



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

Application no. 8620/09  
Khamzat Minkailovich DZHABRAILOV and Others against Russia  
and 9 other applications  
(see list appended)

**STATEMENT OF FACTS**

THE FACTS

The applicants in the present cases are Russian nationals residing in different towns in the Chechen Republic, Russia, as specified below. Most of the applicants are represented before the Court by lawyers of the Stichting Russian Justice Initiative, a NGO based in the Netherlands with a representative office in Russia.

The facts of the cases pertaining to all the applications, as submitted by the applicants, may be summarised as follows.

Particulars of each application are tabulated in the *Appendix*.

**A. Events surrounding the abductions**

The applicants are close relatives of men who disappeared in the Chechen Republic after their abduction from home in 2000-2004 by groups of servicemen. According to the applicants, the servicemen belonged to the Russian federal troops, as they were wearing camouflage uniforms, had Slavic features and spoke unaccented Russian. Armed with machineguns, the servicemen broke into the applicants' homes, searched the premises, checked the identity documents of the applicants' relatives and took their relatives away in military vehicles, such as armoured personnel carriers (APCs), UAZ cars or URAL lorries. Only a few of the vehicles displayed official registration plates. In a number of cases the registration numbers had been obscured with mud. None of the applicants has seen their missing relatives since.

The abductions took place in the Achkhoy-Martan, Grozny, Gudermes, Kurchaloy, Shali or Urus-Martan districts of Chechnya. In all the cases the

abductions were carried out at night or early in the morning, during curfew hours. In some of the cases the applicants submitted that at the material time a special operation had been conducted by Russian servicemen in the area. In the cases of *Soltagirayeva and others v. Russia* (no. 43724/09), *Usumovy v. Russia* (no. 47770/09) and *Tamayev v. Russia* (no. 54728/09), the investigative authorities officially acknowledged that a special operation had been carried out in the area at the time of the events. According to witnesses, after the abductions the applicants' relatives were taken to the premises of law-enforcement agencies, such as district departments of the interior, military units or military commander's offices.

## **B. Main features of the investigation into the abductions**

In each of the cases the applicants complained about the abduction to the authorities and an official investigation was instituted. In every case the proceedings, after being suspended and resumed on several occasions, have been pending for several years without attaining any tangible results. The investigations have been repeatedly stayed by the prosecutor's offices owing to their inability to identify the culprits and subsequently resumed by the supervising prosecutors, who have pointed out a number of flaws therein, such as the investigators' failure to question witnesses or to carry out basic expert evaluations. Some applicants were granted victim status in the criminal proceedings. It is unclear whether all of the applicants were questioned by the investigative authorities in connection with the abductions.

It follows from the documents submitted that no active investigative steps have been taken by the authorities other than forwarding formal information requests to their counterparts in various regions of Chechnya and the North Caucasus. Further to such requests, the authorities have generally reported that involvement of servicemen in the abduction has not been established, that no special operations were carried out at the relevant time, that the applicants' relatives had not been arrested or detained on their premises and that there was no information as to the involvement of the applicants' relatives in the activities of illegal armed groups. However, in the cases of *Usumovy v. Russia* (no. 47770/09), *Tamayev v. Russia* (no. 54728/09), *Ibragimov and others v. Russia* (no. 25511/10) and *Anayeva and Elmurzayeva v. Russia* (no. 32791/10), the authorities have officially acknowledged that servicemen were involved in the abductions. Moreover, in the aforementioned cases of *Usumovy* and *Tamayev* the investigation was carried out by military prosecutor's offices.

According to the majority of the applicants, they have neither been regularly informed of the progress in the investigation nor granted access to the criminal case files. In all of the cases the applicants have requested information about the progress of the proceedings from the investigative authorities; in response they have received formal letters usually stating that the investigation was in progress and that their requests had been forwarded to yet another law-enforcement authority for examination. According to the applicants, the investigators have either failed to take the most important investigative steps, such as questioning of witnesses to the abductions, or

they have taken those essential steps with significant and inexplicable delays.

## COMPLAINTS

1. Relying on Article 2 of the Convention, the applicants in all the cases complain of the violation of the right to life of their relatives referred to as “abducted persons” in the *Appendix* and submit that the circumstances of their detention indicate that they were abducted by State agents. The applicants further complain that no effective investigation was conducted into their relatives’ abduction and subsequent disappearance.

2. Relying on Article 3 of the Convention, the applicants in all the cases complain that they have suffered severe mental distress due to the indifference demonstrated by the national authorities in connection with the abduction and subsequent disappearance of their close relatives and the State’s failure to conduct an effective investigation in that respect.

Under the same provision, the applicants in the cases of *Dzhabrailov and others v. Russia* (no. 8620/09) and *Tamayev v. Russia* (no. 54728/09) complain that their abducted relatives were subjected to torture.

3. The applicants in all the cases submit that the unacknowledged detention of their relatives referred to as “abducted persons” in the *Appendix* violated all of the guarantees of Article 5 of the Convention.

4. The applicants in all the cases complain under Article 13 of the Convention that they did not have an effective remedy in respect of their complaints under Article 2 of the Convention. The applicants in the cases of *Dzhabrailov and others v. Russia* (no. 8620/09), *Suleymanova and others v. Russia* (no. 11674/09) and *Sultanova and others v. Russia* (no. 21133/09) complain that they did not have an effective remedy in respect of their complaints under Article 3 of the Convention.

## QUESTIONS TO THE PARTIES

1. In respect of all the applications, have the applicants complied with the six-month time-limit laid down in Article 35 § 1 of the Convention? In particular, were there “excessive or unexplained delays” on the part of the applicants in submitting their complaints to the Court after the abduction of their relatives? Have there been considerable lapses of time or significant delays and lulls in the investigative activity which could have an impact on the application of the six-month limit (see, *mutatis mutandis*, *Varnava and Others v. Turkey* [GC], nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, §§ 162, 165 and 166, ECHR 2009-...)?

2. Having regard to:

(i) the Court's numerous previous judgments in which violations of Article 2 were found in respect of both disappearances of the applicants' relatives as a result of detention by unidentified members of the security forces and the failure to conduct an effective investigation (see, among others, *Bazorkina v. Russia*, no. 69481/01, 27 July 2006; *Imakayeva v. Russia*, no. 7615/02, ECHR 2006-XIII (extracts); *Luluyev and Others v. Russia*, no. 69480/01, ECHR 2006-XIII (extracts); *Baysayeva v. Russia*, no. 74237/01, 5 April 2007; *Elsiyev and Others v. Russia*, no. 21816/03, 12 March 2009; *Asadulayeva and Others v. Russia*, no. 15569/06, 17 September 2009; *Medova v. Russia*, no. 25385/04, ECHR 2009-... (extracts)), and;

(ii) the similarity of the present ten applications both to each other and to the cases cited above, as can be derived from the applicants' submissions and the interim results of the respective investigations:

(a) Have the applicants made a *prima facie* case that their relatives (referred to as "abducted persons" in the Appendix) were detained by State servicemen in the course of security operations?

(b) If so, can the burden of proof be shifted to the Government in order to provide a satisfactory and convincing explanation of the circumstances of the applicants' relatives' abductions and ensuing disappearances (see, *mutatis mutandis*, *Varnava and Others v. Turkey*, cited above, § 184)? Is the Government in a position to rebut the applicants' submissions that State agents were involved in the abductions by submitting documents which are in their exclusive possession or by providing a satisfactory and convincing explanation of the events by other means?

(c) Has the right to life, as guaranteed by Article 2 of the Convention, been violated in respect of the applicants' missing relatives?

(d) Having regard to the procedural protection of the right to life under Article 2 of the Convention (see *Salman v. Turkey* [GC], no. 21986/93, § 104, ECHR 2000-VII), was the investigation conducted by the domestic authorities into the disappearances of the applicants' missing relatives sufficient to meet their obligation to carry out an effective investigation, as required by Article 2 of the Convention?

3. In respect of all the applications, has the applicants' mental suffering in connection with the disappearance of their close relatives, the authorities' alleged indifference in that respect and their alleged failure to conduct an effective investigation into their disappearances been sufficiently serious to amount to inhuman and degrading treatment, within the meaning of Article 3 of the Convention? If so, has there been a breach of Article 3 of the Convention in respect of the applicants?

