Report 2020

Justice denied in the North Caucasus

Status of investigation and prosecution of emblematic cases of killings, abductions, disappearances and torture

Photos: Memorial Human Rights Centre | internet media Caucasian Knot - www.caucasianknot.info | Committee Against Torture

Norwegian Helsinki Committee

NEDC NATALIA ESTEMIROVA DOCUMENTATION CENTER

Acknowledgments

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Norwegian
Helsinki Committee

Preface

In search of accountability

The Natalia Estemirova Documentation Center (NEDC) is established by the Norwegian Helsinki Committee in co-operation with Russian and international human rights organizations to ensure systematic collection and preservation of documentation of grave human rights abuses in the North Caucasus. At present, the NEDC has collected the largest electronic archive of relevant documentation in the world. It has created a database containing information on human rights violations committed during conflicts between federal Russian forces and groups of separatists in Chechnya, Ingushetia and Dagestan since the 1990s and up to the present time.

The NEDC specializes in analysis of the most serious crimes which may amount to core international crimes, whilst prioritizing information on past violations. However, parts of the NEDC's activities also focus on present events. Analysis of the information collected by the NEDC continues as new information becomes available.

The founding members' vision for the NEDC is that it will become an important contributor to truth and justice seeking initiatives in the North Caucasus region. The widespread and systematic abuses that have taken place in the region within the context of conflicts, counter-terrorism operations as well as repression, have not received the attention of the international community that they deserve. Neither have Russian federal nor regional authorities launched effective truth and justice seeking initiatives.

The NEDC aims to contribute to bringing much-needed attention to the past and present precarious human rights situation in the North Caucasus, and to fight the prevailing culture of impunity.

The work on this report started in February 2016 when the Norwegian Helsinki Committee received an inquiry from the Rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) on the human rights situation in the North Caucasus. The PACE Rapporteur requested the provision of any information or documentation available to the NEDC with respect to the latest developments in the investigation and prosecution of a list of emblematic human rights cases in the region. The PACE Rapporteur required the information for the purposes of drafting his report, Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?, for the PACE Committee on Legal Affairs and Human Rights.

However, upon commencing their work on the cases, the NEDC team soon realized that a vast amount of information on the cases was available online, from different information donors and from the NEDC database. Accordingly, the text of the report evolved, and the result is the present updated and expanded exposé of the cases.

Bjørn Engesland
Secretary General

Introduction

The fight against radicalization in the North Caucasus has been on the agenda in Russia for a long time. This period of seeming stability, from the two wars in Chechnya 1994-96 and 1999-2000 until now, has however often been disrupted by instances of violence. In our view, a successful fight against radicalization requires a renewed belief in the rule of law by authorities and by the public alike. There is need for a functioning system of justice in Russia that can prevent and remedy human rights violations. Success also rests upon effective co-operation between Russian state authorities and civil society. It is only with these instruments in hand that the authorities of any country, including the Russian Federation, can effectively move towards rebuilding genuine trust in national mechanisms of justice.

The selected human rights cases presented in this report trace the reactions of the Russian investigative and prosecutorial authorities towards cases of abductions, killings, disappearances and torture occurring in the North Caucasus. These indicative and prominent cases reveal a grim picture.

Firstly, many victims in these cases can be characterized as whistleblowers; that is, active and well-known journalists, human rights activists, lawyers, and witnesses who have exposed wrongdoings committed by officials. These victims belong to the very category which defines any open, stable and democratic state. The disappearance of the Ingush public prosecutor Rashid Ozdoyev in 2004, the unsolved murders of Natalia Estemirova in 2009 and Anna Politkovskaya in 2006, the abduction of Zarema Gaysanova in 2009, the unsolved murders of Zarema Sadulayeva and her husband Alik Dzhabrailov in 2009, and imprisonment based on fabricated charges against Ruslan Kutayev in 2014, all provide striking illustrations of a climate where activists and intellectuals are at peril for speaking about human rights violations in the region.

The subsequent handling of these criminal cases also promises little prospect of finding justice within the national system. This causes trauma not only for the family members of the victims, but for society in general, where any attempt at honest dialogue is suppressed. In order to overcome this, authorities should seek partnership with members of civil society, and not view them with annoyance or as an encumbrance.

Secondly, the circumstances surrounding the commission of these crimes and the subsequent lack of genuine investigation and prosecution point to the conclusion that the very authorities which ought to be protecting and preventing these crimes often stand behind them or at least assist in concealing them. For instance, victims of abduction are often held captive in buildings belonging to state authorities (as in the case of Islam Umarpashayev).

Moreover, when handling cases, public officials do not shy away from demanding victims and witnesses to change their testimony to a more favorable version (as in the case of Sayd-Salekh Ibragimov).

In some cases, there is evidence that victims suffer due to the actions of law enforcement agents. Practices of forging case documents within the state bodies have been occasionally reported (as in the case of Zarema Gaysanova). In practically all cases, authorities could and should have done much more to effectively protect or locate the victim and punish those responsible.

These examples illustrate why it is so difficult to believe in justice in the North Caucasus. It is only through displaying their will and creating the capacity to genuinely investigate crimes, that the authorities can gain the trust of the public in law enforcement.

Finally, flagrant violations of human rights sometimes go unpunished despite widely known information concerning those who guided and executed them. For instance, irrespective of legal findings in the case of the indiscriminate bombardment of the village of Katyr-Yurt in February 2000, those implicated in the bombardment continue to receive promotions and recognition, as has been seen in the case of Major-General Vladimir Shamanov and Major-General Yakov Nedobitko. No investigation or prosecution appears to have been conducted with respect to Colonel-General Alexander Baranov despite serious findings made by the European Court of Human Rights (ECtHR) in its judgement in the case of Bazorkina v. Russia (2006).

Furthermore, the granting of amnesties to those responsible for the disappearances and torture of civilians in Chechnya continues to undermine belief in the Russian system of justice (see note on the Lapin Case in this report).

According to Nils Muižnieks, former Council of Europe Commissioner for Human Rights, impunity for serious human rights violations in the North Caucasus has a corrosive effect upon the very foundations of the society. “States should adopt a policy of zero-tolerance of such violations and should publicly condemn them. The state also has an obligation to combat impunity through a series of specific measures, including the development of laws, policies and action plans, as well as taking practical measures aimed at preventing and combating institutionalised practices by the authorities which may result in impunity.”[1]

The NEDC therefore requests that Russian authorities improve judicial institutions by attaching significance to these and similar cases and ensuring that the deliverance of justice in such cases becomes a reality.

Part One of the report presents the current status of the investigation and prosecution of 28 emblematic cases. The text is based on documentation provided by a range of the NEDC founding organizations and information donors. These cases of killings, abductions, disappearances and torture were selected by the Council of Europe Rapporteur on North Caucasus by virtue of “the status of the victims – journalists, well-known human rights activists or emblematic political figures – cases in which

1 Third Party Intervention by the Council of Europe Commissioner for Human Rights under Article 36 of the European Convention on Human Rights Application No. 42705/11 Svetlana Khusainovna Estemirova against the Russian Federation, page 3. https://rm.coe.int/third-party-intervention-by-the-council-of-europe-commissioner-for-hum/16806dabe2 (last visited on 06.11.2018).

there subsisted tangible and convergent indications implicating members of the law enforcement agencies".[2]

Part Two draws attention to the particularly important developments in similar post-2010 cases, as reported by several of our founding organizations.

Part Three lists other selected attacks against whistleblowers and prominent figures perpetrated after 2010, selected by the NEDC from documented cases.

To provide the most up-to-date information, the NEDC has requested additional data from founding organizations and private individuals. Therefore, the presentations below encompass both information available in the NEDC database and updates from its founding organizations, the Memorial Human Rights Centre (the Memorial), the Committee Against Torture, and the International Protection Centre (Centre de la Protection Internationale).

Where a reference is made to the NEDC ID, we refer to the internal database number of a victim profile, incident or document.

Appendix I contains a report by the Committee Against Torture on the status of criminal investigations opened regarding several abductions in Chechnya.

Appendix II sets out both general statistical data and data on post-2010 human rights abuses in the North Caucasus available in the NEDC database.

Appendix III includes a summary of the communication in Finogenov and others v. Russia.

Appendix IV contains a summary of the data prepared by the Memorial Human Rights Centre on countermeasures taken by Russian law enforcement agencies in recent years.

2 Doc. 12276 of 4 June 2010, *Legal remedies for human rights violations in the North Caucasus Region*, report of the Committee on Legal Affairs and Human Rights, Rapporteur: Dick Marty (Switzerland, ALDE), para. 26. The report is available at: www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf (last visited on 29.04.2018).

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Zarema Sadulayeva,
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www.caucasianknot.info

Stanislav Markelov,
Photo: internet media Caucasian Knot
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Anastasia Baburova,
Photo: internet media Caucasian Knot
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Maksharip Aushev,
Photo: internet media Caucasian Knot
www.caucasianknot.info

Part 1

Batyr Albakov,
Photo: Mashr

Mokhmadsalakh
Masayev,
Photo: Amnesty
International

“The situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law still remains one of the most serious in the entire geographical area covered by the Council of Europe”.

Council of Europe, Parliamentary Assembly, Report Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?

1. Cases of Particular Importance to the Council of Europe

Part One comprises a summary of information available in the NEDC database on cases listed in the PACE 2010 Report on Legal remedies for human rights violations in the North-Caucasus Region.

1.1. Murder of Journalist Anna Politkovskaya

Anna Politkovskaya, Photo: Memorial Human Rights Centre

Ms Anna Politkovskaya was a Russian journalist, writer and human rights activist who reported on political events in Russia, in particular, the Second Chechen War. A criminal investigation into the murder of Politkovskaya was opened on 7 October 2006, the same day she was found dead in the elevator of her apartment block in central Moscow.[3]

However, until now the investigation has not fully established the circumstances of the murder and those responsible have not been brought to justice. Therefore, relatives of the deceased have appealed to the ECtHR. Their complaint particularly focuses on the fact that the authorities of the Russian Federation failed to carry out an effective investigation. Law enforcement agencies have repeatedly made statements on the progress of the investigation. However, the individuals behind the killing have not been brought to justice. This case remains unresolved even though several persons have been convicted.

On 19 February 2009, a jury at the Moscow military district court acquitted the former officer of the Department against Organized Crimes (UBOP), Major Sergey Khadjikurbanov, and brothers Ibragim and Djabrail Makhmudov who were initially accused of the murder of Politkovskaya.[4] On 25 June 2009, the acquittals were overturned by the Supreme Court and a new legal investigation by the Moscow district military court was called for.[5]

On 23 August 2011, retired Lieutenant-Colonel Dmitri Pavliutchenkov was arrested on suspicion of organizing the murder of Politkovskaya. During October 2012, the investigation department completed its investigation into five more suspects: a businessman from Chechnya, Lom-Ali Gaitukayev; Major Sergey Khadjikurbanov;

3 *Centre de la Protection Internationale* is pursuing the case of the murder of Anna Politkovskaya and has shared the update on the case with the NEDC. The text is based on an email from a representative of the Centre to the NEDC, 5 March 2016.

4 *Accused in the murder of Politkovskaya are acquitted and released* (Обвиняемые в убийстве Политковской оправданы и освобождены), Caucasian Knot, 19.02.2009, www.kavkaz-uzel.ru/articles/149820/ (last visited on 29.04.2018).

5 *The Supreme Court sent the case of the murder of Anna Politkovskaya for a new trial* (ВС отправил на новое рассмотрение дело об убийстве Анны Политковской), 25.06.2009, www.kavkaz-uzel.ru/articles/155821 (last visited on 29.04.2018).

Ibragim and Djabrail Makhmudov (who were both acquitted in the case in February 2009); and their brother Rustam Makhmudov.

According to investigators, Mr Lom-Ali Gaitukayev, who had received the order to kill Politkovskaya, had organized the murder. The Makhmudov brothers were the executors of the crime. Mr Rustam Makhmudov was the one who shot at Politkovskaya. Khadjikurbanov controlled the actions of the Makhmudov brothers, while Mr Pavliutchenkov provided Politkovskaya's address to them.

During additional questioning and confrontation with Lom-Ali Gaitukayev, Pavliutchenkov refused to name the person behind the murder as he feared for his personal safety, stating that he had provided the names of people to investigators during previous questionings.

On 29 August 2012, the criminal case against Pavliutchenkov was severed into separate proceedings based on a pre-trial agreement with Pavliutchenkov. He now agreed to co-operate with investigators. According to the protocol of additional questioning of a suspect as of 1 September 2011, Pavliutchenkov named exiled businessman and Putin-critic, Mr Boris Berezovsky, as an initiator of the murder. However, he did not name any other person(s) who had hired him to commit the murder.

The investigation determined the motive for the murder as "dissatisfaction with publications of human rights violations, embezzlement of state property and abuse of power by officials".

Politkovskaya's relatives consider it impossible to attribute this motive to Berezovsky, who had left Russia long before the murder and who was a critic of the political system in the Russian Federation.[6]

On 14 December 2012, Pavliutchenkov was convicted and sentenced to 11 years' imprisonment. On 9 June 2014, Gaitukayev and Rustam Makhmudov were convicted and sentenced to life imprisonment. Ibragim and Djabrail Makhmudov were sentenced to 12 and 14 years' imprisonment respectively. Khadjikurbanov was sentenced to 20 years' imprisonment.[7]

In 2015, the ECtHR communicated the application of the case to the Government of Russia. The response of the Russian Federation to the Court, according to which the investigation into the murder had been conducted in conformity with the procedural standards of Article 2 (right to life) to the Convention, was highly criticized in the media. This is particularly because the response did not mention those who had ordered the murder, what specifically had been done to identify persons who had solicited the assassination, had omitted the fact that the investigation was still ongoing and had alternative theories that needed to be followed up.[8]

6 Email from the representative of *Centre de la Protection Internationale* to the NEDC, 5 March 2016.

7 *Murder of Anna Politkovskaya* (Убийство Анны Политковской), Caucasian Knot, 11.06.2014 www.kavkaz-uzel.ru/articles/227885/ (last visited on 29.04.2018).

8 *Do not dare to say that the murder has been resolved*, (Не смейте говорить, что убийство раскрыто), Novaya Gazeta, 06.10.2016, www.novayaga-zeta.ru/articles/2016/10/06/70089-ne-smeyte-govorit-chto-ubiystvo-raskryto-video (last visited on 29.04.2018).

In July 2018, the ECtHR delivered a judgment in the case of Politkovskaya. In this case, the investigation was found to be ineffective particularly due to its length; it had been ongoing for 12 years at the time of the judgment. Additionally, the Court noted that the national authorities had limited themselves to just one theory in relation to the murder and had not focused on any other possible theories.[9]

1.2. Murder of Human Rights Activist Natalia Estemirova

Natalia Estemirova, Photo: Memorial Human Rights Centre

Ms Natalia Estemirova was abducted by unknown persons on 15 July 2009 at around 08:30 from her home in Grozny, Chechnya. She was working on sensitive cases of human rights violations. Two witnesses reported seeing Estemirova being pushed into a car shouting that she was being abducted. Her remains were found with bullet wounds to the head and chest area near the village of Gazi-Yurt, Ingushetia.[10]

On 18 July 2009, Natalia's sister was granted victim status. In the same month, the investigator rejected her lawyer's access to the entire case file, noting that, for "tactical purposes" provision of the file to the applicant prior to the completion of the investigation was precluded.[11] Further appeals were unsuccessful.

The investigator informed the lawyer about "the main theory that a member of an illegal armed group, Bashayev, together with other unidentified persons had abducted and murdered Estemirova as revenge for her article about Bashayev's recruitment of inhabitants of the village of Shalazhi in Chechnya to join illegal armed groups, or in order to discredit the Chechen authorities and to demonstrate their failure to control the situation in the Republic".[12]

In 2011, the Memorial refuted this theory because the DNA examination revealed that the trace of sweat left on Estemirova's body did not correspond to Bashayev. The Memorial suggested that the theory of Bashayev's participation in the murder was aimed to take the attention away from the real culprit.[13]

At the present time, the case is not investigated. The persons behind the murder have not been identified and brought to justice.

On 21 June 2011, Estemirova's sister, Ms Svetlana Estemirova, lodged an application to the ECtHR under Articles 2 and 13 of the Convention into the murder of Natalia Estemirova.[14]

9 *Mazepa and Others v. Russia*, no. 15086/07, Judgment, ECtHR, 17 July 2018.

10 *Award-winning human rights campaigner murdered in Chechnya*, The Guardian, 15.07.2009, www.theguardian.com/world/2009/jul/15/chechnya-natalia-estemirova-murdered (last visited on 29.04.2018).

11 *Estemirova v. Russia*, no. 42705/11, Statement of facts, ECtHR, 16 November 2015.

12 *Ibid.*

13 *Two years after the murder of Natalia Estemirova: investigation goes astray*, (Два года после убийства Натальи Эстемировой: следствие идёт по ложному пути), Memorial, 14.07.2011, https://memohrc.org/ru/reports/doklad-dva-goda-posle-ubiystva-natali-estemirovoy-sledstvie-idyot-po-lozhnomu-puti (last visited on 20.10.2011).

14 *Estemirova v. Russia*, No. 42705/11.

On 16 November 2015, the application was communicated to Russia.[15] The ECtHR set a deadline for 31 August 2016 for the applicant to submit additional observations and materials on the case.[16]

On 14 March 2016, the Council of Europe Commissioner for Human Rights issued a Third Party Intervention to the case under Article 36 of the European Convention on Human Rights. Among the conclusions, it was stated that "the murder of Natalia Estemirova should not be viewed in isolation but as part of a broader pattern of killings and intimidation of human rights defenders in the North Caucasus and, in particular, the Chechen Republic." He underlines that both federal and regional authorities had "failed to react appropriately to the most serious human rights violations against human rights defenders in the North Caucasus region."[17]

In the latest press statement, the US State Department marks "with sadness the eighth anniversary of the murder of human rights defender and journalist Natalia Estemirova". It stated that neither the killers nor those who may have ordered the crimes have been brought to justice. It "once again calls for an end to the long-standing climate of impunity for extrajudicial killings – including the murder of journalists – in the North Caucasus and elsewhere in Russia".[18]

1.3. Lapin Case: Proceedings Initiated against Persons Accused of Being Jointly Responsible for the Crimes

In January 2001, 26-year old Zelimkhan Murdalov had been walking by the Temporary District Department of the Interior (VOVD), when he was forcefully taken into the building. Upon insistence from Zelimkhan's parents, the authorities admitted that he had been detained there for several days, but that he had later left the police station. Subsequent investigation revealed that Zelimkhan was beaten and tortured by the police officer who had attempted to recruit him as an agent of undercover operations. Zelimkhan's visible injuries had been recorded by a doctor: head trauma, open fracture of the left arm, teared ear, bruised testicles. After this, Zelimkhan was never seen again.

In 2005, Mr Sergey Lapin, former officer of the Nizhevartovks District Office of Internal Affairs (ROVD) in the Khanty-Mansijsk region was sentenced to ten and a half years' imprisonment for the torture and disappearance of Mr Zelimkhan Murdalov, a Chechen civilian.[19] Retired Lieutenant-Colonel Valeriy Minin and Lieutenant-Colonel Aleksander Prilepin were allegedly involved in the crime and were on a federal wanted list since 2005. However, despite this, they reportedly did not go into hiding and were employed during that period.[20]

15 *Ibid.*

16 *The ECtHR requested additional materials on the case concerning the murder of Nataliya Estemirova*, (ЕСПЧ запросил дополнительные материалы по делу об убийстве Натальи Эстемировой), Human Rights in Russia, 20.07.2016, www.hro.org/node/24776 (last visited on 29.04.2018).

17 Third Party Intervention by the Council of Europe Commissioner for Human Rights under Article 36 of the European Convention on Human Rights Application No. 42705/11 Svetlana Khusainovna Estemirova against the Russian Federation, page10, https://rm.coe.int/third-party-intervention-by-the-council-of-europe-commissioner-for-hum/16806dabe2 (last visited on 06.11.2018).

18 *Honoring the Memory of Journalists Natalia Estemirova and Paul Khlebnikov*, US Department of State Press Statement, 14.07.2017, www.state.gov/r/pa/prs/ps/2017/07/272615.htm (last visited on 29.04.2018).

19 NEDC ID Incident: 214, Sergey Lapin case, 2001 – 2007 (Дело Сергея Лапина)

20 Aleksander Cherkasov, *Is the case terminated?* (Дело закончено?), 03.01.2016, Echo Kavkaza, www.ekhokavkaza.com/a/27465428.html (last visited on 29.04.2018)

Minin was arrested on 14 December 2015 in Omsk. However, en route to Grozny, where Minin was to appear before the court, he was taken off the train in Volgograd and sent back home. He was given amnesty and all charges against him were dropped. Prilepin was also granted amnesty. The investigators closed the case based on a decision made by the Central Head Office of the Investigative Committee, which terminated criminal proceedings against persons who had participated in counter-terrorist operations in the North Caucasus.[21]

Human rights organizations appealed to the Russian ombudsman, Ella Pamfilova; the head of the Investigative Committee, Alexander Bastrykin; the President of the Chechen Republic, Ramzan Kadyrov; and the Russian President, Vladimir Putin, to quash the decision of the investigators.[22] It appears that the decision has not been quashed regardless of the requests from the human rights activists.[23]

In 2008, Zelimkhan's father complained to the ECtHR about the lack of investigation.[24] The application was communicated to the parties on 9 January 2018.[25]

"This is unfortunately not the first time a law enforcement officer, accused of the torture of a civilian, has escaped punishment."

This is unfortunately not the first time a law enforcement officer, accused of the torture of a civilian, has escaped punishment.

Mr Sergey Zakharov, like Lapin, was a police officer from the Khanty-Mansijsk Special Purpose Police Unit (OMON) and was accused of aggravated negligence of official duties when acting as head of a convoy group of the temporary holding facility of the Oktyabrskiy VOVD in Grozny.[26] Zakharov and several other officers had tortured a civilian Grozny resident, Mr Alavdi Sadykov, by cutting off his ear.[27]

21 *Criminal case against law enforcement officers accused of beating civilians during special operations is terminated* (Прекращено уголовное дело против силовиков, обвиняемых в избиении жителей во время спецопераций в Чечне), Novaya Gazeta, 22.02.2016, www.novayagazeta.ru/news/1700646.html (last visited on 29.04.2018).

22 Aleksander Cherkasov, *No statute of limitation* (Не имеют срока давности), 22.02.2016, www.memohrc.org/blogs/ne-imeyut-sroka-davnosti; *Former police officer escaped transfer to Chechnya* (Бывший милиционер не дошел до чеченского этапа), 25.02.2016, www.kavpolit.com/articles/byvshij_militsioner_ne_doshel_do_chechenskogo_etap-23750/ (last visited on 29.04.2018).

23 The Human Rights Council of the Russian President, 01.03.2016, www.president-sovet.ru/presscenter/publications/read/3717/ (last visited on 29.04.2018).

24 *Human rights activists ask to bring colleagues of "Kadet" to justice* (Правозащитники просят привлечь сослуживцев Кадета), 27.06.2016, www.kommersant.ru/doc/3023581 (last visited on 29.04.2018).

25 Application no. 51933/08 Astemir Shamilovich Murdalov and others against Russia, Third Section of ECtHR, www.hudoc.echr.coe.int/eng?i=001-180622 (last visited on 29.04.2018).

26 *Sadykov v. Russia, no. 41840/02*, Judgment, ECtHR, 7 October 2010.

27 NEDC ID Victim: 32445, NEDC ID Case: 356. Sadykov's story, including photos of him, are presented in an article from 21 October 2006 in The Telegraph, *Inside the torture chambers of Grozny*, www.telegraph.co.uk/news/worldnews/1532031/Inside-the-torture-chambers-of-Grozny.html (last visited on 29.04.2018).

Following the ECtHR judgment, Sergey Zakharov was arrested, but on 15 December 2011 he was granted amnesty.[28]

1.4. Murder of Madina Yunusova

Ms Madina Yunusova (born in 1989) was critically wounded on 2 July 2008. This occurred during a special operation carried out by Chechen law enforcement agencies at a house in which she was residing in Staraya Sunzha, a village on the outskirts of Grozny. The law enforcement personnel had surrounded the house and killed Sayd-Selim Abdulkadyrov, alleged to be her husband.

According to the Chechen law enforcement agencies, Abdulkadyrov was involved in a plot to assassinate Ramzan Kadyrov, the President of Chechnya. Yunusova was taken into custody, placed under surveillance in a prison-type room at a hospital in Grozny, and reportedly underwent successful surgery. However, she died under suspicious circumstances less than three days later. [29] Her body was brought to her parents by law enforcement officers who asked them to conduct her burial "without any noise".[30]

A classic example of collective punishment followed the special operation that left Yunusova wounded. On 4 July at 03:00, men in camouflage fatigues arrived at Yunusova's parents' home in the town of Argun. According to neighbors, they set the home alight, locking the family in a shed. Later the family fled.

Before being killed on 15 July 2009, Madina Yunusova's death was one of the sensitive cases Natalia Estemirova had been investigating.[31]

The NEDC has no information indicating that the suspicious death of Yunusova has been investigated.

1.5. Murder of Human Rights Activists Zarema Sadulayeva and Alik Dzhabrailov

Zarema Sadulayeva,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

On 10 August 2009 at about 14:00, 32-year-old Zarema Sadulayeva and her husband, 33-year-old Alik Dzhabrailov were taken from the office of the organization "Save the Generation" in Grozny by security officials. The following morning, their bodies were found with multiple gunshot wounds and signs of torture in the trunk of their car parked in front of the republican rehabilitation center in the village of Chernorechye, Zavodskoy district of Grozny.

28 *Report on torture and other degrading treatment in 2006-2012*, § 472, Russian non-governmental human rights organizations, 03.12.2012. Available in Russian: www.pytkam.net/u/editor/articles/441/text/ngo-shadow-report-un-cat-2006-2012-edit-fin.pdf (last visited on 29.04.2018). This report is an alternative to the official 5th periodic report of the Russian Federation to the UN Committee against Torture of 2010.

29 For more information on the case, see: *Russia: Halt Punitive Attacks in Chechnya, New Reports of Revenge Killing and House Burnings of Those Accused of Links to Rebels*, Human Rights Watch, 14 July 2009, www.hrw.org/news/2009/07/14/russia-halt-punitive-attacks-chechnya (last visited on 29.04.2018).

30 *Human rights defender Natalia Estemirova was kidnapped and murdered in Grozny* (В Грозном похищена и убита правозащитница Наталья Эстемирова), Islamnews, 15.07.2009, www.islamnews.ru/news-V-Groznom-pohishhena-i-ubita-pravozashhitnitsa-Natal-ya-E-stemirova/ (last visited on 29.04.2018).

31 Luke Harding, *Who shot Natalia Estemirova?*, The Guardian, 23 July 2009, www.theguardian.com/world/2009/jul/23/chechnya-natalia-estemirova (last visited on 29.04.2018).

Mr Dzhabrailov had previously been convicted of participating in an armed underground group, and had spent several years in prison. A week before the murder, he had been detained at the Leninsky district police department for a full day and then released.

According to the Memorial Human Rights Centre, the perpetrators in the case have been identified but there is no political will to bring them to justice.[32]

On 25 July 2011, Memorial employee, Ms Ekaterina Sokiryanskaya and a reporter from the newspaper Novaya Gazeta, Ms Elena Milashina, visited the Russian Federation Investigation Department of Chechnya in Grozny to learn about the investigation into the case. The human rights activists had previously learned that the main witness had been summoned to identify the law enforcement officer who had detained Sadulayeva and Dzhabrailov from photographs. A suspect had left his mobile number at the scene and yet it had taken two years into the investigation to identify him. His surname was Akbulatov, and until his death, he was a member of the police department in the Kurchaloevsky region.

When Milashina had questioned why the investigation had taken so long to identify the owner of the phone, given that the suspect's phone number had been available to investigators since the abduction, the representative of the Investigation Department replied that the SIM card had been registered to an employee from the Federal Security Service (FSB) and that it had been extremely difficult to summon him for questioning. The FSB had refused to grant permission for the questioning to be conducted.

However, once the investigation had been taken over by the head of the Republic, Ramzan Kadyrov, the investigators finally managed to call in the FSB employee for interrogation. During interrogation, it transpired that he had bought the SIM card several years ago for his sister, though upon getting married she was no longer permitted to use a mobile phone and so gave the SIM card to her husband's brother. The husband's brother, Akbulatov, used this number during the abduction of Sadulayeva and Dzhabrailov.[33]

Calling Akbulatov for questioning was even more difficult. For an extended period, investigators had received replies from the Ministry of Internal Affairs that Akbulatov was "on special operations in the woods" and was not able to attend the Investigation Committee. Akbulatov died in February 2010. According to the official version, he was killed during clashes with members of illegal armed groups.[34]

At present, the investigation is suspended due to the "impossibility to establish identities of responsible persons".[35]

32 *Two years after the murder of Zarema Sadulayeva and Alik Dzhabrailov: the Circle of Suspects is Known, but There is no Political Will to Punish the Killers* (Два года со дня убийства Заремы Садулаевой и Алика Джабраилова: круг подозреваемых установлен, но нет политической воли наказать убийц), Memorial, 01.02.2012, www.memohrc.org/news/dva-goda-so-dnya-ubiystva-zaremy-sadulaevoy-i-alika-dzhabrailova-krug-po-dozrevaemyh-ustanovlen (last visited on 29.04.2018).

33 *Ibid.*

34 *Ibid.*

35 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

1.6. Abduction of Human Rights Activist and Applicant to the European Court of Human Rights Zurab Tsechoyev in July 2008

Zurab Tsechoyev,
Photo: Personal archive

On 25 July 2008 at around 06:00, Ingush FSB officers allegedly abducted Mr Zurab Tsechoyev[36] from his house in the village of Troitskaya of the Sunzhen district of Ingushetia. At around 12:10 on the same day he was released, heavily beaten, on the road between the villages Ekazhevo and Ali-Yurt in Ingushetia.[37]

Tsechoyev told the Memorial that the abductors had tried to beat a confession out of him about who had sent a report on law enforcement officers to the office of the Ingushetia.ru website. Tsechoyev reiterated to them that it was not him and that he did not know who was responsible.[38]

On 29 July 2008, a criminal case into the excessive use of force was initiated under Article 286 § 3 (a) of the Russian Criminal Code. The case was, however, soon suspended because investigative bodies found it impossible to establish the identity of those responsible. On 13 March 2009, Mr Chibizenko, Lieutenant-Colonel of Justice of the military unit 68799, rejected a submission to open a criminal case against Ingush FSB officers on the grounds that there had not been any FSB operation on 25 July 2008 in the village of Troitskaya.

On 4 December 2009, an appeal against Chibizenko's decision was rejected as ill-founded.[39]

In 2010, Tsechoyev filed an application to the ECtHR regarding his abduction and the unwillingness of the investigative authorities to open a criminal case.

Previously, in a separate incident on 2 April 2004, a criminal case (No. 04500012) under Article 126 § 1 of the Russian Criminal Code regarding the kidnapping of Zurab Tsechoyev's brother, Tamerlan Tsechoyev, was initiated. Mr Tamerlan Tsechoyev and Mr Rashid Ozdoyev were abducted and disappeared on 11 March 2004. Tamerlan Tsechoyev was the director of an NGO and an opposition activist, while Ozdoyev was an assistant prosecutor at the Ingushetia prosecution office and was in charge of supervising the local FSB.

The investigation of this case has been pending since 2004. Zurab Tsechoyev lodged an application with the ECtHR in 2008 complaining about the disappearance of his brother.[40]

Both applications to the ECtHR, regarding the excessive use of force against Zurab Tsechoyev and the disappearance of Tamerlan Tsechoyev (and Ozdoyev), are pending.

36 NEDC ID Victim: 8157.

37 NEDC ID Doc: 4557, *Abductions of human rights activists* (Похищения сотрудников правозащитной организации), Memorial, 25.07.2008.

38 *Ibid.*

39 Nalchik military court, Decision of 04.12.09.

40 NEDC ID Victim: 985.

On 23 September 2016, the ECtHR requested that the Russian Government submit its observations on the case of Ozdoyev and Tsechoyev.[41]

According to Zurab Tsechoyev, there was no significant progress in the investigation of his case. The investigation has been suspended on the grounds that the suspect cannot be found.[42]

With the assistance of the Memorial, Zurab Tsechoyev and his family moved to a European country in 2015.

1.7. Disappearance of Assistant to the Ingush Public Prosecutor and Whistleblower Rashid Ozdoyev

Rashid Ozdoyev,
Photo: Mashr

On 11 March 2004, several armed people in camouflage fatigues and masks, driving in Niva cars and Gazel vans, abducted three local people[43] at a traffic police stop on the road leading from Nazran to the village of Kantyshevo and Mayskiy in the town of Malgobek, Republic of Ingushetia.[44] Having introduced themselves as officers of the special services, they pulled three men (one of them wounded) out of a car, forced them into the van and subsequently drove towards Vladikavkaz.[45] Later the names of the abducted men became known: Mr Tamerlan Tsechoyev,[46] born in 1962; Mr Rashid Ozdoyev,[47] assistant to the Republic of Ingushetia Public Prosecutor responsible for the supervision of security forces; and Mr Yevloyev,[48] who worked in the Republic of Ingushetia Ministry of the Interior.

The relatives of the abducted men complained to the republican law enforcement bodies and tried to investigate the abduction themselves. They learned from unofficial sources that Yevloyev, who was wounded, had been kept under guard in a hospital either in Vladikavkaz or Stavropol. No traces of Tsechoyev and Ozdoyev have been found thus far. The motive behind the abductions are still unknown, though it is common knowledge that Ozdoyev had demanded, in both written and oral form, that

41 *European Court questions Russian responsibility in Ingushetia disappearances*, European Human Rights Advocacy Center (EHRAC), 23.09.2016, www.ehrac.org.uk/news/european-court-questions-russian-responsibility-in-ingushetia-disappearances/ (last visited on 29.04.2018); Application no. 9782/08 Boris Ozdoyev and Zurab Tsechoyev against Russia, Third Section of ECtHR, 23.09.2016, http://hudoc.echr.coe.int/eng?i=001-167638 (last visited on 29.04.2018).

42 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

43 NEDC ID Incident: 95, Abduction at a traffic police post, located at the crossroads (Похищение на посту ГИБДД, расположенном на развилке дорог).

44 NEDC ID Doc: 730, *Abduction of people at a traffic police post on the road leading from Nazran to the village of Kantyshevo* (Похищение людей на дороге ведущей из г. Назрань в с. Кантышево), Memorial, 11.03.2004; ID Doc: 762, Escalation of violence in Ingushetia (Эскалация насилия в Ингушетии), Memorial, 25.03.2004.

45 NEDC ID Doc: 4564, *Conveyor of violence* (Конвейер насилия), Memorial, 22.07.2005.

46 Tamerlan Tsechoyev is Zurab Tsechoyev's brother, a member of the human rights organization "MASHR" and an editor of its website, NEDC ID Doc: 730, Memorial, 11.03.2004; ID Doc: 16057, *Member of human rights organization in Troitsk is kidnapped* (В Троицкой похищен сотрудник правозащитной организации), Chechen Committee for National Salvation, 25.07.2008.

