



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

FIRST SECTION

Application no. 8372/07
Akhmet Alikhanovich TSUROYEV
against Russia
lodged on 11 January 2007

STATEMENT OF FACTS

The applicant, Mr Akhmet Alikhanovich Tsuruyev, is a Russian national who was born in 1979 and is currently serving a sentence of imprisonment in a unspecified penitentiary establishment.

He was represented before the Court by Mr A.Y. Gaytayev, a lawyer practising in the city of Moscow.

The facts of the case, as submitted by the applicant, may be summarised as follows.

A. The background of the case

On 21 and 22 June 2004 the town of Nazran came under attack by a organised group of armed insurgents, which left 78 persons dead and 113 wounded.

B. The applicant's arrest and subsequent events

The applicant was arrested shortly after the above-described events in Nazran. The authorities interviewed the applicant, having forced him to confess by heavily and continuously beating him. According to the applicant, his legal aid lawyer Kh. appointed by the investigation acted against him.

The applicant alleges that he asked to examine his medical condition on 11 September 2006 and that this request remained unanswered. He also mentioned that he had been unable to communicate with the outside world during the proceedings.

As a result of the investigation, the applicant was charged as one of the core participants in the attack in the town of Nazran under the following provisions of the domestic law: Articles 30 § 3 (attempted crime),

105 § 2 (a), (e), (zh), (z) (murder of more than two persons, committed with a socially dangerous method, in an organised and armed group, for hire), 127 § 3 (unlawful deprivation of liberty), 162 § 4 (a) and (v) (robbery, as part of an organised group, accompanied with infliction of serious bodily harm on a victim), 166 § 4 (unlawful taking of car or other vehicle), 205 § 3 (terrorist act), 208 § 2 (setting up of unlawful armed formation and participation in it), 209 § 2 (participation in an armed formation created to attack citizens and organisation), 222 § 3 (traffic of arms), 226 § 4 (a), (b) (theft of arms and ammunition), 317 (attack on a law enforcement officer).

C. The trial and appeal proceedings

By judgment of 3 August 2005 the Supreme Court of the Republic of Ingushetiya, sitting in the jury composition, examined the charges against the applicant and found the applicant guilty as charged. The applicant was given a sentence of twenty five years of imprisonment in a prison of a strict regime (the first five years to be served in an ordinary prison).

This judgment was upheld on appeal by the Supreme Court on 10 October 2006.

The applicant and his counsel complained about the ill-treatment repeatedly throughout the trial and appeal proceedings. These complaints were apparently ignored.

COMPLAINTS

1. The applicant complained under Article 3 of the Convention that he had been ill-treated and coerced into giving false self-incriminating evidence.

2. Relying on Article 6 of the Convention, the applicant was also dissatisfied with his criminal conviction relating to the events of 21-22 June 2004 in the town of Nazran and the use of the evidence obtained under torture.

QUESTIONS TO THE PARTIES

1. Was the applicant subjected to a treatment contrary to Article 3 of the Convention? The Government are invited to submit all interrogation, arrest and search records (as well as any video footage) of the applicant in their possession (those contained in the court's criminal case and **also** those contained in the prosecution case file among the evidence not disclosed during the trial) as well as records of these persons' statements during the trial and their bills of indictment.

2. The Government are requested to produce copies of the applicant's all medical records from the remand prisons, temporary detention centres and other locations at which he was detained during the investigation of the criminal case against him. The information and documents provided should indicate the applicant's exact diagnosis and anamnesis, as well as the treatment and medication provided to him, if any.

3. When was the applicant's family informed about his arrest and detention? Who was/were the applicant's counsel(s) throughout the proceedings starting from the moment of his arrest? Were they legal aid or paid counsel? Was the applicant furnished with any detailed information concerning the availability and contact information of legal aid and paid counsel and did he have the right to choose one of them and enter into contact with him/her/them and an effective opportunity to do so? Was any investigation conducted into the allegations of ill-treatment of the applicant or any of his co-accused and, if so, what was its outcome? In this connection, the Government are requested to submit copies of relevant documents from the domestic case file.

4. Were the criminal proceedings against the applicant fair within the meaning of Article 6 of the Convention? In particular, did the courts use the applicant's self-incriminatory statements or any evidence originating from such statements during the trial? In view of the applicant's allegations under Article 3 of the Convention, can it be said that the use of such evidence rendered the proceedings unfair? In view of the applicant's allegations of pressure, coercion and inability to communicate with the outside world, were the rights set out in Article 6 § 3 (b) and (c) respected?

5. In view of the applicant's allegations of pressure, coercion and inability to communicate with the outside world, can it be said that in connection with each of the mentioned grievances (Articles 3 and 6 of the Convention) the applicant had an effective remedy within the meaning of Article 13 of the Convention to complain about the relevant events?