4. In respect of all the applications, were the applicants' missing relatives deprived of liberty within the meaning of Article 5 § 1 of the Convention on the dates listed in the Annex? If so, was such deprivation compatible with the guarantees of Article 5 §§ 1-5 of the Convention?

5. In respect of all the applications, did the applicants have at their disposal effective domestic remedies in respect of their complaints under Article 2, as required by Article 13 of the Convention?

6. Further to the provisions of Article 38 of the Convention, the Government are requested to provide the following information in respect of each of the applications:

(a) any information, supported by relevant documents, which is capable of rebutting the applicants' allegations that their missing relatives were abducted by State servicemen;

and, in any event,

(b) a complete list of all investigative actions taken in connection with the applicants' complaints about the disappearance of their missing relatives, in chronological order, indicating the dates and authorities involved, as well as a brief summary of the findings;

as well as:

(c) copies of documents from the investigation files in respect of all relevant criminal cases, such as, in particular:

(i) the applicants' initial complaints about the disappearance of their relatives which had prompted the opening of the investigation;

(ii) any decision(s) to initiate criminal proceedings;

(iii) decision(s) to grant the applicants victim status in the criminal proceedings, if any;

(iv) record(s) of any interviews of State servicemen (such as, for instance, military servicemen, local administration and police officers, servicemen at roadblocks and checkpoints, employees of other law enforcement agencies, etc.) held in connection with the abductions;

(v) statements of the eyewitnesses to the abductions, if any;

(vi) if the crime scene(s) were examined, or expert and/or forensic examinations were ordered in the course of the investigation, copies of all the relevant expert reports and findings;

(vii) where the investigations were suspended and reopened, copies of each and every decision on the suspension/resumption of the proceedings and of the documents containing the reasons for such decisions (such as prosecutor's orders to resume the investigation and take investigative steps);

(viii) any other documents relevant for the establishment of the factual circumstances of the allegations and the evaluation of the effectiveness of the criminal investigations.

STATEMENT OF FACTS AND QUESTIONS –  
DZHABRAILOV AND OTHERS v. RUSSIA AND OTHER APPLICATIONS  
APPENDIX

**Summary of the information concerning the applicants, their relatives allegedly abducted by State agents, the circumstances of the alleged abductions and the ensuing investigation**

| No. | Application no., date of introduction              | Applicant's name, year of birth, relation to the disappeared person, place of residence   | Represented by               | Abducted person(s) (name, year of birth, date and place of the alleged abduction)              | Description of the circumstances of the abduction(s) and subsequent developments   | Official investigation details, as submitted by the applicants   |
|-----|--|---|------------------------------|--|--|--|
| 1.  | 8620/09<br>Dzhabrailov v. Russia<br><br>09/01/2009 | <p>(1) <b>Mr Khamzat DZHABRAILOV</b> (1941), father, Argun, Shali district, the Chechen Republic</p> <p>(2) <b>Ms Tamara TAYSUMOVA</b> (also referred to as <b>DZHABRAILOVA</b>) (1955), mother, idem</p> <p>(3) <b>Ms Zarema DZHABRAILOVA</b> (1978), sister, idem</p> <p>(4) <b>Ms Larisa DZHABRAILOVA</b> (1985), sister, idem</p> | MEMORIAL HUMAN RIGHTS CENTRE | <p>(1) <b>Mr Yakub DZHABRAILOV</b> (1981), abducted from home on 15/12/2001 at noon, Argun</p> | <p>According to the applicants, on 13-15 December 2001 Russian servicemen conducted a sweeping-up operation in Argun. The town was surrounded by military checkpoints and the residents required authorisation to enter or leave the town. On-duty servicemen in the streets made it impossible for the residents to move around.</p> <p>At the material time the applicants and Yakub Dzhabrailov lived as a family in two neighbouring houses.</p> <p>On 14 December 2001 a group of twenty servicemen arrived at the applicants' house in an APC and a UAZ "tabletk" car with obscured registration plates. The servicemen were camouflaged and unmasked, of Russian or Asian appearance and spoke unaccented Russian. Having searched Yakub's house, they made a threat to the applicants that they would take Yakub with them and added that those whom they had taken away had never returned home. On the same day the servicemen took the applicants' neighbour, Mr Bashir Usmanov, to the Argun district military commander's office ("the military commander's office") where he was let go, but his car was taken away from him by the servicemen and remained on the office's premises.</p> <p>On 15 December 2001 at around noon the same servicemen arrived in the neighbourhood in the APC and cordoned off the area. Some of them broke into the applicants' house and locked the applicants in, while two others entered Yakub's house. They forced Yakub outside, put him in the APC and drove to the military commander's office.</p> | <p>On 9 January 2002 the Argun district prosecutor's office opened criminal case no. 78010. On 12 January 2002 the first applicant was granted victim status in the criminal case.</p> <p>On 21 January 2004 the district prosecutor's office criticised the lack of progress in the investigation and the investigators' failure to take necessary steps.</p> <p>On 14 September 2004 the military prosecutor's office of military unit no. 20102 stated to the investigators that no military servicemen had been involved in the abduction.</p> <p>On 31 October 2006 the district prosecutor's office informed the applicants that criminal case no. 78027 had been opened in connection with the discovery of four mutilated corpses on the eastern outskirts of Argun on 28 February 2002. One body was identified as Mr Abdul-Wakhab Yashchurkayev, who had been abducted from home in Argun under similar circumstances in January 2001.</p> <p>The investigation has been suspended and resumed on multiple occasions (the last suspension took place on 2 May 2007) without attaining tangible results.</p> <p>On 28 February 2008 the first applicant requested that the investigators allow him to access the investigation file</p> |

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|    |   |  |                                      |  | <p>Servicemen patrolling the streets witnessed the events but did not interfere.</p> <p>Later on the same day the second applicant went to the Argun town administration where she met about fifty relatives of other men arrested during the special operation. Two representatives of the town council informed her that the arrestees had been taken to a “filtering” point on the outskirts of Argun and agreed to pass on clothes to Yakub. In the evening the applicant learnt that the arrested men would be transferred to the military commander’s office.</p> <p>On 17 December 2001 the military commander’s office informed the applicants that the special operation had been conducted by a special forces unit which did not report to the office and that none of the arrested men had been brought to their premises. Subsequently the applicants learnt that Yakub and seven other persons arrested on 13-15 December 2001 had not been released.</p> <p>On 18 December 2001 the first applicant heard Yakub screaming at the district military commander’s office.</p> <p>The applicants have not seen Mr Yakub Dzhabrailov since his abduction on 15 December 2001.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p> | <p>and resume the investigation. On 6 March 2008 the Shali District Investigation Department of the Chechnya Prosecutor’s Office granted his request in part, as regards access to the case file. However, on 1 July 2008 the applicant’s lawyer was denied access to the file’s entire contents on the grounds that the investigation was still pending. On 17 July 2008 the investigators informed the applicant that the decision of 6 March 2008 allowed only limited access to the case file.</p> <p><u>Last document:</u> Letter of the Shali District Investigation Department of 17 July 2008 (see above).</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 2. | <p><b>11674/09 Suleymanova and others v. Russia</b></p> <p>19/02/2009</p> | <p>(1) <b>Ms Mata SULEYMANOVA</b> (1956), mother, Gudermes district, the Chechen Republic</p> <p>(2) <b>Mr Ostambek SULEYMANOV</b> (1950), father,</p> | STICHTING RUSSIAN JUSTICE INITIATIVE | <p>Three brothers abducted on 29/10/2002 at around 4 a.m. from home in Gudermes:</p> <p>(1) <b>Mr Salambek SULEY-MANOV</b> (1974),</p> <p>(2) <b>Mr Khasanbek SULEY-MANOV</b> (1979) and</p> | <p>According to the applicants, in September-October 2002 federal servicemen conducted a special operation in Gudermes and arrested about thirty people, including the Suleymanov brothers. The servicemen took the arrested men to the Gudermes district department of the interior (“the ROVD”) in buses belonging to the Federal Security Service (“the FSB”). After their fingerprints were checked and pictures taken, the arrested men were released.</p> <p>At the material time the applicants and the three brothers resided in two neighbouring houses in Gudermes. Salambek lived together with the third</p>  | <p>On 29 October 2002 an investigation team examined the crime scene and questioned some of the applicants’ neighbours.</p> <p>On 1 November 2002 the Gudermes district prosecutor’s office opened criminal case no. 57098 in connection with the abduction. According to the investigation plan prepared on the same day, the abduction could have been perpetrated by criminals pursuing a blood feud, by creditors, by members of illegal armed groups or by officers of</p>   |

