



MEMORIAL Human Rights Center  
Migration Rights Network

Edited

by Svetlana A. Gannushkina

# **On the Situation of Residents of Chechnya in the Russian Federation**

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S.A. Gannushkina,                      Head of the Migration Rights Network, Chairwoman of the Civic  
Assistance Committee  
L.Sh. Simakova,                      compiler of the Report

Other contributors to the Report included: E. Burtina,  
S. Magomedov,  
Sh. Tangiyev,  
N. Estemirova

The Migration Rights Network of Memorial Human Rights Center has 56 offices providing free legal assistance to forced migrants, including five offices located in Chechnya and Ingushetia ([www.refugee.memo.ru](http://www.refugee.memo.ru)).

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## CONTENTS

|       |  |     |
|-------|--|-----|
| I.    | Introduction.....  | 5   |
| II.   | Svetlana Gannushkina's speech at the seminar for administrative law judges in Hohenheim, Germany (November 25, 2006): Chechen refugees and the EU qualification rules..... | 6   |
| III.  | Living conditions and security situation of internally displaced persons and residents of the Chechen Republic.....  | 18  |
| IV.   | Situation of people from Chechnya in the Republic of Ingushetia.....   | 42  |
| V.    | Situation of people from Chechnya in Russia's regions.....   | 61  |
| VI.   | Abductions of civilians in the North Caucasus.....   | 72  |
| VII.  | Conclusion.....  | 82  |
| VIII. | Appendices.....  | 83  |
|       | Appendix 1. Data from the poll of residents of TAPs in the city of Grozny about the housing situation of their families.....   | 84  |
|       | Appendix 2. The Khasavyurt Tragedy .....   | 86  |
|       | Appendix 3. The Ulman case – the Budanov case.....   | 89  |
|       | Appendix 4. The case of Asuyev's police gang.....  | 93  |
|       | Appendix 5. A special operation in Malgobek. The siege of Timur Khaniyev's house.....  | 95  |
|       | Appendix 6. Eye-witness accounts by residents of the village of Ali-Yurt, victims of a mop-up operation.....   | 97  |
|       | Appendix 7. Illegal detention and torture of Khasiyev and Ipayev at ORB-2.   | 101 |
|       | Appendix 8. Abduction of Elina Ersenoyeva and her mother.....  | 104 |
|       | Appendix 9. Address by Lidiya Yusupova, lawyer with Memorial Human Rights Center.....  | 107 |
|       | Appendix 10. Abduction of Sultan Barakhoyev from the settlement of Kartsa, the North Ossetia-Alania Republic.....  | 109 |
|       | Appendix 11. Abduction of the Yandiyev brothers from the village of Dachnoye, the Prigorodny District of the North Ossetia-Alania Republic.....                            | 111 |
|       | Appendix 12. Abductions (disappearances) of people in Dagestan in 2007.....  | 113 |
|       | Appendix 13. Address by members of the public of the Republic Ingushetia.....  | 118 |

## List of Abbreviations

|        |  |
|--------|--|
| APC    | – armored personnel carrier  |
| ATC    | – Anti-Terror Center   |
| BOP GU | – Chief Directorate for Combating Organized Crime  |
| CAPs   | – compact accommodation points for IDPs located in Chechnya and Ingushetia and financed from local budgets     |
| CR     | – the Chechen Republic   |
| DPS    | – Traffic Police Service   |
| ECHR   | – European Court of Human Rights   |
| FMS    | – Federal Migration Service  |
| FSB    | – Federal Security Service   |
| GIBDD  | – State Traffic Safety Inspectorate  |
| GOVD   | – Municipal Department of the Interior Ministry  |
| GRU    | – Main Intelligence Directorate  |
| GUVD   | – Chief Directorate of the Interior Ministry   |
| HRC    | – Human Rights Center  |
| IAGs   | – illegal armed groups   |
| IDPs   | – persons displaced within the country (or internally displaced persons)                                       |
| IVS    | – temporary detention center   |
| MChS   | – Emergency Situations Ministry  |
| MD     | – Ministry of Defense  |
| MVD    | – Ministry of the Interior   |
| NCOs   | – noncommercial organizations  |
| NGOs   | – nongovernmental organizations  |
| OMON   | – special purpose police unit  |
| ORB    | – Investigations and Law Enforcement Operations Bureau   |
| OVD    | – Interior Ministry Department   |
| PPS    | – Patrol and Point Duty Service  |
| PPSM   | – Police Patrol and Point Duty Service Regiment  |
| RD     | – the Republic of Dagestan   |
| RI     | – the Republic of Ingushetia   |
| RNO-A  | – the Republic of North Ossetia-Alania   |
| ROVD   | – District Department of the Interior Ministry   |
| RUBOP  | – Regional Directorate for Combating Organized Crime   |
| SIZO   | – pretrial detention center  |
| SOBR   | – special rapid reaction unit  |
| TACs   | – temporary accommodation centers for IDPs located in Russia's regions and financed from the federal budget    |
| TAPs   | – temporary accommodation points for IDPs located in the Chechen Republic and financed from the federal budget |
| UBOP   | – Directorate for Combating Organized Crime  |
| UFMS   | – Federal Migration Service Directorate  |
| UFSB   | – Federal Security Service Directorate   |
| VV     | – Interior Ministry Forces   |
| VOVD   | – Temporary Department of the Interior Ministry  |

## I. Introduction

This is our sixth report on the situation of residents of the Chechen Republic in Russia; it covers the period between August 2006 and October 2007.

During this time, particularly in the first six months of 2007, Grozny was rebuilt and transformed itself from ruins to a vibrant city, as if erected using a brand-new toy construction set. Gudermes, Argun and other towns and villages have been rebuilt. Now the war is just a speck (although sometimes rather considerable one) on the otherwise peaceful scenery. Not so long ago, the situation was the opposite. The intensity and the speed of the reconstruction without exaggeration can be called the “Chechen miracle”. All the more so that money for all this is found as if by a miracle. According to the leadership of the Chechen Republic, not more than a quarter of all funding comes from the federal budget and the rest is obtained in rather peculiar ways: by using free labor, deductions from salaries and wages, and loans, which, according to Ramzan Kadyrov, are taken by him at his own risk and peril.

Be sure, these changes gladden residents of Chechnya and all those, who wish them happiness and peace.

The picture of Grozny’s ruins, which had been haunting me since 2000, does not exist anymore. But it is not a memory yet, it is a living pain.

People in Chechnya are starved for professional and skilled work. They want to teach, medically treat, restore culture – relaunch libraries, theaters, and museums. Their feeling of love for their land is particularly acute, since they had to go through so much suffering. In Chechnya new life is now in the air all around you.

However, it is impossible to support oneself for a long period of time by unpaid enthusiasm, by voluntary-compulsory work, as it was the case back in the Soviet times. Unemployment is still a big problem in Chechnya; every working person in a family has to carry the heavy burden of providing for their numerous relatives who are unemployed. Such a situation fuels corruption, which has already become a standard feature of life.

As for safety, against the background of obvious and significant decrease in the number of abductions of people and extrajudicial killings a new trend is emerging: fabrication of criminal cases, where the main evidence is sincere confession, known in the Stalin times as the “queen of evidence”.

In the report we tried to describe the mechanisms whereby criminal cases are fabricated. In particular danger are the individuals returning to the Chechen Republic from abroad, those who who are supposed to be in possession of relatively big sums of money, and applicants to the European Court of Human Rights.

As for the rest, the situation hasn’t changed much since autumn 2006. That is why our sixth report opens with Svetlana Gannushkina’s speech at the seminar for administrative law judges in Hohenheim, Germany. The questions raised there were suggested by judges themselves; that is why the answers may be of value to all those who are still interested in what is going on in Chechnya.

## II. Svetlana Gannushkina's speech at the seminar for administrative law judges, Hohenheim, Germany, November 25, 2006.

### Chechen refugees and the EU qualification rules

*Ladies and gentlemen,*

I would like to thank the organizers and participants of this seminar for the opportunity to speak here. In a few sentences I will introduce our organization and its activities. The two nongovernmental organizations at which I work provide assistance to forced migrants: refugees from different countries, mostly from Afghanistan; forced migrants from CIS countries; internally displaced persons (IDPs) from the Chechen Republic; and victims of the Ossetian-Ingush Conflict. Legal assistance to forced migrants is provided at the offices of the Migration Rights Network of Memorial Human Rights Center (HRC). The Network consists of 56 offices, located in different regions of Russia. Each office uses as its base some nongovernmental organization providing assistance to forced migrants. In the city Moscow, such organization is the Civic Assistance Committee. I am head of the Network and at the same time chairwoman of the Civic Assistance Committee.

The Network-affiliated lawyers annually provide more than 20,000 counseling sessions and participate in several thousand court hearings. This hard work comes in huge volumes. However, given the vast territory of our country and the scale of the problem, we are aware of the fact that our help reaches only a small portion of those who need it. For example, in Moscow we have only six lawyers, who are busy all the time proving in courts the cases for granting of refugee status to Afghans who cooperated with Najibullah's regime. According to the United Nations Office of the High Commissioner for Refugees (UNHCR), altogether there are about 100 thousand of these people, but only 390 individuals from this group have been granted refugee status and approximately one thousand – temporary asylum.

The situation of the IDPs from Chechnya is no better either. IDPs are not given any status at all; it is very difficult to assert their rights, because it invites resistance on the part of official authorities at all levels. The situation is changing for the worse, like the overall human rights situation in Russia. Our resources are drastically overstretched.

The theme of my speech today is the **Situation of residents of Chechnya in the Russian Federation**. It consists of two parts: the description of the situation in the Chechen Republic and the situation of people of Chechnya outside of it.

### The situation of people from Chechnya outside the Republic

I think it would be more appropriate to start with the second part. Since there are mostly lawyers in the audience here, I will focus on some legal aspects.

The Russian legislation, like many other national systems of law, lacks the definition of the concept of "internally displaced persons (IDPs)". People from Chechnya who leave its territory because their houses there were destroyed and they are not ensured safety belong precisely to this category. In international law the responsibilities of states and the world community in respect of IDPs are described in a brilliant report by Mr. Francis M. Deng, Representative of the UN Secretary General. The report is titled "Guiding Principles on Internal Displacement". The report was drawn up in 1998, and was offered as a guide to carrying out UN mandates in respect of IDPS and also for states, any government authorities, groups of persons or individuals, and intergovernmental and non-government organizations – as a guide to activities related to dealings with IDPs. There are states, for instance Denmark, which have already incorporated the "Guiding Principles" into their national legal systems and made their observance mandatory.

At the heart of the UN approach towards the problem of IDPs is the assertion that the Government of the state a portion of the population of which was subjected to forced

displacement bears the primary responsibility for provision of legal protection and social assistance to the victims. The opinion that was widely held earlier that the things happening to residents of a certain country were solely or mostly internal matters of this state is giving way to realization of the responsibility of the global community towards the suffering or discriminated against groups of population anywhere in the world.

Unfortunately, the practices in Russia are far from compliance with the principles fleshed out in Francis Deng's report. Continuous efforts by the Russian authorities to return IDPs to the Chechen Republic, closures of camps in Ingushetia, and eviction without provision of any accommodation of those (numbering less than 1,000) resettled in temporary accommodation centers (TACs) located in other regions of Russia (Tambov, Tver, and Veliky Novgorod) in no way corresponds to Principle 28, which places with competent authorities the main responsibility for creation of conditions and provision of funds for voluntary, safe and decent return of IDPs to their homes and places of permanent residence. Principle 18, which demands for IDPs the right to appropriate living standards, has also been violated – they don't receive any help from the state for successful integration. (I will speak about the small compensation for lost housing and property they are offered a little later.) Thus, when we speak of alternative ways of resettlement, we should bear in mind that it's a question of solely unaided settlement in a new place. It means that some initial funds are needed: for financing the rent of accommodation and purchasing food.

What means does an ordinary Russian citizen have for that? Let's look at my own situation. Like most of our citizens, I don't have a bank account and don't have an opportunity to take a loan when arriving at a new place. We are sustained by our monthly salaries and wages or pensions and if we lose them we are left penniless. The only thing that has been granted to us by Perestroika is the right to privatize our apartments that were provided to us by the state. I have a big apartment in the centre of Moscow; I inherited it from my grandfather, a well-known professor. After the October Revolution of 1917, the ownership of the apartment was transferred to the state; however, it wasn't taken away from his family. Therefore, I am not a poor person. However, to move to another city or town I would have to sell it first and then buy some other housing with this money. If I were deprived of such opportunity and just displaced to another population center where I have no roof over my head, no job, no pension, etc., without outside assistance I would simply die of hunger or freeze to death.

That's why when evaluating the possibilities for alternative resettlement of people from Chechnya we should keep in mind the fact that we are not really speaking of that, but about chances of unaided resettlement of those few who have some small savings or valuable goods and help of their relatives. We raise the question of whether the state fulfills its duty towards them. The answer is in the negative: it not only fails to help them, but it also violates Principle One, since those, who found shelter in other regions of Russia, settling with their relatives or friends, are denied the opportunity to enjoy the same rights as the local population.

Let's focus on the main difficulties faced by those citizens who try to resettle in another geographical entity of the Russian Federation and have shelter and some money for the initial period of their stay there.

### ***Renting of housing***

The rented housing market is rather small almost in every geographical entity of the Russian Federation. Most of our citizens don't have second homes, that is why they usually let a part of the own they themselves live in, i.e. a room in their apartment. As a rule, those are elderly lonely people or unemployed individuals and often – alcoholics. Senior citizens may be content, having a Chechen family in their home, because they receive care and respect together with the rent. However, they are afraid to conclude an official contract, thus providing their tenants the opportunity to get registered in the housing they occupy, as they don't want to deal with the police and tax authorities. It often happens that when police officers learn about Chechens living in their area, they threaten the people who let these apartments with all kinds of punishment and try to convince them that there is a certain law or an order prohibiting dealings with Chechens.

Partly they tell the truth: there are secret instructions for the police to keep an eye on all Chechens that appear on their radar. If something happens in their precinct, police officers will be held responsible for not ensuring that the territory under their control was not made "Chechen-free". When there was a bomb-attack on the Moscow metro and a non-resident Chechen person was killed in the explosion, the police officers, who had registered him, had troubles. Of course, no proof of his (or his relatives') links to the explosion was found.

This situation makes Chechens register with their relatives or friends and live in rented housing they often have to change. Moreover, they constantly pay police officers so that the latter do not oppose their living. It is possible to solve the problem of registration in court only if the person who grants registration at his place shows much insistence. It happens sometimes, but examples are rare. Sometimes we ourselves grant registration in our own homes to several people, but it is obvious that there can't be many of them. Police officers regularly visit our colleagues to check the presence of tenants and perform security checks on them. This makes us stage some real shows, demonstrating to them that there is sufficient room for sleeping accommodation, gathering the tenants or their personal belongings... Of course one must have strong internal motivation to do all this, and we can't expect it from ordinary people, who are constantly being turned against Chechens by the mass media.

### ***Registration***

Significant changes were made to the Rules of Registration at a Place of Stay on December 22, 2004. It happened in a rather funny way. Vladimir Putin on his visit to Kiev, Ukraine, was too early to congratulate Viktor Yanukovich on his election to the office of the President of the country. Accepting the congratulations, Mr. Yanukovich complained that Ukrainian citizens are allowed to stay in the territory of the Russian Federation without registration for only three days, while Russian citizens have no problems living in Ukraine for three months. "We should make these time periods equal!" said Putin, who must have never encountered the problems of registration in Russia and didn't know its rules. The meeting was shown on television and before our president returned home the MVD (the Interior Ministry of Russian Federation) issued its order permitting the Ukrainians to live in Russia for 90 days without registration. And then there was nothing left to do but extend this rule to include our own citizens by making the necessary amendments to Resolution of the RF Government No.713, of July 17, 1995 "On the Rules of Registration".

How does it affect the situation of IDPs from the Chechen Republic? These amendments, which have been in effect for two years now, were implemented very slowly and only now they have finally been put into place and are more or less enforced. However, there are many uncertainties in their provisions. For example, how can a newly arrived person prove that he has just arrived if they traveled by car or simply on foot? This provision is circumvented by purchase of a cheap ticket from a neighboring region of the Russian Federation or by a round trip there every three months. Now if a newcomer is stopped by a PPS (Patrol and Point Duty Service) police officer, he can show a train or plane ticket, which proves they have arrived not earlier than 90 days ago. Therefore, the person can't be fined and if he/she encountered an honest police officer, they would not be fleeced either.

Of course, such system is better than the previous one; however there are many problems that can not be solved this way. A police officer who feels anti-Chechen, particularly the one who has been to Chechnya, can actually tear to pieces the ticket they were shown and take the IDP to a local police station, where the latter would face the same old dangers of trumped-up charges – of hooliganism, at best, or – or, in a worst case scenario, drugs or explosives may be planted on them. There may be beatings, long periods of detention, threats and seizure of money. This is often followed – particularly if the person has succeeded in contacting us over the phone – by a brief hearing in court, where the person is charged with breach of the peace under the Administrative Offences Code. The police like to charge Chechens with using Russian language

obscenities, indicating as the time of the incident the period when the accused was held in custody. This is done in order to justify the unlawfully long period of detention.

There is also still the risk of a police officer visiting the apartment, where he knows Chechens have been living for more than 90 days. A protocol would be drawn and the hosts would be requested to evict the illegal tenant immediately.

### ***Work, education, medical service, pensions and other social allowances***

All the above is only possible if a person has real registration (residence permit). Employers are faced with the same things as landlords: they are strongly discouraged from hiring Chechens. They receive such "recommendations" from the police or – now more and more often – from FSB (Federal Security Service) officers. The latter would never admit their interference; however, not many people would dare to ignore their recommendations and it's absolutely impossible to fight against it. We are aware of the situations, when Chechen women under our care were successively dismissed from their jobs in a sewing workshop, a store and an office room where they were just cleaning after they failed to find jobs according to their skills. In May 2006, sixteen Chechen drivers were fired from a car fleet, two of them being permanent residents of Moscow. They were asked to leave their jobs "for just a week", because some important delegation was coming to Moscow. However, they have not been reinstated in their jobs. That's why it's only possible for Chechens to find work without being officially hired. This means that their employment rights are not protected in any way and they become victims of harsh exploitation.

Education in specialized schools is available only to those who have permanent residence registration; temporary registration is not enough. This means it is not accessible to IDPs. Federal institutions of higher education enroll students on the basis of entry examinations. This applies to all citizens of the Russian Federation. However, now almost all institutions of higher education are starting to discontinue provision of free education, i.e. also becoming inaccessible to IDPs. Fortunately, after several court trials, school education is available to everyone. At least, there are almost no complaints now against refusals of enrollment by schools and in those rare cases when they occur the problem can be settled.

Full medical services are available only if a person has registration at the place of stay. In spite of the fact that medical insurance policies are to be granted in any population center, companies require registration at the place of residence tie in medical insurance. IDPs may get a temporary medical insurance policy only when they have registration at the place of stay; in the absence of such registration they are entitled only to emergency medical treatment. We are aware of the situations where even this kind of medical assistance was denied, because free medical treatment covers less and less activities.

The registration as pensioners is possible only if a person has registration at the place of stay (temporary residence registration or permit). However, the procedure for granting a pension can only be passed at the place of residence (where the person has permanent residence registration). Child allowances are also not paid at the place of stay (without permanent registration). It is particularly damaging for the financial situation of large families, since for them allowances are a significant contribution to the family budget. We encountered this problem for the first time in 2006, when Law No.122 on transition from non-monetary benefits to monetary payments entered into force. This law shouldered the responsibility for payment of all allowances on local authorities, which have to disburse these funds from their own coffers; therefore local authorities refuse to provide them to temporary residents.

### ***Documents***

It is well known that documents have always played an important role in the lives of citizens of Russia. Principle 20, as formulated by Francis M. Deng, requires the state to provide IDPs with all necessary documents: passports, birth certificates, marriage certificates, etc.

Nevertheless, passport offices require people to receive passports at those places where they are permanently registered, i.e. in Chechnya, despite the fact that such a trip may be very dangerous and even cost a life. This requirement applies even to disabled persons. Replacement of passports at the place of stay was only permitted during the twelve months of the passport reform – from May 2003 to August 2004. A trip to the Chechen Republic involves many risks. Needless to say that it is rather expensive; it also means that a person has to leave their jobs for some time or even for ever and has to pay high transportation costs and pay for accommodation during their long period of stay in Chechnya. Besides, they have to pay for the documents to be accepted, since corruption in Chechnya exists almost openly and it is almost impossible to get round it.

In accordance with paragraph 16 of the “Passport Regulations for RF Citizens”, which were adopted by Resolution of the RF Government No.828 of July 17, 1997, “passport shall be issued to a citizen within ten days of receipt of documents by an office of the Interior Ministry”<sup>1</sup>. However, this time period is never observed. I had to wait for about a month and my husband for about three weeks to have our passports issued. We were given certificates of receipt of documents, but we never needed it. The situation is different for Chechens: it’s hard for them to get along with it. If they managed to submit their documents in Chechnya and leave, buying a ticket using such certificate as an ID (it may well not be possible to buy it with such certificate) any patrol police officer can stop them and just tear up this certificate, leaving the IDP without an identity document. Thus, a trip to get a new passport may become impossible; relatives would have to pay a lot of money to receive the passport and bring it to the owner at his new place of residence.

But of course the main problem is a danger to life facing anyone who is returning to Chechnya after a relatively long period of living outside the republic. They all, particularly young men, fall under suspicion of having been in the mountains, participating in illegal armed groups. Charges of terrorism, which can be trumped up very easily, may well be pressed against those who have come to just have a passport issued.

The situation is even more difficult for those who had no passport because they were minors or lost their old ones issued to them in the Soviet times. For them a trip to Chechnya is impossible, because an attempt to pass a roadblock without a document will surely lead to their arrest with all the ensuing consequences.

Incidents were reported when the IDPs who went to Chechnya to have documents issued returned crippled, just because they’ve been stepped onto a mine or came under shelling. Therefore, we always advise our visitors against going to Chechnya for documents; although, sometimes we provide financial assistance to those, who have resolved to make such trip.

The situation described above leads to many IDPs choosing to stay without any documents. Women, who are after all treated less harshly by the police, earn whatever they can, while men sit at homes, not daring to stick their nose out.

A woman who has long been under our care, Malika Mintsayeva, has several adult children and five children who are minors – two children of her own and a granddaughter. Until recently, only Malika had a passport. The family lives in Moscow for several years now; they reside in the apartment of her former common-law husband, who has gone missing. No one of them could ever get a passport. Her sons didn’t go out of the house; they could not get employed or study. You can imagine what a house imprisonment is for young men, who are forced to be sustained by their mother and sisters.

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<sup>1</sup>Since December 28, 2006, the RF MVD Order No.1105 of December 28, 2006 “On the Approval of the FMS Administrative Regulations on Rendering the Public Service of Issuing, Replacing and Performing the State Duty of Registering Passports for RF Citizens”. Under Paragraph 16 of the Regulations, an RF citizen may be issued a domestic passport at the place of residence within ten days of receipt of application or within two months elsewhere. However, so far, these regulations have not been fully implemented and are enforced only when nongovernmental organizations exert some strong pressure. Besides, those whose rights are to be exercised have a poor knowledge of them; citizens are not familiar with the regulations and they give in to the demand to go get their passports at the place where they are registered on a permanent basis.

Finally, we managed to arrange for Malika to meet the head of FMS (Federal Migration Service) of Russia Directorate for Issuing Domestic Passports and Registering Citizens of Russia. Malika explained to him that she had been living in Moscow for quite a long time, didn't have any connections in Chechnya, and could not take her sons there, since they didn't have documents. Following a check, a decision to issue seven passports to Mintsayeva's family members was made at the highest level.

However, the decision was not implemented for more than six months. Our calls to the FMS Directorate and to the local passport office improved the situation somewhat – the documents were accepted; still, the goal was not achieved. Ultimately, one Friday Malika told the directorate's head that on Monday she was going with my help to see Putin and that she had an intention to tell him about this whole mess. Funny enough, it had its effect: Malika was called back and during Saturday all seven passports were issued to her family members.

Passports are not the only problem for this long-suffering family. Malika's 13-year-old daughter was arrested several times in the street and taken to a police station; she wasn't allowed to call her mother. Once her detention lasted for almost 24 hours; the girl was taken to the hospital for homeless children so that after a medical examination she could be sent back to Chechnya, to the place of her official residence. Only when at the hospital, she was allowed by doctors to call her mother and her school administration. The youngest daughter of Mintsayeva was born when Malika was on a trip away from home. The baby does not have a birth certificate, because it is unclear where to receive it. Under the law, this is done by a local ZAGS (Civil Registry Office) at the place of parents' residence, i.e. in Chechnya, or at the place of birth; however, no records of this birth were left there.

One shouldn't think that IDPs face troubles only in the cities of Moscow and Saint-Petersburg, or in the notorious haven of human rights abuses – the Krasnodar Krai (Territory) in the south of Russia.

Here I have some examples from relatively safe regions. Denial of registration in Tambov and harassment of Chechen university students in Bryansk in central Russia – we get reports about such incidents from most of our offices. The authorities take every effort to force Chechens to return to the Chechen Republic, not only failing to ensure safety there, but without even providing some minimum level of living standards upon resettlement.

Chechen IDPs are evicted in court from temporary accommodation centers. Just one or two years ago, courts issued rulings in favor of IDPs, consistently maintaining a position that IDPs must not be evicted without provision of alternative housing to them. Now everything has changed: decisions to evict are taken even in respect of those whose documents for compensation have not been accepted for some reason.

During the campaign to shut down camps in Ingushetia, some of the more persistent IDPs were offered an alternative to going back to Chechnya. They were offered resettlement in compact accommodation points (CAPs), which were actually the rooms not really suitable for living. It was assumed that in future they all would receive housing or buy it with the compensation they were to be granted. However, it seems that today the authorities have forgotten about this alternative. Ruslan Aushev, Chief Sanitary Officer [of the Republic of Ingushetia], suddenly "noticed" that sanitary conditions in CAPs were substandard and demanded that they be closed. Mr. Aushev does not take orders from the Ingush authorities, which still have not implemented yet his instruction. His immediate superior is Gennady Onishchenko, Chief Sanitary Officer of Russia. The source of Mr. Aushev's sudden enlightenment is pretty clear.

Thus, Chechens have no other choice but to go back to Chechnya to cast themselves upon Ramzan Kadyrov's mercy.

### ***Compensations for lost housing and property***

Before I move on to the situation in Chechnya, I would like to focus on the question of compensations for lost housing and property. There are two resolutions of the RF Government in force now that apply to compensations for lost housing and property in Chechnya. Resolution No.510 of April 30, 1997 determines a cap on the maximum possible amount of money that can

be paid to those who left Chechnya and gave up their property there. This cap was set at 140,000 rubles. Currently, it equals approximately 3,500 euros, which is five times less than it was before the 1998 financial crisis, when the resolution took effect.

Resolution No.404 of July 4, 2003 sets the amount of compensation paid out in Chechnya at 350,000 rubles, or 10,000 euros. Payments under both resolutions are made slowly and are sometimes interrupted for a long period of time. Besides, as Álvaro Gil-Robles, former Council of Europe's Human Rights Commissioner, pointed out in his report, people in Chechnya have to repay 30% to 50% of the compensation's amount as a bribe to have it awarded. Nevertheless, the difference between the sums paid is rather considerable.

At the time of publishing, Resolution No.404 included Paragraph 10, which instructed the Government to make in two-months' time amendments to Resolution No.510 regarding the amount of compensations. People were waiting for those changes with high hopes for two years, rather than two months. Instead, on August 4, 2005, in Paragraph 19 of Resolution No.489 the Government repealed among many other its decisions Paragraph 10 of Resolution No.404. No explanations were offered in this regard.

Thus, the opportunity to settle in other regions is virtually non-existent not only for Chechens, but also for Russian IDPs from Chechnya. It's impossible to buy housing with the miserable sum of money granted as compensation. This fact was acknowledged by the Supreme Court of the Russian Federation. According to its ruling of October 31, 2002, Paragraph 19 was deleted from the text of Resolution No.510, whereby citizens upon receipt of the compensation for housing lost in Chechnya, forfeited the right to receive any other form of state assistance in settling down. However, having preserved the right of citizens to receive assistance, the state has not taken any additional obligations. You can't buy or build housing with these compensation payments; real prices for housing are growing and even in a most sleepy province they amount now to not less than 15-20 thousand euros per family. Those Chechen residents who have received the compensation, but don't have any housing, job, or social allowances, are forced to spend it on food or rent. It is in no way a solution to their housing problem, because the rent is so high that the compensation hardly lasts for one year.

From 1997 to September 2006, 36,792 families received compensations under Resolution No.510, with as little as 278 families granted it in 2006. In the period from 2003 to September 2006, 45,447 families were given compensations under Resolution No.404; with just 1,750 families awarded it in 2006<sup>2</sup>. These numbers show that no more than a third of the Chechen Republic's population, which size in the past was one million and a half, have received the compensation. We also see that the amount of payments made last year is rather insignificant. Increases in the amounts of compensations are not only not built into the budget – most IDPs won't even receive what they are entitled to at all.

**Thus, we can definitely say that there is no alternative to resettling Chechen residents outside of the Chechen Republic.**

### **Situation in the Chechen Republic**

So far, we can't even speak of a minimum safety level provided to citizens in the Chechen Republic. Two days ago, we held a presentation in Paris of a joint report between Memorial Human Rights Center and the FIDH. The name of the report speaks for itself: "Stabilisation of Nightmare". In that report we speak about the established practices of fabricating criminal cases, torture as an established method of obtaining testimonies and self-incriminations, abductions of people, and, most importantly, about the unwillingness of the government to investigate the crimes committed by its representatives.

In newspapers and in our annual reports you can read about the events of June 4, 2005 in the village of Borozdinovskaya, where eleven villagers were abducted, four houses were burnt

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<sup>2</sup> On October, 2007 – under the Regulation No. 510, 37 857 families received the compensations, under the Regulation No.404 – 45,939 families.

down, in one of them an old man was burnt alive; about the abduction on April 15, 2005, during a *zachistka* (mop-up operation) of Murad Muradov, chairman of the nongovernmental organization “Let’s save the Generation”; about the abduction of our employee Bulat Chilaev on April 9, 2006, in the settlement of Sernovodsk. All these abductions have three features: first, civilians were kidnapped, which is testified by documents of the law enforcement agencies of the Chechen Republic; second, the abductors were servicemen of known units of the RF Ministry of Defense; and, third, appropriate investigative actions relating to these incidents have not been carried out in none of the three cases.

An almost unbelievable thing happened on June 9, 2006: a resident of the city of Grozny Satsita Matayeva applied to Memorial Human Rights Center, asking for help in identification of the whereabouts of her husband, Khamzat Shamsuddinovich Tushayev, who had gone missing on the premises of the Governmental Complex in the city of Grozny.

Satsita Matayeva said that on June 7, she got a call on her mobile from an unknown man, who introduced himself as Sergey Aleksandrovich, an officer with the prosecutor’s office. He asked her to convey to her husband that he had to appear at the prosecutor’s office on the following day as a person suspected of participation in illegal armed groups.

He referred to criminal case No.56049 opened by the Shali District Prosecutor’s Office to investigate elements of a crime under Article 208, Part 2, of the Criminal Code of the Russian Federation.

The man from the prosecutor’s office also said that recognizance not to leave was chosen as a measure of restraint for Khamzat Tushayev.

On June 8, at 10:00 a.m., Tushayev together with his wife came to the Governmental Complex, on the premises of which the prosecutor’s office is located. A policeman on duty at the gatehouse issued a pass for Khamzat after asking for approval from the Prosecutor of the Leninsky District of Grozny Taus Murdalov.

Tushayev’s wife stayed outside waiting for her husband. At 5:30 p.m., worried by the long absence of her husband, she asked a duty officer to call the prosecutor’s office. The officer on duty contacted the prosecutor’s office and asked about Tushayev. The prosecutor’s office official who answered the call said that Khamzat Tushayev had not come to their place and had not been registered there.

On the following day, Tushayev’s wife came to the reception office of Memorial HRC in the city of Grozny with a written application, in which she asked for help in finding her husband. People from Grozny informed the staff in Moscow and we immediately got in touch with Taus Murdalov. The prosecutor said they did not summon Tushayev, but rather he himself came with a complaint. He was let through at the first check-point, but half an hour later Murdalov got a call from the second check-point and was told that Khamzat Tushayev had not appeared there. When asked, “Is it possible to disappear without a trace from the premises of the Governmental Complex?” the Leninsky District Prosecutor said, “No, it is not possible.”

Almost six months have passed since the disappearance of Khamzat Tushayev, but there is still no information about his whereabouts<sup>3</sup>.

Satsita Matayeva claims that since her first report to Memorial HRC on June 9, 2006, the Grozny Prosecutor’s Office has carried out no investigative actions relating to the search for her

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<sup>3</sup> In December 2006 a Grozny newspaper *Stolitsa Plus* No. 97 published an article telling about the elimination of an organized criminal group and the arrest in April 2006 of six members of armed groups. The article says: “It emerged that the group leader, Khamzat Tushayev, the so-called emir of Duba-Yurt, was the father of one of the female suicide-bombers involved in the terrorist acts carried out in Moscow. Tushayev and the other criminals were charged on seven counts under the Criminal Code of the Russian Federation. The investigators will have to determine their involvement in other felonies.”

However, already in 2007, we received an answer to our request to the Prosecutor General’s Office about the detention facility Khamzat Tushayev was kept at. It follows that upon the disappearance of Khamzat Tushayev a criminal case No. 53092 was opened and investigative actions are carried out; however “*unfortunately we can’t locate Tushayev*”.

husband. We sent a request to the prosecutor's office, but the answer had only three lines, which had no sense either grammatically or in terms of substance.

On top of all that it was signed by a certain "Deputy Prosecutor" with a Russian last name, which makes us doubt his sobriety but leaves no doubt as to his professional skills.

All this shows the level of lawlessness reigning in the Chechen Republic. We can also mention that corruption has become an unwritten law, according to which everyone lives now, and perhaps only human rights organizations have not put up with it. Its scale is enormous, comparing to that on the whole territory of Russia.

Nevertheless, I would like to focus on an important aspect of the security problem. It concerns the situation of those Chechen residents who return to the Chechen Republic from abroad. So far, when I was asked whether they have some extra problems compared to the rest of residents, I answered that there are no such examples, of which I know. Unfortunately, today I have to say "yes, they do".

I will give some examples, but first I will speak about the causes of these changes. The thing is that so far the main perpetrators of harassment in Chechnya were federal servicemen. It was impossible for them to distinguish a newcomer from a person who had never left Chechnya. With the process of the "Chechenization of the conflict" the right to harassment, abductions and torture was transferred to several Chechen groups, which are officially affiliated with some units of the RF Ministry of Defense and RF MVD. These groups are mostly under the command of Ramzan Kadyrov. But there are some other as well: Battalions *Vostok* [East], led by Sulim Yamadayev (the man responsible for the incident in Borzhdinovskaya), *Zapad* [West], led by Said-Magomet Kakiyev (his soldiers detained and took away our colleague Bulat Chilayev). They compete against each other, but not in the protection of civilians.

All these people know the rather small population of Chechnya and its structure very well. No newcomer will escape their eye, and he or she will immediately fall under suspicion based on several grounds. On the one hand, the person was absent for quite a long time and no one knows where had they had been, they might have been with the militants or helped them. On the other hand, they came from distant places, which means they may have money that can be extracted from them. Such an approach puts every newcomer in the situation of a suspect and a target for blackmail.

I'll give three examples:

1. Thirty-year-old Rustam M. a native of Grozny, came together with his wife from Cairo for Uraza Bayram holiday. During the Muslim fast of Ramadan, on October 20, 2006, he was driven away from his home by unknown armed men. His relatives turned to government agencies asking for help in establishing the whereabouts of the abducted man; however, it didn't give any results.

Later it became known through unofficial channels that Rustam was detained in the village of Khosi-Yurt (or Tsentoroy), the native village of Ramzan Kadyrov. With the help of a mediator his relatives bought Rustam out for a great sum of money. At that moment, he was in grave condition because of terrible torture. The relatives immediately sent him and his family back to Egypt.

2. A resident of the village of Prigorodnoye, the Grozny Rural District, Magomed Gabuyev, aged 24, in August 2006, returned to Chechnya from France, where he immigrated before the second military campaign. Upon the arrival to his native village, he went to the local district police precinct to have a new Russian passport issued. Some time after he submitted all necessary documents, the new passport was given to him. Nevertheless, the Grozny Rural District ROVD officers came to his house a couple of days later and demanded that he come to their office. They claimed that some necessary procedures were not completed and it was essential that he be present in person to have them completed. When Magomed Gabuyev learnt about the police visit, he decided to leave the native village, fearing for his life. For several months, he was hiding with his relatives in the stanitsa of Kalinovskaya. In summer 2007, Magomet's elder brother was arrested and accused of links with the militants.

Early in the morning on November 8, 2006, the house of Gabuev's relatives in the stanitsa of Kalinovskaya was sealed off. Neighbors heard the noise and ran to the house. They asked the military not to open fire; they promised to take Magomed out of the house and hand him over to the law-enforcement agencies. Magomed Gabuev made an attempt to escape. Aimed shots were fired at him without a warning notice. He was shot in his leg with a non-centered bullet. He sustained injuries of internal organs incompatible with life and died at the scene of the incident. His body was taken to a morgue in Vladikavkaz. On the following day, his body was released to his relatives for burial. This means that there were no charges of terrorism against him, since the bodies of militants are not released for burial under the current laws.

3. Beslan Gadayev lived in Kiev since 2004 as an asylum seeker. In the beginning of August 2006, he was arrested in the Crimea during a conflict between the owner of the house, where he lived, and his neighbor. During the procedure for identification of the young person, it emerged that Gadayev was on the Russian federal wanted list. In mid-August, Beslan Gadayev was handed over by law-enforcement agencies of Ukraine to the criminal investigations department of the Chechen Republic.

At the same time, Gadayev's relatives, who lived abroad, approached me with a request to establish the location of the detention facility he was held at and help find a lawyer for him. Zaur Zakriev, the lawyer we invited, found his client in the Grozny District ROVD; he asserted that Beslan had been subjected to physical and mental violence.

As it appears from the lawyer's statement, his client confessed to an aggravated robbery (assault) against law-enforcement officers committed in 2004. Nevertheless, the Grozny District ROVD officers tried to get his confessions to committing a series of other crimes in the Starye Atagi village – crimes he never committed.

On August 30, 2006, Memorial HRC received a statement from the accused Beslan Gadayev himself. As it appears from the application, illicit methods of inquiry were used towards him. In the application he described in detail the tortures he was subjected to, which made him lose consciousness several times.

According to the lawyer, his client had visible bodily injuries caused by the violence against him. The accused man was transferred to the medical unit of the Grozny SIZO-1; a medical examination report was issued there. It was noted, that Gadayev had numerous signs of beatings and bodily injuries: scars, abrasions, bruises, broken ribs and complaints of pains in internal organs.

In the statement Gadayev explained that he was forced to sign all the procedural documents and give interviews to journalists with a make-up on after he was threatened with a sexual abuse. At the same time it was noted in the interrogation protocol that Gadayev suffered the bodily injuries when he tried to get over the fence in an attempt to escape.

At the same time, the state-granted lawyer wasn't present when Gadayev was signing the protocols. He just advised that he sign the documents, speaking to the accused by phone.

Zaur Zakriev sent petitions to the Prosecutor's Office of the Chechen Republic, detailing all these outrageous violations of human rights.

However, the investigator refused to open a criminal case into torture of Gadayev. According to the lawyer, the investigator explained the refusal by citing his unwillingness to deal with Gadayev, "who doesn't speak Russian well and needs an interpreter", rather than the absence of the signs of torture.

The given examples illustrate what can happen to former residents of Chechnya who decided to return or just visit relatives and friends. Permanent residents live with a constant feeling of danger to their life; for newcomers the risk of harassment, trumped-up charges or torture is even higher day by day.

## Xenophobia and its forms

There are no doubts that the level of xenophobia in Russia has been rising during the recent years. We should state that violence on the grounds of race and ethnicity is not properly countered by the law-enforcement agencies. Manifestations of cruel xenophobia in Russian society are no longer extraordinary; they become normal in our everyday life. They take various forms: from extremist and racist statements by government officials to murders of ethnic minority members. These crimes do not lead to proper investigations and punishment of guilty persons. On the contrary, there are attempts to shift the blame from the perpetrators elsewhere. The stepping-up of activities of fascist movements is tremendous. The authorities notice it only when they feel danger towards themselves. Violence in society becomes a component of the administration system itself.

I would like to go for a quotation to one of the last papers by Yury Levada, our famous social scientist, recently deceased. The name of the paper is “Does Law-Enforcement Work towards Overcoming or Spreading Violence in Society?” This article became an introduction to a co-research project “Law Enforcement Arbitrariness Index” of the Public Verdict Fund, regional partnership organizations and Yury Levada Analytical Center.

*“... violence of police and other law-enforcement agencies is just a part of violence in Russian society, which becomes a norm of life. Violence as a method of administration and a way of solving other problems makes up for the artificial underdevelopment of other, legal and civil, means to maintain order in society.” – said Yury Levada.*

*“The phenomenon of direct (physical) violence may be found in various societies. The question is in the level of tolerance and in the rates of effectiveness of the violent actions. In countries with an established legal system, powerful mass media, mature public opinion and other features of an “open” society violent actions of government agencies may play a role of extraordinary, limited in its aims and scale supplement to “normal” means of social pressure and enforcement ... It’s known that such violence and brutality stirs an organized wave of public anger, dangerous for the government itself.*

*A different situation is usually observed in the countries that are used to mass violence, that don’t have an effective legal system and other attributes of an “open” society. These include many Third World countries and a number of post-Soviet states, including Russia. Constant violence in these countries on behalf of the government makes up for the lack of its legal authority. At the same time such violence is aimed not to “rein in” a particular person or a group, but to intimidate a wider community or the entire society. Violence acts as an all-purpose means of maintaining the required “order”. The level of guilt or responsibility of a particular person doesn’t matter, that’s why even a formal investigation is not often held.”*

It’s obvious that residents of Chechnya became one of the most discriminated against groups. The mass media never loses a chance to mention the ethnic background of persons charged with crimes of terrorism, real or trumped-up.

I’ve already mentioned the case on abduction of Murad Muradov, head of the organization “Save the Generation”. In the end of February, 2006, his relatives received a request from the Prosecutor’s Office to take the body of Murad from the morgue. It was said in the notification letter: “according to the information obtained from the RF UFSB for the Chechen Republic, no incriminating evidence against Murad Muradov was found; he hadn’t been a member of IAGs. There is no information as to his involvement in crimes of terrorism.”

However, on October 13, 2006, NTV television station transmitted a 26-minute TV material titled “Humanitarian Issue” in the program “Chrezvychainoye Proisshestviye” [Emergency]. The material dealt with “links” between the Chechen underground (authors referred to its members as “bandits”) with international and Russian charitable organizations. Almost all charitable organizations active in the Chechen Republic got clobbered, starting with the famous Danish Refugee Council, which actually saved the Chechen IDPs from dying during the conflict. All

organizations were sweepingly accused in carrying out “intelligence activities, which, however, emerges only in emergency situations”.

