



Inter-Regional Non-Governmental Organisation
COMMITTEE AGAINST TORTURE

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A joint mobile group (JMG) has been working in the Chechen Republic since November 2009. This group consists of members of different Russian human rights organisations; it was created in order to receive credible and proven information relating to human rights violations in the Chechen Republic. In addition, the group's task is to reveal the causes for the contemptibly ineffective investigations, by the investigative authorities, into cases of torture and abductions in Chechnya. It should be recalled that the facts of the futile nature of such investigations have been established with growing frequency by the European Court of Human Rights in their judgements.

In connection with this, the lawyers of the mobile group carry out public investigations following the citizens' complaints concerning torture and abductions which have recently taken place in this region of Russia. In the framework of their activities, the JMG lawyers represent the legal interests of citizens who have been granted a victim status in criminal cases. It should be noted that such cases are investigated by various territorial subdivisions of the Investigative Directorate of the Investigative Committee for the Chechen Republic.

During their work on those cases, the lawyers have repeatedly encountered procedural infractions of various levels and nature. However, the most alarming and dejecting are situations where the investigative authorities are actually deprived of the possibility to investigate cases. This is due to the unsatisfactory work performed by officers of the law-enforcement agencies who systematically fail to fulfil the investigators' instructions, as well as to the inability to rectify this unacceptable situation on the part of the direction of the investigative authorities.

In addition, one can often have the impression that the investigators themselves do not show much enthusiasm when investigating crimes where officers of the law-enforcement agencies are allegedly involved.

It should be noted that what's implied here are crimes connected with the abduction of citizens, which is a real woe for the law-enforcement agencies in the Chechen Republic. Being aware of the urgency of cases belonging to this category, the heads of the law-enforcement agencies (the Ministry of Internal Affairs, Prosecutor's Office, Investigative Committee) issued several inter-agency orders relating to the detection and investigation of, and supervision over such cases. Nonetheless, one has to recognise ruefully that those regulatory enactments, however progressive in essence, are implemented in such a way that it couldn't be worse.

In March 2009, with a view to a better investigation of criminal cases where the procedural actions have become the subject of consideration by the European Court of Human Rights, the Chairman of the Investigative Committee issued an order creating Department 2 of the Investigative Directorate of the Investigative Committee for the Chechen Republic under the Prosecutor's Office of the Russian Federation for the

investigation of cases of special importance. However, after two years have passed since then, one has to admit that this measure brought no result.

On December 28, 2010, the Russian Federation submitted its 5th regular report to the UN Committee against Torture, in which the authorities commented on the situation with the investigation of cases of torture and abductions in the Chechen Republic.

In the report, it is stated, *inter alia*, that the said Department 2 is presently investigating 206 criminal cases concerning crimes related to abductions (§ 365). At the same time, it is highlighted in the report that “as a result of the taken measures, positive changes are observed in certain criminal cases, namely, the circumstances of the cases have been established with sufficient completeness, information on the involved persons has been gathered”. It is also noted that when investigating cases of abductions the investigators “do not limit themselves to the standard set of investigative actions” (§ 374).

However, the real-life examples dispel the seeming persuasiveness of those statements and show the falsehood of this Potemkin village.

Below are listed concrete examples of the functional weakness of the investigative authorities submitted to the prosecutor's office for the Chechen Republic.

I

On 06 November 2009, Lida Khamzatovna Gaysanova applied to the JMG members and stated that on 31 October 2009, a special operation had been carried out by security agencies in the district where she resided. As a result of the operation, her house burnt out and the officers of the law-enforcement agencies brought away her daughter, Zarema Ismaylovna Gaysanova, born in 1969. It is unknown what happened to Z.I. Gaysanova after that.

On 01 November 2009, L.K. Gaysanova applied to the Department of Internal Affairs for the Leninsky District of Grozny; however, the date of her application was changed for 09 November 2009 (this correction is visible). On the same date, i.e. on 01 November 2009, L.K. Gaysanova was questioned by Police Captain Dakayev, operative officer of the Criminal Investigation Department of the Criminal Police in the Department of Internal Affairs for the Leninsky District of Grozny; however, the date when he took an explanation from her was corrected to become 09 November 2009 (this correction is visible). A separate check into the facts of correcting Gaysanova's application and explanation is underway in the Leninsky Inter-District Investigation Department.

