



STICHTING
RUSSIAN JUSTICE INITIATIVE

Правовая инициатива

MEMORANDUM

TO THE COMMITTEE OF MINISTERS

REGARDING APPLICANTS' OBSERVATIONS ON THE
EXECUTION OF THE JUDGMENTS OF THE EUROPEAN
COURT OF HUMAN RIGHTS FROM THE NORTH CAUCASUS

23 May 2011

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 DH Meeting from 7-9 June 2011. 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 May 2011 was representing Applicants in 102 out of almost 170 cases decided to date concerning grave violations of the European Convention of Human Rights in the North Caucasus.
3. The last comprehensive update to the Committee from RJI regarding individual measures was submitted in August 2010.¹ A separate submission regarding individual measures in a further three cases was submitted in November 2010.²
4. The present submission will provide the Committee in Sections A and B with information current as of 15 May 2011 on individual measures in cases stemming from judgments which became final more recently and on which RJI has not yet reported to the Committee (cases 4-19 from the list below). It also provides an update in cases on which RJI has previously reported to the Committee (cases 1-3 from the list below). For each of these cases, we present an overview of the correspondence between the Russian authorities and the applicants regarding post-judgment investigative actions. Also, for each case, we include questions on the investigation which should be brought to the attention of the Russian delegation. In Section C we present concluding remarks.
5. We note at the outset that in none of the cases listed below has the Government 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. Specifically, certain practices of the investigative authorities which have been reported previously³ by RJI to the Committee of Ministers have remained unchanged, namely:

¹ Submission on Individual Measures to the Committee of Ministers of 25 August 2010 (available on: <https://wcd.coe.int/wcd/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1644958&SecMode=1&DocId=1616786&Usage=2> , last accessed 4 April 2011).

² See Submission of 3 November 2010 in 3 cases of the *Khashiye* group against the Russian Federation (available on: <https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=DH-DD%282010%29587&Language=lanEnglish&Ver=original&Site=DG4&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679>, last accessed 17 May 2011).

³ See submissions of 26 May and 3 November 2010, *supra nos. 1 and 2* also earlier submissions of 2007 and 2009.

- Repetitive suspension and re-opening of investigations with no tangible progress made and transferring of correspondence between agencies and departments with no information on substantive results of the investigation;
- Denial of the involvement of military and security personnel in the violations against the applicants;
- Formalistic responses received by the applicants in response to their queries.

List of Cases

- (1) *Khatsiyeva and Others v. Russia* (no. 5108/02), judgment of 17 January 2008, final on 7 July 2008;
- (2) *Elsiyev and Others* (no. 21816/03), judgment of 12 March 2009, final on 14 September 2009;
- (3) *Malsagova and Others v. Russia* (no. 27244/03), judgment of 9 April 2009, final on 6 November 2009;
- (4) *Taysumov and Others v. Russia* (no. 21810/03), judgment of 14 May 2009, final on 6 November 2009;
- (5) *Nenkayev and Others v. Russia* (no. 13737/03), judgment of 28 May 2009, final on 6 November 2009;
- (6) *Khasuyeva v. Russia* (28159/03), judgment of 11 June 2009, final on 6 November 2009;
- (7) *Yusupova and Others v. Russia* (no. 5428/05), judgment of 9 July 2009, final on 10 December 2009;
- (8) *Karimov and Others v. Russia* (no. 29851/05), judgment of 16 July 2009, final on 10 December 2009;
- (9) *Zabiyeva and Others v. Russia* (no. 35052/04), judgment of 17 September 2009, final on 3 March 2010;
- (10) *Magomadova and Others v. Russia* (no. 33933/05), judgment of 17 September 2009, final on 1 March 2010;
- (11) *Asadulayeva and Others v. Russia* (no. 15569/06), judgment of 17 September 2009, final on 1 March 2010;
- (12) *Babusheva and Others v. Russia* (no. 33944/05), judgment of 24 September 2009, final on 1 March 2010;
- (13) *Amanat Ilyasova and Others v. Russia* (no. 27001/06), judgment of 1 October 2009, final on 1 March 2010;
- (14) *Khantiyeva and Others v. Russia* (no. 43398/06), judgment of 29 October 2009, final on 10 May 2010;
- (15) *Ustrakhanova v. Russia* (no. 35744/05), judgment of 26 November 2009, final on 10 May 2010;
- (16) *Ismailov and Others v. Russia* (no. 33947/05), judgment 26 November 2009, final on 10 May 2010;
- (17) *Iriskhanova and Iriskhanov v. Russia* (no. 35869/05), judgment of 18 February 2010, final on 28 June 2010;
- (18) *Dzhabrailovy v. Russia* (no. 3678/06), judgment of 20 May 2010, final on 4 October 2010;
- (19) *Vakayeva and Others v. Russia* (no. 2220/05), judgment of 10 June 2010, final on 4 October 2010;
- (20) *Tupchiyeva v. Russia* (no. 37461/05), judgment of 22 April 2010, final on 4 October 2010;
- (21) *Seriyevy v. Russia* (no. 20201/05), judgment of 8 April 2010, final on 4 October 2010;
- (22) *Suleymanova v. Russia* (no. 9191/06), judgment of 12 May 2010, final on 4 October 2010.

