



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

FIRST SECTION

**CASE OF PETIMAT ISMAILOVA AND OTHERS v. RUSSIA**

*(Applications nos. 25088/11, 44277/11, 44284/11, 44313/11, 48134/11,  
49486/11, 52076/11, 52182/11, 55055/11, 56574/11, 64266/11 and  
66831/11)*

JUDGMENT

STRASBOURG

18 September 2014

**FINAL**

**16/02/2015**

*This judgment has become final under Article 44 § 2 of the Convention. It may be  
subject to editorial revision.*



**In the case of Petimat Ismailova and Others v. Russia,**

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Isabelle Berro-Lefèvre, *President*,

Elisabeth Steiner,

Khanlar Hajiyev,

Linos-Alexandre Sicilianos,

Erik Møse,

Ksenija Turković,

Dmitry Dedov, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 26 August 2014,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in twelve applications (see details in Appendix I) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Russian nationals (“the applicants”), on the dates indicated in Appendix I below.

2. The applicants were represented before the Court by Mr D. Itslyayev and Mr T. Shamsudinov, lawyers practising in Grozny, lawyers from the NGO Stichting Russian Justice Initiative (SRJI) (in partnership with the NGO Astreya), and lawyers from the NGO Materi Chechni. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants alleged that on various dates between 2001 and 2006 their sixteen relatives had been abducted by State servicemen in Chechnya and that no effective investigation of the matter had taken place.

4. On 17 January 2012 the applications were communicated to the Government.

## THE FACTS

### I. THE CIRCUMSTANCES OF THE CASE

5. The applicants are Russian nationals who live in various districts of the Chechen Republic. They are the close relatives of people who disappeared

after allegedly being arrested at their homes by servicemen. In each of the applications, the events took place in areas under the full control of the Russian federal forces. The alleged abductions were primarily carried out during curfew hours, at night or early in the morning. In some of the cases, the applicants submitted that, at the material time, a special operation was being conducted by military servicemen or law-enforcement agencies in the area, which was subsequently confirmed by the investigation (see, for example, *Vezirov and Others* (no. 44284/11), *Nuraliyevy* (no. 48134/11) and *Sangariyevy* (no. 52182/11)).

6. The applicants complained to law-enforcement bodies, and official investigations were opened. The proceedings were repeatedly suspended and resumed, and have remained pending for several years without achieving any tangible results.

7. From the documents submitted, it appears that the relevant State authorities were unable to identify the State servicemen allegedly involved in the arrests or abductions.

8. In their observations, the Government did not challenge the allegations as presented by the applicants. At the same time, they stated that there was no evidence to prove beyond reasonable doubt that State agents had been involved in the alleged abductions.

9. Below are summaries of the facts relevant to each individual complaint. Each account of events is based on statements provided by the applicants, their relatives and/or neighbours to the Court and to the domestic investigative authorities. The personal data of the applicants and their disappeared relatives, and some other key facts, are summarised in Appendix I.

#### **A. Application no. 25088/11, *Petimat Ismailova v. Russia***

10. The applicant, Ms Petimat Ismailova (in the documents submitted also referred to as Baskhanova), was born in 1980, and lives in Katyr-Yurt in the Achkhoy-Martan district, the Chechen Republic. She is represented before the Court by lawyers from the NGO Materi Chechni.

11. The applicant is the wife of Mr Ruslan Baskhanov, who was born in 1980.

##### *1. Abduction of Mr Ruslan Baskhanov*

12. At the material time, the applicant and her husband Mr Ruslan Baskhanov lived in Achkhoy-Martan, Chechnya. Their house was situated in proximity to the Achkhoy-Martan district military commander's office.

13. At about 3 a.m. on 6 January 2004 a group of about fifteen masked servicemen in camouflage uniforms arrived at the applicant's house in two armoured personnel carriers (APCs) and took Mr Ruslan Baskhanov away.

14. There has been no news of Mr Ruslan Baskhanov since that day.

## *2. Official investigation*

15. The Government furnished a copy of “the contents of the entire criminal case file” without specifying the number of pages. The information submitted may be summarised as follows.

### **(a) Main investigative steps taken by the investigators**

16. On 9 January 2004 the applicant reported the abduction, and on 15 January 2004 the Achkhoy-Martan inter-district prosecutor’s office opened criminal case no. 38002.

17. On 15 January 2004 investigators examined the crime scene and collected three bullet cartridges. The expert examination they carried out subsequently concluded that they had been fired from various types of firearms.

18. On 26 April 2004 the military prosecutor’s office of military unit no. 20102 replied to the investigators, denying that military servicemen had been involved in the abduction.

19. On 15 May 2004 the investigation was suspended.

20. From the documents submitted, it appears that on an unspecified date in July 2007 the investigation was resumed, several witnesses were questioned (see paragraph 29 below) and the proceedings were then suspended.

21. On 11 June 2008 the investigation was again resumed, and on 16 July 2008 it was again suspended. The applicant was not informed thereof.

22. On 24 March 2009 the supervising prosecutor ordered that the investigation be resumed as the investigators had failed to take a number of basic steps, such as establishing the owners of the APCs used by the abductors and granting the applicant victim status in the criminal case. On the same date the orders were given, the applicant was granted victim status and the proceedings were resumed.

23. On 28 March 2009 the investigation was suspended again. The applicant was informed thereof.

24. On 21 April 2012 the investigation was resumed again. It is still pending.

### **(b) Main witness statements taken by the investigators**

25. On 9 January 2004 the investigators questioned five of the applicant’s relatives and neighbours, all of whom stated that they had learnt of the circumstances of the abduction from the applicant.

26. On an unspecified date in January 2004 the investigators questioned the applicant, whose statement concerning the events was similar to the account submitted to the Court. In addition, she told the investigators that the perpetrators of her husband’s abduction had been federal servicemen.

27. On 22 January 2004 the applicant's relative and the aunt of Mr Ruslan Baskhanov, Ms A.M., wrote to the Chechnya prosecutor's office, stating that on an unspecified date between 6 and 21 January 2004 she had been invited by the head of the Achkhoy-Martan District Department of the Interior (ROVD) to a meeting with law-enforcement and military officers at the police station. During the meeting, she had pointed out to those present that the military commander had acknowledged that Mr Ruslan Baskhanov had been detained on 6 January 2004 by a law-enforcement agency. From the documents submitted, it transpires that no steps were taken by the investigators to verify this information.

28. Between February 2004 and May 2005 the investigators questioned about thirty of the applicant's relatives and neighbours, all of whom provided statements similar to the account furnished by the applicant to the Court.

29. On 18 July 2007 the investigators questioned another four of the applicant's relatives and neighbours, whose statements did not yield any new information.

30. On various dates between 1 and 10 July 2008 the investigators questioned several more of the applicant's relatives and neighbours, whose statements did not yield any new information either.

31. On 24 March 2009 the applicant was questioned again. She reiterated her previous statements.

**(e) The applicant's contact with the authorities**

32. On 3 June 2004 the investigators replied to a request by the applicant for information, stating that they had taken a number of steps to establish the whereabouts of her abducted husband and that even though on 15 May 2004 the proceedings had been suspended, the measures to identify the perpetrators and establish her husband's whereabouts were still in progress.

33. On 26 November 2008 the Achkhoy-Martan District Court declared Mr Ruslan Baskhanov missing.

34. On 24 February 2009 in reply to a request by the applicant of 27 January 2009, the investigators informed her that she had the right to review only certain documents from the investigation file, but not its entire contents.

35. On 11 October 2010 the Achkhoy-Martan District Court partially allowed a complaint by the applicant against the decision to suspend the investigation of 28 March 2009 and ordered the investigators to take all necessary steps.

**B. Application no. 44277/11, *Idigova and Others v. Russia***

36. The applicants are:

- (1) Ms Khava Idigova, born in 1961,
- (2) Mr Ibragim Khamzatov, born in 1999, and

(3) Ms Marem Khamzatova, born in 2000.

37. The applicants live in Grozny, Chechnya. They are represented before the Court by lawyers from SRJI/Astreya.

38. The applicants are close relatives of Mr Magomed Khamzatov, who was born in 1959. The first applicant is his wife, and the second and third applicants are his children.

#### *1. Abduction of Mr Magomed Khamzatov*

39. At the material time, the applicants and Mr Magomed Khamzatov lived at 93 Saltykova-Szhedrina Street in the Staropromyslovskiy district in Grozny.

40. At about 5 a.m. on 5 December 2004 the first applicant saw from her window a group of about ten to twelve armed servicemen in military uniforms, masks, bulletproof vests and helmets running down the street and breaking into a nearby house, which belonged to the applicants' relatives.

41. Shortly afterwards, the armed men went to the applicants' house and demanded that the first applicant open the door. They said that they were the police and were conducting identity checks. The intruders, who spoke unaccented Russian, took Mr Magomed Khamzatov outside, along with his passport and some clothing. The first applicant followed the abductors and saw that they had arrived in the neighbourhood in a UAZ minivan parked on a neighbouring street. A number of the applicants' neighbours saw the servicemen forcing Mr Magomed Khamzatov into the vehicle and driving off.

42. On the same night the same group of servicemen broke into a neighbouring house occupied by Ms A.T. and her family. The men quickly checked the family's identity documents and searched the premises.

43. The applicants have not seen Mr Magomed Khamzatov since his abduction on 5 December 2004.

#### *2. Official investigation*

44. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

##### **(a) Main investigative steps taken by the investigators**

45. On 6 December 2004 (in the documents submitted also referred to as 5 December 2004) investigators examined the crime scene. No evidence was collected.

46. On 15 December 2004 (in the documents submitted also referred to as 7 December 2004) the Staropromyslovskiy district prosecutor's office opened criminal case no. 33090. On 18 December 2004 the first applicant was granted victim status.

47. On 15 February 2005 the investigation was suspended. The applicants were not informed thereof.

48. On 20 May and then on 24 June 2005 an operational search officer reported to the investigators that Mr Magomed Khamzatov had been an active member of illegal armed groups, which could have been the reason for his detention by law-enforcement agencies.

49. On 26 May 2005 the investigation was resumed.

50. On 26 June 2006 the investigation was suspended. The applicants were not informed thereof.

51. On 25 December 2007 the supervising prosecutor criticised the way the investigation was being conducted and ordered that it be resumed.

52. On 2 February 2008 the investigation was resumed and then suspended on 2 March 2008. The applicants were informed thereof.

53. On 24 March 2008, again upon criticism and orders from the supervising prosecutor, the investigation was resumed.

54. On 25 April, 8 August and 3 October 2008 the investigation was suspended again, and was resumed on 7 July, 3 September and 24 November 2008 respectively upon orders from the supervising prosecutor. The applicants were informed of the last suspension.

55. On 28 January 2009 the investigation was again resumed and then suspended on 27 February 2009.

56. On 23 April 2012 the investigation was again resumed. It is still pending.

**(b) Main witness statements taken by the investigators**

57. On 5 December 2004 the investigators questioned the first applicant and eight of her relatives and neighbours. The witnesses' descriptions of the abduction were similar to the account furnished by the applicants to the Court.

58. On 18 December 2004 the investigators questioned the first applicant, who reiterated her previous statement.

59. Between 25 December 2004 and 20 January 2005 the investigators questioned eight of the applicants' relatives and neighbours, whose statements did not yield any new information.

60. On 26 March 2008 the investigators questioned six of the applicants' neighbours, who did not provide any new information about the circumstances of the abduction.

**(c) The applicants' contact with the authorities**

61. On 24 February 2005 the father of Mr Magomed Khamzatov, Mr Kh., wrote to the Federal Service for the Execution of Sentences, asking them to confirm whether his son was being detained on the premises of the main Russian military base in Khankala, Chechnya. No reply was given to this request.



62. On 1 April 2005, in reply to a request by the first applicant of 25 March 2005 concerning the progress of the proceedings, the investigators informed her that they were ongoing.

63. On 12 July 2005 the first applicant requested that the investigators take steps to establish her husband's whereabouts and resume the proceedings if they had been suspended.

64. On an unspecified date in October or November 2008 the applicants' relative and the mother of Mr Magomed Khamzatov, Ms Kh. Kh., complained to the Staropromyslovskiy District Court in Grozny that the investigators had failed to take a number of basic steps to solve her son's abduction and requested that the proceedings be resumed. On 28 November 2008 the District Court rejected the complaint, stating that the investigation had already been resumed that day.

65. On 25 May 2010, upon a request by the first applicant, the Staropromyslovskiy District Court in Grozny declared Mr Magomed Khamzatov dead.

### **C. Application no. 44284/11, *Vezirov and Others v. Russia***

66. The applicants are:

- (1) Mr Zaurbek Vezirov, born in 1954,
- (2) Ms Aminat Vezirova, born in 1957,
- (3) Ms Raisa Bibulatova, born in 1979,
- (4) Ms Eliza Vezirova, born in 1990,
- (5) Ms Elina Vezirova, born in 1990,
- (6) Ms Rukiyat Vezirova, born in 1986 and
- (7) Ms Zhansari Vezirova, born in 1980.

67. The first, second, third, fourth and fifth applicants live in the settlement of Ilyinovskoye (also spelt Ilyinovka) in the Naurskiy district, the Chechen Republic. The sixth applicant lives in the Rostov region and the seventh applicant lives in Grozny. They are represented before the Court by lawyers from SRJI/Astreya.

68. The applicants are close relatives of Mr Kharun Vezirov, who was born in 1977, and Mr Askhab Vezirov, who was born in 1979. The first and second applicants are their parents, and the fourth, fifth, sixth and seventh applicants are their sisters. The third applicant is the wife of Mr Askhab Vezirov.

#### *1. Abduction of Mr Kharun Vezirov and Mr Askhab Vezirov*

69. At the material time the applicants, along with Mr Kharun Vezirov and Mr Askhab Vezirov and other relatives, lived at 4 Nagornaya Street in Ilyinovskoye.

70. At about 4 a.m. on 7 July 2003 a group of about ten servicemen arrived at their house in several UAZ vehicles and a GAZEL minivan. The

servicemen, who were armed and in camouflage uniforms and masks, checked the identity documents of the family members and then dragged Mr Kharun Vezirov to the backyard, where they subjected him to beatings, demanding in unaccented Russian that he show them the firearms he had allegedly hidden in the house. Having searched the house, the servicemen forced Mr Kharun Vezirov and Mr Askhab Vezirov into the minivan and drove off in the direction of Argun, a nearby town.

71. The applicants have not seen the two brothers since that date.

## *2. Official investigation*

72. The Government furnished a copy of “the contents of the entire criminal case file” without specifying the number of pages. The information submitted may be summarised as follows.

