

**COUR EUROPÉENNE DES DROITS DE L'HOMME**  
***EUROPEAN COURT OF HUMAN RIGHTS***

Conseil de l'Europe - *Council of Europe*  
Strasbourg, France

**REQUÊTE**  
***APPLICATION***

présentée en application de l'article 34 de la Convention européenne des Droits de  
l'Homme, ainsi que des articles 45 et 47 du Règlement intérieur de la Cour

*under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules  
of Court*

**The New York Times**  
NYTIMES.COM

**I THE PARTIES**

**A. THE APPLICANT**

1. Name of the Applicant **ISRAILOV**
2. First name **Sharpuddi Elfirovich**  
Sex: **Male**
3. Nationality **Russian**
4. Occupation
5. Date and place of birth **17 January 1956, Engels,  
Karataisky district, Chimkent  
Oblast, USSR**
6. Permanent address  
[REDACTED]  
[REDACTED]  
[REDACTED]
7. Telephone
8. At present at  
[REDACTED]  
[REDACTED]  
[REDACTED]
9. Name of representatives [REDACTED]
10. Occupation of the representative [REDACTED]
11. Address of representative [REDACTED]

12. Telephone

Withheld (\*)

Fax

**\* EXPLANATORY NOTE**

This Application is extremely sensitive in nature. It alleges the direct involvement in, and instigation of, torture, inhuman and degrading treatment by the current prime minister of the Republic of Chechnya, Ramzan Kadyrov, and other top officials in the current administration in that republic. Due to the risk of repercussions and, particularly, in the light of the recent murder of Anna Politkovskaya who was in the process of writing an article that implicated Mr. Kadyrov directly in enforced disappearances and whose murder gave rise to widespread speculation of Mr. Kadyrov's involvement in it, the Applicant would like to keep his exact whereabouts undisclosed for the time being. The Applicant is willing to disclose his exact whereabouts whenever the Court considers that necessary. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**B. THE HIGH CONTRACTING PARTY**

**13. The Russian Federation**

**II STATEMENT OF THE FACTS**

14.

**Summary**

14.1. On **27 November 2004**, officers of the Security Service of the President of the Republic of Chechnya (SB) acting on the order of Ramzan Kadyrov, then deputy prime minister of the Chechen Republic, detained the Applicant, Sharpudi Israilov, at his work. Prior to that, they conducted a search at his apartment and confiscated a bag with a large amount of cash money. The officers took the Applicant, along with his wife and his son's sister-in-law, to the main base of the SB in Tsentoroi. There, the Applicant was brutally beaten and kicked over the course of almost an hour as officers sought to extract information from him on the whereabouts of his son. The Applicant was subsequently subjected to repeated rounds of electric shock for another half hour.

14.2. After these first few hours, the Applicant was tied to a pipe in the corner of a make shift building at the base that served as a sport facility for officers of the SB. He was held at the base for four days before being transferred to a different SB base, this one in Gudermes. There, he was held for almost eleven months. Although he was no longer ill-treated, he witnessed the ill-treatment of dozens of other individuals. The conditions of detention at the base were very poor.

- 14.3. The Applicant was never charged with any wrongdoing during the almost eleven months he spent in detention. He was never questioned about any criminal offense, brought before officials of the prosecutor's office, or brought before a judge. He never had access to a lawyer.
- 14.4. Finally, on 4 October 2005, on the first day of Ramadan, he was released. A few months later, he was forced to sign a statement at the prosecutor's office saying that he had spent the eleven months he was in detention in Russia with a lover and that he had made up his detention to mislead my wife.
- 14.5. Shortly after his release, he began the process of obtaining passports for himself and his family as he wanted to seek justice and feared that his life and that of his family would be at enormous risk if he did so while in Russia. In May, he left Russia and obtained political asylum in a safe country. Shortly after this, he began preparing a complaint to the prosecutor's office and this application.
- 14.6. After his son's sister-in-law and other relatives left Russia and reached a safe country, the Applicant, along with his son, submitted a detailed complaint to the prosecutor's office on 26 October 2006. He is currently awaiting a response.
- 14.7. In this application, the Applicant alleges having suffered violations of **Article 3** due to the ill-treatment he was subjected to by SB officers during the first day of his detention in Tsentoroi and the poor conditions of his detention for almost eleven months. In case the domestic investigation into his complaint proves inadequate (as strongly suggested by the fact that the prosecutor's office forced him to sign the above-mentioned statement), he will also allege a

failure to investigate his arguable claim of ill-treatment. He also alleges that the search at his home violated **Article 8** and that the confiscation of a large sum of his money violates **Article 1 of Protocol 1**. Finally, he will allege a violation of **Article 13** in respect of the authorities' failure to guarantee an effective remedy for the violations suffered in case the prosecutor's office's response to his complaint will not be adequate.

## **Background**

- 14.8. The Applicant's family consists of six people: his wife, Shovda Viskhanova, his son, Mairbek (DOB 1991), his daughters, Markha (DOB 1996) and Medni (DOB 1997). He also has a son from his first marriage, Umar (Alikhan) (DOB 1981). Umar grew up with his mother, and, after her death, with his grandmother in Mesker-Yurt. The Applicant and his family also lived in Mesker-Yurt. See Appendix 1 for identity documents.
- 14.9. At the start of the second Chechen conflict the Applicant's son, Umar, was associated with the guerilla groups who fought for Chechen independence. In 2001, the Applicant's family had to flee Mesker-Yurt, because Russian forces were searching for his son and there was a great likelihood that they might detain him in his absence. They moved to Rostov oblast and lived there until the spring of 2003, when the Applicant learned that his son, Umar, had been captured. He returned to Chechnya at once to begin the search for him. For a detailed account of his son's ordeal in detention, the Applicant refers to the application to the European Court of Human Rights that has been submitted by his son.
- 14.10. At the end of April 2003, a local official from the SB anonymously delivered a note to the Applicant from his son. In the note, his son

informed him that he was being held in Tsentoroi by Kadyrov. About six weeks later, two of his comrades with whom he had been captured were released, but his son was not. Later, he found out that his son was forced to enter into SB and that he was worked as a security guard for Ramzan Kadyrov. The Applicant began searching for him and met him when he accompanied Kadyrov to a boxing club in Gudermes. At our meeting, the Applicant warned his son not to participate in the repressions against the Chechen people. The Applicant and his son occasionally saw each other after that, as his son sometimes had the opportunity to drop in en route.

14.11. In the spring of 2004, Ramzan Kadyrov appointed his son to the position of local detachment commander in the village of Mesker-Yurt (Shali region). This appointment made the Applicant very apprehensive since Mesker-Yurt is the home village of many of his relatives, and Umar possessed many local connections. He was acquainted with many young men, who at some point resisted the Russian occupation and not only in his home village, but also in neighboring villages. The assignment he got from Kadyrov was to detain these young men, obtain maximum amount of information from them, and then dispose of them.

14.12. To the Applicant's queries about his post, Umar replied that he did not want the position in Mesker-Yurt but that as long as he was in Kadyrov's employ, he had to go where he was appointed. He told the Applicant that if he were to refuse this appointment, the FSB would immediately detain him. The Applicant asked his son not to lay a hand on his fellow villagers, who had never wronged him. He responded that he was loathe to do so, but on the other hand, if he does not surrender local guerrillas to Kadyrov, he could be accused of absence of loyalty.

14.13. At that point, the Applicant realized that the only option for his son was to leave the country. He paid money to print a passport under a fake name, Akhmed Isayev (a man of his son's age who had died shortly before), for his son. The Applicant decided to obtain a passport under a different name because he feared that his son would not be able to obtain a foreign passport or leave the country under his real name. His son's wife did get a passport in her name. In August 2004, while the Applicant and his son were waiting for the passports, the son was involved in a serious automobile accident. He was in a coma for 4 days. Subsequently, he was in hospital for a month due to a concussion. After his discharge he spent another month at home, until he was sent to a rehabilitation center in Kislovodsk. In the meantime, the Applicant received the passports for his son and his wife and on November 9, 2004 they departed. They arrived in Poland on November 13, 2004. See appendix 2 for copies of the passports for the Applicant's son and Malizha Sagieva.

### **The Applicant's Detention**

14.14. On November 27, 2004, two weeks after his son's arrival in Poland, a former colleague of Umar's from Kadyrov's forces visited the Applicant at his workplace. At the time, the Applicant was employed at a construction company "Kavkaz," which was later renamed "South Construction Company." He worked in the military zone near airport "Severnii," on the territory of a repair battalion, holding the post of project supervisor. The Applicant and his team were working on two construction projects and the Applicant supervised up to 30 people.

14.15. Around 2 p.m. that day—the Applicant was filling out commissions for payment of salaries—an employee walked in and told the



Applicant that armed people in military uniform were looking for him. The Applicant set out to the gates, where they were standing, as they were not permitted to drive onto the territory of the repair battalion. A "Lada" mark automobile was parked at the entrance. Said-Emi Ismailov, whose nickname is Razvedchik (in English translation "Intelligence Officer") was standing next to the gates. He told the Applicant that Ramzan Kadyrov had sent him to come and get the Applicant. Ismailov had previously on occasion dropped by the Applicant's house together with Umar. As the Applicant understands, Ismailov is currently working as head of the Criminal Investigation Department in the city of Shali.

14.16. When the Applicant sat down in the car, his wife was already there. Before coming to pick him up, the officers had first visited the Applicant's apartment in which they awaited his wife. Upon her arrival, they searched the apartment for the Applicant's son's weapon and turned it upside down. His wife was then ordered to accompany them to the Applicant's place of employment. The Applicant later learned that while performing the search, they confiscated a bag that contained all the Applicant's documents as well as 178,000 rubles. The Applicant had been saving this money to buy an apartment. He had sold a plot of land that belonged to him and had been putting aside part of his monthly wage. After the search, the officers locked the children in the apartment, took the key, put his wife into the car and went to the Applicant's place of work.

14.17. Kadyrov's officers also confiscated the Applicant's passport, cellular phone, driver's license and car registration. Ismailov asked him where Umar's work car was. When the Applicant responded that he had left it at his brother-in-law's house in Argun, the officers drove to Argun and picked it up. One of the men sat down behind the

wheel of that car and followed the others. The car had no license plates, just like most of the cars belonging to Kadyrov's forces.

- 14.18. The Applicant's wife described the detention in her witness statement as follows:

*On Saturday, November 27, 2004, around noon, I was returning to our home at Dudaev Boulevard No. 4 apartment 70 from the city, where I was trying to obtain a job as a nurse. When I entered the doorway of the building and walked up to the fifth floor, an armed man followed me in. The man told me that he is looking for my husband and inquired about his whereabouts. I answered him that my husband is at work at a military base and one can only gain access to it with a permit. I inquired as to the reason why he was looking for him. He told me that I have to go with them and show them where my husband works. I insisted that I was not going anywhere, because I was scared. He went to his superior several times to consult and would then try to convince me to accompany them again and again. After a while, the commander, a man named Said-Emi (nickname: Razvedchik or Spy) entered the house. I had encountered him previously, when he visited my son at the hospital after his car accident. I asked him what the problem was, to which he replied that my husband was not guilty of anything, but that Alikhan (the oldest son) was implicated in something and that Ramzan wanted to speak with Ali. I explained to him that Alikhan did not live with us but with his grandmother.*

*They continued to insist that I go with them and take them to the location where Ali worked. I told them that I could not do so, since I only knew the approximate location. All I knew was that he worked around the military base, next to the Severniy airport, at a firm called Kavkaz. They told me we would be allowed on to the*

base, that I should not be frightened and that I would be taken home afterwards. I was left with no alternative but to go with them.

After that, I was told to go into the kitchen with my terrified children. The armed men searched the apartment for weapons that were supposedly there. The search lasted for about 30 minutes, after which they locked the children in the apartment and drove to my husband's workplace. Aside from the car in which I was sitting, there were a number of other cars with armed men. Said-Emi told me that he was aware that Alikhan did not live with us, that we were innocent, but that he had to comply with the orders he received. When we drove up to my husband's workplace, the car I was in was permitted to pass. At the company's office, they asked about my husband's whereabouts, summoned him and he joined us in the car. The car was turned around and we began driving, with the rest of the cars following us. In the car, my husband's mobile phone and documents were confiscated.

Said-Emi asked my husband about Alikhan's whereabouts repeatedly. My husband answered that Alikhan had traveled to Moscow for medical treatment and that until he would get in touch with us he had no information on him. He then asked about the location of Alikhan's work car. Ali replied that it was in Argun and that Alikhan has asked him to hold it somewhere until his return. We drove into Argun, picked up the car and continued driving, passing Gudermes towards Khasavyurt along the Rostov-Baku highway. Ramzan or one of his officers telephoned multiple times to make sure that we are on our way and to inquire about our location. We turned right off the highway, passed some villages and entered a courtyard in a village that I did not recognize. (Appendix 3)

- 14.19. The Applicant's son Mairbek was at home when the officers came to our apartment in Grozny. He described what he saw as follows in his witness statement:

*On November 27, 2004, I was returning home from school noon time. That day classes were cancelled around noon and I immediately departed home. When I was entering the apartment, in the hallway, in front of the apartment stood two armed men. They asked me if I was Alikhan's brother, to which I answered yes and walked into the apartment. My mother was already there. In the apartment was also another man. Two armed men walked in after me and told us to go into the kitchen, as they were going to search the apartment. They turned everything upside down, scared my sisters, told us to stay locked in the apartment, not leave anywhere and took our mother with them. Our mother returned round 11 pm, at which time we went to her parents' house in Argun.*

#### **Detention at the Tsentoroi**

- 14.20. Next, in a six vehicle colonnade, the Applicant and his wife were driven to the headquarters of the SB in Tsentoroi. When they got out off the car there they noticed that the officers had also detained the Applicant's son's sister-in-law Elza Sagieva, who was in another car. Although her formal name is Elza, the Applicant's son's sister-in-law is generally known as Yakhita. The women were led away to the side and the officers left for a few minutes. When they returned, Razvedchik and the others asked the Applicant questions about the money in the bag. They wanted to know how much was in there and where it came from. The Applicant told that that he was planning on buying an apartment and that the money came

from the sale of a plot of land and from saving part of his salary over the last two years.

14.21. The officers left once more, returned after about 10 minutes, surrounded the Applicant, and, without warning, knocked him off his feet. They handcuffed the Applicant who was trying to defend himself, and dragged him across the courtyard to a courtyard in the back, where the sports hall was located. In the sports hall, they took off the Applicant's jacket, shoes, and socks, fastened the handcuffs around the leg of a billiard table, and tied his legs with metal wire to one of the exercise machines.

14.22. The Applicant's wife described the events at Tsentoroi as follows:

*We all got out of the cars and with us was also another girl, Yakhita, the sister of Alikhan's wife. We were separated. I was placed under an awning, while my husband was taken into the yard where he was surrounded by the armed men, who brought us there. Initially, the officers entered a building, and then a few people emerged, approached my husband and showed him a purse. I recognized this purse, as it had come from our apartment and contained our money and documents. Apparently, they had taken it when they were searching the apartment. They questioned Ali about something, I saw this, but could not hear it, as there were about 20 meters between my husband and me. After that, they again went inside and when they came back a little later they began beating my husband. I began screaming, while one of Kadyrov's officers threatened me to stop or I would be shot. Later they tried to distract me from the groans of my husband. They handcuffed him and dragged him somewhere across the yard.*

*They screamed at me and pressured me to reveal to them everything I knew. I heard my husband's screams and groans and was in shock, not comprehending their questions or what I should reply. I insisted that my husband was innocent, that Alikhan did not live with us, and that we do not know where he is or what wrong deeds he has done. Kadyrov's officers continued threatening me, saying: "we will take care of your husband and then start with you, so you better tell us everything." I don't remember how long this continued but they even said at one point that they had killed him. After a while, they stopped their interrogation and two young men told me to get into the car, as they were taking me home to my children. I insisted that I would not leave without my husband; I wanted to know where he was and what they had done with him. They ordered me to get into the car quickly before somebody changes his mind about allowing me to go home. I agreed to leave. I got into the car and they took me home. (Appendix 3)*

- 14.23. The sports hall was an ad hoc extension to the main building. From the entrance gates there was a passageway to the backyard, at the end of which on the left was the sports hall. One of the walls of the sports hall was a part of the main building. The wall across contained atypically low windows. The sports hall was around 5.5 meters in width and not more than 12 meters in length. It contained a billiard table and eight exercise machines. Aside from the courtyard in the back, the base had a courtyard near the gates, which was surrounded by private residences. In the courtyard in the back, in addition to the sports hall, there was a bathroom, a cage with a bear (later, when the Applicant was already in Gudermes, he was told that the bear had been killed) and another extension which held two cells for the detainees. In the rear of the courtyard was a fence, behind which the territory of the base ended. The Applicant did not see any construction behind the fence.

Diagrams of the base and the sports hall are appended in Appendices 5 and 6.

- 14.24. While the Applicant was tied between the billiard table and the exercise machine in the sports hall, he was severely beaten by eight people, who attacked him from both sides simultaneously. He would still be able to recognize two or three of them. They hit him with the butts of guns in the stomach, with a stick on the bones, and they kicked him all over his body. They stopped beating him only when he lost consciousness.
- 14.25. They wanted to know the Applicant's son's whereabouts. The Applicant continuously said that Umar was in Moscow and that he did not know his exact whereabouts. The officers continued to beat the Applicant, posing the same question to him again and again. As a result, they punched out three of his front teeth, broke a fourth, and also bruised his ribs. The Applicant also sustained injuries just under his knees on both the right and left legs from beatings with a stick. (See appendix 7 for photos of the Applicant's teeth, appendix 8 for the injuries below his knees, and appendix 9 for a forensic examination report).
- 14.26. After about a half hour, an officer came in and said that they knew that Umar was in Poland. After this announcement, the men beat the Applicant some more until one of them ordered to fetch a machine, which looked like an electric generator or a phone with a handle. They attached wires on the Applicant's second toes (next to the big toes) and switched on the current for 2-3 minute increments. They increased the current gradually, turning the handle faster and faster, and the Applicant felt as if he was being lifted from the floor and thrown back. The wire which bound his legs ripped through my skin. As a result, he acquired deep wounds,



which subsequently became infected. He still has a scar on his left leg, between the heel and the ankle (See appendix 9 for the forensic examination report and appendix 10 a photograph).

- 14.27. The officers would stop only when the Applicant lost consciousness. Before continuing the torture, they continued to beat him as before, laughing and cursing. After about fifteen minutes, they poured six buckets of water over the Applicant to amplify the painful effect of the current. When they turned the current on again, he felt as if each joint in his body was being ripped apart. The officers tormented the Applicant like that for about half an hour but eventually became bored.
- 14.28. In all, they interrogated and beat the Applicant for more than an hour. After the electric shock torture, he was dragged to the corner of the sports hall. One of his arms was cuffed to a radiator pipe and the metal wires were removed from his legs. The Applicant was soaking wet, and bled from his mouth, face and legs. Subsequently, the officers left him alone, except for bringing him food or taking him for an occasional trip to the bathroom.
- 14.29. On the first day at the sports hall, there were six other detainees chained to the exercise machines. The Applicant recognized one of them: a fellow villager Supian Ekiev, who like his son was a commander of the SB in Mesker-Yurt. The Applicant was tied to the exercise machine from which Ekiev was suspended. When the officers were torturing the Applicant, Ekiev interceded on his behalf and asked them to discontinue beating him. As a result, they attacked him and told him, that he was in no position to decide for them who was guilty or not.



- 14.30. Ekiev's condition was awful. He had arrived at the base in Tsentoroi one day before the Applicant. As the Applicant understood, Kadyrov had ordered Ekiev to report to the base and was detained when he arrived. He had horrible burns on his hands and legs, and his jaw was broken. He could not eat, only drink through a funnel. Next to Ekiev was another one of Kadyrov's officers, nicknamed Eger (translated into English "Huntsman"), from Shali. He was chained to a pipe, which ran through the entire sports hall, to the right of Ekiev. The Applicant witnessed how SB officers interrogated Ekiev and Eger with regard to the murder of another SB officer in Gernenchuk. They severely tortured them to obtain a confession, but the two men denied their participation.
- 14.31. Afterwards, in Gudermes, the Applicant was told by one of the SB officers that Ekiev and Eger had been shot. The officer said that he personally delivered Ekiev's body to his relatives in Mesker-Yurt.
- 14.32. In its report "New Methods of Anti-Terror," Memorial Human Rights Center documented the detention of Supian Ekiev. It stated that:

*On November 27 early morning in the village Mesker-Yurt, Shalinsky district the personnel of one of the republican security agencies broke into the house of **Ekiev Sup'yan** and kidnapped him. Before kidnapping they carried out an unsanctioned search in his house, using rough force in respect of Ekiev. In the evening of the same day from the house of Ekiev was kidnapped his mother **Jisma** and his wife **Petmat**, born 1982. 4 small girls, including a breast-fed baby were left alone without their mother or grandmother.*

*From conversations with the locals, "Memorial" found out the reason for hostage taking of the Ekiev family. The day before, on*

*November 26, in the neighboring village of Germenchuk unidentified persons driving Zhiguli car (VAZ 21099) killed two local militiamen and disappeared. Soon the car was found at the outskirts of Mesker-Yurt. This car for some time belonged to Eliev Sup'yan but, according to the relatives, he had sold it a long time ago. All the villages characterized Ekiev in very positive terms. For some time he worked as a deputy commander of Kadyrov security service, based in Mesker-Yurt.*

*On December 2 2004 at the outskirts of Grozny was found the corpse of Ekiev Sup'yan, heavily distorted by torture. His mother and wife were released 15 days later. (Appendix 11)*

- 14.33. That night, Ramzan Kadyrov personally appeared in the sports hall at around 11 o'clock in the evening. Kadyrov is the person in the middle of the back row in the photograph in appendix 15. It was the only time that the Applicant saw him there. He was in civilian clothes: a colorful jacket and sports trousers. He came into the sports hall with another person, who was about 35 years old and dressed in formal clothing with a medal on his jacket. He was brawny, silent and of a short stature like Kadyrov. All the people in the hall were handcuffed to pipes or exercise machines and were in different positions. Kadyrov asked questions about everyone's cases, struck one with a fist, kicked others with his legs or hit them with something. He laughed saying "shaitan" (implying insurgent). Surrounding him there were about twenty of his subordinates. One of them was a person nicknamed Jihad, who was the head of the base. The Applicant had seen him earlier on TV in Ramzan Kadyrov's company. Although the Applicant did not know Jihad's real name at the time, he has since learned that his name is Vakhid Usmyayev. (See appendix 16.) Kadyrov ordered the electric generator to be brought, which was then connected to the

detainees and Kadyrov amused himself. Ekiev likewise was one of the detainees whom Kadyrov tortured with electric shock. For some reason, Kadyrov ignored the Applicant, who was lying in the corner.

- 14.34. For a brief period of time that night, the Applicant left alone with a guard, who told him that Kadyrov had spoken with his son. Kadyrov telephoned him in Poland and threatened him saying that he had detained several relatives and that he would kill them if he did not return to Chechnya. In all likelihood, Kadyrov obtained the Applicant's son's number from the Applicant's cell phone, in which he had stored his Polish number.
- 14.35. Many people came through the sports hall. In the following days, at various times, SB officers came and went. Among others, they played billiards. Their commander, Jihad, was very often present at the sports hall and when he was not away, he supervised others and was present at the beatings.
- 14.36. The detainees at the base changed every day. Kadyrov's men constantly brought in new people and "processed" them day and night. At any moment, there were likely no more than 10-20 people but they switched rapidly. The Applicant is convinced that this detention facility is one of many throughout the territory of the Chechen Republic and that they are kept small on purpose to enable rapid liquidation in case of inspection. Terrible forms of torture occurred there. In the courtyard, the SB officers apparently tortured people with an open flame. As the Applicant understood it, this was done by connecting a hose to a handle to a gas source. People in Chechnya normally use this method to burn trash. The Applicant did not see anyone being tortured this way but observed people with burns, including Ekiev.

- 14.37. Through the windows of the sports hall, the Applicant sometimes saw how the other detainees were taken to the bathroom. As he learned later, there were two more cells in the back courtyard, one for men and one for women. There were about twelve men and three women in them at the time. The Applicant knew all of the women. One was Yakhita, the others were the mother and the wife of Supian Ekiev.
- 14.38. On the third day, men in civilian uniforms entered the sports hall, and from what the Applicant could tell, they were from the Shali Regional Administration for Struggle against Organized Crime (RUBOP). In his presence, the officers interrogated Ekiev and Eger about the murder of the local commander of the SB in Germenchuk. Ekiev and Eger did not confess to anything to them or to the Kadyrovtsy. The RUBOP officers spent approximately 30 minutes with them and then left.
- 14.39. On the morning of November 28<sup>th</sup>, the women were taken to the bathroom. Before the officers brought out the men, someone's corpse, covered with a blanket, was carried out on a stretcher to the back courtyard and placed on the asphalt by the grass. The corpse's face was not visible, but based on the shape of his figure the Applicant gathered that it belonged to a man of age. The body was removed only that night. Later, another detainee told the Applicant that the body had belonged to the former head of administration of Zakan-Yurt.
- 14.40. On the evening of November 30<sup>th</sup> at around 9 or 10 o'clock, the Applicant was transferred from the sports hall to one of the above-mentioned cells. These cells were also an extension of the main building. There were no windows there except for a little ventilation window opposite the door. The cell was overflowing and there was

no place to lie down. Amongst the detained was a man with burn wounds on his stomach. He could not cover himself with anything. Despite the fact that the cell was packed, all of the other detainees stepped away from him so as not to disturb him. At night, SB officers took this detainee out of his cell for interrogation and torture. The Applicant does not know what happened to him.

14.41. In total, the Applicant was held in Tsentoroi for four days. Throughout those days, he had no news about his wife. He did not know whether she was released but assumed so as he never saw her in the back courtyard with the other women going to the outhouse. The Applicant did know that Yakhita was still there, as he saw her sometimes in the back courtyard. Officers had also brought Yakhita into the sports hall for a few minutes on the first day while the Applicant was being tortured, to show her his condition. They threatened her with the same fate, if she did not cooperate with them.

14.42. Memorial Human Rights Center documented the Applicant's detention at Tsentoroi in its report "New Methods of Anti-Terror," although it mistakenly stated that he was detained in Mesker-Yurt and that he was still in Tsentoroi on 10 January 2006. In the report, the organization stated:

*On November 27, in the village of Mesker-Yurt, the personnel of unidentified power agency kidnapped **Israilov Sherpuddi**, born 1956, and his wife. The wife was released a few hours later. Most likely Sherpuddi was taken hostage because his son Alikhan, who for some time worked in the security service, left this job and disappeared from the village. Reportedly, the father was taken in order to force his son to surrender. As of January 10, 2005 Sherpuddi Israilov remained in the Tsentaroy prison.*

## **Detention at Gudermes**

- 14.43. The following day, on 1 December 2004, all detainees were transferred from the base in Tsentoroi, as the Applicant understands, due to an upcoming inspection. The three women and he were transferred to Gudermes. According to the security guards, the other men, including Ekiev and Eger, were taken to the RUBOP of Shali region and other areas.
- 14.44. On the way to Gudermes, the convoy made a stop at another base in Tsentoroi and picked up three more women from Novogrozniy. These women had been detained because one of their relatives was a rebel fighter. The Kadyrovtsy wanted to force this relative to give himself up by taking his relatives hostage. The motorcade of jeeps (UAZ) and VAZ 2119 transported us to the SB headquarters in Gudermes, where the Applicant was held for 307 days. The SB headquarters were on the outskirts of the city, between the railway and the market. In front of the base, there were two barriers. On the right side was boxing club "Ramzan," a sport's club started by Ramzan Kadyrov, and on the left behind a barrier were the headquarters. Before the headquarters stood a gate, all around were fences of three meters in height and behind them was the territory of the headquarters. Further along, there was a second gate and on the right an entrance to the courtyard of the headquarters. The headquarters were composed of a house with two floors and a basement, which was constantly undergoing repair. Nearby was a polyclinic in a building with five floors. Also, beside it was a three floor building, which for some time housed homeless children on the third floor. (See appendix 12 for a diagram of the Gudermes base and appendix 13 for a sketch of the city of Gudermes with the location of the base indicated). While the

Applicant was there, the SB was renamed ATS (Anti-Terrorism Center) and the base became the ATS headquarters.

14.45. When the Applicant was brought to the headquarters, there were many armed officers there as there were barracks on the ground floor. In time, they constructed other premises at the entrance to Gudermes, near a hospital, and all of the units were transferred there. This base was called "Vega." (Its location is indicated on the diagram of Gudermes). At the base where the Applicant was held, there remained only a platoon of approximately thirty people who guarded the headquarters.

14.46. The Applicant was held in the basement of a two storey building. The entrance to the basement was in the center of the building from the courtyard. The basement had been divided into two sections, on the left was the dining room, and on the right three cells. The women were placed in one cell, and the Applicant was put in another with two men, who were already there. The cell was approximately 2x3 meters in size. There were beds only in the cell with the wooden doors. In the other two cells there were deck-chairs constructed from boards, thin army mattresses, pillows and a few blankets. The mattresses on which the detainees slept were constantly damp and the Applicant's clothes began to decompose from the dirt and the dampness. These cells had metal doors with small windows for observation. Both of the doors must have been constructed in haste and were painted black. In the third cell, the door was wooden. The walls were brick and were plastered and painted. There was a sink next to the cells, and an outhouse (toilet) in the courtyard. An armed security guard was always located in the corridor. (See appendix 14 for a diagram of the basement).



- 14.47. While the Applicant was in detention, he saw nearly 100 people who were detained and then transferred or released. Sometimes, there were a lot of detainees in the cells. Other times, he was in the cell by myself. The people detained there were not implicated in anything particularly serious and the security guards jokingly called the detention center a "resort." Approximately one third of the detainees were SB officers, who had somehow misbehaved (drinking or stealing, etc). Also, some of the detainees were detained because people had told on them. The majority of the detainees were released after while but only after being beaten or tortured. Some of the detainees were taken elsewhere.
- 14.48. SB officers beat almost all detainees. This took place in the cell (sometimes the Applicant had to leave to the corridor, so that there would be sufficient space for the beatings in the cell), in the courtyard or in the dining room. The only people they did not beat were women and elderly men. They used butts of weapons, rubber batons, a hose with a rod inside, etc. for beatings. In the winter, they sometimes forced detainees into the courtyard and poured water on them from a hose, while beating them. They threw wet and blood-stained people back into the cell. At night, they sometimes brought them into the dining room and used electric shock on them. The Applicant saw all of this personally, heard the screams and the stories of the detainees. These beatings were a form of punishment for SB officers who had misbehaved. The Kadyrovtsy used the beatings to obtain information from other detainees about the rebel fighters. They often promised detainees that, if he betrayed somebody, they would then be released. All SB officers on the base, except for Imran and Ali (the guards who stood outside our cells) participated in these beatings and tortures, including the commander, a man named Muslim, and the deputy commander, a man named Adam and nicknamed Angel, of the SB.



As the Applicant was not beaten anymore, he looked after the people who were beaten.

- 14.49. Conditions in the Applicant's cell were difficult. There were times, when there were up to 10 people there and it was hard to breathe or sleep. The damaged sewer channel caused regular flooding from the rain and from the drainage of water after SB officers washed their cars in the courtyard, which happened about twice a week. The Applicant and the detainees used buckets to remove up to 8-10 centimeters of gathered water.
- 14.50. The security guards took the Applicant out of his cell for some air or to the bathroom from time to time. The detainees were allowed outside only when there were no workers or in the evening for half an hour—two people at a time when there were many detainees. But the Applicant could not properly bathe himself or wash his clothes. In the first months, he did not have an opportunity to shave and bathe at all. In the third month, he began to ask the security guards to take him to a bathhouse. After a few weeks of asking, in January 2005, officers brought him to a public bathhouse with a barber, in Gudermes. He was taken there once more in the spring. Later, the Applicant's wife brought him shaving necessities and clean clothes. Detainees ate the same food as the officers at the base.
- 14.51. In January 2005, the Applicant and several other prisoners were transported to a private house in the city, as a group of journalists was apparently about to inspect the detention facility. The three women from Novogrozniy and the Applicant were taken away at night in two cars. The Applicant was in a car with an SB officer called Rustam, who told to him that he would be spending a couple of days at his place. The officers stopped by the other ATS base

"Vega" on the way to pick up two more men: Yusup and Umar. The Applicant was in a car with the curtains closed so the detainees couldn't see where they were going. Upon arrival, the gates of the compound were closed and only then were the detainees let out of the cars and jostled into the house. Nevertheless, the Applicant remembers the approximate location of the house, as noises from the market were audible. There were two houses in the courtyard, which were probably built by Russians (Russians and Chechens build their houses differently). As the Applicant understood, Kadyrov had purchased these houses for his subordinates. The female detainees were housed in one room and the men in the other. At all times, there were two security guards with them. They bought the detainees at the market and the female detainees cooked it for them. They were not allowed to go into the courtyard aside from using the bathroom (outhouse). The detainees were there for 6 days. When they were brought back to the SB base, the blood stains and black marks from batons, which had previously covered the walls, had been washed off and the cell had been painted.

- 14.52. Yakhita was released approximately two weeks after our transfer to Gudermes, in mid-November. The Ekiev women were released at the end of December. The women from Novogrozniy were held in the neighboring cell until their release at the end of April. Their rebel fighter relative had apparently been killed along with rebel leader Aslan Maskhadov.
- 14.53. After a few weeks in detention, the Applicant managed to make contact with the outside world. Approximately 10 days after his arrival in Gudermes, the Applicant managed to send a message to his wife about his whereabouts through a released detainee. About once a month, he sent news to his wife in the same manner.

Starting from the second half of March, his wife came to the base on a regular basis and passed him notes, food and toilet accessories through the security guards. At the same time, his wife managed to get in contact with the deputy commander of the SB, a man named Adam (surname unknown) and nicknamed "Angel," through a friend. Adam promised her to arrange a meeting with the Applicant. When she came the next day, Adam was not there, but she ran into another officer, a man from the Applicant's home village called Badruddi Tovsultanov (nickname: Shturmovik). This officer called Adam and then allowed the Applicant and his wife to see each other for a few minutes in his car. Afterwards, they met one more time, on an evening in June 2005; they were given 5 minutes to talk in the car park in the courtyard.

- 14.54. The Applicant's wife's witness statement addresses her attempts to find the Applicant and their eventual contacts. She wrote:

*All our attempts (mine and that of our relatives') to discover what happened to my husband were fruitless. Our friends and relatives made inquiries everywhere, but no one could help us obtain information with regard to his whereabouts or physical condition. They were all scared of Ramzan's pervasive power.*

*In the first half of January 2005, I was visited by a man named Nazhmudi. He asked me not to mention that he was sent by Ali. He told me that he was detained in the same cell as Ali and that Ali asked him to stop by and let me know that he was in the basement of SB base in Gudermes and that he was okay. Nazhmudi advised me not to visit the base, as no one would admit that Ali was being detained there. Sometime, another person came to the house on behalf of Ali. He was also held in the same cell as my husband. He*

*was older than Ali, thin, sickly and his name was Mahmud Israilov (not related) from Starye Atagi.*

*In March 2005, my relative Musa Kagiroy informed me that he encountered Ali in a bathhouse in Gudermes and was able to exchange a few words with him. He was taken there by his guards to bathe himself and he was unkempt and bearded. I started going to the bathhouse in the hope that the prisoners would be brought there once a week but that was not the case. At one point, a young man who worked in the barber shop at the bathhouse asked me what I was doing there and whom I was waiting for. I told him the story about my husband's visit to the bathhouse. He said that he gave my husband a haircut and a shave. He also said that Ali had been unkempt and that it would be a long while until he would be brought there again. The man offered to help me.*

*He had an acquaintance by the name of Adam at the SB base and he asked him to help me. Adam thought that I was the barber's cousin and told me that my husband is doing well, that he is properly fed and that I should not be concerned. I told him that I would believe this only if I saw my husband. He told me that he can give me a handwritten note but I replied that I wanted to see him. He promised to arrange a meeting with my husband and told me to arrive at the SB base by 9:00 am the next day, where he would meet me. At 9:00 am next day, I arrived in at the SB base in Gudermes with a cousin and waited for Adam. I was told that he was not at the base. After a while, another acquaintance (he works at the base and is from the same village as my husband), Badruddi Tovsultanov, arrived and asked what I was doing there. I told him that Adam had promised to help me see my husband. Badruddi ordered me to wait for his return in his car and went onto the territory of the SB base. After some time, he drove me onto the*

*territory of the base and my husband sat down next to me in the car. In the presence of Badruddi, my husband and I spoke for about five minutes. Then my husband was taken away and I was taken outside the territory of the base and returned home.*

*During the spring and summer of 2005, I was permitted unofficially to supply my husband with some food and clothing. I stood in front of the base days at a time, the employees felt bad for me, but were scared of their superiors. When I was permitted to bring packages to my husband, in the beginning I came to the base twice a week. I was told that if I wanted to continue to provide my husband with packages, I could only do so once a week. Mostly I brought my husband food and sometimes clothing items, although I was told that Ali had everything he needs. In the spring I managed to see my husband another time, but this time in the car park on the territory of the base.*

*My husband passed complaints to me, which he hid in the clothing. I did not send them to the persecutor's office. I was warned by knowledgeable people (a prosecutor, military personnel, etc.) that if I filed these complaints with the prosecutor's office my husband would be killed. I just kept the complaints at the house.*

*I made attempts to find out when my husband would be released. Adam called me when I was at work and told me that he spoke about my husband's situation with Ramzan and that he was told not to get involved, as Ramzan himself was dealing with the case. Adam told me that my husband would be released within two days but that did not occur. Our children knew that their father was detained but I continued to promise them everyday that he would return.*

- 14.55. On 3 May 2005, four new detainees were brought to the base. Three of them were brothers: Adam, Kureish, and Movla Chersiev. Kadyrov had ordered their detention to force a fourth brother, who was a rebel fighter, to surrender. The Chersiev brothers were held in the cell next to him, where the women had been held before. All of them were over 50 years old and the oldest Chersiev, Adam, was given a bed.
- 14.56. The fourth new detainee was the elderly father of rebel leader Doku Umarov. Kadyrov had also ordered his detention to force Umarov to turn himself in. After a few days in one of the basement cells, Umarov's father was placed in the boiler room on the ground floor; he had difficulty walking up and down the stairs when he was taken for a walk or to the outhouse.
- 14.57. The Chersiev brothers and Umarov were not beaten but they were held for a lengthy period of time. The Chersiev brothers were released on 5 October 2005, a day after the Applicant. Sometime after their release, their rebel fighter brother was killed. As far as the Applicant is aware, Umarov's father was never released although he was transferred away from the Gudermes base.
- 14.58. Memorial Human Rights Center has document the detention of the Chersiev brothers. In a list of people whose detention the organization has documented over the years, it says the following about their detentions:

*Chersiev Adam Sherimbekovich, 1952, place of residence: Oktyabrskoe village, Grozny region. Detained and disappeared. In the night of 5 May in the village of Oktyabrskoe, Grozny region, officers of the republican power structures kidnapped three local*

*residents, the brothers Chershiev Adam Sherimbekovich, 1952m Kureish Sherimbekovich 1954m Movla Sherimbekovich, 1958.*

*Relatives managed to follow the cars in which the brothers were taken away and established that they entered the base of a regiment of the Extra-departmental Protection Service on Yuzhnaia Street in the Lenin district in Grozny (the so-called Oil Regiment or "Neftepolk"). When relatives appealed to the commander of the regiment, he refused to confirm the presence of the Chersievs on the territory of the base.*

*Relatives of the abducted brothers decided to picket the regiment until they be informed about the whereabouts of the Chersievs. As a result, the relatives managed to get confirmation from the commanders of the regiment that the brothers had been abducted. It became clear that they had been taken as hostages as one of the members of the family is a participant in the armed formations of the Chechen Republic of Ichkeria. The condition for their release was the rebel turning himself in. As of 10 May, relatives of the Chersievs continued to picket, demanding the release of the Chersiev brothers.*

- 14.59. On 9 May 2005, rebel leader Dokku Umarov confirmed in an interview with Radio Liberty that his father had been detained. An article in Chechenpress about the interview states:

*Dokku Umarov said that his 70-year-old father, 45-year-old brother, wife and six-month old child had been abducted. The immediate perpetrators of the abduction were bandits from the so-called "oil protection regiment" ("neftepolk"), who are headed by a certain Adam Delimkhanov, a close relative of the Kremlin puppet Ramzan Kadyrov.*



- 14.60. Although the Chersievs brothers and Umarov, as well as others held in the cells in Gudermes, were obviously detained on Ramzan Kadyrov's order, he seldom came to this base. Although the Applicant knows that he did visit from time to time, he never saw him there. He did frequently come to the boxing club nearly the base, where he conducted meetings with commanders of the SB from the various different regions of the Chechen Republic.
- 14.61. During his detention in Gudermes, the top commanders at the base completely ignored the Applicant and his case. At the end of May 2005, the Applicant met a man named Vahar-Solt (nickname: Kaskad) in the courtyard. He was a distant relative of the Applicant's wife and a fellow villager. The Applicant tried to find out from him why he was being held. He responded that the Applicant's son had killed an SB officer. The Applicant challenged him to back up these serious accusations. Kaskad told him that the local SB commander in Germenchuk had been killed in the center of Germenchuk after the Friday prayers, in the second half of the day, on November 26, 2004. He charged that the Applicant's son had participated in that murder. The Applicant told him that he knew about that incident, as he was detained the next day and had witnessed how SB officers interrogated Ekiev and Eger about this in the sport's hall in Tsentoroi. He told the Applicant that Ekiev and Eger had confessed to the crime. The Applicant told him that his son could not have committed this crime as he was in Poland starting on 13 November 2004. The Applicant and Kaskad quarreled, and Kaskad called a security guard and instructed him that the Applicant was forbidden to speak to anyone.
- 14.62. A few days later, in early June 2005, the applicant wrote a complaint on a notebook page complaining that he was being held without being charged, and requested that his case be looked at.



He asked an SB officer called Movsar to send the complaint to the prosecutor's office but Movsar told the Applicant that he could not do that. The Applicant then asked him to pass the complaint to Muslim, the commander of the SB. (Muslim is the person to the left of Ramzan Kadyrov in the photograph in appendix 15. The Applicant later learned that his full name is Muslim Iliasov). He promised that he would do so. Even after that they continued to ignore the Applicant. Then the Applicant wrote a number of similar complaints and passed them to his wife hidden in his clothing. His relatives did not dare to send these to the government or to the central newspapers, as the Applicant had requested, as they were concerned for his safety. (See appendix 17 for one the complaints that his wife in clothes to be sent to the Office of the Public Prosecutor of the Republic Chechnya, but which was not sent).

## **Release**

- 14.63. On October 4, 2005, on the first day of Ramadan, the Applicant was told that he was being released. After the noon prayers, he was taken out of the cell. Before he was released, he was taken to the second floor. It was the first time that Muslim Iliasov, the SB commander, spoke to him personally. He told him that he would be released but that he could not tell anyone where he had been or what he saw. He said that the Applicant's detention officially never happened and that there were no traces or paperwork of any kind to confirm it.
- 14.64. The Applicant asked Iliasov his money and documents. Iliasov answered that he did not know about the money, but that he would look into the documents. He told the Applicant to return in a couple of days for them. Since none of the detainees had documents, they were all driven home. Iliasov Muslim called Badruddi Tovsultanov

and told him to drive the Applicant home. On the way, Badruddi telephoned the Applicant's wife and son and told them that he was being released. He dropped the Applicant off at the entrance of his building. As far as the Applicant knows, all detainees from the base in Gudermes were released that day, except for the father to Doku Umarov.

- 14.65. In her witness statement, the Applicant's wife wrote the following about her husband's release:

*This continued until October 4, 2005, when he was finally released. I was at work when my husband returned. Badruddi phoned me to let me know that my husband was being released. I told him that I will believe him when I hear my husband's voice and Badruddi passed the telephone to Ali while in the car and I spoke to him. I called our relatives and they met Ali at home. I asked for the rest of the day off from work and when I came home Ali was already there.*

*He was in a bad condition and in the beginning he was ill. He stank horribly. He was really pale and he lost about 20 kg and looked sickly. My husband had many injuries: his ribs hurt, three upper teeth were missing, one front tooth was broken, and he had some small scars on his legs. He changed and became pensive. He says that he will never forget what was done to him or to other people. It is very hard for him to endure this injustice.*

- 14.66. His son Mairbek described his father's return home as follows:

*There was no news about our father while he was in detainment, aside from what our mother told us about seeing him. On October 4, 2005, I received a telephone call at home telling me that my*

*father was released. When my father returned, I met him in the entrance way. He was very thin and pale. He changed; his speech was affected and he stuttered.*

- 14.67. After his release, the Applicant tried for weeks get his documents and money back. He traveled to the base in Gudermes about five times until, eventually, a security guard warned him that if he came back one more time he would be detained. The Applicant realized that he would not get anything back. He also tried to find Said-Emi Ismailov, as he brought the documents and the money to Tsentoroi. He visited Ismailov's place of work in Shali and left notes there, and even went to his home but it was in vain.
- 14.68. In February 2006, the Applicant learned that officers of the SB (which had since been renamed Anti-Terrorism Center) were again looking for him in the village of Mesker Yurt. The Applicant warned Memorial Human Rights Center about this. He also received a summons from prosecutor's office in Shali, requiring him and his wife to appear at investigator Kakhaev's office on 23 February at 10:00 in the morning. The summons is attached to this application in appendix 18. The Applicant went to the office on 23 February but there was no one there (23 February is army day in Russia and is also the day that the Chechen people were deported by Stalin in 1944. Government offices are closed on that day) and only next Monday did the Applicant meet with Kakhaev. There, the Applicant learned that information about his case had ended up in the prosecutor's office. His case had apparently been mentioned in a letter by Rudolf Bindig to the prosecutor's office in Russia (Bindig's report of December 2005 mentions the Applicant's case, see appendix 20). The head of the Russian delegation to PACE apparently had demanded an explanation from the prosecutor's office. Therefore, the Shali prosecutor's office requested that the

Applicant provide a full statement with regard to what happened. The Applicant told him that he was afraid for my life because his story involved abuses by high level people in Chechnya. Kakhaev then asked the Applicant to sign an already prepared statement, which stated that he had ran away from his wife to be with a lover, a woman named Masha, for the eleven months; and that he had made up the story about his detention to hide this deception. The Applicant understood that if he did not sign the statement, he could be killed. He signed and threw the statement in Kakhaev's face and left.

- 14.69. On 6 December 2005, the prosecutor general of the Russian Federation wrote to Mr. Bindig informing him on various checks that had been conducted into cases raised in his earlier reports. With regard to the Applicant's case, the letter states:

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

- 14.70. The same letter also referred to the case of Mr. Ekiyev, stating:

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

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

- 14.71. The letter was included as Appendix C to Mr Bindig's report of December 2005, which is appended under number 20.