A. Information on cases 1 – 3 from the above list

(i) *Khatsiyeva and Others v. Russia*: Update on Correspondence

6. On 29 October 2010 the Military Investigating Department of the North-Caucasus Military District and of the United Group Alliance (the Military Investigating Department of the NCMD and UGA) informed the applicants that the criminal investigation in case No 34/00/0024-10, which was opened on 6 August 2000, had been re-opened.⁴
7. On 29 November 2010 the Military Investigating Department of the NCMD and UGA informed the applicants that investigation in their case had been suspended on account of a failure to identify the perpetrators.⁵
8. The Military Investigating Department of the NCMD and UGA did not attach copies of the above decisions.

Questions on *Khatsiyeva and others*

9. The applicants note that the investigation in their case has been repeatedly suspended and re-opened despite the fact that the investigation established the identity of the pilots of the two MI-24 helicopters who killed the applicants' relatives.⁶ As the Court noted, it is highly unlikely that the identity of their commanders could not have been established.⁷
 - a) Have the applicants been awarded victim status in the criminal investigation?⁸
 - b) Has the investigation reviewed the order by the military prosecutor of December 2001 that the use of lethal force against the applicants' relatives was justified in the circumstances of the case?⁹
 - c) Has the investigation identified and questioned the commander of the two pilots of the MI-24 helicopters who killed the applicants' relatives?¹⁰

(ii) *Elsiyev and Others*: Update on Correspondence

10. On 15 February 2010 the Prosecutor's Office of the Chechen Republic informed the applicant that the criminal investigation in case No 75089 had been re-opened on 1 February 2011.¹¹
11. On 1 March 2011 the Prosecutor's Office of the Chechen Republic informed the applicant that the criminal investigation in the case No 75089 had been suspended.¹² It did not provide the reasons for this decision and did not attach copies of the above decisions.

Questions on *Elsiyev and Others*

12. The applicants reiterate their concerns with regard to the state of post-judgment investigation in their cases, previously expressed in the submission to the Committee of Ministers of 25 August 2010, and again request that the following questions be addressed to the Russian delegation:
 - a) Have the authorities questioned either the commanding officers, in particular General Studenikin, or

⁴See letter of 29 October 2010 attached.

⁵ See letter of 29 November 2010 attached.

⁶ *Khatsiyeva and others v Russia*, para. 147.

⁷ *Ibid.*

⁸ *Ibid.*, para.148.

⁹ *Ibid.*, para. 147.

¹⁰ *Ibid.*

¹¹ See letter of 15 February 2010 attached.

¹² See letter of 1 March 2010 attached.

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?¹³

- 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?¹⁴

(iii) Malsagova and Others v. Russia : Update on Correspondence

13. On 27 July 2010, in response to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the Special Investigating Unit No 2 within the Directorate of the Investigative Committee for the Chechen Republic (the *SIU*).¹⁵
14. On 6 August 2010 in reply to RJI's letter, the Military Investigating Department of the NCMD and UGA informed RJI that its letter regarding the applicants' case had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.¹⁶

Questions on *Malsagova and Others*

15. The Applicants recall 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.¹⁷

- 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?¹⁸

B. Information on cases 4- 18 from the above list

(i) Taysumov and Others v. Russia : Update on Correspondence

16. On 27 July 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that it was unable to provide information regarding the investigation in the applicants' case No 56136. RJI was also informed that the case had been forwarded to the Military Investigating Department of the NCMD and UGA where it had been given a new case number, No 34/33/0621-02.¹⁹
17. On 3 August 2010, in reply to RJI's letter, the Prosecutor's Office of the Chechen Republic informed RJI that its letter had been forwarded to the Military Investigating Department of the NCMD and UGA.²⁰

¹³ *Elsiyev and Others v. Russia* (no. 21816/03), paras 41, 44-47 and 165.

¹⁴ *Elsiyev and Others v. Russia* (no. 21816/03), paras 125 and 165.

