



**“Memorial” Human Rights Center  
“Migration Rights” Network**

**Edited by S. A. Gannushkina**

# **ON THE SITUATION OF RESIDENTS OF CHECHNYA IN THE RUSSIAN FEDERATION**

**June 2004 - June 2005**

**Moscow**

**2005**



Supported by the European Commission

Based on the materials gathered by the «Migration Rights» Network

The «Memorial» Human Rights Center

«Civic Assistance» Committee

S.A. Gannushkina — Head of the «Migration Rights» Network

Chairperson of the «Civic Assistance» Committee

L.Sh. Simakova—compiler of the report

Other contributors :

A. Barakhoev

E. Burtina

S. Magomedov

E. Riabinina

Sh. Tangiev

The «Migration Rights» Network has 56 offices providing free legal assistance to forced migrants, 5 of them are found in Chechnya and Ingushetia [[www.refugee.memo.ru](http://www.refugee.memo.ru)]

In Moscow the lawyers of the «Migration Rights» Network use the non-profit «Civic Assistance» Committee as their base [[www.refugee.ru](http://www.refugee.ru)]

**Circulation free of charge**

ISBN 5-93439-177-1

© S. A. Gannushkina, 2005.

## CONTENTS

I. Introduction .....	5
II. The Rising Wave of Xenophobia in Russia.....	7
III. Fabrication of Criminal Cases of Islamic Extremism.....	11
IV. Living Conditions and the Problem of Security of the Internally Displaced Persons in the Chechen Republic.....	14
V. The Situation in which People from Chechnya Living in the Republic of Ingushetia Found Themselves after the Attack at Nazran and Karabulak on 21 June 2004.....	23
VI. The Situation of Chechnya Residents in Russia's Regions.....	32
VII. How Internally Displaced Persons are Forced to Return to Chechnya.....	39
VIII. Imitation of Counterterrorist Struggle.....	42
IX. Abduction of Civilians in the Zone of Armed Conflict in the Northern Caucasus.....	53
X. In Lieu of a Conclusion. Svetlana Gannushkina's Speech in Strasbourg on 21 March 2005 at the Round Table on the Political Situation in the Chechen Republic organized by the PACE Political Committee (abridged) .....	64
XI. Appendices	
Appendix 1: Interview with A. Gross, deputy of the Swiss parliament.....	68
Appendix 2: Expert opinion supplied by S.A. Pashin, Cand. Sc. (Law), on Order No. 870 of the Ministry of the Interior of 10.09.2002.....	71
Appendix 3: Application of M.Kh. Khamzatova living in the Zumsoy Village to the «Memorial» Human Rights Center.....	75
Appendix 4: Reply to an enquiry of one of the European Migration Services.....	77
Appendix 5: INTERFAX. President Alu Alkhanov on criminal cases.....	82
Appendix 6: Natural calamity in the Zumsoy village and murder of administration Head A.A. Iangul'baev.....	83
Appendix 7: Raid of Borozdinovskaya village and its consequences.....	87
Appendix 8: S.A. Gannushkina. Once more on the Borozdinovskaya village. It is investigation or a search for instigators? .....	90

## List of Abbreviations

CC	— Criminal Code
CR	— Chechen Republic
CTA	— Centers of Temporal Accommodation of IDP on the territory of Russia
DC	— Detention Center
DM RF	— Defense Ministry of the Russian Federation
DMS	— District Militia Station
FMS RF	— Federal Migration Service of the Russian Federation
FSS RF	— Federal Security Service of the Russian Federation
HRC	— Human Rights Center
IDP	— Internally Displaced Persons
MA	— Migration Administration
MAIA	— Main Administration for Internal Affairs
MES RF	— Ministry for Emergency Situations of the Russian Federation
MIA	— Main Intelligence Administration
MI RF	— Ministry of the Interior of the Russian Federation
MTS	— Militia Traffic Service (Traffic Police)
PTS	— Places of Temporal Settlement of IDP in Russia's regions
RAOC	— Regional Administration for Fighting Organized Crime
RI	— Republic of Ingushetia
ROHNCR	— Regional Operational Headquarters for the North Caucasian Region
SMD	— Special Militia Detachment (Riot Police)
PACE	— Parliamentary Assembly of the Council of Europe
P&V Service	— Passport and Visa Service

## I. Introduction

This is the fourth annual report on the situation of Chechnya residents in Russia.

Our three previous reports in Russian, English, and German can be found on the site of the «Migration Rights» Network of the «Memorial» Human Rights Center [www.refugee.memo.ru]. The Russian-language edition and its translation into English appeared in printed form published by R. Valent Publishers in Moscow in the summer of 2002, 2003, and 2004.

Just as in the three previous years today we deem it necessary to tell about the conditions in which people from the Chechen Republic are living on its territory and elsewhere in Russia, the Republic of Ingushetia in the first place.

This republic is Chechnya's closest neighbor, both geographically and culturally. Since 1999 it has been the only place where Chechens believed themselves to be safe. We regret to say that the situation on its territory changed to the worse. In 2002 the authorities launched a campaign of closing down tent camps and driving their inhabitant back to Chechnya. By the summer of 2004 not single tent camp was left in Ingushetia. After the fighters' raid at Nazran and Karabulak on 21 June 2004 the general situation in Ingushetia changed. We cannot say that all people from Chechnya were treated as suspects. President of Ingushetia Murat Ziazikov, for example, publicly promised that the RI leaders would continue insisting that the Chechen refugees would be allowed to go back to Chechnya of their own free will and that no pressure would be applied to them. The RI president went on to say that he was resolved to carry out investigation of the June events strictly within the law and that the Chechen variant would not be repeated (no masked people, no cars with clouded windows and without number plates, no disappearance of people).

Still in the first three weeks after the June events 2000 refugees left Ingushetia for Chechnya; in a year's time the number of Chechen refugees in Ingushetia dropped by half. Being fully aware of the favorite methods of the law-enforcement bodies people did not trust the authorities, and rightly so. In the time that has elapsed since our 2004 report the level of lawlessness in Ingushetia (abductions, arbitrary actions of the authorities) has nearly reached the level we can observe in Chechnya.

In other regions of Russia people from Chechnya remained in an adverse situation because of the mounting level of xenophobia and Islamophobia that took place against the background of the worsening social conditions brought about by the changes in the social laws and the newly adopted Housing Code.

Russian citizens are disorientated by the incessant changes of the basic laws, lack of stability, and worsening social conditions. Discontent breeds aggression and the desire to find an enemy; the public is frightened by a series of terrorist acts.

The monstrous terrorist act in Beslan added oil to the already smoldering anti-Chechen sentiments; certain politicians exploited the tragedy to fan ethnic enmity and the more or less extinguished conflict between Ossets and Ingushes.

This led to an unprecedented reign of violence in Russia in the context of total impunity of the law-enforcement bodies.

The fight against terror, which the law-enforcement bodies take for a justification of their violations of legal and moral laws is developing into a sort of a game with human lives at stake.

This explains why we have to write about violations of human rights of the people living in the Chechen Republic once more—this is one of the methods of fighting these practices.

We would not want our readers to think that we deliberately ignore the new realities developing in the Chechen Republic. We all know that those who shouldered the responsibility for them are risking their lives. We rejoice at cultural achievements in Chechnya and do our best to contribute to them. The «Civic Assistance» Committee has published *Folk Tales of the Peoples of the World* in the Chechen language and *To Be a Chechen*, a collection of historical essays of those who won a competition on the history of Chechnya held by the «Memorial» HRC.

Yet the current situation offers two basic conclusions.

There is not even a minimal security level in the Chechen Republic.

Today, people from Chechnya have no place in Russia to which they can move to live in peace.

## II. The Rising Wave of Xenophobia in Russia

It was in the previous report (spanning the period from June 2003 to May 2004) that we introduced a section on xenophobia in Russia for the first time. We did this because mounting xenophobia was obvious in all spheres of life and negatively affected those of the people from Chechnya who lived outside their republic. We regret to say that in the last twelve months the situation worsened.

People of obviously non-Slavic extraction are more and more frequently attacked in the streets. In 2004, 44 people were convicted for murders for ethnic and racial reasons—the figure for 2003 was 20. It is very hard to assess the number of those beaten or wounded as a result of such attacks: not all of them were registered by the law-enforcement bodies or covered by the media.

In May 2005, in **Nizhny Novgorod** skin-Headed teenagers attacked a 50-year-old man from Azerbaijan who died in a hospital several days later.

On 1 June 2004 Mohhamed Elhimali, a 22-year-old medical student from Libya, son of the Libyan cultural attaché, was knifed outside the student dormitory of his medical college in **St. Petersburg**.

On 15 June in **Saratov** 5 young men (between 16 and 18) attacked a 39-year-old Azerbaijani, father of three, with a bottle; he was wounded in the Head with a bottle and knifed in the neck and spine.

In June 2004 **Nikolai Girenko**, an ethnographer and chairman of the commission for the rights of ethnic minorities of the Petersburg Union of Scientists, an expert of the “Public Campaign against Xenophobia, Racism, Ethnic Discrimination and anti-Semitism in the RF” project who was actively opposing chauvinism died a tragic death in his **St. Petersburg** flat on 19 June 2004. He had appeared in St. Petersburg as an expert at the court trial for the murder of Mamedov from Azerbaijan in 2002 as well as at the court case against Schults-88, an extremist nationalist group; he was expected to appear in court in Veliky Novgorod for a similar case. His murder is seen as a vengeance for his antifascist activities.

Despite wide public response to this death the law enforcement bodies either could not or did not want to stop the wave of crimes instigated by ethnic hatred.

Late in June a 34-year-old businessman from Tashkent was beaten to death in the Proletarsky Prospect in **Moscow**.

On 4 September in **Vladivostok** a group of aggressive young men attacked a group of Korean guest workers; one of the Koreans died of knife wounds, another man was hospitalized.

On 18 September not far from the “Airport” underground station in **Moscow** a group of 50 young men attacked three people of non-Slavic appearance. One of them, I. Abdullaev, had come from Azerbaijan, another, B. Pogolian, from Armenia, the third was Tadjik Z. Dodozhenov. They were mercilessly beaten up: one was hospitalized with brain concussion and a craniocerebral injury.

On 14 October unidentified people attacked two citizens of Uzbekistan in the town of Dolgoprudny **outside Moscow**. One of the victims died in a hospital.

On 13 November a body of Wu An Tuan, a first-year student of St. Petersburg Polytechnic Institute with numerous knife wounds was found in the very center of **St. Petersburg**.

In the middle of November, in **Moscow** an Arab Musa al-Kamer, student of the Moscow Institute of Power Production, was wounded by two unknown people; he received four knife wounds in the neck and stomach.

On 28 November in **Maikop** a group of skinheads beaten up Timur Shkhaltukh, a repatriate Adighe from Jordan, and his two friends. Timur received a craniocerebral injury and was operated upon.

On 4 December in **St. Petersburg** a group of skinheads attacked three citizens of the People's Republic of China who studied in the Naval Academy. All three were hospitalized with craniocerebral and other injuries.

On 19 December Dmitry Tarkeladzhe of Caucasian origin was murdered in **Moscow**. On 21 December press secretary of the Moscow Criminal Investigation Department A. Bakhromeev said that the man had been murdered for personal reasons and offered the following comment: "The Moscow Criminal Investigation Department resolutely rejects the version of murder committed for ethnic reasons." On 22 December an organization called National-Socialist Group 88 took responsibility for the murder. The Internet statement contained threats against people of Caucasian origin and black people living in Moscow and informed that the murder of the Georgian had been videotaped.

On 30 January 2005 in **Voronezh** two young men beaten up university student Antoniu Gomisi from Guinea-Bissau.

On 27 March 2003 in **St. Petersburg** a citizen of Angola was attacked in an underground station with a broken bottle received stabs and cuts.

Above we have described a small part of the crimes committed due to ethnic hatred that took place in Russia in the last twelve months. The state in fact encourages the criminals: the MI RF never tires of calling on the public "not to build up tension" around the murders of foreign citizens and people of non-Slavic origin. This is what Head of the Main Criminal Investigation Department of St. Petersburg Vladimir Gordienko said on 16 October.

At the same time the Heads of special services issue secret instructions that encourage ethnic discrimination by the law-enforcement bodies.

On 12 April 2005 B. Khamroev employed by the «Civic Assistance» Committee came to the Kotel'nikovskoe department of the administration of internal affairs of the Liubersky District, Moscow Region for a document. Head of the criminal investigation department V.V. Murashkintsev told him that FSS officers would like to talk to him. He asked for the reason of this sudden interest in his person and was told that the Federal Security Service was interested in all natives of the Northern Caucasus. B. Khamroev pointed out that he was a native of Uzbekistan; that he had left the republic some 12 years before and received Russian citizenship 10 years before. It turned out that the FSS was interested in natives of Central Asia as well. His question "Why?" drew an answer "According to an instruction." When asked about the details and number of this instruction the Head of the criminal investigation department answered: "I cannot tell you."

In May 2005 the public learned about the "Instructions on Planning and Training Forces and Preparing Means of the Internal Affairs Bodies and the Internal Forces of the MI RF in Emergencies," which was an appendix to Order No. 870 of the MI RF of 10 September 2002. It turned out that for three years now internment of citizens in filtration centers (not stipulated by laws) had been practiced in the Russian Federation as well as extrajudicial punishment under the pretext of stemming disturbances. The militiamen who had been involved in the four-day-long pogrom in the town of Blagoveshchensk in the Republic of Bashkortostan referred to this document in an effort to vindicate themselves (see Appendix 2).



It should be said that the militia are even more xenophobic than the public while their impunity makes them even more dangerous. In some cases their arbitrary actions directed against “foreigners” can be described as crimes. The following confirms this.

On 31 July 2005 two citizens of Tajikistan who worked as freight handlers at the local market of building materials tried to enter the “Sokol’niki” underground station using one ticket and were stopped by two military men who demanded their documents and registration papers. The Tajiks had no valid registration papers on them. At that time a militia sergeant approached whose powers were limited to fining the offenders. In an effort to show off the sergeant took out his gun and pointing it at Rustam Baybekov said: “I can shoot you.” Rustam could barely say: “Don’t do it, boss” when the sergeant shot. Luckily the young man turned away and was wounded in the mouth, not in the Head at which the militiaman had been aiming.

Unabashed, the sergeant did not allow the Tajiks to use his phone to call an ambulance and sent them outside to use a pay telephone.

The bullet traveled via the mouth to the spine and lodged next to the young man’s shoulder blade; no vital organs were damaged. The wounded was hospitalized while a criminal charge of attempted murder was initiated against the sergeant.

His colleagues, however, treated the incident with a great deal of condescension. On 25 September 2004 Tat’iana Levashova, Head of the psychological department of the MAIA of Moscow, said the following in her interview to the *Moscow News* newspaper: “It turned out that the tragic incident was rooted in his family life. For many years he has been living in a small flat together with his mother, grandmother, and married sister. He tried twice to invite a girl but for obvious reasons proved unable to start a family of his own. According to psychologists sooner or later the ominous last drop will fall...”

On 2 October 2004 during a document-checking operation at the Apraksin market in St. Petersburg Major O.V. Shavrin of the militia took away the passport of Afghan Abdula Khamid and ordered him to come to the 62nd militia station to collect his document. Khamid went there alone and never came back. Later on the same day his wife and friends came to the station to inquire about Khamid; they were told that he had developed a heart attack outside the station and died in the street. His body had been sent to a morgue where his friends discovered that it bore traces of beating. His wife could not get the body; likewise she was not informed about the results of a post mortem and the cause of death.

In response to an enquiry sent by the «Civic Assistance» Committee the public prosecutor office of St. Petersburg wrote that Abdula Khamid had died of a closed craniocerebral injury. A criminal case was initiated yet Major Shavrin who is treated as neither a suspect nor a guilty party was not removed from his post.

On 20 March 2005 in the town of Scherbinka outside Moscow militiamen stopped an Uzbek refugee Rakhmat Ergashev some 100 m away from his home to check his documents. He had neither the passport nor the registration document on him—they were left at home. Instead of letting him to go back to fetch them the militiamen brought him to the militia station where he was forced him to wash the toilet; then he was insulted and finally beaten up. Later, medical examination revealed several broken cervical vertebrae. Ergashev, assisted by the «Civic Assistance» Committee complained to the public prosecutor office. Later Captain S.L. Likhachev of the Shcherbinka Internal Affairs Department came to his flat to order him to take

back his complaint under the threat of “discovering” drugs on him. The militiamen would have carried out the threat had Ergashev failed to inform the «Civic Assistance» Committee on time.

The tragedy in Beslan created even a higher wave of chauvinistic sentiments. A poll conducted by the Center of Studying Xenophobia of the Institute of Sociology RAS revealed that 55.8 percent of the polled were convinced that “non-Russians” presented a threat to Russia.

This figure is amply illustrated by the comments offered by the relatives of those who had murdered ethnic Korean Iakov Kan, a karate champion of Russia: “Don’t expect us to embrace all aliens after the terrorist act in Beslan. They should know that there are people ready to defend Russia!” (*Moskovskiy komsomolets* newspaper, 18 December 2004). Quite unexpectedly xenophobia betrayed itself in professional circles as well: a highly respectable defense lawyer refused to take a case of a Muslim on the ground of the potential client’s religion.

For a long time “traditional” anti-Semitism remained subdued amid racist, anti-Caucasian and anti-Asian hue and cry and resurfaced in the State Duma of the Russian Federation where, in January 2005 Alexander Krutov of the “Rodina” (Motherland) fraction undertook an unprecedented action: he initiated a letter to the Attorney General to ask him to undertake an action designed “to ban all religious and national Jewish organizations in our country as extremist structures.” On 14 January the letter signed by 19 Duma deputies and hundreds of public figures (500 signatures in all) appeared in the *Rus pravoslavnaya* (Christian Orthodox Russia) newspaper.

Later on the same day Rabbi Alexander Lakshin was cruelly beaten up by a group of young men who used their legs and bottles while shouting anti-Semitic slogans. The militia initiated a criminal case for hooliganism (Art 213 of the CC RF) instead of classifying the incident as an action designed to fan ethnic, racial or religious hatred and abasement of national dignity (Art 282 of the CC RF).

On 25 January a spokesman of the Attorney General Office announced that the letter of the Duma deputies was recalled and therefore no action was needed.

Significantly, the audience of a very popular TV show “K bar’eru!” that discussed the letter sided with its initiators.

Later there appeared a similar so-called “letter of 500” also addressed to the Attorney General which contained much more signatures. The Basmannaya public prosecutor office in Moscow failed to detect anti-Semitic sentiments in it. It concluded: “The letter does not contain information instigating actions against any nation, race, religion or their individual representatives.” The public prosecutor office of St. Petersburg refused to treat the word “Jid” as an insult. The author of the letter of 500 Mikhail Nazarov said that he was absolutely satisfied with this.

The Russian authorities amply demonstrated their position on the nationalities issue before and during the celebrations of the 60th anniversary of Victory in the Second World War. For a month predating 9 May the militia were engaged to hunting down migrants under the pretext of “fighting illegal migration.” Documents of adults and children alike were checked zealously: a 16-year-old Armenian girl who had been living in Moscow since 1992 was detained twice in one week because she had no passport on her (it had been submitted for registration). Those of the migrants and refugees who either failed to register or prolong registration—especially IDP from Chechnya—preferred to say indoors from 7 to 10 May while the country’s leaders together with leaders of foreign countries were celebrating the Victory over fascism.

### III. Fabrication of Criminal Cases of Islamic Extremism

During the last twelve months it has become abundantly clear that in the conditions of mounting xenophobia the special services of Russia acquired a new and highly dangerous card. We have in mind persecutions of Muslims described as members of extremist Islamic organizations allegedly pursuing an aim to turning Russia into an Islamic state. The struggle against “international terrorism” figures prominently in the Russian media together with a large-scale propaganda campaign about the dangers of “radical Islam.” Today we can say that “brainwashing” has achieved its aim: the public learned to accept persecution of the Muslims as a necessary and even praiseworthy measure. Protests against it are rare even though persecution is obviously ideological.

Many cases of persecution are justified by the decision of the Supreme Court of RF adopted by its closed session on 14 February 2000. The document that was never published contained a list of 15 Muslim organizations recognized as terrorist structures and banned as such in Russia. The Party of Islamic Liberation—Hizb ut-Tahrir al Islami—that throughout its 50-year-long history had not been involved in any of the terrorist acts was listed together with other 14 structures. In fact, members of this party or people suspected of such membership attracted close attention of the law-enforcement bodies.

The «Civic Assistance» Committee together with the «Memorial» HRC is engaged in monitoring court trials at which Muslims are accused of extremism and terrorism. In February 2005 the «Memorial» HRC published a vast report “Russia: Special Services Against the Islamic Party Hizb ut-Tahrir” [[www.memo.ru/daytoday/05hizb01.htm](http://www.memo.ru/daytoday/05hizb01.htm)] which describes numerous cases of instituting criminal proceedings for ideological considerations based on falsified evidence.

There are cases when Muslims suspected of being Hizb ut-Tahrir members are accused of taking part in terrorist activities simply because they gather together to study Islam or distribute leaflets with information about arrests and convictions of Muslims throughout Russia and about Hizb ut-Tahrir that relies on persuasion rather than terror. During searches religious books published and widely sold in Russia are confiscated; the law-enforcement bodies have gone as far as confiscating the Koran found in the searched premises. In courts public prosecutors frequently refer to “banned literature” confiscated from the homes of the accused.

Here is a typical example. Eduard Khusainov from Nizhnevartovsk (the Khanty-Mansi Autonomous Region) was sentenced to 2 years of probation for his membership in the banned organization. When confronted with the Supreme Court of RF decision that had outlawed Hizb ut-Tahrir he announced that he was prepared to quit the party. The prosecution based the case against Khusainov on the fact that he had wanted to contest the Supreme Court’s decision in court. He had insisted on his right to be familiarized with it; what was more he approached the local structures of state power and the local TV channel to make public his application to the Attorney General of Russian Federation and the Supreme Court Chairman. No answers followed; the list of his offences also contained an interview to the local TV channel he had given on its request.

Special services and journalists tipped by them operate or even manipulate with Islamic terms as they see it fit even though their understanding of many of them leaves much to be desired. For example, when talking to E. Riabinina employed by

the «Civic Assistance» Committee a journalist of a local newspaper of the town of Al'met'evsk described a Hizb ut-Tahrir leaflet as extremist because it contained the word "jamaat" (a community of people performing the namaz together).

Facts together with religious terms have become an object of manipulation. On 24 February 2005 the public prosecutor office of the Orenburg Region went to court with a demand to close down the Al-Furkan madrasah Headed by mufti Ismagil Shangareev, who said the following: "Sometimes special services base their accusations of contacts with terrorists on falsified facts. For example, the document produced by the Department of FSS RF for the Orenburg Region said that former students of our madrasah Khamzat and Timur Tsokievs were identified among the dead bodies of terrorists who captured the school in Beslan. I should say that Timur Tsokiev never studied in our madrasah while the name of Khamzat Tsokiev was absent from the list of the terrorists killed in Beslan." "In March 2005 the public prosecutor of the Buguruslan inter-district public prosecutor office Nikolai Svetlov told many in so many words that his superiors had ordered him to describe me as a Wahhabi," said Shangareev.

Spiritual administrations of the Muslims use an accusation of Wahhabism (frequently, or even always, unfounded) as an instrument of their rivalry for the minds and hearts of the faithful. As a rule, careful examination reveals that the rivalry is caused by mundane reasons such as religious communities' real property (mosques) or closeness to the structures of state power. Anybody tagged as a "Wahhabi" can be suspected of terrorist intentions, detained, and accused. In the Astrakhan Region, for example, the squabble of two imams who belonged to two rivaling spiritual administrations over a mosque led to an arrest of businessman Mansur Shangareev who sided with one of them. A criminal case against him was obviously fabricated: he was accused of fraud and illegal possession of weapons and drugs. Earlier, to avoid accusations of Wahhabism he had to obtain a corresponding document from the mufti of the Ulianovsk Region Aliulloev. The document said that he was a "faithful Muslim who professed traditional Islam, who never went into teaching and who attended mosques where he prayed together with other faithful." Mansur's brother Ismagil Shangareev, mufti of the Orenburg Region offered the following comment: "I cannot exclude a possibility that tomorrow drugs and explosives will be found in my place or in homes of my relatives. None of the Muslims are safe from such provocations."

Veiled Muslim women or women wearing Islamic-style kerchiefs and long dresses are frequently detained; they are subjected to surveillance and pressure at work and in educational establishments to force them to abandon Muslim dresses; their telephones are taped. Male Muslims are sometimes beaten up in mosques; the faithful are frightened—they burn religious books freely sold in mosques; picketers protesting against religious persecutions are forced to scatter. At the stage of interrogation suspects are often threatened that their wives or even them themselves would be raped. Citizens of CIS countries (Uzbekistan, Tajikistan, Kirghizia) are forced to cooperate with the FSS RF under the threat of deportation. Many of them complain to human rights organizations that they are not allowed to attend mosques under the threat of imprisonment. Significantly such threats come from the militia; imams, in their turn, employ accusations of distorting Islam and threats to call SMD units.

Not infrequently the militia plant weapons and drugs during searches and detention to make accusations of preparing terrorist acts plausible. The human rights

organizations are flooded with complaints of all sorts of violations of law: at the stage of an arrest, at the stage of preliminary investigation and, naturally, in courts.

Since 27 April 2005, a court trial of 9 Muslims accused of being members of Hizb ut-Tahrir has been going on. They are tried in an open process yet the doors are closed for relatives and friends. They are accused of being involved in extremist activities and terrorist acts as well as of organizing criminal communities or of being involved in them and of illegal possession of weapons, ammunition, explosives and explosive devices. Some of the accused have already complained of tortures; one, of being raped in a cell of the detention center. The nature and quality of the material evidence is amply described by the following fact: being interrogated in court the attesting witnesses present at the “removal” of explosives in the home of one of the accused said that the accused responded to the discovery by saying that the *drugs* had been planted.

The campaign of accusing Muslims of extremism and terrorism has spread to practically all regions of Russia with a considerable number of Muslims. They are Tatarstan and Bashkiria as well as Udmurtia and Chuvashia; the Astrakhan and Samara regions and Nizhny Novgorod in the Volga area; Orenburg and Cheliabinsk in the Southern Urals, Tiumen Region and the Khanty-Mansi Autonomous Region in Siberia. In the Northern Caucasus accusations of Wahhabism has become a sort of the local brand. Moscow is no exception: in November 2004 the Moscow City Court passed the first in Russia guilty verdict to a member of Hizb ut-Tahrir Iu.S. Kasymakhunov and his wife, a young Russian woman A.Iu. Drozdovskaya who had embraced Islam yet had not joined the party.

The list of regions is by far complete—information of new arrests of Muslims accused of extremism and terrorism and new criminal cases against them reach human rights organizations all the time.

This either a shortsighted or deliberately provocative policy will inevitably fan intolerance among certain groups of Russia’s population and exacerbate religious and ethnic strife in Russia.

