

HOW ABSURD A TRIAL COULD GET:

Why prosecution of human rights defender Oyub Titiev is arbitrary

Oyub Titiev is the head of the Grozny office of the Human Rights Center "Memorial" who took the lead of the office after the murder of his colleague Natalia Estemirova. Oyub is in pretrial detention for already over a year on trumped up charges of drug possession. As of now, interrogations of witnesses have been completed and case materials are being investigated. Hearings take place every week in the Shali City Court in Chechnya with a verdict to be expected in the coming weeks. If international pressure on Russian authorities is not augmented, Titiev risks being adjudged guilty of a crime he did not commit and spending up to ten years in prison.

Below you will find a brief explanation of why the charges of drug possession against Oyub Titiev are trumped up. Despite the fact that the case has garnered significant attention due to the fact that Oyub is a human rights defender who is renowned internationally (Titiev is the recipient of the 2018 Vaclav Havel Human Rights Prize) and respected locally, the case against him has been shamelessly falsified at every stage.

Sadly, his case is illustrative of numerous other prosecutions built on fabricated evidence, underpinning the deeply flawed justice system in Chechnya.

The situation risks deteriorating after the court's verdict. On 22 August 2018, Ramzan Kadyrov, the President of the Republic of Chechnya, declared in his speech to law enforcement officials that "once the trial is over, Chechnya will become a forbidden territory" for human rights defenders.

HOW TO HELP

1. Send a support letter to Oyub

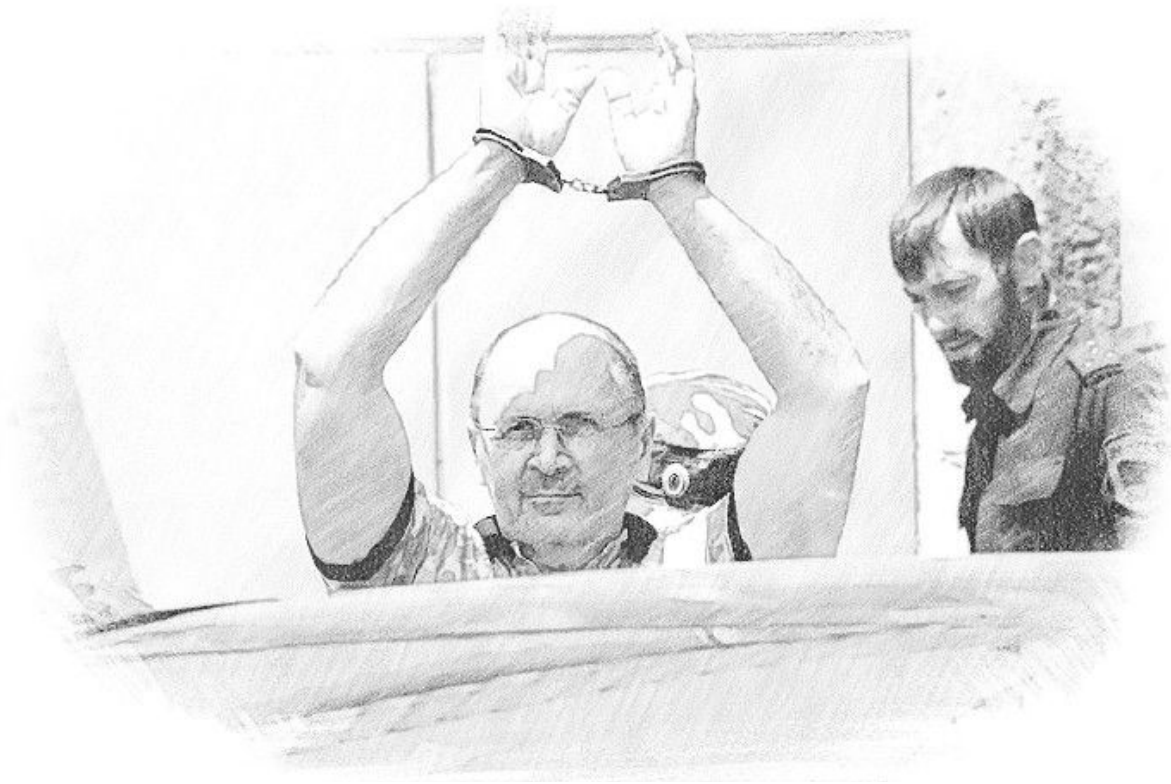
- by mail: 364037, г. Грозный, ул. Кунта-Хаджи Кишиева, д. 2, ФКУ СИЗО-1 УФСИН России по Чеченской Республике, Титиеву Оюбу Салмановичу, 1957 г.р.;
- though the electronic service of the penitentiary [system](#).

