



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

FIRST SECTION

Application no. 30478/08
Muslim Zayndiyevich ZULKARNAYEV
against Russia
lodged on 5 June 2008

STATEMENT OF FACTS

The applicant, Mr Muslim Zulkarnayev, is a Russian national, who was born in 1977 and is currently serving a term of imprisonment in correctional colony IK-4 in the Mariy-El Republic. He is represented before the Court by lawyers of Stichting Russian Justice Initiative, an NGO based in the Netherlands with a representative office in Russia.

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

A. The applicant's apprehension and alleged ill-treatment

In 2006 the applicant and his wife resided in the village of Soltovo, in the Volgograd Region.

On 15 April 2006 the applicant was apprehended outside his house by a group of men, including those wearing police uniforms, handcuffed and placed in a trunk of a Niva vehicle which swiftly took off. Fifteen to twenty minutes later the car stopped and the applicant was forced outside the trunk after which he saw two Gazel vehicles. At that moment he received a blow on his head after which he was blindfolded and placed in one of the Gazel vehicles under the feet of police officers who were inside and they drove off. On the way he heard the police officers say that he should be "given the third degree". Subsequently the vehicle with the applicant stopped on several occasions, he was taken outside, led into unknown buildings and beaten up. After a while the applicant was taken to a building with high stairs, a black plastic bag was put over his head and he was handcuffed to a radiator in such a position that he could neither stand upright nor sit but was suspended. The officers who arrested the applicant told him that they belonged to the Main Intelligence Service (hereinafter also "the GRU"). They left him in the room where he was handcuffed and returned there

occasionally to hit him with a bottle or a book on his head. They also made small cuts on his body with a knife. After that the applicant was interrogated in an office where there were many computers and other office equipment. He was interrogated about Chechnya and made sign some papers the content of which remained unknown to him. On each occasion when his replies did not satisfy the officers, they hit him on his head. Shortly after he had signed the papers, they gave him a pair of shoes of 45 size (the applicant had been arrested in house slippers) and told him that he would be transferred to the Federal Security Service (hereinafter also “the FSB”).

In the applicant’s submission, he is unable to indicate for how long he stayed at the FSB premises but after a while he was transferred from there to the Volgograd Department for the Fight against Organised Crime (hereinafter also “the Volgograd RUBOP”). At the premises of the RUBOP he was placed in an office in which at a certain moment arrived the deputy head of the RUBOP. He threw the applicant on the floor and started hitting him on his head and neck, requesting that he confirmed that individuals from Chechnya residing in the Soltovo village unlawfully possessed arms. After that the applicant was brought to a remand prison in Volgograd where he was held during several days.

On an unspecified date in April 2006 the applicant was transferred back to the RUBOP premises where police officers beat him up, requesting that he confessed to having committed several crimes in Dagestan. After that the RUBOP officers handed the applicant over to their colleagues from the Khasavyurt RUBOP of Dagestan who were plain-clothed. They put the applicant in their VAZ-99 vehicle and left Volgograd together with him to arrive in Khasavyurt, the Dagestan Republic, on the night of the following day.

At night on an unspecified date in April 2006 the vehicle with the RUBOP officers and the applicant arrived at the premises of the Khasavyurt RUBOP, where he was placed in a “torture room” which was located at the first floor and had no furniture. The applicant was cuffed to the radiator and RUBOP officers, other than those who had brought him to Khasavyurt, interrogated the applicant during the entire night. In the morning the applicant confessed to having committed all crimes about which he was told and signed all papers given to him by the officers.

On 25 April 2006 investigator of the prosecutor’s office of the Nozhay-Yurtovskiy District, the Chechen Republic, (hereinafter “the district prosecutor’s office”) compiled an arrest record in respect of the applicant. The document stated that the applicant had been arrested at 5.20 p.m. on 25 April 2006 on the premises of the Khasavyurt RUBOP as a person whose name had been put on a wanted list. It also stated that the applicant was to be transferred to “the police ward of the Temporary Department of the Interior of the Nozhay-Yurtovskiy District”, the Chechen Republic, (hereinafter also “the Nozhay-Yurtovskiy VOVD”). After that the applicant was taken to the Dagestan Department of the FSB, from which four to five hours later armed convoy officers of the Nozhay-Yurtovskiy VOVD took him to the police ward of the Nozhay-Yurtovskiy VOVD. In the applicant’s submission, from the conversation he overheard his convoy officers were contract soldiers from Tula.