### **(a) Main investigative steps taken by the investigators**

73. On 27 February 2004 the Grozny district prosecutor’s office opened criminal case no. 34025.

74. On various dates in March and April 2004 the investigators requested that the Grozny ROVD assist them in the search for the Vezirov brothers stating, amongst other things:

“[...] on 7 July 2003 in Ilyinovskoye, a special operation involving a large number of military servicemen and policemen was carried out...”

75. On 9 March 2004 the third applicant was granted victim status in the criminal case, and on 25 May 2004 the first applicant was also granted that status.

76. On 27 May and 29 July 2004 the investigation was suspended and then on 22 June and 17 August 2004 respectively it was resumed upon orders from the supervising prosecutor.

77. On 12 March 2007 and 14 April 2011 the applicants were informed that the investigation had been suspended on 19 September 2004 for failure to identify the perpetrators.

78. From the documents submitted, it appears that the investigation was resumed on or around 29 May 2012 and is still pending.

### **(b) Main witness statements taken by the investigators**

79. On 25 February 2004 the investigators questioned the first, second and third applicants, whose statements concerning the circumstances of the abduction were similar to the account submitted to the Court. In addition, the second applicant provided the investigators with a detailed description of the appearances and uniforms of two of the abductors.

80. On March 2004 the investigators questioned the first and third applicants and one of the applicants’ neighbours, Mr Kh.-A.A. again, whose

statements concerning the abduction were similar to the applicants' account submitted to the Court.

81. On 2 September 2004 the investigators questioned the first applicant again, who stated that he suspected that the abduction of his sons had been perpetrated by State agents because of his family's kinship with a certain Mr Abubakar, who had been an active member of illegal armed groups. He also stated that his son Mr Kharun Vezirov had fought against the federal forces during the first military campaign in Chechnya in 1996.

82. On 6 September 2004 the investigators questioned the third applicant again, who reiterated her previous statements.

83. On 9 September 2004 the investigators questioned the head of a local state enterprise, Mr A.A., who stated that there were no detention facilities on their premises.

**(c) The applicants' contact with the authorities**

84. On 9 June 2004 the third applicant wrote to the Chechnya prosecutor's office, asking for assistance in the search for her abducted relatives.

85. On an unspecified date between January and March 2007 the applicants requested information on the progress of the investigation. They were informed in reply on 12 March 2007 that the proceedings had been suspended on 19 September 2004 (see paragraph 77 above).

86. Between 24 and 27 July 2009 the applicants requested their representatives to assist them in dealing with the investigative authorities and establishing the circumstances of the abduction.

87. On an unspecified date between January and March 2011 the applicants again requested information on the progress of the investigation. They were informed in reply on 14 April 2011 that the proceedings had been suspended since 19 September 2004 (see paragraph 77 above).

**D. Application no. 44313/11, *Ismailova and Others v. Russia***

88. The applicants are:

- (1) Ms Khazan (also spelt as Khaza) Ismailova, born in 1957,
- (2) Ms Medni Isayeva, born in 2003, and
- (3) Ms Zina Ismailova, born in 1939.

The first and second applicants live in Goyty, and the third applicant lives in Grozny, the Chechen Republic. The applicants are represented before the Court by lawyers from SRJI/Astreya.

89. The applicants are close relatives of Mr Aslambek Isayev, who was born in 1981. The first applicant is his aunt, the second applicant is his daughter, and the third applicant is his grandmother.

### *1. Abduction of Mr Aslambek Isayev*

90. At the material time, the applicants and Mr Aslambek Isayev lived together in flat no. 8 (in the documents submitted also referred to as no. 11) in a block of flats at 54 Tobolskaya Street in Grozny. The applicants' neighbourhood was surrounded by military checkpoints and the area was under curfew.

91. At about 3 a.m. on 16 April 2003 a group of about ten armed servicemen in camouflage uniforms arrived at the block of flats in two UAZ vehicles. They broke into the applicants' flat, asked the applicants in unaccented Russian whether any firearms were hidden on the premises and quickly searched it. Afterwards, they told the applicants that identity checks had been conducted in the area and that more than fifty people had already been arrested as a result. They then said that they would check Mr Aslambek Isayev's identity, put him in one of the UAZ cars and drove off.

92. The applicants have not seen Mr Aslambek Isayev since 16 April 2003.

### *2. Official investigation*

93. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

#### **(a) Main investigative steps taken by the investigators**

94. On 1 May 2003 the Grozny town prosecutor's office opened criminal case no. 40070.

95. On 19 May 2003 the wife of Mr Aslambek Isayev, Ms M.M., was granted victim status in the criminal case.

96. On 22 May 2003 the crime scene was examined. No evidence was collected.

97. On 1 August 2003 the investigation of the criminal case was suspended for failure to identify the perpetrators. The applicants were informed thereof.

98. On 12 May 2005 the decision to suspend the proceedings was overruled for failure on the part of the investigators to take basic steps and the proceedings were resumed. On 15 June 2005 they were again suspended. The applicants were not informed thereof.

99. From the documents submitted, it appears that on an unspecified date in 2012 the investigation was resumed and that it is still pending.

#### **(b) Main witness statements taken by the investigators**

100. On 15 May 2003 the investigators questioned the third applicant, whose statement concerning the abduction was similar to the account submitted to the Court. In addition, she told the investigators that

Mr Aslambek Isayev's abductors had informed her of the identity checks in the area resulting in the arrest of about fifty local residents.

101. On the same date, 15 May 2003, the investigators questioned the applicants' relative and Mr Aslambek Isayev's wife, Ms M.M., who stated that on the morning of 16 April 2003 Mr Aslambek Isayev had been arrested by military servicemen who had arrived in two UAZ vehicles.

102. On 19 May 2003 the investigators questioned the first applicant, whose statement about the events was similar to the one given by Ms M.M. on 15 May 2003.

103. On 8 June 2005 the investigators questioned Ms M.M. again, who reiterated her previous statement.

**(c) The applicants' contact with the authorities**

104. On 12 May 2003 Ms M.M. requested that the Chechnya prosecutor's office assist her in the search for her husband.

105. On 7 June and 21 December 2005 and then in March 2006 the first applicant complained to a number of law-enforcement authorities, including the Chechnya military prosecutor's office and the Chechnya prosecutor's office, that Mr Aslambek Isayev had been abducted by "representatives of power structures" and that the investigation into the matter had been ineffective.

106. On 20 January 2008 Ms M.M. complained to the Oktyabrskiy District Court in Grozny that the investigation had been ineffective. The complaint was left without examination.

107. On 15 April 2009 the first applicant requested that the investigators allow her to access the investigation file. On 16 April 2009 the investigators replied that she was allowed to make copies of only certain documents from the file.

108. On 26 January 2011 the applicants complained to the Oktyabrskiy District Court, stating that the investigation into the abduction had been ineffective. The outcome of this complaint is unknown.

**E. Application no. 48134/11, *Nuraliyevy v. Russia***

109. The applicants are Ms Maret Nuraliyeva, who was born in 1970 and lives in Grozny, and Ms Aset Nuraliyeva, who was born in 1972 and lives in Dyshne-Vedeno, the Chechen Republic. They are represented before the Court by lawyers from the NGO Materi Chechni.

110. The applicants are sisters of Mr Daud Nuraliyev, who was born in 1979, and Mr Khalid Nuraliyev, who was born in 1974.

*1. Abduction of Mr Daud Nuraliyev and Mr Khalid Nuraliyev*

111. At the material time, the applicants, their two sisters and four brothers, including Mr Daud Nuraliyev and Mr Khalid Nuraliyev, lived together in Chechen-Aul in the Grozny district.

112. Between 10 and 24 June 2002 the federal military forces conducted a ‘sweeping-up’ operation in Chechen-Aul. The temporary headquarters of the operation were stationed on the outskirts of the village.

113. On 16 June 2002 a group of about ten armed military servicemen in camouflage uniforms arrived at the applicants’ house in two APCs. The servicemen, some of whom were masked, searched the house and demanded Mr Daud Nuraliyev in unaccented Russian to proceed with them for an identity check; Mr Daud Nuraliyev was put into one of the APCs, which drove off towards the temporary military headquarters.

114. On 23 June 2002 by the corner of Sadovaya Street and Sovkhoznaya Street the same group of military servicemen in APCs detained Mr Khalid Nuraliyev and took him to the temporary headquarters.

115. The applicants have not seen their brothers since their abduction.

*2. Official investigation*

116. The Government furnished a copy of “the contents of the entire criminal case file” without specifying the number of pages. The information submitted may be summarised as follows.

**(a) Main investigative steps taken by the investigators**

117. On 28 June 2002 the Grozny district prosecutor’s office opened criminal case no. 56099. The document stated that Mr Khalid Nuraliyev had been abducted “by unidentified persons during [a] special operation”.

118. On 6 January 2003 the applicants were informed that the investigation of the abduction had been suspended, but that operational-search measures were being taken to establish the whereabouts of the abducted men and identify the culprits.

119. On 30 November 2006 the investigation was resumed.

120. On 19 December 2006 the applicants’ sister, Ms Ya.N., was granted victim status in the criminal case.

121. On 30 December 2006 the investigation of the criminal case was suspended. The applicants were not informed thereof.

122. On 17 September 2010 the investigation was resumed and on 21 September 2010 the crime scene was examined. No evidence was collected.

123. On 11 November 2010 the first applicant was granted victim status in the criminal case.

124. On 18 October 2010 the investigation of the criminal case was suspended for failure to identify the perpetrators.

125. On 11 November 2010 the supervising prosecutor overruled the decision to suspend the investigation and ordered its resumption. On the same date the first applicant was again granted victim status and questioned.

126. On 14 November 2010 the investigation was again suspended. It appears, however, that the investigation has been resumed and that the proceedings are still pending.

**(b) Main witness statements taken by the investigators**

127. On 29 June 2002 the investigators questioned the first applicant, whose statement about the circumstances of her brothers' abduction was similar to the account furnished to the Court. She stressed to the investigators that, in her opinion, the abductors had been federal servicemen.

128. On the same date, 29 June 2002, the investigators questioned the applicants' neighbour Ms R.T., whose statement was similar to the one given by the first applicant.

129. On 19 December 2002 and then on 20 January 2003 the investigators questioned the second applicant, whose statement concerning the circumstances the abduction was similar to the one given by the first applicant. She also stressed that the abductors had been in the federal forces.

130. On 19 December 2006 the investigators questioned the applicants' sisters Ms Ya.N. and Ms Ma.N. and their relative Ms P.N., whose statements concerning the abduction were similar to the ones given by the applicants.

131. On 28 December 2006 the investigators questioned the first applicant again, who reiterated her previous statements and added that the district police officer had admitted participating in her brothers' arrest.

132. On 29 December 2009 the investigators questioned a local police officer, Mr A.I., who confirmed the conduct of the ten-day special operation in June 2002 in Chechen-Aul.

133. On various dates in September and October 2010 the investigators questioned several of the applicants' fellow villagers, whose statements did not provide any relevant information.

134. On 7 October 2010 the investigators questioned the applicants' sisters again, who reiterated their previous statements.

135. On 11 November 2010 the investigators questioned the first applicant again, who reiterated her previous statements.

**(c) The applicants' contact with the authorities**

136. According to the applicants, at some point in 2005 they heard a rumour that Mr Khalid Nuraliyev was allegedly being detained in a prison in the Rostov region. In the same year they forwarded a number of requests to various authorities asking them to verify this information. The replies given were in the negative.

137. On 26 May 2010 the first applicant complained to the Grozny district prosecutor that the investigation of her brothers' abduction by servicemen

during the special operation had been ineffective, and requested to be informed of its progress.

138. On 3 June 2010 the investigators replied to the applicant, stating that they were taking all possible measures to have the crime solved.

139. On 24 February 2011 the first applicant complained to the Grozny District Court that the investigation of criminal case no. 56099 had been ineffective and requested the court to order the authorities to resume the proceedings and conduct an effective investigation into the abduction.

140. On 14 March 2011 the District Court rejected the applicant's complaint, stating that the investigation had already been resumed. On 13 April 2011 this decision was upheld on appeal by the Chechnya Supreme Court.

#### **F. Application no. 49486/11, *Khamstkhanova v. Russia***

141. The applicant, Ms Arbiyat Khamstkhanova, was born in 1960 and lives in Grozny, the Chechen Republic. She is represented before the Court by Mr D. Itslayev, a lawyer practising in Grozny.

142. The applicant is the wife of Mr Iles Khamstkhanov, who was born in 1960 (in the documents submitted the date is also stated as 1955).

##### *1. Abduction of the applicant's husband*

143. At about 11 p.m. on 12 January 2006 a group of ten armed servicemen in bulletproof vests and special helmets (the uniform usually worn by special forces) arrived at the applicant's house in Grozny in three UAZ vehicles. One of the vehicles was armoured, while the others were equipped with mobile radio stations.

144. The servicemen smashed windows and broke their way inside. They grabbed Mr Iles Khamstkhanov and dragged him outside; two of the intruders held the applicant's son Mr Khussein Khamstkhanov at gunpoint and ordered him not to move. The servicemen put Mr Iles Khamstkhanov in one of the vehicles and drove off in the direction of the Oktyabrskiy ROVD in Grozny. Mr Khussein Khamstkhanov went to the ROVD with his relatives immediately; they were told at the police station that Mr Iles Khamstkhanov had been arrested by mistake and that he would be released soon.

145. The applicant has not seen Mr Iles Khamstkhanov since 12 January 2006.

##### *2. Official investigation*

146. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.



**(a) Main investigative steps taken by the investigators**

147. On 12 January 2006 the applicant and her relatives reported the abduction in writing to the ROVD.

148. On 13 January 2006 the investigators examined the crime scene. No evidence was collected.

149. On 30 January 2006 the Oktyabrskiy district prosecutor's office in Grozny opened criminal case no. 52007. On 31 January 2006 the applicant was granted victim status in the proceedings.

150. On 20 May 2006 the applicant was informed that the investigation of the criminal case was suspended for failure to identify the perpetrators.

151. On 25 June 2007 the investigation was resumed and then suspended the next day.

152. On 16 June 2008 the investigation was resumed and then suspended the next day.

153. On 20 October 2008 the investigation was resumed and then suspended on 21 November 2008.

154. On 26 April 2011 the investigation was resumed and then suspended on 6 May 2011.

155. On 23 April 2012 the investigation was resumed. The proceedings are still pending.

**(b) Main witness statements taken by the investigators**

156. On 13 and 14 January 2006 investigators questioned the applicant, her young daughter and her son Mr Khussein Khamstkhanov. Their statements concerning the circumstances of the abduction were similar to the account submitted to the Court. In addition, the applicant told the investigators that one of the abductors had told her that they had been from the Federal Security Service.

157. On 31 January 2006 the investigators questioned the applicant and her son Mr Khussein Khamstkhanov and their neighbour Ms P.U. again; their statements contained the same information concerning the abduction as the account submitted to the Court.

