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**Kabardino- Balkaria- a Site of the State Terror**

Over several years the All- Russian Non- governmental Movement “For Human Rights” has been attracting public attention to the problems of Northern Caucasus, where there take place the mass violations of human rights and freedoms of Russian Federation citizens; the rights of national minorities and religions are violated.

First of all this process is related to the cultivation by federal center of ethno- typical regimes of power in Northern Caucasus that are characterized by corruption and anarchy of state structures, based on the enforcement methods to sustain order. There take place repressions of suspects in Northern Caucasus; the law- enforcement structures persecute citizens on ethnic and religious grounds; they force the arrested citizens to confess the participation in the acts of terror.

Such a careless policy has lead to the escalation of conflicts between state authorities and local population.

The events in Kabardino- Balkarian Republic are a vivid manifestation of these processes. After October 13<sup>th</sup> when there took place an armed attack on law- enforcement institutions of Nalchik many prominent and non- prominent politicians and mass media stated that the reason for economic and social problems in KBR was the corruption and subjective attitude of bureaucrats and the workers of law- enforcement structures as well as the so- called “neglect” of the federal center.

“For Human Rights” has been repeatedly warning the authorities and the community that the situation in this “bounty corner” is over- heated because of the problems of Kabardino- Balkarian people and the persecutions of citizens confessing traditional Islam.

Over many years the policy exercised by the authorities towards Kabardino- Balkarian people can be interpreted as a conscious discrimination of one of the native peoples in the Republic – the genocide of Balkarians. The previous authorities of KBR adopted a series of legislative acts aimed at the changes in the traditional land surveying in the Republic and changed the borders of communities with traditional Balkarian settlement, thus provoking social tension.

To discredit one more Balkarian people and to distract the attention from its real demands to the RF authorities, including the territorial rehabilitation according to the RF Law “On the rehabilitation of repressed peoples”, the law- enforcement structures veiled their unjustified mass cleaning operations in Balkarian settlements and communities by the struggle against terror and persecutes Balkarian youth, exercised physical destruction and show trials on the members of the allegedly terrorist citizens (including women and children).

It is quite obvious that the behavior of KBR government is the consequence of social impoverishment and lawlessness towards people, who came up in cohesion and started to protect their rights by using all the legal methods, including meetings, piquet and other acts of civil resistance.

The practice of anti-terrorist operations and events in KBR is of great concern, since they usually take the form of forced removal, without taking into account the degree of the involvement of this or that person in terrorism.

Here are the parts of **Dzhamal Magometovich Tsakoev's** address to our organization. It follows from the mentioned address that his dead son – Rasul Dzhamailovich Tsakoev was arrested on the 27<sup>th</sup> of September, 2004 in Nalchik by the workers of UBOP, Ministry of Interior, Kabardino- Balkarian Republic. They tortured him in their department during two days and forced him to slander himself; Rasul was made several injections and there were traces of it on his shoulders; they burned his head, neck and shoulders with cigarettes; battered him with rubber bludgeons; there were traces of steel wire on his wrists and feet.

At home R.D Tsakoev was conscious and he told his parents, sister and three acquaintants that he had been tortured in UBOP building; that they urged him to confess that he was helping to the illegal armed groups, they demanded from him to sign a clean paper and then the filled in papers, he was battered on 27.09.05 and was not provided any medical assistance, then he was visited by A.S. Kyarov, the deputy head of the 6<sup>th</sup> department of the Ministry of Interior, KBR, who asked: “Did he witness?” and then ordered to the people battering him: “Continue!”. He spent two days laying on a dark room of UBOP building, from time to time there came in a person with a lantern in his hand, he took up the lantern to his face and checked if Tsakoev was alive or not; he examined his eyes and his eyelids.

A.S. Kyarov, the deputy head of the 6<sup>th</sup> department of the Ministry of Interior, KBR told to the head of community administration Khasanya Artur Zokaev that he was in UBOP but was then taken to Khankala. In the evening 29.09.2005 Rasul Tsakoev was found near the garbage bin of Khasanya community. He crawled there from the petroleum station an hour after the conversation between Zokaev and Kyarov, while his parents were waiting at UBOP building and Khasanya- the head of community administration was talking to the head of UBOP. At that time the cruelly battered Rasul Tsakoev was already laying at the garbage bin.

From the address of **Kholamkhanova Zuriat Maskhutovna** it follows that her son – Kholamkhanov Rashid Ibragimovich was killed by the law-enforcement representatives in Chegema rayon under unknown circumstances. In the beginning they promised him good employment, persuaded him and took him away in an unknown direction. The law-enforcement structures of Kabardino-Balkarian Republic started to persecute him as a terrorist, instead of trying to return him. As a result his four children have no father now.

From the address of **Olga Otarova Alievna** it follows that her son Takhir Khuseevich Otarov was killed by the representatives of the law-enforcement structures of Kabardino- Balkarian Republic in the 14<sup>th</sup> of May, year 2003. She strongly believes that all the charges against her son in participating in terrorist activity were fake. Takhir Otarov did not hide from the justice; he was a free man and could be arrested any time. Instead of them he was blocked at home; militia troops and snipers came there. Otarov was alive when arrested. On the way to Nalchik he was battered by the guards, after that there were two gunshots on his head and heart. Otarov's wife was battered, tortured and questioned in KBR Procuracy. It was just on contingency that she managed to escape from there.