#### **Departure from Russia**

- 14.72. After his release, the Applicant felt an urgent need to seek justice for the abuses he had faced. He wanted the people responsible for his long unlawful detention and torture, as well as the torture and extrajudicial executions of other people, to be properly investigated and held accountable. But he also understood that he could only demand justice if he left Russia; otherwise, his life and the lives of his family would be in jeopardy. He thus applied for passports for himself and his family and left Russia. The Applicant has since found refuge in a safe country.

#### **Attempts to Seek Justice**

- 14.73. Since his arrival in his current country of residence, the Applicant has been putting together a complaint to the prosecutor's office of the Chechen Republic. He has collected witness statements and other evidence that can confirm his account story. After Elza Sagieva left Russia in September 2006 and subsequently traveled to a safe country, the Applicant submitted a complaint to the

prosecutor's office (a copy of the complaint is included in appendix 21).

- 14.74. He sent a copy of the complaint to the prosecutor general's office in Moscow through the courier service Fedex on 6 November 2006 (receipt is included in appendix 22). For unclear reasons, the prosecutor general's office refused to accept the package (Fedex tracking search included in appendix 23).
- 14.75. The Applicant then had a copy of his complaint delivered to the office of the prosecutor general's office on Ul. Bolshaya Dmitrovka on 18 December 2006. He does not have a receipt this delivery.
- 14.76. The Applicant again sent a copy of his complaint to the general prosecutor's office on 13 December 2006 via USPS (receipt is included in appendix 24). This package was delivered to the prosecutor's office on XX (delivery information is included in appendix 25).
- 14.77. The Applicant is currently awaiting a response from the prosecutor's office.

### **III STATEMENT OF ALLEGED VIOLATION(S) OF THE CONVENTION AND/OR PROTOCOLS AND OF RELEVANT ARGUMENTS**

15.

#### **I. ADMISSIBILITY**

*A: Acceptance of the right of individual petition*

15.1. On 5 May 1998 the Government of Russia ratified the Convention, thereby accepting the jurisdiction of the European Court.

*B: In relation to Article 35(1) of the Convention*

15.2. The Applicant submits that this application was filed with the European Court in accordance with the conditions of Article 35(1). He is currently exhausting existing domestic remedies.

#### **II. MERITS**

15.3. The Applicant submits that the following violations of his rights occurred in the present case:

**Article 3 -- The treatment he was subjected to at the base in Tsentoroi, including the beatings, kicking, and electric shock, amount to torture as defined in the jurisprudence of the Court.**

The Applicant submits that there is **sufficient evidence** to establish that he was subjected to maltreatment while in detention.

The Court has repeatedly held in its jurisprudence that when someone enters a detention facility in good health but has injuries upon his release, it is incumbent on the State to provide a plausible explanation of the origin of the injuries. In absence of such an explanation, the Court is willing to accept that the injuries were sustained as a result of a violation of Article 3 (see, among others, *Ribitsch v Austria*).

In the present case, the Applicant has provided a detailed account of the ill-treatment he suffered. He has submitted a forensic examination report which confirms injuries that are consistent with his account. His wife has provided a written statement in which she described her husband's condition of health upon his release. She describes that he was missing several teeth upon his release, that that one tooth was broken, that he had an injury on his leg, that he complained of pain in the ribs, and that he had lost about 20 kg in weight. His son has also provided an account in which he briefly describes his father's condition following his release. Finally, the Applicant has submitted photographs of injuries below his knees and on his left ankle, as well as photographs of missing teeth.

The Applicant considers that the ill-treatment he was subjected to **reaches the threshold of torture.**

**Article 3 -- The conditions in which he was held over the course of almost eleven months at the base in Gudermes in a cell that was frequently overcrowded, was unhygienic, flooded on a regularly basis, and where no medical care was available amount to inhuman and degrading treatment in violation of Article 3.**



For almost eleven months, the Applicant was held in an unofficial detention center in the basement of a building that was formerly a bank. This building was completely inappropriate for holding detainees.

**Article 5 (1, 2, 3, 4, 5)**

The Applicant asserts that his detention violated each individual provision of Article 5, as well as Article 5 as a whole.

By holding the Applicant in an unofficial detention center without keeping any official record of his detention that would have allowed for outside control of the lawfulness of his detention and the treatment he was facing, the State essentially negated the provisions of Article 5 that are meant to protect the rights of persons deprived of their liberty. The Applicant thus asks the Court to find a violation of Article 5 as a whole.

The Applicant was not detained in accordance with a procedure prescribed by law or on one of the lawful grounds for detention enumerated in Article 5(1), he was properly not informed of the reasons for his arrest (Article 5(2)), he was not brought before a judge (Article 5(3)), and he did not have the opportunity to challenge his detention (Article 5(4)). Finally, by forcing him to sign a statement saying he spent eleven months with a lover in Russia while he was in fact in detention, he was denied the possibility to seek redress for his unlawful detention (Article 5(5)).

The Applicant submits that he has submitted considerable evidence that he was indeed detained and held at two unofficial detention centers under Ramzan Kadyrov's command. He points to the following facts:

- His own detailed description of the detention itself, the detention centers where he was held and his treatment there;
- The detailed drawings of the two detention centers;

- A witness statement by his wife in which she describes how she was detained together with her husband and taken to the military base at Tsentoroi, how she received several messages from her husband through released cellmates, how she regularly brought him food and clothing over the course of numerous months, and how she had brief encounters with him twice at the military base in Gudermes;
- A witness statement by his son, Mairbek Israilov, in which he describes how officers came to the family apartment in Grozny looking for his father, took his mother to the place of work of his father, and how his father was absent for nearly eleven months after that;
- A report by Memorial Human Rights Center of 17 March 2005 which documented his detention on 27 November 2004;
- References in his testimony to various other people who were held in detention with him during the eleven months. Memorial Human Rights Center documented the detentions of several members of the Ekiev family, whom the Applicant saw in detention both in Tsentoroi and Gudermes, and the Chersiev brothers, whom the Applicant saw in detention in Gudermes.

Finally, the application lodged with the European Court of Human Rights by the Applicant's son Umar contains a detailed account of how Ramzan Kadyrov called the Applicant's son and informed him that his forces had detained father and other relatives.

### **Article 8**

The Applicant submits that the search at his apartment in Grozny on the day of his detention was unlawful, as it did not follow a procedure prescribed by law and was not necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the

prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others, as required by Article 8.

Even if one assumes that the search was conducted in order to look for the Applicant's son's weapon—arguably a legitimate reason for a search—the search violated numerous provisions of Russian criminal procedure law. No warrant was presented; no outside witnesses were invited to observe the search; the search was in no way documented with paperwork as required under Russian law.

### **Protocol 1 Article 1**

The Applicant has submitted that he was deprived of his property in violation of Russian law and general principles of international law. Officers conducting the search at his apartment confiscated a bag of money and documents without following any procedures and even recording the confiscation. After his release, the Applicant tried repeatedly to get the money and documents back but to no avail. No officials have given any reason for not returning the money and documents to him.

### **Article 3 and Article 13 – Effective Investigation and Remedy**

If the prosecutor's office and the Russian courts are unresponsive to the Applicant's complaints about his treatment, the Applicant will also allege violations of Article 3 and 13.

#### **IV STATEMENT RELATIVE TO ARTICLE 35 § 1 OF THE CONVENTION**

16. Final decision (date, court or authority and nature of decision)

16.1. There is no final decision in the current case. The Applicant is currently in the process of exhausting domestic remedies. He will keep the Court informed of steps taken by the prosecutor's office in response to his complaint.

16.2. In case the Applicant, his relatives or witnesses identified in his complaint to the prosecutor's office face threats or intimidation, the Applicant may argue in future that there were special circumstances that absolved him from exhausting domestic remedies (as per *Akdivar v Turkey*) or that domestic remedies were ineffective, inadequate or illusory.

17. Other decisions (list in chronological order, giving date, court or authority and nature of decision for each of them)

None.

18. Is there or was there any other appeal or other remedy available to you which you have not used? If so, explain why you have not used it.

18.1. The Applicant is currently pursuing a criminal complaint. He has submitted a complaint to the prosecutor's office. In case the prosecutor's office fail to open a criminal investigation into the abuses he suffered, the Applicant will seek to appeal this decision in the courts.

18.2. The Applicant will not file any civil claims for compensation as he believes a civil claim could not possibly provide an effective remedy as provided for by Article 13 of the Convention. If a criminal investigation into the abuses he suffered is opened and the case goes to trial, the Applicant will make a claim for compensation of moral and material damages in the course of those proceedings.

**V STATEMENT OF THE OBJECT OF THE APPLICATION AND  
PROVISIONAL CLAIMS FOR JUST SATISFACTION**

19.

Finding of violations of as set out in § 15 above.

Just satisfaction, as appropriate for material and immaterial damage.

Compensation for legal and other procedural expenses (to be specified at a later date).

**VI STATEMENT CONCERNING OTHER INTERNATIONAL  
PROCEEDINGS**

20.

None

## **VII LIST OF DOCUMENTS**

21. See appendix.



### VIII DECLARATION AND SIGNATURE

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

Lieu / Place.....**Withheld for security reasons** .....

Date / Date.....**30 November 2006**.....

Sharpudi Israllov

A handwritten signature in black ink, appearing to be 'Sharpudi Israllov', written over a light background.

## Appendix

- 1 [REDACTED]
- 2 [REDACTED]
- 3 Statement by Shovda Anvorbekovna Viskhanova (wife of Ali Israilov)
- 4 Statement by Mairbek Sharpudievich Israilov (son of Ali Israilov)
- 5 Diagram of Tsentoroi base
- 6 Diagram of the sports hall at Tsentoroi
- 7 a/b Photos of Ali Israilov's mouth
- 8 a/b Photos Ali Israilov's knees
- 9 Forensic exam report
- 10 Photograph of t Ali Israilov's ankle
- 11 Memorial report, "Chechnya 2004: "New" Methods of Anti-Terror. Hostage taking and repressive actions against relatives of alleged combatants and terrorists"
- 12 Diagram of Gudermes base
- 13 Diagram of Gudermes with location of base indicated
- 14 Diagram of the Gudermes base basement
- 15 a/b Photograph of Ramzan Kadyrov and his inner circle
- 16 Photograph of Vakhid Usmayev
- 17 Unsent Complaint written in Gudermes detention center
- 18 February 23, 2006 Summons to Office of Public Prosecutor
- 19 Report by Rudolf Bindig to the Parliamentary Assembly of the Council of Europe of September 2004
- 20 Report by Rudolf Bindig to the Parliamentary Assembly of the Council of Europe of December 2005
- 21 Ali Israilov complaint to the Prosecutor General of the Russian Federation
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 [REDACTED]
- 26 Excerpt from Memorial report, "Partial list of persons detained in the Northern Caucasus conflict zone who later disappeared in 1999-2005. These persons were detained by representatives of federal law enforcement and security agencies and by the local law enforcement agencies under federal control."
- 27 Dokku Umarov: "We are starting a war on the territory of Russia," Chechenpress, Division of Mass Information, 09.05.05.

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I, Shovda Anvorbekovna Viskhanova, born January 5, 1968, am the wife of Sharpudi Israilov.

On Saturday, November 27, 2004, around noon, I was returning to our home at Dudaev Boulevard No. 4 apartment 70 from the city, where I was trying to obtain a job as a nurse. When I entered the doorway of the building and walked up to the fifth floor, an armed man followed me in. The man told me that he is looking for my husband and inquired about his whereabouts. I answered him that my husband is at work at a military base and one can only gain access to it with a permit. I inquired as to the reason why he was looking for him. He told me that I have to go with them and show them where my husband works. I insisted that I was not going anywhere, because I was scared. He went to his superior several times to consult and would then try to convince me to accompany them again and again.

After a while, the commander, a man named Said-Emin (nickname: Razvedchik or Spy) entered the house. I had encountered him previously, when he visited my son at the hospital after his car accident. I asked him what the problem was, to which he replied that my husband was not guilty of anything, but that Umar (the oldest son, who is also known as Alikhan) was implicated in something and that Ramzan wanted to speak with Ali. I explained to him that Umar did not live with us but with his grandmother.

They continued to insist that I go with them and take them to the location where Ali worked. I told them that I could not do so, since I only knew the approximate location. All I knew was that he worked around the military base, next to the Severniy airport, at a firm called Kavkaz. They told me we would be allowed on to the base, that I should not be frightened and that I would be taken home afterwards. I was left with no alternative but to go with them.

After that, I was told to go into the kitchen with my terrified children. The armed men searched the apartment for weapons that were supposedly there. The search lasted for about 30 minutes, after which they locked the children in the apartment and drove to my

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husband's workplace. Aside from the car in which I was sitting, there were a number of other cars with armed men. Said-Emin told me that he was aware that Umar did not live with us, that we were innocent, but that he had to comply with the orders he received.

When we drove up to my husband's workplace, the car I was in was permitted to pass. At the company's office, they asked about my husband's whereabouts, summoned him and he joined us in the car. The car was turned around and we began driving, with the rest of the cars following us. In the car, my husband's mobile phone and documents were confiscated.

Said-Emin asked my husband about Umar's whereabouts repeatedly. My husband answered that Umar had traveled to Moscow for medical treatment and that until he would get in touch with us he had no information on him. He then asked about the location of Umar's work car. Ali replied that it was in Argun and that Umar has asked him to hold it somewhere until his return.

We drove into Argun, picked up the car and continued driving, passing Gudermes towards Khasavyurt along the Rostov-Baku highway. Ramzan Kadyrov or one of his officers telephoned multiple times to make sure that we are on our way and to inquire about our location. We turned right off the highway, passed some villages and entered a courtyard in a village that I did not recognize.

We all got out of the cars and with us was also another girl, Yakhita, the sister of Umar's wife. We were separated. I was placed under an awning, while my husband was taken into the yard where he was surrounded by the armed men, who brought us there.

Initially, the officers entered a building, and then a few people emerged, approached my husband and showed him a purse. I recognized this purse, as it had come from our apartment and contained our money and documents. Apparently, they had taken it when they were searching the apartment. They questioned Ali about something, I saw this, but could not hear it, as there were about 200 meters between my husband and

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me. After that, they again went inside and when they came back a little later they began beating my husband. I began screaming, while one of Kadyrov's officers threatened me to stop or I would be shot. Later they tried to distract me from the groans of my husband. They handcuffed him and dragged him somewhere across the yard.

They screamed at me and pressured me to reveal to them everything I knew. I heard my husband's screams and groans and was in shock, not comprehending their questions or what I should reply. I insisted that my husband was innocent, that Umar did not live with us, and that we do not know where he is or what wrong deeds he has done. Kadyrov's officers continued threatening me, saying: "we will take care of your husband and then start with you, so you better tell us everything." I don't remember how long this continued but they even said at one point that they had killed him.

After a while, they stopped their interrogation and two young men told me to get into the car, as they were taking me home to my children. I insisted that I would not leave without my husband; I wanted to know where he was and what they had done with him. They ordered me to get into the car quickly before somebody changes his mind about allowing me to go home. I agreed to leave. I got into the car and they took me home.

All our attempts (mine and that of our relatives') to discover what happened to my husband were fruitless. Our friends and relatives made inquiries everywhere, but no one could help us obtain information with regard to his whereabouts or physical condition.

In the first half of January 2005, I was visited by a man named Nazhmudi. He asked me not to mention that he was sent by Ali. He told me that he was detained in the same cell as Ali and that Ali asked him to stop by and let me know that he was in the basement of SB base in Gudermes and that he was okay. Nazhmudi advised me not to visit the base, as no one would admit that Ali was being detained there. Sometime, another person came to the house on behalf of Ali. He was also held in the same cell as my husband. He was older than Ali, thin, sickly and his name was Mahmud Israilov (not related) from Starye Atagi.

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In March 2005, my relative Musa Kagiroy informed me that he encountered Ali in a bathhouse in Gudermes and was able to exchange a few words with him. He was taken there by his guards to bathe himself and he was unkempt and bearded. I started going to the bathhouse in the hope that the prisoners would be brought there once a week but that was not the case.

At one point, a young man who worked in the barber shop at the bathhouse asked me what I was doing there and whom I was waiting for. I told him the story about my husband's visit to the bathhouse. He said that he gave my husband a haircut and a shave. He also said that Ali had been unkempt and that it would be a long while until he would be brought there again. The man offered to help me.

He had an acquaintance by the name of Adam at the SB base and he asked him to help me. Adam thought that I was the barber's cousin and told me that my husband is doing well, that he is properly fed and that I should not be concerned. I told him that I would believe this only if I saw my husband. He told me that he can give me a handwritten note but I replied that I wanted to see him. He promised to arrange a meeting with my husband and told me to arrive at the SB base by 9:00 am the next day, where he would meet me.

At 9:00 am next day, I arrived in at the SB base in Gudermes with a cousin and waited for Adam. I was told that he was not at the base. After a while, another acquaintance (he works at the base and is from the same village as my husband), Badruddi Tovsultanov, arrived and asked what I was doing there. I told him that Adam had promised to help me see my husband. Badruddi ordered me to wait for his return in his car and went onto the territory of the SB base. After some time, he drove me onto the territory of the base and my husband sat down next to me in the car. In the presence of Badruddi, my husband and I spoke for about five minutes. Then my husband was taken away and I was taken outside the territory of the base and returned home.

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During the spring and summer of 2005, I was permitted unofficially to supply my husband with some food and clothing. I stood in front of the base days at a time, the employees felt bad for me, but were scared of their superiors. When I was permitted to bring packages to my husband, in the beginning I came to the base twice a week. I was told that if I wanted to continue to provide my husband with packages, I could only do so once a week. Mostly I brought my husband food and sometimes clothing items, although I was told that Ali had everything he needs. In the spring I managed to see my husband another time, but this time in the car park on the territory of the base.

My husband passed complaints to me, which he hid in the clothing. I did not send them to the persecutor's office. I was warned by knowledgeable people (a prosecutor, military personnel, etc.) that if I filed these complaints with the prosecutor's office my husband would be killed. I just kept the complaints at the house.

I made attempts to find out when my husband would be released. Adam called me when I was at work and told me that he spoke about my husband's situation with Ramzan Kadyrov and that he was told not to get involved, as Ramzan himself was dealing with the case. Adam told me that my husband would be released within two days but that did not occur. Our children knew that their father was detained but I continued to promise them everyday that he would return.

This continued until October 4, 2005, when he was finally released. I was at work when my husband returned. Badruddi phoned me to let me know that my husband was being released. I told him that I will believe him when I hear my husband's voice and Badruddi passed the telephone to Ali while in the car and I spoke to him. I called our relatives and they met Ali at home. I asked for the rest of the day off from work and when I came home Ali was already there.

He was in a bad condition and in the beginning he was ill. He stank horribly. He was really pale and he lost about 20 kg and looked sickly. My husband had many injuries: his ribs hurt, three upper teeth were missing, one front tooth was broken, and he had

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some small scars on his legs. He changed and became pensive. He says that he will never forget what was done to him or to other people. It is very hard for him to endure this injustice.

I am willing to attend court and give evidence.



Я, Висханова Шовда Анворбековна, рожденная 1 мая 1968 г., жена Исраилова Шарпуди (Али).

В субботу 27 ноября 2004 г. около полудня, я возвращалась домой по адресу бульвар Дудаева 4 кв. 70 с города, где пыталась устроиться на работу медсестрой. Когда я вошла в подъезд и поднялась на пятый этаж, за мной поднялся вооруженный человек. Он сказал мне, что ему нужен мой муж и спросил, где он находился. Я сказала что он на работе на военной базе и что туда без пропуска не пускают. Я спросила, зачем он им нужен, на что он ответил, что мне нужно поехать с ними и показать где работает муж. Я настаивала что не поеду, потому что боюсь. Он несколько раз уходил совещаться с начальством и потом приходил и пытался меня уговорить. В конце концов зашел их командир, Саид-Эмин (кличка "Разведчик"), которого я раньше видела, когда он навещал сына в больнице после аварии. Я хотела знать в чем дело, на что он сказал, что мой муж нивчем не виноват, но Умар (это старший сын, также известен как Алихан) натворил что-то перед уездом и Рамзан Кадыров хочет поговорить с ним. Я ему объяснила что Умар с нами не жил, а жил с бабушкой.

Они настаивали чтобы я поехала с ними и показала, где работает Али. Я отвечала, что не могу, потому что только знаю, что он работает в распоряжение военных, у аэропорта Северный в фирме Кавказ и туда без пропусков не пускают. Мне сказали, что их пустят, чтобы я не боялась, так как после меня привезут домой. У меня не осталось другого выхода кроме как поехать с ними.

Затем мне сказали зайти на кухню с напуганными детьми, так как им нужно обыскать квартиру, так как у нас должно быть оружие. Обыск проходил около тридцати минут. Оружие они конечно не обнаружили. После этого, мы вышли из квартиры, оставляя там детей и поехали на работу мужа. Кроме машины в которой я сидела, было еще несколько машин с вооруженными людьми. Саид-Эмин сказал мне, что знает что Умар не жил с нами, что мы нивчем не виноваты, но должен выполнить приказ. Когда мы доехали до места работы мужа, пропустили машину в которой я сидела. В конторе фирмы спросили где муж находится, его вызвали и он сел к нам в машину. Мы развернулись и поехали, и остальные машины поехали за нами. В машине у мужа забрали документы и телефон.

Саид-Эмин спрашивал у мужа где Умар, на что тот ответил, что Умар поехал лечиться в Москву и пока не позвонит, не знает где он. Потом он спросил мужа, где служебная машина Умара. Али сказал, что она стоит в Аргуне и что Умар попросил поставить машину куданибудь, пока он вернется. Мы заехали в

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Аргун, забрали машину и поехали дальше мимо Гудермеса в сторону Хасавюрта по трассе. Рамзан Кадыров или какой-то командир многократно звонил узнать везут ли нас и где мы находимся. Мы свернули на право, проехали какие-то села и заехали во двор села, которое я не опознала.

Нас высадили с еще одной девчонкой, зовут ее Яхита, она сестра жены Умара и развели в разные стороны. Меня отвели под навес, а мужа во двор, где его окружили вооруженные люди, которые нас привезли. Сначала они зашли в помещение, потом несколько человек вышло, подошли к мужу и показали ему сумку. Я опознала эту сумку, так как она была с нашей квартиры и в ней были документы и деньги. Видимо они ее забрали, когда делали обыск. Его о чем-то спрашивали, я это видела, но не слышала, так как между мной и мужем было около 20 метров. Затем они опять зашли в помещение, через некоторое время вышли и начали избивать мужа во дворе. Я кричала и кадыровец который меня охранял угрожал мне, что если я буду вмешиваться в побои мужа меня застрелят. Они надели на него наручники и потащили через двор куда-то.

На меня кричали и запугивали, чтобы я рассказала все что знаю. Я слышала стоны и крики мужа, была в шоке, не понимая что они спрашивают, и что им отвечать. Я говорила что муж нивчем не виноват, что Умар с нами не живет, что мы не знаем где он, и что натворил. Кадыровцы продолжали мне угрожать, говоря: «мы разделаемся с мужем и возьмемся за тебя, так что давай рассказывай.» Я не знаю сколько это продолжалось, но они даже сказали, что убили мужа. Потом они перестали меня спрашивать, двое молодых парней сказали сесть в машину, и что они отвезут меня домой к детям. Я сказала, что без мужа не поеду, и спрашивала где он и что с ним сделали. Мне приказали быстро сесть в машину, пока кто-то не передумал и я согласилась. Меня посадили в машину и отвезли домой.

Сначала все наши попытки (мои и родственников) узнать, что с мужем и где он были безрезультатны. Наши друзья и родственники обращались всюду, но никто не смог им помочь добыть информацию о его местонахождении и физическом состоянии.

Наконец, в первой половине января 2005 г. к нам зашел человек по имени Нажмуди. Он рассказал нам, что он сидел в камере с мужем и тот попросил зайти и дать знать нам, что он находится в Гудермесе в подвале штаба СБ и все хорошо. Он мне посоветовал не суваться туда, так как никто не признается что Али там. После этого приходил еще один человек от Али, который сидел с ним в одной камере. Он был старше Али, худой, больной, и звали его Махмуд Исраилов (однофамилец мужа) из старых Атогов.

В марте 2005 г., мой родственник Муса Кагиров сообщил мне, что он видел Али в бане в Гудермесе и что ему удалось в нескольких словах переговорить с ним. Его привезли охранники помыться и он был весь заросший и бородатый. Потом я стала ездить в эту баню в надежде, что их будут приводить в баню раз в

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неделю, но этого не произошло. Один молодой человек, который работал в парикмахерской при бане поинтересовался что я тут делаю, кого сторожу? Я ему рассказала историю с баней, на что он рассказал мне, что постриг и побрил мужа, который был заросший и что его еще нескоро привезут в баню. Он захотел помочь мне.

У него был знакомый Адам в штабе СБ и он попросил его мне помочь. Адам видимо думал, что я двоюродная сестра парикмахера и говорил мне что с мужем все нормально, его хорошо кормят, не надо беспокоиться. Я сказала что этому поверю только если его увижу. Он сказал что может мне дать записку, но я сказала что я хочу его увидеть. Он обещал мне встречу с мужем и сказал приехать к 9:00 к штабу СБ, где он меня встретит.

На следующий день к 9:00 я приехала в Гудермес с двоюродным братом в штаб СБ и стала там ждать Адама. Мне сказали что его нету в штабе. Немного позже подъехал наш знакомый Бадрудди Товсултанов (он сотрудник СБ и односельчанин мужа), подошел ко мне и спросил что я тут делаю. Я рассказала что Адам обещал мне помочь увидеть мужа но Адама нет. Бадрудди велел мне подождать его в машине и зашел на территорию штаба СБ. Через некоторое время он завез меня на территорию штаба, в машину сел муж и в присутствии Бадрудди, мы с мужем поговорили минут пять. Потом мужа увели, а меня вывезли за территорию штаба и я уехала домой.

В течении весны и лета 2005 г. мне не официально позволяли передавать мужу кое-какие продукты и одежду. Я стояла около базы целыми днями, меня жалели, но боялись начальство. Когда мне сначала разрешили привозить передачи, я приезжала два раза в неделю. Мне сказали что если я хочу продолжать приносить передачи мужу, то я могу это делать только раз в неделю. Я в основном передавала еду и иногда одежду хотя мне говорили, что у Али все есть и ему ничего не надо. Весной мне удалось еще один раз увидеть мужа, этот раз в гараже, на территории штаба.

Мне муж передавал заявления, которые он прятал в вещах, но я их в прокуратуру не подавала. Меня предупредили знающие люди: прокурор, военные, и т.д., что если я подам заявления в прокуратуру, моего мужа убьют. Я заявления просто держала дома.

Я пыталась узнать когда отпустят мужа. Мне звонил Адам когда я была на работе и сказал что он говорил про ситуацию мужа с Рамзаном Кадыровым и тот сказал чтобы он не вмешивался и что он сам разберется. Адам сказал что мужа отпустят в течение двух дней, но этого не случилось.

Мои дети знали что их отца забрали, но я им продолжала обещать каждый день, что он вернется.

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Это продолжалось до 4 октября 2005 г., когда его наконец отпустили домой. Я была на работе когда мой муж вернулся, но Бадрудди позвонил и предупредил что мужа отпускают домой. Я сказала что поверю когда мужа голос услышу и тогда Бадрудди в машине дал ему телефон и я поговорила с Али. Я позвонила родственникам и они его встретили дома, а я отпросилась с работы и когда я приехала домой Али уже был там.

Его состояние было тяжелое и к началу он себя очень плохо чувствовал. От него ужасно воняло. Он был очень бледный и худой, он похудел на 20 кг, и вообще очень плохо выглядел. У мужа было много повреждений: у него болели ребра, были выбиты трое верхних зубов, сломан передний зуб, и остались небольшие шрамы на ногах. Он изменился и стал очень задумчивый и говорит что никогда не забудет, то что сделали с ним и с другими людьми. Ему очень тяжело перенести всю эту несправедливость.

Я я готова присутствовать в суде и давать показания.

## Appendix 4

My name is Mairbek Sharpudievich Israilov born on September 27, 1991. I am the son of Sharpudi (Ali) Israilov.

On November 27, 2004, I was returning home from school at noon time. That day classes were cancelled around noon and I immediately departed home. When I was entering the apartment, in the hallway, in front of the apartment stood two armed men. They asked me if I was Alikhan (Umar)'s brother, to which I answered yes and walked into the apartment. My mother was already there. In the apartment was also another man. Two armed men walked in after me and told us to go into the kitchen, as they were going to search the apartment. They turned everything upside down, scared my sisters, told us to stay locked in the apartment, not leave anywhere and took our mother with them. Our mother returned round 11 pm, at which time we went to her parents' house in Argun.

There was no news about our father while he was in detainment, aside from what our mother told us about seeing him. On October 4, 2005, I received a telephone call at home telling me that my father was released. When my father returned, I met him in the entrance way. He was very thin and pale. He changed; his speech was affected and he stuttered.

I am willing to attend court and give evidence.

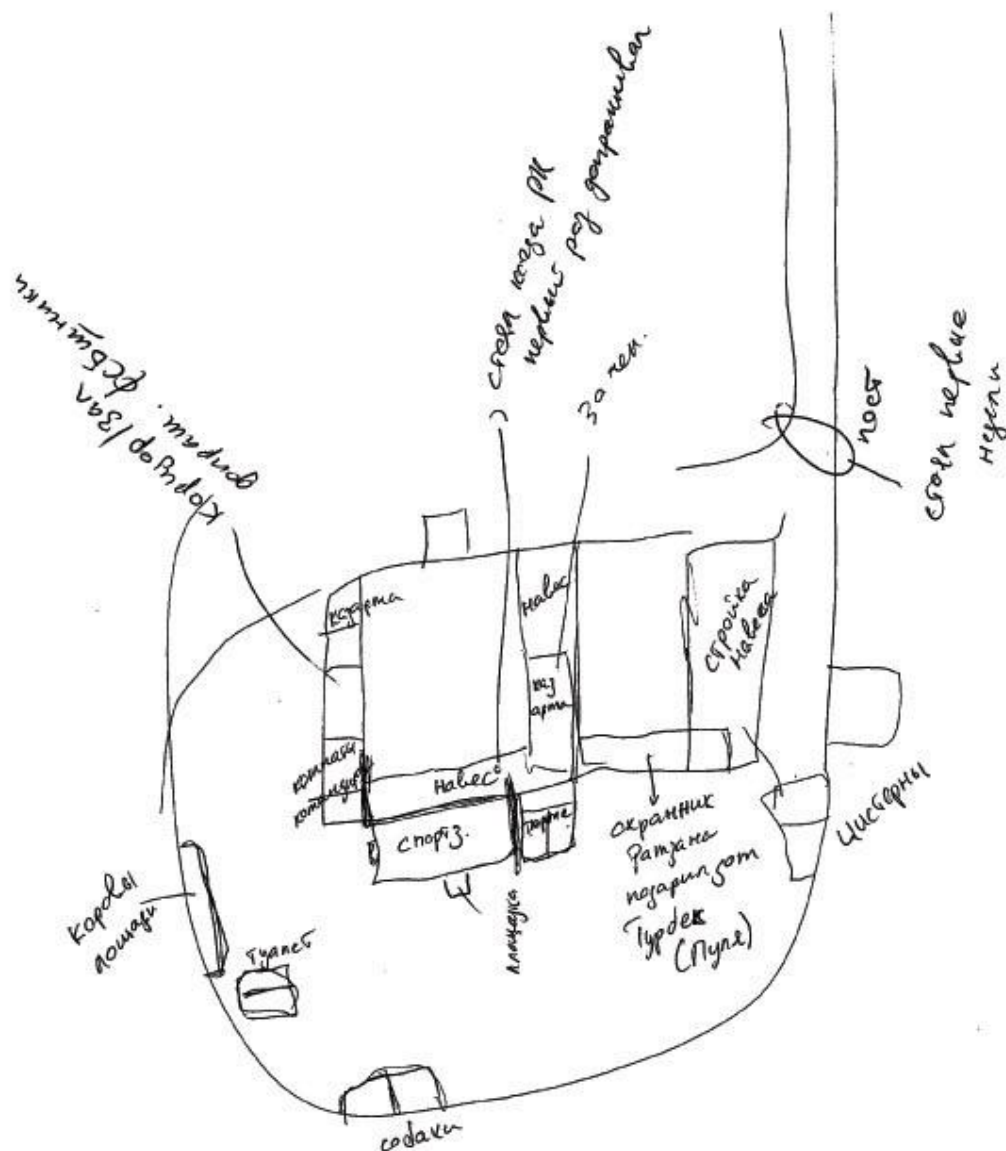
Меня зовут Исраилов Майрбек Шарпудиевич, рожденный 27 сентября 1991 г. Я сын Исраилова Шарпуди (Али).

27 ноября 2004 г. я возвращался домой из школы в первом часу. В тот день, в школе отменили уроки около 12 часов и я сразу вернулся домой. Когда я заходил в квартиру, на площадке перед квартирой стояли два вооруженных человека. Они у меня спросили если я брат Алихана (также известен как Умар), на что я ответил да и зашел в квартиру, где уже находилась мама. В квартире также был еще один человек. За мной зашли еще двое вооруженных людей, которые сказали нам, чтобы мы зашли на кухню, так как они будут обыскивать квартиру. Они все перевернули, напугали сестричек, сказали закрыться в квартире и никуда не выходить, а мать забрали с собой. Часов в 11 вечера мать вернулась и мы уехали в Аргун к ее родителям.

Об отце не было никаких новостей пока он был в заключение, кроме того что мама рассказала что видела его. 4 октября 2005 г. по телефону мне позвонили, когда я был дома и сказали что отца отпустили. Когда отец вернулся я его встретил в подъезде. Он был очень худой и белый. Он изменился, разговаривал плохо и заикался.

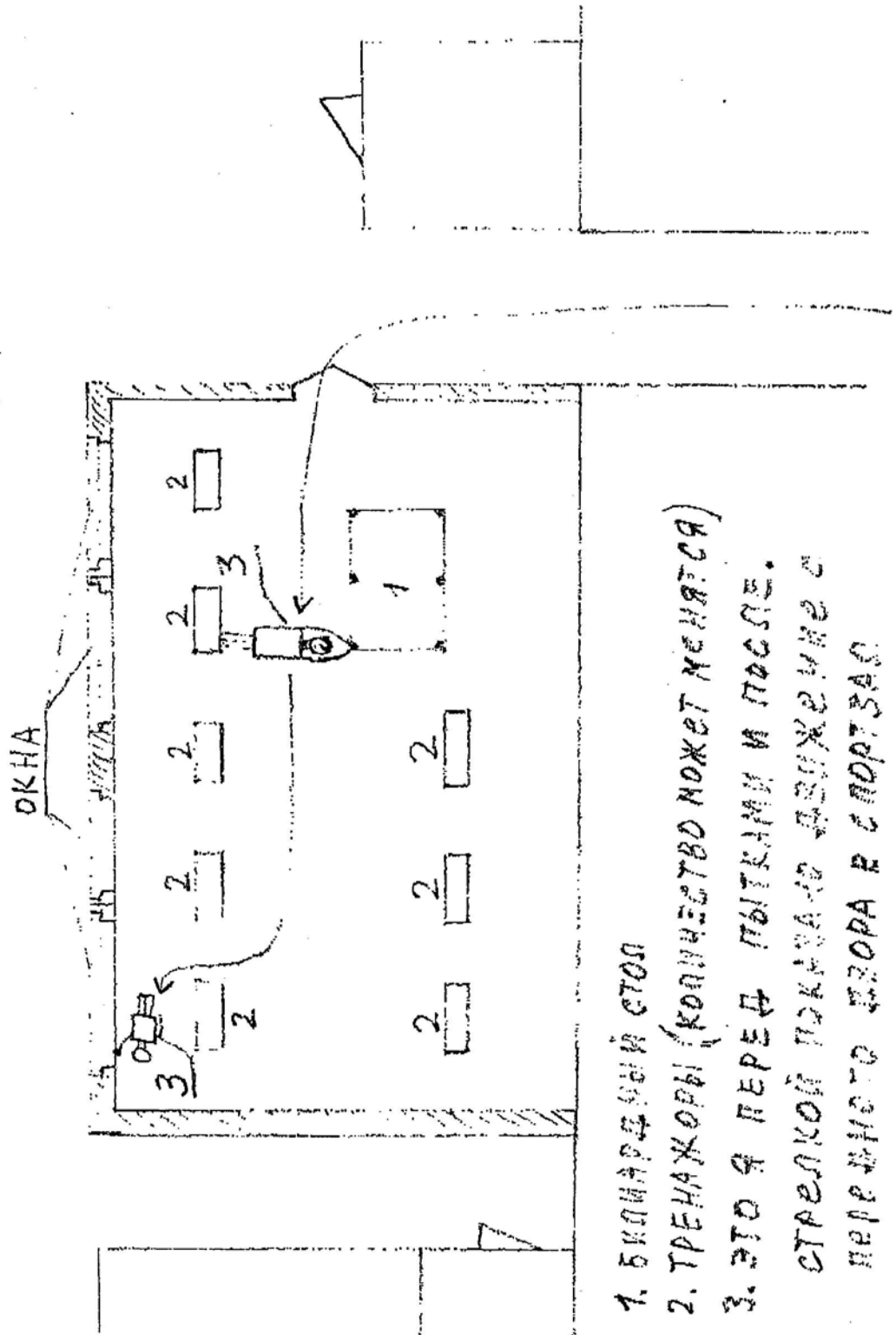
Я готов присутствовать в суде и давать показания.

## Основная СБ База в Центроой



Эта диаграмма нарисованная 23 августа 2006 годах, человеком находившимся под задержанием в деревне Центорой. Это пометки были сделанные по распоряжению этого человека.

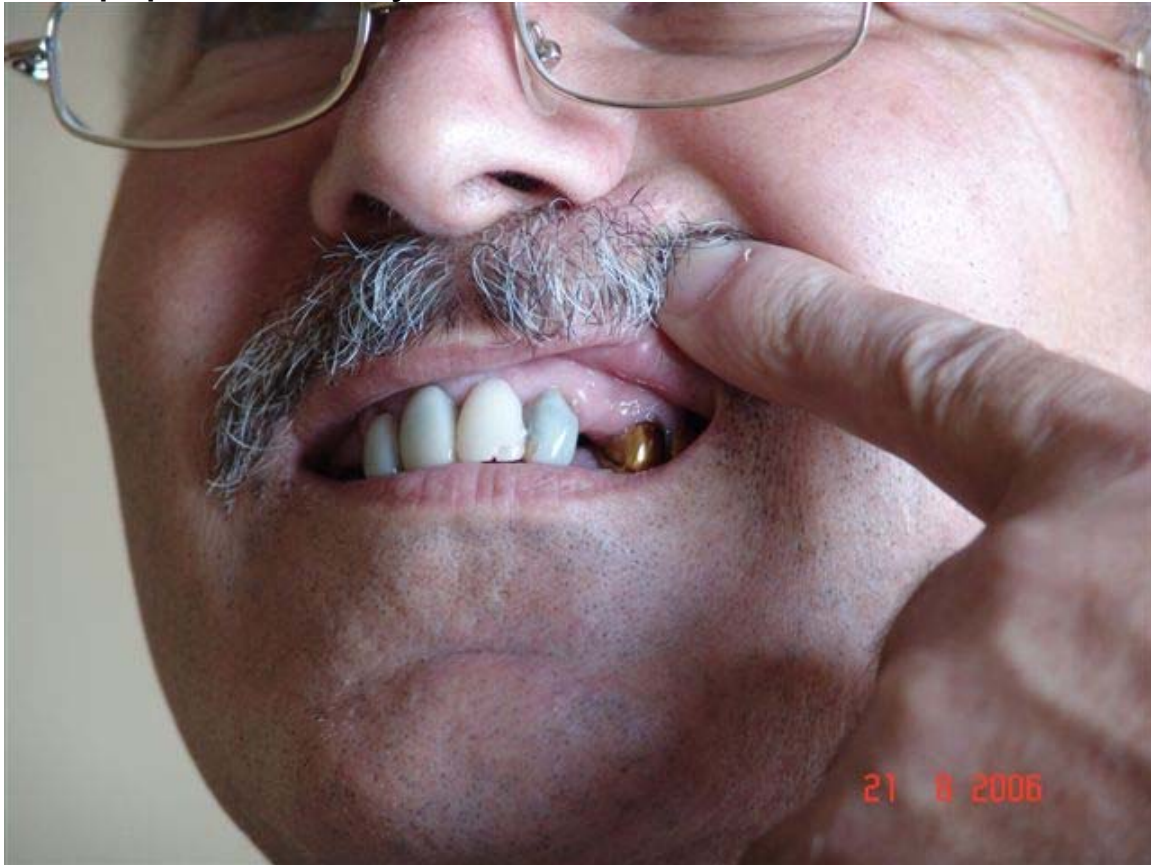
# СХЕМА СПОРТЗАЛА В ЦЕНТРАЛЬНОМ





Appendix 7 (a)

Фотография выбитого зуба



The New York Times  
NYTIMES.COM

Фотография сделана 21 августа 2006г.

Appendix 7 (b)

Фотография выбитого зуба



The New York Times  
NYTIMES.COM

Фотография сделана 21 августа 2006г.

## Appendix 8 (a)

### Фотография левого колена



The New York Times  
NYTIMES.COM

Фотография сделана 21 августа 2006г.

Appendix 8 (b)

Фотография правого колена



The New York Times  
NYTIMES.COM

Фотография сделана 21 августа 2006г.

**Ao. University Professor Dr. Daniele U. Risser**  
Specialist in Forensic Medicine  
Under oath and judicially certified  
**Department of Forensic Medicine – Medical University of Vienna**  
A-1090 Vienna, Sensengasse 2 – Telephone 4277/65701, Fax 4277/9657

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To the Federal Asylum Office

EAST  
05 14.374

Otto Glöckel Strasse 24  
A-2514 Traiskirchen

Vienna, 10/14/2005

[STAMPED -- Republic of Austria  
Federal Asylum Office  
Traiskirchen  
Otto Glöckel Strasse 24  
2514 TRAIISKIRCHEN]

[STAMPED -- Republic of Austria  
Federal Asylum Office  
Eastern Intake Location  
(date illegible, 2005)]

Re:  
**Umar Israilov**

Entry No. 4050/05

The expert submits in the above mentioned asylum case the following

### EXPERT OPINION

regarding asylum seeker **Umar Israilov's** alleged injuries or signs of torture.

[STAMPED -- Republic of Austria  
Federal Asylum Office  
Traiskirchen  
November 8, 2005]

#### Investigation Pursuant To Court Order:

Mr. Umar Israilov (Case Identification from the Federal Asylum Office of the Republic of Austria – AIS: 05 14374) appears on 10/6/2005 together with Mr. Guram Chokhonelidze (Student Identification – University of Vienna Registration No. 0004596) for a forensic medical examination.

NYTIMES.COM



Mr. Chokhonelidze acts as the Russian translator and explains to Umar Israilov which type of exam will be performed.

Umar Israilov is asked to name all injuries in chronological order and to report how they came about. His consent is obtained to be photographed by Mrs. Schwarz, photographer at the DGM [Department of Forensic Medicine] of the MUV [Medical University of Vienna].

**[Mr. Israilov's] Own Statements and Investigation:**

180 cm tall and weighs 78.5 kilos (clothed), young man in age-appropriate general- and nutritional condition. (Photo 1)

"I am 23 years old and do not have a profession."

"In April or May 2003, I was taken into a basement by Chechen soldiers and there I was beaten and kicked and was also injured on the foot with a hot metal rod. I was also injured on the calf with this hot piece of metal. They stabbed me with it [the metal rod]. They did the same to me on my right calf."

**FINDING:**

On the top of the right foot in line with the big toe, there is an uncharacteristically formed, soft, superficial, somewhat hyper-pigmented scarred change in the skin.

On the front of the left calf at the transition between the third of the calf that is closest to the body and the middle third [of the calf] there is a lengthwise 2cm-long by almost 1 cm wide, oval, somewhat depressed scar, which is partially hyper-pigmented in the center, and is somewhat bulging on the left edge. [Photos 2, 3]

"In July 2003, in this basement I was injured on my face by a shot that grazed me or else a fragment of a ricocheting bullet. While I was eating, they tried to shoot me in the foot with an automatic rifle. The bullet bounced off the floor, off the wall, then the ceiling, and a fragment of the bullet injured me under the lower lip."

**FINDING:** Below the right side of the lower lip, there is an elongated, approximately 2 cm long and up to 0.8 cm wide, flat, somewhat hyper-pigmented scar. (Photo 4)

**EXPERT OPINION**

The New York Times  
NYTIMES.COM

During the examination of 23-year-old Umar Israilov, scars were found below the right side of the lower lip, on the front of the left calf, and on the top of the right foot.

It is definitely to be considered that the cause of the scars found below the right side of the lower lip is localized violence, such as the ricocheting bullet as described by Mr. Umar Israilov.

The scar on the front of the left calf can best be explained by a tangential use of force such as, for example, a scrape. It should be pointed out that scars of this type have frequently been observed as a consequence of heat.

The superficial scar on the top of the right foot may best be explained as the result of a superficial, tangential force, such as a scrape.

In summary, from the perspective of the medical examiner, several scars were found on the 23-year-old Umar Israilov, the type of which can generally be observed after a healing process of several months. [These scars] may have been caused by different means, including those described by this young man.

Ao. Univ. Prof. Daniele U. Risser

[STAMPED --Under oath and judicially certified expert

Dr. Daniele Risser

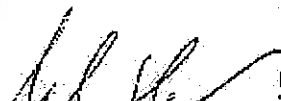
Specialist in Forensic Medicine

Area of Specialization 02.07]

See Appendix for fees.

The New York Times  
NYTIMES.COM

11 R. 2



Bundesasylamt

Federal Asylum Office

05 14 374

ISRAILOV Umar

Abb. 3)

Photo

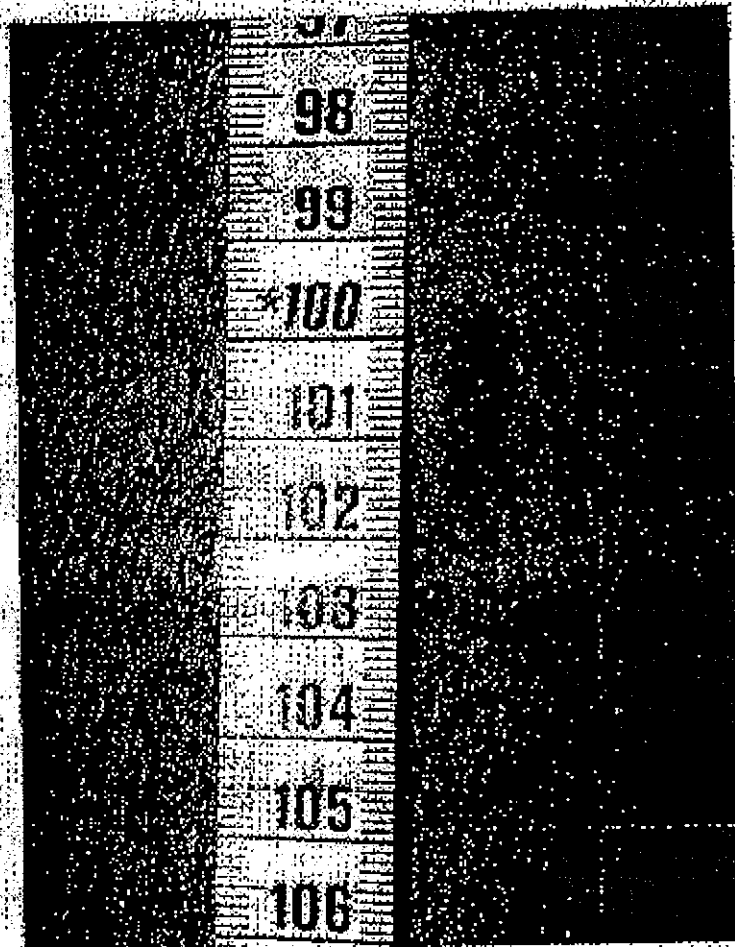


Abb. 4)

Photo



The New York Times  
NYTIMES.COM



Bundesasylamt

Federal Asylum Office

05 14 374

ISRAILOV Umar

Abb. 1)

Photo



Abb. 2)

Photo



The New York Times  
nytimes.com

## Appendix 10

### Фотография левой ноги



The New York Times  
NYTIMES.COM

Фотография сделана 21 августа 2006г.

