



**SUBMISSION FROM NGOS RUSSIAN JUSTICE INITIATIVE/ASTREYA
CONCERNING EXECUTION OF THE JUDGMENT IN *TANGIYEV V. RUSSIA* (NO. 27610/05)**

29 July 2015

A. Introduction

1. This submission is made under Rule 9 (1) of the Committee of Minister's Rules and is 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 present submission discusses the execution by the Russian Federation of the judgment in the case of *Tangiyev v Russia*, in which the Court found violations of Article 3 and 6 of the European Convention on Human Rights (the ECHR or the Convention) in the context of the applicant's criminal conviction, which was based on statements made by the applicant under torture while in detention in Chechnya in 2003. The Court also found that there had been no effective investigation by the domestic authorities into the applicant's claims of torture.
3. RJI/Astreya has previously reported in detail on the course of execution of the judgment, and on the numerous incidents of intimidation faced by the applicant up until mid-April 2014.¹ Because of continuing serious physical and psychological intimidation of the applicant, RJI/Astreya filed a Rule 39 request to the ECtHR in August 2014.
4. **On 2 October 2014, the Supreme Court of Chechnya found Timur Tangiyev guilty of the same crimes he had been charged with prior to the judgment of the European Court of Human Rights. This verdict was upheld by the Supreme Court of Russia on 25 March 2015.** In addition, throughout the duration of his re-trial, the applicant tried numerous times—unsuccessfully—to compel the authorities to investigate his **allegations of torture** that occurred during his original trial in 2003-2004. The applicant also made several unsuccessful attempts to force the authorities to investigate the incidents of intimidation committed against him throughout the length of his re-trial in 2014.

B. Summary of concerns

5. The applicant draws the Committee's attention to the following concerns regarding execution in his case, which are discussed in detail in the following sections:
 - i. Regarding the outcome of the applicant's retrial, the applicant submits that the Russian authorities approached the reconsideration of the case as a mere formality. Despite the positive signal sent by the Presidium of the Russian Supreme Court's decision of 25 December 2013, further re-examination of the applicant's case unfortunately **did not have as its purpose an objective reconsideration of the previous verdict, given the conduct of the applicant's re-trial (Section C).**

¹ See Submission of RJI/Astreya and Civic Assistance Committee of March 2014 and Submission of RJI of April 2014 to the Committee of Ministers. Submissions are available at: <http://www.srji.org/en/implementation/materials/>

- ii. The applicant's attempts to compel the authorities to investigate allegations of torture dating from the time of his application to the European Court were entirely unsuccessful. We note with particular concern that the authorities' failure to investigate incidents of torture that occurred in 2003, in addition to showing a lack of execution of the Court's judgment in this part, also demonstrates a blatant but unfortunately commonplace **example of impunity leading to new crimes**. As discussed below (see para. 25), **one of the same police officers who allegedly tortured the applicant in 2003, who is now a high-ranking official in Chechnya, had physical access to the applicant in the Grozny pre-trial detention centre and took advantage of his position to threaten the applicant with further torture and/or death, while the applicant was awaiting the re-examination of his case in 2014 (Section E)**.
- iii. Throughout the duration of the applicant's re-trial, he was subjected to intimidation and pressure by various high-placed officials, which led him to self-harm on three separate occasions. These officials were aware of the applicant's acute psychological condition which pre-disposed him to self-harm. No investigation was carried out into the applicant's allegations of ill-treatment throughout the duration of his re-trial (Section F).
- iv. We offer questions and recommendations in connection with the applicant's case **(section G)**.

C. Concerning the outcome and conduct of the re-examination of the applicant's conviction by the Supreme Court of the Chechen Republic

6. On 2 October 2014 the Supreme Court of the Chechen Republic in a jury trial found the applicant guilty of the same crimes he had been charged with prior to the judgment of the European Court of Human Rights.² The applicant submits that the reconsideration of his case cannot be considered objective for the following reasons:

- i. Although the prosecutor formally excluded the applicant's previous confession (obtained under torture) as evidence, the prosecution subsequently relied exclusively on confessions made by alleged accomplices in the crimes that Tangiyev was charged with, despite the fact that these witnesses/accomplices *were themselves tortured during the investigation in 2003 and confessed under duress*. All of the accomplices whose testimony was used by the prosecutors as evidence against the applicant were incarcerated at the time of the proceedings, and some of them retracted their earlier confessions during the course of questioning. **In summary, none of the counts the applicant was charged with—and ultimately reconvicted of—were supported by any direct evidence of his guilt; the applicant was convicted based on evidence obtained under torture, and much of the evidence was circumstantial (i.e. no witnesses stated that they had seen the applicant carry out the most serious of the crimes he was charged with, i.e. murder).**
- ii. Numerous other serious procedural violations were committed during the reconsideration of the applicant's case, such as:
 - a) Biased jury selection, i.e. the jury included law-enforcement officers who had been wounded while on duty (the applicant was charged with attacks against law enforcement officers);
 - b) Prosecutors putting pressure on the jury;
 - c) Prosecutors putting pressure on key witnesses;
 - d) Victims allowed to talk to jurors;

² See Decision of the Supreme Court of the Chechen Republic of 2 October 2014.

- e) Presenting information designed to demonize Tangiyev in the eyes of the jury, even though such evidence was borrowed from other criminal cases;
 - f) The presiding judge refused to exclude inadmissible evidence, such as evidence produced under torture;³
 - g) In addition, as described below, one of the officials who tortured the applicant in 2003—now a high-placed official of FSIN in Chechnya—told the applicant that he had directly contacted the judge presiding over the applicant’s re-trial in the Supreme Court of Chechnya and “convinced” her that the applicant was guilty.
7. Although the above violations were enumerated in the applicant’s appeal of his verdict to the Supreme Court of the Russian Federation, the latter upheld the verdict of the Supreme Court of Chechnya, save for excluding one of the charges due to the statute of limitations. **Tangiyev was sentenced to 21 years in prison,⁴ which is three years less than his sentence handed down in 2005. However, we draw the Committee’s attention to the fact that the three-year reduction of the sentence was due to expired statute of limitations for certain minor charges and was not the result of the reconsideration of his case on the merits.**
8. The applicant has doubts that the conduct of his re-trial can be determined to have satisfied the Court’s finding of the right to a fair trial in his case. Not only were there serious procedural violations during the re-trial that were detrimental to the applicant’s position, the applicant’s new conviction was based entirely on circumstantial evidence, much of which was also obtained under torture.

D. The applicant’s attempts to pursue an investigation into torture

9. The European Court in *Tangiyev v Russia* found that the applicant had been subjected to treatment amounting to torture.⁵
10. In April 2014, the applicant’s representative submitted an appeal to the law enforcement agencies of Chechnya asking them to reverse a decision dating from May 2004 not to institute criminal proceedings into the torture of the applicant (see paras 36, 38 of the Court’s judgment) and urging them to institute criminal proceedings.⁶
11. In response, the Chechen Prosecutor’s Office informed the applicant that a number of decisions had been made not to open criminal proceedings into the applicant’s torture at ORB-2 in 2003 due to the absence of the elements of a crime; the most recent such decision was made on 24 February 2014; on 16 April 2014, the decision not to institute criminal proceedings was reversed, and the case file was sent to the Investigation Department of the Investigative Committee for the Chechen Republic for further review; Tangiyev’s representative was informed that he would be notified of the results.⁷ Subsequently, however, the applicant’s representative did not receive copies of any documents, including the decision of 24 February 2014 or a copy of the decision to reverse the decision not to open criminal proceedings. Therefore, the applicant’s representative is not aware of either the reasons for the most recent refusal to institute criminal proceedings so he could appeal this decision with reference to the facts established in the Court’s judgment, or of any specific reasons why the decision not to open criminal proceedings was reversed.⁸
12. On 12 May 2014, the Staropromyslovsky District Investigative Department of the Investigative

³ These violations are described in detail in the appeal of the applicant’s representatives of 24 November 2014 to the Supreme Court of Russia, attached to this submission.

⁴ See judgment of the Supreme Court of Russia of 26 March 2015.

⁵ See *Tangiyev v Russia*, para. 56.

⁶ See RJI’s submission of 14 April 2014, *supra* n. 1.

⁷ See Letter from Chechen Prosecutor’s Office of 18 April 2014.

⁸ See letter from Chechen Prosecutor’s Office of 5 May 2014.