It follows from the letter of **Rauzat Zhamalovna Ozarukova** that on the 20<sup>th</sup> of June, year 2005 at seven o'clock in the morning the employees of KBR law-enforcement bodies knocked at her door. When she opened the door they showed her the certificate, pushed the woman away and entered her apartment. R. Zh. Ozarukova asked them to show the search permission, but everything was in vain. Her daughter, an invalid since childhood had hysteria when she saw the armed men in her bedroom. When the woman tried to express her anger the officers had impudently replied that “vakhabits” had killed and dissected a man; they threw him into the river and now these criminals were being searched. Rauzet Zhamalovna answered that everything was quiet in their city and in the community. The officers replied that they want the citizens to spread the rumor on purpose.

As it follows from the letter of **Raisa Khadzhidautovna Atabieva**: Atabiev Anzor Magometovich worked in 1996 in a commercial hall in Dolinsk community of Nalchik. Local Militia urged him to give them money for a long time. When they came again, he started to pray. Militia officers called him a “vakhabit” and started to batter him. A. Atabiev was in despair; he could not tolerate the batteries and

humiliations and killed the Militia workers from by gunshots. After that he had to run away. In 1997 he was found and killed by OMON officers.

He youngest son Alim Magometovich Atabiev is always persecuted by Militia workers, who try to revenge for their colleagues and provoke him to commit crimes. Any incident in the city is used as an occasion to exercise pressure on Atabiev's family. People in masks come early in the morning or late at night, search the house, call him a "vakhabit". It follows from the address that Alim Magometovich is confessing traditional Islam, but not the extreme "vakhabism". In spite of that he was enlisted in "vakhabit lists and R. Atabieva is afraid that her son can be arrested or get disappeared any time.

Atabiev Alim Magometovich already tried once to commit suicide, but his mother was luckily nearby and saved him. On the 13<sup>th</sup> of October he was working (a driver of minivan taxi, route No 10) and we was risking his life, trying to take women and children away from the gunshots; there were many witnesses to that fact. However, he was taken from there by KBR Ministry of Interior's employees and battered for two days. Then they let him go. Raisa Khadzhifdautovna wrote an application to the law- enforcement bodies of the Republic and demanded an explanation and a medical examination, but was abruptly refused.

As it follows from the letter of **Amurzaev Khassan Soltan- Muratovich and Aminat Takhirovna Amurzaeva** living in Elbrusskiy rayon of Kabardino- Balkaria, Kyondelen village, Beshkotova street, 6 Amurzaev Burzhigit Khassanovich was deceived and taken to Pankisskoe gorge where he was sold to slavery. He ran away from there, hoping to find protection in his Republic, but the law- enforcement bodies had no evidences and attained him to terrorists.

During the anti- terror operation of the 27<sup>th</sup> of January, 2005 on Severnaya Street in Nalchik there had been taken no measures (on purpose) to decrease the number of victims. For example, the management of the operation did not allow the closest relatives of the people, blocked in the apartments, to take part in the negotiations and the women and children blocked in the apartments were just burnt out by the fire shots. Thus, the law- enforcement structures have consciously excluded any possibility of the peaceful solution of the situation; and all the people there were initially sentenced to the destruction.. During this operation Amurzaev Buzhigit Khassanovich was killed and burtn; it was impossible to recognize him. On the next day Amurzaev Khassan Soltan- Muratovich and Aminat Takhirovna Amurzaeva were forced to recognize the burnt body of their son. They still have doubts if it was their son or not.

As it follows from the letter of **Baykaziev Akhmat Ibragimovich and Baykazieva Marian Akhamtovna**, theyr daughter Baykazieva Zhannet Akhmat- Alievna was invited by her friend on the 23<sup>rd</sup> of January, 2005; and on the 27<sup>th</sup> of January they found out that the girl was killed during the special operation on Severnaya Street in Nalchik. Zhannet Akhmat- Alievna was confessing traditional Islam; the prayed 5 times a day and kept orazu. She graduated the sewing courses and a course to become a designer. She was sewing clothes at home. A year before the dramatic events she was taken to the 6<sup>th</sup> Department of KBR OVD where they offered her to cooperate and get rewarded for that, but the girl refused.

She was killed by three shots, one of them on her head.

As it follows from the letter of **Katsiev Zalikhan Khazhiturmanovich**, that his daughter Katsieva Sakinat Zalikhanova and his 6-month old granddaughter Leilya died on the 27<sup>th</sup> of January, 2005 as a result of anti- terror operation on Severnaya Street of Nalchik.

Z. Katsiev strongly believes that his grand daughter was with her parents at the moment the operation started. Her father M. Ataev told about in on the phone. Z. Katsieva, the eldenst daughter of Katsiev urgently went there, but the law- enforcement representatives did not allow her to take the child and to save her from the destruction. There were many witnesses, who was the Militia workers taking out something wrapped in the blanket; these could be the remnants of the children (there were two children in the apartment, nothing is Elbrusskiy rayon citizens – M. Budaeva, M. Gyzieva, Zh. Malkondueva, M. Daurova etc (230 people in total) that the law- enforcement structures of KBR are comming endless illegal and provocative actions; they persecute the Balkarian youth confessing traditional Islam and any person, trying to protect his legal rights.

