

**Doc. 10774**  
21 December 2005

## **Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns**

Report  
Committee on Legal Affairs and Human Rights  
Rapporteur: Mr Rudolf Bindig, Germany, Socialist Group

### *Summary*

The Committee on Legal Affairs and Human Rights is deeply concerned that a fair number of governments, member states and the Committee of Ministers have failed to address the ongoing serious human rights violations in the Chechen Republic in a regular, serious and intensive manner – despite the fact that such violations still occur on a massive scale in a climate of impunity in the Chechen Republic and, in some cases, in neighbouring regions.

The Committee urges the Committee of Ministers to confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe's member states. It should relaunch its monitoring of the human rights situation in the Chechen Republic – which has been at a standstill since spring 2004 – and discuss the consequences of Russia's insufficient co-operation with the Committee for the Prevention of Torture as well as take "specific action" on the 1994 Declaration on compliance with commitments, as requested by the Assembly in 2003. Otherwise, the committee warns, the lack of effective reaction by the Council's executive body could seriously threaten the credibility of the whole Organisation.

## I. Draft resolution

1. The Parliamentary Assembly stresses that the protection of human rights is the core task of all Council of Europe bodies and recalls its previous Resolutions 1323 (2003) and 1403 (2004) and Recommendations 1600 (2003) and 1679 (2004) on the human rights situation in the Chechen Republic.
2. The Assembly is deeply concerned that a fair number of governments, member states and the Committee of Ministers of the Council of Europe have failed to address the ongoing serious human rights violations in a regular, serious and intensive manner, despite the fact that such violations still occur on a massive scale in the Chechen Republic and, in some cases, neighbouring regions in a climate of impunity.
3. The Assembly reiterates its unambiguous condemnation of all acts of terrorism and expresses its understanding of the difficulties the Russian Federation faces in combating terrorism.
4. The Assembly welcomes the fact that a number of criminal cases were opened and some perpetrators were taken to court and encourages the Public Prosecutor's office to intensify its efforts. Nevertheless, the Assembly notes the lack of substantial progress of the Prosecutor General's Office in elucidating numerous human rights violations brought to its attention in its previous reports on the human rights situation in the Chechen Republic. Impunity fosters more crime.
5. Both federal and regional law enforcement authorities must continue to investigate numerous specific and well-documented allegations of enforced disappearances, murder and torture brought to the attention of international public opinion and of the Assembly in recent months by non-governmental human rights organisations.
6. Emphasis must be placed on crimes against human rights defenders, lawyers, prosecutors, judges, forensic doctors and other law enforcement officials and against applicants to the European Court of Human Rights and their family members. It is intolerable that reprisals against applicants to the Strasbourg Court take place and remain unpunished.
7. The Assembly urges the Russian delegation to the Assembly to request the setting-up, within the Duma, of a committee of inquiry to investigate the failure of law enforcement structures to hold responsible perpetrators of serious human rights violations such as documented by the Assembly.
8. The Assembly fears that the excessively harsh manner in which the security forces act in the region in no way contributes to restoring law and order in the region. On the contrary, it produces more desperation, violence and thus instability.
9. Recalling the Council of Europe's humanitarian and legal principles, the Assembly strongly condemns human rights violations in the fight against terrorism, which have now for well over a decade proven not only to be unlawful but also totally ineffective.
10. It stresses that in order to prevent future serious human rights violations, all law enforcement agencies active in the Chechen Republic should receive additional orders from the highest authorities to respect basic human rights in the course of the operations. This is particularly true for certain Chechen security forces whose legal status is still unclear.
11. Both the democratic process and the fight against impunity must benefit from the work of strong and independent non-governmental human rights organisations. The Assembly welcomes the recent information according to which the Russian legislature has expressed its intention to ensure the compatibility of the draft law on the legal status of non-governmental organisations with the standards of the Council of Europe. Nevertheless, the Assembly is concerned about reports on administrative and judicial harassment of some non-governmental organisations.

12. In view of the seriousness of the human rights violations in the Chechen Republic, the Assembly is most dissatisfied with the replies of the Committee of Ministers to its recommendations. It regrets in particular that:

12.1. the Committee of Ministers' monitoring of the human rights situation in the Chechen Republic, launched by the Secretary General in June 2000, is now *de facto* at a standstill since the spring of 2004, despite repeated calls by the Assembly to intensify monitoring efforts;

12.2. the Committee of Ministers did not take any "specific action" by virtue of the 1994 Declaration on compliance with commitments, after the Assembly had formally seized it in Recommendation 1600 (2003). Such an omission is unacceptable, especially as the Assembly had used for the first time the mechanism the Committee of Ministers had itself set up for this purpose;

13. The Assembly fears that the lack of effective reaction by the Council's executive body in the face of the most serious human rights issue in any of the Council of Europe's member states undermines the credibility of the Organisation.

## II. Draft recommendation

1. The Parliamentary Assembly stresses that the protection of human rights is the core task of all Council of Europe bodies and recalls Resolution ... (2006) and its previous Recommendations 1600 (2003) and 1679 (2004) on the human rights situation in Chechnya, regretting that serious human rights violations still occur on a massive scale in the Chechen Republic and, in some cases, in neighbouring regions of the Northern Caucasus.

2. It urges the Committee of Ministers to confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe's member states, as the lack of effective reaction by the Council's executive body has the capacity to seriously threaten the credibility of the whole Organisation.

3. The Assembly urges the Committee of Ministers to discuss ways and means to prevent new human rights violations and to overcome the climate of impunity in the Chechen Republic and to address appropriate recommendations to the Government of the Russian Federation.

4. It commends the Committee of Ministers for its positive response to the proposal on the desirability of a Council of Europe field presence in the region. It is, however, dissatisfied with the Committee of Ministers' failure to obtain the full investigation of the bomb explosion that effectively put to an end the continued presence of the Council of Europe in the Chechen Republic.

5. In view of the seriousness of the situation, the Assembly

5.1. recommends relaunching the Committee of Ministers' monitoring of the human rights situation in the Chechen Republic;

5.2. invites the Committee of Ministers again to take "specific action" by virtue of the 1994 Declaration on compliance with commitments, after Recommendation 1600 (2003), which was the first time that the Assembly had used this specific Committee of Ministers monitoring mechanism;

5.3. reiterates its call to the Committee of Ministers to discuss the necessary consequences of the public statements of the European Committee for the Prevention of Torture (CPT) on insufficient co-operation of the Russian Federation with this important body.

6. In order to be able to take the required strong action, it invites the Committee of Ministers to make use of all the possibilities provided by the Statute of the Council of Europe to reach decisions, including votes by a two-thirds majority.

### III. Explanatory memorandum by Mr Rudolf Bindig, Rapporteur

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- **Appendix C:** Letter of 6 December 2005 from Mr Vladimir V. Ustinov, Prosecutor General of the Russian Federation, to Mr Rudolf Bindig, Rapporteur

## 1. Introduction

1. The protection of human rights is the core task of the Council of Europe and of all its institutions. The joint action of the Assembly and of the Committee of Ministers is of particular importance in this respect. Concerning the human rights situation in the Chechen Republic, the Assembly adopted a number of resolutions as well as recommendations addressed to the Committee of Ministers. Because of the extremely difficult human rights situation in the Chechen Republic characterised by continuing most serious human rights violations it was to be expected that the Committee of Ministers would deal intensively with the problems there and react in a forthcoming way to the recommendations of the Assembly. In my opinion, both were expectations were fulfilled insufficiently.

2. In this report I will first show how serious the human rights situation in the Chechen Republic still is, making use of the newest information, and then discuss the measures taken by the Committee of Ministers and its reactions to the recommendations of the Assembly. This will show how important and necessary it is, to address a new urgent appeal to the Committee of Ministers to address the human rights situation in the Chechen Republic intensively and to insist vis-à-vis the Russian Federation on respecting the fundamental standards and principles of our organisation in the Chechen Republic. In an environment of terror and fear, no positive political development is possible.

## 2. THE EVOLUTION OF THE HUMAN RIGHTS SITUATION IN THE CHECHEN REPUBLIC SINCE 2004

### 2.1. *Still no end to human rights violations and de facto impunity of their perpetrators*

3. The human rights situation in the Chechen Republic has unfortunately not improved significantly since the adoption of my last report in October 2004. The conclusions made by the Assembly one year ago remain valid. There is no end to gross human rights abuses in Chechnya, in the form of murder, enforced disappearance, torture, hostage-taking, and arbitrary detention. In addition, the climate of impunity is spreading further, beyond the Chechen and Ingush Republics, into other regions in the Northern Caucasus, including North Ossetia and more recently Kabardino-Balkaria. During the past months a number of abuses took place in these republics that are reminiscent of those taking place in the Chechen Republic, and which have also remained largely unpunished. As I had warned in my previous report, the conflict in the Chechen Republic appears to be spreading like an epidemic, threatening the rule of law throughout the Russian Federation.

4. There are still regular reports about “targeted operations” in the Chechen Republic, which mostly take place at night, usually by armed men, in camouflage and often masked, who typically arrive in a convoy of military vehicles whose identification plates are covered, and during which one or more persons are taken away in an unknown direction. In some cases the individuals are released within a few days, often after having been beaten or tortured, in other cases they remain missing, and in some cases their bodies are found bearing signs of a violent death. Whilst fewer persons are now affected by such operations, which have replaced large-scale “mop-ups”, they amount in the view of Russian human rights defenders to quasi-legalised “death squad” activities. Because of the much smaller number of potential witnesses, it is also more dangerous for victims’ relatives to complain, as informers can be identified and subjected to reprisals much more easily.

5. It can be difficult to attribute responsibility for these abductions. The language spoken by the armed men – Russian, Chechen, Ingush, accented or not –, the type of vehicles used, and if unmasked, their appearance, are often the few indications of their identity. In the cases in which the prosecution opens criminal investigations, these almost always fail to identify the individuals responsible, or the crimes are simply attributed to armed opposition groups. Nevertheless, circumstances indicate in many cases that Federal or Chechen security forces were responsible for what was in fact a “disappearance”. As mentioned in my previous report, a growing number of abductions and other abuses are attributed to the so-called “Kadyrovtsy”, the Chechen security force that is effectively under the command of Ramzan Kadyrov, the First Deputy Prime Minister of Chechnya. The so-called “oil regiment”, another Chechen security force, formerly part of the Security Service of the President of the Chechen Republic, and headed by Adam Delimkhanov, has also reportedly been implicated in such “disappearances”.

6. In a briefing paper of July 2005, Amnesty International described a new trend in the human rights abuses in the Northern Caucasus. Persons are reportedly being arbitrarily detained and subjected to torture and ill-treatment, in order to force them to confess to crimes that they have not

committed. Once they have signed a “confession” they are transferred to another detention facility where they have access to a lawyer; but the confession obtained under duress appears to secure their conviction by the court<sup>1</sup>.

7. Statistics kept by the Russian NGO Memorial reveal a depressingly familiar situation. Memorial recorded a total of 411 abductions of Chechen civilians in 2004 (152 in the first six months of 2005), of whom 189 (58) were released or ransomed back, 24 (6) were found dead, and 198 (86) are still missing. Moreover, the number of persons killed in the Chechen Republic in 2004 was 310, of which 120 civilians, 105 law enforcement officials, 7 republican bureaucrats of various ranks, 43 presumed members of “rebel” forces, and another 35 unknown persons. However, Memorial stresses that their statistics are based on research conducted in about one-third of the territory of the Chechen Republic, and that the true numbers may be three to four times higher<sup>2</sup>.

8. Official statistics provide different, but still worrisome data. In his general report of activities for 2004, the Commissioner for Human Rights of the Russian Federation, Mr Vladimir Lukin, stated that “fundamental human rights – the right to life, to liberty and security – are constantly violated in the Chechen Republic, where people still disappear, including civilians”<sup>3</sup>. In an article of January 2005, the Russian Ambassador in Belgium confirmed that people actually disappear in Chechnya. He cited the statistics of the “Committee of the Chechen Government for ensuring constitutional rights of the Russian citizens living in the Chechen Republic” (*Комитет Правительства Чеченской Республики по обеспечению конституционных прав граждан Российской Федерации, проживающих на территории Чеченской Республики*): according to this Committee, the total number of disappearances from 1999 to December 2004 amounts to 1667. More than 100 persons who had disappeared were released in 2004. The Russian Ambassador also stated that 148 members of the federal forces and 117 Chechen policemen were killed in 2004<sup>4</sup>. When the Chechen President Alu Alkhanov came in Strasbourg on 26 October 2005, he indicated that 65 people remained missing after being abducted in Chechnya from January through September 2005, and that over the last months the successful investigation of disappearances increased to 21 per cent. At a press conference in Moscow he also said that a growing number of abductions was registered in October, in the run-up to the parliamentary elections<sup>5</sup>. Mr Alkhanov emphasised that efforts were made to tackle this problem: a special “rapid reaction unit” was created within the Chechen Ministry of the Interior and equipped with a hot line enabling relatives to speedily inform the authorities about cases of disappearances. Moreover, the work on the establishment of a unified data base on disappeared persons is continuing and will encompass all disappearances since 1991. I strongly welcome these efforts and the Chechen President’s strong personal commitment to the solution of the problem of enforced disappearances.

9. However, the actual investigations and prosecutions relating to killings, “disappearances” and other serious human rights abuses, are still clearly insufficient.

10. One prominent example of the still-prevailing climate of impunity, but also of the central authorities’ determination to fight against it, is the Ulman case – the trial of four Russian servicemen accused of having killed six Chechen civilians in January 2002 near the village of Dai. In April 2004, Captain Eduard Ulman and his men were acquitted by a jury court in the southern Russian town of Rostov-on-Don, for having obeyed orders from an unnamed commander. During my visit to the Northern Caucasus in May 2004, I met with a delegation of the victim’s family members, who had attended the trial. They gave me a shocking account of the hateful way in which they were treated in

<sup>1</sup> See Mosnews, 30/09/2005, [www.mosnews.com](http://www.mosnews.com).

<sup>2</sup> See Memorial, “On the Situation of Residents of Chechnya in the Russian Federation, June 2004 – June 2005”, 2005. According to journalist Anna Politkovskaya (“Vsia Chechnya v krugu sem’i,” *Novaya gazeta*, 9 June 2005) the federal forces are responsible for 10 percent of the abductions; the fighters are guilty of 5 percent, while the units under Ramzan Kadyrov, which are nominally part of the CR Ministry of the Interior as the security service of the CR President, are responsible for 85 percent.

<sup>3</sup> See Report on the activities of the Commissioner for Human Rights of the Russian Federation, Appendix 4, 2004 (ДОКЛАД О ДЕЯТЕЛЬНОСТИ УПОЛНОМОЧЕННОГО ПО ПРАВАМ ЧЕЛОВЕКА В РОССИЙСКОЙ ФЕДЕРАЦИИ В 2004 ГОДУ, Приложение 4 ПРИМЕРЫ ТИПИЧНЫХ НАРУШЕНИЙ ПРАВ И СВОБОД ЧЕЛОВЕКА И ГРАЖДАНИНА Права и свободы российских граждан в Чеченской Республике), [www.ombudsman.gov.ru/doc/ezdoc/04d.shtml](http://www.ombudsman.gov.ru/doc/ezdoc/04d.shtml).

<sup>4</sup> See the website of the Ministry of Foreign Affairs of the Russian Federation, «Статья Посла России в Бельгии В.Б.Лукова “Кого поддерживает Чечня?”, опубликованная в бельгийской газете “Тейд” 19 января 2005 года», 25/01/2005,

[http://www.in.mid.ru/Brp\\_4.nsf/arh/0F3A92106013198FC3256F94003A1095?OpenDocument](http://www.in.mid.ru/Brp_4.nsf/arh/0F3A92106013198FC3256F94003A1095?OpenDocument).

<sup>5</sup> See *The Moscow Times*, 28/10/2005.

the courtroom – the victims felt that they were treated as criminals, whilst the accused killers were celebrated as heroes. The acquittal was appealed by the prosecution, but following an order for retrial from the Military Collegiate of the Supreme Court, the men were again found not guilty by a jury at the same court on 19 May 2005. On 30 August 2005, the Russian Supreme Court overturned this verdict, too, and sent the case back for retrial to the same court in Rostov, where a third hearing is scheduled in November. While awaiting the new trial, the four men have not been suspended from their posts in the Russian military intelligence unit (GRU). According to the lawyer for the families whose relatives were killed, the majority of the witnesses in the case against the men are serving in the same unit.

11. On 21 November 2005 a demonstration was organised in Grozny to protest against alleged human rights violations committed by Russian soldiers. The participants demanded punishment for those responsible for the recent killing of three Chechen civilians in the Chechen village of Staraya Sunzha on 16 November 2005, and the shelling of the Chechen town of Starye Atagi on 10 November 2005, in which six civilians were injured<sup>6</sup>. Military prosecutors arrested three Russian soldiers who have admitted murdering three Chechen men in Staraya Sunzha with the aim of robbing them. As regards the shelling of Starye Atagi, they concluded it was an accident<sup>7</sup>.

12. Russian soldiers responsible for killings of Chechen civilians and other human rights violations are often considered by the judges as non accountable for their crimes because they were drunk or psychologically disturbed at the moment of the facts. On 15 November 2005, a Grozny military court decided for the second time to subject Sergeant Andrey Tikhonov to additional psychiatric examination. Andrey Tikhonov is accused of having killed a Chechen civilian, Adam Tukhshaev, on 18 January 2005 in the village of Itum-Kala. After Tikhonov launched a grenade in Tukhshaev's car, the latter was severely injured and then died<sup>8</sup>.

13. In order to obtain fresh information, from official sources, on the progress of the criminal investigations on a large number of serious human rights violations, I sent a request for information to the Prosecutor General of the Russian Federation, Mr Ustinov, on 12 October 2005. However, no reply was received by 5 December.

13a. I received a reply from Mr Ustinov on 6 December 2005 in the afternoon. Whilst I am still awaiting the full translation of this important document, I have been briefed about its content by the Secretariat. I was assured that this document contains precise data with regard to the specific cases on which I had asked for information on the state of investigations, as well as figures and statistics on the number of complaints relating to alleged serious human rights violations examined by the civilian and military prosecutor's offices in the Chechen Republic and in Ingushetia, and on criminal cases opened. However, little information is provided on indictments and convictions in the courts, and a first analysis of the document reveals that most investigations have not led to tangible results : few cases made it to trial; most were suspended, transferred, or dismissed.

13b. As regards the Chechen Republic, the reply indicates that 251 complaints relating to killings were examined by the prosecutor's office of the Chechen Republic in 2004 (91 in the first six months of 2005), in 151 (54) of which a criminal case was opened. The opening of a criminal case was refused in 93 (29) cases, of which 89 (26) for "absence of crime", and the investigations in 7 (8) cases were transferred (presumably to the military prosecutor's office). In 2004, 54 criminal cases relating to killings (31 in the first six months of 2005) involving 70 (34) suspects were referred to the courts. The document also lists the number of complaints relating to abductions received by the prosecutor's office of the Chechen Republic, which amounts to 432 (211). A criminal case was opened in 168 (62) of these cases, and was refused in 261 (145); the investigations in 7 (8) cases were transferred (presumably to the military prosecutors). Over the period 2000-2005 (taking into account the first six months of 2005) the courts pronounced convictions for 30 persons accused in 21 criminal cases relating to abductions. In addition, courts of other regions of the Russian Federation examined 4 criminal cases against 6 suspects, the investigations of which were led by the prosecutor's office of the Chechen Republic. The reply of Mr Ustinov also provide information on cases of rape. In 2004, the prosecutor's office examined 9 complaints relating to rapes (12 in the first six months of 2005). A criminal case was opened in 1 (7) case(s), and was refused in 8 (5) for "absence of crime". In 2004, 6 criminal cases relating to rapes (5 in the first six months of 2005) involving 9 (10) suspects were referred to the courts.

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<sup>6</sup> See AFP 21/11/2005 and RFE/RL 21/11/2005.

<sup>7</sup> See RFE/RL 18/11/2005 and 21/11/2005.

<sup>8</sup> See *Chechen Society Newspaper* N°25 (63), 23 November 2005.



13c. As regards Ingushetia, the reply of Mr Ustinov indicates that 88 complaints relating to serious human rights violations were received by the prosecutor's office of the Republic of Ingushetia in 2004 (29 in the first six months of 2005), of which 3 (1) relating to killings, 72 (26) relating to abductions, disappearances and torture, and 13 (2) relating to rapes. A criminal case was opened in 3 (0) cases relating to killings, 30 (2) cases relating to abductions, disappearances and torture, and 3 (1) cases relating to rapes. In 2004, 23 criminal cases were referred to the courts (11 in the first six months of 2005), of which 19 (8) relating to killings, 4 (2) relating to abductions, and 0 (1) relating to rapes.

14. On 24 February 2005, the European Court of Human Rights ruled in three judgments that there had been violations of the right to life and the prohibition of torture as well as the right to an effective remedy and the peaceful enjoyment of possessions (Articles 2, 3 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 1 of Protocol 1 to the ECHR) in six cases from the Chechen Republic. These were the first decisions of the Court on cases relating to alleged human rights violations in the Chechen conflict. In the case of *Khashiyev and Akayeva v. Russia*, the European Court ruled that the deaths of the relatives of the applicants who had been killed by servicemen were attributable to the State, amounting to a violation of the right to life (Article 2). In the judgment in the case of *Isayeva, Yusupova and Bazayeva v. Russia* and in the separate judgment concerning a sixth case, *Isayeva v. Russia*, the European Court found that the Russian authorities had failed to protect the right to life of the applicants and their relatives, in the planning and execution of military operations. The Court awarded financial compensation to the applicants in all six cases. A large number of Chechnya-related cases (more than 200) is still in the Court's pipeline. These cases raise the issue of lack of effective domestic remedies, as courts, the prosecution or other law-enforcement institutions still do not function properly in the Chechen Republic. They also raise the question of general measures to put an end to the massive human rights abuses and the climate of impunity which still prevail in Chechnya

15. The adoption and implementation of general measures by the Russian authorities, subsequently to the judgments of the European Court of Human Rights, would contribute to ameliorate the human rights situation in Chechnya. Such measures should include, in particular : 1) the translation and large diffusion of the above-mentioned judgments of the European Court of Human Rights, with a summary of these judgments and an Explanatory note; 2) the (re)opening of investigations and criminal cases against the persons responsible for human rights violations in Chechnya – in particular, Russian Generals Vladimir Shamanov and Yakov Nebitko should be prosecuted and suspended from their functions during the time of the investigation, since they were held responsible by the Strasbourg Court for the indiscriminate bombing of Chechen civilians in Katyr-Yurt in February 2000<sup>9</sup>; 3) the revision of the Russian law on terrorism to achieve compliance with the Council of Europe standards; 4) the creation of a training system on European human rights standards for legal professions and law-enforcement members.

## 2.2. *Examples for alleged new human rights violations in the Chechen Republic since 2004*

16. In the following, I would like to present some new examples for the different categories of human rights violations that have been brought to my attention since the adoption of the Assembly's last report in October 2004<sup>10</sup>.

### 2.2.1. *Unlawful killings, enforced disappearances, torture and illegal detention*

17. As regards unlawful killings of Chechen civilians by alleged members of the security forces, one terrifying case is that of the Arsanukaev family. In the night of 18 October 2005, masked and camouflaged security service personnel, reportedly Chechen-speaking, took away 65-year-old Salman Arsanukaev and his son Khamzat, aged 22, from their home in the village Pobedinskoe, and then killed them. In the evening both corpses, with marks of violent death, were found in a hole outside the village. On 2 October, another son of Salman Arsanakaev, Supian, had been killed in Grozny. Before that, in April, his brother Selim Arsanakaev had been detained and then killed : he was suspected of having murdered the head of administration of the Nadterechnyi district, and was shot dead supposedly when he attempted to escape from the police<sup>11</sup>.

<sup>9</sup> See the case of *Isaev v Russia*, 24 February 2005.

<sup>10</sup> The Appendix provides an updated compilation of individual cases of alleged human rights violations in Chechnya and in territories adjacent to Chechnya.

<sup>11</sup> See Memorial, Chronicle of violence, October 2005. For other cases, see Appendix.

18. Abductions, often followed by the “disappearance” of detainees and the theft or destruction of property at the hands of security forces (Chechen and Federal) are still occurring on a massive scale. On 2 October, at 4 p.m., the house where the *Buraev family* lived in Grozny was reportedly surrounded by more than one hundred operatives of the Ministry of Defence, the FSB and the Anti Terrorist Center (ATC) from the Staropromyslovsky district of Grozny. They all spoke Chechen. At this time, Sazita Buraeva, her daughter Zarema Buraeva, aged 24, and her sons Ali and Baudin, aged 18 and 22, as well as Zarema’s two small children (2 and 4 years old) were at home. After entering without introducing themselves, the servicemen made Ali and Baudin Buraev lie on the ground and beat them heavily while swearing. The mother tried to stop them, but the soldiers pointed their weapons at her. After one hour, the commander asked Zarema questions about her deceased husband (killed in April) and then made her follow them through the house. Zarema has not been seen since that moment. The servicemen took Ali and Baudin Buraev with them, “questioning” them, kicking them and beating them with their weapons as they moved toward their vehicles. Ali and Baudin were not able to stand normally after that treatment. When trying to interfere, Sazita was told by a soldier “You should consider yourself lucky not to be executed yourself”. This was the last time Sazita saw her sons. Since that day Zarema Buraeva, Baudin Buraev and Ali Buraev remain “disappeared”. The servicemen also “confiscated” 9.000 rubles, the TV set, the computer and several other valuables<sup>12</sup>.

19. A large number of persons are detained arbitrarily, sometimes in unofficial locations, where the detainees are subjected to torture and other ill-treatments. An example among many others is that of *Sultan Aliev*, who was taken away without any explanations on 18 November 2004 from the yard of a large residential building in the Grozny district “1<sup>st</sup> Microrayon” by four camouflaged persons not wearing masks : according to information from the HRC Memorial, Sultan Aliev was kept in an unofficial “prison” and tortured, before he was released on the 21<sup>st</sup> day after his abduction<sup>13</sup>. But many individuals who have been subjected to torture and then released are too frightened to complain about their treatment, especially to the authorities. For instance, *Aslan Chintigov*, who had been abducted on 20 October 2005 from his home in the village of Germenchuk by camouflaged and masked men and then released two days later, said to representatives of “Memorial” that he did not want to speak about the circumstances of his abduction and his detention: he recognized that he had been tortured, but refused to lodge a complaint because he feared reprisals<sup>14</sup>. Shows in a joint report published on 25 November 2005 based on a joint on-site mission in September, FIDH, Memorial, the International Helsinki Federation, the Norwegian Helsinki Committee and the Demos Centre<sup>15</sup> provide numerous new, well-documented examples of harrowing human rights violations, including the terrible account of a father whose young son was tortured before him in order to make the father confirm that his son had murdered a policeman<sup>16</sup>. These examples confirm that a climate of terror, resulting in impunity, is still prevailing in Chechnya.

20. Serious human rights abuses are still committed in the course of larger-scale military operation carried out by the federal forces, the so-called “*zachistka*”. On 14-16 January 2005, in the Chechen village of Zumskoi, Itum-Kalinski district, a military operation was reportedly carried out, which involved shelling of the settlement by artillery,. On 14 January, the village was subjected to aerial attack; as a result, one house (belonging to Akhmud Tamaev) was levelled to ground, and several other houses were seriously damaged. The same day, troops landed in helicopters, which had previously subjected the village to rocket and machinegun fire, regardless of the fact that there were no combatants in the village and no one resisted the attack. In the village, the military servicemen carried out a mop-up operation with looting, destruction of property and abductions of civilians. Late at night on 14 January the servicemen detained a local resident named Shirvani Nasipov. In the morning of 15 January two other men and a teenage boy were reportedly kidnapped: Magomed Emin Ibishev, Vakha Mukhaev and his 15-year-old son Atabi Mukhaev. They have not been seen since then<sup>17</sup>.

21. As mentioned before, a large number of human rights violations are allegedly committed by the so-called “Kadyrovtsy”. On 21 September 2005, a “zachistka” was reportedly carried out in Novye Atagi by “Kadyrovtsy” who abducted five local young residents from the Umkhaev and Khapaev families. In June 2005, local residents of Argun discovered in a rock quarry the remains of a 25-year-

<sup>12</sup> See International Helsinki Federation, Open Letter on the “disappearance” of a woman and her two brothers, 26 October 2005.

<sup>13</sup> See International Helsinki Federation, 30 March 2005.

<sup>14</sup> See Memorial, Chronicle of violence, October 2005.

<sup>15</sup> Fédération Internationale des Ligues des droits de l'Homme, Memorial, International Helsinki Federation, Norwegian Helsinki Committee, Centre Demos, joint report: “In a climate of fear: ‘political process’ and parliamentary elections in Chechnya” 25 November 2005.

<sup>16</sup> *ibid.*, page 47.

<sup>17</sup> See Memorial, From the conflict zone, January 2005. For other cases, see Appendix.

old son of Ayna Usmanova, who had disappeared several days ago : he had been arrested by “Kadyrovtsy” and released two days later, after having been badly beaten; he was ordered to return in some days later for interrogation, which he did, and was never seen or heard of again. On 26 November 2004, in the village of Germenchuk of Shali district, police colonel Rivzan Abzatov and his collaborator Khabib Guduev were shot dead by unmasked killers, two of whom were clearly identified as belonging to the “Kadyrovtsy”<sup>18</sup>. In my view, the “Chechenisation” of human rights violations, which are attributed more and more frequently to the so-called “Kadyrovtsy”, does not exonerate the Federal authorities, which remain responsible for the protection of all Russian citizens, including those living in the Chechen Republic.

### 2.2.2. Hostage-takings

22. Another frightening trend in Chechnya is that of hostage-taking of relatives of suspected rebel fighters in order to force them to give themselves up by threatening their relatives with murder and torture. Since the end of 2004, a growing number of arbitrary detentions, “disappearances” and abductions of family members of suspected rebel fighters has been reported by NGOs.

23. The most notorious case was the abduction in December 2004 of eight relatives, most of them elderly and in fragile health, of the Chechen separatist leader Aslan Maskhadov, carried out in the suburbs of Grozny by unknown armed persons most probably belonging to the so-called “Kadyrovtsy”. Seven of them were released on 31 May 2005, after Maskhadov was killed in March. The eighth relative has been charged in connection with participation in an armed group. Officials in Chechnya have denied that they were responsible for the detention of the other seven individuals<sup>19</sup>.

24. Other cases were documented by NGOs. On 5 May 2005, members of security forces of the Chechen Republic reportedly detained three brothers, Adam Sherimbekovich Chersiev, Kureish Sherimbekovich Chersiev and Movla Sherimbekovich Chersiev, at the Oktiabrskoe settlement in the Grozny (rural) district. Relatives of the brothers were informed that the latter were kept as hostages, since one of the members of this family participated in the armed resistance, and that the condition of their release was the fighter giving himself up.

25. On 10 May 2005, members of security services reportedly detained 70-year-old Maret Usmanova Khutsaeva and her granddaughter Lipa Rashidovna Tsaeva, aged 16 or 17, from their home in the village of Gekhi, Urus-Martan district. The following day the two women returned home, having been released on the condition that Arbi Khutsaev, Maret Khutsaeva’s son, give himself up to the authorities, and threatened that otherwise the men would return and detain Maret Khutsaeva again<sup>20</sup>.

26. Such methods are totally unacceptable criminal acts which must be stamped out by the Federal and Chechen authorities. In this regard I was astounded to learn about the statement of the Russian Federation Prosecutor General Mr Ustinov made during a State Duma’s hearing in November 2004, where he suggested taking hostages as a possible measure to fight terrorism<sup>21</sup>. The taking of hostages by any person, terrorist or serviceman cannot be tolerated under any circumstances.

### 2.2.3. Reprisals against applicants to the European Court of Human Rights or their family members

27. I am also extremely concerned about reports that a number of Chechen applicants to the European Court of Human Rights have been subjected to reprisals. Such reprisals have ranged from harassment and threats up to the murder of applicants or their close relatives (Zoura Bitieva, who had lodged a complaint with the Court in May 2000 - No 57953/00 – and whose complaint was declared admissible by the Court on 20 October 2005<sup>22</sup>, and Anzor Pokaev, whose father Sharfudin Sambiev

<sup>18</sup> For more details on these cases and other cases, see Appendix.

