



# **“As If They Fell From the Sky”**

**Counterinsurgency, Rights Violations, and  
Rampant Impunity in Ingushetia**

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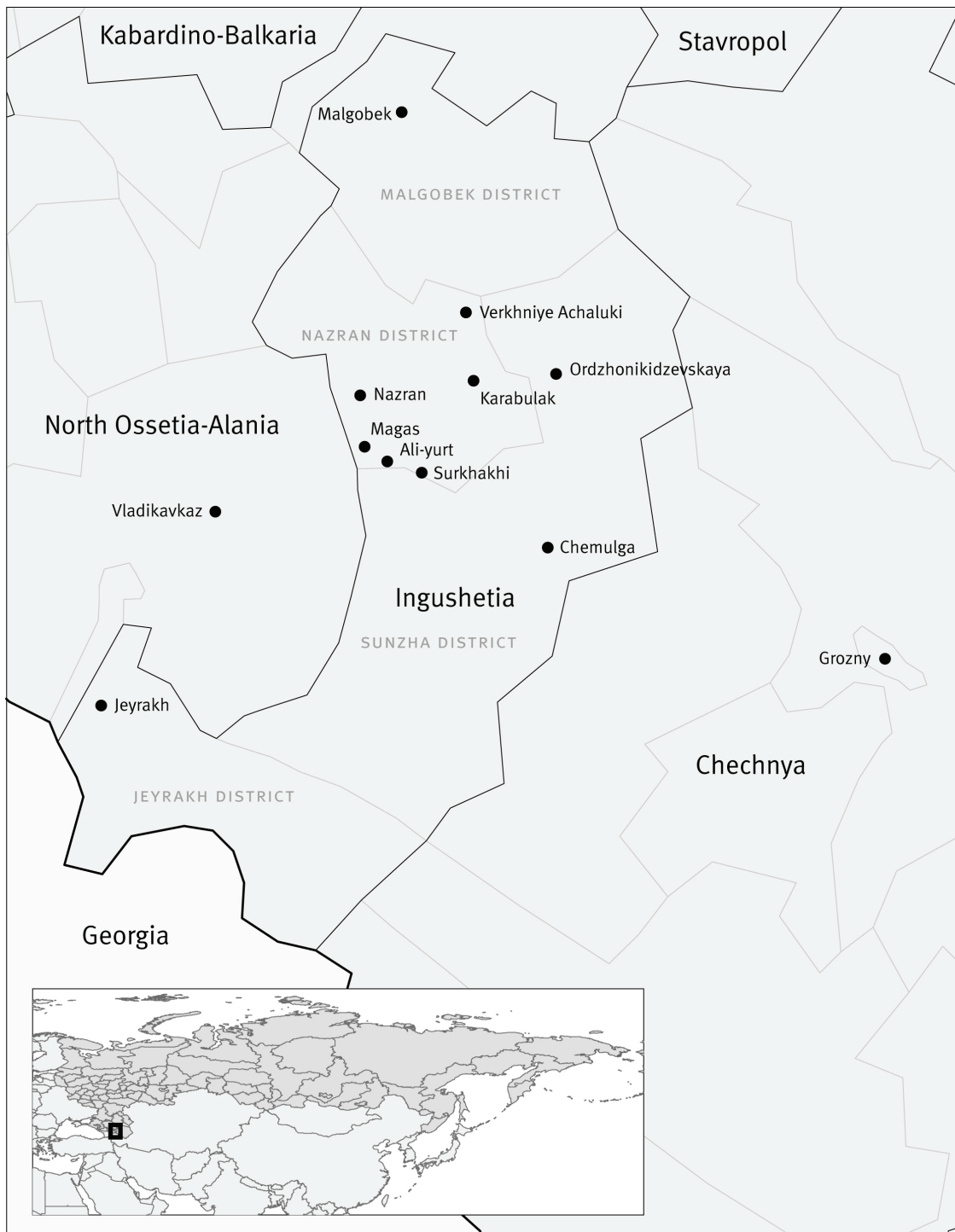
## “As If They Fell From the Sky”

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## Map of Region



## I. Summary

*It really hurts! Supposedly, neither the leadership of the republic nor the leadership of the Russian military knows who did it. Here are men in uniforms and armed to the teeth coming into the village, abusing masses of people, and leaving. And then no one is able to explain what happened. As if they fell from the sky.*

—An Ingushetia resident seriously assaulted, along with his pregnant wife and his neighbors, during a July 28, 2007 counterterrorism sweep operation at the village of Ali-Yurt

The Chechnya armed conflict affected stability and the security of communities across the North Caucasus region of Russia, and continues to do so. In Ingushetia, the republic into which Chechnya's conflict overflowed, the grave conflict dynamics of its larger neighbor have arisen. For the past four years Russia has been fighting several militant groups in Ingushetia, which have a loose agenda to unseat the Ingush government, evict federal security and military forces based in the region, and promote Islamic rule in the North Caucasus. Beginning in summer 2007, insurgents' attacks on public officials, law enforcement and security personnel, and civilians rose sharply.

Human Rights Watch condemns attacks on civilians and recognizes that the Russian government has a duty to pursue the perpetrators, prevent attacks, and bring those responsible to account. Attacks on civilians, public officials, and police and security forces are serious crimes. Russia, like any government, has a legitimate interest in investigating and prosecuting such crimes and an obligation to do so while respecting Russian and international human rights law. Regrettably, Russia is failing to respect or to adhere to these laws. Law enforcement and security forces involved in counterinsurgency have committed dozens of extrajudicial executions, summary and arbitrary detentions, and acts of torture and cruel, inhuman or degrading treatment.

These practices evoke, albeit on a far smaller scale, the thousands of enforced disappearances, killings, and acts of torture that plagued Chechnya for more than a decade. They are antagonizing local residents and serve to further destabilize the situation in Ingushetia and more widely in the North Caucasus.

In order to prevent Ingushetia from turning into the full-blown human rights crisis that has characterized Chechnya, prompt and effective measures must be taken by the Russian government to end these human rights violations and hold accountable their perpetrators.

This report, based on extensive field research, documents these human rights violations and describes the legal and political contexts in which they have occurred.

A leading Russian human rights nongovernmental organization (NGO), the Memorial Human Rights Center (Memorial)—which has an office in Ingushetia—estimates that in 2007 alone, security personnel were responsible for up to 40 extrajudicial executions of local residents in counterinsurgency operations. This report documents eight. The youngest victim, six-year-old Rakhim Amriev, was killed in a raid on his parents' home, where security forces believed an alleged insurgent was hiding. An investigation into his death is ongoing. That investigation is exceptional, however, and can be explained only by Amriev's young age, which precluded the authorities from alleging his involvement in insurgency. In most cases, the authorities do not investigate killings of alleged insurgents. In summer 2007, for example, security forces opened fire on Islam Belokiev one afternoon at a car market; they then surrounded him, barred medical help from reaching him, and let him slowly bleed to death. Charges of membership in an illegal armed group and attempt at the life of law-enforcement personnel were filed against him posthumously, and his killing was never investigated.

Law enforcement also forcibly and arbitrarily detain, without a warrant, those suspected of insurgency. While officials acknowledge that suspected insurgents have been detained, detainees are kept in incommunicado detention and their relatives are not informed of their whereabouts. This practice is referred to in the region as "abductions." According to Memorial, 29 people were thus "abducted" in

2007; three of those individuals subsequently disappeared, while one was killed. Typically, those detained by security and law-enforcement services are young males suspected of involvement with illegal armed groups and terrorism. Three categories of young men are especially vulnerable to such detention: individuals related to or acquainted with presumed insurgents or terrorism suspects; those previously detained and whose names are in police and security forces' databases, regardless of whether they were charged with or cleared of any alleged wrongdoing; and strictly observant Muslims. Many of those so detained are also tortured, or disappear.

For example, in September 2007 security forces took Murad Bogatyrev from his home without a warrant. Several hours later, his family watched as his naked body, which was covered in bruises, was carried out of a local police station. Police told them Bogatyrev died of a heart attack. Despite credible evidence, including a forensic medical report registering bodily harm and photographs taken by relatives, the investigation into his death (a case categorized as "abuse of office") has to date not yielded any indictments or prosecutions. One month before Bogatyrev's death, 30-year-old Ibragim Gazdiev "disappeared" after he was detained by security forces in August 2007. Several months prior, Gazdiev's home had been searched by the Federal Security Service (FSB) looking for evidence of collaboration with militants. Nothing was found. The investigation into Gazdiev's disappearance has not yielded any results, and he is missing to this day.

Abduction-style detentions and killings in Ingushetia often happen during "special operations," which generally follow the pattern of sweeps and targeted raids seen in earlier years in Chechnya. Groups of armed personnel—security services, local police and federal Ministry of Internal Affairs troops—arrive in a given area, often wearing masks and riding in armored personnel carriers and other vehicles that in many cases lack license plates. They surround a neighborhood or an entire village and check peoples' dwellings. Because they do not identify themselves, residents can refer to them only as "servicemen." They do not show official warrants or provide the residents with any explanation for the operations. In the four cases of special operations documented in this report, they forced entry into homes, beat some of the residents, and damaged their property.



News of abductions, “disappearances,” killings, and abusive special operations spread quickly among Ingushetia’s population of 300,000. People in Ingushetia voiced their distress at these violations—and the government’s failure to hold anyone accountable—in a series of relatively small, largely spontaneous public protests. With the president of Ingushetia, Murat Zyazikov, consistently referring to the situation in the republic as normal and stable, by autumn 2007 local authorities did their utmost to prevent further protests from happening and to silence media coverage. Local officials refused to grant protest organizers permission for two rallies, which were subsequently violently dispersed.

In a striking move to intimidate independent observers, 16 human rights advocates and journalists were variously abducted, detained, and expelled from Ingushetia by security forces as they attempted to monitor two planned public rallies in November 2007 and January 2008.

Counterinsurgency operations in Ingushetia are regulated by Russia’s federal counterterrorism legislation. This legislation allows broad restrictions to be placed on fundamental rights and freedoms with no judicial or parliamentary oversight. It gives special provision for the detention of individuals suspected of terrorism for 30 days without charge. It also allows the security services to establish a “counterterrorism operations regime,” during which the authorities may search homes without warrants and ban public assemblies and the work of the press. The security services may impose these restrictions for any duration of time, in any area they determine as relevant, and without having to demonstrate that the restrictions on rights are proportionate to the threat of terrorism. The law also sets out no terms for proportionality on the use of lethal force in counterterrorism activities.

The counterterrorism operations regime is problematic, but often not invoked in Ingushetia. Far more problematic, in practice, is that law enforcement and security forces have every reason to believe they may act with impunity when carrying out any operation related to counterterrorism or counterinsurgency. Law enforcement and security forces responsible for human rights violations in Ingushetia are not brought to justice. If criminal cases into those abuses are opened at all, the prosecutors fail to mount meaningful investigations. Such investigations in most cases cannot even

determine which agency—the police, the military, the FSB—is responsible for killings and other violations.

Many of those who have sought justice as well as eyewitnesses to the abuses have been subjected to verbal and physical threats. The failure of justice in Ingushetia is evidenced by the rising number of applications to the European Court of Human Rights by Ingushetia residents.

## **II. Recommendations**

### **To the Government of the Russian Federation**

#### *Stop human rights violations in counterinsurgency operations*

- Immediately stop the practice of extrajudicial executions, enforced disappearances, abductions, and other abuses perpetrated in particular by security services, military, and law enforcement agencies.
- Inform all detainees immediately of the grounds of detention and any charges against them. Inform the families of detained persons of their detention, and the reason for and location of the detention. Allow families of detained persons regular contact with detainees.
- Require all personnel on search-and-seizure operations to identify themselves and provide their military, law enforcement, or security branch affiliation.

#### *Ensure accountability and transparency*

- Ensure meaningful accountability mechanisms to bring perpetrators of serious violations to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome.
- Conduct thorough and independent investigation of all killings that have taken place and may take place in special operations. In doing so, adhere to the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Execution.
- Foster a favorable climate for journalists and human rights defenders to do their work in the region.
- Put an end to disproportionate restrictions on freedom of assembly in Ingushetia and stop harassment of organizers of public protests.

## *Legal reform*

- Amend the counterterrorism legislation to:
  - Ensure everyone detained is promptly charged with an offense or released;
  - Establish clear limits on the duration and territorial boundaries of a counterterrorism operation within which the security services may restrict fundamental rights and freedoms;
  - Establish principles of proportionality for imposing restrictions on fundamental rights and freedoms during counterterrorism operations;
  - Ensure that lethal force is only authorized when absolutely necessary and that all security and law enforcement officers permitted to use lethal force are adequately trained to understand and respect the standards on when lethal force may be used.
- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances.

## *Ensure access to the region for international monitors*

- The Russian government should recognize and commit to respecting the terms of reference of the UN Special Rapporteur on Torture, whom the Russian government issued a long-awaited invitation in 2006. The special rapporteur should be allowed to meet in private with detainees held on accusations of involvement in insurgency in Ingushetia and should have unfettered access to detention facilities in the North Caucasus where these detainees are held.<sup>1</sup>
- Issue an invitation to the UN Working Group on enforced and involuntary disappearances, which has a request pending with the Russian government.
- Issue an invitation to the special rapporteur on extrajudicial, summary or arbitrary executions, in full agreement with the mandate's terms of reference.

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<sup>1</sup> In 2006 Russia issued an invitation to the UN special rapporteur on torture, but the special rapporteur cancelled his visit just two days before it was planned to begin in October 2006. The cancellation was due to the Russian government's refusal to grant the conditions necessary for the visit, such as unfettered access to places of detention and private interviews with detainees, citing conflict with Russian law.

- Issue an invitation to the Special Representative of the UN Secretary-General on the situation of human rights defenders, in full agreement with the mandate's terms of reference.

### **To Russia's International Partners**

- Governments, in particular those of European Union member states and the United States, should advance the recommendations contained in this report in multilateral forums and in their bilateral dialogues with the Russian government.
- Call for the Russian government to provide access to international monitors to the region, including the UN special rapporteur on torture and the special rapporteur on extrajudicial, summary or arbitrary executions.
- Urge Russia to fully implement rulings handed down by the European Court of Human Rights regarding violations in Chechnya, an instrumental step for preventing such violations from being perpetrated more widely in the North Caucasus.

### **To the Council of Europe**

- The Parliamentary Assembly should put the developing human rights crisis in Ingushetia on its agenda with a view to adopting a resolution acknowledging the deteriorating situation in Ingushetia and calling on Russia to stop human rights abuses in Ingushetia, hold the perpetrators accountable, and ensure that any law enforcement operations conducted in Ingushetia conform with Russian and international law.
- The Secretary General should call on the Russian prosecutor's office to fully investigate abuses committed by military, security, and police forces in Ingushetia, including extrajudicial executions, abductions, enforced disappearances, and torture. The Secretary General should insist that these investigations fully comply with the standards for investigations into alleged human rights violations developed in the case law of the European Court of Human Rights.

- The Commissioner for Human Rights should visit Ingushetia to address the deteriorating human rights situation in the republic.
- The Committee for the Prevention of Torture, which visited Ingushetia in the spring of 2007, should put repeat periodic visits to the region on its agenda.
- All relevant Council of Europe bodies should urge Russia to amend the 2006 Counterterrorism law to bring it into full conformity with Council of Europe standards.



A family home after an FSB raid in the village of Chemulga, Ingushetia. © 2007 Human Rights Watch

### III. Methodology

This report is based primarily on field research conducted in December 2007 during a Human Rights Watch mission to Ingushetia. In the course of the mission, Human Rights Watch researchers interviewed 53 individuals, mostly victims of human rights violations and their relatives. One interview with a victim was conducted prior to the mission, in October 2007, when a Human Rights Watch consultant was traveling in the region on another assignment. Additionally, some interviews were done in Moscow or by phone from Moscow. In order to reflect the official position of the Ingushetia authorities Human Rights Watch researchers also traveled to Ingushetia in May 2008 and met with the president, the prosecutor, the minister of internal affairs, the deputy head of parliament, and the ombudsman of the republic.<sup>2</sup> A request to meet with the head of the Federal Security Service's Ingushetia branch was not accommodated.

All interviews were conducted in Russian by Human Rights Watch researchers who are native speakers of Russian.

In addition, Human Rights Watch examined official documents, including search reports, prosecutor's office decrees, forensic medical reports, public statements by federal and Ingush officials, analytical reports published by Russian human rights groups, and media accounts.

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<sup>2</sup> In letters requesting the meetings, Human Rights Watch asked for official statistics on the numbers of abductions, killings of alleged insurgents, civilian casualties, casualties in the ranks of law enforcement and security services, criminal cases initiated for killings and abductions of Ingushetia residents, and the number of instances where criminal investigation into abuse of office related to human rights violations. Only the statistics on the law enforcement and security services casualties and those on the abductions were provided.

## IV. Background: How the Conflict in Ingushetia Has Unfolded

### Note on Ingushetia<sup>3</sup>

Ingushetia, the smallest of Russia's republics in the North Caucasus, covers an area of 3,210 square kilometers (1,240 square miles), and has a population of approximately 300,000.<sup>4</sup> With Chechnya to the east, North Ossetia to the north and west, and Georgia along its southern border, Ingushetia has been a frontier land between Chechnya and its neighbors to the west.<sup>5</sup> The population of Ingushetia is relatively young; the average age is approximately 29 years. Its unemployment rate, which in July 2007 officially exceeded 32 percent, is one of the highest in Russia.<sup>6</sup>

Although the Ingush and Chechen cultures are distinct, their extensive contact has kept their cultural and religious developments inextricably linked. Until the 16th century, the Ingush inhabited the middle and highland areas of the Assa Valley, but throughout the following two centuries, driven by climate change and repeated Russian incursions, they migrated from the Caucasus Mountains into the plains, where further association with the Chechen people continued.<sup>7</sup>

During the Soviet era, the two national provinces were merged (from 1917-1924, 1934-1944 and 1957-1991), divided as autonomous provinces (1924-34), and, for a time, even legally abolished (1944-56) when both nations suffered a mass deportation on the orders of Joseph Stalin. The forced deportations during World War II claimed the lives of one-quarter to, perhaps, even one-half of their populations.

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<sup>3</sup> This is a modified and updated version of Chapter II, "Note on Ingushetia" of Human Rights Watch, *Spreading Despair: Russian Abuses in Ingushetia*, vol.15, no. 8(D), September 2003, [http://hrw.org/reports/2003/russia0903/2.htm#\\_ftn24](http://hrw.org/reports/2003/russia0903/2.htm#_ftn24).

<sup>4</sup> "Ingushetia: CIS and Baltic Political Geography," The Columbia Electronic Encyclopedia, 2003, <http://www.1upinfo.com/encyclopedia/I/Ingushet.html> (accessed September 3, 2003).

<sup>5</sup> Johanna Nichols, "The Ingush (with notes on the Chechen): Background information," University of California, Berkeley, February 1997, [http://ingush.berkeley.edu:7012/ingush\\_people.html](http://ingush.berkeley.edu:7012/ingush_people.html) (accessed September 3, 2003).

<sup>6</sup> Valeria Volokhova, "Countries with biggest unemployment rate," (Самые безработные страны), *RBK.Rating*, July 19, 2007, <http://rating.rbc.ru/article.shtml?2007/07/10/31553490> (accessed March 26, 2008).

<sup>7</sup> Ibid.



When Chechnya declared its independence in 1991, Ingushetia formed a republic within the Russian Federation.<sup>8</sup>

Ingush and Chechens are also close linguistically, religiously, and socially. Although the two languages are formally distinct, they are sufficiently similar that Chechens and Ingush can easily understand each other; fluency in Russian is also widespread within both nations. The Ingush and Chechen converted to Islam in the 17th to early 19th centuries; both follow one of the two traditional Sufi orders: the Qadiri and the Naqshbandi.<sup>9</sup> At the end of the 20th century, with an influx of foreign Muslim preachers into the region, a small minority of the Ingush and Chechens adopted Salafite Islam.<sup>10</sup>

Ancient mountain traditions still play a significant role in the life of both nations. They share a similar social organization in the form of tribal and clan divisions. The latter still acts as a significant determinant of one's social relationships and conduct.<sup>11</sup>

In November 1992, Ingush and the neighboring Ossetians clashed over the disputed Prigorodny district, which both ethnic groups claimed as their own but which is officially a part of North Ossetia. The conflict brought about the destruction of a total of 2,728 Ingush and 848 Ossetian homes, and drove between 43,000 and 64,000 people from their homes.<sup>12</sup> While the majority of the displaced Ossetians have since returned to their homes, successive decrees to return the Ingush displaced persons to North Ossetia have met with little success. At this writing, 10,000 displaced persons from Prigorodny district continue to live in Ingushetia.<sup>13</sup>

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<sup>8</sup> Ibid.

<sup>9</sup> Yavus Akhmadov et al., "Islam in the North Caucasus: A People Divided, Religion in the North Caucasus," WRNI, 1999-2001, <http://www.jmu.edu/orgs/wrni/islam6.htm> (accessed September 3, 2003).

<sup>10</sup> Alexei Malashenko and Dmitry Trenin, *The Time of the South: Russia in Chechnya, Chechnya in Russia* (Время юга: Россия в Чечне; Чечня в России), (Moscow: Carnegie Endowment for International Peace, 2002). On file with Human Rights Watch.

<sup>11</sup> Johanna Nichols, "The Ingush."

<sup>12</sup> Human Rights Watch/Helsinki, *The Ingush-Ossetian Conflict in the Prigorodny Region* (New York: Human Rights Watch, 1996), p. 1.

<sup>13</sup> See "The Commissioner Liked What He Saw in Chechnya," *BBC News Online*, April 25, 2008, [http://news.bbc.co.uk/1/hi/russian/russia/newsid\\_7366000/7366865.stm](http://news.bbc.co.uk/1/hi/russian/russia/newsid_7366000/7366865.stm) (accessed May 12, 2008). President Zyazikov, Ombudsman Kokurkhaev, and Deputy Head of the Ingush Parliament Khautieva repeatedly stressed to Human Rights Watch

## Crisis Spillover to Crisis Nexus: The Unfolding Conflict in Ingushetia

### *1999: Ingushetia and the second Chechen War*

From the beginning of the second Chechen conflict in autumn 1999, Ingushetia hosted thousands of internally displaced persons who fled Chechnya. According to official figures, between 1999 and 2003 as many as 308,000 displaced persons were registered at one point or another in Ingushetia.<sup>14</sup> The vast majority of them eventually returned to Chechnya or left for other regions. During periods of the most intensive fighting, however, the displaced almost outnumbered the population of Ingushetia.

Chechen internally displaced persons enjoyed relative safety and stability in Ingushetia until 2002, when Murat Zyazikov, a former Federal Security Service (FSB) general who had strong Kremlin support, succeeded Ruslan Aushev as president.<sup>15</sup> Shortly after Zyazikov's election in April 2002, federal authorities adopted a detailed plan for returns to Chechnya. Zyazikov implemented the plan, which resulted in massive returns, some of them forced, of displaced people to Chechnya and the final closure in June 2004 of tent camps housing thousands of them.<sup>16</sup> At this writing, about 38,000 people displaced from Chechnya continue to live in Ingushetia, in private dwellings, dormitories, and makeshift housing.<sup>17</sup>

### *Human rights and security dynamics in Ingushetia 1999-2003*

When the second Chechen war started, international scrutiny was focused on Chechnya. Compared to its neighbor, Ingushetia appeared a peaceful haven, and was the subject of international attention almost entirely in connection with Chechen

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that the issue of displaced persons from Prigorodny district is the key human rights problem in Ingushetia and should become a priority for human rights organizations and the international community. They also indicated that other human rights issues in the republic pale in importance when compared with this problem. Human Rights Watch meeting with these officials, Magas, Ingushetia, May 28, 2008.

<sup>14</sup> ITAR-TASS World service, citing Ingush acting Prime Minister Timur Mogushkov, June 17, 2003.

<sup>15</sup> See the official website of the Republic of Ingushetia: <http://www.ingushetia.ru/president/> (accessed June 6, 2008). Aushev is a common surname in Ingushetia, and the many other persons with that surname mentioned in this report are not known to be closely related to the former president.

<sup>16</sup> For more information about forced returns, see Human Rights Watch, *Russia – Into Harm's Way: Forced Return of Displaced People to Chechnya*, vol. 15, no. 1(D), January 2003, <http://hrw.org/reports/2003/russia0103/>.

<sup>17</sup> "The Commissioner Liked What He Saw in Chechnya," *BBC News Online*.

refugee issues. By the end of 2003, attention started to shift to a rise in attacks on Ingush police and security forces.

Federal and Ingush authorities repeatedly claimed that rebel fighters pushed out of Chechnya found safe refuge in settlements and tent camps, hiding among the large numbers of internally displaced people.<sup>18</sup> Nonetheless, the Russian military presence was almost non-existent in Ingushetia, and the activity of Chechen rebels mostly imperceptible.<sup>19</sup> The first large clash between federal forces and Chechen rebels in Ingushetia took place in September 2002, when almost 200 Chechen fighters entered Ingushetia, shot down a Russian helicopter, and killed at least 17 soldiers.<sup>20</sup>

The security situation in Ingushetia deteriorated in late 2002, with numerous attacks on Ingush law enforcement personnel. According to an Ingush government official, at least 11 Ingush policemen were shot dead in 2002 “in criminal incidents related to Chechnya in one way or another.”<sup>21</sup>

Also in 2002, security and law enforcement agents in Ingushetia carried out abduction-style detentions and enforced disappearances, which had become hallmarks of the Chechnya conflict.<sup>22</sup> At this time, these violations affected only Chechen displaced person, and therefore, outside observers perceived them as an extension of the human rights crisis in Chechnya.<sup>23</sup>

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<sup>18</sup> For example, former commander of the United Group of Forces Gen. Gennadii Troshev repeatedly said that “Chechen gangs frequent” Ingushetia, and separatists’ leaders hide there. See “General Gennadii Troshev, ‘Chechens Ask Us to Finish Off Gangsters,’” *Defense and Security* (Moscow), December 24, 2001. On several occasions, Ingush authorities related similar concerns to Human Rights Watch. Human Rights Watch interviews with a Federal Migration Service official (name withheld), July and December 2002, Nazran, Ingushetia, and Human Rights Watch, *Spreading Despair*, p. 6.

<sup>19</sup> See Human Rights Watch, *Spreading Despair*, p. 6.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid, and Marina Perevozkina, “Playing Budanov: Federal forces in Ingushetia can turn it into Chechnya,” [Игра в будановцев: Федеральные войска в Ингушетии могут сделать ее Чечней], *Moskovskii Komsomolets*, August 18, 2003.

<sup>22</sup> On May 28, 2008, the Ingushetia prosecutor, Yuri Turygin, said that between 1994 and 2007 the prosecutor’s office registered 215 abductions in Ingushetia, and that the majority occurred between 1994 and 1999. Turygin emphasized the drop in the number of abductions in recent years. However, the prosecutor failed to mention that the abductions of 1994-1999 were essentially abductions for ransom and other kidnappings perpetrated without involvement of security and law enforcement personnel. See “Yuri Turygin Quotes a Significant Decrease in the Number of Abductions in the Recent Years,” (Юрий Турыгин заявляет о значительном сокращении числа похищений людей за последние годы), official website of the Republic of Ingushetia, May 28, 2008, [www.ingushetia.ru/m-news/archives/010047.shtml](http://www.ingushetia.ru/m-news/archives/010047.shtml) (accessed on May 29, 2008).

