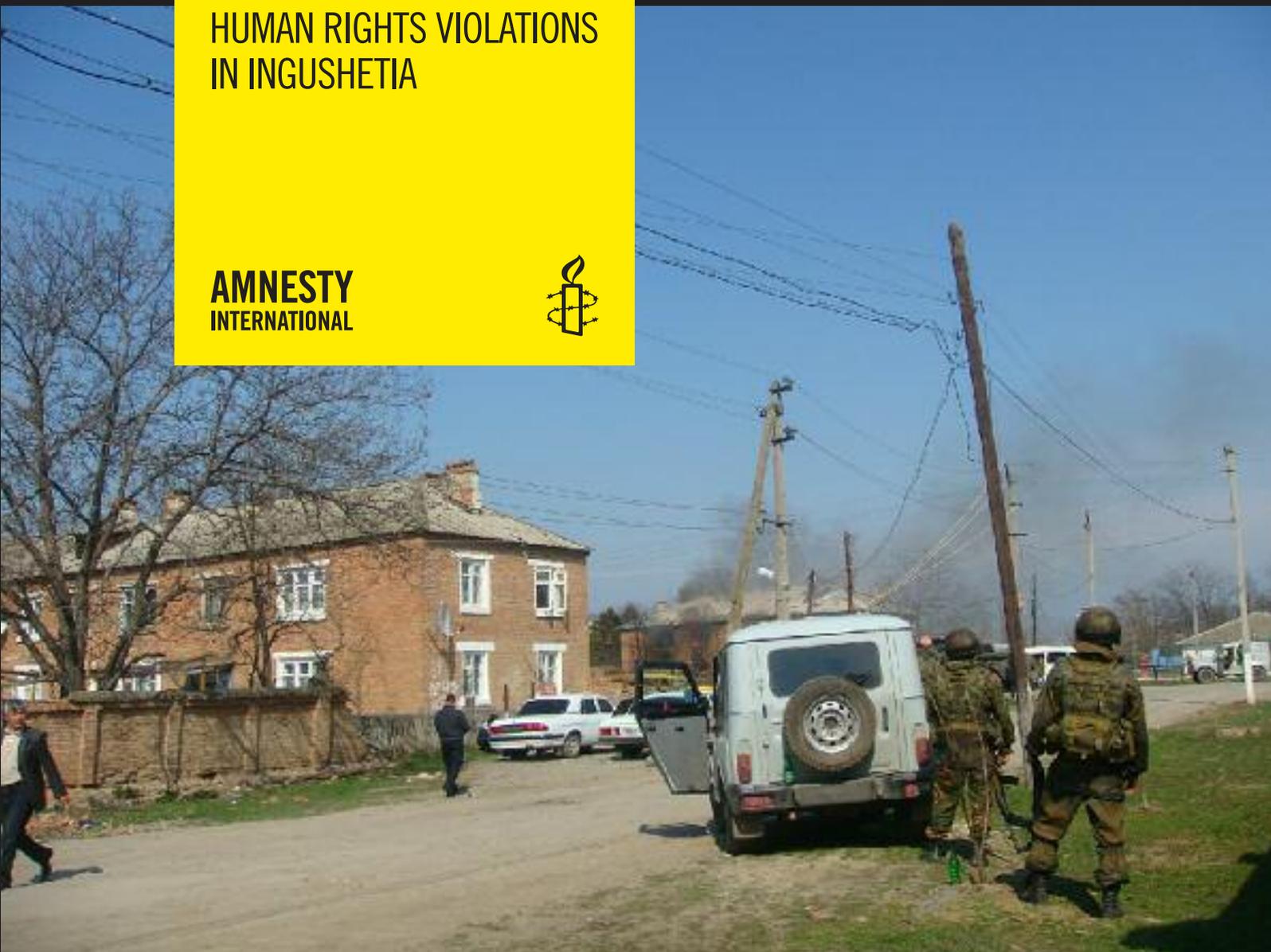


**SECURITY WITH  
HUMAN RIGHTS**

# **THE CIRCLE OF INJUSTICE**

**SECURITY OPERATIONS AND  
HUMAN RIGHTS VIOLATIONS  
IN INGUSHETIA**

**AMNESTY  
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First published in 2012 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

© Amnesty International 2012

Index: EUR 46/012/2012 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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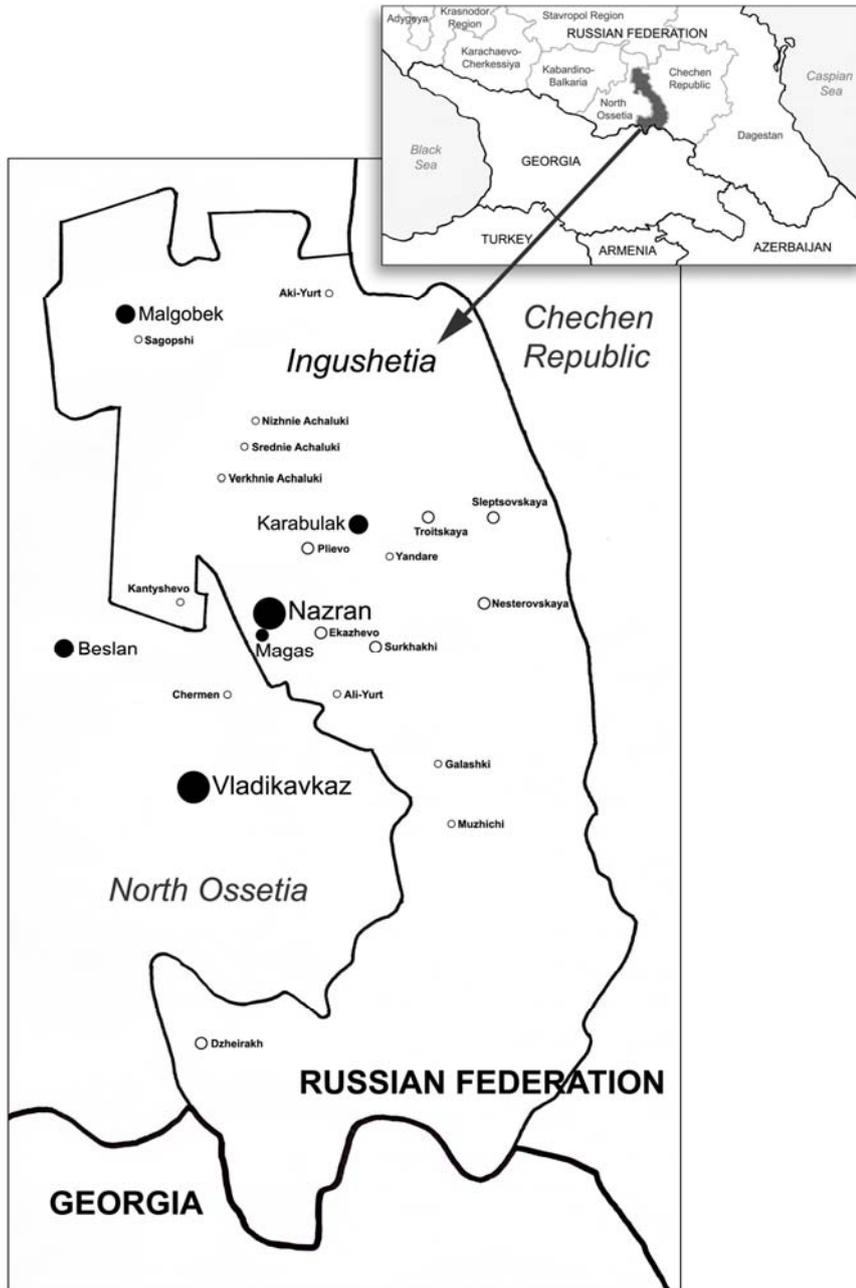
*Cover photo:* Security operation in Ordzhonikidzevskaya, Ingushetia, Russian Federation, March 2009.  
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Map of Ingushetia and its position in the region

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Security operations and human rights violations in Ingushetia

# PREFACE

In April 2009, the Russian authorities officially declared an end to the “counter-terrorist operation” in Chechnya that had, formally, been in place since 1999 when Russian troops were sent a second time into Chechnya to restore Federal authority over the then *de facto* independent Republic. This largely symbolic move changed little on the ground. In truth, the large scale military operations and separatist activity had already subsided several years earlier. Armed groups continued to operate in the Republic and military and policing operations continued to be carried out much as they had been in previous years – and not only in Chechnya. Indeed, as the military phase of the conflict in Chechnya drew to a close in the early years of the last decade, the violence spread outwards. Armed groups, increasingly diffuse in leadership and goals, began operating across the North Caucasus; security operations and serious human rights violations followed in their wake.

Today, the situation in the North Caucasus remains deeply unstable. Armed groups continue to operate and carry out attacks – on both law enforcement structures and civilian targets – in Chechnya, Dagestan, Ingushetia, North Ossetia and Kabardino-Balkaria. The suicide bombing of Domodedovo airport in January 2011 showed that targets deep inside Russia continue to be well within reach of armed groups based in the North Caucasus. The burnt-out skeleton of the old City Police Station in the centre of Nazran, the site of a suicide bomb attack on 17 August 2009 in which 24 police officers died, is a vivid reminder of the dangers that law enforcement officials in particular face.

In recent years, the Russian authorities have tried to diversify their approaches to the threats posed by armed groups by using non-military methods alongside security operations.<sup>1</sup> Significant funds have been invested in the region – especially in Chechnya – in an effort to stimulate growth and counter some of the socio-economic factors driving the activity of armed groups. A greater, if variable, emphasis has also been placed in some republics on dialogue. Attempts have, nominally at least, been made to reach out to, and reintegrate, members of armed groups. These measures have not been without their successes, nor their critics. However, the law enforcement response, which is the sole subject of this report, has remained crude. It continues to be conducted with scant regard for the rule of law and result in widespread human rights violations. Far from effectively tackling the threat of armed groups and the serious crimes they are committing, a strong argument can be made that they are, in fact, perpetuating them. For many in the North Caucasus, the security threat comes as much from the activities of the many law enforcement agencies that operate out of - and beyond – control, as they do from armed groups. This situation is far from conducive to the long-term resolution of the region’s instability.

This report examines the human rights violations – and the policies and practices that generate them – in Ingushetia. Ingushetia is not the most troubled region in the North Caucasus. Indeed, there have been some moderate improvements over the last few years. Amnesty International has chosen to focus on this region not because of the scale of the violations taking place there, but because the structural failings observable in Ingushetia are typical of those that affect the North Caucasus as a whole. It is, also, a region in which human rights violations have been well documented and in which, to the credit of its local

leadership, local, national and international human rights organisations can operate with some freedom. Thus, while this report draws its examples from the situation in Ingushetia, its real subject is more general – namely, the policies, structures and practices that perpetuate human rights violations across the North Caucasus as a whole.

The range of serious human rights violations occurring in Ingushetia is also typical of the broader North Caucasus. These continue to be what they have long been – enforced disappearances, extrajudicial executions, unlawful detentions, torture and other ill-treatment and – on top of, and following these – the almost complete impossibility of redress. For the victims of these abuses, and the families who have lost their loved ones, the immense suffering caused is compounded by this absence of justice.

Indeed, impunity for the human rights violations taking place in the North Caucasus is so far the norm as to be an integral feature of the law enforcement system. This impunity is not, simply, the cumulative effect of a series of objective, unwilled obstacles to establishing the truth or bringing successful prosecutions – though these are many. It is the founding premise and original sin upon which the entire system of law enforcement in the North Caucasus is built, and there does not appear to be the necessary political will in Moscow to end it.

Until this changes, there can be no peace and no lasting stability in the North Caucasus. Undoubtedly, the Russian authorities have a clear obligation to combat the threat that armed groups pose to the life and security of all those within its territory. This obligation must, however, be fulfilled within the rule of law and with full respect for human rights. Achieving this requires a comprehensive overhaul of how the many different security forces in the North Caucasus operate - and cooperate - and, crucially, how they are held accountable. It requires the circle of injustice to be broken.

# 1. INTRODUCTION

## METHODOLOGY

The report draws primarily on the findings of two research missions undertaken to the Republic of Ingushetia in November 2010 and May-June 2011. The findings from these missions have been complemented by prior and subsequent desk research. Amnesty International is grateful to colleagues from Russian human rights organizations working in Ingushetia as well as Moscow, in particular, the Human Rights Centre Memorial and Mashr, as well as the information agency Maksimum, for their insights, materials, and assistance in the preparation of and during research missions to Ingushetia. Above all however, Amnesty International is grateful to those who shared their personal stories – stories of violations, injustice, pain and grief. Many opened their homes to the organization’s delegates; some chose to meet in more discreet locations. All who did so were conscious of the risks they were taking in meeting with us and allowing their stories to be retold.

Amnesty International interviewed over 60 people in Ingushetia, mostly victims of human rights violations or their relatives, as well as human rights defenders, legal professionals, independent experts, journalists, the Human Rights Ombudsman of Ingushetia and a senior member of the Federal Human Rights Ombudsman’s office. The organization is also grateful for the meetings with the Head (President)<sup>2</sup> of the Republic of Ingushetia, Yunus-Bek Yevkurov, and numerous officials in both Ingushetia and Moscow, from the following state agencies: Investigative Committee of the Russian Federation and Investigative Committee for the Republic of Ingushetia, Ministry of Interior for the Republic of Ingushetia, Office of the Prosecutor General and Office of the Prosecutor of the Republic of Ingushetia, Ministry of Foreign Affairs of the Russian Federation, Security Council of the Republic of Ingushetia. Amnesty International had unrestricted movement throughout the Republic.

Amnesty International requested meetings with the Directorate of the Federal Security Service (FSB) for Ingushetia and with the Ministry of Interior of the Russian Federation, but did not receive responses to these requests.

All interviews were held in Russian. Some of the interviews with victims of human rights violations and their relatives were conducted on condition of confidentiality.

In preparation of the report, Amnesty International also used public statements by officials, media materials, medical certificates, and official documents which are either available online<sup>3</sup> or were made available to it by NGO colleagues, independent experts, lawyers or victims of human rights violations and their families.

## BACKGROUND

### GENERAL BACKGROUND ON INGUSHETIA

Ingushetia (full official name: Republic of Ingushetia) is the smallest constituent part (subject) of the Russian Federation. About three quarters of the republic’s 413,000<sup>4</sup> residents are ethnic Ingush; around a fifth are ethnic Chechens.<sup>5</sup> These two ethnic groups speak closely related languages and share much common cultural heritage, including strong

Muslim traditions that have seen a revival in last two decades following their suppression in the Soviet era.

During the 1930s, the territories of the then autonomous Ingush and Chechens regions (*avtonomnye oblasti*) were combined into a single administrative unit, the Chechen-Ingush Autonomous Soviet Socialist Republic (ChIASSR). However, in 1944, the entire Ingush and Chechen populations were deported to Soviet Central Asia and Siberia, and prohibited from returning until 1957, after Stalin's death, when the ChIASSR was reinstated within somewhat contracted borders.

The creation of the Republic of Ingushetia was announced on 4 June 1992. At the time, the Ingushetians made clear their intention to remain part of the Russian Federation while the Chechens, under the leadership of Dzhokhar Dudaev, attempted secession which resulted in two successive conflicts: in 1994 – 1996, and again in 1999 – early 2000s.

Ingushetia borders with Georgia in the south, and two other North Caucasian republics, the Chechen Republic (Chechnya) and the Republic North Ossetia-Alania (North Ossetia). At the time of its creation, Ingushetia's borders with Chechnya were not demarcated. The two still often appear as a single entity on maps, and some of their border territories are still disputed.

Ingushetia's relations with neighbouring North Ossetia have been more troubled. In 1992, a violent conflict erupted between ethnic Ossetians and Ingush in what is known as the Prigorodny District, which was transferred from the ChIASSR to North Ossetia following the 1944 deportation. This conflict resulted in around five hundred deaths,<sup>6</sup> the destruction of over three thousand properties and the displacement of between 43,000 and 64,000 people (depending on estimates),<sup>7</sup> the majority of them ethnic Ingush fleeing to Ingushetia. It is estimated that between 1994 and 2008, around 25,000 of these people returned to Prigorodny District while some 7,500 remained in Ingushetia. Estimates by non-governmental organizations for early 2010 suggested that there were still around 10,000 internally displaced persons in Ingushetia, although these also included people who had left Chechnya during the two military conflicts there.<sup>8</sup>

Prigorodny District remained a formally disputed territory until 2009, when legislation was passed in Ingushetia defining the administrative borders of its constituent municipalities. In the same year the new Ingush President, Yunus-Bek Yevkurov, publicly expressed the view that North Ossetia's sovereignty over the territory should no longer be disputed but that the internally displaced ethnic Ingush people from Prigorodny District should be able to return without obstruction. The latter condition however has not been fully implemented, and reportedly ethnic Ingush people face obstacles if they want to settle in Prigorodny District and certain villages are *de facto* closed to them. The main checkpoint on the Ingush-Ossetian border (known as *Chermensky post*) operates a restrictive regime, although most locals are able to move without difficulty. The effects of the conflict are still keenly felt in Ingushetia, and play a strong role in shaping the sense of identity of ethnic Ingush people.

The poverty of the region is often advanced by officials as one of the factors fuelling instability. However, the injection of federal funding (91 per cent of the republic's budget is made up of direct federal subsidies<sup>9</sup>) has so far failed to significantly improve Ingushetia's

economic indicators, which are among the worst in the Russian Federation. At 47.7 per cent, the level of unemployment is the highest in the country.<sup>10</sup>

### **THE SECURITY SITUATION IN INGUSHETIA**

Ingushetia faces genuine security challenges. Over the last decade, the activity of armed groups has grown, resulting in the influx of numerous law enforcement agencies and regular launching of security operations of varying scale, mostly small.

Ingushetia managed to avoid becoming embroiled in the so-called first Chechen war (1994-1996), which followed Chechnya's attempted secession, which it declined to join. It absorbed the shocks of the military conflict there despite the arrival of over 100,000 displaced people from Chechnya, with many more following after the second Chechen war began in 1999.<sup>11</sup> However, on 11 May 2000 Chechen rebel fighters conducted their first major military operation on Ingush territory when they attacked a convoy of the Ministry of Interior troops killing 18 soldiers and officers.<sup>12</sup> From that point on, the security situation in Ingushetia gradually deteriorated. It worsened considerably in 2004, following an attack on Nazran and Karabulak by several hundred rebel fighters led by the Chechen militant Shamil Basayev on the night of 21-22 June. The attackers effectively seized control of these two cities for several hours, during which they sought and executed law enforcement officials and occupied a number of key government buildings, before retreating virtually unimpeded. During this raid, 98 persons were killed, mostly members of the law enforcement agencies and the local administration, and 104 wounded.<sup>13</sup>

The Russian authorities responded by stepping up security operations in the republic which, however, failed to prevent further attacks. While those fighters who had been involved in the first attacks on the territory of Ingushetia were reportedly from Chechnya, they were increasingly joined by local residents. Over time, armed groups increased their attacks on the state authorities, carrying out bombings and shooting of members of law enforcement agencies and state officials, with their activities peaking in 2009. These included attempted assassinations of presidents Murat Zyazikov (April 2004) and Yunus-Bek Yevkurov (June 2009). Civilians (and civilian targets such as shops and a cinema) have also been targeted, or caught and killed in the crossfire.

There was a marked improvement in the security situation in 2010, with the intensity of attacks by armed groups decreasing considerably. There were indications in the latter half of 2011 that the number of both attacks by armed groups and of security operations launched by law enforcement agencies were once again on the rise, without however reaching the levels of 2009.

Since 2006, the internet-based information project Caucasian Knot has been compiling a list of violent incidents on the territory of Ingushetia – including both officially reported incidents and/or those reported in the media or by its own correspondents in the region – and attacks by members of armed groups or unknown armed people against law enforcement and other state officials or civilians, incidents involving explosives and armed abductions of individuals. The list of such incidents compiled by Caucasian Knot has entries for 138 days in 2007, 171 in 2008, 254 in 2009, 165 in 2010 and 127 in 2011 (occasionally, more than one incident was reported on a given day).<sup>14</sup> The number of reported violent deaths in Ingushetia

has also been in decline from over 300 in 2009 to between 130-160 in 2010, and around 80 in 2011.<sup>15</sup>

There is more than one reason for the recent decline in the activity of armed groups in Ingushetia. Possible explanations given to Amnesty International, by both Ingush officials and independent analysts, include restrictions on the funding and supply channels to armed groups; improved intelligence resulting in better targeted operations leading to the killing or arrest of some of the key members of the armed groups operating in Ingushetia; the shifting of insurgents' activities to other territories in the North Caucasus; greater willingness on the part of local residents to cooperate with law enforcement agencies; improved preventative measures by local authorities intended to dissuade young people from joining armed groups or bring them back 'from the forest' and integrate them into society.

In an interview in late May 2011, the Head of Ingushetia Yunus-Bek Yevkurov lauded a change in the law enforcement agencies' approach and stressed that, in 2010, for the first time, the number of alleged members of armed groups who were killed was lower than the number of those detained.<sup>16</sup> He also explained at some length the conditions he had negotiated with the Prosecutor and the FSB in Ingushetia for the voluntary surrender of members of armed groups. They were expected to make a full confession and cooperate with the investigation in exchange for a more lenient sentence. The Ingushetian authorities would petition on their behalf for them to serve their sentence in the North Caucasus region or as close to it as possible (in contrast to the existing unofficial practice of sending prisoners from the North Caucasus to remote prisons), and fund a visit to the place of detention by a member of the convicted person's family once a year irrespective of the distance.<sup>17</sup>

Yunus-Bek Yevkurov also explained the mechanism of voluntary surrender. The family were to bring the relative suspected of membership in an armed group to the Security Council (an advisory and policy-making agency chaired by the Head of the Republic and forming a part of his administration) from where he would be taken to the FSB for questioning and usually released later the same day until the next questioning. Such questioning sessions could lead either to the individual's arrest and formal charging, or the closure of the case. According to Yunus-Bek Yevkurov, there had been eight or nine such voluntary surrenders earlier in 2011, and 54 in 2010 of which eight were under investigation (i.e., under arrest) at the time of the interview. All those who surrendered voluntarily and were not arrested were promised employment or a place at an educational institution. In September 2011, the Head of Ingushetia created a new Commission intended to facilitate adaptation to peaceful life for former members of illegal armed groups.<sup>18</sup> The Commission is headed by the Secretary of the Security Council, and among its tasks is assistance in re-settling some of their families into other regions of the Russian Federation<sup>19</sup> (presumably, to help them live without the fear of blood vengeance – a custom which is still very strong in Ingushetia<sup>20</sup>).

The sense of improving security could be witnessed by Amnesty International delegates even in the short period of time between the missions in November 2010 and in May-June 2011. During the last mission, there was a less intense presence of armed security personnel in the streets and at road checkpoints throughout the republic, with security officials no longer routinely wearing balaclavas. Cars with tinted glass windows and without number plates were quite rare, while being commonplace in November. Key crossroads were staffed by local police, some of them openly carrying rifles, but with one or two exceptions armed personnel

carriers and more heavily armed security staff were no longer there, and in contrast to the first visit, many concrete-reinforced road checkpoints stood empty. There were occasional two or three-strong security patrols in the main streets of Nazran, armed with automatic rifles, but they were walking on foot and not hiding their faces. Sporadic rifle shots, heard in Nazran almost daily in November, particularly at night, were rare and could have been celebratory. Many of the local residents agreed that it had got “quieter”, although some did not share the impression of improved security situation, nor the sense that the number of human rights violations by law enforcement agencies had gone down.

Ingushetia at present appears less affected by instability and violence than some of the neighbouring republics, in particular Dagestan, where the situation appears to have worsened over the last two years. However, human rights violations in Ingushetia continue to be committed and follow the same pattern as before, similarly to violations in the neighbouring territories.

### **ARMED GROUPS OPERATING IN INGUSHETIA**

There is little direct and reliable information in the public domain concerning the identity and activities of the so-called illegal armed groups (in Russian, *nezakonnye vooruzhennye formirovaniya*) in Ingushetia. From what little is known, they appear to be well organized and well coordinated, and some of their members have almost certainly received training within or outside of Ingushetia.<sup>21</sup> According to official sources, there were no more than several dozen armed group members in Ingushetia at the time of Amnesty International’s missions to the republic. In December 2010, speaking at a press conference, the then Head of the Federal Security Service (FSB) in Ingushetia Vladimir Gurba told journalists that there were some 30 active members of armed groups in Ingushetia, and that the FSU knew them all by name, but that they also had some supporters (presumably, mostly unknown to the authorities).<sup>22</sup> In an interview at the end of May 2011, the Head of Ingushetia Yunus-Bek Yevkurov referred to intelligence reports which suggested that there were some 70 illegal armed group members in Ingushetia, of whom around 30 were based in secret forest camps in the mountainous part of the republic, another 20 in Ingush valleys, and some 20 living in secret residential locations and providing liaison support and holding arms stocks.<sup>23</sup> According to Yunus-Bek Yevkurov, armed groups in Ingushetia are associated with the leadership of the so-called “Imarat Kavkaz” which appoints local Ingush leaders (*amirs*) and directs their activities.

“Imarat Kavkaz” is an underground network reportedly spanning Dagestan, Chechnya, Ingushetia<sup>24</sup> and Kabardino-Balkaria and some neighbouring territories advocating the creation of an Islamic Sharia state in the North Caucasus based on a Salafi ideology (often referred to as Wahhabi in Russian) and military means for the achievement of its goals.<sup>25</sup> It was proclaimed in October 2007 by Doku Umarov, the self-styled president of the so-called Chechen Republic of Ichkeria (an unrecognized entity which claims to represent an independent Chechen state but is now confined to guerrilla fighters in Chechnya and some self-appointed officials and supporters in exile). In February 2010, the Russian Supreme Court ruled that “Imarat Kavkaz” was a terrorist organization. Its followers, organized in groups called *jamaats* and led by centrally-appointed *amirs*, advocate military struggle against the Russian state in the North Caucasus. Its members target law enforcement and other government officials, and civilians whom they believe to be responsible for practices regarded as un-Islamic (such as selling alcohol), including outside of the North Caucasus. Thus, Doku Umarov claimed responsibility for the suicide attack in Domodedovo airport in

Moscow on 24 January 2011 which took 37 lives, and declared that civilians were legitimate targets because they supported the regime which suppressed Muslims in the North Caucasus. Although the origins of “Imarat Kavkaz” are in Chechnya, many of its activities have been linked to, and focused on, Ingushetia. The Domodedovo bomber, for instance, came from Ingushetia, and so did his alleged accomplices. There are occasional reports that Doku Umarov himself may be in hiding on the territory of Ingushetia, at least some of the time.

Armed groups reportedly have a variety of sources of funding and supplies. Various Russian officials involved in law enforcement activities have claimed that “Imarat Kavkaz” has links with al Qaeda (which Yunus-Bek Yevkurov also stated in his interviews, while insisting that there were no foreign “mercenaries” in Ingushetia<sup>26</sup>). Individuals alleged to be foreign “mercenaries” were reported killed in security operations in Chechnya in spring 2011<sup>27</sup>, as well as in previous years. The Russian authorities regularly stress that armed groups in the North Caucasus enjoy significant support from abroad, but offer little or no details to substantiate such claims. Support is also said to be provided by local sources. According to the then Head of the FSB in Ingushetia, Vladimir Gurba, these included corrupt officials involved in drug trafficking, and criminals dealing in stolen cars and carrying out armed robbery.<sup>28</sup> Armed groups are also believed to be involved in extorting money from local businesses, and some of the reported bombings and arson attacks in Ingushetia and across the North Caucasus targeted at small businesses may have been prompted less by religious motives (e.g., opposition to their selling alcohol) as some of the sites associated with the armed groups and other sources suggest, but rather their owners’ refusal to pay up.

Over the last two years, Russian law enforcement agencies have conducted a number of operations against members of armed groups in Ingushetia which have apparently seriously undermined the armed groups’ capabilities there. One such operation included the destruction of a forest base reportedly belonging to the group headed by Khamzat Byutukaev (who, according to some law enforcement officials, was responsible for training and co-ordinating suicide bombers<sup>29</sup>) on 28 March 2011 near the village of Merzhi in south Ingushetia. The operation involved air strikes with support from ground forces, and reportedly resulted in the killing of between 12 and 19 members of the group, including some close associates of Doku Umarov. In addition to this operation, a number of influential leaders associated with “Imarat Kavkaz” have reportedly either been killed or apprehended on the territory of Ingushetia. These included the movement’s local ideologist Said Buryatskiy (Aleksandr Tikhomirov), killed on 2 March 2010, and two of Doku Umarov’s closest associates Ryzhiy Supyan (Supyan Abdullaev) and Khamzat Byutukaev, killed on 28 March 2011. On 9 June 2010, one of the most prominent local leaders nicknamed Magas (Ali Taziev) was arrested in Malgobek. Back in July 2006, the Chechen warlord Shamil Basayev was also killed in Ingushetia.

However, over the years members of armed groups in the North Caucasus have demonstrated their determination and ability to regroup and recruit new supporters. The biggest challenge for the Russian authorities is to undermine their recruitment base and prevent their influence from spreading further in the North Caucasus and beyond.

#### **THE SCALE AND COST OF VIOLENCE**

No comprehensive statistics are available from Ingushetia and the wider North Caucasus on the activities of armed groups, security operations conducted by the authorities, and losses

among law enforcement officials and civilians. Indeed, the figures cited by various officials are sometimes mutually inconsistent.<sup>30</sup> Independent estimates, such as those regularly made by the human rights centre Memorial<sup>31</sup> or the Antiwar Club<sup>32</sup> are based on open sources, mainly media reports, and are inevitably incomplete.

The table presented below is based on aggregate figures compiled by Caucasian Knot on the basis of open sources. Though unlikely to be entirely accurate, they do reveal a downward trend.<sup>33</sup>

Year	Killed			Wounded	
2011	70			At least 38	
	Of these:			Of these:	
	law enforcement officials	civilians	alleged armed groups' members	law enforcement officials	civilians
	19	11	40	32	6
2010	134			192	
	Of these:			Of these:	
	law enforcement officials	civilians	alleged armed groups' members	law enforcement officials	civilians
	31	40	63	133	59
2009	268				
	Of these:				
	law enforcement officials	civilians	alleged armed groups' members	law enforcement officials	civilians
	83	56	129	170	No data

Table 1. Estimated number of victims of conflict in Ingushetia. Source: Caucasian Knot

These figures however say nothing of the further human costs of the conflict, such as families losing breadwinners, women widowed (most of the victims are men) and children left without fathers – such victims are often left outside of the picture, although for them, the legacy of the conflict is life-long.

#### HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF SECURITY OPERATIONS SINCE 2000

Over the last decade, human rights violations have been documented by a number of human rights organizations, including Memorial, which has had an office in Nazran since 2000, and the Ingush NGO Mashr, which published its first annual report with an overview of human rights violations in the republic in 2006.<sup>34</sup> The human rights situation has also been covered in reports by international human rights organizations, including Amnesty International and Human Rights Watch.<sup>35</sup>

In 2006, the People's Assembly (parliament) of the Republic of Ingushetia set up an Interim Commission to look into alleged human rights violations by law enforcement officials in previous years in Ingushetia. It published a report in February 2008, in which it documented and analysed human rights violations by law enforcement agencies over the period of 2002-2007.<sup>36</sup> In May 2010 the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe published a report on legal remedies for human rights violations in the North Caucasus, parts of which were devoted to the situation in Ingushetia, where it noted an “alarming upsurge of violence” preceding the visit and a history of unresolved cases of human rights violations, “notably murders and disappearances

of opponents of the Government and journalists which have to this day remained with no judicial follow-up whatsoever".<sup>37</sup>

Human rights violations by members of law enforcement agencies, although occasionally reported from Ingushetia in previous years, became part of everyday life in the republic in the 2000s when security operations began taking place on the territory of Ingushetia. There are no comprehensive statistics on the number of reported human rights violations by members of law enforcement agencies in Ingushetia. Local human rights organizations tend not to quantify reports of alleged extrajudicial executions, secret detention and torture in the clear knowledge that their information is bound to be patchy and incomplete: many victims of such violations and their families neither report the relevant incidents to them nor to the authorities, while the authorities, even if made aware of the relevant allegations, have little interest in making them public.

Of all the human rights violations allegedly committed by law enforcement officials in Ingushetia only the number of alleged enforced disappearances lends itself to annual comparison, as suspected cases are almost always reported and well-publicised, even if some may be disputed and different organisations count them slightly differently. Thus, the NGO Mashr recorded no less than 17 cases in 2002, 46 in 2003, 47 in 2004, and a further 12 undated cases belonging to 2002-2004, 11 in 2005, 10 in 2006, 10 in 2007, 10 in 2008, 14 in 2009, 13 in 2010, and 19 in 2011.<sup>38</sup> Enforced disappearances in Ingushetia peaked in 2003 and 2004, and between nine and 19 individuals were reportedly forcibly disappeared each year after that (if residents of Ingushetia who disappeared in 2010 during their travel to the neighbouring republics are to be counted).<sup>39</sup>

#### **LAW ENFORCEMENT AGENCIES IN INGUSHETIA**

While the volume of information in the public domain about the results of security operations in the North Caucasus is significant, relatively little is known about the methods and working arrangements of the law enforcement agencies involved in security operations. The architecture of law enforcement agencies in Ingushetia, as elsewhere in the North Caucasus, is complex and opaque. Their members – commonly referred to collectively as *siloviki* – may be either local residents representing the local police force or employed by other security agencies operating on the territory, or be officers temporarily deployed from other regions of the Russian Federation. Both ‘local *siloviki*’ and ‘*federaly*’ (another colloquial expression denoting law enforcement officials deployed in Ingushetia from other regions) ultimately belong to federal-level law enforcement structures (as opposed to ‘civic’ ministries with devolved powers, such as the Ministry of Education for example). These structures include the Federal Security Service Directorate for Ingushetia (*Upravlenie FSB po Respublike Ingushetia*), the Interior Troops (*Vnutrennie voiska*) and various specialized forces and units, such as the Centre for Combating Extremism, under the authority of the Ministry of the Interior for the Republic of Ingushetia (*Ministerstvo vnutrennih del po Respublike Ingushetia*), and the military (including structures such as the Chief Intelligence Directorate – *Glavnoe razvedupralenie*, or GRU).

Owing to the federal nature of law enforcement agencies and parts of the criminal justice system (including the Prosecutor’s Office and the Investigative Committee, which is the agency responsible for investigation of serious crime), Ingushetia’s political leadership has no direct formal control over any of the law enforcement officials on the republic’s territory.

However, its political influence is significant, not least in virtue of the coordinating role it exercises through the Antiterrorist Commission (explained below), but also because Ingushetia is a small republic where personal relationships play a significant role.

This complicated, multi-agency system is the legacy of both the Soviet past (in which law enforcement was highly centralized) and the conflict in neighbouring Chechnya, where different agencies, forces and units, were deployed singly and in concert, in response to the constantly evolving security challenges they faced there.

A further complication arises from the fact that law enforcement officials operating on the territory of Ingushetia may in fact be *siloviki* stationed in the neighbouring republics (particularly North Ossetia and Chechnya). Law enforcement officials from North Ossetia reportedly frequently engage in security operations on the territory of Ingushetia; while security officials are usually unidentifiable, their only distinctive feature is whether they speak native Russian, Ingush or one of the region's other languages, or speak Russian with a distinct regional accent. The use of *siloviki* deployed from other regions, or forces stationed in neighbouring North Ossetia may in part be explained by concern among security officials that security operations may be compromised if locally recruited officers are involved on account of the traditionally strong extended family links and the influence of *teyps* (extended family clans) in Ingush society.

Activities relating to combating armed groups – including covert policing, surveillance and intelligence-gathering (called ‘operative and search activities’ – *operativno-rozysknaya deyatelnost* – in Russian law) - are, in theory, coordinated by the National Antiterrorist Committee (*Natsionalnyi antiterroristichesky komitet*) at the Federal level and an Antiterrorist Commission (*antiterroristicheskaya komissiya*) at the level of the republic.<sup>40</sup> The Antiterrorist Commission of the Republic of Ingushetia is headed by the Head of Ingushetia and deputized by the local FSB Director, and includes representatives of all law enforcement as well as some other agencies. These structures are intended to coordinate efforts of the relevant agencies and authorities, formulate policies in the area of combating terrorism and supervise their implementation at their respective levels.

Planning and control of security operations in Ingushetia is formally the task of the Operations Staff (*Operativnyi shtab*) attached to the Antiterrorist Commission. The Operations Staff brings together the heads of the FSB, the Ministry of the Interior, the Ministry for Emergency Situations, the Federal Drugs Control Agency, the Government Communications Service, a representative of the Armed Forces and a senior official from the local Ingush administration. The Operations Staff is headed by the local FSB Director. Its decisions are binding on all the agencies involved, including the civilian administration. There are occasional reports in the media, including televised reports, on the meetings of the Antiterrorist Commission of Ingushetia. There is however virtually no information in the public domain on the work of the Operations Staff, apart from its decisions to impose or lift the so-called “counter-terrorist operation regime” in a certain territory. There is also only minimal public information on specific security operations, and virtually none on the role of specific agencies within them.

Covert “operative and search activities” are secretive by their very nature, and the relevant legislation classifies information relating to the agencies and units involved, their means,

methods and tactics, as state secret.<sup>41</sup> These operations – which may be conducted by a variety of law enforcement agencies – are not necessarily agreed on by, and disclosed to, the Operations Staff, nor necessarily coordinated between the different agencies that have the authority to conduct them.

At least some security operations, therefore, are coordinated and conducted by some forces without the knowledge of others. These agencies do not necessarily share intelligence or information about their activities. Each has an interest in enhancing its own influence and resources, but none – not even the FSB, which is the lead agency deployed in security operations – appears willing to take overall responsibility. As a result, the overall political responsibility is borne by the political leadership of the republic, while at the same time the Head of Ingushetia may presumably not be aware of some specific security operations at all.

Similarly, when the knowledge of the identity of a specific law enforcement official or agency allegedly involved in a human rights violation is denied by officials from any one particular agency, such a denial may be entirely genuine. The alleged perpetrators of specific violations may be either ‘local *siloviki*’ or ‘*federaly*’, and either of these may be from Ingushetia or from a neighbouring republic (for example, Chechen police or ‘*federaly*’ from North Ossetia).

Human rights violations in the context of security operations are typically committed by masked law enforcement agents displaying no identifying insignia and often operating from unmarked vehicles. In the absence of a central controlling authority, it is extremely difficult to establish which agency may have been responsible for the alleged violation – let alone which individuals within them. This situation undoubtedly makes things difficult for investigators and prosecutors, but it is not a situation that they appear to be very strongly motivated to have addressed.

In principle, the responsibility for the conduct of law enforcement agencies operating in Ingushetia extends upwards towards the Federal level and ultimately resides with the President of the Russian Federation. In practice, however, responsibility is pushed downwards. Replies received by complainants in the republic to the Russian president and various Federal-level authorities invariably state that their complaints are being forwarded to the relevant authorities in Ingushetia.

This system allows each agency to deny any responsibility for alleged violations and claim ignorance of the responsibility of others. The overall effect is of a corporate veil being drawn across the activities of law enforcement officials in the North Caucasus, behind which more or less anything goes. Prosecutors and investigators find themselves sometimes behind the veil, sometimes outside it; sometimes unwilling to investigate abuses they know of, or could establish through diligent investigation, sometimes unable to do so even if they were to try in earnest. This system may have evolved unintentionally, but it is knowingly being perpetuated.

It can only be changed from the very top down and must be, urgently, if the activities of armed groups are to be combated effectively and human rights violations of the kind documented below are to be eliminated.

## 2. HUMAN RIGHTS VIOLATIONS IN INGUSHETIA

### ENFORCED DISAPPEARANCES

*“I am at a stage when I envy those parents who find their children’s corpses.”* (Boris Ozdoev, father of a man subjected to enforced disappearance, interviewed by Amnesty International in June 2011)

In the context of virtually any discussion of human rights violations in Ingushetia, enforced disappearances are often the first to come up. This reflects the very great and lasting suffering that the families of the victims endure and the deep resentment that the practice has provoked within the close-knit Ingush society.

Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, defines enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>42</sup> Article 4 of the Convention requires signatories to ensure that enforced disappearance constitutes an offence under national law.

Russia is not a party to this Convention. However the European Court of Human Rights, has recognised that an enforced disappearance is a “particularly grave violation” of Article 5 of the European Convention on Human Rights, to which Russia is a party.<sup>43</sup>

Russia’s Criminal Code makes no distinction between ordinary abductions and enforced disappearances in the sense described above; they are both covered by Article 126 “Abduction of a person” (*pokhischenie cheloveka*). The same Article treats abduction by a group and abduction involving life-threatening violence as aggravating circumstances.

Given the prevailing insecurity in Ingushetia and the rest of the North Caucasus, cases of individuals going missing are relatively common, and certainly not all of these cases involve deprivation of liberty by agents of the state (as the Ministry of the Interior’s data cited below, particularly the number of individuals later found alive, indicates). At times, the reasons for a person’s going missing remain unknown and may have nothing to do with either security operations conducted by members of law enforcement officials, or the activities of armed groups.

It is undoubtedly the case, however, that enforced disappearances are occurring in Ingushetia. This is typically denied by officials, despite the extremely compelling evidence of several cases, some of which are included in this report. In February 2012, however, the Head of Ingushetia, Yunus-Bek Yevkurov made a particularly frank admission. Speaking at the first congress of human rights NGOs United Caucasus Forum, he is reported to have

admitted that in 2011, there had been eight abductions and “among these, in five cases we see signs of [involvement of] secret services and law enforcement agencies,” and added that “When [they] arrive in early morning driving armoured personnel carriers, ‘Urals’ and other military vehicles and take individuals away, it would be stupid to claim that this has been done not by *siloviki* but by Doku Umarov for instance.”<sup>44</sup>

This broad admission has not been matched by a willingness of law enforcement agencies to ever admit to the involvement of their personnel in individual cases, even when, in some cases, the involvement of law enforcement agencies at least at some stage in the chain of events leading to the individual’s disappearance has been admitted. No one has ever been prosecuted, let alone convicted, for an enforced disappearance in Ingushetia. Across the region, Amnesty International is aware of only one enforced disappearance (in Chechnya) that has led to a conviction.<sup>45</sup>

The typically secret nature of the security operations leading to enforced disappearances certainly facilitates denial. So does the fact that people go missing for various reasons. The authorities often explain the disappearance of individuals in cases in which they are suspected of being involved as, for instance, resulting from the individual’s defection “to the forest” to join an armed group, which does indeed happen.<sup>46</sup>

As in the cases of alleged extrajudicial executions and torture and other ill-treatment documented in this report, the routine failure to investigate reported incidents of enforced disappearances and clarify the fate of persons disappeared in circumstances in which the authorities are strongly suspected of involvement, is contrary to the State’s obligation to promptly and impartially investigate such allegations.<sup>47</sup> Such failures breed significant distrust and invite the widespread belief that the hand of the state was involved even in cases when it may not have been.

The overwhelming majority of those allegedly forcibly disappeared in Ingushetia are men (less than 5 per cent of the persons counted by Mashr as allegedly forcibly disappeared between 2002 and 2011, over 200 in total, are women). It is very common for men in Ingushetia to get married in their twenties, and by the age of 30 most have several children. A family of several persons in which the father and husband is missing must bear the economic consequences – such as the loss of earnings in a region where unemployment is very high and disproportionately affects women – as well as the often adverse effects on children’s educational performance and social behaviour.

Many relatives of the disappeared who Amnesty International delegates interviewed suffer from severe psychological distress, which has sometimes contributed to physical illness.

## **BATYR ALBAKOV**

In the early morning hours of 10 July 2009, several armed men, some in plain clothes and some wearing an unidentifiable dark uniform came to the Albakov family’s flat. According to the family, there was one ethnic Russian, one Ingush, and also some Chechens (judging by the language). Their faces were not covered, but they refused to introduce themselves or present any IDs. They checked the residents’ papers and said they were taking Batyr Albakov to Nazran District Police Station (ROVD). The family saw several vehicles with number plates registered in Chechnya and Dagestan. A family member who tried to follow them was stopped

at gunpoint. The following day the family was told at Nazran ROVD that Batyr was not there.

In the days that followed, the family approached several law enforcement agencies but all of them denied having Batyr Albakov in their custody. Reportedly, the Investigative Committee was checking the information about his alleged enforced disappearance but apparently no criminal case was opened and no investigation took place. The family repeatedly insisted that photofit pictures of three of the men who came into the flat be made, but on every occasion their request was declined under various pretexts.

On 21 July 2009, it was reported in the media that Batyr Albakov had been killed during a security operation in neighbouring Chechnya while putting up armed resistance to members of Chechen law enforcement agencies. Reportedly, the Ministry of the Interior also stated that he had been on a “wanted” list as a suspected member of an illegal armed group – even though until his enforced disappearance he had lived openly at his home in Ingushetia and worked as an engineer at Magas airport. On 22 July 2009, his body was handed over to the family. Prior to his burial, several photos of the body were taken and subsequently found their way onto the internet, showing bullet wounds but also what some commentators interpreted as signs of torture. An official post-mortem examination of the body must have been made, in line with existing practice, but the family were refused a chance to see any forensic conclusions. For several months, the family’s repeated efforts to have a criminal case opened to investigate the circumstances of Batyr Albakov’s enforced disappearance and killing were consistently refused by the authorities. Reportedly, the investigator who was looking into Batyr Albakov’s family’s allegations failed to establish the identity of those who took him from his home. He nonetheless reportedly concluded that Batyr Albakov was released by those who had taken him away because he was killed in the course of an official security operation and therefore could not have been in an official custody. The family challenged the investigator’s refusal to open a criminal investigation into the allegations of Batyr Albakov’s enforced disappearance, torture and extrajudicial killing, but in March 2010 Sunzhensky district court turned his family’s request down.

#### **THE NUMBER OF REPORTED ENFORCED DISAPPEARANCES**

A number of NGOs are trying to keep a record of alleged victims of enforced disappearances in Ingushetia, but they do so on a slightly different basis and inevitably arrive at different figures. For example, according to the NGO Mashr which collates and publishes information on such cases annually, there were no less than 10 such cases in 2007, 10 in 2008, 14 in 2009, 13 in 2010, and 19 in 2011 (most described as “abducted” and a small number of cases described as “missing”). In this statistics, Mashr includes cases of residents of Ingushetia who disappeared outside the republic.<sup>48</sup> The office of Memorial in Nazran does not compile a list of reported enforced disappearances, as Mashr does, but reports on individual cases on *ad hoc* basis as these come to its attention. Thus, Memorial reported on the cases of 10 individuals allegedly disappeared by law enforcement officials in 2011 on the territory of Ingushetia, and a further three cases which might be enforced disappearances but where less information is available to support such allegations.<sup>49</sup> Memorial’s summary statistics for the earlier years are: five persons allegedly forcibly disappeared in Ingushetia in 2007 (of whom one was subsequently found dead), eight in 2008 (one found dead), nine in 2009 (four found dead), and three in 2010.<sup>50</sup>

During a meeting with delegates of Amnesty International on 30 May 2011, the then Prosecutor of the Republic of Ingushetia, Yury Turygin, presented statistics on missing persons, including possible cases of enforced disappearance, in recent years in Ingushetia. Notably, the Prosecutor was using the terms “enforced disappearance” (*nasilstvennoe ischeznovenie*) and “abduction” (*pokhischenie liudei*) interchangeably, so his figures

embraced cases of alleged enforced disappearances (in accordance with the definition provided by the International Convention for the Protection of All Persons from Enforced Disappearance), and possible abductions by armed groups and other abductions, such as kidnappings for ransom.

According to the Prosecutor, there had been 13 such cases (that is, either enforced disappearances or abductions) in 2007, eight in 2008, nine in 2009, two in 2010 and one such case in 2011 prior to the meeting. In addition, there had been 32 reported cases of persons gone missing in 2009, of whom the whereabouts of 24 had been established (with the search for the remaining eight continuing, although their absence was not regarded as abduction or enforced disappearance), 37 such cases in 2010 (whereabouts of 30 established), and 17 prior to that day in 2011 (whereabouts of eight established) as of the date of the meeting.

There are regular reports on the website of the Ministry of the Interior for the Republic of Ingushetia concerning cases of persons gone missing.<sup>51</sup> Between 9 October 2010 (the first such report on record) and 31 December 2011, there were at least 72 such reports (some repeated) regarding at least 57 missing, or previously missing, persons (including 39 men and 18 women) and including at least two missing from several years previously. Of these there were subsequent reports of 18 persons being found alive and involving no criminal or suspicious circumstances (11 women, 7 men), as well as at least two (including Ilez Gorchkhanov, see below) reported found dead in suspicious circumstances, one drowned, and at least three killed in security operations – all of those deceased being men. In respect of at least 11 cases reported on by the Ministry of Interior, concerns have been raised (though not on the Ministry's website) that the person may have been subjected to enforced disappearances, including Akroman Ugurchiev and Umalat Bersanov, Ilez Daurbekov and Aliskhan Kuzikov, and Israil Torshkhoev, whose cases are discussed below. Other cases of enforced disappearances not reflected in the Ministry of the Interior's online information have also been reported during this period.

#### **COMMON FEATURES OF ALLEGED ENFORCED DISAPPEARANCES**

Often, though not in all cases of alleged enforced disappearance, the disappeared person belongs to a certain 'risk group' which is more likely to be targeted by members of law enforcement agencies. These include relatives or associates of a known or suspected member of an illegal armed group (see the case of Zalina Yelkhoroeva, below), persons who have been previously detained and questioned or briefly disappeared and released, including by unknown persons believed to be members of law enforcement agencies (such as Ilez Gorchkhanov, see case below, who was briefly detained a year prior to his enforced disappearance), and those known to be particularly devout Muslims.

Alleged cases of enforced disappearances are often supported by testimonies of witnesses interviewed by families of the disappeared (often on condition of anonymity), describing how the missing person was taken into custody or abducted by members, or suspected members, of law enforcement agencies. These testimonies, and other concurring circumstances, typically have a number of common features. Thus, the missing person is reported to have been apprehended by a group of armed people (including when taken from his/her home), usually wearing camouflage uniform, and often balaclavas or face masks, but, in most cases no insignia which would allow the identification of either the individuals involved or even the

agencies which they belong to. They present no identity documents or any documents authorising their actions, and typically offer no explanation for their actions. Law enforcement agencies questioned about these incidents routinely deny their involvement in them – and, indeed, any knowledge of them. Given that security operations are often carried out without their disclosure to other agencies, the denial of any knowledge by any one particular agency may on occasion be entirely genuine.

Sometimes, however, the enforced disappearance happens in the context of what is undeniably a security operation – for instance, because there is an official report in the media about it. In such cases it should be possible to establish which agency was involved, but the fact that the missing person has been apprehended in the course of the operation is either not acknowledged or flatly denied, and investigators make no further headway. In other cases, the incident has been clearly a part of a security operation, but there is no official acknowledgement that it has taken place and therefore the identity of the agency involved is presented as “impossible to establish”. In some such cases, official reports, interviews and various other available pieces of information originating from law enforcement officials appear mutually inconsistent, inevitably raising the suspicion that some information is being concealed or even falsified.

## **ISRIL TORSHKHOEV**

According to information placed on the official website of the Ministry of the Interior and dated 16 April 2011, Israil Toshkhoev disappeared from his home on 18 November 2010 “under unascertained circumstances”.<sup>52</sup> However, according to the FSB, it had direct contact with Israil Toshkhoev at a later date, on 26 November 2010; nor can the circumstances of his disappearance from his home be described as “unascertained”.

Independent media reported that on the day of his disappearance, at around 7.20pm, a car carrying two people was attacked by unknown assailants in Nazran, a short distance from Israil’s house. During this attack the driver, later identified as Vakha Gaisanov, was shot and killed. The passenger, Timur Yelkhoroev (brother of Zalina Yelkhoroeva, see her case below), was wounded and taken to hospital, and several days later arrested while still in hospital as a suspected member of an armed group. At the time of the shooting, according to his family, Israil Torshkhoev was at his home, only a few hundred metres away. Some 30 minutes after the shooting had stopped, he drove in his car to the scene of the incident to see what had happened.

According to eyewitnesses with whom Israil Torshkhoev’s relatives spoke subsequently, police were already at the scene when he arrived there. Shortly after, some 50 members of security forces also arrived, camouflaged and wearing facemasks, and driving armoured vehicles without number plates. Israil Torshkhoev discovered that the driver who had been killed was his second cousin and wanted to take the body to the mortuary but was prevented from doing so. Reportedly, he made critical comments alleging that the unknown killers must have been members of security forces and made some further remarks blaming them for the general state of lawlessness in Ingushetia. After this, Israil Torshkhoev was approached by some security officers who did not introduce themselves but demanded to see his ID and documents for the car, which he immediately produced. They then insisted on accompanying him to his home where they conducted a search of the house and the land around it in front of the family. Nothing was found. Family members demanded to know who these armed people were and why they had searched their home. One of the two plain-clothed men who appeared to be in charge of the operation introduced himself as Aushev (a very common surname in Ingushetia) but showed no ID and offered no explanation. At around 10.00pm, the security officials put Israil Torshkhoev in one of their vehicles and drove away taking his papers, his phone and his car with them.

This was the last time the family saw Israil Torshkoev. His phone remained permanently switched off after that. His wife and brothers were concerned that he was taken away by armed officials without any explanation. They immediately contacted the acting Secretary of the Ingush Security Council but he reportedly told them that he could do nothing at that late hour. The following day, on 19 November, the family filed a petition with the Security Council asking them to establish Israil Torshkoev's whereabouts. On at least two occasions, they also filed a complaint with the Prosecutor's Office requesting that a criminal case be opened. They also contacted the police, the FSB and the Human Rights Ombudsman, but never received an answer as to who took Israil Torshkoev and what happened to him.

On 23 November the family received a letter from the Office of the Prosecutor of Ingushetia informing them that their complaint had been forwarded to the Office of the Prosecutor of Nazran for further action. From there, it was forwarded to Nazran city department of the Investigative Committee which, in a letter dated 29 November 2010, informed the family that because Israil Toshkoev had been reported as "possibly arrested by law enforcement agencies" there was "no need for procedural checks" (i.e., official investigation).

The fact that Israil Torshkoev had been detained by security officials (organized armed men conducting an investigation at the scene of a shooting) was undeniable. His detention was very possibly arbitrary, and his family's right to know what had happened to him was clearly violated. Yet, the authorities failed to respond adequately or recognize that his continued absence potentially implicated members of law enforcement agencies in his enforced disappearance.

The Office of the Human Rights Ombudsman contacted the Ministry of the Interior and the Office of the Prosecutor of Ingushetia with queries relating to this case. The Ministry replied that Israil Torshkoev had not been detained by police, and that the relevant complaint had been registered and forwarded to the police department in Nazran – which, by then, the family had already contacted directly but without any positive outcome. In December 2010, the Investigative Committee informed the family that their letter of complaint had been forwarded to the Military Investigative Department (a special branch of the Investigative Committee which investigates crimes allegedly committed by members of the military and the FSB). In a letter dated 3 February 2011, the Ministry of the Interior replied to the family directly informing them that it was unable to establish Israil Torshkoev's whereabouts but was continuing with its efforts to find him.

Four weeks after Israil Torshkoev disappeared, the family received a letter from the FSB summoning him to report to the FSB's Investigative Directorate on 17 December 2010. This implied that the FSB was not aware of his whereabouts, but some members of the family who witnessed his apprehension remained convinced that the FSB was the agency whose members held him. To add to the confusion, the family received a copy of a letter signed by the Head of the FSB in Ingushetia and addressed to the Office of the Human Rights Ombudsman, which claimed that Israil Torshkoev had voluntarily reported to the FSB on 26 November 2010 (ostensibly, a week after his enforced disappearance) and confessed to membership of an illegal armed group. The same letter stated that the FSB checked this information but had no reason to detain him, nor open a criminal case.

To accept the official denial of the involvement of Law enforcement officials in Israil Torshkoev's enforced disappearances, one would have to believe – against all available evidence – that he was abducted by a third party, released and then reported voluntarily to the FSB, who in turn let him go, only for him to disappear again without at any stage contacting his family. If his abduction had indeed been staged to provide cover his joining an armed group, it is extremely unclear why he would then have voluntarily walked into to an FSB compound.

In February 2011, one of Israil Torshkoev's brothers wrote to the Military Investigative Department demanding to know what progress had been made in investigating his brother's enforced disappearance, whether a criminal case had been opened, and requesting access to the case file. In March 2011, the Military Investigative Department replied that the involvement of the FSB in the alleged abduction of Israil Torshkoev had "not been established" and informed the family that the case was being sent back to the Investigative Committee for general investigation.

At the time of writing, Israil Torshkoev's fate and whereabouts remain unknown. The only further information appeared in a press release issued by the FSB on the conviction on 21 February 2011 of Timur Yelkhoroev (the man wounded in the above-mentioned shooting incident on the day of Israil Torshkoev's enforced disappearance). The press release mentioned "I.T. Torshkoev" as a former member of Timur Yelkhoroev's armed group who at an unknown date had voluntarily reported to the FSB and discontinued his membership in the group.<sup>53</sup> Notably, also referred to as a member of the group was "V.M. Gaisanov" and another man who, according to the same press release, had been "eliminated ... during 2010 in the course of security operations while putting up armed resistance to members of law enforcement agencies". There can hardly be any doubt that it was a reference to the same Vakha Gaisanov killed by supposedly unknown assailants on the day of Israil Torshkoev's enforced disappearance, but this time, in contrast to earlier denials of this having been a security operation, clearly indicating these people's membership of security forces. This further suggests that Torshkoev himself was extremely unlikely to have been taken away by people other than agents of the state.

Cases of alleged enforced disappearance are commonly reported to have involved vehicles with no number plates and of a limited range of makes commonly used by law enforcement agencies in Ingushetia and the neighbouring North Caucasus republics, including UAZ minivan, UAZ jeep, armoured GAZ (military style jeep), Gazel minivan, Lada 'Priora', and the people carrier 'Ural'. On occasion, armoured personnel carriers are also reported to be involved. If the disappeared person was driving a car, it is often subsequently found abandoned, usually some distance away.

## **AKROMAN UGURCHIEV AND UMALAT BERSANOV**

Two men, 33-year-old Umalat Bersanov and 26- or 27-year-old Akroman Ugurchiev were abducted in the village Ordzhonikidzevskaya (also known as Sleptovskaya, in eastern Ingushetia) on 23 August 2011 at around 6pm. They arrived at the gates of Umalat Bersanov's house in a car which he had recently bought from Akroman Ugurchiev. At that moment, according to some neighbours, two Gazel vehicles and a Lada 'Priora', all with tinted glass windows, stopped nearby. Eyewitnesses remembered the number plate of one of the Gazel cars as having 491 on it and the Lada's registration number starting with two. Plain-clothed men wearing face masks jumped out shouting "Stay where you are!" in Russian. Eyewitnesses also reported the presence of one unmasked man of distinctly Slavic appearance. Akroman Ugurchiev was reportedly struck with a heavy object to his head and passed out. Umalat Bersanov ducked down on the ground and was severely beaten while prone. Both were then thrown inside one of the Gazels and driven away. Their relatives reported the incident to the police and appealed for help to the Prosecutor's Office, Security Council, the Head of the Republic of Ingushetia, the local Ombudsman and human rights organizations. According to the Secretary of the Security Council when interviewed by journalists, a criminal case had been opened but the authorities were unable to confirm or deny whether law enforcement officials were involved in this incident.<sup>54</sup> At the time of writing, the fate and whereabouts of Akroman Ugurchiev and Umalat Bersanov remain unknown.

Eyewitnesses are often told to move on and/or threatened if they try to interfere or record the incident. For instance, reportedly during the security operation in Nazran on 22 November 2010 in which Ruslan Gazgireev was killed and two of his companions allegedly forcibly disappeared (the case of Magomed Gorchkhanov and Aslan-Giri Korigov, below), several bystanders were trying to record it on their mobile phone video cameras but were approached by some security officials who took away and destroyed their mobile phones. Unsurprisingly, eyewitnesses typically refuse to step forward to testify officially, and only give testimonies on condition of anonymity for fear of reprisals.

Sometimes an indirect yet strong indication that the missing person is a victim of an enforced disappearance is the security officials' known interest in the person immediately before or after the incident. Thus, for example, shortly after several alleged enforced disappearances, including incidents in which no eyewitnesses stepped forward, the homes of the persons who disappeared while travelling were searched by members of security forces, usually on the same day, (as in the case below), sometimes even before a family member had complained of an enforced disappearance. Such a search would then have a purpose other than collecting information relevant to the possible commission of the crime of abduction. While this clearly suggests an interest in the disappeared person by law enforcement officials, no explanations are usually given (although sometimes the family is told that their relative is suspected of membership of an illegal armed group).

## **RUSLAN POSHEV**

Ruslan Poshev, a young ethnic Ingush resident of the village of Dongaron in Prigorodny District in neighbouring Republic of North Ossetia, disappeared on 14 May 2011. He was last seen around midday in Karabulak, in Ingushetia, where he had gone to see his friends. The family believe that he was forcibly disappeared by members of law enforcement agencies. Indirectly, this allegation is supported by the family's report that at around 2pm on the same day, before they reported to the authorities that he was missing, the house where he lived with his family was searched by masked law enforcement officials. The agency they belonged to remained unknown to the family. They spoke native Russian and Russian with Ingush and Ossetian accents and reportedly said that Ruslan Poshev was suspected of membership of an illegal armed group, but gave no further explanation. The family complained that various valuables were found to be missing after the search. Ruslan Poshev's car was later found in Ingushetia, reportedly with a big dent in the front passenger door and signs of struggle, such as broken seats, inside. The family alerted the Ingushetian authorities, approached the Human Rights Ombudsman, and went to see the Secretary of the Security Council, but for two weeks they remained in the dark as to whether a criminal case had been opened. On 27 May, the Ministry of the Interior of Ingushetia issued a press release stating that a search for Ruslan Poshev was underway.<sup>55</sup> However, it was not until 30 May that the criminal case was officially opened. At the time of writing, Ruslan Poshev's fate and whereabouts remain unknown.