## Appendix 11

### Chechnya 2004: "New" Methods of Anti-Terror. Hostage taking and repressive actions against relatives of alleged combatants and terrorists

17.03.2005

#### FROM THE CONFLICT ZONE

BULLETIN OF HUMAN RIGHTS CENTER "MEMORIAL"

For the Chechen Republic the year 2004 was of special significance for a number of reasons. Firstly, the war spilled over its borders and spread to the neighboring republics, primarily to Ingushetia, Dagestan, North Ossetia and Kabardino-Balkariya. Secondly, it was a year of qualitative change in the methods of the anti-terrorist operation. On the one hand, the process of "Chechenization" has come to its logical completion. On the other hand, in conjunction, with support and under the auspices of the Federal Center, previously individual cases of hostage-taking, destruction of property and other forms of repressive actions against family members of alleged combatants have become systematic.

If previously repressive actions against family members of alleged combatants were either instances of revenge, or attempts to extort information about the fighters from their relatives, now these methods have become *a tactic* used to exert pressure upon combatants in order to force them to surrender. Thus, the methods of the state, which for over five years now has justified its actions in the Chechen Republic by the necessity to combat terrorism, have finally concurred with the methods of terrorists.

The ensuing thematic bulletin of HRC "Memorial" aims to systematize and analyze available data on these forms of human rights abuse.

#### I. Hostage Taking and "Chechenization" of Conflict

One of the main justifications for the Second invasion of the Chechen Republic in 1999 used by Kremlin was the necessity to combat enforced disappearance and hostage-taking. Indeed, in the post-war period the problem of hostage-taking in Chechnya was acute: criminal groups abducted for ransom foreigners, personnel of Russian security agencies, successful businessmen, mostly local residents.

Strangely enough, the federal forces which came into the Republic to restore order, also indulged

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in hostage-taking. Among the most infamous methods was the use of civilians as "live shield". A clear example of a this type of crime were the events in the village of Komsomolskoe in early March 2000, when the civilians who fled the intense fire were for 3 days kept by the military servicemen in a field between the village, where Chechen combatant groups were positioned, and the station of the federal military forces. The following four years there were a few incidents when representatives of the federal forces captured or even killed relatives of alleged combatants, destroyed or set their houses on fire. However, in 2004 the reprisals against relatives of insurgents, including hostage-taking, became significantly more frequent and systematic.

The first public threats to the families of combatants and demands to isolate them were issued by Akhmat-Hadzhi Kadyrov shortly before his death. Thus, on May 1st 2004, in Gudermes, at a funeral in the Yamadaev family Kadyrov emphasized, that relatives and even neighbors of Chechen combatants would be punished.

On June 9, Ramzan Kadyrov, the first deputy prime minister of the Chechen government, in his interview to NTV channel said:

*"We will punish their relatives according to law. They help bandits, but they say that they help their relatives, their brothers and sisters. No, they help bandits. We will punish them according law. And if there is no such law, we will ask for it, we will turn to the Russian State Duma and they will pass such a law so that it becomes possible to punish. Otherwise, the war in the Chechen Republic will never end".*

In continuation of this topic, on October 20th 2004 Vladimir Oustinov, the Prosecutor General of the Russian Federation, proposed to the State Duma to legalize "counter hostage-taking" and "a simplified legal proceedings" against terrorists. At first, the reaction to this initiative was that of applause. "The detention of relatives of terrorists during terrorist acts will certainly help us to safe and rescue people", the Prosecutor General said. Boris Gryzlov, the speaker of the Russian State Duma followed up on the Prosecutor's initiative and said that the Duma was ready to discuss an amendment to the existing legislation "On Combat of Terrorism": "If the given proposal is formulated as an amendment, it will be considered",-he said.

The initiative of the Prosecutor General had been widely discussed within political circles and in mass-media - and received an almost unanimously negative evaluation. The reaction of human rights activists was predictable: for them the proposal to legalize crime, coming from a person

## Appendix 11

who was supposed to monitor the respect of law, was a clear basis for his resignation. But even MPs from "Edinaja Rossiya" (Ljubov Sliska), the party most loyal to the incumbent executive, and former representatives of special services (Gennady Gudkov) were likewise very critical. Thus, the initiative of Prosecutor Oustinov did not get to implementation.

In fact, the Prosecutor General suggested to legalize the methods, which had already been widely used by security agencies in Chechnya in 2004.

One of the reasons for wide bearing of collective responsibility practice in 2004, was the completion of "Chechenization" of the conflict: the routine work for carrying out of the so-called "anti-terrorist operation" in Chechnya was largely transferred to the security agencies manned by ethnic Chechens. Their major task is to eliminate combatant networks on the plain, and to force the fighters remaining in the hills to surrender to the authorities. For these purposes the Federal Center provides the local security agencies with sufficient resources, administrative and political support, and, most importantly, guarantees of impunity.

The policy of "Chechenization" allows for a number of strategic and propagandistic benefits.

First, it allows to represent the Chechen conflict not as a separatist, but as an intra-Chechen one. One of the sides is positioned as "the legitimate authority" and declared the only partner for "political settlement of the conflict" pursued by the federal center. This propaganda trick allows the Kremlin to implement its "conflict resolution" plan, which completely excludes the possibility to negotiate with the antagonist.

Second, Chechenization permits to divert the criticism of domestic human rights groups and of the international community from the Federal Center and to channel it towards the local security services. The involvement of federal military and security structures in the "anti-terrorist operation" is minimized, or at least, not emphasized. In the last two years the pro-federal Chechen security agencies have received a fair amount of criticism for human rights crimes. It is tempting to present the current developments in Chechnya not as a new wave of grave and mass human rights abuse committed by the federal side, for which the Russian Federation is to be held responsible, but as "internal sorting outs" between Chechens. Such perception is facilitated by the federal propaganda machine, which is promoting the image of "wicked Chechen", for whom kidnapping of people and hostage-taking is almost an organic element of traditional culture.

Consistent effort has been invested at the domestic and international levels to transfer the burden of responsibility for human rights abuse in Chechnya from federal shoulders to the local

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authorities. Thus, during PACE discussions of the Resolution on Chechnya in October 2004, the Russian delegation insisted on adopting an amendment, which divided responsibility for enforced disappearance and hostage taking between the federal and Chechen authorities. In the Constitution of the Chechen Republic “adopted” during the referendum of March 2004, the responsibility for protection of human rights is placed on the republican authorities.

Thirdly, “Chechenization” has tactical advantages for the federal authorities at the level of Chechnya itself. The leaders of Chechen fighters and their field commanders, eliminated by Chechen security forces are not acquiring the aura of “martyrs and freedom fighters, killed by foreign enemies”, which prevents popularization of the separatist ideology. On top of this, there emerges a new stratum of people, dependent on the Russian authorities. Blood feud is still relevant in Chechnya, acts of vengeance for killed relative will be executed even decades later, which creates “blood dependency” of the new republican security services on the federal authorities.

Pro-federal Chechen security agencies and armed formations include: the forces of Ministry of Internal Affairs of the Chechen Republic, Spetsnaz Battalions “Vostok” and “Zapad”, and Security Service of the Chechen President under command of Ramzan Kadyrov. Another influential group is of Movladi Baysarov, based in the village of Pobedinskoje, north-west of Grozny.

The social composition of these formations varies. The Battalion “Zapad” under command of Said-Magomed Kakiev consists of those who in 1994 sided with the federal army. In the Battalion “Vostok” under Sulim Yamadaev are those who fought on the side of separatists in the first war, but changed sides in 1999. The most powerful security agency currently functioning in Chechnya is the Security Service of the President of the Chechen Republic, created by Akhmad-Khadzi Kadyrov, commonly referred to as *“the kadyrovtsy”*. The Security Service unites those who fought in the first and in the second war on the side of separatists, but then agreed to surrender to authorities under the personal guarantees of Akhmad-Khadzi Kadyrov. This structure is headed by Akhmad-Khadzi's son, Ramzan Kadyrov. After assassination of Kadyrov-father this service was reorganized into the regiment of Checkpoint Guard Service of Militia (ППСМ 2). However, until now groups of armed people, who formally do not belong to the Security Service but claim that they obey only direct orders of Ramzan Kadyrov are based in the Chechen settlements. Recently, the republican security agencies recruited young men who have previously not been involved in the conflict. In the conditions of high unemployment joining these services is about the only option for young men to have stable income.

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### 2. Chechnya 2004: Repressions Against Family Members of Chechen Combatants as a Method of Anti-terror

In January HRC "Memorial" reported the disappearance of 7 relatives of the leader of Chechen separatists Aslan Maskhadov, including his elderly sister, two brothers, a niece, a nephew, and two distant relatives. According to eye-witnesses, at different points during December 2004 all of them were detained by personnel of Republican Security Service under command of Ramzan Kadyrov and driven in the unknown direction.

This is not the first detainment of Aslan Maskhadov's family members. Thus, Aslan's brother, Lecha Maskhadov, born 1936, was kidnapped in 2000 by the military unit of Beslan Gantemirov and illegally detained for two months. The relatives claim that he spent 26 days in Gudermes Temporary Detainment Facility (IVS) in cell N 10 and was subsequently transferred to FSB.

In the first days of September during hostage taking in the North Ossetian town of Beslan 12 relatives of Aslan Maskhadov were taken hostage: his sister Buchu and the family of his cousin. Nephew Arthur Maskhadov was kidnapped from his own wedding together with the bride. At the same time were detained the Semievs, relatives of Aslan Maskhadov's wife. On September 3, after the emergency storming of school in Beslan, all of them were released.

The consequences of the recent detainment of Maskhadov family members turned out more serious: as of March 9 2004, the whereabouts of the kidnapped remain unknown. The relatives suppose that they are detained in the village of Tsentaroi at the base of Security Service under command of Ramzan Kadyrov.

The kidnapping of Maskhadov's family members received attention of media and international organizations: PACE and other international actors expressed their concern and protest. Few people knew, however, that hostage taking of relatives of combatants as well as repressive actions against them had been widely practiced in Chechnya in 2004.

One of the few cases, which received publicity in 2004 was hostage-taking of family members of field commander, Minister of Defense of the Chechen Republic Ichkeria, Magomed Khambiev.



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According to various estimates, in between February 29 and March 1, 40 to 80 relatives of Khambiev family were kidnapped from different settlements of Chechnya. Mass detentions were carried out in the villages of Meskhety, Benoj, Turty-Khutor. In Grozny was kidnapped a 1st year student of Medical school of Chechen State University, Aslambek Khambiev, born 1985. According to his fellow-students, armed men in camouflage uniform detained Aslambek during a lecture and drove him in the unknown direction. Hostages were placed in the Temporary Detainment Facility (IVS) of Nozhaj-Yurt ROVD, in the illegal detainment facilities on the bases of Ramzan Kadyrov and Sulim Yamadaev. Young men were subjected to beatings. Through intermediaries Magomed Khambiev was delivered a message with a demand to surrender immediately and “voluntary”, which he subsequently did to save his relatives.

Along with hostage-taking, other punitive actions against relatives of alleged combatants were practiced in 2004. Representatives of security agencies burnt houses and destroyed property of these families. Illegal detainment and beatings of relatives and co-villagers aimed at extortion of information about combatants were widespread. In early 2004 HRC “Memorial” registered such cases almost on a monthly basis, after the infamous proposition of the Prosecutor General on October 20, almost weekly.

Of special concern is the increase of crimes against women. In 2004 they acquired a mass character. Most frequently among kidnapped and hostages were mothers, wives and sisters of combatants. For Chechen men inability to protect their women and elders is a strong blow on dignity. Hostage taking of combatant family members is not only morally wrong in itself, but it is counterproductive, since it strengthens the motivation of combatants to continue the guerilla war by urge for revenge. “This is not the end. They think they are masters here, because they have guns and power. Wait until it gets warmer. They also have relatives...” said one of the women who had been hostage.

Indeed, the new methods of anti-terror intensify confrontation, complicating the by now catastrophic security conditions in Chechnya. Already in spring 2004 “Memorial” registered punitive actions against Kadyrov people, committed by Chechen fighters.

On April 12, 2004 at about 8 p.m. a big group of armed men entered the village of Ishkhoi-Yurt, Gudermes district of Chechnya. They had lists of villagers, who worked for the security forces. Within several hours they killed seven militiamen and representatives of Kadyrov Security Service. The fighters burnt the house of Dimaev family (their son works for Security Service), subjected to fire the houses of Dzabrailovs (their cousin is a local militiaman), house of Saaevs



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(son works for traffic police), house of Abdulkadyrovs (son works for Security Service). The fighters intended to burn all these houses, and the houses of some other villagers, employed by law enforcement agencies, but the relatives asked them not to do so, and promised that their men would give up these jobs. The fighters repeatedly told local residents that after Kadyrov people started to take hostage their women and children they were not going to limit their actions by any moral norms.

At night on May 1 after a short fight the village of *Alleroi, Kurchaloy district of Chechnya* was invaded by fighters of Akhmed Avdarkhanov group. The combatants headed towards the house of Abuev family, whose son Suleiman worked for Kadyrov Security Service. Suleiman was not at home and the fighters kidnapped Yusup Abuev, aged 22, Abukar Abuev aged 27, and Isa Ousmaev, aged 26, the neighbor of Abuev family. The relatives of the hostages were told that the young men were being kidnapped in retaliation for the murder of Ruslan Dalkhanov, who had been earlier kidnapped from his house by “kadyrovtsy” under command of Suleiman Abuev. Dalkhanov was tortured to death.

On November 9, in the proximity of the village of Alleroj was found a grave, which contained the dead bodies of the three men, kidnapped by the Chechen fighters on May 1. Probably, these people were killed soon after the kidnapping.

Such cases show vividly that the new methods of anti-terror intensify internal struggle and create serious preconditions for civil war in Chechnya.

The appendix contains selected cases of the above analyzed human rights violations. The security agency, which carried out the operation is indicated as stated by the eye-witnesses or relatives.

## Appendix

### Selected Cases of Kidnappings, Murder, Hostage-Taking, Illegal Detainment, Beatings and Destruction of Property of Relatives of Alleged Combatants and Terrorists

*On January 19*, at 1.40 a.m. more than 20 representatives of Russian power agencies arrived at the house of **Mutaev family**, temporary residing in village *Assinovskaya Sunzhensky district of Chechnya*, domicile address: *Bershanskaia street, 60*. They aimed to detain two young women - **Luiza Mutaeva**, born 1984, and **Madina Mutaeva**, born 1988. Eventually they detained only the

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older sister and drove her into unknown direction.

Luiza Mutaeva is the sister of **Malidzi Mutaeva**, born 1971, who was allegedly a member of Theater Terror in Moscow of October 2002. After the terrorist act, on December 4, 2002 at about 6 a.m. the Russian military servicemen blew up the house of Mutaev family, located in the village of Assinovskaia, domicile address: *D. Bednogo street 12*. On January 20, 2003, was kidnapped Malidzi's brother-**Isa Mutaev**. Subsequently he "disappeared".

**On March 23** the representatives of federal power agency (reportedly FSB) kidnapped **Mintsaeva Yakha**, 60 years old, from her house in *Oktyabr'sky district of Grozny*.

*On March 25* women - trade vendors who worked as at the Central Market together with Yakha protested in front of government building and demanded that the republican authorities released the elderly lady. On March 26, Yakha Mintsaeva was released.

One year before the described events, the son of Yakha Mintsaeva was detained and brought to the Russian military base in Khankala. Some time later the military servicemen tried to detain her second son, but Yakha bribed him out. Subsequently, Yakha managed to buy her first son's release. Yakha sent both of her sons to live with their relatives in Russia. Probably, these events caused Yakha's detainment.

**On March 28**, in the village of *Sleptovsk Sunzhensky district of the Republic of Ingushetia* a group of armed men broke into the house of **Gelagaev** family.

At the moment of the assault the head of the family, Alkhazur Gelagaev, was not at home. Armed men, who spoke Chechen and Russian languages demanded that Alkhazur's wife **Iman Khaletova**, told them the address of her husband's brother Taus Gelagaev. When the woman said that she knew nothing about the whereabouts of her brother-in-law, the military men threw her on the floor, kicked her with boots, and then threatening to kill her took out a knife and cut skin on her forehead and chest. Having grasped the baby their put the knife to his throat and told Iman that they would cut if she doesn't tell them where Gelagaev was. Torture was stopped by one of the men, who said in Russian "No victims here!". Then the unidentified servicemen left.

**In the end of March** in the village of *Alleraj* the personnel of Chechen security agencies detained **Zhabrailov Khizir**, born 1980 and **Zhabrailov Ali**, born 1979.

It was the second detainment of the young men by Chechen security forces. On November 4,

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2003 they were detained from their house and kept as hostages for over a month, in hope that their brother, a participant of Chechen armed formations, surrenders to the authorities. In the place of detainment Ali and Khizir Zhabrailov were beaten. The brothers were released under condition that they bring their fighting brother to the authorities.

*On August 10, 2004* Zhabrailov men were detained again, this time the father, **Zabrailov Amandy**, born 1950, and his son **Zhabrailov Ali**, born 1979. They were released the following day, on August 11. The family was prosecuted because one of their relatives Khadzi Zhabrailov participated in the armed formations of the Chechen Republic Ichkeria.

Presently, Zhabrailovs are left in peace, because Khadzi has been killed and one of Amandy's sons joined '*the kadyrovtsy*' and was even promoted to commander of a military unit.

*On April 18, in the Republic of Ingushetia* was kidnapped **Aminat (Amant) Soslambekova**, 23 years old, a resident of Chechnya. Every day Aminat was visiting the hospital where her paralyzed brother was undergoing treatment in a separate ward under guard by representatives of local law enforcement agencies. On April 18, Aminat Soslambekova as usual went to the hospital and did not return back.

The year before the described events the brother of Soslambekova was heavily injured in cross fire with the militiamen, which resulted in his paralysis. The same year he was sentenced to 4 years in prison, according to article 209 (Banditism) and 105 (Murder) of the Criminal Code of the Russian Federation.

On May 3, 2004 Aminat Soslambekova was released. Before release the woman was warned that she should not tell anybody of what happened to her. According to the neighbors, for a long time after her release Soslambekova refused to talk even to her family members. Subsequently, it became known that Aminat was kept in an isolated dark room with plastered walls and iron bed. Bread and water was given to her on the third day only. She was interrogated: asked for the names of fighters, vakhabites, for their addresses and whereabouts. She was warned to tell everything she knew lest she should want to become "disappeared without trace".

*On May 2*, a mop up operation was carried out in the *village of Noibera, Gudermes region of Chechnya*. Regional military structures and '*kadyrovtsy*' were called in to take part in this action.

During the course of this special operation **Veziev Maskhud (Pakhrudi)**, aged 50 and resident in Zhukova Street, was detained by "kadyrotsy" and taken away to an unknown destination. The

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accusation was made against Pakhrudi that his son was a member of the Chechen armed resistance. Maskhud spent a week at 'the kadyrovtsy' base. In a week he was released under condition that he brings his son Gapur. Maskhud did not bring his son.

On November 27, 'kadyrovtsy' got on the track of Gapur and tried to detain him at a wedding of his relative. In the course of the detainment Gapur and his uncle Salam were heavily injured; both subsequently died of the received injuries.

*On May 2, in Alleroi village of Kurchaloevski district of Chechnya*, in response to operation carried out by the combatant group of Akhmed Avdarkhanov, 'the kadyrovtsy' carried out a public punitive raid.

Kadyrov's men set fire to the house of **Said-Hasan Turlaev**, whose son, according to villagers, belonged to the group of field commander Ahmed Avdarhanov. For a considerable time the members of Security Services of President refused to allow Said-Hasan's 22-year-old daughter to leave the burning house. Only the intervention of the neighbours saved the girl's life. The **Buzurkaev** family's house was also burnt. Their son belongs to the ranks of the armed troops of the Chechen Republic Ichkeria.

'Kadyrovtsy' detained many local inhabitants, including school-age boys. Some were released after questioning, but 9 people, all relatives of members of the combatant groups were taken hostage: **Sheikh-Akhmed Buzurkaev**, aged 50, **Ramzan Avdarkhanov**, aged 70, **Ahmed Avdarkhanov**, **Aslan Butzugov**, aged 25, **Arsen Minkailov**, aged 24, **Isa El'siev**, aged 32, and **3 members of the Aisultanov family**.

Ramzan Avdarkhanov was seriously ill and was released on the first day, as 'kadyrovtsy' were afraid he might die, however, was soon taken in again. Arsen Minkailov was released on 3 May, Aslan and Alikhan Butsugov on 4 May; Isa El'siev and Ramzan Avdorkhanov on 6 May and Sheikh-Akhmed Buzurkaev and Nasurov Vakhid (schoolboy, the brother of fighter Nasurov) were released a month later, on 2 June.

*On August 10*, from the Ajsultanov family men were kidnapped again: Takhir Ajsultanov, aged 23 and Alikhan Ajsultanov. They are relatives of Nurzhan Ajsultanova, detained in March 2004 and accused of cooperation with Aslan Maskhadov. A few days later brothers Ajsultanov were released. Nurzhan Ajsultanova remained in Tsentaroj prison until June 2004.

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*On May 4*, in the *village of Alleroi, Kurchaloevski region*, personnel of Kurchaloy ROVD detained and placed in a Temporary Residence Facility (IVS) a local woman, **Taus Buzurkaeva** (born 1959). She was accused of being the mother of a member of the illegal armed formations. On 2 May 2004 her house was burnt down by members of Kadyrov Security Services. Buzurkaeva was released on May 7 or 8.

*At night of June 2 in the village of Starye Atagi, Groznensky (Selsky) district of Chechnya* armed men, dressed in the camouflage uniform, some of whom were wearing masks, broke into the house of **Khamzatov family**, *residents of Podgornaya street*. Subsequently, it turned out that they were the military servicemen based on the territory of former flour-mill at the outskirts of the village. According to the neighbors, the military servicemen arrived by APCs, an YAZ car, a white "Niva" car and a white mini-bus "Gazel" . None of the cars had registration numbers.

They seized the head of the family **Khasan Khamzatov**, born 1950, and started to beat him, demanding that he revealed the whereabouts of his son. Khamzatov tried to explain that his son had lived in Germany since 2000 and begged the military servicemen not to beat him since he had just had an operation for extraction of hernia.

But the requests of the old man did not stop the military servicemen: Khamzatov's rib was broken and one of his eyes seriously hurt. Khasan's wife was kept in a corner, with guns targeted at her, she was verbally abused. The oldest son with his wife and children were closed in another house.

Simultaneously an unsanctioned search had been carried out: within three hours the military servicemen turned everything in the house upside down, but found nothing that would interest them. Afterwards they left the house, got on cars and the convoy entered the territory of the military base.

*On June 24 in the village of Samashki, Achkhoy-Martanovsky district*, allegedly the personnel of FSB kidnapped and drove into unknown direction a local resident, **Abdulkhalit Dzabrailov**, born 1957.

The kidnappers were wearing masks and camouflage uniform, they spoke unaccented Russian. The relatives think that he was taken because of his 18 year old nephew, the participant of Chechen armed formations, who lost his relatives in early childhood and was brought up in the house of his uncle. In the last two years personnel of Russian security agencies paid several visits to the Dzabrailov house.

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For a long time the whereabouts of the kidnapped remained unknown. However, in the end of summer Ruslan Dzabrailov got into ambush in the center of village and was killed. The military servicemen took his corpse with him. Soon intermediaries arrived to the house of Dzabrailov and offered the family to buy two corpses of Abdulkhalit Dzabrailov and his nephew, for 10,000 USD,

*At night in June 25* masked 'kadyrovtsy' broke into the house N 243, located in the town of *Gudermes, Krasnoarmejskaja street*. They dragged **Makhmut Dzabrailov**, born 1952, his wife **Marzhan**, born 1959, and their sons **Ali**, born 1983 and **Magomed**, born 1986 out of their beds, forced them out of the house, and in their cars.

According to the information at the disposal of "Memorial", one of the Dzabrailovs is a participant of Chechen armed formations, therefore his relatives have been regularly detained. Earlier 'kadyrovtsy' kept hostage two other brothers of the combatant.

*On June 31*, prisoners, released from the illegal detainment facility in Tsentaroy told the Dzabrailovs that their relatives were kept there.

Later it turned out that a few days before Makhmut, Marzhan, Ali and Magomed were seized another member of Dzabrailov family, Musa, aged 41, was kidnapped from Gudermes. After the detainment Musa Dzabrailov was brought to the same illegal prison and subjected to severe torture. He was shot in his leg and then interrogated under torture. After 10 days of detainment he was placed into the surgery department of Gudermes hospital N 2. His treatment continued for three weeks. As soon as Musa was able to move on his own he was again taken in to Tsentaroy. After that on August 31, the rest of Dzabrailovs were released.

On September 30, 2004 at the northern outskirts of *Zhalargy village* (300 meters from civilian houses) was found a corpse, wrapped in a blanket. He was identified as Musa Dzabrailov. Although there were two bullets in his body from TT pistol and two from Kalashnikov machine gun, caliber 5,45 mm, most likely Musa died of beatings and torture. The bones on his hands and legs were crashed, his skull was broken with a heavy object.

*At night on July 30*, at about 2 a.m. armed 'kadyrovtsy' broke into the house of **Kagermanov family**, residents of *Chaikina Street, in the city of Gudermes*. They woke up 55 year old **Adam Kagermanov** and having placed him in their car drove in the unknown direction. The relatives were told by "Kadyrovtsy" that he would only be released if Adam's son, Aslan Kagermanov came to pick him up. On the night of the detainment Aslan was not at home.

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On July 21 people, released from Tsentaroy prison told the family that Adam Kagermanov was illegally detained on the territory of this prison.

*On July 31*, in the village of *Dzalka, Gudermes district of Chechnya* disappeared **Dukvakha Musalaev**, 30 years old. He went to a funeral and did not return back. On August 1, the motobike of Dukvakha was found 300 meters away from his house. After some time it turned out that the man was detained by the representatives of local Security Service.

Dukvakha was detained for being a brother of suicide bomber, **Larisa Musalaeva**, who attempted to kill Akhmad Kadyrov on May 14, 2003 in the village of Ilaskhan-Yurt. Another family member - Imran Musalaev, born 1974, blew himself up by activating a grenade. In 2003 'kadyrovtsy' kidnapped yet another Musalaev - Magomed, who subsequently disappeared.

According to the villagers, Dukhvakha did not keep contact with his sister or brothers. Two days after Dukhvakha's disappearance his mother Zargan Musalaeva was kidnapped. Dukhvakha was released one month later. His mother was also released.

*On August 2*, in *Mikenskaya village, Naursky district of Chechnya*, unidentified persons in camouflage uniform speaking Chechen kidnapped **Magomadova Zaira**, born 1981, a resident of *Shkolnaya street 26*.

According to the mother of the kidnapped, **Magomadova Rakiyat**, unidentified persons arrived at their house by four Niva cars of white color. They broke into the yard and grasped Zaira, who was whitewashing the house. The military servicemen behaved rudely, they swore and threatened the family with guns. The brother of Zaira said that his sister was not going anywhere without him. Rakiyat started screaming, called for help, tried to persuade the unidentified persons to tell her where they were taking her children. The military servicemen explained that they were the personnel of the republican security service - 'kadyrovtsy', that her daughter was taken to Khose-Yurt (Tsentaroy) and promised to release her the following day. After that the military servicemen left, having dropped Zaira's brother out of their car.

At the crossroad of Naurskaya - Mikenskaya - Chernokozovo the militiamen from Naursky OVD tried to stop the kidnappers. However, to avoid armed clashes the militiamen had to let them go.

On August 4, Magomadova Rakiyat turned to the Grozny office of "Memorial". She suspected that the kidnapping of her daughter was related to the murder of Zaira's husband, who was killed by the representatives of federal and Ingush security agencies in May 2004 in Nazran.



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**On August 26**, the personnel of local security agencies kidnapped *Ramzan Avdarkhanov, Malkan Ajsultanova and Bukhari Nasurov*, residents of the village of Alleroj, Kurchaloy district of Chechnya,

The woman was released 24 hours later. Two days later Bukhari Nasurov was dropped at the outskirts of the village with his eyes blindfolded. Ramzan Avdarkhanov was also released. According to the local residents, Ramzan Advarkhanov is the uncle of Akhmed Avdarkhanov, one of the field commanders of Chechen combatants. He and his nephew had been previously several times detained by the representatives of the Russian security services.

**On September 2**, at the checkpoint between *Urus-Martan and Martan-Chu* was detained **Zura Shamsudinova**, born 1929.

The detainment was carried out by the personnel of FSB. They brought Shamsudinova first to the military commandant in the regional center Urus-Martan, then home, where she was allowed to take bags with groceries with her. The relatives of Shamsudinova were told that she would remain in the military commandant office and that they could bring her food.

The detained woman was brought to the FSB of Urus-Martan district and placed in a cell at the third floor of the military commandant office. According to Shamsudinova, she was treated properly.

The representatives of FSB told Zura that she was detained because of the hostage-taking in Beslan. The representatives of security services thought that Zura's son, Albek Bugaev was among the terrorists inside the school. Zura claimed that she had not seen her son for over 1,5 years after the spokesman for Regional Operations Headquarters, **I. Shabalkin**, declared that he was killed during special operation carried out by federal troops. Shamsudinova asked to release her and promised that she would stay at home and come upon the first call of authorities. The representatives of FSB refused, however, and emphasized that they should be ready at any moment to go to Beslan if such an order arrives.

*On September 6*, Zura Shamsudinova was released. The representatives of FSB apologized and informed her that her son was not among the terrorists in the school.

Note: On January 2002 in the center of Urus-Martan unidentified armed men, who arrived by car YAZ 2106 of white color, shot dead another son of Zura Shamsudinova, Al'vi Bugaev, born 1963. This happened a few moments after he was released from the Temporary Detainment Facility (IVS) of Temporary Department of Ministry of Interior (VOVD), where he had been detained from



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December 27, 2001. The third son of Zura Shamsudinova, born 1960, disappeared without trace after detainment by representatives of security forces on January 23, 2003 in the village of Chernorech'e, Zavodskoj district of Grozny.

*On September 3* at about 4 a.m. in the village *Troitskaya, Sunzhensky district of Ingushetia* unidentified representatives of federal power agencies in masks kidnapped and drove into unknown direction members of Masuev family: **Masuev Turko**, born 1931, his wife, **Masueva Zama**, born 1944, their daughters: **Kulsum**, 1969, **Petman**, 1972, **Khavu**, 1976 and their younger son **Badrudi**, 1978. The servicemen arrived at dawn by two armed personnel carriers (one of them had registration number 041), by two trucks "Ural" and two "Niva" cars.

Later it turned out that Masuevs were brought to the military base at Khankala, where they were detained together with the relatives of Aslan Maskhadov, Doku Oumarov and other leaders of Chechen resistance. The reason for the detainment of Masuevs was their distant kin ties to the field commander Doku Oumarov. After some time the family was released.

*On October 1* in the village of *Verkhnij Noybera*, the forces of Checkpoint Guard Service named after Akhmad Kadyrov carried out an operation for detainment of father and two brothers **Arzumaev**, suspected of participation in combatant groups. The suspects themselves were not at home, but their relatives and neighbors were taken, totally 8 persons, including a 13 year old boy Lechi Arzumaev. All of them were brought to the village of Tsentaroy, Kurchaloy district of Chechnya. Soon the hostages were released, but the boy was kept for a week. He was not abused physically.

Two brothers Arzumaev, Umar-Khadzi, born 1976 and Umar-Solta were again detained in January 2005. After his brothers were detained **Lechi Arzumaev**, born 1967 surrendered to 'kadyrovtsy', however, as of 22.02.05 his brothers remained detained.

*In early November* in the village of *Sogunty, Nozhaj-Yurt district of Chechnya*, the personnel of the Kadyrov Security Services detained relatives of **Makharbi Temiraliyev**, who between two Chechen wars worked in the *sharia* court in Nozhaj-Yurt. **Oumar Temiraliyev**, aged 50, **Khas-Magomed Temiraliyev**, aged 54 (school teacher), and his 20 year old son remained hostages at one of the "kadyrovtsy bases" for a month. A month later Temiraliyevs were released.

*On November 14*, in the village *Alleroj, Kurchaloy district of Chechnya*, the personnel of Kadyrov

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security service kidnapped **Nasurov Khasmagomed**, two of his sons, and **Maskhadov Ramzan**. They were detained because of is the third brother **Valid Nasurov**, a Chechen fighter.

*On November 26*, the father and the sons Nasurov were released. They were brought home by Abuev Sulejman, the commander of Alleroy unit of Kadyrov Security Service. One of Nasurov's sons was heavily beaten. Now two of Nasurov brothers filed application to join Kadyrov Security Services. Ramzan Maskhadov has not returned. As of March 8 2005, his whereabouts remain unknown.

*At night of November 16*, at about 3 p.m. unidentified servicemen of OMON (allegedly Sunzensky OMON, which functions in conjunction with Sunzensky ROVD) broke into the house of **Umarov Amkhad**, born 1970, domicile address: *village of Sernovodsk ulitsa Nagi Asueva,5*.

Umarov is a farmer, currently he lives alone. 6 OMON fighters broke into his home at night, woke Umarov up and started beating him and demanding that he turned in his machine gun and other weaponry. They also demanded to reveal the whereabouts of his brother-in-law, Khachukaev Khizir, a field commander, general of Ichkerian army, the former commander of the famous Galanchozhsky guard (Khachukaev is married to Umarov's sister). Having beaten Umarov until he was half dead the OMON fighters left.

*On November 16* at about 9 p.m. unidentified armed people broke into the house of **Soltaev** family, *residents of Kirova street, the village of Ojskara Gudermes district of Chechnya*. Without presenting their identity and without presenting any documents, they searched the house, and detained **Rizvan Akimovich Soltaev**, born 1942, the office manager of local administration and his son, **Abdullakhi Soltaev**, born 1978.

According to their co-villagers, the kidnapped father and son did not participate in the armed actions against the federal army. They were taken hostages for their nephew, Ruslan Akhmadov, a participant of Chechen armed formations, during Maskhadov time the director of Medical equipment factory in Gudermes. As it turned out later, after the kidnapping Soltaevs were brought to the illegal prison in Tsentaroy. They spent two weeks in Tsentaroy and were released after Ruslan Akhmadov was caught.

*On November 27* early morning in the village *Mesker-Yurt, Shalinsky district* the personnel of one of the republican security agencies broke into the house of **Ekiev Sup'yan** and kidnapped him. Before kidnapping they carried out an unsanctioned search in his house, using rough force in respect of Ekiev. In the evening of the same day from the house of Ekiev was kidnapped his

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mother **Jisma** and his wife **Petmat**, born 1982. 4 small girls, including a breast-fed baby were left alone without their mother or grandmother.

From conversations with the locals, "Memorial" found out the reason for hostage taking of the Ekiev family. The day before, on November 26, in the neighboring *village of Germenchuk* unidentified persons driving Zhiguli car (VAZ 21099) killed two local militiamen and disappeared. Soon the car was found at the outskirts of Mesker-Yurt. This car for some time belonged to Eliev Sup'yan but, according to the relatives, he had sold it a long time ago. All the villages characterized Ekiev in very positive terms. For some time he worked as a deputy commander of Kadyrov security service, based in Mesker-Yurt.

*On December 2 2004* at the outskirts of Grozny was found the corpse of Ekiev Sup'yan, heavily distorted by torture. His mother and wife were released 15 days later.

*On November 27*, in the village of Mesker-Yurt, the personnel of unidentified power agency kidnapped **Israilov Sherpuddi**, born 1956, and his wife. The wife was released a few hours later. Most likely Sherpuddi was taken hostage because his son Alikhan, who for some time worked in the security service, left this job and disappeared from the village. Reportedly, the father was taken in order to force his son to surrender. As of January 10, 2005 Sherpuddi Israilov remained in the Tsentaroy prison.

*On December 1*, after 9 p.m. the personnel of Kadyrov security service burnt down the house of **Murdashev Vakhid**, 1955, located at *Sovietskaya street* and the house of his parents, located at *Marksa street*. 'Kadyrovtsy' brought a team of firemen along with them, in case the neighboring houses were to be set on fire. As "a sign of generosity", they left the animal shed for the family as a shelter. The elderly mother of Murdaeshev, his wife and sister were taken hostage.

In 1997-1999 Murdashev Vakhid headed the State department for cadres in Maskhadov administration. During the first Chechen campaign he joined the armed forces of separatists and was a field commander.

Some time before the above described incident in his interview to Chechen TV Ramzan Kadyrov said that he had received a video recording, with a speech of Maskhadov. In this speech Maskhadov allegedly ordered to kill Ramzan's father, Akhmad Kadyrov. Murdashev was standing next to Maskhadov and nodded in support. Kadyrov announced unlimited financial reward for capture of Maskhadov and threatened Murdashev with reprisals.

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*On December 23* in the *village Ojskhara* the personnel of Kadyrov security service broke into the house of **Turlaev Yunus** (aged 75), resident of *Nagornaja street*. They ousted Yunus, his wife Mandat (70 years old), his daughter and four small grand children out of the house and set it on fire. They allowed to take only documents. The house and the belongings burnt down fully.

A week before this incident there were several assaults on Turlaev family. In the village of *Tsentaroi*, they burnt the house of **Nasurhanov Musrail**, who was married to the second daughter of Turlaev, Leila. Musrail and his two sons **Nasurkhanov Khizir** and **Khas-Magomed** were kidnapped. In Grozny was kidnapped the oldest son of Leila Turlaeva, and in the village of *Verkhnyaja Noybera* was kidnapped a son-in-law of Yunus Turlaev, **Magomedov Nazir**, aged 45 (the husband of Yunus's third daughter, Markha).

Turlaevs were released in February 2005. Turlaev family is prosecuted because of their son's participation in armed formations.

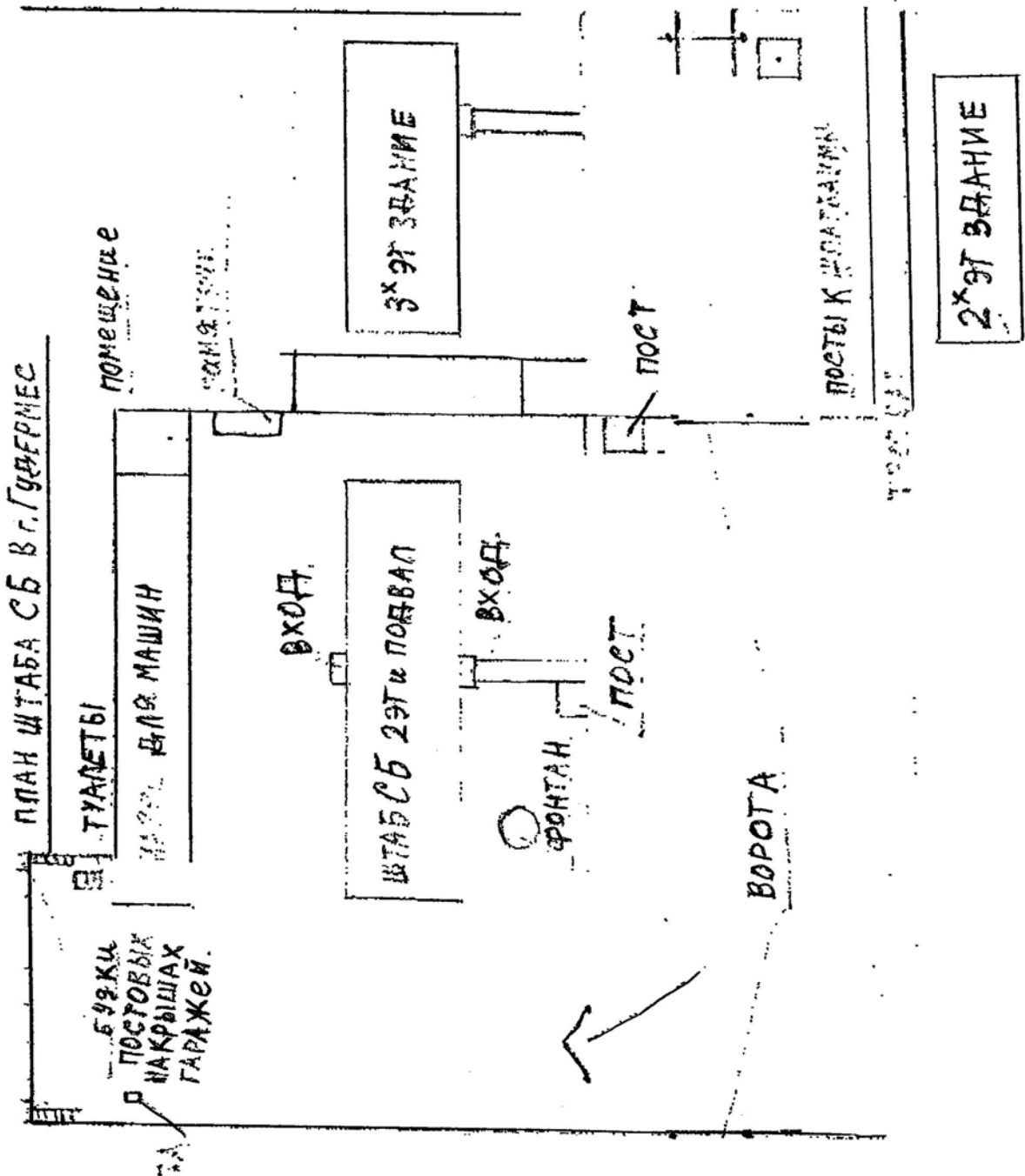
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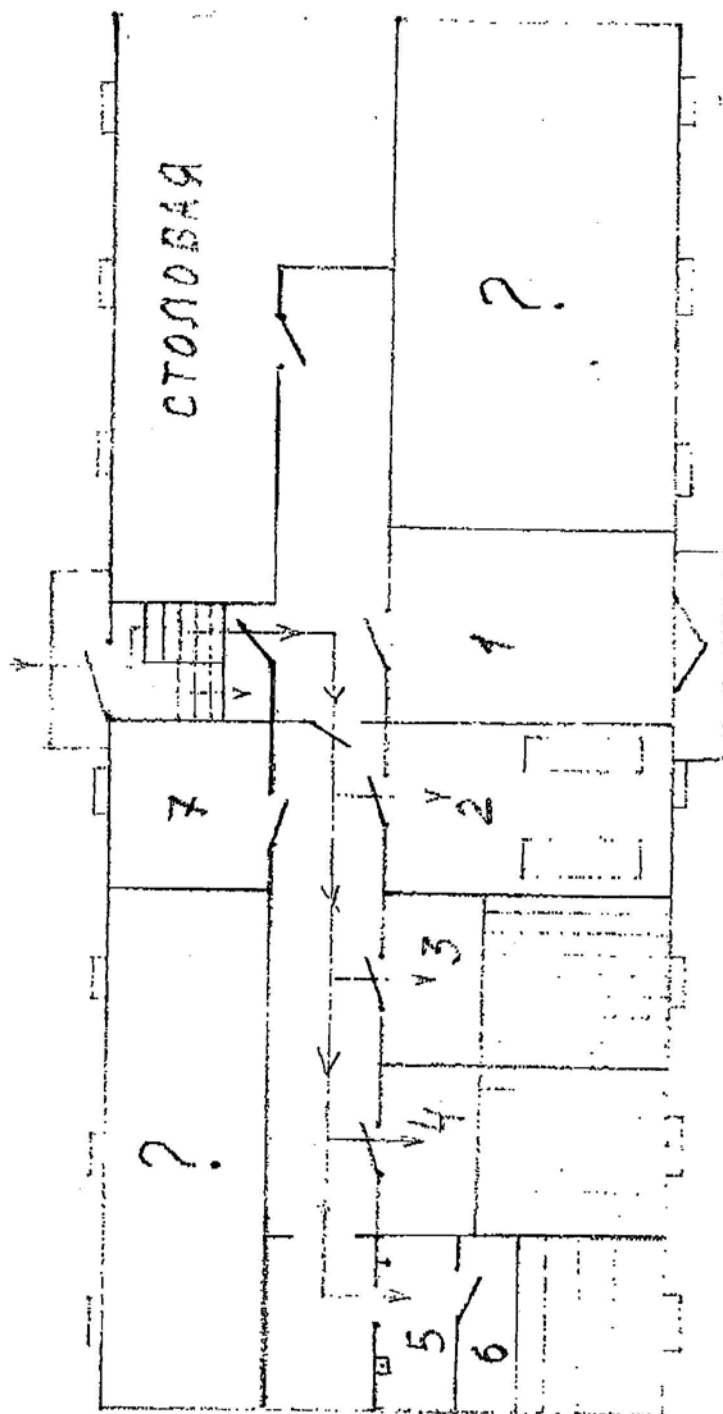
FKA-DNH

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ПЛАН ПОДВАДА ЗДАНИЯ СБ В Г.ГУДЕРМЭС.



1. ЗЕРЕС6 ХРАНИЛИ СРЕЖИЕ
2. КАМЕРА С БЕРБЕРУННОЙ ДВЕРЬЮ И КОЙКАМИ.
3. КАМЕРА С ЖЕЛЕЗНОЙ ДВЕРЬЮ И НАРАЖИЕ ИЗ ДИОСК
4. ЭТО МОЯ КАМЕРА
5. ГРЕЙДЕРИ, СПРАВА ЧИП ЗАПАРК СЛЕВА ХРАНИЛИ
6. ПАРИЛКА (БЕРБЕР)
7. ЗАКОНТРОЛИТОВАЯ
8. ЭТО ЭТО ЗА ПОМЕЩЕНИЯ ИМЕ НЕИЗВЕСТНО.



## Фотография Рамзана Кадырова в окружение участников в его истязаниях



The New York Times

Примечание: Аннотации на фотографии добавлены по инструкциям подателя петиции 23 августа 2006г.