During the checkups of the “passport regime” (in fact these are cleaning operations), the law-enforcement employees intrude and search the houses and apartments of people, their yards and garages, they frighten people with guns, they humiliate and offend.

Of course, not only Balkarian people, but other nations living in the Republic are really indignant at such actions.

In the opinion of the movement “For Human Rights” the events of the 13<sup>th</sup> of October in Nalchik were nothing else but a response reaction of Kabarsino- Balkarian people, who tries to protect their right for free confession with arms. We do not exclude the possible participation of bandits in these actions, but the main victims of the actions were young people- they were not trained and knew very bad how to deal with arms. It is worth mentioning that there were no representatives of Balkarian people among the attackers, since Balkarians refused to take part in these events in order not to complicate the hard situation of their people.

As we can see from this and many other applications the citizens of Kabardino- Balkarica think the reason for the events of the 13<sup>th</sup> of October was the lawlessness of Militia. The fight against vakhabism has turned into the persecution of Moslems.

Kh. Shogenov, the Minister of Interior of KBR is appealing for negative and lawless actions in public; he exercised the policy of terror towards the peaceful citizens and tries to heat the situation. The KBR citizens think that his work is aimed against the KBR Moslem community.

He is now trying to attain the features of terror to the events of the 13<sup>th</sup> of October and is organizing the mass leaning operations, searches and arrests.

According to Ramazan Tembotov, the deputy of the local self- government assembly of Khasanya, member of “Yedinaya Rossia” party who was released from the 6<sup>th</sup> department of UBOP after 24 hours of humiliations, they arranged an excursion for him- they took him to different rooms and were showing what was done with other people, just like in Gestapo. Neither lawyers, nor questionings, they just batter people, unless they confess or blame others. According to the deputy, over 2000 people is arrested. There were 2000 applications from their mothers to the Republican Procuracy. Tembotov thinks that no one does anything with these applications.

These are certain lists of persecuted people. According to Tembotov they include the simple people who attend the mosques in these lists.

The so- called Islam refusers are also included in the lists. During this year over 1000 citizens of KBR addressed president Putin with a request on emigration. In September this year over 400 Moslems turned to the international community with a request to provide them with a shelter in any country of the world, since they are being pressures by the Republican authorities for many years now. Now over 600 people, who refused from the Russian citizenship are included in the persecution lists, according to Tembotov.

Everything related to Islam, provoked special anger of the law- enforcement structures. "When the lent was over and I asked to bring me some water at nine o'clock in the evening, they said I will drink not water, but the blood of my friends,"- the deputy says.

*Copy:*  
*To Boris Gryzlov, the Chairman  
of the RF State Duma,  
To Bechelov Ilyas, Head of KBR  
Parliament,  
To Sorova Raisa, the  
Chairwoman of the KBR Union  
of Mothers  
Yu. Ketov, KBR Procurator  
A. Kanokov, the President of  
KBR*

*From the mothers and other  
relatives of our children who died  
in Nalchik*

## **Letter- Application**

On behalf of all the relatives we are pleading you to give out the bodies of our sons for funerals, according to our traditions and customs. We live in a national Republic and we confess Islam, according to which we conduct the funeral ceremonies. We are pleading you to understand our grief. We are not to be blamed in the tragedy that took place. No parent will give arms to his children. It will be our grief if you do not return our children. Please, do not punish us, their wives and little children. Our children were used and they paid for this mistake with their young lives; their dead bodies are of no danger for anyone. Please, understand us; we are not trying to prove that our children are innocent. But we disagree with the classification applied to them. They are not bandits, they did not commit acts of terror, fires, explosions that cause deaths; they were not trying to violate security, they did not capture schools or hospitals, which are considered to be the characteristic feature of terror.

The local television misinforms the population. They did not attack the city and the peaceful citizens. They were attacking purely the law- enforcement structures, namely the departments of the Ministry of Interior. It is another article of the Criminal Code and not the act of terror. This article does not presume special funeral conditions for the dead guilty persons.

The investigation prolongs the process and the court is eligible to make the sentence milder, but not to make it stricter. It is only the Court to determine the truth. We will prove the truth; we'll reach the European Court just to prove that our children were not bandits. They are all young. Even minors. How can they be bandits?

There are many questions- who sent them there, who gave them the arms? We need to look for the roots. But while we do this, they can be buried as bandits. Over 3-4 years the Moslem community of KBR was subjected to pressure, persecutions and illegal arrests.

The main reason for the tragedy was the lawlessness of the Ministry of Interior and the indifference of authorities. This grief could and had to be prevented. We are sending you some parts of the latter- exchange as an evidence of that.

We ask you very much to give out the bodies of our children. 7 days passed by; the bodies are corrupted, they are stored in a wagon where there is no necessary temperature and illumination, there is only one lamp in the end of the wagon, the bodies are piled up since there is no enough place. The recognition process is not over. The relatives are let in one by one, and they cannot lift the cadavers to recognize the ones under them, because the extremities are torn apart. Please, undertake measures, give out the recognized bodies or place them in a row one by one, to quicken this process. Are we not the citizens of Russia? Did we not work for Russia all our lives? Please, stop! What are you doing with people, what have they done? Give us the bodies of our children! We need nothing else from you!

