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IN PRESENT DAY RUSSIA**

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Shameful prosecution of the human rights advocates continues

Moscow, 3 February, 2006. The Information Agency “For Human Rights” has just received the message from its correspondent in Nizhniy Novgorod Yuliya Bashinova, informing about Stanislav Dmitriyevsky’s having been sentenced to two years of probation with a 4-year trial period.

Stanislav Dmitriyevsky was charged under Art. 282 of the Criminal Code of the Russian Federation (CC RF). The All-Russian Nongovernmental Movement “For Human Rights” thinks this sentence to be a continuation of the shameful practice of bringing false charges against the human rights advocates and active participants of the movement against the war in Chechnya used for the purpose of kindling the interethnic and religious enmity. Stanislav Dmitriyevsky has shown an example of true patriotism by having made known to the peoples of Russia the separatists’ calls for peace.

The concluding statement in court

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Stanislav Dmitriyevsky

Nizhniy Novgorod, 3 February, 2006, the concluding statement of the defendant

Your honour:

In the final submissions I and my defence have stated in detail the legal aspect of the charge brought against me, its groundlessness and even its absurdity in the present-day environment of the democratic society and state. Therefore, I shall not repeat what has already been said. Using the right to a concluding statement given to me by the law, I should like to dwell now on the moral and ethic aspect of this, to put it mildly, strange charge.

I want to say, in the first place, that I am deeply indignant at the cynical statement made by the representative of the state prosecution in the final submissions, since, in my opinion, the reference by Mrs. Maslova to the tragedy in the Moscow synagogue is a manifestation of the cynicism of the highest degree possible. And, since Mrs. Maslova did not act on her own

behalf, but on behalf of the state, we, therefore, have a vivid sample of the state-sponsored cynicism. It is the procuracy bodies that not just tolerate, but in certain cases also patronize anti-Semitism and xenophobia in our country. And, when there eventually happens a tragedy, they, by tradition, start to put all the blame on the mirror, which just reflects their own faces, and they shout even louder than others “stop the thief!”.

On the eve of the previous court session, the group of the well-known Russian human rights advocates, among whom there are the people present in this court room today, made the statement, in which they reminded of the fact that took place just one year ago. On that day, the public was equally shocked by the furious anti-Semitic manifesto – “by the letter signed by 20 deputies of the State Duma”. The fact that the text in question had an anti-Semitic and man-hating nature was clearly stated by the Ministry of Foreign Affairs of the RF, State Duma of the RF, Chairman of the Council of Federation, Federal Service for Control Over Observance of the Federal Legislation in mass media...

When on a visit in Poland, in the former concentration camp Oswiecim, President Vladimir Putin apologized for this blunder. However, despite the fact that the anti-Semitic libel was sent two times directly to the Procuracy General of the Russian Federation, this agency made no legal conclusions whatsoever. On having seen such a loyal attitude towards their statement, the authors went as far as conducting the All-Russia sign-in campaign demanding to ban the Jewish organizations in Russia. And at the end of March of 2005, they solemnly handed over the petition to the Procuracy General of the RF.

At the end of May, the Basmany Interdistrict Procuracy denied the initiation of a criminal case based on the fact of organisation of these two anti-Semitic campaigns. This decision was promptly approved by the First Deputy Procurator General Yury Biryukov. At the same time, the procuracies of both Moscow and Saint Petersburg took their respective decisions on deeming the anti-Semitic manifesto to be in line with the existing legislation.

The procuracy had no claims to the authors and distributors of the text in spite of the fact that the above-mentioned “letter” accused the Jews of ritual killings and Satanism, to say nothing of the routine charges brought against the Jews with the aspiration for the global domination.

The similar attitude was manifested by the procuracy of the Nizhniy Novgorod oblast. At the beginning of December, in the Lenin Rayon of the city of Nizhniy Novgorod there were distributed the anti-Semitic leaflets. On 12 December, the Nizhniy Novgorod Human Rights Union applied to the Rayon Procuracy with the request to initiate a relevant criminal case. However, to this very day, in violation of the existing legal procedure, the criminal case has not been initiated.

In autumn of 2004, the newspaper *Moskovsky Komsomoletz in Nizhniy Novgorod* in its editorial article published the appeal to deport all Chechen people to the areas of Far North. At that time, I applied to the procuracy with the request to initiate a criminal case under Art. 282 of the Criminal Code of the Russian Federation. However, at that time the criminal case was not initiated either, since the rayon procuracy (that time of the Nizhniy Novgorod Rayon) failed to see the corpus delicti in the above-mentioned appeal. Where does this tolerance come from? Or, using the wording practiced by Mrs. Maslova in court, “the tolerance to the intolerance”? It seems that the authors of the pogrom leaflets and provocative articles are spiritually close to those whose duty is to make a relevant decision and who – poor devils – cannot take a decision on the criminal prosecution of the like-minded fellows.

In my opinion, the xenophobia and anti-Semitism is the ideology of those people, who initiated a criminal case against me. I would like to draw attention of the court to the conclusion made by the expert Khokhlysheva, which was carried out by the request of the oblast procuracy, and, in accordance with my request, was announced in the court session before last. Although no reference was made to this document in the indictment, it is precisely this document that served as a sole legal basis for initiation of a criminal case against me. This document is a very good illustration of the moral stand of the prosecution, as well as of the level of feeling for law and order of the people, who initiated the criminal prosecution in respect of me.

It should be remembered that on 29 January, 2004, the procurator of the Department for Supervision of the Observance of Rights and Freedoms of Citizens of the Nizhniy Novgorod Oblast Procuracy Mr. Malyughin sent a cover letter to the Head of Chair of World Politics and International Law of the Nizhniy Novgorod State University named after Lobachevsky. In this letter, which contained a statement made in a groundless and asserting manner to the effect that the appeals by Maskhadov and Zakayev contribute to extremist activities, the author posed before the expert a question whether “these articles contained the calls for violent acts aimed at changing the constitutional order and undermining the security of the Russian Federation”. The answer to the above question, which was sent to the procuracy from the sanctuary of sciences, impresses one, indeed.

The document signed “by the candidate, doctor, senior lecturer, professor, head of the chair” Olga Olegovna Ckokhlysheva states that such peoples, as Chechens, Arabs and Jews do not actually exist at all. At the same time, her statement discredits the very fact of the Stalin-ordered deportation of 1944 and – simultaneously – justifies this deportation, and together with it – the dispossession of the kulaks, since it was in line with the policies...pursued for the purpose of realization of the interests of the state of that period of time”.

