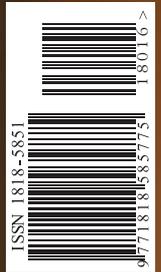


THE FIRST INDEPENDENT MAGAZINE ABOUT EVENTS IN THE CAUCASUS

WORD

DOSH

DIGEST



THE QUEEN OF EVIDENCE AND HER PAWNS

ISSUE #18

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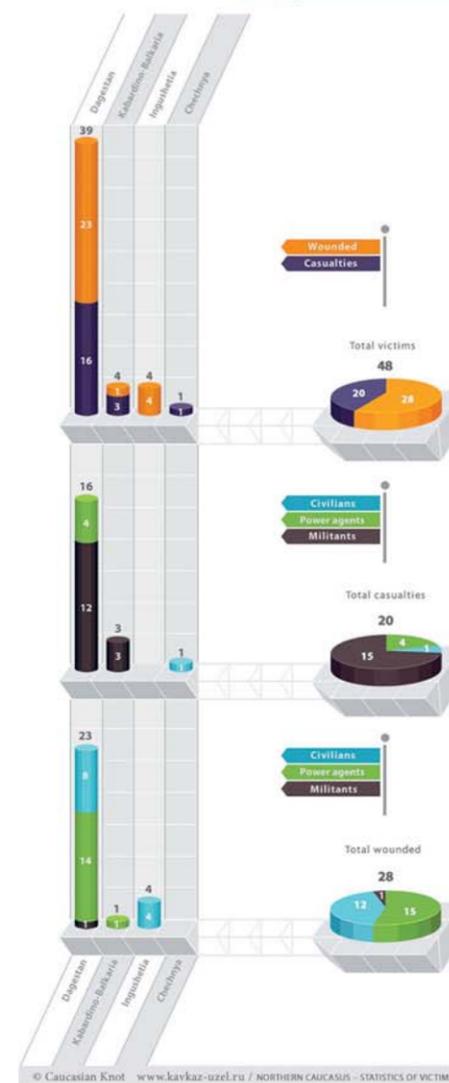
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 under the data of the Caucasian Knot



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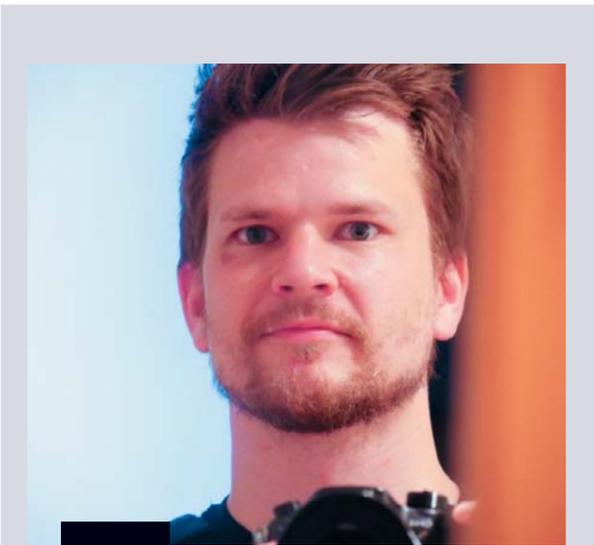
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"I thought it is my duty - having the opportunity to live in a free country - to write about these people so that the world can learn about Chechnya and Chechens and learn to care for this country. I want people to discover the real Chechnya. A country where one takes care of one's guests and helps others, before one thinks of oneself. And a people who has experienced so much pain, but retained its pride and fortitude. I want the world to know about them. As for those idiots who attacked us - as they say in Chechen - they are mere kota-mash ["chickens" in Chechen]"

LEIA GUREVICH THE QUEEN OF EVIDENCE AND HER PAWNS

Moscow's Nikulinskiy District Court is hearing a case in which two Chechens, Timirlan Tsatsaev and Aslan Kautarov, are accused of attacking police officer Aleksey Peshkov and stealing his service badge.



"During the warmer months, we get together with our friends at the cul-de-sac across from the main building of Moscow State University. We discuss the latest news from the auto world, evaluate the sound quality of new audio equipment, hang out, smoke hookah and generally pass the time in a constructive manner. Lowriders are currently in vogue, so many young auto hobbyists go to special auto shops to install pneumatic suspensions on their rides. These allow the driver to adjust the height of the car by pressing a button."

Cars are Tsatsaev's hobby and, you could even say, passion. That Saturday night, joined by some friends riding in two other cars, he and Kautarov drove to the meeting place in front of Moscow State University in order to capture a spectacular selfie: a night-time view of lovingly-detailed cars with Moscow in the background — no doubt, the selfie really was quite spectacular.

No doubt this episode in the life of the Moscow honors student, the pride of his parents and the plaything of fate, would have remained just that, a nice photo on his VKontakte page — to flow irrevocably into the past — were it not for a fateful stroke of luck.

At 2:15 a.m., on the way to MSU, the guys were stopped by traffic police and cited for illegible license plates. An hour later, the Chechen friends once again attracted the attention of law enforcement officers — this time they were detained for trespassing: they had lifted a boom barrier to the university parking lot in order to take a shortcut to the selfie location. Thus, by 3:30 a.m. the guys had already been detained by traffic police, taken to the MSU police station, cross-checked for involvement in other crimes and released without penalty.

Both defendants were detained several weeks after the incident. Tsatsaev confessed during his interrogation. However, after meeting with an attorney, he retracted the confession, claiming that it was coerced. It was not possible, however, to corroborate that any torture took place. Neither the detaining officers nor the interrogators had violated any laws, the reports were drafted properly, and by the time that Tsatsaev's family learned of the torture and decided to file a complaint, the traces of torture had disappeared from the man's body. Even Sergey Babinets, an employee of the *Committee against Torture* which took on the case, was forced to admit that it was impossible to prove any torture had taken place. He wrote as much to Asya Isaeva, Tsatsaev's mother.

For her part, Isaeva claims that Detective Glicksman, the lead investigator on the case, fabricated the case "from A to Z." The official investigation remains silent. All attempts to obtain a comment were fruitless.

In court, the prosecution has used and continues to use only one piece of evidence for its case: the "sincere" confession, signed by Tsatsaev during his

interrogation. This is the same form of evidence that in bygone years was termed "the tsarina of evidence." In modern parlance, however, we may shorten this to simply "the Queen," especially since the events surrounding this case really do resemble a game of chess.

Let us follow this story chronologically.

A passion for selfies

We will begin in September 2014. Timirlan Tsatsaev was a young and successful student at the Financial University under the Government of the Russian Federation. He and Aslan Kautarov, his friend and manager from his consulting company job, were on their way to Sparrow Hills. Both friends were 21 years old. This Saturday evening, their shared love of cars brought them to a gathering of young men from *BPAN*, an automotive hobbyist association, to show off Tsatsaev's tuned car.

BPAN community coordinator Andrey Nazarov explained how such car enthusiasts' gatherings typically play out:



The Operative's Progress

That same evening, Senior Police Lieutenant Aleksey Peshkov — a 27-year-old special investigative agent with the Anti-Economic Crimes Department of MVD Moscow's South-West District (hereinafter, ACD MSWD) — was celebrating his night off. And, it should be mentioned, was doing so in style. Having started the evening with three drinks at a bar on New Arbat, he went for a refill to a second bar and then decided to get some fresh air in Sparrow Hills. He was accompanied by a girl that our hero had met back at the first bar. According to the case file, her name was Sofia. According to the officer, the couple took a seat on a bench outside the church on ulitsa Kosygina. And then, Peshkov lost his service badge.

What is the connection between the senior lieutenant's misfortune and the

two young Chechens? What gave rise to the criminal case?

Emergency call

Between three and four o'clock in the morning, Peshkov called an ambulance and the police. When they arrived in Sparrow Hills, the lieutenant reported that he had been assaulted, beaten, and robbed of money, his phone and his service badge.

According to the medical report, the victim failed a field sobriety test, meaning he was unable to touch his finger to his nose with his eyes shut. Consequently, it is doubtful that he limited himself to just the three glasses of champagne he mentioned in his account. In addition to this, instead of ordinary police, the responding officer was the deputy chief of the MSWD, Police Lieutenant-Colonel Igor Petukhov — who, incidentally, was the victim's immediate supervisor. Two to three months later, Petukhov, together with head of MSWD Pushkov, would be in charge of Moscow MVD's Western District — the very agency in charge of investigating the case of the two Chechens.

Police chess

Whether the investigation into the incident took a long time or not, on November 12, 2014, Tsatsaev and Kautarov were arrested and charged. On the first night of his arrest, after several hours of interrogation, Timirlan Tsatsaev furnished a full confession.

According to Tsatsaev's classmate, Maria Ovsyanitskaya, who witnessed the arrest, it took place in the following manner: Two men waited at the doors to the university, another two followed Tsatsaev, while a fifth man stood to the side with a video camera. It stands to reason that the student had been under

surveillance. Tsatsaev was seized, cuffed, and taken to an unmarked car. The arresting officers did not respond to questions and did not introduce themselves. They took his phone away immediately. This took place around nine in the morning. Timirlan's mother, Asya, received a call only at six in the evening — evidently no earlier than Timirlan signed the statement the investigators wanted. According to Tsatsaev, he was beaten and tortured with electroshocks. It is no wonder then that since his interrogation he developed a stutter. And such an intense one that he was unable to pronounce his own name in court. His childhood speech impediment had returned — the very one that Timirlan had undergone treatment for over the course of ten years and overcame only by the age of thirteen.

Meanwhile, the victim, Peshkov — who saw the detainees during their interrogation (the defense asserts that this visit was in no way fortuitous) — immediately identified the men as his assailants. It is worth noting, that in this game of chess, there were two Peshkovs. [Translator's note: *peshka* means "pawn" in Russian.] We are already familiar with the first — he is the victim. The second is Captain Peshkova, the detective in charge of bringing the case to the prosecution. We cannot be fully certain whether this is a coincidence or not, but several law enforcement sources have assured us that the captain is in fact the lieutenant's mother. Naturally, if this is true, detective Peshkova's participation in a case involving a close relative of hers, is illegal.

Suspecting police misconduct, Tsatsaev's mother submitted a request and received an explanation that the two Peshkovs are simply namesakes.

We would like to note, however, that the investigation in the case was taken

on by Peshkova's division, instead of being transferred to the regional MVD with oversight over the jurisdiction in question.

The second suspect was detained that same day, but made no confession. He was more fortunate: A relative of his complained, called in attorneys and forced the police to observe the appearance of legality. As a result, Kautarov was not physically harmed at his interrogation. It seems the police squandered the first few hours when the detainee was in shock, and his family was still unaware of his arrest and were neither looking for him nor doing anything to defend him.

What followed...

A variety of violations on the part of the investigation: The suspects were denied their rights to an attorney, access to case materials was obstructed, and various other procedural arrogations took place — no one would be surprised by this. But in this incident, the investigator really wanted to convince the court that the lieutenant had been robbed and beaten that night. For, doing so, would save Peshkov from the suspicion that he had lost his service badge due to drunkenness, which could cost him his career. Thus, the fact that Kautarov and Tsatsaev had been detained at 3:30 a.m. in the vicinity of the assault turned out to be a great stroke of luck for the investigation.

Peshkov claimed that he was assaulted, robbed and that he had suffered a head injury shortly after 2 a.m. Everything seemed to be coming together. But then it turned out that exactly at this time, the two Chechen friends had been speaking to another cop about the aforementioned, illegible license plates. And moreover, this conversation was officially documented in the relevant police report. In addition, phone records showed that

the suspects and the victim were never in proximity to one another geographically. Even Tsatsaev's testimony, which he alleges was coerced from him, differs from Peshkov's account in the most fundamental ways.

The details clearly indicated that the case had been fabricated. Peshkov claimed that the robbers caught him on the bench before the church, while Tsatsaev's confession stated that the conflict began on the roadway. Peshkov's testimony is contradictory: When police reports surfaced providing the suspects an alibi, the time of the assault changed accordingly. By the way, it is worth noting that in claiming that this alibi is invalid, the investigation is betraying its own colleagues, who detained Timirlan and his friend that night. Reality was so reticent to fall into the framework of the indictment, that even the prosecutor's office refused to accept the original charging document and sent it back for further investigation.

Of course, with time, the two security agencies found a common tongue, and the case was referred to a court.

In court

Nikulinskiy District Court Judge Ekaterina Liventseva immediately made it clear what to expect from the process. One after another, she overruled the defense's motions.

"Each time our attorneys ask the victim a question, the judge reminds him that under Article 51 he does not have to testify against himself," says Asya. "It would seem that the judge's job is to establish the truth, but as soon as she sees that the answers to these questions may hurt Peshkov, she hastens to prevent them. And yet his answers are needed to find out the truth, which would help us because we know the truth is on our side."

"In addition to this, the judge has denied the examination of witnesses, who were with Timirlan that night and could help clarify the situation. She has denied an examination of Ovsyanitskaya. She has refused to administer a polygraph test to the Chechen men and Peshkov, and she has refused to order the identification and examination of those who, according to the phone records, were using the victim's phone...The judge has denied us in everything that detective Maria Glicksman denied us earlier."

Neither a flurry of public protest nor attempts by Tsatsaev's university friends and even deputies from





Chechnya to speak on his behalf have swayed the court.

In addition, the surveillance cameras from the walls of the church on ul. Kosygina — including the one that was directed at the very bench where Lieutenant Peshkov had sat with the girl — were unexpectedly reset. At any rate, this is what the local priest told Tsatsaev's mother, although during his initial conversation with Asya he was willing to submit all of the recordings to the court. Apparently, someone from above (and presumably, not God) advised the priest to refrain from doing so.

