

MEMORANDUM

TO THE COMMITTEE OF MINISTERS

IN REGARD TO APPLICANTS' OBSERVATIONS ON THE EXECUTION OF THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS FROM THE NORTH CAUCASUS

SUBMITTED BY THE RUSSIAN JUSTICE INITIATIVE, 25 AUGUST 2010

Introduction

1. The Russian Justice Initiative (RJI) is submitting these observations to the Committee of Ministers (the Committee) in accordance with Rule 9 of the Committee of Ministers' Rules for consideration during the Committee's 1092 DH Meeting on 14-16 September 2010. They are copied to the Department for the Execution of Judgments of the European Court of Human Rights as well as to the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe.

2. The Russian Justice Initiative is a Dutch non-governmental organization based in Russia which as of June 2010 was representing Applicants in 88 out of 145 cases decided to date concerning grave violations of the European Convention on Human Rights in the North Caucasus. We note at the outset, as the Applicants' representatives, that in none of the cases listed below has the Government to date taken meaningful steps, apart from the prompt payment of the Court's designated monetary awards, to fully comply with the judgments of the European Court of Human Rights (ECtHR) insofar as individual measures are concerned:

- (1) *Estamirov and Others v. Russia* (no. 60272/00), judgment of 12 October 2006, final on 12 January 2007;
- (2) *Imakayeva v. Russia* (no. 7615/02), judgment of 9 November 2006, final on 9 February 2007;
- (3) *Chitayev and Chitayev v. Russia* (no. 59334/00), judgment of 18 January 2007, final on 18 April 2007;
- (4) *Akhmadova and Sadulayeva v. Russia* (no. 40464/02), judgment of 10 May 2007, final on 12 November 2007;
- (5) *Goygova v. Russia* (no. 74240/01), judgment of 4 October 2007, final on 31 March 2008;
- (6) *Khamila Isayeva v. Russia* (no. 6846/02), judgment of 15 November 2007, final on 2 June 2008;
- (7) *Khatsiyeva and Others v. Russia* (no. 5108/02), judgment of 17 January 2008, final on 7 July 2008;
- (8) *Aziyevy v. Russia* (no. 77626/01), judgment of 20 March 2008, final on 29 September 2008;
- (9) *Sangariyeva and Others v. Russia* (no. 1839/04), judgment of 29 May 2008, final on 1 December 2008;
- (10) *Gekhayeva and Others v. Russia* (no. 1755/04), judgment of 29 May 2008, final on 1 December 2008;
- (11) *Ibragimov and Others v. Russia* (no. 34561/03), judgment of 29 May 2008, final on 1 December 2008;
- (12) *Utsayeva and Others v. Russia* (no. 29133/03), judgment of 29 May 2008, final on 1 December 2008;
- (13) *Atabayeva and Others v. Russia* (no. 26064/02), judgment of 12 June 2008, final on 1 December 2008;
- (14) *Elmurzayev and Others v. Russia* (no. 3019/04), judgment of 12 June 2008, final on 1 December 2008;
- (15) *Isigova and Others v. Russia* (no. 6844/02), judgment of 26 June 2008, final on 1 December 2008;
- (16) *Rasayev and Chankayeva v. Russia* (no. 38003/03), judgment of 2 October 2008, final on 6 April 2009;

- (17) *Lyanova and Aliyeva v. Russia* (no. 28440/03), judgment of 2 October 200, final on 6 April 2009;
- (18) *Akmadov and Others v. Russia* (no. 21586/02), judgment of 14 November 2008, final on 6 July 2009;
- (19) *Askharova v. Russia* (no. 13566/02), judgment of 4 December 2008, final on 5 June 2009;
- (20) *Nasukhanova and Others v. Russia* (no. 5285/04), judgment of 8 December 2008, final on 6 April 2009;
- (21) *Zakriyeva and Others v. Russia* (no. 20583/04), judgment of 8 January 2009, final on 6 July 2009;
- (22) *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), judgment of 22 January 2009, final on 5 June 2009;
- (23) *Khadisov and Tsechoyev v. Russia* (no. 21519/02), judgment of 5 February 2009, final on 5 May 2009;
- (24) *Khaydayeva and Others v. Russia* (no. 1848/04), judgment of 5 February 2009, final on 14 September 2009;
- (25) *Bantayeva and Others v. Russia* (no. 20727/04), judgment of 12 February 2009, final on 14 September 2009;
- (26) *Elsiyev and Others v. Russia* (no. 21816/03), judgment of 12 March 2009, final on 14 September 2009;
- (27) *Dokuyev and Others v. Russia* (no. 6704/03), judgment of 2 April 2009, final on 14 September 2009;
- (28) *Malsagova and Others v. Russia* (no. 27244/03), judgment of 9 April 2009, final on 6 November 2009;
- (29) *Israilova and Others v. Russia* (no. 4571/04), judgment of 23 April 2009, final on 6 November 2009.

3. This document will provide the Committee with new information in the form of an overview of the correspondence with the Russian authorities regarding individual measures in cases stemming from judgments which became final more recently and on which RJI has not yet reported to the Committee (cases 16-29 from the above list). Sections A and B provide an update on correspondence in cases previously brought to the Committee's attention in earlier submissions (cases 1-15 from the above list). In both categories of cases it will be demonstrated that the defects in the investigation indicated by the ECtHR have not been remedied. Section D of the present submission indicates certain crucial – and as yet unanswered – questions regarding the progress of investigations in cases 2, 4, 12 and 17-29 from the above list, which the Applicants urge the Committee to bring to the immediate attention of the Russian delegation. Sections E and F present the concluding remarks of the Applicants and their representatives.

A. Information on cases 1, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 from the above list

4. The Applicants refer to their previous submissions concerning the above cases¹ and submit that no new information or correspondence has been forthcoming in these cases from the Russian authorities since the time of their last submissions. The Applicants reiterate the lack, to the extent of their knowledge, of a substantive undertaking of appropriate individual measures in these cases to date.

B. Information on cases 2, 4 and 12 from the above list: Imakayeva v. Russia (no. 7615/02), Akhmadova

¹ Including submissions of 2 June 2007 in the cases *Bazorkina v. Russia* and *Estamiriva and Others v. Russia*; of 28 September 2007 in the cases *Luluyev and Others v. Russia*, *Imakayeva v. Russia*, *Chitayev and Chitayev v. Russia*; and of 4 May 2009 in 19 cases.

and Sadulayeva v. Russia (no. 40464/02), Utsayeva and Others v. Russia (no. 29133/03)

(i) Imakayeva v. Russia (no. 7615/02)

5. On 27 May 2009 the Shali Inter-District Investigating Department of the Chechen Republic, in reply to RJI's letter of 30 April 2009, informed RJI that its letter had been forwarded to the Special Investigating Unit within the Directorate of the Investigative Committee of the Chechen Republic (the SIU).² In the same letter RJI was informed that the criminal case No 36125 of 23 March 2008 (outgoing No 396-216/2-3-125д-08) had been forwarded to the Referent of the Unit of Procedural Control No 2 within the Main Territorial Office of the Investigative Committee of the Chechen Republic (the Unit of Procedural Control № 2)³. The Applicants' representatives have received no further information since then of any procedural steps taken or of the status of the domestic investigation, other than the written refusals indicated below to a request to consolidate case No 36125 with another case exhibiting similar factual circumstances.

