



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

FIRST SECTION

**CASE OF SULTYGOV AND OTHERS v. RUSSIA**

*(Applications nos. 42575/07, 53679/07, 311/08, 424/08, 3375/08, 4560/08,  
35569/08, 62220/10, 3222/11, 22257/11, 24744/11 and 36897/11)*

JUDGMENT

STRASBOURG

9 October 2014

**FINAL**

**16/02/2015**

*This judgment has become final under Article 44 § 2 of the Convention. It may be  
subject to editorial revision.*



**In the case of Sulygov and Others v. Russia,**

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Isabelle Berro-Lefèvre, *President*,

Khanlar Hajiyev,

Mirjana Lazarova Trajkovska,

Julia Laffranque,

Paulo Pinto de Albuquerque,

Ksenija Turković,

Dmitry Dedov, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 16 September 2014,

Delivers the following judgment, which was adopted on that date:

**PROCEDURE**

1. The case originated in twelve applications (see details in Appendix I) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Russian nationals (“the applicants”), on the dates indicated below in Appendix I.

2. The applicants were represented before the Court by Mr D. Itslyayev, a lawyer practising in Russia, lawyers from the Stichting Russian Justice Initiative (SRJI) (in partnership with NGO Astreya), an NGO based in the Netherlands with a representative office in Russia, lawyers from the Memorial Human Rights Centre/the European Human Rights Advocacy Centre (EHRAC), an NGO based in Russia and the UK and lawyers from Materi Chechni, an NGO based in Russia. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants alleged that on various dates between 2000 and 2005 their eighteen relatives had been abducted by State servicemen in Chechnya and Ingushetia and that no effective investigation into the matter had taken place.

4. On the dates indicated in Appendix I the applications were communicated to the Government.

## THE FACTS

### I. THE CIRCUMSTANCES OF THE CASE

5. The applicants are Russian nationals who are close relatives of persons who disappeared after allegedly being arrested by servicemen. In each of the applications the events took place in areas under the full control of the Russian federal forces.

6. The applicants complained to law-enforcement bodies and official investigations were opened. The proceedings were repeatedly suspended and resumed, and have remained pending for several years without achieving any tangible results. The investigations consisted mainly of the authorities making requests for information and formal requests to their counterparts in various parts of Chechnya and Ingushetia and other regions of the North Caucasus to take operational search measures. The requests received negative responses or no replies at all.

7. From the documents submitted it appears that the relevant State authorities were unable to identify the State servicemen allegedly involved in the arrests or abductions.

8. In their observations the Government did not challenge the allegations as presented by the applicants. At the same time, they stated that there was no evidence to prove beyond reasonable doubt that State agents had been involved in the abductions.

9. Below are summaries of the facts relevant to each individual application. They are based on the statements provided by the applicants, their relatives and neighbours and copies of the contents of the criminal investigation files furnished by the Government. The personal data of the applicants and their disappeared relatives, and some other key facts, are summarized below and in the attached table (Appendix I).

#### **A. Application no. 42575/07, *Sultygov and Others v. Russia***

10. The applicants are:

- (1) Mr Gerikhan Sultygov, born in 1972;
- (2) Ms Fatima Sultygova, born in 1966;
- (3) Mr Musadi Samrailov, born in 1943, and
- (4) Ms Maus Nasayeva, born in 1953.

The first applicant resides in Chippis, Switzerland. The second applicant lives in Boras, Sweden. The fourth applicant resides in Grozny, Chechnya; prior to his death, the third applicant also lived there.

11. The third applicant, Mr Musadi Samrailov, passed away on 3 February 2013. Mr Viskhan Samrailov, his grandson and the son of Mr Visadi Samrailov, expressed his wish to pursue the application.

12. The first and second applicants are the siblings of Mr Alikhan Sultygov, who was born in 1969. The third and fourth applicants are the father and stepmother of Mr Visadi Samrailov, who was born in 1964.

*1. Abduction of the applicants' relatives and subsequent events*

13. In 2000 the Sultygov family, including the first and second applicants and their children, moved from Grozny to Ingushetia owing to armed hostilities. In the summer of 2000 Mr Alikhan Sultygov returned to Grozny to check on the family house left behind.

14. On the morning of 4 August 2000 Mr D.U. and Mr Alikhan Sultygov drove in the latter's Volga car to the house of the Samrailov family through checkpoint no. 7 on the outskirts of Grozny. The checkpoint was manned by servicemen of Special Police Forces Unit (OMON) from the Sverdlovsk Region. The servicemen checked Mr Alikhan Sultygov's and Mr D.U.'s identity documents and let them through.

15. On the way back, after having picked up Mr Visadi Samrailov, the three men were stopped at the checkpoint and detained. Mr Alikhan Sultygov, Mr Visadi Samrailov and Mr D.U. were placed in a UAZ vehicle and taken to the Leninskiy district military commander's office which was situated in the same building as the Leninskiy district department of the interior (the ROVD). Mr Alikhan Sultygov's car was driven by one of the servicemen. At the office the three men were blindfolded, their hands were bound and they were put in an APC which took them to the main base of the federal military forces in Khankala.

16. Upon their arrival at the base the three men were put into a pit measuring about two or three metres in depth and about one and a half metres in diameter. The bottom of the pit was covered with stones and broken glass. The three men were not allowed to remove the blindfolds and their hands remained bound; they were not fed, and only given water. The soldiers threw stones at them.

17. On the next day several servicemen took Mr Alikhan Sultygov out of the pit. He never returned. Two days later the servicemen took away Mr Visadi Samrailov. Later on the same date Mr D.U. was also taken out of the pit, driven for about thirty minutes and released on a highway. The abductors told him to keep his blindfold on for thirty minutes and threatened to kill him if he shared any information about the detention. Then Mr D.U. walked to Grozny.

18. The applicants have not seen their relatives Mr Alikhan Sultygov and Mr Visadi Samrailov since 4 August 2000.

## 2. *Official investigation*

### (a) **Main witness statements taken in the course of the investigation**

19. On an unspecified date in September 2000 the third applicant was questioned about the abduction. He informed the investigators about the details of the events, as related by Mr D.U., including the arrest at the checkpoint and subsequent detention in a pit in Khankala.

20. On 17 March 2001 the investigators questioned the wife of Mr Visadi Samrailov, Ms M.S., whose statement was similar to the one submitted by the applicants to the Court. In addition, she stated that along with her husband the servicemen had also arrested Mr Alikhan Sultygov and kept him in the pit and that the first and second applicants were searching for him.

21. On 22 October 2004 the investigators questioned Mr Visadi Samrailov's sister, Ms M.I., who stated that on 4 August 2000 an employee of the Leninskiy district military commander's office, Ms Ya.Ya., had told her that Mr Visadi Samrailov had been brought over to their office and then taken to the military base in Khankala.

22. On the same date, 22 October 2004, the investigators also questioned Mr Visadi Samrailov's mother, Ms A.I., whose statement was similar to that of Ms M.I. In addition, she stated that on 4 August 2000 the district military commander had personally confirmed to her that her son had been brought to their office and detained there until 4 p.m. and then taken to Khankala.

23. On the same date, 22 October 2004 the investigators also questioned the third applicant, whose detailed statement was similar to the ones given by Ms M.I. and Ms A.I. In addition, he stated that at the military base his son, Mr Alikhan Sultygov and Mr D.U. had been kept for several days in a pit and that he had learnt about the details of their detention from Mr D.U.

24. On 25 October 2004 the investigators questioned Ms Ya.Ya., who stated that in 2000 she had worked at the Leninskiy district military commander's office and that on an unspecified date in August 2000 she had seen, on the premises, Mr Visadi Samrailov, who had been standing in the hallway with his hands above his head against the wall. At the time the district military commander was officer S. Pe.

25. On 10 November 2004 the investigators questioned Mr Alikhan Sultygov's mother, Ms A.S., whose statement was similar to the one given by the third applicant. In addition, she stated that she had learnt the details of the arrest and the subsequent detention from Mr D.U.

26. On 19 March 2007 Mr D.U. wrote to the investigators providing details of his arrest at the checkpoint and the subsequent detention in Khankala with the applicants' relatives Mr Visadi Samrailov and Mr Alikhan Sultygov. This information was included in the case file; he was not questioned by the investigators.

**(b) The main investigative steps taken by the authorities**

27. On 7 August 2000 the third applicant was informed by Mr D.U. of the abduction of Mr Visadi Samrailov. From the documents submitted it follows that on an unspecified date prior to 13 September 2000 he complained about the abduction in writing to the Leninskiy district prosecutor's office and the Leninskiy ROVD stating that his son had been detained at the checkpoint and then taken to the ROVD and the military commander's office.

28. At the end of August 2000 Mr Alikhan Sultygov's mother, Ms A.S., received a note from Mr D.U. stating that her son had been arrested. She immediately went to speak with him; having learnt the details of the arrest and subsequent detention in the pit, she complained thereof to the Grozny military commander's office.

29. On 17 March 2001 the district prosecutor's office opened criminal case no. 11094 to investigate the abduction of Mr Alikhan Sultygov and Mr Visadi Samrailov.

30. On 17 March 2001 Mr Visadi Samrailov's wife, Ms M.S., was granted victim status in the criminal case.

31. On 17 May 2001 the investigation was suspended and on 5 June 2001 it was resumed. The applicants were not informed thereof.

32. On 6 July 2001 the investigators examined the detainee registration log of the Leninskiy ROVD. According to entry no. 262, on 4 August 2000 Mr Visadi Samrailov had been taken to the ROVD and then handed over to colonel Korolev.

33. On 13 August 2003 Mr Alikhan Sultygov's mother, Ms A.S., wrote to the investigators describing the circumstances of her son's arrest at the checkpoint, his transfer from the ROVD by colonel Korolev to the military base in Khankala and his subsequent detention with Mr D.U.

34. On 10 November 2004 (in the documents submitted the date was also referred to as 7 August 2006) Ms A.S. was granted victim status in the criminal case.

35. On 29 March 2007 the third applicant wrote to the investigators asking them to resume the proceedings. He also stated that Mr D.U., who had previously refused to give statements to the authorities out of fear for his life, had agreed to be questioned.

36. Between 2001 and 2007 the investigation was suspended and resumed on several occasions. It was last suspended on 5 May 2007. The applicants were not informed thereof.

37. From the documents submitted it follows that on various dates between 2001 and 2007 the applicants and their relatives sent numerous requests to various authorities asking for assistance and information on the search for their relatives.

38. On 9 June 2007 the third applicant requested an update on the progress of the investigation. No reply was received.

39. On 26 October 2009 the investigation was resumed. It is still pending.

**B. Application no. 53679/07, *Bekova v. Russia***

40. The applicant, Ms Fatima Bekova, was born in 1963 and lives in Nazran, Ingushetia.

41. The applicant is the mother of Mr Ruslan Yandiyev, who was born in 1982.

*1. Abduction of the applicant's son and subsequent events*

**(a) Abduction of Mr Ruslan Yandiyev**

42. At the material time the applicant and her son, Mr Ruslan Yandiyev resided in a block of flats at 19 Moskovskaya Street in Nazran, Ingushetia. A block of flats was under construction nearby.

43. On the morning of 29 September 2005 the applicant left for work. At about 9 a.m. on 29 September 2005 Mr Ruslan Yandiyev went to the construction site and met Mr M.-A.B., an acquaintance who worked there. After a while they were joined by Mr I.Kh., another worker from the site, who had arrived in his "Moskvitch" vehicle. The three men went to the workers' trailer situated at the site.

44. Shortly afterwards two vehicles arrived at the construction site: a silver VAZ-21099 vehicle with a registration number containing the digits "06" and a red VAZ-2107 vehicle with the registration number "586 mr 95". A group of armed men in camouflage uniforms got out of the vehicles and broke into the trailer. Most of the armed men were of Slavic appearance and spoke unaccented Russian. Some others wore civilian clothing and spoke Ingush.

45. Having broken into the trailer, the armed men immediately started beating Mr I.Kh. and dragged him outside. When Mr M.-A.B. and Mr Ruslan Yandiyev tried to intervene the armed men took them outside and forced them into their vehicles. They then put Mr I.Kh., unconscious and bleeding, into the boot of one of the vehicles and drove away with the three men. The abduction took place in the presence of several witnesses.

46. The applicant has not had any news from her son, Mr Ruslan Yandiyev since that day.

**(b) Subsequent events**

47. On the following day, 30 September 2005, the applicant arrived at the construction site and learnt about the abduction. She immediately complained thereof to various law-enforcement authorities, including the Ministry of the Interior, the Federal Security Service ("the FSB") and the Nazran town prosecutor.

48. On 14 October 2005 a convoy of four white Gazel minivans, a UAZ minivan (“таблетка”) and some other vehicles, arrived at the construction site. A large group of representatives of law-enforcement agencies searched the site looking for hidden explosives and ammunition. Mr P.E. and Mr P.A., who had been present at the site on 29 September 2005, recognised some of the officers as the latter had participated in the abduction of Mr Ruslan Yandiyev.

49. The Government submitted that on 14 October 2005 a large group of law-enforcement officers had searched the construction site looking for explosives and that on 29 September 2005 no special operations had been conducted to detain Mr Ruslan Yandiyev.

## *2. Official investigation into the abduction*

### **(a) Main witness statements taken by the investigators**

50. On 9 October 2005 the investigators questioned the applicant, whose statement was similar to the one submitted to the Court. In particular, she stated that she had learnt from workers at the construction site that on 29 September 2005 a group of armed men speaking unaccented Russian had arrived at the site in two vehicles, had beaten Mr I.Kh., Mr M.-A.B. and her son up and taken them away.

51. On 28 November 2005 the applicant informed the investigators that she had information concerning the possible identities of the police officers from the special forces unit who on 29 September 2005 had taken away her son and two other men from the construction site and on 14 October 2005 had returned to the site. She requested that those officers be questioned.

52. On 11 August 2006 the investigators questioned Ms F.A., whose statement concerning the abduction was similar to the one furnished by the applicant to the Court. In addition, she stated that on 14 October 2005 a large group of policemen had searched the construction site and that among them had been several officers who had participated in the arrest of the applicant’s son on 29 September 2005 and whom she would be able to identify. On 30 October 2005 another group of policemen had searched the site with metal detectors.

53. On 30 August 2006 the investigators questioned the senior investigator of the Directorate of the Federal Drug Control Service (“the FDSC”), Mr T.S., who submitted that in the autumn of 2005 he had received information concerning explosives hidden at the construction site. He had gone and inspected the site and the trailers with a number of other officers, including officer I.T. They had found nothing of interest. On that date the FDSC officers had used a UAZ-452 minivan (“таблетка”), an armoured Gazel minivan and a VAZ-2105 car.

54. On 10 September 2006 the investigators questioned the deputy head of the FDSC, officer I.T., whose statement was similar to that of the senior

investigator T.S. In addition, he stated that upon receiving information concerning hidden ammunition or explosives at the construction site, he had informed his superiors and the regional department of the Federal Security Service about it. Then he had gone to the site with Mr Ib.T., the senior investigator Mr T.S., an expert and officers from the special forces unit of the FDCS. At the site they had been joined by officers from the regional department of the Federal Security Service and the Ingushetia Ministry of the Interior. Nothing of interest had been found during the search and the law-enforcement officers had left the site. About a month later he had again searched the trailer and the site with a group of officers from the service and the police but had found nothing of interest. According to the witness, he had learnt of Mr Ruslan Yandiyev's abduction at some point later.

55. On 15 September 2006 the investigators again questioned Ms F.A., who confirmed her previous statement and specified that she would be able to identify the abductors.

56. On an unspecified date in September 2006 the investigators questioned officer M.D., the head of the FDCS special forces unit, who stated that in September 2005 his unit had received an order to search the construction site. He had gone there with his group of officers, about forty in total. They had inspected the trailers at the site and the adjacent area. The witness stated that he had no information concerning the abduction. At some point later he had heard that the officers had subsequently returned to the construction site.

57. On 4 April 2008 the investigators again questioned the applicant, who reiterated her previous statements and pointed out that two witnesses, Ms F.A. and Ms P.E., had seen the perpetrators at the construction site during the abduction and then during the search on 14 October 2005 and that both of them could identify the culprits.

58. On 23 April 2008 the investigators again questioned officer M.D., who reiterated his previous statement.

59. On 14 April 2008 the investigators questioned Ms E.P. A copy of her complete statement was not furnished to the Court; its partial contents did not contain information pertinent to Mr Ruslan Yandiyev.

60. On 21 April 2008 the investigators again questioned officer I.T., who reiterated his previous statement.

61. On 22 April 2008 the investigators again questioned Ms F.A., who reiterated her previous statements, gave a detailed description of three of the abductors who spoke Ingush and stressed that she would definitely be able to identify them.

62. On 13 May 2008 the investigators held an identification parade by showing photographs of the potential suspects to Ms F.A. She identified one of them as one of the officers who had been in charge of the search and the abduction of the applicant's son on 29 September 2005 and who had subsequently returned to the construction site on 5 October 2005.

63. On 21 May 2008 the investigators arranged a confrontation between Ms F.A. and officer M.D., whom the former had identified as one of the perpetrators. Ms F.A. reiterated her previous statements and stressed that she was sure that this officer had participated in the abduction. The latter stated that he had indeed participated in the search of the construction site in October 2005 but denied any involvement in the abduction.

64. On 26 May 2008 the investigators questioned the applicant, who stated that two men had arrived at her home and threatened to blow her house up if she insisted on further investigation into her son's abduction. The applicant stated that four officers, that is, Mr M.D., Mr T.S., Mr A.Kh. and the investigator Mr I.T. were suspected of her son's abduction and that they could have been behind those threats.

65. On 28 May 2008 the investigators questioned a relative of the applicant, Mr M.B., who stated that his nephew Mr Ruslan Yandiyev and two other men had been abducted by law-enforcement officers and that officer I.T. had been in charge of the operation.

66. On 28 May 2008 the investigators held another identification parade by showing photographs of the potential suspects to Ms F.A. She identified one of them as one of the officers who had been in charge of the search at the construction site and the abduction of the applicant's son on 29 September 2005 and who had subsequently returned to the site on 5 October 2005.