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|  |  | idem |  | <p>(3) <b>Mr Anderbek</b> (also referred to Andarbek) <b>SULEY-MANOV</b> (1981)</p> <p>and the fourth applicants while Khasanbek and Anderbek lived together with the first and the second applicants. The town was under curfew.</p> <p>On 28 October 2002 two neighbours, Mr Ali Mukhadiyev and Mr Musa Zakayev, visited the applicants. Anderbek joked that the applicants kept bombs in the basement. It appears that Musa Zakayev had previously been detained by the FSB and released on condition of providing information. According to the applicants, he could have informed the FSB about the joke.</p> <p>On 29 October 2002 at around 4 a.m. a group of camouflaged servicemen in masks and helmets arrived at the applicants' houses in two UAZ "tabletka" cars. They were armed with short-barrelled automatic rifles (<i>Тюльпанчик</i>). The servicemen stormed inside, quickly searched the houses, looking for drugs, firearms, and, in particular, for the bomb allegedly hidden in the basement. Threatening the applicants in unaccented Russian, the servicemen ordered them to lie down on the floor. They collected the applicants' and the three brothers' identity documents, put the latter in the UAZ and drove off in the direction of the town centre, with unobstructed passage through a checkpoint on the way.</p> <p>A week later a former classmate of Khasanbek told the applicants that their relatives had been detained in a temporary detention centre ("the IVS") on the ROVD's premises. FSB officers guarded them and occasionally took them out. Khasanbek had passed an item of his clothing over to his parents through another acquaintance and asked him to inform them of his place of detention. However, the ROVD officers denied that the brothers were detained there and did not allow the applicants to enter the premises.</p> <p>Another of the applicants' neighbours, a ROVD officer, also confirmed that the three men had been held at the ROVD.</p> <p>The applicants subsequently learnt from anonymous sources that in 2003 the brothers had been detained at the premises of an FSB department, that in 2003 Salambek had been taken</p> | <p>power structures deployed in Chechnya. On 12 December 2002 the Chechnya prosecutor's office stated that "the investigation had failed to establish to which power structure the abductors had belonged". On 16 August 2006 the district prosecutor's office stated that "the only substantiated investigative theory was that the culprits had belonged to power structures".</p> <p>In November 2002, May and June 2005, April 2006 and September 2008 the investigators sent out queries to a number of law-enforcement agencies in Moscow and the Southern Federal Circuit, including the Ministry of the Interior and various ROVD offices, detention centres, military commander's offices and FSB departments. Only negative replies were received.</p> <p>On 15 November 2002 the first, second and third applicants were questioned and the second applicant was granted victim status in the criminal case. He was repeatedly questioned on 18 June 2005 and 20 April 2006. On 16 November 2002 the investigators questioned an eyewitness. On 18 May 2005 the first applicant was granted victim status and questioned. On 20 April 2006 and 23 September 2008 she was questioned again.</p> <p>On 5 and 6 May 2006 the investigation questioned the head of the IVS and a senior inspector at the ROVD, who denied having any knowledge of the Suleymanov brothers. According to the IVS registration log examined on 5 May 2006, the brothers had not been detained there.</p> <p>On 13 April 2006 the Chechnya Prosecutor's Office criticised the progress of the investigation and the investigators' failure to take necessary</p> |
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|    |  |   |                                      |  | <p>to Rostov and onward to Yaroslavl and that Mr Aslan Dzhama dayev, the head of the criminal search unit at the ROVD, had ordered the abduction.</p> <p>The applicants have not seen their three relatives since their abduction on 29 October 2002.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives, neighbours and acquaintances.</p>  | <p>steps.</p> <p>On 17 November 2006 the first applicant requested permission to access the investigation file, which was granted by a decision of 15 January 2007. However, she was only allowed to do so on 11 November 2008. At some point later the applicant complained to a court that the investigation was ineffective, but the outcome of this complaint is unknown.</p> <p>On 12 September 2008 a supervising prosecutor ordered that the investigators question Mr Aslan Dzhama dayev. It is unclear whether this order was complied with.</p> <p>The investigation has been suspended and resumed on several occasions (the last suspension took place on 14 October 2008) without attaining tangible results.</p> <p><u>Last document:</u> Decision to suspend the investigation of 14 October 2008 (see above).</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 3. | <p><b>16488/09 Chankayev and Chankayev a v. Russia</b></p> <p>13/03/2009</p> | <p>(1) <b>Mr Viktor CHANKAYEV</b> (1948), Mr Ramzan Chankayev's father and Aslan Chankayev's uncle, Urus-Martani district, the Chechen Republic</p> <p>(2) <b>Ms Zaynap CHANKAYEV A</b> (1954), Mr Ramzan Chankayev's</p> | STICHTING RUSSIAN JUSTICE INITIATIVE | <p>Two men abducted on 19/09/2001 at 10 a.m. from home in Urus-Martani:</p> <p>(1) <b>Mr Ramzan CHANKAYEV</b> (1985) and</p> <p>(2) <b>Mr Aslan CHANKAYEV</b> (1985)</p> | <p>On 19 September 2001 a group of about fifteen servicemen arrived at the applicants' neighbourhood in Urus-Martani and cordoned off the area. Their UAZ car had no registration plates and the registration number of their URAL lorry was obscured with mud. All of the servicemen were armed, in camouflage uniforms and masks, save for the commanding officer. The latter was unmasked, had Slavic features and had an FSB emblem on his sleeve. After a quick search of the applicants' house, the servicemen told them in unaccented Russian that they had to take away Ramzan and Aslan to check their fingerprints at a laboratory, which was situated on the premises of an Azeri market on the western outskirts of Urus-Martani. As the applicants refused to let their relatives go, the commander started shooting in the air. After that, the servicemen collected the bullet</p> | <p>As of the day following the abduction, the applicants complained to various law-enforcement agencies. On 1 October 2001 Mr Arbekov, the assistant to the district prosecutor, wrote to the Chechnya FSB that, according to a registration log of the Khankala FSB department, the Chankayevs had been detained there. On 15 October 2001 the district military commander's office sent out queries to military units of the Ministry of Defence and the Internal Troops of the Ministry of the Interior. On 16 October 2001 the ROVD informed the applicants that their relatives were not listed in their databases and that operational-search files had been opened in connection with</p>   |

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|    |   | mother, idem  |                                      |   | <p>shells, put Aslan in the UAZ and Ramzan in the URAL and drove away.</p> <p>On the same morning the servicemen conducted an identity check at Mr Nurid Sayubov's house in the neighbourhood.</p> <p>Immediately after the arrest, the first applicant went to the market and the Urus-Martani district military commander's office but his arrested relatives were not there. Then he went to the district prosecutor's office, where he was told that the two men had been taken to the IVS at the Urus-Martani ROVD. In the evening, an official from the local administration confirmed this information to the second applicant, adding that both men would be released as soon as they had had their fingerprints checked. Mr Radmir Arbekov, an assistant to the district prosecutor, agreed to pass on some food brought by the applicant for them. However, Ramzan and Aslan were not released that day.</p> <p>On 20 September 2001 the ROVD officers informed the applicants that their relatives had been transferred to the district military commander's office. However, nobody at the office acknowledged their detention.</p> <p>On 8 October 2001 the second applicant saw the commanding officer who had participated in her relatives' arrest at the military commander's office. Sometime later she saw two other servicemen, who could have also participated in her relatives' abduction. When approached, one of the servicemen introduced himself as Vitaliy.</p> <p>The applicants have not seen Ramzan and Aslan Chankayev since their abduction on 19 September 2001.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p> | <p>their abduction.</p> <p>On 27 October 2001 the Urus-Martani district prosecutor's office opened criminal case no. 25137.</p> <p>On 20 March 2002 the head of the Main Service for the Execution of Punishments stated that the applicants' relatives had not been detained in the detention centres in the Rostov Region.</p> <p>On 26 March 2003 the second applicant was granted victim status in the criminal case. On 13 October 2005 she requested permission to access the investigation file. No response followed.</p> <p>On 21 November 2005 the Urus-Martani ROVD denied that any special operation had been conducted by the servicemen of the military units stationed in the area.</p> <p>On 2 February 2009 the Achkhoy-Martani District Investigation Department of the Chechnya Prosecutor's Office informed the applicant that on an unspecified date the investigation had been suspended.</p> <p><u>Last document:</u> Letter of the investigation department of 2 February 2009 (see above).</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 4. | 21133/09<br><b>Sultanova and others v. Russia</b> | (1) <b>Ms Maret SULTANOVA</b> (1958), mother, Samashki, | STICHTING RUSSIAN JUSTICE INITIATIVE | (1) <b>Mr Dzhamali</b> (also referred to as <b>Khasan</b> ) <b>SULTA-NOV</b> (1986), abducted on 05/11/2004 | Mr Dzhamali (also referred to as Khasan) Sultanov has been suffering from a disability. In September 2004 he had an argument with Mr Ruslan Solgiriyevev, a local police officer. According  | On 15 November 2004 the Achkhoy-Martani district prosecutor's office opened criminal case no. 38053. On 28 December 2004 the first applicant was   |