6. On 3 July 2009 the Applicant requested the Directorate of the Investigative Committee of the Chechen Republic (the Directorate of the IC of the Chechen Republic) to consolidate the criminal investigation in her case (No 36125) with the investigation in case No 59176, which concerns the enforced disappearance of the Applicants' relatives in the case *Utsayeva and Others v. Russia (no. 29133/03)*⁴: Islam Utsaev, Movsar Taisumov, Idris Abdulazimov and Masud Tovmerzayev. This request was motivated by the fact that the detention of the Applicants' relatives in both cases was, according to evidence contained in the domestic case files and also cited by the European Court, carried out by the same troops on the same day, using the same vehicles.⁵

7. On 14 July 2009 the Directorate of the IC of the Chechen Republic informed the Applicants that since the investigation materials in case No 59176 had been transferred to the Investigative Committee of the Russian Federation, it was unable to reply to the Applicants' motion on substance. The Applicants were informed that they would receive a reply on the merits of their motion after the case materials were returned to the Directorate of the IC of the Chechen Republic.⁶

8. On 4 December 2009 the Applicants lodged a complaint with the Directorate of the IC of the Chechen Republic, to the effect that, *inter alia*, they had not yet received any response on the substance of their motion lodged on 14 July 2009.⁷

² Also referred to as Second Department.

³ Page 1 in Attachment.

⁴ See paras 14-17 below.

⁵ Page 2 in Attachment and para 49 in *Imakayeva v. Russia (no. 7615/02)* and paras 117, 120 in *Utsayeva and Others v. Russia (no. 29133/03)*.

⁶ Page 4 in Attachment.

⁷ Page 5 in Attachment.

9. On 14 December 2009, in reply to the Applicants' complaint of 4 December 2009, the Directorate of the IC of the Chechen Republic informed the Applicants that the time limit established for the response to their complaint had been extended until 21 December 2009.⁸

10. On 21 December 2009 the Head of the Unit of Procedural Control № 2 Mr. Markovsky V.N. dismissed the Applicants' complaint on substance on the grounds that the investigative authorities had not succeeded in identifying the perpetrators in both criminal cases (No 36125 and No 59176) and that there was not enough evidence of the involvement of the same group of persons in both crimes.⁹

(ii) Akhmadova and Sadulayeva v. Russia (no. 40464/02)

11. On 7 April 2009 in reply to RJI's letter of 3 March 2009, the Investigating Department of the United Group Alliance (the UGA Military Investigating Department) informed RJI that on 28 June 2002 the Prosecutor's Office of Shali district of the Chechen Republic, following the abduction of Mr. Imakayev S-M.U., opened criminal investigation No 59140 which on 9 September 2002 was forwarded to the Military Prosecutor of Military Unit no. 20102, where it was assigned No 34/35/0172-02Д.¹⁰

12. According to the same letter, on 12 September 2003 the Military Prosecutor of Military Unit no. 20102 forwarded case No 34/35/0172-02Д to the Main Military Prosecutor's Office where the case was assigned No 29/00/0015-03Д.

13. On 21 April 2009 the Prosecutor's Office of the Chechen Republic informed RJI that the Applicants' case had been forwarded to the SIU.¹¹ The Applicants' representatives have not been made aware of any further progress made in the domestic investigation.

(iii) Utsayeva and Others v. Russia (no. 29133/03)

14. On 13 May 2009, in reply to RJI's letter of 3 March 2009, the UGA Military Investigating Department informed RJI that criminal case No 59176, which was opened by the Shali District Prosecutor's Office on 15 July 2002 following the abduction of Mr. Utsayev I.A., had been forwarded to the SIU. RJI was also informed that the duration of the preliminary investigation in the Applicants' case was due to expire on 5 June 2009.¹²

15. On 27 May 2009 the IC of the Chechen Republic informed RJI that the Applicants' case was being investigated by the SIU and that a number of investigative measures had been undertaken within the

⁸ Page 6 in Attachment.

⁹ Pages 7, 8 in Attachment.

¹⁰ Page 9 in Attachment.

¹¹ Page 10 in Attachment.

¹² Page 11 in Attachment.

framework of that investigation. In particular, the investigation had tried to establish the whereabouts of the military servicemen who at the time of the events in question served at the Military Commander's Office of the Shali district of the Chechen Republic and who allegedly took part in the military operation of 2 June 2002 in the village of Novye-Atagi, subsequent to which the Applicants' relatives had disappeared. The investigation had also tried to identify the owners of the APCs with hull numbers "569", "1252", "889" and a UAZ all-terrain car with partially visible number "344". The investigation had also sent inquiries to the Central Archives of various law enforcement agencies and questioned all the eye-witnesses to the crime. However, none of the above measures had led to the identification and prosecution of the perpetrators.¹³

16. The Applicants also refer to their unsuccessful attempts to consolidate the investigation in their case with the investigation in the case of *Imakayeva v. Russia* (no. 7615/02).¹⁴

17. The Applicants' representatives have not been made aware of any further progress made in the domestic investigation.

C. Information on cases 16-29 from the above list

(i) Rasayev and Chankayeva v. Russia (no. 38003/03)

18. On 10 November 2009 the Applicant was informed by the UGA Military Investigating Department that the criminal investigation in the case No 4/33/0016-047, which was opened on 26 January 2002, was re-opened.¹⁵

19. On 30 November 2009 the Applicant was informed that the UGA Military Investigating Department had been abolished pursuant to a structural reform. Consequently, his case under No34/33/0016-047-Д, first opened on 26 January 2002, had been transferred to the newly created Military Investigating Department of the North-Caucasus Military District and UGA (the Military Investigating Department of the NCMD and UGA).¹⁶

20. On 9 December 2009 the Applicant was informed by the Military Investigating Department of the NCMD and UGA that the investigation in case No 34/33/0016-047-Д had been suspended.¹⁷ The Applicant was not informed of the reasons for suspension of his case.

(ii) Lyanova and Aliyeva v. Russia (no. 28440/03)

21. On 29 July 2009, in reply to RJI's letter of 10 June 2009, the Prosecutor's Office of the Chechen

¹³ Pages 12, 13 in Attachment.