67. On 29 May 2008 the investigators arranged a confrontation between Ms F.A. and officer I.T., whom the former had identified as one of the perpetrators. Ms F.A. reiterated her previous statements and stressed that she was sure that he had participated in the abduction. The latter stated that he had indeed participated in the search of the construction site in September and October 2005 but denied any involvement in the abduction.

68. On 2 June 2008 the investigators questioned Mr M.B., who stated that he had witnessed the abduction and provided a detailed description of the events similar to the one submitted by the applicant to the Court. In addition, he stressed that the abduction had been perpetrated by law-enforcement officers M.D. and I.T.

69. On 2 June 2008 the investigators arranged a confrontation between Ms F.A. and officer T.S., whom the former had identified as one of the perpetrators. Ms F.A. reiterated her previous statements and stressed that she was sure that he had also participated in the abduction along with officers M.D. and I.T. Officer T.S. stated that he had indeed participated in the search of the construction site in October 2005 but denied any involvement in the abduction.

**(b) Main investigative steps taken by the authorities**

70. On 9 October 2005 the Nazran town prosecutor's office instituted a criminal investigation into the abduction of Mr Ruslan Yandiyev, Mr M.-A.B. and Mr I.Kh. The case file was given the number 05560115.

71. On the same date, 9 October 2005, the applicant was granted victim status in the criminal case.

72. On 1 December 2005 the investigators decided to follow up on the applicant's information of 28 November 2005 concerning the perpetrators' identities.

73. On 15 September 2006 the investigators informed the applicant that the steps taken had not led to the identification of the perpetrators.

74. On 15 September 2006 the Ingushetia prosecutor's office, the supervisor of the investigators, informed the applicant that all possible steps to solve the crime had been taken. In particular, from the statements of the FDCS officers questioned by investigators it followed that on 14 October 2005 the officers had indeed inspected the trailer and the site but had not arrested the applicant's son.

75. On an unspecified date between October 2006 and February 2007 the investigation was resumed and then suspended again on 19 March 2007

76. On 20 August 2007 the applicant was allowed to access the case file.

77. The documents submitted show that on numerous occasions between October 2005 and August 2007 the applicant complained to various law-enforcement agencies about her son's abduction by officers of the Ministry of the Interior, stating that a number of witnesses could identify the abductors, requesting that the investigators take a number of urgent steps to solve the crime and asking to be kept abreast of the progress of the investigation.

78. On 26 May 2008 the applicant complained to the head of the Nazran Town Department of the Interior that the night before two unidentified persons had threatened to blow her house up if she continued to persist with the investigation into her son's abduction.

79. On 1 July 2008 the FDCS informed the investigators that their internal inquiry had not confirmed that the three officers who, according to witness Ms F.A., had participated in the abduction on 29 September 2005 had actually been present at the construction site on that date.

80. The investigation into the abduction was suspended and resumed on numerous occasions. It was last suspended on 26 June 2009. The investigation is still pending.

**C. Application no. 311/08, *Isayevy v. Russia***

81. The applicants, Ms Zeyna Isayeva and Ms Raisa Isayeva, were born in 1950 and 1981 respectively and live in the village of Valerik, Chechnya.

82. The first applicant is the mother and the second applicant is the sister of Mr Nurdi Isayev, who was born in 1979. According to the information submitted by the applicants, Mr Nurdi Isayev suffered from mental problems which had arisen as a result of a head wound sustained during the first military campaign in Chechnya in the 1990s.

*1. Abduction of the applicants' relative and subsequent events*

83. On the morning of 3 February 2000 Russian security forces started a special operation in Valerik aimed at identifying members of illegal armed groups. As part of the operation the servicemen blocked the perimeter of the village.

84. On the morning of that day about thirty to thirty-five armed servicemen in camouflage uniforms arrived at the applicants' house in three APCs with obscured registration numbers. The servicemen checked the applicants' identity documents and opened gunfire. On hearing the shots, Mr Nurdi Isayev ran away and the servicemen started shooting at him. The first applicant ran to the servicemen, asking them not to shoot at her son as he was mentally ill. However, the servicemen did not stop firing and the first applicant saw him fall to the ground. She fainted and was taken by her relatives to a neighbour's house.

85. On the evening of 3 February 2000, after the servicemen had left the village, the applicants returned home. Their house and their car had been burnt. They did not find Mr Nurdi Isayev at home and did not know what had happened to him.

86. Between 4 and 9 February 2000 the first applicant searched for Mr Nurdi Isayev, but only in Valerik, as the village was blocked for the large-scale special operation being carried out by the federal forces in the district, including the nearby village of Katyr-Yurt (for the details of the operation see *Isayeva v. Russia*, no. 57950/00, § 74, 24 February 2005, and *Abuyeva and Others v. Russia*, no. 27065/05, § 8, 2 December 2010).

87. On 9 February 2000 the first applicant found several items of Mr Nurdi Isayev's clothing with traces of blood on them and first-aid materials next to them in a field adjacent to the village. The first applicant inferred that her son had been given medical aid. She collected all those objects and subsequently submitted them to the investigators.

88. On an unspecified date in 2002 a neighbour of the applicants' who had been detained in Chernokozovo remand prison, Ms I., returned home. According to a statement by Ms I. produced by the applicants, while in detention in Chernokozovo she had seen two inscriptions made with a sharp object on the cell wall reading "Nurdi Isayev, village of Valerik" and "3 February 2000".

89. The applicants have not seen Mr Nurdi Isayev since 3 February 2000.

## *2. Official investigation into the abduction*

### **(a) Main witness statements taken by the investigators**

90. On 26 February 2001 the investigators questioned the first applicant, whose detailed description of the circumstances of her son's abduction was similar to the one submitted to the Court. In addition, she stated that her neighbour, Mr U.Kh., had also been taken away with her son in the same APC and that the special sweeping-up operation had been conducted by servicemen from the Police Special Task Units of the Penza and Yaroslavl regions.

91. On 26 February 2001 the investigators questioned one of the first applicant's daughters, Ms R.I., whose statement concerning the abduction was similar to the one given by the first applicant.

92. On various dates in February and March 2001 the investigators questioned several of the applicants' neighbours, whose statements concerning the circumstances of the abduction were similar to that of the first applicant.

93. On 9 June 2005 the investigators again questioned the first applicant, who reiterated her previous statement.

94. On 9 June 2005 the investigators questioned the applicants' neighbour Mr U.Kh., who confirmed that he had been abducted by military servicemen along with Mr Nurdi Isayev and taken away in an APC. According to the witness, in the APC he had seen that Mr Nurdi Isayev was in a serious condition as he had sustained gunshot wounds to the head and chest. Mr U.Kh. had been detained for about six days and then released.

95. On 14 March 2007 the investigators again questioned the first applicant, who reiterated her previous statements.

### **(b) Main investigative steps taken by the authorities**

96. On various dates in 2000 the first applicant complained in person about her son's disappearance to various State authorities. She described the details of the events and requested assistance in the search for him. Her complaints remained unanswered.

97. On 23 February 2001 the Achkhoy-Martan district prosecutor's office opened criminal case no. 27009.

98. On 7 April 2002 the investigation was suspended.

99. On 6 June 2005 the investigation was resumed and then suspended again on 6 July 2005.

100. On 11 June 2005 the investigators examined the crime scene. No evidence was collected.

101. The documents submitted show that on numerous occasions between 2001 and 2007 the applicants complained of their relative's abduction to various authorities and requested assistance in the search for

him. They received either no replies or replies to the effect that the investigation was in progress.

102. The investigation was further suspended and resumed on several occasions in 2007 and 2008 and for the last time on an unspecified date in 2010.

#### **D. Application no. 424/08, *Idigov v. Russia***

103. The applicant, Mr Tukhan Idigov, was born in 1933, and lived in the village of Shalazhi, Urus-Martan district, Chechnya. On 5 January 2013 the applicant passed away; his daughter, Ms Tamara Idigova, who was born in 1964 and lives in Grozny, expressed her wish to pursue the application on his behalf.

104. The applicant is the father of Mr Anzor Idigov, who was born in 1976. Ms Tamara Idigova is his sister.

##### *1. Abduction of the applicant's son*

105. On the night between 3 and 4 May 2003 Mr Anzor Indigov, his parents and wife were sleeping in the applicant's house on Lenina Street in Shalazhi (also spelt as Salazhi and Shalazi).

106. At about 2 a.m. on 4 May 2003 a group of armed men in camouflage uniforms and masks who spoke unaccented Russian broke into the house. The applicant and his relatives thought that the intruders were federal servicemen. Holding the applicant at gunpoint, the servicemen grabbed Mr Anzor Idigov, who was undressed and barefoot, bound his hands, sealed his mouth with adhesive tape and took him away to an unknown destination. Immediately after that two perpetrators returned and ordered the applicant to hand over Mr Anzor Indigov's identity documents, saying that they were in a pocket of his jacket.

107. The applicant has not seen his son since that day.

##### *2. Official investigation into the abduction*

###### **(a) Main witness statements taken by the investigators**

108. On 4 May 2003 the investigators questioned the applicant and the wife of Mr Anzor Idigov, Ms Kh.E., both of whom provided detailed descriptions of the abduction and stated that the abductors had been military servicemen.

109. On the same date, 4 May 2003, the investigators also questioned the applicant's other son, Mr B.I., whose statement concerning the circumstances of the abduction was similar to those given by the applicant and Ms Kh.E.

110. On 23 May 2003 the investigators again questioned the applicant, Mr B.I. and Ms Kh.E., all of whom reiterated their previous statements.

111. On 15 June 2006 the investigators again questioned the applicant, Mr B.I. and Ms Kh.E., all of whom reiterated their previous statements.

**(b) Main investigative steps taken by the authorities**

112. On 4 May 2003 the investigators examined the crime scene. No evidence was collected.

113. On 18 May 2003 the Urus-Martan district prosecutor's office opened criminal case no. 34059.

114. On 23 May 2003 the applicant was granted victim status.

115. On 18 July 2003 the investigation was suspended. The applicant was not informed thereof.

116. On 13 June 2006 the investigation was resumed. The applicant was informed thereof.

117. On 13 July 2006 the investigation was suspended. The applicant was not informed thereof.

118. On 14 August 2007 the applicant complained to the Urus-Martan Town Court that the investigation was ineffective and requested that the investigators take a number of necessary steps.

119. On 28 August 2007 the court dismissed the applicant's complaint, finding that the investigators had taken all the relevant steps.

120. From the documents submitted it follows that on several occasions between 2003 and 2007 the applicant complained about the abduction to various authorities. In reply he was either informed that the proceedings were in progress or that his request had been forwarded to another authority.

121. The investigation is still pending.

**E. Application no. 3375/08, *Saayeva and Others v. Russia***

122. The applicants are:

- (1) Ms Larisa Saayeva, born in 1971,
- (2) Ms Mariyat Beksultanova, born in 1953,
- (3) Mr Islam Saayev, born in 2001,
- (4) Ms Lala Saayeva, born in 2003, and
- (5) Ms Iman Saayeva, born in 2005.

The applicants live in Grozny, Chechnya.

123. The first applicant is the wife and the third to fifth applicants are the children of Mr Idris Saayev, who was born in 1978. The second applicant is his mother.

*1. Abduction of the applicants' relative and subsequent events*

124. At the material time the applicants resided at 14/1 Stantsionnaya Street in Grozny. Their property consisted of two houses with a shared courtyard.

125. On the night between 2 and 3 March 2006 the second applicant and her son Mr Idris Saayev were in one house, whilst the second applicant's husband, Mr Kh.S., was in the other one.

126. At about 5 a.m. on 3 March 2006 the second applicant woke up and saw a group of six armed men in camouflage uniforms. All of them but one, who was in charge of the group, were masked and wearing bulletproof jackets and spherical helmets. They were armed with submachine guns with silencers and pistols secured at the thighs by special rifle belts. The applicants thought they were federal servicemen.

127. Without any explanation the servicemen requested in unaccented Russian that Mr Idris Saayev produce his identity papers and mobile telephone. They also asked the second applicant about her other son, Mr A.S. Shortly thereafter they took Mr Idris Saayev outside without letting him put on any clothing. When the second applicant and her husband got outside, she saw the perpetrators' UAZ minivan driving away.

128. At about 6 a.m. on 3 March 2006 the second applicant, her husband Mr Kh.S. and a relative went to the Staropromyslovskiy department of the interior in Grozny ("the ROVD") to complain about the abduction of Mr Idris Saayev. A police officer told them that Mr Idris Saayev had been detained by the security forces and that he would return home if he cooperated with them and if the applicants did not lodge any official complaints. The second applicant then decided not to lodge a formal complaint, as suggested by the police officer.

129. In the days that followed the applicants applied in person to various State authorities seeking assistance in the search for their relative; none of the law-enforcement agencies admitted arresting or detaining Mr Idris Saayev.

130. About a week later the police officer from the ROVD told the applicants that Mr Idris Saayev had been transferred to Operational Search Bureau no. 2 ("ORB-2") in Grozny. On the same day the applicants requested information at the bureau but were told that their servicemen had not arrested Mr Idris Saayev.

131. On an unspecified date a certain Mr R.K. told the applicants that Mr Idris Saayev had been abducted by officers of the Federal Security Service ("the FSB"). Subsequently, the applicants provided Mr R.K.'s phone number to the investigators (see paragraph 138 below).

132. The applicants have not seen Mr Idris Saayev since 3 March 2006.

## *2. Official investigation into the abduction*

### **(a) Main witness statements taken by the investigators**

133. On 5 April 2006 the investigators questioned the second applicant, whose statement was similar to the one submitted by the applicants to the Court. She pointed out that the perpetrators had been Russian servicemen

and that she had tried to find her son without recourse to an official investigation but to no avail. She stated that the abductors had called her neighbours' phone, asked to speak to her, and told her that they would discuss the details of her son's release with her. When at the end of March 2006 she had arrived at the place of the meeting suggested by them, she had seen a vehicle with servicemen in it who had filmed her and left without demanding anything. Having realised that her efforts to find her son were unproductive, about four weeks after the abduction she decided to lodge an official complaint about it.

134. On the same date, 5 April 2006, the investigators questioned the applicants' neighbours Ms Z.I., Mr R.Zh., Mr A.M., Ms A.D. and Mr R.A., all of whom stated that they had not witnessed the abduction but had learnt about it from the applicants.

135. On 12 April 2006 the investigators again questioned the same neighbours, who reiterated their previous statements.

136. On 20 July 2007 the investigators questioned the first applicant, whose statement was similar to the one given by the second applicant.

**(b) Main investigative steps taken by the authorities**

137. On 5 April 2006 the investigators examined the crime scene. No evidence was collected. The applicants provided the investigators with Mr Idris Saayev's photo.

138. On 6 April 2006 the Staropromyslovskiy district prosecutor's office ("the district prosecutor's office") opened criminal case no. 53037.

139. On 12 April 2006 the second applicant was granted victim status in the criminal case.

140. On 6 August 2006 the investigation was suspended.

141. On 26 June 2007 the investigation was resumed.

142. On 20 July 2007 the first applicant was granted victim status in the criminal case.

143. On 11 August 2007 the investigation in the criminal case was again suspended.

144. On 15 August 2007 the first applicant complained to the Staropromyslovskiy District Court ("the district court") stating that the investigation had been unlawfully suspended and requested that the court order the investigators to take effective steps to solve the crime.

145. On 18 August 2006 the investigation was resumed.

146. On 11 September 2007 the district court dismissed the first applicant's complaint, stating that the investigation had been resumed on 18 August 2007.

147. On 18 September 2007 the investigation was suspended again and on 24 October 2007 it was resumed.

148. On various dates in 2008 and 2009 the investigation was suspended and resumed; it was last suspended on 29 July 2009.

149. The proceedings are still pending.

**F. Application no. 4560/08, *Amerkhanova v. Russia***

150. The applicant, Ms Dzayanu Amerkhanova, was born in 1954 and lives in Grozny, Chechnya.

151. The applicant is the mother of Mr Rustam Amerkhanov, who was born in 1978.

*1. Abduction of the applicant's son*

152. In 2002 the applicant and Mr Rustam Amerkhanov, who suffered from a brain tumour, resided in the village of Shalazhi (also spelt Shalazi), in the Urus-Martan district. At the material time the settlement was under the full control of the federal forces; a number of military units and law-enforcement agencies were stationed therein.

153. At about 8 p.m. on 3 November 2002 Mr Rustam Amerkhanov left to visit Mr A., a friend who lived nearby, and did not return.

154. On the morning of 4 November 2002 the applicant found out that her son had not visited his friend's house and that on the night between 3 and 4 November 2002 he had been detained by servicemen from the 47th unit of the Special Task Force Division (DON-2) of the Internal Troops of the Russian Ministry of the Interior.

155. On 5 November 2002 the applicant lodged an abduction complaint with the Urus-Martan district prosecutor's office. On the same date the interim district prosecutor, Mr D.Z., obtained confirmation from the Urus-Martan district department of the interior (ROVD) that Mr Rustam Amerkhanov had been brought by servicemen to the ROVD at about 8 a.m. on 4 November 2002 for an identity check and released about three hours later.

156. On the same date the applicant, with two of her relatives and the interim district prosecutor, spoke to the officer in charge of the military unit who had detained the applicant's son. At first the officer stated that Mr Rustam Amerkhanov had been released shortly after the arrest, but then admitted that he had been taken to the ROVD.

157. On the morning of 6 November 2002 (in the documents submitted the date is also referred to as 4 and 9 November 2002) the interim district prosecutor Mr D.Z. confirmed to the applicant that her son was detained on the premises of the ROVD and that he would be released shortly. The applicant was told to wait for her son outside the ROVD.

158. Later on the same day, at about 4 p.m. the applicant, who had waited since the morning, spoke to the interim district prosecutor Mr D.Z., who told her that her son was not in fact in the ROVD and that his whereabouts were unknown. A week later Mr D.Z., who had been on a service mission in Chechnya, left the Republic to return to the place of his

permanent employment. Prior to his departure he told the applicant that the deputy head of the ROVD, Mr V.B., had questioned Mr Rustam Amerkhanov after the arrest.