<sup>23</sup> According to Memorial Human Rights Center (Memorial), 28 individuals were abducted in Ingushetia by security services in 2002. Only one of them was a resident of Ingushetia; all the others were Chechen refugees. Sixteen of those individuals “disappeared.” See Memorial, “A Conveyor of Violence: Human rights violations during anti-terrorist operations in the

After the October 2002 “Nord-Ost” hostage crisis at the Dubrovka Theater in Moscow,<sup>24</sup> the federal government deployed more troops to Ingushetia, an indication of Russia’s decision to broaden the scope of its “counterterrorism operation” in the North Caucasus region. While previously sweep operations were very rare in Ingushetia, by summer 2003 they became frequent. In June 2003 alone, seven were carried out in displaced persons’ settlements and Ingush villages.<sup>25</sup>

### *2003: Sweep operations and insurgent attacks*

The operations followed the pattern of sweep operations or targeted raids seen in Chechnya: large groups of armed personnel, often arriving in armored personnel carriers and other military vehicles without license plates, surrounded a neighborhood or an entire village and conducted either sweep or random checks at peoples’ dwellings. The armed personnel, who were in most cases masked, did not identify themselves or provide the residents with any explanation for the operations. During the operations, many civilians were subjected to beatings and other forms of ill-treatment; some houses were looted.<sup>26</sup>

The year 2003 also saw a marked rise in the number of abductions. Human rights defenders documented 52 abduction-style detentions, of which 41 of the victims were Chechen displaced persons.<sup>27</sup> The authorities demonstrated unwillingness to acknowledge that the abuses even took place, let alone to investigate them and punish the security forces responsible for them. The military, security, and law

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Republic of Ingushetia,” September 2005, <http://www.memo.ru/hr/hotpoints/N-Caucas/konnas/eng/index.htm> (accessed May 13, 2008).

<sup>24</sup> A massive hostage taking operation during the performance of “Nord-Ost” musical by over 40 Chechen militants occurred on October 23, 2002. As a result, 912 people, including 100 children, were taken hostage and held for three days in the theater. On October 26, 2002 a fast-acting sleeping gas was released into the theater, and shortly after the Russian special forces stormed the building. Reportedly, 130 people died, the majority of them from gas poisoning. See “Moscow remembers victims of the Dubrovka hostage crisis,” (В Москве вспомнили жертв теракта на Дубровке), *NEWSru.com*, October 26, 2007, <http://www.newsru.com/russia/26oct2007/ost.html> (accessed June 16, 2008); Nick Paton Walsh, “Siege rescue carnage as gas kills hostages,” *The Guardian*, October 27, 2002, <http://www.guardian.co.uk/world/2002/oct/27/chechnya.russia3> (accessed June 16, 2008).

<sup>25</sup> See Human Rights Watch, *Spreading Despair*, p. 6.

<sup>26</sup> For example, even when ITAR-TASS news agency briefly reported on the operation in the villages in Arshty and Chemulga in early June 2003, the piece mentioned that the “reasons for the operation” were “not reported.” See Ruslam Maisigov, “Military block Ingush settlements of Arshty, Chemulga,” *ITAR-TASS World Service*, June 7, 2003. See also Human Rights Watch, *Spreading Despair*, p. 9.

<sup>27</sup> According to Memorial, one was eventually found murdered, 30 disappeared, and 21 were released after interrogations and beatings. For detail, see Memorial, “A Conveyer of Violence.”

enforcement agencies participating in the Ingushetia operations enjoyed complete impunity, which had long been a characteristic of the Chechnya conflict.<sup>28</sup>

### *Mid-2004: Severe deterioration*

#### **Insurgent raid on Nazran and Karabulak**

The human rights situation and security situation in Ingushetia deteriorated sharply in 2004. On the evening of June 21, a group of insurgents stormed the towns of Nazran and Karabulak, attacked law enforcement facilities, and exerted control over both towns until early the next morning.<sup>29</sup> The insurgents were led by the infamous Chechen rebel commander Shamil Basaev, who had been the mastermind behind some of the worst terrorist attacks in Russia's history. Basaev's group, which led the raid, numbered several hundred, including ethnic Chechen, but also many Ingush fighters.<sup>30</sup>

The casualties in the ranks of Ingush law enforcement personnel were overwhelming. The insurgents, dressed in camouflage uniforms and wearing masks, looked no different from military and security servicemen. They stopped people in the streets and road intersections, asking for their identification documents, and killed all those who had law enforcement personnel ID. According to official data from June 23, 2004, insurgents had killed 24 members of the Ingushetia police force, 12 officers of the republican FSB branch, and 16 policemen temporarily deployed to Ingushetia from other regions of Russia.<sup>31</sup> The acting minister of internal affairs of Ingushetia, his deputy, and the Nazran municipal and district prosecutors also lost their lives during the raids.<sup>32</sup>

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<sup>28</sup> See Human Rights Watch, *Spreading Despair*, p. 20. For reasons that are not clear, neither internal troops of the federal Ministry of Internal Affairs nor federal military provided assistance to the Ingushetia law enforcement officials in countering the rebel attack. Irina Khalip, "Basaev's Guide," (Проводник Басаева), *Novaya Gazeta* (Moscow), August 16, 2004, <http://2004.novayagazeta.ru/nomer/2004/59n/n59n-s16.shtml> (accessed May 14, 2008).

<sup>29</sup> Khalip, "Basaev's Guide," (Проводник Басаева), *Novaya Gazeta*.

<sup>30</sup> Ibid.

<sup>31</sup> "95 people were killed as a result of terrorist attack in Ingushetia," (95 человек погибли в результате нападения боевиков на Ингушетию), *NEWSru.com*, June 23, 2004, <http://palm.newsru.com/russia/23jun2004/godead.html> (accessed May 14, 2008).

<sup>32</sup> "Tragedy during Tribulation," (Трагедия в день скорби), Official website of the Republic of Ingushetia, July 15, 2004, <http://www.ingushetia.ru/m-news/archives/002172.shtml> (accessed May 14, 2008).

The insurgents inflicted significant civilian casualties too, particularly as they killed not only security and law enforcement personnel but generally those who had official ID, including, for example, the head of the Ingushetia postal service, a staff member of the republican Ministry of Agriculture, and a staff member of the republican Ministry of Transport. On June 23, the overall number of killed civilians was quoted as 44.<sup>33</sup>

According to the official website of Ingushetia, the final total of the casualties from the armed raid was 98 killed and 104 wounded, including law enforcement and security personnel, officials, and civilians.<sup>34</sup>

For a small republic like Ingushetia such losses were staggering. Most local residents were also shocked by the fact that many of the members of Basaev's group were Ingush. In the wake of Basaev's raid, the public at large rallied around the government and urged the authorities to take prompt and strong measures to prevent such attacks from happening again. Thus, the intensification of counterinsurgency operations as of mid-2004 initially enjoyed widespread public support.<sup>35</sup>

### **Ensuing counterinsurgency operations**

Sweep operations were immediately carried out in areas heavily populated by Chechen displaced persons. No large-scale abuses occurred, and most of the people detained during those operations were promptly released. However, the sweeps were followed by targeted raids, in which individuals suspected of involvement with the insurgents were summarily and arbitrarily detained by federal or local security and law enforcement servicemen. Some of the detained individuals "disappeared." Others were tortured and forced to confess to involvement in insurgent groups and attacks, including, but not limited to, the raid on Nazran.<sup>36</sup>

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<sup>33</sup> "95 people were killed as a result of terrorist attack in Ingushetia," (95 человек погибли в результате нападения боевиков на Ингушетию), *NEWSru.com*.

<sup>34</sup> "Tragedy during Tribulation," (Трагедия в день скорби), Republic of Ingushetia website.

<sup>35</sup> See Memorial, "A Conveyer of Violence."

<sup>36</sup> *Ibid.*

Counterinsurgency operations and human rights violations intensified in the wake of the September 2004 hostage-taking atrocity in Beslan, North Ossetia.<sup>37</sup>

According to the leading Russian human rights NGO, Memorial, 75 people were “abducted” in Ingushetia by law enforcement and security agencies in 2004, half of them residents of Ingushetia.<sup>38</sup> Eventually, one of those individuals was found dead, 23 disappeared, and the others were either released after protracted interrogations and torture or appeared in remand prisons. Many of the latter were held in the remand prison of Vladikavkaz, North Ossetia, having confessed to grave crimes and incriminated other residents of Ingushetia, who would then suffer the same fate.<sup>39</sup> Memorial documented many of these cases and asserts that during counterinsurgency operations security and law enforcement servicemen did not identify themselves or explain the reasons behind the raids. They would seize individuals allegedly involved with an illegal armed group; their families were not made aware of their respective fates or whereabouts. Those detained were tortured and subjected to psychological pressure in both legal and illegal places of detention. They were generally denied access to independent legal counsel, and were forced to sign confessions and other incriminating statements.<sup>40</sup>

Security forces targeted strictly observant Muslims in particular, assuming their religiosity would make them likely insurgents. As described below, the insurgency in Ingushetia has a broad Islamic agenda, and a large proportion of insurgents adhered to strict interpretations of Islam. According to numerous reports, law enforcement agencies in the North Caucasus were tasked with putting together lists of so-called

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<sup>37</sup> The hostage crisis began on September 1, when armed men and women burst into School No. 1 as approximately a thousand children, parents, and teachers had gathered to celebrate the beginning of the academic year. The armed group held the hostages without food or drinking water for over 48 hours before Russian security forces stormed the school. It has been reported that over 338 hostages, almost half of them children, were killed; hundreds more were taken to hospital suffering from injuries of varying severity. For details, see Human Rights Watch, “Joint NGO statement on the Beslan Hostage Tragedy,” 8 September, 2004, <http://hrw.org/english/docs/2004/09/08/russia9336.htm>, and “Outcome of Beslan Tragedy : 338 killed, half of them children,” (Итог трагедии в Беслане: 338 погибших, половина из них – дети), *Kavkaz-Uzel.Ru*, September 6, 2008, <http://kavkaz-uzel.ru/newstext/news/id/700340.html> (accessed May 16, 2008).

<sup>38</sup> Thirty-eight of the abducted were Chechens and 37 were Ingush. See Memorial, “A Conveyer of Violence.”

<sup>39</sup> As Ingushetia does not have its own remand prison, criminal suspects were held in pretrial detention facilities elsewhere in the North Caucasus, primarily in Vladikavkaz until 2007, when the authorities started sending them to remand facilities in Nalchik (Kabardino-Balkaria) or Pyatigorsk (Stavropol province) due to strong public outcry about the torture of Ingush detainees in North Ossetia. For details, see Memorial, “A Conveyer of Violence” and Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed May 13, 2008).

<sup>40</sup> See Memorial, “A Conveyer of Violence.”

Wahhabis, the term being misused to describe any followers of Salafite Islam and more broadly to brand alleged supporters of insurgency and terrorism. Those on the list would generally become the first obvious victims of counterinsurgency operations.<sup>41</sup>

### *2006 and beyond: insurgents' agenda and operations in Ingushetia, and the counterinsurgency*

The Basaev raid in 2004 clearly demonstrated that insurgent and rebel groups operating in Ingushetia included Ingush residents. Subsequent insurgent attacks in the region also relied on major involvement of Ingush fighters.<sup>42</sup> Insurgent attacks intensified in Ingushetia in the wake of the post-Beslan counterterrorism operations. These attacks targeted law enforcement personnel, government officials, and local religious leaders who spoke against Salafite Islam.

As for the counterinsurgency response and related human rights abuses, Memorial's research findings for 2006 evidence a marked shift from abduction-style detentions to extrajudicial executions: 15 civilians were abducted and about 40 were killed in counterinsurgency operations.<sup>43</sup>

### **2007: Dramatic increase in insurgent attacks on servicemen and officials**

2007 saw a dramatic rise in insurgent activity. The beginning of the year was marked by assassination attempts on the mufti of Ingushetia and two other religious leaders, and an attack on a military convoy in the part of North Ossetia's Prigorodny district populated by Ingush. The attack on President Zyazikov's family residence in the village of Barsuki on July 16, the alleged shelling of President Zyazikov's motorcade on July 21, as well as the attack on the FSB building and the presidential palace in

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<sup>41</sup> See, for example, Yulia Latynina, "Code of Access" [Код Доступа] program, *Echo of Moscow Radio*, May 10, 2008, <http://www.echo.msk.ru/programs/code/513209-echo/> (accessed June 6, 2008). Similar information was also reported to Human Rights Watch by an anonymous member of law enforcement in Nazran, Ingushetia, on December 21, 2007. For more information on targeting Muslims in counterterrorist operations, see section "Abductions, Enforced Disappearances, and Torture" in this report.

<sup>42</sup> See Memorial "Report by the Memorial Human Rights Centre dedicated to the new round of consultations between the EU and Russia (Ljubljana, April 16, 2008) – The Situation in the North Caucasus: Autumn 2007 - Spring 2008," April 2008, <http://www.memo.ru/2008/04/18/1804083.html> (accessed June 6, 2008).

<sup>43</sup> Human Rights Watch interview with Alexander Cherkasov, a North Caucasus researcher of Memorial, Moscow, May 12, 2008. No statistics for abductions and killings by military, security, and law enforcement servicemen in 2005 are available.



Magas on July 27 received particularly broad media coverage.<sup>44</sup> While in 2006 there were 37 attacks on law enforcement personnel that resulted in deaths of 15 police officers and four civilians,<sup>45</sup> in 2007, according to statistics provided to Human Rights Watch by Ingushetia Minister of Internal Affairs Musa Medov, 86 attacks were made on members of law enforcement agencies.<sup>46</sup> The resultant casualty toll, according to Prosecutor of Ingushetia Yuri Turygin, was 65 servicemen killed in 2007.<sup>47</sup> Memorial reported more than 50 insurgent attacks on law enforcement and military officers and civilian servicemen in the period June through September alone.<sup>48</sup> Among those killed were the deputy head of Plievo district administration, a republican civil servant, four Ingush policemen, and an FSB colonel who had investigated the abductions of Ingush and Chechens in North Ossetia.

Interior Minister Medov's statistics show another 28 attacks on members of law enforcement agencies during the first three months of 2008.<sup>49</sup>

### Attacks on non-Ingush

A particularly disturbing development in insurgent activity was a wave of killings of non-Ingush residents of Ingushetia (hereafter referred to as Russian-speakers of various ethnic backgrounds).

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<sup>44</sup> Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.1, "Insurgency on the rise," (Активизация боевиков).

<sup>45</sup> See the report by the Temporary Commission of the People's Assembly [Parliament] of Ingushetia "On Verification of Facts of Human Rights Violations in the Republic for 2007," [http://www.mashr.org/docs/doklad\\_parlamenta.php](http://www.mashr.org/docs/doklad_parlamenta.php) (accessed May 14, 2008).

<sup>46</sup> Statistics provided by Musa Medov, Ingushetia's minister of internal affairs, during a Human Rights Watch meeting with Ingushetia's authorities, Magas, May 27, 2008.

<sup>47</sup> Turygin quoted this number during a Human Rights Watch meeting with Ingushetia authorities in Magas on May 27, 2008. Speaking to Memorial in October 2007, Turygin said the number of attempted killings of security and law enforcement officers in Ingushetia in 2007 rose by 85 percent as compared to the previous year. See Memorial, "Report dedicated to the new round of consultations between the EU and Russia." Particularly hard hit was Malgobek district, where the number of such crimes grew by 150 percent as compared to 2006. Report by the Office of the Prosecutor of the Republic of Ingushetia, <http://poriadok.ru/main/news/archive/2008/03/28/1045/> (accessed May 14, 2008). Despite the growing casualties in the ranks of the law enforcement and security agencies, Turygin assesses their efforts aimed at preventing terrorist attacks as successful because, according to his information, there were only six terrorist attacks in 2007, as opposed to the 16 that had been perpetrated in 2006. Human Rights Watch meeting with Yuri Turygin and other Ingushetia authorities, May 27, 2008.

<sup>48</sup> Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.1, "Insurgency on the rise," (Активизация боевиков).

<sup>49</sup> Statistics provided by Musa Medov, May 27, 2008.

The first series of such attacks were carried out between January and March 2006 and, according to Memorial, three people were killed and three others wounded. Additionally, six Russian-speaking families had petrol bombs thrown into or at their homes.<sup>50</sup> Another series of attacks were perpetrated in 2007 and reached a shocking level in the months of July to November, when 24 Russian-speaking residents were killed allegedly by insurgents. Among them were ethnic Russians, Roma, and Koreans. The majority of the victims were long-term residents of Ingushetia who enjoyed respect in the local community. Relatives of some of the victims fled Ingushetia in fear of further attacks.<sup>51</sup>

A series of killings in summer 2007 of Russian-speaking families sparked public outrage in Ingushetia. A Russian school teacher, Ludmilla Terekhina, and her children Marina and Vadim, were killed in the village of Ordzhonikidzevskaya on July 16. Two days later, an improvised mine exploded by their gravesite at their funeral, wounding 10 people. On August 31 another Russian teacher, Vera Draganchuk lost her family to another such attack: her husband Anatoly and her sons Mikhail and Denis were killed in the town of Karabulak soon after midnight.<sup>52</sup> The authorities pledged to bring the perpetrators of these crimes to justice without delay. However, subsequent operations by law enforcement and security forces resulted in extrajudicial executions of local residents suspected of involvement in the killings of Terekhina and her children and the family-members of Draganchuk. This also caused a major public outcry and contributed to rising tensions in the republic.<sup>53</sup>

Many residents of Ingushetia refuse to believe that the killings of Russian-speakers in Ingushetia were perpetrated by the rebels and attribute them to the security services. That in itself testifies to the growing antagonism towards the FSB, as a

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<sup>50</sup> Memorial, "Letter to the president of Ingushetia on a series of attacks on Russian residents of Ingushetia," (Письмо Президенту Республики Ингушетия по поводу серии нападений на русских жителей Ингушетии), March 15, 2006, <http://www.memo.ru/hr/hotpoints/caucas1/msg/2006/03/m53387.htm> (accessed June 6, 2008).

<sup>51</sup> The president of Ingushetia, Murat Zyazikov, told Human Rights Watch at a meeting in Magas on May 27, that "not a single Russian left the republic" in the wake of the attacks. However, Human Rights Watch is aware that Vera Draganchuk and her daughter left Ingushetia for Stavropol soon after the killings. See, for instance, Memorial, "Ingushetia 2007 – What's Next," ("Ингушетия 2007 – куда дальше?"), Section 4.2, "Killings of non-Ingush residents of Ingushetia and Investigation into them," (Убийство граждан «нетитульных» национальностей и их расследование).

<sup>52</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.2, "Killings of non-Ingush residents of Ingushetia and Investigation into them," (Убийство граждан «нетитульных» национальностей и их расследование).

<sup>53</sup> See Section "Extrajudicial Executions" in this report for the cases of Islam Belokiev and Apti Dalakov.

result of the accumulating abusive operations.<sup>54</sup> The involvement of insurgents, however, appears very plausible in light of a statement by one of the leading commanders of the insurgents published by the key rebel website, Caucasus Center, in May 2006. The statement asserted that the militants had recently carried out a series of successful operations, “including against Russians in the territory of the North Caucasus, and Ingushetia in particular” because the insurgency leadership “now view Russians as military colonists, with all relevant consequences.”<sup>55</sup> The same concept was reinforced by the chief insurgent leader, Doku Umarov, in a statement on November 21, 2007.<sup>56</sup>

### 2007-08 counterinsurgency operations

In attempts to suppress the growing insurgency, a “special preventative operation” began in Ingushetia as of July 25, 2007: the local police force was put on permanent alert and 2,500 troops of Russia’s Ministry of Internal Affairs were deployed to the region along with several dozen armored personnel carriers (APCs). At this writing, the operation is still ongoing.<sup>57</sup> However, it has proved to be ineffective under the circumstances, as the specially deployed servicemen soon became additional targets for the insurgents. Generally, from July to early autumn 2007, insurgent attacks were occurring several times per week and sometimes on a daily basis.<sup>58</sup> This

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<sup>54</sup> From a series of anonymous interviews with residents of Ingushetia conducted in July 2007 by the author of this report in her former capacity as head of the “Conflict Zones” program at Center Demos, a Russian human rights think-tank. The reluctance of local residents to attribute the killings to the insurgents stands in strong contrast to the public outrage caused by Basaev’s raid on Nazran and Karabulak in 2004, and demonstrates how abusive special operations influence the mindset of the population of Ingushetia. See Tanya Lokshina, “In the Armed Fighting Zone,” (В зоне военных действий), *Polit.Ru*, August 2007, <http://www.polit.ru/author/2007/07/31/ingushetija.html> (accessed May 14, 2008).

<sup>55</sup> “No one can stop Jihad,” (Джихад уже никому не остановить), May 17, 2006, *Kavkazcenter.com*, <http://www.kavkazcenter.com/russ/content/2006/05/17/44511.shtml> (accessed May 14, 2008). Notably, when the killing of Ludmilla Terekhina and her family in July 2007 caused indignation among the population in Ingushetia, the leadership of Ingushetia-based rebels claimed they were not involved in that killing and have nothing against “peoples of other ethnicities on the condition that they do not participate in the flight against Islam and Muslims.” [...представители любой другой национальности, при условии их неучастия в борьбе против Ислама и мусульман, то мы не имеем к ним никаких претензий]. See “Press Release by the Ingush Sector of the Caucasus [rebel] Front,” *Kavkazcenter.com*, September 3, 2007, <http://www.kavkazcenter.com/russ/content/2007/09/03/52723.shtml> (accessed June 6, 2008).

<sup>56</sup> “Official release of the statement by Amir Dokka Umarov on the announcement of the Caucasian Emirates,” (Официальный релиз заявления Амира Докки Умарова о провозглашении Кавказского Эмирата), *Kavkazcenter.com*, November 21, 2007, <http://www.kavkazcenter.com/russ/content/2007/11/21/54480.shtml> (accessed June 6, 2008).

<sup>57</sup> See “Ingushetia: chronicle of terrorist attacks, shellings, and abductions,” *Kavkazskiy Uzel*, August 31, 2007, <http://kavkaz-uzel.ru/newstext/chronics/id/1196026.html> (accessed May 14, 2008).

<sup>58</sup> See Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), Section 4.1 “Insurgency on the rise,” (Активизация боевиков) and Section 4.12, “Autumn: the results of the prophylactic special operation,” (Осень – итоги комплексной профилактической операции).

frequency of rebel attacks decreased a little with the arrival of colder weather but rose to the same level in the spring of 2008.<sup>59</sup> Insurgents' attacks continue to plague Ingushetia as of writing of this report.<sup>60</sup>

Human rights violations perpetrated during the ongoing “special preventative operation,” as well as prior operations in 2007, are documented in this report, and have clearly contributed to a further growth in tensions. According to Memorial, in 2007 alone 29 civilians were “abducted” and approximately 40 killed by military, security, and police officials.<sup>61</sup>

### *Parliamentary acknowledgment of abuses during counterinsurgency operations*

Ingushetia's parliament has acknowledged the abusive nature of counterterrorism efforts in Ingushetia. A Temporary Parliamentary Commission was formed in Ingushetia to analyze the human rights situation and released a report in February 2008, stressing that the lawless comportment by law enforcement and security largely contributed to the overall deterioration of the situation in the republic. The commission noted, in particular, that from 2004 through 2007, 149 individuals were subjected to extrajudicial executions in Ingushetia. The commission also stated this figure was based on information it received from law enforcement bodies.<sup>62</sup>

## **General Characteristics of Insurgents in Ingushetia, Links to Chechnya**

The number of insurgents in Ingushetia is unclear. Law enforcement agencies and the media have made strikingly low estimates ranging from 50 to 100 militants in the

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<sup>59</sup> For day-to-day developments, see “Ingushetia: chronicle of terrorist attacks, shellings, and abductions,” *Kavkazskiy Uzel*.

<sup>60</sup> For example, on June 13, 2008, alone an explosion in Nazran killed four people. See “At least 8 dead in wave of Russia violence,” Reuters, June 13, 2008, <http://www.alertnet.org/thenews/newsdesk/L13610161.htm> (accessed June 16, 2008).

<sup>61</sup> Human Rights Watch interview with Alexander Cherkasov, May 12, 2008.

<sup>62</sup> “Report ‘On the findings of the Temporary Commission of the People's Assembly in the Republic of Ingushetia on Checking into the Facts of Violations of Rights of Citizens in the Republic of Ingushetia’”, (Доклад ‘Об итогах работы Временной комиссии Народного Собрания Республики Ингушетия по проверке фактов нарушения прав граждан в республике Ингушетия’), *Kavkazskiy Uzel*, February 24, 2008, <http://www.kavkaz-uzel.ru/newstext/news/id/1208367.html> (accessed May 15, 2008).

territory of the republic. While little is known about the insurgents' structure and agenda, it appears inseparable from the insurgency in Chechnya.

According to media reports, three major rebel groups operate in Ingushetia—Barakat (“Bliss”), Nazran, and Taliban—and are joined under the command of Akhmed Yevloev, also known as Commander Magas.<sup>63</sup> According to Caucasus Center, “Magas”<sup>64</sup> initially received his mandate directly from Doku Umarov,<sup>65</sup> a prominent Chechen commander and former president of the unrecognized Chechen Republic of Ichkeria. Umarov dissolved Ichkeria in October 2007 and proclaimed himself “Emir of the Caucasus Emirates.”<sup>66</sup> “Magas’s” appointment by Umarov can be viewed, *inter alia*, as corroboration of the widespread opinion that the insurgents in the North Caucasus have a centralized command, the so-called Majlisul Shura (council of field commanders) led by Umarov.

In his October 2007 statement, Umarov specifically condemned “all names that the faithless [non-Muslims] use to divide Muslims,” that is any ethnic or territorial division of the Caucasus.<sup>67</sup> It therefore appears that after several years of symbiosis between Islamist and separatist tendencies within the armed groups, the Chechen separatist project lost to the militant Islamist approach.<sup>68</sup>

One expert on the insurgency emphasized that the insurgency movement in the North Caucasus is of a “clearly Jihadist” nature.<sup>69</sup> Among new recruits there may be individuals initially unfamiliar with strict interpretations of Islam and motivated by revenge for family members killed by security services, personal experiences of

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<sup>63</sup> See Memorial, “Situation in the Conflict Zone in the North Caucasus: Summer 2007,” October 2007, <http://www.memo.ru/2007/10/03/0310071.html#1> (accessed May 15, 2008).

<sup>64</sup> This *nom de guerre* is given in quotation marks throughout the report, to differentiate it from references to Ingushetia’s capital city, Magas. It should also be noted that Yevloev is a common surname in Ingushetia, and the several people with that name mentioned in this report are not known to be related to one another.

<sup>65</sup> “Doku Umarov’s decree #139,” *Kavkazcenter.com*, July 19, 2007, <http://www.kavkazcenter.com/russ/content/2007/07/21/51972.shtml> (accessed May 15, 2008).

<sup>66</sup> See, for instance, “Chechnya is no more,” (Чечни не стало), *Gazeta.Ru*, November 1, 2007, [http://www.gazeta.ru/politics/2007/10/31\\_kz\\_2279391.shtml](http://www.gazeta.ru/politics/2007/10/31_kz_2279391.shtml) (accessed May 15, 2008).

<sup>67</sup> *Ibid.*

<sup>68</sup> See, for instance, Center Demos, “Chechnya. Life at War,” Moscow, 2007, pp. 82-97.

