

Intervention at the OSCE session on migrants and refugees on behalf of the Russian-Chechen Friendship Society.

2009-10-05

The refugee issue remains one of the tragedies of the war in Chechnya. Due to continuous aggravation of the situation throughout the North Caucasus and the atmosphere of arbitrariness established there, the refugee issue becomes more serious. The problem aggravates as thousands of people are trying to flee Ingushetia and Dagestan.

Since the time the conflict started, tens of thousands of people from the conflict-torn zone were dispersed to various countries, from Turkey to Europe and other parts of Caucasus. They continue to survive there with difficulties specific to the regions.

In addition to the troubles existing for a long time about refugee rights, more attention should be paid to the two alarming tendencies. The Russian authorities and their appointees in Kadyrov's Chechnya are thriving hard to silence the reality of the dictatorial regime imposed in a particular subject of the Russian Federation. It is being achieved either by means of "return mechanism" which we observe in examples from Azerbaijan, Spain and Egypt, or by "assassination methods" experienced in Qatar, Austria and Turkey.

At that, we would like to recommend OSCE participating states to view extradition requests with more thorough attention and take into account the opinion of reliable human rights organizations. Thus, numerous HR groups opposed Murat Gasayev's extradition from Spain to Russia, in light of the prior allegations of torture and continuing risk of such treatment for terrorism suspects in Russian custody. However, those protests we ignored. In September 2009 Murat Gasayev was freed from prison after all the charges had been dropped. Much of the case, and the extradition request to Spain, appears to have been based on statements made under interrogation by another detainee, Idriss Matiev, naming Gasayev as a participant in the June 2004 attacks. Matiev later retracted this statement, alleging that he had been subjected to beatings, torture with electricity, and threats against his family. We appreciate the effort of the main investigator into Gasayev's case who performed his duty with honesty. However, we can't regard his release as big relief as in the first place, he should not be there. Besides, from our contacts with Gasayev's lawyer, we know that he fears for his life and security until now.

We are also drawing attention to the violations of human rights amounting to a persecution of an entire Chechen family in Lithuania. On 14 October 2008 Khadijat and Malik Gataev were arrested in Kaunas by the Lithuanian State Security Department. Until their arrest, the couple ran two large orphanages in Chechnya and in Lithuania. The nature of initial charge which were all dropped during the pre-trial investigation, didn't demand involvement of the Security Police. During the pre-trial investigation and the trial process, SSD constantly applied arbitrary measures, in close cooperation with Kaunas District Prosecutor's office. Evidence at our disposal attests that the SSD together

with the prosecutor were also putting constant pressure on the friends and supporters of the Gataev's family who were concerned by their arrest. Including the arrest of some of them for short periods.

On June 4 2009 the Kaunas City Court sentenced the Gataev to ten months in prison. The custodial sentence expired on 14 August 2009. However, the Court issued a ruling to prolong their custody. On 9 September 2009, the Lithuanian Appeals Court revoked the had no legal grounds.

At that, on 25 September 2009, the Kaunas District Court gave its verdict pronouncing the couple guilty of the previously dropped charge of money extortion. No additional inquiry had been carried out to ground the new ruling.

In our opinion, the above-mentioned instances point to attempt to harassment indicate manipulation of facts and an ambiguous application of law of court procedures by Lithuanian authorities in order to achieve certain outcome of the trial and eventual deportation of the Gataev from Lithuania. It should be noted that their return to the Russian Federation where several scandalous murders of the opponents of the Chechen President Ramzan Kadyrov have taken place – would put their lives in great danger as the Gataev family have been previously harassed by the Kadyrov's government. The arbitrary measures of the Lithuanian authorities have resulted in the violation of the Gataev's right to fair trial, especially their right to presumed innocent until proved guilty.