159. On an unspecified date the applicant contacted Mr V.B. and he confirmed to her that he had interviewed her son, that it had been established that the latter had not participated in illegal armed groups and that therefore her son had been released.

160. The applicant has not seen Mr Rustam Amerkhanov since 3 November 2002.

161. In their submission on the facts the Government submitted that Mr Rustam Amerkhanov had been detained by the 47th military unit on the night between 3 and 4 November 2002 and at 7 or 8 a.m. on 4 November 2002 he had been taken to the Special Task Unit (OMON), which was staffed by servicemen from the Omsk region of Russia and was stationed on the premises of the former fruit canning factory. Mr Rustam Amerkhanov was handed over to the head of the OMON unit, officer V.G.

162. At about 9.15 a.m. on 4 November 2002 Mr Rustam Amerkhanov was taken to see the deputy head of the Urus-Martan ROVD, officer V.B., who signed a statement to that effect. At the ROVD the identity of the applicant's son was verified and he was interviewed. Shortly thereafter, as his involvement in illegal armed groups had not been confirmed, on the same date, 4 November 2002, Mr Rustam Amerkhanov was released. His whereabouts have been unknown since.

## *2. Official investigation into the abduction*

### **(a) Main witness statements taken by the investigators**

163. On 6 November 2002 the investigators questioned officer V. G., who confirmed that his unit had detained Mr Rustam Amerkhanov at about 2 a.m. on 4 November 2002. The officer personally interviewed him and concluded that he was not involved in illegal activities. At about 8 a.m. on 4 November 2002 he received an order from the deputy head of the Urus-Martan ROVD to hand Mr Rustam Amerkhanov over to the police. At about 9.15 on the same morning the witness brought Mr Rustam Amerkhanov to the deputy head of the ROVD, officer V.B. The witness explained that he had initially told the applicant that her son had not been arrested by his unit as he had been concerned that "it would lead to disturbances among the local residents".

164. On 6 November 2002 the investigators questioned the applicant, whose statement was similar to the one submitted to the Court.

165. On 11 November 2002 the investigators questioned the deputy head of the ROVD, officer V.B., who stated that between 9 a.m. and 11 a.m. on 4 November 2002 he had interviewed Mr Rustam Amerkhanov and then

released him. Operational search officer I.O. had taken Mr Rustam Amerkhanov to the entrance and the latter had left.

166. On 12 November 2002 the investigators questioned the operational search officer Mr I.O., who stated that on the morning of 4 November 2002 Mr Rustam Amerkhanov had been brought to the ROVD and taken to the office of officer V.B., who had interviewed him. After the interview officer V.B. had asked the witness to take Mr Rustam Amerkhanov to the gates and release him. The witness had taken the applicant's son to the gates and the latter had left.

167. On 15 November 2002 the investigators questioned the applicant, who reiterated her previous statement. In addition, she stated that the deputy head of the ROVD officer V.B. had "blatantly lied" to the investigators that he had released her son on 4 November 2002 as she and two of her relatives, Ms T.A. and Ms Kh.A., and a friend had spent the entire day at the entrance to the building to no avail.

168. On 15 November 2002 the investigators questioned the applicant's sister, Ms T.A., who confirmed the statement the applicant had given on the same date.

169. On 13 April 2004 the head of the Shalazhi village administration, Mr R.M., submitted a written statement to the investigators which was similar to the one the applicant had given on 15 November 2002. He stressed that for two days officer V. B. had deliberately lied to him and the applicant, denying Mr Rustam Amerkhanov's arrest, and that this officer must have been responsible for the disappearance of the applicant's son.

170. On 29 April 2004 the investigators again questioned the applicant's sister Ms T.A., who reiterated her previous statement. In addition, she stated that a few days after the disappearance of Mr Rustam Amerkhanov officer V.B. had told her husband, Mr N.A., that Mr Rustam Amerkhanov had been transferred to another law-enforcement agency.

171. On 28 May 2004 the investigators again questioned officer V.G., who reiterated his statement of 6 November 2002 and added that on the evening of 4 November 2002 he had spoken to the applicant and confirmed that Mr Rustam Amerkhanov had been apprehended by his unit.

**(b) Main investigative steps taken by the authorities**

172. On 12 November 2002 the Urus-Martan district prosecutor's office opened criminal case no. 61151 under Article 105 of the Criminal Procedure Code (murder) (in the documents submitted also stated as under Article 126 of the Criminal Procedure Code (abduction)).

173. On 15 November 2002 the applicant was granted victim status in the criminal case.

174. On 12 January 2003 the investigation of the criminal case was suspended for failure to identify the perpetrators.

175. On 25 September 2003 the investigation was resumed and then again suspended on 25 October 2003. The applicant was not informed thereof.

176. On 13 April 2004 the investigation was resumed and then again suspended on 15 May 2004. The applicant was not informed thereof.

177. On 24 June 2004 the investigation was resumed.

178. On 1 July 2004 the investigators examined two registration logs for the period between August 2003 and July 2004: the first log contained the names of persons taken to the Urus-Martan ROVD and the second log contained the names of those detained on its premises. No entries concerning Mr Rustam Amerkhanov were found.

179. On 26 July 2004 the investigation was suspended. The applicant was not informed thereof.

180. On 5 August 2004 the investigators questioned several of the applicant's neighbours, all of whom stated that they had learnt of Mr Amerkhanov's disappearance from others.

181. The documents submitted show that on numerous occasions between 2002 and 2007 the applicant wrote to various law-enforcement agencies and military authorities, describing the circumstances of her son's disappearance and the acknowledgement of his arrest by the military and police officers and asking for assistance in establishing his whereabouts.

182. On 6 April 2010 the head of the Urus-Martan ROVD informed the investigators that the registration log of detainees in the ROVD for the year 2002 could not be examined as it had been lost.

183. The investigation of the criminal case is still pending.

### **G. Application no. 35569/08, *Dubas and Others v. Russia***

184. The applicants are:

- (1) Ms Lyubov Dubas, born in 1959;
- (2) Mr Bislav Magomadov, born in 1954;
- (3) Ms Sara Ozdoyeva, born in 2001, and
- (4) Mr Riyyadus-Solikhyn Ozdoyev, born in 2003.

The applicants live in the village of Katyr-Yurt, Chechnya.

185. The first and second applicants are the parents of Ms Milana Ozdoyeva, who was born in 1982. The third and fourth applicants are her children.

#### *1. Abduction of the applicants' relative*

##### **(a) Events preceding the abduction**

186. At the material time the village of Katyr-Yurt (in the documents submitted also referred to as Katar-Yurt) was under curfew.

187. At about 5 p.m. on 26 December 2003 a group of servicemen from a State agency arrived at the applicants' house in Katyr-Yurt looking for Ms Milana Ozdoyeva. The servicemen had a copy of Ms Milana Ozdoyeva's identity card with them and asked about her whereabouts. The first applicant explained that her daughter and her husband were living on Sadovaya Street in the village of Slestovskaya, Ingushetiya. Then the servicemen left.

188. On 27 December 2003 the first applicant complained to the Achkhoy-Martan Department of the Interior ("the ROVD") about the servicemen's visit. The deputy head of the ROVD assured her that it had been a mistake.

189. On an unspecified date at the beginning of January 2004 Ms Milana Ozdoyeva returned to her parents' house in Katyr-Yurt.

190. On 10 January 2004 the first applicant learnt that while she had been at work with her daughter Ms Milana Ozdoyeva at the Achkhoy-Martan administration, the servicemen had again visited her house looking for her daughter. Then they had gone to the administration and questioned Ms Milana Ozdoyeva on its premises for about thirty minutes. The first applicant learnt from one of the police officers, Mr M.E., that her daughter Ms Milana Ozdoyeva was suspected of planning to become a suicide bomber.

**(b) Abduction of Ms Milana Ozdoyeva**

191. On the night between 18 and 19 January 2004 the applicants, Ms Milana Ozdoyeva and a relative, Mr A.M., were at home at 68 Lenina Street, Katyr-Yurt.

192. At about 2 a.m. on 19 January 2004 a group of about fifteen armed men in camouflage uniforms and masks broke into the applicants' house. The intruders arrived in several vehicles which they parked nearby; some of them carried portable radios. All the intruders spoke unaccented Russian. The applicants inferred that they were federal servicemen. Having searched the house without giving explanations, the servicemen ordered Ms Milana Ozdoyeva to leave with them. One of the servicemen told the first applicant that her daughter would return later in the morning.

193. The first applicant and Mr A.M. followed the servicemen outside and tried to follow the abductors but they had to return to the house due to the curfew.

194. The applicants have had no news of Ms Milana Ozdoyeva since 19 January 2004.

**(c) Subsequent events**

195. Shortly after Ms Milana Ozdoyeva had been taken away, early in the morning on 19 January 2004 the first and second applicants complained to the head of the local administration about their daughter's abduction.

196. Later that morning the first applicant and a relative, Ms A.A., went to the ROVD, where police officers told them that nobody had been brought to the police station that night. The first applicant lodged a written complaint about the abduction with the on-duty officer and then with the Achkhoy-Martan district prosecutor's office.

197. On the evening of 19 January 2004 the applicants learnt that the servicemen who had taken Ms Milana Ozdoyeva away had also raided the house of another resident of the village, Mr M.T., but the latter had not been at home. They also learnt that their daughter's abductors had arrived in a military Ural lorry, which they had parked in the centre of Katyr-Yurt before proceeding to the house on foot.

198. On 26 January 2004 the first applicant saw one of the servicemen who had visited her house on 10 January 2004, Mr S., at the offices of the local administration. He told her that the theory that Ms Milana Ozdoyeva was a suicide bomber had not been confirmed.

## *2. Official investigation into the abduction*

### **(a) Main witness statements taken by the investigators**

199. On 19 January 2004 the investigators questioned the first and second applicants, whose description of the abduction was similar to the one submitted to the Court.

200. On 19 January 2004 the investigators also questioned the applicants' relative Mr A.M., whose statement concerning the circumstances surrounding the abduction was similar to that of the first and second applicants.

201. On the same date, 19 January 2004, the investigators questioned the applicants' neighbours Mr Sh.M., Mr M.M., and Mr A.-Ya. M., all of whom stated that they had learnt of the abduction from the applicants.

202. On 30 January 2004 the investigators again questioned the first applicant, who reiterated her previous statement and stressed that among the servicemen who had visited the house in December 2003 looking for Ms Milana Ozdoyeva had been a police officer from the ROVD, Mr M.E., who had told her that Ms Milana Ozdoyeva's late husband had been an active member of illegal armed groups and that Ms Milana Ozdoyeva herself had decided to become a suicide bomber.

203. On 30 January and 1 February 2004 the investigators again questioned the applicants' relative Mr A.M., whose statement was similar to that of the first applicant given on 30 January 2004.

204. Between 30 January and 5 February 2004 the investigators questioned the applicants' neighbours Ms R.K., Mr T.M. and Ms M.I. as well as previously questioned Mr A.-Ya. M., all of whom stated that they had learnt of the abduction from the applicants.

205. On 2 February 2004 the investigators again questioned the second applicant, who reiterated his previous statement.

206. On various dates in February 2004 the investigators questioned three operational-search officers from the Achkhoy-Martan ROVD, Mr V.Ch., Mr M.E. and Mr D.I., all of whom stated that on 5 January 2004 officers from a special security service had arrived at their police station and asked the deputy head of the ROVD, officer Sh.P., to assign local police officers to go with them to Katyr-Yurt to speak with Ms Milana Ozdoyeva. Following the orders of the head of the ROVD, the police officers had accompanied the officers from the security service to the applicants' house, where the latter had questioned Ms Milana Ozdoyeva about her life in Ingushetia, her late husband and whether she had been pressurised to become a suicide bomber.

207. On an unspecified date in February 2004 the investigators questioned the deputy head of the ROVD, officer Sh.P., whose statement was similar to those given by police officers Mr V.Ch., Mr M.E. and Mr D.I. In addition, he stated that the theory of the involvement of the Federal Security Service in Ms Milana Ozdoyeva's abduction had not been confirmed.

**(b) Main investigative steps taken by the authorities**

208. On 19 January 2004 investigators from the Achkhoy-Martan district prosecutor's office examined the crime scene. No evidence was collected.

209. On 29 January 2004 the investigators opened criminal case no. 38004.

210. On 30 January 2004 the first applicant was granted victim status in the proceedings.

211. On 14 February 2005 the Achkhoy-Martan District Court granted the first applicant's claim and declared Ms Milana Ozdoyeva a missing person. On 14 August 2009 it declared her dead.

212. The documents submitted show that on numerous occasions between 2004 and 2008 the applicants contacted various law-enforcement agencies, military authorities and local courts, asking for assistance in establishing the whereabouts of Ms Milana Ozdoyeva and trying to obtain information about the progress of the investigation. For instance, on 26 February 2008 the first applicant complained to the Achkhoy-Martan District Court about the investigators' refusal to provide her with full access to the case file. On 30 April 2008 the Supreme Court partially allowed the complaint.

213. The investigation in the criminal case was suspended and resumed on several occasions. The last suspension of the proceedings took place on 10 July 2008.

214. On 25 April 2011 the investigation was resumed. The proceedings are still pending.

#### **H. Application no. 62220/10, *Shakhbiyeva and Others v. Russia***

215. The applicants are:

- (1) Ms Tamara Shakhbiyeva, who was born in 1955,
- (2) Mr Khuseyn Shakhbiyev, who was born in 1950,
- (3) Mr Saifulla Shakhbiyev, who was born in 2000, and
- (4) Ms Khedi Khizrayeva, who was born in 1980.

The first and second applicants live in Tsotsi-Yurt (also referred to as Oktyabrskoe), Kurchaloy district, Chechnya; the third and fourth applicants live in Grozny.

216. The first and second applicants are the parents of Mr Ezir-Ali Shakhbiyev, who was born in 1974, Mr Abzu (also spelt Abza) Shakhbiyev, who was born in 1977 and Mr Sayd-Magomed Shakhbiyev, who was born in 1978. The third applicant is the son of Mr Ezir-Ali Shakhbiyev and the fourth applicant is his wife.

##### *1. Abduction of the applicants' relatives and subsequent events*

217. At the material time the applicants resided in a family house together with Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev and Mr Said-Magomed Shakhbiyev. Mr N. Ochayev was also staying in their house as he had been hired by the first and second applicants to work in his excavator on their property.

218. Early in the morning on 4 September 2000 Russian servicemen launched a "sweeping-up" operation in the settlement of Tsotsi-Yurt. The settlement was surrounded by servicemen riding in URAL lorries and military UAZ cars. Helicopters were flying over the area.

219. At around 5 a.m. on 4 September 2000 an APC and several UAZ cars and URAL lorries arrived at the applicants' house. A group of twenty-five to thirty masked servicemen in camouflage uniforms broke in. They blindfolded Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Said-Magomed Shakhbiyev and Mr N. Ochayev with torn sheets and took them outside. The servicemen put Mr Ezir-Ali Shakhbiyev in his own VAZ-2106 car and the other three men in a URAL lorry and drove away.

220. It appears that at least four other men were arrested in Tsotsi-Yurt that morning, including the second applicant's brother, Mr Khizir Agamerzayev (also referred to as Agmurzayev). A URAL lorry had driven him to the centre of the settlement.

221. Several days later the applicants learnt from anonymous sources that the three Shakhbiyev brothers and Mr N. Ochayev had been taken to the Main Federal Military Base in Khankala, Chechnya.

222. On 13 September 2000 Mr N. Ochayev and Mr Khizir Shakhbiyev and three other Tsotsi-Yurt residents were released at a crossroads on the Rostov-Baku highway in the vicinity of Mesker-Yurt, where they had been brought in an APC. A man from a neighbouring village drove them home.

223. According to Mr Khizir Agamerzayev, after the arrest he, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Said-Magomed Shakhbiyev and Mr N. Ochayev were put in separate cells in a basement. Mr Khizir Agamerzayev was beaten up and questioned about a certain Mr Yakub from Tsotsi-Yurt, the Barayevs and the Akhmadovs, allegedly members of illegal armed groups. On 12 September 2000 in the morning Mr Khizir Agamerzayev had seen the servicemen take the three Shakhbiyev brothers outside and put them in military vehicles.

224. The applicants have not seen their three relatives since their abduction on 4 September 2000.

## *2. Official investigation*

### **(a) Main witness statements taken by the investigators**

225. On 14 December 2003 the investigators questioned the first applicant, whose statement concerning her sons' abduction was similar to the one submitted to the Court. She pointed out that in her opinion the abduction had been perpetrated by military servicemen.

226. On 15 December 2003 the investigators questioned the second applicant, whose statement was similar to the one given by the first applicant.

227. On 25 May 2005 the investigators again questioned the second applicant, who reiterated his previous statement and added that Mr Khizir Agamerzayev had been arrested together with his sons but released sometime later. At some point later Mr Khizir Agamerzayev had moved to Nazran, Ingushetia.

228. On 4 and 5 February 2010 the investigators again questioned the first and second applicants, who reiterated their previous statements.

229. On 9 February 2010 the investigators questioned the son of the first and second applicants, Mr A.Sh., whose statement concerning his brothers' abduction was similar to the ones given by his parents, the first and second applicants.

230. On various dates between 9 and 24 February 2010 the investigators questioned a number of witnesses, including the first and second applicants' relatives and neighbours, the fourth applicant, Mr Khizir Agamerzayev and Mr N. Ochayev. All of them gave statements corroborating those given by the first and second applicants. In addition, Mr N. Ochayev and Mr Khizir Agamerzayev provided a detailed description of their detention on the premises of the military base in Khankala after the abduction. Both of them stated that they had been beaten and questioned about their alleged

involvement in illegal armed groups and that the Shakhbiyev brothers had remained in detention while they had been released.

**(b) Main investigative steps taken by the authorities**

231. On 11 November 2000 the Kurchaloy ROVD refused to initiate criminal proceedings in connection with the abduction of the three Shakhbiyev brothers as their arrest had taken place during a “sweeping-up” operation.