<sup>19</sup> See Amnesty International, EUR 46/029/2005, 1 July 2005.

<sup>20</sup> For details on these cases and other cases, see Appendix.

<sup>21</sup> See *Moscow News*, [www.moscownews.com](http://www.moscownews.com).

<sup>22</sup> For details about the circumstances of the killing of Zoura Bitieva and her close relatives, see paragraph 26 of my last report on the human rights situation in Chechnya, 20 September 2004, Doc.10283. This case is still not elucidated.

filed an application in July 2003 - No. 38693/04<sup>23</sup>). It appears that Chechen victims of human rights violations not only have extremely limited access to justice in the Russian Federation, but also that their lives are endangered when they attempt to seek justice through international mechanisms<sup>24</sup>.

28. Since my last report, new allegations of persecution of applicants to the European Court of Human Rights or their family members, including the killing of an applicant, have been brought to my attention. The most shocking case is that of the abduction and subsequent murder of Said-Khusein Magomedovich Elmurzaev. Elmurzaev had filed an application with the Court after the body of his son, Idris, was found on 9 April 2004 at the outskirts of the Serzhen-Yurt village among eight other mutilated bodies. On 2 April 2005, armed men abducted Said-Khusein Magomedovich Elmurzaev and another of his sons Suleiman Sayd-Khuseinovich Elmurzaev from their houses in the village of Duba-Yurt. The perpetrators reportedly wore camouflage uniforms and spoke unaccented Russian. On 8 May 2005, the body of Said-Khusein Magomedovich Elmurzaev was found in the Sunzha River near the settlement (*stanitsa*) of Ilyinska in the Groznenskiy district<sup>25</sup>.

29. Another serious case is that of Aslambek Salmanovich Utsaev, which is one of the applicants in the case *Tovmirzaeva and others v Russia* (No 29133/03) currently pending before the European Court<sup>26</sup>. On 4 July 2004, a large group (around 36) of armed military personnel raided the home of Aslambek Salmanovich Utsaev and allegedly severely beat him. On 30 July 2004, armed men in masks, again not providing any identification or explanation for their presence, entered the home of the Utsaevs and, without saying anything, and beat Aslambek Utsaev again, on the head, face and torso<sup>27</sup>.

30. The "disappearance" of *Yakub Magomadov*, whose family had lodged a complaint with the Court in 2001 and had received threats on a number of occasions, as well as pressure and death threats against *Zalina Medova*, another applicant to the European Court of Human Rights, have also been reported<sup>28</sup>.

31. These serious crimes which have been committed against applicants and family members of applicants to the European Court of Human Rights have not yet been elucidated<sup>29</sup>. Such acts are totally unacceptable, and must be a clear priority for law enforcement authorities to investigate, as they may deter applications to the European Court of Human Rights, which is the centrepiece of the human rights protection mechanism established by the European Convention on Human Rights. I am therefore pleased that our colleague Christos Pourgourides, in the report that he is preparing on the member states' duty to cooperate with the European Court of Human Rights, will cover cases of reprisals against applicants to the Court and their families. In my view, it is a clear failure to co-operate with the Court if a member country does not ensure the safety of applicants from reprisals.

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<sup>23</sup> According to Amnesty International, on 10 April 2004 24-year-old Anzor Pokaev, whose father Sharfudin Sambiev and nine other people from Starye Atagi filed an application in July 2003 with the European Court of Human rights, disappeared. His body was found about 10 kilometres from Starye Atagi the next morning with multiple gunshot wounds.

<sup>24</sup> A report of the International Helsinki Federation, released on 15 September 2004, mentions that some of the organisations that represent applicants from Chechnya before the ECHR, namely Memorial, European Human Rights Advocacy Centre, and Chechnya Justice Initiative, have reported incidents aimed at some of their clients. In letters to the ECHR they mention 13 cases, with a total of 29 counts of abuse, in which different applicants have been persecuted in connection with their search for justice. All in all, the cases of persecution of ECHR applicants include both verbal and written threats, sometimes against other family members. In one case an applicant lost his job. In two cases, soldiers illegally searched an applicant's house. At least one of the applicants was robbed. In four cases, applicants were beaten. In one case, the applicant went into hiding. In at least two cases the applicants are considering withdrawing their applications to the courts. Two formally withdrew their applications. Federal forces are believed to be involved in all of these cases. The organisations representing the applicants claim that notifications about incidents from the ECHR to the Russian authorities have had a positive effect in some cases, easing the pressure on individual applicants and their families.

<sup>25</sup> Memorial, 25 May 2005.

<sup>26</sup> This case concerns the illegal detention and enforced "disappearance" by federal forces of four residents of Novye Atagi on 2 June 2002, including Aslambek Utsaev's son, Islam Aslambekovich Utsaev.

<sup>27</sup> Amnesty International, EUR 46/059/2004, 12 November 2004.

<sup>28</sup> See Appendix.

<sup>29</sup> Since my previous report, there has been no progress in the investigation of the *Imakaev* case. *Said-Magomed Imakayev*, who had lodged a complaint to the Court in February 2002 and was detained after a raid by men in uniform in June 2002, has not been seen since. His wife, Marzet Imakayeva, obtained political asylum in the United States. The Court declared the application admissible on 20 January 2005.

#### 2.2.4. Harassment of human rights defenders

32. Russian and international NGOs have reported a worrying trend of Russian and Chechen authorities deliberately targeting human rights defenders, activists and independent journalists criticising human rights violations in the Chechen Republic, and in some cases subjecting them to severe harassment and even enforced disappearance<sup>30</sup>.

33. During the past months, the *Russian-Chechen Friendship Society* (RCFS), laureate of the 2004 Recognition Award of the International Helsinki Federation, which provides independent information about the human rights situation in Chechnya and other parts of the North Caucasus and defends victims of violations, has become the target of a campaign of harassment by the authorities, which simultaneously initiated a series of criminal and administrative procedures against the RCFS.

34. First, the tax inspectorate of Nizhegorodski district (where the RCFS is based) claimed on 15 August 2005 that the RCFS had violated the Tax Code and that they owed profit tax for grants to implement specific human rights projects in the period from 2002 to 2004 from their foreign donors<sup>31</sup>. The total amount of the claims, including fines, is more than one million Rubles (around € 28.200). In addition, a criminal case was commenced on 2 September for tax evasion. This fiscal harassment threatens the continuation of the RCFS's activities. The RCFS has filed a complaint against the federal tax inspection office in the region of Nizhniy Novgorod who allegedly began a series of unauthorized withdrawals from their bank account on 26 August 2005.

35. Second, on 2 September 2005 the head of the RCFS and chief editor of the "Pravozashshita" ("Human Rights Defence") newspaper, Stas Dmitrievsky, was officially charged by the Prosecutor's Office of the Nizhny Novgorod Region under § 2b of Article 282 of the Russian Criminal Code ("inciting hatred or enmity on the basis of ethnicity and religion"), for having allowed the (re-) printing of two articles on the Chechen conflict in March and April 2004, Aslan Maskhadov's open letter to the European Parliament and Akhmed Zakaev's appeal to the people of Russia. On 15 November British human rights expert Professor Bill Bowring, who was scheduled to monitor the trial of Stas Dmitrievsky, was refused entry to the Russian Federation without explanation<sup>32</sup>. If convicted in this criminal case, Stas Dmitrievsky faces up to 5 years imprisonment<sup>33</sup>.

36. Finally, in late September 2005 the Russian Ministry of Justice held a hearing to nullify the registration of the RCFS on the ground that by law it cannot use "Russian" in its name. This case had begun in April 2005, when the Federal Registration Service under the Ministry of Justice had initiated a court case against the RCFS because of its failure to provide the required documents (documents, which had just been confiscated by the Tax Inspectorate). On 14 November 2005, the judge refused the Ministry of Justice in its civil action to liquidate the RCFS<sup>34</sup>.

<sup>30</sup> According to a report of the International Helsinki Federation, released in October 2004, 13 human rights activists were killed and 141 were persecuted in Chechnya during the past four years.

<sup>31</sup> The money which is treated as if it would be profit was for projects with the National Endowment for Democracy (under the US State Department), the European Commission and the Norwegian Helsinki Committee. All three projects are clear cut human rights projects without any part which could be seen as profit. In addition, the USA and the European Union reportedly have bilateral agreements with the Russian Federation that such grants are not taxed.

<sup>32</sup> Upon arrival at Moscow's Sheremetyevo Airport, Professor Bowring was questioned by the FSB for more than four hours during which time his passport was withheld, and finally refused entry despite the fact that all his papers were reportedly in order and he had a valid Russian visa. A representative of the Ombudspersons Office of the Russian Federation, who called authorities at the airport, was told that the Russian Federation has full discretion over whom to admit. (See *Joint Statement by the Moscow Helsinki Group and the International Helsinki Federation for Human Rights*, "British Lawyer Barred From Entering Russia to monitor trial of the Russian-Chechen Friendship Society in Nizhny Novgorod", 15 November 2005).

<sup>33</sup> In such a case, Amnesty International has stated that it would consider Stas Dmitrievsky to be a prisoner of conscience, because the two articles published do not contain any incitement to hatred or enmity or any form of violence, but calls for a peaceful settlement of the conflict. (See *Amnesty International Public Statement* "Executive Director of Russian-Chechen Friendship Society, Stanislav Dmitrievskii, possible prisoner of conscience", 15 November 2005).

<sup>34</sup> As this decision was not appealed by the Justice Ministry within the 10 days period, in which this would have been possible, the judgment is final. See International Helsinki Federation, "Legal Harassment Against the Russian-Chechen Friendship Society. An Update", 29 November 2005.

37. These coordinated efforts by the Russian authorities to close down the RCFS seem to be politically motivated. As a result, the continuity of the RCFS's important human rights work is seriously put into question, and the members of the organisation feel personally endangered because of ongoing harassment, in particular through the media. Several members of the RCFS have in fact been persecuted or even killed during the past years<sup>35</sup>.

38. Another NGO under pressure by the Russian authorities is the Ingushetia-based *Chechen Committee for National Salvation (CCNS)*, which, like the RCFS, monitors and reports on the situation in the North Caucasus. The CCNS is facing closure based on accusations of distributing "extremist materials", namely several press releases reporting "disappearances" and torture of Chechen civilians by Russian security forces. While the Nazran District Court found in favour of the organisation on 25 October 2004, the Supreme Court of the Republic of Ingushetia overturned this decision on 10 February 2005, ordering the Nazran District Court to re-examine the case. Court proceedings resumed in May 2005 and were ongoing as of this writing. Separately, in January 2005, a lawyer working for the CCNS was detained by unnamed armed men in Grozny and "disappeared"; he returned home three weeks later.

39. Another very recent case of particular concern is that of Osman Boliev, a Chechen human rights activist living in Daghestan that was brought to my attention by a trusted Moscow lawyer, Karinna Moskalenko, who knows Mr Boliev very well. On 15 November 2005, in the city of Khasav-lurt, Daghestan, Osman Boliev was arrested by police on false charges (the police said they found a grenade in his car), and is still being detained incommunicado. Osman Boliev is the president of the human rights organisation "Romashka". In close contact with Mrs Moskalenko's International Protection Center in Moscow, he has initiated several cases before the European Court of Human Rights, one of which – *Israilov v Russia* – was granted priority status. Mr Boliev's lawyer Akhmad Umaev has not been allowed to meet his client in detention. According to the information available through relatives it would appear that he was tortured in order to give self-incriminating evidence. An urgent request for interim measures was presented before the European Court of Human Rights on 21 November 2005.

40. The campaign of the Russian authorities against NGO's and human rights defenders working on the conflict in the Chechen Republic seems to be part of a more general threatening freedom of expression and of association in the Russian Federation. In this context, the new legislation passed by the State Duma in a first reading on 23 November<sup>36</sup>, which provides for strict regulations on registration of NGO's and tight control over their activities, are a particular source of concern<sup>37</sup>. Russian NGO's have expressed their fear that the proposed changes might be a pretext to crack down on any organisation that criticise the authorities. Foreign-based NGOs such as Amnesty International, Greenpeace etc. fear that they will be forced to close down their representative offices in the Russian Federation.<sup>38</sup>

### 2.3. *Spread of the climate of impunity to territories adjacent to the Chechen Republic*

41. Human rights violations of the type prevalent in the Chechen Republic have unfortunately spilled over into the neighbouring Ingushetia and subsequently into other republics in the Northern Caucasus.

42. NGO's have documented a large number of human rights abuses, abductions and torture, that have taken place in *Ingushetia*. In my last report, I gave an account of the disappearance of Mr Ozdoev, a prosecutor who disappeared after blowing the whistle in Moscow on alleged illegal activities of the local FSB office. His father, a retired senior judge, whom I met in Nazran last year, had given me an account of the evidence he had himself collected. The President of Ingushetia, whom I met shortly thereafter, assured me solemnly that he took the evidence provided by Mr Ozdoev senior very seriously and pledged to elucidate the disappearance of his son. Unfortunately, he has still not succeeded, and the illicit acts that this courageous public prosecutor had tried to stop are apparently

<sup>35</sup> For more details on these cases, see Amnesty International report "Russian Federation: The Risk of Speaking Out. Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya", 12 November 2004.

<sup>36</sup> See *The Moscow Times*, 24/11/2005.

<sup>37</sup> If the amendments are passed, NGOs will have to gain approval from a special state commission within a year in order to be able to pursue their activities. The proposed changes are officially aimed at curtailing money laundering by NGOs, and enabling the authorities to step up their fight against terrorism and extremism on Russian territory.

<sup>38</sup> They would have to reregister as a financially independent Russian structure - a status many NGO's fear they might have difficulties obtaining in practice.

still going on. A recent case is the abduction of three men from a building site in Nazran : on 29 September 2005, Ilez Khamkhoev, Magomed-Ali Barakhoev and Ruslan Yandiev were kidnapped by a group of unknown armed people in masks and camouflage, who did not show any IDs but seemed to be from the police (*militia*), and who took away the three men in an unknown direction<sup>39</sup>. Another example is that of Bashir Velkhiev and Bekkhan Velkhiev, both of whom were reportedly unlawfully detained on 20 July 2004 by seven unknown representatives of the RF Ministry of Internal Affairs and servicemen of the Department against Organized Crime of the Ingushetia Ministry of Internal Affairs (UBOP). In the UBOP building, the two men were severely beaten and tortured with electricity. On 21 July Bekkhan was released by an investigator of the Nazran prosecutor's office, who informed him that his brother Bashir had died in the previous night on the premises of the Ingush UBOP<sup>40</sup>.

43. These abuses have sometimes been committed in the course of "special operations" to verify passports in refugee camps. A prominent example is that of the IDP camp "Konservny Zavod" in Ordzhonikidzevskaya. On 2 August 2004, one hundred to one hundred fifty persons reportedly penetrated into the camp and without presenting any kind of authorisation began to examine the passports of the camp's inhabitants. Nearly all of them wore masks, behaved very rudely, insulted women and children and forced several camp inhabitants to lie down on the ground, face down. During the operation seven persons were detained. The same evening, three of them were released, while the others were brought to the regional administration of the FSB in Magas. There, two brothers (Muslim and Adlan Khatchukaev) were severely beaten and tortured with electric shocks. When they were released, they were warned that they would be killed in case they tell what did happen to them and how they were treated. The torturers wanted them to admit their participation in the armed raids on Ingushetia on 21-22 June. Another detainee, Umalat Israilov, brutally beaten and tortured, was thrown into the trunk of a car and taken to a dump near Ordzhonikidzevskaya. The whereabouts of the eighth person, Sultan Khatuev, still remain unknown<sup>41</sup>.

44. Another worrying trend is that of abductions in Ingushetia of persons who are then taken away and detained in the Chechen Republic, sometimes in unofficial places. Very recently, on 20 October 2005, in the village of Trotskoye (Sunzhenski district), unknown armed men wearing masks and camouflage uniforms who introduced themselves as employees of the Chechen Ministry of Internal Affairs abducted *Omar Khalrokhmanovitch Atuev*. His wife and his sister-in-law were later informed by an acquaintance that, in the first days after his abduction, Omar would have been detained in the camp of the 7<sup>th</sup> company of the 2<sup>nd</sup> regiment named after Akhmad-Khadji Kadyrov in the town of Atchkhoy-Martan in Chechnya, which is not a legal place of detention. From there, he would have been taken away in an unknown direction. Omar's relatives have not heard from him since then. Omar Atuev is the representative for the Northern Caucasus of the Russian State Duma member Viktor Cherepkov, who does not exclude that the abduction was carried out by the "Kadyrovtsy". Omar Atuev is widely respected in the Chechen Republic because of his efforts to find a peaceful settlement of the conflict and his refusal to join forces with either Maskhadov or Kadyrov. On 7 November 2005 the Sunzha district state prosecutor's office opened investigations into this case<sup>42</sup>.

45. In addition to Ingushetia, following the tragic terrorist attack on the school in Beslan on 1 September 2004 and the raid on Nalchik on 13 October 2005, Northern Ossetia and Kabardino-Balkaria also became the scene of human rights violations committed with impunity. For one year a growing number of abuses in these two republics has been reported.

46. On 1 April 2005, in the *North Ossetian* village of Malgobek, members of an "unidentified armed structure" abducted Hassan Egiev, who was then in custody in a detention facility in Vladikavkaz (North Ossetia). During the interrogation, he was ill-treated and tortured : he was tied upside down to the ceiling, beaten with a bottle on his head, and had needles driven under his nails. Under torture, Hassan signed a paper confessing of having found a grenade 'which someone had put into his pocket when he had been arrested). Hassan's lawyer described his state of health as appalling: his face and body were covered with bruises and he could hardly move because of the beatings on his feet and other severe injuries. The lawyer filed a complaint with the Deputy Prosecutor General of the Russian Federation, the head of the Prosecutor General's Department for the Northern Caucasus, and the Prosecutor of North Ossetia<sup>43</sup>.

<sup>39</sup> See International Helsinki Federation, Open Letter of 10 November 2005.

<sup>40</sup> See International Helsinki Federation, "Ingushetia/ North Ossetia/ Kabardino Balkaria : The Spread of Chechnya-type Human Rights violations", 2 June 2005.

<sup>41</sup> Ibid.

<sup>42</sup> For other cases of human rights abuses in Ingushetia, see Appendix.

<sup>43</sup> For other cases of human rights abuses in North Ossetia, see International Helsinki Federation, "Ingushetia/ North Ossetia/ Kabardino Balkaria : The Spread of Chechnya-type Human Rights violations", 2 June 2005.

47. Following the raid carried out by armed militants in Nalchik in October 2005, cases of illegal detention and ill-treatments have also been reported in *Kabardino-Balkaria*. Human Rights Watch recently accused Russian security forces of using ill-treatment to coerce confessions from suspects detained over the October raid, and stated it has collected evidence that at least eight detainees were subjected to ill-treatment which, in some cases, “may amount to torture”<sup>44</sup>. HRW singled out the case of Rasul Kudaev, a former Guantanamo Bay prisoner, who was arrested ten days after the Nalchik attacks. Kudaev’s lawyer told Human Rights Watch that her client was severely beaten in detention and could not walk without assistance when she saw him on 26 October. Moreover, lawyers for at least five of the ill-treated detainees told Human Rights Watch that the officials who are investigating the October 13 attacks had illegally barred them from representing their clients<sup>45</sup>. The Human Rights Center of Kabardino-Balkaria, local branch of the important NGO “All Russia Movement for Human Rights”, also accused the police of numerous cases of illegal detention and torture<sup>46</sup>. Lawyer Larissa Dorogova, for her part, listed several suspicious deaths of suspects who were questioned by the UBOP in Nalchik, such as that of Zaur Psanoukov, summoned for interrogation and dead officially “after having fallen down from the third floor” of the UBOP building – whose windows are reportedly secured by iron bars. Several cases have been submitted to the European Court of Human Rights<sup>47</sup>.

48. Spreading human rights violations and the impunity of members of the security forces for their lawless actions must not only be condemned as a matter of principle, but they are also counter-productive from the perspective of our Russian friends: they contribute to the further deterioration of the security situation in the entire Northern Caucasus region. I share the analysis of the member of the State Duma Anatoly Yermolin, who recently likened the harsh reaction of the authorities to “trying to stop the fire in the Caucasus by pouring fuel on it”<sup>48</sup>.

### **3. THE COMMITTEE OF MINISTERS’ RESPONSIBILITY VIS-À-VIS THE ASSEMBLY’S CONCERNS**

49. Since the beginning of the second Chechen conflict in 1999, the Assembly has adopted a series of recommendations aimed at improving the human rights situation on the spot. Through these recommendations the Assembly has urged the Committee of Ministers to address the problem of human rights violations in Chechnya in a manner commensurate with the gravity of the abuses in the region, in order to put an end to the most serious human rights crisis in a member state at the present time. However, the successive replies of the Committee of Ministers have been all the more disappointing as in the meantime the situation in the Chechen Republic has not improved significantly. These answers – or their absence, particularly with regard to the Assembly’s most significant requests – seem to indicate that the Committee of Ministers has not taken all the necessary measures within its statutory powers in view of the continuing massive human rights violations in Chechnya, and has not fulfilled its responsibilities *vis-à-vis* the Assembly’s concerns.

#### *3.1. The Assembly’s recommendations and the Committee of Ministers’ responses with regard to the human rights situation in Chechnya*

50. During the past six years, the Parliamentary Assembly has regularly expressed its deep concerns about the serious and persistent human rights violations in the Chechen Republic, and has requested the Committee of Ministers to take effective action to remedy the disastrous situation there. First, the Assembly urged the Committee of Ministers to take an active role in putting an end to the climate of impunity which perpetuates and encourages new violations of human rights. In this respect, the Assembly proposed to consider the setting-up of an international tribunal for Chechnya, and called upon the Committee of Ministers to request that the Russian law on terrorism be amended to comply with the Council of Europe standards. Second, the Assembly urged the Committee of Ministers to ensure a continued presence of Council of Europe experts in Chechnya and to monitor the human rights situation there. Finally, the Assembly decided to seize the Council’s executive organ by virtue of its own 1994 Declaration on compliance with commitments.

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<sup>44</sup> See Human Rights Watch, “Russia: Suspects in Caucasus Attack Ill-Treated”, 18 November 2005.

<sup>45</sup> Ibid.

<sup>46</sup> See, in this connection, All-Russian Movement “For Human Rights”, “Chronicle of political persecution in present day Russia”, Issue N°41, 10 November 2005, p.30 to 34.

<sup>47</sup> See AFP, 08/11/2005.

<sup>48</sup> Newsweek 28 November 2005



### 3.1.1. Taking an active role in putting an end to the climate of impunity

51. In its Recommendation 1498 (2001), the Assembly recommended “that the Committee of Ministers take an active role in ensuring that the Russian authorities – without further delay – hold accountable all those who have severely violated human rights in the Chechen Republic, regardless of their position or nationality”. In Recommendation 1548 (2002), the Assembly also urged the Committee of Ministers to “encourage the Russian authorities to take the necessary measures to ensure that the rights guaranteed by the European Convention on Human Rights are fully respected in the Chechen Republic, and that all those who violate these rights are brought to account without further delay”.

52. Although the Committee of Ministers agreed, in its Reply to Recommendation 1498, that “a more effective follow-up should be given to the applications concerning alleged crimes and human rights violations”, the replies to Recommendations 1498 and 1548 do not provide any indication that a clear message about the intolerable character of the situation was addressed to the Russian side, or that any action was undertaken to ensure that the Assembly’s recommendations are effectively implemented and that Russia effectively bring to justice those responsible for human rights abuses.

53. In 2003 the insufficient progress in prosecuting perpetrators of human rights violations led the Assembly to deplore the “failure of both the Russian authorities and the Council of Europe to improve the human rights situation in Chechnya” (Recommendation 1600 (2003)). Nevertheless the Assembly continued to request the Committee of Ministers to “urge the Government of the Russian Federation to fully comply with the recommendations addressed to it in paragraphs 9 and 10 of Resolution 1323” which stress, in particular, the necessity that “all those suspected of committing abuses be thoroughly investigated and, if found guilty, severely punished in accordance with the law, regardless of their rank and position”.

54. The Committee of Ministers stated in its reply to Recommendation 1600, adopted on 28 May 2003, that regular discussions had taken place, since June 2000, in the Deputies on the basis of reports by the Secretary General on the work of Council of Europe experts present in Chechnya under the agenda item “Contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya”. Whilst the reply indicated that relevant recommendations by the Assembly were being taken into account during these discussions, a formal decision to urge the Government of the Russian Federation to comply with the above-mentioned specific recommendations of the Assembly was never taken.

55. Considering that the dramatic human rights situation in the Chechen Republic had still not improved significantly, the Assembly stated, during the autumn part-session of 2004, that its conclusions drawn in Resolution 1323 and Recommendation 1600 remained valid : “a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and federal law enforcement authorities are still either unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations”. The Assembly therefore reiterated all the recommendations addressed to the Committee of Ministers in Recommendation 1600 (2003), and invited it in particular to “urge the Government of the Russian Federation to take additional measures to eliminate the climate of impunity in the Chechen Republic by vigorously investigating and prosecuting all abuses, whatever the identity of the perpetrators” (Recommendation 1679 (2004)).

56. In its reply of January 2005, the Committee of Ministers recognized that the human rights situation in Chechnya “remains a cause of deep concern”. However, no specific step by the Committee of Ministers towards the improvement of this situation can be found in the reply<sup>49</sup>. The Committee of Ministers did not react to the Assembly’s recommendation “to establish concrete benchmarks in order to measure the progress made towards meeting the recommendations in Resolution 1403(2004) as well as a timetable for their implementation”.

### 3.1.2. Proposal to set-up an international tribunal for Chechnya

57. In Recommendation 1600 the Assembly recommended that the Committee of Ministers “consider proposing to the international community the setting up of an *ad hoc* tribunal to try war crimes and crimes against humanity committed in the Chechen Republic” if the climate of impunity

<sup>49</sup> The only concrete measure mentioned in the reply is the appointment of a provisional Human Rights Ombudsman of the Chechen Republic. However, this positive step is the result of an initiative taken by the Commissioner for Human Rights of the Council of Europe, and not by the Committee of Ministers.

should continue to prevail. I would like to stress here that the idea of an international tribunal for Chechnya was raised primarily in order to give a warning signal about the gravity of human rights abuses and to incite the Committee of Ministers and the Russian authorities to react. It was a very last resort to get the Committee of Ministers to send a clear signal to the Russian authorities, so that the latter demonstrate their own willingness and ability to identify and punish those responsible for human rights violations in Chechnya.

58. However the Committee of Ministers made no reference to this point in its reply, and later recognized that it had not taken a position on this specific proposal of the Assembly in its reply to a written question from Mr Sergey Kovalev in June 2003.

### *3.1.3. Examination of the Russian law on terrorism and requirement for Russia to amend the text to comply with the Council of Europe standards*

59. In its Recommendation 1498 (2001), the Assembly suggested that the Committee of Ministers commission legal experts to examine the compliance of the 1998 Russian law on terrorism with the European Convention on Human Rights and to make specific recommendations to amend it.

60. The Committee of Ministers initially responded positively to this request, and in December 2002 the experts presented their conclusions and recommendations. This positive action is worth being emphasised, as it was one of the two concrete measures (with the Council's experts presence in Chechnya) taken by the Committee of Ministers in response to the Assembly's recommendations on the human rights situation in Chechnya. In their report, the experts stressed the need for the Russian law to clarify certain aspects, particularly in respect of the powers, the limits and the responsibilities of persons who conduct counter-terrorist measures. These questions are crucial in order to avoid creating an impression of impunity for servicemen taking part in anti-terrorist operations.

61. In January 2003 the Assembly requested that the Russian law on terrorism be amended to reflect the experts' recommendations to ensure the law's conformity with Council of Europe standards (Resolution 1315 (2003)), called upon the Committee of Ministers to bring its Resolution to the attention of the Russian Government and to insist on its expeditious implementation (Recommendation 1593 (2003)).

62. However, no follow-up was given to the experts' recommendations - although such a follow-up was essential in view of the situation on the spot - and the Committee of Ministers has to-date not put this question on its agenda. This is most worrying, in particular as the final amendments proposed in the State Duma appear to expand, rather than better control, the freedom of action of federal servicemen<sup>50</sup>.

### *3.1.4. Ensuring a continued presence of Council of Europe experts in Chechnya*

63. In its Recommendation 1444 of January 2000 the Assembly urged the Committee of Ministers "to take rapidly, in close co-operation with the Russian authorities, the necessary measures to ensure a Council of Europe presence in the region".

64. In their reply of March 2000, the Deputies informed the Assembly that they had decided to provide consultative expertise to the "Office of the Special Representative of the President of the Russian Federation for ensuring human rights and freedoms in the Chechen Republic of the Russian Federation" in the form of Council of Europe staff posted on the spot.

65. The continued presence of these experts from June 2000 to April 2003 was a positive step towards the improvement of the human rights situation in Chechnya. They helped monitor the human rights situation in the region and assisted in the registration of complaints from the population. But their mandate seems to have been inadequate in view of the gravity of the situation, given the scale of abuses and the considerable efforts needed to eliminate the climate of impunity in the Chechen

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<sup>50</sup> For instance, during a State Duma's hearing in November 2004, the Russian Federation Prosecutor General Mr Ustinov suggested that "detaining terrorists' relatives during a terror attack would certainly help us save people", and urged parliament to consider the issue as they revise the law on terrorism. In response, Duma speaker Boris Gryzlov said Russia's parliament is prepared to consider an amendment to the existing law on terrorism to allow the possibility of federal forces taking hostages in the case of a terrorist attack. *Moscow News*, [www.moscownews.com](http://www.moscownews.com).

Republic. In its Recommendation 1600 (2003) the Assembly therefore recommended that the Committee of Ministers “take all possible measures to increase the effectiveness of the current mandate of the Council of Europe experts as regards their possibility of influencing the human rights situation”. No specific action was taken by the Deputies in this respect.

66. In its reply, adopted in May 2003, the Committee of Ministers emphasized the importance of the continued presence of Council of Europe staff in the Chechen Republic since June 2000. However, the Council’s experts attached to the Office of the Special Representative for Human Rights were withdrawn for security reasons in late April 2003, after a bomb explosion near the Office in Grozny on 21 April 2003, when the convoy of the experts was passing. In its Reply of May 2003, the Committee of Ministers indicated that “the recent terrorist attacks and the incident involving *inter alia* the Council of Europe experts may have an impact on the continued presence of the experts in the immediate future”. Nevertheless the Committee of Ministers initially seemed to consider that the withdrawal of the experts should be only temporary, since it “expect[ed] the prolongation of the mandate for a period of six months” so that the Organization could “continue its work in the Chechen Republic”. But the experts were unable to return to Chechnya until the end of 2003, by which time a new agreement was reached between the Russian Federation and the Council of Europe. According to this agreement, the “permanent presence” of Council of Europe experts is replaced by their involvement”, at the request of the Russian side, in the implementation of concrete tasks within the framework of the agreed program of co-operation in Chechnya. Although this new program, quite modest in its approach, seems to cover some of the priorities set by the Assembly, it is regrettable that a permanent presence of Council of Europe experts in Chechnya is no longer foreseen, even if the actual scope of tasks they could undertake would have been limited in view of the precarious security situation and their narrowly-defined mandate.

67. Moreover, the Committee of Ministers should urge the Russian authorities to furnish more explanations concerning the bomb explosion which had occurred near the convoy of the experts in April 2003. On 23 September 2003 the Secretary General was informed by the Special Representative of the Russian President for human rights in Chechnya that during the investigation of this criminal case, it was ascertained that the crime had been committed against the representatives of the federal forces, and not against Council of Europe experts and that further investigations were being carried out (see SG/Inf(2003)). Until now, the perpetrators have yet to be identified, and the question of the responsibility for this act is still open. Although this event was still defined as a simple “incident”, it seems to have been perceived as a rather serious warning addressed to the Council of Europe experts<sup>51</sup>. This event must be fully investigated since it put an end to the continued presence of the Council of Europe in the Chechen Republic.

