



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

FIRST SECTION

CASE OF PITSAYEVA AND OTHERS v. RUSSIA

*(Applications nos. 53036/08, 61785/08, 8594/09, 24708/09, 30327/09,
36965/09, 61258/09, 63608/09, 67322/09, 4334/10, 4345/10, 11873/10,
25515/10, 30592/10, 32797/10, 33944/10, 36141/10, 52446/10, 62244/10
and 66420/10)*

JUDGMENT

*This version was rectified on 18 February and 17 June 2014
Under Rule 81 of the Rules of Court*

STRASBOURG

9 January 2014

FINAL

02/06/2014

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

In the case of Pitsayeva 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 Hajiyeu,

Julia Laffranque,

Linos-Alexandre Sicilianos,

Ksenija Turković,

Dmitry Dedov, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 10 December 2013,

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

PROCEDURE

1. The case originated in twenty applications (nos. 53036/08, 61785/08, 8594/09, 24708/09, 30327/09, 36965/09, 61258/09, 63608/09, 67322/09, 4334/10, 4345/10, 11873/10, 25515/10, 30592/10, 32797/10, 33944/10, 36141/10, 52446/10, 62244/10 and 66420/10) 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.

2. The applicants were represented before the Court by Mr D. Itslyayev and Mr Z. Sobraliyev, lawyers practising in Russia, Mr B. Risnes, a lawyer practising in Norway, lawyers from the NGO Stitching Russian Justice Initiative (SRJI) (in partnership with NGO Astreya), lawyers from the European Human Rights Advocacy Centre (EHRAC), an NGO based in the UK, and lawyers from the Committee Against Torture, an NGO based in Russia. 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 2000 and 2006 their thirty-six relatives had been abducted by State servicemen in Chechnya and that no effective investigation into the matter had taken place.

4. With regard to *Yusupovy v. Russia* (application no. 33944/10), the first applicant died on 7 October 2010. The second applicant expressed her wish to pursue the application on his behalf. Given the circumstances of the case, the Court accepts that the second applicant, who is the wife of the first applicant, may pursue the application on his behalf.

5. On 31 August 2011 the applications were communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

6. The applicants in the present cases are Russian nationals. Four of the applicants in *Pitsayeva and Others v. Russia* (no. 53036/08) reside in Belgium, the applicant in *Ibragimova v. Russia* (no. 30592/10) resides in Norway, and the remaining applicants live in various districts of the Chechen Republic, as specified in the attached table (Appendix I).

7. The applicants are close relatives of persons who disappeared in the Chechen Republic between 2000 and 2006 allegedly after being abducted from their homes by groups of unidentified men. The applicants believed that the abductors were Russian federal servicemen since they were wearing camouflage uniforms, had Slavic features and spoke unaccented Russian. Armed with machine guns, the culprits broke into the applicants' homes, searched the premises, checked the identity documents of the applicants' relatives and took the latter away in military vehicles, such as armoured personnel carriers (APCs), UAZ minivans or Ural lorries. Only a few of the vehicles had official registration plates. In a number of cases the registration numbers were obscured with mud. None of the applicants have had news of their missing relatives since.

8. The abductions took place in various districts of Chechnya and were primarily carried out during curfew hours late at night and early in the morning. In some cases the applicants reported that a special operation had been conducted by Russian troops in the area. Indeed, in *Saraliyeva and Others v. Russia* (no. 63608/09), *Ibragimova v. Russia* (no. 30592/10) and *Abdulvakhidova v. Russia* (no. 52446/10), the investigative authorities officially acknowledged that a special operation had been carried out in the area at the time of the events.

9. The applicants reported the incidents to the law-enforcement authorities, and official investigations were opened. The proceedings were repeatedly suspended and resumed. 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.

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

11. The facts relevant to each individual case are summarised below. The personal data of the applicants and their disappeared relatives are summarised in the attached table (Appendix I).

1. Application no. 53036/08, Pitsayeva and Others v. Russia

(a) Abduction of Mulat Barshigov

12. At the material time the first, second, third and fourth applicants and Mr Mulat Barshigov lived in Samashki, Achkhoy-Martan District, Chechnya. Mulat Barshigov was working as deputy head of the Samashki village administration.

13. On 14 November 2002 a special operation was carried out in Samashki. The village was placed under curfew and at least three roadblocks were set up in the vicinity. A military commander's office was located in the village.

14. According to the applicants, at 2 a.m. on 14 November 2002 five or six men armed with sub-machine guns broke into their house. The intruders, who were wearing camouflage uniforms and masks, arrived in APCs (armoured personnel carriers) and UAZ vehicles. One of them, who was unmasked, was of Slavic appearance. The men, who spoke unaccented Russian, bound and gagged the first, second, third and fourth applicants, then beat Mulat Barshigov unconscious and took him away in one of their vehicles.

15. There has been no news of Mulat Barshigov since that day.

(b) Official investigation

16. The Government submitted copies of the contents of criminal case file no. 63091 (comprising three volumes) on the abduction of Mulat Barshigov. They noted that in accordance with Article 161 of the Criminal Procedure Code, the documents containing personal information on the servicemen who had taken part in counterterrorist operations were not furnished to the Court. The information submitted can be summarised as follows.

(i) Opening of the criminal investigation

17. On 14 November 2002 the first applicant reported her husband's abduction to the Achkhoy-Martan district prosecutor's office, stating that at about 2 a.m. on 14 November 2002 unidentified masked men in camouflage uniforms had broken into their house, gagged and bound the family members with duct tape, then had beaten her husband up and taken him away.

18. On 16 November 2002 the Achkhoy-Martan district prosecutor's office opened criminal case no. 63091 under Article 126 of the Criminal Code (abduction).

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

19. On 14 November 2002 the first applicant was questioned by the investigator. She provided a detailed account of the events, stating that she and her minor children had been bound and gagged by the abductors, who had been armed with sub-machine guns.

20. On the same day Mr N. Sh., the applicants' neighbour, made a statement to the investigation. He said that at about 5 a.m. on 14 November 2002, one of Mulat Barshigov's sons had come over and told him that armed men in camouflage uniforms had broken into their house, tied them up and taken his father away.

(iii) *Main investigative steps taken by the authorities and progress of the investigation*

21. On 14 November 2002 an investigator examined the crime scene. Samples of duct tape with fingerprints were collected as evidence.

22. On 16 November 2002 the first applicant was granted victim status in the criminal case.

23. On 10 January 2003 the investigator ordered an expert examination of the fingerprints on the duct tape collected from the crime scene.

24. On 16 January 2003 the investigation was suspended for failure to identify the perpetrators.

25. According to the expert's report submitted on 24 January 2003, the fingerprints found on the duct tape were not of good quality and could not, therefore, be used for identification purposes.

26. On 25 April 2003, in response to an inquiry by the first applicant, the investigator informed her that the investigation had been suspended but the search for her husband was in progress.

27. On 18 March 2005 the deputy prosecutor of the Achkhoy-Martan district issued a progress report on the investigation. Having summarised the main steps taken by the investigators, the deputy prosecutor noted, *inter alia*, that there had been a "lack of cooperation between the authorities responsible for the operative search measures".

28. On 31 May 2006 the investigation was resumed and the applicants were informed thereof.

29. On 1 July 2006 the investigation was suspended.

30. On 16 June 2007 the Achkhoy-Martan district prosecutor overruled the decision to suspend the investigation as premature, and ordered the investigators to carry out additional investigative measures.

31. In August 2007 an investigator again questioned the applicants and other witnesses.

32. On 10 June 2008 the investigation was resumed and the investigators were ordered to take basic steps. The investigation is still pending.

(c) The applicants' complaints concerning the investigation

33. It appears from the case file that throughout the relevant period the applicants wrote to various State authorities complaining about the abduction, asking for assistance in the search, inquiring about the progress of the investigation and complaining of the delays. Their complaints included the following: a letter of 17 April 2003 to the Achkhoy-Martan district prosecutor's office; a letter of 21 April 2003 to the Chechnya Prosecutor's Office; a letter of 7 July 2003 to the Russian Prosecutor General; and a letter of 21 May 2008 to the Achkhoy-Martan district investigations department.

2. Application no. 61785/08, Salamova and Others v. Russia

(a) Abduction of Isa and Usman Eskiyev

34. At the material time the first seven applicants were living with Mr Isa Eskiyev and Mr Usman Eskiyev (the Eskiyev brothers) in Koshkeldy village, Gudermes District, Chechnya. Their family house consisted of two separate dwellings sharing a common courtyard. One of the dwellings was occupied by the first applicant, while the other, which had two different entrances, was occupied by the other applicants.

35. At 2 a.m. on 6 June 2003 about thirty men of Slavic appearance driving four military UAZ vehicles broke into the applicants' courtyard. They were armed, using portable radios and wearing green camouflage uniforms. They spoke unaccented Russian. Ten masked men entered into the house. They bound the hands of the first, second and eighth applicants and ordered them to lie down on the floor. After searching the house, the intruders beat up Isa and Usman Eskiyev, seized their passports and those of their spouses and took the two brothers away. Their vehicles passed freely through a checkpoint on the outskirts of the village.

36. Later that night, the same group of men broke into the house of Mr Kaim Eskhiyev, a neighbour. They were looking for his son, Mr Dalambek Eskiyev, who allegedly belonged to an illegal armed group and who had left the village two years prior to the events. The applicants heard the men asking someone over the radio "We did not find the guilty one, only two innocent men. What should we do?" and the reply, "Never mind, take them."

37. Isa and Usman Eskiyev have been missing ever since.

(b) Official investigation

38. The Government submitted copies of part of the contents of criminal case file no. 35006 concerning the abduction of Isa and Usman Eskiyev (comprising two volumes). They noted that in accordance with Article 161 of the Criminal Procedure Code, the documents containing personal information on the servicemen who had taken part in counterterrorist

operations were not furnished to the Court. The information submitted can be summarised as follows.

(i) Opening of the criminal investigation

39. According to the Government, the first applicant reported the abduction of her sons by State servicemen to the Gudermes ROVD on 23 January 2004. According to the documents submitted by the applicants, they reported the abduction to the Gudermes ROVD on 15 October 2003. The applicants pointed out that the brothers had been abducted from their home at night by law-enforcement officers wearing camouflage uniforms and driving four UAZ vehicles. The applicants stressed that the abductors had threatened to kill them and had passed unhindered through the checkpoint.

40. On 3 February 2004 the Gudermes district prosecutor's office opened criminal case no. 35006 under Article 126 of the Criminal Code (kidnapping).

(ii) Main witness statements taken by the investigators

41. On 23 January 2004 investigators questioned the first applicant, who stated that at 2 a.m. on 6 June 2003 armed men in camouflage uniforms had burst into the courtyard of their family house. She had thought that they had come, as they had previously done, to search for a certain Mr Dalambek Eskiyev, a member of illegal armed groups, and the applicants' neighbour and relative. However, the armed men had taken away Isa and Usman Eskiyev.

42. On 9 February 2004 the second applicant informed the investigators that at 3 a.m. on 6 June 2003 she had heard some noise and thought that State servicemen were again searching for Dalambek Eskiyev. He was wanted for his involvement in illegal armed groups; therefore, servicemen had often checked his house. This time, however, they broke into the second applicant's house. They bound her hands, ordered her to lie down on the floor and then took her husband away. She managed to unbind her hands and went outside where she learnt that the servicemen had also taken away Usman Eskiyev. The second applicant told the investigators that Isa and Usman Eskiyev might have been abducted because of their kinship with Dalambek Eskiyev.

43. On 30 June 2004 a local police officer, Mr A.N., was questioned. He stated that he had learnt about the Eskiyev brothers' abduction the following day. He had asked their relatives to immediately lodge an official complaint, but they had refused to do so out of fear that an official inquiry would only worsen the situation. They had believed that an official complaint would make the brothers' return impossible and had hoped that both brothers would be released once questioned and checked. He also stated that he had gone to the checkpoint and asked for information concerning the passage of

the abductors' vehicles. The police officers from the Amur Region who had been manning the checkpoint at the time had explained to him that the abductors had not gone through the checkpoint but refused to confirm that in writing.

(iii) Main investigative steps taken by the authorities and progress of the investigation

44. Investigators examined the crime scene on 26 January 2004. No evidence was collected.

45. On 9 February 2004 the second and fifth applicants were granted victim status. The first applicant was granted victim status in March 2004.

46. On 24 February 2004 the investigators asked the Gudermes district department of the Federal Security Service ("the FSB") to inform them whether the Eskiyev brothers had been detained by their officers. A negative reply was given.

47. The investigation was suspended on 1 April 2004 and resumed on 15 April 2004.

48. The investigation was suspended again on 30 April 2004 and then resumed on 15 June 2004.

49. On 30 June 2004 a police officer of the Gudermes ROVD informed the investigators that in September 2003 the police officers from the Amur Region who had been manning the roadblock on the Rostov-to-Baku motorway had been transferred back to their region.

50. On 8 July 2004 the investigation was suspended again; it was resumed on 2 November 2004 and suspended again on 16 December 2004.

51. On 17 December 2004 the prosecutor's Office of the Amur Region informed the investigators that it was impossible to identify and question the police officers who had been manning the checkpoint in Koshkeldy, as all of the relevant documents had been destroyed.

52. It appears that at some point at the beginning of 2005 the investigation was resumed, but was suspended again on 4 April 2005. Subsequently, the investigation was suspended and resumed at least five more times.

53. On 5 March 2009 the supervising prosecutor criticised the progress of the investigation and ordered that the proceedings be resumed and additional steps be taken.

54. The investigation is still pending.

(c) The applicants' complaints concerning the investigation

55. Throughout the relevant period the applicants wrote to various authorities complaining of the abduction, asking for assistance, and inquiring about the investigation and its progress. They furnished the following letters to the Court: a letter dated 12 August 2004 to the Chechnya Prosecutor's Office; a letter dated 21 February 2005 to the

Gudermes district prosecutor's office; a letter dated 20 March 2005 to the Gudermes ROVD; a letter dated 1 June 2005 to the military prosecutor's office of military unit no. 20102; and a letter dated 7 August 2008 to the Gudermes district prosecutor's office.

3. Application no. 8594/09, Yagayeva v. Russia

(a) Abduction of Zayndi Ayubov

56. At the material time the applicant and her husband, Mr Zayndi Ayubov, lived in flat no. 24 of a block located in Dyakov Street in Grozny. At 11 p.m. on 17 March 2006 fifteen servicemen broke into the flat to carry out an identity check. They had previously searched the adjacent flats and exploded a grenade near the entrance to the block. Some of the men spoke unaccented Russian, while others spoke Chechen. The servicemen were wearing military uniforms, caps and helmets with torches. They were carrying machine guns and shields. After a quick search of the flat, the men pulled Mr Ayubov's jacket over his head, dragged him outside, put him in one of their two white Gazel minivans and drove away.

57. The applicant has not seen Mr Zayndi Ayubov since.

(b) Official investigation

58. The Government submitted copies of part of the contents of criminal case file no. 50040 on the abduction of Zayndi Ayubov. They noted that in accordance with Article 161 of the Criminal Procedure Code, the documents containing personal information on the servicemen who had taken part in counterterrorist operations were not furnished to the Court. The information submitted can be summarised as follows.

(i) Opening of the criminal investigation

59. On 17 March 2006 the applicant reported the abduction to the Leninskiy ROVD in Grozny. She stated that her husband had been abducted by armed men in camouflage uniforms and helmets, who had broken into their flat having arrived in two white Gazel minivans without registration plates.

60. On 18 March 2006 the Leninskiy ROVD forwarded the applicant's allegations to the Leninskiy district prosecutor's office.

61. On 20 March 2006 the applicant reported the abduction of her husband to the Leninskiy district prosecutor's office and provided a detailed description of the events.

62. On 28 March 2006 the Leninskiy district prosecutor's office opened criminal case no. 50040 under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigators

63. On 18 March 2006 the applicant's neighbours, Mr S.Y., Mr A.A. and Mr M.Ya., informed the investigators that at about 11 p.m. on 17 March 2006 between ten and fifteen armed men in camouflage uniforms had arrived at their block and searched several flats. They had detonated a grenade and forced open the door to one of the flats. After having found Zayndi Ayubov in the applicant's flat, they had taken him away in two white Gazel vehicles.

64. On 29 March 2006 the applicant related the details of the events to the investigation and added that she had learnt from a neighbour that one of the abductors' vehicles had had on the front an official registration plate containing the digits 132XA.

(iii) Main investigative steps and progress of the investigation

65. On 18 March 2006 investigators examined the crime scene. No evidence was collected.

66. On the same date an investigator sent requests for information to various law-enforcement agencies.

67. On 29 March 2006 the applicant was granted victim status in the criminal case.

68. On 3 April 2006 the investigator asked the Chechnya Ministry of the Interior to provide information about vehicles with registration numbers containing the digits 132XA.

69. On 9 April 2006 the Chechnya FSB informed the investigator that between 1994 and 2001, Zayndi Ayubov had been an active member of illegal armed groups. They also stated that they had not detained him and had no information about his whereabouts.

70. On 24 March 2006 the President of the Parliamentary Committee for Security and Law Enforcement wrote to the military prosecutor of the United Group Alignment ("the UGA") and the head of the Chechnya FSB. The relevant parts of the letter read as follows:

"[We] have been receiving new complaints from residents of the Chechen Republic concerning the unlawful actions of officers of law-enforcement agencies ... during the conduct of special and targeted operations in populated areas of Chechnya.

Thus, on 17 March 2006 [Zayndi Ayubov] ... was beaten up and taken away to an unknown destination by unidentified men in camouflage uniforms.

According to eyewitnesses, the arrest [of the applicant's husband] was carried out in a very offensive manner, without the necessary procedural norms or an arrest warrant. It was carried out by men who had arrived in two Gazel vehicles. The neighbours had memorised part of one of the registration numbers – 132 XA.

In addition, during the arrest special weapons were used, namely, stun grenades. One of them failed to go off and was later handed over to officers of the Leninskiy ROVD as material evidence.

During one-on-one meetings, the eyewitnesses affirmed that the arrest had been carried out by FSB officers.

Having regard to the above, I ask you to assist in establishing the whereabouts of Z.A. Ayubov and identifying the persons who carried out the arrest.”

71. The investigation was suspended on 28 May 2006. It was resumed on 14 June 2006, when the investigators sent new information requests and questioned the witnesses again.

72. On 19 July 2006 the Chechnya Ministry of the Interior informed the investigators that no Gazel vehicles with 132XA95 registration numbers were listed in their database.

73. On 26 July 2006 at the Leninskiy ROVD the investigators seized the two grenades which the perpetrators had left at the crime scene and which witnesses had then found and handed over to the police.

74. On the same date the investigator ordered a ballistic expert examination of the grenades.

75. The copies of documents from the criminal case file submitted by the Government did not contain any further information on the progress of the investigation.

(c) The applicant’s complaints concerning the investigation

(i) Judicial review

76. The applicant complained to the domestic courts, under Article 125 of the Code of Criminal Procedure, of procrastination of the investigation (the complaint was allowed on 31 July 2007). She also applied for access to the investigation file (the request was rejected on 18 December 2007).