158. On 28 April 2006 the investigators questioned the applicant's daughter Ms P.Kh., Mr Iles Khamstkhanov's brother, Mr Kh.Kh., and Mr Iles Khamstkhanov's cousin, Mr A. Kh. Their statements concerning the incident were similar to the ones given by the applicant.

**(c) The applicant's contact with the authorities**

159. On various dates between 1 January and March 2006 the applicant wrote to the Chechnya prosecutor's office asking for assistance in the search for her husband.

160. On 25 February 2011 the applicant complained to the Oktyabrskiy District Court in Grozny that the investigation of her husband's abduction by

representatives of power structures had been ineffective and requested that it be resumed and carried out effectively. On 27 April 2011 the court rejected her complaint, stating that the investigation had been resumed on 26 April 2011.

### **G. Application no. 52076/11, *Aguyeva and Others v. Russia***

161. The applicants are:

- (1) Ms Khedi Aguyeva, born in 1960,
- (2) Mr Inderpash Ismailov, born in 1956,
- (3) Ms Marusa Aguyeva, born in 1921,
- (4) Ms Luiza Makhmadova (also spelt Makhamdova and Makhamadova), born in 1985, and
- (5) Mr Atama Ismailov, born in 2003.

The first and third applicants live in Malorechnaya in the Kurchaloy district, the second applicant lives in Tsotsi-Yurt (also spelt Tsotsen-Yurt) in the Kurchaloy district, and the fourth and fifth applicants live in Gudermes, Chechnya. The applicants are represented before the Court by lawyers from SRJI/Astreya.

162. The applicants are close relatives of Mr Dzhandar (also spelt Zhandar) Ismailov, who was born in 1979, and Mr Dzhilil (also spelt Zhalil) Ismailov, who was born in 1982. The first and second applicants are their parents, the third applicant is their grandmother. The fourth applicant is the wife of Mr Dzhandar Ismailov and the fifth applicant is his daughter.

#### *1. Abduction of Mr Dzhandar Ismailov and Mr Dzhilil Ismailov*

163. At the material time, the town of Gudermes was under curfew; it was surrounded by military checkpoints. A special military unit, no. 291 of the 42nd regiment of the Motorised Infantry Division of the Russian Ministry of Defence, known as 'Battalion Vostok' (*батальон 291-го мотострелкового полка 42-ой гвардейской мотострелковой дивизии Министерства Обороны РФ*) was stationed in the settlement. According to the applicants, the battalion was involved in special operations of the Russian federal forces. Mr Dzhandar Ismailov and Mr Dzhilil Ismailov lived with their families, including the applicants, on the second floor of a block of flats at 52 Kavkazskaya Street in Gudermes.

164. In the early hours of 21 January 2003 (in the documents submitted also referred to as 17 January 2003) a group of about ten to fifteen servicemen in camouflage uniforms and masks arrived at the applicants' address in a grey UAZ vehicle with a smeared registration plate. The only serviceman without a mask had dark hair and a clearly visible scar on his left cheek. The intruders, who spoke Chechen, were armed with machine guns and dispersed themselves throughout each floor of the building. They then broke into the applicants' flat and quickly searched it. They were in a rush

and gave no explanation for their actions. After the search they took Mr Dzhandar Ismailov and Mr Dzhalil Ismailov outside, without allowing them to put on any warm clothing. They forced the brothers into the UAZ vehicle and drove off in the direction of Grozny.

165. About two or three months after the abduction, the second applicant was informed by Mr A.Kh., an officer from Battalion Vostok, that his sons had been detained upon orders from the battalion's commander Mr Dzhabrail Yamadayev.

166. The applicants have not seen their relatives since that date.

## *2. Official investigation*

167. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

### **(a) Main investigative steps taken by the investigators**

168. On 21 January 2003 the applicants reported the abduction of their relatives by federal servicemen to the local law-enforcement authorities. On 23 January 2003 the Gudermes district prosecutor's office opened criminal case no. 32005.

169. On 24 January 2003 the second applicant was granted victim status in the criminal case.

170. On 23 April 2003 the investigation was suspended. On 2 December 2004 the applicants were informed thereof.

171. On 8 May 2009, upon complaints by the applicant of a lack of information about the proceedings, the investigators informed them that the investigation had established that representatives of the law-enforcement agencies had possibly been involved in the abduction.

172. On 11 June 2009 the investigation was resumed.

173. On 26 November 2011 the investigation was suspended again. The proceedings were subsequently resumed and are apparently still pending.

### **(b) Main witness statements taken by the investigators**

174. On 23 January 2003 the investigators questioned the first applicant's neighbour, Ms M.S., whose statement concerning the abduction was similar to the account provided by the applicants to the Court.

175. Between 23 and 25 January 2003 the investigators questioned the second, third and fourth applicants, whose statements concerning the abduction were similar to the account submitted to the Court.

176. On 11 February 2003 the investigators questioned the second applicant again. He reiterated his previous statement and added that Ms Zukhra S. had contacted him to say that his abducted sons had been detained in Khankala (where the main military base of the federal forces was

stationed at the time) and that they would be released in exchange for 10,000 American dollars (USD).

177. On 21 February 2003 the investigators questioned Ms S. Zukhra, who stated that she had servicemen contacts and had tried to use them to expedite the release of abductees.

178. On 24 April 2009 the investigators examined the crime scene.

179. On various dates in 2009 the investigators questioned a number of witnesses concerning the activities of Ms S. Zukhra, who had used several other identities. All of the witnesses confirmed that she had had servicemen contacts and assisted in organising the release of detainees in exchange for money. In August or September 2009 Ms S. Zukhra absconded from the authorities.

**(c) The applicants' contact with the authorities**

180. Between January and February 2003 the applicants and their relatives requested assistance in the search for their relatives from various authorities.

181. From the documents submitted, it appears that between December 2004 and August 2008 the applicants did not contact the authorities.

182. On 11 September 2008 the first applicant complained to the Gudermes inter-district investigations department of the prosecutor's office of a lack of information on the progress of the investigation and requested permission to review the case file. On 11 October 2008 the investigators replied that the proceedings had been suspended on 23 April 2003 and that she could review the file at their office.

183. On 23 March 2009 the investigators informed the first applicant that she could not review the case file as she did not have victim status in the criminal case.

184. On 5 April 2009 the first applicant again complained to the investigators of a lack of information and requested to be allowed to review the case file. On 21 April 2009 she was granted victim status in the criminal case.

185. On 1 June 2009 the first applicant's lawyer requested that the investigators grant him access to the case file. No reply was given to this request.

186. On 14 February 2011 the first applicant requested that the investigators provide her with an update on the progress of the proceedings. No reply was given to this request.

**H. Application no. 52182/11, *Sangariyevy v. Russia***

187. The applicants are:

- (1) Ms Zulay Sangariyeva, born in 1957,
- (2) Ms Zulikhan Sangariyeva, born in 1986,
- (3) Ms Aminat Sangariyeva, born in 1983,

- (4) Mr Islam Sangariyev, born in 1981,
- (5) Ms Raisa Sangariyeva, born in 1950, and
- (6) Mr Said-Magomed Sangariyev, born in 1950.

The applicants are two related families. All of them live in Stariye Atagi in the Grozny district, the Chechen Republic. They are represented before the Court by lawyers from SRJI/Astreya.

188. The first applicant is the mother of Mr Said-Ibragim Sangariyev, who was born in 1978, and the second, third and fourth applicants are his siblings. The fifth and sixth applicants are the parents of Mr Idris Sangariyev, who was born in 1977.

### *1. Abduction of Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev*

189. On the night of 11 February 2001 two cousins, Mr Said-Ibragim (also referred to as Ibragim) Sangariyev and Mr Idris Sangariyev, were staying at their uncle Mr Said-Khussein Sangariyev's house in Stariye Atagi.

190. At 6 a.m. a group of about forty to fifty military servicemen arrived at the house in three APCs. Other military vehicles and URAL lorries cordoned off the neighbourhood, and the servicemen ordered the neighbours to stay inside.

191. The servicemen climbed over the fence and broke into the house. Threatening to blow up the dwelling, they took Mr Said-Khussein Sangariyev outside and made him kneel against the wall, demanding that he tell them where his nephews Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev were. The servicemen then searched the house looking for the two cousins; about an hour later they found them and dragged them outside. The servicemen then reported the arrest to their superiors via portable radios using the code numbers '22-23-43'. Afterwards, they took Mr Said-Ibragim Sangariyev's car, a VAZ-2107 with registration number C96 AP 20RUS, put both cousins inside and drove them off in the direction of Grozny. According to the documents submitted, the applicants' relatives were taken to Khankala, the headquarters of the Russian federal forces in Chechnya.

192. Less than a month after the abduction, the fourth applicant saw that Mr Said-Ibragim Sangariyev's car was being driven around by a group of military servicemen of Slavic appearance, whose uniform had small stars on the shoulder straps.

193. The applicants have not seen their relatives since 12 February 2001.

### *2. Official investigation*

194. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

**(a) Main investigative steps taken by the investigators**

195. On 14, 19, 22 and 28 March 2001 the applicants reported their relatives' abduction by military servicemen to a number of law-enforcement agencies.

196. On 9 April 2001 the Grozny district prosecutor's office opened criminal case no. 19045 (in the documents submitted also referred to as no. 42229). From the documents submitted, it appears that criminal case no. 19045 was opened in connection with not only the abduction of the applicants' relatives, but also the abduction of a number of other residents of Stariye Atagi perpetrated by the same group on the same date.

197. On 17 May 2003 the investigation was suspended again and then on 13 December 2003 it was resumed.

198. On 20 January 2004 the first applicant was granted victim status in the criminal case.

199. On 25 March 2004 the investigation was suspended again and then on 27 September 2004 it was resumed, following orders from the supervising prosecutor to that effect.

200. On 14 November 2006 the investigators examined the crime scene. No evidence was collected.

201. The investigation was subsequently suspended on several occasions, including on 26 November 2005, 26 August 2006 and 5 April 2008. It was most recently suspended on 25 December 2011.

202. The criminal proceedings appear to be still pending.

**(b) Main witness statements taken by the investigators**

203. On 5 and 20 April 2001 the investigators questioned the first applicant and three of the applicants' relatives, Ms Kh.R.D., Ms Kh.D.D. and Ms Ya.S., whose statements concerning the abduction were similar to the account submitted by the applicants to the Court.

204. On various dates between April and June 2001 the investigators questioned the first and sixth applicants and six of their relatives and neighbours, whose statements corroborated the account of events they submitted to the Court.

205. On 6 June 2001 the investigators questioned the first applicant again, who reiterated her previous statements and added that the same group of abductors had also abducted a fellow elderly villager, Mr K.I., who had been released three days later. According to the latter, he had been detained with the applicants' relatives somewhere in the vicinity of a very large tent, helicopter runway and tarmac; it had most probably been the main military base of the federal forces in Khankala.

206. On 22 January 2004 the investigators questioned the first applicant again, who added to her previous statements that she and her relatives had attempted to obtain the release of their abducted relatives in exchange for

money, but on 15 March 2001 both her son and nephew had been taken from Khankala to elsewhere.

207. On 6 March 2004 the investigators questioned the sixth applicant, whose statement was similar to the one given by the first applicant. In addition, he stated that after the abduction he had visited the military base in Khankala, where an officer named Sergey had told him that his relatives had been transferred elsewhere. In 2002 the witness had learnt that Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev had been allegedly detained in remand prison (SIZO) no.60/1 in Rostov-on-Don; he had gone there, but the information had turned out to be incorrect.

208. On various dates between July and December 2004 the investigators questioned a number of local residents and the local police officers, whose statements did not yield any new information.

209. On 17 October 2005 the investigators questioned Mr K.I., whose statement corroborated that of the first applicant given on 6 June 2001 (see paragraph 205 above).

210. On 20 October 2005 the investigators questioned the first and sixth applicants, who reiterated their previous statements and added that they had been aware that their abducted sons had been members of illegal armed groups.

211. On 14 November 2006 the investigators questioned the sixth applicant and three of his relatives again, whose statements did not yield any new information.

212. On 19 March 2008 the first applicant was questioned again by the investigators. She provided a detailed description of the events and stated that the abductors had been military servicemen who had used armoured vehicles. On the same date the second applicant and three of the applicants' relatives were questioned; they too asserted that the abductors had been military servicemen.

**(c) The applicants' contact with the authorities**

213. On 21 December 2001 the first applicant complained to the Chechnya prosecutor's office that the investigation of the abduction had been ineffective and that the investigators had failed to provide her with updates as to its progress.

214. On 1 August and 9 October 2002 the Chechnya prosecutor's office informed the applicants that on 6 June 2001 the investigation had been suspended, and that on 1 August 2002 the proceedings had been resumed for failure on the part of the investigators to take a number of steps.

215. On 14 May 2003 the investigators informed the applicants that the investigation had been resumed. The letter also stated, amongst other things:

“... the investigation has been unable to establish exactly which law-enforcement agency abducted the two men... in connection with this it was suspended on 30 January 2003.”

216. On various dates in November 2003 the Department of the Execution of Sentences for the Rostov and Volgograd Regions informed the applicants that their abducted relatives were not being detained in their detention facilities.

217. On 27 December 2003 the Chechnya FSB replied to the applicants that Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev were not listed in their database as people involved in illegal activities.

218. On 5 May 2005 the applicants complained to the investigators of a lack of information about the proceedings.

219. On 17 March and 17 May 2004 and 15 February 2005 various military prosecutors' offices replied to the applicants that their inquiries had not established that military servicemen had been involved in the abduction.

220. On various dates between 2002 and 2005 the applicants complained about the investigation to a number of public and military prosecutors' offices, the police, the military commanders' offices and different levels and departments of the Federal Security Service (the FSB). In their complaints the applicants described the circumstances of the abduction and stressed that the perpetrators had been working for the State authorities, driven around in military vehicles and used portable radios. In reply the authorities forwarded the applicants' complaints to the investigators or other law-enforcement agencies for examination.

221. On 14 February 2008 the first applicant complained to the Grozny District Court that the investigation had been ineffective and requested that it be resumed and conducted effectively. The complaint was allowed on 6 March 2008.

222. On 14 February 2011 the first applicant requested the investigators to inform her of the progress of the criminal proceedings. No reply was given to the request.

### **I. Application no. 55055/11, *Nutayevy v. Russia***

223. The applicants, Mr Sultan Nutayev, who was born in 1958, and Ms Tamara Nutayeva, who was born in 1959, live in Stariye Atagi in the Grozny district, the Chechen Republic. They are represented before the Court by lawyers from SRJI/Astreya.

