stop a police car to speed up the delivery of the wounded to the hospital. The policemen from the first car he stopped refused him saying it was not their area. But other policemen helped to take Andi to the hospital and insisted on his hospitalization which was at first denied to him due to the absence of a medical insurance. (see <http://refugee.ru/news/bej-ego-v-serdtse/>). Andi spent in hospital two days and was sent out without even an epicrisis.

Our lawyers took up the case but failed to assure active investigation activities.

The situation in Chechnya has drastically worsened after the tragic events connected with rebel fighter's assault on Grozny on 4 December 2014. as a result of the assault 14 law enforcers died, 36 were wounded. Right after that the head of the Chechen Republic Ramzan Kadyrov announced that *“if anybody kills a policeman or any other person, the family of the rebel fighter will immediately be deported from Chechnya, and the house will be demolished together with the foundation»*. This announcement was perceived as an order and was immediately fulfilled: at least 12 houses of the relatives of assumed rebel fighters'.

A critical situation established in the Chechen Republic might exert an unpredictable impact on the general situation of Chechens in Russia.