77. On 23 December 2008 the Grozny District Court dismissed the complaint concerning the authorities’ failure to inform the applicant’s lawyer of the progress of the investigation. On 11 February 2009 this decision was upheld on appeal.

(ii) Civil proceedings

78. In October 2009 the applicant brought civil proceedings seeking compensation for non-pecuniary damage sustained as a result of her husband’s abduction and the lack of an effective investigation into the incident.

79. On 30 November 2009 the Grozny District Court dismissed the applicant’s claim as unsubstantiated. On 9 March 2010 the Chechnya Supreme Court upheld the judgment on appeal.

4. *Application no. 24708/09, Debizova and Others v. Russia*

(a) **Abduction of Khamzat (also spelt as Khamzan) Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov and Ismail Taisumov**

80. In the morning of 5 November 2002 the Russian federal forces conducted a special operation in the settlement of Novye Atagi. They set up military checkpoints around the settlement and blocked the passage of vehicles through the area.

81. Between 6 a.m. and 8 a.m. on that day, the applicants were in their homes located on the outskirts of the settlement when they heard the arrival military vehicles. Groups of between three and thirty men in camouflage uniforms with machine guns broke into their houses. Some of them were wearing masks and/or helmets. Most of the unmasked men were of Slavic appearance and spoke unaccented Russian. According to the applicants, they would be able to identify some of the intruders.

82. The men subjected the applicants and their relatives to insults and beatings and searched the houses. Then they beat the applicants' five male relatives, Mr Khamzat Debizov, Mr Akhmed Kasumov, Mr Magomed Kasumov, Mr Adam Eskirkhanov and Mr Ismail Taisumov, bound their hands and put them in APCs. Eleven APCs were seen that day in the settlement; three of them were used for the abduction. Akhmed Kasumov was taken in an APC with registration number 304. The men opened fire and drove away in the direction of the town centre and the River Argun. They passed freely through the checkpoints, whereas the applicants were not allowed to do so.

83. The applicants subsequently found out that Khamzan Debizov had been held at the Urus-Martan district department of the interior ("the ROVD") and Akhmed Kasumov at the Shali ROVD, but this information has not been officially confirmed.

84. According to the applicants, the servicemen belonged to the Federal Security Service ("the FSB") and the special unit of the Privolzhskiy Circuit of the Internal Forces of the Ministry of the Interior (*Оперативная бригада Приволжского округа ВВ МВД*) and they arrested the applicants' relatives on suspicion of active membership of illegal armed groups.

85. The applicants have not seen their five relatives since 5 November 2002.

(b) **Official investigation**

86. The Government submitted copies of the documents from criminal case file no. 50040 on the abduction of Khamzat Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov and Ismail Taisumov. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

87. On 12 November 2002 the applicants complained to the Chechnya prosecutor's office of the abduction of their relatives by Russian servicemen.

88. On 15 November 2002 the Shali district prosecutor's office opened joined criminal case no. 59254 into the abduction of the applicants' five relatives under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigators

89. On 18 November 2002 the first, fifth, ninth and thirteenth applicants stated that on 5 November 2002 armed men in camouflage uniforms had arrived in APCs, broken into their houses and taken their relatives away. They also stated that one of the APCs had had registration number 304.

90. On 26 April 2006 the eleventh applicant made a similar statement.

(iii) Main investigative steps and progress of the investigation

91. Between 18 and 20 November 2002 the first, fifth and ninth applicants were granted victim status and questioned.

92. The investigation was suspended on 15 January 2003 and then resumed on 27 March 2006.

93. In April and November 2006 the investigator examined the crime scenes. No evidence was collected.

94. On 5 May 2006 the eleventh applicant was granted victim status and questioned.

95. The investigation was suspended again 3 June 2006 and then resumed on 15 November 2006.

96. In November 2006 and February 2007 the investigators again questioned the applicants and renewed their information requests to various law-enforcement agencies, asking whether they had detained or arrested the applicants' relatives.

97. On 3 March 2007 the investigation was suspended. It was resumed and suspended several more times, and is still pending.

(c) The applicants' complaints concerning the investigation

98. Throughout the proceedings the applicants complained to various authorities about the abduction and requested assistance in their search. They wrote in particular to the Special Envoy of the Russian President in the Chechen Republic for rights and freedoms in December 2002; to the Chechnya Prosecutor's Office and the military prosecutor's office of military unit no. 20102 in March 2003; to the Shali district prosecutor's office in February and April 2004; to the military prosecutor's office of military unit no. 20116 in June 2005; to the Shali district prosecutor's office in February 2006; to the military prosecutor's office of military unit

no. 20116 and to the Chechnya Prosecutor's Office in November 2006; and to the Chechen Government in August 2008.

5. Application no. 30327/09, Adiyeva and Others v. Russia

(a) Abduction of Aslambek Adiyev, Albert Midayev and Magomed Elmurzayev

99. On 30 July 2002 Mr Aslambek Adiyev (in the documents submitted also referred to as Mr Ibragim Madiyev), Mr Albert Midayev, Mr Magomed Elmurzayev and their respective families had gathered at Albert Midayev's house in Shali. At 2.05 p.m. several vehicles pulled over at the gate and a group of men in camouflage uniforms with pistols, machine guns and shields got out. All but two were wearing masks. The men opened fire at Aslambek Adiyev and shot him in the leg. Then they dragged him into one of the vehicles.

100. The men then broke into the house and ordered everyone in unaccented Russian to lie on the floor. They hit those who did not obey. Meanwhile, the sixth applicant walked outside to the backyard and saw Albert Midayev facing the wall with his hands above his head and one of the intruders kicking him in the leg. Shortly thereafter, the men put Albert Midayev and Magomed Elmurzayev in the same vehicle and drove them down Ivanovskaya Street towards the town centre. This vehicle was followed by a convoy of at least five vehicles, including an APC, a UAZ, a white VAZ car, a white Volga car and an armoured infantry carrier. The applicants tried to follow the convoy but were unsuccessful.

101. On 29 August 2002 an officer of the Chechnya FSB told the sixth applicant in a private conversation that the intruders belonged to the 34th special military unit based in Argun.

102. The applicants have not seen their three relatives since 30 July 2002.

(b) Official investigation

103. The Government submitted copies of documents from criminal case file no. 59194 on the abduction of Aslambek Adiyev, Albert Midayev and Magomed Elmurzayev (comprising two volumes). The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

104. On 30 July 2002 the applicants reported the abduction of their three relatives by armed men in camouflage uniforms to the head of the Shali district administration. The applicants' complaint was forwarded to the Shali district prosecutor's office.

105. On 8 August 2002 the Shali district prosecutor's office opened criminal case no. 59194 into the abduction of Ibragim Madiyev, Albert

Midayev and Magomed Elmurzayev, under Article 126 of the Criminal Code (abduction).

106. On 7 February 2011 the investigator corrected the decision of 8 August 2002 because the name of one of the applicants' abducted relatives was wrongly mentioned as "Ibragim Madiyev". It was changed to "Aslambek Adiyev".

(ii) Main witness statements taken by the investigators

107. The majority of the witness statements submitted by the Government were incomplete as there were pages missing. From the documents submitted it appears that on 12 August 2002 the thirteenth and fourteenth applicants informed the investigator that in the afternoon of 30 July 2002 a group of armed men had broken into their house, shot Aslambek Adiyev in the leg and beaten up Albert Midayev and Magomed Elmurzayev. They had then put all three men in a grey UAZ vehicle, and driven away accompanied by two VAZ cars. On 24 May 2004 the first and sixth applicants made similar submissions.

(iii) Main investigative steps and progress of the investigation

108. On 12 August 2002 the fourteenth applicant was questioned and granted victim status.

109. The investigation was suspended on 12 April 2004 and then resumed on 29 April 2004.

110. On 30 April 2004 the investigator sent information requests to various law-enforcement agencies concerning the whereabouts of the abducted men. Negative replies were given.

111. On 24 May 2004 the first and sixth applicants were granted victim status.

112. The investigation was suspended on 29 May 2004 and then resumed on 28 September 2006.

113. In October, November and December 2006 the investigator forwarded the same information requests and again questioned the same witnesses.

114. The investigation was suspended and resumed several more times. The criminal proceedings are still pending.

(c) The applicants' complaints concerning the investigation

115. Throughout the investigation the applicants wrote to various authorities requesting assistance in the search for their relatives and inquiring about the progress of the investigation. They complained to the military prosecutor's office of military unit no. 20102 in September 2003; to the Ministry of the Interior of Russia and the military commander of Argun in March 2004; to the Chechnya Prosecutor's Office in June 2005; to

various departments of the Ministry of the Interior in August 2006; and to the Shali district investigations department in November 2008.

116. In reply to those inquiries the applicants were informed that investigative measures were being taken to establish the whereabouts of their relatives and that they would be kept abreast of the results of the investigation.

6. Application no. 36965/09, Petimat Magomadova v. Russia

(a) Abduction of Buvaysar Magomadov

117. On 27 October 2002 Mr Buvaysar Magomadov and other relatives were sleeping in the applicant's house in Mesker-Yurt, Shali district. At about 6 a.m. two APCs and a Gazel minivan arrived at the house. A group of up to twenty masked armed men in camouflage uniforms and bullet-proof vests jumped out of the vehicles and entered the house. Speaking unaccented Russian, they checked Buvaysar's and his father's identity documents. They told the father that they were taking Buvaysar away for an identity check. The applicant asked them whether they had come from Shali and whether they had been checking other villagers. The servicemen nodded in the affirmative. Then they put Buvaysar in the minivan and departed.

118. The applicant's brother, Ismail Magomadov, immediately reported the abduction to the head of the local administration. Together they found out that the servicemen had driven to Shali. According to the servicemen manning the checkpoint on the outskirts of Mesker-Yurt, a convoy of two APCs and a minivan had passed through and driven in the direction of Shali.

119. On the same day the applicant went with her relatives to the Shali district military commander's office. An on-duty serviceman told her that an arrested man had been brought in and handed over to the district FSB. Later that day the head of the district FSB told the applicant that Buvaysar Magomadov would be questioned and then released in three days. However, subsequently the officer denied having any knowledge of the events.

120. On 31 October 2002 the relatives learnt that Buvaysar Magomadov had been taken to Khankala, where the main base of the Russian military in Chechnya was situated.

121. The applicant has not seen Buvaysar Magomadov since 27 October 2002.

(b) Official investigation

122. The Government submitted copies of the documents from criminal case file no. 22144 on the abduction of Buvaysar Magomadov. The documents mainly cover the period after 6 May 2008 because documents concerning the preceding period have been lost (see paragraph 145 below). The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

123. On 29 October 2003 the Shali district prosecutor's office opened criminal case no. 22144 on the abduction of Buvaysar Magomadov under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigators

124. In May 2008 the investigation questioned several witnesses. The applicant and Buvaysar Magomadov's brother, Mr I.M., stated that on 27 October 2003 a group of armed masked men in camouflage uniforms had arrived in two APCs and a Gazel and burst into their house. They had searched their father and Buvaysar, and then put the latter in one of the APCs and driven away. A neighbour, Mr R.M., who lived opposite the applicant and had witnessed the abduction through the window, made a similar submission.

(iii) Main investigative steps and progress of the investigation

125. On 29 December 2003 the investigation was suspended for failure to identify the perpetrators.

126. It is not clear whether any measures were taken between 2003 and 2008 given that the contents of the case file furnished by the Government do not cover the relevant period.

127. On 6 May 2008 the head of the Shali investigations department found that criminal case file no. 22144 had been lost. He ordered that the case be restored under the same number and resumed. On the same date he instructed the investigators to take investigative measures.

128. On 10 May 2008 the applicant was granted victim status.

129. In May and June 2008 the investigator sent requests for information concerning Buvaysar Magomadov to different law-enforcement authorities in the region. The requests did not yield any relevant information.

130. The investigation was suspended on 6 June 2008 and then resumed on 13 April 2009. It was suspended and resumed several more times. The proceedings are still pending.

(c) The applicant's complaints concerning the investigation

131. On 8 July 2005 the applicant lodged a complaint with the Chechnya State Council, which was forwarded to the Chechnya Prosecutor's Office. On 22 July 2005 the latter requested that the Shali district prosecutor's office speed up the investigation and keep the applicant informed of the outcome. The applicant was informed thereof.

132. On 22 May 2008 the applicant asked the Shali investigation department to inform her about the progress of the investigation.

133. On 17 July 2008 the applicant complained to the Shali investigation department of the procrastination of the investigation and sought access to

the criminal case file. Her request was granted on 31 July 2008. On 9 April 2009 the applicant complained of the inadequacy of the investigation to the investigative authorities and requested that the proceedings be resumed.

7. Application no. 61258/09, Adiyeva v. Russia

(a) Abduction of Said Adiyev

134. At about 7 a.m. on 8 September 2004 a white VAZ-2107 car with tinted windows arrived at the applicant's house in Chernorechye, in the Zavodskoy district of Grozny. Three more cars, a silver VAZ-21099, a Volga and a UAZ, parked in a neighbouring street. The cars had no registration numbers. Ten to fifteen masked men in camouflage uniforms, armed with short-barreled machine guns, broke into the applicant's house. They spoke Chechen. The applicant thought that the intruders were policemen conducting a sweeping operation. The men grabbed the applicant's son, Mr Said Adiyev, dragged him into their VAZ-2107 vehicle and quickly drove away.

135. During her ensuing search for her son, the applicant met Mr Alikhan Mutsayev, the commander of the 6th division of the "oil squadron" (*нефтеполк*) of the Chechnya Ministry of the Interior. The officer admitted that he had participated in the abduction and acknowledged that Said Adiyev was being detained by his acquaintances from the Federal Security Service. Said Adiyev's father informed the investigators about Alikhan Mutsayev, but they refused to question him. Alikhan Mutsayev and his FSB acquaintances were killed at the beginning of 2008.

136. The applicant submitted that prior to his abduction Said Adiyev had been arrested in a sweeping operation but subsequently released, as his participation in illegal armed groups had not been confirmed.

137. The applicant has not seen Said Adiyev since 8 September 2004.

(b) Official investigation

138. The Government submitted copies of the documents from criminal case file no. 31084 concerning the abduction of Said Adiyev. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

139. On 13 September 2004 Said Adiyev's father reported the abduction to the Chechnya prosecutor's office.

140. On 8 October 2004 the Zavodskoy district prosecutor's office opened criminal case no. 31084 on Said Adiyev's abduction under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigators

141. On 29 September 2004 the investigator questioned several witnesses. The applicant, as well as Said Adiyev's father and wife, stated that at around 7 a.m. on 8 September 2004 a group of armed men in camouflage uniforms had broken into their house, grabbed Said Adiyev and dragged him into a VAZ-2107 vehicle, which had no registration numbers, and had driven away. The applicant's neighbours who had witnessed the abduction made similar submissions.

(iii) Main investigative steps and progress of the investigation

142. On 18 October 2004 the investigator examined the crime scene. No evidence was collected.

143. On 21 October 2004 and 25 November 2007 victim status was granted to Said Adiyev's father and the applicant respectively.

144. The investigation was suspended on 8 December 2004 and then resumed on 27 September 2005.

145. In March and November 2007 the investigators questioned several witnesses again. Their statements were similar to those previously given. The authorities also renewed their information requests, but received no relevant information.

146. The investigation was suspended on 17 April 2007 and resumed on 30 August 2007. It was suspended and resumed several more times. The investigation is still pending.

(c) The applicant's complaints concerning the investigation

147. In 2005 the applicant lodged numerous complaints with the Zavodskoy district prosecutor's office, the Chechnya Prosecutor's Office and the Chechen Government. She was informed that investigative measures were being taken in order to establish the whereabouts of her son.

148. On 18 March 2009 the applicant complained to the Zavodskoy district investigations department of the procrastination of the investigation and requested access to the investigation file. However, her request was refused and at the beginning of June 2009 she challenged the refusal before the Zavodskoy District Court.

149. On 21 June 2009 the applicant was granted access to the criminal case file. Consequently, on 29 June 2009 the Zavodskoy District Court discontinued the examination of her complaint as it considered that the matter had been resolved.

8. *Application no. 63608/09, Saraliyeva and Others v. Russia*

(a) **Abduction of Aydrus Saraliyev, Artur Yesiyev and Bislan Chadakhanov**

150. In the morning of 14 February 2002 Mr Aydrus Saraliyev, Mr Artur Yesiyev and Mr Bislan (also spelt as Beslan) Chadakhanov were staying at the house of their friends, brothers Islam and Movldi Dzhabrailov (also spelt Zhabrailov), in Urus-Martan. A checkpoint had been set up nearby and a military commander's office was operating in the town centre. The town was under curfew.

151. At about 5 a.m. a large group of men in camouflage uniforms arrived at the house in two APCs and three Ural lorries. The men were of Slavic appearance and spoke unaccented Russian. They fired their machine guns, wounded Islam Dzhabrailov, who was then taken outside, and ordered the three guests to go outside. The intruders put plastic bags over the heads of the three men and the Dzhabrailov brothers. Thereafter, they quickly searched the house, put the five blindfolded men in a Ural lorry and took them to the town centre. The servicemen dropped off the Dzhabrailov brothers at the Urus-Martan temporary department of the interior ("the VOVD") and then drove away to an unknown destination with the applicants' relatives. On the same date Molvdi Dzhabrailov was released and his brother Islam was taken by the VOVD officers to the district hospital for treatment.

152. In March 2002, Mr G. and Mr L. from the Urus-Martan district prosecutor's office returned the passports of the three disappeared men to the applicants. They explained that the passports had been handed over to them at the Urus-Martan VOVD, where the applicants' relatives had been taken after their arrest. The applicants have not seen their three relatives since 14 February 2002.

(b) **Official investigation**

153. The Government submitted copies of the documents from criminal case file no. 61026 concerning the abduction of Aydrus Saraliyev, Artur Yesiyev and Bislan Chadakhanov. The information submitted may be summarised as follows.

(i) *Opening of the criminal investigation*

154. On 14 February 2002 the applicants complained to the VOVD of their relatives' abduction.

155. On the same date a police officer from the VOVD reported to his superiors:

"Dzhabrailov Islam ... was delivered to [the district hospital] with the following diagnosis:

a penetrating gunshot wound in the lower third of the left thigh ... [and] a penetrating gunshot wound in the left shoulder ...”

156. On 16 February 2002 the head of the VOVD sent several pieces of evidence to the Urus-Martan district prosecutor’s office, stating:

“[these are] preliminary inquiry materials concerning the gunshot wounds of Dzhabrailov I.V., [and] the abduction of Yesiyev A.R., Chadakhamov B.M., and Saraliyev A.M. from the house at no. 159 Sovetskaya Street, Urus-Martan district.

Enclosed:...

Material evidence: 8 bullets and shells from an AK (Kalashnikov machine gun) calibre 5.45, a ‘Baykal’ pistol without a cartridge, a grenade F-1, and passports in the names of Saraliyev A.M., Esiyev A.R., and Chadakhanov B.M.”

157. On 20 February 2002 the Urus-Martan district prosecutor’s office opened criminal case no. 61026 on the abduction of Aydrus Saraliyev, Artur Yesiyev and Bislán Chadakhanov and the infliction of bodily injuries on Islam Dzhabrailov.