Here is what was said in this program about Murad Muradov:

*“Head of the charitable organization “Save the Generation” Murad Muradov was killed on April 15, 2005, in Grozny, when he tried to offer armed resistance to federal troops during the storming of his apartment, where he stayed with the militants he was familiar with. The body of Muradov was found after the end of the storming. It had a pistol holster on the belt, magazine pockets, a Makarov pistol was found near the body. A weapons depot was found in the apartment.”*

And later on:

*“According to the law-enforcement agencies of the Chechen Republic, Muradov financed terrorists under the cover of a charitable organization and transferred wounded terrorists abroad. The statement of human rights defenders that Muradov was abducted and brought to the scene of the crime and killed there was prompted by their reluctance to have their image tarnished.”*

Every day we hear these blatant lies from TV and newspapers. It makes Chechens particularly vulnerable to harassment by extremist groups.

Illustrative examples of harassment of Chechens as an ethnical group were the developments at the village of Yandyki, the Astrakhan region, in August 2005, when after an ordinary scuffle the Cossack Council demanded all Chechens to leave Yandyki and the events in Salsk, the Rostov Region, in June 2006, when Cossacks also demanded that all “anti-social” migrants be evicted from the region.

Finally, the most high-profile incident happened in Kondopoga, Karelia. On the night of August 29-30, 2006, a conflict between a barman, who was a native of Chechnya, and a group of drunken young men with previous convictions, occurred in the restaurant “Chaika” that belonged to an Azerbaijani. The matter was that the barman made a remark to the young men and was beaten up. He refused to make a report to the police, which arrived at the scene. Instead, he called in his friends. Officially, 20-25 people took part in the scuffle. As a result of the scuffle, three persons were killed and nine were injured.

On the following day, activists of the extremist “Movement against Illegal Immigration” (DPNI) arrived to Kondopoga with their leader Potkin (publicly known under the assumed name of Belov). Belov-Potkin delivered a fiery speech, encouraging Russian residents of Kondopoga to make a stand against Chechens and other “immigrant non-Russians” and show them “*Who’s the Boss at home*”.

After the meeting, people began to destroy Chechens’ property and burn their houses. The conflict escalated into a mass demand to expel all Chechens. I should note that neither law-enforcement agencies, nor officials from the Office of the Human Rights Ombudsman of the Russian Federation have found any elements of a crime in the actions of Belov, because he exercised caution and didn’t call upon direct violence.

After the events in Kondopoga, protests and demonstrations in support of Kondopoga’s residents swept across the country. Members of the DPNI and their associates threaten that “the same will happen everywhere!”.

I can just state with a sad heart, that so far we have no grounds to challenge this statement. Thank you for your time and patience.

### III. Living conditions and security situation of internally displaced persons and residents of the Chechen Republic

The situation of residents of the Republic has greatly changed during the period of August 2006-October 2007. Until the end of 2006, there was a trend towards a gradual decline in the number of killings and abductions. Starting from January 2007, the number of abductions dramatically dropped. Some suppose that it had to do with Ramzan Kadyrov's harsh orders for the heads of the security agencies under his command not to allow any abductions. This lowered the tensions; people could breathe more freely. Nevertheless, many people voice concerns that this trend could be reversed.

The intention to radically change the situation in the Republic was expressed by Ramzan Kadyrov in an interview to the Interfax news agency<sup>4</sup>: *"Peace in the Chechen Republic has set in to last, irreversibly and for ever"*. Further he said that in this new situation it is "necessary to revive the Republic during the shortest time possible, to create new jobs, to give people prospects in life and to close the books on the tragic streak in the history of the Chechen people, once and for all".

In the interview Ramzan Kadyrov spoke about his future plans. For example, it's planned to build and restore more than 8,000 apartments before the end of 2007. These apartments are assigned for "very poor families".

On February 15, 2007, Alu Alkhanov, the President of the Chechen Republic, suddenly sent in his resignation. On March 2, 2007, the CR Parliament approved Ramzan Kadyrov, the candidate suggested by Vladimir Putin, as the President of the Chechen Republic.

Since spring, housing has been more actively constructed in the city of Grozny, in the towns of Argun and Gudermes. Such a dramatic shift to peaceful construction is very positive. Here is what Ramzan Kadyrov said about the construction boom in the Republic: *"The speed of construction is so high, that we are building mostly ahead of the paper work plans... We are doing it mostly using our own resources. We take loans, generally, we look out for every opportunity."*<sup>5</sup>

One of such opportunities is to use free labour of those who rebuild Chechen cities and towns. No contracts are signed with them, just oral agreements. They were not paid for three months. Here is what a bricklayer from the Urus-Martan District, Borz-Ali Visitaev, said to a Memorial HRC worker<sup>6</sup>:

*"When I was applying for the job, I just had an agreement; no contract was signed. When I asked about it, they told me I will receive it later."*

*No one from our team (there are about 50 people from our district here) has a contract. We agreed with an owner of a Gazel van to have our meals transported from a canteen we contracted. But we've been paid no salary and now we owe money both to the driver and the cooks. I received no money and I'm already deeply in debt. I have five children; what will I bring home when I have to give back half of the money?"*

A protest action of workers was held in June in the Chernorechie village, of the Zavodskoy District of Grozny.

On June 5, a group of workers (about 100-150 people) blocked the Rostov-Baku Highway. They demanded their salaries to be paid. One hour later, the head of the district administration arrived with his armed security. The cross-talk almost ended in a bloodshed. The security began to fire shots aiming near the protesters's feet; as a result two women were wounded on the rebound.

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<sup>4</sup> <http://www.kavkaz.memo.ru>.

<sup>5</sup> Rossiyskaya Gazeta, July 10, 2007.

<sup>6</sup> <http://memo.ru/hotpoints/caucas1/msg/2007/06/m85479.htm>.

Finally, a representative of the *Spetsstroy* (the Russian Federal Agency for Special Construction) promised that the salary would be paid in three days. However, on June 8, it wasn't paid.

In the morning, the workers gathered again and blocked the road leading to the center of Grozny. Nobody from the administration arrived at the scene. The protesters disbanded after the request by the head of the Zavodskoy district ROVD.

By the evening of June 10, workers were finally paid their salaries, but just two times less than they were promised.

On June 12, just three workers out of 139 came to work.

However, the administration didn't give any concessions and it refused to sign contracts of employment and pay the rest of the salaries. All the strikers together with their team leaders were fired.

Memorial HRC sent a request to the CR Prosecutor's Office, concerning the unpaid employees. The Prosecutor's Office launched an enquiry into the actions of the construction companies. The fact of delayed payment of wages was confirmed. The director of "Steklomontazh", the company that was doing the construction in the Chernorechie village, was found guilty. He was fined 25 minimum monthly wages (that is about 100 US dollars); other managers of the company were reprimanded.

In August, six thousand workers received a total of up to 100,000,000 rubles (2,857,000 euros) in salaries, i.e. approximately 16,700 rubles (477 euros) a month (information by the Web-site Caucasian Knot, August 8, 2007). However, in the beginning of September, another delegation from workers came to a Memorial HRC Office, stating that they hadn't received their salaries for five months.

Besides, we should mention that the workers at construction sites are at a constant risk of injuries, as no one controls the compliance with safety standards. People work without personal protection equipment on high-rise apartment buildings. Thus, since the beginning of construction activities in the Chernorechye village, six persons have sustained different injuries. Medical insurance is not provided. Here is what Abaz, an assembler, who was injured on a construction site in the village of Chernorechye, said<sup>7</sup>:

*"I was working on the 9<sup>th</sup> floor in a hanging stage; a sack of cement fell on me from the roof; as a result I had a broken collarbone. I continue working with a broken collarbone. If I stay at home for treatment, no one will pay for that; I'll lose my salary. Last month, my friend fell off the 9<sup>th</sup> floor, thank God he is alive. He was in hospital, now he's at home, undergoing treatment at his own expense. He didn't get the salary."*

In that same February interview to the Interfax news agency Kadyrov said that the Chechen Government set for itself the task of *"fully solving the problems related to social tensions and providing residents of temporary accommodation points with housing."*

According to officials<sup>8</sup>, Ramzan Kadyrov instructed the Government to shut down all temporary accommodation points and compact accommodation points on the territory of the Republic before January 1, 2008, providing its residents with their own housing or helping them with repairs and renovation of their destroyed homes.

It was impossible to perform the task; however, it was necessary to report on it. That's why in 2007, most temporary accommodation points were closed, without provision of any housing in return.

### ***Campaign to shut down TAPs***

As of July, 2006, there were 26 TAPs in the Republic, with 4,642 families living there, that is 26,442 people, 4,526 of whom were children under six.

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<sup>7</sup> <http://memo.ru/hotpoints/caucas1/msg/2007/06/m85479.htm>.

<sup>8</sup> See publication of February 15, 2007 at the Web-site Grozny-Inform at <http://www.grozny-inform.ru/>.

As of July 1, 2007, just 22 TAPs remained in the Republic and they all were in the process of closure. As of June 1, 2007, 25,473 people lived in TAPs, and 15,686 – in CAPs.

The course towards shutting down TAPs was taken by Ramzan Kadyrov in April 2006, when he announced that TAPs were “nests of crime, drug abuse, and prostitution” and they had to be closed. We spoke about the start of the campaign to shut down TAPs in Grozny and Gudermes in our previous report<sup>9</sup>. The process of closing TAPs and resettling IDPs was taking place with involvement of armed people, which was a factor of pressure in itself.

The Office of Memorial HRC in Grozny observed that the monitoring shows a gap between the statements made by the authorities concerning the improvement of living conditions at resettlement and the real situation. It is seen from the example of resettlement of dwellers of the TAP at 289, Derzhavina Street, which was closed on July 1, 2006. As of July 1, 2007, five families from the TAP received land plots, four families received apartments, but just two of them live there, and the other two apartments need overhaul. Former IDPs can't find any money for it.

The vacated TAP building on Derzhavina Street was transformed into a CAP for IDPs coming from other regions. However, its former residents were evicted under the pretext of the building being slated for use as a kinder garden. The difference is that TAPs are financed from the federal budget and CAPs are financed locally; thus the Chechen authorities implement the requirement of the “center” to take the burden of supporting the IDPs off its shoulders.

During the resettlement, the IDPs are required to sign a statement that they are willingly returning to places of their permanent residence. Such statement not only deprives them of housing, but also results in their removal from the lists of recipients of food assistance. With such statements signed, migration offices see their obligations as set out in Form No.7 for registration of IDPs the people were issued when leaving the Chechen Republic in 1999-2001 as fulfilled.

Memorial HRC has received numerous applications since March 2007 from residents of the TAPs on Okruzhnaya Street, in the Mayakovskogo settlement, on Koltsova, Kirova, Yaltinskaya, and Malgobekskaya Streets for their forced removal from the books of migration agencies. The inhabitants were told to vacate their rooms in three to seven days. In order to make the residents sign these applications administration officials and the police used harsh psychological pressure, direct threats and even violence.

They often use direct fraud. Here is what they have done to E.M. Khizirayeva, a resident of TAP on Tchaikovskogo Street. She was persuaded to sign an application to the UFMS to have a land plot granted to her family, while, in fact, it was an application to have her family struck off the registers of migration offices. When she realized what happened, Khizirayeva wrote another application; however, the migration services did not respond to it and stripped her family of food assistance. Her family consists of nine persons; three of them are minors, two of whom are disabled from childhood. They were doomed to hunger.

**On March 19, 2007**, a commission, consisting of representatives of the district administration and the ROVD officers, arrived at **the TAP on Malgobekskaya Street** in Grozny. They suggested that the residents of the TAP write a statement addressed to Asu Dudarkayev, the head of the UFMS: “In view of the resettlement to the place of permanent residence, I am asking you to take off the register under Form No.7 me and my family, composed of ...” When people began to rebel and protest, members of the administration threatened to evict all the residents of the TAP before April 1, irrespective of whether they sign the statement or not. The TAP inhabitants tried to explain to the commission members that they had nowhere to go, but the commission retorted that each one had relatives, brothers, sisters or friends who could give them shelter.

Inhabitants of the TAP returned to Chechnya from a CAP in Ingushetia. They believed the promise given by the Chechen authorities. They were promised rosy skies: provision of housing

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<sup>9</sup> See Report “On the Situation of Residents of Chechnya in the Russian Federation (July 2005 – July 2006)”.

and job to everyone, payment of compensation within a week, etc. – just to have them return to Chechnya. However, now the authorities do not bother about keeping their promises.

**On April 26-27, 2007, scrapping of residential housing in the KSM-1 settlement** (Zavodskoy district of Grozny which people also call) was started. This place was called “Shanghai”. A total of 37 families (188 people) lived there. Fourteen families have all the title documents for ownership of the housing, others were squatters. The demolition activities were stopped thanks to the interference of Memorial Human Rights Center and Ms. Avanesova, an official at the Zavodskoy District administration’s housing department, who persuaded the district administration that the houses can’t be demolished, even if they were illegally built. A court ruling is required for that. It was decided to halt the demolition process for the period pending a court decision.

We sent a request to the Prosecutor’s Office of the Zavodskoy District, concerning the demolition of the KSM-1 settlement. The answer was signed by A.G. Bakhanoyev, Acting District Prosecutor and seemed to allow hope for the favorable settlement of the problem.

*“...despite the fact that these residential houses were built without authorization, the administration of the city of Grozny has taken every effort to resolve the situation and render all possible assistance in solving the housing problem to the residents of settlement, namely:*

*— sixteen families were granted apartments in the settlement of Chernorechie, the Zavodskoy District of Grozny;*

*— twenty-two families were granted land plots for individual construction in the territory of the Zavodskoy District...”*

However, in real life, the situation wasn’t as good as it seemed. The land plots were granted; they were linked to electricity and gas systems; however, no roads were made and no gas and energy distribution infrastructure installed. The box houses were provided to the residents by the Office of the United Nations High Commissioner for Refugees (UNHCR). The administration of the city had on its part to construct the foundations and provide wall facing materials; otherwise it would be impossible to live there. Nothing was done. Finally, the foundations were built by the residents themselves; however, no wall facing materials were supplied by the city administration.

Most of the apartments granted, according to the documents, to former residents of the KSM-1 settlement, were long inhabited by other people.

Besides, several families received nothing – no apartments, no land plots. S.-H. Tsentoroyev, the head of the Zavodskoy District administration, rudely threatened them with eviction. People were practically thrown out into the street.

On July 19, a publication was posted on the CR Government’s official Web-site<sup>10</sup>, titled “Control Checks at TAPs”.

The main point of the material was that during the inspections lots of people were identified who virtually did not live in TAPs, but still occupied rooms and received humanitarian assistance there.

During night raids, members of the commission didn’t find some of the TAP residents in their rooms. The article says: *“According to preliminary data, about 20 such families were identified in the Zavodskoy District of Grozny alone. In the Leninsky District (TAP on Kirova Prospekt) 22 families out of 57 were taken off registers during just three hours of inspections that night.”* This means that entire families were removed from the registers at night, in a rushed manner, without any investigation into the reasons of who was absent and why. This campaign is very much similar to the one of shutting down camps for IDPs in Ingushetia in 2002-2004.

They plan night raids to become regular. A working group, led by M. Bakharchiev, head of the Leninsky District, is assigned this task. According to our data obtained from L. Kaplanov, an officer of the UFMS, no migrant service officers were included in that group.

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<sup>10</sup> See article of June 19, 2007 at <http://www.grozny-inform.ru>.

On **June 21**, the residents from the **TAP on Okruzhnaya Street** were forced to move out. In the afternoon, the district administration representatives, accompanied by law-enforcement officers arrived at the premises of the complex. Administration officials from the Urus-Martan District behaved so aggressively that three women had a heart attack. An ambulance had to be called in. Three families were forced to pack their things and leave. Their rooms were sealed. The Davletmurzanovs from Urus-Martyn found themselves in the street, without even a semi-destroyed house, where they could live together with their six children. It began to rain in the evening. Not to spend the night in the rain, their father broke the seal from their room's door and the family moved back in.

On **June 21, 2007**, residents of **TAP on Koltsova Street** approached Memorial HRC in relation to violence against them by the authorities. The administration's deputy head and the TAP superintendent threatened the residents "by detention and beatings and throwing their things away", if they didn't sign an application for removal from migration service registers and did not vacate their rooms in three days.

According to Avlavdy Khasimikov, Deputy Head of the UFMS in the Chechen Republic, 528 families (3,406 people) were taken off the registers in May based on such applications.

That same day, eight families were taken by bus from **the TAP in the building of a vocational-technical school in Argun**. Five of them were taken to Gudermes and settled in a hostel on Lokomotivnaya Street. The building wasn't suitable for living; it was in disrepair, without glasses in the windows and gas-stoves.

Other families from the Argun TAP were promised to be resettled in vocational-technical school's hostel nearby. The maintenance of the building is financed by the administration of Argun. Those who live there are no longer supported in any way by the migration service. They have no food supplied to them and no furniture. In this way the people who moved into a house just a couple of meters away from their previous place of residence have their legal and social situation worsen from what it was before.

All administration heads received strict orders to "get back all their residents and resettle them".

Some residents got land plots for construction on undeveloped outskirts, where no gas and electricity had been connected. And they will probably receive no help in constructing or buying necessary construction materials, as they were promised.

On **July 17**, a KamAZ truck was driven to **the TAP at 47, Kirova Street**. This was done in order to move the things of three families; however, they refused to leave, demanding permanent accommodation.

On **July 25**, attempts were made to evict the inhabitants of the TAP at 47, Kirova Street again. The head of the Leninsky District and Deputy Chairman of the Commission for Closure TAPs M. Bakharchiyev; Mr. Gekhaev, Construction Minister; and D. Muzakayev, Minister of Culture informed the residents that guests of the "Peaceful Caucasus" festival were planned to be accommodated in that building. TAP inhabitants were suggested to move out before 6 p.m. People were struck with panic.

The Leninsky District administration representatives, accompanied by police officers, went round the rooms. They demanded the residents to pack their belongings and leave as soon as possible. During the inspection, police officers from the territorial police department No. 1 of the Leninsky ROVD badly beat up one of the inhabitants, Alikhan Sadykov. He refused to give his passport and to go to the superintendent's room.

They used force against him. His wife and neighbors stood up for him. The police officers started to beat those people with the automatic rifle butts. They managed to drive Sadykov out of the building and forced him into the car. According to eyewitnesses, he was all covered in blood. He was brought to the Leninsky District ROVD.

The residents reported the outrage at the TAP to human rights activists. Members of the Public Chamber, workers of Vesta organization and Memorial HRC, as well as the chairwoman of the Migration Organizations Forum, Lidiya Grafova, who arrived in Grozny that same day,

arrived at the TAP. By joining their efforts members of these organizations succeeded in getting Sadykov released. The IDPs' resettlement from the TAP was halted.

**On July 19**, members of Memorial HRC visited the TAP at **116, Michurina Street**, in Grozny. The day before, residents of this TAP asked Memorial to help stop their resettlement.

The IDPs believe that these resettlements create a lot of problems for them. According to them, they are tired of roaming from place to place, of changing schools for their children, of changing their jobs. TAP inhabitants insist on providing them with permanent accommodation, not temporary one. The stand-off between TAP residents from 116, Michurina Street and the administration officials is compounded by the fact that the living conditions in this apartment-house type TAP are much better than in the TAP housed in the hostel at 4, Vyborgskaya Street, where they are offered to move.

Among those who approached Memorial Human Rights Center four families need special care and attention because each of them has disabled persons. However, the district administration didn't provide any assistance to them. On the contrary, the entrance doors were taken away from their apartments in order to make them leave.

At the same time, district administration officials explain during the conversation with human rights activists that they were not authorized to solve all problems that arise in relation to IDPs' resettlement – they are just the executors of decisions. All problems, concerning accommodation or leaving people at where they were should be considered at higher levels.

Workers of Memorial Human Rights Center polled TAP residents. Its results showed the catastrophic situation of some families, which really have nowhere to go (See *Appendix 1*).

Memorial Human Rights Center sent two requests to K.O. Romodanovsky, FMS Director, asking to stop the rushed closures of TAPs and the forced resettlement of residents from one TAP to another, since in the resettlements families get into worse conditions, while provision of appropriate housing is suspended for uncertain period of time.

There were also requests to charge the migration service officials with monitoring the compliance with the law in the procedure for taking residents of TAPs off the registers under Form No.7 and the observance of the IDPs' rights by the Chechen authorities, so that people could not be thrown out into the street.

Families, which became much bigger during the conflict and can't any longer live together, represent another major problem. In peaceful times, they would have built a new house or bought one for young families moving out; however, for many years now they've been deprived of this opportunity. Now they have to get along with a very small compensation they are offered for an entire large family or restore housing which can no longer accommodate them all.

Families that rented accommodation or lived in hostels, waiting to receive state-sponsored housing at the place of work, are left without support. It turns out now that the state has no responsibilities before them.

During the hostilities, the situation of these categories of IDPs was the same as that of other groups. Now their eviction from TAPs is inadmissible. As the local authorities don't have any responsibilities towards them, since they have no permanent residence registration anywhere, this responsibility should be taken by the federal government, specifically by the FMS of Russia, as the agency that deals with the IDPs' problems.

Those families from the TAPs who have been fortunate enough to get an apartment in Grozny or in Argun are often unable to move there because other tenants also claim that housing.

On May 1, the gala inauguration of the *Vozrozhdeniye* [Revival] compound was held in the Staropromyslovsky District of Grozny. It consists of 85 houses for poor and large families from TAPs. The event was widely covered in the local press.

The construction of this compound was started back in the Soviet times<sup>11</sup>. It was owned by one of the major industrial enterprises of Chechnya. The buildings and roofs were finished at that time. However, all construction works were discontinued after the collapse of the Soviet Union.

Nevertheless, a few dozen people got their housing documents; it was only necessary to perform internal finishing works, install doors and windows, as well as to connect to the water, electricity and gas systems.

Citizens who have these housing documents, issued in the late 1980s or early 1990s, attempted to settle this issue through the courts and the Prosecutor's Office, but were refused everywhere.

There is a conflict situation: residents relocated from the TAPs cannot move into the disputed apartments.

The same problem arises with those who receive apartments from the so-called "rejected housing stock". Despite the fact that they have the necessary documents on hands, they often have to go through a long court trial to defend the right to the housing. At that the other party in the process is the apartment owner, who acquired it from Russian residents who fled Grozny in the early 1990s.

Apartments were sold for a song and without proper documentation, so many of the owners who left Grozny considered themselves entitled to be compensated under the RF Government Regulation No.510 of April 30, 1997 for the apartments they had sold. The apartments for which such compensation was granted are included into the public housing stock, the so-called "rejected housing stock." According to the officials<sup>12</sup>, more than 5,800 apartments are registered in it.

The current owner of a "rejected" apartment loses his rights to it. He goes to court. The court establishes the fact of fraud, but decrees a refusal to open a criminal case under the statute of limitations. The decree is not issued until the investigation is completed, but it can take months or even years.

Thus because of the inaction of the investigation agencies the owner can be evicted from his accommodation because it is listed as "rejected" and can be given to the TAP residents. If this happens, a housing dispute arises. These housing disputes are tried in courts between the owners and people with the social rent contract on hand. If there is no order of the prosecutor's office confirming the fact of fraud on the part of the apartment's seller, decisions are made in favor of the new tenants.

So, as a result of such rushed settlement of the problem of resettling TAP residents, another group of victims has emerged – owners of the apartments evicted from the housing they have purchased. They are angry at the authorities for giving preference to the TAP residents and prejudicing the rights of those who have resettled during the war using their own resources. The massive seizure of "rejected" apartments creates an acute conflict situation around the resettlement of TAP residents and leads to the increase of social tensions.

It is clear that all the problems of resettlement of the TAPs' residents arise because of the extreme haste during the implementation of the program of shutting down TAPs.

According to the results of the checks in the territory of the Republic, six temporary accommodation points for displaced persons were vacated. Over four thousand people were taken off the Migration Service's registers.

At the same time, allocations of apartments to TAP residents from the public housing stock were terminated on June 20 by the order of Muslim Khuchiyev, the mayor of Grozny. It will be resumed only after thorough checks are made on the persons who submitted papers for apartments or land plots within the city boundaries.

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<sup>11</sup> Article of May 2, 2007 "A new compound inaugurated in the capital of Chechnya" at the Caucasian Knot Web-site at <http://www.kavkaz.memo.ru>.

<sup>12</sup> Article of March 12, 2007 "Kadyrov suggests that no business be made on the "rejected" apartments" at <http://www.regions.ru/news/2060264/print/>.

RF Government Resolution No.163 is still in effect, providing for food and accommodation provision to IDPs in TAPs. Therefore, TAPs must be kept, so that the citizens who do not have their homes and are registered under tForm No.7, could live there until the final decision on their resettlement is made.

In real life, in spite of the rapid reconstruction and the revival of Chechnya, thousands of people remain without accommodation and without hope to receive it in the foreseeable future.

### ***Social conditions***

The biggest social problem in the Republic is **unemployment**. Until recently the number of unemployed was 318 thousand people – about 70% of the economically active population.

In the mean time, a large number of people are employed in the repair and construction sector, which reduces the problem. However, as stated above, salaries are delayed or not paid at all to many workers. This is a consistent policy of the Government's high-ranking officials.

Discussing with representatives of Civic Assistance Committee the program of school assistance in the mountainous areas, one of the officials suggested that salaries of construction and repair workers are not built into the proposed budget. "We are building everything free of charge", he said.

At the same time, Abdula Magomedov, CR Minister for Economic Development and Trade, in an interview with a journalist of *Vesti Respubliki*<sup>13</sup> said that creation of 10,000 jobs is planned in 2007.

The Minister also noted that the project "Development of Agricultural Machinery-Building Industry" is now being implemented. Its main aim is to ensure the growth in agricultural produce. The plans also include accelerated development of animal breeding, promoting small business farming and the provision of young professionally trained workers in rural areas with affordable accommodation.

According to the OAO Rosselkhozbank, under this project the bank has granted loans to the amount of 161.2 million rubles. As of April 1 2007, 915 applicants claimed subsidies at the CR Department of Agriculture. The subsidies granted amounted to 9.5 million rubles. Thus, the residents are ready to use every opportunity to survive.

The **health care system** in the Republic is in a difficult situation; although the Ministry does everything possible to improve it.

As part of the national project *Zdorovie* [Health], 273 items of modern diagnostic equipment have been purchased<sup>14</sup>. However, many hospitals where the equipment must be shipped are totally or partially destroyed or need reconstruction or an overhaul.

The lack of modern well-equipped medical facilities and trained personnel does not allow for provision of high-tech medical care services and patients have to apply to hospitals outside the Republic. Civic Assistance Committee, in cooperation with the Caritas of France, implements a European Commission-funded program of assistance to patients living in Chechnya: assisting in making arrangements for their treatment in Moscow and other cities of Russia, as well as paying the transportation and accommodation costs and the costs of medical examinations. More than 6,000 patients received medical help during the three years that the program has been in place.

Currently, the CR Government has developed an investment project to build a medical diagnostics center in the Republic, which will provide appropriate medical services locally.

There is a severe shortage of medical professionals in the Republic. Overall, there are only enough doctors to fill 46.8% of positions, and in rural areas – only 35%.

This year, an agreement has been reached between the Ministry of Health of Chechnya and medical universities in several regions of Russia on the admission of 110 Chechen students.

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<sup>13</sup> *Vesti Respubliki*, Issue No.92 of July 4, 2007

<sup>14</sup> Article of July 12, 2007 at <http://www.kavkaz.memo.ru>.

Thirty percent of the available places will be given to school leavers of five highland areas of the country.

In addition, 30 places are allocated for postgraduates.

A national project is being implemented in the **educational sphere**: schools received 134 model kits of training equipment worth 46.5 million rubles, as well as 35 interactive whiteboards worth 3.2 million rubles. However, it is not enough; there is a lack of equipment for physics and chemistry classrooms.

Many school buildings are destroyed or need an overhaul. According to Abdula Magomedov<sup>15</sup>, the CR Minister for Economic Development, there is a need to build 194 schools to reach the average level seen across Russia.

Schools in the mountain villages are in bad condition – destroyed buildings; no heating in some of them; no equipment and visual aids, etc. It should be noted that the situation has changed for the better over the summer – many schools in the mountain villages were reconstructed, a new school is being built in the Gansolchu village.

Civic Assistance Committee has drafted a project to assist 19 schools located in the mountainous areas. The French Embassy allocated funds for the project. In August 2007, the repair works on the project began: the construction of the school playground in Gansolchu village, floor repairs, and wiring in the schools. Books for school libraries, school equipment and musical instruments for the Vvedeno Children's Art Center were purchased. A Gazel school minibus has been purchased with the funds provided under the project. It has already been transferred into the ownership of the Itum-Kali District education authorities.

### ***Compensations***

Currently, there are two RF Government Regulations concerning compensation for housing and property lost in Chechnya. Regulation No. 510 of April 30, 1997 sets the maximum payment of 125,000 rubles, or 3,500 euros, to those who left Chechnya and waived their right to their housing in its territory.

Regulation No.404 of July 4, 2003 determines the compensation to the residents of Chechnya, equal to 350 thousand rubles, or 10,000 euros, for one completely destroyed house property.

Payments under Regulation No. 510 for families who fled Chechnya have almost been completed. According to the RF FMS, as of June 1, 2007, 463 statements were submitted but not yet considered.

As of October 22, 2007, during the entire period starting in 1997 till the present day, 37,857 families received compensations under Regulation No.510, totaling 4.02 billion rubles (11,500,000 euros). In the table below the distribution of compensations to families is shown for each year:

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<sup>15</sup> *Vesti Respubliki*, Issue No.92 of July 4, 2007.

| Years | Number of families that received the compensation |
|-------|---|
| 1997  | 1,653   |
| 1998  | 6,163   |
| 1999  | 4,256   |
| 2000  | 3,957   |
| 2001  | 3,616   |
| 2002  | 7,462   |
| 2003  | 2,793   |
| 2004  | 5,200   |
| 2005  | 1,414   |
| 2006  | 1,257   |
| 2007  | 86  |

As for the payment of compensations under Regulation No. 404, 46,939 families received compensation amounting to 16.4 billion RR (468,500,000 euros), according to the FMS, as of October 22, 2007.

In the mean time, according to Mokhmad Ayubov, the Deputy Head of the Secretariat for Payment of Compensations, the commission received more than 250,000 applications for full compensation for lost housing. The engineering survey group will inspect the extent to which property was destroyed and probably more than half of them won't be accepted.

Compensations for the partially destroyed dwellings are not provided, the mechanism, the period of the reconstruction and the source of funding are yet to be determined.

Because many frauds have been identified, payments have been repeatedly suspended. The last time payments were made was in November 2006.

Numerous cases of fraud discovered in the receipt of compensations do not entail the initiation of criminal proceedings because of statute of limitations, the affected citizens are left with nothing.

The republican authorities promised to resume payments in the shortest possible time, but this has not happened. According to information from the Office of the President and the Government of the Republic<sup>16</sup>, compensations are unlikely to be paid this year – there are no resources for that in the republican budget.

### ***The situation of mountain village residents***

Apart from IDPs, officially registered under Form No. 7, there is a large group of “unaccounted for migrants” in Chechnya – this group includes the population of the country which left their villages in 2002-2005.

In most cases violence on the part of military was the cause of it. According to the surveys, every fourth family lost a relative during the hostilities and almost every man was subjected to beatings. The biggest amount of people left after 2002. Apparently violence against residents of mountain villages reached an incredible level that year. The transfer from the mountains didn't attract the attention of the public and the mass media, as this transfer took place only within Chechnya. Coming down from mountains, refugees began to settle among the local population. The authorities of Chechnya aim to return them to the destroyed mountain villages, instead of assisting the IDPs at the local level.

From December 11 to 13, 2006, Civic Assistance Committee workers did research into the situation of the mountain village residents in Chechnya who migrated to the plains<sup>17</sup>.

<sup>16</sup> Article of June 5, 2007 “The compensation payments for lost housing are suspended again” (<http://www.kavkaz.memo.ru/>).

This survey showed that in different villages the authorities treat the refugees differently. In the villages of Oiskhara and Noibera the authorities registered most refugees, so they were given official documents, which could be presented during checks; refugees were also supplied with bread. In the village of Iliyinskaya the attitudes of the administration's head towards the refugees is benevolent; when there is an opportunity to help some of them, he always does so. In the village of Ilaskhan-Yurt, in contrast, the administration's attitudes towards the refugees from the mountain villages are openly hostile.

We can judge about the attitudes of local authorities towards the refugees by the situation with registration. The official registration is the most important problem for all Russian citizens, as it is connected with main social rights and safeguards.

The best situation with the official registration appears to be in the village of Iliyinskaya. All refugees have permanent or temporary registration. The situation in the village of Ilashan-Yurt is quite the opposite; no one from among the interrogated IDPs has registration. The head of the local administration issued a decision not to register refugees; he convened a rural gathering to validate this decision. But at the same time, refugees are fined for the absence of registration.

The present administration of Ilaskhan-Yurt refuses to officially grant to refugees the land plots where they've built their houses. They received these land plots for a fixed sum of money from the previous administration of the village, or bought them from local residents. In both cases the documentation on the land plots was not formalized. All nine families, living in those houses don't have any documents for the housing, they can neither register at that place, nor sell it, and they fear eviction. The head of the Ilashan-Yurt's administration is the person close to Ramzan Kadyrov. Anyhow he is making every effort to implement Kadyrov's instructions to return the refugees back to the mountains.

Judging by the results of the survey, a considerable number of IDPs has some problems with the registration, which are caused by the effort of authorities to make refugees return to their previous places of residence.

About a half of the respondents in eight villages got a chance to build small houses using sun-dried bricks, but as they don't have any registration, they can't consider themselves to be owners of the houses. The others rent accommodation or live with their relatives or friends.

Only every thirtieth person among the able-bodied refugees has a permanent job. The others exist only by means of temporary jobs. About half of refugees have less than 500 rubles (about 15 euros) per person per month to live on.

As a positive feature we can note that the IDPs don't have any big problems with access to medical assistance. They receive free services at obstetrical centers; at the Gudermes hospital persons without registration are admitted for reasonable price.

Secondary school level education is also available to everybody. In spite of the fact that all local schools are full and lessons are going in three shifts, there were no refusals in enrolling children.

Some of young people from mountain villages were not able to finish school, as there were no classes at schools during the hostilities and many buildings were destroyed. As there are no evening schools in most villages, young people didn't have an opportunity to finish their education.

In spite of the fact that there they have no own accommodation and no permanent sources of subsistence, refugees from the mountain villages refuse to return in most situations. The main reason is fear. They are afraid of going through violence on the part of the military, of getting under gunfire or tripping a mine.

It is terrible to live in the mountains now, even though the military activities have ended. Some mountain villages are still under air strikes. Harsh passport checks regularly occur in villages.

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<sup>17</sup> See Report "The situation of the residents of the Chechen Republic, internally displaced from the mountain villages to the plains after the renewal of the hostilities in 1999" (<http://www.memo.ru/> и <http://refugee.memo.ru/>).

On the evening of **December 1, 2006**, as the result of an airborne bombardment of the high-mountain village of Sharo-Argun by the federal force aircraft two natives (**the Gaitamirov brothers**) were wounded. A young girl, **Zulpa Akhigova**, sustained a blast injury. One house was practically destroyed; windows and frames were broken in other houses.

“In the past two or three moths we live as if on a gunpowder barrel,” said a 33-year-old resident of the village of Serzhen-Yurt to the Caucasian Knot Web-site’s correspondent<sup>18</sup>. “Woods on the edge of our village and mountain gorges here and in the neighboring districts: Vvedeno, Itum-Kali, and Shatoi Districts constantly come under air and artillery strikes. It is practically impossible to go to the woods to cut firewood. Constant explosions seriously affect people’s health, some persons died of heart attacks and strokes.”

General Baryayev explained the use of aircraft and artillery in the south of the Republic by the counter-action efforts taken by the military against the militants who’re trying to equip their bases in the mountainous areas covered with woods.

On the night of **December 19, 2006**, residents of the Achkhoy-Martan District, **Viskhan Arsanukayev** and **Salman Mintayev** were killed and **Lema Arsanukayev** was injured. It happened in the woods at the distance of 15 km away from the settlement of Chozhi-Chu as a result of a bombardment. The previous day, they went by two trucks to collect scrapped metal from the site of an abandoned oil rig in a deep forest. One of the trucks broke down before they reached the site. They stayed overnight in a hut. They didn’t pay much attention to the helicopter’s noise. A sudden explosion was heard – presumably it was a rocket from the helicopter. Salman died immediately, Vishan was alive for another two hours. Magomed Arsanukayev and Mansur Mintayev carried the wounded Lema into the vehicle and returned to the village. In the morning they reported about the accident to the police and asked for help to fetch the bodies.

The military commandant’s officer of the Chechen Republic says that “the cause of the incident was a mistake. The helicopter crew took them for militants. Who can think that at night in a deep forest people would be just cutting metal?”

The military are guilty of the deaths of two persons, but they have not received punishment. Investigation into the death of the killed men was not carried out – no forensic examinations were conducted, no fragments of the rocket from the place of the incident were collected.

In March, there was another tragedy. In the Shatoi District the military shot women in the woods at daylight and in this incident it is already impossible to see it as a result of a mistake.

In the morning on **March 24, 2007**, on the edge of **the village of Urdyukhoi, the Shatoi District**, troops from a local military commandant’s office fired at three local women. One of them, **Khaldat Mutakova** (born 1969) was killed on the spot. Two others, **Zalpa Mutakova** (born 1967) and **Zaire Kasumova** (born 1980), were seriously wounded.

At 8.30 a.m., the three women went to the nearest woods to gather wild leek. Women were dressed in trousers, they had scarves on their heads, Khaldat was wearing a light sweater; her jacket was tied on the waist. They had walked nearly 500 meters from outer houses and came to a clearing near the Blue Lake. According to Zalpa, when they were heading for the woods, she heard someone reload a gun. Shooting began from the different directions at once. Khaldat and Zaire were wounded and they fell to the ground at once. Zalpa lay down on the ground and began to shout, asking to stop the shooting. However the shooting continued. The bullet hit Zalpa in the shoulder. She asked Zaire, who was still conscious, to call her relatives by a cell phone. Zaire phoned her husband’s cousin and informed him that they were near the lake, they were fired at and wounded, and that they were asking for help.

When the shooting stopped, the troops approached the wounded women. At first, Zalpa was lying with her eyes closed, but then she got frightened that they might beat them to death and so she spoke to the troops. She asked them why they had been shooting at them. The military

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<sup>18</sup> See article of December 4, 2006 “Mountain village residents are worried by air and artillery strikes becoming more frequent” at <http://www.kavkaz.memo.ru>.

answered that they had failed to make out who had been walking and thought, that they were militants. Zalpa was afraid that they might be killed so that there would be no witnesses left; therefore, she warned them that their relatives had been already called in for help. The team leader answered: "Why did you call them? Now we'll start killing each other". Zalpa asked them not to shoot at the relatives coming to their help, as they had no weapons.

Then the troops at Zalpa's request bandaged the wounded, put them on a canvas and carried downwards to the village. The relatives of the victims and the head of the administration of the village were already going up. A conflict between them and the military was almost sparked, but the relatives had to rescue the women first. They were taken to hospital. On the way there Khaldat died. Doctors were doing the operation for several hours, trying to save her, but unsuccessfully.

On the body of the killed Khaldat Mutakova six through wounds were discovered, a bullet with displaced center of gravity got stuck in her clothes. The orphaned teenage daughter was left alone. Khaldat was a teacher at a local primary school.

The women were shot by a reconnaissance team of the military commandant's office of the Shatoi District, led by Lieutenant Colonel Korgun. He was arrested. The lieutenant colonel and his three subordinates were accused of reckless killing.

Nurdy Nukhazhiyev, Chechen Ombudsman stated<sup>19</sup>:

*"Korgun's team deliberately opened fire to kill at the women who were gathering wild leek. Everything occurred not at night but at day light, and the military clearly saw that there were women in front of them, not militants. There can't be a mistake".*

A similar opinion was voiced by an officer of the CR Interior Ministry:

*"The military knew full well that at this time of the year local residents in the mountainous areas of the republic are engaged in gathering wild leek and the troops could have at least found out who was in front of them before opening fire"<sup>20</sup>.*

On August 21, 2007, court hearings started at the Grozny Garrison Court into the case of Lieutenant Colonel Korgun. He was no longer accused of a reckless killing, but just of negligent attitude to his duties. Investigators from the Prosecutor's Office did everything to shift the blame away from the troops. The indictment was based completely on testimonies by Korgun and his subordinates who shot at the women following his orders. Now they were only witnesses. Zalpa Mutakova turned from the victim into a witness; the Prosecutor's Office didn't consider her wound (the bullet went through her shoulder) as a serious one.

It is obvious that the military can't get used to peaceful life, they still consider it to be lawful to open fire in a forest without warning at any person who looks suspicious to them.

At the same time, it should be noted that recently, the leaders of Chechnya have taken more serious efforts to address the problems of the mountainous areas.

In spring 2007, Ramzan Kadyrov regularly visited the Districts of Vvedeno, Shatoi, Sharoyevsky, Itum-Kale, and Nozhai-Yurt where he had field meetings of the Government and made staff reshuffles<sup>21</sup>. In March, he raised the question of creating the conditions for the return of residents of mountainous areas to their native villages. The administration of Republic negotiates with the leadership of FSB the return of villagers to the near-border villages, where earlier residence had been recognized as undesirable. For instance, the agreement on reviving the village of Motskari, the Itum-Kali District, was reached.

Since May 29, in the Achkhoy-Martan District the sappers, invited by the CR MChS (Emergency Situations Ministry) began their operations. The mine clearing of fields around the

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<sup>19</sup> See publication "Nukhazhiyev: The military kill civilians of Chechnya because they go unpunished" March 26, 2007 (<http://www.kavkaz.memo.ru/>).

<sup>20</sup> See article of March 26, 2007 "A criminal case opened in Chechnya into a shooting attack on three women" (<http://www.kavkaz.memo.ru/>).

<sup>21</sup> The HRC Memorial Bulletin "The Situation in the conflict zone in the North Caucasus in spring 2007: Assessment by human rights defenders" at <http://www.memo.ru/2007/07/19/1907071.html>.

villages began. The first fields, which were cleared, were fields around the village of Shaami-Yurt.

During the summer period, in mountainous areas constructions works on the roads, bridges, and administrative buildings projects were launched, schools were repaired or rebuilt. During her August trip to the mountainous areas of the Chechen Republic, Elena Burtina, head of Civic Assistance Committee, noted:

“When I was in the Nozhai-Yurt District in May, asphalt ended right after the blockhouse at the entrance into the district. Not less than half of the road is now asphalted to the Gansolchu village, and road works proceed. There is a new school building in the Gansolchu village already, finishing works are going on. Life is bristling in the village: there are a lot of people at the school and around it. In addition to guest workers, 30 local residents are working at the construction site. The obstetric center is under repair. On a platform near the river a big mosque has been constructed. There was a store on that site before. The minaret is not finished yet, but the mosque is already open: we saw men gathering there for the Friday prayers.

Near the mosque a small building of local administration was built.