The applied logic is certainly a monstrous one for a legal expert and teacher, who is engaged in bringing up a new generation of lawyers and foreign affairs specialists. Proceeding from this logic, it would be possible to justify the Holocaust, too, since the mass elimination by the Hitlerites of the Jews was also “pursued for the purpose of realization of the interests of the state of that period of time”. (I shall just remind that the state referred to in this case was the Third Reich). The more so that the Jewish people, in the opinion of Olga Ckokhlysheva, does not exist at all, just as there are no Chechens for that matter.

Olga Ckokhlysheva, who invariably calls, in her conclusion, the Chechen people no other name but the “so-called”, writes as follows: “It is known that in the territory of the present-day Chechnya, there live dozens of various local clans, among which there certainly are the representatives of the Chechens; hence one can hardly speak of a totality of people, of the uniform nationality: in general, the term “the Chechen people” is incorrect both politically and scientifically, it is very much similar to speaking, for instance, about the Indians, the Americans, the Arabs or Jews; the Chechens is a collective notion, it is required and coined by the mass media in the first place.”

I shall not tire those present in this court room by making references to the Chechen history, ethnography and researches in the problems of ethnogeny of this people. I think that the court was convinced of my being aware to a certain extent of these issues. I shall just note that none of the scientific works relating to the Caucasus demography has ever posed, before the above-mentioned statement by Olga Ckokhlysheva, a question, which doubted the existence of the uniform Chechen ethnoses.

At the same time, it should be noted that the scientists wrote quite a lot about a Chechen clan as a typical neighbour's rural community. I do not know, from which particular sources Olga Ckokhlysheva borrowed her absurd views, and she herself does not make any references to any literary sources. In all likelihood, she has just confused Chechnya and Dagestan, where there live dozens of peoples, speaking the languages of different language families and groups (Darghins, Tats, Avars, Kumyks, Laks, Lezghins etc.), who are really sometimes called by the mass media by the collective name "Dagestans", although there is no such a nationality.

While the doctor of history can be hardly pardonable for such a mistake, one can at least understand the source of this ridiculous incompetence in this case. However, Ckokhlysheva's statement regarding the non-existence of the Jewish people as a uniform ethnos, can be found only in the anti-Semitic booklets of the meanest nature. These booklets, by the way, are freely sold, with complete connivance on the part of the procuracy, in the Minin Square of Nizhniy Novgorod, right opposite the building of the department, where doctor Ckokhlysheva teaches.

Should there really happen a tragedy in the city of Nizhniy Novgorod similar to the recent massacre in the Moscow synagogue, which was carried out by the criminal resulting from his having read a similar booklet, for the the law enforcement bodies to pay, at last, their attention to those selling this nasty stuff quite openly and right in the centre of the city? Does it really take a bloody tragedy for the procuracy to begin to look for the extremism where it really is instead of looking for it where told by the higher-ups?

It would seem that the experienced lawyer, the procurator of the oblast procuracy should be put on the alert by the strange theses of the university expert. And, while it was not his duty to be versed in the historical issues, he certainly should have been put on the alert by the contemptuous xenophobic remarks such as "the so-called Chechen people", while the use of a word "Chechens" in inverted commas, as well as the bad anti-Semitic smell of the whole document should have at least led this official to the doubts as regards Olga Ckokhlysheva's competence.

However, this has never happened for some reason.

Moreover, the further statements made by Olga Ckokhlysheva are directly contradictory to the existing Russian legislation. On the subject of the deportation of 1944, she writes as follows: "As regards the so-called "total" deportation, this statement should, with a certain share of caution, be doubted, inasmuch as the act of deportation was carried out in accordance with the political will of the relevant leadership of the USSR, and in accordance with the historical circumstances existing at that time, as well as with the objective necessity".

Further, in order to confirm the above thesis, the expert revives the most offensive and odious statements of the Stalin propaganda machine about the general cooperation of the Chechens with the fascists and about the collective responsibility of the whole Chechen people.

It is at this point that the employees of the procuracy should have stopped being so placid! One can hardly believe that Messrs. Demidov and Malyughin did not know anything about the existence of the LAW of the RSFSR "ON REHABILITATION OF THE PEOPLES SUBJECTED TO REPRESSIONS" of 26 April, 1991 No. 1107-I (with amendments to it of 1 July, 1993), Art. 1 of which clearly and unambiguously says as follows: "To rehabilitate all the peoples of the RSFSR subjected to the repressions, having recognized as illegal and criminal the repressive acts against these peoples".

Art. 2 of the Law provides a clear definition of the peoples subjected to the repressions, which does not give any chance to exclude the Chechens from their number: “The peoples subjected to the repressions are those in respect of whom, based on the attributes of their national or other affiliation, there was carried out the policy of slander and genocide on the state level, accompanied by their forced resettlement, the abolition of their national state formations, the reshaping of their national territorial borders, the establishment of the regime of terror and violence in locations of special settlements”.

In this connection, the following statement made by Olga Ckokhlysheva looks absolutely incompetent in the eyes of any lawyer: “... The author of the article once again actually accuses the official authorities of having committed a crime against the population living on one of state territories of the Russian Federation. Therefore, in this connection, the Chechen people and its official representatives could file a relevant claim requesting to satisfy it”.

Lord bless you, madam! What kind of claim? You should have known that in the Russian Federation these crimes have the status of the officially recognized crimes for a long time already, and the Law defines the procedure for rehabilitation of the relevant victims, including reimbursement of the material loss, as well as the political, social, cultural and even territorial rehabilitation! It seems that the candidate of jurisprudence Olga Ckokhlysheva, for some reason, has failed to monitor the changes in the Russian legislation, which have taken place since 1999. This is her own fault anyway. As far as the oblast procuracy is concerned, its employees by virtue of their work should have certainly known about these changes!

Moreover, the employees of the oblast procuracy should have also known that Art. 4 of the above Law provides the relevant responsibility for the violation thereof. “There shall not be permissible the propaganda carried out with the purpose of prevention of the rehabilitation of the peoples subjected to repressions. The persons engaged in such actions, or inciting other persons to commit such actions, shall be liable in accordance with the procedure established by law”. It is at this point that the procuracy, in accordance with the law, should have raised the issue of making Mrs. Olga Ckokhlysheva accountable for her apologia of the Stalin era crimes against the peoples of Russia.