Committee of the Chechen Republic refused to institute criminal proceedings into the applicant's allegations of torture in 2003 at ORB-2 due to the absence of the elements of a crime. The decision contains no reference to the European Court's judgment. A copy of the decision was sent to the applicant only.⁹ Subsequently, the applicant's representative received an email from the Chechen Prosecutor's office which read "don't show off!"¹⁰ Perceiving this message as a threat, the applicant's representative complained to the Prosecutor of Chechnya about this incident, indicating that this type of pressure against Tangiyev's representatives suggests that the applicant himself may be facing a far more dangerous situation; the lawyer requested an internal inquiry into the threats against him and maximum possible safeguards for the Applicant.¹¹

13. In June 2014, the applicant's representative requested the law enforcement agencies of Chechnya to send him a copy of the decision of 24 February 2014 and to inform him if criminal proceedings had been instituted into the applicant's allegations of torture.¹² His request was left without response.

14. In July 2014, the applicant complained to the Staropromyslovsky District Court of Grozny about the decision of 12 May 2014 not to institute criminal proceedings into the applicant's allegations of torture, and requested the district court to quash the decision and to order another inquiry, with reference to the European Court's judgment.¹³

15. On 16 July 2014, the Staropromyslovsky Court sent the complaint back to the applicant without consideration. The reasons given by the district court for leaving the complaint without consideration were puzzling and include (a) the lack of indication of the applicant's whereabouts in the complaint; (b) lack of an attached document certifying the authority of the person who has signed and filed the complaint. Both of these reasons are not only technical in nature but defy common sense, because it was clear from the text of the complaint that the applicant sent the complaint from SIZO N^o1 of Grozny and signed it himself.¹⁴

16. On 24 July 2014, the applicant's lawyer complained to the Staropromyslovsky District Court of Grozny about the failure by the Investigative Department of the Investigative Committee of Chechnya to inform the lawyer of the decision taken on the complaint before or after the deadline prescribed by law for such notifications. The complaint was ignored.¹⁵

17. On 28 October 2014, the applicant's representative filed a request with the Investigative Committee of the Chechen Republic to be given access to the findings from the inquiry into Tangiyev's allegations of torture at ORB-2 in 2003.¹⁶ In response, he was offered access to the case file without being allowed to make copies.¹⁷ Due to the large volume of the case file, not being able to copy any of the documents prevented the effective representation of Tangiyev's interests; therefore, the applicant's representative continued to file repeated requests with the district court asking to reverse the investigator's decision, yet many of his complaints were returned to him on formal grounds.¹⁸

18. In March 2015, the applicant's representative accessed and studied the case file in the presence of the investigator without making copies. Based on his findings, he filed a petition to institute criminal

⁹ See decision of Staropromyslovsky Investigative Department of 12 May 2014.

¹⁰ See copy of e-mail of 14 May 2014.

¹¹ See letter to the Prosecutor's Office of Chechnya of 23 May 2014.

¹² See applicant's local representative's submission of 20 June 2014 to the Investigative Committee of Chechen Republic.

¹³ See applicant's complaint of 14 July 2014.

¹⁴ See decision of Staropromyslovsky court of 16 July 2014.

¹⁵ See applicant's local representative's submission of 24 July 2014 to the Staropromyslovsky District Court.

¹⁶ See applicant's representative's submission of 28 October 2014 to the Investigative Committee of Chechen Republic.

¹⁷ See investigator's decision of 12 November 2014.

¹⁸ See applicant's representative's complaints and responses to them of 29 December 2014, 30 December 2014, 16 January 2015, 19 February 2015, 20 February 2015.

proceedings.¹⁹ The representative's petition was turned down.²⁰ On 16 March the applicant appealed against this decision to the Staropromyslovsky court.²¹ In June 2015, the applicant's representative again appealed the denial of his request to the Staropromyslovsky District Court.²² The complaint was left without a response.

E. Concerning investigation into the incidents of pressure against the applicant during and after reconsideration of his case

19. The applicant's representatives have made a series of submissions to the Committee of Ministers and the Department for the execution of the Court's judgments concerning the pressure put on the applicant by FSB officers at penitentiary facility №6 (IK-6) in Vladimir region to force the applicant to waive his right to have his case re-examined by the Presidium of the Supreme Court,²³ and by the administration of SIZO №1 in Grozny and officers of the Federal Penitentiary Service (FSIN) of Chechnya at the time when the Supreme Court of Chechnya was re-examining his case on the merits.²⁴ To remind, during his detention in SIZO №1 in Grozny between April and October 2014, Tangiyev, affected by the physical and moral pressure, made three suicide attempts: on 10 April, between 18 and 20 June, and on 15 July 2014.