In Gansolchu the works on the construction of the bridge were also started, which will certainly encourage residents to return to the part of the village across the river. That side is empty now, but three families are planning to return there in the nearest future. Under Kadyrov’s orders help to the inhabitants of the village is provided in building materials. Twenty families have already received it. Another forty families are waiting for their turn. Hardly more 50 families (out of 200) returned here after the war.”

### ***The situation of the villagers of Borozdinovskaya at the Nadezhda camp***

A camp named *Nadezhda* [Hope] was set up two years ago near the administrative border of the Chechen Republic and Dagestan. The camp was launched spontaneously by residents of the village of Borozdinovskaya. These residents left the village after a *zachistka* (mop-up operation) carried out on June 4, 2005. We spoke in our two previous reports about the tragic story of the villagers of Borozdinovskaya. We will remind the chronology of the events.

That day the village was seized by a group of armed men, who arrived by armored vehicles and cars. The troops burnt down four houses, killed an elderly man aged 70 and stole 11 young men, the fate of whom is still unknown.

The “special operation” was conducted by servicemen from *Vostok* [East] battalion. A record about it with the names of the 11 abducted persons was made in the message log for the Shelkovskaya District police precinct on the following day after the mopping-up.

However, Sulim Yamadayev, the commander of the battalion *Vostok* for a long time denied that the special operation was carried out by his unit. Law-enforcement agencies stood idle.

In protest the residents of the Borozdinovskaya village who did not put up with the abduction of relatives and fellow villagers, on June 16, left the village and set up a camp near the town of Kizlyar.

The incident was widely covered in the press; the Chechen leadership had to take urgent measures. Alu Alkhanov, President of the Chechen Republic, and Ramzan Kadyrov, Vice Prime Minister of the Government, met the residents and promised that an investigation would be launched and the perpetrators would be punished. By the beginning of July, the residents returned to their houses.

Some villagers were paid compensations; however, the investigation was stalled and the residents of Borozdinovskaya again set up a camp near the territory of Dagestan. In most harsh conditions they had gone through two winters. During the two years, seven persons died in the camp. In the end of June 2007, there were 44 families left in the camp, with more than 40 children.

The previous year, at the day of the Borozdinovskaya tragedy anniversary, inhabitants of the camp made an attempt to move tents into Dagestan's territory. Police officers prevented it. Deputy Minister of MVD arrived at the camp and promised the refugees to resolve their problems within several days. Promises were not kept and the situation of the Borozdinovskaya residents hasn't changed.

The second anniversary of the tragedy was commemorated this year. On June 27, 2007, the Borozdinovskaya residents held a rally and a march of protest where almost 300 persons took part. The rally began at 12 in the afternoon, on the premises of the tent camp *Nadezhda*. After the rally, the participants headed on foot to the central park of Kizlyar. Residents of the stanitsa flatly refused to go back to their houses and demanded to inform them on the fate of the 11 missing fellow-villagers. They also demanded to grant them land plots and pay compensation for the abandoned housing and property.

On July 5, Akhmed-Nabi Magdigadzhiev, Secretary of Dagestan's Security Council, met the initiative group of the camp *Nadezhda* refugees<sup>22</sup>. At this meeting, the Security Council Secretary said that the question of granting land plots to refugees was being considered by the Dagestani Government, which was flooded by letters from Russian human rights activists.

At the initiative of Mukhu Aliyev, Dagestan's President, a working group on the problem of accommodation for refugees' families was set up to provide them with housing in the villages of the Kizlyar District of the Republic. In September of this year, the decision was taken: land plots for construction of houses were granted in several villages – Averianovka, Yuzhnoye, Kosyakino, and Kizlyarskoye to 37 families that remained at the camp at that time.

The Borozdinovskaya residents at last were given a place to live. Families were granted land plots of 600 square meters; 10,000 bricks to build a house; and financial assistance in the amount of 50,000 rubles (1,428 euros) per family. Bricks are gradually supplied, but there is no cement needed for construction works. The former villagers of Borozdinovskaya are forced to spend winter in the same temporary dwellings that had in the camp – made of construction paper boards and reeds. Workers of Civic Assistance Committee visited the Borozdinovskaya residents at their their new place of residence in October of this year and conveyed to them the financial assistance from the organization: 10,000 rubles (286 euros) per family.

Regarding the other demand of Borozdinovskaya residents, provision of information about the fate of the 11 abducted persons – Magdishadzhiev said at the July 5 rally that the fact that the mop-up operation was carried out by the battalion *Vostok* of the Russian Ministry of Defense GRU has been established long ago. We can only “ask the federal authorities to provide information on the results of the check”. Same requests have been repeatedly made of the Russian side by European officials at human rights consultations held by the European Union. No response has been received so far.

In autumn 2006, 42 Borozdinovskaya residents filed a suit against the Ministry of Defense of Russia for a sum of 126 million rubles in damages as compensation for the mop-up operation. Court hearings are held at the Presnensky court of Moscow. The court decided to examine the claims by each of the 42 Borozdinovskaya residents individually.

On January 25, 2007, the court dismissed the first claim, in which a resident of the stanitsa of Uzeiru, Abuliyev, asked 3 million rubles in damages as compensation. The court considered that the applicant had not proved that the actions of the Ministry of Defense made him suffer morally and this damage could be estimated at 3 million rubles; besides, no documentary evidence of the harm to his health was presented.

The prospects for Borozdinivskaya residents' claims been satisfied by the RF Ministry of Defence are insignificant. In future, applicants plan to turn to the European Court of Human Rights.

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<sup>22</sup> See information report of of July 6, 2007 “The Dagestani Security Council's Secretary meets refugees from the stanitsa of Borozdinovskaya” on the Caucasian Knot Web-site at <http://www.kavkaz.memo.ru/>.

## *Illegal detentions and tortures of civilians*

In spite of the dramatic drop in the number of abductions during this year, the security problem continues to be of importance for people of Chechnya. The fear of armed men dressed in military uniforms entering homes to conduct a search has been deeply implanted in the people's minds and they can not get rid of it. Let us detail one such incident as an example.

**On August 18, 2006, in the village of Novye Atagi** several cars with law-enforcement officers stopped near the house of **Shakhrudi Umkhayev**. The owner of the house was in, but he closed the door. The neighbors told the police that he was away. They conducted a search of the courtyard and left. Umkhayev's wife arrived a little bit later and found her husband lying unconscious. Shakhrudi could not be saved – he died of a heart-attack. He was only 40 years old. A year earlier, Shakhrudi Umkhayev was detained by officers from a law-enforcement agency. He was released a week later. His body was covered with bruises from beatings. Since then, the fear of new detentions had never let him go.

Violence against civilians by law-enforcement officers – illegal detentions and torture to extract confessions – has continued this year, too.

**On July 10, 2007**, officers from an unidentified law-enforcement agency (presumably the CR MVD) illegally detained and subjected to torture **Minkail Akbulatov** in the village of Shatoi. Minkail Akbulatov is a professional bricklayer; he is married, with a child.

In the afternoon on July 10, unknown persons came to the construction site, where he was working, and introduced themselves as law-enforcement officers; however, they didn't produce their documents. They said to Akbulatov: "We have some business to discuss with you, come with us". He was put into a car; they bended his head into his lap so that he could not see the route and a cap was pulled down on his eyes.

By some indications Minkail realized that he had been driven to the village of Zakan-Yurt, the Achkhoy-Martan District. There he was taken to some place and was requested to tell everything he knew about the militants. The interrogators spoke only in Chechen. Akbulatov answered that he didn't know anything. "A month ago, militants came and spent the night at your place in the village of Dai."... Akbulatov explained that he really worked at the building site of a private house in the village of Dai, the Shatoi District. However, two months had already passed since he had finished working there and he didn't go there anymore. "We will give you electric shocks and you will tell us everything", they said.

The detained person was stripped to the skin his arms and his arms and legs were tied together; he was laid on the bed and wires were fastened to his his body. Then they started giving him electric shocks. After each shock, they gave him a 5-minute break and asked again: "And now, don't you have anything to tell us?" In the process, they mentioned the name of a certain emir, Yusup Satoyev, they threatened to kill him; they relocked the bolt near his temple. And then they continued giving him more electric shocks.

In the intervals between electric shocks tortures they beat the detained person and hit him with a baton on the legs. Then a bag was put on his head and they started to stifle him. They demanded that Minkail agree to secretly cooperate and supply them with information about the militants. But his answer was always the same: "I can't work with you – I know nothing about the militants".

Soon Akbulatov realized that if the torture continued he would die. Maybe, it was obvious even for his torturers. The torture was stopped, a black plastic bag was put on his head, and he was placed into the car and driven back to Shatoi. On the way back they again tried to persuade Akbulatov to secretly cooperate with them.

The car arrived at Shatoi after 8 p.m. At the end of the trip, when Akbulatov still had a bag on his head, he was forced to sign some paper. Then he was pushed out of the car.

Akbulatov went to the regional hospital at once, where the doctors registered the signs of torture and wrote out prescriptions for painkillers for him. On the following day, his relatives

took him for treatment to a hospital in Grozny. In spite of the offers from the doctors to stay, he refused to be hospitalized.

Workers of Memorial saw Minkail Akbulatov after the release; his physical condition was very bad – he could hardly walk on his own.

Minkail Akbulatov and his relatives are afraid of filing a statement with the Prosecutor's Office about the illegal actions of the law-enforcement officers.

**On July 18, 2007**, a resident of the village of Melchu Khe, **Suliman Salmanovich Yushayev**, was detained at a roadblock near the village of the Gerzel, the Gudermes District.

On that day, Yushayev was driving in his truck to Hasavyurt, the Dagestan Republic to buy some bricks for sale (he trades in construction materials). At the Gerzel roadblock he was stopped for breaking traffic rules and was sent to the OVD of the Koshkeldy village for identification.

On the following day, there was a search at the Yushyaevs'. Suliman was not present at the scene during the search. As it emerged later, Yushayev wasn't brought there because he was badly beaten. According to Yushayev's relatives and his lawyer, he was subjected to cruel torture. He was subjected to electric shocks and was hit with a baton on the heels, kidneys, and the head. As a result, his back was covered with large bruises all over. Suliman was not able to open his mouth and speak, he became 50% deaf, and his head was awfully swelled. He was not able to walk around on his own.

During the interrogation under torture, Yushayev was forced to testify that he had had a telephone conversation with another resident of the village of Melchu Khe, Ediyev, who was on the wanted list as a participant in illegal armed groups (IAGs). Yushayev was presented with charges of aiding and abetting IAGs.

On July 20, Yushayev was to be brought to court in Gudermes, where a measure of restraint was to be chosen for him. The court session was postponed, as the accused man was not brought to the court. The probable reason was that his physical condition was poor. The detained person is held at the Gudermes ROVD. His fellow villagers describe Yushayev as a calm person and a law-abiding citizen.

Yushayev's mother addressed Memorial to help her in establishing and punishing the persons who tortured her son.

### ***The prosecution of the Chechen refugees who emigrated from Russia***

The Chechens who emigrated from Russia are exposed to mortal danger even during a short visit home. The arrival of a person who had been away for a long period of time is immediately registered by law-enforcement agencies. These people are of interest to them as a militant, who was hiding in the woods or as a rich person living abroad, for whom they can receive ransom. Everyone who returns from emigration comes under real threat of abduction, torture or even murder.

Three such examples, illustrating it – the detentions of **Rustam M.**, **Beslan Gadayev** and the execution of **Magomed Gabuyev** – are detailed in Section Two of this report. Memorial HRC documented two other similar cases, which had taken place not so long ago.

**On August 28, 2006**, in the village of Ilaskhan-Yurt, the Gudermes District of the Chechen Republic, **Muslim Sheripovich Akhmatov**, a local resident, was abducted presumably by FSB officers.

The law-enforcement officers arrived at the village by two cars – UAZ and VAZ-2100. They burst into the house and without any explanations seized Muslim Akhmatov and began to take him into the street. Muslim's mother, Khava, tried to stop them, but she was badly kicked and fell to the ground. The military kicked the lying woman several times. Muslim also tried to offer resistance to the abductors.

The neighbors gathered upon hearing the noise. One of them, Magomed Kakhirov, a security guard of the CR Cabinet's Vice Premier Baisultanov, wanted to interfere, but he was

stopped by warning shots. Akhmatov had his hands tied with scotch tape and his mouth sealed, after which he was put into a car. He managed to free his hands and tried to escape. One of the abductors shot at Akhmatov from an automatic rifle and wounded him in the stomach. The bullet went through, damaging his internal organs. He was dragged into the car again and was driven to Gudermes.

The residents of the village, who followed the abductors by cars, were able to establish that the cars arrived at the territory of the Gudermes FSB. Soon an ambulance was called in there. They brought Akhmatov to municipal hospital. At the hospital, Akhmatov was operated on and placed under guard into the hospital's intensive care unit. His guards were officers of the Gudermes ROVD. The police officers told Akhmatov's relatives that they were placed there for ensure safety of the wounded man.

That very day, an investigation team arrived at Ilaskhan-Yurt and examined witnesses of the incident. The District Prosecutor's Office opened a criminal case into the incident.

In the beginning of the second military campaign, Muslim left Chechnya for Britain, where he lived until recently. Muslim came back home to get married. In the beginning of August this year, he married the daughter of a retired general of MVD and was already going to go back to the Great Britain.

According to his fellow villagers, Muslim has never been involved in any military actions. Those who know his family well believe that ransom could be the possible motive for Muslim's abduction.

**On July 22, 2007**, in the village of Novye Atagi, the Grozny Rural District, **Umar Aliyevich Bachaev**, aged 19, a resident of this village, disappeared in unclear circumstances. On that day, at about 7 p.m., Bachaev left the house of his parents and went directly to his aunt's place in the same village. However, he didn't reach his aunt's house and he didn't return home that night. The subsequent searches for Umar, organized by his parents, gave no results. It turned out to be impossible to establish witnesses or eyewitnesses of his disappearance.

On July 8, 2007, Umar Bachaev came to visit his parents. For the past five years, he had been living in Norway. Relatives believe he might have been abducted. As of September 30, the whereabouts of Umar Bachaev remain unknown.

Refugees living abroad are also exposed to the danger of harassment on the part of law-enforcement agencies and secret services. We shall describe two such incidents.

Since **December 4, 2006**, **Murad Akhmedovich Gasayev** (born 1974), resident of the city of Nazran who now legally stays in Spain, has been held in custody in that country. Gasayev has been detained by the authorities of Spain at the request of the RF Prosecutor's Office to extradite him.

Murad Gasayev left together with family for Spain in May 2005, on the insistence of his parents. Their fears for his safety were caused by the fact that Murad, being a religious person, observing all rites and regularly visiting mosque, caused suspicion in law enforcement agencies. After the attack of militants on Ingushetia all young men were under suspicion if they were strictly adhering to religious canons. Murad – a peaceful and respectable family man – worked at the Ingush Republican Public Fund "Technology" from 2002 to 2005.

In February 2006, Gasayev's parents learned from a newspaper that their son was put on the wanted list as a militant. It was found out that during an interrogation, one of the arrested persons under torture incriminated Gasayev as a participant in the attack on Ingushetia. The investigation was held in Vladikavkaz and was conducted by Krivorotov's team, notorious for its brutality. Later, the person who had incriminated Gasayev retracted his previous testimony in court.

In Spain Murad Gasayev was given a lawyer who helps him to achieve the refusal of extradition to Russia.

Gasayev's mother is very much afraid that after the extradition he would be subjected to torture and would incriminate himself. She has applied to Memorial HRC requesting legal assistance for her son.

A terrible fate befell a Chechen refugee who had fled to Azerbaijan.

**On November 17, 2006**, it became known that a 31-year-old refugee from Chechnya, **Ruslan Eliyev** (born 1975), went missing in unclear circumstances in Azerbaijan's capital, Baku.<sup>23</sup>

The Council of Nongovernmental Organizations passed on the information that Eliyev for several years before his disappearance had lived in Baku as a refugee and was registered with the Office of the United Nations High Commissioner for Refugees (UNHCR). His wife and his three small children stayed together with him in Azerbaijan.

His relatives said that in the afternoon of November 9, Ruslan called them and said he was going to be home soon; however, he disappeared without a trace.

In early January 2007, the Chechen Refugee Council in Azerbaijan appealed to Mr. António Guterres, the UN High Commissioner for Refugees, and to the President of Azerbaijan Ilkham Aliyev, asking them to have an inquiry launched into the abduction of this mandate refugee in the territory of Azerbaijan and ensure that the public was kept informed of the progress of such investigation. However, no response has been received to this appeal.

In late March, several mutilated bodies were discovered in the woods near the village of Samashki in Chechnya. The bodies had been thrown down from Russian helicopters<sup>24</sup>. They were stuffed into bags. Some local residents had seen how those bags had been dropped down over the woods. The body of Ruslan Eliyev was identified among the bodies of victims that had been discovered.

The bodies found in the Samashki forest showed signs of terrible torture inflicted on those people before they were killed. Ruslan Eliyev's body had the nails torn out and the eyes poked out. There were terrible burns across his entire body; the fingers were broken and the ears and the nose were cut off.

Harassment and killings have not stopped and there is no guarantee against a new wave of reprisals. Some real effort should be taken to make sure that the crimes committed in the past are investigated and solved. Only then can one hope for Chechnya making a transition from a society governed by force to a society ruled by law.

### ***Investigations into the crimes committed by officers from law-enforcement agencies***

The crimes perpetrated by officers from security agencies have not been investigated thus far and their perpetrators have continued to serve with their respective security agencies.

An illustrative case is that of the murder of a resident of the town of Argun, **Abdulbek Abzuyev**. In 2005, this man was abducted, very badly beaten and then strangled by troops from Kadyrov's security service, officers of the Anti-Terror Center.

The prosecutor's office opened a criminal case; suspects have been identified. One of them, Sultan Buluyev, currently serves with the A.Kadyrov Police Patrol and Point Duty Service Regiment, while the other two suspects, Anzor Batayev and Arbi Mamayev, are servicemen of the *Yug* [South] VV MVD [Interior Ministry Forces] Battalion. For twelve months now, investigators from the prosecutor's office can't take appropriate investigative actions relating to these persons.

Meanwhile, the mother of the killed person, **Saman Abzuyeva**, who witnessed the abduction and sought investigation of the crime, has been subjected to demonstrative threats and attacks. The abductors of her son have repeatedly threatened the 76-year-old woman and tried to drive her away to some place. **On January 9, 2007**, she was attacked when she was walking to the market place. A car pulled up beside her and several young men, whom she knows by name

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<sup>23</sup> See report of November 17, 2006 "A refugee from chechnya went missing in Azerbaijan" on the Caucasian Knot Web-site (<http://www.kavkaz.memo.ru/>).

<sup>24</sup> See report of April 14, 2007 "Human rights defenders demand punishment for killers of a refugee from Chechnya" on the Caucasian Knot Web-site.

because they live in her neighborhood, got out of it. They knocked her off her feet and gave her several blows on the body and on the head.

Doctors stated that Abzuyeva had been caused great nervous distress, high arterial blood pressure, heart trouble and major hematomas on the inner side of thighs. Now the elderly woman is afraid to go out and even when at home she does not feel safe.

No investigation has been carried out into the terrible incident of shooting a large group of unarmed young men, which took place in July 2006. As a result of a provocation, the organizers of which are still unknown, officers from security agencies shot dead 13 Chechen young men and teenagers. This massacre was presented to journalists as a major special operation to eliminate militants.

In fact, what happened was that approximately 20 young men and teenagers from several villages of the Khasavyurt District of Dagestan were lured by two recruiters and brought together into a group supposedly for a trip to the seaside. In the afternoon of July 12, they were gathered together, but led in a different direction – from Dagestan towards the border with Chechnya. At the border, they were forced to change clothes into khaki uniforms and cartridges were stuffed into their pockets. **On the night of July 12-13, 2006**, when it was crossing the administrative border, the group was fired on from an ambush by officers from security agencies. Thirteen persons were killed. The young men offered no armed resistance. Two boys, the eldest in the group, were 26 and 27 years old; the others were aged between 13 and 19. Two days later, the bodies of the killed persons were released to relatives for burial.

Five boys were wounded and survived by a miracle. They were detained, prosecuted and sentenced to prison terms of between eight and twelve months for participation in an illegal armed group, of which they were members for just 40 minutes.

From August 16 to 18, 2006, Member of the Human Rights Council at the RF President Svetlana Gannushkina together with a lawyer of the Migration Rights Network, Rasiyat Yasiyeva, made trips to several villages of the Khasavyurt District of Dagestan. In those villages they visited 17 families which lost their sons in the July tragedy.

It was found out that no officials had visited relatives of the killed persons; investigators had not examined them; and no criminal case of any sort had been opened into the murder of the young people (for more details see Appendix 2).

The investigation of the criminal case into the abduction of our staffer **Bulat Chilayev** in Sernovodsk has yielded no results. He was abducted together with his friend, Aslan Israilov, by the military **on April 9, 2006, at an entry to the Rostov-Baku Highway**. The efforts to establish the identities of the abductors have yielded no results. Petitions to leaders of the MVD and FSB of Chechnya, commanders of the Combined Force in Chechnya and directly to Ramzan Kadyrov have yielded no results.

Bulat's father, Sultan Chilayev, a lawyer by training, carried out his own investigation: he examined witnesses and established the license numbers of the vehicles on which the abductors drove off. He also managed to find out that a commissioned officer's identification tag had been discovered at the crime scene and learn the name of the person to whom it belonged. It was a serviceman of *Zapad* [West] battalion Ilias Bukulov.

The prosecutor's office could not interrogate Bukulov, since he was said to be very busy with his official duties. In September 2006, he died in action and no testimony was taken from him.

There is still no information about the fate of Bulat and Aslan. Apparently, they were murdered right after the abduction. Bulat was survived by a wife and a small daughter.

In July this year, Bulat's 50-year-old father died. Just a year before, he was a healthy strong man. The abduction and the murder of his son had crippled him.

**For two years now, the military prosecutor's office has been investigating the above mentioned case on *zachistka* (a mop-up operation) in the village of Borozdinovskaya on**

**June 4, 2005.** The military columnist for the newspaper *Novaya Gazeta* Vyacheslav Izmailov clarified the features of the court proceedings in the case<sup>25</sup>:

*“The Grozny Garrison Military Court at the suggestion of the prosecutor’s office divided the incident into two separate crime incidents: the first incident – an unlawful mop-up operation and the second incident – the death and the disappearance of people, without linking the two incidents together.”*

As a result of the investigation into the first incident, company commander of the *Vostok* Battalion Mukhadi Aziyev was given a two-year suspended sentence for abuse of authority. In spite of his conviction, he continues to serve in the same position.

The second incident, the killing of one villager and the disappearance of 11 residents of Borozdinovskaya, as Izmailov writes, “has been attributed to imaginary militants, who supposedly entered the village already after the *Vostok* [East] Battalion’s troops left it”.

For two years, various law-enforcement agencies and military departments have been claiming to be searching for the 11 abducted persons. According to the response given in mid-May 2007 to the Committee against Torture by Diakov, Assistant Military Prosecutor of the Combined Force<sup>26</sup>, “... the FSB of Russia Directorate for the Chechen Republic, the Task Force of the Military Counterintelligence Department of the FSB of Russia in the North Caucasus Region of the Russian Federation, the Temporary Task Group of Agencies and Departments of the RF MVD in the Chechen Republic and the Shelkovskaya ROVD have been directed towards the search efforts for the disappeared”.

Over the recent months, certain changes have taken place in the operations of the CR Prosecutor’s Office, which was noted in a Bulletin by Memorial HRC<sup>27</sup>:

*“... Cases that usually remain uninvestigated are those involving the crimes committed by federal security agencies. On the other hand, it is precisely now that... the prosecutor’s office has made progress in investigating a number of crimes committed in recent years by officers from the Chechen Republic’s security agencies.”*

**On December 26, 2006**, sentences were passed on eighteen former officers of the Anti-Terror Center, the Second Police Patrol and Point Duty Service Regiment (PPSM-2), and other police units controlled by Ramzan Kadyrov (**Chapanov, Abuzidov, Burkhanov, Edishev, Kashtarov, Soltakhanov**, and others). In 2004 – 2006, they formed a stable gang and robbed local residents when on duty.

**In mid-March 2007**, the prosecutor’s office opened a criminal case into the beating by field investigators from ORB-2 of a resident of the village of Goiskoye, Ramzan Khasiyev<sup>28</sup>.

**On May 24, 2007**, the republican prosecutor’s office made public the details of the freshly completed investigation that targeted former Police Lieutenant **Ruslan Asuyev**. In 2005, he held the position of deputy company commander at the contract security control regiment at the MVD of Chechnya. Ruslan Asuyev is suspected in organizing a criminal group, which brought together former militants who had been included in the amnesty, police officers and ordinary citizens. The group was responsible for murders of civilians, abductions for ransom, and aggravated robberies (assaults).

In January 2007, two members of Asuyev’s gang, **Islam Agayev** and **Aslan Dzhamulayev**, were already sentenced in this case to long imprisonment terms. Agayev was sentenced to 13 years in prison and Dzhamulayev – to 12.5 years.

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<sup>25</sup> See publication “The truth about a mop-up operation is too costly”, *Novaya Gazeta*, Issue 5 of January 25, 2007.

<sup>26</sup> See publication of May 24, 2007 “Abduction of people in Borozdinovskaya: Who and why hides the truth?” (<http://www.hro.org/war/2007/05/24.php>).

<sup>27</sup> Memorial HRC Bulletin “Situation in the conflict zone in the North Caucasus in summer 2007: Assessment by human rights defenders” (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

<sup>28</sup> See report at the Web-site [www.memo.ru/hr/hotpoints/caucas1/msg/2007/02/m75584.htm](http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/02/m75584.htm).

Details of the **Asuyev** case have been published in all national newspapers and posted on Web-sites in the Internet<sup>29</sup>. Appendix 3 gives a brief description of this case.

As for court cases launched against commissioned officers of the Russian Armed Forces, there are just two of them: the Budanov case and the Ulman case.

Also targeted in the **Ulman** case together with Ulman himself are Lieutenant **Aleksandr Kalagansky**, warrant officer **Vladimir Voyevodin**, and Major **Aleksey Perelevsky**. They are accused of killing six peaceful citizens of Chechnya.

In April 2007, after the prosecution presented its case, three of the charged individuals, except for Aleksey Perelevsky, disappeared without a trace.

On June 14, sentences were passed on those three defendants in their absence, in a rare case for the Russian court practice. Aleksey Perelevsky was sentenced to 9 years in maximum security penal colony and Eduard Ulman – to 14 years in maximum security penal colony. Lieutenant Aleksandr Kalagansky got 11 eleven years and warrant officer Vladimir Voyevodin was sentenced to 12 years. The convicted persons were put on the federal wanted list (for more details of the Budanov case see article by Svetlana Gannushkina in Appendix 4).

The trial continues of the former MVD commissioned officer **Sergey Lapin**. In 2005, he was already sentenced by the Oktyabrsky District Court of the city of Grozny to 11 years in prison for infliction of great bodily harm to a 30-year-old resident of Grozny, Zelimkhan Murdalov, and for abuse of authority and forgery by an official in relation to the disappearance of the victim. That case was investigated only thanks to the efforts of Anna Politkovskaya, whom Lapin threatened with retaliation. However, the verdict was overturned by the ruling of the Supreme Court of the Russian Federation and a retrial of the case was ordered.

Lapin is held in custody and the crime accomplices, his former commanders Lieutenant Colonel **Valery Minin** and Major **Aleksandr Prilepin**, went on the run and were put on the federal wanted list<sup>30</sup>.

Servicemen of the Russian Interior Ministry Forces **Sergey Arakcheyev** and **Yevgeny Khudyakov**, who are accused of killing three peaceful citizens of Chechnya, have been twice cleared by the jury. The Military Board of the Supreme Court of the Russian Federation twice overturned the verdict and ordered the court to retry the case.

On February 1, 2007, on a petition by Deputies (members) of the State Duma Dmitry Rogozin, Aleksey Mitrofanov and Sergey Baburin, the Military Board of the RF Supreme Court overturned the ruling of the North Caucasus District Military Court to arrest Arakcheyev and Khudyakov. They were released on their own recognizance.

While the Russian judicial system is very reluctant to investigate crimes committed by the military against civilians, the **European Court of Human Rights** (ECHR) delivers more and more judgments on complaints by residents of Chechnya<sup>31</sup>. During five months of 2007, from May to September, five new judgments were issued, in which the ECHR had found Russia guilty of violating the European Convention for the Protection of Human Rights and Fundamental Freedoms. The complaints by residents of Chechnya that had been examined dealt with abductions of people by public officers, disappearances of detained persons, torture, and extrajudicial killings. A total of 14 judgments were released by the ECHR, as of September 2007, on the complaints by residents of the Chechen Republic and in all of the judgments the Russian authorities had been found guilty of violating the European Convention and in particular its Article 2 (right to life), Article 5 (right to liberty and security), and Article 13 (right to an effective remedy before a national court).

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<sup>29</sup> See report at the Web-site "Civic Control" <http://control.hro.org/okno/mvd/2007/05/24.php>.

<sup>30</sup> See Memorial HRC Bulletin "Situation in the conflict zone in the North Caucasus in summer 2007: assessment by human rights defenders" (<http://www.memo.ru/hr/hotpoints/caucas/index.htm>).

<sup>31</sup> See "Situation in the Chechen Republic: May – September 2007" (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

However, the Russian authorities have taken a rather lopsided approach to enforcing rulings of the European Court.

The applicants are paid the ordered sums of money damages in full and in a timely manner. Criminal cases are reinvestigated. However, these investigations are carried out pro forma and drag on for unreasonable periods of time. Despite the obvious involvement of specific public officers in crimes, not a single one of them has been criminally prosecuted. The fate of not a single 'disappeared' person about whom rulings of the ECHR were issued, has been established. This is not to mention that no efforts have been taken to introduce any changes into the statutory regulations which govern the actions of security departments within the zones of internal conflicts (laws on combating terrorism and the Russian Armed Forces manuals). In fact, the need to introduce such changes directly follows from some of the rulings of the ECHR.

### ***Reprisals against and extrajudicial killings of civilians suspected of contacts with militants***

It has been impossible so far "to close the books on the tragic streak in the history of the Chechen people, once and for all", as Ramzan Kadyrov intends. Using their habitual methods of violence, the republican government agencies themselves prompt the youth to join the militants.

Talking to residents of Grozny during her July trip, the Director of Demos Center Tatiana Lokshina learned about a wide-spread technique of recruiting young men that is used by officers from secret services<sup>32</sup>.

Young people are seized right from fixed-route minibus taxis; they are badly beaten and threatened with torture to force them to supply information on militants and sign an obligation to cooperate. Lokshina cites an account by a resident of Grozny telling about what has happened to her son. **In June 2007**, her elder son together with his male friend were pulled out of a minibus by unknown people with automatic rifles, dressed in plain clothes, and not a single person in the overcrowded bus dared to stand up for them. The boys were dragged out onto the road, kicked and hit with rifle butts and then forced into the attackers' vehicle. They were driven to some headquarters (to all appearances, it was the Grozny OBOP (Department for Combating Organized Crime)). There they were beaten within an inch of their lives. An "infernal machine" was brought to torture them by electric shocks and under threats the boys were forced to sign an obligation to cooperate and inform on their friends. Her son does not go outside since then.

Lokshina remarks:

*"For some time, they simply go into hiding, stay overnight with friends or relatives and then they realize that there is no way-out: either you 'go to the woods' or become a rat or you might even get imprisoned for some 15 to 20 years – some friends are already serving their terms. Many opt for the 'woods'. And had they been left alone, they would have lived peaceful lives at their homes."*

Member of Parliament Magomed Khambiyev said at a parliamentary meeting that, according to the information that has not been properly verified, from January to April this year, about three hundred young men joined the militants. Some of them were as young as 15 to 16 years old.

According to the information available to Memorial HRC, on May 19, 2007, the CR Interior Minister Ruslan Alkhanov and the CR Vice-Premier Adam Delimkhanov met relatives of the persons who were on the wanted list in the assembly hall of the CR Interior Ministry's building in the city of Grozny.

No practical or fruitful discussion took place. It was Adam Delimkhanov who mostly did the talking. His entire speech was no more than just threats.

He said that no quarter would be given to any one of those who had gone to the mountains [to join the militants]. Should they be caught by security agencies, "they would have their heads

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<sup>32</sup> See publication "One hundred days of customary nightmare" of July 27, 2007 at <http://www.caucasustimes.com/article.asp?id=12997>.

cut off". No quarter would be given to their families, either. Delimkhanov promised and Alkhanov reiterated that masked security officers would burst at night time into those houses of people who had joined the militants which supply them with food and clothes. Punished would also be the neighbors who were definitely aware of the plans of those who left their homes.

These terrible threats, voiced by top leaders of the Republic, usher in a new wave of lawlessness. The CR Interior Minister has in effect legalized the criminal practices of extrajudicial killings.

Memorial has obtained the information that **on July 20, 2007**, in the notorious village of Tsentoroi officers from local security agencies carried out the extrajudicial killing of a resident of the village of Yalkhoi-Mokhk, let's call her **Laura**.

On July 19, three militants came to Laura's house. They demanded that she open the food kiosk she owned and bought some food products from her. On that same night, a shoot-out with militants took place in the vicinity of the village of Yalkhoi-Mokhk. According to some reports, three members of the armed resistance were killed. In the afternoon of July 19, Laura was interrogated at a district office of FSB. She was accused of supplying militants with food; however, she was not detained on that day.

In the morning of July 20, Laura was summoned for interrogation to the Kurchaloi District ROVD (District Department of the Interior Ministry). Laura's senior brother drove her there himself. After the interrogation, the woman was taken from the ROVD building to the village of Tsentoroi. Her relatives were not informed of that. On that same day, her relatives were requested to take home the dead body of Laura. The woman's body showed signs of torture and fractures. Her head was smashed in with bullets from automatic weapons. When the woman's dead body was handed over to her family members, officers from security agencies warned them that they would kill Laura's four brothers, if any official funeral was held. They were warned against telling anybody about the incident.

**The military presence has been stepped up in the mountainous areas.** Carrying out of the threats of reprisals against relatives of the militants has been started. Below is an extract from Yelena Burtina's August account of her trip to Chechnya:

*"About two months ago, the house of a woman whose son had shortly before left home to join the militants was burned down in the village of Gansolchu. This woman's husband fought on the Russian side in the first war and was killed. This fact did not stop the military from driving his widow and children out of their house at night and setting the house on fire. Construction workers from a school construction site put out the fire; however, all property and the monetary compensation the woman had received shortly before were destroyed in fire. The woman left for some place together with her children. And that son of hers who joined the militants has obviously got a new strong impetus to pursue armed struggle."*

In this way, the Chechen authorities, having halted the practice of abducting people, are opening a new channel for unlawful punitive violence against civilians.

The course towards building a peaceful life that has been proclaimed by Ramzan Kadyrov continues to be based on violence.

## **IV. Situation of people from Chechnya in the Republic of Ingushetia**

In 1999, when the second military campaign was started, Ingushetia, the smallest of the Caucasian republics, accepted up to 300,000 of Chechen refugees. Of them 30,000 persons lived in tent camps; 32,000 persons resided in rented rooms; and the rest lived with their relatives or friends. Those people were ready to face any hardships, just to get security guarantees. Ingushetia was an island of salvation for them. Unfortunately, this is not so today. Over the past three years, the level of lawlessness and violence against civilians in Ingushetia came close to the level of lawlessness in Chechnya and in 2007 even surpassed it.

In May 2002, a plan was adopted for the return to Chechnya of IDPs staying in Ingushetia and during two years all camps were shut down. Some of the IDPs from refugee camps were forced to return to Chechnya; there they were resettled in 32 temporary accommodation points (TAPs). Those who stayed in Ingushetia were moved into 86 compact accommodation points (CAPs) housed in unsuitable buildings: garages, disused farmhouses, shops of shut-down factories, etc.

Starting from autumn 2005, CAPs came under threat of closure. The Chief Sanitary Officer of the Republic of Ingushetia issued a resolution on shutting down the operations of CAPs because of their failure to meet sanitary standards. It should be noted that the unsuitability of that housing for living and its substandard sanitary conditions were known in advance – when people were being moved into the CAPs. However, this circumstance was not taken into consideration back then.

The process of shutting down CAPs was slowed down; nevertheless, during the past two years most of the CAPs were closed.

In December 2006, there were just 32 CAPs for IDPs from Chechnya officially operating in the territory of the Republic, while in 2005 there were 86 of them.

As of February 28, 2007, there were 17,492 IDPs from Chechnya officially registered in Ingushetia – the figures are cited according to the database run by the Danish Refugee Council (DRC). Of them 4,687 persons were housed in CAPs and 12,805 persons were in private accommodation.

According to the information of the RI UFMS, as of the beginning of February 2007, there were 8,662 IDPs remaining in the territory of Ingushetia. Of them 4,078 persons resided in CAPs and 4,584 persons lived in private accommodation<sup>33</sup>.

### ***Return of IDPs to the Chechen Republic***

In summer 2006, Ingushetia was often visited by administration heads of districts and towns of Chechnya, who tried to persuade people to return home. According to one of those officials, each of them was instructed by Kadyrov to ensure the return to Chechnya of all IDPs from the district under the person's in question jurisdiction. They were threatened that otherwise they could "lose their seats".

At an agitation rally held by Tamazi Gaugayev, administration head of the Oktyabrsky District of the city of Grozny, on August 2, 2006, at LogoVAZ CAP, Gaugayev at certain moment lost patience and said literally the following:

*“Humanitarian assistance from UFMS both in Ingushetia and in Chechnya will be discontinued to those who do not return to Chechnya before the end of autumn 2006 and land plots that are registered in their names in Chechnya will be taken away from them.”*

The IDPs, who were alarmed by such statements, thought it would be better to return to Chechnya. They reported later that upon their return they found that nobody needed them there.

<sup>33</sup> Hereafter the information about IDPs is cited based on the Report “Situation of the internally displaced persons (IDPs) from the Chechen Republic in the Republic of Ingushetia. Autumn – winter 2006 – 2007” (<http://refugee.memo.ru/>).

TAPs in Chechnya clearly did not provide enough accommodation; their superintendents themselves were frank about it. The newly arrived were immediately warned that they could stay at TAPs for no longer than a month, after which period they would have to seek accommodation themselves elsewhere. The question of who would pay for such housing was not even discussed and nobody even mentioned the compensation that had been promised. Officials did not respond to requests or met them with rudeness. Of those who left only 21 families managed to return to Ingushetia and have themselves put back on the lists of the FMS of Ingushetia.

Of great help to the returning people were the prefabricated panel houses provided by UNHCR, which were installed near their houses for the period until their construction or re-building was completed.

In September 2006, UNHCR workers interviewed members of 163 families from the list submitted by the Government of the Chechen Republic. The bulk of the list was made up of families living in CAPs in Ingushetia, which were willing to return and needed temporary accommodation to resettle.

Of the 163 families that were interviewed, 90 have been found ready for the return and needing temporary accommodation. On September 21, 2006, UNHCR acting through its executive partners, the nongovernmental organization Vesta and the Caucasian Refugee Council (CRC), started distribution of prefabricated panel houses (box tents) to 90 families. Families of up to seven persons are eligible for one prefabricated panel house, while families that have more than seven members may get two such houses.

### ***Humanitarian Assistance***

The volume of humanitarian assistance to IDPs was greatly reduced during the past year. Assistance of the Danish Refugee Council is provided to those who are under 20 or over 50 years old and also to large families and disabled persons.

The International Committee of the Red Cross (ICRC) distributes humanitarian assistance to large families (five children and more), families with Category One or Two disabled persons and families of pensioners (retired people aged over 65). In addition to food assistance, ICRC also provides personal-care products and distributes bedclothes and blankets, as well as clothes and footwear for school students.

The authorities have continuously denied the International Rescue Committee (IRC) official registration. In fact, it was the IRC that provided sanitation services in the camps in Ingushetia and after its operations were halted, garbage started to pile up immediately. Cesspools of shower rooms and laundry rooms in some CAPs are not emptied any more and these CAPs came under threat of closure.

Provision of assistance granted through the channels of the RI UFMS (Federal Migration Service Directorate in the Republic of Ingushetia) continues to remain the most severe problem as far as the distribution of humanitarian assistance is concerned. It is distributed with many months' delays – between 7 and 10 months. FMS officers themselves explain these delays by the fact that during the summer and autumn period they were busy providing humanitarian assistance to people returning to the Chechen Republic; therefore they did not have enough funds for those IDPs who stayed in Ingushetia. Starting from November 2006, clearance of the arrears was started.

### ***Health Care***

The health care situation greatly worsened during the past year. Just a year ago, patients at CAPs were received by mobile medical teams of doctors from international organizations. Today, after their operations in Ingushetia were halted, IDPs are more often than not deprived of basic medical assistance.

At larger centers for IDPs there is a chance that at least one person with medical background could be found, who could provide assistance in case of emergency. However, residents of

remote CAPs, where no ‘paramedic’ could be found, are hard put to get medical assistance. If someone from among the residents of such camps urgently needs a doctor during night time he or she would have no one and nowhere to turn. They are, in their own words, “living and hoping for the God’s help...”. IDPs residing in larger CAPs have the opportunity of calling in an ambulance and usually they don’t get refusals in such situations.

### ***Education***

Approximately 800 children of IDPs in Ingushetia have been successfully integrated into the republican system of general education, in many ways thanks to the support from the United Nations Children’s Fund (UNICEF). UNICEF has distributed to local schools 460 sets of school furniture and provided school uniforms and winter footwear to children from the poorer families of IDPs.

Generally, local schools enroll all children of school age without any particular problems. The only problem is that in some population centers schools are located far away from CAPs and children have to travel long distances to get there. The cost of transportation between homes and schools is 10 rubles (0.28 euros) per one school student per day, which is often beyond their means for large families; therefore, children often skip classes.

### ***Safety in CAPs***

The situation with security in CAPs has greatly worsened since the beginning of 2007. During this period, security agencies dramatically intensified their activities. Usually they involved numerous incidents of wanton violence, illegal detentions and other gross violations of civil rights.

**Officers from security agencies have shown particular interest towards residents of UMS Mekhstroi CAP, located in the stanitsa of Ordzhonikidzevskaya (Sleptsovskaya).** Since the beginning of the year, the camp has seen several harsh operations which could not be seen as an ordinary passport check.

The first such operation was conducted **on the night of January 10–11, 2007**. At around three in the morning, officers from an unknown security agency arrived at UMS Mekhstroi camp, located in the stanitsa. Some of them wore camouflage uniforms; others were in civvies. Some of them hid their faces behind masks; however, most of them were unmasked. The officers did not introduce themselves; however, witnesses claim that between themselves they spoke in three languages: Russian, Chechen and Ingush.

The document checks and room searches continued until 5 in the morning. After the unknown men left, some families reported that some personal belongings were gone: a mobile phone, brand new men’s boots and even a jar of sour cream, which was on a table in an entrance hall. When they were leaving, the officers from security agencies ordered the CAP residents not to leave their homes for 10 minutes, threatening punishment for those who would disobey.

On January 27, at around 1.30 p.m., armed people dressed in camouflage uniforms and wearing masks again appeared on the premises of UMS Mekhstroi camp. After sealing off the entire settlement, they ordered everyone at gunpoint not to leave their rooms and not to look out. Officers from security agencies arrested **Malika Chabiyeva** and drove her away in an unknown direction.