The official response to reported enforced disappearances is often extremely slow. This gives rise to the impression that law enforcement and criminal justice officials may be directly obstructing the opening of a criminal case. In some cases there are reports that while available evidence could offer essential clues as to what happened, it is not being effectively examined and possible leads are not being thoroughly investigated, or investigated promptly while these might yet yield tangible results.

There are also reported cases when local police or other representatives of the state authorities could have intervened in an apparently unlawful action by other state agents on the spot or could have taken steps to prevent it, and yet did not do so.

## VAKHA ZHOVBATYROV

At around 10pm on 4 August 2011, resident of Ordzhonikidzevskaya (Sleptsovskaya) Vakha Zhovbatyrov (20 or 21 years old at the time) left home to go to the local mosque for evening prayers. According to eyewitnesses, as he was walking past two white 'Gazel' minivans parked in the street, armed uniformed men wearing facemasks came out and grabbed him. They reportedly hit him several times with rifle butts and, while he was still resisting, threw him against a brick wall after which he passed out and was driven away in one of the minivans. Eyewitnesses reportedly told his family that he was calling out loudly for help but that no one dared to intervene. According to reports, earlier that day, members of an unknown law enforcement agency had cordoned off the local residential area. They were stopping mostly young people, and checking and taking photos of their passports. When local police arrived at the scene, an officer in charge of these law enforcement officials showed them some document after which they left without intervening. Vakha Zhovbatyrov was one of the people whose passport was checked. The family has filed requests to find him with the government of Ingushetia, local police, Prosecutor's Office, Security Council, Ombudsman and local human rights NGOs. A criminal investigation was opened on 9 August. At the time of writing, his fate and whereabouts remain unknown.<sup>56</sup>

A relatively recent trend observed in connection with alleged enforced disappearances of residents of Ingushetia is that some such incidents take place outside of the republic, often when the disappeared person is only briefly visiting the neighbouring republics.

## NORTH OSSETIA: ZALINA YELKHOROEVA

Zalina Yelkhoroeva (Elhoroeva), aged 30 at the time, was travelling by taxi from Vladikavkaz in North Ossetia to Nazran in Ingushetia on 22 December 2010. According to those who accompanied her, including her brother's wife and the taxi driver, the road passing through the village of Chermen (close to the administrative border between North Ossetia and Ingushetia) was blocked by four or five vehicles (three armoured UAZs and a silver-coloured Lada 'Samara-2') often used by law enforcement agencies. Armed camouflaged men in balaclavas who spoke native Russian requested that they stop, leave the car and present their papers. Having identified Zalina Yelkhoroeva, they took her into the Lada and drove her away without explanation. The driver was told to drive to the nearby checkpoint (locally known as Chermenskii Krug, a checkpoint on the administrative border staffed by armed law enforcement officers) and wait for her. However, Zalina Yelkhoroeva did not appear. Later on the same day, the family reported her abduction to a local police station, and to the Prosecutor's Office, the FSB and the Security Council of Ingushetia the following day.

Zalina Yelkhoroeva had travelled to Vladikavkaz earlier that day to visit her brother, Timur Yelkhoroev, who was under arrest and being investigated for his alleged involvement with an armed group. He was still recovering from wounds sustained during the shooting incident on 18 November in Nazran (following which Israil Torshkoev was forcibly disappeared – see the description of his case above). Following that incident, Timur Yelkhoroev was hospitalised locally, and in mid-December transferred to a military hospital in Vladikavkaz where he was placed under armed guard. From there, he was transferred directly to the pre-trial detention centre. Zalina Yelkhoroeva's abduction gave rise to speculations that this action might have been intended to put pressure on her brother.<sup>57</sup> Whether true or not, after his sister's enforced disappearance the criminal proceedings against Timur Yelkhoroev proceeded remarkably swiftly (compared to other similar

cases) and resulted in his conviction on 21 February 2011. The court hearing followed the so-called special procedure (*v osobom poriadke*), whereby the defendant pleads guilty and is sentenced in a closed session, which does not involve an examination of the case, and the decision cannot be appealed.<sup>58</sup> According to the reported charges, Timur Yelkhoroev had led an armed group since April 2009, recruited many of its members and coordinated its terrorism-related activities. He was sentenced to four years in prison and a further year in an open prison.<sup>59</sup> Zalina Yelkhoroeva has not been seen since December 2010, and her fate and whereabouts remain unknown. At the time of writing, no explanation regarding her whereabouts or the findings of an investigation into her abduction had been made public.

The one consistent thread running through all the cases of alleged enforced disappearance is that they have remained entirely unsolved. Investigations, where they happen at all, are almost entirely ineffective. Of the cases officially recognized as abduction by the Prosecutor's Office (as opposed to disappearances more generally), one case has been cited by officials to refute claims that cases never get resolved. This was the abduction of Rayana Bogolova, a three-year-old girl who was abducted by three armed masked men for ransom on 25 September 2008 in Nazran and rescued by law enforcement officials in neighbouring Chechnya's capital Grozny on 23 October 2008. However, none of those cases from Ingushetia in which there are strong reasons to believe that law enforcement officials are implicated has been resolved. This was confirmed to Amnesty International delegates in June 2011 by the Prosecutor of Ingushetia.<sup>60</sup>

In most cases, the ultimate fate of those who have been allegedly subjected to enforced disappearance remains unknown. In some cases they are found dead or reported killed in security operations, giving rise in turn to the suspicion that they have been extrajudicially executed (as described in the section below).

Enforced disappearances are routinely denied by the authorities. Standard explanations given by officials for such cases as those mentioned in this report include abduction by armed groups (staged to provide an alibi for those joining them) and private criminal reasons. Conceivably, this is true of some of the cases. But it is extremely unlikely to be the case for all, or even most, of them.

Official denials are only possible because of the practice of conducting security operations incognito – and, will in any case, continue to be disbelieved for so long as law enforcement officials are known to operate without any form of visible identification.

## **ILEZ GORCHKHANOV**

The family of Ilez Gorchkhanov, who was 26 years old at the time, lost touch with him on 21 March 2011 when he was travelling by car to Nazran. His car was later found abandoned at the side of the road between Magas and Kantyshevo. His brother retraced his journey the same day and spoke to eyewitnesses who provided an account of his abduction. According to the eyewitnesses, between 2.30pm and 3.30pm, Ilez Gorchkhanov parked his car near the bus station in the centre of Nazran. As soon as he stepped out of the car, he was grabbed by five or six men. Ten or so other men formed a circle around them holding armoured shields, such as those used by members of law enforcement agencies. Some were in plain clothes and others were wearing camouflage uniforms but with no insignia. They put Ilez Gorchkhanov inside one of the four cars in which they arrived, and immediately left the scene, taking Ilez Gorchkhanov's car with them. Some of his abductors were speaking native Russian and others Ingush. Eyewitnesses provided some important details, including the

number plate of one of the cars. Later, video footage appeared on the internet apparently showing Ilez Gorchkhanov's abduction. While the footage, which was taken covertly from inside a car some distance away, provides little conclusive detail (thus, Ilez Gorchkhanov himself cannot be distinguished on it), reportedly his car can be identified, and the place where it was taken and appearance of the people involved correspond to eyewitness accounts.

Ilez Gorchkhanov's family immediately contacted the authorities asking that his whereabouts be established. No law enforcement agency acknowledged that he was in their custody. On 23 March, there were still no news about him, and his relatives and a number of others who sympathized with their plight, gathered in a busy street in Nazran — reportedly, some 80 persons in total. The protesters blocked one of the main roads demanding that the authorities inform the family of Ilez Gorchkhanov's whereabouts and put an end to all enforced disappearances in Ingushetia. A number of senior Ministry of the Interior and other Ingushetian officials arrived and tried to negotiate with the protesters promising to take steps to establish Ilez Gorchkhanov's whereabouts and asking them to unblock the road. However, the rally's participants were not satisfied with these promises, fearing that in spite of them nothing was being done to find him, and refused to leave. Armed police proceeded to remove them forcibly. Reportedly, some protestors threw stones at the police, while the police fired warning shots and used rubber batons and gun butts to disperse the demonstrators. Three arrests were made in connection with the demonstration (see below in connection with the case of Magomed Khazbiev).<sup>61</sup>

Relatives of Ilez Gorchkhanov had meetings with several Ingushetian officials and were repeatedly reassured that an investigation into his disappearance was being conducted. Thus, later on the day of the demonstration, the Head of Ingushetia Yunus-Bek Yevkurov convened a meeting with senior law enforcement officials, heads of local administrations, representatives of the council of Inhush teyps (extended family clans), and relatives of Ilez Gorchkhanov, at which his disappearance was discussed, although it appears from reports that the meeting was mainly focused on the demonstration and why it had been unlawful and had to be stopped.

Yunus-Bek Yevkurov reportedly requested that the case be effectively investigated, and also that relatives of other disappeared persons be promptly informed of the progress of the investigations into their cases.<sup>62</sup> However, what exactly happened to Ilez Gorchkhanov has never been established, and whether law enforcement agencies were indeed involved in his disappearance has never been confirmed. There are good grounds to believe that they were. The circumstances surrounding the abduction were similar in many ways to other cases of enforced disappearances, in that Ilez Gorchkhanov had in the past been under investigation for membership of an illegal armed group but released after several months without charge; those who abducted him acted openly and in broad daylight; and the abduction and their subsequent departure happened in a busy street without any interference from police or other law enforcement officials. On the last point, Amnesty International was told by a Ministry of the Interior official that the group which abducted Ilez Gorchkhanov was chased by the local police inspector (*uchastkovyi inspector*), who was also the first to alert the authorities, but that he lost the group on the road when he had to stop to make the call. The same official told Amnesty International that possible alternative explanations for the disappearance could include the abduction being staged by members of an illegal armed group to create an appearance of abduction or an enforced disappearance, and by posing as members of a law enforcement agency the participants may have tried to intimidate bystanders and to prevent them from intervening.

Ilez Gorchkhanov's body was found on 19 April washed ashore by river Assa, about a mile away from the village Nesterovskaya in Sunzhensky District. He was buried the following day. According to human rights

centre Memorial, which spoke to Ilez Gorchkhanov's family after this discovery, there were signs of strangling on his neck and one of his eyes had been badly injured. In a conversation with Amnesty International, an Ingushetian law enforcement official stated that according to the official post-mortem report there were no signs of injuries inflicted as a result of violence on the body but that it had been damaged while floating in the river and hitting stones. Photos of Ilez Gorchkhanov's dead body showing his face, along with claims that it bore signs of torture, were circulated on the internet. According to an independent forensic expert approached by Amnesty International, the photos suggested no evidence of injury but the face showed signs of post-mortem drying (mummification), which would not be expected in a body recovered from a wet environment. The case remains unresolved.

## EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions are unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence. They can be carried out by regular military or police forces, by special units created to function without normal supervision, or by civilian agents working with government forces or with its complicity.

Article 2 of the ECHR prohibits the arbitrary deprivation of life, including extrajudicial executions. In 1989, the UN adopted the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions<sup>63</sup> which, among other things, calls for the effective investigation of suspected cases of extrajudicial executions, the prosecution of alleged perpetrators and compensation for relatives. In 2004, the UN Commission on Human Rights reiterated that it is

*the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions.*<sup>64</sup>

Extrajudicial executions were widely reported in Chechnya from the beginning of the first conflict in 1994. Over the past decade allegations of extrajudicial executions have been reported across the North Caucasus. However, there appear to be only three cases which have resulted in prosecution of the alleged perpetrators. All three belong to the period of the military conflict in Chechnya: the case of Budanov (the killing of a young Chechen woman in March 2000, for which a military officer was convicted in July 2003), the case of Ulman (the killing of six civilians in January 2002, for which four soldiers were convicted in June 2007) and the case of Arakcheev and Khudyakov (the killing of three Chechen civilians in January 2003 for which two Interior Troops officers were convicted in December 2007).

The issue of extrajudicial executions was raised by the Federal-level Human Rights Ombudsman of the Russian Federation in his report for 2010, in which he illustrated this violation with an example from Dagestan.<sup>65</sup> It is regularly raised by human rights activists in the North Caucasus and throughout Russia, but even the most compelling reports receive minimal mainstream media coverage.

### **ALLEGED EXTRAJUDICIAL EXECUTIONS IN INGUSHETIA**

A handful of compelling allegations of extrajudicial executions are made each year in Ingushetia. These typically involve the killing of individuals who, according to eyewitnesses or some other evidence, appeared to have posed no threat and shown no resistance. Particularly strong suspicion of extrajudicial execution also arises when the deceased is reported as killed in action by security forces, but is known to have been in official custody shortly prior to this and not seen by the family since. It is likely that there are more incidents that go entirely unrecorded, and in respect of which witnesses and/or relatives are reluctant to come forward.

Indeed, extrajudicial executions are typically very difficult to document, prove and investigate – a difficulty compounded in Ingushetia by the secrecy surrounding security operations, a common practice among members of security forces of concealing their identity and service status during security operations, and the intimidation of eyewitnesses.

However, the evidence in support of at least some allegations is very strong. There are some rare cases when direct evidence of the relevant incidents becomes publicly available. Amnesty International is aware of at least one case in which video footage, apparently a leaked recording of a security operation, has been posted on the internet. It features the killing of two men, Ibragim (Adam) Gardanov and Magomed Chahkiev, on 7 February 2007. The two were swiftly surrounded by masked law enforcement officials while inside a parked car and immediately shot dead at point blank range, without any apparent attempt to arrest them nor any apparent indication that either one of them showed armed resistance (as was officially reported on this incident), or even had time to do so.

Allegations of extrajudicial executions often follow a pattern: official law enforcement agencies report on an incident during which security officials are said to have attempted to stop a suspicious car or apprehend an individual or group of people for an identity check. The suspects are described as having opened fire on the law enforcement officials and been killed in the ensuing shoot-out. Some weapons or explosives are reportedly recovered at the scene as evidence against the individual, who is subsequently reported as belonging to an armed group. A criminal case is then opened. In all the cases Amnesty International is aware of, the focus of the investigation has been the reported attack against law enforcement officials and the related crimes, such as illegal possession of firearms and explosives. The case is then closed on the grounds that the criminal suspect is deceased. Evidence suggesting a contrary version of events appears to be ignored.

Often, the circumstances reported by law enforcement officials involved in the relevant security operation will appear accurate. There are, however, occasions when the official version of events is challenged, particularly by eyewitnesses or families of the deceased, who dispute either the fact of exchange of fire or armed resistance, or claim that the weapons recovered on the deceased were planted as evidence against them by security officials, or insist that the person killed could not have been moving freely at that place at that time but was in official custody instead and that therefore the killing was an extrajudicial execution. Not all evidence in support of such allegations is equally strong and solid facts are rarely available to families of the deceased and independent observers such as human rights activists. However, sometime such evidence does come to light and raises serious questions about the circumstances of the killings which could only be answered by a full, independent

and impartial investigation which is not prejudiced in favour of the official version of the events. Such investigations do not appear to be taking place in Ingushetia.

## **MUSTAFA MUTSOLGOV AND VAKHA SAPRALIEV**

According to a press release issued by the FSB Department for the Republic of Ingushetia, on 24 July 2010, FSB and police officials tried to stop a Lada 'Priora' on the road between the villages of Ekazhevo and Surkhakhi. The men in the car allegedly opened fire, and were killed when fire was returned. The men killed were identified as Mustafa Mutsolgov and Vakha Sapraliev, residents of the village Ekazhevo.<sup>66</sup> However, according to some eyewitnesses' accounts obtained by the family of one of the deceased, the car in which they were travelling was intercepted on the road by several military vehicles and stopped without resistance, and the driver and the passenger were taken out, handcuffed and then shot in the head and heart at the roadside some 30 metres away.

The bodies of the two men killed were handed over to their families. Reportedly, signs of handcuffs could be clearly seen on at least one of them. The families have appealed to the authorities to investigate the circumstances of their killing, to clarify what they had been suspected of and to explain their apparent handcuffing. At the time of writing, however, they had still not received answers to these questions.

Letters sent by one of the families to the Prosecutor General, the Head of the Investigative Committee and the President of the Russian Federation were forwarded to the Office of the Prosecutor of Ingushetia, to which at least one of the families had already written directly. From there, the case was sent to the Nazran Inter-Regional Prosecutor's Office (the relevant local prosecutor). At least one of the families has also received an acknowledgement from the Investigative Committee for the North Caucasus Federal District and from the Military Directorate of the Investigative Committee that their letters had been received. However, neither family received any substantive information regarding these queries.

The above-mentioned FSB press release stated that the two men had committed two separate killings – a claim which both families strenuously denied. One of these accusations (the killing of a man in Plievo on 8 July 2010) was later reiterated by the Ministry of the Interior on its website.<sup>67</sup> These official reports referred only to "existing intelligence", but did not substantiate the claims with any evidence.

Several days after the killing, on 7 and 8 August 2010, the home of Mustafa Mutsolgov's family in the village of Surkhakhi was twice raided and searched by masked uniformed security officials. On the second occasion, law enforcement officials claimed to have found an arms cache not far from their household. At the end of the search, they allegedly placed Mustafa Mutsolgov's 15-year-old brother Magomed inside a car and drove away. No explanations were given to the family as to where he was being taken and why. The family maintains that Magomed's father tried to protect him but was repeatedly hit, including with a rifle butt, dragged to the ground and held down at gunpoint. Amnesty International has seen photos of Magomed's injuries that are consistent with these allegations. The family demanded information from the authorities about Magomed's fate, but his whereabouts remained unknown to them for two days. On 8 August, they visited the police station in Nazran but were told that Magomed Mutsolgov was not there. The following day they informed the Ministry of the Interior, the Investigative Committee, the Prosecutor's Office and the Human Rights Ombudsman, but it was not until the afternoon of 10 August that the family were informed that Magomed Mutsolgov was at Nazran District Police Station (ROVD) and told to come and collect him. Allegedly, during the two days he was missing, the boy had been held at an unknown location and subjected to beatings and electrocution to force

him to confess that the arms cache belonged to his deceased brother Mustafa Mutsolgov.

A year and a half later, the Human Rights Centre Memorial reported that on 2 December 2011 Magomed Mutsolgov was again subjected to beating and intimidation by unknown security officials. That morning, several camouflaged masked men reportedly came to a hostel in Malgobek where Magomed lived as a student, punched, kicked and beat him with rifle butts, fists and feet in front of other students. Several students had their possessions searched and photos taken. The masked men reportedly asked why Magomed was studying at an Islamic institute, whether he had firearms and whether he advocated terrorism, but gave no explanation for their actions and nor said who they were.<sup>68</sup>

The suspicion that an individual has been extrajudicially executed is particularly strong when the reported security operations and shoot-outs resulting in the death of suspected members of armed groups are preceded by the same persons being taken into custody by security officials and forcibly disappeared beforehand. When the missing person is known to have been last seen in custody of law enforcement officials, albeit unknown and supposedly unidentifiable ones, the involvement of the state authorities in the enforced disappearance and/or extrajudicial execution of the individual is, for obvious reasons, strongly suspected. In such circumstances, the state is under an obligation to investigate, and where there is sufficient evidence, prosecute the perpetrators.

## **MAGOMED GORCHKHANOV AND ASLAN-GIRI KORIGOV**

Magomed Gorchkhanov, who was 17 at the time, disappeared on 22 November 2010 on his way home from a friend's place where he had stayed overnight. Earlier on that day he had called his mother to say he was coming, but he never arrived home. The mother promptly established that one of their neighbours, 26-year-old Ruslan Gazgireev, had offered him a lift in his car, and that another young man, Aslan-Giri Korigov, had also travelled in the same car. The same day, the FSB issued a press release stating that Ruslan Gazgireev had been killed in a security operation. According to the FSB, a car in which Ruslan Gazgireev was travelling refused to stop upon orders to do so from law enforcement officials who instead came under fire, and he was killed when they shot back at him.<sup>69</sup> Aslan-Giri Korigov also disappeared. Magomed Gorchkhanov's family were unable to find any eyewitnesses to the incident, although they heard rumours that there had been eyewitnesses who also tried to video-record the incident on their mobile phones but had them confiscated by members of the security forces. Magomed Gorchkhanov's mother went to the mortuary where the body of Ruslan Gazgireev had been taken. Some police officers who were present there but whom she did not know told her that there had been two men with Ruslan Gazgireev who had not been killed but left the car before it was shot at and surrendered to law enforcement officials. According to these officers, the two men were taken away by members of the FSB. The mother then spoke to the FSB officials who denied that they had Magomed Gorchkhanov in their custody.

On 27 November, the mother found an envelope which someone had put through the gates of their house. It contained a mobile phone memory card which had a video file on it. The video, a copy of which Amnesty International has seen, features a car in flames and a number of other cars parked at a distance. Meanwhile several people can be seen walking two men towards one of these cars, one after another, and forcing them both inside an open car boot which is then shut. The mother of Magomed Gorchkhanov is convinced she can recognize the first man put inside the car boot as her son. The filming was done from a discreet location near the place where the above reported security operation took place. Amnesty International has visited the site and can confirm that the location recorded was the site of the acknowledged security operation. According to local residents, there were no other incidents of a car burning on this site. During and after a security

operation, while the car is still ablaze, the only people in close proximity to it would have been members of law enforcement agencies sealing the site of the operation off. It is not possible to tell from the video who exactly they were, but since this was an officially acknowledged security operation, their identity should not be difficult to establish. The mother passed copies of the video to the Prosecutor's Office, Investigative Committee and Human Ombudsman, but no progress has been made to date in establishing what had happened to Magomed Gorchkhanov on 22 November 2010.

However, on 25 November the mother was contacted by an investigator who asked her to give a blood sample for a DNA test. On 21 December, members of Magomed Gorchkhanov's family were summoned to the Investigative Committee in Magas to identify human remains which, according to an investigator, had been recovered from the site of another security operation. According to official information, on 25 November 2010 members of Interior Troops were searching a woodland area near the village of Plievo looking for members of an illegal armed group who were believed to be delivering supplies to the group's secret forest camp. The police were fired at, returned fire, and killed two group members without any of the officers being injured. The identity of the two men killed was stated as unknown.<sup>70</sup>

A member of Magomed Gorchkhanov's family was shown pieces of clothing recovered from one of the bodies and confirmed that they undoubtedly belonged to him. Reportedly, both bodies had been badly damaged by explosions and fire, and a DNA test was needed to confirm their identity. Upon the family's insistence, the body believed to be that of Magomed Gorchkhanov was handed over to them and buried. In May 2011, DNA tests arrived and confirmed that the other man killed was Aslan-Giri Korigov, but the tests proved negative for Magomed Gorchkhanov. However, the Ministry of Interior subsequently reported that the two men killed in the security operation on 25 November 2010 were Aslan-Giri Korigov and Magomed Gorchkhanov. The same announcement stated that the two had been killed when they accidentally triggered an explosive device as they were firing at the members of security forces.<sup>71</sup>

Following Magomed Gorchkhanov's disappearance, the family contacted the FSB, the Nazran City Police Department and the Criminal Investigation Department of the Ministry of the Interior, the Military Investigative Department, the Prosecutor's Office, and the Human Rights Ombudsman. The Ombudsman's Office sent letters of inquiries to the FSB and the Prosecutor's Office on behalf of the family. The FSB replied to the family that it had forwarded its letter of complaint to the Ministry of the Interior and commented that it was the Ministry's, not the FSB's responsibility to search for missing persons. The Prosecutor's Office in its reply to the family referred to a response by the FSB according to which it had not apprehended Magomed Gorchkhanov, and therefore refused to undertake any further actions itself. In February 2011, the family was informed by the Military Investigative Department that the case had been referred to the Nazran City Investigative Committee because no involvement by members of the FSB or the military had been established. However, in March, the Nazran City Investigative Committee wrote to the family that the case had been referred to the Military Investigative Department, without any explanations.

Magomed Gorchkhanov and Aslan-Giri Korigov disappeared on the day a confirmed security operation was held, in which a man they were travelling with was killed. Video footage is available which almost undoubtedly features part of the same operation, and which confirms that two men were apprehended by people who can only be members of law enforcement agencies. It should be perfectly possible to establish the agencies involved in this operation – and possible from there to establish the individuals involved. There are several obvious lines of enquiry, but these appear not to have been followed, and no answers to the family's relevant questions have been provided. As with several other cases in this report, letters have

been sent, forwarded, received and replied to, without any authority at stage appearing to accept the responsibility to carry out an effective investigation.

This failure points overwhelmingly to a system in which investigators ask formal questions to which security services respond with formal denials of any knowledge or involvement or evasive replies. This is accepted without further question, following which attempts are made to pass responsibility onto some other agency. For the families involved the mockery of justice is almost worse than the absence of it.

### **INADEQUATE INVESTIGATIONS INTO SUSPECTED EXTRAJUDICIAL EXECUTIONS**

Given the strong evidence in support of at least some allegations of extrajudicial executions, and the manifestly superficial investigations that have taken place in respect of them (not a single case has ever been brought before a court in Ingushetia), there are clear grounds to conclude that the Russian Federation is failing in its obligation, guaranteed in international human rights law, to carry out independent, thorough, impartial and effective investigations<sup>72</sup> into suspected cases of extrajudicial executions and enforced disappearances – and bring the perpetrators to justice.

The initial violation of the right to life is thus compounded by the lack of redress. The resulting impunity perpetuates the broken system of law enforcement in Ingushetia and allows law enforcement officials to continue to commit human rights violations without consequences.

Russian law requires every killing in the course of a security operation is to be the subject of an official investigation by the Investigative Committee. The information on such incidents is also normally made public. As seen in the cases above, such investigations often leave many important questions unanswered. Criminal cases opened routinely identify the persons killed as the suspects in such investigations, following which the criminal case is promptly closed in accordance with Article 24(4) of the Criminal Procedural Code (“Death of the suspect”). Investigators appear to accept unquestioningly the version of events presented by the security officials who took part in the incident. The conclusions of the Investigative Committee are in turn unchallenged by prosecutors. While investigations are formally instigated in such cases, they are clearly not effective and impartial, as required by international law.

Obstacles to the effective investigation and prosecution of suspected serious human rights violations are examined in greater detail below. These apply particularly strongly to extrajudicial executions. Indeed it is questionable whether prosecutors and investigators have either the will or the ability to secure justice in such cases.

Principle 10 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states that

*In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a*

*commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry.*<sup>73</sup>

The Russian authorities must give serious consideration to establishing such a commission of inquiry to examine credible allegations of suspected extrajudicial executions. This would be an important step towards achieving accountability for these violations, restoring the confidence of the population in the workings of law enforcement agencies, and preventing further violations.

#### **POST-MORTEM EXAMINATIONS**

There are particular short-comings in both the practice and the legal framework surrounding the conduct of post-mortem examinations in cases of suspected unlawful killings in the context of security operations. In such cases, post-mortem examinations can provide crucial evidence. It is essential that they are carried out thoroughly and independently, and that their conclusions are made available to relatives of the deceased. This does not appear to be happening in Ingushetia, or indeed, elsewhere in the North Caucasus.

Bodies of persons killed in reported security operations involving a shoot-out, are often returned to families for burial in Ingushetia, which appears to be a departure from the norms contained in national law.<sup>74</sup> In cases of alleged extrajudicial execution, the bodies are often reported to bear the marks of torture and ill-treatment which appear to have been inflicted shortly before the death occurred and suggest that the circumstances of the killing were different to those officially reported. It is clear that the state of the body and the nature of any injuries received before death may not be what they appear to a lay person. Thus, exit holes of bullets and shrapnel may appear as knife wounds and cuts, or lividity (*livor mortis* – blue or purple coloration of the skin in the lower parts of the body after death) may appear as heavy bruising. However, unless the results of a thorough, independent post-mortem are made available to relatives and investigators are seen to be following up on evidence pointing to abuses, doubts will remain in the minds of relatives, and suspicions will multiply across the broader society.

As already noted, states are obliged to conduct exhaustive and impartial investigations into suspected cases of extrajudicial executions. Whereas the relevant killings often happen in a secluded environment, thus complicating or precluding unofficial investigations, there is still material evidence in virtually every such case which can be examined by official investigation. This includes post-mortem examination of the person(s) killed.

Under Russian law, a post-mortem examination (called ‘judicial expertise’ – *sudebnaya ekspertiza*) is mandatory if the cause of death needs to be established.<sup>75</sup> Amnesty International has been told by Russian investigation officials that the bodies of those killed during security operations are in practice always examined by a forensic expert, although it is not clear what exactly this examination involves and what questions it is intended to answer (for reasons outlined below, expert reports are hardly ever made available to relatives). Thus, establishing the material cause of death may not be enough to ensure that the investigators are alerted to possible extrajudicial executions, unless the examination is also required to examine the circumstances of death. It is clearly not enough, therefore, to conclude that the

individual was killed by a bullet to the head. The angle of entry, the impact damage, other possible signs of struggle or injury may, for instance, reveal much about the circumstances of the killing – and, therefore, whether it may have been unlawful.

It is essential that such examination is conducted by an expert pathologist whose independence is not in question and whose findings are regarded as authoritative and credible. The deceased person's family may also request an alternative expert or expertise, but whether the request is granted is entirely at the investigator's discretion and is therefore rare. Independent (private) forensic examinations arranged by relatives are, in theory, possible but they will not have the same probative value as official ones. National law makes provision for the independence of forensic experts in that it expressly forbids investigators, prosecutors, the judiciary, organizations, private individuals and any other parties to exert pressure on them.<sup>76</sup> However, the forensic experts used are state employees, which may well allow for pressure to be applied by other state officials.

The results of post-mortem examinations are not made public. There are procedures which potentially allow families of those killed in security operations to see the results of a post-mortem examination, but the process is not straightforward. Only a party to the relevant criminal case can request to see them. This means a family member, usually a close relative, needs to be officially recognized as a victim in the case, which, in turn, requires that the investigation be focused on the killing (as opposed to the attack against security officials) and at least considering the possibility that it was unlawful.

This is problematic, as the case below demonstrates. It requires an admission from the authorities that the death may be unlawful – reported deaths of suspected members of armed groups during security operations are not treated as suspicious *per se*. For a family to argue that it is suspicious strong evidence is required – otherwise the authorities dismiss its allegations as unsubstantiated or “unconfirmed”. Such evidence might be available from a post-mortem examination, but the case needs to be recognized as suspicious before a member of the family can get access to the results of the post-mortem examination.