224. The applicants are the parents of Mr Saykhan Nutayev, who was born in 1983.

#### *1. Abduction of the Mr Saykhan Nutayev*

225. At the material time, the village of Stariye Atagi was under curfew. It was surrounded by military checkpoints situated on all roads leading to and from the settlement. A military unit of the Russian federal forces was stationed on the outskirts of the village, on the premises of a former mill factory ("the mill"). According to the applicants, the mill was used as a



filtering point by the military for the processing and detention of local residents detained during special operations (see *Arzu Akhmadova and Others v. Russia*, no. 13670/03, § 10, 8 January 2009).

226. At about 5 a.m. on 26 February 2003 a group of about twenty armed military servicemen in camouflage uniforms arrived at the applicants' house in two grey UAZ minivans and two VAZ-2121 ("Niva") cars. The vehicles surrounded the house. Some of the servicemen were wearing masks; some of them had helmets on. They broke into the applicants' house and ordered everyone to show them their identity documents. They then grabbed Mr Saykhan Nutayev, forced him outside and put him into one of the vehicles. The applicants, accompanied by a neighbour, got in a car and followed the abductors to the premises of the military unit at the mill. There they tried to gain access to the military compound, but to no avail. The servicemen on duty at the time denied having seen any cars leaving or entering the premises.

227. The applicants have not seen their son since 26 February 2003.

## *2. Official investigation*

228. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

### **(a) Main investigative steps taken by the investigators**

229. On 28 February 2003 the applicants reported their son's abduction by military servicemen to the Grozny district prosecutor. On the same date the investigators examined the crime scene. No evidence was collected.

230. On 11 March 2003 the Grozny district prosecutor's office opened criminal case no. 42043.

231. On 22 March 2003 the first applicant was granted victim status.

232. On 11 May 2003 the investigation was suspended. The applicants were informed thereof.

233. On 16 March 2006 the investigation was resumed. The applicants were informed thereof.

234. On 25 March 2006 the Chechnya Federal Security Service informed the investigators that Mr Saykhan Nutayev had been a member of illegal armed groups.

235. On 15 April 2006 the investigation was again suspended.

236. On 19 April 2012 the investigation was resumed. The proceedings are still pending.

### **(b) Main witness statements taken by the investigators**

237. On 28 February 2003 the investigators questioned the first and second applicants, whose statements concerning the circumstances of the

abduction were similar to the account furnished to the Court. In addition, they told the investigators that immediately after the abduction, when they had followed the tracks left by the abductors with a neighbour, through the gates of the military compound they had seen the UAZ vehicle used to take their son away.

238. On 28 February 2003 the investigators also questioned the applicants' neighbour, Ms Ya.K., whose statement concerning the abduction corroborated the account submitted by the applicants to the Court. In addition, the witness added that she had followed the tracks left by the abductors' vehicles with the applicants; they had led them to the premises of the military unit stationed on the outskirts of the village. They had not been allowed to enter the compound.

239. On 27 March 2003 the investigators questioned the applicants and Ms Ya.K. again, all of whom reiterated their previous statements.

240. On 22 March 2006 the investigators questioned the first applicant again, who reiterated his previous statements.

241. On 4 April 2006 the investigators questioned the applicants' neighbour Ms Kh.T., who corroborated the applicants' statements and added that on the night of the abduction she had seen four military vehicles and two APCs on their street.

242. On 5 April 2006 the investigators questioned the second applicant again, who reiterated her previous statements.

**(c) The applicants' contact with the authorities**

243. On 30 June 2008 the military prosecutor's office of military unit no. 20102 replied to a request by the applicant that because of the rules of jurisdiction they did not have any information about the investigation.

244. On 17 December 2009 and 17 August 2010 the applicants requested the investigators to update them on the progress of the proceedings. On 12 January and 23 August 2010 respectively the authorities replied that the investigation had been suspended and that the applicants had the right to review certain documents from the case file.

245. On 11 March 2011 the applicants again requested the investigators to update them on the progress of the proceedings. No reply was given to this request.

246. On 26 April 2011 the first applicant requested the investigators that the proceedings be resumed. No reply was given to this request either.

**J. Application no. 56574/11, *Saltuyevy v. Russia***

247. The applicants, Ms Khadisht (also spelt Khadishat) Saltuyeva, born in 1955, and Mr Abdul-Khalim Saltuyev, born in 1946, live in Urus-Martan, the Chechen Republic. They are represented before the Court by Mr Tagir Shamsudinov, a lawyer practising in Grozny.

248. The applicants are the parents of Mr Aslanbek Saltuyev, who was born in 1981.

*1. Abduction of Mr Aslanbek Saltuyev*

249. At the material time, the town of Urus-Martan was under curfew; it was surrounded by military checkpoints. A number of law-enforcement agencies, including the military commander's office, were operating in the settlement.

250. At about 2.30 a.m. on 14 October 2002 a group of ten armed servicemen in camouflage uniforms wearing head torches broke into the applicants' house and took away their son, Mr Aslanbek Saltuyev. The intruders, who were equipped with portable radios, took him to the UAZ minivan which was waiting in the street and drove off. The applicants saw that the servicemen had also arrived in an APC, a URAL lorry and another UAZ vehicle.

251. The applicants have not seen their son since 14 October 2002.

*2. Official investigation*

252. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

**(a) Main investigative steps taken by the investigators**

253. On 14 October 2002 the applicants reported the abduction to a number of law-enforcement agencies and on 7 November 2002 the Urus-Martan district prosecutor's office opened criminal case no. 61141.

254. On 27 December 2002 the first applicant was granted victim status in the criminal case.

255. On 7 January 2003 the investigation of the criminal case was suspended and then resumed on 19 June 2003.

256. On 9 July 2003 the investigators examined the crime scene.

257. On 25 July 2003 it was again suspended and then resumed on 6 June 2005. The applicants were informed thereof.

258. On 6 July 2005 the investigation was suspended again. It was subsequently suspended and resumed on several occasions; it was most recently resumed on 25 May 2011 and then suspended on 3 June 2011. The applicants were informed of that suspension.

259. The investigation appears to be still pending.

**(b) Main witness statements taken by the investigators**

260. On 15 October 2002 the investigators questioned the first and second applicants, whose statements concerning the abduction were similar to the account submitted to the Court.

261. On 15 October 2002 the investigators also questioned the applicants' neighbour, Ms Z.V.Kh., whose statement corroborated those given by the applicants.

262. On 27 December 2002 and then on 11 June 2005 the investigators questioned the first applicant, who reiterated her previous statement.

263. On 28 July 2005 the investigators questioned the second applicant, who reiterated her previous statement.

264. On 28 July 2005 the investigators questioned the applicants' neighbours, Ms Z.A.Kh. and Ms S.G., whose statements corroborated those of the applicants.

265. On 28 June 2007 the investigators questioned the first and second applicants again, who reiterated their previous statements.

**(c) The applicants' contact with the authorities**

266. From the documents submitted it appears that on various occasions between 2003 and 2007 the applicants complained to prosecutors at various levels of a lack of information about the progress of the criminal proceedings and the way they were being conducted.

267. On 28 April 2011 the applicants complained to the head of the Achkhoy-Martan investigations department of a lack of information about the progress of the investigation and requested to be allowed to review the case file. On 5 May 2011 their complaint was rejected.

268. On 17 May 2011 the applicants complained to the Urus-Martan District Court that the investigation had been ineffective and requested that they be allowed to access the case file. On 25 May 2011 their complaint was allowed by the court.

**K. Application no. 64266/11, *Salamov and Others v. Russia***

269. The applicants are:

- (1) Mr Khalit Salamov, born in 1938,
- (2) Ms Bikazhu Dzhambulatova, born in 1946, and
- (3) Mr Imran Salamov, born in 1977.

The first and second applicants live in Katyr-Yurt in the Achkhoy-Martan district, the Chechen Republic. The third applicant lives in Grozny. The applicants were represented before the Court by lawyers from the NGO Materi Chechni.

270. The first and second applicants are the parents of Mr Usman Salamov, who was born in 1977. The third applicant is his brother.

*1. Abduction of Mr Usman Salamov*

271. At the material time, the settlement of Katyr-Yurt was under curfew. The applicants lived with Mr Usman Salamov in Chapayeva Street.

272. At about 4 a.m. on 12 November 2002 a group of armed servicemen in camouflage uniforms and masks arrived at the applicants' house in two APCs and a VAZ car. They broke into the house, quickly searched it, took Mr Usman Salamov outside, forced him into one of the APCs and drove off.

273. On the same night at least one other resident of the village was allegedly abducted by the same group of servicemen (see the case of *Ilyasova v. Russia*, no. 26966/06, §§ 7 and 112, 10 June 2010).

274. Later the same day at about 4 .30 p.m. the policemen from the Achkhoy-Martan ROVD arrived at the applicants' house and dug two plastic barrels with firearms and ammunition out of their garden.

275. The applicants have not seen their relative since 12 November 2002.

## 2. Official investigation

276. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

### (a) Main investigative steps taken by the investigators

277. On 29 January 2003 the Achkhoy-Martan inter-district prosecutor's office opened criminal case no. 44015 and examined the crime scene. No evidence was collected.

278. On 28 April 2003 the first applicant was granted victim status in the criminal case.

279. On 29 April 2003 the investigation was suspended and then resumed on 12 September 2004. The applicants were informed thereof.

280. The investigation was again suspended on an unspecified date between 2004 and 2005 and resumed on 16 June 2008; then suspended again on 16 July 2008 and resumed on 15 June 2010. The applicants were informed thereof.

281. On 8 July 2010 the investigators examined the crime scene again.

282. On 15 July 2010 the investigation was suspended again. The applicants were informed thereof.

283. The last suspension of the investigation took place on 13 September 2011 and on 21 April 2012 the proceedings were resumed. They are still pending.

### (b) Main witness statements taken by the investigators

284. On 24 January 2003 the investigators questioned the first and second applicants and their neighbour, Ms B.D., all of whom provided statements of their relative's abduction similar to the account submitted to the Court.

285. On 8 February 2003 the investigators questioned the applicants' relative, Ms M.S., whose statement about the abduction corroborated those of the applicants.

286. On 11 and 28 April 2003 the investigators questioned the first applicant again, who reiterated his previous statement.

287. On the same date the investigators questioned two of the applicants' neighbours, Mr R.R. and Mr Sh.Kh., whose statements corroborated those given by the applicants.

288. On 26 and 27 June 2008 the investigators questioned seven of the applicants' relatives and neighbours. No new information was obtained.

289. On various dates in June and July 2010 the investigators questioned three of the applicants' close relatives and three representatives of local authorities. No new information was obtained.

290. On 12 September 2011 the investigators questioned the second applicant again, who reiterated her previous statement.

**(c) The applicants' contact with the authorities**

291. On 16 July 2009 the applicants complained to the head of the Achkhoy-Martan investigations department that they did not have information about the progress of the investigation and requested to be allowed to review the case file. On the same date the investigators replied that the applicants could obtain copies of a few documents from the file and suspended the investigation.

292. On 2 February 2010 the applicants complained to the Achkhoy-Martan District Court that the investigation of their son's abduction had been ineffective and requested that it be resumed. On 10 June 2010 this complaint was rejected by the District Court, as the investigation had been resumed on 7 June 2010.

293. The applicants appealed against the decision to suspend investigation of 15 July 2010 to the District Court, which rejected the complaint on 30 August 2010.

294. On 28 January 2011 the applicants again requested to be allowed to review the case file. On 9 February 2011 the investigators replied that the applicants could take copies of a few documents from the file.

295. On 25 July 2011 the applicants again requested to be provided access to the case file. On 1 August 2011 their complaint was rejected by the investigators.

**L. Application no. 66831/11, *Dashtayev and Others v. Russia***

296. The applicants are:

- (1) Mr Islam Dashtayev, born in 1991,
- (2) Mr Bislán Dashtayev, born in 1993,
- (3) Mr Yusup Dashtayev, born in 1994,
- (4) Mr Shamkhan Dashtayev, born in 1997,
- (5) Mr Khamzat Dashtayev, born in 1999,
- (6) Ms Kulsum Abubakarova, born in 1957,

(7) Ms Yakhita Abdurzakova (also referred to as Akhmadova), born in 1954, and

8) Mr Musaid Akhmadov, born in 1953.

The applicants live in Noviye Atagi, the Chechen Republic. They are represented before the Court by lawyers from SRJI/Astreya.

297. The first, second, third, fourth and fifth applicants are the sons of Mr Imran Dashtayev, who was born in 1955; the sixth applicant is his wife. The seventh and eighth applicants are the parents of Mr Idris Akhmadov, who was born in 1982.

### *1. Abduction of Mr Imran Dashtayev and Mr Idris Akhmadov*

298. According to the applicants, who all live on the same street, on 20 July 2003 the Russian federal forces conducted a sweeping-up operation in Noviye Atagi, as a result of which at least three local residents were arrested, including the applicants' relatives. Military checkpoints were situated on all of the roads leading to and from the settlement. The area was under curfew.

299. At about 5 a.m. on 20 July 2003 a convoy of military vehicles, consisting of at least three APCs (with hull numbers 100, 101 and F-121), one URAL lorry (with registration number 75-99 6 RUS) and a UAZ all-terrain car, arrived at the applicants' street. A group of about fifty heavily-armed military servicemen in camouflage uniforms got out of the vehicles and broke into at least four houses in the street, including those of the applicants.

300. A group of about fifteen servicemen climbed over the fence and broke into the house of the Akhmadov family. They checked the identity documents of the male residents, quickly searched the house without producing a warrant or giving any explanation for their actions and took Mr Idris Akhmadov outside. The servicemen also took some of the family's valuables. They put Mr Idris Akhmadov into the UAZ minivan, and then they dragged him out and forced him into the APC and drove off.

301. At about 5.30 a.m. a group of fifteen to twenty servicemen in a yellow UAL lorry with registration number 75 99 86 broke into the house of the Dashtayev family. Several APCs and a UAZ minivan were waiting on a neighbouring street. They found Mr Imran Dashtayev in the yard and demanded his passport. His passport had been submitted for renewal, so the servicemen told his relatives that they would take him away for an identity check. They then forced him into the yellow lorry and drove off.

302. The applicants have not seen their relatives since 20 July 2003.

### *2. Official investigation*

303. The Government furnished a copy of "the contents of the entire criminal case file" without specifying the number of pages. The information submitted may be summarised as follows.

**(a) Main investigative steps taken by the investigators**

304. On 21 July 2003 the Shali district prosecutor's office opened criminal case no. 22106 and examined the crime scene. No evidence was collected.

305. On the same date the sixth and eighth applicants were granted victim status.

306. On 21 September 2003 the investigation was suspended for failure to identify the perpetrators.

307. On 23 March 2004 the investigation was resumed and then suspended again on an unspecified date.

308. On 21 July 2005 the eighth applicant was granted victim status in the criminal case.

309. On 6 July 2005 the investigation was suspended again and then resumed on 19 March 2008.

310. On 26 June 2008 it was suspended again and then resumed on 23 April 2012. The criminal proceedings are currently pending.