(ii) Main witness statements taken by the investigators

158. On 14 February 2002 the investigator questioned a number of witnesses. Mauldy Dzhabrailov informed the investigator that in the evening of 13 February 2002, Islam Dzhabrailov had had three guests who had stayed that night in their family house. The next morning at about 5 a.m. he had been woken up by the sound of gunfire. A few minutes later, armed men in camouflage uniforms had broken into the house and ordered him to go outside and lie down in the courtyard. Islam and his three guests had already been lying on the ground; an APC had been parked in the courtyard. A Ural lorry had then arrived and the armed men had forced them into it and driven away. Ten minutes later, the servicemen had pulled the lorry over, ordered him and his brother out of the vehicle and forced them into a UAZ vehicle, which had taken them to the premises of the Urus-Martan VOVD. His brother’s guests had been taken on to an unknown destination.

159. Islam Dzhabrailov stated that in the evening of 13 February 2002 three acquaintances of his had visited him and asked to spend the night at the house because of the curfew. He had been woken up the next morning at about 5 a.m. by gunfire and had then been wounded in the arm and leg. Afterwards, a group of armed men had burst into the house and taken him, his guests and brother to the military commander’s office. He and his brother had then been taken to the VOVD. Subsequently, VOVD officers had transferred him to the district hospital.

160. The spouses of Mauldy and Ismail Dzhabrailov, Ms R.D. and Ms R.V., stated that in the evening of 13 February 2002 three men had visited Ismail and spent the night at their family house. At about 5 a.m. the following day, a group of armed men in camouflage uniforms had opened

fire outside the house and had wounded Islam. They had then searched the house, forced the five men into a Ural lorry and driven away.

161. Several neighbours also stated that at about 5 a.m. on 14 February 2002 they had seen a group of armed men in camouflage uniforms arrive at the Dzhabrailov brothers' house and open fire with machine guns.

162. In February and March 2002 the investigators questioned several police officers from the Urus-Martan VOVD. Three of them, Mr Kh., Mr K. and Mr V., stated that while on duty at about 6 a.m. on 14 April 2002, they had been instructed by their superiors to take from a UAZ vehicle parked near the military commander's office two arrested men, one of whom had been wounded. They had taken both men to the VOVD where the wounded man had been given first aid and then transferred to the district hospital.

163. Mr Ko., another officer from the VOVD, stated the following:

“At about 6 a.m. on 14 February 2002 ... I was told that a wounded man had been brought in ... who was lying in the corridor ... His surname was Dzhabrailov ... In the corridor I was approached by the head of the VOVD staff, Mr Su., [who] handed me a grenade and a pistol without a cartridge. [Mr Su.] told me that this pistol and grenade were material evidence related to the wounded man, Mr Dzhabrailov. He said that [someone] had handed him the pistol and grenade. I do not know who gave those objects to Mr Su. There were no accompanying documents for either the pistol or the grenade ...

The same morning, 20-25 minutes later, the head of [the traffic police office] [St.] approached and said that he had come from somewhere [where] he had been given three passports and had been asked to hand them over to me. He said that [the passports] also concerned the wounded man, Mr Dzhabrailov. I do not know who gave those passports to the officer. Upon my instructions, the passports were examined and handed over to the investigation. According to the examination record, the passports belonged to Mr Chadakhanov, Mr Yesiyev, and Mr Saraliyev. I did not see Chadakhanov, Yesiyev, or Saraliyev themselves, they were not brought to the VOVD”.

164. The relevant part of Mr Su.'s statement to the investigators reads as follows:

“I do not remember the exact date but, possibly, in the morning of 14 February 2002 ... a special operation was planned for Gekhi in the Urus-Martan district, and I went with a group of others to the military commander's office for a briefing. There was a Ural lorry parked nearby with masked men in camouflage uniforms. One of them gave me a grenade and a pistol without a cartridge and told me that the grenade and pistol had been seized at the house of the persons who had been brought to the VOVD ... I took the pistol and grenade and gave them [to Mr Ko.] ...

[The man] who gave me the pistol and grenade did not introduce himself and I did not ask [his name] either.”

165. The relevant part of Mr St.'s statement to the investigators reads as follows:

“In February 2002 other offices from the [VOVD] and I were preparing to carry out a sweeping operation in the area near the military commander's office ... when [an

officer from the VOVD, Mr Ses.] walked out of the office and gave me three passports ... I handed the passports over [to Mr Ko.] at the VOVD”.

(iii) Main investigative steps and progress of the investigation

166. On 14 February 2002 the investigator examined the crime scene. Traces of blood and bullet holes were found and eight shells were collected.

167. On 20 April 2002 the investigator suspended the investigation for failure to identify the perpetrators.

168. On 18 April 2002 the applicants were granted victim status.

169. The investigation was resumed on 13 August 2002 and then suspended again on 15 September 2002.

170. On 18 September 2003 the investigator requested that the VOVD carry out operative search measures. On 30 September 2003 the head of the police replied to the investigator’s request as follows:

“Following your request ... we inform you that operative search measures have been carried out to identify and arrest the perpetrators and establish the abducted men’s whereabouts. In view of the fact that the abduction was carried out by military servicemen and they, as you know, do not report to the police, it has been impossible to identify them”.

171. The investigation was resumed on 27 August 2004 and then suspended on 27 September 2004.

172. On 31 January 2005 the investigation ordered a forensic medical examination of Islam Dzhabrailov’s wounds, questioned the witnesses again and sent information requests to various law-enforcement agencies.

173. On 11 February 2005 the investigation was suspended. It was resumed and suspended several more times and is still pending.

(c) The applicants’ complaints concerning the investigation

174. Between June 2002 and June 2009 the applicants complained to various law-enforcement agencies and requested assistance in the search for their relatives. They received no substantive information from the authorities, nor were they allowed access to the investigation file.

175. In 2004 the second applicant brought proceedings against the investigators, complaining about the incomplete and protracted investigation, and requested access to the investigation file. On 7 July 2004 the Urus-Martan District Court allowed the applicant’s complaint in part; it ordered the prosecutor’s office to conduct a comprehensive and thorough investigation and stated that the applicants would be allowed access to the investigation file only after the completion of the criminal proceedings.

9. *Application no. 67322/09, Aliyeva and Dombayev v. Russia*

(a) **Abduction of Apti Dombayev**

176. At 6 a.m. on 4 November 2002 a blue Gazel minivan arrived at the first applicant's house in Mesker-Yurt. A group of twelve men in camouflage uniforms armed with machine guns broke into the house. All but two of them were masked; the unmasked men were of Slavic appearance. After searching the house, the men took Mr Apti Dombayev to the vehicle and drove him away. On the same date the applicants' neighbours saw a white VAZ-2107 car, a UAZ car and a Ural lorry driving around with the Gazel minivan. None of the vehicles had registration plates. One of the neighbours managed to follow the vehicles to the Argun sugar factory.

177. The applicants have not seen Apti Dombayev since 4 November 2002.

(b) **Official investigation**

178. The Government submitted copies of the documents from criminal case file no. 59278 concerning the abduction of Apti Dombayev. The documents cover mainly the period between December 2002 and December 2003. The information submitted may be summarised as follows.

(i) *Opening of the criminal investigation*

179. On 9 December 2002 Ms K.D., Apti Dombayev's mother, complained that her son had been abducted by servicemen in camouflage uniforms who had been driving vehicles without registration numbers.

180. On 24 December 2002 the Shali district prosecutor's office opened criminal case no. 59278.

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

181. It appears from the criminal case file submitted by the Government that only two witnesses, Ms K.D. and a neighbour, Ms Kh.Kh, were questioned by the investigation. Ms K.D. stated that at about 6 a.m. on 4 November 2002 unidentified armed men in camouflage uniforms had broken into their house, searched it and then taken Apti Dombayev away. Ms Kh.Kh. stated that at about 6 a.m. on the same date she had heard Ms K.D. crying. She had gone out and learnt from Ms K.D. that servicemen had abducted her son.

(iii) *Main investigative steps and progress of the investigation*

182. On 24 December 2002 the investigators granted victim status to Ms K.D.

183. On 26 December 2002 the investigator sent requests to various law-enforcement agencies asking for information about the detention of Apti Dombayev and special operations conducted in Mesker-Yurt on 24 December 2002. Negative replies were given.

184. The investigation was suspended on 24 February 2003. It was later resumed and then suspended again on 6 June 2003. It was resumed and suspended several times, and the proceedings are still pending.

(c) The applicants' complaints concerning the investigation

185. It appears from the case file that between 2003 and 2009 the applicants and their relatives complained to different authorities, asking for assistance in their search for Apti Dombayev. Following their complaints they were informed that the investigation was in progress and all the necessary measures were being taken to establish Apti Dombayev's whereabouts and identify the perpetrators. In particular, on 30 September 2005 the Shali district department of the interior ("the ROVD") informed the applicants that the investigation had been checking the theory that members of the special forces stationed in the Shali district, military servicemen and members of illegal armed groups detained on the ROVD premises may have been involved in the abduction.

10. Application no. 4334/10, Inalova v. Russia

(a) Abduction of Gilani Aliyev

186. In August 2003 the applicant, her sisters and her brother, Mr Gilani Aliyev, were staying at their mother's house in Alkhazurovo. A local military commander's office was situated nearby. The settlement, surrounded by military checkpoints, was under curfew.

187. At 3.15 a.m. on 11 August 2003 between two and five APCs, three UAZ cars and several Ural lorries arrived at the house. A group of fifteen to twenty men in camouflage uniforms armed with machine guns broke into the house. Those who were unmasked had Slavic features and spoke unaccented Russian. The servicemen took Gilani Aliyev away. The applicant saw two APCs drive away in the direction of Goyty and two UAZ cars in the direction of Urus-Martan.

188. Later that morning, Officer S.A., the military commander of Alkhazurovo, informed the applicant that Russian servicemen had carried out a special operation during the night and confirmed that Gilani Aliyev had been detained by them.

189. On the same day two officers of the Urus-Martan district military commander's office told the applicant that their servicemen had arrested two men in a village situated twenty minutes by road from Urus-Martan. The applicant concluded that one of the arrested men must have been her brother.

190. The applicant further learnt that on the same night the servicemen had detained another resident of Alkhazurovo, Mr A.K.

191. The applicant has not seen Gilani Aliyev since 11 August 2003.

(b) Official investigation

192. The Government submitted copies of the documents from criminal case file no. 34085 concerning the abduction of Gilani Aliyev. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

193. On 11 August 2003 the applicant reported to the Urus-Martan ROVD that earlier that day, at about 3 a.m., armed men in camouflage uniforms had broken into their house and abducted her brother.

194. On 23 August 2003 the Urus-Martan district prosecutor's office opened criminal case no. 34085.

(ii) Main witness statements taken by the investigators

195. On an unspecified date in 2003 the applicant and Gilani Aliyev's wife, Ms M.M., stated that on 11 August 2003 a group of armed men in camouflage uniforms had broken into their house, locked them in one of the rooms, and taken Gilani Aliyev away.

196. On an unspecified date in 2003 Gilani Aliyev's brother, Mr Yu.A., stated that on the night of the events he had been asleep in the same room as his brother. He had been woken up by a serviceman in camouflage uniform pointing a sub-machine gun at his forehead. There had been several servicemen in the room. They had ordered him and Gilani to get up and then taken the latter away. After the men had gone out, he had followed them and seen several APCs and Ural lorries drive off in two different directions.

(iii) Main investigative steps and progress of the investigation

197. On 11 August 2003 the investigators examined the crime scene. No evidence was collected. The investigators then took statements from the applicant and her relatives.

198. On 26 August 2003 the investigators ordered the police to carry out operative search measures, such as identifying eyewitnesses and the perpetrators of the crime. They also sent information requests concerning Gilani Aliyev's possible arrest and detention to various law-enforcement agencies in the region.

199. On 29 August 2003 the applicant was granted victim status.

200. On 23 October 2003 the investigation was suspended. It was resumed and suspended several more times (in 2004, 2005 and 2007); each time, the investigators renewed their information requests and questioned the same witnesses again.

(c) The applicant's complaints concerning the investigation

(i) Complaints to the law-enforcement agencies

201. It appears from the case file that from 2003 to 2009 the applicant and her relatives complained to various law-enforcement agencies about the investigation and sought information about its progress. In reply they were informed that the investigation was pending and that all the necessary measures were being taken to establish Gilani Aliyev's whereabouts.

(ii) Proceedings to obtain access to the file

202. On 16 June 2009 the applicant requested that the investigators resume the investigation suspended on 30 September 2007 and allow her access to the investigation file.

203. On 20 June 2009 her request was refused. The applicant challenged the refusal in court.

204. On 9 July 2009 the Achkhoy-Martan District Court ("the District Court") dismissed the applicant's complaint in full.

205. On 12 August 2009 the Chechnya Supreme Court quashed the decision and remitted the complaint for fresh examination for the following reasons:

"According to the case file, the missing person [Gilani Aliyev] was taken away by officers of the security agencies in two APCs and UAZ vehicles.

The prosecution does not dispute the above allegations [of the applicant].

The only reason for refusing a victim access to the investigation file is to ensure secrecy of an investigation during the examination of a theory that close relatives may have been involved in the disappearance of the missing man.

In the present case there were no such reasons to refuse the victim access to the investigation file ..."

206. On 1 September 2009 the District Court found the investigator's refusal unlawful in part and granted the applicant's request for access to the investigation file.

11. Application no. 4345/10, Amirova and Others v. Russia

(a) Abduction of Mikhail Borchashvili

207. Between 8 p.m. and 9 p.m. on 9 March 2006, eight or nine UAZ cars and a grey VAZ minivan (*Tabletka*) arrived at the applicants' block of flats in Grozny and cordoned off the neighbourhood. A group of up to eight masked men in camouflage uniforms with portable radios and machine guns, some of which were equipped with silencers, broke into the applicants' flat. Some of the intruders spoke unaccented Russian. They ordered Mr Mikhail Borchashvili to lie face down on the floor and checked

his passport. Then they dragged him outside, put him in one of their cars and drove away.

208. At the material time the applicants' neighbourhood was surrounded by a number of military checkpoints through which the abductors had been able to pass freely.

209. The applicants have not seen Mikhail Borchashvili since 9 March 2006.

(b) Official investigation

210. The Government submitted copies of the documents from criminal case file no. 50037 concerning the abduction of Mikhail Borchashvili. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

211. On 10 March 2006 the seventh applicant reported to the Leninskiy ROVD of Grozny that at between 8 and 9 p.m. on 9 March 2006 armed men in camouflage uniforms had abducted her brother, Mikhail Borchashvili.

212. On 20 March 2006 the Leninskiy district prosecutor's office in Grozny opened criminal case no. 50037.

(ii) Main witness statements taken by the investigators

213. The first applicant stated that following military operations in Chechnya in 1999, she had moved to Tbilisi, Georgia, with her husband. In January 2006 they had returned to Grozny and rented a flat there. On 9 March 2006 a group of armed masked men in camouflage uniforms had arrived in UAZ vehicles, broken into their flat and taken her husband away.

214. Ms K.M. and Ms R.Z., the first applicant's neighbours, stated that at about 8 p.m. on 9 March 2006 they had seen a group of armed men arrive at their block of flats in a grey UAZ vehicle. One of the men had ordered the residents to go inside and not to look through the window. The men walked up to the second floor and then went away. Afterwards, the neighbours learnt that those men had abducted Mikhail Borchashvili.

(iii) Main investigative steps and progress of the investigation

215. On 10 March 2006 the investigator examined the crime scene. No evidence was collected.

216. On 22 March and 18 April 2006 the seventh and first applicants respectively were granted victim status.

217. On 20 May 2006 the investigation was suspended. It was resumed and suspended several more times. It is still pending.

(c) The applicants' complaints concerning the investigation

218. It appears from the case file that since March 2006 the seventh applicant has been complaining to various authorities about the abduction of her brother, delays in the investigation and the lack of access to the investigation file.

219. On 19 June 2009 the seventh applicant was allowed access to the investigation file.

12. Application no. 11873/10, Viskhadzhiyev and Others v. Russia

(a) Abduction of Aslanbek, Yasin and Sultan Viskhadzhiyev, and Yusup Biysultanov

220. At the relevant time the applicants lived in the village of Ishkhoy-Yurt in the Gudermes district, Chechnya. On 28 October 2002 the settlement was under curfew. At around 3 a.m. groups of seven to ten armed men in camouflage uniforms broke into the applicants' houses located in the same neighbourhood. Some of the intruders were masked, whereas others were wearing metal helmets. The men spoke Russian, some with an accent, and Chechen. They threatened to kill the applicants and their relatives, and beat up some of them. They checked the documents of the four men and took them barefoot outside. Mr Aslanbek Viskhadzhiyev, Mr Sultan Viskhadzhiyev and Mr Yusup Biysultanov were put in one APC and Mr Yasin Viskhadzhiyev in another. There were around thirty men in total and a convoy of four vehicles, including two APCs and two UAZ minivans (*Tabletka*). The convoy passed unobstructed through checkpoint no. 74 and drove away in the direction of Grozny or Gerzel.

221. According to the applicants, the abductors' vehicles belonged to the Gudermes district military commander's office and their relatives had been detained in a temporary detention facility on the premises of the Gudermes department of the interior (the ROVD).

222. The applicants have not seen their four relatives since 28 October 2002.

(b) Official investigation

223. The Government submitted copies of the documents from criminal case file no. 57119 concerning the abduction of Aslanbek, Yasin and Sultan Viskhadzhiyev and Yusup Biysultanov. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

224. On 5 November 2002 Sultan Viskhadzhiyev's father, Mr A.V., complained to the Chechen Government that servicemen had abducted his son and the other three men.

225. On 13 December 2002 the Gudermes district prosecutor's office opened criminal case no. 57119.

(ii) Main witness statements taken by the investigators

226. On 12 December 2002 the investigation questioned the first, second and third applicants and Mr A.V., who had witnessed the abduction of their relatives. They stated that at around 3 a.m. on 28 October 2002 groups of armed servicemen in camouflage uniforms had broken into their houses and taken Aslanbek, Yasin and Sultan Viskhadzhiyev and Yusup Biysultanov to an unknown destination.

(iii) Main investigative steps and progress of the investigation

227. On 14 December 2002 the first, second and third applicants were granted victim status.

228. On 20 February 2002 the investigators examined the crime scene. They requested that the commanders of the federal forces stationed in Ishkhoy-Yurt provide them with information about the APCs and UAZ cars which had passed through the military checkpoint on the night of the abduction and about the servicemen who had manned the checkpoint on that night. The investigators also sent queries to the military commander's office of the Gudermes district but did not receive any relevant information.

229. The investigation was suspended on 13 March 2003 and then resumed on 3 July 2003.

230. In July 2003 and April 2004 the investigators questioned a number of witnesses again. The investigation was suspended and resumed several more times and is still pending.

(c) The applicants' complaints concerning the investigation

231. It appears from the case file that between November 2002 and August 2009 the applicants complained to various authorities about the abduction of their relatives and the delays in the investigation.

232. In August 2009 the applicants' lawyer was allowed access to the investigation file.

13. Application no. 25515/10, Ismailova v. Russia

(a) Abduction of Anzor Ismailov

233. In November 2001 Russian military checkpoints were set up around the settlement of Goyty; a military commander's office and a police station were situated in the village, which was under curfew.