47 NEDC ID Victim: 986, ID Doc: 13423, *Detention of Rashid Ozdoyev in Grozny; punitive special operation in Samashki* (Задержание Оздоева Рашида в Грозном; карательная спецоперация в с. Самашки), Chechen Committee for National Salvation, 27.04.2002; Incident ID: 95, Abduction at a traffic police post, located at the crossroads (Похищение на посту ГИБДД, расположенном на развилке дорог), 09.02.2015; ID Doc: 4557, *Abductions of members of human rights organizations* (Похищения сотрудников правозащитной организации), Memorial, 26.07.2008; ID Doc: 15071, *Meeting of PACE delegation and NGOs held in Nazran* (В Назрани состоялась встреча делегации ПАСЕ с НПО), Chechen Committee for National Salvation 04.06.2004; ID Doc: 19119, *Meeting of PACE delegation with NGO held in Nazran*, Chechen Committee for National Salvation, 04.06.2004.

48 NEDC ID Doc: 730, Memorial, 11.03.2004 (see above).

the FSB of Ingushetia discontinue its unlawful operations and protested, within his competence, against such actions.[49]

On 15 March 2004, criminal case No. 4800001 was opened under Article 126 of the Russian Criminal Code (abduction of a person). On 20 March 2004, relatives sent telegrams to the Administration of the President of the Russian Federation, the Supreme Court, the Attorney General and the Ingushetian President's Administration in which they called for help.

In an interview with Novaya Gazeta, Ozdoyev's father, Mr Boris Ozdoyev, former judge of the Malgobek district, said that Rashid Ozdoyev had been investigating the murder of his uncle Musa, Boris Ozdoyev's brother, who had been killed on 18 October 2003. Mr Musa Ozdoyev was a senior investigator in the prosecution office in Slepzovskaya village of the Sunzhen district of Ingushetia. Boris Ozdoyev suggested that Rashid's abduction was related to this case or to his participation in cases involving extra-judicial executions. Boris Ozdoyev conducted his own investigation into the case and found that a young FSB officer, Rustavel Sultygov, who had brought Rashid Ozdoyev to the FSB office, was asked upon arrival to leave the building.[50]

Rashid Ozdoyev had apparently dismissed warnings that he would put his life in danger by writing about the unlawful actions of the FSB, telling his father and other relatives that it was his duty to report on them. It is likely that he was abducted because of these activities.[51]

According to an alternative account,[52] the FSB officers had detained Rashid Ozdoyev as he was about to drive away in his car from the government offices' parking lot in Magas. Several people had seen his car, VAZ-21099, parked in front of the FSB office. Journalists working for an Ingush internet site state that the head of the FSB for Ingushetia, Mr Sergey Koryakov,[53] was displeased with Ozdoyev's activities.[54] In an interview, Boris Ozdoyev noted that the abduction and disappearance of his son and other people became possible after Koryakov had been appointed as head of the FSB office in Ingushetia.[55]

In May 2004, Anna Politkovskaya published a letter that was allegedly written by an FSB officer, Mr Igor Onishenko, where he confessed that he had worked for Sergey Koryakov and had participated in the torture of approximately 50 people and the murder of 35 people. Although he did not mention the prosecutor's name, Onishenko also confessed to the abduction of a local prosecutor who had lodged a complaint

49 NEDC ID Doc: 988, *Joint Statement by NGOs, Memorial, 08.04.2004; ID Doc: 986, Joint Statement by human rights organizations* (Совместное заявление правозащитных организаций), Memorial, 08.04.2004; ID Doc: 4564, *Conveyor of violence* (Конвейер насилия), Memorial, 22.07.2005; ID Doc: 17705, *Crime Week in Ingushetia, early July* (Криминальная неделя в Ингушетии в начале июля), Chechen Committee for National Salvation, 07.07.2008.

50 *Judge Ozdoyev is searching for his son on his own* (Судья Оздоев сам ищет своего сына), 09.09.2004, Novaya Gazeta №66, http://2004.novayagazeta.ru/nomer/2004/66n/n66n-s13.shtml (last visited on 29.04.2018).

51 NEDC ID Doc: 4557, Memorial, 26.07.2008; ID Doc: 4564, Memorial, 22.07.2005; (see above).

52 NEDC ID Doc: 762, *Escalation of violence in Ingushetia* (Эскалация насилия в Ингушетии), Memorial, 25.03.2004.

53 Died on 9 July 2006 in plane crash in Irkutsk, *Head of FSB of Irkutsk region Sergey Koryakov is identified among the victims of A-310 plane crash* (Начальник УФСБ Иркутской области Сергей Коряков опознан в числе жертв авиакатастрофы А-310), http://polit.ru/news/2006/07/12/korjakov/ (last visited on 29.04.2018).

54 NEDC ID Doc: 762, Memorial, 23.03.2004 (see above); NEDC ID Doc: 15147, *The trial of the Regional Public Movement "Chechen Committee for National Salvation" v. Office of the Federal Registration Service of Ingushetia* (Судебное разбирательство по делу РОД ЧКНС против УФРС по РИ), 04.04.2008.

55 *Judge Ozdoyev is searching for his son on his own* (Судья Оздоев сам ищет своего сына), Novaya Gazeta №66, 09.09.2004.

about the head of the Ingush FSB. Onishenko confessed that he had broken bones in the prosecutor's hand and feet.

The letter was sent to the General Prosecution Office of Russia where it was registered on 16 April 2004.[56] The authenticity of the letter has not been established. However, it is known that an officer with the surname Onizhenko had been working in Ingushetia and that the letter in fact referred to the prosecution office of the Southern Federal District.[57]

At the present moment, the investigation is suspended on the grounds that the suspects cannot be found. Ozdoyev's relatives have lodged an application with the ECtHR.[58] On 23 September 2016, the ECtHR requested that the Russian Government submit its observations on the case of Ozdoyev and Tsechoyev.[59]

1.8. Murders of Lawyer Stanislav Markelov and Journalist Anastasia Baburova

Stanislav Markelov, Photo: internet media Caucasian Knot www.caucasianknot.info

Mr Stanislav Markelov, lawyer, and Ms Anastasia Baburova, journalist, were murdered on 19 January 2009. They were shot dead by a masked gunman at around 14:00 on Prechistenka Street in the center of Moscow.

Markelov was known for leading sensitive human rights cases, many of which had connections to Chechnya. Baburova was a 25-year-old journalist who had written on racism and attacks on minorities in Russia. The newspaper that she worked for, the Novaya Gazeta, has had five of its journalists killed since 2000.[60]

29-year-old Nikita Tikhonov and his 24-year-old girlfriend, Yevgenia Khasis, were detained in Moscow on 3 and 4 November 2009 during a special operation. On 5 November, the Investigative Committee of the Russian Prosecution Office charged Tikhonov and Khasis under Article 105 § 2 of the Russian Criminal Code (multiple homicide committed by an organized group). On the same day, the Basmanny Court of Moscow ordered the arrest of Tikhonov and Khasis.

On 6 November, Mr Evgeny Skripelov, Tikhonov's lawyer, stated that his client had denied any involvement in a nationalist group, but had pleaded guilty to the murder. At the same time, Tikhonov denied any intention to kill Baburova.

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56 Anna Politkovskaya, *Confession of a death squad's fighter: We had returned and finished people off* (Признания бойца эскадрона смерти: мы возвращались и добивали людей), 27.05.2004, Novaya Gazeta №37, http://2004.novayagazeta.ru/nomer/2004/37n/n37n-s00.shtml (last visited on 08.01.2017); English text of the letter is available at: "*A Russian Diary by Anna Politkovskaya*" with a foreword by Jon Snow (2007), p. 111; *Russian Federation: danger of open expression. Attacks on human rights activists in the armed conflict in Chechnya, Amnesty International* (Российская Федерация: опасность открытого высказывания. Нападения на правозащитников в ходе вооруженного конфликта в Чечне), 12.11.2004, www.amnesty.org.ru/node/312/ (last visited on 29.04.2018).

57 Website *"Ingushetia.ru": prosecutor's assistant Rashid Ozdoyev was abducted by FSB officers* (Веб-сайт "Ингушетия.ру": помощника прокурора республики Рашида Оздоева похитили сотрудники ФСБ), Caucasian Knot, 24.05.2004, www.kavkaz-uzel.ru/articles/55866/ (last visited on 29.04.2018).

58 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

59 *European Court questions Russian responsibility in Ingushetia disappearances*, European Human Rights Advocacy Center (EHRAC), 23.09.2016, www.ehrac.org.uk/news/european-court-questions-russian-responsibility-in-ingushetia-disappearances/ (last visited on 29.04.2018); Application no. 9782/08 Boris Ozdoyev and Zurab Tsechoyev against Russia, Third Section of ECtHR, 23.09.2016, http://hudoc.echr.coe.int/eng?i=001-167638 (last visited on 29.04.2018).

60 A list of murdered Russian journalists is available on the website of The Committee to Protect Journalists, https://cpj.org/killed/europe/russia/murder.php (last visited on 29.04.2018).

Anastasia Baburova,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

On 29 December, at a hearing on the extension of his length of pre-trial detention, Tikhonov alleged that he was forced into a confession by police during the investigation.

By 24 February 2010, Tikhonov's indictment had been amended to "murder for reasons of political and ideological hatred and enmity". During the subsequent trial the defendants pleaded not guilty.

On 6 May 2011, the Moscow City Court sentenced Tikhonov to life imprisonment in a special regime colony. Khasis was sentenced to 18 years' imprisonment in a penal colony. Based on the jury's verdict, the court found that:

> "Adherents of radical nationalist views, they committed the crime for reasons of ideological hatred and enmity in connection with Markelov's active involvement in the antifascist movement, as well as his professional activities in criminal cases protecting the rights of victims and accused who adhere to this antifascist ideology."

On 14 September 2011, the Supreme Court upheld the sentence against Tikhonov and Khasis. The judgment has since come into force.

The investigation into the murders of Markelov and Baburova led to the disclosure of an extensive underground network of radical nationalists and associated persons. This in turn led to the conviction of several criminals involved in a significant number of murders and assassination attempts for reasons of racial, ethnic or ideological hatred and enmity.[61] The head of the Combatant Russian Nationalists Organization, Mr Ilya Goryachev, was found to have committed a number of crimes, including instigation of the murders of Markelov and Baburova, by its members Tikhonov and Khasis. He has been sentenced to life imprisonment.[62]

1.9. Assassination Attempt on President of Ingushetia Yunus-Bek Yevkurov

On 22 June 2009, a powerful bomb exploded close to the cortege of Mr Yunus-Bek Yevkurov, the President of Ingushetia.[63] The bomb exploded on the Nazran-Magas highway when a suicide bomber[64] detonated a car packed with explosives at around 08:30 local time as the President's convoy drove past. The explosion destroyed the armoured Mercedes in which 45-year-old Yevkurov was travelling and left a two-meter crater in the road. The bomb, containing the equivalent of at least 70 kilos of trityl,

61 *Guilty verdict of the Moscow City Court in relation to Nikita Tikhonov and Yevgenia Khasis* (Обвинительный приговор Московского городского суда от 6 мая 2011 г. в составе председательствующего судьи Замашнюка А.Н., присяжных заседателей в отношении Тихонова Никиты Александровича и Хасис Евгении Даниловны), Memorial, 06.05.2011; *Murder of Stanislav Markelov and Anastasia Baburova*, (Убийство Станислава Маркелова и Анастасии Бабуровой), 19.01.2018, http://www.kavkaz-uzel.ru/articles/218822/ (last visited on 29.04.2018).

62 *The court sentenced Ilya Goryachev to life imprisonment* (Суд дал пожизненное Илье Горячеву), TV Rain, 24.07.2015, https://tvrain.ru/news/sud_dal_pozhiznennoe_ile_gorjachevu-391512/ (last visited on 29.04.2018); Ilya Filippov, *The student is found guilty: leader of Combatant Russian Nationalists Organization stood behind a series of infamous murders* (Студент признан виновным: за серией громких убийств стоял лидер БОРН), Vesti, 14.07.2015, http://www.vesti.ru/doc.html?id=2641182 (last visited on 29.04.2018).

63 NEDC ID Doc: 4660, *Abducted were asked on "disclosure" of assassination attempt on Yevkurov* (Вопросы похищенным о раскрытом похищении на Евкурова), Memorial, 03.09.2010, www.memo.ru/hr/hotpoints/caucas1/msg/2010/09/m216975.htm (last visited on 29.04.2018).

64 NEDC ID Doc: 2844, *The suicide bomber detonated a Toyota-Camry car packed with explosives* (Террористом-смертником приведено в действие взрывное устройство, находившееся в автомашине "Тойота-Камри"), Memorial, 22.06.2009.

had been placed in a black Toyota-Camry parked on the hard shoulder.[65] The suicide bomber used a stolen car with Moscow license plates.

The presidential motorcade consisted of four vehicles, including the President's Mercedes. All of the vehicles were damaged by the powerful blast, which threw the Mercedes into a ditch, where it burnt out completely. The suicide bomber was also killed during the explosion. The President's three companions suffered a varying degree of injuries. One of them, the bodyguard Mustafa Kotiyev,[66] later died on the way to hospital. The President's brother, Mr Unais Yevkurov, who was in the car during the attack, was also wounded. One escorting policeman died on the spot. Yevkurov's driver and his cousin died a few days later in hospital.

The wounded President Yevkurov was taken to North Ossetia by ambulance and airlifted to a hospital in Moscow, where he received intensive care. On 12 August 2009, more than seven weeks after the attack, Yevkurov was released from the Moscow hospital and continued to receive rehabilitative treatment.[67]

A criminal investigation into the attack was opened by the Investigation Department of the Investigative Committee of the Russian Federation under Articles 277, 317 and 222 (assassination attempt on a statesman or public figure, assassination attempt on a law enforcement authority, illegal possession and carrying of weapons) of the Russian Criminal Code.[68]

According to Mr Alexander Bortnikov, head of FSB of the Russian Federation, Mr Rustam Dzortov and Mr Aliyev, who were in command of all militants in Ingushetia had organized the assassination attempt on President Yevkurov. They were later killed during a special operation.[69] According to the Memorial, there were no court proceedings against those responsible for the assassination attempt.[70]

On 22 June 2010, President Yevkurov confirmed this outcome of the investigation in a speech to the Parliamentary Assembly of the Council of Europe.[71]

Despite this confirmation by the President, the police did not close the case. On 2 September 2010 at around 03:00, a group of unidentified men in camouflage uniforms speaking fluent Russian broke into the houses of two residents, Mr Ruslan Karakhoyev and his neighbor Mr Ruslan Nalgiyev, in Pliyev municipal district of Nazran, Republic of Ingushetia, and kidnapped them. According to Karakhoyev, the intruders took his passport, beat him, then put a plastic bag over his head and took him to the police department of the Nazran district. Nalgiyev was kidnapped in the same manner.

65 *Ibid.*

66 NEDC ID Doc: 16053, *Assassination attempt on Yunus-Bek Yevkurov, President of Ingushetia and other violations in the 2nd half of June 2009* (Покушение на президента РИ Юнус-Бека Евкурова и другие правонарушения во 2 половине июня 2009 г.), Chechen Committee for National Salvation, 30.06.2009.

67 NEDC ID Doc: 16616, *Yunus-Bek Yevkurov had returned to RI* (Возвращение Юнус-Бека Еврурова в РИ), Memorial, 24.08.2009.

68 NEDC ID Doc: 2844, *The suicide bomber detonated a Toyota-Camry car packed with explosives* (Террористом-смертником приведено в действие взрывное устройство, находившееся в автомашине "Тойота-Камри"), Memorial, 22.06.2009.

69 NEDC ID Doc: 4660, *Abducted were asked on "disclosure" of assassination attempt on Yevkurov* (Вопросы похищенным о раскрытом покушении на Евкурова), Memorial, 03.09.2010.

70 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

71 NEDC ID Doc: 4660, *Abducted were asked on "disclosure" of assassination attempt on Yevkurov* (Вопросы похищенным о раскрытом покушении на Евкурова), Memorial, 03.09.2010.

During the hours that followed, the men were questioned about a supposed "disclosure" regarding the assassination attempt on President Yevkurov. The unidentified policemen demanded the names of those involved. Both Karakhoyev and Nalgiyev were photographed and their fingerprints taken. They were released on the same day at around noon.

Karakhoyev complained to the Memorial Human Rights Centre concerning the violation of his rights by the unidentified policemen. He also submitted complaints to the Commissioner for Human Rights in Ingushetia, and the Public Chamber Commission and the Human Rights Council of the President of Russia.[72]

1.10. Murder of Ingush Journalist Magomed Yevloyev in Police Custody

Magomed Yevloyev,
Photo: Dosh Journal

Mr Magomed Yevloyev,[73] the owner of the popular news website Ingushetia.ru, was murdered on 31 August 2008 while in police custody. Yevloyev's site was well-known to human rights and press freedom groups in Russia and abroad as a reliable source of information in the tightly controlled Republic of Ingushetia. Ingushetia.ru reported on governmental corruption, human rights abuses, unemployment, and a string of unsolved disappearances and killings. The site covered anti-government protests and had called for then President Murat Zyazikov's resignation. The website was blocked several times.[74]

Yevloyev died from a gunshot wound to the head sustained while being transported by Ingush police following his arrest at the airport in the regional capital, Magas. The police immediately called the shooting an accident, saying Yevloyev had tried to take a gun from one of the arresting officers. Yevloyev's relatives, colleagues and friends told the Committee to Protect Journalists that they believed he was murdered to silence the website, one of the few remaining independent news sources in Ingushetia.

On 31 August 2008 at around 13:30, Yevloyev had just gotten off a flight from Moscow when, according to a colleague who was present at the scene but asked not to be identified for fear of reprisal, he was arrested. Yevloyev, who lived in Moscow with his family, was travelling to Ingushetia to visit his parents and friends. Around 20 relatives and friends had gathered at Magas airport to greet Yevloyev. Shortly before leaving the plane, Yevloyev sent a text message to Mr Magomed Khazbiyev, a friend and local opposition activist, telling him that he had shared the flight with the then President of Ingushetia, Murat Zyazikov.

According to Khazbiyev, after the presidential cortege left the airport, six armored vehicles approached the plane. A group of armed police officers approached Yevloyev and placed him in a UAZ van. They did not handcuff him, and he did not resist them. When friends saw Yevloyev being detained, Khazbiyev said they followed the

72 *Ibid.*

73 NEDC ID Incident: 162, Murder of M. Yevloyev, the owner of the internet site "Ingushetia.ru", 2008 (Убийство владельца интернет-сайта "Ингушетия.ру" Е. М., 2008 г.), 08.02.2015; ID Doc: 4223, *Details of murder of Magomed Yevloyev* (Подробности убийства Евлоева Магомеда), Memorial, 06.09.2008; ID Victim: 2173; ID Doc: 1381, *Visit of the PACE delegation to Ingushetia* (Визит делегации ПАСЕ в Ингушетию), Memorial, 29.03.2010; ID Doc: 745, *Persecution of the organizers of the meeting in support of Putin's politics* (Преследование организаторов митинга в поддержку курса Путина), Memorial, 16.02.2008

74 NEDC ID Doc: 3639, *Internet-site "Ingushetia.ru" was blocked* (Блокировка работы интернет-сайта Ингушетия.ру), Memorial, 13.11.2007.

vehicles in their cars. After the police vehicles left the airport, they split into two columns and took different directions. Khazbiyev and Yevloyev's relatives and friends followed the group heading towards Nazran.

When the cars stopped, it became clear that Yevloyev was not there. Khazbiyev cited one police officer saying: "We have no blood on our hands".[75] Later, the police said that shortly after Yevloyev was placed in one of their vans, he tried to wrestle away a gun belonging to one of the arresting officers. The gun went off, police said, striking Yevloyev in the temple. Magomed Yevloyev died in Nazran hospital where police had taken him after he had received this direct injury to the head.

According to the Ministry of Internal Affairs of Ingushetia, Yevloyev tried to snatch a submachine gun from one of the police officers involved in his detention, and in the ensuing brawl, Yevloyev was shot in the head.

Yevloyev's funeral developed into an anti-government protest, in which several thousand participated.[76] Early in the morning on 2 September 2008, police dispersed a crowd of around 50 men who remained in the main square in Nazran.[77] The investigation characterized Yevloyev's death as "murder by negligence" under Article 105 of the Russian Criminal Code.[78]

On 11 December 2009, the court found Mr Ibragim Yevloyev, the policeman and former deputy head of security of the Ingushetia in the Russian North Caucasus whose gunshot killed Magomed Yevloyev, guilty of unintentional murder. He was sentenced to two years' imprisonment in a colony-settlement.[79] In February 2010, his sentence was mitigated to two years' house arrest. Eventually, he was pardoned and released.

In a further development, on 4 August 2010, an unknown assailant opened fire on two policemen in a cafe. One of the policemen was the pardoned policeman, Ibragim Yevloyev, who died at the scene. The second policeman died later in hospital.

According to a source at the local Ministry of Internal Affairs, an unknown man came into the cafe where Yevloyev was sitting. He shot at Yevloyev several times with a Makarov pistol, following which he escaped. The murder of Ibragim Yevloyev was not investigated.[80]

On an unspecified date, Magomed Yevloyev's family lodged an application with the ECtHR.[81]

75 NEDC ID Doc: 4223, *Details of murder of Magomed Yevloyev* (Подробности убийства Евлоева Магомеда), Memorial, 06.09.2008.

76 NEDC Doc. ID: 4223, Memorial, 06.09.2008; ID Doc: 4218, *Dispersal of anti-government protest against the murder of Magomed Yevloyev in Nazran* (Разгон митинга в знак протеста против убийства Евлоева Магомеда в Назрани), Memorial, 02.09.2008.

77 *Ibid.*

78 *Ibid.*

79 NEDC ID Doc: 2873, *Murder of Yevloyev and Albogachiyev* (Убийство Евлоева и Албогачиева), Memorial, 04.08.2010.

80 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

81 Svetlana Bocharova, *Yevloyev's killer will be punished at home* (Убийцу Евлоева накажут дома), 02.03.2010, www.gazeta.ru/politics/2010/03/02_a_3332643.shtml (last visited on 29.04.2018); *Convicted killer of Ingushetian website owner shot dead*, 05.08.2010, www.rferl.org/content/Convicted_Killer_Of_Ingush_Website_Owner_Shot_Dead/2119918.html (last visited on 29.04.2018); Svetlana Bocharova, *End the "Eastern tale"* (Конец в "Восточной сказке") 04.08.2010, www.gazeta.ru/politics/2010/08/04_a_3404590.shtml (last visited on 29.04.2018).

1.11. Murder of Maksharip Aushev

Maksharip Aushev,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Mr Maksharip Aushev was the leader of a local opposition group and member of the expert council of the Russian Office of the Ombudsman.[82] He was murdered on 25 October 2009 at around 09:40 on the "Kavkaz" federal highway not far from the village Nartan in the Chegemsky district of the Kabardino-Balkaria Republic. Aushev was driving a Lada-Priora car registered in Nalchik with his relative Ms Tanzila Dzeitova (Zeitova) sitting next to him. Unknown passengers in a passing by VAZ-2112 vehicle shelled their car.[83]

According to the police investigation, shots were fired from an AK-74 calibre 7,62 assault rifle. There is a probability that shots were fired from two guns. With more than 40 shots fired at the car, Aushev died immediately and Dzeitova was admitted to hospital in a critical condition.[84]

A criminal case in relation to the murder was initiated under Article 105 of the Russian Criminal Code, and under Article 222 of the Code for illicit arms trafficking.[85]

On 16 December 2009, due to a car explosion in Nazran, Aushev's wife, Ms Fatima Djaniyeva, was severely injured and admitted to hospital. Her mother Ms Leyla Djaniyeva and two brothers Muslim and Amirkhan Djaniyev were in the car at the time of the explosion and died immediately.[86]

Representatives of the prosecution office made several conflicting statements. Initially, they stated that there were explosive materials in the car and that the explosion was the result of their detonation. Later they said that the explosion was the result of the shelling of the car by law enforcement officers who had opened fire after the driver had not stopped at the officers' demand.[87] A criminal case was initiated into the death of Leyla Djaniyeva.[88]

In 2010, Mr Magomed-Khadzhi Aushev, Maksharip Aushev's father, alleged that Colonel-General Arkadiy Yedelev was responsible for Aushev's murder. He also stated that he knew which law enforcement agency had organized the assassination. Magomed-Khadzhi Aushev complained that investigative authorities continued to ignore the evidence he had collected.[89]

From 17 April 2010 to 5 April 2011, Arkadiy Yedelev was plenipotentiary to the President of the North Caucasus Federal District.[90]

82 NEDC ID Doc: 4655, *Murder of Maksharip Aushev* (Убийство Макшарипа Аушева), Memorial, 28.10.2009.

83 *Ibid.*

84 *Ibid.*

85 *Ibid.*

86 NEDC ID Doc: 5280, *Car explosion in Nazran* (Взрыв машины в г. Назрань), Memorial, 16.12.2009.

87 *Ibid.*

88 NEDC ID Doc: 5278, *Explosions in Ingushetia* (Взрывы в Ингушетии), Memorial, 16.12.2009.

89 *Father of murdered opposition leader Aushev stated that he knows names of his son's murderers* (Отец убитого оппозиционера Аушева заявил, что знает имена убийц сына), 07.09.2010, www.kavkaz-uzel.ru/articles/173912/ (last visited on 29.04.2018).

90 *Khloponin confirmed Yedelev's resignation* (Хлопонин подтвердил отставку Еделева), 05.04.2011, www.stavropolye.tv/sfdnews/view/31561 (last visited on 29.04.2018).

1.12. Abduction of Mokhmadsalakh Masayev

Mokhmadsalakh Masayev, Photo: Amnesty International

On 27 September 2006, Mr Mokhmadsalakh Masayev was abducted from a mosque in the city of Gudermes in Chechnya and was subsequently transferred and held captive in an illegal prison in Tsentoroy until 21 January 2007. On 18 March 2008, he was recognized as a victim in criminal case No. 55096, initiated due to his abduction.[91]

On 10 July 2008, Mokhmadsalakh Masayev gave an interview to the Novaya Gazeta detailing the circumstances surrounding his abduction. The interview was titled "I spent almost four months in the captivity of Ramzan Kadyrov".[92]

On 3 August 2008, unidentified persons in camouflage uniform abducted Mokhmadsalakh Masayev in Grozny.[93] His brother, Mr Oleg Masayev, filed a complaint with the Zavodskoy ROVD, but the police did not register his application. From his conversation with the police officers, Oleg Masayev understood that his brother had been abducted on the order of leaders of the Republic.[94]

According to Oleg Masayev's written complaint to the Memorial, one of the officers shortly explained that he knew Mokhmadsalakh Masayev and that "Ramzan" (Ramzan Kadyrov, President of Chechnya) had ordered him to find Mokhmadsalakh Masayev and bring him in.[95]

Oleg Masayev's complaint was registered on 16 August 2008 and sent to the Internal Affairs Department in the Zavodskoy district of Grozny.[96] The Memorial informed that Masayev's relatives did not insist on a more active investigation for reasons of safety. The Memorial is not aware whether the investigation has been suspended or not.[97]

The NEDC has no further information regarding the fate of Mokhmadsalakh Masayev.

1.13. Investigation into the Murder of Umar Israilov in Vienna

Mr Umar Israilov, a former bodyguard for the Chechen President Ramzan Kadyrov, had claimed that President Kadyrov and his men were responsible for killings, torture, and other serious crimes. Umar Israilov was shot and killed in Vienna, Austria, on 13 January 2009.

91 NEDC ID Doc: 5020, *Abduction of Mokhmadsalakh Masayev* (Похищение Мохмадсалороса Масаева), Memorial, 03.08.2008.

92 Vyacheslav Izmailov, *To find the person. After interview to Novaya Gazeta a former captive of Ramzan Kadyrov disappeared* (Найти человека. После интервью «Новой Газете» пропал бывший заложник Рамзана Кадырова), Novaya Gazeta, 09.08.2008, www.novayagazeta.ru/articles/2008/08/10/36898-nayti-cheloveka (last visited on 29.04.2018).

93 NEDC ID Victim: 8945.

94 NEDC ID Doc: 5020, *Abduction of Mokhmadsalakh Masayev* (Похищение Мохмадсалороса Масаева), Memorial, 03.08.2008.

95 Application to the Memorial Human Rights Centre, 05.08.2008.

96 A letter from the Ministry of Internal Affairs in the Chechen Republic to the Head of the Committee of Civil Assistance Gannushkina S. A. (Письмо о направлении информации председателю Комитета "Гражданское содействие" Ганнушкиной С.А.), 08.09.2008.

97 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

On 1 June 2011, the Viennese Criminal Court sentenced three individuals, Otto Kaltenbrunner (born Ramzan Edilov), Suleyman Dadayev and Turpal Ali Yeshurkayev for their participation in Umar Israilov's murder. The former was sentenced to life imprisonment, the latter two to 19 and 16 years' respectively.[98]

According to the Memorial, the direct perpetrator of the murder, Mr Lecha Bogatirov, is still on the run and had allegedly been injured in Khankala (Chechnya) in January 2011 during an assassination attempt against the former "Zapad" battalion commander Mr Bislan Elimkhanov. However, there has been no confirmation as to whether the injured person was in fact Lecha Bogatirov.[99]

In November 2010, the newspaper Der Spiegel alleged that Lecha Bogatirov had been seen in a report aired by Russian television.[100] According to Der Spiegel, "Chechens in Vienna assured Der Spiegel that they recognized Lecha Bogatirov, the man who managed to evade Viennese investigators".[101] The person alleged to be Bogatirov appears in the video at circa 2.46-2.47 minutes.[102] It also appears that a person with the name Lecha Bogatirov, and resembling Bogatirov, has served as the head of a police department at the Ministry of Internal Affairs in the Grozny district as of July 2015.[103]

Bogatirov was included in the US Magnitsky Sanctions list, which comprises of Russian officials that have committed gross violations of human rights against whistleblowers or human rights defenders.[104]

Umar Israilov's father has lodged several complaints with the ECtHR. The complaints were communicated to Russia on 9 February 2016.[105]

1.14. Abduction of Human Rights Activist Zarema Gaysanova

On 31 October 2009, while Ms Zarema Gaysanova was at a house on Second Darvina lane, law enforcement authorities launched a special operation in the village aimed at eliminating members of illegal armed groups. During the operation, a man hid in the house which was blocked and shelled until it caught fire. As the house was burning down, Gaysanova was pushed into a UAZ vehicle and taken away. Law enforcement officers recovered a man's body from the house once it had burned down.

98 *Victory for justice*, Statement of Civil Rights Defenders, 07.06.2011, http://old.civilrightsdefenders.org/news/statements/victory-for-justice/ (last visited on 14.08.2018).

99 *Perpetrators of murder of Kadyrov's former guard are sentenced* (Вынесен приговор причастным к убийству бывшего охранника Кадырова), Memorial, 01.06.2011, www.memo.ru/d/79642.html (last visited on 29.04.2018); *Identity of a man who has been murdered in an assassination attempt on Elimkhanov in Grozny* (Установлена личность убитого во время покушения на Элимханова в Грозном), 18.01.2011, http://www.kavkaz-uzel.ru/articles/179764/ (last visited on 29.04.2018).

100 Stefan Berg, *Twist in Vienna Trial: Suspect in Murder of Exiled Chechen Pops up in Grozny*, 23.11.2010, www.spiegel.de/international/europe/twist-in-vienna-trial-suspect-in-murder-of-exiled-chechen-pops-up-in-grozny-a-730811.html (last visited on 29.04.2018).

101 *Ibid.*

102 *Blood revenge in Chechnya: elders deal with the conflicts* (Кровная месть в Чечне: конфликты улаживают старейшины), 13.09.2010, www.vesti.ru/videos/show/vid/299159/cid/7/ (last visited on 29.04.2018).

103 *In the village Pobedinskoye a new building of the territorial police department was opened* (В с. Побединское состоялось открытие нового здания территориального отдела полиции), 28.07.2015, www.grozraion.ru/news/1652-v-s-pobedinskoe-sostoyalos-otkrytie-novogo-zdaniya-territorialnogo-otdela-politsii (last visited on 29.04.2018).

104 Magnitsky Sanctions Listings, Office of Foreign Assets Control, 04.12.2013, https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20130412.aspx (last visited on 06.11.2018).

105 Applications nos. 21882/09 and 6189/10 Sharpuddi Israilov against Russia, Third Section of ECtHR, 09.02.2016, http://hudoc.echr.coe.int/eng?i=001-161277 (last visited 29.04.2018).

Shortly after that, Ramzan Kadyrov and Ruslan Alkhanov, Minister of Internal Affairs of Chechnya, arrived at the site. In an interview with the local media, Kadyrov stated that a member of an illegal armed group had been "eliminated" in the applicant's house.[106]

Criminal case No. 66094 was opened on 16 November 2009 by the Leninsky Inter-district Investigation Department (IID) in Grozny city.[107]

According to information amassed by the NEDC, the preliminary investigation was suspended and reopened by investigative authorities at least five times in the period between 16 November 2009 and 15 July 2011.[108]

The decisions regarding the suspension of the investigation were based on Article 208 § 1(1) of the Russian Code of Criminal Procedure, in view of not having been able to establish a person to be prosecuted and due to the expiry of the time limit for preliminary investigations.[109]

According to the report of the Interregional According to the report of the Interregional NGO Committee Against Torture (the Committee), during 2009-2010 the Investigative Administration reached out in writing on three occasions to Minister Alkhanov, requesting information regarding agents who had participated in the special operation on 31 October 2009, as well as an internal check in connection with the violation of Article 21.4 of the Russian Code of Criminal Procedure by Internal Affairs Agents. However, there was no reaction whatsoever to these requests.[110] There was also no response from the commander of the 8th company of the Patrol and Point-Duty Police Service either in connection with numerous requests concerning participants of the special operation.

The Committee points out in its report that the petition, lodged by the representative of Ms Gaysanova's mother, to question the Chechen President Ramzan Kadyrov, who had been in charge of the operation on 31 October 2009, was dismissed on 26 April 2010 by the investigation department on the grounds that Kadyrov had a considerable workload and it was, therefore, impossible to question him.[111] Although the decision

106 *Gaysanova v. Russia*, no. 62235/09, Judgment, ECtHR, 12 May 2016.

107 NEDC ID Doc: 20281, *Decision on initiation of the criminal case* (Постановление о возбуждении уголовного дела), Interregional NGO Committee Against Torture, 16.11.2009.

108 NEDC ID Doc: 20186, Decision on resumption of pre-trial investigation (Постановление о возобновлении предварительного следствия), Interregional NGO Committee Against Torture, 31.08.2010; NEDC ID Doc: 20208, Notification of resumption of pre-trial investigation (Уведомление о возобновлении предварительного следствия), Interregional NGO Committee Against Torture, 01.12.2010; NEDC ID Doc: 20229, Decision on suspension of pre-trial investigation (Постановление о приостановлении предварительного следствия), IInterregional NGO Committee Against Torture, 31.03.2011; NEDC ID Doc: 20231, Decision on resumption of pre-trial investigation (Постановление о возобновлении предварительного следствия), Interregional NGO Committee Against Torture, 14.04.2011; NEDC ID Doc: 20247, Notification of resumption of pre-trial investigation (Уведомление о возобновлении производства по предварительному следствию), Interregional NGO Committee Against Torture, 15.07.2011.

