



*These are the translated versions of the Dutch Newspapers that accompany the nomination of Magamed Abubakarov.*

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Translated by Justitia et Pax

Lawyer Recovers in Shelter City The Hague

Text by: Lex De Jonge

The Hague. Last fall The Hague became the first Shelter City in Europe. As a Shelter City it provides human rights defenders in distressing situations a safe place where they can recover during a period of three months. Magamed Abubakarov was the first human rights defender to visit the city. The lawyer walks with a cane, due to a severely injured right leg. Or more precisely: due to a car that drove into him in December 2011, in the northern Caucasus. He tells a brief version of the story in a small room in the midst of The Hague. He wants to use his time with the press to talk about the gruesome situations of his clients. And about the other Muslims who since 2005 have been subjected to suppression in the independent Russian republic: Kabardino-Balkaria.

Abubakarov was chased by an armoured police vehicle and forced to stop. “Four men with masks and machineguns forced me to open the trunk of my car. Once at the trunk another car drove into me at full speed. My right leg broke at several places.” The lawyer was hospitalised for a long time. In the meanwhile the authorities concluded that the attack was an accident and that the driver was not to blame. Complaints and appeals to the higher courts had no effect. “I therefore understood that it is about me personally. It’s about my job.”

**Shelter City** In other words it was time for him to start thinking about his own safety and to escape his situation for at least a little while. Abubakarov was then told about Shelter City, a project of a human rights organisation that offers activists who battle oppression and injustice in their own countries a safe heaven. In October he arrived in The Hague, the city that had just declared itself the first Shelter City in Europe as a result of an initiative of the political parties Groenlinks and D66. The human rights organisation Justitia et Pax offered him shelter and guidance and pays all the costs of Shelter City.

“We got an apartment with security at a secret location in town,” says deputy director Sebastiaan van der Zwaan. “Where visitors can recover and get help with their job. Abubakarov has put his efforts into learning English, a language that he doesn’t yet master.” After the first 3 months one can conclude that the project is not a sinecure. “It asks a lot of time, dedication and efforts from our small organisation” experiences van de Zwaan. “Somebody is always busy guiding the activist. There’s a continuous need of security services. Somebody who’s famous because of his job in human rights is also at risk in other countries.”

Abubakarov does not steer away from the risks. Yesterday he returned to Kabardino-Balkaria. To once again defend clients such as Rasul Koedajev, a former Guantanamo Bay detainee imprisoned in his home country since 2005, after an attack of antagonised Muslims on the police and army. The lawyer talks for a long time about suspects that were evidently not present during the rebellion that followed after several anti-Islamic measures. About Koedajev who has been in custody for seven years without a trial and about the thirty witnesses that provide him with an alibi. About his confession and tortures.



His client is being kicked and tortured with machineguns, tells Abubakarov and subjected to more advanced torture techniques involving electricity and syringes in his eyes. Horrid pictures of the maimed face of the suspect circulate the internet. The question about whether he's afraid. Is one the lawyer does not answer. Publicity can help says Sebastiaan van der Zwaan. "When you're already under attack in your own country, it can be advantageous to be known abroad."



## **Lawyer in the Most ‘Lawless Part of Russia’**

Tatiana Scheltema

Chechen lawyer Magamed risks his own life to defend suspects of terrorism. He survived an attack but will most likely limp for the rest of his life. L4L has been supporting him for quite a while. He recently spent three months with Shelter City The Hague to recover.

It is a strange image: a good looking young man who walks with a cane. Lawyer Magamed Abubakarov knows he has had a lot of luck. Since 2007, he’s the counselor of ‘Muslim terrorists’ who are being suspected of involvement in the attack of government buildings in the town Nalchik in Kabardino-Balkaria two years before. He has been monitored by the authorities ever since. In government circles they call him the ‘Al-Qaeda’ lawyer. A police officer once told him that his job could one day lead to his death. There have even been threats about confiscating his lawyer’s license.

