

OYUB TITIEV'S CLOSING STATEMENT – 11 March 2019

On 11 March, Oyub Titiev, the head of the Grozny office of the Memorial Human Rights Centre, who is on trial on fabricated charges under Article 228 (possession of drugs), gave his closing statement at Shalinsky City Court.

This is the text of his statement:

“I would like to start by thanking my colleagues and friends for the enormous amount of work they have put in over these past fourteen months. Many thanks to you all! I have wonderful friends and colleagues.

I would also like to thank my lawyers, who have done so much. You have managed to show that the charge [against me] is worth as little as [points to the case materials] all this waste paper.

I would like to thank the politicians and public figures who have protested against my detention and the fabrication of the charges against me. In particular, I would like to thank the President of France, who raised my case in a personal conversation with the Russian President. Thank you to Grigory Alekseyevich Yavlinsky and Ksenia Sobchak, who have visited Chechnya and spoken out on my behalf. Many, many thanks.

I would like to thank the journalists who have covered this trial, appearing in court throughout all these eight months.

Thank you to the European institutions and those other countries who have on numerous occasions protested against the trumped-up charges against me.

Thank you to those who have written to the President of this country about this case. Raised a thousand voices in protest at this case.

I would also like to thank all those who have written to me. The letters have been arriving by the hundreds, too many to keep count of. I received thousands of letters in the pre-trial detention centre.

I must apologise to my loved ones for the suffering they have been through because of me and thank them for their patience and resilience. I know that it has been harder for them than for me, far harder.

Let us now move on to this actual case.

My defence lawyer Novikov has said that our trial ‘has beaten a record’. Quite possibly it has beaten more than one. I am convinced that this trial has beaten all records of hypocrisy and cynicism. That is one hundred percent certain. And we were prepared for that.

I, Oyub Salmanovich Titiev, born on 24 August 1957, found myself behind bars on 9 January 2018 at 9:00, by the will of the Lord. I have accepted this with humility and gratitude to Allah. I would like to believe that he has brought this ordeal upon me out of his love for me rather than for my sins, that it is a test of my fortitude and of my faith in the Supreme Being.

I am the father of four children, including one under-age. I hope that they can endure the hardship brought upon us.

I have lived in the village of Kurchaloy since 7 November 1957, ever since my family arrived in the town of Gudermes from exile in Kyrgyzstan. 61 years have passed since then. Many things have changed during this time. The country has seen seven different heads of state, the Soviet Union has collapsed, socialism has become a thing of the past and has been

replaced by democracy. We are told that we have democracy in our country. But it is a rather strange kind of democracy.

In a democratic country people are not locked up for a single 'like' on the internet, people are not picked up off the street and thrown behind bars. The number of obligations is increasing from one year to the next, while the number of rights is diminishing. The State Duma has been working hard, rubber-stamping on a daily basis legislation that curbs rights and sends people behind bars for the slightest transgressions.

Sometime in October 2017 I was a part of a group of human rights activists and lawyers that visited Moldova. We held meetings with state officials and NGOs, including one with the Minister of Justice. I found it very interesting to discuss with him the penitentiary system of his country. They have only eight thousand people in prisons. Of course, 'only' is not the right word. But for a country with a population of just over four million, this is not a big figure. I asked him: 'How come that in your country, whose economy is so weak (he agreed that their economy was weak) there are so few people in prison? Countries with a poor economy usually have a high crime rate.' He replied that the reason the crime rate in his country was lower was probably because their laws are humane. In addition, they have purchased a large quantity of [security] wrist bands in order to keep some of these people under house arrest, and they are planning to release 10 to 15 per cent of them. Their laws are very humane with regards to ordinary people but very harsh with respect to officials, as far as I understood. They have put two prime ministers and about three dozen prosecutors and judges behind bars. I liked that very much.

You will never see anything like that in our country. More than a million people are behind bars here. The state is spending vast amounts of money to keep this army in jail. Keeping an actual army probably doesn't cost that much.

If at least 50% of them were released – I am convinced that half of them have been imprisoned on trumped-up charges – the housing problem in the entire country could be resolved within a few years.

I have now spent 14 months behind bars.