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|  | 30/03/2009 | <p>Achkhoy-Martan district, the Chechen Republic</p> <p>(2) <b>Ms Madina SULTANOVA</b> (1993), sister, idem</p> <p>(3) <b>Mr Khusain SULTANOV</b> (1984), brother, idem</p> <p>(4) <b>Ms Razet SULTANOVA</b> (1988), sister, idem</p> <p>(5) <b>Ms Zalina SULTANOVA</b> (1989), sister, idem</p> <p>(6) <b>Mr Ibragim RAZHIPOV</b> (1982), brother, idem</p> |  | <p>at around 3 a.m. from home in Samashki</p> | <p>to the applicants, the latter, in order to get back at Dzhambali, could have deliberately misinformed the Achkhoy-Martan ROVD that Dzhambali was involved in illegal activity.</p> <p>On 5 November 2004 at around 3 a.m. a group of servicemen arrived at the applicants' house. Five of them broke into the house. They were in camouflage uniforms and armed with machineguns; three of them wore masks and the others were wearing helmets and caps. Those with open faces were of Slavic appearance; the servicemen spoke Russian and Chechen. They asked whether the applicants had any weapons or drugs, then checked Dzhambali's passport, forced him outside and put him in a khaki UAZ car. They said that they were taking him to Grozny. Then the UAZ departed in the direction of Achkhoy-Martan, accompanied by a convoy of about ten vehicles, including UAZs, GAZEL minivans, VAZ-21099 and Lada (<i>Жигули</i>) civilian cars. Later in the night a serviceman manning a roadblock in the vicinity confirmed that the convoy had entered Achkhoy-Martan.</p> <p>According to the applicants, the abductors acted on the false information given to the ROVD by Ruslan Solgiriyeu.</p> <p>Five days later the applicants' acquaintance, Mr Akhdan, who served at the seventh military commander's squadron stationed in Achkhoy-Martan (<i>седьмая ачхой-мартановская комендантская рота</i>), confirmed having seen the convoy in Achkhoy-Martan. He submitted that a UAZ car had entered the the ROVD's grounds, while the rest of the convoy continued to drive. According to Mr Akhdan, Dzhambali had been detained at the ROVD and had been questioned by Mr V.N. Kulikov, the head of the ROVD's criminal search department. According to the applicants, Mr V.N. Kulikov was the head of the Zheleznodorozhniy ROVD in Voronezh and was on a temporary assignment in Achkhoy-Martan. According to the Memorial NGO, in November 2006 Mr Kulikov had participated in the abduction of another Samashki resident, Mr Murad</p> | <p>granted victim status.</p> <p>On 15 March 2005 the investigation was suspended. On 19 August 2006 the district prosecutor's office rejected the applicant's complaint against the decision to suspend the investigation.</p> <p>On 30 June 2006 the Achkhoy-Martan District Court declared Mr Dzhambali Sultanov a missing person.</p> <p>On 29 July 2006 the ROVD informed the first applicant that an operational-search file had been opened in connection with the abduction.</p> <p>In March and April 2007 district departments of the Federal Service for the Execution of Punishment in the Southern Federal Circuit stated that Dzhambali had not been detained on their premises.</p> <p>On 25 April 2007 the district prosecutor's office informed the applicant of the investigation's progress stating that, amongst other things, the investigators had questioned over seventy witnesses, including the applicants' relatives and neighbours, forwarded information requests to a number of law-enforcement agencies in the Southern Federal Circuit and examined registration logs of the checkpoints in Samashki and the Achkhoy-Martan district. The involvement of servicemen in the abduction had not been established.</p> <p><u>Last document:</u> On 27 April 2007 the Chechnya Prosecutor's Office forwarded the applicants' request for assistance in the search for Dzhambali to the district prosecutor's office.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
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|    |  |  |                                      |  | <p>Magomadov. In a meeting with the first applicant, Mr A. Sadovnikov, Mr Kulikov's deputy at the Achkhoy-Martan ROVD denied that Mr Dzhamali had been detained at the ROVD. Mr Akhdan was killed several days after the conversation with the applicants.</p> <p>The applicants have not seen Mr Dzhamali Sultanov since his abduction on 5 November 2004.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p>   |   |
| 5. | <p><b>36354/09 Eldarov v. Russia</b></p> <p>29/06/2009</p> | <p><b>(1) Mr Elsi ELDAROV</b> (1956), brother, Gekhi, Urus-Martan district, the Chechen Republic</p> | STICHTING RUSSIAN JUSTICE INITIATIVE | <p><b>(1) Mr Aldan ELDA-ROV</b> (1964), abducted from the applicant's house on 09/08/2000 at around 11 a.m., Gekhi</p> | <p>At the relevant time the applicant and Aldan lived in neighbouring houses in Gekhi.</p> <p>According to the applicant, on 9 August 2000 federal servicemen started a three-day sweeping-up operation in Gekhi. They surrounded the settlement in their UAZ cars and URAL lorries, cordoned off the area and blocked the roads leading to and from the settlement. The servicemen deployed on the eastern outskirts of Gekhi. Around two hundred of the village's male residents were arrested during the operation.</p> <p>At around 10.30 a.m. a group of servicemen conducted a search at Aldan's house. They took away a group photograph of Aldan, his brother and some police officers from Grozny, all of whom were in military uniforms. Then the servicemen left and Aldan went to see the applicant.</p> <p>Later, at around 11 a.m., two servicemen arrived at the applicant's house in a UAZ lorry, no. OBS 31-62 (OBC 31-62). The applicant knew the servicemen personally as Mr Vadim and Mr Oleg Yefimenko. The latter was in charge of the operation in the applicant's street. Prior to their being sent to work with the Urus-Martan ROVD, both officers had worked in the economic crimes unit of the Penza ROVD. The servicemen told the applicant that they were to bring Aldan to the military base in connection with the photograph, then they put him in their car and left. The applicant was unable to follow them because his car was stopped by servicemen carrying out the special operation.</p> | <p>Since August 2000 the applicant has complained to various law-enforcement agencies. On 18 September and 28 October 2000 the Urus-Martan district prosecutor's office criticised the ROVD's failure to open a search file in connection with the abduction.</p> <p>On 18 September 2000 the ROVD refused to initiate criminal proceedings in connection with the discovery of the burial site on outskirts of the Gekhi.</p> <p>On 27 September and 21 December 2000 the military prosecutor's office of military unit no. 20102 denied the involvement of servicemen in the abduction.</p> <p>On 16 October 2000 the applicant yet again requested that the Chechnya military prosecutor open a criminal case. He submitted that Mr Yefimenko had informed him that the police had handed Aldan over to servicemen of the 245<sup>th</sup> mechanised-infantry regiment of the Ministry of Defence, headed by General Nedobitko. It is unclear whether this information has been examined by the authorities.</p> <p>On 18 October 2000 the district prosecutor's office quashed the ROVD's decision of 18 September 2000 and opened criminal case no. 24047 in connection with the discovery of the</p> |

