

Outg LL 19015

9 July 2019

To Special Rapporteur on the rights
to freedom of peaceful assembly
and of association
Palais des Nations
CH-1211 Geneva 10
Switzerland

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Attention: Mr Clément Nyaletsossi VOULE

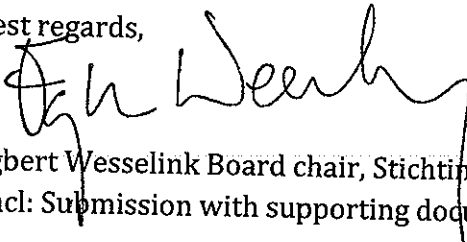
Re: situation of participants of the rallies in the Republic of Ingushetia of March 2019

Dear Mr Voule,

Please find attached a submission on behalf of group of citizens of Russian Federation made by the *Stichting Justice Initiative* concerning punitive actions taken by the authorities of the Russian Federation against 7 prominent leaders and participants of the rally against local authorities, which took place in the Republic of Ingushetia in March 2019.

Please acknowledge this letter to srji.org@gmail.com. Copies may be sent to: PO Box 19318, Utrecht 3501 DH, the Netherlands.

Best regards,



Egbert Wesselink Board chair, Stichting Justice Initiative
Encl: Submission with supporting documents.

(i) Introduction

1. The Present submission is made by the *Stichting Justice Initiative*, a non-governmental organization specializing in the legal representation of victims of grave human rights violations in the former Soviet Union, with a focus on the North Caucasus region of Russia.¹ We submit in the interests of:

- (1) Mr Khamkhoev Magomed Musaevich
- (2) Mr Malsagov Musa Aslanovich
- (3) Mr Khamkhoev Gelani Magometovich
- (4) Mr Chemurziev Barakh Akhmetovich
- (5) Mr Barakhoev Ahmed Osmanovich
- (6) Mr Khautiev Bagaudin Adamovich
- (7) Mr Oskanov Amir Mukhazhirovich

2. All of the above are residents of the Republic of Ingushetia (Ingushetia) who participated in mass rallies which took place in the capital city of Ingushetia – Magas - in March and April 2019. The protests resulted from plans to transfer certain parts of Ingushetia to Chechen Republic (Chechnya). In early April 2019 all activists were charged with committing violence against government officials. The charges were based on several articles of the criminal code of the Russian Federation – arts. 212 “Mass riots / calls for mass riots”, 318 “The use of violence against a representative of the authorities”, 319 “Insulting a representative of the authorities”. The activists were put in pre-trial detention and are being held in custody in the regions of the Federation adjacent to Ingushetia, namely in Nalchik (Kabardino-Balkaria Republic) and Vladikavkaz (Republic of North Ossetia). Subsequently their arrests were extended; all activists are still being kept in custody. The *SJI* represents interests of all individuals in domestic courts.

4. As it will be described below, the actions of the authorities of the Russian Federation aimed at the intimidation of active members of the peaceful opposition to the transfer of parts of Ingushetia to Chechen Republic under the pretext of investigating of the alleged attacks on government officials during a demonstration on 27 March 2019.

(ii) Events that provoked mass peaceful actions in Ingushetia

5. The Republic of Ingushetia is one of the constituent entities of the Russian Federation, which is located in the south of the Russian Federation. It borders with two other subjects of the Russian Federation - North Ossetia and the Chechen Republic. It also borders with Georgia. The population of the Republic of Ingushetia is just over 450,000 people.

6. On 26 September 2018, the heads of Ingushetia and Chechnya signed an agreement to establish the border between the two republics. Under the terms of this agreement, the territories are being changed (downward) of three municipal districts and 11 settlements of Ingushetia.

7. On 4 October 2018, the legislative body of Ingushetia - the People’s Assembly of the Republic of Ingushetia discussed the draft law of the Republic of Ingushetia and ratified the said Agreement. This provoked mass rallies of opponents of the transfer of territory. The demands of opposition leaders and protesters were based on the interpretation of the current republican and federal legislation,

¹ Stichting Justice Initiative: <https://www.sji.org/en/>

according to which the issue of changing the territory or borders of the republic must be submitted to the referendum of the Republic of Ingushetia².

