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“Invisible War”

Russia’s Abusive Response to the Dagestan Insurgency



“Invisible War”

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Map



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Summary

For more than a decade, Russian security forces in Dagestan, a southern republic of the Russian Federation, have been battling an armed insurgency conducted by an array of Islamist militant groups which were until recently affiliated to the Caucasian Emirate, but are now increasingly pledging allegiance to the Islamic State (also known as ISIS). Both the Caucasian Emirate and ISIS have been banned by Russia's Supreme Court as "terrorist" organizations. The insurgents have committed numerous lethal attacks against state officials, law enforcement and security forces, and civilians.

Human Rights Watch condemns attacks on civilians and recognizes that the Russian government has a duty to prevent attacks, pursue the perpetrators and bring those responsible to account. Attacks on civilians, public officials, and police and security forces are serious crimes. Russia, like any government, has an obligation to investigate and prosecute such crimes and to do so while respecting Russian and international human rights law.

Regrettably, law enforcement and security forces involved in counterinsurgency in Dagestan often do not respect or adhere to these laws, and counterinsurgency efforts in Dagestan have been marked by a wide range of serious human rights violations. This report documents violations that took place mostly between 2012 and 2014. It also describes some attacks by insurgents on civilians that took place just prior to and during that time. It is based on five Human Rights Watch fact-finding missions to Dagestan in 2013, 2014, and 2015.

In countering the insurgency, the authorities have cast an excessively wide net by essentially treating Salafis (adherents of Salafism, a fundamentalist interpretation of Sunni Islam that is increasingly popular in Dagestan) as criminal suspects without charging them with any specific offense. During the special counterterrorism operations Human Rights Watch documented, law-enforcement personnel have forcibly displaced civilians leaving them homeless; destroyed or damaged civilian property, for which most owners have not received compensation; and in some cases blown up homes of families of suspected insurgents, claiming they were detonating bombs stored there.

This report documents numerous cases in which federal and local police and security forces detained suspects using excessive violence and forcibly disappeared them or held them incommunicado in undisclosed locations without access to family or lawyers. In some cases documented by Human Rights Watch, family members or lawyers later found the detainees in official custody, and some detainees alleged they had been tortured. In the case of some enforced disappearances documented by Human Rights Watch the families still do not know the whereabouts or fate of their relatives. Police beat some detainees severely to compel them to provide confessions, testimony, and, in one case, to pressure a man to provide a DNA sample. In many cases documented by Human Rights Watch, authorities denied detainees access to lawyers of their own choosing.

This report also shows how lawyers and human rights advocates who defend Salafis or other people targeted in counterinsurgency efforts, and journalists who investigate such issues, face serious threats to their lives and well-being.

Watch Lists

Police have placed an unknown number of people they believe to be Salafis on special “watch lists,” including individuals who are either relatives of insurgents or whom authorities suspect of associating with insurgents, but who are not accused of, or officially suspects in, any illegal activity. Some of those on the watch lists are also subject to “operative control” meaning that police can subject them to routine stops at road checkpoints and repeated questioning about their movements, their family members, and their attitude towards Salafism (which local authorities typically refer to as “Wahhabism,” a term that they use with pejorative connotations). Human Rights Watch documented numerous instances in which police subjected people on such lists to repeated and excessive questioning, photographing, fingerprinting, and, in some cases, coerced DNA testing.

The legal basis of the watch lists is unclear. Law enforcement authorities maintain that the lists are kept by police merely for the purposes of preventing religious extremism. Some Russian authorities have said the Police Law authorizes police to take broad action to prevent religious extremism and to undertake questioning, fingerprinting, DNA sampling and the like in the context of investigating a criminal complaint. However those Human Rights Watch interviewed who were on watch lists and had consequently been targeted by

the police said they were not, to the best of their knowledge, the subjects of any criminal complaints or investigations.

Abuses in Counterinsurgency Operations

Russian authorities have a legitimate right to conduct law enforcement and security operations in any part of the Russian Federation in order to identify and detain suspected criminals and to seize illegal weapons. Incidents documented in this report illustrate that Russian law enforcement and security personnel at times fail to uphold their obligation under international law to use force that is proportionate to a legitimate threat.

Counterinsurgency operations in Dagestan often involve sweep-search-and-seizure raids of homes, neighborhoods, or entire villages aimed at capturing insurgents and seizing weapons and other evidence of insurgent activity. Although such operations may have a lawful basis and legitimate purpose, the manner in which they are conducted in the cases documented in this report, including in particular the resort to force against civilians and the abuse of detention powers, indicate persistent disregard for human rights standards. Human Rights Watch found that the operations can result in serious violations with victims facing little hope of redress in the face of impunity.

This report describes abuses during counterterrorism operations in the villages of Gimry and Vremenny, in 2013 and 2014 respectively. In Gimry a handful of private homes and businesses were destroyed and looted, while much of the population was forced to evacuate the village for about ten days. The authorities barred reporters and human rights defenders from entering the village town for weeks following the raid. During the operation in Vremenny, security forces rounded up hundreds of people for identification checks and questioning and forced the entire male population to leave the village. Media and local human rights groups have also documented more than a dozen cases in 2013 and 2014 in which law enforcement and security forces blew up homes belonging to people whose relatives are suspected insurgents or where explosives had allegedly been stored. This report documents house demolitions in Vremenny and Gimry, and one additional incident in another town, in May 2013.

Enforced Disappearances, Torture, Due Process

Human Rights Watch and other human rights groups have documented cases in which law enforcement authorities have arbitrarily detained an individual nominally suspected of being connected to the insurgency, using excessive force, and have held the detainee incommunicado for the first stages of detention, refusing to inform relatives of his whereabouts. In some of these cases officials eventually acknowledge the detention, however in others the detentions remain unacknowledged and the fate of those detained is unknown. This practice is referred to in the region as “abductions,” but as a matter of international law constitutes both arbitrary detention and enforced disappearances, which are absolutely prohibited under international law in all circumstances and which states have an obligation to investigate and prosecute when they do occur.

This report documented 12 cases of such abduction-style detentions that took place from 2012-2014; three of these individuals still remain forcibly disappeared and have not been seen or heard from again. This report also documents the forced disappearances of an additional three individuals. Although data varies, reports by human rights and media outlets suggest that abduction-style detentions are common. A local human rights group that works with Salafi communities documented 152 cases of abduction-style detentions in Dagestan from January 2011 through 2013, and 21 abductions during the first nine months of 2014, with four of the abducted individuals still disappeared as of October 2014. Memorial Human Rights Center, a leading Russian independent human rights organization, told Human Rights Watch that they documented 10 enforced disappearances in 2013-2014.

In the abduction-style detentions that Human Rights Watch documented, men, in some cases masked, assaulted the targeted individual, who was then taken away and held for many hours or days in an undisclosed location. Lawyers and relatives sought unsuccessfully to obtain information on the whereabouts and fate of the detained person from authorities.

When lawyers and relatives reported these cases of persons who have been abducted and then forcibly disappeared, authorities were at best indifferent to the complaints and often failed to effectively investigate cases of disappeared persons. Relatives of the disappeared sometimes had to rely on their own investigations to get leads and testimony about the fate of their loved ones. In some cases, the abductions were carried out in view

of witnesses, whom the authorities either fail to ask for their testimony or else warn against testifying. Rarely if ever are security personnel held accountable for unlawful detentions and enforced disappearances. Likewise, in the cases documented by Human Rights Watch allegations of torture did not gain much traction in court, even in cases where the victim showed his wounds or bruises openly to the judge.

Preventing lawyers' quick access to persons in custody and blocking detainees from contacting family to convey their whereabouts is an abusive practice that jeopardizes detainees' physical safety and well-being and can undermine their right to a fair trial. The detention of anyone that is followed by refusal to acknowledge the detention or by concealment of the fate or whereabouts of the detained person constitutes an enforced disappearance and is a crime under international law.

Threats against Lawyers, Human Rights Defenders, and Journalists

In some cases lawyers who try to represent Salafi suspects, or who otherwise challenge authorities in court, have been subject to threats and violence. For example, Human Rights Watch has documented both the severe beating in February 2015 of a defense lawyer defending a terrorism suspect and a 2013 case in which a lawyer was shot and killed at his home in Makhachkala. Journalists in Dagestan who report on abuses against Salafis are also at risk. The report documents the unsolved 2013 killing of a reporter for Caucasian Knot who repeatedly exposed abuses.

Law enforcement and security officials have subjected the few human rights defenders who work on counterinsurgency-related abuses to extensive surveillance and harassment. In 2014 authorities repeatedly threatened to close one Dagestani group, and coercively obtained a DNA sample from its director. Two human rights defenders who worked closely with the Salafi community suffered sustained threats and pressure from law enforcement and finally chose to suspend their work and leave Dagestan following death threats they received in 2014. A member of the human rights group Pravozaschita, Zarema Bagavutdinova, was sentenced to five years for supposedly encouraging another individual to join insurgency, as a result of a politically motivated and unfair trial.

Insurgent Attacks on Civilians

There is no doubt that the authorities in Dagestan face a staggering task in battling an armed insurgency that aims to destabilize Dagestan. Insurgent tactics inside Dagestan have ranged from attacks on military and police personnel to assassinations of officials to indiscriminate attacks on civilians.

This report documents two cases of suicide bombings in which civilians were also injured and rescue workers targeted. Human Rights Watch also documented the killings, presumably by insurgents, of two imams who criticized insurgent ideology and tactics.

However, the violent and lethal insurgent attacks do not justify serious human rights violations by authorities that in themselves engender bitterness and mistrust of authorities among Dagestanis. When the authorities do not adhere to the law in carrying out counterinsurgency work they unwittingly strengthen the insurgent narrative that Russian rule is fundamentally cruel and unjust. The climate of lawlessness and impunity for abuses in Dagestan also appears to contribute to the growing popularity of the extremist group Islamic State, especially among local youth.

Recommendations

To the Government of the Russian Federation

- Immediately put a stop to enforced disappearances, torture, arbitrary detention, and other violations perpetrated by security services, military forces, and law enforcement agencies.
- Immediately order security forces to stop all harassment and abuse of civilians as well as the lawless destruction of property, and to ensure all counterinsurgency operations strictly observe both domestic law and international human rights standards.
- Require all personnel on sweep-search-and-seizure operations to identify themselves and provide their military, law enforcement or security branch identification.
- Provide appropriate and adequate compensation to civilians whose homes were destroyed or severely damaged in counterinsurgency operations, including in Gimry in 2013 and in Vremenny in 2014.
- Ensure that prompt and thorough investigations are conducted into allegations of serious violations and crimes committed by security forces, including extrajudicial killings, abduction-style detentions, disproportionate use of force, physical abuse, stealing of property, and destruction of and intentional damage to homes, shops, vehicles, and infrastructure.
- Ensure that those identified as responsible for any such crimes are promptly and fairly prosecuted in accordance with international fair trial standards.
- Respect and enforce the due process rights of all detainees. Inform all detainees immediately of the grounds of detention and any charges against them. Ensure that they have prompt access to a lawyer of their choosing.
- Inform the families and lawyers of the detained persons about their detention, and place of detention. Allow detainees regular contact with families and lawyers.
- Compile, maintain, and make available to those who need it, including family members and lawyers, a list of detention facilities and detainees in custody.

- Bring detained suspects promptly before a civilian judicial authority so they can either be charged with a recognizable crime or released.
- Ensure all allegations of torture are independently and effectively investigated and all those identified as implicated in acts of torture or other prohibited treatment are fairly prosecuted.
- Enact legislation to ensure that the offense of torture is effectively criminalized in domestic law and that such provision conforms with the definition of torture and obligations of the state set out in the UN Convention against Torture; implement the repeated recommendations of the UN Committee Against Torture in this regard.
- Sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance.
- Swiftly respond positively to the pending visit requests addressed by the UN Working Group on Enforced and Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and allow them to also visit the Republic of Chechnya and the Republic of Dagestan.
- Foster a favorable working climate for human rights defenders, lawyers and journalists in Dagestan. Carry out effective investigations into attacks on and threats against human rights defenders, lawyers, and journalists perpetrated in the region in recent years, including the killings of journalists Khadjimurad Kamalov and Akhmednabi Akhmednabiev and lawyer Magomed Guchuchaliev, and the beating of lawyer Murad Magomedov. Hold the perpetrators to account.

To Russia's International Partners

- Seize every opportunity to press Russia to fulfill its obligations under international law regarding torture, treatment of detainees, and due process guarantees.
- Request information from Russia about reports of excessive use of force and extra-legal activity among Russian security forces and the importance of protecting human rights.
- Governments should advance the recommendations contained in this report in multilateral forums and in their bilateral dialogues with the Russian government.

- Seize every opportunity to raise specific cases of attacks on journalists, lawyers, and human rights defenders, and urge Russia to foster a favorable climate for journalists, lawyers, and human rights defenders to do their work in the region.
- Governments, in particular those of European Union member states and the United States, should expedite visa procedures for human rights defenders, lawyers, and journalists at risk and facilitate temporary refuge for them on a needs basis.

To the Council of Europe

- The Parliamentary Assembly should put the human rights crisis in Dagestan on its agenda with a view to adopt a resolution acknowledging the deteriorating situation and calling on Russia to stop human rights abuses, hold the perpetrators accountable, and ensure that any law enforcement operations conducted in Dagestan conform to Russian and international law.
- The Secretary General should call on the Russian prosecutor's office to fully investigate abuses committed by military, security, and police forces in Dagestan, including extrajudicial executions, abductions, enforced disappearances, and torture. The Secretary General should insist that these investigations fully comply with the standards for investigations into alleged human rights violations developed in the case law of the European Court of Human Rights.
- The Commissioner for Human Rights should visit Dagestan to address the deteriorating human rights situation in the republic.
- All relevant Council of Europe bodies should urge Russia to amend the counterterrorism law to bring it into full conformity with Council of Europe standards.

To the United Nations

- Pending the acceptance of their requests for access, the UN Working Group on Enforced and Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, should pay particular attention to recent and ongoing violations falling under their respective mandates in Russia.

Methodology

This report is based on field research in Dagestan, a republic of the Russian Federation, in June, July, and September 2013, September 2014, and January 2015. It is also based on monitoring of media reports on government operations and insurgent attacks between January 2012 and January 2015. The report makes extensive use of monitoring by the Memorial Human Rights Center, a Russian human rights organization, and the Caucasian Knot, an independent Russian media service that provides detailed coverage of current developments in the Caucasus.

Human Rights Watch conducted interviews with 53 witnesses, victims, and relatives of victims of alleged law enforcement agency abuses, as well as with ten lawyers, five civil society activists, three journalists, five police officials, the former Dagestani vice-president, and the ombudsperson for Dagestan. Human Rights Watch also interviewed eight witnesses or relatives of victims of attacks by insurgents.

Human Rights Watch withheld the names of interviewees who expressed concern about talking openly for fear of reprisals either by security forces or insurgents. Driven by similar concerns, other people interviewed asked that the cases they shared not be included for publication in the report—a request that we honored. Still, these cases helped inform our analysis of the patterns of violence, impunity, and the climate of fear in Dagestan.

Interviews were conducted in private. Human Rights Watch researchers made all interviewees aware of the purpose of the interviews and all interviewees agreed to speak on a voluntary basis. Human Rights Watch did not provide interviewees any financial incentives to speak with us.

Where possible, Human Rights Watch supplemented eyewitness and victim accounts of alleged abuses with written complaints about the abuse that nongovernmental organizations filed with government agencies.

All interviewees' ages indicated are ages as of the date of the Human Rights Watch interview.

Human Rights Watch sent letters summarizing some of this report's findings and requesting information to the Dagestani prosecutor's office and Investigative Committee for Dagestan on April 24, 2015 and April 30, 2015, respectively. We received a substantive reply from the Investigative Committee and a note from the prosecutor's office indicating that a staff person had been tasked with replying.

On two occasions in 2013 security forces prevented Human Rights Watch from entering the town of Gimry where a protracted counterinsurgency operation was ongoing. Likewise, in September 2014 law enforcement officials barred a Human Rights Watch researcher from entering the village of Vremenny, close to Gimry, during a security operation. The Human Rights Watch researcher managed to enter the area only in January 2015, more than a month after the protracted operation ended.

I. Background

Unrest and insurgency in Dagestan is part of the bigger picture of turbulence that has characterized the North Caucasus region of the Russian Federation since the 1991 collapse of the Soviet Union. The post-Soviet period has seen two separatist wars in Chechnya and sporadic hostilities in other parts of the North Caucasus, especially the Prigorodny district of North Ossetia, Ingushetia, and Kabardino-Balkaria.¹ In recent years, the largest number of casualties, both of insurgent and security forces, have occurred in Dagestan.² According to a recent report of International Crisis Group (ICG) on the North Caucasus, Dagestan was the epicenter of insurgent violence in 2013, with a long list of violent confrontations, improvised explosive device incidents, killings of officials, and attacks on shops selling alcohol.³

Turmoil from the North Caucasus and especially from the two Chechen wars has repeatedly spilled over into other parts of the Russian Federation. In Moscow alone, bombings and other killings linked to various conflicts in the North Caucasus have killed at least 627 people between 1996 and 2012.⁴ Three bombings took place in Volgograd, a city 500 miles south of Moscow, from October through December 2013, claiming 40 lives.⁵ People from or with links to Dagestan were connected with these bombings.⁶ Unrest in the North

¹ Human Rights Watch, *Russia—As They Fell from the Sky: Counterinsurgency, Rights Violations and Rampant Impunity in Ingushetia*, June 2008, <http://www.hrw.org/reports/2008/russia0608/russia0608web.pdf>; “Russia: Suspects in Caucasus Attacks Ill-Treated,” Human Rights Watch news release, November 17, 2005, <http://www.hrw.org/news/2005/11/17/russia-suspects-caucasus-attack-ill-treated>.

² International Crisis Group, “The North Caucasus: The Challenges of Integration (II), Islam, the Insurgency and Counterinsurgency,” Europe Report No. 221, October 19, 2012, <http://www.crisisgroup.org/~media/Files/europe/caucasus/221-the-north-caucasus-the-challenges-of-integration-ii-islam-the-insurgency-and-counter-insurgency.pdf> (accessed January 15, 2013).

³ International Crisis Group, “Too Far, Too Fast: Sochi, Tourism and Conflict in the Caucasus,” Europe Report No. 228, January 30, 2014, <http://www.crisisgroup.org/~media/Files/europe/caucasus/228-too-far-too-fast-sochi-tourism-and-conflict-in-the-caucasus.pdf> (accessed February 6, 2015), page 21.

⁴ International Crisis Group, “The North Caucasus: The Challenges of Integration (II), Islam, the Insurgency and Counterinsurgency.”

⁵ “Russia Bus Bomb: Volgograd Blast Kills Six,” *BBC News Online*, October 21, 2013, <http://www.bbc.co.uk/news/world-europe-24608694> (accessed January 15, 2013).

See also: “Russia identifies suicide bomber as woman from Dagestan,” *Christian Science Monitor*, October 21, 2013, <http://www.csmonitor.com/World/2013/1021/Russia-identifies-suicide-bomber-as-woman-from-Dagestan> (accessed November 20, 2013).

See also: “Russia Detains Hundreds After Volgograd Bombings,” *BBC News Online*, January 2, 2014, <http://www.bbc.co.uk/news/world-europe-25580380> (accessed January 15, 2015).

⁶ “Militant Behind Volgograd Suicide Bombing Killed in Russia's Dagestan,” *RIA Novosti*, November 16, 2013, <http://en.ria.ru/crime/20131116/184751030/Militant-Behind-Volgograd-Suicide-Bombing-Killed-in-Russias-Dagestan.html> (accessed January 15, 2014).

Caucasus has affected countries beyond Russia as well. One of the accused bombers in the 2013 attack at the Boston Marathon allegedly had contact with insurgents when he spent time in Dagestan, according to Russian authorities, though the account is disputed by others.⁷ There have been many reports of fighters from the North Caucasus joining armed opposition groups in Syria against Bashar al-Assad's government.⁸ One high-level Russian security official has voiced concern about the threat they could present if and when they return to Russia.⁹

Information has emerged recently pointing to a growing number—from dozens to hundreds—of Dagestani residents fighting alongside the extremist group Islamic State (ISIS).¹⁰ The increasing involvement of Dagestani fighters with ISIS may explain the 54 percent drop in the number of casualties resulting from clashes between insurgents and security forces in Dagestan in 2014, compared with the previous year.¹¹ According to a North Caucasus expert of ICG, “Flamboyant propaganda by ISIS is winning over local youth, who perceive the swift rise of ISIS and its military victories as a proof of the effectiveness of this new model.”¹²

The turmoil inside Dagestan has taken on characteristics of sectarian conflict within the Muslim communities of the area. Communities that are part of the ultraconservative Salafi movement are challenging the traditional dominance in Dagestan of Muslim leaders associated with Sufism (Islamic mysticism).

⁷ “The Fall of the House of Tsarnaev,” Chapter 7, *Boston Globe*, December 15, 2013, <http://www.bostonglobe.com/Page/Boston/2011-2020/WebGraphics/Metro/BostonGlobe.com/2013/12/15tsarnaev/tsarnaev.html> (accessed January 14, 2014).

“Tamerlan Tsarnaev Had Contact With Mahmud Mansur Nidal, Dagestani Islamic Militant, During Russia Trip,” *International Business Times*, April 30, 2013, <http://www.ibtimes.com/tamerlan-tsarnaev-had-contact-mahmud-mansur-nidal-dagestani-islamic-militant-during-russia-trip> (accessed October 6, 2013).

⁸ “Russian Muslims Fight and Die Against Assad's Forces,” *The National*, November 18, 2013, <http://www.thenational.ae/world/middle-east/russian-muslims-fight-and-die-against-assads-forces> (accessed November 20, 2013).

⁹ “Obama Joins Putin War as Syria Jihadists Stalk Olympics,” *Bloomberg News*, October 25, 2013, <http://www.bloomberg.com/news/2013-10-24/obama-joins-putin-war-as-syria-jihadists-stalk-olympics.html> (accessed November 20, 2013).

¹⁰ “Natives of the Caucasus in the ranks of ISIS [Выходцы с Кавказа в рядах ИГ (ИГИЛ)],” *Caucasian Knot (Kavkazskii Uzel)*, March 25, 2015, <http://www.kavkaz-uzel.ru/articles/251513/> (accessed May 15, 2015); “Dagestani man detained for joining ISIS [Дageстанец задержан за участие в ИГИЛ],” *SevKavInform*, February 10, 2015, <http://sevkavinform.ru/news/incidents/90236/> (accessed May 15, 2015).

¹¹ “Mass media reported on a decrease in the number of victims of hostilities on the Caucasus [СМИ сообщили о снижении числа жертв вооруженных конфликтов на Кавказе],” *RBK*, January 30, 2015, <http://www.rbc.ru/rbcfreenews/54cb50839a7947c9a729f616> (accessed May 15, 2015).

¹² Human Rights Watch telephone interview with Ekaterina Sokiryanskaya, project director, International Crisis Group, May 13, 2014.

Islam and the Salafi Movement in Dagestan

Islam's deepest roots in the Russian Federation are in Dagestan. Islam reached the Caspian seaside city of Derbent during the 7th and 8th centuries when Arab invasions spread north. Dagestan is now considered both Russia's most ethnically diverse republic and the region where Islam is most deeply rooted. More than 90 percent of the population is Muslim – 97 percent are Sunni and 3 percent are Shia.¹³ Sufism, which emphasizes the mystical dimension of Islam has long been practiced in the North Caucasus and is deeply entwined with Dagestani identity. Sufis are more successfully integrated into Dagestan's secular system; their spiritual boards have become semi-government institutions.¹⁴ The practice of Sufism was banned during the Soviet era, but as Soviet rule eroded under the perestroika era of the 1980s, Sufism revived.¹⁵

At the end of the Soviet era, some religious students took advantage of the new policy of open borders to study in the Middle East, bringing back Salafism, which they perceived as a “purer” Islam.¹⁶

Salafis maintain that God is sovereign and that Muslims should submit only to Islamic law and adhere to no institutions with an ideological basis other than the Quran and Sunnah.¹⁷ Salafi condemnation of moral degradation, social injustice, and a corrupt religious and political system has resonated with many Dagestanis, especially unemployed and disillusioned young people.¹⁸ Salafis assert the oneness of God. They are also critical of Sufis, whom they consider allies of the government and whose religious practices include adherence to mysticism and veneration of saints regarded as idolatrous by Salafis.

¹³ International Crisis Group, “Russia's Dagestan: Conflict Causes,” Europe Report No. 192, June 3, 2008, http://www.chechnyapeaceforum.com/upload/reports_25.pdf (accessed September 17, 2013).

¹⁴ International Crisis Group, “The North Caucasus: The Challenges of Integration (II), Islam, the Insurgency and Counterinsurgency.”

¹⁵ International Crisis Group, “Russia's Dagestan: Conflict Causes,” page 7.

¹⁶ Ibid.

¹⁷ Ahmad Moussalli, “Wahhabism, Salafism and Islamism: Who is the Enemy?” January 30, 2009, <http://www.conflictsforum.org/wp-content/uploads/2012/03/Monograph-WahhabismSalafismIslamism1.pdf> (accessed September 17, 2013). The Quran is the Islamic holy book. The Sunnah is the Islamic community's body of traditional social and legal custom and practice.

¹⁸ International Crisis Group, “Russia's Dagestan: Conflict Causes.”

Salafism is now followed in other regions of the North Caucasus as well.¹⁹ Federal and local authorities broadly consider Salafi Muslims as radicals and often referred to them as Wahhabis, a term widely employed with pejorative connotations to designate dissident Islamic movements and militants inspired by radical Islam.²⁰

The Rise of Islamic Militancy and the 1999 Incursion from Chechnya

Islamist militancy in Dagestan rose in the mid-1990's, when links developed between Chechen separatist warlords and Dagestan's Salafi religious community.

Ideas of jihad, or holy war, in Dagestan can be traced to 1992, when Bagautdin Magomedov (Kebedov), who came to be known as “the father of the Dagestani jihad,” established a Quranic school in Kizilyurt, a town in Dagestan.²¹ By 1996, he explicitly called for holy war against the “infidels.”

Towards the end of the decade, the Salafi movement began to spread throughout Dagestan, bringing religious conflict between Sufis and Salafis.²² By late 1996, the official religious establishment, dominated by Sufi leaders, grew openly hostile to Salafi adherents. Said Muhammad Haji Abubakarov, then head of the pro-government, official Muslim Spiritual Board, made a speech in which he said that “any Muslim who kills a Wahhabi will enter Paradise.”²³

Bagautdin Magomedov and many of his adherents fled to Chechnya. Chechnya was used as a base for training camps and financial support to foster Islamic fundamentalism,

¹⁹ “Wahhabism in the Northern Caucasus [Северокавказский ваххабизм-разновидность исламского радикализма],” *Kavkazskii Uzel*, February 7, 2002, <http://www.kavkaz-uzel.ru/articles/15714/> (accessed September 17, 2013).