#### **IV. Living Conditions and the Problem of Security of the Internally Displaced Persons in the Chechen Republic**

The so-called second Chechen war that began in September 1999 set the civilian population in motion: in search of safety people moved inside the republic or left it. Official figures of those who abandoned their homes in Chechnya are very contradictory, incomplete and outdated. The Migration Administration insists on the figure of 168,000 IDPs registered back in 2000-2001. According to the Governmental Committee of the Chechen Republic for IDPs set up to bring back forced migrants from other regions, Ingushetia in the first place, there are about 250,000 of them.

According to the FMS RF the number of IDPs who received Form No. 7 (Family that arrived because of emergency) and living in the CR is 186,900 people.

We are convinced that no exact figure can be quoted since there are no structures working over the republic's entire territory, especially in the mountainous regions. According to alternative assessments there are much more of IDPs since Form No. 7 has not been issued since 2001.

Throughout the latest years the problem of housing has remained the most acute in Chechnya. The largest group of IDPs—132,000 out of the total number registered in the republic—have to rent housing and pay their own money for it because of the shortage of floor space in the places of temporal settlement (PTS). Some of them moved in with relatives or friends, others live in rented housing. Humanitarian aid to this category was limited to bread distributions (to the amount of 6 rubles per person per day) under Decision No. 163 of the RF Government of 2 March 2001. The practice was discontinued in August 2004.

The same decision quoted the number of IDPs living in rented housing as 1659 families, or 9639 people. The arrears of the last five months came up to about 30 million rubles. In 2005 no information about extending the validity of the decision was issued, which means that in an absence of federal aid 10,000 people had to look for alternative sources of subsistence.

In April we finally learned from the FMS RF that Decision No. 107 of the RF Government of 2 March 2005 "On the Measures of Implementation of the Federal Law 'On the Federal Budget for 2005'" had prolonged Decision No. 163 for one more year. Probably sooner or later the government will pay off the arrears due to the IDPs.

Those of the IDPs who managed to get places in CTA are better protected than the others; in 2003-2004 they were hastily moved back from Ingushetia to Chechnya. At that time their resettlement was a political issue: the very fact that large numbers of people from Chechnya remained in the neighboring republic disproved what the Russian authorities were saying about stabilization in Chechnya. Even when large tent camps in Ingushetia were liquidated with a lot of haste yet in an orderly manner that betrayed previous planning no new CTA were added to the already functioning in Chechnya. Little by little attention to those who were forced to go back—with treats or false (as it turned out later) promises—disappeared.

By 1 April 2005 there were 6487 families (37,365 people) registered with 32 PTS and 9 places of compact accommodation. Because of room shortage the majority had to live elsewhere. Under Decision No. 163 all registered are entitled to foodstuffs to the amount of 15 rubles per day per person. This means that one person should survive on 450 rubles per month while the cost of living in Chechnya is over 2,000.

Inflation makes the monthly parcels grow lighter and the variety of foodstuffs more limited.

Delays of food deliveries are another problem: people have to rely on tiny old-age pensions (if any of the family members are entitled to them,) social allowances, and friends and relatives. The luckiest of them have casual works. Shortage of jobs in the republic (the extent of which is much greater than Russia's average) doomed IDPs to a wretched existence.

Nearly all PTS are housed in brick buildings previously used as hostels, which means crowded and unhygienic conditions. Moved in great haste many families of 6 and more were packed into rooms of barely 15 sq m. The authorities disregard the Chechens' specific mentality and way of life: grown-up sons are not expected to share the same small room with his parents or female family members. For this reasons young men look for places to spend nights in outside PTS. Indeed, a fourth bed can hardly be fit into a room where three beds had been already squeezed in; people have to sleep on the floor. Cooking and laundering are done in the same room.

Everyday conditions in such places leave much to be desired: the majority still lacks sewage, shower rooms and laundries; clean water is brought upstairs by hand, dirty water is brought downstairs in the same manner. Water deliveries are highly unreliable therefore the local people store water from faraway sources. In some of the places of temporal settlement fresh water storages still lack filter pads. Supply of disinfectants and detergents indispensable for preventing epidemics and improving sanitary and hygienic conditions is equally inadequate. It should be said, however, that having recognized the risk of epidemics the MA of the CR organized weekly attendance of bathhouses; local people complain, however, that the service is equally unreliable. The health protection bodies have limited themselves to equipping medical rooms, which lack even the most primitive of medicines—painkillers and antibiotics. According to the local medics the inadequate living conditions lead to respiratory diseases and diseases caused by vitamin deficiency. In the winter of 2004 there was a bout of measles and rubella among small children.

Today, many of the local children do not attend school for the following reasons: parents have no money to buy clothes and everything needed at school; others keep their children away from school because of previous gaps in school attendance. The parents unable to accompany their children to school and back prefer to keep them at their side for a good reason: there is a danger of being caught in crossfire or close to blasts; besides, there is a history of transport accidents with children. Those of the schools that do accept IDP children are overcrowded and, therefore, are unable to provide good education; in many schools there are not enough textbooks. The authorities that had promised to build schools at places of temporal settlement the PTS failed to do this even for those of them where the number of schoolchildren is over 400.

It should be said that international organizations and NGOs are better coping with providing medical, psychological, social, and legal aid, organizing food deliveries and school education. Regrettably, not all of them dared to move to the territory of the Chechen Republic for safety reasons.

The poll conducted by the MA of the CR provided an ample idea of the low living standards and high unemployment figures among the IDPs involved 1259 PTS inhabitants. The results are depressing: only 15 percent of the total number of people has working relatives; 45 percent applied for compensation—only 3 percent has

already got it; 25 percent had no private housing before the war while 37 percent of those whose housing was partly destroyed during the war said that the authorities had failed to fix restoration dates.

According to the FMS RF 170,000 people have already applied for compensation under Decision No. 404 of the Government of the Russian Federation of 4 July 2003; 39,000 of them have already received compensations while payments for 47,000 are scheduled. We do not know how many families got the money; we do not know, likewise, how much was spent on bribes. According to the IDPs they have to give away up to 30 percent of the money (see Report-2004, pp. 18-19).

The situation in which the IDPs have found themselves should be discussed within the context of the general situation in the republic. The conditions of those who occupy their own houses either intact or semi-ruined are not much better than those of the IDPs. Due to the efforts of the Russian government pensions are paid; there are power and gas supplies; the government is working toward restoring the educational health protection systems; it funds restoration of housing in Chechnya (those whose houses were completely destroyed have got compensations). There are certain positive shifts yet the local people still lack the main thing—security. Five years after the beginning of hostilities the situation is still complicated, unstable, and unpredictable. Violations of human rights and international humanitarian laws (extrajudicial executions, disappearance of people, women and children including, illegal arrests, tortures, hostage taking, destruction of property and plundering) are registered daily in the CR.

More and more frequently IDPs are subjected to unjustified repressions. Power-wielding structures that belong to all sorts of departments carry on the so-called passport-checking procedures in the PTS that develop into plundering and abductions. Cruel mopping-up operations have not ended. As before they involve a huge number of military machines—armored personnel carriers, Ural trucks, UAZ jeeps—as well as crowds of the military. Male adults and even teenagers starting with the age of 14 are carefully checked—neither disabled nor ill are exempt from this. Those who look suspicious to the military are taken away without plausible explanations for more detailed checking. The lucky ones who came back said that they had been photographed in full face and profile, videotaped and fingerprinted. The special services interrogate the detained about people who used to live in the same places and who are known to belong to the Chechen armed units.

This was the usual procedure applied in Grozny in November-December 2004. It is still in use. For example, federal forces carried out a similar operation on 11 May 2005 in the PTS in the Saykhanov St. At 05:00 military machines and the military blocked the entrance to the building; while checking the documents and searching the rooms the military ignored the required procedure of identifying themselves. They just banged on the doors and shouted: “Document checking, get out.” Two of the inhabitants—Zalavdi Visirgov, 45, father of nine, native of the Vedeno village, and Khavazhi Tarzaev, 50, from the Gudermes District were brought to the militia station of the Oktiabr'skiy District where investigators and FSS people fingerprinted, photographed and interrogated them without offering any explanations. They were asked about their past (where they used to live, when they arrived to the PTS, and what they were doing) and about fighters from their native places. The detained were convinced that they had been interrogated for 5 hours precisely because they had come from these places. It should be said that earlier Visirgov had been interrogated in



the same way in June 2005 when he moved to Chechnya from a tent camp in Ingushetia.

The military justify themselves by saying that the PTS and their inhabitants have allegedly created favorable conditions for the fighters who find it easy to melt into the environment. The IDPs object to the methods used—they still remember the mopping-up operations of the previous years; they also object to being treated as unreliable. Some of them respond with nervous fits, others fainted while children flew into hysterics. The operations create a nervous and psychologically complex atmosphere lingering for a long time.

Still, these mopping-up operations look like a model of legitimacy compared with the recent “special operations” carried out by the structures staffed by local people and supported by federal forces. These counterterrorist measures became especially frequent in 2004 when the process of “Chechenization” of the conflict had been completed. The PTS were not exempt from them.

Below we offer accounts of some of the numerous cases of violence and abductions that accompanied special operations in the PTS.

On **16 November 2004** at about 03:00 a large number of Zhiguli and Niva cars without number plates arrived at the PTS in the B. Khmel'nitsky St. (the Lenin District). They unloaded about 100 men dressed in black and combat fatigues. Some of them wore masks; others did not deem it necessary to conceal their faces. Having unloaded from the cars they burst into the building, neutralized the security by threatening them with arms. The PTS inhabitants and the security identified the attackers as “security services.”

The attackers spread to all floors. It turned out later that they had been looking for a young man identified by somebody with a sack over his Head who had arrived together with the newcomers. Doors were knocked out; valuables (watches, gold chains and mobile phones) were stolen.

Nobody risked complaining to the law-enforcement bodies—people feared retribution from Kadyrov's fighters.

On **13 March 2005** sometime after 23:00 unidentified armed people penetrated into the territory of the PTS in the Saykhanov St. (at the “Okruzhnaya” stop) (the Zavodskoy District of Grozny). They started a pogrom in house No. 115 inhabited by the Madaev family and beat up the house's owner Limani Alaudinov.

The victims told the following story: this happened late at night; the drunken men were swearing outside. Having got out to have a smoke Daud Madaev, the house owner, saw armed Chechens arguing among themselves. They asked him about a man whom he did not know yet the military burst into the house shouting “Where is he?” where there were Limani Alaudinova, Madaev's wife, and their three children (Iunus, 12 years old; Iusup - 13, and Umalt - 6); Limani's sister Petimat Alaudinova and her two children (daughter Milana and son Bilal, aged 14).

The military rudely inspected the rooms and upset everything that could be upset, furniture included. Limani demanded an explanation and got none. One of the military gripped Petimat by the neck and threatened to shoot her; he kept working the bolt. Limani rushed to her help, was rudely pushed away against the wall, and fainted. One-handed Daud Madaev was powerless—he was threatened with a machinegun. His son Iunus tried to escape through a window to bring help. The military caught him, hit with a machinegun butt and threaten with death if he tried to escape once more. Limani recovered and started shouting at the military. They ignored her shouts

and went on with the rout. She snatched a jerry can, hit one of the military on the Head, caught a blow with a butt and fell down once more.

The man they were looking for was obviously not found therefore having upset the home and beaten up the owners they left in a Zhiguli car (VAZ-21099) without number plates. Several minutes later they returned. Limani locked the door yet the military insisted on being let in to look for cartridges. Limani obeyed yet she could not understand which cartridges they wanted. The military threatened her with a machinegun if she failed to give back the cartridges. It turned out that the military who had been working the bolt lost two cartridges in the process. They had been picked up by one of Limani's sons. As soon as he realized that his mother was in danger he returned the cartridges. The military finally drove away. Limani and her elder son Iunus ran for help to the nearest (some 200 m away from the PTS) checkpoint manned by the Russian military. They first set their dogs on them but having recognized the woman and the boy as people from the PTS called the dogs back. They refused to listen to them and help them. The PTS security (four men in all) remained in their room and ignored the pogrom.

It should be said in all justice that they were unarmed and therefore could not oppose the law-breakers. On the next day an operational group of the district militia station and public prosecutor office arrived to inspect the place and start investigation. A criminal case was instituted.

**On 20 March 2005** unidentified people in military uniforms who arrived in a silver Zhiguli car (VAZ-21009) with clouded windows and without number plates abducted Khava Dubaeva, born in 1978, who lived in house No. 78 in the same PTS in Saykhanov St.

On the same day her mother Roza Dubaeva lodged a written complaint to the militia station of the Oktiabrskiy District. The militiamen inspected the place, questioned eyewitnesses and instituted a criminal case.

Late at night Khava reappeared; her mother withdrew the complaint and stated that she had no grievances. The case was closed.

Khava Dubaeva described abduction in the following way. On 20 March while she was queuing for water a boy came up to call her to a car. When she approached it a man clad in a black military uniform got out. Khava told him that she did not know him—he merely pushed her into the car where there were a military driver and a young girl at front. She first thought that she was abducted to be married (according to the local custom) and asked the military to inform her relatives. The military laughed. At the traffic militia post the men climbed out; the girl gave Khava a piece of paper with a phone number on it and asked Khava to call a certain Aslan if she managed to escape.

Two other military climbed into the car and drove back to the city. One of them, at Khava's side started pestering her; she resisted, he tried to beat her and was stopped by the driver. The captives were brought into a private house packed with the military. Khava was ordered to start cooking. When invited to join the military at the table she asked for a permission to get out. She was let out alone, climbed over the fence, reached a taxi rank and persuaded one of the drivers to take her home. Once at home she and her mother went to the militia station to give the details. When the militiamen learned to which house the girl had been taken they flatly refused to do anything at all: they knew only too well who owned the house and were aware of

possible consequences in case they interfered. They suggested that Roza would take back the complaint; she and her daughter refused.

On the next day the military that had abducted Khava reappeared.

They called her brother out and demanded that the family would withdraw its complaint. They argued that according to the Vaynakh customs he should have killed his sister upon her return. They offered to hush up the incident with the help of “elders” and added 1000 rubles as compensation for moral injury. Offended Kava’s mother said that she would insist on investigation and court trial. Later, when emotions subsided Roza reasoned that to protect her son her daughter should retract.

Khava gave the telephone number she had received from the girl abducted together with her to the militiamen. Nobody knows what happened to her.

***At dawn of 2 April 2005*** local man Duk-Vakha Bakhalovich Dadakhaev, born in 1980, was taken away from his home in the village of Gekhi, Urus-Martan District, Gvardeyskaya St., No. 26 by officers of an unidentified power-wielding structure.

According to his fellow-villagers Duk-Vakha and his family had been living in Ingushetia until February 2005; he came back as soon as he got compensation for his ruined house and destroyed property.

His neighbors said that members of a power-wielding structure arrived in cars (probably VAZ cars).

They broke the door to penetrate inside; as usual they did not identify themselves and the structure they represented. They were rude; some of them wore masks; none of them offered explanations.

When the women tried to prevent an arrest of their relative they were beaten up with machinegun butts. Dadakhaev was forced inside one of the cars and taken away leaving the relatives in ignorance about the reason of his detention and the place to which he was taken.

Somebody surmised that he was detained because his cousins had fought against the federal forces. Indeed, one of them, Spartak, died at the hands of a power-wielding structure, the second is still on the wanted lists.

On 12 April his body bearing traces of violent death was found at the ponds in the Kulary village (Grozny countryside district). The body was taken to Grozny; his relatives learned about his death from a TV program that demonstrated his photo. He was buried in his native village.

***In the small hours of 26 May 2005*** Mamed Akhmedovich Solsanov, born in 1979, who lived together with his wife and 4-month-old son in the PTS in Saykhanov St. and was employed by the same place as freight handler was abducted from home by people who belonged to a power-wielding structure.

He was shown an identity card with large and easily identifiable letters ATC (anti-terrorist center).

According to his father the military firing machineguns rushed into the room where 7 children, 4 women, and 3 men were sleeping. Swearing they took Mamed together with them by force. Acting on their own the relatives found out that he had been taken to one of the units of Kadyrov’s security service deployed at plot 12 of the Oktiabrskiy District of Grozny. From some of the members of this unit the relatives learned that Mamed had been taken for a show up with an unknown person. The relatives could not confirm that this structure had been involved in Mamed’s detention and arrest. Later they learned that Solsanov had been moved to the village of Tsentoroy, Gudermess District, where the security service was based.

Officially the place of his detention was never established; complaints to the law-enforcement structures remained fruitless. His brother said that Mamed had phoned them to tell that he was alive.

He was set free on 8 June 2005.

**On 28 May 2005** people dressed in combat fatigues, some of them masked, who spoke the Chechen language arrived in cars to take away two more young men from the same place of temporal settlement. Two hours later they were freed. For security reasons they refused to speak about the incident.

**On 4 June 2005**, at 11 p.m. Vakha Ibragimovich Saidov, born in 1973, married and with three small children, was taken away from a PTS in Grozny by armed people who arrived in 6 cars. During the war the family had lived in the refugee camp in the Znamenskoe village; it came back in 2002. During the operation Vakha's wife Zarina was at her relatives' place.

According to the neighbors the military were looking precisely for Vakha Saidov who together with neighbors was watching a video in his own room.

The military who burst into the room shouted in the Chechen "Here are the shaytans all together" and demanded that also those present named themselves. Having heard Vakha's name they said that they had come to fetch him. They searched the room without inviting witnesses or filling in documents, turned everything upside down with no result. They offered no explanation and took Vakha away with them.

The relatives applied to the law-enforcement bodies and undertook their own investigation. The family had already lived through a similar tragedy when unidentified people in black masks abducted Vakha's brother Magomed Saidov born in 1981. A week later his body was discovered in the outskirts of Grozny in a hot well.

Vakha was luckier—he was set free a week later. He did not know where they kept him yet the place was obviously illegal.

Talking to a «Memorial» employee Vakha said the following:

*"When I was brought in and they removed the blindfold I found myself in a dining room. There were people sitting around a littered table. They immediately started interrogating me: they wanted to know where I kept weapons. I answered that I had no weapons, never carried weapons and had nothing to do with those who carry weapons. They expected me to fall apart; they insulted me and degraded my dignity. They fished for information and insisted that I should mention at least some names. This is what how they work. I answered: 'there is no difference between you and those who run around in the mountains—you and them break laws. I shall give you no names to save myself. I don't know how I can prove my innocence—you should either trust me or kill me. I have no friends fighting on the other side.'*

*"They locked me in a cell. The roof leaked; the wooden bed, the cover and the walls were all in blood. In another cell there were three young men, their own, probably unseasoned: they were locked up for having left their posts. They all are afraid of each other. They were even afraid to call the commander. I shouted to them: 'If you are in power here tell my why you are keeping me here.' On the fourth day the commander finally arrived to say: 'I'll kill you. When you have something important to say call me.'*

*"I heard a lot of things but could not imagine that the Chechens, if they could be called Chechens, could behave like this.*

*“On the second day a young guard came up to me to apologize for having insulted me. He said: ‘You know, you’ve got off cheap. Eighty percent of us were tortured and insulted; they set me free and returned time and again. I was forced to join them.’ He used his money to buy me food and cigarettes even though he was afraid that others might learn about this.*

*“On 11 June at 11 p.m. I was blindfolded once more and taken out. They left me in the Michurin settlement not far from the Khankala military base. The road took approximately the same time as before. I was warned that if information about them appeared anywhere... In fact I know that this interview might stir up troubles yet I am not afraid: life and death belong to the Almighty. These people are far from being angels. Those who yesterday fought together with Wahhabites are fighting in these detachments today. They can survive under any power. Their commander could not even write my name properly.*

*“Four days later an investigator of the public prosecutor office came to my home to hush up the criminal case that had been initiated when I was abducted ‘in the absence of a criminal act.’ I know that I was a lucky one to escape like this. They gave me a blank paper to sign and I signed it. The rest, they said, would fill in from a computer.”*

This shows that the civilians are living in constant danger while the military are aware of their impunity.

We would like to add here that because of continued air raids, shelling, and arbitrariness of the military local people have to abandon their homes. This is especially true of mountain villages. On 14 January 2005 Russian aviation bombed the village of Zumsoy, Itum-Kali District CR, and the adjacent areas. Some of the houses were either completely or partially ruined. Later, the Russian military who arrived in a helicopter carried out a mopping up operation and detained, without any reason, 3 men and a 15-year-old boy. These people did not return and are believed to be abducted. The military also stole documents and clothes (male and female), valuables, and money (See Appendix 3).

Tired of continued violence the villagers decided to go down to their valley relatives as soon as the snow melted away. Unable to move away eight families stayed behind; in summer they were confronted with more troubles.

On 1 June 2005 a flood ruined the road between Ushkaloy and Zumsoy; the villagers found themselves in complete isolation—cars and horses were useless on what remained of the road that precariously overhung the precipice.

In the past people collected money to hire a car to bring foodstuffs from the regional Itum Kali center 15 km away from the village. During rainy seasons they used donkeys or horses. The June calamity stopped food deliveries altogether therefore famine was round the corner—rains washed away the kitchen gardens so there was no hope of surviving on fruit and vegetables. The local old men and children were left without medical help.

The local authorities do nothing to help these people. The «Civic Assistance» Committee applied to the ME RF to take urgent measures. The answer revealed that the ministry had no information about this. People from the «Memorial» HRC did their best to help: they rented a tractor to unblock the road and discussed possible future cooperation with administration Head Abdul-Azim Iangul’baev. On 4 July he was murdered in unclear circumstances. The Main Military Prosecution Office denies that Russian military might be involved (See Appendix 4).

In the fall of 2002 inhabitants of dozens of mountainous villages in the Kurchaloy, Vedenov, and Nozhay-Iurt districts left their homes under similar circumstances. Over 2,500 IDPs who had to flee arbitrariness of the Russian army and the special services are deprived of state support; they are huddled together with friends and relatives or rent housing in the Gudermes District.

Air raids continue uninterrupted.

On 27 March 2005 Khusein Djabrailov (born in 1982) together with his fellow-villagers Abdulvakhid Khutiev and Shapigadji Gadjivev, militiamen of the Sharoy district militia station were taking a load of firewood from the forest gorge of the Sharo-Argun river to the Kenkhi village. At the approaches to the Isalo bridge across the river they were shelled by two aircrafts of the DM RF . Djabrailov received a blind penetrating wound in the chest and became an invalid. His father Khusein Naserkhan Djabrailov applied to the office of the General Attorney with a demand of initiating investigation and punishing the guilty. This will hardly be done.

We can say that people of the Chechen Republic are living in critical conditions that deserve close attention as well as resources to be supplied by the state and the international community.

## **V. The Situation in which People from Chechnya Living in the Republic of Ingushetia Found Themselves after the Attack at Nazran and Karabulak on 21 June 2004**

From the very beginning of the renewed hostilities in 1999 the RF authorities tried first to keep the inhabitants of the Chechen Republic in the republic and then to bring back those who had managed to leave it.

According to the FMS between September 1999 and 2001, its territorial structures registered 568,449 persons (Families arriving in extreme conditions) who could be described as IDPs under Form No. 7. At least half of them settled in the Republic of Ingushetia, the only place where they regarded as absolutely safe.

The authorities resorted to various methods to return these people to Chechnya. In December 1999 several railway cars with people sleeping inside were moved at night to Chechnya. It was the resolute protests of others that saved them from similar treatment.

Later other methods were invented: many of the tent camp inhabitants were excluded from the lists and, as a result, lost their right to foodstuffs and restored identity documents. The deliberately created atmosphere of uncertainty was designed to put psychological pressure on all and everyone living in the tent camps. There were rumors that those who dared to come back first would be rewarded with compensation for their lost housing. These were idle promises: under Decision No. 404 of the RF Government of 4 July 2003 compensation would be paid only to those whose housing had been totally destroyed. People in military uniforms circulated the camps to tell people that those who would refuse to come back would be classed as fighters. On 30 January 2004 President Akhmad Kadyrov said practically the same when meeting NGOs: "Today, the main objective is to bring back all refugees now living in Ingushetia. Those who are willing will come back. Others will be left living behind barbed wire like wolves encircled with flags. Let them howl."

It was in November 2002 when Chechnya was hit by a rare frost wave that the "Iman" tent camp in the Aki-Iurt village was hastily liquidated. The process that was actively unfolding in winter was stopped only by a letter of the Human Rights Commission to the RF President.

The human rights activists, however, failed to stem the process altogether: by early June 2004 all tent camps in Ingushetia had been removed. The majority of those who lived in them were returned to Chechnya. A much smaller part of the IDPs was allowed to remain in Ingushetia in places of compact settlement (PCS) housed in the buildings vacated by industrial or agricultural enterprises or to rent private accommodations.

The figures supplied by the Danish Refugee Council (DRC) greatly differ from official statistics (see below). The difference is explained by the fact that the migration structures went on with depriving IDPs of registration so as to cut down the official number of those who remained in Ingushetia. NGO lawyers managed to reintroduce a certain number of names to the official lists. The situation, however, is far from simple: hundreds of unregistered IDPs are still living in all sorts of PCS in Ingushetia. They are deprived of aid and state support. More than that—they are denied transportation means to move to Chechnya and are not given places in the PTS.

**The Number of IDPs in Ingushetia According to DRC  
(March 2005)**

	<b>Karabulak</b>	<b>Malgobek District</b>	<b>Nazran District</b>	<b>Sunzha District</b>	<b>Total</b>
Private housing	2181	4970	7111	7338	21,600
PCS	1696	1555	3836	4972	12,059
<b>Total</b>	<b>3877</b>	<b>6525</b>	<b>10,947</b>	<b>12,310</b>	<b>33,659</b>

The Number of IDPs According to Migration Administration of the Republic of Ingushetia

**Total** 5925 families—26,238 people  
Including 10,025 from North Ossetia  
 16,212 from the CR

Everybody knew that despite the protestations to the contrary the turn of the places of compact settlement would come once the tent camps had been liquidated. The raid of 21 June 2004 on Nazran and Karabulak served as a pretext. Well-organized and well-equipped fighter units (from 200 to 400 men according to different sources) entered the towns of Nazran and Karabulak in Ingushetia at 10:30 p.m. It is believed that part of them crossed over to Ingushetia from Chechnya at the Bamut village; some of them had been earlier deployed in Ingushetia, still others came from North Ossetia.<sup>1</sup> The main forces entered Nazran and attacked several objects (the place of deployment of the 137th border guard unit, the buildings of the Main Department of the Interior, the Ministry of the Interior that housed the regional administrations for fighting organized crime and of the detention centers as well as the buildings of the District Administration of the Interior, the Federal Security Service and the arms depot of the Ministry of the Interior. The fighters established their control over several central streets (Oskanov, Tutaeva, and Chechen) as well as the crossroads in the town's center, where the militia posts were destroyed while some of the militiamen set free.

Several mobile groups were operating in the town: the largest of them attacked the border guards; the second captured the strategically most advantageous position on top of the corn mill, the highest building in the very heart of the town. This gave them a wide engagement zone with the key buildings (the Main Department of the Interior, the Ministry of the Interior, the Federal Security Service and the border guards) in it. Several other groups attacked the Ministry of the Interior, the RAOC, the FSS and the MAI with machine-guns and grenade launchers.<sup>2</sup> The building of the Ministry of the Interior was attacked from two sides: from the mosque and at the front; the buildings of the FSS and the Main Department of the Interior were also shelled from two sides. The fighting lasted for over four hours—at about 03:00 a.m. having captured the arms depot the fighters beat a retreat. The guards of the arms

<sup>1</sup> It was RF Minister of the Interior R. Nurgaliev who informed President Putin about the fact that fighters had come from North Ossetia.

