



Declassified*
AS/Jur (2009) 43
29 September 2009
ajdoc43 2009

Committee on Legal Affairs and Human Rights

Situation in the North Caucasus Region: security and human rights

Second information report

Rapporteur: Mr Dick Marty, Switzerland, Alliance of Liberals and Democrats for Europe

This document describes recent developments (since April 2008 and hence since my first information report¹) on the security and human rights situation in the North Caucasus region of the Russian Federation. The document is based on data collected by human rights organisations on site and on information published by the foreign or Russian media.

I. Introduction: Insecurity and impunity in the North Caucasus

1. Unfortunately, there is no escaping the fact that armed conflict continues throughout the North Caucasus. Paramilitary groups set up by illegal combatants are becoming increasingly organised, co-ordinated, widespread and technically well-equipped again. Senior regional officials are ever more frequently targeted, and since 2009 suicide bombings have become a recurring tactic. The number of civilian victims of terrorist attacks is rising.

2. In the summer of 2008, the conflict was already intensifying. In 2007, up to the summer, a total of 63 members of the security forces had been killed and 132 injured, but in the summer of 2008, these figures rose to 82 killed and 169 injured. The insurgents had become more organised and more active throughout the region in 2008 and 2009, and the losses among the security forces reflected this. In autumn 2008, 83 police officers and soldiers were killed and 143 injured, while in winter 2008, 37 were killed and 113 injured (the reduction is accounted for by a seasonal decline in rebel activity) and in spring 2009, 40 were killed and 89 injured².

3. Summer 2009 saw an unprecedented jump in the activity of armed insurgents in the North Caucasus. It is significant that, since the beginning of 2009 the victorious statements announcing that terrorism has been crushed in the region that were so frequent in previous years have been far less triumphalist in tone. In fact, several senior officials and elected representatives including the President of the Russian Federation, Dmitry Medvedev, acknowledge that the impression that the North Caucasus was becoming more peaceful was wrong. The conflict has not died out or become more localised. Instead it is threatening to spread to republics which have been relatively calm to date, namely Kabardino-Balkaria and North Ossetia-Alania.

* Document declassifié par le Comité le 30 septembre 2009.

¹ Doc [AS/Jur \(2008\) 21](#): "Legal remedies for human rights violations in the North Caucasus", supplementary introductory memorandum, avril 2008.

² Here and hereinafter, the source of all information on security force losses is the anti-war association, "Voine net". These data bring together the public information disseminated by the Russian media and are used as an indicator of the level of insecurity in the region by organisations including Memorial.

4. 142 members of the security forces were killed and 280 injured during the three summer months of 2009 – this critical level of losses among the police and the army is the highest for four years (compared to 82 dead and 169 injured in summer 2008, 63 dead and 134 injured in 2007, 83 dead and 210 injured in summer 2006, and 102 dead and 265 injured in summer 2005).

5. Terrorist attacks have claimed victims not only among the security forces but also among the civilian population. For instance, on 6 November 2008 in the North Ossetian capital, Vladikavkaz, 12 people were killed in a suicide bus bombing. In Ingushetia, terrorist attacks on civilians have become more frequent since summer 2008, targeting customers of gaming rooms and cafés as well as religious leaders and public officials. In summer 2009 a wave of attacks targeting senior civil servants swept Dagestan and Ingushetia. Exemplary killings of local Russian-speakers resumed in summer 2009 after a long break.

6. Another feature is the persistent use of illegal and violent practices by the security forces in their fight against the terrorists. Abductions, torture, degrading treatment, extra-judicial executions and trials on trumped-up charges continue unabated in the region. Furthermore, the situation of almost complete impunity for crimes committed by members of the security forces during anti-terrorist operations seems to endure. Nothing is known about what has happened to most missing persons and the people responsible are hardly ever called to account. The data base of the Memorial human rights centre lists over 3 000 cases of enforced disappearances, for which nobody has been prosecuted. The individual cases described in the appendix are just a small cross-section. It would be relatively easy to identify the guilty parties in these cases if there was truly a desire to do so.

7. Human rights organisations have recorded a large number of crimes, which, according to eye-witness accounts and other evidence gathered by these organisations, are most probably committed by security forces and state authorities conducting anti-terrorist operations in Chechnya, Ingushetia and Dagestan. Members of the security forces usually state that all persons killed during special operations are combatants who resisted arrest. Nonetheless, signs of torture have been found on their bodies and witnesses say that they were abducted by often unidentified members of the security forces.

8. Human rights activists fear that there are “death squads” in the region, namely local security force units including local elements of federal bodies, whose activities are not supervised by the federal authorities. At a press conference in Moscow in September 2009, human rights organisations said that the violence and the instability benefited not just illegal combatants, including the most hardened ones, but also “siloviks” (security service personnel), who use the war against terror as springboards for their careers³.

9. The leaders of the Russian federal authorities would appear to be realising just how inefficient the current anti-terrorism policies in the region are. President Medvedev has singled out three reasons for this failure, namely corruption, the clan system and the inefficiency of the state authorities, particularly the security forces⁴.

10. Similarly, shortly after the bombing in Nazran on 17 August 2009, President Medvedev dismissed the Ingushetian Minister of the Interior, Ruslan Meiriev, and described the efforts of Ingushetia’s security forces as inadequate.

³ Press Conference on “Death squads in the North Caucasus – summer 2009”, attended by representatives of Memorial, the Moscow Helsinki Group, the Mothers of Dagestan for Human Rights and the movement “For human rights” (Moscow, 2 September 2009).

⁴ Dagestan Information Agency, 06/07/2009, cited in the Memorial report “Situation in the North Caucasus conflict zone: analysis from the human rights perspective. Summer 2009” (forthcoming).

11. The particularly worrying human rights situation has also drawn attention from the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, who visited the region for a week in September 2005⁵.

12. We propose to begin by investigating the situation in each of the three North Caucasian republics which interest us in particular, namely the Chechen Republic, Ingushetia and Dagestan, then to focus on the most significant (and worrying) trends in the region.

II. The situation in the Chechen Republic, Ingushetia and Dagestan

A. The Chechen Republic

1. The security situation

13. The number of abductions and attacks targeting security force members was more or less stable up to 2008 and spring 2009.

14. In the winter of 2007 to 2008, 18 security-force members were killed and 40 injured; in spring 2008, 20 were killed and 21 injured; in summer 2008, 33 were killed and 70 injured; in the winter of 2008 to 2009, 8 were killed and 18 injured, and in spring 2009, 16 were killed and 39 injured. This trend was dramatically reversed in summer 2009, when 52 police officers and soldiers were killed and 102 were injured. It is worth noting that this increase in losses occurred shortly after the abolition of the special anti-terrorist rules in the Chechen Republic, which had been presented as one of the major successes of President Kadyrov's security policy.

