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“The System of Impunity in the North Caucasus (2009-2010) - How Does it Function?”

**Abductions and disappearances of people in the North Caucasus in 2009
Sabotage of investigation of criminal cases in 2009-2010**

Moscow
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Introduction

Abductions and forced disappearance of people still remain one of the prevailing form of human rights violations in the North Caucasus. Currently Human Rights Centre *Memorial* records cases of abductions and disappearances of people in the zone of the conflict in five republics, namely in Chechnya, Ingushetia, North Ossetia-Alania, Dagestan and Kabardino-Balkaria. The character of the major number of abductions which took place in the North Caucasus during the last ten years clearly points out to involvement of members of law enforcement agencies in committing these crimes. During the last ten years, the entire system of illegal violence was formed. It includes such inherent manifestations of this practice as abductions, detention in illegal secret prisons and extrajudicial executions of a number of abducted persons. In such a manner, by the means of state terror, security agencies (such as FSB [*the Federal Security Service*], different departments of Ministry of Internal affairs, GRU [*the Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation*] and other military structures) encouraged by the Kremlin's tacit approval undertake attempts in fighting against separatism, terrorism and illegal armed groups. Often in some cases, we do not know members of which particular security agency have abducted a person. In such a case, we use the term *siloviki* [*law enforcement officers*] meaning members of some non-established security agency.

By the term '*an abducted person*' we designate a person who has been forcibly taken away or carried away, in most cases by armed people dressed in camouflage uniforms, often wearing masks. By 'abductors' we understand those who do not produce their documents of their appartenance to official services, as well as papers on the basis of which they detain a person – neither to him nor to his relatives. They do not say where the person will be taken and, as a rule, do not inform the local internal affairs departments about their actions. Normally, they accommodate the abducted person in places unappropriated for custody of apprehended persons or do not document their actions according to law. On hand are all constituent elements of an offence falling within Clause 126 of the Criminal Code of the Russian Federation which implies 'an abduction of a person'. In case an abducted person has been absent for a long time or vanishes into thin air, we call him '*a missing person*'.

Regarding the overall majority of cases of abductions recorded by us, HRC *Memorial* maintains correspondence with the prosecutor's office authorities and, if necessary, assists relatives of victims in procuring initiation of criminal cases and their further investigation. In many cases, lawyers of Memorial, with the assistance of their colleagues from the European Human Rights Advocacy Centre help complainants lodge applications with the European Court of Human Rights.

Since *mid 2009*, we have changed the practice of sending applications to ECHR concerning abductions in the North Caucasus. When the chances that an abducted person is alive are high, the application is forwarded in the first days after the person has been abducted. In this case, an applicant asks for applying interim measures according to Rules 39-41 of ECHR Rules:

- 1) to urgently inform Russian authorities about fact of lodging an application and its content;
- 2) to review the application in a high-priority order;
- 3) to recommend Russian authorities to undertake immediate and effective measures assuring the abducted person guarantees against a risk of vanishing without a trace.

If ECHR fully or partially satisfies such requests as per a specific application, then the Court sends Government of the Russian Federation some questions concerning what kind of measures have been taken for establishing the whereabouts of the abducted person and whether the complainants have been informed about them. The European Court may also recommend Russian authorities to

provide copies of all the documents concerning the measures taken in establishing the location of the abducted person. After receiving responses and documents, the Court considers the issue of urgent or extraordinary examination of the application.

Such a concern of the European Court over a specific case sometimes may play a decisive role in a person's fate.

It is important to note that official structures do not include part of cases which we refer to abductions into their statistical reports. For instance, those cases when abductors themselves voluntarily release abducted persons or when they "are found out" in a detention facility, are not incorporated into such reports.

This report represents an attempt to gather in one document all the materials concerning forced abductions of North Caucasus inhabitants with their subsequent disappearance in different republics within the same period of time. Not all cases of abductions are exposed in detail; however, the report enables to reveal the main tendencies related to the problem of abductions in the region. The report describes all the cases of abductions and subsequent disappearance of inhabitants of *Ingushetia*, *Dagestan* and *Kabardino-Balkaria* documented by *Memorial*. During 2009 there were too many cases of abductions in *Chechnya* for us to give a detailed depiction of each case in this report. Therefore, regarding Chechnya, only the most representative examples have been reviewed in detail. In many cases, relatives of abducted people were not ready to give full information and did not attempt to search for justice. Nevertheless, such cases were included into statistical data of cases registered by us. In the general overview sections depicting separate republics, we describe specific cases of extrajudicial executions of abducted people.

In the section devoted to the situation in Chechen Republic, in a separate subsection, we consider several cases when abducted people were released as a result of the fact that their relatives, assisted by human rights activists have sent applications to the European Court of Human Rights.

Our knowledge about abductions and forced disappearances of people are admittedly incomplete as *Memorial* has no opportunity of monitoring the whole territory of the republics mentioned above. Besides, in some areas the process of documenting all such crimes is simply impossible due to the atmosphere of fear prevailing in these places. Thus, it can be assumed that we register only 'the tip of the iceberg' of the overall number of abductions.

The problem of abductions is the most acute in Chechen Republic where *Memorial* registered 93 cases of abductions in 2009, of which 10 persons were lately found killed and 19 were reported missing¹. And here are the worst conditions for human rights activists' work and the least security for aggrieved persons, due to which relatives of abducted persons often do not dare to make facts of crimes public. The lowest number of cases was registered by us in *Kabardino-Balkaria*, whereas in *North Ossetia*, as distinct from the previous years, *Memorial* did not register any cases of forced disappearances in 2009. In *Ingushetia*, the authorities demonstrate political willpower regarding the solution of the problem of abductions and take concrete actions in searching missed people. But, unfortunately, the results of these measures remain very limited.

As it becomes apparent from the materials adduced in the report, inhabitants of the North Caucasus are abducted not only within the region of their residence. The tendency of abductions occurring outside republics has become steadier.

¹ It should be taken into account that due to several reasons (see details in Section IV. Abductions, illegal detentions and disappearance of citizens of the Chechen Republic. General overview) *Memorial* HRC records admittedly a less number of cases of abductions out of the total quantity of such crimes occurring in Chechnya.

Often people who practice the radical strain of Islam (Salafism) become objects of abductions. Adherents of this confession are already openly persecuted by the state. And such people who confess this religious strain are usually suspected by siloviks in aiding and abetting illegal armed groups, as well as their implication. In *Dagestan*, *Chechnya* and *Ingushetia*, where the majority of people traditionally profess Sufi Islam, this inter-confessional opposition is more acutely manifested, especially in Dagestan. It imparts some additional motivation to local servicemen in their illegal actions.

However, among abducted people there are persons who do not belong to Salafi Islam. Probably, law enforcement officers abduct people suspected of being involved in the activity of illegal armed groups, or presumed possessors of information concerning illegal armed groups, or relatives of members of illegal armed groups. We do not assert that all abducted people bear no relation to the armed underground. However, their guilt has not been established. And more importantly, no charge has been officially brought against them at all. Thus, the state employs methods of state-sponsored terror instead of lawful techniques of crime control, acting at the same level with those against whom it fights.

Abductions are committed by officers of both local and federal power structures. A number of abductions follow the classical “Chechen scenario”, when armed people wearing masks break into a house and take a wanted man away. However, many abductions are committed very “professionally”: a man leaves his house and never comes back, or he is subsequently found killed.

The investigation of abductions and cases of obscure disappearance of inhabitants of the North Caucasus is extremely ineffective. In *Chechnya* and *Dagestan*, they often even waive aside applications for solving a crime lodged by relatives of abducted persons in the first days, and then investigating agencies candidly sabotage execution of an investigation. It should be noted that in other regions of Russia, where they abducted people in 2009, investigation was as ineffective as in the Caucasus.

“Comprehensive Programme for Control of Abductions and Tracing Missing Persons for 2007-2010” has been functioning in the North Caucasus since 2007. According to this programme for abduction cases that “draw a wide public response and present extraordinary complexity in investigating”, prosecutors of constituent entities of the Southern Federal District should “consider an issue of establishing interagency investigating groups from among investigators of territorial and departmental prosecutor’s offices, operating officers of the UFS, the Chief Administration of Ministry of Internal Affairs in the Southern Federal District and internal affairs agencies of constituent entities of the Southern Federal District”. No such interagency investigating group has been created with regard to a single case (!) out of those described in the present Report.

In many cases, when human rights activists, aggrieved persons or their representatives gain access to materials of criminal cases initiated on grounds facts of such abductions and disappearance, apparently there opens up a view of investigating agencies imitating an investigation instead of carrying out some real work.

Why does it happen? Apparently, there exists a corresponding tacit and nowise documentarily formulated policy, and in case an investigator begins to apply too great efforts at solving such a crime, his authority will show him the inexpediency of such zeal.

Besides, in those cases when there appear significant grounds to assume that officers of Federal Security Service or the military are mixed up in abduction, then only agencies of military justice can perform investigatory actions. However, as a rule, these bodies refuse to take such cases for their procedure, referring to “*absence of indubitable evidence of involvement of the military in*

committing an offence". But finding such "incontestable evidence" without interrogating the military or officers of the Federal Security Service was practically impossible. A vicious circle is looming.

Those who "failed to understand" and started to attempt to counter the practice of abductions too actively, there are other "possibilities to drive it home". Thus, Deputy Prosecutor of the Republic of Ingushetia **Rashid Ozdov** was abducted and vanished into thin air in *Ingushetia* in 2004, who had filed a report, a few days before this event, addressed to Prosecutor General of the Russian Federation, Director of the Federal Security Service and Head of FSB department in the Republic of Ingushetia on cases of violations of human rights, including abductions of people, regarding which there were some grounds to presume involvement of representatives of the state.

But in *Chechnya*, officers of the Investigations Committee under the Prosecutor's Office of the Russian Federation were initially subjected to conditions, when they cannot investigate such crimes adequately: agencies of Ministry of Internal Affairs in Chechen Republic do not absolutely reckon with them and they designedly neglect their orders. At times, investigators tell aggrieved persons bluntly that they will not even attempt to interrogate presumed participants of abductions because this might threaten with grave consequences, to the extent of a threat to their lives and health.

It is obvious that investigating mass and systematic offences committed by representatives of power agencies can be carried out investigatory agencies only subject to the state leadership possesses political power. Facts show that there is no such willpower.

It is surprising but these evaluations and conclusions were confirmed by Prosecutor of Chechen Republic **Mikhail Savchin** on *May 25, 2010*. At a meeting held in *Grozny*, while answering a question of **Ramzan Kadyrov** why abductions committed by the military remain unsolved, he declared:

"The basic reasons for those problems about which you have said may be termed briefly: this is absence of willpower at the very top. There is no clear-cut indication: a military investigatory committee must accept all the cases for which operational information available and investigate them. If such an indication is there – we shall accept the cases, if not - we shall not. Because it is very difficult to hand these cases over to us formally, as per law, operational information stating that this crime has been committed by the military is available, whereas legally valid evidence in the very criminal cases are absent. And in order to obtain them it is necessary to apply to the Archives of Ministry of Defence. They say in the Ministry of Defence: "The information is protected. Top Secret. We will not give it". I write to the Prosecutor-General's Office. And they tell me the same: "Absolutely secret information. A Secret of State". A vicious circle closes up."

According to him, it is demandable to adopt a political decision: establishing, for instance, an interdepartmental commission at the federal level which would include representatives of the Prosecutor General's Office, Ministry of Defence and Ministry of Internal Affairs. In Savchin's opinion, such a commission could define a procedure of declassifying information.

"Then we could get real criminal cases. And otherwise we shall be treading water. Behold the Investigations Committee. People there are also aware of these cases; they know that a crime has been committed by the military, say. <...> But we cannot investigate by ourselves, because we have no relation to the military: we represent a civil prosecutor's office. Do you understand what the matter is about? Therefore, we would like to do so, but without this condition, factually, there is nothing we can do", said the Prosecutor².

The impunity leads to new crimes. Impunity leads to new offences. Abductions and forced disappearance of people, functioning of secret prisons, practicing tortures and extrajudicial

² Regions.Ru. 25.05.2010. Prosecutor General of the Chechen Republic believes that there is a need for political will for solving the issue of abductions of people.

executions separate society from authority and expand the mobilisation basis of the armed underground. Victimisations in accordance with a religious apanage enable adherents of the fundumantalist trend in Islam assert authorisation of Jihad. The vicious circle of violence is closed up; armed conflict entrenches even deeper in Northern Caucasian communities.

We do not dispute the necessity of the struggle against illegal armed groups and terrorism; however this war should be waged in compliance with the legislature of the Russian Federation and international obligations with respect to observance of human rights.

Human Rights Centre *Memorial* keeps repeating it from year to year that in order to change the situation in the North Caucasus for the better it is required to admit that the demand for observance of human rights not only contradicts the goals of ensuring security but is also an indispensable condition of achieving it. The fundamental basis of stability is lawfulness, for ensuring which systematic work is necessary for observance of human rights in regions of the North Caucasus, preclusion of the impunity of law enforcement officers.

I. Abductions, illegal detentions, disappearance of inhabitants of the Republic Ingushetia

A description of the general situation

In the period between the first and second Chechen wars, in **1997-1998**, abductions of people on the territory of the Republic began to occur. This was connected, in the first place, with a sharp aggravation of criminal conditions on the territory of Chechen Republic of Ichkeria (that was de facto independent at that time) bordering on Ingushetia. The purpose of kidnappers was, as a rule, collecting a ransom.

With the beginning of “the counter-terrorist operation” in the North Caucasus (**October, 1999**), such abductions stopped. However, in **2002**, after the resignation of **Ruslan Aushev**, the first president of Ingushetia, *Memorial* began to record a new wave of abductions here. These crimes, obviously, differed from those in the previous years. The kidnappers did not demand any payment, and a abducted person more commonly disappeared without leaving a trace. The circumstances of the commitment of these crimes (the military equipment used by abductors, the unobstructed passage of the latter through all military block posts, etc.) pointed to the involvement of the military or officers of Ministry of Internal Affairs and Federal Security Service of Russia in committing them. We nowise do not affirm that all people abducted in such a way were involved in illegal armed groups opposing the Russian state. However, in any civilized state criminal suspects can be detained or arrested only on lawful grounds, and an investigation should be held within the framework of legal procedures, whereas finding the accused guilty can be effected only by the court. Otherwise, the place of justice may be occupied by arbitrariness and violence from which innocent people primarily suffer.

In the beginning, the refugees from Chechnya living in camps in Ingushetia fell victims to abductions. The bodies of some of them with traces of tortures were subsequently discovered on the

territory of Chechen Republic. Out of the 28 people abducted in **2002** in the territory of Ingushetia, only one man was an autochthonous inhabitant of the Republic. On October 22, in the mountainous area at the border with Chechnya there was abducted a seventy-year-old man, a bee-keeper from the Ingush village of *Galashki*, **Sultan Saynaroev**. The military forced him to seat in an infantry fighting vehicle, and after that he disappeared.

Probably, by doing so the enforcement officers, representatives of Regional Operations Staff of Federal Security Service of the Russian Federation in the North Caucasian Region³, as it was revealed afterwards, attempted to obtain some information on a detachment of people under the command of **Ruslan Gelaev**, which had been passing through the mountains of Ingushetia shortly before this event.

In that year, two men from among the abducted were released by the abductors after an interrogation and bodily blows, whereas sixteen people were reported missing. Six abducted people were “legalised” after a while in pre-trial detention centres or temporary detention facilities. They were accused of assisting armed opposition groups. Out of this number, four people were discharged by courts.

In **2003**, *Memorial* already recorded 52 cases of abductions of people in the Republic, out of whom 38 were inhabitants of Chechnya, 12 residents of Ingushetia and two citizens of Armenia. A corpse of one of the abducted was found out subsequently; thirty two men were reported missing and nineteen men were set free after prolonged interrogations accompanied by extermination.

In **2004**, as a result of special raids by Special Forces, permanent residents of Ingushetia started to “disappear” on a larger scale. All in all, in 2004 *Memorial* documented abductions of 48 people: 19 inhabitants of Chechnya and 28 residents of Ingushetia. Corpses of three of the abducted were found out afterwards, 19 people were reported missing, 20 men were ransomed by their relatives or released by kidnappers after lengthy interrogations accompanied, as a rule, by tortures. In this regard, the numbers of killed, missing and liberated people of Chechnya and Ingushetia were approximately identical.

Six abducted persons (all of them were inhabitants of Ingushetia) were later “found out” in places of preliminary detention.

In the same years, the activity of the local underground in *Ingushetia* gained momentum. Cruelty and lawlessness committed by representatives of the state only expanded the mobilisation basis for insurgents.

It was in **2004** when unprecedented for the Republic assault of insurgents happened ***in the night on June 21-22, 2004***. At that time, a large group of people, which included many ethnic Ingushes, invaded into *Ingushetia* and temporarily took over the control of several settlements including towns of *Nazran* and *Karabulak*. The insurgents were rebuffed only by the officers of Ministry of Internal Affairs of Ingush Republic. As a result of the repulse, many of them were either killed or wounded. During this operation, insurgents executed a number of the officers of law-enforcement organisations, seized by them. All in all, in consequence of the attack, 79 people, including 43 officers of law-enforcement organisations were killed.

In **2004**, the participation of Ingush people in attacks on Ingush militiamen puzzled inhabitants of the Republic. In the next years, this fact, unfortunately, already ceased to surprise anybody. Despite

³ An extract from the response to an inquiry sent on 29 November 2002 by Ministry of Internal Affairs of the Republic of Ingushetia in the name of Commander of Joint Force Grouping (c) and signed by Commander of Troop Unit No.74814 (the 205-th Separate Motorised Rifle Battalion). The divisions of this Grouping were deployed close to the villages of Arshty and Galashki during this period of time. Letter No.2303 dated 29.11.2002

the cruelty of counter-terrorist operations and the drawing of additional forces (and may be due to this) in the Republic, the armed underground in *Ingushetia* managed to create an effective network of semiautonomous groups. They undertook a hunt for officers of power structures, law-enforcement organizations, federal servicemen and officials. The activity of the armed underground was unprecedented for a so small Republic, at times losses among military men and officers of power structures here were comparable to those in *Chechnya*. In their turn, officers of power structures blatantly violated human rights, undermining the trust of the population to the state.

In following year (**2005**), according to some information of Human Rights Centre *Memorial*, less people were abducted on the territory of *Ingushetia* (32 men), but in this case only three of them were inhabitants of *Chechnya*. Thus, it was the growth of abductions of inhabitants in *Ingushetia* that was still observed. The kidnapers released ten people (including two residents of *Chechnya*), five men were killed and six were reported missing. And again, among those who were “found out” after the abduction in places of preliminary detention almost all were inhabitants of the Republic of *Ingushetia*.

Beginning from the second half of **2004**, a conveyor for fabricating criminal cases was started in *Ingushetia*, when people suspected of an involvement in armed formations were taken away and placed in the Republic of North Ossetia-Alania, where they were subjected to tortures, forcing them to admit crimes. In this case, they were provided with lawyers assigned by the state and not hired by their relatives. In some cases, a suspect was practically abducted, and his relatives had no information in the course of several days or weeks. Then the abducted person, after he got ready to confess everything, was “found out” in an investigatory isolation ward. From then on, charges were brought against such a man, frequently based merely on the evidence given by him under the harrow during the first days after the detention.

In **2006**, the number of inhabitants of *Ingushetia*, abducted and reported missing, appreciably decreased as per some data of Human Rights Centre *Memorial*. Probably, it is explained by the fact that other forms of unlawful violence gained ground in the Republic, for instance, extrajudicial executions of people suspected of an involvement in the underground participation (they were shot on the spot, allegedly while they attempted to offer resistance to their being detained)⁴.

The years of **2007-2008** were characterized by a further sharp escalation of violence in the Republic, which was also reflected on the number of cases of abductions. Thus, in **2007** the practice of the fabrication of criminal cases intensified. The majority of those abducted, were consequently “found out” in official places of confinement facilities for detained or arrested persons, after passing through humiliation, tortures and unlawful pressure.

In autumn 2008, President **Medvedev**, ventured upon a step, which **Putin** had earlier persistently refused to take – a change of the leadership in the Republic. The new president of Ingush Republic, **Yunus-Bek Evkurov**, proclaimed a change in the course of the Republic’s leadership. In particular, he declared his intention to secure such a condition that the struggle with the underground and illegal armed groups could be carried out strictly within the framework of law. Perhaps due to this the number of abductions committed in **2009** in the Republic sharply decreased. And nevertheless, the total quantity of people missing, killed or further “found out” remained at a level of the previous year. Thus, the new authorities of *Ingushetia* failed to positively reverse the situation for the best.

Table 1. The number of abductions recorded during the monitoring carried out by Memorial on the territory of Ingushetia

⁴ See details in the Report of Memorial *Ingushetia: “New Methods of Counterterrorism. A License to kill?”* available at: <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m144162.htm>

Year	Number of abducted people /Number of abducted inhabitants of Chechnya	Out of this number:			
		Released by abductors or ransomed	Found killed	Vanished	“Found out” in investigatory isolation ward
2002	28/27	2/2	4/4	16/15	6/6
2003	56/50	31/27	1/1	19/17	5/5
2004	48/19	20/9	3/1	19/9 ⁵	6/0
2005	32/3	10/2	5/0	6/0	11/1
2006	16/2 ⁶	4/1	1/0	2/0	9/1
2007	30/2 ⁷	8/0	1/0	4/0	17/2
2008	31/1	20/0	1/0	7/0	3/1
2009	13/0	1/0	4/0	5/0	3/0

Moreover, in **2009** a new tendency had formed. Abduction of inhabitants of Ingushetia proceeded outside the Republic. Thus, four distant relatives of the well-known Ingush oppositionist **Maksharip Aushev** were abducted and reported missing in Saint-Petersburg; one inhabitant of Ingushetia “was taken away” from the train at the station of “Mineralnye Vody”; one man disappeared in *Novocherkassk* and one more vanished in *Krasnodar*. There is reason to suspect that at least some of these abductions were committed by representatives of state power structures.

The abductions of inhabitants of *Ingushetia* outside the Republic also happened in the previous years - on the territory of neighbouring Republic of North Ossetia-Alania. In **2006**, two people were abducted and reported missing, whereas in **2007** three men, inhabitants of *Ingushetia* met the same fate. However, at that time there were no reasons to assert that representatives of the state were involved in these abductions. As to a common opinion, these offences were committed on the ground of an interethnic discord. The more so that in **2005-2006** 12 former Ingush refugees, who had returned to the places of their residence in *Prigorodny District*, were reported missing on the territory of the Republic of North Ossetia-Alania. And the body of one more abducted person with traces of violent death was found (<http://www.memo.ru/2007/07/16/1607072.html>); <http://www.memo.ru/2007/07/16/1607071.html>).

The situation with abductions of people in *Ingushetia* in **2009** had a number of characteristic features. Firstly, in *Ingushetia* abductions are committed, mainly, not by officers of Republican Ministry of Internal Affairs, but those of Federal Security Service of Russia or by law-enforcement officers detached here from some other regions. This cardinally distinguishes the situation in *Ingushetia* from what occurs in *Chechnya* and *Dagestan* where presently the overwhelming share of abductions is being committed by local power structures. In **2009**, a number of cases was recorded, when abducted people were, most obviously, taken out to *Chechnya*. Such was a situation with the

⁵ Out of the 19 abducted people 9 were from the Republic of Ingushetia, 9 from the Chechen Republic and 1 was a citizen of Georgia.

⁶ One of these abductions was committed by insurgents. On 27 February 2006, Magomed Chakhkiev, a 70-year-old man, a Deputy Member of the Popular Assembly of the Republic, the father-in-law of the then President of Ingushetia M.Zyazikov, was abducted. A certain Emir Khabibulla who proclaimed himself to be Head of the Ingush Jamaat “Shariat” took a charge of this abduction. On May 1 2006, Chakhkiev was released under unascertained circumstances. According to some unconfirmed information, a huge ransom sum of money was paid for his release.

⁷ One of the abductions was committed by insurgents. On March 23, unknown people abducted U.Zyazikov, born in 1928, the uncle of M.Zyazikov. Urus Khan Zyazikov was suddenly released on October 11 2007, the day before the main Muslim feast Id al-Fitr started. It seems that this time no ransom was paid.

abductions of **Idris Tsizdov** and **Magomed Oziev. Batyr Albakov**, abducted by some armed people in front of his relatives on **July 10** in the stanitsa [*a Cossack village*] of *Ordzhonikidzevskaya (Sleptsovskaya)* was subsequently declared killed by Chechens in the course of a raid by special forces in the Sunzhen *District* of Ingush Republic. In this case, there were obvious traces of tortures and wounds given with a knife.

Secondly, President of Ingushetia attaches a significant importance to the struggle against abductions of people and takes pains for preventing such facts. In none of the republics of the North Caucasus do the authorities so quickly response to alarms of abductions, nobody of the leaders of the regions reveals such an openness to relatives of the abducted, holds meetings devoted to facts of abductions, participates personally in liberating people detained by "unknown armed people". Whenever abduction alarms from relatives arrived timely, a plan of detention was initiated in *Ingushetia*. In **2009**, Ingush militiamen detained abductors, however they were compelled to release them together with their victims after special passes had been produced, which enabled a free passage through military posts. Thirdly, President of Ingush Republic entrusted the management of Russia with the task of struggling against abductions of people. Thus, at a meeting of Security Council of the Russian Federation in Makhachkala on **June 9, 2009**, **Evkurov** discussed a case of the abduction of two inhabitants of *Ingushetia*, **Tsidzov** and **Tankurov**, which occurred in spring **2009**, with **Dmitry Medvedev** and Minister of Internal Affairs of the Russian Federation **Rashid Nurgaliev**. **Evkurov** held regular meetings with voluntary group activists, including conventions devoted to the problem of abductions of people. The leading human rights defenders of the Republic had the number of his personal mobile phone, which they used in case of necessity. Unlike the management of Chechnya, which allotted the authority of Russia a task of searching for people who disappeared and reported missing after their detention by federal power structures in the beginning of military actions, denying the current crimes of their own law-enforcement officers, President **Evkurov** spoke about abductions of people occurring in *Ingushetia* today.

Thus, in *Ingushetia*, in contrast to *Dagestan, Kabardino-Balkaria and Chechnya*, there is a political willpower to struggle with abductions of people. But it appears to be insufficient for cardinally changing the situation. The problem consists in that President **Evkurov** can partially supervise only Ministry of Internal Affairs of Ingush Republic, but not the other power structures acting on the territory of the Republic. Federalism has been factually cancelled in Russia, and head of Ingush Republic has practically no mechanisms of influence either on federal departments or on law-enforcement officers from Chechen Republic, who are given special authority while carrying out "counter-terrorist" operations.

The case of the abduction and murder of **Batyr Abalakov** clearly illustrates the fact that the practice of abductions and subsequent extrajudicial executions under the lee of simulated military collisions, which is widely spread in *Chechnya and Dagestan*, "is imported" to *Ingushetia*.

Early in the morning of **June 10, 2009**, B. Abalakov was taken away from his own flat and in front of his relatives by some armed people who introduced themselves as officers of the Nazran District Department of Internal Affairs. One of them was an Ingush, two others were a Chechen and a Russian. Before visiting the Abalakovs, these armed people had been checking documents in the next flats. Abalakov disappeared; all power departments, at which the relatives of the missing person applied, denied their involvement in his detention. However, the relatives noticed a man similar to the one that entered their house for abducting Batyrov, in Operational Search Bureau-2⁸.

⁸ Operational Search Bureau-2 of the North Caucasian Operational Department of the Directorate General of Ministry of Internal Affairs of Russia in the South Federal District. OSB-2 is a structure of Ministry of Internal Affairs of the Russian Federation situated in Grozny. In 2003-2007, they detained and subjected to torture those who were suspected of involvement in organized crimes and involvement in the activity of illegal armed groups (see details: <http://www.memo.ru/hr/hotpoints/N-Caucas/doc11/2c.htm>). OSB-2 was not

Based on the fact of the abduction, officers of the Sunzhensky District Investigating Office affiliated to the Investigations Department of the Investigations Committee of the General Prosecutor's Office of the Russian Federation made an inspection. Nevertheless, in the course of ten days the law-enforcement organisations did not carry out any real actions aimed at searching for the abducted man and determining the persons who abducted him.

On July 21, Deputy of State Duma of the Russian Federation from Chechen Republic **Adam Delimkhanov**⁹, under the guidance of whom was carried out the operation in the Sunzhensky District of Ingush Republic, informed the News Agency "Interfax", that Batyr Abalakov was killed in a skirmish. Allegedly, being among a group of people he fired at servicepersons and militiamen who arrived there from Chechnya.

Later on, Ministry of Internal Affairs of Ingush Republic informed that the killed Abalakov was wanted as a militant. However, this completely contradicts the facts, since up to his abduction Abalakov had openly lived in his house and worked at the airport "Magas".

On July 22, 2009 to the relatives were given the corpse of Batyr Abalakov, on which there were, apart from some gunshot wounds, traces of knife-inflicted wounds and tortures (some photos of the body are available at *Memorial*).

The relatives continued to insist, that Batyr could not have been killed in a fire-fight, as he had been earlier abducted by officers of power departments.

On *December 1*, Investigator of Department of Internal Affairs of the Sunzhensky District Investigating Office affiliated to the Investigations Department of the Investigations Committee of the General Prosecutor's Office of the Russian Federation, Second-Rank Lawyer **S-M.A. Bakharchiev** passed a judgment rejecting the initiation of a criminal case on the grounds of a crime envisaged in Article 127 of the Criminal Code of the Russian Federation regarding the fact of the abduction of B.M.Albakov: "for lack of essential elements of offence".

In his decision, the investigator asserted unequivocally and not supported by any evidence that Abalakov had been killed in the course of a skirmish. He even failed to consider and investigate a version according to which Abalakov had been abducted, subjected to tortures and killed, whereas the fire-fight had been a feign. Some obvious traces of tortures, as well as incised wounds were termed by the investigator as "some scratches formed shortly before the death". The investigator did not refute the information on the abduction of Abalakov in his judgment, but he asserted that "the persons who committed the abduction of B.M.Albakov had voluntarily released him". On what account did the investigator draw such a conclusion? On the grounds that Abalakov had been

under the control by Ramzan Kadyrov. In July 2007, a man loyal to Kadyrov became Head of OSB-2 and part of the personnel was replaced. In fact, this organisation came to be controlled by President of the Chechen Republic. After that, the situation there changed and torture was not practiced for some time. However, since the beginning of 2009 human rights organizations began again to receive information about cruel treatment of arrested people in OSB-2.

Since spring 2009, when joint operations of law enforcement officers from Ingushetia and Chechnya were triggered on the border territories of Ingushetia and Chechnya, officers of OSB-2 started to work in Ingushetia. A representation of OSB-2 in Ingushetia opened in the city of Magas, in the building of the Department of FSB of the Republic of Ingushetia: the so-called "Interregional Section of OSB-2".

⁹ Since the end of spring 2009 till fall 2009, a special operation aimed at searching and destructing illegal armed groups was carried out on the bordering territories between Chechnya and Ingushetia. The most active part in this operation was played by divisions of Ministry on Internal Affairs of the Chechen Republic under the command of Adam Delimkhanov.

allegedly killed in the course of the fire-fight. The investigator accepted the fact that had been subject to doubting and checking up as an axiom. The circle becomes isolated.

There is no other way of putting such a decision refusing to initiate a criminal case as a caricature of law and justice. The mother of B.Albakov, **Pyatimat Albakova**, lodged a complaint against this decision on the basis of Article 125 of Criminal Procedure Code of the Russian Federation in the Sunzhensky District Court of Ingush Republic. By a decision dated March 29, 2010, the court did not remedy this grievance. In its decision, the court practically repeated “the reasons” of the investigator. In this regard, Judge **A.Yu. Chaniev** claimed that “*while reviewing the materials of the case, it was determined that all the requisite measures directed at solving the case had been implemented*” and that the court did not discover any infringements of the constitutional rights of the applicant [*P.Albakova*].

Pyatimat Albakova lodged a cassation appeal with the Judicial Division of the Supreme Court of Ingush Republic. However, it is possible to foresee the results of the review of the appeal with a great degree of probability.

Thus, we encounter a peculiar cohesion between abducting by law-enforcement officers and investigative organisations and courts. In order to destroy this mechanism of covering up criminals, which had been operating for long years, it is necessary for the Kremlin to have the political willpower.

The abduction and disappearance of Gapur Tankiev

In the town of Malgobek of Ingush Republic, *on April 3, 2009* around 18:30 a local inhabitant **Gapur Tankiev** was abducted. A teacher of Secondary School No. 20 of Malgobek, born in 1985, resident in 56/4, Bazorkin Street.

Gapur Tankiev was abducted not far from the FSB building of Malgobek district, at the intersection of *Etush* and *Bazorkin* streets. Unknown persons wearing black uniforms approached him in two cars (VAZ-2110 and Lada-Priora). About eight people armed with guns ran out of the cars. They grabbed Tankiev and took him away in a unknown direction. As the witnesses of the abduction assert, one more car (Niva-Chevrolet, identification number “C 962 OM”, region 6) was standing near the house of Tankiev. The relatives assumed that some people sat in it carried out observation over Gapur. At the moment when he was approaching his house, they instructed the other group of law-enforcement officers over a radio transmitter regarding his detention. Tankiev’s mobile phone was left in the place of the abduction.

On *April 4* around 13:00 the same Niva-Chevrolet drove up to the place of the abduction. The relatives of Gapur wanted to find out, who had been in the car, however it sharply scooted and began to move away. The Tankievs organized a pursuit and reported on the suspicious car to the Malgobek Internal Affairs Department. Niva-Chevrolet stopped near the building of the Migration Department. Here arrived the Tankievs and militia officers. It appeared that there were three officers of Federal Security Service of Russia in the suspicious car: **Alim Bolov, Dmitry Andreev and Aleksander Chernyavsky**. They were taken to the Malgobek Internal Affairs Department. The relatives of G.Tankiev asserted that two of the detained officers of Federal Security Service of Russia were identified by the eyewitnesses as the participants of the abduction. The Tankievs had a record on a mobile phone, which fixed the moment of the detention of the officers of Federal Security Service of Russia. They also claimed that there were two more different licence plates in the car.

The Press Service of Ministry of Internal Affairs of Ingush Republic rejected the involvement of the detained officers of Federal Security Service of Russia in the abduction of Tankiev. According to its information, the officers of a special department arrived on their business to the Malgobek Migration Service Department.

Investigator of Malgobek Municipal Investigating Department affiliated to Investigations Committee under the Prosecutor's Office of the Russian Federation in Ingush Republic initiated a criminal case No. 09540018 on the grounds of a crime envisaged in Item "a", Part 2, Article 126 of Criminal Code of the Russian Federation (an abduction of a man by a group of persons according to a previous concert).

On *April 6*, President of Ingush republic **Yu.B.Evkurov** met the relatives of the abducted Gapur Tankiev. At this meeting, the President promised Tankievs that he would take the investigation of this case under his control.

No criminal cases regarding the inquiry of Gapur Tankiev and his relatives were initiated, and nobody of them was put on wanted list. The law-enforcement organizations laid no claims to this family. By *June, 2010* neither the destiny and nor the whereabouts of Tankiev have been established.

Abduction and disappearance of Idris Tsidzoev

In the town of Malgobek, on *May 26, 2009* around 4:00 a local inhabitant, **Idris Tsidzoev**, born in 1981, resident in 12, Gogol Street was presumably abducted by officers of Operational Search Bureau (OSB)¹⁰. Approximately from 10 to 12 armed men dressed in camouflage uniforms rushed into the yard of the Tsidzoevs. Prior to this, one of them got over the fence and opened the wicket gate for the others.

At this time, Idris Tsidzoev and his brother **Adam Tsidzoev** were in the court yard and performed ablutions, preparing for the Morning Prayer. The law-enforcement officers, without explaining their actions and without introducing themselves, seized Idris and took him out of the yard. Adam attempted to plead for his brother, but the armed people blocked him, pointing their machine-pistols at him. One of them shouted: *"Stay, where you are. We shall talk to your brother for ten minutes and then let him go"*. Adam heard Idris to be beaten, his calls for help, but he could not help him in

¹⁰ Operational Search Bureau–2 of the North Caucasian Operational Department of the Directorate General of Ministry of Internal Affairs of Russia in the South Federal District. OSB-2 is a structure of Ministry of Internal Affairs of the Russian Federation situated in Grozny. In 2003-2007, they detained and subjected to torture those who were suspected of involvement in organized crimes and involvement in the activity of illegal armed groups (see details: <http://www.memo.ru/hr/hotpoints/N-Caucas/doc11/2c.htm>). OSB-2 was not under the control by Ramzan Kadyrov. In July 2007, a man loyal to Kadyrov became Head of OSB-2 and part of the personnel was replaced. In fact, this organisation came to be controlled by President of the Chechen Republic. After that, the situation there changed and torture was not practiced for some time. However, since the beginning of 2009 human rights organizations began again to receive information about cruel treatment of arrested people in OSB-2.

Since spring 2009, when joint operations of law enforcement officers from Ingushetia and Chechnya were triggered on the border territories of Ingushetia and Chechnya, officers of OSB-2 started to work in Ingushetia. A representation of OSB-2 in Ingushetia opened in the city of Magas, in the building of the Department of FSB of the Republic of Ingushetia: the so-called "Interregional Section of OSB-2".

no way. Ten minutes later, the abductors left in a white minibus “Gazel”. They took Idris away with them. In the place where they beat him there was a pool of blood.

Later on, it was reported that at the same time another group of law-enforcement officers penetrated into the next house, No.14, which belonged to **Magomed Tsisdoev**. Holding two under-age boys and their elder brother under gunpoints, they stole all golden jewellery, mobile phones and a hunting gun “Vepr”.

Immediately after the abduction, Adam Tsisdoev rang up to standby unit of the Malgobek District Internal Affairs Section and notified about the abduction of Idris. The information on the abduction was immediately conveyed to militia posts. As a result, at the post “Mayak-12” officers of Ingush militia detained the white “Gazel”, in which there were armed people, who abducted Tsisdoev. Before **Akhmed Tsurov**, a militia captain, a person in charge in the Malgobek District Internal Affairs Section arrived, the abductors had been held at the post. Captain Tsurov, who arrived soon after, recognised **Adlan Akhmadov**, a Colonel of OSB-2, with whom he was familiar, in one of the abductors. Earlier A.Akhmadov had worked in the Interregional Department of OSB-2 for some time and frequently came on business to the Criminal Investigation Department of the Malgobek Internal Affairs Section where he was known to many local officers, including Tsurov. The colonel demanded that his group should be let through, as it was necessary for them to deliver the detained inhabitant of Malgobek, Tsisdoev, to the town of Magas.