I wrote to this country's President on 12 January 2018. To this day, I haven't received a response. In addition to my appeal, over 170,000 citizens have appealed to him on my behalf. Famous and respected people in Russia have appealed to him. Grigory Alekseyevich Yavlinsky attended two court hearings, in the Staropromyslovsky and Shalinsky Courts. On both occasions he spoke out on my behalf. And afterwards, on both occasions, he spoke to this country's President and made him aware of the evident fabrication of the charge against me. On one occasion, this happened in the presence of a large number of people. No response until this day.

But who am I? Just one voice... There are millions, hundreds of millions like me. Citizens in this country are not regarded as having any worth.

And apparently, I am a saboteur: I have tried to draw the attention of the authorities to violations of citizens' rights.

I have also written to the FSB's Director. I received a reply from the Chechen Republic – two letters with identical text – a mere two lines. They said that what I had written was not corroborated. That is to say, I had lied.

Those who say that our country needs people only in elections are right. Although people still have faith in 'the good tsar'.

This brings to mind a joke, if you will allow me. It's a joke about an old Jew who used to come to the Wailing Wall. A journalist saw this old man who would go to the Wailing Wall every day and decided to interview him. The journalist asked the old man: 'What are you praying for here by the Wall?' The old man replied: 'I am praying for an improvement in people's lives, justice, the observation of rights, and so on.' The journalist asked: 'Have you been coming here for a long time?' Reply: 'Yes, every day for forty years.' Journalist: 'And how do you feel after forty years?' Reply: 'I feel like I've been talking to a wall for forty years.'

It is the same here.

I would like to tell you how I ended up working for Memorial.

In the summer of 2001, a massive 'mopping-up operation' (*зачистка*) took place in our village. The village was under siege for five days. The military searched every house, turning everything upside down. Everything of value was taken away. Hundreds of people were taken to a checkpoint that had been set up on the outskirts of the village. Over a hundred young people were subjected to torture. Five people from my village were blown up. Three of them could be identified only with great difficulty. Two were never identified.

Next, our village was visited by top officials of the [Chechen] Republic and a deputy of the State Duma. They spent over an hour in the village. I wrote a detailed account of the excesses committed by the military. Hundreds of signatures were collected in my village. Back then everyone was naïve enough to think that someone would care about signatures. We handed everything to the parliamentarian. All he has done was write three lines in a newspaper (which I think he himself was funding). It was a plain statement of the facts: a 'mopping-up operation' took place and five people were killed. It didn't even mention their names although I had given him a detailed, two-page long account of the events.

The following day the current colleagues of mine arrived from Moscow, some of them are sitting here in the courtroom now. There were five of them, including Natasha Estemirova. We were brought together by chance. I spent a whole day driving them around the houses of victims, and to the hospital where many of them were lying, as well as taking them to see relatives of those killed. In the evening they had to leave, as they were not allowed to stay in the village because of the curfew. But Natasha stayed behind and finished the work she had started.

At that time, just after the 'mopping-up operation', eight young people were abducted. I also told my colleagues about this incident, providing them with names and an account of the abduction. I knew where they were being held. Once Memorial had done everything they needed to do and requested information from the prosecutor's office, the case was covered by mass media around the world. To cut a long story short, two or three weeks later these people were freed.

One by one, or by twos, they were dropped off in various locations in the Gudermes and Kurchaloy districts. Seven were freed. The eighth hasn't been found to this day, but instead of him another man was freed.

We lodged a complaint with the European Court of Justice on behalf of the eighth man, the one who had disappeared, and we won the case: his wife received compensation. However, his case has not been investigated to this day. And his body has never been found. So I saw

how these colleagues of mine worked, they offered me a job and I've been working for Memorial ever since.

On 15 July 2009 Estemirova was murdered. The then Russian President, Dmitry Anatolyevich Medvedev, took charge of the investigation. All he ever did was send a condolence telegram. He is still supposed to be in charge, but the investigation has been suspended. Obviously, if he had not been in charge, the case would have been investigated a long time ago and the crime would have been solved. We have investigators in this country who know how to solve crimes, we have professionals – provided, of course, they are not hindered in their work.

