



In partnership with Memorial Human Rights Centre (MHRC), the Georgian Young Lawyers' Association (GYLA) and Article 42 of the Constitution

## A chronicle of unresolved crimes

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There are no statistics on unresolved instances of abduction and disappearance for the Republic of Dagestan.<sup>1</sup> Nor do the relatives of abducted persons have any hope that they can obtain information about their loved ones. Investigations into such cases are conducted with little professionalism, if at all, as the names of law enforcement and security officials figure in these crimes, and it is very hard for relatives to get criminal cases into abductions opened.

The adoption of the Law of the Republic of Dagestan on the Prohibition of Wahhabite and Other Extremist Activity on the Territory of the Republic of Dagestan on 22 September 1999 resulted in an increase in the number of abductions, as it legalised the fight against Wahhabites and gave the special services a cover for their activities in this regard. Consequently the number of complaints about the abduction of relatives by the law enforcement agencies rose. Initially the circumstances of the disappearances seemed innocuous to the law enforcement agencies: officers would approach someone and ask them to get into a car to go to an investigative commission so that they could be excluded from suspicion of involvement in a crime. However, that person would never return home.

ing been cleared of suspicion in the course of an interview.

In one such case a mother was told by the Dagestan Prosecutor's Office: "After identification procedures had been conducted your son was released from our Office. The Prosecutor's Office has no information on his subsequent whereabouts." However, there was no record of this in the log book. One of the Prosecutor's Office employees was a distant relative of the man in question and he informed the relatives that he had seen the 'disappeared' at the premises of the Prosecutor's Office. This is the last news his relatives have of him.

There has also been a rise in the number of complaints against the law enforcement agencies in connection with unlawful detention. Subsequently, the methods used for combating so-called Wahhabites have become more brutal. Now, people in masks violently shove someone into a car and take him away in an unknown direction, where he is beaten, tortured and forced to confess to crimes in which he has not usually been involved. If he is lucky, he is taken to an investigative committee and a criminal case is opened on the basis of the allegedly self-incriminating statements. Otherwise, the abducted person disappears.

Applying to the ECtHR as a means of legal protection is a new phenomenon for Dagestan. There are, as yet,

Sovietski District Prosecutor's Office (ROVD) in Makhachkala, Dagestan, it had been found "that on 28 April 2007, at around 8am, R. Umarov was detained by law enforcement officials at flat 46, 41 Salavatov St., Makhachkala, together with M. Radzhabov and S. Sultanbekov, and taken to the offices of the Department for Organised Crime Control (UBOP) of the Dagestani Ministry of the Interior, following which he disappeared and his whereabouts are unknown."

The same day it was announced on television that a group of militants had been detained who were preparing to blow up the Sovietski ROVD and that a large quantity of ammunition had been found in their flat. One of these 'militants' was Ramazan. The two others were charged with unlawful possession of ammunition and weapons but were acquitted by the Sovietski District Court for lack of *corpus delicti* in their actions and were released. At the Court hearing it was established that two searches were conducted at the same flat and of the same car on the same day (although officially the criminal case materials only list one search). During the first search nothing was discovered, but the second one 'revealed' a whole arsenal of ammunition and a plan of the Sovietski ROVD.

After 10 months the investigator responsible for the criminal case into Ramazan's disappearance is still not

Relatives would use their contacts to find out where their loved one had been taken and it would turn out that they had been transported to one of the law enforcement agencies. When asked why and where the person had been detained, the agencies would reply that the person had indeed been brought in, but then released again less than three hours later, hav-

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father to make a written request for the case to be transferred to another investigator. Ramazan's father does this, but the request is never granted. The father presumes that the case is not given to another more experienced investigator because it suits the authorities that the criminal case is not being investigated.

A few days after Ramazan disappeared his father's car was also taken. A criminal case into the theft of the car found a person who had supposedly purchased the car from Ramazan and who was driving the car with a false licence, supposedly given to him by Ramazan.

According to the guard at the car park where the car had been left by Ramazan, on 8 May 2007, the car was opened and examined by the police. That evening the car disappeared. According to Ramazan's sister: "On 9 May 2007, at around 9.10pm, a woman my father did not know called his mobile phone and told him that Ramazan was with them, and that we should go to see her. I contin-

no ECHR judgments in Dagestani cases - applications are either pending communication or an admissibility decision. One Dagestani ECtHR case is about the disappearance of Ramazan Umarov. It was submitted in late 2007 (*Umarov and Umarova v Russia* (No. 2546/08)).

According to the criminal file in this case, opened in May 2007 by the

*ued talking with the unknown woman on the phone. When I began to probe as to who they were and told her that I did not trust her, the woman gave the phone to my brother, who spoke in a very low voice and in his native Avar language, telling my father that he was in a bad way, that he did not know where he was nor what was happening to him. My father recognised his son's voice. The unknown woman explained that Ramazan was in the medical section of some penal colony, and that he had been taken there after he was found unconscious in woods in the Shali District. The woman suggested that I and my father should go to Gudermes, and she promised to take us to Ramazan. Later, at midnight, an unknown man telephoned my father and suggested he could meet him in the morning in Gudermes to talk about Ramazan. My father said he could not go, and the caller hung up immediately."*

During the morning of 10 May 2007, the father and sister were contacted three times by these people. Meetings in Gudermes, Khasavyurt and finally Shali were suggested. In

able to identify the persons who were present during the special operation or the persons who delivered Ramazan to the UBOP. He cannot even establish who conducted the special operation and on what grounds.

When Ramazan's father visits the investigator, the latter makes no secret of his helplessness and asks the

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the end no agreement was reached. The father went to Gudermes to search all the medical centres and units, but without success.

On 13 May 2007, On 13 May 2007, Ramazan rang his father again and asked him to give the car to the people who were going to ring him. These people asked the father to go to a designated location in Kizilyurt. There he met M.B. Shiriyev and U.A. Umarov; they took 20,000 roubles from him, and said that he should look for Zh. Khalilov, a police officer in Gudermes, who would help return Ramazan to his father. The father could not find Zh. Khalilov.

The investigative agencies have the phone numbers from which the unidentified persons rang and information about the individuals with whom the father talked about his son, but they are taking no steps to clarify these facts; they simply do not want to conduct any kind of investigation.

<sup>1</sup> The Republic of Dagestan is a federal subject of the Russian Federation located in the North Caucasus region to the south and east of Chechnya.