On 16 April 2009, the special anti-terrorist rules, which had formerly applied throughout the Chechen Republic, were abolished. The federal army units deployed in the region were to be withdrawn⁶ and the task of combating terrorism was to be definitively handed over (though the process had already begun) to the local security forces run by the Chechen Minister of the Interior and certain battalions of the Federal Russian interior troops, made up mostly of "Kadyrovtsy"⁷, who are really under Ramzan Kadyrov's personal command, although he himself categorically denies this. The Chechen president had spoken several times in favour of suspending anti-terrorist operations - a stance which may be explained by a desire to portray the situation in Chechnya as a stable and peaceful one. However, during the month following the abolition of the special anti-terrorist rules there were at least six armed combats in Chechnya, during which ten police officers and federal soldiers were killed and seven injured. In addition, only a few days after their abolition, the special anti-terrorist rules were reintroduced in three regions of Chechnya.

15. Therefore, despite the picture that the authorities have been trying to paint, the situation in Chechnya is far from stable and the insurgents are still active.

2. The human rights situation

16. Nearly all the human rights organisations working in the region noted a slight improvement in the situation in Chechnya in 2007, lasting up to the beginning of 2008, as far as the number of abductions and acts of torture was concerned.

17. However, from May 2008 onwards, after a long period during which such cases were relatively rare, there was a fresh increase in the number of abductions in Chechnya. Hence, according to the Memorial human rights centre, 15 people were abducted during the summer of 2008, including eight in August alone. Four victims were released by their kidnappers after a few days but neither the victims nor their family wanted to tell human rights activists anything about the circumstances of these crimes. This fact shows the fear that is instilled in the population by the security forces' arbitrary actions. Four

⁵ [Press release](#): "The Commissioner calls for better protection of human rights defenders", 15.09.2009.

⁶ The special anti-terrorist rules give those in charge a very broad remit. The restrictions on rights and freedoms that apply under these rules are almost identical to those introduced during a state of emergency. At the same time, federal law imposes no time limit on anti-terrorist operations and no elected body is authorised to extend or halt them. See, for example, "Governance as a Counter-terrorist operation. Notes on the Russian legislation against terrorism". L. Levinson, Human Rights Institute, <http://www.memo.ru/2008/09/04/0409081eng/index.htm>

⁷ The term "Kadyrovtsy" covers former soldiers of the presidential guard commanded by Ramzan Kadyrov during his father's time as president and former independence fighters who have joined Kadyrov for various reasons and been incorporated gradually into official security forces.

further victims were found again a few days later in regional police stations. During their “stay” here, the victims of these abductions admitted that they had committed offences.

18. At the end of 2008, the increase in cases of abduction continued. Whereas 42 people had been abducted in total during 2008, there were 58 abductions between January and April 2009. The circumstances of these abductions – most of the victims of which (45) were released only after being tortured and threatened – seem to indicate that they were carried out by officers of the security forces, particularly those of the Chechen Ministry of the Interior. In this way, the authorities have been implementing what they term “preventive measures” to combat terrorism.

19. It is likely that the number of abductions is much higher than Memorial’s estimate, as the families of people who have been abducted often prefer not to complain for fear of reprisals. Human rights organisations are not informed of all cases of abductions and enforced disappearances because of the general climate of fear that reigns in Chechnya. Furthermore, the Republic’s newspapers and television stations are under the strict control of the authorities. Accordingly, the NGOs concerned estimate that the actual number of abductions is three to four times greater than the number reported to them.

20. In its report “Rule Without Law” of July 2009, Amnesty International also highlights the persistence of cases of abduction, torture and extra-judicial execution in Chechnya⁹.

21. Human rights activists working in the Chechen Republic are under pressure from the authorities, which may take the form of accusations by senior officials, threats or close supervision. Activists are exposed to major risks, as was illustrated during summer 2009 when a series of abductions and murders of activists forced Memorial to suspend its activities in Chechnya.

22. A new unacceptable means of combating terrorism which has spread throughout Chechnya is the punitive burning of the houses of combatants’ families by the local security forces. Human Rights Watch recorded 25 cases of punitive burnings which could be attributed to the Chechen security forces between June 2008 and March 2009. Members of all the families whose houses were burnt (mostly brothers or nephews) were presumed to be armed combatants. In most cases, before the houses were burnt, members of the security forces and the local authorities threatened the families concerned with “sanctions” if their relatives did not give themselves up. In 2008, several Chechen leaders, including President Ramzan Kadyrov said that insurgents’ families should be punished if they could not persuade their relatives to surrender. These statements can be seen as approving or even prompting the security forces’ illegal reprisals¹⁰.

23. The authorities continue to interfere in citizens’ private and social lives. Religious – in this case Islamic – values are being imposed under the banner of the “moral regeneration of society”. For example, the leaders of the Chechen Republic are in favour of incorporating religious education into the school curriculum and requiring women to wear Islamic headscarves in public places¹¹. These measures infringe rights guaranteed both by the Constitution of the Russian Federation and by Article 11 of the Constitution of the Chechen Republic¹².

⁸ Data from the Memorial human rights centre.

⁹ Amnesty International, “Rule Without Law: human rights violations in the North Caucasus”, July 2009.

¹⁰ Human Rights Watch report “What Your Children Do Will Touch Upon You. Punitive House-Burning in Chechnya”, <http://www.hrw.org/en/reports/2009/07/02/what-your-children-do-will-touch-upon-you>

¹¹ In an interview, Ramzan Kadyrov said: “I have the right to criticise my wife. My wife does not have [this right]. In our country, married women must be housewives. Women must know their place. ... Women are property and men are their owners”. *Ramzan Kadyrov: “Russia is our cherished motherland”*, Komsomolskaya pravda, 24/09/2008,

<http://www.kp.ru/daily/24169/380743/>

¹² *Constitution of the Chechen Republic. Chapter I – the bases of the constitutional system Article 11:* “1. The Chechen Republic is a secular state. No religion may be established as a compulsory or state religion. 2. Religious associations shall be separate from the state and equal before the law”. <http://chechnya.gov.ru/page.php?r=64>

24. The situation of displaced persons and refugees in Chechnya is still uncertain, especially as this category of the population no longer officially exists since the temporary accommodation centres in which they were housed were all closed at the end of 2007 or the beginning of 2008. Any centres which are still open are illegal and their occupants are exposed to all sorts of exactions on the part of the authorities and the owners of the buildings, who sometimes use violent means to evict refugees. At the end of 2007 many refugees were given assurances by the authorities that they would be provided with housing, and were sent official "letters of guarantee". However, today, the local authorities no longer accept that these documents are legally binding and entire families of displaced persons and refugees are left to their own devices, meaning that they must try to find housing at their own cost or with friends or family¹³.

B. Ingushetia

25. Over the last two years the situation in Ingushetia has been particularly unstable. Human rights defenders and journalists on the spot report a rise in violence – committed not only by terrorists but also by the security forces.