On 16 November 2009, criminal proceedings were initiated with respect to Zarema Gaysanova's disappearance, the case-file being assigned No. 66094. It is stated in the order to initiate the proceedings that “*On 31/10/2009, at about 17.30, unidentified persons who were wearing camouflage uniforms and riding in a UAZ vehicle abducted Zarema Ismaylovna Gaysanova from house 7 in 2nd Darwin Lane in the Leninsky District of Grozny and took her away in an unknown direction*”.

Since the very initiation of the criminal proceedings, one of the basic versions was the one implying that the officers of the state security agencies had been involved in the abduction.

As follows from the materials of the case-file, M.F. Tamayev, investigator of the the Leninsky Inter-District Investigation Department of the Investigative Directorate of the Investigative Committee under the Prosecutor's Office of the Russian Federation for the Chechen Republic, sent three separate instructions to the Department of Internal Affairs for the Leninsky District of Grozny requesting to take a whole number of operational and search measures in order to establish Z.I. Gaysanova's whereabouts.

The first of the instructions was sent on 20 November 2009; the second one, on 27 November 2009; the third one, on 06 December 2009. In addition, on 26 November and on 05 December 2009, investigator Tamayev submitted reports to Khasbulatov, acting head of the Leninsky Inter-District Investigation Department, where it was stated that the officers of the Department of Internal Affairs systematically fail to fulfil the instructions.

All the instructions were ignored by the officers of the Department of Internal Affairs, as a result of which on 05 December 2009 a request was filed for measures to be taken in order to establish circumstances that had contributed to the crime that had been committed. It was stated in the request that the investigative authorities of the prosecutor's office were deprived of the possibility to investigate the case due to the unsatisfactory work by the officials of the Department of Internal Affairs for the Leninsky District of Grozny. However, the investigative authorities of the prosecutor's office received no reply to this request from the Department of Internal Affairs.

On 09 and 23 December 2009 and on 27 January 2010, top-ranking officials of the Investigative Directorate submitted written applications to Alkhanov, Minister of Internal Affairs, requesting to grant information on the persons who had taken part in the special operation and to order internal checks with respect to the violations of the provisions of Art. 21, § 4 of the Code of Criminal Procedure of the Russian Federation committed by the officers of the Ministry of Internal Affairs. On 18 May 2010, the investigator who was in charge of the case sent a similar request to the Ministry of Internal Affairs of the Chechen Republic. The aforementioned applications remained without response.

There equally followed no reply to the repeated applications submitted to the commander of company 8 of the regiment of the Police Patrol Guard Service requesting to grant information as to officers of the regiment's who had taken part in the special operation.

Until now, the crime in question has not been fully investigated, the whereabouts of the abducted person have not been ascertained, the documents necessary for the investigation have not been provided, and not all of the officers of the law-enforcement agencies who were involved in the operation have been established and questioned.

On 27 April 2010, investigator Tasukhanov sent a letter to the head of the Police Department 1 for the Leninsky District in the Department of Internal Affairs for Grozny, whereby he highlighted the failure to fulfil the instructions issued on April 20 and 21, 2010, with respect to the delivery of witnesses.

On 05 May 2010, investigator Tasukhanov issued an instruction for the head of the Police Department 1 for the Leninsky District in the Department of Internal Affairs for Grozny requesting to fulfil a whole number of earlier instructions pending since 2009, whereby operational and search measures had been ordered.

On 24 February 2010, Gaysanova's representative lodged a request to have Mr. R.A. Kadyrov, Head of the Chechen Republic, interrogated as a witness with a view

to establishing the circumstances of the case that were known to him, since he had was in command of the operation during which Gaysanova had disappeared.

On 26 February 2010, this request was granted by the investigator.

Subsequently, the investigation of the case was entrusted to another investigator who did not fulfil the said request for a long period of time.