¹⁴ See paras 6-10 above.

¹⁵ Page 14 in Attachment.

¹⁶ Page 15 in Attachment.

¹⁷ Page 16 in Attachment.

Republic informed RJI that the investigation had failed to identify the perpetrators. In this connection, on 12 June 2009 the investigation of criminal case No 12113 was suspended.¹⁸

(iii) Akhmadov and Others v. Russia (no. 21586/02)

22. On 14 May 2010, in reply to RJI's letter of 14 April 2010, the Military Investigating Department of the NCMD and UGA informed RJI that its letter had been forwarded to the deputy Head of the Investigating Department of the NCMD and UGA, Mr. Rozhkov K.P.¹⁹

23. On 19 May 2010, in reply to RJI's letter of 14 April 2010, the Military Investigating Department of the NCMD and UGA informed RJI that on 27 October 2001 the Gudermes Prosecutor's Office of the Chechen Republic had commenced an investigation pursuant to Article 126 of the Russian Criminal Code (the Russian CC) – "Abduction". On 5 September 2007 the Military Prosecutor's Office of Military Unit no. 20102 had discontinued the investigation in the absence of the requisite elements of a crime in the actions of the servicemen involved in the incident of 27 October 2001 and pursuant to an amnesty act.

24. On 16 January 2010 the decision of 5 September 2007 was annulled and the investigation into the Applicants' case was re-opened. On 6 March 2010 it was again suspended on account of a failure to identify the perpetrators.

25. In the same letter RJI was informed that a number of investigative measures had been undertaken in the criminal case. For example, Mr. Sochkov, the officer in command of the servicemen involved in the incident of 27 October 2001 in which the Applicants' relatives were attacked by military helicopters, was declared wanted by the authorities on 28 May 2009, despite having been declared subject to an amnesty act in 2005. The task of establishing the whereabouts of Mr. Sochkov had been assigned to the head of the *Ussuriysk* Police Department of *Primorsky Krai*.

26. In the same letter the Applicants were invited to acquaint themselves with the materials of the investigation of their case at the premises of the Military Investigating Department of the NCMD and UGA.²⁰ The Applicants submit that they are now in the process of making the necessary arrangements to do so.

(iv) Askharova v. Russia (no. 13566/02)

27. On 22 September 2009, in reply to RJI's letter of 17 August 2008, the Prosecutor's Office of the Chechen Republic informed RJI that on 17 July 2009 the criminal investigation into the Applicant's case - No 23185 was suspended on account of failure to identify persons to be charged with the offence. It was further stated that the Applicant had been informed of the above decision and that the decision had been

¹⁸ Page 17 in Attachment.

¹⁹ Page 18 in Attachment.

²⁰ Pages 19, 20 in Attachment.

recognised by the Investigative Committee of the Russian Federation as satisfying the criteria of legality and reasonableness.²¹

(v) Nasukhanova and Others v. Russia (no. 5285/04)

28. On 14 May 2010, in reply to RJI's letter of 14 April 2010, the Military Investigating Department of the NCMD and UGA informed RJI that its letter had been forwarded to the head of the Directorate of the IC of the Chechen Republic Mr. Ledenev V.A.²² To date RJI has not received a reply to its letter from the Directorate of the IC of the Chechen Republic.

(vi) Zakriyeva and Others v. Russia (no. 20583/04)

29. On 2 February 2010, in reply to RJI's letter of 14 December 2009, the Directorate of the IC of the Chechen Republic informed RJI that on 15 July 2009 the criminal investigation into the Applicants' case (No 50115) had been suspended on account of a failure to identify the perpetrators. It was further stated that this decision had been recognised as legal and reasonable by the Unit of Investigative Control No. 2 and that a copy of RJI's letter had been attached to the investigation case file.²³

(vii) Zaurbekova and Zaurbekova v. Russia (no. 27183/03)

30. On 26 May 2010, in reply to RJI's letter of 20 April 2010, the Prosecutor's Office of the Chechen Republic informed RJI that on 10 June 2009 the criminal investigation into the Applicants' case No 20123 had been suspended by the SIU on account of a failure to identify persons to be charged with the offence.

31. This letter also indicated that the Deputy Prosecutor of the Chechen Republic had requested that violations of the federal legislation allowed during the conduct of investigation be remedied. RJI was not informed of the specific content of the Prosecutor's request of 26 May 2010, nor of the violations referred to.²⁴

(viii) Khadisov and Tsechoyev v. Russia (no. 21519/02)

32. On 23 April 2010, in reply to RJI's letter of 8 February 2010, the Prosecutor's Office of the Chechen Republic informed RJI that the Applicants' case was being investigated by the Military Investigating Office no. 505 of Military Unit No 68797 and that RJI should address all further requests to the Military Investigating Department of the NCMD and UGA.²⁵

33. On 25 May 2010, in reply to RJI's letter of 8 February 2010, the Military Prosecutor's Office of the

²¹ Page 21 in Attachment.

²² Page 22 in Attachment.

²³ Page 23 in Attachment.

²⁴ Page 24 in Attachment.

²⁵ Page 25 in Attachment.

NCMD and UGA informed RJI that the Applicants' case was being examined by the Military Investigating Department of the NCMD and UGA. It also informed that RJI's request regarding criminal case No 22600008 was forwarded to the Investigative Committee of the Republic of Ingushetia.²⁶

(ix) Khaydayeva and Others v. Russia (no. 1848/04)

34. On 26 April 2010 in reply to RJI's letter of 8 February 2010, the Military Investigating Department of the NCMD and UGA informed RJI that following the judgment of the ECtHR of 5 February 2009 the investigation into the Applicants' case had been repeatedly re-opened and suspended. However, despite all efforts, the investigation had not established the involvement of military personnel in the crime committed against the Applicants' relatives.

35. According to the same letter, on 30 October 2009 the investigation into the Applicants' case (No 34/00/0013-03Д) had been suspended on account of a failure to identify persons to be charged with the offence. It was further stated that despite this suspension, the authorities continued to undertake various operational steps aimed at identifying the perpetrators and at examining the version of events contained in the Applicants' statements to which the ECtHR had referred.²⁷

(x) Bantayeva and Others v. Russia (no. 20727/04)

36. On 2 February 2010, in reply to RJI's letter of 14 December 2009, the Directorate of the IC of the Chechen Republic informed RJI that on 23 July 2009 the investigation into the Applicants' case No 32000 was suspended on account of a failure to identify persons to be charged with the offence.²⁸

(xi) Elsiyev and Others v. Russia (no. 21816/03)

37. On 14 May 2010, in reply to RJI's letter of 16 February 2010, the Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Head of the Directorate of the IC of the Chechen Republic Mr. Ledenev V.A.²⁹ RJI has not yet received a reply to its letter from the Directorate of the IC of the Chechen Republic.