Upon his admission to the police ward of the Nozhay-Yurtovskiy VOVD the applicant was examined by an on-duty doctor who recorded bruises as well as slashes on the applicant's body in the police ward logbook. However, in the applicant's submission, those documents subsequently went missing. After his registration in the police ward the applicant was taken outside to a green train carriage which contained a "torture room" equipped with such instruments as hammers, needles and awls. There the applicant was tortured into confessing to a number of crimes, his torturers interrogating him and describing to him in detail how he had committed all those offences. He was told to remember all relevant details, which he did.

By decision of 26 April 2006 the Gudermes Town Court authorised the applicant's placement in custody, noting that he was suspected of participation in illegal armed groups and unlawful possession of arms. On the same date the applicant had access to his lawyer N.M. The applicant did not listen to his lawyer's advice because he was too afraid that, if he retracted his statements or complained about the ill-treatment, his torture would continue.

After the hearing the applicant was brought back to the police ward of the Nozhay-Yurtovskiy VOVD, where he was held for the following forty two days, in appalling conditions. In the police ward he was visited by VOVD police officers, servicemen, officers of the Operational and Search Bureau no. 2 of the North Caucasus Department of the Ministry of the Interior in the Southern Federal Circuit (hereinafter also "ORB-2"), the Chechen and Dagestan FSB departments and the RUBOP officers of the Chechen Republic. They all beat the applicant up when interrogating him on the criminal cases they were investigating. In the applicant's submission, those persons and, in particular, the head of the Nozhay-Yurtovskiy VOVD, the head of the criminal department of that VOVD and "a wounded man" persistently exerted pressure on him. They not only beat him up but also consistently threatened him with rape and told him that they would shoot him dead.

It appears that the criminal investigation against the applicant was first carried out by the prosecutor's office of the Nozhay-Yurtovskiy District and on an unspecified date in July 2006 it was entrusted to investigator S. of the prosecutor's office of the Chechen Republic (hereinafter also "the republican prosecutor's office").

From the documents submitted by the applicant it follows that on 1, 3 and 4 May 2006 he gave eleven "confession statements" (*явка с повинной*), admitting his guilt in a number of violent crimes, including unlawful possession of arms, participation in illegal armed groups, terrorist attacks, explosions and assaults on law-enforcement officials in various parts of the Chechen Republic and on various dates. According to records of confession statements (*протокол явки с повинной*), all those statements were given by the applicant to a certain police officer K. of the Nozhay-Yurtovskiy VOVD, on the VOVD premises. None of those documents indicated that the "confessions" were given in the presence of a lawyer.

On an unspecified date in 2006 the applicant was transferred to ORB-2 where he was also ill-treated.

On an unspecified date in 2006 investigator S. brought the applicant to the premises of the prosecutor's office of the Chechen Republic in Grozny,

where he interviewed him in the presence of his lawyer N.M. Given that the applicant confessed only to his participation in illegal armed groups and denied participation in terrorist attacks and other crimes imputed to him, S. got angry and brought him back to ORB-2 where two police officers – one of them bald and another having several gold teeth severely beat the applicant up. The injuries sustained by the applicant on that occasion had been witnessed by his co-detainee R.E., who was held in the same cell in the police ward of ORB-2. Subsequently, after each interrogation by the investigators of the republican prosecutor's office, when the applicant refused to confirm what was requested of him, he was transferred back to ORB-2 and beaten up.

In the applicant's submission, on an unspecified date, when he was held in ORB-2, investigator S. visited him there and brought a doctor with him, who had recorded the applicant's injuries, including a scar on his leg as a result of ill-treatment by GRU officers and bruises which he had sustained as a result of torture by officers of ORB-2. However, the relevant documents subsequently disappeared.