The attack happened as follows: late at night on the road from Grozny to Nalchik, he was overtaken by a police car and commanded to stop. Armed and masked men asked him to open his trunk. Then: the blow of the third car that drove into him. ‘A shame that they didn’t finish the job’ was what they said in the office of the public prosecutor in Nalchik. The bones of his left leg looked like grit on the x-ray. He had to rehabilitate for at least a year and his leg is still full with iron pins. His nervous system has probably been affected too, his left hand is numb and he doesn’t have any control over the muscles in his leg. Moreover he still has nightmares alternating with insomnia. He has difficulties concentrating.

Abubakarov is an ethnic Chechen, whose family was deported to Kazakhstan by Stalin. Chechens were discriminated in Russia and his family moved back to the Chechen capital Grozny. The most lawless part of Russia, according to Abubakarov, where security forces are inviolable and numerous human rights are committed in impunity. That makes him extremely vulnerable. His mother who lives in Grozny and who he visited on the night of the attack had already been threatened by the security forces.

The investigation into the perpetrators of the attack has, after more than a year, led to nothing. In fact, there is no investigation at all says Abubakarov. Initial his family tried to reach some kind of agreement with the driver – that’s how it works in Chechnya – until the driver and his family disappeared. Abubakarov doesn’t want to leave it at this and will once again start legal proceedings.



Interview Magamed Abubakarov, a young lawyer in the Northern Caucasus

### **‘State manipulates judge in Russia’**

Lawyers who assist terrorists in the Caucasus risk their lives. Lawyer Abubakarov can still recall an attack on his life.

By editor Hubert Smeets

The Hague. Magamed Abubakarov (32) is a limping lawyer. His profession and Physical circumstances collide. At the end of 2011, Abubakarov was involved in some kind of traffic accident. He got seriously injured and as a result he now cannot walk without a cane. He was chased one night in Nalchik, in Kabardino-Balkaria, by men in an armoured vehicle and asked to open the trunk of his car. As Abubakarov opened his trunk he was hit by a third car and forced to the ground.

The accident did not come as a surprise. Abubakarov had already been informed that both he and his family were in danger. He defends “terrorists” in the Caucasus and does not participate in the games of the authorities. A lawyer who decides to take on such a position has a difficult life. Or even worse! Natalya Estemirova, for instance is no longer there to tell his story. This human rights activist was kidnapped and found dead near the road in Ingushetia.

Abubakarov is, therefore, cautious in his work. It actually happened to him. As a child of Chechen exiles –Stalin deported the entire population in 1944 due to ‘collaboration’ – he was born in Kazakhstan. He only moved to Grozny in 2004 to work as a lawyer.

Here he once again started to defend both Chechens against whom the courts had fabricated false indictments and those who had been submitted to torture by the special unit in order to extract confessions.

His job became more and more prominent after October 13 2005, when government buildings in Nalchik were attacked by armed men. 92 rebels, 35 police agents and 14 civilians lost their lives in the attack. According to the government the attack constituted a separatist coup by Muslim terrorists. Abubakarov, however, experiences the attack as an “armed rebellion” against the anti-Islamic repression of those days. Moerat Sjogenov, the former police chief of Kabardino-Balkaria, took permanent actions against mosques, men with beards and so forth. According to the lawyer it were those men who took the weapons and rebelled.

Abubakarov decided to defend two suspects with a high Islamic-political profile: Kazbek Boedtojev and Rasul Koedajev. Boedtojev had to be released after 5 years and is now under house arrest. He had 32 alibies which the courts could no longer ignore.

Koedajev has alibies too. Nonetheless, he is still being subjected the chains of imprisonment, says his lawyer. Koedajev was first imprisoned in Guantanamo Bay. The Americans arrested him in Afghanistan in 2001, where according to him he was just passing through to Pakistan for the wrestling sport. In 2004 he became the first detainee to be released from Guantanamo Bay due to lack of evidence.

Back in Russia, he was again imprisoned and put in custody in the detention house White Swan in Pjatigorsk. He was released briefly due to illness until the uprising in Nalchik. It has been seven year



since and Koedajev is still to be convicted. He has been in custody for over 8 years and now even suffers from hepatitis C.

The circumstances in Russian detention houses are horrid and these places are filled with numerous infectious diseases. One of the Nalchik suspects died in late 2008 in an isolator due to cirrhosis. He was not the first one. “We appealed to the constitutional court with regards to these cases of custody. Unfortunately, this was in vain and we have been declared inadmissible,” says Abubakarov.