234. At around 5 a.m. on 4 November 2001 ten men in masks, helmets and camouflage uniforms broke into the applicant's home. They spoke unaccented Russian and were carrying torches. The men ordered the family members to lie down on the floor and searched the house. They took the

applicant's son, Mr Anzor Ismailov, outside and put him in one of the two UAZ minivans (*Tabletka*) parked next to an APC near the house. The vehicles drove away in the direction of the military checkpoint situated at the bridge over the Argun River, about 600 metres from the applicant's house. The applicant's husband followed the vehicles and spoke to the servicemen manning the checkpoint. They told him that the vehicles, with FSB servicemen on board, had passed freely through the checkpoint.

235. Later the same morning, the applicant went to the Urus-Martan military commander's office, where she met Mr Alexander Merluyev, a Goyty resident. His brother, Mr Musa Merluyev (see application no. 36141/10, *Merluyev v. Russia* below), had been abducted on the same night. Three or four days later the local military commander's office denied that Anzor Ismailov had ever been taken to their office.

236. The applicant has not seen Anzor Ismailov since 4 November 2001.

(b) Official investigation

237. The Government submitted copies of documents from criminal case file no. 25193 concerning the abduction of Anzor Ismailov. The information submitted may be summarised as follows.

(i) Opening of the criminal investigation

238. On 27 November 2001 the applicant reported her son's abduction by servicemen to the Urus-Martan district prosecutor's office.

239. On 8 January 2002 the Urus-Martan district prosecutor's office opened criminal case no. 25193.

(ii) Main witness statements taken by the investigation

240. On 14 December 2001 the investigator questioned the applicant and her husband. They stated that at around 5 a.m. on 4 November 2001 a group of armed men in camouflage uniforms had broken into their house and taken their son away.

(iii) Main investigative steps and progress of the investigation

241. On 10 January 2001 the investigator requested that the Urus-Martan FSB provide information concerning Anzor Ismailov's possible involvement in illegal armed groups. The investigator also sent information requests to various law-enforcement agencies concerning Mr Ismailov's possible detention on their premises, but these did not yield any relevant information.

242. On 23 January 2002 the applicant and her husband were granted victim status.

243. On 8 March 2002 the investigation was suspended. It was further resumed and suspended several times.

244. The investigation is still pending.

(c) The applicants' complaints concerning the investigation

245. It appears from the case file that between January 2002 and October 2009 the applicant complained to various authorities of the abduction of her son and the delays in the investigation.

246. On 6 October 2009 the applicant requested access to the investigation file. On 11 November 2009 the Achkhoy-Martan investigation department refused her request, stating that she would be entitled access to the file only upon completion of the investigation.

14. Application no. 30592/10, Ibragimova v. Russia

(a) Abduction of Masud Khakimov

247. At the material time the applicant, her husband and their children were living in a Red Cross refugee camp situated in the building of a former boarding school in Novye Atagi, the Shali district.

248. On 24 April 2001 a large group of armed men in camouflage uniforms arrived at the camp in military vehicles, broke in and abducted the applicant's husband, Mr Masud Khakimov, and three other men.

249. Sometime later the Shali district military commander, Officer G.N., told the applicant that her husband had been taken away either by servicemen from special division no. 2 (*Дивизия особого назначения № 2, ДОН-2*) or by special regiment no. 19 of Novosibirsk (*19 спецназ Новосибирска*), headed by Colonel D., who lived in Omsk, Russia.

250. The applicant has not seen Masud Khakimov since his abduction on 24 April 2001.

(b) Official investigation

251. The Government submitted copies of a few documents from criminal case file no. 23131 concerning the abduction of Masud Khakimov and three others (Mr A.U., Mr M.M. and Mr A.A.). Some of the documents submitted by the Government were completely illegible, whereas others were partially legible. The relevant information may be summarised as follows.

252. On 12 July 2001 the Shali district prosecutor's office opened criminal case no. 23131 under Article 126 of the Criminal Code (abduction).

253. On 25 July 2001 the applicant was granted victim status and questioned along with other eyewitnesses to the events. All of the witnesses gave similar statements to the effect that on 24 April 2001 a group of about fifty or sixty servicemen had arrived in several APCs and UAZ cars and broken into the building where they had been living. They had taken Masud

Khakimov and three other men to the courtyard, beaten them up and taken them away in UAZ cars.

254. The investigation was suspended and resumed several times. On 9 June 2003 the supervising prosecutor ordered that the investigation be resumed, having noted, *inter alia*, that it had failed to question servicemen involved in a special operation conducted in Novye-Atagi on the day of Masud Khakimov's abduction. The relevant parts of the decision read as follows:

“At 2.30 p.m. on 24 April 2004 unidentified armed men in camouflage uniforms, having arrived in four APCs and four UAZ cars at the premises of a secondary school in Novye-Atagi, Shali district, detained [Masud Khakimov and three others] who were living there and took them away to an unknown destination. There is no information concerning the whereabouts of [the abducted men] ...

... The preliminary investigation has been resumed and suspended repeatedly ...

... It has been established that the investigation is not being conducted thoroughly ...

For instance, in the course of the investigation information has been obtained from [illegible] that at 2.30 p.m. on 24 April 2001 during a special operation, officers from the Shali FSB together with servicemen from [special regiment] no. 19 of military unit no. 6749 detained four men in the settlement of Novye-Atagi on suspicion of involvement in illegal armed groups. [Different types of firearms] were found and seized from [the detained men]. All the detained men and seized firearms were transferred to the Shali ROVD. However, the identity of the men detained during the operation and the place of their detention have not been identified so far. The [documents] of military unit no. 6749 for the relevant period have not been inspected. The circumstances of the special operation and the identification of the officers of the Shali FSB who participated in the operation have not been established. Servicemen from military unit no. 6749 have not been questioned about the circumstances of the special operation, the arrest of [those persons] or [the latter's] whereabouts”.

255. At some point the investigator examined the special operations register of military unit no. 6749. It indicated that in April 2001 a special operation had been conducted in Novye-Atagi involving thirty-eight servicemen and four APCs. As a result of the operation four men (their names were not indicated) were detained on suspicion of participation in illegal armed groups. A number of firearms and ammunition were found on them and seized.

256. On an unspecified date the investigator questioned three servicemen from military unit no. 6749. They stated that on 24 April 2001 they and officers of the Shali FSB had taken part in a special operation in Novye-Atagi. During the operation the FSB officers had detained four men on suspicion of their involvement in illegal armed groups. The commander of the military unit was also questioned and stated that although he had not taken part in the special operation in Novye-Atagi, he had learnt afterwards that during that operation the FSB officers had arrested four men who had been involved in killing soldiers of a special unit from the Stavropol region

("the OMON"). The names of the detained men had not been given by the FSB department.

(c) The applicants' complaints concerning the investigation

257. On a number of occasions between 2001 and 2003 the applicant requested, orally and in writing, information and assistance in the search for her husband; no useful information was provided to her by the authorities.

258. On 27 May 2004 the applicant was informed that the investigation into her husband's abduction had been suspended on the same date, but that the search for him was still in progress.

259. On 11 July 2005 the investigators informed the applicant that the investigation had been resumed.

260. On 11 June 2006 the applicant was informed that the investigation had been suspended again.

261. On 13 June 2008 the investigators again informed the applicant that the investigation had been resumed.

262. Following the applicant's requests, on 25 June 2002 the district courts declared Masud Khakimov missing, and on 22 August 2008 they declared him dead.

263. On 15 June 2009 and 12 November 2011 the applicant was informed that the investigation had been suspended again.

15. Application no. 32797/10, Murdalova and Others v. Russia

(a) Abduction of Syal-Mirza Murdalov, and Ayndi and Umar Islamov

264. In July 2001 Mr Syal-Mirza Murdalov visited the Islamov family in the settlement of Chervlennaya, where the sixth, seventh, eighth and ninth applicants lived.

265. At around 3 a.m. on 9 July 2001 a large group of masked men in camouflage uniforms arrived in an APC, two Ural lorries and two UAZ cars at the backyard of the applicants' house in Chervlennaya. Ten men with torches broke into the Islamovs' house and searched it. Speaking unaccented Russian, the servicemen ordered everybody to lie face down on the floor. They taped the hands and mouths of Syal-Mirza Murdalov, Ayndi Islamov and Umar Islamov, took their passports and drove them away. The sixth, eighth and ninth applicants were at home and witnessed the abduction.

266. Immediately afterwards, the ninth applicant ran to the local police station and the military commander's office. Officers on duty told her that they had neither arrested anyone nor detained anyone on their premises.

267. The applicants have not seen their three relatives since 9 July 2001.

(b) Official investigation

268. The Government did not furnish any documents from the criminal case file concerning the abduction of the applicants' relatives. From the documents submitted by the applicants, the investigation may be summarised as follows.

269. On 1 October 2001 the Shelkovskiy district prosecutor's office opened criminal case no. 33057 on the abduction of the applicants' relatives under Article 126 of the Criminal Code (abduction).

270. On 28 December 2001 the first applicant was informed thereof.

271. On 30 June 2003 the Chechnya Prosecutor's Office informed the first applicant that the investigation had questioned the police officers who had been manning the checkpoints surrounding Chervlennaya at the material time, but that the involvement of servicemen in the abduction had not been confirmed. It was also noted that given that the investigation had failed to identify the perpetrators and establish the abducted men's whereabouts, it had been suspended on 1 January 2002.

272. On 26 June 2004 the first applicant was granted victim status in the criminal case.

273. The investigation is currently pending.

(c) The applicants' complaints concerning the investigation

274. The applicants submitted copies of the complaints they had lodged from 2001 to 2005 and in 2010 with various authorities concerning the abduction of their relatives and the delays in the investigation. Following those complaints the applicants were informed that investigative measures were being carried out in order to identify the perpetrators and establish their relatives' whereabouts.

275. In February 2010 the applicants asked for access to the criminal case file. It is unclear whether their request was granted.

16. Application no. 33944/10, Yusupovy v. Russia

(a) Abduction of Aslan Yusupov

276. At around 2 p.m. on 15 June 2002 an APC without a registration plate arrived at the applicants' house in Tangi-Chu. A group of ten armed men in helmets and camouflage uniforms broke into the house. Those of the intruders who were not wearing masks had Slavic features. Speaking unaccented Russian, the servicemen pointed their machine guns at the applicants and took Mr Aslan Yusupov outside. They took his passport, forced him into the APC and told his relatives that he would return after an identity check.

277. About ten minutes later several APCs and a white VAZ-2106 car joined the vehicle. The convoy drove away, passed freely through the

Russian military checkpoint situated next to Martan-Chu, and arrived at the premises of the Urus-Martan district military commander's office.

278. On the same day the servicemen also visited several neighbouring houses and took away Mr Ramzan Sh. along with his VAZ-2106 car.

279. Immediately after his son's abduction, the first applicant went to the Urus-Martan military commander's office. A woman at the gate confirmed that servicemen had arrived there in two APCs and a VAZ with two young men on board. The servicemen took the young men out of the APC and dragged them, with sacks over their heads, into the premises of the military commander's office.

280. On 18 June 2002 the head of the Martan-Chu administration informed the applicants that Aslan Yusupov and Ramzan Sh. had been detained at the district military commander's office and that they would be released in the evening. However, the two men were not released.

281. Several days later, the head of the Urus-Martan administration informed the applicants that five bodies had been found in an abandoned garden on the road between Urus-Martan and Goyty. The first applicant immediately went to the scene but did not identify Aslan Yusupov among the bodies discovered. At the same time the relatives of Ramzan Sh. identified one of the bodies as that of Ramzan Sh.

282. The applicants have not seen Aslan Yusupov since 15 June 2002.

(b) Official investigation

283. The Government submitted copies of the documents from criminal case file no. 34052 concerning the abduction of Aslan Yusupov. The relevant information may be summarised as follows.

(i) Opening of the criminal investigation

284. On 18 June 2002 the first applicant complained to the head of the local administration and the head of the Urus-Martan military commander's office that his son had been abducted by servicemen.

285. On 7 April 2003 the applicant wrote to the same authorities stating that his complaint of 18 June 2002 had remained unexamined.

286. On 29 April 2003 the Urus-Martan district prosecutor's office opened criminal case no. 34052 under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigators

287. On 30 April 2003 the first applicant was questioned. A copy of the first page of his statement was not furnished to the Court. From the part of the statement provided to the Court, it appears that his son, Aslan Yusupov, had been put in an APC and taken away. On the same date servicemen had also abducted a local resident, Ramzan Sh. The applicant had gone to the Urus-Martan military commander's office where he had learnt that two

young men with sacks over their heads had been led from the APCs to the premises of the military commander's office. The applicant also informed the investigator that on the date of his son's abduction, servicemen had also searched the house of their neighbours, the G. family. Their son, Mr I.G., had been a member of illegal armed groups and had been on the run.

288. On 12 May 2003 the applicants' relatives, Ms L.Kh. and Ms Ya.S., stated that on the date of the abduction, they had been at home when armed men in camouflage uniforms had broken into their house. The men had checked Aslan's passport and then had gone to search the house of their neighbours, the G. family. However, fifteen minutes later they had come back and had called Aslan from outside. When he had gone out, the servicemen had put him in the APC and driven away.

289. On 6 June 2003 the second applicant was questioned and gave a similar submission.

290. On 11 June 2003, the applicants' neighbour, Mr K.M., stated that at about 2 or 3 a.m. on the date of Aslan's abduction he had been working in the yard when four armed men in camouflage uniforms had arrived and asked him about Mr I.G. When he had told them that he had no information, the men had kicked him and hit him several times on the head and arms with the butts of their rifles. Afterwards, the men had left and fifteen minutes later he had seen the second applicant, Ms L.Kh. and Ms Ya.S. weeping and saying that servicemen had taken Aslan away.

(iii) Main investigative steps and progress of the investigation

291. On 30 April 2003 the first applicant was granted victim status.

292. On 14 May 2003 the investigators questioned the applicants, their relatives and neighbours.

293. On 10 June 2003 the investigators examined the crime scene.

294. On 29 June 2003 the investigation was suspended.

295. The investigation was resumed on 3 June 2005 and suspended again on 3 July 2005. Some witnesses were questioned again.

296. The investigation is still pending.

(c) The applicants' complaints concerning the investigation

297. On 10 March 2005 the first applicant complained to the Urus-Martan Prosecutor's Office about the delays in the investigation and sought access to the investigation file. Her request for access was refused.

298. On 26 April 2005 the Urus-Martan District Court granted the first applicant's complaint of the unlawful suspension of the investigation and ordered that it be resumed.

299. On 23 May 2008 the investigator again refused the first applicant's request for access to the investigation file. The applicant challenged the refusal in court.

300. On 17 November 2008 the Urus-Martan Town Court allowed the first applicant access to the contents of the investigation file and authorised him to make copies of it. According to the applicant, he managed to make the copies only in March 2010.

17. Application no. 36141/10, Merluyev v. Russia

(a) Abduction of Musa Merluyev

301. In the autumn of 2001 the settlement of Goyty was under curfew and surrounded by Russian military checkpoints. The military commander's office and a police station were operating in the settlement.

302. At around 5 a.m. on 4 November 2001 a group of five or six armed masked men in camouflage uniforms broke into the applicant's house and ordered everyone to lie face down on the floor. One of them handcuffed the applicant. The men quickly searched the house and took Mr Musa Merluyev outside. Shortly afterwards the applicant saw an APC and two grey UAZ cars, including one minivan (*Tabletka*) driving away.

303. Immediately after the abduction, the applicant went to the military commander's offices in Goyty and Urus-Martan. The officers on duty denied any knowledge of Musa Merluyev's detention.

304. Sometime later the applicant found out that another Goyty resident, Mr Anzor Ismailov (see application *Ismailova v. Russia* (no. 25515/10) above), had been taken away on the same night.

305. The applicant has not seen Musa Merluyev since 4 November 2001.

(b) Official investigation

306. The Government submitted copies of the documents from criminal case file no. 25167 concerning the abduction of Musa Merluyev. The relevant information may be summarised as follows.

(i) Opening of the criminal investigation

307. On 4 December 2001 the applicant reported his brother's abduction by servicemen to the Chechnya Prosecutor's Office.

308. On 25 December 2001 the Urus-Martan district prosecutor's office opened criminal case no. 25167 under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigation

309. On 27 March 2002 the investigator questioned the applicant and his mother. They stated that at around 5 a.m. on 4 November 2001 a group of armed masked servicemen in camouflage uniforms had broken into their house and taken Musa Merluyev away in two grey UAZ cars and one "*tabletka*" minivan.

(iii) Main investigative steps and progress of the investigation

310. On 31 January 2002 the applicant's mother was granted victim status.

311. On 20 February 2002 the investigation was suspended.

312. On 8 April 2002 the military prosecutor of military unit no. 20102 reported that the involvement of servicemen in the abduction had not been confirmed.

313. On 20 November 2002 the investigation was resumed.

314. On 13 March 2003 the applicant was granted victim status.

315. The investigation was suspended on 24 March 2003 and then resumed on 31 March 2007.

316. On 19 May 2007 the investigator examined the crime scene and questioned the applicant, his wife and two neighbours.

317. The investigation was suspended and resumed several more times without producing any tangible results. It is still pending.

(c) The applicant's complaints concerning the investigation

318. The applicant submitted copies of the complaints that he had made to various authorities between 2001 and 2004.

18. Application no. 52446/10, Abdulvakhidova v. Russia

(a) Abduction of Adam Abdulvakhidov

319. On 26 May 2001 a special regiment of the federal forces conducted a military operation in Shali. At around 4 a.m. a group of armed, masked men in camouflage uniforms broke into Mr Adam Abdulvakhidov's house and took him away in an APC without registration numbers.

320. The applicant has not seen her brother Adam Abdulvakhidov since 26 May 2001.

(b) Official investigation

321. The Government submitted copies of the documents from criminal case file no. 24163 concerning the abduction of Adam Abdulvakhidov. The relevant information may be summarised as follows.

(i) Opening of the criminal investigation

322. Following the abduction of her son, the applicant's mother complained to various authorities of the abduction, but to no avail.

323. On 20 July 2001 the applicant's mother asked the Chechnya military prosecutor's office for assistance in searching for her son. The applicant's complaint was forwarded to the Shali district's prosecutor's office.

324. On 16 October 2001 the Shali district prosecutor's office opened criminal case no. 24163 under Article 126 of the Criminal Code (abduction).

(ii) Main witness statements taken by the investigation

325. On 24 October 2001 the investigator questioned the applicant's mother, Ms Z.A., who stated that on 26 May 2001 armed men in camouflage uniforms had broken into their house and taken her son, Adam Abdulvakhidov, away.

326. The applicant was questioned on 25 December 2004 and gave a similar statement. She pointed out that the abductors had arrived in two APCs.

327. On 19 February 2010 the investigators again questioned the applicant's mother, Ms A.Z., who reiterated her previous statement concerning the abduction.

(iii) Main investigative steps and progress of the investigation

328. Following the opening of the investigation, the investigator established that the abduction had taken place during a special operation. He drew up an action plan, the relevant parts of which read as follows:

“At about 4 a.m. on 26 May 2001 during a special operation [Adam Abdulvakhidov] was arrested at his home ... by unidentified men in camouflage uniforms and then taken away in an APC without registration plates to an unknown destination ...