109 NEDC ID Doc: 20178, *Notification on suspension of pre-trial investigation* (Уведомление о приостановлении следствия), Interregional NGO Committee Against Torture, 16.06.2010; NEDC ID Doc: 20193, *Decision on suspension of pre-trial investigation* (Постановление о приостановлении предварительного следствия), Interregional NGO Committee Against Torture, 30.09.2010; ID Doc: 20209, *Decision on suspension of pre-trial investigation* (Постановление о приостановлении предварительного следствия), Interregional NGO Committee Against Torture, 02.12.2010.

110 Interregional NGO Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014. The Report can be found in Appendix I.

111 NEDC ID Doc: 20122, *Decision on dismissal of an appeal to Kadyrov's questioning* (Постановление об отказе в удовлетворении жалобы о допросе Кадырова), Interregional NGO Committee Against Torture, 26.04.2010.

was quashed on 9 December 2010[112] and Kadyrov was eventually questioned,[113] the Committee stresses that "the interrogation was a mere formality. Kadyrov had signed the questioning report prepared by the investigator in advance, and the report did not contain any significant information".[114]

On 9 and 24 November 2011, representatives of Gaysanova's mother, Mr Nemov and Mr Mazikov, were notified that certain documents in case file No. 66094 had been marked as "confidential" in compliance with Section IV of the Instruction on regimes of secrecy in the Russian Federation No. 3-1.[115] Documents containing personal information of agents of the Internal Affairs Department, who participated in counter-terrorism and special operations, were classified. The fact that information regarding persons who were directly related to the abduction of Zarema Gaysanova on 31 October 2009 was classified, undermined the effectiveness of the investigation.

Since 2011 there has been no significant progress in the investigation into Gaysanova's abduction. As of February 2016, Zarema Gaysanova has not been found. The investigation is pending.[116]

On 12 May 2016, the ECtHR found Russia responsible for Gaysanova's death and the ineffective investigation into the murder.[117]

1.15. Proceedings not Initiated Following the Judgment of the ECHR Regarding the Events in Katyr-Yurt

Ever since the start of operations by the Russian military and security forces in Chechnya in the autumn of 1999, the village of Katyr-Yurt, situated in the Achkhoy-Martan district, had been considered a "safe zone". By the beginning of February 2000, up to 25 thousand persons were living there, including residents and internally displaced persons from elsewhere in Chechnya. In the period leading up to 4 February 2000, the residents of Katyr-Yurt were not informed by the state authorities about the possible advance of illegal fighters into the village, even though such information was available to the military commanders. On 4 February 2000, the town was captured by a large group of Chechen fighters escaping from Grozny. In response to this, the Russian military forces carried out an assault, using indiscriminate weapons such as massive, free-falling aviation bombs, artillery, missiles and other weaponry. Despite the fact that the operation was not spontaneous and involved the use of indiscriminate and highly lethal weaponry, the residents of the village were neither provided with

112 NEDC ID Doc: 20202, *Decision on quashing the decision on dismissal of an appeal to Kadyrov's questioning* (Постановление об отмене постановления об отказе в допросе Кадырова), Interregional NGO Committee Against Torture, 09.12.2010.

113 NEDC ID Doc: 20283, *Record of Kadyrov's questioning* (Протокол допроса Кадырова), Interregional NGO Committee Against Torture, 12.01.2010.

114 Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014.

115 NEDC ID Doc: 20261, *Notification on designation of secret status to certain documents* (Уведомление о присвоении грифа "секретно" некоторым материалам дела), Interregional NGO Committee Against Torture, 09.11.2011; ID Doc: 20265, *Notification on designation of secret status to certain documents* (Уведомление о присвоении некоторым материалам дела грифа "секретно"), Interregional NGO Committee Against Torture, 24.11.2011.

116 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

117 *Gaysanova v. Russia*, no. 62235/09, Judgment, ECtHR, 12 May 2016. For comments on the case by the Committee Against Torture, see: www.pytkam.net/mass-media.news/1393 (last visited on 29.04.2018).

sufficient time to prepare to leave nor with safe exit routes to escape the fighting. The shelling of Katyr-Yurt continued until 7 February 2000.[118]

Neither the NEDC nor its founding organizations have obtained any information into whether proceedings against responsible persons for the indiscriminate bombardment of Katyr-Yurt in February 2000 were initiated by Russian state bodies, following the ECtHR judgments Isayeva v. Russia, Abuyeva and others v. Russia and the recent Abakarova v. Russia judgment.[119] The events in Katyr-Yurt had been investigated before 2013, but this investigation was suspended on 9 March 2013. Despite appeals on the part of victims made on 26 September 2013 to the Grozny Garrison Military Court, the investigation was not resumed. This decision was upheld on 6 March 2014 by the North Caucasus Circuit Military Court and on 25 September 2014 by the Russian Supreme Court.[120]

"Mr Vladimir Shamanov, responsible for guiding and executing the operation, received a further promotion in his career following the tragic events."

Mr Vladimir Shamanov, responsible for guiding and executing the operation, received a further promotion in his career following the tragic events.

From 2006 to 2007 he was a counsellor for the Russian Defence Minister. On 24 May 2009, he became commander of the airborne troops of Russia by presidential decree.[121] On 30 May 2012, Shamanov was awarded the rank of Colonel-General.[122] On 21 February 2016, he opened an exhibition of uniforms of the Soviet commanders in Ryazan.[123] Since 5 October 2016, Shamanov has been the head of the State Duma Defence Committee.[124]

Another senior military officer, Major-General Yakov Nedobitko, was also found responsible by the ECtHR for the operation in Katyr-Yurt, which involved the "massive use of indiscriminate weapons" and which led to the loss of civilian lives and a violation of the right to life. Between 2002 and 2006, Nedobitko was deputy to the Commander of the Joint Group of Forces in the North Caucasus region of the

118 *Abakarova v. Russia*, no. 16664/07, Judgment, ECtHR, 15 October 2015.

119 *Isayeva v. Russia*, no. 57950/00, Judgment, ECtHR, 24 February 2005; *Abuyeva and others v. Russia*, no. 27065/05, Judgment, ECtHR, 2 December 2010; *Abakarova v. Russia*, no. 16664/07, Judgment, ECtHR, 15 October 2015.

120 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

121 Vladimir Shamanov, Biography: http://structure.mil.ru/management/types_of_troops/more.htm?id=10330371@SD_Employee (last visited on 29.04.2018).

122 *The Commander of Airborne Troops Shamanov awarded the rank of Colonel-General* (Командующему ВДВ Владимиру Шаманову присвоено звание генерал-полковник), 30.05.2012, http://syria.mil.ru/news/more.htm?id=11156520@egNews (last visited on 29.04.2018).

123 *The Commander of Airborne Troops Vladimir Shamanov opened an exhibition of outstanding Soviet commanders' uniforms* (Командующий ВДВ Владимир Шаманов открыл в Рязани выставку мундиров выдающихся советских военачальников), 21.02.2016, http://function.mil.ru/news_page/person/more.htm?id=12079116@egNews (last visited on 29.04.2018).

124 Vladimir Shamanov (Шаманов Владимир Анатольевич), https://en.wikipedia.org/wiki/Vladimir_Shamanov (last visited on 29.04.2018).

Russian Federation. Shamanov and Nedobitko ran a major military operation in the Chechen villages of Katyr-Yurt and Gekhi in 2000.[125]

Between 2012 and 2017, Yakov Nedobitko has been working as the head of the Department of the Civil Defence and Fire Safety of the Nizhny Novgorod Region.[126]

Despite the ECtHR judgments, the Russian authorities have not initiated any proceedings, nor does it seem they are planning to, against those responsible for the indiscriminate bombardment of the village Katyr-Yurt and other Chechen towns which resulted in the killing and injuring of numerous civilians.

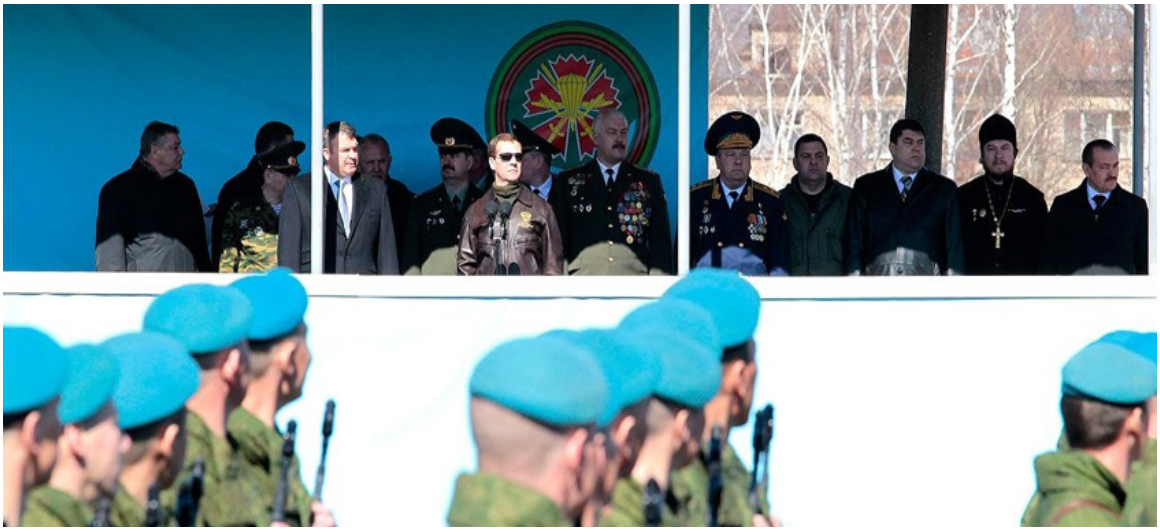
A collection of photos showing Vladimir Shamanov with the top leadership and of Yakov Nedobitko, taken on various dates and occasions, is presented below:

14 July 2009, Novorossiysk, Photo: www.kremlin.ru

At the Raevsky test site of the Airborne Troops. On the left, Commander of Airborne Troops, Vladimir Shamanov.

125 *Isayeva v. Russia*, no.57950/00, Judgment, ECtHR, 24 February 2005; *Musayeva and Others v. Russia*, no. 74239/01, Judgment, ECtHR, 26 July 2007; Bazorkina v. Russia, no. 69481/01, Judgment, ECtHR, 27 July 2006; NEDC ID Cases HR: 19750, Case of Isayeva v. Russia; ID: 220, Case of Musayeva and Others v. Russia; ID: 19737, Case of Bazorkina v. Russia; ID Doc: 9979, *Interviews with parents of missing Musayev brothers* (Интервью с родителями пропавших братьев Мусаевых), Memorial, 02.09.2000; ID Doc: 10008, *Witness of sweep-up operation in Gekhi* (Показания свидетелей о зачистке в с. Гехи), Memorial, 08.08.2000; ID Doc: 1391, *Burials discovered on the outskirts of the v. Gekhi* (На окраине с. Гехи обнаружены захоронения), Memorial, 13.09.2000; ID Case: 38, Zachistka in Gekhi, August 8-10, 2000.

126 Oksana Kolotushkina, *Aleksey Shikanov will be appointed as Head of the Department of the Civil Defence and Fire Safety of Nizhny Novgorod Region* (Алексей Шиканов будет назначен руководителем управления по обеспечению деятельности гражданской обороны и пожарной безопасности Нижегородской области), NTA-Privolzhie, 10.02.2017, www.nta-nn.ru/news/politics/2017/news_562336/ (last visited on 29.04.2018).



4 April 2011, Moscow region, Kubinka,
Photo: www.kremlin.ru

Visit to the location of the Regiment of Special Forces of Russian Airborne Troops (Vladimir Shamanov is the third on the right from Dmitry Medvedev).

4 April 2011, Moscow region, Kubinka,
Photo: www.kremlin.ru

Visit to the location of the Regiment of Special Forces of Russian Airborne Troops. The President, D. Medvedev, inspecting the location of units and military equipment with the commander of the Airborne Troops, Vladimir Shamanov.

23 February 2013, Moscow, Aleksandrov gardens, Photo: www.kremlin.ru

Vladimir Putin paying tribute to fallen soldiers, by laying a wreath at the tomb of the Unknown Soldier near the Kremlin wall.

World War II veterans attended the ceremony, together with the Chairman of the Federation Council, Valentina Matviyenko; State Duma Chairman, Sergei Naryshkin; Defense Minister, Sergei Shoigu; and Secretary of the Security Council, Nikolai Patrushev.

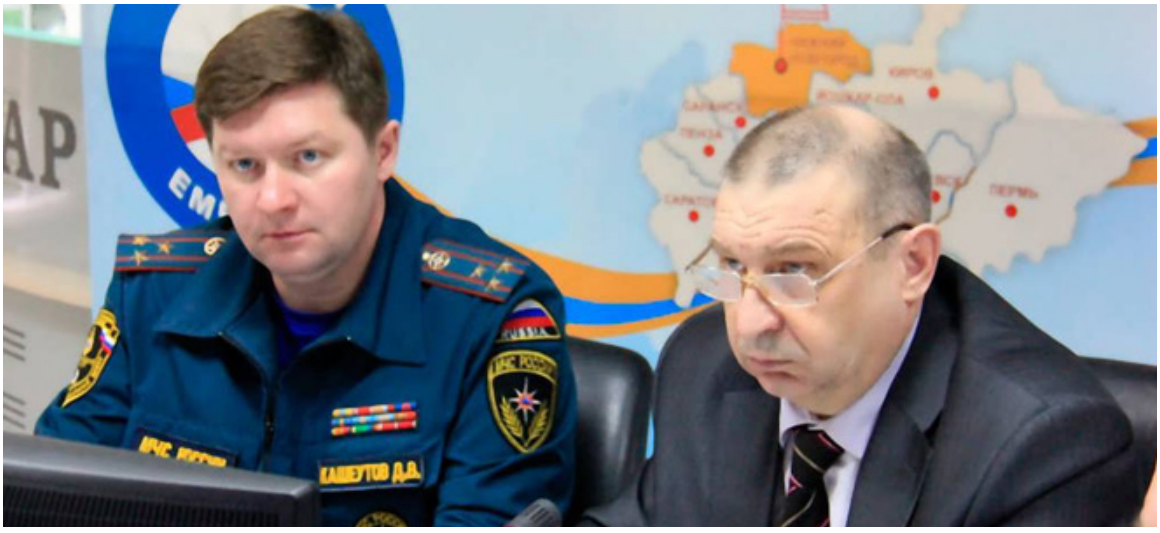
Those present honored the memory of the dead defenders of the Fatherland by a minute of silence. The ceremony ended with a solemn march of the company guard of honor.

The person bearing close resemblance to Vladimir Shamanov is to the left of Vladimir Putin.[127]

127 His presence at the meeting is also confirmed on Vladimir Shamanov's wikipedia webpage https://goo.gl/6NJCbf (last visited on 29.04.2018).

Robert H. Foglesong; U.S. President, George W. Bush; and Vladimir Shamanov at a meeting at the Oval Office in March 2007, Photo: en.wikipedia.org

Human rights advocates expressed outrage following the publication of this photo. "This isn't someone the U.S. president should be meeting with. This is someone the president should be calling for an investigation of," said Carroll Bogert of Human Rights Watch.[128] A White House spokeswoman, Dana Perino, said it was "unlikely" that Bush would have met the general and posed for pictures with him if he had known about the charges.[129]



Yakov Nedobitko as the head of the Department of the Civil Defence and Fire Safety of the Nizhny Novgorod Region, 2014, Photo: bvtkku1975.ru

128 Peter Baker, *Bush meets Russian faulted for atrocities*, 29.03.2007, Washington Post, www.washingtonpost.com/wp-dyn/content/article/2007/03/28/AR2007032802068.html (last visited on 29.04.2018).

129 *Bush met with Russian accused of rights abuses*, 29.03.2007, The New York Times, http://www.nytimes.com/2007/03/29/world/europe/29iht-russia.4.5074889.html (last visited on 29.04.2018).

1.16. Case of Bazorkina v. Russia: Proceedings Not Initiated against General Baranov

Mr Khadzhi-Murat Yandiyev was born on 27 August 1975. Until August 1999, he was a student at the Moscow Sociology University. Yandiyev's classmate had told his mother, Ms Fatima Bazorkina, that Yandiyev had travelled to Grozny. His mother believes he wanted to find his father who supposedly had travelled there. She has not heard from her son since August 1999, but on 2 February 2000, she saw him on a news broadcast concerning the capture of Alkhan-Kala by Russian armed forces.

The recording shows Khadzhi-Murat Yandiyev standing near a bus with wounded men. The bus is surrounded by Russian soldiers who are removing the wounded from the bus when a passing soldier pushes Yandiyev onto his right leg, and he winces with pain. He is speaking in a low voice and his words are barely audible. The officer questioning him is speaking in a harsh voice. The officer says: "Take him away, damn it, finish him off there, shit, - that's the whole order. Get him out of here, damn it. Come on, come on, come on, do it, take him away, finish him off, shoot him, damn it". The video also shows Russian military equipment as well as other wounded detainees. Some are being taken out of the buses, and others remain inside; many have their feet and legs wrapped in bandages or cellophane.

The CNN journalists filming the interrogation later visited Fatima Bazorkina in Ingushetia and identified the interrogating officer as Colonel-General Alexander Baranov.[130]

As in the case of Vladimir Shamanov, no criminal proceedings have been initiated against Colonel-General Aleksander Baranov. Even following the ECtHR's judgment, which had found the state responsible for the loss of life of Fatima Bazorkina's son, Khadzhi-Murat Yandiyev, Baranov nevertheless served as the Force Commander of the North Caucasus military district until 2008.[131] At present, he is retired, but still holds the position of chief inspector of Unified Strategic Commands in the Central Military District.

The Russian Justice Initiative, which participated in the case on behalf of Bazorkina, confirmed that no significant progress had been made in the case. The organization reported to the Committee of Ministers twice in the previous year.[132]

Baranov actively participates in public events. For example, in 2011 he met army personnel of the Rozhin military garrison in Samara Oblast, where he "shared his life and combat experience, as well as demonstrated photos from his personal archive when he had serviced in the North Caucasus".[133]

130 *Bazorkina v. Russia*, no. 69481/01, ECtHR, Judgment, 27 July 2006.

131 Baranov Aleksander, www.warheroes.ru/hero/hero.asp?Hero_id=4392 (last visited on 29.04.2018).

132 Email from Russian Justice Initiative to the NEDC, 10 March 2016.

133 *Hero of Russian Federation Colonel (ret.) Aleksander Baranov met military personnel of Rozhin garrison of Central military district* (Герой Российской Федерации генерал армии в отставке Александр Баранов встретился с военнослужащими Рощинского гарнизона ЦВО), 07.12.2011, http://structure.mil.ru/structure/okruga/centre/news/more.htm?id=10837553@egNews (last visited on 29.04.2018).

In 2014, Baranov became a leader of the regional union of colonels in Samara. Other colonels speak of Aleksander Baranov as "a hero of the second Chechen campaign, who […] recovered constitutional order in the territory of the Chechen Republic".[134]

Regional public union of colonels is established in Samara during a holiday in 2014,
Photo: www.vkonline.ru

Sportsbase "Chernorechye" Aleksander Baranov interviewed at the sports competition, 2016,
Photo: www.warheroes.ru

134 *Regional public union of colonels established in Samara* (В Самаре создали региональный общественный Союз генералов), 20.02.2014, www.vkonline.ru/content/view/119911/v-samare-sozdali-regionalnyj-obshestvennyj-soyuz-generalov (last visited on 29.04.2018).

135 Photo is shared by Alexnikola Yurasov, www.warheroes.ru/hero/hero.asp?Hero_id=4392 (last visited on 29.04.2018).

1.17. The "Nord-Ost" Case: Fatal Shooting of Unconscious Terrorists During the Freeing of Hostages

On the evening of 23 October 2002, a group of terrorists belonging to the Chechen separatist movement (over 40 people), armed with machine-guns and explosives, took hostages in the "Dubrovka" theater in Moscow (also known as the "Nord-Ost" theater). In the early morning of 26 October 2002, Russian security forces pumped an unknown narcotic gas into the main auditorium through the building's ventilation system. A few minutes later, once the terrorists controlling the explosive devices and the suicide bombers in the hall lost consciousness under the influence of the gas, the special squad stormed the building. Most of the suicide bombers were shot while unconscious; others tried to resist but were killed in the ensuing gunfire.

However, a large number of hostages were also affected by the gas; according to information gathered by the investigative authorities by the end of 2002, 129 hostages died.

The ECtHR, in its judgment, held that the rescue operation of 26 October 2002 had not been sufficiently prepared, in particular, because of the inadequate information exchange between various services, the belated start of the evacuation, limited on-the-field coordination of various services, lack of appropriate medical treatment and equipment on the spot, and inadequate logistics. The Court found that the state had breached its positive obligations under Article 2 of the Convention (right to life).[136]

Concerning the victims of the Nord-Ost terrorist attack, attention must be drawn to the situation regarding the implementation of the ECtHR decision in the case of Finogenov and others v. Russia, which became final on 4 June 2012. It appears that no proceedings were initiated against those responsible for the deaths of the hostages during the rescue operation at the theater.

In March 2017, Mr Khasan Zakayev was found guilty of aiding and abetting terrorists during their preparation for the hostage-taking. According to the prosecutor, Khasan Zakayev was a member of a criminal group and transported weapons and homemade explosives to Moscow. He was sentenced to 19 years' imprisonment and is liable to pay large sums of compensation to the victims.[137]

Legal representatives of the victims have stated that the outcome of this case is unrelated to the case matter addressed in Finogenov and others v. Russia. The national court did not question the effectiveness of authorities during the rescue operation nor the lawfulness of their actions. The authorities reported that all the documents of the Center for Rescue of Hostages had been destroyed. Furthermore, it appears that the judgment text of Finogenov and others v. Russia and its translation into Russian

136 Facts of the event are cited from the case of *Finogenov and others v. Russia*, nos. 18299/03 and 27311/03, ECtHR, Judgment, 20 December 2011.

137 Egor Kiselev, Oleg Lapshov, Dmitriy Panov, *The court granted 37,5 million rubles in damages to victims of "Nord-Ost"*, 21.03.2017, www.tvc.ru/news/show/id/112435 (last visited on 29.04.2018).

were not introduced as evidence in the case materials. During case proceedings the following questions remained unaddressed: [138]

- Why were all terrorists killed during the rescue operation, including those that were unconscious at the time of killing?
- What was the cause of death of the hostages?
- Was the gas used during the rescue operation the cause of death for the hostages?
- What are the chemical characteristics of the gas used during the rescue operation?

In Appendix III of this report, the summary of the communication on behalf of the victims to the Committee of Ministers is included, prepared by the Centre de la Protection Internationale in 2013.

1.18. Abduction and Ill-treatment of Vagap Tutakov

Vagap Tutakov,
Photo: Personal archive

Mr Vagap Tutakov[139] was abducted on 10 September 2007 at around 20:00 on the Rostov-Baku federal highway at the turn-off for the village Goity of the Urus-Martan district in Chechnya.[140]

Armed persons in camouflage uniform driving four vehicles, VAZ-2112 and VAZ-2110 type cars, stopped Tutakov's brother's car. A person in civilian clothing was also among those armed. Mr Viskhan Tutakov (Vagap's brother) had been driving from Grozny to meet Vagap in the village Goity. Vagap Tutakov arrived at the scene and was asked to show his passport and was subsequently told to follow his abductors. They drove in the direction of Gudermes.[141] Until 22 September 2007 nobody had heard from Vagap Tutakov.[142]

According to the Memorial's information, on 22 September 2007 at around midday Tutakov was released. He had been dropped from a car near the office of the Ombudsman of Chechnya. According to Tutakov, he was not aware of the location in which he had been detained. On the first day of his abduction, Tutakov was beaten and suffered a heart attack. After that, the beatings stopped. Before he was released, his abductors had placed a bag over his head, pushed him into the car and dropped him off in Grozny.[143]

138 Karinna Moskalenko, *15 years after Nord-Ost: What is next?*, 26.10.2017, www.nord-ost.org/today/15-let-posle-nord-osta-chto-dalshn_en.html (last visited on 29.04.2018).

139 NEDC ID Victim: 5002.

140 NEDC ID Doc: 3099, *Abduction of V. Tutakov*, (Похищение В. Тутакова), Memorial, 10.09.2007.

141 *Ibid.*

142 NEDC ID Doc: 3311, *Release of Tutakov* (Освобождение Тутакова), Memorial, 22.09.2007.

143 *Vagap Tutakov previously kidnapped is released in Chechnya* (Освобожден похищенный в Чечне Вагап Тутаков), Memorial, 23.09.2007, www.memo.ru/hr/hotpoints/caucas1/msg/2007/09/m103021.htm (last visited on 29.04.2018).

1.19. Violent Death of Rizvan Khaikharoyev

Mr Rizvan Khaikharoyev[144] was killed on 31 May 2006 during a special operation carried out by Chechen law enforcement officers. Unofficial sources indicate that the operation was carried out by officers of the 7th Company of the Special Police Unit Regiment of the Ministry of Internal Affairs under the command of Ibragim Dadayev.[145]

According to the Memorial, the operation started at around 09:30 when officers of the Chechen law enforcement bodies arrived in VAZ-2199, VAZ-2110, "Niva" and UAZ vehicles with license plate numbers of the 95th region (Chechnya), and blocked the Khaikharoyev family home. In addition to the Khaikharoyev family, two other unknown persons were in the house at the time, who had arrived shortly before the operation started. Allegedly, they were insurgents in hiding.[146]

After an exchange of fire, the officers captured Rizvan Khaikharoyev and he was subsequently shot in the back of the head by one of the Chechen officers who had arrived at the scene later. Due to this incident, a threat of an armed clash between local police officers and the Chechen officers emerged, however, the situation was diffused following the arrival of the leadership of the Ingush Ministry of Internal Affairs.[147]

After midday, the Chechen officers left the scene and took Mr Akhyad Khaikharoyev[148] with them, who was accidentally present at the scene when the operation had started. His relatives were not informed of where the officers took him.[149] To date, his whereabouts are unknown.

1.20. Disappearance of Ibragim Gazdiyev

Ibragim Gazdiyev,
Photo: Mashr

On 13 August 2007, Ms Madina Gazdiyeva, Mr Ibragim Gazdiev's mother, filed a complaint with the Memorial stating that on 8 August 2007 at around 13:00, her son had been abducted in Karabulak close to the offices of the City Administration. She complained that the abductors had been armed, wore military clothes, some of them bore masks and others had a Slavic appearance.[150] She asked for assistance in search of her son.

According to eyewitnesses, the abductors forced Gazdiyev into a white Gazel vehicle. Another vehicle, a Mercedes, was accompanying the abductors.[151] One of the

144 NEDC ID Victim: 4996.

145 NEDC ID Doc: 3322, *Special operation in Nesterovskaya. In Ingushetia officers of law enforcement bodies from Chechnya carried out public execution* (Спецоперация в станице Нестеровская. На территории Ингушетии сотрудники силовых структур Чеченской Республики публично совершили бессудную казнь), Memorial, 01.06.2006.

146 *Ibid.*

147 *Ibid.*

148 NEDC ID Victim: 4993.

149 NEDC ID Doc: 3322, *Special operation in Nesterovskaya. In Ingushetia officers of law enforcement bodies from Chechnya carried out public execution* (Спецоперация в станице Нестеровская. На территории Ингушетии сотрудники силовых структур Чеченской Республики публично совершили бессудную казнь), Memorial, 01.06.2006.

150 Application of Madina Gazdiyeva to the Memorial Human Rights Centre, 13.08.2007.

151 NEDC ID Doc: 18568, *Abduction of Ibragim Gazdiyev* (Похищение Ибрагима Мухмедовича Газдиева), Chechen Committee for National Salvation, 13.08.2007.

eyewitnesses followed the abductors and saw that the white Gazel vehicle drove into the yard of the Magas FSB branch.[152]

On 27 August 2007, the Memorial submitted a number of requests to the Russian General Prosecutor, Mr Yury Chaika, concerning the abduction. Specifically, they wanted to determine whether the prosecution office had received any relevant information regarding the abduction, whether a criminal case had been opened, whether the whereabouts of Gazdiyev had been established and whether those responsible for the abduction had been arrested.[153]

According to the Memorial, journalist Mr Maksharip Aushev (see case 11 above) disclosed that Gazdiyev had been detained and then killed by an explosive device in a secret prison in the village of Goity in the Urus-Martan district of Chechnya.[154] It is not clear precisely how Aushev had received this information concerning Gazdiyev's fate. However, it is known that the Ingush FSB had also detained Aushev's son and nephew in September 2007 in the local prison in Goity.[155] Following their release, they had shared with Aushev in detail descriptions of the prison where, according to these relatives, several Chechen citizens were tortured and killed. Officially the prison building belongs to the Urus-Martan ROVD.[156]

It is also worth noting that on 31 May 2007, officers of the Ingush FSB conducted a search of Gazdiyev's house under the command of the Lieutenant-Colonel of Justice, Mr Apanasov. However, nothing was found in Gazdiyev's house, who was not at home during the search.[157]

At present, the investigation is suspended on the ground that the suspects cannot be found. The father, Mr Mukhmed Gazdiyev, has since filed an application with the ECtHR. The application was communicated to Russia on 7 January 2016.[158]

1.21. Abduction of Idris Tsizdoyev

Idris Tsizdoyev,
Photo: Mashr

On 29 May 2009, Mr Abukar Tsizdoyev complained to the Memorial stating that a group of 12 people in masks and camouflage uniforms abducted his brother Mr Idris Tsizdoyev in Malgobek, early in the morning on 26 May 2009. At the time, Idris Tsizdoyev and his other brother, Adam Tsizdoyev, were at home preparing for morning prayers. The abductors did not introduce themselves and did not explain their actions. They removed Irdris Tsizdoyev from the yard of his house and when Adam Tsizdoyev tried to intervene, he was blocked and threatened with a gun carried by a person in uniform. After ten minutes, the abductors took Idris Tsizdoyev and drove away.[159]

152 Report on counterterrorism, human rights violations and impunity in Ingushetia, Human Rights Watch, June 2008, p. 57.

153 Request of the Memorial Human Rights Centre to General Prosecutor of Russian Federation dated 27.08.2007.

154 Report "*Ingushetia, 2007. What is to follow?*", Memorial, 07.01.2008, Section 4.5, https://memohrc.org/ru/reports/ingushetiya-2007-god-kuda-dal-she (last visited on 29.04.2018).

155 Section 4.5.

156 Section 4.5.

157 NEDC ID Doc: 2939, *Abduction of Gazdiyev*, (Похищение Газдиева), Memorial, 08.08.2007.

158 Application no. 35915/10, Tamara Adamovna Dzeytova against Russia and 4 other applications, Third Section, ECtHR, 7 January 2016.

159 NEDC ID Doc: 1960, *Idris Tsizdoyev is abducted* (Похищен Идрис Макшарипович Циздоев), Memorial, 26.05.2009.

Later it became known that part of the group had broken into a neighboring house (No.14) owned by Mr Magomed Tsizdoyev and had taken gold jewelry, mobile phones and a hunting gun, a so-called "Vepr", while holding two underage boys and their older brother at gunpoint.[160]

Abukar Tsizdoyev also stated in his application that on 3 February 2009 a group of unidentified persons had conducted an unauthorized search of their house. During the search, the group had taken photos of all the young men who were in the house along with their identification documents.[161]

At the "Mayak-12" checkpoint, Ingush police officers stopped the abductors' vehicles. One of the abductors produced an identity document that belonged to Lieutenant-Colonel Adlan Akhmadov from the Headquarters of Operations and Investigation Bureau of the Internal Affairs Department of Russia in the Southern Federal District.[162] Following this, the Ingush police officers at the checkpoint received a call from the Malgobek Internal Affairs Department ordering the officers to let the group pass. The abductors moved towards Nazran and Vladivostok.[163]

On 10 June 2009, the President of Ingushetia, Yunus-Bek Yevkurov, held a meeting with the heads of the enforcement authorities (Internal Affairs Department, Security Council), public organizations (the Memorial Human Rights Centre, the Russian Red Cross, "Mashr", "Kavkazion" etc.), relatives of abducted and murdered members of illegal armed groups, and relatives of murdered officers of law enforcement authorities. The President stated that "one may confidently assert" that officers of the Operations and Investigation Bureau No. 2 were in charge of Idris Tsizdoyev's abduction.[164]

Towards the end of 2010, Abukar Tsizdoyev learned that a photo and the personal data of Idris Tsizdoyev had been published on the official website of the Internal Affairs Department of the Ingush Republic. His name featured on a list of suspects of various crimes. By that time, this information had already been published on the website for several months. There was also information regarding Abukar's second brother, Mr Usman Tsizdoyev. He was not a fugitive and is currently living in Malgobek.[165]

Abukar requested clarification from the head of the criminal investigation department, Mr Pereversev, who stated that the department had nothing on Usman Tsizdoyev. On the same day, the information regarding Usman was removed from the official website.[166] In January 2011, the website's section regarding suspects accused of committing crimes was updated, and the information on Idris Tsizdoyev was also removed.[167]

160 *Ibid.*

161 *Ibid.*

162 NEDC ID Doc: 1197, *Ingushetia: two residents of Malgobek district were killed in special operation* (Ингушетия: во время спецоперации убиты двое жителей Малгобекского района), Memorial, 06.03.2012.

163 *Ibid.*

164 NEDC ID Doc: 3481, *Meeting of Ingush President with the leadership of law enforcement bodies, public organizations and relatives of killed and abducted residents* (Встреча Президента Республики Ингушетия с руководителями силовых ведомств, общественными организациями и родственниками похищенных и убитых жителей республики), Memorial, 10.06.2009.

165 NEDC ID Doc: 5410, *Abukar Tsizdoyev's application* (Обращение Абукара Циздоева), Memorial, 01.12.2010.

166 *Ibid.*

167 NEDC ID Doc: 714, *Information on wanted Idris Tsizdoyev and Tamerlan Tankiyev* (Информация об объявленных в розыск Идриса Циздоева и Тамерлана Танкиева), Memorial, 31.01.2011.

As of February 2018, Idris Tsizdoyev's whereabouts are unknown. Adlan Akhmadov and any other abductors have not been brought to justice.

1.22. Abduction of Rustam Kagirov

Mr Rustam Kagirov,[168] a resident of Zakan-Yurt, Chechen Republic, was abducted on 17 May 2009 by unidentified armed persons in black uniforms bearing no insignia. The abductors arrived in a black VAZ Priora vehicle with the license plate number A720AT95. The abduction took place in broad daylight and in the presence of at least two witnesses. Rustam Kagirov suffered from a disability due to the removal of one of his lungs.

On 8 July 2009, Rustam Kagirov's brother, Mr Ziyavdi Kagirov, filed an application with the ECtHR.[169] The applicant had previously complained to law enforcement authorities regarding the abduction of his brother. He also complained that the criminal investigation into the abduction under Article 126 § 2 of the Russian Criminal Code (aggravated kidnapping) had been pending since it was opened on 19 June 2009.[170]

According to the applicant, his brother held strong religious beliefs and studied at an "Islamic Institute" in Grozny. In the applicant's opinion, Rustam Kagirov's religious convictions may have led the authorities to consider him a follower of Wahhabism, an Islamic fundamentalist movement, whose members were accused of supporting illegal armed groups in the Chechen Republic.