Appendix 15 (b)

Фотография Рамзана Кадырова и окружения



## Appendix 16

По материалам программы [Сегодня](#)

**Братья-боевики убиты в Чеченской Республике** 18.09.2006, 15:33

[Версия для печати](#)



В Чечне уничтожен один из главарей бандформирования Исса Мускиев. Также убит его родной брат, сообщает НТВ. Спецоперация по ликвидации боевиков проходила в Курчалоевском районе республики.

Об этом сообщил командир кадыровского полка Вахид Усмаев. По данным МВД Чечни, на счету Мускиева нападение на РОВД селения Шали и обстрел автоколонны в 2004 году.

Прокурору г.р.  
от. Исраилова М. Э.  
1956 г.р. проживающего в г. Трозный  
Ленинский р-н бульвар Дудяева 4кв70.

### Заявление.

Я обращаюсь к Вам по поводу претивозаконных действий, сотрудников С.Б. или как их сейчас называют АТЦ. Во главе с Кадыровым Р.

Я работал в фирме „Кавказ“ проработав на объекте в в/ч а/п „Северный“.

27 ноября 2004 г., когда на работе явились вооруженные люди и заявили, что Кадыров Р. приказал им доставить меня в Центарой, это ~~воглаве~~ Кадырова Р. Когда меня посадили в машину, там сидела моя жена. Оказывается, они прежде там приехали за мной, побоялись на квартире где я живу с семьей. Перевернули там все, напугали детей, забрали сумку где были документы мои, жены и детей и там же были деньги 178 т.р.

Закрыв детей в квартире забрали ключи взяли с собой жену и приехали за мной. По пути в центарой, старший из них, зовут его Сейд. Эти фамилии не знаю, ключка у него „разведчик“. Сейчас он работает начальником уголовного розыска в Шмале, забрал у меня паспорт и телефон, и начал допрашивать. Где ~~Алихан~~? это старший сын от первого брака. С его матерью мы прощались вместе пол года и расстались, он родился у своего родственника по матери, во дворе мамы и жила у бабушки по матери в с. Маскер-юрт, сейчас он ни одного дня не жил.



врач настоятельно советовал, продолжить лечение в Москве, ему необходимо квалифицированное и длительное лечение, в противном случае будет серьезное последствие.

Я Саид-Дин объяснил, что Амихан 9 ноября 2004г. уехал в Москву лечиться. И когда он там устроится он должен мне позвонить, и я собирался поехать к нему, но пока он мне не звонил, и я не могу знать где он находится. Мы приехали в Центарой, к нему и сестру, теены сына, оказывается они и ее забрали, увезли в канцунто канцуну во дворе. Я стоял во дворе. Они мне показали сумку, которую забрали с квартиры, и спросили сколько там денег. Я им объяснил, что там было 180 т.р. но утром когда я уходил на работу я взял из них 2 т.р. остальные 178 т.р. должны быть там. Потом они спросили откуда у меня эти деньги, я им объяснил, что я продал участок в селе за 120 т.р. объяснил кому продал, когда продал, а основное я откладывал с зарплатой, у меня зарплата 20 т.р. в месяц и работаю я там больше полутора года. Они сказали что они это проверят, и ушли в поместье, я стоял во дворе. Потом они вернулись, надели наручники и стали избивать, били меня снегом, потащили в споризон. Там меня растянули на ползу, сняли обувь, носки, железной проволокой привязали за ноги к спортивной снаряде, руки наружникам пристегнули к поясу.

бильярдного стола, стали вокруг, головы и вали  
 и начали избивать, ногами, прикладами, на-  
 ками, по лицу, по голове, по всему телу, кто  
 куда попадет, и все время спрашивали, где  
 Амихан? Когда они останавливались избие-  
 ние я им пытался объяснить, что он черен  
 в Москву и пока он не позвонит, я не могу  
 знать где он. Но это все не устраивало и они  
 продолжали меня избивать. Потом пришел  
 кто-то и заявил, что Амихан в Польше.  
 Для меня это была новость, я им пытался  
 это объяснить, но они продолжали избивать.  
 Потом принесли эту видеокассету, кри-  
 ваями провода к пальцам ног и стали пытать  
 током, когда останавливались пытать,  
 продолжали избивать. Но и этого им мало,  
 принесли воду одним меня водой и продолжали  
 пытать током и избивать, это продолжалось  
 больше часа, я уже терял сознание.  
 Они насадили этой работой им им наде-  
 ло но меня пытками в угол и пристегнули к  
 труде от батареи. В таком положении меня  
 держали 4 дня. 1 декабря 2004г вечером меня  
 привезли в Фудернесс и кинули в подвал, сырой  
 и вонючий, он регулярно затопивался кана-  
 лизацией. С 1 декабря 2004г по 4 октября 2005г, это  
 311 дней меня держали в замочнике в штабе С.Б.  
 в Фудернессе. Все это время меня больше никто  
 ни отом не спрашивали. На мои вопросы, почему  
 меня тут держат и сколько это будет продол-  
 жаться, никто не отвечает. Я два раза писал  
 проклат, один прокурору ГР, другой начальнику СБ.  
 Но никакой реакции не было. Эти люди не имеют  
 представления, что есть какое-то законо-  
 и что все необходимо соблюдать.  
 Эти отморозки вообще со своим орденским  
 званием, считают, что на них можно делать что угодно.



нелю такого преступления которое они не  
совершили или не могли совершить.

Я прошу разобраться в этом деле невзирая на то, что не представляю себе, что это за дело.

[illegible]

Заказчик: \_\_\_\_\_

Подрядчик: \_\_\_\_\_



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исх. №  
" 08 " 02 2006 г.

с. Мескер - Юрт  
Исраилову Маргуду  
Амгировичу и его  
мне Шовге.

## П О В Е С Т К А

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(фамилия, имя, отчество)

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Следователь

*[Подпись]*  
Подпись

## Appendix 19

### The human rights situation in the Chechen Republic

Doc. 10283

20 September 2004

#### Report

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Rudolf Bindig, Germany, Socialist Group

#### Summary

The human rights situation in the Chechen Republic remains catastrophic. The report strongly condemns human rights violations committed by all sides of the conflict, including the recent spate of despicable terrorist attacks against civilian targets, other killings committed by illegal armed formations and the numerous violations of human rights in the form of murder, forced disappearances, torture, hostage-taking, rape and arbitrary detention committed by members of different Federal and regional security forces during their "special" or "targeted" operations in the Chechen Republic and, increasingly, in neighbouring regions. The report concludes that a climate of impunity is still prevailing in the Chechen Republic due to the fact that the Chechen and Federal law enforcement authorities remain either unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations. The draft resolution and recommendation make concrete proposals to help solve the human rights crisis and urge in particular

the Government of the Russian Federation to end the climate of impunity in the Chechen Republic;

the Russian State Duma to set up a Committee of enquiry to investigate the alleged abuses by different branches of the executive, in particular the different law enforcement bodies in the Chechen Republic and in neighbouring regions;

the Council of Europe's member states to use every opportunity, in their bilateral and multilateral relations with the Russian Federation, to recall the need to respect human rights also in the fight against terrorism and separatism;

the Committee of Ministers to ensure that the discussion and debate of the human rights crisis in the North Caucasus region of the Russian Federation remains a regular item on the agenda of the Committee of Ministers and Ministers' Deputies, to ensure that such discussions cover reports and the follow-up of the implementation of recommendations made to the authorities by all bodies and mechanisms of the Council of Europe and to urge the Government of the Russian Federation to put an end to reprisals taken against any person in relation to the filing of an application to the European Court of Human Rights.

#### I. Draft resolution [Link to the adopted text]

1. The Parliamentary Assembly stresses that the protection of human rights is the primary objective of the Council of Europe and it therefore solemnly condemns all criminal acts constituting serious human rights violations committed by all sides of the conflict in the Chechen Republic.

2. This includes in particular the recent spate of despicable terrorist attacks beginning with the downing of two airliners on 24 August 2004, the attack by a suicide bomber near Rizhskaya



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station in Moscow on 31 August 2004 and finally the hostage-taking of hundreds of innocent children and their family members in Beslan and the horrific bloodbath on 3 September 2004. There can be no excuse whatsoever for any such attacks on innocent civilians.

3. The Assembly also unequivocally condemns all other killings by illegal armed formations, such as that on 9 May 2004 of the President of the Chechen Republic, Akhmad Kadyrov, also causing other victims, and the numerous deaths involved in the co-ordinated attacks by armed fighters in Ingushetia, the Chechen Republic and Dagestan on 22 June 2004 and a similar large-scale attack in Grozny on 20 August 2004. Both the death of innocent bystanders and the “targeted” killings of persons considered by terrorists as responsible for crimes left unpunished are totally unacceptable. The conflict in the Chechen Republic must be resolved by negotiation and criminals on all sides must receive their just punishment through appropriate judicial procedures.

4. The Assembly also strongly condemns the numerous violations of human rights in the form of murder, forced disappearance, torture, hostage-taking, rape and arbitrary detention committed by members of different Federal and pro-Russian Chechen security forces during their “special” or “targeted” operations in the Chechen Republic and, increasingly, in neighbouring regions.

5. As recent events show, the situation in the Chechen Republic is far from normal. Whilst the reconstruction of some social infrastructures and the promise of the payment of compensation to persons whose houses were destroyed is a positive factor, real economic development requires trust between the Government and the people. The Assembly continues to believe that there can be no peace and no sustainable political settlement in the Chechen Republic without bringing to justice the perpetrators of even the most serious human rights violations and without ensuring that no further such violations will be committed in future.

6. The dramatic human rights situation in the Chechen Republic described in the texts adopted by the Assembly in April 2003 has unfortunately not improved significantly since then. The number of “special operations” or “sweeps” by security forces has in fact significantly decreased, in particular since the end of 2003. But arbitrary detentions, often followed by the “disappearance”, torture or severe beatings of detainees and the theft or destruction of property at the hands of security forces (Chechen and Federal) but also of certain rebel groups, are still occurring on a massive scale, especially as seen against the background of the small population of the Chechen Republic and the losses already suffered in previous years. A new frightening trend is that of hostage-taking of relatives of suspected terrorists in order to force them to give themselves up by threatening their relatives with torture and murder. Such methods are totally unacceptable criminal acts that must be stamped out by the Federal authorities.

7. The constitutional referendum of March 2003 and the elections for the Chechen President in October 2003 and August 2004 have given rise to new types of violations of the European Convention on Human Rights (ECHR) which now also concern the people's right to free elections (Article 3 of Protocol No 1 to the ECHR) and to freedom of expression (Article 10 of the ECHR).

8. The climate of impunity diagnosed by the Assembly in Resolution 1323 (2003) and Recommendation 1600 (2003) appears to be spreading to Ingushetia, where a number of abuses took place in 2003 and early 2004 that are reminiscent of those taking place in the Chechen Republic and which have remained largely unpunished. The conflict in the North Caucasus appears to be spreading like an epidemic, threatening the rule of law throughout the Russian Federation.

9. Regarding the elucidation of the crimes described in the report underlying Resolution

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1323 (2003) and Recommendation 1600 (2003), very little progress has been made and new crimes committed in the meantime have not been met with any more successful action by the Chechen and Federal prosecutors.

10. Whilst 799 complaints were registered in 2003 with the Military Prosecutor's Office, only three cases were referred to the courts in the same year. The 13 sentences passed by military courts in 2003 concerned investigations started between 2000 and 2002.

11. The Chechen civilian prosecutor's office received 4763 applications in 2003, including 554 from the Office of the Special Representative. In the same year, the civilian prosecutors initiated 419 criminal cases, 15 of which were referred to court. 128 applications were transmitted to the Military Prosecutor's Office, which in turn transmitted 60 applications to the civilian prosecutor's office.

12. These figures are similar to those for the year 2002 and those received for the first months of 2004 do not look better. There is thus very little progress in the prosecution of perpetrators of human rights violations by the national law enforcement bodies.

13. The Assembly is outraged that serious crimes have been committed and have not yet been elucidated against applicants and family members of applicants to the European Court of Human Rights. Such acts are totally unacceptable as they may deter applications to the Court, which is the centrepiece of the human rights protection mechanism established by the European Convention on Human Rights.

14. The preventive measures recommended by the Council of Europe Commissioner for Human Rights, in particular as regards the modalities of special operations or "sweeps" carried out by security forces, such as the effective identification of all participants in such operations and the rapid and strict prosecution of any violations of the rules, have yet to be implemented.

15. Consequently, the conclusions drawn by the Assembly in Resolution 1323 and Recommendation 1600 (2003) remain valid: a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and Federal law enforcement authorities are still either unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations.

16. The Assembly therefore, reiterating its exhortations in paragraphs 9 and 10 of Resolution 1323 (2003),

- i. urges the Government of the Russian Federation to end the climate of impunity in the Chechen Republic,
  - a. by vigorously investigating and prosecuting all violations of human rights, without regard to the identity of the perpetrators;
  - b. by implementing the recommendations of the Council of Europe Commissioner for Human Rights;
  - c. by sending a clear signal from the highest political level that all security and law enforcement officials must respect human rights in the execution of their duties at all times;
  - d. by enabling systematic monitoring by national and international human rights organisations of human rights violations as well as of the measures taken by the competent authorities to track down and punish perpetrators;

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- e. and by facilitating access to the region by the national and international news media;
- ii. urges the Russian State Duma to set up, as a matter of urgency, a parliamentary committee of inquiry to investigate the alleged abuses by different branches of the executive, in particular the different law enforcement bodies in the Chechen Republic and in neighbouring regions such as Ingushetia, including the apparent dysfunctioning of the military prosecutor's office in charge of the region;
- iii. urges the member states of the Council of Europe to :
  - a. use every opportunity, in their bilateral and multilateral relations with the Russian Federation, to recall the need to respect human rights also in the fight against terrorism and separatism ;
  - b. continue applying the Geneva Convention relating to the Status of Refugees in granting political asylum to applicants from the Chechen Republic, recalling that local human rights activists, lawyers and relatives of suspected independence fighters are among those most vulnerable to disappearance, torture and other most serious human rights abuses;
  - iv. supports the recommendation made by the Committee for the Prevention of Torture (CPT) in its Public Statement of 10 July 2003 that members of the federal forces and law enforcement agencies be reminded, through a formal statement emanating from the highest political level, that they must respect the rights of persons in their custody, that any violations will be the subject of severe sanctions and urges the Russian authorities to authorise without further delay publication of all reports of visits to the North Caucasus region by CPT experts;
  - v. welcomes the positive trend towards the establishment of regional ombudsmen in the Russian Federation and the initiative by the Commissioner for Human Rights of the Council of Europe and the Ombudsman for Human Rights of the Russian Federation to promote the establishment of a regional ombudsman for the Chechen Republic.

### II. Draft recommendation [Link to the adopted text]

1. The Assembly refers to its Resolution ... (2004) on the Human Rights Situation in the Chechen Republic, recalling that the continuing massive violations in the Chechen Republic are by far the most serious human rights issue in any of the Council's member states and that the credibility of the whole Organisation depends on its ability to convince the Russian Federation to meet its commitments in this respect.
2. Considering the insufficient progress in holding perpetrators of human rights violations responsible, the Assembly reiterates all the recommendations addressed to the Committee of Ministers in Recommendation 1600 (2003).
3. In view of the gravity of the human rights situation in the Chechen Republic, the Assembly recommends to the Committee of Ministers to ensure that the discussion and debate of the human rights crisis in the North Caucasus region of the Russian Federation remain a regular item on the agenda of the Committee of Ministers and Ministers' Deputies and to ensure that such discussions cover reports and the follow-up of the implementation of their own recommendations as well as recommendations made to the authorities by all other bodies and mechanisms of the Council of Europe including: the Secretary General, the Parliamentary Assembly, the Commissioner for Human Rights, the Committee for the Prevention of Torture, the Venice Commission and European Commission against Racism and Intolerance;
4. The Assembly invites the Committee of Ministers, in particular, to

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- i. urge the Government of the Russian Federation to end the climate of impunity in the Chechen Republic ,
  - a. by vigorously investigating and prosecuting all violations of human rights, without regard to the identity of the perpetrators;
  - b. by sending a clear signal, at the highest level, that all security and law enforcement officials must respect human rights in the execution of their duties at all times, and that any violations will be subject to severe sanctions;
  - c. by putting an end to reprisals against any person taken in relation to the filing of an application to the European Court of Human Rights, ensuring that all allegations of such crimes are investigated promptly, thoroughly and independently and that all persons found responsible for such crimes are brought to justice;
  - d. by enabling systematic monitoring by national and international human rights organisations of violations committed by all sides and of the measures taken by the competent authorities to track down and punish perpetrators;
  - e. by establishing as soon as possible an independent Ombudsman for the Chechen Republic, who shall receive and process complaints about human rights violations in the region and continue the work of the former Special Presidential Representative's Office, also making use of the files established by the latter, with the support of the Council of Europe experts;
  - f. and by facilitating access to the region by the national and international news media;
- ii. step up the Council of Europe's co-operation with the Government of the Russian Federation, focusing on the development of the rule of law in the Chechen Republic and on concrete improvements of the human rights situation of the population of the Chechen Republic, in order to contribute to the implementation of the requests under sub-paragraph 4.i.

### III. Explanatory memorandum

by Mr Rudolf Bindig, Rapporteur

#### A. Introduction

1. This report is based on Order 586 in which the Assembly instructs its Committee on Legal Affairs and Human Rights to report back to it at one of its 2004 part-sessions on the implementation of Resolution 1323 (2003) and Recommendation 1600 (2003), as well as of the recommendations of the Council of Europe Commissioner for Human Rights.
2. As its predecessor, this report is again based on information made available by the competent Russian Federal and Chechen authorities, international organisations, NGO's and journalists. I would again like to single out Memorial, Human Rights Watch (HRW), Stichting Chechnya Justice Initiative (SCJI), Amnesty International (AI) and the Moscow Helsinki Group (MHG) for their especially valuable assistance.
3. I should like to thank especially the Russian Delegation to the Assembly for organising my fact-finding visit to Moscow and the Chechen and Ingush Republics, together with Mr Gross, during the first week of June 2004, and the Russian, Chechen and Ingush authorities for their hospitality during our visit.

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4. In accordance with the Order, this report will concentrate on following up the development of the human rights situation in the Chechen Republic since the adoption of the above-mentioned resolution and recommendation in April 2003, and in particular the implementation of the Assembly's and the Commissioner' recommendations.

5. The report will be sub-divided into two parts: first, it will look into the follow-up given to last year's recommendations, including an update on the results of the investigations into some of the most serious crimes described in last April's report. Second, it will sum up the evolution of the human rights situation since last year.

B. Implementation of Resolution 1323 (2003) and Recommendation 1600 (2003) and the Commissioner's recommendations

i. Resolution 1323

Item 9.i. (Chechen fighters should immediately stop their terrorist activities and renounce all forms of crime; any kind of support for Chechen fighters should cease immediately):

6. It is clear that terrorist and other criminal activities by Chechen fighters has not stopped. The tab of incidents kept by the Secretary General's experts on a monthly basis is telling. Almost daily, armed rebels have attacked Russian or Chechen security forces, killing and maiming hundreds of servicemen during 2003 and early 2004[1], but also representatives of local administrations, polling stations, and other administrative buildings. Terrorist attacks on targets outside the Chechen Republic have also continued, as sadly evidenced by the recent spate of terrorist attacks beginning with the downing of two airliners on 24 August, the attack by a suicide bomber near Rizhskaya station in Moscow on 31 August, and finally the hostage-taking of hundreds of innocent children and their relatives in Beslan, which has ended in the horrific bloodbath on 3 September. Other examples include the double suicide bombing of a rock concert in Moscow in July 2003 killing the attackers and 15 other persons, the attack on a passenger train in Yessentuki/North Caucasus (at least 42 killed) on 5 December 2003, that on the hotel "National" in Moscow on 9 December 2003 (6 killed, 12 injured), and on the Moscow metro on 6 February 2004 (40 killed, 134 injured). Most of these abominable crimes have not yet been fully elucidated. The Russian authorities hold Chechen "bandits", or international terrorists responsible, flatly refusing to differentiate between Chechen nationalist oriented rebels and other, more radical field commanders and terrorist organisations. Representatives of Mr Maskhadov have consistently condemned any attacks on what they call "civilian targets", claiming that their leader had given strict orders to avoid hitting any such targets.

7. With respect to the murder of President Kadyrov on 9 May 2004, the rebel "field commander" Shamil Bassayev has claimed responsibility for the attack, whilst more moderate rebel leaders have distanced themselves from the attack.

8. As regards the coordinated attacks by armed fighters in Ingushetia, the Chechen Republic and Dagestan on 22 June 2004 killing nearly 100 persons, representatives of the rebel side have declared that these were part of the new strategy of "large-scale military operations" announced by their leader in May 2004, replacing the "needle-prick tactics" of recent years that had prompted the Russian side to claim that the rebel forces had been practically eradicated. They claimed that 4000[2] fighters had participated in a series of large-scale attacks throughout the region, targeting military objectives and law enforcement officials who had "blood on their hands" and who had enjoyed impunity for too long. Some civilian casualties, which they regretted, had been caused by the security forces' indiscriminate use of heavy weapons such as tanks and multiple rocket launchers in populated areas.

9. I deeply regret and condemn the new escalation of violence, including the attack on 13 July 2004 on the Acting President, Mr Abramov, whom we met in June and who impressed us

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with his pragmatic commitment to reconstruction and social progress, and the assassination of the leader of the Chechen branch of the United Russia party. I have also made this clear to all my interlocutors on the Chechen rebel side, stressing that any executions, and even more so extrajudicial ones, are totally unacceptable to the Council of Europe. I also took the initiative for a declaration by the Bureau of the Assembly on 25 June condemning these attacks, but also warning against any unlawful responses by the security forces.

The recent horrors show once again that this conflict cannot be resolved by military means alone. Crimes committed on all sides must be punished by appropriate judicial means. Impunity provokes new unlawful acts and leads to further escalation of violence.

Item 9. ii. (Russian forces to be better controlled and discipline enforced: all relevant military and civilian regulations, constitutional guarantees, international law, including humanitarian law and in particular the relevant provisions of the Geneva Conventions and the protocols thereto, and the European Convention on Human Rights as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, should be fully respected during all operations, including full co-operation with the prokuratura before, during and after such operations):

10. This item is also the object of the Council of Europe Human Rights Commissioner's recommendations, which the Russian side has accepted, but has not yet fully implemented. This subject has also been specifically taken up by the CPT (cf. appended Public Statement dated 10 July 2003).

11. It appears from studying a large number of descriptions of individual special operations carried out by federal forces submitted by human rights organisations that some improvement can be found compared to similar operations in earlier years, especially as concerns "collateral damage" inflicted on bystanders. Also, it appears that a larger number of arrests of suspects by federal forces is followed by a "happy ending" in the form of the release of such detainees, often after the valiant intervention of family members, neighbours and, in a number of cases, of law enforcement officials.

12. But it must be stressed that the implementation of such "targeted" or "special" operations - terms that have taken the place of those of "mop-up operations" or "sweeps" used earlier - is still far from the standards of the ECHR that the Russian Federation has subscribed to, and that the Commissioner has translated into practical recommendations. Disciplinary problems remain rampant, including problems such as alcoholism and corruption, which are still an important cause for numerous violations of fundamental rights of the Chechen population. Many cases of random shooting, beatings and looting are still reported as taking place during such operations. The best preventive remedy - the effective identification of all participants in such operations, and the rapid and strict prosecution of any violations of the rules, which are indeed in place - is still not being used systematically. On the contrary, such operations still take place primarily at night, and with all participants wearing masks. It has also been pointed out repeatedly that the increased "targeting" of special operations, which are limited to individual buildings or street sections, makes it more difficult for witnesses of abuses to speak out without being identified, as the number of witnesses is very much reduced.[3]

Item 9 iii. (in so far as the security situation allows, troops shall be confined to their barracks or withdrawn from the Chechen Republic altogether)

13. The number of Federal servicemen (regular military forces, special forces of the Ministry of the Interior/Omon, and of the FSB) posted in the Chechen Republic has remained substantially the same as in early 2003, at about 70.000. The withdrawal of about 1.200 men announced in March 2003 seems to be compensated by the stationing of an extra 1.200 Omon troops announced by the President in May 2004 during his visit after the assassination of



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President Kadyrov.

14. These forces are also by no means confined to barracks. The security situation, as illustrated by the higher number of violent incidents, may indeed justify the need for continued, visible presence of security forces – provided they fulfil their role correctly, in line with the recommendation in item 9 ii. of Resolution 1323 (2003).

Item 9 iv. (all those suspected of committing abuses be thoroughly investigated and, if found guilty, severely punished in accordance with the law, regardless of their rank and position)

15. This recommendation, which is absolutely central both as a precondition for national reconciliation and a lasting political settlement, and as the best possible preventive measure against new abuses, has unfortunately not been successfully implemented.

16. I have requested detailed information, from the office of the Prosecutor General of the Russian Federation, and from the Chief Prosecutor of the Chechen Republic, on the results achieved concerning the investigation of a selection of crimes that have been brought to my attention from different sides.

17. Concerning the crimes listed in the April 2003 reports, the replies received were the following (the full text of my questions and of the replies received is appended):

18. As to the murder of numerous civilians in Alkhan-Yurt in December 1999, the preliminary investigation has been suspended in view of “contradictory evidence on the circumstances”, the relatives of the persons buried in the mass grave “not giving consent” to exhumation[4].

19. As to the mass executions in Novye Aldy and Novaya Katyama suburbs of Grozny (February/April 2000), the answer was merely that the “preliminary investigation continues”[5].

20. No reply was given as to the progress of the cases of the abduction of Ruslan Sh. Alikhadzhiyev (on 17 May 2000)[6] and of the killing of Madina Mezhieva and Amkhad Gekaev.

21. As regards the mass grave in the “Zdorovye” dacha estate and the special operation in the village of Mesker-Yurt, the “preliminary investigation continues”.

22. The cases of the abduction of S. Imakayev and of the murder of Kh. Yandiev (both pending before the European Court of Human Rights) are still being “investigated by the military prosecutor’s office”. [7]

23. Some progress seems to have been made only with regard to the cases of the murder of the former head of administration of the village of Alkhan-Kala, M.K. Umazheva, and of the torture of Alaudin Sadykov. In the former case, two wanted “bandits” were identified as perpetrators, one killed in the meantime “when he showed armed resistance”. In the latter, three interior ministry staff were identified as participants in the crime. One committed suicide, two others are sought by the police.

24. Concerning the cases brought to my attention after March 2003, of the 24 cases I submitted, I did not receive any reply for 10 cases. Whilst one case is still being checked up, two are being “investigated by the Military Prosecutor’s Office”. In another case, I was told that my information was mistaken, as the presumed kidnap victim, Mr N. Gatiev, had been arrested by court order for participation in illegal armed formations. In six other cases, I was told that “the preliminary investigation continues”, in four other cases the preliminary investigation has been suspended, two of which (a case concerning the murder of a village chief, Mr Tsitsayev,

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and a mine explosion near the village of Assinovskaya) after participants of the “bandit groups” who committed the crime were identified and are being sought. In one case, finally, that of the abduction and ill-treatment of Mr Z. Muralov, a serviceman, Mr Sergei Lapin, has been indicted and is being tried before the Supreme Court of the Chechen Republic. But I have learnt in the meantime that the proceedings against him have been suspended since October 2003, after he failed to appear in Court, because of his inability to stand trial due to mental illness. At the same time, Mr Lapin, after he was first dismissed from OMON, was reinstated as a police officer in the city of Nizhnevartovsk, where he was reportedly recently awarded a medal “For Protecting Public Order”.

25. The replies show that even after many years, no progress has been made in holding responsible the perpetrators even of such well-documented cases as those submitted to the Russian authorities for their comments. Interestingly, most of the exceptions, i.e. cases in which progress has been made towards identifying perpetrators, concern mostly attacks on village administration heads and security staff or other crimes attributed to rebel fighters.

26. The lack of progress in the Imaev case is particularly worrying, as it directly affects access to the European Court of Human Rights[8]. I am deeply worried that another crime against an applicant to the Court in Strasbourg, Zura Bitiyeva, involving the murder of the applicant, of her husband, Ramzan Iduyev, their son Idris Iduyev and the applicant's brother, Abubakar Bitiyev, has occurred and has not yet been elucidated. Only a one year old child survived the attack, which took place on 21 May 2003 in the Kalinovskaya settlement near one of the main military bases in the Chechen Republic. According to eyewitnesses, a group of 15 armed men in camouflage uniforms had committed the above-mentioned killings of Mrs Bitiyeva and her family. Later the same morning, two other men – Turpal Imailov and Islambek Gadiyev – were shot in their homes, allegedly by the same group. In addition, I have been informed, in much detail, about several other cases in which family members of Strasbourg applicants have been harassed, threatened or even become victims of crimes.

27. As regards prosecution statistics for 2003 and early 2004, these are unfortunately as dismal as those for 2002 that have prompted the Assembly to adopt Resolution 1323 and Recommendation 1600 (2003):

28. In 2003 and early 2004, the Office of the Special Representative for Human Rights in the Chechen Republic received 1799 applications, 547 of which concerning cases of missing persons, 71 of which were transmitted to the Military Prosecutor's Office, and 554 to the Chechen Republic Prosecutor's Office.

29. Following 799 complaints registered in 2003 with the Military Prosecutor's Office (of which 367 contained information on kidnapping/illegal detention of 496 residents), investigators of the Military Prosecutor's Office investigated 10 criminal cases on applications of Chechen residents, i.e. 1.25% of complaints. Of these, 3 cases were referred to the courts in 2003. The military courts passed 13 sentences in 2003 (two of which concerned investigations started in 2000, five started in 2001, and 6 started in 2002).

30. The Chechen civilian prosecutor's office received 4763 applications in 2003, including 2242 concerning “illegal methods of investigation”, and 554 applications received from the Office of the Special Representative. In 2003, the civilian prosecutors initiated 419 criminal cases, 15 of which were referred to court. 128 applications from residents were submitted to the Military Prosecutor's Office, which in turn submitted 60 applications to the territorial prosecutor's office during the same period.

31. It should be noted that the number of actual violations is likely to exceed that of official complaints, as I was told by human rights activists that in a number of documented cases victims and their families have been discouraged from filing complaints by threats of reprisals.



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32. In a number of cases, promising investigations by civilian prosecutors were aborted as soon as concrete leads point at the implication of members of the security forces.

33. As a result, it must be said that the climate of impunity noted in the 2003 report is still prevailing.[9]

Item 9 v. (the recommendations of the Council of Europe Commissioner for Human Rights shall be implemented immediately by the Russian Federation)

34. According to information received by the Human Rights Commissioner's Office, the recommendations, though accepted by the Russian authorities, are yet to be implemented. The Commissioner is planning to travel to the Chechen Republic in the near future and will take up this issue.

Item 9. vi. (the Russian Federation authorise the publication of the reports of the CPT without further delay):

35. The Russian authorities, in June 2003 have still not allowed the publication of the reports of the CPT on its six visits to the Chechen Republic, the most recent one in May 2003. The CPT has nevertheless issued, on 10 July 2003, a "Public Statement" (text appended hereto) pursuant to Article 10 para. 2 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The CPT noted that there is "continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic and that the action taken to bring to justice those responsible is slow and – in many cases – ultimately ineffective", and made a number of recommendations.

36. The Assembly should throw its own weight behind the recommendations of the CPT, which are the result of very thorough investigations during the six visits to the most important detention facilities in Chechen Republic, including the notorious ORB-2[10] in Grozny, and insist that the Committee of Ministers finally hold a thorough discussion based on the CPT's findings.

Item 10 i. (better co-operation from the Russian authorities with national and international mechanisms of redress, both judicial and non-judicial)

37. As regards cooperation by the Russian authorities with the European Court of Human Rights, in the absence of contrary public information, it must be presumed that Russia is fulfilling her international obligations as State Party to the ECHR. In this context, it should be stressed that it is in Russia's own interest to elucidate as soon as possible the crimes committed against applicants to the Strasbourg Court and members of their families (in particular, the Imakaev and Bitiyeva cases), and to efficiently protect all other applicants.

38. As regards non-judicial mechanisms of redress, the office of the Special Representative of the President of the Russian Federation for Human Rights in the Chechen Republic set up in 2000 and last held by Mr Sultygov was abolished by presidential decree in January 2004. I share the worries expressed by the President of the Assembly, Peter Schieder, and the Council of Europe's then Secretary General Walter Schwimmer. The justification given by a spokesperson of the Kremlin that the then newly elected President of the Chechen Republic, Achmad Kadyrov, in fact already fulfilled the function of a representative for human rights is unsatisfactory, for two reasons: the first is that according to many reports from human rights defenders working in the Chechen Republic, the different security forces under the command of former President Kadyrov and his son, Ramzan Kadyrov, are themselves suspected of being responsible for a considerable share of the disappearances and other human rights violations; the second is that in those cases in which members of Russian forces

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are suspected of such violations, it is notoriously difficult for Chechen law enforcement officials to take successful action[11].

Item 10 ii. (call on member states of the Council of Europe to pursue all avenues of accountability with regard to the Russian Federation without further delay, including interstate complaints before the European Court of Human Rights and the exercise of universal jurisdiction for the most serious crimes committed in the Chechen Republic)

39. No interstate complaint has been introduced before the European Court of Human Rights, and no country has exercised universal jurisdiction with regard to crimes committed in the Chechen Republic.

Item 10 iii. (if the efforts to bring to justice those responsible for human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, the international community should consider setting up an ad hoc tribunal to try war crimes and crimes against humanity committed in the Chechen Republic;

40. As regards efforts to bring to justice those responsible for human rights abuses, it can hardly be said that they have been intensified, given the statistics cited above. The number of staff working for the military prosecutor's office in the region[12] has not changed since 2002. In view of these numbers, it must be said that a climate of impunity still prevails in the Chechen Republic. Nevertheless, the call for an international ad hoc tribunal, whilst welcomed by some NGO's, has remained unheeded by the international community.

Item 10 iv. (urges the Russian Federation to ratify the Statute of the International Criminal Court without delay)

41. Following the signature of the Rome Statute on 13 September 2000, a number of senior politicians have spoken in favour of ratification[13], and inter-ministerial work and expert consultations on necessary implementing legislation are under way[14]. Still, a final decision on ratification does not yet seem to be taken at the highest level.[15]

ii. Recommendation 1600 (2003)

Item 3. i. (call on the Committee of Ministers to reorient its assistance programmes in the North Caucasus towards an amelioration of the human rights situation in the Chechen Republic as the priority objective, and allocate sufficient funds to these programmes to make a real difference)

42. The Council of Europe experts attached to the office of the Special Representative for Human Rights in the Chechen Republic, Mr Sultygov, were withdrawn for security reasons in April 2003, after a bomb went off very close to their vehicle. Their task had been mainly to help monitor the human rights situation in the region and help in the registration of complaints from the population. Whilst the withdrawal of the experts was initially considered as only temporary, they were unable to return to Chechnya until the end of 2003, by which time a new agreement was reached between the Russian Federation and the Council of Europe. An exchange of letters between the Minister of Foreign Affairs of the Russian Federation, I. S. Ivanov, and the Secretary General, W. Schwimmer[16] spells out the details of the agreement, following which the permanent presence of Council of Europe experts is replaced by their involvement, at the request of the Russian side, in the implementation of concrete tasks within the framework of the agreed programme of cooperation in Chechnya. This programme includes items such as expertise in the legislative field in the Chechen Republic, the development of local self-government, psychological and social rehabilitation of women and orphans, human rights training for law-enforcement organs and local police and penitentiary institutions as well as seminars and training of Chechen students in the field of human rights. For security reasons, all

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activities with the exception of the library project are for the time being planned to take place outside the region. The new programme of cooperation, whilst quite modest in its approach, seems to correspond mostly to the priorities set by the Assembly. Its implementation is scheduled to begin in August with a seminar on election law in Moscow, in view of the presidential elections foreseen at the end of that month.

43. In my view, it is regrettable that a permanent presence of Council of Europe experts in Chechnya is no longer foreseen, though it must be said that their actual possibilities for action were always quite limited in view of the precarious security situation and their narrowly-defined mandate.

44. I was told during my mission to Chechnya that the database of human rights complaints the Council of Europe experts helped establish in Mr Sultygov's office has been preserved and continues to be used by the current head of the office, Mr Nukhachiev. The Office of the Special Representative received 1799 new applications in 2003 and early 2004, 547 of which concerned cases of missing persons. The Office submitted 554 applications to the Chechen Republic Prosecutor's office. Unfortunately, despite our requests, we were unable to pay a visit to this office, which had been moved from Znamenskoye to Grozny, during our mission in June 2004.

Item 3. ii. (ensure that non-governmental organisations active in preventing and documenting human rights violations in the Chechen Republic, as well as those assisting their victims in different ways, are involved in the said assistance programmes)

45. The reply of the Committee of Ministers to Assembly Recommendation 1600 (CM/AS(2003)Rec1600final) dated 2 June 2003 states that the Council of Europe is in constant contact with NGO's active in the Chechen Republic and that they are involved in the assistance programmes whenever possible. The NGO's I consulted with in preparation of this report have let me know that they have not yet been involved in any of the Council of Europe's assistance programmes.

Item 3. iii (take all possible measures to increase the effectiveness of the current mandate of the Council of Europe experts working in the Office of the Special Representative of the President of the Russian Federation for Human Rights in the Chechen Republic as regards their possibility of influencing the human rights situation)

(see above para. 42 to 44, comments on item 3.i.)

Item 3. iv. (urge the Government of the Russian Federation to fully comply with the recommendations addressed to it in paragraphs 9 and 10 of the above-mentioned Resolution 1323)

46. The Committee of Ministers states in its reply to Recommendation 1600 adopted on 28 May 2003 that regular discussions have taken place, since June 2000[17], in the Deputies on the basis of reports by the Secretary General on the work of the Council of Europe experts present in Chechnya under the item "Contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya". Whilst the reply indicates that relevant recommendations by the Assembly are being taken into account during these discussions, a formal decision to urge the Government of the Russian Federation to comply with the above-mentioned Assembly's specific recommendations has not been taken. In particular, a reference to such a decision is not included in the Committee of Ministers' reply to Recommendation 1600. This omission marks a further step down in the strength of the Committee of Ministers' reaction from its reply to Assembly Recommendation 1593 on the Evaluation of the prospects of a political solution to the conflict in the Chechen Republic, adopted by the Deputies on the same day. In this document it is still said that "[I]n accordance

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with paragraph 4 of the recommendation, the Committee of Ministers duly brought the Assembly's Resolution 1315 (2003) to the attention of the Government of the Russian Federation" – though without, as paragraph 4 of Recommendation 1593 had called for, pressing for expeditious action on it.

Item 4. (petition to the Committee of Ministers by virtue of paragraph 1 of its 1994 Declaration on compliance with commitments and recommendation to the Committee of Ministers to instruct the Secretary General to take specific measures under paragraph 4 of the said Declaration)

47. The Committee of Ministers' reply to Recommendation 1600 does not include any express mention of the 1994 Declaration on compliance with commitments.[18] The Committee has also not taken a decision on any other occasion to give instructions to the Secretary General to "make contacts, collect information and furnish advice on the human rights situation in the Chechen Republic", as recommended by the Assembly. This omission is all the more regrettable as Paragraph 4 of the 1994 Declaration has been used several times before in response to concerns expressed by the Parliamentary Assembly[19].

48. The Assembly must continue reminding the Committee of Ministers as the Council of Europe's executive organ that the continuing massive human rights violations in the Chechen Republic are by far the most serious human rights issue in any of the Council's member states and that the credibility of the whole Organisation depends on its ability to convince the Russian Federation to meet its commitments in this respect[20]. In my opinion, the Committee of Ministers has done a poor job on this count, for "geopolitical" reasons, which have become less and less acceptable in recent times to the public opinions of many countries belonging to the Council of Europe and beyond.

C. The evolution of the human rights situation in the Chechen Republic since 2003

i. Global assessment of the situation – statistics by "Memorial"

49. The dramatic human rights situation in Chechnya described in the texts adopted by the Assembly in January and April 2003 has unfortunately not improved significantly since then. The number of "special operations" or "sweeps" by the security forces seems to have somewhat decreased, in particular just before the referendum in March and the presidential election in October, and since the end of 2003. But arbitrary detentions, often followed by the "disappearance", torture or severe beatings of detainees, and the theft or destruction of property at the hands of security forces (Chechen and Federal), but also of certain rebel groups, are still occurring on a massive scale, especially as seen against the background of the small population of the Chechen Republic, and the losses already suffered in previous years.

50. Statistics kept by "Memorial" reveal a total of 495 abductees for 2003 (177 in the first five months of 2004), of whom 156 (92) were released or ransomed back, 52 (13) found dead, and 287 (72) are still missing. The number of persons killed in the Chechen Republic in 2003 was 446 (117 in the first five months of 2004), of which 297 (57) civilians, 72 (20) law enforcement officials, 1 (4) head of administration, 38 (12) presumed members of "rebel" forces, and another 38 (24) unknown persons. Whilst the statistics show a slight improvement for the beginning of 2004, the effects of the "change of strategy" announced by the rebels as shown in the large-scale attacks at the end of June are not yet taken into account. "Memorial" stresses that the numbers for the entire Chechen Republic may be three to four times higher than its figures based on the incomplete monitoring of 25-30% of the territory. The true number of abductions is thus likely to be closer to 1500-2000 for 2003, and that of killings only just below. The significance of these numbers in relation to Chechnya's population estimated at between 800.000 and 1 million is obvious. There is hardly a family that has not suffered a death or a disappearance.

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51. A depressingly familiar picture is painted by the description in the Report by the Moscow Helsinki Group and "Memorial" Human Rights Centre (Chechnya 2003, Political Process through the Looking Glass) of a dozen of individual incidents, which took place in just over a week in early September 2003[21]. "Unknown armed people in masks and military uniforms" driving unmarked armoured or other vehicles, breaking into houses, beating up and abducting residents[22]; people arrested by Russian federal forces, some of them never to be seen again, others abandoned after being severely beaten up and tortured[23]; "chaotic gunfire" in urban districts[24], artillery attacks on villages[25], land mines killing inter alia a mother of nine and another of eight children and maiming other women and children[26].

ii. New categories of violations of the European Convention on Human Rights in the wake of the constitutional referendum and the Chechen presidential election

52. The constitutional referendum of March 2003 and the election for the Chechen presidency in October 2003 have given rise to new categories of human rights violations, now also including the people's right to free elections (Article 3 of Protocol No. 1 to the ECHR) and to freedom of expression (Article 10 ECHR), in addition to continuing violations of the right to life (Article 2 ECHR), the prohibition of torture (Article 3 ECHR), and the rights to liberty and security (Article 5 ECHR), and to the protection of property (Article 1 of Protocol No. 1), etc..

53. Violations of the Chechen population's democratic rights were committed on the side of those in power by way of gross manipulations of the electoral process[27], including an unfettered use of administrative resources for one-sided propaganda, the intimidation and sometimes physical aggression and annihilation of adversaries, as well as by manipulating electoral lists and vote counts (including recourse to numerous "dead souls").

54. A terrifying example[28] is the account of an incident on 9 September 2003, in the Starpromyslovy district of the city of Grozny, in the Katayama settlement, on Zhukovsky street: gunmen, presumably from the security service of Kadyrov, in cars without license plates (windows covered with Kadyrov's portraits) stopped Bislan Khayauri for an ID check. After the inspection, they shot him dead using their assault rifles. Then they blocked off the neighbourhood where the house of the Khayauri family was located. Having fired at the house, the gunmen broke into it and partially destroyed, partially stole the property from the house. The victim's father was a coordinator of the elections headquarters of Malik Saidullaev, one of the candidates for the Chechen presidency. Katayama residents are sure that Bislan's assassination and the sack of the house were acts of deterrence and revenge on the part of Kadyrov's supporters against backers of Saidullaev.

55. Violations of the people's democratic rights were also committed by armed rebels who in turn attacked candidates and their supporters, as well as polling stations, in a number of violent incidents, some of which could have made many more victims but for the vigilance of the security forces.

56. An example[29] is that of Abdul-Wahid, mufti of the Vedeno district and his bodyguard, who were killed on 26 August 2003 in the village of Elistanzhi. According to villagers, a group of armed Chechens took them from their house at night and one of the killers read out some sort of an order, after which the mufti was shot dead and his bodyguard stabbed to death. Villagers point out that Abdul-Wahid was a close friend of Ahmat Kadyrov.

57. Another example[30] is the coordinated attack on the local TV station in the village of Sernovodsk in the Sunzha district, when Magomed Astamirov, the station's director, was forced at gunpoint to play a videocassette with fighting scenes and an address by A. Maskhadov. Three other groups of paramilitaries simultaneously seized an electric power plant, opened fire on the local police station, and destroyed the local pre-election headquarters of Mr Kadyrov,



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after which they fired their guns in Lenina and Kirova streets, shouting “Allah Akbar!” and telling onlookers to go home and watch the local TV channel. Fortunately, there were no casualties.

58. On 2 September 2003, Saipuddin Tsitsayev, head of the administration of the village of Chechen-Aul near Grozny was killed at dawn, by unknown armed persons in masks who stormed in his house, dragged him into the yard and shot him dead[31]. According to the Russian authorities, participants of the “bandit” group who committed this crime have been identified in the meantime and are being tracked down.

59. These incidents are but examples chosen more or less at random. They illustrate together with other abuses the point of view of all NGO’s active in the region that the referendum and the presidential elections in 2003/2004 did not meet minimum standards for democratic elections.

60. Moreover, I share the NGO’s point of view that the security and human rights situation in Chechnya are still such that truly democratic elections could not take place this summer. Under the prevailing security conditions, meaningful election observation was also not possible. For these reasons, I declined the invitation to be present during the presidential election at the end of August, as I feared that my presence could be abused to lend international legitimacy to an exercise that is not, and cannot be termed a democratic election.

iii. Climate of impunity still prevailing in Chechnya, and spreading to Ingushetia

61. The climate of impunity diagnosed by the Assembly in Resolution 1323 and Recommendation 1600 is unfortunately still prevailing in the Chechen Republic[32], and it appears to be spreading to Ingushetia, where a number of abuses took place in 2003 and early 2004 that are reminiscent of those taking place in the Chechen Republic[33].

62. The replacement on the side of the Federal forces of large-scale “mop-ups” by smaller “targeted operations” has been described by NGO representatives as a false progress. Whilst fewer persons are affected by such operations, they amount in their view to quasi-legalised “death squad” activities. Because of the much smaller number of potential witnesses, it is also more dangerous for victims’ relatives to complain, as informers can be identified and subjected to reprisals much more easily.

63. A new frightening trend is that of hostage-taking of relatives of suspected rebel fighters in order to oblige them to give themselves up. A prominent case was that of Magomed Khambiev, who “voluntarily” surrendered to the Chechen authorities on 8 March 2004. On 1 March 2004, a large-scale “special operation” had been carried out in Grozny, Benoi and Nozhai-Yurt leading to the arrest of about 20 of his relatives. An ultimatum was then allegedly addressed to Mr Khambiev via the elders that they would “all be shot” unless he surrendered himself. After his surrender, the Khambiev family members were released again.[34] Ramzan Kadyrov, son of the assassinated President and leader of the “presidential guard”, has reportedly proposed to punish not only the fighters themselves but also their relatives.[35] Some incidents reported by Memorial in May 2004 and by IHF in September 2004[36] seem to show that these are not empty threats[37]. Needless to say that this goes straight in the face of the European Convention of Human Rights, which allows for the punishment only of those who committed criminal offences themselves, not their relatives.