<sup>2</sup> The fighters also used free-flight rockets and, probably, portable mine launchers.



depot were disarmed and set free. According to unverified information the fighters carried away three truck full of weapons and set the depot on fire. There is information that Deputy Minister of the Interior of the RI Ziiiautdin Kotiev, who had arrived as soon as he learned about the attack, was killed there. A small building that housed the district militia station was set on fire, its few guards (Bogatyrev, Kostoev, and Gadaborshev) killed. Other attacked objects were not captured. According to unverified data there were several dozen wounded on the territory defended by the border guards. It should be said that the majority of the law-enforcement officers (the militiamen, people belonging to the RAOC and the FSS) were killed when driving to the attacked places or driving home from work. The fighters skillfully employed the fact that the local people had grown accustomed to document-checking by unidentified people in masks.

On the next day, **23 June**, at about 03:00 p.m. over 100 people from the power-wielding structures of the Republic of Ingushetia together with a mobile unit of the Ministry of the Interior arrives in several UAZ off-road cars, Gazelle vans and cars to block the refugee camp housed in a milk farm in the Al'tievo settlement. According to the camp inhabitants a certain Chekalin, probably the mobile unit commander was in charge. There were 1200 living in the camp, 300 of whom had retained their registration documents while others had been removed from the official registration lists.

The operation followed the classical mopping-up pattern tested in Chechnya in 1999-2002. It was carried out in two stages: at the first stage Russian militiamen were involved. The document-checking procedure was accompanied by beatings and insults of all, women and teenagers included. The people from the power-wielding structures took the men away into a laundry where they undressed them, searched and beat saying "Blame yourself if you are found here in two days' time!" At about 07:00 p.m. the mobile units drove away taking several scores of men together with them.

As soon as information about the operation spread across the republic the public prosecutor office of Ingushetia started receiving phone calls from the Russian and foreign media. Svetlana Gannushkina called the public prosecutor from the building of the Foreign Ministry of Germany. She identified herself as member of the «Memorial» Human Rights Center and the Human Rights Commission at the RF President. After the phone call the Nazran Department of the Interior invited observers from the «Memorial» HRC and the Society of the Russian-Chechen Friendship. Together they checked the camp's two sheep pens; the militiamen were relatively polite and limited themselves to swearing, rude commands, and threats. The special operation ended at 08:10 p.m. when the militiamen men put about 20 local men in a bus that belonged to one of the refugees, and drove away, the bus owner at the wheel. According to the camp manager Raissa Isaeva about 60 refugees—men, women, and teenagers—were arrested and driven away. They all were placed in the detention center of the town department of the interior of the RI in the Moskovskaya St. Later 23 of them, mainly aged or sick people, were set free, some of them fined for an absence of registration. Later all others, except nine men, were also set free. Those who remained in detention were accused of taking part in the raid. Later a lawyer invited by the «Memorial» HRC managed to stop the criminal case for an absence of proof.

Special operations were carried out in other places of compact settlement as well. Twenty-seven people were detained in PCS-2 in the village of Nesterovskaya; 2,

in the “LogoVAZ” camp in Nazran. We failed to establish the number of the detained in the village of Troitskaya. Later, all the detained, except two, were freed because they had nothing to do with the raid at Ingushetia.

**On 24 June**, sometime after 07:00 p.m. an MT column consisting of an armored carrier, an “Ural” truck adjusted for carrying prisoners and several “UAZ” off-road cars arrived to the “Tzentr-Kamaz” refugee camp in the western outskirts of Nazran. They brought people from the power-wielding structures of the RF. With the exception of three local militiamen they all wore masks. Having taken fighting positions in the yard they started bursting into the houses knocking out the locked doors shouting: “Are there any men? Where are they?” Men were taken outside; some of them were forced down with machinegun butts; others were pushed to the wall of a storehouse (one of them even hit his Head against the wall) with raised hand and spread legs. Seven of the local men, all with valid documents, were taken away in the truck.

The passports of other male inhabitants were confiscated.

One of the militiamen with his face open said that all the detained would be taken to the MAIA in Nazran. Later they all were set free and all passports were returned.

It should be said that all other operation were carried in a more adequate manner than the mopping up operation in the Al’tievo settlement.

**On 26 June** the riot police carried out a passport-checking operation in the PCS “Kolos” in Karabulak.

Three cars carrying armed men in masks drove up to the PCS gates at 09:30 a.m. Having inspected the houses the newcomers took all men (about 30) to the schoolyard and carried them in small groups to the district department of the interior in Karabulak. They were all checked by a computer, fingerprinted and then freed. While they remained in the militia station they were told to leave Ingushetia “because nobody wanted them here.” There was no violence; the operation lasted from 10:00 a.m. to 04:00 p.m. Those who had no registration documents were fined 100 rubles.

Below there are extracts from the regular monitoring of the situation of the IDPs in Ingushetia carried out by our employees.

*The “Agrosnab” PCS (Karabulak)*

There were 224 people living there instead of 175 registered by the migration service.

**On 27 June**, at 07:00 a.m. a joint group of Ingush and Russian power-wielding structures carried out a document-checking operation. Armed men in masks and without them encircled the camp and started checking the houses one by one. According to the local people they behaved themselves. There was no outflow of refugees from the camp even though many of the local young men were sent away to Chechnya.

*The “Pishchekombinat” PCS (the Ordjonikidzevskaya village)*

There are about 300 living there all registered with the migration service; the situation remained calm, there was no passport checking and nobody left.

*The “Konservny zavod” PCS (the Ordjonikidzevskaya village)*

There were about 100 living there; no passport-checking operations were carried out. Members of the 6th department of the RI Ministry of the Interior arrived to

demand from the territory's owner Sultan Pugoev lists of the inhabitants. People remained in the camp yet tension was tangible.

*The "Rassvet" camp (the Ordjonikidzevskaya village)*

At the moment when «Memorial» HRC members came to the camp several families living in tents were readying for departure for Chechnya. There are also factory-made houses occupied by IDPs. Those who were ready to move away were given transportation means; no other help from the migration services came. When talking to the human rights activists those who were ready to depart admitted that they had been forced to leave yet refused to offer details. "We are afraid," said they. There were no passport-checking operations after 21 June.

Parov who represented the migration service of the Sunzha District of Ingushetia was also present in the camp yet flatly refused to talk to the human rights activists.

*"SMU-4" PCS (the Ordjonikidzevskaya village)*

There were about 300 living there, 265 of them registered by the migration service.

**On 24 June**, at 06:00 a.m. members of the Ingush riot police together with a militia unit from another region of Russia temporarily stationed in Ingushetia carried out a passport-checking operation and searched several of the houses. All men were gathered together, 16 of them, between 18 and 44, taken away to be fingerprinted and photographed. Later they all returned. During the operation three men were beaten with butts. Before they left the militiamen threatened the refugees with troubles if they did not go back to Chechnya in three days.

On the next day 8 out of 72 families agreed to return home.

*"Oksanovskie garazhi" PCS (the Ordjonikidzevskaya village)*

**On 28 June**, at 08:00 a.m. members of the Ingush riot police together with a militia unit from another region of Russia temporarily stationed in Ingushetia carried out a passport-checking operation. There were 20 of them; the majority wore masks. All men were gathered together; documents of 12 youngest of them were confiscated. The owners were told that the documents could be picked up later at the Internal Affairs Department of the Sunzha District. The detained were photographed and fingerprinted before they got back their documents. One of them was beaten up.

**On 28 June**, at about noon Moscow time, people from the federal and republican power-wielding structures (over twenty in all) wearing combat fatigues and masks arrived to the *Al'tievka settlement in Nazran*. They burst into the house of the Bakhtiev family in Sovetskaya St, 44 and too **Aslan Musaevich Bakhtiev, born in 1976**, with them.

His relatives—father Mussa Ismailovich Bakhtiev, mother, wife and two sisters—saw everything. The military who burst into the house neither named themselves nor the department they represented. They took Aslan out and started beating him up. The relatives who asked them to stop were told to shut up. Simultaneously, other military carried out an unsanctioned search in the house; they confiscated the certificate of employment with the department of extra departmental security of the RI Ministry of the Interior and the combat fatigues of Aslan's elder brother Ruslan as well as binoculars of his father. Later Ruslan had to write a report at his place of employment about this. The military also confiscated the family's car (white VAZ-2106, with the 227 06/RUS number plate) and the relevant documents.

The search completed, Aslan was handcuffed, put into a car and driven away in an unknown direction.

According to information the relatives managed to obtain, Aslan had been taken to the republican Ministry of the Interior where he was constantly beaten. He was not allowed to see either relatives or a defense lawyer.

On the same day, the NTV channel informed the audience that Aslan Bakhtiev, one of the jamaat leaders, had been detained in Ingushetia.

**On 8 July**, at 10:00 a.m. three army cars (2 Nivas and 1 UAZ-452) drove up to house No. 3 in Severny pereulok that consisted of two buildings owned by Kostoev brothers in the *Muzhichi village*. They brought about 15 people, all of them but one in masks who arrived for a special operation. They went to the house inhabited, since 1996, by a refugee family of Dadaevs who had been invited by the house owners. Nobody of the newly arrived named themselves despite the demands of the house inhabitants and presented any documents. While the house and the yard were searched Makka Dadaeva, born in 1982, was kept in sight of a machine gun. The military men were swearing and talked among themselves in the Russian, Ingush, and Chechen languages.

Having finished with the first building the military moved to the second one, woke up the owner, pulled him out into the courtyard and put a machinegun to his Head. His house was turned upside down too. Having found nothing of interest the military drove away obviously with some of the owner's belongings.

At 01:30 p.m. the three cars came back. The military started beating Magomed Kostoev, the eldest of the three brothers offering no explanations. Then they put him into a car, pulled a plastic bag over his Head and drove him to the detention center of the Ordjonikidzevkaya village. There was another man of 30-35 year-old in the car, obviously a prisoner. It turned out later that the man was a student of the local imam, a Chechen, who was visiting a refugee in the village of Muzhichi. In the evening he was freed under guarantees of the imam and other respected people.

Magomed Kostoev was interrogated and beaten in the face and the kidneys with a machinegun butt. The interrogators wanted him to explain the meaning of the list they had found in his home. The list belonged to his younger brother Murad; since Magomed could not recall how the list looked and he was given no chance to have look at it he could offer no explanation. The military, however, wanted an admission that it was a list of Wahhabites.

In fact it (the «Memorial» HRC has a copy of it) was a list of Ingushes who had graduated in 2001 from the Kabardino-Balkarian State Academy of Agriculture compiled on the graduation eve. The list contains several familiar names, the name of Isa Gandarov, lawyer of the «Memorial» HRC, among them.

When, despite the stupid interrogation methods, Magomed was given a chance to read and explain the list he was freed. According to people from the Sunzha district department of the interior, the list was transferred to the FSS.

Having realized the nature of attention to the Kostoev family the Dadaevs decided to leave.

Late in June 2004, after the events described above IDPs started applying for resettlement to Chechnya. In three weeks more that 2000 people out of the total 36,000 registered by early June left. Every day the migration structure was receiving dozens of applications for transportation means; the migration structures proved unprepared. They could not cope with the transportation means, liquidating the

foodstuff arrears (all leaving Ingushetia were promised this). Many could not leave during the warm season—there were not enough trucks.

**On 2 August**, at 08:00 p.m. a passport-checking operation was carried out *in the village of Ordjonikidzevskaya (the Sunzha District of RI)* in the PCS on the territory of a cannery in the course of which the military of the RF and RI detained six men (Sultan Akhoevich Khatuev, born in 1962, two Akiev brothers, one-legged Umalat Israilov, the PSC manager, and two young men between 20 and 23 years old).

Some of those engaged in passport checking wore combat fatigues and masks, others, without masks, were in civilian clothes. They were Russians and Ingushes, over 100 in all who arrived in armored carriers, cars and vans (Gazelle, Niva, UAZ, Zhiguli) many of them without number plates. The military never identified themselves, were very rude to all, including women and old men, and were swearing.

Having finished the operation they took the detained men to the Zunzha district department of the interior. Their relatives followed the military and spent several hours outside the official building waiting for their detained relatives. Around midnight the Akiev brothers were freed, it was promised that the others would be freed in the morning. At night, however, they were taken to another place. Militiamen suggested that the relatives should look for them in Magas, the newly built capital of Ingushetia.

In the afternoon of 3 August two more detained (we do not know the names) were freed from the building of the FSS Administration for RI in Magas. According to relatives the young men were in a very bad condition: they had been tortured to force them admit that they had taken part in the events of 21-22 June. The young men insisted that Sultan Khatuev had been also kept there even though they did not see his face (they were blindfolded) yet they had heard him shouting. When setting them free the FSS officers threatened them with death if they dared to describe what had happened to them.

In June 2005 we still did not know what had happened to Sultan Khatuev.

Early in 2005 alarming signals started arriving from places of compact settlement.

On 4 February 2005 several PCS (AZS, the fur-dressing shop, boiler, prefabricated houses, the depot) in the Aki-Iurt village, the Malgobek District were deprived of power supply under the pretext of arrears. The local people restored power supply by connecting their houses to the main line; on the next day, however, the power line was cut off once more.

The IDPs applied to the district migration service where they were told that payments should be made either by the PCS owners or local administrations since, under the agreements they had received federal money for this purpose. The camps were left without power supply; simultaneously, people from the gas supplying company arrived to say that as from 15 February 2005 gas supply would be discontinued.

On 9 February 2005 Said-Khasan Terloev, owner of the “Garazh Oskanova” PCS (the Ordjonikidzevskaya village) ordered the inhabitants to leave the territory by 15 February because the rental lease had been discontinued and no money for electric power and communal services had arrived. There were 120 people (14 families) living

in the camp. Earlier they had come from the liquidated “Satzita” and “Sputnik” tent camps. Their housing in Chechnya had been ruined.<sup>3</sup>

*In the morning of 2 March 2005* a mopping-up operation was carried out in the PCS “Rassvet” and “UMS” (the Ordjonikidzevskaya village) and in neighboring places. About 08:00 a.m. a large number of military cars encircled the camps; they brought the military who started going from house to house. They were rude and broke into houses by force if the inhabitants were not quick enough to open the doors. Rooms were searched; the military demanded to be let into non-existent basements. They swore in response to the absolutely just demands for explanations. The military spoke in the Russian and Ingush among themselves, the majority wore masks; some of their cars had Chechen number plates on them.

The inhabitants were ordered to keep to their rooms and avoid walking in the courtyard. The young male inhabitants were hastily pushed outside; many of them were not given time to dress properly: they remained in the cold rain while the operation continued. Then they all were pushed into the “UAZ” and “Ural” trucks and driven to the Sunzha department of internal affairs. There were even senior schoolchildren among them detained on their way to school.

Having arrived to the internal affairs department they were placed into a cell to be called to the office for a talk, or interrogation. The “talk” was conducted in the same rude manner, which, according to the detained, was meant to provoke a similar response. On that day all the detained were fingerprinted.

The relatives were crowding in front of the building; at dinnertime the detained were freed one by one; at about 10:00 p.m. the last man, 55-year-old Muslim, his last name unknown, left the militia premises.

The detained said that they had been charged with an absence of temporal registration. Indeed, nearly all of them (90 percent) had no registration: earlier the same department had refused them registration documents. Their explanations were ignored and all of them were fined 100 rubles.

Earlier the camps had been already subjected to mopping-up operations.

*On 20 February*, during lunchtime, the camp was encircled by a large number of military cars; the military detained and took away nearly all male inhabitants. Several hours later they all were set free: no explanations were offered and no relevant documents shown. Many of the detained deprived of their documents spent three days trying to recover them.

In the morning of *2 March* a passport-checking operation was carried out in the “Pekarnia” PCS (the Ordjonikidzevskaya village). The camp was encircled; the military detained all young men and took them to the Sunzha district internal affairs department where they were kept together with those brought from the “Rassvet” and “UMS” camps. As distinct from the case described above the inhabitants were told that the law-enforcement bodies had received information that the fighters responsible for the raid at the Sernovodskaya village in Chechnya that took place on 2 March 2005 found shelter in the camp. It should be added that the camp manager had registered nearly all of the inhabitants therefore the militia had much fewer claims.

Even though the mopping-up operations stopped people are still afraid.

---

<sup>3</sup> This is an indirect form of forcing IDPs go back to Chechnya. The Migration Administration informs the owners of the rented territories that because of cut-down funds the agreement on paying for electric energy and communal services would not be renewed. The owner demands that the camp inhabitants should leave. Some of them succumb to pressure and go back to Chechnya.

The last signal of alarm arrived from the “Molochno-Tovarnaya Ferma” camp in Karabulak. Today, only 79 families (330 people in all) remained out of the earlier population of several thousand. Only 27 families of them are registered.

The debts to the communal services are the camp’s main problem: since late April the camp has been living without water supply, in early May, it was deprived of gas and power supply. The local people managed to restore gas supply yet they still have no power and water. The Migration Administration insists that it transferred the necessary amount to Magomed Zaurov, the territory owner and is no longer responsible for power and water supply. In fact, the money paid covered the debts not the current expanses. From time to time the Administration threatens the territory owners that the agreement might not be extended; the worried owners, in turn, ask the IDPs to leave the territory.

Registration is another no less important problem. We have already said above that the passport and visa service refuse to register the IDPs under all sorts of pretexts. The militia thus acquires the right to detain inhabitants of PCS when they get outside the camp territory. The problem becomes especially acute in summer when IDPs find seasonal employment in Karabulak.

Despite this few families are prepared to go back to Chechnya. Those who come back or have agreed to go back argue that the situation in Ingushetia is no better than in Chechnya: mopping-up operations, illegal detentions, and disappearances have become everyday realities.

## **VI. The Situation of Chechnya residents in Russia's Regions**

According to official information on 15 April 2005 there were 210,800 people from Chechnya registered under Form No. 7 (that is, those who had urgently left the republic for other places when the second wave of hostility began in 1999-2000); 23,900 of them live outside the republic. There are 23,700 people in eight RF subjects, mainly in Ingushetia, in the camps ran by the FMS of Russia.

In fact there are much more people who can be described as IDPs—there are about half a million of them. The figure includes those who had to leave the republic between 1991 and today; the larger part of them has so far failed to integrate into new environments.

In 2004-2005 the conditions of those who escaped the war remain hard: the regional powers and law-enforcement bodies have not amended their treatment of them. The enemy image, diligently created by the media has struck root in people's minds. The monstrous terrorist act in Beslan intensified the negative sentiments. Local administrations and the local militia never bother to conceal their hostile attitude to the Chechens. A lawyer of the «Migration Rights» network reported from Bryansk: one of the local bosses asked him: "Why have you associated yourself with the Chechens? All of them are enemies of the Russians—they cannot be trusted."

It should be said that ethnic Russians from Chechnya have also had a taste of this. In any case, the state has abandoned them to their fate: no housing and social security were provided.

### **Housing and Compensations**

The situation with housing for the people from the Chechen Republic living in other regions of Russia remains catastrophic.

On top of this the difference between compensations paid for lost housing to those who remained in the Chechen Republic and to those who had left it inflicted another psychological wound. Decision No. 510 of the RF Government of 30 April 1997 established the maximal compensation of 120,000 rubles that before the 1998 financial crisis was equal to about \$20,000. Today this sum is equal to \$4,000-5,000, which is obviously not enough.

Decision No. 404 of the RF Government of 4 July 2003 raised compensations for the lost housing in Chechnya to 300,000 rubles.

The majority of local Russians left Chechnya; today they believe themselves to be discriminated against as compared with the Chechens. The situation is fraught with another round of confrontation—this time between former neighbors. Nobody seems to remember that between 1997 and 2003 no compensations were paid in Chechnya.

Point 10 of Decision No. 404 instructs several ministries to amend, within two months, Decision No. 510 related to the sizes of compensations for lost housing and property and the conditions of payment. Two years have elapsed since then—nothing has been done yet.

Payments under Decision No. 510 are proceeding at a slow pace: since 1997 only 33,000 families got their money. As a result thousands of families that used to live in the Chechen Republic, irrespective of their nationality, still have no roofs over their heads.

In Chechnya the process is much faster: 39,000 families out of the total 47,000 that had applied for compensations got their money. At the same time, extortions have not been stopped: people have to part with 30 to 50 percent of their compensations.



Having no permanent homes people from Chechnya cannot get registration by the place of settlement therefore they cannot realize their social rights. There is little hope that they will be able to finally settle down with the forced migrant status (mainly issued to Russians who left Chechnya) (for more details see Report-2002, pp. 11-18).

### **Situation with the Forced Migrants**

The state obviously wants to cut down the number of forced migrants by abandoning all its obligations to this category of citizens. The following figures illustrate this.

	<b>By 1 January 2003</b>	<b>By 1 January 2004</b>	<b>By 1 January 2005</b>
Total number of Forced Migrants in Russian Federation	491,898	352,100	237,998
Of them in Ingushetia	29,299	27,900	26,238

In 2004 alone the number of registered forced migrants dropped by 116,000 people, or 48,945 families; the Federal Migration Service helped only 1745 families, which means that 47,200 families were ignored—they got no housing. Among 2100 persons who received the forced migrant status in 2004, 1840 lost the status when they became Russian citizens.

Today, there are 98,957 families registered as forced migrants; it was officially recognized that 49,100 families, or 132,600 people need accommodation. If the process continues at the same pace (2000 families a year) it will take the state 25 years to provide all forced migrants with housing. The state, therefore, found a simpler solution: it removes forced migrants from registration lists under all sorts of pretexts at the pace of 120,000 persons a year.

We have already written in the previous reports that the forced migrant status was practically never given to the victims of the military campaign in Chechnya: it was given to merely 12,600 Russian who left the republic. Supported by NGOs lawyers a small number of the Chechens got the status through courts. Even those of the Chechen families who have the status do not escape discrimination and find it hard to receive even the most negligible support from migration structures extended to Russian migrants. For example, the families of Inderbievs, Khasievs, and Didaevs with many children that have the forced migrant status and live in the Briansk Region never received free vouchers to children's summer camps; the local migration service never helped them to find jobs.

The Inderbievs—Visit Lukmanovich and Natalia Mutsaevna—are university graduates with a good record and an experience of a car repairman and a computer programmer turned out to be unemployable because of their nationality even though there is any amount of organizations in the region needing precisely such people.

The Didaevs—Ruslan Zaindievich and Malizhi Saidovna—were prepared to do any work: they have a gravely ill daughter and four small children. Despite this no potential employer was compassionate enough to hire them.

Khaspi Duchaeovich Khasiev, former deputy minister of agriculture in Doku Zavgayev's cabinet, a man of rich experience and organizational talents had a personal

taste of discrimination as well: despite his former merits and high post he could not find work in Briansk.

On top of this the Chechen migrants are exposed to everyday nationalism in Briansk: insults and threats are showered on them in the streets, in busses and trams; their children are regularly beaten up by local teenagers. Many left for other regions; others preferred to go back to Chechnya: they have discovered that the forced migrant status did not bring lodgings, employment, health care for their children.

It is for the third year running that IDP B.M. Musaev, II group invalid, has been fighting for the status and the right to be provided with housing. In February 2003 the initial five-year term of his status ended leaving him without lodgings. The Migration Administration refused to extend the term of his status under the pretext that according to Decision No. 510 he had received compensation for the lost housing in Chechnya. He appealed against the decision; the Oktiabr'skiy District Court agreed with him since Point 19 of the Government Decision under which those who received compensation were not entitled to housing, had been annulled on 31 January 2002 by Decision No. 785 of the RF Government. As a result his status was extended to 16 February 2004.

In February 2005 B.M. Musaev went to court once more to extend his status. Earlier the director of the CTA in which he lived handed him a written warning about his coming expulsion as a person who lost the IDP status even though the case was still in court.

In their turn the CTA Heads went to court to expel B.M. Musaev; he was not informed about this, he never got a copy of the declaration, he was never called to court. It was on 19 August 2004 that he learned about the court decision and immediately applied to the district court to annul the decision passed in his absence. The proceedings were suspended yet the man was expelled from the CTA. On 8 September 2004 while B.M. Musaev was still in hospital bailiff A.V. Nikulin together with a group of unidentified persons opened his room, replaced the lock and sealed the door. The man on duty was warned against letting B.M. Musaev into the building. Musaev, however, annulled the court decision in court. He was let in yet was given another, much worse room with peeling plaster and the window that refused to be closed.

The story repeated itself in 2005: he applied for an extension of the forced migrant status until his final settlement and got a negative answer. Once more he went to court.

This endless story is very typical yet it should be said that not every forced migrant is strong enough to fight for his rights for many years. These people need professional help and permanent support. Musaev found such support in the person of Valentina Shaysipova, the Network lawyer.

In August 2000 the Eltemirovs with three small children had to leave their home in the Chechen Republic for the Stavropol Territory; back at home they had been persecuted by fighters who insisted that the family Head should join them under the threat of abducting his children and paying a fine of \$5000 for his failure to fulfill his obligations to independent Chechnya. The family had no choice but to flee.

Zaret Lom-Alievna Eltemirova told the story in her application for the forced migrant status to the Migration Administration of the Main Administration for the Interior of the Stavropol Territory. Her information was ignored and no status was given.

Today, the case is in court.

### **Registration with the Structures of Interior**

Registration is the most painful problem for the people from Chechnya. Nearly in all regions of Russia there is a secret instruction to limit registration of the Chechens. One of the strictest regimes was established in the Moscow Region, Krasnodar Territory, and Kabardino-Balkaria.

On July 2004 Law No. 735 of the Krasnodar Territory “On Measures of Preventing Illegal Migration to the Krasnodar Territory” came into force. Art. 1 described illegal migration in the following way: “Arrival to the Krasnodar Territory of citizens of the Russian Federation, foreign citizens or stateless persons from other states and subjects of the Russian Federation and (or) living on its territory in violation of the order established by Federal laws is considered to be illegal migration.” Protest No. 4/4-27-28-2002 of the public prosecutor office of the Krasnodar Territory of 15 April 2003 established that the earlier similar law “On Living and Settling in the Krasnodar Territory” did not meet the demands of federal legislation. It seems that the new law does not meet the demands either.

The Decision of the administration of the city of Nal’chik of 29 April 2004 “On the Temporal Measures of Limiting Registration of Those who Arrive in Nal’chik for Permanent Settlement” is still in force in Kabardino-Balkaria. Under this decision the newcomers have no chance to be registered by the place of their settlement, cannot register real estate operations as well as their marriages and the newborns. At the same time it was few migrants who managed to obtain from the Registration Chamber of the Ministry of Justice of Kabardino-Balkaria a written refusal to register real estate operations which stated that the migrants should first get a permission of the Migration Commission at the Administration of Nal’chik. This structure normally declines such requests if they come “from those born outside Kabardino-Balkaria.”