¹⁵ See letter of 27 July 2010 attached.

¹⁶ See letter of 6 August 2010 attached.

¹⁷ *Malsagova and Others v. Russia* (no. 27244/03), para 113.

¹⁸ *Malsagova and Others v. Russia* (no. 27244/03), para 123.

¹⁹ See letter of 27 July 2010 attached.

²⁰ See letter of 3 August 2010 attached.

18. On 6 August 2010 in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Military Investigating Department of the NCMD and UGA.²¹
19. On 23 August 2010 RJI was informed by the Military Investigating Department of the NCMD and UGA that as of 28 September 2002 the applicants' case was being investigated by the military authorities and that the case had been given the case number No 34 /33/0621-02. It was also stated that investigation into the case was regularly suspended on account of a failure to identify the perpetrators. In the same letter RJI was informed that on 5 April 2010, following the creation of a special investigating department within the Military Investigating Department of the NCMD and UGA, which focuses on the investigation of crimes committed against the local civilian population, including past crimes, the case materials had been sent to the Military Investigating Department of the NCMD and UGA. The case was given No 34/00/0007-10. It was further stated that following the judgment of the ECtHR, the applicants' case had been re-opened and suspended several times but that the investigation had not established the involvement of military personnel in the violations complained of.²²
20. On 26 August 2010 RJI was informed that the investigation in the applicants' case was suspended on account of a failure to identify the perpetrators. RJI was informed that operational and search measures aimed at identifying the suspects were ongoing; no particular measures were indicated.²³

Questions on *Taysumov v Russia*:

21. The applicants recall that the ECtHR established that federal military forces carried out the attack of 7 September 2002 which killed the applicants' three relatives, and that it criticized the authorities for their failure to take any efforts which would establish the identities of the state agents who had given the order to fire artillery shells at the populous village, or of those who had carried out the order.²⁴ To date the authorities have not officially established the involvement of military personnel in the crime against the applicants.
- a) Have the authorities identified and questioned the commanding officers who were in charge of the artillery weaponry within the military units located in the vicinity of *Chechen-Aul* in September 2002, when the attack against the applicants' relatives took place?²⁵

(ii) *Nenkayev and Others v. Russia*: Update on Correspondence

22. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that the applicants' case – No 61116 – was being investigated by the Directorate of the Investigative Committee for the Chechen Republic.²⁶
23. On 5 October 2010, in reply to RJI's letter, the Investigative Committee for the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.²⁷
24. RJI has not yet received a reply to its letter from the *SIU*.

²¹ See letter of 6 August 2010 attached.

²² See letter of 23 August 2010 attached.

²³ Letter of 26 August 2010 on file with RJI.

²⁴ *Taysumov and Others v. Russia* (no. 21810/03), para 62.

²⁵ *Taysumov and Others v. Russia* (no. 21810/03), para 102.

²⁶ See letter of 29 September 2010 attached.

²⁷ See letter of 5 October 2010 attached.

Questions on *Nenkayev and others*

25. The applicants note that the ECtHR finding on alleged implication of the *GRU (the Main Intelligence Department)* and *FSB (the Federal Security Service)* servicemen in the crime.²⁸
- a) Have the authorities questioned the GRU servicemen? What measures have been taken with regard to the instruction given by the investigators to the ROVD (district police department) to look into the possible implication of the FSB (of the Urus-Martan district of Chechnya) in the crime?²⁹

(iii) *Khasuyeva v. Russia*: Update on Correspondence

26. On 15 September 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 2 April 2009 the investigation into the applicant's case had been suspended on account of a failure to identify the perpetrators. RJI was informed that operational and search measures aimed at identifying the suspects were ongoing; no particular measures were indicated.³⁰
27. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.³¹
28. On 5 October 2010 RJI was informed by the Directorate of the Investigating Committee of the Chechen Republic that its letter had been forwarded to the *SIU*.³² RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Khasuyeva v Russia*

29. The applicants recall that the ECtHR established that the applicant's son must be presumed dead following unacknowledged arrest by State servicemen.³³ However, from the information provided by the authorities it does not follow that they have indeed officially established the involvement of the military and security personnel in the crime in question.
- a) What steps have been undertaken by the authorities to improve the investigation into the applicants' case, especially in the light of the criticism of the supervising prosecutor of April 2008, which, among others, had specifically pointed to the following investigatory shortcomings:
- The failure to identify the eyewitnesses to Abu Khasuyev's abduction, and to question them;
 - The failure to question Mr G. Gadzhiyev, the former Urus-Martan district military commander, who, according to the applicant Z. Khasuyeva, knew who had arrested her son;
 - The failure to question the former head of the Urus-Martan ROVD, as well as the head of the criminal search division of the ROVD and the head of the public safety division of the ROVD about the circumstances of the case, in particular to determine what measures they had taken to establish the identity of the armed men who had been moving around Urus-Martan on 30 August 2001 in a white VAZ-2107 or VAZ-2106 car, a red Niva car [VAZ-2121] and a khaki UAZ Tabletka vehicle, who were responsible for the abduction of Abu Khasuyev from his house;

²⁸ *Nenkayev and Others v. Russia* (no. 13737/03), para 30.