232. On 11 July 2001 the first applicant again complained about her sons’ abduction. On 13 August 2001 the Kurchaloy district prosecutor’s office opened criminal case no. 39051.

233. On 13 October 2001 the investigation was suspended and then resumed on 18 November 2003 upon the supervising prosecutor’s orders.

234. On 18 December 2003 the investigation was suspended again and then resumed on 20 April 2005 upon the supervising prosecutor’s orders.

235. On 25 May 2005 (in the documents submitted the date is also given as 27 May 2005) the investigators examined the crime scene. No evidence was collected.

236. On 25 May 2005 the investigation was suspended again. The applicants were not informed thereof.

237. On 14 January 2010 the first applicant requested information on the progress of the investigation and permission to access the investigation file.

238. On 28 January 2010 the investigators resumed the proceedings but refused to grant the first applicant permission to access the case file as she did not have victim status in the criminal case.

239. On 4 February 2010 the first applicant was granted victim status upon her request to that end.

240. On 28 February 2010 the investigation was suspended.

241. On 28 April 2010 the investigators granted the first applicant’s request for access to the case file by letting her consult a few documents.

242. The criminal proceedings are currently pending.

**I. Application no. 3222/11, *Dubayevy v. Russia***

243. The applicants are:

- (1) Ms Saykhat Dubayeva, who was born in 1953,
- (2) Mr Shirvani Dubayev, who was born in 1952,
- (3) Ms Zalina Dubayeva, who was born in 1996,
- (4) Mr Shamkhan Dubayev, who was born in 1999 and
- (5) Mr Shamil Dubayev, who was born in 1986.

The applicants live in Berkat-Yurt, Chechnya.

244. The first and second applicants are the parents of Mr Sharpudi (also spelled as “Sharfutdi”) Dubayev, who was born in 1977. The third and fourth applicants are his children and the fifth applicant is his brother.

### *1. Abduction of the applicants' relative*

245. On 20 November 2002 Mr Sharpudi Dubayev and four other men, including Mr R.A. and Mr A.I., were driving in a VAZ-2106 car with the registration number X582 AB95 when, about one and a half kilometres from the village of Berkat-Yurt, they were stopped by a group of about twenty or twenty-five masked military servicemen in camouflage uniforms driving in two APCs. The servicemen belonged to the 34th brigade of the military forces which at the material time guarded the oil pipeline which ran adjacent to the settlement.

246. The servicemen asked the car passengers for their identity documents; then they dragged the men out of the vehicle, forced them into the APCs and took them to the military base where the 34th brigade was stationed.

247. The applicants' relative, Mr Sharpudi Dubayev, was detained at an unidentified location in the same cell as Mr R. A. According to the latter, both of them were tortured and questioned.

248. On 23 November 2002 all of the detained men, save for the applicants' relative, were blindfolded, taken to an unidentified location and released, whereas Mr Sharpudi Dubayev has been missing ever since.

### *2. Official investigation*

#### **(a) Main witness statements taken in the course of the investigation**

249. On 8 September 2003 the investigators questioned the first and second applicant and Mr R.A. Their statements concerning the circumstances surrounding the abduction were similar to those submitted to the Court.

250. On 12 November 2003 the second applicant was questioned again; she reiterated her previous statement.

251. On 8 January 2004 the investigators questioned Mr A.I. and Mr R.A. Their statements concerning the abduction were similar to the ones submitted to the Court.

252. On various dates in February and March 2011 the investigators questioned the first applicant and two police officers, whose statements did not provide new information.

#### **(b) The main investigative steps taken by the authorities**

253. On 28 September 2003 the Grozny district prosecutor's office initiated a criminal investigation into the abduction under Article 126 § 2 of the Criminal Code (aggravated kidnapping). The case file was given the number 42169.

254. In October 2003 the investigators sent information requests to various authorities. On 15 October 2003 the Grozny district department of

the Federal Security Service (FSS) informed the investigators that Mr Sharpudi Dubayev was a member of illegal armed groups who had undergone specialized explosives training in a terrorist camp.

255. On 12 November 2003 the second applicant was granted victim status in the criminal case.

256. On 8 January 2004 Mr A.I. and Mr R.A. were granted victim status.

257. On 3 and 7 December 2005 the investigator examined the crime scene next to the military base.

258. On 12 April 2008 the investigator examined the cells of the military base where Mr Sharpudi Dubayev and the four other men had been detained in November 2002.

259. On various dates between January 2003 and November 2009 the applicants lodged numerous requests with various prosecutors' offices and other authorities asking for information on the progress of the criminal investigation and assistance in the search for Mr Sharpudi Dubayev. The replies to their requests were either to the effect that the proceedings were in progress or that the request had been forwarded to another authority.

260. The investigation was suspended on several occasions. It was last suspended on 29 June 2011. The investigation is still pending.

#### **J. Application no. 22257/11, *Tekhiyeva v. Russia***

261. The applicant, Ms Malkan Tekhiyeva, was born in 1950 and lives in Serzhen-Yurt, Shali district, Chechnya.

262. The applicant is the mother of Mr Magomed-Salakh Tekhiyev, who was born in 1983.

##### *1. Abduction of the applicant's son*

263. On 3 May 2004 Mr Magomed-Salakh Tekhiyev was staying at Mr Umar Mukhadiyev's house in Serzhen-Yurt.

264. On 4 May 2004 at 6 a.m. a large group of armed and masked servicemen in camouflage uniforms arrived at Mr Umar Mukhadiyev's house in two APCs with obscured registration numbers and broke in. Pointing their guns at Mr Magomed-Salakh Tekhiyev and Mr Umar Mukhadiyev, the intruders asked them for their passports. Since Mr Magomed-Salakh Tekhiyev had no passport on him, the servicemen tied his hands behind his back, put him in their APC and drove away in the direction of Avtury.

265. On the same day the servicemen took away Mr Umar Mukhadiyev's neighbour, Mr Abdulvakhab Chevchiyev.

266. The applicant learnt about the abduction of her son on the same date. She immediately went to the Shali district military commander's office. Officer Dubovik, the deputy military commander, acknowledged his arrest. He told the applicant that her son and Mr Abdulvakhab Chevchiyev

were being detained in Avtury and would be released in three days; however, three days later he said that both men had been taken to the Main Federal Military Base in Khankala and would be released in fifteen days. Fifteen days later officer Dubovik informed the applicant that her son and Mr Abdulvakhab Chevchiyev had absconded on the way to the military base.

267. The applicant has not seen Mr Magomed-Salakh Tekhiyev since 4 May 2004.

## *2. Official investigation*

### *(a) Main witness statements taken in the course of the investigation*

268. On 5 May 2004 the investigators questioned the mother of Mr Abdulvakhab Chevchiyev, Ms Ya.Ch., who stated that her son and his friend Mr Magomed-Salakh Tekhiyev had been abducted early in the morning on 4 May 2004 by military servicemen who had arrived in two APCs.

269. On the same date, 5 May 2004, the investigators questioned the applicant, who stated that she had learnt from her relatives and neighbours of the abduction of her son and Mr Abdulvakhab Chevchiyev by military servicemen in APCs.

270. On 8 June 2004 (in the documents submitted the date is also referred to as 8 June 2006) the investigators questioned Mr Abdulvakhab Chevchiyev's sister, Ms R.D., who provided a detailed description of the abduction which was similar to the applicant's account submitted to the Court. In addition, she stated that in the afternoon of 4 May 2004 the abductors had returned to the house with her brother Mr Abdulvakhab Chevchiyev, whom they had subjected to beatings in front of their mother, Ms Ya.Ch. They had then searched the garden and left with him again.

271. On 15 and 17 June 2004 the investigators again questioned Ms Ya.Ch. and the applicant, both of whom reiterated their previous statements. Ms Ya.Ch. added that the abductors had returned with her son later the same day and had searched their vegetable garden.

272. On 7 September 2004 the investigators questioned the applicant's daughter, Ms F.T., and neighbours, Ms T.A. and Ms A.Kh., both of whom gave statements similar to those of the applicant and Ms Ya.Ch.

273. On 16 September 2004 the investigators questioned the Shali district deputy military commander, officer Dubovik, who stated that around 10 May 2004 the applicant and Ms Ya.Ch. had arrived at his office and requested assistance in the search for their sons. He had promised to assist them in the search but had not made any other promises.

274. On 3 December 2004 the investigators questioned the head of the Serzhen-Yurt town administration, Mr Sh.Ch., who stated that after the abduction of Mr Magomed-Salakh Tekhiyev and Mr Abdulvakhab

Chevchiyev he and representatives of the prosecutor's office had tried to gain access to the military unit stationed on the outskirts of Avtury as the two abducted men could have been being detained there. However, they had not been allowed to enter the premises. For the description of the military unit see also *Gakayeva and Others v. Russia*, nos. 51534/08, 4401/10, 25518/10, 28779/10, 33175/10, 47393/10, 54753/10, 58131/10, 62207/10 and 73784/10, § 154, 10 October 2013, *Dovletukayev and Others v. Russia*, nos. 7821/07, 10937/10, 14046/10 and 32782/10, § 25, 24 October 2013.

275. On 29 April 2011 the investigators again questioned the applicant, who reiterated her previous statements.

276. On 30 April 2011 the investigators questioned the applicant's son, Mr I.T., whose statement was similar to those of the applicant. In addition, he stated that on the date of the abduction a fellow resident, Mr Bu., had also been abducted and taken to the military unit in Avtury, where he had been detained for three days together with Mr Magomed-Salakh Tekhiyev and Mr Abdulvakhab Chevchiyev. The head of the military unit had been called Sergey and his code name was "Terek-FSB". According to the witness, at some point later Mr Bu. had left Russia and moved abroad.

**(b) Main investigative steps taken by the authorities**

277. On 5 May 2004 the investigators examined the crime scene. No evidence was collected.

278. On 5 June 2004 the Shali district prosecutor's office opened criminal case no. 36051.

279. On 5 August 2004 the investigation was suspended and then resumed on 22 August 2004.

280. On 30 September 2004 the investigation was suspended again and then resumed on 25 November 2004.

281. On 25 December 2004 the investigation was suspended again. The applicant was informed thereof.

282. The documents submitted show that on numerous occasions between December 2004 and November 2009 the applicant requested the authorities to assist her in the search for her son, expedite the investigation and provide her with information on the progress of the proceedings. In reply she was either informed that measures were being taken to solve the crime or that her complaints had been forwarded to another authority.

283. On 24 December 2009 the investigators resumed the proceedings.

284. On 25 December 2009, upon a request lodged by the applicant on 18 November 2009, the investigators granted her victim status in the criminal case.

285. On 26 December 2009 the investigation was suspended again. The applicant was not informed thereof.

286. On 28 April 2011 the applicant requested the investigators to provide her with information on the progress of the proceedings.

287. On 29 April 2011 (in the documents submitted the date was also referred to as 29 April 2009) the investigation was resumed and then suspended on 1 May 2011.

288. On 20 December 2011 the investigation was resumed. The criminal proceedings are currently pending.

### **K. Application no. 24744/11, *Cholayevy v. Russia***

289. The applicants are:

- (1) Ms Khava Cholayeva, who was born in 1956,
- (2) Mr Aslan Cholayev, who was born in 1981, and
- (3) Ms Eliza Cholayeva, who was born in 1980.

The applicants live in Argun, Chechnya.

290. The first applicant is the mother of Mr Timerlan Cholayev, who was born in 1978. The second applicant is his brother and the third applicant is his wife.

#### *1. Abduction of the applicants' relative*

291. At around 7.30 a.m. on 12 October 2001 a group of masked servicemen in camouflage uniforms, armed with machineguns, arrived at the applicants' house in Argun in two APCs without registration numbers and broke in. They woke up Mr Timerlan Cholayev, handcuffed him, forced him into one of the APCs and departed to an unknown destination.

292. On the same day an officer of the Argun district military commander's office acknowledged to the applicants that Mr Timerlan Cholayev had been arrested by their servicemen and taken to the Main Federal Military Base in Khankala.

293. The applicants have not seen Mr Timerlan Cholayev since 12 October 2001.

#### *2. Official investigation*

##### **(a) Main witness statements taken in the course of the investigation**

294. On 4 November 2001 the investigators questioned the applicants' neighbour, Ms Ya.I., who stated that on 12 October 2001 a group of military servicemen in APCs had arrived at the applicants' house and abducted Mr Timerlan Cholayev.

295. On 4 November 2001 the investigators also questioned the applicants' relatives Mr R.Ch. and Ms R.D., both of whom stated that their nephew Mr Timerlan Cholayev had been abducted by military servicemen.

296. On 29 November 2001 the investigators questioned the third applicant, whose statement about the circumstances of the abduction was similar to one submitted to the Court. In addition, she stated that she and her

relatives had followed the abductors and had seen that after having taken her husband they had driven to the Argun military commander's office.

297. On 11 January 2002 the investigators questioned the first applicant, whose statement was similar to the one submitted to the Court. In addition, she stated that the abductors had told her that they were taking her son in for questioning and would release him afterwards.

298. On 11 January 2002 the investigators again questioned the third applicant and Ms Ya.I., both of whom reiterated their previous statements.

299. On 2 December 2002 the investigators again questioned the first and third applicants, who reiterated their previous statements. In addition, they stated that after the abduction the perpetrators had driven to the premises of special military task force brigade no. 34 of the internal troops (34 ОБРОН).

300. On 3 December 2002 the investigators again questioned the applicants' relatives Mr M.Ch., Ms R.D. and Ms Ya.I., all of whom reiterated their previous statements. Ms R.D. added that to his knowledge, from the military commander's office Mr Timerlan Cholayev had been taken to the main military base in Khankala.

301. On 29 September 2003 the investigators again questioned the first applicant, who reiterated her previous statements.

302. On 14 September 2004 the investigators again questioned the first applicant, who reiterated her previous statements. In addition, she stated that the abductors had been a group of about thirty servicemen who had spoken unaccented Russian.

303. On 17 September 2004 the investigators again questioned the applicants' relative Mr M.Ch., who reiterated his previous statements.

304. On 11 June 2007 the investigators questioned the applicants' relative Ms Z.Ch., whose statement concerning the abduction was similar to the one submitted by the applicants to the Court.

305. On 11 June 2007 the investigators also questioned the applicants' neighbours Mr Sh.S., Mr Kh.I. and Ms Z.Zh., whose statements were similar to that of the first and third applicants.

306. On 14 June 2007 the investigators questioned the applicants' neighbour Ms B.E., whose statement did not provide any new information.

307. The documents submitted show that on various dates in June 2007 the police also questioned at least three of the local residents, including the head of the local council of the elders, Mr I.B. None of the statements provided new information.

308. On 19 and 22 October 2010 the investigators again questioned the first and third applicants, both of whom reiterated their previous statements.

309. Between 6 and 12 November 2010 the investigators questioned the second applicant, the applicants' neighbours Ms M.I. and Mr Kh.I. and the applicants' relative Ms Z.Ch., whose statements concerning the abduction were similar to that of the first and third applicants.

**(b) Main investigative steps taken by the authorities**

310. On 15 October 2001 the first applicant lodged a written complaint about her son's abduction with the Shali district prosecutor's office (in the documents submitted also referred to as the Argun prosecutor's office).

311. On 9 January 2002 the Shali district prosecutor's office opened criminal case no. 78012.

312. On 11 January 2002 the first applicant was granted victim status.

313. On 23 August, 14 September and 10 November 2004 the military commander's office of military unit no. 20102 informed the investigators that the involvement of servicemen in the abduction had not been established.

314. On 9 March 2002 the investigation was suspended and on 19 November 2002 it was resumed.

315. On 30 December 2002 the investigation was suspended and on 10 September 2003 it was resumed.

316. On 12 September 2003 the investigators examined the crime scene. No evidence was collected.

317. On 10 October 2003 the investigation was suspended and on 12 September 2004 it was resumed. The applicants were informed thereof.

318. On 12 October 2004 the investigation was suspended. From the documents submitted it follows that on an unspecified date in June 2007 it was resumed and then again suspended.

319. On 2 June 2010 the investigators allowed the first applicant's request to access the investigation file.

320. On 6 October 2010 (in the documents submitted the date is also referred to as 15 October 2010) the investigation was resumed.

321. From the documents submitted it follows that on numerous occasions between 2002 and 2010 the applicants contacted the authorities asking for assistance in the search for Mr Timerlan Cholayev and asking for an effective investigation to be conducted into his disappearance.

322. On 23 September 2010 the first applicant complained to the Argun Town Court alleging that the investigation into her son's abduction was ineffective. On 13 October 2010 the Shali Town Court rejected the complaint on the grounds that the proceedings had been resumed.

323. The criminal proceedings are currently pending.

**L. Application no. 36897/11, *Titiyeva and Others v. Russia***

324. The applicants are:

- (1) Ms Layla Titiyeva, who was born in 1943,
- (2) Ms Khava Medzhidova, who was born in 1998,
- (3) Ms Medina Akhamdova, who was born in 1962,
- (4) Ms Zulay Dudurkayeva, who was born in 1940,
- (5) Mr Ruslan Dudurkayev, who was born in 1968,

- (6) Ms Makka Dokuyeva, who was born in 1967,
- (7) Mr Ramazan Dokuyev, who was born in 1973,
- (8) Ms Zina Akhmedova, who was born in 1968,
- (9) Ms Khedi Bultayeva, who was born in 1990,
- (10) Ms Khadizhat Bultayeva, who was born in 1995,
- (11) Ms Gistam Bultayeva, who was born in 1999 and
- (12) Ms Khava Dokuyeva, who was born in 1998.

The first, second and third applicants live in the settlement of Goryacheistochenskaya in the Grozny district; the sixth applicant lives in Grozny and the fourth, fifth, seventh, eighth, ninth, tenth, eleventh and twelfth applicants live in Tolstoy-Yurt, Grozny district, Chechnya.