64. During our meeting in June, the President of Ingushetia, Mr Zyazikov, impressed us with his candid recognition of growing security problems in his Republic. Insisting that “Ingushetia is not Chechnya”, he pledged that every disappearance would give rise to serious prosecutorial investigation. He had also steadfastly refused requests from certain organisations for permission to use vehicles without license plates. When we mentioned that we had seen such vehicles during our visit, he severely admonished the Minister responsible, in our

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presence. When we raised the case of the missing prosecutor, Rachid Ozdoev[38], he assured us of the unquestionable credibility of his father, who had earlier on the same day informed us personally of the circumstances of his son's disappearance, at the "Memorial" office in Nazran. President Zyazikov assured us that he would do his utmost to clarify this case, and the other disappearances that have recently occurred in his Republic[39]. He fully agreed with our suggestion that the country urgently needs more law enforcement officials such as Rachid Ozdoev, who do their job with courage and determination, to serve and protect all law-abiding citizens, and who go after those who break the law, whoever they may be.

65. I am particularly saddened by the deterioration of the situation in Ingushetia, in particular after the series of coordinated attacks at the end of June 2004, as this Republic has shown a most impressive readiness to help the large number of refugees who crossed its borders during the two Chechen wars. With some help from the international community, for which President Zyazikov expressed his republic's gratitude, the Ingush people, who number 480.000, accommodated over 500.000 refugees. I will not go into any details as regards the situation of the Chechen refugees in Ingushetia, who have been subjected to different types of pressures to make them return to Chechnya, as this is the topic of my colleague Iwinsky, who is preparing a report on the situation of the refugees for the Migration Committee.

66. I share worries expressed by NGO representatives that the situation in the Chechen Republic can be likened to a cancer that threatens to spread throughout the Russian Federation. Members of the security forces who have spent some time in Chechnya and are rotated to other regions of the Federation are at risk of bringing home methods they have learnt and got away with in Chechnya. The nationalistic tone prevailing in many media, and the anti-caucasian sentiment spreading in the general population, and even in the courts, especially in the newly introduced jury trials[40], is also negative fall-out of the conflict in the Chechen Republic.

67. I have prepared, in Appendix I, a selection of individual cases of abuses that have been brought to my attention by different NGO's to raise in my report as examples, with the hope that public attention may contribute to their resolution.

68. The cases presented in some more detail in Appendix II are of particular significance to me personally, as they were brought to my attention by the suffering relatives who attended the meeting I had with them together with Andreas Gross at the Memorial office in Nazran.

69. The Kaplanov case[41] shows that not all abductions, not even all those committed by members of the security services, have a "political" background. But it also illustrates the reasons for the lack of confidence of citizens in the local, "street-level" law enforcement bodies. By contrast, several of the victims' relatives we met, desperate as they were, implored us to inform President Putin of their plight – saying that if only he knew what is really going on, he would personally ensure that law and order be restored, and their relatives freed.

70. This attitude is reflected in the position of the main Russian and international non-governmental human rights organisations, who asked us to plead for the temporary instauration of a state of emergency, or direct presidential rule, and for the postponing of any elections until law and order would be restored in such a way. As parliamentarians working for human rights and democracy, Mr Gross and I were rather surprised that organisations such as Memorial, and regional representatives of other human rights groups pleaded for the introduction of martial law and the postponement of elections. They explained that they preferred calling a spade a spade, and hoped for a clear-cut assumption of responsibilities in such a case.

71. By contrast, the Federal and Chechen authorities continue to bet on "normalisation", refusing any talks with the secessionist camp, which they attempt to stamp out by any means. Progress towards "normal life" is expected from planned injections of federal funds to further

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social development: reconstruction of social infrastructures, housing, disbursement of compensation promised to those whose houses or apartments were destroyed during the fighting.

72. During our mission in June, the Russian organisers made it a point of honour to show us a number of realisations in this sense, in Grozny and in Znamenskoye, including two camps for returning refugees (one consisting of small houses, the other a high-rise block of apartments), several schools, a kindergarten, an orphanage, a maternity hospital, a woodcrafting workshop, reconstructed administrative buildings, and last but not least Grozny University, which has re-opened. These realisations are of course positive signs that efforts are made, and bear fruit. But in view of the complete destruction of Grozny – it was enough to look out of the window as we were transported in a convoy of armoured vehicles from one point to the other – these efforts, however laudable, appear futile. Durable economic reconstruction and development necessitates the population's trust in those governing them. Such trust in turn requires respect for human rights, in particular by members of the different law enforcement bodies. This truism must be repeated again and again, and the Council of Europe owes it to its important member state, the Russian Federation, not ever to give up.

### D. Conclusion

73. The human rights situation in the Chechen Republic remains catastrophic, and is threatening to spread to other regions of the Russian Federation, undermining the rule of law. The authorities' efforts to improve the social situation have produced some results, but durable social and economic progress requires regaining the people's trust. This in turn necessitates bringing to justice the perpetrators of the most serious human rights violations and taking the necessary measures to avoid the repetition of such abuses.

74. For this reason, I propose to reiterate the appeals to the Russian authorities, and to the illegal armed formations, to take the necessary measures to put an end to the climate of impunity prevailing in the Chechen Republic, as spelt out in the draft resolution, and in the recommendations by the CPT and by the Council of Europe Commissioner for Human Rights.

75. I also propose, in the draft recommendation, to continue reminding the Committee of Ministers as the Council of Europe's executive organ that the massive human rights violations in the Chechen Republic are by far the most serious human rights issue in any of the Council's member states and that the credibility of the whole Organisation depends on its ability to convince the Russian Federation to meet its commitments in this respect.

## APPENDIX I

### A selection of Individual Cases of Human Rights Abuses

1. Eliza Gaitamirova "disappeared" on 15 January 2004. She had been arrested in December 2003 and held in a place of detention in Nalchik in Kabardino-Balkaria until 1 January 2004. A number of Chechen men were held alongside Ms Gaitamirova, but the relatives were given no information concerning their whereabouts[42].

2. Imram Ezhiev, head of the Society of Russian-Chechen Friendship's information centre in the northern Caucasus, regional coordinator of the Moscow Helsinki Group and a member of a working group on human rights in Chechnya organised by the Presidential Human Rights Commission: he has been detained at least 17 times, last on 29 January 2004, shortly after he accompanied the head of the Russian Presidential Human Rights Commission, Ella Pamfilova, on a visit to IDP camps in Ingushetia. Several officers allegedly hit him on the back and beat his head against the wall, while threatening to hand the men over to the Russian federal forces, where they would "disappear" without a trace. Mr Ezhiev claimed that the police officers read



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the medical documents he carried with him and knew that he had a spinal injury when they hit his back. The next morning, Ms Pamfilova learnt that the men had been detained and upon her insistence, they were let go later that day. In March 2003, Mr Ezhiev had also been taken from his car by armed, masked men and held for approximately three days, during which he was reportedly tortured. His cousin Akhmed Ezhiev was shot and killed at his home in Shali on 18 December 2002.

3. In an “urgent action” dated 16 July 2004, Amnesty International informs about a new worrisome incident in which more than 40 police officers raided the Society’s office in Karabulak/Ingushetia on 12 July. According to AI, most of them wore masks and camouflage and carried machine-guns. They searched the office without showing an arrest warrant and apparently confiscated six videotapes, four computer discs and files containing testimonies of victims of human rights violations against civilians by Russian federal forces in Chechnya, as well as the names of the alleged perpetrators, and details of vehicles used to abduct civilians. Imran Ezhiev arrived during the search and told the police that their activities were illegal without a warrant. One officer allegedly shouted at him that it was illegal that he was born, and that he was a Chechen, and threatened that they would find something criminal about him. One of the human rights defenders of the Russian-Chechen Friendship Society, Khamzat Kuchiev, was arrested on suspicion of involvement in terrorism, shortly after the police claimed they had found two small plastic bags full of powder. Imran Ezhiev called the head of the Presidential Human Rights Commission, Ella Pamfilova, in Moscow, for help. She reportedly called the President of Ingushetia and asked him to intervene. As a result, Khamzat Kuchiev was released a few hours later, and the police apparently apologised to him, but asked that the NGO should not publicise the incident further. The Society nevertheless filed a complaint with the Office of the Procurator of Ingushetia, for illegal search of its office, arbitrary detention of Mr Kuchiev, and alleged fabrication of evidence.

4. Amnesty International remains seriously concerned for the safety of Imran Ezhiev and other members of the Society.

5. Aslan Davletukaev’s mutilated body was found on 16 January 2004 near Gudermes in Chechnya. Mr Davletukaev had been working with the Society for Russian-Chechen Friendship and had reportedly been kidnapped by Russian federal forces on 10 January.[43]

6. Arthur Akhmatukaev, a member of the Society for Russian-Chechen Friendship, who had recently married the niece of Imran Ezhiev (cf. above), “disappeared” after he was taken away on 4 August 2003 by Russian soldiers in an armoured vehicle.[44]

7. Aslan Shakhidovich Usmayev of the village of Tsentrovaya was found dead on 1 September 2003 in the eastern suburbs of Gudermes, near a filling station, some 150 m from a local police station. He had undergone an operation at Gudermes city hospital no. 2. On 31 August, at midnight, armed persons wearing masks arrived in a UAZ jeep and stormed into the hospital kidnapping A. Usmayev and a friend of his looking after him in the hospital. The same night Usmayev’s friend was released. The murder was not reported to the law enforcement bodies.[45]

8. Musa Khamkhoev and Ibragim Khashagulgov were killed and Akraham Kashagulgov wounded in an alleged attack on a civilian car by a military helicopter on 25 March 2004 near the Ingush village of Sleptsovskaya[46].

9. Maidat Tsitsaeva and five of her children were killed in the aerial bombing of her house in the village of Rigakhoy, in the Vedenovskaya region of Chechnya.[47]

10. Zelimkan Murdalov disappeared on 2 January 2001. A member of the military, Sergej Lapin, has been prosecuted. The high-profile criminal proceedings are still going on.

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11. Ramzan Musaevich Shaipov was abducted on 8 May 2004 from his home at 23 Lenin Street in Chiri-Yurt (Shalinski region) by Russian-speaking, unidentified men in camouflage uniforms. During his arrest, the soldiers used violence against his wife, three-year old son and small baby, which they threw on the floor. His wife saw the kidnappers making their escape in unmarked vehicles (Niva, Zhiguli-7 and Gazel). At the time, two Armoured Personnel Carriers were stationed on the edge of the village. Soldiers broke into the houses of the Shaipovs' neighbours (the Astamirov and Aidamirov families) and went on the rampage, beating up inter alia 78-year-old Aldan Astamirov. Shaipov's relatives complained to the regional department of internal affairs of the Shalinski region, convinced of his innocence. The inhabitants of Chiri-Yurt, incensed by the arbitrary detention, set up a barricade on the road between Chiri-Yurt and Novye Atagi, demanding Shaipov's release. Soldiers tried to disperse the picket by opening fire with automatic weapons over the heads of the crowd, but the civilians did not give way. The soldiers finally withdrew, but the Chechen authorities have nevertheless not responded to the demands of the inhabitants of Chiri-Yurt.[48]

12. Adam Medov disappeared on 15 June 2004 in Karabulak. On 17 June in the evening, his family was informed that their son was in the ROVD police station of the Sunzha district. Family members gathered at the police station, and policemen even offered two of his brothers to see him, although they were subsequently prevented from doing so. At about 23h30, policemen informed the family that Adam was being taken away, one ROVD police officer accompanying him to the "Kavkaz" checkpoint at the border to Chechnya. Since then, nothing is known about Adam Medov's whereabouts, and ROVD police now deny that he was even at their station on 17 June at the said time[49].

13. Rasukhan Evloev and Ibragim Ismailov disappeared on 11 March 2004 near Nazran. At a traffic police checkpoint, ten armed camouflaged persons, one of whom allegedly showed an FSB identity card, forced the two young men to board one of their cars (VAZ-21099) and took them away, not to be seen since[50].

14. Temur Khambulatov was arrested on 18 March 2004 at his house in the village of Saveljevskaja, by a group of armed masked men travelling in military vehicles who told his mother that they belonged to the FSB and were taking her son to the nearest police station. On the next day, his mother was informed that he died in custody, most likely after having been severely tortured. The Prosecutor's Office of Naursky regiona initiated criminal case # 40560.[51]

15. Said-Magomed Aliev, an employee of the Czech "People in Need Foundation", was detained in Grozny on 14 April 2004, by armed masked persons. Five days later, his body was found by a sheppard.[52]

16. Zelimkhan Isaev was detained on 9 May 2004 by a group of about 15 armed, masked men. He was brought to the Urus-Martan ROVD (police) station. Only on 12 May, a lawyer hired by his family was allowed to see him. According to the lawyer, he showed traces of severe torture and needed urgent medical care. On 16 May at 11h30, he died of his wounds.[53]

17. Ibragim Tsurov, an Ingush lawyer and member of the Bar of Chechnya, worked as a lawyer at the Khankala military base in Grozny. On 26 April 2003, his car, in which he drove in the company of three servicemen who also worked in Kankhala, was overtaken by two other cars and several armed men in mask stopped his car, beat him and placed him in the boot of their car. They drove off and left the three servicemen standing unharmed. Mr Tsurov was never seen again. On 18 June 2003, the Grozny city prosecutor's office opened an investigation and eventually referred the case to the Military Procuracy. The military procuracy opened an investigation, although it had refused to do so earlier. After more than a year, there

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has been no progress on the case. Mr Tsurov's sister has desperately searched for her brother and even travelled to Kankhala, where she identified her brother's car in the yard of the base. In attempting to obtain further information, she was threatened by military officials.

### APPENDIX II

Cases transmitted during the meeting in Memorial's Nazran office

1. Kidnapping of Bashir Adamovich Mutsolgov, born 1975, teacher, married with one very young daughter: On 18 December 2003, Bashir Adamovich Mutsolgov left his father's house to go to his own home, 50 m away. A white "Niva" jeep with tinted windows and its number obscured by mud (only the region of registration was visible, no. 26) pulled up, and armed men in uniform without insignia and black masks hit him in the stomach with a machine-gun butt and threw him in the car.

2. A passer-by informed police at the Karabalakskiy station, who gave chase and stopped the abductors, one of whom showed a special pass from the Regional Operational Force. The police let them go apparently without actually examining the pass. The abductors (in cars identified in the text) disappeared in the direction of the federal Rostov-Baku road. Persistent inquiries revealed the involvement of the Directorate of the Federal Security Service of the Russian Federation responsible for the Republic of Ingushetia and the Chechen Republic and the Regional Directorate for the North Caucasus. Mr Mutsolgov was held in an underground cell at the FSB Directorate in Magas and taken the following day to Khankala in the Grozny district. This information was provided by staff of the aforementioned directorates who wished to remain anonymous. They also stated that he had been tortured and beaten into signing a confession to crimes of which he knew nothing. To date no other information is available on Mr Mutsolgov's whereabouts, the reason for his abduction or his state of health. The ill health of Mr Mutsolgov's elderly parents is made worse by not knowing what has happened and officials' refusal to say.

3. Abduction of Timur Mukhammedovich Yandiyev (born 1979): his son was abducted outside the Ingushenergo plant in Nazran on 16 March 2004 by six masked men in camouflage uniforms driving Gazel and Niva cars without registration numbers. The incident was witnessed by the Ingushenergo security staff, who telephoned the police.

The cars passed the Kavkaz-20 border post on the Ingushetian-Chechen border in the direction of Grozny, showing a Russian special services pass.

The prosecutor's office in Nazran has lodged criminal proceedings[54].

4. Letter dated 2 June 2004 from a retired federal judge, Boris Ozdoyev, whose son, Rashid Ozdoyev, born 1975, was abducted.

5. Rashid Ozdoyev worked in the prosecutor's office for ten years, the last two as assistant prosecutor of the Republic of Ingushetia, with responsibility for supervising the application of the law in the FSB Directorate for Ingushetia.

In that capacity he had criticised, verbally and in writing, the murders and abductions committed by FSB special operations staff and mobile detachments of the Ministry of Internal Affairs. He had handed the last such written statement to the Prosecutor General's office and the State Duma MP, Bashir Kodzoyev, when on a further training course in Moscow in early March.

6. On his way home, on 11 March, he was abducted in the Verkhniye Achaluki area of the Malgobek district of Ingushetia by members of the FSB and a mobile unit of the Russian

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Ministry of Internal Affairs, in three cars. Only four days later, at the father's insistence, did the prosecutor's office lodge criminal proceedings for abduction.

7. The father had to resort to making his own inquiries and an FSB officer in Ingushetia indirectly involved in the abduction had given details of witnesses having seen Rashid Ozdoyev driven to an FSB garage. Over two months later, the investigator had not yet managed to officially question those individuals, supposedly because the head of the FSB directorate, S.B. Koryakov, would not allow this. The father has a taped statement from the aforementioned FSB officer that his son was abducted on Koryakov's orders. His repeated petitions to the country's highest authorities have been ignored.

8. He says that the number of killings and abductions in Ingushetia has fallen thanks to the efforts of the Novaya Gazeta correspondent, Anna Politkovskaya, but the parents of over 40 abductees remain without news. Their only hope is that an international organisation will bring this to the attention of the Russian President.

9. We raised Mr Ozdoyev's case during our meeting in June with Ingush President Zyazikov, who emphatically and publicly promised us to personally follow up this case. On 2 August 2004, Novaya Gazeta published an article with the answer from Deputy Prosecutor General Sergej Fridinsky to an inquiry of Duma Deputy Vladimir Ryzhkov regarding Mr. Ozdoyev's case, which does not appear to answer all the questions raised by the Deputy, and by Mr Ozdoyev's father.[55] The further progress of investigations in this important case may well give an indication of the political will of the competent federal authorities to deal with alleged abuses of local FSB officials.

10. Petition to the head of the section supervising criminal investigations of the Prosecutor's office, A.N. Mazhidov, from Khadzhat Daudovna Kaplanova:

11. Her home was forcibly entered by masked armed men who arrived in a vehicle with 40-42 marked on the side. They searched the house demanding arms, US dollars, Russian money and gold items. Not obtaining these, they took away her son Isu Gilchiyevich Kaplanov (born 1965), her son-in-law, Ruslan Abuyazidovich Sadulayev (born 1962) and a neighbour, Movsar Musaitov. The subsequent criminal case, no. 13093, established that the abductors were the servicemen Dmitri Viktorovich Tikhonov, born 1971 and resident at ul. Zavodskaya 38/15, Yekaterinburg, and Sergey Borisovich Morozov, resident at ul. Vostochnaya 22-314, Sverdlovsk. The deputy head of operations, Magomed Akhmedovich Batayev, has stated that the abductees were taken to Khankala.

12. Mrs Kaplanova was aware of the involvement of Ayub Tsitsiyev, who had befriended her son at business college and lent him 1,000 US dollars with subsequent demands for interest. She had notified the investigator, R. Ibragimov. Tsitsiyev was questioned as a witness and admitted to hiring the aforementioned soldiers to collect the debt. Failing to collect the debt, they had taken her son and son-in-law away.

13. She had repeatedly sent intermediaries to ask Tsitsiyev to hand over the abductees, with promises that the debt would be paid, but he had categorically denied his involvement in the abductions. However, he did admit involvement, linked to the debt, to the case investigator M.A. Antipov in June 2003. She now calls for a criminal prosecution of Tsitsiyev.

14. The case investigator Klindukhov asked her to pay 65,000 roubles to Tsitsiyev, which she refused to do. Following her complaint to the prosecutor about the investigator, the case was handed to another investigator.

15. She asks for assistance in locating and obtaining the release of her son and son-in-law. The following page (page 9) is a letter adding that the prosecutor, Yu.A. Ponamarev, had gone

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to Yekaterinburg to take statements from the soldiers who had abducted her son (Tikhonov and Morozov) but they had been on a working trip to Moscow. After repeated trips to Yekaterinburg the investigator M.A. Antipov had obtained statements from them confirming their involvement. A statement from Tsitsiyev was also on the case-file, but it had disappeared when the case had been passed to another investigator. She complains of an ineffective investigation, which is now at a standstill.

### APPENDIX III

#### Questions by Mr Bindig

(sent to the Russian authorities ahead of the fact-finding visit)

##### A. Introduction

As Rapporteur for the Committee on Legal Affairs and Human Rights on the human rights situation in the Chechen Republic, Mr Bindig has been invited to visit Chechnya during the first week of June, together with his colleagues, Mr Gross of the Political Affairs Committee, and Mr Iwinski, of the Committee on Migration, Refugees and Population.

The purpose of this visit is to prepare the factual basis, in the most professional and neutral manner, of the report that he has been asked to prepare, and which he is hoping to submit to the Committee on Legal Affairs and Human Rights as soon as possible after his visit.

In order to prepare the visit, and thereby the future report, in the most efficient way, Mr Bindig would be most grateful if you could transmit the following questions to the competent Russian authorities, in particular to

Mr Vladimir Ustinov, the Procurator General of the Russian Federation,

the Chief Prosecutors of the Chechen and Ingush Republics, and the Chief Military Prosecutor responsible for the Chechen Republic;

Mr Vladimir Lukin, the newly appointed Commissioner on Human Rights in the Russian Federation, who I was informed is acting for the time being as the Russian federal coordinator for cooperation with the Council of Europe for the promotion of human rights in the Chechen Republic, and

the President of the Chechen Republic, Mr Akhmad Kadyrov, who I was informed has assumed his full constitutional responsibilities for human rights in Chechnya, including the supervision of the Office of the former Special Representative of the Russian President for Human Rights in Chechnya, Mr Sultygov, and to the said Office itself.

The first set of questions (below B.) is of a more general, statistical nature, mainly intended to update the information concerning the year 2002 as presented in the letter of Mr Sultygov dated 28 February 2003 (Ref. No. A7-13/148)[encl.1]. The second set of questions (below C.) concerns the progress of ongoing procedures in individual cases that were either already mentioned in Mr Bindig's previous report (Doc. 9732 dated 13 March 2003) [encl. 2] and in the letter dated 28 February 2003 from Mr S. N.Fridinskiy to Mr Sultygov (Ref. No. 46-1879-03)[encl.1], or that have been brought to his attention since then. The sources quoted are enclosed in photocopy for more convenient reference.

Whilst Mr Bindig will need the replies in order to complete his report later in June, he would be most grateful if he could be provided with part of this information before his planned visit in the

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first week of June so that any points that may need further clarification can be raised during the meetings foreseen then.

As you can see also from the selection of the individual cases in Appendix II, which include a number of terrorist outrages that are likely to be the responsibility of the one or other rebel faction, it is Mr Bindig's intention to reach the fairest possible conclusions on the human rights situation in the Chechen Republic and on the efforts of the law enforcement structures to punish all those responsible for violations, regardless of their status or rank.

### B. General/statistical questions

1. a. How many applications from individuals and groups of individuals has the Office of the Special Representative received in 2003, and since the beginning of 2004?

b. How many of these concerned cases of missing persons?

c. How many cases has the Office of the Special Representative submitted respectively to the Chechen Republic Prosecutor's Office and to the Military Prosecutor's Office in 2003, and since the beginning of 2004?

2. a. How many applications has the Military Prosecutor's Office received in 2003, and, separately, since the beginning of 2004 (including those submitted by the Office of the Special Representative) ?

b. How many staff members (professional staff/support staff) are dealing with these applications? How has the number of staff evolved since 2002?

c. How many of these applications have led to the institution of criminal cases?

d. How many of these cases were referred to the military courts?

e. How many of the applications received (above a.) were transmitted to the civil prosecutor's office?

f. How many convictions have resulted from the cases referred to the military courts (above c.)?

g. What is the total number of convictions in 2003 and, separately, since the beginning of 2004?

h. How many of these convictions concern cases instituted in 2000 (24), 2001 (251) and 2002 (145)?

i. How many servicemen were convicted over the course of 2003?

j. How many of the servicemen convicted in 2003 were officers?

k. What was the breakdown of the servicemen convicted in 2003 according to the type of offenses concerned (in particular, murder, rape, assault/battery, theft)?

3. a. How many applications has the office of the Chief Prosecutor of the

Chechen Republic received in 2003, and, separately, since the beginning of 2004 (including



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those transmitted by the Office of the Special Representative) ?

- b. How many staff members (professional staff/support staff) are dealing with these applications? How has the number evolved since 2002?
- c. How many of these applications concerned serious violations of human rights (disappearances, murders, torture, assault/battery) ?
- d. How many of these applications (above b.) have led to the institution of criminal cases?
- e. How many of these cases (above c.) were referred to the Criminal Courts?
- f. How many of these cases (above d.) have resulted in convictions?
- g. How many of the applications (above b.) were transmitted to the military prosecutor's office?

### C. Questions on the follow-up given to specific cases[56]

1. Cases already mentioned in Mr Bindig's previous report (doc. 9732 of 13 March 2003) [encl.2] and in the letter dated 28 February from Mr S. N.Fridinskiy to Mr Sultygov (Ref. No. 46-1879-03) [encl.1]

- a. Murder of civilians in the village of Alkhan-Yurt in December 1999 (case no. 49152)
- b. Mass execution in the Novye Aldy suburb of Grozny (case no. 12011)
- c. Murder of civilians in the Novaya Katayama suburb of Grozny (cases no. 12131 and 12038)
- d. Abduction of Ruslan Shamiyevich Alikhadzhiyev (case no. 22025)
- e. Mass grave in the "Zdorovye" dacha estate (case no. 21037)
- f. Special operation in the village of Mesker-Yurt, Shalinskiy district (case no. 59113)
- g. Abduction of S.-M. Imakayev (case no. 59140)
- h. Murder of the former head of administration of the village of Alkhan-Kala, M.K. Umazheva (case no. 56185)
- i. Killing of Madina Mezhieva and Amkhad Gekaev on 27 October 2001 (doc. 9732 para. 31)
- j. Murder of Khadzhimurat Yandiev (doc. 9732 para. 33)
- k. Torture of Alaudin Sadykov (doc. 9732 para. 41)

### 2. Cases brought to Mr Bindig's attention after March 2003

- a. Murder, on 2 September 2003, of Saipuddin Tsitsayev, head of the administration in the village of Chechen Aul (MHG/Memorial, p. 30) [encl.3]

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- b. Kidnapping, on 4 September 2003, of Irskhan Khaditovich Edilkhanov at 5 Melnichnaya street in the village of Khamby-Irze in the Achkoi-Martan district (MHG/Memorial, p. 30) [encl.3]
- c. Kidnapping, on 7 September 2003, of five local residents in the village of Chiri-Yurt in the Grozny rural district (MHG/Memorial, p. 30) [encl.3]
- d. Murder of three women, and maiming of three children, in a terrorist mine explosion, on 9 September 2003, in the village of Assinovskaya in the Sunzha district (MHG/Memorial p. 30/31) [encl.3]
- e. Murder of Aslan Davletukaev, kidnapped on 10 January 2004 and found dead and mutilated on 16 January near Gudermes (IHF press release of 23 January 2004) [encl.4]
- f. Kidnapping of Ruslan Soltakhanov, on 13 February 2004 (IHF press release of 26 February 2004 [encl.5]/AI UA86/04 of 27 February 2004 [encl.6])
- g. Detention and killing of Roustam Dzakalaev, on 3 February 2004, in the village of Sleptsovskaja, Ingushetia ("Memorial" Bulletin February 2004) [encl.7]
- h. Kidnapping, on 19 February 2004 in Osman-Yurt (Republic of Dagestan), of Nariman Gatiev ("Memorial" Bulletin February 2004) [encl.7]
- i. Kidnapping, on 25 February 2004 in Urus-Martan, of Khasan Dombaev and Aset Dombaeva ("Memorial" Bulletin February 2004) [encl.7]
- j. Killing of Umar Zabiev, wounding of Tamara Zabieva, on 10 June 2003 near the village of Galshki (Zunzhenskij district) in Ingushetia – case no. 23 60 00 32 of 11 June 2003 (HRW "Spreading despair", Sept. 2003, p. 18-19) [encl.8]
- k. Kidnapping, on 4 July 2003, of Ali Astamirov (AFP journalist) in the center of Nazran (Ingushetia)
- l. Murder of Zura Bitiyeva, Ramzan Iduev, Idris Iduev and Abubakar Bitiyev, Turpal Ismailov and Islambek Gadiev on 21 May 2003 (IHF/Still in a State of Terror, p. 11) [encl.9]
- m. Ill-treatment of numerous residents of Samashki (Achkoy Martan district) during a "sweep operation" (zachistka) at the beginning of May 2003 (IHF/Still in a State of Terror, p. 12) [encl.9]
- n. Kidnapping of Khamzat Osmaev on 12 January 2004 in the village of Plievo, on the outskirts of Nazran (Ingushetia) (AI UA 21/04 of 14 January 2004) [encl. 10]
- o. Killing of Isa Magomedovich Musayev on 15 September 2003 in the village of Avtury in the Shali district (MHG/Memorial, Chechnya 2003, p. 47) [encl.3]
- p. Extrajudicial executions of nine persons from Duba-Yurt in early April 2004 (HRW press release, 13 April 2004) [encl.11]
- q. Criminal investigation no. 45031 into the death of Samil Said-Khasanovich Akhmadov and alleged intimidation of Larisa Sadulaeva
- r. Extrajudicial execution on 10 April 2004 of Anzor Pokaev at his parents' home in the village of Starye Atagi



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- s. Disappearance of Animat Dugaeva and Kurbika Zinabdieva on 16 May 2003 in the village of Ulus-Kert (criminal case no. 54016 opened on 4 July 2003)
- t. Disappearance of Zelimkhan Murdalov on 2 January 2001 (criminal case no. 15004 of 7 January 2001) – progress of the criminal proceedings against Sergei Lapin charged with Murdalov's ill-treatment and kidnapping, since the trial began in October 2003 in Grozny
- u. Death on 8 April 2004 of Maidat Tsitsaeva and five of her children in the aerial bombing of her house in the village of Rigakhoy in the Vedeno region of Chechnya [IHF/encl. 12]
- v. Disappearance, on 15 January 2004, of Eliza Gaitamirova, subsequent to her arrest in December 2003 and her detention in Nalchik (Kabardino-Balkaria) until 1 January 2004.
- w. Abduction, on 11 March 2004, of Rashid Ozdoev, an Ingush deputy prosecutor, near the village of Verkhnye Achaluki (AI/HRW/Memorial 8 April 2004) [encl.13].
- x. Attack on a civilian car by a military helicopter on 25 March 2004 near the Ingush village of Sleptsovskaya killing Musa Khamkhoev and Ibragim Khashagulgov. (AI/HRW/Memorial 8 April 2004) [encl.13].

### APPENDIX IV

### APPENDIX V

Information on the investigation of criminal cases on crimes committed

on the territory of the Chechen Republic and indicated in

part "C" of the request submitted by Mr R. Bindig

1. Persons, who committed crimes, who were identified and against whom criminal proceedings were instituted, or who were declared for federal search and will be detained:

a) Criminal proceedings were instituted against Sergei Lapin, who is accused of ill-treatment of Z. Murdalov who was abducted. The criminal case is referred to the Supreme Court of the Chechen Republic.

b) Criminal case ? 12088 was initiated on torture of A. Sadykov. Participants in the crime are identified. They are staff members of the Khanty-Mansiysk interior bodies: Moskvina - committed suicide, Abdullaev and Zakharov are declared for search.

c) Criminal case ? 56185 was initiated on the murder of the former head of administration of the village of Alkhan-Kala M. Umazheva. It was proved that she was murdered by A. Mashugov on the order of the bandit group leader Kh. Tazabaev. Both were declared for search.

On February 23, 2004 Kh. Tazabaev was killed during the operation on his detention near the village of Ali-Yurt of the Nazran region (Republic of Ingushetia) when he showed armed resistance. A. Mashugov is still declared for search.

d) Information about kidnapping of N. Gitiev is not true. Criminal proceedings were instituted against him and he was arrested by the decision of the court for participation in illegal armed formations and illegal bearing and storage of arms and ammunition. On April 19, 2004 the

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criminal case was referred to court with a sentence.

2. Preliminary investigation suspended, operative-and-search operations are carried out on identification and detention of persons who committed crimes:

Criminal cases:

a) Criminal case ? 49152 - discovery of the bodies of A. Asuev, I. Usmanov, I. Muradov and M. Sultanov in Alkhan-Yurt with traces of fire(arm) injuries. There are contradictory evidence on the circumstances of causing body injuries. They may be a result of shelling of federal forces by members of illegal armed formations as well as exchange of fire between them.

The bodies were buried by the relatives before the examination by the investigation group and medical experts. The relatives do not give consent to exhumation.

b) Criminal case ? 42152 - murder of head of administration of the village of Chechen-Aul S. Tsitsayev and injury of his son, militiaman. Participants of the bandit group who committed this crime were identified. Operative-and-search activities are carried out, criminals are declared for search.

c) Criminal case ? 44070 -mine explosion of the workers of the state farm "Assinovuskiy" near the village of Assinovskaya - 2 women died and 5 were wounded.

Judging by the type of explosion mechanism a conclusion may be drawn that it was laid by participants of illegal armed formations. Persons who committed this act are in operational search.

d) Criminal case ? 48023 - murder of t. Ismailov, I. Gadiev, R. Iduev, Z. Bitieva, A. Bitiev in the village of Kalinovskaya. Operative activities are carried out in order to identify persons who committed this crime.

3. Preliminary investigation continues on the following criminal cases:

a) Criminal case ? 12011 - on (mass) murder of civilians in the Novye Aldy suburb of Grozny,

b) Criminal cases ? 12131, 12038 - on murder of civilians in the Novaya Katayama suburb of Grozny;

c) Criminal case ? 21037 - mass grave in the "Zdorovye" dacha estate;

d) Criminal case ? 59113 - special operation in the village of Mesker-Yurt;

e) Criminal case ? 35002 - abduction and murder of A. Dovletukayev from the village of Avtury;

f) Criminal case ? 37016 - kidnapping of A. Dombayeva;

g) Criminal case ? 22116 - killing of I. Musayev in the village of Avtury in the Shali district;

h) Criminal case ? 32025 - kidnapping and murder of 8 residents of the village of Duba-Yurt of the Shali district;

i) Criminal case ? 34046 - kidnapping and murder of A. Pokayev;

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j) Criminal case ? 54016 - kidnapping of K. Zinabdiyeva and A. Dugayeva in the village of Ulus-Kert of the Shatoy district.

4. Criminal cases investigated by the military prosecutor's office:

on kidnapping of S. Imakayev;

on disappearance of Kh. Yandieva;

on death of S. Akhmadov;

on death of M. Tsitsayeva and her children;

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

### APPENDIX VI

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Public statement concerning the Chechen Republic of the Russian Federation

(made on 10 July 2003)

1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out six visits to the Chechen Republic since the outbreak of the conflict which began in October 1999. During these visits, the Committee has interviewed in private hundreds of persons about their experiences whilst detained, and held talks with scores of federal and republican officials.

The CPT has witnessed for itself the extreme difficulties confronting the federal and republican authorities in their efforts to restore the rule of law and achieve a lasting reconciliation in this part of the Russian Federation. Acts causing great loss of life and human suffering have been, and continue to be, committed by combatants opposing federal power structures. The CPT condemns these acts and fully understands the need for a strong response from State institutions. However, that response must never degenerate into acts of torture or other forms of ill-treatment; a State must avoid the trap of abandoning civilised values.

2. On 10 July 2001, the CPT issued a public statement concerning the Chechen Republic. It was prompted by the Russian authorities' failure to cooperate with the Committee in relation to two matters: the carrying out of a thorough and independent inquiry into events at the Chernokozovo detention facility during the period December 1999 to early February 2000; and action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the current conflict.

Subsequently, some steps forward have been made. The Russian authorities have issued a number of orders and instructions aimed at reinforcing control over the operations conducted by the federal forces. The structures of the civil and military prosecutors' offices have been developed, and mechanisms for better co-ordination between them introduced. In the law enforcement sphere, there has been a progressive transfer of functions to Chechen Internal Affairs structures. Reference can be made to the gradual restoration of the court

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system and the resumption of lawyers' activity. The CPT also wishes to highlight that in the course of its most recent visits, hardly any allegations were received of ill-treatment by staff working in Ministry of Justice establishments in the Chechen Republic, namely SIZO No 2 in Chernokozovo and the recently re-opened SIZO No 1 in Grozny.

3. However, in spite of sustained efforts by the CPT over the last two years, the Russian authorities have failed to tackle effectively major problems related to the Committee's mandate. There is continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic. Further, the action taken to bring to justice those responsible is slow and – in many cases – ultimately ineffective. Consequently, the CPT has been obliged to make this second public statement.

4. In the course of the CPT's visits to the Chechen Republic in 2002 and, most recently, from 23 to 29 May 2003, a considerable number of persons interviewed independently at different places alleged that they had been severely ill-treated whilst detained by law enforcement agencies. The allegations were detailed and consistent, and concerned methods such as very severe beating, the infliction of electric shocks, and asphyxiation using a plastic bag or gas mask. In many cases, these allegations were supported by medical evidence. Some persons examined by the delegation's doctors displayed physical marks or conditions which were fully consistent with their allegations. Documentation containing medical evidence consistent with allegations of ill-treatment during periods of detention in law enforcement agencies was also gathered.

The allegations of ill-treatment received by the CPT concerned law enforcement establishments (Departments of Internal Affairs and certain Federal Security Service facilities) throughout the territory of the Chechen Republic and related to both official and unofficial places of detention. As regards the latter, the Military Base at Khankala was referred to repeatedly.

5. One establishment stands out in terms of the frequency and gravity of the alleged ill-treatment, namely ORB-2 (the Operative and Search Bureau of the North Caucasus Operations Department of the Chief Directorate of the Russian Ministry of Internal Affairs in the Southern Federal District) in Grozny.

ORB-2 has never appeared on any official list of detention facilities provided to the CPT. However, persons certainly are being held there, on occasion for very lengthy periods of time. In the course of its visits in 2002, the CPT received a large number of allegations of ill-treatment concerning this establishment which were supported in several cases by clear medical evidence gathered by its delegation. During the CPT's most recent visit to the Chechen Republic, in May 2003, further allegations were received, once again supported in some cases by medical evidence.

When the CPT re-visited ORB-2 in May 2003, it was holding 17 persons, some of whom had been there for several months. The persons detained were extremely reluctant to speak to the delegation and appeared to be terrified. From the information at its disposal, the CPT has every reason to believe that they had been expressly warned to keep silent. All the on-site observations made at ORB-2, including as regards the general attitude and demeanour of the staff there, left the CPT deeply concerned about the fate of persons taken into custody at the ORB.

The CPT has repeatedly recommended that a thorough, independent inquiry be carried out into the methods used by ORB-2 staff when questioning detained persons; that recommendation has never been addressed in a meaningful manner. To argue that "a formal, written complaint is required for action to be taken" is an indefensible position to adopt given the climate of fear and mistrust which currently pervades the Chechen Republic, and constitutes a dereliction of responsibility. The CPT calls upon the Russian authorities to put a stop to ill-

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treatment at ORB-2 in Grozny.

6. In the course of its visits to the Chechen Republic in 2002 and 2003, the CPT has gathered a considerable amount of information pointing to human rights violations during special operations and other targeted activities conducted by federal power structures, involving ill-treatment of detained persons and forced disappearances.

During the May 2002 visit, the CPT's delegation met public prosecutors, military commandants and members of the local administration in Argun, Kurchaloy and Urus-Martan. They stated that large-scale special operations took place according to the provisions of Order No 80 of 27 March 2002 by the Commander of the Allied Group of Forces for the conduct of "anti-terrorist operations" in the North Caucasian region, with the participation of prosecutors, and that there were no complaints about illegal detention and subsequent disappearances. However, a certain number of targeted activities by unidentified forces were apparently conducted without prior notification to the local military commanders and prosecutors. The delegation's interlocutors spoke of the appearance at night of units, whose members wore masks and drove in vehicles without number plates, and who took away Chechen inhabitants to unknown locations. Prosecutors said that they were powerless to find out who had performed such activities and to locate the whereabouts of the persons detained. Some of the detained persons subsequently reappeared, but were apparently so terrified that they refused to talk about what had happened to them, let alone lodge complaints; others had disappeared without trace or their bodies, frequently mutilated, had subsequently been found.

In its visit report, the CPT recommended that immediate measures be taken to exercise due control over all special operations and targeted activities in the Chechen Republic. In this connection, the Committee stressed the need for civil and military prosecutors to exercise close supervision, for complete lists to be drawn up of all persons detained for checks, and for information about their whereabouts to be provided without delay to their relatives.

7. The information at the CPT's disposal indicates that serious problems remain in this area. According to reports received by the Committee, including via the Council of Europe's experts based in Chechnya, the Prosecutor of the Chechen Republic has assessed that from among the 565 criminal cases concerning abductions opened in 2002, there exists evidence in approximately 300 of the involvement of members of the federal forces. This matter was expressly raised with the Prosecutor by the CPT's delegation when it met him in May 2003, and he did not contest the assessment attributed to him. As regards 2003, senior members of the Chechen Administration spoken to indicated that the problem of "disappearances" continued unabated (the figure of 233 being mentioned for the first four months of the year), and that there was evidence of the involvement of members of federal forces in a significant proportion of those cases. The Military Prosecutor of the Allied Group of Forces also acknowledged that there were cases of human rights violations by members of federal forces, including abductions during targeted activities; he referred to one specific case in January 2003, in respect of which trial proceedings would soon be opened. However, he emphasised that these violations were crimes by individual officers and were not a reflection of State policy.

The fact that the existing orders and instructions are not always respected is explicitly acknowledged in Order No 98/110 of 23 April 2003 by the Commander and Military Prosecutor of the Allied Group of Forces. Hopefully, this latest text will prove more effective than its predecessors. It is incumbent upon the Russian authorities to take adequate steps to ensure that operations by their forces are conducted in accordance with the law and standing orders and instructions, and that any violations committed during such operations are thoroughly and expeditiously investigated. In this connection, the CPT wishes to emphasise the importance of prosecutors being present not only during large-scale special operations but also when targeted activities are carried out; for the time being, such a presence is not guaranteed.

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8. As regards action taken to bring to justice those responsible for acts of ill-treatment, illegal detention and disappearances on the territory of the Chechen Republic, to date it has proven largely unproductive. A considerable number of cases have been opened in relation to crimes committed by members of the federal forces and law enforcement agencies. However, from the information provided by the Russian authorities to the CPT, it is clear that only a low proportion of cases have resulted in judicial proceedings, and that very few have led to sentences. Specific reference should be made to the investigations into violations committed by members of federal power structures during the special operations in Alkhan-Kala in April 2001, and Sernovodsk and Assinovskaya in July 2001; they have been slow and inconclusive, apparently due to the inability to identify the specific perpetrators. This can only contribute to a sense of impunity.

The CPT calls upon the Russian authorities to provide the Offices of the Prosecutor of the Chechen Republic and the Military Prosecutor of the Allied Group of Forces for the conduct of "anti-terrorist operations" in the North Caucasian region with the staff, resources and facilities necessary for the effective investigation of cases involving allegations of ill-treatment, illegal detention and disappearances.

In this connection, the need to substantially reinforce the forensic medical services in the Chechen Republic must be highlighted. At the present time they are not able to provide the support required by the criminal justice system to deal with the problems referred to above. The Forensic Medical Bureau of the Chechen Republic faces enormous limitations in terms of resources, equipment and staff, and there are still no possibilities to perform full autopsies on the territory of the Republic. The CPT calls upon the Russian authorities to take the necessary steps, as a matter of priority, to enable the Forensic Medical Bureau of the Chechen Republic to function adequately.

9. On numerous occasions in the course of its dialogue with the Russian authorities, the CPT has stressed the importance of members of the federal forces and law enforcement agencies in the Chechen Republic being reminded, through a formal statement emanating from the highest political level, that they must respect the rights of persons in their custody (including those detained during special operations and targeted activities) and that the ill-treatment of such persons will be the subject of severe sanctions. A direct message of this kind from that level would provide crucial - much needed - support to existing measures designed to counter ill-treatment in the Chechen Republic. As far as the CPT can ascertain, such a message has not yet been delivered in a clear manner; it should be, without further delay.

10. In making this public statement, the CPT remains fully committed to continuing its dialogue with the Russian authorities. The Committee is determined to pursue its co-operation with the Russian authorities in order to assist them to abide, both in the Chechen Republic and elsewhere in the Russian Federation, by the fundamental principle that "no one shall be subjected to torture or to inhuman or degrading treatment or punishment". Failure to comply with that principle will render it impossible to create the climate of confidence which is an essential prerequisite for rebuilding civil society in the Chechen Republic.

Reporting committee: Committee on Legal Affairs and Human Rights

Reference to committee: Order No. 586 (2003)

Draft resolution and draft recommendation adopted by the Committee on 16 September 2004 with respectively 16 votes in favour, 3 votes against and no abstentions and 20 votes in favour, 3 votes against and 1 abstention



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Members of the Committee: Mr Lintner (Chairperson), Mr Marty, Mr Jaskiernia, Mr Jurgens (Vice-Chairpersons), Mrs Ahlqvist, Mr Akçam, Mr Aleuras, Mr Alibeyli (alternate: Mr R. Huseynov), Mr Arabadjiev, Mr Arias Cañete, Mrs Arifi, Mr Ates, Mrs Azevedo, Mr Barquero Vazquez, Mr Bartumeu Cassany, Mrs Batet Lamaña, Mrs Bemelmans-Videc, Mr Berisha, Mr Bindig, Mr Bokeria, Mr Bruce, Mrs Christmas-Møller, Mr Cilevics, Mr Coifan, Mr Dell'Utri, Mr Engeset, Mrs Err, Mr Fedorov, Mr Fico, Mr Frunda, Mr Gedei, Mr Goris, Mr Grebennikov, Mr Gündüz, Mrs Hajiyeve, Mrs Hakl, Mr Holovaty, Mr Ivanov, Mr Jakic, Mr Jurica, Mr Kaufmann (alternate: Mr Gross), Mr Kelber, Mr Kelemen, Mr Kovalev, Mr Kroll, Mr Kroupa, Mr Kucheida, Mrs Leutheusser-Schnarrenberger, Mr Manzella, Mr Martins, Mr Masi, Mr Masson (alternate: Mr Hunault), Mr McNamara, Mr Monfils, Mr Nachbar, Mr Nikolic (alternate: Mr Jovašević), Mr Olteanu, Mrs Ormonde, Mrs Pasternak, Mr Pavlov, Mr Pehrson, Mr Pellicini, Mrs Pétursdóttir, Mr Piscitello (alternate: Mr Budin), Mr Poroshenko, Mrs Postoica, Mr Pourgourides, Mr Pullicino Orlando, Mr Raguz, Mr Ransdorf, Mr Rochebloine, Mr Rustamyan, Mr Spindelegger, Mr Stankevic, Mr Symonenko (alternate: Mr Shybko), Mr Takkula, Mr Varvitsiotis, Mr Wilkinson (alternate: Mr Lloyd), Mrs Wohlwend, Mr Zhirinovskiy, Mr Žižic

N.B. The names of those members who were present at the meeting are printed in bold.