On an unspecified date in 2006, about eight months after the applicant's arrest, investigator S. visited the applicant in ORB-2 and told him that he was capable of prolonging the investigation for the next two years, during which the applicant's ill-treatment would continue, he would be raped and his relatives would also suffer the same fate. After that and under pressure from S. the applicant refused the services of his lawyer N.M. and started doing as S. told him. In a week the investigation was terminated.

According to certificate dated 18 December 2006 and issued by the acting head of remand prison IZ-20/1 in Grozny, in the time span between 29 May and 1 December 2006 the applicant was held in the remand prison on the following dates:

- from 29 May to 5 June 2006;
- from 14 to 31 July 2006;
- from 15 to 21 August 2006;
- from 25 August to 8 September 2006;
- from 21 to 25 September 2006; and
- from 27 September to 1 December 2006.

From the same certificate it follows that the applicant was transferred from the remand prison to the police ward of the Department of the Interior of the Nozhay-Yurtovskiy District (hereinafter also "the Nozhay-Yurtovskiy OVD") and returned to the remand prison on the following dates:

- from 5 June to 14 July 2006;
- from 31 July to 15 August 2006; and
- from 21 to 25 August 2006.

According to the same certificate, the applicant was transferred from the remand prison to the police ward of ORB-2 and returned back to the remand prison between the following dates:

- from 8 to 21 September 2006; and
- from 25 to 27 September 2006.

According to a copy of the applicant's medical file from remand prison IZ-20/1, which is mostly illegible, it appears that during the period from an unspecified date in May 2006 and to 10 January 2007, no bodily injuries were recorded on him. On 4 September 2006 the applicant complained

about persistent headaches, shivering in his hands and excessive sweating and in October 2007 he was diagnosed with parodontosis.

According to excerpts from logbooks of persons detained in the police ward of ORB-2, the applicant was held there from 8 to 21 September and from 25 to 27 September 2006. According to a copy of the medical logbook of primary medical examination of persons admitted to the police ward of the ORB-2, in so far as it is legible, an entry dated 8 September 2006, states as follows:

“At the moment of primary examination was discovered: a scar on the knee-joint on the left limb [sustained] as a result of arrest in April 2006; no other bodily injuries discovered”.

There is no indication that at the material time the applicant complained about his alleged ill-treatment to any competent authorities.

B. Proceedings concerning the applicant’s alleged ill-treatment and the criminal case against him

On an unspecified date in 2007 the criminal case against the applicant was sent for trial to the Supreme Court of the Chechen Republic.

1. Relevant information from the trial record

According to the trial record, before the trial court the applicant confirmed that he had joined an illegal armed group but denied that he had participated in its terrorist attacks on two villages and assaults on law-enforcement officials. He submitted that he had been arrested in the Volgograd Region and subsequently subjected to continuous ill-treatment on the part of law-enforcement officials, including RUBOP officers in Volgograd and Dagestan and the Nozhay-Yurtovskiy VOVD. The ill-treatment included hitting him with fists and plastic bottles filled with water, kicking him and threatening him with rape, as well as the rape of his family members. The applicant further stated that he had told his lawyer about the ill-treatment but had asked him not to lodge any complaints because he feared that the torture, in the absence of his lawyer, would continue, which, in reality, occurred each time the lawyer had not been present and the applicant had been at the hands of the authorities. He submitted that those persons who had beaten him up had intentionally held him on the premises of their authorities for so long as to make the ill-treatment injuries disappear. He further stated that his co-detainees I.Ts., R.D. and R.E., who had been held together with him in the Novalakskiy Department of the Interior in the Dagestan Republic (hereinafter also “the Novalakskiy ROVD”), the Nozhay-Yurtovskiy VOVD and ORB-2, had witnessed his injuries and could confirm his allegations.

The applicant’s wife confirmed that the applicant had been arrested on 15 April 2006 and submitted that on the following day police officers had searched their house and had explained her that her husband had been arrested because of participation in illegal armed groups.