### 3.1.5. *Monitoring the human rights situation in Chechnya*

68. In its recommendations on Chechnya, the Assembly has regularly urged the Committee of Ministers to continue to monitor action taken by the Russian Federation in order for the country to fulfil its obligations both as a signatory of the ECHR and in response to the Assembly’s recommendations and resolutions.

69. In most of its replies, the Committee of Ministers has referred to its regular discussions under the agenda item “contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya”. These discussions were based, in particular, on information contained in the monthly interim reports by the Secretary General on the work of the Council of Europe experts present in Chechnya, but also in the addenda provided by the Monitoring Department of the Directorate of Strategic Planning in Strasbourg, which were made available to the Parliamentary Assembly and were an important source of information.

70. I would like to recall here the origin of the periodic reports on Chechnya, which the Secretary General has presented to the Committee of Ministers for four years. In December 1999, by virtue of Article 52 of the ECHR, the Secretary General invited the Russian Federation “to furnish, in the light of the case-law of the European Court of Human Rights, explanations concerning the manner in which the Convention [was] implemented in Chechnya, and the risk of violation which [might] result therefrom”. In May 2000, the Secretary General indicated that he did not consider the replies provided by the Russian authorities as satisfactory explanations for the purposes of Article 52 of the Convention. In June 2000, he issued a report by a team of independent experts who found that the

<sup>51</sup> See, in this connection, M. Henry’s book *Tchéchénie : la réaction du Conseil de l’Europe face à la Russie* (2004), at p. 118-119.

“replies given were not adequate” and that “the Russian Federation has failed in its legal obligations as a Contracting State under Article 52 of the Convention”. On the same day, in a letter to the Chairman of the Ministers’ Deputies, the Secretary General considered it as his duty, in particular in the light of the findings of the experts, to seize the Committee of Ministers of this matter by virtue of paragraph 1 of the Committee of Ministers’ 1994 Declaration on compliance with commitments accepted by member states of the Council of Europe.

71. After the seizure by the Secretary General, the Committee of Ministers decided in October 2000 that “the Secretary General would, in the context of [the discussions under the item ‘contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya’], provide the Deputies with additional relevant information”, and further noted “that this decision is without prejudice to the continued validity of the 1994 Declaration on compliance with commitments”.

72. However, since April 2003, and as a direct consequence of the withdrawal of the experts, no more reports based on information collected on the spot have been presented by the Secretary General to the Committee of Ministers. Until July 2004, the Secretary General nevertheless continued to present reports containing an overview of the human rights situation in Chechnya. And what is particularly strange, is the fact that the last such report (SG/Inf(2004)18), issued on 20 July 2004, was never put on the agenda of the Ministers’ Deputies. Moreover, despite the Committee of Ministers reply to the Assembly that it continues regular discussions on the subject (Reply to Recommendation 1600 (2003)), this type of discussion does not seem to take place any more. The Deputies have not discussed Chechnya under the item “contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya” since the Spring of 2004.

73. In October 2004, in view of the gravity of the human rights situation in the Chechen Republic, the Parliamentary Assembly recommended to the Committee of Ministers “to ensure that the discussion and debate of the human rights crisis in the North Caucasus region of the Russian Federation remain a regular item on [its] agenda, and to ensure that such discussions cover reports and the follow-up of the implementation of [its] own recommendations as well as recommendations made by all other bodies of the Council of Europe”, in particular the Secretary General (Recommendation 1679 (2004)). Although the Deputies maintain in their reply of January 2005 that they “will naturally continue to follow developments of the situation”, the reply focuses on reviewing the implementation of co-operation activities, and not on monitoring the human rights situation in Chechnya. Moreover, the only discussions on the human rights situation in Chechnya in the Committee of Ministers since the Spring of 2004 have been held : 1) in the context of its replies to the Assembly’s recommendations of October 2004 and June 2005; 2) on the occasion of two exchanges of views, one with the Commissioner for Human Rights of the Russian Federation, Mr Lukin, and the Commissioner for Human Rights of the Chechen Republic, Mr Khasuev, on 14 January 2005, and the other with Mr Lukin and the President of the Chechen Republic, Mr Alkhanov, on 26 October 2005; 3) the human rights situation in Chechnya was also discussed when the Commissioner for Human Rights, Mr Alvaro Gil-Robles, provided the Committee of Ministers with information on his visits to the Russian Federation (7-10 February 2005 and 19-29 September 2004.)

74. The issue of a regular monitoring of the human rights situation in Chechnya was raised by my colleague Mr Jurgens in a question to the Chairperson of the Committee of Ministers during the PACE session in April 2005. In its response, the Committee of Ministers indicated that “when he took up its functions, the Secretary General, Mr Terry Davis, proposed to pursue this regular reporting [by the Secretary General on Chechnya]. He introduced a proposal to this effect in the draft 2005 Programme of Activities. However, this proposal was not adopted due to a lack of consensus in the Committee of Ministers”.

75. In its Recommendation 1710 (2005) on “Honouring of obligations and commitments by the Russian Federation”, the Assembly again requested the Committee of Ministers to “ensure that the discussion of the human rights crisis in and around Chechnya remains a regular item on [its] agenda and, in particular, ensure that monitoring of the human rights situation [...] continues, *inter alia*, under the auspices of the Secretary General, and that the results of such monitoring are published”. No response to this recommendation has been received so far.

3.1.6. *No “specific action” after the Assembly’s seizure of the Committee of Ministers by virtue of the 1994 Declaration on compliance with commitments*

76. In its Recommendation 1600 (2003), the Assembly seized the executive organ of the Council of Europe by virtue of paragraph 1 of the 1994 Declaration on compliance with commitments, with respect to the absence of significant improvement of the human rights situation in the Chechen Republic.

77. However, in its reply of May 2003 the Committee of Ministers did not make any express reference to this point and did not enter into a substantial assessment of possible measures in response to the Assembly’s petition. The seizure was simply ignored!

78. In addition, the Assembly requested, in its Recommendation 1600(2003), that the Committee of Ministers take specific action by virtue of paragraph 4 of the above-mentioned Declaration by “instruct[ing] the Secretary General to make contacts, collect information and furnish advice on the human rights situation in the Chechen Republic”.

79. Again, no reference to this point can be found in the Deputies’ reply. The Committee of Ministers has totally ignored this significant request by the Assembly.

3.2. *Assessment of the Committee of Ministers’ responses: a lack of effective reaction which threatens the credibility of the Council of Europe*

80. In view of the gravity of the human rights situation and the absence of significant progress in Chechnya, I am very disappointed by the unsatisfactory responses of the Committee of Ministers. The Organisation’s executive organ has simply not fulfilled its responsibilities *vis-à-vis* the Assembly, the Russian Federation and the international community as a whole. This can endanger the Organisation’s credibility as a human rights “watchdog”.

3.2.1. *Committee of Ministers abandoning its responsibilities vis-à-vis the Assembly?*

81. The Committee of Ministers has not taken or considered seriously the Assembly’s recommendations on Chechnya. Most of these recommendations have remained a dead-letter, while the situation on the spot has not improved significantly. It is particularly regrettable that the Committee of Ministers did not react to the Assembly’s recommendation to establish concrete benchmarks in order to measure progress made towards meeting the recommendations in Resolution 1403 (2004), as well as a timetable for their implementation.

82. The follow-up given to the few positive steps taken by the Committee of Ministers in response to the Assembly’s recommendations has been clearly disappointing. The Deputies have not had the courage to insist that Russia amend its law on terrorism in order to meet the Council of Europe standards and to insist on the maintenance of the Organisation’s presence in Chechnya on a permanent basis. These two points have - for the meantime – simply disappeared from the Ministers Deputies’ agenda.

83. Neither has the Committee of Ministers show great courage in bringing its political weight to bear on the Russian authorities to put an end to human rights abuses and the climate of impunity which persist in Chechnya and to even try to implement the Assembly’s recommendations in this respect. This is all the more regrettable as the Committee of Ministers is the Council body, *par excellence*, which has the political ‘weight’ to place Russia under pressure to improve the situation.

84. In addition, one matter above all – in respect of the institutional responsibility the Committee of Ministers has with respect to the Assembly, and *vice versa* - the Committee of Ministers ignored completely, in its Reply to Recommendation 1600, the fact that it had been formally seized by the Assembly by virtue of paragraph 1 of its 1994 Declaration on compliance with commitments. This omission, on the part of the Committee of Ministers, is a most regrettable precedent, given that this was the first time that the Assembly has ever used paragraph 1 of the 1994 Declaration. Such an omission is totally unacceptable since the Assembly used the own mechanism of the Committee of Ministers, which ignored it<sup>52</sup>.

<sup>52</sup> Even in the Committee of Ministers’ draft reply to the Assembly recommendation 1600 (2003), before the amendments proposed by the Russia and Netherlands delegations, no reference was made to the seizure by the Assembly.

85. Similarly, the Committee of Ministers did not react to the Assembly's request to take "specific action" by virtue of paragraph 4 of the above-mentioned Declaration. This omission must be seen in the light of the fact that paragraph 4 has already been used several times before by the Assembly. The Committee of Ministers, quite rightly, saw fit to take specific action under paragraph 4 in other cases (Ukraine, Georgia, Moldova). It is therefore hardly understandable that the Committee of Ministers did not consider it necessary to take such an action in the case of Chechnya, which is clearly at present the most serious human rights crisis in a member state.

86. This lack of consistency, not to say the use of double standards, on the part of the Committee of Ministers is deeply regrettable as the Assembly and the Committee of Ministers share the common objective to improve the human rights situation in Chechnya. By petitioning the Committee of Ministers to use its own monitoring mechanism and thereby demonstrate its own effectiveness, the Assembly has shown its readiness to create synergies with the Council's executive organ. However, the Committee of Ministers seems no longer interested in monitoring the human rights situation in Chechnya within the framework of its Declaration on compliance with commitments or, indeed, within any other framework. It seems that a decision of some kind, explicit or implicit, has been taken by the Committee of Ministers, and by two successive Secretaries General, to stop monitoring the human rights situation in Chechnya, without informing the Assembly. Responsibility for so doing has, in effect, been placed on the European Court of Human Rights<sup>53</sup> the Committee for the Prevention of Torture<sup>54</sup> and, to a lesser extent, the Council's Human Rights Commissioner<sup>55</sup>.

### 3.2.2. Committee of Ministers escaping its responsibilities towards its own commitments

87. With the adoption of its 1994 Declaration on compliance with commitments accepted by member states, the Committee of Ministers had shown its determination to ensure full compliance with these commitments by every member state. However, although the Committee of Ministers has so far not taken any formal decision on the termination of regular reports provided by the Secretary General<sup>56</sup>, it would appear that there exists a divergence of views, within the Committee of Ministers (and perhaps hesitations on the part of the Secretary General himself), as to the duty incumbent upon the Secretary General to provide the Ministers' Deputies with regular reports on the human rights situation in Chechnya subsequent to the Secretary General's seizure of the executive organ on 26 June 2000, by virtue of paragraph 1 of the 1994 Declaration. In particular, the Russian side seems to have even put into question the fact that the Secretary General seized the Committee of Ministers in 2000! Indeed, while the Committee of Ministers' draft reply to the Assembly recommendation 1600 (2003) still mentioned the seizure by the Secretary General in 2000<sup>57</sup>, the final text completely ignored this seizure, after it had been amended by the Russia and Netherlands delegations<sup>58</sup>. This change of

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<sup>53</sup> More than 200 individual complaints from Chechnya have been filed with the Court so far. On 24 February 2005, the Court ruled in three judgments that there had been violations of the right to life and the prohibition of torture as well as the right to an effective remedy and the peaceful enjoyment of possessions in the six cases from the Chechen Republic (*Khashiyev and Akayeva v. Russia; Isayeva, Yusupova and Bazayeva v. Russia; Isayeva v. Russia*).

<sup>54</sup> Seven visits to Chechnya and the North Caucasian region have been carried out by the CPT so far. The last one took place in November 2004. In July 2001 and July 2003, the CPT issued two public statements concerning the Chechen Republic. This was prompted by the Russian authorities' failure to cooperate, in particular with respect to the persisting torture and ill-treatments of prisoners and the climate of impunity in Chechnya. See Public statement of 10 July 2001 [CPT/Inf (2001) 15] and Public statement of 10 July 2003 [CPT/Inf (2003) 33].

<sup>55</sup> See the last report by Mr Alvaro Gil Robles on his visit to the Russian Federation (15 to 30 July 2004 and 19 to 29 September 2004), 20 April 2005, CommDH(2005)2. The issue of applicants' difficulties in being able to seize the European Court of Human Rights, which was not dealt with in this report, merits particular attention. See also, in this connection, paragraph 29 of the present report.

<sup>56</sup> Although it was decided to remove the reference to the 1994 Declaration in the title of Project 2005/DSP/509 (now reading: "Regular reporting on the implementation of Project 2004/DGAP/188 [see CM/Del/Dec(2000)725, item 1.7]"), adopted by the Deputies in December 2004, express reference was maintained, in square brackets, to the Committee of Ministers' decision of October 2000 (CM/Del/Dec(2000)725, item 1.7) about the "Secretary General's referral of a question to the Committee of Ministers by virtue of paragraph 1 of the 1994 Declaration on compliance with commitments". The fact that this reference is maintained in the final version of the Project, as adopted by the Deputies on 15<sup>th</sup> December 2004, is of crucial relevance, since the Secretary General continues to be under the obligation to provide the Committee of Ministers with regular information on the situation in Chechnya.

<sup>57</sup> See CM/AS(2003)Rec1600 prov. 15 April 2003, paragraph 2.

<sup>58</sup> See the amendments proposed by the Netherlands delegation, CM/AS(2003)Rec1600 prov.2 30 April 2003.

attitude, or simply sitting on the fence, seems to indicate that the Committee of Ministers, as the Organisation's executive organ, presently lacks the courage even to assume its responsibilities towards its own commitments.

88. In this regard, it is puzzling as to why the Committee of Ministers decided to remove the reference to its own 1994 Declaration and to "the situation in the Chechen Republic of the Russian Federation" in the Programme of Activities for 2005<sup>59</sup>, while it should be the duty of the Committee of Ministers to help the Russian authorities to comply with their commitments in Chechnya, and to continue monitoring the human rights situation there.

89. The Committee of Ministers seems to justify this attitude by the absence of consensus within the Deputies<sup>60</sup>. However, the rules of the Committee of Ministers envisage that decisions be taken by a two-third majority vote when it appears to be necessary. In the Chechen case, the Committee of Ministers should have clearly voted, in order to take concrete decisions and effective actions to improve the human rights situation in Chechnya. But there appears to exist a "gentlemen's agreement" by which the Committee of Ministers decided not to vote, and to adopt decision only by consensus. Such an agreement, which seems to have been decided when Russia joined the Organisation, is fraught with danger since it can only lead to the paralysis of the Council's executive organ.

90. At their third Summit in Warsaw on 16-17 May 2005, the Heads of State and Government of the Council of Europe decided to continue their efforts "to ensure strict compliance of the commitments made by member states to the common standards to which they have subscribed" and that "Monitoring must, as necessary, be accompanied by Council of Europe assistance and technical support". The way in which the Committee of Ministers deals with Chechnya reduced to the "accompanying" assistance and technical support without monitoring does not seem to be compatible with the Warsaw Action Plan.

91. The effectiveness of the monitoring system is of crucial importance since several states, including the Russian Federation, were allowed to join the Council of Europe on condition that they strictly comply with a series of obligations and commitments taken at the time of their accession. As a member of the Council of Europe, the Russian Federation is obliged to ensure respect of the ECHR, the rule of law and democratic principles on the whole of its territory, including the Chechen Republic. If an effective monitoring of the situation in Chechnya is not carried out now, the Committee of Ministers is likely to face potentially insurmountable difficulties in future, when supervising the execution of judgments of the European Court of Human Rights with regard to Chechnya. And there is a growing number of complaints in this respect.

92. If the Committee of Ministers continues to renege on its responsibilities not only towards the Assembly but also towards its own commitments taken in its 1994 Declaration, the Secretary General really has no alternative but to should take the initiative and put the situation in Chechnya on the agenda of an *in camera* meeting of the Ministers' Deputies by virtue of paragraph 5 of the "Procedure for Implementing the Declaration of November 1994 on Compliance with Commitments accepted by member states of the Council of Europe", adopted by the Committee of Ministers on 20 April 1995. Indeed, this procedure allows any Delegation, or the Secretary General, to put the situation in any member state on the Committee of Ministers' agenda, on the basis of own concerns or with reference to a discussion in the Parliamentary Assembly. Moreover, according to paragraph 10 of this text, "nothing precludes the Ministers' Deputies from taking decisions in accordance with paragraph 4 of the 1994 Declaration, after a question has been on the agenda for a reasonable number of meetings". It is regrettable that this possibility has not yet been used neither by the Secretary General nor by any delegation with regard to the situation in the Chechen Republic.

93. In the meantime, the Secretary General should continue to regularly provide information on the situation in Chechnya to the Committee of Ministers, on the basis of the 1994 Declaration. Indeed, paragraph 2 of the Declaration seems to indicate that the Secretary General is under obligation to "forward the Committee of Ministers" such information as from the moment the executive organ has been seized by virtue of paragraph 1, either by the Secretary General himself or by the Assembly.

<sup>59</sup> See the draft Programme of Activities for 2005, CM(2004)155 Volume II, 20 September 2004, and the Programme of Activities for 2005, CM(2005)14, 31 January 2005.

<sup>60</sup> The absence of consensus can not, nevertheless, justify the absence of regular reports and discussions on the human rights situation in Chechnya in the second half of 2004, since such reports and discussions were foreseen in the Programme of Activities for the whole year 2004.

3.2.3. *Committee of Ministers lack of political determination threatens the Organisation's credibility*

94. The continuing massive human rights violations in the Chechen Republic are by far the most serious human rights issue in any of the Council's member states, and the lack of effective reaction by the Council's executive body seriously begins to threaten the credibility of the whole Organisation.

95. The Governments represented in the Committee of Ministers are obviously not prepared to insist vis-à-vis the Russian authorities on respect for human rights<sup>61</sup>. None of the Council of Europe's member states has as yet taken the decision to lodge an inter-state complaint against Russia before the European Court of Human Rights, in spite of the Assembly's recommendation to this effect. Questions linked to the adoption of the Council's budget seem to play a role in this attitude. However, treating Russia in a different way from other countries having human rights problems is, in my view, a degrading way to approach the Russian people : Russia can and must assume its responsibilities and meet its commitments as a member of the Council of Europe, and it is the duty of the Committee of Ministers to convince its Government of this.

96. The double standards applied by the Committee of Ministers, contingent in part at least on the country's size or resources, are simply not acceptable in view of the ongoing human rights abuses in the Chechen Republic.

97. The Chechen case represents a huge challenge for the Council of Europe. Its executive organ bears the primary responsibility for maintaining the Organisation's credibility by showing determination, courage and consistency in monitoring human rights commitments in all its member states, including its largest one.

98. The upcoming Russian chairmanship of the Committee of Ministers presents both a challenge and an opportunity in this respect, and it is in the interest both of the Council of Europe and of the Russian Federation to use this opportunity in order to put an end to impunity in Chechnya.

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<sup>61</sup> In an article published by *Le Monde* on 30 June 2005 (« Le Conseil de l'Europe dynamité par la Russie »), several diplomats, including Ambassadors, explained that the Governments represented in the Committee of Ministers seem to "fear Russia", and that "nobody dare tell anything" about Chechnya.



## APPENDIX A

### Letter of 12 October 2005 from Mr Rudolf Bindig, Rapporteur, to Mr Vladimir V. Ustinov, Prosecutor General

...

As Rapporteur for the PACE Committee on Legal Affairs and Human Rights on "Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns" (Doc 9970), I am planning to include in my report an update on the development of the human rights situation in the Chechen Republic, and in particular on the progress the authorities have made in fighting impunity of perpetrators of serious human rights violations.

The next report will be my last after many years of serving as PACE's rapporteur on human rights problems in the Chechen Republic. It is my intention, as always, to prepare the factual basis of my report in the most neutral manner, giving the competent authorities ample opportunity to present their views.

In my previous report on the human rights situation in the Chechen Republic (Doc 10283), I had raised a number of individual cases of human rights violations, with respect to some of which your office had already informed me of the state of investigations.

Since the publication of my previous report, in September 2004, a large number of new cases has been brought to my attention by non-governmental human rights organisations.

I would now be most grateful if you could provide me with information on the state of investigations

- i. in the older cases in which your office had informed me two years ago that investigations were still pending, or on which no information was provided at the time (Appendix I);
- ii. in the newer Chechen cases that have been brought to my attention since October 2004 (Appendix II);
- iii. if at all possible, in the newer cases from neighbouring regions related to the Chechen situation (Appendix III).

In addition, in order to provide an objective picture of recent developments, it would be most useful if you could provide me with statistical information

- i. on the number of complaints relating to alleged serious human rights violations (murder, "disappearance", torture, rape) received by the civilian and military prosecutor's offices in the Chechen Republic and in Ingushetia, and
- ii. on criminal cases opened,
- iii. indictments, and
- iv. convictions by courts (ii.- iv. relating to cases as referred to under i.),

presented separately for the year 2004 and for the first part of 2005 (as far as you have data at your disposal).

In order for me to take your information into account for my draft report, I would need to receive it before 21 November 2005. Thank you very much in advance for your co-operation.

...

**APPENDIX I to the letter from Mr Bindig to Mr Ustinov**

**Cases which were communicated to the Prosecutor General's office of the Russian Federation before, in the preparation of the previous report on the human rights situation in the Chechen Republic (Doc 10283, Rapporteur Mr Bindig, October 2004)**

1. Reply of the Russian authorities received (25 May 2004) – please update:

A. *"Pending preliminary inquiry":*

- a) Criminal case **no. 12011** - on mass execution of civilians in the Novye Aldy suburb of Grozny;
- b) Criminal cases **no. 12131, 12038** - on murder of civilians in the Novaya Katayama suburb of Grozny;
- d) Criminal case **no. 21037** - mass grave in the "Zdorovye" dacha estate;
- e) Criminal case **no. 59113** - special operation in the village of Mesker-Yurt;
- f) Criminal case **no. 35002** - abduction and murder of Aslan Davletukayev from the village of Avtury;
- g) Criminal case **no. 37016** - kidnapping of Aset Dombayeva;
- h) Criminal case **no. 22116** - killing of Isa Magomedovich Musayev in the village of Avtury in the Shali district;
- i) Criminal case **no. 32025** - kidnapping and murder of 8 residents of the village of Duba-Yurt of the Shali district;
- j) Criminal case **no. 34046** - kidnapping and murder of Anzor Pokayev;
- k) Criminal case **no. 54016** - kidnapping of Kurbika Zinabdiyeva and Animat Dugayeva in the village of Ulus-Kert of the Shatoy district.

B. *"Criminal cases investigated by the military prosecutor's office":*

- a) on kidnapping of **Said-Khusein Imakayev**;
- b) on disappearance of **Khadzhimurat Yandiev**;
- c) on death of **Samil Said-Khasanovich Akhmadov**;
- d) on death of **Maidat Tsitsayeva** and five of her children;

C. *"Information of the detention and further discharge of 5 residents of the village of Chiri-Yurt of the Groznensky district was being checked (up)."*

2. Cases submitted in 2004 on which no reply was received from the Russian authorities:

- a) Abduction of **Ruslan Shamiyevich Alikhadzhiyev** (case no. 22025)
- b) Killing of **Madina Mezhieva** and **Amkhad Gekaev** on 27 October 2001 (PACE Doc. 9732, para. 31)
- c) **Arthur Akhmatukaev**, a member of the Society for Russian-Chechen Friendship, "disappeared" after he was taken away on 4 August 2003 by Russian soldiers in an armoured vehicle (AI note 24 February 2004).
- d) **Aslan Shakhidovich Usmayev** of the village of Tsentrovaya was found dead on 1 September 2003 in the eastern suburbs of Gudermes, near a filling station, some 150 m from a local police station. On 31 August, at midnight, armed persons wearing masks arrived in a UAZ jeep and stormed into the hospital kidnapping A. Usmayev (Memorial, in: Chechnya 2003, Political Process through the Looking Glass, p. 22).
- e) **Ramzan Musaevich Shaipov** was abducted on 8 May 2004 from his home at 23 Lenin Street in Chiri-Yurt (Shalinski region) by Russian-speaking, unidentified men in camouflage uniforms (Memorial Bulletin May 2004)
- f) **Adam Medov** disappeared on 15 June 2004 in Karabulak (The IHF report dated 4 August 2004 on Enforced Disappearances in Ingushetia (p. 9-10)).
- g) **Rasukhan Evloev and Ibragim Ismailov** disappeared on 11 March 2004 near Nazran. At a traffic police checkpoint, ten armed camouflaged persons, one of whom allegedly showed an FSB identity card, forced the two young men to board one of their cars (VAZ-21099) and took them away, not to be seen since (IHF report of 4 August 2004).

- h) **Temur Khambulatov** was arrested on 18 March 2004 at his house in the village of Saveljevskaja, by a group of armed masked men travelling in military vehicles who told his mother that they belonged to the FSB and were taking her son to the nearest police station. On the next day, his mother was informed that he died in custody, most likely after having been severely tortured. The Prosecutor's Office of Naursky regiona initiated criminal case **no. 40560** (IHF report of 4 August 2004)
- i) **Said-Magomed Aliev**, an employee of the Czech "People in Need Foundation", was detained in Grozny on 14 April 2004, by armed masked persons. Five days later, his body was found by a sheppard (IHF report of 4 August 2004).
- j) **Zelimkhan Isaev** was detained on 9 May 2004 by a group of about 15 armed, masked men. He was brought to the Urus-Martan ROVD (police) station. Only on 12 May, a lawyer hired by his family was allowed to see him. According to the lawyer, he showed traces of severe torture and needed urgent medical care. On 16 May at 11h30, he died of his wounds(IHF report of 4 August 2004).
- k) **Ibragim Tsurov**, an Ingush lawyer and member of the Bar of Chechnya, worked as a lawyer at the Khankala military base in Grozny. On 26 April 2003, his car, in which he drove in the company of three servicemen who also worked in Kankhala, was overtaken by two other cars and several armed men in mask stopped his car, beat him and placed him in the boot of their car. They drove off and left the three servicemen standing unharmed. Mr Tsurov was never seen again. On 18 June 2003, the Grozny city prosecutor's office opened an investigation and eventually referred the case to the Military Procuracy. The military procuracy opened an investigation, although it had refused to do so earlier.
- l) Kidnapping of **Bashir Adamovich Mutsolgov** on 18 December 2003. Persistent inquiries revealed the involvement of the Directorate of the Federal Security Service of the Russian Federation responsible for the Republic of Ingushetia and the Chechen Republic and the Regional Directorate for the North Caucasus. Mr Mutsolgov was held in an underground cell at the FSB Directorate in Magas and taken the following day to Khankala in the Grozny district.
- m) **Timur Mukhammedovich Yandiyev** (born 1979): his son was abducted outside the Ingushenergo plant in Nazran on 16 March 2004 by six masked men in camouflage uniforms driving Gazel and Niva cars without registration numbers. The cars passed the Kavkaz-20 border post on the Ingushetian-Chechen border in the direction of Grozny, showing a Russian special services' pass (The IHF report on enforced disappearances of 4 August 2004 (p. 8)).
- n) **Rashid Ozdoyev**, assistant prosecutor of the Republic of Ingushetia, was abducted on 11 March 2004 in the Verkhniye Achaluki area of the Malgobek district of Ingushetia by members of the FSB and a mobile unit of the Russian Ministry of Internal Affairs. The prosecutor's office in Nazran has lodged criminal proceedings. (AI/HRW/Memorial 8 April 2004) [encl.13]
- o) Murder, on 2 September 2003, of **Saipuddin Tsitsayev**, head of the administration in the village of Chechen Aul (MHG/Memorial, p. 30) [encl.3]
- p) Kidnapping, on 4 September 2003, of **Irskhan Khaditovich Edilkhanov** at 5 Melnichnaya street in the village of Khamby-Irze in the Achkoi-Martan district (MHG/Memorial, p. 30) [encl.3]
- q) Kidnapping, on 7 September 2003, of five local residents in the village of **Chiri-Yurt** in the Grozny rural district (MHG/Memorial, p. 30) [encl.3]
- r) Kidnapping of **Ruslan Soltakhanov**, on 13 February 2004 (IHF press release of 26 February 2004 [encl.5]/AI UA86/04 of 27 February 2004 [encl.6])
- s) Detention and killing of **Roustam Dzakalaev**, on 3 February 2004, in the village of Sleptsovskaja, Ingushetia ("Memorial" Bulletin February 2004) [encl.7]
- t) Kidnapping, on 19 February 2004 in Osman-Yurt (Republic of Dagestan), of **Nariman Gatiev** ("Memorial" Bulletin February 2004) [encl.7]
- u) Kidnapping, on 25 February 2004 in Urus-Martan, of **Khasan Dombaev and Aset Dombaeva** ("Memorial" Bulletin February 2004) [encl.7]

- v) Killing of **Umar Zabiev**, wounding of **Tamara Zabieva**, on 10 June 2003 near the village of Galshki (Zunzhenskij district) in Ingushetia – case no. 23 60 00 32 of 11 June 2003 (HRW “Spreading despair”, Sept. 2003, p. 18-19) [encl.8]
- w) Murder of **Zura Bitiyeva**, **Ramzan Iduev**, **Idris Iduev** and **Abubakar Bitiyev**, **Turpal Ismailov** and **Islambek Gadiev** on 21 May 2003 (IHF/Still in a State of Terror, p. 11) [encl.9]
- x) Ill-treatment of numerous residents of Samashki (Achkoj Martan district) during a “sweep operation” (zachistka) at the beginning of May 2003 (IHF/Still in a State of Terror, p. 12) [encl.9]
- y) Kidnapping of **Khamzat Osmaev** on 12 January 2004 in the village of Plievo, on the outskirts of Nazran (Ingushetia) (AI UA 21/04 of 14 January 2004) [encl. 10]
- z) Killing of **Isa Magomedovich Musayev** on 15 September 2003 in the village of Avtury in the Shali district (MHG/Memorial, Chechnya 2003, p. 47) [encl.3]
- aa) Extrajudicial executions of nine persons from **Duba-Yurt** in early April 2004 (HRW press release, 13 April 2004) [encl.11]
- bb) Criminal investigation no. 45031 into the death of **Samil Said-Khasanovich Akhmadov** and alleged intimidation of **Larisa Sadulaeva**
- cc) Extrajudicial execution on 10 April 2004 of **Anzor Pokaev** at his parents’ home in the village of Starye Atagi
- dd) Disappearance of **Animat Dugaeva** and **Kurbika Zinabdieva** on 16 May 2003 in the village of Ulus-Kert (criminal case no. 54016 opened on 4 July 2003)
- ee) Death on 8 April 2004 of **Maidat Tsitsaeva** and **five of her children** in the aerial bombing of her house in the village of Rigakhoy in the Vedeno region of Chechnya [IHF/encl. 12]
- ff) Disappearance, on 15 January 2004, of **Eliza Gaitamirova**, subsequent to her arrest in December 2003 and her detention in Nalchik (Kabardino-Balkaria) until 1 January 2004.
- gg) Attack on a civilian car by a military helicopter on 25 March 2004 near the Ingush village of Sleptsovskaya killing **Musa Khamkhoev** and **Ibragim Khashagulgov**. (AI/HRW/Memorial 8 April 2004) [encl.13].

## APPENDIX II to the letter from Mr Bindig to Mr Ustinov

### NEW ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN THE CHECHEN REPUBLIC

*brought to the attention of Mr Bindig after the October 2004 report on the human rights situation in the Chechen Republic (Doc 10283)*

#### I. Alleged enforced disappearances, extrajudicial killings, torture, illegal detention in the Chechen Republic

1. Over the night of 13-14 September 2005, ten Novye Atagi residents were abducted in the course of "zachistka" carried out by the federal forces. Five of the ten were released the following day severely beaten up, while four remained in the custody of the Shali police and were accused of murdering a policeman. The whereabouts of the tenth man, identified as **Islam Bakalov**, remained unknown.