It is necessary to take the following measures:

1. To question the relatives of [Adam Abdulvakhidov] ...
2. To identify eyewitnesses ...
3. To establish which military unit took part in this special operation”.

329. On 24 October 2001 the applicant was granted victim status.

330. In November 2001 the investigators wrote to various law-enforcement agencies requesting information about the carrying out of a special operation on 26 May 2001 and the detention of Adam Abdulvakhidov. No relevant information was received.

331. The investigation was suspended on 16 December 2001 and then resumed on 22 December 2004. The applicant was informed only of the latter decision.

332. On 26 December 2004 the investigators examined the crime scene.

333. In November 2009 the investigators questioned several of the applicant's neighbours, all of whom stated that Adam Abdulvakhidov had been abducted by men in APCs.

334. On 19 February 2010 the investigators questioned police officer N.S. from the Shali ROVD, who stated that the search for Adam Abdulvakhidov was still in progress.

335. The investigation was suspended and resumed several more times; it is still pending.

(c) The applicant's correspondence with the investigative authorities

336. On 22 December 2004 the applicant was informed by the investigators that the investigation into her brother's abduction had been resumed and that operational search measures were being carried out.

337. On 27 October 2009 following a request by the applicant, the Shali investigation department provided her with copies of certain documents from the investigation file.

338. On 3 November 2009 the applicant brought proceedings against the investigators, alleging that the investigation had been ineffective owing to the authorities' failure to take basic steps. She asked the court to order the investigation department to resume the investigation and rectify its shortcomings.

339. On 25 January 2010 the Shali Town Court left the complaint unexamined as the investigation had been resumed on 20 January 2010. On 3 March 2010 the Chechnya Supreme Court upheld the decision.

19. Application no. 62244/10, Elbuzdukayeva v. Russia

(a) Abduction of Suliman Yunusov

340. In February 2004 Mr Suliman (also referred to as Suleyman) Yunusov was staying in the house of his friend, Mr A. Mutsayev, in Grozny. At the time, Grozny was surrounded by a number of Russian military checkpoints. The nearest checkpoint was located 300 metres from the house, at the crossroads of Pervomayskaya and Mayakovskaya Streets.

341. At around 7 a.m. on 25 February 2004 a group of twelve to fifteen armed men in camouflage uniforms arrived at the Mutsayevs' house in an APC, two white Niva cars and a white Volga car. Another two APCs were waiting at the crossroads. The servicemen, who were of Slavic and Asian appearance, broke into the houses of the Mutsayevs and their neighbours and searched them.

342. In a neighbouring house the servicemen beat up male family members and questioned them about illegal armed groups. One of them, Musa, showed his service identity card stating that he worked at the Emergencies Ministry (Emercom). The neighbours heard the servicemen saying over their portable radios: "We have found him. We are leaving." Meanwhile, the other group of men led Suliman Yunusov out of the Mutsayevs' house, put him in one of their Niva cars and drove him away in the direction of Pervomayskaya Street.

343. The applicant submitted that on 25 February 2004, following the murder of a fellow military officer, the servicemen had conducted a

large-scale sweeping operation in Grozny during which they had detained Suliman Yunusov.

344. The applicant has not seen Suliman Yunusov since 25 February 2004.

(b) Official investigation

345. The Government did not furnish any documents from the criminal case file concerning the abduction of the applicant's relative. Based on the documents submitted by the applicant and the Government's submissions, the investigation may be summarised as follows.

(i) Main investigative steps and progress of the investigation

346. On 15 March 2004 the Leninskiy district prosecutor's office in Grozny opened criminal case no. 30021 under Article 126 of the Criminal Code (abduction) and granted victim status to the applicant.

347. On 15 May 2004 the investigation was suspended.

348. In June 2004 the military prosecutor's office of military unit no. 20116 informed the investigators that the involvement of servicemen in the abduction had not been confirmed and that no special operations had been carried out in the area at the relevant time.

349. The investigation is still pending.

(ii) Main witness statements taken by the investigators

350. On 16 December 2011 the applicant stated that her son had fought against the Russian federal forces during the first Chechen war and had left Chechnya at the end of the war. In January 2004 he had returned and on 24 February 2004 he had gone to Grozny to visit his friend, A. Mutsayev. On 25 February 2005 she had learnt that servicemen had abducted her son and she had gone to Grozny. The Mutsayevs and their neighbours had confirmed that Suliman Yunusov had been abducted by armed men in camouflage uniforms. She had been told that the servicemen had been looking for someone and when they had arrested her son, they had left the house saying over the radio that they had found him. The first applicant also noted that after that incident, her son's friend, A. Mutsayev had moved to Europe.

351. On 2 January 2012 the Mutsayevs and their neighbours were questioned. Ms Z. Mutsayeva stated that Suliman Yunusov had been their neighbour and had participated in the first Chechen war against the Russian federal forces. Since 23 February 2004 he had been staying in their house. In the morning of 25 February 2004, after her husband and brother-in-law had gone out, armed masked men wearing camouflage uniforms had broken into their house. They had taken Suliman outside, put him in a Niva car and driven away. The men had spoken Russian without an accent and had a list of the names of persons they were searching for.

352. Several of the Mutsayevs' neighbours made similar submissions about the events to the effect that on 25 February 2004 a group of armed men in camouflage uniforms had broken into their houses and had beaten up the male family members. The servicemen had questioned them about members of illegal armed groups and about their neighbours. Shortly afterwards, one of the intruders had informed the others that they had found the man they had been looking for and, therefore, they could leave. Afterwards, they had learnt that the servicemen had abducted Suliman Yunusov from their neighbours' house.

(c) The applicant's complaints concerning the investigation

353. In 2004, 2005 and 2010 the applicant requested information and assistance in the search for her son; no meaningful information was provided to her by the authorities.

354. On 1 March 2010 the applicant complained about the delays in the investigation and asked for access to the investigation file, but to no avail.

355. On 16 April 2010 in response to her complaint, the district prosecutor's office informed her that a number of shortcomings in the investigation had been identified and the relevant authorities had been requested to rectify them. The prosecutor's office also noted that on 13 March 2010 the special investigation unit of the Chechnya Prosecutor's Office had taken over the criminal case.

20. Application no.66420/10, Basnukayeva and Others v. Russia

(a) Abduction of Mausyr Basnukayev, and Vakha and Shamsudi Alisultanov

356. The Basnukayevs and the Alisultanovs were neighbours. Mr Mausyr Basnukayev lived with his family, including the first to fifth applicants. Mr Vakha Alisultanov lived with his family, including the sixth to eighth applicants, and his son, Rustam. His brother, Mr Shamsudi Alisultanov, was staying at his house in April 2000. The Basnukayevs' house was situated about 300 metres from the Alisultanovs' house in the settlement of Chechen-Aul.

357. In April 2000 Chechen-Aul was under curfew and surrounded by Russian military checkpoints.

358. At about 3 a.m. on 16 April 2000 approximately thirty men in camouflage uniforms armed with short-barrelled machine guns cordoned off the applicants' houses. They divided into two groups and broke in. They had parked their APC, Ural lorry and two UAZ cars in the vicinity. Those of the intruders who were unmasked were of Slavic appearance.

359. The servicemen searched the dwellings, beat up the male members of the families and checked their identity documents. They took Rustam and Mausyr Basnukayev, and Vakha and Shamsudi Alisultanov outside. The servicemen then ordered Rustam to run back to the house without looking

back. They placed Mausyr Basnukayev and Vakha Alisultanov in the Ural lorry and Shamsudi Alisultanov in one of the UAZ vehicles, and drove away towards the outskirts.

360. The applicants have not seen their three relatives since 16 April 2000.

(b) Official investigation

361. The Government submitted copies of the documents from criminal case file no. 19077 concerning the abduction of Mausyr Basnukayev, and Vakha and Shamsudi Alisultanov. The documents cover only the period between 2001 and 2004. The relevant information may be summarised as follows.

(i) Opening of the criminal investigation

362. Following the abduction of their relatives, the applicants complained to various authorities. Their complaints were forwarded from one authority to another.

363. On 6 June 2001 the Grozny district prosecutor's office opened criminal case no. 19077 in connection with the abduction of the three men.

(ii) Main witness statements taken by the investigators

364. In June 2001 the investigators questioned the first and the sixth applicants, who provided a detailed description of the circumstances surrounding the abduction.

365. In November 2003 the ninth applicant stated that an Ingush friend of Shamsudi Alisultanov had told her that in the summer of 2000, law-enforcement officers from Voronezh had visited him and asked questions about Shamsudi.

(iii) Main investigative steps and progress of the investigation

366. On 27 June 2001 the first applicant was granted victim status.

367. The investigation was suspended on 6 August 2001 and resumed on 29 July 2003. It was suspended and resumed several more times in 2003 and 2004.

368. In July 2003 the investigator examined the crime scene. No evidence was collected.

369. On 15 August 2003 the sixth and ninth applicants were granted victim status.

370. On 2 December 2004 the investigators suspended the investigation and informed the applicants thereof. It's unclear whether the investigation has been resumed since. The proceedings are still pending.

(c) The applicants' complaints concerning the investigation

371. On a number of occasions between April 2000 and December 2004 the applicants wrote to various authorities asking for assistance in the search for their missing relatives; no meaningful information was given to them.

372. On 5 October 2009 the first and sixth applicants requested access to the investigation file; the Grozny District Court granted access to the file on 13 November 2009.

373. Following the applicants' complaint of 5 July 2010 that the investigators had failed to take adequate investigative steps, the Grozny investigations department informed them on 9 July 2010 that operational search measures were under way and that they would be kept abreast of the results of the investigative steps.

II. RELEVANT DOMESTIC LAW AND PRACTICE AND INTERNATIONAL MATERIALS

374. For a summary of the relevant domestic law and practice 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

375. 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. The parties' submissions

1. The Government

376. In their observations in respect of all the cases, the Government submitted that the applicants had failed to exhaust domestic remedies. They could have lodged complaints before the domestic courts about the inaction of the investigative authorities or claimed civil damages. In any case, the criminal investigations into the disappearances of the applicants' relatives were still in progress and therefore the applications had been lodged prematurely. They also mentioned that as no final domestic decisions had

been taken in respect of the applicants' complaints, the six-month time-limit was not applicable.

2. *The applicants*

377. Regarding the alleged failure to exhaust domestic remedies, all the applicants, referring to the Court's case-law, submitted that they were not obliged to pursue civil remedies and that lodging complaints against the investigators under Article 125 of the Criminal Procedure Code would not have remedied the shortcomings of the investigations. They all submitted that the only effective remedy in their cases – the criminal investigations into the abduction of their relatives – had proved to be ineffective.

378. The applicants also submitted that they had complied with the admissibility criteria concerning the six-month time-limit. In particular, the applicants in *Pitsayeva and Others* (no. 53036/08), *Salamova and Others* (no. 61785/08), *Debizova and Others* (no. 24708/09), *Adiyeva and Others* (no. 30327/09), *Adiyeva* (no. 61258/09), *Saraliyeva and Others* (no. 63608/09), *Aliyeva and Dombayev* (no. 67322/09), *Murdalova and Others* (no. 32797/10), and *Elbuzdukayeva* (no. 62244/10) stated that they had complained to the authorities shortly after their relatives' abduction and had hoped that the criminal investigations initiated thereafter would produce results, just as they would in any other official investigation initiated by the authorities in the Russian Federation. They lodged their application with the Court only after they had realised that the investigation had been ineffective. In addition to their references 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-), the applicants also cited, amongst others, the cases of *Tsechoyev v. Russia* (no. 39358/05, 15 March 2011) and *Amuyeva and Others v. Russia* (no. 17321/06, 25 November 2010). They pointed out that even in those cases, which concerned killings, in spite of lulls in the investigations lasting several years, the applications were deemed admissible by the Court. In addition, the applicants in *Petimat Magomadova* (no. 36965/09), *Amirova and Others* (no. 4345/10) and *Yusupovy* (no. 33944/10) maintained that the armed conflict in Chechnya had led them to believe that delays in the investigation were inevitable. Moreover, owing to their poor command of Russian, their lack of legal knowledge and the absence of financial means to hire a lawyer, and in the absence of domestic provisions for free legal assistance to victims of enforced disappearances, they had been unable to assess the effectiveness of the investigations. The applicants in the cases of *Inalova* (no. 4334/10), *Ismailova* (no. 25515/10), *Merluyev* (no. 36141/10), *Basnukayeva and Others* (no. 66420/10) and *Viskhazhiyev and Others* (no. 11873/10) stated that they had initially believed that the abductions of their relatives would be investigated in a proper manner. However, with the passage of time and the lack of information from the investigating authorities, they began to

doubt the effectiveness of the investigation and started looking for free legal assistance in order to assess the effectiveness of the proceedings and then, subsequently, to lodge their applications with the Court without undue delay. In this respect they referred to the case of *Tashukhadzhiyev v. Russia* (no. 33251/04, 25 October 2011), in which the application was lodged with the Court eight and half years after the events in question.

B. The Court's assessment

1. Compliance with the six-month rule

(a) General principles

379. 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).

380. The Court notes that the Government acknowledged that the six-month time-limit was not applicable to the applicants' situations, as no final domestic decisions concerning the applicants' complaints had been taken.

381. The Court reiterates that the purpose of the six-month rule is to promote security of law, 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).

382. 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 when the applicant first became, or ought to have become, aware of those circumstances (see, among others, *Zenin v. Russia* (dec.), no. 15413/03, 24 September 2009).

383. In cases concerning disappearances, unlike those 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 because of the uncertainty and confusion typical of such situations, the nature of the ensuing investigations is such 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*, cited above, §§ 162-63).

384. 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 a period of 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, not final yet).

385. By contrast, the Court has declared inadmissible applications where the applicants waited for more than ten years to lodge their applications with the Court, and where there had been, for a long time, no elements 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), in which 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.

(b) Application of the principles to the present case

386. Turning to the circumstances of the applications at hand, the Court notes that the criminal investigation in each case was pending when the applicants lodged their complaints with the Court. In *Pitsayeva and Others* (no. 53036/08), *Salamova and Others* (no. 61785/08), *Yagayeva* (no. 8594/09), *Debizova and Others* (no. 24708/09), *Adiyeva and Others* (no. 30327/09), *Petimat Magomadova* (no. 36365/09), *Adiyeva* (no. 61258/09), *Saraliyeva and Others* (no. 63608/09), *Aliyeva and Dombayev* (no. 67322/09), *Inalova* (no. 4334/10), *Amirova and Others* (no. 4345/10), *Viskhazhiyev* (no. 11873/10), *Ismailova* (no. 25515/10), *Murdalova and Others* (no. 32797/10), *Yusupovy* (no. 33944/10), *Merluyev* (no. 36141/10) and *Elburdukayeva* (no. 62244/10), the applicants complained to the authorities soon after the abductions and introduced their

applications with the Court within periods ranging from three to almost nine 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 access to the investigation files.

387. As for the other three applications, in which the applicants applied to Strasbourg after a longer period of time, ranging from nine to ten and a half years after the events, the Court observes the following. In *Ibragimova* (no. 30592/10), the applicant complained of her husband's abduction shortly after the events, then gave her statement concerning the circumstances and was granted victim status in the proceedings. From the documents submitted it appears that between the opening of the investigation in 2001 and 2004 she regularly requested assistance in the search for her husband and asked for information on the progress of the proceedings. Thereafter she maintained contact with the investigative authorities. Between 2003 and 2008 they informed her on several occasions of the suspensions and resummptions of the investigation and the ongoing search for her relative. In August 2008 her disappeared husband was declared dead by the domestic court and in May 2010, nine years after the abduction, she lodged her application with the Court.

388. From the documents submitted in respect of *Abdulvakhidova* (no. 52446/10), it appears that the applicant complained of her brother's abduction shortly after the events in 2001, immediately made a statement to the investigation and was granted victim status in the criminal case. She was not informed of the suspension of the proceedings in 2001, but in December 2004 the investigators informed her that the investigation had been resumed. For almost four years and ten months the applicant did not contact the authorities in writing and they did not provide her with any updates on the proceedings. In October 2009, following her request to this end, she was provided with copies of some documents from the investigation file, which enabled her to see that the investigators had not taken basic steps. Between January and March 2010 she tried to complain before the domestic courts about the inaction of the investigators and in June 2010 – nine years and one month after the abduction – she lodged her application with the Court.

389. As for *Basnukayeva and Others* (no. 66420/10), the Court observes, first of all, that the abduction of the applicants' relatives took place in April 2000 and that they lodged their application with the Court ten and half years after the events. Bearing in mind its conclusions in *Varnava and Others* in which the ten-year time-limit concerning the investigation into the alleged disappearances occurred in the context of an armed conflict (see *Varnava*, cited above, §166), the Court notes the following. The investigation into the abduction of the applicants' relatives was initiated in 2001 and in the course of the following three years the applicants gave statements to the authorities and requested assistance in the search for their missing relatives. The

documents furnished by the Government reflected only the proceedings between 2001 and 2004. The correspondence between the parties between December 2004 and October 2009 was not furnished to the Court. It appears that the applicants did not contact the investigation for a period of almost four years and ten months, until October 2009 when they requested access to the investigation file. Subsequently, in August 2010 the authorities informed them that the investigation into the abduction was still in progress; however, in October 2010 the applicants lodged their application with the Court.

390. The Court notes with regret the lulls in the investigation of four years and ten months in *Abdulvakhidova* (no. 52446/10) and *Basnukayeva and Others* (no. 66420/10). However, taking into account the applicants' submissions concerning the reasons for the delay in applying to Strasbourg, and assessing the overall conduct of the applicants throughout the criminal proceedings, along with the case-law concerning similar events in Chechnya with comparable periods of inactivity in the investigation (see, for example, *Kaykharova and Others v. Russia*, nos. 11554/07, 7862/08, 56745/08 and 61274/09, § 129, 1 August 2013, and *Saidova v. Russia*, no. 51432/09, § 52, 1 August 2013 in which the investigation was inactive for a period of more than four years and four months), the Court finds that in the circumstances of these particular cases, the delays cannot be deemed excessive.

391. Regard being had to the above considerations and given that the Government do not dispute the matter, the Court finds that the conduct of each of the applicants in respect of the investigation was determined not by their perception of the remedy as ineffective, but rather by their expectation that the authorities would, of their own motion, provide them with an adequate response in the face of their serious complaints. On their part, they furnished the investigative authorities with timely and sufficiently detailed accounts of their relatives' abductions, assisted them with finding witnesses and other evidence, and fully cooperated in other ways. It was thus reasonable for them to expect further substantive developments from the investigations. It could not be said that they failed to show the requisite diligence by waiting for the pending investigations to yield results (see, by contrast, *Açış v. Turkey*, no. 7050/05, §§ 41-42, 1 February 2011).

392. To sum up, all of the applicants maintained reasonable contact with the authorities, cooperated with the investigation and, where appropriate, took steps to inform themselves of the progress of the proceedings and to speed them up, in the hopes of a more effective outcome.

393. 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 finds that all the applications were in compliance with the six-month time-limit.