**(b) Main witness statements taken by the investigators**

311. On 21 July 2003 the investigators questioned the sixth and eighth applicants, whose detailed accounts of the abduction were similar to the account submitted to the Court.

312. On the same date the investigators questioned a local resident, Mr I.T., who had been detained by the same group of abductors on the same night. He stated that he had been beaten by them, questioned about his involvement in illegal armed groups and then released later that evening.

313. The investigators also questioned the seventh applicant and two of the applicants' neighbours, Mr Kh.S. and Ms E.M. that day, whose statements corroborated those of the sixth and eighth applicants.

314. On 24 July 2003 the investigators questioned officer D.K. who manned checkpoint no. 112 in the vicinity of the applicants' settlement. According to him, on the night of 19 July 2003 a convoy of forty vehicles from the Security Service of the Chechen President had passed through the checkpoint two times: during the evening and then the following morning.

315. On 4 August 2003 the investigators questioned officer A.P., who was stationed with his military unit no. 2 on the premises of the old mill on the outskirts of Noviye Atagi. He denied having any knowledge of either a special operation in the settlement or the vehicles used by the abductors.

316. On 22 June 2005 the investigators questioned the eighth applicant again, who reiterated his previous statement.

317. On 14 and 17 April 2008 the investigators questioned the eighth applicant's relative, Mr I.A., and his neighbour, Mr Sh.I., whose statements corroborated those of the eighth applicant.



**(c) The applicants' contact with the authorities**

318. On 4 January 2004 the eighth applicant complained to the head of the military base in Khankala about his son's abduction by federal servicemen. On 25 March 2004 the military authorities in Khankala replied that the involvement of military servicemen in the abduction had not been confirmed.

319. On 8 February 2005 the eighth applicant complained to the Russian Prosecutor General about the abduction and the investigators' failure to take important steps. In their reply of 25 April 2005, the investigators informed the applicant that the investigation had been resumed on 22 April 2005.

320. On 3 July 2008 the sixth applicant's relative, Ms K.D., complained to the investigators that the investigation had been ineffective. On 4 April 2008 the investigators replied that the proceedings were in progress.

321. On an unspecified date in July or August 2011 the investigators replied to a request by the applicants for information of 24 July 2011, stating that the investigation had been suspended on 26 June 2008.

322. In reply to numerous complaints by the applicants lodged on various dates between 2004 and 2011 about the abduction, the investigators gave similar replies to the effect that the investigation was in progress and that they were taking all possible measures to have the crime solved.

## II. RELEVANT DOMESTIC LAW AND PRACTICE AND INTERNATIONAL MATERIALS

323. For a summary of the relevant domestic law and practice and for international and domestic reports on disappearances in Chechnya and Ingushetia, see *Aslakhanova and Others v. Russia*, (nos. 2944/06, 8300/07, 50184/07, 332/08 and 42509/10, §§ 43-59 and §§ 69-84, 18 December 2012).

## THE LAW

### I. JOINDER OF THE APPLICATIONS

324. In accordance with Rule 42 § 1 of the Rules of Court, the Court decides to join the applications, given their similar factual and legal background.

## II. THE GOVERNMENT'S PRELIMINARY OBJECTION

### A. Compliance with the six-month rule

#### *The parties' submissions*

##### (a) Government

325. In their observations in respect of all the applications, the Government submitted that the applicants had failed to comply with the six-month rule by lodging their applications with the Court after unreasonably long periods of time since the abductions and institution of criminal proceedings. Referring to the case of *Varnava and Others v. Turkey* [GC] (nos. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, ECHR 2009), they claimed that the applicants had failed to provide explanations for their excessive delays in applying to Strasbourg.

##### (b) The applicants

326. The applicants argued that they had complied with the six-month rule, and that there had been no excessive and unexplained delays in the submission of their applications to the Court.

327. The applicants stated that after the criminal investigations had been initiated, they had had no reason to doubt their effectiveness. They pointed out that the armed conflict in Chechnya had led them to believe that delays in the investigations were inevitable. Moreover, owing to their poor command of Russian, their lack of legal knowledge and lack of funds to hire a lawyer, they had been unable to assess the effectiveness of the investigation in the absence of domestic provisions for free legal assistance to victims of enforced disappearances. As soon as the applicants had received legal aid and gained access to the investigation file, they had realised that the investigations had been ineffective and applied to the Court. Also referring to the *Varnava and others* case, cited above, they argued that the six-month rule did not apply to continuing situations such as cases of enforced disappearances.

### B. The Court's assessment

#### *1. General principles*

328. The Court will examine the arguments of the parties in the light of the provisions of the Convention and its relevant practice (see *Estamirov and Others v. Russia*, no. 60272/00, §§ 73-74, 12 October 2006).

329. As to the Government's argument concerning the applicants' failure to comply with the six-month time-limit, the Court notes that the time-limit implies that the applicants should have brought their applications to the Court

within six months of the final domestic decisions or within six months of the date they became aware of the ineffectiveness of the domestic remedies (see, for example, *Varnava and Others*, cited above, § 157). The Court notes that the Government acknowledged the absence of a particular date or decision which could serve as a trigger for the calculation of the time-limit. Furthermore, they argued that the applicants' complaints were premature, as the criminal investigations were still in progress.

330. The Court reiterates that the purpose of the six-month rule is to promote legal certainty, to ensure that cases are dealt with within a reasonable time and to protect the parties from uncertainty for a prolonged period of time. The rule also provides the opportunity to ascertain the facts of the case before memory of them fades away with time (see *Abuyeva and Others v. Russia*, no. 27065/05, § 175, 2 December 2010).

331. Normally, the six-month period runs from the final decision in the process of exhaustion of domestic remedies. In its absence, the period runs from the date of the acts or measures complained of. Where an applicant avails himself of an existing remedy and only subsequently becomes aware of circumstances which render the remedy ineffective, the six-month time-limit is calculated from the date the applicant first became, or ought to have become, aware of those circumstances (see, among other authorities, *Zenin v. Russia* (dec.), no. 15413/03, 24 September 2009).

332. In cases concerning disappearances, unlike in cases concerning ongoing investigations into the deaths of applicants' relatives (see, for example, *Elsanova v. Russia* (dec.) no. 57952/00, 15 November 2005, and *Narin v. Turkey*, no. 18907/02, § 50, 15 December 2009), the Court has held that taking into account the uncertainty and confusion typical of such situations, the nature of the ensuing investigations implies that the relatives of a disappeared person may be justified in waiting lengthy periods of time for the national authorities to conclude their proceedings, even if the latter are sporadic and plagued by problems. However, where more than ten years have elapsed since the incident, the applicants have to justify the delay in lodging their application with the Court (see *Varnava and Others*, cited above, §§ 162-63).

333. Applying the *Varnava* principles, the Court recently found in the case of *Er and Others v. Turkey* (no. 23016/04, §§ 55-58, 31 July 2012) that the applicants, who had waited for almost ten years after the disappearance of their relative before lodging their application, had complied with the six-month rule because an investigation was being conducted at the national level. The Court reached a similar conclusion in another case, where the domestic investigation into the events had been pending for more than eight years and where the applicants were doing all that could be expected of them to assist the authorities (see *Bozkır and Others v. Turkey*, no. 24589/04, § 49, 26 February 2013).

334. By contrast, the Court has declared inadmissible applications where applicants have waited for more than ten years to lodge their applications with the Court, and where there had been, for a long time, no evidence allowing them to believe that the investigation would be effective. For instance, in the case of *Yetişen and Others v. Turkey* ((dec.), no. 21099/06, 10 July 2012), the applicants waited for four years after the disappearance before lodging an official complaint with the competent investigating authorities, and for eleven and a half years before bringing their application to Strasbourg; in the case of *Findik and Omer v. Turkey* ((decs.), nos. 33898/11 and 35798/11, 9 October 2012), the applications were brought to Strasbourg more than fifteen years after the events; and in the case of *Taşçı and Duman v. Turkey* ((dec.), no. 40787/10, 9 October 2012), the applicants applied to Strasbourg twenty-three years after the disappearance. In those cases, as in the case of *Açış v. Turkey* (no. 7050/05, §§ 41-42, 1 February 2011), where the applicants complained to Strasbourg more than twelve years after the disappearance, the Court rejected as out of time their complaints under Article 2 of the Convention for failure to demonstrate any concrete advance in the domestic investigation to justify their delay of more than ten years.

## 2. Application of the principles to the present case

335. Turning to the circumstances of each of the applications at hand, the Court notes that the criminal investigation in each was pending when the applicants lodged their complaints with the Court. Further, the Court notes that in the applications *Petimat Ismailova* (no. 25088/11), *Idigova and Others* (no. 44277/11), *Vezirov and Others* (no. 44284/11), *Ismailova and Others* (no. 44313/11), and *Khamstkhanova* (no. 49486/11) the applicants complained to the authorities shortly after the abduction and lodged their application with the Court between five and half to approximately eight years after the events. From the documents submitted, it appears that they maintained contact with the authorities by providing the investigators with eyewitness evidence, requesting information and asking for permission to have access to the investigation files.

336. As regards the other seven applications, in which the applicants applied to Strasbourg after a longer period of time, ranging from the beginning of the domestic investigation to between eight and ten and half years after the events, the Court notes the following.

337. In the application *Nuraliyevy* (no. 48134/11), the applicants complained about the abduction shortly after the incident, in June 2002, and lodged their application with the Court nine years after the events. From the documents submitted, it appears that throughout that period they maintained contact with the authorities by regularly providing witness statements and lodging requests for information concerning the whereabouts of their abducted relative. In December 2006 the first applicant provided the investigators with important information about the perpetrators' identity.

However, no action was taken to follow this information up and moreover, the proceedings were suspended two days later and the applicants were not informed thereof. In May 2010, having learnt of the suspension of the investigation in December 2006, the applicants immediately complained to the domestic court attempting to persuade the authorities to resume the proceedings and then in July 2011 lodged their application with the Court.

338. In the application *Aguyeva and Others* (no.52076/11), the Court notes that the applicants lodged their application eight and half years after the abduction and initiation of the investigation in January 2003. The investigation lasted for three months, and in April 2003 was suspended. The applicants were only informed of this in December 2004. For six years the proceedings remained suspended, and no active steps were taken by the authorities until May 2009, when the proceedings were resumed following a complaint by the applicant to that effect. From the documents submitted, it appears that during the six-year lull in the investigation, the applicants, having remained passive for more than three years within that period, contacted the authorities in September 2008, complaining of a lack of information about the investigation. Thereafter, they took a more active stance in the proceedings.

339. In the application *Sangariyeva and Others* (no.52182/11), the Court notes that the applicants lodged their complaint in August 2011, almost ten and half years after the abduction and initiation of the investigation. From the documents submitted, it appears that the investigation was suspended and resumed on numerous occasions and that the applicants maintained regular contact with the authorities by providing witness statements and regularly enquiring about the progress of the proceedings. In February 2008 the domestic court granted a request they lodged in the hope that the progress of the investigation would be expedited. Having waited for almost three more years, in the absence any tangible outcome in the investigation, the applicants lodged their application with the Court. From the documents submitted it follows there were no long periods of inactivity on the part of the applicants or any significant lulls in the criminal proceedings.

340. Further, in the application *Nutayevy* (no.55055/11) the applicants lodged their application with the Court eight and half years after the abduction and initiation of the investigation in February 2003. From the documents submitted, it appears that on several occasions between 2003 and 2006 the applicants provided the authorities with witness statements. In April 2006 the investigation, having been repeatedly suspended and resumed, was suspended and remained adjourned until April 2012. The applicants were informed of the suspension in April 2006 and contacted the authorities in June 2008, December 2009 and August 2010, enquiring about the progress of the proceedings. In January and August 2010 the authorities informed them that the investigation was still suspended; in April 2011 the applicants requested that the proceedings be resumed. In the absence of any reply from

the authorities, in August 2011 the applicants lodged their application with the Court, which spurred the resumption of the proceedings in April 2012.

341. In the applications *Saltuyevy* (no. 56574/11) and *Dashtayev and Others* (no. 66831/11), the Court observes that the applicants lodged their respective applications eight years and ten months and eight years and three months after the abduction and commencement of the domestic investigation. From the documents submitted, it appears that in both cases the applicants maintained regular contact with the authorities by providing statements and lodging numerous requests concerning the progress of the proceedings.

342. As for the application *Salamov and Others* (no. 64266/11), the Court notes that the applicants lodged their complaint eight years and ten months after the abduction and initiation of the investigation. From the documents submitted, it appears that there were no significant lulls in the proceedings, even though they were repeatedly suspended and resumed. On several occasions between 2003 and 2008 the applicants and their relatives provided witness statements and in July 2009 took a more active stance in the proceedings by complaining of a lack of information about their progress. The Court considers that the applicants maintained reasonable contact with the investigation.

343. To sum up, all of the applicants maintained reasonable contact with the authorities, cooperated with the investigation and, where appropriate, took steps to obtain information about the progress of the proceedings and expedite them, in the hope of a more effective outcome.

344. The Court considers that investigations were being conducted, albeit sporadically, during the periods in question and that the applicants did all that could be expected of them to assist the authorities (see *Varnava and Others*, cited above, § 166, and *Er and Others*, cited above, § 60). In the light of the foregoing, the Court dismisses the Government's objection as to the admissibility of these complaints based on the six-month time-limit.

### III. THE COURT'S ASSESSMENT OF THE EVIDENCE AND THE ESTABLISHMENT OF THE FACTS

#### A. The parties' submissions

##### 1. The Government

345. The Government did not contest the essential facts of each application as presented by the applicants. At the same time, they claimed that none of the investigations had obtained information proving that the applicants' relatives had been apprehended and detained by State agents. According to them, there was no evidence proving beyond reasonable doubt that State agents had been involved in the abductions. The mere fact that the abductors had been armed and/or had driven a certain type of vehicle was not

enough to presume the contrary. In addition, the Government stated that the abductions had been perpetrated in various districts of the region, that in the applications *Aguyeva and Others* (no. 52076/11) and *Sangariyevy* (no. 52182/11) the abductors had demanded a ransom for the return of the applicants' relatives and that in *Aguyeva and Others* (no. 52076/11) the abductors had spoken Chechen.

## 2. *The applicants*

346. The applicants submitted that it had been established “beyond reasonable doubt” that the men who had taken their relatives away had been State agents. In support of that assertion they referred to the ample evidence contained in their submissions and the criminal investigation files, in so far as they had been disclosed by the Government. They also submitted that they had each made a prima facie case that their relatives had been abducted by State agents and that the essential facts underlying their complaints had not been challenged by the Government. In view of the absence of any news of their relatives for a long time and the life-threatening nature of unacknowledged detention in Chechnya at the relevant time, they asked the Court to consider their relatives dead.