325. The applicants are close relatives of Mr Apti Medzhidov, who was born in 1975, Mr Akhmed Dudurkayev, who was born in 1979, Mr Visarkhan Dokuyev, who was born in 1971, and Mr Alu (in the documents submitted also referred to as Adlan) Bultayev, who was born in 1968. The first applicant is the mother of Mr Apti Medzhidov, the second applicant is his daughter and the third applicant is his sister. The fourth applicant is the mother of Mr Akhmed Dudurkayev and the fifth applicant is his brother. The sixth and seventh applicants are the siblings of Mr Visarkhan Dokuyev and the twelfth applicant is his daughter. The eighth applicant is the wife of Mr Alu Bultayev and the ninth, tenth and eleventh applicants are his daughters.

#### *1. Abduction of the applicants' relatives*

326. At the material time Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev were policemen of the Road Patrol Service (*патрульно-постовая служба*) of the Chechnya Ministry of the Interior (the Chechnya MVD). They resided with their families in Tolstoy-Yurt, in the Grozny district.

327. In July 2000 the four men were in Grozny. The town was under curfew and only Russian military vehicles could move around freely. Mr Apti Medzhidov, Mr Akhmed Dudurkayev and Mr Visarkhan Dokuyev were staying at Ms Markha Tatsuyeva's flat and Mr Alu Bultayev was staying in another flat in the same block of flats.

328. Early in the morning on 16 July 2000 (in the documents submitted the date is also referred to as 17 July 2000) three or four APCs and several UAZ minivans arrived at the block of flats. A group of fifteen servicemen in camouflage uniforms and helmets stormed into the flat where Mr Alu Bultayev was staying, blindfolded and handcuffed him and put him in one of their APCs. The servicemen also arrested Ms Satsyta Sadykova, his neighbour, and put her in the same APC.

329. After that the servicemen broke into Ms Markha Tatsuyeva's flat to arrest her, Mr Apti Medzhidov, Mr Akhmed Dudurkayev and Mr Visarkhan Dokuyev. The servicemen put the four of them in the same APC with

Mr Alu Bultayev and Ms Satsyta Sadykova. They then drove the APC to Khankala. Ms Sadykova heard the sounds of helicopters and military vehicles throughout the one-hour drive.

330. In Khankala the six arrestees were placed in a detention centre. According to the applicants, the four men were detained there until August 2001 without any official record of their detention. Only Ms Satsyta Sadykova and Ms Markha Tatsuyeva were officially registered as detainees. All of the detainees were kept in pits. Ms Satsyta Sadykova shared her pit with Mr Alu Bultayev. Once they managed to see Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Ms Markha Tatsuyeva.

331. On 16 July 2000 Ms Satsyta Sadykova was transferred to another detention centre in Khankala and two days later to a remand prison (SIZO) in Rostov-on-Don. On 21 July 2000 by a decision of the Rostov-on-Don Investigations Unit of the Federal Security Service (the FSB) she was released from detention. According to the decision, Ms Satsyta Sadykova had been arrested on suspicion of terrorist activities, in particular, blowing up a block of flats in Volgodonsk, in the Rostov Region, in September 1999. Ms Markha Tatsuyeva was released from detention on 21 July 2000.

332. Sometime later the applicants were informed by anonymous sources that after August 2001 their four relatives had allegedly been detained in remand prisons in Rostov-on-Don, Volgograd, Krasnodar and Chernokozovo.

333. The applicants have not seen their four relatives since 16 July 2000.

## *2. Official investigation*

### **(a) Main witness statements taken in the course of the investigation**

334. On 25 December 2000 the investigators questioned the sixth applicant, whose statement concerning the abduction was similar to the one submitted by the applicants to the Court.

335. On 30 December 2000 the investigators questioned the brother of Mr Alu Bultayev, Mr A.B., whose statement concerning the abduction was similar to the one submitted by the applicants to the Court.

336. On 26 January 2001 the investigators again questioned the sixth applicant, who reiterated her previous statement and added that Ms Tatsegova had told her that she had been detained in a pit in Khankala and then in a lorry for three days and had then been taken to the remand prison in Rostov-on-Don. According to the witness, she had learnt that her brother Mr Visarkhan Dokuyev had been abducted by servicemen from the Special Task Force Unit staffed by policemen from the Khanty-Mansiyisk Region of Russia.

337. On 2 May 2003 the investigators questioned the first applicant, whose statement concerning the abduction was similar to the one furnished

to the Court. In addition, she stated that immediately after the abduction she had spoken to her son's supervisor, officer A.M., who had told her that her son, along with three colleagues Mr Visarkhan Dokueyv, Mr Alu Bultayev and Mr Akhmed Dudurkayev, had been arrested by servicemen from the Main Intelligence Service (the GRU) and that the four men had been taken along with several women, including Ms Satsyta Sadykova, to the premises of the main military base in Khankala and detained in pits.

338. On 15 August 2004 the investigators questioned the eighth applicant, whose statement concerning the abduction was similar to the one submitted to the Court. In addition, she stated that as soon as they had been released from detention, Ms Satsyta Sadykova and Ms Markha Tatsegova had gone to the applicants' houses and informed them of their detention, together with their relatives, in pits in Khankala.

339. On 16 August 2004 the investigators questioned the fourth applicant, whose statement concerning the abduction was similar to the one submitted to the Court.

340. On various dates in May and June 2005 the investigators questioned several of the applicants' fellow villagers. No new information was obtained.

341. On various dates in July 2007 the investigators questioned several of the applicants' relatives. No new information was obtained.

342. On 26 July 2007 the investigators questioned Ms Satsyta Sadykova, who provided a detailed description of the abduction and her subsequent detention in a pit in Khankala, where she had seen Mr Aпти Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokueyv and Ms Markha Tatsuyeva.

343. On various dates in September and October 2007 the investigators questioned several of the applicants' neighbours and the residents of the block of flats where the abduction had taken place. No new information was obtained.

344. On various dates in August 2009 the investigators questioned several people living in the area where Mr Aпти Medzhidov had lived in 2000. No new information was obtained.

**(b) Main investigative steps taken by the authorities**

345. On 6 November 2000 the Grozny town prosecutor's office opened criminal case no. 12239 on account of Mr Alu Bultayev's abduction.

346. On 25 December 2000 the prosecutor's office opened criminal case no. 12355 on account of the abduction of Mr Viskharan Dokueyv. On the same date the sixth applicant was granted victim status in the criminal case.

347. On 3 January 2001 the investigation of both criminal cases was joined under no. 12239.

348. On 2 May 2003 the first applicant was granted victim status in the criminal case.

349. The documents submitted by the Government show that at some point between 2000 and 2004 the investigation of the criminal case was extended to include the abduction of Mr Apti Medzhidov and Mr Akhmed Dudurkayev. The investigation files were referred to under numbers 12239, 12355 and 10075.

350. On 15 August 2004 the investigators granted the eighth applicant victim status in the criminal case.

351. On 16 August 2004 the investigators granted the fourth applicant victim status in the criminal case.

352. Between 2001 and 2005 the investigation into the abductions was suspended on several occasions. For instance, the investigation was suspended on 28 May 2005, resumed on 15 June 2005 and suspended again on 15 July 2005.

353. On 6 May 2006 the investigators stated in a procedural decision that it was established that the applicants' four relatives had been "abducted by unidentified servicemen belonging to power structures and then taken to [the main military base in] Khankala". The investigators stated that Ms Satsyta Sadykova and Ms Markha Tatsuyeva had been arrested together with the four men, detained in Khankala and then transferred to the premises of the Rostov-on-Don FSB and that on 21 July 2000 both women had been released.

354. On 31 May 2007 the investigation was resumed.

355. On 15 July 2007 the investigators examined the crime scene. No evidence was collected.

356. On 16 July 2007 the investigation into the abduction of the applicants' four relatives was joined to the investigation into the abduction of Ms Satsyta Sadykova. The joint investigation file was given the number 12239.

357. On 16 July 2007 the investigation was suspended. It was resumed on 25 July 2007.

358. On 25 August 2007 the investigation was suspended and then resumed on the following day, 26 August 2007.

359. On 26 September 2007 the investigation was suspended and then resumed on 13 October 2007.

360. On 15 November 2007 the investigation was suspended again. The applicants were informed thereof.

361. On an unspecified date in July 2009 the first applicant wrote to a local human rights organisation asking for assistance in the search for her son Mr Apti Medzhidov. On 11 August 2009 that request was forwarded to the investigators.

362. On an unspecified date in June 2011 the eighth applicant wrote to a local human rights organisation asking for assistance in the search for her husband, Mr Alu Bultayev. On 27 June 2011 the request was forwarded to the investigators.

363. On 20 December 2011 the investigation was resumed. It is still pending.

## II. RELEVANT DOMESTIC LAW AND PRACTICE AND INTERNATIONAL MATERIALS

364. For a summary of the relevant domestic law and practice and for international and domestic reports on disappearances in Chechnya and Ingushetia, see *Aslakhanova and Others v. Russia*, (nos. 2944/06, 8300/07, 50184/07, 332/08 and 42509/10, §§ 43-59 and §§ 69-84, 18 December 2012).

## THE LAW

### I. JOINDER OF THE APPLICATIONS

365. In accordance with Rule 42 § 1 of the Rules of Court, the Court decides to join the applications, given their similar factual and legal background.

### II. THE APPLICANTS' COMPLIANCE WITH THE SIX-MONTH RULE

#### A. The parties' submissions

##### 1. *Government*

366. The Government did not comment on the applicants' compliance with the six-month rule.

##### 2. *The applicants*

367. The applicants argued that they had complied with the six-month rule and there had been no excessive and unexplained delays in the submission of their applications to the Court. In particular, they submitted that after the initiation of the criminal investigations they had had no reason to doubt their effectiveness. They pointed out that the armed conflict in the region had led them to believe that delays in the investigation were inevitable. Moreover, owing to their poor command of Russian, their lack of legal knowledge and lack of funds to hire a lawyer, and in the absence of domestic provisions enabling victims of enforced disappearances to obtain free legal assistance, they had been unable to assess the effectiveness of the investigation. As soon as the applicants had been able to obtain legal advice,

they had realised that the investigations were ineffective owing to the delays in their completion and they had applied to the Court.

368. Referring to *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, the applicants argued that the six-month rule did not apply to “continuing situations” such as cases of enforced disappearances.

## **B. The Court’s assessment**

### *1. General principles*

369. The Court reiterates that the purpose of the six-month rule is to promote legal certainty, to ensure that cases are dealt with within a reasonable time and to protect the parties from uncertainty for a prolonged period of time. The rule also provides the opportunity to ascertain the facts of the case before memory of them fades away with time (see *Abuyeva and Others v. Russia*, cited above, § 175).

370. Normally, the six-month period runs from the final decision in the process of exhaustion of domestic remedies. In the absence of any such decision, the period runs from the date of the acts or measures complained of. Where an applicant avails himself of an existing remedy and only subsequently becomes aware of circumstances which render the remedy ineffective, the six-month time-limit is calculated from the date when the applicant first became, or ought to have become, aware of those circumstances (see, among others, *Zenin v. Russia* (dec.), no. 15413/03, 24 September 2009).

371. In cases concerning disappearances, unlike in cases concerning ongoing investigations into the deaths of applicants’ relatives (see, for example, *Elsanova v. Russia* (dec.), no. 57952/00, 15 November 2005, and *Narin v. Turkey*, no. 18907/02, § 50, 15 December 2009), the Court has held that taking into account the uncertainty and confusion typical of such situations, the nature of the ensuing investigations implies that the relatives of a disappeared person may be justified in waiting lengthy periods of time for the national authorities to conclude their proceedings, even if those proceedings are sporadic and plagued by problems. As long as there is some meaningful contact between families and the authorities concerning complaints and requests for information, or some indication, or realistic possibility, of progress in investigative measures, considerations of undue delay will not generally arise. However, where there has been a considerable lapse of time, and there have been significant delays and lulls in investigative activity, there will come a time when the relatives must realise that no effective investigation has been, or will be, provided. When this stage is reached will depend, unavoidably, on the circumstances of the particular case. Where more than ten years have elapsed since the incident,

the applicants have to justify such a delay in lodging their application with the Court (see *Varnava*, cited above, §§ 162-63).

372. Applying the *Varnava* principles, the Court recently found in the case of *Er and Others v. Turkey* (no. 23016/04, §§ 55-58, 31 July 2012) that the applicants, who had waited for a period of almost ten years after the disappearance of their relative before lodging their application, had complied with the six-month rule because an investigation was being conducted at the national level. The Court reached a similar conclusion in another case, where the domestic investigation into the events had been pending for more than eight years and where the applicants were doing all that could be expected of them to assist the authorities (see *Bozkır and Others v. Turkey*, no. 24589/04, § 49, 26 February 2013).

373. In the cases concerning enforced disappearances in Chechnya and Ingushetia, the Court has examined applications lodged between nine and ten years after the disappearances and the initiation of the criminal investigation (see, for example, *Kaykharova and Others v. Russia*, nos. 11554/07, 7862/08, 56745/08 and 61274/09, §§ 128 and 129, 1 August 2013; *Saidova v. Russia*, no. 51432/09, §§ 52 and 53, 1 August 2013; and *Gakayeva and Others v. Russia*, cited above, §§ 312 and 315.), where certain lulls in the ongoing investigations comprised up to four and a half years. The Court found that the applicants had justified the delays in lodging their applications with the Court by demonstrating that they had maintained reasonable contact with the authorities, sought information on the progress of the investigation and lodged their applications shortly after having obtained information casting reasonable doubt on the effectiveness of the ongoing proceedings.

374. By contrast, the Court has declared inadmissible applications where the applicants waited for more than ten years to lodge their applications with the Court, and where there had been, for a long time, no evidence allowing them to believe that the investigation would be effective. For instance, in the case of *Yetişen and Others v. Turkey* ((dec.), no. 21099/06, 10 July 2012), the applicants waited for four years after the disappearance before lodging an official complaint with the competent investigating authorities and for eleven-and-a-half years before bringing their application to Strasbourg; in the case of *Findik and Omer v. Turkey* ((decs.), nos. 33898/11 and 35798/11, 9 October 2012), the applications were brought to Strasbourg more than fifteen years after the events; and in the case of *Taşçı and Duman v. Turkey* ((dec.), no. 40787/10, 9 October 2012), the applicants applied to Strasbourg twenty-three years after the disappearance. In those cases, as in the case of *Açış v. Turkey* (no. 7050/05, §§ 41-42, 1 February 2011), where the applicants complained to Strasbourg more than twelve years after the disappearance, the Court rejected their complaints under Article 2 of the Convention as out of time for failure to demonstrate any concrete advance

in the domestic investigation that would justify their delay of more than ten years.

*2. Application of the principles to the present case*

375. Turning to the circumstances of the cases at hand, the Court notes that in nine cases the applicants lodged their complaints with the Court within a period ranging from less than two years after the disappearance in the application of *Saayeva and Others* (no. 3375/08) to almost eight years in the application of *Dubayevy* (no. 3222/11). In each of these cases the investigations were formally pending at the time when the applications were lodged with the Court. The criminal proceedings in all the cases were suspended and resumed on several occasions at various time intervals throughout the periods concerned. Each and every time the investigations were suspended and then resumed following criticism of the investigation by supervisors, and the applicants were not always informed thereof. They, in turn, maintained a reasonable level of contact with the authorities, cooperated with the investigation and, where appropriate, took steps to inform themselves of the progress of the proceedings and to speed them up, in the hope of a more effective outcome.

376. As for the three applications lodged within a period of between nine and almost eleven years after the alleged abductions, the Court notes the following. In the application *Shakhbiyeva and Others* (no. 62220/10), lodged ten years after the abduction and the initiation of the investigation, the applicants took an active role from the beginning and convinced the authorities to investigate their allegations in spite of their initial refusal to do so (see paragraphs 231 and 232 above). For the next several years the applicants cooperated with the investigators by giving statements and providing necessary information. Then, between May 2005 and January 2010, that is, for almost four years and eight months, the investigation was dormant and was resumed only upon the applicants' request (see paragraph 237 above). From the documents submitted it can be ascertained that the applicants, who were not informed of the suspension, did not officially contact the investigation themselves during this period. Such a lengthy period of inactivity could be considered significant enough to raise doubts as to whether the investigation was still effective. However, taking into account the fact that the applicants were not duly informed of the suspension and that the proceedings were resumed as a result of their request and the first applicant having gained access to the investigation file (see paragraphs 237 and 241 above) which allowed them to assess the progress of the criminal proceedings and led to their prompt application to Strasbourg, the Court, bearing in mind the specific context of disappearance cases, accepts the applicants' explanation for the delay in bringing their application to Strasbourg.

377. Turning to the application *Cholayevy* (no. 24744/11) lodged with the Court nine years and five months after the abduction and the start of the investigation, the Court observes that throughout the entire period there were no significant lulls in the investigation and that the applicants maintained regular contact with the authorities.

378. As for the application *Titiyeva and Others* (no. 36897/11) lodged ten years and eleven months after of the abduction, the Court observes that in spite of the lengthy period of the ongoing criminal investigation, no significant lulls in the proceedings occurred and that the applicants remained in contact with the authorities throughout.

379. Having examined the documents submitted by the parties, the Court finds that the conduct of the applicants in each application *vis-à-vis* the investigation has been determined not by their perception of the remedy as ineffective, but rather by their expectation that the authorities would, of their own motion, provide them with an adequate answer to their serious complaints. They furnished the investigating authorities with timely and sufficiently detailed accounts of their relatives' abductions and cooperated with them. They thus reasonably expected further substantive developments from the investigation. It could not be said that they failed to show the requisite diligence by waiting for the pending investigation to yield results (see, *mutatis mutandis*, *Abuyeva and Others*, cited above, § 179).

380. The Court thus considers that an investigation, albeit a sporadic one, was being conducted during the periods in question in each of the cases, and that the applicants did all that could be expected of them to assist the authorities (see *Varnava and Others*, cited above, § 166, and *Er and Others*, cited above, § 60). In the light of the foregoing, the Court finds that the applicants complied with the six-month time-limit.