²⁰ Wahhabism is an ultraconservative Sunni Muslim movement founded in the Arabian Peninsula in the 18th century by Mohammed Ibn Abd al-Wahhab, whose teachings form the basis of the official form of Islam practised in and promoted by Saudi Arabia.

²¹ “Return of the Dagestani Abreks [Возвращение дагестанских абреков],” *Izvestia*, August 10, 2011, <http://www.izvestia.ru/news/496926> (accessed September 17, 2013).

²² Memorial Human Rights Center (Memorial), “Report prepared for the latest round of consultations between the European Union and Russia on human rights: the situation in the North Caucasus [Доклад Правозащитного Центра “Мемориал” к очередному раунду консультаций Европейский Союз Россия по правам человека],” April 16, 2008, <http://www.memo.ru/2008/04/18/1804082.html> (accessed June 7, 2011).

²³ Ibid.

including in Dagestan.²⁴ In the period between the two Chechen wars, from 1997 to 1999, Islamists shuttled between the two republics.²⁵

On August 7, 1999, fighters closely linked to Magomedov invaded Dagestan with a group of 1,500-2,000 armed Arab, Chechen, and Dagestani fighters, supposedly to support Karamakhi and Chabanmakhi, two self-declared “Sharia [Islamic law] mini-states” influenced by Magomedov’s teachings. Russian troops eventually drove out the militant forces and a month later launched large-scale military operations in Chechnya, which became the second Chechen war. The Republic of Dagestan remained a volatile site of insurgency thereafter.²⁶

Counterinsurgency and Continued Radicalization 1999-2010

In September 1999, federal authorities began to pursue individuals suspected of involvement in or supporting the August 1999 incursion from Chechnya. This marked the beginning of a concerted, multi-year campaign in which the net was cast widely to include suspected Islamist extremists. Hundreds were arrested. According to the Russian human rights organization Memorial Human Rights Center, the authorities tortured numerous detainees held in this campaign. Abduction-style detentions also became widespread. The majority of those abducted were Salafis.²⁷

In September 1999, Dagestan’s local parliament adopted a law banning “Wahhabism” and other “extremist” religious activity, under which Salafis were also targeted.²⁸ The

²⁴ Memorial, “A new path for Magomedov? The situation related to human rights and attempts to consolidate society in Dagestan [Новый курс Магомедова? Ситуация с правами человека и попытки консолидации общества в Республике Дагестан],” March 2011, <http://www.memo.ru/2011/04/13/doc.doc> (accessed June 21, 2011).

²⁵ International Crisis Group, “Russia’s Dagestan: Conflict Causes.”

See also: Memorial, “Abductions and Disappearances in the Republic of Dagestan [Похищения и исчезновения людей в Дагестане в 2008 году],” February 4, 2009, <http://www.memo.ru/d/1708.html> (accessed September 17, 2013).

²⁶ Emil Souleimanov, “Chechnya, Wahhabism and the Invasion of Dagestan,” *Middle East Review of International Affairs*, Vol. 9, No. 4, (December 2005), p. 65.

²⁷ Memorial, “Kidnappings and disappearances in Dagestan, 2004-2007 [Похищения и исчезновения людей в Дагестане],” August 2007, <http://www.memo.ru/2007/09/09/0909071.htm> (accessed September 17, 2013).

See also: International Crisis Group, “Russia’s Dagestan: Conflict Causes.”

See also: Memorial, “Abductions and Disappearances in the Republic of Dagestan [Похищения и исчезновения людей в Дагестане в 2008 году],” February 4, 2009, <http://www.memo.ru/d/1708.html> (accessed September 17, 2013).

²⁸ The law defines as “extremist” any activity that “aimed to violently overthrow the constitutional order, undermine state security, violate public security and public order, create armed groups, war propaganda, and incite national, racial, or religious enmity, encroachment on the constitutional rights and freedoms of citizens, and encouraging citizens to desist from fulfilling the lawful civic duties or commit other unlawful activities. See: “On the ban on Wahhabism and other forms of

boundaries between criminal law enforcement and religious profiling blurred: the original fight against an insurgency gradually turned into a campaign to eradicate literalist Islam.

The authorities would label a person as a “Wahhabi” if he had family ties with a suspected militant, rented an apartment to or had other associations with such a person, or frequented mosques the authorities had deemed “Wahhabi.”

Police often summoned women who wore a niqab/hijab for questioning. Subsequently, their husbands and brothers were closely monitored by law enforcement agencies and were put at risk of illegal detention, beatings, and abduction.²⁹

Arbitrary arrests and ill-treatment in custody, including torture, bred resentment among Salafis.³⁰ Some Dagestani youth turned to jihadi ideology, joined armed extremist groups such as Shariat Jamaat (also known as the “Dagestani Front of the Caucasus Emirate’s Armed Forces”) and “left for the forest,” an expression that became synonymous with joining the armed insurgency.

Between 2003 and 2007, Shariat Jamaat claimed responsibility for attacks on several civil servants, district chiefs, mayors, law enforcement officials, and high-level republic officials, including Deputy Interior Minister Magomed Omarov in February 2007, Magomedsalikh Gusaev, Dagestan’s ethnic affairs minister, in August 2003, and his successor, Zagir Arukhev in May 2005.

As individuals convicted for insurgency-related crimes served their sentences and began to be released from prison, some sought revenge. Starting in 2004-2005, many law enforcement agents lived in constant fear of attack.³¹ Civilians were also victims of attacks.³²

extremist activity in the territory of the Republic of Dagestan [О запрете ваххабитской и иной экстремистской деятельности на территории Республики Дагестан], *Kavkazskii Uzel*, August 6, 2001, <http://www.kavkaz-uzel.ru/articles/9315/> (accessed September 17, 2013).

²⁹ Memorial, “Report prepared for the latest round of consultations between the European Union and Russia on human rights: the situation in the North Caucasus.”; See also: International Crisis Group, “Russia’s Dagestan: Conflict Causes.”; See also: Memorial Human Rights Center, “Abductions and Disappearances in the Republic of Dagestan [Похищения и исчезновения людей в Дагестане в 2008 году].”

³⁰ International Crisis Group, “Russia’s Dagestan: Conflict Causes.”

³¹ Memorial, “Kidnappings and disappearances in Dagestan, 2004-2007 [Похищения и исчезновения людей в Дагестане].”

³² Memorial, “A new path for Magomedov? The situation related to human rights and attempts to consolidate society in Dagestan [Новый курс Магомедова? Ситуация с правами человека и попытки консолидации общества в Республике Дагестан].”

In 2007, Shariat Jamaat endorsed Chechen rebel leader Doku Umarov's goal of establishing a Caucasian Emirate under his leadership.³³

In recent years security forces have further expanded the use of harsh tactics against suspected radicals. According to Memorial, in 2010 the authorities in Dagestan apprehended 20 people in abduction-style detentions, six of whom were forcibly disappeared, never to be seen again. A further 13 people, one of whose bodies was later recovered, went missing in unknown circumstances.³⁴

In March 2010, two suicide bomb attacks on Moscow metro stations killed 40 people and wounded 88. The bombs were detonated by two females, both from Dagestan.³⁵ The escalation in insurgency and counterinsurgency activity was evident in the rise in casualties among federal servicemen. Memorial reported that the number of such casualties in 2009 roughly halved in Chechnya and Ingushetia, whereas in Dagestan during the same period the number doubled: 159 were killed and 233 were wounded.³⁶

Following the Moscow metro bombings, Russian and foreign press revived discussions over what they termed the “black widow” phenomenon—female suicide bombers purportedly bent on revenge for the death of their husbands. In April 2010, a leading Russian mainstream daily, *Komsomolskaya Pravda*, went so far as to publish names, personal details, and photographs of 22 Dagestani women considered possible future suicide bombers because they were related to alleged active or dead insurgents and were practicing Salafis.³⁷ The newspaper did not deny allegations that the women's profiles were leaked to them by the FSB (Federal Security Service).³⁸

³³ International Crisis Group, “Russia's Dagestan: Conflict Causes.”

³⁴ Memorial's data on abductions, disappearances and killings in Dagestan in 2010, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed June 7, 2015).

³⁵ “Death toll in Moscow metro bombings rises to 40,” *RIA Novosti*, April 2, 2010, <http://en.rian.ru/russia/20100402/158409739.html> (accessed September 17, 2013).; “Three days after Moscow blasts, 88 remain in hospitals,” *RIA Novosti*, April 1, 2010, <http://en.rian.ru/russia/20100401/158389693.html> (accessed September 17, 2013).

³⁶ Memorial, “Totals for 2010: Statistics of casualties of security officials in the North Caucasus [Итоги 2010 г.: статистика потерь силовиков на Северном Кавказе],” February 17, 2011, <http://www.memo.ru/2011/02/17/1702111.html> (accessed September 17, 2013).

³⁷ Tanya Lokshina (Human Rights Watch), “The Black Widows Hype and Genuine Harm” commentary, *Open Democracy*, June 17, 2010, <http://www.opendemocracy.net/od-russia/tanya-lokshina/black-widows-of-dagestan-media-hype-and-genuine-harm> (accessed November 12, 2013).

³⁸ “Dagestan Mothers Against *Komsomolskaya Pravda* [“Матери Дагестана” против “Комсомольской правды”],” *Radio Svoboda*, April 20, 2010, <http://www.svoboda.org/content/transcript/2019537.html> (accessed April 21, 2015).

When on a research mission in Dagestan in May 2010, Human Rights Watch interviewed five of these women. They complained of being harassed in the streets by local residents, tailed by law enforcement and security personnel and of receiving threats. They also lost jobs and were evicted from rented apartments as employers and landlords feared association with them.³⁹

2010-2012: Attempts at Dialogue

With the Kremlin's appointment of Magomedsalam Magomedov as president of Dagestan in February 2010, the republic's leadership launched a new, diversified effort to stabilize the republic. Magomedov spoke of the need for political change and pledged to modernize Dagestan's economy, fight corruption, and encourage outside investment. He also promised a fresh approach toward tackling the insurgency, by stressing the importance of dialogue and guaranteeing the safety of militants who wished to return to "normal human life."⁴⁰

Magomedov's administration achieved some moderate successes in dealing with human rights problems in Dagestan; he was personally involved in helping to resolve several cases of abduction-style detentions and returning victims to their families.⁴¹

In November 2010, Magomedov created a commission to reintegrate militants into society.⁴² The commission promised immunity from prosecution for involvement in or association with illegal armed groups. Persons handing themselves over who had committed any other crime, such as taking part in an attack, would still be prosecuted.

By November 2012, 23 people who applied to the commission had been released from prison, though this included a number of applicants who had already finished serving their

³⁹ Human Rights Watch interview with five women exposed in *Komsomolskaya Pravda* (names withheld), Makhachkala, May 25-26, 2010.

⁴⁰ Albert Tokaev, "Magomedsalam Magomedov: 'I completely take responsibility for the fate of Dagestanis' [Магомедсалам Магомедов: «Я в полной мере осознаю ответственность за судьбы дагестанцев»]," *RIA Dagestan*, February 20, 2010, <http://www.riadagestan.ru/news/2010/02/20/92760> (accessed June 21, 2013).

See also: Artur Mamaev, "Back to the future? [Назад в будущее?]," *Chernovik*, February 12, 2010, <http://www.chernovik.net/news/376/News/2010/02/12/9980> (accessed June 21, 2013).

⁴¹ Memorial, "A new path for Magomedov? The situation related to human rights and attempts to consolidate society in Dagestan [«Новый курс Магомедова?» Ситуация с правами человека и попытки консолидации общества в Республике Дагестан]."

⁴² "About the President of the Republic of Dagestan's commission to assist in the adaptation to civilian life those who have given up terrorist and extremist activity on the territory of the Republic of Dagestan [О Комиссии при Президенте Республики Дагестан по оказанию содействия в адаптации к мирной жизни лицам, решившим прекратить террористическую и экстремистскую деятельность на территории Республики Дагестан]," *Kavkazskii Uzel*, November 3, 2010, <http://www.kavkaz-uzel.ru/articles/176479/> (accessed September 17, 2013).

sentences. A commission official told a media outlet that in no case had a person helped by the commission re-joined the insurgency.⁴³

Government attitudes toward Salafism at large grew more tolerant. A council of *alims* (Islamic scholars) was elected to represent the Salafi community in discussions with the government about issues important to them. Salafis became more active in public life, and prominent Salafi community members created several civic groups seeking to reduce tensions by offering religious youth the opportunity to practice their faith in mosques rather than “in the forest.”⁴⁴

After casualties from the armed insurgency in Dagestan reached a peak in 2011, 2012 saw a 15 percent decrease in injuries among law enforcement officers, alleged insurgents, and civilians.⁴⁵ Even security services acknowledged encouraging results, admitting, off the record, that insurgent recruitment ended at Makhachkala’s main Salafi mosque, a former alleged hot spot for recruiting insurgents.⁴⁶

But the insurgency continued. A double explosion in Makhachkala in May 2012 killed 13 civilians and injured 63.⁴⁷ In August 2012 a suicide bomber killed a key Sufi leader, Sheikh Said Afandi al-Chirkavi (Atsaev), 74, marking a further turning point in the toughening of the state’s approach to counterinsurgency.⁴⁸ Attacks against law enforcement officers continued, with 110 law enforcement officers killed, and 205 wounded in 2012, according to Memorial.⁴⁹

⁴³ “The commission for the adaptation of militants in Dagestan has reviewed 46 applications in two years [В Дагестане комиссия по адаптации боевиков за два года рассмотрела 46 заявлений],” *Kavkazskii Uzel*, November 2, 2012, <http://www.kavkaz-uzel.ru/articles/215088/> (accessed September 17, 2013).

⁴⁴ Memorial, ““A new path for Magomedov?” The situation related to human rights and attempts to consolidate society in Dagestan [«Новый курс Магомедова?» Ситуация с правами человека и попытки консолидации общества в Республике Дагестан].”

⁴⁵ “The Boston bombs have put new focus on Russia’s Islamist republics,” *The Economist*, April 27, 2013, <http://www.economist.com/news/europe/21576728-boston-bombs-have-put-new-focus-russias-islamist-republics-islamists-russia> (accessed September 17, 2013).

⁴⁶ Ekaterina Sokirianskaya, “Sowing Rebellion in Dagestan?” post to “Across Eurasia” (blog), International Crisis Group, August 26, 2013, <http://www.crisisgroupblogs.org/across-eurasia/2013/08/26/sowing-rebellion-in-dagestan/> (accessed September 17, 2013).

⁴⁷ International Crisis Group, “The North Caucasus: The Challenges of Integration (II), Islam, the Insurgency and Counterinsurgency.”

⁴⁸ “Russia: Strictly Respect Rights in Dagestan Killing Inquiry,” Human Rights Watch news release, August 29, 2012, <http://www.hrw.org/news/2012/08/29/russia-strictly-respect-rights-dagestan-killing-inquiry> (accessed September 17, 2013).

⁴⁹ “695 killed and wounded in the armed conflict in Dagestan in 2012 [В Дагестане в вооруженном конфликте в 2012 году убиты и ранены 695 человек],” *Kavkazskii Uzel*, January 16, 2013, <http://www.kavkaz-uzel.ru/articles/218698/> (accessed September 17, 2013).

2013: The Shift from Reconciliation

In January 2013, Putin replaced Magomedov by appointing Ramazan Abdulatipov as Dagestan's leader.⁵⁰ A clear toughening of counterinsurgency strategy largely coincided with the June 2013 call by Caucasus Emirate leader Doku Umarov for "maximum force" to attempt to prevent the 2014 Olympic Games in Sochi did from taking place.⁵¹

The Dagestani presidential administration ceased efforts to foster ties with and integrate non-militant Salafis and instead presided over a crackdown on Salafi communities.⁵² Abdulatipov formally ended his predecessor's re-integration commissions in February 2013, and set up a new commission for both prevention of militancy and adaptation of former militants to peaceful life. The work of the new commission is not transparent. According to an official in the local presidential office, Abdulatipov's administration would handle the "soft-side" of the tensions in the republic by trying to forge a Dagestani identity based on its joint history with Russia and by campaigning against corruption.⁵³

Abdulatipov encouraged the involvement of people's militia groups to help combat "terrorism" in Dagestan.⁵⁴ In at least one village, the local militia drew up a hit list of Salafis, seven Salafis were killed, and over 20 Salafi families fled.⁵⁵

⁵⁰ The republic's parliament affirmed the appointment eight months later.

⁵¹ In June 2014, the North Caucasus insurgent leadership called for more targeted attacks and banned terrorist attacks in Russia in those places where women, children, and the elderly may be affected.

See: "Russian Islamist Doku Umarov calls for attacks on 2014 Winter Olympics," *The Guardian*, July 3, 2013, <http://www.theguardian.com/world/2013/jul/03/russia-islamist-attack-olympics-sochi> (accessed November 12, 2013).

See also: "The leader of the 'Caucasus Emirate' urged militants to abandon suicide bombing and terrorist attacks against the civilian population [Лидер «Имарата Кавказ» призвал боевиков отказаться от самоподрывов и терактов против мирного населения]," *Kavkazskii Uzel*, July 1, 2014, <http://www.kavkaz-uzel.ru/articles/245134/> (accessed April 14, 2015).

⁵² Ekaterina Sokirianskaya "Wrecking of the Dagestan clans has begun [Начался процесс демонтажа дагестанских кланов]," *Vestnik Kavkaza (Caucasian Herald)*, July 19, 2013, <http://www.vestikavkaza.ru/interview/Ekaterina-Sokirianskaya-Nachalsya-protsess-demontazha-dagestanskikh-klanov.html> (accessed September 17, 2013).

⁵³ Human Rights Watch interview with aide in presidential office (name withheld), Moscow, September 14, 2013.

⁵⁴ "Ramazan Abdulatipov: 'We need to strengthen prevention efforts' [Рамазан Абдулатипов: «Необходимо усилить профилактическую работу»]," *RIA Dagestan*, January 18th 2014, http://www.riadagestan.ru/news/president/ramazan_abdulatipov_neobkhodimo_usilit_profilakticheskuyu_rabotu/ (accessed April 14, 2015).

⁵⁵ International Crisis Group, "The North Caucasus: The Challenges of Integration (III), Governance, Elections, Rule of Law," Europe Report No. 226, September 6, 2013, <http://www.crisisgroup.org/~media/files/europe/caucasus/226-the-north-caucasus-the-challenges-of-integration-iii-governance-elections-rule-of-law.pdf> (accessed April 14, 2015).

See also: Memorial, "On corruption and criminal activities in the Interior Ministry in the Republic of Dagestan (document) [О коррупции и преступной деятельности в системе МВД по Республике Дагестан (документ)]," December 3, 2013, <http://www.memo.ru/d/179260.html> (accessed December 12, 2013). The report claims that during a counterterrorist operation, several people were kidnapped from their homes in the village of Khadzhal'makhy, Levashinsky district, were killed by police, and that their dead bodies were used as evidence of the operation's success.

In the second half of 2013, in the run-up to the Winter Olympic Games, police in several regions of Dagestan carried out numerous raids of cafés and mosques frequented by Salafis.⁵⁶ They rounded up and briefly detained and questioned dozens, and in some cases also photographed and fingerprinted them. In 2014 police carried out several more mosque raids in several districts of Dagestan, including a series of raids during the Muslim holy month of Ramadan.⁵⁷ A video of one such raid, carried out in Derbent, went viral on social media – hundreds of detainees picked up at the local mosques filled the courtyard of the Derbent police department to the brim and then proceeded to perform the prayer ritual right in the police yard.⁵⁸ On other occasions police have rounded up people known to be Salafis in neighborhoods with a high concentration of Salafis, in several cases going from house to house and checking identification documents of all residents and visitors.⁵⁹

As described in this report, police subjected some people rounded up to extensive, harassing questioning and forced DNA testing.

Caucasian Knot reported that in 2013 the authorities in Dagestan closed at least one Salafi kindergarten, a Salafi school, and a women’s madrassah and suspended the activities of a children’s club after police tried to persuade the staff to turn over the names of the children’s parents.⁶⁰ Caucasian Knot also regularly reported on killings in 2014 of Salafi Muslims by unknown armed people in Dagestan and the lack of effective investigation into those killings.

⁵⁶ Ibid.

⁵⁷ “Residents from Shaumyan in Dagestan state that parishioners from the mosque were detained by security forces [Жители села имени Шаумяна в Дагестане заявляют о задержании силовиками прихожан мечети],” *Kavkazskii Uzel*, April 7, 2014, <http://www.kavkaz-uzel.ru/articles/240621/> (accessed April 21, 2015).

See also: “Parishioners arrested in the mosque in Shamhal village in Dagestan, according to local residents [Задержаны прихожане мечети поселка Шамхал в Дагестане, сообщают местные жители],” *Kavkazskii Uzel*, April 18, 2014, <http://www.kavkaz-uzel.ru/articles/241202/> (accessed April 21, 2015).

See also: “In mosques in Dagestan parishioners are detained in mass, witnesses say [В мечетях Дагестана массово задерживаются прихожане, сообщают очевидцы],” *Kavkazskii Uzel*, July 4, 2014, <http://dagestan.kavkaz-uzel.ru/articles/245313/> (accessed April 21, 2015).

See also: “In Dagestan some detainees from mosques were released, stated local residents [В Дагестане отпущена часть задержанных в мечетях, заявили местные жители],” *Kavkazskii Uzel*, July 4, 2014, <http://www.kavkaz-uzel.ru/articles/245326/> (accessed April 21, 2015).

⁵⁸ “Prayer in the courtyard of the police station (Dagestan) [Намаз во дворе отделения полиции (Дагестан)],” *Kavkazskii Uzel*, September 13, 2014, <http://www.kavkaz-uzel.ru/blogs/16/posts/19197> (accessed April 21, 2015).

⁵⁹ “Protest mobilization in Dagestan [Мобилизация протеста в Дагестане],” *Kavkazskii Uzel*, December 24, 2013, <http://www.kavkaz-uzel.ru/articles/235613/> (accessed April 21, 2015).

⁶⁰ Ibid., see also: “In Dagestan, the administrator of a children’s club states that the work of the institution was checked by armed men [В Дагестане администратор детского клуба заявляет, что в проверке работы заведения участвовали вооруженные люди],” *Kavkazskii Uzel*, November 28, 2013, <http://www.kavkaz-uzel.ru/articles/234262/> (accessed April 21, 2015).

II. Counterinsurgency, Counterterrorism and Russian Law

Russia's counterterrorism framework includes a federal counterterrorism law and a range of other laws, including criminal, administrative, and criminal procedure norms. The Federal Law on Counteracting Terrorism was adopted in 2006.⁶¹ It defines terrorism as attempts to influence decisions by state authorities by means of inciting fear among the public and/or committing other unlawful and violent actions.⁶² The law includes offenses such as propagating terrorism, disseminating materials that call for engaging in terrorist activity or include justifications of terrorism.⁶³ It also includes the offense of carrying out "informational and other collaboration" with terrorists and in planning of terrorist attacks.⁶⁴

These provisions could have a distinctly negative impact on freedom of information and expression, particularly with regard to media coverage of insurgent attacks. Their vague formulation leaves them open to broad and arbitrary interpretation and therefore to be applied in a manner which violates international standards on freedom of expression by which Russia is legally bound.⁶⁵

Russia's counterterrorism laws were significantly toughened in 2013. Human Rights Watch has not, however, documented how the new amendments are enforced and therefore cannot assess whether or how they infringe on rights. Under amendments adopted in 2013,

⁶¹ The law was adopted by the State Duma on February 26, 2006, and entered into force on March 10, 2006, with the exception of articles 18 (compensation of damage inflicted in a terrorist attack), 19 (social rehabilitation for victims of terrorist attacks), 21 (compensation of harm for and social protection of individuals engaged in counterterrorism), and 23 (benefits for individuals engaged in counterterrorism), which entered into force on January 1, 2007.

⁶² Federal Law on Counteracting Terrorism, No. 35-FZ 2006, art. 3.1.

⁶³ The term "justification," used in the law, may have two possible interpretations: (1) expression of understanding of or compassion for the motives of the terrorist(s); and (2) asserting that terrorist ideology and/or practices are justifiable from a political, social, or other viewpoint. Article 205-2 of the Criminal Code of the Russian Federation, which provides for criminal liability for "justification of terrorism," is accompanied by a commentary that says only that "justification" should be interpreted as public assertions that terrorist ideology and practices are justifiable and should be supported.

⁶⁴ Federal Law on Counteracting Terrorism, No. 35-FZ, art. 3. The definition "other [forms of] collaboration" with terrorists poses a particular risk for arbitrary application as no specific types of collaboration are identified. For example, an individual who rented an apartment to a terrorist without his or her knowledge of the tenant being a terrorist may be accused of collaboration in planning a terrorist attack.

⁶⁵ For example, freedom of expression is protected under both article 10 of the European Convention on Human Rights (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Russia is a party; European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 213 U.N.T.S. 222, as amended by Protocol 11, entered into force September 3, 1953, ratified by Russia on May 5, 1998. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976) ratified by Russia on October 16, 1973.

authorities can seize property of terrorists' relatives and other "people in close relationships" with a person who committed an act of terrorism, including for paying compensation to the victims of a terrorist attack. To seize property, a court must find that the property was gained illegally, as a result of "terrorist activities." Suspects can also be prosecuted for "participating in terrorist training camps," and sentenced to up to 10 years of imprisonment and fined 500,000 rubles. Prohibited training can include "getting knowledge and practical skills during physical and psychological exercises, learning the ways of committing specified crimes, rules of carrying weapons, explosive devices, explosive, poison and other materials dangerous for others." A person can avoid prosecution if he or she informed authorities of a training camp's location, revealed the names of a training camp's participants and organizers and did not commit any other crimes (article 205-3). "Creating a terrorist community", i.e. a "sustainable group of people united a priori to commit terrorist activities, prepare and commit one or several terrorist crimes, or other crimes" or "justify and support terrorism through propaganda" is punishable with up to 20 years in prison and a one million ruble fine. "Participating in a terrorist community" is punishable by up to ten years of imprisonment and a 500,000 ruble fine (article 205-4).⁶⁶

Counterterrorism Operations

Under the 2006 law, the scope of counterterrorism operations is limited neither by territory nor duration. It is the head of the counterterrorism operative headquarters in the region where the operation is conducted who has the legal authority to determine the scope of any given operation.⁶⁷

Under the law, the Federal Security Service (FSB) exercises control of all aspects of counterterrorism operations. On the federal level the key decision-making and implementing agency remains the FSB's Federal Operative Headquarters (whose head is

⁶⁶ Peter Roudik, "Russia: Law Requires Terrorists to Compensate Their Victims," *Global Legal Monitor*, October 25, 2013, http://www.loc.gov/lawweb/servlet/lloc_news?disp1_l205403734_text (accessed April 21, 2015).