2. Citing local residents, the Nazran-based Council of Non-Governmental Organizations reported on 16 September that law-enforcement bodies had captured and taken away six young men in **Novye Atagi** on the night of September 14 and detained seven more local men the following morning.

3. Despite the protests, a new "zachistka" was carried out, allegedly by "kadyrovtsy". According to Caucasian Knot, on 21 September 2005 armed men abducted five local young residents from the families of Umkhayevs and Khapaevs in the Novye Atagi village (Caucasian Knot; Amnesty International: EUR 46/039/2005).

4. On the night of 31 August 2005 armed men, who wore masks and camouflage uniform and spoke unaccented Russian, abducted 20-year-old **Rustam Magomadov** from his house on Yunaya Street in the Oktyabrskiy district of Grozny (Prague Watchdog, 31 August 2005).

5. On 26 August 2005, a group of unidentified men abducted two local residents of the Pamiatoi village of the Shatoi district – **Ibrahim Nimbulatov** and **Zelimkhan Babuyev**, as reported by Russian-Chechen Friendship Society (Caucasian Knot).

6. On 11 August 2005, about twenty unidentified men abducted **Khamzat Musayev** (b.1947) from his house in the Paroboch village of the Shelkovskiy district of Chechnya, as reported by Russian-Chechen Friendship Society referring to the local law enforcement bodies. On the same day, about twenty armed men who came in three Zhiguli 99 cars kidnapped **Mukhamed-Ali Ayubov** (b.1975) in the Leninskiy district of Grozny (Caucasian Knot).

7. Three residents of the Starye Atagi village of the Groznenskiy (Selskiy) district of Chechnya were abducted on 9 and 11 August 2005 by armed men, according to the witnesses by "kadyrovtsy": **Aslan Natayev**, **Zina Mazayeva** and **Emmedi Khamzatov** (Caucasian Knot).

8. On 8 August 2005, at around 23.00, in the Groznenskiy district of Chechnya a group of armed and camouflaged men abducted 40-year old local resident **Suleiman Kurbanov** from his own house (Caucasian Knot).

9. On 8 August 2005, armed men who have arrived in Zhiguli cars abducted two residents of Starye Atagi village of the Groznenskiy (Selskiy) district of Chechnya: **Arbi Zayndiyevich Sambiyev** and **Khasu Khasanovich Yakhayev**. They were released on 10 August. According to Caucasian Knot they were kept in District Office of the Interior (ROVD) in Grozny (Pobedy Avenue) and were beaten. No charges were brought against them (Caucasian Knot).

10. On 6 August 2005, according to the Chechen Ministry of the Interior, armed men kidnapped **Israil Khadzhiev** (b.1982) from his house in Argun. On 5 August, armed and camouflaged men detained and abducted **6 residents of Sergen-Yurt village** of the Shalinskiy district in Chechnya, reported Council of NGOs (Caucasian Knot).

11. On 27 July 2005, Chechen President's security service ("kadyrovtsy") conducted "zachistka" in the city of Argun. According to local residents, "kadyrovtsy" carried out mass detentions and unauthorised searches. More than 90 persons (all men older 14 years) were taken away but released hours later, except for one policeman **Magomed Ayubov** who was reportedly accused of assisting Chechen fighters (Caucasian Knot).

12. Caucasian Knot reported on 26 July 2005 that a resident of Groznyi's Zavodskoi district had reported to police that five cars with armed people in camouflage uniforms had pulled up to the "Internet-Tsentr" café the previous day and abducted his 28-year-old son, an inspector in the Chechen Interior Ministry's passport-visa department, along with one of his friends.

13. *Interfax* reported on July 25 that a number of people had been abducted in and around Groznyi over several days. The news agency quoted a source in the Chechen communications department as saying that **Akhmed Ibragimov**, a security guard for the federal Transport and Communications Ministry in Chechnya, was attacked by a group of masked people in Groznyi's Staropromyslovskiy district, forced into a vehicle and driven away. Unknown armed assailants in camouflage uniforms drove off a police lieutenant and a "passer-by in civilian clothes" in a car belonging to one of the victims. **Kheda Khasanova** was reported missing after leaving her home in the Groznensky district village of Alkhan-Yurt, while masked gunmen entered the Shelkovskoi district home of forest establishment director **Baysolta Gaziev** on 23 July, marched him out at gunpoint and shot him on the outskirts of the village of Kharkovskaya. (*Chechnya Weekly* by the Jamestown Foundation, 27 July 2005 – Volume VI, Issue 29)

14. On 23 July 2005 **Timur Abdullayev** was abducted in Groznyi by 25 armed camouflaged men. (Caucasian Knot)

15. On 15 July 2005, in the Leninskiy district of Groznyi seven or eight armed men in camouflage abducted **brothers Sankaevs** and **Aslan Usmanov**, who was in brothers' house at that time, as reported by RIA "Novosti" with reference to sources in law enforcement agencies of the republic. (Caucasian Knot)

16. On 13 July 2005, in the village Staroschedrinskaya of the Shelkovskiy district armed camouflaged men abducted local resident **Aleksei Semenenko** (1981), as was reported by *Interfax*. According to Memorial Nazran, Semenenko's mother was told in the police's Operative and Search Bureau (ORB) in the village Naurskaya that her son's body was found in a mined car near the District Office of the Interior (ROVD) in Znamenskoye, which explosion killed 15 persons (this act of terrorism happened on 19 July 2005). But the first doctors, who arrived at the place of the explosion, said that Semenenko was killed a few days before. (Caucasian Knot)

17. On the same day in the similar circumstances, was abducted **Mussa Davliev** in the city of Argun, as was reported by *Interfax*. (Caucasian Knot)

18. According to the Chechen Ministry of Interior, on 10 July 2005 in the Elistangi village of the Vedenskiy district armed camouflaged people, reportedly from the federal law enforcement agencies, captured and took away 30-year-old local woman - **Razita (Raisa) Inderbaeva** (Caucasian Knot). The ORChD reported that on the same day, unknown armed persons in camouflage uniforms kidnapped another Elistangi village resident, 18-year-old **Said-Khamzat Sataeva**. Razita Inderbayeva was released on 17 July, no details on her detention and release are available as yet.

19. On 11 July 2005, two persons (**Beslan Abdulayev** and **Adlan Aliyev**) have been abducted in the Leninskiy district of the city of Groznyi, according to the Chechen Interior Ministry. (Caucasian Knot)

20. According to the Chechen Ministry of the Interior, on 5 July 2005 a group of around 10 unidentified armed people in camouflage and masks shot dead a **family of Elmurzayevs** (father and two sons) in the village of Khimoi of the Sharoi district of Chechnya. The killers spoke Russian without accent. (Caucasian Knot)

21. **Abdul-Azim Yanguibaev**, head of administration in the village of Zumsoi, Itum-Kalinskiy district of Chechnya, was killed on 4 July 2005, the Regional Operative Headquarters (ROSh) for the Control over Counter-terrorist Operations in the North Caucasus told *Interfax*. (Caucasian Knot; Memorial)

22. On 4 July 2005, a resident of the town of Argun, **Abdi Zaypulayev**, was kidnapped by unidentified people. On 8 July, Abdi Zaypulayev, badly beaten by his kidnappers, was set free. Relatives refused to reveal details of his release, but neighbours confirmed the ransom had been paid. (Prague Watchdog, 12 July 2005)

23. On 2 July 2005, law enforcement or security agencies servicemen (reportedly "kadyrovtsy") abducted **Shakhid Shirvanievich Chamayev**, the Serzhen-Yurt (Shali district of Chechnya) village administration head. On 6 July 2005, Shakhid Chamayev was released and, according to Chechen-Russian Friendship Society, immediately left his village refusing to comment on his abduction. (Caucasian Knot)
24. In June 2005, local residents discovered in a rock quarry near the town of Argun the remains of a 25-year-old **son of Ayna Usmanova**, who had disappeared several days ago. He was arrested by the "kadyrovtsy" and released two days later, badly beaten. However, he was ordered to return in a few days for interrogation. After partially recovering at home, he then left to keep the interrogation date. And he was never seen or heard from again.
25. In another case, two local residents, **Timur Zukhayrayev** and **Adam Saykhayev**, from the Serzhen-Yurt village in the Shalinsky district, were illegally detained by "kadyrovtsy" without any explanations given. Zukhayrayev was released the following day, but the whereabouts of **Saykhayev** were unknown. (Prague Watchdog, 4 June 2005)
26. On 16 June 2005, after 11 p.m. the local resident of the Samashki village, Achkoi-Martanovskiy district, **Iles Khumidovich Kulaev** (b.1979) was allegedly killed by servicemen of unidentified Chechen law enforcement agency. (Memorial, 28 June 2005)
27. The Council of Chechen Non-governmental Organizations reported on 13 June 2005 that armed people in camouflage kidnapped a 50-year-old resident of Grozny's Leninsky district, **Akhmad Elbiev**, and that his fate remains unknown. Citing the Council of Chechen Non-governmental Organizations and the Russian-Chechen Friendship Society (ORChD), the Prima-News information agency reported on 10 June 2005 that armed people in camouflage uniforms and travelling in several cars without license plates had abducted **Vakhid Mairbekov** from his home in Grozny's Zavodskoi district. On 9 June 2005, unknown people kidnapped **Said Muzuev**, a 30-year-old inhabitant of the town of Samashki in the Achkoi-Martan district. (Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)
28. 17-year-old **Muslim Kutsayev** was illegally detained in his home in the Kurchalovsky district on 5 June 2005 by the so-called "kadyrovtsy", reported Memorial. His relatives found out that he was held by the "kadyrovtsy" in the village of Mayrtup. According to Memorial Nazran, Kutsaev was released after five days; he was brutally beaten.
29. In the adjacent Shalinsky district, 44-year-old **Khanpasha Batayev**, a resident of the Avtury village, was also kidnapped, but by unknown assailants and his whereabouts were unknown. (Prague Watchdog, 10 June 2005)
30. The Council of Chechen NGOs and the Russian-Chechen Friendship Society (ORChD) reported that on 3 June 2005, armed raiders in camouflage uniforms and masks kidnapped 21-year-old **Ramzan Yunusov** from his home the village of Samashki (Achkoi-Martan district). (Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)
31. On 1 June 2005, some ten men in camouflage uniforms abducted **Abubakar Dushukuev**, a resident of the village of Urd-Yukhoi (Shatoi district). His whereabouts remained unknown. That same day, some 12 men in camouflage abducted **Usman Laiev**, a policeman and resident of the settlement of Ilinskaya (Groznsky Rural district). (Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)
32. On 30 May 2005, in the village of Novye Atagi, local resident **Rizvan Usayev** was abducted by armed men in several motor vehicles. According to an unconfirmed version the abduction may have been organized by members of the local law enforcement agencies. (Prague Watchdog, 3 June 2005)
33. On 13 April 2005, at 12 a.m. representatives of security agencies kidnapped 41-year-old **Ramzan Mutsalkhanov**, the resident of Zarechnaja Street, the Tangi-chu village of the Urus-Martanovsky district. According to Memorial Nazran, at the end of April, Mutsalkhanov was released. But he did not know where he had been kept, and which structure had kidnapped him. (From the Conflict Zone, Memorial, April 2005)

34. On 11 April 2005, in the Zagryazhskiy village of the Staropromyslovsky district of Groznyi from the house located in Dostoevskaja Street, 50, four unidentified military servicemen in masks kidnapped **Sulumbek Saiev**, born 1966. (From the Conflict Zone, Memorial, April 2005)
35. On 6 April 2005, at 4 a.m. from their house in the village of Katayama, Staropromyslovsky district of Groznyi were kidnapped brothers **Umar Tsetchoev** (b. 1970) and **Ibrahim Tsetchoev** (b. 1971). At around 3 p.m. Ibrahim Tsetchoev was released. Supposedly, he and his brother were kept on the territory of patrol-post service regiment N 1 (ППС-1), in the micro-district of Ippodromny (From the Conflict Zone, Memorial, April 2005). According to Memorial Nazran, on 7 April, Umar Tsetchoev was released. The same unarmed armed person who kidnapped the Tsetchoev brothers killed their neighbour Adam Torshhoev (cf. infra).
36. On 5 April 2005, in the village of Katayama, a group of armed men (allegedly representatives of Russian security agencies) in camouflage with dogs and without masks carried out an operation and detained 5 men. Subsequently, the body of **Adam Torshkhoev** (b.1971), resident of 187 Shefskaja Street, was found in the ROVD of Staropromyslovsky district. (From the Conflict Zone, Memorial, April 2005)
37. On 2 April 2005, at dawn from his house in 26 Gvardejskaja Street, the village of Gekhi, Urus-Martanovsky district of Chechnya representatives of unidentified security agency, some wearing masks, abducted **Duk-Vakha Dadakhaev** (b. 1980). On 12 April 2005, in the area of ponds in the village of Kulary, Groznensky Selski District of Chechnya, militiamen found the corpse of Dadakhaev with marks of violent death. (From the Conflict Zone, Memorial, April 2005)
38. On 25 February 2004, a group of armed men, some of whom spoke Russian and some Chechen, took fifty-two-year-old **Aset Dombaeva** from her house in Urus-Martan. (Human Rights Watch, March 2005)
39. On 18 February 2005, a VAZ-2107 car with five people inside (**Khusein Sayd-Khamzatovich Taramov, Kazbek Apaev, Khozh-Baudi Ozdamirov, Aslangirey Musikhanov, and Anzor Makhkmirzaev**) was shot at the checkpoint between the villages of Kurchaloi and Geldagan by military servicemen who arrived by two APCs. (Chechnya Weekly by the Jamestown Foundation, 23 February 2005 – Volume VI, Issue 8; Memorial)
40. On 18 January 2005, at 3 a.m. unidentified armed people in masks and grey camouflage, allegedly federal servicemen, broke into the Isayevs` house in the village Chechen-Aul, Kirov Street 34. Having beaten all family members, they took the 20 year old **Saikhan Isayev**, disabled since childhood, with them. The servicemen came on four-door "Taiga" vehicle and UAZ-469-«tablet» and spoke unaccented Russian. (International Helsinki Federation for Human Rights, 30 March 2005)
41. On 14-16 January 2005, in the Chechen village of Zumsoi, Itum-Kalinsky district of Chechnya, a military operation, which involved shelling of the settlement, was carried out. On 14 January, the village was subjected to aerial attack, as a result, one household (of Akhmud Tamaev) was levelled to ground, and several other houses were seriously damaged. The same day, the troops descended from helicopters. Before the servicemen landed, the helicopters subjected the village to rocket and machinegun fire, regardless of the fact that there were no combatants in the village and no one resisted the attack. In the village the military servicemen carried out a mop-up operation with looting, destruction of property and abductions of civilians. Late at night of 14 January the servicemen detained a local resident **Shirvani Nasipov** (b.1956). In the morning of 15 January two other men and a teenage boy were kidnapped: **Vakha Mukhaev** (b.1955), **Magomed Emin Ibishev**, aged 30, **Atabi Mukhaev**, 15 years old (son of Mukhaev). (From the Conflict Zone, Memorial, January 2005)
42. On 11 January 2005, early in the morning after 7 a.m. in the village of Argun armed military servicemen abducted **Elikh Abdurakhmanov** (b. 1952), resident of Karla Marksa street. (From the Conflict Zone, Memorial, January 2005)
43. On 2 January 2005, at about 4 p.m. in the village of Proletarskoje, Groznensky (Selsky) district of Chechnya, unidentified representatives of Chechen power structures, who arrived by over 10 UAZ cars abducted **Zaurbek Gaziev** (b.1981). At the moment of kidnapping the military servicemen heavily injured Gaziev, his wife **Lina Markhieva**, wounded year and half old Gaziev's daughter and intimidated another daughter, aged 2,5 years. (From the Conflict Zone, Memorial, January 2005; Open Letter by the IHF, 12 January 2005)



44. On 27 December 2004, at about 3 a.m., a large group of armed men, all of whom spoke unaccented Russian and came on a white Gazel minivan and an UAZ jeep, abducted **Salambek Alapaev** (b. 1982) from his house in Sernodovsk on Demiana Bednogo Street. (Human Rights Watch, March 2005)
45. On 21 December 2004, Chechen OMON police units carried out a special operation in the women's training centre «Iman» (82 Vinogradniy Str., Grozny), which resulted in the death of **Isa Sakayev** (b. 1975), a native of the Belgatoy village (Shali district). (International Helsinki Federation for Human Rights, 30 March 2005)
46. On 3 December 2004, unknown representatives of enforcement agencies, apparently were federal military servicemen, abducted the disabled **Rasul Mukaev** (b. 1979) from his village of Duba-Yurt, Shali district. (International Helsinki Federation for Human Rights, 30 March 2005; Human Rights Watch, March 2005)
47. On 27 November 2004 early morning, in the village Mesker-Yurt of the Shalinsky district the personnel of one of the republican security agencies broke into the house of **Supyan Ekiev** and kidnapped him. In the evening of the same day from the house of Ekiev were kidnapped his mother **Jisma Ekiev** and his wife **Petmat Ekiev** (b.1982). On 2 December 2004, at the outskirts of Grozny the corpse of Supyan Ekiev, heavily distorted by torture, was found. His mother and wife were released 15 days later. (From the Conflict Zone, Memorial, 17.03.2005)
48. On 26 November 2004, at about 1 p.m., on the Lenin Street of Germenchuk, Shali district, two people were shot dead: police colonel **Rizvan Abzatov** (b. 1963) and his employee **Khabib Guduev** (b. 1980). Since the killers were unmasked, several witnesses could recognize one of them. He turned out to be Salambek Mezhidov, officer of the Security Service of the President of the Chechen Republic. Later, the identity of the three other killers was also established: Ruslan Ikiev (also a "Kadyrovets") and two alleged criminals wanted by police, Rizvan Osmaev and Alvi Tasuev. (International Helsinki Federation, 30 March 2005)
49. On 25 November 2004 at about 9 p.m. unknown armed people in camouflage and masks abducted **Ramzan Edilbekov** (b. 1950) from his residence at Grozny, 9 Olimpiysky proezd, apt 17. After 24 hours of detention and torture Ramzan Edilbekov was released. His son was told that the prosecutor's office initiated a criminal case on the abduction. (International Helsinki Federation, 30 March 2005)
50. On 18 November 2004, **Sultan Aliev** (b. 1977), resident of 51 Kirov St. apt 53, was abducted from the yard of a large residential building in the Grozny district '1st Microrayon' by four camouflaged people without masks. According to information from the HRC Memorial, Sultan Aliev was set free on the 21st day after his abduction. He was kept in an unofficial "prison" and tortured. (International Helsinki Federation, 30 March 2005)
51. According to HRC Memorial, on 19 November 2004 at 2 a.m., at 17 Kirov Street, 22-year-old **Zaur Khadisov** was illegally detained by a group of armed masked camouflaged persons wearing black spotted uniform. Zaur's father managed to follow the column of cars with soldiers (four VAZ-21099, a steel-coloured Niva and a Jeep Landcruiser) to the 'RTS Microrayon', where power structures are located (patrol service, OMON). (International Helsinki Federation, 30 March 2005)
52. On 14 November 2004, in the village Alleroj, Kurchaloy district of Chechnya, the personnel of Kadyrov security service kidnapped **Khasmagomed Nasurov**, two of his sons, and **Ramzan Maskhadov**. On 26 November, the father and the sons Nasurov were released. Ramzan Maskhadov has not returned. (From the Conflict Zone, Memorial, 17.03.2005)
53. Between 9 and 10 November 2004, at about 3 a.m., unknown armed persons in masks abducted **Mamed Akhmadov** (b. 1982), citizen of Grozny, who spent the night in the house of his relatives, the Dzhauev family in Grozny, 112 Lermontov Street. (International Helsinki Federation, 30 March 2005)
54. In the night of 6 to 7 November 2004, two local residents **Bodrudi Kantaev** (b. 1964) and **Adam Demelkhanov** (b. 1983) were abducted from the village of Starye Atagi, Grozny Rural district of the Chechen Republic, by unknown representatives of the law enforcement agencies. In both cases

the masked and camouflaged kidnappers, speaking predominantly Russian, arrived in armoured personnel carriers, being apparently federal military troops. (International Helsinki Federation for Human Rights, 30 March 2005; Human Rights Watch, March 2005)

55. **Bakar Khutiev** (b. 1986) was abducted on 27 October 2004, at about 1.30 p.m., on Titova Street in Argun, by three armed men in camouflage uniforms, one of whom was wearing a mask. Khutiev was forced into a white Volga car (license plate no. 278, region 99). The men then left with Khutiev, accompanied by two other cars, both silver VAZ-2199s. The prosecutor's office in Argun conducting the criminal investigation into the abduction (case no. 48047) informed the family that the investigation had been suspended on 26 January 2005, due to the impossibility of establishing the perpetrators. (Human Rights Watch, March 2005)

56. On 22 October 2004, **Adam Baizatov** (b. 1945) who lived in the village of Gikalo, was abducted by a group of armed men in military uniforms, who put a sack on his head and threw him in one of two cars parked nearby (light-green VAZ-2107, region no. 23). (Human Rights Watch, March 2005)

57. On 22 October 2004, at 8.45 p.m., a group of about ten soldiers burst into the family home of **Rasul Tutaev** at 135 Kommunisticheskaya Street in Grozny. According to Tutaev's relatives, there were several Chechens among them, but most of the soldiers spoke Russian without an accent, were wearing grey military uniforms, and carried automatic weapons and other special armaments, such as laser target-indicators. The soldiers arrived in two Gazel minivans, one white (license plate no. 798 AKh, region 95) and one light blue, without license plates. The Lenin district prosecutor's office in Grozny opened a criminal investigation into the abduction of Rasul Tutaev (case no. 30136). (Human Rights Watch, March 2005)

58. On 9 October 2004, 47-year-old **Zalpa Mintaeva**, a mother of four, was taken from her house in Argun by a group of armed men speaking unaccented Russian. (Human Rights Watch, March 2005)

59. On 6 October 2004, at 4 a.m. seven unknown armed camouflaged people, wearing light-colored masks who arrived by two cars – an UAZ and a VAZ-496 (so-called "tablet") – abducted **Makka Akhyadova** (Bariyat by passport, b. 1981) from the house of the Akhyadov family, located at 31 Lugovaya Street in the village of Vedeno. (International Helsinki Federation for Human Rights, 30 March 2005)

60. On 29 September 2004, **Arbi Isiev** (b. 1985) was abducted in Argun shortly after 1 p.m. by two men, one of whom wore the black T-shirt of a Special Police Force (OMON) uniform and a mask, who forced Isiev into a white Volga car (model GAZ-3110) with black stripes on the doors and without license plates. (Human Rights Watch, March 2005)

61. On 19 September 2004, at 2 a.m. a group of about twenty armed men wearing camouflage uniforms and speaking unaccented Russian, and all but one masked, burst into the yard of **Shamkhan Tumaev's** family home at 13 Titova Street in the village of Valerik. The prosecutor's office in Achkhoy-Martan opened a criminal investigation into Tumaev's abduction (case no. 38043). (Human Rights Watch, March 2005)

62. At the dawn of 12 September 2004, a large group of armed men detained 37-year-old **Khalimat Sadulaeva**, a mother of four, in her house in the town of Argun, about ten miles east of Grozny. (Human Rights Watch, March 2005)

63. On 27 August 2004, the family house of Sadulaevs living in village of Sernovodsk, Sunzha district, was raided by a group of armed men in camouflage. Some of them also wore black T-shirts with Ahmad Kadyrov's portrait. They wounded **Imran Sadulaev, Irina (Malika) Sadulaeva** and **Rizvan Sadulaev**. Later that day, in total about 20 people from "power structures" came to the hospital in two Model 9 "Zhiguli" cars and two "Tablets", where the injured were placed, and shot dead right Imran Sadulaev. Rizvan Sadulaev was detained and later sentenced to imprisonment. (International Helsinki Federation for Human Rights, 1 June 2005)

64. On 3 August 2004, at around 7 p.m. a grey car UAZ (so-called "tablet"), registered in the district 99 with license plate number 614 XXX abducted **Khamid Magomaev** and **Assan Mazaev**, brought them to some military base. Assan Mazaev was tortured during the interrogation. Khamid Magomaev is still disappeared. (International Helsinki Federation for Human Rights, 1 June 2005)

65. On 2 August 2004, in the Mikenskaya village of the Naursky district of Chechnya, unidentified persons in camouflage uniform speaking Chechen kidnapped **Zaira Magomadova** (b.1981), a resident of 26 Shkolnaya Street. The military servicemen explained that they were the personnel of the republican security service - 'kadyrovtsy', that her daughter was taken to Khose-Yurt (Tsentaroy) and promised to release her the following day. (From the Conflict Zone, Memorial, 17.03.2005)
66. At night on 30 July 2004, at about 2 a.m. armed 'kadyrovtsy' broke into the house of Kagermanov family, residents of Chaikina Street, in the city of Gudermes and abducted 55 year old **Adam Kagermanov**. In August 2005 Kagermanov was released. He was in Tsentaroy prison of "kadyrovtsy". (From the Conflict Zone, Memorial, 17.03.2005)
67. At about 5 a.m. on 4 July 2004, a group of camouflaged, armed and masked men burst into the family home of **Aslan Tazurkaev**, 3 Ordzhonikidzhe Street, in the village of Novye Atagi and abducted him. Tazurkaev's relatives followed the abductors' vehicles and saw them entering a military base near the village, located at an abandoned grain milling complex known to locals as "the mill", where the Federal Security Service and military intelligence units are based along with regular Ministry of Defense troops. At the relatives' request, the prosecutor's office in Shali opened a criminal investigation into Tazurkaev's abduction (**case no. 36084**). On 1 December 2004, the case was handed over to the military prosecutor's office attached to military unit no. 20116, based in Shali district. (Human Rights Watch, March 2005)
68. **Adlan Ilaev** (b.1987), **Inver Ilaev** (b.1982), **Rustam Ilaev** (b.1974), and **Kazbek Bataev** (b.1983) have been abducted at around 4 a.m. on 4 July 2004 from house of Inver Ilaev, in the village of Assinovskaia by about twenty soldiers in camouflage uniforms who came in the APCs and spoke Russian without accent. Unofficial sources told the family that the operation had been carried out by "military intelligence unit no. 12", stationed in Achkhoy-Martan. (Human Rights Watch, March 2005; International Helsinki Federation, 1 June 2005)
69. On the evening of 24 June 2004, **Sukhrat Tokhtarov** (b. 1981) was abducted while walking back to his house, 100 Nagornaia Street, in the village of Staryi Atagi. (Human Rights Watch, March 2005)
70. At about 3 a.m. on 23 June 2004, about thirty soldiers, who arrived in an APC, an Ural truck and a so-called *tabletk*a minivan, burst into the home of the Dzhabraïlov family at 46 Kooperativnaia Street in the village of Samashki. The soldiers, according to the witnesses, spoke Russian without an accent. The soldiers abducted **Abdulkhamid Dzhabraïlov**. Less than a month after Abdulkhamid Dzhabraïlov's detention, his nephew, **Ruslan Dzhabraïlov**, was also "disappeared" on 10 August 2004 together with his friend, **Adam Khamzatov**. (Human Rights Watch, March 2005)
71. On 13 June 2004, **Yusup Baragev** (b. 1985), a resident of the village of Novye Atagi, was shot by masked, armed men taken away by soldiers. The prosecutor's office in Shali opened a criminal investigation (**case no. 36088**). (Human Rights Watch, March 2005)
72. At about 5 p.m. on 1 June 2004, nine cars arrived at the **Sarali Seriev** family home at 41 Kirov Street in the village of Belgatoy and abducted him. The Shali prosecutor's office opened a criminal investigation into the abduction (**case no. 36076**). (Human Rights Watch, March 2005)
73. On 28 March 2004, in the Slepsovsk village of the Sunzhensky district of the Republic of Ingushetia a group of armed men broke into the house of Gelagaev family. At the moment of the assault the head of the family, Alkhazur Gelagaev, was not at home. Armed men, who spoke Chechen and Russian languages, demanded that Alkhazur's wife **Iman Khaletova**, told them the address of her husband's brother Taus Gelagaev. When the woman said that she knew nothing about the whereabouts of her brother-in-law, the military men threw her on the floor, kicked her with boots, and then threatening to kill her took out a knife and cut skin on her forehead and chest. Having grasped the baby they put the knife to his throat and told Iman that they would cut if she doesn't tell them where Gelagaev was. Torture was stopped by one of the men, who said in Russian "No victims here!" Then the unidentified servicemen left. (From the Conflict Zone, Memorial, 17.03.2005)
74. On 25 March 2004, **Murad Maaev** (b. 1983) abducted in Starye Atagi. One other person, who was also detained in the village that night but released two days later, said that he had been held at a military base located at the abandoned grain milling complex ("the mill") near the village and that he had seen Maaev there. (Human Rights Watch, March 2005)

75. On 20 March 2004, the house of **Isa Eniev** (b.1960), in the village of Ojshkara of the Gudermes district of Chechnya was encircled by the servicemen of Kadyrov Security Service. "Kadyrovtsy" broke into the house, made a pogrom, after that kidnapped Isa. The same day Eniev was released. Several of his ribs had been broken; he had numerous injuries of his head and body. (From the Conflict Zone, Memorial, 31 March 2004)

76. On 18 March 2004, at night in the village of Kirova, Naursky district of Chechnya, representatives of Russian power agencies, supposedly FSB, kidnapped and murdered (tortured to death) **Timur Khambulatov** (b. 1979 or 1980). In response to relatives' demand to present themselves and explain where they were taking Timur, the visitors responded that they were from FSB and they arrested Khambulatov on the grounds of "suspicion of participation in illegal armed formations." A criminal case has been instigated by the prosecutor's office. Two FSB officers were arrested and brought to the Department of Ministry of Internal Affairs of the Russian Federation in the Chechen Republic. (From the Conflict Zone, Memorial, 31 March 2004)

77. On 3 March 2004, at 5 p.m. in the village of Goy-Chu, Urus-Martanovsky District of Chechnya, the personnel of Russian of power agencies detained **Khavadzhi Aduev** (b.1970), resident of Tsentralnaya Street. He was brought to cellar, where he was heavily beaten and tortured. (From the Conflict Zone, Memorial, 31 March 2004)

78. On 3 March 2004, in the forest grove between the villages Kurchaloy and Dzhalargi, Kurchaloy district of Chechnya in a trench the remains of a human body with tied arms were found. The personality of the victim was identified by clothes. It was **Idris Mezhidov** (b.1971) the resident of the Achereshki village. The relatives of the victim claimed that Idris Mezhidov was kidnapped by Russian military servicemen in the end of November 2001, during a mop up operation. (From the Conflict Zone, Memorial, 31 March 2004)

79. On 2 March 2004, in the neighbourhood of the village of Gikalo, Groznensky district of Chechnya, the corpse of **Khamzat Mudarov** (b.1967) was found with traces of violent death. Khamzat Mudarov was kidnapped on 14 February 2004 in Grozny from the house of his brother, domicile address Kayakentskaya, 76, by a group of military servicemen in masks. According to the head of the family, Mudarov Zaur, the group of kidnappers was mixed: there were Russian and Chechen servicemen. (From the Conflict Zone, Memorial, 31 March 2004)

80. At around 2.30 a.m. on 19 January 2004, three vehicles (a UAZ jeep, a RAF minivan and a VAZ-2199) arrived at the house of the Mutaev family, 60 Bershanskaia Street, in the village of Assinovskaia. A group of about fifteen armed men, some of them masked, speaking Russian without an accent abducted **Luiza Mutaeva** (b. 1984). (Human Rights Watch, March 2005)

81. On 4 June 2005, Russian federal troops conducted a "mopping-up" operation in the Chechen village of Borozdinovskaya, located in the north of the republic near the Dagestan border. This security sweep was a response to the rebel attacks that intensified in northern Chechnya this year. During the operation troops from the Vostok special forces battalion of the Main Intelligence Department (GRU) of the RF Ministry of Defence, a unit that consists mostly of Chechens, killed one elderly man, arrested 11 local men (**Abakar Abdurakhmanovich Aliev** (b.1982), **Magomed Tubalovich Isaev** (b.1986), **Akhmed Ramazanovich Kurbanaliev** (b.1978), **Magomed Ramazanovich Kurbanaliev** (b.1982), **Akhmed Peyzulaevich Magomedov** (b.1977), **Martukh Asludinovich Umarov** (b.1987), **Eduard Viacheslavovich Lachkov** (b.1986), **Akhmed Abdurakhmanovich Magomedov** (b.1979), **Kamil Magomedov** (b.1955), **Shakhban Nazirbekovich Magomedov**, **Said Nazirbekovich Magomedov** (b.1960)) and burned four homes to the ground. The armed men did not identify themselves but village residents recognised among them servicemen of Vostok special battalion, including someone called Khamzat, head of the local branch of the 'United Russia' party. Later, in July 2005 *Kommersant* disclosed that the group of fighters from the Vostok battalion which entered the village was commanded by Khamzat Gayrbekov (aka Boroda, "Beard"), intelligence chief of the battalion.