Especially so, as I have already spoken earlier in the final submissions, “the justification of the genocide, deportations, reprisals in respect of the representatives of any nation, race, or religion” is directly referred by the Methodical Recommendations of the Procuracy General of the RF to the actions aimed at excitation of the national, racial or religious enmity. Especially – I dare make my own comments – when such statements are made in the judicial procedure document. However, the procuracy has made a different judgement.

As one publicist wrote on this occasion, there took place “the passing of the relay baton from the past generation to the present-day generation”: the expert that the procuracy applied to has justified the Stalin era terror, and the relevant expert examination has actually opened a way to new reprisals. The criminal case was initiated not against this expert, but against me. Here is the first paradox of this case: the investigation, which has eventually ended in the charges brought against me, namely charging me with of the excitation of the national enmity, this investigation itself was started on the basis of the conclusion made by the expert, who is totally prejudiced through her xenophobic nature.

In the resolution part of her conclusion, giving the answers to the questions posed by the investigator, Olga Ckokhlysheva, strictly complying with the principles of the revolutionary expediency, has obligingly suggested that the procuracy should initiate a criminal case against me under almost all the articles of the Criminal Code of the Russian Federation, which

provide the responsibility for the crimes against the safety of the state, as well as under the articles relating to the crimes against peace and safety of mankind: namely Art. 279 “Armed rebellion”; Art. 280 “Public calls for violent change of the state system of the RF” (this is how Olga Ckokhlysheva assessed the appeal by Zakayev not to vote for Vladimir Putin in the elections); Art. 281 “Subversive activity” (with regard to this article the jurist Ckokhlysheva has warned the procuracy that “a broad interpretation will be required”); Art. 353 “Planning, preparation, and unleashing or waging an aggressive war”; Art. 354 “Public calls for unleashing an aggressive war”. In addition to the above articles, there were used Art. 130 of the CC RF “Insult”, and Art. 139 of the CC RF “Insulting of a representative of the power”.

It is surprising, indeed, that Olga Ckokhlysheva has failed for some reason to mention the seduction of children, espionage and sucking of the Christian babies’ blood, which, provided her principle of “the broad interpretation” mentioned above is duly applied, would have been a worthy completion of the list of evil deeds allegedly committed by me. However, Mrs. Ckokhlysheva has modestly closed the list by Art. 282, which is currently applied for the purpose of charging me.

As the proverb truly goes: “Doctor, please cure yourself, in the first place!”.

Your honour! When getting acquainted with the materials of the case in the building of the procuracy, I remember I was reading all this, to put it mildly, balderdash and I wanted to pinch myself by the ear all the time while I was reading it. It seemed it me that it was not 2005 outside the window of the procuracy, but again 1937, while I was not facing the quiet investigator Kiryukov sitting opposite to me at the same table, but the odious Messrs. Beriya and Vyshinsky, while, on the wall, there was a portrait of the ingenious leader of all the times and peoples.

If the bitter irony is set aside, the picture is as follows. I have no doubt that in the procuracy there work the legally competent employees, who have a higher education and a good length of service. I am sure they perfectly understood that the conclusion by Mrs. Ckokhlysheva had nothing to do with the Russian legislation, with any of the sciences, or with a common sense. They also understood that the reasoning of Olga Ckokhlysheva with regard to the Chechens and Jews could hardly contribute to the cause of tolerance and friendship of the peoples, or, using the recent expression by the Oblast Procurator made at the press-conference on the eve of Procuracy Employees Day, “to the kind attitude to nationalities”.

The employees of the procuracy perfectly realized that the text of the conclusion was just odious, and they seemed to be ashamed of it, since there was no reference to this chimera in none of the further procedural documents. Except for one document, which is, however, a basic one, namely the decree on initiation of a criminal case signed personally by the state councilor of justice, the state prosecutor of the Nizhniy Novgorod Oblast Vladimir Demidov (volume 1, sheet of the case 1).

The state prosecutor Vladimir Demidov has initiated the case solely based on the barefacedly xenophobic, humiliating the dignity of several peoples and legally illiterate document. Why has he done so? It seems there are two possible answers to this question: either the state prosecutor of the Nizhniy Novgorod Oblast shares the Stalin and xenophobic ideas of Olga Ckokhlysheva, or the origin of the initiative is not the procuracy of Nizhniy Novgorod, where they just obeyed the order, and I would rather say: the political order. However, one version does not exclude the other.

Why do I speak about the political order? It is the logic of the events directly related to the investigation of this case that makes me do so. Following the initiation of this criminal case, there was unleashed the campaign by a number of the completely, formally, not related to one another state structures aiming at destruction, at any cost, of our organization, as well as at intimidation, whenever possible, of its employees.

In February, simultaneously, the tax inspectorate of the Nizhny Novgorod Oblast and the Main Registration Department of the Ministry of Justice started the inspection examination of the Society for the Russian-Chechen Friendship. For the first time ever in the history of the Russian nongovernmental organizations the Tax Inspectorate declared that the purposeful financing amount received by our organisation from the European Union and US Department of State should be deemed profit, and told us to pay the tax claims for a period of three years in the amount of over one million roubles.

The Main Registration Department of the Ministry of Justice, which did not receive from us the required documents, which at that moment were withdrawn by the Tax Inspectorate for the checking purpose, filed, on this basis, a civil suit aiming at liquidation of our organization. In March, the Federal Security Bureau (FSB) Department for the Chechen Republic, within the framework of this case, interrogated all the employees of the Society for the Russian-Chechen Friendship in Chechnya, and trying, on a parallel basis, to discredit some of them in the eyes of the local people telling their neighbours that our correspondents were allegedly their (that is FSB) non-staff employees.

In April, in my criminal case, there appeared the official report by the FSB colonel I.A. Korniyev. This document, based on certain "operative data", stated that "the Society for the Russian-Chechen Friendship is currently one of most active associations of the radical and extremist orientation in the territory of the Nizhny Novgorod Oblast" (volume 1, sheet of the case 217).