See also: "Law of the Russian Federation dated November 2, 2013, Number 302-FZ 'On amending specific legislative acts of the Russian Federation' [Федеральный закон Российской Федерации от 2 ноября 2013 г. № 302-ФЗ «О внесении изменений в отдельные законодательные акты Российской Федерации»] in *Rossiiskaya Gazeta* [Российская газета], November 6, 2013, <http://www.rg.ru/2013/11/06/izmenenia-dok.html> (accessed June 3, 2015).

⁶⁷ Federal Law on Counteracting Terrorism, No. 35-FZ, art. 11.

appointed by the FSB director).⁶⁸ On the regional level control lies with the FSB's Local Operative Headquarters, controlled *ex officio* by heads of local branches of the FSB. Article 15.3 of the counterterrorism law enumerates the agencies that may be deployed in such operations, including the FSB, the Ministry of Internal Affairs, Ministry of Emergency Situations, Fire Department, Water Safety Department, the armed forces, and other executive personnel.

Under the 2006 law, during counterterrorism operations security services and law enforcement may conduct document checks and personal searches and impose limits on the free movement of people and vehicles. It also allows security personnel during counterterrorism operations, without a judicial warrant, to have unhindered access to people's homes, conduct random surveillance of communications (telephone, internet, etc.), and suspend communication services.⁶⁹ These provisions apply regardless of whether the persons affected are formally suspects. If their homes are in the area of a counterterrorism operation they can be subjected to such searches and surveillance. This can result in serious interference with people's homes, family life, privacy, and correspondence.⁷⁰ Under the Russian Constitution restrictions on these rights can be imposed solely on the basis of a judicial sanction.⁷¹

The terrorism law places significant restraints on freedom of information and expression, particularly freedom of the press, by enabling the authorities to deny journalists and independent reporters access to the counterterrorism operations zone.

The above restrictions are similar to those invoked under a state of emergency. But in contrast to a state of emergency, counterterrorist operations are not subject to either parliamentary approval or international oversight.⁷²

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ See section on International Human Rights Standards.

⁷¹ The Constitution of the Russian Federation, art. 23.

⁷² The Federal Constitutional Law on a State of Emergency stipulates that the invocation of a state of emergency must be endorsed by the upper house of the Russian parliament. According to this law, the invocation of a state of emergency must also be reported without delay to the UN secretary-general and the Council of Europe secretary general, who should be provided with a list of Russia's respective obligations under international treaties from which Russia would be derogating during the period of the state of emergency, and a description of the scope of those derogations with regard to specific rights.

Detention of Suspects

The criminal procedure code was amended to allow individuals detained on allegations of terrorism to be held for 30 days without being charged, as opposed to 10 days applicable in all other situations.⁷³

In most of the cases of abduction-style detention, torture, incommunicado detention, and lack of access to counsel of the detainee's own choosing documented in this report, law enforcement personnel were not acting within the context of a counterterrorism operation, and in all but one case, the detainees were accused not of acts of terrorism but of murder, unlawful weapons possession, illegal drugs possession, abetting an unlawful armed group, and the like. Russia's terrorism law does not suspend the obligation to follow the full legal procedure for the arrest of people in connection with such crimes, nor does it suspend the detainee's right to counsel of his own choosing.

Lack of Specific Preconditions for Counterterrorism Operations

The law does not specify preconditions that must exist for launching a counterterrorism operation. It only stipulates that a "counterterrorism operation is conducted to repress a terrorist attack if there is no way to do so by other means."⁷⁴

Article 12 and Article 13 gives local security services the right to launch counterterrorism operations in their respective territories and exclusive rights and responsibility to determine the targets, timing, scope, and subjects of the operation. Article 9 provides for large-scale use of military forces in counterterrorism operations.⁷⁵

The overly broad definition of terrorism, combined with the wide powers security services have to define counterterrorism operations and restrict rights, gives rise to concern that the law can be misused to restrict rights even in the absence of a genuine threat of terrorism.

⁷³ Criminal Procedural Code of the Russian Federation, No. 147-FZ, art. 100, part 2, as amended by Federal Law on Amending the Criminal Procedural Code of the Russian Federation, No. 18-FZ, <http://www.wipo.int/edocs/lexdocs/laws/en/ru/ru065en.pdf> (accessed April 21, 2015).

⁷⁴ Federal Law on Counteracting Terrorism, No. 35-FZ, art.12.1.

⁷⁵ Ibid., see also: Federal Law on Counteracting Terrorism, No. 35-FZ, art. 9. This article even provides for such military operations outside of Russia's territory to prevent alleged terrorist attacks, with the relevant decision made by the Russian president.

Lack of Standards for Use of Lethal Force

The law sets out no standards of proportionality for the use of lethal force by law enforcement and security personnel. A June 2007 implementing decree stipulates that weapons and military equipment in counterterrorism operations can be used during a detention “if the detention cannot be carried out by other means.”⁷⁶

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

⁷⁶ Decree No. 352 on Measures to Implement the Federal Law on Counteracting Terrorism, issued June 6, 2007.

III. Abuses in Counterinsurgency Operations

Counterinsurgency operations in Dagestan are often sweep-search-and-seizure raids aimed at capturing insurgents and seizing weapons and other evidence of insurgent activity. Sometimes the operations, which are officially titled “counterterrorism operations,” are carried out in immediate response to armed attacks by insurgents in the area, and in some cases they involve armed clashes with insurgents.

Depending on the circumstances, operations can target a specific household, a neighborhood, or an entire village; in some cases they can be protracted, with security forces blocking or limiting access to a village for weeks or more. Groups of armed personnel under the FSB and Ministry of Internal Affairs arrive in a given area, often wearing masks and at times riding in military vehicles, minibuses, and passenger cars that in some cases lack license plates. They surround a neighborhood or an entire village and check people’s dwellings. The security forces do not necessarily identify themselves or provide the residents with any explanation for the operations.

Human Rights Watch documented abuses in counterinsurgency operations in two mountain villages in the Untsukul district—Gimry and Vremenny—which started in April 2013 and September 2014 respectively. In Gimry a handful of private homes and businesses were destroyed and property was looted, while much of the population was evacuated for about ten days. Villagers claim security forces were responsible. However because officials barred reporters and human rights defenders from accessing the village for several weeks after the raid, it is difficult to assess responsibility.

During the operation in Vremenny, security forces rounded up hundreds of people for identification checks and questioning, immediately forced the entire male population of the village to leave, and two weeks later drove out all the remaining women and children. The operation in Vremenny continued for over two months and left the village devastated.

Media and local human rights groups have also reported on more than a dozen cases in 2013 and 2014 in which law enforcement and security forces blew up homes belonging to people whose relatives are suspected insurgents. Human Rights Watch documented one

such case, in the city of Buynaksk, which took place on May 6, 2013; it was one of three house demolitions that took place that day in Buynaksk.

Russian authorities have a legitimate right to conduct law enforcement and security operations in any part of the Russian Federation in order to identify and detain suspected criminals and to seize illegal weapons. However, such operations must conform to Russia's domestic law and international human rights obligations.

In order to be in compliance with those obligations, law enforcement officials, when using force, must exercise restraint and act in proportion to the seriousness of the threat, the seriousness of the offense, and to the legitimate objective to be attained.⁷⁷ As far as possible, nonviolent means shall be applied before resorting to the use of force and firearms.⁷⁸ Universal human rights standards prohibit torture and cruel, inhuman, or degrading treatment or punishment, without exception or derogation.⁷⁹

The arbitrary destruction of individual's homes and property cannot be justified under any circumstances, and constitutes grave violation of many basic rights protected under Russia's human rights obligations.

Gimry

Security forces barred Human Rights Watch from visiting Gimry on three separate occasions between July 2013 and September 2014, but researchers spoke with several Gimry villagers in other locations and have spoken at length with Memorial Human Rights Center, whose staff were able to do in situ research in the village in July 2013 and who spoke with Gimry residents elsewhere at various times throughout 2013 and 2014. These accounts strongly indicate that security forces were involved in the looting and destruction of property during an extensive operation in the village of Gimry in April 2013.

⁷⁷ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 5.

⁷⁸ Ibid., principles 4 and 5.

⁷⁹ International Covenant on Civil and Political Rights (ICCPR), art. 7; European Convention on Human Rights (ECHR), art. 3; Convention against Torture, art. 2.

Gimry, with the population of approximately 4,700, is located about 75 kilometers southwest of Makhachkala.⁸⁰ It is strategically positioned at the foothills of mountains in central Dagestan and at the end of an important transportation tunnel that links Makhachkala with the west and south.⁸¹

Security forces began the operation in Gimry in April 2013, to search for insurgents who had apparently entered the village after a skirmish with government forces in a nearby gorge.⁸²

When the village residents heard shooting, they fled, with many of them taking refuge in the nearby village of Vremenny. Riot police also took over a local hospital.⁸³

While almost all the residents were absent, for a period of up to ten days, some of their homes were destroyed, partially damaged, or vandalized and ransacked, and the homes of 10 families whose relatives are suspected insurgents were blown up.⁸⁴ Security forces killed three insurgents, and others reportedly managed to escape.

From April 2013 through this writing, only people with Gimry residence permits are allowed to enter Gimry. In the first few months following the start of the operation, journalists were barred from entering the village, and thereafter personnel at the checkpoint would decide whether to allow reporters and human rights defenders to enter. This made it difficult for human rights defenders to access the village and obtain firsthand documentation of the human rights consequences of the operations there.

⁸⁰ "Gimry [Гимры]," *Kavkazskii Uzel*, December 1, 2014, <https://astrakhan.kavkaz-uzel.ru/articles/222956/> (accessed December 15, 2014).

⁸¹ "Mopping Up Gimry: 'Zachistkas' Reach Dagestan," *Central Asia-Caucasus Analyst*, April 24, 2013, <http://www.cacianalyst.org/publications/analytical-articles/item/12706-mopping-up-gimry-zachistkas-reach-dagestan.html> (accessed November 23, 2013).

⁸² Memorial, "Dagestan: Cleansing in the Gimry Village Still Not Finished," April 16, 2013, <http://www.memo.ru/d/154743.html> (accessed November 23, 2013). See also: "In Dagestan, Three Militants Killed During a Large Scale Raid [В Дагестане во время масштабной спецоперации уничтожили троих боевиков]," *Lenta.ru*, April 12, 2013, <http://lenta.ru/news/2013/04/12/dagestan/> (accessed November 23, 2013).

See also: Memorial, "The situation in the conflict zone in the North Caucasus: assessment of human rights defenders. Spring 2013. [Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников. Весна 2013 г.]," <http://www.memo.ru/uploads/files/1047.pdf> (accessed November 23, 2013).

⁸³ Human Rights Watch interview with Magomed Magomedov, Akhmed Akhmedov, and Khasan Khasanov (pseudonyms), September 27, 2014. See also: Memorial, "The situation in the conflict zone in the North Caucasus: assessment of human rights defenders. Spring 2013. [Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников. Весна 2013 г.]." See also: "District head: Gimry residents filed 420 claims on their damage sustained during special operation," *Kavkazskii Uzel*, May 10, 2013, <http://eng.kavkaz-uzel.ru/articles/23997/> (accessed November 23, 2013).

⁸⁴ Ibid.

At this writing law enforcement and security personnel remain stationed around the village and in the local hospital, and restrictions on movement affected residents' ability to harvest crops.

People displaced from Gimry were provided neither food nor shelter for six days and lived in an open plaza, a school, and mosque until workers from the Emergency Services Ministry brought tents and arranged for sustenance from a charity organization.⁸⁵ Villagers whose homes were destroyed continue to live with relatives at the time of writing. Some moved to the neighboring village of Vremenny only to lose their homes there as a result of a massive counterinsurgency operation by security forces in the autumn of 2014.⁸⁶

While many armed militants fled the advance of the security forces into Gimry, others remained hidden in the village, prompting the security forces to carry out house-to-house searches, according to an account that villagers provided to Memorial.⁸⁷

Images posted on two websites after the raid showed razed or badly damaged homes.⁸⁸ When residents returned, some of their property had been destroyed or was missing.

An ad hoc commission of officials of the Emergency Services Ministry and local residents investigated the alleged incidents and declared that people whose homes or businesses suffered physical damage would be compensated.

Figures vary on the extent and nature of damage to villagers' property. In 2013 Memorial reported that the ad hoc Commission received nearly 420 claims for compensation for damage to property.⁸⁹ On May 10, 2013 Caucasian Knot quoted a district official as saying

⁸⁵ Memorial, "The situation in the conflict zone in the North Caucasus: assessment of human rights defenders. Spring 2013. [Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников. Весна 2013 г.]."

⁸⁶ See below in this section of the report.

⁸⁷ "Dagestan: Gimry villagers state mass violations during special operation," *Caucasian Knot*, April 16, 2013, <http://eng.kavkaz-uzel.ru/articles/23719/> (accessed January 20, 2014).

⁸⁸ See photos: "Blown up homes during 2013 CTO [Взорванные дома во время КТО в 2013 году]," *Usoz Gimry*, http://gimry.ucoz.com/photo/vzorvannye_doma_vo_vremja_kto_v_2013_godu/7 (accessed November 23, 2013). See also: "Gimry villagers accuse security forces of looting, despite refuting MIA (video) [Жители селения Гимры заявляют о мародерстве силовиков, несмотря на опровержение МВД (видео)]," May 11, 2013, <http://www.kavkaz-uzel.ru/articles/224053/> (accessed November 23, 2013).

⁸⁹ Memorial, "The situation in the conflict zone in the North Caucasus: assessment of human rights defenders. Spring 2013. [Ситуация в зоне конфликта на Северном Кавказе: оценка правозащитников. Весна 2013 г.]."

that 10 homes had been blown up and 26 seriously damaged.⁹⁰ A day earlier, Caucasian Knot quoted a village official who said that five homes had been completely destroyed and 12 seriously damaged.⁹¹ The Regnum News Agency listed the tally of damage as: 10 houses destroyed, 32 houses damaged, 500 complaints of lost property, the death of 30 cattle and 20 sheep and goats, and the destruction of 21 beehives. Local residents interviewed by Human Rights Watch spoke of “dozens of houses” either “blown up” or “made unlivable.”⁹²

In August 2013, the press service of Dagestan’s president, Ramazan Abdulatipov, stated that 10 homes had been blown up and 44 nearby homes had been damaged, and the property of 450 families had been fully or partially destroyed.⁹³

At this writing, the village residents said they received no compensation for damaged property nor had the authorities restored the damaged infrastructure of the village.⁹⁴

Because the village was blocked to outsiders and villagers had fled, little is known about the precise circumstances under which the property damage took place. Ramazan Abdulatipov attributed the violence to “criminal clandestine organizations.”⁹⁵ No government agency would acknowledge any wrongdoing on the part of security forces regarding destruction in the village. The Interior Ministry stated that security forces had not rampaged in the village.⁹⁶

In February 2014, Dagestan’s leadership signed an agreement with the local community in Gimry pledging to rebuild the town’s infrastructure in exchange for cooperation by local

⁹⁰ “District head: Gimry residents filed 420 claims on their damage sustained during special operation,” *Caucasian Knot*, May 10, 2013, <http://eng.kavkaz-uzel.ru/articles/23997/> (accessed November 10, 2013).

⁹¹ “All residents of Gimry returned to the village [Все жители Гимров вернулись в село],” *Kavkazskii Uzel*, May 9, 2013, <http://www.kavkaz-uzel.ru/articles/223939/> (accessed April 21, 2015).

⁹² “Residents of Gimry filed 500 claims about damage as a result of a special operation (Dagestan) [Жители села Гимры подали 500 заявлений об ущербе, нанесенном в результате спецоперации (Дагестан)],” May 7, 2013, <http://www.regnum.ru/news/accidents/1656438.html> (accessed June 3, 2015).

⁹³ The Presidential Office of the Republic of Dagestan, “Discussion of the problems of residents of Gimry [Обсуждены проблемы жителей села Гимры],” August 7, 2013, <http://president.e-dag.ru/novosti/v-centre-vnimaniiya/obsuzhdeny-problemy-zhitelej-sela-gimry> (accessed April 21, 2015).

⁹⁴ Human Rights Watch interview with Oleg Orlov, the head of the “Hot Spots” program for Memorial Human Rights Center, Moscow, April 10, 2015.

⁹⁵ “How to Develop Dagestan,” *Vestnik Kavkaza*, April 22, 2013, <http://vestnikkavkaza.net/articles/politics/39506.html> (accessed November 23, 2013).

⁹⁶ “Dagestani MIA: there was no marauding committed by power agents in Gimry,” *Caucasian Knot*, May 10, 2013, <http://eng.kavkaz-uzel.ru/articles/23998/> (accessed November 23, 2013).

residents in preventing insurgency.⁹⁷ In September 2014, residents told Human Rights Watch that they had yet to see any improvements in the situation.⁹⁸

A Gimry resident told Human Rights Watch that his sister received no compensation for her “bombed-out” house, and that her own house had been made uninhabitable because the doors and gates had been left open, allowing “cows and sheep to [roam around],...making a mess of everything.”⁹⁹

In light of the damage in Gimry and lack to date of a proper accounting of the loss suffered by the villagers, the authorities should establish a transparent, accessible public process to determine the extent of the damage to homes and property. All the victims should have access to the process, which should be designed to protect their interests and be capable of ensuring that the villagers receive full compensation for their lost or damaged property.

Vremenny

With population of just above 1,000, the smaller village of Vremenny is two kilometers from Gimry and generally viewed as an appendage to Gimry. Vremenny became inhabited in the late 1980s, when workers building a nearby power plant started living there. Many Gimry residents began living in Vremenny either because their houses were damaged or destroyed or because they sought better security and wanted to avoid the persistent, often abusive searches in Gimry. On September 19, 2014 security forces began a two-month counterinsurgency operation in Vremenny to search for insurgents and weapons. During that time they blocked the village, rounded up all villagers for identification checks, abducted four men, expelled practically the entire male population, and two weeks later forced the remaining women and children to leave.¹⁰⁰

⁹⁷ “Dagestani government signed an agreement with the community of the village of Gimry [Правительство Дагестана подписало соглашение с общиной села Гимры],” *Kavkazskii Uzel*, February 6, 2014, <http://www.kavkaz-uzel.ru/articles/237778/> (accessed April 21, 2015).

⁹⁸ Human Rights Watch interview with Magomed Magomedov, Akhmed Akhmedov, and Khasan Khasanov (pseudonyms), September 27, 2014.

⁹⁹ Human Rights Watch interview with Murad Muradov (pseudonym), Makhachkala, September 27, 2014.

¹⁰⁰ Human Rights Watch interview with Murad Muradov and Murtazali Murtazaliev (pseudonym), Makhachkala, September 27, 2014; Human Rights Watch interview with Patimat Patimatova (pseudonym), Makhachkala, September 25, 2014; Human Rights Watch interview with Patimat Baisultanova and Aibat Shamilova, Makhachkala, September 25, 2014.

Security officials claim they found weapons in several houses in Vremenny as well as four disguised bunkers.¹⁰¹ The authorities also alleged that eleven insurgents were killed in the course of the protracted operation in Vremenny.¹⁰² A woman in Vremenny told Memorial Human Rights Center that she saw three burned bodies of men who were alleged to be insurgents.¹⁰³ Numerous local residents in their conversations with Human Rights Watch argued that the alleged bunkers were merely deep cellars used for food storage.¹⁰⁴

Human Rights Watch and Memorial representatives attempted to enter Vremenny on September 26, 2014. However, security officials at a checkpoint near the village denied them entry. Human Rights Watch and Memorial instead interviewed several Vremenny residents in other locations. Human Rights Watch was able to visit the village and assess the damage in January 2015.

Round-ups and Expulsions

Villagers told Human Rights Watch and Memorial that on September 18, a dozen armored vehicles blocked all the roads leading into Vremenny. The next day, hundreds of security officers entered the village, banned local residents from leaving their houses, and began house-to-house searches. They herded the residents onto buses and took them to a make-shift “filtration camp” at the local fire station.¹⁰⁵ According to local residents, on September 19 the local school, the kindergarten, and most shops had to shut down, and security officials would not allow the residents to move around the village.

During the house-to-house searches, security officials generally refused to provide any explanations and failed to identify themselves. In some instances they made holes in the

¹⁰¹ Local residents claimed these were basements used for storing produce.

¹⁰² “Bulletin of ‘Memorial’ about the situation in the North Caucasus in fall 2014 [Бюллетень ПЦ «Мемориал» о ситуации на Северном Кавказе осенью 2014 года],” January 23, 2015, <http://www.memo.ru/uploads/files/1608.pdf>, (accessed June 5, 2015).

¹⁰³ Oleg Orlov, “About the punitive operation in the village of Vremenny [О карательной операции в поселке Временный],” *Novaya Gazeta*, April 11, 2015, <http://www.novayagazeta.ru/society/68040.html> (accessed April 21, 2015).

¹⁰⁴ Human Rights Watch interviews with local residents, Makhachkala, September 25 and 27, 2014 and January 23 and 24, 2015, and Vremenny, January 23, 2015.

¹⁰⁵ Human Rights Watch interview with Murad Muradov and Murtazali Murtazaliev (pseudonyms), Makhachkala, September 27, 2014; Human Rights Watch interview with Patimat Patimatova (pseudonym), Makhachkala, September 25, 2014; Human Rights Watch interview with Patimat Baisultanova and Aibat Shamilova, Makhachkala, September 25, 2014; Human Rights Watch Skype interview with Zalina Zalieva (pseudonym), October 3, 2014.

walls and floors while searching for weapons caches and broke furniture, washing machines, refrigerators, and other appliances.¹⁰⁶

Law enforcement personnel ordered all local residents, including teenagers, to undergo “filtration,” or identification, and in some cases additional questioning at the fire station. They allowed only three people into the station at a time and forced everyone, including small children and the elderly, to wait outside, in many cases for hours, Murtazali Murtazaliev, a local resident who underwent the “filtration” process said.

Children were not photographed or fingerprinted. However one villager said police attempted to question his 12-year-old son:

All the adults were photographed, assigned a number, like in a prison, had our passport information written down... My son is 12 years of age and...they wanted to interrogate him [saying] “he’ll be 16 soon enough. It’s never too early for those boys of yours!” [My wife] barely managed to shake them off.¹⁰⁷

During the filtration proceedings officials questioned at length relatives of alleged insurgents and took saliva samples for DNA testing.

After the “filtration,” security forces forced most of the male residents to immediately leave Vremenny, without allowing them to even pack. The only males who were allowed to remain in the village were those working for the maintenance of either the Gimry tunnel or the local power plant. The security officials allowed women and children to return home if they wished.¹⁰⁸

Murad Muradov wanted to bring his wife and four children with him when he was forced to leave the village but felt he could not because he had nowhere to accommodate them. He told Human Rights Watch:

¹⁰⁶ Ibid. Human Rights Watch also examined numerous photographs of housing damaged by searches.

¹⁰⁷ Human Rights Watch interview with Murtazali Murtazaliev (pseudonym), Makhachkala, September 27, 2014. Under Russian law, 16 is the age of criminal responsibility.

¹⁰⁸ Human Rights Watch interview with Murad Muradov and Murtazali Murtazaliev (pseudonyms), Makhachkala, September 27, 2014; Human Rights Watch interview with Patimat Patimatova (pseudonym), Makhachkala, September 25, 2014; Human Rights Watch interview with Patimat Baisultanova and Aibat Shamilova, Makhachkala, September 25, 2014.

They [officials] told me, “Just leave. All of you here [at Vremenny] have relatives in Gimry, so just go there. ...We don’t care where you go. Just get out of here.” I did not even have a change of clothes.... My wife calls me every day and she’s so scared, all alone with the kids, while there is shooting in the area and all those servicemen turn the houses inside out every day and don’t allow people to walk about.¹⁰⁹

Local residents told Human Rights Watch that four of the men rounded up on September 19 were forcibly disappeared: Magomedgadzhi Baisultanov, Magomedzagid Kamilov (born 1979), Sultanbek Khapizov (born 1984), and Murtazali Shamilov (born 1952). According to local residents, Shamilov, Baisultanov, and Kamilov’s detentions were eventually acknowledged and the three men ultimately released, but Khapizov remains forcibly disappeared.¹¹⁰

Khapizov’s mother-in-law told Human Rights Watch in January 2015 that the family had no information whatsoever regarding his fate and whereabouts. His wife and five young children were in a hard situation, as he was the sole breadwinner and their house was also severely damaged during the counterinsurgency operation.¹¹¹

Magomedzagid Kamilov called his relatives a week after his initial detention, saying security officials who had detained him, had thrown him out of their vehicle late at night on September 25, 2014 with a bag over his head, and then they drove off. Kamilov did not tell his family members anything about his conditions of detention.¹¹²

Magomedgadzhi Baisultanov is an electrician in his late fifties. His daughter, Patimat, said her sister was at home with their father when security forces searched their house on September 19. Her sister told Patimat what had happened.

¹⁰⁹ Human Rights Watch interview with Murad Muradov (pseudonym), Makhachkala, September 27, 2014.

¹¹⁰ Human Rights Watch interview with seven local residents, Vremenny, January 23, 2015. This information has also been confirmed by Memorial. See: Memorial, “Bulletin of ‘Memorial’ about the situation in the North Caucasus in summer 2014 [Бюллетень ПЦ «Мемориал» о ситуации на Северном Кавказе летом 2014 года].”

¹¹¹ Human Rights Watch interview with Khapizov’s mother-in-law, Vremenny, January 23, 2015.

¹¹² Human Rights Watch interview with a family member of Magomedzagid Kamilov (pseudonym), Makhachkala, January 23, 2015.

They searched the house, overturned the furniture ... and also went into the yard and were digging there for a while. We don't know if they found anything but they took father without any explanation. We heard from some police officials that he was supposedly held at the precinct in Shamilkala, so my brother went there but they told him to go away, as they supposedly had no Magomedgadzhi Baisultanov and never heard of him.¹¹³

At the time of Human Rights Watch's interview, the family's inquiries with the police and prosecutor's office about Baisultanov's whereabouts yielded no information. According to subsequent media reports, he and Murtazali Shamilov were eventually released. Human Rights Watch has no information about the date or circumstances of their release.