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|    |  |  |                                      | <p>On that day the servicemen also arrested Mr Akhmet Kadyrov and his two brothers. After checking their passports, the servicemen took them to the military base in an APC and placed them in cages and tents with other detainees. The cages were surrounded by dozens of military vehicles, including armoured personnel carriers (APCs), tanks and a helicopter. The detainees, who were questioned about whether they knew any rebel fighters or local residents who had weapons, were subjected to beatings. Akhmet shared his cell with Aldan. As Aldan was in a very bad state after questioning, servicemen took him in an APC to hospital. Akhmet and his brothers were released.</p> <p>On 10 August 2000 the head of the local administration, Mr Said-Selim Aydamirov, informed the applicant that the servicemen conducting the operation would release the detainee in exchange for a machinegun. The applicant agreed to the exchange. However, after having visited the military base, Mr Aydamirov stated that Aldan had been taken to hospital.</p> <p>In September 2000 a burial site was discovered on the outskirts of Gekhi. Two of the bodies identified belonged to the Musayev brothers, also Gekhi residents, who had been arrested in the same period of time as Aldan.</p> <p>The applicant has not seen Mr Aldan Eldarov since his abduction on 9 August 2000.</p> <p>The account of the events is based on the statements provided by the applicant and Mr Akhmet Kadyrov.</p> | <p>bodies. It appears that at some point an investigation into Aldan’s abduction was initiated in the course of this criminal case. On 17 December 2000 the applicant was granted victim status.</p> <p>On 6 December 2000 the North-Caucasus Department of the Internal Troops of the Ministry of the Interior denied any having any information concerning Aldan’s whereabouts.</p> <p>On 30 December 2000 the Urus-Martan ROVD opened a search case file in connection with Aldan’s disappearance.</p> <p>On 3 January 2001 the district prosecutor’s office informed the applicant that the investigators were going to subject the discovered remains to a forensic expert evaluation.</p> <p>It is unclear whether any investigative steps were taken between January 2001 and January 2009 and whether the applicant contacted the authorities during this period of time.</p> <p>On 27 January and 30 April 2009 the applicant requested that the Chechnya Prosecutor’s Office inform him of the progress of the investigation and resume it, if it had been suspended.</p> <p>On 5 May 2009 the investigator decided to provide the applicant with copies of the procedural decisions concerning the opening of the criminal case and granting the applicant victim status.</p> <p><u>Last document:</u> The investigator’s decision of 5 May 2009 (see above).</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |  |
| 6. | 43724/09 Soltagirayev a and others v. Russia | (1) Ms Zura SOLTAGIRA-YEVA (1955), mother, | STICHTING RUSSIAN JUSTICE INITIATIVE | (1) Mr Askhab SOLTAGIRA-YEV (1973), abducted from home on 12/04/ 2002 at  | <p>In 2001 Mr Askhab Soltagirayev was pardoned as a result of an act of the Government aimed at former members of illegal armed groups. In 2000 Askhab’s brother, Mr Alikhan Soltagirayev, was</p>  | <p>According to the applicants, the Gudermes district prosecutor dissuaded them from lodging an official request to initiate a criminal investigation into the</p> |

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| 16/07/2009 | <p>Gudermes, Gudermes district, the Chechen Republic</p> <p>(2) <b>Ms Rukiyat KHEZRIYEV A</b> (1975), wife, idem</p> <p>(3) <b>Mr Islam SOLTAGIRAY EV</b> (2001), son, idem</p> <p>(4) <b>Mr Sayfulla SOLTAGIRAY EV</b> (1998), son, idem</p> <p>(5) <b>Ms Inzhila SOLTAGIRAYEVA</b> (2000), daughter, idem</p> |  |  | <p>around 3 a.m., Gudermes</p> | <p>allegedly killed by Russian servicemen.</p> <p>At the material time the applicants, save for the first applicant, resided together in Gudermes.</p> <p>According to the documents submitted, on 12 April 2002 Russian servicemen conducted a special operation in the Gudermes area, as a result of which many men were arrested.</p> <p>At around 3 a.m. on that date a group of ten to fifteen masked servicemen in camouflage uniforms armed with grenades and machineguns broke into the applicants' house. The unmasked intruders were of Slavic appearance and spoke unaccented Russian, while the masked ones spoke Chechen. Some of them searched the house, while the others grabbed Askhab and his passport, took him outside and put him in a grey UAZ "tabletka" minivan. Then the servicemen departed towards the town centre, accompanied by another grey UAZ car and a URAL lorry.</p> <p>Later in the morning the applicants and their relatives went to the Gudermes ROVD, where many people were waiting for the release of their relatives who had been detained on the same day under similar circumstances. At around 10 a.m. one of the arrested men, Mr Askhab from the village of Belorechye (also referred to as Ilaskhan-Yurt), was released and told the applicants that their relative had been detained at the ROVD along with other men. On the same day two ROVD officers, Mr Dzhanar Yasayev and Mr Ilyas Makayev, confirmed that Askhab Soltagirayev had been detained there until at least 2 p.m. and then taken to the premises of an FSB department. However, some time later the head of the ROVD, Mr Magomed Eldarov, informed Askhab's uncle, Mr Said-Magomed Soltagirayev, that his nephew had not been detained on their premises.</p> <p>The applicants have not seen Mr Askhab Soltagirayev since his abduction on 12 April 2002.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p> | <p>abduction. For this reason, they only submitted such a request on 14 May 2004. On 27-29 May 2004 the ROVD questioned the second applicant and her relatives.</p> <p>On 29 May 2004 the ROVD stated to the investigators that they had "failed to establish which power structures had participated in the special operation", that Askhab had not been detained on their premises and that no bodies resembling his had been found in the Gudermes district.</p> <p>On 3 June 2004 the district prosecutor's office opened criminal case no. 35035. On 8 June 2004 the second applicant was granted victim status and questioned. The first applicant was granted victim status on 6 March 2008.</p> <p>In June and July 2004, March and May 2008 the investigators questioned the first and second applicants and their six relatives, including Said-Magomed. The applicants submitted that Mr Yasayev and Mr Makayev had acknowledged Askhab's detention at the ROVD. On 21 June and 16 July 2004 Mr Yasayev and Mr Makayev stated to the investigators that they did not know Askhab or his relatives and had never arrested him or informed anyone of his arrest.</p> <p>On 10 June 2004 the investigators examined the crime scene but did not find any evidence to collect.</p> <p>In June and July 2004, June and July 2008 the investigation forwarded a number of information requests to different law-enforcement agencies in the Southern Federal Circuit. Only negative replies followed.</p> <p>On 17 June 2004 the ROVD informed the investigators that they had no information concerning Askhab's</p> |
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|  |  |  |  |  | <p>detention, as the temporary detention facility (“the IVS”) located on their premises had not been accountable to them until 1 July 2002. On 9 July 2004 the Chechnya FSB submitted that they had not arrested or detained Askhab and that they had no information as to his involvement in illegal armed groups. On 20 July 2004 and 27 May 2008 the ROVD again reported that they had no record of Askhab’s detention on their premises. On 25 August 2008 the ROVD denied having any information concerning transfers of detainees between the IVS and detention centre IZ 20/1 in Grozny in April 2002.</p> <p>On 17 August 2004 the Gudermes District Court declared Askhab a missing person.</p> <p>It is unclear whether any investigative steps were taken between August 2004 and February 2008 and whether the applicant contacted the authorities during this period of time.</p> <p>The investigation has been suspended and resumed on numerous occasions (the last resumption took place on 5 May 2009) without attaining tangible results.</p> <p>The supervising prosecutor has repeatedly criticised the progress of the investigation. In particular, on 20 June 2008 and 5 May 2009 the deputy district prosecutor pointed out that “since the opening of the criminal case, the investigation has not been conducted in an appropriate manner. The preliminary investigation was not terminated within the prescribed time-limit and the necessary steps have not been taken”. The prosecutor stressed that despite inconsistency between the ROVD officers’ and the applicants’ witness statements, a confrontation had not been arranged; that no steps had been taken to</p> |
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|    |  |  |                              |   |  | <p>establish the whereabouts of Askhab from Belorechye and question him, as well as other IVS detainees, their relatives and the applicants’ relatives who had accompanied them to the ROVD. The prosecutor ordered the investigators to take the relevant measures.</p> <p>In August 2008 the investigator replied that, pursuant to the Code of Criminal Procedure, he was under no obligation to conduct a confrontation; that the ROVD officers’ statements were consistent; that Askhab’s whereabouts had not been established and that there was no data as to persons detained on the ROVD premises during the relevant period of time.</p> <p>In 2009 the first and the second applicants were allowed to access the investigation file.</p> <p><u>Last document:</u> On 29 May 2009 a senior investigator from the Gudermes District Investigations Department of the Chechnya Prosecutor’s office took over the investigation.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 7. | <p><b>47770/09 Usumovy v. Russia</b></p> <p>02/09/2009</p> | <p>(1) <b>Ms Malika USUMOVA</b> (1960), wife, Kurchaloy, Kurchaloy district, the Chechen Republic</p> <p>(2) <b>Ms Aminat USUMOVA</b> (1985), daughter, idem</p> <p>(3) <b>Mr Zaur</b></p> | MEMORIAL HUMAN RIGHTS CENTRE | <p>(1) <b>Mr Moul USU-MOV</b> (1960), abducted from home on 30/06/01 at 3.30 a.m., Kurcha-loy</p> | <p>At the material time Mr Moul Usumov worked at the Kurchaloy FSB.</p> <p>The Kurchaloy district military commander’s office and the FSB department’s office were situated on the eastern outskirts of Kurchaloy, close to the 33rd regiment (<i>33 бригада</i>) of the Russian armed forces stationed on the premises of the Roads Department (<i>дорожно-ремонтно-строительное управление, ДРСУ</i>).</p> <p>On 30 June 2001 at 3.30 a.m. a group of fifteen to twenty armed servicemen in camouflage uniforms with dogs cordoned off the applicants’ neighbourhood in APC no. L119 (Л119), a UAZ car and two URAL lorries. Seven servicemen broke into the applicants’ house and ordered the</p> | <p>On 2 or 3 July 2001 the applicants and Sheykhi Usumov were questioned by Argun district prosecutors. Subsequently they were regularly questioned by different law-enforcement agents.</p> <p>On 9 July 2001 the Argun district prosecutor’s office opened criminal case no. 39038.</p> <p>It appears that at some point criminal case no. 14/00/0020-01D was opened in connection with the arrest of the seven Kurchaloy residents on 30 June 2001. In the documents submitted this case is also referred to as case no. 34/33/0406-</p>   |

