



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

FIRST SECTION

Application no. 18011/12  
Ibragim Isayevich TSECHOYEV  
against Russia  
lodged on 27 March 2012

**STATEMENT OF FACTS**

THE FACTS

The applicant, Mr Ibragim Tsechoyev, who was born in 1983, is a Russian national who lives in Ordzhenikidzevskaya, Ingushetia. He is represented before the Court by lawyers of Legal Assistance Astreya, an NGO practising in Moscow. The applicant is the brother of Mr Abu-Bakar (also spelt as Abubakar) Tsechoyev, who was born in 1978. According to the applicant, his brother Abu-Bakar was abducted on 22 March 2012 by State agents.

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

**The circumstances of the case**

The applicant alleges that his brother was abducted by State agents in the evening of 22 March 2012 from the place of his work at the water station in the settlement of Ordzhenikidzevskaya, Ingushetia. According to the applicant's submission, a group of about ten men in camouflage uniforms and masks armed with automatic weapons broke into the station, tied the employees, took them into separate rooms and subjected them to beatings. Then they took Abu-Bakar Tsechoyev outside, forced him in one of their UAZ-brand vehicles and drove away in the direction of Chechnya. They were supposed to pass through a checkpoint located on the border between Ingushetia and Chechnya, on the auto route Ordzhenikidzevskaya - Sernovodsk. Later in the evening, one of the colleagues of the abducted man

managed to set himself free; he untied the two others and informed the applicant about the abduction.

The applicant immediately, early in the morning of 23 March 2012, complained about the abduction to the Sunzhenskiy district department of the interior (Sunzhenskiy ROVD) and the Sunzhenskiy district prosecutor.

On 23 March 2012 investigators examined the crime scene. On 24 March 2012 the Sunzhenskiy District Investigations Department initiated a criminal investigation into the abduction under Articles 126 § 2 of the Criminal Code (aggravated abduction) and the case file was given the number 12600026.

On 24 March 2012 the applicant was granted victim status in the criminal proceedings.

On 27 March 2012 the applicant requested the Court to apply Rules 39-41. On 28 March 2012 the President decided to put factual questions to the Government and requested that they produced relevant documents from the investigation file.

On 25 April 2012 the Government informed the Court that they did not have any information concerning the whereabouts of the applicant's brother or his possible involvement in illegal armed groups. They did not dispute the facts as presented by the applicant. The Government provided copies of documents from the investigation file comprising 49 pages and reflecting the measures taken by the investigation from 23 March to 25 April 2012. The latter included only information requests to local law-enforcement bodies and detention centres, all dated 17 April 2012, and one request to a local telephone company, dated 3 April 2012. No documents reflecting any other urgent investigative steps, such as crime scene and forensic reports or witness statements have been furnished to the Court.

The above information was submitted to the applicant for comments. On 3 July 2012 they informed the Court that they had nothing to add either to their request for the application of Rules 39-41 or to comment on the information furnished by the Government.

## COMPLAINTS

Referring to Articles 5 and 13 the applicant alleges that his brother had been unlawfully arrested and detained by State agents on the suspicion of illegal activities.

**QUESTIONS TO THE PARTIES**

1. The Government are requested to inform the Court whether on 22 March 2012 Mr Abu-Bakar Tsechoyev was arrested in Ordzhenikidzevskaya, Ingushetia. If so, have the persons who detained him been identified and questioned in the context of the investigation into his abduction? If the applicant's brother was arrested, then on what legal basis and what happened to him afterwards?

2. Was Mr Abu-Bakar Tsechoyev deprived of his liberty, within the meaning of Article 5 § 1 of the Convention? If such detention took place, was it in compliance with the guarantees of Article 5 §§ 1 – 5 of the Convention?

3. Has the applicant had at his disposal effective domestic remedies in relation to the alleged violation of Article 5 of the Convention, as required by Article 13 of the Convention?

4. The Government are requested to submit a copy of the entire investigation file in criminal case no. 12600026 instituted in connection with the abduction of Mr Abu-Bakar Tsechoyev.