Secretariat of the Committee: Mr Schokkenbroek, Mr Schirmer, Mrs Clamer, Mr Milner

[1] The average death toll per day resulting from incidents reported in different media was between 1.5 (mid-September 2003) and more than 10 (July/August 2003), according to the "Chechnya in brief" reports regularly presented by the Secretary General's staff. Whilst it is often difficult to assess which side was responsible for a given incident, the involvement of armed rebels is quite apparent in most cases involving firefights with Federal or Chechen security forces, attacks on such forces using mines or roadside bombs, and attacks on representatives of the pro-Russian Chechen administration and its locales.

[2] Other sources put the number of fighters involved at about 1500, and the official tally reproduced in most media, which only refer to events in Ingushetia, speaks of about 200.

[3] Chechnya – Last Appeal before Oblivion, Report on Moscow-Ingushetia mission, December 17-24, 2003 (Anne Le Tallec, ACAT (Action des Chrétiens pour l'Abolition de la Torture), April 2004).

[4] IHF commented that in other cases (below) relatives had agreed to exhumations, which had nevertheless not been carried out.

[5] The mass executions have given rise to a detailed report by Memorial which points to the presence of Omon troops from St Petersburg and Ryazan troops in the area at the relevant time.

[6]a description of the military operation including the use of armoured vehicles and helicopters leading to the capture of the former Speaker of the Chechen Parliament can be found in the Amnesty International Urgent Action Bulletin, AI Index: EUR 46/42/00, 13 September 2000.

[7] According to information received by SCJI, this is no longer the case. In a letter dated 10 July 2004 to Marzet Imakaeva, the prosecutor's office informed her that the criminal investigation into her husband's abduction was closed for "lack of a criminal offense". The letter states that Russian military servicemen had detained her husband in accordance with the law and had later released him. Mrs Imakaeva takes note of the official confirmation of her husband's detention by Russian troops, which contradicts the Government's earlier



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submissions in the case, including a memorandum of 26 September 2003 to the Strasbourg Human Rights Court, in which the Government representative states that “unidentified” persons in camouflage uniforms detained S.-M. Imakaev and that there is “insufficient” evidence to suspect the involvement of Russian federal forces. But Mrs Imakaeva finds implausible the scenario presented by the Government regarding her husband’s alleged release, and intends to appeal against the prosecutor’s office’s decision to close the criminal investigation.

As regards the case of Khadjimurat Yandiev, SCJI informed me that the Military Procuracy of military unit 20102 had refused to open a criminal case on the grounds that no crime had been committed. The military procuracy referred to the fact that the victim’s body had never been located and that on the video footage of his arrest by federal forces (which also shows that Kh. Yandiev was beaten during his arrest and that the commanding officer ordered him to be executed) the actual execution was not shown.

[8] At the meeting in Moscow on 31 May with Deputy General Prosecutor Sergei Fridinskij, we were told that the allegedly “disappeared” Mrs Imakaeva had turned up in the United States, where she had obtained political asylum. I asked (HRW) for clarification, who gave me the following information: the Imakaev family members who left for the United States several months ago are:

1. Marzet Imakaeva (applicant)
2. Seda Imakaeva ~24 (Marzet's daughter), Shamil Imakaev, ~4 (Seda's son, Marzet's grandson)
3. Magomed-Emir Imakaev~18 (Marzet's son), his wife, Kheda Imakaeva,~16.

The ones who disappeared (and have unfortunately NOT reappeared in the United States, or anywhere else), are:

1. Said-Khusein Imakaev (Marzet's son), disappeared in December 2000, was 23 then
2. Said-Magomed Imakaev (Marzet's husband), disappeared June 2, 2002.

[9] This is also the conclusion of the major non-governmental human rights organisations.

[10] The Operative and Search Bureau of the North Caucasus Operations Department of the Chief Directorate of the Russian Ministry of Internal Affairs in the Southern Federal District.

[11] according to the replies received from the Russian authorities, the Chechen Republic Prosecutor’s office transmitted 128 applications to the Military Prosecutor’s Office in 2003. In the same year, the Military Prosecutor’s office, which had also received 799 applications directly from Chechen residents concerning wrongful acts of servicemen, investigated a total of 10 criminal cases, and referred 3 to the courts.

[12] 94 prosecutors and investigators in seven subordinate prosecutors’ offices in the region

[13] for example, Former Justice Minister Pavel Krasheninnikov and State Duma deputy speaker Vladimir Lukin, cited in CICC/Europe/CIS/Russian Federation (6 May 2002)

[14] a conference on this topic was held in Moscow on 4-5 February 2004 by the Russian Association of International Law

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[15] see Pravda.ru of 7 May 2002 : "PACE, which seems to be versatile for views and members, constantly criticizes Russia for its violation of human rights in Chechnya and passes proper resolutions. The PACE resolutions, happily, do not oblige us to anything. Though the ICC is another thing. The ICC could institute criminal proceedings."

[16] completed by a letter dated 28 June 2004 from Mr Lukin, the Human Rights Ombudsman of the Russian Federation designated as the Federal interlocutor for the purposes of the joint programme between the Russian Federation and the Council of Europe, addressed to the Director General of Political Affairs of the Council of Europe, Mr Schumann.

[17] This date coincides closely with the petition of the Committee of Ministers by the Secretary General under the 1994 Declaration of the Committee of Ministers on the fulfillment of commitments; see below under Item 4.

[18] I was informed that earlier drafts of the reply had included a reference to the seizure, in June 2000, of the Committee of Ministers by the Secretary General under para. 1 of the 1994 Declaration.

[19] in relation to Ukraine in 2001, Georgia in 2001, 2002, and 2003 and Moldova in 2002 (cf. doc. Monitor/Inf (2004) 1 dated 22 January 2004).

[20] The International Helsinki Federation for Human Rights, in a public appeal dated 27 October 2003 extensively citing Assembly Recommendation 1600, has strongly urged the Committee of Ministers to address the Chechnya question.

[21] pages 30-31.

[22] for example, on 4 September 2003, at around 4.45 am "agents of an unknown law-enforcement structure of the Chechen Republic" arrested and drove away in a gray UAZ-452 vehicle without license plates Irskhan Khaditovich Edilkhanov (born in 1984) living at 5 Melnichaya street in the village of Khamby-Irze (Lermontovo) of the Achkhoy-Martan district.

[23] on 7 September 2003 arrest of five local residents by Russian federal forces in the village of Chiri-Yurt in the Grozny rural district. According to the sources cited in the report (p. 30), two of the detainees were abandoned on the outskirts of the village after being severely tortured and beaten up. The whereabouts and fate of the other three detainees are unknown.

[24] On 10 September 2003 around 11 pm in the Avtarkhanovsky (Leninsky) district of Grozny. According to residents, the fire came from the federal forces check-point at the end of the sixth microdistrict. Residents spent the night in fear, but luckily, there were no casualties.

[25] 7 September 2003: town of Urus-Martan; 11 September 2003: village of Makhety in the Vedeno district (no casualties, but serious damage to property).

[26] 9 September 2003: Mart Makhuri (mother of eight), Rosa Adayeva (mother of nine, including a baby of 9 months) and another woman (a still unidentified refugee) killed and three children injured in the explosion of a "self-made" landmine in the village of Assinovskaya in the Sunzha district on their way from a tomato field. The mine exploded under the tractor carriage transporting the women and children. On the scene of the explosion, a plastic bottle with a remote control and lines going sideways were discovered. A demining unit demined another similar mine at the scene of this terrorist attack that failed to explode. A criminal case was initiated by the prosecutor's office of the Sunzha district.

[27] An edifying testimony is that of Alexander Mnatsakanyan, in: Chechnya 2003, Political

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Process through the Looking Glass, Moscow Helsinki Group/Memorial, p. 11: "Generally speaking, when it comes down to electoral violations, officials immediately get hit with an odd mix of blindness and visions. They saw lines to ballot boxes in deserted Grozny. They also watched inspired and merry people. But they somehow overlooked the fact that a French journalist took part in the voting after he produced his French (sic!) passport. It came unnoticed that scores of people, for the sake of an experiment, were voting as "new arrivals" at several polling stations. They failed to see a huge armed red-neck standing right behind a person watching closely what he was writing in the ballot. I, on the other hand, saw that with my own eyes."

[28] source: "Memorial" Human Rights Centre, in: Chechnya 2003 [...], p. 26.

[29] Source: Russian-Chechen Friendship Society, in: Chechnya 2003, Political Process Through the Looking Glass, MGH/Memorial, p. 21

[30] described in some more detail by "Memorial" HumanRightsCenter in: Chechnya 2003 [...], p. 31

[31] source: MHG/Memorial, Chechnya 2003, Political Process through the Looking Glass, p. 30

[32] References to the "prevailing climate of impunity" in the Chechen Republic are also made in the Secretary General's information document on the Council of Europe's response to the situation in the Chechen Republic (SG/Inf(2004)3 dated 16 January 2004, para. 54) and in the US Department of State's Country Report on Human Rights Practices - 2003 on Russia (page 3, with reference to my 2003 report, and page 13: "a climate of lawlessness, corruption and impunity flourished"); see also FIDH report (no. 328/2) titled "Chechnya - Terror and Impunity: a Planned System", and a paper dated 20/06/2004 by Memorial on "How the Procuracy helps to organise impunity in Chechnya"; as regards the still most disappointing law enforcement statistics, see above para. 27-31.

[33] see "Ingushetia : Enforced « disappearances », extrajudicial killings and Unlawful Detentions, December 2003 – June 2004", IHF, 4 August 2004

[34] source : Caucasian Knot /News /2004.

[35] according to NTV (cited in [www.lenta.ru](http://www.lenta.ru), 9 June 2004), Ramzan Kadyrov said:

"We shall punish their relatives in compliance with the law. They are helping the bandits and they keep saying that they are helping their relatives, their brothers and sisters. But no, it is the bandits that they are helping. We shall punish their relatives in compliance with the law. And if there is no such law, we will ask for it. We will address the State Duma of the Russian Federation with a request to adopt such a law so that they could be punished. Without this the war in Chechnya shall never be over."

[36] the case of Sultanbek Kagiroy, detained on 10 December 2003, allegedly in order to oblige one of his brothers, who is a rebel fighter, to turn himself in.

[37] In a special operation on 2 May 2004 in Noibera village (Gudermes region), Veziev Pakhrudi, aged 50, resident in Zhukov Street, was allegedly detained by "Kadyrov's men", on the accusation that his son was a member of the Chechen armed resistance. Also on 2 May, in Alleroi village of Kurchaloevski region, Kadyrov's men allegedly set fire to the house of Said-Hasan Turlaev, whose son, according to villagers, belongs to the armed resistance. For a considerable time, the security services allegedly refused to allow Said-Hasan's 22-year-old

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daughter to leave the burning house, whose life was saved only by the intervention of the neighbours. The Buzurkaev family home was also burnt; their son also belongs to the armed resistance. 9 relatives of members of the illegal armed forces were taken hostage (Sheikh-Akhmed Buzurkaev, 50, Ramzan Avdarkhanov, 70, Ahmed Avdarkhanov, Aslan Butzugov, Arsen Minkailov, Isa El'siev, and three members of the Aisultanov family. Butzugov, El'siev, Minkailov, Buzurkaev, R. Avdarkhanov, and one member of the Aisultanov family were later released; as to the fate of the other 3 hostages, there was no information as of the end of May.

On 4 May, again in Alleroi village, Taus Buzurkaeva was allegedly arrested without the Procurator's sanction by internal affairs ministry troops under the command of Roman Ediev, formerly a member of Kadyrov's security services. She was accused of being the mother of a member of the illegal armed forces (source: Memorial Bulletin, May 2004).

[38] cf. Appendix II. para. 4 pp.

[39] see also Appendix I para. 3: President Zyazikov has apparently intervened personally, following a call for help by the Society of Russian-Chechen Friendship, to have one of its activists, Khamzat Kuchiev, freed from illegal detention by security forces.

[40] Family members of the victims of Captain Ulman, who was acquitted by a jury in Rostov-on-Don on 29 April 2004 because he killed his civilian victims by order of his superior, whom we met at the "Memorial" office in Nazran, told us about the humiliation they suffered in the courtroom. They were under the impression that the members of the jury, who openly fraternised with the accused, saw the victims and their relatives as the true culprits. The acquittal has been appealed by the Military Prosecutor's office. On 26 August, the Russian Supreme Court has annulled the judgement of the Rostov court. The case will be retried before another military tribunal.

[41] presented in Appendix II. para. 10 – 15.

[42] source: AI note 24 February 2004 ; this case is one of those about which I had asked for information prior to my visit to Chechnya, and for which I did not receive a reply yet.

[43] source : AI note 24 February 2004

[44] source : AI note 24 February 2004

[45] source : « Memorial » Human Rights Centre, in : Chechnya 2003 [...], p. 22.

[46] source : AI/HRW/Memorial 8 April 2004; case submitted to the Russian authorities for comments, no answer received to date.

[47] source : IHF/Memorial 22 April 2004 ; case submitted to the Russian authorities for comments ; according to the reply received, it is being "investigated by the military prosecutor's office".

[48] source : Memorial Bulletin May 2004.

[49] The IHF report dated 4 August 2004 on Enforced Disappearances in Ingushetia (p. 9-10) provides further detail on this case and informs that "Memorial" forwarded a complaint from Mr Medov's relatives to the EctHR in Strasbourg on 16 June 2004, which is said to be treated by priority.

[50] Further detail in the above-mentioned IHF report of 4 August 2004, p. 8.

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[51] Further detail in the above-mentioned IHF report, pp. 4—6.

[52] Further detail in the above-mentioned IHF report, pp. 6-7.

[53] Further detail in the above-mentioned IHF report, pp. 7-9.

[54] The IHF report on enforced disappearances of 4 August 2004 (p. 8) has reprinted extracts of a letter dated 22 April 2004 (2/581) by the Ingush Prosecution Service to the father of the abducted, which shows that the numbers of the special “tags” by the alleged kidnappers presented during the checkup correspond to codes of actual (official?) cars.

[55]cf. IHF, Ingushetia : enforced « disappearances », extrajudicial killings and unlawful detentions, December 2003-June 2004, 4 August 2004, p. 4-5.

[56] Please note that in order to save space and avoid repetition, the incidents referred to are not each time described as “alleged”. As long as legal certainty has not been established by a court judgment, it must be understood that all the incidents brought to the attention of Mr Bindig can only be “allegations”, albeit substantiated ones.

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc04/edoc10283.htm>

Accessed on 2-27-06

## Appendix 20

Parliamentary Assembly  
Assemblée parlementaire

**Doc. 10774**  
**21 December 2005**

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

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

#### Summary

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

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

#### I. Draft resolution

1. The Parliamentary Assembly stresses that the protection of human rights is the core task of all Council of Europe bodies and recalls its previous Resolutions 1323 (2003) and 1403 (2004) and Recommendations 1600 (2003) and 1679 (2004) on the human rights situation in the Chechen Republic.

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

3. The Assembly reiterates its unambiguous condemnation of all acts of terrorism and expresses its understanding of the difficulties the Russian Federation faces in combating terrorism.

4. The Assembly welcomes the fact that a number of criminal cases were opened and some perpetrators were taken to court and encourages the Public Prosecutor's office to



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intensify its efforts. Nevertheless, the Assembly notes the lack of substantial progress of the Prosecutor General's Office in elucidating numerous human rights violations brought to its attention in its previous reports on the human rights situation in the Chechen Republic. Impunity fosters more crime.

5. Both federal and regional law enforcement authorities must continue to investigate numerous specific and well-documented allegations of enforced disappearances, murder and torture brought to the attention of international public opinion and of the Assembly in recent months by non-governmental human rights organisations.

6. Emphasis must be placed on crimes against human rights defenders, lawyers, prosecutors, judges, forensic doctors and other law enforcement officials and against applicants to the European Court of Human Rights and their family members. It is intolerable that reprisals against applicants to the Strasbourg Court take place and remain unpunished.

7. The Assembly urges the Russian delegation to the Assembly to request the setting-up, within the Duma, of a committee of inquiry to investigate the failure of law enforcement structures to hold responsible perpetrators of serious human rights violations such as documented by the Assembly.

8. The Assembly fears that the excessively harsh manner in which the security forces act in the region in no way contributes to restoring law and order in the region. On the contrary, it produces more desperation, violence and thus instability.

9. Recalling the Council of Europe's humanitarian and legal principles, the Assembly strongly condemns human rights violations in the fight against terrorism, which have now for well over a decade proven not only to be unlawful but also totally ineffective.

10. It stresses that in order to prevent future serious human rights violations, all law enforcement agencies active in the Chechen Republic should receive additional orders from the highest authorities to respect basic human rights in the course of the operations. This is particularly true for certain Chechen security forces whose legal status is still unclear.

11. Both the democratic process and the fight against impunity must benefit from the work of strong and independent non-governmental human rights organisations. The Assembly welcomes the recent information according to which the Russian legislature has expressed its intention to ensure the compatibility of the draft law on the legal status of non-governmental organisations with the standards of the Council of Europe. Nevertheless, the Assembly is concerned about reports on administrative and judicial harassment of some non-governmental organisations.

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

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

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

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

### II. Draft recommendation

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

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

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

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

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

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

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

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

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

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

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

### 1. Introduction

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

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

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

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

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

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

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more dangerous for victims' relatives to complain, as informers can be identified and subjected to reprisals much more easily.

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

6. In a briefing paper of July 2005, Amnesty International described a new trend in the human rights abuses in the Northern Caucasus. Persons are reportedly being arbitrarily detained and subjected to torture and ill-treatment, in order to force them to confess to crimes that they have not committed. Once they have signed a “confession” they are transferred to another detention facility where they have access to a lawyer; but the confession obtained under duress appears to secure their conviction by the court<sup>1</sup>.

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

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

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disappearances since 1991. I strongly welcome these efforts and the Chechen President's strong personal commitment to the solution of the problem of enforced disappearances.

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

10. One prominent example of the still-prevailing climate of impunity, but also of the central authorities' determination to fight against it, is the Ulman case – the trial of four Russian servicemen accused of having killed six Chechen civilians in January 2002 near the village of Dai. In April 2004, Captain Eduard Ulman and his men were acquitted by a jury court in the southern Russian town of Rostov-on-Don, for having obeyed orders from an unnamed commander. During my visit to the Northern Caucasus in May 2004, I met with a delegation of the victim's family members, who had attended the trial. They gave me a shocking account of the hateful way in which they were treated in the courtroom – the victims felt that they were treated as criminals, whilst the accused killers were celebrated as heroes. The acquittal was appealed by the prosecution, but following an order for retrial from the Military Collegiate of the Supreme Court, the men were again found not guilty by a jury at the same court on 19 May 2005. On 30 August 2005, the Russian Supreme Court overturned this verdict, too, and sent the case back for retrial to the same court in Rostov, where a third hearing is scheduled in November. While awaiting the new trial, the four men have not been suspended from their posts in the Russian military intelligence unit (GRU). According to the lawyer for the families whose relatives were killed, the majority of the witnesses in the case against the men are serving in the same unit.

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

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

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

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



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suspended, transferred, or dismissed.

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

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

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

15. The adoption and implementation of general measures by the Russian authorities, subsequently to the judgments of the European Court of Human Rights, would contribute to ameliorate the human rights situation in Chechnya. Such measures should include, in particular : 1) the translation and large diffusion of the above-mentioned judgments of the

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European Court of Human Rights, with a summary of these judgments and an Explanatory note; 2) the (re)opening of investigations and criminal cases against the persons responsible for human rights violations in Chechnya – in particular, Russian Generals Vladimir Shamanov and Yakov Nebitko should be prosecuted and suspended from their functions during the time of the investigation, since they were held responsible by the Strasbourg Court for the indiscriminate bombing of Chechen civilians in Katyr-Yurt in February 20009; 3) the revision of the Russian law on terrorism to achieve compliance with the Council of Europe standards; 4) the creation of a training system on European human rights standards for legal professions and law-enforcement members.

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

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

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

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

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

19. A large number of persons are detained arbitrarily, sometimes in unofficial locations, where the detainees are subjected to torture and other ill-treatments. An example among many others is that of Sultan Aliev, who was taken away without any explanations on 18 November 2004 from the yard of a large residential building in the Grozny district “1st Microrayon” by four camouflaged persons not wearing masks : according to information from the HRC Memorial, Sultan Aliev was kept in an unofficial “prison” and tortured, before he was released on the 21st

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day after his abduction<sup>13</sup>. But many individuals who have been subjected to torture and then released are too frightened to complain about their treatment, especially to the authorities. For instance, Aslan Chintigov, who had been abducted on 20 October 2005 from his home in the village of Germenchuk by camouflaged and masked men and then released two days later, said to representatives of "Memorial" that he did not want to speak about the circumstances of his abduction and his detention: he recognized that he had been tortured, but refused to lodge a complaint because he feared reprisals<sup>14</sup>. Shows in a joint report published on 25 November 2005 based on a joint on-site mission in September, FIDH, Memorial, the International Helsinki Federation, the Norwegian Helsinki Committee and the Demos Centre<sup>15</sup> provide numerous new, well-documented examples of harrowing human rights violations, including the terrible account of a father whose young son was tortured before him in order to make the father confirm that his son had murdered a policeman<sup>16</sup>. These examples confirm that a climate of terror, resulting in impunity, is still prevailing in Chechnya.

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

21. As mentioned before, a large number of human rights violations are allegedly committed by the so-called "Kadyrovtsy". On 21 September 2005, a "zachistka" was reportedly carried out in Novye Atagi by "Kadyrovtsy" who abducted five local young residents from the Umkhaev and Khapaev families. In June 2005, local residents of Argun discovered in a rock quarry the remains of a 25-year-old son of Ayna Usmanova, who had disappeared several days ago : he had been arrested by "Kadyrovtsy" and released two days later, after having been badly beaten; he was ordered to return in some days later for interrogation, which he did, and was never seen or heard of again. On 26 November 2004, in the village of Germenchuk of Shali district, police colonel Rivzan Abzatov and his collaborator Khabib Guduev were shot dead by unmasked killers, two of whom were clearly identified as belonging to the "Kadyrovtsy"<sup>18</sup>. In my view, the "Chechenisation" of human rights violations, which are attributed more and more frequently to the so-called "Kadyrovtsy", does not exonerate the Federal authorities, which remain responsible for the protection of all Russian citizens, including those living in the Chechen Republic.

### 2.2.2. Hostage-takings

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

23. The most notorious case was the abduction in December 2004 of eight relatives, most of them elderly and in fragile health, of the Chechen separatist leader Aslan Maskhadov, carried out in the suburbs of Grozny by unknown armed persons most probably belonging to the so-called "Kadyrovtsy". Seven of them were released on 31 May 2005, after Maskhadov

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was killed in March. The eighth relative has been charged in connection with participation in an armed group. Officials in Chechnya have denied that they were responsible for the detention of the other seven individuals<sup>19</sup>.

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

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

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

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

27. I am also extremely concerned about reports that a number of Chechen applicants to the European Court of Human Rights have been subjected to reprisals. Such reprisals have ranged from harassment and threats up to the murder of applicants or their close relatives (Zoura Bitieva, who had lodged a complaint with the Court in May 2000 - No 57953/00 – and whose complaint was declared admissible by the Court on 20 October 2005<sup>22</sup>, and Anzor Pokaev, whose father Sharfudin Sambiev filed an application in July 2003 - No. 38693/04<sup>23</sup>). It appears that Chechen victims of human rights violations not only have extremely limited access to justice in the Russian Federation, but also that their lives are endangered when they attempt to seek justice through international mechanisms<sup>24</sup>.

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

29. Another serious case is that of Aslambek Salmanovich Utsaev, which is one of the applicants in the case *Tovmirzaeva and others v Russia* (No 29133/03) currently pending before the European Court<sup>26</sup>. On 4 July 2004, a large group (around 36) of armed military personnel raided the home of Aslambek Salmanovich Utsaev and allegedly severely beat him. On 30 July 2004, armed men in masks, again not providing any identification or explanation for

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their presence, entered the home of the Utsaevs and, without saying anything, and beat Aslambek Utsaev again, on the head, face and torso<sup>27</sup>.

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

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

### 2.2.4. Harassment of human rights defenders

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

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

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

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

36. Finally, in late September 2005 the Russian Ministry of Justice held a hearing to nullify



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

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

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

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

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

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

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

42. NGO’s have documented a large number of human rights abuses, abductions and torture, that have taken place in Ingushetia. In my last report, I gave an account of the



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disappearance of Mr Ozdоеv, a prosecutor who disappeared after blowing the whistle in Moscow on alleged illegal activities of the local FSB office. His father, a retired senior judge, whom I met in Nazran last year, had given me an account of the evidence he had himself collected. The President of Ingushetia, whom I met shortly thereafter, assured me solemnly that he took the evidence provided by Mr Ozdоеv senior very seriously and pledged to elucidate the disappearance of his son. Unfortunately, he has still not succeeded, and the illicit acts that this courageous public prosecutor had tried to stop are apparently still going on. A recent case is the abduction of three men from a building site in Nazran : on 29 September 2005, Ilez Khamkhoev, Magomed-Ali Barakhoev and Ruslan Yandiev were kidnapped by a group of unknown armed people in masks and camouflage, who did not show any IDs but seemed to be from the police (militia), and who took away the three men in an unknown direction<sup>39</sup>. Another example is that of Bashir Velkhiev and Bekkhan Velkhiev, both of whom were reportedly unlawfully detained on 20 July 2004 by seven unknown representatives of the RF Ministry of Internal Affairs and servicemen of the Department against Organized Crime of the Ingushetia Ministry of Internal Affairs (UBOP). In the UBOP building, the two men were severely beaten and tortured with electricity. On 21 July Bekkhan was released by an investigator of the Nazran prosecutor's office, who informed him that his brother Bashir had died in the previous night on the premises of the Ingush UBOP<sup>40</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55. Considering that the dramatic human rights situation in the Chechen Republic had still not improved significantly, the Assembly stated, during the autumn part-session of 2004, that its

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conclusions drawn in Resolution 1323 and Recommendation 1600 remained valid : “a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and federal law enforcement authorities are still either unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations”. The Assembly therefore reiterated all the recommendations addressed to the Committee of Ministers in Recommendation 1600 (2003), and invited it in particular to “urge the Government of the Russian Federation to take additional measures to eliminate the climate of impunity in the Chechen Republic by vigorously investigating and prosecuting all abuses, whatever the identity of the perpetrators” (Recommendation 1679 (2004)).

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

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

57. In Recommendation 1600 the Assembly recommended that the Committee of Ministers “consider proposing to the international community the setting up of an ad hoc tribunal to try war crimes and crimes against humanity committed in the Chechen Republic” if the climate of impunity should continue to prevail. I would like to stress here that the idea of an international tribunal for Chechnya was raised primarily in order to give a warning signal about the gravity of human rights abuses and to incite the Committee of Ministers and the Russian authorities to react. It was a very last resort to get the Committee of Ministers to send a clear signal to the Russian authorities, so that the latter demonstrate their own willingness and ability to identify and punish those responsible for human rights violations in Chechnya.

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

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

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

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

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

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implementation (Recommendation 1593 (2003)).

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

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

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

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

65. The continued presence of these experts from June 2000 to April 2003 was a positive step towards the improvement of the human rights situation in Chechnya. They helped monitor the human rights situation in the region and assisted in the registration of complaints from the population. But their mandate seems to have been inadequate in view of the gravity of the situation, given the scale of abuses and the considerable efforts needed to eliminate the climate of impunity in the Chechen Republic. In its Recommendation 1600 (2003) the Assembly therefore recommended that the Committee of Ministers "take all possible measures to increase the effectiveness of the current mandate of the Council of Europe experts as regards their possibility of influencing the human rights situation". No specific action was taken by the Deputies in this respect.

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

67. Moreover, the Committee of Ministers should urge the Russian authorities to furnish more explanations concerning the bomb explosion which had occurred near the convoy of the experts in April 2003. On 23 September 2003 the Secretary General was informed by the Special Representative of the Russian President for human rights in Chechnya that during the



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investigation of this criminal case, it was ascertained that the crime had been committed against the representatives of the federal forces, and not against Council of Europe experts and that further investigations were being carried out (see SG/Inf(2003)). Until now, the perpetrators have yet to be identified, and the question of the responsibility for this act is still open. Although this event was still defined as a simple “incident”, it seems to have been perceived as a rather serious warning addressed to the Council of Europe experts<sup>51</sup>. This event must be fully investigated since it put an end to the continued presence of the Council of Europe in the Chechen Republic.

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

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

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

70. I would like to recall here the origin of the periodic reports on Chechnya, which the Secretary General has presented to the Committee of Ministers for four years. In December 1999, by virtue of Article 52 of the ECHR, the Secretary General invited the Russian Federation “to furnish, in the light of the case-law of the European Court of Human Rights, explanations concerning the manner in which the Convention [was] implemented in Chechnya, and the risk of violation which [might] result therefrom”. In May 2000, the Secretary General indicated that he did not consider the replies provided by the Russian authorities as satisfactory explanations for the purposes of Article 52 of the Convention. In June 2000, he issued a report by a team of independent experts who found that the “replies given were not adequate” and that “the Russian Federation has failed in its legal obligations as a Contracting State under Article 52 of the Convention”. On the same day, in a letter to the Chairman of the Ministers' Deputies, the Secretary General considered it as his duty, in particular in the light of the findings of the experts, to seize the Committee of Ministers of this matter by virtue of paragraph 1 of the Committee of Ministers' 1994 Declaration on compliance with commitments accepted by member states of the Council of Europe.

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

72. However, since April 2003, and as a direct consequence of the withdrawal of the experts, no more reports based on information collected on the spot have been presented by the Secretary General to the Committee of Ministers. Until July 2004, the Secretary General nevertheless continued to present reports containing an overview of the human rights situation in Chechnya. And what is particularly strange, is the fact that the last such report (SG/Inf(2004)18), issued on 20 July 2004, was never put on the agenda of the Ministers' Deputies. Moreover, despite the Committee of Ministers reply to the Assembly that it continues



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regular discussions on the subject (Reply to Recommendation 1600 (2003)), this type of discussion does not seem to take place any more. The Deputies have not discussed Chechnya under the item “contribution of the Council of Europe towards restoration of the rule of law, respect of human rights and democracy in Chechnya” since the Spring of 2004.

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

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

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

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

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

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

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

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furnish advice on the human rights situation in the Chechen Republic”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90. At their third Summit in Warsaw on 16-17 May 2005, the Heads of State and Government of the Council of Europe decided to continue their efforts "to ensure strict compliance of the commitments made by member states to the common standards to which they have subscribed" and that "Monitoring must, as necessary, be accompanied by Council of Europe assistance and technical support". The way in which the Committee of Ministers deals with

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Chechnya reduced to the “accompanying” assistance and technical support without monitoring does not seem to be compatible with the Warsaw Action Plan.

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

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

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

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

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

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

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

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

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

### APPENDIX A

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

...

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

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

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

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

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

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

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

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

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

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

...

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

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

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

##### A. "Pending preliminary inquiry":

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

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

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



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

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

a) Abduction of Ruslan Shamiyevich Alikhadzhiyev (case no. 22025)

b) Killing of Madina Mezhieva and Amkhad Gekaev on 27 October 2001 (PACE Doc. 9732, para. 31)

c) Arthur Akhmatukaev, a member of the Society for Russian-Chechen Friendship, “disappeared” after he was taken away on 4 August 2003 by Russian soldiers in an armoured vehicle (AI note 24 February 2004).

d) Aslan Shakhidovich Usmayev of the village of Tsentrovaya was found dead on 1 September 2003 in the eastern suburbs of Gudermes, near a filling station, some 150 m from a local police station. On 31 August, at midnight, armed persons wearing masks arrived in a UAZ jeep and stormed into the hospital kidnapping A. Usmayev (Memorial, in: Chechnya 2003, Political Process through the Looking Glass, p. 22).

e) Ramzan Musaevich Shaipov was abducted on 8 May 2004 from his home at 23 Lenin Street in Chiri-Yurt (Shalinski region) by Russian-speaking, unidentified men in camouflage uniforms (Memorial Bulletin May 2004)

f) Adam Medov disappeared on 15 June 2004 in Karabulak (The IHF report dated 4 August 2004 on Enforced Disappearances in Ingushetia (p. 9-10)).

g) Rasukhan Evloev and Ibragim Ismailov disappeared on 11 March 2004 near Nazran. At a traffic police checkpoint, ten armed camouflaged persons, one of whom allegedly showed an FSB identity card, forced the two young men to board one of their cars (VAZ-21099) and took them away, not to be seen since (IHF report of 4 August 2004).

h) Temur Khambulatov was arrested on 18 March 2004 at his house in the village of Saveljevskaja, by a group of armed masked men travelling in military vehicles who told his mother that they belonged to the FSB and were taking her son to the nearest police station. On the next day, his mother was informed that he died in custody, most likely after having been severely tortured. The Prosecutor's Office of Naursky regiona initiated criminal case no. 40560 (IHF report of 4 August 2004)

i) Said-Magomed Aliev, an employee of the Czech “People in Need Foundation”, was detained in Grozny on 14 April 2004, by armed masked persons. Five days later, his body was found by a sheppard (IHF report of 4 August 2004).

j) Zelimkhan Isaev was detained on 9 May 2004 by a group of about 15 armed, masked men. He was brought to the Urus-Martan ROVD (police) station. Only on 12 May, a lawyer hired by his family was allowed to see him. According to the lawyer, he showed traces of severe torture and needed urgent medical care. On 16 May at 11h30, he died of his wounds(IHF report of 4 August 2004).

k) Ibragim Tsurov, an Ingush lawyer and member of the Bar of Chechnya, worked as a lawyer at the Khankala military base in Grozny. On 26 April 2003, his car, in which he drove in the company of three servicemen who also worked in Kankhala, was overtaken by two other cars and several armed men in mask stopped his car, beat him and placed him in the boot of their car. They drove off and left the three servicemen standing unharmed. Mr Tsurov was never seen again. On 18 June 2003, the Grozny city prosecutor's office opened an investigation and eventually referred the case to the Military Procuracy. The military procuracy opened an investigation, although it had refused to do so earlier.

l) Kidnapping of Bashir Adamovich Mutsolgov on 18 December 2003. Persistent inquiries revealed the involvement of the Directorate of the Federal Security Service of the Russian Federation responsible for the Republic of Ingushetia and the Chechen Republic and the Regional Directorate for the North Caucasus. Mr Mutsolgov was held in an underground cell at the FSB Directorate in Magas and taken the following day to Khankala in the Grozny district.

m) Timur Mukhammedovich Yandiyev (born 1979): his son was abducted outside the Ingushenergo plant in Nazran on 16 March 2004 by six masked men in camouflage uniforms driving Gazel and Niva cars without registration numbers. The cars passed the Kavkaz-20

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border post on the Ingushetian-Chechen border in the direction of Grozny, showing a Russian special services' pass (The IHF report on enforced disappearances of 4 August 2004 (p. 8)).

n) Rashid Ozdoyev, assistant prosecutor of the Republic of Ingushetia, was abducted on 11 March 2004 in the Verkhniye Achaluki area of the Malgobek district of Ingushetia by members of the FSB and a mobile unit of the Russian Ministry of Internal Affairs. The prosecutor's office in Nazran has lodged criminal proceedings. (AI/HRW/Memorial 8 April 2004) [encl.13]

o) Murder, on 2 September 2003, of Saipuddin Tsitsayev, head of the administration in the village of Chechen Aul (MHG/Memorial, p. 30) [encl.3]

p) Kidnapping, on 4 September 2003, of Irskhan Khaditovich Edilkhanov at 5 Melnichnaya street in the village of Khamby-Irze in the Achkoi-Martan district (MHG/Memorial, p. 30) [encl.3]

q) Kidnapping, on 7 September 2003, of five local residents in the village of Chiri-Yurt in the Grozny rural district (MHG/Memorial, p. 30) [encl.3]

r) Kidnapping of Ruslan Soltakhanov, on 13 February 2004 (IHF press release of 26 February 2004 [encl.5]/AI UA86/04 of 27 February 2004 [encl.6])

s) Detention and killing of Roustam Dzakalaev, on 3 February 2004, in the village of Sleptovskaja, Ingushetia ("Memorial" Bulletin February 2004) [encl.7]

t) Kidnapping, on 19 February 2004 in Osman-Yurt (Republic of Dagestan), of Nariman Gatiev ("Memorial" Bulletin February 2004) [encl.7]

u) Kidnapping, on 25 February 2004 in Urus-Martan, of Khasan Dombaev and Aset Dombaeva ("Memorial" Bulletin February 2004) [encl.7]

v) Killing of Umar Zabiev, wounding of Tamara Zabieva, on 10 June 2003 near the village of Galshki (Zunzhenskij district) in Ingushetia – case no. 23 60 00 32 of 11 June 2003 (HRW "Spreading despair", Sept. 2003, p. 18-19) [encl.8]

w) Murder of Zura Bitiyeva, Ramzan Iduev, Idris Iduev and Abubakar Bitiyev, Turpal Ismailov and Islambek Gadiev on 21 May 2003 (IHF/Still in a State of Terror, p. 11) [encl.9]

x) Ill-treatment of numerous residents of Samashki (Achkoy Martan district) during a "sweep operation" (zachistka) at the beginning of May 2003 (IHF/Still in a State of Terror, p. 12) [encl.9]

y) Kidnapping of Khamzat Osmaev on 12 January 2004 in the village of Plievo, on the outskirts of Nazran (Ingushetia) (AI UA 21/04 of 14 January 2004) [encl. 10]

z) Killing of Isa Magomedovich Musayev on 15 September 2003 in the village of Avtury in the Shali district (MHG/Memorial, Chechnya 2003, p. 47) [encl.3]

aa) Extrajudicial executions of nine persons from Duba-Yurt in early April 2004 (HRW press release, 13 April 2004) [encl.11]

bb) Criminal investigation no. 45031 into the death of Samil Said-Khasanovich Akhmadov and alleged intimidation of Larisa Sadulaeva

cc) Extrajudicial execution on 10 April 2004 of Anzor Pokaev at his parents' home in the village of Starye Atagi

dd) Disappearance of Animat Dugaeva and Kurbiqa Zinabdieva on 16 May 2003 in the village of Ulus-Kert (criminal case no. 54016 opened on 4 July 2003)

ee) Death on 8 April 2004 of Maidat Tsitsaeva and five of her children in the aerial bombing of her house in the village of Rigakhoy in the Vedeno region of Chechnya [IHF/encl. 12]

ff) Disappearance, on 15 January 2004, of Eliza Gaitamirova, subsequent to her arrest in December 2003 and her detention in Nalchik (Kabardino-Balkaria) until 1 January 2004.

gg) Attack on a civilian car by a military helicopter on 25 March 2004 near the Ingush village of Sleptovskaya killing Musa Khamkhoev and Ibragim Khashagulgov. (AI/HRW/Memorial 8 April 2004) [encl.13].

APPENDIX II to the letter from Mr Bindig to Mr Ustinov

NEW ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN THE CHECHEN REPUBLIC  
brought to the attention of Mr Bindig after the October 2004 report on the human rights situation in the Chechen Republic (Doc 10283)

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

1. Over the night of 13-14 September 2005, ten Novye Atagi residents were abducted in the course of "zachistka" carried out by the federal forces. Five of the ten were released the following day severely beaten up, while four remained in the custody of the Shali police and were accused of murdering a policeman. The whereabouts of the tenth man, identified as Islam Bakalov, remained unknown.
2. Citing local residents, the Nazran-based Council of Non-Governmental Organizations reported on 16 September that law-enforcement bodies had captured and taken away six young men in Novye Atagi on the night of September 14 and detained seven more local men the following morning.
3. Despite the protests, a new "zachistka" was carried out, allegedly by "kadyrovtsy",. According to Caucasian Knot, on 21 September 2005 armed men abducted five local young residents from the families of Umkhaveys and Khapaeys in the Novye Atagi village (Caucasian Knot; Amnesty International: EUR 46/039/2005).
4. On the night of 31 August 2005 armed men, who wore masks and camouflage uniform and spoke unaccented Russian, abducted 20-year-old Rustam Magomadov from his house on Yunaya Street in the Oktyabrskiy district of Grozny (Prague Watchdog, 31 August 2005).
5. On 26 August 2005, a group of unidentified men abducted two local residents of the Pamiatoi village of the Shatoi district – Ibrahim Nimbulatov and Zelimkhan Babuyev, as reported by Russian-Chechen Friendship Society (Caucasian Knot).
6. On 11 August 2005, about twenty unidentified men abducted Khamzat Musayev (b.1947) from his house in the Paroboch village of the Shelkovskiy district of Chechnya, as reported by Russian-Chechen Friendship Society referring to the local law enforcement bodies. On the same day, about twenty armed men who came in three Zhiguli 99 cars kidnapped Mukhamed-Ali Ayubov (b.1975) in the Leninskiy district of Grozny (Caucasian Knot).
7. Three residents of the Starye Atagi village of the Groznenskiy (Selskiy) district of Chechnya were abducted on 9 and 11 August 2005 by armed men, according to the witnesses by "kadyrovtsy": Aslan Natayev, Zina Mazayeva and Emmedi Khamzatov (Caucasian Knot).
8. On 8 August 2005, at around 23.00, in the Groznenskiy district of Chechnya a group of armed and camouflaged men abducted 40-year old local resident Suleiman Kurbanov from his own house (Caucasian Knot).
9. On 8 August 2005, armed men who have arrived in Zhiguli cars abducted two residents of Starye Atagi village of the Groznenskiy (Selskiy) district of Chechnya: Arbi Zayndiyevich Sambiyev and Khasu Khasanovich Yakhiyev. They were released on 10 August. According to Caucasian Knot they were kept in District Office of the Interior (ROVD) in Grozny (Pobedy Avenue) and were beaten. No charges were brought against them (Caucasian Knot).
10. On 6 August 2005, according to the Chechen Ministry of the Interior, armed men kidnapped Israil Khadzhiev (b.1982) from his house in Argun. On 5 August, armed and camouflaged men detained and abducted 6 residents of Sergen-Yurt village of the Shalinskiy district in Chechnya, reported Council of NGOs (Caucasian Knot).
11. On 27 July 2005, Chechen President's security service ("kadyrovtsy") conducted "zachistka" in the city of Argun. According to local residents, "kadyrovtsy" carried out mass detentions and unauthorised searches. More than 90 persons (all men older 14 years) were

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taken away but released hours later, except for one policeman Magomed Ayubov who was reportedly accused of assisting Chechen fighters (Caucasian Knot).

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

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

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

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

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

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

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

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

20. According to the Chechen Ministry of the Interior, on 5 July 2005 a group of around 10 unidentified armed people in camouflage and masks shot dead a family of Elmurzayevs (father and two sons) in the village of Khimoi of the Sharoi district of Chechnya. The killers spoke

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Russian without accent. (Caucasian Knot)

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

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

23. On 2 July 2005, law enforcement or security agencies servicemen (reportedly "kadyrovtsy") abducted Shakhid Shirvanievich Chamayev, the Serzhen-Yurt (Shali district of Chechnya) village administration head. On 6 July 2005, Shakhid Chamayev was released and, according to Chechen-Russian Friendship Society, immediately left his village refusing to comment on his abduction. (Caucasian Knot)

24. In June 2005, local residents discovered in a rock quarry near the town of Argun the remains of a 25-year-old son of Ayna Usmanova, who had disappeared several days ago. He was arrested by the "kadyrovtsy" and released two days later, badly beaten. However, he was ordered to return in a few days for interrogation. After partially recovering at home, he then left to keep the interrogation date. And he was never seen or heard from again.

25. In another case, two local residents, Timur Zukhayrayev and Adam Saykhayev, from the Serzhen-Yurt village in the Shalinsky district, were illegally detained by "kadyrovtsy" without any explanations given. Zukhayrayev was released the following day, but the whereabouts of Saykhayev were unknown. (Prague Watchdog, 4 June 2005)

26. On 16 June 2005, after 11 p.m. the local resident of the Samashki village, Achkhoy-Martanovskiy district, Iles Khumidovich Kulaev (b.1979) was allegedly killed by servicemen of unidentified Chechen law enforcement agency. (Memorial, 28 June 2005)

27. The Council of Chechen Non-governmental Organizations reported on 13 June 2005 that armed people in camouflage kidnapped a 50-year-old resident of Grozny's Leninsky district, Akhmad Elbiev, and that his fate remains unknown. Citing the Council of Chechen Non-governmental Organizations and the Russian-Chechen Friendship Society (ORChD), the Prima-News information agency reported on 10 June 2005 that armed people in camouflage uniforms and travelling in several cars without license plates had abducted Vakhid Mairbekov from his home in Grozny's Zavodskoi district. On 9 June 2005, unknown people kidnapped Said Muzuev, a 30-year-old inhabitant of the town of Samashki in the Achkoi-Martan district. (Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)

28. 17-year-old Muslim Kutsayev was illegally detained in his home in the Kurchalovsky district on 5 June 2005 by the so-called "kadyrovtsy", reported Memorial. His relatives found out that he was held by the "kadyrovtsy" in the village of Mayrtup. According to Memorial Nazran, Kutsayev was released after five days; he was brutally beaten.

29. In the adjacent Shalinsky district, 44-year-old Khanpasha Batayev, a resident of the Avtury village, was also kidnapped, but by unknown assailants and his whereabouts were unknown. (Prague Watchdog, 10 June 2005)

30. The Council of Chechen NGOs and the Russian-Chechen Friendship Society (ORChD) reported that on 3 June 2005, armed raiders in camouflage uniforms and masks kidnapped 21-year-old Ramzan Yunusov from his home the village of Samashki (Achkoi-Martan district).