At this time, Tsurov received a phone call from standby unit of the Malgobek District Internal Affairs Section and given an instruction to release the officers of the OSB. The abductors left along a road leading in the direction of the town of Nazran.

On the same day, the relatives of Idris Tsisdoev lodged their written applications to the Malgobek investigative agency department of Investigative Administration of the Russian Federation in Ingush Republic, as well as to the Malgobek District Internal Affairs Section and Ministry of Internal Affairs of Ingush Republic. But at neither of the power departments could they say, on what grounds Idris Tsisdoev was detained and where he was.

Lawyer A.Albogachiev, who represented the interests of the Tsisdoevs, phoned OSB-2 in *Grozny* on the same day, **May 26**, and asked to give him an explanation regarding the reasons of Idris’ detention, as well as to inform on the latter’s whereabouts. An officer, who was on duty at this time in OSB-2, declared that there was no such detained person under their custody.

In the following days, the relatives of Idris Tsisdoev applied with the written applications at the departments of the Prosecutor’s Office of Chechen Republic and to the Prosecutor General of the Russian Federation with a request to locate the whereabouts of their detained relative. However, as was found out, all power departments denied their involvement in the carrying-out of the special operation in the house of the Tsisdoevs. According to official replies, Colonel Adlan Akhmadov was not listed among the officers of OSB-2.

On **June 2, 2009**, based on the fact of the abduction of Idris Tsisdoev, an investigator of the Malgobek Municipal investigative agency department of Investigative Administration of the Russian Federation in Ingush Republic initiated criminal case No. 09540031 on the grounds of crimes stipulated by Items “a”, Part 2, Article 126 (an abduction of man by a group of persons according to a previous concert) of the Criminal Code of the Russian Federation. The mother and elder brother of the abducted person stolen were recognized as the aggrieved party.

The relatives of Idris met Minister of Internal Affairs of Ingush Republic **Ruslan Meiriev** and Officer of the Security Council of Ingush Republic B.Akhmadov. In both cases they were assured

that all measures would be taken for locating the whereabouts of Idris and the persons who had been involved in his abduction.

In the end of July, 2009 the criminal case on the fact of the abduction was handed over to the Major Investigation Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in Southern Federal District. The lawyer of the Tsizdoevs together with Abukar Tsizdoev visited the city of Vladikavkaz, where he met Crime Investigator Oganisyan in the building of Ministry of Internal Affairs of North Ossetia. Together with the complainant, the lawyer handed the investigator a petition for interrogating a number of persons in capacity of witnesses, who could probably provide some information necessary for collecting evidence for determining the persons involved in the abduction.

As far as we know, during the investigation all officers of the Malgobek Internal Affairs Section who were on duty in the night of **May, 27** were interrogated, i.e. those who instructed to release the abductors along with the abducted person. We do not know any results.

The matter was more complicated by the fact that the main witness, militiaman **Akhmed Tsurov**, who recognised the officer of OSB, was killed on April, 9 this year in the course of a special operation in the village of Ekazhevo. According to the official information he was killed by a woman terrorist, who openly approached the first security cordon at the time of the special operation. Further, she was not let go by officers of Republican militia, the woman pulled out a gun and shot at Chief of Internal Affairs Section of the Nazran District **Movsar Tambiev**. However, she missed and hit Head of the District Department of the Militia in the Nazran District **Akhmed Tsurov**, who died from the inflicted wound. The woman terrorist was killed by reprisal fire. However, there is some video evidence disproving this version, placed on the Internet (http://www.youtube.com/watch?v=XCE6cRdPFI4*feature=player_embedded).

It is clearly visible that the woman that took a shot was standing with her back to Tsurov and she hit nobody. Indeed, he got deadly hurt at the moment when fire was brought down by officers of law-enforcement agencies. So far, it is possible only to guess, whether a casual bullet hit him or he was purposely shot at by someone.

As of **June, 2010** the whereabouts and the destiny of Idris Tsizdoev have not been established.

It should be added that according to the information of Abukar Tsizdoev the special operation on May, 26 was not the first one in the house of the Tsizdoevs. Earlier, on **February 3, 2009**, officers of some unknown security agency carried out an illegal search (without presenting any documents and in the absence of search witnesses) in the house of the Tsizdoevs. They did not find out anything illegal. After finishing the search, the law enforcement officers photoed all the young people, who were in the house, and their documents. The Tsizdoevs then decided not to complain anywhere, the more so that on that very day similar operations were carried out in the other houses in *Gogol* street.

The abduction and disappearance of Magomed Oziev

In the night of **September 5, 2009** around 2:15, officers of some unknown security agency abducted a local inhabitant, **Magomed Borisovich Oziev**, born in 1986, resident in *Mira*, 38 Street. One month before the abduction, M. Oziev received a degree from the Agrarian Department of Ingush State University.

According to the relatives of Magomed, the law enforcement officers arrived in cars (“Lada-Priora”, VAZ-21110 and VAZ-21112) and minibus “Gazel”. They were dressed in camouflage uniforms; they wore helmets and had no masks. The neighbours of the Ozievs heard some noise. One of them later gave evidence that when he went outside a street, the armed people forced him go back into the yard.

Around twelve armed men got over the fence of the yard of the Ozievs, knocked down the entrance door and rushed into the house. Some more men remained outside. Everyone who was in the house (Magomed himself, his father, his stepmother and also his brother, **Adam**, with his wife and small children), were taken out into the street, without letting them get dressed.

After fluently examining the premise, the law enforcement officers put handcuffs on Magomed Oziev’s wrists and put him in one of the cars. One of the security officers was shooting arrest with a digital videocamera.

The father of Magomed, **Boris Oziev**, tried to find out, who and on what grounds was taking his son away. One of the armed people answered that they were from the OSB, that they had arrived there based on some operative information and that Magomed was to be searched for in ROVD without specifying in which the local section exactly. They talked in Russian and Chechen languages. When the law enforcement officers left, the Ozievs informed the local ROVD of the Suzhensy and Nazranovsky districts about the incident and phoned the Rescue Service. Thirty to forty minutes later some officers of the Sunzhesky ROVD arrived at the Ozievs’. They knew nothing about who had carried out the special operation in the *stanitsa of Nesterovskaya*.

The relatives of Magomed Oziev addressed all republican power departments and also human rights organizations with their written applications. On **September 14**, some applications with a request to assist in searching for Mahomed were sent to the Public Commission for Observance of Human Rights under the President of Ingush Republic.

Based on the fact of the abduction of M. Oziev, the Sunzhensky Investigating Department of the Investigations Department of the Investigating Committee under the Prosecutor’s Office of the Russian Federation in Ingush Republic initiated criminal case No. 09600117 on the grounds of crimes stipulated by items “a, d”, Part 2, Article 126 (an abduction of a man by a group of persons according to a previous concert, with employment of weapons) and Part 2, Article 222 of the Criminal Code of the Russian Federation (unlawful bearing of arms).

By December 15, 2009 the investigation of the criminal case had been suspended “*in connection with an impossibility of establishing the persons subject to accusation*”. Nevertheless, in the course of the preliminary investigation, an important fact was established.

As follows from the decision about stay of a preliminary consequence from December 15, 2009. (a copy is available at the disposal of *Memorial*). It was established that the cars in which the kidnappers had come, were riding around 2:30 in the direction of Chechnya. The investigator interrogated the officers of Ministry of Internal Affairs of Ingush Republic, who were on duty on that night at the check posts in the area of the stanitsa of Nesterovskaya. The militiamen who were on duty at the post “Assa”, located on the road leading from Nesterovskaya in the direction of stanitsa of Asinovskaya of Chechen Republic, informed that cars (Lada-Priora, VAZ-21110, VAZ-21112 and minibus “Gazel”) passed around 2:30 in the direction Chechnya. The people in the car riding at the head of the pack, showed a pass. The people going in these cars, informed that they were going from the village of Dattykh¹¹. According to the explanations of the Ingush militiamen,

¹¹ In this period, starting from 16 May 2009, divisions of Ministry on Internal Affairs of the Chechen Republic and Ministry on Internal Affairs of the Republic of Ingushetia conducted joint operations in the

they had no right to examine and detain persons showing special passes according to the instructions. The glasses of the cars were tinted, however the interior of one of them was illuminated, therefore militiamen standing at the post, could discern in it some sitting armed people in special camouflage uniform. The militia guards had no doubts that these people were officers of law-enforcement agencies.

Thus, it is obvious that the abducted Magomed Oziev was taken away to Chechen Republic. He was abducted by officers of one of state power structure based in Chechen Republic.

During some three months (*September 5 to December 15, 2009*) Investigator I-M.B.Bersanov interrogated the relatives of the abducted person and his neighbours, as well as militia guards. Besides, he provided the Court with the detalisation of mobile phone calls, which were being made in the area of the Ozievs' house at the moment of the abduction of M. Oziev (this measure proved ineffective). And there was all to it!

After that he wrote: "The performed investigation and operational search actions have not made it possible to establish the persons involve in this crime". In this case, the implementation of further operational search actions is entrusted with the Internal Affairs Section of the Sunzhensky District of Ingushetia. It is obvious that the investigation is carried out purely formally, an imitation of the investigation is effected! It is obvious, that neither the Ingush inspector, nor the Ingush militia cannot search for criminals among law enforcement officers in Chechnya.

On *December 22, 2009* the management of Investigator Bersanov cancelled his resolution regarding the suspension of the preliminary investigation as invalid, because he had failed to fulfill a number of necessary investigation actions. The criminal case was handed over in consideration to the same investigator.

It was possible that the investigator directed some assignments to the agencies of the Prosecutor's Office in Chechen Republic, to investigation agencies and Ministry of Internal Affairs of Chechen Republic with a request to establish the persons involved in the abduction M. Oziev. Perhaps he was given the roundabout in letters from these departments. However, it is not excluded that the answers to him failed to be directed. The last fact is a most probable one, based on the fact how the agencies of Ministry of Internal Affairs of Chechen Republic treat the assignments of the investigating agencies of Chechen Republic (please see below the abduction case of **Z.Gaisanova**).

The result is expectable - as of *June, 2010* the whereabouts and the destiny of Magomed Oziev have not been established.

The matter here does not reduce to an individual careless investigator. In order to have an effective investigation of a similar crime, it was necessary to create an interdepartmental investigation group including inspectors not only from territorial investigation agencies, but also from military investigation organisations, operative officers of FSB department in Ingushetia and Chechnya, from the Major Department of Ministry of Internal Affairs in the Southern Federal District¹², from law-enforcement agencies of Ingushetia and Chechnya.

But this was not done. An orientation of the whole investigatory system to the investigation of similar crimes is obvious.

area of this village, aimed at searching and detaining insurgents.

¹² And after the establishment of the North Caucasian Federal District: the Directorate General of Ministry of Internal Affairs in the North Caucasian Federal District.

The abduction and disappearance of Maskhud Makhloev

On **October 29, 2009** around 3:30 officers of some unknown power structure abducted a local inhabitant, **Maskhud Makhloev**, born in 1982, resident in 55, Pavlov Street, in the stanitsa of Ordzhonikidzevskaya.

In 2009 Maskhud Makhloev finished the Extramural Faculty of the Law Department of Institute of Economy and Law; he worked in a shop manufacturing plastic windows in the town of Nazran in *Bozorkin Avenue*.

Some law enforcement officers drove up to the household of the Makhloevs (55 and 60, Pavlov Street) by two mini buses: “Gazel” and minibus UAZ, in an armoured UAZ car and in a VAZ car. The neighbours of the Makhloevs witnessed this.

Approximately 15 to 20 armed people dressed in camouflage and wearing masks broke into the house, without introducing themselves and producing any documents. Their arms and equipment indicated that an assault group of special forces of some of power agencies took part in the special operation: spherical helmets, machine pistols with lanterns attached to them, bullet-proof shields. It is possible to assume that the law enforcement officers expected to meet some armed resistance here.

The head of the family, **Khamutkhan Makhloev**, and his wife, **Aminat Makhloeva**, rushed into the yard when heard the noise. The people who had burst into the house directed their weapons at them and put them to the wall and then they knocked down the doors of the rooms, where the sons and daughters of the owners of the house were sleeping, and rushed in there.

The daughters were taken into the street and put to the wall near their parents. They were threatened and offended in bad language. The people who stormed into the house spoke in Russian, without any accent.

At this time, two sons of Khamutkhan, Maskhud and younger brother Ibragim, were being beaten inside house. As Ibragim said later, one of the law enforcement officers convolved Ibrahim’s arms and wound them with some adhesive tape, while the other tied up his legs, and the third one pressed his head to a pillow in such a way that it became impossible for him to breathe, and the fourth beat him on the head, the body and the ribs with the butt of the machine pistol. Nearby Maskhud was being beaten. Then they pulled a T-shirt on Ibragim’s head and wound his head with some adhesive tape, after that they threw him onto the floor.

The parents and daughters were jostled into the kitchen, and at this time Maskhud was dragged into the street. Despite the cold season of the year, he was taken away almost undressed.

The Makhloevs saw that the armed people, who were in their courtyard, constantly talked back using portable radiosets.

Soon a command followed: “We are leaving, we are leaving!” And all the armed people quickly left the courtyard. The cars drove away, taking Maskhud away in an unknown direction.

On the same day, the relatives of Maskhud Makhloev lodged their complaints about his abduction with the agencies of the Prosecutor’s Office, with President of Ingush Republic, with human rights organizations. However, the republican law-enforcement agencies had information on who might have taken Maskhud away. None of state power departments admitted its involvement in the operation carried out in the house of Makhloevs on **October 29**.

As a result of a medical inspection of Ibragim Makhloev, they found out a concussion of the brain, a rib fracture, blood stains and bruises on the face and on the back.

On **November 10, 2009** on the grounds of the abduction of Makhloev Investigator of the Karabulak Investigation Department of the Investigations Committee under Prosecutor's Office of the Russian Federation in Ingushetia initiated criminal case No.096000131 according to items "a and d", Part 2, Article 126 (an abduction of a man by a group of persons according to a previous concert, with employment of weapons) and Part 2, Article 222 (illegal arms traffic by group of persons according to a previous concert) of the Criminal Code of the Russian Federation.

The circumstances of the abduction of Maskhud Makhloev obviously indicate that this crime was accomplished by representatives of some state power department. Ingushetia has been already flooded for several recent years by representatives of law-enforcement agencies and security services, including those directed there on business from different regions of Russia. It is difficult imagine that two mini buses and two cars could quietly pass over the roads of Ingushetia, including an armored UAZ car full of armed people, if only these people had no relation to power departments. Militants have no armored motor vehicles and bullet-free shields. In this context, it is also necessary to give attention to the fact that law-enforcement agencies already abducted Maskhud Makhloev earlier in **2006** (please see below).

On **December 17, 2009** with the assistance of the lawyers of Human Rights Centre *Memorial* and the European Human Rights Advocacy Centre, the relatives of the abducted person lodged a complaint with the European Court of Human Rights. The Court adopted the complaint according to Rule 41 of the Procedure (the application is to be given the priority order) and proposed Government of the Russian Federation to provide the copies of all documents concerning the measures taken for establishing the whereabouts of Maskhud Makhloev. Human Rights Centre *Memorial* got the materials from the criminal case initiated on the grounds of his abduction.

It follows from these materials that in the course of the pre-investigation check the investigator sent to all the heads of the ROVD of Ingush Republic, to the commander of the mobile detachment of Ministry of Internal Affairs of the Russian Federation in Ingush Republic, to the head of FSB department in Ingush Republic, the head of Criminal Investigation Department of Ministry of Internal Affairs of Ingush Republic some assignments with the request to inform, whether the special operation was carried out by the officers of the said organizations in the house of the Makhloevs in the night of October 29, whether M. Makhloev was detained by them, whether they knew something about his detention by some other law enforcement agencies. No answers were available in the provided materials, but it is obvious that the investigator failed to receive any factual information. The pre-investigation check was restricted to it.

Then, after the initiation of the criminal case, the investigator interrogated the members of the Makhloev family. No information on other interrogations is available, though the neighbours of the Makhloevs could have given some important additional items of information - for example, regarding the motor vehicles in which the kidnappers arrived. The investigator again directed some assignments concerning operational search actions to all the internal affairs agencies and FSB: *"Carry out operational search actions directed at establishing the whereabouts of M.Kh.Makhloev; focus the personal, the public and help staff on establishing the persons who committed the given crime; give some discreditable material concerning M.Kh.Makhloev, if such is available; establish the witnesses and eyewitnesses of the given crime in an operative way and ensure their appearance in the investigation department"*. The assignments are only formal, they practically do not oblige the officers to take any specific actions, for which they should be held responsible.

The investigator sent the ministers of internal affairs of a number of republics (Ingushetia, Dagestan, Chechnya, Kabardino-Balkariya, North Ossetia-Alania) orders with a request to check if M.Makhloev could be found on the basis of accounts of unidentified corpses, and to inspect medical institutions, temporary detention facilities, pretrial detention centres, places of deprivation of freedom for the presence of M.Makhloev there.

The investigator forwarded an order for establishing the officers of Ministry of Internal Affairs who pulled duty on that night at block posts “Angara-120” and “Caucasus-1”, through which cars with the abductors might have passed. He obliged them to report for an interrogation in the capacity of witnesses.

On an application of the investigator, they fulfilled a detailed elaboration of all mobile phone negotiations which were carried on in the area of the Makhloevs’ house in the period of the execution of the special operation there, aimed at abducting Maskhud Mavloev. Such a measure is pertinent in cases when a crime is committed by ordinary criminals, and not by a group of a special task force. From the evidence of the witnesses it was clear that the abductors used portable radio sets instead of mobile phones for their talks.

Lastly, on **November 16**, more than two weeks after the abduction, the investigator addressed some military investigation agencies with a request to inspect the logbooks of the entry and departure of vehicles into and out of the territory of the Federal Security Service Directorate of the Russian Federation in Ingush Republic, belonging to the Department of the Federal Security Service Directorate in Ingush Republic in the Sunzhen District, and check up whether cars of brands UAZ, UAZ-“tabletka” and a Gazel car left the territory of the Federal Security Service Directorate on the night of October 28 to October 29. In case this fact is confirmed they were to interrogate the officers and establish to what end and in what direction they departed.

In the materials sent to the European Court of Human Rights no answers to these orders of the Investigator were available, and we do not know whether they were obeyed.

From the nature of the orders and questions, it is obvious that the basic version of the Investigator was the abduction of M.Makhloev by officers of some law enforcement department.

However, in this case, the same as in the previous ones, the investigation agencies did not undertake any attempt of creating an interdepartmental investigation group.

As of **June 2010**, the neither the whereabouts, nor the fate of Maskhud Makhloev have been established.

It is necessary to notice that earlier in 2006 law-enforcement agencies abducted Makhloev¹³. He was suspected of his involvement in the activity of illegal armed groups.

On December 26, 2006, officers of some unknown law enforcement department, dressed in camouflage uniforms and wearing masks, broke into the premises of the office of a private juridical firm “APEK” in *the town of Nazran*, where Makhloev worked¹⁴. None of the intruders introduced himself and none showed any documents. During one hour, they interrogated Makhloev and then, after handcuffing him, took him away in an unknown direction in a passenger car with no licence plates.

¹³ See details on Memorial’s web-page:

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2006/12/m65579.htm>

¹⁴ Later, Makhloev worked in a workshop producing plastic windows in Bozorkin Avenue in the city of Nazran since 2007 and till his abduction in 2009.

Approximately at the same time, officers of some unknown power structure, accompanied by members of the Prosecutor's Office of *the Sunzhen District* searched in the residence of Makhloev. Nothing illegitimate was found out.

In the next three days, the relatives of the abducted person tried unsuccessfully to find Maskhud Makhloev. They applied to the Republican Prosecutor's Office, the Prosecutor's Office of the Sunzhen District and the District Department of Internal Affairs of the Sunzhen District, but they could not receive any answers to their questions about the fate of Maskhud anywhere. Only on the fourth day, they learned from some informal sources that Maskhud was under arrest in a temporary detention facility of the Sunzhensky District Department of Internal Affairs. During the first day, in the course of an interrogation, Maskhud was beaten, and they thus tried to force him to admit his involvement in an attempt upon the life of Acting Head of Sunzhensky District Department of Internal Affairs **Isa Merzoev**, which took place on **October 31, 2006** in the *stanitsa [a Cossack village] of Ordzhonikidzevskaya*. No lawyer was allowed to the detainee.

Then Maskhud Makhloev was taken out for some time from *Ingushetia* to *Chechnya*, where he was kept in an illegal place for keeping detainees and arrestees on the premises of Independent Reconnaissance Batalion -2 in *Grozny*.

The case of M.Makhloev was in the procedure of the Prosecutor's Office of Ingush Republic, where he was accused according to Article 222 (illegal arms traffic), Article 209 (gangsterism), Article 317 (infringement of the life of an employee of a law-enforcement agency). In the end of **April, 2007**, by a decision of the Major Case Investigator of the Prosecutor's Office of Ingush Republic, Ozdoev, the criminal prosecution with respect to M.Makhloev was terminated in connection with his non-involvement in the commitment of the crime, was released from custody¹⁵.

Maskhud Makhloev did not venture to complain about the tortures and the lawlessness or claim damages. He feared a revenge of the law-enforcement officers, the more so that he was correspondingly cautioned on the eve of his release.

On **October 31, 2008**, representatives of law-enforcement agencies searched the house of the Makhloevs, but nothing unlawful was revealed.

On **August 14, 2009**, Maskhud Makhloev got hurt in the forearm through a gunshot on the way to his work: some unknown person shot at him. Because of his injury, Makhloev was under treatment in the the Republican Hospital. Here he was repeatedly seen and interrogated by officers of the Federal Security Service and Ministry of Internal Affairs. As explained by Maskhud's relatives, "the kadyrovtsy" [*Kadyrov's supporters*] would also come here, who threatened him with punishment. They considered him to be involved in the activity of illegal armed groups.

No official charges were brought against Maskhud Makhloev after his release in **May, 2007**.

As of **June 2010**, neither the whereabouts, nor the fate of Maskhud Makhloev has been established.

The kidnapping and disappearance of Aliskhan Pliev

¹⁵ See details on Memorial's web-page:
<http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/05/m85427.htm>

On **November 4**, 2009, around 12:30, a local inhabitant, **Aliskhan Pliev**, born in 1979, resident in 79, Oskanov Street, was kidnapped by officers of some unknown power structures in the Plievsky Municipality District of *the town of Nazran*.

According to his father, **Boris Pliev**, some armed people in masks and dressed in camouflage uniforms, numbering some 20-25 men broke in their house. They neither introduced themselves, nor showed any documents and they did not explain the reason for their visit. The law enforcement officers seized Aliskhan Pliev, snatched a mobile phone out of his hand, put a bag on his head and made him go out of the house. Aliskhan's sister tried to find out, where they were taking him, but they rudely responded to her that "it is none of your business, we know where we are carrying him". The unknown persons spoke Russian. Aliskhan was made to sit in the car, VAZ-21114, gunmetal gray, with no licence plates. Near the house there were some cars: VAZ-21114, VAZ-21112, VAZ-21115 and an armoured UAZ car. All the cars had no identification signs and licence plates, with tinted glasses. Aliskhan was carried away in the direction of *the town of Nazran*.

The relatives applied to all law-enforcement structures of the Republic, but failed to find out, who had taken Aliskhan away and where he was brought. The father of the kidnapped person, Boris Pliev, met President of Ingush Republic **Yunus-Bek Evkurov** and asked him to help in the search of his son. The president assured that he would take this case under his personal control.

On **November 6**, 2009, President Evkurov held a meeting with the chiefs of the power structures of the Republic. The basic subject of the meeting became the criminal situation in the Republic. The Press Service of President of the Ingush Republic informed that "*As a separate topic at the meeting, some questions were raised concerning the observance of law while carrying out various special operations on the territory of Ingushetia*"¹⁶. Within the framework of this topic, also the issue of the latest kidnappings of local inhabitants, Maskhud Makhloev and Aliskhan Pliev, was raised. However, none of the chiefs and representatives of power departments of the Republic, who attended the meeting, could answer the question regarding who could be involved in the kidnapping of these people. The president drew the attention of the chiefs of power departments to the insufficient control of observance of law in executing special operations.

On the grounds of the kidnapping of Aliskhan Pliev, the Nazran Interregional Investigation Department of the Investigation Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in Ingushetia initiated a criminal case according to items "a and d", Part 2, Clause 126 (an abduction of man by a group of persons under a preliminary conspiracy, with employment of weapons). It is obvious, that law-enforcement agencies and special services suspected that Aliskhan Pliev either was involved in the activity of the armed underground, or possessed some information about it.

Aliskhan Pliev, brother of **Ilez Pliev**, born in 1982, who perished on **July 25**, 2009 at the outskirts of the town of Karabulak due to an explosion of a car, VAZ-2107, where there were three more inhabitants of Ingushetia. According to some official information, the cause of the explosion of the car could have been a spontaneous detonation of an explosive device transported in this car, whereas the people riding in the car allegedly were connected with illegal armed groups in preparing a terrorist act on the territory of the Republic. The relatives of the perished **Pliev, Doskhoev, Chabiev and Inalov** consider that their family members were killed by officers of special service, who then imitated a self-detonation of the explosive device.

¹⁶ <http://www.ingushetia.ru/m-news/archives/012099.shtml>

St.Petersburg: Abduction and Disappearance of Dobriev Yusup Magomedovich, Dobriev Yunus Magomedovich, Adzhiev Magomed Adimovich and Dzhaniev Ali Makhmudovich

In St.-Petersburg, some inhabitants of Ingushetia, the relatives of **Fatima Dzhanieva**, the widow of the well-known Ingush public figure, the leader of the opposition, Maksharip Aushev, were kidnapped and reported missing¹⁷.

On the night of **December 26, 2009**, there disappeared Yusup Dobriev, born in 1968, Yunus Magomedovich Dobriev, born in 1971, Ali Makhmudovich Dzhaniev, under-aged, born in 1992, and Magomed Adymovich Adzhiev, born in 1989.

On December 25, Yunus and Yusup Dobriev (both of them are the uncles of Fatima Dzhanieva) returned from Ingushetia after attending the funeral of their relatives. Yunus permanently lives in St.-Petersburg while Yusup resides in Arkhangelsk.

They brought the expecting and wounded Fatima Dzhanieva and her younger brother to St.-Petersburg from *Ingushetia* for medical treatment. The under-aged Among the Dzhaniev brothers, Ali was the only one who stayed alive in Ingushetia. The relatives were afraid to leave him alone in Ingushetia. Here also arrived Magomed Adzhiev, the cousin of Fatima and Ali, along with them Fatima was accommodated to stay overnight at her relatives'. Then, approximately at 00:30, Yusup Dobriev and Yunus Dobriev, Ali Dzaniev and Magomed Adzhiev rode out in a car, VAZ-21099 (registration number 'M 273 OC 98-th region') to visit other relatives with whom they planned to accommodate Ali Dzhaniev and Magomed Adzhiev overnight. From there, the Dobrievs intended to return to Yunus Dobriev, who lived in a dormitory located in the *Primorsky* district of the city, near the underground station "Pioneer". The four men failed to appear at any of these addresses; approximately one hour after they left, their mobile phones went switched off.

On the morning of **December 26**, the relatives of the kidnapped persons lodged their applications with the 30-th Militia Section of the Vasileostrovsky District of St.-Petersburg, located where the relatives of the missing persons lived and from where the latter left on that night.

However, here they did not want to accept the application of Yunus Dobriev's wife, **Tanzila Dobrieva**, she was sent from one militia division to another. Eventually, the application was nevertheless accepted by the 30-th Militia Section of the Vasileostrovsky District and then it was transferred to the 86-th Militia Section of Primorsky Rayon where it had been shelved for 15 days without any review. Only on **January 9, 2010**, an appointment of Tanzila Dobrieva with a precinct militiaman of Primorsky Rayon, where the case had been redirected, took place.

Criminal case No.122407 was initiated after one month (contrary to the norms of the Code of Criminal Procedure of the Russian Federation) after the crime was committed – on **January 25**,

¹⁷ Maksharip Aushev was in 2007-2008 one of the leaders of the mass movement against the corruption of the authorities and human rights violations during counterterrorist operations in Ingushetia. After President Evkurov came to power, he withdrew from his public activity, remaining at the same time a reputable public figure. On 25 October 2009 he was killed when some unknown people gunned his car.

Fatima Dzhanieva is the second wife of M.Aushev. On 16 December 2009, under obscure circumstances, the car that she was driving in was exploded. Dzhanieva was wounded, and her mother and two brothers were killed. On the next day, her third brother was driving a car that was exploded on the road when passing a military convoy (<http://www.memo.ru/2010/04/01/0104101.htm#ma>).

Obviously, the authorities suspect some of the relatives of Dzhanieva of connections with the illegal armed underground. Nevertheless, no one of the family members was officially accused.

2010 - by R.A. Barsky, Major Case Investigator of the Investigation Department of the Investigations Committee of the Russian Federation in Saint-Petersburg, according to Item "a", Part 2, Clause 105 of the Criminal Code of the Russian Federation (a murder more than two persons)

The relatives assumed where the kidnapping might have happened, however the investigation agencies failed to ask for the records of the conjectural place of the kidnapping, made by the outdoor surveillance camera, and these records have been preserved by now. The records made by the videocameras of the Municipal Monitoring Centre, located at road crossings, were requested only on the initiative and on the application of the offended woman herself, Tanzila Dobrieva, **on December 31, 2009**. She asked to keep the records of such cameras along the assumed route of the car belonging to the disappeared persons. These records are an important material for investigating the crime, by means of which the offended party determined the place and the time of the kidnapping. On the monitoring recording, it is clearly visible how two light-coloured cars are chasing the car of the kidnapped persons, violating the traffic regulations. Also seen are a black-coloured jeep and other cars following these vehicles, one of which being similar to the one out of which the members of the families of the kidnapped persons were shadowed on the next morning after the kidnapping.

Tanzila Dobrieva and the friends of her kidnapped husband were compelled to do the work of investigation agencies. They decoded the data from the videocameras of the Municipal Monitoring Centre themselves and, as a result, they could determine the site where, the most probably, the kidnapping was committed. They handed over all the results of their investigations to the investigator. However, he evidently sabotaged the investigation.

As the friends of the kidnapped persons established, the records from the videocameras located near the place of the kidnapping (on the buildings of the Hotel "Sokos" and of the customs house) had been kept for two months. However, during this period they failed to be asked for by investigation agencies. After two months, the records were erased. The investigation agencies did not elaborate the site of the commitment of the crime, they failed to try and establish the witnesses of the incident and failed to obtain the proofs. As a result of the failure of the investigation, some valuable evidence and proofs were lost.

On **February 10, 2010**, the Investigator informed Dobrieva that their car had been found out near the assumed place of the crime. The car was closed, and there was a dent in its front part. On **March 6**, Yunus Dibriev's friend and a member of Memorial Human Rights Centre inspected two houses, on the own initiative, located opposite to the surmised place of the kidnapping. They found out four witnesses of the kidnapping, who narrated in detail that on the night of December 26 they saw the operation of the capture of the passengers seated in the VAZ-2109 car out of the windows of their house. The attackers were armed and masked, wearing black uniform without any sign of distinction. All the witnesses considered the event as a militia operation aimed at detaining the criminals and they did not inform any agency on what they had seen. Nobody had interrogated them after.

According to the stories of the witnesses, the car of the kidnapped persons was blocked ahead by a black jeep (which, probably, left the dent on the car) and obstructed the road in front of the car. Then, some officers of an unknown power structure came out of the two mini buses, dragged out the four people, who were in the car, tied up the hands of the detainees (in doing so, they placed one person on the car bonnet, handcuffed him, while they laid the other on the ground and kicked him on the face). Then they put the detainees in different transportation vehicles and disappeared. The operation lasted 2 to 3 minutes. One man out of the group of the attackers was shooting everything with a videocamera, whereas the second one regulated the traffic of motor vehicles passing by. All the interrogated witnesses had an unequivocal opinion that they became witnesses of the detention

proceeded “as if in the cinema”. According to words of the eyewitnesses, the operation was carried out very professionally. Three witnesses were interrogated by the lawyer of the complainants, and two of them had already given evidence to the Investigator, on the application of the complainants.

As of **June, 2010**, nothing has been known about the fate of Yusup Dobriev, Yunus Dobriev, Ali Dzhaniev and Magomed Adzhiev.

Some of representatives of the authority, to whom members of Memorial Human Rights Centre talked, imparted their doubt that these disappeared people had been kidnapped by representatives of state power departments. They put forward a version of the four missing men’s going underground under the guise of the allegedly occurred kidnapping.

Such a version is completely refuted by the facts gathered by the relatives and friends of the kidnapped persons, by members of Memorial Human Rights Centre and the lawyers of the complainants, as well as by the evidence of the eyewitnesses, records by videocameras, etc. The outright sabotage of the investigation of this crime proves, still more obviously, that the kidnapping did occur and that it was committed by representatives of the state.

We do not know, whether officers of special services had had any suspicions with respect to the Dobrievs and Dzhanievs until **December, 2009** regarding their involvement in the Islamist extremist underground. But after **Batyr Dzhaniev** appeared sitting, **on December 17**, at the wheel of his car, which exploded while a pack of military vehicles was passing, (<http://www.memo.ru/2010/04/01/0104101.htm#ma>), such suspicions could not but crowd upon law enforcement officers.

On this fact also points the article published in April 2010 in the newspaper “Nasha Versiya na Neve” [*Our version on the Neva*]¹⁸. It is reported there, with some reference to “militia officers of the Centre “Э” of the Department for Counteraction against Religious Extremism”¹⁹ that Yunus Dobriev was allegedly associated with the fundamentalist organization “Muslim Brothers”, and that the militia operatives received some evidence against Yu. Dobriev from **E.Ryabinin**, detained in March, 2010 on suspicion of his extremist activity. In this regard, according to this article, it is the militia officers of the Centre “Э” that are engaged in the operative tracking of searches for the missing Yunus Dobriev and his relatives.

How exactly this “operative tracking of searches” was implemented is described by us above. It is obvious that given such suspicions with regard to the missing persons, the militia officers of the Centre “Э” would not have been engaged in the sabotage of the investigation regarding the kidnapping of these people, had not this abduction been the result of the actions of the militia officers themselves.

Fatima Dzhanieva gave a birth to a girl after a few days after the kidnapping of her four relatives. Some unknown people came to the maternity hospital where she was and kept asking the personnel about where exactly she was lying and when she was to be discharged. After that, the friends of the

¹⁸ N.Matveeva. “Egor, A Friend of Negmat. Pushkinsky Wahhabit Egor Ryabinin and His National-Islamic Friends Have Been Following the Path of the Demolitionist Said Buriatsky”, “Nasha versia na Neve” [*Our version on the Neva*], No.13, 05.11.2010-11.04.2010.

¹⁹ In autumn 2008, the Department for Fighting against Organised Criminal Activity and Terrorism at Ministry of Internal Affairs was abolished and on its base a Department for Counteraction against Extremism (Department “Э”) was established. In the entities of the Federation, within the framework of these transformations, there were established centres for counteraction against extremisms (“Centers”). Centres “Э”, in particular, fight with various manifestations of Islamic fundamentalism.

Dzhanievs' family immediately took her away both from the maternity hospital and from St.-Petersburg.

The detention of Rashid Maksharipovich Inalov in the railway station “Mineralnye Vody” and his disappearance

On **December 29, 2009**, an inhabitant of Ingush Republic, **Rashid Inalov**, born in 1987, living in *the town of Nazran, the Pliev Municipal District*, was detained at the railway station “Mineralnye Vody” and disappeared.

On **December 21, 2009**, Rashid Inalov went to *the city of Samara* in order to take his examinations at a local university, where he studied by correspondence.

On **December 29**, Rashid left Samara for home by the train “Novokuznetsk–Kislovodsk”. His acquaintance travelled together with him in the compartment. At the railway station “Mineralnye Vody” two men dressed in civil clothes entered their compartment. They showed their documents of criminal investigation department officers and asked the travellers to show passports. One of them identified himself as Artyom Sumeiko. After they checked up the passports, the officers asked Rashid to go to a militia division along with them, saying to him that he had a false passport. Having taken all his belongings, Rashid went together with them. Since then no information on his whereabouts is available.

The relatives applied for help, with their written applications, to the Regional Department of Internal Affairs of the Nazranovsky District, to the Security Council of Ingush Republic to the Prosecutor's Office of Ingush Republic, to the law enforcement agencies of *the city of Samara* and *the city of Mineralnye Vody*.

On **February 16, 2010**, the Mineralovodsky Interregional Transport Investigation Department and the Prosecutor's Office of the Stavropolsky Krai [*region*] forwarded their answers to the inquiries of Memorial Human Rights Centre. From the same it follows that while checking no information regarding the detention and transportation of R.M.Inalov in the period from **29.12.2009** till now was provided to the law-enforcement agencies of the region. The criminal cases with respect of R.M. Inalov were not initiated. It was established that Artyom Sumeiko had been registered neither in the agencies of internal affairs of the region, nor in the agencies of the North Caucasian Transport Department of Internal Affairs and is not registered now.

On **February 5, 2010** based on the fact of unknown disappearance of Mr. R.M.Inalov, Investigator of Mineralovodsky Interregional Transport Investigation Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation initiated a criminal case on grounds of a crime envisaged in Item “a”, Part 2, Clause 126 (an abduction of man by a group of persons under a preliminary conspiracy) of the Criminal Code of the Russian Federation. According to the official information, “*the operational search actions are being carried out, which are directed at defining the whereabouts of R.M.Inalov, as well as the persons involved in the above-stated crime*”.