On an unspecified date in the autumn of 2004, officers from the 7th Company of the 2nd Regiment of the Chechen traffic police[171] allegedly apprehended Rustam Kagirov and tortured him for two days, demanding a confession from him concerning his participation in illegal armed groups. The officers suspected his involvement in unlawful activities due to a photograph depicting two men, one of whom was thought to be a leader of an illegal armed group, and the other resembling Rustam Kagirov. Ziyavdi Kagirov additionally stated that his family had heard that Rustam Kagirov had been abducted by members of the 3rd Company of the "South" battalion,[172] which was stationed in the Shatoy district of Chechnya.

The ECtHR recognized that Rustam Kagirov was a victim of the ineffective investigation, though the Court was not convinced of the involvement of state officers

168 NEDC ID Victim: 3095, 33685.

169 NEDC ID Doc: 14529, *Application of Z. Kagirov to ECtHR* (Заявление Кагирова З. Д. в Европейский суд по правам человека), Memorial, 01.03.2010.

170 Case No. 74024; NEDC ID Doc: 14525, *Letter of FSB of Checnya to B. Madayev, investigator of the No.2 Regional Police Department* (Письмо ФСБ РФ по ЧР к Следователю по ОВД отдела по РОВД № 2 Мадаеву Б. Х.) Memorial, 23.11.2009; ID Doc: 4170, *Memorial and EHRAC new method of work – case on abducted* (Новый метод работы Мемориал и EHRAC - дело похищенных), Memorial, 16.10.2009; see also: www.memo.ru/hr/hotpoints/caucas1/msg/2009/08/m173490.htm (last visited on 29.04.2018); NEDC ID Doc: 15541, *Decree on the resumption of the preliminary investigation into the abduction of R. Kagirov* (Постановление о возобновлении предварительного следствия по факту похищения Кагирова Р.), Memorial, 07.12.2009; NEDC ID Doc: 1980, *Abduction of Rustam Kagirov* (Похищен Рустам Дениевич Кагиров), Memorial, 17.05.2009; NEDC ID Doc: 14532, *No. 74024 Certificate into the fact of abduction of R. Kagirov by unidentified persons* (Справка по уголовному делу № 74024 по факту похищения неустановленными лицами Кагирова Р. Д.), Memorial, 17.05.2009; NEDC ID Doc: 14531, *Scheme compiled by Z. Kagirov* (Схема, составленная Кагировым З.), Memorial.

171 *Kagirov v. Russia*, no. 36367/09, Judgment, ECtHR, 23 April 2015; NEDC ID Case HR: 19204, ID Case: 392.

172 NEDC ID Doc: 14529, *Application of Z. Kagirov to ECtHR* (Заявление Кагирова З. Д. в Европейский суд по правам человека), Memorial, 01.03.2010.

in the kidnapping. The Court held that the authorities had failed to carry out an effective criminal investigation into the circumstances surrounding the disappearance of Rustam Kagirov, in breach of Article 2 of the Convention.[173]

1.23. Murder of the Three Ilayev brothers

At around 20:00 on 30 November 2008, two brothers, Mr Akhdan[174] and Mr Alvi[175] Ilayev, were abducted by men in camouflage dress from their home in the village of Pervomaisk in the Grozny district.[176] A group of abductors remained behind and searched the house, without presenting a search warrant.

Later, the men also arrested Mr Imam Ilayev,[177] Akhdan's and Alvi Ilayev's 17-year-old brother. The prisoners were transferred to the local police department of Grozny's rural district, in the former "Gorets" military base not far from Dolinsky village. At the time, it was headed by the late Movladi Baysarov but is now headed by Hussein Magomadov (who goes by the nickname "Iran"); a former subordinate to Baysarov, who switched allegiance to Ramzan Kadyrov.[178] The brothers' sister, Zalina, and Akhdan Ilayev's pregnant wife, Khadizhat, were also brought into the department.

"Several women testified hearing Akhdan and Alvi Ilayev's screams, arriving at the conclusion that they were being tortured."

Several women testified hearing Akhdan and Alvi Ilayev's screams, arriving at the conclusion that they were being tortured.

Due to sickness, Ms Khadizhat Ilayeva was taken home, and Ms Zalina Ilayeva was released three hours later.[179]

Hours later, Imam Ilayev also returned home following his detention. According to him, his brothers were given electric shocks in an attempt to force them to disclose names of insurgents that they were not aware of. The brothers were also accused of providing accommodation to these insurgents.[180]

173 *Kagirov v. Russia*, no. 36367/09, Judgment, ECtHR, 23 April 2015.

174 NEDC ID Victim: 6340.

175 NEDC ID Victim: 6341.

176 NEDC ID Incident: 261, Murder of the Ilayev brothers, November, 2008.

177 NEDC ID Victim: 6418.

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

179 NEDC ID Doc: 5231, *Murder of the Ilayev brothers* (Убийство братьев Илаевых), Memorial, 30.11.2008.

180 NEDC ID Doc: 3702, *Chechnya: murder of the Ilayev brothers and the investigation of these crimes* (Чечня: убийство братьев Илаевых и ход расследования этих преступлений), Memorial, 10.0.2009.

On the same day, older brother, Mr Zurab Ilayev,[181] who lived with his aunt, was summoned urgently to his place of work, the 5th company of the "oil regiment", where he had served since 2002. At around 10:00, he spoke to his cousin on the telephone and told her that he had been arrested alongside his brothers and that they were to be questioned.

On 1 December 2008, a police officer visited the Ilayevs' home and told them that the brothers were suspected of participating in a diversionary attack on 24 November 2008 in the village of Sadovoye in a rural district of Grozny. During this attack, the commander of the "oil regiment", Mr Lechi Taldakhov, as well as two close colleagues and an adviser to the Mufti of Chechnya, were killed.[182]

On 2 December 2008, the press department of the Chechen Interior Ministry broadcast information on local television about the killing of two combatants in a special operation in the rural district of Grozny. Close relatives identified the combatants pictured as the Ilayev brothers. While in the local broadcast officials reported that the two combatants were wearing uniforms at the time of their arrest, according to the Ilayevs' neighbors, they were in fact dressed in civilian clothing at the time.

On 3 December 2008, the brothers' mother was summoned to the mortuary, where she identified the bodies of her sons, Akhdan and Alvi Ilayev. The bodies bore traces of gunshot wounds and numerous scratches and bruises.[183] As of 1 December, the Ilayev family had been conducting its own inquiry into the abductions. However, after not receiving any information concerning the older brother, Zurab, for almost a week, the family decided to lodge a complaint on 5 December 2008. They were told that Zurab had been dismissed from his position within the security forces on 17 November 2008.[184] However, according to family members, up until the date of his disappearance, Zurab had gone to work every day and had continued to carry his service weapon.

On 10 December 2008, Zurab Ilayev's family was informed that his body had been in the mortuary since 8 December. It had been discovered in a rubbish tip two hundred meters away from the base of the Interior Ministry's "North" regiment. Zurab's body bore traces of trauma and strangulation.[185]

On 6 February 2009, a member of the regional police department of Grozny's rural district, Mr Vagapov, refused to initiate criminal proceedings into the abduction and murder of Alvi and Akhdan Ilayev. However, on 13 February 2009, the Grozny IID of the Russian Prosecution Office in Chechnya initiated criminal case No. 70008 into the murder of Akhdan and Alvi Ilayev. The criminal case was subsequently removed from the Investigative Division by the deputy head of Investigation Department of the Prosecution Office in the Chechen Republic, and on the same day transferred for investigation to the Department for the Investigation of Particularly Important Cases in the Chechen Republic. On 12 March 2009, Ms Zalina Ilayeva was granted victim

181 NEDC ID Doc: 6504, *On refugees from Chechnya* (О беженцах из Чечни), The Society of Russian-Chechen Friendship, 27.12.2004.

182 NEDC ID Doc: 3702, *Chechnya: murder of Ilayev brothers and investigation into these crimes* (Чечня: убийство братьев Илаевых и ход расследования этих преступлений), Memorial, 10.04.2009.

183 NEDC ID Doc: 5112, *Murder of the Ilayev brothers* (Убийство братьев Илаевых), Memorial, 01.12.2008.

184 NEDC ID Doc: 5288, *Kidnapping in Chechnya still continues* (В Чечне снова похищают), Memorial, 31.12.2008.

185 NEDC ID Doc: 5113, *Details of the murder of the Ilayev brothers* (Подробности убийства братьев Илаевых), Memorial, 01.12.2008.

status in criminal case No. 40044 opened into the murder of Zurab Ilayev. According to preliminary information, the criminal cases regarding the murder of brothers (No. 40044 and No. 70008) have been joined,[186] and, eventually, suspended.[187]

1.24. Abduction of the Albekovs (Father and Son); The Public Extrajudicial Execution of Rizvan Albekov

On 7 July 2009, Mr Rizvan Albekov[188] and his son Mr Aziz Albekov[189] were abducted from the village of Dzhugurty, allegedly by officers of the Kurchaloy ROVD.[190]

At around midnight the same day, armed personnel in camouflage uniform brought Rizvan Albekov, clothed only in his underwear, to the center of Akhkinchu-Borzoy village. Armed men asked him whether he was helping insurgents. Albekov denied these allegations and was shot immediately after. The armed men went on to declare that this would happen to anyone who helped insurgents. The residents of Akhkinchu-Borzoy immediately called the prosecution district office.[191]

On 10 July 2009, the Gudermes IID of the Prosecution Office opened criminal case No. 80011 into the murder of Rizvan Albekov under Article 105 § 1 of the Russian Criminal Code.

In 2012, the Memorial reported that officers of the Kurchaloy ROVD had interfered with the investigation. Allegedly, they had intimidated witnesses and Albekov's relatives, forcing them to revoke their testimonies. A forensic examination of Albekov's body was not carried out. Additionally, the investigator's request to conduct the exhumation of the body was rejected.[192] No one was held responsible for this crime.

Aziz Albekov, who had been abducted together with his father, was released on an unspecified date.[193]

186 NEDC ID Doc: 3702, *Chechnya: murder of the Ilayev brothers and the investigation of these crimes* (Чечня: убийство братьев Илаевых и ход расследования этих преступлений), Memorial, 10.04.2009.

187 *Investigation into the murder of Ilayev brothers has been suspended,* Caucasian Knot, 31.01.2011, http://www.kavkaz-uzel.eu/articles/179590/ (last visited on 29.04.2018); Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

188 NEDC ID Victim: 7007.

189 NEDC ID Victim: 7008.

190 NEDC ID Doc: 3911, *Rizvan Albekov and his son Aziz Albekov kidnapped* (Похищены Ризван Абухаджиевич Альбеков и его сын Азиз Альбеков), Memorial, 07.07.2009.

191 *Ibid.*

192 *Section 5, Memorial's Report on crimes committed by law enforcement officers referred to A.I. Bastrykin, the head of Investigative Committee of Russia,* Материалы ПЦ "Мемориал" о преступлениях, совершенных сотрудниками правоохранительных органов, направленные председателю Следственного комитета России А. И. Бастрыкину 3 мая 2012 года, 03.05.2012, www.kavkaz-uzel.ru/articles/206048/ (last visited on 29.04.2018).

193 *Ibid*, Section 5.

1.25. Abduction and Murder of Batyr Albakov

Batyr Albakov,
Photo: Mashr

On 10 July 2009 at 05:30, officers of an unidentified state authority arrived at Mr Batyr Albakov's apartment[194] in the village of Ordzhonikidzevskaya (Slepzovskaya) of the Sunzhenskiy district in Ingushetia.[195]

One of the officers was wearing camouflage uniform while the rest were in civilian clothing. They introduced themselves as officers of Nazran ROVD and stated that the purpose of their visit was to conduct a passport check. They did not show any identity documents. Of the officers present, one was Ingush, the other Chechen and the third, Russian. Following the passport check, the officers invited Albakov to go with them. Albakov's mother, Ms Petimat Albakova, asked them on what grounds they wanted Batyr Albakov to go with them and where they were going to take him. The officers replied that they wanted certain clarifications but did not provide any details regarding what this was about. Albakov was given time to change his clothes and then taken into a steel-colored vehicle, a VAZ-2110 with the license plate number 78695 (Chechen region). Another VAZ-2110 of the same color accompanied the vehicle. Albakov was taken to an undisclosed location.[196]

Following this event, Albakov's relatives travelled to the Nazran ROVD to inquire about Albakov's whereabouts but were told that he was not there and that officers of the Nazran ROVD had not conducted his detention. The relatives contacted other law enforcement agencies but could still not ascertain where Albakov had been taken.[197] They believed that the abductors may have been officers of the Operational Search Bureau (ORB). When contacting representatives of the ORB in Ingushetia, they recognized a man who bore a resemblance to one of the abductors who had taken Albakov away.[198]

On 13 July 2009, Petimat Albakova filed a complaint regarding her son's abduction with the prosecution office in Ingushetia, the Human Rights Commission of the President of Ingushetia, and the Memorial.[199]

On 21 July 2009, the Ministry of Internal Affairs of Ingushetia reported that one of the leaders of the insurgents, allegedly Batyr Albakov, was killed during an operation not far from the village Arshty of the Sunzhensky district of Ingushetia. Mr Adam Delimkhanov, a member of the State Duma from Chechnya, who supervised the operation, stated that Albakov had been killed in an exchange of gun fire.[200]

However, the official statement regarding his death raises serious doubts. The Memorial published photographs of Batyr Albakov's body.[201] Following the ECtHR judgment in the case of Albakova v. Russia, forensic experts from an independent center discerned four wounds: a gunshot wound on the right side of the chest; a

194 NEDC ID Victim: 7260. From 2000 to 2003 Batyr Albakov studied at a college in the city of Kirsanov of Tambov oblast. In 2009 he graduated from the Rostov branch of the Moscow State Institute of Civil Aviation and since then had been working at the Ingush airport "Magas". NEDC ID Doc: 4068, *Regular abduction in Ingushetia* (Очередное похищение в Ингушетии), Memorial, 13.07.2009

195 NEDC ID Doc: 4068, *Regular abduction in Ingushetia* (Очередное похищение в Ингушетии), Memorial, 13.07.2009.

196 *Ibid.*

197 *Ibid.*

198 *Ibid.*

199 *Ibid.*

200 NEDC ID Doc: 4071, *Abduction of Batyr Albakov* (Похищение Батыра Муратовича Албакова), Memorial, 10.07.2009.

201 NEDC is in possession of the photographs.

deep wound on the left shoulder joint, probably resulting from a blow by a blunt solid object; a surface wound on the left side of the chest (the experts ruled out the possibility of it being a gunshot wound); and a wound on the left side of the back, possibly caused by a hollow rectangular box-shaped object. In addition to the bruises documented in the official forensic report, the experts noted abrasions and bruises on the deceased's chest. Lastly, they concluded that all the injuries visible in the photographs of Batyr Albakov must have been caused while he was still alive.[202]

On 15 January 2015, the ECtHR delivered the judgment on the application lodged by Albakov's mother where the Court held that there had been a violation of Article 2 of the Convention, both substantively and procedurally.

1.26. Abductions, Killings and Staged Combat in the Village of Gubden, Republic of Dagestan

1.26.1. The Killing of Abdulmalik Magomedov's Family

Abdulmalik Magomedov, Photo: kavpolit.com

On 13 November 2009 at around 10:30 at a cemetery in the village of Gubden of the Karabudakhkentsky district of Dagestan, the family of Mr Abdulmalik Magomedov[203] – the deceased head of the Gubden police station - was attacked. Magomedov's wife, Ms Elena Trifonidi; his daughter Ms Gulbariat Magomedova, seven months pregnant at the time; and Magomedov's sister, Ms Umukhanum Khisrieva, were killed by an explosive device.[204]

Magomedov's son, Ruslan,[205] had driven the women to the cemetery but did not go inside and waited for them in the car. In a state of shock following the explosion, Ruslan launched two rounds of bullets in the direction of the nearby hills. Later, another explosive device was found and defused by field engineers.[206]

The Ministry of Internal Affairs reported that a member of an illegal armed group, Mr Magomedali Vagabov, was responsible for the killings.[207]

The Russian Information Agency "Dagestan" reported that Magomedov's family had repeatedly received death threats in relation to their statements against illegal armed groups.[208]

With no careful analysis of the events that had taken place, local law enforcement officers unofficially accused Magomedali Vagabov's illegal armed group for the attack. On the same day, Ruslan Magomedov fired at Magomedali Vagabov's parent's house with a gun. That same evening, a group of unidentified individuals set fire to the house. Mr Magomedzakir Vagabov's house was also set on fire that evening, despite

202 *Albakova v. Russia*, no. 69842/10, Judgment, ECtHR, 15 January 2015, § 32.

203 Died on 21 October 2008. Abdulmalik Magomedov was the head of the territorial police station. NEDC ID Doc: 5077, *Murder of Abdulmalik Magomedov's family* (Убийство семьи Абдулмалика Магомедова), Memorial, 11.11.2009.

204 *Ibid.*

205 At the time was working as a police operative of the criminal investigation department. NEDC ID Doc: 5077, Memorial, 11.11.2009.

206 *Ibid.*

207 *Ibid.*

208 *Ibid.*

being of no relation to Magomedali Vagabov; the similar surname was coincidental.[209] Allegedly, Magomedzakir Vagabov had been fighting on the side of the insurgents.

On 19 November 2009, the house of Magomedshapi Vagabov - Magomedzakir Vagabov's grandfather - was shelled with a grenade launcher.[210] Shortly after, a separatist website denied any involvement in the killing of the Magomedov family at the cemetery. [211]

1.26.2. The Abduction of Magomed Rashidov

Mr Magomed Rashidov was a cousin of M. Vagabov, allegedly a leader of an illegal armed group operating in Dagestan. At the time of the incident, Magomed Rashidov lived with his relatives in Gubden of the Karabudakhkentsky district of Dagestan.[212]

At around 12:30 on 25 December 2009, two vehicles stopped near the house of Abdurashid Rashidov – Magomed's father - located on the 7th lane in Gubden. A group of approximately ten persons in masks and black uniform carrying guns left the vehicles and broke into the house. They captured Abdurashid Rashidov and forced him to lie face down on the floor. His wife, Umukusum; his daughters Mariam and Aygimik; and daughter-in-law, Bariyat Rashidova, were also forced to do the same. Any questions from the family were ignored by the abductors who shouted commands such as "Lie down!" and "Shut up!". The abductors stole money and gold jewelry (earrings and an antique necklace) and beat the women.[213]

During this time, several members of the group went to the second floor of the house and found Magomed Rashidov[214] asleep. He was beaten by the abductors and forced out of the house without being able to get dressed. He was then pushed into a silver-colored vehicle – a VAZ-2114 that did not bear a license plate number – and taken away to an unknown location.[215]

The operation lasted no longer than five minutes. Abdurashid Rashidov recounted later that the abductors were well acquainted with the house. On the same day Rashidov filed a complaint to the police, however, the complaint was only registered the following day. Investigation authorities did not undertake any investigative activities and criminal case No. 0295 was initiated only on 1 January 2010.[216]

On 26 December 2009, Abdurashid Rashidov filed a complaint to the Memorial Human Rights Centre, to the Civil Assistance Committee and to the Ombudsman of the Russian Federation.[217]

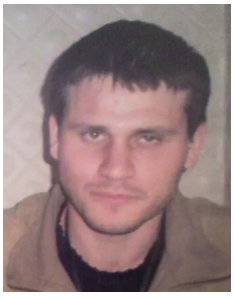
Abdurashid Rashidov also reported that two weeks earlier, on 11 December 2009 at around 08:00, five or six law enforcement officers had searched his house. One of the

209 *Ibid.*
210 *Ibid.*
211 *Ibid.*
212 Application no 22751/10 Abdurashid Rashidov against Russia and 3 other applications, Third Section, ECtHR, 7.01.2016.
213 NEDC ID Doc: 5372, *Abduction of Magomed Rashidov* (Похищение Магомеда Рашидова), Memorial, 25.12.2009.
214 NEDC ID Victim: 9531.
215 NEDC ID Doc: 5372, Memorial, 25.12.2009.
216 NEDC ID Doc: 14861, *Decision of Caspian inter-district investigation department* (Постановление Каспийского межрайонного следственного отдела СУ СК ЧР), Memorial, 29.03.2010.
217 NEDC ID Doc: 5372, Memorial, 25.12.2009.

officers had introduced himself as Ruslan and produced a search warrant relating to criminal case No. 929167. The search warrant was signed by the senior inspector of the Karabudakhkentsky ROVD,[218] Mr Khatayev, and by the senior commissioner of the Centre for Extremism Prevention,[219] Mr Murtuzaliyev. Rashidov's neighbors were invited to be witnesses to the search which lasted approximately 30 minutes. Nothing was recovered during the search, following which officers requested Abdurashid Rashidov to sign documents confirming that the search was conducted according to legal procedure and that he had no claims against the officers.[220]

To date, Magomed Rashidov's fate is unknown. His relatives have lodged a complaint with the ECtHR, which was communicated to Russia on 7 January 2016.[221]

1.27. Abduction of Apti Zaynalov[222]



Apti Zaynalov,
Photo: Committee Against Torture

On 2 July 2009, an unknown person contacted the offices of the Memorial Human Rights Centre in Grozny, claiming that a young man named Apti, whose body exhibited signs of torture, had been placed under guard in Achkhoy-Martan hospital. Later, a hospital nurse reported that the patient was 29 years old, his name was Apti Zaynalov, and that he was from the village of Makhkety. He had been brought in from Grozny, the medical staff had not been allowed to talk to him, his file contained no personal information, and he had been registered as "unknown". Judging from his wounds, he may have been subjected to ill-treatment.

On 7 July 2009, Apti Zaynalov's mother – Ms Ayma Makayeva – located the hospital in which her son was being held. She had approached the surgical department alone and had seen men in camouflage uniforms at its entrance.

Within a few minutes, a white Volga car bearing the number 367 on its registration plate approached the security exit, through which minutes later Apti Zaynalov was led out. His mother had recognized him from his face, his height and his build.[223]

On 18 September 2014, the ECtHR held that there had been a violation of Article 2 of the Convention on account of Mr Apti Zaynalov's presumed death. It held that Russia had failed to comply with its positive obligation to protect Apti Zaynalov's life and to conduct an effective investigation into the circumstances in which he had disappeared.[224] The Court established that Zaynalov was last seen in the hands of law enforcement personnel at Achkhoy-Martan district hospital on 7 July 2009, regardless of the fact that no formal records were drawn up in relation to his detention.[225]

An investigation conducted by the Committee Against Torture established that the Central Regional Hospital, where Zaynalov was last seen alive, was in breach of the "Guidelines on the procedure of interaction of medical and preventive facilities

218 "Karabudakhketsky ROVD", in Russian: Карабудахкентский РОВД (Районный отдел внутренних дел).

219 In Russian: Центр по противодействию экстремизму.

220 NEDC ID Doc: 5372, Memorial, 25.12.2009.

221 Application no. 22751/10 *Abdurashid Rashidov v. Russia* and 3 other applications, Third Section, ECtHR, 7.01.2016.

222 NEDC ID Victim: 33420.

223 Facts are cited from *Makayeva v. Russia*, no. 37287/09, Judgment, ECtHR, 18 September 2014.

224 *Makayeva v. Russia*, no. 37287/09, Judgment, ECtHR, 18 September 2014.

225 *Ibid*, § 88.

with Russian internal affairs bodies in case of admission of individuals with injuries originating from violent treatment".[226] The hospital had failed to notify the Achkhoy-Martan Department of Internal Affairs (OVD) about Zaynalov's hospitalization with gunshot wounds. It is also of note that hospital staff had refrained from reporting the incident to the OVD based on the presumption that the guards present had been policemen.[227] Following the judgment on this case, on 5 February 2010 Ms Makayeva's counsel lodged a complaint with the investigating authorities requesting that criminal proceedings be instituted against the staff at the Achkhoy-Martan hospital on the grounds of their failure to inform the relevant authorities that a patient with gunshot wounds had been admitted. On 8 February 2010, this request was refused.[228]

In 2010, the Joint Mobile Group (JMG) of lawyers from the Committee Against Torture visited the place of Zaynalov's arrest (a gas station in the center of Grozny) and discovered a bullet lodged in the wall of the gas station. Ms Makayeva's representatives filed a petition for the bullet to be analyzed and submitted for examination in order to identify the weapon used and subsequently the law enforcement unit in possession of such a firearm. The petition was sustained and the bullet removed for analysis. Unfortunately, experts were not able to identify the type of weapon used given the eight-month time lapse since the shooting, which had corroded the bullet-jacket and rendered the bullet unsuitable for examination.[229]

On 15 October 2014, the Leninsky district court held a hearing regarding Ayma Makayeva's claim to obtain compensation for non-pecuniary damages in relation to the refusal of the OVD agents to register her complaint regarding the abduction of her son. The court ordered the defendant to pay Makayeva 10 000 Russian rubles.[230]

Apti Zaynalov's location is yet unknown and the perpetrators of his abduction are yet to be identified.

1.28. Human Rights Violations within the Premises of Malgobek Interior Department in the Republic of Ingushetia

1.28.1. The Murder of Murad Bogatyrev

Murad Bogatyrev,
Photo: magas.bezformata.ru

On 8 September 2007, in the village of Verkhnie Achaluki, Mr Bogatyrev was abducted by officers of the Ministry of Internal Affairs of Ingushetia. Bogatyrev was taken to Malgobek ROVD where three hours later, he died. According to the forensic examination, he died of a heart attack.

The investigation department opened criminal case No. 07540061 regarding an abuse of power under Article 286 of the Russian Criminal Code. The forensic examination

226 Adopted by Decree of the Russian Ministry of Healthcare on 09.01.1998.

227 Interregional Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014.

228 *Makayeva v. Russia*, no. 37287/09, Judgment, ECtHR, 18 September 2014, § 50.

229 Interregional Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014 (Appendix I).

230 The Committee against Torture for rights of Apti Zaynalov's mother (case without number, initiated on 30.11.2009), Комитет против пыток в защиту прав матери Апти Зайналова (начато 30.11.2009).

revealed signs of medium to grave bodily harm. The investigation was suspended and reopened several times and is currently suspended. Bogatyrev's wife filed an application with the ECtHR.[231]

On 25 June 2015, the ECtHR communicated the complaint regarding the alleged ill-treatment of Mr Bogatyrev at the hands of law-enforcement officers to the Russian Government.[232]

1.28.2. The Abduction of Magomed and Timur Tsokiyev, Ibragim Aushev and Tamerlan Tankiyev

Magomed Tsokiyev,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

On 13 November 2008, in the town of Malgobek, members of the federal security forces arrested four local men – Magomed[233] and Timur Tsokiyev,[234] Ibragim Aushev[235] and Tamerlan Tankiyev.[236] After visiting a dying relative in hospital, the four men had gone to Timur Tsokiyev's house. The house was quickly surrounded by approximately 50 members of the security forces. The officers burst into the house without identifying themselves, handcuffed the four men and took them outside.

On searching the premises, the officers claimed to have found two grenades and two explosive devices (toluene). An A 7.62 calibre cartridge was found in Magomed Tsokiyev's car. The officers asked Timur Tsokiyev's wife, Ms Lydia Yevloyeva, who had not witnessed the search, to sign the search record. According to Yevloyeva, she was not allowed to read the record carefully and was forced to sign it. She remembered that the record mentioned the fact that Timur and Magomed Tsokiyev were suspected of involvement in the murder of police officer Musa Tochiyev, who had been killed in Malgobek on 11 November 2008. The four men were taken to the Temporary Operations Group premises (at Malgobek OVD) without their families being notified. According to Yevloyeva, there were gross breaches of procedure during the search of her house, which led her to believe that the illegal objects discovered had been planted there by the security forces. She also stated that she was questioned in the building of the OVD, where she claims to have heard cries from detainees in nearby interrogation cells.

Tamerlan Tankiyev,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

In the morning of 14 November 2008, the arrested men were taken to a temporary detention facility. At that point, they were visited by lawyers who noticed that they had been beaten. On 18 November 2008, Mr Ibragim Aushev and Mr Tamerlan Tankiyev were released. Administrative proceedings were brought against them on the grounds of alleged resistance to the police.

The Tsokiyev brothers were kept in detention and criminal proceedings were brought against them for the illegal possession of firearms and the attempted murder of a police officer. Within two months, the case was dropped and the Tsokiyev brothers were declared innocent. The administrative proceedings against Aushev and Tankiev

231 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.
232 *Kulbuzheva v. Russia*, No. 69990/11.
233 NEDC ID Victim: 1395.
234 NEDC ID Victim: 1396.
235 NEDC ID Victim: 8274.
236 NEDC ID Victim: 967.

were also dropped. However, before Aushev and Tankiyev were released, the media had reported that they were tortured.

When interviewed, Mr Magomed Tsokiyev, who had been transferred to hospital for medical care, said he had been beaten and tortured by officers from the federal security forces. This was subsequently confirmed by Aushev and Tankiyev,[237] who also requested medical assistance. Medical examinations showed that all four men had been beaten. On 18 November 2008, criminal proceedings regarding the abuse of authority involving violence were brought against unidentified members of the security forces. Investigation into the case was suspended but has since been resumed at the request of the victims' lawyer.[238]

Three police officers involved in the case were fired. The main suspect, former head of Malgobek ROVD, Mr Ruslan Archakov, died in a car crash on 5 April 2009.[239]

On 12 October 2009, Mr Ibragim Aushev was killed by law enforcement officers during the course of fighting on the outskirts of Nesterovskaya village of the Sunzhen district in Ingushetia. He was alleged to have been an insurgent. His body was returned to his relatives for burial.[240]

The Tsokiyev brothers and Tamerlan Tankiyev left Russia. Their relatives said that they did not believe in justice in Russia and feared further persecution. It is of note that Tankiyev's house was burned down and the Tsokiyevs' house was fired at the day after the criminal case against officers of the Malgobek ROVD was opened.[241]

1.28.3. The Murder of Brothers Sayd-Magomed and Ruslan Galayev

On 27 September 2007, during a joint special operation carried out by the federal and republican security forces in the village of Sagopshi in the Malgobek district of the Republic of Ingushetia, two local residents, brothers[242] Sayd-Magomed Galayev[243] and Ruslan Galayev[244] were murdered. At around 06:30, more than a hundred security servicemen approached the Galayevs' house in two armored personnel carriers, one Ural and ten bullet-proof UAZ cars. The house was surrounded and blocked from all sides and approximately fifty servicemen entered the yard.

The brothers' mother Fasimat, Sayd-Magomed's wife, and brothers Sayd-Akhmed (11 years old) and Tagir were taken out onto the street. Subsequently, the soldiers threw three grenades into the house and ordered Tagir to drag the bodies of his dead brothers out onto the street. The women and the younger brother Sayd-Akhmed were told to sit down next to the bodies. Immediately after obeying the orders and bringing

237 NEDC ID Doc: 714, *Information on the wanted persons: Idris Tsizdoyev and Tamerlan Tankiyev* (Информация об объявленных в розыск Идриса Циздоева и Тамерлана Танкиева), Memorial, 31.01.2011.

238 NEDC ID Doc: 4967, *Detention of four local residents in Malgobek* (Задержание в г. Малгобек четырёх местных жителей), Memorial, 13.11.2008; see also www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m154680.htm and www.memo.ru/hr/hotpoints/caucas1/msg/2008/11/m154681.htm (last visited on 29.04.2018).

239 NEDC ID Doc: 4525, *Murder of Ibragim Aushev* (Убийство Ибрагима Аушева), Memorial, 15.10.2009.

240 *Ibid.*

241 *Ibid.*

242 NEDC Incidents ID: 278, Murder of the Galayev brothers; NEDC ID Doc: 3310, *Murder of the Galayev brothers in Ingushetia* (Убийство братьев Галаевых в Ингушетии), Memorial, 27.09.2007.

243 NEDC ID Victim: 5770.

244 NEDC ID Victim: 5774.

the bodies out onto the street, Tagir was taken to the Malgobek OVD. Shortly after, Fasimat and her daughter-in-law Madina were also taken there. Only Sayd-Akhmed was left in the yard on his own alongside the bodies of his dead brothers.

After a considerable number of hours, soldiers eventually removed the bodies from the street. The house search, which did not adhere to procedural standards, continued for a further couple of hours. Meanwhile, approximately one hundred family members and friends of the Galayevs gathered around the Malgobek ROVD, demanding the family's immediate release, stating that they would not leave until their demands were fulfilled. Fasimat was eventually released at 19:00 on the same day, Tagir at 22:00, and half an hour later, Madina.[245]

On the same day, the press office of the Ministry of Internal Affairs of the Republic of Ingushetia declared that during the course of the operation in the village of Sagopshi "two insurgents who had offered armed resistance were eliminated. One of them, Said-Magomed Galayev, born in 1983, revealed himself as the so-called Emir of the insurgents in the Malgobek region in Ingushetia". Moreover, according to the agency's source, one assumed member of the illegal armed units was arrested during the operation, and at present legal investigations are ongoing against him. "During the operation two members of the Kurgan District Administration of Internal Affairs[246] were injured to different degrees", as reported by the press office.[247]

On 28 September 2007, the bodies of the brothers were returned to the Galayev family and the funeral took place on the same day. The Galayevs appealed to law enforcement authorities in relation to the unlawful conduct of the members of the relevant security forces.

1.28.4. The Torture of the Tsechoyev Brothers

On 8 June 2010, brothers Beslan and Adam Tsechoyev were abducted by law enforcement officers and taken to Malgobek ROVD. The officers tried to elicit a forced confession from the brothers in relation to the perpetration of unspecified crimes. During the next several days, both Beslan and Adam Tsechoyev were tortured and were prevented from seeing their lawyers.

Following the intervention of President Yunus-Bek Yevkurov, the Ingushetian Ombudsman visited the Tsechoyev brothers. Subsequent visits by lawyers confirmed that both the brothers had exhibited signs of torture by electric shock. On 18 June 2010, Mr Adam Tsechoyev was released. Mr Beslan Tsechoyev had been charged with illegal arms storage, but the charge was dropped at a later stage.

The Tsechoyev brothers filed a complaint in connection to the acts of torture. However, following an inspection by the investigation authorities, the opening of a criminal case was refused for lack of corpus delicti.[248]

245 NEDC ID Doc: 3308, *Murder of the Galayev brothers in Ingushetia* (Убийство братьев Галаевых в Ингушетии), Memorial, 30.09.2007.

246 In Russian: Управление внутренних дел по Курганской области.

247 NEDC ID Doc: 3308, *Murder of the Galayev brothers in Ingushetia*, Memorial, 30.09.2007.

248 Email from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

Omar Valibagandov,
Photo: Memorial Human
Rights Centre

Sayd-Salekh Ibragimov,
Photo: Committee
Against Torture

Ruslan Kutayev,
Photo: Personal archive

Abdul-Yazit Askhabov,
Photo: Committee
Against Torture

Akhmed Buzurtanov,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Part 2

“In the six years since the Assembly last discussed the human rights situation in the North Caucasus region, the problems in this troubled region have not gone away”.

Council of Europe, Parliamentary Assembly, Report Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?

Islam Umarpashayev, Photo: Moskovskij Komsomolets

2. Other Similar Cases Reported by the Founding Organizations of NEDC

Part Two draws attention to particularly important developments in similar cases, as reported by the founding organizations of NEDC.