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|  |  | <p><b>USUMOV</b><br/>(1988), son,<br/>idem</p> <p>(4) <b>Mr Zurab USUMOV</b><br/>(1994), son,<br/>idem</p> <p>(5) <b>Ms Laura USUMOVA</b><br/>(1993),<br/>daughter, idem</p> |  | <p>applicants to lie down on the floor in unaccented Russian. After searching the premises, the servicemen took away money, a number of valuables and Moul's military service card. One of the servicemen hit Moul with the rifle butt, demanding that he spell out his name. Then the servicemen handcuffed Moul, took him outside, put him in the APC and drove away.</p> <p>The first applicant and her relative, Mr Sheykhi Usumov, followed the vehicles and saw them entering the premises of the 33rd regiment. The applicant also saw other Kurchaloy residents driving towards the regiment. She learnt that seven other men had been arrested that day.</p> <p>Later on the same day the Kurchaloy district military commander and the head of the Kurchaloy FSB, Mr Viktor Ivanovich, agreed to talk to the first applicant and seven other women. The military commander acknowledged that the servicemen of the 33rd regiment had arrested their relatives but denied his subordinates' involvement in the abduction. The head of the FSB told the applicant: "It comes as a shock to me to hear that Mr Usumov has been arrested. He belongs to us. Don't worry; he will be released by 4 p.m." He replied to the other women: "You should have cried earlier, not now. Your sons are up to the elbows in blood and they shall be held liable." However, Moul was not released that day.</p> <p>On 1 July 2001 the head of the FSB informed the first applicant that, despite Moul's innocence, under the law, the servicemen of the 33rd regiment could detain him for up to ten days. He asked the applicant to bring some clothes for her husband. However, a day later, the officer told her that he could not help her as some superior power structures had taken care of Moul. The applicant was no longer allowed to talk to Mr Viktor Ivanovich.</p> <p>Some time later the deputy military commander informed the applicants that Moul had been released between 15 and 18 July 2001 along with the other seven detainees. Those individuals later confirmed that they had been detained together</p> | <p>01D.</p> <p>On 20 July 2001 the military prosecutor of military unit no. 20102 in Khankala took over the investigation. The applicant was informed of it on 16 April 2004.</p> <p>It is unclear whether any investigative steps were taken between July 2001 and January 2004 and whether the applicants contacted the authorities during this period of time.</p> <p>On 7 June 2004 the military prosecutor's office of military unit no. 20102 denied the involvement of servicemen in the abduction.</p> <p>On 20 June 2004 the military prosecutor's office of the North-Caucasian military command informed the applicants of the following: "During the investigation of criminal case no. 14/00/0020-01D [...], it has been established that Mr Moul Usumov was among the persons arrested by servicemen of the first united squadron (<i>первый сводный отряд</i>) on suspicion of involvement in illegal armed groups. The servicemen took the arrested men in APCs to a heliport, and then they took them by helicopter to the squadron's premises in the Novogroznenskiy settlement. Then the servicemen placed the arrested men in an empty engineering warehouse and kept them there until 15-17 July 2001. Since the arrested men's involvement in illegal armed groups had not been confirmed, between 15 and 17 July 2001 they were released and driven to the Gudermes district. All of the arrested men, except Moul, returned home. Although it was confirmed that federal servicemen had released Moul, it has been impossible to establish his whereabouts. On 8 July 2002 the criminal investigation opened</p> |
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|  |  |  |  |  | <p>with Moul but he had not been released with them.</p> <p>The applicants have not seen Mr Moul Usumov since his abduction on 30 June 2001.</p> <p>The account of the events is based on the statements provided by the applicants and Mr Sheykhi Usumov.</p> | <p>in connection with the abduction of the Kurchaloy residents was terminated on the grounds of the death of the suspect...”</p> <p>On 3 November 2006, 3 March 2008, 20 August and 1 November 2008 the first applicant wrote to the Kurchaloy district prosecutor’s office and the military prosecutor’s office of military unit no. 20102, asking them to inform her of the progress of the investigation and grant her victim status in criminal case no. 39038.</p> <p>It is unclear whether any investigative steps were taken between July 2004 and December 2008 in relation to the above case.</p> <p>On 27 January 2009 the investigation in case no. 14/00/0020-01D in connection with Moul’s abduction was resumed. On an unspecified date in 2009 the first applicant was granted victim status.</p> <p>On 2 March 2009 the investigations committee of the Prosecutor General of the Russian Federation’s Office in the Znamenskiy Garrison of the Strategic Missile Troops (<i>Ракетные войска стратегического назначения</i>) suspended the investigation of case no. 34/33/0406-01D and discontinued the part of the criminal proceedings concerning the involvement of Officer Yu.A. Kunayev (see below). In so far as relevant, the decision stated as follows. “On 30 June 2001, as a result of a special operation conducted by servicemen of the Kurchaloy military commander’s office under the supervision of Colonel V.I. Pelishchenko, servicemen arrested Mr Moul Usumov [and seven other men] and took them to the premises of the first united squadron stationed at</p> |
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|    |  |   |  |  |   | <p>military unit no. 12106 in Novogroznenskiy. Following the orders of Mr Yu.A. Kunayev, the squadron commander, and Mr V.V. Maystrenko, the deputy commander of the United Group Alignment (“the UGA”) for special operations, the servicemen placed the arrested men in pits. Mr Kunayev cannot be held liable for the abuse of authority under Article 286 of the Russian Criminal Code since he acted on the orders of Mr Maystrenko and in the context of counter-terrorism operations in the North Caucasus aimed at identification of members of illegal armed groups which were conducted by power structures legally authorised to carry out investigative-search measures in Chechnya, namely the Special Early Response Unit (<i>Специальный отряд быстрого реагирования, СОБР</i>) of the East-Siberian Anti-organised crime department (<i>ПУБОИ</i>) and the special purpose unit of the State department for the execution of punishments (<i>ГВИИ</i>) at the Ministry of Justice. Moreover, on 9 July 2002 the criminal proceedings brought against Mr Maystrenko on suspicion of abuse of authority under Article 286 were terminated for a lack of <i>corpus delicti</i>.”</p> <p>On 2 March and 3 April 2009 the investigator informed the applicants of the decision of 2 March 2009.</p> <p><u>Last document:</u> The investigator’s letter of 3 April 2009.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 8. | <p><b>54728/09 Tamayev v. Russia</b></p> <p>11/09/2009</p> | <p><b>(1) Mr Ovkhad TAMAYEV</b> (1940), father, Roshni-Chu, Urus-Martan</p> | <p>Mr Suleyman VISENGE-REYEV, a lawyer practicing in</p> | <p><b>(1) Mr AkhdanTAMAYEV</b> (1972), abducted from home on 06/01/01 at around 9 a.m., Roshni-Chu</p> | <p>At the material time Mr Akhdan Tamayev lived together with his family and the applicant in the settlement of Roshni-Chu. The settlement was under curfew.</p> <p>According to enclosed documents, on 4-6</p> | <p>On 10, 12, 15, 22, 25 and 26 January 2001 the applicant and his wife complained to different law-enforcement agencies about the abduction.</p> <p>On 27 January 2001 the Urus-Martan</p>   |