There was one further piece of evidence in this case, which however interested no one besides the defense. Tsatsaev's and Kautarov's attorney submitted a motion asking that the court locate Sherali Babadzhanov and Shukhrat Makhmudov, presumed to be Uzbek nationals, and subpoena them, since the preliminary investigation had established that they were in possession of a phone with Peshkov's SIM card.

According to operative data, following the assault, the victim's SIM card traveled towards the city center, whereas the defendants in the case headed in the opposite direction — as their own phone records attest.

In addition to the confusion about the time and place of the alleged assault, there was also confusion about the proper criminal charge. Peshkov initially claimed that he had been assaulted and robbed. This falls under Article 161 "Robbery." Later, after the Chechens' arrest, a knife appeared in the case materials (after all, what Chechen doesn't carry a knife?) and the charge was reclassified under Article 162 "Aggravated Robbery." In his initial confession, Tsatsaev did not deny that he had a knife, so the weapon has become

a permanent fixture in the case materials. The latest version of Peshkov's testimony even features a knife-slash to his jacket, even though the forensic examination determined that the fabric had been torn.

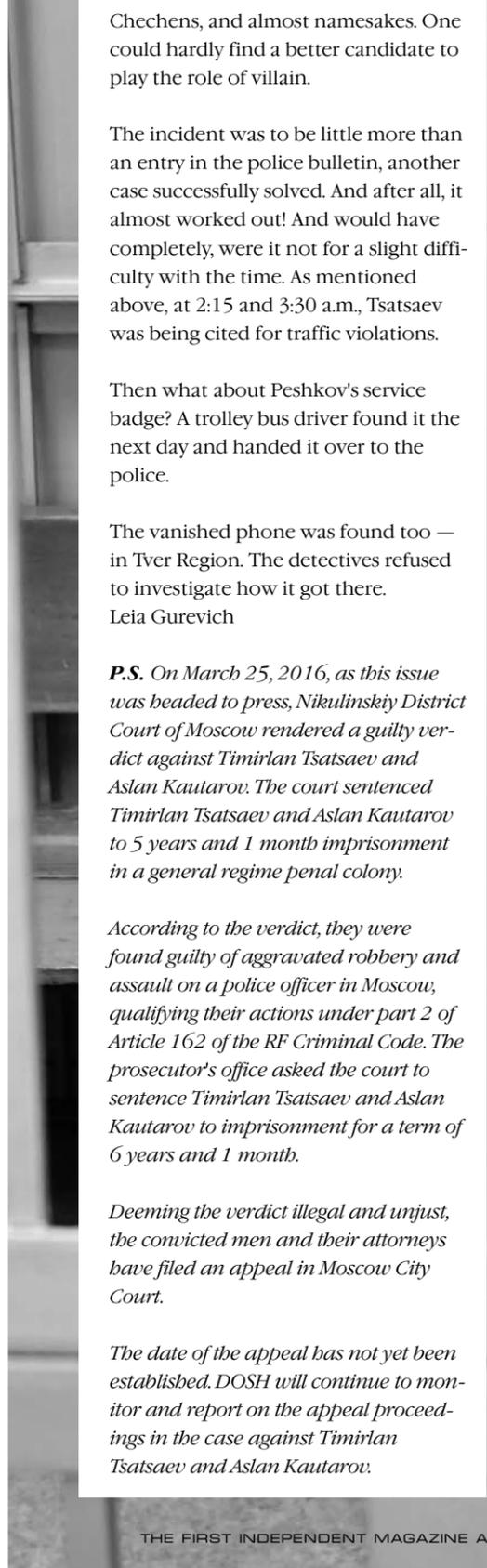
Brother for brother

All rank and file police know the unspoken edict of their top brass: that unsolved cases involving attacks on fellow officers are unacceptable. Police leadership does not tolerate such violations to the honor of the uniform. Is this perhaps the reason that the judge, well aware of this fact, overrules again and again the defense's request to examine the defendants and the victim with a polygraph?

Meanwhile, the atmosphere around the questionable case has grown ominous and is beginning to affect Tsatsaev's family. After the family filed complaints of Tsatsaev's torture to the prosecutor's office, Tsatsaev's brother, Viskhan Tsatsaev was summoned to 38 ul. Petrovka, the MVD headquarters. After that, Viskhan began to run into trouble at work. His boss looked away and found excuses, but in the end Viskhan had to quit.

Almost a werewolf

And so, an influential police lieutenant, with friends in high places, devised a way to fabricate a criminal case in order to avoid trouble in the service and found some convenient candidates to play the role of suspects. Fate played out in a bizarre way. The Chechen car hobbyists were not only in the vicinity of the "the victim of the attack" at the right time: As it happens, Timirlan Tsatsaev's name evokes unpleasant associations, recalling another Chechen — a dangerous terrorist, the perpetrator of the Boston Marathon bombing — Tamerlan Tsarnaev. Both are Muslims, young



Chechens, and almost namesakes. One could hardly find a better candidate to play the role of villain.

The incident was to be little more than an entry in the police bulletin, another case successfully solved. And after all, it almost worked out! And would have completely, were it not for a slight difficulty with the time. As mentioned above, at 2:15 and 3:30 a.m., Tsatsaev was being cited for traffic violations.

Then what about Peshkov's service badge? A trolley bus driver found it the next day and handed it over to the police.

The vanished phone was found too — in Tver Region. The detectives refused to investigate how it got there. Leia Gurevich

P.S. On March 25, 2016, as this issue was headed to press, Nikulinskiy District Court of Moscow rendered a guilty verdict against Timirlan Tsatsaev and Aslan Kautarov. The court sentenced Timirlan Tsatsaev and Aslan Kautarov to 5 years and 1 month imprisonment in a general regime penal colony.

According to the verdict, they were found guilty of aggravated robbery and assault on a police officer in Moscow, qualifying their actions under part 2 of Article 162 of the RF Criminal Code. The prosecutor's office asked the court to sentence Timirlan Tsatsaev and Aslan Kautarov to imprisonment for a term of 6 years and 1 month.

Deeming the verdict illegal and unjust, the convicted men and their attorneys have filed an appeal in Moscow City Court.

The date of the appeal has not yet been established. DOSH will continue to monitor and report on the appeal proceedings in the case against Timirlan Tsatsaev and Aslan Kautarov.

INDICTED BY APPOINTMENT

*The prosecutor asked for six months
But the judge gave twenty years.
You can understand him — he's touchy:
Could've had the defendant shot.*



Andrey Babushkin
*Chairman of the Committee
for Civil Rights
Member of the Presidential
Council on Civil Society
and Human Right*

Timirlan Tsatsaev moved to Moscow with his parents when he was 6 years old. His was a large and happy family. His father, the director of meat-packing plant, spent all his time at work, supervising more than a thousand employees. Timirlan's mother worked as a pharmacist, although dance was her true passion.

Tima grew up to be hard-working. During his childhood he pursued breakdancing and later rapping — he went so far as to issue three albums under a label. Around the same time, he became interested in low riders. He was valedictorian of his graduating class at Moscow school №182. Many roads lay open before this talented

young man. He chose the Financial University under the Government of Russia.

It would seem that a bright future awaited the young man, while his family could look forward to a future of success and well-being. The family had never had any issues with crime, and, we should mention that, for Russia, this is a rare occurrence — going back five generations, not one family member recalls anyone ever running afoul of the law.

Fate, however, had a different plan in mind.

On September 28, 2014, two unknown men assaulted ACD MSWD detective A. Peshkov. Doctors established that at the time of the incident, the anti-corruption officer was drunk. There was nothing untoward about this, since it was his day off. The assailants took Peshkov's service badge, his iPhone 4 and cash amounting to 3,500 rubles. The victim suffered a concussion. A month-and-a-half after the crime, he stated in an addendum to his testimony that one of his assailants had a knife. Peshkov did not remember his assailants well at all: only that they were Caucasian, 20-25 years old, and

that one was around 1.70 m in height, while the other was shorter.

Thus, the operatives of the Criminal Investigation Department for Moscow's Western District were faced with a Herculean task of finding the perpetrators. There were nevertheless a variety of ways to solve this problem. Professionals, for instance, would approach it this way: Attacks of this kind, as a rule, are serial in nature, so you need to look for suspects who have similar prior convictions, and not just one or two. Seasoned detectives would immediately look for camera footage. Are there no cameras at the scene of the crime? No problem — there are dozens of video cameras installed along the road which the assailants used to get to or from the crime scene. Some break in the case was bound to come sooner or later.

Alas, it turns out that operatives of the MWD CID prefer much simpler methods. Although police arrived on the scene a few minutes after the call, absolutely no one bothered about the video recordings, and the contents were safely erased five days later — nor were the operatives interested in investigating gang activity in that part of Moscow.

No — instead, it was the Caucasian connection that piqued their interest. If the attack took place near the University building, where does it make most sense to look for the bad guys? A gang of robbers couldn't find a better place than Moscow State University. Accordingly, the operatives began to patrol MSU, in the hopes that the perpetrators would fall into their hands. As luck would have it, they didn't have to look for long.

Stopping a car that had passed under a boom gate, the operatives discovered two young men with Caucasian features — Timirlan Tsatsaev and Aslan Kautarov. "That's them!" realized the officers and got down to collecting and cataloging the evidence.

There were, to be fair, some inconsistencies between the testimony of Peshkov and the detainees. For example, Peshkov claimed that the tallest of the two had been 1.70 m, while Timirlan is 1.82 m. Had the assailant really grown so much in the intervening month-and-a-half? Also, Peshkov, who had lived in Karachay-Cherkessia, claimed that his assailants had spoken Karachay; yet Timirlan and Aslan are Chechens and do not know this language.

But what are such trifles to the valorous operatives and experienced investigators of the MWD CID? And then came the day when Peshkov stopped mentioning the height and language discrepancy, and confidently identified Timirlan and Aslan in lineup. Although it's true that an hour earlier, both young men were photographed for whatever reason — yet Peshkov claims that the photo shoot was not for his benefit. But perhaps in this case he's right. After all, when the lineup consists of a Russian, an Uzbek and Timirlan, you don't have to be Sherlock Holmes to guess the Caucasian: A. Peshkov could surely

handle this mystery without any photo-hints.

At the MWD CID building at 116 ul. Lobachevsky, the operatives enthusiastically got down to procuring additional evidence. According to Timirlan, although the beating began immediately upon his arrest ("What's your phone password?" — "I won't tell you!" — a punch to the ribs), he had no idea what awaited him in the police department. Once there, they put a trash bag over his head and suffocated him. They cocked a gun, placed it to his head and pulled the trigger. Timirlan lost consciousness so many times from being shocked with a stun gun that he cannot remember how many times he fainted. They threatened to kill him and throw his body in the garbage truck which would take it to a landfill and where no one would find it because there were no witnesses to his kidnapping (in actual fact, there were, but no one wants to ask them anything even now). The young man was subjected to psychological torture as well: He was led from room to room — in one someone would yell at him, in another someone would threaten to kill him and dispose of his body, saying "no big deal, let's not coddle him." He was tortured physically: They would press hard into pressure points on his body, forcing Timirlan Tsatsaev to writhe in pain.

Is Timirlan telling the truth or making it all up? Neither I nor you were there. I'll say in all honesty: I would prefer it if he made it all up. But there is one point of fact: As a child, Timirlan sought treatment for his stutter. By the age of thirteen he had overcome this impediment. However, when I visited him at detention center №3, Tsatsaev was clearly suffering from it again. According to experts, the stress incurred from his arrest was unlikely to lead to such consequences. Physical

trauma and pain, on the other hand, could well cause a relapse.

After all that came the typical red tape. We submitted a complaint to the Investigative Committee's Main Investigative Department in Moscow. They directed it to the Nikulinskiy Regional Investigative Department. But this department, it turns out, is quite simply unable to investigate the MWD CID — it is neither its jurisdiction, nor its duty. And yet, as if nothing had happened, this same Nikulinskiy Investigative Department issues an official refusal to initiate criminal proceedings in the case.

In other words, what does jurisdiction or duty matter when human rights violations are on the line? Forge ahead on all counts! Naturally, the Nikulinskiy investigators did not send a copy of their decision to me or to Tsatsaev. Just think — a violation of Article 148 of the RF Criminal Procedure Code! We have violated far worse!

We submit another complaint to the IC MID for Moscow. Set on the beaten path, it too is redirected to the Nikulinskiy Regional Investigative Department yet again. And again they carry out their "check." This check is just stunning: No one bothers asking Tsatsaev or Kautarov anything; no one tries to find any witnesses to the crime; medical examiners are avoided like the devil avoids holy water; no one requests documents from the detention center.

Why there's no telling what could happen! If I worked as an operative and my supervisory agencies were utterly helpless, perhaps I too would learn to just beat up anyone I arrested...just in case. What if they end up telling me something interesting?

I'm unlikely to be mistaken in assuming that the operatives of the WD CID

are directly responsible for the torture Tsatsaev.

Perhaps you think that this case received a happy ending through the intervention of a fair court? The Nikulinskiy District Court figured it all out. Tsatsaev was released. The operatives and the detective are in jail, and the head of the Regional Investigative Department had sprinkled ashes on his head and departed to a monastery to learn the Criminal Procedural Code? Unfortunately, none of that took place.

On September 20, 2015, the case against Tsatsaev and Kautarov was examined by the Nikulinskiy District Court. It was referred to Judge E.V. Liventseva, who enthusiastically upheld the honored tradition of human rights violations in the case.