26. Ingushetia is the region of North Caucasus where tension is still at its highest level, equalling and sometimes exceeding Chechnya - a considerably larger region - in terms of human casualties among federal and local security forces personnel (20 killed and 21 injured in Chechnya in the spring of 2008 compared with 11 killed and 46 injured in Ingushetia). During this period armed confrontations and assaults on representatives of the authorities have become almost daily events in Ingushetia.

27. Political opponents and human rights activists have been put under pressure by the authorities and accused of complicity with the terrorists. Most of the opposition leaders have been arrested or forced to leave the country, and opposition meetings and gatherings have been regularly prohibited and broken up.

28. Illegal combatants continued to be particularly active in the region in summer 2008. Ingushetia again had higher casualties than Chechnya (19 killed and 75 injured), thus making it the most dangerous of the North Caucasus republics. Human rights defenders think that this is the logical consequence of the strategy of security forces, involving counter-terrorist operations that lead to frequent and brutal violations of the rights of the inhabitants.

29. The violent death on 31 August 2008 of Magomed Yevloev, one of the leaders of the Ingush political opposition, killed by a bullet in the head while under arrest and being transported in a police vehicle, has been the most publicised case in which the security forces have been accused of political assassination.

30. In March 2009, the directorate of the investigations committee of the Ingush prosecution department decided to launch an investigation into Mr Yevloyev's illegal arrest by police officers, but the prosecution department set aside this decision on formal grounds and referred the case back to the inquiry team. It was subsequently decided to take no further action. The prosecution is apparently continuing to argue that Mr Yevloyev's death by shooting was accidental.

31. I have written to the chief prosecutor of Ingushetia asking for information on the state of progress of the inquiries. In his reply, the prosecutor told me that the police officer responsible for the fatal shot had been charged with manslaughter and that the case had recently been brought before the courts.

¹³ See "Problems of forced migrants in Chechnya" (Russian), <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m153807.htm>; Memorial human rights centre: "The human rights situation of inhabitants of Chechnya in the Russian Federation, October 2007 – April 2009" [http://refugee.memo.ru/C325678F00668DC3/\\$ID/285E0DD1BD7C85ECC32575C30055042D](http://refugee.memo.ru/C325678F00668DC3/$ID/285E0DD1BD7C85ECC32575C30055042D)

32. This does not appear to be an isolated case. On 25 July 2008, for example, one of the leading members of the human rights organisation "Mashr", Zurab Tsechoev, was abducted and tortured. On 13 August 2008, the President of "Mashr", Magomed Mutsolgov, whom I have already met several times in Strasbourg, was attacked. According to Mr Mutsolgov, one of the persons in the car from which shots from an automatic weapon were fired, was wearing a police uniform.

33. A list of persons "implicated in the assassination of Magomed Yevloev" was published on 20 September¹⁴, and included the name of the then President of the Republic, Murat Zyazikov and 16 other senior officials and representatives of the regional police. In September and October 2008, "Memorial" recorded eight attacks on senior officials and members of their families. Casualties among the security forces in Ingushetia reached 34 dead and 70 injured – more than 45% of total casualties in the entire North Caucasus region (81 dead and 143 injured). By comparison, in autumn 2007 casualties amounted to 19 law enforcement officers killed and 24 injured. According to human rights activists, one of the reasons for this explosion of violence is the continued use of unnecessarily brutal and often unselective practices by the anti-terrorist forces.

34. Given these circumstances the federal authorities had to respond. The Ingush President, Murat Zyazikov, resigned on 31 October 2008. Colonel Yunus-Bek Yevkurov was nominated for the post by Moscow and this was approved by the Ingush national assembly the same day.

35. Human rights NGOs all welcomed the resignation of President Zyazikov, who categorically refused to acknowledge the gravity of the security and impunity problems and of human rights violations in Ingushetia¹⁵. The new President's first measures have received a positive response from civil society. Mr Yevkurov has started a dialogue with the leaders of the opposition, who were persecuted under the Zyazikov government, and human rights activists, including representatives of Memorial and Mashr. For example, on 1 December 2008 the President established a public human rights council, chaired by a respected human rights defender, Mr Azmat Nalghiev.

36. President Yevkurov has also stated publicly that he was aware of the abuses committed by law enforcement officers and was committed to ending them: "no operations may be conducted in the territory of the Republic of Ingushetia unless the republican police have been informed and members of that force take part"¹⁶. Changes are being made to local police personnel. On 25 November 2008 the Ingush interior minister, Mussa Medov, considered by many to be one of those particularly responsible for corruption and violence in the security forces, was dismissed by the federal interior ministry.

37. However the violence again intensified in 2009. In the first four months of 2009 Memorial reported five persons abducted, of whom two were killed, two are still missing and one was found in a police station. There were also 59 murders, the victims of which were 21 civilians, 12 local police officers, 6 military personnel and 20 rebel fighters. By comparison, between January and April 2008, two persons were abducted (22 persons for the whole of 2008) and nine killed, of whom six were civilians and 3 members of the security forces. In spring 2009, for the first time the Ingush authorities raised the possibility of an amnesty for all insurgents not guilty of murders.

38. In winter 2008/2009, 21 members of the security forces were killed in Ingushetia and 55 injured, and in spring 2009 there were 16 dead and 37 injured. During the summer of 2009, the violence increased dramatically, as throughout the North Caucasus region: 47 members of the security forces were killed and 114 injured in Ingushetia alone.

¹⁴ www.ingushetia.org, 20/09/2008

¹⁵ As late as 25 October, answering a journalist's question, Mr Ziayikov said: Those who speak of a conflict here are quite simply sick, the only war that is going on is the war to continue the construction projects and the cultivation of fields of potatoes", official site of the Republic of Ingushetia www.ingushetia.ru, 25/10/2009

¹⁶ Official site of the Republic of Ingushetia, www.ingushetia.ru, 09/11/2008

39. On a number of occasions, President Yevkurov, with the public support of the President of the Russian Federation, Dmitry Medvedev, has introduced measures to stabilise the situation, but their application has been impeded by insurgents, who continue their attacks, and by the security forces, who continue to use illegal methods as part of their anti-terrorist activities, including abductions, torture and extrajudicial executions.

40. One possible reason for President Yevkurov's failure to put an end to these unacceptable practices is the lack of co-ordination between local police and federal security agencies: the FSB and units of the federal interior ministry. For example, the "federals" often refuse to allow local police officers to take part in special operations. Even when they are present, the local police often fail to intervene to prevent the federal forces from taking illegal actions.

41. On 22 June 2009, there was an assassination attempt on President Yevkurov. He was seriously injured but survived (unlike his chauffeur) and resumed his official duties in September.

42. In the mean time, extrajudicial executions of young men suspected of terrorist activities continue and are the main cause of the escalation of tension in Ingushetia. Human rights organisations have frequently drawn the attention of the international community and the authorities to these unacceptable practices. Nevertheless, these "arrests with a fatal outcome" continue, and all those killed while being arrested are subsequently declared to be terrorists.