2. Donate

to HRC Memorial where Oyub worked so that they can continue supporting their imprisoned colleague, including through legal aid: <https://memohrc.org/ru/help>

3. Spread the message using hashtags: #FreeOyub #saveOyub #saveMemorial

Episode 1: Arrested twice



On January 9, 2018, the car of Oyub Titiev, the head of the Grozny office of the Human Rights Center "Memorial", was stopped by unidentified men in green camouflage uniform that had an inscription "RRG" ("ГБР"), that stands for a "Rapid Response Group" (in Russian: группа быстрого реагирования). During Oyub's car inspection, under the front passenger seat they allegedly found drugs (roughly 200 g of marijuana). When taken to the police station, Oyub claimed that the drugs were planted on him and denounced the illegality of his arrest since no witnesses were present. Oyub was then forced to return — together with a policeman — to the arrest scene in his car and reenact an arrest "according to the law." The protocol of the arrest drawn up after this second — staged — arrest shows that Oyub was stopped by police due to violations of traffic regulations (in court, policemen testified that Oyub's beam was not switched) and that during a "search" of his car policemen again "found" the same bundle of drugs. Oyub was hence "detained" twice, the second time in the presence of two witnesses.

The Investigative Committee refused to investigate the circumstances of Oyub's detention, despite his complaint.

Until today, police denies to have information about the whereabouts of Oyub's personal belongings seized by police during detention that included cell phones, a photo camera, documents etc. (over 20 items). Oyub can neither regain them, nor are they listed in case documents or in inventory of seized/confiscated belongings.

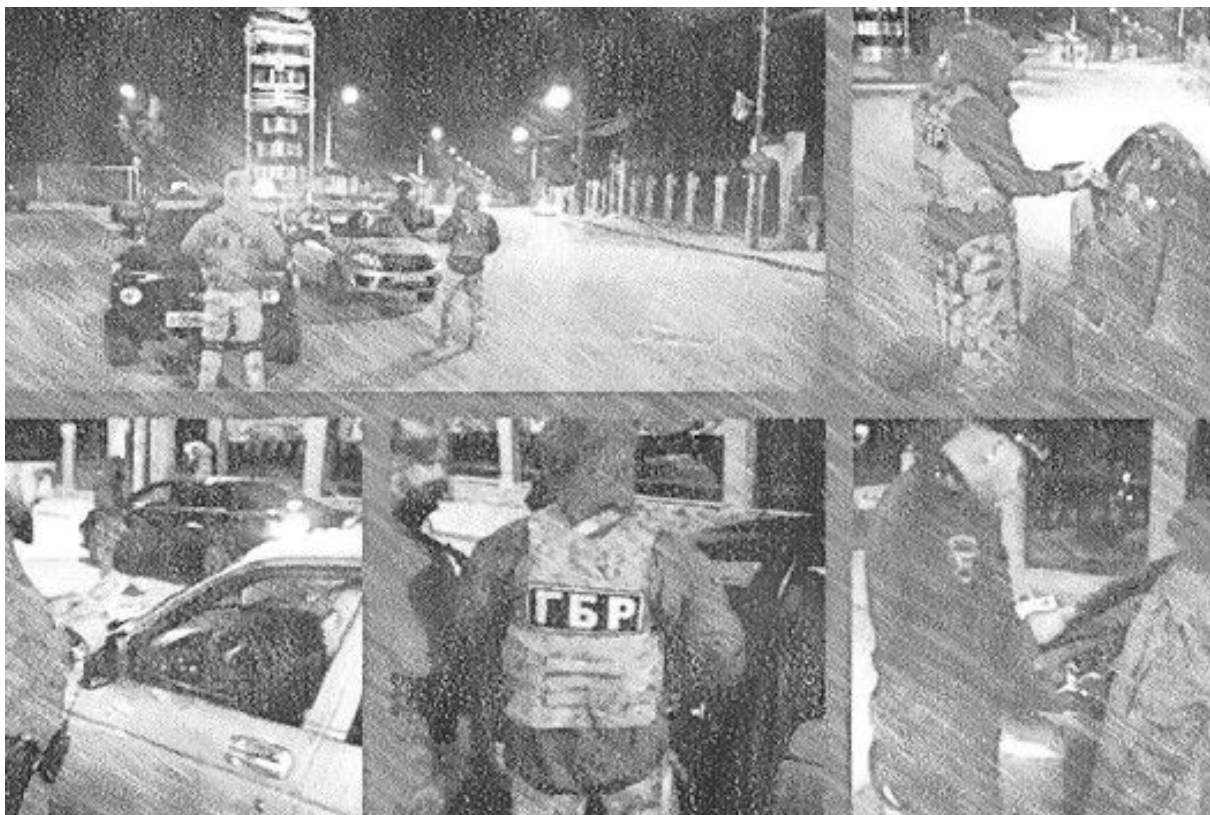
Episode 2: No video cameras in the neighbourhood functioned on the day of the arrest