For example, fully aware that Tsatsaev suffers from a speech impediment and hardness of hearing — symptoms following his trauma from electroshocks — as well as that Kautarov suffers from gastritis, the judge schedules the hearing for 1 p.m. and then conducts proceedings to 8 or even 10 p.m. In so doing, the defendants, who are already in ill health from their ordeals, are deprived of hot meals in the evening.

Furthermore, on November 20, 2015, when Iskhakov, the defense attorney, suffered an attack of hypertension and his blood pressure jumped to 220, the judge refused to adjourn the trial on the grounds that Iskhakov "had not provided documents that he was feeling ill." Liventseva relented only after EMTs arrived to the court and documented the attorney's life-threatening medical condition.

And yet when it came to the victim, the judge showed a startling zeal. More than 40 times when the attorneys

asked A.V. Peshkov questions, the answers to which could have improved the situation of the defendants, Liventseva quickly intervened in the questioning to remind the victim that, under Article 51 of the Russian Constitution, he has the right not to incriminate himself. If the judge believes that Peshkov continually forgets about this article, she should probably be more careful handling the testimony of a person whose consciousness is so clouded. And if it is she who keeps forgetting that she has repeatedly advised Peshkov about his legal rights in the matter, then perhaps she should consider whether it is time to retire.

But, apparently, not everything can be merely hinted at in the course of proceedings, and therefore on November 12, 2015, Peshkov twice spoke to the judge in her office, behind closed doors.

The situation may be accurately characterized with a simple comparison: Compared to Judge Liventseva, the Nikulinskiy Regional Investigative Department, which twice shied away from providing copies of the decision not to open a criminal case, turns out to be the paragon of law abidance. Over the course of three days' worth of legal proceedings, the judge failed seven times to provide the defendants with an opportunity to review the relevant court transcripts, in violation of Article 259 of the RF Criminal Procedure Code. Try and figure out later who said what to whom and when!

Judge Liventseva took a particular dislike to attorneys Iskhakov and Mikailova. After all, instead of taking a plea bargain and sentence the defendant to five years, they actually dared to try and prove Timirlan's innocence! How can one work with people like that!

But Liventseva knows her job: When Iskhakov went to the hospital for an operation, having previously notified the court, and Mikailova left for a business trip, likewise having given advance notice, the judge appointed a more accommodating defender for Timirlan, in the person of A. A. Golubev. Tsatsaev expressed his distrust of the lawyer, but Liventseva did not violate the law to listen to some Tsatsaev.

Thus, both the investigation and the court are working in unison to ensure that this crime is properly solved. Phone records for Peshkov's phone after the theft show that the phone in question was used for six hours by two citizens of Uzbekistan. It is not difficult for the investigation to establish the identities of these people. And yet both the investigation and the court tell the defense that, since it's so interested in this information, it can find these people on its own. "But this constitutes personal information. We can't legally obtain it," objects the defense. "But of course. Why would anyone give it to you?" responds the investigation and the court, playing their role in the farce entitled *Nikulinskiy Justice*.

What awaits Timirlan Tsatsaev? A sentence for a crime which, I believe, he was not involved in? Disappointment in all which seemed good, reasonable and reliable in this world? Acquiring the rare skill of somehow maintaining one's faith in humanity in spite of suffered injustice?

Or will the legal system suddenly start from its lethargy and unexpectedly render a fair verdict?

No — I do not believe in miracles.

But in this case, where everything seems upside down, one wants to hope for just that!



Risalat Andisova
Attorney

T. S. Tsatsaev and A. S. Kautarov became the victims of an error made by law enforcement agents. For the latter, solving the crime was a matter of honor because the victim, A. V. Peshkov, was a police officer for the Southwest Moscow District.

As a result, on November 12, 2014, the officers detained the first men they came across without waiting to receive phone records from the victim's phone, which became available only on January 26, 2015.

An analysis of these phone records reveals that mere hours after its theft, the phone was in the possession of two Uzbeki nationals — Babadzhanov and Makhmudov. In fact, the phone carrier Megafon provided investigators with these men's passport data.

In court, the head of the operations and search division of the CID for Moscow's Western District, was asked why the agency did not detain the individuals in possession of the stolen phone. He replied honestly that the phone records were received only in January 2015.

And yet, Tsatsaev and Kautarov were detained only because on September 28, 2014, they had been arrested by MSU police for passing under a boom gate in the university parking lot and because in the police bulletin they matched Peshkov's terse description of his assailants: persons of Caucasian ethnicity. Meanwhile, Peshkov was so drunk on the night of the incident, that he could not say how many peo-

ple attacked him, and the medical report states that he was mentally incompetent. He also suffers from myopia.

Detective Glicksman rejected all my requests that the investigation interview Babadzhanov and Makhmudov to determine their involvement in the crime against Peshkov, on the grounds of "inexpedience."

Now, Nikulinskiy District Court Judge E. V. Liventseva refuses to subpoena Babadzhanov and Makhmudov on the same grounds: "inexpedience."

Why is this happening? Because none of the links in this chain wish to take responsibility for the mistake they made:

- The operatives detained the wrong people because they were in a hurry to solve the case. If Tsatsaev and Kautarov are acquitted, the operatives as well as the department chief will be held responsible.

- The investigator erroneously — that is, illegally — initiated a criminal case and petitioned the court for the arrest. Here too, not only the detective, but the chief of Moscow's WD CID will be held responsible.

- The prosecutor who supported the investigator's petition to detain the innocent.

- And finally the district court judge, who at first illegally took Tsatsaev and Kautarov into custody, and then repeatedly extended the term of imprisonment as well as the judges of Moscow City Court who, on appeal, upheld the decision of the trial court.

No one wants to be responsible, so all of the above have one objective: ensure that Tsatsaev and Kautarov are found guilty. No one is interested in the real perpetrators. These are the realities of the Russian law enforcement system.



Tamara Flerova
Member of the Public Oversight Commission of Moscow

On February 24, 2016, I was present at the court session in the case of Tsatsaev and Kautarov.

Judge Liventseva conducts proceedings in an obviously accusatory manner, denying every motion submitted by the defense.

The defense filed a motion asking the court to establish the identity of those persons who used the victim's stolen phone on the night of the attack. The defense believed that this would help find the real culprits. Judge Liventseva, however, denied this request.

Furthermore, Judge Liventseva asked leading questions of a witness for the prosecution — Detective Krikun — in order to get the witness to provide information she wanted. The defense repeatedly objected to her actions.

Attorney for the defense, Iskhakov, motioned that the judge recuse herself from the case on the grounds that she was conducting proceedings in the interest of the prosecution. The judge, however, declined.

For these reasons, I have come to the conclusion that Judge Liventseva is not interested in conducting an impartial judicial investigation into the criminal case against Tsatsaev and Kautarov. She agrees only to what the prosecution requests.

NAIMA NEFLYASHEVA

CINDERELLA'S DREAMS AND REALITY



The issue of child marriage has once more attracted the attention of experts and the media.

As of January 2016, Georgian law has been amended to require judicial approval for a marriage involving an underage girl. Furthermore, the minimum marriage age has been raised to 17 from 16.

The problem of child marriage is a pressing one for the Northern Caucasus region, especially its eastern portion. Whether it is high school seniors rushing into marriage with their high school sweethearts, or young girls agreeing to marry a well-off or influential man under pressure from their parents --- how widespread are such marriages and how many of them take place? What are their social consequences?

Let us first establish what the marriageable age is by local custom.

In 1714, the Russian Synod set the marriageable age for women to 13 and for men to 15. By decree of Nikolai I (1830), imperial legislation raised the minimum marriageable age to 16 and 18 respectively. This decree, however, applied to Christians. Muslim citizens of the Russian Empire were allowed to subscribe to Sharia law, in which the minimum marriageable age was 12 for men and 9 for women (though, in fact, the decisive criterion were signs of post-pubesence).

However, the marriageable age in the Northern Caucasus was determined by local custom (*adat*), not Sharia law. The Circassians, for example, had a variety of rules which vary from source to source. For women the age could vary from 15, 17 and 18-20 years. For men it could be 18, 20-25 and 30 years. The age of marriage for Circassian men depended on the social stratum they belonged to. Young noblemen could afford to start their families earlier, at 20-25, whereas peasants typically got married around

35-40. One had to first acquire a decent reputation and amass a *kalym* (dowry), which would be considerable. Girls typically married no earlier than 16-17 years. It was believed that this was how long it took for them to learn to manage the household. Child marriages, in which neither the bride nor the groom had reached the age of marriage, were not encouraged among the Circassians: The popular view was that such marriages "strapped a child to a child." Circassians did not associate these age limits — 16 for girls, 18

for boys — exclusively with biological age and puberty. Intellectual and cultural maturity were considered far more important. Hence the term, *akyl balig* or "mature mind" cited by sociologist B. Bgazhnokov in his book *The Social Organization of the Family*.

This concept implies the possession of knowledge and education which allow an individual to build relationships in the adult world and take responsibility for his or her offspring. There are (again Bgazhnokov's work) sometimes bio-genealogical explanations for the undesirability of child marriages: If a man married too young (by the standards of a century ago, so before 17 years of age), it was thought that his children would be stunted, physically and mentally underdeveloped — whereas children born to middle-aged and elderly men (i.e. from 25 to 45 years old) would be precocious and physically strong.

Among Chechens, the age of marriage for men was 17-20 years and for women 15-16. Typically, however, young men married at the age of 23-28 years or older. Early marriages were not common among the Chechens, even though there are recorded instances of girls being married off at 14-15 years.

During the Caucasian Imamate, Chechen folk customs were replaced by Sharia. The imam required parents to marry their daughters upon reaching 15 years of age, which caused discontent among the Chechen elders. Chechens did not consider 15 to be an age majority, although it was at 15 years old that a girl began to "go out" — attend events in the *aul*, such as weddings and dances. Chechen sayings about girls of this age include the following: "a growing girl," "bones not yet filled with marrow," "at the party, she still keeps to the back," "a ripe heart, a green mind."

According to Ossetian custom, the minimum age for marriage was 15-16 for boys and 12-14 for girls. Nevertheless, typically people would

get married later: men at 18-20, women at 14-18.

As with the Circassians, the de facto marriage age was influenced by the social and economic conditions of the families involved. Grooms from the upper classes started families earlier, while brides could afford to choose a decent match and would wed later than the traditionally determined age. After all, the princes and nobles did not perceive a future wife as labor to be put to work on the farm as quickly as possible. On the other hand, they did not have to spend a quarter of a century on gathering the dowry either.

In Dagestan, tradition permitted marriage at 14-15 years for girls and 16-17 for boys. However, such child marriages were rare. Men often married at 25-26 years. Ethnographer M. Sh. Rizakhanova writes that "the predominant age of marriage for men was 25-30 years and 16-18 for women."

According to S. Sh. Gadzhieyva, Kumyk marriages could take place at 15-16 years for women and 25-26 for men. And, for example, the Laks stand out through their preference for relatively late marriages. This was due to the tradition of seasonal work among the Laks: Boys would be apprenticed to a master while still in their teens; the apprenticeship would last for 3-4 years followed by a further 7-8 years of work, frequently abroad; they would therefore return to their village after the age of 25 and typically closer to 30.

So what then is the state of child marriages in the North Caucasus today? What is their share of the total number of marriages? Unfortunately, statistics are unlikely to be accurate: Such marriages are performed by imams, and their official registration in the registry office (in those happy cases when the marriage does not break up within the first two years) takes place several years later. Frequently, a child born of such wedlock is attending first grade by then.

Today, the problem of child marriages in the North Caucasus is officially rec-

ognized as such only in Chechnya. A couple of years ago it saw discussion at the highest administrative level. Ramzan Kadyrov, the head of the Republic, held a series of meetings with clergy and personally ordered the dismissal of all imams who had performed religious child marriages. Almost seventy religious figures were fired as a result. Since then, imams in Chechen mosques perform *nikah* (religious marriage) only if the spouses-to-be are over 16 years old. Gathering materials for this article, I asked my Facebook subscribers to tell me about child marriages among their extended families or friends.

It is interesting that all the respondents agreed on one thing: the social status of girls entering into child marriages does not play a role — brides hail from villages or cities, from ordinary or well-off families with equal success.

I received many different responses. There were some among them that were happy: One girl married at 15 years old, while she was still in school. She became a mother at an early age and now has a large family. Everyone is happy and her children are healthy.

Most accounts, however, did not have a happy ending. Like the ball in Cinderella, the fairy tale would quickly end and the romantic hopes of yesterday would shatter to pieces. As a rule, child marriages either end or are unhappy: Everyday difficulties take their toll; the newlyweds are seldom prepared for family life; and in an ordinary domestic setting, the man who seemed perfect to a 15-year-old girl, quickly begins to lose his attractiveness. The hardships of life, unemployment, social hopelessness also frequently spell doom for such hasty marriages.

"It is very rare that a young man whom you like when you are 15, is still interesting to you when you are 20," wrote one of my respondents. Another supported her: "Indeed — a person of 18-19 years (to say nothing of younger) is unable to choose a partner with whom



In the photo: my great-grandfather and great-grandmother (left) Kadyr Namitokov and Khatsu Namitokova (with umbrella). Their age difference was 25. The child is my grandfather Yusuf Namitokov. He is 1 year old, their firstborn. They had ten children all together and lived happily ever after. Photo taken in Yekaterinodar in 1905.

he wants to or is able to spend the rest of his life. Family is not a matter of several years, after all. Family is for life, from beginning to end. You must share your everyday and your bed, raise your children together, see each other day after day...The person you are attracted to at the age of 19, very rarely satisfies you at 30, 40, 50 or 60."