Mr R.D. submitted that he had seen the applicant in the Nozhay-Yurtovskiy VOVD on 11 May 2006 when the latter had told the police officers, pointing at him, that “he had seen R.D. in the forest”. At that

moment the applicant had a wound on an arm, his other arm was broken and he had many bruises. R.D. had subsequently seen the applicant in the remand prison, beaten up after overnight interrogations. R.D. had seen on the applicant's body traces of ill-treatment – such as, bruises on his head. According to R.D., police officers from Tula repeatedly took the applicant away overnight and when they returned him back they had to drag him. R.D. stated that he did not know who beat the applicant up but that the authorisation for the applicant's transfers had been signed by the prosecutor.

I.Ts. submitted that he had been placed in the remand prison on 11 July 2006 and had stayed there seven days. He stated that during his stay in the remand prison the applicant had been ill-treated at least on four occasions and that he had seen bruises on his body. On one occasion the applicant had been simply thrown in the cell, he could not move or eat and had a severe headache. He had been hit with plastic bottles on his head.

2. Inquiry into the alleged ill-treatment ordered by the trial court

On 28 March 2007 the trial court granted the prosecution request and ordered the prosecutor's office of the Chechen Republic to carry out an inquiry into the ill-treatment to which the applicant, as well as several other persons, who had been interviewed as witnesses in his case, had been allegedly subjected.

(a) Decision refusing to institute criminal proceedings of 24 April 2007

By a decision of 24 April 2007 investigator V. of the republican prosecutor's office refused to institute criminal proceedings into the applicant's alleged ill-treatment. The decision noted that the applicant was accused of participation in illegal armed groups, a number of terrorist attacks and assaults on law-enforcement officials. The criminal investigation had been initially conducted by the prosecutor's office of the Nozhay-Yurtovskiy District and in July 2006 had been entrusted to investigator S. of the republican prosecutor's office. According to the decision, the applicant submitted that he had been arrested on 21 April 2006 in the village of Soltovo, Volgograd Region, by police officers who had then repeatedly beaten him up in various places of detention in Volgograd. Subsequently he had been transferred to Khasavyurt and on 25 April 2006 investigator A. of the prosecutor's office of the Nozhay-Yurtovskiy District had recorded his detention, following which the applicant had been transferred to the police ward of the Nozhay-Yurtovskiy VOVD. There the applicant had been repeatedly beaten up by police officers of that authority. In his submission, those police officers had been from Tula and after the expiry of their service missions they had returned there. From that VOVD the applicant had been on several occasions transferred to the police wards of the Novolakskiy ROVD and the Khasavyurtovskiy Department of the Interior in the Dagestan Republic (hereinafter also "the Khasavyurtovskiy ROVD"), so as to make his bodily injuries disappear. As a result of his repeated beatings the applicant had confessed to all the crimes, as requested by the investigating authorities, and had also admitted his guilt during his interrogations in the presence of his lawyer, fearing further ill-treatment. In September 2006 two officers of ORB-2 interrogated the applicant, requesting that he confessed to terrorist attacks on two villages in Chechnya.

In the applicant's submission, his co-detainees and witnesses in his criminal case, including I.Ts. and R.D., had witnessed his bodily injuries. The decision further stated that it proved impossible to interview I.Ts and R.D., owing to the fact that they had been convicted and transferred to correctional colonies in other regions to serve their sentences.