## **ILEZ DAURBEKOV AND ALISKHAN KUZIKOV**

On 7 October 2010, Ilez Daurbekov and Aliskhan Kuzikov,<sup>77</sup> both 27 years old at the time, were travelling by car from the village of Nizhnie Achaluki to Nazran. Soon after their departure their mobile phones stopped working and the two disappeared on that day. According to eyewitnesses whom members of their families found and spoke to, at around 4pm on that day they saw a car looking like Aliskhan Kuzikov's on the roadside near the village of Kantyshevo, on the way to Nazran, a short distance from the nearby petrol station. The car was surrounded by armed camouflaged masked men, some wearing military helmets, and there were three vehicles nearby: a foreign-made police patrol car, a 'Gazel' minivan and a military lorry 'Ural', all without number plates. At least one eyewitness reportedly saw a man being beaten. One of the witnesses was driving by and tried to stop but was prevented from doing so and told to move on. According to a witness who did not want to be identified, two men and the car in which they had been travelling were driven away from this spot by their abductors. Although none of the witnesses reportedly could see the faces of the men who were being abducted, the timing and place fitted well with the journey of Ilez Daurbekov and Aliskhan Kuzikov and the vehicles involved were of the types typically used by security officials in Ingushetia.

The next day, the two families appealed at Malgobek Police Station (GOVD) for a search to be conducted for their missing relatives, and also approached the FSB. They placed an advertisement on the local television appealing for their return or for information on their whereabouts. They also circulated a private notice asking for witnesses and those with any knowledge of Ilez Daurbekov and Aliskhan Kuzikov's fate or whereabouts to contact them anonymously. The families had meetings with the acting Secretary of the Security Council and the Human Rights Ombudsman, and on 10 October met with the Head of Ingushetia Yunus-Bek Yevkurov. All officials contacted by the families denied having knowledge of the two men's whereabouts until, also on 10 October, police informed them about a security operation in which the two missing men were reportedly killed.

According to an official FSB press release, on 10 October a joint group of the FSB and police officers tried to stop a car carrying four people near the village of Surkhahi. The car did not stop, and those inside it opened fire. Two of the men inside were killed in a shoot-out, and another two reportedly escaped into the nearby forest. The same press release, issued on 11 October, provisionally identified the two men killed as Ilez Daurbekov and Aliskhan Kuzikov.<sup>78</sup> After this, the two recovered bodies were handed over to the two families for burial. Both were burnt beyond recognition, and one had a piece of electric wire burnt into it.

Both families deny that these young men had anything to do with armed groups or their activities. The FSB's press release and the ensuing investigation have failed to explain to them a number of important features. Why were the two recovered bodies so badly burnt? Aliskhan Kuzikov's car, which went missing with the two men was identified by the number plate, but how did the authorities provisionally identify the two men killed as Ilez Daurbekov and Aliskhan Kuzikov, before a forensic examination had been conducted, particularly if there had been two others in the same car who purportedly escaped to the forest? Why did one of the bodies have several teeth missing? Why did the same body have electric wire burnt into it?

The Daurbekov and Kuzikov families have tried to establish the truth about the abduction and suspicious death of their relatives, and clear their names of allegations that they had been members of an armed group who attacked law enforcement officials. They and human rights defenders on their behalf have written to Ingushetian and Federal authorities demanding an investigation. Their requests were forwarded to the local investigation and prosecution authorities. An investigator examined their complaints as part of a criminal case against Ilez Daurbekov and Aliskhan Kuzikov, but refused to open a separate criminal investigation into the circumstances of their enforced disappearance and alleged abduction three days earlier on the grounds that the perpetrators (that is, as far as he was concerned, Daurbekov and Kuzikov themselves) were dead. The families challenged this decision in court, and the case has been subsequently reopened. However, the subsequent investigation has not answered the families' questions about the abduction and death of their relatives.

## TORTURE AND OTHER ILL-TREATMENT

Under international human rights law, no-one may be subjected to torture or cruel, inhuman or degrading treatment or punishment. This right is absolute and non-derogable. States are also under an obligation to investigate promptly and impartially allegations of torture, and bring perpetrators to justice.

The UN Convention against Torture (CAT) defines torture as

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person

has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>79</sup>

The use of torture and other ill-treatment is strictly prohibited under Russian law, including by the Constitution (Article 21), the Criminal Code (Article 117), the Law 'On Police' (Article 5(2)) and other legislation. However, the legal definition of torture contained in them is vague and, although Russia has ratified the Convention, is inconsistent with the CAT definition. Thus, Article 117 of the Criminal Code, amended in 2003, speaks of *istyazanie* (torture, torment) which it defines as an action intended to inflict suffering, and mentions the use of *pytka* (torture) as aggravating circumstances, but gives no definition of it, and makes no reference to the role played by a public official or other person acting in an official capacity in the act of torture, directly or by consent or acquiescence.

### **THE USE OF TORTURE AND OTHER ILL-TREATMENT IN INGUSHETIA**

Amnesty International and other human rights organizations receive regular reports which indicate that torture and other inhuman and degrading treatment of people in custody by law enforcement officials in Ingushetia, as well as Ingushetian residents held in custody in neighbouring regions, is widespread. Indeed, there is compelling evidence to suggest that, in the context of efforts to combat the activities of armed groups, torture is regularly used for the purpose of extracting confessions and testimonies to incriminate other suspects, or as a means of intimidation. Allegations of torture have been made against officials in various law enforcement agencies and in all types of detention facilities, though, in Ingushetia at least, most allegations of torture are alleged to have occurred outside them altogether.

In meetings and correspondence with Amnesty International, authorities in Ingushetia – including the Prosecutor's Office, the Investigative Committee and the Ministry of the Interior – have repeatedly denied that torture takes place at all. Representatives of these agencies have acknowledged just one case, that of Zelimkhan Chitigov (see below), in which torture was involved and for which two police officers were standing trial at the time of writing.<sup>80</sup> In contrast, as their trial began, the Head of Ingushetia, Yunus-Bek Yevkurov, gave a very outspoken media interview in which he acknowledged that there had been many incidents of torture in the republic. He was also openly sceptical about the prospect of many more prosecutions for torture in Ingushetia, and spoke of prevention of new torture cases as the real priority.<sup>81</sup>

Amnesty International is not aware of any other case in which allegations of torture from Ingushetia, or in respect of residents of Ingushetia held in custody in a neighbouring region, have been effectively investigated and the perpetrators identified and prosecuted.

### **VELKHIYEV AND OTHERS V. RUSSIA**

On 5 July 2011, the European Court of Human Rights passed a judgement in the case of *Velkhiyev and Others v. Russia* in which it confirmed the use of torture, amongst other grave human rights violations, by Russian security officials in Ingushetia. The Court found Russia in violation of several Articles of the European Convention on Human Rights, including violating the right to life, use of torture, and failure to conduct an effective investigation into these violations.<sup>82</sup>

The Court found that on 20 July 2004, some 30 armed uniformed men conducted a search in the house of Bashir Velkhiyev and took him and his brother Bekhan away. The two were handcuffed and blindfolded, delivered to the Organised Crime Unit of the Ministry of the Interior of Ingushetia in Nazran, and tortured in separate rooms by officers of the federal units of the Ministry of the Interior deployed in Ingushetia. According to Bekhan Velkhiyev, he was being forced to confess to participation in the attack on Ingushetia by armed groups on 21-22 June 2004. After several hours of torture he was driven away and abandoned inside a car, still blindfolded and repeatedly passing out. His brother Bashir Velkhiyev died as a result of torture inside the Organised Crime Unit. Injuries sustained by both brothers were medically documented.

A criminal investigation into the alleged unlawful detention, ill-treatment and death of Bashir Velkhiyev was opened in July 2004 but suspended on 27 December 2004 for failure “to identify those responsible.” It was then reopened the following March, suspended in April and reopened in May 2005, suspended again on 10 July 2005 and resumed on 12 May 2009. It identified just one potential culprit, a police officer at the Organised Crime Unit where the Velkhiyev brothers were taken, who was on duty at the entrance on that day and whom the court acquitted in March 2007. The officer testified in court that his superior ordered him not to interfere with the actions of the officers of the federal units who brought the Velkhiyevs to the Unit.

The Russian government conceded to the Court that there had been a violation of Bashir Velkhiyev’s right to life but argued that the investigation conducted into his death had been effective, despite the clear reluctance of the authorities to pursue the investigation. The Court observed that statements of the officers of the Organised Crime Unit made it “unequivocally clear” that the Velkhiyev brothers had been detained and ill-treated by officers of the federal units of the Ministry of the Interior stationed in Nazran. In light of this, the Court found it “inconceivable that the Unit could host officers of other federal units, and even conduct joint operations with them, without having information on who they were and which units they belonged to.”<sup>83</sup> The Court pointed out a number of striking shortcomings of the investigation, such as the fact that “according to the documents available to it, no inspection of the crime scene ever took place”, and “that there was a very lengthy period of inactivity between 10 July 2005 and 12 May 2009, for which no explanation has been provided.”<sup>84</sup> The ECtHR concluded the “failure to identify the individuals responsible may only be attributed to the reluctance of the prosecuting authorities to pursue the investigation.”<sup>85</sup>

There is also overwhelming evidence that members of law enforcement agencies in Ingushetia, and police in particular, resort to cruel, inhuman or degrading treatment, in the course of their activities, including outside the context of security operations. Often the reported details of such ill-treatment (for instance, transportation of detainees in car boots, or the blindfolding of victims) coincide with those alleged to happen in the course of security operations.

## **MAGOMED KHAZBIEV**

Magomed Khazbiev and his two brothers, Murad and Berd, were arrested at their home in Nazran shortly after the dispersal of a spontaneous protest against the enforced disappearance of Ilez Gorchkhanov (see details of his case above), on 23 March 2011. They were sentenced to between two and 10 days of arrest for organizing “mass disorders”. A brief official version of the events is presented on the Ministry of the Interior’s website.<sup>86</sup> It stresses that the protesters blocked a busy road, refused to obey lawful police orders and hurled stones injuring at least three officers. It blames Magomed Khazbiev and his companions for inciting the protestors and “repeatedly participating in extremist actions”.

In conversation with Amnesty International, Magomed Khazbiev insisted that he and his brothers had had no

role in organizing the demonstration. He maintained that he tried to dissuade the police from using force against the protesters, and left the scene before the rally was over. Shortly after he and his brothers returned to their house, police arrived in several vehicles and forced their way into the courtyard. Amnesty International has seen video footage captured on CCTV cameras installed at the house which shows at least 17 men in camouflage uniform, of whom only one is identifiable by his uniform as a police officer and not obscuring his face. According to Magomed Khazbiev, he and one of his brothers were each placed inside the boot of a police's car, with the other brother put in the back of the police's UAZ jeep with one of the officers sitting on top of him during the journey. The footage shows someone being carried out of the gates by two uniformed men and thrown into the boot of a black saloon car parked in the street.<sup>87</sup>

Magomed Khazbiev was taken to Nazran City Police Station's compound. He claims that before he was taken inside the building his t-shirt was pulled up and over his head and he was severely beaten. He spent the night in an office inside the building. A judge was brought into the station the following day for a hearing on the spot, and sentenced the three brothers to administrative arrest. The Khazbievs' lawyer was able to attend, and the Ombudsman for Human Rights also visited the brothers on that day. One of the visitors reportedly took photos of Magomed Khazbiev inside Nazran City Police Station. These are available online and show bruises and abrasions on his head and face.<sup>88</sup> Amnesty International has also seen a notice issued by an ambulance team which visited him on 25 March diagnosing brain concussion and multiple bruises on his head and in the groin area.

Amnesty International delegates discussed this incident with a senior member of the Ministry of the Interior of Ingushetia who explained Magomed Khazbiev's injuries by his resistance to police who had to use legitimate force to restrain him. According to the same source, Magomed Khazbiev was released early due to the poor state of his health. The UN Basic Principles on the Use of Force and Firearms recognize that in certain limited circumstances police may need to use force which may, although it is not clear on the facts, apply to this case. However, the nature and extent of Magomed Khazbiev's injuries and the particulars of his arrest (both of which are unusually well documented), suggest the use of disproportionate force for the purpose of arrest and restraint. They also do not explain or justify in any way the transfer of detainees inside car boots – a practice which is often reported in Ingushetia (e.g., see the details of Mustafa Mutsolgov's case, above).

## **SAFEGUARDS AGAINST TORTURE IN THE RUSSIAN CRIMINAL JUSTICE SYSTEM**

Russia's criminal justice system has undergone significant reform since the Soviet period and now offers, on paper at least, many of the procedural and practical safeguards against torture required under international human rights law and recommended by international human rights mechanisms. These include restrictions on who can be detained by which authorities in which locations and for what length of time. Provisions regarding access to lawyers, medical examinations and contact with relatives are broadly in line with prevailing international standards. Evidence extracted under torture is inadmissible in court, as are statements made by detainees without the presence of lawyer. However, these formal safeguards and procedural requirements are regularly flouted in Ingushetia as they are across the North Caucasus.

### **I. Legal requirements relating to the detention of criminal suspects**

The Russian Criminal Procedural Code stipulates that persons suspected of involvement in a serious crime may be detained for up to 48 hours. Within three hours of his/her arrest an official protocol of detention must be drawn up stating the time of, and the reasons for, their detention.<sup>89</sup> At this moment, detainees must have their rights explained to them.<sup>90</sup> Within

12 hours of their detention, the Prosecutor's Office and the detainee's family must be informed.<sup>91</sup> Detainees must be questioned within 24 hours<sup>92</sup> by the official conducting the investigation (either an investigating officer from the detaining law enforcement agency (*doznavatel*), or an investigator from the Investigative Committee (*sledovatel*)).

Detainees are entitled to the presence of a lawyer during questioning, as well as to a confidential two hour meeting with their lawyer prior to the first official interrogation.<sup>93</sup> A defendant's written statement will not be admissible evidence unless it was signed in the presence of a defence lawyer (even if the suspect refused a lawyer) unless the statement is confirmed again by the defendant in court.<sup>94</sup>

Detainees must be released within 48 hours, or brought before a judge, who can authorise a further period of police custody of up to 72 hours (*zaderzhanie*) or placed in detention (*zaklyuchenie pod strazhu*)<sup>95</sup> following which they must be transferred to a pre-trial detention facility (SIZO)<sup>96</sup> administered by the Federal Service for the Execution of Punishments, which is part of the Ministry of Justice.

The overall pre-trial period of detention of persons under criminal investigation cannot exceed two months, although court may extend this period to 6 months, or 12 months in cases of serious crime, and up to 18 months in exceptional circumstances (Article 109).

An individual can also be summoned officially by the police, FSB or an investigator from the Investigative Committee and requested to provide testimony as a witness. Summoned witnesses are entitled to insist on the presence of a lawyer during questioning.

It is a legal requirement that all detainees be physically examined at the time of admission into an official place of custody, following which all his/her pre-existing injuries should be registered.<sup>97</sup> Detainees should also be examined by medical professionals "without delay" (*bezotlagatelno*) if their health deteriorates or they receive injuries, and they can request a copy of the examination's conclusions.<sup>98</sup>

A further safeguard is the rule that agencies which lead in combating and investigating armed violence and illegal armed groups in Ingushetia, in particular the FSB, the Centre for Combating Extremism of the Ministry of the Interior, and the Investigative Committee, have neither their own detention facilities nor the right to detain people in their custody; thus, in theory at least, the investigating authority is separated from the detaining authority.

## ii. Monitoring mechanisms

The Federal Law 'On Public Control Regarding Respect for Human Rights in Places of Custody and on Assistance to Persons in Custody'<sup>99</sup> (introduced on 10 June 2008), introduced a new monitoring mechanism, that of public monitoring commissions. The Public Monitoring Commission created under this law in Ingushetia included, at the time of writing, independent experts from a number of human rights organizations and the local Russian Red Cross Society, including some of the Ingushetian political leadership's staunchest critics.<sup>100</sup>

The law requires the Commission to inform the relevant authorities of planned visits to places of detention but its members require no special permissions for such visits.<sup>101</sup> The meetings

with inmates always take place in the presence of members of relevant custodial administration.<sup>102</sup> As far as Amnesty International is aware, the Commission's monitoring role has not been obstructed by the Ingushetian authorities, and visits and meetings with persons in custody have been possible and unimpeded, with the exception, on two occasions known to Amnesty International, of the police station in Malgobek.<sup>103</sup> Thus, on 28 September 2011 two of the Commission's members were denied entry and a chance to see detainees at the temporary detention facility there even though the Ministry of the Interior had been duly informed of the visit. A visit and opportunity to meet with an inmate was similarly denied on another occasion, in June 2010 (see the case of Beslan Tsechoev, below). In both cases, use of torture and beating was strongly suspected to be the reason for these denials.

The Human Rights Ombudsman of Ingushetia and members of his office are also mandated to visit places of custody and meet with detainees, and regularly do so, including on short notice to the relevant custodial administrations. Similarly, they have also been denied entry by police, on at least one occasion (the same incident in June 2010 in Malgobek).

The Public Monitoring Commission has an essentially advisory role and makes recommendations to the relevant authorities. On the whole, it appears that the general measures regarding conditions of detention that it has suggested have been taken into account.<sup>104</sup> Neither the Public Monitoring Commission, nor the Ombudsman has any special powers of investigation. Both these mechanisms must rely on the Prosecutor's Office and the Investigative Committee to follow up on the allegations of torture and ill-treatment they may come across in the course of their visits or through reports. Reportedly, complaints of ill-treatment by the inmates visited in IVS (*izoliator vremennogo sodержaniya* – temporary detention facility, which is operated by police) and SIZO in Ingushetia are rare. This is because most alleged torture takes place outside official places of detention or during transit.

#### **THE FLOUTING AND CIRCUMVENTION OF SAFEGUARDS AGAINST TORTURE AND ILL-TREATMENT**

The above safeguards and monitoring mechanisms, while undoubtedly having some positive effect, are nonetheless insufficient to prevent the use of torture and ill-treatment by members of law enforcement agencies in the context of combating armed groups and armed violence in Ingushetia. Nor have these changes addressed the issue of widespread impunity for such crimes among, and the lack of public accountability by, the law enforcement officials who commit them.

##### **i. Secret detention**

The most comprehensive and effective way in which law enforcement officials circumvent the safeguards set out above is through the practice of secret detention. Secret detention consists of the holding of an individual in a place that is not officially recognized as a place of detention, without disclosing the location, or even the fact, of their detention. Secret detention is a violation of international human rights law, exposes victims to the risk of torture and constitutes a human rights violation in its own right. Secret detention for any significant period of time would also constitute an enforced disappearance.

From the point of view of law enforcement agencies, the attractions of secret detention are obvious. Individuals can be held, and information extracted through any means, without witnesses, without time-constraints, without lawyers to advise suspects or challenge

procedural violations, without doctors to document signs of torture or ill-treatment. Secret detentions also allow captors to hide their own and their agency's identity, thereby reducing the prospect of a successful investigation into any reported abuses.

Clearly, information obtained in the course of a secret detention cannot be used in court, but this does not undermine its usefulness. Secret detentions can be used to pressurise suspects into making incriminating statements in official custody, in the presence of a lawyer, at a later date. Secret detentions also enable law enforcement officials to extract information for the purposes of intelligence gathering – not least by those, such as the FSB and the Centre for Combating Terrorism of the Ministry of the Interior, which do not have detention facilities of their own.

There are a number of trends and features common to reported cases of secret detention in Ingushetia. In several reported cases, individuals were abducted – in the street or in their own home – by unknown armed uniformed men, often wearing balaclavas, believed to be members of law enforcement agencies, but who do not explain who they are, where they are taking the detainee and on what grounds. Following this, the situation may evolve in a number of ways. The abducted individual may be found dead. Usually in such cases the official investigation into their death fails to identify the perpetrators (as in the case of Ilez Gorchkhanov, above), or the individual is reported killed in a shoot-out with security forces (as in the cases of Ilez Daurbekov and Aliskhan Kuzikov, and Magomed Gorchkhanov and Aslan-Giri Korigov, above).

The family may have to deal with a situation when the person goes missing forever. Such cases have been examined above under the heading 'Enforced Disappearances'. A third variant is for the individual to be transferred at a later date to an official place of detention. From this point, their whereabouts are disclosed and access to lawyers and relatives is usually granted (as in the case of Zelimkhan Chitigov, below). Yet one other scenario is when the abducted individual is held in a secret location and then released, sometimes on the same day but often several days later. In such cases, the abductors often take their prisoner to a desolate location and tell them they are free to go – without charge or any official recognition that they have ever been in the hands of law enforcement officials.

Victims of such temporary secret detentions and enforced disappearances invariably maintain that they were subjected to torture and other inhuman and degrading treatment during their captivity. They have complained that they were handcuffed and had black plastic bags placed over their heads and taped at eye level to prevent them from seeing where they were being taken. Some victims have testified that they were transferred to the place of their secret captivity inside a car boot. According to several accounts, the plastic bag remains over the detainee's head for most or a significant part of their captivity. Accordingly, they were unable to tell where they were being tortured and by whom. Some stated that they had the plastic bag temporarily removed for a short respite (usually in another room) between the rounds of questioning and torture or other ill-treatment.

In a number of reported cases, the detainee was allegedly told by his captors prior to release to "forget what had happened" or to "keep quiet" about it, and sometimes to "explain" their absence by having been on holidays or business in another Russian region. This may explain why several of Amnesty International's requests to speak to victims of short-term secret

detention were declined. Nonetheless, several such cases have been well documented by human rights organizations working in Ingushetia, and some include compelling photographic evidence of torture and beating-related injuries and accounts consistent with other similar cases in details described above.<sup>105</sup> The case below is one such case.

## **ZURAB ALBOGACHIEV**

One of the cases of enforced disappearance and dumping of the abducted person in a remote location following a period of secret detention, reported in the media is that of the 26-year-old taxi driver from Nazran, Zurab Albogachiev. According to the reports, at around 10pm on 20 July 2011 he was sitting with a friend inside his car parked near a taxi station in Nazran when two Lada cars without number plates stopped nearby. Several armed men wearing camouflage uniform got out and demanded to see Zurab Albogachiev's papers but before he could produce them one of the men reportedly hit him with a rifle butt and others began kicking him. His companion was told to keep quiet and held at gunpoint. They then pushed Zurab Albogachiev into one of their cars and drove away, while also driving away his car. Zurab Albogachiev's companion was left at the site. Next day, Zurab Albogachiev's home was searched by law enforcement officials. Meanwhile, his relatives approached the Security Council, the Office of the Prosecutor of Nazran, local police and the Investigative Committee, but the agencies they approached denied any knowledge of Zurab Albogachiev's whereabouts and claimed he was not in their custody.<sup>106</sup>

On 24 July, the Head of Ingushetia held a meeting with members of law enforcement agencies and demanded that Zurab Albogachiev be found. On 27 July, he was reportedly discovered at a roadside some distance from Sernovodskaya, in neighbouring Chechen Republic.<sup>107</sup> He is reported as stating that he could not identify his captors, but they spoke Russian. Allegedly, during his captivity he was beaten, electrocuted and otherwise tortured in an attempt to force him to confess to being a member of an illegal armed group. On the day of his release his captors took him to a spot which they said was Ingushetia and told him he was free to go. Shortly after his release, Zurab Albogachiev was seen by the Secretary of the Security Council of Ingushetia, and questioned by an investigator about what had happened. In Ingushetia, a criminal investigation into his abduction has been opened, but no further details are available at the time of writing as to who was behind Zurab Albogachiev's enforced disappearance.

All cases of enforced disappearance and torture must be promptly, effectively and impartially investigated, and those responsible brought to justice, while in many cases, because of the risk of reprisals from the perpetrators the victim should be placed under an effective witness protection scheme. However, as with other human rights violations allegedly committed by members of law enforcement agencies in Ingushetia, cases of secret detention are often difficult to prove for the victim, and insistence on official investigation involves clear risks for the victims themselves and their families.

## **“ARE YOU FROM HELL?”: ZELIMKHAN CHITIGOV**

Zelimkhan Chitigov, an ethnic Chechen aged 20 at the time, went to stay with his mother in Karabulak in February 2010, together with his pregnant wife and two young children. On 26 April 2010, armed men came to his home looking for Zelimkhan while he was at work. He voluntarily reported to the police but was told that they had not been looking for him. The following day, at 7.30 am, some 30-40 armed men reportedly forced their way into their home and took Zelimkhan away without explanation. Forced into an unmarked car, a

plastic bag was allegedly put over his head and his hands were taped behind his back. On his way to an unknown location, he was reportedly beaten. When Zelimkhan arrived, he was beaten again, this time by seven or eight men. No explanation was given and the bag was not removed from his head and his hands were left taped behind his back. Zelimkhan maintains that his interrogators shouted several names at him, asking if he knew them. He did not and he told them so, and refused to admit to any terrorism-related activities as his captors demanded. Zelimkhan's account of the torture methods used includes beating, electrocution, pulling out of toe-nails, twisting of skin with pliers, and suspension on metal bars. Two other captives were allegedly brought in during his interrogation, one at a time, to 'confirm' that he was "the one who pressed the button." Both were reportedly bleeding and in great pain, and 'confirmed' the allegations (one of them, Aslan Pliev, later retracted his testimony against Zelimkhan Chitigov, claiming it was given under torture). Between the beatings and at night, Zelimkhan was left in small room. From there, on the first day, he managed to text his mother from his mobile which was still in his pocket. He pleaded for help but could not explain where he was. Meanwhile, the family had already reported his abduction to the authorities, but no-one could tell them where Zelimkhan was and who had taken him.

His text message later helped to establish the time and location of his captivity, which reportedly was the Centre for Combating Extremism of the Ministry of the Interior (which has no officially recognized detention facilities), in Nazran. After three days of what he described as almost incessant torture he still refused to 'confess' to any crimes. According to Zelimkhan, his captors were surprised that he had neither 'cracked', nor died during this time, and their remarks suggested that others had in the same place before him. Allegedly, some of them were discussing whether he should be killed then, or allowed to grow a beard before he could be killed and presented as the 'amir of Karabulak' (local armed group's leader). However, they changed their mind and handed him over to "the Russians" (some federal military officials stationed in Ingushetia) who also discussed whether they had to kill him but decided against it (according to Zelimkhan's recollections, they said that they no longer wanted to "clean up after the Ingush"). According to Zelimkhan's testimony, the 'Russians' continued to beat him, but "not so hard, just punching with their hands and feet". One soldier agreed to give Zelimkhan water – his first drink in all this time after three days of captivity. He lifted the black bag off Zelimkhan's head and was so astonished by the disfigured face that he reportedly exclaimed "Are you from hell?!"

The 'Russians' handed Zelimkhan Chitigov back to his initial captors who then took him to the police station in Karabulak, which is when he was finally placed in official custody, and a protocol was drawn up according to which he was arrested on 30 April in Karabulak. There, he was interrogated by two investigators who allegedly wanted him to confess to planting a bomb and also to sign a statement that he was voluntarily refusing a lawyer, but he refused. Zelimkhan Chitigov's account also gives details of how law enforcement officials attempted to intimidate the lawyer who was assigned to him and the medics who checked him.<sup>108</sup>

On 1 May Zelimkhan was brought in front of a judge to authorise his continued detention. Reportedly, he could no longer walk and was brought into the courtroom in a wheelchair, but still collapsed, and an ambulance had to be called to take him to hospital. He remained in hospital under guard until 1 July, and was then released under travel restrictions. A Russian human rights NGO organized his transfer and medical treatment outside of Ingushetia. At that point, he reportedly could neither walk nor talk, was half-deaf and suffering from frequent panic attacks. Doctors diagnosed him, amongst other things, with serious head, spinal and internal organ injuries which in their assessment were probably the result of a combination of beatings and electrocution during which an electrode was placed in his mouth.

While Zelimkhan Chitigov was receiving treatment outside of Ingushetia, his mother appealed to republican and Federal authorities to identify and punish those responsible for his secret detention and torture.

Meanwhile, on 10 August 2010, the staff of the Karabulak Town Police Station (GOVD) staged a street protest and refused to obey what they described as the commander's "unlawful orders to use violence".<sup>109</sup> The stand-off resulted in the commander's sacking and his deputy being suspended from his duties, and both being charged with a number of criminal offences. This development drew additional publicity to Zelimkhan Chitigov's allegations, particularly when he identified the deputy as one of the many law enforcement officials involved in his secret detention, an allegation that was added to the indictment. This case has received particular attention from the Head of Ingushetia, Yumus-Bek Yevkurov.<sup>110</sup> It is very likely that the interest he personally took in the case in the course of the investigation has led to the prosecution of the former Commander and his Deputy.

At the time of writing, the outcome of Zelimkhan Chitigov's case is still uncertain. Only one official – the former Deputy Head of Karabulak GOVD – is being prosecuted for the crimes relating to his secret detention, while other perpetrators have still not been identified. Indeed, the torture allegations made by Zelimkhan Chitigov are only one of around a dozen charges being brought against the former Commander and Deputy Commander of Karabulak GOVD for abusing their authority. An investigator looking into Zelimkhan Chitigov's case attempted to visit the Centre for Combating Extremism but reportedly was denied entry and threatened. In the meantime, members of Zelimkhan Chitigov's family have reportedly been receiving threats from persons apparently associated with those who had been involved in his torture. In December 2011, Zelimkhan's mother asked the court to place her under a witness protection scheme. Earlier, a criminal case had been opened in connection her complaints that one of the co-defendants was threatening her and intimidating her daughters. However, the judge declined her request on the grounds that documents confirming the opening of a criminal investigation into her complaints were not submitted with the application.<sup>111</sup>

During Amnesty International's mission to Ingushetia in May-June 2011, several officials, representing prosecution, investigation and police, brought up Zelimkhan Chitigov's case as an example of effective investigation and tough action taken in response to a credible allegation of torture. However, to the best of Amnesty International's knowledge, at the time of writing this remains the one and only such case in Ingushetia. The same officials denied the incidence of any other instances of torture and ill-treatment in the republic, including in relation to some of the allegations raised in this report (for instance, the cases of Beslan Tsechoev, Magomed Khazbiev, or the incident involving the co-defenders in 'The Case of the Eleven' [see 'Alleged beating of 11 detainees in transit', below]).

The case of Zelimkhan Chitigov exposes not one but several human rights violations and how they are interlinked, including alleged enforced disappearances, secret detention and torture. Zelimkhan Chitigov's account offers an insight into some of the motives of the perpetrators of these crimes. At the same time, it raises a number of important questions. The case demonstrates that currently in Ingushetia, any kind of accountability requires a unique combination of events, which in this case included the police officers' protests against their commanders in Karabulak, the active involvement of human rights defenders, the publicity the case received in the media, the political will demonstrated by the Head of Ingushetia, and, crucially, the victim's courage in giving a public account of his ordeal while still in Russia (Zelimkhan Chitigov has since left the country). In all other cases documented in this

report, in contravention of Russia's international obligations, there is not the same political pressure. Instead, investigations, if they are instituted at all, are partial, untimely and ineffective.