Rashid Inalov is the brother **Urus Khan Inalov**, who died on **July 25, 2009** at the outskirts of *the town of Karabulak* in an explosion of a VAZ-2107 car, in which there were three inhabitants of Ingushetia. According to the official information, the cause of the explosion might have been a spontaneous detonation of the explosive device, whereas the people sitting in the car, bore relation to the brigandish underground. The relatives of the perished persons were killed by officers of special services, who afterwards imitated a self-detonation of the explosive device. It should be

noted that on *November 4, 2009* **Aliskhan Pliev** (please see above) was abducted by some officers of unknown special services and was reported missing, whose blood brother died together with with the brother of Rashid Inalov.

As of June, 2010, the whereabouts and the fate of Rashid Inalov have not been established.

II. The kidnappings and disappearance of inhabitants of the Republic of Dagestan

A general overview

In view of the high level of violence in the *Chechen Republic* and in the adjoining *Ingush Republic*, humans rights advocates gave insufficient attention to the violation of human rights in the *Republic of Dagestan* in the past decade. Meanwhile, the armed confrontation has been lasted here since the end of the nineties.

The conflict in *Dagestan* has a pronounced religious tinge. The majority of the population of the Republic exercises Islam of Sufi trend, “traditional” for this region. Meanwhile, Salafism (radical Islam) has been firmly established here as well, regarding which the authorities usually use the term “Wahhabism”. In a number of communities of Dagestan, this religious trend exercises a significant influence on the public life of the local society.

Islam fundamentalism is an ideological basis of the armed underground. Taken by itself, a fundamentalist current, unless it assumes a political character, and until its followers try not to dictate norms of behaviour to others, should not be prosecuted by the state. However, in the course of the last ten years, the official authorities factually equated fundamentalism with terrorism and banditism. A confusion of criminous-legal and religious concepts: the struggle against terrorism has actually turned into a battle with adherents “Wahhabism” as a religious tendency.

After an acute phase of armed hostilities in the end of the summer and in the autumn of *1999*, the conflict in *Dagestan* seldom developed into direct armed collisions. The members of the underground committed terrorist acts, carried out attacks, fired explosions and murdered officers of law-enforcement agencies, of the prosecutor’s office and special branches. In many cases, the civilian population suffered as a result of these actions. The officers of power structures struggled with the underground, the same as in other Republics of the North Caucasus, violating human rights most blatantly.

When it was necessary for “law enforcement officers” to solve crimes, they first of all “completed” lists of “unconventional” Muslims who, by definition, were perceived as suspicious persons. Representatives of this group primarily fell victims to illegal actions of the officers of law-enforcement agencies and special services. The majority of abducted persons belonged to families, who adhere to the Salafit trend of Islam.

The most important impelling reason of going underground is vengeance. Also, it is revenge that militiamen appear to be very frequently motivated by.

Rigid measures taken by authorities (both federal and local ones) within the framework of general campaign of “struggle against terrorism” – manufacturing criminal cases, pressurising suspected

persons and their relatives, applying tortures did not keep step with legal norms of Russian and international legislation. Such a policy could not be recognized as effective; just the opposite, rather: it led to the strengthening of radical moods in the society.

In **2004-2006**, in *Dagestan* there occurred cases of abductions and traceless disappearance of people.

Memorial Human Rights Centre began functioning in Dagestan in **2007**. At that time, in spring, not less ten young people were kidnapped in Makhachkala within a short period; five of them after were reported missing (<http://www.memo.ru/2007/09/09/0909071.htm>). Two more people vanished in the northwest of Dagestan (in Khasavyurt and Buinaksk).

In some of these cases, there are serious grounds for asserting the fact of the involvement of officers of power departments in fulfillment of crimes.

Then following the tide of the protest against the violence of law-enforcement agencies, the organization “Mothers of Dagestan Standing for Human Rights”, which basically consisted of mothers and sisters of abducted persons, sprang up.

The problem was also recognized by the authorities of the Republic. President of Dagestan **Mukhu Aliiev** held a meeting, in the process of which was adopted a decision that the Prosecutor’s Office of Republic of Dagestan would establish an interdepartmental inquisitorial-operative group jointly with the Investigation Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in Republic of Dagestan. Officers of the Central Staff of the Prosecutor’s Office of Republic of Dagestan and Investigation Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in Republic of Dagestan, as well as operative officers of the Federal security service Directorate of Republic of Dagestan and Ministry of Internal Affairs of Republic of Dagestan²⁰ entered the composition of this group which was called upon to supervise the execution of criminal cases relating to abductions of people.

However, in **2008**, abductions did not cease. Memorial Human Rights Centre recorded cases of the abduction of eleven people. It is obvious that this figure is far from being an exhaustive one. There were, apparently, many more similar cases in the Republic.

A basic difference from the previous years: in the cases known to us, none of the abducted persons disappeared without leaving some prints, tracing the destiny of each of the abducted persons succeeded. In many instances, this happened due to the active posture of human rights activists and timely interventions of Vladimir Petrovich Lukin, Ombudsman for Human Rights in the Russian Federation. However, it was hardly possible to call it a success.

The bodies of three abducted persons were soon handed over to their relatives: militia officers declared that these individuals were killed while producing armed resistance. Meanwhile, there were obvious traces of severe beating and tortures on their bodies.

Three abducted persons were released by the abductors after having been tortured. The other five persons “were found out” in temporary detention facilities or pre-trial detention centres. By then, the temporarily disappeared person had already had sufficient time “to admit” having committed of some crimes of terrorist character. The evidence of his “guilt” was clumsily adulterated. The intervention of lawyers only permitted to achieve termination of tortures and dismissal of the gravest and unfounded charges. Four persons were convicted to serve short terms of imprisonment. In one more case, concerning the charge of **Nariman Mamedyarov** of keeping of weapons and encroachment on the life of officers of law-enforcement agencies, his restraint was changed to

²⁰ A report on the activity of Human Rights Commissioner in the Republic of Dagestan in 2009, pages 42-43.

recognizance not to leave; the matter was approaching the stage of dismissal of his criminal prosecution, with a view to his noninvolvement in committing the crime. However, instead of this Mamedyarov disappeared in **2009** under unascertained circumstances and then he was killed “while producing armed resistance to the militia”.

(please, see <http://www.memo.ru/2009/02/04/0402094.htm>

<http://www.memo.ru/hr/hotpoints/caucas1/index.htm>

<http://www.memo.ru/2008/10/17/1710081.htm>

<http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/12/m156114.htm>

<http://www.memo.ru/2008/11/25/2511082.html>)

It is necessary to note that in **2008** President **Mukhu Aliev** also noted “the toughening of the position of mass media, human rights advocates and the whole Dagestan society concerning abductions of people “by persons dressed in camouflage uniforms” (Russian Information Agency of *Dagestan*, 15.02.2008).

Next year (**2009**), according to some official data, applications regarding 29 missing persons were filed at law-enforcement agencies of Republic of Dagestan, in which citizens asserted that their relatives had been abducted by officers of power structures. From the results of a review of the applications of citizens, 11 criminal cases were initiated, the locations of 11 persons were not established, and those of 18 people were spotted²¹.

Memorial Human Rights Centre conducts the monitoring of human rights infringements in Republic of Dagestan on an extremely limited territory; therefore our executives have documented only part of the crimes. In **2009**, Memorial Human Rights Centre recorded the abduction of 22 people in *Dagestan*. Thus, during the first half-year seven persons were abducted. The peak of abductions fell on the period of August-October: 13 people. It is believed that this was due to a marked aggravation of the situation in the Republic and became a response of law enforcement officers to an activation of the underground. One more person was kidnapped in December.

Nine out of the abducted persons were killed. Six people were released by the abductors, two more managed to escape and four disappeared. It is most probable that the real number of similar crimes is considerably bigger.

Table 2. The number of abductions recorded in the course of the monitoring carried out by Memorial Human Rights Centre on the territory of Dagestan

Year	Number of abducted people	Out of this number:			
		Released by abductors/escaped	Found killed	Disappeared	“Found out” in investigatory isolation wards or temporary detention facilities
2007	12	5	0	7	0
2008	11	3	3	0	5
2009	22	8	9	4	1

Apart from that, we recorded some cases when people were reported to be missing under unascertained circumstances, without any witnesses, after that they disappeared or were found murdered.

²¹ Ibid, page 44.

In **August 2009**, some evidence of witnesses appeared that stated how these out-of-court executions occurred after people had been abducted by law enforcement officers.

On **August 23, at 15:00**, they abducted **Islam Askerov, born** in 1988, near his house in the city of *Makhachkala*. Some unknown persons dressed in civilian clothes hit him on the back of the head and after putting a bag on his head, carried him away. On the same day, at **22:00**, they abducted a certain **Arsen Butaev**, born in 1986, and a certain **Artur Butaev**, born in 1987. The circumstances of the abduction were similar: people in plain clothes blocked the road, they did not introduce themselves and produced no documents; they ordered the young men to step out of the car and throw themselves down, then the abductors put bags on the heads of the young people's. They were brought to a building which they could not identify. Here they were subjected to battering and tortures and compelled to confess that they belonged to illegal armed groups and had been trained in the forest. All this time, the abductors did not take off the bags from their heads. The snatchers spoke without any Dagestan accent. Talking to each other, they addressed themselves to each other as "sokol" [*falcon*] or "skorpion" [*scorpion*]. The young people had been kept in the building for several hours. Then they were again made to sit in the "Gazel" car in which they had been brought. **Gadzhi Gunashev and Amiraslan Islamov** turned out to be in the car, the circumstances of the abduction of whom are not known to Memorial Human Rights Centre.

The abducted persons were carried to the airport "Makhachkala" in the direction of *the settlement of Zelenomorsk*. Here they were seated in the abductors' own car. In this case, the hands of the young people were tied up with some scotch tape, plastic bags on their heads. Some chloroform was released inside the car. They poured the vehicle over with some petrol and put some smoke-puff charge on the driver's seat. Then the abductors drove off. **Islam Askerov** managed to untie himself and liberate **Arsen Butaev**. They threw the smoke-puff charge out of the car and began to flee. The sound of an explosion attracted the attention of the abductors and they started to pursue the runaways in their car. It was raining hard, and the abductors car could not pass over the mud. The other three abducted persons remained in the car.

The runaway young people reached *the town of Kaspisk* and rang up their relatives. The folks arrived at the place where the car had been left, but they found out nobody there. They only discovered some fragments of the scotch tape, one of the phones of the abducted people and a smoke-puff charge crater.

The relatives applied to Memorial Human Rights Centre with a request to draw attention to this abduction and render assistance in liberating the three young people. They apprehended that they would not be given the bodies of Artur Butaev, Gazhi Gunashev and Amiraslan Islamov, announcing that they were members of illegal armed groups. According to them, none of the young people was either a Salafit or an adherent of some extremist factions.

(www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173486.htm).

On **August 26 2009**, a meeting of the relatives of the abducted young people took place in Makhachkala. About one hundred people assembled on the Lenin Square. They demanded that the abducted young people should be found and that abductions and out-of-court executions in Dagestan should be stopped. The protestors began to swing the railing that separated the building of the government from the square, and a scuffle started. About fifteen people were detained. After a few days, the young men who remained in the car were found murdered and burnt.

The evidence of Askerov and Butaev dramatically demonstrate how "the death squadrons" work in Dagestan.

Based on the fact of the abduction on **August 25**, criminal case No. 901643 as per Part 2, items “a”, “c”, “d” and “f” of Clause 126 (an abduction of a man by a group of persons according to a previous concert with use of life-threatening force weapon employment with regard to two or more persons) of the Criminal Code of the Russian Federation was initiated. On grounds of the murder on **August 27**, criminal case No.901646 as per Part 2, Item “a”, Clause 105 (a murder of more than two persons) of the Criminal Code of the Russian Federation was initiated. On the same day the criminal cases were combined into one procedure – criminal case No. 901643. It was withdrawn from the procedure of the Investigating Department of the Leningradsky District of Makhachkala and transferred to the Major Case Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Republic of Dagestan. The case is under the control of the Republican Prosecutor’s Office and President of the Republic of Dagestan.

In six of the cases known to us, the murders were disguised as deaths incident to a fire-fight when resisting the militia or during militants’ self-demolition. Law enforcement agencies and investigative organisations stated that no abductions had been recorded in these cases. The people, while leaving so as to join militants, “legalized” their disappearance in the eyes of their neighborhoods and imitated their abduction. Such statements do not stand the test by elementary logical reasoning. Firstly, some of bodies given to relatives bear obvious traces of tortures (recorded during video shooting and photographing). Secondly, it appears that the people, who leave in order to join militants, die almost immediately in fire-fights in a remote mountainous-and-arboreous locality. If this had happened so in the reality, then the underground would have been destructed long ago.

For instance, on **March 2, 2009** some armed people abducted an inhabitant of the village of Deibuk, **Magomedshakir Magomedov**. He openly adhered to the Salafit trend of Islam and did not conceal his views.

On that day, M. Magomedov left for the village of Mugi, where he had lived earlier, in order to get some official documents at the local governing institutions. On the way to the village he was detained by local militiamen and taken to the District Department of Internal Affairs where he was made to write an explanatory note regarding the purpose of his arrival in the district. Then Magomedov received all the official documents, necessary for him, at the local administration and he was about to go home, about which fact he informed his wife over the phone. However, after that some unknown people shoved him into a car in the eyes of some witnesses in the centre of the village and carried off somewhere. Magomedov disappeared.

One day later, the relatives of Magomedov learned from mass media that he had been allegedly killed in a fire-fight with militiamen in the forest. The persons in charge did not want to release his body from the mortuary to the relatives of the killed person. Only after Magomedov’s family showed their persistence, the people handed the corpse to them. There were traces of tortures, cuts and burns on the body.

Mural Salekhov, born in 1985, disappeared on **October 29, 2009**. Salekhov was an adherent of the Salafit trend of Islam. He worked as a taxi driver.

On that day a workfellow of Salekhov’s visited the latter’s wife **Zagra Kazimagomedova**. He informed Zagra that when he was talking to her husband over the phone, it unexpectedly became silent, and then Salekhov called out: “*The cops are taking me away!*” after which his phone went dead.

Having received a report on the abduction of her husband, Zagra Kazimagomedova immediately applied at the Sovetsky the District Department of Internal Affairs and the Sovetsky District

Investigating Department of the Investigations Committee under the Prosecutor's Office in Republic of Dagestan with an application concerning the abduction.

No investigator on duty turned out to be available in the Investigating Department of the Investigations Committee, Kazimagomedova began to phone him, he promised to come, and she had been waiting for him for about two to three hours. Then, one of her phone calls was answered and the investigator told her that Salekhov had been detained and appeared as a witness in a criminal case. To Zagra's question, where exactly her husband was, the investigator said that she should go home and wait for her husband there and that he would come back as early as midnight. Zagra asked him to come in order to take her application and perform his work, whereupon the investigator rudely replied that he himself knows what he should do. The investigator failed to appear at his place of work.

Having achieved nothing in the Investigating Department, Kazimagomedova went to the Sovetsky District Department of Internal Affairs, where the people refused to speak to her. Some time later, a message came from the mobile phone of Salekhov to the phone of Zagra Kazimagomedova, in which it was written on behalf of Murad that she should not look for him and that he had left for a couple of days. Zagra immediately called his number back, but no answer followed.

On **October 31, 2009** according to some information of the Prosecutor's Office of Republic of Dagestan, they found an exploded car, which belonged to Salekhov, on the neighbourhood of the village of Dzanga of the Karabudakhkentsky District, and there were three burnt corpses of armed people in the passenger compartment: those of **Murad Salekhov** and two brothers **Arslanbekov, Nabigula and Rabazan**. A version of the investigation party: the militants were blown up by inadvertence through a homemade shell-less explosive device. However, according to M.Salekhov's wife, despite the fact that his body was heavily charred, some traces of tortures were visible on it: one ear was missing, the nose and lips were badly hurt.

Memorial has no additional information on the brothers Arslanbekov. They are not accounted for in the above-stated table. According to a message of the newspaper "Chernovik", they both worked as builders, shortly before their death they were reported missing. According to some unconfirmed data, law enforcement officers offered them co-operation, but they refused, for which they, evidently, forfeited their lives²².

In another case of out-of-court executions of three people, who disappeared in the period from September 6 to September 10, which is known to us, they were killed in the process of an armed clash, according to an official version.

On **September 2009**, **Mirza Kasimov**, an owner of a household goods shop, born in 1976 was abducted by people dressed in civilian clothes *in the city of Derbent*. He adhered to the Salafit trend of Islam; he was father of four children and he highly valued his family. In the evening of the same day he closed his shop, took the receipts and headed home. Before that, his shop-assistant heard him phoning his friends beforehand, inviting them to his house in order to end their fasting. In the street, in the eyes of numerous witnesses, he was unexpectedly blocked by two passenger cars at both sides. Some people dressed in plain clothes and wearing masks ran out from there; one of them hit Mirza on the head. He fell down, after which the attackers shoved him into a car, which left in an unknown direction.

On **September 9**, **Sirazhutdin Umarov**, born in 1977, disappeared in *Derbent*. He came of a family that adhered to Salafism; his uncle was convicted for the membership in illegal armed groups. In the

²² Chernovik" [rough copy], 06.11.2009 , Ruslan Magomedov. "Repressive Regress".

evening he went to meet a militia officer who “curated” him as “a disloyal person”, and he disappeared.

On **September 10**, **Nariman Mamedyarov**, an inhabitant of *Makhachkala*, born in 1975, did not come back home. He exercised the Salafit trend of Islam and made his living by laying glazed tiles. In the end of a working day, he phoned his wife and informed that he would be at home soon. No more messages ever came from him. Next day, the relatives of Mamedyarova applied at the agency of the Investigations Committee under the Prosecutor’s Office of the Russian Federation, the Republican Prosecutor’s Office and Ministry of Internal Affairs of Republic of Dagestan. However, up to **September 24** there had been no information about the fate of the abducted person.

Earlier, Nariman Mamedyarov had been already abducted by law enforcement officers. The abductors subjected him to tortures and then gave him into the hands of a law enforcement agency that continued to torture him. A serious charge was brought against Mamedyarov as per Clause 222 (illegal keeping of weapons) and Clause 317 (infringement on the life of an officer of a law enforcement agency) of the Criminal Code of the Russian Federation. However, the fabricated case began to “break up” on **February 4, 2009**, N.Mamedyarov was released from custody under recognizance not to leave. A dismissal of the criminal case due to his complete absence of guilt was inevitable.

On **September 24 2009**, Deputy Prosecutor of Republic of Dagestan **Magomed Dibirov** reported that on **September 11 2009**, not far from the village of *Sirtych* of *Tabasansky District*, an armed clash took place in the process of which some militants were killed. It was established that they were: **Mirza Kasimiv**, **Sirazhutdin Umarov**, **Nariman Mamedyarov**. According to the information of the relatives of Kasimov, traces of tortures were visible on the body handed to them.

The abduction and disappearance of Belal Khadzievich Dakaev

On **August 9, 2009** around 9 o’clock in the morning, a certain **Belal Khadzievich Dakaev**, born in 1982, living in *the settlement of Leninaul of Kazbekovsky District of Republic of Dagestan* left his house and drove to the place of employment in his VAZ-2106 car as usual. He worked at the “Zhelezny Rynok” [*Iron Market*] of the town of Khasavyurt where he was selling car glasses.

Together with Dakaev, there was his wife’s brother in the car - a fifteen-year-old **Ismail Magomedov**. Having driven about two kilometers after a post of the State Traffic Safety Inspectorate, Dakaev and Magomedov saw in the rear-view mirror a VAZ-2115 car following them at a great speed. It was a black-coloured vehicle with tinted glasses, its licence number being ‘142 MB 05’. This car overtook them, and then a passenger sitting in the front seat signalled them through an open window with a baton, ordering them to stop. Dakaev obeyed.

As Ismail Magomedov recounted later, three people stepped out of the BA3-2115 car, and the driver stayed inside. These people were wearing camouflage trousers and grey T-shirts. They all were short-haired, spoke Russian with a Dagestan accent. The man who stopped Dakaev’s car approached it and asked for the car documents. Having studied the papers, he asked Belal to dismount from the car and go to their car. Dakaev sat in that car without offering any resistance. At the same time, the driver of the VAZ-2115 came up to Dakaev’s car and ordered Ismail Magomedov to stop the engine. And the latter did what he was told. When the driver of the VAZ-2115 was moving away, Ismail Magomedov cried in pursuit of him: “Where to are you taking him?” The driver answered him: “We shall be back in 15 to 20 minutes”. Ismail had been sitting in the car for three hours waiting for Belal, but the latter never came back. After that, Magomedov himself sat behind the steering wheel, went to his place of work and informed the relatives about the incident towards evening. The same evening, they applied to the Khasavyurt Local Militia Precinct.

However, the people there refused to have the application regarding the disappearance of Belal Dakaev and ordered them to address the Municipal Militia Department where the officers refused to receive their application either. After a verbal duel, the relatives of Dalaev managed to compel the militia personnel to “hunt out” in the computer base the identification numbers of the car belonging to the law enforcement officers who abducted Belal. It appeared that these numbers belonged to a person who lived in the village of Burtunai and were secured to a VAZ-2106 car. It was obvious that the abductors moved in a car with fabricated identification numbers.

The same night, the relatives nevertheless managed to compel the Municipal Militia Department of *the town of Khasavyurt* to accept the application regarding the abduction of Dakaev.

Then they applied to the Prosecutor’s Office of *the town of Khasavyurt*. Their application was accepted in the Prosecutor’s Office, but three days later, when **Lisa Dakaeva**, the mother of Belal, came to inquire about the progression of the investigation, she was surprised to know that her application had not been yet considered. Dakeva had to submit her application for the second time.

Approximately after two months, Dakaeva received a paper in which she was informed that **August 19, 2009** in connection with the disappearance of Bella Dakaev the Khasavyurt Interregional Investigating Department of the Investigations Department under the Prosecutor’s Office of the Russian Federation in Republic of Dagestan initiated a criminal case based on the constituent elements of an offence envisaged in Part 2, Clause 126 of the Criminal Code of the Russian Federation (an abduction of a person committed by a group of people).

According to the mother Dakaeva, he was an adherent of the salafit trend of Islam. Three children depended on him.

As of **June 2010**, neither the whereabouts nor the fate of Belal Khadzhievich Dakaev has been established.

Memorial Human Rights Centre concluded an agreement with Lawyer M.A.Sualanov regarding his representation of the interests of the abducted person’s relatives who were rendered complainants in this criminal case.

As of **April 2010**, the criminal case concerning the abduction of B.Dakaev was in the procedure of **Ustar Elifkhanov**, Head of the Khasavyurt Interregional Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in Republic of Dagestan and had lied without movement for 9 months and no investigatory actions were being carried out.

During the familiarisation with the materials of the case, it was established that the investigation was practically not being held. The case comprises an authorisation of its initiation, protocols of presentations submitted by the relatives of the abducted person, a letter of the investigator forwarded to the local television channel with a request to advertise for the obscure disappearance of B.Dakaev. And this was all. There were no more documents, not a single interrogation had been carried out.

The lawyer was verbally informed that the preliminary investigation had been terminated. However, they declined a request to hand out the decree which concerned the termination, in order to appeal, referring to that there was no such a resolution.

On **April 27, 2010**, Lawyer M.A.Suslanov applied with an application addressed to **K.I.Amirebekov**, Head of the Investigations Committee under the Prosecutor’s Office of the

Russian Federation in Republic of Dagestan and to **A.I. Nazarov**, Prosecutor of the Republic of Dagestan with a request to disaffirm the resolution concerning the termination of the preliminary investigation, assume measures with respect to the investigator for a violation of the norms of the Code of Criminal Procedure of the Russian Federation, take over the control of the investigation of the given case. As of **May 2010**, there have been no replies to this application.

In the Khasavyurt Local Militia Precinct, an investigation case which regards the fact of the abduction of B.Dakaev is available, but no measures were really taken. In the process of a discussion, officers of Ministry of Internal Affairs referred to the fact that he was a member of illegal armed groups, then what for he should be searched for.

The abduction and disappearance of Sirazhudin Minatulaevich Shafiev

In the morning of **September 8 2009**, **Sirazhudin Shafiev**, born in 1971, *living in 15, Mira Street, the city of Derbent, Republic of Dagestan*, left his house in order to take his child to the kindergarden. Around 8 o'clock in the morning, when he was going back home, he was abducted in the area of the southern motorbus terminal of *Derbent* in the eyes of numerous witnesses. Two passenger cars without any identification numbers started moving in front of Sirazhudin's car and blocked it. Some people dressed in camouflage uniforms and wearing masks ran out of the cars. They pulled Sirazhudin out of the car, struck him with a truncheon on the head, rudely shoved him into one of their cars and carried him away in an unknown direction. There are photos and a videorecord of the abduction at the disposal of Memorial Human Rights Centre, which one of a happenstance witness shot using his mobile phone.

The wife of the abducted, Khadizhat Shafieva applied to Memorial Human Rights Centre with a written application stating that Sirazhudin had no relation to the underground. A probable reason for the occurrence was, in her opinion, the acquaintance of her husband with Emirali Magomedov²³, who was abducted and murdered in **August 2009**. The house of the Shafievs is located not far from the one that E.Magomedov had lived in, and Sirazhudin communicated with the latter from time to time.

²³ Emirali Magomedov, born in 1974, disappeared on August 17 2009. He left his house in the morning in order to go to work in the Derbent Regional Communication Centre where he had worked for more than ten years in the capacity of a workshop manager. At around 10 o'clock he suddenly called his brother but the latter had no time to pick up his phone. Brother's attempts to call back Emirali failed. He did not come home for his lunch and did not appear at home by the evening either. On the same evening, the relatives of the abducted person applied to the Municipal Department of Internal Affairs where the people refused to accept their application. On the next morning, the application was lodged with the Municipal Prosecutor's office. On 19 August, Emirali's relatives learned that he was kept in the Derbent Department of Internal Affairs, through some unofficial sources. However, a militia officer who did not introduce himself told them that a military operation aimed at eliminating an illegal armed group was going on in the neighboring Kaitagsky District and presumably Emirali Magomedov could be searched for exactly there. The search for the abducted person ended in the mortuary of Makhachkala. According to some official data, the corpse of E.Magomedov had been brought here from the Kaitagsky District where he was killed by militia officers during a clash with insurgents. There were visible signs of battery and torture on his body.

Emirali Magomedov confessed the Salafi trend of Islam. On May 7 2009, officers of security agencies already performed a house-check in his estate. During this check, a grenade and bullets were found. As Magomedov's family members claimed, the ammunition was stealthily planted in the house. As a result, a criminal case was initiated against Emirali's brother Tagy Magomedov according to Article 222, Part I (illegal keeping of arms) of the Criminal Code of the Russian Federation.

However, the cause might have had another root: Sirazhudin practised the salafit rend in Islam, the supporters of which in Dagestan are subjected to persecution on the part of authorities.

On the same day, **September 8**, about 16:00, the relatives of Sirazhudin Shafiev organised a protest action. Approximately 150 people attempted to block the highway in the area of the Northern Checkpoint. Officers of the Dagestan Special-Purpose Detachment of Militia arrived at the place and brutally dispersed the assembled people. They beat them with truncheons and shot over their heads. Young people got particularly hurt.

After two days, on **September 10**, an investigator of the Tarumovsky Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in Republic of Dagestan initiated a criminal case based on the constituent elements of an offence envisaged in Item "a", Part 2, Clause 126 of the Criminal Code of the Russian Federation (an abduction of man by a group of persons under a preliminary conspiracy).

Under the auspices of lawyers of Memorial Human Rights Centre and European Human Rights Advocacy Centre, the relatives of the abducted person applied to the European Court of Human Rights.

Already on **September 15, 2009** the European Court of Human Rights addressed the authorities of the Russian Federation with a request for furnishing the following information till **September 21**:

1. Which measures have been taken by the authorities for finding out the whereabouts of S.Shafiev? Have his relatives been informed about this?
2. Is the whereabouts of S.Shafiev known to the authorities? If the answer is positive, then can the authorities convey this information to the relatives of the abducted person and the European Court of Human Rights?
3. Was S.Shafiev detained by officers of state power structures? If the answer is positive, then:
 - What were the reasons and grounds for his arrest and detention in custody?
 - Where is he kept and what are the arrangements for his custody?
 - What measures have been taken by the authorities in order to ensure some legal assistance to S.Shafiev?

The European Court of Human Rights also asked Government of Russia to provide copies of all the documents concerning the steps which the state is taking for establishing the whereabouts of S.Shafiev or the place of his detention in custody, in case he was detained by the state.

In reply to this, scarce materials were sent, which showed that the authorities did not know the whereabouts of S.Shafiev, that a criminal case had been initiated and operational search actions had been carried out.

As it follows from the sent documents, immediately after the receipt of the applications by the relatives of the abducted person the Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation of the Republic of Dagestan began a pre-investigation check. On **September 8**, an inquiry was forwarded to the Derbent Department of Federal Security Service Directorate in Republic of Dagestan, questioning whether this agency had carried out actions aimed at detaining and arresting Shafiev. Then an order was sent to the same place and to the Derbent Department of Internal Affairs regarding the execution of intended operational search actions. Inquiries were sent to the mortuary, the emergency medical service and a pre-trial detention centre. Shafiev was nowhere to be found.

Next day, on **September 9**, militia officers of the Department Internal Affairs of Derbent forwarded some reports on actions carried out by them "on grounds of the obscure disappearance of the citizen Shafiev". According to them, the operative search actions, including interrogations of potential

witnesses, drivers of fixed-run taxis which happened to be standing in the area of the abduction and suchlike “information that is of some operative interest” yielded no results. Meanwhile, by that time the relatives of the abducted person managed themselves to find some witnesses of the crime and even obtain photographs and videomaterials, which imprinted the very event of the abduction, from their mobile phones.

It is not known to us how the investigatory bodies availed themselves of the materials provided to them.

As of **June 2010**, the whereabouts of Shafiev has not been established. On grounds of the fact of his abduction a criminal case was initiated.

The abduction and disappearance of Rashid Abdullaevich Gasanov

On **September 8, 2009**, around 21:13, the fixed-run taxi of **Rashid Gasanov**, born in 1982, (living in 79 “C”, S.Stalsky Street) was stopped by some armed people dressed in plain uniforms and wearing masks at the intersection of *Gamid Dalgat and Sovetskaya streets in the city of Makhachkala*. They pulled out of the taxi and applying some firearms (they fired shots under his feet) pushed him into a passenger car without any identification numbers and took away in the direction of the Soviet District Department of Internal Affairs. One of Rashid Gasanov’s colleagues, also a driver of a fixed-run taxi, turned to be a witness to this event. He immediately phoned the dispatching department.

A dispatcher of the busline rang up the brother of Gasanov’s wife, **Rashid Shuaibov**, and the latter quickly proceeded to the place where the crime occurred. Some officers of the Soviet District Department of Internal Affairs were there already. Unexpectedly for Shuaibov, there they tied him up and brought to the Soviet District Department of Internal Affairs. They took away the taxi of the abducted person along with Shuaibov. They had kept him in the Soviet District Department of Internal Affairs till one o’clock in the night, interrogating him. The militiamen treated him not as a relative of the missing person but as an ally of illegal armed groups.

Subigat Gasanova, wife Rashid Gasanov, applied to Memorial Human Rights Centre with a written application:

“I learned about the occurrence after 15 minutes and I immediately came to the Soviet District Department of Internal Affairs of the city of Makhachkala in order to lodge a petition regarding the abduction. In the courtyard of the Soviet District Department of Internal Affairs I saw the fixed-run taxi of my husband. I looked into the passenger compartment and noticed my husband’s shoes. He was taken away without his shoes on! His driving licence, all the documents for the taxi and the car keys disappeared. There was about 1500 roubles in his pocket.

Our family had already been repeatedly subjected to the pressure of power structures. Rashid Gasanov wore a beard and clothes in keeping with norms of Islam. He performed namaz, but he did not side with any illegal armed groups. We have two small children and live in constrained housing conditions. We have no possibility of occupying ourselves with anything else other than earning daily bread. For the sake of objectivity, it should be said that my husband, Rashid Gasanov, is the younger brother of Shamil Gasanov who had long been on the federal wanted list. On account of having an elder brother, my husband had been seven times illegally arrested and abducted since 2006! Each time he was subjected to gruesome tortures. After having kept him for 10 to 15 days, they released him in the absence of grounds for keeping him further under arrest. My husband has committed no crimes; he did not take any weapons into his hands. Why should he be responsible for the doings and affairs of his elder brother?

I applied with an application regarding the abduction to the Soviet District Department of Internal Affairs, the Prosecutor’s Office of Republic of Dagestan, President of Republic of Dagestan,

Minister of Internal Affairs of Republic of Dagestan, President of the Russian Federation. But considering the fact how events are recently developing in Dagestan, there is no hope that those whom I addressed officially will help me. I apply to your Human Rights Centre with a hope that you will make efforts for rescuing my husband”.

Subigat Gasanova independently obtained a record of an external surveillance camera on the adjacent shop, which shows the capture of Gasanov. However the quality of the video material is poor because the detention took place in the night-time.

On grounds of the fact of the abduction of Rashid Gasanov, the Investigating Department of the Soviet District of Makhachkala of the Investigations Committee of the Prosecutor’s Office of the Russian Federation in Republic of Dagestan initiated a criminal case as per Part 2, Clause 126 (an abduction of a man by a group of persons).

On **August 13, 2009**, the fixed-run taxi of Gasanov was given to his relatives.

As of **June 2010**, the whereabouts of Rashid Gasanov and his fate remain to be unknown.

Subigat Gasanova, under the auspices of the Human Rights Organisation “Russian Justice Initiative” lodged a complaint with the European Court of Human Rights with a request to apply urgent procedures. The Court informed the authorities of the Russian Federation on the complaint and forwarded the materials of the case.

The abduction and disappearance of Magomed Abdurashidovich Rashidov

In the night of **December 24-25, 2009**, around 00:30, some armed people broke into the house of the Rashidovs living in the *village of Gubden, the 7-th line, Karabudakhentsky District of Republic of Dagestan*. At this juncture, the men were already sleeping, whereas the women had just returned after visiting the neighbours where they helped to prepare some food and drinks for a wedding. The mother of Magomed Rashidov, **Uksom Rashidova**, saw through a window that two cars stopped at the doors of their house and some people armed with submachine guns came out, dressed in black uniforms and wearing masks. The housefather, **Abdurashid Rashidov**, went to meet them. But the unknown armed persons got the start of him, broke the doors open, tied up the old man and floored him.

The people who had burst into the house immediately closed the door behind them in order not to attract the attention of the neighbours. They turned out and floored Abdurashidov’s wife **Umuksum**, his daughters **Maryam and Aigimik**, as well as his daughter-in-law **Bariyat Rashidova** near him. The unknown persons did not reply to questions of the owner of the house, namely: *“What do you want from us?”* They only shouted: *“Lie still!”*, *“Keep your mouth shut!”* The submachine guns were pointed at all the members of the family.

One of the attackers ordered the daughters to take off their earrings (the daughters wore Dargin hereditary jewels).

When the girls began to take them off, a man with a submachine gun told them to hurry up. Obviously, the abductors tried to meet some definite time. Then they also ordered their mother to remove her earrings, but she refused to. Then the elderly woman was several times hit on the head with a buttstock, and she began to bleed. At this juncture, Bariyat who was lying near started screaming. Then they struck her too in such way that she lost consciousness. The people brought her to senses by hitting her on the cheeks and then dragged her to the living rooms on the first floor,

where they demanded money and gold. She gave them all that she had, including an old family necklace.

At the same time, the other part of the attackers was beating **Magomed Rashidov**. After that, without letting him dress, they threw Magomed from the first floor down the staircase. While being undressed, he was shoved into a silver-coloured VAZ-2114 car without any number plates. The whole operation hardly lasted more than ten minutes. There were 8 to 10 attackers.

After the unknown armed people left, the Rashidovs found out that the Magomed's bed was blood-stained all over. Three cellular phones vanished.

In the morning, the Rashidovs lodged a petition with the militia, but it was registered there only next day. According to them, no investigatory actions were practically carried out.

The Rashidovs' application arrived at the Prosecutor's Office of *the Karabudakhkentsky District* only on **December 28, 2009**, and on the same day it reached the Caspian Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Republic of Dagestan. On **January 1, 2010**, head of this department initiated a criminal case based on the constituent elements of offences envisaged in Item "a", Part 2, Clause 126 (an abduction of man by a group of persons under a preliminary conspiracy) and Part 2, Clause 162 (a robbery committed by a group of persons according to a previous concert, with application of weapons).

According to Abdurashid Rashidov, the abductors orientated themselves very well in his house. He has no doubts that those who abducted his son in the night of December 24-25 had earlier been in his house, searching.

Power structures also showed their interest with respect to the Rashidovs' family before.

Thus, on **December 11, 2009**, around 8:00, five to six law enforcement officers searched in the house. One of them, who introduced himself as **Ruslan**, showed permission order for house-check were it was indicated criminal case No. 929167. The resolution was signed by Senior Authorised District Militia Officer of the Karabudakhkentsky Local Militia Precinct **S.A.Khataev** and Senior Authorised Militia Officer of the Centre against Extremism **R.Murtuzaliev**. The neighbours of the Rashidovs were invited as witnesses of inquest. The search lasted approximately 30 minutes, after that Abdurashid was given some documents to sign, in which it was stated that the search had been carried out in compliance with all legislative measures and that he had had no claims.

As of **June 2010**, the whereabouts of Magomed Rashidov and his fate has not been established and criminal proceedings have been instituted against nobody.

III. The abduction and disappearance of people in the Republic of Kabardino-Balkaria

Obscure cases of disappearance of people are a phenomenon sufficiently rare for Kabardino-Balkaria. In 2009, HRC Memorial recorded one case of an abduction of a person by officers of power structures. One more man was reported missing under unascertained circumstances (this case is adduced by us in the section "Cases of Disappearance").

The abduction and disappearance of Georgy Nakani

Memorial Human Rights Centre is implementing the monitoring of violations of human rights in several republics of the Northern Caucasus, including Kabardino-Balkarian Republic of Dagestan. In December, we recorded two abductions in this Republic.

On **December 15 2009**, around 23:30, in *the settlement of Neitrino of the Elbrus District of Kabardino-Balkarian Republic*, unknown persons abducted **Georgy Nakani**, born in 1988, living in *House No.6* (the street has no name), *flat No 68*. Georgy Nakani was returning home after visiting his cousin (she lives approximately 100 metres from Georgy's house) whom he attended at the request of his mother in order to fetch some medicines for his sister.