In this republic Chechen migrants have no chance to get anything they ask for at the first application to the state or municipal structures, educational or medical establishments. Their medical insurance policies absolutely indispensable for those who need medical help are not extended; pensions are not awarded or recalculated (a written official refusal to do this requires a bribe,) issuing of passports for travels abroad was suspended for indefinite time.

The Chechens living in the Moscow Region have been placed under secret militia surveillance. The story of the Mukhadiev family is the best illustration of the conditions in which they live.

It was since 2003 that we have been following the story of the Mukhadiev brothers (see: Report-2004, pp. 64-66). The family that fled from the war rented a room in the town of Elektrogorsk, Moscow Region, and was temporarily registered there. In 2003 the local internal affairs department refused to extend their registration. In July 2003 two family members—brothers Akhmed and Ramzan—were falsely charged with possession of arms, sentenced to a term in prison equal to the term of their preliminary detention and freed in court (See: Report-2004).

Liberated, they remained in the same town by the same address and continued selling agricultural products their relatives grew in the Stavropol Territory. They never lied about their occupation and the address of their parents and other relatives. In the spring of 2004 the Mukhadievs asked us to help them extend their registration.

Duma deputy Igrunov could not help since his term as a deputy was expiring and he was not elected to the new Duma.

The brothers' neighbor S.E. Vasiliev tried to register them temporarily in his lodgings yet L.M. Ereemeeva who Headed the passport department flatly refused to do this without any explanations.

No further requests were granted.

Finally, on 23 February 2005 O.P. Orlov and S.A. Gannushkina, members of the Human Rights Council at the RF President came to Elektrogorsk to meet the public prosecutor of the Pavlovo-Posad District A.V. Kirsanov who had earlier described his position over the phone as: "I am convinced that the Chechens should live in the mountains." He obviously sided with the majority while his knowledge of geography was obviously poor. After two hours, however, he admitted that everybody was equal before the law. Two weeks later the brothers were registered.

The next section of this report tells of cases much more important than the Mukhadievs' case.

It should be said that neither the «Civic Assistance» Committee nor the «Migration Rights» Network of the «Memorial» HRC can help all those who need help since our hard-won victories do not become precedents.

### **Restrictions of Rights Due to Absence of Registration**

An absence of registration creates numerous problems for the people from Chechnya: they can be detained and fined; they cannot realize their vitally important rights such as an access to free medical service, the right to receive state pensions and allowances, the right of employment, the right to school education and the right to place smaller children in kindergartens.

Access to medical help is the most important of rights of which the unregistered newcomers are deprived: they have no medical insurance policies and are, therefore, entitled to medical aid in emergencies only.

The family of Malika Khamidovna Mintsaeva with eight children and two grandchildren has been living in Moscow from 1994. Leaving behind their completely ruined housing they fled from the war between 1994 and 1998 to settle in the flat owned by Malika's late husband. It is for two years now that the district court has been establishing their right to the flat: meanwhile they remain unregistered. Because of this her youngest daughter Iman, born in 1997 and her grandchildren Tamila, 2000, and Islam, 2001, were deprived of medical assistance. They were granted medical aid with the help of the «Civic Assistance» Committee.

In 2005 Law of the RF No. 112 "On Monetization of Privileges" deprived people with no registration by the place of settlement of free medicine (even though the law extended the right to free medicine to the invalids of the I and II groups, people with grave illnesses requiring expensive and permanent medication). The law shifted the responsibility for the socially vulnerable groups to the regions. This means that only people with permanent registration can realize their rights.

The «Civic Assistance» Committee three times applied to the Moscow Health Department with a request to provide B.V.-G. Marziev, a diabetes sufferer, with free medicine. In 2003-2004 he was entitled to free medicine; in 2005, however, he was deprived of this right. He is father of four; two of his children are also gravely ill.

Ruslan Magomedovich Edil'giriev, who lives together with his wife and three children in the CTA Serebrianniki, Tver region, is deprived of medical examination

needed to recognize him as an invalid. His experience in Chechnya made him a psychiatric patient; in February 2005 he was hospitalized in the local psychiatric hospital where they advised him to register as an invalid. In violation of the acting laws and rules that do not require registration for medical examination, the local office of medical insurance refused to examine him because he had no CTA registration.

*Access to free education* is another stumbling block. Directors of Moscow schools and kindergartens refuse to enroll children of unregistered parents. This happened to many families from Chechnya that had left the republic precisely because they wanted their children to receive good school education only to find that this was impossible in Moscow and elsewhere.

Khava Khumidovna Dugaeva, mother of three (born in 1994, 1995, and 1997) could not place her children in school No. 1906 in Moscow; Zarema Bauddinovna Khasaeva with a son of school age could not place him in school No. 2, town of Shcherbinka, Moscow Region; Fatima Tataevna Khadizova could not place her daughter Mar'iana, born in 2000, in kindergarten No. 2431 of the Iuzhnoe Butovo District because of the lack of registration. We had to remind the Heads of all these institutions that in 2000 the Moscow City Court had invalidated Point 5 of the "Registration Rules in Moscow and Moscow Region" that tied together the right to school education and registration as contradicting the federal laws. The Supreme Court of RF supported the court decision therefore the Moscow Committee for Education informed all schools of this. In fact, the refusal to admit a child to a school or a kindergarten because of an absence of registration violates federal laws.

Similar complaints come from other regions as well.

The IDPs from Chechnya still find it hard to *receive social allowances*. Since 1 January 2005 the problem has been caused not so much by their nationality as by an absence of local registration. Pensioners, disabled people and children from families with many children were deprived of the right to free transportation within cities. Poor families found themselves in a quandary since the fees are very high. The Moscow Social Security Department declined the request of the «Civic Assistance» Committee to issue the "social card of a Muscovite" (that gives the right to use city transport free of charge) to M.S.-Kh. Inaeva who being widowed has to raise four children aged between 2 and 8.

Imani Seydaliyevna Zakaeva, the mother of four, who lives in Moscow has not yet received a newborn allowance; in 2003 her husband Ramzan Zakaev, a citizen of Kazakhstan, had been expelled from Russia as unregistered while his wife was expecting their fourth child (see: Report-2003, pp. 23-24; Appendix 5; Report-2004, p. 61). At first the allowance had not been paid because the mother had no registration; in 11 November 2004 Zakaeva and her four children were registered in Moscow for two years. She still could not get the allowance because neither she nor the child's father had employment records. The official structures prefer to ignore the fact that the father was absent from Russia while the mother was unemployable because of her nationality (on many occasions she was told in so many words about this). She cannot get a document saying that she does not work either.

**Discrimination in the employment sphere** has become a daily occurrence (in fact everybody, including the Chechens became accustomed to it). It is hard to fight discrimination in this sphere because it is impossible to get a written document

confirming discrimination. For this reason people do not apply to the human rights organizations.

The people from Chechnya find it hard to get **domestic and foreign passport of the citizens of Russia**. In May 2003, under public pressure, the Ministry of the Interior issued Order No. 347 that allowed passport and visa departments to issue passports by the places of temporal or actual registration rather than by permanent residence. A large number of people could receive the necessary documents without going back to Chechnya.

The term of the order expired leaving the people from Chechnya face to face with the old problems—thousand of them cannot get passports because they are too ill or too old or too poor to travel to Chechnya for the necessary documents.

Zalma Basaeva born in 1918 lives in the village of Novogeorgievka, Tarumovsky District of Dagestan; the blind old woman is a I group invalid. She came from the village of Kenkhi, Sharoy District of Chechnya, two years ago to join her son. In 1998 in order to receive her pension when no pensions were paid in Chechnya she registered with her relatives in the Tsumadinsky District of Dagestan.

Her son traveled to the place of her former registration to take her off the lists. She cannot be registered in the Tarumov District because she failed to change her passport. She was ordered to go back to Chechnya to get a new passport yet she is too old to do this. Because of lack of a new passport and registration she has been deprived of her pension for two years. The son's family of ten is too poor to support her. The old woman wrote an application to the village Head to change her passport and register her. The local authorities did this yet the pension has not yet arrived because her pension documents are still in Chechnya.

It is especially hard to obtain passports for children. The department of the interior of Beskudnikovo is stubbornly refusing to issue passport to seven children (aged between 15 and 30) of Malika Khamidovna Mintsaeva . The passport and visa department's request of confirmation sent to the address bureau of Grozny drew no answer. The Ministry of the Interior of the Chechen Republic to which the «Civic Assistance» Committee sent a similar request replied that since all relevant documents had been lost during the war therefore they could not confirm the Russian citizenship of the Mintsaevs family and their registration by the day the RF Law "On Citizenship" came into force.

Her youngest daughter, a second year pupil, has problems at school because of an absence of a birth certificate. It is hard to get one because the family has no housing of its own in Moscow (their house in Chechnya was destroyed) therefore they have no Moscow registration. The girl was born in a Chechen village while the family was traveling north in search of safety. Our lawyers are doing their best to sort things out to obtain a birth certificate for the small girl in court.

This and similar out of the ordinary situations are not covered by law—as a result young people are deprived of documents and all their civil rights.

## VII. How the Internally Displaced Persons are Forced to Return to Chechnya

The number of IDPs from Chechnya living in the CTAs is gradually diminishing: under administrative pressure many go back home where few of them can be accommodated in places of temporal settlement (small settlements build for this purpose and hostels that lack all modern conveniences).

With every passing year the administrative and economic pressure on the CTA inhabitants is mounting: in February 2004 all of them were deprived of meal tickets (in the past their had been gaps in issuing meal tickets yet the practice was invariably restored). (See: Report-2004, pp. 42-43).

Today, there are no IDPs from Chechnya without the forced migrant status in the Tambov CTA. The methods used to squeeze such people from CTAs are becoming crueler. In April 2004 all unregistered inhabitants of the Tambov CTA got written warnings about future eviction. When the people refused to leave on their own free will the Center Heads went to court. Lawyer Valentina Shaysipova of the «Migration Rights» Network is the migrants' permanent representative in court. The judges, however, invariably allow the claims of the CTA administration of eviction. The lawyer can do nothing but suspend execution of court decisions. Today, there are 31 people awaiting evictions by a court decision.

Recently, the Migration Administration for the Tambov Region and the CTA Administration went to court to evict people with the forced migrant status who had received compensations for the lost housing and property in Chechnya. The MA for the Tambov Region refuses to extend registration of such people. This is illegal: the compensations were small to the extent that on 29 April 2002 the Supreme Court of RF invalidated Point 19 of Decision No. 510 of the RF Government of 30 April 1997 under which those who received compensations were considered as supplied with housing and could not apply for help in settlement.

The CTA inhabitants go to court to defend their rights. D.N. Shatilin, a very sick man who had spent four years as a fighters' prisoner, had to go to court for the third time against the MA that had refused to extend his forced migrant status. The court invariably takes into account the Supreme Court of RF Decision and sides with the migrants yet the MA appeals against the court decision. This has been going on for three years now. B.M. Musaev has been fighting for his status and place in the Tambov CTA for three years (His story was told above).

Even those who have not yet applied for compensations, family of Raissa Atsievna Murtazova among them, are also threatened with eviction.

In 2000 the family lived through a tragedy: his husband Akhmed Gaitarov, his father and his 20-year-old son Gaitarov were killed during artillery shelling. Having buried the relatives Murtazova and her four children came to Tambov; they had been sent there by the Federal Migration Service (See Appendix 5).

Her daughter Zulikhan who had come together with the family married and went back to Chechnya together with her husband. Raissa Murtazova remained in Tambov with three sons: Iusup and Iunus, born in 1990 and Shamil born in 1995. One of the sons is gravely ill.

Several months ago R.A. Murtazova applied for compensation. In April 2005, as soon as the Migration Administration for the Tambov Region learned this, her registration (officially valid till July 2006) was discontinued and she was given a

written eviction order. Upon coming of age her son Iusup was refused a forced migrant document of his own; Murtazova and her son had to go to court; the district court allowed their claim; the Migration Administration for the Tambov Region appealed; the next hearing was scheduled for 27 June.

The family of Mavtaevs was threatened with eviction under a decision of the Oktiabrskiy District Court of Tambov of 17 June 2004. The family consisted of Petimat Abukhadjieva, 87, a I group invalid, Ayzan Mavtaev, a II group invalid and asthma sufferer, and Mavtaeva's two sons. Under the court decision the family had to leave by 1 May 2005; the regional court to which the MA and CTA had appealed set the date by 1 March; on 24 March 2005 the family was driven away. Their friends drove them out of Tambov in their car; on the way to Chechnya near Volgograd Petimat Abukhadjieva died.

There are still 103 IDPs from Chechnya living in the Serebrianniki CTA in the Tver region: they belong to Chechen families with many children and Russian old people. In February 2004 the migration structures stopped issuing meal tickets leaving the people to starve. They survive on foodstuffs delivered by volunteers. In summer Chechen children fish to feed the families.

In the fall of 2004 the CTA administration forced all the inmates to pay for the lodgings. Since none of them have money they were told to write applications for temporal accommodation. Those who refused were deprived of the forced migrant status. When people refused to leave the CTA the director went to court to claim rent arrears for 2003 and 2004.

Lawyers of the «Migration Rights» of the «Memorial» HRC presented to court their objections in which they said that the inhabitants had not been warned about payments. The CTA director G.E. Khitiaeva withdrew the claims and distributed relevant warnings among the inhabitants. So far, the administration has not lodged new claims. It should be said that Khitiaeva is not acting on her own: she has to obey her bosses. Meanwhile she is doing her best to create more or less adequate conditions for the people in her charge.

The Chechen families do not want to go to the republic where the war is raging—they are afraid for their children. The Russian old people are either single or are abandoned by their children. Some of them like Evdokia Lukhashina, 94 year old, are too old to travel anywhere.

Late in June 2005 the administration displayed a list of 50 Chechen inhabitants who had been removed from registration. It is too early to say what will happen.

There are 9 families, or 31 people, from Chechnya living in the Orenburg CTA. Two of families are prepared to go back, others are still afraid.

The Chechens who hire private lodgings are living under oppressing militia surveillance and hostility of the locals.

Movlid Danilovich Basaev, a III group invalid, one of the liquidators of the aftermaths of the Chernobyl disaster, live in Cheboksary where he is regularly called, without any apparent reason, to the district militia station to be told: "While the war in Chechnya continues we shall closely watch you." The local militiamen went as far as compiling a protocol of an administrative infringement (he did not spend one night at home).

His 11-year-old son is regularly beaten at school; the teachers who are expected to correct children's behavior incite them against him. The father whose health leaves



much to be desired and who is frequently humiliated cannot protect his son. Other family members left Chuvashia to avoid militia pressure.

In the Vladimir Region nearly all of the 213 Chechen families that had arrived in 2001 left; there are only 12 families, or 23 people. The locals' extremely negative attitude drive people away. The efforts of the Network lawyers to contact the migrants have failed.

The people are scared; having achieved an unstable agreement with the militia they are unwilling to upset it. They do hope to obtain effective legal assistance—it is becoming frighteningly clear that one day they will have to go back.

## VIII. Imitation of Counterterrorist Struggle

Recently a wave of terrorist acts swept Russia—the most appalling of them that shock the world took place in Beslan. All reasonable people realize the terrorism should be fought and that most resolute measures should be taken to prevent terrorist acts.

We have to admit, however, that in Russia the law-enforcement bodies frequently imitate anti-terrorist activities. When carrying out the plans of capturing potential terrorists the Ministry of the Interior and the Federal Security Service suspect all Chechens who have a misfortune to be noticed by them. If it is impossible to prove their involvement evidence of terrorist activities are falsified without much variety or inventiveness.

Our previous reports contained numerous examples of fabricated cases of storing, buying and selling drugs and weapons that, in fact, were planted. This is going on with the terrorist cases coming to the fore.

Fourteen Ingush women employed by the International Medical Corps—IMC with the Headquarters in Los Angeles, U.S.A., were entered into the “Wanted” lists as terrorists. They lived and worked in Nazran when early in March 2004 their colleagues from Moscow, Volgograd, Saratov and other Russian cities informed them that their photographs had appeared on the walls of big shops, railway stations and militia stations. The leaflets described them as potential terrorists who had planned to carry out a terrorist act similar to that carried out in the Moscow underground on 6 February 2004.

The photographs were taken from a computer disc they had presented to the place of their future employment; their names and the employment dates were written in Latin letters. One of the photographs was supplied with an explanation in Russian saying that the woman had been Shamil Basaev’s first wife. In fact, she is married to another man and has five children by him.

On 21 April 2004 Deputy of the State Duma B.I. Kodzoev sent an inquest to the Attorney General of the RF V.V. Ustinov. He wanted to know which facts or investigative measures had been used to enter the names of the IMC employees into the “Wanted” lists.

The Main Administration of Internal Affairs of Moscow replied that information about these women’s potential involvement in acts of terror together with their color photographs had arrived to the “T” Center at the Main Administration for Fighting Organized Crime of the Ministry for Internal Affairs from the FSS of the Russian Federation. The photographs, the reply said, had been sent to all militia stations to be used during investigative operations; later all the militia stations of Moscow were ordered to remove and destroy the photographs.

The letter also said: “The list and the photographs were found by FSS operatives in an arms storage that belonged to Kh. Tazabaev, Head of a terrorist group that frequently used female suicide bombers.”

Even if we do believe that the photographs were found where they claim they had been discovered it was the FSS’ duty to check the list by applying, at least, to the passport and visa service of the republics of Ingushetia and Chechnya where the women live and are permanently registered. In fact, no retrieval measures were needed: they could be seen by appointment at places of their work or at home.

After a long exchange of letters with the power wielding structures the “misunderstanding” seemed to be corrected. The women were told that “all measures

needed to remove the photographs had been taken.” In his letter of 30 June 2005 RF Ombudsman Vladimir Lukin said: “Today the Public Prosecutor of Moscow is investigating the fact. Head of the Main Administration of the Internal Affairs of Moscow Lieutenant-General of Militia V. Pronin offered his apologies to the IMC doctors.”

On 9 September 2004, after the Beslan events, the old leaflet with the same names in Russian and three more names (Luiza Magomedova, Mar’aim Taburova, and Medni Musaeva) appeared in the Internet accompanied by information that the women were wanted for their involvement in recent terrorist acts in Russia.

The leaflet cited the confidential phone number of the FSS-MIA of the Russian Federation. The scared doctors called to say that they had been already “wanted” by the operation Headquarters of the FSS-MIA of the RF. They were asked to call back a week later. We also called the same phone number to find out whether it was the operation Headquarters that had placed the leaflet in the Internet. The officer on duty who was obviously reluctant to talk said that he did not know. On the same day the phone was switched off.

The women went to the FSS of Ingushetia in Magas, the republic’s capital. They were not let inside the building yet the man on guard told them that were they innocent they would not have been “wanted.”

On 15 September 2004 the «Civic Assistance» Committee sent inquiries to the Attorney General Office and the FSS and asked these structures to discontinue the provocation and to call those responsible for the provocation to account.

Meanwhile the old (February?) leaflet reappeared in Moscow underground and militia stations. In November 2004 one of our employees E.Iu. Burtina saw the leaflet in militia posts in the “Pushkinskaya” and “Cherkizovskaya” underground stations and in the militia station close to the “Cherkizovskaya” underground station.

We sent an enquiry to the Ministry of the Interior. Late at night on 30 December 2004 Svetlana Gannushkina was invited by a phone call from the Ministry of the Interior to come to the Main Administration of Internal Affairs of Moscow at 10:00 on 31 December 2004 to discuss the issue with the people of the anti-terrorist department. The talk turned out to be useless: the department had never entered the women into the “Wanted” lists and they knew nothing about the leaflets. All they wanted was to supply an answer before the year expired.

On 24 January 2005 we received the following answer from the MAIA: “The MAIA did not instructed to place the leaflets in the departments for internal affairs, public transport and public places; the women were never entered into the ‘Wanted’ lists. In April 2004 the MAIA instructed all departments to destroy the photographs because the women-doctors shown in them had nothing to do with terrorism.” In conclusion the MAIA pointed out that no photographs of the women were found either in Cherkizovskaya or Pushkinskaya stations. This is true: the leaflets were removed yet some time later similar leaflets appeared in the militia station next to the «Civic Assistance»office.

The Attorney General instructed the Moscow public prosecutor office “to take steps toward finding those guilty of spreading falsehoods about the people enumerated above.” The guilty will hardly be found since the photographs reappear when the FSS and the MIA feel that they should step up their anti-terrorist efforts. It seems that the decision of the Nazran District Court of 14 December 2004 will hardly help:

“To obligate the Ministry of Internal Affairs of the RF to instruct all its units to remove from their ‘Wanted’ files the photographs of Khava Il’iasovna Dolgieva, Tamara Borisovna Iandieva, Moti Abbasovna Mogushkova, Marem Magometovna Iusupova, Madina Aslambekova Khutieva, Maddan Sultan-Gireevna Albogachieva, Mar’iam Umarovna Timurzieva, Fatima Beslanova Mukhieva, Zinaida Beslanovna Batalova, Anna Kureyshovna Izhakhova, Radima Ruslanovna Iandieva, Fatima Savarbekovna Mal’sagova, Liudmila Magometovna Ausheva, and Birlant Abdulakhovna Shishkhanova, as well as to remove information about their retrieval for being involved in terrorist activities.”

The women could have instituted a legal action to protect their honor and dignity and to punish those guilty of inflicting moral damages yet they are too scared: they do not believe that they have seen the end of the story and are reluctant to actively defend themselves.

The so-called security measures the authorities institute in large cities spell trouble for many citizens, especially for the Chechens.

Kazan, the capital of Tatarstan, is readying for celebrations of the city’s millennium; the law-enforcement structures were secretly instructed to expel all those without permanent registration or force them to leave the republic. Guest workers from Central Asia are put in buses and driven outside Tatarstan.

Special measures are prepared for the Chechen who, as citizens of Russia, cannot be driven anywhere; the militia has already registered all Chechens. As a result they lost their jobs while their employers, instructed or scared by the militia, refuse to pay them. The Chechens are driven from hired flats and offices: the scared owners prefer to discontinue lease agreements.

Searches are conducted in the hostels occupied by Chechen students who came to the Tatarstan capital under quotas of the Ministry of Education. The riot police with police dogs regularly come to the hostels to detain students who are treated as criminals: they are beaten up, pushed into vans and driven to the local militia station where they are kept in violation of all laws for one, two or three days. During this period beating continues to intimidate, insult or humiliate the students who are then set free until the militia’s next visit.

Chechen families are taken from their homes. Recently, at about 06:00 p.m. a district militia officer supported by a squad of militiamen came to a flat in the Vagapov St. occupied by the Aliev family where he found El’bek Ramzanovich Aliev, his wife and two children, Alikhan Idrisovich Aliev and Magomed Imranovich Sultaev. All of them were detained without explanations and driven to the Privolzhskoe department of internal affairs. The men were placed in a cell and beaten; A.I. Aliev fainted. At about 11:00 p.m. the women and two small children were freed; the men were detained for five days under false accusations of administrative offences allegedly committed at 10:20 p.m.; by that time they had been kept in the militia station for about four or five hours.

In Moscow the preparations for the 60th anniversary of the Victory Day were accompanied by passport checking in the houses inhabited by Chechens. The methods employed brought to mind similar operations in Chechnya.

Here is how Kumira Shamsutdinova Sadaeva who has been living in Moscow with her two sons since 1997 described a document-checking operation. The family has no registration since the house in which they live was transferred to a new owner

because of the bankruptcy of the old owner (the “Frezer” plant). Even though the inhabitants regularly pay for public utilities they are denied registration.

On 10 April 2005 at about 05:00 p.m. when approaching her house Kumira Sadaeva saw two militia “Gazelle” vans and a group of people in combat fatigues and in civilian clothes. They were obviously checking the documents of her neighbors. The sight worried her: her sons, 19 and 20 year old, students of the Russian Academy of Advocacy, and her 27-year-old daughter, who had come from Piatigorsk with two children, were at home.

Some time later two men in combat fatigues entered the flat and without naming themselves demanded to be shown the documents. One of them without asking for permission started searching the flat. They took away the documents—the passport, student cards, railway tickets, and birth certificates—and ordered those in the flat out for further checking. Kumira asked them to let the daughter and children stay in the flat. This was not permitted because it was the people in civilian clothes who were responsible for detailed checking. Later Kumira learned that they belonged to the “Kuzminki” department for fighting organized crime.

There was a long line of the Chechens waiting for their turn. The other inhabitants of the same house—Ukrainians, Armenians, and Russians, all of them without registrations—were left alone while the Chechens were subjected to repeated document checking. On previous occasions the Chechens were put into buses and driven to the “Nizhegorodskoe” district militia station where their documents were checked and the owners fingerprinted.

The people who had been waiting for over an hour finally lost patience and demanded explanations. The answer was: “Your Basaev is threatening us with terrorist acts during the holiday therefore we shall frequently check you in connection with the Victory Day.”

The militia tried to force the Sadaev brothers into a van to take them to the station; their mother rushed to protect them. She explained that they were students of a Moscow institute; the militiamen started examining their student cards. Kumira Sadaeva said: “You seem to distrust the documents.” The militiamen answered: “We distrust ourselves. Today it is dangerous to use underground because of the Chechens.” Sadaeva pointed out that she was also scared of using the underground because of the terrorist acts. Her sons Magomed and Muslim explained to the people in civilian clothes that they had already been taken to the militia station more than once where the documents were checked and they themselves fingerprinted.

Then the militiamen started checking registrations. The district militia officer was well aware of the circumstances: the house inhabitants had applied to court and were waiting for a court decision. Despite this the Sadaevs had to spend much time trying to prove their innocence before they were allowed to go home.

Meanwhile, the Sadaev family had to flee Chechnya to escape death. They came to Moscow in a hope of finding peace and safety there. In 1996, fighters sentenced Kumira’s husband, Akhmad Betievich Sadaev, the minister of health in the Zavgaev cabinet, to death for his cooperation with the Russian authorities. He is still working in the Health Ministry of Chechnya while his family is afraid to go back home. In Moscow they are constantly humiliated while Sadaeva’s fear for her sons has not abated.

The children are the most vulnerable group when it comes to facing the militia therefore the Chechens live in constant fear for them. M.Kh. Mintsaeva's family with many children (we have already mentioned her in section VI of this report) has been living in Moscow since 1994. On 15 November 2004, at 11:00 a.m. her daughters Diana (born in 1989) and Laura (born in 1976) went out to buy bread. They were detained at the local market and brought to the "Degunino" militia stations in the Degunin St. The sisters were separated: Laura, who was of age, was placed in a detention cell, while Diana, who was a minor, was placed in the children's room. Four hours later Laura was set free. It turned out that the militiamen confiscated the last 100 rubles she had in her purse.

Once free Laura tried to find her sister and discovered that was no longer in the militia station. She came back home; together with her mother they started searching her. Finally they discovered that she had been taken to Hospital No. 21 where the doctors allowed her to call home. At 06:00 p.m., after 7 hours of detention Malika Mintaseva took her daughter home.

At home Diana said that one of the militiaman called her school and spoke to the Head of the teaching department who confirmed that Diana was their pupil. Still she was registered as a homeless child. When talking to the teacher the militiaman said that the registration of Diana's mother was a false one even though he had never seen either her mother or the document.