According to Malika’s sister, Aza Chabiyeva, 10 minutes into the operation, the door to her room was half-opened and Malika handed in her keys and said: “They are taking me with them”. To the question “Why?” she said, “I don’t know; it must be some mistake.” Malika’s five-year-old daughter was handed over to Aza.

Immediately after Malika was driven away, Aza went to the Sunzha District Prosecutor’s Office to file a statement about the arrest of her sister.

One of the officers at the prosecutor’s office discouraged her from filing such statement, saying that there was no need to do it. In Aza’s presence, he spoke to someone over the

telephone and told her after hanging up that Malika Chabiyeva had been detained by officers from the UFSB (Federal Security Service Directorate) for Ingushetia. According to him, she was undergoing a routine check and would be released in some time.

The reassured woman went home; however, on her way there she learned that another sister of hers, Asya, was also arrested, together with a woman who owned a café where she worked, named **Roza Seinaroyeva**. The two women were driven to the FSB building.

Asya Chabiyeva was questioned about Malika's contacts, about her job and activities, about where she was in 1996-1997, and whether Asya knew her female friends. The most important thing they wanted to know, however, was whether Asya Chabiyeva knew a woman named Elbika. Asya was shown a photograph on a PC monitor and Asya recognized a woman she had seen several times when that woman was coming to Malika Chabiyeva's place together with her daughter, asking Malika to take the child to a kindergarten. That woman rented accommodation somewhere in the stanitsa of Ordzhonikidzevskaya. The Chabiyev sisters, both Malika and Asya, knew that Elbika was hiding from the Russian authorities because her husband was a member of the Chechen resistance.

It emerged soon afterwards that Malika had been taken from Ingushetia to the FSB SIZO (pretrial detention center) in the Krasnodar Krai (Territory). As early as on January 28, a "source at the headquarters of the Combined Force in the North Caucasus" told Echo of Moscow radio station and a correspondent of the newspaper *Komsomolskaya Pravda* that a native of Chechnya, Chabiyeva, who was on the federal wanted list, had been detained during a joint operation by FSB and MVD. The main charges against her related to the terrorist act carried out on April 23, 1997 in the waiting room of the railway station Armavir-2. Three persons were killed then and more than ten people injured in the explosion, the responsibility for which was claimed by the now deceased field commander Salman Raduyev.

This disinformation was due to the fact that Elbika sent to the FSB a video recording in which she confessed to having carried out the explosion. She did that after two other innocent women were detained in this case.

When examining the video recording, FSB officers spotted in the background a figure of a woman who they thought looked like Malika Chabiyeva.

Asya and Aza, who came to Krasnodar, did not identify the woman on the tape as their sister; they asked to release her and got a strange response: She would be released only in exchange for Elbika.

On March 21, 2007, the Chabiyev sisters approached the head of the Migration Rights Network Svetlana Gannushkina during her visit to Ingushetia, where she met relatives of abducted persons, and asked her to help Malika.

To defend Malika Chabiyeva's rights he Krasnodar-based lawyer of the Migration Rights Network was invited, who called the investigator and informed him that he was joining the case and wanted to see the detention protocol and the order to institute criminal proceedings against her.

This proved to be enough and on March 28, Malika was released. The investigator reproached the sisters for "having acted in the wrong way: contacting a lawyer, who is of no need at all to a person who is innocent".

Malika returned home; no apologies were offered to her for the two-months' illegal detention in custody. Her relatives decided against challenging the illegal arrest.

In relation to the release of Malika Chabiyeva, Memorial HRC issued a press release in which it drew attention to the disinformation that had been disseminated by representatives of security agencies following her arrest<sup>34</sup>.

The press release said that on January 29, *Komsomolskaya Pravda* citing Nazir Yevloyev, head of the press office of the MVD of Ingushetia, accused Malika Chabiyeva of having carried out the April 23, 1997 terrorist act in the waiting room of the railway station Armavir-2.

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<sup>34</sup> See publication of April 1, 2007 "Beware of Disinformation! Malika Chabiyeva released" (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

That same report by *Komsomolskaya Pravda* gave the following information, citing the press office of the Chief Directorate (GU) of the MVD (Interior Ministry) in the Southern Federal District: “during the past year, 583 persons were identified in the territory of the region who had committed crimes of a terrorist nature”.

A question is asked in the press release: How many of those 583 persons have actually nothing to do with terrorism, just like Malika Chabiyeva?

Below is yet another example of illegal detentions at CAPs.

**On March 11, 2007**, at 8 in the morning, **in the town of Karabulak**, officers from unidentified security agencies drove away a citizen of the Chechen Republic, **Ali Yuryevich Khildikharoyev** (born 1985), from the premises of MTF-1 (commercial dairy farm), where several families of IDPs from Chechnya live.

UAZ jeeps and an URAL truck, carrying Russian military troops, arrived at the small house where the mother and son Khildikharoyev lived. They sealed off the house.

Zainap asked the officers from security agencies about the goal of their visit. They told her they came to conduct a check, since they had the information that two persons they were looking for could be found on the premises of MTF-1.

Then they entered Ali's room and asked him to show his documents. After checking his passport, they asked him about the goal of his visit there, since Ali was registered at one of Grozny's TAPs. He said he had come at his mother's invitation to meet a potential fiancée.

One of the troops walked into another room, without noticing Zainap, Ali's mother, following him. He came to a bed and put something under the mattress. After that, the room was entered by a police officer from a local police precinct, Beshtoyev. He rebuked the serviceman for entering the room in the absence of hosts. When the serviceman left, Zainap told Beshtoyev that he had put something under the mattress. They came near the bed and found an F-1 grenade there.

Beshtoyev said he was not able to do anything, since those were “Russians and they were not under his command”.

Then, an unwarranted search was conducted, during which a neighbor, who was invited as an attesting witness, was shown the grenade that had been “discovered”. Ali Khildikharoyev was arrested and taken to the GOVD of the town of Karabulak. Apparently thanks to the fact that the local police precinct officer knew where the grenade had come from, Ali's detention did not result in any serious consequences: three days later he was released.

### ***Special operations***

Starting from January 2007, the level of violence in Ingushetia was higher than in Chechnya, where the number of abductions and the number of special operations dramatically dropped this year.

**On January 31, in the city of Nazran**, fire was opened on a vehicle of Isa Bamatgireyevich Khamkhoyev, Mufti of the Republic of Ingushetia, in which he and his son Ilez were traveling. The Mufti was slightly injured in the attack, while his son sustained a severe wound.

In response to this terrorist act, during February and March, 2007 officers from security agencies of Chechnya, Ingushetia and North Ossetia conducted nine special operations in the territory of Ingushetia. Nine persons were killed as a result of those operations. The operations were carried out with great brutality and were in effect extrajudicial killings. To illustrate, we will give the details of four of the operations, three of which were carried out in a sequence during the first week of February. They all ended in the death of the people whose arrest was sought.

**On February 3, 2007**, from 5 p.m. to 10 p.m., a special operation to arrest **Timur Abdul-Salmanovich Khaniyev** (born 1981) was conducted in the town of Malgobek. A high-rise apartment building was sealed off. Its dwellers were not evacuated when the fire was opened;

they started to rush out of the building themselves. As a result of massive gunfire from automatic weapons, grenade launchers and APCs, the building caught fire. It was only by the merest chance that the building did not burn down. The dead bodies of the two persons who got killed were completely charred. It was reported later that one of the killed persons was Timur Khaniyev. The efforts to establish the identity of the second person did not give any results. According to some reports, it could be a woman. Timur Khaniyev had had a positive reputation among his neighbors and people had been gathering in his apartment to pray and study the Koran in a group (for more details see Appendix 5).

**On February 7, 2007**, two residents of Ingushetia, **Adam (Ibragim) Izmailovich Gardanov** (born 1985) and **Magomed Bashirovich Chakhkiyev** (born 1973), were killed by officers from secret services during a special operation in the city of Nazran, at Chechenskaya Street.

At 3.30 p.m., a VAZ 99 car, in which Gardanov and Chakhkiyev were traveling, pulled up in front of the GIBDD (State Traffic Safety Inspectorate) building. Suddenly, the car was blocked on two sides by a white Gazel van and a VAZ-2109 car. Over ten armed people in camouflage uniforms and civvies jumped out of the cars. They ran up to the car and opened fire without warning. Another two or three troops ran up and also opened fire. The occupants of the car were killed. They had offered no armed resistance. Final shots were fired at the killed persons.

Many of those who found themselves witnesses to the special operation, including officers from law-enforcement agencies of Ingushetia, claim that the people in the car could have been captured alive. Ibragim Gardanov (Adam in the passport) was reputed to have been treating patients by alternative methods – using Muslim prayers. Officers from security agencies had taken notice of Adam's activities during a passport check, when they saw that many people came to see him at his office. The second man who was killed, Magomed Chakhkiyev, had had his wife treated by Gardanov. On February 7, Chakhkiyev was driving Gardanov to his home for a medical treatment session.

**On February 4, 2007**, at around 9.00 a.m., a local resident, **Zelimkhan Muradovich Merzhoyev** (born 1983), was killed during a special operation in the town of Malgobek.

At 8 in the morning, a large group of officers from security agencies, numbering approximately 40 persons, burst into the yard of Merzhoyev's house. They included Ingushes and Russians; some of them wore masks. They asked whether Zelimkhan Merzhoyev resided at that address. Zelimkhan went out to meet them; however, he did not allow them to search him. He took off his coat and sweater and handed over the clothes to the police officers, after which he tried to escape. The troops did not chase him; they fired shots in the air and kept at some distance from him. Zelimkhan's mother ran after the troops, imploring them not to harm him.

When Merzhoyev was out in an open field and broke into a walk, one of the officers from security agencies got down on one knee and took an aimed shot in his direction. Zelimkhan fell to the ground. A few minutes later an explosion was heard near him. By all appearances, he blew himself up with a grenade he had hidden on him.

The house was searched but no illegal items were found in the search. The body of the killed man was given back to relatives after the investigative actions were carried out. It means that he had been absent from the wanted list and had not been involved in any crimes.

Zelimkhan Merzhoyev worked as a programmer at the Education Department of the Malgobek District. On February 1, officers from the Malgobek ROVD took Zelimkhan from his office to the police district department's building, where he was interrogated, fingerprinted and released. The interrogation was carried out pro forma and no specific charges were presented against Merzhoyev. The fact that the young person committed what was in effect a suicide can be explained only by the horror instilled in the citizens by the very possibility of been prosecuted, tortured and inevitably sentenced to long imprisonment terms for the crimes they never committed.

**On March 15, 2007, Khusein Uvaisovich Mutaliyev** (born 1980) was fatally wounded during a special operation in that same town of Malgobek.

At around 6 in the morning, officers from security agencies wearing masks, up to 25 men in total, arrived at the Mutaliyevs' house by four silver-colored Niva-Taiga jeeps, a dark violet VAZ-2107 car, a white Volga car, and a grey-colored UAZ jeep.

They burst into the house and started a search. The troops did not introduce themselves or show any documents; they were rude and were insulting members of the Mutaliyev family. After they searched the house and found nothing, they grabbed Khusein Mutaliyev and took him into the yard.

They started beating Mutaliyev; he broke free and tried to escape. Fire to kill was opened on him from automatic weapons. Khusein fell to the ground but was still alive. The wounded man was rudely forced into a car, after which all the vehicles drove off in the direction of North Ossetia.

On that same day, Khusein Mutaliyev's brother, Khasan, turned with a written statement to a representative office of Memorial HRC, request assistance in establishing the whereabouts of his abducted brother.

In the afternoon, the following report was posted on the Web-site of INTERFAX news agency:

*"...During a special operation, officers from law-enforcement agencies of Ingushetia and North Ossetia eliminated an active member of an IAG, Khusein Mutaliyev, in Malgobek, Ingushetia, a source in the law-enforcement agencies of Ingushetia told the Interfax-Yug news agency Thursday. On Thursday afternoon, in Malgobek, when the arrest was carried out of Khusein Mutaliyev (born 1980), who was on the federal wanted list for abductions of people (Article 126 of the Criminal Code of the Russian Federation), he offered armed resistance and tried to explode a grenade, at which moment he sustained a gunshot wound. The explosion was avoided. According to the source, the wounded militant was taken to a local hospital, where he died of the wounds he had sustained.*

*The agency's interlocutor also reported that Khusein Mutaliyev was an ideological leader of illegal armed groups promoting Wahhabism and also an active member of the armed gang led by field commander Khasmagomed Bogatyrev. He was also suspected of involvement in the incursion into Ingushetia in June 2004."*

On the following day, March 16, the Mutaliyev family was officially informed about Khusein's death and his body was released to it from the morgue of the city of Vladikavkaz. The wounded Khusein Mutaliyev had not been taken to a hospital in Ingushetia, as claimed in the report by Interfax.

At the Malgobek ROVD relatives were informed that Khusein Mutaliyev was absent from the wanted list and there was no information about his links with militants.

Earlier, on September 21, 2006, Khusein Mutaliyev was already detained by officers from law-enforcement agencies of Ingushetia. For three days he was kept at the Malgobek GOVD, where he was subjected to beatings to make him incriminate himself. From Malgobek he was transferred to the Nazran ROVD and kept there for another seven days, after which he was released.

On September 21, several other residents of Malgobek were arrested together with Mutaliyev; they were also released later. One of them, **Islam Oligov** (born 1984), **on November 27, 2006**, was killed in the yard of his own house by officers from federal security agencies.

On February 5, 2007, Khusein Mutaliyev turned to Memorial HRC with a statement, in which he gave the details of his illegal detention and the beatings he had been subjected. He also described the more recent incidents of harassment by the police. After the attempt on the life of the Mufti of Ingushetia, police officers came to his home and called him in for interrogation in relation to his alibi.

Khusein Mutaliyev together with his friends intended to write an open letter stating that they were ready to answer any questions from the authorities; provided, however, that their constitutional rights were observed in the relevant procedures. They were prevented from doing that.

Usually, on the following day after a special operation, before any investigative actions are carried out, a report appears in the media about yet another active member of an IAG been eliminated. By feeding false information to the media officers from law-enforcement agencies legitimize the extrajudicial killings of innocent people who were “designated” as criminals. Law-enforcement agencies indirectly admit that such people are innocent by releasing the bodies of the killed persons to relatives for burial.

Article 14.1 of the Federal Law (FZ) “On Burial and Funeral Services” prohibits the release to relatives for burial and making public the sites of their burial in relation to the bodies of persons “whose criminal prosecution for involvement in terrorist activities was terminated due to their death as a result of actions preventing ... these terrorist activities”.

In the established practice, this provision is interpreted broadly: bodies are not released to relatives of all those who have been criminally prosecuted for “involvement in terrorist activities”.

The Malgobek Prosecutor’s Office opened a criminal case under Article 286 (abuse of authority) into the death of Khusein Mutaliyev. The case was later passed on to the Prosecutor’s Office in the Southern Federal District.

In June 2007, the murder of **Ruslan Aushev** during a targeted special operation caused a great stir in the Republic.

**On June 17, 2007**, at around 5 a.m., two APCs, six Gazel vans and several cars arrived at the village of Surkhakhi, the Nazran District. The vehicles carried approximately eighty officers from security agencies; most of them wore masks. They were speaking only in Russian, some of them – with a heavy accent.

The troops sealed off houses No.28 and No.30 at Ausheva Street. First, a search was carried out in house No.30, owned by Isropil Aushev; the garret and household outbuildings were thoroughly searched. In a similar manner a search was conducted of the neighboring house No.28, belonging to Khavazh Aushev. They were looking for Ruslan Aushev; however, he was not to be found anywhere.

Suddenly, one of the troops in the cordon fired a grenade from a grenade launcher at the garret of house No.30. A brisk fire ensued and for 20 minutes the garret was fired on from all sides. A dead body was found in the garret. It was Ruslan Aushev. He had tried to hide in the garret of his neighbors’ house. He had his hands torn off and there were multiple fragment wounds and lacerated wounds on the body.

The special operation was conducted with an extreme brutality and the use of unlawful violence and torture. Isropil, Magomed, Khusen and Khasan Aushev were badly kicked and hit with pipe pieces after their hands were tied by wires.

The houses were looted; money and documents were stolen; and windows were smashed. An APC smashed in the gate of house No.30; the house building was damaged and Khasan Aushev’s car was crushed.

Ruslan’s half-cousin, Magomed Aushev, was taken to Vladikavkaz, tortured with electric shocks and beaten; his execution by firing squad was simulated. They tried to force him into confessing to hiding his brother and to the crimes he did not commit. He could not bear the torture any longer and signed some papers, giving his consent to cooperate with FSB, after which he was released. After his release, Magomed Aushev wrote a statement he sent to law-enforcement agencies and to Memorial HRC, in which he detailed the abduction, the torture and other humiliations, as well as the attempt to recruit him as an FSB agent, giving the FSB officer’s mobile phone number.

On June 25, at 10 a.m., 150 residents of the village of Surkhakhi rallied to protest against the unlawful actions by officers from Russian security agencies. The protesters produced an appeal to the President of the Republic of Ingushetia Zyazikov, in which they demanded that he put an end to the practices of abductions of people and their smuggling into the neighboring republics.

Three months later, Magomed Aushev was abducted for the second time. It happened on September 18, when he together with his half-cousin, who was also named Magomed Aushev, was taking a taxi ride from Grozny to his home. On the outskirts of the city, in the area of the settlement of Chernorechie, three vehicles blocked their way. People in camouflage uniforms jumped out of the vehicles. They hit the taxi driver, beat up the Aushevs and forced them into their vehicle. As it was established later in the day by their relatives, at around 4 p.m., the vehicles of the abductors crossed the administrative border between Chechnya and Ingushetia through Kavkaz-1 checkpoint.

The MVD of Chechnya claimed that its officers were not involved in the abduction: no special operations had been conducted in the area of the settlement of Chernorechie at that time.

On that same day, fellow-villagers of the Aushevs, residents of the village of Surkhakhi, gathered together and decided to hold a protest rally in the city of Nazran on September 19. The rally was started at 3 p.m., approximately 400 persons came to it<sup>35</sup>.

The protesters blocked the Chechenskaya Street near the office of the Danish Council and put blocks of concrete across a railway crossing, blocking the traffic of vehicles and trains. They held posters reading “Give our Sons Back to Us” and “Stop the Abductions and the Killings”.

The protesters were twice approached by the Interior Minister Musa Medov, who tried without success to persuade them to disband. The republican prosecutor Yury Turygin and Deputies (members) of the RI Parliament also arrived to meet the protesters. The people at the rally were very determined; they said they would stand to the end – until they were informed about the fate of the abducted men. They brought along flasks with water and prayer rugs, intending to spend the night there.

The people who gathered at the rally presented their demands on local television: return the Aushevs; investigate other abductions and murders of residents of Ingushetia; and find and punish the real perpetrators.

Attempts were taken to disperse the gathering using OMON (special purpose police unit) troops. The protesters showered them with stones and forced the police officers back to their vehicles. When midnight came, there were still 250 people at the site of the rally.

At around 2 in the morning, they were told that the abducted persons had been found and the protesters decided to disband.

The abducted brothers were discovered at the Shatoi District ROVD. In the morning of September 20, the Aushevs returned home.

Bellow is what the father of one of the abducted men, Makshar Aushev, told a correspondent of *Novaya Gazeta*<sup>36</sup>:

*“They have gone through hell and Magomed has gone through it twice. Every step was taken to retaliate for Magomed’s statement. It was a pure retaliation: to wipe out the men and cover all traces. All their belongings – passports and clothes – were immediately burned. They were beaten and tortured with electric shocks; however, no demands were presented, no interrogations were carried out and no attempts were made to have testimonies beaten out of them – they were just tortured. For 48 hours, they were deprived of food and water.”*

To all appearances, they were not going to release them alive. According to Makshar Aushev, on the night of the 20<sup>th</sup> September, the abductors suddenly received the orders to release

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<sup>35</sup> See publication of September 20, 2007 “Protesters in Nazran have won – the abducted Aushevs are released” (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

<sup>36</sup> See publication “The Aushev brothers released”, *Novaya Gazeta*, Issue 73 of September 24, 2007.

the Aushevs: “an officer from Moscow called them”. They were put into a car and for a long time driven to some place. It turned out they were taken to the village of Shatoi, where they were dropped off near the district police precinct.

Later, Makshirip Aushev conveyed to *Novaya Gazeta*<sup>37</sup> the information about the progress of the investigation he learned from a source at the Prosecutor’s Office of the Zavodskoy District of the city of Grozny:

*“People who were involved in the abduction of the boys in Chechnya are known. It has been established that those were officers of the GRU (Main Intelligence Directorate) for Chechnya and of the RF UFSB (Federal Security Service Directorate) for Ingushetia. Their surnames, names and patronymics are known. Officers from the prosecutor’s office say that up to 15 persons were involved in the abduction. They have been suspended from duties and arrest warrants have been issued for them. However, as I was told the other day at the prosecutor’s office of Chechnya, during searches in the houses of these people they were not found there. Their whereabouts are not known thus far. One of these days the prosecutor’s office plans to carry out an investigative experiment at the site where the boys were held – in the building of the Urus-Martan UFSB.”*

Makshirip Aushev said that to his knowledge the group of the abductors was led by Abdul Mutsayev, officer from the UFSB of Russia for Chechnya; however, his whereabouts were unknown.

Still, the Prosecutor’s Office of the Zavodskoy District of the city of Grozny denied the reports that the abductors had been identified. It said that preliminary investigations were underway.

The determination of residents of Ingushetia, who had been driven to extreme acts by the situation where officers from security agencies who commit crimes go unpunished, played a major role in the release of the Aushevs. Human rights activists circulated the information in the media and sent urgent queries to the Prosecutor General’s Office and to Prosecutors of Ingushetia and Chechnya.

The Aushev brothers were saved thanks to the joint efforts; however the Aushevs are afraid of new harassment. They wrote statements requesting protection and sent them to international organizations, the RF President, the FSB Director, the Prosecutor General, the Human Rights Ombudsman, and Russian human rights defenders.

In the statement they wrote:

*“It would seem that our sufferings are over, although we have detailed just a fraction of the ordeal we endured at that terrible hell. However, we are haunted by the vow made by one of our torturers, who said: “I swear on the Koran: you will not live long if you leak a word about what has happened to you”.”*

All the authorities have to do to fulfill their duties is to see the investigation through and punish the guilty persons. This would ensure that the lives would be saved of the Aushev brothers and of other people who are at risk of falling into the hands of those torturers.

The last special operation we would like to describe was an outrageous extrajudicial killing of innocent people. In that operation, the “incriminating” evidence was shamelessly fabricated right before the eyes of a mother whose children had just been killed.

**On September 27, 2007**, after 6.00 a.m., two local residents, **the Galayev brothers: Said-Magomed** (born 1983) and **Ruslan** (born 1986), were killed during a joint special operation by officers from federal and republican security agencies in the village of Sagopshi, the Malgobek District.

On that same day, the RI MVD’s press office released the information that during a special operation in the village of Sagopshi:

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<sup>37</sup> See publication “Won’t they come to get their salary?”, *Novaya Gazeta*, Issue 81 of October 22, 2007.

*“...two militants offered armed resistance and were eliminated. One of the killed persons, Sait-Magomed Galayev (born 1983; call sign “Abdul-Malik”), had been the so-called “emir” of the militants in the Malgobek District of Ingushetia.”*

On September 28, Memorial HRC workers in the village of Sagopshi met relatives of the killed men. The mother of the killed men, Fasimat Galayeva, gave her account of what had happened. Since the family observes the Muslim fast of Ramadan, they woke up and had breakfast before the sun rose and then went back to their rooms. Said-Magomed slept in his room together with his wife Madina; another two brothers, Ruslan and Tagir, slept in a room that was the farthest from the entrance; while the mother and a younger son, Said-Akhmed, aged 11, slept in a room near the entrance door.

At around 6.30 a.m., officers from security agencies arrived at the house of the Galayevs by two APCs, an URAL truck, and ten armored UAZ jeeps. There were more than a hundred of them. The house was sealed off on all sides and approximately fifty persons walked into the yard. Said-Magomed’s wife noticed that there were military troops in the yard and informed her husband about that. Said-Magomed was walking out of his room when the troops burst into the house and started firing aimed shots. Said-Magomed and his brother Ruslan, who was approaching the entrance door, were killed.

Fasimat, who was woken up by the sound of shots being fired, saw Ruslan stumble into her room and fall near the bed. Her daughter-in-law, who was held by the troops, was screaming in another room. The females, Said-Akhmed and Tagir were taken to the street. The troops threw three grenades into each of the two rooms and only after that they forced Tagir to pull out his killed brothers into the street. The women and the child were seated near the dead bodies.

According to Madina, they were approached by a “Russian serviceman,” who asked her for a black plastic bag. Madina answered that she had no such bag. He left the yard and soon afterwards returned with an empty plastic bag of blue color. He then sat near a shed and started to unload cartridges from the clip of his automatic rifle into the bag. Later, this bag with cartridges was cited in the search protocol as an object discovered in Galayev’s house.

The search protocol also stated that two automatic rifles and other weapons had been discovered in the house. According to the Galayevs, they had no weapons in their house. They do not know when and under what circumstances the weapons were found, since the search was carried out in their absence.

Tagir, Fasimat Galayeva and her daughter-in-law Madina were taken to the Malgobek ROVD. Only Said-Akhmed was left in the yard. For several hours, he sat near the dead bodies of his brothers, until they were taken away by the troops. The search in the house continued for several hours and procedural rules were not observed.

The detained persons were interrogated individually. The interrogation was conducted by an investigator with the prosecutor’s office, Adam Sultanovich Tsechoyev. At the interrogation, Fasimat shouted at him: “Where is the government? Why did they kill my children when they had no guilt at all?” The investigator replied smiling: “What government? They offered armed resistance”.

Tagir was questioned about how the weapons appeared in the house and where his brothers and he were on the night of September 7-8, at the time of the attack on military unit 3733, located on the outskirts of Malgobek.

In the meantime, up to 100 relatives and neighbors of the Galayevs gathered outside the building of the Malgobek ROVD. They demanded immediate release of the arrested persons and did not disband until their demands were met. At 7.00 p.m., Fasimat was released from the ROVD; at 10.00 p.m. they released Tagir and another 30 minutes later – Madina.

On September 28, the bodies of the killed brothers were released to the Galayevs; they were buried on that same day. The Galayevs intend to turn to law-enforcement agencies with a statement about the unlawful actions of officers from security agencies; they have invited a lawyer.

According to the Galayevs' fellow-villagers, the killed brothers had never been involved in any illegal activities; they had not been secretive and professed traditional Islam; they had worked part-time as construction workers at private construction sites.

### ***July-October 2007: Rapid deterioration of the situation***

In June and July, the Republic was shaken by a series of high-profile murders: deputy head of the administration of the Sunzha District, a prominent religious leader, and the commander of the republican OMON were killed. A series of killings of Russian families was started.

**On July 21, Vakha Vedzizhev**, Adviser to the President of the Republic, was fatally wounded in a shooting attack **in the town of Karabulak**. He died on the way to hospital.

**On July 23**, a vehicle carrying officers of the Nazran GOVD was fired **on in the village of Sredniye Achaluki**. Two police officers were wounded; one of them died later.

**On July 27, at 10 p.m.**, unknown people fired from automatic weapons and grenade launchers on the building of the Administration of the President of Ingushetia and on the building of the FSB Directorate **in the town of Magas**. As a result of the attack, one serviceman was killed and two persons were wounded.

**The village of Ali-Yurt, located near the town of Magas**, was declared a zone of counterterrorism operation. The operation turned into a brutal punitive campaign against civilians.

**On July 28**, at 5 a.m., the village of Ali-Yurt was sealed off and an APC and two Gazel vans with a group of servicemen arrived at the village. The troops were bursting into houses and firing shots in the air. They were dragging people out of their beds, kicking and hitting them with rifle butts. They were shouting: "You have fired shots at us! You are hiding militants!" The military did not perform any document checks; only superficial searches of homes were carried out; and they did not look for any particular persons. The operation was carried out with great brutality and was clearly of a punitive nature.

Following this punitive operation, 27 civilians, including women, children under 15 and elderly people sought medical assistance. **Tanzila Esmurziyeva**, who was seven-months pregnant, was hospitalized in a grave condition. Appendix 6 cites eye-witness accounts of victims of the punitive operation.

At 8 a.m., the first group of the military left. They took seven persons with them; they all were driven to the UFSB building in the town of Magas.

At around 8 in the morning, heads of republican security agencies, including the MVD Minister Musa Medov and Deputy Prime Minister of the Republic of Ingushetia Bashir Aushev, arrived at Ali-Yurt. Ambulances started to take the injured villagers to the hospital. By that time, officers from other security agencies had arrived at the village; they started a passport check, this time without using physical force and without insulting local residents. The passport check was finished after 5:00 p.m. Posts around the village were removed after 6:00 p.m.

At around 8 p.m., three detained persons, **Ruslan Ganizhev, Akhmed Ganizhev and Khavash Gagiye**v, were thrown out, with plastic bags on their heads, onto the road between the village of Surkhakhi and the village of Yandyrka. The detained persons said that at UFSB they were individually interrogated in the building's basement. During the interrogation, the officers beat them on the legs, in the kidney area and on the head; they were asking about militants and trying to persuade them to cooperate.

On that same day, all three were hospitalized. Doctors diagnosed Ruslan Ganizhev with a brain concussion, fractured ribs, prolapse of the kidney, multiple bruises and abrasions. The other four persons who had been detained were also released later.

Most of the injured were taken to the central clinical hospital of the city of Nazran; two persons were hospitalized at hospitals in the city of Moscow. On discharge from the hospital, many patients were not issued medical documents. In the medical reports doctors made a record

that the patient in question left the health care center without permission and did not request a certificate to be issued.

Some of the patients were issued medical documents; however, on the evening of the following day, doctors visited them at their homes and implored them to hand back the certificates, explaining that they were threatened with dismissals and harassment by FSB.

On August 1, at around 11 p.m., one of the injured persons, whose son was in a grave condition treated at the Central District Hospital of the city of Nazran, was visited by three unknown men in plain clothes. They threatened him with punishment should he continue complaining against the actions of the military.

On August 1, 30 injured residents of the village of Ali-Yurt approached the prosecutor's office and human rights organizations with statements, in which they demanded to bring to justice the servicemen guilty of beatings. The republican prosecutor's office was forced to open a criminal case on the beatings. Currently, this criminal case has been passed on to the military prosecutor's office.

Shortly after the punitive operation was carried out in the village of Ali-Yurt, additional troops were deployed in Ingushetia. The total strength of the Interior Ministry Forces contingent was brought to 2,500 troops. The deployment of additional troops did not solve the problem – attacks on officers of security agencies continued.

**On August 30, 2007**, at around 4 p.m., a resident of the village of Dolakovo, **Islam Yusupovich Belokiyev** (born 1988), was killed at the automotive parts market in the city of Nazran.

A number of news agencies immediately reported, citing official sources, that he was a militant and had been killed during a special operation. According to the law-enforcement agencies, Islam Belokiyev was a member of the illegal armed group led by Adam Nalgiyev, who had been killed during a special operation in June 2006. Nalgiyev had been involved in acts of sabotage and terror and attacks on FSB officers in Ingushetia and in July this year had pasted leaflets in Nazran with threats against officers of the MVD of Ingushetia.

According to the eye-witnesses interviewed by Memorial HRC workers at the scene, during the past two years, the young man together with his parents worked in the market, selling automotive oils. For that purpose the family rented a metal container at the market place. Islam usually went home after 3 p.m.

On that day, August 30, he closed the container and walked towards the exit from the market place. Occupants of a VAZ-21010 car of metallic color, parked under a willow on the outer side of the market fence, called out to him. He turned in their direction, after which shots were fired. There were lots of people around, who saw how Islam Belokiyev stood upright for a few moments and then slowly collapsed to the ground.

People rushed to the scene; however the persons who fired at him – a man of Slavic appearance, dressed in sports jacket and jeans, was standing out among them – encircled Islam, who was still alive, and did not allow anyone to approach him. Soon after that, a Gazel van arrived at the scene.

Officers from a federal special unit, who ran out of it, formed a second cordon circle. Unlike the first cordon, they were appropriately equipped: armored jackets, masks and *Spetsnaz* (Special Forces) sphera helmets. Some time later, servicemen on an APC arrived at the market.

The young man was still alive for at least forty minutes. The witnesses noticed that he moved his head from time to time. However, officers from Russian security agencies, numbering approximately 70 to 80 persons, did not provide medical assistance to him. They did not allow local police officers on the scene, either.

The numerous witnesses of the incident claim that officers of the special unit planted a pistol and a grenade fuse on the wounded man. After putting the pistol into Islam Belokiyev's hand, they fired several shots from it in the air.

After searching the wounded man, the troops took the keys from the container and went to open it. They demanded that people stand back, since as they said the container could contain explosives.

The owner of the container rented by the Belokiyevs said that there could be no explosives there. He took the keys and opened it himself. Together with a local police officer and the military he himself came inside. Having ascertained that there was nothing in the container, the troops left.

Some time later, officers from the Ingush prosecutor's office and doctors were allowed on the scene. However, Islam Belokiyev was already dead. His dead body was taken to the municipal morgue and subsequently released to relatives.

**On September 2, 2007**, at about 6 p.m., a local resident, **Apti Dolakov** (born 1986), was killed in the town of Karabulak.

News agencies reported citing official sources that a bandit had been eliminated during a special operation. Musa Medov, Interior Minister of the Republic of Ingushetia, said that during a special operation to detain the persons involved in recent crimes one of them, Apti Dolakov, was eliminated and another one was detained. The Minister alleged that Apti Dolakov had had a grenade on him and had offered armed resistance and claimed that Iliz Dolgiyev, who was called Dolakov's accomplice, was giving evidence<sup>38</sup>.

Memorial HRC conducted its own investigation and interviewed the numerous witnesses of this incident.

According to eye-witnesses, Apti Dolakov together with his friends was leaving an Internet café located near a high school at Generala Oskanova Street, when two Gazel minibuses pulled up near them. One minibus was white and another one was dark-blue; they had tinted windows and no license plates. Armed people wearing masks (up to 30 in total) ran out of them. One or two of the men were dressed in plain clothes.

The young men saw the weapons directed at them and ran through the yards of the nearest high-rise apartment buildings in the direction of Dzhabagiyeva Street. Shots were fired. Witnesses claim that the unknown men fired aimed shots from automatic weapons at the escaping boys from a kneeling position.

The day was Sunday and it was only by good fortune that no one of the many women and children who were in the yards was injured.

Apti Dolakov ran through the yards to Dzhabagiyeva Street, crossed it and ran into the yard of kindergarten "Ryabinka", where forced migrants from the Prigorodny District of the Republic of North Ossetia-Alania (RNO-A). Here his pursuers caught up with him.

According to people living on the premises of the kindergarten, there were two of them: one was wearing a camouflage uniform and a mask; the other had plain clothes on and his face was unmasked. One of them shouted to a woman who was watching them, "Close the window". Immediately after that the sound of shots was heard.

Apti Dolakov fell to the ground face down. The man in civvies ran up to him, pulled his T-shirt over his face and fired several shots from his pistol, including a final shot to the head. He then put some object into Apti Dolakov's hand. According to local police officers, who later carried out the investigative actions, this object proved to be a grenade without a safety pin.

GOVD officers and troops from the republican OMON, which is headquartered on the outskirts of the town of Karabulak, heard the sound of shots being fired and arrived at the kindergarten. They demanded that the unknown men introduce themselves and tried to approach Apti Dolakov's body. Threats were made in response. Aiming the weapons at the Ingush police officers and OMON troops, the unknown men called: "Keep back, you faggots, or we will shoot!"

The stand-off did not last long: the blocked unknown men radioed for reinforcement and some man in plain clothes ordered someone over the radio (apparently to someone in the Gazel

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<sup>38</sup> See report of September 3, 2007 at the Vesti.Ru Web-site (<http://www.vesti.ru/>).

van) to hide a certain bag. The exact wording of the phrase was: “Hide the bag or we would have problems when local field investigators arrive now.” An officer from local security agencies, who heard it all, believes the man referred to a bag with weapons that were intended to be planted on the killed person.

A crowd of angry citizens gathered outside the kindergarten, who demanded to hand over the murderers to them for punishment. It was only thanks to the determined actions of the Ingush police officers that the crowd was kept back with great difficulty.

Despite the fact that officers from federal security agencies arrived at the murder scene by URAL trucks and UAZ jeeps and, later, by APCs, local police officers disarmed and took to the GOVD building the persons who were directly responsible for the death of Aпти Dolakov.

According to officers from the Karabulak GOVD, the detained individuals refused to introduce themselves or explain the motives of their actions. However, during a bodily search, identity cards of FSB officers were found in their underwear. One of the detained persons (he was also dressed in civvies and was an ethnic Chechen) had the documents on him which showed that he was supposedly “Senior Lieutenant Mador Sergeevich Morzanashvili” [Translator’s Note: Surnames ending with “shvili” are Georgian names – “shvili” means “the son of” in the Georgian language].

Cards with Ingush surnames were found on four Russian participants in the murder. The identity card of an officer of secret services found on an ethnic Ingush revealed an Azerbaijani surname. Documents of other twelve persons who were detained showed Slavic surnames; however, those were also probably assumed names.

Two persons who were in the Gazel van managed to escape. Inside the van that they abandoned the Ingush police officers found **Ilez Dolgiyev**, who was handcuffed and had a plastic bag on his head. According to him, when he saw armed people firing after an escaping young man, he tried to hide but was captured.

Soon afterwards, high-ranking officers from the UFSB for Ingushetia arrived at the OVD of the town of Karabulak. They demanded that the detained persons be released and any investigations into their actions discontinued. But most importantly, they ordered to give back the empty cartridge cases and the pistol with which Aпти Dolakov was shot dead.

According to the Ingush police officers, it was this pistol and the person who used it that worried a high-ranking FSB officer most of all, although a whole stockpile of other weapons was seized from the killers as well: Stechkin pistols, automatic rifles and machine guns. As a result, no examination of this pistol could be carried out to check whether it had been used in other high-profile crimes.

Despite protests from police officers and rank-and-file policemen of Karabulak, by the night of that same day, the murderers had been released at the orders from the Interior Minister of Ingushetia. Ilez Dolgiyev was detained and investigation is underway.

**On October 9, 2007**, at around 10 p.m., a local resident, **Albert Magomedovich Gorbakov** (born 1985), was killed by police officers in the town of Malgobek not far from his own house.

At around 9 p.m., he drove his VAZ-21009 car to look for his sheep. One hour later, his mother heard shots being fired some 200-250 meters away from her house. Tracer bullets were used and the shots were accompanied with shouts and screaming.

According to the information of the RI Prosecutor’s Office, Gorbakov was killed when he offered resistance to police officers who stopped his car to check documents. The three persons who were in the car opened fire on police officers and tried to escape. Albert Gorbakov was killed by the return fire; two other men escaped from the scene.

According to the information obtained from other sources, Gorbakov and other occupants of his car offered no armed resistance but were shot at after they got out of the vehicle.

On October 10, in the afternoon, the dead body of Albert Gorbakov was released to his relatives. Albert’s body had just one bullet hole; the bullet had gone right through his chest.

Albert Gorbakov was a fifth-year student studying law at the Ingush State University (IGU).

A tragic event happened on **November 9, in the village of Chemulga, the Sunzha District**: a six-year-old boy, **Rakhim Amriyev**, got killed during a special operation (the incident was reported by the newspaper *Moskovsky Komsomolets* – the article by Yelena Pavlova was published on November 12, 2007). According to the official version presented by the Prosecutor of Ingushetia Yury Turygin, the Amriyevs' house was sealed off by *Spetsnaz* (Special Forces) troops because the information was obtained that a militant was hiding there. The *Spetsnaz* troops opened fire only in return to the shots fired from the house and the child was killed by a random bullet.

However, the boy's father, Ramzan Amriyev, and his neighbors give a different story. In the morning of November 9, *Spetsnaz* troops sealed off their house and ordered everyone to leave it. Ramzan came to the door to do so; however, the door was broken in and fire was opened at the walls from automatic rifles. Ramzan's younger son was killed and his wife was wounded in the leg by the indiscriminate fire.

The head of the Chemulga Administration Aslan Amriyev was threatened by execution by firing squad when attempts were made to try to persuade him to corroborate the official story. Aslan Amriyev argued that it made no sense, since neighbors had themselves witnessed the incident.

The Amriyevs were taken into the street barefoot; 22 persons were standing there barefoot – only eight of them were adults.

The Amriyevs' house, according to neighbors, was rammed three times by an APC. No one was allowed on the crime scene until the prosecutor arrived. A few hours after the incident, FSB officers alleged that an automatic rifle had been discovered in the Amriyevs' house.

Villagers are preparing for a rally in the city of Nazran, scheduled for November 24, and demand a response from President Zyazikov.

The President made a statement on the incident only after three days had passed, when the murder of the child was reported by the Russian and foreign media. He said that he was taking the investigation of the incident under his personal control and that financial assistance would be provided to Rakhim Amriyev's family.

While FSB officers were carrying out extrajudicial killings of innocent people, passing them off as militants, the real bandits intensified the armed terror. In September, during two days alone, on the 6<sup>th</sup> and the 7<sup>th</sup>, two border guards were shot dead in Ingushetia and a bomb attack was carried out on a police patrol, killing four field investigators.

### ***Killings of Russian-speaking citizens***

From July to October 2007, a series of killings of Russian families took place in Ingushetia, shocking the republic, the population of which has never had any anti-Russian sentiments.

On the night of **July 16, 2007**, school teacher **Lyudmila Vladimirovna Terekhina** (born 1952) and her two children, **Vadim** (born 1988) and **Marina** (born 1983), were killed in their own house in the stanitsa of Ordzhonikidzevskaya.

Late at night, on July 16, three or four armed persons broke into Terekhina's house. According to Lyudmila Terekhina's brother, Sergey Vladimirovich Artyukhov, the criminals entered the room where he and his sister were sleeping. They asked in Russian: "Where do you keep money?"

Without waiting for a reply one of the unknown men fired a shot at Lyudmila Terekhina. The sound of the shot was muffled – probably a pistol with a silencer was used. Then the unknown persons shot dead Vadim Terekhin and Marina Terekhina, after which they left the house and disappeared in an unknown direction. They did not kill Sergey Artyukhov, who is disabled from childhood and has impaired sight.

Another terrorist act was carried out during the funeral of the victims: eleven persons were wounded in an explosion at a cemetery.

**On August 30, 2007**, members of the family of a Russian language teacher of a local school, **Vera Borisovna Draganchuk**, were murdered **in the town of Karabulak**. Unknown criminals shot dead her husband, **Anatoly**, and her two sons, 24-year-old **Mikhail** and 20-year-old **Denis**.

The killers broke into the house at around midnight. Apparently they climbed over the fence. The criminals entered a room where family members were watching television without being noticed and fired at them using a Makarov pistol with a silencer. The dead bodies of Anatoly Draganchuk and Mikhail were found in the house. Denis, who had been wounded, lay in the yard. He died in a vehicle on his way to the hospital.