43. The Memorial human rights centre states that when conducting special operations to arrest persons suspected of belonging to illegal armed formations¹⁷, the security forces prefer to liquidate them on the spot. In most cases, witnesses state that although the persons killed had not put up any resistance, those concerned had not even tried to arrest them¹⁸. According to Memorial, 26 presumed members of such illegal armed formations were killed during such operations in 2007, of whom only three had tried to resist arrest. In the other cases the killings were allegedly in the course of fighting. The trend continued in 2008. Between January and August 26 persons were killed in special operations, at least 12 of whom, according to witnesses, did not resist arrest¹⁹.

C. Dagestan

44. The terrorist threat remains at a high level in Dagestan. There were frequent attacks on security forces, journalists and representatives of the authorities during the period under consideration. Thus, 7 members of the security forces were killed in the spring of 2008 and 12 injured. There were 7 killed and 27 injured in winter 2008/2009, 24 killed and 18 injured in spring 2009 and 43 killed and 55 injured in summer 2009. The security forces react to this violence with methods that are often unlawful, including "special operations" designed quite simply to liquidate presumed insurgents, torture and abductions.

45. Anti-terrorist activity increased in autumn 2008. The "Siloviks" have conducted several operations in which dozens of fighters and their presumed accomplices have been killed or arrested. However these operations have not succeeded in stopping attacks from illegal combatants and there are still frequent attacks on police officers and military personnel. In autumn 2008, four majors, a lieutenant-colonel and a colonel were assassinated. On 5 June 2009, the Dagestan interior minister since 1998, Mr Adilgirei Magomedtagirov, was assassinated.

46. The situation in Dagestan is different from that of other North Caucasus republics. Its population is made up of a multiplicity of ethnic groups, which results in a range of political interests and makes it more difficult to install a regime that carries authority. This range of interests is also reflected in clan rivalries, which are also the cause of political assassinations in Dagestan.

¹⁷ Official name given to armed insurgent groups.

¹⁸ Memorial report "Ingushetia: New methods of counter-terror. Licence to kill? (in Russian) <http://www.memo.ru/hr/hotpoints/caucas1/msg/2008/08/m144162.htm>

¹⁹ Memorial report "Situation in the North Caucasus conflict zone: analysis from the human rights perspective. summer 2008" (in Russian)

47. In practice, the Dagestan authorities equate the Salafist movement, which they call Wahabism, with terrorism, so that the war against terrorism has been transformed into a fight against the followers of Salafist Islam.

48. The measures applied by the security forces to combat terrorism – trumped up criminal charges, pressures exerted on suspects and their families and the use of torture and extrajudicial executions – are in breach of Russian and international law. The effect is to radicalise insurgent fighters and attract the victims of human rights violations into their ranks.

49. Abductions and acts of torture have been linked to the activities of "Section 6", as the departments to combat organised crime and criminal extremism and terrorism are commonly known. According to the victims of such violations, Section 6 personnel pose as defenders of "true Islam" and abduct and torture Salafists, whom they categorise as terrorists or extremists.

50. According to the human rights organisation, "Mothers of Dagestan for Human Rights", there were 25 abductions by the security forces in the republic between February and August 2009. Twelve of those concerned were killed, five freed and three arrested. Two managed to escape and three are missing²⁰.

51. Those who try to expose persons responsible for human rights violations are subject to pressure from the authorities. Mothers of Dagestan for Human Rights, one of the best known and effective human rights organisations in the region, which tries to uncover what has happened to disappeared persons and secure the release of those who are still alive, has been accused on a number of occasions by senior officers of the security forces and government leaders of complicity with illegal combatants or terrorists²¹. Members of the organisation and employees of the independent newspaper Chernovik have been persecuted by campaigns to discredit them and threats of sanctions and criminal proceedings, including charges of "extremism" During the night of 19 to 20 August 2009, the organisation's offices were destroyed by a fire of unknown origin.

III. Recent developments

1. Fabrication of criminal cases

52. According to "Memorial", numerous criminal cases involving charges of terrorism, throughout the North Caucasus, are tampered with or fabricated.²² The fabrication process is said to be as follows: Members of the security forces abduct and torture the person who is to be accused. During this time the victim's family is not informed of his or her arrest and he/she is denied the assistance of a lawyer, or a lawyer is appointed ex officio. Even where the lawyer is aware of illegal acts perpetrated by the police, more often than not he/she decides against lodging a complaint or requesting a forensic medical expert's opinion for fear of reprisals. The legal documents substantiating the arrest are drawn up after the abduction and are backdated. Confessions obtained through torture constitute the principal (and often the sole) evidence of the accused's guilt adduced at the trial.

²⁰ Svetlana Isaeva, President of Mothers of Dagestan for Human Rights, First report on human rights violations in Dagestan, February – August 2009. Twenty-five abductions, <http://www.zaprava.ru/content/view/1994/2/>

²¹ See, for example, the interview with an anonymous representative of the investigation committee of the Russian Federation prosecution department for the southern federal district, published in the newspaper Novoe Delo on 25 May 2008, or the comments of the President of Dagestan, Mukhu Aliev, who has stated that the chair of the organisation, Gulnara Rustamova, should not accept an invitation to the Parliamentary Assembly's Human Rights and Legal Affairs Committee, because it would tarnish the reputation of Dagestan (Newspaper "Chernovik" 6 June 2008).

²² "Memorial" Human Rights Centre, "On the situation of residents of Chechnya in the Russian Federation" October 2007 - April 2009, [http://refugee.memo.ru/C325678F00668DC3/\\$ID/285E0DD1BD7C85ECC32575C30055042D](http://refugee.memo.ru/C325678F00668DC3/$ID/285E0DD1BD7C85ECC32575C30055042D)

53. Since 30 December 2008 jury trials have been banned for criminal cases involving charges of terrorism, hostage-taking or organisation of illegal armed gangs. Human rights defenders are extremely concerned about this amendment to the Russian Code of Criminal Procedure, since, previously, it was with juries composed of ordinary citizens that the chances of exposing procedural violations and obtaining acquittals had been highest.

2. Wave of killings of representatives of the authorities in summer 2009

54. The summer of 2009 saw an increase in insecurity and violence in the North Caucasus.

55. On 5 June 2009 Dagestan's Interior Minister, Adilgeri Magomedtagirov, was assassinated. Mr Magomedtagirov, who had been in office since 1998, was one of the architects of the harsh, often violent, methods used to contain insurgents and adherents of Salafi Islam. Two versions of this killing were deemed credible by the media. According to the first, the minister fell victim to fundamentalist militants. According to the second, gang warfare was the explanation for the assassination. The fact that many people regard both versions as almost equally probable says much about the state of instability in Dagestan and the authorities' incapacity to guarantee the safety not only of ordinary citizens, but also of senior government representatives. On 10 June 2009 Aza Gazgireeva, Vice-President of the Supreme Court of Ingushetia, was assassinated in Nazran; on 13 June Bashir Aushev, the former Deputy Prime Minister and Interior Minister of Ingushetia, was assassinated, again in Nazran; on 12 July, Ruslan Amerkhanov, Ingushetia's Construction Minister was assassinated in his own office; on 17 August, twenty police officers were killed in a suicide attack on an Interior Ministry compound in the region of Nazran in Ingushetia; I have already referred above to the attack of 22 June 2009 against the President of Ingushetia, Mr Yunus-Bek Yevkurov. Human rights defenders, who had placed their hopes in the reforms initiated by Mr Yevkurov, regarded this attack as a huge disappointment and a tragedy.