**Open letter to the head of Moscow Helsinki Group L. Alekseeva, L. Ponomarev, the head of “For Human Rights Movement”, S. Kovalev, Institute of Human Rights, Human Rights Watch and “Legal Initiative of Russia”.**

*The society of the country and the world must know the truth about the KBR events of the 13<sup>th</sup> of October and the situation now.*

When speaking about the events of the 13<sup>th</sup> of October, the authorities from the Ministry of Interior of KBR and the other law- enforcement bodies explained the reasons for the armed attack by Moslems. Later on these visions were rejected by N. Shepel, the Deputy Procurator of RF in South Federal District who said that “they do not need money when dead”.

There was a statement that the attackers were all using drugs. It is a real absurdity, since it is well-known that the Moslems do not take either drugs or alcohol, it is forbidden by the Koran.

It was also stated that the aim of the attack was to take the arms away from the law-enforcement structures. However, in the next releases the Ministry of Interior kept on informing about the stores of arms found in different places. So if the attackers had so many arms, why did they need more?

The Ministry of Interior says the aim of the attackers was to establish Shari at in the Republic. But how could 150 people, many of them did not know how to shoot, have such a plan? It is really absurd.

There was also another phrase that “the attackers wanted to control the city for two months and then to escape to the forest”. This version cannot be taken seriously. What was the reason to control the city for two months? And then to go to the forest? Why? For what reasons?

The real versions of the events are described in our application of the RF and KBR Procuracies, where we listed all the crimes against the Moslems and our requirements. It is only the part of all the crimes, committed against our sons. All the other versions appear to justify the criminal actions of KBR Ministry of Interior.

Insead of preventing the armed Moslems from the attack, Minister Kh. Shogenov did everything to make to happen. The wounded people were killed on spot or poisoned by gas. They were provided with no medical assistance, but the minister was awarded by the state award.

Why didn't anyone ask Shogenov how they managed to take into the Republic the huge amount of arms and explosives that were found in one and the same place? Apparently, there were Traffic Police control posts on the roads.

They say that the participants of attacks were related to Basaev. But who was letting him into the Republic several times. Didn't he come by roads, through the Traffic Police control?

The Ministry of Interior says that during the events of the 13 October there had been used the arksm that were stolen from the State Drug Control, however Ruslan Klubaev the head of this organization, denied the version.

The KBR Procuator was speaking about our moral responsibility at the meeting, but no one handed the arms to our sons and no one wished this to happen.

We realize the need to establish peace and stability in our Republic and we think for that it is important to restore the rights of Moslems, to construct the dialog and cooperation of the government and people, to stop repressions and to start the fair investigation of the 13<sup>th</sup> of October events.

All the rest was written about in the letter dated to 07.11.05, but the Procuracy undertook no measures on this letter. The rights of Moslems were not restores, the repressions continue. We are already forbidden to speak.

Dzagalov Belat was called to FSB after the meeting with the journalists. They were asking who came and why; what were the questions asked and his replies. They frightened him and he refused to speak to any other journalists. His son Boris was born in 1979. He was captured and taken away after the 13<sup>th</sup> of October events. The dear body was severely battered; the father recognized it. Boris has a widow and a 5 year-old daughter.

The 5 sons of Aminat Psanukova were captures in the evening and were cruelly battered for three days. The dead body of her son Zaur born in 1977 was found among others. They told his mother at the Procuracy that her son threw himself out of the window in UBOP. There are many other cases when people, Moslem- women were tortured with electricity, battered and killed.

It is both risky and useless to appeal to the Procuracy for the protection of rights. Some of us still have children and grandchildren; we are afraid for them...

All this proved that there takes place the genocide of our people, destruction of Moslems- the representatives of one of the world's leading religions. We remember V. Zhirinovskiy saying on TV “we need Caucasus without Caucasians”, Minister of Defense Ivanov saying “I do not know if they are dzhamagats- mamagats- destroy everybody!”. Instead of asking the law- enforcement structures

why such things had happened, the president of the Republic asked “Did you destroy them?” and added “The same will happen to anybody warring against people”.

We have an impression that Yermolov returned to Caucasus.

Our sons did not fight against people, they tried to reply to the violence of Militia.

So, who do you think is to be blamed in this tragedy? Who is to be blamed that our sons have no peaceful life not? And how are we supposed to live now?

We hope that the international community and international courts on human rights can settle the problem; we want to ask the UNO and the European Union to create a commission on the investigation of KBR events.

*62 signatures in total*

### **The address of the Kabardino- Balkarian Advocatory Center to the authorities and non governmental organizations of the Republic “On the measures to overcome the consequences of bandit attack on Nalchik”**

*The society of the Republic is worried about the situation after the attack on Nalchik on 13<sup>th</sup> of October.*

According to the information from different sources, there are more and more cases of illegal detention, humiliation and tortures. In some communities the relatives of the dead bandits are being severely pressured. The situation becomes even more complicated because the law- enforcement bodies refuse to give out the cadavers for funerals. Thus in Zalukokoazh village there were even the attempts to deport the citizens. Many relatives think that these people were not bandits and they are going to appeal to the Court. So there might be the situation when they will bury these people in unknown places, but the court will determine that they were not bandits.