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(Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)

31. On 1 June 2005, some ten men in camouflage uniforms abducted Abubakar Dushukuev, a resident of the village of Urd-Yukhoi (Shatoi district). His whereabouts remained unknown. That same day, some 12 men in camouflage abducted Usman Laiev, a policeman and resident of the settlement of Ilinskaya (Groznsky Rural district). (Chechnya Weekly by the Jamestown Foundation, 8 June 2005 – Volume VI, Issue 22)
32. On 30 May 2005, in the village of Novye Atagi, local resident Rizvan Usayev was abducted by armed men in several motor vehicles. According to an unconfirmed version the abduction may have been organized by members of the local law enforcement agencies. (Prague Watchdog, 3 June 2005)
33. On 13 April 2005, at 12 a.m. representatives of security agencies kidnapped 41-year-old Ramzan Mutsalkhanov, the resident of Zarechnaja Street, the Tangi-chu village of the Urus-Martanovsky district. According to Memorial Nazran, at the end of April, Mutsalkhanov was released. But he did not know where he had been kept, and which structure had kidnapped him. (From the Conflict Zone, Memorial, April 2005)
34. On 11 April 2005, in the Zagryazhskiy village of the Staropromyslovsky district of Grozny from the house located in Dostoevskaja Street, 50, four unidentified military servicemen in masks kidnapped Sulumbek Saiev, born 1966. (From the Conflict Zone, Memorial, April 2005)
35. On 6 April 2005, at 4 a.m. from their house in the village of Katayama, Staropromyslovsky district of Grozny were kidnapped brothers Umar Tsetchoev (b. 1970) and Ibrahim Tsetchoev (b. 1971). At around 3 p.m. Ibrahim Tsetchoev was released. Supposedly, he and his brother were kept on the territory of patrol-post service regiment N 1 (ППС-1), in the micro-district of Ippodromny (From the Conflict Zone, Memorial, April 2005). According to Memorial Nazran, on 7 April, Umar Tsetchoev was released. The same unarmed armed person who kidnapped the Tsetchoev brothers killed their neighbour Adam Torshhoev (cf. infra).
36. On 5 April 2005, in the village of Katayama, a group of armed men (allegedly representatives of Russian security agencies) in camouflage with dogs and without masks carried out an operation and detained 5 men. Subsequently, the body of Adam Torshkhoev (b.1971), resident of 187 Shefskaja Street, was found in the ROVD of Staropromyslovsky district. (From the Conflict Zone, Memorial, April 2005)
37. On 2 April 2005, at dawn from his house in 26 Gvardejskaja Street, the village of Gekhi, Urus-Martanovsky district of Chechnya representatives of unidentified security agency, some wearing masks, abducted Duk-Vakha Dadakhaev (b. 1980). On 12 April 2005, in the area of ponds in the village of Kulary, Groznensky Selski District of Chechnya, militiamen found the corpse of Dadakhaev with marks of violent death. (From the Conflict Zone, Memorial, April 2005)
38. On 25 February 2004, a group of armed men, some of whom spoke Russian and some Chechen, took fifty-two-year-old Aset Dombaeva from her house in Urus-Martan. (Human Rights Watch, March 2005)
39. On 18 February 2005, a VAZ-2107 car with five people inside (Khusein Sayd-Khamzatovich Taramov, Kazbek Apaev, Khozh-Baudi Ozdamirov, Aslangirey Musikhanov, and Anzor Makhkmirzaev) was shot at the checkpoint between the villages of Kurchaloi and Geldagan by military servicemen who arrived by two APCs. (Chechnya Weekly by the Jamestown Foundation, 23 February 2005 – Volume VI, Issue 8; Memorial)



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40. On 18 January 2005, at 3 a.m. unidentified armed people in masks and grey camouflage, allegedly federal servicemen, broke into the Isayevs' house in the village Chechen-Aul, Kirov Street 34. Having beaten all family members, they took the 20 year old Saikhan Isayev, disabled since childhood, with them. The servicemen came on four-door "Taiga" vehicle and UAZ-469-«tablet» and spoke unaccented Russian. (International Helsinki Federation for Human Rights, 30 March 2005)
41. On 14-16 January 2005, in the Chechen village of Zumsoi, Itum-Kalinsky district of Chechnya, a military operation, which involved shelling of the settlement, was carried out. On 14 January, the village was subjected to aerial attack, as a result, one household (of Akhmud Tamaev) was levelled to ground, and several other houses were seriously damaged. The same day, the troops descended from helicopters. Before the servicemen landed, the helicopters subjected the village to rocket and machinegun fire, regardless of the fact that there were no combatants in the village and no one resisted the attack. In the village the military servicemen carried out a mop-up operation with looting, destruction of property and abductions of civilians. Late at night of 14 January the servicemen detained a local resident Shirvani Nasipov (b.1956). In the morning of 15 January two other men and a teenage boy were kidnapped: Vakha Mukhaev (b.1955), Magomed Emin Ibishev, aged 30, Atabi Mukhaev, 15 years old (son of Mukhaev). (From the Conflict Zone, Memorial, January 2005)
42. On 11 January 2005, early in the morning after 7 a.m. in the village of Argun armed military servicemen abducted Elikh Abdurakhmanov (b. 1952), resident of Karla Marksa street. (From the Conflict Zone, Memorial, January 2005)
43. On 2 January 2005, at about 4 p.m. in the village of Proletarskoje, Groznensky (Selsky) district of Chechnya, unidentified representatives of Chechen power structures, who arrived by over 10 UAZ cars abducted Zaurbek Gaziev (b.1981). At the moment of kidnapping the military servicemen heavily injured Gaziev, his wife Lina Markhieva, wounded year and half old Gaziev's daughter and intimidated another daughter, aged 2,5 years. (From the Conflict Zone, Memorial, January 2005; Open Letter by the IHF, 12 January 2005)
44. On 27 December 2004, at about 3 a.m., a large group of armed men, all of whom spoke unaccented Russian and came on a white Gazel minivan and an UAZ jeep, abducted Salambek Alapaev (b. 1982) from his house in Sernodovsk on Demiana Bednogo Street. (Human Rights Watch, March 2005)
45. On 21 December 2004, Chechen OMON police units carried out a special operation in the women's training centre «Iman» (82 Vinogradniy Str., Grozny), which resulted in the death of Isa Sakayev (b. 1975), a native of the Belgatoy village (Shali district). (International Helsinki Federation for Human Rights, 30 March 2005)
46. On 3 December 2004, unknown representatives of enforcement agencies, apparently were federal military servicemen, abducted the disabled Rasul Mukaev (b. 1979) from his village of Duba-Yurt, Shali district. (International Helsinki Federation for Human Rights, 30 March 2005; Human Rights Watch, March 2005)
47. On 27 November 2004 early morning, in the village Mesker-Yurt of the Shalinsky district the personnel of one of the republican security agencies broke into the house of Supyan Ekiev and kidnapped him. In the evening of the same day from the house of Ekiev were kidnapped his mother Jisma Ekiev and his wife Petmat Ekiev (b.1982). On 2 December 2004, at the outskirts of Grozny the corpse of Supyan Ekiev, heavily distorted by torture, was found. His mother and wife were released 15 days later. (From the Conflict Zone, Memorial, 17.03.2005)
48. On 26 November 2004, at about 1 p.m., on the Lenin Street of Germenchuk, Shali

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district, two people were shot dead: police colonel Rizvan Abzatov (b. 1963) and his employee Khabib Guduev (b. 1980). Since the killers were unmasked, several witnesses could recognize one of them. He turned out to be Salambek Mezhidov, officer of the Security Service of the President of the Chechen Republic. Later, the identity of the three other killers was also established: Ruslan Ikiev (also a "Kadyrovets") and two alleged criminals wanted by police, Rizvan Osmaev and Alvi Tasuev. (International Helsinki Federation, 30 March 2005)

49. On 25 November 2004 at about 9 p.m. unknown armed people in camouflage and masks abducted Ramzan Edilbekov (b. 1950) from his residence at Grozny, 9 Olimpiysky proezd, apt 17. After 24 hours of detention and torture Ramzan Edilbekov was released. His son was told that the prosecutor's office initiated a criminal case on the abduction. (International Helsinki Federation, 30 March 2005)

50. On 18 November 2004, Sultan Aliev (b. 1977), resident of 51 Kirov St. apt 53, was abducted from the yard of a large residential building in the Grozny district '1st Microrayon' by four camouflaged people without masks. According to information from the HRC Memorial, Sultan Aliev was set free on the 21st day after his abduction. He was kept in an unofficial "prison" and tortured. (International Helsinki Federation, 30 March 2005)

51. According to HRC Memorial, on 19 November 2004 at 2 a.m., at 17 Kirov Street, 22-year-old Zaur Khadisov was illegally detained by a group of armed masked camouflaged persons wearing black spotted uniform. Zaur's father managed to follow the column of cars with soldiers (four VAZ-21099, a steel-coloured Niva and a Jeep Landcruiser) to the 'RTS Microrayon', where power structures are located (patrol service, OMON). (International Helsinki Federation, 30 March 2005)

52. On 14 November 2004, in the village Alleroj, Kurchaloy district of Chechnya, the personnel of Kadyrov security service kidnapped Khasmagomed Nasurov, two of his sons, and Ramzan Maskhadov. On 26 November, the father and the sons Nasurov were released. Ramzan Maskhadov has not returned. (From the Conflict Zone, Memorial, 17.03.2005)

53. Between 9 and 10 November 2004, at about 3 a.m., unknown armed persons in masks abducted Mamed Akhmadov (b. 1982), citizen of Grozny, who spent the night in the house of his relatives, the Dzhauev family in Grozny, 112 Lermontov Street. (International Helsinki Federation, 30 March 2005)

54. In the night of 6 to 7 November 2004, two local residents Bodrudi Kantaev (b. 1964) and Adam Demelkhanov (b. 1983) were abducted from the village of Starye Atagi, Grozny Rural district of the Chechen Republic, by unknown representatives of the law enforcement agencies. In both cases the masked and camouflaged kidnappers, speaking predominantly Russian, arrived in armoured personnel carriers, being apparently federal military troops. (International Helsinki Federation for Human Rights, 30 March 2005; Human Rights Watch, March 2005)

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

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

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Watch, March 2005)

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

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

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

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

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

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

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

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

65. On 2 August 2004, in the Mikenskaya village of the Naursky district of Chechnya, unidentified persons in camouflage uniform speaking Chechen kidnapped Zaira Magomadova (b.1981), a resident of 26 Shkolnaya Street. The military servicemen explained that they were the personnel of the republican security service - “kadyrovtsy”, that her daughter was taken to

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Khose-Yurt (Tsentaroy) and promised to release her the following day. (From the Conflict Zone, Memorial, 17.03.2005)

66. At night on 30 July 2004, at about 2 a.m. armed 'kadyrovtsy' broke into the house of Kagermanov family, residents of Chaikina Street, in the city of Gudermes and abducted 55 year old Adam Kagermanov. In August 2005 Kagermanov was released. He was in Tsentaroy prison of "kadyrovtsy". (From the Conflict Zone, Memorial, 17.03.2005)

67. At about 5 a.m. on 4 July 2004, a group of camouflaged, armed and masked men burst into the family home of Aslan Tazurkaev, 3 Ordzhonikidze Street, in the village of Novye Atagi and abducted him. Tazurkaev's relatives followed the abductors' vehicles and saw them entering a military base near the village, located at an abandoned grain milling complex known to locals as "the mill", where the Federal Security Service and military intelligence units are based along with regular Ministry of Defense troops. At the relatives' request, the prosecutor's office in Shali opened a criminal investigation into Tazurkaev's abduction (case no. 36084). On 1 December 2004, the case was handed over to the military prosecutor's office attached to military unit no. 20116, based in Shali district. (Human Rights Watch, March 2005)

68. Adlan Ilaev (b.1987), Inver Ilaev (b.1982), Rustam Ilaev (b.1974), and Kazbek Bataev (b.1983) have been abducted at around 4 a.m. on 4 July 2004 from house of Inver Ilaev, in the village of Assinovskaia by about twenty soldiers in camouflage uniforms who came in the APCs and spoke Russian without accent. Unofficial sources told the family that the operation had been carried out by "military intelligence unit no. 12", stationed in Achkhoy-Martan. (Human Rights Watch, March 2005; International Helsinki Federation, 1 June 2005)

69. On the evening of 24 June 2004, Sukhrat Tokhtarov (b. 1981) was abducted while walking back to his house, 100 Nagornaia Street, in the village of Staryi Atagi. (Human Rights Watch, March 2005)

70. At about 3 a.m. on 23 June 2004, about thirty soldiers, who arrived in an APC, an Ural truck and a so-called tabletka minivan, burst into the home of the Dzhabrailov family at 46 Kooperativnaia Street in the village of Samashki. The soldiers, according to the witnesses, spoke Russian without an accent. The soldiers abducted Abdulkhamid Dzhabrailov. Less than a month after Abdulkhamid Dzhabrailov's detention, his nephew, Ruslan Dzhabrailov, was also "disappeared" on 10 August 2004 together with his friend, Adam Khamzatov. (Human Rights Watch, March 2005)

71. On 13 June 2004, Yusup Baragev (b. 1985), a resident of the village of Novye Atagi, was shot by masked, armed men taken away by soldiers. The prosecutor's office in Shali opened a criminal investigation (case no. 36088). (Human Rights Watch, March 2005)

72. At about 5 p.m. on 1 June 2004, nine cars arrived at the Sarali Seriev family home at 41 Kirov Street in the village of Belgatoy and abducted him. The Shali prosecutor's office opened a criminal investigation into the abduction (case no. 36076). (Human Rights Watch, March 2005)

73. On 28 March 2004, in the Sleptsovsk village of the Sunzhensky district of the Republic of Ingushetia a group of armed men broke into the house of Gelagaev family. At the moment of the assault the head of the family, Alkhazur Gelagaev, was not at home. Armed men, who spoke Chechen and Russian languages, demanded that Alkhazur's wife Iman Khaletova, told them the address of her husband's brother Taus Gelagaev. When the woman said that she knew nothing about the whereabouts of her brother-in-law, the military men threw her on the floor, kicked her with boots, and then threatening to kill her took out a knife and cut skin on her forehead and chest. Having grasped the baby they put the knife to his throat and told Iman that they would cut if she doesn't tell them where Gelagaev was. Torture was stopped by one of the

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men, who said in Russian "No victims here!" Then the unidentified servicemen left. (From the Conflict Zone, Memorial, 17.03.2005)

74. On 25 March 2004, Murad Maaev (b. 1983) abducted in Starye Atagi. One other person, who was also detained in the village that night but released two days later, said that he had been held at a military base located at the abandoned grain milling complex ("the mill") near the village and that he had seen Maaev there. (Human Rights Watch, March 2005)

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

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

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

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

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

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

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



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of the local branch of the 'United Russia' party. Later, in July 2005 Kommersant disclosed that the group of fighters from the Vostok battalion which entered the village was commanded by Khamzat Gayrbekov (aka Boroda, "Beard"), intelligence chief of the battalion.

### II. Alleged hostage-takings

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

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

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

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

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

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

88. On 28 March, Usam Kadaev (b.1945), was reportedly detained by Russian armed forces in the village of Kataiama, Staropromyslovskii district. An alleged reason for the detention is claims that his 22-year-old son, Ismail Kadaev, is hiding from the authorities.



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(Memorial, Chronicle of Violence, May 2005; Amnesty International, 1 July 2005, EUR 46/029/2005)

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

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

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

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

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

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

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

95. Reportedly, Yakub Magomadov, brother of Aiubkhan Magomadov, and his family who appealed to the European Court of Human Rights in 2001 had been threatened on a number of

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

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

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

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

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

1. On 24 March 2005 security forces carried out a passport check in the area of the Ingush town of Nazran known as Kamaz centre. At 9 a.m. the next morning, 25 March, a group of armed men who came in two 'Gazel' minibuses without registration numbers abducted Vakhia Matuev. (Amnesty International, 30 September 2005, EUR 46/039/2005)

2. On 12 July 2005, Adam Albogachiyev (b.1983), the resident of the Ali-Yurt village in Ingushetia, was abducted by several armed men in masks. (Prague Watchdog, 13 July 2005)

3. On 27 May 2005, the resident of Nasyr-Kort, Sovetskaya Street 63, Nazran, Ibragim Dzaurov, was abducted from his house by a large group of soldiers and policemen who approached the house in three armoured troop-carriers, three Gazelle micro-buses, one UAZ (Tabletka) and a VAZ-21099. (Open Letter by the IHF, 2 June 2005)

4. On 23 May 2005, in the Plievo district of the city of Nazran (Ingushetia) armed camouflaged and wearing masks men, who came on several cars and APC, abducted Adam Alambekovich Gorchkhanov (b.1968). The servicemen severely beat Adam and his brother Bashir, searched the house. They declared finding two guns but no witnesses were invited to certify (the search was filmed on a video camera). The abductors allegedly belonged to the North Caucasus Operative Department of the Russian Federation Federal Security Service. To note, on 9 February 2005, Adam Ibragimovich Gorchkhanov (b.1976), cousin of Adam Alambekovich Gorchkhanov, was also abducted. According to some sources he was kept in the temporary detention facility of the Ingush Ministry of Interior in Vladikavkaz. (Memorial, 29.05.2005; Amnesty International, 1 July 2005, EUR 46/029/2005; Novaya Gazeta, No.40/2005, 6 June 2005)

5. On 1 April 2005, at 3.30 p.m., in the village of Malgobek, North Ossetia, members of an unidentified armed structure abducted Hassan Egiev (b. 1978), residing 65, Kievskaya street. Hassan was in custody in a detention facility in Vladikavkaz (North Ossetia). During the interrogation, he was ill-treated and tortured. The lawyer filed a complaint on the ill-treatment

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and torture of his client with the Deputy Prosecutor General of the Russian Federation, N.I. Shepel, the head of the Prosecutor General's Department for the Northern Caucasus, N.Z. Khazikov, and the Prosecutor of North Ossetia, A.A. Bigulov. (International Helsinki Federation, 2 June 2005)

6. On 22 March 2005, Osman Bogatyrev, resident of Ingushetia, disappeared in Nalchik, capital of Kabardino-Balkaria. Via unofficial channels, the family got the information that he was arrested by members of law enforcement structures and was detained in the FSB premises in Nalchik. The lawyer hired by relatives stated that Osman Bogatyrev was subjected to ill-treatment – he was beaten several times - and torture. (International Helsinki Federation, 2 June 2005)

7. On 2 October 2004, four armed persons in a UAZ car arrived at Khamkhoev's house in the Mayskoe village and abducted Magomed Khamkhoev (b.1980). Magomed was taken to the woods in the area of the so-called Lysaya Gora, where he was taken out of the car and beaten with feet, hands and a gun-butt. Khamkhoev was hospitalized in the Nazran hospital in a bad condition with the following diagnosis: closed brain wound, brain concussion, closed stomach wound, multiple wounds of soft tissues, head, spine, hands, and feet. (International Helsinki Federation, 2 June 2005)

8. On 23 September 2004, Aslan Inalov (b. 1977) "disappeared". Through unofficial contacts in the local branch of Federal Security Service in Magas, Ingushetia, Inalov's relatives found out that on the night of 23 September 2004, Inalov had been detained on his way to Sernovodsk at a mobile checkpoint, and that the soldiers had then delivered him to the main Kavkaz checkpoint on the main road from Ingushetia to Chechnya. The relatives also managed to learn that for the first two months after his detention, Inalov was held by the Federal Security Service in Magas, and then transferred to the Federal Security Service in Grozny on 12 November 2004. (Human Rights Watch Briefing Paper, March 2005).

9. On 3 September 2004, three cars with around a dozen camouflaged, armed and masked persons abducted Alaudi Khashiev (b.1974) in Nesterovskaya (Sunzha District, Ingushetia). (International Helsinki Federation, 2 June 2005).

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

11. On 26 June 2004, the Ingush citizen Bekkhan Lolokhoev (b.1980) was unlawfully detained in the house of his family in the village of Ekazhevo, and carried away in an unknown direction. Bekkhan was severely beaten and tortured with electricity during the detention. Torture was used to extort his confession of participating in the attack of 21-22 June 2004. He was released in several days, but some days after his release, Bekkhan and one of his brothers

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were again detained, this time by the Nazran regional police department (GOVD). Without any explanation they were kept for three days. They were not beaten and the treatment was normal. (International Helsinki Federation, 2 June 2005)

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

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

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

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

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

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### APPENDIX B

New allegations of human rights violations in the Chechen Republic and in territories adjacent to Chechnya brought to the attention of Mr Bindig after the sending of the letter from Mr Bindig to Mr Ustinov, Prosecutor General of the Russian Federation, on 12 October 2005

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

1. On 16 November 2005, three Russian soldiers murdered Djambulat Dushaev, Iusup Usmanov and Khusain Akhmadov in the village of Staraya Sunzha, with the aim of robbing them. (Kommersant, 19 November 2005)
2. In the night of 18 October 2005, masked and camouflaged security service personnel, reportedly Chechen-speaking, took away 65-year-old Salman Arsanukaev and his son Khamzat Arsanukaev, aged 22, from their home in the village Pobedinskoe, and then killed them. In the evening both corpses, with marks of violent death, were found in a hole outside the village. (Memorial, Chronicle of violence, October 2005)
3. On 17 October 2005, in the village of Sernovodsk, Sunzha District, security service personnel abducted 23-year-old Rustam Sidekovich Idrisov and 22-year-old Rizvan Akhmedovich Kushaev from their home on Sovkhoznaya Street. On 19 October, Rustam Idrisov were released. The whereabouts of Rizvan remain unknown. (Memorial, Chronicle of violence, October 2005)
4. On 9 October 2005, in the village of Kurtchaloy Isa Dazaevich Dzhabikhadjiev (b.1955) was kidnapped from his home by unknown armed men. None of the district law-enforcement bodies recognised having been involved in this abduction. (Memorial, Chronicle of violence, October 2005)
5. On 5 October 2005, at 4 a.m. unidentified servicemen in masks abducted Ibragim Shovkhalov (b.1974) from his home on Lenin Street in the village of Mesker-lurt, district Shalinski. In the morning, his body were found in the outskirts of the village of Chechen-Aul. His head was covered with a plastic bag. (Memorial, Chronicle of violence, October 2005)
6. On 2 October 2005, the house at Ivanov Street 37, Grozny, where the Buraev family lived, was surrounded by more than one hundred representatives from the Ministry of Defence, the FSB and the Anti Terrorist Center (ATC) from the Staropromyslovski district of Grozny. They all spoke Chechen. The Commander of the operation did not introduced himself, but was called "Iran" by the others. The servicemen abducted Zarema Buraeva (b.1982) and her two brothers, Ali Buraev (b.1987, school boy) and Baudin Buraev (b.1984), after having beaten the two boys with their feet and their weapons. Since that day the three persons remain "disappeared" (Memorial, Chronicle of violence, October 2005, and Open Letter by the IHF, 26 October 2005).

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

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



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

### APPENDIX C

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

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

5 December 2005

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

#### Appendix I

##### 1. A.

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

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

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

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

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

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

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

In the course of investigations in criminal case no. 12038 the following cases were combined in



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

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

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

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

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

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

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

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

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

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

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

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

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

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

On 3.6.2000, Ms N. Luluyeva, Ms M. Gakayeva, Ms R. Gakayeva, Ms T. Khamirzayeva, Ms A. Elbuzukova and Mr Z. Tazurkayev were detained on ulitsa Mozdokskaya of the Leninskiy district of Grozny. The bodies of the women were discovered on the "Zdorove" estate in

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February 2001. Tazurkayev's whereabouts remain unknown.

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

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

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

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

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

On 2.12.2000 in the Chechen town of Shali A.E. Chimayev disappeared in unexplained circumstances. Chimayev's body was discovered on the "Zdorove" estate in February 2001. On the evening of 10.12.2000 in Alkhan-Yurt village in the Urus-Martan district of the Chechen Republic, a Mr Timarov and two brothers named Riskhnanov were detained and taken to an unknown destination by unidentified armed individuals wearing camouflage uniform. In February 2001 the bodies of all three were discovered, bearing signs of a violent death, on the "Zdorove" estate.

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

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

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

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

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

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

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

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

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

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Abu S. Didishev were detained and driven off to an unknown destination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Yurt on 5.6.2002.

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

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

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

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

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

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

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

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

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

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

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

It has not been established who committed the crime.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

j) On 11.4.2004 the prosecutor's office of the Grozny district of the Chechen Republic instituted Criminal case no. 34046 citing elements of the offence provided for in sub-paragraphs "a" and "r" of Article 126 paragraph 2 and sub-paragraph "ж" of Article 105 paragraph 2 of the Russian

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

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

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

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

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

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

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

B.

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

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

c) Criminal case no. 34/00/0016-04D concerning the abduction of Sh.S-Kh. Akhmadov was instituted on 10.5.2004, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code. The involvement of federal forces servicemen in this crime was not established in the course of investigations, and the criminal case has been transferred to the investigative jurisdiction of the prosecutor's office of the Chechen Republic. On 23.11.2005 the preliminary investigation into the case was reopened.

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



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

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

2.

a) On 17.5.2000, at around 11 am, a group of unidentified servicemen in Russian army uniform and masks blockaded the town of Shali with a large number of armoured personnel carriers and drove in several such carriers to no. 97 ulitsa Suvorova, where the former speaker of the Parliament of the Chechen Republic-Ichkeria, R.Sh. Alikhadzhiyev, was with relatives and friends. The servicemen detained Alikhadzhiyev, Muskhadzhiyev, Dombayev, Dombayev and Basayev, blindfolded them and drove them away to an unknown destination (presumed to be in the town of Argun or the district of Khankala), where they were held in a basement. On 18.5.2000 all of them, apart from R.Sh. Alikhadzhiyev, were driven out in a personnel carrier to a place near the village of Avtury and released. Alikhadzhiyev has disappeared without trace. The Shali district prosecutor's office instituted Criminal case no. 22025 on 27.7.2000, citing elements of the offence provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The prosecutor's office of the Oktyabrskiy district of Grozny instituted Criminal case no. 32035,

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citing elements of the offence provided for in sub-paragraph "b" of Article 105 paragraph 2 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

The preliminary investigation established that on 18.12.2003, at around 4.20 pm, a group of unidentified armed individuals in camouflage uniform forced B.A. Mutsolgov into a car outside house no. 83 in the town of Karabulak and took him away to an unknown destination. On 26.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

m) On 16.3.2004, at around 4.30 pm, in Nazran, T.M. Yandiyev was abducted by persons unknown wearing camouflage uniform and masks and driving Niva and Gazel vehicles. Criminal proceedings have been instituted, citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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illegal armed formation on the territory of the Chechen Republic.  
As a result of these checks, the opening of a criminal case was refused.

u) see point 1.A.g

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

Criminal proceedings were instituted citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code.  
On 19.6.2004 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

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

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

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

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

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

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

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

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

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

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

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

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



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

aa) see point 1. A. i.

bb) On 11 and 12.3.2001 in the town of Argun in the Chechen Republic persons unknown seized A-V.S. Yashurkayev, A.B. Gayrbekov, A.M. Tovzarkhanov, M. Batsiyev, R. Viskhadzhiyev and S.M. Dikiyev and drove them away to an unknown destination. The Argun joint district prosecutor's office instituted criminal case no. 45031 on 23.3.2001, citing elements of the offence provided for in Article 126 paragraph 2 sub-paragraphs "a" and "ж" of the Russian Federation Criminal Code. In the course of the criminal case investigation it was established that A.B. Gayrbekov, A.M. Tovzarkhanov and M.U. Batsiyev were killed in unexplained circumstances. Their bodies were discovered with multiple gunshot wounds on 13.3.2001 in Khankala. The military prosecutor's office for military unit 20102 instituted and investigated Criminal case no. 14/33/0132-01 in connection with the discovery of these bodies, citing elements of the offence provided for in sub-paragraph "a" of Article 105 paragraph 2 of the Russian Federation Criminal Code. Given that the abduction of Argun residents and the killing of the aforementioned individuals are interconnected, in order to ensure an all-round, full investigation of the circumstances, Criminal case no. 45031 was transferred in May 2001 to the investigative jurisdiction of the military prosecutor's office for the aforementioned military unit in Khankala. No information is available concerning intimidation of L. Sadulayeva in the carrying out of investigative activities in case no. 45031 concerning the death of Sh.S-Kh. Akhmadov.

cc) see point 1 A. j.

dd) see point 1 A. k.

ee) see point 1. B. d.

ff) On 25.1.2004, at around 2 pm, persons unknown wearing camouflage uniform and masks and armed with automatic weapons snatched E.A. Gaytamirova, born 1973, from ulitsa Budennogo in Gekhi village in the Urus-Martan district of the Chechen Republic. The Urus-Martan district prosecutor's office instituted Criminal case no. 37007 on 25.1.2004, citing elements of the offence provided for in Article 126 paragraph 2 of the Russian Federation Criminal Code. E.A. Gaytamirova has now returned home after her abduction, which is confirmed by the record of her interview on 9.9.2004 and the application requesting closure of the criminal case opened in connection with her abduction. On 28.9.2004 the criminal case was dismissed on grounds of Article 27 paragraph 1 sub-paragraph 2 and Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure and also the explanatory note to Article 126 of the Russian Federation Criminal Code.

gg) The prosecutor's office of the Ingush Republic instituted criminal proceedings on 26.3.2004, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code concerning the firing of shots from an unidentified helicopter at a car carrying M.R. Khamkhoyev, A.Z. Khashagulgov, I.Kh. Khashagulgov and M.M. Chaniyeva. M.R. Khamkhoyev died at the scene as a result of the wounds received. The Khashagulgovs received gunshot wounds of varying gravity. The criminal case is being dealt with by the Chief Directorate of the Southern Federal region. The preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.



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### Appendix II

I.

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

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

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

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

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

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

The information provided is now being checked.

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

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

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

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

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

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

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

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

The information provided is now being checked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Vladikavkaz in the Republic of North Ossetiya-Alaniya.

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

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

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

The Shelkovskoy district prosecutor's office instituted Criminal case no. 51049 on 16.7.2005. In the course of the preliminary investigation it was established that on 17.7.2005 A.N. Semenenko died in the committing of a terrorist act in Znamenskoye village in the Nadterechnyy district of the Chechen Republic. The investigation in the case is ongoing.

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

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

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

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

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

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

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

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

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

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the Russian Federation Criminal Code.

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

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

21. On 4.7.2005, during the day-time, close to Buraloy, A-A.A Yangulbayev, head of administration in Zumsoy village in the Itum-Kalinskiy district was killed by unidentified individuals wearing camouflage uniform and carrying automatic weapons. Operations on the spot were directed by an investigation and operations group consisting of staff from the Itum-Kalinskiy temporary internal affairs department and district department of internal affairs, as well as the Itum-Kalinskiy district military command. When the investigation and operations group arrived at the scene of the crime, it was ambushed and attacked with grenade launchers and machine-gun fire, which resulted in the deaths of private V.S. Gromov of the military command and M.M. Takayev of the Itum-Kalinskiy district department of internal affairs; R.M. Imadayev, of the guard post patrol of the district department of internal affairs, was wounded. The Shatoy joint district prosecutor's office instituted Criminal case no. 57005 on 4.7.2005, citing elements of the crime provided for in Article 105 paragraph 1 and Article 317 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

28. Following checks on the circumstances of the abduction of M.Kh. Kutsayev on 5.6.2005, the prosecutor's office of the Kurchaloyevsky district of the Chechen Republic took a decision on 22.7.2005 not to open a criminal case on grounds of Article 24 paragraph 1 sub-paragraph 1 of the Russian Federation Code of Criminal Procedure, as Kutsayev had not been abducted by anyone and was at home.

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

It was decided not to open a criminal case.

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

31. On 1.6.2005, at around 4 am, about 10 unidentified armed individuals wearing camouflage uniform and masks, driving UAZ and VAZ-2121 vehicles, took A.U. Dukushev and A.-S.S.



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Khazuyev from a house in Urd-Yukhoy village in the Shatoy district of the Chechen Republic and drove them off to an unknown destination. During the night of 2 June 2005 they were set free close to the village of Vashendaroy.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

38. see point I A.g

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

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

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

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

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

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

Criminal case no. 58002 was opened on 20.1.2005, citing elements of the offence provided for

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in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code. It has not been possible to establish E.S. Abdurakhmanov's whereabouts or identify the perpetrators of the crime. On 20.5.2005 the preliminary investigation in the criminal case was suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

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

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

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

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

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

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

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

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

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

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

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

48. On 26.11.2004, at around 1 pm, in the house at no. 92 ulitsa A. Kadyrova, in Germenchuk

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village in the Shali district of the Chechen Republic 3 unidentified individuals armed with automatic weapons killed the head of the 5th joint district department of ORB-2 section of the Chief Directorate of the Russian Federation Ministry of Internal Affairs for the Southern Federal Region, militia colonel R.R. Abzatov, and an officer-in-charge of operations from the same department, Kh.A. Guduyev.

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

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

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

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

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

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

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

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

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

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

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

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

54. Material concerning the abduction of residents of the village of Starye Atagi in the Grozny district (B.Kh. Kantayev, A.A. Demelkhanov and A.B. Gadayev) was sent to the military prosecutor's office for military unit 20102. The opening of a criminal case was refused on

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grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

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

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

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

56. Criminal case no. 34117 was instituted by the prosecutor's office of the Grozny district of the Chechen Republic on 28.11.2004, citing elements of the offence provided for in sub-paragraphs "a" and "r" of Article 126 paragraph 2 of the Russian Federation Criminal Code. On 22.10.2004, at around midday, A.Yu. Bayzatov was abducted from the area of the market in the centre of Gikalo village in the Grozny district by unidentified individuals wearing camouflage uniforms and armed with automatic weapons, driving two VAZ-2107 vehicles.

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

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

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

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

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

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

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

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

On 6.10.2004, at 4 am, 10 unidentified armed individuals wearing camouflage uniform and masks burst into the Akhyadov household at no. 31 ulitsa Lugovoy in Vedeno village in the Vedenskiy district of the Chechen Republic and forcefully took B.L.-A. Akhyadova, born 1981,

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out into the street and drove her off to an unknown destination. Her whereabouts remain unknown.

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

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

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

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

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

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

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

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

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

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

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

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

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

64. Criminal case no. 49003 was instituted by the Achkhoy-Martani joint district prosecutor's



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office on 17.8.2004, citing elements of the crime provided for in sub-paragraph "a" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On 24.6.2004, at around 3 am, in Samashki village in the Achkhoy-Martan of the Chechen



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Republic about 15 unidentified individuals armed with automatic weapons and wearing camouflage uniform and masks, driving an Ural vehicle and an APC, abducted M.A. Zhabrailov, born 1957, from the house at no. 46 ulitsa Kooperativnaya. His whereabouts remain unknown. The preliminary investigation in the criminal case was suspended on 8.10.2004 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

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

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

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

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

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

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

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

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

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

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

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

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

On 18.3.2004 during operational search measures as part of the "whirlwind anti-terror" operation, staff of the Naursk district FSB criminal investigation department, the heliborne detachment of the Chechen state security council and the Russian Federation Ministry of Internal Affairs, the Naursk district department of internal affairs and also Russian Federation internal affairs troops of special battalion 231 detained T.R. Khambulatov and took him to the Naursk district department of internal affairs, where he died in the office of the criminal

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investigation department. According to the conclusions of the forensic examination on 26.4.2004 T.R. Khambulatov died as a result of secondary cardiomyopathy, complicated by lung and heart failure. The opening of criminal proceedings in respect of staff of the Naursk district FSB criminal investigation department and also the Russian Federation internal affairs troops of special battalion 231 was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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83. On 11.5.2005, at 6.30 am, 10 unidentified individuals wearing camouflage uniform and armed with automatic weapons, took Kh.Kh. Sadulayev and A.Kh. Sadulayev away from building no. 57/68 ulitsa Burikov in the Oktyabrskiy district of Grozny. After checks on whether they were involved in an illegal armed formation, they were released and taken home. No physical or psychological violence was used against them. Checks were carried out in accordance with Articles 144 and 145 of the Russian Federation Code of Criminal Procedure, as a result of which the opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

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

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

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

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

When questioned on 18.8.2005 N.Kh. Khumadova explained that on 11.8.2005 unmasked armed men had burst into the house and asked her to come with them. She did not know where she had been taken, nor where she had been held as she had spent the whole time in closed surroundings. She had been questioned about her brother, Doka Umarov. No one had used any physical or psychological violence against her. In her statement N.Kh. Khumadova said that she had been released voluntarily without any preconditions being imposed. The opening of a criminal case was refused on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Grozny district prosecutor's office instituted Criminal case no. 44003 on 27.1.2005, citing

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elements of the offence provided for in sub-paragraphs "a" and "r" of Article 126 paragraph 2 of the Russian Federation Criminal Code.

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

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

III.

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

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

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

94. see point 32

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

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

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

97. See point 1 B.a).

### Appendix III

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

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

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

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

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



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

6. No reports concerning the abduction or disappearance of Osman Bogatyrev have been received by the law enforcement agencies of the Republic of Kabardino-Balkariya. This person has not been held by the Directorate of the Russian Federation FSB for that Republic, nor has he been placed in a temporary detention facility of the Republic's Ministry of Internal Affairs or in a pre-trial detention facility of the RF Ministry of Justice for that Republic. The Directorate of the Russian Federation FSB for the Republic of Kabardino-Balkariya does not have a departmental pre-trial detention facility on the territory of the Republic.

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

8. The prosecutor's office of the Sunzhenskiy district of the Ingush Republic instituted criminal proceedings on 4.8.2005 concerning the disappearance of A.A. Inalov, citing elements of the offence provided for in Article 105 paragraph 1 of the Russian Federation Criminal Code. At present the preliminary investigation has been suspended on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

9. The prosecutor's office of the Sunzhenskiy district of the Ingush Republic has instituted Criminal case no. 04600061 concerning the abduction of A.I. Khashiyev, citing elements of the offence provided for in Article 126 paragraph 1 of the Russian Federation Criminal Code. The preliminary investigation was suspended on 9.2.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Criminal Code.

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

11. Criminal case no. 04500027 has been instituted concerning the unlawful seizure and detention of B. Lolokhoyev, citing elements of the offence provided for in sub-paragraph "a" of Article 286 paragraph 3 of the Russian Federation Criminal Code. The preliminary investigation was suspended on 27.6.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.

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

Criminal proceedings were instituted, citing elements of the offence provided for in Article 286 paragraph 3 sub-paragraph "b" of the Russian Federation Criminal Code. The investigation was suspended on 24.4.2005 on grounds provided for in sub-paragraph 1 of Article 208 paragraph 1 of the Russian Federation Code of Criminal Procedure.



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

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

15. On 2.3.2004, during an operation to detain a member of an illegal armed formation, A.Kh. Shamsadov (Basnukayev), two persons who happened to be in the vicinity, I.Kh. Khazbiyev and M.I. Khazbiyeva, received bullet wounds, from which Ms Khazbiyeva died. Criminal case no. 04560040 was instituted, citing elements of the offence provided for in sub-paragraph "e" of Article 105 paragraph 2 of the Russian Federation Criminal Code. On 23.9.2004 the criminal case was sent to the military prosecutor of the North Caucasus military district for further investigation.

### Section "B" for Appendix I

Information on the progress and results of criminal investigations on the territory of the Chechen Republic regarding authorities of the military prosecutor's office

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

a) Criminal case no. 34/35/0172-02 concerning the abduction of S-M.U. Imakayev was instituted on 28.6.2002, citing elements of the offence provided for in sub-paragraph "a", "r" and "ж" of Article 126 paragraph 2 of the Russian Federation Criminal Code. 12.9.2003 the case went for further investigation to the Chief military prosecutor's office, where it was assigned no. 29/00/0015-03.

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

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

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

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no. 14/33/0132-01. The case was subsequently transferred to the military prosecutor's office for the United Group of Forces (Chechnya) for preliminary investigation, where it was assigned no. 34/00/0010-04.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39. Concerning the deaths of Kh.S-Kh. Taramov, K. Apayev, Kh-B. Ozdamirov, A. Musikhanov and A. Makhmirzayev at checkpoint 93 (between the villages of Kurchaloy and Geldagan) on 18.2.2005, the military prosecutor's office for military unit 20102 instituted Criminal case no. 34/33/0048-05 on 21.2.2005, which was subsequently transferred to the military prosecutor's office for the United Group of Forces (Chechnya), where it was assigned no. 34/00/0005-05. On 21.4.2005 the criminal case was dismissed on grounds of Article 24 paragraph 1 sub-paragraph 2 of the Russian Federation Code of Criminal Procedure.

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

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

A criminal case was instituted on the same day and transferred to the military prosecutor's office for the United Group of Forces (Chechnya), where it was assigned no. 34/00/0013-05. In the course of the preliminary investigation it was established that the commander of one of the sub-units of military unit 44822 (North Caucasus military district, Khankala village, Chechen Republic) exceeded his authority by blockading the village of Borozdinovskaya and, with the use of arms and special means, gathering the village's male population near the school, where they were held for about 6 hours, while searches were carried out in individual households. He was found guilty by Grozny garrison military court of the offences provided for in sub-paragraphs "a" and "b" of Article 286 paragraph 3 of the Russian Federation Criminal Code. Investigations are ongoing in the case.

### Statistical data

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

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

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

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

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

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

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

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

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

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

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

In 2004, the law enforcement agencies of the Ingush Republic received 88 allegations and complaints from citizens concerning human rights violations, including 3 regarding unlawful killings, 72 regarding abductions, disappearances, torture and similar, and 13 regarding rapes. After these had been examined, 3 criminal cases were instituted for unlawful killings, 30 for abductions, and 3 for rapes.

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

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

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

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

\* \* \*

Reporting committee: Committee on Legal Affairs and Human Rights

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

Draft resolution and draft recommendation adopted by the Committee on 13 December 2005

## Appendix 20

with 16 votes in favour, 4 votes against and 3 abstentions, and 12 votes in favour, 6 votes against and 1 abstention, respectively.

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

N.B.: The names of the members who took part in the meeting are printed in bold

Secretariat of the Committee: Mr Drzemczewski, Mr Schirmer, Mrs Clamer, Ms Heurtin

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

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

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

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

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



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5 See The Moscow Times, 28/10/2005.

6 See AFP 21/11/2005 and RFE/RL 21/11/2005.

7 See RFE/RL 18/11/2005 and 21/11/2005.

8 See Chechen Society Newspaper N°25 (63), 23 November 2005.

9 See the case of Isaev v Russia, 24 February 2005.

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

11 See Memorial, Chronicle of violence, October 2005. For other cases, see Appendix.

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

13 See International Helsinki Federation, 30 March 2005.

14 See Memorial, Chronicle of violence, October 2005.

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

16 *ibid.*, page 47.

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

18 For more details on these cases and other cases, see Appendix.

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

20 For details on these cases and other cases, see Appendix.

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

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

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

24 A report of the International Helsinki Federation, released on 15 September 2004, mentions that some of the organisations that represent applicants from Chechnya before the ECHR, namely Memorial, European Human Rights Advocacy Centre, and Chechnya Justice Initiative, have reported incidents aimed at some of their clients. In letters to the ECHR they mention 13



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cases, with a total of 29 counts of abuse, in which different applicants have been persecuted in connection with their search for justice. All in all, the cases of persecution of ECHR applicants include both verbal and written threats, sometimes against other family members. In one case an applicant lost his job. In two cases, soldiers illegally searched an applicant's house. At least one of the applicants was robbed. In four cases, applicants were beaten. In one case, the applicant went into hiding. In at least two cases the applicants are considering withdrawing their applications to the courts. Two formally withdrew their applications. Federal forces are believed to be involved in all of these cases. The organisations representing the applicants claim that notifications about incidents from the ECHR to the Russian authorities have had a positive effect in some cases, easing the pressure on individual applicants and their families.

25 Memorial, 25 May 2005.

26 This case concerns the illegal detention and enforced “disappearance” by federal forces of four residents of Novye Atagi on 2 June 2002, including Aslambek Utsaev’s son, Islam Aslambekovich Utsaev.

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

28 See Appendix.

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

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

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

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

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

34 As this decision was not appealed by the Justice Ministry within the 10 days period, in which

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this would have been possible, the judgment is final. See International Helsinki Federation, "Legal Harassment Against the Russian-Chechen Friendship Society. An Update", 29 November 2005.

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

36 See The Moscow Times, 24/11/2005.

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

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

39 See International Helsinki Federation, Open Letter of 10 November 2005.

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

41 Ibid.

42 For other cases of human rights abuses in Ingushetia, see Appendix.

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

44 See Human Rights Watch, "Russia: Suspects in Caucasus Attack Ill-Treated", 18 November 2005.

45 Ibid.

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

47 See AFP, 08/11/2005.

48 Newsweek 28 November 2005

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

50 For instance, during a State Duma's hearing in November 2004, the Russian Federation Prosecutor General Mr Ustinov suggested that "detaining terrorists' relatives during a terror attack would certainly help us save people", and urged parliament to consider the issue as they revise the law on terrorism. In response, Duma speaker Boris Gryzlov said Russia's parliament is prepared to consider an amendment to the existing law on terrorism to allow the possibility of

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federal forces taking hostages in the case of a terrorist attack. Moscow News, [www.moscownews.com](http://www.moscownews.com).

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

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

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

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

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

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

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

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

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

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

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

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anything” about Chechnya.

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc05/edoc10774.htm>

Accessed 2-27-06

## ЗАЯВЛЕНИЕ О ПРЕСТУПЛЕНИИ

Я, Израйлов Шарпудди (Али) Эльфирович, 1956 г.р., стал жертвой длительного незаконного задержания, применения пыток и разных видов жестокого обращения со стороны сотрудников Службы Безопасности Президента Чеченской Республики (СБ) и Анти-Террористического Центра Чеченской Республики (АТЦ). Я также являюсь жертвой незаконной конфискации большой суммы денег сотрудниками Службы Безопасности. Ниже я кратко излагаю события, связанные с нарушениями моих прав. Я прошу Вас возбудить уголовное дело по этим преступлениям в соответствии со статьями 140, 141, 144 и 145 Уголовно-Процессуального кодекса и признать меня потерпевшим в соответствии со ст. 42 УПК.

Моя семья состоит из шести человек: жена, Шовде Висханова, сын Майрбек (1991 г.р.), дочери Марха (1996 г.р.) и Медни (1997 г.р.). У меня также есть сын от первого брака, Умар (Алихан) (1981 г.р.). Умар рос с матерью, а после ее смерти, с бабушкой в Мескер-Юрте. В начале второго чеченского конфликта мой сын Умар был связан с боевиками.

Весной 2003 года я узнал, что мой сын Умар был схвачен. В конце апреля 2003, кто-то из местных сотрудников СБ анонимно передал мне записку от сына. В записке сын мне сообщал, что задержан и находится в Центорое. Примерно шесть недель спустя, были отпущены два его сослуживца, с которыми он ранее был задержан, но моего сына не отпустили. Потом я узнал, что моего сына заставили вступить в СБ и он работает в охране Рамзана Кадырова. Я начал его разыскивать и встретился с ним, когда он приехал с Кадыровым в боксерский клуб в Гудермесе. Весной 2004 г. Рамзан Кадыров назначил Умара (или Алихана, как кадыровцы его знали) на должность командующего местным отрядом в селе Мескер-Юрт. Больше не желая работать у Кадырова, он покинул Россию 9 ноября 2004 г.

27 ноября 2004, через две недели после его отъезда, его сослуживец, Саид-Эми Исмаилов (известный под кличкой Разведчик, а по паспорту Сергей Исмаилов) заехал ко мне на работу и сказал что я должен ехать с ним. Когда я сел в машину, моя жена уже сидела там. Перед тем, как заехать за мной, они побывали в моей квартире где поджидали мою жену перед домом. По ее возвращению они сказали что она должна поехать с ними ко мне на работу. До этого они провели обыск в квартире, где все перевернули. Как мы потом узнали, при обыске они забрали сумочку где мы хранили все наши документы и в которой было 178,000 рублей: выручка за продажу участка и личные сбережения. После обыска, они заперли детей в квартире, забрали ключ, посадили жену в машину, и приехали за мной.