3. Wave of killings of human rights defenders

56. On 15 July 2009 Natalia Estemirova, a prominent human rights defender, was abducted and brutally murdered. A leading activist of "Memorial" in Chechnya and a member of the Council of Experts to the Ombudsman of the Russian Federation, she worked with a number of human rights organisations, including Human Rights Watch, and was one of the most active human rights defenders in the North Caucasus, investigating disappearances and exactions and human rights violations committed by the Chechen authorities, including punitive burning of the houses of relatives of suspected insurgents. The international community, human rights defenders and representatives of international organisations have been deeply shocked by this murder.

57. According to some of Natalia's colleagues, not least Oleg Orlov, the President of "Memorial", and Ludmila Alexeeva, the Chair of the Moscow Helsinki Group, the circumstances of the killing point to the Chechen security forces' involvement and the direct responsibility of Ramzan Kadyrov.²³ The authorities were apparently putting pressure on Natalia Estemirova, and she had been threatened by Ramzan Kadyrov in person. Following her abduction in Chechnya, her body was found in Ingushetia, which means that she must have been taken there via a number of checkpoints. Alexander Cherkassov, a board member of "Memorial", believes that the murder was linked to Natalia's investigation into a public execution in the village of Akhinchu-Borzoi on 7 July 2009: "a person was abducted, then taken to the village and shot in full sight of its inhabitants, who were told that this would happen to anyone who helped the insurgents."²⁴ Mr Orlov is currently being sued by Ramzan Kadyrov for defamation.²⁵

58. The President of the Russian Federation Dmitri Medvedev and the President of the Chechen Republic Ramzan Kadyrov offered condolences and promised an effective investigation to identify the perpetrators of the crime.²⁶ However, Natalia Estemirova's colleagues fear that the investigation will be similar to that which followed the murder of Anna Politkovskaya, who was moreover a close friend of

²³ Press conference in remembrance of Natalia Estemirova, "Memorial", Moscow

²⁴ "Human rights defender Cherkassov: Natalia Estemirova was assassinated for having investigated an execution in the village of Akhinchu-Borzoi", *Svobodnaya Pressa*, <http://svpressa.ru/issue/news.php?id=11389>

²⁵ I have been informed that the amount he is seeking as damages is many times higher than the sums awarded by the European Court of Human Rights to relatives of the victims of murders, enforced disappearances and torture.

²⁶ Ramzan Kadyrov even declared that an unofficial investigation would be carried out under his personal supervision so as to find the murderers and punish them "according to Chechen tradition".

Ms Estemirova, with whom she had worked on a number of particularly sensitive cases. In the proceedings against Ms Politkovskaya's suspected murderers, despite the fact that the lawyers representing the victim's family recently succeeded, after several attempts, in securing a re-opening of the investigation, the prospect of identifying who ordered her killing remains very remote.

59. Following the killing of Natalia Estemirova, "Memorial" decided officially to suspend its activities in the Chechen Republic as a safety measure to protect its staff working there.

60. Less than one month after Ms Estemirova's murder, on 11 August 2009, Zarema Sadulayeva, head of "Save the Generation", a Chechen NGO for disadvantaged and disabled children, and her husband Alik (Umar) Dzhabrailov were abducted from the NGO's Grozny office. They were found dead the following day.

61. A further event to be added to this sad list is the above-mentioned fire on the night of 19 to 20 August in the office of the organisation "Mothers of Dagestan for Human Rights".

62. These cases show the authorities' incapacity to guarantee the safety of civil society operators in the North Caucasus. Furthermore, the human rights defenders suspect the security forces of complicity with the assassins and arsonists.

63. Some senior representatives of the Chechen (and also Dagestani) authorities have publicly described the human rights defenders as "dangerous" accomplices of the terrorists who should be punished as such. Adam Delimkhanov, former Deputy Prime Minister of the Chechen Republic responsible for the security forces, who is close to Ramzan Kadyrov and chairs the Security Committee of the Russian State Duma, apparently stated in a television broadcast on 1 July 2009: "There are certain people who call themselves human rights defenders, who help these shaitans, these criminal scum [he is referring to the insurgents]. They work with them and pursue the same objectives. They hold conversations and make statements about the police and other things. ... their evil deeds are no better than those of the militants hiding out in the forest."²⁷

4. *Wave of judgments by the European Court of Human Rights relating to human rights violations in Chechnya and Ingushetia*

64. Between spring 2008 and summer 2009 the Court gave 83 new rulings relating to applications against Russia concerning the North Caucasus. In all these cases but one (*Salatkhanov v. Russia*, judgment of 16/10/2008), Russia was held responsible for serious violations of the Convention, in particular Article 2 (the right to life) and Article 3 (prohibition of torture).

65. The implementation of the Court's judgments, above all those concerning violations of the right to life, whether involving established direct responsibility or "procedural" responsibility for failing to conduct credible investigations into disappearances in suspect circumstances, raises issues which were discussed during the exchange of views held in Paris on 11 September 2009 with the participation of Mr Matyushkin, Deputy Justice Minister and Russia's representative at the Court, Ms Kasatkina ("Memorial") and Professor Philip Leach (European Human Rights Advocacy Centre, London).

66. Russia usually pays the monetary compensation awarded by the Court, and does so within a reasonable time. However, the necessary investigations aimed at identifying and prosecuting those responsible for murders, disappearances, torture or other crimes continue to be ineffective and a matter of mere form. Even in cases where the responsibilities have been fairly clearly established by the Court itself, the members of the security forces concerned have not been brought to justice. According to a special report by Human Rights Watch on implementation of the Court's judgments concerning the North Caucasus,²⁸ none of the many cases in which the Court held that there had been no serious investigation has so far been solved. The families are still not informed of the fate of those who have disappeared and the perpetrators, even those who could be easily identified, are not held accountable. As many applicants interviewed by the Human Rights Watch researchers point out, they

²⁷ 1 July 2009, news broadcast by the "Grozny" television channel, cited in "Chechen Republic's leaders talk about human rights and anti-terrorism methods", "Memorial", <http://www.memo.ru/2009/07/16/1607096.htm>

²⁸ "Who Will Tell Me What Happened to My Son? Russia's Implementation of European Court of Human Rights Judgments on Chechnya", HRW, September 2009

are seeking not the payment of monetary compensation (which moreover involves paltry, fairly token sums), but the truth about their family members and prosecution of the perpetrators of these crimes.