## ii. Incommunicado detention and the denial of access to lawyers and medical care

A detainee is held incommunicado when they are denied any communication with relatives, legal representatives or independent doctors. Those subjected to enforced disappearance or secret detention are also held incommunicado, but this section focuses on detainees held incommunicado when their detention is known or disclosed. Incommunicado detention is a violation of both Russian and international human rights law.<sup>112</sup>

Incommunicado detention in officially recognized places of detention is relatively rare in Ingushetia; it is more regularly reported in respect of Ingushetian residents detained outside of the republic. A period of incommunicado detention can be used to apply pressure on suspects, without their being able to complain to anyone of any ill-treatment or subsequently present a medical record of it, thereby greatly increasing the risks of torture and other ill-treatment.

As noted above, detainees should be given a physical check on their arrival at place of detention – and at any time subsequently should their state of health require it. In a number of reported cases, two of which are presented below, this right has been denied, or medics have allegedly been pressured into ignoring signs of torture or ill-treatment. The medical staff who conduct such checks in temporary detention facilities (IVS) and SIZOs are employed by their respective administrations and are therefore not beyond influence. The detainee, or their lawyer, can request independent medical examination, which has to be granted by either the head of the penitentiary institution or the investigator (and their refusal can be appealed via the Prosecutor's Office or in the courts).<sup>113</sup>

Moreover, there have also been reports of intimidation and pressure applied by law enforcement officials against civilian medical personnel (such as ambulance and hospital staff) to prevent them from documenting torture and ill-treatment, or making the results of their analysis available to victims and their defenders. Amnesty International has heard at least one such allegation, and further past alleged cases can be found in reports by other human rights organizations.<sup>114</sup>

## BESLAN TSECHOEV

The home of the Tsechoev family in the village of Sagopshi was reportedly raided by several dozen uniformed men, some of them masked, on 8 June 2010. As it transpired later, the raid related to the investigation of the bombing of a shop in Sagopshi on 4 June 2010, in which one police officer died and several people were injured. Without identifying themselves or showing a search warrant, law enforcement officials searched the house and claimed to have found elements of an improvised explosive device, though the family protested that it was planted by the search team. Brothers Beslan and Adam Tsechoev were taken to the police station in Malgobek. Concerned for the brothers' safety, their relatives organized a vigil at the station's gates. According to the family, at 8.35pm on that day, an ambulance arrived at the police station, then again on 11 June, and on at least one other occasion. A copy of the medical report issued by the first ambulance crew was obtained by the family's lawyer. It stated that Beslan Tsechoev had severe head and back injuries. However, no

subsequent reports were available, allegedly because of police pressure on the medics.

Members of the Public Monitoring Commission and representatives of the Human Rights Ombudsman were alerted to the allegations of the brothers' torture, and attempted to visit them on 10 June but were denied access by the police, as was the family's lawyer. The brothers remained incommunicado until 14 June, when the Human Rights Ombudsman became their first external visitor apart from the ambulance crews. The Ombudsman documented evidence of their alleged beating and other ill-treatment, and took photographs of Beslan Tsechoev's injuries. The Tsechoevs' lawyer, who was later also allowed to visit the brothers, requested that the authorities transfer Beslan to a hospital for a full medical examination and treatment, but was refused.

The Ombudsman filed a complaint with the Prosecutor of Ingushetia who, however, declined the request to open criminal investigation into the allegation of torture. The Tsechoev brothers' relatives reportedly also complained to the local Prosecutor but he refused to register their complaint and suggested they take it to the police instead. This meant taking complaint to the same police station where the two brothers had allegedly been tortured.

Adam Tsechoev was released on 17 June 2010, but Beslan Tsechoev remained in custody until December 2010 when he too, was released without charge. According to the lawyer, he did not receive adequate treatment for his injuries. In May-June 2011, Amnesty International raised this case with prosecution, investigation and police officials in Ingushetia. Its delegates were told that Beslan and Adam Tsechoev had resisted their arrest and had to be restrained, which was how the injuries documented by the Ombudsman had been inflicted.

When torture and other ill-treatment can take place in official custody and subsequently be concealed, detainees can readily be intimidated and forced to sign a written statement (or sometimes a blank piece of paper) and later 'confirm' it in the presence of a defence lawyer under the threat of repeated bouts of torture. Amnesty International has received a number of such allegations from Ingush inmates held in SIZOs outside of Ingushetia, as well as allegations of inmates being forced to refuse a defence lawyer of their choice (usually an Ingush lawyer hired by their family) and accept instead an assigned lawyer (*advokat po naznacheniyu*). Such a lawyer may be less scrupulous and willing to overlook unlawful means of pressurizing the defendant, and fail to request their medical examination or to document their client's complaint about ill-treatment. During 2010-2011, reports of obstructed access to defence lawyer of choice were reported several times from North Ossetia. The case of Issa Khashagulgov is just one such case.

## ISSA KHASHAGULGOV

Issa Khashagulgov, a resident of the Ingushetian town of Karabulak, was detained on 25 September 2010 as a suspect in connection with a suicide bombing in Vladikavkaz in neighbouring North Ossetia on 9 September 2010 which left 19 persons dead and over 160 wounded.<sup>115</sup> For two days, the family had no news of his whereabouts and reported him to the Ingushetian authorities as forcibly disappeared. On 27 September, they were informed that Issa Khashagulgov was being held at Lefortovo pre-trial detention centre (SIZO) in Moscow.<sup>116</sup> On 12 October 2010, FSB Director Aleksandr Bortnikov announced that Issa Khashagulgov had been identified as the organizer of the bomb attack<sup>117</sup> – an accusation which Issa Khashagulgov has consistently denied, according to his lawyers. On 28 October 2010, Khashagulgov was charged with organizing an illegal armed group and possession of weapons (though not with organizing the bombing).

Numerous procedural violations have been reported, including the denial of access to lawyers and medical care. In early April 2011, Khashagulgov's lawyers in Moscow were told that he had been transferred to Vladikavkaz, but later informed that he was still in Moscow. However, when one of his lawyers tried to see him in Lefortovo he was reportedly denied a meeting. Khashagulgov's family approached Ingushetian authorities for information on his whereabouts but reportedly received no definitive answer. Journalists contacted the SIZO in Vladikavkaz but were told he was not there.<sup>118</sup> Issa Khashagulgov's brother, Sultan-Ghirei, threatened to organize street protests if the authorities continued to conceal Issa's whereabouts. Shortly after, on 10 April, Sultan-Ghirei Khashagulgov was badly injured in a bomb attack specifically targeting him near his home in Nazran – an incident which many in Ingushetia saw as linked to his attempts to challenge the authorities.

Only on 14 April 2011, did one of Issa Khashagulgov's lawyers established that he was in Vladikavkaz.<sup>119</sup> During both of these brief disappearances, the family feared that Issa Khashagulgov was being subjected to torture or ill-treatment to force him to confess to the crimes. Specific allegations of ill-treatment have since been made. Issa Khashagulgov's wife told Amnesty International that on the night of 19 January 2012 he was taken out of his cell to an unknown location and beaten and threatened with further violence in an attempt to force him to make self-incriminating statements at a forthcoming cross-examination with another co-defendant in the case (she received this the information from one of the lawyers who saw Issa Khashagulgov subsequently).<sup>120</sup> Issa Khashagulgov requested a medical examination to document his injuries but his request was ignored. Reportedly, his state of health significantly worsened, but his wife was not allowed to pass him some medicines he required. She also tried to complain to the Prosecutor's Office and the Public Monitoring Commission in North Ossetia, but to no effect. Reportedly, on 6, 7 and 8 February 2012, Issa Khashagulgov's lawyers were repeatedly refused meetings with him while he was transferred from the SIZO to the Ministry of the Interior's temporary detention facility (IVS) during the day. The transfer on all these days was said to have taken place without the lawyers being notified, and the IVS was a place and to which the lawyers had no access without the investigator's permission. These recurring incidents violated Issa Khashagulgov's right to have access to a lawyer, and have been regarded by the family and his lawyers as form of pressure intended to induce a confession.

### iii. The failure to exclude evidence obtained under torture from criminal trials

Defendants being prosecuted for their alleged involvement in armed groups regularly allege in court that torture has been used to extract confessions and incriminating statements. International law prohibits the admissibility of evidence that has been obtained by torture or other ill-treatment,<sup>121</sup> and so does the Russian law. As noted above, defendants have the right to request that the judge declare evidence unlawfully obtained by the investigation inadmissible<sup>122</sup> (*nedopustimoe dokozatelstvo*), and this clearly covers testimony extracted under torture. In the event that such an application is made, the burden of proof then shifts to the Prosecution to show that the evidence was secured lawfully.<sup>123</sup> The judge may request further evidence in support of the allegation, including by requesting relevant information or testimony from officials or experts. The judge can also adjourn the hearing until he/she receives the requested materials or witness statements, or questions them in court.

If the court finds a particular piece of evidence inadmissible, the judge can issue a special order (*chastnoe opredelenie*) that the violations of the prohibition on torture be examined by the relevant agencies for them to decide on the need for a criminal investigation.<sup>124</sup> However, the judge cannot, in the course of the trial, conduct a further judicial inquiry into another suspected crime, such as torture,<sup>125</sup> nor can the judge compel the opening of a criminal investigation by the Investigative Committee. In practice, however, all this is moot, as judges

very rarely if ever declare evidence inadmissible on the grounds that it has been extracted under torture. Amnesty International is not aware of a single case from Ingushetia in which a judge has issued an order requesting that allegations of torture raised in court be investigated.

It is, unquestionably, the case that judges in Ingushetia are under considerable pressure to deliver convictions in trials of alleged members of armed groups.<sup>126</sup> There have been a number of cases in recent years that have resulted in acquittals, but these have been in cases in which the inadequacy of the charges has been too manifest to ignore. Convictions are, however, reportedly routinely secured almost entirely on the basis of self-incriminating or incriminating testimony of the suspects themselves, which there are often strong grounds to believe was extracted under torture.

One Ingushetian judge spoken to by Amnesty International maintained that allegations of torture may often be employed as a defence tactic.<sup>127</sup> Quite possibly, this is the view held by many judges. Even allowing that this might indeed be a common tactic by defendants, too often judges in cases in which the use of torture is alleged are unquestioning of the integrity of evidence presented by the prosecution. They are as a result failing to protect the rights of defendants and, more broadly, undermining public confidence in the integrity of the courts and the convictions they deliver.

Given the gravity and recurring nature of this human rights violation, whenever there is an allegation that a statement was elicited as a result of torture, other ill-treatment or duress, a separate hearing should always be held before such evidence is admitted in the trial. If within such a hearing it is determined that the statement was not made voluntarily, then it must be excluded from evidence in all proceedings except proceedings brought against those accused of coercing the statement.

## **“THE CASE OF THE TWELVE”**

On 2 February 2011, the Stavropol Regional Court passed guilty verdicts in the so-called “Case of the Twelve.”<sup>128</sup> Most of the co-defendants were arrested in 2005 and 2006, and after years spent in pre-trial detention were convicted in connection with the attack on the Republic of Ingushetia on the night of 21-22 June 2004 (see above), and sentenced to between 20 years and life in prison. Three co-defendants received shorter sentences.

Defence lawyers repeatedly complained about the use of torture and the court’s failure to consider their applications to have relevant evidence declared inadmissible. The allegations of torture were not investigated, and their applications in court dismissed, in spite of strong medical and other evidence presented. Thus, the authorities’ refusal to open criminal proceedings in connection with the allegations of torture by one of the defendants, Magomed Kozdoev, were challenged in court, unsuccessfully, and an application has now been submitted by his lawyer to the European Court of Human Rights.<sup>129</sup> The lawyer of another co-defendant, Murat Esmurziev, pointed out that the charges against his client were based entirely on testimonies of other co-defendants which were mutually contradictory and therefore unreliable. The lawyer also pointed out that a month after his arrest in September 2005, Murat Esmurziev was forced to sign a request to replace the lawyer hired for him by his family with a state-appointed lawyer whom the investigator trusted to turn a blind eye to the use of torture. The same day the first lawyer was replaced, Murat Esmurziev was

interrogated and immediately taken to hospital for surgical treatment for serious internal injuries. In November 2005 Esmurziev's family hired a new lawyer for him, who requested investigation into the allegations of his torture, but the request was declined. The family also wrote to the Prosecutor General's Office, from where the complaint was passed down to the local prosecutors, who in turn refused to open criminal investigation into these allegations. Subsequently Murat Esmurziev complained in court of the use of torture, to no effect. In February 2011 he was found guilty of several serious criminal charges and sentenced to 25 years in prison. Other co-defendants have also complained of torture, to the same effect.

"The Case of the Twelve" has received extensive media coverage due to its political significance. These were the only convictions resulting from the most devastating single attack Ingushetia sustained from armed groups. Appeals were launched, but on 23 September 2011 the Supreme Court of the Russian Federation upheld the above court's decision.

#### **iv. The failure to effectively investigate and prosecute allegations of torture**

Under international law, Russia is under a duty to investigate allegations of torture.<sup>130</sup> There are examples of successful prosecutions of cases of torture in the Russian Federation. These are typically protracted affairs, requiring the intensive involvement of human rights NGOs, challenging reluctant investigators and prosecutors and providing legal support to victims. Such cases are easily outnumbered by reports of credible allegations that have not been impartially and effectively investigated.

When cases do reach the courts, defendants are more often prosecuted for abuse of official power under Article 286 of the Criminal Code, than they are for torture under Article 117 or even deliberate infliction of grievous or moderate bodily harm under Articles 111 and 112 respectively. While Article 286 provides for a maximum sentence of 10 years in prison, suspended sentences are common.<sup>131</sup>

As regards Ingushetia, Amnesty International is not aware of a single case to date which has resulted in the conviction of a perpetrator. The case of Zelimkhan Chitigov, described above, may become the first such case, but the circumstances surrounding it are exceptional and the torture allegations are only one of a series of charges and little effort appears to have been made to identify more than one of the torturers allegedly involved. There have been only a handful of successful prosecutions for torture or ill-treatment across the North Caucasus.

Victims of torture and other ill-treatment by members of law enforcement agencies in Ingushetia face multiple obstacles in their attempts to obtain justice. Torture is, often, difficult to prove, as there are typically no independent witnesses. Even when injuries are accurately documented, which is not always the case in Ingushetia, abusive officials will often plead that they were exercising lawful force to restrain a violent detainee.

Even allowing for these difficulties, however, it is difficult to avoid the conclusion that prosecutors and investigators are reluctant to investigate and prosecute law enforcement officials for alleged acts of torture. Certainly, there are cases, such as the case of Zelimkhan Chitigov, above, and 'The Case of the Eleven' documented below [see 'Alleged beating of 11 detainees in transit'], in which little effort has been made to pursue available lines of inquiry.

Indeed, one of the difficulties alleged victims of torture face, is in getting a criminal investigation opened in the first place. As for other complaints of crimes, allegations of torture or ill-treatment made to the Prosecutor's Office or to a law enforcement agency are subject to an initial 'checking'<sup>132</sup> (*proverka*). This procedure, which must precede the opening of a formal investigation by the Investigative Committee (the agency that investigates serious crime), results, as a rule, in the conclusion that there is not sufficient evidence of torture to merit further investigation. Such checks, if carried out at all, would appear to consist of no more than a superficial request for the views of the law enforcement agency allegedly involved. The case is not transferred to the Investigative Committee and no formal, substantive investigation is opened. Individuals can also complain directly to the Investigative Committee, which more often than not declines to open a formal investigation, citing a lack of evidence or the absence of the elements of a crime. The difficulty that complainants often face is that the amount of evidence required in practice to persuade prosecutors to open a case, or investigators to open an investigation can typically only be secured following a diligent investigation. The refusal of the Investigative Committee to open an investigation can be challenged in court. Courts can, and sometimes do, compel investigations to be opened; but the result remains the same; investigations are conducted which conclude either that the allegations are unsubstantiated, or that those responsible could not be identified – and the case is closed again.

The fundamental stumbling block is that prosecutors and investigators, particularly the local ones, lack the necessary independence to carry out the thorough and impartial investigations into torture allegations that are required under international human rights law. They are themselves part of the criminal justice machinery at the local level, and as such must work on a daily basis with police and other law enforcement officials, sharing, for the most part, the same aims. Prosecutors and investigators in Ingushetia are clearly not much minded to carry out effective investigations into allegations of human rights abuses that might prejudice the conviction of suspected members of armed groups – whose crimes they also have to investigate and resolve, in cooperation with other parts of the criminal justice system.

## **ALLEGED BEATING OF 11 DETAINEES IN TRANSIT**

On 31 May 2011, 11 defendants, all of them men from Malgobek aged between 18 and 28 and all co-defendants (their case is commonly known as "The Case of the Eleven"),<sup>133</sup> were brought from a pre-trial detention centre in Piatigorsk (Starvopol Region) to the Ingushetian Ministry of the Interior temporary detention facility in Nazran. Their presence in Nazran was required for a pre-trial hearing. During the hearing on 1 June, they were seen in court by their relatives, and then taken back to Piatigorsk. On the same day, a group of close relatives of some of these men filed complaints with the Human Right Ombudsman and human rights NGOs alleging that the detainees had been severely beaten upon arrival at the temporary detention facility. On 2 June, the relatives filed complaints with the Prosecutor, Security Council and the Head of Ingushetia.

Amnesty International delegates have also met with some of these relatives who reiterated the allegations and also complained about repeated torture and other ill-treatment in relation to the co-defendants in the course the investigation to secure 'confessions' and testimonies implicating one another in crimes relating to armed groups' activities in Malgobek. Several interviewees also expressed concern that their relatives in detention may face reprisals just for the fact of their families' complaining, and asked Amnesty International not to single out any one detainee in particular.

On 1 June 2011 the detainees were visited by members of the Public Monitoring Commission, with one of whom Amnesty International also spoke that day, and by representatives of the Office of the Human Rights Ombudsman. According to the detainees interviewed by the visitors, upon arrival at the Ministry of the Interior compound they were ordered one by one out of the police vehicle in which they were transported and into the courtyard where they were allegedly assaulted by unidentifiable masked uniformed men without insignia. The handcuffed detainees were reportedly ordered to kneel, and were beaten with batons and metal rods, with blows aimed at their feet. Reportedly, the police officials who transported them and members of staff of the detention facility did not interfere until the beating stopped. Then the detainees were registered as new arrivals, with their injuries documented in the logbook, and taken to their cells. Several required medical treatment, which was provided by the nurse who registered their injuries, and five of them had to be taken to a hospital in Nazran for further treatment. The visitors from the Public Monitoring Commission and Ombudsman's Office who saw them on the 1 July witnessed their injuries, including bruises and cuts, as well as records of these injuries in the logbook.<sup>134</sup>

The Human Rights Ombudsman has written to the Prosecutor of Ingushetia asking to examine these allegations and requested written explanations from the Ministry of the Interior regarding this incident and the need to use force. A criminal case was opened under Article 286 of the Criminal Code (abuse of official authority) in July 2011, and later suspended due to the failure to establish the identity of the perpetrators. The Ministry of the Interior informed the Human Rights Ombudsman of its internal inquiry which established that the use of force had been legitimate because the detainees had disobeyed instructions.<sup>135</sup>

There would appear to be some tension between the one claim that the perpetrators could not be identified and the other that the use of force was proportionate. It is also difficult to credit the claim that the masked assailants were unidentifiable – as though police in Malgobek were somehow in the habit of allowing masked intruders the freedom of their secure compound.

## 3. IMPUNITY

The very high level of impunity for serious human rights violations in the North Caucasus has long been a concern; numerous European Court of Human Rights judgements, many relating to violations now over a decade in the past, testify to this fact.<sup>136</sup> The failure of prosecutorial and investigative agencies to make any progress in all the cases documented in this report, bar one, suggests that there has not been any improvement in the last few years. This failure would appear to be attributable both to the lack of the necessary will to conduct effective investigations and a number of objective difficulties in gathering sufficient evidence. These latter difficulties, while genuine, often appear to be used as a smokescreen by investigators and prosecutors, who might nonetheless have been able to make some progress had they diligently pursued all available leads and been more probing in their questioning of the law enforcement agencies potentially implicated in the alleged serious human rights violations.

As in other jurisdictions, the primary responsibility for supervising the rule of law and ensuring redress for human rights violations lies with the Prosecutor's Office. Its specific functions include monitoring how laws are implemented and human rights observed by state agencies and officials, including those involved in operative and search activities and the administrations of penitentiary institutions, criminal prosecution, and the coordination of law enforcement agencies in the area of combating crime.<sup>137</sup> The Prosecutor's Office must examine all reports of human rights violations, including complaints from individuals, and "take measures towards preventing and stopping violations of rights and liberties of a person and citizen, bringing to justice the persons who have violated the law, and compensating the damage caused".<sup>138</sup>

Until 2011, the Prosecutor's Office was responsible both for investigating suspected crimes, including serious human rights violations by law enforcement officials, and prosecuting these in the courts. In January 2011, the agency responsible for investigating serious crime, the Investigative Committee, became fully independent (from 2007 when it was first established, it operated as part of the Prosecutor's Office). The splitting of the investigative and prosecutorial functions does not, to date, appear to have resulted in any great improvement in the effectiveness criminal investigations into serious human rights violations in the North Caucasus.

The Prosecutor's Office is obliged to react to both complaints (*zayavlenie*) of crimes made to it directly and other reports or indications of the commission of a crime it may become aware of.<sup>139</sup> Prosecutors are obliged to inform complainants of the outcome of their complaints, giving the reasons for their decisions. Where the Prosecutor's Office believes there are sufficient grounds to suspect that a crime has taken place, it will request that a criminal case be opened by the Investigative Committee.<sup>140</sup>

The Prosecutor's Office cannot directly compel the Investigative Committee to open a criminal case, or prevent it from closing or suspending one, though it can overrule the decision by an investigator not to open a case, which is then reviewed by a more senior member of the Investigative Committee, whose decision is final.<sup>141</sup> Individuals can also take their complaints to the Investigative Committee and the police directly. The complaint should

be officially registered, and the applicant informed in due course of the outcome. Ultimately all credible complaints of serious crimes should make their way to the Investigative Committee for further detailed investigation.

Grounds for the suspension or closure of a criminal case by the investigator include the absence of the elements of a crime (for instance, where it is maintained that the use of force by law enforcement officials was legitimate), the inability to identify suspects, the expiry of the statute of limitations, or the death of the suspect.<sup>142</sup>

Once the investigation is completed, the case is reviewed by the Prosecutor's Office which must either approve the investigator's request that the suspect(s) be indicted, or return the case to the investigation with instructions to carry out additional investigations, amend the criminal charges, or rectify violations that may have occurred in the course of the investigation.<sup>143</sup> The Prosecutor's Office may also disagree with the Investigative Committee's conclusions – and request that a closed investigation be reopened.

As with other Federal agencies, the Prosecutor's Office and the Investigative Committee are also structured along both federal and regional lines. In principle, cases will initially fall within the jurisdiction of local prosecutors and investigators, but they can also be transferred to, or taken on by, Federal level officials, though the criteria for this are sometimes unclear.

A further feature of the Russian criminal justice system that is of particular relevance to the North Caucasus is the division of both the Prosecutor's Office and the Investigative Committee into civilian and military structures. While the former are, in both institutions, mandated to address crimes committed by civilians, including state officials and regular law enforcement agents, only the latter are authorised to investigate and prosecute suspected offences by military personnel, which includes members of the FSB.

In practice, most victims of human rights violations or their relatives lodge complaints with as many authorities as possible – including the police, the Investigative Committee, the Prosecutor's Office (at all levels), as well as the Ingushetian political leadership and, often, the President of the Russian Federation.

As the cases included in this report consistently demonstrate, what typically happens next is that the complaint is passed around the system without anyone appearing to take responsibility for insisting on, or conducting, an effective investigation.

Federal level authorities consistently absolve themselves of responsibility by passing complaints downwards to regional prosecutors and investigators, and these send them on in turn to local ones. Prosecutors and investigators often pass complaints between their respective civilian and military branches, as the cases of alleged enforced disappearance of Israil Torshkoev, and of Ilez Daurbekov and Aliskhan Kuzikov demonstrate. These would appear at best, to ask formal questions of the law enforcement agencies within their respective competences and receive formal denials of involvement in reply. After much shuffling of responsibility, victims finally receive replies from the relevant agency, typically at the local level, informing them that investigations are being suspended or closed or not opened at all. This process, sometimes referred to by bewildered and frustrated complainants as 'ping-ponging', typically takes several months, occasionally even years, in the course of

which leads go cold and the prospect of an effective investigation, always difficult, recedes yet further.

The common patterns for the types of human rights violation documented in this report are as follows: victims of torture are typically informed that, after preliminary checks, the decision has been taken not to open a criminal investigation on the grounds that there is no evidence of the commission of a crime; relatives of persons forcibly disappeared are told that their cases have been suspended, owing to the inability to establish the identity of the perpetrator(s); and relatives of individuals suspected of being extrajudicially executed are informed that the investigation opened in connection with the incident in question has been closed on the grounds that the suspect (by which they mean the alleged victim) is dead.

The actions or inaction of any competent state authorities, including the Investigative Committee and Prosecutor's Office, can be challenged in court. This is, in theory, an important legal safeguard. However, in the experience of many victims who explored this avenue, this remedy has proven just as ineffective as the preceding investigation. In several of the cases documented in this report, victims or their relatives have sought to challenge the decisions of prosecutors and investigators in the courts. Courts do, on occasion, uphold applications to reopen closed or suspended cases. More often, however, the court will agree with the investigation or prosecution's position and accept their decision not to pursue the case further. This decision, in turn, can be appealed in a higher-level court. This is a time-consuming and stressful process for victims. The end result, even in cases in which investigators are ordered to reopen a case, is often no different. Many therefore give up and do not take their cases to court unless it is their specific intention to take the case to the European Court of Human Rights.<sup>144</sup>

## **IBRAGIM GAZDIEV**

Ibragim Gazdiev was reportedly forcibly seized in Karabulak on 8 August 2007 in front of some neighbours, driven away by armed camouflaged men and has not been seen since. The authorities denied that they were holding him or were involved in his abduction. On 10 August 2007, his father Mukhmed Gazdiev had a meeting with the then President of Ingushetia and co-incidentally his former student, Murat Ziazikov, who promised to help find Ibragim. According to Mukhmed Gazdiev, he inferred from Murat Ziazikov's words that his son was being held by law enforcement officials but would be released after questioning. However, the fate and subsequent whereabouts of Ibragim Gazdiev have never been established.

A criminal investigation into his disappearance was opened, then suspended, reopened and then suspended again on the grounds that it was not possible to establish the perpetrators. Mukhmed Gazdiev has repeatedly challenged the decision to suspend the case in court, and has insisted that Murat Ziazikov be summoned to give testimony about his knowledge of the circumstances of his son's disappearance. Investigation officials have claimed, including in meetings with Amnesty International, that all possible leads into Ibragim Gazdiev's disappearance have been exhausted with one exception. The investigation has failed to interview Murat Ziazikov in spite of its attempts to do so, due to his status as an Advisor to the President of the Russian Federation which gave him immunity from subpoena. In November 2010, a hearing was held at Magas District Court at which Mukhmed Gazdiev tried yet again to challenge the authorities' decision to suspend the criminal investigation into his son's disappearance, which Amnesty International delegates were able to attend. At the hearing, a representative of the Investigative Committee stated that all leads and possible investigative activities had been exhausted. He also claimed that there was no need to question the former Ingushetian

President Murat Ziazikov because the investigation already had sufficient witness statements from several senior Ingushetian officials. A representative of the Prosecutor's Office read out a short statement which concurred with the investigation's position. The judge declined Mukhmed Gazdiev's request to reopen the case. On 11 January 2011, the Supreme Court of the Republic of Ingushetia upheld this decision.

## **OBSTACLES TO THE EFFECTIVE INVESTIGATION OF SERIOUS HUMAN RIGHTS VIOLATIONS**

### **THE SECRECY OF SECURITY OF OPERATIONS AND THE ANONYMITY OF LAW ENFORCEMENT AGENTS CONDUCTING THEM**

One of the most significant obstacles that investigators face is the secrecy surrounding security operations and the concealment of the identity of the agencies and agents involved in carrying them out. Almost all of the potential serious human rights violations documented in this report were carried out by unidentifiable armed men who there are strong grounds to believe were law enforcement officials of one kind or another. It is, undeniably, the case that law enforcement officials routinely conceal their own and their units' identity, drive in unmarked vehicles, and detain individuals and conduct searches of private households without identifying themselves or giving any explanation. The fact that the alleged perpetrators are, to victims and potential witnesses at least, unidentifiable makes it easier for the law enforcement agencies to deny their involvement when questioned by investigators, and for the latter to accept their denials at face value, in the manner described above.

The European Code of Police Ethics (a document adopted by the Committee of Ministers of the Council of Europe and hence relevant to Russia), states that "[p]olice personnel shall, during intervention, normally be in a position to give evidence of their police status and professional identity".<sup>145</sup> The comment to this recommendation emphasizes that this requirement is closely linked to the need to ensure accountability for the actions or omissions of law enforcement officials as, without the possibility of identifying the individual police officer "personal accountability, seen from the perspective of the public, becomes an empty notion." The comment goes on to note that "the identification of a member of the police does not necessarily imply that his/her name be revealed", and stresses the need to balance considerations of the public interest and the safety of police personnel.<sup>146</sup>

There may, as the Code of Police Ethics recognises, on occasion be a legitimate reason for special protective measures in the context of violence in the North Caucasus, where members of law enforcement officials combating illegal armed groups often put their lives at risk in the course of their professional activities. This might even extend to the concealment of an officer's individual identity in certain clearly limited circumstances. However, the total lack of any form of identification, such as an individual number badge, or identification of the unit the officer belongs to is extremely difficult to justify. As is the routine use of this measure, which has in practice become the pass-card to impunity.

Such protective measures should be reserved only for a limited scope of exceptional circumstances and be balanced with strong and effective accountability mechanisms which ensure full respect for human rights and the law by the officers who resort to them. Thus even if it should, in exceptional circumstances, prove necessary for the purposes of a specific operation, to conceal the identity of particular law enforcement officials, a system needs to be in place enabling them to be identified *post facto* by investigators in the event of complaints of violations being made. Such a system does not appear to be in place in

Ingushetia, or indeed, anywhere else in the North Caucasus, where prosecutors, who are responsible for supervising the legality of law enforcement operations - and the Investigative Committee, which is responsible for investigating reported abuses - routinely deny any knowledge of the operations conducted, and appear unable to establish who may have conducted them by reference to any record of activities kept by the agencies potentially responsible – at least not one to which they appear to be granted access.