<sup>69</sup> Human Rights Watch telephone interview with Andrei Babitsky, Radio Liberty correspondent and leading expert on the armed underground in the North Caucasus, May 15, 2008.

abduction and torture, etc. However, once such individuals join the rebel forces they become indoctrinated in strict and militant Islam.<sup>70</sup> The insurgents' proclaimed long-term goal is to create an Islamic state in the Caucasus.<sup>71</sup> Their short-term agenda is far from distinct, and can be generally described as destabilizing the situation in the North Caucasus region and ousting the authorities.

Perhaps in an effort to gain public support, since 2004 the insurgents have been generally avoiding killing Ingush or otherwise Muslim civilians in Ingushetia.<sup>72</sup> In response to the insurgents' attacks on law enforcement servicemen and public officials, the law enforcement and security forces carry out counterinsurgency operations that result in the killing and abduction of local residents. This only makes Ingushetia's residents believe the insurgents are, at minimum, no worse than the authorities.<sup>73</sup>

The dramatic rise in insurgent attacks in Ingushetia may be explained largely by Ramzan Kadyrov's grip on Chechnya and his successful strategy of recruiting insurgents into his security forces in exchange for personal security guarantees. This has made it increasingly difficult for the insurgents to operate in Chechnya. One result is that by 2007 their efforts became largely focused on neighboring Ingushetia, whose authorities are too weak to effectively exert control over the situation and whose residents have been so frustrated by violent and lawless actions by security and law enforcement agencies that the base of support for insurgency on the ground is gradually growing.<sup>74</sup>

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<sup>70</sup> Ibid.

<sup>71</sup> See, for instance, "Chechnya is no more," (Чечни не стало), *Gazeta.Ru*.

<sup>72</sup> In the insurgents' perception, state officials are not civilians, though this approach cannot be justified under international humanitarian law.

<sup>73</sup> Human Rights Watch telephone interview with Andrei Babitsky, May 15, 2008.

<sup>74</sup> See Section "Chechenization of the Conflict, or the 'Political Process' in the Chechen Republic" in Center Demos, "Chechnya. Life at War," pp. 82-97. See also Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 1, "Introduction."

## V. Domestic Legal Framework for Counterterrorism

Counterinsurgency operations in Ingushetia are governed by Russia's federal counterterrorism legislation. This legislation allows fundamental rights and freedoms to be severely restricted or suspended during counterterrorism operations, and allows the security services to determine—without judicial oversight—the circumstances under which such restrictions will apply and the extent to which they should be applicable. The legislation extends the amount of time a person suspected of participation in illegal armed groups and involvement in terrorist crimes may be held in custody before being charged. It also allows for searches of homes without warrants, use of lethal force in case of unspecified necessity, and bans on public assemblies and the work of the press as possible elements of counterterrorism operations. The FSB, which is put in the lead of counterterrorism efforts, may invoke these restrictions for any duration of time, in any area it determines relevant, and without having to demonstrate that the restrictions on rights are proportionate to the threat of terrorism.

### 2006 Norms

Russia's counterterrorism framework includes a federal counterterrorism law and a range of other laws, including criminal, administrative, and criminal procedure norms.<sup>75</sup> In 2006 this framework was updated essentially to incorporate a range of counterterrorism practices that had evolved in Chechnya and were expedient for security and law enforcement personnel.<sup>76</sup>

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<sup>75</sup> These include, inter alia, the Law on the Federal Security Service and the Mass Media Law. See below.

<sup>76</sup> The Russian government framed the second Chechen war, which started in 1999, as a counterterrorism operation governed only by counterterrorism legislation. Between 1999 and until the adoption of the new counterterrorism legislation, human rights NGOs and experts repeatedly pointed out that the government's operations there could be justified only under a state of emergency, which the Russian government never declared, and not under Russia's counterterrorism legislation. NGOs noted in particular that the government set no limits on the duration and territory of the operations in Chechnya and that it deployed massive military forces, both of which, prior to the 2006 counterterrorism law, were justifiable only under an emergency situation. See, for example, Memorial and Center Demos, "The Conduct of the 'Counter-terrorist Operation' by the Russian Federation in the North Caucasus in 1999-2006," January 26, 2007, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed on May 10, 2008).

The cornerstone of these legislative changes was the adoption in May 2006 of Federal Law No. 35 on Counteracting Terrorism,<sup>77</sup> which replaced the 1998 Law on Fighting Terrorism.<sup>78</sup> The new law expanded on the old definition of terrorism— attempts to influence decisions by state authorities by means of inciting fear among the public and/or committing other unlawful and violent actions<sup>79</sup>—to include propagating terrorism, disseminating materials that call for engaging in terrorist activity or include justifications of terrorism,<sup>80</sup> and carrying out “informational and other<sup>81</sup> collaboration” with terrorists and in planning of terrorist attacks.<sup>82</sup> These provisions have had a distinctly negative impact on freedom of expression, particularly with regard to media coverage of terrorist attacks. Their vague formulation leaves them open to broad and arbitrary interpretation and therefore to a breach of Russia’s obligations to respect freedom of expression as guaranteed under both article 10 of the European Convention on Human Rights and article 19 of the International Covenant on Civil and Political Rights (ICCPR).<sup>83</sup>

The new law also redefines the concept of a “counterterrorism operations regime.” Whilst the old law provided for territorial limitations on a counterterrorism operation zone (a specific part of a territory, a building or vehicle and the territory adjacent to it, etc), under the 2006 law counterterrorism operations are bound neither by territory

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<sup>77</sup> See Federal Law No. 35-FZ on Counteracting Terrorism (2006), <http://www.legislationline.org/legislation.php?tid=46&lid=6207&less=false> (accessed June 11, 2008).

<sup>78</sup> The law was adopted by the State Duma on February 26, 2006, and entered into force when President Putin signed it in March 2006, with the exception of articles 18 (compensation of damage inflicted in a terrorist attack), 19 (social rehabilitation for victims of terrorist attacks), 21 (compensation of harm for and social protection of individuals engaged in counterterrorism), and 23 (benefits for individuals engaged in counterterrorism), which entered into force on January 1, 2007.

<sup>79</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art. 3.1.

<sup>80</sup> The term “justification,” used in the law, may have two possible interpretations: (1) expression of understanding of or compassion for the motives of the terrorist(s); and (2) asserting that terrorist ideology and/or practices are justifiable from a political, social, or other viewpoint. Article 205-2 of the Russian Criminal Code, which provides for criminal liability for “justification of terrorism,” is accompanied by a commentary that says only that “justification” should be interpreted as public assertions that terrorist ideology and practices are justifiable and should be supported. See <http://www.russian-criminal-code.com/> (accessed June 11, 2008).

<sup>81</sup> The definition “other [forms of] collaboration” with terrorists has a particularly strong potential for arbitrary application as no specific types of collaboration are identified. For example, an individual who rented an apartment to a terrorist without his or her knowledge of the tenant being a terrorist may be accused of collaboration in planning a terrorist attacks.

<sup>82</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art 3.

<sup>83</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 213 U.N.T.S. 222, as amended by Protocol 11, entered into force September 3, 1953, ratified by Russia on May 5, 1998. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976) ratified by Russia on October 16, 1973.



nor duration. Both are defined by the head of the counterterrorism operative headquarters in the region where the operation is conducted.<sup>84</sup>

### *Restrictions on rights in counterterrorism operations*

Under the 2006 law, during counterterrorism operations security services and law enforcement may conduct document checks and personal searches and impose limits on the free movement of people and vehicles.

Also, in 2004 the criminal procedure code was amended to allow individuals detained on allegations of terrorism to be held for 30 days without being charged, as opposed to 10 days applicable in all other situations.<sup>85</sup>

The 2006 law also allows counterterrorism security personnel, without a judicial warrant, to have unhindered access to people's homes, conduct random surveillance of communications (telephone, internet, etc.), and suspend communication services.<sup>86</sup> These provisions permit serious interference with the right to privacy, and to the home and correspondence, as protected by article 8 of the European Convention, article 17 of the ICCPR, and article 23 of the Russian Constitution (which additionally stipulates that restrictions on these rights can be imposed solely on the basis of a judicial sanction).

The new law places significant restraints on freedom of expression, particularly freedom of the press, by enabling the authorities to deny journalists and independent reporters access to the counterterrorism operations zone. As described below in this report, the authorities have invoked this provision to prevent journalists from reporting on developments in Ingushetia.<sup>87</sup>

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<sup>84</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art. 11. For information on operative counterterrorism headquarters and their leadership, see below, this chapter, section "Structure of Counterterrorism Operations."

<sup>85</sup> Criminal Procedure Code, art 100, part 2, as amended by Federal Law on Amending the Criminal Procedure Code of the Russian Federation, No. 18-FZ April 22, 2004. See <http://www.legislationline.org/upload/legislations/9a/eb/3a4a5e98a67c25d4fe5eb5170513.htm>.

<sup>86</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art. 11.

<sup>87</sup> See Chapter IX of this report, "Public Protests and Response of the Authorities."

The above restrictions are similar to those invoked under a state of emergency. But in contrast to a state of emergency, counterterrorist operations are not subject to either parliamentary or international control.<sup>88</sup>

### *Lack of specific preconditions for counterterrorism operations*

The law does not specify preconditions that must exist for launching a counterterrorism operation. It only stipulates that a “counterterrorism operation is conducted to repress a terrorist attack if there is no way to do so by other means.”<sup>89</sup> Article 12.2 gives local security services the right to launch counterterrorism operations in their respective territories and exclusive rights and responsibility to determine the targets, timing, scope, and subjects of the operation. Article 9 provides for large-scale use of military forces in counterterrorism operations.<sup>90</sup>

The overly broad definition of terrorism, combined with the wide powers security services have to define counterterrorism operations and restrict rights, have prompted concern that the law can be misused to suppress dissent or to advance the interests of the governing authorities even in the absence of a genuine threat of terrorism. As noted earlier, for instance, the Ingush government invoked the counterterrorism regime to justify banning a protest rally.

### **Authorized use of lethal force**

The law sets out no standards of proportionality for the use of lethal force by law enforcement and security servicemen. A June 2007 implementing decree stipulates that weapons and military equipment in counterterrorism operations can be used during a detention “if the detention cannot be carried out by other means.”<sup>91</sup> Before

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<sup>88</sup> The Federal Constitutional Law on a State of Emergency stipulates that the invocation of a state of emergency must be endorsed by the upper house of the Russian parliament. According to this law, the invocation of a state of emergency must also be reported without delay to the UN secretary general and the Council of Europe secretary general, who should be provided with a list of Russia’s respective obligations under international treaties from which Russia would be derogating during the period of the state of emergency, and a description of the scope of those derogations with regard to specific rights.

<sup>89</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art.12.1

<sup>90</sup> Ibid., art. 9. This article even provides for such military operations outside of Russia’s territory to prevent alleged terrorist attacks, with the relevant decision made by the Russian president.

<sup>91</sup> Decree No. 352 on Measures to Implement the Federal Law on Counteracting Terrorism, issued June 6, 2007.

an officer is authorized to use his weapon, he is required to declare his intention to do so, unless such a warning would “endanger life” or is “impossible.” However, no guidance is provided on the circumstances in which such an eventuality may occur.

At the same time, according to authorities in Ingushetia, in 2007 and 2008 a counterterrorism operation regime has been in force in Ingushetia on only two occasions: in July 2007 to conduct a sweep in the village of Ali-Yurt as a follow up to the insurgents’ attack on Magas,<sup>92</sup> and in January 2008 to prevent a protest rally which, according to police intelligence, created a threat of terrorist attacks.<sup>93</sup> Numerous “special operations” conducted in the territory of the republic are not classified as counterterrorism operations but are deemed to be regular law enforcement operations aimed at preventing crimes of a terrorist nature, involving for example the arrest of alleged members of illegal armed groups.<sup>94</sup> However, large armed units are frequently deployed during those operations and resort to the use of lethal force.<sup>95</sup> The prosecutor of Ingushetia, Yuri Turygin, told Human Rights Watch that law enforcement personnel “use lethal force if they’re under threat.” Turygin also maintained that the prosecutor’s office views “threat to personnel” as a key criterion in identifying a potential terrorist attack.<sup>96</sup>

## **Structure of Counterterrorism Operations**

As described below in this report, a variety of agencies can be involved in counterterrorism operations. Article 15.3 of the counterterrorism law enumerates the agencies that may be deployed in such operations, including the FSB, the Ministry of Internal Affairs, Ministry of Emergency Situations, Fire Department, Water Safety Department, and other executive personnel.

The law provides little clarity about the chain of command over counterterrorism operations but puts the FSB firmly in control of all aspects of counterterrorism

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<sup>92</sup> See Chapter VIII of this report, “Special Operations Involving Cruel and Degrading Treatment.”

<sup>93</sup> Human Rights Watch meeting with Yuri Turygin and other Ingushetia authorities, May 27, 2008.

<sup>94</sup> Ibid.

<sup>95</sup> See Chapter VI of this report, “Extrajudicial Executions,” for details on the cases of Rakhim Amriev, Aпти Dalakov, and others.

<sup>96</sup> No such criterion is provided in Federal Law on Counteracting No. 35-FZ.

operations. The Federal Operative Headquarters (whose head is appointed by the FSB director) on the federal level<sup>97</sup> and the local operative headquarters on the regional level, controlled ex officio by heads of local branches of the FSB,<sup>98</sup> remain the key decision-making and implementing agencies with full control over concrete operations in the relevant territories. The operative headquarters develop the operation's plan, ensure coordination between different enforcement agencies involved, and are responsible for the actual conduct of the operation.<sup>99</sup> The operative headquarters chief, in turn, has overall control of the execution of the operation<sup>100</sup> and determines which personnel need to be deployed<sup>101</sup> and which resources are needed for the operation. A federal National Counterterrorism Committee (chaired by the FSB director) and similar regional commissions (chaired by regional governors) were created by President Putin's decree to coordinate the work aimed at preventing terrorism and minimizing consequences of terrorist attacks in general but they are not tasked with overseeing specific operations.<sup>102</sup>

Ingushetia's president, Murat Zyazikov, told Human Rights Watch that the republican Counterterrorism Commission under his leadership holds meetings "on a regular basis," discusses strategies aimed at preventing and countering terrorist activity "but does not plan specific operations, as this is the task of the professionals," namely the FSB. Ingushetia's minister of internal affairs, who is also the deputy head of the republican Counterterrorism Commission, said that an operative headquarters meeting chaired by the head of the FSB discusses available intelligence and determines whether that intelligence warrants a counterterrorism operation, and the republican Counterterrorism Commission follows the headquarters guidance.<sup>103</sup>

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<sup>97</sup> Ibid., art. 6 A "On the measures to counter terrorism."

<sup>98</sup> Ibid.

<sup>99</sup> Federal Law on Counteracting Terrorism, No. 35-FZ, art. 14.

<sup>100</sup> Ibid., art. 13.

<sup>101</sup> The only exception from the rule is the deployment of large military formations, which must be sanctioned by Russia's president. Ibid., art. 9."

<sup>102</sup> Presidential Decree #116, arts. 1, 6 A and B.

<sup>103</sup> Remarks made by Murat Zyazikov and Musa Medov at Human Rights Watch meeting with Ingushetia authorities, May 27, 2008.

## Other Laws Amended by Counterterrorism Legislation

Other laws amended to accommodate the needs of the counterterrorism operations include the Federal Law on the Mass Media and the Federal Law on the Federal Security Service.<sup>104</sup>

The amendments to the Law on Mass Media ban the media from publicly justifying terrorism.<sup>105</sup> They also stipulate that “the procedure for collection of information by journalists in the territory of a counterterrorism operation shall be defined by the head of the counterterrorism operation.”<sup>106</sup> Under the amendments, mass media outlets covering counterterrorism operations are forbidden from disseminating information on special means, techniques, and tactics used in connection with the operation.<sup>107</sup> Likewise, mass media cannot be used “for dissemination of materials containing public incitement to terrorist activity, of providing public justification of terrorism, or of other extremist materials.”<sup>108</sup>

The amendments to the Law on the Federal Security Service provide for the conduct of military operations with the aim of “obtaining information about events or actions, which create a terrorist threat” and “identifying persons connected with the preparation and conduct of a terrorist attack.”<sup>109</sup> In practice, this accounts for the heavily militarized sweeps and targeted raids of houses by security services.

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<sup>104</sup> The amendments were made via Federal Law No. 153 on Introducing Amendments into Specific Legislative Action of the Russian Federation in connection with the Adoption of Federal Law on Ratification of the Council of Europe Convention on Prevention of Terrorism and Federal Law on Counteracting Terrorism, (О внесении изменений в отдельные законодательные акты Российской Федерации в связи с принятием Федерального закона “О ратификации Конвенции Совета Европы о предупреждении терроризма” и Федерального закона “О противодействии терроризму”), adopted June 27, 2006.

<sup>105</sup> It is not clear whether in this context justification must be interpreted the way it is defined in the commentary to the article 205-2 of the Criminal Code described in the footnote 94, that is, as public assertions that terrorist ideology and practices are justifiable and should be supported. This lack of clarity potentially makes it possible to use broader interpretation in connection with administrative suits against media outlets.

<sup>106</sup> Federal Law on Mass Media, No. FZ-2124-1 as amended by Federal Law No. 153.

<sup>107</sup> Ibid. By law, the ban is only applicable to the situations when such coverage may interfere with the conduct of the operation and threaten people’s lives and health. The formula, however, is vague and therefore indirectly encourages a very broad application of the ban.

<sup>108</sup> Federal Law on Mass Media, No. FZ-2124-1 as amended by Federal Law No. 153, art. 4.

<sup>109</sup> Federal Law No. 40 on the Federal Security Service as amended by Federal Law No. 153, art. 9.1.

## VI. Extrajudicial Executions

Memorial estimates that security personnel were responsible for up to 40 killings of civilians in counterinsurgency operations in Ingushetia between January and December 2007.<sup>110</sup> In this report Human Rights Watch documented eight such cases of unlawful killings by law enforcement officials, and one case of attempted unlawful killing, in Ingushetia in 2007,<sup>111</sup> and identified a pattern of extrajudicial executions there. In all but one of those eight cases, security services justified the killing by claiming the victim had been violently resisting arrest. Immediately after the killing, the authorities would bring criminal charges against the deceased of attempting to kill law enforcement agents, membership in an illegal armed group, and illegal weapons possession. The investigation of those charges was then promptly closed in light of the suspect's death.

Witnesses to the killings to whom Human Rights Watch spoke generally denied government allegations that the victims were armed or used violence. However, most witnesses dare not provide official testimony, fearing repercussions from security services. Human Rights Watch is not in a position to confirm these witness accounts or assess the government's claims. But in none of these cases did the authorities launch effective investigations into whether security forces' use of lethal force was justified. Also, Human Rights Watch is not aware of any forensic or ballistic examination that would have substantiated the government's claims.

Extrajudicial executions constitute a clear violation of the right to life, a fundamental right forming part of Russia's international human rights obligations. The deprivation of life by state authorities is considered a matter of utmost gravity.<sup>112</sup> As a consequence, circumstances in which deprivation of life may be justified must be strictly construed.<sup>113</sup> The European Court of Human Rights has consistently held that

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<sup>110</sup> Human Rights Watch interview with a Memorial researcher, Alexander Cherkasov, Moscow, May 12, 2008.

<sup>111</sup> A further case documented by Human Rights Watch, the killing of Elbert Gorbakov (born 1985) on October 9, 2007, in Malgobek, Ingushetia, was not included in this report as there were no eyewitnesses to the shooting.

<sup>112</sup> ICCPR, art. 6; ECHR, art. 2.

<sup>113</sup> ICCPR, art. 4 (2); UN Human Rights Committee, General Comment No. 6, The right to life (Article 6), Sixteenth session 1982, U.N. Doc A/37/40, para. 3; Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary

it will subject deprivations of life to the most careful scrutiny, particularly where deliberate lethal force has been used.<sup>114</sup> The force used must be strictly proportionate to the attainment of the legitimate aims listed in article 2 of the European Convention on Human Rights.<sup>115</sup> European Court judgments have stressed that detained individuals are considered to be in a particularly vulnerable position. For this reason, the authorities' obligation to account for the treatment of a detained person is particularly strict in cases where that individual dies. The burden of proof may in such cases be considered to rest on the authorities to provide a plausible explanation.<sup>116</sup> The Court has applied these principles to several cases involving extrajudicial executions in Chechnya, in which it has found a violation of the right to life.<sup>117</sup>

The government's failure to investigate extrajudicial killings in Ingushetia is also a violation of its international obligations to investigate suspected killings and to hold those responsible criminally accountable.<sup>118</sup> Families of the deceased must be ensured access to effective remedies.<sup>119</sup> An investigation will only be considered effective if it is independent and capable of leading to a determination of whether the use of force was or was not justified as well as to the identification and punishment of those responsible.<sup>120</sup> The European Court of Human Rights has in a

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Executions, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989), principle 1; ECHR, art. 2. See, inter alia, the following judgments from the European Court of Human Rights: *McCann and Others v. UK*, no. 18984/91, judgment of 27 September, 1995, paras. 146-147, *Avsar v. Turkey*, no. 25657/94, judgment of 10 July 2001, para. 390, *Ikincisoy v. Turkey*, no. 26144/95, judgment of 27 July 2004, para. 67.

<sup>114</sup> *McCann and Others v. UK*, para. 150, *Ikincisoy v. Turkey*, para. 68.

<sup>115</sup> ECHR, art. 2; *McCann and Others v. UK*, para. 149. Hence, the use of the term "absolutely necessary" in article 2(2) signifies that the test of necessity under this article is stricter than the test determining whether an action is "necessary in a democratic society" employed under articles 8 to 11 of the Convention.

<sup>116</sup> *McKerr v. UK*, no. 28883/95, judgment of 4 May 2001, para. 109; *Ikincisoy v. Turkey*, paras. 68-69. The Court has in such cases considered the burden of proof to rest on the authorities to provide a plausible explanation.

<sup>117</sup> See, inter alia, *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, judgment of 24 February 2005; *Bitiyeva and X v. Russia*, nos. 57953/00 and 37392/03, judgment of 21 June 2007, and *Musayeva and Others v. Russia*, no. 74239/01, judgment of 26 July 2007.

<sup>118</sup> UN Human Rights Committee, General Comment No. 6, The right to life (Article 6), para. 3; *McCann and Others v. UK*, para. 161; Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

<sup>119</sup> ECHR, arts. 2 and 13; ICCPR, arts. 2(3) and 6; Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, principles 16 and 20.

<sup>120</sup> *Ikincisoy v. Turkey*, para. 77, *Jordan v. UK*, no. 24746/94, judgment of 4 May 2001, para. 107.

number of cases held Russia responsible for failure to conduct effective investigations into extrajudicial executions in Chechnya.<sup>121</sup>

### *Killing of Islam Belokiev*

Islam Belokiev and his parents bought and sold spare car parts at a market in Nazran. On August 30, 2007, security forces killed 20-year-old Islam Belokiev at the market. According to witnesses, at around 4 p.m. Belokiev was heading for the market exit when several men in a car parked near the market called out to him. They opened fire as soon as he turned in their direction.

Witnesses saw the wounded Belokiev fall to the ground and then be immediately surrounded by armed plainclothes security personnel, who prevented anyone from approaching the scene.<sup>122</sup> Soon other uniformed security personnel in masks, armored vests, and helmets appeared, and were joined by armed servicemen who arrived in an armored personnel carrier. Witnesses report that Belokiev was still alive and moving feebly, but the armed personnel neither gave him medical assistance nor allowed anyone to come to his aid. By the time medical professionals and officials from the prosecutor's office were allowed to enter the market, Belokiev had bled to death.

According to one eyewitness, Aslan N. (not his real name) one of the servicemen planted a gun and a grenade on Belokiev.<sup>123</sup> Aslan N. recounted for Human Rights Watch the entire incident,<sup>124</sup>

There were gun shots and everyone ran from all directions to see [what was happening] ... Those people were in masks and camouflage. The boy was killed like a quail ... He did not die right away. For 40 minutes or so, they [the servicemen] were standing around him, they closed

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<sup>121</sup> See, inter alia, *Khashiyev and Akayeva v. Russia*; *Bitiyeva and X v. Russia*; and *Musayeva and Others v. Russia*.

<sup>122</sup> Human Rights Watch interviews with three witnesses to the killing who chose to remain anonymous.

<sup>123</sup> "Aslan N." told Human Rights Watch in an interview on December 28, 2007, in Nazran, Ingushetia, "And they put a grenade and a gun on him. I saw this myself." The other witnesses questioned by Human Rights Watch did not see this incident but heard about it from those who allegedly saw it.

<sup>124</sup> Human Rights Watch interview with Aslan N. (real name withheld at his request), Nazran, Ingushetia, December 28, 2007.



everything off ... People were crowding here and they could see this whole picture. We had automatic guns pointed at us. No one could come near. The boy was thrashing about for a while. Everyone was afraid to do anything because of those guns. Someone wanted to take a picture with his cell phone, but one armed man screamed obscenities at him, took the phone away, and broke it

On the following day, August 31, three family-members of ethnic Russian teacher Vera Draganchuk were shot dead in the nearby town of Karabulak (see Chapter IV, above). In comments to the media, Zinaida Tomova, first assistant to the prosecutor of Ingushetia, alleged that Draganchuk's husband and their two sons were killed in retaliation for the killing of Belokiev. Tomova confirmed that Belokiev "was killed during the operation aimed at his detention..." and that the operation was carried out by staff members of the Anti-Terrorist Center of the Ministry of Internal Affairs and personnel of the FSB branch in Ingushetia. She also asserted that Belokiev opened fire when these servicemen attempted to seize him.<sup>125</sup>

All of the witnesses to Belokiev's killing interviewed by Human Rights Watch insist that he was not armed and showed no resistance. Murad C. (not his real name), an acquaintance of Belokiev working at the same market, also claimed that one of the servicemen insisted there were explosives hidden in Belokiev's stall. However, a colleague of Belokiev immediately opened the stall for the police to examine, and they did not find anything.

Murad C. stressed that Belokiev could not have fired at the attackers: "How could he do any such thing? There were three to four gun shots, and it was evident that one man was shooting from the same weapon. And there was a burst of submachine gun fire. He [Belokiev] definitely did not have a submachine gun!" Murad C. gave a statement with this and other relevant details to the prosecutor's office.

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<sup>125</sup> "A teacher's family killed in revenge – procuracy of Ingushetia," RIA Novosti, August 31, 2007, [http://www.rian.ru/defense\\_safety/investigations/20070831/75903670.html](http://www.rian.ru/defense_safety/investigations/20070831/75903670.html) (accessed March 18, 2008).

It is unclear what weight, if any, the prosecutor's office gave that witness account. It is certain, however, that the circumstances of Islam Belokiev's killing were not effectively investigated.

Human Rights Watch is not in a position to determine whether Islam Belokiev was armed. Forensic evidence, if collected, could have determined whether, in fact, Belokiev had fired a weapon, but it is unclear whether any effort was made to collect such evidence. At the same time, based on witness accounts, the security services clearly acted with excessive and unlawful force by shooting at Belokiev without appropriate warning and when there was no immediate danger to any other individual. This was compounded by the actions of the security forces in letting him bleed to death.