Damage to Homes

When Human Rights Watch visited Vremenny on January 23, 2015, two months after the counterinsurgency operation ended, the village was uninhabitable. The government had done nothing to remedy the damage. Over a dozen Vremenny residents, who were temporarily living in Gimry, led a Human Rights Watch researcher through the devastated village showing what had become of their homes. At least ten houses in the village had been blown up and razed to the ground and an additional 40 houses had been rendered uninhabitable.¹¹⁴

Every house in the village suffered some degree of damage, as the security forces apparently looted almost everything of any value, including refrigerators, televisions, kitchen equipment, and carpets. The security forces most likely carried out the looting or allowed it to happen because they controlled all access to the village. They also chopped up furniture, threw clothes, pots, pans, and other household items into the mud, and covered walls of the houses with offensive signs and drawings. One woman showed a Human Rights Watch researcher her family Quran, which bore slice marks from a sharp-edged object.¹¹⁵

¹¹³ Human Rights Watch interview with Patimat Baisultanova, Makhachkala, September 25, 2014.

¹¹⁴ Tanya Lokshina (Human Rights Watch), "Russia Is Waging an Invisible War in Dagestan" commentary, *The Moscow Times*, January 28, 2015, <http://www.hrw.org/news/2015/01/28/russia-waging-invisible-war-dagestan> (accessed April 21, 2015).

¹¹⁵ Ibid.

A December 2014 letter from the office of the military prosecutor of the Russian Federation to the head of the Russian Presidential Council for Development of Civil Society and Human Rights states that villagers were offered temporary accommodation in a tent camp and also at the Eagle Mountain nature preserve.¹¹⁶ However, in February 2015 the head of the Memorial Human Rights Center asked a local village official whether displaced villagers had been offered any alternative accommodation, including in tent camps, and whether he had heard of such offers from government officials. The village official said he had heard of neither. Memorial was in the village when villagers received letters from the military prosecutor's office in response to complaints they had filed. These letters similarly alleged that villagers had been offered temporary accommodation in a tent camp and also at the Eagle Mountain nature preserve. Villagers told Memorial that this was untrue.¹¹⁷

Villagers also told Human Rights Watch that despite their pleas to the government, the authorities did not recognize them as internally displaced persons and did not provide any relief. The only assistance they were receiving was from relatives, friends, and rare private benefactors.

Villagers said a government commission assessed the damage in Vremenny soon after the end of the counterinsurgency operation and recognized 42 houses as uninhabitable. Residents should eventually receive between 50,000 and 100,000 rubles in damages (\$900-\$1800), which is not nearly enough to replace or repair their homes and replace damaged property.¹¹⁸ Villagers said local officials threatened to withhold all compensation if they continue talking to the media and rights groups.¹¹⁹ Four villagers received phone calls from local officials on the day of Human Rights Watch's visit warning them specifically to stay away from Human Rights Watch.¹²⁰

A lawyer with Memorial in Makhachkala told Human Rights Watch that the group had collected over 100 statements from Vremenny villagers regarding destroyed or damaged

¹¹⁶ Copy of the letter on file with Human Rights Watch.

¹¹⁷ Human Rights Watch interview with Memorial Human Rights Center, February 20, 2014.

¹¹⁸ This information has also been confirmed by Memorial. See: Memorial, "Bulletin of 'Memorial' about the situation in the North Caucasus in summer 2014 [Бюллетень ПЦ «Мемориал» о ситуации на Северном Кавказе летом 2014 года]."

¹¹⁹ Human Right Watch interview with seven local residents, Vremenny, January 23, 2015.

¹²⁰ Ibid.

property and was preparing an application to the European Court on Human Rights on behalf of the victims.¹²¹

The ombudsperson for Dagestan told Human Rights Watch that her office had received numerous complaints from Vremenny residents, including about the destroyed or damaged housing and property, and in her opinion Vremenny represented “one of the most acute problems in the republic today” and needed immediate attention from the leadership of Dagestan.¹²²

At the end of March 2015, Memorial received an official response to their inquiry regarding Vremenny from the investigative authorities saying, “a check was run into the allegations of unlawful actions by law enforcement personnel” in Vremenny and no criminal investigation was launched “due to the lack of criminal content in the actions of the law enforcement personnel.”¹²³

Other Destruction of Homes

During a special operation in the village of Novy Agachaul in February 2014, security forces blew up the home belonging to the family of a killed insurgent. According to media reports, security forces said they had found explosives during the search and had no choice but to detonate it inside the house. Relatives claimed security forces planted the explosives during the search.¹²⁴ Human Rights Watch was unable to determine the true circumstances.

From June 6 to 9, 2014 security forces carried out a major counterinsurgency operation in Maydanskoe and Balakhani, two villages in Untsukul district. Several insurgents and one police officer were killed in clashes between insurgents and security forces. Local residents told media that eight houses, including the village’s only mosque, were blown up.¹²⁵

¹²¹ Human Rights Watch interview with a staff lawyer for Memorial Human Rights Center in Dagestan, Makhachkala, January 22, 2015.

¹²² Human Rights Watch interview with Ummapazil Omarova, Makhachkala, January 21, 2015.

¹²³ Oleg Orlov, “About the punitive operation in the village of Vremenny [О карательной операции в поселке Временный].”

¹²⁴ “In Dagestan, a blown-up house blocked since the morning by security forces [В Дагестане взорван дом, блокированный с утра силовиками],” *Kavkazskii Uzel*, February 20, 2014, <http://www.kavkaz-uzel.ru/articles/238447/> (accessed April 21, 2015).

¹²⁵ Local residents also told the Caucasian Knot reporter that many young men between the ages of 16 and 50 were detained for interrogation. Human Rights Watch did not investigate these reports. See: “In Dagestan seven residents from Maydanskaya are wanted on suspicion of aiding rebels [В Дагестане семеро жителей села Майданского объявлены в розыск по подозрению в пособничестве боевикам],” *Kavkazskii Uzel*, July 19, 2014, <http://www.kavkaz-uzel.ru/articles/246047/> (accessed April 21, 2015).

Buynaksk – May 2013

On May 6, 2013, security forces detonated explosives they said they found during searches of three houses in the city of Buynaksk, partially destroying them.¹²⁶ Media reports cited police officials' explanations that in each case personnel had disabled the bombs by detonating them inside the house. Homeowners say the discovery of explosives was bogus and suspect that their homes were destroyed as punishment for having housed a suspected insurgent.¹²⁷

Human Rights Watch interviewed one of the three homeowners, Zuleikha Karanayeva, 42. On May 6, 2013, five men in plain clothes searched Karanayeva's house on Dostoevsky Street, arrested her husband, Asadula Karanayev, 52, and blew up a front wing of the building.¹²⁸

Karanayeva's son, Khan, had joined Islamic insurgents two years earlier, when he was 16 years old. It was the second search in one week. During the previous incident, agents searched the house for weapons and bombs, but found nothing, Karanayeva said.

On May 6, after telling Karanayeva to take her valuables and leave the house, the five men entered and searched the house from 9 a.m. to 4 p.m., with her husband as a guide. At 3 p.m., police took her husband away. An hour later, an ambulance, cars from the state gas and electricity companies, and a large armored truck arrived. Police evacuated all the houses on Dostoevsky Street and ordered the people to go to adjacent blocks.

Men in black and camouflage wearing masks arrived. A man who said he was in charge took Karanayeva's video-equipped mobile phone away and declined to show her any legal papers for the operation. "We don't have to show anything," she recalled him saying.

An hour and a half later, standing a block away, Karanayeva heard an explosion. The blast blew out the front portion of the house, which had been a living room, although police told

¹²⁶ "Buynaksk residents report about three houses blown up by power agents," *Caucasian Knot*, May 6, 2013, <http://eng.kavkaz-uzel.ru/articles/23955/> (accessed November 24, 2013).

See also: "Court in Buynaksk arrests three local residents, whose houses were blown up," *Caucasian Knot*, May 10, 2013, <http://eng.kavkaz-uzel.ru/articles/24004/> (accessed November 24, 2013).

¹²⁷ "Three locals whose houses blew up arrested in Dagestan," *Caucasian Knot*, May 8, 2013, <http://eng.kavkaz-uzel.ru/articles/23976/> (accessed January 19, 2013).

¹²⁸ Human Rights Watch interview with Zuleikha Karanayeva, Buynaksk, June 7, 2013.

her they had found explosives in the back part of the house. Much of the floor of the front room was collapsed, though the roof remained intact. When Human Rights Watch met with her in June 2013, Karanayeva was living in the back part of the house.

On May 14, 2013, Karanayeva and a member of another family whose house was blown up complained about the incident to the Buynaksk prosecutor's office.¹²⁹ Karanayeva said she last saw her son when he left home in 2011, saying he was going to study in Egypt. He joined the insurgents instead.¹³⁰

¹²⁹ "In Buynaksk, owners of blown-up houses complain to Prosecutor's Office about actions of law enforcers," *Caucasian Knot*, May 15, 2013, <http://eng.kavkaz-uzel.ru/articles/24062/> (accessed November 25, 2013).

¹³⁰ In January 2014 a court convicted Asadula Karanayev of unlawful explosives possession and sentenced him to one year in prison.

See: "Judgment in the case 1-23/2014 (1-155/2013) [Решение по делу 1-23/2014 (1-155/2013)]," *RosPravosudie*, January 21, 2014, <https://rospravosudie.com/court-bujnaskij-gorodskoj-sud-respublika-dagestan-s/act-457641461/> (accessed April 21, 2015).

Khan Karanayev was killed, together with several other insurgents, in a counterterrorism operation in August 2013.

See: The Ministry of Internal Affairs of the Russian Federation, News Release from the Ostrovsky Street Operation, August 22, 2013, <https://o5.mvd.ru/news/item/1165333/?print=1> (accessed April 21, 2015).

IV. Harassment of Salafis by Law Enforcement Authorities

With the 2014 Sochi Olympic Games fast approaching, in late 2013 the authorities opted for more “heavy-handed security policies in the North Caucasus.”¹³¹ Law enforcement agencies in Dagestan boosted their efforts to control Salafi communities. Police started rounding up, photographing, fingerprinting, and questioning Salafis, and placing them on “extremist” watch lists, a process colloquially known as “Wahhabi registration [*uchet vakhabitov or vakh-uche*].” Included in the registry are individuals who are either relatives of insurgents or whom authorities suspected of associating with or supporting insurgents, but who are not accused of, or officially suspects in, any illegal activity. Some in the registrar are eventually placed on another list for “operative control” [*operativny rozysk*] and are regularly stopped at road checkpoints, taken to police stations, repeatedly questioned about their movements, their family members, and their attitude towards what the authorities call “Wahhabism.”¹³²

A distinct feature of “operative control” is the coerced collection of saliva for DNA sampling. An anonymous source in the Dagestan Ministry of Internal Affairs told Caucasian Knot that the forcible testing was carried out among individuals suspected of associating with insurgents, and the results are entered into a special database.¹³³ Human Rights Watch interviewed five people who were subjected to DNA sampling; all faced threats of detention and other consequences if they refused.

In September 2014, Human Rights Watch interviewed fifteen people from different regions of Dagestan who were on “Wahhabi registration” lists. Some were first picked up by police during raids of Salafi mosques. Five of them were subsequently put under “operative control.”

¹³¹ International Crisis Group, “Too Far, Too Fast: Sochi, Tourism and Conflict in the Caucasus.”

¹³² See specific examples below in this section of the report. See also: Memorial, “On the practice of creating secret lists to limit the rights of citizens in Dagestan [О практике создания негласных списков и ограничении прав граждан в Дагестане],” January 30, 2015. <http://www.memo.ru/d/224147.html> (accessed April 21, 2015).

According to a Dagestani lawyer, there is no such procedure as *operativny rozysk* in Russian law enforcement practice, but that local law enforcement referred to these practices as such. Human Rights Watch interview with Israfil Gadadov, Makhachkala, September 26, 2014.

¹³³ “Protest mobilization in Dagestan [Мобилизация протеста в Дагестане],” *Kavkazskii Uzel*, December 24, 2013, <http://www.kavkaz-uzel.ru/articles/235613/> (accessed April 21, 2015).

One of these five, Shampsutdin Magomedov, persistently refused to have himself and his immediate family members submit to DNA sampling and so was arrested on trumped-up charges, tortured, and had to serve a six month custodial sentence.

Magomedov is a resident of Shamkhal, a neighborhood on the outskirts of Makhachkala with a vibrant Salafi community. He told Human Rights Watch that at the end of 2013 police in Shamkhal started rounding up local Salafis to question them and collect DNA samples. Children aged 15 and older, he said, were questioned and tested without parental presence or consent.¹³⁴ When the police came for him and his family in January 2014, he flatly refused to cooperate and prohibited his wife, two sons, and daughter from doing so. The police made several attempts to convince him and threatened him with “problems” unless he complied, but he was adamant. One month later, a group of law enforcement officials arrived at his house with a search warrant in connection with his alleged collaboration with insurgents and claimed to “discover” a package with explosives on top of the gas tank. According to Magomedov and his lawyer, no attesting witnesses were present during the search, but the police falsified the search protocol, writing in the names of two witnesses and listing an address for them, which proved to be the address of a police precinct in Makhachkala.

During his first 36 hours in custody, Magomedov had no access to a lawyer, and said he was tortured. Magomedov said police beat him and put him in a “swallow” position, in which the victim’s hands and ankles are bound and tied to each other behind his back to inflict severe pain on the joints. The police made it clear to him that he was being punished for his refusal to cooperate with “Wahhabi DNA testing.”¹³⁵ Several months later, a court found Magomedov guilty of unlawful weapons possession, and sentenced him to the six months he had already spent in pre-trial detention. The court ignored torture allegations brought by Magomedov’s lawyer.

While Magomedov was in custody his entire family was subjected to DNA sampling, and after his release, Magomedov also succumbed.

¹³⁴ Under Article 12 of the Police Act the police may question persons (adults and minors)—but only in compliance with the Criminal Procedural Code and once criminal investigation is opened. The Criminal Procedural Code does provide for the right of the parent to be present, not for seeking mandatory consent (art. 189(1) CCrP). However, art. 189(3) CCrP allows the investigator to prohibit parents or legal representatives of the minor to be present during the interrogation. At the same time, no questioning is allowed outside of the criminal proceedings.

¹³⁵ Human Rights Watch interview with Shampsutdin Magomedov, Makhachkala, September 28, 2014.

Magomedov told Human Rights Watch that right after his arrest,

A senior official [at the police station] said, “Why did you refuse to hand in your DNA sample? Did you think you could get away with it?” ...they beat me with their fists and booted feet. They brought plastic bottles filled with water and used those bottles to beat me on my calves. It could’ve been worse. There was this other guy from Levashi [village] in my cell who was beaten so badly he could not walk, he kept moaning but they wouldn’t even get a doctor for him.

When my lawyer was finally allowed to see me ... the second day, he immediately noticed the bruises on my legs and demanded a forensic examination. However, the authorities dragged their feet for six weeks and carried out the exam when the bruises were all gone.

When I got out of jail and returned home the police came straight away demanding a DNA sample. I refused, they came again. My relatives were all pleading with me to yield to pressure and I finally gave in.¹³⁶

Police placed about 190 Gimry residents on the operative control list and collected saliva samples from them, according to local residents. Starting in late 2013 or early 2014 and through the time of Human Rights Watch’s January 2015 visit in the region, officials at checkpoints routinely detained them at checkpoints when leaving or entering the area and interrogated them at the Shamilkala police precinct. The police would ask them about the reason for their trip, sometimes photograph them, and have them fingerprinted, despite the fact that they had all been photographed and fingerprinted earlier. As a result, every trip required between two and four hours at the checkpoint and the police station, which proved frustrating and disruptive especially when they were traveling on business.¹³⁷ One interviewee told Human Rights Watch:

¹³⁶ Human Rights Watch interview with Shampsutdin Magomedov, September 28, 2014.

¹³⁷ Human Rights Watch interview with Murad Muradov and Murtazali Murtazaliev (pseudonyms), Makhachkala, September 27, 2014; Human Rights Watch interview with Patimat Patimatova (pseudonym), Makhachkala, September 25, 2014; Human Rights Watch Skype interview with Zalina Zalieva (pseudonym), October 3, 2014.

They [police] don't care if you have a meeting or another obligation. They just hold you there asking you the same set of questions: where are you going, for which purpose, how do you feel about Wahhabism. On one occasion, an officer kept pressing me, "So, how come you aren't in the woods yet? A few of your relations have been there for a while, what's stopping you? Why won't you join them?" It feels like they're actually trying to push me out, make me run for the forest. They aren't letting me have a normal life. And it's the same for many others.¹³⁸

Forty-year-old Akhmed Akhmedov, a resident of Makhachkala who has been on the "operative search" registrar since January 2014, said that between mid-January and mid-September police officials detained him for questioning approximately ten times. On one of those occasions, in August 2014, Akhmedov was driving with his newborn baby, wife, and sister when the police stopped his car and took the entire family to a police precinct where they interrogated Akhmedov for three hours while keeping the two women and the baby in the fenced-in yard despite the stifling heat. When Akhmedov asked the police why he was being subject to systematic detentions, they said that they were doing it to all "Wahhabis" to keep them under control. Akhmedov then inquired how they identified Wahhabis and the reply was, "By their beards. If someone has a beard like you, he must be one."¹³⁹ Police tried, without success, to pressure Akhmed Akhmedov into submitting a sample for DNA testing.

Twenty-seven-year-old Rustam Akhmedov, a resident of Shamkhal, a neighborhood on the outskirts of Makhachkala, told Human Rights Watch that police had first detained him in June 2012, when his [Salafi] mosque was raided. At the time, they took him to a precinct along with about seventy other people, questioned him briefly, photographed him, and took his fingerprints. No other developments followed until the second half of 2013, when police at a road checkpoint, upon inspecting his documents, told him he was on the "Wahhabi registrar" and therefore had to tell them the purpose and destination of his trip, his place of work, and his place of residence. During the next year, when he had to drive to work, officials would stop him at the same checkpoint every day and ask the same questions. Finally, police officials told Rustam Akhmedov they had designated him

¹³⁸ Human Rights Watch interview with Idris Idrisov (pseudonym), (location of the interview withheld), September 28, 2014.

¹³⁹ Human Rights Watch interview with Rustam Akhmedov, Makhachkala, September 28, 2014.

for “operative control.” In October 2014 he told Human Rights Watch that in recent months police searched his home and repeatedly took him to the station for extensive questioning about his attitude towards Wahhabism, his supposed sympathy for the insurgents, and the like.¹⁴⁰

Wahhabi Registration, Operative Control, and Russia’s Legal Obligations

On April 24, 2015, Human Rights Watch sent a letter to the Dagestani prosecutor’s office requesting information about the legal basis for the placing of individuals on watch lists. On May 12, 2015, Human Rights Watch received a copy of a letter from the prosecutor’s office tasking an official to reply to our inquiry, however, at the time this report went to press we had not yet received the reply. The prosecutor’s office of the Republic of Dagestan stated in a letter to Memorial Human Rights Center that the 2011 Law on the Police provides the legal framework for placing “adherents of extremism” on “watch lists.” The letter cited article 12, which obligates police to prevent, expose, and eradicate extremism and extremist organizations. The letter then lists a broad range of actions police can take to implement this obligation, including compelling people to come to the police station, carry out investigative work and the like. However the law in fact authorizes the police to take such actions only with respect to administrative or criminal cases that are under investigation or in response to complaints filed about crimes or misdemeanors that fall under police competency.

In 2014, information emerged in a court case that indicated that the practice in Dagestan of placing people on “extremist” watch lists is based on an unpublished instruction issued in 2010 by the Ministry of Internal Affairs of Dagestan. The instruction appears to fall broadly under the Law on Investigative Operations.¹⁴¹

The ombudsperson for Dagestan, Ummapazil Omarova, told Human Rights Watch that “Wahhabi registration” had no legal basis. She also emphasized that Russian law permits

¹⁴⁰ Ibid.

¹⁴¹ Ruling of the Derbent City Court, August 18, 2014. The court ruled on a complaint filed against the local police for having placed the plaintiff on a “religious extremist” watch list. The court ruled in the plaintiff’s favor and ordered the police to remove his name from the list. The ruling states that the respondent—an official with the federal Ministry of Internal Affairs’ department in Derbent—referred to two instructions as the legal basis for placing the man in the registry: Instruction No. 32/105 of the Ministry of Internal Affairs of the Republic of Dagestan, dated October 29, 2010, and an Instruction No. 3/243, issued by the head of the federal Ministry of Internal Affairs’ department in Derbent, issued November 1, 2013, “On Activating Measures to Place on Watch Lists Adherents of Extremist Ideologies.”

“operative control” to be invoked only against individuals suspected of involvement in specific crimes, whereas the individuals currently subjected to it are not criminal suspects. Omarova said she has been raising this issue with the prosecutor’s office and the investigation committee for Dagestan but the problem persisted.¹⁴²

Omarova told Human Rights Watch that her office received at least six complaints from victims of forced DNA sampling in 2014 and made relevant inquiries with the prosecutor’s office. In one of those cases, she said, the prosecutors agreed that the taking of a DNA sample was unlawful and pledged to look into it.¹⁴³

In two cases known to Human Rights Watch, individuals on the “operative control” list filed complaints with the Dagestan Ministry of Internal Affairs about police interrogations and demands to undergo DNA sampling. The Ministry responded that in light of their “connections with adherents of religious extremism” [«связи с приверженцами религиозного экстремизма»] police designated them for “prophylactic registration under registration category ‘religious extremist.’”¹⁴⁴

So-called “Wahhabi registration” and “operative control” are unlawful and discriminatory. They infringe on both the right to privacy and on freedom of religion as protected under international human rights law, and violate the prohibition on nondiscrimination.¹⁴⁵

¹⁴² Human Rights Watch interview with Ummapazil Omarova, Makhachkala, January 21, 2015. Under Russian law, the “investigation committee” is a government agency in charge of investigation while the prosecutor’s office executes public prosecution on behalf of the state and is tasked with overseeing rule of law compliance by state and non-state actors.¹⁴³ Ibid.

¹⁴³ Ibid.

¹⁴⁴ Both official responses were examined by Human Rights Watch in September 2014.

¹⁴⁵ See section on International Human Rights Standards.

V. Abuses Related to Detention of Suspects

The manner in which law enforcement and security personnel commonly detain suspects is one of the most distinctive abuses in the counterinsurgency campaign in Dagestan. Often these personnel do not identify themselves, show warrants, inform the detainee or their relatives where they are taking them, or the grounds for the detention, or provide timely access to a lawyer of one's own choosing. In some cases, detentions are part of a highly visible operation in which security officers, backed by police, take suspects into custody without explanation or showing warrants. In other cases, the person is ambushed by men who sometimes wear masks and bundle detainees into a car and drive them to unknown destinations. These circumstances have led families and Russian human rights groups to refer to this pattern as abductions.

Those targeted are typically young men who are suspected of having some link to the insurgency through family or other ties, are Salafis, or went to mosques frequented by Salafis. In some cases, the detainees may never be seen or heard from again: they are victims of enforced disappearances. In others, they may be initially forcibly disappeared but do show up within a few days in a detention facility, tortured, or threatened into signing confessions without the presence and advice of a lawyer. Under international law any deprivation of liberty carried out by state agents, or those acting with their authorization, support or acquiescence, followed by a refusal to acknowledge the detention or concealment of the fate or whereabouts of the detained person, constitutes an enforced disappearance and is a crime under international law.¹⁴⁶

Families of the disappeared face a frustrating and often futile effort to enlist the aid of indifferent and even hostile police and investigators who deny any knowledge of detentions or push relatives pleading for information from one agency to another. The families of the disappeared have little choice but to try to investigate the disappearance of their relative on their own. They sometimes gather witness testimony themselves by paying informants to ferret information from police or simply receiving anonymous tips on the whereabouts of the victims.

¹⁴⁶ See the Declaration on the Protection of All Persons from Enforced Disappearances, GA Resolution 47/133 of December 18, 1992 and article 2 of the Convention on the Protection of All Persons Against Enforced Disappearances, adopted December 20, 2006 and entered into force on December 23, 2010.

This report documents 12 cases of such abduction-style detentions that took place from 2012-2014. Of the 12 cases, three individuals remain forcibly disappeared and have not been seen or heard from again. This report also documents the forced disappearances of an additional three individuals. On June 9, 2015, Human Rights Watch received a letter from the Investigative Committee of the Republic of Dagestan stating that criminal investigations had been launched into each of the six cases of disappearances described below, and that the investigations had found no indications of involvement in them by law enforcement or security forces carrying out counterterrorism measures.

In ten cases raised in this report, the detainees were at least temporarily denied access to a lawyer, and in eight of those cases they were allegedly tortured in detention. Human rights law requires that all detentions be carried out in accordance with a procedure prescribed by law and meet minimal procedural guarantees.¹⁴⁷

Unlawful detentions and enforced disappearances are serious violations of Russia's international human rights obligations, entailing obligations to investigate and prosecute those responsible for them. Likewise torture and cruel, inhuman or degrading treatment are absolutely prohibited under international law and cannot be justified under any circumstances.¹⁴⁸ Governments have an affirmative obligation to investigate allegations of torture and ill-treatment by their officials, punish those responsible, and provide effective remedies to complainants.¹⁴⁹ The practice of incommunicado detention heightens the risk of torture.

Enforced disappearances are recognized as a grave and flagrant violation of fundamental human rights, including the right to liberty and to security as well as the right not to be tortured. Disappearances are also considered to constitute a serious threat to the right to life.¹⁵⁰

¹⁴⁷ International Covenant on Civil and Political Rights (ICCPR) art. 9; European Convention on Human Rights (ECHR), art. 5.

¹⁴⁸ European Convention on Human Rights (ECHR), art. 3; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted and opened for signature, ratification and accession by G.A. Res. 39/46 (entered into force June 26, 1987), ratified by Russia on March 3, 1987.

¹⁴⁹ International Covenant on Civil and Political Rights (ICCPR), arts. 2(3) and 7; Convention against Torture, art. 4; European Convention on Human Rights (ECHR), arts. 3 and 13. For European Court findings specifically related to effective investigation into alleged violations of article 3, see *Assenov and others v. Bulgaria*, no. 24760/94, judgment of October 28, 1998, para. 102; *Sakik and others v. Turkey*, no. 31866/96, judgment of October 10, 2000, para. 62; and *Chitayev and Chitayev v. Russia*, no. 59334/00, judgment of January 18, 2007, paras. 163-166.

¹⁵⁰ European Convention on Human Rights (ECHR), art. 2; UN Human Rights Committee, General Comment No. 6, the Right to Life (art. 6), para. 4; Convention on the Protection of all Persons from Enforced Disappearance, adopted by UN General Assembly on December 20, 2006. For European Court findings see, *inter alia*, *Bazorkina v. Russia*, no. 69481/01, judgment of July 27, 2006, para. 103.