Upon hearing the shots being fired, Vera Draganchuk got out of the window and hid herself. Apparently she had tried to pull Mikhail, her elder son, into the yard, too; however, she did not have time to do it and the criminals shot him dead.

At the time of the incident, Vera Draganchuk's mother-in-law and her brother, Boris Tonkogubov, were in a makeshift hut in the yard. The killers did not harm them.

Anatoly Draganchuk worked as a driver at a laundry. Mikhail, who was a mentally retarded disabled person, was helping him. Denis was a second year student of economics at the Ingush State University. The killed man's daughter, Tatiana, a paramedic at a municipal hospital, at the time of the criminal attack on her family, was outside of the Republic.

**On September 7, 2007**, at 12.50 in the afternoon, **Natalia Mudarova**, medical superintendent of a blood transfusion center, was shot dead **in the city of Nazran**. An unknown person opened fire from an automatic weapon on Mudarova when she was driving off for lunch. The doctor died on the spot of the wounds she had received.

Mudarova's family was multi-ethnic: she herself was married to a Chechen and both her daughters married ethnic Ingushes.

**On October 15, 2007**, at around 2 p.m., Nikolay Kortikov, his pregnant daughter-in-law Zoya Kortikova, and their neighbor Tatiana Nemova, were murdered in the town of Karabulak. Nikolay's wife Tatiana Kortikova sustained wounds.

According to a witness, the Kortikovs, together with their neighbor, went out into the street and were waiting for their son who was to arrive by bus. At this moment, a VAZ car pulled up near them, from which fire from automatic rifles was opened.

**On November 4, 2007**, at around 10 p.m., in the village of Yandare, the Nazran District, unidentified armed persons in masks entered the premises of a brick factory and shot dead four workers: a citizen of Belarus, **V.B. Ponamarev** (born 1961); a resident of Kabardino-Balkaria, **V.N. Oskin** (born 1947); and residents of the Stavropol Krai (Territory), **S.A. Butusov** (born 1964) and **A.D. Troshchak** (born 1957). Three workers died on the spot. **A.D. Troshchak** sustained a gunshot wound in the right arm.

On the following day, **November 5, 2007**, two ethnic Armenians who were permanent residents of Ingushetia were killed. At around 8 in the evening, armed persons traveling on a VAZ car opened fire on two diesel locomotive drivers from a rail depot, **S.A. Avetisov** (born 1972) and **V.S. Khurshudyan** (born 1975), at Gazdiyeva Street in the city of Nazran. At the time of the murder, the men were in an old BMW car, owned by Avetisov. Both men died at the hospital of the wounds they had sustained.

In all the above incidents the identities of the attackers have not been established.

These developments prompted a number of citizens to turn to the President and the Government of Ingushetia with an appeal (See Appendix 13).

It might be remembered that a series of attacks on ethnic Russians in Ingushetia had taken place before – in January–March 2006<sup>39</sup>. Explosive devices and jars with Molotov cocktail were

<sup>39</sup> See Report "On the Situation of residents of Chechnya in the Russian Federation. June 2005 – July 2006", M.2006, Appendix 9.

thrown into the yards of their houses and members of one family were shot dead at night in their own house.

According to the President of Ingushetia Murat Zyazikov, who has announced the program for the return of ethnic Russian residents to Ingushetia, the Government of the Republic is to allocate 12 million rubles for this program during 2007. It is planned that before 2010, conditions will have been created for the return to the republic of over 200 Russian-speaking families. Construction works are underway for the erection of a big orthodox Christian church.

However, the authorities are not able to ensure safety of Russians families, as well as of the rest of the Republic's population.

Local residents are very concerned about the developments; they make arrangements for guarding the houses of their Russian neighbors, trying to protect them themselves.

It must be admitted, however, that the level of violence in Ingushetia both by illegal groups and security agencies has now surpassed the level of violence in Chechnya. In such situation, internally displaced persons from Chechnya no longer have an alternative to returning home.

The reasons are widely discussed now as to why Ingushetia, which until recently was one of the safest republics, has turned into a place where public tensions are the highest, attacks are carried out relentlessly on public officers, including the President, crimes are committed against the Russian population, and brutal punitive operations are conducted.

There is a widespread conviction among the local residents that the killings have been organized by secret services to destabilize the situation in Ingushetia and implant there the punitive mechanisms that have been tried and tested in Chechnya. Some think that there is an active underground organization aiming to take revenge against Russians for killings of Ingushes, destabilize the situation in the Republic and derail the program for the return of ethnic Russians.

However, we think that the process of destabilization can not be explained unambiguously.

Stability in the Ingushetia led by Ruslan Aushev was based for quite a long time on his moral authority, approachability and ability to combine – in addressing the problems that arose – traditional mechanisms and the power vested in him and not challenged by anybody in the Republic.

Thanks to it Ingushetia was able to accept hundreds of thousands of refugees from Chechnya. Aushev personally made orders in early November 1999, to let them into Ingushetia, overcoming the resistance shown by the federal center, when he said an almost biblical phrase: "Let them in – they are my people." The population of Ingushetia almost doubled; however, all conflicts between the local population and refugees were dampened before they emerged.

The current government in Ingushetia does not enjoy that level of popularity among the population or act with that authority and consistency. In 2002, when he became President of Ingushetia with support from Moscow, Murat Zyazikov found himself in a dubious position. He had to implement all instructions from the federal center and at the same time prove to his people that he was not alien to the traditions and the notion of the Vainakh brotherhood [Translator's Note: Vainakh tribes are considered to be the ancestors of Chechen and Ingush people. The word "Vainakh" means "our people"]. During the campaign to move out the refugee camps and, later, to shut down compact settlements, the Ingush authorities acted in a very conflicting manner: they tried to accurately implement the instructions to remove IDPs, at the same time constantly giving assurances that they would not allow a single person to be returned home against their will.

Later, the authorities failed to contain the spread of arbitrary practices of Russian secret services to Ingushetia; they failed to protect their citizens against abductions, fabricated criminal cases, and extraction of confessions under torture.

We have already cited in our previous reports the examples of helplessness of the authorities in Ingushetia. For instance, on June 17, 2004, officers from law-enforcement agencies of the Republic of Ingushetia failed to prevent the smuggling to the Chechen Republic of a resident of the town of Karabulak, Adam Medov, who was discovered during a check at a roadblock in the trunk of a car, the occupants of which presented identity cards of FSB officers. As a result, Adam Medov went missing. FSB said that the IDs that had been shown were fake. The wife and

children of Adam Medov and their close relatives had to seek shelter in Germany after a wave of harassment and threats was directed at them<sup>40</sup>.

Ingushetia does not have its own SIZO (pretrial detention center). Ingushes who are detained by law-enforcement agencies are taken for investigation to the city of Vladikavkaz, the capital of North Ossetia, with which Ingushetia does not enjoy the best of relations because of the Ossetian-Ingush Conflict. Lawyers who are ethnic Ingushes have difficulties working at the Vladikavkaz SIZO and it is very hard to find an Ossetian lawyer; therefore persons under investigation are in effect deprived of full defense.

Setting aside the economic reasons and the escalating corruption, one can state that overall tensions and discontent of the population were gradually growing in Ingushetia. This process culminated in the raids on Nazran and Karabulak carried out by militants on the night of June 21–22, 2004<sup>41</sup>.

The insurgents looted weapons depots and shot officers from law-enforcement agencies. The attempt to lay the blame for the attacks on the militant groups active in Chechnya has failed: there were quite many residents of Ingushetia among the participants in the raid.

In the aftermath of the raid, arrests and mop-up operations were carried out, including at the places where IDPs reside. The authorities should be given their due – there were few incidents of physical violence against IDPs. However, the campaign to squeeze IDPs out of Ingushetia has intensified.

Fear was deeply implanted in the people's minds after the 2004 incursion, with the reprisals that followed, by no means always targeting the real perpetrators, and the habitual settling of scores between families that was started.

This fear is intensified by the Ossetian-Ingush Conflict that has not been settled completely. Despite the fact that the Russian authorities did a lot in the past two years to return Ingush IDPs to the Prigorodny District of North Ossetia and provide them with housing, tensions have not been relieved. Six Ingushes were abducted in Ossetia and disappeared without a trace in 2007 alone<sup>42</sup>.

One can assume that now isolated armed groups pursuing different goals and directed by different forces have emerged in the territory of Ingushetia in the context of general instability. The more brutal the so-called “combating of terrorism” becomes, the greater is the resistance and the more violent and immoral forms it develops.

One can hardly imagine that the federal authorities deliberately seek destabilization, putting into positions of power their protégés and trying through them to closely control the processes that are taking place there. At the same time, however, there is no doubt about the fact the policies pursued by the federal center in the North Caucasus have failed.

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<sup>40</sup> See Report “On the Situation of residents of Chechnya in the Russian Federation. June 2004 – June 2005”, M.2005, pp. 58-60.

<sup>41</sup> See Report “On the Situation of residents of Chechnya in the Russian Federation. June 2004 – June 2005”, M.2005, pp. 26-27.

<sup>42</sup> See Memorial HRC Bulletin “Situation in the conflict zone in the North Caucasus in summer 2007: Assessment by human rights defenders”, Section “Abductions in the Prigorodny District” (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

## **V. Situation of people from Chechnya in Russia's regions**

Nationalism is on the rise in Russia. The Movement against Illegal Immigration (DPNI) and several similar organizations hold rallies and marches in Moscow and in other cities and towns. In full view of the numerous police they publicly call to beat the “non-Russians”, including Chechens. The authorities do not bring the extremists to account and dismiss statements by nongovernmental organizations demanding to put a stop to campaigns by the nationalists. The level of violence is growing day by day; murders because of ethnic hatred are becoming the routine topics in the news. Judicial authorities cover up those few who nevertheless come on trial, trying to remove the nationalistic motives of violence from the elements of the offences.

Several hundred Chechen IDPs, who fled the hostilities of the first and the second wave, live in the territory of Russia. A great part of them reside in the southern regions of Russia – in the Stavropol Krai (Territory), the Volgograd Region and the Rostov Region – as well as in the Moscow region. Their situation has little changed from the previous years.

Chechens still find themselves in “special attention zone” as far as their interactions with law-enforcement agencies are concerned. The latter see them as potential criminals. When registration is made, Chechens are fingerprinted and have their full face and profile “mugshots” taken. They can be detained without any grounds by the police for alleged administrative violations and can be punished by arrest. Those detained are subjected to humiliation and threats by police officers. Complaints against such treatment have been reported in the Moscow Region, Kazan and other cities and towns of Russia. Rural communities often simply refuse to accept Chechens.

The animosity shown by the local population towards Chechens increasingly often leads to serious conflicts. Such ethnic conflicts have taken place in the town of Kondopoga in Karelia, in Stavropol, and in Moscow. They were widely covered in the media. The conflicts were fanned by the active involvement of nationalist organizations.

The fear and enmity towards Chechens, which exist in everyday life, are manifest in their treatment by officials, too. All immigrants from Chechnya, including ethnic Russians, are faced with prejudiced attitudes towards them. The people who lost housing and property as a result of the war receive virtually no social support and assistance to resettle in a new place. The compensation paid by the state to residents of Chechnya who left it never to return, is so small that it is impossible to buy housing and get a roof over one's head with it.

### ***Situation of forced migrants***

Forced migrant status represents for IDPs practically the only guarantee of state support in resettling. In 1991–2006, approximately 150,000 people from Chechnya were granted this status. The overwhelming majority of them were ethnic Russians who fled the Republic before and during the first military campaign. Chechens were granted this status very rarely – more often than not in the situations where court rulings were issued to this effect when support was provided by lawyers and human rights defenders.

However, even those who have this status have almost no hope left to get assistance from the state: in recent years, we have seen an active process of forced migrants been struck off the registers without provision of housing to them. Migration services look for every excuse to withdraw migrant status. Missing the date for renewal of status, receipt of the compensation for lost housing and property, and registration at the housing of relatives – all these circumstances serve as a ground to withdraw status. Earlier, the issues related to extension of forced migrant status could be settled in court; however, in recent years, the courts have been refusing extension of status if compensation was received, despite the fact that even upon its payment migrants still are not resettled and do not have their own housing.

As seen from the Summary Table below, provided by the FMS of Russia, during the past five years, the number of forced migrants on the books of the Federal Migration Service has been rapidly dwindling – along with the funding for and the number of families that received assistance in purchasing housing in the reporting year.

|      | Struck off the registers |         | Number of forced migrants at the year's end |         | Funding     | Resettled |
|------|--------------------------|---------|---|---------|-------------|-----------|
|      | Families                 | Persons | Families                                    | Persons | Mln. rubles | Families  |
| 2002 | 63,775                   | 150,447 | 204,092                                     | 491,898 | 991.6       | 3,560     |
| 2003 | 59,962                   | 142,539 | 145,161                                     | 352,071 | 775.6       | 2,355     |
| 2004 | 48,945                   | 116,003 | 98,957                                      | 237,998 | 605.8       | 1,745     |
| 2005 | 31,248                   | 70,513  | 67,863                                      | 168,253 | 495.3       | 1,272     |
| 2006 | 21,548                   | 55,470  | 47,868                                      | 117,711 | 206.4       | 307       |

Of the 47,868 families of forced migrants on the registers at the end of 2006, 34,300 families were on the lists of those in need of housing. During 2006, 21,500 families were struck off the registers; of them only 307 families were resettled. This is a record low figure of the resettled since the resettlement program was launched. This situation is due to the fact that starting from 2006, provision of actual housing was replaced with grabbing of housing certificates, issued under the federal targeted program “Housing”. This certificate gives the right to purchase housing.

The transition to the new system was not prepared and in most regions the program became operational only at the end of 2006. Besides, this program brought together in one category several different groups of vulnerable people: forced migrants and citizens leaving the Far North of Russia, Chernobyl veterans and servicemen.

The number of housing certificates allocated for forced migrants is negligibly small. For instance, in Udmurtia, 135 housing certificates were issued under the program for 2007: of them 75 were granted to Chernobyl veterans; 58 – to servicemen; one – to migrants from extreme north and just one – to forced migrants. For the Chelyabinsk Region, four housing certificates have been allocated for forced migrants. In the entire North Ossetia, where there are 5,000 forced migrants on the waiting list, one housing certificate was issued in 2006; in 2007, two housing certificates are to be granted.

Besides, those few families that have received housing certificates are not able to purchase housing with the allocated money. The price of one square meter of housing provided for in a certificate is at least two times lower than the actual price. For instance, the price of one square meter of housing in the Penza Region as stated in a housing certificate amounts to 12,800 rubles, while the actual price is between 24 and 29 thousand rubles. In this way, the funding provided by the Government of the Russian Federation against a housing certificate will allow only a fraction of forced migrants – those having their own savings and high earnings – to solve the problem of resettlement.

Most families that fled Chechnya and left behind all the property they had acquired over the years, do not have this opportunity.

An illustrative example is the story of **Aliftina Ivanovna Doronina**, who works as a volunteer with the Adaptation and Education Center for Refugee Children at Civic Assistance Committee. Aliftina Doronina has forced migrant status, which she received with great pain and effort.

Aliftina Doronina lived her entire life in the city of Grozny; for forty years she worked as a school teacher and for her labor was granted a good apartment. In 1999, she was abducted by

bandits, who hoped to get a ransom for her. She spent forty days in captivity. There was no one to pay a ransom for her. By some miracle, Aliftina Doronina managed to escape. She arrived in Moscow using another person's passport. The FMS officials refused to receive because she had no passport, while the police suspected her of being a terrorist.

She wrote a letter to FSB, describing her desperate situation and asking for assistance to be provided to her as to a victim of terrorism. With great difficulty, Aliftina Doronina received a passport and subsequently a forced migrant card.

She was able to receive compensation, the amount of which is 125,000 rubles, only in 2004, after going through a long court battle and with the support of our lawyer. It is impossible to buy housing in the Moscow region with this money. After the receipt of the compensation, Aliftina Doronina lost the right to her own apartment in Grozny.

She was on the waiting list of forced migrants to receive temporary housing; however, recently the program for provision of temporary housing was discontinued. Aliftina Doronina has no other opportunity to get a roof over her head, since the municipal government officials refuse to put her on the list of those needing housing because she lacks registration at the place of residence in Moscow. The same reason was cited when she was refused poor person status.

Efforts to address the problem of resettling the internally displaced persons have come to a standstill. The state is reluctant to bear the material responsibility for its actions that resulted in hundreds of thousands of people losing their homes. The federal targeted program "Housing" has not only failed to solve the problem of resettlement of forced migrants, but drastically worsened their situation. It's easy to calculate that if housing certificates are issued at the rate of 300 families per year, as was the case in 2006, it would take 100 years for the remaining 30,000 families to receive them.

### ***Situation in Temporary Accommodation Centers***

Originally, just 666 IDPs from Chechnya were resettled in Temporary Accommodation Centers (TACs) across the entire territory of Russia. Today, their number is several times lower, since all IDPs who did not have forced migrant status have been evicted from these centers.

At the start of 2005, there were 286 persons living at Serebryaniki TAC in the Tver Region; in 2006, there were 68 dwellers, while, as of the beginning of 2007, there were just 13 persons left. The dwellers were told that they had to either receive compensation for lost housing and property in the amount of 125,000 rubles or leave Serebryaniki TAC. This same condition was put into the basis of the relevant rulings issued by courts.

Most of the evicted Chechen families went to their homeland, refusing to receive compensation, since it is impossible to buy housing in the Tver Region with 125,000 rubles. Besides, life there is difficult for Chechens: the local population is extremely hostile towards them because it sees them as enemies and terrorists.

However, there are some Chechen families that chose to stay in the Tver Region. For instance, such are the families of Saida Charksiyev and Maremm Khatayeva.

The administration filed eviction complaints against them, too. The court sustained those complaints. Charksiyev's family, consisting of eight members, was evicted and currently lives in a private apartment, waiting for compensation. Khatayeva's family, consisting of four members, was allowed to live in the TAC for the period pending the receipt of compensation for housing.

Some residents of Serebryaniki TAC died because of the stress situation related to their eviction. In 2004, L.G. Katakov, the son of director of a radio and television company in Grozny, was evicted from the Center together with his aged mother, according to the court order. After the court order took effect, court bailiffs repeatedly visited the TAC and demanded the room to be vacated. OMON troops were even called in, with automatic rifles and batons. The Katakovs could not bear such pressure and L.G. Katakov died in 2004, his mother dying the following year.

In August 2006, E.A. Razorenova suddenly died in the TAC of a heart attack. She had tried to receive compensation for the death of her husband in Chechnya. In April 2004, the court

satisfied her claim and a writ of execution was issued. However, the court order was not enforced, despite repeated reminders sent to the Russian Finance Ministry and the RF Prosecutor General's Office.

In October 2005, Razorenova filed a complaint with the Basmanny Court of the City of Moscow against the unlawful failure to act. This complaint was passed on to the Tver Court; however it was not considered until March 2006 and the order was not enforced. Razorenova could not bear the two-year-long court battle – her health failed.

Currently, the administration of Serebryaniki TAC has halted the eviction process – apparently because the Center's staff already is greater than the number of dwellers. This might lead to the closure of the Center, in which situation its workers would be left without jobs.

The Tambov Region has two Temporary Accommodation Centers (TACs). The Tambov TAC houses 148 IDPs from Chechnya; the Gavrilovsky TAC has 39 such individuals.

Residents who don't have forced migrant status are evicted in court. The courts sustain eviction complaints filed by the administrations of the centers. With support from our lawyer court's decisions are obtained to suspend the execution of the court eviction orders to give people time to either leave for Chechnya or get accommodation in a private apartment.

Even those who have status are denied renewal of registration by TAC administrations if they have filed a claim for compensation for lost housing and property under Resolution No.404, i.e. when they are to receive it in Chechnya but hoped to stay in a TAC for the period pending the receipt of compensation.

Below is the story of Murtazova's family, which for three years has been fighting for the right to get registered.

Forced migrants from the Shali District of Chechnya, Raisa Atsiyevna Murtazova and her three sons, have lived at the Tambov TAC since September 2000. They arrived there based on the referral from the FMS after three family members were killed simultaneously in 1999 in a shelling attack: Murtazova's son, who was a minor, her husband, and father-in-law.

Murtazova and her children were granted forced migrant status in 2001.

Starting since 2004, senior officials of the UFMS for the Tambov Region and the TAC administration have been regularly denying Raisa Murtazova's family renewal of registration at the place of stay and issuing her eviction notices. The authorities have been explaining their actions by the fact that in March 2004 she filed a claim for compensation under Resolution No.404.

In 2005 and 2006, Murtazova filed with the court complaints against the TAC administration's refusal of registration. The court sustained her complaints and ordered the UFMS and the TAC administration to renew registration for Raisa Murtazova and her children. The Center's administration each time delayed the execution of the court order.

In 2006, Raisa Murtazova filed a letter of waiver in respect of compensation under Resolution No.404, to eliminate this ground for refusal of registration. However, it did not help – her family was still denied registration.

In 2007, Raisa Murtazova again took her matter to court. On May 17, 2007, the Oktyabrsky District Court sustained her complaint; however, its order was enforced only in late June. Given the fact that registration is issued only for the term of three months, Raisa Murtazova will have again and again to turn to court if she is refused renewal of registration.

For dwellers of a TAC in the town of Krasnoarmeisk, the Saratov Region, the problem of registration is even more acute. This center houses 120 persons; of whom 80 people are migrants from Chechnya. They are registered at the place of stay for a period between one and three months. Since the term of registration is so short, the TAC dwellers are refused child allowances, pensions and employment.

## ***Registration with the Interior Ministry Offices***

The problem of getting registered continues to remain the main problem for Chechens residing in Russia. Secret instructions to restrict registering of Chechens are standing in all regions. Since there are no legal grounds for refusals, staff of local passport offices employ various techniques to deny Chechens registration.

Most often they claim that the guest has to prove their kinship with the room's owner to get registered. There is no such provision in the Registration Regulations; this claim is unlawful; however immigrants from Chechnya are constantly faced with this requirement.

In the city of Moscow S.-M. R. Shaptukayev, who came from Chechnya and was recovering from a complicated operation, was once again denied registration at his friends' place. Officials cited the absence of kinship with the hosts. For over six months, Civic Assistance Committee exchanged correspondence with the Directorate of the Housing Policy Department and the FMS before Shaptukayev finally got an approval for registration.

Another example is the story of Valentina Nikanorovna Akhtakhanova, who left Grozny and lives at her sister's place in Moscow. She wanted to get registration for a period of three years. Officers at the Migration Service Directorate for the City of Moscow demanded that she present her birth certificate to prove such kinship.

Even when hosts who are owners of the rented housing give their consent, immigrants from Chechnya can not obtain registration at the place of stay without prior approval of local district office of the FSB and military registration office. In many cases, when registration is made, Chechens are fingerprinted and have their full face and profile "mugshots" taken – that is they are viewed as potential criminals.

In the city of Kazan Chechens are forced to re-register every year, have their fingers printed, visit four different offices, and write an explanatory letter about the reasons for their living in Tatarstan.

The Mukhadiyev brothers, who live in the town of Elektrogorsk, the Moscow Region, for three years every six months when they had to renew registration, had to overcome stubborn resistance from officers of law-enforcement agencies<sup>43</sup>. The hosts, at whose place they were registered, were repeatedly subjected to pressure and threats from police officers for registering Chechens at their home. In August this year, Timur Baratov, at whose place the Mukhadiyev brothers were registered, was threatened at a local passport office that subsidy will be discontinued to him to pay the cost of public utility services. To prepare documents for registration the Mukhadiyevs were referred to the head of local criminal investigations office. This visit ended in their illegal detention at the room of head of this office and in a 5 days' administrative arrest. Details of this story are given below.

## ***Restrictions of rights because of the absence of registration***

The absence of registration creates numerous problems for migrants from Chechnya and denies them vital rights: the right to free medical assistance and the rights to allowances and pensions. Without registration it is difficult to get a job or have children enrolled in a kindergarten.

Full **health services** can be received only when a person has registration at the place of residence (permanent residence permit) in the place where they live. IDPs may get a temporary medical insurance policy only when they have registration at the place of stay (temporary residence permit); in the absence of such registration they are entitled only to emergency medical treatment.

In May 2007, we registered a situation where doctors refused to issue a certificate of sickness because the person did not have registration. A person who has long been under our

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<sup>43</sup> See Report "On the Situation of residents of Chechnya in the Russian Federation. June 2004 – June 2005", M.2005, pp. 38, 50-51 and Report "On the Situation of residents of Chechnya in the Russian Federation. June 2005 – July 2006", M.2006, p.27.

care, mother of many children Malika Khamidovna Mintsayeva, on May, 5, 2007, this year, was admitted to hospital. She was taken there by an ambulance. On discharge from the hospital, doctors refused to issue a certificate of sickness to Malika because her registration term had expired on April 28. They cited certain regulations. In fact, the regulations read that sickness certificate is issued on presentation of an identification document and do not say anything about registration. A passport is still valid even in the absence of a registration record. After two queries were faxed to the hospital by Civic Assistance Committee, Mintsayeva was issued a certificate of sickness.

In the city of Moscow, children who have no registration can get registered at a clinic when Civic Assistance Committee files a petition with the Health Care Department.

**Access to education** is also impeded in the absence of registration. After several court trials, it became possible for all children to get enrolled in a school. At least, complaints have ceased against denial of school enrollment.

However, enrollment in specialized secondary schools requires permanent registration at the place of residence; therefore many IDPs do not have the opportunity to get this type of education.

Occasionally it becomes possible – thanks to a petition from Civic Assistance Committee – for young people without permanent registration to be admitted to entrance examinations. Last summer, Diana Mankiyeva, whose family fled the war in Chechnya in 1995, could file documents for enrollment in a medical school only after the Committee approached the school's principal.

At the same time, in Moscow, **pre-school institutions continue to deny enrollment to children** of unregistered parents, although as early as in December 2000, the municipal court found the relevant provision in the registration rules to be in conflict with the law.

Such situations are more often than not resolved favorably – but only after Civic Assistance Committee files a petition with the Moscow Education Department. For instance, children from the large families of E.K. Shidayeva, Z.T. Gaisumova, and T.A. Elmurzayeva were enrolled in kindergartens in the areas of their actual residence in spite of the absence of registration.

Without a permanent registration **child allowances** are not paid, even if the applicant has registration at the place of stay. It is particularly damaging for the financial situation of large families, since for them allowances are a significant contribution to the family budget.

This problem first emerged in 2006, when Law No.122 on transition from non-monetary benefits to monetary payments entered into force. This law shouldered the responsibility for payment of all allowances on local authorities, which have to disburse these funds from their own coffers; therefore local authorities refuse to provide them to temporary residents.

An IDP from Chechnya, P.D. Paizulayeva, mother of three small children, lives in the city of Tver. She has not received allowances for them from 2000 to 2006, since she had no registration. When she applied for the allowance to offices of the Department for Social Protection in the Moskovsky and Tsentralny Districts of the city of Tver, their officials demanded that she submit a document certifying that she lived together with her children. Paizulayeva tried to get this fact established by a court; however, her application was dismissed. Only the Secretariat of the Constitutional Court of the Russian Federation by its ruling issued in January 2006 confirmed the validity of the request she had filed with the court and recommended that she turned to a higher court with a repeat complaint. However, despite supervisory appeals, the Tver Regional Court Presidium and the Board and Judges of the Supreme Court of the Russian Federation upheld the original court decision.

In Moscow, in some situations payments of child allowances to large families can be secured when they have temporary residence registration. It becomes possible only if the registration was valid at the time of entry into force of the relevant law of the Moscow Government.

However, the situation of large Chechen families is very difficult there. An illustrative example is the story of Elmurzayeva's family.

The family left Chechnya in 1999, when the second war started. Toit Akhmetovna Elmurzayeva together with her five children temporarily lives in Moscow; her husband, a graduate of the MVD (Interior Ministry) Academy, was assigned to serve at the Chechen Republic. The family's income is made up of the salary of Toit Elmurzayeva's husband; the disability pension paid to her elder son, Rustam; and child allowances. This gives a total of approximately 20,000 rubles (588 euros); over half of this money goes to pay the rent. According to official data, as of the mid-2007, the cost of living per person amounted to 5,772 rubles (165 euros) in the city of Moscow. Surviving on the remaining 10 thousand means living a hand-to-mouth existence for Elmurzayeva's family of eight.

In the late 2005, the Department for Social Protection agreed in response to the request from Civic Assistance Committee to issue social security cards of a resident of Moscow to three members of Elmurzayeva's family who are minors and to senior son Rustam, a university student and a Category Two Disabled person. These cards grant the right to free transportation within the city. However, in August 2006, this card was taken away from Rustam at a local social security office because he had no registration at the place of residence. After the Committee sent a query to the Department for Social Protection, it agreed, by way of exception, to issue a social security card of a resident of Moscow to Rustam, since he is a disabled person and has the right to additional social protection measures.

The mother of four children Imani Zakayeva, whose husband Ramzan Zakayev was deported to Kazakhstan back in 2003,<sup>44</sup> has not succeeded in securing payments of allowances for her children. The family has been living in Moscow since 1999; however, precisely at the time of entry into force of the Moscow Government's law, Imani had her registration expired and had a gap in the registration period. She had to register at her friends' place, since the owner of the apartment her family lived in went abroad and did not leave a letter of authority for her.

The material situation of Chechen families in the provinces is literally beggarly – its level is several times lower than the cost of living. Below is an illustrative example. In the Volgograd Region, the official cost of living is 2,500 rubles (73.5 euros) per person per month. At an appointment with a lawyer from the Migration Rights Network in the city of Volgograd, an immigrant from Chechnya when filling out a form about his family's financial situation indicated the level of income per family member as 500 rubles (14.7 euros). And the man places himself in the category of poor, rather than extremely poor, pointing out that there are people whose life is even harder.

**Registration as pensioners** is only possible when the person has registration at the place of stay (temporary residence permit), while the procedure for granting a pension can only be passed at a place where the person has permanent residence registration.

Zina Magomedovna Dugzayeva is a disabled person; she suffers from a serious form of bronchial asthma. She is registered at the place of residence in the Chechen Republic and temporarily lives in Moscow. Eighteen months ago, she could not get a disability pension – officials told her she had to go Chechnya to undergo the pension procedure at the place of her residence. It was only after Civic Assistance Committee filed a petition that, by way of exception, Dugzayeva was granted a pension at the place of stay, i.e. in Moscow.

No complaints were filed by immigrants from Chechnya during the past year against **discrimination in employment** or unlawful dismissals.

In most regions of Russia the problem is different – there are no jobs there. Chechen women with children who find themselves there have to earn their living by peddling and this trade has its own cruel laws. Below is a very recent story of the large Chechen family of Magomedova, who lives in the Dagestani town of Kizlyar.

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<sup>44</sup> See Report "On the Situation in Russia of residents of Chechnya who were forced to leave its territory. June 2002 – May 2003", M.2003, pp. 23-24.

There are six children of school age in Sabirat Magomedova's family. Her husband went missing in 2002. The family rents a small half-ruined house of two rooms. The rent is 1,000 rubles (30 euros) a month. This is big money for the Magomedovs. To sustain her family, Sabirat together with her elder daughters, sells sunflower seeds, bananas and strawberries near a market place. Early in the morning, they buy these products from wholesale dealers and in the afternoon they sell them at retail prices. They pay certain "kickbacks" to the police so they could sell things and not be driven away.

When spring came and early fruits appeared in large supply, more peddlers started selling products at the sidewalk and there was not enough room for them. Competition emerged for stationary locations and conflicts started to happen.

On June 9, Sabirat had a quarrel with women peddling at neighboring locations, who were local residents, over a place to sell things and was brutally beaten. Sabirat was hospitalized, in a state of insensibility. Fortunately, her condition was not life-threatening; however, there were bruises and cuts on her face and her body and she could hardly talk.

Sabirat turned to the office of the Migration Rights Network in Kizlyar for counseling on whether it was advisable to file a statement with the police against the women who beat her up. The lawyer, who knew the local ways, advised her against doing that not to make the situation of her family even worse. The police usually take bribes from guilty persons, divert the charges from them and make the victims responsible, demanding money from them. Chechens, who don't have money and are aliens for the local population, can not hope for the protection of the law.

### ***Granting of passports***

Getting a domestic passport of an RF citizen continues to be a serious problem for immigrants from Chechnya. As mentioned above, local offices of the FMS of Russia refuse to issue passports to Chechens, telling them to go to Chechnya to have their documents issued to them.

Replacement of passports at the place of stay was permitted during the twelve months of the passport reform – from May 2003 to August 2004. Six months ago, Administrative Regulations of the FMS of Russia were adopted, approved by the RF MVD's Order No.1105 of December 28, 2006, according to which passports shall be issued, including to replace passports that were lost (stolen), not only at the place of residence, but also at the place of stay or at the place of application by a citizen (paragraph 13). Under these regulations, at the place of permanent residence registration, passport shall be issued within ten days of receipt of application. At other places, the FMS has two months to complete this procedure. However, so far, these regulations are not at all observed at all times, particularly as far as Chechens are concerned.

The tradition of treating all natives of Chechnya as alien migrants, rather than citizens of Russia, has been deeply rooted in people's minds in their everyday life. It often applies not only to Chechens, but to ethnic Russians, as well.

Below are two amusing incidents that have taken place in different offices of the migration service of the city of Saratov. They show that certain officials still can not get it that Chechnya is also a part of Russia and migrants from Chechnya are Russian citizens.

An RF citizen, I.A. Kuravleva, who lived in the Chechen Republic since 1956, had to have a new passport issued to her to replace the one she had lost. Migration service officers suggested that she undergo the procedure for confirmation of her Russian nationality and bring them a document certifying that she was not a national of other country – Chechnya. On the advice of a lawyer with the Migration Rights Network, Kuravleva sent to the head of the migration service office an application with a request to clarify to her the location of the country named "Chechnya" so that she could get a document there certifying that she was not a national of that country. A passport was issued to her on the following day.

A similar situation happened to a forced migrant from Chechnya, RF citizen O.A. Bugryashova, who needed to have her passport replaced and was told by migration service officers to get citizenship first.

### ***Illegal detentions and harassment***

Immigrants from Chechnya face various forms of harassment by law-enforcement agencies in all regions of Russia. Very seldom the investigation of such incidents in a fair manner can be secured.

**In August 2006**, a crowd of young men led by a police major, smashed up a saw mill owned by a family of Chechen businesspeople, and robbed and beat up within an inch of their lives two migrant workers **in the Bryansk Region**. There were attempts to hush up the incident; however, a lawyer with the Migration Rights Network showed persistence. He approached the RF Prosecutor General's Office two times and a criminal case was opened. The details of the incident and the surnames of the victims are not given at their own request.

**In the Tver Region, in 2005**, an immigrant from Chechnya, businessman **Bislan Badalov**, turned to the police after his car was blown up. At the time of the explosion, he was in the car, but, luckily, he was thrown out of the car by a blast wave and survived the attack.

The investigators failed to establish the persons responsible for this crime. Since the law-enforcement agencies were idle, Badalov with a help from his friends launched his own inquiry. He managed to find the group that was behind the attack and to agree on holding talks. However, the other party succeeded in presenting their meeting as unlawful acts of violence by Badalov. As a result, in April 2007, Badalov and his friends were accused of robbery, abductions of people and racketeering. In this way the victim was turned into a defendant; he was tried and sentenced to 14 years in prison. The Supreme Court overturned the verdict and ordered a retrial, citing gross violations of the procedural requirements by the court of first instance. However, when the case was retried, the same violations were committed. Badalov was found guilty and got 13.5 years in prison. When the Supreme Court considered the second cassation appeal, it upheld the verdict. Currently, a complaint is being prepared to be filed with the European Court of Human Rights.

**On August 29, 2007, the Mukhadiyev brothers**, whom we have already mentioned above, came to the criminal investigations office of the town of Pavlovsky Posad, the Moscow Region, to have their application for registration signed – the procedure not provided for by any law.

At the Pavlovsky Posad OVD (Interior Ministry Department), the Mukhadiyevs were received by the deputy head of the criminal investigations office Colonel Pavel Viktorovich Grunin. As soon as the colonel learned that the Mukhadiyev brothers were natives of the town of Argun, he started shouting, using swear words, and threatening that he would “eliminate” them all by cutting their throats. It turned out that Colonel Grunin had been dispatched to Chechnya seven times and fought in the Argun area.

Then Colonel Grunin called in field investigators, promising to show them something interesting, and ordered Bislan and Akhmed to take off their trousers. The colonel thought they wore no underpants. He fought in Chechnya and thought himself to be an expert on Wahhabis – and they, as he knew, did not wear underpants. However, he was in for a disappointment: the Mukhadiyev brothers had their underpants on.

Officers of the criminal investigations office carried out a thorough inspection of the bodies of the Mukhadiyev brothers; they were looking for gunshot wounds to prove that they were militants. Stitches were discovered on Akhmed's body, left after he had his kidney removed, and a burn from battery acid was found on the body of Bislan. The inspection was accompanied by swear words uttered by the colonel and threats to hand the Mukhadiyevs over to FSB.

The brothers had their fingers printed and the officers started to write a protocol, describing their appearances and clothes. In the process, Colonel Grunin was asking his subordinates about

the unsolved crimes they had in their office. Akhmed realized that they were being detained and secretly told Bislan to immediately call Svetlana Gannushkina. When he noticed that Bislan was making a phone call, Grunin took his telephone away from him.

Gannushkina was at a seminar in Turkey when she received the call; she reported the detention of the Mukhadiyevs to Civic Assistance Committee. Its staff managed to get in touch with the head of the criminal investigations office of the town of Pavlovsky Posad Andrey Ivanovich Slivin, whose deputy Colonel Grunin was. Slivin said that the Mukhadiyev brothers were being handed over to FSB. To the question why he retorted: "I won't tell you!", after which he hang up.

Lawyer Abu Gaitayev was immediately invited, who went off to Pavlovsky Posad. He arrived on the following day (August 30) and spoke with Colonel Grunin. During the conversation with the lawyer, who was an ethnic Chechen, the Colonel shouted in the same manner and threatened the Mukhadiyev brothers and the lawyer himself.

On August 31, the Mukhadiyevs were taken to a magistrate. The place of the incident suggested that they were to appear before a judge at Precinct No.178; however, the judge was on vacation and the lawyer was informed that his clients would appear before a judge at Precinct No.179. Lawyer Gaitayev for several hours waited in vain before the closed doors.

In the meantime, the Mukhadiyevs were secretly taken to Precinct No.178. The precinct was opened and Magistrate Karasev was taken there from Precinct No.179 for a court hearing.

Magistrate Karasev listened to the police officers' account and punished the Mukhadiyev brothers with 5 days' administrative arrest "for defiance of a lawful order by police officer" (Article 19.3, Part 1, of the Administrative Offences Code of the Russian Federation).

The documents suggested that each of the brothers *"upon entering the office of P.V. Grunin demanded, speaking in rude and swear words, to have him registered in Pavlovsky Posad; did not react to requests to leave the office; interfered with the execution of official duties by P.V. Grunin; and was detained in relation to these offences"*.

Witnesses in the court were those same officers who the day before were shown by Grunin the Mukhadiyevs' underpants and scars.

Abu Gaitayev filed an appeal, not hoping very much for success.

However, on October 24, judge of the Pavlovsky Posad Municipal Court A.V. Gubarev heard the appeal by the Mukhadiyevs against the verdict of Magistrate Karasev and sustained it. The formal ground for overturning the magistrate's verdict was the mistake made by Karasev, who informed the witnesses about criminal responsibility for perjury instead of informing them in the context of judicial administrative proceedings of responsibility for perjury under Article 17.9 of the Administrative Offences Code of the Russian Federation. However, the most important argument for Judge Gubarev was that he developed *"irremovable doubts as to the guilt of the Mukhadiyevs and those doubts, according to Part 3 of Article 49 of the Constitution of the Russian Federation, shall be interpreted in favor of the defendant"*.

This year, FSB launched a high-profile case, in which Chechens were targeted as suspects. FSB circulated a report to the media that on the eve of the Victory Day (May 9) a major terrorist act was prevented **in the city of Moscow**. However, the validity of the charges brought against the detained persons is very doubtful.

**On May 8, 2007**, a vehicle with 20 kg of plastic explosive and an explosive device was discovered in the yard of a building at Profsoyuznaya Street. The car was parked at the place assigned to the apartment rented by Lors Khamiyev. Therefore, he was the first suspect to emerge in the investigation. A week before the incident, he was arrested in Grozny for some offence. In Moscow two young Chechen men, Umar Batukayev and Ruslan Musayev, were detained in this case<sup>45</sup>. Lors Khamiyev is Musayev's relative on his wife's side of the family.

Umar Batukayev is a fifth-year student studying law at the Moscow Academy of Economics and Law. On May 8, at around 8 p.m., Umar was driving his own car to meet his friends. He

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<sup>45</sup> See publication "A case on the wheels" in *Novaya Gazeta*, Issue 35 (May 14–16, 2007).

noticed that he was being closely followed by a car. He pulled over, went out of the car and asked about the reasons for him being followed. The people, who followed Umar, showed identity documents of FSB officers and arrested him. No illegal items were found in Batukayev's car.

On the night of May 8-9, a search was conducted in the apartment where Umar lived together with his parents. The search gave no results, either. According to Batukayev's mother, the search warrant read that Umar had been for a long time involved in procuring weapons for militant separatists in Chechnya. However, no evidence was discovered to corroborate it. The FSB officers seized only the memo books of his family members and Umar's mobile phone.

Both suspects, Umar Batukayev and Ruslan Musayev, were put in the Lefortovo FSB SIZO. On May 9, on petition from FSB, the Lefortovo Court chose confinement as a measure of restraint for them. Batukayev's mother spotted him by a chance before a court hearing and was horrified: he hardly could move without help and hung on the arms of masked people who escorted him. Musayev's condition, who was a hepatitis patient, was even worse: an ambulance was called in for him twice during the period of the trial.

According to the boy's defense lawyer, the court issued arrest warrants for the suspects without presenting charges, which indicates that the investigators' case is very weak: they have no other charges except for the boys' contacts with Loris Khamiyev.

As the mother of detained Umar Batukayev told Svetlana Gannushkina, she had taken her family away from Chechnya even before the war was started to have no involvement in the conflict. At the time of his arrest, Umar was preparing for the defense of his degree thesis.

On May 31 this year, during her visit to Chechnya Svetlana Gannushkina met in Grozny the uncle of Umar Batukayev, who is a Professor at the Chechen State University (ChGU). His family has always been loyal to the Russian government and dealt with science, not politics.

At a meeting with Svetlana Gannushkina, Deputies (members) of the Parliament of Chechnya also said that the Batukayevs were a totally peaceful family that was respected by everyone. The Deputies sent a letter to the Russian authorities with a request to protect the young man. The letter said that the Batukayev family worked for the good of Chechnya and Russia and was in no way involved in any armed attacks or the separatist movement.

In mid-November 2007, Fatima Batukayeva again contacted Gannushkina and told her that the period of investigation was extended for her son and Ruslan Musayev. They were cleared of part of the charges; however, the investigators shifted to the version that alleged they had been preparing an attempt on Ramzan Kadyrov's life. One can guess that this version was chosen by the investigators to have Batukayev and Musayev deprived of support from the Chechen leaders.

One can only state Chechens in the territory of Russia continue to be the habitual target for officers from law-enforcement agencies and are constantly under threat of illegal harassment.