2.1. Cases Reported by the Committee Against Torture, Joint Mobile Group (JMG)

2.1.1. The Abduction of Abdul-Yazit Askhabov

Abdul-Yazit Askhabov, Photo: Committee Against Torture

At about 03:00 on 5 August 2009, three armed Chechen men in masks and military camouflage uniforms arrived at the applicant's home in three VAZ-Priora cars and broke in. The applicant and her relatives thought that the men were police officers from the ROVD.

The men dragged Mr Abdul-Yazit Askhabov out of his bed and took him away without giving any explanations. One of them just said: "the FSB" (the Federal Security Service). The abduction happened quickly, taking between three and five minutes. The abductors drove away in the direction of the village of Noviye Atagi; a military checkpoint was located on that road at the material time.[249]

On 14 October 2009, Abdul-Yazit Askhabov's parents, Mr Denilbek Askhabov and Ms Tamara Askhabova, filed an application with the Memorial where they stated that unknown armed persons in masks abducted one of their sons, Abdul-Yazit, from his home.[250] Abdul-Yazit Askhabov's fate is unknown.[251]

Directly after the abduction, Denilbek Askhabov called the Shaly OVD as well as district police officer, Mr Kadiyev.

However, the police, in breach of procedure did not take any necessary steps in connection to the abduction; an operative task force was not sent to investigate the incident nor was an interception announced.

The Shaly IID conducted a separate check regarding the allegations of the abovementioned omissions, but did not provide an objective assessment of the law

249 *Askhabova v. Russia*, no. 54765/09, Judgment, ECtHR, 18 April 2013, § 10, 11.

250 NEDC ID Doc: 4243, *Abduction of Abdul-Yazit Askhabov* (Похищение Абдул-Езита Асхабова), Memorial, 05.08.2009.

251 Interregional Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014.

enforcement officers' actions. Furthermore, the police did not take any measures to establish the facts surrounding the abduction.

On 19 August 2009, criminal proceedings No. 72028 were initiated in relation to the abduction of Mr Abdul-Yazit Askhabov.[252]

On 16 October 2009, investigator Mr Bakayev belonging to the Shaly IID, ordered the Shaly DIA to organize a task force sanctioned to carry out operative and search activities in relation to Abdul-Yazit Askhabov. However, the OVD staff ignored these orders resulting in a request by the head of the Shaly IID to Mr Daudov, head of the OVD, to take measures to eliminate factors which were facilitating these violations. The request stated that investigative bodies of the prosecution office were deprived of a possibility to investigate the case due to the unsatisfactory support of the Shaly OVD officials. However, the OVD did not respond to the request.

On 12 November 2009, the JMG[253] also received an application from Abdul-Yazit Askhabov's parents regarding their son's abduction.

In relation to this case, investigator Mr Pashayev from the 2nd Special Investigation OVD requested from Vakhit Usmayev – the commander of the 2nd Patrol and Point-Duty Police Service regiment named after Kadyrov – on four occasions that photos of regiment staff be provided for identification purposes. However, the commander did not respond to the investigator's requests.

On 9 April 2010, Mr Pashayev arrived at the premises of the 2nd Patrol and Point-Duty Police Service regiment to obtain the photos of the regiment staff. An agent of the 2nd Patrol and Point-Duty Police Service regiment refused to provide the photos, referring to the Federal Anti-Terrorist Act and stated that "there were more than 900 agents in the regiment, some of whom took part in anti-terrorist operations all over the Chechen Republic".

On 11 May 2010, the acting head of the Investigative Administration sent a letter to the Chechen Ministry of Internal Affairs informing him of violations of Article 21.4 of the Russian Code of Criminal Procedure by agents of the Patrol and Point-Duty Police Service regiment. No response was received to this letter.

Due to various violations of the Code of Criminal Procedure, investigative activity became ineffective and as a result the investigator refused to resume criminal proceedings. According to information provided by the Committee Against Torture, the criminal case was suspended and resumed seven times following the appeals of the JMG lawyers.

On 18 April 2013, the ECtHR delivered its judgment in the case of Askhabova v. Russia, where it held, inter alia, that there had been a substantive violation of the

252 The Committee against Torture for rights of Abdul-Yazit and Denilbek Askhabov (case No. 004-JMG, initiated on 12.11.2009), Комитет против пыток в защиту прав Абдул-Язита и Денилбека Асхабовых (дело общественного расследования № 004-СМГ, начатое 12.11.2009).

253 A Joint Mobile Group (JMG) composed of representatives of various Russian human rights NGOs has been working in Chechnya since November 2009. The Group was created in order to collect trustworthy and verified information about human rights violations in the Chechen Republic. Lawyers of the JMG have powers of attorney from victims and their relatives in order to be able to participate in investigation activities.

right to life in respect of Abdul-Yazit Askhabov and the failure to conduct an effective investigation into the circumstances in which Abdul-Yazit Askhabov disappeared.[254]

2.1.2. Fabricated Charges against Zubayr Idrisov

On 3 August 2009, a vehicle belonging to Mr Magomed Daudov, head of the Shaly OVD - known as "Lord" - was detonated in the village of Avtury. As a result of this attack, the driver was injured. Daudov was not in the car at the time of the explosion. According to witness testimonies, Mr Zubayr Idrisov was in the village of Kurchaloy when the explosion occurred.

During the night of 4 August 2009, a group of unidentified masked men kidnapped Zubayr Idrisov. At the same time, another resident of the village, Mr Zelimkhan Aslakhanov, was also kidnapped. Idrisov and Aslakhanov were subjected to physical violence and their abductors demanded information from them regarding the assassination attempt on Daudov. Three hours later, both men were released in the village of Mesker-Yurt.

On 2 September 2009, law enforcement officers detained Mr Aslakhanov and another resident, Mr Idris Mezhidov, in the village of Avtury. Idrisov's parents stated that during the night officers of the "South" battalion had arrived at their house and were searching for Idrisov. Afterwards, Daudov called the parents and gave them an ultimatum to bring their son, Idrisov, to him. On 3 September 2009, Idrisov's parents, Mr Adlan Idrisov and Ms Anu Idrisova, brought their son to the office of the Shaly OVD.

That same evening, a local TV channel reported Chechen President, Ramzan Kadyrov, talking to Mezhidov, Idrisov and Aslakhanov at the premises of the 249th detached battalion "South" for the operational use of Internal Troops. Mezhidov's father had participated in these talks. It was also reported that the detainees had attempted to assassinate Daudov in Grozny and at a mosque, in order to undermine the Oktyabrsky ROVD.

Mr Zubayr Idrisov later stated that he had been subjected to physical violence aimed at extracting a confession from him in relation to the alleged commission of a crime. Idrisov denied any such allegations. In particular, he stated that on 3 September 2009 he had surrendered to the Shaly OVD on account of his actions to bring food to a member of an illegal armed group at the outskirts of the forest on three occasions - Idrisov had confessed to this. However, police officers reported that Idrisov had been detained during a search operation and had been handed over to the officers of the "South" battalion. They did not ask him any questions and began beating him using electric shocks. Idrisov, in a state of complete disarray, was taken to President Kadyrov who had been informed that Idrisov had participated in Daudov's assassination attempt. Due to the condition he was in, Idrisov was unable to refute the accusations against him. Following this, all three detainees were taken to the battalion premises once again where the head of the battalion (known as "Ebby") resumed beatings.

254 *Askhabova v. Russia*, no. 54765/09, Judgment, ECtHR, 18 April 2013.

Idrisov, Mezhidov and Aslakhanov were charged with the assassination attempt on Daudov as well as participation in banditry and illegal arms trafficking. All three were found guilty by Judge Ismailov of the Chechen Supreme Court on 8 June 2010. Idrisov was sentenced to nine years' imprisonment in the strict regime colony.

In the course of investigation and trial, the prosecutor had alleged that all three accused had been detained on 4 September 2009 when they had attempted to escape to the mountains. The court sustained the allegation. However, the court completely failed to consider the TV video that had been aired the day before.

Lawyers from the JMG presented photos of Idrisov to the investigator, which demonstrated evidence of injuries to his face. The investigator did not accept the photos on the grounds of their "unknown origin". No examination of the photos has been conducted.

The JMG reported that the investigation authorities conducted two inspections. The first inspection was conducted by the Shaly IID in relation to the complaint regarding beatings and the fabrication of criminal charges. The military investigative department of military unit no. 608798 conducted the second inspection based on the fact that Idrisov had been handed over to the "South" battalion.

In the course of both inspections, investigators made unlawful procedural decisions, the majority of which were quashed by superior authorities or by the court. The investigations are delayed and have not conformed to the principle of effectiveness.[255]

2.1.3. Abduction of Sayd-Salekh Ibragimov

Sayd-Salekh Ibragimov, Photo: Committee Against Torture

On 21 October 2009, Mr Sayd-Salekh Ibragimov was detained by agents of the special police regiment of the External Guard Directorate under the Chechen Ministry of Internal Affairs in charge of security at oil and gas industry locations in Chechnya (often referred to as the oil regiment). Ibragimov was presumably detained for a few days on the regiment's premises. His fate remains unknown.[256]

The JMG lawyers determined that on 21 October 2009, Ibragimov was detained by regiment staff and taken to the regiment's office in Grozny. At around midnight the same day his uncle, Mr Adnan Ibragimov, was taken to the same building where he saw and talked to his nephew. According to Mr Ibragimov, during his conversation with his nephew he noticed that a number of law enforcement personnel were present in the room. They expressed their displeasure with Sayd-Salekh and threatened to kill him as part of a blood vengeance due to their comrade's death during a fight which had taken place at the Ibragimov household.[257] After the talk, Ibragimov was released, but his nephew remained at the regiment's premises.

255 The Committee against Torture for rights of Zubayr Idrisov (case of public investigation No.005, initiated on 23.05.2010).

256 Interregional Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014.

257 A fight between law enforcement officers and members of illegal armed groups which had taken place the day before, on 21 October 2009, at Ibragimov's home in the village of Goity.

It was later reported by the regiment's command that Sayd-Salekh had been released and had left the regiment's premises at 00:40. From the onset of the investigation, during preliminary checks, an investigator from the Achkhoy-Martan IID began pressurizing Ibragimov's relatives to remove information concerning his detention at the External Guard regiment's premises, as found in statements provided by Mr Ibragimov and Ms Raisa Turluyeva, Sayd-Salekh's mother. The relatives nevertheless provided their testimonies, however, the investigator declared that he would omit any information they provided about Sayd-Salekh's detention at the regiment's base, as he had been warned that regiment staff may dispose of both him and the witnesses. The JMG lawyer who represented Mr Ibragimov's interests and was present during this conversation submitted an oral complaint to the IID head, after which the statements were documented.

On 28 December 2009, criminal proceedings No. 66102 were initiated in relation to Ibragimov's disappearance. During the course of the investigation it became evident that regiment agents should be questioned as witnesses. During 2010, the investigator submitted letters and requests to the Leninsky OVD of Grozny and Chechen Ministry of Internal Affairs on four occasions in order to ensure the appearance of the oil regiment's commander, Mr Delimkhanov, and the 6th company commander, Mr Abdureshidov, as well as other agents of the Internal Guard Directorate for interrogation as witnesses. However, regardless of these requests, the agents did not show up for questioning, and the investigator's requests remained unanswered.

As a result, Delimkhanov and Abdureshidov were only interrogated in the summer of 2010. The investigator had to travel to Delimkhanov's and Abdureshidov's places of work, despite the fact that such interrogations ought to take place in an investigator's office as opposed to the office of de facto suspects in the presence of their own armed guards. Accordingly, this diminished the independence of the interrogation and dramatically decreased the investigator's capacity to be persistent and consistent.

Furthermore, other incidents also illustrate the ineffectiveness of the investigation. For instance, at one stage the investigator had arranged a confrontation between two witnesses – the regiment commander Delimkhanov and the abductee's uncle – which was scheduled to take place in August 2010. However, the encounter was postponed on several occasions due to Delimkhanov's refusal to travel to the Investigative Administration. The JMG lawyers learned informally that Delimkhanov only agreed to appear on the condition that his numerous armed guards would be present at the encounter with him. The investigator decided that an encounter under these circumstances would be rendered futile and denied Delimkhanov's requests. Consequently, the meeting never took place, despite the investigator's year-long efforts to compel the oil regiment commander to attend for this very purpose.

On 16 May 2011, the JMG lawyers addressed the Chechen Prosecutor, General Savchin, and reported on violations committed by heads and officials of the Chechen Ministry of Internal Affairs in connection with the non-execution or partial execution of the investigator's tasks and requests under criminal proceedings No. 66102.

As a result, on 25 May 2011, the Leninsky district prosecutor of Grozny, Mr Buramensky, notified the JMG that the prosecution office had obliged the head of the 1st Police Department of the Interior Directorate for Grozny to prevent these violations.

On 21 January 2012, Ibragimov's uncle filed a request to the Committee Against Torture asking for the inquiry conducted by the JMG into the disappearance of his nephew to be suspended as he feared for the safety of his relatives.[258]

On 20 June 2013, the ECtHR delivered a judgment on the application of Ms Raisa Turluyeva. The Court held that there had been a violation of the right to life on account of Ibragimov's presumed death, on account of the state's failure to comply with its obligation to protect Ibragimov's life and to conduct an effective investigation into the circumstances under which Ibragimov disappeared.[259]

"Currently this investigation is at a standstill. The investigator has not taken the necessary steps needed to conduct the investigation."

Currently this investigation is at a standstill. The investigator has not taken the necessary steps needed to conduct the investigation. The abducted, Sayd-Salekh Ibragimov, has still not been found and criminal proceedings continue to follow a recurring cycle of suspension and resumption with each JMG appeal.

2.1.4. Abduction of Islam Umarpashayev

Islam Umarpashayev, Photo: Moskovskij Komsomolets

On 11 December 2009, Mr Islam Umarpashayev was kidnapped from his house in Grozny by unidentified armed men. On 28 December 2009, criminal proceedings No. 68042 relating to Umarpashayev's abduction were instigated.[260]

The case of Islam Umarpashayev is remarkable due to the fact that Islam is one of the very few people found alive following his abduction by state law enforcement officers. Together with his family, he is now residing as a refugee in a European Union state.[261] The investigation into his abduction has been hampered by actions of state law enforcement officers who participated in the abduction.

According to Umarpashayev's testimony, he was kept in the basement of one of the buildings belonging to the Chechen OMON, a squadron of the Chechen Interior Ministry.

258 NEDC ID Doc: 19976, *A. Ibragimov's application to terminate public investigation* (Заявление Ибрагимова А. о прекращении общественного расследования), Interregional Committee against Torture, 23.01.2012.

259 *Turluyeva v. Russia*, no. 63638/09, Judgment, ECtHR, 20 June 2013.

260 Interregional Committee Against Torture, *Report on the status of criminal investigations opened in connection with tortures and abductions in the Chechen Republic*, 2014.

261 The Committee against Torture for rights of Islam Umarpashayev (case of public investigation, initiated on 11.01.2009), Комитет против пыток в защиту прав Ислама Умарпашаева (дело общественного расследования, начато 11.01.2009).

During his detention at the police unit, Umarpashayev overheard police officers discussing what they were planning to do with him.

He stated that he had heard them planning how they would first wait for his wounds to heal and for his beard to grow, and would then change his clothes into camouflage uniform and kill him to present the murder as the removal of a member of an illegal armed group.

However, thanks to the efforts of his father, Mr Irisbay Umarpashayev, police officers released Islam Umarpashayev in exchange for a false statement alleging that he had voluntarily left Chechnya for several months.

"During his detention at the police unit, Umarpashayev overheard police officers discussing what they were planning to do with him."

On 15 January 2010, Mr Irisbay Umarpashayev filed a complaint with the Committee Against Torture who subsequently transferred the case to the JMG. On 28 January 2010, the JMG filed an application with the ECtHR requesting action to be taken under Rule 39 (interim measures) of the Rules of the Court.

On 2 April 2010, Mr Islam Umarpashayev was released from unlawful detention. Following his release, Islam Umarpashayev denied the statement he had previously made. With the assistance of the Committee Against Torture, Islam moved to Nizhny Novgorod, as his continued presence in the Chechen Republic severely compromised his physical safety.

On 27 May 2010, investigator Gayrbekov to the case requested the head of the 2nd Police Department of the Grozny Interior Directorate to identify individuals with whom Umarpashayev had communicated during his detention at the OMON base. However, on 3 June 2010, the investigator received a formal response signed by the deputy head of the 2nd Police Department stating that the individuals in question could not be identified.

On 1 September 2010, Islam Umarpashayev requested the investigator to conduct an examination of the crime scene at the Special Police Task Force base, with the participation of both Islam and his legal representatives. This request was consented to on 3 September 2010. However, due to the fact that the investigator was refused access to the base by an OMON agent, it took several months before the check could be conducted by senior special investigator Sobol.

Aware that both Islam and his family had received death threats, investigator Gayrbekov had issued a decision regarding state protection for the Umarpashayev family. The decision was submitted to the State Witness Protection Centre of the Chechen Interior Ministry. However, the officer responsible for the family's protection, Mr Atlanbayev, conspired with OMON Commander Tsekayev and detained Islam's father and brother at Tsekayev's apartment against their will. For several hours, Tsekayev and various other officers, in the presence of Atlanbayev,

persuaded the victims to withdraw their applications, including the application sent to the ECtHR. Tsekayev threatened to kill Islam if Irisbay Umarpashayev did not withdraw the applications. He also threatened to fabricate charges against Irisbay, implicating him for aiding and abetting the activities of members of illegal groups.

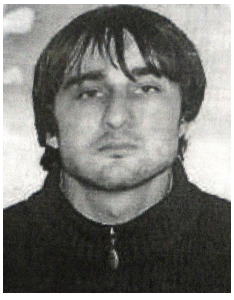
During January 2011, the criminal case was transferred to senior special investigator Sobol. He scheduled an inspection of Islam Umarpashayev's statement for 13 February 2011, at the location of the incident (the OMON base). Despite resistance from Commander Tsekayev, the investigation was performed and Islam Umarpashayev's statements were verified.

A number of attempts to investigate the case have been taken since February 2011. These are described in more detail in the Report of the Committee against Torture regarding Umarpashayev's case (Appendix I).

The Committee Against Torture office in Nizhny Novgorod faced unprecedented pressure from law enforcement officers to cease their investigative activities. In July 2012, an attempt was made to fabricate charges against the head of the Committee, Mr Igor Kalyapin, on account of a breach of investigation secrecy.[262] OVD officers detained one of the JMG lawyers, Mr Anton Ryzhov, upon his return to Nizhny Novgorod from Chechnya and seized his laptop and external storage.[263] Umarpashayev's address in Nizhny Novgorod was disclosed twice.

As a result, the Umarpashayev family were forced to leave Russia fearing for their safety.

2.1.5. The Abduction of Tamerlan Suleymanov



Tamerlan Suleymanov, Photo: Committee Against Torture

Mr Tamerlan Suleymanov[264] disappeared following his abduction in Grozny on 9 May 2011 by a group of armed men in black uniform, initiating criminal case No. 49012 into his aggravated kidnapping. On 22 January 2013, the ECtHR delivered its judgment in the case of Suleymanov v. Russia.[265] The details of Suleymanov's abduction, subsequent events and the course of investigation are described in the judgment.[266]

The Court found a violation in respect of the failure to conduct an effective investigation into Suleymanov's ill-treatment.[267] The available facts reveal that the Russian Federation has not followed the judgment's conclusions on this case.

The Committee Against Torture reported that since the delivery of the judgment in January 2013, the investigation into Suleymanov's abduction has been suspended and resumed on several occasions.[268]

262 NEDC ID Doc: 3037, *Attempt to open a criminal case against Igor Kalyapin, the head of the "Committee against Torture"* (В отношении председателя "Комитета против пыток" Игоря Каляпина опять пытаются возбудить уголовное дело), Memorial, 10.07.2012.

263 *Ibid.*

264 NEDC ID Victim: 34949.

265 *Suleymanov v. Russia*, no. 32501/11, Judgment, ECtHR, 22 January 2013.

266 *Ibid*, §7-97.

267 *Suleymanov v. Russia*, no. 32501/11, Judgment, ECtHR, 22 January 2013.

268 Notes on the abduction of Tamerlan Suleymanov, The Committee against Torture, 2014.

Moreover, on 13 June 2013, the decision by investigator Mr Khasiyev, authorizing representatives for Suleymanov's father to participate in the criminal proceedings, was quashed by investigator Mr Kuliyev. Further appeals to higher authorities did not succeed. At present, the appeal on Kuliyev's decision is under consideration before the Supreme Court of Chechnya. As a result, Suleymanov's father – who was granted victim status in this case – is restricted in his right to legal representation.

Due to the ineffectiveness of the investigation, Suleymanov's representatives filed an appeal with the investigation bodies to communicate criminal case No. 49012 to the North Caucasian District Headquarters of the Investigative Committee of Russia. However, no decision has been taken by the investigative authorities thus far.

2.1.6. Fabricated Charges against Ruslan Kutayev

Ruslan Kutayev,
Photo: Personal archive

Mr Ruslan Kutayev[269] is a Chechen politician and prominent public figure. On 20 February 2014, two days after holding an event concerning the Chechen deportation, he was arrested, beaten, and falsely charged for drug possession.

Ruslan Kutayev was sentenced to four years' imprisonment in a general regime penal colony with one-year custodial restraint for committing a crime under Article 228 § 2[270] of the Russian Criminal Code.

On 18 February 2014, not long before the 1944 Chechen deportation anniversary, a conference titled "Deportation of the Chechens: What was it and could it be forgotten?" was organized and administered by Ruslan Kutayev. It was held at the National Library in Grozny but had failed to secure the approval of the authorities.

Ramzan Kadyrov had reacted negatively to the conference. Since 2012, the Chechen authorities had cancelled all official events that traditionally used to be held in the Republic on 23 February, which was also the anniversary date of the deportation. Instead, Defenders of the Fatherland Day was ordered to be celebrated on that date. The Day of Memory and Sorrow has since been moved to 10 May.

On 20 February 2014, a group of armed men dressed in black uniform, usually worn by the Special Forces of the Ministry of Internal Affairs, broke into Kutayev's house in Gekhi. Kutayev was seized and, with no time to get dressed and still in his house slippers, was taken to an undisclosed location.[271]

Relatives and neighbors witnessed the kidnappers arriving in six black Toyota Camry cars with "E…EE" series registration plates (in the Chechen Republic this series is only used for government transport). It was not until the following day that Ruslan Kutayev was brought to the OVD in the Urus-Martan district of the Chechen Republic, where criminal proceedings under Article 228 § 2[272] of the Russian Criminal Code were initiated against him. On 22 February 2014, Ruslan Kutayev was charged with crimes falling under Article 228.

269 Born on 20 September 1957 in Achkhoy-Martan, ChIASSR, Chechen public figure, PhD in Philosophy; NEDC ID Victim: 12041, 22016.

270 Illegal possession and transportation of large amounts of narcotic drugs with no intent of selling.

271 Notes on Ruslan Kutayev case, The Committee against Torture, 2014.

272 Illegal acquisition, storage, transportation, making or processing of narcotic drugs, psychotropic substances or analogues thereof on an especially large scale.

According to the prosecution, on 20 February 2014 at 14:00, Kutayev was arrested by the police patrol in Gekhi due to undeclared reasons which deemed his behavior suspicious. In the course of the pat-down search, a sachet containing a beige-colored substance was recovered from the back pocket of his trousers. According to the protocol of the search, Kutayev was questioned about the contents of the sachet, to which he replied that it was heroin, a narcotic drug which he had simply found in a taxi. Later, Major Zakayev, an operative officer of the Criminal Investigation Department of the OVD in the Urus-Martan district of the Chechen Republic, drafted a report confirming that in the course of Kutayev's search, the sachet with the beige-colored powder had been recovered.

It was only on the evening of 21 February 2014 that Kutayev was tested for alcohol and drug intoxication in Grozny. He did not exhibit any signs of intoxication. Simultaneously, traces of morphine and codeine had been allegedly found in his urine and recorded in the medical report findings based on an expert opinion (the opinion itself was missing in the case file). Kutayev was questioned on 21 and 22 February 2014 in the presence of an appointed lawyer. During these interrogations, he admitted to having found a sachet with an unknown substance in a taxi. Kutayev was no longer questioned during the course of this preliminary investigation.

On 24 February 2014, Mr Kalyapin, head of the interregional NGO "Committee Against Torture", confirmed hematomas and scars resulting from the use of electric shock and signs of rib fractures on Kutayev's body, establishing that he had been subjected to torture. On 26-27 February 2014, Ms Bakhaeva and Ms Borschigova, members of the Public Monitoring Committee of the Chechen Republic, also confirmed Kutayev's injuries. At the same time, Kutayev's relatives submitted that at the moment of arrest by the police officers, there had been no visible injuries on his body. During his first meeting with his lawyer Mr Zaikin, Kutayev provided a written testimony about his torture, which was later sent by Zaikin to the Investigation Committee of the Russian Federation. In his complaint, Kutayev indicated that on 20 February 2014, Mr Magomed Daudov, head of the Chechen President Administration, and Mr Apti Alaudinov, deputy Minister of Internal Affairs in Chechnya, had beaten and tortured him in the administrative building in Grozny after his arrest and before his arrival at the OVD in Urus-Martan. Currently, both Daudov and Alaudinov are included in the Magnitsky sanction list issued by the US.[273]

On 25 April 2014, the Urus-Martan City Court proceeded with the criminal case. Kutayev pleaded not guilty. The majority of the police officers questioned during the trial were unable to define the suspicious aspects of Kutayev's behavior that had prompted the police to distinguish him amongst other passers-by. Moreover, their statements were confusing, they claimed to have forgotten many details, were not able to explain exactly how the order to carry out the operative prevention measures in Gekhi had been agreed upon and who had given the order. The written order was also not presented to the court.

273 Magnisky-related Designations, 29.12.2014, https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20141229.aspx (last visited on 06.11.2018); *Russia Warns U.S. Sanctions Could Harm Cooperation On Iran, Syria*, 30.12.2014, www.rferl.org/content/russia-us-sanctions-magnitsky/26769720.html (last visited on 29.04.2018); *U.S. adds four more Russians to human rights sanctions list*, 29.12.2014, www.reuters.com/article/us-usa-russia-sanctions-idUSKBN0K71H620141229 (last visited on 29.04.2018).

On 7 July 2014, Judge Dubkov found Kutayev guilty and sentenced him to four years' imprisonment in a general regime penal colony.

As a public political figure who had participated in the activities of Chechen and all-Russian organizations from the 1990s, Mr Ruslan Kutayev had frequently given interviews and commentaries to the mass media speaking negatively of the situation in the North Caucasus, including Chechnya, and gave candid opinions regarding the political regime in Chechnya. This is currently perceived as somewhat uncommon for the residents of modern Chechnya to do.

The political character of Ruslan Kutayev's case was further confirmed in a speech by Ramzan Kadyrov in the Public Chamber of the Chechen Republic on 25 February 2014 (transmitted via the channel "Grozny"). Having accused Kutayev in his speech, Kadyrov directly linked Kutayev's arrest with the conference on the Deportation of the Chechen People which had been organized by Kutayev. It is of note that not a single reference was made to Kutayev's supposed drug possession.

On 28 April 2015, the JMG filed a cassation appeal with the Supreme Court of Chechnya.[274] On 29 December 2015, the JMG reported that Kutayev had been placed in solitary confinement for 15 days on the grounds of possession of a mobile phone while in prison.[275]

The Memorial refers to Ruslan Kutayev as a political prisoner as he was deprived of his liberty to engage in his public activity, breaching his freedom of speech and his right to a fair trial guaranteed by the European Convention on Human Rights.

His imprisonment was based on falsified evidence of the imputed crime and in the absence of the criminal act itself.[276] Amnesty International has also stated that Mr Ruslan Kutayev is "a prisoner of conscience and must be released immediately and unconditionally".[277]

Mr Hugh Williamson, Europe and Central Asia Director at Human Rights Watch, declared that "Ruslan Kutayev's arrest and the vicious, unlawful way he has been treated are stark reminders that you'd better not criticise the Chechen authorities".[278]

On 20 December 2017, Ruslan Kutayev completed his sentence and left the penal colony.[279]

274 *The Committee against Torture filed a cassation appeal on Kutayev's verdict* (Комитет против пыток подал кассационную жалобу на приговор Кутаеву), Caucasian Knot , 30.04.2015, www.kavkaz-uzel.ru/articles/261545/ (last visited on 29.04.2018).

275 *Ruslan Kutayev placed in solitary confinement* (Руслан Кутаев переведен в штрафной изолятор), Caucasian Knot , 31.12.2015, www.kavkaz-uzel.ru/articles/275303/ (last visited on 29.04.2018).

276 Notes on Ruslan Kutayev case, The Committee against Torture, 2014.

277 *Russian Federation: Imprisoned Activist Must Be Released Immediately: Ruslan Kutayev, Amnesty International*, 13.11.14, www.amnesty.org/en/documents/EUR46/052/2014/en/ (last visited on 29.04.2018).

278 *Russia: Chechen Activist Leader Arrested, Beaten. Free Ruslan Kutayev; Investigate Torture Allegations, Human Rights Watch*, 08.07.2014, www.hrw.org/news/2014/07/08/russia-chechen-activist-leader-arrested-beaten (last visited on 29.04.2018).

279 *Political prisoner Ruslan Kutayev released from Chechen penal colony*, Caucasian Knot, 20.12.2017, www.eng.kavkaz-uzel.eu/articles/41836/ (last visited on 29.04.2018).

2.2. Case Reported by Centre de la Protection Internationale

2.2.1. Abduction of Akhmed Buzurtanov

Akhmed Buzurtanov,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Mr Akhmed Buzurtanov was abducted on 6 December 2012 in Nazran, Ingushetia, by a group of masked men in military uniform. His relatives have not heard from him since. On 7 December 2012, criminal case No. 21/1908 was initiated into his abduction. Buzurtanov's disappearance did not go unnoticed by the press and residents of Ingushetia, with the kidnapping having been widely discussed in the media.[280]

On 5 November 2015, the ECtHR delivered its judgment in relation to Buzurtanov's abduction. The facts regarding the abduction and the investigation which was undertaken are described in the judgment.[281] The Court was not convinced that state officers had abducted Buzurtanov, however, it was convinced that there had been a violation of the right to life in respect of the failure to investigate the disappearance of Buzurtanov effectively. The investigation appears to be ongoing, though the whereabouts of Buzurtanov have not been established nor have any suspects been identified.[282]

2.3. Cases Reported by the Memorial Human Rights Centre

2.3.1. Sweep-Up Operation in the Town of Vremennyy

From 18 September to 26 November 2014, a sweep-up operation was held in the town of Vremennyy in the Untsukulsky district of Dagestan. During the anti-terrorist operation, law enforcement officers and military officials gradually forced all the town's residents to leave, and often refused to allow them to take even the most necessary items with them. It is important to note that none of the residents that had been expelled in September and October were provided with housing for temporary residence, as is required under the law "on combating terrorism".

During the raid, many houses were razed to the ground and many premises were raided in a barbaric and random manner. Household appliances, electronic items, furniture and homemade food were taken to an unknown location. These raids not only destroyed houses and residential buildings, but also public buildings such as schools, a medical assistance point and the hospital.

To date, the investigating authorities have periodically and illegally refused to open a criminal case into this abuse of power by special services. This is the case despite the prosecution office overturning this course of action, and despite the facts being well documented. As a result, there has been no recognition of these facts regarding

280 Radio Mayak, *Coach of fight club was kidnapped in North Ossetia* (В Северной Осетии похитили тренера бойцовского клуба), 09.12.2012, radiomayak.ru/news/article/id/39732/; *Unknown people abducted resident of Mayskoe Akhmed Buzurtanov* (В Северной Осетии неизвестные похитили жителя селения Майское Ахмеда Бузуртанова), 07.12.2012, www.kavkaz-uzel.ru/articles/216887/ (last visited on 29.04.2018); Lifenews, *Coach of fight club is abducted in Ossetia* (Тренер бойцовского клуба похищен в Осетии), 09.12.2012, http://lifenews.ru/news/108123 (last visited on 29.04.2018); Eurosmi, *Coach of fight club is abducted in Ossetia* (В Осетии похищен тренер бойцовского клуба), 09.12.2012, www.eurosmi.ru/521v_osetii_pohischen_trener_boiytsovskogo_kluba.html (last visited on 29.04.2018).

281 *Buzurtanova and Zarkhmatova v. Russia*, no. 78633/12, Judgment, ECtHR, 5 November 2015.

282 Notes on case of Akhmed Buzurtanov (2015), email from the representative of *Centre de la Protection Internationale*, 17.02.2016.

the misappropriation of property. Moreover, no compensation has been paid to residents of the town, regardless of this being provided for by law. The representative of the victims, a lawyer cooperating with the Memorial, has complained to the court regarding the inactions of the investigative body.[283]

In August 2017, the victims sent their petitions to the heads of administration at the regional and republican levels, to the Ministry of Emergency Situations, and to the President of the Russian Federation, demanding action by the relevant authorities and compensation. Many of the victims have been forced to live with their friends and relatives and are having to repair their houses at their own expense.[284]

2.3.2. The Abduction of Omar Valibagandov

Omar Valibagandov, Photo: Memorial Human Rights Centre

On 22 August 2013, Mr Omar Valibagandov was kidnapped in Dagestan. His family and lawyer had established and documented the fact that Omar Valibagandov was later delivered by the FSB and the police to the central city hospital in Izberbash. He showed signs of wounds conducive to heavy beating and torture. According to a doctor, the FSB had transferred Omar in an ambulance which had driven via the highway near the town of Izberbash. Omar was accompanied in handcuffs by staff from the Izerbash police department, including the deputy chief of police Ruslan Daudov. After receiving medical treatment, he was once again placed in handcuffs and driven out of the hospital in an unknown direction.

The doctor on duty at the hospital had reported that a man was hospitalized with a gunshot wound. This account was also confirmed by hospital records, however, despite this, the police falsified documents and refused to institute criminal proceedings.

It was only over two months after the abduction, on 7 November 2013, that a criminal case was initiated under Article 126 § 1 of the Russian Criminal Code (abduction). Nevertheless, investigative authorities of the Izberbash district of Dagestan have not conducted an effective investigation into the criminal case.

Furthermore, no measures to identify and punish the officials guilty of the fraudulent activities was taken. Complaints from Valibagandov's relatives and his representative

283 E-mail from Memorial Human Rights Centre to the NEDC, 17.03.2016; Relevant publications: *Chechnya: the security forces burned down the house of relatives of another militant* (Чечня: силовики сожгли дом родственников еще одного боевика), 12.12.2014, http://memohrc.org/news/chechnya-siloviki-sozhgli-dom-rodstvennikov-eshche-odnogo-boevika; *Secret War in Dagestan* (Тайная война в Дагестане), 22.06.2015, http://memohrc.org/monitorings/taynaya-voyna-v-dagestane; *About the punitive operation in the town of Vremennyy* (О карательной операции в поселке Временный), 13.04.2015, http://memohrc.org/monitorings/o-karatelnoy-operacii-v-poselke-vremennyy; *Appeal to R. G. Abdulatipov* (Обращение к Р. Г. Абдулатипову), 21.10.2014, http://memohrc.org/news/obrashchenie-k-rg-abdulatipovu; *Dagestan: some of the circumstances of a special operation in the town of Vremennyy* (Дагестан: некоторые обстоятельства спецоперации в поселке Временный), 8.10.2014, www.memohrc.org/news/dagestan-nekotorye-obstoyatelstva-specoperacii-v-poselke-vremennyy; *"Temporary" sweep-up operation* ("Временная" зачистка), 7.10.2014, http://memohrc.org/monitorings/vremennaya-zachistka; *Dagestan: After "cleansing" in the town of Vremennyy only women and children are left* (Дагестан: После "зачистки" в поселке Временный остались только женщины и дети), 29.10.2014, http://memohrc.org/news/dagestan-posle-zachistki-v-poselke-vremennyy-ostalis-tolko-zhenshchiny-i-deti (last visited on 29.04.2018).