Governments are obliged to take effective measures to prevent, stop, and criminalize all acts of enforced disappearance.¹⁵¹

Ongoing Enforced Disappearances

Alikhan Nurukhalaev, Makhachkala, October 17, 2012

Unidentified men wearing masks allegedly beat and abducted Alikhan Nurukhalaev, 24, as he was returning home from his niece's elementary school in Makhachkala, his sister Rozvant Ghadzimuradova told Human Rights Watch.¹⁵² Ghadzimuradova and other relatives of Nurukhalaev heard the account of the alleged abduction from witnesses who were near the school at the time.

Upon hearing of Nurukhalaev's detention, relatives searched for him at the Leninsky and Sovetskoye police stations for four days. Police at the Sovetskoye station denied having any information about his whereabouts. They took a complaint from the relatives on the third day, but on the fourth day when the relatives inquired again, the officials denied having received the complaint.

In November 2012, an anonymous caller told a relative that Nurukhalaev had been taken to the Center for Fighting Extremism, a specialized police structure, and from this the relative believed that authorities suspected him of being connected with insurgent activity, Ghadzimuradova said. Relatives inquired at the Center for Fighting Extremism, but were never given a response.

Nurukhalaev was a fifth-year law student at Dagestan State University and was an auxiliary police officer for one year. Ghadzimuradova said Nurukhalaev had been "praying" for a few years, a word used in Dagestan to denote a follower of Salafism.

In June 2013, nine months after Nurukhalaev went missing and after the family lawyer lodged a formal complaint about police inaction on the case, a court ordered an

¹⁵¹ UN Human Rights Committee, General Comment No. 6, the Right to Life (art. 6), para. 4. For European Court findings see, *inter alia*: *Bazorkina v. Russia*, paras. 117-119; and *Imakayeva v. Russia*, no. 7615/02, judgment of 9 November 2006, paras. 147-148.

¹⁵² Human Rights Watch interview with Rozvant Ghadzimuradova, Makhachkala, July 3, 2013.

investigation to be opened into Nurukhalaev's enforced disappearance.¹⁵³ At this writing, Human Rights Watch was unable to obtain any information as to Nurukhalaev's fate and whereabouts.

Gazhi Mustafiev, 28, Makhachkala, May 25, 2012

Gazhi Mustafiev, 28, allegedly disappeared on May 25, 2012, at the bus station in Makhachkala, his mother Khadizhat Mustafieva, and father Magomed Mustafiev, told Human Rights Watch.¹⁵⁴ He and a friend were buying tickets to travel to Sochi, where they hoped to find work, the parents said. Mustafiev's parents said that witnesses, including Mustafiev's friend, told them that a man in civilian clothes approached and said something into a mobile telephone. Human Rights Watch spoke with both parents but not with the friend, who was also assaulted, but let go, or with any of the other witnesses to the alleged disappearance.

Soon after the man in civilian clothes approached, four more men arrived, wearing black clothing and military style boots and carrying automatic weapons, Mustafiev's friend told his parents. They tried to pull Mustafiev out of the station, and administered electric shocks to Mustafiev when he tried to fight back.

The men then threw Mustafiev to the ground, kicked him, put metal cuffs on his hands, and pulled his shirt over his head, the friend told Mustafiev's parents. One woman witness said he was bleeding, his mother said. They put him into one of two black Lada Priora model cars. The friend was not detained and informed Mustafiev's father, Magomed Mustafiev, at 6 p.m. One witness told Mustafiev's parents that when the friend tried to break up the fight between Mustafiev and the armed men who took him, a man in black put a gun to his head and said, "You want problems?"

The parents believe their son's alleged enforced disappearance may be related to the killing of an FSB agent shortly before. Three days before Mustafiev's disappearance, Mustafiev's supervisor at a welding shop where he worked came to his home. Neighbors said the man wore a bloody shirt when he arrived, but clean clothing when he left with

¹⁵³ "The court in Dagestan refused to acknowledge violations in the case of a kidnapped policeman," *Caucasian Knot*, June 13, 2013, <http://eng.kavkaz-uzel.ru/articles/24611/?print=true> (accessed November 21, 2013).

¹⁵⁴ Human Rights Watch interview with Khadizhat Mustafieva and Magomed Mustafiev, Makhachkala, July 4, 2013.

Mustafiev, who gave him a ride to the station. The relatives believed the supervisor might have been wanted in connection with the killing of the FSB agent.

The day after the alleged abduction, relatives organized a protest in the Krasnoarmeysk neighborhood of Makhachkala and blocked a main road, demanding information about Mustafiev. Police came to remove them, but a police commander persuaded the protesters to call off the protest at midnight and promised to find Mustafiev. Mustafiev's father went to the police station the next day, but police there said they knew nothing.

On the third day after Mustafiev's disappearance, residents of Krasnoarmeysk blocked the road again. Magomed Mustafiev went to the republic Interior Ministry, where an official said he checked on his son and found he was "clean," meaning he was not suspected of any crime. "I can't help. Maybe the FSB can," the official said.

The family filed complaints about Mustafiev's disappearance with the Interior Ministry, the Kirov district police and the Makhachkala prosecutor's office. Prosecutors and officials at the Investigative Committee, the government agency responsible for criminal investigations, told the parents that unidentified people took Mustafiev. At this writing, Human Rights Watch has been unable to obtain any information as to Mustafiev's fate and whereabouts.

Rashid Ismailov, Makhachkala, May 8, 2012

Rashid Ismailov, 27, who sold air conditioners at a trading company in a Makhachkala mall, disappeared on May 8, 2012, his mother Jana Ismailova told Human Rights Watch.¹⁵⁵

Ismailova heard accounts of the alleged abduction from witnesses. Ismailov was on his way to work at 8:30 a.m. and when he did not show up by 11 a.m., his boss phoned relatives to inquire about his whereabouts, she said.

Later that day, a witness told Ismailova he saw six men in camouflage and two in civilian clothes emerge from a black Lada and a gray VAZ Priora Lada model car near the mall, and block Ismailov's vehicle. When Ismailov tried to escape, his assailants shot at him, and he fell to the ground. It was not clear whether he was hit. Four men lifted him, put him into the Lada, and sped away, hitting another car in the process, the witness told Ismailova.

¹⁵⁵ Human Rights Watch interview with Jana Ismailova, Makhachkala, June 6, 2013.

According to Ismailova, the witness believed the men who took Ismailov were from the security services. Other developments suggest law enforcement or security agencies' involvement in Ismailov's disappearance, and that the authorities suspected him of involvement in the insurgency. On the same day as Ismailov's disappearance, unidentified masked men abducted his brother, Arslan, tortured and questioned him about Rashid, and released him later that night.¹⁵⁶ A third brother, Ruslan, was arrested in June 2012 and is now serving a 16-year prison sentence in custody on terrorism charges.¹⁵⁷

On May 9, 2012, Ismailova went to the Kirov district police department to report the abduction. An officer there said that someone had called the police to report a kidnapping, and the police went to investigate and pick up the shells left behind by the shooting.¹⁵⁸ A policeman told Ismailova he interviewed witnesses at the scene.

An Interior Ministry investigator agreed to look further into the case. In April 2013, after Ismailova had inquired "frequently" over 12 months about the status of the case but heard nothing, the investigator asked her to provide a DNA sample. He said that the sample was needed to match with some bones he said the police had found. The investigator said her son had been pushed through a "meat grinder," Ismailova said.

She refused to provide a DNA sample, not believing the police account. The investigator said he would stop investigating the case due to what he said was Ismailova's failure to cooperate with the investigation.

In September 2013, an official at the Kirov district police station told Ismailova her son had "disappeared without a trace," which Ismailova fears means they will stop looking for him.¹⁵⁹ At this writing, Human Rights Watch has been unable to obtain any information as to Ismailov's fate and whereabouts.

¹⁵⁶ See below, under chapter on torture.

¹⁵⁷ See below, under chapter on access to lawyers.

¹⁵⁸ Ismailova also told Human Rights Watch that later on May 8 a witness had told her lawyer about the shells left behind by the shooting, and that police had collected them.

¹⁵⁹ Human Rights Watch interview with Jana Ismailova, Makhachkala, September 14, 2013.

Timur Danilin, 35, Makhachkala, March 25, 2012

On March 25, 2012, Timur Danilin, a 35-year-old who made money as a freelance taxi driver, disappeared after dropping off his wife at a Makhachkala hospital where she worked at that time. He had told her he would return at noon to pick her up, his mother, Bela Danilina, told Human Rights Watch.¹⁶⁰

The detailed accounts of the alleged abduction provided to Human Rights Watch by Danilina and the Memorial Human Rights Center are both based on accounts Danilina and Memorial heard directly from witnesses. The two versions diverge on some points, but both suggest that Timur Danilin was taken away by police and has not been seen since.

When Danilin did not arrive at the hospital at the appointed time, Bela Danilina and Timur's wife searched city hospitals and several police stations without success. Timur did not answer his mobile phone.

At 9:30 p.m., Timur called his wife and said he was in Novolakskoe, a town some 80 kilometers from Makhachkala on the border with Chechnya and said persons he did not identify had taken his car away and had beaten him, Bela Danilina told Human Rights Watch. According to her, Timur also said the phone he was using to take the phone call belonged to a man named Arsen Lugayov.

Then, according to Danilina, Lugayov got on the phone and told the family to come to Novolakskoe and bring 50,000 rubles to the district police station.¹⁶¹ However, when Danilina and her relatives arrived at the station, an official there said they knew nothing about Timur and warned them to leave or face arrest. Other relatives went to the regional police station to inquire if they had seen Timur; they had no record of him and said he was not there.

Later on March 26, Danilina called Lugayov's cell phone and the man said that police had taken Timur away from near his house in Novolakskoe.¹⁶² Besides Lugayov, several

¹⁶⁰ Human Rights Watch interview with Bela Danilina, Makhachkala, June 9, 2013.

¹⁶¹ "In Dagestan, local resident Timur Danilin has been lost, declare his relatives [В Дагестане пропал местный житель Тимур Данилин, заявляют его родственники]," *Kavkazskii Uzel*, April 27, 2012, <http://karachaevo-cherkesia.kavkaz-uzel.ru/articles/225941/> (accessed November 22, 2013).

¹⁶² Human Rights Watch interview with Bela Dalinina, June 9, 2013.

apparent witnesses in Novolakskoe told Danilina they saw police taking Timur away, but they were afraid to talk to the authorities or provide specific details, Danilina said.¹⁶³ Danilina persuaded two FSB officials—one from Makhachkala, the other from Khasavyurt—to meet with Lugayov. They met separately with Lugayov, who claimed he knew nothing about the case, stressing that he only let Danilin use his phone.

Danilina showed a photo of her son to residents in the vicinity of Lugayov's home in Novolakskoe and asked if anyone had seen him. One woman in the neighborhood said she had and also had given him a telephone to call home, but the call did not go through. The woman said that Danilin's face was "half swollen."

On March 28, a police official in Novolakskoe told one of Danilina's nephews that Danilin had been taken by car from Lugayov's courtyard to the Novolakskoe police station, which is close by, and then from there in a white Lada toward Khasavyurt and the Chechen border. During that transfer, Danilin supposedly tried to run away, but police shot in the air and stopped him.

Over the next two months, Danilina visited the offices of the Interior Ministry, the FSB, the prosecutors, and the Investigative Committee in Makhachkala, but none reported any progress in their investigation. During one visit to the FSB, an agent told her that Danilin "clearly" was a member of the "Islamic underground," although, his mother said, Danilin is Russian Orthodox.

Several weeks after her son's disappearance, Danilina said she saw Timur's car parked at the traffic police station in Makhachkala. Someone told her it was being driven by a local police official. There were no license plates on it. An official with the Center for Fighting Extremism told her the car was searched for explosives, though none were found.

Danilina said that police neither questioned people at the housing complex in Novolakskoe nor investigated the appearance of the car in Makhachkala. Lugayov was called by investigators to Makhachkala, she said, but he claimed that he had never talked to the family.

See also: Memorial, "Dagestan: Relatives of the abducted gathered outside the prosecutor's office," May 14, 2012, <http://www.memo.ru/d/3460.html> (accessed November 22, 2013).

¹⁶³ "In Dagestan, local resident Timur Danilin has been lost, declare his relatives [В Дагестане пропал местный житель Тимур Данилин, заявляют его родственники]," *Kavkazskii Uzel*, April 27, 2012, <http://karachaevo-cherkesia.kavkaz-uzel.ru/articles/225941/> (accessed November 22, 2013).

Danilina said the former human rights ombudsman, Vladimir Lukin, made some official inquiries into the case but his efforts yielded no tangible result. At this writing, Human Rights Watch has been unable to obtain any information as to Danilin's fate and whereabouts.

Abdulla Murtuzaliev, 30, and Magomed Murtuzaliev, 32, Makhachkala, March 7, 2012

Abdulla Murtuzaliev, 30, and Magomed Murtuzaliev, 32, brothers and both art restorers at the Makhachkala Museum of Ethnology, disappeared on March 7, 2012, shortly after Magomed drove to Abdulla's apartment to pick him up for work, their mother Zoya Abdulayeva told Human Rights Watch.¹⁶⁴ Abdulla Murtuzaliev lived together with their mother, and she became worried when the pair did not show up for dinner at her home that night.

Abdulayeva said that on March 8 she visited hospitals in Makhachkala to see whether her sons had been victims of an accident or crime. None had admitted them. Finding no trace of the pair, Abdulayeva said she filed a missing person report on March 9 at the Sovetskoye district police station.

On March 10, 2012, police asked to search Zoya Abdulayeva's house and the house where Magomed Murtuzaliev lived. Abdulayeva said she refused to give them Abdulla's computer because she feared they might try to plant radical religious literature on it. They retrieved Magomed's computer from his home and returned it a year later. From both houses, they confiscated religious books and pamphlets; Abdulayeva said they included subjects on how to be a good Muslim and how to treat women properly. She said one of the police asked whether her sons wore beards or were pious and she answered that neither wore beards, but that they prayed.¹⁶⁵

On March 13, Zoya Abdulayeva sent a letter to the Federal Security Service (FSB) and to the Dagestan republic prosecutor's office asking them to locate her sons. On March 24, 2012, the FSB responded that the case should be taken up by the police. The prosecutor's office answered on March 28, saying she should go to the prosecutor's office in Sovetskoye district.

¹⁶⁴ Human Rights Watch interview with Zoya Abdulayeva, Makhachkala, June 6, 2013.

¹⁶⁵ Ibid. See also: "Makhachkala resident claims disappearance of her two sons," *Caucasian Knot*, March 30, 2012, <http://eng.kavkaz-uzel.ru/articles/20579/> (accessed November 22, 2013).

On March 20, Abdulayeva returned to the Sovetskoye district police, where an officer told her that his office had turned over the case to the Investigative Committee in Makhachkala, which in April 2012 took charge of investigating the case.

Abdulayeva said she went “frequently” to the Investigative Committee office to inquire about the investigation’s progress, but obtained no further information. Since then, she has written letters asking for information to President Putin and Yuri Chaika, Prosecutor General of the Russian Federation, as well as prosecutors in Makhachkala and the police, the Interior Ministry, and the FSB in Moscow, which referred her to local investigators. She did not receive answers from the other letters, and the men remain missing. At this writing, Human Rights Watch has been unable to obtain any information as to the Murtuzaliev brothers’ fate and whereabouts.

Abduction-style Detentions, Ill-treatment, and Lack of Access to Lawyers

Human rights groups, including Human Rights Watch, have documented police use of torture and ill-treatment in extracting confessions and other testimony throughout the North Caucasus, including in Dagestan, particularly in cases when detainees are held incommunicado or without access to a lawyer. A local lawyer interviewed by Human Rights Watch in September 2014 said that he was representing seven individuals accused of insurgency-related crimes and all seven had been tortured by police with the aim of forcing a confession.¹⁶⁶ Human Rights Watch documented five cases in which confessions were elicited after apparent torture. This does not include beatings during the process of detaining suspects.

Torture and cruel, inhuman, or degrading treatment or punishment are absolutely prohibited under international law and cannot be justified in any situation.¹⁶⁷ Governments further have a positive obligation to carry out effective investigations into allegations of torture and ill-treatment by their officials, to punish those responsible, and to provide effective remedies to victims.¹⁶⁸

¹⁶⁶ Human Rights Watch interview with Israfil Gadadov, Makhachkala, September 26, 2014.

¹⁶⁷ European Convention on Human Rights (ECHR), art. 3; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted and opened for signature, ratification and accession by G.A. Res. 39/46 (entered into force June 26, 1987), ratified by Russia on March 3, 1987.

¹⁶⁸ International Covenant on Civil and Political Rights (ICCPR), arts. 2(3) and 7; Convention against Torture, art. 4; European Convention on Human Rights (ECHR), arts. 3 and 13. For European Court findings specifically related to effective investigation into alleged violations of article 3, see *Assenov and others v. Bulgaria*, no. 24760/94, judgment of October 28, 1998, para.

Sakhratula Magomedov, 31, Kizilyurt, September 25, 2014

According to his family, Sakhratula Magomedov, a father of three, is religious and wears a beard. His wife, Salimat, wears the hijab. In late 2013, his family said, police had detained him at a checkpoint “because of his beard,” questioned and photographed him, and then released him.

On September 25, 2014 at around 6:30 p.m. unidentified security personnel stopped Sakhratula Magomedov, next to his apartment building in Kizilyurt, dragged him to their vehicle, and drove off. His fate and whereabouts remained unknown until the morning of September 27 when he was released from detention.

Sakhratula Magomedov’s brother, Nimatula, told Human Rights Watch that right before his abduction Sakhratula called Salimat to say he was already in the yard of their apartment building and asking if he should buy any groceries at the shop next door. According to Nimatula, two neighbors who were in the yard at the time told him that a short while later they saw Sakhratula leave the shop with plastic bags and then saw several of the men, some in fatigues and others in civilian clothing, push him to the ground, punching and kicking him, and drag him into one of their cars. One witness said that while the men were waiting for Sakhratula, two local police officers approached them and shook hands with some of them. Salimat heard her husband’s scream, rushed to the window, and saw him being dragged into the car and driven away.¹⁶⁹

Sakhratula Magomedov’s family promptly filed a complaint about his abduction with the Kizilyurt police and the Investigative Committee, the government agency responsible for conducting criminal investigations, and with the prosecutor’s office for Dagestan, alleging involvement of law enforcement officials. On the afternoon of September 26, with Magomedov’s fate and whereabouts still unknown, over a hundred of his relatives and friends gathered for a protest rally at the Kizilyurt city police precinct.¹⁷⁰

102; *Sakik and others v. Turkey*, no. 31866/96, judgment of October 10, 2000, para. 62; and *Chitayev and Chitayev v. Russia*, no. 59334/00, judgment of 18 January 2007, paras. 163-166.

¹⁶⁹ Human Rights Watch interviews with Nimatula Magomedov and another witness (name withheld), Kizilyurt, September 26, 2014.

¹⁷⁰ Human Rights Watch interviews with Nimatula Magomedov, September 26, 2014. See also: “In Kizilyurt there was a protest demanding the whereabouts of a kidnapped local resident [В Кизилюрте проходит акция протеста с требованием установить местонахождение похищенного местного жителя],” *Kavkazskii Uzel*, September 26, 2014, <http://www.kavkaz-uzel.ru/articles/249804/> (accessed April 21, 2015).

Nimatula Magomedov told Human Rights Watch and Memorial he handed police a video recording of his brother's abduction, taken by a nearby surveillance camera. The police chief, he said, told him "I don't know what happened. Please tell your people to go away. If your brother is not guilty of anything, it will be sorted out very fast."¹⁷¹

On September 27, Sakhratula Magomedov's family told Human Rights Watch and Memorial that Sakhratula "was found" in early morning and made it home, but he would not speak about his experience, "so as not to cause trouble for himself and for others." They also said that they withdrew their complaint about his abduction for the same reason.

Akhmed Nurmagamedov, 35, Ameterk, August 14, 2014

Akhmed Nurmagamedov is religious and wears a beard. Early in 2014, police took him and his brother for "Wahhabi registration," fingerprinted and photographed both, and also took saliva and blood samples from Akhmed for DNA identification. The brothers tried to refuse but police officials threatened them with arrest unless they complied. During the next six months, law enforcement officials searched their house twice and stopped Sharip and Akhmed at checkpoints several times and held them for questioning.¹⁷²

On August 14, 2014, about 20 law enforcement officials entered the yard of the Nurmagamedov family's home in Ameterk, a village in the Akushi district of Dagestan, forced their way into the house, according to family members who witnessed the event and gave Human Rights Watch their account.

Nurmagamedov's mother, wife, and brother described the house search, which lasted several hours. They told Human Rights Watch that at around 5 a.m. on August 14 they heard a loud noise coming from the yard and a banging on the door. One of Nurmagamedov's brothers opened the door, and a large group of armed security personnel stormed into the house. Several of them dragged him and Akhmed out into the yard and held them at gunpoint. Others forced out the rest of the family members, including five small children still in their pajamas.

Sixty-five-year-old Taigibat Zaipullaeva said:

¹⁷¹ Human Rights Watch interviews with Nimatula Magomedov, September 26, 2014.

¹⁷² Ibid.

I said they had to show me a [search warrant]. I also told them they had no right to search my house without attesting witnesses. ...but they just waved me off. They searched the second floor and then the first floor. They did not find a thing, except some religious books, and started all over again. And then, they supposedly discovered that gun on the first floor under the mattress of the bed belonging to Akhmed's son. But when they did the first round of their search I clearly saw through the window how they lifted that same mattress and found nothing underneath.¹⁷³

The officials claimed they found a gun, and led Akhmed Nurmagamedov away. They said they were taking him to the Akushi police precinct to file a report on the gun, and said Akhmed would return in an hour. When Akhmed Nurmagamedov's wife and brother came to the police station inquiring about his situation, the police chief said Nurmagamedov was not in their custody and he was not aware of the case.

On August 15, a lawyer hired by the family found Nurmagamedov at the Akushi police precinct. The lawyer, Israfil Gadadov, discovered that he had signed a confession of illegal possession of a weapon.

The police chief claimed the man "was only just delivered" there and he had no information as to where he had been held for the previous 24 hours.¹⁷⁴ Gadadov told Human Rights Watch that police officials had tortured Nurmagamedov to try to coerce a confession of involvement in the insurgency.

Gadadov said that when he first saw his client on August 15 he immediately saw bruises on his neck and arms and tiny marks on his fingers that he believed to have been caused by electric shocks. Gadadov petitioned for a forensic exam, but his petition was satisfied only several weeks later. This left time for physical traces of torture to disappear, and the forensic exam did not document evidence of physical abuse.¹⁷⁵

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Human Rights Watch interview with Israfil Gadadov, Akushi, September 26, 2014.

In September, Nurmagamedov, who was in custody awaiting trial for possession of an illegal weapon, passed a note through his lawyer to representatives of Human Rights Watch and Memorial Human Rights Center, saying that police officials “put me in a car, pulled a bag over my head, and took me to an unknown place where they held me for 24 hours, threatened me, beat me, and wanted me to confess that I was a member of a Buynaksk illegal armed group.”¹⁷⁶ Gadadov told Human Rights Watch that during Nurmagamedov’s time in incommunicado detention, police officials “stripped [him], jumped on his body [прыгали на нем], threatened him with rape, hit him on the face and on the body with big bottles filled with water, kicked him, attached wires to his fingers and gave him shocks.” Nurmagamedov refused to confess to participation in an insurgent group but finally, under duress, acknowledged possession of the gun, which his family members said the police had planted under the mattress of one of the beds in the house.¹⁷⁷

Makhach Gamzatov, 31, Makhachkala, May 12, 2013

On May 12, 2013, ten masked men detained Makhach Gamzatov, 31, while he was shopping at a sports equipment store in Makhachkala, his brother, Ghadzimurat Gamzatov told Human Rights Watch.¹⁷⁸

Ghadzimurat said that, according to Gamzatov’s wife, who was outside the store in their car and witnessed the abduction, the men “dragged” Gamzatov away. She told Ghadzimurat she yelled at them to stop, and a masked man pointed a gun at her and told her to stay in the car.

The masked men wore dark pants and boots, but no identifying emblems. That evening, relatives inquired after Gamzatov at the Sovetskoye and Leninsky district police stations. An official at the Leninsky station told the relatives he had “heard” about the detention, but was told by “someone higher up” not to pursue the case.

On May 13, the republic prosecutor’s office, acting on a complaint of Gamzatov’s parents, pledged to look into the abduction.¹⁷⁹ On May 15, the family, acting on a tip that Gamzatov

¹⁷⁶ Copy of the note on file with Human Rights Watch.

¹⁷⁷ Human Rights Watch group interview with Taigibat Zaipullaeva (mother of the victim), Sharip Nurmagamedov (brother of the victim), and Khadzizhat Nurmagamedova (spouse of the victim), Akushi, September 26, 2013.

¹⁷⁸ Human Rights Watch interview with Ghadzimurat Gamzatov, Buynaksk, June 7, 2013.

¹⁷⁹ “Nasimov: Dagestani Prosecutor’s Office to check information about kidnapping of Makhach Gamzatov,” *Caucasian Knot*, May 13, 2013, <http://eng.kavkaz-uzel.ru/articles/24018/> (accessed January 15, 2013).

was being held at the Temporary Detention Center in Makhachkala, went to the facility to deliver a food parcel to him. Gamzatov's mother asked to be allowed to see her son. When she was let in to see him, she saw that his face was swollen and that his pants were stained with blood.

On the same day, May 15, Gamzatov was charged under Article 33 (complicity in a crime) and Article 208 (aiding and abetting illegal armed formations) of the Criminal Code of the Russian Federation. Gamzatov's lawyer was not permitted to represent his client at the remand hearing that day. Two days later, on May 17, the Memorial Human Rights Center stated that Gamzatov had still not been allowed access to a lawyer.¹⁸⁰ Eventually the lawyer got access to his client.

In May 2014, a court in Makhachkala found Gamzatov guilty of collaboration with insurgents under Article 208, part 2, of Russia's Criminal Code and sentenced him to two years' imprisonment.

Zaurbek Kurakhmayev, 24, Buynaksk, May 13, 2013

On May 13, 2013, men in camouflage uniforms and masks surrounded and raided the family home of Zaurbek Kurakhmayev, 24, and apprehended him. He was held for three days in secret detention, his whereabouts unknown to his family, until his family learned he was being held at the Makhachkala Investigative Committee, Kurakhmayev's father Tazhuddin Kurakhmayev told Human Rights Watch.¹⁸¹

Tazhuddin Kurakhmayev received a call from neighbors that several armored vehicles had surrounded his son's house in Buynaksk. He rushed over. Armed law enforcement surrounding the house had him enter the premises at the head of a phalanx of armed police. According to Kurakhmayev, his son stood in the kitchen and was unarmed. The police led him away.