## II. Alleged hostage-takings

82. The Russian-Chechen Information Agency (RChIA), run by Russian-Chechen Friendship Society, reported on 16 September 2005 that members of "federal power structures" had kidnapped a woman identified as **Toita Dzhabrailova** in the Shali district village of Serzhen-Yurt. The RChIA quoted Elistanzhi residents as saying she was probably detained because one of her relatives is "an active member of the Chechen armed resistance." (Chechnya Weekly by The Jamestown Foundation, 22 September 2005 - Volume VI, Issue 35).

83. In the early hours of 11 May 2005, unknown armed men, three wearing masks, reportedly entered the Saidulaev's house in the Oktyabrskiy district of Grozny and took away **Kharon Saidulaev** (b.1951) and his son, **Apti Saidulaev**. On 12 May, relatives managed to get information which indicated that Kharon Saidulaev and Apti Saidulaev were being held by security services under the control of Ramzan Kadyrov in the town of Argun. The reason given for the detention was reportedly Kharon Saidulaev's alleged links with armed opposition groups in Chechnya, and Apti Saidulaev had been taken together with his father allegedly in order to exert psychological pressure on the father to provide information. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005).

84. Members of security services reportedly detained 70-year-old **Maret Usmanovna Khutsaeva** and her granddaughter **Lipa Rashidovna Tsaeva**, aged 16 or 17, on 10 May 2005 from their home in the village of Gekhi, Urus-Martan district. It is reported that on 11 May the two women returned home, having been released on the condition that Arbi Khutsaev give himself up to the authorities, and threatened that otherwise the men would return and detain Maret Khutsaeva again. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005).

85. On 6 May 2005 Memorial reported that unknown security forces abducted the father of **Dokku Umarov**, field commander of Chechen fighters, from the Argunskiy state farm ('Goskhoz'), Chechnya. Dokku Umarov allegedly stated in an interview in May that his 70-year-old father, his 45-year-old brother, his wife and six-month-old son had all been taken hostage, allegedly by the "oil regiment", a security force, formerly part of the Security Service of the President of the Chechen Republic, reportedly headed by Adam Delimkhanov, a close relative of Ramzan Kadyrov. According to *Interfax*, on 12 August 2005, armed men kidnapped **Natasha Khumadova**, Dokku Umarov's sister, in Urus-Martan. See also *infra* paragraph on the abduction of the Masuevs family. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005; Kavkaz Center, 9 May 2005; NEWSru).

86. At the night of 5 May 2005, in the village Oktyabrskoye, Groznenskiy (Selskiy) district, the servicemen of the Chechen law enforcement agencies abducted three local residents, **brothers Chersiyevs: Adam** (b.1952), **Kureish** (b.1954), and **Movla** (b.1958). Their relatives traced the abductors to the regiment of non-departmental protection (*полквневедомственной охраны*) at the Yuzhna Street in the Leninskiy district of Grozny (the so-called oil regiment). After the picketing of the regiment, the relatives received the confirmation that the three brothers were kept in the territory of the regiment as hostages, since one of the members of this family participated in the armed resistance. The condition of their release was the fighter giving himself up. As of 27 June 2005, the brothers Chersiyevs were not released. (Caucasian Knot)

87. According to Memorial, on 28 March 2005 **Zaudi Saidulaev** (b.1940) and his son, Musa Saidulaev, were taken away by members of the security forces under the command of Ramzan Kadyrov from the village of Mairtup in Kurchaloevskii district, Chechnya. There are claims that another son of Zaudi Saidulaev is a member of an armed opposition group. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005)

88. On 28 March, **Usam Kadaev** (b.1945), was reportedly detained by Russian armed forces in the village of Kataiama, Staropromyslovskii district. An alleged reason for the detention is claims that his 22-year-old son, Ismail Kadaev, is hiding from the authorities. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005)

89. The IHF researchers found out that in January 2005, approximately on the 22<sup>nd</sup>, a group of "Kadyrovtsy" abducted a distant female **relative of Shamil Basaev, Louiza**, resident of Vedeno and mother of two small children (three and five years of age). Louiza was dragged from her house barefoot. When her children tried to hold on to her, they were beaten with rifle butts. In the morning, she came back badly beaten and in a very distraught condition and immediately left the village together with the children.

90. On 30 November 2004, unidentified armed persons, most likely members of Security Services of the President of the Chechen Republic ("Kadyrovtsy"), alongside with some specially seconded members of the Shali district police, burned down the house of the parents of Vakhid Murdashev (b. 1955), at 38 Karl Marx St. of the Oiskhara village, also known as Novogroznenskiy. They furthermore abducted his mother, **Asmart Murdasheva** (b. 1935), his sister **Tamara Murdasheva** (b.1958) and his wife **Zoya Dankaeva** (b. 1958). Some days later, presumably members of the same armed structures burned down Vakhid Murdashev's own house at 53 Sovetskaya St. (Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005)

91. On 27 November 2004, in the village of Mesker-Yurt, the personnel of unidentified power agency kidnapped **Sherpuddi Israilov** (b.1956). Reportedly, the father was taken in order to force his son to surrender. (From the Conflict Zone, Memorial, 17.03.2005)

92. In the suburbs of Groznyi on 3 December 2004, five relatives of Aslan Maskhadov were abducted by unknown armed persons, most probably belonging to the Security Service of the President of the Chechen Republic ("Kadyrovtsy"). These relatives were Buchu Abdulkadyrova (sister, 67 years of age), Lecha Maskhadov (brother, 68 years of age), Lema Maskhadov (brother, 55 years of age), Adam Reshiev (distant cousin, 54 years of age), and Ivkhan Magomadov (nephew, 35 years of age). On 28 December, three more relatives of Aslan Maskhadov were abducted under similar circumstances: Khadizhat Satueva (niece, 40 years of age), Usman Satuev (son-in-law, 47 years of age), and Movlid Aguev (son-in-law, 35 years of age). Seven relatives of Aslan Maskhadov were released on 31 May 2005.

### III. Alleged persecution of applicants to the European Court of Human Rights or their family members

93. Relatives of the murdered residents of the Duba-Yurt village (on 9 April 2004, at the outskirts of the Serzhen-Yurt village nine mutilated bodies have been found - see the 2004 PACE Report on the human rights situation in Chechnya by Mr Bindig, Doc. 10283, Appendix III.C.2.p.) complained to the European Court of Human Rights (ECtHR) with the assistance of the Justice Initiative in Chechnya NGO. On 2 April 2005, at 3 a.m. from their houses in the Duba-Yurt village the armed men abducted **Sayd-Khuseyn Magomedovich Elmurzaev** and **Suleiman Sayd-Khuseynovich Elmurzaev**, father and brother of Idris Elmurzaev, whose body was found on 9 April 2004. Elmurzaevs were the applicants to the ECtHR. Abductors wore camouflage, came on three mini-buses UAZ-452 ("tablet") and spoke Russian without accent. On 8 May 2005, the body of **Sayd-Khuseyn Elmurzaev** was found near the settlement (*stanitsa*) Ilyinska of the Groznenskiy (Selskiy) district in the Sunzha River. (Memorial, 25 May 2005)

94. On 4 July 2004, and again on 30 July 2004, a large group (around 36) of armed military personnel, who arrived in eight APCs and four other military vehicles, entered the home of **Aslambek Salmanovich Utsaev** (b.1946) and allegedly severely beat him. Aslambek Utsaev is one of the applicants in the case of *Tovmirzaeva and others v. Russia* (application no. 29133/03) currently pending before the ECtHR. The case concerns the illegal detention and enforced "disappearance" by federal forces of four residents of Novye Atagi on 2 June 2002, including Aslambek Utsaev's son, Islam Aslambekovich Utsaev. Satsita Musaevna Utsaeva, mother of wife Islam Utsaev and wife of Aslambek Utsaev, is also an applicant in the case. On the morning of 30 July 2004, armed men in masks, not providing any identification or explanation for their presence, again entered the home of the Utsaevs and, without saying anything, again allegedly beat Aslambek Utsaev on the head, face and torso. (Amnesty International, EUR 46/059/2004, 12 November 2004)

95. Reportedly, **Yakub Magomadov**, brother of Aiubkhan Magomadov, and his family who appealed to the European Court of Human Rights in 2001 had been threatened on a number of occasions that they would "disappear" if they did not stop looking for their brother (Aiubkhan Adamovich Magomadov "disappeared" on 2 October 2000, after having been detained by members of the Russian federal forces). On 28 April 2004, a group of armed men in masks entered the house of the Magomadov family in Kurchaloy and - allegedly beating a 16-year-old nephew of Yakub Magomadov, who was the only person at home at that time, with the butts of their machineguns - asked him about his uncle. On 16 May 2004, Yakub Magomadov's family in Chechnya learned that he had "disappeared". (Amnesty International, EUR 46/059/2004, 12 November 2004)

96. **Zalina Medova** said in an interview she has received both death threats and offers of payoffs to press her to withdraw the application from the Court seeking action about her husband, Adam Medov, a taxi driver who disappeared in June 2004. (Washington Post, 3 July 2005)

97. Marzet Imakayeva and her husband, Said-Magomed Imakayev, applied to the ECtHR in February 2002, about 14 months after their 23-year-old son disappeared in Chechnya. In June 2002, the Imakayevs' home was raided by men in uniform, and **Said-Magomed Imakayev** was detained. He hasn't been seen since. Military and prosecution officials continued to harass Imakayeva and have accused her of financing terrorism, according to court records. (Washington Post, 3 July 2005)

## APPENDIX III to the letter from Mr Bindig to Mr Ustinov

### ALLEGED SPREAD OF IMPUNITY TO TERRITORIES ADJACENT TO CHECHNYA

1. On 24 March 2005 security forces carried out a passport check in the area of the Ingush town of Nazran known as Kamaz centre. At 9 a.m. the next morning, 25 March, a group of armed men who came in two 'Gazel' minibuses without registration numbers abducted **Vakha Matuev**. (Amnesty International, 30 September 2005, EUR 46/039/2005)
2. On 12 July 2005, **Adam Albogachiyev** (b.1983), the resident of the Ali-Yurt village in Ingushetia, was abducted by several armed men in masks. (Prague Watchdog, 13 July 2005)
3. On 27 May 2005, the resident of Nasyr-Kort, Sovietskaya Street 63, Nazran, **Ibragim Dzaurov**, was abducted from his house by a large group of soldiers and policemen who approached the house in three armoured troop-carriers, three Gazelle micro-buses, one UAZ (Tabletka) and a VAZ-21099. (Open Letter by the IHF, 2 June 2005)
4. On 23 May 2005, in the Plievo district of the city of Nazran (Ingushetia) armed camouflaged and wearing masks men, who came on several cars and APC, abducted **Adam Alambekovich Gorchkhanov** (b.1968). The servicemen severely beat Adam and his brother Bashir, searched the house. They declared finding two guns but no witnesses were invited to certify (the search was filmed on a video camera). The abductors allegedly belonged to the North Caucasus Operative Department of the Russian Federation Federal Security Service. To note, on 9 February 2005, **Adam Ibragimovich Gorchkhanov** (b.1976), cousin of Adam Alambekovich Gorchkhanov, was also abducted. According to some sources he was kept in the temporary detention facility of the Ingush Ministry of Interior in Vladikavkaz. (Memorial, 29.05.2005; Amnesty International, 1 July 2005, EUR 46/029/2005; Novaya Gazeta, No.40/2005, 6 June 2005)
5. On 1 April 2005, at 3.30 p.m., in the village of Malgobek, North Ossetia, members of an unidentified armed structure abducted **Hassan Egiev** (b. 1978), residing 65, Kievskaya street. Hassan was in custody in a detention facility in Vladikavkaz (North Ossetia). During the interrogation, he was ill-treated and tortured. The lawyer filed a complaint on the ill-treatment and torture of his client with the Deputy Prosecutor General of the Russian Federation, N.I. Shepel, the head of the Prosecutor General's Department for the Northern Caucasus, N.Z. Khazikov, and the Prosecutor of North Ossetia, A.A. Bigulov. (International Helsinki Federation, 2 June 2005)
6. On 22 March 2005, **Osman Bogatyrev**, resident of Ingushetia, disappeared in Nalchik, capital of Kabardino-Balkaria. Via unofficial channels, the family got the information that he was arrested by members of law enforcement structures and was detained in the FSB premises in Nalchik. The lawyer hired by relatives stated that Osman Bogatyrev was subjected to ill-treatment – he was beaten several times - and torture. (International Helsinki Federation, 2 June 2005)
7. On 2 October 2004, four armed persons in a UAZ car arrived at Khamkhoev's house in the Mayskoe village and abducted **Magomed Khamkhoev** (b.1980). Magomed was taken to the woods in the area of the so-called Lysaya Gora, where he was taken out of the car and beaten with feet, hands and a gun-butt. Khamkhoev was hospitalized in the Nazran hospital in a bad condition with the following diagnosis: closed brain wound, brain concussion, closed stomach wound, multiple wounds of soft tissues, head, spine, hands, and feet. (International Helsinki Federation, 2 June 2005)
8. On 23 September 2004, **Aslan Inalov** (b. 1977) "disappeared". Through unofficial contacts in the local branch of Federal Security Service in Magas, Ingushetia, Inalov's relatives found out that on the night of 23 September 2004, Inalov had been detained on his way to Sernovodsk at a mobile checkpoint, and that the soldiers had then delivered him to the main Kavkaz checkpoint on the main road from Ingushetia to Chechnya. The relatives also managed to learn that for the first two months after his detention, Inalov was held by the Federal Security Service in Magas, and then transferred to the Federal Security Service in Grozny on 12 November 2004. (Human Rights Watch Briefing Paper, March 2005).
9. On 3 September 2004, three cars with around a dozen camouflaged, armed and masked persons abducted **Alaudi Khashiev** (b.1974) in Nesterovskaya (Sunzha District, Ingushetia). (International Helsinki Federation, 2 June 2005).

10. On 2 August 2004, the IDP camp "Konservny Zavod" in Ordzhonikidzevskaya, Zelyonaya street 3, was surrounded by a large number of APCs and cars (there were "Niva", "Zhiguli" and "UAZ"-tabletkas). One hundred to one hundred fifty armed persons penetrated into the camp and without presenting any kind of authorization began to examine the passports of the camp's inhabitants. During the operation 7 persons were detained: Muslim Khatchukaev (b.1983), Adlan Khatchukaev, Umar Akiev, Aslan Akiev, Umalat Israilov (b.1975, the head of the camp), and **Sultan Khatuev** (b.1962). The same evening, the Akiev brothers were released. The rest of the ISPs were brought to the regional administration of the Federal Security Service (FSB) in Magas. **Muslim and Adlan Khatchukaev** in Magas, they were severely beaten and tortured with electric shocks. When they were released, they were warned that they would be killed in case they tell what did happen to them and how they were treated. The torturers wanted them to admit their participation in the armed raids on Igushetia on 21-22 June. **Umalat Israilov**, brutally beaten and tortured, was thrown into the trunk of a car and taken to a dump near Ordzhonikidzevskaya. Khatuev's whereabouts still remain unknown. The Sunzha district state prosecutor's office opened investigations into his case (no. 04600054). (International Helsinki Federation, 2 June 2005)

11. On 26 June 2004, the Ingush citizen **Bekkhan Lolokhoev** (b.1980) was unlawfully detained in the house of his family in the village of Ekazhevo, and carried away in an unknown direction. Bekkhan was severely beaten and tortured with electricity during the detention. Torture was used to extort his confession of participating in the attack of 21-22 June 2004. He was released in several days, but some days after his release, Bekkhan and one of his brothers were again detained, this time by the Nazran regional police department (GOVD). Without any explanation they were kept for three days. They were not beaten and the treatment was normal. (International Helsinki Federation, 2 June 2005)

12. On 20 July 2004, in the Barsuki district of Nazran, Ingushetia, **Bashir Velkhiev** (b.1963) and **Bekkhan Velkhiev** (b.1965) were both unlawfully detained in the home of Bashir Velkhiev by 7 unknown representatives of the RF Ministry of Internal Affairs and servicemen of the Department against Organized Crime of the Ingushetia Ministry of Internal Affairs (UBOP). Upon detention, Bashir and Bekkhan Velkhiev were taken to the building of the Ingush UBOP (Department against Organized Crime), where they were tortured and interrogated in connection with the 21-22 June armed raid of the rebel fighters on Ingushetia. On 21 July 2004, Bekkhan was released by an investigator of the Nazran prosecutor's office. He informed Bekkhan that his brother Bashir had died in the previous night in the premises of the Ingush UBOP. (International Helsinki Federation, 2 June 2005)

13. On 20 July 2004, armed people in masks and camouflage belonging to an unidentified unit of the Federal forces killed **Beslan Arapkhanov** (b.1966) at 1 Partizanskaya St., village of Galashki, Sunzha district of Ingushetia. One of soldiers showed to Beslan's wife an ID showing the name K. Kostenko, investigator from Republic of Ingushetia FSB department from Zheleznovodsk. The two others, Alexander Gavrilov and Andrei Ershov, were witnesses. Kostenko presented a search warrant for the house of Ruslan Khuchbarov, 7 Partizanskaya Street, and asked Rima to sign it. The raid turned out to be a mistake and servicemen were looking for another person who was leaving at the same street. (International Helsinki Federation, 2 June 2005)

14. At the end of June 2005, a "mopping-up" ('zachistka') operation has been carried out in the **MTF-1 Chechen refugee camp** located near the town of Karabulak in Ingushetia. Unknown armed men in camouflage speaking Russian abducted several 29-year-old **Musa Saydumov**, a native of the village of Dyshne-Vedeno, and drove away with him. They also put two other people into the vans: **Suleyman Chachayev**, an employee of the Chechen Interior Ministry, and **Taus Dadayev**, a native of the town of Urus-Martan. They were released later except for **Musa Saydumov** whose whereabouts were unknown since then. (Prague Watchdog, 30 June 2005)

15. On 2 March 2004, at about 4 p.m. in the municipal district of Altievo (Ingushetia) the personnel of unidentified federal power agency carried out a special operation, which caused two people dead and 1 injured. According to the eye-witnesses, the military servicemen (about 10 persons) in masks, who arrived by two cars YAZ and Zhiguli-9, blocked the tunnel. Obviously, they followed a taxi car Zhiguli-6, of white colour. First they opened fire on Zhiguli-6, killed its passenger (resident of the Chechen Republic Akhmed Basnukaev) and then subjected to random fire the entire area. As a result of random fire the passengers of a passing by car were wounded: **Isa Khazbiev**, and his daughter **Madina Khazbieva** (b.1979). Madina was taken to the republican hospital in Nazran, and passed away three days later without regaining consciousness. After the incident, the taxi driver, **Adam Gagiev**, ethnic Ingush, was brought to the Ingush Department of FSB and interrogated under torture. The FSB agents wanted him to admit that Basnukaev was more than a client for him. In the evening, Gagiev was released. (From the Conflict Zone, Memorial, 31 March 2004)



***A number of other cases of "disappearances", illegal detentions, torture, etc. are documented in the report by HRC Memorial "The Assembly Line of Violence: Human Rights Abuse During Anti-terrorist Operations in Ingushetia" (<http://www.memo.ru/hr/hotpoints/N-Caucas/konnas/index.htm>). On 20 July 2005, the report was handed over to the RF President Vladimir Putin; on 25 July 2005 – to the President of the Republic of Ingushetia, Murat Zyazikov.***

## APPENDIX B

### New allegations of human rights violations in the Chechen Republic and in territories adjacent to Chechnya

*brought to the attention of Mr Bindig after the sending of the letter from Mr Bindig to Mr Ustinov, Prosecutor General of the Russian Federation, on 12 October 2005*

#### I. Alleged enforced disappearances, extrajudicial killings, torture, illegal detention in the Chechen Republic

1. On 16 November 2005, three Russian soldiers murdered **Djambulats Dushaev, Iusup Usmanov and Khusain Akhmadov** in the village of Staraya Sunzha, with the aim of robbing them. (Kommersant, 19 November 2005)

2. In the night of 18 October 2005, masked and camouflaged security service personnel, reportedly Chechen-speaking, took away 65-year-old **Salman Arsanukaev** and his son **Khamzat Arsanukaev**, aged 22, from their home in the village Pobedinskoe, and then killed them. In the evening both corpses, with marks of violent death, were found in a hole outside the village. (Memorial, Chronicle of violence, October 2005)

3. On 17 October 2005, in the village of Sernovodsk, Sunzha District, security service personnel abducted 23-year-old **Rustam Sidekovich Idrisov** and 22-year-old **Rizvan Akhmedovich Kushaev** from their home on Sovkhoznyaya Street. On 19 October, Rustam Idrisov were released. The whereabouts of Rizvan remain unknown. (Memorial, Chronicle of violence, October 2005)

4. On 9 October 2005, in the village of Kurtchaloy **Isa Dazaevich Dzhabikhadjiev** (b.1955) was kidnapped from his home by unknown armed men. None of the district law-enforcement bodies recognised having been involved in this abduction. (Memorial, Chronicle of violence, October 2005)

5. On 5 October 2005, at 4 a.m. unidentified servicemen in masks abducted **Ibragim Shovkhalov** (b.1974) from his home on Lenin Street in the village of Mesker-lurt, district Shalinski. In the morning, his body were found in the outskirts of the village of Chechen-Aul. His head was covered with a plastic bag. (Memorial, Chronicle of violence, October 2005)

6. On 2 October 2005, the house at Ivanov Street 37, Grozny, where the Buraev family lived, was surrounded by more than one hundred representatives from the Ministry of Defence, the FSB and the Anti Terrorist Center (ATC) from the Staropromyslovski district of Grozny. They all spoke Chechen. The Commander of the operation did not introduced himself, but was called "Iran" by the others. The servicemen abducted **Zarema Buraeva** (b.1982) and her two brothers, **Ali Buraev** (b.1987, school boy) and **Baudin Buraev** (b.1984), after having beaten the two boys with their feet and their weapons. Since that day the three persons remain "disappeared" (Memorial, Chronicle of violence, October 2005, and Open Letter by the IHF, 26 October 2005).

#### II. Alleged spread of impunity to territories adjacent to Chechnya

7. On 21 October 2005 in the Gamursievski "microrayon" of Nazran around 100 members of an unidentified armed structure, wearing masks and speaking Russian without accent, abducted **Arkamat Gambotov** (b.1980), a refugee from North Ossetia (Memorial, Chronicle of violence, October 2005).

8. On 29 September in Nazran three men were kidnapped from the site of a building that is under construction in Moskovski Street, by a group of armed people in masks and camouflage, who did not show any IDs but seemed to be from the police (*militia*) and who took away the three men in an unknown direction. They were : **Ilez Khamkhoev** (b.1972) from the Ingush village Alkun, temporary living in Nazran, Chechenskaya Street 4 ; **Magomed-Ali Barakhoev** (b.1970), inhabitant of the Ingush village Galashki ; **Ruslan Yandiev** (b.1982), inhabitant of Nazran, Moskovski Street 19/3. (Open Letter by the IHF, 10 November 2005)

## APPENDIX C

Letter of 6 December 2005 from Mr Vladimir V. Ustinov, Prosecutor General of the Russian Federation, to Mr Rudolf Bindig, Rapporteur

International Law Directorate of the Prosecutor  
General's office of the Russian Federation

5 December 2005

Information and statistical data requested by the rapporteur of the Council of Europe  
Parliamentary Assembly Committee on Legal Affairs and Human Rights, Rudolf Bindig, on  
"Human Rights violations in the Chechen Republic"  
(laid out following the numbering pattern and sequence suggested by Mr Bindig)

## Appendix I

## 1. A.

a) Criminal case no. **12011** was instituted by the prosecutor's office of Grozny on 5.3.2000, citing elements of the offence provided for in sub-paragraphs "a", "d", "e" and "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the killing of residents of Novye Aldy village in the Grozny district of the Chechen Republic on 5.2.2000 by persons unknown.

Preliminary investigations established that on 5.2.2000, between 9 am and 3 pm, during special operations carried out by federal forces in Novye Aldy village in the Grozny area a number of residents of that settlement were killed by persons unknown by automatic weapon fire. The bodies of the victims, presenting bullet wounds and in some cases traces of heat burns, were discovered by relatives and neighbours in streets and courtyards of the settlement.

On 10.5.2005 a decision was issued to indict S.G. Babin for the offence provided for in sub-paragraph "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

On 8.7.2005 a measure of restraint was taken against S.G. Babin in the form of restriction on movements and he was placed on the wanted list.

On 9.8.2005 the preliminary criminal case investigation was suspended on grounds of having to search for the accused.

b) Criminal case no. **12038** was instituted by the prosecutor's office of Grozny on 3.5.2000, citing elements of the offence provided for in sub-paragraphs "a", "d", "e" and "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code, concerning the killing of civilians in the Novaya Katayama micro-district of the Staropromyslovskiy district of Grozny.

The opening of criminal proceedings was prompted by the publication on 27.4.2000 in the "Novaya Gazeta" newspaper issue no. 12(583) of an article entitled "Freedom or death" stating that mass murders of civilians had been committed in the Katayama micro-district of Grozny on the evening of 19.2.2000 by servicemen of the 205th brigade of the Russian Federation Armed Forces.

In the course of investigations in criminal case no. 12038 the following cases were combined in a single set of proceedings: Criminal case no. 20540020, instituted on 4.5.2000 by the prosecutor's office of Malgobek in the Ingush Republic for the murders in Grozny of M.L. Khashiyev and R.V. Taymaskhanov, and Criminal case no. 12131, instituted on 22.8.2000 by the prosecutor's office of Grozny for the murder of A.A. Akayev.

The investigation established that in February 2000 in the Novaya Katayama micro-district of the Staropromyslovskiy district of Grozny, 57 non-combattant civilians were killed and 4 people disappeared without trace (or were abducted).

The witnesses interviewed, when confirming the death of specific individuals, stated that they had not been eyewitnesses to the crime but had told by persons unknown to them that Russian servicemen had committed these crimes. The operational search measures undertaken did not identify any direct eyewitnesses to the crimes or the persons to whom the witnesses referred.

In the preliminary investigation the conclusion that crimes against residents of the Novaya Katayama micro-district had been committed simultaneously, in the same place and by the same people was not borne out by any objective evidence. Under Article 155 of the Russian Federation Code of Criminal Procedure 12 pieces of case material were singled out concerning 8 facts regarding the discovery of 34 bodies and the wounding of one person, 3 facts regarding the murder of 17 people and abduction of 1 person, and 1 fact regarding the disappearance of 3 people.

Criminal proceedings were instituted on the basis of all the aforementioned pieces of case material.

In the framework of criminal case no. 12038 the killing of 6 people is being investigated: in the period from 19.1.2000 to 21.1.2000 at no. 107, *ulitsa* Neftyanikov in the Staropromyslovskiy district of Grozny unknown persons shot dead Kh.A. Khashiyev, L.A. Khashiyeva (Taymaskhanova), R. Taymaskhanov, A. Taymaskhanov, M. Goygova, A. Goygov.

The criminal case is ongoing, and investigations and operational search measures are being carried out to identify the perpetrators of the crime.

**d)** Criminal case no. **21037** was instituted in connection with the discovery of a mass grave on the "Zdorove" dacha estate.

On 23.2.2001 the Internal Affairs Directorate responsible for the Chechen Republic of the Russian Federation Ministry of Internal Affairs was informed by Mr M. Musayev that he had discovered the bodies of relatives on land around a dacha: S-R.M. Musayev, M.A. Magomadov and O.A. Mitayev, which he had removed from the dacha estate and buried.

Between 24.2.2001 and 1.3.2001 in the area indicated by Musayev on the land of the "Zdorove" rural community of the Oktyabrskiy district of Grozny, 48 bodies were discovered in various places, presenting signs of violent death, 5 of them women and 12 in skeletal form. When the site was inspected, several corpses were found to be booby-trapped with MON-50 mines and F-1 grenades on a trip-wire.

Criminal case no. 21037 was instituted by the prosecutor's office of the Chechen Republic on 24.2.2001, citing elements of the offence provided for in sub-paragraph "a" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

From the statements of the witnesses questioned it emerges that in the period from 2000 to February 2001 local residents in various areas of the Chechen Republic were arrested and taken away to an unknown destination during the conducting of special operations. The witnesses believe that the detainees were held at a military garrison at the Khankala military observation post. After several days they were released, blindfolded and driven somewhere, where they were abandoned. Some of the detainees did not return home, but their bodies were found in February 2001 on the grounds of the "Zdorove" community of the Oktyabrskiy district of Grozny.

On 23.5.2003 individual criminal cases regarding the murder of citizens whose bodies were identified during the investigation were singled out from criminal case no. 21037 to be dealt with separately and were sent for investigation by the territorial agencies concerned.

In total, 14 criminal cases were separated out from criminal case no. 21037, as follows.

On 3.6.2000, Ms N. Luluyeva, Ms M. Gakayeva, Ms R. Gakayeva, Ms T. Khamirzayeva, Ms A. Elbuzukova and Mr Z. Tazurkayev were detained on *ulitsa* Mozdokskaya of the Leninskiy district of Grozny. The bodies of the women were discovered on the "Zdorove" estate in February 2001. Tazurkayev's whereabouts remain unknown.

On 14.8.2000 S.I. Askhabov was abducted by persons unknown in Alkhan-Kala village in the Grozny area of the Chechen Republic. His body was subsequently discovered on the "Zdorove" estate.

On the evening of 14.10.2000 two brothers, E.A. Saltamuradov and Kh.A. Saltamuradov, were abducted by unidentified armed individuals from the house at no. 5, *ulitsa* Chkalova, Mesker-Yurt in the Shali district. Their bodies were subsequently discovered, bearing signs of a violent death, on the "Zdorove" estate.

On 30.11.2000 U.A. Magomadov disappeared from Grozny. In February 2001 his body was discovered on the "Zdorove" estate.

On 29.11.2000, at around midnight, R.R. Israilov was abducted by unidentified armed individuals from the house at no. 105 *ulitsa* Lenina in the Oktyabrskiy district of Grozny. In February 2001 his body was discovered on the "Zdorove" estate.

On 1.12.2000, at about 11 am, M.Sh. Manapov was detained outside the Administration building of the Oktyabrskiy district of Grozny by persons unknown and taken away in a UAZ jeep to an unknown destination. Manapov's body was subsequently discovered on the "Zdorove" estate.

On 2.12.2000 in the Chechen town of Shali A.E. Chimayev disappeared in unexplained circumstances. Chimayev's body was discovered on the "Zdorove" estate in February 2001.

On the evening of 10.12.2000 in Alkhan-Yurt village in the Urus-Martan district of the Chechen Republic, a Mr Timarov and two brothers named Riskhnanov were detained and taken to an unknown destination by unidentified armed individuals wearing camouflage uniform. In February 2001 the bodies of all three were discovered, bearing signs of a violent death, on the "Zdorove" estate.

On the evening of 11.12.2000 21 residents of the Raduzhnoye and Pobedinskoye villages in the Grozny area of the Chechen Republic were detained. The detainees were transported to the facilities of an unidentified unit, where they were held for several days. 18 of them were then released, but the bodies of S.M. Musayev, O.D. Mitayev and M.A. Magomadov were discovered on the "Zdorove" estate.

On 17.12.2000, at about 2 pm, in Znamenskoye village in the Nadterechnyy district of the Chechen Republic A.O. Khasiyev disappeared in unexplained circumstances. His body was discovered on the "Zdorove" estate in February 2001.