On 22 April 2010, a complaint in respect of such inactivity on the part of the investigator was lodged with the top-ranking officials of Department 2 of the Investigative Directorate of the Investigative Committee for the Chechen Republic.

On 26 April 2010, E.S. Anikeyeva, acting head of Department 2, issued an order rejecting the complaint. In particular, Anikeyeva stated in the order *“it was impossible to interrogate Mr. Kadyrov due to his hectic timetable”*.

Gaysanova’s representative appealed to court against this order.

On 10 December 2010, the investigation of the case was discontinued by a court decision as the order which had been appealed against was quashed by the deputy head of the Investigative Directorate of the Investigative Committee for the Chechen Republic as unlawful and unfounded on 09 December 2010.

By now, after almost a year has passed since the mentioned request was granted, the key witness of the case has not been interrogated.

The analysis of the materials of the public investigation allows for a conclusion that the officers of the Department of Internal Affairs for the Leninsky District of Grozny failed to react timely and effectively to L.K. Gaysanova’s statement concerning the abduction of her daughter. Accordingly, immediately after L.K. Gaysanova had applied to the police, the officer on duty of the Department of Internal Affairs took no measures in connection therewith, no operational team was sent to the scene of the incident, and no immediate arrest operation plan was implemented.

Subsequently, officers of the Department of Internal Affairs forged the dates of the registration of L.K. Gaysanova’s application and of her questioning, in order to conceal their inactivity as to the reporting of the crime. In addition, the head of the Department of Internal Affairs for the Leninsky District of Grozny, thus violating the requirements set forth in the Russian Code of Criminal Procedure, sabotaged the fulfilment of the investigator’s instructions that ordered operational and search measures to be taken.

Furthermore, in violation of the Russian Code of Criminal Procedure, different security agencies refuse to provide the investigation with data regarding the persons who have taken part in the special operation. The facts described above constitute solid grounds to believe that there have been officers of law-enforcement agencies involved in the abduction of Z.I. Gaysanova. Should it not be the case, they would have no reasons to sabotage the requirements of the investigator in charge of the case concerning Z.I. Gaysanova’s abduction.

II

On 07 December 2009, Raisa Saidakhmedovna Turluyeva applied to the JMG stating that on 21 October 2009, her son, Said-Salekh Abdulganiyevich Ibragimov, born in 1990, was arrested by police officers from a special regiment submitted to the

Directorate of Extra-Departmental Security Service under the Ministry of Internal Affairs for the Chechen Republic and specialising in the protection of the facilities related to oil-and-gas industry in the Chechen Republic. S.-S.A. Ibragimov allegedly remained in the premises of the regiment for several days. What happened to S.-S.A. Ibragimov afterwards is unknown.

The lawyers ascertained that on 21 October 2009, officers of the said special regiment arrested S.-S.A. Ibragimov and delivered him to the regiment's administrative building located in Grozny. On the same day, at about 24 p.m., Adnan Abdullayevich Ibragimov (Said-Salekh's uncle) was also delivered there; he saw S.-S.A. Ibragimov and talked to him. According to A.A. Ibragimov, a lot of officers of the regiment were present in the room at that moment voicing their claims to S.-S.A. Ibragimov and threatening to kill him in blood revenge in connection with the death of their comrade in a combat operation carried out at S.-S.A. Ibragimov's place of residence. They were referring to the combat operation implemented by officers of the law-enforcement agencies against the members of the illegal armed groups in the afternoon of 21 October 2009 in A.A. Ibragimov's house in Goyty village. After the talk A.A. Ibragimov was set free while S.-S.A. Ibragimov remained within the regiment's territory.

Subsequently, the command of the regiment stated that S.-S.A. Ibragimov was let out of the regiment's territory at 24.40. At the same time, the investigator of the Achkhoy-Martan investigation department who carried out a check following S.-S.A. Ibragimov's disappearance attempted to exclude information concerning S.-S.A. Ibragimov's stay in the said regiment from the explanations given by A.A. Ibragimov and R.S. Turluyeva reasoning that it was dangerous for them. In connection with this, CMG lawyers lodged a complaint with regard to the investigator's actions, which was rejected.