It should be noted that this happened just one month after all the charges with the extremism had been safely removed from me, while the criminal case itself had been solemnly returned from the FSB Department to the Oblast Procuracy, to its authors. This happened just six months after the International Helsinki Federation had handed to us in Moscow its award "for the hard-edged upholding of human rights and universal values", which had taken place in the simultaneous presence of the three Human Rights Representatives of the Russian Federation (one acting and two former).

At the same time, the beginning of the investigation of this criminal case coincided with the persecution campaign unleashed by the Nizhny Novgorod TV channels and the majority of other local mass media aimed at the Society for the Russian-Chechen Friendship and at me personally. I should say that I learned a lot of things of my own biography during that time! The statements that I am financed by the Chechen rebels alternated with the assurances that it was I who financed the Chechen rebels, while the TV company "Volga" showed my photo against the background of the US dollar banknotes flying in the air like the autumn leaves, or, for a change, against the background of the soldiers' heads cut off by the bandits.

One information agency wrote that it was, probably, I who financed the attack by the rebels on Ingushetiya in the night of 21-22 February 22, 2004! All this bosh was accompanied by the references to "the informed sources in the law-enforcement bodies", sometimes the TV channels featured the shadowed profiles of the people introduced by the TV presenters as "the FSB employees".

Konstantin Moyiseyev, the procurator assistant of the Oblast Procuracy, also spoke willingly with the journalists about extremist activities. Together with him, there played the oracle Mr. Andrukhin, the editor-in-chief of the *Novoye Dyelo* newspaper, the one who in 1999 received the procurator's warning for the publication of the article, the title of which read as follows: "In order to survive, Russia must destroy Chechnya". In a word, this is another propagandist of "the kind attitude to nationalities" well known in the city of Nizhniy Novgorod.

Last but not least, in March, in the area, where there lived Oksana Chelysheva, an active employee of our organization, there were distributed the anonymous leaflets containing her home address, as well as dirty insults and threats of physical violence. After the numerous appeals made by the international organizations, the procuracy initiated a relevant criminal case, but of course nobody was found. In September, similar leaflets appeared in my house.

Here, again, the law-enforcement bodies turned out to be powerless for some reason, while in both cases the text of the leaflets, as far as the contents and style are concerned, had lots in common with the relevant stylistics typical of the statements normally made by Konstantin Moyiseyev. Eventually, on 2 September, the Main Department for Internal Affairs for the Nizhniy Novgorod Oblast initiated in respect of me another criminal case under Art. 199 of the Criminal Code of the Russian Federation: tax evasion. It should be noted that this was done despite the fact that at that particular time the tax examination results report was appealed against by our organisation in the Commercial Court.

One could certainly assume that all these events just represented a chain of fatal concurrences, but I can hardly believe in such concurrences. All my doubts have finally vanished after the representatives of tax inspectorate have attached to the materials of the Commercial Court case the copies of the documents relating to the criminal case considered in this court room, namely the notorious results of the expert examination carried out by Mrs. Teslenko, certified by the stamp of the investigator of the Oblast Procuracy Oleg Kiryukov. This fact showed to me that, although the team works not so cleverly, but in a very harmonious manner, indeed.

And I still question myself, what was the real reason behind all these activities described above involving such a lot of serious agencies represented by the Oblast Procuracy with its relevant department dealing with the specially important cases, the FSB Department for the Nizhniy Novgorod Oblast, also with a similar department, with their own operative support and involvement of the Chechen colleagues, the Tax Inspectorate with their tax collection orders, the Registration Department of the Ministry of Justice, and, last but not least, the imperceptible riff-raff with buckets of glue and packs of slanderous leaflets.

And also this picket composed of the representatives "of the indignant Soviet people", which, being protected by the police, keeps standing near the court building for the second month running, despite the provisions of the federal law, which categorically forbids the picketing of courts in this country. And the last actor to be mentioned here is represented by the group of TV companies and newspapers who like loyal dogs bow-wow their part of the overall play. I wonder, who or what is so powerful that he or it can move like pawns all these people and institutions, including ministries and agencies, special services, groups and associations, with the only purpose in mind – to make us shut our mouth. Who our organisation interferes with?

The court is not a place for guesses and rumours. Therefore, I cannot name specific names here. But one thing is beyond all doubt to me: the whole campaign, including the criminal case considered in this court room, plays directly into the hands of those who are interested in continuation of the war, in the bloodshed in the Northern Caucasus and on all over Russia, who have already acquired and continue to acquire the political and financial capital based on

this trouble, who deliberately cultivate terrorism by encouraging military crimes, and then justify the curtailing of the democratic reforms and returning of the country to the status of slavery and lack of freedom by the need to fight the terrorism grown up by them.

Any war comes to an end by conducting the relevant negotiations. It is clear that the sooner these negotiations start, the less will be the number of victims in the end. These are the copy-book maxims confirmed by thousands of years of the human history. Both the leaders of this country and the state-owned mass media assure us that there is no war currently going on, while we continue to pay for these lies by the new kidnapped and killed in Chechnya and by the new terrorist acts in Russia.

The longer the war goes on, the more we are immersed in this abyss of mutual hatred and vengeance, in the vicious circle of violence. Aslan Maskhadov, who, just several days before his death, offered the peace negotiations to the President of Russia through the *Kommersant* newspaper, was archly killed resulting from his having been lured out of his shelter, just like his predecessor Jokhar Dudayev.

Neither of these men was an angel with wings and halo; however, it was possible to make agreements with them. In the moral code of these people, there was room for a notion of officer's honour, while in their hearts there was pain for their people and for their native land. At present, in their footsteps, there come the ruthless and narrow-minded Islamic fanatics, who are obsessed by the ideas of the global jikhad, with whom it will a hundred times more difficult to negotiate peace and who are willing to stand ready for anything. These people were brought up to be this way by the ruthless, unmerciful, unfair war lasting for many years already. This war has actually lowered Chechnya in the abyss of barbarity, being, in fact, the last colonial war of the expired century.

I and my colleagues in the Society for the Russian-Chechen Friendship, we will repeat again and again our calls for peace. We will continue to give the floor to all those, who currently state and will state in the future the peace initiatives, no matter what party in the conflict these people represent and no matter how these people are labeled by the official propaganda.

We, employees of the Society for the Russian-Chechen Friendship, jointly with other human rights organizations of Russia, currently work and will continue to work towards breaking the shameful wall of silence around the tormented Chechnya. We have always informed and we will continue to inform our compatriots and the world community about the military crimes, no matter who they have been committed by and no matter who of the high ranking officials try to cover these crimes up.