Compounding a lack of proactive investigation is an environment in which it is not conducive for witnesses to come forward with evidence. Most of the witnesses to the killing were too frightened to give evidence to the prosecutor's office. Among those who refrained from testifying was Aslan N., who explained his behavior, and that of many others, in his interview to Human Rights Watch: "Everyone saw this scene. But if I tell about it and then go home, they will take me away in one hour without investigation or trial, and I'll just disappear. And why would I bring this on myself? I have a family. This is how things stand. Absolute lawlessness."<sup>126</sup>

### *Killing of Apti Dalakov*

On September 2, 2007, 22-year-old Apti Dalakov and several friends were walking out of a video games club on Oskanov Street in Karabulak when two Gazel minibuses without license plates stopped next to them. After up to 30 armed servicemen jumped out of the vans and aimed their weapons at them. The young men tried to run away. The servicemen immediately started chasing them.

The incident was witnessed by many bystanders who later told the Dalakovs that Apti Dalakov crossed Jabagiev Street and rushed into the yard of a former

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<sup>126</sup> Human Rights Watch interview with Aslan N., December 28, 2007.

kindergarden, called Ryabinka.<sup>127</sup> Two of the servicemen caught up with him and started shooting. Dalakov was wounded and fell. One of the servicemen, who was dressed in civilian clothes and masked his face with his own shirt, fired at Dalakov several times and finished him off with a shot to the head before placing a small object in his hand.

Local police and riot police arrived at the scene of the killing, searched the unknown servicemen, identified them as Federal Security Service (FSB) officers, and took them to the Karabulak police department. However, high-level officials of the FSB's Ingushetia branch arrived shortly thereafter and demanded that police release the servicemen and return their weapons and ammunition, including the shells collected at the site of the crime.

As a riot police officer told Human Rights Watch,<sup>128</sup>

We were told on the radio that Karabulak was being attacked, and that there was shooting next to the kindergarden, close to School No. 1. When we were approaching, we heard the sounds of automatic gunfire. We got there and saw the bloodied body of a young guy and around 12 armed men standing next to it. Four or five of them were in plainclothes. The others were in masks and camouflage uniforms. Some appeared to be Ingush, some were Russian. There also seemed to be Chechens and Ossetians. We did not know who they were ... The dead guy had no gun or anything. We later discovered that he had a used grenade in his fist, but the locals were saying they saw how that grenade was planted.

So, anyway, we had to seize those armed [individuals]. They resisted, and yelled obscenities, and threatened us, but we were greater in number, so they had to yield in the end. Several of them had FSB IDs. We took them to the police department and then—I was not there at

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<sup>127</sup> The kindergarden presently serves as a dormitory for Ingush forcibly displaced from the Prigorodny district of North Ossetia in the early 1990s.

<sup>128</sup> Human Rights Watch interview with a riot police serviceman who took part in the detention of the security personnel responsible for the September 2, 2007 operation in Karabulak, Ingushetia, December 21, 2007. The interviewee requested anonymity.

this point—but they were basically rescued by their higher-in-command. And in the end, we are getting blamed for this.<sup>129</sup>

The Southern Federal District’s prosecutor’s office launched charges of abuse of office against the police who detained the security officials. In addition, the Ministry of Internal Affairs of Ingushetia was reprimanded by the then-presidential plenipotentiary in the Southern Federal District, Dmitry Kozak, for having interfered with an FSB operation.<sup>130</sup> When asked by Human Rights Watch to comment on this situation, Ingushetia’s prosecutor, Yuri Turygin, said that he could not provide any information as the investigation was ongoing.<sup>131</sup>

As early as September 2, prosecutorial authorities opened a posthumous criminal case against Apti Dalakov for an attempt on the life of law enforcement personnel<sup>132</sup> and illegal possession of weapons,<sup>133</sup> and then closed the case, as Dalakov was dead. Having received relevant notification from the prosecutor’s office,<sup>134</sup> Apti Dalakov’s family members submitted a counter-complaint asking for an effective investigation into the circumstances of his killing to be launched and for the perpetrators to be brought to justice.<sup>135</sup> The complaint specifically refers to witnesses who confirmed that Apti Dalakov was unarmed and his actions were nonviolent. However, to this writing, no inquiry into this complaint has been initiated.

Apti Dalakov’s killing was also officially declared to be connected with the murder of Vera Draganchuk’s family (making it apparently a third link in a chain of killing and

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<sup>129</sup> During this meeting with the leadership of Memorial on October 2007, Ingushetia’s prosecutor, Yuri Turygin, confirmed that the Prosecutor General’s Office in the Southern Federal District of the Russian Federation opened a criminal case against the policemen under article 286, part 3, para “a” of Russian Criminal Code (“abuse of official powers with the use of violence”). See Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), Section 4.6.1, “Extrajudicial execution of Apti Dalakov,” (Внесудебная казнь Апти Далакова).

<sup>130</sup> See, for instance, Denis Stukal and Alexei Titkov, “Politics in the Regions,” September 10-16, 2007, <http://regionalistica.ru/obzor/weekly/sep1007/polit100907/> (accessed March 12, 2008).

<sup>131</sup> Human Rights Watch meeting with Yuri Turygin and other Ingushetia authorities, May 27, 2008.

<sup>132</sup> Russian Criminal Code, art. 317.

<sup>133</sup> *Ibid.*, art. 222, part 1.

<sup>134</sup> A copy of the decree on the closure of criminal case #27520028 is on file with Human Rights Watch.

<sup>135</sup> Human Rights Watch interview with Apti Dalakov’s uncle, Magomed Dalakov, Karabulak, Ingushetia, December 21, 2007. During the interview Human Rights Watch had access to his correspondence with prosecutorial officials.

reprisal killing beginning with Islam Belokiev). On September 3 the FSB's Ingushetia branch explained to the media, including all-Russian television, that Apti Dalakov and his friend Iles Dolgiev, who was detained by security personnel on the day of Dalakov's killing, were both "Wahhabis" and active members of "the Karabulak bandit underground." The FSB claimed the two young men were responsible for the murder of the teacher's family members, as well as for a range of other grave crimes.<sup>136</sup> However, Dolgiev was released from custody and cleared of all allegations,<sup>137</sup> providing strong grounds to believe that Dalakov was killed entirely arbitrarily.

### *Killing of Rakhim Amriev, age 6*

The killing that created the greatest resonance in Ingushetia and caused vocal public protests was that of a six-year-old boy named Rakhim Amriev. Security personnel killed him and wounded his mother in the course of an operation allegedly aimed at detaining a distant relative of his parents.

Early in the morning of November 9, 2007, up to 100 military and security personnel arrived in the village of Chemulga, in the south of Ingushetia, in three APCs and numerous other vehicles. They closed off several streets, including the street where the Amriev family lived.

The Amrievs were awoken by the noise at around 6:30 a.m. and heard a command on a loudspeaker: "Women and children, come out!" By the time the four children and their parents approached the door, three armed servicemen broke into their house and immediately opened fire. Rakhim Amriev was instantly killed; his mother, Raisa, was wounded in her arm. The family, including the wounded woman, was then forced to leave the house barefoot and in their nightclothes. The servicemen started shooting and throwing grenades at the empty house.

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<sup>136</sup> See, for example, "A prominent murder case investigated without delay," (Громкое убийство расследуют по горячим следам), NTV, September 3, 2007, <http://news.ntv.ru/116217/video/> (accessed March 18, 2008); and Vladislav Trifonov, "A Wahhabi was found in Ryabinka kindergarden," (Ваххабита нашли в 'Рябинке'), *Kommersant Daily*, September 4, 2007, <http://www.kommersant.ru/doc.aspx?DocsID=801190> (accessed March 18, 2008).

<sup>137</sup> See, for example, "Ingushetia: Chronicle of terrorist attacks, shootings, and abductions," (Ингушетия: хроника терактов, обстрелов, похищений), *Caucasian Knot*, September 15, 2007, <http://kavkaz-uzel.ru/newstext/chronics/id/1196026.html> (accessed March 18, 2008).

Ramzan Amriev, Rakhim's father, gave Human Rights Watch the following account of the events,<sup>138</sup>

As soon as they [servicemen] broke in, they started shooting sporadically. All hell broke loose ... I was trying to cover one of my sons with my right arm, and another one with my left arm. I heard my wife screaming, and then suddenly I saw blood on Rakhim's forehead. They hit him right in the forehead, and he just died before I noticed.

We were forced to leave the house. The servicemen did not let me take my son's body. He was left there all alone ... For some time, they kept us on the street next to our neighbors' gates, and then several servicemen took me back to our house. They said, "You only have a second to pick up the boy, you son of a bitch!" So I went, wrapped Rakhim in a blanket, so that the other kids wouldn't see, and carried him out. They told me to go away, but I still saw how they were throwing grenades at the house. They even drove an APC into the wall.

With Rakhim's body in his arms, Ramzan Amriev joined his family members and neighbors who were all gathered on a small hill close to the Amrievs' house. The half-dressed men, women, and children<sup>139</sup> were forced to stand outside in the cold for several hours, until approximately 11 a.m.

One of those people, Malika Khatsieva, described the special operation to Human Rights Watch,<sup>140</sup>

When we heard the order for women and children to come out, it was 6:30 in the morning. My family went into the yard, and we were all forced to lie flat on the ground. We lay like that for 10 to 15 minutes. The kids were undressed, and the ground was so cold. Then, we were

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<sup>138</sup> Human Rights Watch interview with Ramzan Amriev, Chemulga, Ingushetia, December 21, 2007.

<sup>139</sup> Ramzan Amriev, his cousin Aslan Amriev, and two of his neighbors interviewed by Human Rights Watch in Chemulga on December 21, 2008, stated that there were eight adults and 14 children altogether.

<sup>140</sup> Human Rights Watch interview with Malika Khatsieva, Chemulga, Ingushetia, December 21, 2007.

told to walk to the back end of the village where all their APCs and other vehicles stood. Women and kids just walked surrounded by servicemen, but men were made to crawl in the mud. We were all blue from cold, but they wouldn't let us go back and get some clothes, not even for the kids. Raisa [Amrieva] was also brought there. She was crying, "They killed my child!" Her hand was bleeding badly but they did not even call a doctor. We saw from a distance how grenades were thrown at Ramzan [Amriev]'s house, how they shot at the walls, and how that APC rode right into the house. Children were so frightened; they still cannot get over this.

At 11:30 a.m., officials from the civilian and military prosecutor's office arrived in Chemulga. They took Ramzan Amriev into his house, showed him an automatic gun lying close to the doorstep and asked if the gun belonged to him. Amriev said that he had never seen that weapon. Later, prosecutor's office had his fingerprints taken but did not mentioned the gun again.

The day after Rakhim Amriev's murder, the military prosecutor's office in the village of Tkoitskaya<sup>141</sup> opened a criminal case "on the death of a child during an operation." The investigator noted in the investigation file that the personnel of the FSB's Ingushetia branch conducted the special operation in Chemulga in order to detain R. Makhauri, a suspect in several grave crimes, including organizing an illegal armed group.<sup>142</sup> Though Makhauri is a distant relative of Ramzan Amriev, the Amrievs insist that they have not seen him in the past six years.

Ingushetia's prosecutor, Yuri Turygin, told Human Rights Watch in May 2008 that he considered the scale of the operation at the Amriev household and the use of weapons justified by the fact that Makhauri is suspected of 11 particularly grave insurgency-related crimes, including killings of ethnic Russians. He also said that the unintentional killing of the six-year-old boy was being duly investigated and the

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<sup>141</sup> This is where Motorized Infantry Regiment #503 is deployed.

<sup>142</sup> This claim appears in a decree dated November 13, 2007, signed by a senior investigator of the military procuracy, Major of Justice Tupov, recognizing the boy's father, Ramzan Amriev, as a victim of the crime. The document was examined by Human Rights Watch during the interview with Ramzan Amriev on December 21, 2007, in Chemulga, Ingushetia.

investigation was attempting to identify the serviceman from whose weapon the fatal shot had been fired.<sup>143</sup> Apparently, the authorities have made no attempt to hold accountable any other servicemen involved in the operation, or the FSB officer who commanded it.

So despite the fact that it is officially established that those responsible for the killing of Ramzan Amriev are from the FSB, they have not even been individually identified, let alone held accountable. Human Rights Watch can only speculate why it has not been possible in the six months since the crime to identify by which weapon Rakhim Amriev was killed and who was using the weapon at the time.

Adding to the doubts about the seriousness of the investigation, Ramzan Amriev's cousin Aslan Amriev, who used to work in the administration of Chemulga, told us that he lost his job because of his refusal to provide false testimony regarding the special operation in the village,<sup>144</sup>

Two prosecutorial officials approached me; one was in plainclothes, the other one in grey camouflaged uniform. They asked, "Who was shooting from the [Amrievs'] house?" I said, "No one!" Then, the man in camouflage said, "I'll take you outside now and will empty the cartridge of my gun into you... No, I'll disappear you!" But I still refused to lie. So, when they were leaving, the officer in military uniform asked, "Where do you work?" I said that I worked at the local administration as a manager. Then, he promised, "You won't be working there any more." And on December 14 of this year I was fired. I worked there for eight years, and everything was fine. They must've forced the administration to fire me because of this case.

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<sup>143</sup> Human Rights Watch meeting with Yuri Turygin and other Ingushetia authorities, May 27, 2008.

<sup>144</sup> Human Rights Watch interview with Aslan Amriev, Chemulga, Ingushetia, December 21, 2007.



### *Killing of Said-Magomed Galaev and Ruslan Galaev*

Two brothers, Said-Magomed Galaev (born 1983) and Ruslan Galaev (born 1986) were killed on September 27, 2007, in the village of Sagopshi, as a result of a special operation conducted by federal and local policemen.

According to their mother, Fasiman, and their elder brother, Tagir, the operation started at 6 a.m. when the family was sleeping. Said-Magomed's wife, Madina, was awakened by a noise outside the house. She woke Said-Magomed and asked him to see what was happening. He went to the window near the front door, looked outside and yelled, "There are servicemen at the door!" The other family members were awakened by his cry and immediately heard gunshots outside.<sup>145</sup>

About a dozen of the servicemen broke into the house and continued shooting. Fasiman, dazed by the shooting, was still sitting on her bed in the room that she shared with her youngest son, 11-year-old Said-Akhmet, when Ruslan, already wounded, stumbled into the room and fell on the floor close to the bed. He was followed by several servicemen who continued to fire their guns. Several bullets hit the walls, one of them flying just above the head of Said Akhmet, who was crouching by the corner of a couch. Said-Magomed was killed near the door to his bedroom.<sup>146</sup>

The servicemen took Fasiman, Madina, Tagir, and Said-Akhmet into the yard without allowing them to get dressed. The Galaevs saw them throw several grenades into the house. The attackers had Tagir take the bodies of his brothers outside and ordered the crying women and the boy to sit by the corpses.

The Galaevs' yard was surrounded by two APCs and a dozen armored UAZ vans. The servicemen numbered about 100. Several of them seized Tagir and dragged him from the yard, beating him on the way. They refused to tell Fasiman where her elder son was being taken.

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<sup>145</sup> Human Rights Watch interview with Fasiman Galaeva, Sagopshi, Ingushetia, December 24, 2007; Human Rights Watch interview with Tagir Galaev, Sagopshi, Ingushetia, December 24, 2007.

<sup>146</sup> Human Rights Watch interview with Fasiman Galaeva, Sagopshi, Ingushetia, December 24, 2007.

While the Galaevs were kept outside, the servicemen searched their house without a warrant and with no witnesses present. When they finished the search, they came out with a bag containing a grenade, two guns, a submachine gun, and some ammunition they allegedly found inside. The Galaevs insist that they had no weapons in the house.<sup>147</sup>

Fasiman Galaeva told Human Rights Watch,<sup>148</sup>

When Ruslan fell on the floor by my bed I thought—this boy of mine is dead, but the other two are still alive, and the little one is here with me. Then another son was killed. I pleaded with them, “You have already killed two of my children, please leave me those who still remain, but they took Tagir away without explanation. My daughter-in-law, my little son, and I were forced to sit on the ground with automatic guns pointed at us. I asked the servicemen, “Let me go. I need to bury my boys!” And they just brushed me off: “You might as well sit here—your sons won’t go anywhere.” So I sat next to their bodies and watched the blood flow out of them. One of the servicemen was nice to me—he allowed me to hold Ruslan’s hand. I could feel it getting colder and colder under my fingers and I was praying that Tagir was still among the living.”

Later that day, Fasiman and Madina were taken to the Malgobek district police department, where they found Tagir. Each member of the Galaev family was questioned separately by an investigator from the prosecutor’s office. The investigator wanted to know where the weapons in the house came from and which illegal armed groups Ruslan and Said-Magomed were involved with. Tagir Galaev was also asked specifically where he and his brothers were on the night of September 8 when military unit #3733 stationed in the town of Malgobek was attacked by insurgents.

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<sup>147</sup> Human Rights Watch interview with Fasiman Galaeva, December 24, 2007; Human Rights Watch interview with Tagir Galaev, December 24, 2007.

<sup>148</sup> Human Rights Watch interview with Fasiman Galaeva, December 24, 2007.

That afternoon relatives and neighbors of the Galaev family gathered at the police department to demand their release. Late in the evening the family was finally allowed to return home.

Tagir Galaev told Human Rights Watch,<sup>149</sup>

They took me away at 6:30 in the morning and released me after 10 p.m. On the way to the police station the servicemen beat my legs and head. They were yelling that I was an insurgent and a Wahhabi. The investigator also accused me of attacking a military unit along with my brothers. I explained that on that night they were all at our relatives' house at a large prayer gathering, and many people could confirm it. If not for the pressure from our relatives, who organized a picket by the police building, they would not have let me go.

A posthumous criminal case was initiated against Ruslan and Said-Magomed for alleged participation in an illegal armed group, unlawful possession of weapons, and armed resistance to law enforcement officials.<sup>150</sup> In November 2007 Fasiman Galaeva filed a complaint with the prosecutor's office regarding unlawful actions by the law enforcement personnel. The response by the prosecutor's office stated that a preliminary inquiry into her complaint had been conducted, and "the actions of the servicemen of the Temporary Operative Group of the Ministry of Internal Affairs in the Malgobek district of Ingushetia and the personnel of the Malgobek district police department, who conducted a search in the house belonging to Galaeva F.Kh., were legitimate and involved no violations." Fasiman Galaeva's request to initiate a criminal case was refused.<sup>151</sup>

Commenting on the decision not to launch a criminal investigation into Fasiman Galaeva's complaint, Yuri Turygin told Human Rights Watch that the law enforcement

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<sup>149</sup> Human Rights Watch interview with Tagir Galaev, December 24, 2007.

<sup>150</sup> A copy of the decree on opening of the criminal case under article 317 and article 222, part 2 of the Russian criminal case is on file with Human Rights Watch.

<sup>151</sup> Fasiman Galaeva's correspondence with competent authorities was examined by Human Rights Watch in conjunction with the interview on December 24, 2007, in Sagopshi, Ingushetia. Notably, the preliminary inquiry appeared superficial as neither of the Galaevs was even questioned by the authorities on that account.

officials had a judicial sanction to search the Galaev household. They noted that when they entered the house, they saw the Galaev brothers watching a video of the October 2002 Nord-Ost theater hostage-taking in Moscow, and this allegedly evidenced their support of terrorism.<sup>152</sup> He also claimed that Ruslan Galaev and Said-Magomed Galaev opened fire on the servicemen, who then had no other choice but to fire in response.<sup>153</sup> Although Human Rights Watch has no evidence to confirm whether the Galaev brothers put up armed resistance, based on the Galaevs' description of the special operation—servicemen breaking into the house, shooting without warning—the law enforcement personnel would have been responsible for excessive use of force, and in particular unjustified use of lethal force. Further, there is no evidence that any ballistic examination was carried out to confirm that the Galaev brothers in fact fired weapons at the servicemen.

### *Killing of Khusein Mutaliev*

On March 15, 2007, in the town of Malgobek, Khusein Mutaliev (born 1980) was mortally wounded by unidentified federal servicemen. According to Mutaliev's relatives, between 5 and 6 a.m., around 20 armed servicemen in camouflage uniforms broke into their home. Some of them were masked. Several servicemen jumped over the fence and opened the gates for the rest of the group. They forcibly entered the house, did not identify themselves or explain the reasons for their actions, and forced all the family members face down on the floor.

Khusein Mutaliev's mother told Human Rights Watch,<sup>154</sup>

They searched the house all over. I asked, "What are you looking for?" and they said, "Nothing, we know what we are looking for, just stay on the floor and be quiet!" They pushed me [down]. Then, they led my son out of the house, his arms twisted behind his back. I said, "Who are you?" and they replied, "We are Russian soldiers, President Putin sent

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<sup>152</sup> Human Rights Watch has no evidence to corroborate this statement. However, even if the Galaevs watched the said video, which seems hardly likely considering the early hour, it would not give sufficient basis to accuse them of terrorism and could by no means justify the brutal conduct of the operation in their house.

<sup>153</sup> Human Rights Watch meeting with Yuri Turygin and other Ingushetia authorities, May 27, 2008.

<sup>154</sup> Human Rights Watch interview with Khusein Mutaliev's mother, Malgobek, Ingushetia, December 24, 2007.

us!” They didn’t show any papers ... My son did not resist, he said, “Mom, don’t worry, they’ll figure it out and will let me go.” But as they took him away, they hit the back of his head with the butt of a gun. When he fell they started shooting at the ground near his feet. He jumped up and started running. They shot him—I saw blood steaming from his neck. Then they threw him into the car and left. We were all screaming.

Khusein’s brother, Khasan Mutaliev, got into a car and followed the servicemen from a distance. He saw their vehicles stopped by Ingush road police at some point. After a brief interaction with the policemen, they proceeded in the direction of North Ossetia. In response to Khasan Mutaliev’s pleas, one of the policemen explained that the servicemen had identification documents from the North Caucasus Group for Operative Supervision, a counterterrorism unit,<sup>155</sup> and therefore could not be interfered with.

On the next day, March 16, Ingush policemen came to the Mutaliev family with Khusein’s body. They said he had been taken to Vladikavkaz, where he died in a hospital. Prosecutorial authorities filed posthumous criminal charges against Khusein Mutaliev, as the servicemen claimed that he had a grenade and attempted to put up armed resistance when they came to arrest him. The case was promptly closed by virtue of the suspect being dead.

A piece of internal correspondence between the Ministry of Internal Affairs and the Ministry of Justice, made available to Human Rights Watch, indirectly acknowledges law enforcement responsibility for Mutaliev’s death. In the correspondence, regarding the need to stop transferring Ingush detainees to Vladikavkaz, Russia’s minister of internal affairs noted the public outrage prompted by the death of

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<sup>155</sup> Groups for Operative Supervision (ГРОУ – группа оперативного управления) over counterterrorism operations were created in all the republics of the North Caucasus right after the insurgents’ raid on Ingushetia in June 2004. These groups are authorized to carry out counterinsurgency operations through joint efforts of local FSB, police, internal troops, and Ministry for Emergency situations personnel. See Andrei Soldatov and Irina Borogan, “FSB does not lower itself to [counter-]terror,” (ФСБ до террора не опускается), *Moskovskie Novosti*, February 4, 2005, as reproduced at <http://www.agentura.ru/press/about/jointprojects/mn/system/> (accessed March 26, 2008).

Khusein Mutaliev, who was “delivered from Ingushetia to the remand prison in Vladikavkaz.”<sup>156</sup>

In February 2007, several weeks before his killing, Khusein Mutaliev had come to the office of Memorial in Nazran and asked for protection. He explained that because he had studied in Egypt the security services had apparently branded him an Islamic extremist, and he had already suffered detention and torture. Mutaliev wrote in his statement to Memorial,<sup>157</sup>

They [security services] detained me in September 2006 and beat me. They were trying to force me to confess to some crimes that I did not commit. Then, they let me go because they had nothing against me. But now they’re persecuting me again. After the attempt on the life of the Mufti<sup>158</sup> [of Ingushetia—see Chapter IV, above], I was summoned to the police station for questioning. What should I do? I’m ready to answer all of [their] questions, but as long as they treat me normally. I no longer go to mosque, because they think anyone who goes to mosque is a Wahhabi ... There are many young men like me who are persecuted because they are Muslims.

According to Memorial, Khusein Mutaliev promised to return to their office with several other young observant Muslims who are persecuted by security services because of their religious affiliations and practices. He hoped Memorial could help them draft an open letter to the authorities stressing that they were ready to cooperate with competent agencies but needed guarantees of their rights’

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<sup>156</sup> A copy of this document was given to Human Rights Watch by Ingushetia’s president at Human Rights Watch’s meeting with Ingushetia authorities in Magas, Ingushetia, on May 27, 2008.

<sup>157</sup> A copy of Khusein Mutaliev’s handwritten statement addressed to Human Rights Center Memorial and dated February 5, 2008, is on file with Human Rights Watch.

<sup>158</sup> On January 21, 2007, around 8.30 p.m., unknown insurgents shot at the car of the Mufti Isa Khamkhoev. Khamkhoev and his son were wounded. For details, see “Attack on the Mufti of Ingushetia can be linked to his activity,” (Нападение на муфтия Ингушетии может быть связано с его деятельностью), RIA Novosti, February 1, 2007, <http://www.rian.ru/incidents/20070201/60025549.html> (accessed March 26, 2008).

protection.<sup>159</sup> However, Khusein Mutailiev could not fulfill his plan as he died at the hands of counterinsurgency personnel.

### *Killing of Adam Gardanov and Magamed Chakhkiev*

On February 7, 2007, at around 1 p.m., Adam Gardanov and Magamed Chakhkiev were shot dead by security personnel in the center of Nazran. According to witness reports, Gardanov and Chakhkiev were sitting in Gardanov's car, which was parked near the entrance to a market. Up to 20 servicemen drove up, used their vehicles to block Gardanov's car, and opened fire immediately, killing first Chakhkiev and then Gardanov. Adam Gardanov's parents stressed to Human Rights Watch that his body was covered with bullet wounds, and showed a photograph to confirm this.<sup>160</sup>

The Ingushetia branch of the FSB claims that when FSB servicemen attempted to arrest them, Gardanov and Chakhkiev started shooting and were killed in crossfire. The prosecutor's office opened a posthumous criminal case against Gardanov and Chakhkiev for an attempt on the life of law enforcement personnel<sup>161</sup> and illegal possession of weapons.<sup>162</sup> However, according to the Gardanovs and their lawyer, Magomed Gandarov, dozens of people were present at the scene of the killing and asserted that Gardanov and Chakhkiev did not put up any armed resistance but were shot on the spot without warning.<sup>163</sup>

Adam Gardanov's mother told Human Rights Watch,<sup>164</sup>

Two or three days after their killing, we were summoned to the police for questioning. I asked the investigator, "Why are you shooting innocent people?" So, he replied, "If your son had not been with that

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<sup>159</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 3, "Winter-Spring 2007," (Зима-Весна 2007).

<sup>160</sup> Human Rights Watch interview with Adam Gardanov's father, mother, and uncle, Nazran, Ingushetia, December 27, 2007.

<sup>161</sup> Russian Criminal Code, art. 317.

<sup>162</sup> Ibid., art. 222, part 1.

<sup>163</sup> Human Rights Watch interview with Adam Gardanov's father, mother, and uncle, December 27, 2007; Human Rights Watch telephone interview with Magomed Gandarov, March 21, 2008.

<sup>164</sup> Human Rights Watch interview with Adam Gardanov's father, mother, and uncle, December 27, 2007.

other guy on that day, everything would've been fine with him. It's his own fault. Chakhkiev was wanted for various crimes. That's why this happened. Your son shouldn't have hung around with him.