I have headed the Grozny office of Memorial since 2011. I have worked for the organisation for a total of seventeen years. And if over those years we have managed to save at least one person – and I know many such people – I think our work hasn't been in vain.

During all those years I didn't have much time for my family. I could only provide them with minimum subsistence, since a single job in a family of six cannot provide more. Of course, I could have given all my relatives jobs at my workplace and taken salaries for all of them, the way a certain well-known individual has done, who calls himself a 'human rights defender' (in quotation marks). Or, like this woman, another 'human rights defender', I could have sold relatives of those abducted information about their missing relatives for a lot of money and lived comfortably. But to do that I would have had to abandon honour, conscience and, first and foremost, the Supreme Being, Islam. I am sure that my family, my children, my friends, do understand my position perfectly well.

As I have said before, on 9 January I was detained in a criminal manner.

At 9:00 am a bag with drugs was planted in my car. It was planted by two Rapid Response Group [Russian acronym, GBR] officers half my age. A third officer showed complete indifference. He was also present, and he acted dishonourably. Unfortunately, I have yet to learn the names of those officers, but it is only a question of time. Sooner or later people will find out the names of these scoundrels.

On that morning officers like these were waiting for me on every road out of the village. But only those positioned on the road from Kurchaloy to Mayrtup were in luck. They have since probably been promoted or, at the very least, rewarded for this brilliant operation. I will definitely try to discover their names and share them with their friends, neighbours and relatives, so that they can be proud of their heroic friends! I used to believe that only brave people were drawn to police work. But it turns out that scoundrels are, too.

Once I was taken to Kurchaloy police station, I found out that this crime had been organised by Deni Dzhabrailov, the head of the criminal investigation department. My lawyer has predicted a great career for him, but I doubt that. Forging a career by means of a crime comes at a cost. People say: a thief's life is good, but short.

The next participants in this crime are officers of the State Traffic Safety Inspectorate (GIBDD) Husein Hutayev, Alikhan Garayev and Magomed Danchaev. Khutayev 'spotted' the bag in the car and immediately summoned an investigative operations unit. Mind you, it was an ordinary bag, of which there are millions. But for some reason he found the bag 'suspicious', even though it might have been a bag of potatoes. He was obviously carrying out an order he had received – how very obliging of him. And that is probably why he was

promoted very soon afterwards. At that time he held the lowly rank of junior lieutenant... Now he is Head of the District Traffic Safety Inspectorate! Garayev testified here in court, everyone heard him...

The following people to become involved were detective Andrey Manzhikov and investigating officer Azret Muratov, two seconded officers who were complicit in this crime. It is hard to understand what they got out of it. They could have stayed away and gone back home. But they obviously care more about wealth than about their officers' honour.

The next person involved in this case is a man from my village, Emi Magomadov. He fabricated all the evidence, he lied brazenly and cynically during questioning here in court – as, incidentally, did sixty officers of this police department. He was assisted in this by two former (or current?) police officers – the witnesses Mak-Magomed Takalashev and Bislan Tasuyev. Tasuyev is a former police officer, he lost his job shortly before or after this, while Takalashev was an intern with the police at the time. Magomadov made many mistakes out of inexperience: he tried to forge my signature, dashed off reports...

Those who know our history, the history of the Chechen people, will know that in the course of 24 hours on 31 July 1937 fourteen thousand Chechens were arrested on the basis of reports like this. Over the following month alone, another 18,000 were arrested, most of whom were executed by firing squad or perished in camps. They included the son and grandson of Bamatgirey Mitayev, if that name means anything to you [ed.: successor of the Sufi sheik Kunta-haji Kishiev]. Neither of them returned.

The next man involved is inspector Nurid Salamov. He has surpassed everyone else, fabricating evidence in the course of 25 days. However, he made many mistakes due to incompetence. He is very poorly qualified – I don't know why they keep him in the job. Probably because he is the protégé of a high-ranking official, something he likes to talk about.

Then there is the GBR officer and his two colleagues. You may remember that I testified about the torture they subjected me to, wrapping scotch tape around my head, tearing my hair out and then including all this in the case file as material evidence.