(xii) Dokuyev and Others v. Russia (no. 6704/03)

38. On 23 April 2010, in reply to RJI's letter of 15 February 2010, the Directorate of the IC of the Chechen Republic informed RJI that on 23 October 2009 the investigation into the Applicants' case No 23177 was suspended on account of a failure to identify persons to be charged with the offence. It was further stated that the decision was recognised as legal and reasonable and that in January 2010 the case had been

²⁶ Page 26 in Attachment.

²⁷ Pages 27, 28 in Attachment.

²⁸ Page 29 in Attachment.

²⁹ Page 30 in Attachment.

forwarded for further examination to the Investigative Committee of the Russian Federation, where it has remained since then.

39. Given the above circumstances, the Directorate of the IC of the Chechen Republic informed RJI of its decision to deny the Applicants and their representatives access to the case materials.³⁰

40. On 30 April 2010 the Directorate of the IC of the Chechen Republic informed RJI that the investigation into the Applicants' case had been suspended on account of a failure to identify persons to be charged with the offence and that the case materials had been forwarded for further examination to the Investigative Committee of the Russian Federation.³¹

41. On 1 June 2010 RJI sent a letter to the Investigative Committee of the Russian Federation in which, referring to the letter of 23 April 2010 from the Directorate of the IC of the Chechen Republic, it requested that specific investigative steps be undertaken in order to remedy the violation established by the Court, namely, to allow the Applicants and their representatives the opportunity to acquaint themselves with the case materials.³²

42. On 6 July 2010, in reply to RJI's letter of 1 June 2010, the Investigative Committee of the Russian Federation informed RJI that the case materials had been sent back to the Directorate of the IC of the Chechen Republic. RJI was also informed that the case materials had been examined by the Investigative Committee of the Russian Federation and that, following a review of the case, all the necessary directions had been issued.³³ RJI was not informed of the specific directions issued by the Investigative Committee of the Russian Federation, nor of the agency instructed to carry out the directions.

(xiii) Malsagova and Others v. Russia (no. 27244/03)

43. On 1 February 2010, in reply to RJI's letter, the Directorate of the IC of the Chechen Republic informed RJI that on 8 April 2009, after a series of investigative steps undertaken by the Directorate, the investigation into the Applicants' case was suspended on account of failure to identify persons to be charged with the offence.

44. RJI was also informed that on 17 November 2009 the Applicants' case was forwarded to the Investigative Committee of the Russian Federation for examination of the lawfulness of the decision on suspending the case. RJI was informed that operational and search measures aimed at identifying the suspects were ongoing; no particular measures were indicated.³⁴

³⁰ Pages 31-33 in Attachment.

³¹ Page 34 in Attachment.

³² Pages 35-39 in Attachment.

³³ Page 40 in Attachment.

³⁴ Page 41 in Attachment.

(xiv) Israilova and Others v. Russia (no. 4571/04)

45. On 14 May 2010, in reply to RJI's letter of 18 February 2010, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter regarding the Applicants' case No 34/00/0010-03 had been forwarded to the Military Investigating Department of the NCMD and UGA.³⁵

46. On 18 May 2010 the Military Investigating Department of the NCMD and UGA informed RJI that, after the judgment of the ECtHR, the Applicants' case had been repeatedly suspended and re-opened. RJI was informed that after having reviewed all possible versions of the circumstances of the crime and after having undertaken all possible measures to identify the perpetrators, the investigation had nevertheless failed to establish the involvement of military personnel in the crime committed against the Applicants' relatives.

47. RJI was informed that the case was last suspended on 3 May 2010 on account of a failure to identify persons to be charged with the offence. Lastly, it was stated that even after the suspension of the investigation, the authorities continued to undertake operational search measures. However, no explicit mention was made of the kind of measures undertaken by the authorities.³⁶

D. Questions Regarding the Progress of Domestic Investigations in cases 2, 4, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 from the above list

48. Given that the Applicants in the cases described above maintain grave concerns regarding the lack of meaningful progress in domestic investigations following the Court's judgments, they wish to bring to the urgent attention of the Committee certain failings that continue to plague the domestic investigation in their cases, and to pose specific question regarding these failings, which, to their knowledge, have not yet been answered by the authorities responsible for the investigation in their cases.

49. The Applicants in the cases *Imakayeva v. Russia* (no. 7615/02) and *Utsayeva and Others v. Russia* (no. 29133/03) reiterate their concern over the continual and unjustified refusal of the authorities to recognise the connection between the crimes issues in these two cases. Indeed this refusal is particularly disturbing given the fact that in both cases the authorities possess evidence as to the identities of the perpetrators, which as indicated earlier,³⁷ point to the same group of persons.

Questions:

a) Given the apparent availability of strong evidence that one of the victims³⁸ in *Imakayeva v Russia* was last seen in the hands of military and security personnel,³⁹ what steps have been taken to question the servicemen

³⁵ Page 42 in Attachment.

³⁶ Page 43 in Attachment.

³⁷ See paras 6-10 above.

³⁸ Mr. Said-Magomed Imakayev.

³⁹ *Imakayeva v. Russia* (no. 7615/02), para 154.

who were involved in the victim's detention?

b) Did the statements given by the servicemen regarding the victim's detention coincide or in any way recall the circumstances of the arrest and detention of the victims in the case *Utsayeva and Others v. Russia* (no. 29133/03)?

c) Have the witnesses in both cases, *Imakayeva v. Russia* (no. 7615/02) and *Utsayeva and Others v. Russia* (no. 29133/03), been confronted by the authorities?

d) Have the authorities identified other witnesses who might possess any information about the victims' fate?⁴⁰

50. In *Akhmadova and Sadulayeva v. Russia* (no. 40464/02) the Applicants would like to draw the Committee's attention to the following circumstances: despite the fact that by May 2001 it had already been established that Mr. Akhmadov had been detained by military or security personnel and that the case file had been transferred to the Military Prosecutor's Office responsible for the investigation of crimes committed by servicemen, the authorities continue to deny the involvement of the military and security personnel in the crimes in question.⁴¹

Questions:

a) Have the authorities questioned any of the servicemen who carried out the operation in Argun and were involved in the detention of Mr. Akhmadov or his fellow detainees? If so, who exactly has been questioned by the authorities?⁴²

b) The European Court commented critically on the fact that the investigation into the abduction of Mr. Akhmadov had been inexplicably separated from an investigation into the abduction and subsequent murder of the other men detained on 12 March 2001 during the same security operation in Argun.⁴³ Is the investigation into Mr. Akhmadov's abduction still being carried out separately following the Court's decision?

c) Did the investigation into these events, including the finding of three bodies within the security perimeter of a military unit, produce any results which might have shed light on what had happened to Shamil Akhmadov, as the Court also queried?⁴⁴

51. In *Lyanova and Aliyeva v. Russia* (no. 28440/03) the Applicants submit that despite the Court's finding that a special operation conducted by agents of the state—more specifically, members of the *Pskov OMON* together with the servicemen of *Obron-8*⁴⁵—led to the apprehension of the Applicants' relatives, the

⁴⁰ *Imakayeva v. Russia* (no. 7615/02), para 154.