67. The exchange of views on 11 September could give only partial answers, and I intend to pursue this question, in co-operation with Christos Pourgourides, rapporteur on execution of the Court's judgments in general, with a view to preparing my future final report on the broader theme of "Legal remedies for human rights violations in the North Caucasus".

D. Conclusion

68. According to information received by the human rights organisations active in the field, corroborated by facts made public in the Russian and international media, the human rights situation in the three most prominent North Caucasus republics - the Chechen Republic, Ingushetia and Dagestan - is still dramatic and has even worsened since I drew up my first "progress report" in spring 2008.

69. I intend to use my long-awaited visit on the spot to refer to the local authorities the information set out above and in particular the individual cases described in the appendix to this report, which constitute a sample of the most telling, best-documented cases. This memorandum accordingly in no way anticipates the conclusions of the final report, and we are counting a great deal on the visit in order to obtain the standpoints of the local and the federal authorities.

70. Under the terms of my mandate as rapporteur, the aim is to ensure that real effective legal remedies, involving no risk of reprisals, are provided to victims of human rights violations in this so badly affected region, a region which seems to offer the worst example, at least in Europe, of the pernicious effects of anti-terrorism measures implemented without regard for the law. As could already be observed with regard to the so-called global war on terror, injustice - torture, abductions and extrajudicial secret detentions - simply strengthens terrorism.

APPENDIX

Individual cases:

Presentation of facts on the basis of information collected by Human Rights Center "Memorial"

Abduction of Idris Tsizdov (Republic of Ingushetia)

On 26 May 2009, at around 4 o'clock in the morning, in the town of Malgobek, a group of armed men in camouflage dress broke into the courtyard of the house of Idris Tsizdov (born in 1981), where with his brother Adam Tsizdov (born in 1979) he was preparing for morning prayers. The men forced Idris Tsizdov to accompany them into the street and when Adam Tsizdov asked where they were taking his brother they said they only wanted to talk to him and that he would be released in a few minutes. During this time Adam heard the cries of his brother who was being beaten in the street. Some ten minutes later the abductors took Idris Tsizdov away in their car. Immediately after the abduction, Adam Tsizdov informed the interior department of the Malgobek district.

Information on the abduction was immediately sent to all police stations. A vehicle that matched the description given by Adam Tsizdov was stopped by the police. The official of the Malgobek interior department carried out an identity check and identified one of the abductors as Lieutenant-Colonel Adlan Akhmatov of ORB-2²⁹. The latter stated that he had arrested Mr Tsizdov and driven him to the town of Magas. The interior department official apparently then received a telephone call ordering him to let the abductors proceed on their way.

The matter has been referred to the investigations department of the investigations committee for Chechnya, the Malgobek district interior department, the interior ministry of Ingushetia, the prosecutors of Ingushetia and Chechnya and the Russian general prosecutor to determine what has happened to Idris Tsizdov. The case has been reported to several human rights organisations and the Chechen, Ingush and federal ombudsmen.

So far, however, Idris Tsizdov has not been found. ORB-2 officials have officially informed the investigations committee that they did not conduct any operations in Ingushetia on 26 May 2009 and that no one was arrested on that date.

A criminal investigation has now been opened. However, none of the abductors have been identified and although he was identified at the checkpoint, no further action has been taken against Adlan Akhmatov.

Abduction of Mr Rustam Kagirot (Chechen Republic)

Towards 6 pm on 17 May 2009, in the centre of the village of Zakan-Yurt in the Achkhoy-Martan district of Chechnya, Rustam Kagirot, born in 1979, a resident of the village and student at the Islamic university of Grozny, was abducted.

Rustam Kagirot was walking with his friend Hussain Hassanov near the village's administrative building when three armed men wearing black military uniforms jumped out of a car and forced Mr Kagirot into it. The car then drove off at high speed.

The victim's brother, Ziyavdi Kagirot, who was outside his house 100 metres from the administrative building, witnessed the abduction. Ziyavdi Kagirot and Hussain Hassanov pursued the abductors in a car. They observed that the car had turned off the Caucasus highway in the direction of Grozny. It passed a traffic police check point at the exit to the village at high speed, without being stopped. Ziyavdi informed the police officers at the checkpoint of the abduction but they did not react. On the same day he reported the abduction to the neighbourhood police officer of the village of Zakan-Yurt, but the latter did not follow up the complaint.

²⁹ Operations and investigations office of the federal interior ministry in Chechnya. ORB-2 has in fact been described by several international organisations and NGOs as one of the main elements in this generalised system of torture.

On that same day, there was an increased traffic police presence because President Kadyrov was scheduled to travel on the Caucasus highway. Checkpoints had been installed at each crossroads and police carried out systematic checks on all passing vehicles. Nevertheless, the abductors' car passed all the checkpoints without stopping or being checked. All this seems to indicate that the abductors were members of the security forces. However, none of the security forces concerned has confirmed Rustam Kagirov's arrest.

On 20 May 2009, Ziyavdi Kagirov referred the matter to the district interior department and the Achkhoy-Martan prosecution office. The following day, the site of the abduction was inspected and members of the family and their neighbours were questioned. A month later, on 19 June 2009, the investigations department of the Achkhoy-Martan prosecution office opened a criminal investigation into the abduction.

As of 7 July 2009, the traffic police officials on duty at the exit from the village had still not been questioned and it had not been possible to establish the owner of the car in which Rustam was abducted from the number plate.

As of 24 July 2009, Rustam's location was still unknown.

Murder of the three Ilaev brothers (Chechen Republic)

At about 8 pm on 30 November 2008, in the village of Pervomaisk in Grozny district, the brothers Akhdan and Alvi Ilaev were abducted from their home by men in camouflage dress. A group of abductors remained behind and searched the house, without presenting any search warrant. Later, the men also arrested Imam Ilaev, the younger brother of Akhdan and Alvi, aged 17. The prisoners were transferred to the local police department of Grozny rural district, in the former "Gorets" military base³⁰.

The Ilaev's sister, Zalina, and Akhdan Ilaev's pregnant wife, Khadizhat, were also brought into the department but released shortly after. Imam Ilaev was taken home after several hours of detention. According to Imam, his brothers were given electric shock treatment to make them disclose the names of insurgent fighters whom they did not know. The Ilaev's were also accused of playing host to insurgents and providing them with accommodation.

The older brother, Zurab, who lived with his aunt, was summoned urgently to his place of work, the fifth company of the "oil regiment", where he had served since 2002. At about 10 am he spoke to his cousin on the telephone and told her that he had been arrested with his brothers and that they were to be questioned.

On 1 December 2008, a police officer who visited the Ilaevs told them that the brothers were suspected of taking part in a diversionary attack on 24 November in the village of Sadovoye in Grozny rural district. The commander of the "oil regiment", two close colleagues and an adviser to the Mufti of Chechnya were killed in the fighting.