We have always struggled and we will continue to struggle for the fair and stable peace in the Northern Caucasus. We have defended and we will continue to defend our right to a free and prosperous motherland without wars, without the dictatorship and the national enmity, while the charges brought against me by the procuracy have only one purpose, which is to shut up our mouths thus making us keep silent.

In 1968, when the Soviet troops were sent to Czechoslovakia in order to put down the Prague Spring rebellion, eight people in Moscow came to the Red Square with the slogans of protest against this action. The Soviet propaganda stigmatized them as traitors, they were eventually put to prison, and later they were exiled, and some of them did not manage to live up to the day of their release. But these men and women have saved the honour of our people, the honour of our country.

One of them is Larisa Bogoraz, whom I had the honour to know. Shortly before her death, this woman has signed the declaration of our organization – the Society for the Russian-Chechen Friendship. I think the attempt to solve the problem of the status of the Chechen Republic by force to be the same kind of the disgusting crime committed by those currently in power as the Soviet aggression against Czechoslovakia in 1968. In my opinion, each person who has not lost yet his or her conscience, should react to such a crime in an appropriate way.

Unfortunately, there are the times in our history, when to be slandered by the authorities of one's own country, and, moreover, to be subjected to the politically motivated prosecution by these authorities is not just a serious test, but also the greatest honour. The absurd charge brought against me by the procuracy is a sign, which tells us that we have chosen the right way. The same was in 1968, and so it happens again.

I am proud that I am in the company of such worthy contemporaries, as Mikhail Trepashkin, Mikhail Khodorkovsky, Grigory Pasko, Alexander Nikitin. They have chosen freedom, and I, too, have made the same choice. As for the procuracy, it also made its choice in the person of Mr. Demidov, who has recently informed the journalists about his being sure that “Stanislav Dmitriyevsky will be put in prison”. I want to disappoint him: even if they put me behind bars, I am going to be there, in prison, a hundred times more free, than he is at his desk.

The great Dante Alighieri once said that “the hottest corners of hell are kept for those who during the gravest moral crises preferred to be neutral”. It is beyond all doubt that we live in the epoch of the gravest moral crisis. And, unfortunately, we have to admit that at the time, when the war and the terror caused by this war take a heavy toll of thousands of lives, the majority of our compatriots remain indifferent.

Many of them do not even know and do not want to know what happens around them on a daily basis. They prefer to be shut off from the truth, because this truth is too bitter for them. However, sooner or later for many of us there comes the moment of truth. It is the moment, when life makes a person have his choice: whether he is going to continue to hide cowardly his head in the sand, like an ostrich, hoping that the trouble outside will never touch him and his children, or else he will fearlessly face the trouble and fight it.

For me such a moment came in January of 1995 in the streets of the city of Grozny filled with blood. Many of those who gave their evidence in this court room, who came to support me, also went through this choice, although they did it at different times and under the different circumstances.

The choice is faced now by all those, who used to be in this court room during the questioning of the witnesses Kovalyov, Baisayev, Kalyapin, Amirkhadjiyeva, Yusupova, Politkovskaya, because none of those present in this court room can ever tell, from now on, that he or she has never heard anything of the kind occurring in Chechnya. Every person, who considers himself or herself to be a citizen, sooner or later, has to make this choice – the choice between the bitter, hard and dangerous truth and the comfortable, satisfied, but the homicidal and destroying untruth.

Some people make this choice in a simple and easy way, just like drawing a breath of pure fresh air, while making this choice by the other people requires the tension of all their moral forces, the boldness, and even the self-renunciation.

Today, this choice is facing you, Your Honour. And I wish you to have courage to be able to make the right choice.

Each person himself determines the measure of his moral responsibility for the acts of the state, whose citizen he is. But what I am absolutely sure of is that such a responsibility exists.

These verses written by my favourite poet Alexander Arkadyevich Galich in 1968 are very close to my view of the true life values.

Again, again – the thunder among the idleness,
Like a clot in a throat, like a bullet in a barrel.
“Citizens, Fatherland is in danger!”
“Citizens, Fatherland is in danger!”
Our tanks are on the alien ground!
The cocks are shouting boldly
That no one is guilty of anything,
But you will be held accountable
Both for the lies and for the sins.
Be sure you will be held accountable
For each step and each fight.
You will be held accountable!
And if not, then go to hell,
Go and drink to finish up under the table.
Go and drink this skilly of lies!
And let it be again – my war,
My war, my guilt,
And the death will be mine, too!

Your honour! I ask you only of one thing, which is the sentence in accordance with the law, your internal belief and conscience.

S.M. Dmitriyevsky

Serghei Kovalyev: “Today's Russian power has overstepped the limits of its capacity to conduct negotiations”

Today, the Information Agency of the Society for the Russian-Chechen Friendship offers its readers the text of the interview given by the first Russian Human Rights Ombudsman, the ex-deputy of the State Duma of three convocations, the former Soviet political prisoner and a well known human rights advocate Serghei Kovalyev.

The interview was conducted over the telephone on 1 January, 2005 by the editor-in-chief of the Information Agency Stanislav Dmitriyevsky

Stanislav Dmitriyevsky. Planning this interview in middle of January, I wanted to talk to you, Serghei Adamovich, about the human rights advocates and those currently in power. What kind of correspondence there should be between the fundamental mission of the human rights movement in the world and the present-day problems facing the human rights advocates in our country? In what way the mutual relations between the human rights community and the present-day Russian authorities should be built? Are there still any opportunities left for a dialogue with the state power, for the negotiations with it, or, may be, these opportunities are already completely exhausted by now? The adoption of the draconian amendments to the Law on the nongovernmental organizations, and also this notorious espionage scandal and the flow of slander aimed at the human rights advocates makes this topic even more acute than before.

I think, it is now clear to everybody that the war on the human rights movement is already declared. Is it possible to reconcile in principle the present Kremlin regime with the issue of observance of human rights in Russia? Today, I would like to hear from you the answers to these questions.