Today, we must take into account that there is a real danger for the development of Kabardino- Balkarian situation on Dagestan or Ingush scenario, where explosions, crimes, kidnapping became the real life, just like in Chechnya.

After the similar events in Ingushetia and Dagestan there took place persecutions of innocent people, there appeared the death squadrons and lawless capital punishment cases. As a rule, the law enforcement bodies in these cases, face no political demands, they simply see revenge- takers.

We know from the experience of these republics that if this machine starts, nothing can stop it, since the federal structures are usually acting autonomously and are supported by their headquarters in Moscow.

As a rule, such repressive measures and the inability of local authorities to influence the situation contribute to the increase of popularity of the bandits and their support by the society.

To stop the emerging trend of event development according to Ingush or Dagestan scenarios we suggest undertaking the following measures:

- to create a group for the investigation of all the issues, related to the possibility of giving out the bodies of dead bandits and suspects, after which the Republic should file a motion to the RF President on the positive solution of the problem;

- to start the open discussion of the situation with all the public structures and mass media on TV and radio;

- to create a commission with the representatives of state authorities and public organizations and follow the open access of all the facts of illegal arrests, tortures and humiliations;

- to organize a pan- national conference with the participation of the representatives of all the layers of society, religious confessions, public organizations and political forces for the discussion of the current situation and the development of measures to overcome the consequences of the Nalchik attack on the 13<sup>th</sup> of October.

Under these hard and critical circumstances the Council of the Advocatory Center of Kabardino- Balkarian Republic appeals to unite all the efforts of authorities and public

organizations to take the Republic out of this situation. All the guilty persons should be punished by law. It is only in legal ways that the order in the Republic can be restored.

*Valeriy Khatazhukov,  
Chairman of Kabardino- Balkarian  
Advocatory  
Center  
28.10.05*

### **Certificate on the violation of religious rights in KBR**

In August, 2004, without any legal grounds, pretensions and civil complaints, without determination of judicial bodies and in spite of the protest and anger of Moslems there took place a *simultaneous* (which proves it was a the political action against Moslems) closure of 5 mosques in Nalchik, Kabardino- Balkarian Republic. Up till now, in spite of multiple requests and complaints in different bodies the mosques are still closed. They were closed and sealed with enforcement methods by the representative of the Ministry of Interior. Thousands of citizens in Nalchik (the total population of the city is over 300 thousand people) with the prevailing Moslem population has no place for the public worship or the possibility to execute religious responsibilities and perform religious rites

Thus, the following mosques were closed:

1. in “Volniy Aul” community, Kalmykova street, former “Cosmos” cinema theater;
2. in “Alexandrovka” community, Musova, 12;
3. in “Iskoz” community, Chechen street, 15;
4. “Nur’ Mosque, Krylova, 15;
5. Mosque on Severnaya street;
6. Another mosque (former central mosque) was fully demolished since a new central mosque was built in the center of the city, but it does not conform to the needs of praying Moslems. The mosque has definite hours for work. It opens at the time of prayer and is quickly closed upon the instructions of the Republican authorities.

According to the Federal Law “On the freedom of consciousness and religious units”, the religious people have the right to pray collectively, for which the good acts are multiplied for 27times; in case of the closed mosques the Moslems are deprived of this Divine possibility. If several Moslems come up together and perform collective namaz at home, there start regular searches and real persecutions there. The Moslems that were younger and healthier were continuing the collective namaz since the mosques were closed in 2004 under the rain and snowfall, but there were all the time some incidents and obstructions caused by Militia, which insulted the Moslems and violated their rights for the freedom of confession.

An elderly man, who had earlier been repressed and then rehabilitated said: “Let them hang me or exile me, but they cannot take away my religion.”

It is impossible to convince a clever person that all the Moslems are “Vakhabits” and extremists. Islam is one of the world’s three leading religions. It is a religion of peace and fair attitude to all the animus and unanimous creatures on Earth. Besides, the law does not presume any collective responsibility for somebody’s violations. There are such concepts as “the excess of executor” as well as “presumption of innocence”.

Moslems have lent to calm down their character; they do not take drugs or alcohol; they perform the quintuple prayer, they do not day bad words and do not behave in an impudent way. At the same time, the unemployment rate in the Republic is high; youth has no income and is dealing with the criminal world. The Republic is on the last place on the level of life in Russia. Drug addiction became the “national treasure” of the Republic.

Is a Moslem commits a crime, it does not mean that all the Moslems should be suspected, humiliated and called “Vakhabits” and extremists. The reasons for even more crimes lie in

alcoholism, lies, bribery, including the ones that take place in cafes, restaurants and discotheques. However, they are not closed, but on the contrary, more and more of them are opened.

Or aren't there any criminal Militia workers? There are so many TV reports about the so-called "werewolves" including the ones from the Republican Ministry of Interior. But it is not proper to call all the workers of the Ministry of Interior "werewolves".