²⁹ *Ibid* at para 156.

³⁰ See letter of 15 September 2010 attached.

³¹ See letter of 29 September 2010 attached.

³² See letter of 5 October 2010 attached.

³³ *Khasuyeva v. Russia* (no. 28159/03), para 115.

- The failure to establish which power structures had stationed people in August 2001 in Urus-Martan and to find out whether they had used vehicles of make and number VAZ-2107 or VAZ-2106, the red Niva car and the khaki UAZ Tabletka;
- The failure to establish who was on duty at the checkpoint situated across the street from the house of Z. Khasuyeva on 30 August 2001 at about 1 p.m.;
- The failure to establish the reasons for the failure [to act] by the officers of the ROVD who had been on duty on the roof of the ROVD on 30 August 2001, from where they could clearly see the house and the events taking place, etc.³⁴

(iv) Yusupova and Others v. Russia: Update on Correspondence

30. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that the applicants' case – No 34/00/0008-08 – was being investigated by the Military Investigating Department of the NCMD and UGA and that RJI's letter had been forwarded to that department.³⁵
31. On 5 October 2010 RJI was informed by the Directorate of the Investigating Committee of the Chechen Republic that the applicants' case – No 44690 – was being investigated by the SIU.³⁶
32. On 28 October 2010 in reply to RJI's letter, the Military Investigating Department of the NCMD and UGA informed RJI that the investigation into the applicants' case had been suspended on account of a failure to identify the perpetrators.³⁷

Questions on Yusupova and Others v Russia

33. The applicants submit that despite the fact that the applicants' relative disappeared following his visit to the military prosecutor's office³⁸, the authorities have not officially established the involvement of state agents in the crime.
- Have the authorities identified and questioned the servicemen who were manning checkpoint no. 1, near to which Khasan Yusupov was last seen?
 - Have the investigation questioned investigator Mr. Logvinenko of the military prosecutor's office no. 20102 about the events of that day or collected information from the district military commander's office about the situation of their three missing servicemen?³⁹

(v) Karimov and Others v. Russia : Update on Correspondence

34. On 20 September 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 26 August 2010 the applicants' case had been suspended on account of a failure to identify the perpetrators.⁴⁰
35. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.⁴¹

³⁴ *Ibid* at para 81.

³⁵ See letter of 29 September 2010 attached.

³⁶ See letter of 5 October 2010 attached.

³⁷ See letter of 28 October 2010 attached.

³⁸ *Yusupova and Others v. Russia* (no. 5428/05), paras 7-15.

³⁹ *Ibid* at para 68.

⁴⁰ See letter of 20 September 2010 attached.

36. On 5 October 2010 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁴²

37. RJI has not received any further information regarding the applicants' case from the *SIU*.

Questions on *Karimov and others*

38. The applicants recall that the ECtHR found that the applicants' relative must be presumed dead following unacknowledged detention by State servicemen.⁴³ However, from the information provided by the authorities it does not follow that they have indeed had officially established the involvement of the military and security personnel in the crime in question.

- a) Have the authorities identified or questioned any servicemen from the local military and law enforcement agencies who could have participated in the abduction of the applicant's relative on the night in question?⁴⁴
- b) Have the authorities established the identity of the owners of the APCs (armored personnel carriers) and Ural operating around the village of *Proletarskoye* on the night in question?⁴⁵
- c) Have the authorities elucidated the alleged inconsistencies in the description of the events in the witness statements provided by the applicants and their neighbors to the investigators?⁴⁶
- d) Have the authorities identified and questioned certain other residents of *Proletarskoye* who, according to the applicants, were also abducted on the same night but released a few days later?⁴⁷

(vi) *Zabiyeva and Others v. Russia*: Update on Correspondence

39. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Republic of Ingushetia.⁴⁸

40. On 6 December 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Republic of Ingushetia informed RJI that the applicants' case had been sent to the Military Investigating Unit No 68799.⁴⁹

