



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

FIRST SECTION

Application no. 67437/09
Zara DUDAYEVA
against Russia
lodged on 18 November 2009

STATEMENT OF FACTS

The applicant, Ms Zara Dudayeva, is a Russian national, who was born in 1953 and lives in the town of Grozny, the Chechen Republic.

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

A. Background information

At the relevant time the applicant's family included her husband Ali Movlayevich Dudayev, their son Aslan Aliyevich Dudayev, their daughter-in-law Amnat Said-Magomedovna Yakhyayeva, her grandson Adam Aslanovich Dudayev and four other grandchildren.

They all lived in a detached house in the Staropromyslovskiy District of the town of Grozny.

B. The events of 8 July 2002

Late at night on 8 July 2002, a group of federal servicemen armed with automatic weapons, wearing balaklavas and military uniform and driving an APC entered the gate of the applicant's house and started shooting and throwing grenades at the house.

The applicant and her family stayed on the floor during the next two hours to avoid being hit. Her grandson Adam was injured in a foot and lower back by an explosion of a hand grenade.

Two hours later the shootings were over and the servicemen stormed the house. The applicant's son Aslan stood up and started moving towards

them, trying to warn them that there were children and women in the house. He was shot in the head in the sight of his wife Amnat and his five children. His body was moved to another room where he was shot in the head yet again.

On that night the servicemen took away the applicant's husband Ali. He has remained missing ever since.

The servicemen then took the applicant and her family outside and burned down the house and their car BMW 535 with licence plates K 137 XA 95 RUS.

C. Subsequent criminal investigation

On 10 July 2002 an investigator of the Prosecutor's Office of the town of Grozny brought criminal proceedings (no. 54042) in connection with the death of the applicant's son.

On 11 December 2002 the investigator also brought criminal proceedings (no. 54108) in connection with the disappearance of the applicant's husband.

On 5 July 2009 the applicant was recognised as a victim in both cases.

On 7 July 2009 the investigator discontinued both sets of proceedings with reference to his inability to establish the identity of the perpetrators of the crimes.

The applicant brought court proceedings against the decision of 7 July 2009.

On 29 September 2009 the investigator resumed the proceedings, but on 4 October 2009 again suspended them.

On 29 September 2009 the Staropromyslovskiy District Court of the town of Grozny dismissed the applicant's complaint in respect of the decision of 7 July 2009.

COMPLAINTS

1. Relying on Article 2 of the Convention the applicant complains about the killing of her son Aslan and about the abduction of her husband Ali by the federal servicemen and his subsequent disappearance.

2. Under Article 3 of the Convention the applicant complains about the events of 8-9 July 2002. She is dissatisfied specifically with circumstances of the death of her son, the abduction of her husband and the burning of their house and the car.

3. The applicant complains that the abduction of her husband Ali was contrary to the requirements of Article 5 of the Convention.

4. Relying on Article 13 of the Convention, the applicant complains that there existed no effective domestic remedy in connection with her complaints about the events of 8-9 July 2002. She also complains that the criminal investigation into these events was not effective.

QUESTIONS TO THE PARTIES

1. Is the State responsible for the attack on the applicant's house during the night of 8-9 July 2002? If so, has the right to life, as guaranteed by Article 2 of the Convention, been violated in respect of:
 - (a) Ali Movlayevich Dudayev on account of his alleged abduction and subsequent disappearance;
 - (b) Aslan Aliyevich Dudayev on account of his death resulting from two shots in the head allegedly made on that night by the federal servicemen?
2. Having regard to the procedural protection of the right to life (see paragraph 104 of *Salman v. Turkey* [GC], no. 21986/93, ECHR 2000-VII), was the investigation in the present case by the domestic authorities sufficient to meet their obligation to carry out an effective investigation, as required by Article 2 of the Convention?
3. Has the applicant's mental suffering in connection with the events of 8 July 2002, in particular the killing of Aslan Aliyevich Dudayev and the destruction of her house that occurred before her eyes been sufficiently serious to amount to inhuman 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 applicant?
4. Was the alleged abduction and subsequent disappearance of Ali Movlayevich Dudayev compatible with the requirements of Article 5 of the Convention?
5. Has the applicant had at her disposal effective domestic remedies for her complaints under Articles 2, 3 and 5 of the Convention, as required by Article 13 of the Convention? The Government are requested to substantiate their arguments with reference to the domestic courts' case-law.
6. In connection with the above questions, the Government are requested to submit a copy of the entire investigation files in criminal case(s) no(s). 54042 and/or 54108.