Magomed Gandarov filed a complaint with the prosecutor's office on behalf of Adam Gardanov's relatives demanding an investigation into the actions of the security personnel and stressing that they used excessive force. At this writing, however, prosecutorial authorities not only have failed to launch a criminal case, but have not started an inquiry into the complaint.<sup>165</sup>

### *Attempted killing of Adam Malsagov*

On July 4, 2007, in the Nasyr-Kort district of Nazran, unidentified servicemen attempted to kill 23-year-old Adam Malsagov, and endangered the life of his sister and cousins, who are minors.

Malsagov's parents told Human Rights Watch that on July 4 Adam Malsagov was caring for his sick grandmother, who lives near Malsagov's home. Close to 3 p.m. his cousins, 11-year-old Timur Khalukhoev and 13-year-old Ismail Khalukhoev, came to see him. The boys told him that a silver VAZ vehicle was parked closed to the apartment building where Malsagov and his cousins live. They were worried because the car did not move and the people inside seemed to be waiting for something.<sup>166</sup>

Adam Malsagov decided to check what was going on and returned home with his cousins. When they entered the yard, Adam's sister, 15-year-old Aina, came out of the building and joined them. At that point, three armed men in camouflage uniforms entered the yard. Without any warning they opened fire, apparently aiming at Adam, but missed; one of the bullets hit a pipe just above Adam's head. Aina was paralyzed with fright, but Adam and the boys broke into a run. The attackers continued shooting but again missed. Once they realized that Adam escaped, they called someone on the radio and a few minutes later around 40 servicemen arrived in an APC and Gazel minibuses and surrounded the Malsagov's building.

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<sup>165</sup> Human Rights Watch telephone interview with Magomed Gandarov, March 21, 2008.

<sup>166</sup> Human Rights Watch interview with Magomed-Bashir Malsagov and Mariam Malsagova, Nazran, Ingushetia, December 23, 2007.



Mariam Malsagova, Adam's mother, was working in the family's shop, located in the same apartment building. She told Human Rights Watch,<sup>167</sup>

I heard the shots and went outside. Then I saw Adam and the two boys running away, and the men shooting at them—one of them was standing and two men were sitting and shooting. I don't know how the boys got away, how Adam got away!

The servicemen presented Adam Malsagov's parents with a search warrant, as well as an arrest warrant for Adam, issued by the FSB.<sup>168</sup> One of the servicemen, who introduced himself as an FSB investigator, claimed that Adam was hiding weapons and explosives at home, and that some insurgents were expected to bring him more weapons. With two soldiers from the nearby military unit #3772 as witnesses, the officers searched the Malsagovs' apartment, as well as the apartment on the second floor occupied by Mariam's brother, who owns the building.

According to the Malsagovs, the search was conducted in a very rough, hostile manner despite the residents' full cooperation. The officers eventually found a bullet-holder for a Kalashnikov submachine gun.<sup>169</sup> According to Mariam, the bullet-holder belonged to one of her brothers; the man had died six years ago and had had a permit for the gun. Mariam explained this to the investigator.

At this writing, Adam Malsagov remains in hiding. His parents have been repeatedly summoned by the Ingush FSB and pressed for answers about their son's possible whereabouts. Mariam Malsagova told Human Rights Watch,<sup>170</sup>

I said to the investigator, "If he [Adam] did something wrong, arrest him and punish him, but you're shooting right at him. You could've killed him and the little boys as well! I wouldn't have been able to look people

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<sup>167</sup> Ibid.

<sup>168</sup> According to article 91 of Russia's Code of Criminal Procedure, an individual can be detained for up to 48 hours on an investigator's order without a court warrant.

<sup>169</sup> On December 23, 2007, Human Rights Watch examined the protocol of the search in the Malsagovs household.

<sup>170</sup> Human Rights Watch interview with Magomed-Bashir Malsagov and Mariam Malsagova, December 23, 2007.

in the eyes, if those boys had been killed because of my son!” But they [FSB officials] are telling me, “He was going to shoot our men.” How could he do that? He never had any firearms!

My husband had a heart attack after this. He still hasn’t quite recovered. And the little ones, we only found them late in the evening, they ran so far away. One of them has been stammering ever since.

Human Rights Watch is not in a position to confirm whether Adam Malsagov was trying to put up armed resistance. However, witness reports indicate that the servicemen did not use lethal force as a last resort, gave no warning before opening fire, and did not take measures to preserve civilian life, thereby putting the lives of several children at risk.

## VII. Abductions, Enforced Disappearances, and Torture

According to Memorial, 29 people were detained in abduction-style operations by law enforcement and security agencies in Ingushetia in 2007. Three of the abducted individuals “disappeared,” and a fourth was confirmed killed.<sup>171</sup>

In each case, witnesses to the detention said that police or security personnel did not identify themselves, present a warrant, or inform the individual or his family of the grounds for his detention and where he would be taken. For this reason, local residents and the Memorial Human Rights Center refer to this pattern as “abductions.” To maintain consistency, the same term is used in this report.

Typically, those abducted by security and law enforcement services are young males suspected of involvement with illegal armed groups and terrorist activity. Three categories of young men are especially vulnerable to abduction: individuals related to or acquainted with presumed insurgents or terrorism suspects; those previously detained and whose names are on police and security forces’ databases, regardless of whether they were charged or cleared of any alleged wrongdoing; and religious Muslims who either adhere to “non-traditional” Salafite Islam,<sup>172</sup> or are suspected of such adherence by security services.

Abductions can be carried out during or beyond the framework of “special operations.” Those detained are often tortured and some become victims of enforced disappearances. This chapter documents some of these blatant violations,<sup>173</sup> including three cases of enforced disappearance and three cases of torture, including a case of death under torture.

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<sup>171</sup> Human Rights Watch interview with a Memorial researcher, Alexander Cherkassov, March 16, 2008. Memorial’s statistical table of killings and abductions for 2007 quotes 30 abductions for 2007, but one of those individuals was in fact a relative of President Zyazikov abducted by insurgents and released several months later. See <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed June 12, 2008).

<sup>172</sup> See Chapter IV of this report.

<sup>173</sup> Human Rights documented a total of 10 abductions, though one of the cases was not included into this report due to lack of eyewitness testimony.

Unlawful detentions, torture, and enforced disappearances constitute violations of Russia's international human rights obligations. Deprivations of liberty fall short of meeting human rights standards unless they are carried out in accordance with a procedure prescribed by law and meet minimum procedural guarantees.<sup>174</sup> Universal standards clearly stipulate that torture and cruel, inhuman, or degrading treatment or punishment cannot be justified in any situation.<sup>175</sup> Governments further have a positive obligation to investigate allegations of torture and ill-treatment by their officials, to punish those responsible, and to provide effective remedies to complainants.<sup>176</sup>

Enforced disappearances of individuals are recognized as a grave and flagrant violation of fundamental human rights, including the right to liberty and security and the right not to be subjected to torture. Disappearances are moreover considered to violate or constitute a serious threat to the right to life.<sup>177</sup> Governments are obliged to take effective measures to prevent, terminate, and criminalize all acts of enforced disappearance.<sup>178</sup> The European Court of Human Rights has, in recent cases involving disappearances in Chechnya, stressed the obligation to take efficient action in the days and weeks immediately after a disappearance.<sup>179</sup> The Court moreover considers that detained individuals are in a particularly vulnerable position. Accordingly, the authorities' obligation to account for the treatment of a detained person is especially strict in cases where that individual disappears or dies. The burden of proof may in such cases be considered to rest on the authorities to provide a plausible

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<sup>174</sup> ICCPR art. 9; ECHR art. 5.

<sup>175</sup> ECHR art. 3; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted and opened for signature, ratification and accession by G.A. Res. 39/46 (entered into force June 26, 1987), ratified by Russia on March 3, 1987.

<sup>176</sup> ICCPR, arts. 2(3) and 7; Convention against Torture, art. 4; ECHR arts. 3 and 13. For European Court findings specifically related to effective investigation into alleged violations of article 3, see *Assenov and others v. Bulgaria*, no. 24760/94, judgment of October 28, 1998, para. 102; *Sakik and others v. Turkey*, no. 31866/96, judgment of October 10, 2000, para. 62; and *Chitayev and Chitayev v. Russia*, no. 59334/00, judgment of 18 January 2007, paras. 163-166.

<sup>177</sup> ECHR, art. 2; UN Human Rights Committee, General Comment No. 6, The right to life (Article 6), para. 4; Convention on the Protection of all Persons from Enforced Disappearance, adopted by UN General Assembly on December 20, 2006. For European Court findings see, inter alia, *Bazorkina v. Russia*, no. 69481/01, judgment of 27 July 2006, para. 103.

<sup>178</sup> UN Human Rights Committee, General Comment No. 6, The right to life (Article 6), para. 4. For European Court findings see, inter alia, *Bazorkina v. Russia*, paras. 117-119; and *Imakayeva v. Russia*, no. 7615/02, judgment of 9 November 2006, paras. 147-148.

<sup>179</sup> *Imakayeva v. Russia*, para. 155; *Alikhadzhiyeva v. Russia*, no. 68007/01, judgment of 5 July 2007, para. 70.

explanation.<sup>180</sup> The Court has applied these principles in cases concerning abductions in Chechnya, in which, although it is not proved that a person was taken into custody by the authorities, it is possible to ascertain that he or she entered a place under their control and has not been seen since.<sup>181</sup>

## **Abductions and Enforced Disappearances**

### *Enforced disappearance of Ibragim Gazdiev*

On August 8, 2007, Ibragim Gazdiev (born 1978) was abducted and “disappeared” by unknown security personnel.

Ibragim Gazdiev worked as manager of a construction supply shop in Karabulak. Around 12:30 p.m., Gadziev’s colleagues received a phone call from a local resident (witness A., name withheld by Human Rights Watch), who told them that he had just seen Ibragim being taken away by armed personnel. According to witness A., several armed servicemen wearing masks and camouflage uniforms had stopped Gazdiev’s car in the center of Karabulak. They blocked Gazdiev on the road and motioned to him to come out of the car. Witness A. saw the servicemen check Gazdiev’s documents, put him in their minibus, take his car, and drive off in three vehicles.<sup>182</sup>

Ibragim’s colleagues conveyed this information to Gadziev’s father, Mukhmed. Three days after the abduction, another witness (witness B., name not disclosed to Human Rights Watch) told Mukhmed Gazdiev that he not only saw the detention but followed the minibus until it pulled into the yard of the FSB headquarters in Ingushetia’s capital, Magas.<sup>183</sup>

In addition to notifying police and prosecutorial authorities of Ibragim’s abduction, Mukhmed Gazdiev succeeded in speaking directly to Ingushetia’s president Murat Zyazikov, and prosecutor Yuri Turygin several weeks later. They did not tell Gazdiev

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<sup>180</sup> *Bazorkina v. Russia*, paras. 104-105, *McKerr v. UK*, para. 109, *Ikincisoy v. Turkey*, paras. 68-69.

<sup>181</sup> *Imakayeva v. Russia*, paras. 114-115.

<sup>182</sup> Human Rights Watch interview with Mukhmed Gazdiev, father of Ibragim Gazdiev, Karabulak, Ingushetia, December 25, 2007.

<sup>183</sup> Mukhmed Gazdiev described this to Human Rights Watch, but refused to name the witness out of fear for the latter’s security.

where his son was, but reassured him that that he was being treated lawfully and that he would be home soon.

Mukhmed Gazdiev told Human Rights Watch,<sup>184</sup>

When I worked as a teacher in Grozny [Chechnya], Zyazikov studied with me for two years. So he could not refuse to see me. I explained the situation to him and he summoned Turygin. I told the prosecutor, “Please don’t do my son any harm. We know what kind of methods your people use. Do all the lawful things. If he deserves to be punished, let’s punish him together. I’ll disown him [if he is guilty].” And he [Turygin] replied right away, “We’re not going to do anything unlawful to him. ...” Then, Zyazikov explained, “He was taken by security personnel. They are conducting an investigation with his participation. But he’s not mixed up with any dirty dealings—it’s just that he’s got some no good acquaintances.”

Mukhmed Gazdiev had an idea what kind of “acquaintances” they were referring to. According to Mukhmed Gazdiev, back in March 2004 Ibragim Gazdiev had been planning to go to Grozny by car and one of his customers<sup>185</sup> had asked Ibragim to take him, his wife, and two children along. The man was allegedly wanted by law enforcement on suspicion of insurgency, but Ibragim, according to his father, was not aware of this. On the way back, when they reentered Karabulak, their car was stopped by armed servicemen. The man was shot on the spot, and Ibragim was taken to the local police station for questioning and then released. That day, the Gazdievs’ house was searched by police and FSB officials, but nothing was found.

The family was then left in peace for several years. Unexpectedly, on May 31, 2007, the investigation department of the FSB’s Ingushetia branch conducted another search of the Gadzievs’ home. The search was carried out lawfully. According to Mukhmed Gazdiev, in response to a question from his frightened wife regarding any

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<sup>184</sup> Human Rights Watch interview with Mukhmed Gazdiev, December 25, 2007.

<sup>185</sup> Mukhmed Gazdiev does not remember his name.

possible problems in the future, the FSB official present at the search reassured them, “No, of course not. After all, nothing was found at your place.” The search report confirmed that no incriminating evidence had been discovered.

Mukhmed Gazdiev made a direct link between these events and the abduction of his son. At the same time, he was largely reassured by his meeting with President Zyazikov and Prosecutor Turygin and expected his son to return within several days. When that did not happen, Mukhmed Gazdiev resumed his own search for his son, relying on some personal connections. He shared the following conclusions with Human Rights Watch,<sup>186</sup>

I have lots of evidence, but coming forth with it openly would harm the people [who revealed it]. From what we know, he [Ibragim Gazdiev] was constantly moved from one place to another ... We were able to trace him. He was here first, then in Pyatigorsk [Stavropol province], then in Nalchik [Republic of Kabardino-Balkaria], then in Vladikavkaz [North Ossetia] ... And he was probably in Chechnya too, and it is probably in Chechnya that his route [life] ended. We have information that he ended up at the [illegal] prison in Goity [a village in Chechnya]<sup>187</sup> and was wiped off the ground with explosives.

Ibragim Gazdiev’s fate is still officially unknown. A criminal case into his abduction was launched by the procuracy of Karabulak. The official investigation has not yielded any results, despite the fact that Gazdiev was in the custody of state agents who are obligated to keep detention records and record who had contact with a detainee. Security services and police in Ingushetia claim that they did not detain Gazdiev.

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<sup>186</sup> Human Rights Watch interview with Mukhmed Gazdiev, December 25, 2007.

<sup>187</sup> For details on an illegal prison allegedly run by security services in Goity, a small village in the Urus-Martan district of Chechnya, see Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), Section 4.5, “Illegal detentions and abductions with the objective of obtaining information or recruiting agents,” (Незаконные задержания и похищения с целью получения информации и вербовки. Незаконные места содержания). Also, the Aushev cousins, Magomed Osmanovich Aushev and Magomed Maksharipovich Aushev, who were held prisoner in Goity in September 2007 (see Chapter IX of this report “Public Protests and Response by Authorities”), gave a detailed description of the prison to Human Rights Watch. The description was not included in this report as the prison is located outside of Ingushetia. Human Rights Watch interview with Magomed Osmanovich Aushev, Nazran, Ingushetia, October 25, 2007; Human Rights Watch interview with Magomed Maksharipovich Aushev, Nazran, Ingushetia, December 25, 2007. Also, for the case of abduction of Magomed Osmanovich Aushev and his subsequent torture see section “Abduction and Torture” below in this chapter of the report.

Through his efforts to have the perpetrators brought to justice, Mukhmed Gazdiev became an active member of the protest movement in Ingushetia.<sup>188</sup>

*Abductions of Khusein Mutsolgov and Zaurbek Yevloev and enforced disappearance of Khusein Mutsolgov*

On May 5, 2007, Khusein Mutsolgov (born 1986) and Zaurbek Yevloev (born 1983) were abducted by unknown servicemen in the Nasyr-Kort district of Nazran.

According to eyewitnesses, at around 2:30 p.m., Mutsolgov and Yevloev were standing near Yevloev's house when a dozen armed personnel in masks sped up to them in a minibus and a few passenger cars. The servicemen jumped out of the car and, without any warning, started beating the two young men and hitting them on their heads with the butts of submachine guns. The attackers put adhesive tape over the mouths of their unconscious victims, wads of cotton in their ears, bags over their heads, and threw them into the minibus and drove off, taking Mutsolgov's car. Several hours later, at around 8 p.m., Zaurbek Yevloev called his relatives from the Chechen village of Assinovskaya on the Ingushetia border and asked them to pick him up. They were already looking for him. Mutsolgov's mother told Human Rights Watch that Yevloev could not shed any light on the fate of Khusein Mutsolgov and gave only a brief account of what had happened,<sup>189</sup>

He [Yevloev] said they were in [the minibus] for some time but could not see or hear anything. They were then thrown into some kind of dark basement where they were beaten. And it had something to do with the FSB. The servicemen spoke Russian to them but he [Yevloev] wouldn't tell us much. He kept saying he was very frightened. He did not say what kind of questions they were asked or anything. He was then put in a car and dumped out at some place in the outskirts of Assinovskaya. He does not know what happened to Khusein.

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<sup>188</sup> For details on public protests in Ingushetia and the role of Mukhmed Gazdiev, see Chapter IX of this report, "Public Protests and the Response of the Authorities."

<sup>189</sup> Human Rights Watch interview with the mother of Khusein Mutsolgov, Nazran, Ingushetia, December 27, 2007.



The Mutsolgovs learned from people whom they declined to name that Khusein spent several days at the FSB in Magas. Also, they read on the internet that later he was moved to the Goity illegal detention facility, and killed there.<sup>190</sup> While as of December 2007 Human Rights Watch had no further information confirming Mutsolgov's death, we received further confirmation about his presence in Goity. Magomed Maksharipovich Aushev, who was held at Goity in September 2007 (see below), told Human Rights Watch he saw Mutsolgov's name, as well as the names of several other individuals abducted from Ingushetia, written on the wall of his cell.<sup>191</sup>

Though the prosecutor's office of Ingushetia promptly initiated a criminal investigation into the abduction of Khusein Mutsolgov, at this writing the investigation has yielded no result. When Human Rights Watch asked whether the Mutsolgovs had a lawyer working on the case, Khusein's mother shrugged in despair, "We had one but then gave up on him. Why would we need a lawyer if Khusein is no more?"<sup>192</sup>

### *Enforced disappearance of Akhmet Kartoev*

On May 22, 2007, Akhmet Kartoev (born 1977) was abducted in Nazran by unidentified armed personnel. According to eyewitnesses who spoke to Kartoev's wife, Kartoev was driving through the center of Nazran at around 10 a.m. when his car was blocked by a white Gazel minibus. Several armed servicemen in masks and camouflage uniforms forced Kartoev to leave his car and step into their vehicle. Then they drove off at a high speed.

On June 6 the prosecutor's office of Nazran opened a criminal case into the abduction of Akhmet Kartoev,<sup>193</sup> but the investigation was suspended two months later.

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<sup>190</sup> Mutsolgov's mother did not name the source of the internet information but she most probably read it on the opposition website Ingushetiya.ru, which published a lot of information on the detention facility in Goity.

<sup>191</sup> Human Rights Watch interview with Magomed Maksharipovich Aushev, December 25, 2007.

<sup>192</sup> Human Rights Watch interview with the mother of Khusein Mutsolgov, December 27, 2007.

<sup>193</sup> A copy of the order to open the criminal case, #07560051, is on file with Human Rights Watch.

Kartoev's family repeatedly pressed the prosecutor's office and the FSB to try to find him, with no success. Akhmet Kartoev's brother, Magomed, told Human Rights Watch,<sup>194</sup>

It's a very lively area and there were many witnesses to his abduction. Today, however, they are all scared to speak about it. Those who said they saw it with their own eyes are now taking their testimonies back and saying that they had only heard about it from others. This is understandable, considering the time in which we all have to live. I wrote a complaint to the prosecutor general's office and the investigation was eventually resumed. Then it was suspended again. I contacted the FSB, but they told me their people had nothing to do with the case, they were not competent to do anything, and it's only the prosecutor's office that could help me. Two months ago I was notified that the investigation was resumed once again, and the investigation committee of the prosecutor's office of Ingushetia was handling it. In addition to the official investigation, we also used our connections [in the law enforcement agencies] and those of our relatives.

Magomed Kartoev believes the only explanation for his brother's abduction was Akhmet's religious affiliation,<sup>195</sup>

We don't know what to think. My brother never had any problems with police or other [security] agencies. And no one in our family, which is much respected [in Ingushetia], has had any such problems. The only thing that comes to mind—Akhmet was religious. He often went to the mosque on a regular basis and said his prayers five times a day ...

Considering that the law enforcement and security agencies in Ingushetia frequently suspect observant Muslims of being involved with the insurgents, it is not surprising that Magomed Kartoev thinks his brother's strict adherence to Islam could be the reason behind his abduction. As of April 2008, prosecutorial authorities have been

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<sup>194</sup> Human Rights Watch interview with Magomed Kartoev, Nazran, Ingushetia, December 25, 2007.

<sup>195</sup> Ibid.

unable to identify the perpetrators and investigation has yielded no results. The fate and the whereabouts of Akhmet Kartoev remain unknown.

## **Abductions and Torture**

### *Abduction, torture, and death of Murat Bogatyrev*

A particularly disturbing case is the abduction and torture of Murad Bogatyrev on September 7, 2007, which resulted in his death that same day. This case clearly illustrates how individuals whose names are in the police and security agencies' database, regardless of their actual police record, are likely to be abducted.

In mid-August, several weeks before his abduction, police and prosecution officials searched a tiny piece of land and a trailer Bogatyrev owned in Verkhnie Achaluki, a village in Malgobek district. At the time Bogatyrev was working outside Ingushetia, in Krasnodar. His wife, Eset Kulbuzheva, learned about the search from neighbors, and went to Verkhnie Achaluki. Kulbuzheva told Human Rights Watch,<sup>196</sup>

They stole our gold, some tapes, perfume, and 150,000 rubles [approximately US\$6,300] in cash. They also broke everything. I ran to the procuracy, complained about the theft, and asked what happened. They did not even register my complaint but said that the servicemen were looking for Murat on allegations of involvement in the murder of that Russian teacher, Terekhina.<sup>197</sup> They reassured me that the allegations had already proved to be inaccurate, and my husband would be left in peace.

Because their trailer had been made uninhabitable by the search, Bogatyrev, Kulbuzheva, and their young daughter went to live temporarily with Bogatyrev's relatives in Nazran. According to Kulbuzheva, on the evening of September 6 the three went back to Verkhnie Achaluki, and Kulbuzheva decided to stay the night with her parents who live locally, but Murat stayed at the trailer as he wanted to do some

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<sup>196</sup> Human Rights Watch interview with Eset Kulbuzheva, Nazran, Ingushetia, December 25, 2007.

<sup>197</sup> For information on the killing of Terekhina and her family, see Chapter IV of this report.

<sup>197</sup> Ibid., art. 222.

repairs. The next morning, at around 6 a.m., Kulbuzheva was awakened by a phone call from Murat's relatives who said that Murat had been taken away by armed personnel. Neighbors who witnessed the abduction told Kulbuzheva that a dozen servicemen had broken into the trailer, forced Marat into their vehicle, and drove off.<sup>198</sup>

Kulbuzheva got to the site as quickly as she could. A search of the yard and trailer was in progress. The search was carried out by the Malgobek police department and witnessed by the village administration head and several neighbors. The policemen gave Kulbuzheva a copy of the search report, confirming that nothing illegal was found on the premises.<sup>199</sup>

When Kulbuzheva and her relatives went to the Malgobek police department to look for Murat, the duty officer told them that he had been brought in for questioning. Kulbuzheva and the others were waiting at the police department, hoping that this would expedite Murat's release, when they saw police bring out his body.

Eset Kulbuzheva told Human Rights Watch,<sup>200</sup>

I was just standing there and waiting. Soon, several servicemen carried out a body. It was naked; the head was covered with a t-shirt. I did not realize right away that it was my husband. And then I understood everything. I started crying. There were all those bruises on his body. There was an ambulance next to the gate and the nurses told me right away that they were supposed to take the body to the morgue in Malgobek. But my relatives, who rushed to the policemen, were told that the ambulance would take Murat to the emergency room. They did take him to the morgue, but to the morgue in Nazran. The body was returned to us later on the same day. What they did to him was so awful. All the bruises and blood ... We photographed everything. But the police are claiming he died of heart failure.

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<sup>198</sup> Human Rights Watch interview with Eset Kulbuzheva, December 25, 2007.

<sup>199</sup> A copy of the protocol is on file with Human Rights Watch.

<sup>200</sup> Human Rights Watch interview with Eset Kulbuzheva, December 25, 2007.

When Eset Kulbuzheva returned to the trailer that afternoon, she saw that the policemen were back and conducting another search in the yard—this time without any witnesses and with no warrant. She suggested opening the trailer for them, but they said they needed only to recheck the outside area. During this search, law enforcement personnel found a lot of ammunition for submachine guns, as well as a grenade.

The prosecutor's office promptly opened posthumous criminal charges against Bogatyrev for an attempt on the lives of law enforcement officials<sup>201</sup> and illegal possession of ammunition.<sup>202</sup> The case was then closed due to Bogatyrev's death. The fact that the first search earlier that day did not yield any weaponry or ammunition, the absence of witnesses during the second search, and the neighbors' testimonies that Murat Bogatyrev had not put up any violent resistance during detention call into question the validity of the posthumous charges against Bogatyrev.

Eset Kulbuzheva and her lawyer filed a complaint against the personnel of the Malgobek district police department, supporting it with photographs and a video of Murat Bogatyrev's bruised body and a forensic medical report in which numerous traumas were noted, including multiple rib and sternum fractures and bruises and hematomas on the head, arms, left thigh, and right shoulder.<sup>203</sup>

In October 2007 the procuracy opened a criminal case for "abuse of office." However, despite credible evidence, on December 31 the investigation was suspended on grounds that the perpetrators could not be identified by prosecutorial authorities. Owing to pressure from Eset Kulbuzheva's lawyer, the procuracy reopened the investigation into the case in mid-January 2008. At this writing, the investigation is ongoing.

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<sup>201</sup> Russian Criminal Code, art. 317.

<sup>202</sup> *Ibid.*, art. 222.

<sup>203</sup> The video and a copy of the forensic report are on file with Human Rights Watch.

*Abduction and torture of Magomed Osmanovich Aushev*<sup>204</sup>

On the morning of June 17, 2007, personnel of the FSB's Ingushetia branch seized Magomed Osmanovich Aushev (born 1982) during a special operation on the Aushevs' household (a family compound) in the village of Surkhakhi. During the operation they killed Aushev's cousin, Ruslan Aushev (born 1982), whom they alleged to be an insurgent, and looted and damaged the family's houses.<sup>205</sup>

FSB personnel dragged Magomed Osmanovich Aushev out of the house of his uncle, Isropil Aushev, forced him into a Gazel minibus, and told him that they were taking him to the FSB in Vladikavkaz (North Ossetia). In the car, they beat him and put a bag over his head. About an hour later he was taken out of the vehicle and led into a building. There, the bag was taken off his head and he saw many uniformed servicemen. Most of them spoke Ossetian to each other. Aushev told Human Rights Watch,<sup>206</sup>

I'm not sure if that building belongs to FSB or to the Department Against Organized Crime. They [servicemen] never told me. They took me to a room on the fourth floor and started torturing me. They tied wires to my toes and tortured me with electric currents. Every once in a while, they poured water all over me and then continued to give me electric shocks. They never asked me any questions. They simply said that they knew for a fact I was hiding my cousin [Ruslan Aushev] in the attic of our house, I knew he was an insurgent, and helped him. They also insisted that I knew about some storage of weapons. They said they would continue [the torture] until I confessed. They put a bag on my head again, threw me in a car and took me to a deserted place. They dropped me in a pit in the earth and started to bury me alive. While shoveling earth into the pit they recited mock prayers and told me that they "disappeared" many

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<sup>204</sup> There are three Magomed Aushevs mentioned in this report, all cousins. For two of them their patronymic (middle) names are known to Human Rights Watch and are used here to distinguish them; the third, whose patronymic we do not know, is the only one to be identified throughout just as Magomed Aushev.