Investigator V. stated that the Nozhay-Yurtovskiy OVD was not equipped with a police ward and that, accordingly all arrestees and detainees had been held in the police ward of the Nozhay-Yurtovskiy VOVD. In 2006, after the expiry of their mission term officers of the Nozhay Yurtovskiy VOVD left the Chechen Republic, having failed to pass over to the Nozhay-Yurtovskiy ROVD the logbooks of detainees held in the VOVD (*книга учета лиц, содержащихся в ИВС ВОВД Ножай Юртовского района ЧР*) and the logbooks concerning primary medical examination of the individuals admitted to it and medical assistance provided (*медицинская книга первичного осмотра лиц и оказания медицинской помощи лицам* (hereinafter also "the medical logbook")). According to the reply from the Khasavyurtovskiy ROVD their authority had no police ward and accordingly, all detainees were held in the police ward of the Khasavyurt Town Department of the Interior. From the logbooks of the latter authority it followed that neither the applicant nor I.Ts. or R.D. had been held in its police ward. According to detainees' logbooks of the police ward of the Novolakskiy ROVD, the Republic of Dagestan, the applicant and I.Ts. had been admitted to that facility on 1 August 2006 and on 8 August 2006 they had been transferred from there to the police ward of the Nozhay-Yurtovskiy ROVD. According to medical logbooks of detainees admitted to the police ward of the Novolakskiy ROVD for the period from 8 September 2000 to 23 December 2006, the applicant was not among the persons who had applied for medical assistance in that facility.

The decision further stated that, according to the medical logbooks of ORB-2, the applicant had been placed in the police ward of ORB-2 on two occasions, namely on 8 and 25 September 2006. On both occasions upon his admission to the police ward and before departure he had been examined by medical staff and on-duty officers who had not recorded any bodily injuries. Moreover, the applicant himself made written statements that he had no health-related complaints or complaints about the staff of the police ward. Furthermore, from the reply of remand prison IZ-20/1 in Grozny it followed that upon his admission to the facility on 29 May 2006 the applicant had no bodily injuries and had not complained about any health issues.

Investigator S. of the republican prosecutor's office submitted that he had "normal working relationship" with the applicant and that the latter had voluntarily confessed to all episodes of crimes of which he stood accused. He had also confirmed them during an on-site verification of his confessions and all investigative steps involving the applicant had been conducted in his lawyer's presence. S. had not seen any visible injuries on the applicant's body, the latter had not complained to him about any health problems or beatings and S. considered that the applicant's allegations were a defence strategy aimed at avoiding responsibility for the crimes he had committed. Investigator A. of the district prosecutor's office made a similar statement.

Officer Z.M. of ORB-2 submitted that he had learnt to know the applicant in April 2006 after his arrest and that he had met him on two occasions, face-to-face, upon the authorisation of investigators A. and S. in charge of the applicant's criminal case. The operational and search measures involving the applicant and carried out by Z.M. had been "meetings in the form of conversations" and had taken place on the premises of the police ward of the Novolakskiy ROVD in Dagestan and the police ward of ORB-2. In Z.M.'s submission, he had had with the applicant "a service relationship based on trust" and the applicant had calmly described to him in detail how he had committed his crimes. Z.M. had not noticed any injuries on the visible parts of the applicant's body and the latter had not complained to him about any beatings or pressure.

Lastly, investigator V. noted that there were no grounds to carry out the applicant's forensic medical examination, despite the instruction of the deputy prosecutor of the Chechen Republic to that effect. In this respect V. observed that, according to the materials of the inquiry the applicant had been arrested on 15 April 2006 and had complained to the trial court about his ill-treatment in the time span between April and September 2006. However, his allegations were not supported by any documents of the detention facilities in which he had been held at the material time.

Having regard to the foregoing, investigator V. concluded that the applicant's allegations of ill-treatment on the part of officers of the Nozhay-Yurtovskiy VOVD, the Novolakskiy and Khasavyurtovskiy ROVD and ORB-2 were unfounded.

3. The trial court judgment

By judgment of 16 May 2007 the Supreme Court of the Chechen Republic convicted the applicant of participation in an illegal armed group, terrorist attacks on two villages in Chechnya and assault on law-enforcement officials. The applicant was sentenced to eighteen years' imprisonment.

In finding the applicant guilty the court relied on the applicant's pre-trial statements in which the latter had confessed to having committed the criminal offences in respect of which he stood trial. It found them detailed and supported by witness' statements and other pieces of evidence. The court dismissed as unconvincing the applicant's allegations of ill-treatment with reference to the conclusions of the inquiry into the matter by the republican prosecutor's office and, in view of those conclusions, considered that statements by witnesses I.Ts. and R.D. to the court that they had seen bodily injuries on the applicant were untrustworthy because they were the applicant's "friends". The court further found that there was sufficient evidence to establish that the applicant had been arrested on 15 April 2006 and held that that date was to be taken as the date of the beginning of his serving his sentence.