## VI. Abductions of civilians in the North Caucasus

The situation with abductions of people in Chechnya, Ingushetia, Dagestan, and North Ossetia has greatly changed since the beginning of 2007. Against the background of a dramatic (by several times) drop in the number of abductions in the Chechen Republic, the republics neighboring it showed a significant growth in the number of abductions.

### *Abductions of people in the Chechen Republic*

The problem of abductions of people in Chechnya in 2007 is not as acute as it was in the previous years; however it has not been solved completely. The dramatic drop in the number of abductions, according to some assumptions, has to do with the fact that Ramzan Kadyrov gave strict orders to the heads of security agencies under his command to put a stop to abductions of people. In the recent years, when the so-called “Chechenization” of the conflict took place, in many instances it was officers from republican security agencies who carried out the abductions.

It should be noted that in the past two years, the number of abductions has been gradually dwindling. In addition, some little progress has been made in investigations of cases on torture and abductions.

In 2005, the number of abductions dropped by 28% from 2004; in 2006, it was down by another 42%. In 2007, the number of abductions recorded by Memorial HRC was, as of the end of August, down by a factor of six as compared to the same period of the previous year. The Table below, compiled using the information available to Memorial HRC, gives figures for abductions for the past five years.

| Year                           | Number of abducted persons | Of them:             |                |             |                                      |
|--------------------------------|----------------------------|----------------------|----------------|-------------|--------------------------------------|
|                                |                            | Released or ransomed | Found murdered | Disappeared | “Discovered” in detention facilities |
| 2002                           | 544                        | 91                   | 81             | 372         | -                                    |
| 2003                           | 498                        | 158                  | 52             | 288         | -                                    |
| 2004                           | 450                        | 213                  | 36             | 203         | 8                                    |
| 2005                           | 323                        | 155                  | 25             | 128         | 15                                   |
| 2006                           | 187                        | 94                   | 11             | 63          | 19                                   |
| 2007 (as of the end of August) | 25                         | 17                   | 1              | 5           | 2                                    |

As of the end of August 2006, Memorial HRC recorded 147 incidents of abduction of people; of them 73 persons were subsequently released or ransomed by relatives; 54 individuals went missing; nine persons were found dead; and 11 persons were under investigation<sup>46</sup>.

As of the end of August 2007, as seen from this Table, 25 incidents of abduction of people were reported; of them 17 persons were subsequently released or ransomed by relatives; five persons went missing; one individual was found dead; and two persons were under investigation.

So, according to the information available to Memorial HRC, in 2007, the number of abductions has dropped by a factor of six.

The number of persons killed in 2007 has halved over the previous year.

During the first seven months of 2006, according to the information available to Memorial HRC, 84 persons were killed, including 23 civilians; 22 officers from security agencies; 29 members of armed Chechen groups; and 10 persons who were not identified.

In 2007, as of the end of July, 43 persons were killed, including 11 civilians; 19 officers from security agencies; and 13 members of armed Chechen groups.

<sup>46</sup> See “Figures for abductions and killings in Chechnya for 2006” (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

In winter and spring 2007, officers from ORB-2 (Investigations and Law Enforcement Operations Bureau No.2) at the Chief Directorate (GU) of the RF MVD (Interior Ministry) in Southern Federal District were mostly reported as being involved in the abductions. This bureau for a long time remained one of few agencies not subordinated – directly or indirectly – to the leadership of Chechnya. Persons under investigation were taken to an IVS (temporary detention center), illegally operating at ORB-2 to force them by torture to confess to the crimes they never committed.

Several such incidents are described below.

**On January 10, 2007**, at 3 p.m., officers from unknown security agencies, dressed in black uniforms, abducted **Zelimkhan Abdulovich Kurbanov** (born 1956) **in the city of Grozny**.

The unknown men came to Zelimkhan Kurbanov's home and told him they wanted to discuss the sale of his house. Zelimkhan went out together with them and never returned home. At around 8.00 p.m., he called his wife and said, *"Don't try to search for me – you won't find me anyway. Wait for news in three days"*.

On the second day, Zelimkhan's sister and his wife went to the Staropromyslovsky District ROVD to file a statement about the abduction. However, their statement was not accepted – officer of the criminal investigations office Radzhab Magomedov tore it to pieces on the instructions of his superiors.

On the following day, the Kurbanovs received a call from an unknown person who told them that Zelimkhan was held at ORB-2. As it became known later, he was charged with carrying out the acts of sabotage and terror in the Naurskaya District.

**On February 13, 2007**, at 5 in the morning, Zelimkhan Kurbanov's brother, **Said-Magomed Abdulovich Kurbanov** (born 1967), was abducted from his house in the stanitsa of Nikolayevskaya, the Naurskaya District.

A group of armed officers from security agencies, dressed in camouflage uniforms, arrived at the stanitsa by several UAZ jeeps. Several officers climbed over the fence into the yard and started banging on the door. When they were let in, they did not introduce themselves and immediately demanded that Said-Magomed show his passport. After checking the documents, they took Kurbanov away with them. The wife of Said-Magomed, Fatima Esmurziyeva, was told that her husband would be taken to the Naurskaya District ROVD. However, Kurbanov was never taken there.

Esmurziyeva wrote statement about the abduction of her husband and filed it with the Naurskaya District Prosecutor's Office. At the prosecutor's office she was told that her husband had been detained by officers from ORB-2.

On that same day, at 10 a.m., Said-Magomed called his wife from his mobile and forbade her to file any statements about his disappearance, since he was promised he would be released that evening or in the morning on the following day. At around 4.00 p.m., Said-Magomed made a second call and again wondered whether his relatives had approached law-enforcement agencies. Said Magomed sounded depressed; someone could be heard in the background prompting him what to say. Fatima told her husband that she had already filed a statement with the prosecutor's office.

On the evening of February 13, Said-Magomed was released from the building of the prosecutor's office.

Kurbanov's physical condition was bad: he complained of headache; bruises from beatings could be seen on his body and there were marks of handcuffs on his hands. He said that at ORB-2 he got some brutal treatment: his hands were handcuffed; he was kicked all over his body; beaten with a wooden board on his head; and had his head banged on the table. The beatings were accompanied with interrogations: he was asked about his association with militants and participation in armed attacks. They tried to force him to incriminate other men who lived in the stanitsa. Despite the violence he was subjected to, he did not cite any names and did not sign any papers.

When they were releasing him, officers from ORB-2 threatened Said-Magomed with severe punishment should he tell anybody about the way he had been treated. They reminded him that his brother Zelimkhan was still in their hands.

**On February 20, 2007**, at the entrance to the town of Urus-Martan officers from unknown security agencies abducted residents of the village of Goiskoye, the Urus-Martan District, **Ramzan Shirvaniyevich Khasiyev** (born 1976) and **Shakhid Sultanovich Ipayev**.

They were taken to the building of ORB-2 in the town of Urus-Martan. According to Khasiyev, the head of ORB-2 Rukman Yakubov, personally gave orders to use torture against the detained men.

Shakhid Ipayev was subjected to cruel beatings; Khasiyev was subjected to suffocation with a plastic bag and tortured with electric shocks until he lost consciousness. They were released by Khasiyev's brother, an officer from a different security agency. Immediately after their release, Khasiyev was taken to hospital. The medical examination revealed a brain concussion; multiple bruises; abrasions on the body and the upper and lower limbs; and a bruise on the right lumbar region and the lumbar spine.

Ramzan Khasiyev and his five brothers since December 1999, participated in a counterterrorism operation, being police officers and soldiers of the rifle company at the military commandant's office of the Urus-Martan District (for more details see Appendix 7).

On March 5, 2007, the prosecutor's office launched a criminal case on the torture of Ramzan Khasiyev. It should be noted that this is the first criminal case, opened in the Urus-Martan District into torture by officers from security agencies. However, the investigation of this case has been complicated by harassment against one of the victims, Shakhid Ipayev, who appeared in court as a witness.

In mid-April, Ipayev, attending a court as a witness in the case, identified the head of the Urus-Martan ORB-2 as a person who personally threatened and insulted him when he was detained together with Ramzan Khasiyev.

Soon after that, on April 24, Shakhid Ipayev was detained in Voikova settlement (the city of Grozny) by officers from *Gosnarkokontrol* [the State Committee for Monitoring the Circulation of Narcotics]. They blocked his car, forced Ipayev out, handcuffed him, put him into their vehicle, and took him to the State Committee Directorate's building. His car was also taken there. Attesting witnesses were already there. Officers from the State Committee inspected Shakhid Ipayev's car and "found" three grams of heroin under the rag at the driver's side.

Shakhid had his passport and car documents taken away from him. Samples were taken to determine the presence of drugs (hand- and nail-wipe samples) and the man was subjected to medical examination. After that, he was allowed to go home, leaving his parked car on the premises of the Directorate's building.

It is easy to guess that the head of the Urus-Martan ORB-2 used his connections to exert harsh pressure on the witness.

The evidence of the abductions of people by officers from ORB-2 became most strong arguments in favor of having the operations of ORB-2 in the territory of Chechnya discontinued. On May 4, 2007, heads of units of the Chechen Republic's Interior Ministry jointly approached Ramzan Kadyrov with a request to raise with the Interior Minister of the Russian Federation the question of redeploying ORB-2 outside of the Republic.

In April 2007, Memorial Human Rights Center registered not a single abduction in the territory of Chechnya and just one such incident was reported in May.

In July, the leadership of ORB-2 was changed. Police Colonel Isa Surguyev was appointed its head – the man who is closely linked to Ramzan Kadyrov. Since then, ORB-2 has ceased to be used as a facility for torture.

However, abductions have resumed since June.

**On June 6, 2007**, at 3 in the morning, officers from an unknown security agency abducted **Arsen Magomedovich Izhayev** (born 1980) in **Kalinina settlement (the city of Grozny)**. The abductors were dressed in camouflage and black uniforms. They blew the entrance door off its

hinges and burst into the house. Arsen was driven away in an unknown direction in a vehicle with no license plates.

On that same night, in Kalinina settlement (the city of Grozny) **Eli Akhmedovich Dzhaubatyrov** was abducted in the same manner.

On the evening of June 7, Eli Dzhaubatyrov was thrown out of a vehicle in the Oktyabrsky District of the city of Grozny. He said the abductors took him together with Arsen Izhayev to some room, after which they were separated. He had not seen Arsen since then. Eli does not know where he was kept. He was beaten and interrogated to force certain information out of him. As of September 30, Arsen Izhayev's fate remained unknown.

According to Izhayev's mother, he has never been involved in any armed groups or committed any unlawful acts. He returned to his home in Grozny just two months before the abduction. Prior to this, he lived in Kazakhstan, where he moved in 1998. **On July 19, 2007**, the **Bikiyev** brothers, **Umar Khabazhayevich Bikiyev** (born 1978) and **Ali Khabazhayevich Bikiyev** (born 1982) were abducted from their house in the village of Frunzenskoye, the Naurskaya District, by officers from unidentified security agencies.

The unknown men arrived at their home by several vehicles. They burst into the house and without explaining anything grabbed Ali Bikiyev and pushed him into one of their vehicles. An unwarranted search was conducted in the house; the officers were asking about where Umar was. He was at that time at the river bank and was told about what was happening by his fellow-villagers. Umar went home and was seized. He was beaten up and forced into a car's trunk. The abductors drove the brothers off in an unknown direction.

Later, their relatives managed to learn that Umar and Ali were held at the Kurchaloi District OVD. However, when they turned there, it emerged that the Bikiyevs were no longer there. The relatives were not told about where the Bikiyevs had been taken to.

On July 22-23, relatives of the Bikiyev brothers, numbering about 70 persons, held a spontaneous rally in front of the Government's building in the city of Grozny, demanding the release of the young men. Written statements were filed with republican law-enforcement agencies.

On August 15, Ali returned home and on August 20, Umar was released, too. After their release, the Bikiyev brothers have been refusing to give any information.

Three years ago, in October 2004, the then Prosecutor General of the Russian Federation Vladimir Ustinov, speaking in the State Duma suggested that application of the practices of "counter-hostage taking" to militants and terrorists be legalized. Although these methods have not been legalized, security agencies started to widely use abductions of relatives of militants since then.

Over a year ago, **on August 17, 2006**, journalist **Elina Ersenoyeva**, was abducted. According to some reports, she was the secret wife of Shamil Basayev. This incident was followed by the abduction, in October 2006, of her mother. These abductions took place already after Shamil Basayev's death in a bomb attack on July 11, 2006. It remains unknown who these abductors are and what goals they pursue.

After the death of Basayev, FSB officers came to Ersenoyeva's home. They interrogated Elina, her mother, and her 22-year-old brother Ruslan. After the interrogation, the officers said they had learned the things they wanted to know and they were no longer interested in Elina. However, Elina and her mother disappeared later without a trace (for more details see Appendix 8).

### ***Abductions of people in Ingushetia***

Unlike in Chechnya, where the number of abductions has dramatically dropped since the start of the year, Ingushetia has seen a sharp increase in abductions. According to the information of the Memorial HRC representative office in Nazran, during the first eight months of 2007, 22 persons were abducted in Ingushetia – which is almost as many as in Chechnya. However, if one

is to take into account the population size, Ingushetia comes in first as far as the number of abductions is concerned.

People in Ingushetia are often seized in the streets by armed individuals in uniforms. The abductors do not introduce themselves and do not inform why and where they are taking the apprehended persons. The abducted individuals are often “discovered” several days later at the pretrial detention center of the city of Vladikavkaz. There the detained persons are subjected to torture to extract confessional statements. Usually the same Ossetian lawyers participate in these actions. Particularly notorious is lawyer Khumaryants, who regularly puts her signature on the protocols of interrogations during which torture was used, and tries to persuade the people under investigation to claim responsibility for the crimes they are incriminated with. At the same time the Ossetian lawyers who defend Ingushes in a fair way are subjected to harassment and sometimes to stigmatization. Lawyer Irina Kodzayeva has been subjected to unprecedented pressure and came under threat of criminal prosecution for defending her clients against torture (See Appendix 9).

**On September 18, 2006**, in the city of **Nazran**, three residents of this city, **Muhammed-Ali Yusupovich Arselgov** (born 1976), **Adam Mikailovich Khalukhayev** (born 1984), and **Khavash Abukarovich Tsoroyev** (born 1981), were abducted by officers from UFSB for the Republic of Ingushetia and the Republic of North Ossetia-Alania, who acted together with officers of RI MVD and of the ORB No.1 “T” Center for Combating Organized Crime (BOP) of the Chief Directorate (GU) of the RF MVD (Interior Ministry) in the Southern Federal District.

As it became clear from the conversation with relatives of the abducted men, members of security agencies grabbed them in the street when they met there by accident. Arselgov was in his KamAZ truck. Adam Khalukhayev approached the truck to negotiate its hire to transport cement. Then Khavash Tsoroyev pulled up near them, also intending to hire Arselgov’s truck. They all knew each other before.

Suddenly, the young men were encircled by the military. There were only after Arselgov; however, for unclear reasons, they also took Khalukhayev and Tsoroyev with them. The abducted persons were taken to the city of Vladikavkaz, to the building of local RUBOP. Family members were not informed of their whereabouts or the reasons for their detention. They learned about it from witnesses of the abduction.

Khalukhayev’s family members were the first to take vigorous efforts to ensure their release: four hours later Khalukhayev was released. Tsoroyev was released only on the following evening. He had been very badly beaten: he had his nose broken and his kidney and liver crushed.

Arselgov was retained in custody; he was charged with involvement in the September 6, 2006 bomb attack on an armored personnel carrier of MVD Interior Forces Regiment 126.

**On December 1, 2006**, at 7 in the morning, two local residents, **Taisum Mukharbekovich Doskiyev** (born 1977) and **Isa Magomedovich Nalgiyev** (born 1973), were abducted **in the city of Nazran** by GOVD officers, who acted together with officers from an unidentified security agency.

Early in the morning, a group of armed people, numbering up to eight persons, burst into their house. Some of them were masked. The troops wore blue and sandy camouflage uniforms. They introduced themselves as officers from the Nazran GOVD; carried out a superficial search; and then said they had orders to take Doskiyev and Nalgiyev to the GOVD. They did not show a search warrant or an arrest warrant.

After Nalgiyev and Doskiyev were driven away, relatives tried via their friends to learn the reasons for their arrest. GOVD officers assured the people who approached them that the detained persons were released after their fingers had been printed and personal data recorded. However, Doskiyev and Nalgiyev did not return home.

On the evening of that same day, Doskiyev’s relatives received a phone call from a man from Vladikavkaz, who introduced himself as lawyer of Taisum Doskiyev. He said that Doskiyev and Nalgiyev were kept in the same detention facility in the city of Vladikavkaz.

On December 3, Isa Nalgiyev was released. Doskiyev was retained in custody. He is accused of participating in the armed attack on members of security agencies of the Republic of Ingushetia on the night of June 21-22, 2004.

It is known that earlier, in July 2005, Taisum Doskiyev had already been detained by officers from the Nazran GOVD. Back then, he was released after a 30-minutes' check. Taisum is a Category Two disabled person with impaired sight; he works as a motor mechanic at a service station in Nazran.

Usually law-enforcement agencies keep tabs on those who have been detained once and such individuals can be detained again or abducted and forced to give statements the investigators require.

This year, a resident of the village of Sagopshi, **Zakre Isayevich Fargiyev** (born 1981), was detained twice in Ingushetia during a two months' period.

First time he was taken away from home **on February 4, 2007**, by officers from unidentified agencies. Fargiyev was put in the RI MVD IVS in the city of Nazran. A criminal case was opened against him on suspicion of him being a member of illegal armed groups.

Five days later, his relatives learned from his lawyer that Zakre was being brutally beaten during interrogations. His cell mates were angered at the actions of the police and were voicing their protest.

In early March, Fargiyev was released on his own recognizance. According to his lawyer, the investigators had no serious grounds for keeping him in custody. The criminal case against him was slated for closure.

Second time Zakre Fargiyev was detained on **April 12, 2007**. According to Fargiyev's relatives, at 10.00 a.m., he went to the market place in the town of Malgobek, where he worked as a salesman of household products.

On the evening of that same day, unknown people visited the Fargiyevs at their home and informed them that Zakre was kept at the Nazran District ROVD. However, officers at the ROVD said that Fargiyev was held elsewhere and they did not know his whereabouts.

Later, his family members managed to learn that on April 13, Zakre was taken for interrogation to Vladikavkaz. It emerged that he was detained on the instructions of Sobol, head of the investigation team from the North Caucasus Prosecutor General's Office of the Russian Federation. The grounds for his detentions were statements of one of the persons under investigation. Zakre Fargiyev was charged with involvement in the June 2004 incursion into the Republic of Ingushetia.

At the interrogation, Fargiyev said that the charges pressed against him were false and he had witnesses who could confirm his innocence. Currently, the investigation into his case is still underway.

In August 2007, an incident of brutal and pointless sadism was reported in Ingushetia: unknown people in military uniforms abducted and were beating all night long an ill person – for no apparent reason – just for the fun of it or for entertainment.

**On August 1, 2007**, a resident of the village of Ekazhevo, **Ramzan Gagiyeu** (born 1982), was discovered in the vicinity of the stanitsa of Nesterovskaya, the Sunzha District. He was unconscious and had a plastic bag on his head.

As he said later, he was abducted on July 31, near a hospital in the city of Nazran. At 11 p.m., he left the hospital and walked to the nearest store. People from a car parked nearby called out to him in the Ingush language. When he stopped, people in military uniforms jumped out of the car, grabbed him, put a plastic bag on his head and forced him into their car. For about an hour, he was driven somewhere.

When the car stopped, Ramzan was taken to a room. He was asked questions about his job and family; in the process they beat him on the head and on the groin. During the night, he was beaten up four times. Some of the abductors talked between themselves in the Chechen language.

In the morning they asked him: "Where do you feel pain?" Ramzan replied that he had been operated on and had pain in the kidney area. So they tied him to a chair and started beating him on the kidneys and on the ribs. He lost consciousness several times and each time they splashed water on him.

Ramzan could hear someone else being beaten near him. He asked why they were beating them. He was answered in Ingush: "We will be selling you to Ossetians for two dollars a person".

On the following day, Ramzan heard someone say in Ingush that a search was being carried out and he had to be taken elsewhere. Ramzan was put into a car and given a huge blow on the head, after which he passed out.

Ramzan was discovered at the sidewalk by a chance passer-by, who called in the police. He was immediately taken to the hospital in the stanitsa of Ordzhonikidzevskaya.

The Nazran Prosecutor's Office is conducting an inquiry into the incident. However, the servicemen who carried out the abduction are unlikely to be found; so they can continue unchecked to perpetrate any crimes and go unpunished.

Citizens, who lost hope to get protection from law-enforcers, try to prevent crimes themselves. For instance, **on June 27, 2007**, residents of the village of Surkhakhi prevented an abduction of **Khalit Aushev** (born 1980).

At around 4.30 a.m., a large group of armed people wearing masks arrived to the village by several vehicles. The troops pulled up near the house of Bamatgiri Aushev, burst into it and grabbed Khalit Aushev. He was taken out of the house and pushed into one of their vehicles. However, the abductors were unable to drive off, since relatives and neighbors of the abducted blocked the road and prevented the motorcade from leaving the village. Local residents were in hostile moods; many villagers armed themselves with hayforks, axes and sticks.

Deputy head of the Nazran District ROVD Daud Muradov and head of the precinct police inspectors service of the Nazran District Bers Kotiyev arrived at the scene soon. The police officers demanded that the security officers show their documents and the arrest warrant for Aushev. UFSB officers presented their documents; however, they had no arrest warrant.

They had to release Khalit Aushev, after which the local residents unblocked the road and security officers left the village.

At around midday, Khalit Aushev's relatives, as law-abiding citizens, took him to the MVD building and handed him over to officers from UBOP at the RI MVD. Before doing so they got the word of the RI Minister of the Interior Musa Medov, who promised that Khalit Aushev would not be smuggled out of Ingushetia.

Widely reported was the incident where Ingush police officers thwarted an attempt by officers from law-enforcement agencies of North Ossetia to abduct local residents.

**On March 29, 2007**, at around 5.20 p.m., a motorcade of three vehicles – a white Gazel van with tinted windows and VAZ-2107 and VAZ-21099 cars – tried to pass a DPS (Traffic Police Service) traffic control post on the border of Ingushetia. Officers from RI MVD DPS stopped the vehicles to inspect them. The occupants of the vehicles were officers of RUBOP at the RNO-A MVD. An abducted citizen of Ingushetia was discovered inside the Gazel van. There was allegedly another abducted person there, who was held in the VAZ-2107 car.

DPS officers demanded that the RUBOP officers explain the grounds on which those persons had been captured. At this moment, relatives of the abducted men arrived at the post.

The Ingush police officers and his relatives succeeded in freeing the abducted person who was held in the Gazel van. Still, RUBOP officers in the VAZ-2107 car, who presumably held the other abducted person, managed to drive off the post towards North Ossetia.

The remaining RUBOP officers were detained. Additional troops from MVD of Ingushetia arrived at the post and under police escort the detained RUBOP officers were taken to a RI MVD police station. According to eye-witnesses, a total of 15 RUBOP officers were detained.

It should be noted that residents of Ingushetia are willing to cooperate with law-enforcement agencies. Often parents suggest that checks be carried out in respect of their targeted sons,

provided that the law is observed and a guarantee is given that their children are not subjected to beatings. They hope that in this way they will be able to prevent extrajudicial killing or self-incrimination under torture.

For instance, a disabled person and father of ten children, **Khashbiker Murzhoyev**, has proofs that his sons have not been involved in any armed attacks. The family has close family ties with a participant in the June 21, 2004 raid of militants on the city of Nazran. Khashbiker's sons have a cast-iron alibi – at the time of the attack they served in the Russian armed forces in different regions of the Russian Federation. In 2003 – 2005, Movlet served in the city of Kursk in central Russia, while Ruslan served in the Siberian city of Krasnoyarsk.

When in 2004, the elder son Ruslan was summoned to the prosecutor's office, Khashbiker Murzhoyev took him there himself and suggested that a check be conducted.

The family would like to have an impartial check carried out in respect of their sons after which they could be left alone. Despite the fact that he came to the prosecutor's office at his own will, Ruslan was taken to Vladikavkaz, where he was cruelly tortured. According to his father, before the arrest Ruslan's weight was 100 kg, while after the arrest he weighed 50 kg. Two cars were taken away from the Murzhoyevs, which disappeared without a trace. Several months later, Ruslan was released. However, on October 11, 2006, people in uniforms killed him right near his home. No criminal case was opened into the murder, since the parents were told that their son had been killed in a grenade explosion. In fact, the medical death certificate states that the cause of his death was a gunshot wound to the head. The father believes it was a revenge for the refusal of his son to cooperate with secret services – the offer he was made during his detention.

In summer 2007, a hunt after Movlet was launched: on June 1, armed people burst into their yard; they hit his third son Ramzan – who was praying at the moment – with rifle butts and he fell to the ground; they also broke the arm of Adam, who was a tenth-year high school student. They demanded to hand in weapons and insulted his pregnant daughter-in-law. The walls of the house are pockmarked with holes from bullets, which by a miracle did not hurt any of the dwellers. Movlet managed to escape from the attackers; now he has a job in the city of Sochi. He would be willing to return and undergo a check, had he been given a guarantee against torture.

### ***Abductions and disappearances of people in North Ossetia***

According to the information available to Memorial HRC, over the past two years, 19 Ingushes, including five persons in the past three months, were abducted or disappeared without a trace in the Prigorodny District of North Ossetia and in the city of Vladikavkaz. The fate of all of them, except for the one person who was found killed, is unknown.

It is known for a fact that police officers and officers from the RUBOP of North Ossetia were involved in the abductions in at least two incidents.

**On January 10, 2007**, at around 10.30 p.m., a local resident, **Sultan Abdul-Khalitovich Barakhoyev** (born 1982), was abducted **in the settlement of Kartsa**. The abduction was contrived by a police officer from a local police precinct, Soslan Tsorayev.

Sultan was taken to the Promyshlenny District ROVD in the city of Vladikavkaz, where he was badly beaten and tortured by police officers (for more details see Appendix 10).

On the following day, after a visit by lawyer Kodzayeva, Sultan Barakhoyev was released on his own recognizance. In his statement filed with Memorial HRC he wrote:

*“Ingushes living in North Ossetia constantly anticipate provocations, arrests and abductions from the police that are composed exclusively of Ossetians. We are living here as if it were a reservation: we have no rights, no jobs ..., no opportunity to move freely, etc. Any complaints by Ingushes against arbitrary actions by the authorities and police officers of Ossetia lead to no inquiries.”*

This is also seen from the circumstances of the abduction of brothers **Beslan** and **Aslan Yandiyev**. They were abducted **on December 12, 2006**, from their house **in the village of Dachnoye**. During a search, which developed into complete looting of the house, gross threats

and insults were poured on Ingushes. Witnesses identified officers from the North Ossetian RUBOP and officers from UFSB for North Ossetia as the abductors (see Appendix 11).

A wave of indignation was stirred among residents of the Prigorodny District by the abduction of two elderly Ingushes in summer this year.

**On July 7, 2007**, residents of the village of Chermen, **Magomed Khadzhibekarovich Tarshkhoyev** (born 1940) and **Mukhazhir Sayupovich Gaisanov** (born 1945), were abducted in the city of Vladikavkaz.

Early in the morning, they left their village, traveling on Magomed Tarshkhoyev's own car. They intended to pay a visit to relatives who lived in the village of Dzheirakh in Ingushetia. On their way there they were to pass through Vladikavkaz.

Between 10 a.m. and 11 a.m., they were seen at the market place in the city by Gaisanov's sister, who talked to them. After the shopping, Tarshkhoyev and Gaisanov got into the car and headed for Dzheirakh. After 11 a.m., their mobile phones were off. At 5.00 p.m., in the city of Vladikavkaz, at the Butyrina Street, Tarshkhoyev's car was discovered, in which documents of both disappeared men were found. No money was stolen, either.

Immediately after they received a report about the disappearance of Magomed Tarshkhoyev and Mukhazhir Gaisanov, officers of RNO-A MVD started searching for them; however, their whereabouts have not been established so far.

On July 7, residents of the village of Chermen, ethnic Ingushes, gathered for a rally and blocked the highway that ran through their village. They demanded that the authorities of the Republic of North Ossetia-Alania find the missing men and investigate all incidents of traceless disappearances of ethnic Ingushes in the territory of the Republic.

On that same day, the prosecutor of the the Republic of North Ossetia-Alania and the Interior Ministers of the Republic of North Ossetia-Alania and the Republic of Ingushetia met the protesters. They promised to take every effort to search for Magomed Tarshkhoyev and Mukhazhir Gaisanov and persuaded the protesters to stop blocking the highway. The highway was unblocked; however, the rally in the center of the village continued on the following day.

According to their fellow-villagers, Magomed Tarshkhoyev and Mukhazhir Gaisanov have never been involved in any activities aimed at incitement of inter-ethnic strife, but, on the contrary, being well-respected persons, they contributed to bringing peace and stability to the Prigorodny District of the Republic of North Ossetia-Alania. It is known that during the conflict in 1992, Magomed Tarshkhoyev helped those of his fellow-villagers who were ethnic Ossetians to move to a safer place.

On July 16, Memorial HRC sent to the leader of the Republic of North Ossetia-Alania Taimuraz Mamsurov and the RF Prosecutor General Yury Chaika open letters about the need to take concrete steps to improve the situation with incessant abductions (disappearances) of people in the Prigorodny District of the Republic of North Ossetia-Alania and in the city of Vladikavkaz<sup>47</sup>.

The letter to the Prosecutor General of the Russian Federation contained a request to set up an investigation team at the RF Prosecutor General's Office and transfer to it the authority to investigate all unsolved cases of abductions (disappearances) in the region.

On September 12, the Investigative Committee at the RF Prosecutor's Office sent a response, signed by special investigator A. Kurbanov. It said that "*according to Resolution of August 8, 2007, criminal case No.12/2134 on traceless disappearances of ethnic Ingushes and Chechens in the territory of the Republic of North Ossetia-Alania in 2005-2007 has been taken away from the Prosecutor's Office of the Republic of North Ossetia-Alania*". Now this case is investigated by the Chief Investigations Directorate of the Investigative Committee at the RF Prosecutor's Office in the Southern Federal District.

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<sup>47</sup> See Memorial HRC Bulletin "Situation in the conflict zone in the North Caucasus in summer 2007: Assessment by human rights defenders", Section "Abductions in the Prigorodny District" (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

The proceedings in this criminal case brought together 19 criminal cases on traceless disappearances of 23 persons: sixteen Ingushes, six Chechens and one Ossetian woman. *“To investigate this case an investigation team was set up, in which investigators from the Rostov Region Prosecutor’s Office and the Volgograd Region Prosecutor’s Office, as well as from the RNO-A Prosecutor’s Office were included. To conduct investigation and search operations officers were assigned to the team from RF FSB and the ORB No.1 “T” Center for Combating Organized Crime (BOP) of the Chief Directorate (GU) of the RF MVD (Interior Ministry) in the Southern Federal District.”*

FSB Lieutenant Colonel A. Kalimatov, who was assigned to the North Caucasus to work as part of this investigation team, on September 16, 2007, was shot dead by unknown people in Ingushetia.

The extremist groups that abduct ethnic Ingushes have moved on to open murders.

On **October 19, 2007**, at 10.30 p.m., unknown people carried out a shooting attack on three young men, **Akhmed Alikhanovich Timurziyev** (born 1987), **Azrail Beslanovich Sultygov** (born 1982) and **Beiali Khamatkhovich Dzaurov** (born 1990), in the village of **Chermen**, the Prigorodny District. All three died of the wounds they received.

The three boys, who were returning home from the funeral of their female relative, were approached at an intersection by a silver-colored VAZ-21099 car, the unknown occupants of which started firing aimed shots from automatic rifles at the young men. The perpetrators drove away along the Chermen Highway in the direction of Vladikavkaz.

Azrail Sultygov died on the way to hospital. Akhmed Timurziyev died on the following day at the hospital’s intensive care unit. Beiali Dzaurov spent two weeks at the intensive care unit. Doctors fought to save his life but on November 2, he died.

Sultygov was married; he had a small child. Timurziyev was a fifth-year student studying law at the Ingush State University. Dzaurov was an orphan, raised in his uncle’s family.

Investigations Directorate of the Investigative Committee at the RF Prosecutor General’s Office for North Ossetia launched investigation into the incident in the Prigorodny District; a criminal case was opened.

In view of many residents of Ingushetia, these attacks are aimed to derail the process of bringing back Ingush refugees to the Prigorodny District and create unbearable living conditions for those of them who returned.

### ***Abductions of people in Dagestan***

According to the information collected by activists of the group “Mothers of Dagestan”, 21 persons disappeared in the Republic since the start of 2007.

Memorial Human Rights Center recorded a significant rise in the number of abductions of young people in the territory of the Republic in 2007<sup>48</sup>. Since the beginning of the year, workers of the representative office of Memorial in Dagestan have documented seven cases of abductions (see Appendix 12).

In July 2007, Memorial HRC received 15 statements from relatives of disappeared people. All the applicants claim that their family members were detained by officers from the security agencies of the Republic of Dagestan and, most likely, were taken to Chechnya. Some of them were ransomed from police officers for big sums of money; they all report they were subjected to torture.

With great difficulty, relatives manage to establish scant details related to disappearances of their sons. For instance, when they were received, on June 10, 2007, by Imammutdin Temirbulatov, head of the Department for Combating Terrorism and Abductions of the RD MVD UBOP, they learned that their abducted sons, Muammar Mamayev (disappeared on April

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<sup>48</sup> See Memorial HRC Bulletin “Situation in the conflict zone in the North Caucasus in summer 2007: Assessment by human rights defenders”, Section “Dagestan: ‘people in camouflage uniforms’ and traceless disappearances” (<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>).

27), Ramaz Dibirov (disappeared on April 25) and Isa Isayev (disappeared on April 26), were at some time held at the UBOP's Sixth Department.

On July 10, 2007, Deputy Secretary of the RD Presidential Security Council G.M. Guseinov told Isayev's mother over the telephone that her son was held at the office of ORB-2 in the town of Gudermes and criminal case was opened against him.

On August 10, six women went on an open-ended hunger strike, demanding meeting with the President of Dagestan Mukhu Aliyev<sup>49</sup>. The hunger strike was ended only on August 23, after the women's health seriously deteriorated and they were visited by high-ranking officials.

There are reports that local journalists were forbidden to cover rallies held by relatives of abducted persons and the hunger-strike<sup>50</sup>.

At the same time, the authorities failed to respond to the relatives' demands. On August 1, President Mukhu Aliyev had a meeting with the heads of security agencies, at which he stated that the activities to search the abducted have been organized in Dagestan in a most disastrous manner, *"analysis of the situation is lacking; efforts to search citizens who are missing are poor"*<sup>51</sup>.

Fundamental differences emerged at the meeting between the positions of the MVD and the prosecutor's office: Interior Minister Adilgerey Magomedtagirov was genuinely indignant about the suspicions aired by the press that police officers were involved in the abductions of people, based on the fact that "people in camouflage uniforms" participated in them. He also suggested that most citizens reported as abducted should be considered *"disguised militants"*.

In response, the Prosecutor of the Republic Igor Tkachev confirmed the version that certain abductions were linked to officers from law-enforcement agencies: *"More than 20 persons who were released gave statements that they had been abducted and driven into the Chechen Republic by people in camouflage uniforms."* He was supported by Human Rights Ombudswoman in the Republic of Dagestan Uma Omarova and the President of Dagestan<sup>52</sup>.

The President of Dagestan demanded that MVD officers change their methods of operations. *"You are compromising both yourself and us... How could you be trusted after that?!"*

Memorial HRC's bulletin noted that *"the close attention towards the problem of abductions shown by the President of the Republic of Dagestan and the public disclosure of the problem – although not yet successful in helping to find the young people who went missing in spring – have contributed to the fact that there were no further abductions in summer"*.

So, one may note that the destabilizing role in Dagestan is played by police officers. However, the acknowledgment of this fact and the open discussion of the situation give some hope for future improvement.

## VII. Conclusion

The picture of the situation in the North Caucasus we see does not look reassuring. Every year, for six years now, when we release our annual report we hope it will be the last one. Although the situation is changing, there is no overall improvement in it.

The North Caucasus is becoming increasingly diverse; however, life in each of the republics is in its own way dangerous for various groups of population. Neither of the republics can ensure a peaceful and safe life for people portrayed in our stories – Russian citizens who are ethnic Chechens.

There is no place for them in other regions of Russia as well.

We would very much like to hope that no new flows of refugees will start running into Russia in the nearest future. However, time is not yet right to return those who chose to leave

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<sup>49</sup> See report of August 21, 2007 at <http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/08/m98572.htm>.

<sup>50</sup> See report of August 22, 2007 on the Caucasian Knot Web-site (<http://www.kavkaz.memo.ru/>).

<sup>51</sup> See *Nezavisimaya Gazeta*, August 10, 2007.

<sup>52</sup> See the publication *President of Dagestan: Abductions of People Continue to Be the Most Acute Problem in the Republic* of August 1, 2007 ([www.regnum.ru/news/864836.html](http://www.regnum.ru/news/864836.html)).

and live a difficult life of exiles to get at least some safety. Most of them took that hard decision for the sake of their children and their children's future.

## APPENDICES

## Data from the poll of residents of TAPs in the city of Grozny about the housing situation of their families

### Residents of TAP in the Mayakovskogo settlement at 140-a, Koshevogo Street

1. **Said-Emin Akhmadov.** In 1987, the man arrived from Kazakhstan after pogroms targeting Chechens were started. Since that time, he has had no housing of his own. He is registered at the former hostel of GPNZ (Grozny Oil Refinery) at 4, Prospekt Pobedy, which now houses the Youth Palace.
2. **Kheda Isayevna Shavkhalova.** There are seven members in the woman's family. Her husband has health problems and her grown-up children can't get jobs. She is registered at her mother's place, but the family cannot live there, since there are already four persons residing in the mother's two-room apartment.
3. **Madina Adlanovna Akhmadova.** The woman is registered as oncology and neurology patient. She has had 12 operations. She sustained a severe wound to the abdomen in 1995. She is registered at her friends' place but cannot live there.
4. **Gumiyat Mavsarovna Basirova.** The woman has four children; three of them are minors. Her husband has died. The family has not had its own housing, as it returned to Chechnya in 1998. She is registered at the place of her husband's relatives, but her family can not be accommodated there.

### Residents of TAP at 47, Kirova Street

1. **Koka Beksultanova.** The woman's family lived in the Stavropol Krai (Territory). In 1991, they had to leave, since harassment was started against them on the grounds of their ethnicity. As a result of the stress he had endured, her husband was struck down by apoplexy and in 1999 he died. During the years that followed, the family has not been granted either housing or a land plot. They had to rent apartments and were registered at their friends' place. Koka has a dependant mother, who is blind.
2. **Isa Madiyevich Magomadov.** The man has six children; one of them is a Category Two disabled person with epilepsy. He has been granted a land plot in Urus-Martan; however, he does not have money for construction.
3. **Z.S. Dugushova.** There are four minor children in the woman's family. Her husband got killed in 1999. Her house at 54, Sunzhenskaya Street has been destroyed. She has not received compensation.
4. **Z. Valadova.** The woman has seven children who are minors. She has had no housing of her own.
5. **Petimat Datayevna Isupkhadzhiyeva.** The woman has a husband and two children. She is registered at her father's place; however it is impossible to live there. Her family is offered a land plot; however, they don't have funds for construction.
6. **Yakhiya Khabatova.** The woman is divorced and raises three children. Before the war, she did not have her own housing and lived in Grozny in rented apartments. She is registered at her mother's place in the village of Beno-Yurt, the Nadterechny District; however, she can not live there, since there are other relatives residing in the house; besides, it is in disrepair. When she asked the administration head of the village of Beno-Yurt to grant her a land plot, he refused her.
7. **Ya.Kh. Bargisheva.** The woman is registered in the Leninsky District of the city of Grozny. Her house in the village of Goichu was destroyed; she has received no compensation. There are seven members in her family; three of them are disabled persons.

8. **Zura Agayeva.** There are ten members in the woman's family. She has no husband. She is registered at the place of people who are not her relatives or friends.
9. **Rukiyat Murdalova.** There are small children in the woman's family. She did not have her own housing before the war.
10. **Iznaurova.** There are five children in the woman's family. Before the war, she lived in her mother's apartment; however, now her brother together with his family lives there.
11. **Khusein Magomadov.** The man has a wife and three children. He could not get his own housing, since the war broke out right after he got married.
12. **Malika Altemirova.** The woman is a Category Two disabled person with diabetes and hypertension. She has four children and no husband.

#### **Resident of TAP at 2, Koltsova Street**

**Kh.Zh. Tataliyeva.** The woman shares a 3 by 4 meter room with her husband and two children of different sexes. She is expecting a third child. She is on a special waiting list to receive housing. Her husband is in very bad condition after he sustained a traumatic brain injury; he cannot support his family. He is registered at his father's apartment, in which three of his sisters and four nephews live. His father is a tuberculosis patient.

#### **Resident of TAP at 4, Koltsova Street**

**Yusup Shakhbovich Kadiyev.** The man has a wife and four children who are minors. His wife is expecting a fifth child. He does not have a place to live or a plot in his native village of Roshni-chu.

#### **Resident of TAP at 24, Tchaikovskogo Street**

**Anzhela Tsuskiyeva.** The woman was raised in a boarding school. She has not had her own housing. She is registered at the place of her father's family. Her father has disowned her.

#### **Residents of TAP on Okruzhnaya Street**

1. **Aimani Sugayipovna Dagalayeva.** There are four members in the woman's family: she herself, her son, and her daughter-in-law and her child. She has no husband. The house she is registered at is 80 per cent destroyed; the family of her husband's brother lives there. Her husband was killed in 2001.
2. **Mussa Dzhamaldayev.** The man has five children. He is a disabled person with impaired sight; one of his sons is also a disabled person. He does not have his own housing.
3. **Khalida Demayeva.** The woman is a schizophrenia patient. She has two children. Her mother, who also has schizophrenia, has sold her house.

*Information supplied by Memorial HRC*

## The Khasavyurt Tragedy

Svetlana Gannushkina

**On the night of July 12-13, 2006**, an event happened on the border of Chechnya and Dagestan that on the following morning hit the news headlines and airwaves. ITAR-TASS, INTERFAX and other news agencies reported, citing the RF MVD (Interior Ministry of the Russian Federation), that in the Nozhai-Yurt District of the Chechen Republic a group of militants was eliminated that had been trying to cross the border to carry out a series of major terrorist acts there.

The local security agencies had got the information that a group of militants, consisting of 20 persons, was about to break through from Dagestan to Chechnya on the evening of the previous day. The militants were caught in an ambush in a well-planned operation. Thirteen of them were killed and two were taken prisoners. Many weapons were recovered from the scene of the clash.

According to some sources, the operation was carried out by troops from the Russian Interior Ministry's battalions *Yug* [South] and *Sever* [North]; according to others, – by servicemen of the Akhmad Kadyrov Special Forces Regiment of the Republic's Interior Ministry. Terrorist acts were averted; no one of the security forces was injured.