284 Julia Rybina, *Residents of Dagestan demand compensation for counter-terrorist operation*, 18.12.2017, https://www.kommersant.ru/doc/3501384 (last visited on 29.04.2018).

have been ignored and the case has been repeatedly suspended.[285] On 16 November 2016, legal representatives filed a complaint with the ECtHR.[286]

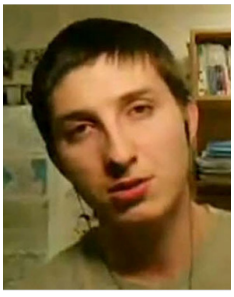
2.3.3. The Abduction of Rashid Ismailov

On 8 May 2012, in Makhachkala, Dagestan, armed masked men abducted Mr Rashid Ismailov.

On 5 November 2012, six months after the abduction, the investigative authorities opened a criminal case into the abduction, but have not carried out an adequate investigation to date. Representatives of the victim's relatives have been prevented from participating in the case and have faced obstacles when trying to access criminal case files. As a result, the representative, a lawyer who works with the Memorial, has complained to a district court about the inactions of the investigative authorities.[287]

2.3.4. Examples of Relatively Successful Criminal Investigations according to the Memorial Human Rights Centre

The Torture of Zelimkhan Chitigov at the Karabulak Police Department



Zelimkhan Chitigov
Photo: internet media
Caucasian Knot
www.caucasianknot.info

On 27 April 2010, a resident of Ingushetia, Mr Zelimkhan Chitigov, was detained and taken to the Karabulak police department on suspicion of his involvement in a recent explosion at this police department. Chitigov was subjected to severe torture for four days following which he was taken to the hospital.

He had burn wounds on his body and could not speak or stand. He also could no longer hear due to a ruptured eardrum and his eyesight had strongly deteriorated after he was subjected to electric shock torture.

In an effort to mask the materialization of these horrific injuries and resulting disabilities, a criminal case was launched against Chitigov alleging his possession of an explosive device in his home, which in this false narrative had caused the resulting injuries.

Chitigov's case was pursued by the Memorial and Civic Assistance Committee, whereby an attorney was hired by the organizations to represent his interests. Accordingly, criminal proceedings were instituted against the police officers who had tortured Chitigov.

The President of Ingushetia, Yunus-Bek Yevkurov, provided strong support to the human rights defenders who had sought to help Chitigov. Subsequently, Mr Nazir Guliyev, the chief of the Karabulak police department, and his deputy, Mr

285 E-mail from Memorial Human Rights Centre to the NEDC, 17.03.2016; Relevant publications: *Dagestan: the investigating authorities did not investigate for two months the disappearance of a man who was in the hands of security forces* (Дагестан: следственные органы уже два месяца не расследуют исчезновение человека, находившегося в руках силовиков), 22.10.2013, http://memohrc.org/news/dagestan-sledstvennye-organy-uzhe-dva-mesyaca-ne-rassleduyut-ischeznovenie-cheloveka; *Dagestan: the criminal case on the abduction has not been instituted for a month now* (Дагестан: уголовное дело о похищении не возбуждают уже месяц), 19.10.2013, http://memohrc.org/news/dagestan-ugolovnoe-delo-o-pohishchenii-ne-vozbuzhdayut-uzhe-mesyac (last visited on 29.04.2018).

286 Complaint in the case of abducted resident of Makhachkala was sent to the ECtHR, Caucasian Knot, 18.11.2016, http://old.memo.ru/d/283463.html (last visited on 29.04.2018).

287 E-mail from Memorial Human Rights Centre to the NEDC, 17.03.2016.

Ilez Nalgiyev, were accused of torture. However, only Nalgiyev was charged with Chitigov's torture and for causing grave bodily harm to him. Guliyev was charged for crimes unrelated to Chitigov's torture. It is of note that other police officers, whose names are unknown, had also been involved in the torture but had no charges brought against them.

On 7 November 2012, the Karabulak district court of Ingushetia pronounced its verdict in the case against former head of the local police department Nazir Guliyev and his former deputy Ilez Nalgiyev. Nalgiyev received eight years' imprisonment in a strict regime prison, while Guliyev was acquitted.

The Memorial and the Civic Assistance Committee considered that the sentence imposed on Nalgiyev was fair and corresponded to his crime. However, the same cannot be said about the verdict against his former boss. Moreover, Nalgiyev was not the only individual who had participated in Chitigov's torture. Though the abuse may have been committed on his initiative and order, all perpetrators of the torture should bear responsibility.[288]

The Torture of Teenagers in Chegem Police Department

On 12 October 2012 at around 20:40, 14-year-old Asker Kursakov and 16-year-old Murat Bekshokov were subjected to severe beatings by the police in several locations, including the Chegem police department building. Police tried to present the teenagers as members of an illegal armed group. The beatings stopped only after a juvenile inspector came to visit the teenagers. Doctors recorded Murat's liver injury and concussion and concluded that Kursakov had also suffered a concussion, alongside a closed skull-brain injury and a fracture of the phalanx.

Soon after, criminal proceedings were initiated and an investigation was launched in search of the perpetrators. However, after several months, the case was closed and the investigation was terminated. It was only upon the intervention of lawyers working with the Memorial that investigators were forced to resume the investigation.

It was established that former police officer, Mr Oleg Bekulov, and police officers Mr Sosyrbey Shadzov and Mr Asker Abidov, were implicated in the illegal detention of the adolescents and their subsequent beating.

However, on 14 January 2014, the criminal case against Oleg Bekulov and Sosyrbey Shadzov, who were accused of beating under Article 116 § 1 of the Russian Criminal Code and intentional infliction of harm which had the capacity to threaten life under Article 112 § 2 (г), was terminated and an amnesty was granted. This decision was justified on the grounds that at the time both the officers involved were not on duty but were rather veterans of combat operations.

288 E-mail from Memorial Human Rights Centre to the NEDC, 17.03.2016. Relevant publications: *Hundred hours in hell* (Сто часов в аду), Russian reporter, 16.09.2011, http://rusrep.ru/article/2011/09/16/zelim/; *Proceedings in the case of Karabulak werewolves continue* (Процесс по делу "карабулакских оборотней" продолжается), 1.03.2012, http://memohrc.org/news/process-po-delu-karabulakskih-oborotney-prodolzhaetsya; *Court proceedings against policemen accused of applying torture continued* (Продолжился судебный процесс над обвиняющимися в пытках милиционерами), 21.02.2012, https://memohrc.org/ru/news/prodolzhilsya-sudebnyy-process-nad-obvinyayushchimisya-v-pytkah-milicionerami; *The first trial against the police-sadists in Ingushetia: the protracted farce or drama of real justice?* (Первый суд против полицейских-садистов в Ингушетии: затянувшийся фарс или драма подлинного правосудия?), 08.06.2012, http://memohrc.org/news/pervyy-sud-protiv-po-liceyskih-sadistov-v-ingushetii-zatyanuvshiysya-fars-ili-drama-podlinnogo (last visited on 06.11.2018).

On 6 March 2015, the court found police officer Asker Abidov guilty under Article 286 § 3 (a) of the Russian Criminal Code (abuse of power). He was sentenced to four years' imprisonment in a penal colony, and was deprived of the right to hold positions in law enforcement for one and a half years. In addition, the judge partially granted the civil action claims of the victims, whereby Abidov has been ordered to pay 100 and 150 thousand rubles in compensation to both the victims.[289] Abidov's sentence was later mitigated to three years and eight months in penal colony.[290]

289 E-mail from the Memorial Human Rights Centre to the NEDC, 17.03.2016.

290 *The Court in Kabardino-Balkaria mitigated the sentence of police officer Asker Abidov* (Суд в Кабардино-Балкарии смягчил приговор полицейскому Аскеру Абидову), Caucasian Knot, 6.10.2015, www.kavkaz-uzel.eu/articles/270130/ (last visited on 29.04.2018).

Khadzhimurad Kamalov,
Photo: Novye Izvestiya

Umar Saidmagomedov,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Timur Kuashev,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Zyalmakh Kodzoyev,
Photo: Dosh Journal

Part 3

Akhmednabi Akmednabiyev, Photo: internet media Caucasian Knot www.caucasianknot.info

“Threats, intimidation and violence directed against human rights defenders, lawyers and journalists, sometimes resulting in their violent death and disappearance, must not remain unpunished”.

Council of Europe, Parliamentary Assembly, Report Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?

3. Post-2010 Cases Documented by NEDC

This part includes information regarding the most serious violations committed against whistleblowers which took place after 2010 and are registered by the NEDC. The list of violations described below is not exhaustive.[291]

3.1. Attack on Lawyer Sergey Kvasov

Sergey Kvasov,
Photo: Chernovik

Mr Sergey Kvasov is a lawyer who is working in Makhachkala, Dagestan. He represents individuals accused of participating in terrorist activities.

On 9 April 2010 at around 22:00, Sergey was heavily beaten by four men - two of whom were wearing masks – resulting in his hospitalization with clavicle and leg fractures, a skull fracture, open craniocerebral trauma, severe contusion of the brain and an epidural hematoma.[292]

3.2. Murder of Journalist Khadzhimurad Kamalov

Khadzhimurad Kamalov,
Photo: Novye Izvestiya

Mr Khadzhimurad Kamalov was the chief editor and director of the newspaper "Chernovik" and was also a human rights activist. The newspaper is famous for publishing critical articles about Dagestan's leadership. He championed for the effective investigation of crimes committed in Dagestan, which immediately resulted in his newspaper being labeled as oppositional.

On 15 December 2011, Khadzhimurad Kamalov was shot in Makhachkala. The investigation authorities initiated a criminal case into his murder under Article 105 of the Russian Criminal Code. A resident of Makhachkala, Mr Murad Shuaybov, was suspected of Kamalov's murder,[293] however in November 2013 the charges were dropped as investigators struggled to prove his involvement in the crime.[294]

3.3. Inhuman Treatment of Zyalmakh Kodzoyev

On 17 December 2011, famous Ingush writer and activist and a former political prisoner, Mr Issa Kodzoyev, filed a complaint to the Memorial in relation to his son, Zyalmakh Kodzoyev. Zyalmakh was serving a sentence in correctional colony No. 17

292 NEDC ID Doc: 2000, *Attack on Sergey Kvasov* (Нападение на Сергея Квасова в Махачкале), Memorial, 12.04.2010.

293 NEDC ID Doc: 20477, *Details of Khadzhimurad Kamalov's murder investigation* (Подробности расследования убийства Гаджимурада Камалова), Norwegian Helsinki Committee, 19.03.2013.

294 *Proceedings about the murder of journalist Akhmedilov started in Makhachkala* (В Махачкале начался процесс по делу об убийстве журналиста Ахмедилова), 11.04.2014, Caucasian Knot, http://test.kavkaz-uzel.ru/articles/240784/ (last visited on 29.04.2018).

Zyalmakh Kodzoyev,
Photo: Dosh Journal

in Mordovia after he had been found guilty of an attack on a police checkpoint on 12 September 1998. He was sentenced to 24 years' imprisonment. His father alleged that Zyalmakh had been subjected to torture while in prison. He was often sent to solitary confinement, where on one occasion he spent eight months. In addition, Zyalmakh has lung tuberculosis and a duodenal ulcer, however, his relatives continue to receive rejections to their complaints regarding his treatment for these illnesses. As of 2011, Zyalmakh's relatives have received no information as to whether he is still alive. Unfortunately, the NEDC also does not possess any further information of Zyalmakh's fate at this time.[295]

Issa Kodzoyev filed an application with the ECtHR complaining that his son had received an unfair trial. His application was declared admissible.[296]

3.4. Murder of Lawyer Umar Saidmagomedov

Umar Saidmagomedov,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

Mr Umar Saidmagomedov[297] was a lawyer at the City Bar Association "Kavkaz" in Makhachkala, Dagestan. On 20 January 2012 at around 21:30, Saidmagomedov and his relative, Mr Rasul Kurbanov,[298] were murdered in Makhachkala on Kotrova Street,[299] allegedly by state law enforcement officers.[300]

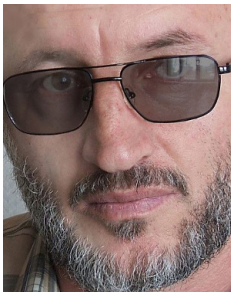
On 23 January 2012, Saidmagomedov's colleague - who asked to remain anonymous - filed a complaint with the Memorial where he described the events that took place on the evening of 20 January. He stated that Saidmagomedov had visited Kurbanov at his house and as he was about to leave, a UAZ vehicle had approached the house. In his complaint, Saidmagomedov's colleague referred to eyewitnesses who had stated that a man had emerged from the vehicle's hatch and had begun to shoot from an automatic weapon. Saidmagomedov fell to the ground immediately, and as Kurbanov attempted to escape he was also shot at. Subsequently, the attackers planted a grenade close to Saidmagomedov, as well as a handful of bullets into Kurbanov's pocket, following which, Saidmagomedov's car was shelled.[301]

The investigator's account of the events which took place asserts that state law enforcement officers had attempted to stop Saidmagomedov's car for the purpose of carrying out an identity check, but were met with armed resistance by Saidmagomedov and Kurbanov. In response to this, the state law enforcement officers shot back at Saidmagomedov and Kurbanov, which resulted in their deaths. A Kalashnikov gun, patrons and a grenade were recovered from Saidmagomedov's car. Colleagues and relatives of Saidmagomedov have refuted this version of events told by the investigation body.[302]

295 NEDC ID Doc: 5779, *Issa Kodzoyev's statement to public* (Обращение Иссы Кодзоева к общественности), Memorial, 20.12.2011.
296 *Ibid.*
297 NEDC ID Victim: 1160.
298 NEDC ID Victim: 1159.
299 NEDC ID Incident: 409, Murder of a lawyer and his relative in Dagestan, 2012 (Убийство адвоката и его родственника в Дагестане, 2012 г.).
300 NEDC ID Doc: 841, *Dagestan: law enforcement officers murdered a lawyer and his relative in Makhachkala* (Дагестан: в Махачкале силовики убили адвоката и его родственника), Memorial, 23.01.2012.
301 *Ibid.*
302 *Ibid.*

Saidmagomedov's colleague was convinced that the murder was related to Saidmagomedov's professional activity as he provided legal aid to individuals suspected of collaboration with illegal armed groups. Saidmagomedov's colleague also stated that prior to this incident there had been an assassination attempt on another colleague, Mr Konstantin Mudunov. He believes that there is a real threat to all lawyers in Dagestan who participate in cases related to illegal armed groups.[303]

3.5. Murder of Journalist Akhmednabi Akhmednabiyev



Akhmednabi Akmednabiyev, Photo: internet media Caucasian Knot www.caucasianknot.info

Mr Akhmednabi Akhmednabiyev worked for the news agency Caucasian Knot (Kavkaz Uzel). In May 2012, he alleged that he had received death threats and on 11 January 2013, an assassination attempt was carried out against him. On 9 July 2013, unknown individuals shot him in the village of Semender in Dagestan where he lived.

The investigation authorities initiated a criminal case into the murder, but in 2013 they suspended preliminary investigation due to the non-establishment of a suspect.[304] On 16 September 2014, the prosecution office in Makhachkala canceled this earlier decision of suspending the investigation to the case.[305]

3.6. Murder of Journalist Timur Kuashev

Timur Kuashev, Photo: internet media Caucasian Knot www.caucasianknot.info

Mr Timur Kuashev was a journalist and human rights activist in the Kabardino-Balkaria Republic. In 2013, he organized a meeting against the arbitrary conduct of law enforcement officers.

On 31 July 2014, Kuashev disappeared and the following day his body was discovered in a forest on the outskirts of Nalchik. According to the forensic examination, Kuashev had been poisoned.[306]

The investigating authorities of the Kabardino-Balkar Republic did not conduct an effective investigation into the murder case instituted on 4 August 2014. Proceedings were suspended and renewed once again, and the investigation was extended to 19 months. Petitions from the victim's representative regarding the ineffective conduct of the investigation authorities and the request for operational-search measures for the proper investigation of the incident and the identification of responsible persons, were rejected. Furthermore, the narrative of Kuashev's murder via the injection of a rare

303 *Ibid.*

304 NEDC ID Doc: 20435, *Murder of Akhmednabi Akhmednabiyev* (Убийство Ахмеднабиева Ахмеднаби), Norwegian Helsinki Committee, 09.07.2013.

305 *The decision to suspend investigation of the murder of Akhmednabiyev has been quashed* (В Дагестане отменено решение о приостановке следствия по делу об убийстве Ахмеднабиев), Caucasian Knot, 29.09.2014, http://www.kavkaz-uzel.eu/articles/249913/ (last visited on 29.04.2018).

306 NEDC ID Doc: 20537, *Biography of Kuashev Timur* (Куашев Тимур Хамбиевич, биография), Norwegian Helsinki Committee, 08.08.2014.

poison was not verified. The victim's representative, a lawyer cooperating with the Memorial, appealed the dismissal of the complaint regarding the inaction of the authorities.[307]

In June 2016, it became clear that the investigative authorities had terminated the criminal case concerning the death of Timur Kuashev. However, this decision to terminate was later overturned by the Nalchik Court and has become effective as of March 2017.[308]

307 E-mail from Memorial Human Rights Centre to the NEDC, 17.03.2016; Relevant publications: *Bulletin of Memorial Human Rights Centre, Situation in the conflict zone in North Caucasus: assessment of human rights defenders* (Бюллетень Правозащитного центра "Мемориал". Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников), summer 2014, http://memohrc.org/sites/default/files/1385.pdf; Maksim Shevchenko, *Timur Kuashev is murdered – there isn't and will not be any forgiveness* (Убит Тимур Куашев — прощенья нет и не будет), 01.08.2014, http://echo.msk.ru/blog/shevchenkomax/1371558-echo/; *Biography of Timur Kuashev*, 08.08.2014, http://www.kavkaz-uzel.ru/articles/246809/; Yabloko Press-release, *Timur Kuashev is killed in Nalchik* (В Нальчике убит Тимур Куашев), 01.08.2014, http://www.yabloko.ru/2014/08/01 (last visited on 29.04.2018).

308 *Kuashev Timur Biography* (Куашев Тимур Хамбиевич. Биография), Caucasian Knot, 02.08.2017, http://www.kavkaz-uzel.eu/articles/246809/ (last visited on 29.04.2018).

4. Appendix I

Report of the Interregional Non-Governmental Organization “Committee Against Torture”, 2014

Report

Status of Criminal Investigations Opened in Connection with Torture and Abduction in the Chechen Republic

Information based on evidence compiled by the Joint Mobile Group of Russian human rights organizations in the Chechen Republic

A Joint Mobile Group (JMG) composed of representatives of various Russian human rights NGOs has been working in Chechnya since November 2009. The Group was created in order to collect trustworthy and verified information regarding human rights violations in the Chechen Republic. The JMG is also tasked with determining the reasons for ineffective investigation into torture and abduction by Chechen investigative authorities. It should be noted that the European Court of Human Rights (ECtHR), with increasing frequency, has rendered such investigations inadequate in their judgments.

As a result, JMG lawyers conduct public investigations into allegations of torture and abduction which have recently taken place in the given Russian region. As part of their job, JMG lawyers represent the legal interests of individuals acknowledged as victims in criminal proceedings. It is noteworthy that criminal cases are dealt with by different offices of the Investigative Administration of the Russian Investigative Committee for Chechnya across the Republic.

While working on these criminal cases, JMG lawyers have repeatedly faced various procedural violations committed by officials at all levels. However, the biggest concerns arise when investigative authorities are deprived of their right to conduct investigations.

The main reasons for the unsatisfactory performance lie with law enforcement agents who systematically fail to carry out investigators' tasks, as well as the incapacity of the heads of investigation authorities to remedy the situation. We have reported incidents of non-performance on several occasions to the heads of the relevant law enforcement and other state bodies.

For example, in February 2011, we prepared an analytical report containing specific examples of the functional impotence of the Chechen investigative authorities. The report (dated 04.02.2011)[309] was submitted to a wide range of officials, including Russian President, D. A. Medvedev; Russian Investigative Committee Chairman, A. I. Bastrykin; Russian Prosecutor General, Yu. Ya. Chaika; as well as the Heads of the relevant Russian State Duma Committees, etc.

In the documents we described numerous violations committed while investigating cases of torture and abduction. We pointed to the lack of cooperation between

309 General annex No. 1 – address dated 2011.

investigative and internal affairs bodies,[310] as exemplified by the reluctance of policemen to perform investigators' orders in the course of operative investigations and inquiry. We drew a reasonable conclusion that the chances of effective investigations of such incidents being conducted by the various Chechen investigative bodies were next to none.

In another analytical report prepared in 2012,[311] we again arrived at the same conclusion in relation to the lack of progress in the wider sphere of investigation into torture and abduction. Just like the previous one, this report was based on the analysis of the following criminal proceedings: case No. 66094 instigated in connection with Zarema Gaysanova's abduction; case No. 66102 instigated in connection with Ibragimov's disappearance; case No. 74032 instigated in connection with A. R. Zaynalov's disappearance; case No. 72028 instigated in connection with A.-Ya. A. Askhabov's abduction; and case No. 68042 instigated in connection with I. I. Umarpashayev's abduction.

In May 2012, we prepared an additional report analyzing the law enforcement practice of Chechen law enforcement authorities, which was submitted to the Russian Ministry of Justice in accordance with the Russian Government's Decree No. 694 dated 19.08.2011 "On approval of the methodology for monitoring the law enforcement practice in the Russian Federation", Russian President's Decree No. 657 of 20.05.2011 "On monitoring of the law enforcement practice in the Russian Federation" and Instruction of the Russian Government No. 1471-r of 19.08.2011 "On approval of the 2011-2012 plan for monitoring the law enforcement practice in the Russian Federation".

The reaction of various law enforcement agencies towards our submissions was rather peculiar.

For instance, in response to one deputy's request, made as a result of the submission of our report in 2011, Antipenko, Head of the Procedural Control Administration of the Russian Prosecutor's Office (an agency supervising the procedural aspects of the Investigative Committee's activities), stated that the chance of promptly solving crimes described in our address "had been lost at the very beginning" which made their solution "especially complicated".[312]

Deputy Chechen Prosecutor, N. A. Khabarov, was even more critical in his assessment of the quality of investigations. In his response (Ref. No. 15-169-2011, 11 March 2011) he wrote that "investigative agencies did not take exigent investigative steps promptly, failed to organize proper interaction with operative investigation services for the purpose of crime solution. The Investigative Committee almost withdrew themselves from supervising criminal investigations. No concrete measures were taken to eliminate violations disclosed by prosecutorial bodies. Those in charge of violation and ineffective investigation were not held responsible as provided by law. There were instances when investigators of the Chechen Investigative Committee themselves concealed abductions …".

310 Submission for introduction of measures to eliminate factors facilitating crimes, addressed to the heads of the Shaly District Department of Internal Affairs (DIA) and Leninsky District DIA.– General annexes No. 2 and 3. Letter of V. Ledenyov, Head of the Investigative Administration (IA) of the Russian Investigative Committee (IC) for Chechnya, to Chechen Interior Minister R. Alkhanov– General annex No. 4.

311 General annex No. 5 – address of 2012.

312 General annex No. 6.

"Due to the delayed instigation of criminal proceedings, the lack of persistence and robustness in investigators' actions, perpetrators managed to hide their traces and victims could not be located".[313]

At the same time, the Head of the 2nd Procedural Control Department of the IAIC for Chechnya (Ref. 396-216/2-11-11 of 10.03.2011) partly supported the conclusions of our 2011 report, namely by admitting the existence of the systematic non-execution, or negligent execution, of criminal investigators' tasks and orders by operative investigation and inquiry agencies.

He noted that "measures they had taken had improved the situation dramatically by significantly reducing the number of incidents of non-execution, as well as formal or delayed execution of investigators' tasks, and by establishing cooperation between criminal investigators and operative services".[314]

A response received from the Russian Prosecutor General's office contained similar information (Ref. 15/3-3788-09).[315]

During later college sessions and official visits, the authorities repeatedly reported the aforementioned improvements in the wider sphere of investigating torture and abduction allegations.

The response, signed by Lieutenant Colonel of Justice R. F. Mamedov, Deputy Head of the 1st Procedural Control Department of the Criminal Control Directorate of the IAIC for the North-Caucasian Federal Territory (Ref. 301/21-37-12616-11 of 02.08.2011), emphasized that the difficulty of investigating allegations of torture and abduction which had taken place in the active phase of counter-terrorist operations, is nothing more than an excuse.[316]

At the same time, R. F. Mamedov also emphasized that in order to raise the effectiveness of investigations into the given category of crimes, a series of measures had been taken. In particular, the Special Investigation Department had been created within the Chechen Investigative Administration to solely investigate incidents that had been examined by the ECtHR. He also was keen to say that the joint decree by the Head of the Chechen Investigative Administration and the Chechen Interior Minister introduced "Provisions about an interdepartmental meeting on criminal proceedings related to unsolved grave and especially grave crimes which have reached the European Court of Human Rights".

However, we would like to make the following statements on these points.

First, the ineffectively investigated cases we have referred to in our analytical reports pertain to 2009, and not to earlier years when the counter-terrorist operation was in its active stage.

313 General annex No. 7.

314 General annex No. 8.

315 Response from the Russian Prosecutor General's Office dated 02.06.2011. – General annex No. 6.

316 General annex No. 9.

Second, in our reports we speak about the failures of the aforementioned Special Investigation Department whose creation was referred to by Lieutenant Colonel of Justice R. F. Mamedov.

As for departmental (and interdepartmental) regulations, besides the named "Provisions about the interdepartmental meeting on criminal proceedings related to unsolved grave and especially grave crimes which have reached the European Court of Human Rights", we can recall a whole set of rather advanced legal acts related to the prosecution and investigation, as well as prosecutorial supervision, of disappearance cases.

Among them there are:

- Joint Decree No. 25-15/27/128 of the Chechen Prosecutor's Office, IAIC under the Russian Prosecutor's Office for Chechnya and Interior Ministry of Chechnya dated 25.03.2008 "On the procedure of processing applications and reports alleging the disappearance of individuals";
- Joint Decree No.7-15/10/77 of the Chechen Prosecutor's Office, IAIC under the RF PO for Chechnya and the Interior Ministry of Chechnya dated 05.02.2009 "On organizing supervision and internal control regarding the search for missing persons, strengthening the rule of law with respect to registration and consideration of applications alleging disappearance of persons and the implementation of instructions No. 83/36 given by the Russian Prosecutor General and Russian Interior Ministry 20.11.1998";
- Guidelines on the procedure for consideration of applications, crime reports and other information with regard to incidents involving the disappearance of persons, adopted by decree of the Russian Prosecutor General's Office and Russian Interior Ministry, 27.02.2010, No. 70/122.

However, unfortunately these rather progressive regulations could not have been implemented in a more haphazard and mediocre manner.

The major problem with effective investigation into allegations of torture and abductions is that investigators fail to perform even the most basic investigative actions.

The failure to take these steps is attributed to a great extent to the total absence of normal cooperation, as envisaged by the law of criminal procedure between investigators of the Chechen Investigative Administration and agents of the Chechen Interior Ministry.

In our documents, these findings are confirmed with numerous examples where Internal Affairs Agents did not perform tasks given to them by the staff of the IAIC for Chechnya, who often did not even receive a reply to their requests. Such examples are found in abundance in our analytical reports of 2011-2012.

At the same time, we are bewildered by the lack of corresponding disciplinary punishment with respect to Internal Affairs Agents committing grave violations while performing their duties. As a result, for months on end investigators cannot ensure the performance of essential and pre-planned investigative activities.

We now wish to provide you with specific examples of the functional impotence of Chechen investigative authorities.

Zarema Gaysanova's Case

Zarema Gaysanova,
Photo: internet media
Caucasian Knot
www.caucasianknot.info

On 6 November 2009, the JMG received an application from Lida Khamzatovna Gaysanova who claimed that on 31 October 2009, security forces conducted a special operation close to her place of residence. As a result of this special operation, her home was burnt down and her daughter – Zarema Ismailovna Gaysanova, born in 1969 – was taken away by law enforcement. The fate of Z. I. Gaysanova is currently unknown.

Following her daughter's abduction, on 1 November 2009, L. Gaysanova applied to the Leninsky District Department of Internal Affairs of Grozny, but the date in her application was changed to 9 November 2009 (the correction is visible).[317] The same day, i.e. 1 November 2009, L. Gaysanova was questioned by the operative investigator of the Leninsky District Department of Internal Affairs (DIA) of Grozny, a police captain named Dakayev, but the date of that statement was also changed to 9 November 2009 (the corrections are once again visible).[318] The Leninsky Interdistrict Investigative Department (IID) is conducting a separate check with respect to the corrections made to L. Gaysanova's application and statement.[319] This check, however, is also ineffective.

On 16 November 2009, criminal proceedings in case No. 66094 were instigated in connection with Z. I. Gaysanova's abduction.

The decision instigating criminal proceedings reads as follows: "on 31.10.2009 around 17:30 unknown people in camouflage uniform driving around in UAZ-type vehicles abducted Zarema Ismailovna Gaysanova from house No.7 on a 2nd Darvina Side-street in the Leninsky District of Grozny and drove her away to an unknown location".[320]

From the moment of the instigation of criminal proceedings, the involvement of law enforcement and security agents in the abduction has been key.

In 2009, investigator M. F. Tamayev from the Leninsky IID of the IAIC under the RF PO for Chechnya gave three separate tasks to the Leninsky District Department of Internal Affairs of Grozny, ordering a number of investigative steps to be taken in order to locate Z. I. Gaysanova.

The first task was submitted on 20 November 2009,[321] the second on 27 November 2009,[322] and the third on 6 December 2009.[323] On 26 November[324] and 5 December

317 Annex Gaysanova no 1.
318 Annex Gaysanova No.2.
319 Annex Gaysanova No.3.
320 Annex Gaysanova No.4.
321 Annex Gaysanova No.5.
322 Annex Gaysanova No.6.
323 Annex Gaysanova No.7.
324 Annex Gaysanova No.8.

2009,[325] investigator Tamayev reported to the acting Leninsky IID Head, Khasbulatov, that agents of the Internal Affairs Department persistently failed to perform their tasks.

The DIA staff ignored all three tasks, as a result of which the investigator requested the elimination of factors facilitating the violations.[326] Surprisingly, this request also did not receive a response.

From 2009-2010, the Investigative Administration reached out in writing on three occasions to the Chechen Interior Minister, Alkhanov, requesting information about agents who had participated in these special operations, as well as an internal check in connection with the violation of Article 21.4 of the Russian Code of Criminal Procedure by Internal Affairs Agents. However, there was no reaction whatsoever to the above requests.[327]

There was no response to numerous requests concerning the participants of the special operation addressed to the Commander of the 8th company of the Patrol and Point-Duty Police Service either.[328]

During 2010, investigator Tasukhanov repeatedly filed requests for a series of investigative measures, which had not been taken earlier, to the Head of the 1st Police Department of the Leninsky District Interior Directorate of Grozny.[329]

On 24 February 2010, L. Gaysanova's representative lodged a petition to interrogate Chechen President, Ramzan Kadyrov, as a witness to find out what information he possessed in relation to the incident, as he himself had controlled the operation which led to Z. I. Gaysanova's disappearance.

On 26 February 2010, this petition was sustained.

However, the case was later transferred to a different investigator who refrained from executing the sustained petition for a long period of time.

On 22 April 2010, we complained about the investigator's omissions to the IAIC for Chechnya.

On 26 April 2010, the acting Head of the 2nd Special Investigation Department of the IAIC for Chechnya, E. S. Anikeyeva, dismissed the complaint.[330] In her decision, Anikeyeva, wrote that "it was impossible to interrogate Kadyrov due to his huge workload". This excuse, however, is irrelevant as the right to take witness testimony is provided for by law and Anikeyeva's justification for non-compliance constitutes a grave violation of procedural law and of victims' rights and is also contrary to the interests of the investigation.

325 Annex Gaysanova No.9.
326 Annex Gaysanova No.10.
327 Annex Gaysanova No.11.
328 Annex Gaysanova No.11.
329 Annex Gaysanova No.12 and Gaysanova No.13.
330 Annex Gaysanova No. 14.

Consequently, L. Gaysanova's representative appealed to the court against this decision. On 10 December 2010, the court terminated the appellate proceedings[331] on the grounds that the decision in question had been quashed on 9 December 2010 by the Deputy Head of the IAIC for Chechnya who deemed it unlawful and ill-founded.[332]

As a result of these grave violations of the laws of criminal procedure, the key witness was questioned a year after the petition was sustained. Moreover, the interrogation was only formalized because Kadyrov signed the interrogation report prepared in advance by the investigator. Unsurprisingly, this pre-signed report did not contain any information useful to the case.[333]

To date, the crime remains unsolved, Z. I. Gaysanova's whereabouts remain undetermined, documents requested for the investigation have not been provided and all the Internal Affairs Agents who took part in this special operation have not been identified and/or questioned.

Hence, it can be said that agents of the Leninsky District DIA of Grozny have failed to promptly and effectively respond to L. Gaysanova's crime report in connection with her daughter's abduction. This is in breach of the abovementioned interdepartmental decrees of the Interior Ministry, Prosecutor's Office and Investigative Committee. Immediately after receiving the crime report, the DIA officer on duty did not take the relevant necessary measures, such as sending an operative task force to the location of the incident, and announcing and implementing an interception plan.

Furthermore, law enforcement agents forged[334] the dates of the application receipt and applicant's questioning in order to conceal their omissions. In addition, in total breach of the Russian Code of Criminal Procedure, the Head of the Leninsky District Department of Internal Affairs stonewalled the execution of the investigator's request for the investigation and search for Z. I. Gaysanova.

Additionally, the various security agencies' point blanc refusal to provide the names of special operation participants to investigators was in clear breach of the Russian Code of Criminal Procedure.[335] This indicates that law enforcement agents were involved in Z. I. Gaysanova's abduction, as it's assumed that the agents would have no other reason to openly obstruct the investigation instigated in connection to her disappearance.

As a result of these numerous violations, Z. I. Gaysanova's abduction was not investigated at all for two years, and thus it makes it next to impossible to conduct an effective investigation at this present moment.

331 Annex Gaysanova No. 15.
332 Annex Gaysanova No. 16.
333 Annex Gaysanova No. 17 and Gaysanova No. 18.
334 Annex Gaysanova No. 19.
335 Annex Gaysanova No. 20.

Sayd-Salekh Ibragimov's Case

On 7 December 2009, the JMG received an application from Raisa Saidakhmedovna Turluyeva alleging that her son, Sayd-Salekh Abdulganiyevich Ibragimov, had been detained on 21 October 2009 by agents of the special police regiment of the External Guard Directorate under the Chechen Interior Ministry in charge of security at oil and gas industry locations in Chechnya (the so-called "oil regiment"). For a few days Sayd-Salekh was presumably kept at the regiment's premises. His fate remains unknown.