The secrecy of security operations has a partial basis in Russian law. Law enforcement agencies are vested with significant powers and shielded from public scrutiny via a combination of laws and secondary legislation<sup>147</sup> such as those which regulate operative and search activities and counter-terrorist operations. According to the Law ‘On Operative and Search Activities’, such activities include covert operations undertaken by the relevant units of the FSB, Ministry of the Interior, military intelligence service and several other agencies for the purpose of, *inter alia*, detection and prevention of crime and its perpetrators, and intelligence-gathering regarding actual and potential security threats. Article 12 specifically classifies as a state secret information relating to the forces, means, methods, as well as organization and tactics of operative and search activities. Article 5 of the Law ‘On State Secrets’ extends this to “information relating to ... countering terrorism”. Agencies involved in operative and search activities are authorised to use false documents concealing officers’ individual identity and the identity of the agencies and units they belong to, as well as, amongst other things, of the vehicles they use.<sup>148</sup>

Other laws regulating the structure, functions and operation of specific law enforcement agencies provide their members with further authority and powers. Thus, for example, the Law ‘On the Federal Security Service’ provides that its members are protected by the state while on duty and precludes the possibility of them being stopped or searched, including the search of their vehicles (Article 17).

However, the same laws governing counter-terrorist, security and intelligence-gathering activities have only brief and quite vaguely worded clauses regarding the accountability and control mechanisms over the agencies involved in them. Thus, for example, Article 20 of the Law ‘On operative and search activities’ states that

*[t]he control over operative and search activities is exercised by the President of the Russian Federation, Federal Assembly of the Russian Federation, Government of the Russian Federation within the powers delineated by the Constitution of the Russian Federation, Federal constitutional laws and Federal laws.*

The Federal Law ‘On the Federal Security Service’ in turn repeats this clause almost verbatim (Article 23) except that it also mentions judicial authorities (*sudebnye organy*) after the Government, and adds that members of the Russian parliament can receive information on the FSB’s activities “within procedures defined by the legislation of the Russian Federation”.

Both these laws also have more detailed articles concerning supervision of the relevant activities/agencies by the Prosecutor’s Office (*prokurorsky nadzor*). Its mechanisms and parameters are further developed in some subsidiary regulatory documents, such as for instance the Decree of the Office of the Prosecutor General No. 20-27/10 of 18 April 2002.<sup>149</sup> This document envisages that specifically authorized prosecutors can conduct

checks on the legality of actions by members of the FSB and “take measures for the purpose of elimination of the discovered violations of law” and initiate proceedings against specific FSB officials (Point 4). However, the same Decree and the above-mentioned Federal laws emphasize the limitations placed on the Prosecutor’s Office’s authority in the context of such checks. Thus, the Decree stipulates that “information on the organization, tactics, methods and means employed in counterintelligence and intelligence activities by agencies of the Federal Security Service shall remain outside the remit of checks” by the Prosecutor’s Office (Point 2).<sup>150</sup>

An effective investigation of cases in which such powerful and secretive agencies are implicated, inevitably needs to address a number of hurdles, the most immediate of which is establishing whether and which law enforcement agencies appear to have been involved. Members of such agencies routinely use - and abuse - their powers to conceal their and their vehicles’ identity and the agency they belong to. If law enforcement agencies choose to deny their involvement in a particular security operation, or any knowledge of it, there is often little investigators can do to probe this<sup>151</sup>, unless there is strong additional evidence pointing to their involvement. The often mutually satisfactory outcome is that the case can be closed on account of it being perpetrated “by unknown persons”.

#### **THE LACK OF INDEPENDENT WITNESSES WILLING TO TESTIFY**

Many of the serious human rights violations documented in this report are, by their nature, difficult to investigate. In many cases, there will be no witnesses other than the victim and the alleged, typically unidentifiable, perpetrators. In cases of enforced disappearances and extrajudicial executions the alleged victim is often either missing or dead, or likely to have been blindfolded for the duration of their captivity. Investigators may well, therefore, have little evidence with which to challenge the denial of any involvement in the incident by law enforcement agencies. This is not the case, however, for many of the cases documented in this report; indeed the primary reason for their inclusion is often that there were witnesses to at least part of the chain of the violations alleged, whose testimony, together with other features of the case, strongly suggests the involvement of law enforcement officials.

One of the challenges in such cases, however, is that witnesses very often fear that they would be exposing themselves to severe personal risks if they were to testify before investigators or in court. Amnesty International has repeatedly been made aware of eyewitnesses’ reluctance to be identified for fear of reprisals in connection with alleged enforced disappearances (for instance, the cases of Ilez Daurbekov and Aliskhan Kuzikov, or of Ilez Gorchkhanov), extrajudicial executions (e.g., the case of Mustafa Mutsolgov and Vakha Sapraliev) and other incidents in which security agents are believed to be involved.

Witnesses who have come forward often complain of intimidation by law enforcement officials – or are suspected of having been intimidated when they subsequently withdraw their statements. For example, in the case of Zelimkhan Chitigov, above, the victim’s mother has complained of receiving threats. An unknown woman reportedly told her that she would regret if she dared to testify in court against one of the defendants and that she should “think about her [other] children”. In spite of this, and other earlier threats, Zelimkhan Chitigov’s mother came to the hearing as a witness. However, according to a representative of the human rights NGO Civic Assistance who attended the hearing in early October 2011, of the 13 persons recognized as victims in the same case against the two former police officials,

only Zelimkhan Chitigov was represented at that hearing. Several withdrew their complaints altogether.<sup>152</sup> Later in the trial, other prosecution witnesses were reported to have contradicted earlier statements, quite possibly out of fear.<sup>153</sup>

People very rarely complain publicly about threats from law enforcement officials. This problem was highlighted by the Head of Ingushetia, Yunus-Bek Yevkurov, in a media interview in September 2011. In reply to the journalist's question as to why there had been no prosecutions of members of law enforcement agencies for such human rights violations as enforced disappearances and torture, Yevkurov referred to people's reluctance to file official complaints because, as they explained to him, they feared being forcibly disappeared themselves.<sup>154</sup> He added, however, that they also did not want to "stir up trouble" in the knowledge that their forcibly disappeared relatives had been involved with armed groups. This last explanation may be true in some cases. However, the fear among victims and their relatives of direct reprisals from security officials came across as genuine and justified in many of the interviews Amnesty International conducted; the beating of Magomed Mutsolgov by unidentified law enforcement officials in December 2011 may well have been intended to dissuade his family from persisting in their attempts to obtain justice in relation to the alleged extra-judicial execution of Mustafa Mutsolgov (see above). Besides, the fear of reprisals extends equally to witnesses with no family links to the alleged disappeared armed groups' members.

The case of Magomed Gorchkhanov and Aslan-Giri Korigov (above) provides a vivid illustration of the perceived risks. The family of Magomed Gorchkhanov received a video clip featuring the abduction of the two young men by law enforcement officials from an anonymous bystander who witnessed the incident and was not an official him/herself (the footage was captured on a mobile phone from a discreet location some distance away, which Amnesty International delegates were able to retrace). A memory chip containing the clip was placed in an envelope and left anonymously at Magomed Gorchkhanov's family's doorstep.

Russian law does provide for the possibility of witness protection. This can range from the presence of an armed police official to relocation to a confidential place of residence and the issuing of a new identity.<sup>155</sup> However, Amnesty International delegates were told by a representative of the Investigative Committee in Ingushetia that these "measures of state protection" (*mery gosudarstvennoy zaschity*) though repeatedly provided to law enforcement officials, had never, to his knowledge, been requested by witnesses in Ingushetia even though witnesses were informed that these could be provided.<sup>156</sup> Amnesty International is aware that the mother of Zelimkhan Chitigov has requested witness protection, which has been denied by a judge - though this request was made after Amnesty International's meeting with the Investigative Committee. However, irrespective of whether members of public are informed of this opportunity or not, many are reluctant to place much trust in schemes involving the provision of protection by law enforcement agencies believed to be behind the incidents under investigation, or working closely with them, particularly when the chances of a successful prosecution are so low.

#### **THE LACK OF INDEPENDENCE OF INVESTIGATORS AND PROSECUTORS**

The cases documented in this report, as well as other cases from the North Caucasus documented by Amnesty International and other human rights NGOs over the last decade clearly indicate that investigations into violations allegedly committed by law enforcement

officials involved in security and counter-terrorist operations and their prosecution are almost always ineffective. Some of the reasons for this are explained above. They include objective difficulties in cutting through the multiple levels of secrecy, establishing the identity of the units and individual security officials involved and acquiring testimonies from witnesses. However, investigators should be able to overcome these difficulties – at least in some, if not in all, such cases. It is extremely difficult to avoid the conclusion that prosecutors and investigators overwhelmingly lack the will to carry out effective, impartial investigations and prosecute suspected perpetrators of serious human rights violations.

Though both formally independent institutions, the Investigative Committee and the Prosecutor's Office work closely with law enforcement agencies in combating crime, not least in relation of the activities of illegal armed groups. Impartiality in respect of allegations made against such colleagues is problematic. Given that independent information is sparse, eyewitnesses are as a rule unwilling to step forward, security operations are opaque, and the identity of the units and officials involved in a security operation is intended to be untraceable, investigators will almost always be able to find sufficient excuses to refuse to open, suspend or close the case, and prosecutors not to challenge this decision. Indeed, this is what is observed in nearly all reported cases of alleged human rights violations by members of law enforcement agencies in Ingushetia.

Victims' allegations of what happened and assumptions about who might have been involved can be dismissed as precisely that - allegations and assumptions, not 'facts'. This will invariably be the investigation's easiest, and safest, option. This way, its 'findings' will not bring it into conflict with other government agencies, some of which, in virtue of the powers and protection they enjoy, are in practice significantly more powerful than either the Investigative Committee or the Prosecutor's Office. Good relations with necessary partners will not be prejudiced and bad publicity avoided. The personal relationships forged between professional colleagues – inevitable in such a small republic – will not suffer.

The case of Rashid Ozdoev is illustrative of both the extent of the corporate loyalty of the constituent parts of the criminal justice system in the North Caucasus and the dangers that individual representatives face if they dare to break it.

## **RASHID OZDOEV**

Rashid Ozdoev, aged 27 at the time, was a Deputy Prosecutor of the Republic of Ingushetia with responsibility for overseeing the activities of law enforcement agencies. According to his father Boris Ozdoev, Rashid was appalled by some of the violations allegedly committed by security officers, including enforced disappearances and unlawful killings, which he discovered through his work. He compiled a dossier on the FSB which he presented to the Ingushetian and Federal authorities, including the Prosecutor General of the Russian Federation. Rashid Ozdoev had apparently been cautioned by various people against his dangerous initiative, but dismissed all warnings insisting that it was his professional duty to address such violations. In early March 2004 he was in Moscow and, using the opportunity, took his complaint and the dossier to the Federal FSB headquarters and a member of the federal Parliament. Rashid Ozdoev was last seen by his colleagues on 11 March 2004 in the Ingush capital Magas from where he set off in his car to his home in Malgobek. Rashid's family never saw him again.

According to eyewitnesses later tracked down by Boris Ozdoev, a retired senior Ingushetian judge, Rashid's car was intercepted by three cars during his journey home later that evening, on a road leading to Malgobek near a petrol station in Verkhnye Achaluki. A criminal case was opened on 15 March under Article 126 of the Russian Criminal Code ("Abduction of a person"), but no effective investigation followed during the crucial first days. Reportedly, Rashid Ozdoev's car was sighted inside the FSB compound in Magas, but after his father's request that an official investigator inspect the compound the car disappeared the following day before the inspection took place. The investigator also failed to examine the official entry-exit logbook at the compound. Following Boris Ozdoev's repeated requests that this be done, he received a letter from the head of the FSB in Ingushetia several months later which stated that all the records for 11 March 2004 had been destroyed, without any explanation for this given.

Boris Ozdoev conducted his own investigation which led him to a local member of the FSB who admitted to him in front of local elders that he had participated in the abduction of Rashid Ozdoev as part of an FSB unit. A tape with his statement was given to the Office of the Prosecutor General of the Russian Federation and to local investigation officials. However, the FSB officer whose testimony it contained retracted his confession during official questioning. According to Boris Ozdoev, a copy of the tape was sent by the investigation to a centre located outside of Ingushetia to establish its authenticity. Months later, he was informed that the copy had been misplaced and could not be found. Boris Ozdoev promptly sent another copy, but was later told that it got "demagnetized" and the recording it had contained could not be reproduced.

In the mean time, a photocopy of a letter believed to be genuine and apparently officially registered as incoming correspondence on 12 April 2004, was published by the independent Russian newspaper *Novaya Gazeta* on 27 May 2004. It was addressed to the Prosecutor General of the Russian Federation and signed by Igor N. Onishchenko. The author claimed that he was an FSB officer and had earlier served in Ingushetia where he had taken part in crimes following his superior's orders, including the torture of 50 people and the killing of 35.<sup>157</sup> Igor Onishchenko mentioned that his latest victim of abduction and torture had been "a local prosecutor" who had had a dossier on the Head of the FSB in Ingushetia. The author explained his confessions by an overpowering sense of guilt. Later, a Deputy Prosecutor General publicly dismissed these allegations stating that, according to the FSB, no such officer existed.

In a letter received by Amnesty International in May 2004, the Office of the Prosecutor of Ingushetia stated that several versions of events were under investigation, including one which linked the alleged enforced disappearance of Rashid Ozdoev to his professional activities. Information received by Amnesty International from the Prosecutor General's Office dated 1 March 2005, stated that the investigation was continuing into the "circumstances of the disappearance" of Rashid Ozdoev. All these years later, the case remains officially unresolved.

Some of the obstacles to securing impartial investigations could, in theory, be reduced by providing for an automatic transfer of cases to Federal level investigators and prosecutors, who do not work on a daily basis with the law enforcement agents based in the North Caucasian republics. Sometimes, this does indeed happen, if a case attracts particular attention, or the need for a positive result is felt somewhere in the system.<sup>158</sup> For the most part, however, as the documented cases reveal, this does not happen. When questioned by Amnesty International delegates at a meeting in June 2011, representatives of the Federal Investigative Committee in Moscow did not refer to the existence of any formal, automatic criteria for such transfers, beyond, simply, the importance of the case. It is difficult to imagine more important cases, however, than those documented in this report – from the

point of view of the victim, for the reputation of the Russian criminal justice system, and the long-term stability of the region. All cases of alleged serious human rights abuses – themselves grave crimes – should, as a rule, be transferred to Federal level investigators and prosecutors. The fact that they so rarely are, is in itself indicative of the lack of determination at the higher levels of the Investigative Committee and the Prosecutor's Office to end impunity for serious human rights abuses in the North Caucasus. Without this determination, however, the current system will continue to fail.

## **OFFICIAL ACKNOWLEDGEMENT OF THE IMPUNITY FOR SERIOUS HUMAN RIGHTS VIOLATIONS**

This report has sought to show how the Russian criminal justice has been tuned to accept the denials or confirm the version of events presented by alleged perpetrators of serious human rights violations from among law enforcement agencies in Ingushetia. Law enforcement officials can, as a result, break the law safe in the knowledge that their violations will go undetected and unpunished. Denial in Ingushetia, as across the North Caucasus as a whole, would appear to be nine tenths of the law.

Every now and then, however, senior officials have acknowledged the failures of this system, sometimes very bluntly. Amongst the most critical comments made in recent years were statements made by Ivan Sydoruk, a Deputy Prosecutor General with responsibility for the oversight of law enforcement agencies in the North Caucasus, when speaking in front of a Council of the Federation's Committee for Legal and Judiciary Issues on 25 September 2010. He was reported as speaking of an "extremely complicated" situation in the North Caucasus resulting in a four-fold increase in crime rate in the region. He blamed the police and the military for negligence, corruption and cases of cowardice and betrayal. Reportedly, he tried to reinterpret and partly retract some of his statements the following day.<sup>159</sup>

Broader problems with the investigation of crimes in the North Caucasus were also reportedly raised by the Prosecutor General Yury Chaika in the course of an inter-agency meeting of heads of law enforcement agencies held in Yessentuki in February 2010. He was reported as denouncing the endemic corruption affecting law enforcement agencies, numerous violations in the course of investigations and the concealment of unresolved crimes (he mentioned 260 such cases in Ingushetia which, according to him had been unlawfully archived because the relevant allegations were dismissed as unconfirmed), though it is unclear whether these also included alleged human rights violations.<sup>160</sup>

Particularly frank admissions of the failure to investigate cases of enforced disappearance, unlawful detention and torture were made in the letters written by the Head of the Investigation Directorate for the Chechen Republic (then, still part of the Prosecutor's Office), Viktor A. Ledenev, to the Chechen Minister of the Interior, dated 17 August 2010, and by the Deputy Prosecutor of the Chechen Republic, Nikolay A. Khabarov, to the Chair of the NGO Inter-Regional Committee Against Torture, dated 11 March 2011.<sup>161</sup> The first letter sharply criticises the refusal by officials operating under the Chechen Ministry of the Interior to cooperate with an official investigation, their failure to respond to official requests by members of the Investigative Committee and responses which failed to provide the requested information. The second letter complains of the "continued problem of abductions and lack of [their] effective investigation", violations by members of the Investigative Committee and

ineffective investigation of abductions, and even denounces “incidents of cover-up of [such] crimes ... directly by investigators themselves.”<sup>162</sup>

While this correspondence relates specifically to the Chechen Republic, many of the problems revealed in it, such as the ineffective investigation of crimes allegedly committed by members of law enforcement agencies and their successful refusal to cooperate with the investigation would appear, from the cases documented in this report, to apply equally to Ingushetia as well.

At a meeting with Amnesty International delegates in Moscow, members of the Investigative Committee recognized the failure to investigate reports of enforced disappearances in the North Caucasus in particular as a problem. However, they refused to accept that the failure was the result of inadequate investigations. Rather, they stressed such ‘objective’ problems as the circumstances surrounding the conflict in Chechnya several years ago, when many allegations were reported and when an effective investigation was allegedly not possible for security reasons, on account of the irretrievable loss of crucial evidence, and the lack of trust on the part of the local population (only the last of these factors applies in Ingushetia).<sup>163</sup> They confirmed however that the responsibility of law enforcement officials for enforced disappearances was possible and was always considered along with other possible explanations.<sup>164</sup>

Faced with a question regarding specific examples of successful investigation and prosecution of cases involving law enforcement officials as perpetrators in Ingushetia, the Investigative Committee officials cited one such case, that of Magomed Yevloev. A prominent civil society activist and the owner of an independent website known for its strong criticism of the then Ingushetia’s leadership, Magomed Yevloev was detained by police at Magas airport on 31 August 2008, put inside a car and driven away. Later on that day, he was admitted to hospital with a gunshot wound to his head and died without regaining consciousness.<sup>165</sup> On 11 December 2009, an Ingushetian policeman Ibraghim Yevloev (no relation) was found guilty of his accidental killing and sentenced to two years imprisonment (later reduced to two years in an open prison [*ogranichenie svobody*] on appeal).<sup>166</sup> No other examples were offered. Amnesty International is only aware of one other case, that of Zelimkhan Chitigov (see above), where at least one of the alleged perpetrators of torture from among law enforcement officials is likely to be prosecuted.

These piecemeal admissions do not amount to any kind of meaningful acknowledgement by the highest levels of the Investigative Committee and Prosecutor General’s Office – and ultimately of the political leadership of the Russian Federation itself – that the ongoing impunity for serious human rights violations in Ingushetia and the wider North Caucasus is unacceptable and must urgently stop.

However, the issue of lack of effective investigations into torture and other human rights violations by members of police and other law enforcement officials and of impunity for the respective crimes across the Russia Federation in general, was acknowledged at the Federal level in spring 2012. On 18 April, the Press Service of the Investigative Committee announced the decision by the Committee’s Chair Aleksandr Bastrykin to create a new structure within the Investigative Committee at the Federal level and the levels of all Federal Districts (including the North Caucasus Federal District) as well as in Moscow and St.

Petersburg. Its declared objective is to investigate crimes committed by members of law enforcement agencies in a manner independent of potential interference by these members and agencies at the local level. In particular, unlike investigation of other crimes, local police will not be providing operational support (*operativnoe soprovozhdenie*) for the investigations conducted by members of this department, so as to avoid potential bias and conflict of interest. It is expected that the operational support will be provided by the FSB instead.<sup>167</sup> The decision was announced as a direct response to a joint call issued by a group of Russian human rights NGOs working on torture.<sup>168</sup> Little further detail is available at the time of writing, and further questions remain (such as what will be the procedure for submitting cases to its attention, or how this newly created department's independence of the FSB will be ensured for the purpose of investigation of crimes allegedly committed by members of the FSB). A welcome indication of the Russian Federal authorities' recognition of the problem of torture and the outcome of a dialogue with the Russian human rights community, the effectiveness of this initiative can only be judged after it has demonstrated its potential in practice.

### **THE EUROPEAN COURT OF HUMAN RIGHTS: THE LAST HOPE OF JUSTICE?**

Given the systematic failure of the Russian criminal justice system to deliver justice to victims of human rights violations committed by members of law enforcement agencies in Ingushetia and across the North Caucasus as a whole – many are looking to the European Court of Human Rights (ECtHR) as the last and only legal institution capable of providing them with some kind of remedy. However, the road to Strasbourg is long and complicated, and only a trickle of cases from Ingushetia has to date reached the ECtHR. As of 22 February 2012, the ECtHR had delivered rulings in 10 cases,<sup>169</sup> all in favour of the applicants, fully or partly. The details of these cases provide a compelling record of enforced disappearances, the use of torture by law enforcement officials, deaths in custody including extrajudicial executions and the failure to investigate. Beyond Ingushetia, as of 22 February 2012, the ECtHR had delivered judgements in 184 cases from the North Caucasus – all but one of which found in favour of the applicants.

The Russian authorities have consistently paid applicants the compensation awarded by the ECtHR. However, the Russian Federation has systematically failed both to demonstrate progress regarding investigation of such cases in general,<sup>170</sup> and to implement individual measures mandated by the Court.<sup>171</sup>

The Russian authorities' persistent failure to undertake effective investigations in cases on which the ECtHR expressly ruled that it should, has now been exposed in one of the Court's own decisions relating to two cases from Chechnya. On 24 February 2005 the ECtHR found in favour of the applicant in the case of *Isayeva v. Russia*.<sup>172</sup> The case concerned the bombing of the village of Katyr-Yurt in Chechnya by the Russian armed forces in February 2000, during which Zara Isayeva's 23-year-old son and three underage nieces were killed. The Court unanimously held that there had been a violation of the right to life. It also found that the Russian authorities had failed to provide the applicant with an effective domestic remedy and to conduct an effective investigation into the circumstances of the bombardment. On 2 December 2010, the Court passed a decision on case of *Abuyeva and Others v. Russia* (the judgement became final on 11 April 2011) which related to the same bombing of Katyr-Yurt in February 2000. The judgement confirmed the Court's findings in the Isayeva judgement, and reiterated the Russian authorities' failure to conduct an effective

investigation into the incident and to provide an effective domestic remedy to the applicants. It also noted that between the two judgements a new investigation had been conducted into the operation at Katyr-Yurt but that “all the major flaws of the investigation indicated in 2005 persisted throughout the second set of proceedings.”<sup>173</sup> The Court also concluded that “the respondent Government manifestly disregarded the specific findings of a binding judgement concerning the ineffectiveness of the investigation”.<sup>174</sup> The Court went as far as suggesting that compliance procedures, as envisaged by Article 46 of the European Convention on Human Rights and necessitating involvement of the Committee of Ministers – may be required.<sup>175</sup>

In light of the cases of human rights violations reviewed in this report, and in light of the ECtHR’s decisions on cases from Ingushetia, it is clear that systematic failure to investigate such cases is no less relevant there as it is in Chechnya. As the Court concluded in a recent case from Ingushetia, *Velkhiyev and Others v. Russia*, the failure to identify specific individuals responsible for a crime – cited by the Russian authorities as the reason for suspending criminal investigation – “may only be attributed to the reluctance of the prosecuting authorities to pursue the investigation.”<sup>176</sup>

## CONCLUSION

Attacks carried out by armed groups against state officials and civilians are a genuine threat to Ingushetia's security, as they are to other republics in the Russian Federation's North Caucasus region. It is the state's legitimate objective and legal duty to prevent, counter and investigate such attacks, and bring their perpetrators to justice. However, the state's response to this threat must not infringe human rights.

The military-style actions and low-scale security operations which have been central to the Russian authorities' response to these security challenges, including covert activities targeting the armed groups and their suspected members and supporters, have been fraught with numerous alleged human rights violations, including enforced disappearances, extrajudicial executions and torture. Law enforcement officials have on numerous occasions overstepped the law and disregarded fundamental human rights, including the right to life and the prohibition of torture and unlawful detention, and done so with near-total impunity.

Investigations into human rights violations amounting to serious crimes have been consistently ineffective in Ingushetia in all cases where the involvement of law enforcement officials was suspected, which is consistent with the trend observed in the wider North Caucasus. In response to victims' complaints, the authorities typically refuse to acknowledge that there are serious grounds to suspect involvement of agents of the state, or even the commission of a crime at all, however compelling the evidence. Where criminal cases are opened in response to allegations of human rights violations, the ensuing investigation is invariably slow and ineffective, and results in the closure or suspension of the case. The relevant perpetrators are virtually never identified, let alone brought to justice. They are protected by the system which accepts uncritically denials of human rights violations by law enforcement officials, the secrecy which surrounds security operations, and the power to conceal identity of the units involved and individual participants in such operations.

Official investigators may face genuine difficulties in resolving human rights violations in which members of powerful law enforcement agencies are involved. However, investigators often display little interest in establishing the truth. The number of alleged enforced disappearances in Ingushetia is growing each year and, according to some estimates, exceeds 200. Yet not one of these cases has ever been resolved, even those where at least some of the facts could have been easily established by an official investigation – such as the identity of the agency responsible for detaining an individual who from that moment went missing, as in the case of Israil Torshkoev, for example.

The victims of human rights violations committed by law enforcement officials in Ingushetia – those among the victims who have the courage and determination to seek legal remedies in spite of the pressure and intimidation to which they expose themselves by doing so – find themselves trapped in a circle of injustice. No two stories collected by Amnesty International during its research missions to Ingushetia are similar. But the denial of justice is common to all of them.

The respect for the rule of law is weak throughout Russia, and virtually absent when it comes to combating security threats in the North Caucasus. This situation is neither sustainable, nor compatible with Russia's human rights obligations. A commitment to eradicating abuses, punishing their perpetrators and providing victims with redress needs to be made now and at the highest levels of the Russian Federation.

## RECOMMENDATIONS

### To the Russian government

#### **Acknowledging human rights violations, committing to the non-repetition and providing redress**

- Acknowledge, publicly and at the highest level, that human rights violations, including crimes under international law, among them enforced disappearances, secret detention, extrajudicial executions and torture or other ill-treatment have been committed by members of law enforcement agencies in the course of security operations in Ingushetia and the wider North Caucasus.
- Express a clear and firm commitment to eradicating such violations and bringing those responsible for them to justice.
- Develop a practical, detailed and comprehensive “zero tolerance” policy aimed at to bringing an end to such violations, incorporating the recommendations below, and communicate it publicly.
- Offer public apology to the victims of these violations and their families, and provide them with adequate and effective reparation, including but not limited to compensation for the suffering incurred, rehabilitation and the truth about the facts of each case.

#### **Effective investigation**

- Further to decision on the creation of a new department within the Investigative Committee for the investigation of crimes committed by members of law enforcement agencies, (i) ensure that it is instituted promptly, and is adequately resourced and staffed with independent, experienced and competent investigators who are vested with all the powers, resources and authority necessary to investigate human rights violations allegedly committed by members of any law enforcement and military agencies, including members of the agencies providing operative support to investigators, and (ii) introduce the necessary legislative changes as required.
- Ensure prompt, thorough and impartial investigation of all alleged cases of enforced disappearance, secret detention, extrajudicial execution and torture or other ill-treatment, in which the involvement of members or any law enforcement agency (including the FSB) is reasonably suspected (including when the identity of the agency involved is unclear).
- Develop and implement a strict new policy and guidelines, and legislative changes if necessary, to ensure the transfer to the newly created department of the Investigative Committee for prompt, thorough and impartial investigation of all alleged cases of enforced disappearance, secret detention, extrajudicial execution and torture or other ill-treatment, in which the involvement of members or any law enforcement agency (including members of the agencies providing operative support to investigators) is reasonably suspected (including when the identity of the agency involved is unclear).
- Ensure that official denials by law enforcement officers of their involvement in, or

commission of, human rights violations are subjected to the same level of rigorous checks by the investigation as any other evidence in the case, and never accepted as grounds not to open, or not to continue, an investigation into alleged violations.

- In view of the prevailing problem of the lack of impartiality by local law enforcement officials in Ingushetia, ensure that investigations never involve locally-based officials as providers of operational support (*operativnoe soprovozhdenie*) or in other roles in connection with investigation and criminal prosecution.
- Ensure that the introduction of the new department within the Investigative Committee for the investigation of crimes committed by members of law enforcement agencies should allow for the alleged victims of past violations to insist on a review of previously unresolved cases.

### **Investigating deaths**

- Make it a legal requirement that all deaths in the course, or as a result, of security operations or while in the custody of law enforcement agencies are promptly, thoroughly, effectively and impartially investigated in full accordance with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The conclusions as to the lawfulness of the use of lethal force by law enforcement officials should be based on a comprehensive and impartial examination of all available evidence, and never solely on the basis of reports by the law enforcement officials involved in the operation.
- Post-mortem examinations of the bodies of individuals who have died in the course, or as a result, of security operations or while in the custody of law enforcement agencies should always examine the questions of the cause and manner of death in each case. Their disclosure to relatives of the deceased should be automatic and not conditional on their being recognized as victims in the case, and the Criminal Procedure Code should be amended accordingly.

### **Steps towards accountability**

- Review all legislation and policies relating to the secrecy and protection of identity of the units and officials involved in “counterterrorist” and “operative and search activities”, and introduce a clear, restrictive and exhaustive list of circumstances and criteria under which the power to protect individual identity of law enforcement officials can be used and which makes it clear that such power can never be used to limit accountability for human rights violations.
- Enforce strict requirements that any law enforcement official carrying out law enforcement functions, such as arrests, property searches or identity checks, must visibly wear a unique number badge or similar form of identification which would enable the individual concerned and others witnessing the event to know the agency they belong to and to enable the individual to be identified subsequently by an official investigator, and that plain clothes officers carrying out such functions must always produce an official form of identity to the individual concerned and to others witnessing

the event.

- Ensure that the investigation and prosecution authorities have the necessary powers to obtain, and effective access without restrictions to, all the information required for the purposes of investigating human rights violations, including when that information is in the possession of law enforcement officials and covered by official secrecy provisions.
- Ensure that disciplinary proceedings and criminal proceedings as appropriate are taken against officials found to be obstructing an investigation, including, but not limited to: by providing false or misleading information, subjecting investigators or witnesses to threats, or denying the investigators access to evidence.

#### **Protection of complainants and witnesses**

- Ensure that law enforcement officials under investigation for enforced disappearance, secret detention, extrajudicial execution and/or torture or other ill-treatment are suspended for the duration of the investigation and ensuing proceedings, irrespective of the agency or seniority of their position.
- Provide adequate and effective protection from the outset and throughout the period before, during and for as long as necessary after trial to any complainant, witness or expert in the case who has well-founded grounds to fear possible reprisals or pressure in connection with their role in the case. The means and level of protection should be commensurate with the maximum risk involved.