The applicant appealed against the trial judgment, submitting, among other things, that although he had admitted his guilt as regards participation in the illegal armed group and had never denied it, the court had convicted him of participation in terrorist attacks and other crimes on the basis of his self-incriminating statements obtained under torture and referring, among other things, to eleven "confession statements" obtained in the absence of

his lawyer. He averred that the inquiry into his alleged ill-treatment conducted by the prosecutor's office had been superficial and that the trial court's conclusions that witnesses of his ill-treatment I.Ts. and R.D. had been his friends lacked any substantiation. He also stressed that the trial court had acknowledged that he had been arrested on 15 April 2006 and that his ten-days-long unacknowledged detention had made it possible for the investigating authorities to ill-treat him with a view to obtaining his self-incriminating statements.

4. The appellate court judgment

By judgment of 6 December 2007 the Supreme Court of the Russian Federation upheld the conviction and reduced the applicant's sentence to seventeen years' imprisonment.

5. Court proceedings concerning the refusal to institute criminal investigation into the applicant's alleged ill-treatment

On 30 July 2007 the applicant appealed to the Zavodskoy District Court of Grozny against the prosecutor's office's refusal to open a criminal case into his alleged ill-treatment, issued on 24 April 2007. The applicant submitted, among other things, that he had been held in unacknowledged detention, which fact had been established by the trial court, that the inquiry conducted by the prosecutor's office had been superficial and plagued by a number of critical flaws and that the conditions of his detention had been appalling.

By decision of 13 August 2007 the district court dismissed the applicant's complaint as unfounded. It held, among other things, that the applicant's arguments concerning the ill-treatment had already been verified and rejected by the trial court which had examined the criminal case against him and that the district court was not competent to call into question the findings made in the judgment of the Supreme Court of the Chechen Republic, which had, moreover, become final.

It is unclear whether the applicant challenged that decision on appeal.

COMPLAINTS

The applicant complains under Article 3 of the Convention that he had been subjected to repeated ill-treatment and that the authorities failed to carry out an effective investigation into it.

He further submits that he was held in unacknowledged detention between 15 and 25 April 2006, in breach of all guarantees of Article 5 of the Convention.

The applicant complains under Article 6 §§ 1 and 3 (c) that the domestic courts convicted him on the basis of his self-incriminating statements obtained under torture and that the investigator in charge of his case had pressured him into refusing the services of his lawyer N.M., as a result of which his access to lawyer had been hindered.

Lastly, the applicant complains under Article 13 that he was deprived of domestic remedies in respect of his complaint under Article 3 about the alleged ill-treatment.

QUESTIONS TO THE PARTIES

1. Having regard to the applicant's submissions, was there a violation of Article 3 of the Convention on account of his alleged repeated ill-treatment, threats and intimidation in the period between 15 April and 1 October 2006 and, in particular, during and following his arrest in the Volgograd Region, on the premises of and by police officers of the Nozhay-Yurtovskiy VOVD, the Novalakskiy ROVD and ORB-2, or by law-enforcement officials of any other facilities/authorities in which he had been held during the mentioned period of time?

In addressing the above question the parties are requested to deal, *inter alia*, with the following points:

(a) After the applicant's arrest on 15 April 2006:

(i) What were the (detention) facilities or law-enforcement authorities on whose premises the applicant was held in the time frame between 15 April and 1 October 2006?

(ii) In respect of each and every facility/law-enforcement authority:

- What was the time of the applicant's admission to the facility/law-enforcement authority premises?

- Was the applicant examined upon admission by the medical staff with a view to recording his eventual injuries, state of health and possible health complaints? If so, when and was/were his medical examination/s conducted out of the hearing and out of sight of police officers and other non-medical staff

- Was he given access to a lawyer? If so, when?