## B. General principles

347. The Court will examine each of the applications in the light of the general principles applicable in cases where the factual circumstances are in dispute between the parties (see *El Masri v. “the former Yugoslav Republic of Macedonia”* [GC], no. 39630/09, §§ 151-53, ECHR-2012).

348. The Court has addressed a whole series of cases concerning allegations of disappearances in the Chechen Republic. Applying the above-mentioned principles, it has concluded that it would be sufficient for the applicants to make a prima facie case of abduction by servicemen, thus falling within the control of the authorities, and it would then be for the Government to discharge their burden of proof either by disclosing the documents in their exclusive possession or by providing a satisfactory and convincing explanation of how the events in question occurred (see, among many examples, *Kosumova and Others v. Russia*, no. 27441/07, § 67, 7 June 2011, and *Aslakhanova and Others*, cited above, § 99). If the Government failed to rebut that presumption, this would entail a violation of Article 2 in its substantive part. Conversely, where the applicants failed to make a prima facie case, the burden of proof could not be reversed (see, for example, *Tovsultanova v. Russia*, no. 26974/06, §§ 77-81, 17 June 2010; *Movsayevy v. Russia*, no. 20303/07, § 76, 14 June 2011; and *Shafiyeva v. Russia*, no. 49379/09, § 71, 3 May 2012).

349. The Court has also found in many cases concerning disappearances in Chechnya that a missing person could be presumed dead. Having regard to

the numerous cases of disappearances in the region which have come before it, the Court has found that in the particular context of the conflict, when a person was detained by unidentified State agents without any subsequent acknowledgment of the detention, this could be regarded as life-threatening (see, among many other authorities, *Bazorkina v. Russia*, no. 69481/01, 27 July 2006; *Imakayeva v. Russia*, no. 7615/02, ECHR 2006-XIII; *Luluyev and Others v. Russia*, no. 69480/01, ECHR 2006-VIII; *Baysayeva v. Russia*, no. 74237/01, 5 April 2007; *Akhmadova and Sadulayeva v. Russia*, no. 40464/02, 10 May 2007; *Alikhadzhiyeva v. Russia*, no. 68007/01, 5 July 2007; and *Dubayev and Bersnukayeva v. Russia*, nos. 30613/05 and 30615/05, 11 February 2010).

350. The Court has made findings of presumptions of deaths in the absence of any reliable news about the disappeared persons for periods ranging from four years (see *Askhabova v. Russia*, no. 54765/09, § 137, 18 April 2013) to more than ten years.

### **C. Application of the principles to the present case**

#### *1. Application no. 25088/11, Petimat Ismailova v. Russia*

351. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 26 and 27 above), demonstrate that the applicant's husband, Mr Ruslan Baskhanov, was abducted on 6 January 2004 by a group of armed servicemen in Achkhoy-Martan. In view of all the material in its possession, the Court finds that the applicant has presented a prima facie case that her husband was abducted by State agents in the circumstances set out by her.

352. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

353. Bearing in mind the general principles enumerated above, the Court finds that Mr Ruslan Baskhanov was taken into custody by State agents on 6 January 2004 in Achkhoy-Martan. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Ruslan Baskhanov may be presumed dead following his unacknowledged detention.

#### *2. Application no. 44277 /11, Idigova and Others v. Russia*

354. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 48 and 57 above), demonstrate that the applicants' relative, Mr Magomed Khamzatov, was abducted on 5 December 2004 by a group of armed servicemen in Grozny. In view of all the material



in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances set out by them.

355. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

356. Bearing in mind the general principles enumerated above, the Court finds that Mr Magomed Khamzatov was taken into custody by State agents on 5 December 2004 in Grozny. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Magomed Khamzatov may be presumed dead following his unacknowledged detention.

*3. Application no. 44284/11, Vezirov and Others v. Russia*

357. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 74, 79 and 81 above), demonstrate that the applicants' relatives, Mr Kharun Vezirov and Mr Askhab Vezirov, were abducted on 7 July 2003 by a group of armed servicemen in Ilyinovskoye. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances set out by them.

358. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

359. Bearing in mind the general principles enumerated above, the Court finds that Mr Kharun Vezirov and Mr Askhab Vezirov were taken into custody by State agents on 7 July 2003 in Ilyinovskoye. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Kharun Vezirov and Mr Askhab Vezirov may be presumed dead following their unacknowledged detention.

*4. Application no. 44313/11, Ismailova and Others v. Russia*

360. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 100-102 above), demonstrate that the applicants' relative Mr Aslambek Isayev was abducted on 16 April 2003 by a group of armed servicemen in Grozny. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relative was abducted by State agents in the circumstances set out by them.

361. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

362. Bearing in mind the general principles enumerated above, the Court finds that Mr Aslambek Isayev was taken into custody by State agents on 16 April 2003 in Grozny. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Aslambek Isayev may be presumed dead following his unacknowledged detention.

*5. Application no. 48134/11, Nuraliyevy v. Russia*

363. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 127, 129, 131 and 132 above), demonstrate that the applicants' relatives, Mr Daud Nuraliyev and Mr Khalid Nuraliyev, were abducted on 16 and 23 June 2002 respectively by a group of armed servicemen in Chechen-Aul. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances set out by them.

364. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

365. Bearing in mind the general principles enumerated above, the Court finds that Mr Daud Nuraliyev and Mr Khalid Nuraliyev were taken into custody by State agents on 16 and 23 June 2002 in Chechen-Aul. In view of the absence of any news of them since those dates and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Daud Nuraliyev and Mr Khalid Nuraliyev may be presumed dead following their unacknowledged detention.

*6. Application no. 49486/11, Khamstkhanova v. Russia*

366. A number of witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 156-58 above), demonstrate that the applicant's husband, Mr Iles Khamstkhanov, was abducted on 12 January 2006 by a group of armed servicemen in Grozny. In view of all the material in its possession, the Court finds that the applicant has presented a prima facie case that her husband was abducted by State agents in the circumstances set out by her.

367. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

368. Bearing in mind the general principles enumerated above, the Court finds that Mr Iles Khamstkhanov was taken into custody by State agents on 12 January 2006 in Grozny. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Iles Khamstkhanov may be presumed dead following his unacknowledged detention.

*7. Application no. 52076/11, Aguyeva and Others v. Russia*

369. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 168, 174 and 176 above), demonstrate that the applicants' relatives, Mr Dzhandar Ismailov and Mr Dzhalil Ismailov, were abducted on 21 January 2003 by a group of armed servicemen in Gudermes. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances set out by them.

370. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

371. Bearing in mind the general principles enumerated above, the Court finds that Mr Dzhandar Ismailov and Mr Dzhalil Ismailov were taken into custody by State agents on 21 January 2003 in Gudermes. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Dzhandar Ismailov and Mr Dzhalil Ismailov may be presumed dead following their unacknowledged detention.

*8. Application no. 52186/11, Sangariyevy v. Russia*

372. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 196, 205 and 212 above), demonstrate that the applicants' relatives, Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev, were abducted on 12 February 2001 by a group of armed servicemen in Stariye Atagi. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances set out by them.

373. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

374. Bearing in mind the general principles enumerated above, the Court finds that Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev were taken into custody by State agents on 12 February 2001 in Stariye Atagi. In view of the absence of any news of them since that date and the life-threatening

nature of such detention (see paragraph 350 above), the Court also finds that Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev may be presumed dead following their unacknowledged detention.

*9. Application no. 55055/11, Nutayevy v. Russia*

375. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 229, 237 and 238 above), demonstrate that the applicants' son Mr Saykhan Nutayev was abducted on 26 February 2003 by a group of armed servicemen in Stariye Atagi. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their son was abducted by State agents in the circumstances set out by them.

376. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

377. Bearing in mind the general principles enumerated above, the Court finds that Mr Saykhan Nutayev was taken into custody by State agents on 26 February 2003 in Stariye Atagi. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Saykhan Nutayev may be presumed dead following his unacknowledged detention.

*10. Application no. 56574/11, Saltuyevy v. Russia*

378. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 260-262 above), demonstrate that the applicants' son Mr Aslanbek Saltuyev was abducted on 14 October 2002 by a group of armed servicemen in Urus-Martan. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their son was abducted by State agents in the circumstances set out by them.

379. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

380. Bearing in mind the general principles enumerated above, the Court finds that Mr Aslanbek Saltuyev was taken into custody by State agents on 14 October 2002 in Urus-Martan. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Aslanbek Saltuyev may be presumed dead following his unacknowledged detention.

*11. Application no. 64266/11, Salamov and Others v. Russia*

381. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 284-285 above), demonstrate that the applicants' son Mr Usman Salamov was abducted on 12 November 2002 by a group of armed servicemen in Katyr-Yurt. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their son was abducted by State agents in the circumstances set out by them.

382. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

383. Bearing in mind the general principles enumerated above, the Court finds that Mr Usman Salamov was taken into custody by State agents on 12 November 2002 in Katyr-Yurt. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Usman Salamov may be presumed dead following his unacknowledged detention.

*12. Application no. 66831/11, Dashtayev and Others v. Russia*

384. A number of witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 311-14 above), demonstrate that the applicants' relatives Mr Imran Dashtayev and Mr Idris Akhmatov were abducted on 20 July 2003 by a group of armed servicemen in Noviye Atagi. In view of all the material in its possession, the Court finds that the applicants have presented a prima facie case that their relatives were abducted by State agents in the circumstances set out by them.

385. The Government did not provide a satisfactory and convincing explanation for the events in question. They therefore failed to discharge their burden of proof.

386. Bearing in mind the general principles enumerated above, the Court finds that Mr Imran Dashtayev and Mr Idris Akhmatov were taken into custody by State agents on 20 July 2003 in Noviye Atagi. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 350 above), the Court also finds that Mr Imran Dashtayev and Mr Idris Akhmatov may be presumed dead following their unacknowledged detention.

#### **D. Conclusions**

387. The Court finds that in all of the applications the applicants' relatives were abducted by armed men in uniforms, displaying behaviour characteristic

of security operations. Their behaviour and appearance, their ability to pass through roadblocks and cordon off areas, along with their use of vehicles, in all probability, lead the Court to conclude that they could be none other than State servicemen. The applicants' allegations are supported by the witness statements and other evidence collected by them and by the investigations. In their submissions to the authorities, the applicants maintained that their relatives had been abducted by State agents. The domestic investigations accepted as fact the versions of events presented by the applicants and took steps to check whether State servicemen had been involved in the abductions. As it appears from the documents, the investigations regarded the possibility of abduction by servicemen as the only, or at least the main, plausible explanation for the events.

388. In summary, the facts of all the applications contain sufficient evidence to enable the Court to make findings about the carrying out of security operations and thus about the State's exclusive control over the detainees (see, among many other authorities, *Aslakhanova and Others*, cited above, § 114). The Government's arguments are limited to references to the unfinished criminal investigations, or are of a speculative nature and stand in contradiction to the evidence reviewed by the Court. In any case, they are insufficient to discharge them of the burden of proof which has been shifted to them in such cases.

389. The detention in life-threatening circumstances of Mr Ruslan Baskhanov, Mr Magomed Khamzatov, Mr Kharun Vezirov, Mr Askhab Vezirov, Mr Aslambek Isayev, Mr Daud Nuraliyev, Mr Khalid Nuraliyev, Mr Iles Khamstkhonov, Mr Dzhandar Ismailov, Mr Dzhalil Ismailov, Mr Said-Ibragim Sangariyev, Mr Idris Sangariyev, Mr Saykhan Nutayev, Mr Aslanbek Saltuyev, Mr Usman Salamov, Mr Idris Akhmatov and Mr Imran Dashtayev, together with the long absence of any news of them, leads the Court to conclude that they may be presumed dead.

#### IV. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

390. The applicants complained, under Article 2 of the Convention, that their relatives had disappeared after having been detained by State agents and that the domestic authorities had failed to carry out effective investigations into the matters. Article 2 reads as follows:

“1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

### **A. The parties’ submissions**

391. The Government contended that the domestic investigations had found no evidence to suggest that the applicants’ relatives had been held under State control or that they were dead. They further noted that the mere fact that the investigative measures had not produced any specific results, or had given only limited ones, did not mean that there were any omissions on the part of the investigative authorities. They claimed that all necessary steps were being taken to comply with the obligation to conduct an effective investigation.

392. The applicants reiterated their complaints.

### **B. The Court’s assessment**

#### *1. Admissibility*

393. The Court considers, in the light of the parties’ submissions, that the complaints raise serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The complaint under Article 2 of the Convention must therefore be declared admissible.

#### *2. Merits*

##### **(a) Alleged violation of the right to life of the applicants’ relatives**

394. The Court has already found that in all of the applications under examination, the applicants’ relatives may be presumed dead, following their unacknowledged detention by State agents. In the absence of any justification put forward by the Government, the Court finds that their deaths can be attributed to the State and that there has been a violation of the substantive aspect of Article 2 of the Convention in respect of Mr Ruslan Baskhanov, Mr Magomed Khamzatov, Mr Kharun Vezirov, Mr Askhab Vezirov, Mr Aslambek Isayev, Mr Daud Nuraliyev, Mr Khalid Nuraliyev, Mr Iles Khamstkhanov, Mr Dzhandar Ismailov, Mr Dzhilil Ismailov, Mr Said-Ibragim Sangariyev, Mr Idris Sangariyev, Mr Saykhan Nutayev, Mr Aslanbek Saltuyev, Mr Usman Salamov, Mr Idris Akhmatov and Mr Imran Dashtayev.

##### **(b) Alleged inadequacy of the investigations into the abductions**

395. The Court has already found that a criminal investigation does not constitute an effective remedy in respect of disappearances which have

occurred in Chechnya between 1999 and 2006, and that such a situation constitutes a systemic problem in Convention terms (see *Aslakhanova and Others*, cited above, § 217). In the cases at hand, as in many previous similar cases reviewed by the Court, the investigations have been pending for many years without bringing about any significant developments as to the identities of the perpetrators or the fate of the applicants' missing relatives. While the obligation to investigate effectively is one of means and not of results, the Court notes that each set of criminal proceedings has been plagued by a combination of defects such as those enumerated in the *Aslakhanova and Others* judgment (cited above, §§ 123-25).

396. In the light of the foregoing, the Court finds that the authorities failed to carry out effective criminal investigations into the circumstances of the disappearances and deaths of Mr Ruslan Baskhanov, Mr Magomed Khamzatov, Mr Kharun Vezirov, Mr Askhab Vezirov, Mr Aslambek Isayev, Mr Daud Nuraliyev, Mr Khalid Nuraliyev, Mr Iles Khamstkhonov, Mr Dzhandar Ismailov, Mr Dzhilil Ismailov, Mr Said-Ibragim Sangariyev, Mr Idris Sangariyev, Mr Saykhan Nutayev, Mr Aslanbek Saltuyev, Mr Usman Salamov, Mr Imran Dashtayev and Mr Idris Akhmatov. Accordingly, there has been a violation of Article 2 of the Convention in its procedural aspect.