### III. THE GOVERNMENT'S PRELIMINARY OBJECTIONS

#### A. *Locus standi*

##### 1. *The parties' submissions*

381. Mr Musadi Samrailov, the third applicant in application *Sultygov and Others* (no. 42575/07), died on 3 February 2013. Mr Viskhan Samrailov, his grandson and the son of the disappeared Mr Visadi Samrailov, expressed his wish to pursue the proceedings before the Court in his stead.

382. Mr Tukhan Idigov, the applicant in *Idigov* (no.424/08), died on 5 January 2013. Ms Tamara Idigova, his daughter and the sister of the disappeared Mr Anzor Idigov, expressed her wish to pursue the proceedings before the Court in his stead.

383. The Government contended in respect of both applications that neither Mr Viskhan Samrailov nor Ms Tamara Idigova had standing in the proceedings before the Court owing to their “lack of a legitimate interest in the examination of the case”.

## *2. The Court’s assessment*

384. The Court reiterates that the word “victim” in the context of Article 34 of the Convention denotes the person directly affected by the act or omission in issue (see *Lüdi v Switzerland*, 15 June 1992, § 34, Series A no. 238). The Convention institutions have always and unconditionally considered in their case-law that the parent, sibling or nephew of a person whose death is alleged to engage the responsibility of the respondent Government can claim to be the victim of an alleged violation of Article 2 of the Convention, even where closer relatives, such as the deceased person’s children, have not submitted applications (see *Velikova v. Bulgaria* (dec.), no. 41488/98, 18 May 1999, with further references).

385. The Court also notes that in a number of cases in which an applicant died in the course of the proceedings it has taken into account the statements of the applicant’s heirs or of close family members expressing a wish to pursue the proceedings before the Court. It has done so most frequently in cases which primarily involved pecuniary, and, for this reason, transferable claims. However, the question of whether such claims are transferable to the individuals seeking to pursue an application is not the exclusive criterion. In fact, human rights cases before the Court generally also have a moral dimension, and people close to an applicant may have a legitimate interest in ensuring that justice is done, even after the applicant’s death (see, among other authorities, *Horváthová v. Slovakia*, no. 74456/01, § 26, 17 May 2005, and *Ječius v. Lithuania*, no. 34578/97, § 41, ECHR 2000-IX).

386. Having regard to the above, the Court accepts that the applicants’ close relatives have a legitimate interest in pursuing the application in their stead. It will therefore continue dealing with the case at their request.

## **B. Exhaustion of domestic remedies**

### *1. The parties’ submissions*

387. The Government submitted that the criminal investigations into the disappearances were still in progress. It was therefore premature to draw any conclusions concerning the alleged ineffectiveness of the domestic criminal proceedings. They also pointed out that the applicants could have claimed civil damages and appealed against the investigators’ decisions in the national courts.

388. The applicants submitted that they were not obliged to pursue civil remedies and that lodging complaints against the investigators would not have remedied the investigations' shortcomings. They all submitted that the only effective remedy in their cases – a criminal investigation into the abduction – had proved to be ineffective.

### *2. The Court's assessment*

389. As regards a civil action to obtain redress for damage sustained as a result of the alleged illegal acts or unlawful conduct of State agents, the Court has already found in a number of similar cases that this procedure alone cannot be regarded as an effective remedy in the context of claims brought under Article 2 of the Convention (see *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, §§ 119-21, 24 February 2005, and *Estamirov and Others v. Russia*, no. 60272/00, § 77). Accordingly, the Court confirms that the applicants were not obliged to pursue civil remedies. The preliminary objection in this regard is thus dismissed.

390. As regards criminal-law remedies, in a recent judgment the Court concluded that the ineffective investigation of disappearances that occurred in Chechnya and Ingushetia between 2000 and 2006 constituted a systemic problem and that criminal investigations were not an effective remedy in this respect (see *Aslakhanova and Others*, cited above, § 217).

## IV. THE COURT'S ASSESSMENT OF THE EVIDENCE AND ESTABLISHMENT OF THE FACTS

### **A. The parties' submissions**

#### *1. The Government*

391. The Government did not contest the essential facts underlying each application. However, they noted that some of the applicants had not been consistent in their descriptions of the abductors and that the abductions had taken place on various dates and in different districts. The Government pointed out that the abductions could have been perpetrated by members of illegal armed groups in the guise of State servicemen, using uniforms and documents similar to those used by the latter. They further claimed that none of the investigations had obtained evidence proving beyond reasonable doubt that State agents had been involved in the abductions and alleged deaths of the applicants' relatives.

#### *2. The applicants*

392. The applicants submitted that it had been established "beyond reasonable doubt" that the men who had taken their relatives away had been State agents. In support of that assertion they referred to the ample evidence

contained in their submissions and the criminal investigation files. They also submitted that they had each made a prima facie case that their relatives had been abducted by State agents and that the essential facts underlying their complaints had not been challenged by the Government. In view of the absence of any news of their relatives for a long time and the life-threatening nature of unacknowledged detention in the region at the relevant time, they asked the Court to consider their relatives dead.

## **B. The Court's assessment**

### *1. General principles*

393. The Court shall examine the applications at hand in the light of the general principles applicable in cases where the factual circumstances are in dispute between the parties (see *El Masri v. "the former Yugoslav Republic of Macedonia"* [GC], no. 39630/09, §§ 151-53, ECHR-2012).

394. The Court has addressed a whole series of cases concerning allegations of disappearances in Chechnya and Ingushetia. Applying the above-mentioned principles, it has concluded that if applicants make a prima facie case of abduction by servicemen, this is sufficient for them to show that their relatives fell within the control of the authorities, and it is then for the Government to discharge their burden of proof either by disclosing the documents in their exclusive possession or by providing a satisfactory and convincing explanation of how the events in question occurred (see, among many examples, *Aslakhanova and Others*, cited above, § 99). If the Government fail to rebut that presumption, this will entail a violation of Article 2 of the Convention in its substantive part. Conversely, where applicants fail to make a prima facie case, the burden of proof cannot be reversed (see, for example, *Tovsultanova v. Russia*, no. 26974/06, §§ 77-81, 17 June 2010; *Movsayevy v. Russia*, no. 20303/07, § 76, 14 June 2011; and *Shafiyeva v. Russia*, no. 49379/09, § 71, 3 May 2012).

395. The Court has also found in many cases concerning disappearances that a missing person may be presumed dead. Having regard to the numerous cases of disappearances in Chechnya and Ingushetia which have come before it, the Court has found that in the particular context of the conflict in the region, when a person has been detained by unidentified State agents without any subsequent acknowledgment of the detention, this could be regarded as life-threatening (see, among many others, *Yandiyev and Others v. Russia*, nos. 34541/06, 43811/06 and 1578/07, 10 October 2013, and *Dovletukayev and Others v. Russia*, cited above).

396. The Court has made findings of presumptions of deaths in the absence of any reliable news about the disappeared persons for periods

ranging from four years (see *Askhabova v. Russia*, no. 54765/09, § 137, 18 April 2013) to more than ten years.

*2. Application of the principles to the present cases*

**(a) Application no. 42575/07, *Sultygov and Others v. Russia***

397. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 19-26 above), demonstrate that the applicants' relatives, Mr Alikhan Sultygov and Mr Visadi Samrailov, were abducted on 4 August 2000 by a group of armed servicemen at the checkpoint on the outskirts of Grozny. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances as set out by them.

398. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

399. Bearing in mind the general principles enumerated above, the Court finds that Mr Alikhan Sultygov and Mr Visadi Samrailov were taken into custody by State agents on 4 August 2000 in Grozny. In view of the absence of any news of them since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Alikhan Sultygov and Mr Visadi Samrailov may be presumed dead following their unacknowledged detention.

**(b) Application no. 53679/07, *Bekova v. Russia***

400. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 50-52, 55, 57 and 62-63 above), demonstrate that the applicant's son, Mr Ruslan Yandiyev, was abducted on 29 September 2005 by a group of armed servicemen during a special operation in Nazran. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

401. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

402. Bearing in mind the general principles enumerated above, the Court finds that Mr Ruslan Yandiyev was taken into custody by State agents on 29 September 2005 in Nazran. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Ruslan Yandiyev may be presumed dead following his unacknowledged detention.

**(c) Application no. 311/08, *Isayevy v. Russia***

403. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 90-95 above), demonstrate that the applicants' relative, Mr Nurdi Isayev, was abducted on 3 February 2000 by a group of armed servicemen during a special operation in Valerik. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances as set out by them.

404. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

405. Bearing in mind the general principles enumerated above, the Court finds that Mr Nurdi Isayev was taken into custody by State agents on 3 February 2000 in Valerik. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Nurdi Isayev may be presumed dead following his unacknowledged detention.

**(d) Application no. 424/08, *Idigov v. Russia***

406. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 108-11 above), demonstrate that the applicant's son, Mr Anzor Idigov, was abducted on 4 May 2003 by a group of armed servicemen in Shalazhi. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that his son was abducted by State agents in the circumstances as set out by him.

407. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

408. Bearing in mind the general principles enumerated above, the Court finds that Mr Anzor Idigov was taken into custody by State agents on 4 May 2003 in Shalazhi. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Anzor Idigov may be presumed dead following his unacknowledged detention.

**(e) Application no. 3375/08, *Saayeva and Others v. Russia***

409. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 133-36 above), demonstrate that the applicants' relative, Mr Idris Saayev, was abducted on 3 March 2006 by a group of

armed servicemen in Grozny. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances as set out by them.

410. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

411. Bearing in mind the general principles enumerated above, the Court finds that Mr Idris Saayev was taken into custody by State agents on 3 March 2006 in Grozny. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Idris Saayev may be presumed dead following his unacknowledged detention.

**(f) Application no. 4560/08, *Amerkhanova v. Russia***

412. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 163-67 above), demonstrate that the applicants' son, Mr Rustam Amerkhanov, was abducted on 3 November 2002 by a group of armed servicemen in Shalazhi. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

413. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

414. Bearing in mind the general principles enumerated above, the Court finds that Mr Rustam Amerkhanov was taken into custody by State agents on 3 November 2002 in Shalazhi. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Rustam Amerkhanov may be presumed dead following his unacknowledged detention.

**(g) Application no. 35569/08, *Dubas and Others v. Russia***

415. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 202-203 and 206 above), demonstrate that the applicants' relative, Ms Milana Ozdoyeva, was abducted on 19 January 2004 by a group of armed servicemen in Katyr-Yurt. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances as set out by them.

416. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

417. Bearing in mind the general principles enumerated above, the Court finds that Ms Milana Ozdoyeva was taken into custody by State agents on 19 January 2004 in Katyr-Yurt. In view of the absence of any news of her since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Ms Milana Ozdoyeva may be presumed dead following her unacknowledged detention.

**(h) Application no. 62220/10, *Shakhbiyeva and Others v. Russia***

418. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 225-30 above), demonstrate that the applicants' relatives, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev and Mr Sayd-Magomed Shakhbiyev, were abducted on 4 September 2000 by a group of armed servicemen during a special operation in Tsotsi-Yurt. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances as set out by them.

419. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

420. Bearing in mind the general principles enumerated above, the Court finds that Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev and Mr Sayd-Magomed Shakhbiyev were taken into custody by State agents on 4 September 2000 in Tsotsi-Yurt. In view of the absence of any news of them since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev and Mr Sayd-Magomed Shakhbiyev may be presumed dead following their unacknowledged detention.

**(i) Application no. 3222/11, *Dubayevy v. Russia***

421. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 249-51 above), demonstrate that the applicants' relative, Mr Sharpudi Dubayev, was abducted on 20 November 2002 by a group of armed military servicemen on the outskirts of Berkat-Yurt. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances as set out by them.

422. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

423. Bearing in mind the general principles enumerated above, the Court finds that Mr Sharpudi Dubayev was taken into custody by State agents on 20 November 2002 in Berkhat-Yurt. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 395 above), the Court also finds that Mr Sharpudi Dubayev may be presumed dead following his unacknowledged detention.

**(j) Application no. 22257/11, *Tekhiyeva v. Russia***

424. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 268-71 above), demonstrate that the applicant's son, Mr Magomed-Salakh Tekhiyev, was abducted on 4 May 2004 by a group of armed servicemen in Serzhen-Yurt. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

425. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

426. Bearing in mind the general principles enumerated above, the Court finds that Mr Magomed-Salakh Tekhiyev was taken into custody by State agents on 4 May 2004 in Serzhen-Yurt. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Magomed-Salakh Tekhiyev may be presumed dead following his unacknowledged detention.

**(k) Application no. 24744/11, *Cholayevy v. Russia***

427. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 294-97 above), demonstrate that the applicants' relative, Mr Timerlan Cholayev, was abducted on 12 October 2001 by a group of armed military servicemen in Argun. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances as set out by them.

428. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

429. Bearing in mind the general principles enumerated above, the Court finds that Mr Timerlan Cholayev was taken into custody by State agents on 12 October 2001 in Argun. In view of the absence of any news of him since that date and the life-threatening nature of the detention (see paragraph 395 above), the Court also finds that Mr Timerlan Cholayev may be presumed dead following his unacknowledged detention.

**(I) Application no. 36897/11, *Titiyeva and Others v. Russia***

430. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 334-39 and 342 above), demonstrate that the applicants' four relatives, Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev, were abducted on 16 July 2000 by a group of armed servicemen during a special operation in Grozny. In view of all the materials in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances as set out by them.

431. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

432. Bearing in mind the general principles enumerated above, the Court finds that Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev were taken into custody by State agents on 16 July 2000 in Grozny. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 395 above), the Court also finds that Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev may be presumed dead following their unacknowledged detention.

*3. Conclusions*

433. The Court finds that in all of the cases presently before it the applicants' relatives were abducted by armed men in uniforms, displaying behaviour characteristic of servicemen carrying out security operations. Their behaviour and appearance, their ability to pass through roadblocks and to cordon off areas, along with their use of military-type vehicles even during curfew hours, lead the Court to conclude that, in all probability, they could be none other than State servicemen. The applicants' allegations are supported by the witness statements collected by them and by the domestic investigations. In their submissions to the authorities the applicants maintained that their relatives had been abducted by State agents. The investigators accepted as fact the versions of events presented by the applicants and took steps to check whether State servicemen had been involved in the abductions.

434. In summary, the facts of all the applications contain sufficient evidence to enable the Court to make findings about the carrying out of security operations and thus about the State's exclusive control over the detainees (see, among many others, *Aslakhanova and Others*, cited above, § 114). The Government's arguments are in contradiction to the evidence reviewed by the Court and insufficient to discharge them of the burden of proof which has been shifted to them in these cases.

435. The detention in life-threatening circumstances of Mr Alikhan Sultygov, Mr Visadi Samrailov, Mr Ruslan Yandiyev, Mr Nurdi Isayev, Mr Anzor Idigov, Mr Idris Saayev, Mr Rustam Amerkhanov, Ms Milana Ozdoyeva, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Sayd-Magomed Shakhbiyev, Mr Sharpudi Dubayev, Mr Magomed-Salakh Tekhiyev, Mr Timerlan Cholayev, Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev, together with the long absence of any news of them, leads the Court to conclude that they may be presumed dead.

## V. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

436. The applicants complained, under Article 2 of the Convention, that their relatives had disappeared after having been detained by State agents and that the domestic authorities had failed to carry out effective investigations into the matter. Article 2 reads as follows:

“1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

### A. The parties’ submissions

437. In their observations the Government contended in respect of the application *Shakhbiyeva and Others* (no. 62220/10) that Article 2 of the Convention was not applicable to the applicants’ complaints concerning the disappearance of their relatives and that their complaint under this head had to be examined under Article 5 of the Convention. To this end they referred to the case of *Kurt v. Turkey*, 25 May 1998, §§ 101-09, *Reports of Judgments and Decisions* 1998-III. In respect of all the applications the Government submitted that the complaints should be rejected as manifestly ill-founded, as the applicants had failed to substantiate their allegations, and that the domestic investigations had not resulted in any evidence that the applicants’ relatives had been held under State control or that they were dead. The Government further noted that the mere fact that the investigative measures employed had not produced any specific results, or had produced only limited ones, did not mean that there had been any omissions on the

part of the investigating authorities. They claimed that all the necessary steps were being taken to comply with the obligation to conduct an effective investigation.

438. The applicants maintained their complaints.

## **B. The Court's assessment**

### *1. Admissibility*

439. The Court considers, in the light of the parties' submissions, that the complaints raise serious issues of fact and law under the Convention the determination of which requires an examination of the merits. It also decides to join to the merits the issue of applicability of Article 2 of the Convention (see *Khadayeva and Others v. Russia*, no. 5351/04, § 114, 12 March 2009). The complaints under Article 2 of the Convention must therefore be declared admissible.

### *2. Merits*

#### **(a) Alleged violation of the right to life of the applicants' relatives**

440. The Court notes at the outset that it is undisputed by the parties that the whereabouts of the applicants' relatives has been unaccounted for periods ranging between two and almost eleven years from the time of the events to the lodging of the applications with the Court. The question arises whether, as the Government submit, Article 2 of the Convention is applicable to the applicants' situations.

441. The Court has previously held that Article 5 imposes an obligation on the State to account for the whereabouts of any person taken into detention and who has thus been placed under the control of the authorities (see *Kurt*, cited above, § 124). Whether a failure on the part of the authorities to provide a plausible explanation as to a detainee's fate, in the absence of a body, might also raise issues under Article 2 of the Convention will depend on all the circumstances of the case, and in particular on the existence of sufficient circumstantial evidence, based on specific evidence, from which it may be concluded to the requisite standard of proof that the detainee must be presumed to have died in custody (see *Çakıcı v. Turkey* [GC], no. 23657/94, § 85, ECHR 1999-IV, and *Ertak v. Turkey*, no. 20764/92, § 131, ECHR 2000-V).