On 28 December 2009, criminal proceedings were initiated with respect to S.-S.A. Ibragimov's disappearance; the case-file was assigned No. 66102. In the course of the proceedings, it became necessary to interrogate the regiment's officers as witnesses.

On 08 February 2010, 12 March 2010, 14 May 2010, and 21 June 2010, the investigator sent letters and instructions to the top-ranking officials of the Department of Internal Affairs for the Leninsky District of Grozny and of the Ministry of Internal Affairs for the Chechen Republic requesting to ensure that Mr. Delimkhanov, commander of the regiment, and Mr. Abdureshidov, commander of company 6, and other persons appear for interrogation as witnesses.

The officers listed above evade appearing before the investigator; no reply to the aforementioned letters and instructions was ever received.

On 12 July 2010, a letter was sent to the Minister of Internal Affairs with a view to ensuring the said persons' appearance for investigative actions to be taken. There followed no appropriate response to this.

The investigator interrogated Mr. Delimkhanov and Mr. Abdureshidov only as late as on 23 July 2010 having visited them at their working places; further investigative actions are planned to be taken with respect to the said officers, which imply the necessity for them to arrive at the investigation department.

Subsequently, in August 2010, the investigator planned to organise a confrontation between Mr. Delimkhanov and the disappeared person's uncle, both being witnesses in the case. However, the confrontation was repeatedly postponed due to witness Delimhanov's the failure to appear.

The confrontation has never been held until now.

Furthermore, the issue of the lawfulness of Said-Salekh Ibragimov's delivery to the premises of the Directorate of Extra-Departmental Security Service has never received any estimate. Said-Salekh Ibragimov's whereabouts has not been ascertained; the investigation of the case is constantly being suspended and resumed.

III

On 04 December 2009, Aima Adnanovna Makayeva applied to the JMG stating that on 28 June 2009 her son Apti Ramazanovich Zainalov was arrested by officers of the law-enforcement agencies in Grozny. Apti Zaynalov resisted the arrest and was wounded as a result. After that, Mr. Zaynalov remained under armed guard for several days while he was treated in the central hospital of the Achkhoy-Martan District.

On 07 July 2009, after A.A. Makaeva complained to the prosecutor's office and to the Department of Internal Affairs for the Achkhoy-Martan District in connection with the aforementioned facts, unidentified armed persons brought A.R. Zaynalov away from the territory of the hospital. It is unknown what happened to A.R. Zaynalov afterwards.

On 28 July 2009, criminal proceedings were initiated with respect to A.R. Zaynalov's disappearance in the territory of the central hospital of the Achkhoy-Martan District; the case-file was assigned No. 74032.

The JMG lawyers who were admitted to participate in the case as the victim's representatives lodged two requests for a large number of investigative actions necessary to ascertain the circumstances which are essential for the case. However, the investigator rejected those requests. These rejections were appealed against to the Staropromyslovsky District Court of Grozny, which ruled the investigator's actions to be unlawful by its judgment of 29 January 2010.

By way of questioning the witnesses and studying the materials of the case-file, the JMG lawyers ascertained that on 28 June 2009, Mr. Zaynalov was arrested by unidentified persons and firearms were used against him. Subsequently, the investigator who was in charge of this criminal case seized the bullet from the scene of arrest, but only after the JMG lawyers discovered it themselves during their own examination of the scene of the incident (!).

It has been established that unidentified police officers arrived at the scene of the incident following the fact of the use of firearms; however, the necessary operational and investigative actions were not taken. In connection with this, a separate check is presently being carried out by an investigator of the Leninsky Inter-District Investigation Department. However, until now the investigator has not identified the police officers who arrived at the scene of the incident on 28 June 2009.

In the course of the investigation, it has been firmly established that the medical personnel of the central hospital, in violation of the Instruction on the Procedure for Interaction between the Medical and Preventive Treatment Facilities and the Institutions of Internal Affairs of the Russian Federation in Cases Where Citizens Having Injuries of a Violent Character Are Admitted to Medical and Preventive Treatment Facilities (approved by Order No. 4/8 of the Ministry of Health and the Ministry of Internal Affairs of the Russian Federation dated 09/01/1998), failed to report to the Achkhoy-Martan Department of Internal Affairs on A.R. Zaynalov's admittance to hospital. The hospital staff stated, however, that they considered the persons who guarded their

unidentified patient to be police officers and for that reason they did not report to the Department of Internal Affairs about such patient's arrival.