Interestingly, none of the 17 video cameras in the police station and on the way to the police station, including those at business stores and pharmacies, functioned on the day of Oyub's arrest: according to the prosecution, they were all on repair, although no proof was so far provided. The judge refused to summon witnesses who could have provided more information about the reasons of such a massive breakdown of cameras.

In addition, to support the claim that the first arrest did not take place, prosecution witnesses during trial claim that the "Rapid Response Group" does not exist in Chechnya's Kurchaloy police department where Oyub was detained. Oyub Titiev's lawyers prove the fact of its existence with photos from the official website of the Ministry of Interior of Chechnya and photos and videos from officials' social network accounts. Most of the photos have since been deleted.

Episode 3: Beside Amadi Baskhanov, accusation called more than 60 policemen as witnesses

All of these witnesses were called to testify whether the "Rapid Response Teams" exist in Chechnya and gave identical testimonies that they don't. But they do:



Episode 4: Drug-addict with no traces of drugs in blood or nails

No traces of drugs were found in the blood or on nails of Oyub. Yet on January 17, 2018, the President of Chechnya called Oyub a "drug addict" on state TV.

Cotton pads that were reportedly used to detect drugs on Oyub's hands is the only proof the prosecution uses as evidence of drug remains on Oyub's body. They are easy to fake: they can be replaced as they don't contain DNA traces.

Episode 5: Identification procedure — in slippers

For the purposes of identification by a witness, Oyub was brought to the investigator's office wearing slippers. His lawyer precluded the identification procedure to be carried out since two other persons serving as "extras" wore shoes.

Very often, details of a detainee's appearance are used to guide the identification procedure so that "witnesses" who cooperate with the investigation would "recognize" the right person.

- Mr. Investigator! — noticed Titiev's lawyer Zaikin, — you forgot about slippers, didn't you?

Episode 6: The accusation witness was allegedly under the influence of drugs during the identification procedure

The only witness who claims he saw Titiev twice smoking marijuana in December 2017, Amadi Baskhanov, was himself on the federal wanted list in 2017. Prosecuted for dealing drugs in 2015 and 2016, he was not condemned to a prison term.

In late January 2018, during the identification procedure Baskhanov behaved like a person in a state of drug intoxication. And, most importantly, he did not recognize Titiev. An investigator recorded the negative result of the identification. During the repeated identification procedure carried out since the investigator in question claimed the next day that the protocol was drawn-up incorrectly (he testified that during the first identification procedure he did not understand Baskhanov's words), Baskhanov identified Oyub. During trial, Amadi Baskhanov looked also to be in a state of intoxication but the judge refused to conduct a drug test as demanded by the defence.

Episode 7: Seven policemen who had connection to the case, appeared in a closed trial hearing for "security reasons"

No answer was given to defence lawyers as to what motivated the court to close their interrogation from the public, or what security risks do the policemen run, if they appear in an open trial.

Episode 8: The house of Titiev was demolished by the authorities

During the detention of Oyub Titiev, his house, together with 36 other private houses, was

demolished by a decision of the authorities in an aim to construct a mall. In April 2018, his lawyer's motion to release Oyub under house arrest were turned down by the court on the pretext that he has no home anymore.