41. RJI has not yet received a reply to its letter from Military Investigating Unit No 68799.

Questions on *Zabiyeva and Others*

42. The applicants note that the Government submitted during proceedings before the ECtHR that it had been impossible to either prove or refute the involvement of the military intelligence unit no. 194 KTG («разведотом 194 КТГ»), headed by Mr. Sergey Polyakov, nicknamed "Snake", or other federal servicemen in the killing of Umar Zabiyev.⁵⁰ Subsequently, the ECtHR established that the first applicant was wounded and Umar Zabiyev was killed by State servicemen on 10 June 2003.⁵¹ However, from the information provided by the authorities it does not follow that after the ECtHR judgment they have had officially established the involvement of the military and security personnel in the crime in

⁴¹ See letter of 29 September 2010 attached.

⁴² See letter of 5 October 2010 attached.

⁴³ *Karimov and Others v. Russia* (no. 29851/05), para 106.

⁴⁴ *Ibid* at para 115.

⁴⁵ *Ibid*.

⁴⁶ *Ibid*.

⁴⁷ *Ibid* at para 69.

⁴⁸ See letter of 29 September 2010 attached.

⁴⁹ See letter of 6 December 2010 attached.

⁵⁰ *Ibid* at para 52.

⁵¹ *Zabiyeva and Others v. Russia* (no. 35052/04), para 98.

question.

- a) Given that the authorities' submission on possible involvement of the military intelligence unit no. 194 KTG, have the investigators questioned the servicemen of that unit?⁵²

(vii) Magomadova and Others v. Russia: Update on Correspondence

43. On 27 July 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁵³
44. On 6 August 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that RJI's letter had been sent to the Directorate of the Investigating Committee of the Chechen Republic.⁵⁴
45. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Magomadova and Others*

46. The applicants recall that the ECtHR found that the applicants' relative must be presumed dead following unacknowledged detention by State servicemen.⁵⁵ From the information provided by the authorities it does not follow that the domestic authorities have officially established the involvement of state agents or undertaken to remedy any of the procedural failings identified by the ECtHR.
- a) Given the ECtHR's criticism concerning the domestic investigation that: "A number of... essential steps were never taken. [...] it does not appear that the investigation tried to identify and question the servicemen who had been manning the checkpoint in the vicinity of the applicants' house or that they tried to examine the registration log of the passage of vehicles through the roadblock on 9 February 2003 and the permissions given by the authorities to drive around the area on the night in question,"⁵⁶ has the investigation undertaken by the authorities subsequent to the ECtHR judgment attempted to remedy the above failings?

(viii) Asadulayeva and Others v. Russia: Update on Correspondence

47. On 27 July 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been sent to the *SIU*.⁵⁷
48. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Asadulayeva and others v Russia*

49. The applicants note that the ECtHR held the Russian authorities accountable for the death of Mr. Bekman Asadulayev.⁵⁸ However, from the information provided by the authorities, the investigation undertaken post-judgment has not officially established the involvement of state agents in the crime.
- a) Have the investigators tried to identify and question the servicemen and the security guards on duty

⁵² *Zabiyeva and Others v. Russia* (no. 35052/04), para 107.

⁵³ See letter of 27 July 2010 attached.

⁵⁴ See letter of 6 August 2010 attached.

⁵⁵ *Magomadova and Others v. Russia* (no. 33933/05), para 95.

⁵⁶ *Magomadova and Others v. Russia* (no. 33933/05), para 105.

⁵⁷ See letter of 27 July 2010 attached.

⁵⁸ *Asadulayeva and Others v. Russia* (no. 15569/06), para 96.

at any of the relevant checkpoints on 14 January 2004?⁵⁹ Have the investigators checked the visitors' logbooks kept at those checkpoints?⁶⁰

- b) Have the investigators questioned Mr. Gutnik, who had received the victim Bekman Asadulayev and Mr. Shuipov V.A. into his custody on 14 January 2004 and who, according to Mr. Shuipov, had been in his office when armed men in camouflage uniforms had entered it?⁶¹
- c) Have the investigators tried to identify the abductors of Bekman Asadulayev, who, according to the statement made by Mr. Shuipov V.A., were not wearing masks? If so, what steps were undertaken by the investigators to identify the perpetrators of the abduction?⁶²
- d) Have the investigators made any attempts to identify the vehicle in which the abductors took Bekman Asadulayev away?⁶³

(ix) Babusheva and Others v. Russia: Update on Correspondence

- 50. On 20 September 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 11 January 2010 the applicants' case – No 24012 - had been suspended on account of a failure to identify the perpetrators.⁶⁴
- 51. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.⁶⁵
- 52. On 5 October 2010 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁶⁶
- 53. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Babusheva and others*