Moreover, during Zaynalov's stay in hospital, Y.V. Potanin, former acting Achkhoy-Martan Inter-District Prosecutor, who visited the hospital to carry out a check following a request by Makayeva and met with R.L. Khatayev, former chief physician of the hospital, established the fact of A.R. Zaynalov's stay in hospital under armed guard but took no further steps for due investigation.

As we believe, one can reasonably assume that the former acting prosecutor was aware of the fact that the persons under whose guard A.R. Zaynalov was kept were law-enforcement officers. If this had not been true, the prosecutor would have taken urgent measures to establish the identities of those people and arrest unidentified armed individuals (who might have been members of illegal armed groups).

Under such circumstances, it is impossible to count on the effective investigation of the crime in question, which is confirmed by the outcome of the criminal proceedings.

After one and a half years have passed since then, Zaynalov's whereabouts has not been ascertained; persons involved in the crime have not been established; neither the former acting prosecutor, nor the former chief physician of the hospital have ever been brought to criminal responsibility.

IV

On 11 December 2009, Islam Irisbayevich Umarpashayev, born in 1986, was abducted by unidentified armed persons from his house in Grozny. On 28 December 2009, criminal proceedings were initiated in connection therewith; the case-file was assigned No. 68042. On 02 April 2010, Islam Umarpashayev was released from the place where he had been unlawfully detained. According to Umarpashayev himself, he was detained in the basement of a house in the territory of one of the Chechen police units, a special purpose police unit (OMON) of the Ministry of Internal Affairs for the Chechen Republic.

On 01 September 2010, Islam Umarpashayev officially required that the investigator perform an examination of the scene of the incident, i.e. of the territory of the OMON base, with the participation of Islam himself and his representative. On 03 September 2010, the investigator formally agreed with this requirement. Nevertheless, the investigator has not yet performed an examination of the scene of the incident.

On 21 September 2010, Islam Umarpashayev, as a victim, was summoned by investigator Gayrbekov in order to carry out a planned in-place verification of Islam's statements. However, the investigator only questioned Umarpashayev once more and refused to go into the territory of the OMON base. The in-place verification of statements was postponed until the next day. However, on 22 September 2010, investigator Gayrbekov informed the victim's representative on the telephone that this investigative measure would not be taken on that date. The in-place verification of statements was scheduled for 27 September 2010. However, it was not carried out on that date either. According to the investigator, the OMON officers denied access to their base to him (!). Due to this, no verification of the victim's statements has been carried out as yet.

On 28 September 2010, investigator Gayrbekov showed photos of OMON officers to Islam for identification (12 photographs). Umarpashayev recognised two police officers. When asked when the other officers' photos would be shown, the investigator replied he did not have the photos of all the OMON personnel and the decision whether to submit the other photos or not did not depend on him. By now, Islam Umarpashayev has not been shown photos of any other OMON officers for identification.

On 30 March 2010, the investigator of the Investigative Directorate issued an instruction to the head of the Department of Internal Affairs for the Oktyabrsky District of Grozny to verify the information on the detention of the abducted person in the territory of the OMON base and to identify witnesses and report their names. On 19 May 2010, an official reply signed by Mr. Rashidov, deputy head of department, was received, where it was stated that the measures aimed at the identification of OMON officers were still underway.

On 27 May 2010, the investigator of the Investigative Directorate issued an instruction to the head of the Police Department No. 2 of the Department of Internal Affairs for Grozny to identify persons whom Umarpashayev had come in contact with during his alleged detention in the OMON of the Ministry of Internal Affairs for the Chechen Republic. On 03 June 2010, an official reply was received from the deputy head of the Police Department No. 2 stating that it had not been possible to identify those persons.