On 23.12.2000, at about 2 pm, U.A Edilbekov and A.M. Malsagov were abducted outside the State university building in Grozny. Their bodies were subsequently discovered, bearing signs of a violent death, on the "Zdorove" estate.

On 27.12.2000, at about 3 am, N.S. Dakayev was taken from the house at no. 5, *ulitsa Bolnichnaya* in Urus-Martan by persons unknown. His body was discovered on the "Zdorove" estate in February 2001.

On 17.1.2001 Kh. Ozdiyev, Sh. Ozdiyev, R. Aydamirov and I. Lorsanov were detained in Alkhan-Kala village in the Grozny area of the Chechen Republic. The Ozdiyevs and Aydamirov were subsequently released but Lorsanov's body was discovered on the "Zdorove" estate.

On 20.1.2001, during the day, I.Kh. Tazurkayev was taken from "Minutka" square in the Oktyabrskiy district of Grozny by persons unknown and taken to an unknown destination. His body, bearing signs of a violent death, was discovered on the "Zdorove" estate.

In this case, 25 bodies were identified, 184 witnesses were questioned concerning 123 persons having disappeared without trace or been abducted in various circumstances from different localities in the republic.

The preliminary criminal case investigation has been suspended while work is carried out to gather further information on republic citizens having disappeared without trace or having been abducted during the period 1.1.2001 to 24.2.2001.

e) Criminal case no. **59113** was instituted by the Shali district prosecutor's office on 7.6.2002, citing elements of the offence provided for in sub-paragraph "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the claim by M. Didisheva that on 22.5.2002, at about 4 pm, during a special operation to check identity papers in Mesker-Yurt village in the Shali district of the Chechen Republic, village residents Apti S. Didishev, Adam S. Didishev and Abu S. Didishev were detained and driven off to an unknown destination.

In the course of the preliminary investigation it was established that, in the period from 21.5.2002 to 11.6.2002 in Mesker-Yurt village in the Shali district of the Chechen Republic, the federal forces, acting on the command of the United Group of Forces in Chechnya, the heliborne detachment of the civil defence authorities and the Internal Affairs Directorate responsible for the Chechen Republic of the Russian Federation Ministry of Internal Affairs carried out special measures to check identity papers and identify members of illegal armed formations.

In the course of these special operations 208 people were brought to a filtration facility to run checks and establish their identity. In the period from 21.5.2002 to 11.6.2002, when the special operations were carried out in Mesker-Yurt village, the Shali district prosecutor's office received 8 reports from the Shali district department of internal affairs concerning military skirmishes involving sub-divisions of the armed forces and members of illegal armed formations, during which 9 members of illegal formations were killed; 4 of them were recognised as local residents by relatives. One of them was Adam Saltamirzoyev, alias "Black Adam", the leader of an armed formation.

After the special operations were completed the Shali district prosecutor's office received applications from residents of the village of Mesker-Yurt concerning the arrest and subsequent disappearance of certain individuals.

The following criminal cases were instituted concerning offences committed in the course of special operations:

Criminal case no. **59114** instituted by the Shali district prosecutor's office on 10.6.2002, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of S-M.I. Abubakarov from *ulitsa Lenina* in Mesker-Yurt on 21.5.2002.

Criminal case no. **59125** instituted by the Shali district prosecutor's office on 23.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "э" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of L.O. Temirkhanov from *ulitsa Moskovskaya* in Mesker-Yurt on 21.5.2002.

Criminal case no. **59126** instituted by the Shali district prosecutor's office on 23.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "э" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of A.A. Gachayev from *ulitsa Sheripov* in Mesker-Yurt on 21.5.2002.

Criminal case no. **59127** instituted by the Shali district prosecutor's office on 23.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "э" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of I.A. Ortsuyev from *ulitsa Lenina* in Mesker-Yurt on 21.5.2002.

Criminal case no. **59128** instituted by the Shali district prosecutor's office on 23.6.2002, citing elements of the offence provided for in sub-paragraphs "a", "z", and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of A.E. Israilov and A.E. Israilov from *ulitsa* Lenina in Mesker-Yurt on 21.5.2002.

Criminal case no. **59129** instituted by the Shali district prosecutor's office on 23.6.2002, citing elements of the offence provided for in sub-paragraphs "a", "z" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of S.V. Magomadov and S.V. Magomadov from *ulitsa* Shkolnaya in Mesker-Yurt on 27.5.2002.

Criminal case no. **59133** instituted by the Shali district prosecutor's office on 26.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of V.A. Ibragimov in Mesker-Yurt on 1.6.2002.

Criminal case no. **59134** instituted by the Shali district prosecutor's office on 26.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of I.ShCh. Askhabov in Mesker-Yurt on 22.5.2002.

Criminal case no. **59135** instituted by the Shali district prosecutor's office on 24.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of A.M. Dudagov in Mesker-Yurt on 5.6.2002.

Criminal case no. **59136** instituted by the Shali district prosecutor's office on 27.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of R.L. Makhtykhayev in Mesker-Yurt on 23.5.2002.

Criminal case no. **59138** instituted by the Shali district prosecutor's office on 29.6.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of Sh.R. Makhmudov in Mesker-Yurt on 21.5.2002.

Criminal case no. **59163** instituted by the Shali district prosecutor's office on 17.7.2002, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the detonation of a remote explosive device and the subsequent death of M.S. Madayev in Mesker-Yurt during the carrying out of special operations by members of Russian Federation armed forces on 4.6.2002.

Criminal case no. **59164** instituted by the Shali district prosecutor's office on 17.7.2002, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the detonation of a remote explosive device and the subsequent death of I.Ya. Khadzhimuradov in Mesker-Yurt during the carrying out of special operations by members of Russian Federation armed forces on 4.6.2002.

Criminal case no. **59166** instituted by the Shali district prosecutor's office on 23.7.2002, citing elements of the offence provided for in sub-paragraphs "a", "z" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of a resident of the Karachayevo-Cherkess Republic, M.M. Magomedov, in Mesker-Yurt on 30.5.2002.

Criminal case no. **59171** instituted by the Shali district prosecutor's office on 30.7.2002, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of I.G. Gachayev in Mesker-Yurt on 2.6.2002.

Criminal case no. **59205** instituted by the prosecutor's office of the Chechen Republic on 6.8.2002, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code concerning the death of A.S. Saltamirzayev during special operations carried out in the Mesker-Yurt area in the Shali district of the Chechen Republic at the end of May 2002.

On 6.8.2002 the aforementioned criminal cases were combined in a single set of proceedings assigned the number 59113.

At present, in criminal case no. **59113**, investigations and operational search measures are being carried out to establish who was involved in the committing of the crime.

f) On 17.1.2004, at around 10.20 am, by the destroyed building formerly housing the "Shovda" restaurant by the Chernaya river in Dzhalka in the Gudermes district of the Chechen Republic, the body of A.Sh. Dovletukayev was found, presenting signs of a violent death.

On 20.1.2004 criminal case no. **35002** was instituted by the Gudermes district prosecutor's office citing the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

It has not been established who committed the crime.

At present, the criminal case is ongoing within the Gudermes district prosecutor's office, and investigations are being carried out.

**g)** On 25.2.2004, at about 2.30 pm, 8 unknown individuals wearing camouflage uniform and masks and armed with automatic weapons, burst into the house at no. 39 *ulitsa* Kuybysheva in the Chechen town of Urus-Martan and abducted Mr Kh.V. Dombayev and Ms A.A. Dombayeva. After some time Kh.V. Dombayev was released, but A.A. Dombayeva's whereabouts remain unknown at present.

The Urus-Martan district prosecutor's office instituted criminal case no. **37016** in this connection on 6.3.2004, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

The measures taken in the course of the preliminary investigation have not established Ms Dombayeva's whereabouts. In their replies the municipal and district internal affairs agencies, the FSB and the military commandant's office in the Chechen Republic stated that the staff of these sub-units had not carried out special measures in the Urus-Martan district, A.A. Dombayeva was not being held and had not been transferred to them. No unidentified bodies resembling the person abducted have been found.

On 2.8.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**h)** On 14.8.2003 between 1 and 2 am persons unknown wearing camouflage uniforms and carrying automatic weapons entered the house at no. 14, *ulitsa* Titova in Avtury village in the Shali district of the Chechen Republic, which was home to the Musayev family, and, with a clear intention to kill, fired a number of shots at Mr I.M. Musayev, causing his death.

On 14.8.2003 the Shali district prosecutor's office instituted Criminal case no. **22116** citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

On 8.7.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

At present, investigations and operational search measures are being carried out to establish who was involved in the committing of the crime.

**i)** On 31.3.2004 the prosecutor's office of the Shali district of the Chechen Republic instituted Criminal case no. **36025** citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Code of Criminal Procedure concerning the abduction of 8 residents of Duba-Yurt village in the Shali district.

In the course of the preliminary investigation it was established that on 27.3.2004, between 2 and 3 am, in Duba-Yurt village in the Shali district of the Chechen Republic unidentified armed individuals wearing camouflage uniform and masks and driving five UAZ vehicles abducted 8 village residents - B.A. Elmurzayev, Sh.Kh. Elmurzayev, A.A. Murtazov, I.S-Kh. Elmurzayev, L.A. Shaipov, Kh.I. Khadzhimuradov, Sh.Kh. Elmurzayev and Z.U. Osmayev, who were taken to an unknown destination.

On 9.4.2004, at about 12.30 pm, on the Beni-Tatol river bed in woodland 150 metres from the Shali-Serzhen Yurt road, 9 bodies of men bearing signs of a violent death (multiple gunshot wounds to various parts of the body, with their hands tied behind their backs).

The prosecutor's office Shali district instituted Criminal case no. **36027** on 9.4.2004, citing elements of the offence provided for in Article 105 paragraph 2 of the Russian Federation Criminal Code.

In the course of investigations in the ongoing criminal case the victims have been identified as the Duba-Yurt residents abducted on 27.3.2004 together with A.M. Mutsayev, who was abducted by persons unknown on 11.2.2004 from the house at no. 145 *ulitsa* Saykhanova in Grozny.

On 5.3.2004 the prosecutor's office of the Oktyabrskiy district of Grozny instituted Criminal case no. **32026** citing elements of the offence provided for in sub-paragraphs "a", "b" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 24.4.2004 these criminal cases were combined in a single set of proceedings assigned the number 32026.

On 25.7.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure. Operational search measures are being carried out to identify the perpetrators of the crime.

j) On 11.4.2004 the prosecutor's office of the Grozny district of the Chechen Republic instituted Criminal case no. **34046** citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 and sub-paragraph "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the abduction and murder of A.Sh. Pokayev (Sambiyev).

In the course of the preliminary investigation it was established that on 10.4.2004, at around 9 pm, a group of individuals wearing camouflage uniform and masks and carrying firearms, driving 2 armoured personnel carriers and 2 Ural vehicles abducted A.Sh. Pokayev (Sambiyev), born 1980, from the house at no. 91 *ulitsa* Kh. Nuradilova in Starye-Atagi village in the Grozny district of the Chechen Republic.

On 11.4.2004, at around 9 am, on the roadside of the Grozny-Shatoy motorway, 20 metres from the turn-off for the village of Prigorodnoye in the Grozny district, the body of A.Sh. Pokayev (Sambiyev) was discovered, presenting signs of a violent death. Pokayev's body bore multiple gunshot and stab and cut wounds.

On 2.4.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure, and operational search measures are being carried out to identify the perpetrators of the crime.

k) On 16.5.2003, at around 3.40 am, four armoured personnel carriers drew up outside the home of R.Z. Gekhayeva in Ulus-Kert village in the Shatoy district of the Chechen Republic. Persons unknown wearing military uniform got out of the vehicles and, after beating R.Z. Gekhayeva, took away her daughter, K.S.-Kh. Zinabdiyeva, born 1968, and a distant relative, A.M. Dugayeva, born 1988, to an unknown destination.

On 7.6.2003 the Shatoy joint-district prosecutor's office instituted Criminal case no. **54016** citing elements of the offence provided for in sub-paragraphs "a", "b" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

The necessary steps have been taken in the course of the investigation to locate the persons abducted and to identify the perpetrators of the crime.

On 27.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

## B.

a) Criminal case no. **34/35/0172-02** concerning the abduction of S-M.U. Imakayev was instituted on 28.6.2002, citing elements of the offence provided for in sub-paragraphs "a", "z" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code. On 12.9.2003 the criminal case was sent to the Chief military prosecutor's office for further investigation.

b) Criminal case no. **34/00/0020-04D** concerning the abduction of Kh.-M.A Yandiyev was instituted on 14.7.2001, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code. At present it is being dealt with by the United Group of Forces military prosecutor's office, and investigations are being carried out to establish Yandiyev's whereabouts.

c) Criminal case no. **34/00/0016-04D** concerning the abduction of Sh.S-Kh. Akhmadov was instituted on 10.5.2004, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code. The involvement of federal forces servicemen in this crime was not established in the course of investigations, and the criminal case has been transferred to the investigative jurisdiction of the prosecutor's office of the Chechen Republic.

On 23.11.2005 the preliminary investigation into the case was reopened.

d) Criminal case no. **34/00/0015** concerning the death of M.K. Tsintsayeva and five of her children was instituted on 16.4.2004, citing elements of the offence provided for in Article 109 paragraph 3 of the Russian Federation Criminal Code. The involvement of federal forces servicemen in their death was not established in the course of the preliminary investigation and, as a result, on 16.8.2005 the criminal case was dismissed on grounds of sub-paragraph 2 of Article 24 paragraph 1 of the Russian Federation Code of Criminal Procedure.

C. On 9.9.2003 the prosecutor's office of the Shali district of the Chechen Republic received a report of the abduction of residents of the village of Chiri-Yurt, M. Sheptukayev, I. Dovletbiyev, A. Ismailov, A. Ismailov and A. Ismailov, by persons unknown driving an armoured personnel carrier.

On 10.9.2003 these citizens were released. The verification material was sent to the military prosecutor's office for military unit no. 20116 on the same day.



## 2.

a) On 17.5.2000, at around 11 am, a group of unidentified servicemen in Russian army uniform and masks blockaded the town of Shali with a large number of armoured personnel carriers and drove in several such carriers to no. 97 *ulitsa* Suvorova, where the former speaker of the Parliament of the Chechen Republic-Ichkeria, **R.Sh. Alikhadzhiyev**, was with relatives and friends. The servicemen detained Alikhadzhiyev, Muskhadzhiyev, Dombayev, Dombayev and Basayev, blindfolded them and drove them away to an unknown destination (presumed to be in the town of Argun or the district of Khankala), where they were held in a basement. On 18.5.2000 all of them, apart from R.Sh. Alikhadzhiyev, were driven out in a personnel carrier to a place near the village of Avtury and released. Alikhadzhiyev has disappeared without trace.

The Shali district prosecutor's office instituted Criminal case no. 22025 on 27.7.2000, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

It has not been possible to establish who was involved in the crime.

On 26.1.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure. Operational search measures are being carried out to identify who was involved in committing the crime.

b) The law enforcement agencies of the Chechen Republic have no information concerning the killing of **Madina Mezhiyeva** on 27.10.2001.

In the absence of information as to where the crime was committed, it is impossible to carry out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

c) The law enforcement agencies of the Chechen Republic have no information concerning the abduction of **Artur Akhmatukayev**.

In the absence of information as to when and where the crime was committed, it is impossible to carry out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

d) On 11.8.2003, at petrol station no. 1 in the town of Gudermes, **A.Sh. Usmayev**, born 1965, was shot dead by a person unknown.

The Gudermes district prosecutor's office instituted Criminal case no. 32084 on 1.9.2003, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

On 1.11.2003 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

Operational search measures are being carried out to identify the perpetrator of the crime.

e) On 8.5.2004, at around 11 pm, persons unknown wearing camouflage uniform and masks and armed with automatic weapons, burst into the house at no. 23 *ulitsa* Lenina in Chiri-Yurt village in the Shali district, seized **R.M. Shaipov**, born 1974, and drove him away to an unknown destination. His whereabouts remain unknown.

The Shali district prosecutor's office instituted Criminal case no. 36046 on 21.5.2004, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 12.6.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

Operational search measures are being carried out to locate the person abducted as well as to identify those involved in committing the crime.

f) The prosecutor's office of the Ingush Republic instituted a criminal case on 22.7.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of **A.K. Medov** and A.I. Kushtonoshvili in the town of Karabulak on 15.6.2004. At present the preliminary investigation in the criminal case has been suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

g) The prosecutor's office of Nazran district in the Ingush Republic instituted a criminal case on 17.3.2004, citing elements of the offence provided for in sub-paragraphs "a", "e" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction with the use of firearms of **R.M. Yevloyev** and **I.Kh. Ismaylov** by a group of unidentified individuals in camouflage uniform, driving VAZ-21099 and VAZ-2121 vehicles, on 11.3.2004 at 9.50 pm at the Volga-14 checkpoint.

The preliminary investigation in the criminal case has been suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

h) On 18.3.2004 during operational search measures carried out by staff of the Russian Federation Federal Security Service directorate for the Chechen Republic in the Naursk region, together with the helicopter detachment of the civil defence authorities and the Internal Affairs Directorate responsible for the Chechen Republic of the Russian Federation Ministry of Internal Affairs and Russian Federation internal affairs troops of special battalion 231, **T.R. Khambulatov**, resident in flat 2, no. 8 *ulitsa* Dzerzhinskogo, Savelevskaya village in the Naursk district of the Chechen Republic, where homemade explosives were found, was held and taken to the Naursk district department of internal affairs. At about 8.20 am, T.R. Khambulatov died in the office of the criminal investigation department of Naursk district department of internal affairs. According to the conclusions of the forensic expert, lesions on Khambulatov's body in the form of bruising, abrasions and haemorrhages had been made within a period of 24 hours up to the onset of death and were described as causing minor damage to health. No direct link was established between the combined traumas to the head, torso and limbs and the onset of death.

On 29.6.2004 the *ad interim* prosecutor of Naursk district, P.K. Serkov, instituted Criminal case no. 40046 concerning T.R. Khambulatov's death and the discovery of multiple lesions on his body, citing elements of the offence provided for in sub-paragraph "a" Article 286 paragraph 3 of the Russian Federation Criminal Code.

On 30.7.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure. Operational search measures are being carried out to establish the whereabouts of the person abducted as well as to identify those involved in committing the crime.

i) On 14.4.2004 **S.L. Aliyev** was taken by persons unknown from the courtyard of no. 33, *ulitsa* B. Khmelnitskogo in the Leninskiy district of Grozny.

The Leninskiy district prosecutor's office instituted Criminal case no. 30040 on 21.4.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 21.4.2004, at around 5.40 pm, S.L. Aliyev's body was found, presenting signs of a violent death, in a steam shaft on wasteland adjacent to *bulvar* Dudayeva in Grozny.

The prosecutor's office of the Oktyabrskiy district of Grozny instituted Criminal case no. 32035, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

The preliminary investigation has been suspended, and operational search measures are being carried out to identify the perpetrators of this crime.

j) In connection with the death of **Z.A. Isayev** after resisting arrest, the military prosecution authorities carried out checks with regard to staff of the Russian Federation Federal Security Service directorate for the Chechen Republic in the Urus-Martan district in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, as a result of which the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

Checks were also carried out in respect of staff of the Urus-Martan district internal affairs department in this connection. The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

k) On 26.4.2003, at around 12.30, on the way from Khankala to Vladikavkaz, on *ulitsa* Saykhanova in the Oktyabrskiy district of Grozny persons unknown wearing masks and carrying firearms, travelling in VAZ-2107 and VAZ-2121 vehicles stopped the VAZ-2110 car driven by **I.I. Tsurov**, which was also carrying servicemen from unit 98311 (A.Yu. Samonin, S.V. Nefedov and D.V. Skalaukh). The unknown individuals forced I.I. Tsurov into the boot of the VAZ-2107 and drove him away to an unknown destination.

On 18.6.2003 the Oktyabrskiy district prosecutor's office instituted Criminal case no. 40086.

On 14.1.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

Operational search measures are being carried out to locate the person abducted as well as to identify those involved in committing the crime.

**l)** The prosecutor's office of Karabulak instituted criminal proceedings concerning the abduction of **B.A. Mutsolgov** on 26.12.2003, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

The preliminary investigation established that on 18.12.2003, at around 4.20 pm, a group of unidentified armed individuals in camouflage uniform forced B.A. Mutsolgov into a car outside house no. 83 in the town of Karabulak and took him away to an unknown destination.

On 26.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**m)** On 16.3.2004, at around 4.30 pm, in Nazran, **T.M. Yandiyev** was abducted by persons unknown wearing camouflage uniform and masks and driving Niva and Gazel vehicles.

Criminal proceedings have been instituted, citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Criminal Code.

At present the preliminary investigation in the criminal case is suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**n)** On 14.3.2004 criminal proceedings were instituted concerning the abduction of **R.B. Ozdoyev**, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code.

In the course of investigations it was established that, on 11.3.2004 the deputy of the chief prosecutor of the Ingush Republic, R.B. Ozdoyev, had travelled to Nalchik as a member of a republic governmental commission and was returning home on the evening of the same day. He was seen for the last time on 11.3.2004, at 5.10 pm outside the Ingush Republic Government administration building as he walked towards the place where he had parked his car.

At present the preliminary investigation in the criminal case is suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**o)** On 2.9.2003, at around 2.10 am, in Chechen-Aul village in the Grozny district of the Chechen Republic between 17 and 20 unidentified individuals wearing masks and camouflage uniform entered the courtyard of no. 4 *ulitsa* Novoselskaya, where they shot and killed **S.S. Tsitsayev**, the head of the village administration of Chechen-Aul, born 1953, and also wounded his brother, S.S. Tsitsayev, in the shoulder, after which they made off from the scene of the crime.

On 2.9.2003 the Grozny district prosecutor's office instituted Criminal case no. 42152, citing elements of the offence provided for in sub-paragraphs "б" and "ж" of Article 105 paragraph 2, Article 30 paragraph 3, and sub-paragraphs "б" and "е" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

On 2.9.2003, at around 2 am, in Chechen-Aul village in the Grozny district between 17 and 20 unidentified individuals wearing masks and camouflage uniforms entered the courtyard of no. 14 *ulitsa* Kirova and, using armed threats, seized a UAZ-3909 minibus belonging to Ch.I. Asuyev, in which they made off from the scene of the crime.

The Grozny district prosecutor's office instituted Criminal case no. 42153 on 2.9.2003, citing elements of the offence provided for in Article 166 paragraph 4 of the Russian Federation Criminal Code.

On 12.9.2003 criminal cases nos. 42152 and 42153 were combined in a single set of proceedings.

On 18.6.2004 the preliminary investigation was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure, and steps are being taken to identify the perpetrators of the crime.

**p)** On 4.9.2003 the Achkha-Martan district department of internal affairs was notified by **Kh.L. Edilkhanov** of the abduction on the night of 4.8.2003, from no. 5 *ulitsa* Melnichnoy in Khambi-Izri village by unidentified armed individuals wearing camouflage uniform and masks, of his son, I.Kh Edilkhanov, who was voluntarily released afterwards.

On 7.9.2003 the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

q) On 9.9.2003 the prosecutor's office of the Shali district of the Chechen Republic received reports of the abduction on 7.9.2003 of five residents of the village of Chiri-Yurt in the Shali district of the Chechen Republic.

On 10.9.2003 these reports were passed on to the investigative jurisdiction of the military prosecutor for military unit no. 20116.

r) The law enforcement agencies of the Chechen Republic have received no information concerning the abduction of **Ruslan Soltakhanov** on 13.2.2004.

s) The prosecutor's office of the Sunzhenskiy district of the Ingush Republic instituted criminal proceedings on 16.2.2004 concerning the abduction of **R.S-M. Dzhakalayev** and R.L. Ibragimov, citing elements of the offence provided for in sub-paragraphs "a", "б", "в" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 27.11.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 126 paragraph 1 of the Russian Federation Criminal Code.

t) The abduction of N.Kh. Gatiyev was reported on 19.2.2004. The checks carried out by the prosecutor's office of the Khasavyurtovskiy district of the Republic of Dagestan established that N.Kh. Gatiyev had been detained by the prosecutor's office of the Kurchaloyevskiy district of the Chechen Republic on suspicion of a particularly serious crime as well as involvement in an illegal armed formation on the territory of the Chechen Republic.

As a result of these checks, the opening of a criminal case was refused.

u) see point 1.A.g

v) On 10.6.2003, on the motorway between the villages of Dattye and Galashka in the Sunzhenskiy district of the Ingush Republic, a person unknown opened automatic weapon fire from a site close to woodland at the side of the road on a ZIL-130 car carrying U.A. Zabiyeu, A.A. Zabiyeu and T.S. Zabiyeu. As a result **T.S. Zabiyeu** was wounded in the back and neck, **A.A. Zabiyeu** received a tangential wound, while U.A. Zabiyeu disappeared in unexplained circumstances. On 11.6.2003 U.A. Zabiyeu's body was found dumped not far away with gunshot wounds.

Criminal proceedings were instituted citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

On 19.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

w) On 21.5.2003, between 3.30 and 4 am, in Kalinovskaya village in the Naursk district of the Chechen Republic persons unknown wearing camouflage uniform and masks and armed with automatic weapons, burst into the household at no. 64 *ulitsa* Oktyabrskaya, where they killed A.A. Gadiyev, stole his passport and fled the scene of the crime.

At the same time, in Kalinovskaya, persons unknown wearing camouflage uniform and masks and armed with automatic weapons, burst into the household at no. 23 *ulitsa* Kooperativnaya and killed T.V. Islamov.

At the same time, in Kalinovskaya, persons unknown wearing camouflage uniform and masks and armed with automatic weapons, burst into the household at no. 7 *ulitsa* Filatova, where they killed **Z.Sh. Bitiyeva, A. Bitiyev, R.Kh. Iduyev and I.R. Iduyev**.

The Naursk district prosecutor's office instituted Criminal case no. **48023** on 21.5.2003, citing elements of the offence provided for in sub-paragraph "a" and "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

On 9.7.2005 the preliminary investigation was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

x) The law enforcement agencies of the Achkha-Martan and Sunzhenskiy districts of the Chechen Republic have received no information concerning ill-treatment of residents of the village of Samashki during a special operation at the beginning of May 2003, and no checks have been carried out.

y) On 12.1.2004, at around 5.30 pm, in the Pliyev municipal district of Nazran, **Kh.Kh. Osmayev** was abducted by a group of unknown armed individuals wearing camouflage uniform and masks driving a "Gazel" car.

Criminal proceedings were instituted, citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 26.1.2004 Kh.Kh. Osmayev was released near Magas airport.

On 22.5.2004 the preliminary investigation was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

z) On 14.8.2003, between 1 and 2 am, persons unknown wearing camouflage uniform and armed with automatic weapons entered the house at no. 14 *ulitsa* Titova in Avtury village in the Shali district of the Chechen Republic, home of the Musayev family, and fired several shots at **I.M. Musayev** with the clear intention of killing him, as a result of which he died.

The Shali district prosecutor's office instituted Criminal case no. 22116 on 14.8.2003, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

On 8.7.2004 the preliminary investigation in the criminal case was suspended as it had not been possible to establish who was to be indicted.

aa) see point 1. A. i.

bb) On 11 and 12.3.2001 in the town of Argun in the Chechen Republic persons unknown seized A-V.S. Yashurkayev, A.B. Gayrbekov, A.M. Tovzarkhanov, M. Batsiyev, R. Viskhadzhiyev and S.M. Dikiyev and drove them away to an unknown destination.

The Argun joint district prosecutor's office instituted criminal case no. **45031** on 23.3.2001, citing elements of the offence provided for in Article 126 paragraph 2 sub-paragraphs "a" and "ж" of the Russian Federation Criminal Code. In the course of the criminal case investigation it was established that A.B. Gayrbekov, A.M. Tovzarkhanov and M.U. Batsiyev were killed in unexplained circumstances. Their bodies were discovered with multiple gunshot wounds on 13.3.2001 in Khankala. The military prosecutor's office for military unit 20102 instituted and investigated Criminal case no. **14/33/0132-01** in connection with the discovery of these bodies, citing elements of the offence provided for in sub-paragraph "a" of Article 105 paragraph 2 of the Russian Federation Criminal Code. Given that the abduction of Argun residents and the killing of the aforementioned individuals are interconnected, in order to ensure an all-round, full investigation of the circumstances, Criminal case no. 45031 was transferred in May 2001 to the investigative jurisdiction of the military prosecutor's office for the aforementioned military unit in Khankala.

No information is available concerning intimidation of **L. Sadulayeva** in the carrying out of investigative activities in case no. **45031** concerning the death of **Sh.S-Kh. Akhmadov**.

cc) see point 1 A. j.

dd) see point 1 A. k.

ee) see point 1. B. d.

ff) On 25.1.2004, at around 2 pm, persons unknown wearing camouflage uniform and masks and armed with automatic weapons snatched **E.A. Gaytamirova**, born 1973, from *ulitsa* Budennogo in Gekhi village in the Urus-Martan district of the Chechen Republic.

The Urus-Martan district prosecutor's office instituted Criminal case no. **37007** on 25.1.2004, citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Criminal Code.

E.A. Gaytamirova has now returned home after her abduction, which is confirmed by the record of her interview on 9.9.2004 and the application requesting closure of the criminal case opened in connection with her abduction.

On 28.9.2004 the criminal case was dismissed on grounds of Article 27 paragraph 1 sub-paragraph 2 and Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure and also the explanatory note to Article 126 of the Russian Federation Criminal Code.

gg) The prosecutor's office of the Ingush Republic instituted criminal proceedings on 26.3.2004, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the firing of shots from an unidentified helicopter at a car carrying **M.R. Khamkhoyev**, A.Z. Khashagulgov, **I.Kh. Khashagulgov** and M.M. Chaniyeva.

M.R. Khamkhoyev died at the scene as a result of the wounds received. The Khashagulgovs received gunshot wounds of varying gravity.

The criminal case is being dealt with by the Chief Directorate of the Southern Federal region. The preliminary investigation in the criminal case was suspended on grounds provided for in subparagraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

## Appendix II

### I.

**1.-3.** Criminal case no. **46110** was instituted on 17.9.2005 by the prosecutor's office of the Shali district of the Chechen Republic, citing sub-paragraphs "a", "e", "z" and "ж" of Article 127 paragraph 2 of the Russian Federation Criminal Code.

In the course of the preliminary investigation it was established that, between 10 and 13 September 2005 in Novye Atagi village in the Shali district, while carrying out checks to establish involvement in various kinds of crime, unidentified staff of special militia regiment no. 2 of the Chechen Republic Internal Affairs Ministry, armed with automatic weapons, seized 7 residents of the village, M-E.M. Aguyev, **I.Kh. Bakalov**, M.A. Elikhanov, Sh.B. Khalayev, R.S. Dalayev, S.S. Khalayev and A.Sh. Edilov, unlawfully and in violation of procedures.

The investigation is ongoing, and the time-limit has been extended to 17.12.2005.

**4.** On 29.8.2005, at around 6.15 am, 8 unidentified individuals wearing camouflage uniform and masks and armed with automatic weapons, introducing themselves as representatives of the Chechen Republic Internal Affairs Ministry law enforcement agencies, took **R.R. Magomayev** from his home at no. 37 *ulitsa* Yunaya smena in the Voykovo area of Grozny and drove him away to an unknown destination. On the same day (29.8.2005) R.R. Magomayev was allowed to return home.

Following checks the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**5.** No reports have been received concerning the abduction of **I. Nimbulatov and Z. Babuyev** on 26.8.2005 in Pomyatoy village in the Shatoy district of the Chechen Republic.

The information provided is now being checked.

**6.** On 11.8.2005 the prosecutor's office of the Shelkovskoy district of the Chechen Republic received a report from Z.A. Khuchiyeva that on 11.8.2005 persons unknown wearing camouflage uniform and driving 2 VAZ-21099 vehicles took **Kh.M. Musayev** from the household at no. 11 *ulitsa* Lesnaya in Paraboch village.

Following checks carried out by the Shelkovskoy district prosecutor's office, the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure, since Kh.M. Musayev was allowed home on the same day and was not subjected to any violence.

**7.** On 16.9.2005, at around 5 am, **A.A. Natayev** was seized from the house at no. 61 *ulitsa* Sadovaya in Starye Atagi village in the Grozny district of the Chechen Republic and driven off to an unknown destination. He was later released.