Why did the militiaman behave like this? We sent an enquiry to the Timiriazevskaya inter-district public prosecutor office and got an answer that the girl was detained because she had no adult to accompany her, which was not true. The public prosecutor, however, sent a remonstrance to the militia station on the fact of an administrative detention of a minor under 16.

The law-enforcement bodies never tire of inventing new methods of control over the people from the Caucasus. In October 2004 we received information that the education committees of Moscow and St. Petersburg had instructed the school directors to inform the law-enforcement bodies about pupils whose parents came from the Northern Caucasus. This was described as a precautionary antiterrorist measure. A lawyer of the «Migration Rights» Network of the «Memorial» HRC and those who came to the Networks' Moscow office told us that in some of the Moscow and Petersburg schools militiamen had already talked to children. This happened, for example, in Moscow school No. 286. The Moscow Education Committee indignantly denied the very fact of such instruction yet after our enquiries inspections of schools were discontinued.

We regret to say that even in private clinics people from Chechnya are not protected against infringements on their rights.

Sanet Khamdievna Aybertueva came to the office of the «Memorial» HRC in Gudermes with the following story. Her son Ali Aybertuev born in 1996 had developed stammering after an air raid. Having learned from a newspaper that there was a private speech clinic in the town of Liski, Voronezh Region, she called them to register her son for hospitalization for 9 October 2004. A week before the date she called the clinic to confirm the date only to learn from the secretary and from chief physician Peter Andreevich Ivankin that they had been ordered not to take patients from Chechnya. On 24 March 2004 Ivankin confirmed this over the phone to deputy Head of the «Civic Assistance» Committee E.Iu. Burtina yet refused to name the person who had issued the order. He said that the recommendation was caused by the

antiterrorist measures carried out in the region and added that the situation had somewhat improved therefore the Aybertuevs could come if they had a certificate of loyalty issued by the FSS of the Chechen Republic. This made it clear which structure had issued the original ban. Our enquiries in the FSS RF drew no answer.

It should be said that instead of searching for those guilty of terrorist acts the law-enforcement bodies prefer to pester those whom they framed in the past.

We have already told the story of the Mukhadiev brothers who could have fell victim to this practice had their neighbors failed to defend them.

In September 2004 Akhmed and Bislan had to turn to the «Civic Assistance» Committee once more: they came to tell us about their fears. They felt that they would be falsely accused once more.

Their fears were based on what one of their acquaintances, a taxi driver told them: he had been detained and brought to a militia station where members of the law-enforcement bodies, probably of the FSS, tried to persuade him to defame the brothers by accusing them of buying and selling weapons.

Other neighbors told them that local militiamen tried to put pressure on them by calling them to the local militia station to ask about the brothers' behavior and movements, to force the neighbors to spy on them, and to supply compromising information about them. They were all forced to sign fabricated protocols. Six of the neighbors wrote applications to Chairperson of the «Civic Assistance» Committee Svetlana Gannushkina in which they described all the instances of pressure and unjustified aggressiveness of the militiamen who had come to the Mukhadievs' flat.

Two of the neighbors, P.A. Khotlubey and R.S. Merenkov, saw with their own eyes how militiamen who arrived in a car started knocking at the door of the brothers' flat with their feet. They shouted "Open the door!" and short of knocked the door out. They looked more like bandits than members of law-enforcement bodies.

The «Civic Assistance» Committee applied to the FSS RF and the Ministry of the Interior with a request (accompanied by copies of the neighbors' letters) to stop persecution and register the brothers. All of those who had applied to the «Civic Assistance» Committee were called to the district public prosecutor office where they were asked how they learned about the committee, how much they got from the Chechens and why they defended non-Russian people. Deputy district public prosecutor Zaykin tried to intimidate the neighbors and threatened to initiate criminal cases against them. It should be said to their credit that the brothers' friends were not easily scared.

On 23 February 2005 members of the Human Rights Council at the RF President O.P. Orlov and S.A. Gannushkina came to Elektrogorsk to meet personally all those who had written the letters. They all confirmed the facts. After a long talk with Public Prosecutor of the Pavlovo-Posad District A.V. Kirsanov the brothers were registered and left in peace. (The case has been described above). As usual, the FSS service left our enquiries unanswered.

Ramzan Aydamirov, Candidate of Economy, with permanent registration in Moscow, whose story was told in our Report-2004, p. 66-67; Appendix 14, found himself in danger once more. Drugs were found in his car that had been driven by a militiaman while he himself accompanied by other militiamen was taken to the station in their own car. His mother Zama Ganievna Kurazova, a doctor and a permanent Moscow dweller turned for help to the «Civic Assistance» Committee. Very soon

after that he was brought to court where he was found guilty and sentenced to 3 months of imprisonment that he had already served in the detention center.

It should be said that the quantity of drugs allegedly found on our defendants greatly increased since the amendment to Art. 228 of the CC RF were adopted. Starting with 2004 the punishable amount of drugs possessed or bought increased ten times. Before that date it was enough to plant milligrams of drugs; after that date they planted 20 grams in Aydamirov's car.

As soon as he was freed persecution and threats were renewed. The family decided to leave Russia. Since his case was entered into the report that appeared last year the migration structures of the country, which mother and son Aydamirovs had asked for asylum turned to us for information. Since he had not applied us for help we had to seek information from his lawyer who answered:

“The defense lawyers confirm the fact of persecution of Ramzan Aydamirov by the law-enforcement bodies after he was freed from the detention center. He came to us for help in connection with unjustified calls to his place of residence and demands that he should become a secret informer. The defense lawyers believe that the decision to emigrate is justified since there was a real threat of repeated imprisonment and persecution.”

The number of cases of planted drugs and weapons has somewhat diminished as compared with the last year yet the practice was not discontinued altogether. Some accusations are stupid, others, absurd. On 30 March R.I. Akuev, born in 1982, and B.Zh. Sulimanov, 1975, were detained in the Tuchkovo settlement, Ruza District, Moscow Region.

Roman Akuev, second-year student of the Moscow State Sociological University, who lives permanently in the village of Sernovodsk, Achkhoy-Martan District, CR, came to the Ruza branch to pass exams. He stayed together with his relatives. Baddruddin Sulimanov from the same village was undergoing treatment in the Moscow Region.

The young men spent free time at Baddriddin's place in Tuchkovo, Vostochny area, house 3.

In the afternoon, at about 05:30 p.m. somebody started banging at the door; male voices ordered them to open the door before it was knocked out. The friends obeyed; several militiamen (it turned out later that they belonged to the 4th sector of the Main Department for Fighting Organized Crime of the Criminal Militia of the Moscow Region) rushed into the room. They forced Roman and Baddruddin on the floor and showered them with kicks in an effort to find out where they kept money and valuables. They threatened to throw them out of the window (the flat was on the 9th floor) and bragged that they, the militiamen would not be punished. One of the friends was handcuffed; the hands of the other were tied with a belt.

Then they were taken out of the flat; according to an eyewitness there were several more militiamen waiting for them on the landing. The young men were taken down by a staircase, even though there was an elevator. On one of the landings Baddruddin was blindfolded with his own hat; one of the militiamen rudely clamped Roman's Head between his knees. The friends realized that some heavy objects were pushed into their pockets.



During the personal search witnessed by soldiers from a nearby military units the militiamen found a TT pistol and a hand grenade on Sulimanov and three grenades for grenade-thrower on Akuev.

One wonders how three large and heavy objects could be carried around in tight jeans.

As soon as the young people were carried away the organized crime fighters arrived to the flat with the keys confiscated from Sulimanov. The search carried out in an absence of eyewitnesses produced one grenade, a pack of 5.45 cartridges and 120 7.63 cartridges. Later the flat owner discovered that expensive objects were missing.

On 6 April, despite numerous violations of the criminal procedure, active steps of the defense lawyers and public support Roman Akuev and Baddruddin Sulimanov were accused of illegal acquisition and possession of ammunition, explosives and explosive devices; on top of this Sulimanov was accused of buying and possessing weapons. They were detained and kept in the militia department of the Ruza District. The protocol says that they were detained in the entrance hall where the ammunition and weapons were taken from them.

Roman Akuev is nephew of defense lawyer Zezag Usmanova-Mikaelova who specializes in defending people accused of terrorism. She took part in several famous cases, including the case of Zara Murtazalieva.

Zara Murtazalieva was born in 1983 in the Naursky District of Chechnya and studied at the Linguistic University of Piatigorsk. In 2003 after her father died she switched to the correspondence department of the same university and came to Moscow in search of employment. She intended to help her mother support her two younger sisters who upon graduation had to continue education.

At first she was lucky: she found employment with an insurance company, rented a room and met new friends—Muscovites Anna Kulikova and Dar'ia Vorontsova, two recently converted Muslims. They approached her themselves and very soon the three of them became close friends.

Anna helped Zara when she was confronted for the first time with anti-Chechen sentiments in Moscow. Relatives had convinced the owner of the rented room that it was dangerous to live side by side with a Chechen girl.

For some time Zara had to live in Anna's place whose mother Valentina Kulikova became very fond of the intelligent and well-brought up girl who taught her daughter and her friend how to be happy without drinking and smoking (before that Dar'ia had had a drug problem).

A certain Said Akhmaev, employed by one of the special departments of Moscow militia helped Zara when she was detained for expired registration. He helped her find free lodgings into which Zara, Anna and Dar'ia moved together and brought them foodstuffs.

The girls never suspected that their "knight" was acting on orders of his bosses. Everything they were doing in the flat was video and audio recorded. Zara's every step was known to the militia.

This went on from 5 February to 4 March 2004 when Zara was detained near the office where she worked at the "Kitai-gorod" underground station and taken to the "Prospekt Vernadskogo" district militia station where she was fingerprinted. Two boxes of "plastit-4" explosive were allegedly found in her bag. She phoned Said who, true to his role promised to sort things out. Later the militiamen insisted that they had

detained her in the Vernadsky Prospekt. She was detained and accused of preparing a terrorist act and of drawing Anna and Dar'ia into her terrorist activities as well as of possessing explosives (Arts 30.1, 205.1, 2005<sup>1</sup>.1, 222.1 CC RF).

The girls and their parents were invited as witnesses.

On 25 October 2004 Valentina Kulikova asked the «Civic Assistance» Committee to help her: she and her daughter were exposed to pressure designed to force them discredit Zara.

She said that shortly before the girls moved all together to the flat an FSS officer had visited her at the place of work and said that operational and search activities were carried out in relation to Zara. He asked for a permission to search her flat in an absence of Anna and Zara. The search conducted with her consent yet without any official documents revealed that the special services people were interested in Zara's belongings only. They failed to find anything incriminating yet became very much interested in the photographs taken in the "Okhotny Riad" mall during the New Year holidays where the girls visited the Internet café. Three photographs with parts of the escalator visible in them were taken for a confirmation of Zara's intention to blast it.

At first Valentina Kulikova failed to grasp the meaning of this: the case was not investigated—it was fabricated.

Her daughter was interrogated for 8 hours; the sessions were exhausting and the questions vague. Anna and her mother were threatened with being accused together with Zara.

This was what she said in court yet the sentence had been predetermined.

Throughout the process Judge Marina Komarova was obviously wishing to complete the case as soon as possible. All motions of the defense were declined starting with an unjustified refusal to videotape the proceeding and ending with a refusal to call as the key witness Said Akhmaev and the witnesses present during the personal search of the accused. Komarova refused to demand detailed registration of the phone calls from Zara's mobile that would have allowed the court to establish the place and time of her detention—one of the key episodes over which defense and prosecution differed.

She also refused to order a complex psychological-psychiatric examination of the accused to be carried out in a hospital and refused to listen to and to attach to the case explanations of E.L. Gushansky, candidate of medicine, psychiatrist of the highest category with 49 years of experience, an expert of the Bureau of Independent Expert Examination "Versia."

On 17 January 2005 Zara Murtazalieva was found guilty of all crimes incriminated to her and sentenced to 9 years in prison.

The court passed a "guilty" verdict; it refused to consider any of the arguments offered by the defense about the circumstances that acquitted the accused and about numerous procedural violations at the stage of preliminary investigation.

It did not took into account the fact that it had never been verified that the explosives did belong to Murtazalieva: her hands had not been investigated for the purpose of finding out whether she had handled the boxes and fingerprints on the boxes had not been lifted. The investigators preferred to ignore the differences between the videotaped conversations and their content presented in typed form.

The court distorted the testimony given by Svetlana Gannushkina, Chairperson of the «Civic Assistance» Committee and member of the Human Rights Council at

the RF President about Valentina Kulikova seeking the Committee's protection against the investigators' harsh pressure on her and her daughter.

Finally, the court did not consider as acquitting the fact to which defense lawyer V. Suvorov pointed out, namely, that for two months the special services had been keeping the accused under surveillance and failed to discover any contacts with people involved in terrorist activities. According to the verdict the two boxes of "plastit-4" had been passed over to her by "unidentified people in an unidentified place at unidentified time." The prosecutor could not find more convincing evidence of Murtazalieva's criminal intentions than a tape of Vladimir Vysotsky's and Timur Mutsuraev's songs (the latter is a bard highly popular in Chechnya) as well as several amateur photographs of indifferent quality selected from a bunch of other photos.

The Supreme Court of the Russian Federation that considered the cassation also ignored the obviously framed-up accusations and limited itself to cutting down the term of punishment to 8.5 years.

Since 12 April Zara Murtazalieva has been serving the term in women's colony No. ЖХ-385/13 in the settlement of Partsa, the Pot'ma railway station, Zubovo-Poliansky District.

There she is treated as a weathered terrorist; she has to report to the office every two hours; she cannot talk for a long time to other inmates. At first she was deprived of her correspondence. Having received a letter on the «Civic Assistance» Committee signed by the member of the Human Rights Council at the RF President the colony administration deemed it wise to hand her the accumulated pile of letters.

Every day she has to talk to a tutor who tries to convince her to admit her guilt and repent.

There are 10 more Chechen women in the colony; upon arrival all of them were told that neither good behavior nor anything else would help them to be discharged on parole or to reduce the penalty. The administrators told them that they had been instructed not to apply these possibilities of the Russian legislation "to the Chechens."

There are 150 women living in the barracks with no running water, either cold or hot. They have to fetch water by hand and warm it on stoves.

It was during a meeting with her mother in the colony that Zara told her about the tortures she had been subjected to by her interrogators to break her down. They failed—Zara had not admitted her guilt.

A supervisory appeal was lodged; today an appeal to the European Human Rights Court is being prepared.

Recently, the compliant of Zaurbek Talkhigov, the only person condemned in connection with the Nord-Ost events, to the European Court was referred to the state. He came there in response to the call of Duma Deputy Aslanbek Aslakhonov to replace the hostages. The special services used him to conduct telephone negotiations with the terrorists' Head under their constant control. He managed to convince the terrorists to set free several foreigners. His service was rewarded with eight years in prison for allegedly transferring valuable information to the fighters. The court verdict pointed out, however, that he had come to the theater without intending to take part in the crime. The correspondence with the European Court has somewhat improved his situation: he is better treated in the colony and is now living in better conditions.

We still hope to help Zara, yet who is able to return them the best years of their lives wasted in the colony?

On 21 March 2005 in Strasbourg at the Round Table Discussion of the Political Situation in the Chechen Republic organized by the PACE political committee human rights activists from Russia discussed with President of the CR Alu Alkhanov how people from Chechnya could be protected against unjustified persecutions. Later representatives of the «Memorial» HRC spoke about this in Grozny. We do hope that the Heads of the Chechen Republic will fulfill their promises (see Appendix 6).

## **IX. Abduction of Civilians in the Zone of Armed Conflict in the Northern Caucasus**

The five and a half years of the second Chechen war have taught us to take for granted abductions and disappearance of civilians in Chechnya. There were no noticeable changes to the best in the last year, too.

According to the «Memorial» HRC in 2004 310 local people lost their lives in Chechnya (120 of them were civilians). One hundred and five of them belonged to the power-wielding structures; 7, republican bureaucrats of various ranks; 43 belonged to armed Chechen units fighting the RF army and the power-wielding structures; 35 bodies were buried unidentified.

In 2004 we registered 411 cases of abductions; 189 of them were either set free by the abductors or bought out by relatives; 198 disappeared without trace; 24 bodies were found with traces of tortures and violent deaths.

Compared to the 2003 figure of 495 abductions the number of abductions decreased by about 17 percent.

The decrease may be explained by the fact that the relatives, fearing retribution, prefer not to seek help from official structures and public organizations; this leaves us ignorant of at least some of the cases. I should say that our organization covers only about 30 percent of the republic's territory with its monitoring.

In 2005 the situation did not improve to any noticeable degree: by mid-June the «Memorial» HRC registered 145 abductions of people in Chechnya; 55 of them were freed; 83 disappeared without trace; 5 bodies were found; 2 people are on remand.

The public prosecutor of the Chechen Republic reported that in the first quarter of 2005 the law-enforcement bodies received 79 applications and information about abductions of 87 people (see: ITAR-TASS; *Kommersant*, 30 April, 2005). Two different figures testify that not all concerned dare to seek protection with the authorities.

The «Memorial» HRC applies to the public prosecution structures with the well-documented cases; the authorities initiate criminal and detection cases with negligible results. The cases are suspended because “it proved impossible to find a person subject to criminal responsibility.”

According to journalist Anna Politkovskaya (“*Vsia Chechnya v krugu sem'i*,” *Novaya gazeta*, 9 June 2005) the federal forces are responsible for 10 percent of the abductions; the fighters are guilty of 5 percent, while the units under Ramzan Kadyrov, which are nominally part of the CR Ministry of the Interior as the security service of the CR President, are responsible for 85 percent. The federal center transferred control over the republic to them. People do not dare to complain against them: they know that the Ramzan Kadyrov's people being well aware of kinship ties are able to cause trouble even to distant relatives. The so-called “Chechenization” of the conflict is responsible for its dragging on; it also lays foundation for clan enmity for many years to come.

Ramzan Kadyrov's people do not hesitate to use their power over the local population to either force them to hand over leaders of illegal armed units or to force leaders to switch sides “on their own free will” by abducting their relatives.

This obviously illegal method was justified by RF Attorney General V. Ustinov who said in the State Duma on 29 October 2004: “Detention of relatives of terrorists during a terrorist act will undoubtedly help us to save many lives.”

All human rights organizations of Russia including the Human Rights Commission at the RF President protested against this statement and insisted on V. Ustinov's retirement.

The president of the Russian Federation passed this statement in silence; six months later V. Ustinov was reappointed Attorney General for the next term.

In some case abducted people reappeared in the Ministry of the Interior structures as arrested according to the law.

It is usually impossible to establish to which structure the abductors belong: when passing numerous checkpoints and militia posts they are never asked to present documents. Even if some of the militiamen have questions they are normally answered by presenting documents that seemingly relieve the cars and people inside them from document checking.

In some cases, however, it was possible to establish to which structures abductors belonged.

In June 2004 the village of Sernovodsk, the district center of the Sunzha District of Chechnya lived through a series of abductions and murders. In one case the abductors were detained for document checking; it turned out that they belonged to the militia patrolling service of the CR Ministry of the Interior.

**In small hours of 30 June 2004** Tamerlan Salsanov, born in 1977, was taken by force from his home in Sernovodsk (Nagi Asuev St, house No. 12). Armed abductors arrived in two cars without number plates; they neither identified themselves nor presented any documents to explain why they took Salsanov away and where they intended to take him.

**Thanks to prompt actions of the Head of the Sunzha district internal affairs department and the Head of the district administration the abductors were stopped when the cars were turning from the federal "Kavkaz" road to Grozny. The abductors presented document of members of the militia patrolling service and insisted that they were acting as instructed. They said that in Sernovodsk they were involved in a special operation of detaining Tamerlan Salsanov suspected of helping the fighters and funding their activities. They insisted that they had failed to inform the Sunzha district department because of possible information leaks.**

On the next day the man came back home.

The Head of the criminal department of the district militia department sent all relevant documents to the public prosecutor office, which refused to initiate a criminal case against the abductors. By way of answering an enquiry sent by RF Ombudsman Vladimir Lukin the public prosecutor office of the Chechen Republic wrote that the criminal case had not been initiated since Salsanov was brought to Grozny by militiaman, interrogated there and sent back when it turned out that he had nothing to do with the crimes incriminated to him.

Two weeks before that, **in the small hours of 16 June** unidentified armed people who wore face masks abducted in Sernovodsk Magomed Alkhazurovich Nakaev (born in 1985 who lived in Podgornaya St., No. 2), Ruman Khamzatovich Paraulidze (born in 1987, who lived in D. Bedny St., No. 42) and Aslan Vakhaevich Idigov (born in 1982, who lived in Krupskaya St., No. 34). They also killed Ayndi Vakhaevich Mazaev born in 1985. The abductors arrived in several cars without number plates. The abducted people disappeared without trace.

The local people are convinced that those who abducted their neighbors and killed Mazaev belonged to the same service.

In June 2004 Ingushetia saw a unique event: FSS people were caught red-handed when they tried to take two abducted people to the Chechen Republic. The FSS not only insisted on liberating its people—they were allowed to take the abducted to Chechnya.

**On 15 June 2004**, at about 08:00 p.m. Adam Kazbekovich Medov, born in 1980, who lived in the town of Karabulak of the RI, drove away from his home in his Zhiguli car. According to his brother Magomed he was carrying \$3800 borrowed from relatives. On that day Adam Medov never came back.

A day later, in the small hours of 17 June his brother received a phone call from Adam who said that his car had broken down. The call was cut short before his brother could ask for details.

Late on 17 June the Medov family who lived in Karabulak were informed that their son was kept in the district militia station of the RI. Several family members hastily drove there where militiamen whom they knew told them that Ingush traffic militiamen stationed at a traffic militia post next to the “Kavkaz” checkpoint had stopped two cars—a Volga and a Zhiguli. When inspecting the documents they heard a noise in the Volga boot; they opened it and found a bonded man inside who claimed to be an abducted Ingush. Meanwhile the second car hastily drove away.

The armed people in the Volga identified themselves as FSS people and claimed that the local militiamen had not right to detain them. Despite their active resistance the Ingush militiamen searched the car and found another bonded man on the floor. They were carried to the Sunzha district militia department and identified as Adam Medov (kept in the boot) and Aslan Iznaurovich Kushtonashvili.

Adam Medov’s relatives were told that when interrogated in the Sunzha district militia department Adam said that on 15 June his car had been stopped in Karabulak by armed people (four Chechens and four Russians). Kushtonashvili whom Adam had given a lift was also in the car. The two of them were taken to the FSS building in Magas where they were tortured. To prevent relatives from starting inquiries Adam was allowed to call home to tell that his car had broken down.

The militiamen allowed the relatives to bring food for Adam; then they invited his brothers Magomed and Usman to meet Adam. When the brothers entered the militia building and stopped at the staircase leading to the second floor somebody shouted from above: “No meetings. Tell them to clear off!”

The brothers were ordered out, no meeting took place.

About 11:30 p.m. militiamen told the relatives waiting outside the building that their brother was taken away. They confirmed later that Adam and Aslan had put into an “UAZ” off road car in the backyard and driven to Chechnya.

Adam’s brothers and M.D. Ozdoev, deputy of the People’s Assembly of the Republic of Ingushetia, sent inquiries to the public prosecutor office.

On 21 June 2004 deputy public prosecutor of the Sunzha District B.M. Bekov answered that Adam Medov had been detained by the FSS Administration for the CR Headed by Lieutenant-Colonel V.V. Beletsky.

On 1 July 2004 acting public prosecutor of the RI U.B. Galaev conformed this information.

On 9 July 2004 members of the Council of the «Memorial» HRC Oleg Orlov and Svetlana Gannushkina visited public prosecutor of the Sunzha District Gelani Magomed-Gereevich Merzhuev who said that on 18 June 2004 he had been invited to the Ingush post of the traffic militia next to the “Kavkaz” checkpoint where the Ingush militiamen stopped a car “GAZ-2 X-820-AH-95” that was going to Chechnya. The people in the car refused to present their documents and to explain why they detained two people from Ingushetia and obviously intended to take them to Chechnya.

G.M.-G. Merzhuev invited people from the local FSS office. Together they insisted on being shown identity documents. The abductors turned out to be officers of the FSS Administration for the CR Lieutenant-Colonel Beletsky and his subordinates Minbulatov, Shurov, and Panferov. They had documents justifying the detention of Adam Medov and Aslan Kushtonashvili. Having compiled a protocol the public prosecutor had to allow the abductors to take their victims away under pressure of the local FSS people who accompanied the Chechen colleagues to the administrative border with Chechnya. Several days later Merzhuev requested information about the fate of two people from the public prosecutor of the CR and the military prosecutor of the united armed group in the Northern Caucasus A.V. Makritsky. Merzhuev did not expect an answer.

Public prosecutor Merzhuev told us that the law-enforcement structures of Chechnya normally behaved like this in Ingushetia: they did not deem it necessary to identify themselves or to present documents to their Ingush colleagues. As a result people from Ingushetia disappear without trace somewhere in Chechnya. Even though criminal cases are initiated the chances to solve the crimes are slim. Undetected they spoil statistics of the investigative structures of the RI public prosecutor office. Once an abductor was killed in a fire exchange while another was arrested and brought to court only to be acquitted. Even if protocols on illegal actions of members of the law-enforcement structures of the CR are compiled it proves impossible to trace the offenders: such people normally carry false documents and cite false home addresses.

G.M.-G. Merzhuev proved right.

Neither Adam Medov’s relatives nor the public prosecution structures of the RI managed to obtain information about Medov and Kushtonashvili taken to the Chechen Republic.

The FSS deemed it necessary to answer the request sent by RF Ombudsman Vladimir Lukin. He was informed that neither Beletsky, nor Minbulatov, nor Shurov, nor Panferov were employed by the FSS Administration for the CR.

The above testifies that the practice of abductions is spreading to the neighboring territories, Ingushetia in the first place. Regrettably, in the last year the tendency became even more obvious.

Abuse of power in Ingushetia has nearly reached the level of such abuses in Chechnya

Here is a recent example: on **23 May 2005**, at about 06:00 a.m. Adam Alambekovich Gorchkhanov, born in 1968, who lived in the village of Plievo, Nazran District, RI, a psychiatric patient, was beaten up and taken away by a group of people clad in military uniforms who did not identify themselves to the family and did not present any documents.



According to his relatives, several "UAZ" cars, a white "Gazelle" van and an armored personnel carrier brought over forty armed people, some of them in masks. They were talking in Russian and Ingush. Adam's grandmother was in the courtyard. Several men without masks asked her where they could find the men of the family. Frightened, the elderly woman could not speak; the military demanded that she should ask those inside the house to open the door. When Adam opened the door the military that rushed inside started beating him in an effort to force him to show where he kept firearms. At the same time another group of the military was beating up his younger brother Bashir, born in 1970.

The military who were very rude conducted an unsanctioned search that they videotaped. They confiscated two photo albums and documents, including the brothers' passports. They also insisted that they had found two pistols yet there were no witnesses to confirm this. Having completed the search the military took Adam with them without informing the relatives where he would be taken.