8. Rallies lasted for two weeks in October 2018. Numerous domestic and international commentators marked their exclusively peaceful nature³.

(iii) Events of 26, 27 March, 2019

9. In February 2019, the head of Ingushetia, Mr. *Yunus-Bek Yevkurov*, introduced to the People's Assembly of the Republic of Ingushetia a draft law "On the Referendum of the Republic of Ingushetia", which proposed abolishing the rule of referendum of questions about changing the status, name of the republic, its division or association with other entities and changes its territory or borders. On 28 February 2019, the document was adopted by the People's Assembly of Ingushetia in the first reading and prepared for consideration with amendments and additions, which was supposed to take place on 28 March 2019. However, on 20 March the head of Ingushetia withdrew the document from parliament⁴.

11. On 26 March 2019, despite the revocation of the bill, a rally was organized in the capital city of Ingushetia – Magas by the opposition movements. The rally was agreed with the authorities. Its members demanded the resignation of the leader of the Republic of Ingushetia and the revision of the agreement on borders. At the end of the rally, the protesters remained in the square, stating that the action would be indefinite.

12. On 27 March 2019, under the pretext of a failure to coordinate with the authorities a new rally, the police and Rosgvardia⁵ forces tried to disperse the rally, which led to clashes, during which, allegedly, law enforcement officials were injured⁶.

(iv) Detention of the members of opposition

13. From about 3 April 2019, the mass arrests of influential leaders of the Ingush opposition, or participants in the opposition movement took place in Ingushetia⁷.

14. The overwhelming majority of those who were arrested were charged with administrative violations. Some of them were charged with more serious criminal charges. In both cases members of the movement which opposed the territorial swap were detained and imprisoned⁸.

15. The individuals in whose interests we make present submission are:

(1) Mr. Khamkhoev Magomed Musaevich – video blogger, activist of the Ingush Committee for National Unity; arrested on 3 April 2019 on charges of committing a crime under Arts. 212,

² The constitutional law of the Republic of Ingushetia "On the referendum of the Republic of Ingushetia" (part 2 of article 3) (Attachment 1)

³ Caucasian Knot, "Ingush residents start protesting against transfer of lands to Chechnya", 4 October 2018, available: <https://www.eng.kavkaz-uzel.eu/articles/44613/>, Open Democracy, "In Russia's North Caucasus, an unprecedented, peaceful protest", 16 October 2019, available: <https://www.opendemocracy.net/en/odr/ingushetia-land-protest-chechnya/>, last accessed 20 June 2019

⁴ RIA Novosti, "Yevkurov withdrew the referendum law from the republican parliament", available: <https://ria.ru/20190320/1551954231.html>, last accessed on 2 July 2019

⁵ The *National Guard of the Russian Federation* is an internal military force of the Russian government, comprising an independent agency that reports directly to the Russian president under his powers as Supreme Commander-in-Chief and Chairman of the Security Council. The National Guard is separate from the Russian Armed Forces

⁶ Meduza, "A republic unites 'Meduza' reports from the ground on Ingushetia's remarkable months-long protest movement", available: <https://meduza.io/en/feature/2019/04/10/a-republic-unites>, 10 April 2019, last accessed on 20 June 2019

⁷ Meduza, "Ingush opposition leaders searched and jailed after popular protests", 3 April 2019 available: <https://meduza.io/en/news/2019/04/03/ingush-opposition-leaders-searched-and-jailed-after-popular-protests>, last accessed on 20 June 2019. Open Democracy, "Arrests, lies and borders: what's happening with land disputes in Russia's North Caucasus" <https://www.opendemocracy.net/en/odr/ingush-border-en/>, last accessed 2 July 2019

⁸ Meduza, "Ingush opposition leaders searched and jailed after popular protests", 3 April 2019, available: <https://meduza.io/en/news/2019/04/03/ingush-opposition-leaders-searched-and-jailed-after-popular-protests>, OC Media "Arrests follow Ingush referendum law protests", available: <https://oc-media.org/arrests-follow-ingush-referendum-law-protests/>

318 of the Criminal Code for, as described in the courts' pretrial decisions, "placing in the social media call for violence and riots"; on 5 and 8 April 2019 he was taken into custody in the detention facility in the city of Nalchik (Republic of Kabardino-Balkaria) until 2 June 2019⁹. On 29 May 2019 his pretrial detention was extended until 25 September 2019¹⁰.