On 2 December 2008, the press department of the Chechen interior ministry broadcast information on local television about the liquidation of two combatants in a special operation in Grozny rural district. Close relatives identified them as the Ilaev brothers. They were wearing uniforms whereas, according to the neighbours, they had been wearing civilian clothes when they were arrested.

On 3 December 2008, the brother's mother was summoned to the mortuary, where she identified the bodies of her sons Akhdan and Alvi. The bodies bore traces of gunshot wounds and numerous scratches and bruises.

Since they had not received news of the older brother, Zurab, for nearly a week the family, which had been conducting its own inquiry since 1 December, lodged a complaint on 5 December 2008 concerning the abduction of Zurab Ilaev. They were told that Zurab had been dismissed from the

³⁰ Prior to 2006, the special "Gorets" (highlander) detachment was attached to the operations directorate of the FSB. It was deprived of this status in 2006 and Ramzan Kadyrov publicly accused its chief, Movladi Baisarov, of crimes against the civilian population, including abductions and murder, following which an investigation was opened. On 18 June 2006 Baisarov was killed by officers of the Chechen interior ministry (the "oil regiment") during arrest. Members of the "Gorets" detachment then switched to the Ramzan Kadyrov camp.

security forces on 17 November 2008. However, according to family members, up to the day of his disappearance Zurab had gone to work every day and had continued to carry his service weapon.

On 10 December 2008, Zurab's family were informed that his body had been in the mortuary since 8 December. It had been discovered in a tip two hundred metres from the base of the interior ministry's "Sever" regiment. Zurab's body bore traces of blows and strangulation.

The investigation of the criminal cases following the abduction and the murders of the three Ilaev brothers is still open but has not so far reached a conclusion.

**Abduction of the Albekov's, father and son
Public extrajudicial execution of Rivzan Albekov
(Chechen Republic)**

In the early afternoon of 7 July 2009, in the village of Dzhigurty in the Kurchaloyevsky district of the Chechen Republic, Rivzan Albekov and his son Aziz were, according to members of their family, abducted by officials of the Chechen Interior Ministry. The kidnappers stopped the victims' car and drove it away from the village.

The same day, at around midnight, some armed men arrived by car in the village of Akhinchu-Borzoi, where the victims lived. They drew up alongside a group of young men in the centre of the village. They then dragged Rivzan Albekov, who was in his underwear, out of the car. The kidnappers asked him if he aided the insurgents. Rivzan Albekov shook his head. They then shot him dead and said that this was what would happen to anyone who helped the rebels. The witnesses, who lived in the village, informed the prosecutor's office by telephone.

One of Rivzan Albekov's brothers, Ali, had lodged an application with the European Court of Human Rights following the death of two inhabitants of Akhinchu-Borzoi (including the third Albekov brother) in an explosion of anti-personnel mines on 23 October 2000 (the case of Albekov and Others v. Russia). On 9 October 2009 the Court held Russia responsible for failing to comply with its obligation to protect the lives of its citizens in Chechnya.

According to the "Memorial" human rights centre, Aziz Albekov, the son of Rivzan (the victim of the public execution) was set free by the kidnappers after 17 July 2009. Since "Memorial" has suspended its activities in Chechnya, the centre does not have any more detailed information on the circumstances of the abduction and release of Aziz Albekov.

The case of Albekov father and son is one of the most recent which was being investigated by Natalia Estemirova, the human rights defender assassinated on 15 July 2009.

Abduction and murder of Batyr Albakov (Republic of Ingushetia)

Batyr Albakov, born in 1983, was abducted at 5.30 am on 10 July 2009 by officials of an unidentified branch of the security forces.

A number of armed men - one of whom was wearing camouflage - knocked on the door of the Albakov family's apartment. They claimed to be officials of the Nazran Department of the Interior, but showed no identification to that effect, and to be carrying out an identity check. After inspecting the family's passports, they asked Batyr Albakov to come with them, telling his mother that he was being taken to the police station to be interviewed (although they did not say exactly what this entailed). Batyr Albakov was then taken by car to an unknown destination.

The same day Batyr Albakov's family contacted the Nazran Department of the Interior, which informed them that he was not being held in custody and that no member of the department had been ordered to arrest him. No information on the place where Albakov was being detained could be obtained following requests to other agencies of the security forces in Ingushetia. The family suspect that ORB-

²³¹ officers were involved in the abduction: when Batyr Albakov's relatives visited the ORB-2 office they noticed a man who resembled one of those who had participated in his arrest.

On 13 July 2009, Batyr Albakov's mother applied to the prosecution department of Ingushetia, the Ingush Presidential Human Rights Commission and the "Memorial" human rights centre for help in finding her son. The prosecution department informed her that a criminal investigation had been opened into the young man's abduction. Nonetheless, the members of Batyr Albakov's family have not been questioned.

On 21 July 2009, the press office of the Ingush Ministry of the Interior published a statement to the effect that Batyr Albakov, described as one of the insurgents' leaders, had been "liquidated" during an exchange of gun fire near the village of Arshty in Ingushetia's Sunzhensky district. D. Roussin, press officer for the Ingush directorate of the FSB (Federal Security Service), stated on television that Batyr Albakov's abduction had in fact been staged by the insurgents, who had passed themselves off as members of the security forces.

The Ingush Ministry of the Interior announced that a wanted notice has been issued for Batyr Albakov, which seems inconsistent with the facts, since he had long been living in his family home and was employed at Magas airport.

On 22 July 2009, Batyr Albakov's family recovered his body, which, in addition to gunshot wounds, bore stab wounds and signs of torture.

Abduction, killings and alleged fighting in the village of Gubden (Republic of Dagestan)

On 21 October 2008, during an armed attack in Karabudakhkent district, which took place ten kilometres away from the village of Gubden, five police officers were killed and nine wounded. Following this attack a special operation was launched: many members of the security forces were transferred to the village and put up partial roadblocks. On 25 October 2008 the police searched houses and detained forty of the village's inhabitants. These people were transferred to the police departments in Makhachkala and Kaspiysk for questioning.

On 27 and 28 October 2008, three inhabitants of Gubden disappeared: Mr Gadjimagomed Ahmedov, Mr Saidgadji Saidgadjiyev (both of whom disappeared on 27 October) and Mr Nustapa Abdurahmanov (who disappeared on 28 October). According to witnesses they were taken away by the police.

On the day of the abduction, Mr Gadjimagomed Ahmedov, a father of three, was fasting. In the evening he went by car to the village mosque for the "namaz" (evening prayer). He informed his wife by telephone that he should be home in twenty minutes. An hour later, his wife tried to contact him by phone, but without success. After some thirty attempts, she received a message sent with her husband's mobile phone. According to the message Mr Ahmedov was going to Moscow and no search should be made for him. Since the message was written in a dialect different from that spoken in the village, Mr Ahmedov's wife concluded that the author was not her husband. Fresh attempts to contact Mr Ahmedov by phone failed. The following day relatives of Mr Ahmedov went to Makhachkala and Karabudakhkent to report his disappearance.