On the same day his relatives sent written applications to the republican and district public prosecutor offices, to the FSS Administration for the Republic of Ingushetia, as well as to Attorney General of the RF Ustinov, Head of the FSS RF Patrushev, and State Duma Deputy of the RI Kozdoev.

On 24 May the relatives applied to the «Memorial» HRC office in Nazran with a request to help them locate Adam and defend his rights. They said that Adam Gorchkhanov had not been involved in criminal activities and had never left the republic.

It should be said that more than three months before that, on 9 February 2005 his cousin Adam Ibragimovich Gorchkhanov, born in 1976, disappeared. There is information that he is kept in the detention center of the Ministry of the Interior in Vladikavkaz.

The Gorchkhanov family had not been able to find any traces of their relative abducted on 23 May until on 25 May they hired a defense lawyer to present their interests.

On 26 May the lawyer established that Adam was kept in one of the detention centers in Vladikavkaz yet failed to arrange a meeting with his client who disappeared once more on the next day, 27 May.

On 29 May the lawyer found him in the Central Republican Hospital in Vladikavkaz in a very bad state. According to the militiamen Adam had jumped from the fourth floor of the building in which he was kept.

In the morning of 30 May Svetlana Gannushkina finally managed to contact by phone the intensive care unit of the Republican Hospital and speak to the doctor on duty Kokaev who said that the man had arrived with a grave closed craniocerebral injury.

Doctor Kokaev assured us of adequate treatment yet failed to say what had caused the injury. We consulted specialists in Moscow who said that Adam's state and the nature of injuries (lack of broken bones in the presence of traces of beating) were not typical for injuries caused by a fall.

We asked the public prosecutor office to supervise the case of Adam Gorchkhanov and to carefully investigate the violations of the legal procedure that caused the tragedy irrespective of whether it was caused by beatings or was an effort to escape them by committing suicide.

It was too late: on the same day, at about 02:00 p.m. Adam died; his relatives buried him on the next day in Ingushetia.

Disappearances and abductions have become daily occurrences in Ingushetia to the extent that the media normally do not pay much attention to them: they stopped creating sensations. The July rout in the village of Borozdinovskaya accompanied by burning down houses, murders and abductions of the civilians was the only exception because the local people, ethnic Daghestanis, moved over across the administrative border to Daghestan where they put up tents and demanded to return the abducted alive or dead. The details of this story that has not yet reached its conclusion are given in Appendices 7 and 8.

### **The abductors treat their victims with meaningless cruelty**

**In the small hours of 2 January 2005** Zaurbek Maskhudovich Gaziev, born in 1981, father of two small children, was taken away from his home. At about 03:00 a.m. twenty or twenty-five armed people in combat fatigues who arrived in eight or nine cars burst into his flat (Proletarskoe village, Grozny countryside district, Stroiteley St., No. 2, flat 8). They spoke the Chechen language and called the commander Mukhtar.

Upon entering the room where Zaurbek was sleeping they started firing without warning and wounded him in the shoulder. His wife who rushed to help was rudely pushed to wall by the hair. The bleeding man was interrogated for three hours while others were searching the flat, the kitchen garden and other places. The frightened children and their mother were watching; none of the neighbors and relatives was allowed to approach the house.

By 06:00 a.m. the armed people drove away together with Zaurbek Gaziev. They had failed to find weapons; it turned out that gold jewelry, clothes, the telephone and small items disappeared together with them.

About 09:00 a.m. his relatives came to the city hospital of Grozny to find out whether Zaurbek had been taken there. The reply was negative yet Zaurbek's wife recognized two men who guarded ward No. 6 of the surgery department as her night visitors. It turned out later that Gaziev had been registered as an "unidentified person" and that the doctors had been instructed not to let visitors into his ward.

As soon as the armed people realized that the relatives had learned about Zaurbek they covered him with blankets and put down on a stretcher to the first floor. The relatives who were waiting outside lifted the blanket and saw still conscious Zaurbek. They tried to take him away yet the so-called military called for help, snatched the stretcher and drove away in an unknown direction.

Later the Gazievs learned that Zaurbek was kept under guard in the Nozhay-Iurt district hospital. They drove there together with a defense lawyer yet failed to see Zaurbek. The relatives applied to the law-enforcement structures with no effect: they refused to initiate a criminal case.

### ***The practice of abductions and murders of those of the people from Chechnya who complained to the European Human Rights Court is going on***

Two years ago, on **21 May 2003**, at 04:00 a.m. Zura Bitieva, her husband Ramzan Iduev, their son Idris Iduev and Zura's brother Abubakar Bitiev were murdered in their house in the village of Kalinovskaya, Naursky District, Chechnya. Zura Bitieva was well known in the republic as an active participant in anti-war rallies

during the first Chechen campaign. When the second Chechen campaign started she was placed in the Chernokozovo filtration camp where she was treated with unspeakable cruelty. Being freed from the camp she was ill for a long time yet, having recovered, resumed her activities. In 2002 she complained to the European Human Rights Court in Strasbourg about the Russia authorities' actions.

After her murder one of her daughters supported the complaint. The pressure put on her cost her family; in 2005 she had to emigrate.

Zura Bitieva is the second of the victims we know about among those who dared to complain to the Human Rights Court.

Earlier Said-Magomed Imakaev, who lived in the Novye Atagi village, Shali District of the Chechen Republic who had applied to the European Court with accusations against the Russian military who abducted his son was taken from his house. He disappeared without a trace.

The number of victims is steadily increasing.

On **2 April 2005**, at 03:00 a.m. armed people took by force from their house in the Duba-Iurt village, Shali District, Sayd-Khuseyn Magomedovich El'murzaev and Suleiman Sayd-Khuseynovich El'murzaev, father and brother of Idris El'murzaev. Nobody knows where they were taken. Idris El'murzaev had been abducted by the military a year before; his mutilated body was discovered on 9 April 2004 (see Report-2004, pp. 93-97).

His father and brother were applicants to the European Human Rights Court. The abductors in combat fatigues arrived in three vans, they were speaking unaccented Russian.

On 8 May 2005 the body of Sayd-Khuseyn El'murzaev was found in the Sunzha river close to the place where it flows into the Argun, not far from the Il'inskaya village of the Grozny countryside district.

Nothing is known about Suleiman El'murzaev.

Their relatives are convinced that they were abducted because they had applied to the European Human Rights Court. The family is scared to the extent that they want to drop the case.

Those of the applicants to the European Human Rights Court who live outside Chechnya are also aware of pressure even if it does not assume bloody forms. People close to the applicants are beaten and intimidated in public prosecution structures. In Stavropol Territory a close friend of applicant Elena Goncharuk was attacked in the street; the attackers hinted that he should leave Elena in peace or else. The girl was frightened and psychologically wounded by the fact that her close friend abandoned her to the extent that she agreed to call back her statement. She was removed, however, from the field of attention of the law-enforcement structures and was offered asylum in one of the western countries.

She miraculously escaped death in January 2000 when civilians of the Staropromyslovsky district of Grozny were executed.

"There were six of us in a garage cellar: two Russians, two Chechens, myself, a Ukrainian and Khava, a metis. One of the soldiers ordered us to get out with our hands raised. They never checked our passports or spoke to us. Our pleas were answered with: 'Why did you remain here? You are fighters. This is not the year 1995 for you. We came here with an order to destroy everything that moves. Your city will be never restored; we shall raise it to the ground together with you.' They pushed us back and started throwing hand grenades into the cellar. Khava was wounded. We

pleaded for mercy and asked them to stop. They ordered us out once more; Liuda, Natasha and a Chechen boy got out first. I could not get out unaided—Kosum helped me. Without waiting for the two of us to get out the soldiers killed Natasha, Liuda, and the boy. All of us rushed back to the farthest corner of our cellar. They finished with Khava; Kosum pressed me against the wall and covered me with his body. After the next grenade I fainted; when I recovered I saw that Kosum's Head was smashed with his brain scattered everywhere. I was bleeding through the mouth. With difficulty I climbed up and, barefooted, reached the neighboring house of the Khashievs."

In October 2005 the European Court investigated the case of the murder of the family of Magomed Khashiev. In February 2005 the Court passed a verdict that said that it was soldiers of the Russian army who had been responsible together with the authorities and that no adequate investigation had been conducted. In the process of investigation nobody questioned Elena Goncharuk as a witness; she was insistently told to abandon her own case.

Since she never got adequate medical assistance today she can barely walk because of multiple wounds in the legs.

The first instance of *hostaging relatives of fighters* took place in March 2004 (see Report 2004, pp. 86-88) was massive detention of the relatives of Magomed Khambiev. Today this practice is widely used by Ramzan Kadyrov's units that never hesitate to take old people and children as hostages.

In February 2004 abductions of Aslan Maskhadov's relatives was widely discussed.

In the evening of **3 December 2004** local power-wielding structures abducted five relatives of Maskhadov's: his sister Buchu Alievna Abulkadyrova, born in 1937; brothers Lecha Alievich, 1936 and Lema Alievich, 1949, Maskhadovs; nephew Ikhvan Vakhaevich Magomedov, 35 year old, and a distant relative Adam Abdul-Karimovich Rashiev, 1950, an invalid.

The abductors arrived in nine or twelve cars, they were rude and never bothered to conceal that they belonged to power-wielding structures. The cars that were taking Maskhadov's sister away was stopped as they were leaving the Krasnaya turbina settlement at the checkpoint manned by the "Zapad" battalion of Said-Magomed Kakiev that belonged to the special forces of the Main Intelligence Department of the MD RF stationed on the territory of the "Transmash" plant close to the place of abduction. According to eyewitnesses the clash between members of two different power-wielding structures developed into a skirmish.

The Main Intelligence Department people were saying that nobody could take away people from the territory they controlled while the abductors argued that they were acting on Ramzan Kadyrov's command and were taking away none other than Aslan Maskhadov's sister. Having spoken over the phone to Ramzan Kadyrov the intelligence people had to obey.

On **29 December** three more Maskhadov's relatives were abducted.

His niece Khadizhat Vakhaevna Satueva, born in 1964, was taken from her home at 02:00 a.m. Barefooted she was led out of her mother's house and put into a car.

Simultaneously, her husband Usman Ramzanovich Satuev, aged 47, was taken away from his flat in Grozny.

Movlid Aguev, 35, Maskhadov's brother-in-law, who lived in the Staropromyslovsky District of Grozny in the "Avtotrest" settlement was also abducted.

On 3 February it became known what had happened to Movlid Aguev: his relatives told the «Memorial» HRC that he was kept in the detention center of the Nozhai-Iurt district militia department and was accused under Art 208 of the CC RF ("organization of an illegal armed formation or participation in it").

When on 12 January 2005 the "Memorial" HRC made public information about the circumstances that accompanied abductions by the law-enforcement bodies of eight relatives of Aslan Maskhadov's in Chechnya during December 2004 the official structures deemed it necessary to respond.

Some of the Chechen officials described this information as false. On 15 January spokesman of the Regional Operational Staff FSS Major-General Iliya Shabalkin said that he had no information about abductions and disappearances of Maskhadov's relatives and said that they were living safely in their own homes.

It proved impossible to locate the abducted through official channels yet the relatives learned that they were kept in an unofficial detention center in the Tsentoroy village (Khose-Iurt) of the Gudermes District. There is eyewitness information that it was there than an illegal prison was functioning.

Journalists investigated the case on their own (See: Irina Kuksenkova, "Gde rodstvenniki Maskhadova?" *Moskovskiy komsomolets*, 25 January 2005). It turned out that relatives of the relatives had applied to the Ministry of Internal Affairs where they were not received. Their applications were rejected on the ground that nobody dared to oppose Ramzan Kadyrov.

On 1 February 2005 there appeared information that the public prosecution structures had initiated criminal cases on the fact of abduction while the ministry of the interior structures initiated cases of retrieval.

In an interview to the "Chechenskaya respublika" information channel [www.kavkaz.strana.ru] Secretary of the Security Council of the CR Rudnik Dudaev said: "These abductions could not greatly affect the situation in the republic. Judge by yourself—Maskhadov's relatives disappeared more than a month ago yet neither he nor his closest cronies laid down arms or pleaded guilty. Those who think that the situation can be improved in this way are wrong."

In May, that is, after five months, nothing was known about the fate of Aslan Maskhadov's seven abducted relatives. On 29 April at a meeting Svetlana Gannushkina had with President of the CR Alu Alkhanov Public Prosecutor of the CR Vladimir Kravchenko suggested that they would be soon found and freed. On 5 May 2005 S. Gannushkina sent an inquiry to Kravchenko about the fate of Maskhadov's relatives.

On May 31 all seven relatives were set free; they said that they had been locked all together in a cell of 3 by 3m with no furniture. A small grilled window was up above. There had been no accusations and no interrogations—they had been taken out only for physical needs. The food had been palatable. Their prison had been found on a vast fenced-off territory teeming with armed people the majority of whom spoke the Chechen.

On 30 May a man in civilian clothes came in to say that they were free; on the same day they were allowed to take a bath for the first time in five months.

On the next day blindfolded they were taken home; later law-enforcement people came to question them.

This practice is going on. On **6 May 2005** people from an unidentified structure abducted father of field commander Dokku Umarov from his home in the state farm Argunskiy. In June there was still no information about him.

On the same day unidentified armed people in combat fatigues abducted seven-year pupil Khamadov (Khamidov), aged 13, who was taken away from his home in Novye Atagi, Shali District. Earlier this had happened to his elder brother.

It turned out later that he had been taken hostage to force his cousin to turn himself in. By late June there was no information about the boy.

**Those of the people from Chechnya who were living outside it during hostilities and therefore could not take part in them are not safe either. Having returned home IDPs run a threat of abduction even if they live in guarded PTS. The “Living Conditions and the Problem of Security of the Internally Displaced Persons in the Chechen Republic” section tells some of the tragic stories.**

*In some cases bodies of the abducted with traces of tortures are planted in places of armed clashes to be passed for killed fighters.*

In the small hours of 13 May 2005 **there was an armed clash between fighters and people belonging to all sorts of power-wielding structures, mainly to the security service of the CR president Headed by Ramzan Kadyrov. His unit lost two people killed and four wounded; the fighters managed to escape probably without losses. All efforts to locate them failed.**

**In the morning of 13 May two bodies were found.**

**By the evening of the same day they were brought to the Gudermes district militia department. Khozh-Baudi Borkhadjiev, editor of the *Gums* newspaper happened to be there at that time. He recognized one of the killed as his nephew Il'man Ramzanovich Khadisov, born in 1982, abducted in March 2005 by the Kadyrov people.**

In March 2005 uniformed people came to the Khadisovs' house in the Perekhodny pereulok in Gudermes. On seeing them Il'man ran across the kitchen garden to the house of his mother's relatives. The military refused to leave the house unless his mother gave him up. Il'man's maternal uncle Khozh-Baudi Borkhadjiev took his nephew back home and gave him up to the security service people who promised to free him after questioning. They never did this; in vain the relative tried to buy him back. The uncle saw the body of his nephew whom he had given up to his murderers.

There was no attempt at identifying the second body: it was merely buried in the Christian cemetery in the north of Gudermes.

The local people are convinced that it was the Kadyrov people who tried to pass prisoners they had kept in an illegal prison in Tsentoroy for killed fighters.

The same happened to three people abducted from the Daghestanian village of Novosaitli, Khasaviurt District. This case became widely known thanks to the media (A. Akhmednibiev, M. Shakhbanov, “Ubit dlia galochki,” *Novaya gazeta*, 26 May 2005).

**Three civilians were abducted in the Novosaitli village in November and December 2004:**

**On 16 November** Mukhtar Makhmudov, aged 45, father of seven, unemployed was taken from his home;

**On 23 December** Amirkhan Alikhanov, 1974, owner of a joiner's shop was abducted at a checkpoint outside Makhachkala;

**On 29 December** Makhach Khabibov, 1976, builder, father of two small children, was taken from the Khasaviurt market.

They all were taken by unidentified people in masks and combat fatigues.

On 28 January 2005 all federal TV channels showed how army intelligence liquidated a large fighters' base in the Nozhai-Iurt District of Chechnya. By way commenting this Ilia Shabalkin, spokesman of the Regional Operational Staff in the Northern Caucasus, said: "Six bandits were killed. The base was used to train demolition experts. The amount of explosives and hand-made charges found there were enough to make 20 explosive devices. At least 20 terrorists acts were averted. There were no losses among the special forces."

The relatives of the abducted remained ignorant of the connection between this information and their abducted relatives had not Abas Isaev, brother of Mukhtar Makhmudov, heard how Chechens from the Nozhai-Iurt District were describing the incident at the local market.

They said that on 25 January 2005 "federals" brought six barely alive people and killed them outside the Zamai-Iurt village. Then the military opened fire to imitate a skirmish. The killed were hastily buried; later the local people took the bodies out in an effort of identifying them. No relatives appeared. Several days later they were buried in the old cemetery of Zamai-Iurt. Their clothes were left in the gatehouse.

In the middle of March Isaev and other Daghestanians came to Zamai-Iurt in search of their lost relatives. Isaev identified his brother's clothes; the local people recognized Mukhtarov from his photo. His identity was confirmed by exhumation. Two other bodies with traces of tortures were identified as Amirkhan Alikhanov and Makhach Khabibov.

Sultan Bilimkhanov, Head of the Nozhai-Iurt district militia department, told the journalists that he had driven to the place as soon as reports about firing reached him. Having arrived he found out that it was members of the federal forces from Khankala and fighters of the "Vostok" battalion who had killed the people and imitated fire exchange. They arrived in a column of several armored personnel carriers and "UAZ" cars. There were no caches there: the place was too well seen from the neighboring heights occupied by the federal forces.

On 28 January S. Bilimkhanov reported to his immediate boss Ruslan Alkhanov, Minister of the Interior of the Chechen Republic, that there had been no armed clash and that innocent people had been executed there. On the same day, however, the spokesman of the Regional North Caucasian Operational Staff Ilia Shabalkin described on TV the crime as a victory over a band of fighters.

Antiterrorist struggle is nothing more than a cruel comedy made possible by an absolute absence of control of central power over the power-wielding structures.

**X. In Lieu of a Conclusion**  
**Svetlana Gannushkina's Speech in Strasbourg**  
**on 21 March 2005 at the Round Table**  
**on the Political Situation in the Chechen Republic**  
**Organized by the PACE Political Committee (abridged)**

I would like to start with commenting on what Mr. Alkhanov said about the choice the Chechen people had made; he also added that the minority had to obey the choice of the absolute majority that in a democratic way had preferred their republic to remain part of the Russian Federation. The right of the minority to defend its position and to be heard is one of the inalienable democratic principles. Any dialogue can take place only when all sides are involved and are allowed to state their positions.

I would also like to warn those present here and the future commentators of our discussion against describing the human rights activists as supporters of one of the sides. We have no political biases and we decided to take part in the Round Table because we are convinced that the answer to the questions discussed here cannot be found unless all sides recognize that the human rights in Chechnya and outside it are flagrantly violated.

Today we have to shoulder the responsibility that cannot be overestimated: the conflict has been going on for over 10 years now. It has claimed thousand of civilian lives, the lives of Russian soldiers, militiamen and of those who stand opposed to the armed forces of Russia.

The human rights organizations, the «Memorial» among them, have been doing their best to register and document all violations of the human rights and the norms of humanitarian law. It is for this reason that I can insist that, regrettably, throughout the decade of the conflict all sides have been disregarding the civilian population of the Chechen Republic. What is more, it was precisely civilians and civilian objects that were often selected as aims of attacks.

On 29 October 1999 a column of refugees was bombed; civilians of the Shatoi District were killed by special force soldiers under Captain Ul'man command (the killers were brought to court and acquitted; the Samashki village was repeatedly ruined three times; there were tortures; executions without court trials as well as the tragedies of Beslan and Nord-Ost in Moscow, and blasts in overcrowded trains. They all belong to the same chain of violence.

For the absolute majority of people in Chechnya the words “mopping-up operations” “fear” are synonymous. There is another frightening phenomenon that developed into a common thing in Chechnya and the adjacent areas. I have in mind disappearance of people. I am not talking about kidnapping by criminal structures with an aim of demanding ransom. The warring sides take people away. I shall not go into details here: we have uncontestable proof that a great share of guilt for this lies on the Russian power-wielding structures. Sometimes local people find bodies with traces of appalling tortures.

The so-called “Chechenization” of the conflict did nothing to improve the human rights situation: the process not only included attempts at setting up power structures in the republic as well as staffing the local power-wielding structures with local



people. The federal forces delegated their “right to illegal violence” to these structures.

As we know it the number of abductions and disappearances remained the same or decreased insignificantly.

This is not all. People in Russia are afraid, people are afraid of one another; urban dwellers are afraid of terrorist acts; those of the Chechens who live outside the republic find it hard to get employment or rent housing; the militia refuse them registration. In the past illegal arms and drugs were planted on them; today they are accused of terrorism.

All of us present here want violence and fear to disappear from our lives. I do hope that irrespective of our political convictions we are all driven by our desire to bring the republic back to normal; we are all working on improving the political situation in the Chechen Republic to the best.

**My colleagues and I myself are absolutely convinced that real efforts, rather than declarative statements, designed to improve the human rights situation should become the first steps toward a political settlement.** This alone can serve the basis for such settlement and for the power that the people will accept. Unless the catastrophic situation with the human rights in Chechnya is improved all other efforts will remain doomed to failure.

The main responsibility rests with Russia’s federal power. It should finally demonstrate that anti-terrorist struggle does not invite illegal violence and terrorism against civilians. No political settlement of the conflict will be possible as long as there are illegal places where detained and arrested are kept openly, as long as those who abduct people can pass freely through checkpoints, as long as the absolute majority of the crimes that give ground to suspect the military or servicemen of the Ministry of the Interior or people belonging to all sorts of security structures remain undetected, as long as generals continue protecting killers while courts acquit them and as long as anti-terrorist struggle is substituted with forged criminal cases.

**To destroy the human, ideological, and material foundation of terror we should organize a dialogue and develop it into cooperation with all forces, structures, and groups that condemn terrorism as a method and that are prepared to confront it.**

To reach significant results we should agree on certain basic ideas. In the first place we should draw a line between separatism and terrorism. The former should not be regarded as an absolutely negative idea even if we do not like the prospect of separating part of the territory from the rest of the state with an aim of creating a new independent state. The states do not accept these intentions and oppose them—this is only natural. It is important to avoid bloodshed.

There are examples of peaceful separation and division of states. Czechoslovakia was one of them: it peacefully split into two parts before our eyes. The 1996 referendum preserved Quebec as part of Canada with a minimal majority. The results are different yet there was no bloodshed.

An honest and civilized approach requires that the sides—the separatists and the acting subject of international law—should be equally interested in avoiding terror. Terror alone cannot be justified no matter who is engaged in it. Neither terrorist groups nor state terror can be acquitted.

I regret to say that in the last ten years we have seen too many examples of both in Chechnya and outside it.

At the same time, the example of Northern Ireland has shown that even if blood was spilt, even if terrorist acts did take place the conflict can and should be settled by political means. To achieve this the state should seek partners not only among the loyal figures; it should also invite all those prepared to condemn terrorism and violence to join the political process.

Unfortunately, the Chechen conflict is much crueler than that in Northern Ireland. This means that our efforts to reach a settlement should be much more intensive.

No political settlement can be found within two mutually exclusive approaches.

Under one of them the Chechen Republic had been and will remain part of Russia; this cannot be discussed; there is no such problem as its status; all those who stand opposed to the federal forces are branded as bandits, not a side in an armed conflict—they should either die or surrender and even serve the old enemy. Not only the separatists but also those who do not demonstrate enough loyalty to the authorities are excluded from the political process.

Under another approach the Chechen Republic is an independent state; the conflict should be settled at the inter-state level; the Russian troops should be withdrawn from its territory immediately after a cease-fire; all those who cooperate with Russia are branded as “national-traitors.”

Both approaches lead nowhere. What we need is a compromise.

## Appendices

## Appendix 1

### **“Chechnya Needs Genuine Autonomy”**

**Roman Berger**

**According to National Councilor (Deputy of the Swiss parliament)  
Andreas Gross Russia only looks like a strong state. In fact it is weak its  
weakness betrayed by the deficit of power in Chechnya.**

*It is for ten years now that Chechnya has been living amid chaos and destruction where violence rules. Have you any idea of how to bring peace there?*

Since the time Russia conquered the Chechens some 200 years ago they have always had problems with Russia. They were deeply wounded by the deportation under Stalin and, of course, by two wars in the post-Soviet period. It seems that a genuine autonomy inside the Russian Federation is the only answer yet successful autonomies are possible only in genuinely democratic states ruled by law where people trust the state and where power is not tied to certain persons.

Southern Tyrol, the Aland Island and Greenland are the best examples of smoothly functioning autonomies in Europe. During fifteen years that has elapsed since the collapse of the old regime Russia is still living in the post-totalitarian period. A nuclear power and a permanent UN Security Council member Russia is a strong state on the international arena yet at home it is a weak state in which the simplest of democratic institutes cannot function; it still has no independent legislative structures and no division of powers.

*It is for two years that you have been serving as a Council of Europe observer in Chechnya. With whom do you work in Moscow and what sides of the process can you influence?*

I was amazed to discover that there are few people in the government to be involved in the Chechen problem. These few do not know to whom they can turn for help if something should be done. President Putin is the only exception yet he has many other problems too.

I mainly contact Konstantin Kosachev, chairman of the Duma foreign policy committee and chairman of the Russian delegation to the Council of Europe. When cooperating with this courageous diplomat with impeccable reputation I do my best to use all the fairly limited possibilities offered by the Council of Europe. Since we work together we should always seek Russia's agreement. This is both the strong and weak side of the Council of Europe. As one of its members Russia feels itself at home in it yet it also can slow down or block certain processes.

*It is all-important what people in the Kremlin think. President Putin often speaks about a political solution of the Chechen problem. Do you think he really wants it?*

I will be able to answer this question only after a meeting with President Putin, which I have been trying to organize since August 2004. I have also realized that I should first learn what he understands by politics. We understand politics as mutual

understanding and agreements rather than insisting on one's own line. I spoke to CE Human Rights Commissar Alvaro Hil-Robles who had recently handed in a report full of criticism to Putin. The Russian President assured him that he treated this criticism seriously.

***The fact remains: there are still several scores of thousands of federal troops stationed in Chechnya, while according to independent observers violations of human rights are daily occurrence there.***

Strange as it may seem Russia's positions in Chechnya today are much weaker than five or three years ago. Real power there belongs to a private terrorist bandit group Headed by son of President Kadyrov assassinated in April 2004. Formally, Kadyrov junior is a vice premier yet his relations with President of Chechnya Alu Alkhanov are strained. Kadyrov uses cruel methods to conscript new men to his structures. Under his orders relatives of rebels are abducted to force rebels join Kadyrov's army. Some of them curb to the pressure.

For this reason the situation in Chechnya is far from stable: everybody fears each other. The Kremlin does not feel strong enough to rout Kadyrov's army, which is 4500-strong.

***It was only a year ago that President Putin received Kadyrov junior in the Kremlin and awarded him an order.***

Today, Putin has probably realized that his stake on Kadyrov junior was a mistake, yet nobody talks about weaknesses and mistakes in Moscow. Every time I tried to raise the issue somebody tried to downplay it. Nobody can openly talk about problems and weak spots which make it harder to correct them.