Another case was the judicial case on a priest, who was charged of a theft. No one thought then of closing all the churches. On the contrary, more churches are opened now. Thus, in Nalchik, there are the following acting churches:

1. Orthodox church in the center of Nalchik is open during the whole day without any breaks or off days, just like it should be;
2. The construction of another chapel has started in a nice public garden of the city center near the state road;
3. In "Alexandrovka" community on Kalinin street, 125 in the former cinema theater there acts the Christian Evangelic Church "Grace";
4. Evangelic Church on Clara Tsetkin's street, 21;
5. In "Alexandrovka" community on Beslaneev street, 30 there acts the Christian Evangelic Church of Pentecostals;
6. In "Alexandrovka" community on Beslaneev street, 30 there acts the Christian Evangelic Church again;
7. Christian Evangelic Church "Adventists of the Seventh Day" also in Alexandrovka community, Beslaneeva street, 123;
8. Christian Evangelic Church of Baptists on Lugovaya Street, 11;
9. "Molokans" and others

The Moslems do not mind at all against the existence of other temples than mosques. But why is there this religious discrimination? If one turns to the law, everything is clear on the paper, but in reality the rights are not respected.

But someone needs to incite some religions against others. Someone really needs to blacken our Republic. Who? And why? There takes place a real genocide of Moslems and violation of their rights as well as illegal arrest and tortures. *Isn't it a religious fight?*

The tortures did not start today; they are still going on. On the 14<sup>th</sup> of September, right after the evening prayer the central mosque on Musov street in Alexandrovka community was captured by armed people in masks; they took out 50 people from the mosque and transported them to two places- 3<sup>rd</sup> of OVD of Nalchik and RUBOP. They were battered, tortures, they stood with their arms raised, their faces to the wall and were not permitted to put down the hands. People in this position were battered for one day. It was a "frightening" act. To conceal the traces of wounds on the next day there has been recorded the arrest for the reasons of mass disobedience (a nonsense!- Moslems in the mosque during the evening prayer organized mass disorder!). All the 50 people were sentenced by the Court (that had no desire to find out what has really happened) according to Art.19.3 AC RF to the 10 days of arrest. People were battered so cruelly, that many of them still had traces of wounds after the release. They underwent medical examination in the bureau of Judicial Medical Expertise and turned to the KBR Procuracy, but as usual, to measures were taken up. *Can anybody tell them now that the policy was not aimed at Islam?*

According to the European Convention on Human Rights, signed by Russia (that is why Russia accessed to the Council of Europe), Article 3 "Prohibition of tortures" says: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment". However, this is the way they treat Moslems. Thus, on the 27<sup>th</sup> of September, 2004 after being battered for 2 days in RUBOP Rasul Tsakoev dies in reanimation unit 4 days later. No one bore responsibility for his death...

They often insult the feelings of religious people by saying: "Why isn't your Allah coming here and protecting you- is he short of petrol? They wouldn't even let him enter our department..." etc. The high officials from the law enforcement bodies promise that they will "destroy" and "pick them out like a sore tooth". There were even appeals that "it is year 37 now, we'll shoot them.."

How long can it last? What can be the real feelings and the response of the extremists, who are looking for a convenient occasion? Our Moslems want to live in peace, to work and to grow children, they do not want to be “another Chechnya”, but they are obstructed from doing this. It is necessary to remind of the laws that give freedom of religion and prove that all of us are the citizens of Russia with the same rights:

- RF Constitution;
- Convention on the Protection of Human Rights and Fundamental Freedoms;
- FL “On the freedom of consciousness and religious units”;
- RF Criminal Code, which gives rights for religious worship and prohibits religious discrimination.

The above mentioned actions provoke anger and fair dissatisfaction of the people that are disturbed in their own Republic; that is why the worshipping Moslems are demanding to protect and restore their legal rights. Besides, such events might have very dangerous consequences – it is another carte blanche for the extremists in provoking war in the peaceful Republic of ours. That is why it is necessary to undertake urgent measures on the rehabilitation of the rights of Moslems...

Closure of mosques for different reasons is an intervention in religious affairs and is punished by law. Article 136 RF CC presumes punishment for discrimination... depending on its attitude to religion and beliefs” etc. Article 148 of RF CC reads: “Illegal obstruction of the activity of religious organizations or purely religious rites”: Determination of privileges, eliminations or any forms of discrimination depending on its relation to the religion is not acceptable”. Article 4 of the Federal Law “On the freedom of consciousness and religious units” says that “The state does not exercise intervention in the activity of the religious units.” In Article 25: “The bodies of RF Procuracy are responsible for the control of observation of RF Legislation on the freedom of consciousness and religious units”. Article 26 – “Violation of the present legislation results in the criminal, administrative or other responsibility in accordance with RF Legislation”. Thus, as it can be assumed from the Legislation, the rights are fully guaranteed by the law. But in life we have another thing:

There are no reactions to the numerous addresses and complaints to KBR Procurator Yu. Ketov, including the once that were re- submitted to him from the RF Procuracy General, The Board of the Plenipotentiary Representative of the RF President in Southern Federal District and others. There was no Procurator’s retains. What about the law, what about the RF Constitution, protecting the rights of users, what about the Land Code, according to which the timeless use of the land can be cancelled only by the decision of court on the basis, mentioned in the decision. Why should Kh. Berdov, the head of municipal administration file a perspective less motion is he is powerful enough to close 5 mosques in the city?