Они нас отвезли в Центорой на главную базу СБ. Когда все вышли из машин, я увидел что они также задержали еще одну женщину, Эльза (Яхита) Сагиева, сестра жены сына. На базе, меня сбили с ног, надели наручники, и

поволокли меня по двору – в зад здания, где находился спортзал. В спортзале с меня сняли куртку, туфли, носки, прикрепили наручники об ножку бильярдного стола, и привязали ноги железной проволокой к одному из тренажеров.

Пока я был привязан, меня жестоко избили. Били человек восемь по очереди. Били прикладом по животу, палкой по костям, и пинали ногами по всему телу, а останавливали побои только тогда, когда я терял сознание. Они хотели знать, где находится Алихан. Я постоянно говорил что он в Москве, но тем не менее они продолжали бить меня, задавая все тот же вопрос, хотя избивание продолжалось и потом. В итоге мне выбили три передних зуба, сломали четвертый, а также сломали ребра.

Примерно через полчаса, зашел какой-то сотрудник и заявил что знает что Алихан находится в Польше. Как я потом понял, Рамзан позвонил моему сыну в Польшу и, угрожая ему сказал, что задержал нас и что тот должен возвратиться в Чечню. По всей вероятности они узнали о местонахождении Алихана из сотового телефона, где был сохранен его номер в Польше.

После этого, они еще немного побили меня и потом один из них скомандовал принести какую-то машинку, которая оказалась электрическим генератором, и выглядела как телефон с рукояткой. Они привязали провода на вторые (рядом с большим пальцами) пальцы ранее связанных и разутых ног и включали ток на 2-3 минуты каждый раз. Это было как кошмар! Они увеличивали ток постепенно, вращая рукоятку быстрее, и я чувствовал, будто меня поднимает с пола. Меня кидало об пол от тока и проволока, которой были связаны мои ноги разрывала мне кожу. В результате у меня появились глубокие раны, которые впоследствии начали гнить. От этого остался шрам на левой ноге, между пяткой и косточкой. Они прекращали это, только когда я терял сознание. Перед продолжением пытки, они продолжали бить меня, как прежде, смеясь и матерясь. Через 15 минут (потом) они облили меня шестью ведрами воды, чтобы усилить болевое действие тока. Я чувствовал, как будто бы каждый сустав в моем теле разрывается. Мои мучители наслаждались издевательствами около получаса, пока им это не надоело. Что им надо было еще, ибо они знали все, что их интересовало.

В итоге, меня били и допрашивали более часа. После пыток электрическим током, меня перетащили в угол спортзала, и приковали одной рукой к трубе от батареи и сняли проволоку с ног. Я был весь мокрый, и кровь шла со рта, по лицу и по ногам. После этого меня оставили в покое, только приходили с едой и иногда пускали в туалет. В эту ночь, кадыровцы, включая Рамзана Кадырова, пришли в спортзал и издевались над другими задержанными.

Вечером 30-го ноября в 9-10 часов меня перевели из спортзала в одну из камер, где держали других задержанных. В общей сложности я находился в Центорое четыре дня. За эти дни у меня новостей о жене не было, не знал, или ее отпустили домой, а только предполагал это, потому что ни разу не видел ее во дворе.



На следующий день, 1 декабря 2004, все задержанные в Центорое были переведены из этого помещения. Меня, Эльзу (Яхиту) Сагиеву и еще нескольких человек перевели в Гудермес. Там меня держали в подвале двух-этажного здания в течение почти одиннадцати месяцев. Меня там не трогали но я был свидетелем того, как других задержанных жестоко били.

Яхиту скоро отпустили. Женщины из Новогрозного которых вместе со мной доставили в Гудермес остались там до конца апреля. Они были задержаны так как их родственник был соратником Масхадова. После смерти родственника, их отпустили. 3 мая 2005 привезли четырех новых задержанных, трое братьев Черсиевы и отца главы боевиков Доку Умарова. Они там находились вместе со мной до моего освобождения.

Со временем, я установил контакт с внешним миром. Через примерно 10 дней после прибытия в Гудермес, я сумел послать через освобожденного заключенного вести своей жене о моем местонахождении. Потом я примерно раз в месяц посылал новости таким же образом. Начиная со второй половины марта моя жена регулярно приходила на базу и передавала мне записки, продукты и туалетные принадлежности через охранников. Дважды нам разрешили коротко видиться с женой.

4 октября 2005, в первый день Рамадана, мне объявили, что меня отпускают. Перед тем, как меня отпустили, меня завели на второй этаж. Это был первый раз когда Муслим Ильясов, командир СБ (которую к этому времени переименовали в АТЦ) соизволил персонально говорить со мной. Он сказал мне: "Мы тебя сейчас отпускаем, но ты не можешь рассказывать, где ты был и что видел. Мы тебя отсюда уводим, но официально ничего не было, и нет никаких следов или бумаг." Я спросил насчет денег и документов. Он ответил, что насчет денег он не знает, но документы поищет, и чтобы я вернулся через пару дней за ними. Я возвращался но без успеха.

Месяц спустя я узнал что вооруженные сотрудники СБ/АТЦ опять меня ищут в моем селе Мескер Юрт. Я также получил повестку от Шалинской прокуратуры, с требованием явиться с женой у следователя Кахаева 23 февраля в 10:00 утра. Я поехал сам 23 февраля, но там никого не оказалось и только в следующий понедельник и встретился с Кахаевым. Там я узнал, что информация о моем деле каким-то образом попала в прокуратуру и мой случай был упомянут в докладе Парламентской Ассамблеи Совета Европы (ПАСЕ), а глава российской делегации в ПАСЕ потребовал объяснений от прокуратуры. Поэтому Шалинская прокуратура меня вызвала, чтобы я дал заявление о случившемся. Кахаев попросил меня подписать заявление, что я сбежал в Россию с любовницей, какой-то Машкой, и придумал всю эту историю чтобы скрыть эту выходку. Я понимал, что меня могут убить, если я не подпишу это заявление. Я подписал заявление, кинул ему в лицо и ушел.

Через несколько месяцев после этого я покинул свою родину, так как я понял что моя жизнь и жизни моих родственников под угрозой.

Хочу пояснить что я и мои родственники готовы давать показания российским правоохранительным органам по вышеизложенным обстоятельствам, как в письменном виде так и в устном. Прошу Вас сообщить на нивжеуказанный почтовый ящик если такая необходимость возникнет.

Прошу Вас мне выслать копию постановления принятого по данному заявлению в соответствии со ст. 145 УПК решения в установленный законом срок на почтовый ящик 55, Maplewood, New Jersey 07040, США.

С уважением,

Израилов Ш.



## Appendix 26

*Excerpted from:*

PARTIAL LIST OF PERSONS DETAINED IN THE NORTHERN CAUCASUS ZONE  
CONFLICT ZONE WHO LATER DISSAPEARED IN 1999-2005. THESE PERSONS  
WERE DETAINED BY REPRESENTATIVES OF FEDERAL LAW ENFORCEMENT  
AND SECURITY AGENCIES AND BY THE LOCAL LAW ENFORCEMENT  
AGENCIES UNDER FEDERAL CONTROL.

**Chersiev Adam Sherimbekovich** (born 1952), resident of the village Oktiabrskoe, Groznenskii district, detained and has been missing.

On the night of May 5, in the village Oktiabrskoe, of Groznenskii district, three local residents were abducted by representatives of Republican law-enforcement structures. The abducted persons were the Chersiev's borhers: **Adam Sherimbekovich** (born 1952), **Kureish Sherimbekovich** (born 1954), **Movla Sherimbekovich** (born 1958.) Their relatives managed to follow the cars in which the brothers were taken away. The relatives established that the brothers were taken to the location of the unit of *Vnevedomstvennaia okhrana* (a military unit) on Ujnaia Street in Leninskii district of Grozny (so-called *Neftepolk*.) When the relatives addressed the commander of this unit the latter refused to confirm whether the brothers were detained on the territory of his regiment.

The relatives decided to picket the regiment's headquarters until they receive information concerning whereabouts of the abducted brothers. As a result, the relatives managed to obtain information from the commandment of the regiment confirming the fact of the brothers' abduction.

It was established that they were taken hostage, as one member of this family was a member of an armed group of the Chechen Republic of Ichkeria. The condition of their release was that this fighter must surrender himself to the authorities. As of May 10, relatives of the Chersievs brothers continued to picket the place in order to release the abducted Chersievs brothers.

**Chersiev Kureish Sherimbekovich** (born 1952), resident of the village Oktiabrskoe, Groznenskii district, detained and has been missing.

On the night of May 5, in the village Oktiabrskoe, of Groznenskii district, three local residents were abducted by representatives of Republican law-enforcement structures. The abducted persons were the Chersiev's borhers: **Adam Sherimbekovich** (born 1952), **Kureish Sherimbekovich** (born 1954), **Movla Sherimbekovich** (born 1958.) Their relatives managed to follow the cars in which the brothers were taken away. The relatives established that the brothers were taken to the location of the unit of *Vnevedomstvennaia okhrana* (a military unit) on Ujnaia Street in Leninskii district of Grozny (so-called *Neftepolk*.) When the relatives addressed the commander of this unit the latter refused to confirm whether the brothers were detained on the territory of his regiment.

## Appendix 26

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**Chersiev Movla Sherimbekovich** (born 1952), resident of the village Oktiabrskoe, Groznenskii district, detained and has been missing.

On the night of May 5, in the village Oktiabrskoe, of Groznenskii district, three local residents were abducted by representatives of Republican law-enforcement structures. The abducted persons were the Chersiev's borhers: **Adam Sherimbekovich** (born 1952), **Kureish Sherimbekovich** (born 1954), **Movla Sherimbekovich** (born 1958). Their relatives managed to follow the cars in which the brothers were taken away. The relatives established that the brothers were taken to the location of the unit of *Vnevedomstvennaia okhrana* (a military unit) on Ujnaia Street in Leninskii district of Grozny (so-called *Neftepolk*.) When the relatives addressed the commander of this unit the latter refused to confirm whether the brothers were detained on the territory of his regiment.

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### НЕПОЛНЫЙ СПИСОК ЛИЦ, ЗАДЕРЖАННЫХ ПРЕДСТАВИТЕЛЯМИ ФЕДЕРАЛЬНЫХ И ПОДКОНТРОЛЬНЫХ ИЛИ МЕСТНЫХ СИЛОВЫХ СТРУКТУР В ЗОНЕ ВООРУЖЕННОГО КОНФЛИКТА НА СЕВЕРНОМ КАВКАЗЕ, И ЗАТЕМ ИСЧЕЗНУВШИХ В 1999 - 2005 гг.

В этот список включены люди, задержанные на территории Чеченской Республики и Республики Ингушетия сотрудниками российских силовых структур, а затем "исчезнувшие".

## Appendix 26

Этот список заведомо неполон, хотя он и содержит сведения о примерно 1000 задержанных и "исчезнувших" людях, из которых тела более ста найдены и опознаны, а остальные продолжают числиться "пропавшими без вести". Между тем, российские официальные источники называют существенно большие числа. Отсутствует единое официально признанное число исчезнувших в начале 2005 года представители разных ведомств называли разные значения: 2090 за последние пять лет, 2500 за последние четыре года, 2300 за последние три года... Между тем, более двух лет назад в списках исчезнувших, которые вела рабочая группа правительства Чеченской Республики, числилось свыше 2800 человек, пропавших без вести, в подавляющем большинстве случаев "исчезнувших" после задержания сотрудниками федеральных силовых структур. "Мемориал" - неправительственная организация с ограниченными ресурсами и возможностями, наш мониторинг ситуации с правами человека охватывает от четверти до половины территории Чеченской Республики, и наши сведения заведомо не полны.

Этот список - краткий: в него включены только те, кто после задержания "пропал без вести" для родственников на длительное время (хотя практически каждый задержанный в Чечне "исчезает" на какое-то время после задержания), и только те из "пропавших без вести", о ком мы достоверно знаем, что они были задержаны. Нам чаще всего неизвестна ведомственная принадлежность "вооруженных лиц в камуфляже на бронетехнике", производивших задержание, поэтому мы используем термин "военнослужащие" или "сотрудники федеральных силовых структур".

Мы располагаем сведениями более чем о полутора тысячах случаев "исчезновения" людей, однако в настоящий список включены лишь те, о ком собрана достоверная информация (непосредственно сотрудниками "Мемориала", или же сведения поступили из многих независимых источников, имеются материалы переписки с официальными инстанциями, и т. п.). Поскольку условия нашей работы в зоне вооруженного конфликта в Чечне не позволяют полностью перепроверить все имеющиеся у нас данные, мы включили в список лишь самые бесспорные случаи "исчезновений" - на самом деле их значительно больше.

Этот список краткий еще и потому, что на каждого человека даны только "установочные данные" и краткая справка.

Каждого из них долго искали родственники, обращавшиеся в комендатуры, администрации, райотделы МВД и ФСБ, прокуратуру, в аппарат Специального представителя Президента и т.п. В каждую справку можно было бы добавить историю поисков: длинный список этих обращений и полученных ответов. Чаще всего, поиск был безуспешен - и мы не ставим в конце справки фразу "на такой-то месяц такого-то года не найден", хотя могли бы. Приведены лишь обстоятельства обнаружения тел - для тех, чьи тела найдены.

В последние годы в Чечне находят тела "исчезнувших" или целые захоронения. Все известные ПЦ "Мемориал" опознанные тела из числа найденных в таких захоронениях - будь то обнаруженное в дачном поселке в окрестностях Ханкалы зимой 2001 г., или на границе Ингушетии осенью 2002 г. и т. п. - принадлежат людям, ранее задержанным сотрудниками российских силовых структур. Эти люди также включены в данный список.

Этот список будет пополняться и уточняться по мере поступления новых сведений об исчезнувших людях, о ходе их поиска, по ходу переписки с прокуратурой и иными официальными инстанциями. Мы будем благодарны за любые сведения о пропавших без вести в ходе вооруженного конфликта на Северном Кавказе.

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**Чабдарханов** , место жительства: с. Сельментаузен.

13 августа 2003 г. после того, как на окраине с. Махкеты подорвался БТР, в селе была произведена "зачистка". Военные врываются в дома и избивали их жителей, требуя выдать виновников взрыва. Избили несколько стариков, особенно тяжело Абумуслима Абубакарова, ему сломали несколько ребер. Не щадили даже беременных женщин. Так, например, была избита Мадина Газгириева, которая через несколько дней после этого родила мертвого ребенка. В ходе проверок военные задержали троих мужчин: Султана Абубакарова, Хасана Эльбуздукаева и Ваху Хагаева. При этом они подожгли дом одного из задержанных, в котором в это время находились дети и пожилая женщина. Дом удалось потушить, но дворовые постройки, сарай соседа и торговый ларек спасти не удалось.

Трое задержанных были увезены в неизвестном направлении. На жалобы родственников представители власти ответили им, что задержанные были увезены в г. Моздок, но впоследствии все они были отпущены. Тем не менее, никто из них домой не вернулся.

18 августа была проведена "зачистка" с. Сельментаузен, в ходе которой были увезены в неизвестном направлении четверо местных жителей: Чабдарханов, Мухтар Исаевич Шаипов, Хасан Абуюзидович Мутуев и его сын.

Несмотря на то, что жители сел Сельментаузен и Махкеты в течение нескольких дней проводили митинг у дома Правительства в Грозном и даже перекрывали движение автотранспорта, им не удалось получить информацию о судьбе увезенных военными людей.

**Чагаев Ислам Ахматович**, 1982г.р., место жительства: прож. в с. Старые Атаги Грозненского (сельского) р-на, ул. Х. Нурадилова, д. 97. Чагаев Ислам Ахматович, 1982 г. р., прож. в с. Старые Атаги Грозненского (сельского) р-на, ул. Х. Нурадилова, д. 97; задержан и пропал без вести. Задержан 6 марта 2002 г. сотрудниками федеральных силовых структур в ходе "зачистки" с. Старые Атаги. Когда военные вошли в дом Чагаевых, Ислам пил чай на кухне. Всем мужчинам приказали выйти во двор, где у Ислама и его 67-летнего дяди взяли документы "для проверки на компьютере - проверят и сразу отпустят", как сказали женщинам. Ислама повели к БТРу, дядю отправили обратно. Соседи кинулись к БТРу узнать, куда везут И. Чагаева - им также ответили: "ничего с ним не будет, его проверят и сразу отпустят". БТР с замазанными номерами направился на окраину села, где был расположен фильтрапункт, и более о судьбе Ислама ничего не известно. В ходе той "зачистки" были задержаны и "исчезли" десять человек (6 марта - Ахмадов Аслан Павлович (см.), Канаев Саид-Селим Саидович, Джамаев Исмаил Иссаевич, Чагаев Ислам Ахмадович и Покаев Амир Шарфутдинович; 8 марта - Магомадов Ибрагим Салманович; 9 марта - Исамбаев Магомед Хасанович; 10 марта - Закаев Абдул-Насер Мустапаевич, Байсаров Адлан Шарпутдинович, Хаджаев Тимур Султанович). Родственники задержанных обращались во всевозможные инстанции, Генерального Прокурора РФ В. В. Устинова. 13 марта 2002 г. распоряжением председателя Правительства ЧР С.Ильсова была создана специальная комиссия по проверке обстоятельств "зачистки" с. Старые Атаги, включая случаи "исчезновения" задержанных - однако, комиссия не смогла выяснить судьбу десяти "пропавших без вести". Запрос ПЦ "Мемориал" № 164/02 от 13 марта 2002 г. был направлен в Генеральную Прокуратуру РФ В.Устинову. Согласно ответу прокурора следственного отдела Е.И.Диденко № 46/3-2554-02 от 27 марта 2002 г., запрос направлен прокурору ЧР. Согласно ответу А.Р.Гильманова начальника отдела по надзору за расследование преступлений, от 7 апреля 2002 г. № 15/39-466-02, по факту событий в ходе "зачистки" в с. Старые Атаги возбуждено четыре уголовных дела: 1. у/д № 56031 13.03.02, ст. 105 ч. 2 п. "А" по факту задержания и похищения тринадцати жителей; 2. № 56029 ст. 317, 30-105 пп. "А", "Е" по факту боестолкновения, повлекшего человеческие жертвы; 3. № 56028 ст. 317, 30-105 пп. "А", "Е" по факту боестолкновения, повлекшего человеческие жертвы; 4. № 56030 по ст. 317.



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**Чадаев Юнус Умарович**, 1973г.р., место жительства: был прописан в г. Грозном, дом разрушен, прож. с семьей как беженец в родном с. Шалажи. Чадаев Юнус Умарович, 1973 г. р., был прописан в г. Грозном, дом разрушен, прож. с семьей как беженец в родном с. Шалажи, задержан и убит. Задержан военнослужащими 9 августа 2000 г. в с. Шалажи в ходе "зачистки". т.к. не был там прописан. Содержался в Урус-Мартановском ВОВД. У родственников принимали передачи до 13 августа, когда отказались, сказав, что Ю.У.Чадаев освобожден.

13 августа 2000 г. вместе с К.Л.Вахаевым (см.), Ю.А.Сатабаевым и А.А.Гугиевым вывезен в расположение части внутренних войск на южную окраину с. Комсомольское, подвергнут пыткам и убит.

Тело было эксгумировано 23 августа 2000 г., после того, как внутренние войска покинули это место, и захоронено на кладбище в с. Гойское, где тогда хоронили тела погибших в с. Комсомольское. При перезахоронении велась видеозапись, по которой родственники в марте 2001 г. опознали Ю.У.Чадаева.

Уголовное дело № 24048 было возбуждено 18 октября 2000 г. по ст.126 УК ч. 2 РФ (похищение человека), на середину 2001 г. уголовное дело приостановлено согласно ст.195 УПК РФ (за невозможностью обнаружения лиц, подлежащих привлечению к ответственности).

**Чадаханов Беслан Мохадиевич**, 1981г.р., место жительства: г. Урус-Мартан, ул. Красноармейская, д. 58. Чадаханов Беслан Мохадиевич, 1981 г. р., прож. в г. Урус-Мартан, ул. Красноармейская, д. 58; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур 14 февраля 2002 г., и "исчез".

Запрос ПЦ "Мемориал" в прокуратуру Урус-Мартановского района исх. № 509/02 от 25 ноября 2002 г. (п. 117).

**Чалаев Султан Башадович**, 1943г.р.. Чалаев Султан Башадович, 1943 г. р., задержан и пропал без вести.

Задержан военнослужащими федеральных сил 17 января 2000 г., увезен на БТР и "исчез".

Уголовное дело № 12284 возбуждено прокуратурой г. Грозный 12 ноября 2000 г. по ст. 126 ч. 1 УК РФ (похищение человека). Розыскное дело № 028 ведет Заводской ВОВД г. Грозный.

**Чапанов Аслан Солсбекович**, 1979г.р., место жительства: прож. в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95. Чапанов Аслан Солсбекович, 1979 г. р., прож. в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в ходе "адресной спецоперации" около 5:00 утра 12 сентября 2000 г. в собственном доме в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95. и "исчез"; вместе с ним был задержан и "исчез" его брат, Чапанов Лема Солсбекович.

За Чапановыми приехали на БТР и белом автомобиле ВАЗ-2106. После обыска без объяснения причин были задержаны четверо братьев Чапановых: Лема, Аслан, Ваха и психически больной Беслан; куда они будут доставлены, сказано не было. Военные забрали также автомобиль "Нива", и уехали (как показал позднее опрос свидетелей) через Урус-Мартан на Ханкалу.

14 сентября сотрудники федеральных силовых структур вновь приехали на БТР бортовой номер 823 и вновь провели обыск, на этот раз более тщательно, но вновь ничего запрещенного законом не обнаружили.

13 сентября утром вблизи с. Алхазурово военные выбросили психически больного Беслана, а приблизительно 19 сентября - Ваху Чапанова. Его освободили с условием, что за Лему и Аслана он соберет 2000 долларов и десять автоматов. Он был сильно избит; по его предположению, их содержали в Ханкале. Денег и оружия у Чапановых не было, но когда они явились для переговоров в условленное место, военные не приехали туда, как и в последующие два дня. Чапановы обратились к посреднику, который запросил 2000 долларов, которые через четыре месяца посредник вернул, так как не смог найти Лему и Аслана.

Чапановы обращались в районные органы власти и силовые структуры, чтобы выяснить, где содержатся и в чем обвиняются задержанные, но там заявляли о своей непричастности к их задержанию.

Уголовное дело № 25025 по факту "исчезновения" Лемы и Аслана Чапановых возбуждено прокуратурой Урус-Мартановского р-на 15 февраля 2001 г. по ст. 126 ч. 2 УК РФ (похищение

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человека), приостановлено согласно ст.195 УПК РФ (за невозможностью обнаружения лиц, подлежащих привлечению к ответственности).

**Чапанов Лема Солсбекович**, 1974г.р., место жительства: прож. в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95. Чапанов Лема Солсбекович, 1974 г. р., прож. в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95; задержан и пропал без вести. Задержан сотрудниками федеральных силовых структур в ходе "адресной спецоперации" около 5:00 утра 12 сентября 2000 г. в собственном доме в с. Алхазурово Урус-Мартановского р-на, ул. Титова, д. 95. и "исчез"; вместе с ним был задержан и "исчез" его брат, Чапанов Аслан Солсбекович (см.). Уголовное дело № 25025 по факту "исчезновения" Лемы и Аслана Чапановых возбуждено прокуратурой Урус-Мартановского р-на 15 февраля 2001 г. по ст. 126 ч. 2 УК РФ (похищение человека), приостановлено согласно ст.195 УПК РФ (за невозможностью обнаружения лиц, подлежащих привлечению к ответственности).

**Чатаев Джамбулат Жумлиевич**, 1965г.р.. Чатаев Джамбулат Жумлиевич, 1965 г. р., задержан и пропал без вести. Задержан возле кинотеатра "Родина" около 11:00 17 сентября 2000 г. неустановленными военнослужащими федеральных сил, и "исчез". Уголовное дело № 12264 возбуждено прокуратурой г. Грозный 9 ноября 2000 г. по ст. 126 ч. 1 УК РФ (похищение человека), приостановлено 9 января 2001 г. в порядке ст. 195 ч. 3 УПК РФ (за невозможностью обнаружения лиц, подлежащих привлечению к ответственности). Розыскное дело ведет Ленинский ВОВД г. Грозный.

**Чатуев (Читуев) Асланбек (Асламбек) Джаларович**, 1964г.р., место жительства: прож. в с. Закан-Юрт Ачхой-Мартановского р-на. Чатуев (Читуев) Асланбек (Асламбек) Джаларович, 1964 г. р., прож. в с. Закан-Юрт Ачхой-Мартановского р-на; задержан и пропал без вести. Задержан военнослужащими 11 декабря 2000 г. и увезен в расположение 245-го мотострелкового полка в окрестностях села Танги-Чу. В дальнейшем родственники обращались в различные официальные инстанции, однако никаких сведений о нем получить не смогли. Уголовное дело № 27007 возбуждено прокуратурой Ачхой-Мартановского р-на Чеченской Республики по ст. 127 ч. 2 УК РФ (незаконное лишение свободы), приостановлено после 10 апреля 2001 г. Уголовное дело № 25090 возбуждено прокуратурой Урус-Мартановского р-на 12 июля 2001 г. по ст.126 УК РФ (похищение человека), приостановлено согласно ст.195 ч.3 УПК РФ (за невозможностью обнаружения лиц, подлежащих привлечению к ответственности).

**Чачаев Султан Магомедович**, 1973г.р., место жительства: г. Грозный, Старопромысловский р-н, п. Катаяма, ул. Калужская, 35; проживал в качестве вынужденного переселенца в с. Закан-Юрт Ачхой-Мартановского р-на. **Чачаев Султан Магомедович**, 7 марта 1973 г.р., женат, имеет детей; прож. г. Грозный, Старопромысловский р-н, п. Катаяма, ул. Калужская, 35. Исчез 2 февраля 2000 г. С 29 октября 1999 г., выехав из Грозного, Чачаев вместе со своей семьей проживал в качестве вынужденного переселенца в с. Закан-Юрт Ачхой-Мартановского р-на. В начале февраля 2000 г., когда через Закан-Юрт проходили вышедшие из окруженного Грозного бойцы ВФ ЧРИ, жители по требованию командования федеральных сил стали покидать село. Среди них были и члены семьи Чачаевых, кроме Султана, который в это время находился вне дома. Родные не стали его дожидаться, так как на сборы и выход из села было дано всего 4 часа. Попросив соседей и знакомых передать Султану, что его паспорт находится у матери, и чтобы он искал их в соседнем селе, Чачаевы ушли из Закан-Юрта. Через 4 дня, когда они вернулись назад, Султана в селе не обнаружили.

**Черксиев Мовсар Кульдиевич**, место жительства: г. Волгоград. **Черксиев Мовсар Кульдиевич**, 1953 г.р., прож. г. Волгоград. Насильственно увезены из своих домов 17 сентября 2002 г. военными в масках, приехавшими в с. Гелдагана на а\м марки УАЗ и БТРах.

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В 4.30 утра группа военнослужащих ворвалась во двор Шайхаевых. Одни стали производить осмотр в домах и хозяйственных строениях, другие вытащили из дома Эрмика, 1966 г.р., и принялись его избивать, требуя указать местонахождение боевика Айдамира Гушаева, соседа по улице.

Разбуженный шумом, во двор из другого дома, в котором жил с женой и двумя малолетними детьми, вышел младший брат Эрмика - Сулейман. Военные без предупреждения открыли по нему стрельбу, причинив ранение, затем подошли к упавшему на землю мужчине и спросили имя и фамилию. Когда Сулейман назвал, удивились: "Как Шайхаев?" Один из военных куда-то позвонил по рации и сказал: "Мы тут одного "зайца" уложили, что с ним делать?" В ответ послышалось: "Оказать медицинскую помощь и забрать". Военнослужащие перевязали Сулейману рану, выволокли его на улицу и, затолкав в машину, уехали.

В то же время с улицы Гагарина были увезены еще трое мужчин: Черксиев Мовсар Кульдиевич, приехавший в родное село на похороны родственника, и двоюродные братья Эдиловы – Висарг Ахмедович, 35 лет и Хизир Салманович, 27 лет.

Утром 17 сентября и в последующие дни жители села собирались перед расположением "местной комендатуры" и требовали информацию о задержанных людях. На третий день братья Эдиловы вернулись домой. По словам Висарга и Хизира, их содержали на территории комендатуры Курчалойского района. Шайхаева последний раз они видели в день своего освобождения. Родственники обратились с заявлением в районную прокуратуру. Уголовное дело по факту похищения Сулеймана Шайхаева и Мовсара Черксиева возбуждено только в середине июня 2003 г.; ранее поданные заявления просто исчезли. По состоянию на июль 2003 г. местонахождение и судьба Шайхаева и Черксиева неизвестны.

**Черсиев Адам Шеримбекович**, 1952г.р., место жительства: прож. в с. Октябрьское Грозненского (сельского) района. **Черсиев Адам Шеримбекович**, 1952 г. р., прож. в с. Октябрьское Грозненского (сельского) района; задержан и пропал без вести.

В ночь на 5 мая в с. Октябрьское Грозненского (сельского) района сотрудниками республиканских силовых структур похищены три местных жителя, братья **Черсиевы: Адам Шеримбекович**, 1952 г. р., **Курейш Шеримбекович**, 1954 г. р., **Мовла Шеримбекович**, 1958 г. р.

Родственникам удалось проследить за машинами, в которых увозили братьев и установить, что они проехали на территорию полка вневедомственной охраны на ул. Южной в Ленинском районе г. Грозный (т.н. нефтеполк). При обращении родственников к командиру этого подразделения, он отказался подтвердить факт нахождения Черсиевых на территории его части.

Родственники похищенных братьев приняли решение пикетировать полк до тех, пока не узнают о местонахождении Черсиевых. В результате, родственникам удалось добиться подтверждения от командования полка ВОХР факта похищения братьев. Выяснилось, что их забрали в качестве заложников, так как один из членов этой семьи является участником вооруженных формирований ЧРИ. Условие их освобождения - явка с повинной этого боевика. По состоянию на 10 мая родственники Черсиевых продолжают пикетирование, требуя освободить похищенных братьев Черсиевых.

**Черсиев Курейш Шеримбекович**, 1954г.р., место жительства: прож. в с. Октябрьское Грозненского (сельского) района. **Черсиев Курейш Шеримбекович**, 1954 г. р., прож. в с. Октябрьское Грозненского (сельского) района; задержан и пропал без вести.

В ночь на 5 мая в с. Октябрьское Грозненского (сельского) района сотрудниками республиканских силовых структур похищены три местных жителя, братья **Черсиевы: Адам Шеримбекович**, 1952 г. р., **Курейш Шеримбекович**, 1954 г. р., **Мовла Шеримбекович**, 1958 г. р.

Родственникам удалось проследить за машинами, в которых увозили братьев и установить, что они проехали на территорию полка вневедомственной охраны на ул. Южной в Ленинском районе г. Грозный (т.н. нефтеполк). При обращении родственников к командиру этого подразделения, он отказался подтвердить факт нахождения Черсиевых на территории его части.

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родственники Черсиевых продолжают пикетирование, требуя освободить похищенных братьев Черсиевых.

**Черсиев Мовла Шеримбекович**, 1958г.р., место жительства: прож. в с. Октябрьское Грозненского (сельского) района. **Черсиев Мовла Шеримбекович**, 1958 г. р. прож. в с. *Октябрьское Грозненского (сельского) района*; задержан и пропал без вести.

В ночь на 5 мая в с. *Октябрьское Грозненского (сельского) района* сотрудниками республиканских силовых структур похищены три местных жителя, братья **Черсиевы: Адам Шеримбекович**, 1952 г. р., **Курейш Шеримбекович**, 1954 г. р., **Мовла Шеримбекович**, 1958 г. р.

Родственникам удалось проследить за машинами, в которых увозили братьев и установить, что они проехали на территорию полка вневедомственной охраны на ул. *Южной в Ленинском районе г. Грозный* (т.н. нефтеполк). При обращении родственников к командиру этого подразделения, он отказался подтвердить факт нахождения Черсиевых на территории его части.

Родственники похищенных братьев приняли решение пикетировать полк до тех, пока не узнают о местонахождении Черсиевых. В результате, родственникам удалось добиться подтверждения от командования полка ВОХР факта похищения братьев. Выяснилось, что их забрали в качестве заложников, так как один из членов этой семьи является участником вооруженных формирований ЧРИ. Условие их освобождения - явка с повинной этого боевика. По состоянию на 10 мая родственники Черсиевых продолжают пикетирование, требуя освободить похищенных братьев Черсиевых.

**Черуханов Исхан Рамзанович**, место жительства: прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на. Черуханов Исхан Рамзанович, прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в ходе "адресной спецоперации" в своем доме около 17:00 8 января 2002 г. вместе с отцом Черухановым Рамзаном и братом Черухановым Русланом Рамзановичем, и "исчез".

Районные силовые структуры отрицали свою причастность к их задержанию.

ПЦ "Мемориал" направил запрос прокурору ЧР В.Чернову № 41/02 от 12 января 2002 г.

**Черуханов Рамзан**, место жительства: прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на. Черуханов Рамзан, прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в ходе "адресной спецоперации" в своем доме около 17:00 8 января 2002 г. вместе сыновьями Черухановым Исханом Рамзановичем (см.) и Черухановым Русланом Рамзановичем, и "исчез".

Районные силовые структуры отрицали свою причастность к их задержанию.

ПЦ "Мемориал" направил запрос прокурору ЧР В.Чернову № 41/02 от 12 января 2002 г.

**Черуханов Руслан Рамзанович**, место жительства: прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на. Черуханов Руслан Рамзанович, прож. в пос. Ойсхара (Новогрозненский) Гудермесского р-на; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в ходе "адресной спецоперации" в своем доме около 17:00 8 января 2002 г. вместе братом Черухановым Исханом Рамзановичем (см.) и отцом Черухановым Рамзаном, и "исчез".

Районные силовые структуры отрицали свою причастность к их задержанию.

ПЦ "Мемориал" направил запрос прокурору ЧР В.Чернову № 41/02 от 12 января 2002 г.

**Чигаев Мухарбек Абдурахманович**, 1970г.р.. Чигаев Мухарбек Абдурахманович, 1970 г. р.; задержан и пропал без вести.

Участник вооруженных формирований ЧРИ, по словам родственников, вместе со своим товарищем Сулеймановым Бекханом Михайловичем (см.) решили сдаться федеральным войскам, сложить оружие и вернуться к мирной жизни.

В начале февраля 2000 г. Сулейманов и Чигаев вышли к позициям федеральных сил в районе сел Рошни-Чу и Гехи-Чу, были обстреляны российскими военнослужащими и задержаны; при этом

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Бекхан Сулейманов был ранен (свидетели задержания - Султан и Ислам Халдихороевы и другие жители с. Рошни-Чу).

Родители Бекхана Сулейманова узнали о происшедшем в конце марта 2000 г. и начали поиски сына. В апреле 2000 г. в их распоряжении оказался датированный 12 апреля список людей, содержащихся на территории старых складов зернохранилища в с. Рошни-Чу. В списке значились полные данные и адреса Бекхана Сулейманова и Мухарбека Чигаева. На территории зернохранилища дислоцировались подразделения 245-го мотострелкового полка.

Кроме того, в марте 2000 г. мать Бекхана Сулейманова была вызвана в Ингушетию, в ст.

Слепцовскую, к сотруднику уголовного розыска Пугоеву Якубу, который показал ей её же заявление, якобы пришедшее из Гудермеса. Пугоев пояснил, что от него требуют данных на Бекхана Сулейманова и подтверждение показаний матери по факту задержания сына. Эти данные, якобы, необходимы для возбуждения уголовного дела.

Кроме того, в одной из газет родственники прочитали, что в Ростове-на-Дону был осужден Сулейманов на 5 лет (имя, отчество, возраст не были указаны).

Достоверных сведений о местонахождении Сулейманова и Чигаева у родственников нет.

**Чикуюев Магомед Султанович**, 1954г.р., место жительства: прож. в с. Старые Атаги Грозненского (сельского) р-на, ул. Цветочная. Чикуюев Магомед Султанович, 1954 г. р., прож. в с. Старые Атаги Грозненского (сельского) р-на, ул. Цветочная; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в своем доме 30 января 2002 г., и "исчез". Около тридцати военных, приехавшие на БТРе и автомобиле УАЗ с замазанными номерами, ворвались в дом Чикуюевых и приказали всем выйти из дома. Магомеда и его двух сыновей поставили к стенке, забрали у них документы, в доме провели обыск. Паспорта сыновей вернули, а Магомеду приказали следовать за ними - сказали, что "отпустят, как только проверят документы, если за ним не значится ничего противозаконного". После этого М. Чикуюев "исчез".

Родственники обращались в различные официальные структуры, в том числе в прокуратуру ЧР, но на конец апреля 2002 г. о местонахождении Магомеда Чикуюева ничего не известно.

**Чимаев Адам Эминович**, 1963г.р., место жительства: прож. в г.Шали, ул. Мельничная д.71. Чимаев Адам Эминович, 1963 г. р., прож. в г.Шали, ул. Мельничная д.71, задержан и убит.

А.Чимаев ранее работал в МВД ЧРИ, но 5 мая 2000 г. был официально амнистирован, Шалинским РО ФСБ была выдана соответствующая справка.

Задержан военнослужащими, стоявшими в засаде (на непостоянном блок-посту) между г. Шали и с. Герменчук 3 декабря 2000 г. После непродолжительной беседы военные неожиданно схватили его, надели наручники, затолкали в люк БТР и увезли в сторону г.Грозного. В тот же вечер в телевизионных новостях было объявлено, что "задержан соратник Масхадова Адам Чимаев".

Тело родственники нашли и опознали в подвале одной из дач в дачном поселке "Здоровье" рядом с Ханкалой (главной базой федеральных сил в Чечне) и вывезли оттуда за выкуп в 3 тыс. долл. 15 февраля 2001 г. А.Чимаев был убит тремя выстрелами в область сердца, тело было обезображено пытками.

А.Чимаев был похоронен на кладбище в Шали 17 февраля 2000 г.

Уголовное дело № 21037 по ст. 105 ч. 2 УК РФ (убийство) "по факту обнаружения массового захоронения в дачном массиве" (формулировка прокуратуры) возбуждено 24 марта 2001 г. и расследуется органами прокуратуры Чеченской Республики.

**Чимаев Хасан Джунаидович**, место жительства: прож. в с. Курчалой. Чимаев Хасан Джунаидович, прож. в с. Курчалой; задержан и убит.

Задержан сотрудниками федеральных силовых структур в ходе "зачистки" с. Курчалой 16 июня 2001 г., и "исчез"; вместе с ним были задержаны, "исчезли", а 21 июня были обнаружены убитыми Ваха Магомадов и Ханпаша Хизриев.

16 июня около 4 часов утра военные, подъехавшие на машинах с приглушенными моторами, тихо вошли во двор Чимаева. В доме в это время находились сам Чимаев, 1948 г.р., его 15-летняя дочь и жена. Не успела проснувшаяся дочь сказать: "У нас кто-то ходит по двору" как в дом, ломая двери и выбивая окна, ворвались солдаты. Ничего ни у кого не спрашивая, они начали срывать двери с шкафов и шифоньеров, опрокидывать мебель, взламывать доски под диваном. Не найдя ничего



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криминального, они, со словами: "Мы старика заберем" увели Чимаева.

21 июня среди обнаруженных в тот день трупов его тело было опознано родственниками по обрывкам одежды (жена узнала перелицованный ею воротник рубашки).

**Чолаев Тимирлан Аданиевич**, 1978г.р., место жительства: прож. в г. Аргун, ул. Грозненская, д. 23. Чолаев Тимирлан Аданиевич, 1978 г. р., прож. в г. Аргун, ул. Грозненская, д. 23; задержан и пропал без вести.

Задержан сотрудниками федеральных силовых структур в своем доме в ходе "адресного мероприятия" около 7:30 утра 12 октября 2001 г. Военные - около сорока человек в камуфляжной форме на двух БТРах без опознавательных знаков - подъехали к дому Тамерлана, шестеро зашли в дом, ещё пять человек в дом брата Тамерлана, напротив в том же дворе. Военные начали обыск; их не заинтересовали документы Тамерлана, и когда дети в испуге стали плакать, один из военных предложил продолжить разговор на улице. Там, не сказав ни слова, Т.Чолаева затолкали в БТРов увезли в сторону Грозного, после чего он "исчез" - на конец марта 2002 г. о его судьбе ничего не известно. А спустя минут двадцать минут соседи сидели на близлежащей улице те же БТРы.

Родственники обратились с заявлениями к представителю В.Каламанова в г. Аргун, в Аргунскую межрайонную прокуратуру, в комендатуру г. Аргун, в прокуратуру ЧР.



## Appendix 27

### Dokku Umarov: “We are starting a war on the territory of Russia”

Chechenpress, Division of Mass Information, 09.05.05

The correspondent of the Chechen section of “Radio Liberty” Aiybov Alsan conducted a short interview with the Minister of National Security of the Chechen Republic of Ichkeria, the head of the Southern-Western front, Dokku Umarov. When asked about the recent abductions by Russian terrorists of his relatives, Dokku Umarov said that his 70-year-old father, 45-year-old-brother, his wife, and 6 month old child, were abducted. Those who conducted the abduction were criminals from so-called *Neftianoy Polk* (oil regiment) headed by Adam Delimkhanov, a close relative of the Kremlin marionette Ramzan Kadyrov.

Dokku Umarov also stated that, with the help of the very same Kadyrov’s criminals, Russian Security Services abducted several close relatives of a Minister of the Chechen Republic of Ichkeria’s government Abdul-Vakhab Hussainov. He also shared with the correspondent of “Radio Svoboda” (Radio Liberty) his concerns that the relatives of Chechen leaders taken hostage by Russian forces, including relatives of the deceased president Aslan Maskhadov, had been secretly killed by Putin’s terrorists because of disclosure of this information by mass media around the world.

Referring to the correspondent’s words concerning the lack of information on battles in Chechnya, Dokku Umarov mentioned that the lack of information does not demonstrate decrease in the intensity of the clashes; it rather illustrates that Putin’s regime pressures mass media and turned Chechnya into the zone closed for independent journalists. He also stated that in various regions of the country, especially in the mountains and hills, battles take place on a daily basis and the enemy sustains heavy losses.

The correspondent asked how the death of president Aslan Maskhadov affected the Resistance Forces. Dokku Umarov replied that although this is undoubtedly a heavy loss for the Resistance and the entire Chechen nation, however it did not negatively affect military capabilities and the unity of the Chechen fighters. According to Dokku Umarov, the Chechen commandment has a necessary number of fighters and reservists in order to quickly increase the number of fighters in the Resistance’s troops.

To the question concerning professional and personal qualities of the new Chechen president Abdul-Khalim Sadulaev, Dokku Umarov stated that the new Chechen leader without a doubt is held in great respect among the fighters and the commandment as a man with expert knowledge of Sharia norms and the traditional Chechen law. He emphasized that the fighters deeply respect Abdul-Khalim Sadulaev’s crystal honesty and fairness. All members of the GKO (defense committee) *Mojusul Shura*, all commanders and fighters of the resistance have already sworn to the new Chechen president.

Concerning further plans of GKO (defense committee) *Mojusul Shura*, Dokku Umarov stated that so far the intention of the Resistance Forces to put the burden of military actions on the military’s territories has been constrained by Aslan Maskhadov’s requirements to conduct military operations within the borders of Chechnya. However,

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taking into consideration that today killings and abductions of Chechen civilians aren't just common but also have a demonstrative nature, the GKO (defense committee) *Mojusul Shura* decided to start conducting large-scale operations on the territory of Russia. According to Dokku Umarov, the Resistance forces are being regrouped, all available forces are being counted, and the commandment decides on the direction of main assaults.

### **Докку Умаров: «Мы начинаем войну на территории России»**

Чеченпресс, Отдел СМИ, 09.05.05г.

Корреспондент чеченской редакции «Радио Свобода» Аюбов Аслан провел короткое интервью с министром Национальной Безопасности ЧРИ, командующим Юго-Западным фронтом Докку Умаровым. На просьбу корреспондента подтвердить информацию о новых похищениях российскими террористами его родственников, Докку Умаров сказал, что похищены его 70-летний отец, 45-летний брат, жена и шестимесячный ребенок. Непосредственными исполнителями похищения явились бандиты из так называемого «нефтяного полка», главарем которых является некто Адам Делимханов – близкий родственник кремлевской марионетки Рамзана Кадырова.

Докку Умаров также сообщил, что российские спецслужбы руками тех же кадыровских бандитов похитили несколько близких родственников министра правительства ЧРИ Хусаинова Абдул-Вахаба. Он также поделился с корреспондентом «Радио Свобода» своими опасениями относительно того, что взятые российскими карателями в заложники родственники чеченских лидеров, в том числе и родственники погибшего президента Аслана Масхадова, уже тайно убиты путинскими террористами из-за огласки этих сведений в мировых СМИ.

На слова корреспондента «Радио Свобода» о скудости боевой информации из Чечни, Докку Умаров ответил, что скудость информации свидетельствует не о снижении интенсивности боевых действий, а только о том, что режим Путина зажимает СМИ, превратив Чечню в зону, закрытую для независимых журналистов. Он отметил, что в различных районах страны, и особенно в горах и предгорьях, ежедневно идут масштабные бои с оккупантами и противник несет тяжелые потери.

Корреспондент задал вопрос о том, какие последствия для сил Сопротивления повлекла гибель президента Аслана Масхадова. Докку Умаров ответил, что это безусловно тяжелая потеря для Сопротивления

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и всего чеченского народа, однако на боеспособности и сплоченности чеченских бойцов гибель Аслана Масхадова не оказала никаких негативных последствий. По словам Докку Умарова, чеченское командование держит под ружьем необходимое количество бойцов и обладает необходимыми резервами, чтобы в нужный момент резко усилить количественный состав отрядов Сопротивления.

На вопрос о государственных и личных качествах нового чеченского президента Абдул-Халима Садулаева, Докку Умаров заявил, что новый чеченский лидер пользуется среди бойцов и командиров безусловным авторитетом как блестящий знаток норм Шариата и чеченского традиционного права, и что моджахедам глубоко импонирует кристальная честность и справедливость Абдул-Халима Садулаева. Все члены ГКО – Маджлисуль Шура, все командиры и бойцы Сопротивления уже принесли присягу новому чеченскому Президенту.

Корреспондент спросил о дальнейших планах ГКО – Маджлисуль Шура. Докку Умаров заявил, что намерение сил Сопротивления перенести военные действия на территорию противника до сих пор сдерживалось требованиями Аслана Масхадова ограничивать боевые операции территорией Чечни. Однако теперь, когда убийства и похищения чеченских мирных жителей приобрели не только масштабный, но и демонстративный характер, ГКО – Маджлисуль Шура принял решение еще в этом году приступить к широкомасштабным операциям на территории России. На данный момент, по словам Докку Умарова, идет перегруппировка подразделений Сопротивления, учет всех наличных сил и определяются направления главных ударов.

<http://www.chechenpress.info/events/2005/05/09/08.shtml>