20. At the outset, we also note that the administration of SIZO №1 was well-aware of the applicant's tendency to self-harm under pressure, a fact confirmed by a psychologist who evaluated the applicant regularly. Despite the psychologist's expert opinion to this effect, the prison administration increased undue pressure on the applicant. Thus, following a psychological examination of the applicant on 11 April 2014, i.e. almost immediately after his first self-harming episode, the medical expert concluded that [the applicant] was prone to acts of self-harm (and suicide) as a way to attract attention to his problems.²⁵ Despite this conclusion, the applicant was subsequently subjected to constant psychological pressure, and was physically assaulted (see paras. 43-45 below) and also placed in isolation as a disciplinary measure. The applicant was also forced to strip naked in front of SIZO №1 officers who filmed him on video.²⁶ Knowing of the applicant's vulnerable psychological state and propensity for self-harm, such conduct by officials certainly reaches the threshold of inhuman and degrading treatment.²⁷

21. As the applicant's representatives, we submit to the Committee of Ministers that none of the appeals made on behalf of the applicant by his representatives have led to criminal proceedings against the officials who ill-treated the Applicant. As noted in the summary, one of the same police officers who tortured Tangiyev in 2003, abused his now high-placed position in order to threaten and intimidate the applicant in 2014, i.e. after the Court's judgment, when Tangiyev was transferred to Grozny for reconsideration of his case.

(a) The authorities' refusal to investigate the reports of pressure on the Applicant by FSB officials

22. On 18 December 2013, the Civic Assistance Committee, a Russian NGO acting on behalf of the applicant, reported a crime allegedly committed against the applicant by FSB officers who visited him in

¹⁹ See applicant's representative's submission of 13 March 2015.

²⁰ See investigator's decision of 27 March 2015.

²¹ See applicant's representative's submission of 16 March 2015.

²² See applicant's representative's submission of 23 June 2015.

²³ See submissions by the applicant's representatives to the Committee of Ministers on 13 March 2014, *supra note 1* (in English).

²⁴ See submission by the applicant's representatives to the Committee of Ministers on 16 April 2014 (in English) and copies of appeals to the Russian law enforcement authorities forwarded to the Department for the execution of the Court's judgments: (i) Attempted suicide in April 2014 – complaints from the applicant's representatives dated 14 April 2014 (in Russian), 21 April 2014 (in Russian), 22 April 2014 (in Russian), 6 June 2014 (in Russian), 30 June 2014 (in Russian); strangulation of the Applicant and the ensuing attempted suicide in June 2014 – complaint of 4 July 2014; attempted suicide following threats from the chief of SIZO No.1 – complaint of 24 July 2014.

²⁵ See psychologist's expert opinion of 14 April 2014.

²⁶ See witness statement of inmates at SIZO-1 of 7 June 2014 (Mr. A.A.R., U.A.T., M.V.H.)

²⁷ See the European Court's judgment in *Renolde v France*, 16 October 2008.

mid-November 2013.²⁸

23. On 12 February 2014, the Military Investigative Department in Vladimir refused to institute criminal proceedings into the report. While the investigators admitted that indeed, the applicant was visited at the material time by FSB officer A.L., the decision to refuse to institute proceedings also said that the applicant himself had asked the Investigative Committee to drop the initial inquiry into the case.²⁹ The Russian Government in its previous submission concerning the execution of the judgment in this case drew attention to the fact that the applicant had withdrawn his complaints concerning pressure exerted upon him in February 2014 while he was in the Vladimir penal colony, supposedly due to his representatives' "misinterpretation" of his statements. Although we as the applicant's representatives have not received any commentary in this regard directly from the applicant, our well-founded supposition is that the applicant withdrew his complaints due to further pressure exerted either on him or on his close family members. In any case, we would remind the Committee that the applicant's complaint was withdrawn *only in relation to one incident*, in February 2014, which occurred *before the reconsideration of his case*.