Serghei Kovalyev. You ask a lot of questions. Let us begin with the latter, that is whether it is possible to reconcile the present-day Russian regime with the observance of human rights. It is a rigid question. And I answer this question rigidly, too: no, it is not possible. Because the present-day political regime of Russia is represented by the people, who are former KGB officers. They were recruited from the KGB together with their “office” political concept, together with their “office” notions about the statehood and law, together with their “office” strategy. All of them make up one team. And this team works towards the goals, which are quite opposite to democracy and liberalism, and, hence this team works rigidly against the human rights values. Their ideology is actually the modernized Soviet ideology, these are certain “state interests”, “sovereign interests”, “national interests”, completely unknown to the citizens of our country, who have nothing to do with these interests. And I am convinced that the political evolution of our country in this particular direction is far from being accidental. These are not the mistakes on the way, these are not casual deviations and zigzags. This is a well planned and well calculated course. This is, in fact, the modernization of the former Soviet system, the vector of the future political development quite deliberately chosen by the present-day power. It is the deliberately pursued domestic policy, and – to a certain extent – the deliberately pursued foreign policy. This policy is aimed at achieving the absolute power and at retaining this power, which is actually an equivalent of the irremovability of the existing political power. At the same time, this irremovable power dresses up as a democratic system for the external world, so that the foreign countries, under the circumstances, cannot dictate to it the rules, and they are, therefore, compelled to play and to adapt themselves. And, consequently, the present-day Russian authorities have to say the words about democracy, and they have to simulate the democratic procedures. However, their true political course goes in the opposite direction. The former KGB strategists cannot invent anything else, and, in fact, they do not want to.

Stanislav Dmitriyevsky. Do the countries of Western Europe, the United States of America trust this Russian simulation of democracy? Or, may be, they pretend that they believe Russia, since, probably, they are just glad to be deceived?

Serghei Kovalyev. Some politicians trust, some do not. I think that political leaders of western countries also like to play such games. They simply sell their priority values. This is quite obvious to me now. Just look: they play all these games with us, with Russia, they ask this hypocritical question: “Who is Mr. Putin?”... What a silly question! You think they did not know, who this Mr. Putin was?! So, what they did before? What did their secret services do? Well, let them be. I mean the secret services. There is actually no work for the secret services. This man is as plain as the nose on your face. Here is his biography, it is not hidden from anybody. The hypocrisy of the former US Secretary of State Collin Powell is just amazing. He said: “There are the people, who believe that Russia has recently receded from democracy. It is a mistake to think so, because it is not the case. Russia continues, in a rather difficult environment, to move consistently along the road of development of democracy”. I cannot believe that a fool could be the US Secretary of State. It is impossible. The high ranking official has turned out to be so misinformed by his staff? It is also impossible! Only a fool can be misinformed to such an extent. The US Secretary of State cannot be a fool by definition, which means that he speaks direct, deliberate lies, and it also means that these are the attempts on the part of the USA to play the “silent diplomacy” game with Russia. My God! How many times we were taught this “silent diplomacy”! How many times we were visited in the 1960s,

1970s by various delegations from abroad, various delegations of scientists, journalists etc., who kept telling us the same thing: “We are afraid to make things worse for you by speaking in defence of you”. This was the constantly repeated motive. And our constant response to this was as follows: “Do not be afraid, speak the truth! Nothing else is really expected from you.”

Stanislav Dmitriyevsky. The most ridiculous thing is that nowadays they talk like this, too, as though we are twenty years back again. I have recently read in surprise the last resolution of the OSCE on the current situation with regard to the observation of human rights in Chechnya and the nongovernmental organizations in Russia. The Assembly has suddenly adopted the very rigid amendments, having declared that the new law on the NGOs does not correspond to the standards of the Council of Europe, and it has also expressed its concern over the facts of prosecution of the human rights advocates. I am not speaking now about a much more rigid resolution adopted by the European Parliament. So, what do you think, Serghei Adamovich, about the attitude of Europe? Does Europe simply shake its finger at Russia in order to keep up appearances? Or, may be, some deputies really believe that it is time that the Kremlin counterreforms should be limited in their advance?

Serghei Kovalyev. It seems to me that it is right now that some shift really occurs. How long is it possible to lie, or, at the best, to close one’s eyes to the obvious things? But we should not forget that the European structures are very different. The European Parliament is one structure, while the Parliamentary Assembly of the Council of Europe is absolutely different. The Council of Europe, including the central staff of Strasbourg, the Committee of Ministers of Foreign Affairs is something altogether different from the former two; this third structure is absolutely far from any responsible analysis, from any truthfulness. We have pure politics in this case. Everything is determined here by the requirement that all ministers of foreign affairs of the countries, which are members of the Council of Europe, should work based on the principle of consensus. And it should be noted that this principle, by the way, is deeply antidemocratic. And, since the Russian minister of foreign affairs is also there, it is hardly possible, as you understand, to have a consensus on any sharp issues discussed by the Council of Europe.

Stanislav Dmitriyevsky. It is practically the right of veto.

Serghei Kovalyev. And there are also the other ministers of foreign affairs. Try to overcome these rights of veto, if you can, when you have Turkey, Russia. God be blessed, Belarus is not there... And all these countries have their own interests. Just try to balance them all! But then there is a question: does the law have anything to do with it? By the way, the Council of Europe is a specific interstate organization, which was established specially for the purpose of implementation of the principles of law, first of all, of human rights, democratic procedures, and democratic principles. The Council of Europe does not have any other tasks. This is the way its founding documents are formulated.

As a matter of fact, the world community, for the thousandth time, falls on its face dealing with Russia by applying the policy of good wishes. It was this way, when there was the League of Nations, and it was this way, when the UN were formed. They were established based on an intelligent concept, with application of an intelligent approach, but each time the world community made the same mistake. You see, it is not a supranational association, but a totality of the states, a totality of government officials, who, at the call of duty or at the call of conscience, exercise their functions, stand upon the selfish, egoistic interests of the respective state power. Not the interests of the people, but those of the state power. I think that such attempts to find the balance of the state interests can hardly contribute to any headway of the

international community. Just because these are the false interests of the artificial bodies. I think that, eventually, the world in the XXI century will be slowly integrated based on a completely different basis. Not on the idea of a union of the states, but on the idea of the common legislation and the supranational priorities of human rights. Well, it is a totally different conversation. And its topic is not on the immediate agenda yet.

Stanislav Dmitriyevsky. It seems to me that the human rights advocates, unlike the politicians, should always pose before themselves and the society certain ideal tasks, without regard to the existing conjuncture and disregarding the availability of possibilities for immediate fulfilment of these tasks. So to speak, to set a milestone. What are, in your opinion, Serghei Adamovich, the priorities, which need to be addressed by the human rights community in the first place?