#### V. ALLEGED VIOLATIONS OF ARTICLES 3, 5 AND 13 OF THE CONVENTION

397. The applicants complained of a violation of Article 3 of the Convention on account of the mental suffering caused to them by the disappearance of their relatives and under Article 5 of the Convention of the unlawfulness of their relatives' detention. They also argued that, contrary to Article 13 of the Convention, they had no domestic remedies at their disposal against the alleged violations, in particular those under Articles 2 and 3. Articles 3, 5 and 13 read, in so far as relevant, as follows:

##### **Article 3**

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

##### **Article 5**

“1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

...

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed



an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

...

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.”

### Article 13

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

#### A. The parties’ submissions

398. The Government contested the applicants’ claims.

399. The applicants reiterated their complaints.

#### B. The Court’s assessment

##### 1. Admissibility

400. The Court notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

##### 2. Merits

401. The Court has found on many occasions that a situation of enforced disappearance gives rise to a violation of Article 3 in respect of the close relatives of the victim. The essence of such a violation does not lie mainly in the fact of the “disappearance” of the family member, but rather concerns the authorities’ reactions and attitudes to the situation when it is brought to their attention (see *Orhan v. Turkey*, no. 25656/94, § 358, 18 June 2002, and *Imakayeva*, cited above, § 164). Where news about the missing person’s death is preceded by a sufficiently long period when he or she had been deemed disappeared, there exists a distinct period during which the applicants

sustained uncertainty, anguish and distress characteristic to the specific phenomenon of disappearances (see *Luluyev and Others v. Russia*, no. 69480/01, § 115, ECHR 2006-XIII (extracts)).

402. Equally, the Court has found on many occasions that unacknowledged detention is a complete negation of the guarantees contained in Article 5 and discloses a particularly grave violation of its provisions (see *Çiçek v. Turkey*, no. 25704/94, § 164, 27 February 2001, and *Luluyev*, cited above, § 122).

403. The Court reiterates its findings regarding the State's responsibility for the abductions and the failure to carry out meaningful investigations into the fates of the disappeared persons. It finds that the applicants, who are close relatives of the disappeared, must be considered victims of a violation of Article 3 of the Convention on account of the distress and anguish which they suffered, and continue to suffer, as a result of their inability to ascertain the fate of their family members and of the manner in which their complaints have been dealt with.

404. The Court furthermore confirms that since it has been established that the applicants' relatives were detained by State agents, it appears without any legal grounds or acknowledgement of such detention, this constitutes a particularly grave violation of the right to liberty and security of persons enshrined in Article 5 of the Convention.

405. The Court reiterates its findings of the general ineffectiveness of the criminal investigations in applications such as those under examination. In the absence of the results of the criminal investigation, any other possible remedy becomes inaccessible in practice.

406. The Court thus finds that the applicants in these applications did not have an effective domestic remedy at their disposal for their grievances under Articles 2 and 3, in breach of Article 13 of the Convention (see, for example, *Aslakhanova and Others*, cited above, §157).

## VI. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

407. The applicants in the application *Dashtayev and Others* (no. 66831/11) complained that the search carried out by the perpetrators of the abduction constituted a violation of the seventh and eighth applicants' right to respect for their home. Article 8 of the Convention which reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

408. In their observations on the admissibility and merits of the application, the applicants stated that they no longer wished to maintain this complaint.

409. The Court, having regard to Article 37 of the Convention, notes that the applicants do not intend to pursue this part of the application, within the meaning of Article 37 § 1 (a). It finds no reasons of a general character affecting respect for human rights as defined in the Convention which require a further examination of the present complaints by virtue of Article 37 § 1 of the Convention *in fine* (see, among other authorities, *Stamatios Karagiannis v. Greece*, no. 27806/02, § 28, 10 February 2005, and *Gekhayeva and Others v. Russia*, no. 1755/04, § 146, 29 May 2008).

410. It follows that this part of the application must be struck out in accordance with Article 37 § 1 (a) of the Convention.

## VII. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

411. The Court has examined the other complaints submitted by the applicants in the applications *Aguyeva and Others* (no. 52076/11) and *Sangariyevy* (no. 52182/11) under Articles 3 and 8 and Article 1 of Protocol No. 1 to the Convention. However, having regard to all the material in its possession, and in so far as those complaints fall within the Court's competence, it finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application must be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

## VIII. APPLICATION OF ARTICLE 41 OF THE CONVENTION

412. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

### A. Damage

#### 1. *Application no. 25088/11, Petimat Ismailova v. Russia*

413. The applicant did not claim pecuniary damage. She claimed 60,000 euros (EUR) in respect of non-pecuniary damage.

#### 2. *Application no. 44277/11, Idigova and Others v. Russia*

414. The first applicant, the wife of Mr Magomed Khamzatov, claimed 1,304,641 Russian roubles (RUB) (about EUR 29,000); the second and third

applicants, his children, claimed RUB 145,778 (about EUR 3,300) and RUB 163,204 (about EUR 3,700) respectively for the loss of financial support of their family breadwinner. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

415. In respect of non-pecuniary damage, the applicants jointly claimed EUR 100,000.

*3. Application no. 44284/11, Vezirov and Others v. Russia*

416. The first and second applicants, the parents of Mr Kharun and Mr Askhab Vezirov claimed RUB 1,902,089 (about EUR 42,300) and RUB 1,916,094 (about EUR 42,600) respectively; the third applicant, the wife of Mr Askhab Vezirov, claimed RUB 989,964 (about EUR 22,000) for the loss of financial support of their family breadwinners. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

417. In respect of non-pecuniary damage, the applicants jointly claimed EUR 130,000.

*4. Application no. 44313/11, Ismailova and Others v. Russia*

418. The first applicant, the aunt of Mr Aslambek Isayev, claimed RUB 542,354 (about EUR 12,100), the second applicant, his daughter, claimed RUB 363,833 (about EUR 8,100) and the third applicant, his grandmother, claimed RUB 237,484 (about EUR 5,300) for the loss of financial support of their family breadwinner. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

419. In respect of non-pecuniary damage, the applicants jointly claimed EUR 105,000.

*5. Application no. 48134/11, Nuraliyevy v. Russia*

420. The applicants did not claim pecuniary damage. In respect of non-pecuniary damage, they jointly claimed EUR 60,000.

*6. Application no. 49486/11, Khamstkhanova v. Russia*

421. The applicant did not claim pecuniary damage. In respect of non-pecuniary damage, she claimed EUR 1,000,000.

*7. Application no. 52076/11, Aguyeva and Others v. Russia*

422. The first and second applicants, the parents of Mr Dzhandar and Mr Dzhalil Ismailov, claimed RUB 2,083,198 (about EUR 46,300) and RUB 1,650,368 (about EUR 36,700) respectively; the fourth applicant, the wife of Mr Dzhandar Ismailov, claimed RUB 1,086,278 (about EUR 21,200)

and the fifth applicant, his son, claimed RUB 463,504 (about EUR 10,300) for the loss of financial support of their family breadwinners. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

423. In respect of non-pecuniary damage, the applicants jointly claimed EUR 130,000.

*8. Application no. 52182/11, Sangariyevy v. Russia*

424. The first, fifth and sixth applicants, the parents of Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev, claimed RUB 1,024,946 (about EUR 22,700), RUB 991,426 (about EUR 22,000) and RUB 982,441 (about EUR 21,800) respectively for the loss of financial support of their family breadwinners. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

425. In respect of non-pecuniary damage, the applicants jointly claimed EUR 130,000.

*9. Application no. 55055/11, Nutayevy v. Russia*

426. The first and second applicants, the parents of Mr Saykhan Nutayev, claimed RUB 804,644 (about EUR 18,000) and RUB 819,071 (about EUR 18,200) for the loss of financial support of their family breadwinner. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

427. In respect of non-pecuniary damage, the applicants jointly claimed EUR 75,000.

*10. Application no. 56574/11, Saltuyevy v. Russia*

428. The applicants claimed EUR 20,000 each for the loss of financial support of their family breadwinner. They based their calculations on their estimates.

429. In respect of non-pecuniary damage, the applicants jointly claimed EUR 60,000.

*11. Application no. 64266/11, Salamov and Others v. Russia*

430. The applicants did not claim pecuniary damage. In respect of non-pecuniary damage, they jointly claimed EUR 60,000.

*12. Application no. 66831/11, Dashtayev and Others v. Russia*

431. The applicants claimed the following amounts for the loss of financial support of their family breadwinners. The first, second, third, fourth, fifth and sixth applicants, the sons and wife of Mr Imran Dashtayev, claimed RUB 21,879 (about EUR 500), RUB 34,579 (about EUR 780), RUB 42,002 (about EUR 950), RUB 70,517 (about EUR 1,600), RUB 79,395 (about

EUR 1,800), and RUB 119,093 (about EUR 2,700) respectively. The seventh and eighth applicants, the parents of Mr Idris Akhmadov, claimed RUB 372,057 (about EUR 8,300) and RUB 345,459 (about EUR 7,700) respectively. The applicants based their calculations on the subsistence level provided for by the domestic law and the Ogden Actuarial Tables.

432. In respect of non-pecuniary damage, the first, second, third, fourth, fifth and sixth applicants jointly claimed EUR 210,000 and the seventh and eighth applicants jointly claimed EUR 70,000.

## **B. Costs and expenses**

### *1. Application no. 25088/11, Petimat Ismailova v. Russia*

433. The applicant was represented by lawyers from Materi Chechni. The aggregate claim in respect of the costs and expenses related to her legal representation amounted to EUR 2,900. She submitted that her representatives carried out thirty-eight hours of legal work which amounted to the sum claimed. The applicant did not submit copies of documents reflecting the expenses made.

### *2. Application no. 44277/11, Idigova and Others v. Russia*

434. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,749, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

### *3. Application no. 44284/11, Vezirov and Others v. Russia*

435. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,849, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

### *4. Application no. 44313/11, Ismailova and Others v. Russia*

436. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,817, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

5. *Application no. 48134/11, Nuraliyevy v. Russia*

437. The applicant was represented by lawyers from the NGO Materi Chechni. The aggregate claim in respect of costs and expenses related to her legal representation amounted to EUR 2,650. She submitted that her representatives carried out thirty-seven hours of legal work which amounted to the sum claimed. The applicant did not submit copies of documents reflecting the expenses made.

6. *Application no. 49486/11, Khamstkhanova v. Russia*

438. The applicant was represented by Mr D. Itslyayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to her legal representation amounted to EUR 6,040, which included the drafting of legal documents, translation services and administrative costs. She submitted copies of a legal representation contract and an invoice for translation services.

7. *Application no. 52076/11, Aguyeva and Others v. Russia*

439. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,729, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

8. *Application no. 52182/11, Sangariyevy v. Russia*

440. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,930, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

9. *Application no. 55055/11, Nutayevy v. Russia*

441. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,020, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

*10. Application no. 56574/11, Saltuyevy v. Russia*

442. The applicants were represented by Mr T. Shamsudinov, a lawyer practising in Grozny. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 6,046. They did not submit copies of documents reflecting the expenses made.

*11. Application no. 64266/11, Salamov and Others v. Russia*

443. The applicants were represented by Materi Chechni. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,100. They did not submit copies of documents reflecting the expenses made or a detailed breakdown of costs incurred.

*12. Application no. 66831/11, Dashtayev and Others v. Russia*

444. The applicants were represented by SRJI/Astreya. Their aggregate claim in respect of costs and expenses related to their legal representation amounted to EUR 3,541, which included the drafting of legal documents, translation services, and administrative and postal costs. They submitted copies of a legal representation contract and an invoice with a breakdown of the costs incurred.

### **C. The Government**

445. The Government submitted in respect of each application that the applicants' claims for damages were unsubstantiated. They further maintained that the finding of a violation would constitute sufficient just satisfaction for the applicants.

446. The Government further stated in respect of each application that the applicants' claims for costs and expenses were unsubstantiated, as it had not been shown that the expenses claimed had actually been incurred. They also commented that the application forms and observations submitted by the applicants' representatives were very similar to each other, and therefore the time and effort spent on the preparation of the documents did not correspond to the amounts claimed. In particular, in respect of claims made by the representatives in the applications *Petimat Ismailova* (no.25088/11), *Nuralieyy* (no. 48134/11) and *Salamov and Others* (no. 34622/11), the Government pointed out that the observations "consisted of one page written in English"; the amount of legal research and preparation was not duly justified and no copies of documents substantiating the postage and administrative expenses were furnished by the applicants' representatives.



#### **D. The Court's assessment**

447. The Court reiterates that there must be a clear causal connection between the damages claimed by the applicants and the violation of the Convention, and that this may, where appropriate, include compensation in respect of loss of earnings. The Court further finds that a loss of earnings may be claimed by close relatives of a disappeared person, including spouses, elderly parents and minor children (see, among other authorities, *Imakayeva*, cited above, § 213).

448. Whenever the Court finds a violation of the Convention, it may accept that the applicants have suffered non-pecuniary damage which cannot be compensated for solely by the finding of a violation, and make a financial award.

449. As to costs and expenses, the Court first has to establish whether the costs and expenses indicated by the applicants' representatives were actually incurred and secondly, whether they were necessary (see *McCann and Others v. the United Kingdom*, 27 September 1995, § 220, Series A no. 324, and *Fadeyeva v. Russia*, no. 55723/00, § 147, ECHR 2005-IV).

450. Having regard to the foregoing conclusions, the principles enumerated above and the parties' submissions, the Court awards the amounts to the applicants as detailed in Appendix II, plus any tax that may be chargeable to the applicants on those amounts. The awards in respect of costs and expenses are to be paid into the representatives' bank accounts, as specified by the applicants.