To crown the success, according to the Chechen Prime Minister Ramzan Kadyrov, the operation killed Khairula Imurzayev, a prospective successor of Shamil Basayev. Khadyrov explained that the killed Khairula Imurzayev was a native of Dagestan, where the killed militants had undergone training.

This report was cited by all foreign news agencies, too, and could not fail to be viewed as a notable victory in the war on terror, which is now threatening Chechnya from beyond its borders, since, according to Ramzan Kadyrov, almost all bandits have been eliminated in Chechnya.

However, almost immediately, uncertain rumors started to leak out of Dagestan that those were young Chechens who had been led into an ambush, killed and then passed off as militants.

In early August 2006, the newspaper *Novaya Gazeta* carried an article by Yuliya Latynina telling about unarmed and untrained boys decoyed by false recruiters into an ambush, who fled, leaving the boys under fire from an armed detachment. ***“No doubt, the boys wanted to join the militants,”*** Latynina wrote.

Is that really so? If yes, then what prompted the Dagestani boys to go to Chechnya to replenish the depleted ranks of illegal armed groups?

From August 16 to 18, 2006, we together with Rasiyat Yasiyeva, lawyer with the Migration Rights Network in the Khasavyurt District of Dagestan, visited two settlements of Khasavyurt and several villages of the Khasavyurt District of the Republic of Dagestan to meet 17 families that had suffered an enormous tragedy in July.

From the stories we heard a terrible picture emerged. On the night of July 12-13, their sons were decoyed into a place near the Chechen border, where they were dressed in camouflage uniforms and then led into an ambush where they came under a shooting attack. Thirteen persons were killed; five were injured and miraculously survived the massacre. In addition, we met two lawyers defending the cases of the survivors. All the five are under arrest. They have been charged under Part 2 of Article 208 of the Criminal Code of the Russian Federation (participation in illegal armed groups).

From conversations with relatives and lawyers we learned that in the first half of the day on July 12, no one from among the participants of this weird raid showed the slightest intention of leaving home and embarking on any kind of journey, not to mention a dangerous one. All the young men were engaged in their daily routines. Some were working on construction sites of their own or neighbors' houses; others were doing sports; while still others were swimming in the river. One of them had got a driving license in the morning; another one went to get registered at a local employment bureau; and some boys were doing workouts.

Their relatives and neighbors testify that for all the boys the invitation to take part in the raid came unexpectedly after 3 p.m. And without preparations, without changing their clothes they headed individually or in small teams for the meeting place.

Judging by what witnesses said, it can be assumed that some younger participants genuinely believed they were going to the sea side. They were promised a trip to the beach, where some serious things would be discussed with them, after which they would return home. With others recruiters had started to work some two weeks before, inviting them to go learn shooting skills. Still others, the more religious boys, were promised paradise for a short stint in the holy war. Obviously, this was designed to swindle the gullible youths who had no regular work or earnings.

It must be stressed that all the young men had close familial ties, had no bad habits and most of them had quite peaceful plans for the future: get a job, get married, prepare for a major international sports competition, etc. Therefore, one can hardly believe that the young men were going to the war seriously and for long.

However, it all ended in fraud and death, which only five boys managed to escape by a lucky chance. It's most unlikely that the recruiters were unaware of what was going to happen to the boys they were leading.

The official Web-site of the Republic of Dagestan posted the information that during the past year, 15 criminal cases were opened in the republic – and six criminal cases were launched during the past several months – into the recruitment of young citizens of Dagestan. However, the results of this work have not been reported so far.

We were very surprised to find out that we were the first to visit each family to talk about the incident. It is impossible to find the recruiters and, moreover, identify the persons who were behind this mass killing without thorough interviews of relatives, friends and neighbors of those who got killed.

According to what we have learnt from conversations with relatives, not a single family affected by this tragedy has received condolences from officials and no one was questioned about the incident. They have not been issued death certificates, which makes it impossible, for example, for Vakha Irshakhov's widow and her 7-month-old son to claim a pension for loss of a breadwinner. Irshakov, who lived in the village of Boragangechu, was 27 and he was the only one of the killed boys who had a child.

For over a month, the families of the killed boys had been living in uncertainty and fear. The family of Shakhruddin Gzakhmayev, whose father has been living outside of the Russian Federation for more than a year, is the only one been continuously visited by the police. However, the police did it before, too. No clear-cut charges are presented; but still, some vague accusations are made in a rude language.

No one has either asked questions to the brothers and friends of the killed and surviving participants in the raid, despite the fact that there were surely people among them who had also been invited to participate but could not or did not want to accept the invitation.

There still has been no psychiatric examination of those who survived. There are reasons to believe that there has been no post-mortem examination of the bodies, which would reveal the cause of death in each particular case. This leads to rumors being spread that after the operation every survivor was finished off with a shot in the head.

Video recordings are circulated, made by unknown people and showing the scene immediately after the massacre. They also give grounds for rumors that some of the killed boys were dressed in camouflage uniforms already after their deaths and weapons were planted on them so that later reports of weapons been “recovered” could be made. Relatives of the killed boys are still unaware if a criminal case has been launched into the murder of their children, in the context of which they could claim victim status. As a result, some are trying to investigate the case on their own and are being threatened and warned by “well-wishers” linked to the Chechen authorities.

Meanwhile, the five survivors who were injured and had a huge trauma are kept in custody, which does not seem to be a matter of strict necessity. The crime they have been indicted with is not classified as grave: their participation in illegal armed groups lasted less than twenty four hours, was provoked by premeditated actions of other persons, and led to grave consequences for themselves and not for other persons. There are no reasons to suspect that someone of them would go into hiding to escape prosecution if the measure of restraint for them is changed and they are released from custody.

All information they could possibly give the prosecution has already been obtained. It has helped to detain a resident of the village of Pokrovskoye, Tagir Temayev. He is suspected of been involved in the recruitment of the raid’s participants and, according to lawyers, is willing to cooperate with the investigators.

All five survivors are very young:

Ibragim Shavkhalov (born 1987) is a Category Two disabled person with a heart condition;

Arsen Temirsultanov (born 1988);

Yusup Dakayev (born 1990);

Muslim Sultanmuradov (born 1986);

Arbi Baimuradov (born 1987).

No one of them can get full treatment and psychological rehabilitation they all obviously need, particularly, a disabled person, Ibragim Shavkhalov.

We have turned to the prosecutor’s offices for explanations and intend to maintain contacts with relatives of the boys who died or survived in the Khasavyurt tragedy. We also hope to meet soon the five boys who survived and discuss with them what except for youthful light-minded romanticism prompts Dagestani boys to surrender to propaganda and go to war. Do they fee themselves citizens of the country they live in? How many more such small Beslans are needed to maintain the public belief that the state actively and efficiently combats terrorism and who needs them?

## The Ulman case – the Budanov case ...

Svetlana Gannushkina,  
Memorial HRC  
Civic Assistance Committee

The Eduard Ulman case is one of few cases on murder of Chechen civilians by the military that made it to court. And it was just the second instance when officers of the Russian army were put in the dock.

Officers from the prosecutor's offices and officials from the presidential administration have spoken at length and on numerous occasions about hundreds of criminal cases been opened into crimes against Chechen civilians. However, the number of investigations that led to punishment of the perpetrators is insignificantly low.

During the entire period of the so-called "Second Chechen War", i.e. large-scale hostilities accompanied by mass killings of civilians – to be exact, from December 1999 to April 2003, – the court found guilty in crimes against civilians seven commissioned officers, three warrant officers, 22 contract soldiers and sergeants, and 19 drafted servicemen. However, only 19 servicemen were sentenced to actual imprisonment and there was not a single commissioned officer among them. Meanwhile, the death toll, the record of which has never been kept by the state, had reached during this period, according to the estimates of Memorial Human Rights Center, not less than 20,000.

Currently, the European Court of Human Rights looks into dozens of cases on extrajudicial killings, torture and abductions of people in Chechnya. In several judgments of this Court Russia has already been found guilty of violating both parts of Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. It means that the state not only failed to ensure in Chechnya the fundamental human right to life, but actively violated it by using disproportionate force.

Russia pays the damages ordered by Court; however, she takes practically no steps to punish those guilty and make sure that no massacres and extrajudicial killings happen in the future again.

No one is held responsible for the crimes; as they say in Russia, everything as always is written off by the war.

Just two episodes of this terrible massacre came to light: the case of Colonel Budanov, who after many years of court trial was sentenced to ten years in maximum security penal colony, and the case of Captain Ulman and company, which still drags on.

On January 11, 2002, near the village of Dai, the Shatoi District of Chechnya, GRU *Spetsnaz* (Special Forces) Captain Eduard Ulman, Lieutenant Kalagansky and warrant officer Voyevodin fired on a vehicle, the driver of which, they claim, refused to obey the orders to pull over. One of the passengers, 68-year-old rural school principal Said-Magomed Alaskhanov from the village of Nokhchi-Keloi was killed on the spot; two other passengers were wounded.

After they ascertained that the victims were civilians and realized that they might not get away with what they had done, the three *Spetsnaz* troops started consulting their superiors about the advisability of eliminating the witnesses of the crime. These consultations lasted for several hours.

Beyond human imagination are the feelings that filled in those agonizing hours the minds of the people waiting for their fate to be determined: a pregnant mother of seven Zaitkhan Dzhavatkhanova, her nephew Dzhamlail Musayev, school teacher Abdul-Vakhab Satabayev, forester Shakhban Bakhayev and driver from the village of Dai Khamzat Tuburov.

Eduard Ulman reported the incident to liaison officer Major Perelevsky, who supposedly after contacting Colonel Plotnikov (who was directing the operation) relayed to them the order: “Don’t take prisoners. You have six cargo 200s” (*military slang for corpses*). “Order” became a key word in the tried case.

Ulman gave the order to shoot and Kalagansky and Voyevodin executed it.

Subsequently, the investigators never managed to establish whether Colonel Plotnikov had really given that criminal order. Plotnikov himself denies it, claiming that the *Spetsnaz* troops were acting autonomously during the operation. However, it may be of importance for evaluating the actions of Plotnikov himself, not the actions of Ulman and company. Could they see as “prisoners” a pregnant woman and several men of most peaceful trades, which they immediately saw when they checked their documents after the initial shooting attack? Could they fail to realize that by executing a knowingly criminal order (if there was one) they themselves were committing a crime?

They realized it all full well. And they shot to kill to conceal their first crime – shooting on a civilian vehicle. This is why after killing the witnesses the three troops made an attempt to blow up the six bodies together with the vehicle. They poorly performed that task. When some time later the military commandant of the Shatoi District Major Vitaly Nevmerzhitsky appeared at the scene, the picture he saw left not doubts whatsoever that he was looking not on a vehicle blown up by a mine, but on the results of a horrendous murder.

“Article 105, Part 2 of the Criminal Code of the Russian Federation.

The murder:

- a) of two or more persons;
- c) of a person who is known by the killer to be helpless state;
- d) of a woman who is known by the killer to be in a state of pregnancy;
- g) committed by a group of persons under a preliminary conspiracy;
- j) committed with the purpose of concealing another crime

shall be punishable with deprivation of liberty for a term of eight to 20 years, or by deprivation of liberty for life, or by death penalty.”

Such were the charges on which Ulman, Kalagansky and Voyevodin appeared in November 2003 before the jury. Perelevsky was charged with incitement and complicity in the crime. The case was tried by the North Caucasus District Military Court in the city of Rostov-on-Don. Court hearings were held with sympathizers supporting the defendants with a permanent picket outside the court building. The judicial investigation revolves around a single question: Did the servicemen execute the order they were given or did they act at their own discretion?

On April 29, 2004, the jury acquitted Ulman and his crime accomplices.

On May 11, 2004, the acquittal is upheld by the court.

After the victims filed a complaint, the Military Board of the RF Supreme Court overturned the verdict and the case was sent back to the court for a trial with a new jury.

On May 19, 2005, the jury unanimously found the killers not guilty again.

The story repeats itself: the Military Board of the Supreme Court overturned the verdict.

Since August 21, 2006, the Ulman case was tried for the third time by a board of three professional judges – without a jury.

On April 4, 2007, the prosecution demanded prison terms of 23 years for Ulman and Perelevsky, 19 years for Voyevodin, and 18 years in prison for Kalagansky.

And then Ulman, Voyevodin and Kalagansky ceased to attend court hearings. They were put on the federal wanted list. The court changes a measure of restraint for them from release on own recognizance to confinement.

It is strange that the court had not done it before. There was every reason to put the defendants in custody: the crimes they were accused of fall into the category of felonies; besides, when out of prison, they could exert pressure on witnesses.

Now, when the verdict becomes a reality, all three have gone on the run. Rumors have been circulated that Ulman and his subordinates “were abducted by Chechens”. This story does not

stand up to any scrutiny: such a plot has too much fiction about it. If there was at least a semblance of reality behind it, more specific reports would have appeared, like: they were abducted by *Kadyrovtsy*, *Yamadayevo*, [i.e. troops under command of Ramzan Kadyrov or Sulim Yamadayevo], or any other specific group. "Simply Chechens" exist only in the imagination of those who are too detached from what is going on in Chechnya and just try to fan once again the anti-Chechen sentiments.

One should admit they are good at it. It was the distorted public conscience that made the Ulman case been tried three times. Endless debates are going on: Did Plotnikov give the order and, if he did, could Ulman and others be seen as guilty? However, there is no legal problem here. Part 2 of Article 42 of the Criminal Code of the Russian Federation reads: "Person who committed intentional offence in execution of order or of instruction known to be illegal shall be liable under usual terms. Failure to execute order or instruction known to be illegal shall preclude criminal liability."

The problem here is a psychological one. The jury, judges and the most part of Russian society would hate to see these boys as criminals. They went there to defend Motherland and assert the constitutional rule; they participated in a counter-terror operation. They received blessings of the Patriarch, who has never held a prayer service for civilians who got killed. People are used to be proud of warriors. The disgrace they have brought upon themselves humiliates not only them, but society itself; therefore, it finds it so hard to come to terms with the fact that its heroes proved to be murderers.

Remember how official media outlets, above all, television channels covered the Budanov case? A rapist and murderer of a young girl is being tried, who, in addition, on that same day that he committed the crime, almost killed his officer. And still in the court room he has a strong support group, led by Governor of the Ulyanovsk Region General Vladimir Shamanov. Shamanov says that it is "not so much a trial of Budanov as a trial of all Russian army officers fighting in Chechnya".

So, this is what the face of the Russian army looks like: General Shamanov and Colonel Budanov. This is what people think; this is how television presents it. This is also what President of Russia Vladimir Putin thinks, who said at a meeting with human rights activists in 2002: "Such is the army we have."

But this is not true. In that same Budanov case there also was General Gerasimov, who arrested the killer colonel. They say that Budanov, who was awoken by him, in response to the General's statement: "The footprints of the killed girl lead to your *kung* (truck body)!" went into hysterics and fired a shot through his foot, to which Gerasimov calmly said to him: "In such situations, army officers fire shots in their heads". It might be a legend, but there were statements in the case files that were unambiguous and signed by Gerasimov's own hand: "I am convinced that Colonel Budanov killed Kheda Kungayeva." There also there no less clear statements by General Vereisky and there was General Barannikov, who came to the house of the killed Kheda Kungayeva and asked forgiveness of her parents for everything and everyone.

And most importantly, also present in the Budanov case is Lieutenant Roman Bagreyev, who in the morning of that same day refused to open fire on the village of Tangi-Chu. For that he was handcuffed, beaten up, thrown into a pit and covered with chloride of lime.

So why it was not Gerasimov or Bagreyev, but Shamanov who gave comments on the Budanov case in the numerous TV programs?

Why it was not them who were celebrated as heroes and the face of the Russian army, which would have looked very different in this case? The state would have said in this way to its citizens: Yes, Budanov has committed crime and no one is going to cover him up. Russian army is in Chechnya to bring there peace and order; its mission is to protect civilians, not to kill and rape.

However, everything went differently. Bagreyev was not given a medal for not executing the criminal order of the colonel who got crazy after drinking too much vodka. He saved lives of dozens of peaceful villagers. Humiliations that the Russian army officer Roman Bagreyev was

subjected to have been classified by the court as a permissible punishment for an officer who disobeyed orders.

Maybe the roots of the Ulman case and of the sympathetic attitudes shown towards him by the jury lie here?

It might be quite possible that Budanov's arrest saved Roman Bagreyev's life. Had Bagreyev not been taken out of that pit later in the day, his mother could likely have received that very "cargo 200".

For instance, in winter 2001, from the village of Akhkinchu-Borzoi, the Kurchaloi District, four coffins were sent to mothers with dead bodies of their sons, who had gone together with four Chechens to cut firewood for a local school. The team was led by the school principal Nadzhamuzin Borzoyev and boys got killed in a shooting attack by *Spetsnaz* troops of the GRU Regiment 15. The brother of the killed principal Rudnik Borzoyev concluded his story of the killing of the eight woodcutters with the following words: "When the body of her son is brought to a mother, they will tell her he was killed by Chechens. This is not true: her son and my brother were killed by the same people."

Strange as it may seem, the most human words that were heard in the reports from the court room in Budanov's trial belong to Budanov himself: "When I was dispatched there, nobody told me there were our citizens living there. We were told they were enemies who were to be killed."

It was not only Budanov who was told so, but also those who were assigned to give coverage of the war in Chechnya. That is why we did not see Gerasimov and Bagreyev on TV screens. That is why the list is so small of the killers who got punished and so big of the victims of trumped-up charges in criminal cases against Chechens, who include young girls of Kheda Kungayeva's age now serving sentences for the crimes they did not commit. That is why the court releases killers on their own recognizance and the jury time after time acquits them.

Yesterday (June 14, 2007), the Ulman case ended with a verdict. The following punishment was meted out to the three fugitives in their absence: Captain Ulman – 14 years; Lieutenant Kalagansky, his deputy, – 11 years; and warrant officer Voyevodin – 12 years in maximum security penal colony.

Major Perelevsky, who was present in the court room, was sentenced to nine years in maximum security penal colony.

And again, for yet another day, the media can't decide on the question of what the Ulman case is. Is it a politically motivated staged show of an exemplary punishment of executors of the government's orders, betrayed by it, or a trial of conscious killers of innocent victims in accordance with the Criminal Code of the Russian Federation? A call-in poll conducted by journalist Sergey Dorenko at Echo of Moscow radio station does not practically give a choice to listeners. The question of law is not even raised; it is replaced with an alternative: does the conviction of Ulman and his company benefit or harm the army? No, the verdict announced yesterday will not correct the Russian army. Nor will it correct the society in which the value of human life is reduced to zero.

And still, it was a little step in the right direction. Every person bears responsibility for what they have done.

And those who turn citizens of Russia against one another will be given their verdict by history some day. However, the history will also judge us, who have allowed all this to happen...

*The article was published in the magazine Dosh, Issue 3 (11)*

## The case of Asuyev's police gang

On May 6, 2005, relatives of a missing girl, let's call her **Madina**, reported to the Staropromyslovsky ROVD (District Department of the Interior Ministry) of the city of Grozny. Her body was discovered later at the city morgue; however it was not released to the relatives, because, according to the police reports, she was a terrorist, killed during an attack on a police patrol.

Several days later, another missing resident of Grozny was discovered at the morgue. It was **Khamzat Gaitukiyev**, aged 30. He was also alleged to have tried to attack officers from the Staropromyslovsky ROVD and was shot dead by the police officers.

The participants in these fake special operations, patrol and point duty service officer **Islam Agayev**, the Staropromyslovsky ROVD officer **Aslan Dзамulayev**, Anti-Terror Center officer **Adam Arsanukayev**, and **Ruslan Asuyev**, were promoted to the next ranks. The latter became acting head of the criminal police office of the Anti-Terror Center (ATC).

After an application by Madina's relatives, the prosecutor's office launched an investigation into the circumstances of the "terrorist's" death. It was established that the woman was shot from a close range – from a distance of 0.5 meters, though the police report said that the girl was shot from a distance of several dozens of meters. Moreover, the investigators found no proof of her links with the militants. Then the prosecutor's office looked into the special operation to eliminate the "militant" Gaitukiyev, who had never been mentioned in any of the situation reports. An in-house investigation was launched in respect of participants in the special operations. It revealed that many of the Staropromyslovsky ATC officers were involved in at least five abductions and several aggravated robberies (assaults).

Commenting on the exposure of the police gang, Andrey Potapov, Deputy Prosecutor of Chechnya, noted that the investigators had established no other motives behind the actions of the killer policemen except for the desire to show good performance results and in this way to ensure the development of their careers: "It is savagery, but it's so: in the police slang their actions are called 'use the victim for the best results'"<sup>1</sup>.

Agayev and Dзамulayev were among the first to be arrested in this case. At the interrogation, Agayev said that Asuyev ordered him to find a suitable woman that could be passed off as a female suicide bomber. A suitable girl was found (it was Madina) at a bus stop in the settlement of Tashkala. Under the pretext of a document check she was taken to the ATC building. When darkness fell, Madina was driven to the outskirts of Grozny. There she was ordered to take a suicide bomber's belt and carry it across the road. Madina refused to do it and the police officers shot her.

Asuyev called FSB and informed them that a female suicide bomber was eliminated by his team in a special operation. Bomb-disposal experts arrived at the scene to discover a bomb belt in the hands of the killed girl.

Several days later, the elimination of the "militant" Gaitukiyev was staged in a similar way. On May 16, 2005, under the pretext of a document check he was taken to the basement of the ATC building, where he was offered to become an officer of the Center. However, first he had to pass a "test". He was given an automatic rifle (recovered earlier from a weapons cache and out of order) and was driven to an ambush. The man was told to fire at the first car to appear on the road, which supposedly carried militants. Agayev and Dзамulayev posing as bandits drove up to the spot at around midnight by a staff car. Gaitukiyev didn't shoot at them; he threw away

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<sup>1</sup> *Chechenskoye Obshchestvo Segodnya (Chechen Society Today)*, Issue 4, 2007.

the automatic rifle and tried to escape. Asuyev and Aziyev caught up with him and shot him dead.

In January 2007, Islam Agayev and Aslan Dzhamulayev were sentenced to 13 and 12.5 years of imprisonment.

Ruslan Asuyev was arrested in spring 2007 in the city Astrakhan. He was accused on 17 counts under the Criminal Code of the Russian Federation. The investigation was completed and the case was passed on to the court.

So far, it is one of the rare successful cases of investigations into the crimes committed by law-enforcers themselves. The newspaper *Vremya Novostei* wrote that the investigation was very difficult; officers from the prosecutor's office were pressured by members of the family of Ruslan Asuyev, who is kin to a certain high-ranking Chechen official.

Commenting on the scandalous case of the police officers, worker of Memorial Human Rights Center Natalia Estemirova said in an interview with a correspondent of the business daily *Kommersant* that there are tons of cases where law-enforcement officers in simulating a campaign against militants bully innocent people. "We are simply flooded with complains against fabrication of cases on participation in illegal armed groups: young boys are caught when a complicated case is to be solved and they are sent to serve long prison terms under charges that are completely false."

## A special operation in Malgobek. The siege of Timur Khaniyev's house

On February 3, 2007, in the town of Malgobek, officers from secret services carried out a special operation to arrest a local resident, **Timur Abdul-Salmanovich Khaniyev** (born 1981), residing at the address: 3, Oskanova Street, apt. 17, Malgobek.

The special operation started at around 5.00 p.m. Officers from unidentified security agencies sealed off the high-rise apartment building, in which Timur Khaniyev lived, and began to storm his apartment.

According to the house residents, officers from security agencies did not evacuate people from the house before the assault. Only one hour later, they ordered the house residents of the section where Timur lived to get outside.

The storming continued for several hours. Apartment 17 was under fire from automatic weapons and APCs; grenade launchers were used. As a result, a fire broke out.

According to the official information, two fully burnt bodies were found in the apartment. It was announced afterwards that one of the killed persons was Timur Khaniyev. It was impossible to identify the second body. According to some reports, it could have been a woman, maybe even Khaniyev's sister. However, Memorial HRC workers learnt that Khaniyev's sister got married long ago and lived in a different place.

Timur Khaniyev's neighbors spoke very well of him and described him as a religious person with very good manners. Some of them doubt that he was in the apartment during the assault. Timur Khaniyev worked as a night guard at a local school and on that night he was to come to work by 6 p.m.

On May 9, 2007, a resident of Malgobek approached the Memorial HRC Representative Office in Nazran. She was an eyewitness of the special operation. For the reasons of safety, she asked not to mention her name. Her eye-witness account is given below:

“... at around 5 p.m., the sound of shots being fired and submachine gun bursts was heard. I didn't pay much attention to it. It has become normal these days. Our police in demonstrating their pro-active efforts in detaining the “militants” often shoot in the streets. Sometimes, after having a couple of drinks, they shoot outside, not paying attention to the frightened passerbys.

Some time later, I looked out of the window and saw a weird picture: a huge gathering of people and vehicles. People in camouflage uniforms were hiding behind the building, behind the kiosks. They were firing at the outer apartment of the house in front of them. Continuous fire was aimed at the building from behind a transformer house. Rare submachine gun bursts came out of the apartment in return fire.

People fighting back in the apartment, unlike our ‘valiant defenders’, did not hide – I felt that they realized they were doomed, being already designated as “militants”. Today, everyone knows what it means to get into the hands of “law-enforcers”.

Soon, armored personnel carriers started to arrive at the building, along with more law-enforcement officers, who hid behind the crowd of onlookers and behind the buildings. The APCs opened fire at the building. Dwellers from that block of flats realized the gravity of the situation and started to run out, trying to cover their crying children with own bodies.

A fire broke out several times in the apartment under assault. Obviously it was put down by its inhabitants, since the flames were subdued and heavy smoke poured out of the window... Those who stood closer to the building in addition to a man's silhouette saw a woman and a boy aged between 8 and 10. According to the witnesses, the woman was

invoking Allah. The man was shooting back, standing on an open balcony. He continued shooting even when his clothes caught fire.

The fight with the “militants” lasted for five hours. It resulted in the deaths of innocent people, burnt apartments, and heart attacks.

I was amazed to see how delayed was the arrival of fire-engines at the scene after the end of the storming. They were either demonstrating their disregard or they needed to have the bodies burn to ashes. When they started bringing out fragments of the burnt bodies the crowd rumored that the killed woman was pregnant and it was possible to see the baby’s hair that was not burnt... The killed “militants”, according to neighbors, had been gathering in that apartment to pray and study the Koran in a group using a CD”.

*Information Report by the Memorial HRC Representative Office in Nazran*

## **Eye-witness accounts by residents of the village of Ali-Yurt, victims of a mop-up operation**

### **Eye-witness account by Yakhia Yevloyev, resident of the village of Ali-Yurt**

They were firing from the Ossetian side for 10 minutes. It was on July 27, at about 10 p.m. On July 28, at about 5 a.m., I heard shots being fired. I was sitting on a rug after my morning prayers. On hearing the gunshots, I looked out of the window. The wife was in the bathroom at the moment. The room overlooks the yard. I saw an APC crash the gate of my neighbor, Sharip Yevloyev. About 20 men in camouflage uniforms followed the APC into the yard. Another group broke into the house of Tamara Yevloyeva. She's got five sons. They immediately started beating them, and very severely. From Tamara's house they headed for my yard. I don't have a gate, which is why they got here easily. They drove my wife out of the bathroom with their guns pointing at her and turned her to the wall. Then they started breaking the door. I opened it. Seven or eight persons ran in. "Down, bitch!" they cried. They swore a lot. They checked out the rooms and started to beat me on the kidneys. They shouted, "You've been killing our guys... Your villagers were shooting... You will answer for that... We'll bring you back to Yermolov's times" [Translator's Note: General Yermolov (1777 – 1861) was responsible for Russian military policies in the Caucasus]. They even didn't look at my passport. They threw it away. They pulled me out into the yard, flung me on the ground and continued beating me, asking, "Who's been shooting?" It was no use trying to answer them; they were like mad dogs on the loose; they didn't hear a thing. They were at my place for about 10 minutes. Then they told me to lie without moving for five minutes and went to my other neighbor, Bilan Yevloyev. He's about 60. They bashed up all men there too, particularly his younger son, a 15-year-old. They repeatedly pounded him on the head. His face was bruised all over. Those ruthless thigs stayed for two hours or so, and then came normal guys along with local guys. They simply inspected the yards, checking passports.

### **Eye-witness account by Magomet-Girey Belanovich Aspiyev, residing at 27, Zyazikova Street, Ali-Yurt**

At about 6 a.m., my wife woke me up, saying that someone was swearing in Russian at the neighbors'. And the children were crying. I put on my clothes in a jiffy and came out into the yard. I heard someone banging on the door and shouting, "Open up, bitch!" I opened the gate and they nearly hit me on the face with a rifle butt, I dodged a blow. They knocked me down. Some of the military were masked and some unmasked. "You're a rebel", they shouted. "No, I'm not", I protested. "I myself suffered from them". They asked me who was at home. I said, "Children and wife". "How old is your eldest?" – "Sixteen". And the one who was asking said, "Get that 16-year-old bastard down here!" I said that I was a retired police officer, lieutenant. They lifted me up and told me to fetch my documents. Two men went with me into the house. I went to toom where my wife and my children were to ask the wife about my documents and saw that the military were already there, pointing their guns at the children. I've got three of them, the boys, Aslan and Israil, are 3 and 2 years old and the girl, Tamila, is 10 months only. The kids got scared; they were crying. A serviceman said to my wife, "Calm them down, or I'll shoot them". Then he came up to Israil, gripped him and thrust him down on the floor. The boy started crying more loudly. I tried to stand up for them but the men pushed me out of the room. I was brought outside where I saw my three elder sons lying on the ground. Timerlan (born

1991), Amirkhan (born 1992), and Akhmed (born 1994). There were no clothes on them, they'd been dragged right from their beds. I noticed blood on Timerlan's back. I said, "What've you been doing to my children? They're still children". And someone kicked me in the back. I fell down. I was trying to get up but I couldn't. They put something heavy on my back, probably an armored jacket, and started kicking me and hitting me with rifle butts. I could not stand it any longer and shouted out, "I'm a military officer. I've got medals. I have the Order of Courage. I am a veteran of military actions." And then one of the military ordered to stop it. He helped me up, lead me aside, stretched out his hand, saying, "My name's Volodya. Magomet, I'm sorry for all this; we couldn't possibly read it on your face". They photographed my documents, Timerlan's, threw them to the ground and left.

**Eye-witness account by Timerlan Magomed-Gireyevich Aspiyev (born 1991), residing at 27, Zyazikova Street, Ali-Yurt**

I was sleeping with my brothers in the house. And all of a sudden the military burst in; they pulled us outside, we had nothing on but boxers. They said, "You answer our questions. Are you a militant? Do you like them? Why did you fire at us?" I was saying "No" to all their questions. They said, "You're lying". And kicked me on the side really bad. Another man kicked me in the head, and then on the arm. And the third one hit me with a rifle butt on the shoulder. Then father came and they stopped beating me.

**Eye-witness account by Batyr Yakhiyevich Dzeitov (born 1965), residing at 39, Zyazikova Street, Ali-Yurt**

At about 6 a.m., I heard shots and shouts at the neighbors'. Someone was swearing in Russian. I began to dress and some fifteen people in military uniforms ran into the house at this moment, shouting, "All down!" I asked them to introduce themselves and explain what was going on. They started beating me, saying, "It's we who ask questions here. Who shot yesterday? Where were you during the shooting attack?" I said, "At home, having a meal". "You, bastard, when they were killing our guys, you were sitting around drinking tea". And they began beating me again, and with a greater fury. One of them twisted my arm and put his pistol against my ear, another person stood on my feet and the third one put the muzzle of his automatic rifle against my head. Then they started kicking me all over. I was trying to dodge the blows but they beat me more furiously, on the nose, in the teeth. They were beating me until I lost consciousness. When I came to my senses, they were no longer in the yard. They were walking down the street, firing in the air. They had fired in my yard too, but didn't leave a single empty cartridge case – they collected them all.

**Eye-witness account by Issa Tuganovich Batsayev, residing at 5, Yevloyeva Street, Ali-Yurt**

There was a *zachistka* (a mop-up operation) on July 28, here. After my documents were checked, I left my house. There were my neighbors in the street, Alikhan Savarbekovich Batsayev and Magomed Mussayevich Yevloyev. We decided to come to the corner of the street. Mussa Abuyazidovich Daskhoyev was sitting there together with his son. We sat nearby. Military men were walking down Zyazikova Street, 12 or 13 persons. When they were some 20 meters away from us, they started shouting, telling us to lie on the ground, and started firing in the air. They were swearing in the process. After we lay down, one of the men kicked me on the elbow and stepped on my back. I felt it crunch. He was swearing, threatening that he would order to burn down our damn village, that he was ready to be punished for that by 20 years in prison if he heard a shot from our village again. He also said that this was the war of ideas between Christians and Muslims. They didn't let us get up for five minutes and then let us go. I had a heart problem at home. Earlier, on February 6, 2007, I had an extensive heart attack. An ambulance was called in

and I was taken to an intensive care unit at a hospital in Nazran. A cardiogram was taken and the doctor found that I had a preinfarction condition. I had also had two ribs broken, which still makes me hard to breathe and gives me pains in the chest.

**Eye-witness account by Ramazan Yusupovich Nalgiyev (born 1927),  
residing at 59, Ordzhonikidze Street, Ali-Yurt**

At about 5 a.m., I was on my way back from the mosque after the prayer. I saw a group of armed men and tried to pass them by. But four men from the group without saying a word came up to me, knocked me down and started to kick me. They broke my ribs. I'm an old man, one needn't beat me long. When I stopped moving, they stepped off me and one of them said, "An old man's been killed".

**Eye-witness account by Marzhan Khasayevna Dobrieva (born 1941),  
residing at 24, Zyazikova Street, Ali-Yurt**

At about 5.30 a.m., I heard someone banging on the door. I opened the gate. They shouted, "You, bitches, get us your men who shot yesterday!" Six armed men broke into the yard; some were masked. In the house my four daughters and a 5-year-old granddaughter were sleeping. The armed men demanded, using swear words, that I bring them out. When one of the daughters, Rita (born 1972), asked, "Why are you swearing?", they hit her. Some time later, the men left. I wanted to look out of the gate but they ordered me to stay in the yard. I was only able to spot two white Gazel vans without license plates.

**Eye-witness account by Vakhab Dobriyev (born 1961),  
residing at 24, Zyazikova Street, Ali-Yurt**

I woke up because someone was shooting in the neighbors' yard. I wanted to come out when I felt the muzzles of two automatic rifles against my head and my stomach. I was put down on the ground. They started kicking me and hitting me with rifle butts. "You're a militant! You're already old for that. Where's your accomplice who shot last night?"

At that moment, my 14-year-old son came out of the house. They hit him right away and put him on the ground by my side. While we were lying, they demanded of my wife to show them my passport. She brought it but they didn't even look at it. They threatened to kill me if I left the yard; they fired a burst in the air and went away.

**Eye-witness account by Petimat Tatriyeva (born 1966),  
residing at 27a, Zyazikova Street, Ali-Yurt**

When I was woken up by the noise, I thought it was a bombardment. We were five at home – my sick husband, our three children (born in 1991, 1997 and 2005) and my 16-year-old nephew, who came from Moscow to see us. I rushed into the yard and only then did I realize that someone was banging on the iron gate. I opened up. A group of armed men rushed into the yard. Some were masked; some were not; there were about 15 people all in all. Someone put his automatic rifle against my forehead and someone – a pistol against my neck. "Where are the men? We count till five. If they are not out here by then, we'll throw a grenade into the house". I was very scared and said that they all were sleeping in the house. Still, one of them said, "I start counting..." I couldn't do as I was told because the gun was still pressed against my head. I was begging them not to harm the children. And at that moment I saw my elder son, Akhromat, 15 years old, who came out to see what was going on. The military fell on him and bashed him up before my very eyes. My husband came downstairs later. He is lame after a car accident. They also started to beat him on the kidneys and they pressed their fingers on his eyes. "Where are they? Who are they? You've killed a lot of our guys", they shouted. They pulled my nephew out from the second floor into the yard and put him on the ground. When he tried to explain that he

was just visiting us and that he actually lived in Moscow, they said, “Say in Moscow that we’ll waste all of your kind there, too”.

**Eye-witness account by Zainap Uvaisovna Ganizheva (born 1954),  
residing at 7a, Ganizheva Street, Ali-Yurt**

The military broke into our yard. Some were masked. They said they were checking documents. But I saw no documents of theirs. They asked if there were weapons in the house. I said there weren’t. Then they asked about our car, its whereabouts. When I asked why they needed it, they said that it had been spotted during a shooting attack in Magas. The car was at my brother-in-law’s yard at 37, Yandiyeva Street. My daughter, Zalina, went to show the military his house. They returned with my nephew, Akhmed Ganizhev. The men put him and my son, Ruslan Ganizhev (born 1980), into a blue VAZ car and drove them to the edge of the village. I went together with them. The military had some sort of a headquarters there; I saw a tent. Their commander said that he was taking the boys for a check-up.

**Eye-witness account by Yusup Akhmet-Aliyevich Tsoroyev,  
residing at 37, Zyazikova Street, Ali-Yurt**

At about 5 a.m., armed men broke into my house. They didn’t ask for my documents and didn’t say who they were. They were swearing and firing in the yard from automatic rifles. My wife, Tanzila Akhmedovna Esmurziyeva, and I were pulled out into the yard. They knocked me down with a rifle butt and started kicking me. They pressed a rifle barrel against my bare back. It was hot after the firing. They jeered at my wife; she is a Category Two disabled person and expecting. The baby’s due in a month. After they’d gone, we had to call in an ambulance for my wife.

*Information by the Memorial Human Rights Center in Nazran*

## Illegal detention and torture of Khasiyev and Ipayev at ORB-2

On February 20, 2007, at the entrance to the town of Urus-Martan officers from unidentified security agencies arrested two residents of the village of Goiskoye, the Urus-Martan District: **Ramzan Shirvaniyevich Khasiyev** (born 1976) and his relative, **Shakhid Sultanovich Ipayev**.

Khasiyev and Ipayev were traveling on their car to the town of Urus-Martan. When they made a stop to fill the car, they were approached by armed people dressed in camouflage uniforms, who were ethnic Chechens. The unknown men grabbed their arms and placed handcuffs on the wrists. Khasiyev identified an officer of CR MVD PPS (Patrol and Point Duty Service) battalion, Isa Akhmadov, among the security officers who carried out the detention.

Khasiyev and Ipayev were pushed into an UAZ jeep and driven to the building of the Urus-Martan ORB-2 (Investigations and Law Enforcement Operations Bureau No.2). There they were searched. Khasiyev had his mobile phone, documents for his car, passport, his card of a participant in military actions, his son's birth certificate, and 500 rubles taken away from him.

The detained men were taken to different rooms to be individually interrogated. According to Khasiyev, head of ORB-2 Rukman Yakubov personally gave orders to use torture against the detained men.

During the interrogation, Ipayev was asked about Ramzan Khasiyev's activities. The interrogators also tried to persuade Ipayev to make allegations that a relative of his was guilty of illegal activities. Shakhid was subjected to brutal beatings and insults.

Interrogation of Khasiyev was conducted in another room. According to Ramzan, he was interrogated by an ORB officer, S.-Kh.D. Murtazaliyev, who first tried by threats to make Khasiyev incriminate himself and then started beating him. Khasiyev was subjected to suffocation with a plastic bag and tortured with electric shocks until he lost consciousness. An ORB officer under the direction of a doctor administered artificial resuscitation to him, trying to bring him round. They did not remove the plastic bag from his head – just made a hole in it. The head of the ORB Yakubov was also present there.

When Khasiyev came round, Yakubov said that he could not release him in "such condition". On his instructions, Ramzan was taken to a room on the first floor, where they tried to serve him tea and a meal and offered him some vodka. Those people were polite; they called those who had tortured Khasiyev sadists; however, by their voices Ramzan realized that those were the same people who participated in his interrogation.

Khasiyev was held at ORB-2 for more than eleven hours. He was released by his brother, an officer from a different security agency. Immediately after his release, Khasiyev was taken to a hospital in the town of Urus-Martan, where doctors carried out a full examination. It was established, as a result, that Khasiyev had a brain concussion; multiple bruises; abrasions on the body and the upper and lower limbs; and a bruise on the right lumbar region and the lumbar spine.

Ipayev was released together with Khasiyev. Before his release, he was approached by Rukman Yakubov, who threatened him with a new detention should he tell anybody about how he was treated at the ORB.

Ramzan Khasiyev and his five brothers since December 1999, participated in a "counterterrorism operation" in the territory of the Chechen Republic, being police officers and soldiers of the rifle company at the military commandant's office of the Urus-Martan District. In July 2004, in the city of Grozny two Khasiyev's brothers were killed by unknown people. As of the time of their death, they were officers of *Zapad* [West] Battalion.

Ramzan Khasiyev was in the past head of a territorial police precinct; however, later, he left of his own accord. Two his other brothers continue to serve in law-enforcement agencies.

On March 5, 2007, the Urus-Martan Prosecutor's Office opened Criminal Case No.17018 under Paragraph "a" Part 3 of Article 286 of the Criminal Code of the Russian Federation into the torture of Ramzan Khasiyev. An investigation team was set up, consisting of three persons, to conduct preliminary investigation. On that same day, forensic examination of Ramzan Khasiyev was carried out. The examination confirmed that Khasiyev had multiple abrasions and bruises on the body and on the limbs and a brain concussion.

It should be noted that it is the first criminal case opened in the Urus-Martan District into the torture by officers from security agencies.

#### **Extract from an interview with Ramzan Khasiyev:**

...At the entrance to the town of Urus-Martan my relative, Shakhid Ipayev, and I made a stop to have our car filled. We hardly finished filling the car when armed people approached us. They demanded that we get out of the car. I asked them to present the reasons why they wanted us to get out of the car and requested to see their documents. In response, the officers forced me out of the car, wrenched my arms behind my back and handcuffed me. It all happened with witnesses, fuel truck drivers, around.

I recognized an officer from the CR MVD PPS battalion, Isa Akhmadov, among the officers who detained my relative and me.

These people pushed me into an UAZ jeep and took us to the building of the Urus-Martan ORB-2. There we were taken to the second floor and led to separate rooms. I was immediately searched. My mobile phone, documents for my car, passport, my card of a participant in military actions, my son's birth certificate, and the money in the amount of 500 rubles were taken away from me. After that, the head of ORB-2 Rukman Yakubov gave his officers instructions to put additional handcuffs on my fingers.

I was taken to some room. I noticed that the floor in that room was concrete and partially covered with linoleum. There I was approached by officer of ORB-2 S.-Kh.D. Murtazaliyev. He started threatening me and demanding that I confess to some crimes. I said I had nothing to confess, since I had committed no crimes. After that they put a plastic bag on my head from behind at the same time as Murtazaliyev gave a several punches on my body. Then they fastened that bag by a string tied on my neck and put additional handcuffs on my fingers. They pushed me to the floor and started kicking me. After those cruel beatings I was chained to some device there on the floor. They fastened my legs and attached clamps with wires, after which they tortured me with electric shocks.

I lost consciousness and regained it when someone tried to bring me round by administering artificial resuscitation. A doctor was standing to my right, giving instructions to the ORB-2 officers. To avoid suffocation an ORB-2 officer, whom I can identify, was holding my tongue that fell back in the throat. The officer of this same bureau S.-Kh.D. Murtazaliyev, who had handcuffed, threatened and beaten me, was also standing there. I heard the head of ORB-2 Rukman Yakubov remark to his subordinates that they had almost killed a person under arrest. They replied that they had been following his orders.