- 54. The applicants note that the ECHR has found that Mr. Ramzan Babushev must be presumed dead following unacknowledged detention by State servicemen.⁶⁷ However from the information provided by the authorities it does not follow that after the ECtHR judgment they have officially established the involvement of the state agents in the crime in question.
 - a) Has the investigation identified and questioned the officers from the Khatuni OVD who were present during the abduction?⁶⁸
 - b) Has the investigation questioned the Vedeno district military commander or any other chief officers of local law-enforcement authorities who could have issued an order for Ramzan Babushev's arrest?⁶⁹
 - c) Has the investigation established the identity of the registered owner of the APC (armored personnel carrier) which was used by the abductors?
 - d) Has the investigation questioned any residents of the village who might have witnessed the abduction?⁷⁰

⁵⁹ *Asadulayeva and Others v. Russia* (no. 15569/06), para 101.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ See letter of 20 September 2010 attached.

⁶⁵ See letter of 29 September 2010 attached.

⁶⁶ See letter of 5 October 2010 attached.

⁶⁷ *Babusheva and Others v. Russia* (no. 33944/05), para 89.

⁶⁸ *Babusheva and Others v. Russia* (no. 33944/05), para 99.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

(x) Amanat Ilyasova and Others v. Russia: Update on Correspondence

55. On 29 September 2010, in reply to RJI's letter the Military Prosecutor's Office of the NCMD and UGA informed RJI that RJI's letter had been sent to the Directorate of the Investigating Committee of the Chechen Republic.⁷¹
56. RJI has not yet received a reply to its letter from the Directorate of the Investigating Committee of the Chechen Republic.

Questions on *Amanat Ilyasova and Others*

57. The applicants recall that the ECtHR has established that the death of Mr. Musa Ilyasov must be attributed to the respondent Government.⁷² Yet from the information provided by the authorities it does not follow that after the ECtHR judgment they have officially established the involvement of state agents in the crime in question.
- Have the authorities identified and questioned the servicemen who were on duty at the roadblock in Mesker-Yurt on the night of Musa Ilyasov's abduction?⁷³
 - Have the authorities found the vehicles described by the applicants and/or identified their owners?⁷⁴
 - Have the authorities identified and questioned all witnesses to Musa Ilyasov's abduction among the applicants' neighbors?⁷⁵

(xi) Khantiyeva and Others v. Russia: Update on Correspondence

58. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.⁷⁶
59. On 5 October 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁷⁷
60. On 9 October 2010 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 10 April 2009 the investigation of the applicants' case had been suspended on account of a failure to identify the perpetrators. RJI was informed that operational and search measures aimed at identifying the suspects were ongoing; no particular measures were indicated.⁷⁸

Questions on *Khantiyeva and others*

61. The applicants submit that despite the ECtHR's finding that Mayrudin Khantiyev must be presumed dead following his unacknowledged detention by State servicemen⁷⁹, the authorities have not officially established the involvement of military and security personnel in the crime in question.
- Has the investigation identified and questioned the servicemen from the roof unit on duty on 4 December 2000, other than Mr. Pronichkin and Mr. Utushkin in particular in view of the ECtHR's finding that: "this omission [to question other servicemen] is particularly striking in view of the

⁷¹ See letter of 29 September 2010 attached.

⁷² *Amanat Ilyasova and Others v. Russia* (no. 27001/06), para 101.

⁷³ *Amanat Ilyasova and Others v. Russia* (no. 27001/06), para 107.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ See letter of 28 September 2010 attached.

⁷⁷ See letter of 5 October 2010 attached.

⁷⁸ See letter of 9 October 2010 attached.

⁷⁹ *Khantiyeva and Others v. Russia* (no. 43398/06) , para 107

evident contradictions between Mr. Pronichkin's and Mr. Utushkin's statements and the fact that their fellow servicemen's names could have been easily obtained from the relevant duty logs.⁸⁰

- b) Specifically, has the investigation questioned Mr. Dugayev, another serviceman from the roof unit, whose name Mr. Pronichkin explicitly mentioned during his questioning by investigators?⁸¹
- c) Has the investigation questioned the residents of house no. 269, aside from Ms. Vatsanayeva V.Kh.?⁸²
- d) Has the investigation questioned Mr. Sibayev Magomed, the former head of the ROVD who might have had information of relevance to the investigation?⁸³

(xii) Ustarkhanova v. Russia: Update on Correspondence

- 62. On 28 September 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 6 September 2010 the investigation into the applicants' case had been resumed.⁸⁴
- 63. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.⁸⁵
- 64. On 5 October 2010 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁸⁶
- 65. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Ustarkhanova*