***Is it possible for Chechnya to become an autonomous republic if under Putin Russia will certainly become a centralized state?***

Independence of the federation subjects is encroached upon still the Kremlin is absolutely aware that to solve the Chechen problem Chechnya should get certain autonomy. The extent of this autonomy should be agreed upon. It is over this that Moscow is waging fierce discussions even with the pro-Russian government in Grozny.

Moscow wants to keep Chechnya yet it refuses the nation its own home where it can be comfortable. Russia should learn to treat Chechnya in a different way but Putin as a post-totalitarian ruler does not know how to handle such society.

***How can you assess the frame of mind of the Chechen population? Is it ready for autonomy?***

About 5 percent supports terrorist Basaev who is responsible for Beslan. They cannot be regarded as partners in resolving the problem through autonomy. They should be called to account.

About 10 to 20 percent of the local population wants to solve the problem through talks. This was what the first president of Chechnya Aslan Maskhadov killed early this year had tried to accomplish. I have contacts with this group through Akhmed Zakaev who received political asylum in London. He has agreed to the conditions formulated by the Council of Europe: rejection of terror, autonomy inside Russia, that in future may develop into complete independence.

The rest 70 percent is merely tired of violence.

***Moscow is waging “counterterrorist struggle” in Chechnya in its own way. The United States and the leading EU countries have accepted this. For them the Chechen issue is closed. In this case should Putin listen to their advice?***

The events in Chechnya are indirectly related to international terror. As distinct from the EU, the Council of Europe is not an alien structure for Putin. While remaining its member Russia feels as part of the “European home” (M. Gorbachev). In this way the Council of Europe differs from the EU, the UN or the OSCE where Russia feels itself a stranger.

The fact that certain European leaders call themselves “Putin’s friends” should not be taken to mean that the Chechen issue has been pushed to the backburner. The situation is a complex one: five leading European politicians are interested only in Russian oil and gas—they prefer to turn a blind eye to violence in Chechnya. Meanwhile they should explain to the Kremlin that the protracted conflict in Chechnya cripples Russian society.

Today Russia is suffering of the “Chechen syndrome,” by which I mean that violence is spreading and society becomes criminalized. The United States lived through a similar situation after Vietnam. Chechen terror has engulfed the entire region and reached Moscow.

Today, the borders between Europe and Russia are vague. There are heartless terrorists in many large European cities ready to go at all lengths—up to taking children as hostages like this happened in Beslan. The wave of terror rises during elections in Chechnya. Chechen terror may start a conflagration in Europe yet our politicians fail to realize this.

Inopress, 6 February 2005

[<http://www.inopressa.ru/print/tagesanzeiger/2005/06/02>]

## Appendix 2

### Regional public organisation

#### «INDEPENDENT COUNCIL OF LEGAL EXPERTISE»

---

103045 Moscow, Bolshoy Golovin per. 22, building 1, office 1 Tel./fax: (095)207-87-88

e-mail: cile@rc.msu.ru

### EXPERT REPORT

As is demonstrated by the existing materials Order No. 870 ДСП of the Minister of the Interior of the Russian Federation of 10 September 2002 enacted the Instruction on Planning and Training Forces and Means of the Structures of the Ministry of the Interior and the RF Internal Troops for Actions in Emergency.

Having studied the above documents and other enactments while monitoring how the authorities fulfill the laws of the Russian Federation,

having in mind the rights that belong to public organizations and their members under Part 4 Art 29, Part 1 Art 32, Part 1 Art 30, and Art 33 of the Constitution of the Russian Federation

I have the honor of offering the following expert report.

#### **1. On the Instruction's Legal Meaning**

According to Para 6 of Point 12 of the Statute of the Ministry of the Interior of the Russian Federation (approved by Decree No. 927 of the President of the Russian Federation of 19 July 2004) the minister "issues normative legal acts of the Ministry of the Interior of Russia." In the process he is duty bound to guide himself by the Constitution of the Russian Federation and the country's laws (Point 4 of the Statute). By their legal nature the discussed Order of the Minister of the Interior and the Instruction applied to it are legal enactments issued by an executive structure and related to its competence by the Head of state (Points 3 and 8 of the Statute). The content of these documents considerably infringes on the rights and freedoms of the citizens of the Russian Federation.

The Constitution of the Russian Federation, the federal laws, decrees of the President of the Russian Federation place certain demands on departmental enactments that predetermine the legal field of their application.

*First*, "The human rights and freedoms of the citizen can be limited by a federal law" not by enactments (Part 3 Art 55 of the Constitution of the Russian Federation). From this it follows that limitation of human rights and freedoms in any way including by extending the range of circumstances in which such limitations are allowed for the purposes envisaged by the Constitution can be introduced by departmental enactments in full conformity with the norms of the federal laws. Meanwhile, the document's author has extended limitations of citizens' rights to "special conditions" (Para3.5)<sup>4</sup> and "emergency" (Para 3.1)<sup>5</sup> vaguely described as

---

<sup>4</sup> "3.5. The situation that emerged as a result of emergency conditions, the state of emergency, appearance of subversive-reconnaissance or terrorist groups on the controlled territory and their activity as well as the threat of use or use of weapons of mass destruction by them... are described as special conditions."

<sup>5</sup> "3.1. The events that took place in the social and technogenic spheres and natural environment, the processes and phenomena that considerably affect the life of people, society, and the state and that call for special measures to protect the living environment, health, citizens' rights and freedoms, material and other values

“events that took place in the social, technogenic and natural environment, processes and phenomena that considerably affect the life of people, society, and the state and that call for special measures...”

When giving this definition of emergency the Minister of the Interior of Russia has ignored the legal description of emergency offered by Para 2 Point 4 Art 38 of the Federal Law of 28 March 1998 “On Military Duty and Military Service.” Instead of offering an exact description of the events identified as emergency (“liquidation of effects of natural calamities, carrying out measures of the state of emergency”) the ministry has offered an arbitrary description, which means that such circumstances are “events...that call for special measures.” Logically, this definition is a sophistry: special measures are needed when events call for special measures.

No laws on law-enforcement and antiterrorist activities operate with the notion of “special conditions.”

... From this it follows that from the very beginning the Instruction considerably departs from active legislation and, therefore, creates prerequisites for large-scale arbitrary human rights violations.

**Second**, “any enactments related to the rights, freedoms and duties of man and citizen cannot be applied if not officially published for general information” (Part 3 Art 15 of the Constitution of the Russian Federation). According to Decree No. 763 of the President of the Russian Federation of 23 May 1996 “On the Order of Publishing and Enacting the Acts of the President of the Russian Federation, the Government of the Russian Federation and Subordinate Legislation of the Federal Executive Structures” all of them, except the classified ones “should be officially published” (Point 8 of the Decree). “Subordinate legislation of the federal executive structures, with the exception of acts or their parts that contain classified or confidential information that either are not officially registered or registered but not published in the way required by law do not entail legal consequences and cannot be used to regulate the corresponding legal relationships or apply sanctions to citizens... These acts cannot be referred to in dispute settlement” (Point 10 of the Decree). One of the services of the Ministry of Justice of Russia was entrusted with the duty of official registration of the departmental enactments.

**Third**, only those of the acts that contain state secrets can be classified. Information related to the rights, freedoms, and duties of citizens as well as “of activities of the structures of state power” (Part 3 Art 10 of the Federal Law of 20 February 1995 “On Information, Informatization and Information Protection”) cannot be described as confidential and classed as information with limited access. “There are three degrees of classified information related to state secrets and corresponding ‘Classified’ degrees for documents: ‘Special Importance,’ ‘Top Secret,’ and ‘Secret’ (Art 8 of the Law of the Russian Federation of 21 July 1993 “On State Secrets.”) In our case the Minister of the Interior used the obsolete term “Restricted.” It does not entail any legal consequences and cannot be used to explain the fact of concealing the Order and the Instruction from the public.

In view of the above the Order of the Minister of the Interior and its appendices, the Instruction included, have no legal power and cannot be used as not registered and not published in the required way.

---

against destruction, breakages, stealing and to restore normal functioning of objects of life-support system are described as emergency.”



## **2. On preparations for large-scale infringements on the rights of citizens to freedom and personal safety**

Under Part 1 Art 22 of the Constitution of the Russian Federation “each person has the right to freedom and security.” “Personal dignity is protected by the state. Nothing can justify its impairment” (Part 1 Art 21 of the Constitution of the Russian Federation). The former of these civil rights can be limited by law in the state of emergency while the latter cannot be limited under any conditions (Part 3 Art 56 of the Constitution of the Russian Federation).

Points 24<sup>6</sup>, 33, 34, and 40 of the Instruction mention “filtration points.” The document fails to explain the meaning of the term yet its context suggests that this refers to improvised detention centers where prisoners are kept in violation of corresponding laws, intimidated, subjected to tortures and degrading treatment and in general are kept in inhuman conditions.

The laws of the Russian Federation do not envisage “filtration points” even in emergencies, under martial law or for the purposes of antiterrorist struggle (see: The Federal Constitutional Law of 30 May 2001 “On the State of Emergency,” the Federal Constitutional Law of 30 January 2000 “On Martial Law,” the Federal Law of 25 July 1998 “On Fighting Terrorism.” Under Art 7 of the Federal Law of 15 July 1995 “On Detention of Suspected and Accused of Committing Crimes” only the investigatory isolation wards and isolation wards of temporal detention are described as detention places; correctional labor colonies, prisons, and guardhouses are used in exceptional cases.

Setting up improvised detention places under a departmental enactment not only flagrantly violates federal laws but also creates prerequisites for large-scale violations of the constitutional rights of the citizens of Russia, which makes the Russian Federation potentially vulnerable in the face of international organizations, such as the U.N. Human Rights Committee and the European Human Rights Court in particular.

### **3. On Possible Violation of the Right to Life**

The Instruction written in a clumsy official language that has nothing to do with the language used in legal documents was badly edited either deliberately or otherwise. This preserved in its text ambiguous and dangerous clauses that make possible extensive interpretations in the most acute situations. Such is Point 36 of the Instruction.

It is introduced in a relatively legally correct way: “Two variants should be used to calculate the numerical strength of a group created to liquidate bands: either the bandits should be liquidated in places of their living or in places of their gathering.” It is legally incorrect to describe the suspected as bandits in violation of the presumption of innocence (Part 1 Art 49 of the Constitution of the Russian Federation). This can be possibly permitted in an order addressed to the officers of the internal affairs structures who will probably risk their lives when detaining armed people. Further, the Instruction says about “planning of actions designed to liquidate bandits in places of their gathering.”<sup>7</sup> In this way the author of the Instruction orientates the officers involved in an operation on extrajudicial executions rather than on detention. Meanwhile man’s constitutional right to life should not be limited under any

---

<sup>6</sup> “24. ... To carry out investigative measures several groups are set up: a documentary group, an investigative group, a group manning filtration points, and a group responsible for security.”

<sup>7</sup> “When planning actions to liquidate bandits in the places of their gathering the following groups will be set up: operational, special operational, operational-retrieval...”

circumstances (Part 1 Art 20, Part 3 Art 56 of the Constitution of the Russian Federation).

The use of firearms by the officers of the law-enforcement bodies is strictly regulated and is allowed only for the purposes envisaged by the law (See, for example, Art 15 of the Law of the Russian Federation of 18 April 1991 “On the Militia,” Arts 25 and 28 of the Federal Law of 6 February 1997 “On the Internal Forces of the Ministry of the Interior of the Russian Federation.”) None of the laws envisages the use of firearms to “liquidate bandits in places of their gathering.” Under the law before using special means and firearms “the militiaman should warn about his intention to use such means and firearms in advance to give enough time to obey to his demands with the exception of cases when delays to use special means or firearms directly threatens health and lives of citizens...” (Part 3 Art 12 of the Law of 18 August 1991 and Part 3 Art 25 of the Federal Law of 6 February 1997). “Firearms, fighting and special equipment are used without warning to rebuff attacks of armed people” (Part 2 Art 28 of the Federal Law of 6 February 1997).

In fact the document’s author has appropriated and delegated to the militiamen the right to determine the guilt and to decide on the life and death issue that belongs to court.<sup>8</sup> This contradicts the principle of the division of powers (Art 10 of the Constitution of the Russian Federation). The norm of Point 36 of the Instruction should be urgently corrected.

The above suggests the following *conclusion*:

Order No. 870 ДСП of the Minister of the Internal Affairs of the Russian Federation of 10 September 2002 and the Instruction on Planning and Preparing Forces and Means of the Structures of Internal Affairs and Internal Troops of the Ministry of the Interior of Russia for Actions in Emergency approved by the minister are illegal, they have no legal force as being unregistered and unpublished according to the Russian laws. These documents impair, to a great extent, the rule of law and legal order in the Russian Federation and create prerequisites for large-scale violations of the key constitutional rights of citizens.

It is expedient to apply to the President of the Russian Federation as the guarantor of the Constitution of the Russian Federation, human rights and freedoms of man and citizen (Part 2 Art 80 of the Constitution of the Russian Federation) whose duty is to “guide activities of the Ministry of the Interior of Russia” (Point 1 of the Statute of the Ministry of the Internal Affairs of the Russian Federation approved by Decree No. 927 of the President of the Russian Federation of 19 June 2004) with a request to annul these departmental enactments.

**14 June 2005**  
**Member of the Independent Council of Legal Experts,**  
**Candidate of Law,**  
**Professor of the department of criminal legal disciplines,**  
**Moscow Institute of Economics, Politics and Law,**  
**Merited Lawyer of the RSFSR**  
**S.A. Pashin**

---

<sup>8</sup> It should be said that by operation of Decision No. 3-п of the Constitutional Court of the Russian Federation of 2 February 1999 the courts of the Russian Federation cannot use death penalty by way of punishment at least until 1 January 2007, that is, until jury trials are introduced across the country.

## Appendix 3

**To the «Memorial» HRC  
From Khamzatova Malika Khusainovna  
Itum-Kali District, Zumsoy village  
Masaeva St., 12**

### Application

On 14 January 2005 our village Zumsoy was bombed by two aircrafts, followed by helicopters that while shelling us with missiles and firing at the village from machineguns landed a group of the military not far from our house. Afraid for my life and the lives of my children (the first bombs had been dropped near my house and partly ruined it) I ran, together with children to the house of my neighbor Ibragim Bapaev. My husband and son Atabi had stayed behind to look after the cattle. Later they joined us. Still later, in the afternoon I together with one of the sons went home to bring back the cows and the poultry. I found my home in disorder: everything was turned upside down, broken or plundered. Having ascended to the outhouse I saw a group of the military with my belongings; some of them were in combat fatigues, others in white camouflage robes. Afraid I asked them from a distance whether I was allowed to bring back the cattle. Without uttering a word they worked blocks of their machineguns and aimed them at me. Everything was clear—I had to go back to the Bapaevs'. While going down I saw how the military detained Shirvani Shakhidovich Nasipov who was going up to his house. All of a sudden they appeared in front of him and took him up the hill where the military from the helicopter stationed themselves. On coming home I described this to my neighbors. We spent the night at the Bapaevs' house, separated by 500 meters from our house.

On the next day, 15 January 2005 helicopters returned to deliver more blows. At about 11:00 a.m. about ten military with machineguns, dressed in combat fatigues, some of them without masks and with bandanas on their Heads burst into the Bapaevs' house. Speaking unaccented Russian and swearing all the time they drove out all of us, including Ibragim Bapaev's old sick mother. Without bothering themselves with explanations and without asking for any documents searched the house. Having finished, they announced that all men would be taken away for further checking. I tried to protect my 16-year-old son Atabi only to learn that the military were ordered to take all men from 13 up. They took away my husband Vakha Makhmudovich Mukhaev, 1955, my son Atabi Vakhaevich Mukhaev, 1988, and Magomed-Emin Khabilovich Ibishev, 1955, who spent the night in the Bapaevs' house where he had arrived after the Friday prayer being afraid of going back home after what I had told him about Nasipov. We spent two next days waiting for our men to return. On 16 January there was another air raid after which we found numerous splinters some of them with numbers.

On 17 January 2005 I went to the Itum-Kali district administration to enquire about my men; there I lodged applications to the commandants of the Itum-Kali District, the public prosecutor of border guards, the district administration Head as well as the Head of the district militia department I. Khadisov. On 29 January the military returned to stay till 2 February. They took away all our remaining belongings,

including agricultural implements, objects of everyday use, turkeys, chicken; they also slain several horses that belonged to our neighbors. Here is a list of stolen things:

1. Documents: five passports, two birth certificates, labor records, deposit book with 5,000 rubles on our account;
2. Photographs;
3. 250,000 rubles received as compensation for ruined housing;
4. LG TV set that cost 9700 rubles;
5. Video player that cost 3000 rubles;
6. Gold jewelry: three rings, two chains, two bracelets, a set of earrings and a ring to the total sum of 4500 rubles;
7. Clothes and bedding to the total sum of 40,000 rubles;
8. Two slaughtered horses (30,000 rubles);
9. Thirteen slaughtered turkeys (1500 rubles);
10. Twenty-six slaughtered chickens (3,900 rubles);
11. Two petrol saws (1,500 rubles);
12. Autonomous power supply source (5500 rubles).

When the military left we found a report compiled by reconnaissance officer Khudakov about his actions in Zumsoy. Despite my applications to all power and law-enforcement bodies a criminal case had not yet been instituted. The military prosecution office replied that the guilt of the military had not been established while the public prosecutor office refused to initiate a criminal case on the ground that it was a duty of the military prosecutor.

Here is a reply to our enquiry to the Itum-Kali district militia department to confirm our information that it was federal forces that had been involved in what happened in our village. It says that between 13 and 17 January 2005 special units of the federal forces and the military of the military commandant office of the Itum-Kali District were engaged in a special operation in the mountains around Zumsoy and Bugaroy.

I ask you to help me find out what happened by my husband V. Mukhaev and son A. Mukhaev taken away by forces from our home.

Please find enclosed my correspondence with state structures.

**Khamzatova**  
**8 May 2005**

## Appendix 4



Program of the "Memorial"  
Human Rights Center  
Supported by UNHCR  
Ford Foundation  
Mott Foundation  
European Commission

### **"Migration Rights" Network** ***A network of legal consultation offices for refugees and forced migrants***

Dolgorukovskaya str. 33, building 6  
Tel.: 095 273-54-74, 095 200-65-06;  
Fax: 095 917-89-61  
E-mail: [sgannush@mtu-net.ru](mailto:sgannush@mtu-net.ru),  
[lcrmoscow@mtu-net.ru](mailto:lcrmoscow@mtu-net.ru);  
Web-site: [www.refugee.memo.ru](http://www.refugee.memo.ru)

*Moscow*

*17 June 2005*

#### **To the migration office of the town of N.**

Dear Sirs,

In relation to your inquiry I can say the following.

Decision No. 713 of the RF Government of 17 June 1996 established that all citizens arriving for temporal residence in places that are not their permanent addresses for a period of over 10 days should within 3 days apply to corresponding officials (housing estate, hotel, etc. administrations) for registration. The officials should legalize their papers in three days and transfer them to the structures of the ministry of the interior that, in turn, are duty bound to legalize the papers and hand the registration document to the applicant after they paid for the municipal services for the entire term of their residence.

In this way the citizen had to spend nine days to become registered and visit at least three offices, a bank included. In Moscow all temporal residents are required to present themselves to the district militia officer who is expected to authenticate their documents. There are cases when they instead of authenticating the documents according to the rules refuse to authenticate them or even write down "refused" on them.

Under Decision No. 826 of the RF Government of 22 December 2004 citizens of Russia and Ukraine may stay in Russia for 90 days without registration.

Neither this law nor enactments speak of any reasons for which an applicant can be denied registration, yet people are frequently denied registration or are registered for shorter periods than those they applied for. The Chechens, who are Russian citizens, have to register immediately upon arrival; they are never registered for long periods; every time they apply for prolonged registration are fingerprinted and photographed. District militia officers are instructed to regularly inspect the places where Chechens live; they are rude to Chechens and to owners of the rented dwellings who being scared often refuse to rent their housing to the Chechens.

Without registration the people from Chechnya cannot realize their social rights, they are humiliated and become victims of extortions by the militia. Many of them have no choice but to go back to Chechnya which is not a safe place to live in.

To answer the questions about specific cases described in our annual reports “On the Situation of People from Chechnya in Russia” I questioned our employees working in corresponding regions, studied information of the database that sums up applications to the «Migration Rights» Network. My answers to each question follow.

***1. How much time has elapsed between the application to the court and registration of the Gaytarov family in Tambov (Report-2002)?***

In September 2000 the Gaytarovs who had arrived to the Tambov Region from Chechnya applied to the Network office for help. Three of its members had been killed in Chechnya by artillery fire: the eldest family member Imran Gaytarov, his son Akhmed and his small grandson. The migration service of Tambov refused to accommodate the family members together and suggested that they should live separately even though the family had been officially sent to Tambov. To avoid a court case the family was not given a written refusal and had to live in the CTA without registration.

They managed to complain to the court only on 15 October 2000. Until December not a single hearing was held. The family was registered in Tambov in January 2001 only after an interference of a well-know Moscow journalist; the case, however, never reached the court.

After that the family applied to our lawyer for help several times —last time this happened in the spring of 2005. Their registration expired on 30 March 2005; on 26 April 2005 having failed to extent it Raissa Atsievna Murtazova, the family Head, acting in the name of her small children and her adult son Iu.A. Gaytarov went to court. The sittings took place on 11 and 12 March 2005; their claim was allowed. The migration structures lodged an appeal that would be considered on 27 June. Today, the family still lacks registration.

***2. How much time elapsed between the first meeting of Ms. Birlan Alvieva Nogamurzaeva (Report-2002) with a Network lawyer and the family's registration in St. Petersburg?***

Nogamurzaeva first came to the Network Petersburg office on 2 June 2000 to complain about refusal to register her in the place of temporal residence. She had left Chechnya in November 1999 and was living by the address Krasnoe selo, Gvardeyskaya St., 19/3, flat 28 without registration. Her children lacked the necessary documents while two of them had no birth certificates. Our lawyer explained to her that she could obtain registration for any period agreed upon with the flat owner.

On 14 September 2000 she reappeared in our office to say that her registration request had been declined despite our written request to register her.

Fearing persecution Nogamurzaseva did not go court to complain. In December 2000 the family was registered by another address where it was not living.

In January 2001 she came again with a different problem: her request for the forced migrant status had been declined. We helped her write an application to the migration structure; the application and the relevant documents were accepted yet the status was not granted.

Later, in 2003 Nogamurzaeva came again to seek help. It turn out that she had obtained permanent registration in St. Petersburg by entering into a rent agreement with an old man whom she pledged to support and look after while he promised to bequeath his flat to her.

Instigated by his relatives the old man applied to court to annul the agreement because of “failure to adequately execute the contract.” The relatives obtained a letter of authority from him and were acting in his name.

The Dzerzhinsky District Court of St. Petersburg annulled the contract and registration of Nogamurzaeva and her five children. Our lawyers helped her compile an application for inviting a custody structure in the interests of her children. She lost the case.

Today we have no contacts with the family.

***3. How much time has elapsed in case of student Madina Intisheva (Report-2003) between interference of Duma Deputy Viacheslav Igrunov and her renewed registration in Moscow?***

She first came to the «Civic Assistance» Committee (the lead agency of the Network’s Moscow legal aid office) on 25 December 2002 because she had failed to extend her registration. On 10 December 2003 Deputy Igrunov sent an enquiry about the refusal to extend registration. The reply that said that the registration would be extended came on 22 January. Several days later Madina received a new registration document.

***4. Did Mr. Zelimkhan Zulaev (Report-2004) managed to receive registration after he was detained by the militia and how much time elapsed before Duma Deputy Igrunov’s interference and registration?***

The Zulaevs applied to us on 6 August 2003; on 8 August the deputy sent his enquiry to the Main Administration of Internal Affairs of Moscow. The reply dated 25 August was mailed a month later. It said that the decision would be passed if the applicants submit all necessary documents; the letter, however, failed to specify which documents were needed.

After the Zulaevs’ repeated application on 1 October 2003 we sent another enquiry to the Ministry of the Interior together with 13 pages of correspondence with the city authorities. The answer that came on 27 October allowed the family to register for 6 months. On 18 November 2003 the deputy sent another enquiry to the ministry to find out what the ministry meant by its “permission to register” since registration could not be banned and why the term was limited by six rather than 12 months as the applicants demanded. Finally, early in 2004 the family was registered.

Soon after that Zelimkhan married a foreigner and left Russia.

***5. How much time elapsed between interference of the «Civic Assistance» Committee in case of Ms. Luiza Kaurukaeva (Report-2004) and her registration for 6 months?***

We sent our request on 25 February 2004 and received a reply on 29 March, which said that she had already been registered. In 2005 we had to send another request to prolong her registration.

Here are several recent registration adventures of people from Chechnya in cities of RF.

**1. The Mukhadiev brothers**

It was since 2003 that we have been following the story of the Mukhadiev brothers (see: Report-2004, pp. 64-66). The family that fled from the war rented a room in the town of Elektrogorsk, Moscow Region, and was temporarily registered

there. In 2003 the local internal affairs department refused to extend their registration. In July 2003 two family members—brothers Akhmed and Ramzan—were falsely charged with possession of arms, sentenced to a term in prison equal to the term of their preliminary detention and freed in court (See: Report-2004).

Being freed, they remained in the same town by the same address and continued selling agricultural products their relatives grew in the Stavropol Territory. They never lied about their occupation and the address of their parents and other relatives. In the spring of 2004 the Mukhadievs asked us to help them extend their registration. Duma deputy Igrunov could not help since his term as a deputy was expiring and he was not elected to the new Duma.

In September 2004 Akhmed and Bislan had to turn to the «Civic Assistance» Committee once more: they came to tell us about their fears. They felt that they would be falsely accused once more.

Their fears were based on what one of their acquaintances, a taxi driver told them: he had been detained and brought to a militia station where members of the law-enforcement bodies, probably of the FSS, tried to persuade him to defame the brothers by accusing them of buying and selling weapons.

Other neighbors told them that local militiamen tried to put pressure on them by calling them to the local militia station to ask about the brothers' behavior and movements, to force the neighbors to spy on them, and to supply compromising information about them. They were all forced to sign fabricated protocols. Six of the neighbors wrote applications to Chairperson of the «Civic Assistance» Committee Svetlana Gannushkina in which they described all the instances of pressure and unjustified aggressiveness of the militiamen who had come to the Mukhadievs' flat.

Two of the neighbors, P.A. Khotlubey and R.S. Merenkov, saw with their own eyes how militiamen who arrived in a car started knocking at the door of the brothers' flat with their feet. They shouted "Open the door!" and short of knocked the door out. They looked more like bandits than members of law-enforcement bodies.

The brothers' neighbor S.E. Vasiliev tried to register them temporarily in his lodgings yet L.M. Ereemeeva who Headed the passport department flatly refused to do this without any explanations.