JMG lawyers determined that on 21 October 2009 Sayd-Salekh had been detained and taken to the regiment's office in Grozny by the regiment's staff. At around midnight the same day, Sayd-Salekh 's uncle, Adnan Abdullayevich Ibragimov, was delivered to the same building where he saw the victim and talked to him. According to A. A. Ibragimov, during this encounter numerous law enforcement agents were present in the room and were expressing their displeasure with Sayd-Salekh and threatening to kill him as part of blood vengeance due to their comrade's death during a fight which had taken place at the Ibragimovs' household (Note – this was in reference to a fight between law enforcement and members of illegal armed groups which had taken place the day before, on 21 October 2009, at A. Ibragimov's house in the village of Goity.) After the talk, A. Ibragimov was released, but his nephew – Sayd-Salekh – was left at the regiment's premises.[336]

Later, the regiment's command reported that Sayd-Salekh had been released and left the regiment's premises at 00:40.[337] From the onset of the investigation, at the moment of the preliminary check, an investigator from the Achkhoy-Martan Inter-district Investigation Department began pressurizing Sayd-Salekh's relatives to remove information concerning Sayd-Salekh's detention at the External Guard regiment's premises, as found in statements provided by A. A. Ibragimov and R. S. Turluyeva. The relatives nevertheless provided their testimonies, however, the investigator declared that he would omit any information they provided about Sayd-Salekh's detention at the regiment's base, as otherwise the regiment staff might dispatch both him and the witnesses. The JMG lawyer who represented A. Ibragimov's and R. Turluyeva's interests and was present during this conversation submitted an oral complaint to the IID head, after which the statements were documented.

On 28 December 2009, criminal case No. 66102 was opened into Sayd-Salekh's disappearance.[338] During the course of the investigation it became evident that the agents of the regiment should be questioned as witnesses.

During the course of 2010, the investigator submitted letters and requests on four occasions to the Leninsky District Department of Internal Affairs of Grozny and the Chechen Interior Ministry in order to ensure the appearance of the oil regiment's commander Delimkhanov and 6th company commander Abdureshidov, as well as other agents of the Internal Guard Directorate, for interrogation as witnesses.

336 Annex Ibragimov No. 1.

337 Annex Ibragimov No. 2 and Ibragimov No. 3.

338 Annex Ibragimov No. 4.

However, the named agents did not show up for questioning and the investigator's requests remained unanswered.[339]

As a result, Delimkhanov and Abdureshidov were only interrogated during the summer of 2010. The investigator had to travel to Delimkhanov and Abdureshidov's places of work,[340] despite the fact that such interrogations should take place in an investigator's office and not in the office of de facto suspects in the presence of their own armed guards. Consequently, this diminishes the independence of the interrogation and dramatically decreases the investigator's capacity to be persistent and consistent.[341]

Furthermore, there were other incidents which illustrate the ineffectiveness of the investigation. The investigator to the case had orchestrated a confrontation between two witnesses – the regiment commander Delimkhanov and the abductee's uncle[342] – which was scheduled to take place in August 2010. However, the confrontation was postponed several times due to Delimkhanov's refusal to come to the Investigative Administration.[343] JMG lawyers have learnt that Delimkhanov agreed informally to come only on the condition that his numerous armed guards would be present at the encounter with him. The investigator decided that an encounter in such circumstances would be nothing more than a farce and denied Delimkhanov's requests. The investigator has not taken the necessary steps needed to conduct the investigation.[344]

On 16 May 2011, JMG lawyers addressed Chechen Prosecutor General, M. M. Savchin, reporting on violations committed by heads and officials of the Chechen Interior Ministry in connection with the non-execution or partial execution of the investigator's tasks and requests under criminal proceedings No. 66102.

On 25 May 2011, the Leninsky District Prosecutor of Grozny, A. N. Buramensky, notified the JMG that the Prosecutor's Office had obliged the Head of the 1st Police Department of the Interior Directorate for Grozny to eliminate these violations.[345]

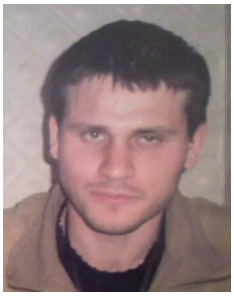
Currently this investigation is at a standstill. The investigator has not taken the necessary steps needed to conduct the investigation. Besides, the investigator has failed to assess the legality of Sayd-Salekh's detention at the External Guard regiment premises.

The abducted Sayd-Salekh Ibragimov has still not been found, and criminal proceedings continue to follow a recurring cycle of suspension and resumption with each JMG appeal.

All these obstructions make it almost impossible to investigate this case effectively.

339 Annex Ibragimov No. 5.
340 Annex Ibragimov No.6 and Ibragimov No.7.
341 *Ibid.*
342 Annex Ibragimov No.8.
343 Annex Ibragimov No.9.
344 *Ibid.*
345 Annex Ibragimov No.10.

Apti Zaynalov's Case



Apti Zaynalov,
Photo: Committee Against Torture

On 4 December 2009, Ayma Adnanovna Makayeva applied to the JMG in connection with her son's, Apti Ramzanovich Zaynalov, detention by law enforcers in Grozny on 28 June 2009. Apti Zaynalov resisted the arrest and was wounded, following which he disappeared. His mother reported the disappearance to the Chechen law enforcement authorities. However, law enforcement agents did not take any measures, in particular those that should have been taken as prescribed by the interdepartmental decrees of the Interior Ministry and Prosecutor's Office. Only nine days later, Zaynalov was found by chance in the Achkhoy-Martan Central District Hospital by the Head of the Memorial Human Rights Centre, Natalia Estemirova. He was undergoing treatment in connection with gunshot wounds inflicted on him at the time of the arrest and was guarded by armed men in police uniform.

Prosecutor Potanin attempted to ascertain the status of the armed men in police uniform, as well as Zaynalov's status. However, the men refused to answer the prosecutor's questions and prohibited him from approaching Zaynalov. While doing so, they threatened to fatally shoot Potanin.[346]

Subsequently, Potanin summoned the Head of the Achkhoy-Martan District Department of Internal Affairs to the hospital. Upon his arrival, he began talking to the armed men in Chechen and made a phone call. After the phone call, also conducted in Chechen, the Head of the Internal Affairs Department (DIA) told the prosecutor that he was not going to take any action and was leaving the hospital. Law enforcement officials left without taking any measures.

It can be reasonably inferred that in the hospital ward the DIA Head already knew who was responsible for keeping Zaynalov there – this can be the only explanation as to why the "state human rights defender" did not take measures to establish the circumstances of Zaynalov's delivery to and presence in the hospital guarded by armed agents.

On 7 July 2009, A. A. Makayeva and Estemirova applied to the Prosecutor's Office and Achkhoy-Martan District DIA reporting that the disappeared Zaynalov was located in hospital.

A. A. Makayeva's application was registered the same day under the number 79pr-09 by acting Achkhoy-Martan District Prosecutor, Yu. V. Potanin. At the same time, law enforcement officers did not take any steps to investigate the incident, such as immediately traveling to the hospital in order to establish Zaynalov's presence there.

As a result of these omissions, on the same day (7 July 2009) armed men drove Zaynalov away from hospital. His fate following this is unknown.

On 28 July 2009, criminal proceedings No. 74032 were instigated in connection with Zaynalov's disappearance on the territory of the Achkhoy-Martan Central Hospital.[347]

346 Annex Zaynalov No.1.
347 Annex Zaynalov No.2.

JMG lawyers participating in the criminal proceedings as victim's representatives filed two petitions requesting a series of investigative measures necessary to establish relevant facts. Both petitions were dismissed by the investigator. We appealed to the Staropromyslovsky District Court of Grozny which, on 29 January 2010, found the investigator's actions to be unlawful.[348]

Through questioning witnesses and studying the materials of the case, JMG lawyers determined that in the course of Zaynalov's arrest by unknown individuals on 28 June 2009, Zaynalov had sustained a gunshot wound. Moreover, in 2010 the JMG visited the scene of Zaynalov's arrest (a gas station in the centre of Grozny) and found a bullet lodged in a building wall. A. A. Makayeva's representatives filed a petition for the investigator to extract the bullet and submit it for examination in order to identify the weapon and subsequently the law enforcement unit possessing such a firearm.

The petition was sustained and the bullet removed for analysis. Unfortunately, experts were not able to identify the type of weapon used given the eight-month time lapse since the shooting, which had corroded the bullet-jacket and rendered the bullet unsuitable for examination.[349]

At the same time, the quality of the initial examination of the crime scene raises concerns, since the bullet was not discovered during this preliminary investigation.

Also, JMG lawyers determined that unknown police agents had arrived at the crime scene in connection with the shooting, but had not taken the necessary investigative steps. In relation to this, a separate check was ordered by the Leninsky Interdistrict Investigative Department.[350] However, two years later the investigator was still not able to identify the police agents who had inspected the crime scene on 28 June 2009.

The investigation conducted by the JMG established that in breach of the "Guidelines on the procedure of interaction of medical and preventive facilities with Russian internal affairs bodies in case of admission of individuals with injuries originating from violent treatment" (adopted by Decree of the Russian Ministry of Healthcare on 09.01.1998) the Central Regional Hospital had not notified the Achkhoy-Martan DIA about Zaynalov's hospitalization.[351] It is also noteworthy that the hospital staff stated they had taken the individuals guarding the unknown patient with gunshot wounds for policemen and therefore had not reported the incident to the DIA.[352]

In the present situation it is unlikely that the crime will be effectively investigated and solved, and the investigation findings point to the same conclusion.

At present, Zaynalov's location is unknown, those responsible for the crime are unidentified, and neither the former acting prosecutor nor the former chief doctor have been prosecuted for omissions.

While working with the case, JMG lawyers filed numerous petitions requesting various investigative activities. The majority of those petitions were sustained, but

348 Annex Zaynalov No.3.
349 Annex Zaynalov No. 4.
350 Annex Zaynalov No. 5.
351 Annex Zaynalov No. 6.
352 Annex Zaynalov No. 7 and Zaynalov No. 8.

investigators systematically suspended the proceedings without completing all the necessary steps.[353]

As a result of these numerous violations, the case of Zaynalov's abduction de facto has not been investigated for two and a half years, and at present the opportunities for its effective investigation have almost been lost.

Abdul-Yazit Askhabov's Case

On 12 November 2009, the JMG received an application from Denilbek Sakhabovich Askhabov and Tamara Kharonovna Askhabova who reported that on 4-5 August 2009 at night unknown armed persons in masks had abducted their son, Abdul-Yazit Danilbekovich Askhabov, from his home. Abdul-Yazit Askhabov's fate is unknown.

Immediately following the abduction, D. S. Askhabov reached out to the Shaly District DIA's call center and district police officer, A. S. Kadiyev. However, the police, in breach of interdepartmental decrees did not take the necessary steps in connection to the abduction namely, an operative task force was not sent to investigate the incident nor was an interception announced. The Shaly IID conducted a separate check regarding the allegations of the abovementioned omissions,[354] but did not provide an objective assessment of the law enforcement officers' actions. It is also obvious that the police did not take any measures to establish the facts surrounding A.-Y. Askhabov's abduction at any later stage either.

On 5 August 2009, criminal proceedings No. 72028 were instigated in connection with A.-Y. Askhabov's abduction.[355]

In October 2009, the Shaly IID investigator, Kh. Kh. Bakayev, ordered the Shaly DIA to create an operative task force to carry out a number of operative and search activities for the purpose of locating A.-Y. Askhabov, identifying witnesses and eye-witnesses, and questioning residents in proximity to the scene of abduction.[356]

The DIA staff ignored all tasks,[357] as a result of which the Shaly IID Head requested measures from the DIA Head, M. Kh. Daudov, to eliminate all factors facilitating these violations.[358] The request stated that investigative bodies of the prosecutor's office were deprived of the possibility to investigate the case due to unsatisfactory support from Shaly District DIA officials. However, the DIA did not respond to the request.

Under this case, investigator M. S. Pashayev from the 2nd Special Investigation Department of the IAIC Russian Prosecutor's Office for Chechnya requested on four occasions from the commander of the 2nd Patrol and Point-Duty Police Service regiment named after Kadyrov that photos of regiment staff be provided

353 Annex Zaynalov No. 9, Zaynalov No. 10 and Zaynalov No. 11
354 Annex Askhabov No. 1.
355 Annex Askhabov No. 2.
356 Annex Askhabov No. 3 and Askhabov No. 4.
357 Annex Askhabov No. 5.
358 Annex Askhabov No. 6.

for identification purposes. However, the commander did not respond to the investigator's requests.[359]

Subsequently, the acting IA Head sent a letter to the Chechen Interior Ministry informing him about violations of Article 21 § 4 of the Russian Code of Criminal Procedure by agents of the Patrol and Point-Duty Police Service regiment, but there was no reaction to that letter.[360]

While working with the case, investigator M. S. Pashayev went to the premises of the 2nd Patrol and Point-Duty Police Service regiment to obtain photos of the regiment staff. An agent of the 2nd Patrol and Point-Duty Police Service regiment refused to provide the photos, referring to the Federal Anti-Terrorist Act and stated that "there were more than 900 agents in the regiment, some of whom took part in anti-terrorist operations all over the Chechen Republic".[361] However, this reference to the Anti-Terrorist Act is ungrounded, since the Act clearly does not prohibit a criminal investigator from taking necessary investigative steps.

The inability to perform this investigative activity formed the basis of the investigator's refusal to resume criminal proceedings.[362]

These proceedings were suspended and resumed on several occasions following this, often in the absence of all the necessary and possible investigative steps being taken.[363]

Until now A.-Y. Askhabov has not been found and his abductors are not identified.[364] Due to numerous violations, the case has not been investigated for two years and the possibility of its effective investigation has been lost.

Islam Umarpashayev's Case

Islam Umarpashayev, Photo: Moskovskij Komsomolets

On 11 December 2009, Islam Irisbayevich Umarpashayev, born in 1986, was kidnapped by unknown armed men from his home in Grozny. On 28 December 2009, criminal proceedings No. 68042[365] were instigated in connection with Umarpashayev's abduction. On 2 April 2010, Islam Umarpashayev was released from his place of unlawful detention. According to Umarpashayev, he was kept in a basement of one of the Chechen police units –Special Police Task Force (OMON) squadron of the Chechen Interior Ministry.

In December 2009, upon the instigation of criminal proceedings, the police – in exchange for his release - immediately demanded Islam to terminate the criminal proceedings. In other words, they urged Islam to make a false statement that he had voluntarily left Chechnya for several months.

359 Annex Askhabov No. 7 and Askhabov No. 8.
360 Annex Askhabov No. 9.
361 Annex Askhabov No. 10.
362 Annex Askhabov No. 11.
363 Annex Askhabov No. 12, Askhabov No. 13, and Askhabov No. 14.
364 Annex Askhabov No. 15.
365 Annex Umarpashayev No. 1.

On 1 September 2010, Islam Umarpashayev demanded that investigator Gayrbekov, Colonel of Justice, should conduct an examination of the crime scene, that is the Special Police Task Force base, with Umarpashayev's participation as well as that of his legal representatives. On 3 September 2010, the investigator gave his official consent to this demand.[366] In reality the crime scene was examined only a few months later, already after the criminal case was referred to a higher-standing investigative authority.

On 21 September 2010, investigator Gayrbekov summoned Islam Umarpashayev for a scheduled check of his statements at the location of the incident. However, the investigator limited the scheduled check to additional questioning and refused to go to the OMON base. The check at the base was postponed till the following day. On 22 September 2010, investigator Gayrbekov called the victim's representative and notified him that the investigative activity would not take place that day. The check was once again rescheduled for 27 September 2010, however, it did not take place that day either.[367] According to the investigator, OMON agents simply denied him access to the base. The check was conducted only several months later by the senior special investigator of the IAIC for the North-Caucasian Federal Territory, I. A. Sobol.

On 28 September 2010, investigator Gayrbekov showed Islam 12 photos of OMON agents for identification. Umarpashayev recognized two policemen and asked the investigator when additional photos of the remaining OMON agents would be shown to him for identification. The investigator replied that he did not have those photos at his disposal and that their availability was not dependent on him. As a result, the identification of other offenders only continued in the second half of 2011.

On 30 March 2010, the investigator requested the Oktyabrsky District DIA Head to verify whether or not the detainee had been kept on the territory of the OMON base for the purposes of witness identification. On 19 May 2010, the investigator received a formal response signed by the Deputy DIA Head, Rashidov, saying that the "identification of witnesses was underway".[368]

On 27 May 2010, the investigator requested the Head of the 2nd Police Department of the Grozny Interior Directorate to identify individuals with whom Umarpashayev had communicated during his detention at the OMON base. On 3 June 2010, the investigator received a formal response signed by the Deputy Head of the 2nd Police Department saying that the individuals in question could not be identified.

Aware that both Islam and his family's lives were threatened, Investigator Gayrbekov issued a decision regarding state protection for the Umarpashayev family. The decision was submitted to the State Witness Protection Centre of the Chechen Interior Ministry, however, officer Atlanbayev – responsible for the family's protection - conspired with OMON Commander Tsekayev and brought Islam's father and brother to Tsekayev's flat against their will. For several hours, Tsekayev and various other officers, in the presence of Atlanbayev, persuaded the victims to withdraw their applications, including the application sent to the ECtHR.[369] At present, this

366 Annex Umarpashayev No. 2.
367 Annex Umarpashayev No. 2.
368 Annex Umarpashayev No. 3.
369 Annex Umarpashayev No. 4 and Umarpashayev No. 5.

episode is a component of the criminal proceedings instigated in connection with Umarpashayev's abduction.

In January 2011, the criminal case was transferred to senior special investigator of the IAIC for the North-Caucasian Federal Territory, I. A. Sobol.

I. A. Sobol scheduled a check of Islam Umarpashayev's statement at the alleged crime scene (the OMON base) for 13 February 2011. JMG lawyers learnt from the staff of the Chechen Investigative Administration that when Sobol had told OMON Commander Tsekayev about his intention to check Umarpashayev's statement at the OMON base, the latter had promised to give an order to open fire, if investigators entered the premises. For this reason, Sobol decided to involve the Joint Group of Troops of the Interior Ministry (VOGOiP) staff to ensure protection. However, on 13 February 2011, when the investigative task force was about to depart to the base, the VOGOiP Head, Simakov, called Sobol to tell him that he would not assign his soldiers to this task because he feared they could be killed at the OMON base.

Nevertheless, the investigative activity was performed and Islam Umarpashayev's statements were verified.

In May 2011, investigator I. A. Sobol summoned victims Islam Umarpashayev and Irisbay Umarpashayev, as well as witness Gilani Umarpashayev, to Grozny for participation in investigative activities.

On 15 May 2011, victims' representative I. A. Kalyapin filed a petition to investigator I. A. Sobol requesting confrontations between the OMON agents and victims. The petition was sustained in full.

However, throughout the entire period of the victims' stay in the Republic there was only one confrontation with an OMON agent, other agents did not show up.

Investigator I. A. Sobol informed I. A. Kalyapin that confrontations had not taken place because OMON officers had not shown up to take part in the investigative activity. In response to this, the investigator requested the VOGOiP Head to ensure the enforced delivery of agents, but the VOGOiP staff failed to perform the request and did not bring OMON agents to the investigator, in breach of the law and existing norms and regulations. The OMON agents refused to participate in confrontations referring to Article 51 of the Russian Constitution. As a result, the investigator's tasks have not been performed, and the necessary investigative steps have not been taken.

At the same time, the OMON agents also did not show up for an identification parade. Since 15 May 2011 till the present moment (i.e. for more than nine months) only five OMON agents out of the 28 mentioned in the petition, have been provided for identification. During this time, Umarpashayev, his relatives and his legal representative have to attend the scheduled investigative activities, travelling from Nizhny Novgorod to Chechnya each time, while incurring great security risks staying in Chechnya entails for them.

On 26 May 2011, it was planned to check the victims' statements at the OMON base. The statements to be verified were those provided by Irisbay Ibragimovich Umarpashayev and Gilani Irisbayevich Umarpashayev. The two were supposed to go to the 2nd Police Department of the Grozny Interior Directorate (Oktyabrsky

district). However, it became impossible to conduct the investigative activity because the duty officer of the 2nd Police Department refused to let the participants in.

In connection with this incident, investigative task force Head, Sobol, filed a crime report on behalf of the Head of the Chief IAIC for the North-Caucasian and South Federal Territory. Having checked the crime report, on 10 June 2011 the Investigative Administration issued a refusal to instigate criminal proceedings. It was stated in the refusal that agents of the Oktyabrsky District DIA of Grozny had strictly followed internal guidelines and had not interfered with the activities of the investigative task force. Thus, the actions of the Oktyabrsky District DIA agents, which had basically prevented the investigative activity, were found lawful and justified.[370]

Taking into account the real threat to the life and health of the victim and his family in Chechnya, Islam and his family members have already been living in the Nizhny Novgorod region for more than two years. Their expenses are covered by the INGO "Committee against Torture" at its own cost.

When summoned by the investigator, I. A. Kalyapin accompanies Islam Umarpashayev to the Chechen Republic for participation in investigative activities. In order to ensure the victim's safety, he is provided with accommodation outside Chechnya, in the territory of a neighboring region. For the purpose of participation in investigative activities, Umarpashayev is brought to the exact location – the IAIC for Chechnya in Grozny. Travelling costs, accommodation and meals for the victim and his family are also paid for by the INGO "Committee against Torture".

We are extremely concerned about the slow pace of the investigation and the inability of the investigative authorities to ensure participation of law enforcement officers in investigative activities. Umarpashayev's case is perhaps the only case described here which still holds the prospect of prosecuting the perpetrators. This possibility is preserved due to investigator Sobol's persistence and commitment to his principles. However, the official investigation under this case is constantly hampered by Chechen law enforcement heads, whose misconduct is tolerated by the law enforcement system.

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Four years of experience of working in Chechnya since 2009 by the JMG has unfortunately revealed that, at present, the problem of ineffective investigation into torture and abduction allegations has not been solved, that this problem has largely remained the same and in some incidences has deteriorated.

While earlier investigation delays and poor performance of Chechen investigative bodies were mainly due to the lack of proper interaction with the police (operative staff), as mentioned above, it is now becoming more and more evident that investigators themselves commit omissions. Our findings are based on the analysis of proceedings under Akhmedova's, Vangashev's, Alkhastova's and Malayeva's applications.

370 Annex Umarpashayev No. 6.

Khusen Vangashev's Case

Khusen Vangashev, Photo: Committee Against Torture

On 9 December 2011, the JMG received an application from Khusen Aliyevich Vangashev requesting the Group to conduct a public investigation and provide legal assistance in relation to his unlawful detention during the early hours of 1 October 2011 by Chechen law enforcement agents and subsequent beatings which had left him partially paralyzed.

According to the statements of Vangashev and his mother, B. U. Mukayeva, in the early hours of 1 October 2011 unknown individuals claiming to be police agents detained Vangashev in his home in the village of Katyr-Yurt and took him away. His detention was characterized by the use of violence against both him and his mother, Birlant.

According to B. U. Mukayeva, immediately after her son's detention at around 03:00 on 1 October 2011, she traveled to the Achkhoy-Martan District DIA to lodge an application, detailing the crimes that the law enforcement agents had perpetrated against both herself and her son.

Contrary to the requirements contained in pp. 7, 12, 20, 21, 22 of the Guidelines on the procedure for registration and consideration of applications, crime reports and other information about crimes by Russian internal affairs bodies (adopted by decree of the Russian Interior Ministry, on 04.05.2010, No. 333, in force in the period at issue; hereinafter – Guidelines of 04.05.2010), the duty officer refused to register the application.

Later, at around 09:00 on 1 October 2011, B. U. Mukayeva tried to file the crime report for a second time at the Achkhoy-Martan District DIA. She met with Taus Mamuktayev, the Head of the Criminal Operative Investigation Department of the police, but her application was again rejected.

Two days later, B. U. Mukayeva learnt that her son was detained in the building of the Achkhoy-Martan District DIA. She was allowed to meet him. During the meeting, Khusen told her that he had been beaten in the basement of an unknown building, tortured with electricity and later brought to the Achkhoy-Martan District DIA.

On 16 November 2011, B. U. Mukayeva was informed that Kh. A. Vangashev had been transferred, whilst being remanded in custody, to hospital due to partial paralysis.

On 21 November 2011, B. U. Mukayeva filed a crime report to the Achkhoy-Martan Interdistrict Investigative Department of the IAIC for Chechnya (hereinafter Achkhoy-Martan IID).

The Achkoy-Martan IID checked B. U. Mukayeva's allegations and issued a refusal to instigate criminal proceedings. Further refusals also followed, all of which were quashed as unlawful.

Other procedural violations had also taken place. For instance, on 1 December 2011, a check pertaining to Mukayeva's application was prolonged for 30 days.[371] The investigator justified his decision by declaring that a series of actions were necessary, citing the need to question witnesses, obtain relevant documents and conduct a forensic-medical examination in respect of the applicant. Indeed, the Russian Code of Criminal Procedure provides an exhaustative list of reasons permitting the extension of a check period for 30 days, such as the need for an examination of documents, inspection, document analysis, and corpse examination. However, none of the investigative actions cited by the investigator actually fell within this category.

Nevertheless, the Deputy Head of the Achkhoy-Martan IID sustained the petition, prolonging the check for a further 30 days which once again was in breach of the law.

Within that month, investigator I. S.-A. Nakhayev from the Achkhoy-Martan IID carried out a number of investigative activities. He submitted requests to a number of state authorities and medical facilities, and questioned Vangashev, Mukayeva and other members of law enforcement. He added several documents, including medical documents, to the case file.

On 21 December 2011, following the expiry of the unlawfully extended check period, investigator I. S.-A. Nakhayev issued a decision regarding the transfer of the case to the Leninsky IID of Grozny for jurisdiction reasons.

The decision was based on the fact that Vangashev had been taken to a medical facility pertaining to the Russian Federal Penitentiary Service remand prison No.1, which was located in the Leninsky District of Grozny. However, in relation to jurisdiction, there were no legal grounds to transfer the materials of the case; the investigator did not provide any legal reasoning to justify this decision.

On 30 December 2011, the aforementioned decision was quashed by acting Head of the 1st Procedural Control Department of the IAIC for Chechnya, Major of Justice A. Sh. Asuyev.

In this case, the Investigative Department Head, contrary to interdepartmental regulations (in particular, Decree No.1 of Investigative Committee Chairman A. I. Bastrykin "On organization of procedural control in the Russian Investigative Committee" dated 15.01.2011), demonstrated negligence by not quashing the investigator's unlawful decision promptly.

Upon the return of the case materials to the Achkhoy-Martan IID, the acting Head of the 1st Procedural Control Department of the IAIC for Chechnya, Major of Justice A. Sh. Asuyev, allocated ten days for an additional check.

Investigator I. S.-A. Nakhayev received materials relating to this additional check (No. 332-pr-2011) on 15 January 2012.

Ten days later, on 25 January 2012, without conducting a single investigative activity, investigator I. S.-A. Nakhayev issued a refusal to instigate criminal proceedings. Later, on 29 March 2012 and 19 April 2012 I. A.-A. Nakhayev issued two more refusals to

371 Annex Vangashev No. 1.

instigate criminal proceedings. All three of these refusals were quashed by the acting Head of the 1st Procedural Control Department of the IAIC for Chechnya, Major of Justice A. Sh. Asuyev, and Deputy Head of the Achkoy-Martan IID S. S. Yunusov.

Each time the supervisor quashed the refusals to instigate criminal proceedings, he indicated that the check had been incomplete and noted that specified additional steps needed to be taken.

On 5 May 2012, when yet another additional ten-day check came to an end, investigator Nakhayev once again issued a refusal to instigate criminal proceedings without carrying out a single investigative activity.

Thus, investigator Nakhayev had basically ignored all instructions from his supervisor to eliminate errors in his work.

When we analyzed the process and findings of the checks, we noticed that the investigator had failed to take a number of investigative steps to clarify basic circumstances.

For instance, he had totally ignored the fact that prior to his detention Vangashev was in a healthy state and that he had later been taken to hospital from the remand prison with his lower extremities paralyzed. It seems astonishing that no assessment or attention has been paid to this fact.

On 5 December 2011, the investigator submitted copies of Vangashev's medical records for a forensic medical examination, giving experts a number of tasks: to find out whether Vangashev had sustained injuries, to describe the type of injury sustained, its location, origin, gravity, period of infliction, source, and to assess the possibility of its infliction in the alleged circumstances.

It is quite puzzling why the investigator had deemed it sufficient to conduct a forensic medical examination based on documents only, while logic dictates that Vangashev's current condition clearly requires close attention. It would be much more effective if Vangashev was examined in person by a panel of experts with detailed tests, in order to establish the cause of his paralysis, the duration of the appearance of this grave affliction and its origin.

Therefore, no forensic medical examination of Vangashev himself was conducted, and it is still unclear why his condition substantially worsened whilst under state control.

Moreover, the investigator has not thoroughly checked, established or assessed the circumstances of Vangashev's detention. He has not assessed the controversies contained in procedural documents with regard to the time of the arrest. He has not found and questioned the agents who detained Vangashev and subjected him to subsequent procedural activities. He has ignored the applicants' allegations regarding Vangashev's detention in the early hours of 1 October 2011.

In their complaints, as well as in the crime report of 6 February 2012, the applicants' representatives had highlighted the need to take certain investigative steps.

Attached to the crime report were copies of observations made by the Vangashev's neighbors obtained by JMG lawyers which corroborated the applicants' accounts of Vangashev's detention in the early hours of 1 October 2011.

However, the investigator ignored these explanations when assessing the material and did not question the neighbors himself.

On 6 February 2012, the Achkhoy-Martan IID received an application from Mukayeva's representative, D. V. Yegoshin, requesting for a check under Articles 144-145 of the Russian Code of Criminal Procedure in connection with the refusal of Achkhoy-Martan District DIA officials to accept Mukayeva's application concerning her son's abduction on 1 October 2011.

However, either investigator I. S.-A. Nakhayev did not read the application or intentionally tampered with its contents, as he incorrectly stated in his report dated 8 December 2012 that Yegoshin's application concerned Vangashev's ill-treatment.

Firstly, Yegoshin's application concerned the rejection of Mukayeva's application by Internal Affairs Agents to report her son's abduction. Secondly, that application was not checked and no procedural decision was taken regarding it, as required by the Russian Code of Criminal Procedure. Thirdly, during the check and in the decision dated 25 January 2012 refusing the instigation of criminal proceedings, the investigator did not study and assess the refusal of the authorities to register Makayeva's application, and D. V. Yegoshin did not receive any notification about the outcome of his application.

In this case we have every reason to suspect the concealment of a crime. Our report regarding the unlawful actions of the police, especially in relation to the rejection of Mukayeva's application about her son's abduction, was ignored, was not checked or subjected to assessment.

These procedural violations as part of the investigation are documented and officially confirmed.

On 30 March 2012, the acting Inspector of the 1st Procedural Control Department, Captain of Justice Ya. A. Nikayev, notified Vangashev's representative that his complaint regarding the unlawful actions and omissions of the Achkhoy-Martan IID staff had been sustained in part.[372]

In his response, he stated that:

> "… in the framework of the check in connection with the crime report there was no forensic medical examination conducted in respect of Kh. A. Vangashev; people contained in the same cell with Vangashev in the Achkhoy-Martan District DIA were not identified and questioned; people responsible for Vangashev's detention and alleged ill-treatment were not identified and questioned; the circumstances of Vangashev's detention under control of unknown persons after his de facto arrest were not investigated in full and assessed from the legal point of view …

372 Annex Vangashev No. 2.

> Besides, the complaint is sustained with regard to unlawful omissions of the investigator, since he did not investigate and give a legal assessment of the refusal of police agents to accept B. U. Makayeva's application, as well as that he did not inform the stakeholders regarding his findings…
>
> At the same time, the complaint is sustained with regard to the request to render the petition for extension of the check period to 30 days dated 1 December 2011 filed by Investigator I. A.-A. Nakhayev from the Achkhoy-Martan IID with the Investigative Authority Head which had been sustained by the Investigative Authority Head F. S. Alyamkin on the same day, unlawful, as there were no legal grounds for such prolongation under Article 144 § 3 of the Russian Code of Criminal Procedure".

On 18 July 2012, judge of the Urus-Martan District Court of Chechnya, S.-A. S. Saidayev, sustained Vangashev's representative's appeal and rendered the ommission of Achkhoy-Martan IID Investigator I. S.-A. Nakhayev, namely, his failure to notify the applicant about his decision under check file No. 332-pr-2011, unlawful.[373]

The information provided above explicitly suggests that investigative authorities are not interested in establishing the facts of the case or issuing a lawful procedural decision. Despite it being evident and indisputable that Kh. A. Vangashev had no injuries prior to his detention in the temporary detention facility and remand prison and yet he was hospitalized later with paralysis of his lower extremities, criminal proceedings were not instigated, the necessary investigative activities were not carried out, and the facts and causes of the incident were not established.

At the same time, the investigative authority heads have not ensured proper procedural control over the legality of the pre-trial investigation stage, while prosecutorial bodies have failed to properly supervise the situation.

Alikhan Akhmedov's Case

On 3 December 2007, the Leninsky District Investigative Department of the IAIC for Chechnya instigated criminal proceedings No. 10123 in connection with A. B. Akhmedov's and I. L. Arsamerzuyev's abuse by unidentified Special Police Task Force (OMON) Agents.

Criminal proceedings under this application have been suspended and resumed on many occasions. The last decision suspending investigation for this case was issued on 9 November 2012.

Prior to this, the proceedings had been suspended on 11 January 2009, 29 March 2012 and 9 May 2012. All of these suspensions had been appealed against by Akhmedov's representatives and subsequently quashed as unfounded.

373 Annex Vangashev No. 3.

In November 2011, victim A. B. Akhmedov, applied to the JMG requesting for a public investigation. At the time, criminal case No. 10123 had been suspended by the investigator since 11 January 2009;[374] an astonishing three whole years.

Akhmedov's representative filed an appeal, following which on 3 February 2012 Deputy Prosecutor of the Leninsky district of Grozny, Counsel of Justice U. Sh. Dakayev, quashed the unlawful decision on the suspension of the investigation.[375]

De facto, the case was only resumed on 29 February 2012, during which time the additional investigation was also prolonged for one month.

On 14 March 2012, Akhmedov filed a petition requesting various relevant investigative activities to be conducted, which was sustained in part. Of the requests from this petition, only the additional questioning of the victim which took place on 17 March 2012 was followed by the investigator, after which, upon the expiration of the additional check period on 29 March 2012, criminal proceedings were once again suspended.

The victim's representative's appeal against this further suspension was sustained by the Deputy Head of the Leninsky IID of the IAIC for Chechnya, A. S. Kolomysov, on 28 April 2012. At the same time, Kolomysov also issued a decision to resume the pre-trial investigation of case No. 10123 on 4 May 2012.[376]

In his decision, Kolomysov tasked the investigator with a series of investigative activities, namely:

- To carry out, in full, activities listed in the request of the Chechen Deputy Prosecutor from 26 November 2008;
- To examine the crime scene together with the victim Akhmedov;
- To question all OMON agents who had taken part in the arrest and the beatings of A. B. Akhmedov and I. L. Arsamerzuyev, and to conduct an identification parade, if necessary;
- To request the profile report and documents issued in respect of the aforementioned agents;
- To check, in full, the victim's allegations contained in his interrogation statement of 27 March 2012;
- To carry out other investigative and procedural actions as deemed necessary in the context of the pre-trial investigation.