According to witnesses, he left the house of his cousin (House No. 9) around 23:20. At this moment, three or four men attacked him. These people arrived at the place of occurrence in two "Lada-Priora" cars, of black and silver colour, without any identification numbers. They attempted to push Georgy into one of the cars, but he managed to break away and started running. Then the unknown persons fired a shot, probably using a pistol. Obviously, Nakani was wounded and he fell down. The abductors seized him, seated him in a car and carried away in an unknown direction. Several witnesses saw the occurrence from the balconies of an apartment house. One of them identified **Aslan Kaufov**, Head of the Criminal Investigation Department of the town of Tyrnyauz, among the abductors.

The relatives of the abducted person and witnesses of the incident went to *the town of Tyrnyauz* and there to the Department of Internal Affairs in *Elbrus District*. They were told that Nakani had not been brought to them. The relatives lodged a written application regarding the abduction, however according to them the militia officers had carried out no investigating actions; nothing had been undertaken for capturing the abductors, and nobody had gone to the place of occurrence. The relatives of the abducted person had been standing for several hours at the entrance of the Local Militia Precinct; they were not allowed into the building. Instead, they called for additional militia officers with submachine guns and wearing masks: in all appearances for the protection of the entrance. As it follows from an application by Nakani's father, the relatives were waiting for the car with the abductors on the road leading Nalchik, having notified officers of the State Traffic Security Inspectorate beforehand.

Around three o'clock in the night, **Aslan Kaufov** appeared in the Department of Internal Affairs. Both of his shoes were blood-stained. Kaufov explained that this was the blood of a hare which he killed during a hunt that night. The mother of the abducted person, **Aminat Nakani**, took some swabs from Kaufov's shoes, in the presence of witnesses, and put them in a plastic basket (after two days she handed over this basket to Zalikhanov, Head of the Department of Internal Affairs in the Elbrusky District).

At a few minutes past three in the morning of **December 16**, the relatives of Nakani saw two Lada-Priora cars of black and silver colour, with no identification numbers racing at a high speed from Elbrus in the direction of *Nalchik*. It should be noted that it is the only road near the Local Militia Precinct that leads from the direction of Elbrus and through the settlement of Neitrino to the city of Nalchik. People began shouting that it was in one of these cars that Nakani was being abducted in.

Officers of the Road Patrol Service who were standing in front of the Local Militia Precinct made a signal for the cars to stop, but the black vehicle slipped by, without lowering its speed. And the second one stopped. According to the officers of the Road Patrol Service, the people sitting inside it showed a special pass of the Federal Security Service and immediately drove off. Officer of the Road Patrol Service **Atmurzaev** said to the relatives of the abducted person that he had no right to detain and inspect vehicles equipped with special passes.

The relatives of Nakani went after the suspicious cars in a “Gazel” car. They saw the abductors move unhampered through the Road Patrol Service checkpoint “Azau” at the gateway of of Tynyauz (one kilometer from the town). The officers of the Road Patrol Service did not even attempt to to stop them. The relatives of of Nakani stopped at the chackpoint. They were told that no Lada-Priora cars had passed through the checkpoint. Understanding that it would not be possible to overtake the Lada-Priora vehicles, the relatives returned to the Local Militia Precinct of Tynyauz. Head of the Local Militia Precinct had driven up to the same place by five o’clock in the morning. He said that measures for finding Nakami were being taken.

On grounds of the fact of the abduction of Georgy Nakani on **December 17, 2009**, the Investigating Department of the Elbrusky District of the Investigations Committee under the Prosecutor’s Office of the Russian Federation initiated criminal case No.76/60-09 based on the grounds of an offence envisaged in items “a” and “d”, Part 2, Clause 126 (an abduction of man by a group of persons under a preliminary conspiracy, with application of weapons). The witness who identified head of the Criminal Investigation Department refused to give official evidence because he feared for his life. But orally he confirmed to the relatives of the abducted person that it was Kaufov that had been among the abductors.

In the process of a pre-investigation check, while examining the place of occurrence, militia officers found out traces of blood on the ground, a knitted cap and some scattered apples. The cap was identified by the relatives of the abducted person as the one belonging to Nakani. According to a conclusion of a forensic medical examination, the blood belonged to man and referred to blood group ‘B’, and consequently “*may belong to the citizen Nakani*”.

After the abduction of Nakani in *the village of Elbrus*, a gathering of local inhabitants took place at which official persons were present, including head of the rural administration of the village of Elbrus, head of the militia of the Elbrus District. They all admitted that Nakani was not on the wanted list and promised to exert all efforts in order to find him.

Nevertheless, the behaviour of officers of law enforcement bodies since the time of lodging the application regarding the abduction of Georgy Nakani raised no doubts on the part of the relatives that they had been searching neither for the abducted person nor for the abductors. In this connection, under the auspices of lawyers of Memorial Human Rights Centre and the European Human Rights Advocacy Centre, Aminat Nakani lodged a complaint with the European Court of Human Rights (ECHR) with a request to apply interim measures regarding this complaint. ECHR applied to the authorities of the Russian Federation with an inquiry, asking to furnish the following information:

1. What measures were taken by the authorities for tracing the whereabouts of G.Nakani?
2. Is the location of G.Nakani known to the authorities?
3. Was G.Nakani detained by officers of power structures of the state? If the answer is positive, then:
 - What were the reasons and legal grounds for his arrest and detention in custody?
 - Where is he kept and what are the arrangements for the custody?
 - What measures were assumed by the authorities in order to ensure legal assistance to him?

ECHR also asked Government of Russia for copies of the documents concerning the measures which the state is taking for establishing the whereabouts of S.Shafiev or the place of his detention in custody, in case he had been detained by the state.

On March 16, 2010, Russia forwarded a reply and some documents to the European Court. It follows from them that at the time of the receipt of the application regarding the abduction of Nakani officers of power structures adopted a plan “Perekhvat” [*interception*] for detaining the criminals. However, this statement of the authorities is refuted by numerous witnesses who asserted that the militia officers had done nothing for really detaining the abductors.

According to replies of the Russian Federation to the European Court, as well as to those from the bodies of Ministry of Internal Affairs and the Investigations Committee under the Prosecutor’s Office of the Russian Federation to the relatives of the abducted person, “an operational investigative group was created out the number of the most experienced officers”, “in the process of the investigation of the criminal case inquiries and individual orders were sent to the subdivisions of Ministry of Internal Affairs in Kabardino-Balkarian Republic, in Federal Security Service Directorate in Kabardino-Balkarian Republic, to law enforcement agencies of the nearest regions. The replies received contain no information which might be interesting for the investigation.”, “a complex of investigative and operational search actions is being carried out regarding the criminal case...”, “in the course of the investigation it was established that G.Nakani is in the places meant for keeping persons detained on suspicion of committing crimes for which a judicial restraint in the form of taking into custody is chosen, as well as those detained and arrested according to an administrative procedure”. “No establishing the whereabouts of G.Nakani has appeared to be possible until the present time”.

Especially tongue-in-cheek seem to be the words of the reply of Minister of Internal Affairs of Kabardino-Balkarian Republic Yu.I. Tomchak to the relatives of the abducted person²⁴: “A check of the owners of silver- and black-coloured Lada-Priora vehicles was organised, who were probably involved in the crime, according to some information”. And indeed, the matter concerns those cars one of which flew unhampered from the militiamen, whereas the other one the militia officers let go themselves, without any inspection! And then both of these cars coolly passed through the checkpoints despite the announced plan “Perekhvat” [*interception*]. It is obvious that no earnest steps are being taken for determining the owners of these cars who have special passes of the Federal Security Service. As it turned out, no composite facial image of the driver of one of the cars was compiled “hot on the trail”, with whom the militiamen spoke.

There are external surveillance cameras on the building of the Local Militia Precinct (near which the militiamen stopped one of the cars) and on other buildings past which they drove. On the very first day, the relatives of the abducted person demanded to retrieve the video records because they depicted the cars of the potential abductors or, at least, the driver of one of them. Head of the Criminal Investigation Department of the Elbrusky Local Militia Precinct A.Kaufov declared that the records had been sent to Nalchik for investigation. After a criminal case was initiated, the investigator repeatedly said the same to the relatives of G.Nakani. However, one month later he informed that the records had not been retrieved but automatically erased three days after the events.

Reiterated complaints of the relatives of the abducted person regarding the unsatisfactory investigation of the criminal case remain without any pertinent answers.

Note that earlier the relatives of Nakani had already been victimised by power structures. Thus, in **October 2009**, there were detained **Murtaza Nakani**, the elder brother of Georgy, and **Vladimir**

²⁴ Letter No. 8/4 as of 04.01.2010

Nakani, the cousin of Georgy. They were brought to the Local Militia Precinct of Tyrnyauz and released after having been detained for about five hours. According to the relatives, some traces of beating were visible on their bodies, but the battered persons did not endeavour to complain anywhere.

Approximately ten days after the first detention, around 8:00, militia officers took Murtaza Nakani along with his wife **Khalimat Zanubekova** out of their house. During the detention, they put black plastic baskets on their heads. They had been kept the whole day in the Local Militia Precinct of Tyrnyauz, and in the evening they were taken to the so-called Sixth Department of the Militia (Centre “Э” which deals with cases associated with religious extremism), in the city of Nalchik. Along toward the midnight of the same day they were released. According to their relatives, they had been beaten, but they did not attempt to complain anywhere again.

In **2008**, two militia officers were convicted who detained and tortured **Yusup Nakani** in **2005**, born in 1990, a student of the 10-th form and the younger brother of Georgy Nakani.

As of **June 2010**, the whereabouts and the fate of Georgy Nakani remain unknown.

IV. Abductions, illegal detention and disappearance of inhabitants of the Republic of Chechnya

A general overview

Abductions and oftentimes traceless disappearance of abducted people is one of the most frightful violations of human rights in the Chechen Republic.

Memorial has been conducting monthly monitoring of cases of abduction on the territory of the Chechen Republic since 2002. The results are presented in Table 3. Only part of the Republic is covered with this activity (25-30 %). But even then the information obtained region-wise by the monitoring has not been exhaustive. In order to get a real picture, our figures should be multiplied, according to various estimations, by two to four times.

Extrapolating the obtained data, Memorial has time and again stated that during the whole period of the second Chechen war admittedly more than three thousand, probably up to five thousand people disappeared as a result of abductions, unlawful arrests and detentions.

Presently, Memorial is continuing its work on establishing a detailed and exhaustive database regarding people who have been disappeared since the autumn of 1999 until now. Today it numbers more than three thousand people. The circumstances of the absolute majority of abductions point to an involvement of representatives of the state or armed groups collaborating with them in committing crimes. More than 95 % of criminal cases initiated on grounds of abductions of people remain undiscovered.

Official data are extremely contradictory. In the opinion of Chechen Ombudsman **N.Nukhazhiev**, the number of persons reported missing in Chechnya makes around five thousand people²⁵. However, four years ago, in **December 2005**, **N.Nukhazhiev** working then as Head of Department for Observance of Constitutional Rights of Citizens under President of the Chechen Republic spoke

²⁵ “Noviye Izvestiya”, 09.09.2009. E.Zubchenko, “Spasti Pokolenie” [To Save the Generation]; the Press Service of Human Rights Commissioner in Chechen Republic, 18.02.2010, “Delegatsiya Parlamenta Velikobritanii Vstretilas s Chechenskim Ombudsmenom” [The Delegation of Parliament of Great Britain Met the Chechen Ombudsman]

about 2500 missing persons ^{26[26]}. Chairman of Popular Assembly of the Chechen Republic (the Lower Chamber of the Parliament) **Dukvakha Abdurakhmanov**, while speaking in **February 2006** at a press conference in Moscow, informed the journalists that in Chechnya “*more than 2700 people had been itemized as abducted and vanished*” since 2000, rather than 1991. ^{27[27]}

In **April 2010**, the Press Service of the Parliament of the Chechen Republic informed that according to the data of the Parliament Committee for searching persons reported missing in the period of the carrying-out of the counter-terrorist operation on the territory of the Chechen Republic “*the list of missing persons numbers 2169 people. But there are different data as well, which indicate quite other figures*”. ^{28[28]}

In **October 2006**, at a meeting with journalists **Ramzan Kadyrov**, Chairman of Government of the Chechen Republic at that time, declared that in the Chechen Republic there had been totally registered above 2700 facts of forced abductions ^{29[29]}. In March of the same year, 2009, the same person who was already President of the Chechen Republic, stated “*we have more than four thousand people reported missing*”. ^{30[30]}

In **January 2006**, Prosecutor of the Chechen Republic **Valery Kuznetsov** informed a correspondent of “Kavkazsky Uzel”: “*Totally, in the period from 2000 till 2005 public prosecution agencies of the Republic initiated 1934 criminal cases concerning abductions of 2715 persons. 83 criminal cases were taken to court*”. ^{31[31]}

Three years later, in **April 2009**, Human Rights Ombudsman in the Chechen Republic **N.Nukhazhiev** reported at a meeting with President of the Chechen Republic **R.Kadyrov** that “*out of 1949 criminal cases, initiated by public prosecution agencies of the Republic based on facts of abductions of people, 1679 events were suspended because the persons involved in the commission of the offences were not ascertained. And this is notwithstanding the fact that in many cases dates of detention, numbers of checkpoints, numbers of military equipment, names, patronymic names and radio call signs of servicemen who participated in detentions, names of military sub-units which carried out special activities were available*”. ^{32[32]} Does it appear that in the course of more than three years only new criminal cases were initiated based on facts of abductions? However, according to Memorial Human Rights Centre a much greater number of criminal cases were initiated in this period.

The data of Memorial’s monitoring, even with their incompleteness, enable to evaluate the dynamics of changes in numbers of abductions from year to year. Up to 2008, we have recorded a systemic decrease in the number of abductions stated by us. An especially noticeable reduction in the quantity of these crimes began in 2005.

Table 3. The number of abductions recorded in the course of the monitoring carried out by Memorial Human Rights Centre on the territory of Chechnya

Year	Number of abducted people	Out of this number (people):			
		Released or ransomed	Found killed	Vanished	“Found out” in investigatory isolation wards

²⁶ Lenta.ru, 10.12.2005

²⁷ RIA [Russian Information Agency] Novosti, 08.02.2006

²⁸ REGIONS.RU, 26.04.2010

²⁹ A Report by the Press Service of Chairman of Government of Chechen Republic, 21.10.2006

³⁰ The Press Service of President and Government of Chechen Republic, 23.03.2009

³¹ “Kavkazsky Uzel”, 26.01.2006

³² The Press Service of President and Government of Chechen Republic. 16.04.2009

2002	544	91	81	372	-
2003	498	158	52	288	-
2004	450	213	26	203	8
2005	323	155	25	128	15
2006	187	94	11	63	19
2007	35	23	1	9	2
2008	42	21	4	12	5
2009	93	60	10	19	4
Total	2172	815	210	1096	53

We assume that such dynamics was not least of all connected with “the Chechenisation” of the armed conflict and a transfer of “the right” of unlawful violence from federal forces to pro-Kremlin groups. We cannot assert for sure, to what extent the total number of abductions reduced at the time, but methods and tactics employed in the actions of power departments definitely changed. In Chechnya, “latent violence” was gradually spreading, unrecorded either by human rights activists or, all the more, by law enforcement agencies. The major part of abductions started to be executed by members of detachments which reported to R.Kadyrov, as well as by other local power structures for which “disappearance” and murders of all abducted inhabitants of Chechnya are not essential for achieving their stated objectives: they receive necessary information from them, as a rule, a few days before resorting to tortures and battery. On the other hand, the relatives of an abducted person attempted, under these conditions, to secure his release using their means, often by way of ransom. After that, neither he himself, nor his relatives lodged their complaints anywhere.

Also, the percentage of abducted people who disappeared or whose corpses were discovered dropped. In **2002**, when a peak of the quantity of “clean-up operations” was witnessed, more than 80 % of abducted people were irreversibly “lost”. It is quite obvious that the federal military personnel, militiamen and officers of special services sent to Chechnya from other regions were responsible for the majority of these crimes. In the ensuing years, in proportion to the intensification of the process of “the Chechenisation” a gradual decrease in the percentage of missing or murdered persons out of the number of abducted people was obvious.

The especially noticeable reduction of the quantity of abductions occurred beginning in **January 2007**. Human rights organisations repeatedly noted that abductions of people in Chechen Republic presented a process controllable by authorities. According to our information, at a meeting held in January 2007 **R.Kadyrov** gave rigorous directions to heads of power structures that reported to him for stopping abductions of people. The most of abductions recorded by us in 2007 were committed, presumably, not by “the kadyrovtsy” [*adherents of R.Kadyrov*] but by officers of Operational Search Bureau-2, “the yamadaevtsy” [*followers of Yamadaev*] or officers of the Federal Security Service of Russia.

Beginning in 2007 and up to **mid 2008**, republican authorities, who had not fully abandoned the practices of lawful violence, nevertheless aspired to lower its level. Human rights rhetoric was actively employed by **R.Kadyrov** in his drive for power in the Chechen Republic. And the considerable reduction in the number of abductions and facts about subjection to tortures was its consequence.

In **2008**, a regime of individual rule came to reign supreme in the Chechen Republic. Simultaneously, it became obvious that the republican authorities were not able to fulfill **Ramzan Kadyrov’s** promise to completely destroy the underground and militants. “The Chechenisation” of

the conflict yielded a tangible result in the cause of the struggle against the armed resistance in the past years. However this resource has been depleted. More importantly, the totalitarian regime itself based on violence and fear engenders new resistance. Part of the youth joined the ranks of militants in the mountains. The republican authority responded with an extreme asperity to such a development of the situation, counting on unlawful violence.

Since *the end of 2008*, the number of abductions began to increase again. In *2009*, the quantity of abductions more than doubled as compared with the previous year. The circumstances of these crimes point to an involvement of representatives of power agencies, mainly Ministry of Internal Affairs of the Chechen Republic, in their execution.

In most cases, abductors released abducted persons after resorting to tortures and threats. Acting in this manner, representatives of the authority implemented “preventive measures” against terrorism, gather information, compell people to accept tacit collaboration. And the main thing: an atmosphere of fear is maintained in the society. Criminals either killed a number of abducted people or transferred to their colleagues in Ministry of Internal Affairs for “registering acknowledgement of guilt” to the authorities.

It is difficult to say what part of cases of abduction of people in Chechnya is being presently recorded by Memorial, but it is obvious that it is admittedly a lesser part.

It should be taken into consideration that in the period from *July 16 to December 16, 2009* we temporarily suspended the work of our representatives in the Chechen Republic. In this time span, Memorial received information only based on written applications of relatives of aggrieved persons, which were sent to us, as well on facts collected during trips made to the Chechen Republic by colleagues of Memorial from other regions of Russia. These circumstances inevitably led to a considerable understatement of the quantity of information regarding abductions obtained by us, as compared with the total number of committed offences. Apart from that, in these latter days victims of abductions and their relatives are frightened to make any complaints to official structures or human rights activists.

A sharp increase in the number of abductions in *2009* was noted not only by human rights activist but also by the Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation. On August 2009, this organisation observed in its press release: *“The number of abductions during the first half-year as compared with the analogous last-year period has increased by 475 %, from 4 to 23, and the quantity of intentional killings increased to 50 %, from 52 to 78”*.^{33[33]}

However, Republican Ministry of Internal Affairs does not agree to such evaluations, whose employees are obviously accessorial to many abductions. In *April 2010*, they informed a newsperson of “Interfax” in the Press Service of Ministry of Internal Affairs of the Chechen Republic that *“the number of abducted persons or those gone missing in Chechnya made 24 people during the whole period of the last year. Out of these 24 people, eight persons returned home independently, three were found dead and one man, according to operational data, is in the ranks of illegal armed groups”*. A source noted that recently the mass media, with reference to one of human rights organisations, are spreading some information that allegedly there were abducted around 100 people in the Chechen Republic last year. *“This information does not correspond with facts. The data concerning abducted and missing persons are transparent and are not concealed from anybody”*, stressed a representative of the Press Service.^{34[34]}

³³ RIA Novosti, 12.08.2009 г.

³⁴ Gazeta.ru. 30.04.2010, with reference to “Interfax”

On the whole, representatives of the republican authorities speak profusely about the problem of missing persons in *Chechnya* meaning, above all, **the period of 1999-2006**.

At a meeting held on **May 25 2010** in Grozny, **Ramzan Kadyrov** stringently formulated his questions to Public Prosecutor of the Republic **Mikhail Savchin**:

“There are abducted people, there are witnesses who had seen them detained and taken away. I will give you an example. There was a certain General Studenikin, Commander of Special Operations. <...> He took away people in Mesker-Yurt, in Tsotsin-Yurt, and these people vanished without a trace. Through his fault, dozens of innocent people disappeared. They simply cordoned off the village, entered and took peaceful residents away. And these people vanished. Away drove the General, as if going down the drain. And we have not been able to find any answers to all the committed crimes up to now. Or another question: Isa Yamadaev abducted a busiman and squeezed money from him. The latter person gave testimonies. A criminal case was initiated. Then this case disappeared. The aggrieved person even gave direct testimony over the television: “I was abducted and kept in such place.” And the culprit has not been punished up to the present day. Why has the criminal not yet been found until now? Why has not a single man abducted or forcedly taken away been found? What is the matter?” ^{35[35]}

Under the support of Human Rights Ombudsman of the Chechen Republic **Nurdi Nukhazhiev**, they regularly organize events and actions to which relatives of people vanished during “mop-up operations”, carried out by federal forces, are invited. Thus, an action of relatives of missing persons took place on **July 8 2009** in *Grozny*, near the monument to perished journalists. It was timed to be held on Family Day commemorated on this date in Russia. An organiser was the regional public organisation “Search for Missing People”. The main target of the action was bagging subscriptions for an Appeal of Human Rights Ombudsman **Nurdi Nukhazhiev** to President of the Russian Federation Dmitry Medvedev. In this document the former asked for establishing a special inter-departmental commission meant for determining the location of people abducted on the territory of the Chechen Republic during the carrying-out of the counter-terrorist operation, as well as for assisting in establishing a laboratory for identification of exhumed bodies on the territory of the Chechen Republic. Members of Parliament and Public Chamber of the Chechen Republic, members of Government’s Committee for Youth, representatives of political parties, public and religious amalgations and other inhabitants of the Republic took part in this action.

The authorities and Ombudsman of the Chechen Republic willingly admit and condemn the most blatant violations of human rights committed by the military and militiamen sent to *Chechnya* from other regions of Russia, “by the yamadaevtsy”, but in doing so they deny, hush up if not justify those crimes which have been and are being committed by officers of Chechen power structures under the control of the present-day republican **authorities**.

Nurdi Nukhazhiev righteously wrote to the address of the Investigation Department of the Investigations Committee under Prosecutor’s Office of the Chechen Republic that *“the inefficiency of the investigation of criminal cases initiated on the basis of abductions of citizens is connected with the fact that in many cases the Office of Military Public Prosecutor refuses to accept materials for initiating proceedings, demanding that the civil public prosecution should determine the involvement of the military in these crimes”*. ^{36[36]}

³⁵ Regions.Ru. 25.05.2010. Public Prosecutor of Chechen Republic believes that political willpower is required for solving problems of abductions of people

³⁶ The Press Service of Human Rights Ombudsman of Chechen Republic. 30.03.2009. Ombudsmen Chechni Nastaivayet na Vozobnovlenii Rassledovaniya Voennykh Prestupleniy [*Ombudsman of Chechnya Insists on Resuming the Investigation of Military Offences*].

One may only agree to the assertions that the investigation of these offences has been sabotaged by investigatory agencies. In this case, investigation panel at times had at its disposal some information about the checkpoints at which abductions of people took place; military subunits which carried out “clean-up operations”, identification numbers of armour vehicles by means of which abducted persons had been taken away.

In this regard, the unwillingness to notice the fact that such crimes, though on a lesser scale, continue to be committed is reduced to absurdity. Thus, for instance, on *April 16 2009* the Press Service of President and Government of the Chechen Republic circulated a message about a meeting of R.Kadyrov and N.Nukhazhiev in which it was reported that “*in this regard, Nukhazhiev pointed out that in recent years the issue of protection of human rights in Chechen Republic lost its relevance*”.^{37[37]}

At the present time, the work regarding the violation of human rights in the Chechen Republic, and especially concerning abductions and extrajudicial executions is seriously encumbered. An atmosphere of fear prevails in Chechnya, not only aggrieved persons, who dared to complain, are subjected to cruel pressure but also human rights activists who gather information about offences. The authorities of the Chechen Republic are striving to build the civil society into the system of state administration. Local human rights organisations either do not dare to announce current violations committed by local law enforcement officers or, at best, help release a man using their private contacts, but fail to press for investigating the crimes committed against a person.

Earlier, in the period of the struggle for power in the Chechen Republic between various pro-Kremlin structures (in *2006-2007*), they succeeded in bringing to trial a number of cases concerning organised criminal groups acting in the ranks of “the kadyrovtsy” by joint actions of organs of the prosecutor’s office and OSB-2.^{38[38]} Thus, for example, the members of the so-called “Asuev’s gang” were sentenced to heavy terms of imprisonment. **Ruslan Asuev**, a militia lieutenant, created a stable criminal group out of officers of Ministry of Internal Affairs of the Chechen Republic, Anti-Terrorist Centre and former employees of the Security Service of President of the Chechen Republic. Members of this group committed abductions and murders of people. They secretly planted weapons and “suicide bomber’s belts” on abducted and subsequently murdered people, declaring them to be “annihilated terrorists”. Thus, these officers of law enforcement agencies secured career advancement for themselves.^{39[39]}

³⁷ The Press Service of President and Government of Chechen Republic. 16.04.2009. R.Kadyrov: “*Prioritetnoi Zadachei Dolzhna Ostavat’sya Zashchita Prav I Svobod Cheloveka*” [*Protection of Rights and Freedoms of Man Should Remain a Priority Task*]

³⁸ Analogous cases concerning the crimes committed by competitors of “the kadyrovtsy”, members of the special squadron “Gorets” [*mountain dweller*], serving under M.Basarov and acting under the auspices of the Federal Security Service of Russia or by members of of the battalion “Vostok” [*East*] of Ministry of Defence of the Russian Federation under the orders of S.Yamadaev were not brought to trial. But these structures were destroyed in the process of the struggle for power in the Republic in an extrajudicial order.

^{39[39]} Vremya Novostei [*Time for News*], 24.05.2007. Tatyana Gritsenko. Ubiystvennyi Resultat. Chechenskikh Bortsov Obvinili v “Fal’sifikatsii” Boyevikov. [*A Devastating Result. Chechen Fighters Accused of “Simulation” of Militants*].

Rossiyskaya Gazeta [*Russian Newspaper*]. 15.03.2007. Timofei Borisov. “Ubei Lyubogo – I Vy dai yego za terrorista! [*Kill Someone – and Claim Him To Be a Terrorist!*] “Kak Banda Chechenskikh Militsionerov Dobyvala Sebe Nagrady i Premii” [*How a Band of Chechen Militiamen Procured Awards and Prizes for Itself*] “Kommersant” [*merchant*] 25.05.2007. Musa Muradov, Aleksander Kukolevsky. “Mirnykh Chechentsev Ubivali dlya Karyernogo Rosta. Rassledovano Delo Glavarya Militseiskoy Bandy” [*Peaceful Chechens were killed for Career Development. The Case of the Leader of a Militia Gang Has Been Investigated*]

ИА “Kavkazsky Uzel”. 29.05.2007. Natalya Estemirova: “Chechnya Izobiluyet Faktami Fal’sifikatsii Del ob Uchastii v NVF”. [*Chechnya Abounds in Facts of Falsifying Cases of Participation in Illegal Armed Groups*] Yezhednevnyi Zhurnal [*Daily Magazine*]. 29.05.2007. Aleksander Cherkasov. “Vdaleke ot Moskvyy” [*Far from Moscow*]

Then, in spring 2007 Memorial wrote: *“The showdown of the mentioned facts by the prosecutor’s office, behind-the-back altercation between R.Kadyrov and the leadership of OSB-2, testifies to the fact that these federal structures are ready to fight for their position in the Chechen Republic. An outcome of the confrontation of the alliance between OSB-2 and the Prosecutor’s Office of the Chechen Republic with President’s team is unobvious. However, it is recognised that a factual reduction of the number of enormous offences, in the first place abductions of people, which presented a real scourge of the Republic in recent years, was a direct consequence of this struggle. One may only welcome such a struggle from these positions.*

We shall note, however: even admitting that the members of these criminal groups were officers of power structures and that they committed crimes “being on official position as well”; investigative agencies and the court do not trace the chain of responsibility up to the top and refrain from drawing a logical conclusion: the responsibility for the widespread and systematic practices of tortures, abductions and disappearance of people in Chechnya is born by state structures”.^{40[40]}

Now the officers of the Investigating Department of the Chechen Republic are subjected to such conditions, when they cannot investigate such crimes adequately: agencies of Ministry of Internal Affairs in the Chechen Republic do not absolutely reckon with them and their orders are designedly neglected. At times, investigators directly tell aggrieved persons that they will not even attempt to interrogate presumed participants of abductions because this may threaten them with grave consequences, to the extent of life and health risks.

Relatives of abducted persons are frightened by power structures, and officers of investigative organisations not frequently warned that complaints might result in further repressions. Thus, **Raisa Turlueva**, who tried to lodge an application regarding an abduction of her son, **Ibragimov Sayd-Salekh**, was warned by an investigator of Achkhoy-Martanovsky Inter-regional Department of the Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic that *“In case you write such an application, you will be killed, and the houses of all other relatives will be burnt down”*. Therefore, in the course of almost one and a half months the woman was afraid to apply to official authority with a complaint about the abduction of her son, although she knew exactly that he had been abducted by officers of the ‘Neftepolk’ [a regiment of the Extradepartmental Security Service of Ministry of the Chechen Republic for protecting oil reserves] under the guidance of Commander of the oil-protecting regiment **Sherip Delimkhanov**, brother of **Adam Delimkhanov**, Deputy of State Duma of the Russian Federation from Chechnya and also “the second hand” of **Ramzan Kadyrov**.

Law enforcement agencies of Chechnya quite often refuse to accept applications concerning such facts in the first days after an abduction. As a rule, no operations drive out to the scene of action for collecting information and evidence “hot on the trail”, after an application regarding an abduction of a person is received, and no plan “Perekhvat” [interception] is announced.

In connection with the above-said, many victims of abductions in the Chechen Republic did not apply to human rights activists and official organisations in **2009**. The most part of violence done in Chechnya is not registered and does not go public.

⁴⁰ The Bulletin of Memorial Human Rights Centre. “Situatsiya v Zone Konflikta na Severnom Kavkaze Vesnoi 2007 Goda: Otsenka Pravozashchitnikov” [“The Situation in the Area of the Conflict in the Northern Caucasus in Spring 2007: an Evaluation of Human Rights Activists”]
- <http://www.memo.ru/2007/07/19/1907071.html>

In this context, Memorial manages to obtain information about many crimes only subject to conditions of anonymity.

As we have mentioned above, part of abducted persons was subsequently found out dead. Some of them, as it had also happened earlier (the gang of Asuev) pretended to be militants killed in a fire-fight. A story of an inhabitant of *the town of Argun*, **Alikhan Sultanovich Markuev** may set the demonstrative pattern of such a crime. On **November 27 2009** his corpse with gunshot wounds was found at the outskirts of *the village of Serzhen'-Yurt of the Shalinsky District*. A sub-machine gun lay near the killed man. In **2009**, Markuev was detained twice, and then he was abducted by officers of power structures.

Two years ago, on **August 1 2007**, Alikhan Markuev, born in 1988, left *Argun and* together with three more local inhabitants joined the ranks of an illegal armed group. In September 2008, in the forefront of appeals of Chechen authorities for militants' return from the woods, Alikhan Markuev surrendered the personal security of **Ibragim Temirbaev**, Head of **Administration of the town of Argun**. "An acknowledgment of guilt" was documented for him. The fact of his giving himself up was recorded in the Book of Record of Messages and Offences of the Argun Municipal Department of Internal Affairs. Initially, no criminal case was initiated against him, but then a case was none the less initiated as per Article 208 (participation in the activity of an illegal armed group), Article 222 (illegal wearing of weapons) and Article 317 (infringement on the life of an officer of a law enforcement agency) of the Criminal Code of the Russian Federation. He was not taken in custody, though, but only reported for "conversations", identifications of killed militants and so on.

After the famous terrorist act near the concert center in *Grozny* on **July 26 2009**, it was found out that a resident of the town of Argun, **Rustam Mukhamadiev**, who went "to the woods" together with Alikhan Markuev in **2007**, was the suicide bomber. Thereafter Markuev was again detained, being suspected of aiding the die-hard, although he had an alibi on the day of the terrorist act. He was arrested in the Argun Municipal Department of Internal Affairs, without allowing neither his relatives, nor lawyers to see him. In response to an appeal of the relatives, Head of the Municipal Department of Internal Affairs told them to forget about Alikhan's existence, otherwise they would face some problems. Hereupon his relatives applied to the staff of Human Rights Ombudsman of the Chechen Republic. But an employee of the staff, **Zelimkhan Dzhabrailov**, refused to accept their application.

The relatives of Alikhan lodged their complaint twice to the Shalinsky Interregional Prosecutor's Office. As a result, Investigator of the Shalinsky Investigation Department of the Investigations Committee under Prosecutor's Office of the Chechen Republic **Ruslan Movlaev**, upon carrying out a check according to the application, found out some evidence of an excess of functional authority in the actions of officers of the Argun Municipal Department of Internal Affairs.

About 21:30, on **August 2**, Alikhan rang up and asked his relatives to come the Argun Municipal Department of Internal Affairs where Head of the Criminal Investigation Department, known under his nickname **Richard**, handed Alikhan, badly beaten, over to them in the public, saying that the former was not guilty of anything, whereby giving Alikhan his mobile phone back.

Half way to the house, the car of the Markuevs was blocked by 6 to 7 armed people wearing fancy masks. They grabbed Alikhan and took him away in an unknown direction. Richard announced to the relatives that Alikhan had again taken to "the woods". However, an involvement of officers of the Argun Municipal Department of Internal Affairs in this abduction may be proved by the following fact: on the next day Richard publicly demonstrated Markuev's mobile phone, which he had returned to Alikhan the day before, to a group of residents of Argun. He did it for the purpose of proving the participation of Alikhan Markuev in the activity of the armed underground. In the

opinion of Head of the Criminal Investigation Department, a sound of a wolf's howling, installed in A.Markuev's mobile phone as a call signal, was a proof of this fact.^{41[41]}

After the abduction of Alikhan Markuev, nothing had been known about his fate until he became "a killed militant". His corpse was given to his relatives for burial.^{42[42]}

In **2009**, **Natalya Estemirova**, the leading activist of Memorial, was abducted and murdered. She was constantly handling the problem of abduction and disappearance of people in the Chechen Republic in the course of many years. A group of armed people seized her on the morning of **July 15** in *Grozny* on her way to work. Immediately after the abduction she was taken away to the territory of Ingushetia and shot. A number of events preceding this murder, as well as the circumstances of the commission of the crime itself, gives us strong grounds to suspect that it had been arranged and executed by representatives of the state.

On **August 11**, **Zarema Sadualeva**, Head of Non-Governmental Organisation "Spasyom Pokoleniye" [*Let Us Save Our Generation*], and her husband **Umar (Alik) Dzhabraïlov** were abducted from the *Grozny* office. They were carried off in a car by unknown armed people who did not conceal their faces and who declared that they were "from an agency". In the morning, the bodies of the abducted persons with traces of tortures and humiliations were found in *Grozny* in a car's boot. It is obvious that only officers of agencies of state power can abduct people in broad daylight, without concealing their faces, and walk openly in *Grozny* with weapons in their hands now in Chechnya.

The abduction and disappearance of Rustam Denievich Kagiïrov

On **May 17, 2009**, around 18:20, a local resident **Rustam Denievich Kagiïrov**, born in 1979, was abducted by unknown people in the center of *the village of Zakan-Yurt of the Achkhei-Martanovsky District of Chechen Republic*, opposite the building of the local administration. He lived in 28, *Sovetskaya Street*. R. Kagiïrov studied at the Islamic Institute in *Grozny*. He is a disabled person: in 1997 his left lung was ablated due to tuberculosis.

Rustam was in the street along with his acquaintance **Khusein Khasanov**. They stopped in front of the building of the local rural administration. Right here a car "Lada-Priora" was standing, black-coloured, equipped with state licence plate "A 720 AT 95". Three armed people, dressed in black military outer garment and wearing berets with service cap insignia, without masks, rushed out of the car. Two of them grabbed Rustam and shoved him to the rear seat of their car. The third man, aiming his sub-machine gun at Khusein, began shouting at him in the Chechen language: "Turn away or I will shoot!". Then the armed people immediately got into the car and drove away at a high speed, taking Rustam away.

Brother of the abducted person, **Ziyavdi Denievich Kagiïrov**, who saw all this because he was in the street near his house (28, *Sovetskaya Street*) at this time, approximately in 100 meters from the house of the urban administration. Together with Khusein he started to chase the abductors in his car and saw their car drive to the highway *Kavkaz* and drove along it in the direction of *Grozny*.

On that day, at each crossing along the highway *Kavkaz* from *Grozny* to *the village of Zakan-Yurt* there stood militia officers from the State Traffic Patrol. They did not let cars through without checking drivers' documents. Ziyavdi Kagiïrov had returned from *Grozny* about one hour before the abduction of Rustam. On the way, he was stopped three times by officers of the militia and scrutinised documents. This was connected with the fact that a passage of the procession of

⁴¹ A figure of a howling wolf is depicted on the emblem of the self-proclaimed Chechen Republic of Ichkeria

⁴² For details please see: www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm and <http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/12/m188894.htm>

President of Chechen Republic Ramzan Kadyrov was expected here. Meanwhile, the car of the abductors was rushing non-stop along the highway at a high speed.

At the crossing of the road leading from the village of Zakan-Yurt and the highway *Kavkaz* was one of such militia checkpoints. In the eyes of Ziyavdi Kagirot and Khusein, the car with Rustam's abductors passed this post. Ziyavdi stopped his car by an order of the militiamen on point duty and came up to officers of the State Road Traffic Safety Inspection, past whom his brother's abductors drove a few seconds ago. He asked who was in the driven-by car and whether they had asked the people to show their documents. The militiamen answered that they did not stop and check those people since they "were pressed for time very much." Ziyavdi Kagirot informed them that his abducted brother was in that car. The militiamen responded to this information in no way. They continued to stand on the road and further check all cars passing by, as if nothing had happened. The militiamen failed to report on the crime and did not ask their colleagues to detain the departed car, although they had portable radio sets and phones along with them.