#### **E. Default interest**

451. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Decides* to strike the applications out of its list of cases in accordance with Article 37 § 1 (a) of the Convention in so far as it concerns the complaints under Article 8 of the Convention in the application of *Dashtayev and Others* (no. 66831/11);

3. *Declares* the complaints concerning Articles 2, 3, 5 and 13 admissible and the remainder as set out in paragraph 411 above inadmissible;
4. *Holds* that there has been a substantive violation of Article 2 of the Convention in respect of the applicants' relatives: Mr Ruslan Baskhanov, Mr Magomed Khamzatov, Mr Kharun Vezirov, Mr Askhab Vezirov, Mr Aslambek Isayev, Mr Daud Nuraliyev, Mr Khalid Nuraliyev, Mr Iles Khamstkhanov, Mr Dzhandar Ismailov, Mr Dzhilil Ismailov, Mr Said-Ibragim Sangariyev, Mr Idris Sangariyev, Mr Saykhan Nutayev, Mr Aslanbek Saltuyev, Mr Usman Salamov, Mr Imran Dashtayev and Mr Idris Akhmatov;
5. *Holds* that there has been a procedural violation of Article 2 of the Convention in respect of the failure to investigate the disappearance of the applicants' relatives;
6. *Holds* that there has been a violation of Article 3 of the Convention in respect of the applicants, on account of their relatives' disappearance and the authorities' response to their suffering;
7. *Holds* that there has been a violation of Article 5 of the Convention in respect of the applicants' relatives on account of their unlawful detention;
8. *Holds* there has been a violation of Article 13 of the Convention in conjunction with Articles 2 and 3 of the Convention;
9. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months of the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts as indicated in Appendix II, plus any tax that may be chargeable to the applicants. The payments in respect of costs and expenses to the applicants' representatives are to be made to the representatives' bank accounts as indicated by the applicants; the payments are to be made in euros in respect of the applicants represented by SRJI/Astreya, and to be converted into the currency of the respondent State in respect of the applicants represented by Mr D. Itslyayev, Mr T. Shamsudinov and the NGO Materi Chechni;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
10. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 18 September 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen  
Registrar

Isabelle Berro-Lefèvre  
President

**APPENDIX I**  
Details of the applications

No.	Number, name of application and date of introduction	Applicants' details (name and year of birth)	Representative	Name and year of birth of abductee(s)	Brief description of the circumstances of the abduction	Relevant details about the official investigation
1.	25088/11 <b>Petimat Ismailova v. Russia</b>  14/03/2011	<b>(1) Ms Petimat Ismailova</b> (also referred to as Baskhanova) (1980)	Materi Chechni	<b>(1) Mr Ruslan Baskhanov</b> (1980)	On 6 January 2004 a group of about fifteen camouflaged and masked servicemen arrived at the applicants' house in two armoured personnel carriers (APCs) and took Mr Ruslan Baskhanov away.	On 15 January 2004 the Achkhoy-Martan inter-district prosecutor's office opened criminal case no. 38002. The investigation is still pending.
2.	44277/11 <b>Idigova and Others v. Russia</b>  14/07/2011	<b>(1) Ms Khava Idigova</b> (1961), <b>(2) Mr Ibragim Khamzatov</b> (1999)  <b>(3) Ms Marem Khamzatova</b> (2000)	Stitching Russian Justice Initiative (SRJI)/Astreya	<b>(1) Mr Magomed Khamzatov</b> (1959)	On 5 December 2004 a group of armed servicemen arrived in the applicants' neighborhood in a UAZ minivan, broke into the applicants' house and took Mr Magomed Khamzatov away.	On 15 December 2004 (in the documents submitted also referred to as 7 December 2004) the Staropromyslovskiy district prosecutor's office opened criminal case no. 33090. The investigation is still pending.

<p>3.</p>	<p><b>44284/11 Vezirov and Others v. Russia</b>  14/07/2011</p>	<p>(1) <b>Mr Zaurbek Vezirov</b> (1954)  (2) <b>Ms Aminat Vezirova</b> (1957)  (3) <b>Ms Raisa Bibulatova</b> (1979)  (4) <b>Ms Eliza Vezirova</b> (1990)  (5) <b>Ms Elina Vezirova</b> (1990)  (6) <b>Ms Rukiyat Vezirova</b> (1986)  (7) <b>Ms Zhansari Vezirova</b> (1980)</p>	<p>SRJI/Astreya</p>	<p>(1) <b>Mr Kharun Vezirov</b> (1977) and (2) <b>Mr Askhab Vezirov</b> (1979)</p>	<p>On 7 July 2003 a group of about ten servicemen arrived at the applicants' house in several UAZ vehicles and a GAZEL minivan and took Mr Kharun Vezirov and Mr Askhab Vezirov away.</p>	<p>On 27 February 2004 the Grozny district prosecutor's office opened criminal case no. 34025. The investigation is still pending.</p>
<p>4.</p>	<p><b>44313/11 Ismailova and Others v. Russia</b>  12/07/2011</p>	<p>(1) <b>Ms Khazan Ismailova</b> (also spelt as Khaza) (1957)  (2) <b>Ms Medni Isayeva</b> (2003)  (3) <b>Ms Zina Ismailova</b> (1939)</p>	<p>SRJI/Astreya</p>	<p>(1) <b>Mr Aslambek Isayev</b> (1981)</p>	<p>On 16 April 2003 a group of about ten armed servicemen in camouflage uniforms arrived at the applicants' house in two UAZ vehicles and took Mr Aslambek Isayev away.</p>	<p>On 1 May 2003 the Grozny town prosecutor's office opened criminal case no. 40070. The investigation is still pending.</p>

5.	<b>48134/11 Nuraliyevy v. Russia</b>  13/07/2011	<b>(1) Ms Maret Nuraliyeva</b> (1970)  <b>(2) Ms Aset Nuraliyeva</b> (1972)	Materi Chechni	<b>(1) Mr Daud Nuraliyev</b> (1979) and <b>(2) Mr Khalid Nuraliyev</b> (1974)	<p>On 16 June 2002 a group of about ten armed military servicemen in camouflage uniforms arrived at the applicants' house in two APCs and took Mr Daud Nuraliyev away.</p> <p>On 23 June 2002 by the corner of Sadovaya Street and Sovkhoznaya Street the same group of military servicemen in APCs detained Mr Khalid Nuraliyev and took him away.</p>	On 28 June 2002 the Grozny district prosecutor's office opened criminal case no. 56099. The investigation is still pending.
6.	<b>49486/11 Khamstkhanova v. Russia</b>  18/07/2011	<b>(1) Ms Arbiyat Khamstkhanova</b> (1960)	Mr Dokka Itslayev	<b>1) Mr Iles Khamstkhanov</b> (1960, in the documents submitted the date of birth was also stated as 1955)	On 12 January 2006 a group of ten armed servicemen arrived at the applicant's house in three UAZ vehicles and took Mr Iles Khamstkhanov away.	On 30 January 2006 the Oktyabrskiy district prosecutor's office in Grozny opened criminal case no. 52007. The investigation is still pending.
7.	<b>52076/11 Aguyeva and Others v. Russia</b>  11/08/2011	<b>(1) Mr Khedi Aguyeva</b> (1960)  <b>(2) Mr Inderpash Ismailov</b> (1956)  <b>(3) Ms Marusa Aguyeva</b> (1921)  <b>(4) Ms Luiza Makhmadova</b> (also	SRJI/Astreya	<b>(1) Mr Dzhandar Ismailov</b> (1979) and <b>(2) Mr Dzhilil Ismailov</b> (1982)	On 21 January 2003 a group of about ten to fifteen servicemen in camouflage uniforms and masks arrived at the applicants' house in a grey UAZ vehicle with a smeared registration plate and took Mr Dzhandar Ismailov and Mr Dzhilil Ismailov away.	On 23 January 2003 the Gudermes district prosecutor's office opened criminal case no. 32005. The investigation is still pending.

		<p>spelt as Makhamdova) (1985)</p> <p><b>(5) Mr Atama Ismailov</b> (2003)</p>				
8.	<p><b>52182/11 Sangariyevy v. Russia</b></p> <p>11/08/2011</p>	<p><b>(1) Ms Zulay Sangariyeva</b> (1957)</p> <p><b>(2) Ms Zulikhan Sangariyeva</b> (1986)</p> <p><b>(3) Ms Aminat Sangariyeva</b> (1983)</p> <p><b>(4) Mr Islam Sangariyev</b> (1981)</p> <p><b>(5) Ms Raisa Sangariyeva</b> (1950)</p> <p><b>(6) Mr Said- Magomed Sangariyev</b> (1950)</p>	SRJI/Astreya	<p><b>(1) Mr Said-Ibragim Sangariyev</b> (1978) and <b>(2) Mr Idris Sangariyev</b> (1977)</p>	<p>On 12 February 2001 two cousins, Mr Said-Ibragim Sangariyev and Mr Idris Sangariyev, were abducted from their uncle's house in Stariye Atagi by a group of about forty to fifty military servicemen who had arrived in three APCs.</p>	<p>On 9 April 2001 the Grozny district prosecutor's office opened criminal case no. 19045 (in the documents submitted also referred to as no. 42229). The investigation is still pending.</p>
9.	<p><b>55055/11 Nutayevy v. Russia</b></p> <p>23/08/2011</p>	<p><b>(1) Mr Sultan Nutayev</b> (1958)</p> <p><b>(2) Ms Tamara Nutayeva</b> (1959)</p>	SRJI/Astreya	<p><b>(1) Mr Saykhan Nutayev</b> (1983)</p>	<p>On 26 February 2003 a group of about twenty armed military servicemen in camouflage uniforms arrived at the applicants' house in two grey UAZ minivans</p>	<p>On 11 March 2003 the Grozny district prosecutor's office opened criminal case no. 42043. The investigation is still pending.</p>

					and two VAZ-2121 ('Niva') vehicles and took Mr Saykhan Nutayev away.	
10.	<b>56574/11 Saltuyevy v. Russia</b>  18/08/2011	<b>(1) Ms Khadisht Saltuyeva</b> (1955)  <b>2) Mr Abdul-Khalim Saltuyev</b> (1946)	Mr Tagir Shamsudinov	<b>(1) Mr Aslanbek Saltuyev</b> (1981)	On 14 October 2002 a group of ten armed servicemen in camouflage uniforms broke into the applicants' house and took Mr Aslanbek Saltuyev away.	On 7 November 2002 the Urus-Martan district prosecutor's office opened criminal case no. 61141. The investigation is still pending.
11.	<b>64266/11 Salamov and Others v. Russia</b>  15/09/2011	<b>(1) Mr Khalit Salamov</b> (1938)  <b>(2) Ms Bikazhu Dzhambulatova</b> (1946)  <b>(3) Mr Imran Salamov</b> (1977)	Materi Chechni	<b>(1) Mr Usman Salamov</b> (1977)	On 12 November 2002 a group of armed servicemen in camouflage uniforms and masks arrived at the applicants' house in two APCs and a VAZ car and took Mr Usman Salamov away.	On 29 January 2003 the Achkhoy-Martan inter-district prosecutor's office opened criminal case no. 44015. The investigation is still pending.
12.	<b>66831/11 Dashtayev and Others v. Russia</b>  21/10/2011	<b>(1) Mr Islam Dashtayev</b> (1991)  <b>(2) Mr Bislan Dashtayev</b> (1993)  <b>(3) Mr Yusup Dashtayev</b> (1994)  <b>(4) Mr Shamkhan Dashtayev</b> (1997)	SRJI/Astreya	<b>(1) Mr Idris Akhmadov</b> (1982) and <b>(2) Mr Imran Dashtayev</b> (1955)	On 20 July 2003 a convoy of military vehicles, consisting of APCs, a URAL lorry and a UAZ all-terrain car, arrived at the applicants' street, broke into the applicants' houses and took Mr Idris Akhmadov and Mr Imran Dashtayev away.	On 21 July 2003 the Shali district prosecutor's office opened criminal case no. 22106. The investigation is still pending.



		<p><b>(5) Mr Khamzat Dashtayev</b> (1999)</p> <p><b>(6) Ms Kulsum Abubakarova</b> (1957)</p> <p><b>(7) Ms Yakhita Abdurzakova</b> (also spelt as Akhmadova), (1954)</p> <p><b>(8) Mr Musaid Akhmadov</b> (1953)</p>				
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## Appendix II

### Awards made by the Court under Article 41

No.	Application number and name	Pecuniary damage	Non-pecuniary damage	Representative	Costs and expenses
1.	25088/11 Petimat Ismailova v. Russia	-	EUR 60,000 (sixty thousand euros)	Materi Chechni	EUR 1,000 (one thousand euros)
2.	44277/11 Idigova and Others v. Russia	EUR 10,000 (ten thousand euros) to the first applicant and EUR 2,000 (two thousand euros) each to the second and third applicants	EUR 60,000 (sixty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
3.	44284/11 Vezirov and Others v. Russia	EUR 22,000 (twenty two thousand euros) to the first and second applicants each; EUR 10,000 (ten thousand euros) to the third applicant	EUR 120,000 (one hundred and twenty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
4.	44313/11 Ismailova and Others v. Russia	EUR 5,000 (five thousand euros) to the first and second applicants each and EUR 3,000 (three thousand) to the third applicant	EUR 60,000 (sixty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
5.	48134/11 Nuraliyevy v. Russia	-	EUR 120,000 (one hundred and twenty thousand euros) to the applicants jointly	Materi Chechni	EUR 1,000 (one thousand euros)
6.	49486/11 Khamstkhanova v. Russia	-	EUR 60,000 (sixty thousand euros)	Mr Dokka Itslyayev	EUR 3,000 (three thousand euros)

7.	<b>52076/11 Aguyeva and Others v. Russia</b>	EUR 22,000 (twenty two thousand euros) to the first and second applicants each; EUR 10,000 (ten thousand euros) to the fourth applicant; EUR 3,000 (three thousand euros) to the fifth applicant	EUR 120,000 (one hundred and twenty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
8.	<b>52182/11 Sangariyevy v. Russia</b>	EUR 11,000 (eleven thousand euros) to the first applicant; EUR 6,000 (six thousand euros) to the fifth and sixth applicants each	EUR 120,000 (one hundred and twenty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
9.	<b>55055/11 Nutayevy v. Russia</b>	EUR 6,000 (six thousand euros) to the first and second applicants each	EUR 60,000 (sixty thousand euros) to the applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)
10.	<b>56574/11 Saltuyevy v. Russia</b>	EUR 6,000 (six thousand euros) to the first and second applicants each	EUR 60,000 (sixty thousand euros) to the applicants jointly	Mr Tagir Shamsudinov	EUR 1,000 (one thousand euros)
11.	<b>64266/11 Salamov and Others v. Russia</b>	-	EUR 60,000 (sixty thousand euros) to the applicants jointly	Materi Chechni	EUR 1,000 (one thousand euros)
12.	<b>66831/11 Dashtayev and Others v. Russia</b>	EUR 500 (five hundred euros) to the first, second and third applicants each; EUR 1000 (one thousand euros) to the fourth and fifth applicants each; EUR 2,500 (two thousand five hundred euros) to the sixth applicant; EUR 6,000 (six thousand euros) to the seventh and eighth applicants each	EUR 60,000 (sixty thousand euros) to the first, second, third, fourth, fifth and sixth applicants jointly and EUR 60,000 (sixty thousand euros) to the seventh and eighth applicants jointly	SRJI/Astreya	EUR 3,000 (three thousand euros)