Upon seeing that I came round, Rukman Yakubov said they could not release me in such condition. On his instructions, I was taken to a room on the first floor, where they tried to serve me tea and a meal and offered me vodka. Those people were polite; they called those who had tortured me sadists; however, by their voices I realized that those were the same people.

I was held at ORB-2 for more than eleven hours. Immediately after my release, my brother took me to the Central District Hospital of the town of Urus-Martan, where doctors carried out a full examination. The examination revealed that I had a brain concussion; multiple bruises; abrasions on the body and the upper and lower limbs; and a bruise on the right lumbar region and the lumbar spine ...

### **Extract from an interview with Shakhid Ipayev:**

... On February 20, 2007, my relative and I went by car to the town of Urus-Martan to visit the Central District Hospital and a car market. At the entrance into the town of Urus-Martan we stopped at a filling station to have our car filled. We hardly finished filling the car when armed people in camouflage uniforms came to us and ordered us to get out of the car.

Ramzan Khasiyev asked the officers from security agencies to introduce themselves and show their documents. He also asked them to present the reasons why they wanted us to get out of the car. However, the security officers did not introduce themselves and showed no documents. They dragged us out of the car, handcuffed and then forced us into a "dog house vehicle", a police UAZ jeep. We were taken to the building of the Urus-Martan ORB-2.

When we arrived at ORB-2, we were immediately taken to the second floor and led to separate rooms. As soon as I found myself in one of the rooms, I was placed against the wall. Officers started interrogating me. They were mostly asking me about my relative, Ramzan Khasiyev, and his unlawful activities. During the interrogation, they systematically banged my head against the wall and subjected to beatings. They also were insulting and morally humiliating me. This torture lasted for eleven hours, until I was released.

Before my release, I was approached by their commander (I do not know his name), who started threatening me. He said that should I tell anyone about how I was treated at ORB-2, he would give orders to arrest me again and then I would be treated differently...

*Information Report by the Memorial HRC Representative Office in Nazran*

## Abduction of Elina Ersenoyeva and her mother

On August 17, 2006, at around 9.00 a.m., unknown people abducted **Elina Alaudinovna Ersenoyeva** (born 1979) in the center of Grozny. She was graduated with a degree in journalism from the Chechen State University and worked at the public organization Info-Most and as a freelance correspondent of the newspaper *Chechenskoye Obshchestvo* (*Chechen Society*).

She agreed to meet in the center of Grozny with her aunt Rovzan, a 40-year-old sister of her mother. As soon as they met, two dark-colored VAZ cars pulled up near them. Elina and Rovzan were invited to get into the cars. Elina refused and ran away to some distance; however, she was threatened that she would be put into the car by force. According to Rovzan, as soon as they drove off, a plastic bag was put on her head and she did not see anything as they drove.

Some time later, the cars stopped; Elina and Rovzan were taken out of them and led into some room; there a bag was taken off Rovzan's head. She called out to Elina and the latter responded from the room next to her. Rovzan called her, but Elina did not go out and did not call back any longer. After that Rovzan was offered apologies, had a bag put on her head and driven back into the city. When she was dropped, she asked about her niece. She was told that Elina was on the adjacent street.

Rovzan does not know where she was taken to; she only says that all her abductors were Chechens.

*Information Report by the Memorial HRC Representative Office in Nazran*

### **Address by Svetlana Gannushkina, Acting Chairwoman of the Memorial HRC Council, to the Prosecutor General of the Russian Federation Yu.Ya. Chaika**

Ref.no. 180/06 CG  
of August 28, 2006

The RF Prosecutor General  
**Yu.Ya. Chaika**

Copy to: The CR Prosecutor **V.A. Kuznetsov**

*Dear Yury Yakovlevich,*

A resident of the city of Grozny, Elina Alaudinovna Ersenoyeva (born 1979), who is a graduate of the school of journalism at the Chechen State University, worker of the public organization Info-Most and a freelance correspondent of the newspaper *Chechen Society*, was abducted in the center of the city in the morning of August 17 this year.

At around nine in the morning on August 17, Elina met her aunt, Rovzan. Immediately, two cars pulled up near them and the people who got out of them forced the women to get into their vehicles. Plastic bags were put on their heads and they were driven away in an unknown direction. On that same day, again with a bag on her head, Rovzan was taken back. Elina was allowed to call her mother; she said she would be released soon. However, this has not happened until now.

During the week that followed the abduction, an atmosphere of sensational rumors was created around the story of Elina Ersenoyeva. Rumors spread by irresponsible individuals about

Elina's relationship with Shamil Basayev could prompt Elina's abductors to take dangerous steps.

Workers of Memorial Human Rights Center in Grozny met Elina's mother, Margarita Ersenoyeva, and wrote down her account of what had happened in their family during the past few years. (*The text of the account is attached*).

Dear Yury Yakovlevich! We ask you, while there is still an opportunity to avoid tragedy, to take immediate actions to put the Elina Ersenoyeva case into the context of law.

It is not important now whether the rumors have any grounds or otherwise. The whereabouts of Elina Ersenoyeva should be established and reported to her relatives. If she is a suspect or an accused person, she must be given an opportunity to invite a lawyer.

We ask you to take Elina Ersenoyeva's case under your control and ensure that an effective investigation into her abduction is carried out and the persons who carried out it are established.

I also draw your attention to the need to identify the group of people continuously carrying out abductions in the Chechen Republic and take immediate and appropriate measures to have this practice discontinued.

*Sincerely,*

**Svetlana Gannushkina**

*Acting Chairwoman of the Memorial HRC Council,*

*Member of the Civil Society Institutions and Human Rights Council under the President of the Russian Federation  
(appointed by Decree of the RF President No. 1417 of November 6, 2004).*

**Account of Margarita Ersenoyeva, mother of Elina Ersenoyeva  
(written down from her own words by a Memorial HRC worker  
in the city of Grozny on August 24, 2006)**

In 2004, Elina Alaudinovna Ersenoyeva (born 1979) graduated from the school of journalism of the Chechen State University with honors. By the recommendation of the vice-principal of the University and Dean of the School of Journalism Lema Turpalov, she took a two-week seminar held by Reuters in the city of Moscow. Then she started to work with the UNICEF-funded Youth Committee at the Chechen Government.

Along with her mother, Margarita Ersenoyeva, Elina lived in Grozny. They occupied part of a house owned by an elderly couple.

In 1998, Margarita divorced her husband. During the first war, Alaudin worked as a driver for the Russian Mission in Chechnya. In August 1996, when the storming of Grozny began, he hurried to work – they had just received new vehicles and he wanted to save at least some of the equipment. A shell exploded near him. Alaudin was seriously wounded: he lost an eye and his internal organs and a leg were injured.

After peace set in, harassment of their family was started because of Alaudin's stint with the Russian Mission. They began to receive threatening notes. Even their neighbors were threatened to keep out of touch with them, not to mention their sons. As Margarita said, she asked for a divorce to save the children. Alaudin went to live with his parents.

In May 2005, Margarita was abducted by unknown people on her way back from the market place where she was selling shoes. They brought her to a house where she was severely beaten by a young Chechen. Then she remembers that a Russian officer entered the room, who said, "Ilias, you shouldn't beat a woman so badly". He took her passport, went to an adjacent room and read out her data to someone as if conveying it over the phone. Then he returned and said there was a mistake. She complained about Ilias and he promised to punish him. Margarita was brought back to the same place so that she couldn't see the road and they apologized. Her body was bruised all over.

Shortly after that she was abducted again. And again she met Ilias. She asked him not to harm her as she had just had an operation but he said that because of her he had lost his monthly salary of 500 US dollars and bashed her up. She was released but they demanded 1,500 US dollars. She gave the money. Later she was assaulted in the street; they beat her up and stole 6,200 rubles (250 US dollars) and her golden earrings.

Elina told this to her boss in the Youth Committee, Dina Shagidayeva, who promised to ask for help of Ramzan Kadyrov. Soon two young men came to her place. One introduced himself as Abu, investigator from Gudermes, and the other – as Isa, his aide. They met at the Youth Committee. They promised to help Margarita, saying that they knew of 15-16 women who had been extorted money in a similar way. In fact, they were probably far more of them, but the rest kept silent.

Shortly after that, Margarita was sitting at the market and saw Ilias's people hanging around and showing her some signs. She called Abu to find out that he was out of Grozny. He suggested that she call Isa. When she called Issa, he promised to come immediately. She waited for an hour and a half in vain. She was beaten up again and her money was taken away from her. The promised help did not arrive.

Elina was dating a young man, who also worked at the Youth Committee. In the autumn he had to go somewhere and he told Elina that he would be back in spring and they would get married. However, on November 29, 2005, Elina suddenly called her mother and said that she got married. She asked where her husband's elder relatives could come and tell her about it officially. The mother was surprised and wondered if Elina had married for love. Elina answered in the affirmative.

Indeed, some time later there came an old man who said that Elina's husband was Alikhan Abuyazidov (probably, an assumed name); he lived in Grozny and his family came from the Vvedeno District of Chechnya. A woman came, who brought presents and introduced herself as Alikhan's mother. She said that her daughter and she were leaving for Canada soon, and Margarita never saw her again. In December, Elina unexpectedly showed up at home and said that her husband had gone on a business trip and while he was away she would live at her mother's place. Some ten days later, she called her mother and said that the husband was back. The same thing happened in December and January.

The news of Basayev's death caught Elina at home. She learned it from the television. The mother noticed that her daughter gave a sigh of relief but never thought that there was something personal about that. In a short while, security officers paid them a visit. They questioned Elina, her 22-year-old brother and Margarita. Only then did Margarita realize who Elina's husband was. The FSB men said they'd learnt everything they wanted and Elina was of no interest to them any more. They also said that they'd been watching her long, showed her records of her telephone calls and added that they had checked out all her links.

After they were gone, Margarita asked Elina why she had never told her about it. To which Elina answered that she couldn't help her anyway, the more so that the mother had very bad health problems, had undergone several operations and was in a predicament with the extortionists.

Elina told Margarita that in late November 2005, she had a visit at her office from the wife of Abdul-Khalim Saidulayev (*President of the Chechen Republic of Ichkeria who was killed later on*). Elina met that woman in the past. The woman said that she had a good man for Elina, but if she didn't want to marry him voluntarily she would be forced to do that. She hinted that not only her mother would suffer, but her brothers, too. Elina realized that no one could help her in the situation...

Then the developments of August 17, 2006 took place.

Margarita claims that the statement by the Council of Nongovernmental Organizations that after her daughter's abduction someone was calling them and threatening them, demanding that her son appear somewhere is not true to fact. Her son was summoned to the Grozny ROVD, whereto they reported about Elina Ersenoyeva's disappearance.

**Address by Lidiya Yusupova,  
lawyer with Memorial Human Rights Center**

**To all lawyers in the world!**

Dear colleagues,

I am seeking your assistance.

On October 12, 2007, the Leninsky District Court in Vladikavkaz (the North Ossetia-Alania Republic) has returned a ruling to allow institution of criminal proceedings against our colleague Irina Kodzayeva, lawyer from the Vladikavkaz Legal Advice Office No.1.

The following events preceded the court decision.

On August 27, 2007, having arrived at the Pretrial Detention Center of the North Ossetia Ministry of Interior, lawyer Kodzayeva learnt that one of her defendants, Nazir Mudzakhoyev, was taken away that morning to perform investigative actions and was still held at the office of the investigation team from the Prosecutor General's Office. As required by law and in the belief that this was her duty to participate in the investigation activities performed with her defendant, Irina Kodzayeva demanded that she should be allowed to be with Mudzakhoyev during the investigative actions.

However, the investigation officer, who entered the room, shut the door in front of her and locked it. This was the cause of major concern on the part of the lawyer because many of her defendants gave testimonies extorted by torture. Nazir Mudzakhoyev has been informing Kodzayeva that in the past six weeks he was under repeated threats of violence to make him plead guilty to the crime he didn't commit and to decline the services of lawyer Kodzayeva. In her practice Mudzakhoyev is already the fourth defendant who was being forced to decline her services under threats, blackmail and physical violence and to plead guilty to trumped-up charges.

While performing her professional duty, lawyer Kodzayeva was insisting on being allowed to be with the defendant in order to make sure that there was no violence used against him. Failing that, Kodzayeva tried to enter the room right on the foot-tracks of one of the investigators. Viktor Pereverzev, an investigation officer of the Directorate of the RF Prosecutor General's Office for the Southern Federal District, met her in the office. First, he pushed her out of the way and then slapped her on the head. This made Kodzayeva hit her lip on the doorframe. She felt acute pain and seized the door handle to keep her balance. Pereverzev forced the door closed from the inside.

Irina Kodzayeva went to a doctor and lodged a complaint with the Interior Ministry office in relation to what had happened. After one month, Irina Kodzayeva was notified that her application on the institution of criminal proceedings had been refused.

At the same time, she was notified that investigator Viktor Pereverzev had been transferred to a different job but before that he had lodged an application saying that lawyer Irina Kodzayeva had manhandled him.

The law requires a court decision in order to bring a case against a lawyer. The court session was postponed many times, but, finally, **on October 7, the Leninsky District Court in Vladikavkaz issued a ruling that permits to start a criminal process against lawyer Irina Kodzayeva.**

All of us, the lawyers working in Chechnya, Ingushetia, Dagestan and the rest of the North Caucasus, have many times seen our defendants after they have been tortured and exposed to physical or moral humiliation. Each of us knows what the chances were of proving innocence of

our defendants in court. Imagine how helpless we may feel when our court returns its verdict of GUILTY on charges framed up by Mr. Pereverzev and other “ardent law enforcers” like him!

With our tacit consent the criminal frame-up, tortures and collusion between investigation and judiciary bodies are spreading all over Russia.

Today a lawyer was manhandled and given a criminal law process, and this makes citizens lose their last hope of being protected against arbitrary practices.

Lawyer Irina Kodzayeva is one of those – not many in number – who dare to defend the objectionable people and for whom the ethnicity of the defendant does not matter because she is seeking guidance only in law and truth.

I am urging you, my colleagues in law, to display solidarity and support Irina Kodzayeva. She needs our help now.

Raise your voice in defense of lawyer Kodzayeva.

Demand the stoppage of persecution of Irina Kodzayeva.

Send your letters to the Prosecutor General’s Office of Russia.

**Prosecutor General’s Office of the Russian Federation**

**PROSECUTOR GENERAL**

**Yury Yakovlevich Chaika**

**GSP-3, Moscow 125993, Russia**

**15a, B. Dmitrovka Street**

**Tel.: (495) 692-26-82, 691-60-66**

*Lidiya Yusupova*  
*lawyer, nominated for the Nobel Peace Prize in 2006 and 2007*

## **Abduction of Sultan Barakhoyev from the settlement of Kartsa, the North Ossetia-Alania Republic**

**On January 10, 2007**, at around 10.30 p.m., a local resident, **Sultan Abdul-Khalitovich Barakhoyev** (born 1982), was abducted from the settlement of Kartsa, the Prigorodny District, the North Ossetia-Alania Republic, by a group of unknown people, presumably working in the security agencies.

Late that night, Sultan Barakhoyev and his friend Vakha Shamaudinovich Keligov (born 1985), were returning home from a party. At the crossing of streets Druzhba and Rabochaya they approached a white VAZ-2107 car (license plate number 957, region 15). A man in plain clothes and Soslan, an officer from a local police precinct of the settlement, also in plain clothes, got out of the car.

Soslan greeted Sultan and Vakha and asked Sultan who his friend was. Sultan gave the friend's name and added that he was a football player of the Ingush team Angusht. Soslan was quite cordial with Vakha. At this point, two cars abruptly came off the main street (Kartsinskaya Street). (Presumably one of the vehicles was an AUDI – 100 or a Volkswagen in golden or metallic color). Eight young men in plain clothes ran out of these cars. The unknown man who had been with the local police officer took Vakha by the hand and said: "Hush" and then handed Vakha to the new arrivals. They started to push Sultan and Vakha into the cars.

Vakha resisted and cried for help. There was nobody in the street, nobody reacted to the cry. Vakha managed to set himself free. He started running along the Druzhba Street. Two men and the VAZ-2107 car followed him, but Vakha managed to run away. He ran to his home and told his family about what had happened.

At about 11 p.m., he and his relatives went to the settlement police precinct and informed the police about the abduction. Police officers said they knew nothing about the incident. Neither could they give the whereabouts of Soslan, the local police officer. Vakha and his relatives wanted to submit a relevant application but police officers refused to accept it.

An officer from the Promyshlenny District ROVD (District Department of the Interior Ministry) of the city of Vladikavkaz happened to be at the police precinct of the settlement. He made a phone call to his police department and found out that Barakhoyev was there. Vakha and his uncle went to that police department. The police officer on duty confirmed that Sultan Barakhoyev had been taken there but could not explain what for.

Vakha and his uncle went home, informed Barakhoyev's family and returned back to the Promyshlenny District Police Department together with them. This time they were not allowed to enter the premises of the police department. Officers refused to answer any of their questions.

On January 11, in the morning, Sultan Barakhoyev's uncle went to the Promyshlenny District ROVD and tried to find out what had happened to his nephew. An investigation officer came out to him (the officer's name was Givi) and said that Sultan was searched and found in possession of a grenade.

On the same day, Vakha Keligov and Sultan Barakhoyev's uncle went to Nazran to the local office of Memorial HRC. Vakha Keligov wrote a statement supplying the details of Sultan's abduction. The Barakhoyev family hired a lawyer.

On January 11, late in the night, Sultan Barakhoyev was released under a recognizance not to leave. He is still accused of illicit possession of weapons.

On January 13, Barakhoyev lodged a written application with the Memorial HRC, supplying the details of his abduction. He confirmed the story given by Vakha Keligov and more accurately specified the other two cars – an AUDI of silvery color and a white Volkswagen. Sultan also gave the name of the local law enforcement officer who took part in his abduction – Soslan Tsorayev.

Sultan gave account of the events that followed his abduction. He was forced into one of the cars. Although he had his jacket wrapped over his face, he could still see something. Five minutes later, the car where Sultan had been forced into stopped on Kartsinskoye Highway near School No.37. Sultan could see that the VAZ-2107 stopped in front of them. Soslan Tsorayev got out of the car (Sultan recognized him by his cap) and walked to the building of the police station located 200-300 meters away.

As soon as Tsorayev was gone, the VAZ and the car, in which Barakhoyev was kept, continued moving in the direction of the city. The man in the front seat got a call on his phone. He spoke to someone in the Ossetian language for a few minutes.

He finished talking and said to the driver in Russian: "The other one ran off. What do we do with this one?" Then an animated conversation followed. By bits of sentences pronounced in Russian and by a few words that Sultan knew in Ossetian he realized that the abductors were discussing to which police department they should take him. Later he learned that they brought him to the Promyshlenny District Police Department in Vladikavkaz. Barakhoyev was taken to an office, and there the abductors and police officers gave him a bad beating. They were shouting abuse at Sultan and about the Ingushes. The young man had his head tied in a plastic bag and started to suffocate. The beating made Barakhoyev lose consciousness. He came to after police officers splashed cold water on him.

When Barakhoyev regained consciousness one of the police officers searched him in the presence of "attesting witnesses". First, he inspected the right pocket of his jacket and took out a grenade and then he produced a grenade fuse from the pocket on the jacket's left sleeve. This was the end of the search. The police officers didn't check other pockets. After having been searched Barakhoyev was taken to the office of the investigation officer.

During the interrogation, Barakhoyev told the investigator how he came to this police station and how the grenade was planted in his pocket. After the interrogation he was taken to a confinement cell.

On the evening of January 11, lawyer Kodzayeva came to Barakhoyev and with her mobile phone she photographed his bruises caused by the beatings. At around 9 p.m., – two hours after her visit – Barakhoyev was released under a recognizance not to leave. Before that he was forced to decline the services of a lawyer and sign a testimony saying he didn't know how he got the grenade and the fuse in the pocket of his jacket.

In the end of his statement Barakhoyev wrote:

*"Ingushes living here (i.e. in North Ossetia – Memorial HRC) constantly anticipate provocations, arrests and abductions from the police that are composed exclusively of Ossetian. We are living here as if it were a reservation: we have no rights, no jobs ..., no opportunity to move freely, etc. Any complaints by Ingushes against arbitrary actions by the authorities and police officers of Ossetia lead to no inquiries."*

Sultan Barakhoyev asked Memorial HRC to help him defend his rights.

On that same day, Barakhoyev wrote an appeal addressed to the head of the RF FSB (Federal Security Service) Patrushev. In this appeal he is asking the Director of the Federal Security Service not to send his statement to the law enforcement agencies in North Ossetia for a check because he does not believe that the check can be fair.

*Information Report by the Memorial HRC Representative Office in Nazran*

## **Abduction of the Yandiyev brothers from the village of Dachnoye, the Prigorodny District of the North Ossetia-Alania Republic**

**On December 12, 2006**, at 6.50 a.m., officers of unidentified federal security agencies unlawfully detained two local residents, **Beslan Ortsoyevich Yandiyev** and his brother **Aslan Ortsoyevich Yandiyev**, in the village of Dachnoye, the Prigorodny District of the North Ossetia-Alania Republic.

According to Khava Yandiyeva, the wife of Beslan Yandiyev, armored personnel carrier and other motor vehicles, which carried the soldiers of the federal security agencies (most of them were wearing masks), blocked their courtyard on all sides. Having burst the door open, they broke into the house and shouted: “Bitches, go down, everybody!”. One of the arrivals pointed a gun at Khava who was lying on the floor with her child. When she asked in fright: “What happened?”, another man replied: “There is going to be a war against the Ingushes – every day and as long as they live”. Khava and her children were forced into another room.

Beslan Yandiyev, who had nothing on but his underwear, was dragged outdoors, tied up and put on the ground. Unwarranted search was being performed in the house. Khava managed to get out of the room where she had been placed and watched what the soldiers were doing. When she entered the living room, she saw one of the security officers throw a cloth parcel under the table. Then they called in a man with a video camera. The latter recorded how the cloth parcel was being removed from under the table and unwrapped: it contained a pistol and a silencer. The security guys started shouting at Khava: “What is this?” The woman replied this was a pistol that they themselves had planted under the table. An officer branded his fist against her but then restrained himself, pushed her against the wall and out of his way and then went out.

Khava followed him. The servicemen in masks over their faces were searching the courtyard. Right before her eyes they planted grenades in a bag of hay. The “discovered” grenades were recorded on video. There were no invited witnesses present during either of these episodes. According to Yandiyeva, there were no attesting witnesses at all.

Meanwhile the security agencies servicemen engaged in explicit plunder: from the house they stole 143,000 rubles, around 17,000 US dollars and jewelry that cost approximately 80,000 rubles. When Yandiyeva demanded that the stolen money and things be returned, the servicemen shouted invectives at the woman. One of them said: “Now you can write a letter to your /.../ President; let him take care of you (he meant Murat Zyazikov, President of Ingushetia).

When the search was over the security servicemen took Beslan Yandiyev away. They didn't say whereto. “Soon there will be no more Ingushes in this village”, said a serviceman to Khava Yandiyeva. She believes he was a commander of the operation. His subordinates called him “Marik”.

According to Khava, Beslan Yandiyev recognized one of the security servicemen as someone whom he had known as an Ossetia security agency staff member. He addressed the man by saying: “Ruslan, when I was having tea with you in the local self-government administration office I didn't think you were so mean”.

Khava Yandiyeva is confident that servicemen from the North Ossetia RUBOP (Regional Directorate for Combating Organized Crime) – Marik Hamtsiyev is its chief – and from the UFSB (Federal Security Service Directorate) for North Ossetia were taking part in the armed provocation at her home.

Security servicemen detained Ruslan's brother Aslan Yandiyev under similar circumstances. During an unwarranted search in his house some grenades “were found” and money and valuables were stolen.

Khava Yandiyeva wrote an application to President Vladimir V. Putin, the RF Minister of the Interior Rashid G. Nurgaliyev, the RF Prosecutor General Yury Ya. Chaika, the RF Federal Security Service Director Nikolay P. Patrushev, the RF Deputy Prosecutor for the Southern Federal District Ivan I. Sidoruk, Prosecutor of the North Ossetia-Alania Republic German Shtadler and the Head of the North Ossetia-Alania Republic Taimuraz D. Mamsurov seeking their help.

Beslan Yandiyev's family returned to the village of Dachnoye in 1997. In the recent period, this family has been searched at the rate of two to three times a month, Yandiyev being accused of various alleged offences. He was not given any valid substantiation of those. According to the information received from UFSB of the North Ossetia-Alania Republic, officers of the district prosecutor's office had tried to institute criminal proceedings against Yandiyev.

*Information Report by Memorial HRC*

## **Abductions (disappearances) of people in Dagestan in 2007**

**On January 10, 2007, Ramazan Mukhamedovich Kurbanov** (born 1980), a resident of the Republic of Dagestan and presently living in the Russian city of Astrakhan, disappeared in the city of Makhachkala. He disappeared in unclear circumstances and without leaving any trace.

On January 9, he was in Makhachkala visiting his second wife who lives at 11, Perova Street, the Settlement of Separatory. Ramazan left this address on January 10, and went to his parents to the town of Kizilyurt. He didn't return home that day.

His relatives made inquiries in all security departments in the city but their officials denied the fact of Kurbanov's detention. The staff members of the Directorate for Combating Organized Crime (UBOP) who did not wish to identify themselves sold the testimony that Kurbanov had allegedly made on January 10, 2007 to Major M.O. Asyukevich from the UBOP of the Dagestan Republican Ministry of the Interior for 1,000 rubles. In his testimony Kurbanov confessed to the involvement in a criminal group and planning of terrorist acts in the territory of the Buinaksk District, the Republic of Dagestan.

According to his relatives, some facts from his biography indicate that Ramazan did make the testimony but, obviously, under physical pressure.

On May 25, 2007, the Sovetsky District Prosecutor's Office instituted criminal proceedings based on the elements of the offence under Part 2, Article 126 (abduction of an individual by a group of people having a prior collusion) of the Criminal Code of the Russian Federation. As of September 30, 2007, Ramazan Kurbanov's whereabouts have not been established.

**On March 16, 2007, Saipulla Akhmedovich Ibragimov** (born 1985), residing at 101, Salavatova Street, Khasavyurt disappeared in unclear circumstances.

After lunch, Ibragimov went to the market place where his cousin was working. According to the cousin, at 5 p.m., Saipulla went home but never reached it. On that day, his family did not look for him because they thought that Saipulla was staying overnight at his sister's home as he often did.

On the next day, the security servicemen searched the market place shop container that belonged to Zagidat, Ibragimov's mother. The container was unused for two years and closed. The family assumes that the security servicemen from Makhachkala performed the search. Rust-coated ammunition was discovered on the roof of the container. The search was performed without a warrant. The owner of the container had not been notified. The market manager has been acting as an attesting witness and he refused to give any comments whatsoever. The Ibragimovs have not seen any protocol of the search.

According to Saipulla Ibragimov's relatives, starting from September 2006, RUBOP officials Abdurzak and Raip came to their house several times and took Saipulla to their office for interrogation. Allegedly, they offered him to be their informer and promised to pay 15,000 rubles a month for that but Saipulla refused. Then they threatened him he would have problems.

After the latest interrogation Ibragimov's mother sent him to the village of Kupa where he stayed for four months. Then she brought her son back because she felt lonely without him. One month passed and Saipulla disappeared. The family is saying that he was abducted by the servicemen from the UBOP of the Dagestan Republican Ministry of the Interior. As of September 30, 2007, Saipulla Ibragimov's whereabouts have not been established.

On **April 25, 2007**, **Ramaz Abutalibovich Dibiroy** (born 1981), having residence at 20, Akushinskogo Prospekt, 7<sup>th</sup> line, Makhachkala, disappeared in unclear circumstances.

In the evening, he left home because he had a date with his bride Karina Dadayeva. At around 8 p.m., he saw the girl home (40 (a), Petra Pervogo Street, apt. 23) and said that he would place some money in her mobile phone account and then go home. At 3.31 a.m. that night, Karina Dadayeva had a call on her mobile phone from Ramaz' phone. When she answered, she heard men shouting. Her would-be husband was shouting too.

On April 26, in the morning, Karina made several calls to Ramaz. The network was active but the user kept canceling the call. At lunchtime, there came one more call from Ramaz' phone. Karina heard two men talking about what is to be done with the phone (Ramaz had two phones. Karina was the only person who knew the number of the second phone. It looked like the men were talking about the first phone). One of them asked: "What do we do with the hand-set and the SIM-card?" The other replied: "Pull out the SIM-card and switch off the phone". After this both Ramaz' phones were switched off. No one heard of him since then. As of September 30, 2007, Ramaz Dibiroy's whereabouts have not been established.

Some time before this, on April 23, 2006, Ramaz Dibiroy disappeared in a similar way. During several days, his family was looking for him everywhere, but all in vain. On May 2, 2006, his mother Shakhraza Dibiroya was summoned by an investigation officer of the Sovetsky District of the city of Makhachkala for testimony in connection with her son being detained on the suspicion of involvement in a criminal group and the planning of terrorist acts in the territory of the Republic of Dagestan. The case was referred to the Sovetsky District Court of Makhachkala. Dibiroy was fully acquitted and set free in the courtroom.

As became known from his mother, during the first ten days of confinement, Dibiroy was held in the building of UBOP of the Dagestan Republican Ministry of the Interior, where he was tortured with electric shocks, badly beaten on the head, the joints and the loins area. He had a gun thrust in his mouth and the trigger was pulled. He was threatened with rape to make him confess of having committed crimes. While in prison he lost 40 kg of weight and actually could not stand upright. He developed a pulmonary bleeding. Dibiroy remembered the faces of those who tortured him and was able to identify them.

According to Dibiroy's family, several days before he disappeared last, their house was patrolled by a Gazel (41300) van, a VAZ-21099 car (steel color, 425 AK), and a VAZ 21099 car (white color, A 386 UR). Officers from unknown security agencies were in those cars.

On the day of his disappearance (April 25, 2007), Dibiroy told his fiancée that he was under surveillance and that he didn't want to get into "their hands" once again. He meant the servicemen of UBOP.

Ramaz Dibiroy is very sick. He has a neglected form of TB of his both lungs aggravated with periodic pulmonary bleeding. His mother is saying he was lately having treatment at home and that he was actually confined to bed. Shortly before his abduction, the UBOP servicemen, in particular investigation officer Rashidkhan Omardibirovich Rashokhanov, were known to be asking other youths why Ramaz didn't come to the mosque or go downtown. His mother thinks the "security men" were taking him for a Jamaat activist.

The Makhachkala Leninsky District Magistrate opened a Criminal Case No.701605 under Article 126, Part 2, Paragraph "a" of the Criminal Code of the Russian Federation into the abduction of Ramaz Dibiroy.

On **April 26, 2007**, at about 8 p.m., **Vladimir Yuryevch Vyalov** (born 1975), a resident of the town of Buinaksk, disappeared in unclear circumstances.

That evening, Vyalov went to the pharmacy near his home in the "Druzhba" Micro-District in order to buy some medications and did not return home.

Prior to that, Vyalov had served a sentence for having murdered Bulatov, an officer of a prosecutor's office. In the late 1990s, Vyalov, an ethnic Russian, was converted to Islam, and his mother who disapproved of her son's choice decided to intimidate him. She made a statement at

the police station that Vladimir had changed religion and associated with suspicious people. As a result, Vyalov was detained and accused of murder.

Having served a seven-year sentence in a penitentiary, Vyalov was released several months before the abduction. One month before the abduction, he got married and worked at a construction site.

As of September 30, 2007, Vladimir Vyalov's whereabouts have not been established.

The prosecutor's office of Buinaksk checked out the fact of his complete disappearance as envisaged in Articles 144 and 145 of the Criminal Procedure Code of the Russian Federation. Based on the results of the check, the institution of criminal proceedings was declined on June 4, 2007. After the second check, the Buinaksk Prosecutor's Office opened Criminal Case No.703109 under Article 105, Part 1 of the Criminal Code of the Russian Federation.

**On April 26, 2007, Isa Alimpashayevich Isayev** (born 1982), residing at 4, Imama Shamilya Prospekt, Makhachkala, disappeared in Makhachkala at around 3 p.m. without leaving any traces.

At 2 p.m., he had a phone call from somebody who asked him to come out into the courtyard. His mother had the impression that the call came from someone whom he knew. After the call Isa said: "I am leaving, I shall be back soon".

The Isayevs were making repairs in their home, and Isa was supposed to go shopping and buy a toilet bowl because they made an arrangement with a fitter to have the bowl installed the day after. For May 15, Isa's family had a plan to make a match with a bride for him.

According to Svetlana Ibragimovna Isayeva, the mother of the missing man, there was a raid on an apartment in the neighboring house (No. 6) at 3 p.m. The housing block, including the house where the Ibragimovs, lived was cordoned off. Presumably servicemen from the Sovetsky ROVD and the UBOP were deployed in the cordon, while the operation was run by the security officers wearing camouflage uniforms and masks. The security officers found nobody in the apartment they had been after.

Yarakhmed Yarakhmedov, the precinct police officer from the Sovetsky ROVD, told Svetlana Isayeva that nobody had been detained. When she left her home at 4 p.m., the cordon had already been removed. Svetlana made a phone call to her son but his mobile phone was off.

At around 9 p.m. on the same day, the mother got a phone call from her son but by accident she pushed the "off" button. She called back immediately but Isa's phone was switched off again. On that evening there was a call made to Isa's senior brother but his phone was being charged and the brother didn't answer it; however, the missed call was registered. After that there were no more calls from Isa Isayev.

On May 17, 2007, the Makhachkala Sovetsky District Prosecutor's Office returned a decision refusing to institute criminal proceedings into the abduction of Isa Isayev. Criminal Case No.702839 under Article 126, Part 1 of the Criminal Code of the Russian Federation was opened on May 29, 2007, based on the findings of the check-up.

In 2003, the Leninsky District Court gave Isayev a suspended five-year sentence. In 2006, the UBOP officers detained and interrogated Isayev for three days. They did not apply any unlawful methods to him. According to his mother, Police Major Soltanmurad Gebekov from the UBOP had regular meetings with Isayev, gave him phone calls and invited him to a café for a talk. In the past three or four months, Isayev was telling his mother that security officers kept him under their surveillance and incited him to cooperate with them.

On June 10, 2007, at 3 p.m., Svetlana Isayeva together with the relatives of other abducted persons (Magomet Mammayev, Madina Mammayeva, Gulnara Rustamova, and Shakhraza Dibirova) visited Imamutdin Temirbulatov, the head of the Department for Combating Terrorism and Abductions of the UBOP of the Dagestan Republican Ministry of the Interior.

Temirbulatov said that Mammayev, Dibiurov and Isayev were at the UBOP's Sixth Department and asked the relatives to bring him photographs of those men. He promised he would present the photos to the security officers and make a demand that the whereabouts of the missing persons be established.

On July 10, 2007, G.M. Guseinov, Deputy Secretary of the RD Presidential Security Council G.M. Guseinov told Isayev's mother over the telephone that her son was held at the office of ORB-2 (Investigations and Law-Enforcement Operations Bureau No.2) in the town of Gudermes and criminal case was opened against him. There were no witnesses of this conversation. When the mother asked what criminal code article was the basis for the proceedings, Guseinov replied that she should address all her questions to the Prosecutor's Office of the Republic of Dagestan.

As of September 30, 2007 Isa Isayev's whereabouts have not been established.

**Muamar Magomedovich Mammayev** (born 1982), residing at 71, Magomeda Gadzhiyeva Street, Makhachkala, disappeared in Makhachkala in unclear circumstances, the tentative date of his disappearance being **April 27-29, 2007**.

Mammayev went to the residence registration office for a certificate that he needed for a new passport. In the evening of April 26, his father phoned him and asked where Muamar was. Muamar replied he was in Kaspiysk with his friends and would be back tomorrow.

Muamar was speaking in a very low and odd voice. There were no voices of his friends near him. The father suspected that something was wrong and asked his son if he was sick but Muamar answered he was OK. Since then, Mammayev's phone has been off. He did not contact his family but on April 29 he sent an SMS-message to a girl he knew.

It follows from the application presented by his relatives that in the past Mammayev had a record of being detained by security officials. On April 22, 2006, he was detained by the Makhachkala UBOP officers after he had agreed to park Ramaz Dibiurov's car at a parking lot. During 10 days, he was subjected to severe beatings and torture. This made him sign a "confession" to having been involved in a criminal group and assisting the militants.

Mammayev's detention was officially formalized on May 2, 2006. The Makhachkala Sovetsky District Court gave Mammayev a suspended one-year sentence under Article 316 (Concealment of Crimes).

As of September 30, 2007, Muamar Mammayev's whereabouts have not been established. The Makhachkala Kirovsky District Prosecutor's Office declined the institution of criminal proceedings into the traceless disappearance of Mammayev.

**On May 14, 2007, Rashid Magomedovich Batyrov** (born 1976), resident of the settlement of Leninkent in Makhachkala (his place of temporary residence was at an apartment that he rented), disappeared without a trace in unclear circumstances.

On that day, there was an SMS-message on Rashid's phone from a friend, Sultanali Aslangereyev, who invited him for a meeting. That evening, Rashid left his home having told his wife he would stay overnight at his friend's place. On May 15, he spoke on the phone to his wife for the last time. He said he was going to meet someone and that his phone battery was low. Soon his phone went off. Since then, Batyrov stopped calling.

It follows from the application, which the missing man's father filed with Memorial HRC, that on May 25, 2007, a close friend of the Batyrov family who works at the UBOP of the Republic of Dagestan informed the family of the missing man that Rashid was at the UBOP's Sixth Department and that he was being accused of killing an OMON (special purpose police unit) serviceman. He was found in possession of the soldier's identity card. Under torture he signed a confession to being an accomplice in this crime. The family was told of the details of the testimony that Batyrov allegedly gave to the fact that he had taken a taxi together with his accomplices, and the soldier from the special purpose police unit was in the driver's seat. Batyrov and his accomplices killed him and stuffed 50 rubles in the man's mouth.

As was found out later, Batyrov's friend Sultanali Aslangereyev was abducted by officers from law-enforcement agencies and for more than two weeks was kept by force at an illegal detention facility. After that the security officers took him to the Novolaksky Forest and abandoned him there. At present, criminal proceedings have been started against Aslangereyev.

The Makhachkala Kirovsky District Prosecutor's Office declined the institution of criminal proceedings into the disappearance of Batyrov.

*Information Report by Memorial HRC*

**Open Letter**  
**Address by members of the public of the Republic Ingushetia**

**President of the Republic of Ingushetia M.M. Zyazikov**  
**Parliament of the Republic of Ingushetia**  
**Prosecutor of the Republic of Ingushetia Y.N. Turygin**  
**President of the Russian Federation V.V. Putin**  
**Plenipotentiary Envoy of the President of the Russian Federation in the Southern**  
**Federal District G.A. Rapota**  
**To Russian and international community**

*from members of the public of the Republic Ingushetia*

**Open Letter**

Recently, worrying news from Ingushetia have flooded the federal media: national TV channels and news bulletins virtually every day carry reports about bombings, killings and attacks taking place in our republic. Pictures from Ingushetia are increasingly reminding one of video reports from a zone of hostilities: tanks, helicopters, troops. Citizens of the republic live under strain; many fear that the situation will get even worse.

Everybody was shocked by a series of killings of civilians, including individuals who are not from the titular ethnic group – the families of Russian teachers Terekhina and Draganchuk; the medical superintendent of a blood transfusion center Natalia Mudarova; ethnic Koreans, the father and son Lagai; Dagestani shepherds Bulatov and Zuberov; the Roma family of Lyulyakovs – a father and two sons; the families of the Kortikovs and Valentina Nemova; three workers – V.N. Oskin, V.B. Ponamarev, and S.A. Butusov; and two Armenian railway workers – S.A. Avetisov and V.S. Khurshudyan.

Whoever commits these crimes these crimes are aimed to undermine the foundations of the Ingush statehood, to compromise the Ingush people and destabilize the situation in the region. These killings are not only cruel – they are hard to explain: the perpetrators can not hope to get anything except for disgust and anger from Ingushes.

We believe that impartial investigation of these crimes is a matter of honor for the people of Ingushetia. We want to know who are the masterminds of such provocations in our republic; what forces are trying to destabilize the situation; and what is their political agenda behind such cruel and pointless murders of civilians. Perpetrators – whoever they turn out to be – should be punished to the fullest extent of the law. The truth about the outrageous evil deed they have done will stop the circulation of rumors and speculations among the public.

It would be absolutely intolerable if these high-profile crimes were pinned in haste on whoever looks as a good target in the heat of the moment. No one has the right to shoot at citizens of Ingushetia who look suspicious to them or use torture and illegal methods of investigation against detained persons. Otherwise, innocent people would suffer and the real killers will remain at large, carrying on with their criminal activities aimed to destabilize the situation in the Republic which is already complicated.

Given the particular urgency of the matter, we are asking you to set up a public commission for monitoring the investigations of the above-mentioned murders. Each of us is ready to take part in its activities.

We ask you to send your response to: 46, Mutaliyeva Street, Nazran.

Musa Malsagov, head of the Ingush Republican Office of the Red Cross  
Mukharbek Malsagov, chairman of the Anti-Corruption Committee of the North Caucasus  
Ramzan Ugurchiyev, head of the regional public organization “Association of University and College Students of Ingushetia”

Ruslan Borov, youth organization “League of Justice”

Nazir Kostoyev, The Union of the Deported

Magomed Agiyev, secretary of the political party “Just Russia”

Arsen Sakalov, head of the Justice Initiative Fund in Ingushetia

Ruslan Albakov-Mirshkhi, Head of the History and Culture Center of the Republic of Ingushetia

Akhmet Barakhoyev, Civic Assistance Committee

Magomed Mutsolgov, head of the autonomous non-commercial organization Mashr

Khadzhimurad Chemurziyev, head of the charity fund Pilgrim

Magomed Barkinkhoyev, director of the autonomous non-commercial organization Vita

Lyalya Tsoroyeva, head of the regional public organization Almos

Lima Oligova, head of the regional public organization Istok

Tamirlan Akiyev, Memorial HRC in Nazran

Magomed Gandaur-Egi, Siy-Kha lawyers’ office

Magomed Gaitukiyev, spokesman of the tribal public association Tsori

Batyr Akhilgov, Yabloko political party

Isa Gandarov, Memorial HRC, Nazran

Shamil Tangiyev, head of Memorial HRC in Grozny

Ruslan Badalov, head of the Chechen Committee of National Salvation

Magomed Gagiyeu, Bar Association of the Republic of Ingushetia,

and others.

A total of 81 signatures

*From the HRC Memorial Bulletin of November 8, 2007  
“The Situation in the conflict zone in the North Caucasus:  
Assessment by human rights defenders”*

MEMORIAL Human Rights Center  
Migration Rights Network

Edited  
by Svetlana Alekseyevna Gannushkina

# **On the Situation of Residents of Chechnya in the Russian Federation**

**August 2006 – October 2007**

Memorial Human Rights Center  
12 Maly Karetny Pereulok, Moscow 103051

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