After the above mentioned cases and complaints persecutions did not stop. On the contrary, the enforcement structures turned their attention to women. Thus, in April this year, 8 female students of KBSU were reading the Koran in the empty classroom. They were taken from there to the 2dn OVD of Nalchik, where the students have been searched (if they had the “shakhid” belts or not); they were made to take off the scarves and militia did not try to be polite with them. When one of the girls asked: “Have we committed something illegal?” the militia officer, who was quite used to shouting and bad words cried out: “Shut up your mouth!”. These girls were not used to such attitude; moreover, they did not deserve it. These girls decided to live by divine laws, not to do anything bad in this world, to pray and to read the Koran, to dress up decently, as Moslem women should do. Maybe if they were reading “Playboy” or other erotic literature, they would not have been taken to OVD, like criminals. How can we talk of religious freedom if the saint Scripts are prohibited for reading?..

And what about the recent persecutions of Moslems by the law- enforcement representatives, especially in Volniy Aul district?

They are not only nearly every day searched from morning till night without any sanctions, but are also taken to UBOP and OVD and forced to illegal questioning; they are being asked questions , having no relations with any criminal cases. The law- enforcement representatives are asking them

why and how often they pray, which Moslems they contact; they take everything on the film and utter obscene words...All these actions are not based on Art. 28 of the RF Constitution that, gives each of us the right to confess any religion without the fear of being persecuted by the state. The enforcement structures of KBR are seemingly fighting against religious extremism; they have organized the real terror of confessing Moslems, which is aimed at the destruction of the revived traditions of Islam. They cannot say openly that they are against Islam and that they hate it. That is why they fight against Moslems by humiliating them. Any clever man should never be indifferent to that.

This policy is evident. They carefully examine the religious views of each Moslem and try to find out who will be the next person to bear the burden of an "imposed crime". They also try to force people to give false evidence against each other.

The Procuracy pays no attention to these facts; they cover the black deals of Militia.

In May this year the citizens were shocked to hear about the cruel murder of the head of Khasanya community administration. He was a Moslem. The citizens of the community elected him, because he was an honest and fair man. But the authorities did not like him. The case of his murder remained undiscovered, naturally (such cases never become uncovered).

I cannot skip remembering the removal of Muslim Ataev and other people who were in the same apartment with him in one of the blocks of apartments on Severnaya Street of Nalchik. What was Ataev's fault? Was he a murderer, a thief, a drug- addict? No. And he had very good personal characteristics.

However he believed that the Chechen war was unfair and fought on Chechen side in the 2<sup>nd</sup> Chechen war. It is only for this only reason that his further life was predetermined. He was haunted.

But what about other men and women, killed together with him? Was their fault proven at any court? All of them haven't been charged previously. What is the fault of the 8-month- old daughter of Ataev, the body of whom was not given out for funeral? What was the fault of the 19-year- old Alesya Trunova, a pregnant girl who wanted to go out of the apartment and to give up, but they did not let her do so.

Weren't there any other methods and ways to find Ataev, but in the multi- apartment building, the inhibitors of which had been taken out from there two days before and the building was bombed? What about the professionalism and skills of the law- enforcement structures?

After the special services reported on the "successfully" implemented special operation, the head of the state said: "Be harder with them, harder". Is it possible to be harder than it is provided by law? Why do we need the Law then? Or should the law be exercised on the selective basis? The society remembers all the promises on the rule of law, so it is necessary to be consecutive.

A similar operation was implemented in Nalchik, on Sogentskukov's Street, in the block of apartments again, with innocent victims. Dead people can be blamed for anything. Neither the lawyers, nor relatives and journalists were permitted to enter there.

Kh, Shogenov, the Minister of Interior said on the TV and radio: "Our operations contributed to the prevention of many acts of terror" etc. I should say that in spite of being uttered by the Minister of Interior, according to the CCP there are nothing but empty words.

Our Reoublic was calm and quiet before and it should not be depicted as a "nest of terror and extremism". According to the plans of the Ministry of Interior, the same scenario had to take place in Tyrnauz on the 17<sup>th</sup> of June, where they say there were two young people- the members of bandit groups.

The troops of the Ministry of Interior of KBR together with the minister came up to the building on Komsomil'skaya street. However the operation on the removal of bandits and the bombing of the building failed, because of a large group of women. The women were first to intrude the flat and to take out two young people. No one was found there and there were no grounds for a criminal case. Otherwise, it would have been reported on the group of bandits that were preparing numerous acts of terror, and they would surely find at their apartment a store of arms.

All the people tortured by the law- enforcement structures have mothers and children- no career growth is worth their tears; curse is the only thing they can deserve.

The world vision and the philosophy cannot be changed by totalitarianism. It is impossible to impose on the public consciousness the feeling of hatred towards real Islam or Moslems.

It is not that “Ivanov, Petrov etc” are to be blamed for that. The real problem is hidden in the system, in the state machinery. We can only dream of a legal country and fair society where there is freedom and rule of law.

*Larissa Dorogova,  
Lawyer from the KBR Collegiums  
of Advocates KBP,  
A pious Moslem*

### **Ruslan Nakhushhev's disappearance is an alarming signal**

On the 8<sup>th</sup> of November in “Rossiyskaya Gazeta” there was published an article by Timofey Borisov “Devil’s Advocates”, where he was trying again (the first article “Sending to Die” appeared on the 17<sup>th</sup> of October) to charge the advocates of the dramatic event of the 13<sup>th</sup> of October in Nalchik. In the article Borisov calls Ruslan Nakhushhev and me the public advocated of Astemirov and Mukozhev- people who are blamed for organizing the Nalchik attack. He is therefore telling in the article about the much- talked- of case of 2000 on Astemirov and Mukozhev, where they had been charged of helping the Chechen bandits.