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|  |  | District, the Chechen Republic | Moscow | <p>January 2001 Russian servicemen conducted a sweeping-up operation in Roshni-Chu. The operation's head office was stationed on the outskirts.</p> <p>On 6 January 2001 at around 9 a.m. the applicant went to the local administration, taking Akhdan's passport with him. A group of servicemen arrived at the applicant's house and took Akhdan with them because he failed to show his passport. They put him in a GAZ-66 lorry and drove to the outskirts of Roshni-Chu.</p> <p>Akhdan's wife, who witnessed the abduction, ran to the local administration, where she met the applicant and told him about the events. When the applicant returned home, Akhdan was not there. The house was surrounded by servicemen armed with machineguns, accompanied by the head of the administration, Mr Mamatsuyev. A serviceman took Akhdan's passport and confirmed to the applicant that his soon would soon be released. Shortly thereafter Mr G.A. Gadzhiyev, the military commander for the Urus-Martan district, and Mr Z.K. Kuryayev, the head of the Urus-Martan ROVD, arrived at the spot. They informed the applicant that Akhdan would be taken to the ROVD for an identity check and released.</p> <p>On the same day the servicemen arrested two other residents, the brothers Muslim and Alikhan Movkayev. After their release that evening, the brothers informed the applicant that Akhdan had been arrested with them. The servicemen had taken the three of them to the outskirts of town in the GAZ lorry, kept them there until 5 p.m. and then took them to the ROVD. At around 6 p.m. Muslim and Alikhan had been released, whereas Akhdan had remained at the police station.</p> <p>On 7 January 2001 Mr Mamatsuyev told the applicant that he had gone to the ROVD, where he had been promised that Akhdan would be released at 10 a.m. on the same day. However, the applicant's son was not released.</p> <p>On 5 February 2001 the applicant went to the police station. An officer informed him that Akhdan's detention there had been registered and</p> | <p>district prosecutor's office opened criminal case no. 25014. On 11 September 2002 the Urus-Martan District Court declared Akhdan a missing person. On 26 August 2009 the applicant was granted victim status in the criminal case.</p> <p>Between 27 January and 15 February 2001, in April 2001 and between 23 July and 7 August 2003 the investigators questioned the applicant, Akhdan's wife, Muslim and Alikhan Movkayev, five neighbours and relatives, as well as six officials, namely Mr A. Kashlyayev, a police officer, Mr V. Nikitin and Mr N. Sugrobov, Penza ROVD officers who were at the material time working in the Urus-Martan ROVD, Mr Tetkin, the head of the public safety police, Mr Mamatsuyev and Mr Kuryayev.</p> <p>The witnesses corroborated the applicant's version of the events.</p> <p>The six officials acknowledged that Russian servicemen had conducted a sweeping-up operation on 6 January 2001. According to Mr Kuryayev, Colonel Larchenko had been in charge of the operation. As a result of the operation three men had been brought to the ROVD but their detention had not been officially registered. After a call from the Urus-Martan FSB at around 5 p.m., four or five FSB officers had come to take Akhdan with them. The other two detainees had been released. According to the applicant, the investigators did not even attempt to establish the whereabouts of Colonel Larchenko.</p> <p>On 5 March 2001 the district prosecutor's office decided to transfer the investigation to a military prosecutor's office, given that servicemen had been involved in the</p> |
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|  |  |  |  |  | <p>that he had been transferred to the premises of an FSB department.</p> <p>The applicant has not seen Mr Akhdan Tamayev since his abduction on 6 January 2001.</p> <p>The applicant did not witness the abduction. The account is based on statements provided by his relatives and neighbours who witnessed the events.</p> | <p>abduction. Referring to witness statements, the decision stated that Mr Akhdan Tamayev had been arrested during a sweeping-up operation, taken to the police station and then to the FSB.</p> <p>On 24 March 2001 the military prosecutor's office of military unit no. 20102 took over the investigation, having assigned the number 14/33/0168-01-D to the case file.</p> <p>On 9 April 2001 the FSB military counter-intelligence unit in the North-Caucasian Circuit denied having any information about Akhdan's arrest and reported that their forces had not participated in the special operation of 6 January 2001.</p> <p>On 27 April 2001 the investigation was suspended.</p> <p>On 27 June 2001 the military prosecutor's office of the North-Caucasian military command transferred the investigation back to the district prosecutor's office, as the involvement of FSB servicemen in the abduction had not been confirmed.</p> <p>On 29 December 2001 the district prosecutor's office took over and resumed the investigation.</p> <p>On 6 January 2002 the Urus-Martan ROVD reported that they had no information as to the identity of the Penza ROVD servicemen who had been on duty at the police station on 6 January 2001 and that it was impossible to establish their whereabouts.</p> <p>On 29 January 2002 the district prosecutor's office refused to initiate criminal proceedings against the ROVD officers in connection with Akhdan's abduction, as they had handed him to the FSB officers "acting within the scope of their duties". On the same date the investigation was suspended.</p> |
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|    |   |  |   |  | <p>Since then, the investigation has been resumed and suspended on numerous occasions (the last suspension took place on 12 September 2009) without producing any tangible results. On several occasions supervising prosecutors have criticised the progress of the proceedings, ordering the investigators to take a number of necessary steps, such as questioning of the ROVD officers, checking the reasons for the officials’ failure to register Akhdan’s detention in the police station and verifying the theory of the involvement of FSB officers in the abduction. In particular, on 2 August 2004 the district prosecutor wrote to the Chief Military Prosecutor asking him to take disciplinary measures in respect of the military prosecutor of military unit no. 20102, who had failed to comply with his numerous requests to assist the investigation.</p> <p>On 9 and 23 August 2005 and 23 December 2006 the Urus-Martan district FSB denied having any knowledge of Akhdan’s arrest and his involvement in illegal armed groups, as well as any data as to the identity of the district FSB officers who had been on duty on 6 January 2001.</p> <p><u>Last document:</u> The decision of 12 September 2009 to suspend the investigation.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |  |
| 9. | <p><b>25511/10 Ibragimov and others v. Russia</b></p> <p>28/04/2010</p> | <p><b>(1) Mr Vakhita IBRAGIMOV</b> (1960), Mr Islam Ibragimov’s father, Shali, Shali district,</p> | <p>STICHTING<br/>RUSSIAN<br/>JUSTICE<br/>INITIATIVE</p> | <p>Two men abducted on 17/01/2003 at 4 a.m. from home in Shali:</p> <p><b>(1) Mr Islam IBRA-GIMOV</b> (1982) and</p> | <p>At the material time Mr Islam Ibragimov and Mr Apti Sadulayev resided in two neighbouring houses in Shali with the applicants and their respective families.</p> <p>On 17 January 2003 at 4 a.m. a group of armed and masked servicemen arrived at the applicants’ homes in seven APCs with obscured plates. They</p>   | <p>On an unspecified date the head of the Shali district administration stated that Islam and Apti “had been driven away in the direction of Khankala by unidentified servicemen in seven APCs, a UAZ car and other vehicles”.</p> <p>On 17 January 2003 investigators</p> |