<sup>205</sup> For details on the June 17 special operation in Surkhakhi, see Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше), Section 4.4, "On the special operation in the Aushevs' household, illegal detention and torture of Magomed Aushev," (Спецоперация в домовладении Аушевых, незаконное задержание и пытки Магомеда Аушева). Human Rights Watch has insufficient information to comment on the circumstances and lawfulness of Ruslan Aushev's killing.

<sup>206</sup> Human Rights Watch interview with Magomed Osmanovich Aushev, Nazran, Ingushetia, October 25, 2007.

others just like this. Then, they took me out of the ground, put two bulletproof vests on me and started to shoot past me from close range. I passed out.

The torturers then took Aushev back to the same building and resumed torturing him with electric shocks, demanding that he confess to a number of insurgency-related crimes, and asking him to testify about individuals he did not know. Finally, a heavysset man wearing rubber gloves walked into the room and told Aushev to sign some papers if he wanted the torture to stop. He threatened Aushev with even more brutal torture if he refused. Aushev signed the papers without reading the contents.

When Aushev's tormenters showed him one of the papers, he realized that he had signed a document saying that on June 1, 2007, he had agreed to accept 35,000 rubles from the FSB in exchange for putting a blue rag in the window of his house to indicate that Ruslan Aushev made an appearance. The document also stated that he had done that on July 17, the date of the special operation in Surkhakhi and Ruslan's killing. They gave Aushev a cell phone number and instructed him to call it the next day to arrange for another meeting with FSB officials. Once Aushev consented, the servicemen put a bag on his head, put him in a car, and threw him out on the road close to Surkhakhi. As Magomed Osmanovich Aushev did not intend to follow through on this, he immediately informed his relatives of the situation and they sent him out of Ingushetia, to Astrakhan, to recuperate, hoping that the FSB would give up after a few months of his absence.

This was not the case. When Magomed Osmanovich Aushev was returning to Ingushetia via Grozny in September 2007 accompanied by his cousin, Magomed Maksharipovich Aushev, the two young men were kidnapped by Chechen security forces on the outskirts of Grozny. They were taken to an illegal prison in the Chechen village of Goity and tortured there. The servicemen were planning to have them executed but, in the end, had to release their victims because of a particularly vibrant and massive public protest organized by the Aushev family. (The abduction in Grozny and the ensuing protests are detailed in Chapter IX, "Public Protests and Response of the Authorities.")

### *Abduction and torture of Timur D.*

In the North Caucasus, even law enforcement personnel can at times fall victim to abductions by security or police officials. A vivid illustration is the case of Timur D. (not his real name), who works for a law enforcement agency and was abducted on July 31, 2007, in Nazran.<sup>207</sup>

Timur D. was recuperating at the Ingushetia Republican Hospital after major surgery. On July 31, around 11 p.m., he went to buy some cigarettes at a nearby kiosk. He had not yet healed from surgery and walked very slowly with a heavy limp. On his way back to the hospital, he heard someone addressing him in Ingush, “Who are you?” He looked back and saw two VAZ vehicles behind him. Before he was able to answer the question, five or six armed servicemen in camouflage uniforms jumped out of the cars, put a black bag over his head, and dragged him into one of the vehicles. Timur told Human Rights Watch,<sup>208</sup>

They started beating me right away. I was suffocating under the bag and pleaded with them to take it off, but they only told me to shut up and keep quiet. They were driving for long time. Then, they stopped somewhere, took me out of the car, and pushed me into some kind of a house. I told them I worked for law enforcement and asked them to take me back to the hospital so I could show them my ID. They did not believe me. They started beating me again—on the head and in the groin. They beat me several times that night and demanded that I confess to being a rebel. The next morning, they tied me to a chair and beat me on the kidneys and the ribs. Some other people were screaming nearby. They must have been tortured too. I could not see any of the servicemen because they kept a bag on my head the whole time. But some of them were speaking Ingush, and others Chechen. Finally, they put me into a car and hit my head so hard that I fainted. When I came to, I found myself in a ditch next to a road.

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<sup>207</sup> Human Rights Watch has withheld the name of the agency in order to protect Timur D.’s identity.

<sup>208</sup> Human Rights Watch interview with Timur D. (real name withheld at his request), Magas, Ingushetia, December 23, 2007.



Timur D. was dumped out of the car near the village of Nesterovskaya in Ingushetia, close to the border with Chechnya. Human Rights Watch spoke to one of Timur's relatives, who also works for a law enforcement agency in Ingushetia. He felt very strongly that Timur D. only had himself to blame for the incident,<sup>209</sup>

Under the circumstances, he should not have any claims against anyone. If you're in a hospital, why go for a walk at 11 or 12 at night, especially if you are limping? The servicemen saw a man with a limp going somewhere in the middle of the night. It's only natural they thought it was suspicious. They could not but take him for an injured insurgent! They seized him, took him away, checked him, realized that they made a mistake, and finally threw him out. What's there to complain about?

This remark by a law enforcement official is a powerful commentary on the contemporary situation in Ingushetia: law enforcement and security services feel themselves to be at liberty to detain and ill-treat anyone whom they believe to be acting in even a slightly suspicious manner.

## Abductions

### *Abduction of Uruskhan Inalov*

Even in cases when detainees are neither disappeared nor tortured, the detention itself is conducted with such blatant procedural violations that it is unlawful and may be characterized as summary and arbitrary. An example of this is the detention of Uruskhan Inalov, whom authorities suspected of involvement in an attack on Interior Ministry troops on November 8, 2007, in Karabulak.<sup>210</sup>

On November 23, 2007, between 6 and 7 a.m., up to 25 security personnel surrounded the Inalov's house in Nazran. Without identifying themselves or showing a warrant, they broke into the house. Uruskhan Inalov, age 28, was dragged out of bed without any explanation. Without letting him get dressed the servicemen pushed him outside and forced him to stand barefoot in the snow with his face

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<sup>209</sup> Human Rights Watch interview with a relative of Timur D., name withheld by request, Ekazhevo, Ingushetia, December 23, 2007.

<sup>210</sup> For details, see "The policemen wounded in Ingushetia are in grave condition," *Kavkazskiy Uzel*, November 9, 2007, <http://www.kavkaz-uzel.ru/newstext/news/id/1201225.html> (accessed March 28, 2008).

against the hedge. Inalov's younger brother was pushed face down on the ground and kept in that position for a half hour.

Uruskhan Inalov's sister, Zarema, told Human Rights Watch,<sup>211</sup>

They [servicemen] were asking me and my sister all kinds of questions about our relatives and about some insurgents we'd never heard off. They were yelling, "You, bitch! You filthy animal!" They used all kind of terrible expressions. They looked all over the house without telling us what they were looking for. They did not give us any papers. We were very frightened. They took all of our mobile phones. The phones were returned but now, all of them are tapped.

The servicemen put Uruskhan Inalov in a car and took him away to an unknown destination. Fearing that he may be "disappeared," Uruskhan Inalov's cousins followed them from a distance and were able to see that the servicemen delivered him to the Karabulak police department. Uruskhan Inalov was charged with making an attempt on the lives of law enforcement officials<sup>212</sup> and transferred to the remand prison in Pyatigorsk (Stavropol province). The family was not promptly notified of the transfer and had to make considerable efforts to locate him in custody. At this writing, the case against Inalov is pending.

### *Abduction of Malika Chabieva*

Although it is young males who are most often summarily detained, in an exceptional case documented by Human Rights Watch, a woman, Malika Chabieva, was detained by security servicemen in this manner. Chabieva (born 1968), who fled from Chechnya to Ingushetia at the start of the second military campaign, was living in the Mekhstroi dormitory for internally displaced persons in the village of Ordzhonikidzevskaya.

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<sup>211</sup> Human Rights Watch interview with Zarema Inalova, Plievo, Ingushetia, December 25, 2007. She backed her suspicion of phone-tapping by explaining that whenever she or other family-members talk on their respective phones they hear strange sounds and the connection is frequently interrupted.

<sup>212</sup> Russian Criminal Code, art. 317.

Early in the afternoon of January 27, 2007, around 12:30 p.m., the Mekhstroi dormitory was surrounded by servicemen in masks and camouflage uniforms. Several armed men came into the room where Malika Chabieva lived with her four-year-old daughter and told her to get dressed and follow them. The servicemen, who did not identify themselves and presented no warrant, claimed that Malika was suspected of involvement in a terrorist attack in the town of Armavir (Krasnodar province) in 1997.<sup>213</sup> The servicemen did not explain where they would be taking Chabieva but instructed her to leave her daughter with someone at the dormitory. Accompanied by the servicemen, Chabieva knocked on the door to the room of her sister, Aza, handed her the keys, pushed the girl into the room and said, “They’re taking me away.”<sup>214</sup> Then one of the servicemen ordered her to close the door. Aza tried to come out and ask questions but she was forcibly pushed back into the room and told to keep still.

When the servicemen left, Aza went to the Sunzha district prosecutor’s office to complain about her sister’s detention. Prosecutor’s office officials refused to register the complaint but promised to find out which security agency was behind the operation. After making several phone calls they told Aza Chabieva that her sister was being held at the FSB in Magas.

On the same day, another sister of theirs, Aset Chabieva, was taken to the FSB for interrogation about her contacts with an alleged insurgent. She was released two hours later.

Several days later, Aza was contacted by an FSB official who informed her that her sister was being transferred to a remand prison in Krasnodar. Malika Chabieva described her experience to Human Rights Watch,<sup>215</sup>

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<sup>213</sup> In April 1997 three people died and ten were wounded in a terrorist attack at the train station of Armavir. See Vadim Samokatov, “‘Public transportation’ equals ‘mass death’,” (‘Общественный транспорт’ равно ‘массовая смерть’), *Utro.Ru*, September 1, 2004, <http://www.utro.ru/articles/2004/09/01/345904.shtml> (accessed March 29, 2008).

<sup>214</sup> Human Rights Watch interview with Aza Chabieva, Orzhonikidzevskaya, Ingushetia, December 27, 2007.

<sup>215</sup> Human Rights Watch interview with Malika Chabieva, Ordzhonikidzevskaya, Ingushetia, December 27, 2007.

I hoped they were only taking me to the local police station, so when we drove out of Ordzhonikidzevskaya [village] onto the highway, I got really scared. There, we entered the secured grounds of a large new building. I did not know it was the FSB—I only understood this later on. They interrogated me, asked about my family and about a woman by the name of Elbika who lived in the same tent camp with us at the very beginning of the war and who, according to them, was a rebel fighter. When they transferred me to Krasnodar, they did not explain anything.

The day after Chabieva's detention, the head of the Ingushetia Ministry of Internal Affairs press service, Nazir Yevloev, gave an interview to *Nezavisimaya Gazeta* in which he claimed that Chabieva was seized by the FSB and police because law enforcement agencies had grounds to believe that she was responsible for a series of grave crimes. According to Yevloev, Chabieva was a member of an all-female sniper unit that had played an active role in fighting federal forces during the first Chechen campaign. He also said that Chabieva was involved in the terrorist attack at the train station in Armavir on April 23, 1997.<sup>216</sup>

On March 28, 2007, Malika Chabieva was released from custody as the accusations against her could not be substantiated. She lives in fear of further detention, particularly as the press service of the Ministry of Internal Affairs never published a retraction and her name is in the databases of the law enforcement and security agencies.

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<sup>216</sup> Alexander Shapovalov, "A sniper detained 10 years later," (Снайпера задержали через 10 лет), *Nezavisimaya Gazeta* (Moscow), January 29, 2007, quoting head of the Ingushetia Ministry of Internal Affairs press service Nazir Yevloev. Article reproduced at [www.ombudsman.gov.ru/dad\\_2007/dado1/dad496/04.doc](http://www.ombudsman.gov.ru/dad_2007/dado1/dad496/04.doc), (accessed March 31, 2008).

## VIII. Special Operations Involving Cruel and Degrading Treatment

Special operations in Ingushetia are search-and-seizure raids officially aimed at seizing insurgents who are believed to be in the targeted areas, and at searching for weapons in residents' homes and/or workplaces. Sometimes they are carried out in response to armed attacks by insurgents in the area. According to Memorial, human rights are blatantly violated in the conduct of such operations.<sup>217</sup> Some of the extrajudicial executions, enforced disappearances, abductions, and torture documented in this report occurred during search-and-seizure operations. This chapter describes beatings, looting, and other cruel and degrading treatment against Ingushetia residents during special operations.

Research by Human Rights Watch and Memorial in 2007 found that special operations generally follow the pattern of sweeps and targeted raids<sup>218</sup> seen in earlier years in Chechnya. Depending on the circumstances, the operations can target a specific household, a neighborhood, or an entire village. Groups of armed personnel—security services, local police and federal Ministry of Internal Affairs troops—arrive in a given area, often wearing masks and riding in military vehicles, minibuses, and passenger cars that in many cases lack license plates. They surround a neighborhood or an entire village and check peoples' dwellings. The servicemen do not identify themselves, show official warrants, or provide the residents with any explanation for the operations.

The prosecutor's office has failed to investigate complaints from Ingushetia residents about operations involving human rights violations.<sup>219</sup>

Human Rights Watch recognizes that Russian authorities have a legitimate right to conduct law enforcement and security operations in any part of the Russian Federation in order to identify and detain suspected criminals and to seize illegal

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<sup>217</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.3, "Checks of Households during targeted "preventive" operations and sweeps of residential areas," (Проверки домовладений в ходе адресных «профилактических» операций и «зачисток» населенных пунктов).

<sup>218</sup> Targeted raids are different from sweeps by being focused on single specific houses as opposed to the broader territories.

<sup>219</sup> See the cases of Amriev, the Galaevs, and Mutaliev in Chapter VI, "Extrajudicial Executions."

weapons. However, such operations must conform to Russia's domestic law and international human rights obligations.

In order to be in compliance with those obligations, law enforcement officials, when using force, must exercise restraint and act in proportion to the seriousness of the offense and to the legitimate objective to be attained.<sup>220</sup> As far as possible, non-violent means shall be applied before resorting to the use of force and firearms.<sup>221</sup> Universal human rights standards prohibit torture and cruel, inhuman, or degrading treatment or punishment, without exception or derogation.<sup>222</sup> In a recent case against Russia, the European Court of Human Rights stated that difficulties inherent in the fight against crime cannot justify limits on the protection to be afforded in respect of the physical integrity of individuals.<sup>223</sup> Furthermore, governments are under a positive obligation to effectively investigate all allegations of ill-treatment by law enforcement personnel and hold those responsible accountable.<sup>224</sup>

### *Sweep operation, Gairbek-Yurt*

On April 10, 2007, soon after 5 a.m., unidentified armed personnel carried out a sweep operation in the village of Gairbek-Yurt in Nazran district. The sweep was conducted in a distinctly abusive manner.

About 100 masked servicemen in camouflage uniforms arrived in armored vehicles, Gazel minibuses, and cars, cut off the village from the access road, surrounded the area around the local school, and proceeded to search the houses. According to residents interviewed by Human Rights Watch, the servicemen forced their way into homes with no warrant, and responded with obscenities to any questions regarding

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<sup>220</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 5.

<sup>221</sup> *Ibid.*, principles 4 and 5.

<sup>222</sup> ICCPR, art. 7; ECHR, art. 3; Convention against Torture, art. 2.

<sup>223</sup> *Chitayev and Chitayev v. Russia*, para. 154.

<sup>224</sup> ICCPR, arts. 2(3) and 7; Convention against Torture, art. 4; ECHR arts. 3 and 13. For European Court findings specifically related to effective investigation into alleged violations of article 3, see *Assenov and others v. Bulgaria*, para. 102; *Sakik and others v. Turkey*, para. 62; and *Chitayev and Chitayev v. Russia*, paras. 163-166. See also Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 23.

their names, affiliation, or reasons for the search. Men, women, and children were forced to stand outside at gunpoint barefoot and in their nightclothes.<sup>225</sup>

Movsar N. (not his real name) told Human Rights Watch,<sup>226</sup>

One of [the servicemen] threatened me with the butt of his gun, just to frighten me ... I asked, “Who is your commander?” He yelled, “Shut your trap!” They cursed for 10 minutes or so and pushed me in the back with their guns when I tried to ask questions. They broke the door; I had to fix it and get a new lock ... There is a 60-year-old woman living on the right side of the street. They threw her outside and she had to stand in the cold in her nightclothes for hours. They threw things around, walked on the carpets in their muddy boots ...

Human Rights Watch was also able to speak to the woman mentioned by Movsar N. Milana V. (not her real name) was distressed by the behavior of the servicemen,<sup>227</sup>

They were all in masks and they were so rude! They searched my house, even though they had no official papers, threw around the bed linens, the pots and pans, emptied a bag of rice on the floor. Finally, they found an old, rusty rifle, which remained from my late husband. They pushed me out of the house in my nightgown and I had to stand like that for something like two hours.

In the end, they took us to Karabulak and led us into some kind of a trailer. There was a young man there sitting by the computer. He asked me questions about the rifle, put everything in writing, gave me a copy of that document and let me go. So, why did they have to do all those terrible things to me before?

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<sup>225</sup> Human Rights Watch interviews with Movsar N. and Milana V. (real names withheld), Gairbek-Yurt, Ingushetia, December 26, 2007.

<sup>226</sup> Human Rights Watch interview with Movsar N., December 26, 2007.

<sup>227</sup> Human Rights Watch interview with Milana V., December 26, 2007.

After the sweep, the head of the Nazran district police department and two members of the Ingushetia parliament spoke with villagers. The department head confirmed that Ingush police were not made aware of the operation. Moreover, he said that when the district police officer for Gairbek-Yurt, Yusup Shibilov, tried to enter the village during the sweep, armed personnel prevented him from doing so.<sup>228</sup> The parliamentarians also collected residents' written complaints and promised to raise the issue with competent authorities. However, no investigation into the operation has been carried out.

### *Targeted raid, Ordzhonikidzevskaya*

On June 1, 2007, around 6 p.m., Khazhbiker Merzhoev's house in the village of Ordzhonikidzevskaya was raided by FSB and military servicemen. They broke into the Merzhoevs' yard and opened fire over the heads of the children who were playing there. They ill-treated the disabled Khazhbiker Merzhoev and beat his elder son Ramzan. They also hurt Merzhoev's teenage son, Adam, including breaking one of his fingers.

Khazhbiker Merzhoev told Human Rights Watch,<sup>229</sup>

I suddenly heard gunfire in the neighbors' yard, then a large group of armed men, in masks—about 70 men, maybe 100, they arrived in 7 or 8 Gazel minibuses—burst into our yard. They yelled, “Freeze! Get down!” and shot in the air. They forced me onto the ground. One pulled my pants-leg up, and said, “What is that?!” I said, “Prosthetic leg” (my leg was amputated in 1991). Then he said, “So, you are still alive, son of a bitch?” My daughters were crying, “Please, please, don't kill us!” They hit my 21-year-old son, Ramzan, with a gun butt, put a plastic bag on his head, and forced him into their minivan; they continued to beat him there. Some of them went to the market to get my younger son, Adam. I had to tell them he was there. And Adam was just a 9<sup>th</sup> grade student! They brought him back to the house in the minivan; he was handcuffed.

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<sup>228</sup> Human Rights Watch interview with Movsar N. and Human Rights Watch interview with Milana V., December 26, 2007, Gairbek-Yurt, Ingushetia.

<sup>229</sup> Human Rights Watch Interview with Khazhbiker Merzhoev, December 27, 2007, Ordzhonikidzevskaya, Ingushetia.



One of the soldiers kept his foot on Adam's face. They beat him with gun butts and broke his finger. His head was covered with bruises.

The servicemen began searching the house but did not find anything. An FSB investigator from the group wrote a search report that indicated that among the witnesses to the search were several troops from military division #04062 who took part in the operation. The report noted that the search was aimed at seizing weapons, ammunition, and explosives allegedly hidden in the house but that no such objects or substances were found.<sup>230</sup> Both Ramzan and Adam were released.

The Merzhoevs promptly lodged a complaint with the prosecutor's office of Ingushetia, which forwarded it to the military prosecutor's office at the military division #04062. The military prosecutor's office replied to the prosecutor of Ingushetia, Yuri Turygin, "According to the information provided by the head of the Ingushetia branch of FSB of the Russian Federation—the military entity tasked with the conduct of search operations—staff-members of the Ingushetia branch of the FSB of the Russian Federation did not take part in the June 1, 2007 search at the Merzhoevs' house"<sup>231</sup> Therefore, according to the military prosecutor's office, there was "no evidence suggesting that on June 1, 2007, FSB officials conducted a search at the Merzhoevs' house."<sup>232</sup> At this writing, the perpetrators of this abusive operation remain unpunished.

According to Khazhbiker Merzhoev, his house was also raided by the FSB back in September 2006. During that raid, the security servicemen were specifically looking for his son Ramzan. When Merzhoev explained that Ramzan had been drafted to the army nine months earlier, one of the FSB officers shrugged, "OK, then it's a mistake;

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<sup>230</sup> A copy of the search record, issued by an investigator of the Ingushetia branch of the FSB, is on file with Human Rights Watch. Using armed personnel involved in the search operation as witnesses to the operation stands in violation of relevant procedural guarantees, as witnesses must be unbiased. This practice, however, appears widespread in Chechnya and Ingushetia.

<sup>231</sup> A copy of the letter, addressed to Yuri Turygin by military prosecutor Evseev of military division #04062 and dated September 15, 2007, is on file with Human Rights Watch.

<sup>232</sup> Ibid.

there must be a mistake in the warrant. We have a car full of these papers. We have search and arrest warrants for everyone in Ingushetia.”<sup>233</sup>

### *Targeted raid, Surkhakhi*

As mentioned in Chapter VII, on June 17, 2007, armed personnel killed Ruslan Aushev in a special operation in the village of Surkhakhi, and abducted his cousin Magomed Osmanovich Aushev and took him to Vladikavkaz, where he was tortured in custody.<sup>234</sup> About a week later, on June 25, villagers held a rally to protest these violations.<sup>235</sup>

Two days later, on June 27, North Ossetia FSB personnel raided the houses of Bamatgirei Aushev and his relative, Eset Ausheva, in Surkhakhi at around 4.30 a.m. Up to 100 armed servicemen in camouflaged uniforms, many of them wearing masks, entered the village in Gazel minibuses, UAZ vans and other vehicles. They attempted to kidnap Khalid Aushev, age 27, and beat two minors, Adam Aushev and Khamzat Aushev, ages 17 and 16.

Human Rights Watch spoke to several witnesses to the operation, the aim of which was purportedly to seize Eset Ausheva’s son, Magomed, age 25—cousin of Magomed Osmanovich and Magomed Maksharipovich Aushev, both mentioned above—who was not in the village that day. But some residents thought that the targeted raids were aimed at punishing the village for holding the protest rally.

Maksharip Aushev, a relative of Khalit Aushev, told Human Rights Watch,<sup>236</sup>

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<sup>233</sup> Human Rights Watch Interview with Khazhbiker Merzhoev, December 27, 2007.

<sup>234</sup> Human Right Watch interview with Magomed Osmanovich Aushev, October 25, 2007.

<sup>235</sup> Human Rights Watch interviews with Maksharip Aushev, Nazran, Ingushetia, December 22, 2007, and Eset Ausheva, Surkhakhi, Ingushetia, December 26, 2007. See also Chapter IX of this report, “Public Protests and Response of the Authorities”; Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), Section 4.9, “Protest actions in Ingushetia,” (“Акции протеста в Ингушетии”); and “Other details of punitive raid on the village of Surkhahi on June 27,” (Другие подробности карательного налета на село Сурхахи 27 июня), Ingushetiya.ru, June 29, 2007, <http://www.ingushetiya.ru/news/10800.html> (accessed June 12, 2008).

<sup>236</sup> Human Rights Watch interview with Maksharip Aushev, December 22, 2007. Maksharip Aushev was not in Surkhakhi during the operation but heard the details from Bamatgirei, whom he accompanied to the Ministry of Internal Affairs along with other relatives.

Several dozen of them broke into the house of our family member, Bamatgirei. They never explained anything, never showed any papers. Just yelled, cursed, and pushed people around. They got their hands on Bamatgirei's boy, Khalid, and dragged him into one of the Gazels [minibuses]. But you see, by that time our family simply could not tolerate such things anymore. We had already lost Ruslan Aushev. So, our people just blocked the road for the FSB and refused to let them out of the village. They got scared, threw Khalid out of the car and left. On that same day, Khalid's father and other relatives took Khalid to the Ministry of Internal Affairs [of Ingushetia] and asked the officials to question him and clear the situation. The ministry's officials confirmed that he was not wanted by police. They spoke to him and had him released. During the time he was at the ministry, some Ossetia FSB officials approached the building and demanded for Khalid to be handed over to them. But they refused to do so at the Ministry, particularly as our family members were waiting by the doors and watching.

While one group of FSB officials was attempting to seize Khalid Aushev, another group of their colleagues blocked Azovskaya Street and raided the house of Eset Ausheva. Ausheva described the operation to Human Rights Watch,<sup>237</sup>

They were so many, I really lost count. And so very malicious! They dragged my two younger boys [Adam Aushev and Khamzat Aushev] out of their beds practically naked and forced them against the wall in our yard. They asked them questions about their elder brother [Magomed], screamed that Magomed blew up some kind of a cemetery. They kicked them and threatened to shoot them. They also made my elder daughter stand in the yard at gunpoint for over an hour in her nightclothes. She is still very young and was absolutely terrified. They searched the house all over and did not find anything. Then, one of them told me, "We came to kill your son [Magomed]." I asked, "What do you mean, kill him?" and he yelled, "Remember Ruslan Aushev who was recently killed here? We

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<sup>237</sup> Human Rights Watch interview with Eset Ausheva, December 26, 2007.

were the ones who did it. And now we'll kill your son and blow your house up. You deserve it!"

According to Eset Ausheva, her son Magomed was in Rostov buying car parts. He did not know the security services were looking for him. Two days after the special operation, Magomed Aushev returned home.<sup>238</sup> On the way back to Ingushetia he drove through numerous checkpoints, where his documents were checked by law enforcement personnel. The fact that he was allowed to proceed through checkpoints without any problems suggests that his name was not on any wanted list in those regions or on the federal wanted list. Eset Ausheva told Magomed that North Ossetia security services wanted to detain him.