The «Civic Assistance» Committee applied to the FSS RF and the Ministry of the Interior with a request (accompanied by copies of the neighbors' letters) to stop persecution and register the brothers. All of those who had applied to the «Civic Assistance» Committee were called to the district public prosecutor office where they were asked how they learned about the committee, how much they got from the Chechens and why they defended non-Russian people. Deputy district public prosecutor Zaykin tried to intimidate the neighbors and threatened to initiate criminal cases against them. It should be said to their credit that the brothers' friends were not easily scared.

Finally, on 23 February 2005 O.P. Orlov and S.A. Gannushkina, members of the Human Rights Council at the RF President came to Elektrogorsk to meet the public prosecutor of the Pavlovo-Posad District A.V. Kirsanov who had earlier described his position over the phone as: "I am convinced that the Chechens should live in the mountains." He obviously sided with the majority while his knowledge of geography was obviously poor. After two hours, however, he admitted that everybody was equal before the law. Two weeks later the brothers were registered.



## **2. Khava Torshkhoeva**

Khava Sultanovna Torshkhoeva born in Grozny has been working the «Civic Assistance» Committee for four years now. Every year she has to be registered in the family of Liudmila Gendel, deputy Head of our organization. On 4 February 2005 she came to the housing estate administration with a request to extend her registration for 12 months. The officials refused to do this and offered a 6-month long extension on the ground that the agreement on free use of lodgings should be registered with a notary if she wanted to be registered for 12 months. In fact no law requires this.

She did not object—she merely changed the registration period in her application and brought it to the district militia officer for authentication. After that she had to be fingerprinted in the “Filevsky Park” militia station where she was checked against the “Wanted” list and found not be registered in it. Finally, she had to take the last hurdle—an interview with the Head of the passport and visa department E.Iu. Aliasov. It took him little time to write on her application: “Should be refused as not being a close relative of the flat owner and as having no contract on renting the flat.” In fact the contract was on his desk while the requirement of kinship was rooted in the Soviet past and had been removed from all legal documents long ago.

Torshkhoeva had to ask us for help. Luidmila Gendel spoke to E. Aliasov on the phone, he refused to listen to her arguments and even tried to scare her by saying that Torshkhoeva might take the flat from her.

The militia boss exhausted the entire set of pressure methods applied to flat owners and “unwanted guests”: unmotivated refusal and scaring the flat owner. More often than not this works.

Luimila Gendel had to call deputy Head of the Moscow Passport & Visa Administration Iu.A. Moiseev to arrange a meeting with him. He received Torshkhoeva and wrote on her application: “Should be registered for the term agreed with the flat owner.”

Torshkhoeva altered her application accordingly, repeated the round once more and arrived to the militia station. E.Iu. Aliasov signed the application on 18 February 2005; district militia officer D.V. Sergeev, however, told Torshkhoeva that he was expected to fine her 2500 rubles (nearly \$100) but he would not do this because he was kind. It took Torshkhoeva over 2 weeks instead of 3 days required by law to be registered. She could not work because she had to spend time in offices. If her employers failed to sympathize with her she might have lost her job.

This explains why not all people from Chechnya are able to obtain registration.

The process requires staunchness demonstrated by Torshkhoeva and the Mukhadievs and the flat owners as well as our support.

**Chairperson of the «Civic Assistance» Committee  
Head of the «Migration Rights» Network  
Member of the Human Rights Council at the RF President  
Svetlana Gannushkina**



## Appendix 5

President of Chechnya requests the law-enforcement bodies to revise the sentences passed in relation to the Chechens accused of illegal possession of drugs and weapons

Grozny, 6 April. INTERFAX—**President of the Chechen Republic Alu Alkhanov intends to request the law-enforcement bodies of Russia to revise all criminal cases instituted in relation to people from Chechnya sentenced for illegal possession of weapons and drugs**

**On Wednesday when talking to journalists in Grozny Alu Alkhanov reminded: “Today the judiciary structures are investigating the criminal cases against militiamen, top officials included, who planted weapons, drugs and explosives on law-abiding citizens who as a result were sent to prisons.”**

Because of this, continued the president, “I am convinced that we should insist on a detailed revision of all cases in which the Chechens detained in cities of Russia precisely on this ground and sent to prison were involved.”

He went on to say “it is an open secret that for several years Chechens were victims of fabricated cases in Moscow and some other cities; they had to stitch up all pockets so as to prevent militiamen from planting drugs and explosives on them.”

He expressed his conviction that his request will be accepted and that “all cases of people from Chechnya sentenced for illegal possession of drugs and weapons will be revised even if not promptly.”

It was for the first time that the president of Chechnya thanked human rights organizations.

“I am sincerely grateful to Ms Gannushkina [council member of «Memorial» HRC.—*IF*] who being a Russian woman is doing much more than anybody else to protect the rights of the Chechens and people from Chechnya,” said Alu Alkhanov and added that had already thanked Svetlana Gannushkina personally.

“I am absolutely convinced,” said he, “that officials and human rights organizations should insist that no a single person will be brought to court for the crimes he did not commit. Only then people will trust us and help us in our struggle against terrorism and banditry.”

## Appendix 6

---

### CIVIC ASSISTANCE

Regional Civic Charity Organization  
for Refugees and Forced Migrants

---

Tel: 973-54-74	Fax: 251-53-19	INN 7708037113
Address of the reception center: 127006, Moscow, Dolgorukovskaya str., 33, building. 6 (metro station "Novoslobodskaya")		Account 40703810338320100413, Hard currency account 40703840638320100413 Marinoroshenskoe OSB № 7981 of the Sbergatelnj bank of Russia, Moscow
Reception days: Monday and Wednesday from 10.00 to 22.00		BIK 044525225
<i>e-mail</i> : sgannush@mtu.ru; ccaserver@mtu.ru		Correspondent account 3010181040000000225

---

**No. 494 of 21 June 2005**

**To the Head of the Main Administration  
of Civil Defense and Emergencies  
for the Chechen Republic  
Avtaev R.Kh.**

Dear Ruslan Huseynovich!

People from the Itum-Kalinski District of Chechnya applied to the Grozny office of the «Memorial» HRC to inform that as a result of recent floods and landslides people of two villages—Zumsoy and Bugaroy—found themselves in a catastrophic situation. The roads were destroyed: there are six families still living in Zumsoy and four in Bugaroy. They need food and medical assistance. Houses are sliding down together with land, the lives of their inhabitants are in danger. No help has come so far.

Please take urgent measures to save these people.

Sincerely yours,  
**Member of the Human Rights Council at the RF President,  
Chairperson of the «Civic Assistance» Committee, Head of the «Migration  
Rights» Network, the «Memorial» HRC  
S.A. Gannushkina**

Executor: E. Burtina

<p><b>Ministry of Russian Federation for Emergency Situations and the Liquidation of the Consequences of the Natural Disasters</b>  <b>109012 Moscow, Teatralny proezd 3</b>  <b>Tel.: 095 926-39-01; Fax.: 095 924- 19-46</b>  <b>Teletype: 114-333 «OPERON»</b>  <b>E-mail: info@mchs.gov.ru</b></p> <p><b>28-06 2005 №5-10-701</b></p>	<p>To S. A. Gannushkina, the  Chairperson of the "Civic  Assistance" Committee  Moscow, Dolgorukovskaya street 33,  building 6</p>
---	--

**Dear Svetlana Alekseevna!**

The Ministry of the Emergency Situations of Russia has discussed your request to help people of the Itum-Kalinsky District of the Chechen Republic and can inform you about the following.

Between 2 to 11 May 2005 floods destroyed roads, bridges, and the water supply system across the entire territory of the republic.

Today, the Main Administration for the Chechen Republic and the administration of the Itum-Kalinsky District have pooled forces to restore the destroyed roads and bridges in the same way as across the republic according to the Federal Program and the funding schedule.

According to Decision No. 810 of the Government of the Russian Federation of 26 October 2000 "On Allocating Money from the Reserve Fund of the RF Government to Prevent Emergencies and Liquidate Consequences of Natural Calamities" the republic has prepared a packet of documents that substantiate the size of the damage and the required funding from the reserve fund of the RF Government.

The inhabitants of Zumsoy and Bugaroy, like all other people of the district, receive humanitarian aid in the form of foodstuffs, essential goods and construction materials from a French humanitarian organization "Movement against Hunger" and the "Danish Humanitarian Organization." Medical help is extended to all who need it.

Sincerely yours,  
**Director, Department of Operational Control**  
**G.A. Korotkin**

---

## CIVIC ASSISTANCE

Regional Civic Charity Organization  
for Refugees and Forced Migrants

---

Tel: 973-54-74	Fax: 251-53-19	INN 7708037113
Address of the reception center: 127006, Moscow, Dolgorukovskaya str., 33, building. 6 (metro station "Novoslobodskaya")		Account 40703810338320100413, Hard currency account 40703840638320100413 Marinoroshenskoe OSB № 7981 of the Sbergatelnj bank of Russia, Moscow
Reception days: Monday and Wednesday from 10.00 to 22.00		BIK 044525225
<i>e-mail</i> : sgannush@mtu.ru; ccaserver@mtu.ru		Correspondent account 3010181040000000225

---

**No. 536 of 30 June 2005**

**To Ministry of Emergencies of the Russian Federation  
Director of the Department of Operational Control  
G.A. Korotkin**

**Dear Gennady Alekseevich!**

I am sincerely grateful for your prompt reply to my letter about the situation in the villages of Zumsoy and Bugaroy, Itum-Kalinsky District of Chechnya. I regret to say that your answer is much more optimistic than reality.

You have written: "The inhabitants of Zumsoy and Bugaroy, like all other people of the same district, receive humanitarian aid in the form of foodstuffs, essential goods and construction materials from a French humanitarian organization 'Movement against Hunger' and the 'Danish Humanitarian Organization'."

Having received your letter by fax I asked employees of the «Memorial» HRC to contact people from the humanitarian organizations mentioned in your letter operating in Nazran.

The Movement against Hunger office said that they did help people of the Itum-Kalinskiy District, including those living in Bugaroy yet they cannot go up to the mountains to reach Zymsoy because the military do not allow them.

The Danish Refugee Council you called the "Danish Humanitarian Organization" informed us that for a long time they had been deprived of a permission to work in the Itum-Kalinsky District.

Meanwhile the situation in the village is obviously worsening.

I do hope that the ministry will take real measure to help people of these villages.

**Member of the Human Rights Council at the RF President  
Chairperson of the «Civic Assistance» Committee  
Head of the «Migration Rights» Network at the «Memorial» HRC  
S.A. Gannushkina**

Executor: E. Burtina

## Murder of the Administration Head

Information supplied  
by the «Memorial» HRC

Abdul-Azim Iangul'baev, **administration Head of the mountain village of Zumsoy (Itum-Kalinsky District)**, was killed on 4 July 2005 at about noon, not far from the mosque in the semi-abandoned village of Bugaroy through which the Ushkaloy-Zumsoy road passes.

For a month, since 1 June the Zumsoy village had been isolated from the world by landslides that blocked the road. It was as late as 2 July that a tractor hired by the «Memorial» HRC started de-blocking the road. On 4 July Abdul-Azim used his own UAZ car to drive tractor driver Islam Isakov to Ushkaloy to buy tractor fuel.

Isakov said that at the mosque the car had been stopped by three armed people in masks who presented identity documents of the Main Intelligence Department of the Russian Army; speaking unaccented Russian they ordered them out of the car and present the documents. Isakov noticed that higher up there was one more armed man in a mask. When Iangul'baev opened the boot as ordered the attackers fired at him three times point-blank. The report was barely heard—the people probably used silencers. Abdul-Azim fell down; Isakov was ordered to go slowly without turning back to the road turn and then run home.

Having reached Ushkaloy Isakov reported the incident; an operational group of the Itum-Kalinsky militia district station immediately left for the scene of crime. At the nearest approaches to it the militiamen were ambushed; one of them **Mekhdi Takaev** was killed; another, **Ramzes Imadaev**, was gravely wounded. The body of Iangul'baev and his burnt car were found at the mosque.

On 5 July deputy Head of the administration of the Itum-Kalinsky District Amkhad Karimov told people from the «Memorial» HRC that investigation had not been completed and refused to supply preliminary information. On 4 July Head of the Regional Operational Headquarters Colonel-General Arkady Edelev announced that no members of the federal power-wielding structures had been at the scene of crime and that the murder had been a “provocation staged by disguised bandits.” Being asked about the events in Zumsoy a member of the Main Military Prosecution Office answered: “There are no reasons to think that our military had been involved in any way in this crime.”

## Appendix 7

### Pogrom in the Borozdinovskaya Village and Its Consequences

*Based on the materials  
gathered by Natalia Estemirova  
and Said Magomedov  
«Memorial» HRC*

On 4 June 2005 at about 03:00 p.m. two armored personnel carriers, not less than 10 UAZ-469 cars and several gray VAZ-2109 cars arrived to Borozdinovskaya and dispersed in the streets.

Armed people in gray militia uniforms and green combat fatigues burst into houses, detained all men whom they drove to the village school; all of them including elderly, disabled and teenagers were mercilessly beaten up.

They were told that they were accused of the death of forester Tagir and of an attempt at the life of the village administration Head that had taken place two days before the described events. People were kept on bare ground till 10:00 p.m. in a heavy rain.

Eleven men were called by their names one by one and taken away. Nobody has seen them since. Here are the names:

1. Aliev Abakar Abdurakhmanovich, 1982, Borozdinovskaya
2. Isaev Magomed Tubalovich, 1996, Borozdinovskaya
3. Kurbanaliev Akhmed Ramazanovich, 1978, village of Chatli, Tsuntinsky District
4. Kurbanaliev Magomed Ramazanovich, 1978, village of Chatli, Tsuntinsky District
5. Magomedov Akhmed Peyzulaevich, 1977, village of Malaya Areshevka, Kizliar District
6. Umarov Martukh Asludinovich, 1987, Borozdinovskaya
7. Lachkov Eduard Viacheslavovich, 1989, town of Kizliar
8. Magomedov Akhmed Abdurakhmanovich, 1979, Borozdinovskaya
9. Magomedov Kamil, 1955, Borozdinovskaya
10. Magomedov Shakhban Nazirbekovich, 1965, Borozdinovskaya
11. Magomedov Said Nazirbekovich, 1960, Borozdinovskaya, Lenin St.

At about 10:00 p.m. the detained was driven into the gymnasium where they were beaten with machinegun butts. The military ordered them to stay put and left. Half an hour later the detained left the school and learned what had happened in the village while they remained in custody.

Two houses (No. 9 and No. 11) that belonged to Nazirbek Magomedov and his son Said were burned down; military fired at the feet of the women who tried to extinguish the fire or above their Heads to keep them away. Nazirbek's house was completely burned down.

The house of Kamil and Zarakhan Magomedovs was also destroyed.

Simultaneously, at the other end of the village the military encircled the house of the Magomazovs in the Naberezhnaya St. with Magomaz Magomazov, aged 77, his wife and his daughter inside. Having burst into the house the military drove the wife out and kept her the yard by firing at her feet, above her Head and behind her back. The daughter was also taken away.

Then the women heard shots; some time later a grenade thrower fired at the house. The house caught fire but the military were keeping the local people at a distance. As soon as they left and the fire subsided the neighbors found the body of Magomas Magomazov with burnt feet.

It turned out that the military had taken away not only people but also several cars.

All victims were Avars from the Tsuntinsky District of Daghestan.

On the same day the local TV informed that a band of fighters and its 77-year-old commander had been liquidated in the Borozdinovskaya village.

On the third day people from the military prosecutor office arrived. Many of those who suffered wrote applications; all of them were told that the incident would be investigated. When the officials had left, however, old people found shreds of their applications.

On 14 June burnt human bones were discovered amid the ruins of Nazirbek Magomedov's house (Lenin St., No. 11). The local people called the militia and together with them collected four plastic bags of bone fragments.

The militiamen drove along the village streets firing at random and frightening crying women and children. This experience forced the majority of the local Avars to abandon the village and move over to Daghestan.

On 16 June several scores of Avar families loaded their belongings—furniture and objects of everyday use—onto trucks and moved, together with their cattle, across the administrative border to Daghestan. Having found no shelter in Kizlair or in the nearby villages they camped in the open, covered their belongings with tents and announced that they would no go back to Chechnya where they lived in constant fear.

From the very first day lawyer of the Kizliar office of the «Migration Rights» Network of the «Memorial» HRC Said Magomedov remained in the camp where he registered everything that was going on.

On 18 June Minister of the Interior and Secretary of the Security Council of Daghestan arrived to persuade people to go back to Chechnya since Daghestan could not help them. The people flatly refused to return saying that the pogrom had been the last drop.

On 26 June there were 206 families in the camp (1105 people); more people were expected.

On 20 June special militia detachments tried to attack the camp to force the refugees back to Chechnya and never dared because of the locals' resolute support and the refugees' staunchness.

On 24 June the Commission for Refugees from the Chechen Republic Headed by Dukvakha Bashtaevich Abdurakhmanov arrived. Later the refugees said that the commission members had asked them to go back to Borozdinovskaya where they would be paid compensations for the lost housing while their children would sent to the best summer camps.

The refugees insisted that before going back they wanted all the abducted (eleven people in all) live or dead to be returned to them.

On 26 June President of Chechnya Alu Alkhanov and first Vice Premier Ramzan Kadyrov together with State Council Chairman Taus Djabrailov and Head of the Regional Operational Headquarters Arkady Edelev arrived. The president tried to



persuade the people to go back by arguing that all of them in Chechnya were in the same situation yet “were living and suffering.”

The state commission of the Chechen Republic Headed by Ramzan Kadyrov promised to bring investigation to the end and promised compensation for material and moral damages within a month. The commission adopted a program of complex measures designed to solve the social problems, including security problems. On 28 June the refugees agreed to go back.

Sagid Murtazaliev, deputy of the Popular Assembly of Daghestan, played a great role in this: the Daghestanian authorities were very much concerned with possible tension with the neighboring republic and its consequences.

In two days, 29 and 30 June, all refugees returned to Chechnya.

No official information about the fate of eleven abducted people and about those who had taken part in the pogrom was offered.

## Appendix 8

### Once More about the Borozdinovskaya Village. Investigation of the Crime or a Search for Instigators?

*Svetlana Gannushkina*

The «Memorial» HRC is closely following everything that is happening to the people of Borozdinovskaya. Since the very beginning of the June events employee of the Grozny office Natal'ia Estemirova and lawyer of the Kizliar office of the Migrant Rights Network Said Magomedov have been working there. In this way we are monitoring the events.

(See: [http://refugee.memo.ru/C325678F00668DC3/\\$ID/01C1927656DB4C15C32570350076365C](http://refugee.memo.ru/C325678F00668DC3/$ID/01C1927656DB4C15C32570350076365C)).

On 11 July Head of the «Migration Rights» Network Svetlana Gannushkina visited Borozdinovskaya together with Estemirova and Magomedov.

At first glance the situation was under control: cattle was grazing in the meadow, children were playing in the streets.

At the village's outskirts an armed unit of the Security Service is guarding the village; nearby, in a large tent the Military Prosecution structures are working. People are called to describe the events that drove them out of their homes with their belongings and cattle to spend two weeks in the open with the firm intention of never coming back.

During our visit it was Sergey Vladimirovich Semenov of the prosecution office who Headed the investigatory group. We learned from him that a criminal case had been initiated on 4 June and corpus delicti identified. He said that the military prosecution office was looking for those who had given the command to rout the village rather than for those who had obeyed the order.

He said: "It is a political case and we should find those who had agitated the people and convinced them to leave the village." On our side we suggested that there had been no agitators and that it had been the tragic events that forced the people to act in the way they had acted. Semenov disagreed: the Military Persecution Office seemed to be convinced that nothing out of the ordinary had happened in the village: "This is Chechnya where people are killed" which brought to mind Alkhanov's "We are living here and suffering."

One can say that only those who have nowhere to go "live and suffer": for the second year running Russia has remained the world's largest source of those who apply for asylum abroad. The majority of these people are Chechens. The Avars hoped to find support in Daghestan. This is the beginning and end of the ethnic component of events. In Chechnya both the bandits in power and "wild" bandits are settling scores with families, clans, settlements, and ethnic groups. So far that has not developed into an ethnic conflict. If certain politicians and journalists move the lawlessness in Chechnya into the sphere of ethnic and clan relations they may trigger a conflict between neighboring people.

While talking to the investigator we finally realized why the people had been actively communicating with the military prosecution officials. Having testified each approached S.V. Semenov's desk for an official document. Having learned that there were no forms people asked him to register their passport information so that they

would be able to get the document on the next day. It turned out that having presented the military prosecution documents saying that a victim or an eyewitness had been questioned in detail people were entitled to 200,000 rubles of compensation promised by Ramzan Kadyrov.

They have to present their documents confirming their ownership of the house, registration in the village and documents of the housing inspection. These documents can be obtained in the village administration.

In the administrative building we met acting administration Head of the Shelkovskoy District Isa Amkhatovich Vaykhanov and Head of the village administration Natalia Leonidovna Zinkovskaya. According to Natalia Zinkovskaya President Alkhanov had approve a governmental program of improvement of the village. By the end of 2005 the gas, water and power supply as well as roads would be repaired and improved. Four families who lost their houses were entitled to 350,000 rubles under Decision No. 404 of the RF Government of 4 July 2003.

The local administrators, however, knew nothing about the money promised by Ramzan Kadyrov. Even though it was the administration that issued the necessary documents the administrators did not attach much importance to this. They did not know to whom the people were expected to present the documents and who paid the promised compensation if at all. They had not seen a single document related to the compensation; the money did not come from the state. "Whose money is it? Who gives orders in our district?" they wondered.

The village is full of rumors. They say that 20 families have already got the compensation yet are reluctant to admit this. Somebody says that when he had testified against Khamzat Gaerbekov, reconnaissance Head of the "Vostok" battalion (known as "Boroda" or a man with a scar) masked people had come looking for him at night. Others insist that they recognized those who took part in the pogrom among those who are guarding the village.

This can be explained by fear: people are afraid. They all ask themselves and one another: Will they remain in Borozdinovskaya? The answer is: No, they will all leave as soon as they get the money. Many people travel to Kizliar every night, they left their belongings there. They are merely waiting for compensations to leave without much ado and start a new life in a new place (by the time the Russian version of the report appeared 37 families had already left).

The people do not believe that the military prosecution office intents to find those who organized the pogrom. They say that the collected bones remained in the district militia station for over 20 days before they were sent for forensic-medical examination.

One feels that very soon we shall be forced to protect the "instigators" the military prosecutors will find. The true culprits will remain unknown.

On the next day, 12 June we met Chairman of the Security Council of Chechnya Rudnik Umalatovich Dudaev in his office. Some time before the meeting we had heard over the radio that Edi Isaev, representative of the CR in Moscow said at a press conference that all 11 people were safe and sane while all the families in Borozdinovskaya were being paid compensation of 200,000 rubles for material and moral damages. The press service of the government of Chechnya immediately called Moscow to learn from Isaev that it was a misunderstanding: he had spoken of his hopes rather than of facts.

Rudnik Dudaev expressed his hope that everything would finally calm down in Borozdinovskaya and that there would be no ethnic problems there. He said he hoped that investigation would be successful.

The military prosecutors were working day and night questioning people, compiling photofits and pictures. Meanwhile everybody knows who burnt down the houses, killed and abducted people. It is easy to turn this knowledge into legal evidence—it is enough to ask for registration of the movements of the “Vostok” battalion on 4 June 2005 and show photos of its servicemen to the victims.

The question is: Is there a desire to know the truth?

We have procured a document that amply proves that from the very beginning the prosecutors had the materials about the events of 4 June in Borozdinovskaya: this is a copy of information that arrived to the people on duty in the Ministry of the Interior of the CH from the operational person on duty in the Shelkovskaya district militia department on 5 June at 08:20 p.m.

Here is its complete text:

“The Shelkovskiy Distric

05.06.05, at 20:20 the person on duty of the Ministry of the Interior of the CR received information from the operational person on duty of the Shelkovskoy district militia department that at 04.06.05 between 15:00 and 20:00 the military of the “Vostok” battalion of the Defense Ministry of the RF (about 70-80 of them) on two armored personnel carriers, three armored URAL trucks, six or eight UAZ cars and other cars arrived to Borozdinovskaya for a special operation to detain and destroy members of illegal armed units; they detained people of Borozdinovskaya suspected of crimes:

1. Magomedov Kamil, 1955, Mayakovskiy St., 27
2. Magomedov Akhmed Abdurakhmanovich, 1979, Lenin St., 45
3. Isaev Magomed Dotalovich, 1969, Kolkhoznaya St., without number
4. Aliev Abakar Abdurakhmanovich, 1982, Lenin St., 18
5. Kurbanaliev Akhmed Ramazanovich, Michurin St., 7
6. Kurbanaliev Magomed Ramazanovich, Michurin St., 7
7. Magomedov Said Nazarbekovich, 1960, Kolkhoznaya St., 62
8. Magomedov Shakhban Nazarbekovich, 1965, Kolkhoznaya St., 14
9. Magomedov Akhmed Payzulaevich, 1977, Kolkhoznaya St., 18
10. Umarov Murtuz Asludinovich, 1987, Kolkhoznaya St., 84
11. Lachkov Eduard, 1986, town of Kizliar, RD, Tumanian St., 48.

These names are absent from the “Wanted” database of the Ministry of the Interior of the CR. For unknown reasons fire started in the village of Borozdinovskaya that damaged the following houses:

1. Lenin St., No. 9 that belongs to Nazarbek Magomedovich Magomedov, 1963; unemployed, not registered as “Wanted” with the MI of the CR;
2. Lenin St, No. 11 that belongs to Zuizhat Khalilbekovna Belialova, 1970, unemployed, not registered as “Wanted” with the MI of the CR;
3. Mayakovskiy St., 27 that belongs to Kamil Magomedov, 1955, unemployed, not registered as “Wanted” with the MI of the CR;

4. Naberezhnaya St., No. 9, that belongs to Magomaz Masikovich Magomazov, 1932, pensioner, not registered as “Wanted” with the MI of the CR; his burnt body was found in the house.

The circumstances of his death and the causes of the fire are investigated and material damage is established. The body of M.M. Magomazov was sent for forensic-medical examination to Kizlair, Republic of Daghestan.

All detained are checked for their involvement in illegal armed units.

The following people visited the scene: district public prosecutor Vasil’chenko; Head of the district militia department Magomaev; Head of the Temporary Task Group of Agencies and Departments, Head of criminal militia of the district militia department, investigator of the public prosecutor office Vishnevskiy, Dutov, investigators Dikai, Umalatov, Viskhanov; Head of the OYP of the district militia department, п\с district militia department, COГ district militia department. Nothing was removed from the place of incident.

The material is in the public prosecutor office.

**KUS-535 (registered at 20:15)**

From this it follows that on 5 June the law-enforcement bodies could establish the place to which 11 citizens of Russia not registered as “Wanted” had been taken.

“This is Chechnya—people are killed here. The lucky ones go on living and suffering.”

Human Rights Center "Memorial"  
"Migration Rights" Network

Edited by  
Svetlana Gannushkina

On the Situation of Residents of Chechnya in the  
Russian Federation  
June 2004 – June 2005

Human Rights Center "Memorial"  
103051 Moscow, Maly Karetny pereulok 12

---