2. *Exhaustion of domestic remedies*

394. As regards a civil action to obtain redress for damage sustained as a result of the alleged illegal acts or unlawful conduct of State agents, the Court has already found in a number of similar cases that this procedure alone cannot be regarded as an effective remedy in the context of claims brought under Article 2 of the Convention (see *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, §§ 119-21, 24 February 2005, and *Estamirov and Others*, cited above, § 77). Accordingly, the Court confirms that the applicants were not obliged to pursue civil remedies. The preliminary objection in this regard is thus dismissed.

395. As regards criminal-law remedies, the Court observes that in a recent judgment it concluded that the ineffective investigation of disappearances that occurred in Chechnya between 2000 and 2006 constitutes a systemic problem and that criminal investigations are not an effective remedy in this respect (see *Aslakhanova and Others*, cited above, § 217).

396. In such circumstances, and noting the absence over the years of tangible progress in any of the criminal investigations into the abductions of the applicants' relatives, the Court concludes that this objection must be dismissed, since the remedy relied on by the Government was not effective in the circumstances.

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

A. **The parties' submissions**

1. *The Government*

397. The Government did not contest the essential facts of each case 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 and deaths. Referring, in particular, to *Debizova* (no. 24708/09) and *Ibragimova* (no. 30592/10), the Government stated that the mere fact that the abductors had been armed and/or had driven a certain type of vehicle or had worn a particular type of uniform was not enough to presume the contrary. They pointed out that between 1996 and 2003 mercenaries of Slavic origin, including those from Ukraine, and other criminals had impersonated military servicemen and police officers to commit crimes. At the same time, the Government submitted, referring to the same two applications, that "the applicants furnished the proof that their relatives could have been detained by State

representatives”. Lastly, in respect of all the cases the Government submitted that the bodies of the abducted men had never been found and there was no proof that they were dead.

2. *The applicants*

398. The applicants asserted that it had been established “beyond reasonable doubt” that the men who had taken away their relatives 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

399. 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).

400. 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, and *Movsayevy v. Russia*, no. 20303/07, § 76, 14 June 2011).

401. 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 others, *Bazorkina v. Russia*, no. 69481/01, 27 July 2006; *Imakayeva v. Russia*, no. 7615/02, ECHR 2006-XIII (extracts); *Luluyev and Others v. Russia*, no. 69480/01, ECHR 2006-VIII (extracts); *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).

402. The Court has made findings of presumptions of death 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. 53036/08, Pitsayeva and Others v. Russia

403. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 17 and 19 above) demonstrate that the applicants' relative, Mulat Barshigov, was abducted on 14 November 2002 by a group of armed servicemen in Samashki. In view of all the materials 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 as set out by them.

404. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

405. Bearing in mind the general principles enumerated above, the Court finds that Mulat Barshigov was taken into custody by State agents on 14 November 2002. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Mulat Barshigov may be presumed dead following his unacknowledged detention.

2. Application no. 61785/08, Salamova and Others v. Russia

406. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 39 and 42 above) demonstrate that the applicants' relatives, Isa and Usman Eskiyeu, were abducted on 6 June 2003 by a group of armed servicemen in Koshkeldy. In view of all the materials 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 as set out by them.

407. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

408. Bearing in mind the general principles enumerated above, the Court finds that Isa and Usman Eskiyeu were taken into custody by State agents on 6 June 2003. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Isa Eskiyeu and Usman Eskiyeu may be presumed dead following their unacknowledged detention.

3. Application no. 8594/09, Yagayeva v. Russia

409. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 59 and 63 above) demonstrate that the applicant's husband, Zayndi Ayubov, was abducted on 17 March 2006 by a group of armed servicemen in Grozny. In view of all the materials 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 as set out by her.

410. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

411. Bearing in mind the general principles enumerated above, the Court finds that Zayndi Ayubov was taken into custody by State agents on 17 March 2006. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Zayndi Ayubov may be presumed dead following his unacknowledged detention.

4. Application no. 24708/09, Debizova and Others v. Russia

412. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 89 and 90 above) demonstrate that the applicants' relatives, Khamzat Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov and Ismail Taisumov, were abducted on 5 November 2002 by a group of armed servicemen in Novye Atagi. In view of all the materials 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 as set out by them.

413. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

414. Bearing in mind the general principles enumerated above, the Court finds that Khamzat Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov and Ismail Taisumov were taken into custody by State agents on 5 November 2002. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Khamzat Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov and Ismail Taisumov may be presumed dead following their unacknowledged detention.

5. Application no. 30327/09, Adiyeva and Others v. Russia

415. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 107 above) demonstrate that the applicants' relatives, Aslambek Adiyev, Albert Midayev and Magomed Elmurzayev, were abducted on 30 July 2002 by a group of armed servicemen in Shali. In view of all the materials 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 as set out by them.

416. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

417. Bearing in mind the general principles enumerated above, the Court finds that Aslambek Adiyev, Albert Midayev and Magomed Elmurzayev were taken into custody by State agents on 30 July 2002. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Aslambek Adiyev, Albert Midayev and Magomed Elmurzayev may be presumed dead following their unacknowledged detention.

6. Application no. 36965/09, Petimat Magomadova v. Russia

418. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 124 above) demonstrate that the applicant's brother, Buvaysar Magomadov, was abducted on 27 October 2003 by a group of armed servicemen in Mesker-Yurt. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her brother was abducted by State agents in the circumstances as set out by her.

419. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

420. Bearing in mind the general principles enumerated above, the Court finds that Buvaysar Magomadov was taken into custody by State agents on

27 October 2002. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Buvaysar Magomadov may be presumed dead following his unacknowledged detention.

7. Application no. 61258/09, Adiyeva v. Russia

421. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 141 above) demonstrate that the applicant's son, Said Adiyev, was abducted on 8 September 2004 by a group of armed servicemen in Chernorechye. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

422. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

423. Bearing in mind the general principles enumerated above, the Court finds that Said Adiyev was taken into custody by State agents on 8 September 2004. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Said Adiyev may be presumed dead following his unacknowledged detention.

8. Application no. 63608/09, Saraliyeva and Others v. Russia

424. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 158 and 159 above) demonstrate that the applicants' relatives, Aydrus Saraliyev, Artur Yesiyev and Bislan Chadakhanov, were abducted on 14 February 2002 by a group of armed servicemen in Urus-Martan. In view of all the materials 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 as set out by them.

425. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

426. Bearing in mind the general principles enumerated above, the Court finds that Aydrus Saraliyev, Artur Yesiyev and Bislan Chadakhanov were taken into custody by State agents on 14 February 2002. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Aydrus Saraliyev, Artur Yesiyev and Bislan Chadakhanov may be presumed dead following their unacknowledged detention.

9. Application no. 67322/09, Aliyeva and Dombayev v. Russia

427. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 181 above) demonstrate that the applicants' relative, Apti Dombayev, was abducted on 4 November 2002 by a group of armed servicemen in Mesker-Yurt. In view of all the materials 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 as set out by them.

428. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

429. Bearing in mind the general principles enumerated above, the Court finds that Apti Dombayev was taken into custody by State agents on 4 November 2002. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that he may be presumed dead following his unacknowledged detention.

10. Application no. 4334/10, Inalova v. Russia

430. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 195 and 196 above) demonstrate that the applicant's brother, Gilani Aliyev, was abducted on 11 August 2003 by a group of armed servicemen in Alkhazurovo. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her brother was abducted by State agents in the circumstances as set out by her.

431. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

432. Bearing in mind the general principles enumerated above, the Court finds that Gilani Aliyev was taken into custody by State agents on. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Gilani Aliyev may be presumed dead following his unacknowledged detention.

11. Application no. 4345/10, Amirova and Others v. Russia

433. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 213 and 214 above) demonstrate that the applicants' relative, Mikhail Borchashvili, was abducted on 9 March 2006

by a group of armed servicemen in Grozny. In view of all the materials 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 as set out by them.

434. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

435. Bearing in mind the general principles enumerated above, the Court finds that Mikhail Borchashvili was taken into custody by State agents on 9 March 2006. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Mikhail Borchashvili may be presumed dead following his unacknowledged detention.

12. Application no. 11873/10, Viskhadzhiyev and Others v. Russia

436. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 226 above) demonstrate that the applicants' four relatives, Aslanbek, Yasin and Sultan Viskhadzhiyev and Yusup Biysultanov, were abducted on 28 October 2002 by a group of armed servicemen in Ishkhoy-Yurt. In view of all the materials 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 as set out by them.

437. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

438. Bearing in mind the general principles enumerated above, the Court finds that Aslanbek, Yasin and Sultan Viskhadzhiyev and Yusup Biysultanov were taken into custody by State agents on 28 October 2002. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Aslanbek Viskhadzhiyev, Yasin Viskhadzhiyev, Sultan Viskhadzhiyev and Yusup Biysultanov may be presumed dead following their unacknowledged detention.

13. Application no. 25515/10, Ismailova v. Russia

439. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 240 above) demonstrate that the applicant's son, Anzor Ismailov, was abducted on 4 November 2001 by a group of armed servicemen in Goyty. In view of all the materials in its possession, the Court

finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

440. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

441. Bearing in mind the general principles enumerated above, the Court finds that Anzor Ismailov was taken into custody by State agents on 4 November 2001. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Anzor Ismailov may be presumed dead following his unacknowledged detention.

14. Application no. 30592/10, Ibragimova v. Russia

442. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 253 and 254 above) demonstrate that the applicant's husband, Masud Khakimov, was abducted on 24 April 2001 by a group of armed servicemen in Novye Atagi. In view of all the materials 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 as set out by her.

443. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

444. Bearing in mind the general principles enumerated above, the Court finds that Masud Khakimov was taken into custody by State agents on 24 April 2001. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Masud Khakimov may be presumed dead following his unacknowledged detention.

15. Application no. 32797/10, Murdalova and Others v. Russia

445. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 265 and 271 above) demonstrate that the applicants' three relatives, Syal-Mirza Murdalov, and Ayndi and Umar Islamov, were abducted on 9 July 2001 by a group of armed servicemen in Chervlennaya. In view of all the materials 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 as set out by them.

446. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

447. Bearing in mind the general principles enumerated above, the Court finds that Syal-Mirza Murdalov, and Ayndi and Umar Islamov were taken into custody by State agents on 9 July 2001. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Syal-Mirza Murdalov, Ayndi Islamov and Umar Islamov may be presumed dead following their unacknowledged detention.

16. Application no. 33944/10, Yusupovy v. Russia

448. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 287 and 288 above) demonstrate that the applicants' relative, Aslan Yusupov, was abducted on 15 June 2002 by a group of armed servicemen in Tangi-Chu. In view of all the materials 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 as set out by them.

449. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

450. Bearing in mind the general principles enumerated above, the Court finds that Aslan Yusupov was taken into custody by State agents on 15 June 2002. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Aslan Yusupov may be presumed dead following his unacknowledged detention.

17. Application no. 36141/10, Merluyev v. Russia

451. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraph 309 above) demonstrate that the applicants' relative, Musa Merluyev, was abducted on 4 November 2001 by a group of armed servicemen in Goyty. In view of all the materials 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 as set out by them.

452. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

453. Bearing in mind the general principles enumerated above, the Court finds that Musa Merluyev was taken into custody by State agents on 4 November 2001. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above),

the Court also finds that Musa Merluyev may be presumed dead following his unacknowledged detention.

18. Application no. 52446/10 Abdulvakhidova v. Russia

454. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 325 and 326 above) demonstrate that the applicant's brother, Adam Abdulvakhidov, was abducted on 26 May 2001 by a group of armed servicemen in Shali. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her relative was abducted by State agents in the circumstances as set out by her.

455. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

456. Bearing in mind the general principles enumerated above, the Court finds that Adam Abdulvakhidov was taken into custody by State agents on 26 May 2001. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Adam Abdulvakhidov may be presumed dead following his unacknowledged detention.

19. Application no. 62244/10, Elbuzdukayeva v. Russia

457. Several witness statements collected by the applicant, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 346 and 350 above) demonstrate that the applicant's son, Suliman Yunusov, was abducted on 25 February 2004 by a group of armed servicemen in Grozny. In view of all the materials in its possession, the Court finds that the applicant has presented a prima facie case that her son was abducted by State agents in the circumstances as set out by her.

458. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

459. Bearing in mind the general principles enumerated above, the Court finds that Suliman Yunusov was taken into custody by State agents on 25 February 2004. In view of the absence of any news of him since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Suliman Yunusov may be presumed dead following his unacknowledged detention.

20. *Application no. 66420/10, Basnukayeva and Others v. Russia*

460. Several witness statements collected by the applicants, along with the documents from the investigation file furnished by the Government (see, for example, paragraphs 364 and 365 above) demonstrate that the applicants' three relatives, Mausyr Basnukayev, and Vakha and Shamsudi Alisultanov, were abducted on 16 April 2000 by a group of armed servicemen in Chechen-Aul. In view of all the materials 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 as set out by them.

461. The Government did not provide a satisfactory and convincing explanation for the events in question. Therefore, they failed to discharge their burden of proof.

462. Bearing in mind the general principles enumerated above, the Court finds that Mausyr Basnukayev, and Vakha and Shamsudi Alisultanov were taken into custody by State agents on 16 April 2000. In view of the absence of any news of them since that date and the life-threatening nature of such detention (see paragraph 401 above), the Court also finds that Mausyr Basnukayev, Vakha Alisultanov and Shamsudi Alisultanov may be presumed dead following their unacknowledged detention.

D. Conclusions

463. The Court finds that in all the cases 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 to cordon off areas, along with their use of vehicles, lead the Court to conclude that in all probability, they were none other than State servicemen. The applicants' allegations are supported by the witness statements collected by them and by the investigations. In their submissions to the authorities the applicants consistently maintained that their relatives had been abducted by State agents. The domestic investigations accepted as fact the version of events as presented by the applicants and took steps to check whether State servicemen had been involved in the abductions. As it appears from the documents submitted to the Court, the investigations regarded the possibility of abduction by servicemen as the only, or at least the main, plausible explanation of the events.

464. In summary, the facts of each case contain sufficient elements 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 others, *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.

465. The detention in life-threatening circumstances of Mulat Barshigov, Isa Eskiyeu, Usman Eskiyeu, Zayndi Ayubov, Khamzan Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov, Ismail Taisumov, Aslambek Adiyev, Albert Midayev, Magomed Elmurzayev, Buvaysar Magomadov, Said Adiyev, Aydrus Saraliyev, Artur Yesiyev, Bislan Chadakhanov, Aпти Dombayev, Gilani Aliyev, Mikhail Borchashvili, Aslanbek Viskhadzhiyev, Yasin Viskhadzhiyev, Sultan Viskhadzhiyev, Yusup Biysultanov, Anzor Ismailov, Masud Khakimov, Syal-Mirza Murdalov, Ayndi Islamov, Umar Islamov, Aslan Yusupov, Musa Merluyev, Adam Abdulvakhidov, Suliman Yunusov, Mausyr Basnukayev, Vakha Alisultanov and Shamsudi Alisultanov and the long periods of absence of any news of them lead the Court to conclude that they may be presumed dead.

IV. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

466. 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 an effective investigation into the matter. 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

467. The Government contended that the domestic investigations had obtained no evidence 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.

468. The applicants reiterated their complaints.

B. The Court's assessment

1. Admissibility

469. 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

470. 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 Mulat Barshigov, Isa Eskiyeve, Usman Eskiyeve, Zayndi Ayubov, Khamzan Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov, Ismail Taisumov, Aslambek Adiyev, Albert Midayev, Magomed Elmurzayev, Buvaysar Magomadov, Said Adiyev, Aydrus Saraliyev, Artur Yesiyev, Bislan Chadakhanov, Aпти Dombayev, Gilani Aliyev, Mikhail Borchashvili, Aslanbek Viskhadzhiyev, Yasin Viskhadzhiyev, Sultan Viskhadzhiyev, Yusup Biysultanov, Anzor Ismailov, Masud Khakimov, Syal-Mirza Murdalov, Ayndi Islamov, Umar Islamov, Aslan Yusupov, Musa Merluyev, Adam Abdulvakhidov, Suliman Yunusov, Mausyr Basnukayev, Vakha Alisultanov and Shamsudi Alisultanov.

(b) Alleged inadequacy of the investigations into the abductions

471. The Court has already found that a criminal investigation does not constitute an effective remedy in respect of disappearances which have occurred, in particular, in Chechnya between 1999 and 2006, and that such a situation constitutes a systemic problem under the Convention (see *Aslakhanova and Others*, cited above, § 217). In the case 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 was plagued by a combination of the same defects as those enumerated in the *Aslakhanova and Others* judgment (cited above, §§ 123-25). Each was subjected to several decisions to suspend the investigation, followed by periods of inactivity, which further diminished the prospects of solving the crimes. No meaningful steps were taken to identify and question the servicemen who could have witnessed, registered or participated in the operations.

472. In the light of the foregoing, the Court finds that the authorities failed to carry out effective criminal investigations into the circumstances of the disappearance and death of the applicants' relatives. 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

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

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

474. The Government contested the applicants’ claims.

475. The applicants reiterated their complaints.

B. The Court’s assessment

1. Admissibility

476. 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

477. 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 the news about the missing person’s death was 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*, cited above, § 115).

478. 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 and Others*, cited above, § 122).

479. The Court reiterates its findings regarding the State's responsibility for the abductions and the failure to carry out a meaningful investigation 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.

480. Given that it has been established that the applicants' relatives were detained by State agents, apparently 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.

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

482. The Court thus finds that the applicants in these cases did not dispose of an effective domestic remedy for their grievances under Articles 2 and 3, in breach of Article 13 of the Convention.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

483. 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. The applicants

1. *Application no. 53036/08, Pitsayeva and Others v. Russia*

(a) Damages

484. The first, second, third and fourth applicants jointly claimed an aggregate sum of 193,856 roubles (RUB) (approximately 4,400 euros (EUR)) and the fifth applicant claimed RUB 77,542 (approximately EUR 1,800) in respect of pecuniary damage for the loss of financial support by the breadwinner. The applicants noted that at the time of his abduction, Mulat Barshigov had been working as deputy head of the Samashki administration and his monthly salary had amounted to RUB 4,041 (approximately EUR 920). Taking into account his salary and inflation rates, they based their calculation on the provisions of the domestic law on pecuniary damage resulting from the death of a breadwinner. They

submitted a certificate issued by the Samashki administration, which attests to the salary of Mulat Barshigov.

485. All the applicants also jointly claimed EUR 100,000 in respect of non-pecuniary damage.

(b) Costs and expenses

486. The applicants were represented by the Stitching Russian Justice Initiative (SRJI). The aggregate claim in respect of costs and expenses related to the applicants' legal representation amounted to EUR 4,771, which included the drafting of legal documents submitted to the Court and administrative and postal costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

2. Application no. 61785/08, Salamova and Others v. Russia

(a) Damages

487. The first, second, third, fourth, fifth, sixth and seventh applicants claimed RUB 1,556,632 (approximately EUR 35,400), RUB 730,196 (approximately EUR 16,600), RUB 139,385 (approximately EUR 3,200), RUB 84,641 (approximately EUR 2,000) RUB 826,436 (approximately EUR 18,800), RUB 319,616 (approximately EUR 7,300) and RUB 84,641 (approximately EUR 2,000) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. Taking into account that their relatives had been unemployed at the time of their arrest, the applicants based their calculation on the subsistence level provided for by Russian federal and regional legislation.