#### **Prosecution and disciplinary proceedings**

- Promptly prosecute both the perpetrators of crimes under international law, including torture, extrajudicial executions and enforced disappearances, including in relation to past allegations, from among members of law enforcement agencies, and those officers in command who knowingly issued orders resulting in such violations, or condoned or failed to prevent such violations when they knew, or should have known, that these were going to be committed by officials in their command.
- Take all necessary steps to ensure that disciplinary actions and criminal proceedings as appropriate are taken against individual officers who fail to comply with relevant legislation, policies and procedures governing the conduct of law enforcement officials.
- Ensure that whenever law enforcement officials are convicted of crimes under international law, the punishment imposed on them is commensurate to the gravity of the offence.

#### **Combating torture and other ill-treatment**

- Ensure that no person is ever subjected to arbitrary, secret or incommunicado detention, and that the rights of detainees are respected in all cases in accordance with international human rights law, including in particular the right to a lawyer of their choice, to have a family member or other third party notified of their detention, to have

contact with their family and to medical care.

- Fully incorporate the main elements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and other relevant international standards into the national laws which prohibit torture and other ill-treatment, in particular ensuring that the crime of torture is clearly defined in national law and the definition includes the involvement of a public official or other person acting in an official capacity in inflicting, instigating, consenting to or acquiescing to torture.
- Ensure that prosecution and judicial authorities take effective steps to ensure that no statements or other material or information obtained through torture or other ill-treatment are used in any proceedings, except against a person accused of torture or other ill-treatment as evidence that the statement was made.
- Ensure that judges are issued with clear guidelines to ensure the application of Article 235(4) of the Criminal Procedural Code of the Russian Federation which requires that the burden of proving that the relevant statement was not obtained by use of torture or other ill-treatment should rest with the prosecution.
- Ensure that the newly created department within the Investigative Committee for the investigation of crimes committed by members of law enforcement agencies carries out an investigation, irrespective of whether a complaint has been made, whenever injuries are discovered during the physical examination on admission to a place of custody and there are grounds to suspect that these resulted from the use of torture or other ill-treatment.
- Ensure that any person allegedly subjected to secret detention and/or enforced disappearance and/or torture or other ill-treatment and later released, is immediately placed under an effective witness protection scheme, until the perpetrators are identified and prosecuted and protection is for that person is no longer necessary.
- Ensure that all allegations of enforced disappearance, secret and/or incommunicado detention and torture or other ill-treatment are immediately and fully investigated, and the officials responsible appropriately disciplined and criminal charges instigated against the officials responsible.
- Ensure the provision of effective training on the treatment of prisoners and detainees to all law enforcement personnel and officials involved in the custody, interrogation or medical care of detainees or prisoners, including but not limited to making it clear that (i) torture and other ill-treatment are criminal acts; and (ii) they should refuse to obey an order to carry out torture or other ill-treatment, and have a right to do so, and that (iii) they should report incidents to the appropriate authorities where they have reason to believe torture or other ill-treatment may be taking place.
- Ensure adequate safeguards against torture or other ill-treatment in detention, including:

- Immediately informing all prisoners of their rights, including the right to a lawyer of their choice, to have a family member or other third party notified promptly of their detention, to have contact with their family, to a medical examination and to medical care, and to lodge complaints about their treatment and to have a judge rule without delay on the lawfulness of their detention.
- Ensuring the individual concerned has an effective opportunity for a lawyer of their choice or acceptable to them to be present during all interrogations.
- Ensuring that conditions of detention conform to international standards for the treatment of prisoners.
- Ensuring and allowing for regular, independent, unannounced and unrestricted visits of inspection to all places of detention by both state authorities responsible for monitoring of prisons and detention facilities and independent national and international human rights groups.

#### **Reparation to victims**

- Ensure that victims of human rights violations are provided with effective reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation where necessary, the truth about what happened, as well as effective guarantees of non-repetition.
- Ensure they receive reparation for all human rights violations committed by law enforcement officials.

#### **Co-operation with international and regional human rights mechanisms.**

- Co-operate effectively with the relevant UN Special Procedures, including by renewing, or extending, invitations to the Special Rapporteurs on Torture, on Summary or Arbitrary Executions, on the Promotion and Protection of human rights while countering terrorism, the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances and facilitate visits to the Northern Caucasus by these Special Procedures without delay;
- Authorize the publication of all reports relating to Russia by the European Committee for the Prevention of Torture and implement the Committee's recommendations;
- Sign, ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearances;
- Ensure full implementation of the judgements of the European Court of Human Rights on cases from the North Caucasus, including individual and general measures.

### **To the international community**

The international community should:

#### **Monitor and report on human rights situation**

- Renew, continue and facilitate the monitoring and public reporting on human rights violations in Ingushetia and the North Caucasus, including by the UN Special Procedures, the PACE's Committee on Legal Affairs and Human Rights and other relevant mechanisms.

Engaging with Russia to prevent further human rights abuses in the North Caucasus

- Raise both the pattern of human rights violations and the individual cases documented in this report and documented by others in Ingushetia and the wider North Caucasus in multilateral and bilateral meetings with the Russian authorities, and send a clear message that they must end impunity and human rights violations in the region.
- Urge the Russian authorities to acknowledge the state's responsibility for investigating past human rights violations, bringing the perpetrators to justice, and providing reparation to victims, and to take immediate and effective steps to do so.
- Urge the Russian authorities to take immediate steps, in line with the above recommendations, to prevent any further human rights violations in Ingushetia and the North Caucasus.

#### **Support international mechanisms**

- Insist that the Russian Federation implements fully the decisions of the European Court of Human Rights on cases from the North Caucasus, and therefore not only pays compensation to successful applicants but also implements the individual measures (such as effective investigation of the relevant violations) and takes the necessary general measures to remedy the relevant violations.
- Insist that the Russian Federation authorizes without delay the publication of all reports on Russia of the European Committee for the Prevention of Torture and fully cooperates with the Committee on the implementation of its recommendations.
- Urge the Russian Federation to renew the invitation to the Special Rapporteur on Torture, and issue invitations to the Special Rapporteurs on Summary or Arbitrary Executions, on the Promotion and Protection of human rights while countering terrorism, the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances and facilitate their visits. Urge the Russian Federation to provide access to the North Caucasus for all UN Special Procedures.
- Call on the Russian Federation to sign, ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.

## ENDNOTES

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<sup>1</sup> For the purpose of this report, ‘security operation’ refers to all activities by law enforcement agencies which involve policing operations or the use of military force, and special powers such as the power of arrest or search etc., for the purpose of countering activities of armed groups and their supporters, including intelligence-gathering activities and embracing covert policing and intelligence-gathering activities (called “operative and search activities” – *operativno-rozysknaya deyatelnost* – in Russian law). This broadly corresponds to the Russian term “counter-terrorist activities” (*protivodeistvie terrorizmu*) which is defined in national law. Within this falls the so-called “counter-terrorist operation” (*kontterroristicheskaya operatsiya*, or *KTO* – also a legally defined term referring to combat operations intended to prevent a terrorist attack, apprehend or eliminate its organizers, and minimize its effects).

<sup>2</sup> The most senior official in the Republic of Ingushetia, as in other Russia’s republics, used to be called “President” (*Prezident*) until 2011 when, following an earlier proposal by Ramzan Kadyrov in Chechnya supported by the federal President Dmitry Medvedev, this official title was changed to “Head of the Republic” (*Glava Respubliki*). The use of these two terms in this report reflects this change by using one or the other depending on the period being discussed (“President” until the end of 2010, “Head of the Republic” thereafter). Presidents of republics and regional Governors in Russia were elected by popular vote until December 2004 since when they have been appointed by the federal President.

<sup>3</sup> Where this is the case, links to these documents are provided.

<sup>4</sup> Federal Statistics Service, “Chislennost gorodskogo i selskogo naseleniya Rossiyskoy Federatsii”, *Predvaritelnye itogi Vserossiyskoy perepisi naseleniya 2010 goda*, Annex 2, 2011, available at [http://www.perepis-2010.ru/results\\_of\\_the\\_census/pril2-1.xls](http://www.perepis-2010.ru/results_of_the_census/pril2-1.xls) and [http://rg.ru/img/content/46/88/30/5440\\_1.gif](http://rg.ru/img/content/46/88/30/5440_1.gif). According to the previous census, Ingushetia’s population was 467,000 in October 2002. Source: Federal Statistics Service, “Naselenie po polu i vozrastnym gruppam po Rossiyskoy Federatsii”, available at <http://www.gks.ru/PEREPIS/t2.htm> (all links last accessed on 14 November 2011).

<sup>5</sup> There are few other ethnic groups in Ingushetia, of which the largest, ethnic Russians, accounts for only 1.2 per cent of the population. Source: Federal Statistics Service, “Natsionalnyi sostav naseleniya subyektov Rossiyskoy Federatsii”, data of the census held in 2002, available at [www.perepis2002.ru/ct/doc/nationalchange.doc](http://www.perepis2002.ru/ct/doc/nationalchange.doc) (last accessed on 15 November 2011).

<sup>6</sup> Norwegian Refugee Council & Human Rights Centre Memorial, “An Uncertain Future: The Challenges of Return and Reintegration for Internally Displaced Persons in the North Caucasus”, October 2006, available at: [http://refugee.memo.ru/For\\_All/ruptor.nsf/ff1553f7545beb8ec3256a4c0038aceb/9c8707430420ef85c325720900746ec8!OpenDocument](http://refugee.memo.ru/For_All/ruptor.nsf/ff1553f7545beb8ec3256a4c0038aceb/9c8707430420ef85c325720900746ec8!OpenDocument) (last accessed on 14 November 2011)

<sup>7</sup> Human Rights Watch, “*As If They Fell From the Sky*”. *Counterinsurgency, Rights Violations, and Rampant Impunity in Ingushetia*, 24 June 2008, page 13, available at <http://www.hrw.org/reports/2008/06/24/if-they-fell-sky-0> (last accessed on 14 November 2011). See also Nikita Ventskovsky, “Skolko liudei bezhalo v Ingushetiyu?”, *Kommersant*, 1 April 2011, available at <http://www.kommersant.ru/doc-rss/1612140> (last accessed on 14 November 2011).

<sup>8</sup> Estimates by Human Rights Centre Memorial based on information from the Federal Migration Service and the United Nations High Commissioner for Refugees (UNHCR), and Vesta, UNHCR’s partner organization in Ingushetia.

<sup>9</sup> “Strategiya sotsialno-ekonomicheskogo razvitiya Severo-Kavkazskogo federalnogo okruga do 2025” (“Strategy for Social-Economic Development of the North Caucasus Federal District until 2025”), approved by Decree no. 1485-r of the Government of the Russian Federation, 6 September 2010, available at <http://www.kavkaz-uzel.ru/articles/175166>. This figure came down from 96 per cent in 2008 but is still the highest in the Russian Federation along with that for Chechnya. See Yunus-Bek Yevkurov: “Ingushetii nuzhna ne stolko amnistiya, skolko reabilitatsiya”, interview with the Head of Ingushetia by

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Grigory Shvedov for Caucasian Knot, 31 May 2011, available at <http://www.kavkaz-uzel.ru/articles/186395/> (both links last accessed on 14 November 2011).

<sup>10</sup> Federal Statistics Service, 'Zanyatost i bezrabotitska v Rossiyskoy Federtsii v yanvare 2011 goda', 2011, available at [http://www.gks.ru/bgd/free/B04\\_03/IssWWW.exe/Stg/d01/37.htm](http://www.gks.ru/bgd/free/B04_03/IssWWW.exe/Stg/d01/37.htm). See also Territorial Agency of the Federal Statistics Service for the Republic of Ingushetia, <http://ingstat.gks.ru/default.aspx>. Rating agency Expert RA offers an alternative figure based on the International Labour Organization's (ILO) methodology, suggesting the level of unemployment in 2008 was 55 per cent. (Source: <http://www.raexpert.ru/database/regions/ingush/>, last accessed on 14 November 2011).

<sup>11</sup> Nikita Ventskovsky, 'Skolko liudei bezhalo v Ingushetiyu?', *Kommersant*, 1 April 2011, available at <http://www.kommersant.ru/doc-rss/1612140> (last accessed on 14 November 2011).

<sup>12</sup> Chechentsy sozhgli dembelskuyu kolonnu', *Kommersant*, 12 May 2000, available at <http://kommersant.ru/doc/147669/print> (last accessed on 14 November 2011).

<sup>13</sup> Larisa Danovskaya, 'Tragediya v den skorbi', *Yuzhnye Novosti*, June 2004, reproduced at <http://www.ingushetia.ru/m-news/archives/002172.shtml> (last accessed on 15 November 2011).

<sup>14</sup> Caucasian Knot, *Ingushetia: hronika teraktov, obstrellov, pokhischeniy*. Regularly updated. Available at <http://www.kavkaz-uzel.ru/articles/122475?print=true> (last accessed on 23 January 2012).

<sup>15</sup> These figures are estimates compiled by Caucasian Knot and by the human rights NGO Mashr for the respective years. Source: Caucasian Knot, 'Mutsolgov: snizhenie kolichestva ubiystv v Ingushetii otchasti svyazano s rabotoi vlastei', 27 December 2011, available at <http://www.kavkaz-uzel.ru/articles/198415/> (last accessed on 23 January 2012).

<sup>16</sup> Yunus-Bek Yevkurov: "V Ingushetii nuzhna ne stolko amnistiya, skolko reabilitatsiya".

<sup>17</sup> Yunus-Bek Yevkurov: "V Ingushetii nuzhna ne stolko amnistiya, skolko reabilitatsiya"

<sup>18</sup> Nikita Mogutin, 'Komissiya po adaptatsii boevikov sozdana v Ingushetii', Life News Online, 5 September 2011, available at <http://www.lifenevs.ru/news/68645> (last accessed on 17 November 2011).

<sup>19</sup> 'Semyam raskayavshikhsia boevikov pomogut uehat iz Ingushetii', *Lenta.ru*, 12 September 2011, available at <http://lenta.ru/news/2011/09/12/adaptatsia/> (last accessed on 17 November 2011).

<sup>20</sup> For more on the custom of blood vengeance in Ingushetia, including the reported resolution of 150 long-lasting inter-family blood feuds, see 'Komissiya v Ingushetii pomogla prekratit 150 sluchaev krovnoy vrazhdy', RIA Novosti, 27 August 2011, available at <http://www.ria.ru/society/20110827/425201488.html> (last accessed on 17 November 2011).

<sup>21</sup> Ivan Yegorov, 'Boeviki natselilis na slabyh. FSB otmechaet seryoznye peremeny v borbe s ostatkami terroristicheskikh band v Ingushetii', *Rossiyskaya Gazeta*, 19 January 2011, available at <http://www.rg.ru/2011/01/19/podpolia.html> (last accessed on 15 November 2011).

<sup>22</sup> RIA Novosti, 'FSB Ingushetii znaet ostavshikhsia ativistov bandpodpolya poimennenno, zayavil glava vedomstva', 18 December 2010, available at <http://ug.ria.ru/incidents/20101218/82075800.html> (last accessed on 15 November 2011).

<sup>23</sup> Yunus-Bek Yevkurov: 'V Ingushetii nuzhna ne stolko amnistiya, skolko reabilitatsiya'. See also: Ivan Yegorov, 'Boeviki natselilis na slabyh'.

<sup>24</sup> The Ingushetian branch of "Imarat Kavkaz" is sometimes referred to as "Jamaat Galgaiche" or the "Ingushetian sector of Imarat Kavkaz".

<sup>25</sup> In August 2010, a number of websites associated with illegal armed groups in the North Caucasus circulated information that Doku Umarov had handed over his responsibilities as the leader of "Imarat Kavkaz" to his deputy Aslambek Vadalov. Later Doku Umarov was cited as denying this, and he appears to have remained in control since. This prompted suggestions about a possible split in Doku Umarov's camp, with disagreements over financing and over the objectives of armed struggle (North Caucasus-wide Islamic state or independence of Chechnya) named among its possible causes.

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<sup>26</sup> Yunus-Bek Yevkurov: 'V Ingushetii nuzhna ne stolko amnistiya, skolko rehabilitatsiya'.

<sup>27</sup> These included a Jordanian national killed in April and a Turkish national killed in May, the latter reportedly belonging to an armed group which was at odds with Umarov and his "Imarat Kavkaz", see Lenta.Ru, 'V Chechne unichtozhili emissara "Al-Kaedy"', 22 April 2011, available at <http://lenta.ru/news/2011/04/22/killed/>; Andrei Kuznetsov, 'Eto ne Bin Laden', *Lenta.Ru*, 5 May 2011, available at <http://lenta.ru/articles/2011/05/05/chechkayed/> (both last accessed on 23 January 2012).

<sup>28</sup> RIA Novosti, 'FSB Ingushetii znaet ostavshikh sia aktivistov bandpodpolya poimennu'.

<sup>29</sup> Lenta.Ru, 'Sredi likvidirovannykh boevikov opoznali vracha Doku Umarova', 31 March 2011, available at <http://lenta.ru/news/2011/03/31/doctor/> (last accessed on 23 January 2012).

<sup>30</sup> Human Rights Centre Memorial, 'Situatsiya v zone konflikta na Severnom Kavkaze: otsenka pravozaschitnikov. Zima 2010 – 2011 gg.', 2011, pp. 5-14, available at <http://www.memo.ru/2011/05/04/0405111.pdf> (last accessed on 16 November 2011).

<sup>31</sup> Human Rights Centre Memorial's bulletins, available at <http://www.memo.ru/hr/hotpoints/caucas1/k-belyten/index.htm> (last accessed on 16 November 2011).

<sup>32</sup> The Club's website, *Anti-War Movement*, is available at this address: <http://www.voinenet.ru/> (last accessed on 16 November 2011).

<sup>33</sup> Sources: Caucasian Knot, 'V Ingushetii za 2011 god zhertvami vooruzhennogo konflikta stali 108 chelovek', 1 January 2012, available at <http://www.kavkaz-uzel.ru/articles/198680/> (last accessed on 23 January 2012); Caucasian Knot, 'V Ingushetii v 2010 godu v vooruzhennykh konfliktakh ubity 134 cheloveka', 16 January 2011, available at <http://www.kavkaz-uzel.ru/articles/179694/>. The statistics suggested by Memorial for losses among law enforcement agencies, also based on open sources differed, and included 40 killed and 132 wounded in 2010, and 92 killed and 231 wounded in 2009 (See : Human Rights Centre Memorial, 'Situatsiya v zone konflikta na Severnom Kavkaze: otsenka pravozaschitnikov. Zima 2010 – 2011 gg.', 2011, p. 6). The Ministry of the Interior's own figures for losses among its members were 32 killed and 102 wounded during 2010 – although these would not have included figures for other law enforcement agencies (See Ministry of the Interior of the Republic of Ingushetia, 'Podvedeny itogi deyatelnosti MVD Ingushetii za 2010 god', 14 January 2011, available at <http://mvd-ing.ru/news/detail.php?ID=353>, all links last accessed on 16 November 2011).

<sup>34</sup> Some of the more recent reports include the following:

Mashr, *Illuziya Prava*, 2010; Mashr, *Diktat Bespravnyi*, 2009; Mashr, *Nasilie pod Kontrolem*, 2008; Mashr, *Bolshaya Tragediya Malenkoi Respubliki*, 2007 (all available at [http://www.mashr.org/?page\\_id=9](http://www.mashr.org/?page_id=9)); Human Rights Centre Memorial, *Mekhanizmy beznakazannosti na Severnom Kavkaze (2009-2010 gg.) – kak oni rabotayut?*, June 2010, available at <http://www.memo.ru/2010/06/18/1806103.htm>; Human Rights Centre Memorial, *Ingushetia: 2007 god. Kuda dalshe?*, January 2008, available at [http://ingushetiyaru.org/history/political\\_life/files/kuda\\_dalshe.doc](http://ingushetiyaru.org/history/political_life/files/kuda_dalshe.doc) (both links last accessed on 17 November 2011).

<sup>35</sup> Human Rights Watch, 'As If They Fell From the Sky'. *Counterinsurgency, Rights Violations, and Rampant Impunity in Ingushetia*, 24 June 2008, available at <http://www.hrw.org/en/reports/2008/06/24/if-they-fell-sky-0>; Amnesty International, *Russian Federation: Rule without law: Human rights violations in the North Caucasus*, 2009 (Index: EUR 46/012/2009), available at <http://www.amnesty.org/en/library/info/EUR46/012/2009/en>.

<sup>36</sup> *Doklad vremennoi komissii Narodnogo Sobraniya Ingushetii po itogam proverki faktov narusheniy prav grazhdan v Respublike Ingushetia*, 2008. The text of the report is available at <http://ingushetiyaru.org/news/print.html?id=13463> (last accessed on 17 November 2011).

<sup>37</sup> Committee on Legal Affairs and Human Rights, *Legal remedies for human rights violations in the North-Caucasus Region*. rapporteur Dick Marty, May 2009, paragraph 4.2, available at [http://www.assembly.coe.int/CommitteeDocs/2010/20100531\\_caucasus\\_E.pdf](http://www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf), (last accessed on 17 November 2011).

<sup>38</sup> Mashr, 'Spisok pokhischennykh I propavshikh bez vesti', 2011 (updated yearly), available at

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<http://www.mashr.org/wp-content/uploads/2011/05/Spisok-propavshih.pdf> (last accessed on 26 March 2012).

<sup>39</sup> Interestingly, the tendencies for enforced disappearances do not appear to correlate with the intensity of armed violence in Ingushetia. Thus, while the latter surged since the early 2000s, peaked in 2009 and receded since, the number of alleged enforced disappearances peaked much earlier - in 2003-2004, and has been increasing again since 2011. This may be explained by the high incidence of enforced disappearances among displaced residents of Chechnya who at the time found shelter in Ingushetia, many of whom have since returned to their republic.

<sup>40</sup> Decree of the President of the Russian Federation no. 116 of 2 February 2006 'On Measures for Countering Terrorism'.

<sup>41</sup> See the Law 'On Operative and Search Activities', particularly Article 12.

<sup>42</sup> The International Convention for the Protection of All Persons from Enforced Disappearance (text available at <http://www2.ohchr.org/english/law/disappearance-convention.htm>) was adopted on 20 December 2006, entered into force on 23 December 2010. The Russian Federation is not a party to the Convention.

<sup>43</sup> *Kurt v Turkey* (ECHR) no 24276/94, 25 May 1998, para 129. Numerous other cases, including *Idalova and Idalov v Russia* (ECHR) no 41515/04, 5 February 2009.

<sup>44</sup> Vakha Belkharoev, 'Yevkurov: k pohischeniyam luydei v Ingushetii prichastny sotrudniki spetssluzhb', *Caucasus Knot*, 19 February 2012, available at <http://dagestan.kavkaz-uzel.ru/articles/201447/> (last accessed on 22 February 2012).

<sup>45</sup> An officer from special purpose police unit (OMON), Sergei Lapin, on secondment to Chechnya from the Khanty-Mansiisk region, was found guilty in 2005 of charges relating to torture of the forcibly disappeared in 2001 Chechen man Zelimkhan Murdalov. However, no-one has been found guilty of the enforced disappearance (abduction) *per se*. Two other police officials were placed on the wanted list in connection with this case, but there has been no progress in establishing their whereabouts.

<sup>46</sup> An example is the case of Ibragim Mutsolgov, born in 1986, from the village of Surkhakhi, who left for an evening prayer at a mosque on 29 July 2010 and was not heard from by his family thereafter. The family reported his absence to police in Nazran District, and also approached the human rights centre Memorial in connection with this incident. Memorial reported his disappearance in the context of an increasing number of such cases, but also commented cautiously that some of them may be related to young people joining illegal armed groups. Ibragim Mutsolgov's fate remained unknown until he was reported killed in a security operation which took place on 28 March 2011 in south Ingushetia. For official details on the operation, see <http://www.mvd-ing.ru/news/detail.php?ID=518>.

<sup>47</sup> The International Convention for the Protection of All Persons from Enforced Disappearance, Article 12, see above footnote 43. *Kurt v Turkey* (ECHR) no 24276/94, 25 May 1998, para 124.

<sup>48</sup> Mashr, 'Spisok pokhishennykh I propavshikh bez vesti', 2011 (updated yearly), available at <http://www.mashr.org/wp-content/uploads/2011/05/Spisok-propavshih.pdf>; also see [http://www.mashr.org/?page\\_id=7](http://www.mashr.org/?page_id=7) (both links last accessed on 12 March 2012).

<sup>49</sup> Memorial, 'O sobytiyakh na Severnom Kavkaze', continuously updated, available at <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (last accessed on 25 January 2012).

<sup>50</sup> Memorial uses the wider term 'abductions' (*pokhisheniya*), but these figures relate specifically to the abducted persons whose fate remains unknown. Source: International Federation for Human Rights (FIDH) & Human Rights Centre Memorial, 'Situatsiya na Severnom Kavkaze 2009-2010 gg.: narusheniya prav cheloveka v hode borby s terrorizmom prodolzhayutsia', 2010, p. 9 (available at [http://www.fidh.org/IMG/pdf/Antiterro\\_FIDH\\_Memorial\\_RUS.pdf](http://www.fidh.org/IMG/pdf/Antiterro_FIDH_Memorial_RUS.pdf), last accessed on 17 November 2011).

<sup>51</sup> Ministry of the Interior of the Republic of Ingushetia, *Litsa, nahodiaschievsia v rozyske kak bez vesti propavshie*, <http://www.mvd-ing.ru/finder/missing/>.

<sup>52</sup> Ministry of the Interior of the Republic of Ingushetia, 'Attention – Wanted', newsflash, 16 April 2011,

available at <http://www.mvd-ing.ru/news/detail.php?ID=585> (last accessed on 17 November 2011). In this newflash, his first name is spelt as "Israpil", but the accompanying details and the photo leave no doubt that this is the same person.

<sup>53</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 22 February 2011, available at [http://mvd-ing.ru/news/detail.php?ID=452&sphrase\\_id=1283](http://mvd-ing.ru/news/detail.php?ID=452&sphrase_id=1283) (last accessed on 17 November 2011).

<sup>54</sup> Caucasian Knot, 'Otets propavshogo zhitelia Ingushetii zhaluetsia na vyalost sledstviya', 30 August 2011, available at <http://www.kavkaz-uzel.ru/articles/191681/> (last accessed on 17 November 2011).

<sup>55</sup> Ministry of the Interior of the Republic of Ingushetia, press release, 27 May 2011, available at [http://mvd-ing.ru/news/detail.php?ID=710&sphrase\\_id=1390](http://mvd-ing.ru/news/detail.php?ID=710&sphrase_id=1390) (last accessed on 17 November 2011).

<sup>56</sup> Human rights centre Memorial, 'Ingushetia: pokhischen mestnyi zhitel', 8 August 2011, available at <http://www.memo.ru/hr/hotpoints/caucas1/msg/2011/08/m257751.htm>; Human rights centre Memorial, 'Ingushetia: po faktu pokhischeniya vobuzhdeno ugovnoe delo', 12 August 2011, available at <http://www.memo.ru/hr/hotpoints/caucas1/msg/2011/08/m259322.htm> (both links last accessed on 30 January 2012).

<sup>57</sup> For example, see Magomed Toriev, 'Zachem ingushei sazhayut v severoosetinskii SIZO?', *Ekho Kavkaza*, 16 January 2011, available at <http://www.ekhokavkaza.com/content/article/2277824.html> (last accessed on 17 November 2011).

<sup>58</sup> See Chapter 40 (Articles 314 – 317) of the Criminal Procedural Code of the Russian Federation.

<sup>59</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 22 February 2011, available at [http://www.mvd-ing.ru/news/detail.php?ID=452&sphrase\\_id=1309](http://www.mvd-ing.ru/news/detail.php?ID=452&sphrase_id=1309) (last accessed on 17 November 2011).

<sup>60</sup> Meeting with the Prosecutor of Ingushetia Yury Turygin, Nazran, 31 May 2011.

<sup>61</sup> Amnesty International issued a public statement calling for an investigation of the circumstances of the arrest of Magomed Khazbiev and his two brothers who accused of organizing "public disorder", and ill-treated and allegedly beaten by police during their detention. See Amnesty International, 'Russian Federation: Civil Society activists beaten and detained following a protest against enforced disappearances in Ingushetia', 24 March 2011 (Index: EUR 46/014/2011, available at <http://www.amnesty.org/en/library/info/EUR46/014/2011/en>).

<sup>62</sup> Press Service of the Head of the Republic of Ingushetia, 'Glava respubliki proviol ekstremnoe soveshanie s rukovoditeliami silovoyh struktur', 24 March 2011, available at <http://www.ingushetia.ru/m-news/archives/014109.shtml> (last accessed on 17 November 2011).

<sup>63</sup> Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989

<sup>64</sup> UN Commission on Human Rights, *Commission on Human Rights Resolution 2004/37: Extrajudicial, Summary or Arbitrary Executions*, 19 April 2004, E/CN.4/RES/2004/37, Paragraph 5, available at <http://www.unhcr.org/refworld/docid/43f3136cc.html> (last accessed 17 November 2011).

<sup>65</sup> *Report of the Human Rights Ombudsman of the Russian Federation for 2010*, available at <http://ombudsmanrf.ru/2009-11-05-14-00-18/2009-11-05-14-09-33/6306--2010-.html> (last accessed on 17 November 2011).

<sup>66</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 29 July 2010, available at <http://ingush.tv/novosti-ingushetii/861-press-reliz-ufsb-rf-po-ri.html#ixzz1UwDyA2e9> (last accessed on 17 November 2011).

<sup>67</sup> Ministry of the Interior of the Republic of Ingushetia, 'Raskryto ubiystvo zhitelia Plievo Kotieva', 31 August 2010, available at [http://mvd-ing.ru/news/detail.php?ID=161&sphrase\\_id=1396](http://mvd-ing.ru/news/detail.php?ID=161&sphrase_id=1396) (last accessed on 17 November 2011).

<sup>68</sup> Human Rights Centre Memorial, 'Ingushetia: siloviki izbili studenta Islamskogo institute vo vremia proverki pasportnogo rezhima', 12 December 2011, available at <http://www.memo.ru/2011/12/12/1212112.html> (last accessed on 31 January 2012).

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<sup>69</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 22 February 2011, available at [http://mvd-ing.ru/news/detail.php?ID=289&sphrase\\_id=1283](http://mvd-ing.ru/news/detail.php?ID=289&sphrase_id=1283) (last accessed on 23 November 2011).

<sup>70</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 26 November 2010, available at <http://mvd-ing.ru/news/detail.php?ID=291> (last accessed on 23 November 2011).

<sup>71</sup> Ministry of the Interior of the Republic of Ingushetia, 'Opoznyany lichnosti boevikov', 1 July 2011, [http://mvd-ing.ru/news/detail.php?ID=827&sphrase\\_id=1284](http://mvd-ing.ru/news/detail.php?ID=827&sphrase_id=1284), last accessed on 23 November 2011).