Upon his return, Magomed Aushev immediately went to the Ingushetia Ministry of Internal Affairs to inquire about the situation. He told his mother that they looked for his name in their databases and said, "We have nothing against you. You are free to go, as far as we are concerned. It's Vladikavkaz [security personnel in the capital of North Ossetia] that wants you." The next day, Magomed Aushev left his family's home and went away to an unknown destination. At this writing, his relatives have had no information as to his fate or whereabouts. Eset Ausheva believes that her son fled because he was afraid to share the fate of his relatives, Ruslan and Magomed [Osmanovich Aushev].<sup>239</sup> (For details on the subsequent further abduction of Magomed Osmanovich Aushev along with Magomed Maksharipovich Aushev in Chechnya, see Chapter IX.)

### *Sweep operation, Ali-Yurt*

A particularly brutal sweep was carried out in the village of Ali-Yurt on July 28, 2007, in response to an attack by insurgents the previous day in the Ingush capital, Magas, less than four kilometers from Ali-Yurt.

On the evening of July 27, insurgents armed with submachine guns and grenade-launchers attacked the FSB building and the presidential palace in Magas. One

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<sup>238</sup> See footnote 206 for explanation regarding three Aushev cousins by the name of Magomed mentioned in the report.

<sup>239</sup> Human Rights Watch interview with Eset Ausheva, December 26, 2007.

military serviceman was killed and several servicemen were wounded. The Ingushetia prosecutor's office immediately opened a criminal investigation into the attempted killing of law enforcement officials and unlawful possession of weapons and ammunition. A representative of the Counterterrorism Operative Headquarters in Ingushetia stated to the press the day after the attack that it had been launched near the village of Ali-Yurt and that therefore a "state of counterterrorist operation" was imposed on the village.<sup>240</sup> The representative further said that on July 28, before dawn, Ali-Yurt was blocked by internal troops of Russia's Ministry of Internal Affairs, servicemen of the Ingushetia Ministry of Internal Affairs, and units of the United Group of Forces in the North Caucasus, who were tasked with verifying the residents' identities, checking all the dwellings, and identifying alleged insurgents.

Despite official assurances that the special operation in Ali-Yurt was being carried out "in full compliance with Russian law,"<sup>241</sup> local residents complained of gross violations of their rights. According to *Ingushetiya.ru*, an internet information agency with a broad network of volunteer correspondents in Ingushetia, approximately 50 individuals, including elderly people, women, and children, were beaten by armed personnel. Among the victims were the local mullah, a woman in an advanced stage of pregnancy, and an 11-year-old boy. After the operation, 30 people sought medical assistance and several of them had to be hospitalized.<sup>242</sup>

Local residents interviewed by Human Rights Watch confirmed this report.<sup>243</sup> They told us that the operation began soon after 4 a.m. Armed personnel arrived in APCs, military vehicles, and Gazel minibuses. Dozens of armed servicemen in camouflage uniforms, many of them also wearing masks, forcefully entered, fired their weapons in the air, beat residents, hit children and threw them to the floor, dragged people

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<sup>240</sup> "Opening of a criminal case on the attack on Magas," (По факту нападения на Магас возбуждено уголовное дело), *Newsru.Com*, July 28, 2007, <http://palm.newsru.com/russia/28jul2007/magas.html> (accessed April 28, 2008).

<sup>241</sup> "A criminal investigation has been opened into the shooting at the presidential administration," (По факту обстрела администрации президента), *Polit.Ru*, July 28, 2007, <http://www.polit.ru/news/2007/07/28/deloing.html> (accessed April 28, 2008).

<sup>242</sup> "On July 28, 50 people were beaten up in Ali-Yurt," (28 июля в Али-Юрте были избиты 50 человек), *Ingushetiya.ru*, July 28, 2007, <http://www.ingushetiya.ru/news/11180.html> (accessed June 12, 2008).

<sup>243</sup> Human Rights Watch interviews with Magomed-Girei Aspiev, Tamerlan Tatriev, and Kheda Z. (real name withheld), December 23, and Yusup Tsoroev and Tanzila Esmurzieva, Ali-Yurt, Ingushetia, December 27, 2007.

outside and forced them to lie flat on the ground in their nightclothes. All attempts to ask questions or pleas to stop the violence were met with cursing and beating.

Two high-level Ingush officials—the minister of internal affairs and the head of the Security Council—tried to access the village at about 8 a.m. but were not allowed in until approximately 10 a.m., when they were able to have an ambulance accompany them into Ali-Yurt.

The operation went on until the afternoon and appeared to have a distinctly punitive character. When the servicemen were beating the residents of Ali-Yurt they were accusing them of being terrorists and hating the security services and the military. The only question the armed personnel asked, if any, was, “Where are the fighters?” but they did not seem to pay attention of the responses.

Magomed-Girei Aspiev told Human Rights Watch,<sup>244</sup>

When I opened the gate for them [servicemen], I was barely able to duck from the butt of the gun that one of them was trying to hit me with. They just threw themselves at me. About 35 of them all together. Most had their faces covered by masks but those who did not—they looked Russian to me... They demanded passports for all of my family members. I went into the house to get them. Half of the servicemen came with me. My wife was crying in the bedroom holding on to the smaller children. One of them pointed his submachine gun at her and yelled, “Tell this bitch to keep quiet, or I’ll make her quiet in no time at all!”

I started to protest and they dragged me out of the house. In the yard, I saw my three elder sons—they’re 16, 15, and 11—spread on the ground in their underwear. The oldest was beaten so badly he was covered in blood. I lost it and tried to jump at one of the servicemen. They threw me on the ground and started beating me up.

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<sup>244</sup> Human Rights Watch interview with Magomed-Girei Aspiev, December 23, 2007.

Aspiev's neighbor, Tamerlan Tatriev, was also beaten. He was woken up by servicemen violently banging on his gate and threatening to throw grenades into the yard if the gate was not opened immediately. Tatriev, who was recovering from a broken leg and could not move quickly, sent his wife Patimat to let the servicemen in. Tatriev described the ensuing events to Human Rights Watch,<sup>245</sup>

Because of my limp it took me a while to get up and walk down from the second floor. They [servicemen] just rushed toward me and threw me down the stairs. When I fell on the floor, they hit me on the back of my head and kidneys with the butts of their submachine guns. There were six of them. They put the barrel of a gun against my wife's neck, grabbed her by the hair and dragged her from room to room, using her like a shield. My son and nephew, high-school-age kids, were beaten so badly they could barely walk for a month. My back and ribs were black and blue. And while the servicemen beat us, they screamed, "Where are the terrorists? Where were you last night?" But they never listened to us; it was one blow after another!

Another local resident, Yusup Tsoroev, gave a similar account of the events. Tsoroev was especially distressed by the fact that his pregnant wife was also beaten,<sup>246</sup>

The servicemen were in the yards and screaming, "We'll count to three and throw a grenade!" I rushed to the door in my underwear, opened it, and one of the military [men] struck me with his gun on the left temple. I saw stars and fell from off the porch. They beat me with their feet and the butts of their submachine guns. They hit me on the stomach and the head. One of them sat on top of my head while the other two pulled my legs apart, forcing me into splits and twisting my legs. The pain was unimaginable but I was constantly thinking about what they could do to the woman [wife, Tanzila Esmurzieva]. She was very [pregnant] and in her condition anything could happen ... They yelled, "Why did you kill

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<sup>245</sup> Human Rights Watch interview with Tamerlan Tatriev, December 23, 2007.

<sup>246</sup> Human Rights Watch interview with Yusup Tsoroev, December 27, 2007.

that soldier? Why did you shoot?” I said I did not shoot and they just screamed, “Shut up, you son of a bitch!” and hit me again ...

When they finally left I went back into the house and saw [my wife]. She was lying on the floor ... Her face was covered with blood, her lip split, and her throat swollen. When I saw that, I was more frightened than when the people were beating me. I ran out to call for help and saw over the hedge how those servicemen were “working” on my neighbor, Batyr Zeitov. He was getting the worst of it! I tried to tell them to stop but one of them threatened me with his gun. The woman was my first concern. Fortunately, we got her to the hospital in time!

According to Memorial, seven people, all of them young males, were detained during the operation in Ali-Yurt and delivered to the Ingushetia branch of the FSB. There, the detainees were beaten and interrogated about the insurgents. Three of the detainees had black bags put on their heads, were dragged into a vehicle and then thrown out on the road between the villages of Surkhakhi and Yandyrka. The other four were simply released. Ultimately, no one from the village of Ali-Yurt faced criminal charges in relation to the July 27 attack.<sup>247</sup>

Some of the Ali-Yurt residents who needed medical assistance wanted their injuries to be documented by medics to back prospective complaints to the prosecutor’s office regarding unlawful actions by armed personnel. However, in some cases, Nazran hospital staff was very reluctant to reflect the full extent of villagers’ injuries in their medical records, and in other cases openly refused to do so.<sup>248</sup>

Magomed-Girei Aspiev described his experience at the hospital as follows,<sup>249</sup>

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<sup>247</sup> See Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), section 4.3, “Checks of Households during targeted ‘preventive’ operations and sweeps of residential areas.” This was also confirmed by Ingushetia’s prosecutor, Yuri Turygin at Human Rights Watch’s meeting with Ingushetia authorities on May 27, 2008. At the same time, Turygin indicated that “two armed individuals [who arrived to Ali-Yurt] from the territory of a neighboring republic were detained during the operation.” [были задержаны двое с оружием с территории соседней республики, и их передали по территориальности] Human Rights Watch has no information confirming or refuting this remark.

<sup>248</sup> See, for example, “Sweep operation in the village of Ali-Yurt (Ingushetia): again, the Chechen scenario,” (‘Зачистка’ в селе Али-Юрт (Ингушетия): опять по ‘чеченскому’ сценарию), Memorial, August 3, 2007, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed April 28, 2008).

<sup>249</sup> Human Rights Watch interview with Magomed-Girei Aspiev, December 23, 2007.



My elder son, Timerlan, was in such a bad condition that they had to keep him at the hospital for 10 days. On the third day, I went to visit him and met three people from our village who had just been released from the hospital. They told me that the doctors never gave them any medical documents. I went to the chief of traumatology and asked where their case histories were and where my son's case history was. He said he did not know. I went to the head physician and asked the same question. She said she did not know either. I started pressing her for an answer and she just broke down crying. She kept saying, "What can I do?"

I went back to the chief of traumatology demanding the case histories. He said he could not. I went back to the head physician. I spoke very harshly, and she started wailing again ... The chief of traumatology asked me to leave his office ... Finally, he gave me the case histories. But they were just about bruises. And if my son had mere bruises, why did they kept him [hospitalized] for 10 whole days? He complained about pains in his kidneys and his heart. It was something serious.

Yusup Tsoroev told Human Rights Watch that when he and his acquaintances pressed the hospital for their respective medical records, not a single case history could be obtained: "The doctors said that some [officials] arrived at the hospital, took all the case histories, and left, and they could not say who they were or where they came from."

Under Russian criminal procedure, a referral by an investigator is required in order to have a forensic medical exam. Tsoroev said the investigator would not issue such referral promptly, and that it took six days to obtain the referral and have the examination carried out.<sup>250</sup>

According to *Ingushetiya.ru*, 30 Ali-Yurt residents who were beaten during the sweep lodged complaints with the Nazran prosecutor's office.<sup>251</sup> Following the preliminary

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<sup>250</sup> Human Rights Watch interview with Yusup Tsoroev, December 27, 2007. His forensic medical examination record, which included the description of multiple bruises, is on file with Human Rights Watch.

<sup>251</sup> "On July 28, 50 people were beaten up in Ali-Yurt," (28 июля в Али-Юрте были избиты 50 человек), *Ingushetiya.ru*.

inquiry, the prosecutor's office of Ingushetia forwarded the complaints to the military prosecutor's office with a recommendation to open a criminal investigation.<sup>252</sup> However, the military prosecutor's office returned the complaints to the Ingushetia prosecutor's office stating that there was insufficient evidence regarding the involvement of military servicemen in the abuses in Ali-Yurt. Finally, the Ingushetia prosecutor's office opened a criminal case on "abuse of office" by law enforcement officials.<sup>253</sup> However, the prosecutor of Ingushetia, Yuri Turygin, informed Memorial representatives during a meeting with them on October 30, 2007, that the investigation had been unable to establish the identities of the perpetrators of specific abuses or the identities of their commanders.<sup>254</sup>

Magomed-Girei Aspiev, who immediately became the most active member of the group of local residents demanding accountability for perpetrators, was openly threatened by unidentified law enforcement or security personnel. A day or two after he filed a complaint with the prosecutor's office, he noticed three men standing by his gate around midnight. When he approached the gate he saw that they were dressed in sportswear and looked Russian. One of them said, "When will you stop complaining?" Aspiev asked, "And who are you?" His interlocutor then put a gun to Aspiev's forehead and ordered him to go back into the house. Aspiev reported the incident to the prosecutor's office but the authorities did not take any steps to protect his personal security.

At this writing, the investigation into what happened on July 28 has not yielded any meaningful results. Yusup Tsoroev shared his frustration with Human Rights Watch,<sup>255</sup>

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<sup>252</sup> Magomed-Girei Aspiev told Human Rights Watch that he was informed at the Nazran prosecutor's office that his complaint was sent to the Troitskoe military prosecutor's office. When he tried to inquire about the status of the complaint, the Troitskoe military prosecutor's office denied having received any such documents. The documents were "found" only after the intervention of Memorial's lawyers. Human Rights Watch interview with Magomed-Girei Aspiev, December 23, 2007.

<sup>253</sup> Case #07500032 on para "a," part 3, article 282 of the Russian Criminal Code, as recorded in the written response to Memorial's inquiry by investigator Gagtiev of the investigation committee at the Ingushetia prosecutor's office, dated October 31, 2007. [следователя по ОВД Назрановского межрайонного СО СУ СК при прокуратуре РФ по РИ М.М.Гаттиева № 32п-07/07600032 от 31.10.2007 г. на запрос ПЦ «Мемориал».] Memorial case records reviewed by Human Rights Watch, Memorial Nazran office, December 24, 2007.

<sup>254</sup> Human Rights Watch interview with Oleg Orlov, chair of Memorial, December 6, 2007. Orlov took part in the meeting with Yuri Turygin.

<sup>255</sup> Human Rights Watch interview with Yusup Tsoroev, December 27, 2007.

It really hurts! Supposedly, neither the leadership of the republic nor the leadership of the Russian military know who did it. Here are men in uniforms and armed to the teeth coming into the village, abusing masses of people, and leaving. And then no one is able to explain what happened. As if they fell from the sky. Any bandit can walk around killing us and there would be no protection whatsoever!

## IX. Public Protests and Response of the Authorities

Beginning in summer 2007, Ingushetia became an arena for public protests against abductions and killings by security and law enforcement agencies.<sup>256</sup> The first protests were peaceful, but after the local authorities introduced de facto bans on public gatherings, protests began to be marked by clashes between police and demonstrators. Protesters have an obligation to obey the law and use only peaceful and lawful means to voice their discontent. However, given that the motivation prompting the rallies was the experience of systematic abuses by security and law enforcement personnel and their subsequent lack of accountability, it was inevitable that protests would be tense. The unfulfilled promises made by high-level officials to stop abductions and other violations also contributed to general frustration and heightened tension around the protests.

### Evolution of the Protest Movement in Ingushetia

On June 25, 2007, up to 150 residents of the village of Surkhakhi assembled in the village's central mosque for a spontaneous peaceful rally to condemn the June 17 special operation, during which Ruslan Aushev was killed and Magomed Aushev was abducted by security services,<sup>257</sup> and express their indignation at the deteriorating security situation in the republic. Speakers at the rally largely blamed President Zyazikov for being unable and/or unwilling to put an end to lawless and violent actions of law enforcement personnel. At the conclusion of the rally, participants adopted a resolution addressed to President Zyazikov, demanding an immediate end to the killings, enforced disappearances, and abductions of local residents by security personnel, as well as the transfer of detainees to custody in North Ossetia. The authorities chose not to intervene, despite the fact that the organizers of the event had not notified the authorities about it, as required by Russian law.<sup>258</sup> On June

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<sup>256</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.9, "Protest Actions in Ingushetia," (Акции протеста).

<sup>257</sup> For the case of Magomed Osmanovich Aushev see Chapter VII of this report, "Abductions, Enforced Disappearances, and Torture," section "Abduction and Torture."

<sup>258</sup> "Local residents assembled in the mosque of the Surkhakhi village," (В мечети селения Сурхахи собрались местные жители, чтобы выразить протест в связи с последними событиями), *Ingushetiya.ru*, June 25, 2007, <http://www.ingushetiya.ru/news/10745.html> (accessed May 3, 2008); "The rally in the village of Surkhakhi concluded with a

27, however (and as described in the previous chapter), another special operation during which human rights were violated was carried out in Surkhakhi. Many local residents perceived it as an act of retaliation by the authorities.

### *Demonstration on September 19, 2007*

Further public protests followed. The first large-scale public protest, on September 19, was triggered by the abduction of Magomed Osmanovich Aushev, a resident of Surkhakhi, together with his 22-year-old cousin, Magomed Maksharipovich Aushev, a resident of Nazran and son of Maksharip Aushev, a prominent local businessman.

As noted above, 25-year-old Magomed Osmanovich Aushev was first abducted from the village of Surkhakhi during a special operation on June 17, 2007. He was taken to Vladikavkaz, tortured by security personnel, and released. His uncle, Maksharip Aushev, arranged for him to spend several months in Astrakhan and Sochi recovering from his ordeal, joined by his cousin to keep him company. On September 18, 2007, while traveling back to Ingushetia via Grozny, the two cousins were abducted and held in a secret detention facility in Goity, a village in Chechnya.<sup>259</sup>

The Aushev cousins arrived in Grozny by train and called Maksharip Aushev to tell him that they should be expected in Nazran within two hours. However, just as their taxi was leaving Grozny, it was stopped by armed personnel. Both young men were forced into the kidnappers' vehicle, which immediately took off.<sup>260</sup>

When the cousins failed to arrive on time, Maksharip Aushev and several other family members immediately went to Grozny and started looking for them. They were able to find the taxi driver, who shared the story of the Aushevs' abduction with them. Being a wealthy man, Maksharip Aushev made an agreement with Chechen television to run a news-ticker saying that he was ready to pay 500,000 rubles (approximately US\$21,000) for any information about his son and nephew's fate and

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strong address to Zyazikov," (Митинг в селе Сурхахи закончился жестким обращением к Зязикову и заявлением в федеральные органы власти), *Ingushetiya.ru*, June 25, 2007, <http://www.ingushetiya.ru/news/10749.html> (accessed May 3, 2008).

<sup>259</sup> Human Rights Watch interview with Magomed Osmanovich Aushev, October 25, 2007.

<sup>260</sup> Human Rights Watch interview with Maksharip Aushev, December 22, 2007; Human Rights Watch interview with Magomed Maksharipovich Aushev, Nazran, Ingushetia, December 25, 2007.

whereabouts. He was promptly approached by a Chechen law enforcement official who insisted on anonymity, but said that the Aushevs had been transported to an illegal prison in Goity. The official also indicated that the abduction was commissioned and paid for by high-level Ingush authorities, and that the Aushevs were not the first residents of Ingushetia to be taken to that secret prison.<sup>261</sup> He took only part of the reward money from Maksharip Aushev, explaining that “the boys are already dead because no one has ever gotten out of the Goity prison alive.”<sup>262</sup>

Upon learning of their abduction, Maksharip Aushev pressed Chechen authorities to take immediate action and encouraged his relatives and supporters to organize a large-scale protest rally in Nazran. Owing to his influential status and the general frustration over the deteriorating situation in the republic, Aushev was able to mobilize hundreds of protestors, including his family members, Surkhakhi residents, relatives of the “disappeared,” and other victims of abuse by security services. At around 3 p.m. on September 19 they blocked Chechenskaya Street, one of the busiest routes in Nazran at the intersection with the railroad, and demanded the return of the kidnapped young men,<sup>263</sup> as well as an effective and prompt investigation into other cases of abductions, enforced disappearances, and killings in Ingushetia. The protestors stopped both road and rail traffic and pledged to stay put until the release of the Aushevs. They brought food and water with them and were ready for a protracted demonstration.<sup>264</sup>

The Ingushetia minister of internal affairs, Musa Medov, came to speak to the protestors hoping to convince them to go home in exchange for promises to deal

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<sup>261</sup> During Human Rights Watch’s meeting with Ingush authorities in Magas on May 27, 2008, President Zyazikov stressed that according to his information the Aushevs’ abduction was of a purely criminal in nature and linked to Maksharip Aushev’s business in Chechnya.

<sup>262</sup> According to Maksharip Aushev, his source also explained that four men who disappeared in Ingushetia in 2007, including Ibragim Gazdiev, Khusein Mutsolgov, and Akhmet Kartoev (featured in Chapter VII of this report), were in fact killed at the Goity prison. Human Rights Watch interview with Maksharip Aushev, December 22, 2007.

<sup>263</sup> During Human Rights Watch’s meeting with Ingush authorities in Magas on May 27, 2008, President Zyazikov said the rally was a provocation against the government, particularly as the Aushevs were kidnapped in Chechnya, not Ingushetia. In his view, the Aushevs used the kidnapping as a pretext to organize a demonstration and wished to destabilize the situation in the republic.

<sup>264</sup> Human Rights Watch interview with Maksharip Aushev, December 22, 2007; Human Rights Watch interview with Timur Akiev, Memorial researcher, Nazran, Ingushetia, December 21, 2007; Alexander Cherkasov, “Ingushetia. Chechenskaya Street,” (Ингушетия. Чеченская улица), *Ezhenedelnyi Zhurnal*, September 21, 2007, <http://www.ej.ru/?a=note&id=7410> (accessed May 3, 2008).

with the situation, as he had done to end the June 25 protest. However, this time the demonstrators were not ready to stand down. When one of Medov's security guards attempted to take a video camera from a protestor, several women attacked him with sticks. The protestors were so aggressive that the minister and his entourage chose to depart. Subsequent attempts by the Ingushetia prosecutor Yury Turygin and several members of parliament to negotiate with the demonstrators were also fruitless.<sup>265</sup>

At approximately 6 p.m., local riot police officers came in armored trucks with the intention to disperse the demonstration. They advanced in rows toward the protestors, shooting into the air. The demonstrators responded by throwing stones and other objects, wounding several police. When the police tried to drive one of the trucks into the crowd, the hail of stones became so intense that the vehicle had to stop. Considering the large number of protestors and the damage that their personnel and vehicles suffered from the stones, the police had to retreat after about 30 minutes.<sup>266</sup>

The protesters dispersed between 2 and 3 a.m.—only after hearing the news of the Aushevs' release.<sup>267</sup> According to the Aushev cousins, the young men had been taken from the detention center at Goity to Shatoi, a mountain district of Chechnya, to be killed. However, at the last minute, Chechen law enforcers received orders to free their prisoners. The Aushevs were convinced that they would have been killed if not for the perseverance of the protestors.<sup>268</sup>

## **Government Efforts to Restrict Public Protests**

The September 19 protest proved to be a turning point for the protest movement in Ingushetia. Thereafter, authorities made vigorous attempts to prevent protests from happening. Two major rallies protesting killings, disappearances, and other rights violations were held in Ingushetia in November 2007 and January 2008, and the

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<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Human Rights Watch interviews with Magomed Osmanovich Aushev, October 25, and Magomed Maksharipovich Aushev, Nazran, Ingushetia, December 25, 2007.

authorities tried to stop both. They refused to sanction one of the planned rallies, whose organizers initially attempted in good faith to follow the law on public gatherings. They threatened protest organizers, and obstructed the work of journalists and human rights monitors by, among other things, expelling them from the region and detaining them. The rallies themselves were violently dispersed.

Ingush authorities told Human Rights Watch that the rallies could not be allowed because they were “provocations as opposed to demonstrations.”<sup>269</sup> President Zyazikov stressed that behind the organizers of the protest rallies were “certain forces” that aspired “to turn Ingushetia into a hot spot,” supported insurgency, and wanted to alienate Ingushetia from Russia. He stated that the authorities were not attempting to prevent any genuine public assemblies but only those of purely provocative and dangerous character.<sup>270</sup>

But Russia has in many different treaties undertaken to guarantee the right to freedom of assembly.<sup>271</sup> As with several other civil and political rights, the right to freedom of assembly may be subject only to those restrictions<sup>272</sup> as are “prescribed by law” and “necessary in a democratic society.”<sup>273</sup> Blanket banning of demonstrations in Ingushetia is hard to reconcile with Russia’s international human rights commitments, and could further marginalize and radicalize the political opposition, which is being deprived of opportunities to voice its views through legal means.

Under international human rights law police should avoid the use of force to break up peaceful demonstrations, even when they are unsanctioned; when the use of force is unavoidable, police must use it proportionately. While Human Rights Watch was not in a position to monitor the demonstrations described below, it has

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<sup>269</sup> Remarks by President Zyazikov at Human Rights Watch’s meeting with Ingushetia authorities, Magas, May 27, 2008.

<sup>270</sup> Ibid.

<sup>271</sup> ECHR, art. 11; ICCPR, art. 21.

<sup>272</sup> The ECHR and the ICCPR state that restrictions can be justified by the “interests of national security or public safety, the prevention of disorder or crime, the protection of health or morals,” among other interests.

<sup>273</sup> ECHR, art. 11; ICCPR, art. 21



recorded several eyewitness accounts that suggest that at the very least some of the force used to disperse the crowds was excessive.<sup>274</sup>

The authorities' response to the November and January demonstrations also violated the right to freedom of expression, which in this context is closely linked to freedom of association.<sup>275</sup> The authorities obstructed the work of journalists and hindered the free flow of information. Similar to other civil and political rights, freedom of expression may be subject to only those restrictions which are "prescribed by law" and "necessary in a democratic society."<sup>276</sup> In its case law, the European Court of Human Rights has consistently stressed that the permissible limits that governments may place on freedom of expression are circumscribed by the interest of a democratic society in enabling the press to exercise its vital role of "public watchdog".<sup>277</sup>

### *Demonstration on November 24, 2007*

On November 9, 2007, residents of Ingushetia were struck by news of the killing of six-year-old Rakhim Amriev during a special operation (see Chapter VI, above). The events of September, when the Aushev cousins were released following a mass demonstration, gave people a sense of empowerment, and a steering committee was immediately formed to organize a protest against human rights abuses. For security reasons, the steering committee members initially chose to act anonymously, but published an appeal on the opposition website *Ingushetiya.ru* (not to be confused with the official republican government website, [www.ingushetia.ru](http://www.ingushetia.ru)), calling for a large-scale rally aimed at bringing human rights concerns to the attention of the Kremlin.<sup>278</sup>

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<sup>274</sup> European Court of Human Rights, *Cisse v. France* (application no. 51346/99), judgment April 9, 2002, para 50. See also Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>275</sup> ECHR, art. 10; ICCPR, art. 19.

<sup>276</sup> The ECHR and the ICCPR state that restrictions can be justified by the "interests of national security or public safety, the prevention of disorder or crime, the protection of health or morals," among other interests.

<sup>277</sup> See, inter alia, *Bladet Tromsø and Stensaa v. Norway*, no. 21980/93, judgment of 20 May 1999, para. 59; *Goodwin v. the United Kingdom*, no. 16/1994/463/544, judgment of 27 March 1996, para 39; *Jersild v. Denmark*, no. 15890/89, judgment of 23 September 1994, para. 31. Moreover, the Court has held that the limits of acceptable criticism are wider when the target is a public figure. See, inter alia, *Oberschlick v. Austria*, no. 47/1996/666/852, judgment of 25 June 1997, para. 29

<sup>278</sup> "Appeal to the People of Ingushetia," (Воззвание к народу Ингушетии), *Ingushetiya.ru*, November 11, 2007, [http://www.ingushetiya.ru/forum\\_main/msg\\_238950\\_238950.html](http://www.ingushetiya.ru/forum_main/msg_238950_238950.html) (accessed May 4, 2008).