Tazhuddin Kurakhmayev searched police stations in Buynaksk and Makhachkala for three days looking for his son. At the Investigative Committee offices in Makhachkala, officials told him that his son was there, but had refused the services of a lawyer. Finally on the third day, a lawyer hired by Kurakhmayev was granted access to Zaurbek and said he saw bruises on his wrists and burns on his feet, raising concern that he was mistreated. Human

¹⁸⁰ "HRC 'Memorial:' advocate not allowed to visit Makhach Gamzatov detained in Dagestan," *Caucasian Knot*, May 17, 2013, <http://eng.kavkaz-uzel.ru/articles/24099/> (accessed January 15, 2014).

¹⁸¹ Human Rights Watch interview with Tazhuddin Kurakhmayev, Makhachkala, June 9, 2013.

Rights Watch has no information about whether Kurakhmayev's lawyer filed a complaint about any mistreatment, and if so what the results were. Kurakhmayev spend over a year in remand prison before trial and in July 2014 received a two-and-a-half year sentence for participation in an illegal armed group and unlawful possession of a weapon.

Murat Shuaibov, 31, Makhachkala, December 20, 2012

Police seized Murat Shuaibov, 31, at a gymnasium in Makhachkala on December 20, 2012, and his aunt, Patimat Rabadanova, and his lawyer said he was tortured to elicit confessions and to implicate other people in killings.¹⁸²

In January 2013, Murat Shuaibov's lawyers learned he was in a detention facility in Vladikavkaz, the capital of North Ossetia, Rabadanova told Human Rights Watch. The lawyers were first able to meet with him on January 31, 2013, more than a month after his detention. At the meeting with his lawyer, Shuaibov said he was being charged under Article 222 of the Russian Criminal Code, for illegal weapons possession, a common charge against suspected insurgents or their sympathizers. Shuaibov also said he had been beaten in order to get him to implicate "high-level officials of Dagestan" in the killing of journalists.¹⁸³ Rabadanova told Human Rights Watch they also accused him of killing a journalist himself.

In the days after Shuaibov's arrest, friends searched for him, inquiring at the Sovetskoye district police station in Makhachkala, where officials said they knew nothing about his detention. His lawyers insist that Shuaibov asked them to be allowed to see his lawyers, but that the authorities refuse to grant them access to their client.¹⁸⁴

Caucasian Knot reported that in February 2013, Shuaibov's lawyers filed an official complaint alleging that the investigators were hindering access to their client. In April Shuaibov's relatives told *Caucasian Knot* that local investigative officials threatened to arrest Shuaibov's brother, Ruslan, in order to pressure the family to stop filing such complaints.¹⁸⁵

¹⁸² Human Rights Watch interview with Patimat Rabadanova, Makhachkala, September 15, 2013.

¹⁸³ Memorial, "Dagestan-North Ossetia: Murad Shuaibov Disappeared from Pre-Trial Detention Center," February 15, 2013, <http://www.memo.ru/d/154752.html> (accessed August 7, 2013).

¹⁸⁴ "Lawyers for the suspect in the murder of Dagestani journalists declare non-admission to their client" [Адвокаты подозреваемого в убийстве дагестанских журналистов заявляют о недопуске к своему подзащитному], *Kavkazskii Uzel*, August 7, 2013, <https://www.kavkaz-uzel.ru/articles/228815/> (accessed November 23, 2013).

¹⁸⁵ "In Dagestan the brother of Murad Shuaibov said security forces are exerting pressure [В Дагестане брат Мурада Шуйайбова заявил о оказании давления силовиками]," *Kavkazskii Uzel*, April 23, 2013, <http://www.kavkaz-uzel.ru/articles/223232/> (accessed February 10, 2014).

According to *Caucasian Knot*, on December 27, 2013 Shuaibov's case was brought to court in closed hearings, and Shuaibov confessed to murdering Dagestani journalist Malik Akhmedilov.¹⁸⁶ At this writing, following a change of judge and subsequent retrial, the proceedings are still ongoing. The hearings have been closed to the public.

Ruslan Ismailov, Makhachkala, June 23, 2012

Police carrying automatic weapons detained Ruslan Ismailov, 33, on June 23, 2012, and held him for two days before his lawyer could see him in custody, his mother, Jana Ismailova told Human Rights Watch.¹⁸⁷ Ismailov's lawyer told Jana Ismailova that when he visited Ismailov in police custody on June 25, 2013, Ismailov showed signs of physical abuse, including bruises on his body, V-shaped scars on his wrists, and one eye swollen and closed. Ismailov also told his lawyer he had been tortured with electric shocks to his genitals and wires rammed into his fingernails. Ismailov said the torture had been inflicted by law enforcement agents in Makhachkala.¹⁸⁸ By the time his lawyer met with him, Ismailov had signed a confession to a 2012 attack on police and membership in an illegal armed organization, Ismailova told Human Rights Watch.

One of Ruslan's brothers, Rashid Ismailov was detained in May 2012, and remains forcibly disappeared without a trace. A second brother, Arslan Ismailov, was also detained for several hours in May and beaten by masked men in Makhachkala.¹⁸⁹

On July 8, 2012, the Investigative Committee charged Ismailov with the May 3, 2012, bombing of a police checkpoint on Kammayev Street in Makhachkala that killed 14 people.¹⁹⁰ He was also charged with belonging to an insurgent group called Vilayat Dagestan and of arms trafficking. The Investigative Committee said he "used violence against a police officer" upon his arrest and later signed an agreement to cooperate with

¹⁸⁶ "In Dagestan the case about the murder of journalist Malik Akhmedilov is brought to the court [В Дageстане передано в суд дело об убийстве журналиста Малика Ахмедилова]," *Kavkazskii Uzel*, December 27, 2013, <http://www.kavkaz-uzel.ru/articles/235846/> (accessed April 21, 2015).

¹⁸⁷ Human Rights Watch interview with Jana Ismailova, Makhachkala, June 6, 2013.

¹⁸⁸ "Ruslan Ismailov Brutally Tortured, His Lawyer from 'Kavkaz' Bar Asserts," *Caucasian Knot*, June 26, 2012, <http://eng.kavkaz-uzel.ru/articles/21406/> (accessed November 21, 2013).

¹⁸⁹ See below in this chapter.

¹⁹⁰ The Investigative Committee of the Russian Federation, "Ruslan Ismailov Charged with the 2012 Terrorist Attack on Traffic Police Checkpoint in Makhachkala to Stand Trial in Dagestan," July 8, 2013, <http://en.sledcom.ru/actual/329169/?print=1> (accessed April 21, 2015).

the investigation. On August 2, 2013, a court in Makhachkala sentenced Ismailov to 16 years in prison for a “deadly terrorist attack.”¹⁹¹

In a statement he gave to his lawyers on August 8, 2013, and which Human Rights Watch has reviewed, Ismailov said that the day after the sentence, police tried to persuade him to implicate Magomed Guchuchaliev, a lawyer in Makhachkala, in the explosion at the police checkpoint. Ismailov said in the statement he refused and warned that he had already been subject to torture and feared more.¹⁹² As described below, an unknown gunman later shot and killed Guchuchaliev.

According to *Caucasian Knot*, prison authorities told Ismailov’s lawyer that the accused had waived his right to private counsel. They did not provide the lawyer with a written statement to that effect when he last saw Ismailov on August 16, 2013.¹⁹³ According to Memorial, Ismailov’s lawyer neither lodged a formal complaint regarding torture nor demanded a forensic examination.¹⁹⁴

Arslan Ismailov, 36, Makhachkala, May 8, 2012

At around 3 p.m. on May 8, 2012, ten masked, armed men surrounded Arslan Ismailov (Ruslan and Rashid Ismailov’s brother) while he was at work, took him to a Makhachkala neighborhood and beat him periodically for hours before releasing him later that night. Human Rights Watch heard the account of the detention and abuse directly from Ismailov himself.¹⁹⁵

Arslan Ismailov said he was taking a break when the men, wearing civilian clothes, arrived in a gray and black VAZ Priora model car and put plastic handcuffs on his wrists and a black plastic bag over his head. His assailants forced him into one of the cars, pressed him to the floor, and held a pistol to his head.¹⁹⁶ When Ismailov asked who his captors were

¹⁹¹ “Militant Implicated in Deadly Terrorist Attack Gets 16 Years,” *RIA Novosti*, August 2, 2013, <http://en.rian.ru/crime/20130802/182555278.html> (accessed August 8, 2013).

¹⁹² Ruslan Ismailov statement to lawyer Ghadzimurad Ismailov, Makhachkala, August 8, 2013. On file with Human Rights Watch.

¹⁹³ “Ruslan Ismailov’s custody extended by two months in Dagestan,” *Caucasian Knot*, August 21, 2013, <http://eng.kavkaz-uzel.ru/articles/21964/> (accessed November 22, 2013).

¹⁹⁴ Human Rights Watch interview with Oleg Orlov, head of the “Hot Spots” programs at Memorial Human Rights Center, May 15, 2014.

¹⁹⁵ Human Rights Watch interview with Arslan Ismailov, Makhachkala, June 6, 2013.

¹⁹⁶ *Ibid.*

they hit him with the pistol and told him to be quiet. At a police checkpoint, the driver of the car told the officer who stopped them, “We’re from the Federal Security Service,” and they went on their way unhindered.

At one point they switched cars and drove Ismailov to a neighborhood called Black Stones, near the Caspian Sea. He was taken to what appeared to him to be a private home, punched him, and dragged him to the second floor.

There the assailants punched him again and bound his feet and hands with tape. They asked him about explosive devices and USB sticks that criminals and insurgents use to send extortion messages. “I told them I did not understand what they were talking about,” Ismailov told Human Rights Watch. They also brought another detainee into the house, beat him, and found an empty USB stick on him.

Continuing the account of his own mistreatment, Ismailov said captors connected electrical wires to his big toes and put a plastic bag in his mouth to keep him from screaming. The electric shocks ended in a few minutes. The men asked Ismailov about his brother Rashid: where he was, who knew him.¹⁹⁷

At 10 p.m., the captors released Ismailov without explanation. His mother, Jana Ismailova, said she wrote a letter to the Dagestan prosecutor, I.A. Narovny, asking him “to initiate a criminal proceeding” for the “kidnapping” of Rashid Ismailov and the “kidnapping and torture” of Arslan Ismailov. Ismailova said she has not received a reply. At this writing, there has been no effective investigation into Ismailov’s allegations of kidnapping and torture.

Lack of Access to Lawyers of Choice

International law recognizes the need for detainees to have effective access to lawyers of their own choosing.¹⁹⁸ The failure to provide detainees access to lawyers is a widespread and recurrent problem in the North Caucasus, including Dagestan.¹⁹⁹

¹⁹⁷ As noted above, Rashid Ismailov was abducted the same day and has not been seen since.

¹⁹⁸ Office of the High Commissioner for Human Rights, “Basic Principles on the Role of Lawyers,” <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx> (accessed May 15, 2015); UN Office of the High Commissioner for Human Rights, “International Covenant on Civil and Political Rights,” <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed May 15, 2015); European Court of Human Rights, “European Convention on Human Rights,” http://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed May 15, 2015)

As described above, in some cases authorities fail to notify family about their loved one's detention or whereabouts, thereby preventing access for lawyers to their clients. In other cases, as described below, the place of detention was acknowledged but authorities still denied lawyers access to their clients. In some cases, detainees made confessions without the presence of legal counsel or had lawyers imposed upon them even if the detainee had requested his own attorney.

Akbar Murtazaliev, Makhachkala, September 9, 2013

On September 9, 2013, armed men, some in camouflage, some in plainclothes, searched the house of Akbar Murtazaliev, 21, saying they were looking for a suspect in a car theft, his mother Raisa Murtazalieva told Human Rights Watch.²⁰⁰ Murtazaliev is not related to the missing Murtazaliev brothers mentioned above.

The men said they had a search warrant but did not permit Raisa to see it, she said.

While searching, the men said they found a pistol and some bullets under a sofa and took Akbar away. His mother followed the men and saw they went to the Kirovsky district police station.

That same day, Murtazalieva hired lawyer Israfil Gadadov, who explained to Human Rights Watch that officers at the Kirovsky station told him no one had arrived there with that name.²⁰¹ Gadadov learned through unspecified sources that Akbar Murtazaliev was at the Makhachkala branch of the Center for Fighting Extremism, but officials there would not let him enter. The next day, Gadadov returned to the Kirovsky station, where officials told him that Murtazaliev was being interrogated there, but refused to allow Gadadov access to him. Gadadov could not get access to his client for nearly two weeks. Finally, on September 26 all charges against Murtazaliev were dropped and he was released.²⁰²

¹⁹⁹ Amnesty International, "Confronting the Circle of Injustice. Threats and Pressure Faced by Lawyers in the North Caucasus," March 21, 2013, <https://www.amnesty.org/en/documents/EUR46/003/2013/en/> (accessed April 21, 2015).

²⁰⁰ Human Rights Watch interview with Raisa Murtazalieva, Makhachkala, September 13, 2013.

²⁰¹ Human Rights Watch interview with Israfil Gadadov, Makhachkala, September 13, 2013.

²⁰² "In Dagestan Akbar Murtazaliev released without charges [В Дагестане Акбар Муртазалиев отпущен без предъявления вины]," *Kavkazskii Uzel*, September 26, 2013, <http://www.kavkaz-uzel.ru/articles/230630/> (accessed April 21, 2015).

Azamat Atashev, 29, Buynaksk, May 25, 2013

Azamat Atashev, 29, was detained on May 25, 2013, in Buynaksk and his whereabouts were not revealed until he appeared in a court the next day without a lawyer, his father-in-law Ibrahim Avdukadirov told Human Rights Watch.²⁰³

Avdukadirov said that witnesses had seen seven masked men grab Atashev in front of a relative's store in Buynaksk. The witnesses told Avdukadirov that the men beat Atashev with rifles while he yelled out, "I did nothing wrong," put Atashev in a car, and drove him away.

The relative who owned the store called Avdukadirov, who then went to the prosecutor's office to file a complaint. Other relatives complained about the detention at the Investigative Committee office in Makhachkala, without success.

Avdukadirov said personal contacts told him that Atashev was charged under article 208 of the criminal code with aiding insurgents by allegedly supplying them with food. He confessed to the charges, Avdukadirov said, and was remanded in custody before trial. Relatives found him in a jail in Makhachkala on May 26, the day after his arrest, through "personal contacts." According to them, he was not tortured, but by the time a lawyer came to see him on May 26 he had signed a confession. Human rights activists told Human Rights Watch that a court convicted Atashev, but they had no further details on the case as they been unable to contact his family.

Marat Gunashev, 36, Makhachkala, November 28, 2012

On November 28, 2012, officials introducing themselves as part of the Investigative Committee, raided Republic Hospital No. 2 in Makhachkala, while uniformed police and members of the Center for Fighting Extremism stood guard around the hospital. The men arrested Marat Gunashev, an anesthesiologist, as he was preparing for surgery, and surgeon Shamil Gasanov.²⁰⁴ Authorities purportedly suspected both doctors of

²⁰³ Human Rights Watch interview with Ibrahim Avdukadirov, Buynaksk, June 9, 2013. For a Russian-language account of Azamat's abduction-style detention by a local human rights group, see: <http://www.youtube.com/watch?v=oDlyrVFSUEo#t=30>.

²⁰⁴ See above, under "Death in Custody."

involvement in the February 5, 2010 assassination by insurgents of Ahmed Magomedov, who at the time was the Makhachkala police chief.²⁰⁵

Following his arrest, Gunashev spent two days in jail without access to counsel of his own choosing, and then was secretly removed from Dagestan to a jail in North Ossetia, his wife, Amina Gunasheva and his father, Kamil Gunashev, told Human Rights Watch.²⁰⁶

On the day of his arrest, at about 10 a.m. Gunashev was preparing a patient for surgery when at least two men entered the surgery ward, handcuffed Gunashev, and beat him around the ears. At 3 p.m. the family asked lawyer Zaur Magomedov to go the police and to the Investigative Committee offices and ask for Gunashev's whereabouts.²⁰⁷ Magomedov said he went to the committee's detention facility and asked to enter. An investigator declined his request. At 5 p.m., Magomedov filed a written complaint with the republic's chief prosecutor, about his lack of access.

Magomedov said law enforcement officials did not allow him to be present during the search of Gunashev's home that day, during which police said they found 10 grams of cannabis in his eight-year-old daughter's bedroom.

Two days later, guards and a case investigator tried to prevent Magomedov from attending Gunashev's custody hearing. At the courthouse, an investigator rejected Magomedov's request to attend the hearing, and security guards pushed him away from the courtroom. Eyeing the presiding judge arriving on a staircase, Magomedov shouted that he be allowed into the courtroom.

When the judge let him in, Magomedov discovered that the investigator had appointed a lawyer for Gunashev, who later stopped working on the case, Magomedov said. Magomedov continued to represent Gunashev, who remained in custody through his trial.

²⁰⁵ "Dagestani Doctor Accused in Murder of a Top Policeman in a Murky Murder Case," *RIA Novosti*, December 8, 2012, <http://en.rian.ru/crime/20121208/178005007.html> (accessed August 4, 2013).

See also: "Mudjahideen special operation of the apostate, police colonel Ahmed Magomedov," *Liveleak.com*, March 17, 2013, http://www.liveleak.com/view?i=of6_1363515587&comments=1 (accessed August 5, 2013).

In March 2012, authorities named three "terrorist" suspects in the killing, all from the village of Gimry. See: "Assassins Chapter Makhachkala ATC declared on the wanted list," *Newspepper.ru*, March 1, 2012, <http://news-su.1gb.ru/news/2012/3/1/assassins-chapter-makhachkala-atc-declared-on-the-wanted-list/> (accessed August 5, 2013).

²⁰⁶ Human Rights Watch interview with Amina Gunasheva and Kamil Gunashev, Makhachkala, July 2, 2013.

²⁰⁷ Human Rights Watch interview with Zaur Magomedov, Makhachkala, September 14, 2013.

Gunashiev was eventually tried for involvement in an insurgent group for having provided medical assistance to an insurgent leader.²⁰⁸ On May 6, 2014, a court in Makhachkala found Gunashiev not guilty.²⁰⁹ In September, Dagestan's Supreme Court quashed the acquittal and sent Gunashiev's case for retrial.²¹⁰ At this writing, the proceedings are ongoing.

A Suspicious Death in Custody

During the operation in Republic Hospital No. 2, law enforcement personnel also seized surgeon Shamil Gasanov, 36. A few hours later, they took him to his apartment where he met a violent death. The authorities gave inconsistent accounts of how Gasanov met his death. Gasanov's cousin, Ghazhimurad Ismailov, who was also his lawyer, told Human Rights Watch what he knew of the killing.²¹¹

Shortly after the raid, Ismailov sought access to Gasanov but could not locate him in custody. He went to the public prosecutor's office in Makhachkala to file a complaint about Gasanov's detention. He then went to the Sovetskoye district police station asking them to find Gasanov, but they declined his inquiry, saying the matter was in the hands of the Investigative Committee and he would have to ask about it at the committee offices in Pyatigorsk, 415 kilometers from Makhachkala and the administrative center of the North Caucasus Federal District of which Dagestan is part.

At about 7 p.m., law enforcement personnel brought Gasanov home. A neighbor phoned Ismailov, who rushed over and asked police surrounding the building that he, as Gasanov's lawyer, be permitted inside the apartment. He said police evacuated residents of the building and kept them and him 150 meters away. The electric power had been turned off in the building, he added. Ismailov said he telephoned the public prosecutor's office in Makhachkala asking them to intervene to let him in, to no avail.

²⁰⁸ "In Dagestan, the court acquitted and released from custody Gunashiev, a doctor accused of involvement with militants [В Дагестане суд оправдал и освободил из-под стражи врача Гунашева, обвинявшегося в причастности к боевикам]," *Kavkazskii Uzel*, May 6, 2014, <http://www.kavkaz-uzel.ru/articles/242141/> (accessed June 11, 2015).

²⁰⁹ Ibid.

²¹⁰ "The Supreme Court believed Zakhar Prilepin [Верховный суд поверил Захару Прилепину]," *Kommersant.ru*, September 15, 2014, <http://www.kommersant.ru/doc/2567324> (accessed April 21, 2015).

²¹¹ Human Rights Watch interview with Ghazhimurad Ismailov, Makhachkala, July 4, 2013.

At around midnight, as Ismailov waited, shooting and two explosions sounded from the building, the lawyer said. An hour later, police removed Gasanov's body from the apartment and withdrew from the area. Ismailov said he and other relatives went to the city morgue in the morning, but were not permitted to see the corpse for another 24 hours.

Ismailov and other relatives then inspected the apartment. Bullet holes pocked some of the bedroom walls and the walls inside a bathroom. They saw what they believed to be pieces of skull and brain as well as blood smears on the floor. Ismailov said that a few boxes and drawers were open and appeared to have been searched.

On November 30, 2012, relatives picked up the body that morgue officials identified as Gasanov's. Following Islamic custom, they washed the body in advance of the funeral. During the cleansing, they took photos of it, which Human Rights Watch viewed. Gasanov's ankles showed signs of being pierced or burned. There was a bullet wound on a knee and a toe was shot off, Ismailov said. The body was headless and parts of the chest smashed. The morgue did not issue an autopsy report or cause of death, Ismailov said.

In press reports, police said security agents shot Gasanov after he pulled a gun from a hidden place and tried to fire at the officials.²¹² Ismailov, however, said police told him that Gasanov fled to the bathroom and blew himself up with a hand grenade. No effective investigation was conducted into the circumstances surrounding Gasanov's detention and death.

²¹² "Doctor's Arrest Highlights Unrest in Dagestan," *Associated Press*, December 19, 2012, <http://bigstory.ap.org/article/doctors-arrest-highlights-unrest-dagestan> (accessed August 4, 2013).

VI. Threats to Lawyers, Journalists, and Rights Defenders

International standards recognize that lawyers, human rights defenders, and journalists should be protected from harassment or intimidation that would interfere with their ability to work freely and independently.²¹³

Lawyers and human rights defenders in the North Caucasus, including Dagestan, who defend Salafis or other people targeted in counterinsurgency efforts, and journalists who investigate such issues, face serious threats to their lives and well-being.²¹⁴ Dagestan has become the most dangerous place in Russia for journalists, with 17 killed from 1993 to 2014.²¹⁵

This is a longstanding concern in the North Caucasus. In 2010, Human Rights Watch documented five incidents of physical attacks and harassment of Dagestani lawyers by police or investigation officials that year. After one of the bar associations in Dagestan went on a month-long protest strike in November 2010, the authorities pledged to look into abuses against lawyers. However, since then there has still been no effective investigation into the lawyers' complaints.²¹⁶

This chapter documents the February 2015 severe beating of a defense lawyer who was representing a terrorism suspect, the June 2013 killing of a lawyer in Makhachkala who

²¹³ On lawyers: Office of the High Commissioner for Human Rights, "Basic Principles on the Role of Lawyers," arts. 16 through 22, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx> (accessed April 21, 2015).

On human rights defenders: United Nations, Universal Declaration of Human Rights art. 19; United Nations Educational, Scientific and Cultural Organization, "The International Programme for the Development of Communication," March 27, 2012.

On journalists: UNESCO, "The Safety of Journalists and the Danger of Impunity," March 2013, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc28_dg_safety_report_final_rev.pdf (accessed April 21, 2015). "The primary aim of guaranteeing the safety of journalists, and striving to combat impunity of the perpetrators of crimes committed against journalists, are both essential to preserving the fundamental right to freedom of expression, ensured by Article 19 of the Universal Declaration of Human Rights, as well to promote democracy. During times of both peace and conflict, journalists are central to ensuring that the space for freedom of expression is kept open in order to build democratic societies which are just and participatory. Journalists play a vital role in this process. A safe working environment for journalists should therefore be guaranteed."

²¹⁴ Amnesty International, "Russia: Confronting the circle of injustice threats and pressure faced by lawyers in the North Caucasus."

²¹⁵ "Three out of the four journalist deaths in 2012 in Russia occurred in the Southern Federal District and North Caucasian Federal District [Три из четырех смертей журналистов за 2012 год в России произошли в ЮФО и СКФО]," *Kavkazskii Uzel*, December 15, 2012, <http://www.kavkaz-uzel.ru/articles/217289/> (accessed September 17, 2013).

See also: "Akhmednabiev Akhmednabi [Ахмеднабиев Ахмеднаби]," *Kavkazskii Uzel*, May 9, 2014, <http://www.kavkaz-uzel.ru/articles/226823/> (accessed April 21, 2015).

²¹⁶ "Russia: Expert Testimony on the Situation for Human Rights Defenders," Human Rights Watch news release, January 26, 2012, <http://www.hrw.org/news/2012/01/26/russia-expert-testimony-situation-human-rights-defenders>.

defended insurgent suspects, and three other cases of threats received in 2013 by lawyers and human rights advocates who defend suspects accused of terrorism, suspected insurgents, or suspects allegedly linked to the insurgency. It also documents the 2012 killing of a journalist who reported on corruption and human rights abuses and who had been on a “kill list” anonymously printed on leaflets found in Dagestan in 2009.

Journalists, Lawyers and Human Rights Defenders

Some officials appear to view human rights activists, lawyers, and journalists who speak up about official abuses in Dagestan as sympathizers, if not collaborators, with insurgents. When a Human Rights Watch researcher tried to enter the besieged town of Gimry in July 2013, a security officer interrogated him not on why he was going there, but about his earlier meeting with a well-known local activist, specifically about her political views and her views on the insurgency. There is a failure to investigate interference with the work of lawyers, as well as assaults on lawyers, human rights activists, and journalists just as there is with respect to attacks on and torture or disappearance of their clients.

Lawyers

The Killing of Magomed Guchuchaliev, Makhachkala, July 12, 2013

On July 12, 2013 in Makhachkala, two gunmen shot and killed Magomed Guchuchaliev, 46, a lawyer who had defended suspected insurgents. Guchuchaliev was shot in front of his house as he was preparing to go to evening prayers at a mosque, Konstantin Mudunov, his colleague at the Kavkaz law firm, told Human Rights Watch.²¹⁷

Guchuchaliev was the second lawyer from the Kavkaz firm gunned down in Makhachkala in eighteen months.²¹⁸ In September 2009, his name appeared in leaflets found in Makhachkala with death threats against local journalists, lawyers, and human rights activists. The anonymous authors called for the “extermination of bandits [and their

²¹⁷ Human Rights Watch interview with lawyer Konstantin Mudunov, Makhachkala, September 9, 2013.