Serghei Kovalyev. Speaking of the human rights advocates, the rather important issue, which needs to be solved by ourselves, is the issue of correlation of law and politics. We, the human rights advocates, are used to swearing on the tables of law. We are used to saying that we are not engaged in politics, that ours is the domain of law. Let us see what it really means. Are the human rights advocates really engaged in law? Are they not engaged in politics? I think that, in this statement, there is a substantial aspiration to assert the primacy of law, as well as the unconscious fear of the word “politics”. I share the opinion that the human rights advocates serve the cause of law. But, excuse me, the words “I am engaged in law” sound to my ear a little bit too self-confident. Unfortunately, with just few exceptions, I do not see among the human rights advocates any professional connoisseurs of law. As a matter of fact, the human rights advocates are really engaged in politics, with the only difference that it is not that daily “real politics” typical of political managers, analysts and other intriguers and swindlers, who render their services to the sufficiently cynical, not to say mean, professionals. The main demand of the human rights advocates, which is in line with the new democratic paradigm of the liberal concept, is formulated rigidly enough and definitely. And I would say that it is doubtless. It sounds as follows: the law is outside the politics and above the politics. The law is not the servicing machinery of the politics, it is not their instrument. The law is the rigid and fixed framework of the politics. This is what the human rights advocates demand. But it is beyond all doubt a political demand! It is actually the demand that the political power should knowingly limit itself. The law cannot be perceived outside politics and above politics. The law makes up the boundaries of politics. The political power must agree to that the national, supranational, and, eventually, the global interests dictate that the politics should be exercised only within the clear-cut law framework. This is precisely what the human rights advocates demand. I should repeat that this demand is exclusively a political one. One should make the power to recognize the superiority of law. This is precisely that ideal element, which is the main one for the human rights advocates. This is what I mean when I speak about the human rights advocates’ being engaged in politics.

Stanislav Dmitriyevsky. But we are often too shy to admit these things even to ourselves, we just avoid talking about these things.

Serghei Kovalyev. But these things should be openly discussed and declared. This is actually our demand for the kind of politics we should have in our country. After all, this is the central demand of the whole civil society. We are not engaged in the politics in that sense that we are not striving for power. But we put forward our demands to be heeded by those in power. And we formulate these demands.

Stanislav Dmitriyevsky. And to what extent the current Russian power is able to hear us, and to what extent it is able to listen and to hear at all, to listen to anyone at all, let alone itself?

Serghei Kovalyev. In my opinion, the current Russian power has overstepped the limits of its capacity to conduct negotiations. I would like to dwell a little on this topic. All these “power vertical lines” (a purely Soviet invention) appeal to the so-called “great power” ideology. In accordance with this ideology, there are certain state supertasks, which have a supermystical nature, while the society, the people are just the servants needed for the purpose of fulfilment of these supertasks. As it can be seen, this model is completely opposite to the European values. This model is contrary to the one, where the state power is a very important element having very serious prerogatives. And its task is to serve the electorate. This is, so to speak, the interim manager, to whom the relevant authority was delegated from the source of power, that is by the people. As a matter of fact, our Constitution, too, is based on the precisely the same principles! Our Constitution is not a bad legal text at all, despite the fact that it is not quite perfect. But now this text is not worth the paper, on which it has been printed. It is not the fundamental law any more. It is not meant for the purpose of application thereof. Just like in case of the so-called Stalin Constitution. In this country, the principle of accountability of the state power to the civil society fails to work. Quite a different principle – the principle of the great power as a supertask of the whole nation – has been recently aroused in the people’s minds. And now that the Russian Constitution has lost its force the country has actually lost its fundamental law. Nowadays, it is just paper with printed letters. It is actually still another PR instrument. It is an element of the official entourage, if you please. It is to help us imitate our commitment to democratic values. It is precisely its purpose. As a matter of fact, the most important principles of the Russian Constitution lie in ruins now. What is the current price for the principle of separation of powers, for instance? There is no such separation of powers. Like in the good old Soviet times, we have a uniform single top, a single power group, which is not exactly very significant, but, incidentally, entirely borrowed from the former KGB. If there is no separation of powers, there is, consequently, no independent judicial power, let it be Moscow or Nizhniy Novgorod, or any other place on the map of the present-day Russia.

And now, let us have a look at the other constitutional principles. The Constitution says that Russia is a federative state. A parcel of rubbish, indeed! Russia is not a federation, if the power of the federation subject is established by the federal centre. The head of a province may be appointed only in a unitary kind of state, like, for instance, in France. It is totally impossible in a federal state. The subject of the federation is independent to such an extent that it establishes its state power itself, while in our country the governors are appointed by the president. Thus, we have been deprived of the main legal document, the fundamental law of the country, while the country itself is currently guided by the current considerations of the current power. Such kind of power is not accountable to the society, and the power, which is not accountable to the people, is absolutely devoid of all responsibility. We can see it. A very vivid example of this are the events in the city of Blagoveschensk, where there were tortured and severely beaten several hundred city residents. Well, what happens next? The local pro-government elements slandered the human rights advocates. Eight policemen, who, as it seems, really participated in the battery, were brought to justice. But how could possibly these eight men beat as many as four hundred local people?! They say, the other policemen were wearing the masks, so they cannot be identified. Find these masked policemen! Do carry out the investigation! It can hardly be possible that the eight defendants currently held responsible for the beatings will refuse to name another twenty eight their colleagues, which did the same thing! It is ridiculous! This is the issue of the responsibility of power. In this country, there is a high ranking official with the last name Nurgaliyev. He is, incidentally, the Minister of the Internal Affairs of the Russian Federation. He is not the Minister of the Internal Affairs of Bashkiriya, in whose territory the city of Blagoveschensk is located. In the situation described above, the Bashkir colleague of Mr. Nurgaliyev should have been put to trial right after the infamous battery in the city of Blagoveschensk. As for Mr. Nurgaliyev, who is, by the way, a personal friend of President Vladimir Putin, this high ranking official, at the time of the legal

proceedings relating to the above events in Blagoveschensk, received in the Kremlin his new regular award. Now, can you understand this? Can one imagine some democratic country, where there took place the events similar to those in Blagoveschensk, while the minister of internal affairs could continue to keep his office as if nothing had happened at all, and this minister would not have been brought to justice, while the whole situation would not have become the subject of investigation on the highest government level? In a democratic country, it would have been totally impossible! Because the minister is responsible for the state of affairs in his domain. In case a Blagoveschensk happens in his domain, while the minister is not responsible for the battery of the city residents, it means that the power is absolutely irresponsible. Just like it should be in case of the absolute power. Just like it should be in case when we deal with the dominating power, not with the power, which exercises the functions of a temporary manager.