⁴¹ *Akhmadova and Sadulayeva v. Russia* (no. 40464/02), para 102.

⁴² *Akhmadova and Sadulayeva v. Russia* (no. 40464/02), para 102.

⁴³ *Akhmadova and Sadulayeva v. Russia* (no. 40464/02), para 103.

⁴⁴ *Akhmadova and Sadulayeva v. Russia* (no. 40464/02), para 103.

⁴⁵ *Lyanova and Aliyeva v. Russia* (no. 28440/03), para 91.

authorities continue to deny the involvement of military and security personnel in the crime in question.⁴⁶

Questions:

a) The Court has established that by March 2001 the investigating authorities had questioned numerous witnesses and gathered a considerable amount of information concerning the events of 28-29 June 2000. As a result, the authorities were faced with two conflicting versions of events: one provided by the Pskov OMON officers, and the other by servicemen from Obron-8. However, it appeared that no meaningful efforts had been made by the investigating authorities to address these discrepancies. Furthermore, it did not appear that any efforts had been made to identify the Obron-8 servicemen who had allegedly taken part in the operation. Finally, there was no information to indicate that the authorities ever attempted to reconcile the conflicting testimonies provided by the OMON officers and the Obron-8 servicemen.⁴⁷ Have the authorities established the identities of the Obron-8 servicemen who allegedly took part in the operation? Have the authorities clarified the discrepancies between the versions of events provided by the Pskov OMON officers and the Obron-8 servicemen?

52. In *Akhmadov and Others v. Russia* (no. 21586/02) the Applicants submit that, despite the fact that the Russian authorities acknowledged that Amkhad Gekhayev and Zalina Mezhidova were killed by agents of the State as a result of intentional use of lethal force against them,⁴⁸ the authorities have not officially established the involvement of military and security personnel in the crime in question, despite the strong evidence as to the identity of the servicemen involved in the incident.⁴⁹

Questions:

a) Given the particularly strong evidence in this case confirming that the victims were attacked by agents of the state with the use of helicopters and given that the ECtHR established that the civilian authorities had sincerely attempted to promptly investigate the events of 27 October 2001 and to secure evidence concerning the incident⁵⁰ (including the collection of fragments of bullets and casings from the scene of the incident; obtaining documents related to the combat mission of 27 October 2001; and, examining the weapons and ammunition from the servicemen involved in the incident) what steps have been taken to identify and to question the servicemen who took part in the military operation of 27 October 2001?

b) In view of the Applicants' statements that the upper half of Zalina Mezhidova's body was missing, was the cause of the victim's death established by the forensic examination carried out by the authorities?⁵¹

c) What were the grounds for the application of the amnesty act to Mr. Sochkov⁵² and have all the circumstances surrounding his involvement in the victims' death been duly established and assessed, given that the Applicants' relatives were not only killed, but also posthumously removed from the scene of the

⁴⁶ See para 21 above.

⁴⁷ *Lyanova and Aliyeva v. Russia* (no. 28440/03), paras 105 and 106.

⁴⁸ *Akhmadov and Others v. Russia* (no. 21586/02), para 94.

⁴⁹ See para 24 above.

⁵⁰ *Akhmadov and Others v. Russia* (no. 21586/02), para 111.

⁵¹ *Akhmadov and Others v. Russia* (no. 21586/02), para 112.

⁵² *Akhmadov and Others v. Russia* (no. 21586/02), para. 113, and paras 23, 25 above.

crime and mutilated by means of explosion?⁵³

d) What specific steps have been undertaken by the authorities to establish the whereabouts of Mr. Sochkov?⁵⁴

53. In *Askharova v. Russia* (no. 13566/02) the Applicant points out that the ECtHR established the involvement of military personnel in the apprehension of the victim. The ECtHR also established several omissions committed by the authorities in the conduct of the investigation.⁵⁵ The Applicant in this regard refers with particular concern to the authorities' continuing denial of the involvement of military and security personnel in the crime in question.⁵⁶

Questions:

a) Have the authorities ever inspected the crime scene or the place where the bodies of the five residents of Serzhen-Yurt were dumped after their apprehension by the same servicemen on 18 May 2001?⁵⁷

b) Have the authorities identified the APC which was seen by witnesses at the time of the events?⁵⁸

c) Have the authorities questioned the Shali Military Commander who had allegedly told the Applicant that her husband had been detained at the military commanders' office for some time?⁵⁹

54. In *Nasukhanova and Others v. Russia* (no. 5285/04) the Applicants refer to the Court's finding that "*...it was very unlikely that several military vehicles stolen by insurgents from the federal troops in the 1990s could have moved freely through Russian military checkpoints without being noticed. It thus finds that the fact that a large group of armed men in uniform travelling in the APCs and the Ural vehicles arrived in the village of Pervomayskaya at 3 a.m. strongly supports the applicants' assertion that these were State servicemen*".⁶⁰

Questions:

a) Given that it was established by the District Prosecutor's Office in 2005 that there had been certain defects in the investigation, and that certain unspecified investigative measures had not been taken promptly, leading to the resumption of the proceedings, have the authorities eliminated the detected shortcomings?⁶¹

⁵³ *Akhmadov and Others v. Russia* (no. 21586/02), paras 64 and 113.

⁵⁴ See para 25 above.

⁵⁵ *Askharova v. Russia* (no. 13566/02), paras 82, 83.

⁵⁶ See para 27 above.

⁵⁷ *Askharova v. Russia* (no. 13566/02), para 83.

⁵⁸ *Askharova v. Russia* (no. 13566/02), para 63.

⁵⁹ *Askharova v. Russia* (no. 13566/02), para 83.

⁶⁰ *Nasukhanova and Others v. Russia* (no. 5285/04), para 95.