In spite of the pressure, exercised by the judicial bodies, the case went on, but later it was found that all the charges had been falsified. Neither in 2000, nor later or earlier I did not take part in any case as the lawyer of Astemirov and Mikozhev. It is not that I am denying any possibility of this; I simply started my advocacy work in 2002 after the Public Advocatory Center was founded. I got recently acquainted with Ruslan Nakhushhev and met him several times. But there are many cases of tortures and humiliations of Moslems we are dealing with. For example, the case on the battery of the 19 year old pregnant Moslem Yelena Gasieva, the case of 26 year old Rasul Tsakoev, the only son of elderly parents, who dies after having been tortures in Militia and many- many others. The author of the articles pretends he did not notice these facts.

Borisov is consistently trying to connect the Nalchik events and the leaders of dzhamaat to the Turkish citizen Bolat Kahdzhi- Bayram who is a Kabardinian by his origin but had never been acquainted with Astemirov, Mukozhev, Nakhushhev and had no relations with the Institute of Islamic Researches. He was deported in 2003 for some administrative violations. They know very well in Kabardino- Balkaria that the man was offered the solution of his problems for \$ 500 USD only- a usual sum for repatriate. But he denied the offer. I think it is quite obvious for any clever person that of this man were of any danger for Russia, no one would dare make such an offer.

The case of Khadzhi- Bayram is in Strasburg Court now. It was a year ago that the Russian courts restored all his rights and returned the documents of residence, but the special services are consecutively prohibiting him to enter Russia. The only explanation that comes to one’s mind is that in this way they try to preserve their esprit de corps.

The reasons for the publication of the discrediting materials in the main governmental newspaper were explained to me by the very Ruslan Nakhushhev in the phone conversation just before he disappeared. He admitted that this publication could be the umbrella for his possible removal. I did not attach any importance to these words at that time. But after Borisov’s second publication “Devil’s Advocates” I think that this version should be treated seriously. In the article there is a direct implication that he could be removed by the former partners- Astemirov and Mukozhev. In this way he tries to distract attention from the law- enforcement bodies treated by the society as the main reason for his disappearance. Borisov invents a whole series of plots against Russia, where the representatives of foreign intelligence services, vendible advocates, and protecting bandits take part. Well, it is a good argumentation for the possible removal of advocated by the “death troops”.

There is also another possible version of Ruslan Nakhushev's disappearance. Taking into account the popular assumption on that there are no former workers of special services, he could possibly be the agent, who was integrated in dzhamaat, and his disappearance was nothing but a legend to withdraw Nakhushev from the case. We think that this version was invented by the special services what wanted to distract the attention from the law- enforcement bodies, since Nakhushev blamed them a lot for the dramatic events of the 13<sup>th</sup> of October in Nalchik and had many facts proving his words. Probably, it was not by chance that Arsen Kanokov, the president of Kabardino- Balkarian Republic wanted to have a personal meeting with Ruslan Nakhushev and to use him for the purposes of regulation of situation in Islamic community, since Nakhushev was an influential and well- informed person.

The experts that follow the processes around Kabardino- Balkarian dzhamaat believe that after the Beslan events when the leaders of dzhamaat went underground and the mosques were closed, Nakhushev had no contacts with Mukozhev or Astemirov. Of course, the law- enforcement structures have no concrete information, otherwise they would have told about it in public. The Republican Procuracy admits that the criminal case against Nakhushev was initiated on Article 205 on the basis of the publication in Rossiyskaya Gazeta. Borisov, the author of the article himself admits that the law enforcement structures fail to charge Nakhushev of any serious crimes.

Nakhushev was really related to the high officials from special services of Moscow. He never concealed that and they say he often repeated ironically that "there are no former workers". He thought that there were people in special services, who understood very well the processed going on in the Republic and they could help them in the honest and fair settlement of the situation with the Muslim community of Kabardino- Balkaria. He had meetings with them just a few days before he disappeared. According to Nakhushev there was full mutual understanding, so he was supposed to come back again with some documents.

There is a real danger now that the events in Kabardino- Balkarian Republic after the 13<sup>th</sup> October will follow Ingush or Dagestan scenarios, where explosions, kidnapping, murders are, just like in Chechnya, the life realia.

After the similar events in Ingushetia and Dagestan there took place the persecutions of innocent people, kidnappings and cases of extrajudicial capital punishment. We know from the experience of these countries that if the terrible machine starts its work the local authorities would be unable to do anything to stop it. Because it is usually the federal center to implement these events; it is acting in a quite autonomous way and is supported by the management in Moscow. Violence and lawlessness contribute to the popularity and social support of bandits.

We believe that Ruslan Nakhushev's disappearance is an alarming signal which proves that Kabardino- Balkarian is pushed to the pave of chaos and violence. It is only on the legal basis and in the strict accordance with RF laws that the worst scenarios for the situation development can be avoided.

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