442. In this connection, the Court notes that the Government denied that the applicants' relatives had been detained by State agents or had been under the control of the authorities after abduction. Therefore, the Government's argument concerning the applicability of Article 5 of the Convention instead of Article 2 is inconsistent. However, leaving aside the contradictory nature of the Government's position in this regard and

assuming that the applicants' abducted relatives were under the control of State agents after abduction, then the period of time which has elapsed since each person was placed in detention, although not decisive in itself, is a relevant factor to be taken into account. It must be accepted that the more time that goes by without any news of the detained person, the greater the likelihood that he or she has died. The passage of time may, along with other elements of circumstantial evidence before the Court, provide grounds to conclude that the person concerned is to be presumed dead. In this respect the Court considers that such a situation gives rise to issues which go beyond a mere "irregular detention" in violation of Article 5. Such an interpretation is in keeping with the effective protection of the right to life as afforded by Article 2, which ranks as one of the most fundamental provisions in the Convention (see, among other authorities, *Çakıcı* cited above, § 86, and *Timurtaş v. Turkey*, no. 23531/94, § 83, ECHR 2000-VI). Accordingly, the Court finds that Article 2 of the Convention applies and that the Government's objection in this respect should be rejected.

443. Based on the above and noting that it has already been found that in all of the applications under examination the applicants' relatives may be presumed dead following their unacknowledged detention by State agents, the Court finds, in the absence of any justification put forward by the Government, that their deaths can be attributed to the State and that there has been a violation of the substantive aspect of Article 2 of the Convention in respect of Mr Alikhan Sultygov, Mr Visadi Samrailov, Mr Ruslan Yandiyev, Mr Nurdi Isayev, Mr Anzor Idigov, Mr Idris Saayev, Mr Rustam Amerkhanov, Ms Milana Ozdoyeva, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Sayd-Magomed Shakhbiyev, Mr Sharpudi Dubayev, Mr Magomed-Salakh Tekhiyev, Mr Timerlan Cholayev, Mr Aпти Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev.

**(b) Alleged inadequacy of the investigations into the abductions**

444. The Court has already found that a criminal investigation does not constitute an effective remedy in respect of disappearances which have occurred, in particular, in Chechnya and Ingushetia between 1999 and 2006, and that such a situation constitutes a systemic problem under the Convention (see *Aslakhanova and Others*, cited above, § 217). In the case at hand, as in many previous similar cases reviewed by the Court, the investigations have been pending for many years without bringing about any significant developments as to the identities of the perpetrators or the fate of the applicants' missing relatives. While the obligation to investigate effectively is one of means and not of results, the Court notes that each set of criminal proceedings has been plagued by a combination of the same defects as those enumerated in *Aslakhanova and Others* (cited above, §§ 123-25). Each was subjected to several decisions to suspend the

investigation, followed by periods of inactivity, which further diminished the prospects of solving the crimes. No meaningful steps have been taken to identify and question the servicemen who could have witnessed, registered or participated in the operations.

445. In the light of the foregoing, the Court finds that the authorities failed to carry out effective criminal investigations into the circumstances of the disappearance and death of Mr Alikhan Sultygov, Mr Visadi Samrailov, Mr Ruslan Yandiyev, Mr Nurdi Isayev, Mr Anzor Idigov, Mr Idris Saayev, Mr Rustam Amerkhanov, Ms Milana Ozdoyeva, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Sayd-Magomed Shakhbiyev, Mr Sharpudi Dubayev, Mr Magomed-Salakh Tekhiyev, Mr Timerlan Cholayev, Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev. Accordingly, there has been a violation of Article 2 of the Convention in its procedural aspect.

## VI. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

446. The applicants complained of a violation of Article 3 of the Convention on account of the mental suffering caused to them by the disappearance of their relatives. Article 3 reads:

### Article 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

#### A. The parties' submissions

447. The Government contested the applicants' claims.

448. The applicants reiterated their complaints.

#### B. The Court's assessment

##### 1. Admissibility

449. The Court notes that the applicants' complaints under this head are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

##### 2. Merits

450. The Court observes that the question of whether a member of the family of a “disappeared person” is a victim of treatment contrary to Article 3 will depend on the existence of special factors which give the suffering of the applicants a dimension and character distinct from the

emotional distress which may be regarded as inevitably caused to relatives of a victim of a serious human rights violation. Relevant elements will include the proximity of the family tie, the particular circumstances of the relationship, the extent to which the family member witnessed the events in question, the involvement of the family member in the attempts to obtain information about the disappeared person and the way in which the authorities responded to those enquiries. The Court would further emphasise that the essence of such a violation does not mainly lie in the fact of the “disappearance” of the family member but rather concerns the authorities’ reactions and attitudes to the situation when it is brought to their attention. It is especially in respect of the latter that a relative may claim directly to be a victim of the authorities’ conduct (see *Orhan v. Turkey*, no. 25656/94, § 358, 18 June 2002, and *Imakayeva v. Russia*, no. 7615/02, ECHR 2006-XIII, § 164).

451. In the present case the Court notes that the applicants are close relatives of the disappeared persons. For a number of years they have not had any news of their abducted family members. During this period the applicants have applied to various official bodies with enquiries about their relatives, both in writing and in person. Despite their attempts, the applicants have never received any plausible explanation or information as to what became of their family members following their abduction. The responses received by the applicants mostly denied that the State was responsible for their arrest or simply informed them that an investigation was ongoing. The Court’s findings concerning the systemic problem related to the procedural aspect of Article 2 are also of direct relevance here.

452. In view of the above, the Court finds that the applicants suffered distress and anguish as a result of the disappearance of their family members and their inability to find out what happened to them. The manner in which their complaints have been dealt with by the authorities must be considered to constitute inhuman treatment contrary to Article 3.

## VII. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION IN RESPECT OF MR ALIKHAN SULTYGOV AND MR VISADI SAMRAILOV (No. 42575/07).

453. The applicants in the application *Sultygov and Others* (no. 42575/07) further complained that their abducted relatives Mr Alikhan Sultygov and Mr Visadi Samrailov had been victims of a breach of Article 3 on account of the conditions of their detention after the abduction and the authorities’ failure to investigate those allegations.

### A. The parties’ submissions

454. The Government contested the applicants’ claim.

455. The applicants maintained their complaint.

### **B. The Court's assessment**

456. The Court considers that this complaint is linked to those examined above and must therefore likewise be declared admissible. However, having regard to its findings under Article 2 of the Convention, the Court does not find it necessary to examine it separately.

## **VIII. ALLEGED VIOLATION OF ARTICLE 5 OF THE CONVENTION**

457. The applicants further stated that their abducted relatives had been detained in violation of the guarantees of Article 5 of the Convention, which reads, in so far as relevant:

“1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ...

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

...

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.”

### **A. The parties' submissions**

458. The Government denied that the applicants' relatives had been detained by State servicemen. In respect of the application *Amerkhanova* (no. 4560/08) they stated that Mr Rustam Amerkhanov had been taken to the Urus-Martan ROVD for a couple of hours and released.

459. The applicants reiterated the complaint.

## B. The Court's assessment

### 1. Admissibility

460. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that the complaint is not inadmissible on any other grounds and must therefore be declared admissible.

### 2. Merits

461. The Court has previously noted the fundamental importance of the guarantees contained in Article 5 to secure the right of individuals in a democracy to be free from arbitrary detention. It has also stated that unacknowledged detention is a complete negation of these guarantees and discloses a very grave violation of Article 5 (see *Çiçek v. Turkey*, no. 25704/94, § 164, 27 February 2001, and *Luluyev and Others v. Russia*, no. 69480/01, § 122, ECHR 2006-XIII (extracts)).

462. As for the Government's contention, concerning the application *Amerkhanova* (no.4560/08), that Mr Rustam Amerkhanov was released after two hours, the Court notes that no evidence, such as records of detention or release, has been provided to it to corroborate this assertion. It therefore finds that he remained under the control of the authorities after being apprehended during the security operation.

463. Accordingly, the Court concludes that after being apprehended, the applicants' relatives were held in unacknowledged detention, which was not logged in any custody records, and that there exists no official trace of their subsequent whereabouts or fate. In accordance with the Court's practice, this must be considered a most serious failing, since it enables those responsible for an act of deprivation of liberty to conceal their involvement in a crime, to cover their tracks and to escape accountability for the fate of a detainee. Furthermore, the absence of detention records, noting such matters as the date, time and location of detention and the name of the detainee as well as the reasons for the detention and the name of the person effecting it, must be seen as incompatible with the very purpose of Article 5 of the Convention (see *Orhan*, cited above, § 371).

464. The Court further considers that the authorities should have been more alert to the need for a thorough and prompt investigation of the applicants' complaints that their relatives had been detained and taken away in life-threatening circumstances. However, the Court's findings above in relation to Article 2 and, in particular, the conduct of the investigation leave no doubt that the authorities failed to take prompt and effective measures to safeguard them against the risk of disappearance.

465. In view of the foregoing, the Court finds that Mr Alikhan Sultygov, Mr Visadi Samrailov, Mr Ruslan Yandiyev, Mr Nurdi Isayev, Mr Anzor

Idigov, Mr Idris Saayev, Mr Rustam Amerkhanov, Ms Milana Ozdoyeva, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Sayd-Magomed Shakhbiyev, Mr Sharpudi Dubayev, Mr Magomed-Salakh Tekhiyev, Mr Timerlan Cholayev, Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev were held in unacknowledged detention without any of the safeguards contained in Article 5. This constitutes a particularly grave violation of the right to liberty and security enshrined in Article 5 of the Convention.

## IX. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

466. The applicants argued that they had no available domestic remedies for the violations claimed, in particular those under Articles 2 and 3 of the Convention. Article 13 reads:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

467. The Government disagreed with that submission, pointing to a number of instruments available to the applicants in the criminal proceedings and in Russian civil law.

### A. Admissibility

468. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

### B. Merits

469. The Court reiterates its findings concerning the general ineffectiveness of criminal investigations in cases such as those under examination. In the absence of the results of the criminal investigation, any other possible remedy becomes inaccessible in practice (see *Aslakhanova and Others*, cited above, §§ 151-57).

470. The Court thus finds that the applicants in these cases did not dispose of an effective domestic remedy for their grievances under Articles 2 and 3, in breach of Article 13 of the Convention.

## X. ALLEGED VIOLATION OF ARTICLE 38 OF THE CONVENTION

471. The applicants in the application *Sultygov and Others* (no. 42575/07) alleged that the Government had failed to disclose the entire

contents of the documents from the investigation file on the abduction of Mr Alikhan Sultygov and Mr Visadi Samrailov. Therefore, they invited the Court to find a violation of Article 38 of the Convention, which reads:

“The Court shall examine the case together with the representatives of the parties and, if need be, undertake an investigation, for the effective conduct of which the High Contracting Parties concerned shall furnish all necessary facilities.”

472. The Court reiterates that it is of utmost importance for the effective operation of the system of individual petition instituted by Article 34 that States should furnish all the necessary facilities to make possible a proper and effective examination of applications (see *Tanrikulu v. Turkey* [GC], no. 23763/94, § 70, ECHR 1999-IV, and *Velikova v. Bulgaria*, no. 41488/98, § 77, ECHR 2000-VI). This obligation requires the Contracting States to furnish all necessary facilities to the Court, whether it is conducting a fact-finding investigation or performing its general duties as regards the examination of applications. A failure on a Government’s part to submit such information which is in their hands without a satisfactory explanation may not only give rise to the drawing of inferences as to the well-foundedness of the applicants’ allegations, but may also reflect negatively on the level of compliance by a respondent State with its obligations under Article 38 of the Convention (see *Medova v. Russia*, no. 25385/04, § 76, 15 January 2009, and *Timurtaş*, cited above, §§ 66 and 70).

473. Turning to the circumstances of the present case, the Court notes that it asked the Government to produce such relevant documents from the investigation file which were capable of rebutting the applicants’ allegations that their missing relatives had been abducted by State servicemen, including witness statements. The Court also notes that the applicants furnished a number of copies of documents reflecting the contents of the criminal case file.

474. Having regard to the above, and to the conclusions as to the State’s responsibility for the abduction (see paragraph 443 above), the Court finds that the allegedly incomplete nature of certain documents and information did not prevent it from examining the application (see *Gakayeva and Others*, cited above, § 389, and *Khatsiyeva and Others v. Russia*, no. 5108/02, § 168, 17 January 2008).

475. There has, accordingly, been no failure to comply with Article 38 of the Convention.

## XI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

476. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

**A. Damage***1. The applicants***(a) Application no. 42575/07, *Sultygov and Others v. Russia***

477. In respect of pecuniary damage the third applicant, as the father of Mr Visadi Samrailov, claimed 273,968 Russian roubles (RUB) (about 6,000 euros (EUR)).

478. The first and second applicants jointly claimed EUR 100,000 in respect of non-pecuniary damage. The third and fourth applicants also claimed EUR 100,000 jointly under this head.

**(b) Application no. 53679/07, *Bekova v. Russia***

479. The applicant, as the mother of Mr Ruslan Yandiyev, claimed RUB 1,666,537 (about EUR 36,000) in pecuniary damage.

480. In respect of non-pecuniary damage, the applicant claimed EUR 60,000.

**(c) Application no. 311/08, *Isayevy v. Russia***

481. The applicants did not claim compensation for pecuniary damage.

482. In respect of non-pecuniary damage the applicants claimed EUR 500,000 jointly.

**(d) Application no. 424/08, *Idigov v. Russia***

483. The applicant did not claim compensation for pecuniary damage.

484. In respect of non-pecuniary damage the applicant claimed EUR 500,000.

**(e) Application no. 3375/08, *Saayeva and Others v. Russia***

485. In respect of pecuniary damage the applicants claimed as follows: the first applicant, as the wife of Mr Idris Saayev, claimed EUR 25,296; the third, fourth and fifth applicants, as his children, claimed EUR 23,026, EUR 26,395 and EUR 28,782 accordingly. The applicants based their calculations on the minimum subsistence income for the Chechen Republic for 2011, which was RUB 5,616 (about EUR 140) for children and RUB 6,445 for adults (about EUR 160).

486. In respect of non-pecuniary damage the applicants claimed EUR 500,000 jointly.

**(f) Application no. 4560/08, *Amerkhanova v. Russia***

487. The applicant did not claim compensation for pecuniary damage.

488. In respect of non-pecuniary damage she asked the Court to award her an amount which it found reasonable in the circumstances of the case.

**(g) Application no. 35569/08, *Dubas and Others v. Russia***

489. The applicants claimed compensation for pecuniary damage as follows: the first and second applicants, as the parents of Ms Milana Ozdoyeva, claimed RUB 835,308 (about EUR 20,400) each; the third applicant as her daughter claimed RUB 396,115 (about EUR 9,700) and the fourth applicant as her son claimed RUB 445,630 (about EUR 11,000). Their calculations were based on Ms Ozdoyeva's average monthly salary as a typist, which was RUB 8,252 (about EUR 200), and the Ogden Actuary Tables.

490. In respect of non-pecuniary damage the applicants claimed EUR 70,000 jointly.

**(h) Application no. 62220/10, *Shakhbiyeva and Others v. Russia***

491. In respect of pecuniary damage the applicants claimed as follows: the first applicant, as the mother of the three abducted men, claimed RUB 2,506,604 (about EUR 55,000). The second applicant, as their father, claimed RUB 2,353,840 (about EUR 52,000). The third applicant, as the son of Mr Ezir-Ali Shakhbiyev, claimed RUB 308,458 (about EUR 6,800) and the fourth applicant, as his wife, claimed RUB 769,317 (about EUR 17,000).

492. The applicants claimed EUR 300,000 jointly in respect of non-pecuniary damage.

**(i) Application no. 3222/11, *Dubayevy v. Russia***

493. In respect of pecuniary damage, the first, second, third and fourth applicants claimed RUB 372,275 (about EUR 8,300), RUB 330,226 (EUR 7,400), RUB 142,983 (EUR 3,200) and RUB 161,352 (EUR 3,600) respectively for the loss of financial support by the family breadwinner. The applicants based their calculations on the subsistence level provided for by domestic law and the Ogden Actuary Tables.

494. In respect of non-pecuniary damage, the five applicants claimed EUR 175,000 jointly.

**(j) Application no. 22257/11, *Tekhiyeva v. Russia***

495. In respect of pecuniary damage the applicant, as the mother of the disappeared, claimed RUB 875,043 (about EUR 19,500).

496. The applicants claimed EUR 100,000 jointly in respect of non-pecuniary damage.

**(k) Application no. 24744/11, *Cholayevy v. Russia***

497. The applicants did not claim compensation for pecuniary damage.

498. As for non-pecuniary damage, the applicants claimed EUR 60,000 jointly.

**(l) Application no. 36897/11, *Titiyeva and Others v. Russia***

499. In respect of pecuniary damage the applicants claimed as follows: The first applicant, as the mother of Mr Apti Medzhidov, claimed RUB 831,053 (about EUR 18,500); the second applicant, as his daughter, claimed RUB 307,059 (about EUR 6,800) and the third applicant, as his sister and the legal guardian of the second applicant, claimed RUB 961,049 (about EUR 21,300). The fourth applicant, as the mother of Mr Akhmed Dudurkayev, claimed RUB 734,862 (about EUR 16,300). The eighth applicant, as the wife of Mr Alu Bultayev, claimed RUB 964,017 (about EUR 21,300); the ninth, tenth and eleventh applicants, as his daughters, claimed RUB 51,135 (about EUR 1,150), RUB 144,683 (about EUR 3,200) and RUB 217,291 (about EUR 4,800) respectively. The twelfth applicant, as the daughter of Mr Visarkhan Dokuyev, claimed RUB 302,703 (about EUR 6,700).

500. The applicants claimed EUR 400,000 jointly in respect of non-pecuniary damage.

*2. The Government*

501. In respect of each application the Government submitted that the applicants' claims in respect of pecuniary damage were unsubstantiated and based on supposition.

502. As for the claims in respect of non-pecuniary damage, the Government stated that they were excessive and that a finding of a violation of the Convention would in itself comprise adequate compensation.

**B. The applicants' request for an investigation**

503. The applicants in the application *Sultygov and Others* (no. 42575/07) also requested, referring to Article 41 of the Convention, that an independent investigation which would comply with the requirements of the Convention be conducted into the disappearance of their relatives.

