

Information from the Russian Federation in response to the joint enquiry of special procedures of the United Nations Human Rights Council regarding A.S. Iangulbaev.

Reference: AL RUS 4/2022 of 31 March 2022

The Russian Federation, having studied the above-mentioned urgent request, has the honour to report that Zarema Abuyazitovna Musaeva is a witness in a criminal case being handled by the Investigation Department of the Ministry of Internal Affairs of the Russian Federation in the town of Grozny, Chechen Republic, which case was brought against citizen A. on the grounds of an offence under article 159 (3) (Fraud) of the Criminal Code of the Russian Federation.

As Z. A. Musaeva failed to appear to give testimony – the relevant summonses in due and proper form were sent to Z.A. Musaeva’s registered address on 25 November, 6 and 20 December 2021 – it was established that she was in the town of [REDACTED], in the province of the same name. In view of this, on 11 January 2022, the investigator decided to issue a warrant in default of appearance for the questioning of Z. A. Musaeva in accordance with article 113 of the Code of Criminal Procedure.

The questioning of Z. A. Musaeva took place on 21 January 2022 in police department No.1 of the Ministry of Internal Affairs in Grozny. Z. A. Musaeva did not ask to be provided with defence counsel or submit any applications during these proceedings.

At the end of the interrogation Z. A. Musaeva engaged in disorderly conduct: when she had finished giving testimony, she used foul language directed at the attendees and officers of the above-mentioned police department. A report was drawn up on this matter under article 20.1 (1) of the Code of Administrative Offences.

In addition, while this report was being written, Z. A. Musaeva scratched the left side of the face of one of the police officers. A separate file was established with regard to this wrongful conduct by Z. A. Musaeva and forwarded to the Investigation Department of the Ministry of Internal Affairs in Grozny.

After the report concerning this administrative offence had been considered, Z. A. Musaeva was placed for 15 days in a special temporary detention centre of the Ministry of Internal Affairs in Grozny by a ruling of the Leninsky District Court in Grozny. Once again, she did not submit an application to contact a lawyer.

During her administrative arrest, Z. A. Musaeva received a visit from [REDACTED], the Commissioner for Human Rights in the Chechen Republic, to whom she did not complain about the conditions of detention or a failure to provide medical care.

At the same time, the Office of the Procurator of the Chechen Republic considered the complaint of [REDACTED], the Commissioner for Human Rights of the Russian Federation,

regarding the lawfulness of the enforced transportation of Z. A. Musaeva from Nizhny Novgorod to Grozny for questioning by the investigator. The examination revealed no breaches of the law. The answer was sent to [REDACTED] on 28 January 2022.

Experts described the abrasions and lesions inflicted on the police officer by Z. A. Musaeva as light bodily injuries. In this connection, on 27 January 2022 the Investigative Division of the Investigative Committee of the Russian Federation for the Chechen Republic brought criminal proceedings against her on the grounds of a criminal offence under article 318 (2) (Use of force against a government official) of the Criminal Code.

On 28 January 2022 Z.A. Musaeva was examined as a suspect in this case in which a lawyer was provided. She was charged on 31 January 2022. In response to an application of the Investigative Division of the Investigative Committee of the Russian Federation for the Chechen Republic, on 1 February 2022 the Staropromyslovsky District Court in Grozny ordered pretrial detention for two months, in other words until 1 April 2022.

The court stated as justification for the decision that Z. A. Musaeva was guilty of committing a serious offence under article 318 (2) (Use of force against a government official) of the Criminal Code, for which a sentence of deprivation of liberty of up to 10 years could be passed and that if she were free, she could disappear, thereby hampering proceedings in this case. In addition, consideration was given to the fact that all the members of her family, including her spouse, [REDACTED], a former judge of the Supreme Court of the Chechen Republic, and one of her sons, who was wanted for the commission of terrorist offences, had left Russia and that, as she herself had a foreign passport, she could go also abroad. The Office of the Procurator of the Republic in turn agreed with these arguments.

A court-appointed lawyer took part in the conducting of above-mentioned investigative measures and other proceedings involving Z. A. Musaeva, including those to secure the appearance of the defendant. Her interests are currently being represented by six retained counsels.

As from 1 February 2022, Z. A. Musaeva has been placed in the federal State institution, called Detention Centre No. 1 of the Department of the Federal Penal Correction Service of the Russian Federation for the Chechen Republic. In accordance with the provisions of article 23 of Federal Act No. 103-FZ of 15 July 1995 on the custody of suspects and accused persons, the cell where she is being detained meets health and safety requirements regarding space of four square metres per person, the provision of individual sleeping space, bed clothes, crockery, cutlery and personal hygiene articles.

Before her admission to the detention centre, Z. A. Musaeva underwent a compulsory medical examination as she had complained of feeling generally weak and had also reported that

she suffered from [REDACTED] On 3 February 2022 she was therefore also examined by a generalist doctor, a neurologist and an endocrinologist who confirmed the diagnosis and prescribed medicine for her.

Z. A. Musaeva's current state of health is satisfactory and there is no reason to give her specialized medical care. She is being kept under observation by the medical staff of the detention centre and is receiving [REDACTED]

Lawyers attended Z. A. Musaeva on 4 February 2022. So far, her relatives have not submitted any applications to visit her.

Z.A. Musaeva's son, [REDACTED] was not arrested on 28 December 2021. However, on that date, a search was carried out [REDACTED], which had been authorized by the the Staropromyslovsky District Court in Grozny on 9 December 2021 in connection with the investigation of a criminal case concerning his brother, Z. A. Musaeva's other son, [REDACTED] [REDACTED] [REDACTED] [REDACTED] and for whom as stated above, an international search warrant has been issued. A. S. Iangulbaev was questioned at that juncture only as a witness on the premises of the Central Administration of the Ministry of Internal Affairs for Russia in Stavropol Territory.

All the above-mentioned measures in this context were adopted by the competent law enforcement agencies in strict compliance with existing law and the international obligations of the Russian Federation.