V

On 12 November 2009, Denilbek Sakhabovich Askhabov and Tamara Kharonovna Askhabova applied to the JMG stating that on the night between 04 and 05 August 2009, unidentified armed persons wearing masks abducted their son, Abdul-Yazit Denilbekovich Askhabov from his own house. It is unknown what happened to Abdul-Yazit Askhabov afterwards.

Immediately after the abduction, D.S. Askhabov reported to the standby unit of the Department of Internal Affairs for the Shalinsky District and to A.S. Kadiyev, local police representative of the Department of Internal Affairs for the Shalinsky District. However, police officers took no actions in connection with A.D. Askhabov's abduction, no operational group was sent to the scene of the incident, no attempts to intercept the abductors were made. Subsequently, police officers took no measures to establish circumstances of A.D. Askhabov's abduction either.

On 05 August 2009, criminal proceedings were initiated in connection with Abdul-Yazit Askhabov's abduction, the case-file was assigned No. 72028.

On 05 and 16 October 2009, Kh.Kh. Bakayev, investigator of the Shalinsky Inter-District Investigation Department, issued instructions to the Department of Internal Affairs for the Shalinsky District requesting to create an operational group and to take a number of investigative and search measures in order to ascertain A.-Ya.D. Askhabov's whereabouts, in particular, to identify witnesses, go on rounds to households, etc.

The officers of the Department of Internal Affairs ignored all the instructions, as a result of which on 19 October 2009, the head of the Shalinsky Inter-District Investigation Department issued a request addressed to M.Kh. Daudov, head of the Department of Internal Affairs, for measures to be taken in order to eliminate

circumstances that had contributed to the commission of the crime. It was stated in the request that the investigative authorities had been deprived of the possibility to investigate the case due to the improper work of the officials of the Department of Internal Affairs for the Shalinsky District. However, the investigative authorities under the prosecutor's office have never received any reply from the Department of Internal Affairs to this request either.

In the framework of the same case, on four occasions (on 26 January 2010, 28 February 2010, 09 March 2010, and 05 May 2010) M.S. Pashayev, investigator of department No. 2 for the investigation into especially important cases of the Investigative Directorate of the Investigative Committee under the prosecutor's office of the Russian Federation for the Chechen Republic, sent requests to the commander of the regiment of the Special-Purpose Police Patrol Guard Service named after Kadyrov submitted to the Ministry of Internal Affairs for the Chechen Republic asking to provide photographs of the regiment's officers for their identification. However, the investigator has yet not received any reply to his requests.

On 11 May 2010, the acting head of the investigative directorate sent a letter to the Minister of Internal Affairs of the Chechen Republic informing him about the violations of requirements set forth in Art. 21, § 4 of the Code of Criminal Procedure of the Russian Federation on the part of the officials of the regiment of the Police Patrol Guard Service; however, there followed no response to this letter.

On 09 April 2010, M.S. Pashayev, investigator of department No. 2 for the investigation into especially important cases, went to the regiment in order to seize the photographs of the regiment's officers. An officer of the regiment refused to allow the investigator to do so (!) with a reference made to the Federal Law on counteraction to terrorism as "there are more than 900 persons serving in the regiment of the Special-Purpose Police Patrol Guard Service No. 2 named after Kadyrov, part of whom participate in counter-terrorist operations over the whole territory of the Chechen Republic".

The impossibility to perform this investigative actions constituted grounds for the investigator's refusal to initiate criminal proceedings in this case.

A.-Ya. Askhabov has not been found until now, the abductors have not been identified.

VI

On 23 May 2010, Adlan Usmanovich Idrisov applied to the JMG reporting that his son Zubair Adlanovich Idrisov, born in 1991, had been beaten up and a criminal case-file in relation to him had been fabricated.

On 3 August 2009, in Avtury Village, the vehicle of Mr. M. Daudov, head of the Department of Internal Affairs for the Shalinsky District, was blown up. At the time of this terrorist attack Zubair Idrisov was in Kurchaloy Village. As the applicant explained, on the night between 4 and 5 August 2009, Zubair Idrisov was abducted by unidentified armed persons wearing masks. At the same time, Zelimkhan Sultanovich Aslakhonov, born in 1990, was abducted from the neighbouring house. Three hour later, Idrisov and Aslakhonov were set free in proximity to the gas station near Meskert-Yurt Village. At the moment of the abduction, physical violence was used in relation to Idrisov и Aslakhonov. The abductors demanded that they be given information as to the

participants of the attack on the head of the Department of Internal Affairs for the Shalinsky District which had taken place on 3 August 2009.