Then Ziyavdi Kagirot phoned a district militia officer of the village of Zakan-Yurt and informed him of the incident. But, as it became clear later, the district militia officer took no measures.

Undoubtedly, the people who abducted Rustam Kagirot were officers of the militia or special services because:

- they acted openly in the daytime on the territory controllable by the state; their car stood in front of the administration's building which is guarded by militia officers;
- they were armed, dressed in uniforms and wore berets with cap badges;
- after the abduction of R. Kagirot they had a possibility of leaving the village of Zakan-Yurt in the eastern, western and northern directions where there were no checkpoints of law enforcement agencies, but they departed in the only direction where there were posts;
- they passed through the post of the militia without any hindrance at the entrance to the village of Zakan-Yurt;
- they drove away in the direction of Grozny along the highway *Kavkaz* which was strenuously guarded by militia officers on that day;
- after receiving the information about the fact of Rustam's abduction by the group of armed people, the authorities took no steps for detaining the abductors and precluding their actions. Indeed, in the cases when the authorities learn that members of the armed groups that confront them appear somewhere in Chechnya, the authorities take all measures for detaining or annihilating them.

Up to **May 20, 2009** Ziyavdi Kagirot and his relatives had searched after Rustam, verbally addressing various governing institutions. They got many influential people in Chechnya involved in the search, but they were not able to find Rustam.

On **May 20, 2009** Ziyavdi Kagirot applied to the Achkhei-Martanovsky ROVD with an application. On **May 21**, he lodged a written application with the Prosecutor's Office of the Achkhei-Martanovsky District as well.

In the evening of **May 21**, some officers of the Achkhei-Martanovsky ROVD visited the Kagirot's house. They inspected the place from where Rustam was abducted, and interrogated the members of his family and his neighbours.

In the days to follow, the relatives of the abducted person actively continued to search Rustam, addressing agencies of public prosecution and various power structures on the territory of Chechnya, but not a single organisation admitted the fact of the detention of Rustam.

Only one month after the abduction (which is a violation of norms of the Criminal Procedure Code of the Russian Federation), on **June 19, 2009** Investigator for Major Cases of the Achkhoy-Martanovsky Inter-Regional Investigation Department of the Investigations Committee under the Prosecutor's Office of Chechen Republic **M. Dzhabrailov** initiated criminal case No. 74024 based on constituent elements of an offence envisaged in Item "a", Part 2, Article 126 (abduction of a man committed by a group of persons according to a previous concert) of the Criminal Code of the Russian Federation. On the following day, the Kagirows were informed about this.

On **July 6, 2009** Ziyavdi Kagirow was declared to be an aggrieved person with regard to this criminal case.

On **July 7**, Ziyavdi called the Investigator and inquired about the process of the investigation. From the conversation, it became clear that at the time (21 days after the abduction!) the militiamen who pulled their standing on the highway *Kavkaz* at the entrance to the village of Zakan-Yurt on May 2009 were not interrogated; it was not established, to whom the licence plates on the abductors' car belonged.

With the assistance of lawyers of HRC *Memorial* and the European Human Rights Advocacy Centre the relatives of the abducted person lodged a complaint with the European Court of Human rights with a request to apply urgent protective measures. The Court informed the authorities of the Russian Federation about the complaint and sent some questions regarding the case.

In his answers Commissioner of the Russian Federation at the European Court of Human Rights stated that⁴³:

- *"in the process of the investigation of the criminal case, no information was obtained regarding the fact that on May 17, 2009 some special operation was carried out in the village of Zakan-Yurt with the view of detaining Rustam Kagirow"*;
- *"...no fact of violation of Rustam Kagirow's right to life has been established. No data that he is no longer alive are available. His body has not been found"*;
- *"the materials of the criminal case do not contain any information that Rustam Kagirow had been subjected to an administrative arrest, detained or taken into custody by representatives of the state. Thus, there are no grounds to assert that the authorities of the Russian Federation have violated the provisions of Article 5 of European Convention in his case"* (a right to liberty and security).

Some copies of the materials of the criminal case were sent to the European Court of Human Rights. It may be seen from them that the investigation of the criminal case had been made extremely carelessly. For instance, it was only on **July 6**, one and a half month after the abduction (!), that Khusein, the key witness and an eyewitness of Rustam's capture, was interrogated. And in another 12 days, the other direct witness of the abduction, a woman living next to the Kagirows', was interviewed. Only on **July 31**, almost 2,5 months after Rustam's disappearance, the investigator forwarded an inquiry to the investigatory isolation ward of Grozny asking, whether the vanished man was there. Just on that day an inquiry was directed to the State Traffic Patrol interrogating whether posts were put out in the section of the highway from Zakan-Yurt to Grozny on May 17 (according to a response from the State Traffic Patrol as of **August 11**, no sentries were posted in this section on May 17).

On **August 11**, the investigating body received some information concerning the person in the name of whom the car equipped with state licence plate "A 729 AT 95" was registered.

⁴³ A reply from 20.01.2010

On **August 6**, the investigator, at last, found some time for giving an order to determine mobile telephone subscribers who hold investigations in the area of Zakan-Yurt during the abduction of R. Kagirov.

Finally, on **August 20**, because of the fact that the European Court of Human Rights initiated proceedings on the complaint “Kagirov versus Russia”, criminal case No.74024 is transferred for further investigation to Major Case Investigation Branch No. 2 of the Investigation Department of the Investigations Committee under Prosecutor’s Office of Chechen Republic⁴⁴. The investigation began to be conducted more intensively, which did not mean more effectively, though.

On **August 27**, the investigator examined the place where crime occurred, and on **August 30** (for the first time!) a check-up of the evidence of witnesses at the place. On **September 10** (almost four months after the abduction!), an interrogation of the owner of the car with state licence plate “A 729 AT 95” took place. The latter informed that as early as **2006** he sold this car, but at the same time he did not strike it off the register, and it was down on his name. He knew nothing of the abduction. On **September 12**, during an interrogation the current real owner of the car reported that he did not remember where he was on May 17 (a considerable amount of time had elapsed), but he had not been to the area of Zakan-Yurt. He did not hand over either his car or its licence plates to anybody; he had no relatives among officers of power structures; he knew nothing about the abduction.

However the inoperativeness of the investigation of R. Kagirov’s abduction arose not only from the carelessness and procrastination of the investigators but also a surprising lack of diligence on the part of members of Ministry of Internal Affairs of the Chechen Republic. The investigators directed inquiries to all local Internal Affairs Sections of Chechen Republic, whether R. Kagirov had been detained by their officers and whether some information regarding his involvement in the activity of illegal armed groups was available. Such initial inquiries were forwarded as far back as May, in the process of a pre-investigation check. Then they were sent again as early as August. But in vain: the heads of local Internal Affairs Sections persistently mailed no replies. And only after a third dispatch of inquiries, in October, some responses started to arrive, from which it followed that R. Kagirov had not been arrested by the officers of Ministry of Internal Affairs.

Just on **November 17** (6 months after the crime!), based on the evidence of witnesses of the abduction composite pictures of three abductors were made. However, the investigator sent the pictures of the alleged criminals only to one local Internal Affairs Section (the Archkhoi-Martanovsy Section, according to the place of the crime), although it is obvious that the officers who had come from some other region of Chechnya acted in this case. Thus, the results of the purely formal work of the investigator are evident, who manifestly did not wish that the criminals would be really searched throughout the whole territory of the Republic.

Preliminarily, the investigation resulting from the facts of the abduction was repeatedly suspended in view of “*the fact of a failure to ascertain the persons who were liable to incrimination*”. Then it was resumed again. And each time in the resolution regarding a recommencement of the pre-trial investigation itemized some visible faults of the investigation.

It is important to note that from such a resolution dated **December 7, 2009** there originated an order: “*using operational-and-investigatory procedures, the officers of the Department of Internal Affairs of the Shatoi District shall make arrangements for checking the information about R.D. Kagirov’s*

⁴⁴ Department of Internal Affairs No. 2 – the Investigation Department of the Investigations Committee under Prosecutor’s Office of Chechen Republic established specially for investigating cases regarding which some complaints were lodged with the European Court of Human Rights.

detention and transfer to the temporary detention facility of the Shatoi District. The officers of the temporary detention facility of the Shatoi District, who were on duty in the period from May 17-20, 2009, shall be interrogated. The Journal for Record of Persons Received into temporary detention facility shall be seized, and the entries therein concerning the period of time which is of interest to the investigation body shall be inspected.” But the very materials containing such information have not been provided by the Russian authorities. Consequently, it is impossible to understand from which source such information was derived and whether it had been checked.

According to a reply of Commissioner of the Russian Federation at the European Court of Human Rights and in compliance with the materials of the criminal case, *“in the process of the investigation it was established that in the evening of May 17, 2009 in the village of Zakan-Yurt, some unidentified armed persons seized Rustam Kagirov in the street, made him sit in a black-coloured VAZ “Priora” car (state registration number “A 729 AT 95”) and carried him off in an unknown direction”*). However, hereupon Commissioner, in contravention of the previous statement, referred to some certain operational information regarding a fact that Rustam Kagirov had been earlier a member of some illegal armed group and *“presently may be found in a mountaineous-arboreous locality in the ranks of an illegal armed group.”* The materials of the criminal case contain “a memorandum” having neither a number nor a date, prepared by Head of the Local Internal Affairs Section of the Archkhoy-Martanovsky District of Chechen Republic, wherein it is stated that *“during the investigative work, it was established that Kagirov had earlier been a member of an illegal armed group under the guidance of emir Rustam Basaev.”* An attached photograph in which Kagirov was depicted sitting near some man (both the persons carrying no arms) serves as an only proof of this fact. A signature under the photograph reads that this is emir of Grozny Rustam Basaev. The question why such operational information came to the hands of officers of law enforcement authorities only after Kagirov’s abduction remains unanswered. In this regard, there is a letter, in the materials of the same case, from Administration of Federal Security Service of Chechen Republic dated November 2009, reference No. 3/1-18628, stating that this organisation *“has no information on the involvement of R.D. Kagirov in the activity of an illegal armed group.”*

Brother of the abducted person, Ziyavdi Kagirov, informed in his comments addressed to the European Court of Human Rights that Rustam was not able to serve among militants in some “mountaineous-arboreous locality” for health reasons. In **2004**, officers of the 7-th squadron of the Regiment of Patrol and Inspection Service named after A. Kadyrov carried out an inspection of the involvement of Rustam in the activity of an illegal armed group. Then Rustam was taken away to Achkhoy-Martan to the place of the dislocation of this detachment where they showed the photograph depicting Rustam allegedly snapshot together with emir R. Basaev and urged him to confess his connections with militants. He was subjected to tortures during two days: *“They wanted to beat Rustam up, but someone of the officers said that he was ill and would not bear any battery. This is why he was tortured only by means of electric current.”* Then Rustam was released, and the authorities had no claims to him.

If there had been at least some evidence of R. Kagirov’s being among militants, then the criminal case would have been dismissed. However, this had not occurred up to **June 2010**.

As of **June 2010**, neither the whereabouts nor the fate of Rustam Kagirov has been established.

The abduction and disappearance of three members of the Duduevs’ family

As we wrote above, often victims and relatives of abducted and disappeared persons in the Chechen Republic do not apply either to human rights advocates or to official organizations. In this context, such cases are not recorded and itemized in statistical reports.

A case of the abduction and disappearance of the members of the Duduevs' family may be considered as a dramatic example of such situation.

On **May 24, 2009**, around **1 a.m.**, officers of some unknown security agencies abducted three local inhabitants: **Kachak Duduev**, born in 1956, his sixteen-year-old son **Visita Duduev** (a student of the 9-th form) and his daughter **Dzhamilya Dudueva**, born in 1985, in *the town of Gudermes*, from their house in *28, Komsomolskaya Street*.

According to wife of Kachak Duduev, **Zara**, some armed people wearing masks and dressed in camouflage uniforms broke into their house in the night. Without introducing themselves, they grabbed husband, daughter and son and rudely forced them outside. They took Zara into a separate room, saying that they would interrogate her. And nobody ever entered the room: when Zara went out into the street she saw cars driving away.

In the morning Zara applied the ROVD and said about the abduction. A militia officer man convinced her not to hurry with applying to ROVD and the Prosecutor's Office. The woman returned home. She had a hope that her family had been already released. But there was nobody at home. Her legs failed due to experienced stress.

Three or four years ago, Kachak Duduev was detained by officers of the Gudermes ROVD but was liberated after a few days. They explained that he had been arrested by mistake.

As of **June 2010**, neither the whereabouts nor the fate of Kachak Duduev and his children are known.

Zara Dudueva has not addressed any official bodies and up to now she has been waiting for her husband and children to come back home. She refrains from contacting human rights activists. Probably she was terrorized by the abductors.

No criminal case based on the fact of the abduction has been initiated. To an inquiry of HRC *Memorial*, the Prosecutor's Office of the Gudermes District replied that *"no application or report regarding the abduction of members of the Duduevs' has been received by law enforcement agencies of the Gudermes District. No inspections according to Articles 144-145 of the Criminal Procedure Code of the Russian Federation have been made by the Department of Internal Affairs of the Gudermes District and by the Interregional Investigation Department of the Investigations Committee under Prosecutor's Office of Chechen Republic, regarding this fact"*⁴⁵. Meanwhile, no availability of an application by relatives or aggrieved persons is not at all necessary for initiating a criminal case with respect to an enormous offence. The abduction of the three people could not have gone unnoticed for local law enforcement agencies, and the very letter of *Memorial* could serve as a pretext for carrying out an inspection. No reply to our repeated inquiry has yet been received.

As of **June 2010**, neither the whereabouts nor the fate of the members of the Duduevs' family has been established.

Probably, the abduction of the Duduevs' was due to their suspected connections with insurgents. A few days before the abduction, some unknown people came by car and visited a boy who lived in the neighbourhood of the Duduevs' and showing him a photo of a killed militant, asked if he knew

⁴⁵ A reply of Deputy Prosecutor of the Gudermessky District I.S.Bezrukov, No. 23-3407 dated 08.09.2009

this person. Receiving a negative answer, they asked the boy where Visita Duduev lived. The talk was going on near the house of the Duduevs' and the boy pointed on it. Then the strangers drove away.

Earlier, on **March 28, 2009**, the Press Service of Ministry of Internal Affairs of the Chechen Republic reported that two militants had been killed in the Kurchaloev District during an armed clash⁴⁶. They managed to confirm the remains of the killed persons only almost two months later – in May. One of them turned out to be **Salambek Saidbetovich Baidulaev**, born in 1980, an inhabitant of *the village of Komsomolskoye of the Gudermes District*. He left the country several years ago and lived in one of Baltic republics. He was an adherent of Salfism, but took no part in combat operations. Before going abroad, Baidulaev was detained by law enforcement officers, however he was subsequently liberated. In **November 2008**, Baidulaev came home in order to get married and take his wife out of Russia.

Learning about his arrival, officers of power agencies visited his house, following which he vanished. His fellow villagers made guesses about whether he had been taken away by law enforcement officers or whether he managed to escape and joined the ranks of militants.

Presumably, **Dzhamilya Dudueva** was the bride of Salambek Baidulaev, for the sake of whom he returned to Chechnya.

The illegal detentions and disappearance of Nazha Nazhmuddinovich Dzhabikhadzhev, Aslan Alkhazurovich Eldarov and Dzhahir Khuseinovich Zakriev

On **July 4, 2009**, at 22:00, a few passenger cars drove up to the house of **Nazhmuddin Dzhabikhadzhev**, living in *the village of Kurchaloy, Molodyozhnaya Street*. People inside the cars were armed and wore camouflage. They broke into the yard and demanded to call son of the owner of the house, the twenty-year-old **Nazha Dzhabikhadzhev**. They spoke the Chechen language and did not conceal that they were officers of the Kurchaloy ROVD. Some of them were even recognised by the Dzhabikhadzievs. When Nazha left the house, he was immediately seized, taken out into the street, put into one of the cars and carried off in an unknown direction. The relatives attempted to get some information from the armed people getting into the cars as where they were taking Nazha. A reply sounded: “You will know later, where we are taking him.”

The same night, the relatives organised a search, but they failed to establish the whereabouts of Nazha. They denied in the ROVD that the unlawfully detained person was there. Nevertheless, it turned out from unofficial sources that Nazha had been arrested on suspicion of aiding and abetting

⁴⁶ The evidence of this armed collision and the circumstances of the death of these two people raise certain doubts. According to some information of law enforcement agencies, the base of the militants was located at a distance of 600 meters from a populated locality, which is extremely unlikely. A number of the circumstances of the fight described in official messages also give rise to doubt.

an illegal armed group. During interrogations, another man, who had been abducted three weeks ago, pointed at him. Based on a testimony of the same abducted person, they detained yet another resident of the Kurchaloev District, **Aslan Eldarov**. He served in a battalion *Yug [the South]* of internal security troops of Ministry of Internal Affairs of the Russian Federation⁴⁷. Aslan Eldarov was captured by his fellow workers in the courtyard of Battalion Commander's own house in *the village of Geldagan*. Earlier, on **May 18, 2009**, law enforcement officers carried off **the Zakrievs'** two brothers, **Dzhabir** and **Dzhabrail** from their own house (*Kurchaloi, Sovetskaya Street*). Soon Dzhabrail was released, whereas Dzhabir disappeared.

With great difficulty, the Dzhabikhadzhiyevs and relatives of the other two abducted persons managed to find out that they were in *the village of Bachi-Yurt*, in a secret prison on the territory of a former territorial militia division.

The Dzhabikhadzhiyevs tried to lodge a complaint with the Prosecutor's Office, however, as a result of threats and blackmailing offences on the part of Kurchaloev militiamen they were compelled to withdraw their complaint.

The intimidated relatives of the abducted persons are unwilling to speak about the details of the abductions and refrain from any contacts with journalists and human rights activists.

It is only known that in the evening of **July 5, 2009** several relatives of the abducted A. Eldarov and D. Zakriev, serving in internal security troops or law enforcement agencies, were brought to *the village of Tsentoroi*. And the abducted persons, according to some information, were carried to the same place. In the morning of **July 6**, the relatives of the abducted persons returned to their homes.

As of **June 2010**, neither the whereabouts nor the fates of Nazha Dzhabikhadzhiyev, Aslan Eldarov and Dzhabir Zakriev have been established. No criminal cases have been initiated based on the facts of their abductions.

The case of the abduction of Dzhabikhadzhiyev was one of the last ones on which **Natalya Estemirova** worked. She helped a correspondent of "Novaya Gazeta" obtain some information on this abduction.

Because HRC Memorial cannot get any additional data from the members of the Dzhabikhadzhiyevs' family, below we retell the information stated in an article by Elena Milashina "Estemirova prodolzhaeyt Spasat' Lyudei" [Estemirova Continues to Save People]⁴⁸

"On June 4, officers of the Kurchaloev ROVD, serving in a so-call special squadron, burst into the house of the Dzhabikhadzhiyevs. Such sub-units were established at all territorial local ROVD for executing "special" orders. The captured Nazha was carried off to the village of Bachi-Yurt, he was kept there in the building of a former territorial militia division where a Cadet school and an illegal prison known by evidences of the inhabitants are presently located.

⁴⁷ The battalions of internal security troops "Yug" [*the South*] and "Sever" [the North] of Ministry of Internal Affairs of the Russian Federation were formed in 2006 out of "the kadyrovtsy" who had earlier served in armed units "Security Service of President of Chechen Republic" and "Counter-Terrorism Centre", which had not been ranked as lawful armed formations

⁴⁸ Novaya Gazeta 29.06.2009 . Elena Milashina. "Estemirova prodolzhaeyt Spasat' Lyudei" [*Estemiriva Continues to Save People*] <http://www.novayagazeta.ru/data/2009/081/17.html>

On the next day, father of the abducted person, Nazhmuddin, applied to the Kurchaloev ROVD. Sultan Bilalov, Head of the Militia of Public Security, told him: “We have taken your son, he is with us. It is not necessary for you to know where he is.” Then the father went directly to the Prosecutor’s of the Kurchaloev District, and the Prosecutor sent him to Investigator **Anatoly Kim**. He did not even start to interrogate the applicant, not to speak of drawing up a protocol. Simply he asked to write his son’s first and second names and wait in the corridor. Thirty minutes later, the relatives phoned Nazhmuddin and informed him that some militiamen had arrived at their house. He promptly returned home where he found those very people who had taken his son away the previous day. The visitors asked Nazhmuddin where he had just been. He answered that he had been to the Prosecutor’s Office in order to complain. Then Commander of the special squadron of the Kurchaloev ROVD **Musa Salmaniev** who was present there declared: “If you do not withdraw the application within one hour, then we will throw your son’s corpse into the yard after two hours. Today I am the head of the militia here. I am the Federal Security Service. I am the Prosecutor. We are a special squadron, and we can do everything. We will not be punished for that. I am the king and the god here!”. The father of the abducted person replied: “Do what you may. The main thing for me is that I know who has taken my son.” Salmaniev began to threaten Nazhmuddin that he would be taken away then. However, having come up against Nazhmuddin's firm position, he took him aside and proceeded to blandishment: “Do not create problems either for us or for yourself, take the application back. Afterwards you will call me.”

Nazhmuddin Dzhabikhadzhev went to Kim and took back his paper with the first and second names of his son. He concluded that Anatoly Kim and Musa Salmaniev most likely made an agreement. Afterwards he phoned Musa and said that he had withdrawn the application. In the same evening, the son rang up his father using Musa’s phone and said that it was all right with him. This was on June 5. Since that time, phone of Musa Salmaniev had kept silent. There was no news about Nazha either...

Nothing is known about the fate of Dzhabir Zakriev, Aslan Eldarov and Nazha Dzhabikhadzhev. Except for one fact: there are some witnesses who saw these people alive in the village of Tsentoroi.”

As of **June 2010**, *HRC Memorial* can only report that nothing has been known about the whereabouts and the fate of these people as before.

The disappearance of Apti Ramzanovich Zainalov. His secret detention in and abduction from a hospital

This case may serve as an example of the clearly visible and complete helplessness of organs of public prosecution, which are defied by the unlawfulness committed by officers of Ministry of Internal Affairs of the Chechen Republic. The things take such a turn that Chechen militiamen expel the prosecutor, threatening him with weapons. In this respect, neither the Prosecutor’s Office, nor the Investigations Committee under the Prosecutor’s Office not even try to restore lawfulness, they sabotage the investigation of crimes which have been committed by officers of Ministry of Internal Affairs of the Chechen Republic. Moreover, members of the Prosecutor’s Office even resort to giving false evidence in covering up offences of militiamen.

On **June 26, 2009** **Apti Ramzanovich Zainalov** disappeared under some unascertained circumstances.

Mother of Apti Zainalov, **Aima Makaeva**, lives in *the village of Makhkety of the Vedensky District of the Chechen Republic*.

Apti Zainalov was earlier, in October 2005, convicted on grounds of his involvement in the activity of illegal armed groups. In **June 2006** he was liberated, and since then he had lived in *the city of Saratov*, where he worked. Regularly he visited his mother in Chechnya.

Since **June 26, 2009**, Apti's mobile phone had been silent.

On **2 July**, an unknown man applied to HRC *Memorial's* office in Grozny. He informed that there was a young man by the name of Apti in the district hospital of *the village of Achkhoy-Martan*, in custody, who had got seriously injured as a result of tortures. *Memorial* members decided to check up this information, because in that period they knew about the disappearance of **Apti Shamsaev**, an inhabitant of *the village of Gekhi of Urus-Martan District of Chechnya*. For this reason, the people in *Memorial* assumed that the man kept in the Achkhoy-Martan hospital in custody might be exactly Apti Shamsaev.

On **July 3, 2009** the member of *Memorial* **Akhmed Gisaev** and a relative of Apti Shamsaev visited the hospital in Achkhoy-Martan. In the Department of Surgery, they managed to look through an open door into Ward No. 1. There were two armed guards dressed in camouflage uniforms, who belonged, in all appearance, to some agency of internal affairs. There were letters "K.R.A." on the black-coloured peaked caps. A young man was lying on the bed near the window, attended by a staff nurse. Two more guards were near the door on the beds. *Memorial's* member clearly saw a young man. He looked about 28-30 years of age, there were some bruises on his face, and his head was tied up. A bedsheet that covered his body was stained with crimson-red spots (presumably it was blood).

Later, in the corridor, a medical worker answered some questions of Gisaev. He said that the man had been brought from Grozny, his name is Apti Zainalov, he came from the village of Makhkety and he was 29 years old. The medical workers were not permitted to communicate with him, and his data were not indicated in his case-record. According to his documents, he was considered as "an unknown person". He had been taken away from the hospital several times already. Apparently, he was subjected to tortures.

On the same day, relatives of Apti Zainalov from the village of Makhkety received information that he was in the Achkhoy-Martan district hospital in a grave condition.

On **4 July**, mother of Apti, **Aima Makaeva**, and his brother, **Ruslan**, went to the Grozny office of *Memorial*. They showed some photographs, and a member of *Memorial* identified the man as the one whom he had seen in the hospital.

On the next day, Ruslan Zainalov and *Memorial* member visited the hospital in Achkhoy-Martan, but they did not succeed in clearing up anything there. The guards refused to allow them into the ward and to say something in reply to their questions.

On **7 July**, **Aima Makaeva**, went to Achkhoy-Martan together with members of *Memorial* to visit the Prosecutor's Office of this district. She and *Memorial* member **Natalya Estemirova** were received by Acting Public Prosecutor of the Achkhoy-Martan district **Yury Viktorovich Potanin**. Natalya Estemirova informed him about the purpose of their visit. Aima Makaeva handed the prosecutor a written application in which she indicated that her son Apti was in a grave condition in the Achkhoy-Martan hospital and asked the prosecutor to take measures of a prosecutor's response.

The Acting Prosecutor immediately sent his assistant **Kh. Ataev** and his deputy **Magomed Dombaev** to the hospital for them to "*hold an inspection there*" and to "*look into what was happening there*". Potanin himself went somewhere "for taking part in a meeting."

A. Makaeva and N. Estemirova stayed in the corridor of the Prosecutor's Office. The Deputy and Assistant of the Prosecutor went into Dombaev's office; they locked the room and stayed there around one hour and a half. To questions regarding what they were waiting for the officers of the Prosecutor's Office answered that they awaited Head of the Achkhoy-Martan ROVD. Only after insistent demands did they agree to go themselves to District Department of Internal Affairs. Having arrived at the building of the District Department of Internal Affairs, Dombaev and Ataev went in, leaving Makaeva and Estemirova outdoor.

Because the time was passing, and the officers of the Prosecutor's Office were evidently unwilling to do something, Aima Makaeva and Natalya Estemirova were compelled to go back to the Prosecutor's Office of the Achkhoy-Martanovsky District. They were not allowed inside. Then they went to the Achkhoy-Martan District Hospital. And the officers of the Prosecutor's Office failed to come here.

Natalya Estemirova went to the Prosecutor's Office again, and Aima Makaeva remained near the hospital. Soon she saw a white-coloured car of "Volga" brand drove up to the emergency exit of the Department of Surgery. Two to three minutes later, two armed people in uniforms took Aпти out. He could hardly move. The mother recognised her son clearly. He was brought to the car and laid down on the rear seat. The guards got into the car which immediately drove away.

And it was not until the end of the working-day that Dombaev and Ataev left the building of District Department of Internal Affairs. Thus, there manifested itself an undisguised reluctance of the officers of the the Achkhoy-Martan Prosecutor's Office to fulfill their obligations.

On **8 July**, Aima Makaeva lodged an application with Public Prosecutor of Chechnya M.M. Savchin with a request to take measures of a prosecutor's response regarding the facts of unlawful acts committed with respect to her son.

On **9 July**, Aima Makaeva personally lodged an application in the name of Head of the Achkhoy Martan Interregional Investigating Department with request to initiate a criminal case based on the fact of the abduction of Aпти and make measures on establishing the whereabouts of Aпти. On the same day she applied with a written application to Head of the Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in The Chechen Republic.

Beginning from the next day, the members of *Memorial* Natalya Estemirova and Akhmed Gisaev who dealt with this matter began to be shadowed. So, on **July 10**, Gisaev was followed from the office of *Memorial* in Grozny to his home by a GAZ-31029 car with identification number 'B 391 MY 95 RUS' (the 95-th region of the Chechen Republic) with blackened automotive glasses. This car stopped to stand in front of Gisaev's house. There hung a portable radio transmitter on the window of the car's front door: an indication that officers of law enforcement agencies were inside.

In the morning of **15 July 2009**, Natalya Estemirova was abducted in Grozny on the way to her work, and already in the daytime her body with gunshot wounds was found on the territory of Ingushetia.

On the same day, the Department of Interrogation of the Achkhoy-Martan ROVD made a decision to dismiss initiation of a criminal case in connection with "the absence of an event of a crime".

In the days following the murder of Natalya Estemirova, Akhmed Gisaev, who remained the only witness in the case of Zainalov, saw the same GAZ-31029 car with identification number 'B 391

MY 95 RUS' two times. The car usually stood for a long time in the street where Gisaev lived, not far from his house.

On **17 July**, HRC *Memorial* lodged a complaint by Aima Makaeva, mother of Apti Zainalov, with the European Court of Human Rights. This application concerned a violation of Article 3 (prohibition of torture), Article 5 (the right to liberty and security of person) and Article 13 (a right to an effective means of legal protection) of the European Convention on Human Rights⁴⁹. The complaint contained an inquiry regarding application of urgent procedures. And the evidence of Natalya Estemirova and Akhmed Gisaev became crucial while preparing the complaint.

On **20 July**, the European Court of Human Rights, prior to adopting a decision on application of urgent measures, requested Government to provide information with a view of confirming or refuting the data on the involvement of state officers in the abduction of Apti Zainalov. Only after this, on **28 July**, the Achkhoy-Martan Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in The Chechen Republic initiated criminal case No.74032 based on the fact of the disappearance of A. Zainalov on the territory of the Achkhoy-Martan Central District Hospital: on grounds of a crime envisaged in Article 105 (murder) of the Criminal Code of the Russian Federation. On **August 12**, Authorised Representative of the Russian Federation at the European Court of Human Rights forwarded some answers to the questions of the European Court of Human Rights^{50[50]}:

- "... the authorities of the Russian Federation inform that no fact of A. Zainalov or any other person's having been kept under medical treatment in custody of armed people in the Achkhoy-Martan Hospital in the period from 01.07.2009 till now has found any confirmation";
- "the authorities of the Russian Federation declare that there is no information regarding the fact that A.R. Zainalov was detained by state representative contained in the evidence and applications of the applicant and witnesses, as well as in the materials of criminal case No.74032";
- "... the authorities of the Russian Federation are taking all necessary measures aimed at establishing the whereabouts of the son of the applicant";
- "despite the measures taken in the process of the pre-investigation check and during the pretrial investigation, which are stated above, presently it is not possible to establish the whereabouts of A.R. Zainalov/."

On what grounds do the authorities of the Russian Federation draw these conclusions?

The materials of the criminal case, which were sent later to the European Court of Human Rights, provide an answer to this question.

With what were the investigative agencies occupied at the stages of the pre-investigation check and in the process of the pre-trial investigation?

A considerable place in the materials of the criminal case is taken by meaningless inquiries forwarded to various OVD and investigative agencies of investigations committees under the prosecutor's office asking whether A.R. Zainalov had applied to them with complaints and applications, and whether a criminal case had been initiated with regard to him. Judging by the forwarded materials, the majority of these queries remained yet unanswered.

The doctors and nurses of the Achkhoy-Martan Hospital were interrogated. They all asserted that A.R. Zainalov had not been brought to the hospital. And what is more, nobody at all had been kept in the hospital in custody of armed guard. In case of a patient with gunshot wounds entering the hospital, any unlawful acts being committed on the territory of the hospital and, moreover, a patient being abducted or forcibly carried away, the medical personnel is bound to report this occurrence to the militia control room of the ROVD. However, nothing of the kind occurred in the stated period.

Some explanations were given by Deputy Archkhoy-Martan Interregional Public Prosecutor **M.Kh. Dombaev** and his assistant **Kh.A. Ataev**. Both of them asserted that immediately after they

⁴⁹ The European Convention on Human Rights

⁵⁰Reply No. 14-2911-09 dated 12.08.2009

received Aima Makaeva's application they went to the hospital together with the Head of the District Department of Internal affairs Kh.K. Aidamirov and the Head of the Criminal Investigation Department T.Mamakaev. They allegedly inspected all the departments of the hospital, interviewed the nursing personnel and examined the Register. As a result, *"the arguments of the applicant that her son was in the department of Surgery of the Central District Hospital with bodily injury found no objective confirmation at the time of the prosecutor's check."*

In addition, Aima Makaeva and the member of *Memorial* A. Gisaev gave their explanations. Then, after the initiation of a criminal case, they were interrogated.

However, as it is obvious from the replies of the authorities of Russia to the European Court of Human Rights, their reports and evidence *"find no objective confirmation in the process of the investigation."* The investigators entirely trusted the testimony of the officers of the Prosecutor's Office and that of the medical personnel.

One of the witnesses in this case, Natasha Estemirova, was killed, whereas the second one, Akhmed Gisaev, was subjected to ostentatious threats on the part of officers of law enforcement agencies and taken away by *Memorial* outside Chechnya.^{51[51]}

Probably, this criminal case was expected to have stuck at this "sticking point" for years.

However, on **September 23, 2009** there occurred an event unexpected for the representatives of the authorities.

On this day, an application was lodged with the Investigations Committee under the Prosecutor's Office of the Russian Federation and to the Investigation Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in The Chechen Republic under the hand of Chairman of the Board of HRC *Memorial* O. Orlov. Testimony of Akhmed Gisaev and a disk with a video record and its transcript were attached to the application.

Akhmed Gisaev informed that on **August 8, 2009** an investigator of Investigations Committee under the Prosecutor's Office of the Russian Federation, who was inquiring into case No.74032, called him and asked the latter to come to the Investigation Department for the purpose of going to the Achkhoy-Martan District Hospital where it was necessary to verify the evidence of Gisaev on-site. Then he went to Achkhoy-Martan together with the investigator. On arriving at the place, A. Gisaev found out that the interior of the first ward of the Department of Surgery, where Apti had been earlier under medical treatment, was changed. Inside the ward, there were six beds (earlier there had been three beds). The beds, bed-side tables and other items had been shifted. A .Gisaev informed the investigator about this. The latter said that it was necessary to restore the initial setting in the ward. To that end, the investigator and A. Gisaev visited Deputy Chief Physician of that hospital.

Subsequently, a very important talk with Deputy Chief Physician took place.

The investigator asked him a question to which the physicians had already answered in the negative on repeated occasions when their testimony was recorded: whether Apti Zainalov had been kept in the hospital. However, that time Deputy Chief Physician began to tell truth. The doctor got excited and began to express his indignation about the fact that the authorities failed to take timely measures for releasing the young man who had been actually kept in custody in their hospital in the first ward of the Department of Surgery. Gisaev has a portable video camera with him. When he understood the importance of the talk with the investigator to Deputy Chief Physician, he turned his camera on.

Here are some excerpts from the talk between the investigator and the physician recorded with the video camera:

Deputy Chief Physician:

"Well, I do not know either his second name or first name. But a guy was receiving treatment in the Department of Surgery of our hospital. <...> We treated him here. An operation was made on him. After two weeks he was taken away. When he was taken out, I was not here. The Prosecutor and the

⁵¹See the material: <http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m172821.htm>

personnel of the Investigation Department had been here. They even performed some showdowns here! But where do I come in?! Indeed, we rendered help to him! Had we not helped him... But again I am telling you: some functionaries of the Public Prosecution and even of the Investigations Committee had come here. And why we, doctors, should be treated as scapegoats now! In case they are so interested now, why did the Public Prosecution fail to take him from here?! They indeed had come here, and the guy had been here. There had been both people from the militia and the Public Prosecution here.”

A question of the investigator: *“What, the Public Prosecution staff had also been here?”*

An answer of Deputy Chief Physician: *“Yes, they had! Why did not they release him?! We did everything we could for this guy. We definitely treated him here and provided all necessary medical assistance to him.*

<...> Why, in this specific case, should they make scapegoats of me or other doctors?! I am indignant at the fact why the Public Prosecution and the militia have failed to liberate him! Once they are so anxious about him now!”

Deputy Chief Physician declared that on one of the days of the young man’s stay in the hospital Public Prosecutor of the District Y. Potanin came to the Department of Surgery, accompanied by officers of the Federal Security Service of Russia^{52[52]}. In the course of a talk with the law enforcement officers who guarded the young man, a strife arose between the Public Prosecutor and officers of the Federal Security Service of Russia, on the one hand, and the Chechen law enforcement officers, on the other hand, because the guards were unwilling to release the abducted person. According to Deputy Chief Physician, the Chechen law enforcement officers pointed their weapons at the Public Prosecutor of the District and his accompanying persons who had to go away empty-handed. Deputy Chief Physician also noticed that the law enforcement officers who guarded A. Zainalov felt secure and behaved freely. They also had all attributes of official (state) law enforcement structures.

These materials were subjoined to the files of the criminal case.

From this moment on, it became impossible to deny the fact any more that A. Zainalov had been kept in custody in the hospital and carried off in an unknown direction. It was also obvious that both the medical workers and officers of the Prosecutor’s Office committed perjury of which fact the European Court of Human Rights was informed by HRC *Memorial*.

On **October 7, 2009** the European Court of Human Rights, having weighed all the arguments and evidence in the case, made a decision not to apply interim measures (Rules 39 and 40 of the Procedure of the Court) but to consider the case in the order of priority according to Rule 41. Since then, the given complaint “has been awaiting” its consideration in the order of priority.

In **November 2009**, lawyers of consolidated mobile groups of human rights organisations began to represent the interests of Aima Makaeva who had been determined as an aggrieved person in the criminal case. They have expanded their activity in the Chechen Republic since that time^{53[53]}. Their

⁵²When did the Public Prosecutor visit the hospital? It may be only assumed that it happened on July 7, immediately after A. Makaeva personally handed the Prosecutor her application. Right thereafter, Potanin went somewhere, and his workers Dombaev and Ataev “spun out time” for several hours. And on the same day, the abductors who were clearly put on the alert by something, took A. Zainalov away from the hospital.