Finally, on November 12, access to the opposition website was blocked for all users in Ingushetia.<sup>279</sup>

On November 14 the rally's steering committee announced that as law enforcement agencies were attempting to prevent the demonstration, including by means of identifying and threatening the organizers, they could not observe the law and provide official notification of the event.

The demonstration was planned for November 24. On November 19 the steering committee sent an open letter to then-President Vladimir Putin stating that the demonstration would be postponed until after the December 2, 2007 Russian parliamentary elections, in response to a request by federal officials.<sup>280</sup>

*Ingushetiya.ru* promptly published a statement disagreeing with the postponement and promised support to those willing to implement the original plan.<sup>281</sup> Seemingly in response to that statement, on November 21, the republican prosecutor's office disseminated a warning about the potential liability for organizing an unsanctioned demonstration. The warning emphasized that as the steering committee did not notify relevant officials about the time and venue of the event, the authorities had strong grounds to suspect an extremist agenda.<sup>282</sup>

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<sup>279</sup> Moreover, the prosecutor's office alleged that some materials published on *Ingushetiya.ru* included extremist content. On May 26, 2006, a Moscow court supported a petition filed by Ingushetia's prosecutor to have *Ingushetiya.ru* suspended until a court could review the extremism charges and ordered all internet providers to stop access to the website [Кунцевский суд Москвы удовлетворил ходатайство прокурора Республики Ингушетия о приостановлении деятельности оппозиционного сайта Ingushetiya.ru. В определении суда всем интернет-провайдерам предписано закрыть доступ на сайт]. On June 6, 2008, the Kuntsevskiy court in Moscow ruled to have the website closed down for disseminating extremist materials. *Ingushetiya.ru* is currently appealing this ruling to a higher instance court and continues to operate for the time being.. See "Court rules to stop the work of Ingushetiya.ru," ("Суд решил остановить работу сайта Ingushetiya.ru"), *BBC Radio Russian Service*, May 26, 2008, 13:53:25 GMT, [http://news.bbc.co.uk/go/pr/fr/-/hi/russian/russia/newsid\\_7420000/7420355.stm](http://news.bbc.co.uk/go/pr/fr/-/hi/russian/russia/newsid_7420000/7420355.stm) (accessed May 30, 2008); "Moscow Court decided to close down Ingushetiya.ru," (Суд принял решение о закрытии сайта Ингушетия.ру), *Radio Svoboda* June 6, 2008, <http://www.svobodanews.ru/Transcript/2008/06/06/20080606190326510.html> (accessed June 13, 2008).

<sup>280</sup> See Memorial's "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.9, "Protest Actions in Ingushetia," (Акции протеста).

<sup>281</sup> "Statement by the Ingushetiya.ru Website," (Заявление редакции сайта Ингушетия.ру), *Ingushetiya.ru*, November 19, 2007, [http://www.ingushetiya.ru/forum\\_main/msg\\_243567\\_243567.html](http://www.ingushetiya.ru/forum_main/msg_243567_243567.html) (accessed May 4, 2008).

<sup>282</sup> "The prosecutor's office issued a warning to the alleged organizers of the demonstration," (Прокуратура направила предупреждение предполагаемым участникам митинга), *Ingushetiya.ru*, November 23, 2007, <http://www.ingushetiya.ru/news/print.html?id=12385> (accessed May 4, 2008).

On November 23, Mukhmed Gazdiev, one of the steering committee members and the father of the disappeared Ibragim Gazdiev,<sup>283</sup> Maksharip Aushev, and several other activists were taken to the Ingushetia Ministry of Internal Affairs and threatened with prosecution. According to Aushev, Musa Medov, Ingushetia minister of internal affairs, was personally trying to convince them to call off the demonstration<sup>284</sup>

### **Kidnapping of three journalists and a human rights advocate**

Also on November 23, three Russian journalists and a prominent human rights defender, all of whom were traveling in Ingushetia and planning to cover the November 24 protest, were abducted from their hotel rooms in Nazran by unknown armed servicemen, beaten, and threatened with murder. At about 9 p.m., approximately a dozen armed men in masks stormed the Hotel Assa and attacked Oleg Orlov, head of Memorial, and REN-TV journalists Karen Sakhinov, Artem Vysotsky, and Stanislav Goryachikh. The assailants pushed them face down on the floor, searched their rooms, and took their laptops, cell phones, clothes, money, videotapes, and other equipment.<sup>285</sup>

According to Oleg Orlov, the Assa Hotel is guarded by the patrol police of the Ingushetia Ministry of Internal Affairs. That evening, however, at approximately 9 p.m., they received orders from their commanders to abandon their post, and left the hotel unprotected.

The attackers forced all the male personnel in the lobby of the hotel to drop to the floor, made the female staff stand against the wall with their hands above their heads, and examined the guest registration log, evidently looking for the names of specific individuals.<sup>286</sup>

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<sup>283</sup> For the case of Ibragim Gazdiev, see Chapter VII of this report, “Abductions, Enforced Disappearances, and Torture.”

<sup>284</sup> Human Rights Watch interview with Maksharip Aushev, December 22, 2007.

<sup>285</sup> “Russia: Prosecute Attack on Rights Activist, Journalists,” Human Rights Watch news release, November 27, 2007, [hrw.org/english/docs/2007/11/24/russia17407.htm](http://hrw.org/english/docs/2007/11/24/russia17407.htm).

<sup>286</sup> Human Rights Watch interview with Oleg Orlov, Moscow, December 22, 2007. Orlov received the information regarding the removal of the patrol police and the actions of the attackers in the lobby from Hotel Assa hotel personnel who wished to remain anonymous.

When the attackers entered Orlov's room, they pointed their submachine guns at him and threw him to the floor. They asked why he was in Ingushetia. Orlov informed them that he was traveling for work and had the appropriate identification documents. He tried to say that their conduct was unacceptable and immediately received a kick to his side. The assailants collected his belongings, put a black plastic bag over his head, and dragged him downstairs, ignoring his requests to put on warm clothing and shoes. Later, Orlov learned from the three REN-TV journalists that they were treated in a similar manner.<sup>287</sup>

Orlov was forced into a car and heard the other three people being dragged into it. They were driven away. The kidnappers said to the four men that they were suspected of illegal possession of explosives. Finally, the vehicle drove off the road and stopped soon afterwards. Orlov and the journalists heard a command, "Take them out of the car one by one. Terminate them with a silenced."<sup>288</sup>

Orlov, Sakhinov, Vysotsky, and Goryachikh were pushed out of the car to the ground and beaten. Vysotsky passed out from the beating. Finally, the assailants ordered their victims to remain still on the ground—"Whoever gets up before we leave will be shot dead"—and warned them to "get out of Ingushetia" once and for all.<sup>289</sup>

The four men found themselves in a deserted rural area. The ground was covered with frost. All of them were dressed very lightly and two of them were barefoot. Still, they managed to walk to the nearest village, Nesterovskaya, which is close to the Chechen border. Neither Orlov nor the journalists were able to observe the protest rally.<sup>290</sup>

On the evening of November 24, the REN-TV journalists were received by the president of Ingushetia and the minister of internal affairs. President Zyazikov expressed his regret and promised that the perpetrators would be held accountable promptly. On the same day, the prosecutor's office opened a criminal investigation and registered Orlov, Sakhinov, Vysotsky, and Goryachikh as victims. However, an

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<sup>287</sup> Human Rights Watch interview with Oleg Orlov, Moscow, December 6, 2007.

<sup>288</sup> Ibid.

<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

investigation was launched only in connection with “breach of inviolability of one’s dwelling,”<sup>291</sup> “obstructing legitimate professional activity of a journalist,”<sup>292</sup> and “robbery carried out by a group of persons in collusion with the use of violence, which did not entail danger to life and health.”<sup>293</sup> The prosecutor’s office did not open any investigation into offenses such as unlawful detention, issuing of death threats, or even abuse of office by members of the law enforcement.<sup>294</sup>

This case received extensive media coverage and prompted expressions of concern by several international organizations<sup>295</sup> and high-level officials, including US President George W. Bush and chair of the Council of Europe Parliamentary Assembly’s Committee on Legal Affairs and Human Rights Dick Marty.<sup>296</sup> The head of President Putin’s Human Rights Council, Ella Pamfilova, intervened with Russian authorities demanding a prompt and effective investigation. Condemning the crime, Pamfilova wrote in her letter to the Russian Prosecutor General Yuri Chaika, “One inadvertently comes to a conclusion that either Ingushetia authorities do not control the situation in the Republic, or it was an unlawful act carried out on the orders of certain government officials ... I urge you ... to take all possible measures to establish the truth.”<sup>297</sup>

It is important to note that at this writing— more than six months after the crime—the investigation has not been completed. Moreover, Ingushetia’s prosecutor, Yuri Turygin, told Human Rights Watch that the investigation has found no evidence to

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<sup>291</sup> Russian Criminal Code, Part 2, art. 139.

<sup>292</sup> *Ibid.*, art 144.

<sup>293</sup> Russian Criminal Code, Part 2, art. 161, paras a and d.

<sup>294</sup> Orlov told Human Rights Watch he could see streetlights through his blindfold while they were driving, indicating they were on a highway. Human Rights Watch interview with Oleg Orlov, December 6, 2007.

<sup>295</sup> Amnesty International, the International Helsinki Federation, Human Rights Watch, and the World Organization against Torture.

<sup>296</sup> See “Statement by the President on Russia”, The White House, November 26, 2007, <http://www.whitehouse.gov/news/releases/2007/11/20071126-10.html> (accessed May 8, 2008); “Dick Marty protests abduction of ‘Memorial’ President Oleg Orlov in Nazran,” Council of Europe, November 26, 2007, [https://wcd.coe.int/ViewDoc.jsp?Ref=PR836\(2007\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR836(2007)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE) (accessed May 7, 2008); “Human Rights Defenders Investigate Journalists’ Brutal Beating in Ingushetia,” (“Избиение журналистов в Ингушетии расследуют правозащитники”), *Kavkazskiy Uzel*, November 29, 2007, <http://www.kavkaz-uzel.ru/newstext/news/id/1202464.html> (accessed May 8, 2008).

<sup>297</sup> “Human Rights Defenders Investigate Journalists’ Brutal Beating in Ingushetia,” (“Избиение журналистов в Ингушетии расследуют правозащитники”), *Kavkazskiy Uzel*.

support allegations that the attack was aimed at preventing journalists from reporting on the protest. He also stated that the investigation had no information confirming the involvement of security and/or law enforcement personnel in the crime. President Zyazikov stressed to Human Rights Watch that he could view the abduction of the journalists and the human rights defender only as a “provocation” by forces that aspire to discredit Ingushetia’s authorities.<sup>298</sup>

### **The demonstration**

At around 10 a.m. on November 24 the first participants attempted to gather at Concord Square in Nazran. Their attempts were thwarted by the presence of numerous armed servicemen who had blocked the square in advance. Finally, between 150 and 200 people, many of them relatives of the victims of recent violence, assembled for the demonstration at the central bus station of Nazran at about 11:45 a.m. Later, reinforcements, including riot police, fired their weapons into the air and then beat the protesters with batons to disperse them.

Observers from Memorial told Human Rights Watch they saw the police beating people and using electroshock weapons. Several protesters were taken to hospital for their injuries. Police detained and later released about two dozen people, targeting in particular those with cameras and video recording equipment; police also tried to confiscate their equipment. According to eyewitnesses, teenagers were also especially targeted by police, beaten with rubber batons, and forced into police vehicles. Observers from Memorial saw a boy as young as 12 or 13 being chased by five riot policemen. The child was hit with a baton and would have been detained had it not been for the intervention of a group of adult protestors.<sup>299</sup>

Mukhmet Gazdiev was among those attacked by police. An elderly man missing both arms since birth, Gazdiev could not possibly have put up any resistance. That did not

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<sup>298</sup> Human Rights Watch meeting with Ingushetia authorities, Magas, May 27, 2008.

<sup>299</sup> Human Rights Watch telephone interview with Yekaterina Sokiryanskaya, a researcher of Memorial in Ingushetia, January 26, 2008.

<sup>299</sup> Human Rights Watch telephone interview with Yekaterina Sokiryanskaya, a researcher of Memorial, January 26, 2008.

stop the police from treating him very roughly. Mukhmed Gazdiev told Human Rights Watch,<sup>300</sup>

They [police] beat me up. One serviceman—I think he was Russian—hit me right on the head, and my hat fell into the mud. And I could not do anything because, with no arms, you cannot defend yourself in a physical confrontation. One of them threw me into their bus. In my condition I could not grab onto anything, and the bus has very sharp corners. I knocked my temple on the metal and passed out. Fortunately, I only fainted for a moment. Some Ingush policeman picked my hat from the ground, cleaned it up a bit, and gave it back to me, but I was dirty all over ... It was very painful.

### *Demonstration on January 26, 2007*

The protest movement gained more support after the results of Russia's December 2007 parliamentary elections were announced. According to official statistics, 98.35 percent of Ingushetia's electorate voted and 98.7 percent of them cast their ballots for the pro-Kremlin United Russia party.<sup>301</sup> Such a staggering turnout, as well as the almost unanimous support for United Russia supposedly demonstrated by the population of this increasingly unstable region, was perceived by local residents as a blatant falsification, particularly in view of independent reports of nearly empty polling stations on election day.<sup>302</sup>

Activists planned another mass rally for January 26, 2008. In an attempt to underscore that the protest was not directed toward supporting insurgents or

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<sup>300</sup> Human Rights Watch interview with Mukhmed Gazdiev, Karabulak, Ingushetia, December 25, 2007.

<sup>301</sup> See, for example, "The elections in Ingushetia were held without violations," (Выборы в Ингушетии прошли без нарушений), *Rosbalt Yug*, December 4, 2007, <http://www.rosbalt-south.ru/2007/12/04/437283.html> (accessed June 13, 2008). *Ingushetiya.ru* promptly started a campaign "I did not vote," collecting signatures from those residents of the republic who did not take part in the elections. According to *Ingushetiya.ru*, by January 9, 2008, the campaign gathered 87,340 such signatures (which accounts for over 50 percent of the overall number of voters in Ingushetia), though Human Rights Watch has no way to verify this figure. The campaign was very widely publicized. See, for instance, "In Ingushetia 54.5% of the voters are stating their non-participation in the elections on December 2," (В Ингушетии 54,5 % избирателей заявляют о своем неучастии в выборах 1 декабря), *Kavkazskiy Uzel*, January 10, 2008, <http://www.kavkaz-uzel.ru/newstext/news/id/1205327.html> (accessed May 5, 2008).

<sup>302</sup> See, for example, "Polling stations are empty," (Избирательные участки пустуют), *Ingushetiya.ru*, December 2, 2007, <http://www.ingushetiya.ru/news/12499.html> (accessed May 5, 2008).

undermining stability in the region, they chose as the demonstration's slogan, "In support of the Russian President's efforts against corruption and terrorism."<sup>303</sup> The demonstration was to be focused on a range of social and economic problems in Ingushetia, including human rights issues.

The organizers tried to fully comply with the procedure for holding public protests by submitting notification of the planned event as early as January 11 to both Nazran City Hall and the administration of the central district of Nazran. The latter, however, refused to accept the notification delivered to their reception desk, and the protest's steering committee had no choice but to mail it to them.<sup>304</sup>

On January 13 Maksharip Aushev, who was listed as one of the organizers of the demonstration, received a letter from the Ingushetia Ministry of Internal Affairs stating that the ministry had information about terrorist attacks planned specifically for January 26 and asking him to postpone the event. On January 21 Aushev was summoned to the prosecutor's office and, inter alia, spoke directly with prosecutor Turygin, who also insisted on the cancellation of the demonstration. In the end, Aushev was presented with two prosecutorial warnings regarding his liability for any unsanctioned event. The prosecutor's office gave a number of reasons to forbid the demonstration, among them: the organizers of the demonstration did not observe the notification procedure, even though they had provided more than 10 days' advance notice;<sup>305</sup> the proposed venue—Concord Square in Nazran—could not accommodate the supposed 10,000 participants and was off-limits for rallies due to the concentration of governmental buildings and the presence of a gas pipe; and the organizers used unlawful methods of agitation, including calling upon minors and putting leaflets under windshield wipers of vehicles.<sup>306</sup> Some of those arguments may have been legitimate,<sup>307</sup> however, it is clear that the authorities were plainly

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<sup>303</sup> "Media about the rally," (СМИ о митинге) *Ingushetiya.ru*, January 27, 2008, <http://www.ingushetiya.ru/movement/news/188.html> (accessed May 5, 2008).

<sup>304</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.9, "Protest Actions in Ingushetia," (Акции протеста в Ингушетии).

<sup>305</sup> A particularly weak argument as the notification of the event was in fact submitted more than 10 days in advance of the planned demonstration.

<sup>306</sup> See Memorial, "Ingushetia 2007 – What's Next," (Ингушетия 2007 – куда дальше?), Section 4.9, "Protest Actions in Ingushetia," (Акции протеста в Ингушетии).

<sup>307</sup> In particular, the insufficient size of the square.



intent on preventing the demonstration from taking place. Aushev was immediately charged with an administrative violation for “breaching the proscribed order for organization or conduct of a rally, demonstration, march, or picketing.”<sup>308</sup>

On January 25, referring to the necessity of preventing possible terrorist attacks, the Ingush authorities imposed a counterterrorism regime in several districts of Nazran and other areas.<sup>309</sup> The regime included a wide range of restrictive measures stipulated by counterterrorism legislation, which gave authorities a legal pretext to prevent potential demonstrators from gathering in public places and to use force against and detain those who would dare show up for the event.<sup>310</sup>

On January 26, the neighborhood of the Concord Square was blocked by military vehicles and law enforcement patrols in protective gear. Up to 50 protestors, mostly young people, including minors,<sup>311</sup> approached the square at around 10:30 a.m. Police started pushing them back, using rubber batons, tear gas, and gun shots directed in the air. In response, demonstrators threw stones and petrol bottles at the police. The building of the newspaper *Serdalo* caught fire, apparently as a result of petrol bombs being thrown at it.<sup>312</sup>

By 11 a.m. the crowd was dispersed. Police detained some individuals, beat them, and dragged them into police vehicles. Several dozen observers, including

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<sup>308</sup> Russian Administrative Code, Part 1, art. 20.2.

<sup>309</sup> According to Ingushetia Minister of Internal Affairs Musa Medov, Ingushetia’s counterterrorism operative headquarters took this decision because the FSB and the police had some intelligence that arson and attacks on people and property were being planned, and that the protestors were preparing petrol bombs to be used during the demonstration. Human Rights Watch’s meeting with Ingushetia authorities, May 27, 2008.

<sup>310</sup> These included “restriction of access to the said territory for citizens and transportation,” “search of individuals and their belongings as well as search of vehicles,” “unhindered access of counterterrorist personnel to residential buildings and offices,” and “a range of other measures provided by law,” [ограничение доступа граждан и транспортных средств на указанную территорию; досмотр физических лиц и находящихся при них вещей, а также досмотр транспортных средств и провозимых на них вещей, в том числе и с применением технических средств; беспрепятственное проникновение лиц, проводящих контр-террористические операции, в жилые и служебные помещения; ряд других, предусмотренных законодательством мер]. See the news release published by the press service of the operative headquarters in Ingushetia, quoted in full at <http://www.ingushetiya.ru/news/13089.html> (accessed May 8, 2008).

<sup>311</sup> President Zyazikov stressed during the May 27, 2008 Human Rights Watch meeting that the protest organizers were luring teenagers to come to the rallies and behave violently by giving them gifts of computers and cell phones and providing petrol bombs.

<sup>312</sup> “Buildings of the hotel ‘Assa’ and newspaper ‘Serdalo’ burning in Ingushetia,,” (В Ингушетии горят здания гостиницы ‘Асса’ и редакция газеты ‘Сердало’), *Kavkazskiy Uzel*, January 26, 2008, <http://www.kavkaz-uzel.ru/newstext/news/id/1206467.html> (accessed June 16, 2008).

journalists and human rights defenders, watched the developments from the side of the square.<sup>313</sup> Two Memorial Human Rights Center staff members, Ekaterina Sokiryanskaya and Timur Akiev, were among those attempting to monitor the demonstration. Several police officers threw them to the ground when they saw they were using a video camera. They took away their camera and mobile phone, forced them into a police vehicle, and delivered them to the Nazran Police Department. Sokirianskaya told Human Rights Watch that Akiev was ill-treated by special police officers during detention. Both of them were held at the Nazran Police Department until 9 p.m. They were interrogated as witnesses to “mass riot” by police, the prosecutor’s office, and the Federal Security Service, and had their photographs and fingerprints taken. Despite their repeated requests, police did not allow them to contact their lawyer until 6 p.m.<sup>314</sup>

Eight journalists who had come from Moscow and St. Petersburg to report on the events in Ingushetia were also detained.<sup>315</sup> The police confiscated their video, photo and recording equipment, as well as identification documents. One of the eight, Danila Galperovich of Radio Liberty, told Human Rights Watch that he was roughly handled by police and shoved into a police car when he attempted to ask a police officer how many people were injured in the clash between the law enforcers and the protestors. The journalists were held at the Nazran Police Department and interrogated as witnesses to the demonstration. Galperovich told Human Rights Watch that in the evening, the rapid reaction unit (SOBR) of the Ministry of Internal Affairs of the Russian Federation arrived at the Nazran Police Department to “deport” the journalists from the “counter-terrorist operation zone for the sake of [their] security.” The correspondents were then taken to Vladikavkaz, North Ossetia, in armored vehicles.<sup>316</sup> When commenting on the situation during his meeting with Human Rights Watch, President Zyazikov expressed his frustration with journalists

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<sup>313</sup> See, for instance, “Mutsolgov: the rally’s dispersal in Nazran showed the authorities disrespect for the citizens,” (Муцольгов: разгон митинга в Назрани показал неуважения властей к гражданам), *Kavkazskiy Uzel*, January 26, 2008, <http://kavkaz-uzel.ru/newstext/news/id/1206476.html> (accessed May 8, 2008).

<sup>314</sup> Human Rights Watch telephone interview with Yekaterina Sokiryanskaya, January 26, 2008.

<sup>315</sup> They are Roman Plyusov and Vladimir Varfolomeev of Echo of Moscow radio station; Danila Galperovich of Radio Liberty; Olga Bobrova of *Novaya Gazeta*; two correspondents from St. Petersburg Fifth Channel TV, and two correspondents of Russian State TV.

<sup>316</sup> Human Rights Watch telephone interview with Danila Galperovich, January 26, 2008.

who come to the region “to film the Molotov cocktail show and present it as a public protest.”<sup>317</sup>

Two Ingush journalists, Said-Khussein Tsarnaev, a local photo-correspondent of RIA-Novosti, a major Russian wire service agency, and Mustafa Kurskiev, a local correspondent of two Moscow-based print media, *Life of the Week* and *Your Day*, suffered more severe treatment. They were detained at about 11 a.m., when filming the burning *Serdalo* newspaper building. Ekaterina Sokiryanskaya of Memorial witnessed the detention of the journalists and stressed to Human Rights Watch that police severely beat Kurskiev when detaining him. The journalists spent the night at the Nazran Police Department. According to Sokiryanskaya, they were denied food, water, and access to counsel. Kurskiev needed medical assistance and was not allowed to see a doctor. The next morning, the journalists were transferred to the temporary detention center (IVS) in Nazran and threatened with arson charges. That evening, they were sent back to the Nazran Police Department and released around 9 p.m., owing to strong pressure from Russian and international human rights organizations and the media.<sup>318</sup>

On January 27 the Ingushetia prosecutor’s office reported that eight journalists from outside the region were detained in Nazran and expelled from the “counterterrorism operation zone” in full compliance with the counterterrorism law’s provisions regarding a counterterrorism operation regime.<sup>319</sup> Thirty-nine individuals were detained by law enforcement for alleged administrative violations and 19 of them were found guilty of “breaching the proscribed order for organization or conduct of a rally, demonstration, march, or picketing”<sup>320</sup> in administrative court hearings, and sentenced to fines.<sup>321</sup>

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<sup>317</sup> Human Rights Watch meeting with Ingushetia authorities, Magas, May 27, 2008.

<sup>318</sup> “Russia: Journalists Detained to Stop Reporting on Ingushetia Protest,” Human Rights Watch news release, January 27, 2008, <http://www.hrw.org/english/docs/2008/01/27/russia17893.htm>.

<sup>319</sup> See Chapter V of the report, “Domestic Legal Counterterrorism Framework.”

<sup>320</sup> Russian Administrative Code, Part 1, art. 20.2.

<sup>321</sup> See Memorial, “Ingushetia 2007 – What’s Next,” (Ингушетия 2007 – куда дальше?), Section 4.9, “Protest Actions in Ingushetia,” (Акции протеста в Ингушетии).

In the aftermath of the demonstration, 10 of the organizers were charged with “organization of mass unrest.”<sup>322</sup> Among them was Maksharip Aushev, who was seized by armed personnel in masks and camouflage uniforms on February 14, 2008, forced into a car without license plates, and delivered to the remand prison in Nalchik (Kabardino-Balkaria).<sup>323</sup> On May 23, 2008, after the period of his pretrial custody was extended three times, Aushev began a hunger strike demanding a fair and impartial judicial review of his case.<sup>324</sup> On June 5 the Supreme Court of Ingushetia ruled to release Aushev and the other detainees. Instead of being released, they were suddenly taken to the remand prison in the city of Pyatigorsk (Stavropol province). Three of the detained men were released the following day, and the others, including Aushev, were finally released on June 7.<sup>325</sup> Opposition activists who had been planning to carry out protest rallies on June 6 to demand the release of Maksharip Aushev and the return of the first president of Ingushetia, Ruslan Aushev, called off the planned events but pledged to hold a mass protest rally once they finish gathering signatures in support of the Ruslan Aushev’s return to power.<sup>326</sup>

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<sup>322</sup> Russian Criminal Code, article 212, parts 1 and 2.

<sup>323</sup> Two of the ten individuals, including Aushev, were put in the remand prison in Nalchik (Kabardino-Balkaria). Six were sent to the remand prison in Pyatigorsk (Stavropol province). Another two were sent home under recognizance not to leave the territory of Ingushetia before trial. For the list of the 10 individuals and other details, see: “Lists of the detained for participation in the January 26 demonstration and their whereabouts,” (Списки арестованных за участие в митинге 26 января и их местонахождение), *Ingushetiya.ru*, February 20, 2008, [www.ingushetiya.ru/news/13374.html](http://www.ingushetiya.ru/news/13374.html) (accessed May 8, 2008).

<sup>324</sup> Human Rights Watch interview with Mariam Ausheva, Nazran, Ingushetia, May 28, 2008.

<sup>325</sup> “Criminal case against January 2008 protest participants fell apart,” (Уголовное дело, возбужденное в отношении участников январского митинга, развалилось), *Ingushetiya.ru*, June 7, 2008, <http://www.ingushetiya.ru/news/14515.html> (accessed June 13, 2008).

<sup>326</sup> “Last battle is postponed,” (Последний бой отложен,), *Vremya Novostei*, June 9, 2008, <http://www.vremya.ru/print/205816.html> (accessed June 13, 2008).

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