Stanislav Dmitriyevsky. Moreover, I think that in any democratic country following the “Nord Ost” events both the government and the president would have had to resign.

Serghei Kovalyev. It goes without saying. The President publicly lied regarding those events, while the top power very clearly demonstrated that the lives of the hostages are of no priority for it. On the list of priorities the lives of the hostages are dozens of times less important than the futile state ambitions. The same attitude was demonstrated in Beslan. They ran the risk to eliminate them all... And they did eliminate many...for the sole purpose of avoiding the attempts to negotiate with the terrorists.

Stanislav Dmitriyevsky. So as not to let Mr. Maskhadov come to Beslan.

Serghei Kovalyev. To what extent is reliable the information that Mr. Maskhadov was going to come? As a matter of fact, this issue should be in the centre of the investigation. And the power itself should have worked towards his having come to Beslan.

Stanislav Dmitriyevsky. And, probably, the most important issue... In what particular format the contacts of the human rights advocates with the representatives of this power should be implemented? And should we contact with this power at all? It is not an idle question. The times change rapidly. The situation worsens from day to day. There should be some positions, however, they cannot be seen yet. They are not declared. What should be our message to the society? What should be our message to the state? What our demands should be?

Serghei Kovalyev. This is not a simple question. In this connection, I remember the Polish trade union “Solidarity”. As is well known, this story ended in a round table meeting, where, following the failure of the previously imposed martial law, the then Polish authorities were asked a direct question: “When and how you will get out?” This question was just natural and necessary with regard to the Polish authorities of that time. Our current authorities deserve the same attitude and the same direct question to be asked of them. But are we able to take the stand once taken by the trade union “Solidarity”?

Stanislav Dmitriyevsky. I have a sad feeling that in the present environment there is nobody to take a similar stand...

Serghei Kovalyev. This is really so. Even if there were a determination to think so, it would not be sufficient for having an opportunity to formulate a problem of the core importance for the country. The trade union “Solidarity” had powerful practice. It managed to rally a huge number of ordinary people, as well as to bring up the trade-union leaders. And it did these things in a relatively short period of time. While in 1956 the workers beat the students, at the

end of 1970s and, especially, in the 1980s the situation was completely different. I think that in Poland the situation was less complicated, because Poland is a small country. Besides, this small country used to be, not so long ago, a civilized western state. It was the country, where the former traditions did not have time enough to collapse and disappear. It was the country, which was quite close to the funis of Western Europe. There was a bloodless revolution as a result of the political movement clearly directed towards the change of power, regime.

Our dissent developed in an absolutely different way. In those classical times of the Soviet dissent, we did not even think of developing relations with the hired workers. We considered (and I think it was a correct understanding) that such attempts would result in the instant destruction of our movement. And we could not expect anything but pogroms on the part of the workers. I think that we to a greater extent, than the Poles, came off the beaten track of the traditional development of the mass political movement, probably, the reason being that our track was that of the groundless idealism. We did not strive for power, worked to achieve a certain specific political result. We perfected another thing. I would like to think that we came nearer and closer than other similar movements to the statement of issues of the universal nature. I understand that I am talking some vague stuff at the moment. Nevertheless, I would like to believe that our efforts of that time were not altogether fruitless. Eventually, we have made the contribution (which is probably extremely hard to measure and which is probably underestimated) to the present political history of the former Soviet Union. Today we see that this history has catastrophically turned. But it does not mean that the initial impulse was wrong. We have a chance to come back to this impulse, using the Polish experience and the Polish achievement. I do not know, whether in this country we have the same mass of people, who were ready in Poland to participate in the act of creation of history. But I think that we are too irresolute in our attempts to think of this mass of people and to look for it. Maybe, our cause is essentially supranational. Maybe, our cause is not that of searching for a road to a sufficiently traditional democratic structure. Maybe, our historical mission is to search for a different political path, for essentially different political designs... But this is the subject for other discussions, other phantasies.

Stanislav Dmitriyevsky. Let us return to the beginning of 2006, which is the starting point of the open pressure exerted on the human rights community currently experienced by all of us. Do you think the human rights community itself is strong enough to be able to resist the challenge offered by the state?

Serghei Kovalyev. It seems to me very probable that in the near future our community will experience a split. It seems that our noncommercial human rights organizations will rather rapidly differentiate. Some will aspire to prove their loyalty to the authorities. At first, they will do it unwillingly, gradually, then, under the increasing pressure on the part of the state, their loyalty will increase in a greater and greater degree. And I am even not ready to throw a stone at them, because I am told as follows: "So, you want that we for the sake of certain common things, common problems should stop doing things, which we are able to do and where we are able to achieve some tangible results? We work towards improvement of the situation in prisons, in courts, we work to stop the beatings at the police stations, to assist the refugees...". What can one say to this? You may not care a button. And this is, too, a road leading to a new status. A road to a compromise. But it is also a road to renunciation of purity. I am not an opponent of the compromise, but this is the road to the compromise with a loss of one's essence. I think that the different organisations will choose different roads and there will be some organisations, which will go too far to prove their loyalty to the state. There will be some organisations, which will manoeuvre. I think that there will be also essentially different organisations, which will continue to struggle. There will be the organisations, which will simply disappear, having refused from presenting any proofs of loyalty to the state. And I

even think that the future, nonetheless, belongs to these organisations, to those who will dare say “no”, to those who will not make efforts to prove their loyalty, who will openly say: “I am not loyal to you”. And they will go and write “samizdat” again like in the old Soviet times, using a laptop computer this time instead of writing by pencil or by pen in a note-book put on one’s knees. There will be, probably, trials. Probably, some human rights advocates will go to prison, and the number of these will grow.

And, maybe, this will eventually result in a new turning point, which will be a sudden change of the public consciousness, as well as of the global community consciousness, leading to a cardinal activity and to solution of the fundamental problems of the supranational nature.

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