After the divorce, the young — at times very young — mothers are left with, as a rule, two children on their hands, and yet without social skills, education

or any particular material support. Furthermore, in Chechnya, a woman may lose child custody in a divorce, in which cases the children are left in the care of her husband's family.

Thus, the majority of my respondents were opposed to early marriage. Girls in such marriages are deprived of an education or communication skills. Even pursuing an education seldom brings a young mother tangible results, for she is simply too occupied with daily cares.

This leads to another consequence of child marriage, one which my respondents likewise pointed out: Shortcomings in education and upbringing are notable not only among the young mothers themselves, but their children as well. One of the respondents to my Facebook query remarked as follows: "An uneducated mother raises uneducated children. Want a sly and stupid populace? Deprive mothers of access to education. You will have your result one generation later. These mothers lack the knowledge to properly raise their children, since they are children themselves."

This raises the next logical question: Is it possible to do anything to prevent

young girls from marrying straight out of school? How can this responsibility be shared among the state, the girl's family and the man who takes a schoolgirl as his wife?

Will Georgia's lesson be adopted in the North Caucasus? I am not sure. Tightening marriage procedures will only spur our officials to greater ingenuity. I would not be surprised if some of the same people responsible for issuing the required licenses, will themselves be among the honored guests at the weddings of young newlyweds. Especially if the ceremony is held in a village or an *aul*.

In my opinion, family is the ultimate beginning. In those families that offer their children a traditional upbringing, in those families that teach their daughters a sense of responsibility to the family's reputation and their children's future, in those families in which a healthy pragmatism does not infringe on the choice of the heart and in those families in which female self-sufficiency is complemented by a conscious willingness to perform traditionally female roles — in such families, child marriages will occur less often.

When should one start a family?

Study

From a legal point of view, a marriage is considered a child marriage if it is concluded between a man and a woman who have not attained the age of maturity as specified by marriage laws.

According to Russian law, the age of marriage is eighteen. Traditionally, it is believed that at this age young people are mature enough to become parents.

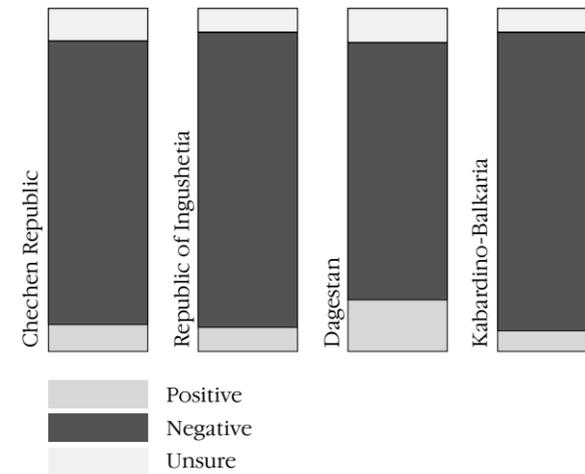
Currently, child marriages in our country are not encouraged by the law. If the couple have compelling reasons for the marriage, they may petition

their local administration for permission to marry and may receive such permission provided that the bride and groom are at least sixteen. However, if one of them is under 18, they must have a good reason to seek permission to marry: This could be pregnancy or an already established family life. In actual fact, everything is fairly simple: Once the parents give their consent, the adolescents get married.

The incidence of child marriages is notably higher in the rural areas of the Muslim republics of the North Caucasus. However, experts point out that over the past five years, the num-

ber of child marriages among young people has decreased significantly. Despite this, marriages between minors remain a problematic social issue — not only in our region but in Russia and the world as a whole.

In order to study public attitudes toward child marriages, the *Caucasus Initiative Center* partnered with the women's organization *Sintem* to conduct a case study specifically for *DOSH* magazine on the topic. The study consisted of a survey in which residents were interviewed in four regions of the North Caucasus: Kabardino-Balkaria, Chechnya, Ingushetia and Dagestan. There were 415 respondents, aged 18 to 60 years or older. Of these, 263 were women (63%) and 152 were men (37%).



1. How do you feel about child marriage?

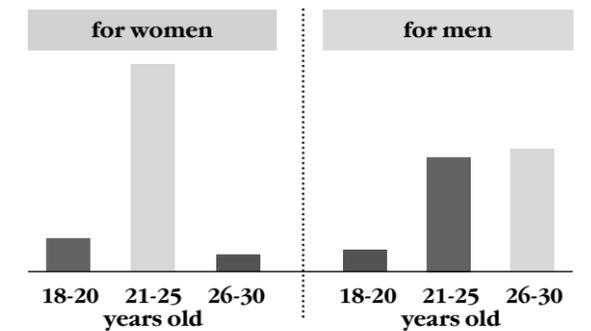
The study found that only 37 (9.0%) of the respondents have a positive attitude towards early marriage. Another 35 respondents (8.4%) were unsure. The vast majority of respondents expressed a negative attitude towards child marriage: 343 (82.6%). Furthermore, opponents of child marriage cite the following negative consequences as risks that families arising from child marriages may encounter: household burdens, the burden of domestic responsibilities, lack of time, lack of material support to the family, etc.

Out of 415 surveyed, 37 had a positive attitude, 343, a negative one, and 35 were unsure.

2. What age do you consider acceptable for marriage, for women and for men respectively?

The survey showed that 12% of respondents believe the most appropriate age for marriage **for women** is 18-20 years old; the majority (76%) thought the appropriate age was 21-25.

Respondents split evenly when it came to the marriage age **for men**, with 42% citing 21-25 years as the suitable age and 45% responding with 26-30 years.



ПЕРЕВЕСТИ !!!

P.S. In recent years, the North Caucasus has seen an increase in the number of criminal cases brought against men living in a legally-registered marriage union with wives who had not yet reached the age of 16 at the time of their marriage. The basis for initiating such cases were the numerous instances of marriages involving girls who were underage under the provisions of Russian family and criminal law. The editors have received information about the opening of such cases in several regions of the North Caucasus: Kabardino-Balkaria, Chechnya, Ingushetia and Dagestan.

According to our information, the defendants in these cases effectively married according to Muslim traditions, with the consent of the bride's parents. Subsequently, these marriages were officially registered in the Civil Registry Office because the couples had (most frequently) several children.

Now, after a considerable period of time has time passed, the prosecutor's office is bringing charges against men who entered into such marriages under part 1 of Article 134 of the RF Criminal Code (sexual intercourse committed by a person who has reached the age of eighteen with a person who has not yet reached the age of sixteen). The charging article provides for a statute of limitations of six years. Marriage according to Muslim tradition does not contravene Russian law, if the spouses are both adults. But marriage to a woman who is under the age of sixteen carries criminal liability and is actively prosecuted.

Legal experts point out that, in recent years, this has been a fairly common practice in the North Caucasus. The investigative authorities submit criminal cases stemming from such incidents to courts for consideration on their merits. Most of the time, at this

stage, such cases are terminated in pursuance of an explanatory note to Article 134 of the Criminal Code, which contains a provision that "the court shall not hold criminally liable a person who has committed an offense under the first part of this article, if it is established that this person and his crime have ceased to pose a social threat, owing to having married the victim."

One would hope that the authorities have decided to take such extreme measures against persons who have entered into marriage with minors, due to the fact that child marriages actually violate the rights of children. After all, many young spouses drop out of school — especially girls, who are traditionally brought up primarily to be future wives and mothers. The intercession of law enforcement agencies would indeed be beneficial, if it helps deal with this scourge.

TATIANA MIKHAILOVA THE WAY IT WAS...

Witness testimony

On February 23, 1944, Soviet authorities deported 362,282 Chechens and 134,178 Ingush to Central Asia. Nineteen thousand operatives from the NKVD-NKGB and SMERSH took part in the expulsion, among them 96 NKVD officers and 73 NKVD soldiers. The operation was codenamed "Lentil" [i.e. *Chechevitsa* in Russian: a word homophonous to "Chechnya," albeit unrelated etymologically — translator's note]. It was conducted under the leadership of Commissar General of State Security L. P. Beria, Commissar 2nd rank of State Security B. Kabulov, Commissar 2nd rank of State Security I. Serov, Colonel

General A. Appolonov, Commissar 1st rank of State Security V. Merkulov, Major General N. Malyshev, Lieutenant General and Commissar 3rd rank of State Security M. Gvishiani, Major General of State Security M. Markeyev and others.

Only 18% of the Chechens and Ingush ended up in the climatically temperate region of Kyrgyzstan. The remaining 82 percent, exhausted by cold and hunger, were abandoned in the harsh climatic zones of Kazakhstan. As a result, whole Vainakh families were dying in the first days of their exile.

According to preliminary calculations derived from data for January 1, 1953, the deportation and exile (1944-1953) all told killed 45,565 Chechens and 50,660 Ingush.

By decree of the Supreme Soviet of the USSR, dated March 8, 1944, 714 NKVD and NKGB operatives — from the Commissar General of State Security down to junior police lieutenants — were awarded orders and medals for successfully deporting the Chechens and Ingush.

Few people know that at the outbreak of the Second World War, Viktor Petrovich Polyanichko, the head of the interim administration in the territories of Prigorodny District and its adjacent localities of North Ossetia, Malgobeksky and Nazran Districts of Ingushetia, found himself with a crowd of refugees in Stanitsa Assinovskaya of the Chechen-Ingush ASSR.

"We lived in Rostov-on-Don. My father passed away early — he died shortly after being expelled from the party because his father, our grandfather, was a tsarist officer. Someone had informed on him. And when the war broke out and the Germans had almost reached Rostov, my mother fled with her two sons — my brother and I. This is how we ended up in Stanitsa Assinovskaya," related Mr. Polyanichko after his last press conference, which was held in Nazran and at which he



V. Balatkhonov - Untitled



D. Tovsultanov "Funeral En Route"



Kh. Avtiev "A Brief Stop"



A.

A. Shamilov "On A Long Journey"

announced plans to repatriate the Ingush to Prigorodny District on August 3, 1993.

"We fled from Rostov at the beginning of the war," he recalled. "The villagers made us feel welcome. I grew up with Chechen and Russian boys. I remember the winter of 1944 very well. I remember that suddenly many cars full of soldiers with machine guns and rifles began driving through the stanitsa. There was a lot of shouting and crying. They began to load all the Chechens into trucks, our friends among them. For a long time, we ran after the trucks which had so suddenly come and taken our friends away. The soldiers yelled at us, but we ignored them. We had a ball, sewn from pieces of cow hides — it was the prize possession of the boys who lived in the village. After several failed attempts, we managed to toss it into the truck carrying our friends."

He added that he wanted to go to Stanitsa Assinovskaya to try and find his friends from those years.

"I haven't yet had time to go there. I've only been back here a month," said Viktor. But two days later, on August 1, 1993, he was killed. In Ossetia, there were people who really did not want to see the Ingush return to their homes in Prigorodny District.

Otar is nearly 90 years old. For the last 30 years he has lived in Israel. He has still failed to learn Hebrew and has almost forgotten his Russian. He speaks Georgian; it is the language used at home by his large family. As a result, when he goes to see the doctor, he is accompanied by his son, who acts as interpreter. This time too, he went to see his kidney specialist with his son Badri. After the examination, the doctor began to fill out prescriptions and schedule procedures for the patient — and Otar, as always, began to tell the doctor about his life.

"You could write a book about my life — how much I endured." Otar loved to talk about his life. Evidently his family

were aware of this and would drift away whenever he tried to tell them about his past. "Here you are, a doctor, and you do not even know that there is a republic called Chechen-Ingushetia."

"I am familiar with this republic, Otar. I know about it," said the doctor, who was born and raised in Grozny, and went on writing.

Otar, who has a hearing problem, ignored his son's translation and went on with his story:

"So during the war, I was stationed in those parts. We participated in the deportation of Chechens and Ingush. You probably don't even know that there are such people — the Chechens and Ingush."

"Of course I know about the Chechens and Ingush. I lived and studied in Grozny," said the doctor.

At this point, the son made an effort to explain to his father that the doctor is originally from there and knows all about the Chechens and Ingush and the deportation.

"Look how fate has brought us together," said Otar, surprised. He continued his story. "During the deportation of the Chechens and Ingush, I was a machine-gunner. It was in the mountains. Scattered villages. We drove the people in the mountain villages down to the foothills where the trucks were waiting. It was a long journey and they walked slowly with their children. I was afraid that we'd be forced to shoot anyone who lagged behind. But, thank God, that did not happen." He paused and added: "But these people — they are so stubborn. They did not want to leave their homes."

The doctor had finished writing and was listening to her patient attentively.

"Otar," she said now, "you say that they are stubborn, that they did not want to leave their homes? But I've known you for several years now and every time you visit me, you tell me that you had a large and beautiful house in Telavi with a garden and vineyard. And you always tell me that you miss your former neighbors and long for your home. Yet no one forced you out of your house. You and your family moved to Israel voluntarily, where they gave you a house, healthcare and a pension. Your family are all alive and well, and you yourself, thank God, have lived to be 90 years old. And if you listen to your doctors, you will live to see a hundred. As for those stubborn people — as you call them — they were being exiled to nowhere. They were taken to the steppe in the middle of winter, in the terrible cold, with the elderly, the sick and the small children. And they were forced to settle there in the cold and live in half-ruined houses and sheep pens. Many of them died in the early days of their exile. Especially the young children and the elderly. Our neighbor in Grozny said that in Amangeldy village — that's somewhere past Pavlodar in Kazakhstan — there is supposedly a cemetery, half of which is full of tiny graves bearing a single date as an epitaph: March 1944. Those are the graves of the children. Back then the children died by the dozens. That's the way it was...And yet here you are calling them stubborn." The doctor finished and asked the son to translate what she had said word for word.