- Was he given the possibility of informing a family member, friend, etc. about his detention and his location and, if so, when?

(b) What activities involving the applicant were conducted in the above-mentioned time span (between 15 April and 1 October 2006), at what facilities/premises of what law-enforcement authorities and at which times of the day? What was the applicant's procedural status? What confessions and/or statements did the applicant give during that period (please submit relevant documents, in particular, records containing the applicant's statements/confessions and on-the-spot verifications of his statements, if any, which are **legible**/provide their typed copies, where necessary)? Was the applicant given access to a lawyer before and during each such activity?

2. Have the authorities complied with their positive obligation under Article 3 of the Convention to carry out an effective investigation into these applicant's allegations of ill-treatment? In particular:

(a) Were the investigating authorities who carried out the inquiry into the applicant's allegations of ill-treatment independent from the investigating authorities who were responsible for investigating the criminal case against him?

(b) Which officers from which police department(s)/other law-enforcement authorities were involved in the inquiry into the applicant's complaints of police ill-treatment? What operational and other activities did they carry out in the course of the inquiries and were those sufficient to ensure that the investigation into alleged torture be thorough and effective?

(c) The parties are invited to specify, in particular:

- whether forensic medical examinations/medical expert examinations were performed in respect of the applicant in order to establish the nature and the origin of his injuries?
- when was the applicant questioned/interviewed in respect of his allegations of ill-treatment in the framework of the inquiry conducted into it?

In connection with the above the Government are requested to submit relevant **legible** documents and, if need be, their typed copies, in response to each of the above questions, including, but not limited to:

- an entire copy of the case file concerning the inquiry into the applicant's alleged ill-treatment conducted by investigator V. of the prosecutor's office of the Chechen Republic, which resulted in the decision of 27 April 2007 refusing to institute criminal proceedings;
- an entire copy of the applicant's medical file;
- excerpts from logbooks of detainees admitted to all the detention facilities in which the applicant was held in the time span between 15 April and 1 October 2006 for the relevant dates and in respect of the applicant;
- excerpts from logbooks of primary medical examination of persons admitted to facilities in which the applicant was held in the time span between 15 April and 1 October 2006 for the relevant dates and in respect of the applicant.

3. Did the applicant exhaust the domestic remedies and comply with the six month rule in respect of his complaint under Article 5 of the Convention? If so, was his deprivation of liberty in the period between 15 and 25 April 2006 compatible with the guarantees of Article 5 §§ 1-5 of the Convention?

4. Having regard to the applicant's submissions, did he at any time during the criminal investigation against him refuse the services of his lawyer N.M.? If so, what were the reasons for his refusal? Did the applicant make any statements or were any investigative steps carried out with his participation after he had refused the services of N.M.? The Government are requested to provide all relevant factual information concerning the dates, as well as documents concerning the investigative steps taken.

5. On what self-incriminating statements obtained at the pre-trial stage (please, indicate their dates and provide their copies) did the domestic courts rely in finding the applicant guilty in the proceedings which ended with the final judgment of the Supreme Court of Russia of 6 December 2007? Were those statements obtained in the presence of the applicant's lawyer? Did the admission of those statements, some of them obtained allegedly under duress and in the absence of a lawyer, and the domestic courts' relying on them in convicting the applicant, as well as the applicant's allegedly forced refusal of his lawyer's services, render the proceedings against the applicant unfair in breach of Article 6 §§ 1 and 3 (c) of the Convention (see *Gäfgen v. Germany* [GC], no. 22978/05, §§ 165-66, ECHR 2010, with further references; *Salduz v. Turkey* [GC], no. 36391/02, § 55, ECHR 2008; *Panovits v. Cyprus*, no. 4268/04, §§ 64-77 and §§ 80-86, 11 December 2008; and *Pavlenko v. Russia*, no. 42371/02, §§ 103-118, 1 April 2010)?

6. Did the applicant have at his disposal effective domestic remedies for his complaints under Article 3 of the Convention about his alleged ill-treatment, as required by Article 13 of the Convention?