⁶¹ *Nasukhanova and Others v. Russia* (no. 5285/04), paras 60, 62 and 113.

b) Have the authorities established to which state agency the APC in question belonged?⁶²

c) Have the authorities questioned a witness named “Tamara” who had allegedly seen the registration number of the APCs,⁶³ given in particular the fact that, according to the Government, “Tamara's” last name was known to the investigators?⁶⁴

55. In the case of *Zakriyeva and Others v. Russia* (no. 20583/04) the ECtHR did not attribute responsibility for the unlawful acts to the Russian authorities. However, the Court noted that a number of essential investigative measures had either been delayed or had not been taken at all.⁶⁵

Questions:

a) Have the authorities established whether an identity check had been carried out at the bus stop near the dam and, if so, have they established which State agency was in control of this area, in particular given that a number of witnesses confirmed that they had seen the identity check being conducted at the bus stop?⁶⁶

b) If the above has been established, has the identity of the person involved in carrying out the identity check been determined, and have the investigative authorities ensured the participation of the state agents implicated in the crime in the investigation of the Applicants' case?

56. In the case *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), despite the ECtHR's finding that Isa Zaurbekov's death should be attributed to the respondent State,⁶⁷ the authorities continue to deny the involvement of military and security personnel in the crime in question.⁶⁸

Questions:

a) Have the authorities interviewed the servicemen from a nearby checkpoint, as was suggested by the Applicant?⁶⁹

b) Have the authorities established whether any units of the federal armed forces or security agencies were stationed in the area where the second Applicant and her brother lived and, if so, which ones?⁷⁰

57. In *Khaydayeva and Others v. Russia* (no. 1848/04) the Applicants refer to the fact that the Government

⁶² *Nasukhanova and Others v. Russia* (no. 5285/04), paras 26 and 114.

⁶³ *Nasukhanova and Others v. Russia* (no. 5285/04), paras 56 and 115.

⁶⁴ *Nasukhanova and Others v. Russia* (no. 5285/04), para 81.

⁶⁵ *Zakriyeva and Others v. Russia* (no. 20583/04), para 85.

⁶⁶ *Zakriyeva and Others v. Russia* (no. 20583/04), para 86.

⁶⁷ *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), para 74.

⁶⁸ See para 30 above.

⁶⁹ *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), para 83.

⁷⁰ *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), para 83.

has admitted that the victims were detained on 9 June 2002⁷¹ and to the ECtHR's finding that on 9 June 2002 the victims were apprehended by State servicemen and that they must be presumed dead following their unacknowledged detention.⁷² However, the authorities continue to deny the involvement of military and security personnel in the crime in question.⁷³

Questions:

a) Given the particularly strong evidence in this case indicating that on 9 June 2002 the servicemen at the checkpoint stopped a white VAZ 21061 and apprehended five persons in the car, have the authorities established which military units and which individual servicemen were involved in the apprehension?⁷⁴

b) Have the authorities established to which units the vehicles in which the Applicants' relatives were taken away belonged?⁷⁵

c) Have the authorities questioned the servicemen in charge of the special operation, apart from Mr. Davidov A.G. and Mr. Lokhavitsky ("D" and "L" in the Court's judgment), who were identified by the Applicants themselves?⁷⁶

58. The Applicants in the case *Bantayeva and Others v. Russia* (no. 20727/04) submit that despite the ECtHR's finding that the victims must be presumed dead following their unacknowledged detention by State servicemen,⁷⁷ the authorities continue to deny the involvement of military and security personnel in the crime in question.⁷⁸

Questions:

a) Have the authorities identified and questioned the Russian federal servicemen who were manning the checkpoints in the village of Komsomolskoye on the night of abduction?⁷⁹

b) Have the authorities questioned the servicemen of the military commander's office located in the vicinity of the house of the Bantayev brothers?⁸⁰

c) Have the authorities established the identity of the owner of the UAZ vehicles that had moved around the

⁷¹ *Khaydayeva and Others v. Russia* (no. 1848/04), para 96.

⁷² *Khaydayeva and Others v. Russia* (no. 1848/04), para 104.

⁷³ See para 35 above.

⁷⁴ *Khaydayeva and Others v. Russia* (no. 1848/04), para 111.

⁷⁵ *Khaydayeva and Others v. Russia* (no. 1848/04), para 113.

⁷⁶ *Khaydayeva and Others v. Russia* (no. 1848/04), para 113.

⁷⁷ *Bantayeva and Others v. Russia* (no. 20727/04), para 78.

⁷⁸ See para 36 above.

⁷⁹ *Bantayeva and Others v. Russia* (no. 20727/04), para 88.

⁸⁰ *Bantayeva and Others v. Russia* (no. 20727/04), para 88.

village on the night of 2 January 2003?⁸¹

d) Have the authorities established whether any special operations had been carried out in the village of Komsomolskoye on the night in question?⁸²

e) Have the authorities identified and questioned the servicemen who carried out the operation in the village of Komsomolskoye and could have been involved in the detention of the victims?⁸³

59. The Applicants in the case *Elsiyev and Others v. Russia* (no. 21816/03) note that it was established by the ECtHR that the victims must be presumed dead following their unacknowledged detention by State servicemen.⁸⁴ Yet to date the investigation has not officially established the involvement of military and security personnel in the crime in question, despite the available evidence as to the identities of the commanding officers and the servicemen who carried out the detentions in question.⁸⁵

Questions:

a) Have the authorities questioned either the commanding officers, in particular General Studenikin, or the servicemen of the military and law-enforcement units involved in the special operation during the course of which the Applicants relatives disappeared, especially given that the identities of federal servicemen in question had been identified by the District Prosecutor's Office within the first days of the investigation and were cited by the European Court in its judgment?⁸⁶

b) Have the authorities identified and questioned the servicemen who had used the "AvtoZak" vehicle in which the victims were transported to the filtration camp, which belonged to the Ministry of Justice?⁸⁷

60. The Applicants in the case *Dokuyev and Others v. Russia* (no. 6704/03) submit that the ECtHR found that the fact that a large group of armed men in uniform, equipped with military vehicles and able to move freely through military roadblocks, proceeded to apprehend two persons at their home in a town area, strongly supported the Applicants' allegation that those men were State servicemen.⁸⁸ However, the authorities continue to deny the involvement of military and security personnel in the crime in question.⁸⁹

Questions:

a) Have the authorities searched the crime scene and the place where the body of the first applicant was

⁸¹ *Bantayeva and Others v. Russia* (no. 20727/04), para 88.

⁸² *Bantayeva and Others v. Russia* (no. 20727/04), para 88.

⁸³ *Bantayeva and Others v. Russia* (no. 20727/04), para 88.

⁸⁴ *Elsiyev and Others v. Russia* (no. 21816/03), para 155.

⁸⁵ See para. 37 above.

⁸⁶ *Elsiyev and Others v. Russia* (no. 21816/03), paras 41, 44-47 and 165.

⁸⁷ *Elsiyev and Others v. Russia* (no. 21816/03), paras 125 and 165.

⁸⁸ *Dokuyev and Others v. Russia* (6704/03), para 77.