On 2 September 2009, in Avtury Village officers of the law-enforcement agencies arrested Aslakhanov and Idris Anzurovich Mejidov, born in 1990. As for Zubair Idrisov, whom the policemen also attempted to arrest at the same time, he fled.

At night, Magomed Daudov, head of the Department of Internal Affairs for the Shalinsky District, gave a telephone call to the Idrisovs and demanded that Zubair Idrisov be delivered to him. On 3 September 2009, at about 1 p.m., Adlan Idrisov and his wife Anu Idrisova brought Zubair Idrisov to the Department of Internal Affairs for the Shalinsky District. The Idrisovs gave in their son to Magomed Daudov in his office.

On the same night, a report was broadcasted in a news programme on TV, in which R.A. Kadyrov, President of the Chechen Republic, talked to I. Mejidov, Z. Idrisov, and Z. Aslakhanov in the territory of the Yug (South) battalion of internal security troops. Mejidov's father took part in the conversation. As to the arrested persons, it was said they had intended to blow up M. Daudov, head of the Department of Internal Affairs for the Shalinsky District.

Zubair Idrisov himself reported that violence had been used in relation to him on the part of police officers with a view to making him confess in having attempted to assassinate Daudov.

Subsequently, Idrisov, Mejidov, and Aslakhanov were charged with having committed an attempt to assassinate Daudov, and they were convicted.

During the investigation and court trial, the prosecution stated that all the three arrested persons had been arrested on 4 September 2009 when attempting to flee into the mountains carrying firearms with them. But it was completely ignored the fact that the news about the three terrorists arrested and a video report on this subject had appeared in the mass media as early as late at night on September 3 and in the early morning of September 4.

Furthermore, as it was stated by the expert, due to the faulty operation of the camera, it was impossible to print photographs which, according to the materials of the case-file, had been taken during the examination of the scene of the incident (scene of the arrest). However, the JMG lawyers obtained photos from the scene of the incident, in which apparent injuries could be seen on Idrisov's face. Those photos were sent to the investigative authorities as an attachment to the request to initiate criminal proceedings in connection with the falsification of materials contained in the case-file. However, the initiation of criminal proceedings was denied as the origin of those photos was "unknown" to the investigator. The very issue of whether those photos were authentic or forged did not interest the investigator, he did not order any appropriate expert studies.

Following Idrisov's application with regard to his having been beaten up, an order was issued to refuse from the initiation of criminal proceedings, which, according to the JMG lawyers, was unlawful and unfounded. All the arguments concerning this order have been set forth in numerous complaints lodged with both the investigative authorities and the court.

At present, the work on Idrisov's application is still underway.

Following all the cases described above, the respective applications are being before the European Court of Human Rights and one can state beyond any doubt that the aforementioned facts of flagrant inactivity by the government authorities when investigating such serious crimes will not remain with no estimate on the part of the Strasbourg judges.

The passivity of the Chechen investigative authorities is effortlessly confirmed by the statistics submitted by the Russian federal institutions to international instances, in particular to the United Nations Organisation. Thus, from the 5th regular report dated 28 December 2010 that was been mentioned above, the following can be derived.

In 2008, the investigative authorities received 102 reports of ill-treatment. As a result of checks that were carried out following reports of ill-treatment, no criminal investigations were initiated in 2008 (§ 359). In 2009, the investigative authorities received such 127 reports. As a result of the checks, only one criminal investigation was initiated; with respect to 126 reports, decisions were made to refuse from the initiation of criminal proceedings (§361).

Since the moment when the Investigative Committee started operating in the Chechen Republic till 2009, 151 applications regarding abductions were received. As a result of the consideration of those applications, 71 criminal investigations were initiated, of which 19 were initiated in 2008, 40 were initiated in 2009. However, just one (!) criminal case was sent to court in 2009; while in 2008, only 4 of them (§ 376).