For a long time Otar was silent with his head bowed. At last he said to his son:

"Tell this woman doctor this: She just said what I, an old man, have tried all these years not to think about. But I can see that I cannot not live like this — I cannot forget what I witnessed back then in that mountain village far away."

The district executive committee chair for Kirovsky District in Frunze Oblast received a letter from 46 special settler families. The letter claimed that people were dying from hunger: "In Chechnya, each of us had between 3 and 5 cows and 40--50 sheep. There was plenty of bread. We brought nothing with us. If the government does not help us right now, we are a doomed people. Either help us or return us. If you will not help us, we request that you shoot us and our families."

On March 15, 1944, two Chechens in Leninpol village of Leninpolsky District, Frunze Oblast, entered the apartment of citizen Sargibaeva when no one was there, drank two liters of milk and fled. "The criminals were detained. An investigation is underway," reports a memo submitted to Beria.

In Stalinsky District of Frunze Oblast, a group of Chechen special settlers made their way into a dairy farm at night and began to milk the cows. "The guards raised an alarm, but the criminals managed to escape, striking in the process a farm worker who tried to detain one of them."

In a memo addressed to Deputy People's Commissar of Internal Affairs of the USSR, Commissar 2nd rank of State Security Kruglov, the head of the NKVD for the South Kazakhstan Oblast, Lieutenant Colonel of State Security Fedotov writes as follows:

"During the resettlement of the special settlers throughout the Oblast, 199 crimes were committed.

"We have established numerous instances of provocations and unfounded accusations against the special settlers, in which the majority of them are accused of criminal acts. Regional personnel allege that the special settlers employed at the 'Zagotsko' facility plundered many cattle. An investigation determined that a single ram had been stolen, and not by a special settler, but by a Kazakh deserter.

"A series of complaints have been filed with the police that the Chechens at the 'Oktyabr' farm are engaged in clipping ears of corn. An ambush arranged at the scene of the crime caught the head of this collective farm, a Kazakh.

"The chairman of the 'Dzbumuske-brigade' collective farm has filed a statement saying that the Chechens stole his traveling stallion. The investigation caught two recidivist thieves with the stolen stallion. They were Russians.

"The crime rate in the Oblast is high, but it is impossible to ascribe it to the special settlers," concludes Lieutenant Colonel Fedotov in his report from June 22, 1944.

The above is taken from "The deportation of Ingush and Chechens" (documentary dossier 1941--1945) published by Memorial in 2014.



I. Yasaev "The Expulsion"



"I WAS DESTINED TO SURVIVE"

"I was just a child aged 4, when three pilots were quartered at our house in the winter of 1944. One of them used to play the accordion, and I stood there and listened. And he always stroked my head and gave me candy. Then one day he came over to our half of the house and spoke to my mother for a long time, and she began to cry. Then the pilot took me in his arms and carried me to his half of the house, where the pilots lived, and began to stuff my apron pockets with candy and chocolates. And he too was crying. That scared me then because I had never seen a man cry before."

I had been introduced to Lydia Abdurakhmanovna Arsangireyeva by an ITAR-TASS correspondent named Ruslan Maysigov. We were sitting in a cold, prefabricated, panel house somewhere on the outskirts of Karabulak. Even this meagre place was not the home of my interviewee. She was merely allowed to stay there while its owners were away in Belgium.

"If they come back, I really don't know where I will go," says Lydia. She has no home of her own. Just as she has no family: Her husband died long ago, and he was followed by their two sons, departing this world turn by turn: the older one was exposed to a large dose of radiation in the army and withered like a sapling in a

drought; the younger one developed a tumor that the doctors could not treat.

Many years ago, says Lydia, their family was the happiest in Grozny. After the exile, she returned to Grozny as a specialist cheese maker, having received her education at a workschool that she attended after leaving the orphanage. She worked at the dairy plant and was the foreman of the cheese department. She married a good, kind man and gave birth to two sons. As the best plant worker and a member of the Central Committee of Trade Unions, she was issued a one-bedroom apartment.

"A bomb struck our building during the first war. That's how I became homeless," says Lydia. "As if I hadn't seen my fair share of hardships, at the twilight of my life, I have to deal with this too: to be left sick, alone, and homeless..."

From her very birth, fate barred her from her family home. Her own family had many children, yet God had not granted any to her aunt, the wife of a Red Army officer. So her parents gave the baby, barely born, to the well-off Dobrievs. They hoped that the girl would be happier than her many brothers and sisters. Happiness did not come...

"My mom, it seems, was ailing and felt that she would not survive the exile, so she wanted me to go into exile with my family: She quickly dressed me in my warmest clothes and led me out of the gates to the house where my biological parents lived. But a soldier grabbed me by the scruff of my neck and literally threw me back into the yard: It's not allowed!"

They were unloaded from trains and rode in sleighs for a long time. At night they reached some godforsaken village in Kustanai Oblast. Ten houses, buried to their windows in snow, and dilapidated huts, one of which was supposed to be home to Lydia and her mother. In the corner stood a stove and a pile of straw. With difficulty her mother dragged their belongings into the shack, sat down on the bed and began to weep bitterly — looking at the confused and hungry child.

"She tried to find some kind of food. There was corn meal but there was nothing to mix it with in order to bake cakes. Then she became very ill. She lay in bed. We had a red blanket and it was crawling with lice. I would wipe them away with my hand and cling to my mother. She was so hot and I was trying to keep warm. My mother asked me to bake her some cakes. Maybe she said it in her delirium? But I took the corn flour and

baked some cakes the best I could. I looked over and saw mom lying there with her mouth open. I put a piece of the cake in her mouth. And I lay down beside her."

The girl did not understand that her mother had died. For two days, the child clung to the dead woman trying to keep warm. Then hunger forced her to go out to the porch. Wearing nothing but her dress, barefoot and in tears, she stood in the wind. A Kazakh woman who was passing by saw her. She threw up her hands and ran off somewhere. Later another woman came, a German. She fed the child and arranged for her mother to be buried.

Twenty kilometers from the village lived a relative of Lydia's biological father. The girl was taken there. No one was happy at the arrival of the little niece, and the girl grew up left to herself. When spring came, she banded together with the other children to find food among the lush vegetation: roots, dandelion, sorrel. In the fall her relatives decided that it was difficult to survive the winter and sent Lydia to her relatives who lived in Kustanai.

"My aunt received permission from the commandant, and we went to Kustanai by train. There were a lot of soldiers in the car with us. I was nicknamed 'curly angel.' They bought me a comb and hung a string of bagels on my neck. They gave me an entire baggie of caramels. I thought that now I would never starve. But the family I was taken to had many children and there was not enough food. I felt like I was one too many in this family."

There was a boy named Ahmed in this family who earned his bread with a Russian friend named Grishka by stealing a bun here, a vegetable there from the vendors at the market. When she was older, Lydia joined

their gang.

"By then, all my clothes had gone to rags on me. They gave me a cardigan without a single button left on it and torn flannel trousers. Instead of footwear, I had a woman's shoe on one foot and a galosh on the other. A battered hat with ear-flaps on my head. I looked like a beggar of beggars. No one thought I was a little girl. I would get in line at the counter with a bag and the boys would slip something from the stall into my bag and then run away. They felt sorry for me and would always save me whenever some vendor would chase after us."

But then the father of the family died, the breadwinner, and they decided to send Lydia to an old relative. Her two granddaughters — Aza and Marem — made their living by stealing coal and selling it. They would use the money to buy food.

"As a five-year-old girl, it was hard and scary to climb up on the platform car with the coal, but the other girls told me that if there is no coal, we would all starve. I knew what hunger was very well and, like Marem and Aza, began climbing up onto the platform and dropping down coal. One time, the train suddenly started and I was too scared to jump. The girls ran alongside and shouted, 'Jump, jump!' But I was afraid and did not dare. I sat down on the corner and started crying loudly, smearing the coal dust all over my face. The caretaker of the cars found me and took me off at the first station the train stopped at."

He gripped the girl firmly by the hand and led to the duty room:

"Here," he said to the lady on duty, "bathe this boy and give him something to eat."

The lady took the girl and washed

her. Having washed her and changed her into clean clothes, she led her out of the shower.

"This is no boy, but a girl — and look how cute she is. Let's have some tea with bread and jam." The lady sat the child at a table with a kettle and sliced bread. They began to ask her where she lived and with whom. Lydia told them. She told them the way it was: about her father who had gone to war, about her mother who had died, and about her relatives who passed her from family to family like a relay baton.

Listening to her, the woman who had bathed Lydia began to cry. She pressed the child to her and stroked her curly hair:

"Will you come to the orphanage? There are a lot of kids like you there."

"Will they give us bread with jam and tea?" asked Lydia.

So ended the wandering life of little Lydia Dobrieva.

"There was a time when I was happy. I had a family, a husband, children. Then it was like someone crossed it all out with black paint. Russian people have often come to my aid throughout my life. In Ingushetia, no matter how I tried and where I went, I couldn't get disability status. In Moscow, they did it in a week. I spent a long time living with some wonderful people — the Borisovs — in Kratovo, a suburb of Moscow. They pitied me and asked me to stay with them. But I wanted to go home. And here I am at home — homeless, sick and alone..." she trailed off with a sad smile.

**Recorded
by Tatiana
Gantimurova**

GRIGORY YAVLINSKY,
Founder of the Yabloko Party

THE TOPIC OF REPRESSION IS GRADUALLY BEING RELEGATED TO THE MARGINS OF NATIONAL MEMORY



There are pages in the history of almost every nation that are difficult to read objectively — that cannot be simply turned and forgotten.

We have a lot of such pages. Operation Lentil commenced on February 23, 1944. In its course, approximately half a million people were expelled from their native lands and deported to Central Asia. This national tragedy stands out even against the background of other difficult events in our 20th century history.

It is very difficult to revisit these memories, but it is also necessary. The topic of repression, which was never given its proper study, has remained incom-

prehensible to the public consciousness. Gradually, it is being relegated to the margins of our national memory. It's not that we forgave the Stalinist regime its crimes — or that we forgot about them — but we insist on viewing them through the lens of the present day. "Interested parties" talk about Stalin as an "effective manager" or his actions as driven by "historical necessity." They suggest that the salvation of the state justified the sacrifice of both the individual and entire ethnic groups.

The ease with which many relate to these events — frequently finding justifications for them — represents the risk of repeating such tragedies. We are

already seeing this in our society: in the bitterness of consciousness, in aggression, in the blaming of others for our failures, in the unwillingness to value our own lives and the lives of others.

I am sure that every Chechen and Ingush family, every family that lost a relative to death, expulsion or repression, remembers everything and mourns to this day. Such family histories cannot dissolve or fade away. They cannot be cloaked with an imposed oblivion, nor sold for the amenities of the present day.

Whether or not the memory of the tragedy that befell the Chechen and Ingush people remains living depends on the personal choice of every Russian. Those who died during that difficult journey, froze in the cold steppes or found a way to return to their native lands — one way or another they have accepted their fate. Those living today who forget their suffering, condemn them to exile once again. This time from the pages of history and national memory.

Eternal memory to all victims of the deportations, which began 72 years ago on February 23, 1944.

February 23, 2016

EKATERINA SELEZNEVA

"YOU HAVE NO BUSINESS IN GROZNY!"

Journalists on their way to Chechnya were attacked at the Chechen-Ingush border

Around 7 p.m. on March 9, two dozen masked men armed with sticks attacked a bus carrying human rights activists and journalists — members of the press tour to Chechnya arranged by the Joint Mobile Group of the *Committee for the Prevention of Torture*. The bus was driving from Ingushetia to Chechnya. "The attackers [...] started to smash the windows. We were all roughly dragged from the bus, despite there being three women in our group. The men were shouting: 'You are terrorists! You are defending terrorists! You're helping the killers of my father!'" recounted one of the victims, *MediaZona* correspondent Yegor Skovoroda. The bus was set alight as its passengers were beaten. Lawyer for the Joint Mobile Group Dmitry Utukin wrote on Twitter that the attackers shouted: "You have no business in Grozny!" Nine people, who had been on the bus, suffered in the incident. They sought medical assistance from Ingush doctors.

The Joint Mobile Group published the names of the victims on Facebook: Norwegian *Ny Tid* correspondent Oystein Vindstad, correspondent for Swedish Radio Maria Persson-Lofgren, *New Times* correspondent Aleksandr Yelagin, *MediaZona* correspondent Yegor Skovoroda, blogger Mikhail Solunin, *Kommersant* correspondent

Anton Prusakov, press secretary for the *Committee for the Prevention of Torture* Ivan Zhiltsov, and lawyer for the *Committee* Yekaterina Vanslova. In addition, the bus driver, Bashir Pliev, who resisted the assailants, also ended up in the hospital. The documents and equipment that were on the bus were all burned.

The attack took place 500 meters from the traffic police post on the border with Chechnya, near the village of Ordzhonikidzevskaya.

The *MediaZona* journalist stated that the affected members of the press covering the work of the Joint Mobile Group, had noticed that the bus was under surveillance the day before, on Tuesday, March 8.

"As we drove to a meeting with the applicants, a car followed us. Later it fell behind. Afterward we were demonstratively followed by a black, completely tinted Mercedes," *MediaZona* quotes Yegor Skovoroda. "On the day of the attack, the Joint Mobile Group vehicle was pursued by a silver Lada-Priora with license plate V504AT95. There were two men in the car, one of them with a radio."

Around 8 p.m., Utukin announced on Twitter that "employees and journalists



from Sweden and Norway are being taken to the hospital by a high-ranking officer of the Ingush MVD."

Meanwhile, the bus driver was giving his account to the Ingush police, who had provided first aid to the victim.