⁸⁹ See para 40 above.

dumped by his captors on 15 February 2001? If so, when did this search take place?⁹⁰

b) Have any efforts been made to trace and identify the APCs after they had left Novye Atagi?

61. In the case *Malsagova and Others v. Russia* (no. 27244/03) the Applicants submit that despite the fact that the Court established that on 7 November 2002 Saydi Malsagov was apprehended by State servicemen and that he must be presumed dead following his unacknowledged detention,⁹¹ the authorities continue to deny the involvement of military and security personnel in the crime in question.⁹²

Questions:

a) Have the authorities identified and questioned military servicemen who had been stationed in Urus-Martan or manned the checkpoints in its vicinity on the night of the abduction?⁹³

62. The Applicants in the case *Israilova and Others v. Russia* (no. 4571/04) submit that despite the ECtHR's finding that the evidence available points to the victims' death following their unacknowledged detention by State servicemen,⁹⁴ the authorities continue to deny the involvement of military and security personnel in the crime in question.⁹⁵

Questions:

a) Have the authorities identified the drivers or passengers of the APCs seen near check-point no. 18 on 30 December 2002?⁹⁶

b) Have the authorities identified and questioned the servicemen who were manning that checkpoint?⁹⁷

c) Have the authorities questioned any of the FSB servicemen assigned to the Khankala base at the material time?⁹⁸

E. Concluding General Observations of the Applicants and their representatives

63. With regard to the foregoing overview of the correspondence between the Applicants' representatives and the Russian authorities regarding progress in their cases on the domestic level following a judgment of the ECtHR, the Applicants wish to draw the Committee's urgent attention to the following:

⁹⁰ *Dokuyev and Others v. Russia* (6704/03), para 92.

⁹¹ *Malsagova and Others v. Russia* (no. 27244/03), para 113.

⁹² See para 43, 44 above.

⁹³ *Malsagova and Others v. Russia* (no. 27244/03), para 123.

⁹⁴ *Israilova and Others v. Russia* (no. 4571/04), para 120.

⁹⁵ See paras 46, 47 above.

⁹⁶ *Israilova and Others v. Russia* (no. 4571/04), para 131.

⁹⁷ *Israilova and Others v. Russia* (no. 4571/04), para 131.

⁹⁸ *Israilova and Others v. Russia* (no. 4571/04), para 131.

(i) Despite the fact that the overall lack of progress with regard to enforcement of the Court's decisions in cases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 from the above list has already been reported to the Committee, and presumably brought to the attention of the Russian Government, the Applicants' representatives reiterate that information on the vast majority of these cases either remains unavailable or has not been communicated to the Applicants.⁹⁹ Even in cases in which certain relevant measures may have been undertaken since the delivery of the Court's judgment,¹⁰⁰ they are as a general rule ineffectual and give no cause to infer progress in practice; indeed the majority of such measures are merely a continuation of the kind of procedural stagnation inherent in the original investigation, such as repeated re-opening and suspension of case files or transfers to other departments;

(ii) It is apparent that the Respondent Government continues to rely on the practice of repeatedly "suspending" and "re-opening" domestic investigations in cases relating to actions of the security forces in the North Caucasus, a practice which the European Court has criticized many times.¹⁰¹ Indeed, in cases *Utsayeva and Others v. Russia* (no. 29133/03); *Rasayev and Chankayeva v. Russia* (no. 38003/03); *Lyanova and Aliyeva v. Russia* (no. 28440/03); *Akmatov and Others v. Russia* (no. 21586/02); *Askharova v. Russia* (no. 13566/02); *Zakriyeva and Others v. Russia* (no. 20583/04); *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03); *Khaydayeva and Others v. Russia* (no. 1848/04); *Bantayeva and Others v. Russia* (no. 20727/04); *Dokuyev and Others v. Russia* (no. 6704/03); *Malsagova and Others v. Russia* (no. 27244/03); *Israilova and Others v. Russia* (no. 4571/04) the investigation has been repeatedly suspended and re-opened even after the decision of the ECtHR entered into force. In the Applicants' view, such a practice flies in the face of the gravity of the violations found by the Court especially as no substantial progress can actually be discerned in the vast majority of such cases;

(iii) The authorities continue to deny the involvement of the military and security forces in the crimes committed against the Applicants. Thus, in cases *Imakayeva v. Russia* (no. 7615/02); *Utsayeva and Others v. Russia* (no. 29133/03); *Lyanova and Aliyeva v. Russia* (no. 28440/03); *Akmatov and Others v. Russia* (no. 21586/02); *Askharova v. Russia* (no. 13566/02); *Zakriyeva and Others v. Russia* (no. 20583/04); *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03); *Khaydayeva and Others v. Russia* (no. 1848/04); *Bantayeva and Others v. Russia* (no. 20727/04); *Dokuyev and Others v. Russia* (no. 6704/03); *Malsagova and Others v. Russia* (no. 27244/03); *Israilova and Others v. Russia* (no. 4571/04) investigations have been suspended, sometimes repeatedly, on account of a failure to identify the perpetrators. Such decisions to suspend were made despite the ECtHR's conclusions of state involvement in the crimes committed against the Applicants and their family members, and in fact are tantamount to a continuing denial of state involvement in the

⁹⁹ See para. 4 above.

¹⁰⁰ See Section "B" above.

¹⁰¹ See among other decisions of the Court: *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03), 22 January 2009, para 85; *Nenkayev and Others v. Russia* (no. 13737/03), 28 May 2009, para 15; para 103.

violations found by the Court. These decisions have been taken on all levels of the domestic proceedings by all manner of officials: by the military and civilian investigative departments, as well as the prosecutor's office in charge of the investigative proceedings;

(iv) It is noted with concern that the Applicants' representatives have been provided only the most basic information by the investigative authorities concerning steps taken in the course of the investigation in all the above cases;

(v) Given the nature of the responses received by the Applicants' representatives from the investigative authorities—which, if they are received at all, tend to be cursory and formalistic—it is very likely that the errors and omissions committed in the course of the original investigation, many of which were subsequently identified by the ECtHR, have not been addressed satisfactorily. Concerns regarding both the quantity and quality of information received are compounded by the authorities' consistent refusal in most cases to allow victims and Applicants access to case materials, again often without providing adequate grounds for such denials. In the Applicants' view, this continuing practice fails to satisfy the requirement of sufficient public scrutiny and of the right of victims to participate in proceedings which affect their rights, in violation of Convention and Russian law. The Applicants point out that their concerns in this regard have been repeatedly noted by the Secretariat¹⁰² and recall the apparent insistence of the Russian authorities that the situation in this regard has begun to change.¹⁰³ The Applicants disagree with this assertion as it flatly contradicts the results of their concrete attempts both to inform themselves of the progress of investigations and to gain access to case materials;