(2) **Mr. Malsagov Musa Aslanovich** - Chairman of the Ingush Committee of National Unity, Co-Chairman of the Presidium of the World Congress of the Ingush People and Chairman of the Ingush branch of the Russian Red Cross Organization; on 3 April 2019 his home and his office was raided by the police forces¹¹. On the same day he was arrested and placed under administrative arrest for 10 days¹². On 14 April 2019 he was detained by decision of the Nalchik City Court until 11 June 2019 in connection with the charges under Art. 318 of the Criminal Code for participation in rallies, which resulted in the alleged attacks against the members of the police forces¹³. On 10 June 2019 his pretrial detention was extended until 25 September 2019¹⁴.

(3) **Mr. Khamkhoev Gelani Magometovich** - protest activist; detained on 5 April 2019 by the Nalchik City Court on charges of committing a crime under Art. 212 of the Criminal Code, as described in the courts' pretrial decisions, for "placing in the social media call for violence and riots" and kept in detention until 25 May 2019¹⁵. On 29 May 2019 his pretrial detention was extended until 25 September 2019¹⁶.

(4) **Mr. Chemurziev Barakh Akhmetovich** - Chairman of the Public Movement "Support of Ingushetia", member of the Ingush Committee of National Unity and of the Presidium of the World Congress of the Ingush People. On 3 April 2019 he was detained and placed under administrative arrest for 10 days¹⁷. On 14 April 2019 he was arrested by the Nalchik City Court following the charges on committing crimes "against statehood" and was put under pre-trial detention in the facility located in the city of Nalchik for 2 months¹⁸. On 4 June 2019 his pretrial detention was extended until 25 September 2019¹⁹.

(5) **Mr. Barakhoev Ahmed Osmanovich** - the elder of the *teip*²⁰, the leader of the protest movement, member of the Ingush Teips Council, member of the Ingush Committee of National Unity and the World Congress of the Ingush People. On 3 April 2019 he was arrested and placed under administrative arrest for 10 days²¹. On 14 April 2019, a he was put in the two months pre-trial detention by decision of the Nalchik City Court in connection with the charges under Art. 318 of the Criminal Code, most specifically, for the fact that he continued the rally, even after the police had declared that the time for its holding had expired and that everyone needed to disperse²². Until recently, he was kept in the detention facility of the city of Nalchik, but then was transferred to the detention facility of the city of Vladikavkaz²³. On 5 June 2019 his pretrial detention was extended until 25 September 2019²⁴.

⁹ Decisions of the Nalchik City Court of 5 and 8 April 2019 (Attachment 2)

¹⁰ Decision of the Nalchik City Court of 29 May 2019 (Attachment 3)

¹¹ Statement of Mr Malsagov of 3 April 2019 (Attachment 4)

¹² Decision of the Magas District Court on the administrative arrest of 3 April 2019 (Attachment 5)

¹³ Decisions of the Nalchik City Court of 14 April 2019 (Attachment 6)

¹⁴ Decisions of the Nalchik City Court of 10 June 2019 (Attachment 7)

¹⁵ Decision of the Nalchik City Court of 5 April 2019 (Attachment 8)

¹⁶ Decision of the Nalchik City Court of 29 May 2019 (Attachment 9)

¹⁷ Decision of the Magas District Court on the administrative arrest of 3 April 2019 (Attachment 10)

¹⁸ Decision of the Nalchik City Court of 14 April 2019 (Attachment 11)

¹⁹ Decision of the Nalchik City Court of 4 June 2019 (Attachment 12)

²⁰ In North Caucasus a historical clan

²¹ Decision on administrative arrest by the Magas District Court of 3 April 2019 (Attachment 13)