²¹⁸ On January 20, 2012, police shot dead Omar Saidmagomedov and his client while they were sitting in a car. See: Human Rights Watch, “Russia: Expert testimony on the Situation for Human Rights Defenders.” See also: Amnesty International, “Urgent Action, Lawyer Threatened in North Caucasus,” <http://www.amnesty.org/en/library/asset/EUR46/021/2012/fr/584413dc-89bc-4630-ae35-3afb52de782/eur460212012en.pdf>

alleged consorts] and vengeance for [killed] policemen.” Guchuchaliev was one of the four lawyers on the list.²¹⁹

Mudunov said he spoke to Guchuchaliev two hours before his death. Guchuchaliev had visited his son, Sirazhudin, 25, in jail that day. Sirazhudin had been arrested on May 31, 2013 on suspicion of involvement in an insurgent group and in the killing of a supreme court judge.²²⁰ Mudunov said Guchuchaliev told him law enforcement personnel were threatening his son, saying that unless the son provided evidence on recently arrested Makhachkala mayor Said Amirov, his father risked being killed.²²¹

Two months after Guchuchaliev’s killing, Mudunov said that investigators had not approached anyone in the law firm to question them about possible motives for Guchuchaliev’s killing, although the authorities ordered forensic, ballistic, and other analysis to be done.²²² Mudunov said he believed the killing was related to the son’s refusal to implicate people targeted by the authorities in alleged terrorist acts. Mudunov said that, starting in July 2013, in relation to statements he made in regards to the Guchuchaliev killing, police visited him and other lawyers at Kavkaz and asked them for all phone numbers of clients and other people they knew.²²³

In November 2013, the Dagestan office of the Investigative Committee reported that a militant had been killed in a shootout with police, and that he had been wanted for the killing of Guchuchaliev, as well as the murders of two judges, and several other crimes.²²⁴

The Attack on Murad Magomedov, February 4, 2015, Makhachkala

On February 4, 2015, several unidentified men assaulted Murad Magomedov, a lawyer affiliated with Memorial Human Rights Center’s Dagestan office. The attack occurred in broad daylight outside a courthouse in Makhachkala during a break in hearings in a high-

²¹⁹ “Russia: Journalist Killed”, Human Rights Watch news release, July 9, 2013, <http://www.hrw.org/news/2013/07/09/russia-journalist-killed>.

²²⁰ “In Dagestan, advocates of Sirazhudin Guchuchaliev claim their client being tortured and report on preparation of his murder,” *Caucasian Knot*, July 3, 2013, <http://eng.kavkaz-uzel.ru/articles/25072/> (accessed January 16, 2014).

²²¹ Human Rights Watch interview with lawyer Konstantin Mudunov, Makhachkala, September 9, 2013.

²²² *Ibid.*

²²³ *Ibid.*

²²⁴ Investigative Committee of the Republic of Dagestan, <http://sledcom.ru/actual/329244/> (accessed December 15, 2013).

profile terror case in which Magomedov is representing one of a group of men charged for the 2012 murder of a prominent Sufi leader, Said Afandi al-Chirkavi (Atsaev).²²⁵

Magomedov told Human Rights Watch that, during the break, he stepped outside the courthouse. Five or six men immediately attacked him, breaking his jaw as well as several of his front teeth and causing serious head trauma.²²⁶ Magomedov told Human Rights Watch he had previously received threats related to his work.²²⁷ Magomedov also said he could not remember the details of the assault, as the beating resulted in a partial memory loss.²²⁸ Another defense lawyer involved in the trial told *Caucasian Knot* that “according to [some of] those attending the hearing, these [assailants] were...supporters” of the late sheikh and were present in the courtroom.²²⁹

Magomedov told Human Rights Watch that as of mid-April, investigators had still not taken his statement. According to him, a police official attempted to question him at the hospital on the day of the attack but he could not speak because of the damage to his jaws coupled with the head trauma. Since then, no one from the investigation has been in touch with him. At the end of April, Magomedov and his colleague from Memorial contacted police criminal inquirers to find out about the course of the investigation and learned that the preliminary inquiry resulted in a decision not to launch a criminal case into the attack.²³⁰

Other Threats and Harassment

In May 2013, Sapiyat Magomedova and Musa Suslanov, defense lawyers, both received repeated death threats for work on a recent murder case allegedly involving people close to government officials in Dagestan. The lawyers are seeking charges against security guards who allegedly killed five men during a dispute over a parking space. The gunmen were allegedly security personnel for a district official in Kizlyar.²³¹

²²⁵ See Section “Insurgent Attacks on Police and Civilians” in this report. Magomedov’s work on the Afandi case is not part of his work with Memorial.

²²⁶ Human Rights Watch interview with Murad Magomedov, April 13, 2015.

²²⁷ Memorial also noted that Magomedov had previously received threats. See: Memorial, “In Dagestan, a colleague of Memorial, the lawyer Murad Magomedov, was beaten [В Дагестане избит сотрудник «Мемориала», адвокат Мурад Магомедов],” February 4, 2015, <http://www.memo.ru/d/224170.html> (accessed April 22, 2015).

²²⁸ Human Rights Watch interview with Murad Magomedov, April 13, 2015.

²²⁹ “Lawyer beaten after a trial in the case of a terrorist attack in the house of Sheikh Chirkey in Dagestan [Адвокат избит после суда по делу о теракте в доме шейха Чиркейского в Дагестане], *Kavkazskii Uzel*, February 4, 2015, <http://www.kavkaz-uzel.ru/articles/256741/> (accessed April 22, 2015).

²³⁰ Human Rights Watch interview with Murad Magomedov, April 13, 2015.

²³¹ “Dagestan, Head of Kizlyar District Dismissed Because of Murder of 4 Persons,” *Caucasian Knot*, March 22, 2012, <http://eng.kavkaz-uzel.ru/articles/20501/> (accessed April 21, 2015).

In an interview with Human Rights Watch, Magomedova said she has had several threats, the last one on May 20, 2013, which warned her to give up the case “if you want to live.”²³² Suslanov received a similar message the day before. Many of Magomedova’s clients are victims of alleged wrongdoing by government officials or people close to them, including allegations of police torture.²³³ Some of her clients are Salafi Muslims, including some accused of collaborating with the insurgency. Magomedova continued to receive oral threats in 2014, mainly by phone. In October 2014 the Ministry of Internal Affairs filed a defamation lawsuit against her for accusing police of torturing her client.²³⁴

A Makhachkala-based lawyer who in recent years defended many individuals charged with insurgency-related crimes, told Human Rights Watch he frequently received threats in connection with his work. On several occasions police officials hinted he “would get into trouble” if he did not give up a particular case. In some instances, they went as far as holding him at gunpoint, threatening to “disappear” him or to plant explosives in his car or in his house. The lawyer said, for example, that in the spring of 2014, he worked on a case of an abduction-style detention and torture in Kizlyar. A local judge rejected a petition by law enforcement officials to keep his client in pre-trial custody, but when the lawyer left the courtroom together with the client armed police officials surrounded them right outside of the court building. As they started dragging his client into one of their vehicles, the lawyer tried to intervene. One of the officials cocked his gun, took aim, and threatened to kill him. The lawyer had to watch powerlessly as they drove off with his client.²³⁵

The lawyer also said that earlier in 2014 he found three armed security service officials waiting for him next to his house in the outskirts of Makhachkala when he returned home

See also: “In Dagestan, Preliminary Investigation into Murder Case of Five Persons in Kizlyar Completed,” *Caucasian Knot*, July 13, 2013, <http://eng.kavkaz-uzel.ru/articles/25164/> (accessed August 1, 2013).

²³² Human Rights Watch interview with Sapiyat Magomedova, Khasavyurt, July 8, 2013.

²³³ In 2010, police beat Magomedova when she insisted on seeing a client being held at a Khasavyurt police station. See: “Russia: Investigate Beating of Human Rights Lawyer,” Human Rights Watch news release, June 21, 2010, <http://www.hrw.org/news/2010/06/21/russia-investigate-beating-human-rights-lawyer>.

Five beatings of lawyers by police that year went uninvestigated, Human Rights Watch found. See: Human Rights Watch, “World Report: Russia,” <http://www.hrw.org/world-report-2012/world-report-2012-russia> (accessed April 21, 2015).

There was no effective investigation into Magomedova’s complaint and the case was eventually shut down and then reopened in the autumn of 2014. See: “In Dagestan, the investigation into the beating of lawyer Magomedova was reopened [В Дагестане возобновлено расследование дела об избиении адвоката Магомедовой],” *Kavkazskii Uzel*, October 1, 2014, <http://dagestan.kavkaz-uzel.ru/articles/250035/> (accessed April 21, 2015).

²³⁴ “Dagestani lawyers need protection from persecution [Дагестанских адвокатов следует защитить от преследований],” December 9, 2014, <http://amnesty.org.ru/ru/2014-12-15-dagestan/> (accessed May 15, 2015).

²³⁵ Human Rights Watch interview with a lawyer (name withheld), Makhachkala, September 26, 2014.

in the evening. The officials said they wanted to take him for a drive and led him to their vehicle. They drove around for a while with the lawyer, threatening him. Among other things, they indicated they knew what his wife looked like and how old his child was, told him to think about his family, and they threatened, “if you continue [with your work] you will have very serious problems, like having an explosive device found and blown up in your home, so even the bare walls won’t remain standing.” The lawyer told Human Rights Watch that his situation is far from unique, and that all lawyers who do diligent work for their clients charged with insurgency-related crimes following on abduction-style detentions receive threats from law enforcement officials.²³⁶

Human Rights Defenders

Gulnara Rustamova, a human rights activist who mainly works with Salafis, told Human Rights Watch she has been regularly harassed by authorities.²³⁷ Rustamova is also a leading activist with the nongovernmental human rights organization, Pravozashchita.

Rustamova has been the target of unspecified surveillance. Throughout 2013, one or two cars have been periodically stationed behind her home.

In early June 2013, security forces arrived at Rustamova’s home in Makhachkala with a search warrant from the Center for Fighting Extremism for Rustamova’s older brother, Ismail Butaev. The search was linked to an explosion in front of a store in Makhachkala, where a package was left on the curb of a pedestrian part of the street and blew up, killing two teenagers when they touched the package. The men found nothing during the search but told Rustamova, “You should understand full well on your own what this is connected with.”²³⁸

Rustamova also told Human Rights Watch that at the end of November 2013 she started getting warnings from friends and relatives that they or their acquaintances saw her photograph displayed at police checkpoints en route from Makhachkala to Sochi, with a caption saying “suspected terrorist.” Soon afterwards, Rustamova decided to leave Russia until after the Sochi Games. When she returned to Russia on February 27, 2014, with her 11-year-old daughter, they were held for five hours at the border control in a Moscow airport, missing their connecting flight. According to Rustamova, the border guards took them to a

²³⁶ Ibid.

²³⁷ Human Rights Watch interview with Gulnara Rustamova by telephone, September, 2013.

²³⁸ Ibid.

small room, accused her of assisting insurgents, interrogated her, and wanted to have her and the child fingerprinted:

Three FSB officials picked us up at the passport control window and took us to a small windowless room. They took my two phones, looked through the contacts. I tried to argue and they said, “You are wanted on suspicion of collaboration with terrorists.” I asked, “Which terrorists?” So, they started talking about my brother who had been with the insurgents but got killed in 2008. They said I had helped him with food and shelter all those years ago. They wanted my fingerprints and those of my child. I said, I refused flatly and they threatened that we’d be sitting there until I change my mind. They asked about the purpose of my trip abroad, demanded to see medical papers when I mentioned I was undergoing treatment. My daughter was so upset by this “welcome home,” she broke down and cried. She was also hungry and exhausted. Finally, they said, “You can go now, we don’t want to traumatize the child.”

We had to spend the night at the airport. My little girl could not stop crying.²³⁹

Rustamova also reported that security forces in Dagestan pressured her male relatives, by conducting searches in their homes, alleging their possible links to insurgents, and subjecting them to intrusive surveillance. According to Rustamova, law enforcement officials searched her son’s home in Makhachkala four times between November 2013 and February 2014, while she was abroad, and twice more after Rustamova’s return to Makhachkala in March 2014. Also, Rustamova’s nephew, who often ran errands for her in connection with her human rights work, was under close police surveillance between March and August 2014. Police officials followed him by car and on foot, “watching his every step.” The surveillance stopped at the end of the summer 2014, when Rustamova, afraid for his safety, would no longer let him drive her places or deliver documents for her.²⁴⁰

At 8 a.m. on September 15, 2013, personnel from the Leninsky district police precinct came to the home of Aisha Selimkhanova, another activist with Pravozashchita, with a search warrant. The warrant stated that the search was being carried out in connection with a

²³⁹ Human Rights Watch interview with Gulnara Rustamova, Makhachkala, September 25, 2014.

²⁴⁰ Ibid.

shooting the previous month. With neighbors present as witnesses, the men searched the house but found nothing. However, the men took Selimkhanova and her husband Shamil Iskanderov, who is also a member of Pravozaschita, to the Leninsky Regional Department of Internal Affairs for a “conversation,” a term used so that police can ask questions without a lawyer present.

During the talk, the duty officers asked Selimkhanova when she arrived in Dagestan, how she met her husband, what “stream” of Islam they followed, and why they had no children. They also asked about their work, how they made money, what they did when people came to their office, and about the war in Syria. The officers took down their phone numbers and released them. In February 2014 police searched Pravozaschita’s office in Makhachkala on suspicion that the organization received funding from “international terrorist organizations.” Police seized documents, including confidential files on human rights abuses and client agreements with lawyers.²⁴¹

In October 2014, Rustamova and Selimkhanova received death threats and chose to temporarily suspend their work and leave Dagestan.

Another activist with Pravozashchita, Zarema Bagavutdinova, received a five-year prison sentence, in May 2014, for allegedly persuading a man to join the insurgency by promising to marry him in return.²⁴² Memorial Human Rights Center argued that the charges against Bagavutdinova were fabricated by the authorities in retaliation for her activism and put her on its list of political prisoners.²⁴³

²⁴¹ The authorities returned all the documents to the organization weeks later. Human Rights Watch interview with Aisha Selimkhanova, Makhachkala, September 25, 2014.

²⁴² Memorial, “Dagestan: Political prisoner Bagavutdinova sentenced to five years in a penal colony [Дageстан: политическую заключенную Багавутдинову приговорили к пяти годам колонии общего режима],” May 22, 2014, <http://www.memo.ru/d/198354.html> (accessed April 22, 2015).

Inducing an individual to perpetrate a crime of organizing or participating in an unlawful armed group is punishable under art. 205.1, part 1, of Russia’s Criminal Code. In August 2014 the sentence was upheld on appeal. See: Memorial, “Dagestan: the political prisoner Zarema Bagavutdinova’s sentence left unchanged [Дageстан: приговор политической заключенной Зареме Багавутдиновой оставлен без изменений],” August 20, 2014, <http://www.memo.ru/d/206161.html> (accessed April 22, 2015). In February 2015, Bagavutdinova lodged an application with the European Court on Human Rights alleging violations of the right to fair trial. Human Rights Watch phone interview with Bagavutdinova’s lawyer (name withheld), April 14, 2015.

²⁴³ Memorial, “Dagestan: security forces against human rights defenders [Дageстан: силовики против правозащитников],” September 20, 2013, <http://www.memo.ru/d/172820.html> (accessed April 22, 2015). Memorial, “Bagavutdinova Zarema Ziyavutdinovna [Багавутдинова Зарема Зиявутдиновна],” December 18, 2013, <http://www.memo.ru/d/180573.html> (accessed April 22, 2015).

Bagavutdinova was arrested on July 4, 2013 on suspicion of involvement in the April 30, 2013 insurgent attack on police in Buynaksk, in which three police officers were killed and another two were wounded. She was initially charged with an attempt on the life of a law enforcement official, illegal possession of weapons, and causing intentional damage to property.²⁴⁴ However, the charges collapsed prior to trial and were replaced with the charge of having induced a man to join an unspecified insurgent group. The man in question, Mammu Dolgatov, was killed in a reported clash between security forces and insurgents in September 2013.²⁴⁵

Just prior to her arrest, Bagavutdinova had spoken out vigorously against human rights violations in context of counterinsurgency operations in Buynaksk, particularly abductions and enforced disappearances of Salafis.²⁴⁶ On one occasion in May, police detained Bagavutdinova as she was filming security officials preparing to blow up a house belonging to relatives of alleged insurgents. They destroyed her phone with the video footage and held her in custody for several hours.²⁴⁷

Bagavutdinova's lawyer and Memorial, which closely monitored the investigation into her case and observed her trial, reported numerous due process violations. The authorities prevented Bagavutdinova's lawyer from seeing her for the first 12 hours of her arrest.²⁴⁸ When successfully requesting pretrial custody, the case investigator argued mainly that Bagavutdinova was "actively involved in [the] propaganda of [the] Salafi branch of Islam" and was "a member of the Pravozaščita organization... talking to local media, bringing public attention to security operations and investigative activities..."²⁴⁹ Her guilty verdict was largely based on testimonies by three secret witnesses and two witnesses in pre-trial custody, who, due to their status as detainees in state custody, may have been subjected to pressure

²⁴⁴ Under articles 317, 222 (part 2), and 167 of the Criminal Code of the Russian Federation, respectively.

²⁴⁵ Human Rights Watch interview with Bagavutdinova's family members, July 4, 2014, Buynaksk; Human Rights Watch interview with Bagavutdinova's lawyer (name withheld), September 26, 2014, Makhachkala. See also: Memorial, "Bagavutdinova Zarema Ziyavutdinovna [Багавутдинова Зарема Зиявутдиновна]."

²⁴⁶ Memorial, "Bagavutdinova Zarema Ziyavutdinovna [Багавутдинова Зарема Зиявутдиновна]."

See also: "On abduction of a man on May 25, 2013 [О похищении человека 25 мая 2013 года]," <http://video.contragents.ru/watch/oDlyrVfSUEo/r-rrsrjosrrrrjorjo-r-rsrrrrsrr-25052013.html> (accessed July 5, 2014); "On torture of a detainee and his killing during transfer on June 20, 2013 [О пытках арестованного и убийстве его в ходе конвоирования 20 июня 2013 года]," <http://video.contragents.ru/watch/RcQngSqjoeY/rrrsrrrsrr-rsrrrrr.html> (accessed July 5, 2014); and "On special operations in Buynaksk, cases of abductions, etc. on May 13, 2013 [О спецоперациях в городе Буйнакск, о случаях похищений людей и т.п. 13 мая 2013 года]," <http://video.contragents.ru/watch/Yyx2Ww6Cnak/rsrrrrsr-13052013r-rrsrss-rsrrs-rrrrssrrjorrrrrr-srrsrrrrjorrrsrjorjo-rsrrrrsrjor-r-rsrrrrsrr.html> (accessed July 5, 2014).

²⁴⁷ SOS Center, "The Detention of Zarema Bagavutdinova [Задержание Заремы Багавутдиновой]," <http://sos-hrd.org/node/245;%20http://www.kavkaz-uzel.ru/articles/223833;#.VTd8oCGeDGc> (accessed April 22, 2015).

²⁴⁸ Human Rights Watch interview with Bagavutdinova's lawyer (name withheld), Makhachkala, September 26, 2014.

²⁴⁹ Memorial, "Bagavutdinova Zarema Ziyavutdinovna [Багавутдинова Зарема Зиявутдиновна]."

to testify against her. Apart from these testimonies, the only evidence the prosecution offered against Bagavutdinova was her affiliation with Pravozaschita, her critical comments in the media regarding abuses by law enforcement, and her existing criminal record (in 2006 she was handed down a four-year sentence for participating in a criminal group).²⁵⁰

Svetlana Isaeva, who runs a prominent Makhachkala-based rights group, Mothers of Dagestan for Human Rights, told Human Rights Watch that she was the object of routine surveillance by law enforcement and security officials. When a Human Rights Watch researcher met with Isaeva in September 2014, a man, who appeared to be a security official, with a video camera, was filming Isaeva as she was waiting for the researcher to arrive. Isaeva told Human Rights Watch that in February 2014, the anti-extremism police department in Makhachkala arrived at her office with an intrusive inspection and took the organization's documentation, including contracts with lawyers and complaints by victims for a "close examination." For the next six months, police officials from the anti-extremism department called Isaeva on her cell phone several times a week hinting at possible problems and trying to coerce her to shut down the organization. According to Isaeva, he kept saying, "Svetlana, don't you realize how tense the situation in the country is, how many threats there are? It is in your best interests to suspend your organization's activities."²⁵¹

In June 2014, Isaeva also received summons from the local police precinct. An investigator explained it was not an interrogation but rather a conversation. He said that Isaeva's name was on a "list of suspect individuals" [в список неблагонадежных] because she was in regular contact with "suspicious people, including women in hijab," and in order to avoid problems she had to consent to being photographed by police as well as to provide a DNA sample. Isaeva agreed to both. A week later, police officials approached her son, making the bogus claim that an alleged insurgent used to live in his apartment and asking him if he had any connections to that individual.²⁵²

Finally, in July 2014, worn down by police pressure and veiled threats, Isaeva told the police official who repeatedly called her that she would consider shutting down the organization. In August, the authorities finally returned the organization's documents. At this writing, Isaeva's group continues its human rights work, however in April 2015, the

²⁵⁰ Ibid.

²⁵¹ Human Rights Watch interview with Svetlana Isaeva, Makhachkala, September 27, 2014.

²⁵² Ibid.

prosecutor's office and the Ministry of Justice began intrusive audits of the organization's finances and substantive work. The group's staff believe that having realized that Isaeva is not closing the organization, the official authorities have chosen to build up pressure and eventually force the organization to shut down.²⁵³

The Killing of Journalist Akhmednabi Akhmednabiyev, Makhachkala, July 9, 2013

On July 9, 2013, a gunman shot and killed journalist Akhmednabi Akhmednabiyev, 53, who had written critical articles over several years about government corruption, fraudulent elections, and human rights abuses in the North Caucasus for *Caucasian Knot* and the independent daily *Novoye Delo*. The Investigative Committee said that the killing was connected with Akhmednabiyev's "professional activities."²⁵⁴

Abdurashi Sheikhov, a lawyer for Akhmednabiyev's family, said that in the months before his murder, Akhmednabiyev had received threatening phone calls demanding he stop writing about corruption.²⁵⁵ In January 2013, he was returning home late at night when he spotted a black Priora model Lada car parked near his house. Someone shot at him, but he dove through the front gate of his courtyard and escaped injury.²⁵⁶ Akhmednabiyev petitioned the Kirovsky District Court in Makhachkala to demand a prosecutor investigate the apparent attempted killing.

On February 15, 2013, the court ordered the local prosecutor to probe the incident, but the prosecutor filed an appeal against the decision with the Republic of Dagestan's Supreme Court. On April 2, 2013, the Supreme Court upheld the lower court's ruling. However no investigation ensued, Sheikhov said.

Sheikhov said Akhmednabiyev petitioned the Supreme Court to compel the prosecutor to implement the court order to investigate the shooting. The court granted the request on

²⁵³ Human Rights Watch phone interview with a staff member (name withheld) of Mothers of Dagestan for Human Rights, May 12, 2015.

²⁵⁴ Investigative Committee of the Russian Federation, "In Dagestan, a criminal investigation into the murder of journalist [В Дагестане возбуждено уголовное дело по факту убийства журналиста газеты]," <http://sledcom.ru/actual/329244/> (accessed October 23, 2013).

²⁵⁵ Human Rights Watch interview with Abdurashid Sheikhov, Makhachkala, September 9, 2013.

²⁵⁶ Ibid.

See also: Committee to Protect Journalists, "Akhmednabiev Akhmednabi," 2013, <http://cpj.org/killed/2013/akhmednabi-akhmednabiyev.php> (accessed April 21, 2015).

June 18, but no investigation was opened. He returned to the Kirovsky district court on July 8, 2013, where the assistant prosecutor argued that no attempt to kill Akhmednabiyev occurred, only destruction of property, evidenced by bullet holes in the victim's front gate and car.

The next day, at 7 a.m., a black Priora blocked Akhmednabiyev's car on the same Makhachkala street where the January 2013 attack had taken place. A man stepped out and fired eleven shots through the window of Akhmednabiyev's car, according to witnesses Sheikhov spoke to.

Since then, the lawyer said, no progress has been made in the investigation and he has appealed to Alexander Bastrykin, Prosecutor General of the Russian Federation, for the case to be taken up by a North Caucasus prosecutor outside of Dagestan.

Four years previously, in September 2009, leaflets appeared in Makhachkala with death threats against local journalists, lawyers, and human rights activists. The anonymous authors called for the "extermination of bandits [and their alleged consorts] and vengeance for [killed] policemen." Akhmednabiyev was one of the eight journalists on the "hit list" and strongly believed that "the special services" were behind the list.²⁵⁷ At this writing, no one has been arrested in connection with Akhmednabiyev's killing.

²⁵⁷ "Russia: Journalist Killed," Human Rights Watch news release, July 9, 2013, <http://www.hrw.org/news/2013/07/09/russia-journalist-killed>.

VII. Insurgent Attacks on Police and Civilians

Attacks on police in the streets or on their offices are among the most frequent tactics used by insurgents in their assault on the authorities. Non-police victims are common and in some cases, the assailants attempted to magnify the killings by detonating a small bomb first and then a larger one when police rescue workers and sometimes civilians have gathered.²⁵⁸

In July 2009, Caucasus Emirate leader Doku Umarov endorsed the killing of civilians in Russia by his followers.²⁵⁹ In February 2012, Umarov declared a moratorium on civilian killing.²⁶⁰ In July 2013, he changed his position again with a threat designed to attempt to derail the 2014 Winter Olympics in Sochi.²⁶¹ Soon after the death of Umarov, his successor, Kebekov, in June 2014 ordered a ban on targeted attacks against civilians.²⁶² The ban appeared to hold until Kebekov was killed in a counterinsurgency operation in Buynaksk in April 2015.²⁶³ At this writing, it is yet unclear whether Muhammad Suleimanov, who succeeded Kebekov as the new leader of the Caucasus Emirate, is planning to uphold the ban on targeted attacks against civilians.²⁶⁴

Civilians have been casualties of insurgent attacks throughout and despite the Caucasian Emirate's clandestine nature, the largely consistent pattern of attacks suggests a degree of coordination or organizational control within the group. At the same time, it should be

²⁵⁸ For a list of bombings and insurgent attacks in the North Caucasus, including in Dagestan, and other parts of Russia, from 2000 through 2014, see: "Acts of terror by suicide bombers in the Russian Federation [Террористические акты, совершенные террористами-смертниками на территории РФ]," *Kavkazskii Uzel*, May 27, 2013, <http://www.kavkaz-uzel.ru/articles/224438/> (accessed September 17, 2013).

