



CHECHNYA

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Israilov case - Trial in Vienna: The Victory of Justice

On June 1, 2011 a verdict was pronounced in the Israilov case in Vienna. The coalition of human rights organizations [1] which monitored the trial welcomes this verdict. Its legal and historical importance cannot be overestimated. A crime of the Chechen authorities is condemned for the first time by a truly free and independent court.

The Viennese Criminal Court sentenced three individuals for the murder on January 13, 2009 of Umar Israilov, a Chechen refugee, who dared to bring evidence on torture committed on him personally by Chechen President Ramzan Kadyrov. The trial also shed light on the widespread violence, arbitrariness and illegal detention system in contemporary Chechnya.

Three Chechen men were sentenced, Otto Kaltenbrunner (born Ramzan Edilov) to life imprisonment, Suleyman Dadaev (alias Muslim Dadaev) to 19 years and two months of imprisonment and Turpal Ali Yeshurkaev to 16 years for their participation in the murder which followed an aborted attempt to kidnap Umar Israilov in order to "hand him over to a foreign power", i.e. to the Chechen authorities. The verdict was brought unanimously by the jury.

"Our coalition observed a trial that diligently fulfilled all the standards and principles of a free and fair trial with a well documented and well argued indictment, a professional and competent judge and prosecutor and a motivated jury who did take its responsibilities very seriously. The jury listened attentively to witness' testimonies through these long months and the 17 court sessions and asked important questions", declared Joachim Frank from Austrian Helsinki Association for Human Rights (AHA) on behalf of the coalition.

The trial started on November, 16, 2010 and heard some dozens of witness testimonies, including those of three high level experts on Chechnya and the North Caucasus, Dick Marty, Rapporteur for the Parliamentary Assembly of the Council of Europe, Lord Judd, Rapporteur for the British Parliament and Dr. Aude Merlin, Professor at the Brussels Free University and FIDH mission representative. Their testimonies drew a dark picture of the grave crimes committed in Chechnya and the general impunity prevailing there, which is countenanced by the highest authorities of the Russian Federation, and is spreading all over Russia.

Israilov's murder has sent a strong signal to the whole Chechen community around the world that despite the political asylum they might obtain outside Russia, it doesn't provide them a protection from the arbitrariness of the Chechen power structures. Today's verdict showed that at least in Europe such crimes are not tolerated and don't remain unpunished.

The coalition once again regrets the unwillingness of the Russian Justice system to cooperate with their Austrian colleagues. The request for legal aid, aiming to interrogate five key witnesses, including the alleged killer and the President of Chechen Republic, Ramzan Kadyrov, has been ignored. Kadyrov would have had to answer questions about his relation to Kaltenbrunner, Turlaev, Kurmakaev and about telephone talks on the day of the murder. The

inactivity of the Public prosecutor's office of the Russian Federation showed the total absence of a political will to fight against impunity in current Russia.

More worryingly, most of the persons requested, including the presumed killer Lecha Bagatirov and former presidential advisor Shaa (Shakha) Turlaev are openly living in Chechnya. The coalition reminds that Shaa Turlaev was already declared accused in March 2010 in Russia in the case of a failed murder attempt of Isa Yamadaev in June 2009 by Khavazhi Yusupov, who was sentenced to 8 years and a half for this crime. The whereabouts of Shaa Turlaev were declared unidentified. Thus, according to the information available he is openly residing in Chechnya. In the testimonies of Kavazhi Yusupov and in the audio-tapes provided by the investigation, it is said very clearly that Yusupov was taken by Shaa Turlaev to Kadyrov's house twice where his and his family's security was repeatedly threatened by Kadyrov personally and an important compensation was promised in case he agrees to kill Isa Yamadaev. However, no legal investigations followed this allegations and in the verdict it was stated that Turlaev acted on behalf of the "unidentified persons" who promised 3 000 000 dollars in case the crime is committed.

Umar Israilov's case in Vienna could discontinue a long list of unpunished murders: in Chechnya and in Russia in general justice as a rule finds itself helpless and weak-willed. But this time, the responsibility was established, those guilty are called by names and the Austrian Justice has recognized that Chechen leadership was behind the crime. And this is a victory of Justice in the Vienna case.

[1] International Federation for Human Rights (FIDH), Austrian Helsinki Association for Human Rights, Norwegian Helsinki Committee, Oslo Human Rights Centre “Memorial”, Moscow, People in Need, Prague, Novaya Gazeta, Moscow

<http://www.fidh.org/Israilov-case-Trial-in-Vienna-The-Victory-of>