On 28 October 2008, the victims' families were informed that they had been killed while putting up resistance to police officers in the Sergokalinsky district of Dagestan.

The families recovered the three bodies two days later. They report that the bodies bore multiple signs of torture, blows and other injuries: broken arms and shoulder blades, many bruises and burns. Two of the men had been "finished off" by gunshots to the head. The third body, that of Mr Ahmedov, did not bear any gunshot wounds. The families were able to film the bodies.

According to the official version, Mr Ahmedov and Mr Saidgadjiyev were members of armed groups. According to "Memorial", instead of searching for insurgent combatants, the security forces launched a punitive operation against Muslim inhabitants of Gubden.

³¹ The Operations and Investigations Bureau of the Russian Federation's Ministry of the Interior in Chechnya. ORB-2 has in fact been described by a number of international organisations and NGOs as one of the key components of the system of mass torture.

Mr Ahmedov's and Mr Saidgadjev's families made a number of applications to the FSB's agencies, the investigations directorate of the Investigations Committee for the Dagestan prosecution department and the Chief Prosecutor for Dagestan to have investigations opened into the abduction and killings. They have received replies confirming that their applications are being examined. However, no investigation into the case is taking place, and no statements have been taken from the witnesses, who could shed light on the circumstances of the abduction and killings.

Abduction of Apti Zaynalov (Republic of Chechnya)

Apti Zaynalov, an inhabitant of Chechnya, who was imprisoned for involvement in illegal armed groups in 2005 and freed in 2006, disappeared on 26 June 2009.

On 2 July 2009, an unidentified individual informed the Memorial human rights centre that a young man called Apti, with injuries and showing signs of torture, was in Achkhoy-Martan hospital.

On 3 July 2009, a member of Memorial and a relative of Apti went to the hospital to visit the young man. Through the half-open door of the hospital room, they saw four armed men in uniform, who appeared to be from the Interior Ministry. A young man aged 28 to 30 years was lying on the hospital bed, with a bandage on his head and bruises on his face. Later, in the hospital corridor, a nurse told the visitors that the patient's name was Apti Zaynalov, that he had been forbidden to speak with the medical staff and that he had been removed from the hospital several times and tortured (judging by the injuries he had). On 4 July 2009, the Memorial member who had seen Apti Zaynalov in the hospital recognised him on a photograph provided by his mother. The next day, Apti's father and the Memorial member again tried to visit him in the hospital but the guards did not let them in.

On 7 July 2009, the victim's mother, Ayma Zaynalova, and Natalia Estemirova (from Memorial) were received by the public prosecutor of Achkhoy-Martan district. The mother lodged a complaint and asked him to help her to find her son. The prosecutor left the two women with two members of his staff and asked them to clarify the situation.

After spending an hour and a half in the prosecutor's office waiting for the head of Achkhoy-Martan interior department, the two staff members finally agreed to visit the interior department themselves. On arriving there, they left Ayma Zaynalova and Natalia Estemirova outside.

As the two women no longer expected to receive any assistance from the prosecutor's staff, Ayma Zaynalova went to the hospital, where she saw her son being taken away and put in a car by two armed guards.

The two members of the prosecutor's staff remained in the interior department building until the end of the day.

On 8 and 9 July 2009, Ayma Zaynalova asked the Chechnyan chief prosecutor, the head of Achkhoy-Martan inter-district investigations department and the director of the investigations department of the Russian Federation investigations committee for Chechnya to bring criminal proceedings following the abduction of Apti Zaynalov and to take the necessary steps to find her son.

On 17 July 2009, Ayma Zaynalova lodged an application with the European Court of Human Rights alleging violation of Articles 3, 5 and 13 of the European Convention on Human Rights and requesting that her complaint be communicated as a matter of urgency to the authorities of the Russian Federation.

Acts of torture within premises of Malgobek interior department (Republic of Ingushetia)

At around 4.30 am on 13 November 2008, in the town of Malgobek, members of the federal security forces (probably officers from the FSB directorate for Ingushetia and the temporary operations group³² of Malgobek district interior department) arrested four local men – Magomed and Timur Tsokiev (born in 1980 and 1987), Ibragim Aushev (born in 1988) and Tamerlan Tankiev (born in 1985).

After visiting a dying relative in hospital, the four men had gone to Timur Tsokiev's house to prepare for morning prayers. The house was quickly surrounded by around 50 members of the security forces. The officers burst into the house and, without identifying themselves, handcuffed the four men and took them outside. On searching the premises, they claimed to have found two grenades and two explosive devices (toluene). A 7.62 calibre cartridge was found in Magomed Tsokiev's car. They then asked Timur Tsokiev's wife, Lydia Yevloyeva, who had not witnessed the search, to sign the search record. According to Ms Yevloyeva, she was not allowed to read the record carefully and was forced to sign. She remembers that the record mentioned the fact that Timur and Magomed Tsokiev were suspected of involvement in the murder of police officer Musa Tochiev, who had been killed in Malgobek on 11 November 2008.

The four men were taken to the temporary operations group premises (at Malgobek district interior department) without their families being notified.

According to Ms Yevloyeva, there were gross breaches of procedure during the search of her house, which leads her to believe that the illegal objects discovered had been planted there by the security forces. She has also stated that she was questioned in the interior department building, where she claims to have heard cries from detainees in nearby interrogation cells.

In the morning of 14 November 2008, the men arrested were taken to the remand centre of the Ingushetian Interior Ministry. At that point, they were visited by lawyers who saw that they had been beaten up.

On 18 November 2008, Ibragim Aushev and Tamerlan Tankiev were released. Administrative proceedings were brought against them on the grounds of alleged resistance to the police. The Tsokiev brothers were kept in detention and criminal proceedings were brought against them for the illegal possession of firearms and the attempted murder of a police officer. In two months, the case was dropped and the Tsokiev brothers were declared innocent. The administrative proceedings against Mr Aushev and Mr Tankiev were also dropped.

However, before Mr Aushev and Mr Tankiev were released, the media reported that they had been tortured. When interviewed, Magomed Tsokiev, who was transferred to hospital for medical care, said he had been beaten and tortured by officers from the federal security forces. This was subsequently confirmed by Mr Aushev and Mr Tankiev, who also requested medical assistance. Medical examinations showed that all four men had been beaten.

On 18 November 2008, criminal proceedings for abuse of authority involving violence were brought against unidentified members of the security forces. In spite of the fact that the case was widely covered in the media and in spite of the personal involvement of the President of Ingushetia, Mr Yevkurov³³, those guilty have still not been identified or prosecuted. The investigations into the case were suspended but have been resumed at the request of the victims' lawyer.

³² Comprising agents of the Russian Federation Interior Ministry from other regions on deployment in Ingushetia.

³³ Who publicly gave orders to complete the investigations and prosecute the guilty persons.