504. Keeping in mind its findings in *Aslakhanova and Others* (cited above, §§ 220-38) concerning the systemic problem of ineffective investigations into disappearances in the region at the material time, along with its findings in a number of similar cases in which it has decided, with reference to its established principles, that it was most appropriate to leave it to the respondent Government to choose the means to be used in the domestic legal order with a view to discharging their legal obligation under Article 46 of the Convention (see, among other authorities, *Umayeva v. Russia*, no. 1200/03, §§ 123-24, 4 December 2008; *Kukayev v. Russia*, no. 29361/02, §§ 131-34, 15 November 2007; *Lyanova and Aliyeva v. Russia*, nos. 2713/02 and 28440/03, § 160, 2 October 2008; *Medova v. Russia*, cited above, §§ 142-43; and *Mutsolgova and Others v. Russia*, no. 2952/06, § 168, 1 April 2010), the Court does not see any exceptional circumstances which would lead it to reach a different conclusion in the present case.

### C. Costs and expenses

505. The applicants in the applications *Sultygov and Others* (no. 42575/07), *Bekova* (no. 53679/07), *Isayevy* (no. 311/08), *Dubas and Others* (no. 35569/08), *Shakhbiyeva and Others* (no. 62220/10), *Tekhiyeva* (no. 22257/11) and *Titiyeva* (no. 36897/11) were represented by SRJI/Astreya. The aggregate claim in respect of costs and expenses related to the legal representation in each of those cases is as follows:

- in the application *Sultygov and Others* (no. 42575/07) EUR 4,224;
- in the application *Bekova* (no. 53679/07) EUR 5,219;
- in the application *Isayevy* (no. 311/08) EUR 7,936;
- in the application *Dubas and Others* (no. 35569/08) EUR 6,447;
- in the application *Shakhbiyeva and Others* (no. 62220/10) EUR 4,414;
- in the application *Tekhiyeva* (no. 22257/11) EUR 4,556; and
- in the application of *Dubayevy* (no. 3222/11) EUR 4,698.

The amounts claimed covered the drafting of legal documents, translation services, and administrative and postal costs. The applicants in all the cases submitted copies of their legal representation contracts and invoices with a breakdown of the costs incurred.

506. The applicants in the applications *Idigov* (no. 424/08) and *Saayeva and Others* (no. 3375/08) were represented by Mr D. Itslyayev. The aggregate claim in respect of costs and expenses relating to their legal representation amounted to EUR 4,091 and EUR 6,449 accordingly. The amounts claimed covered the drafting of legal documents submitted to the Court, and administrative and postal expenses. The applicants submitted copies of their legal representation contracts and invoices with a breakdown of the costs incurred.

507. The applicant in the application *Amerkhanova* (no. 4560/08) was represented by Memorial Human Rights Centre. The aggregate claim in respect of costs and expenses relating to her legal representation amounted to 1,510 pounds sterling (GBP) (about EUR 1,900). The amount claimed covered the drafting of legal documents submitted to the Court and translation and administrative expenses. The applicant submitted copies of her legal representation contract and invoices with a breakdown of the costs incurred.

508. The applicants in the application *Cholayevy* (no. 24744/11) were represented by Materi Chechni. The aggregate claim in respect of costs and expenses relating to their legal representation amounted to EUR 8,050. No breakdown of costs, explanatory notes or supporting documents were enclosed.

#### **D. The Court's assessment**

509. The Court reiterates that there must be a clear causal connection between the damages claimed by applicants and the violation of the Convention, and that this may, where appropriate, include compensation in respect of loss of earnings. The Court further finds that the loss of earnings applies to close relatives of disappeared persons, including spouses, elderly parents and minor children (see, among other authorities, *Imakayeva*, cited above, § 213).

510. Wherever the Court finds a violation of the Convention, it may accept that the applicants have suffered non-pecuniary damage which cannot be compensated for solely by the findings of violations, and make a financial award.

511. As to costs and expenses, the Court has to establish first whether these costs and expenses were actually incurred and, second, whether they were necessary (see *McCann and Others v. the United Kingdom*, 27 September 1995, § 220, Series A no. 324, and *Fadeyeva v. Russia*, no. 55723/00, § 147, ECHR 2005-IV).

512. Having regard to its above conclusions, the principles enumerated above and the parties' submissions, the Court awards the amounts to the applicants as detailed in Appendix II, plus any tax that may be chargeable to the applicants on those amounts. The awards in respect of costs and expenses are to be paid into the representatives' bank accounts, as specified by the applicants.

#### **E. Default interest**

513. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Dismisses* the Government's objection regarding *locus standi* in respect of applications *Sultygov and Others* (no. 42575/07) and *Idigov* (no. 424/08);
3. *Decides* to join to the merits the Government's objection as to the applicability of Article 2 of the Convention and *rejects* it;
4. *Declares* the complaints under Articles 2, 3, 5 and 13 admissible, and the remainder of the applications inadmissible;
5. *Holds* that there has been a substantive violation of Article 2 of the Convention in respect of the applicants' relatives Mr Alikhan Sultygov, Mr Visadi Samrailov, Mr Ruslan Yandiyev, Mr Nurdi Isayev, Mr Anzor Idigov, Mr Idris Saayev, Mr Rustam Amerkhanov, Ms Milana Ozdoyeva, Mr Ezir-Ali Shakhbiyev, Mr Abzu Shakhbiyev, Mr Sayd-Magomed Shakhbiyev, Mr Sharpudi Dubayev, Mr Magomed-Salakh Tekhiyev, Mr Timerlan Cholayev, Mr Apti Medzhidov, Mr Akhmed Dudurkayev, Mr Visarkhan Dokuyev and Mr Alu Bultayev;
6. *Holds* that there has been a procedural violation of Article 2 of the Convention in respect of the failure to investigate the disappearance of the applicants' relatives;
7. *Holds* that there has been a violation of Article 3 of the Convention in respect of the applicants, on account of their relatives' disappearance and the authorities' response to their suffering;
8. *Holds* that there is no need to examine separately the complaint under Article 3 of the Convention in respect of alleged ill-treatment of Mr Alikhan Sultygov and Mr Visadi Samrailov;
9. *Holds* that there has been a violation of Article 5 of the Convention in respect of the applicants' relatives on account of their unlawful detention;
10. *Holds* that there has been a violation of Article 13 of the Convention in conjunction with Articles 2 and 3 of the Convention;

11. *Holds*

(a) that the respondent State is to pay the applicants (in relation to application no. 42575/07 to Mr Viskhan Samrailov and in relation to application no. 424/08 to Ms Tamara Idigova), within three months of the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts indicated in Appendix II, plus any tax that may be chargeable to the applicants. The awards in respect of costs and expenses are to be paid into the applicants' representatives' bank accounts indicated by the applicants; the payments are to be made in euros in respect of the applicants represented by SRJI/Astreya, in pounds sterling in respect of the applicants represented by the Memorial Human Rights Centre/EHRAC and in the currency of the respondent State in respect of the applicants represented by Mr D. Itslayev and Materi Chechni;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

## 12. Dismisses the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 9 October 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen  
Registrar

Isabelle Berro-Lefèvre  
President

**APPENDIX I**  
Details of the applications

No.	Application no., name, date of lodging and communication to the Respondent Government	Applicants	Represented by	Persons disappeared, year of birth, date and place of abduction	Investigation of the disappearance
1.	<b>42575/07 Sultygov and Others v. Russia</b>  Lodged on 17/09/2007  Communicated on 27/08/2009	<b>(1) Mr Gerikhan Sultygov</b> <b>(2) Ms Fatima Sultygova</b>  <b>(3) Mr Musadi Samrailov</b> (passed away on 03/02/2013). <b>Mr Viskhan Samrailov</b> pursued the application on his behalf  <b>(4) Ms Maus Nasayeva</b>	SRJI/ Astreya	<b>(1) Mr Alikhan Sultygov</b> (1969) <b>(2) Mr Visadi Samrailov</b> (1964)  Abducted on 4 August 2000 at checkpoint on the outskirts of Grozny, Chechnya	On 17 March 2001 the Leninskiy district prosecutor's office opened criminal case no. 11094. The investigation is still pending.
2.	<b>53679/07 Bekova v. Russia</b>  Lodged on 22/11/2007  Communicated on 13/01/2011	<b>Ms Fatima Bekova</b>	SRJI/ Astreya	<b>Mr Ruslan Yandiyev</b> (1982)  Abducted on 29 September 2005 in Nazran, Ingushetia	On 9 October 2005 the Nazran town prosecutor's office opened criminal case no. 05560115. The investigation is still pending.
3.	<b>311/08 Isayevy v. Russia</b>	<b>(1) Ms Zeyna Isayeva</b> <b>(2) Ms Raisa Isayeva</b>	SRJI/ Astreya	<b>Mr Nurdi Isayev</b> (1979)  Abducted on 3 February 2000 in	On 23 February 2001 the Achkhoy-Martan district prosecutor's office opened criminal case no. 27009. The investigation is still pending.

	Lodged on 06/12/2007  Communicated on 13/01/2010			Valerik, Chechnya	
4.	<b>424/08 Idigov v. Russia</b>  Lodged on 23/10/2007  Communicated on 05/01/2010	<b>Mr Tukhan Idigov</b> , (passed away on 5 January 2013). <b>Ms Tamara Idigova</b> pursued the application on his behalf	Mr D. Itslayev	<b>Mr Anzor Idigov</b> (1976)  Abducted on 4 May 2003 in Shalazhi, Chechnya	On 18 May 2003 the Urus-Martan district prosecutor's office opened criminal case no. 34059. The investigation is still pending.
5.	<b>3375/08 Saayeva and Others v. Russia</b>  Lodged on 28/11/2007  Communicated on 19/01/2011	(1) <b>Ms Larisa Saayeva</b> (2) <b>Ms Mariyat Beksultanova</b> (3) <b>Mr Islam Saayev</b> (4) <b>Ms Lala Saayeva</b> (5) <b>Ms Iman Saayeva</b>	Mr D. Itslayev	<b>Mr Idris Saayev</b> (1978)  Abducted on 3 March 2006 in Grozny, Chechnya.	On 6 April 2006 the Staropromyslovskiy district prosecutor's office opened criminal case no. 53037. The investigation is still pending.
6.	<b>4560/08 Amerkhanova v. Russia</b>  Lodged on 24/12/2007  Communicated on 26/01/2010	<b>Ms Dzayanu Amerkhanova</b>	The Memorial Human Rights Centre	<b>Mr Rustam Amerkhanov</b> (1978)  Abducted on 3 November 2002 in Shalazhi, Chechnya	On 12 November 2002 the Urus-Martan district prosecutor's office opened criminal case no. 61151. The investigation is still pending.

7.	<b>35569/08 Dubas and Others v. Russia</b>  Lodged on 15/07/2008  Communicated on 26/01/2011	<b>(1) Ms Lyubov Dubas</b>  <b>(2) Mr Bislan Magomadov</b>  <b>(3) Ms Sara Ozdojeva</b>  <b>(4) Mr Riyyadus-Solikhiyn Ozdojev</b>	SRJI/ Astreya	<b>Ms Milana Ozdojeva (1982)</b>  Abducted on 19 January 2004 in Katyry-Yurt, Chechnya	On 29 January 2004 the Achkhoy-Martan district prosecutor's office opened criminal case no. 38004. The investigation is still pending.
8.	<b>62220/10 Shakhbiyeva and Others v. Russia</b>  Lodged on 11/10/2010  Communicated on 03/11/2011	<b>(1) Ms Tamara Shakhbiyeva</b>  <b>(2) Mr Khuseyn Shakhbiyev</b>  <b>(3) Mr Saifulla Shakhbiyev</b>  <b>(4) Ms Khedi Khizrayeva</b>	SRJI/ Astreya	<b>(1) Mr Ezir-Ali Shakhbiyev (1974)</b>  <b>(2) Mr Abzu (also spelt Abza) Shakhbiyev (1977)</b>  <b>(3) Mr Sayd-Magomed Shakhbiyev (1978)</b>  Abducted on 4 September 2000, Tsotsi-Yurt, Chechnya	On 13 August 2001 the Kurchaloy district prosecutor's office opened criminal case no. 39051. The investigation is still pending.
9.	<b>3222/11 Dubayev v. Russia</b>  Lodged on 20/12/2010  Communicated on 08/06/2011	<b>(1) Ms Saykhat Dubayeva</b>  <b>(2) Mr Shirvani Dubayev</b>  <b>(3) Ms Zalina Dubayeva</b>  <b>(4) Mr Shamkhan Dubayev</b>  <b>(5) Mr Shamil Dubayev</b>	SRJI/ Astreya	<b>Mr Sharpudi Dubayev (1977)</b>  Abducted on 20 November 2002 next to Berkat-Yurt, Chechnya	On 28 September 2003 the Grozny district prosecutor's office opened criminal case no. 42169. The investigation is still pending.

10.	<b>22257/11 Tekhiyeva v. Russia</b>  Lodged on 01/04/2011  Communicated on 03/11/2011	<b>Ms Malkan Tekhiyeva</b>	SRJI/ Astreya	<b>Mr Magomed-Salakh Tekhiyev</b> (1983)  Abducted on 4 May 2004, Serzhen-Yurt, Chechnya	On 5 June 2004 the Shali district prosecutor's office opened criminal case no. 36051. The investigation is still pending.
11.	<b>24744/11 Cholayevy v. Russia</b>  Lodged on 17/03/2011  Communicated on 03/11/2011	<b>(1) Ms Khava Cholayeva</b>  <b>(2) Mr Aslan Cholayev</b>  <b>(3) Ms Eliza Cholayeva</b>	Materi Chechni	<b>Mr Timerlan Cholayev</b> (1978)  Abducted on 12 October 2001, Argun, Chechnya	On 9 January 2002 the Shali district prosecutor's office opened criminal case no. 78012. The investigation is still pending.
12.	<b>36897/11 Titiyeva and Others v. Russia</b>  Lodged on 10/06/2011  Communicated on 03/11/2011	<b>(1) Ms Layla Titiyeva</b>  <b>(2) Ms Khava Medzhidova</b>  <b>(3) Ms Medina Akhamdova</b>  <b>(4) Ms Zulay Dudurkayeva</b>  <b>(5) Mr Ruslan Dudurkayev</b>  <b>(6) Ms Makka Dokuyeva</b>  <b>(7) Mr Ramazan Dokuyev</b>	SRJI/Astreya	<b>(1) Mr Aпти Medzhidov</b> (1975)  <b>(2) Mr Akhmed Dudurkayev</b> (1979)  <b>(3) Mr Visarkhan Dokuyev</b> (1971)  <b>(4) Mr Alu (Adlan) Bultayev</b> (1968)  Abducted on 16 July 2000 in Grozny, Chechnya	On 6 November 2000 the Grozny town prosecutor's office opened criminal case no. 12239. The investigation is still pending.

		<b>(8) Ms Zina Akhmedova</b> <b>(9) Ms Khedi Bultayeva</b> <b>(10) Ms Khadizhat Bultayeva</b> <b>(11) Ms Gistam Bultayeva</b> <b>(12) Ms Khava Dokuyeva</b>			
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**APPENDIX II**

Awards made by the Court under Article 41 of the Convention

	<b>Application number and name</b>	<b>Represented by</b>	<b>Pecuniary damage</b>	<b>Non-pecuniary damage</b>	<b>Costs and expenses</b>
1.	<b>42575/07 Syltigov and Others v. Russia</b>	SRJI/Astreya	EUR 5,000 (five thousand euros) to the third applicant	EUR 60,000 (sixty thousand euros) to the first and second applicants jointly and EUR 60,000 (sixty thousand euros) to the third and fourth applicants jointly	EUR 3,000 (three thousand euros)
2.	<b>53679/07 Bekova v. Russia</b>	SRJI/Astreya	EUR 10,000 (ten thousand euros)	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
3.	<b>311/08 Isayevy v. Russia</b>	SRJI/Astreya	-	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
4.	<b>424/08 Idigov v. Russia</b>	Mr D. Itslayev	-	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
5.	<b>3375/08 Saayeva and Others v. Russia</b>	Mr D. Itslayev	EUR 10,000 (ten thousand euros) to the first applicant and EUR 4,000 (four thousand euros) to the third, fourth and fifth applicants each;	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
6.	<b>4560/08 Amerkhanova v. Russia</b>	The Memorial Human Rights Centre	-	EUR 60,000 (sixty thousand euros)	EUR 1,900 (one thousand nine hundred euros)
7	<b>35569/08 Dubas and Others</b>	SRJI/Astreya	EUR 3,000 ( three thousand euros) to the first and second	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)

	<b>v. Russia</b>		applicants each and EUR 4,000 (four thousand euros) to the third and fourth applicants each		
8	<b>62220/10 Shakhbiyeva and Others v. Russia</b>	SRJI/Astreya	EUR 27,000 (twenty-seven thousand euros) to the first and second applicants each; EUR 5,000 (five thousand euros) to the third applicant and EUR 10,000 (ten thousand euros) to the fourth applicant	EUR 180,000 (one hundred and eighty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
9	<b>3222/11 Dubayevy v. Russia</b>	SRJI/Astreya	EUR 5,000 (five thousand euros) to the first and second applicants each and EUR 3,000 (three thousand euros) to the third and fourth applicants each	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
10	<b>22257/11 Tekhiyeva v. Russia</b>	SRJI/Astreya	EUR 10,000 (ten thousand euros)	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
11	<b>24744/11 Cholayevy v. Russia</b>	Materi Chechni	-	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 1,000 (one thousand euros)
12	<b>36897/11 Titiyeva and Others v. Russia</b>	SRJI/Astreya	EUR 10,000 (ten thousand euros) to the first applicant; EUR 5,000 (five thousand euros) to the second applicant; EUR 10,000 (ten thousand euros) to the third applicant;	EUR 240,000 (two hundred and forty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)

			EUR 10,000 (ten thousand euros) to the fourth applicant; EUR 10,000 (ten thousand euros) to the eighth applicant EUR 1,000 (one thousand euros) to the ninth applicant; EUR 2,500 (two thousand euros five hundred euros) to the tenth and eleventh applicants each; EUR 5,000 (five thousand euros) to the twelfth applicant		
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