⁵³ In the end of 2009, the form of organising the work of human rights advocates, which had been earlier tested in other regions of Russia – “joint mobile group of human rights activists” - was extended to Chechnya. Groups of lawyers deputed to some or other region are capable of quickly collecting and documenting materials and subsequently tracking cases by acting as representatives of aggrieved persons in all procedural actions. This form of work was utilized after the year 2000 in those regions of Russia where local human rights organisations could not ensure proper legal protection of citizens due to various

work has also promoted the change of the situation regarding this criminal case, and the investigators cannot deny the obvious facts.

Now, according to some documents of the Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic, *"during the investigation, it was established that on 28.06.2009 A.R. Zainalov was abducted by some unknown persons in an unascertained place and hospitalized, with gunshot wounds, in the Achkhoy-Martan District Hospital where he stayed under medical treatment in the course of 10 days. He was carried off by unknown persons dressed in camouflage uniforms.<...> The medical workers of the Central District Hospital failed to report on the A. Zainalov's admission to hospital to the Achkhoy-Martan ROVD in violation of the Prescript (its name). <...>*

In the period of A. Zainalov's stay in the Achkhoy-Martan District Hospital, on the basis of the application of A.A. Makaeva, the former Acting Public Prosecutor of the Achkhoy-Martan District Y. Potanin visited the place for the purpose of making an inspection. He met Chief Physician of the Hospital R.L. Khataev there and established the fact of keeping of A. Zainalov in the hospital in custody of armed persons, but he failed to take any further measures on proper examination of the case.

A summary of the agency check regarding this fact is also available <...>''⁵⁴[54].

The fact of the unlawful detention of the abducted person in custody by armed guards in the hospital was, at last, admitted. But, as we see, A. Zainalov was abducted *"by some unknown persons in an unascertained place"* and carried off by *"unknown persons dressed in camouflage uniforms"*.

The members of the Joint mobile group managed, though with some difficulty, to make the concerned parties subjoin the above-mentioned summary of the agency check, regarding the lack of appropriate response of the Acting Prosecutor to the flat and intolerable violation of law, to the materials of the criminal case. Initially, the Prosecutor's Office dismissed this with an absurd substantiation: *"Because the Public Prosecutor was not a person involved in the given criminal case"*.

Representatives of human rights organisations have not yet managed to get acquainted with the text of this summary.

As far as *"the unascertained place of the abduction"* is concerned, it is known. And the investigators are also aware of it: the Car Service Station *Zhaneta* near the Zhukovsky Bridge in Grozny. It was here that Aпти Zainalov and **Zelimkham Khadzhev** were captured by some armed people on **June 28, 2009**.

circumstances. Human rights activists of a number of organisations from Russian regions are working in Joint mobile groups in Chechnya: "Komitet Protiv Pytok" [*Committee Against Torture*] (the central Office is in Nizhni Novgorod); "Chelovek I Zakon" [*Man And Law*] (Republic of Mariy-El); "Materi V Zashchitu Prav Zaderzhannykh, Podsledstvennykh I Osuzhdennykh" [*Mothers Standing For Protection of Rights of Detained, Under-the-Investigation and Convicted Persons*] (the Krasnodar Krai); the Fund "Obshchestvennyi Verdikt" [*Public Verdict Foundation* (Moscow) and others (totally more that dozen organisations). The leading organization as regards the activity of Joint mobile groups is "Komitet Protiv Pytok" (the coordinator is Igor Kalyapin. See the details in

http://www.memo.ru/2010/04/01/0104101.htm#_Svodniye_mobilniye_gruppy).

⁵⁴Due to the dismissal of the petition as of 26.04.2010 lodged by M. Shulaev, a representative of the aggrieved A. Makaeva. Signed by Acting Head of the Second Department for Investigating Major Cases of the Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic E. Anikeev.

Of the fact that these two men were abducted together by some armed people *Memorial* wrote already **on July 8, 2009**.^{55[55]} A. Zainalov who came to Chechnya due to some circumstances, which are not known to us, was riding in a car, and Z. Khadzhiev was at the wheel.

It is obvious that the investigators checked this information. The materials of the case also contain even an interrogation of a worker of the Car Service Station *Zhaneta*, who recounted the circumstances of the seizure of his two customers, who were fixing a wheel of the passenger car, on July 28, 2009. Some unknown armed people captured these two people in the eyes of the militia guards in the street. In doing so, they took a shot at one of them (obviously, it was A. Zainalov). The interrogation was committed in **August 2009**. However, as it was determined by members of Joint mobile groups, the investigators failed to inspect the place of occurrence in the course of eight months since the time of the abduction. Only as a result of the persistency shown by Joint mobile groups, in **February 2010** the investigator did this, at last, and even removed a bullet out of the wall, which got stuck there. However, by that moment the rust had rendered this material evidence unsuitable for carrying out a ballistic examination.

As far as “the unknown persons” are concerned, it is obvious that only representatives of state law enforcement agencies can employ weapons without let or hindrance in the streets of Grozny, not far from the place of the dislocation of the subunits of the so-called “neftyanoi polk” [*oil regiment*], in the eyes of militia officers. And again, the investigators as early as **July 2009** had the opportunities for finding these “unknown persons”. *Memorial* reported then that Head of OVD of the Zavodskoy District of Grozny **Aslanbek Sakazov** and his deputies **Zelimkhan Abukhadzhiev** and **Abu Didiev** possessed the information about the abductors. In particular, A. Sakazov drew the attention of N. Estemirova to officers of the OVD of the Shatoi District of The Chechen Republic. Moreover, it is simply impossible to imagine that the armed people, who were posted in the Central District Hospital over ten days, remained “unknown” for the local OVD.

Members of Joint mobile groups, being in the capacity of representatives of the aggrieved person, petitioned for assigning the materials of the hospital’s medical workers aiding and abetting the abductors to a separate procedure. However, this petition was dismissed by Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic. Presently, Joint mobile groups are appealing against this decision at court.

Thus, despite the obviousness of the fact that A. Zainalov was in the Achkhai-Martan Central District Hospital, guarded by officers of law enforcement agencies they remain “*unknown persons dressed in camouflage clothes.*” The investigation is being held ineffectively.

One year after the abduction, as of **June 2010**, the fate and the whereabouts of Apti Zainalov remain unknown.

Abduction and disappearance of Abdul-Yezit Denil'bekovich Askhabov

On **August 5, 2009** Abdul-Yezit Askhabov was abducted from his house *in the town of Shali*.

The family of the Askhabovs’ lives in Shali in *housing estate No. 64 in Ivanovskaya Street*. The master of the house, Denilbek Askhabov, and his wife Tamara Askhabova had four sons. One of them, Yusup, born in 1980, was a participant of the armed resistance against Russian forces in Chechnya in 1999-2000. According to some official information, he also remained a member of the armed underground afterwards and even was “the emir of an illegal group.” But the relatives

⁵⁵ <http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/07/m167052.htm>;
<http://www.memo.ru/hr/hotpoints/caucas1/msg/2009/06/m166686.htm>.

asserted that after the finishing of active military operations in Chechnya he did not side with militants, yet he was afraid to live openly, because in Chechnya there remain two ways for people who broke off with militants: either to join the ranks of “the kadyrovtsy” [*adherents of R. Kadyrov*] or sooner or later vanish without leaving any traces.

On **May 28, 2009** Yusup was killed by officers of the OVD of the Shali District in the centre of the town of Shali.

The Press Service of President and Government of the the Chechen Republic described this event in the following way:

“Today officers of the militia carried out an operation in Shali, aimed at blocking and arresting members of illegal armed groups. The militants started to shoot at the militiamen after a demand that they should ground their arms and surrender. Two militants were killed by reprisal fire.

As the Head of the Shali ROVD Timur Daudov reported, the personalities of the militants were identified.

“One of them was an inhabitant of the town of Shali Yusup Askhabov, and the second man was Anzor Musaev who had lived in Grozny. Some small-arms, explosives, ammunitions and means of communication were taken away from the compartment of the car in which the militants rode. Timur Musaev, the Head of the Criminal Investigation Office of the Shali ROVD, died from wounds given to him. One more got hurt. He was delivered to a hospital”, – T. Daudov said.

President of the the Chechen Republic Ramzan Kadyrov who arrived at the scene highly evaluated the bravery and heroism shown by the participants of the operation. He reported that he would sign a decree of awarding Timur Musaev, as well as the wounded militiaman with the orders of R.Kadyrov. And the necessary assistance would be rendered to their families.”^{56[56]} (later the wounded militiaman died. – note by Memorial)

The father of the killed person, Denilbek Askhabov, was summoned to the place of occurrence in order to identify him. Here is his own description of the further events:

“I was taken to the center of Shali. Two corpses were lying there in the centre of the town, one of them belonged to my son. When I saw my killed son, I said in the Chechen language: “Let Allah take care of him.” On hearing these words, Lord ^{57[57]} came up and struck me in the face. At this moment, other officers attacked me and started kicking and beating with butts of their sub-machine guns. They beat to the last degree, within an inch of my life. And I fainted away almost immediately, I remember nothing. Some unknown people took me and then carried to a hospital. As a result, I suffered two heart attacks.

“From the hospital I was brought home. Then I underwent medical treatment in the republican municipal hospital, and afterwards I was operated on the heart in Moscow.

On May 28, the copse of Yusup was brought into our courtyard and dragged over the place, they mocked at the dead body. They beat my daughters Aishat and Nurzhat with the butts of their sub-machine guns. Heavily I made an attempt to go out, but I was again hit with the butt of a gun. Then the body of Yusup was loaded and taken away. They have yet failed to give it to us for burial. We do not know, what they have done to it.”^{58[58]}

Approximately in 3 to 4 days after Yusup’s death, Head of the Criminal Investigation Department and an assistant of Head of Shali ROVD entered the courtyard of the Askhabovs and demanded that

⁵⁶28.05.2009. [The official site of Government of the Chechen Republic http://www.chechnya.gov.ru/](http://www.chechnya.gov.ru/). The Press Service of President and Government of the the Chechen Republic. Law enforcement agencies of the the Chechen Republic killed two members of an illegal armed group.

⁵⁷ “The Lord” is the Head of the Shali ROVD Magomed Daudov. In March 2010, he was appointed First Deputy Chairman of Government of the Chechen Republic to head the Law Enforcement Coalition. Many former warlords of sub-units of “the kadyrovtsy” are known by their nicknames which stem from their call signs under which they went on air.

⁵⁸Denilbek Askhabov’s story narrated to members of HRC Memorial.

the other brothers of Yusup should come to the militia department, failing which they would be considered as “persons who escaped to the mountains” to join insurgents.

On **June 30, 2009** the parents took their three remaining sons, **Abdul-Yezit, Dzhabrail and Abdul-Khamid**, to the Shali ROVD. The officers of the ROVD let them go home after registering and interrogating them. In this regard, they obliged the brothers to come to the ROVD in the end of each month and get registered.

After one month, on **30 July**, they again visited the OVD of the Shali District where they had their finger-prints taken.

On **4 August**, a precinct militiaman came to the housing estate of the Askhabovs allegedly to check if all the three brothers were at home. All the three persons were there, busy with their domestic cares. The housing estate of the Askhabovs consists of several buildings. The precinct militiaman began to ask about Abdul-Yezit, where the latter lived and slept and with what he occupied himself.

On the night of **August 4-5, 2009** around 3:00 a.m. three armed people, wearing masks and dressed in military camouflage uniform, rushed in Abdul-Yezit’s house. To a question who they were and what they needed they just answered: “*The Federal Security Service.*”

The armed people, threatening with their arms, dragged Abdul-Yezit into the street and carried him off in an unknown direction, with no explanations. Tamara Askhabova who ran out after them saw a *Lada Priora* car with no registration numbers driving off from the gate. As the neighbours of the Askhabovs said later, the abductors drove up to their house in three *Lada Priora* cars. Two of them stood at some distance, this is why T. Askhabova did not notice them.

Immediately after the armed people drove away, the Askhabovs at once called the militia and head of the district administration. However, neither an operations group was sent to the place of the abduction, nor a plan *Perekhvat (Interception)* was declared. Practically, there was no response to the application regarding the abduction of the man on the part of the law enforcement agencies.

In the morning of **August 5, 2009** the relatives of the abducted person lodged their written applications with the OVD, to the Prosecutor’s Office and to the Department of the Federal Security Service of Russia in the Shali District.

In the following days, they constantly kept vigil near the building of the Shali ROVD, awaiting at least some information about the whereabouts of Abdul-Yezit.

On **August 7**, Tamara Askhabova went to Grozny together with a few relatives to see the Ombudsman in the Chechen Republic **Nurdi Nukhazhiev**. There they were received by the officer of the Ombudsman’s administrative staff **Umarpasha Khakimov**. The women told him about the abduction of Abdul-Yezit. According to the story of Tamara Askhabova and her relatives, right in their presence Umarpasha rang up the OVD of the Shali District. They heard the officer of the Ombudsman’s administrative staff talking to somebody, insisting that the detained person should be released. Then he said literally the following: “*Even if he is a brother of an emir, you have no right to keep him longer than the term prescribed by law.*” Having finished his talk over the telephone, Umarpasha said that he would do his best for rendering help to them. From that talk Tamara Askhabova understood that Abdul-Yezit was in the Shali ROVD.

On the night from **16 to 17 August 2009**, around 11:00 p.m., armed people dressed in camouflage uniforms but not wearing masks again burst into the house of Askhabova. Three to four people went directly into the house, while the rest of them stayed in the courtyard and in the street. They had come in a *Mercedes* car. They all were Chechens. Askhabova and her relatives memorised part of

the licence number of the car: “A 511”. To a question who they were the armed people answered that they had arrived from Khankala^{59[59]}. But in fact they were officers of Ministry of Internal Affairs of the Chechen Republic, because one of them, an officer of the 8-th company of Patrol-Guard Service of the Militia No. 2 named after A. Kadyrov^{60[60]}, was identified by the wife of one of the Askhabov brothers. The militiamen demanded that they should say where their bathroom was. Askhabova wanted to show them a room in the yard, but they themselves went to the bathroom in the house. There was a hiding place where Yusup had concealed himself earlier when he visited his own home. Only Abdul-Yezit himself could have told the militia officers that the hiding place was exactly there. The militiamen left, finding out nothing there.

In the next days, the relatives of the abducted person continued to apply at various state authorities, but none of power structures admitted the fact of the detention of Abdul-Yezit. He disappeared.

On **19 August 2009**, based on the fact of the abduction of Abdul-Yezit Askhabov, the Investigator of the Shali Interregional Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in The Chechen Republic **A-Kh.V. Baitaev** initiated criminal case No. 72028 on grounds of a crime envisaged in Items “a”, “c”, “d”, Part 2, Article 126 (an abduction of a man by a group of persons according to a preliminary conspiracy, with employment of weapons) of the Criminal Code of the Russian Federation . On **September 1**, the investigator A-Kh.V. Baitaev adjudged Tamara Askhabova to be an offended party in the criminal case.

In the end of September, Tamara Askhabova applied to HRC *Memorial* with a written application. Therein she asked to help her in the search for her abducted son. According to her words, Abdul-Yezit had never held weapons in his hands. He had been a sight-impaired person of the second degree since his childhood and he would never have been able to take an aimed shot with such eyesight.

On **October 14, 2009** HRC *Memorial* forwarded Tamara Askhabova’s complaint regarding a violation of Article 5 (right to liberty and security of person) and Article 13 (right to an effective means of legal protection) of the European Convention on Human Rights to the European Human of Rights Court^{61[61]}. The complaint contained a request to apply urgent procedures.

On **20 July**, the European Court of Human Rights, prior to making a decision on the application of urgent measures, asked the Government for information with the aim of either confirming or refuting the data regarding the involvement of state officers in the abduction of Abdul-Yezit Askhabov.

The Court requested to provide it with copies of the materials of the criminal case as well. *Memorial* members familiarized themselves with them.

From the materials of the criminal case it is obvious that investigation of the matter was held “for appearances’s sake”, purely in a formal way. The investigator **I.M. Serbiev** clearly made no haste;

⁵⁹ The suburb of Grozny where the main base of the federal troops in Chechnya is located.

⁶⁰ A regiment of Patrol-Guard Service of the Militia No. 2, named after Akhmad Kadyrov, of Ministry of Internal Affairs of the Chechen Republic was formed in **July 2004**. It was trooped mainly out of the so-called “kadyrovtsy,” former militants who had come over to R.Kadyrov and who had served in an illegal armed group, namely the Security Service of President of the Chechen Republic. In accordance with Russian legal rules, the Patrol-Guard Service of the Militia of Ministry of Internal Affairs bears no relation to “the struggle against terrorism,” and its officers have no right to carry out operational search activity. This service is called upon to ensure law and order in urban streets and in places of public resort. However, in practice Patrol-Guard Service of the Militia-2 is employed in so-called “counter-terrorist operations” not only on the territory of Chechnya, but also on those of the neighbouring republics.

⁶¹ The European Convention on Protection of Human Rights and Basic Freedoms.

he failed to perform a number of obvious actions which could have helped to obtain the information necessary for solving the crime.

In the materials of the case, no “hot on the trail” activity of militiamen was in any way reflected immediately after receiving the information of the abduction of the man. There is a good reason to believe that agencies of internal affairs failed to assume any measures for intercepting the abductors.

In the course of the pre-investigation check, they performed an inspection of the housing estate of the Askhabovs and sent a removed dead lock having damages for an examination. The carried-out investigation showed that the lock is damaged as a result of use of force. This yielded nothing valuable for the investigation of the crime.

The investigator sent some inquiries, regarding the furnishing of information concerning whether militia officers or military servicemen had carried some actions for detaining Abdul-Yezit Askhabov, to authorities, Federal Security Service, squadron *Yug (The south)* and *Sever [The north]* of internal security, all ROVDs, regiments of patrol-guard service of the militia and to the *neftyanoy regiment (oil regiment)* of extra-departmental protection. The materials of the criminal case, provided to the European Court of Human Rights, contain some replies from a number of senders: no actions aimed at arresting A-Y. Askhabov had been carried out. However, the OVD of the Shali District, the building of which is situated within a few minutes’ walk from the work place of the investigator, did not send any answer.

Then the investigator circulates inquiries to all interregional investigating departments of the Investigations Department under the Prosecutor’s Office of the Russian Federation in the Chechen Republic as to whether any criminal cases had been initiated or whether some verification had been performed with respect to A-Y. Askhabov. And he received negative answers from everywhere in the course of September and October.

The months of September and October were spent on interrogations of complainants, witnesses of the crime, neighbours of the Askhabovs, militiamen who visited their housing estate the day before the abduction.

No orders regarding the carrying-out of operational search actions aimed at establishing the abductors and the whereabouts of the abducted person were forwarded by the investigator to officers of the Shali ROVD.

Only after the case was transmitted to a new investigator, **Kh. Bakaev**, the latter sent to the Head of the Shali ROVD **M. Daudov** (alias the Lord, see the story of D. Askhabov and footnote No. 56) “Order for execution of separate operational search and search actions” in **October 2009** (two months after the abduction). He asked as follows: to establish additional witnesses of the crime, for which purpose a round of the households in Ivanovskaya Street and in the streets adjacent to it should be made; to gather some material characterising the personality of A-Y. Askhabov, to which effect it should be established whether A-Y. Askhabov was a witness of some crime, etc. Then he sent “the Order” to the same addressee, in which he asked to create an operations group out of the most experienced, qualified and responsible officers of the DOVD of the Shali District for solving the crime.

The materials sent to the European Court of Human Rights contain no answers to these orders. On the assumption of this, a conclusion can be drawn that no relevant operations group was created in the Shali ROVD.

It is obvious that in connection with this, there appears “Prescript on measures for eliminating circumstances conducing to committing a crime” in the case, forwarded from the Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian

Federation in the Chechen Republic and addressed to Head of the Shali Department of Internal Affairs. It draws one's attention to the fact that *"the orders of the investigator regarding the activation of the operational search activity are not being implemented <...> as a result of which planning and carrying out investigating actions according to this criminal case seems not to be practical. The said fact was possible due to the unsatisfactory work of functionaries of the Department of Internal Affairs in the Shali District with respect to the staff, on the part of whom no proper control over subordinate employees was exercised. <...>"*⁶²[62]

Evidently, it is due to such managerial capacity that Head of the Shali ROVD **Magomed Daudov** was appointed the First Deputy of Chairman of Government of the Chechen Republic for the Law Enforcement Coalition by President of the Chechen Republic Ramzan Kadyrov in **March 2010**.

Since **November 2009**, lawyers who are members of joint mobile groups of human rights activists began to represent the interests of the aggrieved persons in the criminal case of the abduction of A-Y. Askhabov.

Having familiarized herself with the materials of the criminal case, Tamara Askhabova came to a conclusion that the authorities had failed to take all the measures at their disposal for investigating the committed crime. In particular, the investigators did not reflect all the information, which was given by the aggrieved persons and witnesses to them, in the protocols of interrogations, and no important procedural actions were implemented. In connection with this, on **November 16⁶ 2009** T. Askhabova applied to investigative agencies with a petition in which she asked to perform the following procedural actions:

- to carry out an additional interrogation of herself and witnesses regarding the circumstances of her and Mairbek Askhabov's visit of the staff of the Ombudsman in the Chechen Republic, as well as concerning the militia officers' visit of her house on 16-17 August 2009;
- to establish and interrogate the officer of the staff of the Ombudsman, who called to the District Department of Internal Affairs of the town of Shali regarding the abduction of Abdul-Yezit Askhabov;
- to ascertain the numbers of the phones which are at the disposal of the staff of the Ombudsman and request for listings of the calls made from the phones which are available with the staff of the Ombudsman;
- to find out the numbers of the phones which are used by the Shali ROVD and ask for a listing of calls made from the phones which are at the disposal of the Shali ROVD;
- to establish and interrogate the officers of the Shali ROVD who utilise the number of the telephone to which a call arrived from a telephone of the staff of the Ombudsman;
- to ascertain the militia officers who drove up to the house of the Applicant in the period from 16 August to 17 August 2009 in the *Mercedes* car the state registration number of which read: "A511...";
- to carry out confrontation between the above-said persons in case there are contradictions in their testimonies.

As far as it is known to HRC *Memorial*, the investigators have not yet accomplished the above-mentioned procedural actions.

In **February 2010**, representatives of a Joint mobile group received from the Askhabovs a written explanation of the fact of the operations group's failure to go to them after their application regarding the abduction of A-Y. Askhabov. These materials were forwarded to the investigator of this criminal case. As a result, the investigators were compelled to study the issue of the unsatisfactory responsiveness of law enforcement agencies to the report on the abduction.

⁶²No. 396/03-028 c/o-2009 signed by S. Kuchin, Head of the Department of the Shali Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic.

In **March 2010**, representatives of the aggrieved persons, lawyers of the Joint mobile group, filed a request of an inquiry for the photos of all the officers of the 8-th company of Patrol-Guard Service of the Militia No. 2 for identifying those people who performed an illegal search in the house of the Askhabovs on the night from 16 August to 17 August 2009. In this regard, it was found out that the investigator himself had already sent such inquiries before. However, his requests had not been even answered. As of June 2010, no photos were presented to the investigators, and no answer from Patrol-Guard Service of the Militia No. 2 has been yet received.

At the time of the issue of the present report, the investigation of the criminal case was terminated “because of the impossibility of finding the persons liable to accusation.”

The European Human Court of Human Rights took a decision not to apply interim measures (Rules 39 and 40 of the Procedure of the Court) but to consider the case in an order of priority according to Rule 41. The complaint “is awaiting” its consideration in an order of priority.

Both the whereabouts and the fate of Abdul-Yezit Askhabov have not been established.

The abduction and disappearance of Zarema Ismailovna Gaisanova

This case is a telling illustration of how agencies of Ministry of Internal Affairs and of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic sabotage investigations of crimes in committing which representatives of the state are involved, how they resort to forgery and cover up the tracks of those who commits forgery.

On **October 31, 2009** after carrying out a special operation in *the Leninsky District of Grozny* **Zarema Gaisanova**, member of the humanitarian organisation *The Danish Refugee Council* disappeared without leaving a trace. The special operation was supervised by President of the Chechen Republic Ramzan Kadyrov.

The mother of Zarema, **Lida Gaisanova**, lived together with her daughter in Ingushetia. Their house in Grozny (7, the 2-nd Darwin Lane) was destroyed during the combat operations, and in autumn 2009 some maintenance and repair works were in progress. In the courtyard, there stood one more little house which was spared at the time of the war; it was therein that the family members used to stay when they returned home to Chechnya. Zarema often had to stay overnight in Grozny due to her work tasks and she was also at home on October 31.

On the evening of that day her neighbour from Grozny rang up Lida Gaisanova and informed her that some armed people had surrounded and machine-gunned her house, as a result of which it had burnt completely. Zarema Gaisanova who was in the courtyard of the house at that time was taken out into the street, made to sit in the *UAZ* car and carried off in an unknown direction. After fire-fighters came and extinguished the flames, law enforcement officers took out a burnt corpse of a man.

On the same evening, the information about the carrying-out of the special operation was announced over local television. Lida Gaisanova recognised her destroyed house in the televised story.

Simultaneously, a message that “a member of an illegal armed group was found and blocked by officers of Ministry of Internal Affairs of the Chechen Republic in one of private housing estates” was published on the site of Ministry of Internal Affairs of the Chechen Republic. In response to a demand of militiamen that he should ground arms, the criminal offered armed resistance, and the house in which the offender was broke into flames during the combat that broke out. In the course

of the execution of the special operation, the criminal was killed (<http://www.mvdchr.ru/page.php?r=10&id=1372>). In what followed it was reported that the killed person was **Ali Khasanov**, a resident of *the village of Goity*, “the emir of the town of Argun and the flat part of the republic”, a person close to **Dokku Umarov**. According to this statement, the operation was headed by Ramzan Kadyrov who arrived at the place of occurrence.

Nothing was reported on the detention of Zarema Gaisanova.

On the evening of October 31 Lida Gaisanova went to Grozny and applied to the Leninsky OVD, according to her place of residence. However, the people there either could not or were unwilling to tell her anything about the fate of her daughter. In the following days, Lida Gaisanova applied to law enforcement agencies and to the public prosecutor’s office with a written application. She asked to take measures for establishing the place of her daughter’s detention and clarify her fate. But nothing intelligible was communicated to her anywhere. Zarema Gaisanova disappeared without any trace.

Only on **November 16, 2009** a criminal case was initiated based on the fact of the abduction of Zarema Gaisanova. The hopeless mother applied to the Office of HRC *Memorial* in *Nazran* with a request to help her find her daughter.

We do not know whether Zarema Gaisanova was connected with the armed underground or not. We do not know how and why an insurgent appeared in the Gaisanovs’ house. It cannot be excluded that he was in hiding there with consent of Zarema. Probably, he ran in there unexpectedly for the woman, saving himself from a pursuit. Maybe, he presented himself to be a worker busy repairing the Gaisanovs’ house. All these assumptions should have been tested in the course of a legal investigation. However, we emphasise that no criminal case under the article of aiding and abetting militants or under some another article was initiated with respect to Zarema Gaisanova, and no official charge was brought against her. She was not officially detained or arrested – she “vanished”.

Lawyers of HRC *Memorial* from Moscow, with the assistance of the lawyers of the European Human Rights Advocacy Center, lodged a complaint, on behalf of Lida Gaisanova, with the European Court of Human Rights with a request to apply urgent measures on this case, envisaged in the Procedure of the Court.

The European Court of Human Rights sent a notification of the complaint to the Government of the Russian Federation and requested to provide copies of all documents relating to the measures taken for establishing the whereabouts of Zarema Gaisanova.

Thus, the materials of the criminal case initiated on the basis of the abduction of Zarema Gaisanova fell into the hands of the workers of HRC *Memorial*. It turned out that the state agencies had falsified the facts and sabotaged the investigation.

It follows from the materials of the criminal case that on **October 31, 2009, around 15:00**, the law enforcement agencies of the Chechen Republic began a special operation in the house that belonged to the Gaisanovs’ family. As it is reported in the documents, on October 31 “*a member of an illegal armed group, Ali (Timur) Khasanov, was found out in House 7 in the second Darwin Lane*”, who offered resistance and was killed. By whom and how the militant was “ascertained” in the Gaisanovs’ house, whether he had been there before the beginning of the special operation or whether he ran in there accidentally, was not reported.

At 16:00, investigator of the Leninsky Interregional Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic

A.M. Abaev began to inspect the place of occurrence, the house of the Gaisanovs, with the participation of two witnesses of inquest and an expert. The inspection finished *at 18:45*. During this time, the investigator described the place of occurrence in detail and photoed it. He received the corpse of the killed Khasanov from the persons who had carried the special operation and forwarded it to the Republican Bureau of Forensic Medical Examination of the Chechen Republic. Based on the results of the inspection, a relevant protocol was drawn up, with an indication of the time of the beginning and ending of the examination. Thus, on October 31, 2009 the house of the Gaisanovs was under a complete control of the power structures at least from 15:00 till 18:45. Investigator Abaev was in the house of the Gaisanovs in the period from 16:00 till 18:45.

Lida Gaisanova asserts, referring to her neighbours, that roughly *at 17:30* the officers of the law enforcement agencies took Zarema Gaisanova out of the house, made her sit in the *UAZ* car and carried her off. Consequently, judging by the time, investigator Abaev was at this juncture in the house of the Gaisanovs and he must have seen Zarema Gaisanova found out and detained.

On *November 1*, Lida Gaisanova lodged a written application addressed to the Head of the OVD of the Leninsky District of the city of Grozny:

To the Book of Record of Crime Reports

A material for the Interregional Investigations Committee
November 11, 2009

[a resolution of Head of the Internal Affairs Department

“To the Book of Record of Crime Reports

A material for the Interregional Investigating Committee”:

an abbreviation expansion by Memorial Human Rights Centre]

A signature of Head of the Internal Affairs Department

To: Head of the Leninsky District Internal
Affairs Department of the city of Grozny
Z.S.Iraskhanov, Militia Major

From: Lida Khamzatovna Kagirowa,
born on March 26, 1946
Address: Grozny, 7, Second Darwin Lane
Contact phone: 8-928-645-10-11

Application

You are requested to take measures for searching for my daughter, Zarema Ismailovna Gaisanova, born on October 28, 1969, because on October 31, 2009 a special operation was carried out in the Kalinin settlement of the Leninsky District. The house was burnt down, and my daughter was carried away in an UAZ car, that is to say by those people who executed the operation.

In accordance with Article 306 of the Criminal Code of the Russian Federation, I have been informed against giving false evidence.

November 9, 2009 [*here the figure "9" is evidently a correction of the original numeral "1"- Memorial Human Rights Centre*]

L.Kh. Gaisanova

A stamp:

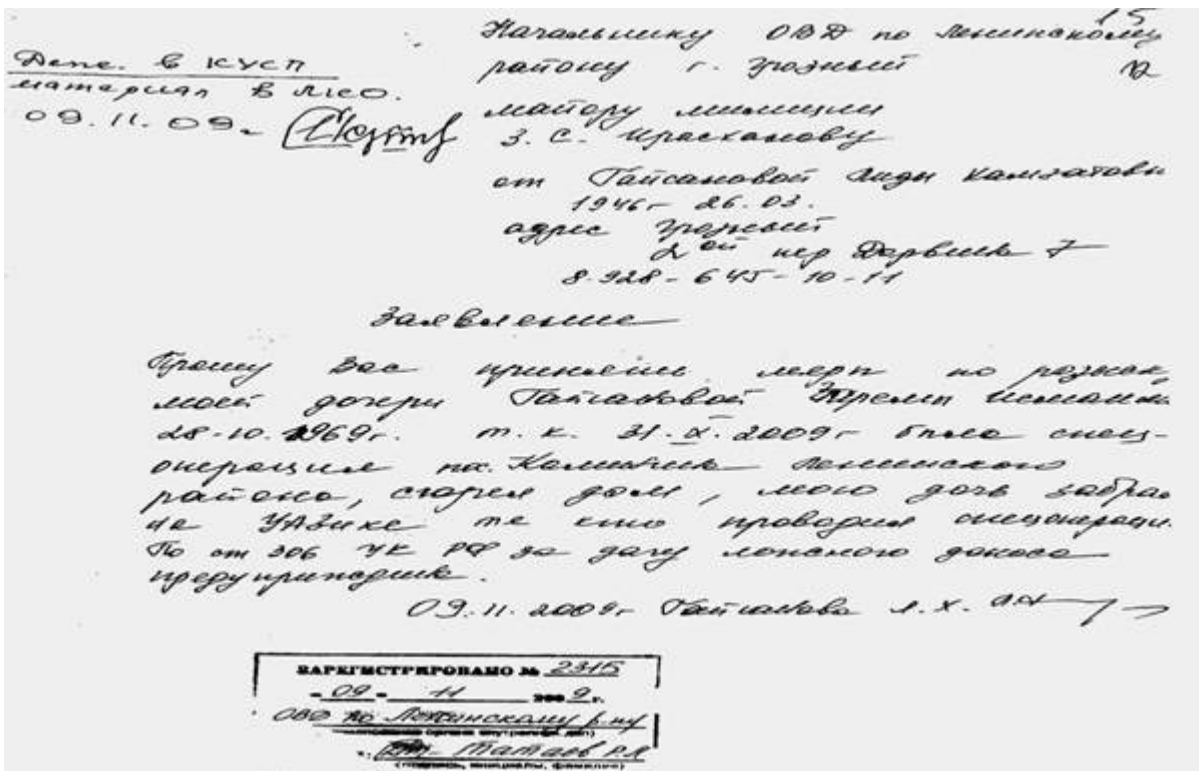
Registration No. 2315

November "09", 2009

The Leninsky District Internal Affairs Department

R.L.Tataev

A signature, a surname and initials



Militia Captain **A. Dakaev**, an operative authorised officer working in the Criminal Investigation Office of the Criminal Militia of the OVD in the Leninsky District, took the following “Explanation” from Lida Gaisanova (we adduce the first page of this document below):

EXPLANATION

The City of Grozny

November “9”, 2009

[the figure “9” was an evident correction of the numeral “1”- HRC Memorial]

I, Militia Captain A.S.Dakaev, Authorised Operational Criminal Investigation Officer of Criminal Militia of the Leninsky District, affiliated to Internal Affairs Department of the City of Grozny, have received the following explanations from the person below, in compliance with Articles 144-145 of the Code of Criminal Procedure of the Russian Federation:

1. **Surname, first name, patronymic:** Gaisanova, Lida Khamzatovna
2. **Date of birth:** 26.03.1946
3. **Place of birth:** the Khazakh Soviet Socialist Republic
4. **Registered as per the place of residence (habitation):** the City of Grozny, 7, Second Darwin Lane

5. **Factual place of residence:** 26, Kartoev Street, the city of Nazran, the Republic of Ingushetia
Telephone No.: 928-645-10-11
6. **Family status:** a widow
7. **Citizenship:** Russian Federation
8. **Education:** specialised secondary education
9. **Previous convictions:** none
10. **Place of employment, position:** a retiree
11. **Passport or any other identity-proving document/permit:** a passport
Serial: 96 00; **Number:** 130038; **Issued by:** the Leninsky District Internal Affairs
Department of the city of Grozny; **Date of issue:** 14.08.2001

Article 51 of the Constitution of the Russian Federation has been explained and made clear to me (*a signature*).

I have a good command of the Russian language and need no interpreter (*a signature*).

On the substance of the questions put to me, I may give the following evidence: I have lived in the city of Nazran, the Ingush Republic, since 2001, and my daughter, Zarema Ismailovna Gaisanovna, born on October 28, 1969, lived in 7, Second Darwin Lane, in the City of Grozny, and worked in a Danish Council in Grozny. At weekends Zarema used to visit me in Ingushetia. Zarema lived alone, but sometimes she was also seen by my son Gaisanov Ibragim Ismailovich, born on October 10, 1975. Presently, Ibragim is in Moscow. Also in the house where Zarema resides

A check regarding Lida Gaisanova's application was entrusted to **M.F. Tamaev**, investigator of the Leninsky Interregional Investigating Department of Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic. A manifest confusion was obvious in the dating of the documents on carrying out a pre-investigational examination. Either it was premeditated or arising from the general disorder. At least, in one document, namely in the protocol of the explanation which the investigator took from Lida Gaisanova, it was clearly seen that the date of the drawing-up of the document had been corrected.

The investigator was manifestly not in a hurry to hold an investigation. Nevertheless, he attached to the case the documents testifying to the fact that on October 31 the law enforcement agencies were carrying out a special operation in the house of the Gaisanovs. It is strange that investigator Tamaev did not even attempt to get the information from his colleague Abaev regarding whom exactly among the militia officers, who carried out the special operation, the latter contacted on October 31 and who exactly handed over the corpse of the killed militant to the latter for forensic medical examination.

Only on **November 16** did Tamaev, after all, initiate criminal case No.66094 based on the fact of the abduction of Zarema Gaisanova. **During November-December**, the investigator sent inquiries and orders to district departments of internal affairs, interregional investigating departments, as well as medical and other institutions on the territory of the Chechen Republic in order to obtain information of some sort or another about Zarema Gaisanova.

Because Z. Gaisanova was abducted on the territory of the Leninsky District of Grozny, the crime investigator sent orders to the OVD of this district on **November 18, 20, 27** and on **December 6**. But none of the orders was fulfilled there, although the standards of the Code of Criminal Procedure of the Russian Federation prescribe that an order of an investigator should be executed not later than ten days since the time of its receipt. Let us adduce the last of these orders, namely the latest on December 6:

It follows from this document that the execution of the crucial investigative actions, according to the criminal case initiated based on the fact of the abduction of Zarema Gaisanova, depended in many ways on the work of the OVD of the Leninsky District of Grozny. The sabotage of the execution of these orders, committed by the militia officers, seriously impeded the investigation of the crime. The investigator premised his last order to the Leninsky OVD, dated December 6, with "Prescript on assuming measures for elimination of circumstances conducing to committing a crime" addressed to the Head of the OVD. Let us cite some passages from this document:

"The said orders have not been executed as yet. <...>

With this attitude of the officers of the OVD towards their employment activity, investigative agencies are deprived of the possibility of implementing, to the full extent, measures for establishing the circumstances of a crime and accusing persons guilty of the commission of a crime. <...>

I propose:

- 1. To consider the present Prescript at a meeting between heads of the subdivisions of the OVD of the Leninsky District of the city of Grozny.*
- 2. To draw relevant organisational conclusions as for practices of revelation, preclusion and solution of crimes.*

3. According to the above-said facts of violation of the requirements of criminal procedure legislature, as well as improper use of one's administrative duty, consider the issue of bringing functionaries to disciplinary responsibility.