- 66. The applicant recalls that the ECtHR found that the applicant's son must be presumed dead following unacknowledged detention by State servicemen.⁸⁷ Yet from the information provided by the authorities it does not follow that after the ECtHR judgment they have officially established the involvement of state agents in the crime in question.
 - a) The ECtHR found that the domestic investigation questioned a number of persons about the circumstances of the abduction, mainly residents of Achkhoy-Martan and not of Zakan-Yurt, where the abduction took place⁸⁸; has the investigation located and questioned witnesses of the abduction from Zakan-Yurt? If so, how many witnesses were identified?⁸⁹
 - b) Has the investigation questioned the neighbor of Mr. Magomed M. who lived across the street and the relatives of Mr. Madomed M. who were present during the abduction?⁹⁰
 - c) Has the investigation identified and questioned any representatives of law-enforcement agencies or the military who could have had information about the group driving around Zakan-Yurt during curfew hours?⁹¹
 - d) Has the investigation identified and questioned the servicemen who were manning the checkpoints in

⁸⁰ *Khantiyeva and Others v. Russia* (no. 43398/06) , paras 62, 116.

⁸¹ *Ibid*, 65, 116.

⁸² *Ibid*, 116.

⁸³ *Ibid*.

⁸⁴ See letter of 28 September 2010 attached.

⁸⁵ See letter of 29 September 2010 attached.

⁸⁶ See letter of 5 October 2010 attached.

⁸⁷ *Ustarkhanova v. Russia* (no. 35744/05), para 71.

⁸⁸ *Ustarkhanova v. Russia* (no. 35744/05), paras 46.

⁸⁹ *Ibid*, 81.

⁹⁰ *Ibid*, 13, 14, 81.

⁹¹ *Ibid* 81.

(xiii) Ismailov and Others v. Russia: Update on Correspondence

67. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.⁹³
68. On 5 October 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.⁹⁴
69. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Ismailov and others*

70. The applicants note that the ECtHR found that the applicants' relatives must be presumed dead following unacknowledged detention by State servicemen.⁹⁵ However from the information provided by the authorities it does not follow that after the ECtHR judgment they have officially established the involvement of the state agents in the crime in question.
- a) Has the investigation established the identity of the owners of the APCs (armored personnel carriers) used by the abductors?⁹⁶
 - b) Has the investigation elucidated the discrepancies in the witness statements concerning the movement of the APCs on the night of the abduction?⁹⁷
 - c) Has the investigation taken any measures to verify the information concerning the detention of the abducted men on the ORB's premises in Grozny?⁹⁸
 - d) Have the investigators identified and questioned Colonel Mr. Chernov Leonid Yevgenievich, who, according to the applicants, was commanding officer of the federal servicemen who abducted their relatives?⁹⁹

(xiv) Iriskhanova and Iriskhanov v. Russia: Update on Correspondence

71. On 28 September 2010, in reply to RJI's letter, the Directorate of the Investigating Committee of the Chechen Republic informed RJI that on 11 June 2010 the investigation into the applicants' case- No 63045 - had been suspended on account of a failure to identify the perpetrators. RJI was also informed that operational and search measures aimed at identifying the suspects were ongoing; no particular measures were indicated.¹⁰⁰
72. On 29 September 2010, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that RJI's letter had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.¹⁰¹

⁹² *Ibid.*

⁹³ See letter of 29 September 2010 attached.

⁹⁴ See letter of 5 October 2010 attached.

⁹⁵ *Ismailov and Others v. Russia* (no. 33947/05), para 84.

⁹⁶ *Ibid.*

⁹⁷ *Ibid*, paras 43, 48, 51 and 94.

⁹⁸ *Ibid*, paras 53, 54, 61 and 94.

⁹⁹ *Ibid*, paras 58, 94.

¹⁰⁰ See letter of 28 September 2010 attached.

¹⁰¹ See letter of 29 September 2010 attached.

73. On 5 October 2010 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the *SIU*.¹⁰²

74. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Iriskhanova and Iriskhanov*

75. The applicants submit that the ECtHR established that the applicants' son must be presumed dead following unacknowledged detention by State servicemen.¹⁰³ However the investigation undertaken by the authorities after the ECtHR judgment has not officially established the involvement of the state agents in the crime in question.