From 2007 to 2009, 427 applications were received with respect to the facts of disappearance of citizens' in the territory of the Chechen Republic. 142 criminal investigations were initiated in this period. However, not a single criminal case was sent to court during the said period (§ 377)!

The information cited above being official, it entirely demonstrates the incapability of the investigative authorities in the Chechen Republic to carry out effective investigation following the facts of torture and abductions of citizens.

During the JMG's work, its lawyers appealed to various instances against numerous violations revealed, among those instances there being top-ranking officials of the investigative authorities and institutions of internal affairs, the prosecutor's office, and court. 30 complaints were lodged with judicial instances in accordance with the procedure contemplated by Art. 125 of the Code of Criminal Procedure of the Russian Federation. 11 of those complaints were satisfied. In relation to 9 more of those 30 complaints, the court discontinued the proceedings since the violations appealed against had been acknowledged and rectified by the heads of the respective investigative authorities after the complaints had been filed with court, but before the judgment was delivered. Special attention should be paid to this malpractice of the cancellation of unlawful procedural decisions by the heads of investigative authorities not in the framework of procedural control, immediately after such decisions were issued, but only after these decisions have been appealed against to court by participants of criminal procedure.

Furthermore, in the period of the JMG's work, over 30 complaints and applications regarding violations of the rule of law were submitted to various subdivisions the Investigative Committee of the Russian Federation, the head of the Investigative Directorate for the Chechen Republic being among them. In particular, as a result of the said applications, Mr. V.A. Ledenev, head of the Investigative Directorate

of the Investigative Committee of the Russian Federation for the Chechen Republic, sent a letter (ref. No. 396-201/2-191-10, dated 17/08/2010) to Mr. R.Sh. Alkhanov, Minister of Internal Affairs for the Chechen Republic, on the systematic failures to fulfil the investigator's instructions and requests on the part of the officers of the institutions of internal affairs.

It follows from the letter that the disappointing conclusions made by the JMG lawyers are acknowledged and shared, to a great extent, by the highest officials of the Investigative Directorate for the Chechen Republic.

On a number of occasions, the JMG lawyers have discussed the issue of the lack of effective investigation with the top-ranking officials of the law-enforcement agencies (including Mr. R.Sh. Alkhanov, Minister of Internal Affairs for the Chechen Republic; Mr. A.B. Yanishevsky, First Deputy of the Minister of Internal Affairs for the Chechen Republic; Mr. M.M. Savchin, Prosecutor of the Chechen Republic; Mr. S.V. Shavkuta, Deputy Prosecutor of the Chechen Republic; Mr. S.M. Pashaev, Deputy Head of the Investigative Directorate for the Chechen Republic), as well as with Mr. R.A. Kadyrov, the Head of Chechnya. All of the above-listed officials fully or partly recognised the problem and expressed readiness to take measures for its solution. However, the practices of investigation into criminal cases linked with abductions did not improve by any means during the whole year 2010.

Based on the foregoing, one can conclude that some particular subdivisions of the institutions of internal affairs are excluded from the sphere of application of the Russian law and are by no means subject to control by the authorised state bodies, i.e. the prosecutor's office and the investigative committee. Complaints regarding unlawful actions by officers of such subdivisions do not actually entail any investigations notwithstanding their officers' obvious involvement in the commission of crimes. Moreover, a situation where the requirements and instructions of high-ranking investigators and prosecutors are ignored by police officers is merely inconceivable in any law-governed and democratic state.

Ineffective investigation into facts of torture and abductions in Russia causes our country's disgrace in the international arena and is one of the most serious violations of the commonly recognised provisions and principles of law.

This situation undermines the very foundations of Russia's constitutional system and shows the population of the Chechen Republic and other Russian regions that the federal authorities are unable to ensure the observance of the Constitution of the Russian Federation in the territory of the Chechen Republic.

Respectfully yours,



I.A. Kalyapin,

Chairman of the Inter-Regional Non-Governmental Organisation
"COMMITTEE AGAINST TORTURE"