The Prescript is subject to consideration with a mandatory notification about assumed measures not later than one month since the date of its enactment."

Apparently, investigator Tamaev little hoped for the effectuality of his thundering appeal to Head of the OVD and on the same day forwarded a report to his chief:

To:

Z.Khasbulatov
Acting Head of the Lenin District Interregional Investigating Department
of the City of Grozny Affiliated to the Investigation Administration of the
Investigations Committee under the Prosecutor's Office of the Russian
Federation in the Chechen Republic, First Rank Lawyer

From:

M.Tamaev
Investigator of the Lenin District Interregional Investigating Department
of the City of Grozny Affiliated to the Investigation Administration of
the
Investigations Committee under the Prosecutor's Office of the Russian
Federation in the Chechen Republic, Third Rank Lawyer

REPORT

Hereby I inform you that I am executing a process regarding criminal case No.66094 initiated on 16.11.2009 on grounds of a crime envisaged in Item "a", Part 2, Article 126 of the Criminal Code of the Russian Federation. The case is based on the fact of the abduction of Z.Gaisanova from Housing Estate No.7 located in Second Darwin Lane in the Leninsky District of the City of Grozny, committed by unknown persons on 31.10.2009.

In the process of preliminary investigation, I repeatedly sent orders to the Department of Internal Affairs of the Lenin District of the City of Grozny, concerning the ascertainment of witnesses and eye-witnesses to the committed crime. However, the said orders were ignored and non-executed by the leaders of the Department of Internal Affairs of the Lenin District of the City of Grozny. In this connection, I have forwarded a Recommendation that measures should be taken for eliminating the circumstances which contributed to the commission of this crime.

December 5, 2009

M.Tamaev

И.о.руководителя Ленинского МСО
г. Грозного следственного управления
Следственного комитета при
прокуратуре РФ по Чеченской
Республике.

юристу 1 класса

Хасбулатову З.М.

следователя Ленинского МСО
г. Грозного следственного управления
Следственного комитета при
прокуратуре РФ по Чеченской
Республике

юриста 3 класса

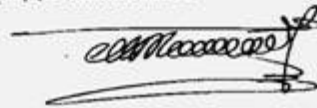
Тамаева М.Ф.

РАПОРТ

Докладываю Вам о том, что в моем производстве находится уголовное дело № 66094, возбужденное 16.11.09 по признакам преступления, предусмотренного п «а» ч. 2 ст. 126 УК РФ, то есть по факту похищения неустановленными лицами 31.10.09 из домовладения № 7, расположенного по 2-му переулку Дарвина Ленинского района г. Грозного Гайсановой З.И.

В ходе предварительного следствия мной неоднократно направлялись поручения в ОВД по Ленинскому району г. Грозного об установлении свидетелей и очевидцев совершенного преступления, однако указанные поручения руководством отдела внутренних дел Ленинского района г. Грозного проигнорированы и оставлены без исполнения в связи, с чем мною направлено представление о принятии мер по устранению обстоятельств способствовавших совершению данного представления.

05.12.09



М.Ф. Тамаев

More than half a year passed since then. As far as the members of HRC *Memorial* know, the Leninsky Department of Internal Affairs did not eventually execute the orders of the investigator.

However, it can be seen from the materials of the criminal case that it is hardly possible to lay all the blame for the failure of the investigation upon the officers of the Leninsky OVD. An impression is conveyed that investigator Tamaev himself was by no means preoccupied with the solution of the crime but with documenting the fact why the offence failed to be solved and fastening the blame upon others for that.

It is obvious from the materials of the case that the investigator did manifest a desire to find and interrogate some witnesses with respect to the case. So, the colleague of investigator Tamaev, Abaev, must have noted the time of the abduction of Zarema Gaisanova, because on October 31, at 17:30, he was inspecting the house of the Gaisanovs. Nevertheless, neither he nor the witnesses of inquest who were present at this juncture in house were interrogated.

Because the officers of the Leninsky OVD sabotaged the determination of the persons who were carrying the special operation in the house of the Gaisanovs, the investigator was bound to take steps independently in that direction. In particular, he ought to have sent an inquiry to the leadership of Ministry of Internal Affairs of Chechnya. The head of this organisation reported on the site of Ministry of Internal Affairs of the Chechen Republic that the special operation on October 31, 2009 in Grozny during which Khasanov was killed was carried out under the guidance of President of Chechnya Ramzan Kadyrov.

But till April 2010 not a single interrogation of functionaries was conducted. Whether it was done later we do not know.

The investigator interrogated a number of witnesses. But only two of them lived in October 2009 in the street where the crime was committed. Both the witnesses informed that they learned about the abduction of Zarema Gaisanova from what the neighbours said, that is to say they confirmed that there were some witnesses of the crime. And by all appearances, the investigator found these witnesses. They lived in six houses in the street of Grozny where the special operation was conducted.

But the investigator found a way so as not to interrogate them. According to the norms of the Russian Code of Criminal Procedure, a witness has no right to refuse to give testimony (Item 2, Part 6, Article 56 of the Code of Criminal Procedure of the Russian Federation). In this regard, the Criminal Code of the Russian Federation establishes responsibility of a witness for a refusal to give testimony (Article 308 of the Criminal Code of the Russian Federation). The investigator was bound to explain the witnesses their rights and tell them about the possibility of them being interrogated and brought to responsibility. However, the investigator of the Leninsky Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic unlawfully declined to discharge his direct duties. Violating the norms of Russian legislature, he invited witnesses of inquiry for them to testify the fact of the refusal of the Gaisanovs' neighbours not only to give any evidence but even to submit their personal data. It is evident that the investigator was utterly unwilling to obtain the testimony that indicated the involvement of the officers of Ministry of Internal Affairs of the Chechen Republic in the abduction of Z. Gaisanova. But at the same time he wanted to demonstrate to his authority that he did not entirely keep hands in pockets and sent the following amazing document in the name of Head of the Investigating Department:

To:

Z.Khasbulatov

Acting Head of the Lenin District Interregional Investigating Department
of the City of Grozny Affiliated to the Investigation Administration of the
Investigations Committee under the Prosecutor's Office of the Russian
Federation in the Chechen Republic, First Rank Lawyer

From:

M.Tamaev

Investigator of the Lenin District Interregional Investigating Department
of the City of Grozny Affiliated to the Investigation Administration of the
Investigations Committee under the Prosecutor's Office of the Russian
Federation in the Chechen Republic, Third Rank Lawyer

REPORT

Hereby I inform you that I am executing a process regarding criminal case No.66094 initiated on 16.11.2009 on grounds of a crime envisaged in Item "a", Part 2, Article 126 of the Criminal Code of the Russian Federation. The case is based on the fact of the abduction of Z.Gaisanova from

Housing Estate No.7 located in Second Darwin Lane in the Leninsky District of the City of Grozny, committed by some unascertained persons on 31.10.2009.

In the process of preliminary investigation, I visited Second Darwin Lane in the Leninsky District of the City of Grozny in order to interrogate the neighbours in the capacity of witnesses. However, nobody lived in housing estates no. 25; 26; 24; 23; 22; 21; 19; 16; 15; 14; 13; 12; 11; 10 and 8. The most of the houses were in a dilapidated state or at a stage of being constructed. In this connection, I sent an order so as to ascertain the owners of these housing estates and bind them over to appear at the Leninsky District Interregional Investigating Department of the City of Grozny Affiliated to the Investigation Administration of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic for carrying out investigatory actions with them. But up to this date, the said orders have not been executed by officers of the Department of Internal Affairs of the Leninsky District of the City of Grozny. The neighbours of Z.Gaisanova, living in housing estates under no. 4; 8; 9; 3; 4 and 1, declined to give any evidence. They refused to provide their personal data either. In this case, the presence of witnesses of inquest Madina Tunzhukhanova and Muslim Zaipulaev was ensured.

Also, performing an additional inspection of the place of occurrence, carrying an interrogation of L.Gaisanova in the capacity of an aggrieved person and interrogations of other members of the Gaisanovs' family appears to be impossible because of the fact that L.Gaisanova and other members of her family are beyond the bounds of the Chechen Republic.

During a telephone conversation with L.Gaisanova, the latter explained that as she was currently busy with searching for her daughter and lodging appeals with the European Court of Human Rights she would be able, in this connection, to arrive for investigatory actions at the Leninsky District Interregional Investigating Department of the City of Grozny, affiliated to the Investigating Directorate of the Investigations Committee under the Prosecutor's Office in the Chechen Republic only after the first days of December. In this regard, she did not indicate any exact date.

On 23.11.2009, I made an inspection of House 6, in Kagermanova Street, the Village of Goity of the Urus-Martan District of the Chechen Republic, with the aim of carrying out interrogations of the immediate relatives of Alik Khasanov, the annihilated member of an illegal armed group. However, nobody was living in this housing estate.

November 26, 2009

M.Tamaev

И.о.руководителя Ленинского МСО
г. Грозного следственного управления
Следственного комитета при
прокуратуре РФ по Чеченской
Республике.

юристу 1 класса

Хасбулатову З.М.

следователя Ленинского МСО
г. Грозного следственного управления
Следственного комитета при
прокуратуре РФ по Чеченской
Республике

юриста 3 класса

Тамаева М.Ф.

РАПОРТ

Докладываю Вам о том, что в моем производстве находится уголовное дело № 66094, возбужденное 16.11.09 по признакам преступления, предусмотренного п «а» ч. 2 ст. 126 УК РФ, то есть по факту похищения неустановленными лицами 31.10.09 из домовладения № 7, расположенного по 2-му переулку Дарвина Ленинского района г. Грозного Гайсановой З.И.

В ходе предварительного следствия мной был осуществлен выезд на 2-й переулок Дарвина Ленинского района г. Грозного для допроса соседей в качестве свидетелей, однако в домовладениях под номерами: 25, 26, 24, 23, 22, 21, 19, 16, 15, 14, 13, 12, 11, 10, 8 никто не проживает, большая часть домов находятся в разрушенном состоянии или же на стадии строительства в связи с чем мною направлено поручение об установлении собственников данных домовладений и обязательстве их явкой в Ленинский МСО г. Грозного следственного управления Следственного комитета при прокуратуре РФ по ЧР для проведения с ними следственных действий, однако по настоящее время указанные поручения сотрудниками ОВД по Ленинскому району г. Грозного не исполнены. Соседи Гайсановой З.И., проживающие в домовладениях под номерами: 4, 8, 9, 3, 4, 1 отказались от дачи каких-либо показаний, а также отказались сообщить свои анкетные данные, при этом было обеспечено присутствие понятых: Тунжухановой Мадины Усамовны и Зайпулаева Муслима Адамовича.

Также, провести дополнительный осмотр места происшествия, допрос в качестве потерпевшей Гайсановой Л.Х., допросы остальных членов семьи Гайсановых не представляется возможным, в связи с тем, что Гайсанова Л.Х. и остальные члены ее семьи находятся за пределами Чеченской Республики.

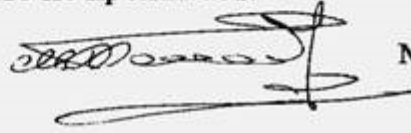
В ходе состоявшегося телефонного разговора с Гайсановой

КОПИЯ

последняя пояснила, что в настоящее время занимается вопросами поиска своей дочери, а также обращениями в Европейский суд в связи, с чем сможет прибыть на следственные действия в Ленинский МСО г. Грозного следственного управления Следственного комитета при прокуратуре РФ по ЧР только после первых чисел декабря, при этом не указала точную дату.

23.11.09 мною был осуществлен выезд с целью проведения допросов близких родственников уничтоженного участника НВФ Хасанова Алика по адресу: ЧР, Урус-Мартановский район, с. Гойты, ул. Кагерманова, дом № 6., однако в указанном домовладении никто не проживает.

26.11.09



М.Ф. Тамаев

As it is known to HRC *Memorial*, investigator Tamaev has incurred no responsibility for his “invention.”

In the following months, the investigation of the criminal case was transferred to the jurisdiction of other investigators. They investigated it and continued to inquire into it with the same “effectiveness”.

Since *the end of November 2009*, lawyers of Joint mobile groups began to represent the interests of Lida Gaisanova who was found a complainant in the criminal case.

On *February 17, 2010*, President of the Chechen Republic R. Kadyrov met, at his initiative, Head of the Joint mobile group **Igor Kalyapin**. In the course of this meeting, alongside with other questions, Kalyapin raised an issue of the obscure disappearance of **Z. Gaisanova** and of the fact that judging by some information from official sources, the operation in that district was headed by R. Kadyrov. President of the Chechen Republic confirmed this fact. And as far as Zarema Gaisnova is concerned, R. Kadyrov informed that in the course of that special operation she was detained but then promptly released.

On *February 24, 2010*, a petition for interrogation of the functionary who guided the special operation in Z.Gaisanova’s housing estate was lodged with the investigator. The petition was partially granted: “*Indeed it is necessary to interrogate, but the investigators cannot yet ascertain this person.*” *On the same day*, representatives of L. Gaisanova filed a petition for attaching the explanation of I. Kalyapin to the case, for examination of I. Kalyapin and interrogation of R.Kadyrov as the commander of the operation. After two days, investigator **M. Israpilov** informed that the given petition was fully granted. The investigator interrogated I. Kalyapin who pointed out that R.A. Kadyrov mentioned during their talk that he was the one who guided the special operation.

However, one month, two months passed, but R. Kadyrov was not yet interrogated.

Eventually, a new investigator of this case stated directly that he would not interrogate Kadyrov, that he himself had not granted such petitions and that he did not know who supervised the special operation.

On *22 April 2010*, a representative of the aggrieved woman, a lawyer of the Joint mobile group, lodged a complaint with the Investigating Department of the Investigations Committee under the Prosecutor’s Office in The Chechen Republic regarding the nonfeasance of investigators M. Israpilov and **T. Tasukhanov** who did not carry out any obligatory investigative action in the course of 55 days.

As a result, on April 26 there appeared “*Decision on the denial of the appeal*”. Therein E.S. Anikeeva, Acting Head of the Second Department for Investigation of Major Cases of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in The Chechen Republic “stated” as follows:

“Interrogating R. Kadyrov is not practical because of his preoccupation with the work <...> In the course of the investigation some witnesses were interrogated (a list of surnames without any indication of places of residence, workplaces, positions), who are direct witnesses of the execution of the special operation aimed at annihilating the member of an illegal armed group A. Khasanov, from which it follows that R. Kadyrov was absent in the housing estate of Z. Gaisanova during the execution of the special operation. Consequently, there are no grounds for the interrogation of R. Kadyrov as a witness <...>.”

A regular manipulation is on hand. Nobody asserted that R. Kadyrov was present in the housing estate of Gaisanova. Probably, he was not there at all. According to official reports, he was in the place, near her house. The main thing is different: he supervised the operation. But nothing is said about this in “Decision”.

As of **May 2010** (that is seven months after the conducting of the special operation), the investigators “have not yet ascertained” the person who headed the special operation.

For many months, the investigators failed to take the most obvious actions necessary for solving the case. The human rights activists who represent the interests of the aggrieved Lida Gaisanova had to constantly push things in this direction.

For instance, on **March 30, 2010** the representatives of Joint mobile group lodged a petition for seizure of the video recording published on the site of Ministry of Internal Affairs of the Chechen Republic on which the special operation conducted in the housing estate of the Gaisanovs, the people who carried it out and Minister of Internal Affairs of the Chechen Republic R. Alkhanov who arrived at the place are engraved.

On **April 22**, it was the representatives who lodged petitions for interrogation of R. Alkhanov, of the fire-fighters who were extinguishing the fire in the house of the Gaisanovs, for establishing and interrogation of all drivers of *UAZ* cars from the subdivisions which participated in the special operation involving Z. Gaisanova (because it was by means of the *UAZ* car that Z. Gaisanova was carried off) and for establishing and interrogation of the persons who carried out video recording of the special operation attached to the material of the case.

The petitions have been granted. It is not known to us whether the investigators take some actions in connection with this or they will act the same as with the petition for interrogation of R. Kadyrov.

But the main thing is obvious: the investigative agencies do not want to take any real steps towards detection of this crime.

The investigative agencies are unwilling to initiate a criminal case based on the fact of forgery by an official revealed by human rights activists in the materials of the criminal case. A representative of the aggrieved woman V. Shulaev lodged a petition regarding this fact to the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic.

On **June 8, 2010** it got about that the verification on the petition had been finished. The initiation of the criminal case was denied. Nothing is yet known about the substantiation of such a decision because the members of the Joint mobile group have not yet received any corresponding resolution.

As of **June 2010**, neither the whereabouts nor the fate of Zarema Gaisanova has been established.

The abduction and disappearance of Rizvan Lechievich Aziev

On **October 31, 2009** a local citizen **Rizvan Lechivich Aziev**, born in 1979, was abducted from his house in Grozny where he lived in *23, Gagarina Street, in the Leninsky District, the village of Staraya Sunzha*.

At around 7:00 p.m., several cars (models *Lada-Priora, Niva*, etc) drove up to his house, some without registration numbers. Some armed people dressed in camouflage uniforms, who had come in these cars, blocked the house and rushed into the yard. None of them showed any documents or indicated their affiliation. People from the neighboring houses in Gagarina Street witnessed these actions.

At the time of the invasion, Rivzan's father **Lecha Dzhamashevich Aziev**, born in 1944, sister **Khava Lechievna Azieva**, born in 1983, and three kids were in the house while Rivzan Aziev himself was absent.

One of the armed men started to ask Khava questions, namely if there were any strangers in the house, who were the usual guests of their house and if all the family members got passports. Khava told him that everyone had passports and there were no strangers coming to or living in the house. After that siloviki organized a house-check without prior document inspection of the people who lived there. Finally, they found nothing interesting and demanded the family to tell where Rizvan Aziev was. His relatives told that Rizvan had gone to visit his friend who lived in the 3rd residential neighbourhood of the Leninsky district. Then they forced Khava to call her brother's mobile phone number and ask him to come back home without mentioning that he was being waited for by armed people. After she made a phone call, they took away the mobile phone from her. She and the other family members were kept under the detention of the armed people until Rizvan arrived. They captured him outside, when he drove up to the house. He was put inside one of the cars and the whole procession drove away. There is no doubt that these kinds of actions such as openly moving through the city and carrying guns, blocking a house and then waiting there for a wanted person without making haste can be carried out only by representatives of state security agencies.

Immediately after the armed group of people went away, taking Rizvan with them, his relatives applied to the local OVD and district Prosecutor's office. But no actions for capturing the abductors were taken, even a task force was not sent to the Azievs' house.

On **November 11, 2009** investigator of Leninsky Interregional Investigating Department of the City of Grozny, affiliated to the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic initiated criminal case № 66093 on grounds of a crime under Item "a", Part 2, Article 126 (abduction of a man committed by a group of persons under a preliminary conspiracy) of the Criminal Code of the Russian Federation.

As of **June 2010**, neither the whereabouts nor the fate of Rizvan Aziev has been established.

We can only assume the reasons of Rizvan Aziev's abduction. He was the brother of two convicted boeviks, he himself was sentenced for involvement in the activity of illegal armed groups. He might be suspected in preservation of connections with the underground or in possession of certain information. It is also possible that siloviki simply 'mopped up' the republic from potentially disloyal persons.

In **2002**, Rizvan's two elder brothers – **Imran**, born in 1973, and **Kharon**, born in 1975, were sentenced to 19 and 21 years accordingly for their involvement in the armed resistance against Russian forces. Among other charges, they were also charged under Article 205 (terrorism) of the Criminal Code of the Russian Federation. After the brothers' detention, the frightened parents sent

Rizvan to *Irkutsk* where he worked as a dentist. In **2005**, according to a request of some law enforcement agencies of the Chechen Republic Rizvan was sent back home. He was accused of committing the same crimes as his brothers.

The following was published in the news agencies regarding Rizvan Aziev's arrest:

“In Irkutsk, an especially dangerous criminal Rizvan Aziev was arrested. He was an active member of the illegal armed underground of the Chechen Republic of Ichkeria which acts on the territory of the North Caucasian Region, and the arrested person was in a federal search on grounds of crimes envisaged in Article 205 (terrorism) of the Criminal Code of the Russian Federation. The arrested person was so called ‘emir’ – a warlord. Previously, Rizvan Aziev went through training in one the training camps which belonged to a well-known warlord of Arab origin, Khattab. According to some available data, he was accessorial to attacks on Russian Federal forces, explosions of buildings, killings of officers of security agencies. <...> Rizvan Aziev concealed himself in Irkutsk and used a false passport. He lived in his close relatives’ place. The arrest of this insurgent was a result of joint actions of the FSB Department of Irkutsk region and FSB of the Chechen Republic in the framework of detection and interception of terrorist activity.”^{63[63]}

In the same year, R. Aziev was sentenced to 2,5 years of minimum security according to Article 208 (participation in an illegal armed formation) of the Criminal Code of the Russian Federation. He served the term on the territory of Chechnya in a penal colony of *the village of Chernokozovo*.

It is absolutely obvious that if Rizvan Aziev had been a real warlord and accessorial to attacks on soldiers, killings of militia officers, then he would have been charged with a rather more heavy term of imprisonment. But such kind of charges is usually given to those against whom there are no well-established proofs of guilt.

After his release, Rizvan married and had some side jobs because he did not have permanent employment. According to his relatives and neighbours, Rizvan did his best to live a normal and ordinary life and he had no relation to illegal armed groups.

The detention and disappearance of Said-Salekh Abdulganievich Ibragimov

The witnesses and aggrieved persons in this case were induced by representatives of authorities. The investigator strongly recommended to the mother of the abducted person that she should not give truthful testimony. Some of the circumstances of this case resemble the case of the abduction of Zarema Gaisanova.

On **October 21, 2009**, in the afternoon, **Said-Salekh Abdulganievich Ibragimov**, born in 1990, was detained by officers of the power structures of the Chechen Republic in the centre of *Grozny* and conveyed to the Regiment of Private Security Department of Ministry of Internal Affairs of the Chechen Republic (*Neftepolk (Oil Regiment)*)^{64[64]}. On the same evening, his uncle **Adnan**

⁶³ ITAR-TASS Agency. 20.07.2005; The Caucasus. Strana. RU 20.07.2005; Baikal'skaya slugba novostey (Baikal News Agency). 20.07.2005

⁶⁴The militia regiment of the Private Security Department under Ministry of Internal Affairs of the Chechen Republic (*The Oil Regiment*). This structure was established as early as the autumn 2003 chiefly out of *the kadyrovtsy*, that is former militants who joined R. Kadyrov and served in an illegal armed unit, namely the Security Service of President of the Chechen Republic. As a matter of form, *the Oil Regiment* was to exclusively ensure the security protection of oil-fields, oil-products pipelines, or other industrial facilities. In accordance with Russian legal norms, officers of Private Security Department bear no relation to “struggle against terrorism,” they have no right to carry out operational search activity, to detain suspected persons and, all the more, convey arrested persons to the places of the positions of their subdivisions. However, in reality a number of the subdivisions of this regiment constantly participate in operations against militants and

Ibragimov saw Said-Salekh Ibragimov in the position of the Regiment of Private Security Department of Ministry of Internal Affairs of the Chechen Republic in the city of Grozny, in the office of Regiment Commander Sharip Delimkhanov. In the course of a few days S-S.A. Ibragimov was in the building of the regiment. The further fate of S-S.A. Ibragimov is unknown.

S-S.A. Ibragimov was a student of the second course at the Grozny State Oil Institute. He and his family lived in *the village of Goity* in 117, *Gonchaev Street*. There are three buildings in the courtyard of their housing estate, in one of them lived Said-Salekh with his mother, **Raisa Turlaeva**. The other two buildings belong to his uncles, the brothers of Said-Salekh's father. In the house that belongs to Adnan Ibragimov lives his aged mother, the grandmother of Said-Salekh. Adnan himself lives in his flat in Grozny. His son, **Magomed**, had served in the Regiment of Private Security Department of Ministry of Internal Affairs of the Chechen Republic. One of the two buildings was constantly empty, because the family of the second uncle left Chechnya.

In the afternoon, on **October 21, 2009**, officers of the special agencies of the Chechen Republic conducted a special operation in the village of Goity. Officers of Special Police Unit, the Battalion *Sever*⁶⁵, the militia of the Urus-Martan District and the Regiment of Private Security Department of Ministry of Internal Affairs of the Chechen Republic took part. In the course of the special operation, members of an illegal armed group **A.A. Datsaev** and **A.V. Dzhumaev** were killed, and the third militant managed to escape. A militia officer, **I.V. Bukaev** (a member of the 4-th Company of the Militia Regiment of Private Security Department under Ministry of Internal Affairs of the Chechen Republic), was killed and two militiamen were wounded. A message to this effect is on the site of Ministry of Internal affairs of the Chechen Republic.

These three militants hid in the attic storey of the empty house in the housing estate of the Ibragimovs.

On that day Said-Salekh was at his studies at the institute. His mother went to Grozny when her daughter-in-law called her on the mobile phone and informed that some law enforcement officers were carrying out a special operation in their housing estate. Raisa Turlueva phoned Adnan Ibragimov who worked in Grozny, and they promptly went together to their home in *Goity*.

According to stories of Raisa and Adnan, as soon as they drove up to their house, they were immediately surrounded by people in uniforms. They dragged Adnan to the commanders who pointed to the corpse of a young man lying on the ground and claimed that this insurgent had been hiding himself in the attic floor of their house since **October, 20**.

Then A. Ibragimova and R. Turlueva were taken to the OVD of the Urus-Martan District. Here they were interrogated till 9 p.m. and released after that. To questions regarding how the insurgents got to the attic floor of one of the buildings, they both answered that they had known nothing about that and had not even believed the credibility of this fact.

One of the officers of Ministry of Internal Affairs told Raisa that their houses had been burnt.

On returning to Goity, A. Ibragimov and R. Turlueva saw that two of the three buildings in their housing estate were destroyed by fire, and the third one was badly damaged. When they were being carried to the ROVD, only the roof of the abandoned house in the courtyard of their housing estate was on fire. As some witnesses said, the fire-fighters who came to the site were not fighting fire.

people who support them, as well as perform detentions and interrogations.

⁶⁵ See the footnote 42

All this time the mobile phone of Said-Salekh was silent. Later it became clear that after he learnt from his cousin by the phone about the special operation in Goity, he went to his relatives in Grozny. There he explained to his cousin why he allowed the insurgents to hide themselves in the house in this way: *“What would you have done in my place, when they turned their guns on me and said that if I did not let them stay overnight, they would kill all the women in the house together with me?”* Then he called a taxi and went somewhere.

About 11 p.m. an investigator from the Urus-Martan phoned Adnan Ibragimov and asked him to come again urgently. Adnan arrived at the OVD from where he was immediately taken to Grozny, to the position of the *Oil Regiment*. Here he learnt that his son **Magomed** had also been brought here.

Adnan Ibragimov was led into the office of the Regiment Commander, **Sharip Delimkhanov**, where there were already 10 to 12 people in camouflage uniforms. As Adnan understood, these were the officers of the regiment, who participated in the daytime special operation in Goity. In a harsh manner, they expressed their claims to him because of the fact that the militants who had hidden themselves in the house killed their comrade and wounded two people. He was asked about his nephew, Said-Salekh, and whether he was ready to be responsible for his actions and whether he was prepared to repudiate his nephew.

As Adnan Ibragimov said, he told Sharip Delimkhanov and his officers that he knew nothing about the insurgents who allegedly concealed themselves in the attic of the empty house of his elder brother. He said that he did not believe the fault of his nephew, that he did not believe that the insurgents had been hiding themselves there, and that he cannot repudiate Said-Salekh whom he treated like his own son.

They brought Said-Salekh into the office. He was frightened out of his wits, blood and bruises were on his face. It was obvious that he was detained somewhere in Grozny.

The officers said that because one of their comrades was killed in the Ibragimovs' courtyard, then according to customs blood feud would be subsequently taken on the Ibragimovs for that: *“We have formed a brotherhood between each other, that we shall revenge for the killed, the same as for a relative.”* They promised to kill Said-Salekh, but then said that they were ready to save his life in case he would help them find the militant who had managed to escape.

The uncle asked them to permit him to speak to his nephew face to face. And he began to persuade him to cooperate with siloviks for the sake of preserving his own life and for the security of his relatives. Then Said-Salikh gave his word to his uncle that he would cooperate with law enforcement agencies in the presence of the officers of the *neftepolk [the oil regiment]*. He said that he knew some militants in absentia, from their talks by mobile phones. Then Said-Salekh was taken out of the office.

They released Adnan Ibragimov from the position of the *neftepolk* together with his son Magomed late in the night, saying that they might be summoned and taken again to the *neftyanoi polk* at any time.

In the following days, the members of the Ibragimovs' family stayed in the village of Goity living at their relatives'. They did not apply anywhere with complaints and waited for news from Said-Salekh, because they believed that his life was not endangered because he had agreed to cooperate with the authorities.

On **November 1, 2009** Adnan Ibragimov and Raisa Turlueva were summoned to the Investigator of the Achkhoy-Martan Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic for interrogation. Later on, Adnan related that then he had told the investigator everything about what he knew and what he had been witness of. Nevertheless, the investigator did not record anything related to the Ibragimovs' staying in the position of the *neftyanoi polk* in the protocol of the interrogation. He wrote instead of Adnan: "*The whereabouts of my nephew, Said-Salekh Ibragimov, is not known to me*". Adnan rebelled against this and began to protest. However the investigator answered that he would repent, if he insisted on recording the fact of the conveyance of Adnan, his nephew and his son to the *Oil Regiment* in the protocol of the interrogation. According to the investigator, if he wrote this in the protocol, then the investigators would have to make an inquiry to the *Oil Regiment* and insist on release of Said-Salekh. And then the officers of the regiment would manage to compel Adnan and Said-Salekh to give such evidence that they would require. So much the worse it would be for the Ibragimovs themselves on this account.

The investigator was even more free-tongued with Raisa Turlueva who tried to lodge an application regarding the abduction of her son. According to her, the investigator warned her: "*If you write this application, you will be killed, and the houses of the other relatives will be burnt.*"

As a result, neither Adnan nor Raisa ventured to insist that their story about the conveyance of Said-Salekh to the position of the *Oil Regiment* should be recorded in the protocols of their interrogations.

However, because of the fact that Said-Salekh disappeared without a trace, and there was no information about his fate, his mother, Raisa Turlueva, yet lodged the application on **December 2, 2009**, regarding his abduction to the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic. On December, 9 the investigator asked explanations from Adnan Ibragimov who officially stated all the circumstances known to him and which happened on October 21 to his nephew. In a detailed explanation he described the interior of Delimkhanov's office and what was located there. He indicated that if necessary he would be able to show the location of his office.

A pre-investigation check started.

Since **December 10, 2009** a lawyer of the Joint mobile groups of human rights activists, **Mikhail Shulaev**, began to represent the interests of the relatives of the abducted person. On the same day, R. Turlaeva was interrogated, in the presence of M. Shulaev, by A. Abdulkhadzhiev, investigator of the Achkhoy-Martan Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic. In the process of the inquiry, the Investigator exerted pressure on the applicant, without being ashamed of M. Shulaev. He frightened R. Turlaeva saying that "*by giving such evidence*" she was exposing herself to danger and could become a target of revenge on the part of high-ranking officials of law enforcement agencies of the Chechen Republic.

On **December, 14** the house of the Ibragimovs was attended by an officer of the *Oil Regiment*, who informed that Adnan Ibragimov was being summoned by the Regiment Commander to his premises. Ibragimov informed M. Shulaev in the Joint mobile group about this. The latter went together with him to see Sherip Delimkhanov. He received them in his house located near the place of the dislocation of the regiment. Before the talk began, M. Shulaev turned on a voice recorder, and the whole conversation was recorded^{66[66]}. Sherip Delimkhanov and Adnan Ibragimov started their

⁶⁶Later the disk with a record of this talk was sent among other materials to the European Court of Human Rights.

talk in the Chechen language. Then Sh. Delimkhanov asked who that third man present during the conversation was. M. Shulaev introduced himself, and the talk went on in the Russian language.

Sherip Delimkhanov said that Said-Salekh had helped the bandits. And Adnan, as the eldest in the family, should have controlled him, but he failed to do so. According to Chechen customs, the blood of the killed militiaman was on the Ibragimovs' family, and his relatives must revenge. But up to now he, Sherip Delimkhanov, has made them restrain from blood feud. But now, because Adnan said that he had seen Said-Salekh in Sh. Delimkhanov's office for the last time, he would not restrain the relatives of the killed persons.

Further, Sh. Delimkhanov said: *"You told that I had tortured him. How will you prove this? Prove it to me. You said. Now prove that this man is with me. If you fail to prove, I can testify against your son, against you, against the daughter-in-law..."* And Sh. Delimkhanov gave Adnan two days in order to prove the former's involvement in the disappearance of Said-Salekh. Then he said that he would spit upon public prosecution, courts, that he was not afraid of this and that he could *"resolve issues up to Moscow."*

Regarding the fate of S-S. Ibragimov, the Commander of the *Oil Regiment* asserted: *"He escaped from me. 100 people can confirm this. He got into a car and left. And where he left, I do not know. Maybe he went to fight on the side of Wahhabites. Indeed you will not prove that he has been with me. How will you prove? Who will confirm? You will say that he has seen him here, and I will say that I have released him... And in general it is not for the first time for us. Many things were told about us. This man was killed, those people were killed. But where is the evidence? There is no evidence and will not be. You look in the Internet. There are some records showing how I kill bandits, but I do so only under the law."* He repeated several times: *"I am a military man, I honor and respect law, but there are some customs yet."*

Thus, the Commander of the Regiment of Private Security Department under Ministry of Internal Affairs of the Chechen Republic Sherip Delimkhanov exerted pressure on the material witness in the case of the disappearance of Said-Salekh Ibragimov.

Under the auspices of lawyers of the Moscow Office of HRC *Memorial* and the European Human Rights Advocacy Centre, the relatives of the abducted person applied to the European Court of Human Rights in **December 2009**. In the same month, the European Court of Human Rights addressed the authorities of the Russian Federation with an inquiry for providing information on the case, including copies of the document that concern the measures which the state is taking for establishing the whereabouts of S-S. Ibragimov.

Meanwhile, the pre-investigation check continued. In the course of this check, investigator Abdulkhadzhev simulated great activity, circulating a mass of senseless inquiries to various authorities questioning whether S-S. Ibragimov was with them, and whether he had been detained, etc. And this notwithstanding the fact that the evidence of the relatives of Said-Salekh points to those in whose hands the abducted person was.

The investigator sent an order for carrying out *"operational search actions for the purpose of finding out the persons involved in the commitment of this offence, as well as the whereabouts of the abducted S-S.A. Ibragimov"* to the Urus-Martan OVD. In this respect, the investigator should understand that he was giving an order to the people who were, to put it mildly, not interested in the search for S-S. Ibragimov.

However, on **December, 12** the investigator sent an order to the head of the *Oil Regiment* in order to determine and bind over to appear at the Investigating Department the officers of the regiment who were on duty in standby unit of the regiment on the night of October 21-22, 2009 as well as to

forward copies of the registration books concerning the persons detained and brought to the regiment on that night. Then, on December 15, he held an inspection of this place (the place of the dislocation of the *Oil Regiment* in Grozny with the participation of Adnan Ibragimov. The latter identified this place as the one to which he was conveyed on the night of October 21-22. In the building of the regiment he pointed out where the office of the Regiment Commander was situated and recognizes it as the same room where he saw his nephew for the last time.

It would seem, there were grounds for initiating a criminal case.

Already the very fact of the conveyance of S-S. Ibragimov to the position of the *Oil Regiment* is an illegal action. A regiment of Private Security Department cannot and must not carry out any operational search activity, and his officers are not entitled to interrogate detained persons and, moreover, keep them on their premises. An explicit excess of ex-officio full power is on hand at the minimum.

However, investigator A. Abdulkhadzhiev passed an unlawful and unmotivated resolution on **December 17, 2009**, concerning a denial of the initiation of the criminal case based on the fact of wrong acts with respect to S-S. Ibragimov.

Making such a decision, the Investigator failed to interrogate any of the officers of the *Oil Regiment*; he even did not receive any answer to the order sent by him to the commander of this regiment.

Why did the investigator act so? This is obvious if one recollects what the same investigator was telling Raisa Turlueva during her interrogation one week before this happened. At that time, he directly warned her of potential revenge on the part of top-ranking officers of Ministry of Internal Affairs of the Chechen Republic.

Eleven more days passed, and on **December 28** investigator of the Leninsky Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic (where the materials of this case had been transferred) initiated a criminal case on grounds of a crime envisaged in Part 1, Article 105 (a willful murder of man) of the Criminal Code of the Russian Federation. No.66102 was assigned to the case.

On the next day after the initiation of the case ten armed people wearing masks burst into the house of Adnan Ibragimov in Grozny. Without showing any documents and not explaining the reason for their actions, they performed an illegal house-check. Then they left, saying that "*this was an ordinary procedure.*" Meanwhile, in the opinion of the members of *Memorial* this invasion was an action of intimidation.

A question arises here: why did the other investigator who had the same materials as the previous one after all initiated the case? Most probably, he had an order from higher authorities because the Russian Government did not dare to deny the obvious facts in its response to the European Court. In his answers⁶⁷, the Commissioner of the Russian Federation at ECHR on behalf of the Russian Administration confirmed that Said-Salekh Ibragimov was arrested on October 21 by unknown people and brought to the dislocation of the Regiment of Private Security Department under Ministry of Internal Affairs of the Chechen Republic to be interrogated regarding the military operation in the village of Goity. However, according to an official response, he was immediately released after the interrogation.

⁶⁷ Response letter from 21.12.2009

Based on which materials do the Russian authorities claim that S-S. Ibragimov was released? This fact is absolutely not clear as the materials of the pre-investigation check procedure did not afford any ground for it.