On its website the Human Rights Council of the Russian Federation expressed its extreme concern at the incident and called for a prompt, thorough and objective investigation of the circumstances.

At 9 p.m., the press secretary for the head of Chechnya, Alvi Karimov, told *Echo of Moscow* that if something like that had occurred in the republic, he would have known about it.

At 10 p.m. the Norwegian Foreign Ministry reported that *Ny Tid* corre-

spondent Oystein Vindstad had suffered in an attack on the Chechen border (according to *FlashNord*). The Norwegian Telegraph Bureau (NTB) quoted the editor of *Ny Tid*, Truls Lie, in a report that Oystein Vindstad, a Norwegian citizen, was also hurt in the attack: "I just spoke with him. He is hospitalized. His teeth have been knocked out. He is in a cast. There are cuts to his face and knee and bruises all over his body. The assailants had truncheons and planks. His voice recorder and phone were broken. It is difficult to contact him."

The Norwegian Foreign Ministry has demanded an explanation from Russia about the attack.

Republic Interior Minister Alexander Trofimov arrived to the scene of the incident with an investigative team. Speaking to TASS, he said, "We are con-

sidering opening a criminal case under Article 167 (willful destruction or damage of property) and Article 213 (hooliganism) of the RF Criminal Code. We are undertaking measures to identify and apprehend the criminals."

It turned out that there were no surveillance cameras in the vicinity. The *Caucasian Knot* quoted Ingush Security Council Secretary Ahmed Dzeytov as saying, "It's situated right at the exit from Ordzhonikidzevskaya, where there used to be a checkpoint called Kavkaz. It's a vacant lot now, an empty field. There are no security cameras there. [...] The story [of the attack] is a very unpleasant one, [but the journalists] have already recovered."

Reporters without Borders issued the following statement: "We are outraged by this attack and call on the Russian authorities to investigate the incident.

It should be noted that this is not the first attack on human rights activists of the *Committee for the Prevention of Torture*. We are now seeing the consequences of letting the earlier attacks go unpunished. It is evident that laws against 'foreign agents' and the loud proclamations of the head of Chechnya against his critics are engendering a climate in which such crimes become possible."

Break-in attempt at the office of human rights activists

At the same time, we received information that the office of the Joint Mobile Group in the Ingush village of Yandar had been attacked. *MediaZona* quoted Dmitry Utukin describing the incident as follows: "A surveillance camera over the door was knocked down by a man in camouflage. The surveillance cameras on the street

showed that they arrived in five vehicles. I am not familiar with weapon models, but I could see two men with handguns, one with a knife and another with a short-barreled assault rifle. They were all wearing masks." Following this, all the cameras were disabled. The report of the attack on the apartment of members of the Joint Mobile Group was submitted to the Nazran police department at 11:35 p.m. on March 9. "A squad was sent to the scene immediately upon receipt of the report," an officer told the *Caucasian Knot*. Meanwhile, according to *MediaZona*, the head of village, Ismail Padiev, stated that "nothing happened in Yandar."

On March 10, *Interfax* quoted a police source who linked the attack on the bus of the *Committee for the Prevention of Torture* with the professional activities of the human rights activists:

"According to preliminary information, the attackers apparently knew that the activists were heading to Chechnya because they had made this trip several times before. Through their direct attack at the administrative border between the two republics, the perpetrators were thus able to prevent the activists from making their trip to Chechnya."

The Ingush administration took over the investigation into the attack on the journalists and human rights activists, reports *MediaZona*, citing Ingush Security Council Secretary Dzeytov. According to him, the investigation was also being overseen by the republican prosecutor and the Minister of Foreign Affairs.

A rally was held in Moscow's New Square on March 10, near the Presidential Administration of the Russian Federation, demanding that those responsible for the attacks on



journalists and human rights defenders be found and brought to justice.

The head of the Joint Mobile Group called the attack a "demonstrative act of intimidation."

TASS cited a source saying that the Ingush MVD confirmed that the attempt to break into the headquarters of the *Committee for the Prevention of Torture* had indeed occurred but that the Ingush police had not yet received allegations of crimes against human rights defenders. "An attempt to break into the office probably took place, but the office was not entered," TASS quoted the police source as saying.

Igor Kalyapin said that he would request that the Investigative Committee take over the criminal case of the attack on reporters and journalists.

The attack on the bus of human rights activists had been reported to RF President Vladimir Putin, reported his press secretary, Dmitry Peskov. "This is absolutely outrageous. This is absolute hooliganism. As we understand it, these people's lives were put in danger. This is absolutely unacceptable," *Dozhd TV* quoted Peskov.

According to *Dozhd TV*, the Commissioner for Human Rights under the head of the Chechen Republic, Nurdi Nukhazhiev, voiced his suspicion that the attack on the *CPT* bus had been arranged by its chairman Igor Kalyapin. "I am not accusing him. I am saying that his handwriting is all over it," *Dozhd* quoted Nukhazhiev. According to the Chechen commissioner, Kalyapin's human rights organization "has blossomed and received awards and orders" in the wake of the murder of journalist Natalia Estemirova. "It is what it is. Unfortunately, this is the way it is," *MediaZona* quotes Nukhazhiev.

The head of the Human Rights Council under the President of the Russian Federation Mikhail Fedotov called the statement of Commissioner Nukhazhiev implicating *CPT* leadership in the attack on the journalists, as "pretty daring" and suggested Nukhazhiev consider a career in fiction: "I think that our colleague could write fantasy novels and that the fantasy genre would fit him very well," said Fedotov in an interview with *Radio France Internationale*.

President Vladimir Putin has instructed the MVD to investigate the attack on journalists and human rights activists in the Caucasus.





Head of Ingushetia Yunus-Bek Yevkurov rebuked the *CPT* for not having coordinated the work of its activists with regional authorities. "As far as I am aware, this organization has no headquarters in Ingushetia as the media reports. These human rights activists have not maintained any contacts with the human rights commissioner in Ingushetia. They had no contact with reporters, although republican authorities, the journalistic community and especially the commissioner are open to communication," *Interfax* quoted Yevkurov as saying.

"I would like to remind the leaders of human rights organization to coordinate all their activities on the territory of Ingushetia with the commissioner for human rights," stressed the head of the region.

Nevertheless, Yevkurov called the attack on the bus a "provocation" and an investigation into the incident a "matter of honor" for law enforcement — reports *Interfax*. "Human rights activists and journalists should be able to freely carry out their activities," *MediaZona* quoted the head of the republic as saying.

In the wake of the attack on their colleagues, Russian journalists formed a union.

On March 11, an investigator and officers of the Ingush MVD were barred from inspecting the hotel rooms of Grozny City Hotel, where the beaten journalists and human rights activists were staying, reports *MediaZona*. According to the publication, the Ingush police were accompanied by their Chechen colleagues, to whom they turned for assistance.

The bus driver Bashir Pliev was diagnosed with a concussion, a broken arm and a broken leg, reported *CPT* press secretary Ivan Zhiltsov. "Bashir suffered the first blows from the assailants and fought to the last to protect his passengers, refusing to open the door and trying to persuade the attackers to come to their senses. In response, they dragged him out and beat him severely. This man, who was an utter stranger to us, did his utmost to protect us. As a result of this, the bus that belonged to him was burned and he was seriously injured," reads Zhiltsov's statement.

Head of Ingushetia Yunus-Bek Yevkurov made comments to the effect that the investigation may focus on Chechnya — writes *MediaZona*. "I would not link this incident to any republic in particular. But you should be asking questions about the attack in the neighboring country," remarked Yevkurov.

On March 11, Igor Kalyapin announced a press conference to explain why he holds Chechen authorities responsible for the attack on his colleagues. On March 12, Kalyapin wrote that he decided to hold the press conference in Grozny, provided that the law enforcement agencies of the Chechen Republic would guarantee the safety of journalists whom he intended to invite to the event — reported the *Caucasian Knot*.



The attack on Kalyapin

Around 8 p.m. on March 16, Igor Kalyapin, the chairman of the *Committee for the Prevention of Torture*, was attacked right outside of the Grozny City Hotel in the Chechen capital. The hotel CEO accompanied by police officers came to Kalyapin's hotel room and, without explanation, asked him to leave the hotel. "When Kalyapin left the building with his belongings, he was attacked by some young men in civilian clothes, who beat him and threw eggs at him," *CPT* lawyer Dmitry Utukin told journalists. Kalyapin went to the police.

"On leaving the hotel unknown men threw eggs, cake, green paint and flour at Kalyapin. There were about 15 assailants all told. They fled immediately after the incident. Police were called to the scene of the crime, but the officers declined to look for the assailants. Kalyapin went to the department to write a statement about the attack,"

said eyewitness Anton Naumlyuk (*Caucasian Knot*). A spokeswoman for the hotel declined to give the reason for Kalyapin's eviction.

Prior to the attack, the human rights activist was giving an interview to local journalists at the Grozny City Hotel, when a man who identified himself as the CEO of the hotel arrived with a security guard. They accused him of criticizing Kadyrov and asked him to leave the hotel.

Conversation in the hotel, subsequently published by Igor Kalyapin:

A knock at the door. A male voice begs forgiveness for disturbing us. Then, two men enter the room.

"Here is the situation," says one of them. "I am the CEO of this hotel. And you are slandering the head of our republic and our police officers..."

"We are criticizing them," Kalyapin corrects him.

"I do not know what you call it, but okay, you're criticizing — accordingly, since you're engaged in these activities ...you know how we feel about our head! I cannot allow you to remain in the hotel any longer," says the man who introduced himself as the CEO.

"So you want me to leave?" asks Kalyapin.

"Yes."

"Okay. Very well. Then tell me please where I'm supposed to go in the middle of the night?" asks Kalyapin.

"Well, that's already...When you were coming here, you knew which way to go, right?" continues the person who introduced himself as the CEO.

"I was going to the Chechen Republic."

"I feel you — you were going to the Chechen Republic. And why, for instance, were you coming to us if you hate our head, whom we love? You constantly speak ill of our leader, insult him, call him whatever you like, and say that our police..."

"I did not insult him," objected Kalyapin, "much less the police."

"Mr. Kalyapin, I request that you leave this hotel," insists the CEO.

"As you wish. Simply give me some kind of — I don't know — a written explanation in which you state that due to this and that you're asking me to leave the hotel..."

"You're looking for the fool in the mirror. Let's go!"

"All right."

In response to a query made by a *MediaZona* reporter, hotel management replied that they knew nothing about the attack. "Kalyapin left the hotel of his own volition. Excuse me, if you don't mind," said the woman who presented herself as the manager. The management of the hotel also stated to *RBK* that Kalyapin left on his own, without any involvement of police officers.

According to investigator for the *International Crisis Group* Barbara Pakhomenko, *Novaya Gazeta* journalist Elena Milashina, and chairman of *HRC Memorial* Aleksandr Cherkasov, "the attack on Igor Kalyapin in Grozny is a consequence of the impunity of the attack on human rights activists and journalists in Ingushetia" (*MediaZona*).

Chechen law enforcement agencies began to investigate the attack on Kalyapin in Grozny (*TASS*, March 17).

"Preliminary findings have established that some young men threw cakes and eggs at Mr. Kalyapin," announced acting MVD minister of Chechnya Aпти Alaudinov. According to Alaudinov, Kalyapin refused a medical examination and wrote in his statement that he had no bodily injuries or health complaints.

After submitting his statement, Kalyapin left Chechnya. He suggested that he was attacked by the same people who had previously beaten the group of human rights activists and journalists on the border of Chechnya and Ingushetia.

Head of the Presidential Council on Human Rights Mikhail Fedotov said that he would insist on a criminal case. "We can observe here a case of hooliganism committed by a group of persons motivated by political hatred. We believe that the perpetrators must be found and punished, especially since the police in Chechnya knows its job and finds criminals very quickly," he was quoted as saying by *Lentaru*.

Chechen Human Rights Commissioner Nurdi Nukhazhiyev said that Kalyapin should have reported his arrival to the republic: "We would have met him and escorted him wherever he wished to go. Then we'd send him home with a wave of the hand. Nothing would have happened and no one would have thrown eggs at him."

In the aftermath of the attack on the bus, a criminal case has been opened under part 2 of Article 213 of the RF Criminal Code (hooliganism), Article 162 of the RF Criminal Code (robbery) and Article 167 of the RF Criminal Code (intentional destruction of property). Victims and witnesses in the case were taken into protective custody, writes *RBK*.



**Oystein Vindstad:
I will continue to
write about Chechnya**

The journalist for the Norwegian newspaper *Ny Tid*, who was among the press tour that was attacked on the border of Chechnya and Ingushetia and who suffered the most from the attack, recounts to *DOSH* what prompted his trip to faraway Chechnya as well as his impressions from the ill-fated trip.

Was this your first time visiting Chechnya? Had you been to Grozny before the attack in Ingushetia?

Yes, this was my first trip to Chechnya. There were several motives that led me to go there. One of them was a desire to see what the new Grozny looks like. I managed to take some photos of the hotel and surrounding buildings. Many in Norway do not know what Grozny looks like today. Unfortunately, those pictures were burned in the bus when we were attacked. Another reason was that I wanted to learn more about Chechen culture and history. Norway has a lot in common with Chechnya. They are both small countries that against their will, became part of the agendas of neighboring superpowers.

Both countries lived relatively peacefully in their villages in the mountains until, until their larger neighbors showed up to dominate them. We found ourselves the targets of superpower policies aimed against us. I find a lot of charm in Chechen history and culture. Also interesting to me is the fact that there are words in the Chechen language that means the same thing as in Norwegian — for instance *utle* ["yard"].