(b) The authorities' refusal to investigate the reports of pressure on the applicant at SIZO N°1 in Grozny

(i) The incident of 10 April 2014

24. On 9 April 2014, Lieutenant Colonel Al.,³⁰ Deputy Head of the Federal Penitentiary Service Division (UFSIN) in Chechnya, entered the applicant's cell, introduced himself and said that he had personally taken part in torturing the applicant at the Staropromyslovsky temporary detention centre in June 2003 (see the facts established by the Court in paras 16, 17). Mr Al. said that the applicant should not dream of being released as a result of the reconsideration of his case and further said that he [Mr Al.] and his colleagues had spoken with the judge presiding over the re-trial of the applicant's case and explained to her that the applicant was guilty and should not go free. Mr Al. added that Tangiyev was his [Mr Al's] personal enemy and promised to kill him; exiting the cell, Mr Al. said to the applicant: "I am leaving you alive for a while."³¹

25. On 10 April 2014, Mr RM,³² an officer at SIZO N°1 entered the applicant's cell and said that the applicant must fire his legal team consisting of Moscow and Ingush lawyers, and that on the following afternoon of 11 April 2014, the applicant would be escorted to the ORD (operational investigation division, formerly ORB-2), where the [applicant's] "old friends" would want to talk to him and convince him not to retract his confession.³³

26. On 11 April 2014, the applicant was indeed called out after lunch. Recalling the threats of both Mr Al. and Mr RM, and fearing that he would be tortured, the applicant slashed both his wrists,³⁴ and was placed in a disciplinary cell immediately following the incident.³⁵

27. On 14 April, RJI sent letters to the Russian and Chechen Ombudsman offices asking them to

²⁸ See crime report of 18 December 2013.

²⁹ See decision not to institute criminal proceedings of 12 February 2014.

³⁰ Full name on file with the applicant's representatives.

³¹ See the representatives' submissions to the Committee of Ministers of 16 April 2014 (in English) *supra n. 1*, the representatives' complaints of 14 April 2014 (in Russian), 21 Apr 2014 (in Russian), 22 April 2014 (in Russian), 6 June 2014 (in Russian), 30 June 2014 (in Russian) forwarded to the Department for execution of the Court's Judgments.

³² Full name on file with the applicant's representatives.

³³ See *supra* note 24

³⁴ See *supra* note 24

The applicant subsequently appealed his placement in the disciplinary cell without success. The representatives are not in possession of the applicant's written complaint.

- monitor the applicant's detention at SIZO N^o1 due to a high risk of undue pressure on the applicant.³⁶
28. On 15 April 2014, the applicant submitted a statement to the presiding judge in his case; he described the incident and asked to ensure the safety against the threats made by the said persons.³⁷
29. On 21 April 2014, RJI filed a crime report with the law enforcement agencies of Chechnya.³⁸ On 22 April 2014, SRJI filed a request asking to send the response to their complaint of 21 April to the organisation's e-mail address to avoid delay.³⁹
30. On 16 May 2014, the Leninsky District Court dismissed the applicant's complaint against his placement in the disciplinary cell following the 11 April incident.⁴⁰
31. On 19 May 2014, the Investigative Committee of Chechnya informed RJI that an inquiry was ongoing into the complaint submitted on 14 April 2014, and the results will be sent to RJI both by mail and by e-mail.⁴¹
32. On 21 May 2014, the Investigation Department of the Investigative Committee of the Russian Federation in Chechnya responded to RJI's complaint of 21 April, saying that an inquiry into the appeal was underway and the Investigative Committee would inform RJI by e-mail of any decisions taken in the course of the inquiry.⁴²
33. On 21 May 2014, the Investigation Department of the Investigative Committee for Chechnya refused to institute criminal proceedings into the incident with Tangiyev due to absence of the event of crime. While the investigating authority established that Deputy Head of Chechnya UFSIN Mr Al. had indeed visited the applicant in his cell on 10 April, it was described as a scheduled visit as part of Mr Al.'s inspection of detainee cells. As the applicant's representatives, we submit an apparent omission in that the investigators failed to establish whether Mr Al. had interrogated the applicant at ORB-2 in 2003, whether he had been involved in any manner in the applicant's earlier case and if so, how specifically he was involved.⁴³ The investigators failed to send a copy of their decision to RJI.
34. On 25 May 2014, the decision of 21 May 2014 not to institute criminal proceedings was reversed, and another inquiry into the case was undertaken, resulting on 4 June 2014 in a similar decision to refuse to institute criminal proceedings citing absence of *corpus delicti*. The investigator in charge of the new inquiry, once again, failed to inquire whether Mr Al. had been involved in the investigation of Tangiyev's case back in 2003. Likewise, the investigator ignored the testimony of Tangiyev's cellmate who quoted Mr Al. as saying loudly to the applicant, "You are still alive, you will not be released."⁴⁴ The investigator did not send a copy of the decision to RJI.
35. On 4 June 2014, the applicant challenged the decision of 21 May 2014 not to institute criminal proceedings to the Staropromyslovsky District Court.⁴⁵
36. On 6 June 2014, the Staropromyslovsky District Court returned the complaint to the applicant stating that the latter should have appealed to another court according to territoriality.⁴⁶