On **March 10, 2010** after ECHR considered all arguments and evidence on the case, the Court made a decision not to apply interim measures (envisaged in Rules 39 and 40 of the Court Procedure) but to consider the case in an order priority according to the Rule 41. Since that time the application has been pending for consideration in an order of priority.

More than five months has passed since the initiation of the case. And now a well-established conclusion could be made about the ineffectiveness of the investigation process.

Up to now, Sherip Delimkhanov and other officials under whose absolute control S-S. Ibragimov was on October 21, 2009, when the witness saw him last time, were not interrogated. But the necessity of their interrogation is obvious according to the case materials. Sherip Delimkhanov who has undoubtedly went beyond his authority and committed a wrongful act regarding the vanished Ibragimov, was not removed from his office for the time of the investigation. He still has some possibilities to bear pressure upon aggrieved persons, witnesses, investigators and service officers.

In March 2010, head of HRC *Memorial* O. Orlov forwarded a letter addressed to the General Prosecutor of the Russian Federation in which he asked to examine the information regarding the cases of pressure exerted upon the witness and aggrieved party on the part of officials and to remove the commander of the Regiment of Private Security Department under Ministry of Internal Affairs of the Chechen Republic S. Delimkhanov from his office for the time of the investigation of S-S. Ibragimov's abduction case.^{68[68]} There is yet no relevant response regarding this letter.

On **April 3, 2010**, the investigation of case No. 66102 was suspended due to '*the impossibility of finding the persons liable to accusation.*'

Only because of the activity of the Joint mobile group of human rights activists the investigation procedure on the illegal house check in Adnan Ibragimov's housing estate on December 29, 2009 was finally initiated.

The investigator of the Leninsky Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic D.M-S. Murtazov two times (on **01.02.2010** and **13.04.2010**) forwarded orders to the militia departments (the Staropromislovskoe Department of Internal Affairs) regarding the conducting of investigative procedures aimed at identifying the people who organized the house check in A. Ibragimov's housing estate. But these orders remained ignored by the militia officers and were not even responded to.

Head of the Leninsky Interregional Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic A.A. Stepanov three times (on **08.02.2010**, **13.04.2010**, **01.06.2010**) sent orders to Minister of Internal Affairs of the Chechen Republic R.Sh. Alkhanov concerning the initiation of a functional check based on the fact of the unjust actions of the unknown persons towards A. Ibragimov. The Minister, in violation of the legislation, does not consider it necessary to execute these orders!

An amazing document was received by the lawyers of the Joint mobile group defending the interests of R. Turlueva regarding the case of the abduction of her son^{69[69]}.

⁶⁸ Letter № 79/10 from 25.03.2010.

⁶⁹ R.Turlueva was acknowledged as a complainant according to the case № 66102 from 02.02.2010

The Department of Internal Security of Ministry of Internal Affairs of the Chechen Republic fulfilled a functional check based on the fact of the unjust actions towards S-S. Ibragimov. On **May 6, 2010**, the result of this functional check was forwarded to the Leninsky Interregional Investigating Department. This final report was dated as of March 1, 2010 and sanctioned by Minister of Internal Affairs of the Chechen Republic R. Alkhanov on **March 15, 2010**.

This report states that “*On April 6, 2010 a response to the request addressed to the Commander of the Militia Regiment of Private Security Department under Ministry of Internal Affairs of the Chechen Republic came to the Department of Internal Security of Ministry of Internal Affairs of the Chechen Republic in which it was reported that the citizens Ibragimov Said-Salekh and Ibragimov Adnan Abdulaevich had not been detained and brought to the dislocation place of the Militia Regiment of the Department of Internal Security.*”

It means that the response from Sh. Delimkhanov was sent after the report had already been prepared and sanctioned. But at the same time the report contains a reference to this response! In such a manner, people who prepare such documents do not even try to make ends meet. They believe that any phoney will work and nobody will punish them for forgery and that their chiefs will not demand to establish the truth.

Currently, Sharip Delimkhanov denies the very fact of bringing S-S.Ibragimov to the dislocation of ‘the *Oil Regiment* despite the proven facts and despite his own words documented by human rights activists.

As of **June 2010**, neither the whereabouts nor the fate of Said-Salekh Ibragimov has been established.

IV (a). Examples of cases when abducted inhabitants of the Chechen Republic were liberated

Below, we give four examples when people who were first abducted by law enforcement officers and subsequently released.

In all these cases, relatively soon after an abduction the relatives of abducted persons lodged complaints to the European Court of Human Rights. We do not know whether this fact was the main factor or one of them, due to which the lives of these people were saved. But we are sure that an instant response on the part of the European Court of Human Rights contributed to this.

In three cases, the people released by the abductors insisted that their complaints should be withdrawn from the European Court of Human Rights and that they refuse to inform human rights activists what had happened to them after their abduction. As far as we know, they were not going to procure a search for and punishment of their abductors within the framework of the criminal cases initiated in Russia. They would not intend to protest in case the criminal cases were dismissed because of the fact that the abductors had liberated them of their own free will.

We can assume that such behaviour was one of the conditions of their release. And they strictly follow it.

However, in the fourth case, concerning the abduction of Islam Umarpashaev, the situation is different. The released I.Umarpashaev refused to fulfill the terms of his abductors. He did not

withdraw his complaint from the European Court of Human Rights and gives evidence to Russian investigating authorities.

The abduction and release of Apti Shamsaev

On **25 May 2009**, at 3:00, officers of power structures abducted a local resident, **Apti Shamsaev**, in the village of Gehi of the Urus-Martanovsky District of the Chechen Republic. He was born in 1990 and lived in 19, 3-rd Lane of Budenny.

The “siloviki” [law enforcement officers] drove up to the house of the Shamsaevs in two UAZ cars, one UAZ minibus and a VAZ car of Model 10. Having knocked out (torn it off from the hinges) the entrance door of the house of the Shamsaevs, the law enforcement officers entered the house. They all were wearing masks and dressed in camouflage uniforms. They talked Russian and Chechen. Without introducing themselves and explaining nothing, they tied up Apti Shamsaev and carried him off. To a question of the mother of the detainee, **Tamara Shamsaeva**, where to they were taking her son, one of them answered that Apti would be released after an interrogation. In the morning, the relatives of Apti Shamsaev lodged a written application with the Urus-Martanovsky District Department of Internal Affairs, and on the next day with the Prosecutor’s Office of the Urus-Martanovsky District.

The agencies of the Prosecutor’s Office initiated a criminal case based on the fact of the abduction according to Article 126 of the Criminal Code of the Russian Federation (an abduction of person).

On **10 June 2009**, the mother of the abducted person, under the auspices of lawyers of Memorial Human Rights Centre and the European Court of Human Rights, lodged a complaint with the European Court of Human Rights with a request to apply urgent procedures. The Court notified the authorities of the Russian Federation about the complaint and sent request concerning the case.

On 16 June (52 days after the abduction), A.Shamsaev was released by the abductors and returned home. Apti Shamsaev was so frightened by what had happened to him that he emphatically insisted on a withdrawal of the complaint from the European Court of Human Rights. As we know, A.Shamsaev does not intend to procure a search and punishment of his abductors within the framework of criminal case initiated in Russia.

Memorial Human Right Centre, as an organization that represents the interests of the applicant and the aggrieved person, acceded to their request to dismiss the procedure at the European Court of Human Rights with respect to the complaint “*T.Shamsaeva v Russia*”. At the same time, we believe that in solving this case the European Court of Human Rights has fulfilled one of its major tasks for ensuring observance of human rights and freedoms. We express our sincere gratitude to the ECtHR for prompt and effective actions which helped in release of Apti Shamsaev.

According to some information, A.Shamsaev was compelled to receive a long treatment from the impact of tortures and battery. However, we cannot prove this fact.

In any case, we may certainly assert that though A.Shamsaev indeed refuses to give evidence his so long unlawful detention in custody, when no lawyer was permitted to assist him, when his relatives knew nothing of his fate, this means that A.Shamsaev had been subjected to unlawful violence.

However, the investigating authorities were unwilling to investigate this criminal case and they abandoned it “due to the fact that the abductors themselves *freed the abducted person on their own will*”.

The abduction and release of Rasambek Telkhigov

On **4 June 2009, around 3:00**, officers of power structures abducted a local resident, **Rasambek Telkhigov**, in *the village of Gehi of the Urus-Martanovsky District of the Chechen Republic*. He was born in 1988 and lived in *9 Kuibyshev Lane*.

As explained by his relatives, “siloviki” came in two UAZ cars and a “Gazel” car. Having smashed in the entrance door, around eight officers of law enforcement agencies penetrated into the house, and a few men more remained in the street opposite the house. Part of “the siloviki” were dressed in military uniforms of black colour, the others were dressed in light-green uniforms. Everybody was wearing helmets of spherical form. They talked Russian and Chechen. Without introducing themselves and not explaining anything, they took Rasambek Telkhigov and his brother **Khamzat Telkhigov**, born 1990, and made them sit in the “Gazel” car. A man in the “Gazel” car dressed in a military uniform and wearing a mask, pointed to Rasambek. After that, Khamzat Telkhigov was released, whereas Rasambek was made to stay. Then the cars with the abducted person departed.

The relatives were not informed where to they would convey Rasambek and due to what cause he had been detained.

On the next day, the relatives of the abducted person lodged their written applications with the Urus-Martanovsky District Department of Internal Affairs and with the Achkhoy-Martanovsky Interregional Investigations Committee. Based on the fact of the abduction, the agencies of the Prosecutor’s Office initiated a criminal case under Article 126 of the Criminal Code of the Russian Federation (an abduction of person).

On June 10, 2009, the mother of the abducted person, assisted by lawyers of Memorial and European Human Rights Advocacy Center, lodged a complaint with the ECtHR with a request to apply urgent procedures. The Court notified the authorities of the Russian Federation about the complaint and sent some questions concerning the case.

On 16 June (42 days after the abduction), R.Telkhigov was released by the abductors and returned home. He was so frightened by what had happened to him that he emphatically insisted on a withdrawal of the complaint from the ECtHR. As far as we know, R.Telkhigov does not intend to procure a search and punishment of his abductors within the framework of the criminal case initiated in Russia.

Memorial, as an organization that represents the interests of the applicant and the aggrieved person, acceded to their request to dismiss the procedure at the ECtHR with respect to the complaint “*Telkhigova v Russia*”. At the same time, we believe that in solving this case the ECtHR has fulfilled one of its major tasks for ensuring observance of human rights and freedoms. We express our sincere gratitude to the ECtHR for its prompt and effective actions which helped in release of R.Telkhigov.

According to some information, R.Telkhigov was compelled to receive a long treatment from the impact of tortures and battery. However, we cannot prove this.

In any case, we may surely assert that though R.Telkhigov indeed refuses to give evidence his so long unlawful detention in custody, when no lawyer was permitted to assist him, when his relatives knew nothing of his fate, this means that R.Telkhigov had been subjected to unlawful violence.

However, the investigating authorities do not want to investigate this case and suspended it on the grounds unknown to us.

The abduction and release of Zelimkhan Gabarov

On *25 September 2009*, officers of power structures abducted a local resident, **Zelimkhan Zabarov**, in the town of *Urus-Martan of the Chechen Republic*. He was born in 1986 and lived in *64, Krasnoarmeiskaya Street*.

On that day, about 11:00, three cars drove up to the house of **Lisa Chadakhanova**. Some armed people were in the cars. They had no masks (two of them were wearing sun-glasses). All were dressed in military khaki-coloured uniforms, and one man was dressed in civilian clothes.

At the time, two sons of L.Chadakhanova were in her house: **Arslan Gabarov**, born in 1984, and **Zelimkhan Gabarov**, born in 1986, as well as their twelve-year-old nephew **Magomed Chadakhanov**.

Some armed people burst into the house and entered the room where Magomed was. One of them directed his weapon at the boy and demanded in the Chechen language to indicate where their “kozyol” [*goat*] was (officers of law enforcement agencies in Chechnya sometimes name insurgentst by using such a word), whereas the others began to scatter things in rooms, performing an unauthorised house-check.

Simultaneously, the other attackers rushed into the room where there were two Gabarov brothers. They put handcuffs and demanded to give up the computer and the weapon. However, neither of these were in the house. Zelimkhan asked the officers of the power structures not to touch his brother because the latter was disabled. The law enforcement officers left Arslan and concentrated entirely on Zelimkhan. Magomed heard them ask Zelimkhan if he knew a certain insurgent, mentioning the latter by name. Zelimkhan answered that he did not know.

The law enforcement officers took Zelimkhan out of the house and shoved him into one of the cars; they had already taken away the documents of the two brothers, mobile phones, family photographs, cassettes, disks, three Korans from the house.

The law enforcement officers recorded all what was going on with a video camera. They did not let the relatives and neighbours who had come up into the courtyard of the house, aiming the muzzles of their sub-machine guns at them. To questions about what was happening, the law enforcement officers answered that they were representatives of authority and were doing their work. In this case, they did not introduce themselves and showed no documents.

On the same day, Lisa Chadakhanova lodged written applications with the Prosecutor’s Office and the Urus-Martanovsky Department of Internal Affairs. However, the people informed her that they had not detained Zelimkhan.

On *25 September 2009*, some officers of the Urus-Martanovsky Department of Internal Affairs visited the house of Chadakhanova. They interrogated the witnesses, photohed the house and left, without trying to reveal finger-prints.

On *26 September*, she applied to the Achkhoy-Martanovsky Interregional Investigating Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic, Human Rights Commissioner of the Chechen Republic and Memorial Human Rights Centre.

On **September 30, 2009**, the mother of the abducted person, assisted by lawyers of Memorial and the European Human Rights Advocacy Centre, lodged a complaint with the ECtHR with a request to apply urgent procedures. The Court notified the authorities of the Russian Federation about the complaint and sent some questions concerning the case.

On **October 3** (8 days after the abduction), Zelimkhan Zabarov was released by the abductors and returned home. He was so frightened by what had happened to him that he emphatically insisted on a withdrawal of the complaint from the ECtHR. As far as we know, Zabarov does not intend to procure a search and punishment of his abductors within the framework of the criminal case initiated in Russia.

Memorial, as an organization that represents the interests of the applicant and the aggrieved person, acceded to their request to dismiss the procedure at the ECtHR with respect to the complaint "*L.Chadakhanova v Russia*". At the same time, we believe that in solving this case the ECtHR has fulfilled one of its major tasks for ensuring observance of human rights and freedoms. We express our sincere gratitude to the ECtHR for its prompt and effective actions which helped in release of Z.Gabarov.

According to some information, Zelimkhan Gabarov was compelled to receive a long treatment after tortures and battery. However, we cannot prove this fact.

In any case, we may boldly assert that though Z.Gabarov indeed refuses to give evidence his so long unlawful detention in custody, when no lawyer was permitted to assist him, when his relatives knew nothing of his fate, this means that he had been subjected to unlawful violence. However, the investigating authorities do not want to investigate this case and suspended it on the grounds unknown to us.

The abduction and release of Islam Umarpashev

The case of Islam Umarpashaev is unique to the present-day Chechnya. The abducted man not only refused to insist on withdrawal of the complaint, lodged by his relatives with the ECtHR but also gives Russian investigators testimony regarding his abduction and against his abductors.

But he is free to give such evidence exclusively due to the fact that he stays out of the territory of the Chechen Republic.

On **11 December 2009**, at 8:20, **Islam Umarpashaev**, born in 1986, was abducted from his house in Grozny (the settlement of Michurin, 75, Mikhailik Street).

Earlier, in 2008, I.Umarpashaev was brought to criminal responsibility according to Part 2, Article 208 of the Criminal Code of the Russian Federation (involvement in the activity of illegal armed groups). He was detained by officers of law enforcement agencies when he and his friend gave a member of an illegal armed group a lift. For this crime he was sentenced to a custodial sentence of one year in a colony-type settlement. In July 2009, he was conditionally and early released from punishment and returned home to the city of Grozny.

At that time, during the investigation, Islam Umarpashaev was tortured: his lawyer has some medical documents that confirm this.

On **11 December**, about seven armed officers of power structures dressed in black uniforms broke the door open and entered the house of the Umarpashaevs. They all spoke only Chechen. The law enforcement officers said that they were making an inspection of passports, but in doing so they did not introduce themselves and did not mention their affiliation. Head of the family **Irisbai Umarpashaev** and his sons **Islam**, **Bersan** and **Gelani** were at home; they had just said their morning prayers. They were all searched; their passports and mobiles phones were taken away. Then, after finding out who of the people present was Islam Umarpashaev, they proceeded to take him out of the house.

Irisbai Umarpashev told the law enforcement officers that he would go along with them, as a father. He asked who of them their senior was and where to they were taking his son. Only then one of the officers introduced himself as Ibragim from the Oktyabrsky District Department of Internal Affairs. When Islam was taken out into the street, the father saw a large number of armed people in the courtyard. They quickly got into the cars which instantly drove away in different directions. While departing, one of the officers told Irisbai Umarpashaev: *"If you chase us, we shall shoot"*. Irisbai could only run up to a turn; after that the cars disappeared. The Umarpashaevs had no car of their own, therefore they were not able to trace where the abductors had gone.

Immediately after the abduction, Irisbai Umarpashev applied to the Oktyabrsky District Department of Internal Affairs. However, the people there told him that their officers had not arrested Islam. They refused to accept his application concerning the abduction. On the same day, the relatives lodged an application regarding the abduction of Islam Umarpashaev with the Prosecutor's Office of the Oktyabrsky District of Grozny where criminal case No.68042 on grounds of Item "a", Part 2, Article 126 of the Criminal Code of the Russian Federation (an abduction of man by a group of persons under a preliminary conspiracy) was initiated.

Lawyers of joint mobile group of human rights activists undertook to represent the interests of the aggrieved persons in this case (father and brother of the abducted person were recognised as such offended parties)

The investigation was carried out ineffectively, with a violation of valid legislature. In this connection, on **3 February 2010**, lawyers of the Committee Against Torture lodged a complaint with the ECtHR. The Court assigned a priority status to the complaint and sent to the authorities of the Russian Federation an appeal for taking urgent measures.

On **2 April 2010**, Islam Umarpashev was released by the abductors, following which he went to Nizhni Novgorod together with his mother in order to undergo a medical examination and treatment. Umarpashev informed the employees of the Committee Against Torture that he had been kept in the course of four months on the premises of one of the subdivisions of Ministry of Internal Affairs of the Chechen Republic. He was kept in a basement fastened to a heating radiator with handcuffs.

The people who had abducted Umarpashev neither demanded anything from him, nor interrogated him, nor beat him (except for the first day), nor tortured. They fed him properly. However, at the same time they prohibited Umarpashaev from having his hair cut and shaving.

As explained by I.Umarpashaev, he was released upon the condition that he will give a false evidence: as if he had been on holiday in the Republic of Dagestan all this time. Moreover, Umarpashev was to persuade his relatives to withdraw the complaint from the ECtHR.

The abductors delivered I.Umarpashaev to officers of the Octyabrsky District Department of Internal Affairs. They conveyed Islam to the building of the District Department of Internal Affairs where they summoned the relatives of the abducted person. The same place was attended by

Investigator of the Zavodskoy Investigating Department of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic, with whom the militiamen, in the presence of Islam, was consulting regarding what was the best way to "close" (suspend) the criminal case. Then Islam Umarpashaev was handed to the relatives under condition that he would come next day so as to give the necessary evidence.

Being on the territory of the Nezhegorodsky Region, Islam Umarpashaev gave testimony to Investigator of the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Nezhegorodsky Region regarding the circumstances of his abduction, his confinement on the premises of the subdivision of Ministry of Internal Affairs of the Chechen Republic and conditions of his release.

Meanwhile, some unknown persons, as well as officers of the Oktyabrsky District Department of Internal Affairs in Grozny exerted pressure on the relatives of Islam Umarpashaev for the purpose of compelling him to come back to Grozny.

There are sufficient grounds to consider that after Islam Umarpashaev arrives in the Chechen Republic he will be exposed to pressure with the aim of making him renounce his further participation in the criminal case in the capacity of an aggrieved party. Moreover, it is obvious that this will be extremely dangerous for his life and the security of his relatives.

Nevertheless, at the present time the Investigations Committee under the Prosecutor's Office of the Russian Federation in the Chechen Republic insists on Islam Umarpashaev's arrival in Grozny for giving evidence.

V. The obscure disappearance of inhabitants of the North Caucasian Republics

The disappearance of Islam Koloiev

On **13 March 2009**, a resident of the Ingush Republic **Islam Koloiev**, born in 1986, disappeared without leaving a trace in *the town of Novocherkassk* under unascertained circumstances.

Islam Koloiev studied on a part-time basis at the fourth course at the South-Russian State Technical University in Novocherkassk. In March, he went to Novocherkassk again. The classmates of Islam informed his relatives. According to them, on 13 March about 17:00 he went out to buy some food in the shop and never came back. His mobile phone was switched off. His classmates searched for him till morning, they applied to hospitals, the mortuary and the militia. But Islam Koloiev was nowhere to be found.

On **16 March**, Yakhita Dzambulatova together with Islam's elder brother came to Novocherkassk and lodged a written application with the local militia division. In this regard, the relatives held an independent investigation of the disappearance. They searched in hospitals, out-patient psychiatric facilities, mortuaries. They interviewed potential witnesses. They also had recourse to local criminals. But they failed to find out the whereabouts of I.Koloiev. However, they succeeded to learn that a day before the abduction, when Islam was riding in a car around the town along with his classmate, they noticed that they were shadowed. Three cars were following close heels: two VAZ-21010 cars and one foreign-made "Lexus" car. The mate who was with Islam, memorized the numbers of the cars. Also, the relatives managed to find a recording made with an outdoor

surveillance video camera, on which Islam was seen to be going back with his purchases from the shop. All this information was provided to the Department of Internal Affairs of Novochoerkassk.

Moreover, Ya.Dzhambulatova managed to learn that Islam was called to Novochoerkassk by an unknown person by the phone. They promised him to resolve his problem in a criminal case initiated against I.Koloev for unlawful keeping of a grenade. To this end, Islam was to come to Novochoerkassk and give written evidence which they would allegedly attach to the case and quash his conviction.

A criminal case against Islam Koloev was initiated in September **2008**. On **18 September 2008**, in *the town of Malgobek*, officers of the republican militia searched in the flat of S.Koloev in 72, *Bazorkina Street*. Ya.Dzhambulatova considered that the search was unlawful. At the time of the beginning of the search there was nobody in the flat. Some witnesses of inquest were invited only at the end of the search that lasted about five hours. Ya.Dzhambulatova asserted that officers of the militia did not show any documents and an order permitting a search. In a gum bag that was in the flat, the officers found out a grenade. Ya. Zhambulatova asserted that the bag was stealthily planted it there. A sum of 8000 rubles, a watch, a silver ring and some expensive men's perfume vanished from the flat after the search. These things belonged to Islam Koloev.

A criminal case under Article 222 of the Criminal Code of the Russian Federation (illegal arms and ammunition traffic) was initiated against Islam. The relatives of I.Koloev attempted to appeal the unlawful, in their opinion, actions of the militia officers in court, however they lost the case.

As of June 2010, the whereabouts and the fate of Islam Koloev have not been established.

The disappearance of Magomed Tsechoev

On **8 September 2009**, **Magomed Tsechoev**, born in 1987, who lived in *the village of Ali-Yurt in 66, Yandiev Street in the city of Krasnodar*, the Ingush Republic, disappeared under unascertained circumstances.

On **7 September**, Magomed Tsechoev went to *the city of Krasnodar* in order to pick up his seriously ill relative from a hospital. On **8 September**, he was seen in the municipal hospital situated in 204, Seden Street. He met the attending physician of his relative and made an agreement with him that he would take the patient from the hospital next day. After that, nobody ever saw Magomed, and his mobile phone did not respond.

On **11 September**, the brother of Magomed, **Musa Tsechoev**, went to Krasnodar. A lawyer of Memorial Human Rights Centre in Krasnodar, **Victor Gaskevich**, rendered help to **Musa Tsechoev**: they applied to law enforcement agencies, rang around hospitals and mortuaries. They failed to find out Magomed.

On **16 September**, another brother of Magomed, **Aslan Tsechoev**, lodged an application with the office of Memorial Human Rights Centre in *the city of Nazran*, in which he stated that according to some information that his relatives had received from unofficial sources Magomed Tsechoev had been abducted by officers of secret services and stealthily carried off to the Ingush Republic.

“Considering the fact that this is not the first case when an inhabitant of Ingushetia is abducted, and part of people after an abduction vanishes without leaving a trace and found killed, we ask you to render maximum assistance in searching for my brother, taking into account the above-stated information”, Aslan Tsechoev wrote in his application.

Memorial yet cannot either confirm or deny this information.

As of **June 2010**, the whereabouts and the fate of Magomed Tsechoev failed to be established.

The disappearance of A.Nagoev, I.Shogenov and T.Begidov

On **5 October 2009**, three inhabitants of the Kabardino-Balkarian Republic **Anzor Nagoev, Ibragim Shogenov and Timur Begidov**, disappeared on the road “Samara-Ufa-Chelyabinsk” in the Republic of Bashkortostan. On **2 October**, they left the village of Dugulugbei of the Baksansky District of the Kabardino-Balkarian Republic to Ufa with a cargo of apples and pears in order to sell the fruit.

A “VOLVO-VNL 670” lorry with a refrigerator semi-trailer, state registration number ‘P 431 BA 07/RUS’, belonging to A.Nagoev, was found out at a distance of 2 km from the motorway, on a natural soil road leading to the village of Sanzarovka of the Chishminsky District of the Republic of Bashkortostan. There were no keys, personal documents and documents for the cargo. The cabin and the refrigerator semi-trailer were closed, the cargo and personal belongings were safe, and the car’s seats were cut apart. A.Nagoev, I.Shogenov and T.Begidov disappeared.

The last contact of the relatives with the abducted persons was on **4 October**. Then T.Begidov talked to his mother and told her that their car was being shadowed. *We have been chased from Nalchik itself. It does not matter, let them shadow”, he said.* It was the last conversation with him. Ibragim Shogenov also phoned his home on **4 October**, at 21:30, and said: *“In a matter of two hours we shall reach Ufa. I will ring you up tomorrow”.* Anzor Nagoev phoned last time on **4 October**, at 19:00. Along the whole line of their route, the young people constantly got in touch on the phone with their relatives. On **5 October**, they stopped phoning. Around 8:00 in the morning, the wife of I.Shogenov called her husband, but his phone was silent.

As explained by the relatives of the abducted persons, they felt to be shadowed as far back as when they were in Kabardino-Balkaria.

On **2 October**, shortly before the departure for Ufa, a grey-coloured VAZ-2199 car with no license numbers arrived at Ibragim Shogenov’s house in the village of Dugulugbei, from which two young people dismounted, heavily-built, dressed in civilian clothes. They proposed I.Shogenov to go with them to the Baksansky District Department of Internal Affairs. Ibragim explained that he was leaving for Ufa and that he was pressed for time. One man said that their chief had sent them. He got in touch with his chief by the phone. After that, I.Shogenov went to the Baksansky District Department of Internal Affairs and wrote an explanatory note regarding where he had been on the previous night. I.Shogenov returned from the District Department of Internal Affairs and 20 minutes later he hit the road.

Based on the fact of the abduction of A.Nagoev, I.Shogenov and T.Begidov a criminal case under Item “a”, Part 2, Article 105 of the Criminal Code of the Russian Federation (murder) was initiated.

According to the relatives of the abducted persons, the Investigator who processed this case informed them that a “Chevrolet-Niva” car, with Karachaevo-Cherkessk licence plates was caught by the objective lens of the outdoor surveillance cameras on the motorway route ‘Samara-Ufa-Chelyabinsk’. This car passed by along the road soon after the lorry of A.Nagoev moved there. The owners of this car were not established by the investigation.

The relatives of the abducted persons went together with the Investigator to the place where the lorry of A.Nagoev was found out. They claimed that they found some witnesses who had seen the

young people enter a café shortly before the assumed disappearance. Moreover, an under-aged boy explained to them that he and his parents saw that the people from A.Nagoev's car were made to take seats in another car. However his parents refused to confirm this evidence.

It is not improbable that the disappearance of A.Nagoev, I.Shogenov and T.Begidov was associated with attempts of officers of power structures to "investigate" an attack of insurgents on a militia post in Kabardino-Balkaria.

On **2 October 2009**, around 8:40, some unknown persons riding in a VAZ-2101 car assaulted, using hand grenades, the Highway Patrol post "Proletarsky" situated at the exit of the town of Prokhladny, in the direction of the Stavropol Territory. As a result of the attack, four militia officers were wounded, and one of them, Militia Lieutenant **Khusen Gubzhev** died in a hospital. Also a woman suffered, who worked as a cleaner at the post of Highway Patrol. The attackers seized the authorised weapons of the officers of Highway Patrol post and attempted to escape. In the course of a pursuit of the insurgents, they were annihilated by the militiamen.

The disappearance of Islam Zhangurazov

On **20 December 2009**, about 17:30, Islam Zhangurazov, born in 1986, disappeared in *the village of Verkhneye Zhemtala of the Chereksky District of the Kabardino-Balkarian Republic* under unascertained circumstances.

Islam was a student of the fourth course of Kabardino-Balkarian University. On that evening he went to the evening devotion, but he did not reach the mosque. It takes two bus stops from Islam's house to the mosque. When Islam failed to come back home after the time of the ending of the prayer, the relatives began to search for him. Since 21:00 his phone was switched off.

On **21 December**, the relatives of Zhanguralov lodged an application concerning the assumed abduction with the agencies of the Public Prosecutor's Office.

Based on the fact of the abduction of Islam Zhangurazov a criminal case under Item "a", Part 2, Article 105 of the Criminal Code of the Russian Federation (murder) was initiated.

As of **June 2010**, the whereabouts and the fate of Islam Zhangurazov were not established.

The disappearance of Saadu Saaduev

On **29 June 2009**, a local inhabitant **Saadu Saaduev**, born in 1976, disappeared in *the town of Buinaksk of the Republic of Dagestan*. He permanently lived in 14, *Imam Gazi Magomedov Street* in *the town of Buinaksk*. His relatives applied to Memorial Human Rights Centre with a request to render assistance in the search of the missed person. The relatives asserted that on the same day, about 20:30, S.Saaduev was abducted at the crossing of *Imam Shamil Street* and *Jamal Kukhumsky Street*, presumably by officers of security agencies. As explained by the sister of Saadu, Raisa Saadueva, soon after the evening namaz somebody rang up Saadu. He said that he would visit her elder sister (she lives nearby) and left the house wearing sneakers. Usually, when Saadu went farther than round the corner, he put on his jogging shoes. Saadu wore cream-coloured trousers, a black T-shirt and blue plastic slippers.

Saadu did not come to his sister and did not return home. Since the morning, the relatives started a search, however they could not find out the missing person. Only then Saadu's second cousin Saida, who lives in the next house, leaked a word that on the evening when Saadu disappeared she

came out of the house and saw a silver-coloured “Priora” car, without any registration plates standing near her gate. Afterwards, the neighbours said that near the silver-coloured “Priora” car there was a vehicle – a black-coloured “Priora” car with no licence plates either. Near the car, there was standing an unknown man. On seeing Saida, he harshly shouted to her: “Go back inside quickly!”. She was frightened and went behind the gate. Then she suddenly heard some sounds of blows and cries, as well as the noise of a departing car outside. Having learned about it from her niece, Raisa Saadueva ran to the assumed place of the abduction and found the blue slippers of her brother not far from the gate. His passport remained at home.

The Saaduevs immediately applied to their friend who had relations with power structures. He said that they should not apply anywhere: he would find Saadu himself. However, one week later the relatives could not wait any longer and lodged their applications with the Department of Internal Affairs of the town of Buinaksk, Ministry of Internal Affairs, the Federal Security Service and the General Prosecutor’s Office.

One and a half month later, on **14 August 2009**, the Investigator of the Buinaksk Interregional Department of the Investigations Committee under the Prosecutor’s Office of the Russian Federation in the Chechen Republic **Khanmagomedov** dismissed initiation of a criminal case on the basis of the abduction of S.Saaduev. It was stated in the resolution regarding the dismissal of initiation of a criminal case that *“according to some obtained information, S.Saaduev is an adherent of the “Wahhabism” religious trend and is in the forested area of the Buinaksky District and that he is a member of a sabotage-and-terrorist grouping headed by N.Migidinov. He also participated in the attack on the post of KZP “Manasaulskaya Razvilka” and the Health Complex “Olympus” in the town of Buinaksk on 13.08.2009, as a result of which four officers of the Department of Internal Affairs of the town of Buinaksk and six peaceful citizens were killed and one man was severely wounded in the head”*. The relatives do not believe such a version of events.

As explained by the relatives, S.Saaduev was earlier detained by officers of power structures. On 1 May 2008, he was abducted from the café of the cinema “Russia” in the city of Makhachkala by some unknown persons dressed in civilian clothes. They put a black plastic bag on Saadu’s head and tied it up with an adhesive tape. He carried him in a car for three to four hours, then they put him somewhere into an empty housing, there they beat him up and tortured using electric current in the course of seven days. During the first two days, they did not give him any food. His hands were constantly tied up. They did not remove the bag from his head. They asked him about weapons and militants. After seven days they threw him out at the outskirts of Makhachkala. Immediately after the “release”, a vehicle with officers of the Kirovsky Department of Internal Affairs drove up to S.Saaduev’s house. S.Saaduev was detained, and in the process of the arrest they “found out” some weapons with him. Up to 9 May, the relatives did not know where Saadu was until he was accidentally traced in the isolation ward of the city of Makhachkala.

In autumn 2008, S.Saaduev was condemned under Article 222 of the Criminal Code of the Russian Federation (illegal keeping and bearing of arms) to 2.5 years of prison. However, the sentence was appealed, and in May 2009 the Supreme Court of the Republic of Dagestan vacated the sentence and returned the case for a second trial to the Kirovsky District Court of Makhachkala, which fully acquitted S.Saaduev.

The relatives are convinced that the abduction of Saadu Saaduev was organised by the officers of the Department of Internal Affairs after their attempt to convict him on the basis of a fabricated case, ended in a failure.

VI. Recommendations

Abductions and forcible disappearances of people are the most flagrant violation of human rights. Unfortunately, abductions and subsequent obscure disappearance of inhabitants of the North Caucasus both on the territory of the region and lately out of its territory have become a system in the Russian Federation. Investigative agencies do not inquire into these crimes, which creates an atmosphere of impunity. Relatives of abducted persons are intimidated in a number of the republics of the North Caucasus. This causes difficulties in the matter of documenting such offences. Massive human rights violations stir up the armed conflict.

Memorial Human Rights Centre calls upon the Russian Federation to stop the practices of abduction of people and abolish the system of organized impunity.

To this end it is necessary:

- to carry out adequate investigation of all the facts of abductions of people, of other cases associated with gross violations of human rights; to bring guilty parties to responsibility;
- to establish the whereabouts of abducted persons or their burial grounds;
- for the Prosecutor General's Office of the Russian Federation to make a complex inspection of the actions of power structures, the work of agencies of public prosecution and the activity of investigating agencies in the region;
- to ensure adequacy of measures directed at the struggle against terrorism and taken by state structures both as regards the normative base and the practices to international standards in the field of human rights and humanitarian law, including the European Convention on Human Rights, the Geneva Conventions and the Instructions of the Council of Europe concerning human rights and fight against terrorism;
- to create an Interdepartmental Commission at the federal level, aimed at the problem of searching for victims of forcible disappearance in the North Caucasus and that of organising investigation of corresponding criminal cases. This Commission should comprise representatives of the Prosecutor General's Office of the Russian Federation, the Investigations Committee under the Prosecutor's Office of the Russian Federation, the Federal Security Service, Ministry of Internal Affairs, and Ministry of Defence of the Russian Federation;
- to establish a laboratory for identification of exhumed bodies in the Chechen Republic;
- to ensure access of representatives of international humanitarian organisations, including the International Red Cross Committee, to places of preliminary detention in order to attend convicts subject to conditions acceptable for this organisation;
- to employ mechanisms of protection of human rights, provided by the Council of Europe and the United Nations Organisation, including special procedures of the Human Rights Commission of the United Nations Organisation, contractual organs of the Council of Europe and the United Nations Organisations;
- to effectively cooperate with the Committee Against Torture of the Council of Europe;
- to fulfill decisions of the European Court in a full scope;
- to render necessary assistance to Russian and international human rights organisations in their work on monitoring the situation with human rights in the Northern Caucasus and cooperate with such organisations in the matter of eliminating the climate of impunity and improving the situation with human rights in the region;

However, Memorial Human Rights Centre draws attention to the fact that there is one predominant condition without which any proposed recommendations will either fail to be realised or become fiction.

Establishing new commissions, carrying out verifications, directions regarding the necessity for investigating criminal cases, etc. will be not effective without fulfilling this stipulation.

An example of this is “*Complex Programme for the Struggle against Abductions of People and Search for Missing Persons for 2007 – 2010*”, which is valid in the North Caucasus and in which there are many correct directions and recommendations to heads of various departments, public prosecutors, investigators, officers of Ministry of Internal Affairs. But practically this Programme is not being fulfilled.

This is an obligatory condition: the leadership of Russia must exhibit political will to ensure for representatives of authority at different levels to fulfill norms of laws of the Russian Federation.

Observance of Russian laws by investigators, public prosecutors, officers of Ministry of Internal Affairs, in principle, is quite sufficient for terminating the practice of abductions of people and abolishing the system of organised impunity. However, in order to do this it is essential that every representative of the state who implements norms of laws should be aware of real support lent from above, from the leadership. It is obvious that at present this is, unfortunately, absent.

Memorial Human Rights Centre calls upon the authorities of the Russian Federation to observe laws of Russia.

Memorial Human Rights Centre appeals to international organisations and institutions with a request to follow up investigations of abductions of North Caucasian citizens, held in the Russian Federation, and demand that the authorities of the Russian Federation should put an end to the criminal practices of abduction of people.

Memorial Human Rights Centre welcomes the Report of the Special Spokesman of the Parliamentary Assembly of the Council of Europe D.Marty “Means of Legal Protection in Cases of Human Rights Violation in th North Caucasian Region” and the Draft of the corresponding Resolution of Parliamentary Assembly of the Council of Europe.