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|  |  | Chechnya |  | (2) <b>Mr Apti SADU-LAYEV</b> (1976) | <p>burst into the two houses, ordered everyone to lie down on the floor in unaccented Russian and checked the identity documents of Isman, Apti and the first applicant. Then the servicemen took them outside, along with the second applicant and Mr Rashid Sadulayev, Apti's cousin, forced them into an APC, pulling their T-shirts over their heads, and drove away. A package dropped off from an APC. One of the servicemen told the third applicant to look for their relatives at the ROVD.</p> <p>At first, Islam, the first and the second applicants were placed in the same APC with Apti and Rashid. After about twenty-five minutes the servicemen pulled over, took the arrested men outside, made them lie down on the ground, then put them back in the APC, save for Ilyas, who was put in another APC, and continued to drive. The servicemen drove Ilyas to Tsotsan-Yurt and released him. As to the other four arrested men, their APC pulled over again and the men were put on the ground, asked to say their names and then placed in a wagon. Forty minutes later the servicemen put Rashid and the first applicant in a URAL lorry and drove away. After about thirty minutes the two men arrived at a garage-like building where they were kept until 18 January 2003. According to the applicants, the two men must have been detained in a windmill in Staryie Atagi, which was used as a filtering point by Russian servicemen (see <i>Arzu Akhmadova and Others v. Russia</i>, no. 13670/03, § 195, 8 January 2009). After that, the men were taken in an APC to the vicinity of the town of Argun and released.</p> <p>In the days following the abduction, the applicants, their relatives and neighbours contacted various authorities. In particular, while in Khankala, Mr Khasin Abkayev met Generals Said-Selim Tsuyev and Ibragim Suleymanov, who promised their assistance, and Generals Abrashin and Pospelov, who said that the matter was not in their competence. Furthermore, Mr Bachal Baysuyev talked to Akhmed-Khadzhi Kadyrov and to General Makarov, both of whom promised to help to solve the matter within a week but failed to</p> | <p>examined the crime scene, questioned the eyewitnesses and collected the package left behind by the perpetrators. According to the applicants, its expert evaluation would have allowed the identification of the power structure to which the servicemen and their vehicles belonged. It is unclear whether such an evaluation was ordered and carried out.</p> <p>On 27 January 2003 the Shali district prosecutor's office opened criminal case no. 22017 in connection with Islam and Apti's abduction "by unidentified masked and camouflaged servicemen of Federal forces who were armed with machineguns". On 30 and 31 January 2003 the fourth and the first applicants respectively were granted victim status.</p> <p>On 5 June 2003 the Shali ROVD opened operational search file no. 71410.</p> <p>On an unspecified date the Shali District Investigation Department of the Chechnya Prosecutor's Office took over the investigation.</p> <p>On 22 April 2004 the military prosecutor's office of military unit no. 20116 informed the applicants that the servicemen under their supervision had neither conducted special operations nor arrested or taken anyone to a law-enforcement agency.</p> <p>On 2 November 2006 the Shali ROVD informed the applicants that they had been taking a number of investigative steps, including forwarding information requests to power structures in Chechnya, examining unidentified bodies against the ROVD's databases and checking the details of admissions to hospitals in the Shali district.</p> <p>The investigation has been suspended and resumed on several occasions (the last suspension took place on 22 October</p> |
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|     |  |  |   |   | <p>do so. According to them, a criminal investigation had been opened against Islam and Apti and the latter was being questioned by the prosecuting authorities. Mr Fedorov, the Shali military commander, confirmed this on local TV, adding that Islam and Apti were safe and sound. The applicants did not manage to obtain a copy of the TV programme.</p> <p>The applicants have not seen Mr Islam Ibragimov and Mr Apti Sadulayev since their abduction on 17 January 2003.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p>   | <p>2006) without producing any tangible results.</p> <p>It is unclear whether the applicants contacted the investigators and whether any investigative steps were taken between November 2006 and October 2008.</p> <p>On 18 October and 21 November 2008 the first and the fourth applicants were authorised to make copies of the decisions to open and to suspend the criminal investigation and to grant victim status.</p> <p>On 26 January 2010 the applicants' representatives wrote to the investigator, asking him to inform them of the progress of the investigation. No reply was received.</p> <p><u>Last document:</u> The applicants' representatives' letter of 26 January 2010.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
| 10. | <p><b>32791/10</b><br/><b>Anayeva and Elmurzaye va v. Russia</b></p> <p>02/06/2010</p> | <p>(1) <b>Ms Malkan ANAYEVA</b> (1959), mother, Stariye Atagi, Grozny district, the Chechen Republic</p> <p>(2) <b>Ms Rayana ELMURZAYE VA</b> (2002), daughter, idem</p> | STICHTING<br>RUSSIAN<br>JUSTICE<br>INITIATIVE | <p>(1) <b>Mr Ziyavdi</b> (also referred to as <b>Ziyavdin</b>) <b>ELMURZAYEV</b> (1979), abducted from home on 21/04/02 at around 7.30 a.m.</p> | <p>At the material time the applicants resided in Stariye Atagi together with their family, including Ziyavdi and Zayndi, the first applicant's husband.</p> <p>On 21 April 2002 at around 7.30 a.m. a group of about fifty or sixty armed servicemen in camouflage uniforms arrived at the applicants' house in APC no. 422 BB (422 BB) and two armoured infantry combat vehicles nos. 344 and 346. They were of Slavic appearance and spoke unaccented Russian. The servicemen broke into the house, arrested Ziyavdi and Zayndi, dragged them outside, put them in the APC and departed towards the outskirts of Stariye Atagi. In about a hundred metres, they had to let Zayndi go as he was having a stroke. Then the servicemen continued driving until they arrived at a windmill on the outskirts of Stariye Atagi where a Russian military unit was stationed.</p> <p>The applicants, their relatives and neighbours followed the intruders. When they approached the</p> | <p>On 29 April 2002 the Grozny district prosecutor's office opened criminal case no. 56060.</p> <p>On 22 June 2002 the FSB denied the involvement of Chechnya FSB officers in the abduction.</p> <p>By letter of 13 July 2002 the head of the criminal investigations department at the Chechnya Prosecutor's Office informed the applicants that Ziyavdi was alive and was serving a sentence. However, at some point later an officer from the prosecutor's office told the applicants that the letter had been sent to them by mistake. The applicants did not keep a copy of the letter.</p> <p>On 23 July 2002 the district prosecutor's office stated that "... Ziyavdi was abducted by federal servicemen, who put him in APC no.</p>                                      |

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|  |  |  |  |  | <p>windmill, they saw the three abductors' vehicles parked on the premises of the military unit. The visitors attracted the servicemen's attention to this fact and the latter obscured the plates with mud. The deputy head of the Stariye Atagi administration was not allowed to enter the premises.</p> <p>At around 3 p.m. on the same day servicemen left the military unit in two APCs, one of which had registration no. 422 BB, a white VAZ-2106 car and a khaki UAZ "tabletka" minivan with blackened windows. They drove in the direction of Grozny. The applicants have not seen Mr Ziyavdi Elmurzayev since his abduction on 21 April 2002.</p> <p>The account of the events is based on the statements provided by the applicants, their relatives and neighbours.</p> | <p>422 BB, and, accompanied by two infantry combat vehicles nos. 344 and 346, took him to the windmill next to Stariye Atagi. After that, the same servicemen departed in the direction of Grozny in two APCs, including APC no. 442, a white VAZ-2106 and a khaki UAZ "tabletka".</p> <p>On 3 October 2005 the Grozny District Court declared Ziyavdi a missing person.</p> <p>On 12 January 2007 the first applicant's husband was granted victim status in the criminal case.</p> <p>In the autumn of 2007 the Grozny Investigations Department of the Chechnya Prosecutor's Office took over the investigation.</p> <p><u>Last document:</u> The decision to grant victim status of 12 January 2007.</p> <p>It is unclear whether the criminal proceedings are currently pending.</p> |
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