The third reason for my trip is that I'm interested in the human rights situation in Chechnya and Russia. I wanted to see firsthand how people lived in the Caucasus. Chechens are renowned for their courage and determination to fight for that which they believe in. Today, there are some Chechens who display great valor in fighting for human rights. They fight to ensure that law and justice are available to all, not only certain privileged individuals. I was always in awe of the courage of the Caucasian peoples. This thought reminds me of a poem of Lermontov's. It was composed in the 1800s when Russia was pursuing an unabashed imperial policy:

*Savage are the tribes among these gorges;
Freedom is their god, and war their law;
[...]
Here friendship is true, yet vengeance truer;
And good earns good, while blood earns blood,
And hatred is as immeasurable as love.*

So on the whole, you could say that I had a lot of reasons to go to Chechnya. Probably, the biggest of which was the desire to become acquainted with the many wonderful people living in this country.

All I managed to accomplish during the trip, however, was to spend a day and a night in the Grozny City Hotel,

do some kickboxing in the hotel gym, eat *galnash* [*zbizbig-galnash* — a traditional Chechen dish] and watch the sun set beyond the horizon. On the day of the attack, we visited Ingushetia and Beslan.

Did anyone try to dissuade you from going to Russia and the North Caucasus? What were the worst possible risks you imagined?

Yes, there were a few people that I talked to before my trip who warned me against traveling to Russia and the North Caucasus. Human rights activists and journalists have been killed in Russia and the North Caucasus. And, of course, when you're planning a trip to a place where such things happen, you start to think about what might happen to you. I was aware that something could happen to me. But I never thought that we would be attacked by masked men with sticks or that we would be beaten and cut or that the bus with our equipment would be set alight.

After the fact, people in Russia would say to me, "What did you expect when you volunteered to go to Chechnya?"

In such cases, my answer is that the people who attacked us were not at all like the Chechens whom I know. Chechens are united, welcoming. They are prepared to give their guests everything, even if they have nothing themselves. Chechens are fair, courageous, and are renowned for their ancient and noble tradition of welcoming their guests. But those who attacked us, they beat women, dragged them out of the bus by their hair through the broken windows and beat them with clubs. I know that from the perspective of Chechen culture, customs and religion, such behavior is unacceptable — it is considered a great shame. Chechen traditional culture involves a great respect for women, and the use

of violence against women is extremely shameful. I think those who attacked us should return to their own culture, to understand their history and religion. If they could do that to us, it means that they do not know anything about Chechen culture and its traditional values. I and all the others who were with me on the bus, we are friends of the Chechen people. We want to give them a voice. After the attack, my companions and I received immense assistance from strangers. People I had never seen before called the ambulance, administered first aid and gave us their clothes. They did everything they could for us. It is they who are the real Chechens, the real representatives of the Chechen national spirit.

How did the Ingush police react? Did you give them a statement about the attack? Did they visit you in the hospital?

All the others were questioned by local police, but I was not questioned. Perhaps this was because I did not have an interpreter at the time. But the rest of us were interrogated by Ingush police for several hours. According to their accounts, I formed the impression that the Ingush police were investigating the incident very meticulously and were interested in finding the perpetrators. I hope that they will be able to catch those who tried so hard to create a bad impression about a country and people who do not deserve such bad publicity. The police said that the attack was politically motivated. I gave an interview to the federal police, based in Stavropol, the day before returning to Norway.

Some Russian media reported that you intend to continue to investigate the circumstances surrounding the deaths of Chechen deportees from Norway. What is this about?



What I wrote about the Chechens, who were denied asylum in Norway, and were found dead after being returned to Chechnya — is the truth. Norwegian authorities did not believe two refugees who were petitioning for shelter and protection. One of them was subjected to utterly horrible, cruel and inhuman torture. The second was killed, as some believe, in a car accident, while others argue that his death was a murder arranged to look like a car accident. For me, as a journalist, the defense of human rights is important. I do not want such events to take place. It is also important to me that my country, Norway, takes care of those who are persecuted and who are in need of protection, rather than sending people back to places where they are at risk. I'll continue to write about human rights and the people in Chechnya, whom I really fell in love with.

How did you feel upon your return to Norway after what happened to you? Was there resentment at having encountered such "hospitality?"

After returning to Norway, I thought a lot about those brave, strong, united people whom I met during my trip to Chechnya. I thought about those

who came to us immediately after the attack, helped us stop the bleeding, gave us their clothes, and supported us the best way they could. I am very grateful for the fact that such people exist. Many of them live in Chechnya and the North Caucasus. I thought about those heroes who risk everything for the sake of other people and for the chance to ensure that people have basic rights. I thought about how they live in this situation every day, while I was able to just get on a plane and fly away. I thought: That which happened to me is nothing because many other people who live there experience a thousand times worse. I thought it is my duty — having the opportunity to live in a free country — to write about these people so that the world can learn about Chechnya and Chechens and learn to care for this country. I want people to discover the real Chechnya. A country where one takes care of one's guests and helps others, before one thinks of oneself. And a people who has experienced so much pain, but retained its pride and fortitude. I want the world to know about them. As for those idiots who attacked us — as they say in Chechen — they are mere *kotamasb* ["chickens" in Chechen].

ANZOR MUSAEV

A WATERSHED MOMENT FOR THE NORTHERN CAUCASUS

Experts Articulate Conditions for the Modernization of the Region

On April 1, 2016, at the Committee of Civil Initiatives, headed by Aleksei Kudrin, a report from the Gaidar Institute was presented by Irina Starodubrovskaya, Director of the Research Area "Political Economy and Regional Development", and by Senior Research Fellow of the same institute, Konstantin Kazenin. The report is entitled "The Northern Caucasus and the Contemporary Model of Democratic Development".

The report is based on field research conducted by the authors in five republics of the North Caucasian Federal District: Dagestan, Chechnya, Ingushetia, Kabardino-Balkaria and Karachay-Cherkessia. Current events in the region are looked at through the prism of the question of the possibility of development of the Northern Caucasus along the lines of providing for the rule of law, competition in politics, transparent "rules of the game" in the economy, and non-violent conflict resolution. "I don't think that our report at this point will become an action plan for those people making the decisions about politics in the Northern Caucasus. Obviously it represents an alternative point of view to the one on which current politics are based. But we

imagine that it is important that this alternative position be represented in the field of public discourse", Irina Starodubrovskaya stated to *DOSH*. According to her, this report was written not for public officials, but for discussion among experts. "That took place, but probably not on the scale one would have wanted. Going forward, we will raise the issues touched on in the report, in other formats, on the basis of the results of new research which we are conducting now".

The Distinctive Features of the Caucasus

The authors of the report give a definition of the concept of the democratic model of development, projecting it onto Russia as a whole, and, in part, onto the Northern Caucasus. The republics have their own distinguishing characteristics, thanks to several particularities which have taken shape, which in a number of cases apply to the country as a whole as well. For example, the process, well underway, of the archaization of social attitudes in Russia and the ever more pronounced role of the leadership of Chechnya in the determination of the overall Federal agenda are

leading to a noticeable shift in focus. As a consequence of this, one hears rather frequently that actually, there are no principal differences at all, right up to and including "Chechnya is not part of Russia— Russia is part of Chechnya" (a quote from Dmitry Bykov).

In this way, the chances for a transition to the contemporary model of democratic development turn out to be problematic not only for the republics of the Northern Caucasus, but for the country as a whole — note the authors of the report. It must be said that in their opinion, "Now the state of institutional relations in Russia is such that it is unlikely that in the medium — term it will be possible to fully implement a model characteristic of the developed democratic countries". There is one more distinguishing characteristic — the clan system. "Patron — client ties and structures are widespread throughout the whole country; in the Northern Caucasus, to this day, they are of an even more traditional character, and ties based on family and ethnicity play a larger role in them in most cases, than ties based on loyalty. Thus, the system is even more closed than in other parts of Russia".



The Northern Caucasus is characterized also by a more widespread use of unabashedly violent practices, both on the part of the elite, as well as by the counter-elite, than in the Russian Federation as a whole, and also by the dominance of Islamic ideology as a basis for social protest. The experts emphasize, "The religious character of protest ideology in the Northern Caucasus makes a significant mark on the character of social ideals, on the conception of the desired form of government, and on the organization of social life." The report is first and foremost dedicated to the questions of to what extent these differences are serious and ineradicable, how can government policy influence them, and on which strata and groups that policy can rely in order to fulfill its goals. "The report reflects on the issues of to what extent the Northern Caucasus, with its particular cultural character, can fit into an overall democratic agenda; to what extent is there and can there be a demand for democratic values and institutions; and how powerful the existing antidemocratic potential is in this region at the present time."

Sharia and the Erosion of Traditional Attitudes

One of the main arguments against the capability of the Northern Caucasus to modernize is connected with the fact that traditional attitudes dominate there; moreover, in the post-Soviet period one observes them becoming even more archaic. This archaization is often linked to the spread of nontraditional, fundamentalist Islam: however, the authors of the report point out that this is not true.

The report states, "The blurring and breakdown of traditional attitudes is the primary characteristic of what is happening in the Northern Caucasus in post-Soviet times. The development of market relations and the processes of globalization foster the emancipation of the individual, subvert the generational hierarchy and heighten the role of youth as that social stratum which can most easily adapt to the new possibilities of technology and to social conditions." The process of the erosion of traditional attitudes is something that can go very differently



not only in different republics, not only in an urban vs. village environment, not only in different villages, but even in families who are next door neighbors. "The differences have to do with many parameters: young people's freedom to choose their educational path (especially for girls), migration, marriage strategy, ideological priorities. In one and the same village, in one family, a girl may not be allowed to go to school beyond the 9th grade (and sometimes even earlier) and be given in marriage as the parents decide, whereas the neighbors may let their daughter go to medical school in Moscow." One of the major emancipating factors is the city. An analogous

role is played by Makhachkala; to a much lesser extent — by Grozny.

But in the context of an intensive migration from the villages, new city dwellers, departing from the framework of traditional regulation, do not automatically become a part of urban culture. According to the experts, "As a result, this highly urban culture becomes blurred, as the city becomes an arena not governed by any general rules or norms for the competition of various interests and models of behavior, for struggles over resources and 'living space.'" And this naturally arouses protest.

"What role does non-traditional fundamentalist Islam play in all of this? Does it really mean the extreme case of a return to traditional attitudes, and a complete repudiation of modernization? In actuality, that is not the case," the report emphasizes. Non-traditional Islam in the Northern Caucasus, from the point of view of value systems, is extremely contradictory, containing within itself clear modernizing as well as clear anti-modernizing elements. A number of positions, attributed to non-traditional Islam overall, are characteristic of only separate, more radical, or, on the contrary, of those currents very close to the traditional perception of Islam.

The experts point out, "It is essential to keep in mind that non-traditional Islam is extremely fragmented not only on theological issues, but also on questions of positioning oneself in the framework of a secular government and society. Strategies of isolation or of implacable struggle — are merely one of the possible answers to this question. At the same time, modernization potential is linked first and foremost to moderate, to a large extent, urban, variants of non-traditional Islam, which escape the notice of many specialists." Among the priorities of so-

called non-traditional Islam are: an understanding of the value of knowledge, an affirmation of the sanctity of the obligations one has taken on, the necessity of carrying out contracts, and honest behavior towards business partners. Islamic ideology brings people up to be law-abiding, as one of the primary principles of life, and encourages the establishment of civilized norms of human interaction and of a healthy lifestyle.

"In reality, non-traditional Islam in the Northern Caucasus stands opposed not to a free, democratic society ... but, on the one hand, to the remnants of a traditional society, and on the other, to those coalitions of the authorities and power ministries which control the resources in the Northern Caucasian republics," the experts emphasize. Non-traditional Islam is akin not to absolutism but, on the contrary, to a repudiation of tradition, at that, by both sides, by both the bearers of tradition, and by the fundamentalists.

The report notes, "In practice, in all villages where religious schism is common, the conflict began with the opposition of the religious authority of the elders to those who got a religious education....Islamic fundamentalism in

the form examined by us does not recognize general equality, but significantly expands the rights of women compared to the norms of a traditional society — the adats (translator's note: customary law) of the Northern Caucasian republics....The ideology of Islamic fundamentalism is incomparably more individualistic than the traditional system of relations."

It is precisely the unfairness on the part of the state — beginning with the impossibility of self-actualization and ending with the lawlessness of the law enforcement authorities — which leads above all to the state being regarded as something foreign and hostile. At the same time, Islam offers an alternative jurisdictional venue — Sharia — as a legal system permitting the settlement of arguments and conflicts.

"In practice, Sharia appears not as an alternative to a functioning, rule-of-law state, based on secular laws, but as a result of the fact that these laws do not work," the experts write.

The experts characterize the system of conflict resolution (if it is not a functioning Russian legal system), to which an alternative appears to be Sharia, as a "coalitional clench" — "a continuous



competition between coalitions, whose members try to gain advantage by strengthening their position and the position of those closest to them in the coalition in social structures".

So in the end, in practice, the ideology of Islamic fundamentalism in the region poses a counter, not to the working secular legal system of a democratic state, but to the corrupt clan system which is not capable of providing law and order, the antithesis of which is for its advocates an Islamic caliphate. The report elaborates, "A significant number of adherents of this position take an altogether rational approach to building their life strategies, and their choice in favor of incorporating into society armed confrontation with the authorities in large part depends not on their ideology, but on those social conditions in which they find themselves."

"The Elite" of the Northern Caucasus. Elections

"Clans" in the North Caucasian republics are alliances of bureaucrats and entrepreneurs, created to tackle practical tasks: extending control over financial flows, increasing political influence in the region, developing connections beyond its borders. In the multinational republics of the Northern Caucasus, the majority of the "clans" are multinational as well. The experts emphasize that the "clan" structure of the elite interferes with political competition and job rotation.