(vi) The Applicants' representatives wish to express particular concern over the emerging practice on the part of supervisory investigative authorities to declare "legal and reasonable" decisions made by investigators to suspend or to refuse to re-open investigation files.¹⁰⁴ With reference to information provided by the Russian authorities, and noted in the Secretariat's most recent update on Memorandum [CM/Inf/DH\(2008\)33](#) of 27 May 2010, regarding the creation of the Special Supervising Unit (Unit of Procedural Control No 2) and on the role of the recently-created Special Investigating Unit (SIU)¹⁰⁵, the Applicants submit in this context that these mechanisms, have had, in the vast majority of cases, no measurable impact on improving access to case files for victims or on improving investigatory tactics that are clearly deeply flawed. Furthermore, the Applicants submit that the manner in which they were informed of such supervisory decisions—via formalistic notification without any elaboration of the grounds for the

¹⁰² Ministers' Deputies, Information document, CM/Inf/DH(2008)33, 11 September 2008, para. 107 and CM/Inf/DH(2010)26 27 May 2010, para. 23.

¹⁰³ CM/Inf/DH(2010)26 27 May 2010, para. 23

¹⁰⁴ See paras 27, 29, 38 above.

¹⁰⁵ See CM/Inf/DH (2010) 26 27 May 2010, paras 9-13.

decision—has merely added another layer of official denial of state involvement of the violations suffered.

F. Measures which should be taken by the Russian authorities

64. The Applicants in cases *Estamirov and Others v. Russia* (no. 60272/00); *Imakayeva and Others v. Russia* (no. 60272/00); *Chitayev and Chitayev v. Russia* (no. 59334/00); *Akmdova and Sadulayeva v. Russia* (no. 40464/02); *Goygova v. Russia* (no. 74240/01); *Khamila Isayeva v. Russia* (no. 6846/02); *Khatsiyeva and Others v. Russia* (no. 5108/02); *Aziyevy v. Russia* (no. 77626/01); *Sangariyeva and Others v. Russia* (no. 1839/04); *Gekhayeva and Others v. Russia* (no. 1755/04); *Ibragimov and Others v. Russia* (no. 34561/03); *Utsayeva and Others v. Russia* (no. 29133/03); *Atabayeva and Others v. Russia* (no. 26064/02), *Elmurzayev and Others v. Russia* (no. 3019/04); *Isigova and Others v. Russia* (no. 6844/02)¹⁰⁶ submit that the authorities should take all necessary steps to investigate the circumstances of the violations suffered by their relatives, to establish the whereabouts of the victims, and to inform the Applicants and their representatives of the latest developments in the investigation of their cases.

65. The Applicants in cases *Rasayev and Chankayeva v. Russia* (no. 38003/03); *Lyanova and Aliyeva v. Russia* (no. 28440/03); *Akmdov and Others v. Russia* (no. 21586/02); *Askharova v. Russia* (no. 13566/02); *Nasukhanova and Others v. Russia* (no. 5285/04); *Zakriyeva and Others v. Russia* (no. 20583/04); *Zaurbekova and Zaurbekova v. Russia* (no. 27183/03); *Khadisov and Tsechoyev v. Russia* (no. 21519/02); *Khaydayeva and Others v. Russia* (no. 1848/04); *Bantayeva and Others v. Russia* (no. 20727/04); *Elsiyev and Others v. Russia* (no. 21816/03); *Dokuyev and Others v. Russia* (no. 6704/03); *Malsagova and Others v. Russia* (no. 27244/03); *Israilova and Others v. Russia* (no. 4571/04)¹⁰⁷ submit that the authorities should rectify the shortcomings of the domestic investigations in their cases as identified by the ECtHR¹⁰⁸ and inform the Applicants and their representatives of the investigative steps taken to restore the Applicants' rights.

MOSCOW, AUGUST 2010

¹⁰⁶ Cases 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 from the above list.

¹⁰⁷ Cases 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.

¹⁰⁸ See paras 49-62 above.

List of Attachments:

1. Letter from the Shali Inter-District Investigating Department of the Chechen Republic of 27 May 2009;
2. The Applicants' letter to the Directorate of the Investigative Committee of the Chechen Republic of 3 July 2009;
3. Letter from the Directorate of the IC of the Chechen Republic of 14 July 2009;
4. Applicant's complaint lodged to the directorate of the IC of the Chechen Republic of 4 December 2009;
5. Letter from the Directorate of the IC of Chechen Republic of 14 December 2009;
6. Decree of Mr. Markovsky of 21 December 2009;
7. Letter from the UGA Military Investigative Department of 7 April 2009;
8. Letter from the Prosecutor's Office of the Chechen Republic of 21 April 2009;
9. Letter from the UGA Military Investigative Department of 13 May 2009;
10. Letter from the IC of Chechen Republic of 27 May 2009;
11. Letter from the UGA Military Investigative Department of 10 November 2009;
12. Letter from the Military Investigating Department of the NCMD and UGA of 30 November 2009;
13. Letter from the Military Investigating Department of the NCMD and UGA of 9 December 2009;
14. Letter from the Prosecutor's Office of the Chechen Republic of 29 July 2009;
15. Letter from the Military Investigative Department of the NCDM and UGA of 14 May 2010;
16. Letter from the Military Investigative Department of the NCDM and UGA of 19 May 2010;
17. Letter from the Prosecutor's Office of the Chechen Republic of 22 September 2009;
18. Letter from the Military Investigative Department of the NCDM and UGA of 14 May 2010;
19. Letter from the Directorate of the IC of Chechen Republic of 2 February 2010;
20. Letter from the Prosecutor's Office of the Chechen Republic of 26 May 2010;
21. Letter from the Prosecutor's Office of the Chechen Republic of 23 April 2010;
22. Letter from the Military Prosecutor's Office of the NCMD and UGA 25 May 2010;
23. Letter from the Military Investigating Department of the NCDM and UGA of 26 April 2010;
24. Letter from the Directorate of the IC of the Chechen Republic of 2 February 2010;
25. Letter from the Military Investigating Department of the NCDM and UGA of 14 May 2010;
26. Letter from the Directorate of the IC of the Chechen Republic of 23 April 2010;
27. Letter from the Directorate of the IC of the Chechen Republic of 30 April 2010;
28. Letter from RJI of 1 June 2010;
29. Letter from the Investigating Committee of the Russian Federation of 6 July 2010;
30. Letter from the Directorate of the IC of the Chechen Republic of 1 February 2010;
31. Letter from the Prosecutor's Office of the NCDM and UGA of 14 May 2010;
32. Letter from the Military Investigating Department of the NCDM and UGA of 18 May 2010.