Afterwards the case was taken away from the Kurchaloy district police and handed over to the [Chechen] republic's investigative committee. Inspector for especially serious cases Ibrahim Khadukayev needed four months to put right what inspector Salamov had fabricated in 25 days. He was very proud of having been assigned the case. He passed on all this filth to the prosecutor's office, justifying the trust placed in him. We have seen what his 'investigative experiment' is worth.

Next, the state prosecutor's office got involved. You don't need legal training to understand the absurdity of the charge. Any first-year student would refuse to regard this as a criminal case. But not only did our state prosecutors not dismiss this case, they took it to court, poured filth over me and for eight months now have tried to smear me with it. It turns out that the ultimate truth is an endless number of testimonies by law enforcement officers [*siloviki*], lacking any substance.

The crowning moment was provided by the main witness for the prosecution, Amadi Baskhanov. Suleymanov, the man who presented this witness to investigators at the Kurchaloy district police department, testified three times. The first time he testified to the Kurchaloy district police department, a few days after I was detained. There he said that

Baskhanov came to see him at the Criminal Investigation Directorate for Grozny, where he worked, at 16:10. Then, in the same testimony, he said that while at the Directorate, he met two agents from Kurchaloy district and suggested Baskhanov to them as a witness (the testimony is available in the case file). The second time, while testifying to investigating officer Khadukayev, he asked for his first testimony to be disregarded. According to his new testimony, by the time he met Baskhanov it was nearly 18:00, and he met the two police officers at the marketplace in Grozny rather than at the Directorate.

I could never have imagined that the charges would sink as low as presenting in court a drugged witness – namely Baskhanov – and even less so that a judge would allow this disgraceful trick. I was shocked: he was showing withdrawal symptoms right there in the courtroom. This sort of thing could not happen anywhere else. This trial has been followed by colleagues from all over Europe and I think it is a disgrace. Yet they are the ones accusing human rights defenders of lack of patriotism!

The state prosecutor had forgotten about my existence throughout the trial, focusing on a tug of war with my defence lawyers. For them it was a kind of high-stakes gamble. They couldn't care less about the fact that they were deciding the fate of a man old enough to be their father. Over the past five years this is the sixth trial of this kind that I have witnessed. In five of them I was among those in the courtroom, the sixth time I was behind bars. In two of the trials – the last one and mine – the charges were presented only by state prosecutors. State prosecutor Baytayeva knows perfectly well that this is all a fabrication. But that hasn't stopped her from pressing charges. It was likewise earlier, when Zhalaudi Geriev was tried by the Shalinsky court. Apparently [keeping] her job makes it worthwhile her becoming a sinner. A person of faith cannot lie, perjure herself and defy the truth, but these charges have defied the truth throughout the trial. I have been asking myself what makes people lie. I can see only two reasons – wanting to reap some benefit, or fear. I don't know what motivated the witnesses for the prosecution. Whichever of these two reasons it was, they are both degrading.

Let me go back to Baskhanov, who allegedly had seen me smoke. Apart from him, nobody has ever seen me engage in this activity. And, conveniently, he hastened to report this to the police officer. However, there are people who were held with him in a detention centre at Sernovodskaya station at that time. And as far as I know, on 9 January he was still in detention. On the dates when he had allegedly seen me, Baskhanov was under federal investigation. Later, on 14 December, he was on UFSIN (Directorate of the Federal Department of Corrections) territory, which is recorded in the case file.

When I tried to pose questions about religion during the trial, the prosecution reacted instantly. I was told that this was 'not a sharia court'. I thought back to Geriev's trial, in which Musayev, the defence lawyer, had asked every witness whether they were willing to vouch for their testimony under oath to Allah. Everyone, except for the officers of the Kurchaloy district police department, agreed. And what happened is that three witnesses for the defence who had vouched for their testimony under oath on the Quran, later returned to the court and asked to be questioned again. They wished to change their testimony, as the day before they had been brought to the Kurchaloy district police department. So obviously, in my case, they have learned from all these past mistakes. Over 60 policemen testified in this trial, and all of them lied.