³⁶ See *supra* note 24

³⁷ The applicant's submission to the presiding judge of 15 April 2014 is not available for this submission.

³⁸ See *supra* note 24.

³⁹ See *supra* note 24.

⁴⁰ A copy of the decision of the Leninsky district court of 16 May 2014 is not available for this submission.

⁴¹ See letter from the Investigative Committee of Chechen Republic of 19 May 2014.

⁴² See letter from the Investigative Committee of Chechen Republic of 21 May 2014.

⁴³ See decision of the Investigative Committee of Chechen Republic of 21 May 2014.

⁴⁴ See decision of the Investigative Committee of Chechen Republic of 4 June 2014.

⁴⁵ See applicant's complaint of 4 June 2014.

⁴⁶ See decision of Staropromyslovsky district court of 6 June 2014.

37. On 30 June 2014, the administration of SIZO N^o1 submitted its objections to the Leninsky District Court regarding the applicant's complaint against being placed in the disciplinary cell.⁴⁷
38. On 3 July 2014, the Staropromyslovsky District Court rejected the applicant's complaint against the decision of 4 June 2014 not to institute criminal proceedings. In his complaint, the applicant submitted that the investigators had failed to question the two key witnesses – the applicant's cellmates, and failed to check the footage from video surveillance cameras which could prove that Mr Al. was not accompanied while threatening the applicant, which, in turn, means that the statements made by other officers of SIZO N^o1 denying Mr Al.'s threats were not true. The court explained its rejection of the applicant's complaint by saying that at the material time, the decision he was challenging had already been reversed by the investigating authority.⁴⁸
39. On 14 July 2014, following reversal of the decision of 4 June 2014 not to institute criminal proceedings and a subsequent new inquiry, the investigating authority, once again, decided not to institute criminal proceedings. The investigators questioned the witnesses – the applicant's cellmates, and found that SIZO N^o1 only kept the footage from surveillance cameras for a maximum of 19 days, thus at the time of the inquiry it was no longer possible to view the footage of the date in question. Once again, they failed to check whether Mr Al. had been involved in the investigation of the applicant's case in 2003.⁴⁹
40. On 25 July 2014, the applicant's representative complained to the Staropromyslovsky District Court against the decision not to institute criminal proceedings. The complaint stated that the investigators had questioned eight witnesses, of whom six were current officers of UFSIN in Chechnya; even though the other two witnesses – the applicant's cellmates – testified that the applicant had been subjected to death threats, the investigators ignored their statements and interpreted them to mean the absence of threats; the investigators also disregarded the fact that the applicant's cellmates identified Mr Al. as “the former chief of the Staropromyslovsky police station in Grozny who participated in Tangiyev's arrest in 2003 ...”; the lawyer pointed out in this regard that the investigators simply refused to establish any connection between Mr Al. and Tangiyev in the context of the investigation conducted in 2003.⁵⁰
41. The applicant's lawyer did not receive any information from the Staropromyslovsky Court about the fate of his complaint either within the legal five-day deadline or afterwards.