488. All the applicants also jointly claimed EUR 200,000 euros in respect of non-pecuniary damage.

(b) Costs and expenses

489. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicants' legal representation amounted to EUR 4,198, which included the drafting of legal documents submitted to the Court and administrative and postal costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

3. Application no. 8594/09, Yagayeva v. Russia

(a) Damages

490. The applicant claimed EUR 45,000 in respect of non-pecuniary damage.

(b) Costs and expenses

491. The applicant was represented by the Committee Against Torture. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,950, which represents legal costs incurred before the national authorities and before the Court and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

4. Application no. 24708/09, Debizova and Others v. Russia

(a) Damages

492. The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth applicants claimed RUB 889,776 (approximately EUR 20,300), RUB 296,600 (approximately EUR 6,800), RUB 296,600 (approximately EUR 6,800), RUB 243,650 (approximately EUR 5,600), RUB 1,050,150 (approximately EUR 24,000), RUB 352,049 (approximately EUR 8,000), RUB 352,049 (approximately EUR 8,000), RUB 352,049 (approximately EUR 8,000), RUB 956,120 (approximately EUR 22,000), RUB 107,562 (approximately EUR 2,500), RUB 1,031,627 (approximately EUR 23,500), RUB 1,078,352 (approximately EUR 24,500), RUB 823,091 (approximately EUR 18,700), RUB 95,145 (approximately EUR 2,200), RUB 121,828 (approximately EUR 2,800) and RUB 274,364 (approximately EUR 6,300) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. The applicants based their calculation on the subsistence level provided for by Russian law.

493. All the applicants also jointly claimed EUR 500,000 in respect of non-pecuniary damage.

(b) Costs and expenses

494. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,044, which included the drafting of legal documents submitted to the Court and administrative and postal costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

5. Application no. 30327/09, Adiyeva and Others v. Russia

(a) Damages

495. The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth applicants claimed RUB 991,245 (approximately EUR 22,600), RUB 330,415 (approximately EUR 7,500), RUB 660,830 (approximately EUR 15,000),

RUB 145,104 (approximately EUR 3,300), RUB 133,763 (approximately EUR 3,000) , RUB 549,915 (approximately EUR 12,500), RUB 549,915 (approximately EUR 12,500) , RUB 274,958 (approximately EUR 6,300), RUB 72,552 (approximately EUR 1,700), RUB 44,199 (approximately EUR 1,000), RUB 32,858 (approximately EUR 750), RUB 66,881 (approximately EUR 1,500), RUB 761,992 (approximately EUR 17,400), RUB 479,147 (approximately EUR 11,000) and RUB 32,625 (approximately EUR 750) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. The applicants based their calculation on the subsistence level provided for by Russian law.

496. All the applicants also jointly claimed EUR 300,000 in respect of non-pecuniary damage.

(b) Costs and expenses

497. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,099, which included the drafting of legal documents submitted to the Court and administrative and postal costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

6. Application no. 36965/09, Petimat Magomadova v. Russia

(a) Damages

498. The applicant claimed EUR 500,000 in respect of non-pecuniary damage.

(b) Costs and expenses

499. The applicant was represented by the European Human Rights Advocacy Centre (EHRAC). The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to 2,665 pounds (GBP) (approximately EUR 3,100), which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

7. Application no. 61258/09, Adiyeva v. Russia

(a) Damages

500. The applicant claimed RUB 766,350 (approximately EUR 17,500) in respect of pecuniary damage for the loss of financial support by the breadwinner. She based her calculation on the subsistence level provided for by Russian law.

501. The applicant also claimed EUR 75,000 in respect of non-pecuniary damage.

(b) Costs and expenses

502. The applicant was represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,130, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

8. Application no. 63608/09, Saraliyeva and Others v. Russia

(a) Damages

503. The first, second and third applicants claimed RUB 1,000,605 (approximately EUR 22,800), RUB 1,161,409 (approximately EUR 26,400) and RUB 1,161,409 (approximately EUR 26,400) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. They based their calculation on the subsistence level provided for by Russian law.

504. All the applicants also jointly claimed EUR 300,000 in respect of non-pecuniary damage.

(b) Costs and expenses

505. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,269, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

9. Application no. 67322/09, Aliyeva and Dombayev v. Russia

(a) Damages

506. The first and second applicants claimed RUB 957,141 (approximately EUR 21,800) and RUB 289,018 (approximately EUR 6,600) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. They based their calculation on the subsistence level provided for by Russian law.

507. The applicants also jointly claimed EUR 100,000 in respect of non-pecuniary damage.

(b) Costs and expenses

508. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,016, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

10. Application no. 4334/10, Inalova v. Russia

(a) Damages

509. In respect of non-pecuniary damage, the applicant asked the Court to award her an amount that it would find appropriate and reasonable in the circumstances of the case.

(b) Costs and expenses

510. The applicant was represented by Mr D. Itslyayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 5,568, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

11. Application no. 4345/10, Amirova and Others v. Russia

(a) Damages

511. The first, second, third, fourth, fifth and sixth applicants claimed EUR 24,369, EUR 14,914, EUR 17,400, EUR 19,575, EUR 21,594 and EUR 27,965 respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. They based their calculation on the subsistence level provided for by Russian law.

512. All the applicants also jointly claimed EUR 500,000 in respect of non-pecuniary damage.

(b) Costs and expenses

513. The applicants were represented by the European Human Rights Advocacy Centre. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to GBP 2,957 (approximately EUR 3,500), which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

12. Application no. 11873/10, Viskhazhiyev and Others v. Russia

(a) Damages

514. In respect of non-pecuniary damage, the applicants asked the Court to award them an amount that it would find appropriate and reasonable in the circumstances of the case.

(b) Costs and expenses

515. The applicants were represented by Mr D. Itslayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to the applicants' legal representation amounted to EUR 3,754, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

13. Application no. 25515/10, Ismailova v. Russia

(a) Damages

516. In respect of non-pecuniary damage, the applicant asked the Court to award her an amount that it would find appropriate and reasonable in the circumstances of the case.

(b) Costs and expenses

517. The applicant was represented by Mr D. Itslayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,169, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

14. Application no. 30592/10, Ibragimova v. Russia

(a) Damages

518. The applicant claimed EUR 70,000 in respect of non-pecuniary damage.

(b) Costs and expenses

519. The applicant was represented by Mr B. Risnes, a lawyer practising in Oslo. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 9,000, which included the

drafting of legal documents submitted to the Court. She submitted a copy of the legal representation contract with a breakdown of the costs incurred.

15. Application no. 32797/10, Murdalova and Others v. Russia

(a) Damages

520. The first, second, third, fourth, fifth, sixth, seventh, eighth and ninth applicants claimed RUB 539,992 (approximately EUR 12,300), RUB 61,164 (approximately EUR 1,400), RUB 25,440 (approximately EUR 600), RUB 30,543 (approximately EUR 700), RUB 25,434 (approximately EUR 600), RUB 818,057 (approximately EUR 18,600), RUB 50,880 (approximately EUR 1,200), RUB 50,880 (approximately EUR 1,200) and RUB 312,588 (approximately EUR 7,100) respectively in respect of pecuniary damage for the loss of financial support by the breadwinners. They based their calculation on the subsistence level provided for by Russian law.

521. The applicants also jointly claimed EUR 300,000 in respect of non-pecuniary damage.

(b) Costs and expenses

522. The applicants were represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 4,053, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

16. Application no. 33944/10, Yusupovy v. Russia

(a) Damages

523. The applicant claimed EUR 250,000 in respect of non-pecuniary damage.

(b) Costs and expenses

524. The applicant was represented by the European Human Rights Advocacy Centre. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to GBP 2,415 (approximately EUR 2,800), which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

17. Application no. 36141/10, Merluyev v. Russia

(a) Damages

525. In respect of non-pecuniary damage, the applicant asked the Court to award her an amount that it would find appropriate and reasonable in the circumstances of the case.

(b) Costs and expenses

526. The applicant was represented by Mr D. Itslyayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to the applicant's legal representation amounted to EUR 3,529, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

18. Application no. 52446/10, Abdolvakhidova v. Russia

(a) Damages

527. The applicant submitted a claim of RUB 500,000 (approximately EUR 11,500) in respect of pecuniary damage, legal costs incurred before the national authorities and expenses for medications and public transport. She did not enclose a breakdown of the costs incurred or any documents reflecting the expenses.

528. The applicant claimed RUB 1,000,000 (approximately EUR 23,000) in respect of non-pecuniary damage.

(b) Costs and expenses

529. The applicant did not make any claims under this head.

19. Application no. 62244/10, Elbuzdukayeva v. Russia

(a) Damages

530. The applicant claimed RUB 779,746 (approximately EUR 17,800) in respect of pecuniary damage for the loss of financial support by the breadwinner. She based her calculation on the subsistence level provided for by Russian law.

531. The applicant also claimed EUR 100,000 in respect of non-pecuniary damage.

(b) Costs and expenses

532. The applicant was represented by the Stitching Russian Justice Initiative. The aggregate claim in respect of costs and expenses related to

the applicant's legal representation amounted to EUR 4,710, which included the drafting of legal documents submitted to the Court and administrative and translation costs. She submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

20. Application no. 66420/10, Basnukayeva and Others v. Russia

(a) Damages

533. In respect of non-pecuniary damage, the applicants asked the Court to award them an amount that it would find appropriate and reasonable in the circumstances of the case.

(b) Costs and expenses

534. The applicants were represented by Mr D. Itslyayev, a lawyer practising in Grozny. The aggregate claim in respect of costs and expenses related to the applicants' legal representation amounted to EUR 6,015, which included the drafting of legal documents submitted to the Court and administrative and translation costs. They submitted copies of the legal representation contract and an invoice with a breakdown of the costs incurred.

B. The Government

(a) Damages

535. The Government submitted that in all the cases the applicants' claims for pecuniary damage were unsubstantiated. As for non-pecuniary damage, their claims were excessive and the finding of a violation of the Convention would in itself comprise adequate compensation.

(b) Costs and expenses

536. The Government submitted, 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.

C. The Court's assessment

537. 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 the loss of earnings applies to close relatives of the disappeared persons, including spouses, elderly parents and minor children (see, among other authorities, *Imakayeva*, cited above, § 213).

538. Wherever 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 findings of violations, and make a financial award.

539. As to costs and expenses, the Court has to establish first whether the costs and expenses indicated by the applicants' representatives were actually incurred and, second, 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).

540. Having regard to its above 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 identified by the applicants.

D. Default interest

541. 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. *Declares* the applications admissible;
3. *Holds* that there has been a substantive violation of Article 2 of the Convention in respect of the applicants' relatives: Mulat Barshigov, Isa Eskiyeu, Usman Eskiyeu, Zayndi Ayubov, Khamzan Debizov, Akhmed Kasumov, Magomed Kasumov, Adam Eskirkhanov, Ismail Taisumov, Aslambek Adiyev, Albert Midayev, Magomed Elmurzayev, Buvaysar Magomadov, Said Adiyev, Aydrus Saraliyev, Artur Yesiyev, Bislan Chadakhanov, Apti Dombayev, Gilani Aliyev, Mikhail Borchashvili, Aslanbek Viskhadzhiyev, Yasin Viskhadzhiyev, Sultan Viskhadzhiyev, Yusup Biysultanov, Anzor Ismailov, Masud Khakimov, Syal-Mirza Murdalov, Ayndi Islamov, Umar Islamov, Aslan Yusupov, Musa Merluyev, Adam Abdulvakhidov, Suliman Yunusov, Mausyr Basnukayev, Vakha Alisultanov and Shamsudi Alisultanov;

4. *Holds* that there has been a procedural violation of Article 2 of the Convention in respect of the failure to investigate effectively the disappearance of the applicants' relatives;
5. 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;
6. *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;
7. *Holds* there has been a violation of Article 13 of the Convention in conjunction with Articles 2 and 3 of the Convention;
8. *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 amounts are to be converted into Russian roubles at the rate applicable at the date of settlement. As for the payments in respect of costs and expenses to the applicants' representatives, they are to be made to the representatives' bank accounts as indicated by the applicants; the payments are to be made in euros to the applicants represented by the SRJI and Mr B. Risnes; to be converted into Russian roubles to the applicants represented by Mr D. Itslyayev, Mr Z. Sobraliyev and the Committee Against Torture; and to be made in British pounds to the applicant represented by the EHRAC;
 - (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;
9. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 9 January 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Isabelle Berro-Lefèvre
President

APPENDIX IDetails of the applications

	Application no.	Case details Date of introduction	Applicants' details (family relations, date of birth, place of residence)	Persons disappeared, date and place of abduction	Investigation
1.	53036/08 Pitsayeva and Others v. Russia	Lodged on 22 October 2008 ; represented by SRJI	<p>1) Ms Kabu PITSAYEVA (1960), wife, Belgium;</p> <p>2) Mr Akhmed BARSHIGOV (1990), son, idem;</p> <p>3) Mr Anzor BARSHIGOV (1991), son, idem;</p> <p>4) Mr Ruslan BARSHIGOV (2000), son, idem;</p> <p>5) Mr Muma BARSHIGOV (1929), father, Samashki, the Chechen Republic.</p>	(1) Mulat BARSHIGOV (1948), abducted from home on 14 November 2002, at 2 a.m., Samashki, Achkhoy-Martan District	Criminal case no. 63091 opened on 16 November 2002 by the Ackhoy-Martan district prosecutor's office.
2.	61785/08 Salamova and Others v. Russia	Lodged on 24 November 2008; represented by SRJI	<p>1) Ms Makka SALAMOVA (1948), Isa and Usman Eskiyev's mother, Koshkeldy, the Chechen Republic;</p> <p>2) Ms Luiza KHATAYEVA (1977), Isa Eskiyev's wife, idem;</p> <p>3) Ms Aminat ESKIYEVA (2002), Isa Eskiyev's daughter, idem;</p>	Two brothers abducted from home on 6 June 2003, at 2 a.m., Koshkeldy village, Gudermes District: (1) Isa ESKIYEV, (1970), and (2) Usman ESKIYEV (1973)	Criminal case no. 35006 opened on 3 February 2004 by the Gudermes district prosecutor's office.

			<p>4) Ms Iman ESKIYEVA (1997), Isa Eskiyev's daughter, idem;</p> <p>5) Ms Malida TUTUYEVA (1978), Usman Eskiyev's wife, idem;</p> <p>6) Ms Birlant ESKIYEVA (1999), Usman Eskiyev's daughter, idem;</p> <p>7) Ms Linda ESKIYEVA (1997), Isa Eskiyev's daughter, idem;</p> <p>8) Ms Lizan ESKIYEVA (1976), Isa and Usman Eskiyev's sister, idem.</p>		
3.	8594/09 Yagayeva v. Russia	Lodged on 1 February 2009; represented by Committee against Torture	Ms Kheda YAGAYEVA , wife, Grozny, Chechnya.	(1) Zayndi AYUBOV (1971), abducted from home on 17 March 2006 at 11 p.m., Grozny	Criminal case no. 50040 opened on 28 March 2006 by the Leninskiy district prosecutor's office.
4.	24708/09 Debizova and Others v. Russia	Lodged on 28 April 2009; represented by SRJI;	<p>1) Ms Malida DEBIZOVA (1954), Khamzan Debizov's mother, Chiri-Yurt, the Chechen Republic;</p> <p>2) Ms Madina DEBIZOVA (1976), Khamzan Debizov's sister, idem;</p> <p>3) Ms Markha DEBIZOVA (1980), Khamzan Debizov's sister, Grozny, the Chechen Republic;</p>	<p>5 men abducted from their family houses on 5 November 2002 between 6 a.m. and 8 a.m., Novye Atagi, Shali District:</p> <p>1) Khamzan (also spelled as Khamzat) DEBIZOV (1974),</p> <p>2) Akhmed KASUMOV (1979),</p>	Criminal case no. 59254 opened on 15 November 2002 by the Shali district prosecutor's office.

		<p>4) Ms Sabina ABDURAKHMANOVA (2000), Khamzan Debizov's daughter, Novye Atagi, the Chechen Republic;</p> <p>5) Ms Berlant KASUMOVA (1954), Akhmed Kasumov's mother, idem;</p> <p>6) Ms Maret KASUMOVA (1982), Akhmed Kasumov's sister, idem;</p> <p>7) Ms Laura KASUMOVA (1983), Akhmed Kasumov's sister, Grozny;</p> <p>8) Ms Aset KASUMOVA (1977), Akhmed Kasumov's sister, Oktyabrskoye, Grozny district;</p> <p>9) Ms Zayman MURTAZALIYEVA¹ (1952), Magomed Kasumov's mother, Novyye Atagi;</p> <p>10) Mr Ibragim KASUMOV (1994), Magomed Kasumov's brother, idem;</p> <p>11) Ms Zayna ESKIRKHANOVA (1966), Adam Eskirkhanov's sister,</p>	<p>3) Magomed KASUMOV (1976),</p> <p>4) Adam ESKIRKHANOV (1981), and</p> <p>5) Ismail TAISUMOV (1972)</p>	
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¹ Rectified on 17 June 2014: the text was "Ms Zayman URTAZALIYEVA".

			idem; 12) Ms Khelipat ESKIRKHAMOVA¹ (1968), Adam Eskirkhanov's sister, idem; 13) Ms Rumisa TAYSUMOVA (1979), Ismail Taisumov's wife, idem; 14) Mr Dzhokhar TAYSUMOV (1998), Taisumov's son, idem; 15) Mr Dzhabrail TAYSUMOV (2000), Ismail Taisumov's son, idem; 16) Ms Milana TAYSUMOVA (1987), Ismail Taisumov's sister, idem.		
5.	30327/09 Adiyeva and Others v. Russia	Lodged on 15 May 2009; represented by SRJI	(1) Ms Malika ADIYEVA (1950), Mr Aslambek Adiyev's mother, Argun, the Chechen Republic; (2) Ms Lyuba ADIYEVA (1975), Mr Aslambek Adiyev's sister, idem; (3) Ms Zarema MUSAYEVA	3 men abducted from Mr Albert MIDAYEV's family house on 30 June 2002 at 2 p.m., Shali: (1) Mr Aslambek ADIYEV (1977), (2) Mr Albert MIDAYEV, (1972), and	Criminal case no. 59194 opened on 8 August 2002 by the Shali district prosecutor's office.

¹ Rectified on 17 June 2014: the text was "Ms Khelipat SKIRKHAMOVA".