Our prophet has two Hadiths [ed: sayings about the activities of the prophet Mohammed], may Allah bless and welcome him. In the first one he says that there is no room for liars in his Ummah [ed: Muslim community]. All Muslims agree that this Hadith is authentic. The second one says that only non-believers and those who have rejected the truth will remain in

the eternal fire. Faith consists not only in the words uttered by our mouths, but also of actions performed by our bodies and convictions of the heart. If but one of these elements is missing, the faith of such a person is not accepted. Some people equate Islam with a long beard and a shaved moustache. However, this is just a Prophet's sunnah [ed: a holy Muslim custom, explaining examples from the life of the Prophet], but then there is also the Fars – the circumstances without which everything else is rendered useless. You can't just beat your chest and declare that you are a Muslim. That is why all those who have perjured themselves in the course of this trial cannot possibly be Muslims.

<...>

Among all those who have been involved, directly or indirectly, in fabricating the charges against me there is only one decent person who has done his job honourably. The difference between a decent person and a scoundrel is that a decent person chooses what is right while the scoundrel chooses what benefits him.

Those who have fabricated these charges think their justification is that they received an order from above. But there has been no such order. There may have been a wish expressed. I admit there may have been an instruction. But there cannot have been an order to commit a crime. And even if there has been one, nobody is obliged to carry out a criminal order. Every one of you could have refused. But instead all of you, to a man, chose to follow this instruction, anticipating the rewards you would reap. Some of you have already been promoted at work. But everyone will have to answer for their deeds.

15-20 years ago, no one would have believed that a trial like this would be possible in the Caucasus, and in our republic in particular. Nowadays it is the norm. I dread to imagine what will happen in another 20 years, if we continue to follow such principles.

I am under no illusion as to the verdict. I will be found guilty, of course. In recent years virtually no 'not guilty' verdicts have been passed in our republic, indeed in the country as a whole. This indicates that the state prosecution has total control of the country's judicial system. If the prosecutor's office brings a case to court, it means the court will pass a guilty verdict.

On 19 May 2010, at a meeting of the Presidential Council on the advancement of civil society and human rights – when Dmitry Anatolyevich Medvedev was President – the High Commissioner for Human Rights, Ella Aleksandrovna Pamfilova, said in a speech: 'In a number of republics in the northern Caucasus, I will not name them as you know them all, the courts have completely discredited themselves. Something needs to be done about that. People should not feel helpless in the face of brutality and lawlessness.' All this remains true today. I must quote Dmitry Anatolyevich's response: 'You said that the courts have completely discredited themselves. I am categorically against such statements because they suggest a breakdown of the legal system, a total lack of respect for the courts. Yes, there are some judges who take bribes, individuals scared of making decisions. But once we start to say that they have discredited themselves... What are we to do? Dismantle the courts and establish new ones? That is what happened in 1917. So, I would like everyone to discuss these matters with the maximum of correctness. No matter what the courts may be like, they are our courts and we are obliged to abide by their decisions.'

Does anyone remember history, the 1930s when sentences were passed by the so-called Special Council? It turns out our judiciary has not been reformed since then. That is highly regrettable.

As much as we may wish to do so, we cannot avoid abiding by a court decision. In this question I trust in the Supreme Being. If He thinks that I have to spend more time behind bars, I will accept it with humility. However, Allah has ordered us to fight against injustice, and that is why we will fight to the end, until my innocence is fully recognized and those responsible are punished.

In conclusion: how much longer can human rights activists be locked up and killed? When will the authorities finally take notice of this? I would like to ask my colleagues from the countries of Europe for something: please find out if universal jurisdiction or other sanctions can be applied to those involved in this case, those who have organized and committed this crime. This country's judiciary is refusing to investigate this crime, all my appeals to the Investigative Committee have been turned down.

If in this country nobody was prepared to carry out the will of officials higher up – those who would sell their own mother, who are capable of any crime to safeguard their job, their career – crimes like this would be much rarer.

To conclude: I am a Muslim. This is a fact. I don't need to prove this to anyone. As we know, all those who have fabricated this case and have given false testimony for eight months in order to keep me behind bars for as long as possible, consider themselves Muslims. Not a single one of them is interested in discovering the truth. I am ashamed to see people who call themselves Muslims falling this low.

Thank you.”