Notwithstanding the above, the Deputy Head of the Investigative Department limited this additional investigation period to inadequate five days. It is clear that all the listed activities could not be performed within such a short period of time.

Having sent six requests to various institutions and without conducting a single investigative activity, on 9 May 2012 the Special Investigator of the Leninsky IID D. M. Khuchiyev issued a knowingly unlawful decision: he suspended the pre-trial

374 Annex Akhmedov No. 1.
375 Annex Akhmedov No. 2.
376 Annex Akhmedov No. 3.

investigation on the grounds that he had allegedly taken all investigative steps possible in the absence of an accused or a suspect.

This decision was again appealed against by the victim's representative, and, naturally, it was quashed, because it was evident that all relevant investigative activities had not been carried out.

The last decision we are aware of regarding the suspension of proceedings No. 10123 was issued on 9 November 2012. Once again, the victim has every right to request cancellation of the unlawful procedural decision, since the necessary investigative activities were and continue to be persistently ignored.

Thus, while investigating criminal case No. 10123, investigators have been refraining from performing tasks given by the Deputy Prosecutor of the Chechen Republic in his order dated 26.11.2008 for more than four years.

During these years, investigators have questioned victims and several eye-witnesses among agents of the Zavodskoy District DIA in relation to the events of 19 November 2007.

The OMON agents were questioned by agents from the Internal Security Department of the Chechen Interior Ministry. Their responses to these questions were included in the case file. However, the investigators themselves did not question the OMON agents. For several years investigators only submitted requests to the OMON Head for Chechnya asking him to ensure that his subordinates would appear for interrogation. The investigators did not take any efficient steps to question those agents themselves.

Similar pattern followed in relation to the questioning of the Internal Security Department agents.They were also not questioned, despite there being a direct order to do so.

The Investigative Department Heads did not interfere with this inadequate situation. During the four years of the so-called investigation, the authorities did not verify the victim's statements at the location of the incident, nor did they conduct any encounters.

The abovementioned failures in the investigative process occurred despite the fact that the prosecutor and investigative authority heads had repeatedly given investigators mandatory tasks to perform those activities.

No measures have been taken to investigate the circumstances of Akhmedov's unlawful detention between 19 and 21 November 2007, although the victim asserted this in his statements.

Moreover, the collected data (which established the circumstances of the victims' arrests on 19 November 2007 and that there no procedural grounds for such an arrest) is sufficient to assess the legality of the detention carried out by the OMON agents, as well as to classify the incident in accordance with Russian criminal law.

Hence, we can speak of the de facto sabotage of the investigation under criminal case No. 10123 by officials of the Leninsky IID. Investigators created the impression of being active by sending typical requests to law enforcement bodies but took no actual

steps (they did not interrogate witnesses, obtain relevant documents, take necessary investigative steps), while investigative authority heads created the impression of procedural control by issuing the same orders time and time again whilst doing nothing to actually enforce them.

Moreover, the Investigative Department Heads did not quash the decision suspending pre-trial investigation (dated 11 January 2009) of their own accord, despite the fact that the investigator had not performed all the required investigative activities. This decision was only quashed on 3 February 2012 as a result of the victim's representative's appeal. Accordingly, since the suspension of the investigation for three years, no further steps were taken during that period.

Further decisions regarding the suspension of the pre-trial investigation dated 29 March 2012 and 9 May 2012 were also quashed following the victim representative's appeals, but not upon the initiative of any superiors or supervisors.

The prosecutor's office was also not in a hurry to quash unlawful procedural decisions, which meant that its staff did not properly supervise the investigation.

From all of the above, it can be inferred that either all the officials in question demonstrated complete lack of professionalism, that they demonstrated negligence in performing their official duties, or that they intentionally committed omissions, i.e. refrained from taking any action in order to soft-pedal the case due to probable involvement of high-ranking Chechen officials in the investigated crime.

Isa Magomayev's Case

The Achkhoy-Martan IID of the IAIC for Chechnya is checking the application of Liza Avtsaliyevna Alkhastova in connection to disappearance of her son, Isa Ilyasovich Magomayev (File No. 190 pr-2012).

On 27 July 2012, L. A. Alkhastova applied to the JMG of Russian human rights NGOs working in Chechnya. In her explanation, given both to the JMG and investigator of the Achkhoy-Martan IID, L. A. Alkhastova stated that on 12 May 2012 her son I. I. Magomayev had driven from his home in a dark blue VAZ-21099-type car (license plate number A265 EP) in order to visit relatives before traveling to Perm to see his elder brother.

At around 20:30 on 12 May 2012, L. A. Alkhastova decided to call her son, but the number was not available. She has not seen her son since. Magomayev has not contacted her.

I. I. Magomayev's relatives suspect the involvement of law enforcement in his disappearance, as the day before the incident law enforcement officers had allegedly placed several temporary checkpoints not far from Magomayev's home.

L. A. Alkhastova's application is being checked and there have already been many refusals to instigate criminal proceedings.

On 14 June 2012, the authorities issued the first refusal to instigate criminal proceedings, which was quashed by the Criminal Investigation Department Head of the IAIC, M. M.Sokolov, on 2 July 2012.[377]

In his decision, M. M. Sokolov tasked the investigator with a series of investigative activities.

Without performing the tasks, on 15 July 2012, Achkhoy-Martan IID investigator I. S.-A. Nakhayev issued an explicitly unlawful refusal to instigate criminal proceedings.

Alkhastova's representative appealed to the Head of the Achkhoy-Martan IID against this procedural decision under Article 124 of the Russian Code of Criminal Procedure.

On 25 October 2012, the Deputy Head of the Achkhoy-Martan IID, Lieutenant Colonel of Justice S. S. Yunusov, dismissed the appeal.

Subsequently, on 21 November 2012 we appealed to the Achkhoy-Martan District Court of Chechnya against the refusal on 15 July 2012 to instigate criminal proceedings and the dismissal of our appeal on 25 October 2012.

On 19 December 2012, during the hearing, Lieutenant Colonel of Justice S. S. Yunusov, who represented the investigative department, submitted a decision quashing the refusal to instigate criminal proceedings in relation to the court.[378]

In his decision he stated that the only reason for quashing the refusal was "the need to carry out a number of investigative steps in the context of the check, i.e. to perform the tasks given by the head of the Criminal Investigation Department of the IAIC for Chechnya".

It remains unclear as to why Lieutenant Colonel of Justice S. S. Yunusov had not quashed the refusal in question on these same grounds on his own initiative, either in the framework of procedural control or later when considering the appeal from the applicant's representative.

The only indisputable fact is that the appeal, which was dismissed by Yunusov on 25 October 2012, explicitly mentioned non-performance of all the necessary steps listed by the Head of the Criminal Investigation Department.

Thus, the unlawful procedural decision of 15 July 2012, in spite of its evident illegality, remained valid for almost half a year; at the same time, the appeal from the applicant's representative addressed to the investigative authority was ignored.

In this case we have every reason to speak about the ineffectiveness of both the procedural control exercised by the investigative authority and the supervision on the part of the prosecutor's office which did not take steps to quash the investigator's unlawful procedural decision.

377 Annex Magomayev No. 1.

378 Annex Magomayev No. 2.

Furthermore, when checking L. I. Alkhastova's application, the Achkhoy-Martan IID investigator sent various requests to different executive authorities. The materials of this check contain several dozen unanswered requests.

It must be noted that the investigator and his superiors were not persistent in obtaining responses to their requests, which is "obligatory for execution for all enterprises, organizations, officials and other persons immediately or within the period established in the request (task, order)" in accordance with Article 7 § 2 of the Federal Law "On the Investigative Committee of the Russian Federation", and did not take measures provided by law in order to ensure performance of duties by their subordinates.

In accordance with para. 6.5 of the joint decree of the Chechen Prosecutor's Office, the Chechen Investigative Administration and the Chechen Interior Ministry "On organizing supervision and internal control over the search for missing persons, strengthening the rule of law with respect to registration and consideration of applications alleging the disappearance of persons and implementation of instructions No. 83/36 given by the Russian Prosecutor General and Russian Interior Ministry 20 November 1998", heads of regional investigative administration offices have an obligation to immediately instigate criminal proceedings in the case of sufficient allegations under Article 105 of the Russian Criminal Code.

Para 4.6 of the above decree lists factors to consider which indicate that the person may have disappeared as a result of a crime:

- The lack of information about an intention to go away, leave home for a long period of time, change a place of residence or a lack of reasons for concealing such an intention from relatives;
- The absence of any diseases which could lead to sudden death, memory loss or loss of spatial orientation;
- Disappearance with a vehicle.

Taking into account the circumstances of I. I. Magomayev's disappearance (the unexpected nature of his disappearance, the lack of documented illnesses which could have lead to his sudden death, memory loss or loss of spatial orientation; the lack of knowledge about his intention to go away without notifying his relatives), one can find sufficient grounds to instigate criminal proceedings and conduct a proper investigation.

However, no decision to instigate criminal proceedings was taken. Moreover, the applicant and her representative faced delays during the check of her crime report by the authorities.

Therefore, we conclude that the applicant's rights to an effective investigation and access to justice have been violated as a result of inadequate performance on the part of the investigators and prosecutorial employees.

Aslanbek Saidakhmadov's Case

Investigator of the Leninsky IID in Grozny, R. U. Sagayev, is dealing with criminal proceedings No. 20007 opened by investigator D. M. Khuchiyev under Article 105 § 1 of the Russian Criminal Code following A. V. Saidakhmadov's disappearance on 5 January 2012.

The case regarding Saidakhmadov's disappearance is directly connected to another widely covered JMG case, that of Islam Umarpashayev.

I. I. Umarpashayev was the victim under criminal proceedings No. 68042. In his testimony given to the JMG, he stated that from 27 December 2009 to 4 January 2010 he was detained at the premises of the Chechen Special Police Task Force (OMON) together with Aslanbek Saidakhmadov.

A. V. Saidakhmadov told I. I. Umarpashayev that in August 2009 he had been kidnapped from his home by the OMON and kept in custody at their base. A month and a half later, he was able to escape and traveled to Astrakhan where he rented a flat with the help of his relatives. On 25 December 2009, he was once again detained by the OMON and taken to the Department of Internal Affairs in Astrakhan. During the night of 27 December 2009, he was taken to the Chechen OMON base where he was detained until 4 January 2010.

The following can be inferred from the materials of case No. 20007.

On 3 August 2009, Saidakhmadov was abducted by unidentified people from his flat in Grozny. He was then kept in custody at the Chechen OMON premises until 21 September 2009, after which he managed to escape.

By the end of October 2009, Saidakhmadov arrived in Astrakhan where his relatives had rented a flat for him.

On 23 December 2009, Senior Investigator of the Leninsky IID, D. M.-S. Murtazov, issued a decision ordering Saidakhmadov's arrest to be executed by the 2nd Organized Crime Department of the Chechen Interior Ministry.

On 4 January 2010, Saidakhmadov's relatives learned via a relative of one of the OMON agents that the abductee was detained at the OMON premises.

On 5 January 2010, between 17:20 and 18:35 in room 10 of the Leninsky IID, Senior Investigator D. M.-S. Murtazov questioned Saidakhmadov as a witness.

The above information suggests that the crime was committed by OMON agents of the Chechen Interior Ministry. On 25 December 2009, after Saidakhmadov's escape from the OMON premises and once law enforcement had learned about his location in Astrakhan, police detained him and took him to the OMON base. In order to conceal the crime, law enforcement created false impression that Saidakhmadov had been forcibly delivered to the Investigator of the Leninsky IID for interrogation as a witness.

Materials regarding the criminal case demonstrate that this version has not been adequately and objectively verified and contradicts the statements given by agents of the 2nd Operative Unit of the Organized Crime Department of the Chechen Interior Ministry and of the Chechen Special Police Task Force, which have also not been thoroughly and objectively verified by the pre-trial investigation.

On 19 November 2012, the investigator again suspended the pre-trial investigation on the grounds that all possible investigative steps in absence of a suspect (accused) had been taken.

We conclude that this procedural decision by the investigator is not based on law, is unfounded and contradicts the facts of the case.

The investigator has not taken a nuber of measures he should have taken.

On 24 February 2010, directly following criminal proceedings No. 20007, the Deputy Head of the Leninsky IID, Z. M. Khasbulatov, gave the investigator written instructions regarding the case which included the instruction to interrogate several law enforcement agents in order to obtain responses to the requests submitted earlier.

However, the investigator has not complied with the instructions in full.

On 24 February 2010, the Head of the Linisky IID, A. A. Stepanov, approved the operative investigation plan under criminal proceedings No. 20007 which contained a complete set of steps to be taken in the framework of search activities and the operative investigation.

This plan has not been implemented in full.

The Head of the 1st Procedural Control Department of the IAIC for Chechnya, V. V. Leontyev, also provided written instructions in relation to the case, singling out the need to examine the crime scene and gather relevant information.

The investigator has ignored those instructions in part, while the steps he has taken have not led to desired results.

On 26 May 2010, the Criminal Investigation Department Head of the IAIC for Chechnya, I. E. Soltakhanov, also gave written instructions regarding the case. He especially insisted on the examination of the victim's flat and collection of relevant information.

However, the investigator has ignored these instructions as well.

On 24 September 2011, the Deputy Head of the Leninsky IID, Kh. A. Sinbarigov, provided instructions regarding the case, requesting additional questioning of witnesses and a service check.

Witnesses were not summoned for additional interrogation, a service check, though conducted, was superficial and did not raise the issues listed in Sinbarigov's task report.

In his appeal against previous suspension of criminal proceeding, the victim's representative asked for the performance of a complete series of investigative activities.

The appeal was sustained on 25 October 2012 by the Leninsky District Deputy Prosecutor, R. L. Dadagov, but once again the required activities were not performed.

This case is a perfect illustration of the typical problem covered extensively in the JMG's 2011 and 2012 reports. By this we mean the systematic non-execution of investigators' tasks and requests by law enforcement staff and the very poor operative support for investigations.

For instance, in his request dated 25 February 2010, addressed to the Leninsky District DIA, Head Investigator D. M. Khuchiyev mentioned the need to visit each household in Tuchina Street and in the neighboring area, provide him with a case number, and report about the work completed.

However, in his response dated 22 March 2010, Deputy Head of the IAD, I. S. Israilov, did not report progress in this case.

On 7 March 2010, 25 March 2010, 6 April 2010 and 20 April 2010, the investigator repeatedly filed the same request. On 27 April 2010, he received response to his most recent request, but it did not contain any meaningful information. The number of operative and search case (the number assigned to the case by the police when they begin operative and search activities under it) was not provided. There was no proof of visiting households in Tuchina Street either.

On 7 May 2010, the investigator sent another request to the Leninsky District DIA (1st Police Department), followed by another request on 1 October 2011. A response to the latter was received on 10 October 2011, but the task was not carried out in full.

On 27 October 2011, investigator Khuchiyev submitted a letter to the Leninsky District Prosecutor[379] which declared that the 1st Police Department was not providing proper operative support to the case, and that the tasks were being performed reluctantly. In response to his requests, he received reports listing steps that had allegedly been taken, however he had doubts about their de facto execution. In connection to this, Khuchiyev asked the prosecutor to check whether operative and search activities had in fact been carried out in full under the relevant case. The Leninsky District Prosecutor did not reply to this letter.

Meanwhile, in accordance with extended minutes of operative meeting, approved by the Head of the Leninsky IID, A. A. Stepanov, on 24 February 2010 it was claimed that the search for individuals involved in Saidakhmadov's abduction should be extensive, robust and effective, while the investigation bodies should be notified on a regular basis about the steps taken and the relevant findings. Investigator Khuchiyev shared his concerns regarding the low level of cooperation between the investigation and police (operative staff).

In his request on 3 March 2010 addressed to Chechen OMON Commander A. T. Tsakayev, Investigator Khuchiyev asked whether Saidakhmadov had been

379 Annex Saidakhmadov No. 1.

detained by the OMON, whether his home had been searched, and also requested the names of the OMON agents involved.[380] On 22 April 2010, the investigator summoned Tsakayev for interrogation.[381] The OMON Commander ignored both these requests.

Additionally, the investigator did not receive any responses to his requests addressed to the Head of the 4th Police Department of the Staropromyskovsky District, dated 12 February 2010 and 3 March 2010; to the Head of the Groznensky District DIA, dated 3 March 2010; and to the Head of the Oktyabrsky District DIA, dated 3 March 2010.

On 17 March 2010, investigator Khuchiyev asked the acting Head of the Leninsky District Investigative Department of Astrakhan to examine Saidakhmadov's flat in Astrakhan.

According to N. B. Televov from the Leninsky District Investigative Department, it was impossible to inspect Saidakhmadov's flat.[382]

There was no response to a similar request filed on 11 May 2010[383] and the flat has not been inspected yet.

In his request of 7 May 2010 addressed to the Chechen Interior Minister, R. Sh. Alkhanov,[384] the Head of the Leninsky IID asked when Ismailov, Bakhukhadzhiyev, Chichayev and Khizriyev had been sent to Astrakhan, and how long they had been on a business trip there. The investigator also asked to be provided with all the documents prepared in connection with this business trip to Astrakhan that related to these agents. He also asked the IID Head to ensure that Commander Tsakayev appeared for questioning.

Repeated requests addressed to Alkhanov were filed on 18 August 2010 and 1 November 2012.[385]

There was no reply to either of these requests.

On 12 May 2010, the investigator summoned the Head of the 2nd Operative and Search Unit, M. M. Doshukayev, for interrogation.[386] Once again, no reaction or response followed.

In his request for the elimination of fallacies from the investigation, dated 30 April 2010,[387] Deputy Prosecutor of the Leninsky District, R. L. Yasuyev, pointed out that from the moment the investigation had been prolonged the investigator had not taken sufficient steps to question M. M. Doshukayev, Head of the 2nd Operative and Search

380 Annex Saidakhmadov No. 2.
381 Annex Saidakhmadov No. 3.
382 Annex Saidakhmadov No. 4.
383 Annex Saidakhmadov No. 5.
384 Annex Saidakhmadov No. 6.
385 Annex Saidakhmadov No. 7 and Saidakhmadov No. 8.
386 Annex Saidakhmadov No. 9.
387 Annex Saidakhmadov No. 10.

Unit of the Organized Crime Department under the Chechen Interior Ministry, and had not included earlier replies in the case file.

Due to the non-execution of his requests, the acting Head of the Leninsky IID asked the Deputy Head of the 1st Procedural Control Department of the IAIC for Chechnya, A. Sh. Asuyev, to support his complaint to the Chechen Interior Minister requesting the appearance of Tsakayev and Doshukayev for questioning.

There was no response to that letter.

The facts described above suggest the following conclusions.

First, the investigator has not taken basic investigative steps. Therefore, his decision to suspend the pre-trial investigation due to the exhaustion of all possible investigative steps in absence of a suspect (accused) is unfounded and contradicts the materials of the criminal case.

Second, it is obvious that the case is lacking proper operative support and that the police (inquiring authority) is doing nothing, most likely, because it is not interested in performing its obligations.

Third, procedural control and prosecutorial supervision have not been sufficient. Investigative and Prosecutorial Heads do not seem to be capable of ensuring their Internal Affairs Agents perform their duties effectively.

• • •

Examples of ineffective investigation into torture and abduction detailed in this report demonstrate the existence of serious systemic problems regarding the law enforcement system in the Chechen Republic.

In turn, ineffective investigation into torture and abduction in Russia undermines the country's authority on an international level and breaches common norms and legal principles.

A similar situation undermines the foundations of our country's constitutional system by showing the population of the Chechen Republic and other regions, that authorities are not capable of ensuring compliance with the Russian Constitution in Chechnya.

Hence, we find it extremely important that the efforts of all relevant state authorities be focused on implementing justice and real solutions to these grave breaches of law, the Constitution and basic human rights.

Chairman of INGO "Committee against Torture",
Member of the Presidential Council for Civil Society and Human Rights

Igor Aleksandrovich Kalyapin

5. Appendix II

Post-2010 Statistical Data and Graphics on Victims and Protected Objects Registered in NEDC

The data presented in the following graphs and tables reflects the period 2010-2018 based on the information recorded by the NEDC as of 24 February 2019. This information is not exhaustive and may change as the recording, registration and analysis of data continues.

The numbers below represent the number of victims registered in the NEDC database. Overall, 1347 of victims are registered during that period.

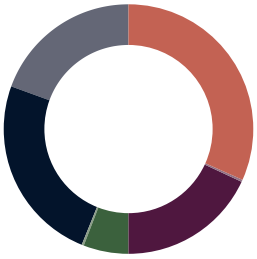
Violated interests (2010-2018)

n/n	Title	Count
1	Restrictions on manifestation of one's religion or belief	12
2	Torture including serious deterioration of health	297
3	Wounded or injured as a result of automatic/explosive or other non-human force	50
4	Violation of the right to a fair trial	223
5	Freedom to leave a country	1
6	Insults	26
7	Property belonging to this victim is destroyed/damaged	75
8	Violation of freedom of expression	2
9	Violation of freedom of assembly and association, or political rights	23
10	Kidnapping - taken away for no lawful reason, but his whereabouts are/were known	259
11	Killing	260
12	Investigation is ineffective	13
13	Threats	77
14	Disinformation	26
15	Beaten or injured as a result of human force	217
16	Violation of inviolability of home or private life	188
17	Unlawful arrest/detention by authorities	566
18	Rape or other types of sexual assault	1
19	Property belonging to this victim is stolen	124
20	Origin	9
21	Extortion	12
22	Inhuman and degrading treatment	43
23	Wounded after landmine explosion	1
24	Prevention of access to corpse	8
25	Death due to explosion of device in public space	25
26	Kidnapping after zachistka	13
27	Unlawful arrest/detention after zachistka	51
28	Mutilation of corpse	22
29	Suicide	5
30	Violation of the right to work (employment)	1
31	Subjecting to activities associated with high risk for life/health	24
32	Corpse found in secret grave	10
33	Ransom or other unlawful benefit is paid or given	2

34	Attempt to murder	8
35	Injury due to explosion of device in public space	24
36	Health issues related to the conflict	10
37	Death of organizer of terrorist act	11
38	Death - collateral damage of military action	3
39	Killing during combat	214
40	Death due to road accident	1
41	Death after landmine explosion	5
42	Death as an outcome of beating/torture	5
43	Killing in the course of zachistka	42
44	Killing in especially cruel manner	7
45	Death as a result of health issues related to the conflict	5
46	Disappearance - no one heard of this person since then	170
47	Disappearance after zachistka	15
		3168

Particular vulnerabilities of victims (2010-2018)

n/n	Title	Count
1	Disability	18
2	Mentally ill	1
3	Sick	26
4	Pregnant woman	3
5	Refugee or displaced person	13
6	Homeless person	1
7	Child (until 14 years old)	4
8	Adolescent (from 14 to 17 years old)	18
9	Senior (from 60 years old)	15
10	Restricted in movement at the time of violation	244
11	Single parent with children until 14	3
12	Ethnic minority	3
13	Unarmed (only for combatants)	6
		355

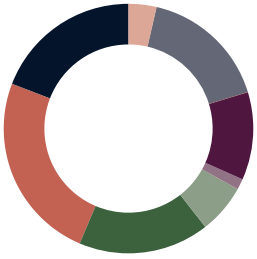


1 31,8 %
2 0,2 %
3 18,1 %
4 5,8 %
5 0,1 %
6 0,2 %
7 24,4 %
8 19,4 %

Victim's status according to international humanitarian law (2010-2018)

n/n	Title	Count
1	Civilian population	429
2	Civilian population - former separatist fighters (amnestied)	3
3	Combatant	244
4	Other fighter	78
5	Other fighter - foreign citizens	1
6	Other persons not taking direct part in hostilities	3
7	Controversial status	329
8	Unknown	261
		1348

Unknown means that no information regarding the victim's status was established in such cases.



1 3,9 %
2 16,5 %
3 11,6 %
4 1,3 %
5 6,5 %
6 16,8 %
7 24,6 %
8 18,9 %

Belonging of victims (2010-2018)

n/n	Title	Count
1	Civilians suffering from the activity of armed forces opposing the RF	52
2	Civilians suffering from activity of security forces of the RF or forces acting in the interests of the RF	222
3	Civilians suffering from unidentified forces or other factors	156
4	Security forces seconded from other regions of the RF	17
5	Local security forces working for or cooperating with the RF	87
6	Staff of armed forces opposing the RF	226
7	Role and belonging is under question	332
8	Unknown	255
		1347

Unknown means that the information provided did not indicate the belonging.

Overall, 247 profiles of protected objects are registered in the context of acts committed from 2010-2018.[388]

388 This means that one protected object can be registered several times if it was mentioned by several information donors.

Types of protected objects (2010-2018)

n/n	Title	Count
1	Private house	67
2	Personal items	87
3	Automobile	80
4	Fruit trees	1
5	Installations and other objects for production of gasoline	1
6	Money	37
7	Domestic animals	2
8	Cultural or religious object	3
9	Buildings of state bodies	3
10	Documents	27
11	Bridges, roads	1
12	Data storage device	20
13	Agricultural object	2
14	TV equipment	6
15	An apartment	5
16	Commercial object	8
17	Ransom, bribe	2
18	Jewelry and other precious accessories	8
19	Food	2
		362

Groups affected by the loss or damage of protected objects (2010-2018)

n/n	Title	Count
1	Civilian	207
2	Refugee or internally displaced persons	4
3	Military	9
4	State bodies other than military	9
5	Believers	4
6	Sellers, small business	4
7	NGO	2
8	Human rights defenders or activists	1
9	Media	1
10	Students	1
11	Disappeared persons	3
12	Staff of armed forces opposing RF	9
13	Persons held in custody	1
14	Unknown	8
		263

1 **27,1 %**
2 **17,8 %**
3 **10,5 %**
4 **9,7 %**
5 **28,7 %**
6 **6,1%**

Extent of damage or loss of protected objects (2010-2018)

n/n	Title	Count
1	Full damage	67
2	Partial damage	44
3	Obtained by force, threat of force or abuse of power	26
4	Some property stolen, some property damaged	24
5	Stolen	71
6	Unclear	15
		247

6. Appendix III

Summary of Communication to the Committee of Ministers in the Case Finogenov and Others v. Russia

On 8 February 2013, the NGO Centre de la Protection Internationale[389] filed a complaint with the European Court of Human Rights (ECtHR) with a request to take measures to urge the Russian Federation to follow its obligations under the European Convention on Human Rights. On 20 December 2011, the ECtHR passed its judgment in the case of Finogenov and others v. Russia (No. 18299/03 and No.27311/03). On 4 June 2012, the judgment became final.[390]

Considering the above, the applicants submit that the full implementation of the Court's judgment would require the initiation of criminal proceedings, which according to the judgment (§§273-282), were not conducted in accordance with the principles of an effective investigation. Analyzing the method of the investigation, the Court stated that the investigation had not been properly carried out, and that it had not been initiated on the instance of the deaths which occurred as a result of the rescue operation. In relation to establishing the cause of death of the hostages, the investigation did not meet any of the above criteria. In accordance with the Court's assessment (§§ 273-282), the applicants compiled a list of the minimum required investigative steps and issues to be examined. In accordance with the Court's judgment which found a violation of the positive obligations of the Government as found under Article 2 of the Convention (§ 282), the applicants demanded that persons responsible for these deaths be held accountable and be prosecuted, along with those who have not fulfilled their obligations to institute criminal proceedings. (…) These claims are joined by 35 new applicants, who are also victims of the Nord-Ost event. (…) The Moscow Prosecution Office correctly assessed that it is not authorized to take any action where previous decisions of the courts have entered into force and have not been quashed by the Supreme Court of Russia.[391]

Since the provisions of the Russian Code of Criminal Procedure state that only the Supreme Court may quash a judgment, reopen a case and order a review, it is clear that the sole legal means of achieving the implementation of the ECtHR judgment is to ensure that action is taken within the highest prosecutorial and investigative authorities.[392] However, the authorities persist in their refusal to initiate criminal proceedings, thus completely ignoring the Court's judgment as well as the obligations stipulated therein and in the Russian Constitution.[393] Moreover, these authorities have simply dismissed the submission of the applicant, Finogenov and others, despite the fact that the submission has been supported by dozens of other potential victims. The applicants' only remaining choice now will be to submit a new application to the ECtHR.[394] The actions of the General Prosecution Office directly preclude the implementation of the Court's judgment in this case. The Government of the Russian Federation has not taken any measures to implement the judgment in the Nord-Ost case, nor does it show any intent to do so, despite the Court's critical ruling that violations of Article 2 of the Convention had been committed. It is necessary to oblige the Government of the Russian Federation to provide an action plan in accordance with the requirements of the standard supervision procedure.[395]

389 1164 DH Meeting (5-7 March 2013) Communication from NGO (1102/13) in the case of "*Finogenov and others v. Russia*" (No.18299/03).

390 Memorandum on implementation of judgment of the case "*Finogenov and others v. Russia*" (No.18299/03 and No.27311/03), 8 February 2013, *Centre de la Protection Internationale*.

391 *Ibid*, p. 2.

392 *Ibid*, p. 5.

393 The Russian Constitution in Art.15 not only states the obligatory nature of international rules and international agreements, but also emphasizes their primacy.

394 Memorandum, p. 5.

395 Request to the Committee of Ministers: issues I, II, III.

The applicants have made efforts to demand the Russian Federation to execute the referred judgment, but these have been in vain.[396] The Russian Federation continues to state that the investigation of the rescue operation was "well-grounded and lawful"[397] and refrains from taking the required measures. "Owing to the failure of the respondent Government to open and conduct an effective investigation into the rescue operation, which according to the Court was "manifestly incomplete" (§ 277), no appropriate redress could be provided to the applicants and other victims, whose rights were violated as well. The "unwillingness of the Russian Federation to take these measures runs counter to the referred judgment, which demonstrates neglect of the decision of the Court as well as of violated and unredressed rights of the victims".[398]

The applicants urge the Committee to exercise all available options to assist the execution of the referred judgment, as well as to bring forth any necessary pressure on the Government for the purposes of ensuring the due execution of the judgment under consideration.[399]

396 Communication on behalf of the applicants in the case of Finogenov and others v. Russia (No.18299/03 and 27311/03), 15 May 2013, *Centre de la Protection Internationale*.

397 Action Report on execution of the judgment on application No.18299/03 and 27311/03, https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063cc0d.

398 Communication on behalf of the applicants in the case of Finogenov and others v. Russia (No.18299/03 and 27311/03).

399 *Ibid*, p. 5.

7. Appendix IV

Counter-measures Taken by Russian Law-Enforcement Agencies

As a rule, every year Russian federal and regional law enforcement authorities report their achievements regarding counter-terrorism measures. Each federal and regional authority publishes their statistics. The Memorial Human Rights Centre has completed a review of the statistics of these authorities.

The Memorial reports that the statistics reported by the different authorities contradict each other.[400]

For example, on 16 December 2014, Mr Ilyin, deputy chief of the National Anti-Terrorist Committee of Russia, reported that by that date "243 insurgents were neutralised (killed), 644 insurgents were detained, and 74 counter-terrorist operations were conducted in the territory of the North-Caucasus. In Volgograd 219 accused were found guilty, including 4 suspects in terrorist attacks".[401]

At the same time, another representative from the National Anti-Terrorist Committee, Mr Przhzedomsky, reported "bandit activity is at a very low level" and "reports of shelling and bombing have significantly reduced".[402]

The Memorial notes that the aforementioned authority stated several times that there had not been a single terrorist attack reported in 2014. It appears that according to the Anti-Terrorist Committee the attack in Grozny on 4 December 2014 was not a terrorist attack. Furthermore, Przhzedomsky's statement that there were no suicide terrorist attacks in 2014 contradicts the fact that a suicide bomber had attacked Grozny in October 2014.[403]

Moreover, the Anti-Terrorist Committee's statistics contradict those from the Ministry of Internal Affairs and the Prosecution Office. According to the latter two bodies, in 2014 a dramatic growth of offences of a "terrorist character" were registered – 1127 accounts (in all regions), as well as 1024 offences of an "extremist nature".[404]

According to the Prosecution Office the statistics are as follows: (see next page)

400 *Bulletin of human rights centre "Memorial", situation in the North Caucasus conflict area: human rights activists' assessment*. Winter 2014/2015. (Бюллетень Правозащитного центра "Мемориал", Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников. Зима 2014/2015 гг.)

401 *Ibid*, p. 17.

402 *Ibid.*

403 *Ibid.*

404 *Ibid.*

	2011		2012		2013		2014	
	Offences of terrorist character registered	Registered identified persons who committed offences of terrorist character	Offences of terrorist character registered	Registered identified persons who committed offences of terrorist character	Offences of terrorist character-registered	Registered identified persons who committed offences of terrorist character	Offences of terrorist character registered	Registered identified persons who committed offences of terrorist character
Dagestan	220	85	295	107	365	159	472	251
Kabardino-Balkaria	48	14	67	36	93	49	157	83
Chechnya	218	97	127	97	66	78	121	73
Ingushetia	67	34	38	33	34	21	64	19
Karachaevo-Cherkessia	19	14	30	39	16	7	14	7
Stavropol territory	2	1	8	2	4	9	21	0
North Ossetia-Alania	2	1	0	2	1	1	7	1
Total in the North Caucasus	**576**	**246**	**565**	**314**	**579**	**324**	**883**	**425**
Total in Russia	**622**	**377**	**637**	**373**	**661**	**370**	**1127**	**513**

The Federal Security Service (FSB) also states that the number of offences is going down. According to the FSB, in 2014 there were 78 offences of a terrorist nature. The Memorial notes that such contradictions between the statistics of different law enforcement authorities is primarily due to the unclear definition of offences of a terrorist nature and offences of a terrorist character. Different bodies include different elements. The Russian Criminal Code has no legal definition of a "terrorist character" and "terrorist nature". The same legal uncertainty concerns offences of an "extremist character" and "extremist nature".[405]

The Memorial has compiled data based on open media sources. Although the numbers might not be exhaustive, the Memorial confirms the findings reported by the Anti-Terrorist Committee and the FSB. In its evaluation, the Memorial used the scale of casualties among law enforcement officers.

405 *Ibid*, p. 18.

	2006		2007		2008		2009		2010		2011		2012		2013		2014	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Chechnya	205	519	98	232	87	175	94	202	55	137	23	87	43	81	19	64	24	59
Dagestan	32	65	42	80	52	73	88	145	159	233	90	163	125	168	84	136	23	49
Ingushetia	29	52	39	51	84	225	98	258	40	132	16	31	35	45	7	32	4	14
Kabardino-Balkaria	1	2	6	11	13	27	16	27	32	46	31	33	20	30	12	19	2	7
North Ossetia-Alania	11	4	-	1	7	4	-	1	2	3	-	1	-	-	-	-	-	-
Karachaevo-Cherkessia	-	2	1	-	3	1	-	3	1	-	7	7	1	2	-	2	-	-
Stavropol territory	7	6	1	1	-	-	-	-	-	-	4	5	-	-	-	2	-	-
Total in the North Caucasus	**285**	**650**	**187**	**376**	**246**	**505**	**296**	**636**	**289**	**551**	**171**	**327**	**224**	**326**	**122**	**259**	**53**	**129**

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