²⁵⁹ "Our Possibilities Are Endless..." (interview with Dokka Umarov), *Prague Watch*, July 6, 2009, <http://www.watchdog.cz/?show=000000-000024-000007-000002&lang=1> (accessed November 25, 2013).

²⁶⁰ "Umarov declares moratorium on attacks against Russia's 'peaceful population,'" *Johns Hopkins University Central Asia-Caucasus Institute*, March 21, 2012, http://www.miiis.edu/media/view/21491/original/kavkazjihad_montrep_iiper_24_sept_2010.pdf (accessed November 25, 2013).

²⁶¹ "Caucasus Emirate Leader Calls On Insurgents To Thwart Sochi Winter Olympics," *Radio Free Europe Radio Liberty*, July 3, 2013, <http://www.rferl.org/content/sochi-olympics-terrorism-umarov/25035408.html> (accessed November 25, 2013).

²⁶² "The leader of the 'Caucasus Emirate' urged militants to abandon suicide bombing and terrorist attacks against the civilian population [Лидер 'Имарата Кавказ' призвал боевиков отказаться от самоподрывов и терактов против мирного населения]," *Kavkazskii Uzel*, July 1, 2014, <http://www.kavkaz-uzel.ru/articles/245134/> (accessed May 15, 2015).

²⁶³ "Islamic Terrorist Leader Killed in Caucasus, Say Russian Authorities," *Moscow Times*, April 20, 2015, <http://www.themoscowtimes.com/news/article/islamic-terrorist-leader-killed-in-caucasus-say-russian-authorities/519363.html> (accessed May 15, 2015).

²⁶⁴ "A relative of Muhammad Suleimanov confirmed his appointment at the head of the Caucasus Emirate [Родственник Мухаммада Сулейманова подтвердил его назначение главой 'Имарата Кавказ']," *Kavkazskii Uzel*, May 28, 2015, <http://www.kavkaz-uzel.ru/articles/263073/> (accessed May 29, 2015).

noted that recently a growing number of insurgent commanders in the North Caucasus, including Dagestan, have been pledging their allegiance to ISIS. If the influence of ISIS over the insurgency becomes stronger, it may bring about a growing contempt for civilian life by the insurgents.²⁶⁵ Attacks on civilians, public officials, and police and security forces are serious crimes. Russia, like any government, has an obligation to investigate and prosecute such crimes and to do so while respecting Russian and international human rights law.

Attacks on Police

On May 3, 2012 at about 10:30 p.m., unknown assailants blew up a police checkpoint in Makhachkala, killing at least 14 people, including seven policemen, three fire rescue workers, and a civilian; about 100 others were injured.²⁶⁶ The attack was a double blast: a small one that caused no casualties and a larger one that was set off in a van that approached the checkpoint as rescuers and civilians gathered, according to Shamil Alibekov, whose brother Magomed died in the attack.

Alibekov said he heard the first blast not far from his home and called his brother, who was an off-duty policeman, to make sure he was not near the checkpoint. His brother answered that he was near and said he was going there to help the wounded. A few minutes later, there was another, bigger blast, Alibekov recalled. He tried to call his brother but there was no answer. At 3 a.m., a colleague of Magomed arrived at Alibekov's house and said that his brother had been killed by shrapnel from the second explosion as he was pulling a body from the area. Alibekov went to the morgue and identified his brother's body. He said he saw 13 other corpses there, although he had only entered the first part of the facility.

Lt. Col. Magomed Isayev, 50, a police officer, told Human Rights Watch that the first car was driven by a woman. No one was injured in that blast except the driver, who died. A fire brigade truck had arrived to put out the fire. As it approached, a white Gazelle model mini-van that was parked about 200 meters away near a mosque, pulled up and also detonated, he said.

²⁶⁵ Human Rights Watch telephone interview with Ekaterina Sokiryanskaya (ICG), May 13, 2014. See also: "The Caucasus Emirate is transforming into a broach of ISIS [Имарат Кавказ трансформируется в подразделение ИГИЛ]", *OnKavkaz*, Interview with Dr. Akhmed Yarlykapov, May 25, 2015, <http://onkavkaz.com/posts/13-imitat-kavkaz-transformiruetsja-v-podrazdelenie-igil.html> (accessed May 29, 2015).

²⁶⁶ "Two blasts in Dagestan: 14 dead, 87 injured," *Russia Today*, May 3, 2013, <http://rt.com/news/mahachkala-explosions-five-dead-547/> (accessed October 23, 2013).

Police colonel Magomed Guseynov, 55, told Human Rights Watch that one policeman was killed and 48 civilians were injured in a dual car bombing on September 22, 2011. He was in his office late at night when he heard a small explosion outside.

He went outside to see what had happened and ordered other police officers to keep passersby away from the scene. As he arrived on foot at the site of the explosion, he noticed a lone car parked on the street. It exploded, killing one of his colleagues, Magomed Abakarov, 32, and injured another 48 people.

A third car, a taxi, drove toward him with three men inside. It also exploded, throwing him to the ground. Guseynov suffered lacerations to his face and underwent four surgeries to repair damage to his arm. He later learned that the taxi had been commandeered by the three passengers, who also put the original driver inside the trunk. All four men were killed.

The Killing of Sheikh Said Afandi al-Chirkavi, Chirkey, August 28, 2012

On August 28, 2012, a woman suicide bomber walked into the home of Sheikh Afandi al-Chirkavi, a prominent Muslim cleric in Dagestan, at about 5 p.m. and detonated an explosive that killed the bomber, Sheikh Afandi, his wife, and five visitors to his home, witnesses and media reports from the time said.²⁶⁷

The bomber sat outside the home under a green-trimmed veranda waiting to enter the house, said a witness. Inside, she approached the sheikh in order to say something to him and then detonated the explosive. “She sat outside with other visitors calmly, without saying anything. She approached the sheikh slowly, like everyone. She never gave a hint of nerves,” said a witness.

Sheikh Afandi was a major leader among Dagestan’s Sufi Muslim community and after years of schism he supported the start of dialogue between Sufis and Salafis. In one of his statements, Sheikh Afandi implored insurgents to leave “the forest” where they had gone to fight and “get back to the human environment” and that Salafi “acts are wrong,” according to media reports.²⁶⁸ After Sheikh Afandi’s death, Doku Umarov, self-styled leader

²⁶⁷ Human Rights Watch interviews with two witnesses (names withheld), Chirkey, June 7, 2013.

²⁶⁸ “Suicide Blast Kills Sheikh, Aims to Shatter Peace in Dagestan,” *Russia Beyond the Headlines*, August 30, 2012, http://rbth.ru/articles/2012/08/30/suicide_blast_kills_sheikh_aims_to_shatter_peace_in_dagestan_17803.html (accessed July 30, 2013).

of the Caucasian Emirate, invited Sufis who do not cooperate with authorities to join holy war in the republic.²⁶⁹

At this writing, the trial against those suspected of involvement in Afandi's murder was ongoing in Makhachkala.

The Killing of School Director Seikhulakh Ahmedov, July 9, 2011

On July 9, 2011, a pair of men in civilian clothes and wearing beards shot and killed Seikhulakh Ahmedov, 57, director of the Sovetskoye public school, colleagues said.²⁷⁰ Ahmedov had spoken out against the wearing of headscarves by girls at the school and supported a police raid on a local mosque that resulted in the beating of several Salafi worshippers.²⁷¹

He also had a verbal clash with three male eleventh grade students over their demand to be let out of class early to attend prayers. He had received written, anonymous death threats, but considered them “kids’ stuff” and did not ask for police protection.

According to media reports, Ahmedov's alleged killers died in a shootout at the beginning of 2012. Their names were not released publicly, leading colleagues to worry that the assailants are still at large. “There was no trial, no closure that said ‘These are the guilty ones,’” said a colleague.

The incident at the Sovetskoye mosque, which preceded Ahmedov's murder, took place on May 13, 2011, when police raided a worship service attended by 80 Salafi worshippers, took them to the local police station, cut off their beards and beat them, victims told Human Rights Watch.²⁷²

After the raid, the police organized a village meeting in which residents backed the police action and claimed that the Salafis had “invaded” the mosque and needed to be

²⁶⁹ International Crisis Group, “The North Caucasus: The Challenges of Integration (II),” page 12.

²⁷⁰ Russian public schools are generally attended by children between the ages of six/seven and 17/18. The website of the school where Ahmedov taught can be found at: <http://sovetskaya.dagschool.com/index.php> (accessed March 5, 2015).

²⁷¹ Human Rights Watch interview with three colleagues of the victim (names withheld), Sovetskoye, June 8, 2013.

The shooting happened at the victim's home: “In Dagestan, the director of a school is killed [В Дагестане убит директор школы],” *Kavkazskii Uzel*, July 9, 2011, <http://www.kavkaz-uzel.ru/articles/188705> (accessed April 21, 2015).

²⁷² Interview with three Salafi victims (names withheld), Sovetskoye, June 9, 2013.

expelled. It was at that meeting school director Ahmedov made his remarks about banning the head scarf.²⁷³

The Killing of Imam Ilyas Ilyasov in Makhachkala, August 3, 2013

On August 3, 2013, a gunman shot and killed Imam Ilyas Ilyasov, 66, and a 38-year old religious student as they were in a car in front of the preacher's house. A witness told relatives that a car drove up the hill leading to Ilyasov's house and two men got out of the vehicle and shot the men in the car with hunting rifles and pistols. Ilyasov was hit with six bullets; the student with four.²⁷⁴

Ilyasov had been active in preaching until 2009, when he went into semi-retirement. He re-emerged from retirement in 2013 to preach as a guest at various mosques in Dagestan, a relative said.

He rigorously debated points of Islamic law and traditions, his son said, sometimes with Salafis who contested his interpretations, though not since he officially retired. He had also criticized the Muslim Spiritual Board.²⁷⁵ The Dagestan branch of the Investigative Committee said the imam had received threats, although they did not specify from whom or why.²⁷⁶

Rabbi Ovadia Isakov, July 25, 2013

On July 25, 2013, a lone gunman shot and wounded Rabbi Ovadia (Artur) Isakov, 40, in the seaside town of Derbent, Dagestan, as he was walking home late at night from slaughtering a cow.²⁷⁷

²⁷³ Interview with two people who attended the meeting (names withheld), Sovetskoye, June 9, 2013.

²⁷⁴ Human Rights Watch interview with a relative of Ilyas Ilyasov (name withheld), Makhachkala, September 12, 2013.

See also: "Imam of Makhachkala city mosque shot dead in Dagestan," *Caucasian Knot*, August 3, 2013, <http://eng.kavkaz-uzel.ru/articles/25373/> (accessed September 12, 2013).

See also: "A Muslim cleric was killed Saturday in Russia's volatile North Caucasus republic of Dagestan, police said," *RIA Novosti*, August 3, 2013, <http://en.rian.ru/russia/20130803/182568882.html> (accessed September 12, 2013).

²⁷⁵ For a description of the Muslim Spiritual Board, see Background section.

See also: Mairbek Vatchagaev, "Murder of Leading Dagestani Cleric Signals Deepening Crisis in Sufi Hierarchy," *Jamestown Foundation*, August 8, 2013, http://www.ecoi.net/local_link/255216/379781_de.html (accessed September 12, 2013).

²⁷⁶ "Muslim scholar killed in Dagestan," *Radio Islam*, August 5, 2013, <http://english.trib.ir/radioislam/news/islam-in-europe/item/87734-muslim-scholar-killed-in-dagestan> (accessed September 12, 2013).

²⁷⁷ Human Rights Watch interview with Isakov's colleague (name withheld), Derbent, September 11, 2013.

In a statement the same day, Russia's chief rabbi, Berel Lazar, declared the killing the work of "Jihadi rebels."²⁷⁸ The Federal Security Service is investigating the shooting, a colleague of Isakov's told Human Rights Watch.²⁷⁹ Isakov was hospitalized with a chest wound and eventually recovered. In September 2013, Isakov's colleague heard from a Russian federal security official that the lone gunman who shot Isakov was killed in a counterterrorism raid against suspected Islamic insurgents in Derbent.²⁸⁰

²⁷⁸ "Rabbi Ovadia Isakov Shot In Russia's Dagestan, Described As Hate Crime," *Huffington Post*, July 25, 2013, http://www.huffingtonpost.com/2013/07/25/rabbi-shot-in-russia_n_3652263.html (accessed September 12, 2013).

²⁷⁹ Human Rights Watch interview with (name withheld), Derbent, September 11, 2013.

²⁸⁰ *Ibid.*

VIII. International Human Rights Standards

Russia's counterinsurgency operations in Dagestan, like all law enforcement operations, are governed by both national legislation and Russia's international human rights obligations. Notwithstanding security operations and sporadic attacks by armed groups, Human Rights Watch does not consider the situations in Dagestan to be an armed conflict, which would trigger the application of international humanitarian law, to be in existence in Dagestan.²⁸¹

Russia is a party to several international human rights treaties that are directly relevant to the conduct of law enforcement operations: European Convention for the Protection of Fundamental Human Rights (ECHR);²⁸² the International Covenant on Civil and Political Rights (ICCPR);²⁸³ and the UN Convention against Torture.²⁸⁴ The practices and incidents documented in this report involve serious and widespread violations of Russia's international human rights obligations concerning both the failure to respect and protect basic rights, but also failure to investigate and punish violations and provide an effective remedy to victims.

Use of Force and the Right to Life

The obligation to respect the right to life under international law (article 2 of the ECHR and article 6 of the ICCPR) limits the use of lethal force to situations in which the loss of human life is imminent and less extreme means, such as capture or non-lethal incapacitation, would be insufficient.

²⁸¹ International law requires that for there to be an armed conflict between armed groups or between government troops and an armed group, the armed group must exhibit sufficient organization and control to be capable of sustaining military operations and adhering to international humanitarian law, so they can be deemed "parties" to the conflict. In addition, to constitute an armed conflict, there needs to be a sufficient degree of intensity in hostilities between the parties.

²⁸² European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 213 U.N.T.S. 222, as amended by Protocol 11, entered into force September 3, 1953, ratified by Russia on May 5, 1998.

²⁸³ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976), ratified by Russia on October 16, 1973, art. 10.

²⁸⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted and opened for signature, ratification and accession by G.A. Res. 39/46 (entered into force June 26, 1987), ratified by Russia on March 3, 1987.

All use of force must be justified by the circumstances and limited to the minimum extent necessary. The basic international standards that govern the use of force are embodied in the United Nations Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials. Article 3 of the Code of Conduct provides that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that whenever the lawful use of force is unavoidable, then law enforcement officials should “exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.” Officials should also “minimize damage and injury, and respect and preserve human life.” Governments should ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offense under national law.

Torture, Cruel, Inhuman or Degrading Treatment

Universal human rights standards prohibit torture and cruel, inhuman, or degrading treatment or punishment, without exception or derogation.²⁸⁵ The European Court of Human Rights has repeatedly reminded governments, including the Russian government, that difficulties inherent in the fight against crime, particularly with regard to terrorism, cannot justify limits on the protection to be afforded in respect of the physical integrity of individuals.²⁸⁶ Furthermore, governments are under a positive obligation to effectively investigate all allegations of ill-treatment by law enforcement personnel and hold those responsible accountable.²⁸⁷

The Crime of Enforced Disappearance

The prohibition on enforced disappearances is part of customary international law and has roots in both international human rights law and humanitarian law. Multiple human rights instruments address enforced disappearances, including the Declaration on the Protection

²⁸⁵ European Convention on Human Rights (ECHR), art. 3; International Covenant on Civil and Political Rights (ICCPR), art. 7; Convention against Torture, art. 2.

²⁸⁶ See *Chitayev and Chitayev v. Russia*, judgment of January 18, 2007, para. 154. See also *Tomasí v. France*, August 27, 1992, para. 115; *Ribitsch v. Austria*, December 4, 1995, para. 38; *Chahal v. the United Kingdom*, November 15, 1996, para. 79.

²⁸⁷ European Convention on Human Rights (ECHR), arts. 3 and 13; International Covenant on Civil and Political Rights (ICCPR), arts. 2(3) and 7; Convention against Torture, art. 4.

of all Persons from Enforced Disappearance and International Convention for the Protection of All Persons from Enforced Disappearance, which Russia has yet to ratify. As well as being a discrete violation, enforced disappearances also constitute flagrant violations of rights protected in both the International Covenant on Civil and Political Rights, and the Convention against Torture. They have also long been recognized as simultaneously violating multiple human rights protections including the right to life, freedom from torture, and freedom from arbitrary arrest and detention. States have an obligation to ensure that where an enforced disappearance is alleged to have occurred, there is an effective investigation and prosecution and a proper remedy for the victim.

An enforced disappearance is also a "continuing crime", that continues to take place so long as the disappeared person remains missing, and information about his or her fate or whereabouts has not been provided. Victims of an enforced disappearance can include a number of individuals close to the disappeared person who suffer direct harm as a result of the crime. Apart from the immediate loss of a loved one, family and those close to a disappeared person suffer levels of severe anguish from not knowing the fate of the disappeared person, which amount to inhuman and degrading treatment. They may also be further treated in an inhuman and degrading manner by the authorities who fail to investigate or provide information on the whereabouts and fate of the disappeared person.

The European Court of Human Rights has, in cases involving enforced disappearances in Chechnya, stressed the obligation to take efficient action in the days and weeks immediately after the initial detention.²⁸⁸ In cases concerning abductions in Chechnya, in which the circumstances indicate that a disappeared person entered a place under the control of state agents and has not been seen since, the Court has held that the burden of proof rests on the authorities to provide a plausible explanation for the individual's disappearance.²⁸⁹

²⁸⁸ *Imakayeva v. Russia*, para. 155; *Alikhadzhiyeva v. Russia*, no. 68007/01, judgment of 5 July 2007, para. 70.

²⁸⁹ *Imakayeva v. Russia*, paras. 114-115.

Destruction of Homes and Personal Property

The right to family and home life and to property are protected by article 8 of the ECHR, and article 1 of protocol 1 to the convention respectively. The arbitrary destruction of individual's homes and property is strictly prohibited and cannot be justified under any circumstances, and constitutes grave violation of many basic rights, including those protected by article 8 and article 1, protocol 1 of the ECHR.

In numerous cases, the European Court of Human Rights has held that the government's destruction of private homes and household property “constitute particularly grave and unjustified interferences with the applicants' rights to respect for their private and family lives....”²⁹⁰ The Court has also found that forcible evictions and destruction of homes of the kind documented in this report can amount to inhuman and degrading treatment, for example when the government is responsible for “deliberate destruction in utter disregard for [residents'] ... welfare, depriving them of most of their personal belongings and leaving them without shelter and assistance.”²⁹¹

When arbitrary destruction of homes amounts to a forced eviction, it is a violation of article 11 of the International Covenant on Economic, Social and Cultural Rights, which establishes the obligation to protect the right to adequate housing, including protection against forced eviction.²⁹²

Right to Privacy

Article 8 of the ECHR also protects the right to personal privacy. In *Gillan and Quinton v. the UK*, the European Court of Human Rights found that the “coercive powers...to require an individual to submit to a detailed search of his person, his clothing and his personal belongings” in the absence of reasonable suspicion amounted to unlawful interference with the right to private life because of the lack of clear delimitations on their use and sufficient safeguards against abuse. The court noted the humiliation and embarrassment that public searches of a person's private items can cause.

²⁹⁰ See *Akdivar and others v. Turkey*, judgment of September 16, 1996 Reports 1996- IV; *Mentes and others v. Turkey*, para. 73; *Selcuk and Asker v. Turkey*, judgment of April 24, 1998, Reports 1998-II, para. 86; *Ayder and others v. Turkey*, para. 119.

²⁹¹ See, *inter alia*, *Selcuk and Asker v. Turkey*, para. 74; *Ayder and others v. Turkey*, para. 110.

²⁹² International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Russia October 16, 1973.

The absence of a clear legal basis for Russia's "Wahhabi registration" and operative controls, as well as the scope of the powers invoked by law enforcement under both practices violates the right to privacy. Both the ECHR and ICCPR (article 17) require that interferences in liberty, individual privacy, and bodily integrity be in accordance with law, that is that they comply both in substance and procedure with a clear legal basis. The norm setting out the basis must not only exist in the legal system but be accessible and clear and precise enough to be foreseeable to a reasonable degree in its application and consequences. In this way, it should allow a person to regulate his or her behavior to comply with the law, and to remove the risk of arbitrariness. The alleged basis for Russia's practices regarding stopping, searching, questioning and placing on registers of individuals in Dagestan, do not meet this standard.

Freedom of Religion

Articles 9 of the ECHR protects religious freedom. The International Covenant on Civil and Political Rights (ICCPR) also guarantees people's right to freedom of religion in article 18.2, which states that "no one shall be subject to coercion which would impair his [or her] freedom to have or to adopt a religion or belief of his [or her] choice."²⁹³

Members of religious communities also enjoy the rights to freedom of expression and freedom of association, and protection against unjustified state interference in those rights. Consequently religious communities should be allowed to function peacefully, free from arbitrary state intervention. The European Court of Human Rights has repeatedly affirmed that "the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is at the very heart of the protection that Article 9 affords".²⁹⁴ Likewise, respect for freedom of religion means that, with limited exception, it is not for the state to determine whether religious beliefs or the means used to express such beliefs are legitimate.²⁹⁵ The Court also emphasized that the state had a duty to remain neutral and impartial in exercising its

²⁹³ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976), ratified by Russia on October 16, 1973, art. 10.

²⁹⁴ *Hasan and Chaush v. Bulgaria* [GC], judgment of October 26, 2000, para. 62, ECHR 2000-XI; *Metropolitan Church of Bessarabia and Others v. Moldova*, judgment of December 13, 2001, para. 118; and *Holy Synod of the Bulgarian Orthodox Church (Metropolitan Inokentiy) and Others v. Bulgaria*, judgment of January 22, 2009, para. 103.

²⁹⁵ *Hasan and Chaush v. Bulgaria*, *ibid.*, para 78; *Metropolitan Church of Bessarabia and Others v. Moldova*, *ibid.*, para 117; and *Serif v. Greece*, judgment of December 1, 1999, para. 52.

regulatory power in the sphere of religious freedom and in its relations with different religions, denominations and beliefs.²⁹⁶ This also means that the state is barred from taking measures that have a disproportionate impact on the normal functioning of a religious community.²⁹⁷ With respect to administrative or criminal sanctions against members of a religious community, such sanctions must be directed towards specific discrete conduct that constitutes a defined offense separate from simply the holding of or peaceful manifestation of religious beliefs. For example, the Court has held that a conviction for hate speech based on defending Sharia law, in the absence of calling for violence to establish it, was a violation of the Convention.²⁹⁸ On the other hand, invoking religious belief to advocate violence in particular against an identifiable individual who would be placed at significant risk of physical violence could be legitimately subject to criminal sanction.²⁹⁹

Nondiscrimination

Targeting individuals, in law, policy or practice based on their religious belief violates international law. Human rights law prohibits discrimination on the basis of race, ethnicity, or religion, among other grounds. In policing or law enforcement operations, this means that race, ethnicity, or religious affiliation (real or perceived) cannot be the only or main reason behind security stops or other actions such as detention, in voluntary questioning, taking of fingerprints or other bio data such as DNA.

The European Court of Human Rights has already found that Russian policing practice violated the prohibition on nondiscrimination (under article 14 of the ECHR) in the case of *Timishev v. Russia*, involving an ethnic Chechen prevented by Russian police officers from crossing an internal administrative border.³⁰⁰ In that case, the Court found that the decision to restrict Timishev's right to freedom of movement constituted racial discrimination because it was based solely on his ethnic origin. The Court further argued that "no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a contemporary

²⁹⁶ *Religionsgemeinschaft der Zeugen Jehovas*, judgment of July 31, 2008, para. 97.

²⁹⁷ *Association Les Témoins de Jéhovah v. France*, judgment of June 30 2011, para. 53.

²⁹⁸ *Gündüz v. Turkey*, no. 35071/97, judgment of December 4, 2003, ECHR 2003-XI.

²⁹⁹ *Gündüz v. Turkey*, (no. 2), decision of November 13, 2003.

³⁰⁰ European Court of Human Rights, *Timishev v. Russia*, judgment of December 13, 2005.

democratic society.”³⁰¹ The Court also found that indirect discrimination—patterns of discriminatory impact resulting from policies or practices even in the absence of discriminatory intent—is prohibited by the Convention.³⁰²

The Council of Europe’s European Code of Police Ethics requires police officers to discharge their duties “in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination.”³⁰³ Police investigations should be based on “a reasonable suspicion of an actual or possible offence or crime.”³⁰⁴

³⁰¹ Ibid., para. 58-59.

³⁰² European Court of Human Rights [Grand Chamber], *D.H. and Others v. the Czech Republic*, judgment of November 13, 2007.

³⁰³ European Code of Police Ethics, art. 40, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdB.obGet&InstranetImage=1277578&SecMode=1&DocId=212766&Usage=2> (accessed November 19, 2011).

³⁰⁴ Ibid., art. 47.

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For more than a decade, Russian security forces in Dagestan, a republic in Russia's North Caucasus, have been battling an armed insurgency by Islamist militant groups. The insurgents have committed numerous, lethal attacks against state officials, law enforcement and security forces, and civilians. The Russian government has a duty to prevent these crimes and bring those responsible to account. It should do so while also upholding its obligation to respect Russian and international human rights law, but too often, the Russian authorities have not adhered to human rights standards.

Based on more than 80 interviews, *"Invisible War"* documents human rights violations in counterinsurgency efforts as well as some crimes by insurgents in Dagestan from 2012 to 2014.

The report documents how the authorities essentially treat adherents of Salafism, a fundamentalist interpretation of Sunni Islam that is increasingly popular in Dagestan, as criminal suspects without any grounds to suspect them of any specific offense. The report details several counterinsurgency operations that extensively destroyed or damaged civilian property and for which the owners have not received adequate, or in some cases, any compensation.

The report describes how authorities detained suspects using excessive force, forcibly disappeared them, or held them incommunicado in undisclosed locations without access to family or lawyers. In some of these cases, police beat suspects to compel them to provide confessions or testimony.

This report also shows how lawyers and human rights advocates who defend people targeted in counterinsurgency efforts, and journalists who investigate such issues, face serious threats to their lives and well-being.

Human Rights Watch urges Russian authorities to adhere to human rights obligations in its counterinsurgency operations in Dagestan.

(above) A Salafi Muslim praying in a mosque in Leninkent, Dagestan

(front cover) Local residents cleaning up the debris of a house destroyed in a counterinsurgency operation in Novyi Agachaul, Dagestan.

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