The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

No reports of the abduction of **Z. Mazayeva and E. Khamzatova** at the same time as Natayev have been received by Chechen law enforcement agencies.

**8.** On 8.8.2005 about 10 unidentified individuals driving two vehicles (a VAZ-2109 and a VAZ-21012) seized **S.U. Kurbanov** in Prigorodnoye in the Grozny district of the Chechen Republic and took him away. He was released on the same day.

The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure and the explanatory note to Article 126 of the Russian Federation Criminal Code.

**9.** No reports of the abduction of **A.Z. Sambiyev and Kh.Kh. Yakhyayev** on 8.8.2005 in Starye Atagi village and their subsequent release on 10.8.2005 have been received by Chechen law enforcement agencies.

The information provided is now being checked.

**10.** On 4.8.2005, at around 11.50 pm, 4 unidentified armed individuals wearing camouflage uniform and driving a VAZ-2110 vehicle abducted **I.B. Khadzhiev** from the house at no. 47 *ulitsa* Voroshilova in Argun in the Chechen Republic.

On 17.8.2005 the Argun prosecutor's office instituted Criminal case no. **58038**, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

In the course of the preliminary investigation it was established that on 7.8.2005 I.B. Khadzhiyev was released by these unidentified individuals without any demands or threats being made.

On 17.10.2005 the preliminary investigation in criminal case no. 58038 was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

11. The Argun prosecutor's office has checked the information regarding the detaining of militia-man **M. Ayubov**. According to the information of the internal affairs department and the Argun prosecutor's office, Ayubov was not detained.

On 18.11.2005 the Argun prosecutor's office refused to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

12. On 24.7.2005, at around midday, unidentified armed individuals wearing camouflage uniform abducted an official of the Chief Investigations Directorate of the Chechen Republic Internal Affairs Ministry, chief lieutenant M.R. Mezhiyev, and A.A. Khasbulatov (Musayev) who was with him at the time from the *Internet-Tsentr* cafe on *prospekt* Pobedy in Grozny. They also took the VAZ-21099 car belonging to M.R. Mezhiyev.

The prosecutor's office of the Zavodskiy district of Grozny instituted Criminal case no. **41082** on 2.8.2005, citing elements of the crime provided for in sub-paragraphs "a" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code,

The preliminary investigation period has been extended for 4 months, namely until 2.12.2005.

13. On 25.7.2005 the abduction of an official of the security directorate of the Russian Federation Ministry of Transport in the Chechen Republic, militia sergeant **A.S. Ibragimov**, was reported.

Following checks carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, the prosecutor's office of the Staropromyslovskiy district of Grozny issued a decision on 26.7.2005 refusing to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

The law enforcement agencies of Urus-Martan in the Chechen Republic have no information concerning the abduction on 25.7.2005 of Kheda Khasanova, who disappeared from her home in Alkhan-Yurt village in the Urus-Martan district of the Chechen Republic. Checks are being carried out by the Urus-Martan district prosecutor's office.

On 22.7.2005, at around 10.20 pm, in woodland 300 metres from the village of Kharkovskoye in the Shelkovskoy district, about 4 unidentified individuals wearing camouflage uniform shot dead **B.B. Gaybiyev**.

The Shelkovskoy district prosecutor's office instituted Criminal case no. **51052** on 23.7.2005, citing elements of the offence provided for in sub-paragraph "ж" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

On 23.9.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

14. As a result of checks on the report of the abduction on 23.7.2005 of T. Abdullayev on *ulitsa* Tukhachevskogo in Grozny, it has been established that Abdullayev was detained by law enforcement agencies and is currently in custody in the SIZO (pre-trial detention centre) in Vladikavkaz in the Republic of North Ossetiya-Alaniya.

On 24.8.2005 the prosecutor's office of the Leninskiy district of Grozny decided to refuse to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

15. As a result of checks on the report of the abduction on 15.7.2005 of the **Sankayev brothers and A.Sh. Usmanov** from a house on *pereulok* Kiyevskiy in Grozny, the prosecutor's office of the Leninskiy district of Grozny decided on 16.7.2005 to refuse to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 and Article 148 of the Russian Federation Code of Criminal Procedure, as the persons abducted had been released.

16. On 13.7.2005, at around 2 pm, outside the house at no. 45 *ulitsa* Lenina in Novoshchedrinskaya village in the Shelkovskoy district of the Chechen Republic, unidentified armed individuals wearing camouflage uniform pulled up in two VAZ-21099 vehicles, stopped **A.N. Semenenko** to check his papers, and then put him in one of the cars and drove off to an unknown destination.



The Shelkovskoy district prosecutor's office instituted Criminal case no. **51049** on 16.7.2005.

In the course of the preliminary investigation it was established that on 17.7.2005 A.N. Semenenko died in the committing of a terrorist act in Znamenskoye village in the Nadterechny district of the Chechen Republic. The investigation in the case is ongoing.

**17.** On 12.7.2005 **M.M. Davliyev** was abducted from the house at no. 22 *ulitsa* Lineynaya in Argun by persons unknown.

The checks carried out have established that he was voluntarily released by his abductors and no demands of a material nature were made. M.M. Davliyev was not subjected to any physical or psychological violence.

On 21.8.2005 the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**18.** Concerning the seizure of Ms **R. Inderbayeva** on 9.7.2005 in Elistanzhi village in the Vedenskiy district of the Chechen Republic by unidentified armed individuals, the Vedenskiy district prosecutor's office has carried out checks. Following these checks the opening of a criminal case was refused on 10.7.2005 as Inderbayeva had been released on 9.7.2005, not having been subjected to any violence.

The law enforcement agencies have not received any information on the abduction of the resident of Elistanzhi village in the Vedenskiy district of the Chechen Republic named as Ms **S.-Kh. Satayeva**. Checks are being carried out.

**19.** As a result of checks on the report of the abduction of **B. Abdullayev** on 11.7.2005 from *ulitsa* Tukhachevskogo in Grozny, the prosecutor's office of the Leninskiy district of Grozny decided on 15.7.2005 to refuse to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure as he had been released.

As a result of checks on the report of the abduction of A. Aliyev on 11.7.2005 from *pereulok* Kiyevskiy in Grozny, the prosecutor's office of the Leninskiy district of Grozny decided on 19.7.2005 to refuse to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as he had been released.

**20.** On 4.7.2005, during the night, a group of unidentified individuals wearing camouflage uniform and masks and carrying automatic weapons burst into the **Elmurzayev family** home in Khimoy village in the Sharoy district of the Chechen Republic and took the Elmurzayevs (Gilani Dzhabayevich, born 1950, Zhabrail Gilaniyevich, born 1987, and Izrail Gilaniyevich, born 1988) out onto the street where they shot them.

The Shatoy joint district prosecutor's office instituted Criminal case no. **56001** on 4.7.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

In the course of the preliminary investigation it was established that G.Zh. Elmurzayev had been a member of the gang led by S-A.M. Dadayev scattered around the Sharoy district of the Chechen Republic since June 2004. After voluntarily leaving the gang, G.Zh. Elmurzayev had given witness testimony concerning the attacks carried out by the Dadayev gang. According to one of the versions heard by investigators, the members of the Elmurzayev family were murdered by members of the Dadayev gang.

On 4.10.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**21.** On 4.7.2005, during the day-time, close to Burgaloy, **A-A.A Yangulbayev**, head of administration in Zumsoy village in the Itum-Kalinskiy district was killed by unidentified individuals wearing camouflage uniform and carrying automatic weapons. Operations on the spot were directed by an investigation and operations group consisting of staff from the Itum-Kalinskiy temporary internal affairs department and district department of internal affairs, as well as the Itum-Kalinskiy district military command. When the investigation and operations group arrived at the scene of the crime, it was ambushed and attacked with grenade launchers and machine-gun fire, which resulted in the deaths of private V.S. Gromov of the military command and M.M. Takayev of the Itum-Kalinskiy district department of internal affairs; R.M. Imadayev, of the guard post patrol of the district department of internal affairs, was wounded.

The Shatoy joint district prosecutor's office instituted Criminal case no. **57005** on 4.7.2005, citing elements of the crime provided for in Article 105 paragraph 1 and Article 317 of the Russian Federation Criminal Code.

On 4.9.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

22. On 6.7.2005 the Argun internal affairs department received a missing person report from M.A. Zaypulayeva concerning her husband, **A.M. Zaypulayev**.

Following checks carried out by the Argun internal affairs department, the opening of a criminal case was refused on 28.7.2005 on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as A.M. Zaypulayev's abduction was not objectively confirmed. It was established that between 4.7.2005 and 7.7.2005 A.M. Zaypulayev was at a wedding in Shali. The claim that A.M. Zaypulayev paid for his release was not objectively confirmed either.

23. Following checks carried out by the prosecutor's office of the Shali district of the Chechen Republic concerning a report of the abduction on 2.7.2005 of the head of administration of the village of Serzhen-Yurt in the Shali district, **Sh.Sh. Chamayev**, it has been established that, on 2.7.2005, he was escorted by staff of the Chechen Republic Internal Affairs Ministry special militia regiment to the Internal Affairs Ministry headquarters to give a statement concerning blackmail against him. Sh.Sh. Chamayev was neither detained nor abducted.

Following these checks, a decision was issued refusing to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

24. Following checks, it has been established that in the period from June to July 2005 the body of **A. Usmanov** was not found in the Argun area of the Chechen Republic. The Argun internal affairs department and prosecutor's office have not received any missing person reports concerning him.

25. Following checks on a report of the abduction of residents of Serzhen-Yurt village in the Shali district of the Chechen Republic, **T. Zukhayrayev and A. Saykhayev**, it has been established that T. Zukhayrayev and A. Saykhayev were not and are not resident in Serzhen-Yurt. No abduction has taken place.

On 18.11.2005 the Shali district prosecutor's office refused to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

26. During the night of 17.6.2005, at around 2 am, in Samashki village there was a skirmish involving staff of the Achkhoy-Martan district department of internal affairs and the 7th company of the Chechen Republic Internal Affairs Ministry special militia regiment, who were engaged in operational search measures, and members of an illegal armed formation, in which an active member of that formation, **I.Kh. Kulayev**, who had put up armed resistance, was fatally wounded. A modernised Kalashnikov machine-gun, a Makarov pistol and munitions belonging to Kulayev were found at the scene and removed. The Achkhoy-Martan joint district prosecutor's office has checked the facts and refused to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 4 of the Russian Federation Code of Criminal Procedure.

27. Following checks on a report of the abduction of **A.Sh. Elbiyev** from *ulitsa* Mozdokskaya in Grozny on 8.6.2005, the prosecutor's office of the Leninskiy district of Grozny took the decision on 14.6.2005, in the light of the abducted person having been released, not to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure,

The prosecutor's office of the Zavodskiy district of Grozny did not open criminal proceedings concerning the abduction of **Vakhid Mairbekov** on 10.6.2005, and no material or reports have been received by the district prosecutor's office. Checks are being carried out.

The investigations section of the Achkhoy-Martan district department of internal affairs brought Criminal case no. **48602** on 11 June 2005 under Article 208 paragraph 2 of the Russian Federation Criminal Code concerning the involvement of **Arsen Sayd-Hasanovich Mazuyev**, born 1975, in an illegal armed formation led by field commander Iriskhanov.

On 4.7.2005 a criminal case indicting Mazuyev of crimes provided for in Article 208 paragraph 2 and Article 222 paragraph 1 of the Russian Federation Criminal Code was sent to court for examination on the merits.

28. Following checks on the circumstances of the abduction of **M.Kh. Kutsayev** on 5.6.2005, the prosecutor's office of the Kurchaloyevsky district of the Chechen Republic took a decision on 22.7.2005 not to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the

Russian Federation Code of Criminal Procedure, as Kutsayev had not been abducted by anyone and was at home.

**29.** Following checks by the Shali district prosecutor's office concerning the abduction of **Kh. Batayev** on 5.3.2004 in Avtury village in the Shalin district of the Chechen Republic, it was established that Batayev was detained by persons unknown wearing camouflage uniform on 5.3.2004 and was released once it had been checked whether he was involved in an illegal armed formation.

It was decided not to open a criminal case.

**30.** On 3.6.2005 the investigations directorate of the Russian Federation Federal Security Service directorate for the Chechen Republic instituted Criminal case no. 76/21 under Article 208 paragraph 2 and Article 222 paragraph 3 of the Russian Federation Criminal Code in connection with the involvement in 2001 of R.D. Yunusov in an illegal armed formation led by Musostov. On 4.6.2005 the Achkhoy-Martan district court took a measure of restraint against **R.D. Yunusov** in the form of custody. In a court ruling of 19.7.2005 Yunusov was found guilty under Article 208 paragraph 2 and Article 222 paragraph 3 of the Russian Federation Criminal Code and given a cumulative sentence of 6 years' imprisonment in a standard-security correctional facility.

**31.** On 1.6.2005, at around 4 am, about 10 unidentified armed individuals wearing camouflage uniform and masks, driving UAZ and VAZ-2121 vehicles, took **A.U. Dukushev and A.-S.S. Khazuyev** from a house in Urd-Yukhoy village in the Shatoy district of the Chechen Republic and drove them off to an unknown destination. During the night of 2 June 2005 they were set free close to the village of Vashendaroy.

According to Dukushev and Khazuyev, the aforementioned unidentified armed individuals had suggested to them that they come voluntarily to Vashendaroy to provide information on possible involvement in illegal armed formations. After providing this information, Dukushev and Khazuyev were released and made their own way home. They were not subjected to any violence by the aforementioned individuals.

Following checks on 4.6.2005 it was decided not to open a criminal case.

On 1.6.2005 **U.M. Laiyev**, a member of the 8th company of the militia regiment of the Chechen Republic Ministry of Internal Affairs security directorate, was taken from his house at no. 18 *ulitsa* Oktyabrskaya, in Ilinskaya village in the Grozny district of the Chechen Republic by unidentified armed individuals to an unknown destination.

Following checks, it was established that U.M. Laiyev had been detained by staff of the Security service of the President of the Chechen Republic, taken to Tsentrovoy and allowed to return home after questioning. He has made no claims of any kind and, accordingly, the opening of criminal proceedings was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**32.** On 6.6.2005 the abduction of **R.S. Utsayev** was reported.

Checks were carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, and it was established that, on 31.5.2005, at around 1.30 am, persons unknown wearing camouflage uniform and masks and armed with automatic weapons, pulled up in two VAZ-2110 vehicles and one VAZ-21099 vehicle, seized R.S. Utsayev, born 1972, and drove him off to an unknown destination. Following checks as to whether he was involved in an illegal armed formation he was allowed to return home.

The opening of criminal proceedings was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**33.** On 19.4.2005 the prosecutor's office of the Urus-Martan district of the Chechen Republic received a report that on 13.4.2005, at around 11 am, **R.M. Mutsalkhanov**, born 1964, was taken from his home at no. 6 *ulitsa* Zarechnaya, in Tangi-Chu village in the Urus-Martan district, by persons unknown wearing camouflage uniform and masks and armed with automatic weapons and driven away to an unknown destination. R.M. Mutsalkhanov was released in Urus-Martan on 23.4.2005 at around 5 pm.

R.M. Mutsalkhanov stated that he did not know where he had been held. He had been asked a number of questions, in particular as to whether he knew anyone involved in an illegal armed formation. He had not been subjected to any kind of physical or psychological pressure. R.M. Mutsalkhanov also said that he had no claims against anyone regarding his detention.

On 24.5.2005 the Urus-Martan district prosecutor's office refused to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

34. Following checks by the prosecutor's office of the Staropromyslovskiy district of Grozny concerning the abduction on 11.4.2005 of **S.S. Saiyev** by persons unknown from the house at no. 50 *ulitsa* Dostoyevskogo in Grozny, the opening of a criminal case was refused on 13.4.2005 on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

35. The abduction of **U.A. Tsechoyev and I.A. Tsechoyev** on 6.4.2005 was not recorded. However, the files of checks into the killing of A. Torshkhoyev (see below) contain information concerning the detention of those citizens by staff of militia guard post patrol regiment 1 to help with inquiries, as they were neighbours of the Torshkhoyevs. After providing information U.A. Tsechoyev and I.A. Tsechoyev were allowed to return home.

36. On 6.4.2005 an armed assault was carried out on members of militia guard post patrol regiment 1 of the Chechen Republic Internal Affairs Ministry as they checked citizens' residence papers by **A. Torshkhoyev**, who opened fire with a pistol. A. Torshkhoyev was killed when the militia-men returned fire. During an inspection of the scene, in the attic of the house where A. Torshkhoyev lived, a cache of arms consisting of hand grenades and detonators, explosives, shells and electrical wire, was found and confiscated. Checks were carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, as a result of which the opening of criminal proceedings was refused.

37. On 6.4.2005, at around 2.30 pm, 250 metres from the Baku-Rostov road and 5 metres to the right of the cross-country track leading to the "Kularinskiy" state farm brigade in the Grozny district of the Chechen Republic, the body of an unidentified male aged about 30, presenting signs of a violent death, was discovered.

The prosecutor's office of the Grozny district of the Chechen Republic instituted Criminal case no. **44024** on 7.4.2005, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

In the course of the preliminary investigation the body was identified as that of **V.B. Dadakhayev**, born 1979. It was also established that he had been abducted on 2.4.2005 by persons unknown from his house at no. 27 *ulitsa* Gvardeyskaya in Gekhi village in the Urus-Martan district of the Chechen Republic.

On 7.8.2005 the preliminary investigation in criminal case no. 42152 was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure, and operational search measures are being carried out.

38. see point I A.g

39. Concerning the killing of **Kh.S-Kh. Taramov, K. Apayev, Kh-B. Ozdamirov, A. Musikhanov and A. Makhmirzayev** on 18.2.2005 at militia checkpoint 93 between the villages of Kurchaloy and Geldagan, evidence was sent to the military prosecutor's office for military unit 20102 on 19.2.2005, it having been established that staff of the Russian Federation FSB had been involved in the crime. The military prosecutor' office instituted Criminal case no. **34/33/0048-05**.

40. On 18.1.2005, at 3 am, 16 or 17 unidentified individuals burst into the house at no. 19 *ulitsa* Kirova, in Chechen-Aul village in the Grozny district of the Chechen Republic and abducted **S.S. Isayev**, driving away in two vehicles (UAZ and NIVA) in the direction of the Grozny-Shatoy road.

The Grozny district prosecutor's office instituted Criminal case no. **44048**, citing elements of the offence, provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 8.10.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

41. The material regarding checks on the seizing of **V.M. Mukhayev, A.V. Mukhayev, M-E.Kh. Ibishev and Sh.Sh. Nasirov** on 15.1.2005 in Zumsoy village in the Itum-Kalinskiy district of the Chechen Republic was sent on 20.1.2005 to the military prosecutor's office for border authorities and border troops of the Russian FSB in the Chechen Republic for a decision on the merits.

42. On 10.1.2005, at around 5 am, Russian-speaking unidentified armed individuals wearing camouflage uniform, arriving in two armoured personnel carriers without licence plates and Gazel and UAZ cars, abducted **E.S. Abdurakhmanov**, born 1957, from no. 77 *ulitsa* K. Marksa in the town of Argun. He has not yet returned home. No body identified as his or with similar features has been discovered on the territory of the Chechen Republic.

Criminal case no. 58002 was opened on 20.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

It has not been possible to establish E.S. Abdurakhmanov's whereabouts or identify the perpetrators of the crime. On 20.5.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**43.** On 5.8.2005 the prosecutor's office of the Grozny district of the Chechen Republic received a report from the rights protection centre "Memorial" that on 2.1.2005, at around 3 am, unidentified armed individuals entered the house at no. 2 *ulitsa* Stroiteley in Proletarskoye village in the Grozny district, seized **Z.M. Gaziyeu**, born 1981, and drove him away. The report also mentioned that his wife had been wounded and Gaziyeu family possessions had been stolen.

The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as the information was not confirmed.

**44.** The Achkhoy-Martan joint district prosecutor's office instituted Criminal case no. 59000 on 6.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code concerning the abduction of S.S. Alapayev by unidentified armed individuals wearing camouflage uniform during the night of 27.12.2004, at around 3 am, from the house at no. 24 *ulitsa* D. Bednogo in Sernovodsk village. His whereabouts remain unknown.

On 12.6.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**45.** Concerning the exchange of fire on 21.12.2004 on *ulitsa* Vinogradnaya in Grozny, Criminal case no. **30148** has been opened, citing elements of the offence provided for in Article 317 of the Russian Federation Criminal Code.

The investigation has established that during an operation carried out by special forces to find members of illegal armed formations a gang member, I.L. Sakayev, put up armed resistance and was killed by return fire. Investigation in the criminal case is ongoing.

**46.** On 3.12.2004, at around 5 am, unknown individuals wearing camouflage uniform and masks and armed with automatic weapons abducted **R.Kh. Mukayev**, born 1980, from the house at no. 5 *ulitsa* Beregovoy in Duba-Yurt village in the Shali district of the Chechen Republic. His whereabouts remain unknown.

Criminal case no. 36148 was opened on 23.12.2004, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

In the course of the preliminary investigation it was not possible to identify the perpetrators of the crime and, accordingly, the criminal case was suspended on 7.7.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**47.** Following checks by the Shali district prosecutor's office concerning the abduction of Supyan Ekiyev, his mother Zhizma Ekiyeva and wife Petmat Ekiyeva on 27.11.2004 in Mesker-Yurt village, it was established that these individuals were not resident in Mesker-Yurt.

On 27.11.2004 in connection with criminal case no. 36134 an **R.S. Ikiyev** was detained in Mesker-Yurt on suspicion of causing the deaths of members of Grozny investigations department no. 2, R.R. Abzatov and Kh.A. Guduyev. R.S. Ikiyev was killed while putting up armed resistance. His mother, A.Sh. Shakhayeva, when questioned on 18.11.2005, refused to provide any clarification.

**48.** On 26.11.2004, at around 1 pm, in the house at no. 92 *ulitsa* A. Kadyrova, in Germenchuk village in the Shali district of the Chechen Republic 3 unidentified individuals armed with automatic weapons killed the head of the 5th joint district department of ORB-2 section of the Chief Directorate of the Russian Federation Ministry of Internal Affairs for the Southern Federal Region, militia colonel **R.R. Abzatov**, and an officer-in-charge of operations from the same department, **Kh.A. Guduyev**.

The Shali district prosecutor's office instituted Criminal case no. **36134** on 26.11.2004, citing elements of the offence provided for in Article 105 paragraph 2 sub-paragraph "a" of the Russian Federation Criminal Code.

In the course of the investigation it was not possible to establish those involved in committing the crime, as a result of which the preliminary investigation was suspended on 26.1.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**49.** On 25.11.2004, at around 9 pm, unidentified individuals armed with automatic weapons abducted **R.A. Edelbekov** from flat 17, no. 9 Olimpiyskiy *proyezd* in the Leninskiy district of Grozny.

The prosecutor's office carried out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, as a result of which it decided, on 4.12.2004, to refuse to open criminal proceedings on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, since Edelbekov had been released.

**50.** On 18.11.2004 unidentified individuals armed with automatic weapons abducted S.Sh. Aliyev in *pereulok* Kiyevskiy in the Leninskiy district of Grozny.

The Leninskiy district prosecutor's office carried out checks, as a result of which it refused to open criminal proceedings on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as **S.Sh. Aliyev** had been released.

**51.** On 19.11.2004 a report was lodged that on the same day, at 2 am, 6 unidentified individuals wearing camouflage uniform and armed with automatic weapons, driving Niva-Chevrolet, VAZ-21099 and UAZ vehicles, forcefully took **Z.Z. Khadisov** from flat 42 at the aforementioned address and drove him away to an unknown destination.

Following checks, the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure, as the abducted person had been released.

**52.** Concerning the abduction of **Kh.-M.M. Nasurov**, the Kurchaloyevskiy district prosecutor's office carried out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure and decided on 4.4.2005 not to open criminal proceedings on grounds provided for in Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as Kh.-M.M. Nasurov had not been abducted by anyone and was at home.

**53.** On 10.11.2004 **M.Sh. Akhmadov**, born 1981, was abducted by unidentified individuals armed with automatic weapons from no. 116 *ulitsa* Lermontova in the Leninskiy district of Grozny. He was released on the night of 7.12.2004.

The Leninskiy district prosecutor's office instituted Criminal case no. **40142** on 25.11.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

The preliminary investigation in the criminal case was suspended on 25.1.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**54.** Material concerning the abduction of residents of the village of Starye Atagi in the Grozny district (**B.Kh. Kantayev**, **A.A. Demelkhanov** and A.B. Gadayev) was sent to the military prosecutor's office for military unit 20102. The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**55.** On 7.10.2004, at around 1.30 pm, unidentified individuals wearing camouflage uniform and armed with automatic weapons, driving a VAZ vehicle, abducted **B.V. Khutiyev**, born 6.3.1986, from the house at no. 3 *ulitsa* Titova in the Chechen town of Argun and drove him away to an unknown destination. He has not yet returned home. No body identified as his or with similar features has been discovered on the territory of the Chechen Republic.

The Argun prosecutor's office instituted Criminal case no. **48047** on 26.11.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

The preliminary investigation in the criminal case was suspended on 26.1.2005 on grounds provided for in sub-paragraph 2 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**56.** Criminal case no. **34117** was instituted by the prosecutor's office of the Grozny district of the Chechen Republic on 28.11.2004, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 22.10.2004, at around midday, **A.Yu. Bayzatov** was abducted from the area of the market in the centre of Gikalo village in the Grozny district by unidentified individuals wearing camouflage uniforms and armed with automatic weapons, driving two VAZ-2107 vehicles.

On 28.2.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**57.** Criminal case no. **30136** was instituted by the prosecutor's office of the Leninskiy district of Grozny on 19.11.2004, citing elements of the offence provided for in sub-paragraphs "a" and "b" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 22.10.2004, at around 9 pm, about 10 unidentified Russian-speaking individuals, without masks, wearing dark military uniform and armed with automatic weapons and special equipment (laser sights, helmets, body armour, blast shields) took **R.Sh. Tutayev**, born 17.4.1981, from his house at no. 135 *ulitsa* Kommunisticheskaya in the Leninskiy district of Grozny. His whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 19.2.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**58.** Criminal case no. **48046** was instituted by the Argun prosecutor's office on 2.11.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 9.10.2004, at around 6 am, between 10 and 15 unidentified armed individuals wearing camouflage uniform pulled up in white Gazel cars bearing state registration number "570" and a silver Volga car with the identification no. "214", and abducted **Z.A. Mintayeva**, born 2.11.1957, from the house at no. 29 *ulitsa* Stepnaya in the Chechen town of Argun. Ms Mintayeva has not returned home and her body has not been found.

The preliminary investigation in the criminal case was suspended on 18.2.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**59.** Criminal case no. **43052** was instituted by the Vedenskiy district prosecutor's office on 11.11.2004, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code.

On 6.10.2004, at 4 am, 10 unidentified armed individuals wearing camouflage uniform and masks burst into the Akhyadov household at no. 31 *ulitsa* Lugovoy in Vedenov village in the Vedenskiy district of the Chechen Republic and forcefully took B.L.-A. Akhyadova, born 1981, out into the street and drove her off to an unknown destination. Her whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 22.1.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**60.** Criminal case no. **48042** was instituted on 23.10.2004 by the Argun prosecutor's office, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 29.9.2004, at around 1 pm, three unidentified armed individuals wearing camouflage uniform and driving a GAZ-3110 vehicle forced **A.K. Isiyev**, born 2.4.1985, into the car on *ulitsa* Gudermesskaya in the Chechen town of Argun and drove him off to an unknown destination. The measures carried out have not established his whereabouts, and he has not returned home. His body has not been found on the territory of the Chechen Republic.

The preliminary investigation in the criminal case was suspended on 23.12.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**61.** Criminal case no. **38043** was instituted by the Achkhoy-Martan joint district prosecutor's office on 29.9.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 19.9.2004, at around 2 am, in Valerik village in the Achkhoy-Martan district of the Chechen Republic unidentified individuals wearing camouflage uniform and armed with automatic weapons, driving VAZ-2131 and UAZ-469 vehicles, seized **Sh.Sh. Tumayev**, born 1982, and drove him off to an unknown destination. His whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 29.1.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**62.** Criminal case no. **48038** was instituted by the Argun prosecutor's office on 12.10.2004, citing elements of the offence provided for in sub-paragraphs "a" and "b" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 12.9.2004, at around 5 am, between 15 and 20 unidentified armed individuals wearing camouflage uniform and driving VAZ-2106, VAZ-21099 and Gazel vehicles, seized **Kh.Kh. Sadulayeva**, born 1967, from the house at no. 31 *ulitsa* Novaya in Argun and drove her off to an unknown destination. Her whereabouts have not been established, and she has not returned home. It is not known what has happened to her. Kh.Kh. Sadulayeva's body has not been found on the territory of the Chechen Republic.

The preliminary investigation in the case was suspended on 17.1.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**63.** Criminal case no. **49004** was instituted by the Achkhoy-Martan joint district prosecutor's office on 27.8.2004, citing elements of the offence provided for in Article 317 of the Russian Federation Criminal Code.

On 27.8.2004, during the day, A.L. Elbiyev and I.S. Mamakayev, OMON troops in the Chechen Republic Internal Affairs Ministry were wounded in an exchange of fire in the house at no. 32 *ulitsa* Lenina in Sernovodsk village in the Sunzhenskiy district of the Chechen Republic. A.L. Elbiyev died from his wounds. **I.A. Sadulayev**, an active member of an illegal armed formation, was killed during the gun battle, and R.A. Sadulayev was taken to hospital.

A criminal case indicting R.A. Sadulayev under Article 318 paragraph 1, Article 33 paragraph 5 and Article 208 paragraph 2 of the Russian Federation Criminal Code was sent to the Achkhoy-Martan district court, which sentenced him to one and a half years' imprisonment in a penal colony.

**64.** Criminal case no. **49003** was instituted by the Achkhoy-Martan joint district prosecutor's office on 17.8.2004, citing elements of the crime provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.8.2004, at around 7 pm, persons unknown armed with automatic weapons, abducted **Kh.A. Magomayev**, born 1956, from a farm in Sernovodsk village. It has not yet been possible to establish his whereabouts.

The preliminary investigation in the criminal case was suspended on 17.12.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**65.** On 2.8.2004 members of the security service of the Chechen Republic President detained **Z. Magomadova** in Mekenskaya village in the Naursk district. She was allowed home 2 days later.

Following checks carried out by the Naursk district prosecutor's office, it was refused on 9.8.2004 to open criminal proceedings on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

**66.** On 30.7.2004 persons unknown seized **A.G. Kagerman** on *ulitsa* Chaykina in Gudermes. Kagerman was released 2 hours later but, instead of going home, he went to the Republic of Dagestan where he spent a few weeks and then returned to Gudermes, where he lived with friends for about 2 more weeks.

Following checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**67.** Criminal case no. **36084** was instituted by the Shali district prosecutor's office on 17.7.2004, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 4.7.2004, at around 6 am, persons unknown wearing camouflage uniform and armed with automatic weapons burst into a household at no. 3 *ulitsa* Ordzhonikidze in Novye Atagi village, and took away **A.Kh. Tazurkayev** by force. At the same time, at no. 41 *ulitsa* Ordzhonikidze, D.Kh. Mudayev and D.Kh. Mudayev were unlawfully detained; they were released later on the same day. Tazurkayev's whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 2.7.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**68.** Criminal case no. **49009** was instituted by the Achkhoy-Martan joint district prosecutor's office on 22.7.2005, citing elements of the offence provided for in sub-paragraphs "a" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 4.7.2004, at around 4 am, unidentified armed individuals abducted **I.M. Ilayev, R.A. Ilayev, A.A. Ilayev and K.Z. Batayev** in Assinovskaya village in the Sunzhenskiy district. The whereabouts of these people remain unknown.

The preliminary investigation in the criminal case was suspended on 22.11.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**69.** No report has been received of the abduction of **ShCh. Tokhtarov** in Starye Atagi village in the Grozny district on 24.6.2004. The Grozny district prosecutor's office is currently checking the facts in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.