(ii) The incidents of 18 to 20 June 2014

42. On 18 June 2014, the applicant was led to a separate room, where he was met by officers of SIZO N^o1, including Mr RA,⁵¹ prison chief; Mr AD,⁵² chief of security department; and Mr RM, chief of operations department. After the applicant entered the room, an unidentified person attacked him from behind and began to choke him. The applicant could not see the attacker, but remembered that he [the attacker] was wearing a uniform of the same colour as worn by special purpose units of the Federal Migration Service in Chechnya. The applicant lost consciousness and regained it only when ammonia was used to wake him up. Once the applicant regained consciousness, prison chief Mr RA said to the applicant, “*There will be no other time, it's the first and the last time that they wake you up. Calm down! Your complaints, your lawyers from Moscow will not help you. You are in our hands.*” Back in his cell, the applicant called into the next cell saying that in case he was killed, Messrs. RA, AD and RM

⁴⁷ See submission of the administration of SIZO-1 of 30 June 2014.

⁴⁸ See decision of the Staropromyslovsky district court of 3 July 2014.

⁴⁹ See decision of the Investigative Committee of Chechen Republic of 14 July 2014.

⁵⁰ See applicant's representative's complaint to Staropromyslovsky district court of 25 July 2014.

⁵¹ Full name on file with the applicant's representatives.

⁵² Full name on file with the applicant's representatives.

would be responsible for his death.⁵³ Presumably, the applicant once again slashed his wrists with a razor one night between 18 and 20 June 2014, while in the disciplinary cell.⁵⁴

43. On 4 July 2014, RJI filed a crime report with the law enforcement agencies of Chechnya.⁵⁵ However, we never received any response to our submission, nor are we aware whether the authorities ever instituted criminal proceedings into the attack on the applicant.

(iii) The incident of 15 July 2014

44. On 15 July 2014, the applicant was brought from the Supreme Court of Chechnya to SIZO N^o1 in Grozny. Once in SIZO, he was taken to prison chief Mr RA who told the applicant that he [the chief] intended to place the applicant in the disciplinary cell and hold him there until the applicant “calms down,” by which he meant that the applicant should stop complaining about the incident of 18 June 2014 and his detention conditions in SIZO N^o1 in general. Then the applicant was placed in the disciplinary cell where he self-inflicted six cuts to his right forearm, 14 cuts to his left forearm, and five cuts to his throat.⁵⁶
45. On 24 July 2014, RJI filed a crime report with the law enforcement agencies of Chechnya. However, we never received any response to our submission, nor are we aware whether the authorities ever instituted criminal proceedings into the attack on the applicant, and if so, with what results.⁵⁷
46. Since the conclusion of the applicant’s re-trial and appeal, no further information has become available about the applicant’s current conditions of detention.

(F) QUESTIONS AND RECOMMENDATIONS

(i) Questions.

1. What is the status of the investigation into Tangiyev's torture in 2003 established by the Court?
2. Has there been an inquiry into Mr Al.'s alleged involvement in the investigation of Tangiyev's case in 2003 and into Mr Al.'s statements that he had tortured Tangiyev?
3. What is the status of the investigation into the death threats and threats of torture made against Tangiyev following his arrival at SIZO N^o 1 and his subsequent suicide attempt in April 2014?
4. Have there been any inquiries into the crime reports filed in connection with the attack against Tangiyev and his suicide attempts in June 2014 and July 2014? If so, what are the results of the inquiries?

(ii) Recommendations

47. In connection with the above submission, we offer the following recommendations to the authorities of the Russian Federation:
1. Require that independent observers should attend any reopened proceedings in this category of cases;
 2. Provide guarantees of physical and psychological integrity to applicants whose cases are being re-considered as a result of the judgment of the ECtHR;
 3. Provide guarantees of safety to other parties to the proceedings, such as judges, applicants'

⁵³ See applicant’s statement addressed to his lawyer of 1 July 2014.

⁵⁴ See extract from the medical records book of 10 July 2014 and statement of the applicant’s mother of 20 June 2014.

⁵⁵ See RJI’s submission of the crime report of 4 July 2014.

⁵⁶ See applicant’s statement addressed to his lawyer of 16 July 2014.

⁵⁷ See RJI’s submission of the crime report of 24 July 2014.

representatives, and prosecutors;

4. Ensure that *all* evidence produced under torture be excluded in any re-examination of previous proceedings;
5. Address the challenges of reexamining such cases where physical evidence may be partially lost and witnesses may have forgotten past events, died or moved elsewhere;
6. Require that cases re-opened at the domestic level in Chechnya following judgments of the European Court of Human Rights be considered by a domestic court of a different territorial jurisdiction from the court which passed the original verdict.