"An important principle of the sustainability of this system is the way it guarantees the absence of paths 'upwards' which would not be controlled by the leaders of the 'clans'". The report points out that this circumstance would be very important for any attempts to create an alternative to the "clan" system: as part of its dismantling in the current environment, it would

be a big problem to find managers who had the experience necessary for a high position in the leadership of the region, but at the same time were not connected to any of the "clans". Any attempts to change the current structure of the elite in the Northern Caucasus, in the main, the managerial elite, must be preceded by the creation of an alternative system of training and selection of personnel.

In the Northern Caucasus at the present time, in practice there are no villages, districts or cities whose leaders are elected by popular vote. Most of the heads of villages are elected by the village councils of the local government, heads of districts and cities — by the councils of deputies of the equivalent tiers. The report notes, that such a system of elections indisputably provides the regional authorities control over the formation of local government, and insures them from anything "unexpected."

"The already extensive experience in conducting popular elections at various levels in the Northern Caucasus does not permit one to say that holding elections would mean serious 'negative side effects'. Moreover, these elections could serve — in part, as we have seen, already have served — as a lesson in competitive politics for the community of the Northern Caucasus. Acquisition of such know-how could come in handy in elections at a higher level," the experts believe.

Protest and Violence

According to the analysis done by researchers of protest speeches by ethnic groups (at meetings, mass protest demonstrations, and in protest leaflets circulated to the media), in the past 15 years in the Northern Caucasus, the absolute majority of them were brought about for one of two reasons: either chal-



lenges connected with overcoming the consequences of Stalin's deportations of peoples, or they were conflicts over land.

At that, it can be observed that local regulations increase tension over land issues, in this way influencing inter-ethnic conflicts.

"All of the roots of threats of ethnic-oriented violence identified by us can be eliminated only by a serious reform of the organs of political power in the Northern Caucasus, only by the creation of forums for dialogue on thorny issues that really work, and by increasing transparency in regulation of the economy. Interethnic relations are not putting a brake on the modernization of the Northern Caucasus, but, in order to lessen the risk connected with them, a modernization breakthrough is necessary in the area of land issues and issues of municipal boundaries," the authors of the report contend.

One distinctive feature of the Northern Caucasus is the prevalence of religiously-motivated violence. In the opinion of the experts, the main reason for the emergence of violence based on religious belief was the Chechen Wars. They made it possible for a certain contingent of the youth of the Northern Caucasus to go to military camps of the mujahedeen, and for some, to get military experience, permitting the sudden inclusion of the Northern Caucasus in the global net-

work of jihad, and in addition, they shaped the perception among certain young people of the Russian State as an enemy force.

"Without question, it is important which theologian, which religious leader, which agitator a young person meets on his journey through life — under whose influence he comes. At that, it is by no means always the imam of the mosque the young person attends. A not insignificant role in this choice is played by the conditions of the young person's socialization. What circumstances he grew up and was brought up in, what values were inculcated, cannot help but influence his ideological priorities," the experts explain. A criminal or conflict-ridden socialization increases his disposition toward violent actions. The report states, "The lengthy conflict, with the use of extra-legal violent methods both on the part of the armed underground, as well as the officials of the power ministries, without a doubt influenced the socialization of the youth touched by it; it reduced the value of human life, made it commonplace to use weapons, and also contributed to the accumulation of negative feelings in these young people towards the opposing side in the con-

flict, which had inflicted suffering on their relatives and friends."

The more forceful the pressure on those Muslims observing the tenants of their faith, and the less this pressure is limited by the framework of the law, the greater the propensity towards use of violent methods by Muslim youth. "If one looks at all the factors conducive to the acceptance of violent practices in the Islamic community, it is clear that along with the existence of the infrastructure of 'the forest,' a principally important role is played by the process which in scientific circles has been given the name 'the vicious cycle or spiral of violence'. A brief definition of this factor states: 'violence begets violence,'" the report emphasizes. At the present time, government policy in this area in most of the regions is counterproductive.

Outlook and Recommendations

The Northern Caucasus is going through one of the biggest watershed moments in the history of any society, in connection with the erosion of traditional attitudes, robust urbanization and integration into the global world. "To a great degree, this explains perfectly the plethora of conflict in the

region, the attractiveness of radical ideologies to the youth, and the antagonism between different social groups," the authors of the report note. But, the discernable prospects for the completion of this demographic transition (despite the challenges of the process), the growth of urban culture, and the rise in the prestige of education create pre-conditions for the lowering of tensions in society, and for the beginning of dialogue between different social forces.

A most important factor determining the situation in the Northern Caucasus is government policy. At the present time, it is directed at supporting traditional organizations (or those whose criticism is indirect, but traditional), institutions of traditional Islam and the clan elites. To this, one can add restrictions on the operation of Russia's national legal norms in connection with the "particular characteristics" of the region; and also harsh repression by force of the ideology of Islamic fundamentalism and of any protest activity based on it.

"Assertions about the 'particular characteristics' of the society of the Northern Caucasus are often a matter of speculation and frequently serve as cover for the interests of the North Caucasian elites. The conception among federal authorities about the absence in the Northern Caucasus of internal driving forces for economic and social modernization, and in connection with that, the emphasis on traditional clans, and attempts to modernize exclusively 'from the outside,' lead to clearly negative consequences, since they strengthen precisely those archaic, anti-modernization structures and in many instances make the federal authorities the hostages of their interests," the experts note expressly.

The report points out that at the same time, in the Northern Caucasus, it is

obvious that there are internal forces which are not pleased with how the power and social structures are organized, and which have an interest in social modernization. These, one could say, are: small and to a large extent, medium-sized businesses not connected to the clans; some of the leaders of local governments at the level of settlements (basically, revenue is distributed for the most part at the district level); members of the liberal professions (lawyers, journalists, social activists); and other members of the urban intelligentsia.

"The problem is that these strata which are potentially the drivers of modernization, are to a large extent Islamized, and their conception of the ways of changing society were influenced by Islamic (first and foremost, fundamentalist) ideology." The scholars emphasize, "For that reason, to speak of the problems of modernization, not touching the issues of non-traditional Islam is not thought to be possible in the Northern Caucasus."

Analyzing the situation, the report puts forth a number of recommendations:

— It is necessary to create preconditions for a replacement of the elites in the region. In order to begin the actual process of replacing the elites, in the Northern Caucasus it is necessary to have a big enough pool of people who possess managerial knowledge and values alternative to those of the clan system. The state can create the preconditions for the formation of such a stratum by starting educational programs (like a candidate's, or skill pool).

— It is necessary to create preconditions for the displacement of anti-modernizing, radical, jihadi versions of Islamist ideology, drawing support from moderate versions of non-traditional Islam, which support the values of modernization and contemplate



Irina Starodubrovskaya,
Alekssei Kudrin,
Konstantin Kazenin.
Photo: Idris Yusupov

incorporation of Muslims into contemporary society.

— It is necessary, to a greater extent, to truly move existing conflicts in the region into the political arena, where different political forces interact, and not impede the revitalization of political life, or the conducting of free elections at all levels.

— It is necessary to take measures to enhance the role of Russian legislation in the framework of the North Caucasian regulatory field. "However, this cannot be done simply by purely mechanical means: increasing the number of cases heard in Russian courts, or by applying pressure to alternative jurisdictions," the report notes. If one tries to ban alternative jurisdictions administratively, that will in no way facilitate the creation of a state based on rule of law, but will make the residents of the region to an even greater extent the hostages of the "coalitional clench," in the framework of which might makes right.

"An ideal solution would be the establishment of the rule of law, and the cessation of corruption in the Russian courts in the Northern Caucasus. This would immediately make that jurisdiction, associated with Russian legislation, much more effective and would win the sympathy of the populace. However, setting such an ambitious

goal, in the medium term, is probably unrealistic, not only in the Northern Caucasus, but in Russia as a whole," the experts reckon. The authors of the report write that as far as Sharia law is concerned, one can find attitudes which are complete polar opposites: from outright ban, to proposals for legalization.

"It is essential to note, that the existence of alternative jurisdictions for certain issues (for example, family law), is not at all incompatible with contemporary approaches to the administration of government. Moreover, specialists believe that an asymmetrical federalism, which takes into account the distinctive cultural features of separate regions, is a mechanism which can head off conflicts and strengthen the unity of the state. In this way, based on conceptual reasoning, there are no discernable principal objections to a partial legalization of Sharia. For that reason, in the circumstances that have arisen, one can conceive of a preferred intermediate solution, whereby, upon mutual agreement of both parties in a conflict, turning to Sharia law is allowed, as an informal mechanism of conflict resolution in pretrial mediation, but not as an official state jurisdiction." However, the experts emphasize, "The state must definitely thwart attempts at enforcement of the decisions of Sharia courts by extralegal, violent methods."



Cherkessk – 190 years

AMINA ZAKAEVA TWO YEARS of LAWLESSNESS

The events of just under two years ago on the Staroborovskoe Highway in the village of Rasskazovka, in Moscow, received a notoriety that was unexpected even for the participants themselves. A reminder: at 9 o'clock in the evening, on September 21, a run of the mill traffic accident occurred — a three-car collision.

"Before the arrival of the STSI (translator's note: State Traffic Safety Inspectorate), the fire team arrived to put out potential fires in vehicles. There were some young Chechens walking by the scene of the accident. They asked one of those involved in the accident, a woman, to sell them her car. The woman declined, saying that now is not a time she can think about selling it. Some emergency personnel joined the conversation; according to available information, they were under the influence of alcohol." Members of the 27th Brigade of the 66th Federal Firefighting Service of the Ministry of Emergency Situations, while surveying the accident site got into an altercation with the Chechen guys walking by the scene. The officials of the Ministry of Emergency Situations began to quarrel with the Chechen men, after which, "a fight took place, during which a young Chechen was beaten up," states lawyer Nikolai Dyakov.

"According to eye-witnesses to the conflict, there were five Emergency Situations men, and two young men. The latter called their buddies for help: around 15 - 20, who lived approximately 150 - 200 meters from scene of the accident. One of those, as was later determined, had a pellet gun. As a result, some of the Emergency Situations men received gunshot wounds and injuries. The guys who came to help took the young man beaten bloody, and quietly left, leaving a



Husein Tsetiev

jean jacket belonging to one of them, a rubber slipper and a white rag soaked in blood, with which they had wiped the head of the beaten man," the lawyer continued.

Correspondents of practically every TV station headed to Rasskazovka, where Chechens, according to some journalists, shot personnel of the Ministry of Emergency Situations. The events were portrayed by the media as a "shooting of Emergency Situations personnel." News stories mentioned the names of three Chechens who had absolutely nothing to do with the fight. "The men we are representing lived in this very small town; they were just passing by the scene of the accident. They were detained, brought in front of the victims, and later, at the police station, they were put in a line-up; none were identified, and they were released. And, as always happens, in a few days, information about what happened made it to the higher-ups, who laid out the task of arresting the attackers "no matter what". There were not plenty of choices, and of those who had been brought in to the police station that day, three were picked, natives of Chechnya — Said-Magomed Tsetiev, Husein Tsetiev, and Hamid Razhapov, who three days later were dragged out of their homes, brought in, supposedly identified and said to be the ones. In actuality, "the evidence of the guilt" of these completely innocent people was fabricated and falsified. Now they are being charged with attempted murder, statue

Said-Magomed Tsetiev



105 of the Criminal Code of the Russian Federation, this despite the fact that no weapon was even found. They are guilty only in that they are also Chechens," said Dyakov.

When the fight was on, the detained men were at home, which was confirmed by many eye witnesses, their relatives and friends, and also by the footage of the security cameras placed near their places of residence, notes the defense.

The investigation went on for a year. In September, 2015, the case went to court. Court proceedings were closed, because supposedly the victims — Emergency Situations personnel — had been threatened: by whom and when — not one of them could say in court. Compared to such high-profile cases as the terrorist act at Domodedovo, the murder of Anna Politkovskaya, when all who wished, even passers-by off the street, were allowed to attend all the hearings, it was surprising that a case not as important could be conducted in closed session. So, nothing was disclosed: nothing said in court, not the testimony of the victims, of the defense witnesses, or of the investigator, Andrei Zenkov — not to relatives, not to journalists.

This served one purpose: no one should find out that a criminal case against three Chechen young men was crudely falsified, trumped up.

The defense maintained that among the items in the case file — the flash drive detailing the exchange line phone calls, the hard drive containing the footage from the dash cam on the day of the crime — were missing. Also missing was the pistol seized during the inspection of the scene of the accident on September 23, 2014. In the interim, the pistol had been subjected to forensic tests and the results included in the indictment.

According to Nikolai Dyakov, these were only some of the violations revealed during the trial, violations which served as the basis for the court to order the criminal case to be remanded to the prosecutor.

The trial lasted a little less than a year. The Shcherbinsky District Court of the City of Moscow, having heard the arguments by both sides, having carefully examined the evidential materials, came to the conclusion that the criminal case against Hamid Razhapov, Husein Tsetiev and Said-Magomed Tsetiev should be remanded to the prosecutor, because the deficiencies discovered were significant, irremovable in court, and made it impossible for the court to hand down a lawful sentence or another final decision based on the given indictment.

On August 9th, the Moscow City Court let stand the decision of the District Court on the remanding to the prosecutor of the criminal case against Hamid Razhapov and the Tsetiev brothers, residents of Chechnya, accused of assaulting officials of the Ministry of Emergency Situations.



Hamid Razhapov

D. Tovsultanov "Funeral En Route"

