

Ruslan Kutayev

On 31 October 2014, Kutayev, Ruslan Makhamdiyevich, a Chechen social activist, was sentenced by the Supreme Court of the Chechen Republic to 3 years and 10 months of imprisonment in a general-regime penal colony on the charge of committing a crime under Part 2 of Art. 228 (“Illegal storage and transportation of narcotic substances on a large scale without the purpose of selling”) of the Russian Criminal Code. He has been in custody since 20 February 2014.

On 18 February 2014, the National City Library of Grozny held a conference entitled “The Deportation of the Chechen People: What was it and should it be forgotten?” as a lead-up to the anniversary of the deportation of the Chechens on 23 February 1944. The organizer and leader of the event was Ruslan Kutayev and the event took place without permission from the authorities. Ramzan Kadyrov, the head of the Chechen Republic, reacted negatively to the event, because, as of 2012, all official events related to the Day of Remembrance and Mourning have been rescheduled for 10 May.

As soon as 19 February 2014, Magomed Daudov, the Chief of the Administration of the Head and Government of the Chechen Republic called all conference participants to his office, as requested by Ramzan Kadyrov. Ruslan Kutayev was the only one who refused to attend.

On 20 February 2014, armed men broke into a house in the village of Gehi, where Kutayev was residing, and took him away to an unknown destination. It was only the next day that R. Kutayev was brought to the Department of the Russian Ministry of Internal Affairs in the Urus-Martani District of Chechnya. Here criminal proceedings were initiated against him under Part 2 of Art. 228 of the Russian Criminal Code. On 22 February he was formally charged under the same article.

According to the prosecution, Kutayev was detained by chance by a police patrol in the streets of Gehi because his behavior seemed suspicious to the policemen. A search was conducted, in the course of which the police found a small bag with a beige substance in the back pocket of his pants. Kutayev was not tested for drug intoxication until the evening of 21 February in Grozny. Kutayev did not show signs of intoxication. At the same time, traces of morphine and codeine were allegedly found in his urine, of which there is a medical report.

The interrogation of Kutayev took place on 21 and 22 February with the presence of an appointed attorney. During this interrogation, he confessed that he found the bag with *the unknown substance* in a taxi. However, the report about the search and the reports of the policemen involved in Kutayev’s arrest, state that when questioned about the contents of the bag, Kutayev answered that it was *the narcotic substance heroin*.

On 25 April 2014 the Urus-Martani municipal court began the hearing of the criminal case. On 7 July 2014, the judge A.S. Dubkov found Kutayev guilty and sentenced him to four years of

imprisonment in a general-regime penal colony with one year of supervised release. On 31 October 2014 Kutayev's sentence was lessened in accordance with the decision of the Collegium of the Supreme Court of the Chechen Republic – the additional punishment in the form of supervised release for one year was removed and the time of imprisonment in a general-regime penal colony was decreased to 3 years and 10 months.

The criminal case against Ruslan Kutayev has numerous signs of falsification and appears to be completely fabricated. For example, the attempt to detain Kytayev at his place of residence in the village of Ashoy Martan was made by Chechen security officials even before he was detained in the village of Gehi.

Moreover, the majority of policemen questioned in court were unable to give a coherent explanation as to what exactly was suspicious about Kutayev's behavior that led the police to detain him. They were confused about the specifics and could not explain to the court how exactly the order to conduct preventive police operations in the village of Gehi was agreed upon and where it came from.

During the hearing on June 2, Saïd Bobotyev (a relative of Kutayev), who was witness for the prosecution, stated that the record of his testimony which was on file in the case, did not reflect the testimony that he gave to the detective. According to him, Kutayev was not detained outside, but inside the house of the witness and there was no bag taken from Kutayev's pocket and there was no report being made during that time. The detention of Kutayev at the house of his relatives (and not on the street) was also confirmed by other circumstances.

There is reason to believe that the people presented by the prosecution as the attesting witnesses during Kutayev's search were not actually present during that. It turned out that both witnesses live in Gronzny and not Gehi, and one of them has repeatedly been asked to be a witness by the staff of the illicit drug trafficking unit of the Bureau of Criminal Investigation of the Ministry of Internal Affairs of the Chechen Republic.

There are indications that torture was used against the accused. When I. Kalyapin, director of the interregional Committee Against Torture and member of the Human Rights Council, and members of the Public Monitoring Commission of the Chechen Republic M. Bakhaeva and R. Borschigova visited Kutayev following his detention, they confirmed the presence of bruises on Kutayev's body, signs of the use of an electric taser, and evidence of broken ribs. At the same time, Kutayev did not have any visible injuries when he was being detained by the police officers. At the first meeting with his lawyer, Kutayev made a statement regarding the torture. Later Ruslan Kutayev wrote a detailed report to the Investigative Committee of the Russian Federation, in which he explained that his beating occurred in the Administrative building of Grozny on 20 February, between the initial time of arrest and his transfer to the Department of Russian Ministry of Internal Affairs in the Urus-Martan District of Chechnya. According to Kutayev, the beatings were carried out by Magomed Daudov, Chief of the Administration of the

Head of the Chechen Republic, and Aпти Alaudinov, Deputy Minister of Internal Affairs of the Chechen Republic.

The political rationale of the investigation is that Ruslan Kutayev, known both in the Chechen Republic and in Russia as a socio-political figure, frequently gave interviews to the press in which he expressed negative opinions about the situation in Cechnya and gave hard-hitting reviews of the political regime that has been established there. Furthermore, during his speech to the Public Forum of the Chechen Republic on 25 February 2014 Ramzan Kadyrov directly tied the conference about the deportation of the Chechens, which had been organized by Kutayev, with Kutayev's arrest, without mentioning the accusation of drug possession.

The detention of Kutayev was used as a way to forcibly stop his public work and in violation of the right to a fair trial and other rights and freedoms that are guaranteed by the International Covenant on Civil and Political Rights and also the European Convention for the Protection of Human Rights and Fundamental Freedoms. The reasoning for the detention was based on falsification of evidence of a crime that did not actually take place.

The recognition of an individual as a political prisoner does not imply that the "Memorial" Center agrees with their views and statements, nor does it imply that it approves of their statements or actions.