		<p>(1982), Mr Aslambek Adiyev's wife, idem;</p> <p>(4) Ms Amina MUSAYEVA (2002), Mr Aslambek Adiyev's daughter, idem</p> <p>(5) Mr Khamza MUSAYEV (2001), Mr Aslambek Adiyev's son, idem;</p> <p>(6) Ms Raziya MIDAYEVA (1952), Mr Albert Midayev's mother, Shali, the Chechen Republic;</p> <p>(7) Mr Emi MIDAYEV (1951), Mr Albert Midayev's father, idem;</p> <p>(8) Ms Ayza TAYSUYEVA (1988), Mr Albert Midayev's sister, idem;</p> <p>(9) Ms Tasnima MIDAYEVA (2002), Mr Albert Midayev's daughter, idem;</p> <p>(10) Ms Kameta MIDAYEVA (1997), Mr Albert Midayev's daughter, idem ;</p> <p>(11) Mr Abdul-Kerim MIDAYEV (1995), Mr Albert</p>	<p>(3) Mr Magomed ELMURZAYEV (1984)</p>	
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			<p>Midayev's son, idem;</p> <p>(12) Mr Abdul-Khalim MIDAYEV (2001), Mr Albert Midayev's son, idem;</p> <p>(13) Ms Tamara ELMURZAYEVA (1954), Mr Magomed Elmurzayev's mother, Urus-Martan, the Chechen Republic;</p> <p>(14) Mr Nurdy ELMURZAYEV (1943), Mr Magomed Elmurzayev's father, idem ;</p> <p>(15) Ms Khava ELSNUKAYEVA (1964), Mr Aslambek Adiyev, Mr Albert Midayev and Mr Magomed Elmurzayev's niece, Duba-Yurt, the Chechen Republic.</p>		
6.	36965/09 Petimat Magomadova v. Russia	Lodged on 8 July 2009; represented by EHRAC	(1) Ms Petimat MAGOMADOVA (1971), sister, Mesker-Yurt, Shali district, the Chechen Republic.	(1) Buveysar MAGOMADOV (1973), abducted on 27 October 2002 at 6 a.m. from the applicant's house in Mesker-Yurt, the Shali district	Criminal case no. 22144 opened on 29 October 2003 by the Shali district prosecutor's office.
7.	61258/09 Adiyeva v. Russia	Lodged on 6 November 2009; represented by SRJI	(1) Ms Albika ADIYEVA (1961), mother, Chernorechye, Zavodskoy District of Grozny, the Chechen Republic.	(1) Said ADIYEV (1982), abducted from the applicant's house on 8 September 2004 at 8 a.m., Chernorechye settlement, Zavodskoy district of Grozny	Criminal case no. 31084 opened on 8 October 2004 by the Zavodskoy district prosecutor's office.

8.	63608/09 Saraliyeva and Others v. Russia	Lodged on 18 November 2009; represented by SRJI	<p>(1) Ms Yakhid SARALIYEVA (1959), Mr Aydrus Saraliyev's mother, Grozny, the Chechen Republic;</p> <p>(2) Ms Petimat KHUNGAYEVA (1962), Mr Artur Yesiyev's mother, Urus-Martan, the Chechen Republic;</p> <p>(3) Ms Khamsat UMATGIRIYEVA (1956), Mr Bislan Chadakhanov's mother, idem .</p>	<p>3 men abducted on 14 February 2002 at around 5 a.m. from a friend's house in Urus-Martan:</p> <p>(1) Aydrus SARALIYEV, (1980),</p> <p>(2) Artur YESIYEV, (1981), and</p> <p>(3) Bislan (Beslan) CHADAKHANOV (1981)</p>	Criminal case no. 6102620 opened on 20 February 2002 by the Urus-Martan district prosecutor's office.
9.	67322/09 Aliyeva and Dombayev v. Russia	Lodged on 11 December 2009; represented by SRJI	<p>(1) Ms Rezeda ALIYEVA (1980), wife, Mesker-Yurt, the Chechen Republic;</p> <p>(2) Mr Ali DOMBAYEV (2002), son, idem.</p>	(1) Apti DOMBAYEV (1976), abducted on 4 November 2002 at 6 a.m. from home in Mesker-Yurt, Shali District	Criminal case no. 59278 opened on 24 December 2002 by the Shali district prosecutor's office.
10.	4334/10 Inalova v. Russia	Lodged on 29 December 2009; represented by Mr D. Itslyayev	(1) Ms Taisiya INALOVA (1964), sister, Chernorechye, Zavodskoy District of Grozny, the Chechen Republic.	(1) Gilani ALIYEV (1971), abducted on 11 August 2003 at around 3 a.m. from his mother's house in Alkhazurovo, Urus-Martan district	Criminal case no. 34085 opened on 23 August 2003 by the Urus-Martan district prosecutor's office.
11.	4345/10 Amirova and Others v. Russia	Lodged on 23 December 2009; represented by EHRAC	<p>(1) Ms Larisa AMIROVA (1974), wife, Grozny, the Chechen Republic;</p> <p>(2) Ms Kheda BORCHASHVILI (1996), daughter, idem;</p>	(1) Mikhail BORCHASHVILI (1957), abducted from home on 9 March 2006 at 9 p.m. in Grozny	Criminal case no. 50037 opened on 20 March 2006 by the prosecutor's office of the Leninskiy district of Grozny.

			<p>(3) Mr Khamzat BORCHASHVILI (1997), son, idem;</p> <p>(4) Ms Khadizhat BORCHASHVILI (1998), daughter, idem;</p> <p>(5) Ms Khava BORCHASHVILI (1999), daughter, idem;</p> <p>(6) Mr Abdul-Kerim BORCHASHVILI (2003), son, idem;</p> <p>(7) Ms Fatima TACHIYEVA (1960), sister, idem.</p>		
12.	11873/10 Viskhazhiyev and Others v. Russia	Lodged on 24 February 2010; represented by Mr D. Itslyayev	<p>(1) Mr Khasayn VISKHAZHIYEV (1949), Mr Aslanbek Viskhadzhiyev's father, Ishkhoy-Yurt, Gudermes District, the Chechen Republic;</p> <p>(2) Mr Khusayn VISKHADZHIYEV (1947), Mr Yasin Viskhadzhiyev's father, idem;</p> <p>(3) Mr Abdulmukhtar BIYSULTANOV (1955), Mr Yusup Biysultanov's father, idem;</p> <p>(4) Ms Khalimat MINKEYEVA (1978), Mr Sultan Viskhadzhiyev's wife, idem.</p>	<p>4 men abducted on 28 October 2002 at 3 a.m. from their homes in Ishkhoy-Yurt, Gudermes district:</p> <p>(1) Aslanbek VISKHADZHIYEV (1976),</p> <p>(2) Yasin VISKHADZHIYEV (1980),</p> <p>(3) Yusup BIYSULTANOV (1981), and</p> <p>(4) Sultan VISKHADZHIYEV (1979)</p>	Criminal case no. 57119 opened on 13 December 2002 by the Gudermes district prosecutor's office.

13.	25515/10 Ismailova v. Russia	Lodged on 5 April 2010; represented by Mr D. Itslyayev	(1) Ms Yesita ISMAILOVA (1960), mother, Goyty.	(1) Anzor ISMAILOV (1980), abducted on 4 November 2001 at 5 a.m. from home in Goyty, Urus-Martan district	Criminal case no. 25193 opened on 8 January 2002 by the Urus-Martan district prosecutor's office.
14.	30592/10 Ibragimova v. Russia	Lodged on 18 May 2010; represented by Mr B. Risnes	(1) Ms Malikhat IBRAGIMOVA (1967), wife, Norway.	(1) Masud KHAKIMOV (1964), abducted on 24 April 2001 from a Red Cross refugee camp in the settlement of Novye Atagi, Shali district	Criminal case no. 23131 opened on 12 July 2001 by the Shali district prosecutor's office.
15.	32797/10 Murdalova and others v. Russia	Lodged on 2 June 2010; represented by SRJI	<p>(1) Ms Kisa MURDALOVA (1970), Mr Syal-Mirza Murdalov's wife, Urus-Martan;</p> <p>(2) Ms Seda MURDALOVA (2001), Mr Syal-Mirza Murdalov's daughter, idem;</p> <p>(3) Mr Salambek MURDALOV (1989), Mr Syal-Mirza Murdalov's son, idem;</p> <p>(4) Mr Sulambek MURDALOV (1993), Mr Syal-Mirza Murdalov's son, idem;</p> <p>(5) Mr Shamil MURDALOV (1995), Mr Syal-Mirza Murdalov's son, idem.</p>	<p>Three men abducted on 9 July 2001 at around 3 a.m. from the homes of applicants nos. 6 to 9 in the settlement of Chervlennaya, Shelkovskiy district:</p> <p>(1) Syal-Mirza MURDALOV (1965),</p> <p>(2) Ayndi ISLAMOV (1960), and</p> <p>(3) Umar ISLAMOV (1976).</p>	Criminal case no. 33057 opened on 1 October 2001 by the Shelkovskiy district prosecutor's office.

			<p>(6) Ms Leyla ISLAMOVA (1929), Mr Ayndi Islamov and Mr Umar Islamov's mother, Chervlennaya, the Shelkovskiy district, the Chechen Republic;</p> <p>(7) Mr Aslanbek ISLAMOV (1983), Mr Ayndi Islamov's son and Mr Umar Islamov's nephew, idem;</p> <p>(8) Ms Khava ISLAMOVA (1992), Mr Ayndi Islamov's daughter and Mr Umar Islamov's niece, idem;</p> <p>(9) Ms Raisa ISLAMOVA (1967), Mr Ayndi Islamov and Mr Umar Islamov's sister, idem.</p>		
16.	33944/10 Yusupovy v. Russia	Lodged on 11 June 2010; represented by EHRAC	<p>(1) Mr Isa YUSUPOV (1940), father, Tangi-Chu, Urus-Martan district, the Chechen Republic;</p> <p>(2) Ms Tamara YUSUPOVA (1949), mother, idem. The first applicant died on 7 October 2010. The second applicant expressed her wish to pursue the application on his behalf.</p>	(1) Aslan YUSUPOV , (1974), abducted on 15 June 2002 at 2 p.m. from the applicants' house in Tangi-Chu, Urus-Martan district	Criminal case no. 34052 opened on 29 April 2003 by the Urus-Martan district prosecutor's office.
17.	36141/10 Merluyev v. Russia	Lodged on 28 June 2010; represented by Mr D. Itslyayev	(1) Mr Aleksandr MERLUYEV (1955), brother, Goyty, Urus-Martan district, the Chechen Republic.	(1) Musa MERLUYEV (1959), abducted on 4 November 2001 at around 5 a.m. from the applicant's	Criminal case no. 25167 opened on 25 December 2001 by the Urus-Martan district prosecutor's office.

				house in Goyty, the Urus-Martan district	
18.	52446/10 Abdulvakhidova v. Russia	Lodged on 17 June 2010; represented by Mr Z. Sobraliyev	(1) Ms Zara ABDULVAKHIDOVA¹ (1982), sister, Shali, the Chechen Republic.	(1) Adam ABDULVAKHI-DOV (1977), abducted on 26 May 2001 at around 4 a.m. from home in Shali	Criminal case no. 24163 opened on 16 October 2001 by the Shali district prosecutor's office.
19.	62244/10 Elbuzdukayeva v. Russia	Lodged on 13 October 2010; represented by SRJI	(1) Ms Tabarak ELBUZDUKAYEVA (1950), mother, Duba-Yurt, Shali district, the Chechen Republic.	(1) Suliman (also referred to as Suleyman) YUNUSOV (1971), abducted on 25 February 2004 at 7 a.m. from a friend's house in Grozny	Criminal case no. 30021 opened on 15 March 2004 by the Leninskiy district prosecutor's office of Grozny.
20.	66420/10 Basnukayeva and others v. Russia	Lodged on 7 October 2010; represented by Mr D. Itslyayev	(1) Ms Satsita BASNUKAYEVA (1964), Mausyr Basnukayev's wife, Groznyy, the Chechen Republic; (2) Mr Magomed-Rasul BASNUKAYEV (1990), Mausyr Basnukayev's son, idem; (3) Ms Eyset BASNUKAYEVA (1992), Mausyr Basnukayev's daughter, idem; (4) Ms Aminat BASNUKAYEVA (1995), Mausyr Basnukayev's daughter, idem ;	Three men abducted on 16 April 2000 at around 3 a.m. from the applicants' homes in the settlement of Chechen-Aul, Grozny district: (1) Mausyr BASNUKAYEV (1956), (2) Vakha ALISULTANOV (1947), and (3) Shamsudi ALISULTANOV (1962)	Criminal case no. 19077 opened on 6 June 2001 by the Grozny district prosecutor's office.

¹ Rectified on 17 June 2014: the text was "ABDULVAKHI-DOVA".

		<p>(5) Ms Linda BASNUKAYEVA (1997), Mausyr Basnukayev's daughter, idem;</p> <p>(6) Ms Samme ALISULTANOVA (1955), Vakha Alisultanov's wife, idem;</p> <p>(7) Mr Khozhakhmed ALISULTANOV (1987), Vakha Alisultanov's son, Chechen-Aul, Grozny district, the Chechen Republic;</p> <p>(8) Mr Khas-Magomed ALISULTANOV (1994), Vakha Alisultanov's son, Grozny;</p> <p>(9) Ms Leyla YATUYEVA (1970), Shamsudi Alisultanov's wife, Chechen-Aul;</p> <p>(10) Mr Shamil ALISULTANOV (1997), Shamsudi Alisultanov's son, idem.</p>		
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APPENDIX II

Awards made by the Court under Article 41 of the Convention

	Application number and name	Represented by	Pecuniary damage	Non-pecuniary damage	Costs and expenses
1	53036/08 Pitsayeva and Others v. Russia	SRJI	EUR 4,000 (four thousand euros) to the first, second, third and fourth applicants jointly; EUR 1,500 (one thousand five hundred euros) to the fifth applicant	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,500 (three thousand five hundred euros)
2	61785/08 Salamova and Others v. Russia	SRJI	EUR 25,000 (twenty-five thousand euros) to the first applicant; EUR 12,000 (twelve thousand euros) to the second applicant; EUR 3,000 (three thousand euros) to the third applicant ; EUR 2,000 (two thousand euros) to the fourth applicant; EUR 12,000 (twelve thousand euros) to the fifth applicant; EUR 5,000 (five thousand euros) to the sixth applicant and EUR 1,000 (one thousand euros) to the seventh applicant	EUR 120,000 (one hundred twenty thousand euros) to the applicants jointly	EUR 3,500 (three thousand five hundred euros)
3	8594/09 Yagayeva v. Russia	Committee against Torture	-	EUR 45,000 (forty-five thousand euros)	EUR 3,500 (three thousand five hundred euros)

4	24708/09 Debizova and Others v. Russia	SRJI	<p>EUR 15,000 (fifteen thousand euros) to the first applicant ; EUR 3,000 (three thousand euros) each to the second and third applicants ; EUR 4,000 (four thousand euros) to the fourth applicant; EUR 16,000 (sixteen thousand euros) to the fifth applicant; EUR 3,000 (three thousand euros) each to the sixth, seventh and eighth applicants , EUR 15,000 (fifteen thousand euros) to the ninth applicant; EUR 1,500 (one thousand five hundred euros) to the tenth applicant; EUR 3,000 (three thousand euros) each to the eleventh and twelfth applicants; EUR 12,000 (twelve thousand euros) to the thirteenth applicant; EUR 2,000 (two thousand euros) each to the fourteenth and fifteenth applicants and EUR 3,000 (three thousand euros) to the sixteenth applicant</p>	EUR 300,000 (three hundred thousand euros) to the applicants jointly	EUR 3,500 (three thousand five hundred euros)
5	30327/09 Adiyeva and Others v. Russia	SRJI	<p>EUR 15,000 (fifteen thousand euros) to the first applicant; EUR 3,000 (three thousand euros) to the second applicant;</p>	EUR 180,000 to the applicants jointly (one hundred eighty thousand euros)	EUR 3,500 (three thousand five hundred euros)

			<p>EUR 12,000 (twelve thousand euros) to the third applicant; EUR 3,000 (three thousand euros) each to the fourth and fifth applicants; EUR 8,000 (eight thousand euros) each to the sixth and seventh applicants; EUR 3,000 (three thousand euros) to the eighth applicant; EUR 1,000 (one thousand euros) each to the ninth, tenth and twelfth applicants; EUR 750 (seven hundred fifty euros) to the eleventh applicant; EUR 8,000 (eight thousand euros) each to the thirteenth and fourteenth applicants and EUR 500 (five hundred euros) to the fifteenth applicant</p>		
6	36965/09 Petimat Magomadova v. Russia	EHRAC	-	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
7	61258/09 Adiyeva v. Russia	SRJI	EUR 12,000 (twelve thousand euros)	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
8	63608/09 Saraliyeva and Others v. Russia	SRJI	EUR 16,000 (sixteen thousand euros) to each of the applicants	EUR 180,000 (one hundred eighty thousand euros) to the applicants jointly	EUR 3,500 (three thousand five hundred euros)

9	67322/09 Aliyeva and Dombayev v. Russia	SRJI	EUR 15,000 (fifteen thousand euros) to the first applicant and EUR 4,000 (four thousand euros) to the second applicant	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
10	4334/10 Inalova v. Russia	Mr D. Itslayev	-	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
11	4345/10 Amirova and Others v. Russia	EHRAC	EUR 15,000 (fifteen thousand euros) to the first applicant; EUR 3,000 (three thousand euros) each to the second, third, fourth, fifth and sixth applicants	EUR 60,000 (sixty thousand euros) to the applicants jointly	EUR 3,000 (three thousand euros)
12	11873/10 Viskhazhiyev and Others v. Russia	Mr D. Itslayev	-	EUR 240,000 (two hundred forty thousand euros) to the applicants jointly ¹	EUR 3,000 (three thousand euros)
13	25515/10 Ismailova v. Russia	Mr D. Itslayev	-	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
14	30592/10 Ibragimova v. Russia	Mr B. Risnes	-	EUR 60,000 (sixty thousand euros)	EUR 7,000 (seven thousand euros)
15	32797/10 Murdalova and Others v. Russia	SRJI	EUR 10,000 (ten thousand euros) to the first applicant; EUR 3,000 (three thousand euros) to the second, third, fourth and fifth applicants jointly;	EUR 180,000 (one hundred eighty thousand euros) to the applicants jointly	EUR 3,500 (three thousand five hundred euros)

¹ Rectified on 18 February 2014: the text was "EUR 60,000 (sixty thousand euros) to the applicants jointly".

			EUR 16,000 (sixteen thousand euros) to the sixth applicant; EUR 1,000 (one thousand euros) each to the seventh and eighth applicants and EUR 5,000 (fiver thousand euros) to the ninth applicant		
16	33944/10 Yusupov v. Russia	EHRAC	-	EUR 60,000 (sixty thousand euros) to the second applicant	EUR 2,500 (two thousand five hundred euros)
17	36141/10 Merluyev v. Russia	Mr D. Itslayev	-	EUR 60,000 (sixty thousand euros)	EUR 2,500(two thousand five hundred euros)
18	52446/10 Abdulvakhidova v. Russia	Mr Z. Sobraliyev	-	EUR 23,000 (twenty-three thousand euros)	-
19	62244/10 Elbuzdukayeva v. Russia	SRJI	EUR 15,000 (fifteen thousand euros)	EUR 60,000 (sixty thousand euros)	EUR 3,000 (three thousand euros)
20	66420/10 Basnukayeva and Others v. Russia	Mr D. Itslayev	-	EUR 60,000 (sixty thousand euros) to the first, second, third, fourth and fifth applicants jointly; EUR 60,000 (sixty thousand euros) to the sixth, seventh and eighth applicants jointly; EUR 60,000 (sixty thousand euros) to the ninth and tenth applicants jointly	EUR 4,000 (four thousand euros)