



## Fighting for Justice: an update on the ongoing trial of Oyub Titiev

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On 8 October 2018, Oyub Titiev was awarded the prestigious Vaclav Havel prize for making “a widely recognised contribution to the defence of human rights in the region by reporting on abuses by the local authorities”. The prize was handed to Aleksandr Cherkasov, Chairman of the Memorial Human Rights Centre Board, as Titiev remains in custody pending the decision of the Shali City Court on the criminal charges against him. His period of pre-trial detention will end on 22 December this year. The next hearing of his case is scheduled to take place on 15 October.

Oyub Titiev, the head of the Chechnya office of Memorial Human Rights Centre, one of the most prominent human rights organizations in Russia, has been charged with “illegal acquisition and storage of narcotic drugs on an especially large scale” (Article 228, Part 2 of the Russian Federation Criminal Code), after a large amount of marijuana was allegedly found in his car by law enforcement officials on 9 January 2018. He has been held in custody since that day and his case is currently being heard by Shali City Court in Chechnya. Oyub Titiev has reiterated his innocence on multiple occasions and has been acknowledged as a political prisoner by dozens of national and international human rights organizations. The European Union called for his immediate release in two statements issued on 11 January<sup>1</sup> and on 27 June 2018. The European Parliament adopted a resolution on 8 February 2018 on Russia, the case of Oyub Titiev and the Human Rights Centre Memorial.

In what are widely believed to be a series of reprisals against Memorial Human Rights Centre since Oyub Titiev's arrest, his Memorial colleagues in other North Caucasus Republics were attacked, harassed and threatened:

- On 17 January 2018, Memorial Human Rights Centre's representative office in Ingushetia was set on fire. In the days leading up to the arson attack, Titiev's lawyer and Memorial representatives made several trips from Ingushetia to Chechnya to work on the case. During the trips, they were kept under surveillance and were subjected to harassment by security officials.

<sup>1</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/38144/statement-detention-director-memorial-human-rights-centre-chechen-republic\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/38144/statement-detention-director-memorial-human-rights-centre-chechen-republic_en)  
[https://eeas.europa.eu/headquarters/headquarters-homepage/47471/statement-cases-russian-human-rights-defenders-oyub-titiev-and-yuri-dmitriev\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/47471/statement-cases-russian-human-rights-defenders-oyub-titiev-and-yuri-dmitriev_en)



- On 22 January 2018, in the city of Makhachkala, Dagestan the car belonging to Memorial's local office was set alight. Earlier that day, one of Titiev's lawyers had travelled in the car from Makhachkala to Kurchaloi, Chechnya, to work on his defence.
- On 28 March 2018, an unknown person attacked Sirazhutdin Datsiyev, head of the Memorial Human Rights Center in Makhachkala, Dagestan, as he was leaving home. Datsiyev was hit on the head with a heavy object and lost consciousness.

To date, the state authorities have failed to take any effective measures to investigate these incidents and identify and bring to justice those responsible.

Oyub Titiev's arrest, prosecution and trial has taken place against the backdrop of an extremely hostile political climate, with the President of the Chechen Republic Ramzan Kadyrov openly threatening human rights defenders and urging their expulsion from Chechnya.

- In December 2017, Magomed Daudov, the chair of the Chechen Parliament blamed US sanctions against Chechnya and the blocking of Chechen leader Ramzan Kadyrov's social media accounts to the work of human rights defenders. In his statement, Daudov openly called for persecution of human rights defenders.
- In August 2018, Ramzan Kadyrov announced that once the trial of Oyub Titiev is over, human rights defenders would no longer be allowed into Chechnya. He likened human rights defenders to terrorists and extremists.

As a result of such open political hostility, Oyub Titiev's lawyer Ilya Novikov requested that the trial be held outside Chechnya, where the chances of him obtaining a fair trial are slim. The Supreme Court of the Chechen Republic turned down the request. No action has been taken by the authorities following public statements made by Magomed Daudov and Ramzan Kadyrov about human rights defenders.

Since the last update Titiev's case in March 2018<sup>2</sup>, the prosecution has completed the preliminary investigation and the case is now being considered in court. The evidence included into the case files has proved to be highly inconsistent. For instance, the findings of the preliminary investigation do not correspond with the initial findings made at the place of arrest, with the significant differences in the number and description of items found in Titiev's car, which serve as important physical evidence in the case.

Oyub Titiev's lawyers have taken measures to challenge his illegal detention, as well as the fabrication and illegal handling of evidence, and several arbitrary extensions of his term of detention. They filed a series of motions aimed at investigating the circumstances of his arrest, including the fact that he was detained twice – first time in violation of legal detention requirements, and in relation to the planting of evidence in his car.

Oyub Titiev's did not have access to the case files until 8 May 2018. It became evident that some items that had been in Titiev's possession when he was arrested had been stolen. They lodged a complaint about this to the Ministry of Internal Affairs but to no avail. On 1 June 2018, Titiev's

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<sup>2</sup> <http://iphronline.org/wp-content/uploads/2018/03/IPHR-Memorial-brief.pdf>

lawyers filed a series of motions, requesting information about the witnesses, including the only witness who claimed having seen Titiev smoke marijuana but failed to recognize him in an identification parade later; demanding access to video recordings from the Kurchaloi district police station on the day of Titiev's arrest, which would prove that he was detained twice on the same day. All of these were rejected or not fully implemented – for instance the authorities agreed to stage a re-enactment of Titiev's arrest, but this was conducted without Titiev's defence team present.

On 10 July 2018, Oyub Titiev's lawyers submitted a complaint to the European Court of Human Rights concerning a violation of Article 5 (right to liberty and security of the person) and Article 18 (prohibition of politically motivated criminal prosecution) of the European Convention on Human Rights.

Since the start of the trial in July 2018, sixteen court hearings have been held, during which nearly 60 prosecution witnesses have given their testimonies. Most of the witness statements were highly contradictory and failed to produce a coherent narrative about the circumstances of Titiev's arrest, the evidence found in his car at the time of his arrest, his alleged drug addiction and other crucial points of the case for the prosecution.

Several sessions of the court hearings held in September and October 2018 were closed to the public, violating the right to a fair trial enshrined in the Article 6 of the European Convention on Human Rights. These hearings included witness statements of some of the most important witnesses present when Oyub Titiev was arrested.

Oyub Titiev's trial has had wide repercussions in Russia as well as internationally. In May 2018, over sixty well-known public figures, including artists, scientists, journalists and clergymen, signed a letter addressed to the Russian President Vladimir Putin expressing their concern over the case.<sup>3</sup>

In June 2018, the Council on Civil Society and Human Rights of the President of the Russian Federation published an advisory expert opinion denouncing the decision of the Chechen investigatory authorities to reject Oyub Titiev's complaint about the illegal planting of drugs to fabricate a case against him. The expert opinion addressed the General Prosecutor's Office of the Russian Federation, which responded by referring the complaint to the prosecutor of the Chechen Republic.

A detailed chronicle of Oyub Titiev's arrest is available on the [Memorial website](#).

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<sup>3</sup> A copy of the letter can be found here:

[https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/prezidentu\\_cvetnoe3-1.pdf](https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/prezidentu_cvetnoe3-1.pdf)