<sup>72</sup> Human Rights Committee, general comment No. 31, 'Nature of the legal obligation on States Parties to the Covenant' (2004), (CCPR/C/21/Rev.1/Add.13, para. 15).

<sup>73</sup> UN Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989.

<sup>74</sup> In accordance with Article 14.1 of the Federal Law 'On Funeral and Undertaking Matters', bodies of persons "killed as a result of suppression of their terrorist action" are not handed over to their families for burial, nor is the place of burial revealed. The family may only receive copies of the death certificate and of forensic examination and personal belongings of the deceased if these are not subject to confiscation – in accordance with the Government Decree 'On Approval of the Orders regarding Burial of Persons whose Death Resulted from Interception of Terrorist Act Committed by Them'. In June 2007, the Constitutional Court found this norm to be in line with the Constitution of the Russian Federation.

<sup>75</sup> Article 196(1) of the Criminal Procedural Code of the Russian Federation.

<sup>76</sup> Article 7, Federal Law 'On State Judicial Expertise in the Russian Federation'.

<sup>77</sup> Also spelt as "Kuzigov" in some official correspondence and media reports.

<sup>78</sup> Federal Security Service Directorate for the Republic of Ingushetia, press release, 11 October 2010, available at <http://www.mvd-ing.ru/news/detail.php?ID=218> (last accessed on 17 November 2011).

<sup>79</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984.

<sup>80</sup> The two former police officials in question are on trial in connection with a number of episodes at the time of writing. However, only one of them has been charged in connection with Zelimkhan Chitigov's episode.

<sup>81</sup> 'Yunus-Bek Yevkurov: "Hvatit otchityvatsia trupami!"', interview with the Head of Ingushetia by Shura Burtin for *Russkiy Reporter*, 19 September 2011, available at <http://rusrep.ru/article/2011/09/19/evkurov> (last accessed on 6 February 2011).

<sup>82</sup> *Velkhiyev and Others v. Russia*, Application no. 34085/06, Council of Europe: European Court of Human Rights, 5 July 2011, available at <http://www.unhcr.org/refworld/docid/4e26dff2.html> (last accessed on 18 November 2011).

<sup>83</sup> *Velkhiyev and Others v. Russia*, paras. 106-107.

<sup>84</sup> *Velkhiyev and Others v. Russia*, paras. 108, 110.

<sup>85</sup> *Velkhiyev and Others v. Russia*, para. 114.

<sup>86</sup> Ministry of the Interior of the Republic of Ingushetia, 'Za popytku organizatsii massovykh besporyadkov zaderzhan Magomed Khazbiev', newsflash, 23 March 2011, available at [http://mvd-ing.ru/news/detail.php?ID=507&sphrase\\_id=1361](http://mvd-ing.ru/news/detail.php?ID=507&sphrase_id=1361); press release of the Ministry of the Interior of the Republic of Ingushetia, 25 March 2011, available at [http://mvd-ing.ru/news/detail.php?ID=510&sphrase\\_id=1361](http://mvd-ing.ru/news/detail.php?ID=510&sphrase_id=1361) (both links last accessed on 18 November 2011).

<sup>87</sup> Several related video clips are available online. For instance, see Caucasian Knot for Echo Moskv, 'Ingushskoye dezhavyu: v Nazrani pokhischeny oppozitsioner Magomed Khazbiev (VIDEO)', 24 March 2011, available at <http://echo.msk.ru/blog/cknot/760101-echo/>; 'Ingushetia: Miting protiv pokhischeniy, Magomed Khazbiev byl izbit I pokhischeny', <http://freedomrussia.org.ru/2011/03/25/ingushetiya-miting->

[protiv-pohishheniy-magomed-hazbiev-byil-izbit-i-pohishhen/](#) (both links last accessed on 18 November 2011).

<sup>88</sup> Copies of these photos are available online, e.g. see 'Ingushetia: Miting protiv pokhischeniy', <http://freedomrussia.org.ru/2011/03/25/ingushetiya-miting-protiv-pohishheniy-magomed-hazbiev-byil-izbit-i-pohishhen/> (last accessed on 18 November 2011).

<sup>89</sup> Articles 94(2) and 92(1) of the Criminal Procedural Code of the Russian Federation.

<sup>90</sup> Criminal Procedural Code of the Russian Federation, Articles 46(4) and 92(1).

<sup>91</sup> Criminal Procedural Code of the Russian Federation, Articles 92(3) and 96(1).

<sup>92</sup> Criminal Procedural Code of the Russian Federation, Article 46(2).

<sup>93</sup> Criminal Procedural Code of the Russian Federation, Article 92(4).

<sup>94</sup> Criminal Procedural Code of the Russian Federation, Article 75.

<sup>95</sup> Criminal Procedural Code of the Russian Federation, Articles 94(2) and 108(7).

<sup>96</sup> Until July 2010, there was no SIZO in Ingushetia, and arrested persons had to be transferred to SIZOs in neighbouring republics. See Magomet Barakhoev, 'Otdel Federalnoy sluzhby izpolneniya nakazaniy Rossii po Respublike Ingushetia otchitalsia o rabote', available at <http://www.mashr.org/?p=1944> (last accessed on 18 November 2011).

<sup>97</sup> Article 14(16) of the Federal Law 'On Police'.

<sup>98</sup> Article 24, Federal Law 'On Custody of Persons Suspected of or Charged with Criminal Acts'.

<sup>99</sup> The text available at [http://www.president-sovet.ru/structure/group\\_10/materials/federal\\_law/index.php](http://www.president-sovet.ru/structure/group_10/materials/federal_law/index.php) (last accessed on 17 November 2011).

<sup>100</sup> See Mashr's information on the formation of the Public Monitoring Commission in Ingushetia, December 2010, available at <http://www.mashr.org/?p=1933> (last accessed on 17 November 2011).

<sup>101</sup> Articles 15 and 16 of the Federal Law 'On Public Control Regarding Respect for Human Rights in Places of Custody'.

<sup>102</sup> Article 18(1), Federal Law 'On Custody of Persons Suspected of or Charged with Criminal Acts'.

<sup>103</sup> See Magomet Barakhoev, 'Obschestvennaya nabliudatel'naya komissiya Ingushetii nagrazhdena Obschestvennoy palatoy Rossiyskoy Federatsii', February 2011, available at <http://www.mashr.org/?p=1952> (last accessed on 17 November 2011).

<sup>104</sup> See Malika Batsaeva, 'Komissiya pravozaschitnikov I Obschestvennoy palaty: uzloviya sodержaniya v IVS I SIZO Ingushetii uluchshilis', *Caucasian Knot*, 13 August 2011, available at <http://www.kavkaz-uzel.ru/articles/190765/> (last accessed on 18 November 2011).

<sup>105</sup> Among such cases is that of Adam Khamkhoev included by the NGO Mashr in its 2010 report, together with the victim's photos taken before and immediately after his abduction. See Mashr, *Illuziya Prava*, 2010, available at [http://www.mashr.org/?page\\_id=9](http://www.mashr.org/?page_id=9) (last accessed on 18 November 2011). Amnesty International was not able to contact Adam Khamkhoev or his relatives during its missions to Ingushetia.

<sup>106</sup> Yaroslav Kozulin, 'V Ingushetii Zurab Albogachiev pokhischen lyudmi v kamuflyazhe, soobschayut ego rodnye', *Caucasian Knot*, 23 July 2011, available at <http://www.kavkaz-uzel.ru/articles/189575/> (last accessed on 18 November 2011).

<sup>107</sup> *Caucasian Knot*, 'Zhitelya Ingushetii Albogachieva, vernuvshegosia posle pokhischeniya domoy, prinyal sekretar Sovbeza respubliky', 27 July 2011, available at <http://www.kavkaz-uzel.ru/articles/189809/>; *Caucasian Knot*, 'Zhitel Ingushetii Albogachiev rasskazal sledovatelyu ob obstoyatelstvakh svoego pokhischeniya', 29 July 2011, available at <http://www.kavkaz-uzel.ru/articles/189951/> (both links last accessed on 18 November 2011).

<sup>108</sup> Amnesty International was able to meet Zelimkhan Chitigov in person. For a more detailed account given by him to a journalist see: Shura Burtin, 'Sto chasov v adu. Istoriya chechentsa, kotorogo dazhe pytki ne sdelali boevikom', *Russkiy Reporter*, 16 September 2011, available at <http://rusrep.ru/article/2011/09/16/zelim>; Svetlana Gannushkina, 'Sistema falsifikatsii ugolovnykh del i pytok. O cheloveke, kotoryi ne umeet l'gat, i prezidente Respubliki Ingushetii', Civic Assistance Committee's website, 30 May 2011, available at [http://refugee.ru/news/sistema\\_falsifikatsii\\_ugolovnykh\\_del\\_i\\_pytok\\_o\\_cheloveke\\_kotoryi\\_ne\\_umeet\\_l'gat\\_i\\_prezidente\\_respubliki\\_ingushetii/2011-08-09-153](http://refugee.ru/news/sistema_falsifikatsii_ugolovnykh_del_i_pytok_o_cheloveke_kotoryi_ne_umeet_l'gat_i_prezidente_respubliki_ingushetii/2011-08-09-153) (both links last accessed on 5 December 2011).

<sup>109</sup> Caucasian Knot, 'V Ingushetii proshiol miting protesta militsionerov', 11 August 2010, available at <http://www.kavkaz-uzel.ru/articles/172835/> (last accessed on 5 December 2011).

<sup>110</sup> See detailed account of a meeting conveyed by Yumus-Bek Yevkurov and attended by the relevant Ingushetian officials as recounted by the Chair of the NGO Civic Assistance in her article: Svetlana Gannushkina, 'Sistema falsifikatsii ugolovnykh del i pytok. O cheloveke, kotoryi ne umeet l'gat'.

<sup>111</sup> Karina Gadzhieva, 'Poterpeshie po delu o pytkah Zelimkhana Chitigova prosiat o gosudarstvennoi zaschite', *Caucasian Knot*, 6 December 2011, available at <http://www.kavkaz-uzel.ru/articles/197133/> (last accessed on 10 February 2012).

<sup>112</sup> Incommunicado detention may be permitted under international law in very limited circumstances, for a very short period of time and only where it is specifically authorised by national law, which is not the case in Russia, even in respect of terror-related offences.

<sup>113</sup> Article 24, Federal Law 'On Custody of Persons Suspected of or Charged with Criminal Acts'.

Can request a different expert/institutions, a particular expert/expert institution. The investigator is not obliged to respond (Article 198 of The Criminal Procedural Code).

<sup>114</sup> For example, human rights centre Memorial, as well as others, reported on a security operation undertaken by members of law enforcement agencies in the early hours of the morning on 28 July 2007 in the village of Ali-Yurt in Ingushetia. Reportedly, dozens of men and women, including under-aged and elderly individuals, were targeted arbitrarily and subjected to severe beating, and many of them sought medical help at the hospital in Nazran. Several were discharged without medical certificates documenting their injuries, and in other cases the medics were reportedly forced, under the threat of sacking, to visit the relevant families and ask for these certificates to be returned. Source: <http://www.memo.ru/hr/hotpoints/caucas1/msg/2007/08/m95812.htm> (last accessed on 8 February 2012).

<sup>115</sup> See Amnesty International, 'Deadly bomb attack in North Ossetia condemned', 9 September 2010, available at <http://www.amnesty.org/en/news-and-updates/deadly-bomb-attack-north-ossetia-condemned-2010-09-09>.

<sup>116</sup> Yekaterina Selezneva, 'Zaderzhanniy silovikami Issa Khashagulgov soderzhitsia v SIZO Lefortovo', *Caucasian Knot*, 27 September 2010, available at <http://www.kavkaz-uzel.ru/articles/174805/> (last accessed on 24 February 2012).

<sup>117</sup> Vladimir Shishlin, 'Raskryt terakt vo Vladikavkaze', *Interfax*, 12 October 2010, available at <http://www.interfax.ru/society/txt.asp?id=159629> (last accessed on 24 February 2012).

<sup>118</sup> Yekaterina Selezneva, 'Zaderzhannogo po podozreniyu v prichastnosti k teraktu Khashagulgova net ni v Lefortovo, ni v SIZO Vladikavkaza', *Caucasian Knot*, 13 April 2011, available at <http://www.kavkaz-uzel.ru/articles/183305/> (last accessed on 24 February 2012).

<sup>119</sup> Tatiana Gantimorova, Yekaterina Selezneva, 'Sultan-Ghirei Khashagulgov posle pokusheniya opasaetsia za svoyu zhizn', *Caucasian Knot*, 15 April 2011, available at <http://www.kavkaz-uzel.ru/articles/183770/> (last accessed on 24 February 2012).

<sup>120</sup> According to Article 18 of the Federal Law 'On Custody of Persons Suspected of or Charged with Criminal Acts', a criminal suspect or defendant held in custody may have no more than two meetings a month with relatives, but these need to be allowed by the Investigative Committee or the investigator in charge of the case and are entirely at their discretion. Such meetings are routinely denied, which is often seen as an additional form of pressure on the persons under investigation.

<sup>121</sup> Convention against Torture (CAT) (text available at <http://www2.ohchr.org/english/law/cat.htm>) was adopted on 10 December 1984, entered into force on 26 June 1987. Russia is a party to the CAT. See also UN Committee against Torture, General Comment 2, 24 January 2008, UN Doc. CAT/C/GC/2.

<sup>122</sup> Article 9 of the Criminal Procedural Code of the Russian Federation.

<sup>123</sup> Criminal Procedural Code of the Russian Federation, Article 235.

<sup>124</sup> Criminal Procedural Code of the Russian Federation, Article 29(4).

<sup>125</sup> Criminal Procedural Code of the Russian Federation, Article 252.

<sup>126</sup> The pressure was most vividly expressed during an open conflict which erupted in late 2009 between the President of Ingushetia and the republic's senior judges. Yunus-Bek Yevkurov made several strong public statements in which he accused Ingushetian judges of corruption and leniency towards criminals for passing down acquittals or mild sentences, and blamed some "unscrupulous judges" for undermining the efforts to improve the overall situation in the republic.

For example, see one of Yunus-Bek Yevkurov's most often quoted interviews in this regard: 'Yevkurov: situatsiya stabiliziruetsia, no spokoystviya u menia net', interview with the President of Ingushetia by Adam Burzhaev for RIA Novosti, 24 December 2009, available at <http://ria.ru/interview/20091224/201140144.html>. See also 'Nechistoplotnye sud'i otvetstvenny za situatsiyu v Ingushetii – Yevkurov', RIA Novosti, 24 March 2010, available at <http://ria.ru/pravo/20100324/216198567.html>.

Reportedly, Yevkurov asked a senior Kremlin official to assist in removing several senior Ingushetian judges from office (see: Olga Bobrova, 'Yevkurov I ritual', *Novaya Gazeta*, 19 April 2011, available at <http://www.novayagazeta.ru/data/2011/042/17.html>). In response, the judicial community in Ingushetia split, and several senior judges responded with a strong public statement blaming Yevkurov for his attempts to discredit the court system and undermine its independence (see decision of the Council of Judges of the Republic of Ingushetia, 12 February 2010, available at [http://www.ingnews.ru/index.php?option=com\\_content&view=article&id=6235:2010-03-19-05-17-54](http://www.ingnews.ru/index.php?option=com_content&view=article&id=6235:2010-03-19-05-17-54). (All links last accessed on 18 November 2011).

<sup>127</sup> Interview with M.M. Daurbekov, 10 November 2010, Magas.

<sup>128</sup> The co-defendants in this case were: Ilez Ganiev, Adam Mutaliev, Beibulat Amirkhanov, Murat Esmurziev, Mussa Dzortov, Akramat Gambotov, Temuri Pareulidze, Arbi Khatuev, Zelimkhan Gardaloev, Magomed Kozdov, Zurab Estoev, and Daud Mutaliev.

<sup>129</sup> For example, see interview with Magomed Gagiev in Human Rights Centre Memorial, 'Venesen prigovor po "Delu dvenadtsati"', 9 February 2011.

<sup>130</sup> Article 12 CAT, see above note 120.

<sup>131</sup> For example, in the case of torture of a 14-year-old boy Akhmed Makhmudov in Dagestan in July 2010 (raised by Amnesty International in its Report 2011 *The State of the World's Human Rights*, Index: POL 10/001/2011, p. 273), which resulted in serious injuries, partial loss of hearing and psychological trauma, three local policemen were found guilty of abuse of power and all three sentenced in May 2011 to suspended sentences. The boy's family has appealed the sentence.

<sup>132</sup> Article 10 of the Federal Law 'On the Prosecutor's Office of the Russian Federation', Articles 144 and 145 of the Criminal Procedural Code of the Russian Federation.

<sup>133</sup> Bekhan Terkatiev, Akroman Izmailov, Zhabrail Dykaev, Magomed Kotiev, Dzhamaileil Oziev, Bekhan Baiyaliev, Kazbek Didigov, Amerkhan Tsechoev, Allaudin Nalgiev, Abdrakhman Uzeiv and Ruslan Teboev.

<sup>134</sup> See Press Service of the Human Rights Ombudsman of the Republic of Ingushetia, Press Release, 2 June 2011, available at <http://www.ingushetia.ru/m-news/archives/014407.shtml#more>; Timur Akiev, 'V Ingushetii izbity zaklyuchennyye', *Ekho Kavkaza*, 5 June 2011, available at <http://www.ekhokavkaza.com/content/article/24216122.html> (both links last accessed on 18 November 2011).

<sup>135</sup> According to information provided to Amnesty International by the Office of the Human Rights

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Ombudsman on the Republic of Ingushetia.

<sup>136</sup> 186 at the end of February 2012

<sup>137</sup> Federal Law 'On the Prosecutor's Office of the Russian Federation', Article 1(2).

<sup>138</sup> Federal Law 'On the Prosecutor's Office of the Russian Federation', Article 27(1).

<sup>139</sup> Article 140 of the Criminal Procedural Code of the Russian Federation and Articles 27 and 10 of the Federal Law 'On the Prosecutor's Office of the Russian Federation'.

<sup>140</sup> The case may be passed to another law enforcement agency for criminal investigation, depending on the nature of the alleged crime. However, all the alleged human rights violations documented in this report would be subject to investigation by the Investigative Committee.

<sup>141</sup> Article 148 of the Criminal Procedural Code of the Russian Federation.

<sup>142</sup> Articles 24 and 208 of the Criminal Procedural Code of the Russian Federation.

<sup>143</sup> Article 221(1) of the Criminal Procedural Code of the Russian Federation

<sup>144</sup> Only after the victim has exhausted domestic legal remedies (under the current practice, once the case has been heard by cassation appeals court), can an application be made to the European Court of Human Rights for consideration (see details on the relevant practice below).

<sup>145</sup> *The European Code of Police Ethics*. Recommendation Rec(2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum, paragraph 45, p. 11. English- and Russian-language texts of this document are available at: [http://polis.osce.org/library/details?doc\\_id=2687&ru=/library/details%3Fdoc\\_id%3D2658](http://polis.osce.org/library/details?doc_id=2687&ru=/library/details%3Fdoc_id%3D2658) (last accessed on 21 November 2011).

<sup>146</sup> *The European Code of Police Ethics*, p. 60.

<sup>147</sup> Including: Federal Law 'On Countering Terrorism', Federal Law 'On Operative and Search Activities', Decree of the Office of the Prosecutor General No. 33 of 15 February 2011 'On the Organization of the Prosecution's Supervision of Adherence to the Law in the Course of Operative and Search Activities', Federal Law 'On Security' amongst others.

<sup>148</sup> Federal Law 'On Operative and Search Activities', Article 15. Articles referred to earlier in this paragraph are 1, 2 and 13.

<sup>149</sup> Decree of the Office of the Prosecutor General 'On the Organization of the Prosecution's Supervision of Adherence to the Federal Law 'On Operative and Search Activities' by agencies of the Federal Security Service'.

<sup>150</sup> Independent commentators have noted that this Decree – in effect, an agreement between the Prosecutor's Office and the FSB is designed specifically to restrict further the Prosecutor Office's authority in controlling the FSB. They pointed to a number of clauses which tacitly but effectively restrict prosecutors' ability to conduct effective and independent checks on legality of the FSB's activities. Thus, the requirement that the FSB's operative documentation, which is covered by the legislative provisions on state secrecy, can not only be accessed by a limited number of prosecutors but also that this should "as a rule" take place on the premises of the FSB itself. See Andrei Soldatov & Irina Borogan, 'Granitsy prokurorskogo kontrolya', *Ezhednevnyi Jurnal*, 7 July 2011, available at <http://ej.ru/?a=note&id=11162> (last accessed on 21 November 2011). The citation is from Point 3. of the Decree of the Office of the Prosecutor General No. 20-27/10 of 18 April 2002.

<sup>151</sup> As explained to Amnesty International by investigators in Ingushetia, the usual response of the Investigative Committee to a reported human rights violation in which the alleged perpetrators were unidentifiable is to request information from the law enforcement agencies potentially involved regarding their possible involvement in the reported incident. Law enforcement agencies are obliged by law to respond to such requests (although they are sometimes ignored; see section 'Official acknowledgement of the impunity for serious human rights violations'). Sometimes, the substance or even the wording of these responses becomes known to the victims – either via the letters they also receive from these agencies directly, or from the correspondence they receive from the investigators (such as letters

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informing them of the closure or suspension of an investigation). These replies may avoid giving a direct and comprehensive answer to the relevant query. Examples from such correspondence seen by Amnesty International include statements that the involvement of law enforcement officials from a specific agency in a certain reported incident “has not been confirmed” or “has not been established.”

<sup>152</sup> Civic Assistance Committee, ‘Zatianut, zapugat i udrat’, report on a court hearing, 5 October 2011, available at [http://refugee.ru/news/zatianut\\_zapugat\\_i\\_udrat/2011-10-05-155](http://refugee.ru/news/zatianut_zapugat_i_udrat/2011-10-05-155) (last accessed on 2 December 2011).

<sup>153</sup> Human Rights Centre Memorial, ‘Protsess po delu "karabulakskikh oborotnei" prodolzhaevtsia’, 27 December 2011, available at <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (last accessed on 17 February 2012).

<sup>154</sup> ‘Yunus-Bek Yevkurov: “Hvatit otchityvatsia trupami!”’, interview with the Head of Ingushetia by Shura Burtin for *Russkiy Reporter*, 19 September 2011, available at <http://rusrep.ru/article/2011/09/19/evkurov> (last accessed on 6 February 2011).

<sup>155</sup> Article 6 of the Federal Law ‘On State Protection of Victims, Witnesses and Other Parties in Criminal Procedure’ of 20 August 2004.

<sup>156</sup> Meeting with Magomed Khamkoev, Deputy Head of Investigation Committee for Ingushetia, Magas, 2 June 2011.

<sup>157</sup> Photocopy of the letter published in Anna Politkovskaya, ‘Priznaniya boytsa eskadrona smerti: My vozvrashchialis i dobivali lyudei’, *Novaya Gazeta*, 27 May 2004, available at <http://2004.novayagazeta.ru/nomer/2004/37n/n37n-s00.shtml> (last accessed on 21 November 2011).

<sup>158</sup> One particular case from the North Caucasus in which the transfer of the responsibility for the investigation from the local (Chechen) to the North Caucasus Federal District-level authorities had a major positive impact on the progress of the case is that of Islam Umarpashaev (enforced disappearance, unlawful detention and torture). See: Amnesty International, ‘Further information: Chechen torture victim facing new threats’, 18 February 2011 (Index: EUR 46/006/2011, available at <http://amnesty.org/en/library/info/EUR46/006/2011/en>). International campaigning on the case and personal intervention by Thomas Hammarberg, the Council of Europe’s Commissioner for Human Rights, were key to this decision (see *Caucasian Knot*, ‘Mezhdunarodnye pravozaschitnye organizatsii trebuyut skoreishego rassledovaniya pokhischeniya Umarpashaeva’, 6 March 2011, available at <http://www.kavkaz-uzel.ru/articles/181962/?print=true>, last accessed on 2 December 2011).

<sup>159</sup> Sergei Mashkin, ‘Oproverzhimye dokazatelstva: Zamgenprokurora Sydoruk razoblachil svoyo zhe vystuplenie v Sovete federatsii’, *Kommersant*, 28 October 2010, available at <http://kommersant.ru/doc/1530053> (last accessed on 2 December 2011).

<sup>160</sup> Yury Chaika, Introductory remarks at an inter-agency meeting of the heads of Russian law enforcement agencies, 25 February 2010.

<sup>161</sup> Both letters were made public by the Inter-Regional Committee against Torture at a joint with several other human rights NGOs press-conference ‘Chechnya: The Investigative Committee and the Prosecutor’s Office Sign Confession in Their Powerlessness’, held on 21 April 2011 in Moscow. Details of the press-conference are available at <http://www.mhg.ru/news/1097AF39>. Copies of the cited official letters published at <http://www.memo.ru/2011/04/20/pc/led.pdf> and <http://www.memo.ru/2011/04/20/pc/pr.pdf> (last accessed on 2 December 2011).

<sup>162</sup> See some further details see open letter by the Chair of the Inter-Regional Committee against Torture Igor Kalyapin, 4 February 2011, available at <http://www.kavkaz-uzel.ru/articles/184035/> (last accessed on 2 December 2011).

<sup>163</sup> Russian Justice Initiative has strongly rebutted this point – which is also made in the Russian Federation’s submission of 25 February 2011 regarding the execution of the judgement of the ECtHR from the North Caucasus – but which primarily relates to cases from Chechnya, by pointing out that “[w]hile there are undeniable and numerous difficulties in investigating crimes of the past... the lack of progress in investigating this category of cases is in large part due to a reluctance on the part of the authorities to pursue evidence of the involvement of military officials. At the same time the authorities

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appear capable of investigating crimes of the past in which the main suspects are not state agents.” Source: Russian Justice Initiative, ‘Reply to the Russian Government’s submission of 25 February 2011 regarding the execution of the judgements of the European Court from the North Caucasus’, 19 May 2011, published as a communication from an NGO, under Rule 9.2 of the Rules of the Committee of Ministers of the Council of Europe, on 01 June 2011 and available at <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1795647&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383> (last accessed on 5 December 2011).

<sup>164</sup> Meeting with representatives of Investigative Committee, Moscow, 7 June 2011

<sup>165</sup> See Amnesty International, *Russian Federation: Briefing to the Human Rights Committee*, October 2009.

<sup>166</sup> On 4 August 2010, Ibraghim Yevloev himself was assassinated inside a cafe in Nazran by an unknown gunman who successfully escaped from the scene. See Caucasian Knot, ‘V Ingushetii ubit ek-militsioner, vinovnyi v smerti Magomeda Yevloeva’, 4 August 2010, available at <http://www.kavkaz-uzel.ru/articles/172542/> (last accessed on 5 December 2011).

<sup>167</sup> ‘V SKR sozdan otdel po delam sotrudnikov pravoohranitelnykh organov’, *Rossiyskaya Gazeta*, 18 April 2012, available at <http://www.rg.ru/2012/04/18/podrazdelenie-anons.html> (last accessed on 18 April 2012).

<sup>168</sup> Amnesty International, Public Statement, 16 April 2012 (index EUR 46/016/2012, available at <http://amnesty.org.ru/node/2218>).

<sup>169</sup> These are: *Velkhiyev and Others v. Russia* (torture and extrajudicial execution, dating back to July 2004), judgement of 5 July 2011; *Shokkarov and Others v. Russia* (torture and extrajudicial execution, dating back to 2003), judgement of 3 May 2011; *Tsechoyev v. Russia* (enforced disappearance and extrajudicial execution, 1999), judgement of 15 March 2011; *Tovsultanova v. Russia* (enforced disappearance, 2004), judgement of 17 June 2010; *Khatuyeva v. Russia* (enforced disappearance, 2004), judgement of 22 April 2010; *Mutsolgovva and Others v. Russia* (enforced disappearance, 2003), judgement of 1 April 2010; *Zabiyeva and Others v. Russia* (extrajudicial execution and ill-treatment, 2003), judgement of 17 September 2009; *Medova v. Russia* (enforced disappearance, 2004), judgement of 15 January 2009; *Khalidova and Others v. Russia* (enforced disappearance, 2002), judgement of 2 October 2008; *Khatsiyeva and Others v. Russia* (extrajudicial execution, 2000), judgement of 17 January 2008.

<sup>170</sup> See Russian Justice Initiative, ‘Reply to the Russian Government’s submission of 25 February 2011 regarding the execution of the judgements of the European Court from the North Caucasus’.

<sup>171</sup> Russian Justice Initiative, ‘Regarding Applicants’ Observations on the Execution of the judgements of the European Court of Human Rights from the North Caucasus’, memorandum to the Committee of Ministers of the Council of Europe, 23 May 2011, published as a communication from an NGO, under Rule 9.2 of the Rules of the Committee of Ministers, on 30 May 2011 and available at <https://wcd.coe.int/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=1869412&SecMode=1&DocId=1745860&Usage=2> (last accessed on 5 December 2011).

<sup>172</sup> *Isayeva v. Russia*, 57950/00, Council of Europe: European Court of Human Rights, 24 February 2005, available at: <http://www.unhcr.org/refworld/docid/4223422f6.html> (last accessed on 5 December 2011).

<sup>173</sup> *Abuyeva and Others v. Russia*, Application no. 27065/05, Council of Europe: European Court of Human Rights, 2 December 2010, para. 210, available at <http://www.unhcr.org/refworld/docid/4d5b9a7d2.html> (last accessed 5 October 2011).

<sup>174</sup> *Abuyeva and Others v. Russia*, para. 241.

<sup>175</sup> *Abuyeva and Others v. Russia*, para. 243.

<sup>176</sup> *Velkhiyev and Others v. Russia*, Application no. 34085/06, Council of Europe: European Court of Human Rights, 5 July 2011, para. 114, available at <http://www.unhcr.org/refworld/docid/4e26dff2.html> (last accessed 5 October 2011).



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## **THE CIRCLE OF INJUSTICE**

### **SECURITY OPERATIONS AND HUMAN RIGHTS VIOLATIONS IN INGUSHETIA**

Ingushetia, like other republics in the Russian Federation's North Caucasus region, faces genuine threats to its security. Armed groups carry out deadly attacks on officials and civilians. The failure of the law enforcement response to respect the rule of law is adding to the insecurity in the region. Police and other security forces are committing serious human rights violations with impunity, including enforced disappearances, torture and extrajudicial executions.

Victims of these violations and their families find themselves in a vicious circle in their search for justice. The security forces deny any involvement in human rights violations; official investigators fail to identify the perpetrators; the Russian courts offer no redress; while the victims and families are left vulnerable to further abuses by security officials.

Using Ingushetia as a case study, this report explores the system which enables members of the security forces across the North Caucasus to act outside the law. Perpetrators of human rights violations, past and present, must be identified and brought to justice. The system which allows these recurring abuses should be reformed, and conditions for their effective and genuinely independent investigation put in place.

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Index: EUR 46/012/2012  
June 2012

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