



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

FIRST SECTION

Application no. 78633/12
Liza Vaskhayevna BUZURTANOVA and
Leyla Lomaliyevna ZARKHMATOVA
against Russia
lodged on 11 December 2012

STATEMENT OF FACTS

The applicants, Ms Liza Vaskhayevna Buzurtanova and Ms Leyla Lomaliyevna Zarkhmatova, are Russian nationals, who were born in 1970 and 1987 respectively and live in the village of Mayskiy, the Republic of Ingushetiya. They are represented before the Court by Ms O. Preobrazhenskaya, a lawyer from the Centre of Assistance to International Protection.

The applicants are close relatives of Mr Akhmed Buzurtanov, who was born in 1983. The first applicant is his sister and the second applicant is his wife.

The circumstances of the case

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

Akhmed Buzurtanov was a trainer in a sports club “Kaloy” in Nazran. According to the applicants, at night on 6 December 2012 Akhmed Buzurtanov was driving home from Nazran in his car. At about 10 p.m. he called his wife saying that he would soon be home, but he did not arrive. His sister and wife tried to call him, but his mobile phone was switched off.

At about 10 a.m on 7 December 2012 Akhmed’s car was found in the vicinity of the applicants’ family house. The car windows were broken and Akhmed’s shoes and hat were found nearby. On the same day the investigators of the Department of the Interior of the Prigorodniy District arrived at the crime scene and inspected it.

The applicants alleged that at a 200 to 300 meters distance from his home Akhmed had been stopped by unknown masked men in military uniforms who had previously chased him in three cars. They had forced him into one

of their cars and taken him away to unknown destination. While the applicants were not witnesses to their relative's abduction, this incident was allegedly witnessed by neighbours.

The applicants have had no news of Akhmed Buzurtanov since his disappearance.

On 7 December 2012 the first applicant complained about the abduction to the Prosecutor's Office of the Ingushetiya Republic. On the same date a criminal investigation was opened into the events under Article 105 of the Criminal Code (murder). The case file was assigned the number 21/1908.

On 8 December 2012 the second applicant was granted victim status in the criminal case.

In support of their allegations, the applicants submitted copies of their complaints to the domestic authorities, a copy of the decision granting the second applicant victim status and articles from the local press on Akhmed Buzurtanov's disappearance. In particular, it follows from the press articles, dated 20 and 24 December 2012, that a meeting was held on 20 December 2012 by the President of the Republic of Ingushetiya and other officials with the members of the sports club "Kaloy" and that the video covering the meeting was posted on internet. At the meeting one of the officials stated that Akhmed Buzurtanov had been in contact with a member of illegal armed units and had provided assistance to the latter. Mr Yevkurov, the President of the Republic, also noted that at his previous meetings with the members of the sports club, where Akhmed had also been present, he had made hints warning them to refrain from illegal acts. The President also said that he had a printout of phone calls which revealed Akhmed's involvement into a crime.

Following the applicant's request to apply Rule 39, on 14 December 2012 the Court requested the Government to submit information concerning Akhmed Buzurtanov's possible detention by the authorities as well as documents concerning the investigation into the matter. On 25 January 2012 the Government informed the Court that the investigating authorities had not yet received any information concerning the whereabouts of the applicants' relative and stated that the investigation was under way.

The Government provided copies of documents from the investigation file on 326 pages reflecting the measures taken by the investigation from 7 to 25 December 2012. Within this period the investigator examined the crime scene, questioned several witnesses, ordered to conduct expert examinations and to check Akhmed Buzurtanov's bank accounts, obtained judicial authorisation for seeking from mobile operator a printout of cell phone calls and sent requests for information to various law enforcement agencies.

The above information was submitted to the applicants for comments. On 26 February 2013 they replied that the Government had failed to duly respond to the Court's questions and that the investigation case-file furnished by the Government had been incomplete.

COMPLAINTS

1. The applicants complain under Article 2 of the Convention about the violation of the right to life of Akhmed Buzurtanov. They also complain that no effective investigation was conducted into their relative's disappearance.

2. The applicants submit that Akhmed Buzurtanov has been subjected to treatment contrary to Article 3 during his detention.

3. Referring to Article 3 of the Convention, the applicants complain that they suffer severe mental distress because of the indifference displayed by the national authorities in connection with the disappearance of their close relative and because of the State's failure to conduct a thorough investigation in that respect.

4. The applicants submit that the unacknowledged detention of Akhmed Buzurtanov violates all guarantees of Article 5 of the Convention.

5. The applicants complain under Article 13 of the Convention that they do not have an effective remedy in respect of the complaints under Articles 2, 3 and 5 of the Convention.

6. Lastly, the applicants argue that despite a hundred of cases where the Court found violations with respect to enforced disappearances in the North Caucasus, the Russian authorities fail to fulfil their obligations arising from the Court's judgements and to undertake general measures in breach of Article 46 of the Convention.

QUESTIONS TO THE PARTIES

1. Has the right to life, as guaranteed by Article 2 of the Convention, been violated in respect of Mr Akhmed Buzurtanov? Having regard to the procedural protection of the right to life under Article 2 of the Convention (see *Salman v. Turkey* [GC], no. 21986/93, § 104, ECHR 2000-VII), was the investigation conducted by the domestic authorities into the abduction of Mr Akhmed Buzurtanov sufficient to meet their obligation to carry out an effective investigation, as required by Article 2 of the Convention?

2. Was Mr Akhmed Buzurtanov 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. Have the applicants' mental suffering in connection with the disappearance of their close relative, the authorities' alleged indifference in that respect and their alleged failure to conduct an effective investigation into his disappearance been sufficiently serious to amount to inhuman and

degrading treatment, within the meaning of Article 3 of the Convention? If so, has there been a breach of Article 3 of the Convention in respect of the applicants?

4. Have the applicants had at their disposal effective domestic remedies in relation to the alleged violation of Articles 2 and 3 of the Convention, as required by Article 13 of the Convention?

5. The Government are requested to submit a copy of the entire investigation file in criminal case no. 21/1908 instituted in connection with the abduction of Mr Akhmed Buzurtanov.