**70.** Criminal case no. **38034** was instituted by the Achkhoy-Martan joint district prosecutor's office on 8.7.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 24.6.2004, at around 3 am, in Samashki village in the Achkhoy-Martan of the Chechen Republic about 15 unidentified individuals armed with automatic weapons and wearing camouflage uniform and masks, driving an Ural vehicle and an APC, abducted **M.A. Zhabrailov**, born 1957, from the house at no. 46 *ulitsa* Kooperativnaya. His whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 8.10.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**71.** Criminal case no. **36088** was instituted by the Shali district prosecutor's office on 3.8.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 13.7.2004, at around 4.30 pm, unidentified individuals armed with automatic weapons and driving a Gazel car, abducted **Yu.U. Bargayev** on *ulitsa* Lenina in Novye Atagi village in the Shali district. His whereabouts remain unknown.

The preliminary investigation in the criminal case was suspended on 3.10.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**72.** Criminal case no. **36076** was instituted by the Shali district prosecutor's office on 2.7.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 1.6.2004 persons unknown wearing camouflage uniform and armed with automatic weapons abducted **S.A.-M. Seriyev** from the house at no. 41 *ulitsa* Kirova in Belgatoy village in the Shali district. His whereabouts remain unknown.

The preliminary investigation in the case was suspended on 15.3.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**73.** No reports have been received by the law enforcement agencies of an attack on the **Gelagayev family** on 28.3.2004 in Sleptovskaya village in the Sunzhenskiy district of the Ingush Republic. Checks are now being carried out.

**74.** Criminal case no. **44068** was instituted by the Grozny district prosecutor's office on 14.7.2005, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

On 25.3.2004, at around 8 pm, in Starye Atagi village in the Grozny district **M.A. Maayev** left his house at no. 12 *ulitsa* Uchitelskaya and has not been seen since. Investigations in the criminal case established that M.A. Maayev was an active member of an illegal armed formation and had been taking part in military operations against federal forces.

The preliminary investigation in the case was suspended on 14.9.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**75.** On 20.3.2004 **I.M. Eniyev** was seized by persons unknown. Eniyev has not reported this to the law enforcement agencies. The Gudermes district prosecutor's office is now carrying out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**76.** Criminal case no. **40046** was instituted by the prosecutor's office of the Naursk district of the Chechen Republic on 29.6.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 286 paragraph 3 of the Russian Federation Criminal Code.

On 18.3.2004 during operational search measures as part of the "whirlwind anti-terror" operation, staff of the Naursk district FSB criminal investigation department, the heliborne detachment of the Chechen state security council and the Russian Federation Ministry of Internal Affairs, the Naursk district department of internal affairs and also Russian Federation internal affairs troops of special battalion 231 detained **T.R. Khambulatov** and took him to the Naursk district department of internal affairs, where he died in the office of the criminal investigation department. According to the conclusions of the forensic examination on 26.4.2004 T.R. Khambulatov died as a result of secondary cardiomyopathy, complicated by lung and heart failure. The opening of criminal proceedings in respect of staff of the Naursk district FSB criminal investigation department and also the Russian Federation internal affairs troops of special battalion 231 was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

The preliminary investigation in the case was suspended on 30.7.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**77.** Concerning the abduction of **Kh. Aduyev** on 3.3.2004, the Urus-Martan district prosecutor's office is carrying out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**78.** Criminal case no. **75026** was instituted by the Argun joint district prosecutor's office on 12.3.2002, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.3.2004 **I.T. Mezhidov's** body was found in woodland between the villages of Kurchaloy and Dzhalargi, presenting signs of a violent death.

The preliminary investigation was suspended on 27.11.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**79.** Criminal case no. **32018** was instituted by the prosecutor's office of the Oktyabrskiy district of Grozny on 26.2.2004, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code. On 14.2.2004, at around 9.30 pm, persons unknown wearing camouflage uniform and armed with automatic weapons abducted **Kh.A. Mudarov** from the house at no. 76 *ulitsa* Kayakentskaya in Grozny, whose body was subsequently discovered in Gikalo village in the Grozny district. The Grozny district prosecutor's office instituted Criminal case no. 34029 on 2.3.2004. The criminal cases in question were combined in a single set of proceedings.

The preliminary investigation in the criminal case was suspended on 26.5.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**80.** Criminal case no. **49516** instituted by the Achkhoy-Martan joint district prosecutor's office on 27.4.2004, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 19.1.2004, at around 2.30 am, persons unknown wearing camouflage uniform and masks and armed with automatic weapons abducted **L.D. Mutayeva**, born 1984, from no. 60 *ulitsa* Bershchanskaya in Assinovskaya village in the Sunzhenskiy district. Her whereabouts remain unknown.

The preliminary investigation in the case was suspended on 27.8.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**81.** Criminal case no. **51038** concerning the abduction of **11 residents of the village of Borozdinovskaya** in the Shelkovskoy district of the Chechen Republic has been passed on to the military prosecutor for the United Group of Forces (Chechnya) for further investigation.

## II.

**82.** On 17.11.2005 the Shali district prosecutor's office received a report of the abduction of **T. Dzhabrailova** on 16.9.2005 in Serzhen-Yurt village in the Shali district.

The Shali district prosecutor's office carried out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure and refused to open criminal proceedings on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as T. Dzhabrailova was not resident in Serzhen-Yurt and the information on her abduction was not confirmed.

**83.** On 11.5.2005, at 6.30 am, 10 unidentified individuals wearing camouflage uniform and armed with automatic weapons, took **Kh.Kh. Sadulayev and A.Kh. Sadulayev** away from building no. 57/68 *ulitsa* Burikov in the Oktyabrskiy district of Grozny. After checks on whether they were involved in an illegal armed formation, they were released and taken home. No physical or psychological violence was used against them.

Checks were carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, as a result of which the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**84.** No reports have been received of the abduction of **M.U. Khutsayeva and L.P. Dayeva**, and checks are being carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**85.** No information is available on the abduction of the father of an illegal armed formation commander, **D. Umarov**.

On 11.8.2005 S.S. Khumadov notified the prosecutor's office of the Urus-Martan district of the Chechen Republic that, on 11.8.2005, at around 1 am, unmasked armed men burst into his house at no. 16 *ulitsa* Zapadnaya in Urus-Martan and took N.Kh. Khumadova away without explanation.

On 18.8.2005 N.Kh. Khumadova asked that the checks concerning her be dropped as she had now returned home.

When questioned on 18.8.2005 N.Kh. Khumadova explained that on 11.8.2005 unmasked armed men had burst into the house and asked her to come with them. She did not know where she had been taken, nor where she had been held as she had spent the whole time in closed surroundings. She had been questioned about her brother, Doka Umarov. No one had used any physical or psychological violence against her. In her statement N.Kh. Khumadova said that she had been released voluntarily without any preconditions being imposed.

The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**86.** Criminal case no. **44052** was instituted on 21.6.2005 citing elements of the offence provided for in Article 127 paragraph 2 of the Russian Federation Criminal Code.

On 5.5.2005, at around 3 am, **K.Sh. Chersiyev and M.Sh. Chersiyev** were abducted by persons unknown in Oktyabrskoye village in the Grozny district and held in an unknown place until 10.10.2005, when they were released close to "Minutka" square in the Oktyabrskiy district of Grozny.

The victims stated that they did not know the reasons why they had been detained, who had detained them or where they had been held.

The preliminary investigation in the case was suspended on 27.8.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**87.** Concerning the abduction of **Z.Z. Saydulayev and M.Z. Saydulayev** in Mayrtup village on 28.3.2005 the Kurchaloyevskiy district prosecutor's office carried out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure and decided on 2.6.2005 not to open criminal proceedings on grounds provided for in Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as no one had abducted Z.Z. Saydulayev and M.Z. Saydulayev and they were found to be at home when the checks were carried out.

**88.** No reports have been received of the abduction of **U. Kadayev** on 28.3.2005 from Katayama village in the Staropromyslovskiy district of Grozny, and checks are being carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**89.** No reports have been received of the abduction of a **female relative of Basayev, Luiza**, in the Chechen village of Vedeno, and checks are being carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**90.** Concerning the abduction of **A. Murdasheva, Z. Murdasheva and T. Murdasheva**, checks are being carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure.

**91.** Following checks regarding the seizing of **Sh. Israilov**, the opening of criminal proceedings was refused on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as the information concerning the abduction was not confirmed.

**92.** On 3.12.2004, at around 8.15 pm, unidentified armed individuals, driving NIVA, UAZ and VAZ vehicles, unlawfully entered a private house at no. 26a *ulitsa* Sovkhoznya in the Staropromyslovskiy district of Grozny and abducted A.A-K. Reshiyev.

The Staropromyslovskiy district prosecutor's office instituted Criminal case no. 43007 on 27.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.12.2004, at around midnight, unidentified armed individuals, driving 7 UAZ vehicles, unlawfully entered a private house at no. 62 *ulitsa* Turbinnaya in the Staropromyslovskiy district of Grozny and abducted B.A. Abdulkadyrova (A.A. Maskhadov's sister).

The prosecutor's office of the Ogaropromyslovskiy district of Grozny instituted Criminal case no. 43009 on 27.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 29.12.2004, at around 1 am, unidentified armed individuals, driving three VAZ-21099 vehicles, unlawfully entered flat 4 in building no. 3 *ulitsa* Doprizyvnikov in the Staropromyslovskiy district of Grozny and abducted R.R. Satuyev (A.A. Maskhadov's son-in-law).

The Staropromyslovskiy district prosecutor's office instituted Criminal case no. 43010 on 27.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 29.12.2004, at around 1 am, unidentified armed individuals, driving UAZ vehicles, unlawfully entered a private house at no. 62 *ulitsa* Turbinnaya in Grozny and abducted Kh.V. Satuyeva (A.A. Maskhadov's niece).

The Staropromyslovskiy district prosecutor's office instituted Criminal case no. 43011 on 27.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.12.2004, at around 8.15 pm, unidentified armed individuals, driving 22 cars of various makes, unlawfully entered a private house at no. 16 *ulitsa* Sovkhoznaya in Podgorniy village in the Staropromyslovskiy district of Grozny, and abducted L.A. Maskhadov (A.A. Maskhadov's brother).

The Staropromyslovskiy district prosecutor's office instituted Criminal case no. 43012 on 27.1.2005, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.12.2004, at around 8 pm, unidentified armed individuals, driving 10 VAZ-21099 vehicles, unlawfully entered a private house at no. 127 *ulitsa* Sovetskaya, in Pervomayskiy village in the Grozny district and abducted L.A. Maskhadov (A.A. Maskhadov's brother).

The Grozny district prosecutor's office instituted Criminal case no. 44002 on 27.1.2005, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 3.12.2004, at around 8 pm, unidentified armed individuals, driving 10 VAZ-21099 vehicles, unlawfully entered a private house at no. 87 *ulitsa* Sovetskaya, in Pervomayskiy village in the Grozny district and abducted I.V. Magomadov (A.A. Maskhadov's nephew).

The Grozny district prosecutor's office instituted Criminal case no. 44003 on 27.1.2005, citing elements of the offence provided for in sub-paragraphs "a" and "e" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 12.2.2005 Criminal cases nos. 43007, 43009, 43010, 43011, 43012, 44002 and 44003 were combined in a single set of proceedings.

The criminal case proceedings were suspended on 10.11.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure, as the persons to be indicted had not been identified.

### III.

**93.** Criminal case no. **46060** was instituted by the Shali district prosecutor's office on 14.6.2005, citing elements of the offence provided for in sub-paragraphs "e" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 2.4.2005, at around 4 am, masked unidentified armed individuals driving 3 UAZ vehicles abducted **S-Kh.M. Elmurzayev**, born 1944, and **S-S.Kh. Elmurzayev**, born 1978, from no. 23 *ulitsa* Rodnikovaya in Duba-Yurt village in the Shali district of the Chechen Republic, as well as Sh.A. Bakayev, born 1949, from no. 188 *ulitsa* Sheripova, Duba-Yurt, and drove them away to an unknown destination. Their whereabouts remain unknown.

The preliminary investigation in the case was suspended on 18.8.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

**94.** see point 32

**95.** Criminal case no. **44032** was instituted on 19.7.2004 in connection with the abduction of **Yakuba Magomadov**, citing elements of the offence provided for in sub-paragraph "a" Article 126 paragraph 2 of the Russian Federation Criminal Code.

The preliminary investigation was suspended on 5.7.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

**96.** Concerning anonymous threats to **Zalina Medova** in connection with her application regarding the disappearance of Adam Medov, no information is available.

**97.** See point 1 B.a).

### Appendix III

1. No reports concerning the abduction of **Vakha Matuyev** on 24.3.2005 in Nazran have been received by the law enforcement agencies of the Ingush Republic. The information is currently being checked.

2. On 12.7.2005 a group of unidentified individuals abducted **A. Albogachiyev** from his home in Ali-Yurt village in the Nazran district of the Ingush Republic.

Criminal proceedings were instituted on the same day, citing elements of the offence provided for in sub-paragraphs "a" and "z" of Article 126 paragraph 2 of the Russian Federation Criminal Code. Albogachiyev was set free a few days later.

The preliminary investigation in the criminal case was suspended on 12.9.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

3-4. **A.A. Gorchkhanov, A.I. Gorchkhanov and I. Dzaurov** were detained on suspicion of committing particularly serious crimes being investigated by the Chief Directorate of the Southern Federal Region, which opted for custody as a measure of restraint.

5. Following G.G. Egiyeva's allegation of unlawful investigation methods used on her son, **Kh.G. Egiyev**, the prosecutor's office of the Zatrechnyy municipal district of Vladikavkaz of the Republic of North Ossetiya-Alaniya carried out checks in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure. As a result, the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

6. No reports concerning the abduction or disappearance of **Osman Bogatyrev** have been received by the law enforcement agencies of the Republic of Kabardino-Balkariya.

This person has not been held by the Directorate of the Russian Federation FSB for that Republic, nor has he been placed in a temporary detention facility of the Republic's Ministry of Internal Affairs or in a pre-trial detention facility of the RF Ministry of Justice for that Republic. The Directorate of the Russian Federation FSB for the Republic of Kabardino-Balkariya does not have a departmental pre-trial detention facility on the territory of the Republic.

7. Concerning the report of the beating of **M. Khamkhoyev** by unidentified armed individuals on 2.10.2004 in Mayskoye village in the Republic of North Ossetiya-Alaniya, checks were carried out and it was decided not to open a criminal case. The decision not to open criminal proceedings was overturned on 18.11.2005 and the material has been sent for further checks.

8. The prosecutor's office of the Sunzhenskiy district of the Ingush Republic instituted criminal proceedings on 4.8.2005 concerning the disappearance of **A.A. Inalov**, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.

At present the preliminary investigation has been suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

9. The prosecutor's office of the Sunzhenskiy district of the Ingush Republic has instituted Criminal case no. 04600061 concerning the abduction of **A.I. Khashiyev**, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code.

The preliminary investigation was suspended on 9.2.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

10. Criminal case no. **04600054** lodged concerning the abduction of **S.A. Khatuyev**, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code, was suspended on 11.4.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

11. Criminal case no. **04500027** has been instituted concerning the unlawful seizure and detention of **B. Lolokhoyev**, citing elements of the offence provided for in sub-paragraph "a" of Article 286 paragraph 3 of the Russian Federation Criminal Code.

The preliminary investigation was suspended on 27.6.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

12. On 20.8.2004, at around 8.30 am, in the Barsukinskiy municipal district of Nazran unidentified staff of the Russian Internal Affairs Ministry and the Organised crime directorate of the criminal militia of the Ingush Internal Affairs Ministry unlawfully detained **Bashir U. Velkhiyev and Bekkhan U. Velkhiyev** and took them to the ministry building, where they abused their powers by beating the two men up. Bashir U. Velkhiyev consequently died of his injuries on the premises of the Organised crime department of the criminal militia of the Ingush Internal Affairs Ministry.

Criminal proceedings were instituted, citing elements of the offence provided for in Article 286 paragraph 3 sub-paragraph "e" of the Russian Federation Criminal Code.

The investigation was suspended on 24.4.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

13. Criminal case no. **04600044**, instituted with regard to the killing of **B.S. Arapkhonov**, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code, was sent to the military prosecutor of the North Caucasus military district on 8.9.2004 for further investigation.

14. The detaining of **M. Saydumov** in June 2005 in the **temporary holding camp for internally displaced persons** near Karabulak in the Ingush Republic was carried out on instructions of the investigator of the prosecutor's office of the Leninskiy district of Grozny.

15. On 2.3.2004, during an operation to detain a member of an illegal armed formation, A.Kh. Shamsadov (Basnukayev), two persons who happened to be in the vicinity, **I.Kh. Khazbiyev and M.I. Khazbiyeva**, received bullet wounds, from which Ms Khazbiyeva died.

Criminal case no. **04560040** was instituted, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

On 23.9.2004 the criminal case was sent to the military prosecutor of the North Caucasus military district for further investigation.

**Section "B" for Appendix I**  
**Information on the progress and results of criminal investigations on the territory of the**  
**Chechen Republic regarding authorities of the military prosecutor's office**

**B. "Criminal cases investigated by the military prosecutor's office"**

**a)** Criminal case no. **34/35/0172-02** concerning the abduction of **S-M.U. Imakayev** was instituted on 28.6.2002, citing elements of the offence provided for in sub-paragraph "a", "e" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

12.9.2003 the case went for further investigation to the Chief military prosecutor's office, where it was assigned no. 29/00/0015-03.

On 9.7.2004 the criminal case was dismissed on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, whereupon the material concerning the killing of Imakayev was separated out and sent to the prosecutor's office of the Shatoy district of the Chechen Republic.

**b)** On 2.2.2000 during counter-terrorist operations in Alkhan-Kala village in the Grozny district of the Chechen Republic, unidentified armed individuals seized **Khadzhi-Murat Aslanbekovich Yandiyev**, whose whereabouts remain unknown. The first deputy prosecutor of the Chechen Republic, senior counsellor of justice V.G. Chernovyy, instituted criminal proceedings on 14.7.2001, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code. The case was transferred to the military prosecutor's office for the United Group of Forces (Chechnya) in 2004, where it was assigned no. 34/00/0020-04. At present the case is being dealt with by the military prosecutor's office for the United Group of Forces, and the necessary investigative and operational search measures are being carried out to establish Yandiyev's whereabouts.

**c)** Between 10.3.2001 and 14.3.2001 M.U. Batsiyev, A-M.G. Tovzarkhanov, A.B. Gayrbekov, A.S. Labazanov, R.M. Viskhadzhiyev, F.S-M. Dikiyev, Sh.S-Kh. Eldiyev, A.V. Yashurkayev, A.M. Khutiyeu and ShCh.S-Kh. Akhmadov were seized in Argun. On 13.3.2001 the bodies of Batsiyev, Tovzarkhanov, Gayrbekov and Khutiyeu were found in the Khankala area with multiple gunshot wounds. On the same day, the military prosecutor's office for military unit 20102 instituted Criminal case no. 14/33/0132-01. On 23.3.2001 the Argun joint district prosecutor's office instituted Criminal case no. 45031 concerning these abductions, which went to the military prosecutor's office for military unit 20102 and was combined with criminal case no. 14/33/0132-01. The case was subsequently transferred to the military prosecutor's office for the United Group of Forces (Chechnya) for preliminary investigation, where it was assigned no. 34/00/0010-04.

On 1.5.2002 **ShCh.S-Kh. Akhmadov's** body was found near a grain elevator on the outskirts of Argun.

On 10.5.2004 Criminal case no. **34/00/0016-04** concerning the abduction and killing of ShCh.S-Kh. Akhmadov by persons unknown was separated out for individual proceedings from case no. **34/00/0010-04**.

Investigations established that federal forces servicemen were not involved in the killing of Akhmadov, and the case was consequently transferred on 25.11.2004 to the investigative jurisdiction of the prosecutor's office of the Chechen Republic.

**d)** Criminal case no. **34/00/0015-04** concerning the death of M.K. Tsintsayeva and her five children was instituted on 16.4.2004, citing elements of the offence provided for in Article 109 paragraph 3 of the Russian Federation Criminal Code.

In the course of the preliminary investigation it was established that in 2000 the Damayev family - I.-A.M. Damayev, M.K. Tsintsayeva (Damayeva), D.I.-A. Damayeva and Zh.A.-D. Damayeva - installed themselves in an empty house in Rigakhoy village in the Vedenskiy district of the Chechen Republic without any documentary formalities or registration of residence.

While living in the house, the Damayevs unlawfully kept munitions in their home (35 5.45 mm cartridges, a 53-OF-462 artillery shell and 17 7.62 mm blank cartridges).

On 8.4.2004, at 2.30 pm, federal forces aircraft carried out a missile and bomb attack on an illegal armed formation gathered in the Rigakhoy district.

The insurgents were killed by the air strike. Objective checks and reports show that the crew hit the intended coordinates. Populated areas and households, including the Damayev household, were not fired on.

Furthermore, as a result of the unlawful and incorrect storage of munitions, the artillery shell exploded spontaneously, causing the collapse of the house and the death of M.K. Damayeva (Tsintsayeva) and her five children.

The preliminary investigation in the case established that the decision to carry out a missile and bombing attack on the insurgents was taken by the commander of the United Group of Forces (Chechnya) lawfully and with justification. In carrying out their orders the air-crews did not violate the law in any way. The death of the Damayev family was the result of unlawful acts by the Damayevs themselves, linked to the unlawful storage of a source of special danger, namely the artillery shell. On 16.8.2005 the criminal case was dismissed on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure (absence of crime in the act).

**C.** Checks have been carried out on the information concerning the detaining and subsequent release of 5 residents of Chiri-Yurt village in the Grozny district.

On 7.9.2003, A.Kh. Ismailov, A.Kh. Ismailov, A.Kh. Ismailov, M.I. Shaptukayev, and I.M. Davletbiyev were detained during special measures in Chiri-Yurt village in the Shali district of the Chechen Republic. As information regarding their participation in an illegal armed formation was not confirmed, they were released on the same day.

With regard to their detention, the military prosecutor's office for military unit 20116 took a decision on 19.9.2003 not to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

### **C. 2. "Cases submitted in 2004 on which no reply was received from the Russian authorities"**

1) On 18.12.2003 B.A. Mutsolgov was abducted by unidentified armed individuals in the Ingush town of Karabulak and driven off to an unknown destination.

The military prosecutor's office for the United Group of Forces (Chechnya) carried out checks, and it was established that special forces representatives had not carried out special measures on 18.12.2003 on the territory of the Ingush Republic and had not detained Mutsolgov.

The Karabulak prosecutor's office instituted criminal proceedings on 26.12.2003 concerning B.A. Mutsolgov's abduction, citing sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

On 26.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

gg) On 25.3.2004, at around 11 pm, on the outskirts of Ordzhonikidzevskaya village in the Sunzhenskiy district of the Ingush Republic, a helicopter flown by unidentified servicemen launched a missile attack at a UAZ-31514 jeep on the bank of the river Sunzha. Persons in the car, A.Z. Khashagulgov and I.Kh. Khashagulgov sustained shrapnel wounds, while M.R. Khamkhoyev died at the scene from his wounds. The military prosecutor's office for military unit 04062 instituted Criminal case no. **34/01/0014-04** on 26.3.2004, which, on the instructions of the deputy prosecutor general for the Chief military prosecutor, was transferred on the same day to the investigative jurisdiction of the Russian Federation prosecutor's office directorate in the North Caucasus.

### **New allegations of human rights violations in the Chechen Republic**

**39.** Concerning the deaths of **Kh.S-Kh. Taramov, K. Apayev, Kh-B. Ozdamirov, A. Musikhanov and A. Makhmirzayev** at checkpoint 93 (between the villages of Kurchaloy and Geldagan) on 18.2.2005, the military prosecutor's office for military unit 20102 instituted Criminal case no. 34/33/0048-05 on 21.2.2005, which was subsequently transferred to the military prosecutor's office for the United Group of Forces (Chechnya), where it was assigned no. 34/00/0005-05.

On 21.4.2005 the criminal case was dismissed on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

**54.** Concerning the abduction by persons unknown of residents of Starye Atagi village in the Grozny district, **B.Kh. Kantayev, A.A. Demelkhanov and A.B. Gadayev** on 7.11.2004, the prosecutor's office for military unit 20102 carried out checks. As the involvement of federal forces servicemen in the abduction of the aforementioned citizens was not confirmed, it was decided on 16.12.2004 not to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure.

**81.** On 4.6.2005, in Borozdinovskaya village in the Shelkovskoy district of the Chechen Republic, persons unknown killed 1 resident, burnt down 4 houses and abducted 11 other people.

A criminal case was instituted on the same day and transferred to the military prosecutor's office for the United Group of Forces (Chechnya), where it was assigned no. 34/00/0013-05. In the course of the preliminary investigation it was established that the commander of one of the sub-units



of military unit 44822 (North Caucasus military district, Khankala village, Chechen Republic) exceeded his authority by blockading the village of Borozdinovskaya and, with the use of arms and special means, gathering the village's male population near the school, where they were held for about 6 hours, while searches were carried out in individual households.

He was found guilty by Grozny garrison military court of the offences provided for in subparagraphs "a" and "b" of Article 286 paragraph 3 of the Russian Federation Criminal Code.

Investigations are ongoing in the case.

### Statistical data

**In 2004**, the prosecution authorities of the Chechen Republic **examined 251 allegations and reports of killings, and criminal cases were instituted for 151 of these**; the opening of criminal proceedings was refused in 93 cases, including 89 cases with absence of criminal event or crime in the act. **For 7 allegations it was decided to transfer the case to another authority's investigative jurisdiction.**

**In the first half of 2005**, the prosecution authorities of the Chechen Republic **examined 91 allegations and reports of killings, and criminal cases were instituted for 54 of these**; the opening of criminal proceedings was refused in 29 cases, including 26 cases in the absence of criminal event or crime in the act. For 8 allegations, the cases were transferred to another authority's investigative jurisdiction.

**In 2004**, the prosecution authorities of the Chechen Republic **sent 54 criminal cases to court regarding unlawful killings in respect of 70 individuals indicted.**

**In the first half of 2005**, **31 criminal cases were sent to court regarding unlawful killings in respect of 34 individuals indicted.**

Concerning allegations and reports of rape in 2004, the prosecution authorities of the Chechen Republic examined 9 allegations and instituted criminal proceedings in 1 case, while refusing to open proceedings in the other 8 cases in the absence of crime in the act.

In the first half of 2005, 12 allegations of rape were examined, and criminal cases were instituted for 7 of these, while the opening of criminal proceedings was refused in the other 5 cases.

**In 2004**, **6 criminal cases were sent to court in respect of 9 individuals indicted, and for the first half of 2005**, **5 were sent to court in respect of 10 individuals indicted.**

Concerning abductions in 2004, **432 allegations and reports were recorded, and criminal cases were instituted for 168 of these in connection with the abduction of 214 individuals**, while the opening of criminal proceedings was refused in 261 cases. For 3 allegations it was decided to transfer the case to another authority's investigative jurisdiction.

**In the first half of 2005**, **211 allegations were recorded and, following examination, 62 criminal cases were instituted in connection with the abduction of 114 individuals**, while the opening of criminal proceedings was refused in 145 cases. Reports of the abduction of 4 individuals were transferred to another authority's investigative jurisdiction.

**In the period 2000-2005 (as at the first half of the year) the courts of the Chechen Republic examined 21 criminal cases regarding abductions, finding 30 defendants guilty.**

In addition, courts in other Russian Federation constituent entities examined 4 criminal cases against 6 defendants, which had been investigated by the prosecution authorities of the Chechen Republic.

In 2004, the law enforcement agencies of the Ingush Republic received 88 allegations and complaints from citizens concerning human rights violations, including 3 regarding unlawful killings, 72 regarding abductions, disappearances, torture and similar, and 13 regarding rapes.

After these had been examined, 3 criminal cases were instituted for unlawful killings, 30 for abductions, and 3 for rapes.

In 2004, 23 of these criminal cases were processed and sent to court, of which 19 concerned unlawful killings and 4 concerned abductions.

In the first half of this year the law enforcement agencies of the Ingush Republic received 1 allegation concerning unlawful killing, 26 allegations concerning abductions, disappearances and torture and 2 allegations concerning rape.

After these had been examined, 2 criminal cases were instituted for abduction, as was 1 case for rape.

In the first half of 2005, 11 criminal cases in these categories were sent to court, of which 8 concerned unlawful killings, 2 concerned abductions and 1 concerned rape.

*Reporting committee:* Committee on Legal Affairs and Human Rights

*Reference to committee:* Doc 9970 and Reference No 2895 of 25 November 2003

*Draft resolution and draft recommendation* adopted by the Committee on 13 December 2005 with 16 votes in favour, 4 votes against and 3 abstentions, and 12 votes in favour, 6 votes against and 1 abstention, respectively.

*Members of the Committee :* Mr Dick **Marty** (Chairperson), Mr Jerzy Jaskiernia, Mr Erik **Jurgens**, Mr Eduard Lintner (alternate: Mr Klaus-Jürgen **Hedrich**) (Vice-Chairpersons), Mrs Birgitta **Alqvist**, Mr Athanasios Alevras, Mr Gulamhuseyn Alibeyli, Mr Rafis Aliti, Mr Alexander Arabadjiev, Mr Miguel Arias, Mr Birgir Ármannsson, Mr José Luis Arnaut, Mr Giorgi Arveladzé, Mr Abdülkadir **Ateş**, Mrs Doris Barnett, Mr Jaume **Bartumeu Cassany**, Mrs Meritxell Batet, Mrs Soledad Becerril, Mrs Marie-Louise Bemelmans-Videc, Mr Sali Berisha, Mr Rudolf **Bindig**, Mr Erol Aslan **Cebeci**, Mrs Pia Christmas-Møller, Mr Boriss **Cilevičs**, Mr András Csáky, Mr Marcello Dell'Utri, Mrs Lydie Err, Mr Jan **Ertsborn**, Mr Václav **Exner**, Mr Valeriy **Fedorov**, Mr György **Frunđa**, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mr Stef **Goris**, Mr Valery **Grebennikov**, Ms Gultakin Hajiyeva, Mrs Karin Hakl, Mr Nick Harvey, Mr Serhiy Holovaty, Mr Michel **Hunault**, Mrs Fatme **Ilyaz**, Mr Sergei Ivanov, Mr Tomáš Jirsa, Mr Antti Kaikkonen, Mr Uryiy **Karmazin**, Mr Hans Kaufmann (alternate: Mr Andreas **Gross**), Mr Nikolay Kovalev (alternate: Mr Yuri **Sharandin**), Mr Jean-Pierre Kucheida, Mrs Darja **Lavtizar-Bebler**, Mr Andrzej Lepper, Mrs Sabine Leutheusser-Schnarrenberger, Mr Tony **Lloyd**, Mr Humfrey Malins (alternate: Lord John **Tomlinson**), Mr Andrea Manzella, Mr Tito Masi, Mr Andrew McIntosh, Mr Murat **Mercan**, Mr Philippe Monfils, Mr Philippe Nachbar, Mr Tomislav Nikolić (alternate: Mr Ljubiša **Jovašević**), Ms Ann Ormonde, Ms Agnieszka Pasternak, Mr Piero Pellicini, Mr Rino Piscitello, Mrs Maria Postoico, Mr Christos Pourgourides, Mr Jeffrey Pullicino Orlando, Mr Martin Raguž, Mr François Rochebloine, Mr Armen **Rustamyan**, Mr Adrian Severin, Mr Michael Spindelegger, Mrs Rodica Mihaela Stănoiu (alternate: Mr Adrian **Păunescu**), Mr Petro Symonenko, Mr Vojtech **Tkáč**, Mr Øyvind **Vaksdal**, Mr Egidijus **Vareikis**, Mr Miltiadis **Varvitsiotis**, Mr José Vera Jardim, Mrs Renate Wohlwend, Mr Vladimir Zhirinovskiy (alternate: Mrs Natalia **Narohnitskaya**), Mr Zoran **Žižić**, Mr Miomir Žužul

N.B.: The names of the members who took part in the meeting are printed in bold

*Secretariat of the Committee:* Mr Drzemczewski, Mr Schirmer, Mrs Clamer, Ms Heurtin