Abubakarov got to know the Russian legal system more thoroughly through the Nalchik cases. The authorities deny that it happens. Nonetheless, through the numerous files Abubakarov has seen he knows that suspects are oftentimes tortured and intimidated. Even threats such as “we will shoot you in the back, so it will seem as if you were trying to flee” are common.

Most lawyers don't do anything against this. Oftentimes they are with the police and the suspects don't even know they're lawyers according to Abubakarov. In this case, appealing to the courts does not make sense. Judges are manipulated. The Nalchik cases should be done with a jury due to its severity. There was a jury in 2009. However, the law changed on the last day of that year and as a result jury trials were no longer permitted with regards to terrorist cases. Most suspects in these cases have no confidence in professional judges as they are entirely dependent on the executive power and secret services.

The docility of the judges is not only politically but also of a material nature. Abubakarov: “Corruption is widespread in the Russian legal system. Many judges are in office due to material reasons rather than their norms and values. The biggest problem in Russia is the lack of an independent judiciary. As long as this is the case, we cannot unclutter the system and make it into a proper democracy.



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## **The Russian Police on his Heels**

Lawyer Abubakarov recovers in the Netherlands from the threats

Text by: Nicole Lucas

Of course he is scared. “Nonetheless, I have to continue my job and I don’t want to live abroad for the rest of my life.” Human rights lawyer Magamed Abubakarov left The Hague yesterday. The lawyer (32) was in the Netherlands for three months. It was a good time for him, in which he was left alone and not harassed by the authorities.

After a stopover in Moscow he will soon arrive in Nalchik, the capital of the Russian republic Kabardino-Balkaria, in the extreme south of the country. It is only a matter of time before he will be arrested by the police at one of the many roadsides, Abobakarov knows. That’s just part of life in this region, near the often troubled Chechnya. It’s almost always a nuisance, especially for a lawyer who works in politically sensitive cases and assists people who have been accused of terrorism. Nonetheless, after a short delay life usually goes on.

That one night in mid-December 2011 was different. Heavily armed, masked police officers forced him to stop and open the trunk of his car. At that moment a car drove into him at full speed. Abubakarov was severely injured and his leg was partially crushed. It took him months to recover and he now cannot walk without a cane.

An assault? Abubakarov formulates it carefully. ”I’m still not sure.” Nonetheless, the way in which the case was handled together with the threats that preceded the attack and comments made by people of the court (“shame they didn’t finish the job”) give him enough reason to believe that this was not just an accident. Advised by the Russian human rights organisation Memorial he left the country for a short period to escape to the threats already once before.

Abubakarov is not loved by the Russian security service, which crushes every expression of dissatisfaction in this impoverished region with the longstanding fear of Muslim terrorism as an excuse. Torture, kidnapping, falsifying evidence: little is avoided, he says. The rights of suspects are flouted.

The paradoxical effect, says the lawyer who himself is of Chechen decent, is that the authorities create the religious extremism that they’re fighting. The population of Kabardino-Balkaria counts about a million inhabitants who’re predominantly Muslim. Most of these inhabitants are not after a Muslim state. They are, however, tired of poverty and corruption. The unemployment rate is ginormous. This desperate situation makes the population receptive to extremism, as said by an advisor of President Putin. And it certainly doesn’t help if they also have the impression that Moscow is fighting a war against Islam.

Abubakarov: “people have been arrested simply because they’re Muslim. They try to get their rights and oppose discrimination against their religion. The police goes free no matter how rigid their action, while suspects get outlawed.”

He experiences this in the mass prosecution of the 58 suspects of the Nalchik rebel attack of October 2005. One of the suspects he defends is the 28-year-old Rasul Koedajev, who was previously imprisoned in Guantanamo bay, but was released 2004 and sent back to Russia. He was arrested again



shortly after the Nalchik attack. Abubakarov: “there is no hard evidence against him.” Confessions have been obtained through torture. “Pictures of an injured Koedajev with a heavily swollen and maimed face circulate the internet.”

During his stay in The Hague Abubakarov transferred the case to two colleagues. Soon, he will take over and continue the work. He doesn't look forward to the moment he'll be arrested and as has happened before be denoted as “the lawyer of Al Qaeda.”