²² Decision of the Nalchik City Court of 14 April 2019 and Ruling on Prosecution of 19 April 2019 (Attachment 14)

²³ Ingush Ombudsman reported about detention conditions of Mr Ahmed Barakhoyev, available: <http://www.livekavkaz.ru/index.php?newsid=2483>

²⁴ Decision of the Nalchik City Court of 5 June 2019 (Attachment 15)

(6) **Khautiev Bagaudin Adamovich** - chairman of the Coordination Council of youth organizations of the Republic of Ingushetia, member of the Ingush Committee of National Unity. On 3 April 2019 he was arrested and on 5 April was put in the pre-trial detention by the Nalchik City Court until May 25 in relation to charges under Art. 212 of the Criminal Code for, as described in the courts' pretrial decisions, "placing in the social media call for violence and riots"²⁵. On 22 May 2019 his pretrial detention was extended until 25 September 2019²⁶.

(7) **Mr Oskanov Amir Mukhazhirovich** - an activist of the protest movement. On 5 and 10 April 2019 he was charged under Arts. 212 and 318 of the Criminal Code for "placing in the social media call for violence and riots" and for "causing bodily harm to the police officers" who took part in crackdown of the rally and put in the pre-trial detention until 2 June 2019 in the detention facility located in the city of Nalchik.²⁷ On 29 May 2019 the Nalchik City Court extended Mr Oskhanov's pre-trial detention until 25 September 2019²⁸.

16. We argue that the detention of these activists is a tactics deployed by the authorities to intimidate participants in the peaceful protest movement.

17. Regardless of the question of the justification and legality of the use of police force during the dispersal of the rally on March 27, 2019, arrests of prominent members of the protest movement, followed by mass criminal charges, obviously have a "chilling effect" on both opposition representatives and ordinary citizens of Ingushetia. Arrests and detentions in Ingushetia are obviously massive and their number is disproportionate to the number and nature of the alleged violations.

18. Indeed, the estimated number of employees who were injured during events in question was about 10 people²⁹, while about 100 people were brought to administrative responsibility for participating in protest actions in Ingushetia and about 23 people were detained under criminal charges, 18, including 7 above pointed activists, continue to remain in the detention facilities³⁰. Finally, as follows from the available sources, the judicial authorities were tasked to arrest at least 360 protest activists in Ingushetia³¹.

19. It is therefore, the situation with the investigation of the alleged attack on the authorities to date has become a pretext for the suppression of the peaceful opposition movement in Ingushetia.

20. In connection with the above, we ask you:

- Inquire the situation with the arrests of 7 activists in Ingushetia, which were carried out in the context of mass arrests after rallies of March 26, 27, 2019;
- Take measures to ensure that the authorities of the Russian Federation take steps to restore and protect the rights of the 7 detained representatives of the Ingush opposition.

If necessary, we are ready to provide additional information on the first request.

²⁵ Decision of the Nalchik City Court of 5 April 2019 (Attachments 16)

²⁶ Decision of the Nalchik City Court of 22 May 2019 (Attachment 18)

²⁷ Decision of the Nalchik City Court of 5 April 2019 and Ruling on Prosecution of 10 April 2019 (Attachment 19)

²⁸ Decision of the Nalchik City Court of 29 May 2019 (Attachment 20)

²⁹ Meduza, "In Ingushetia, rally against the amendments to the law on referendums, made after the dispute about the border with Chechnya. Ingushetia's Interior Minister resigned", available: <https://meduza.io/feature/2019/04/01/v-ingushetii-mitinguyut-protiv-popravok-k-zakonu-o-referendumah-raspuschen-batalon-politsii-glava-mvd-respubliki-ushel-v-otstavku>, last accessed on 2 July 2019

³⁰ Human Rights center Memorial "Detentions and searches in houses of protest movement leaders in Ingushetia continue", available: https://memohrc.org/ru/news_old/zaderzhaniya-i-obyski-v-domah-liderov-protestnogo-dvizheniya-v-ingushetii-prodolzhayutsya, last accessed on 26 April

³¹ Kavkaz.Reality, "The task is to charge 360 people", available: <https://www.kavkazr.com/a/29886320.html>

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