- a) Has the investigation established the identity of the owners of the military vehicles used by the abductors and questioned their drivers?¹⁰⁴
- b) Has the investigation identified and questioned the servicemen who had been manning the checkpoints in Samashki about the passage of the APCs on 19 June 2002?¹⁰⁵
- c) Has the investigation established and questioned the local military commander about the possible involvement of his staff in the abduction of the applicants' sons and the subsequent detention of Zurab and Gilani Iriskhanov in his office building?¹⁰⁶
- d) Has the investigation verified a number of concurring witness statements concerning the helicopter's involvement in the transportation of the abducted men to Khankala and Gilani Iriskhanov's allegations concerning his detention in the military commander's office, at Khankala and in the RUBOP in Grozny?¹⁰⁷

(xv) *Dzhabrailovy v. Russia*: Update on Correspondence

76. On 14 January 2011, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that RJI's letter had been sent to the Military Investigating Department of the NCMD and UGA and that RJI would be further informed about progress made in the investigation.¹⁰⁸

77. On 17 January 2011, in reply to RJI's letter, the Military Investigating Department of the NCMD and UGA informed RJI that its letter regarding the progress of the investigation in the applicants' case No 42042 (41026) had been forwarded to the Directorate of the Investigating Committee of the Chechen Republic.¹⁰⁹

78. On 1 April 2011 the Directorate of the Investigating Committee of the Chechen Republic informed RJI that its letter had been forwarded to the Third Department on Investigation of Important cases.¹¹⁰

79. RJI has not received any further information regarding the investigation in the applicants' case from the Third Department on Investigation of Important cases.

Questions on *Dzhabrailovy*

80. The applicants submit that the ECtHR established in their case that the first applicant and Valid

¹⁰² See letter of 5 October 2010 attached.

¹⁰³ *Iriskhanova and Iriskhanov v. Russia* (no. 35869/05), para 78.

¹⁰⁴ *Iriskhanova and Iriskhanov v. Russia* (no. 35869/05), para 88.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ See letter of 14 January 2011 attached.

¹⁰⁹ See letter of 17 January 2011 attached.

¹¹⁰ See letter of 1 April 2011 attached.

Dzhabrailov were abducted by State servicemen and that Valid Dzhabrailov was subsequently killed by them.¹¹¹ However, the investigation undertaken by the authorities after the ECtHR judgment has not officially established the involvement of the state agents in the crime in question.

- a) Has the investigation established the owners of the vehicles used by the abductors?¹¹²
- b) Has the investigation questioned representatives of local military structures about their possible involvement in the abduction and subsequent killing?¹¹³
- c) Have the investigation verified whether any military bases with helicopters were located in the area within an hour's drive of the applicants' house?¹¹⁴
- d) Has the investigation retrieved the bullet shot by the abductors in their attempt to kill the first applicant?¹¹⁵
- e) Has the investigation questioned the two men who gave the first applicant a lift from the premises of the former chemical plant?¹¹⁶
- f) Has the investigation conducted a forensic examination of Valid Dzhabrailov's body or the first applicant's head after his submission concerning the gunshot wound inflicted on him by the abductors?¹¹⁷

(xvi) Vakayeva and Others v. Russia: Update on Correspondence

81. On 14 January 2011, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that RJI's letter had been sent to the Military Investigating Department of the NCMD and UGA and that RJI would be further informed about progress made in the investigation.¹¹⁸

82. RJI has not yet received further information.

Questions on *Vakayeva and others*

83. The applicants note that despite the ECtHR findings that the applicants' relatives must be presumed dead following their unacknowledged detention by State servicemen¹¹⁹, the investigation undertaken by the authorities after the ECtHR judgment has not officially established the involvement of the state agents in the crime in question.

- a) Has the investigation took any steps to examine the logbooks kept at the checkpoints with a view to obtaining information on the vehicles used by the abductors or their owners?¹²⁰

(xvii) Tupchiyeva v. Russia: Update on Correspondence

84. On 14 January 2011 in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been forwarded to the Military Investigating Department of the NCMD and UGA that RJI will be informed about progress made in the investigation additionally.¹²¹

¹¹¹ *Dzhabrailovy v. Russia* (no. 3678/06), para 68.

¹¹² *Dzhabrailovy v. Russia* (no. 3678/06), para 80.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ See letter of 14 January 2011 attached.

¹¹⁹ *Vakayeva and Others v. Russia* (no. 2220/05), para 134.

¹²⁰ *Vakayeva and Others v. Russia* (no. 2220/05), para 144.

¹²¹ See letter of 14 January 2011 attached.

85. On 2 February 2011 in reply to RJI's letter, the Military Investigating Department for Southern Military Circle¹²² informed RJI that RJI's letter, regarding investigation into the applicants' case – No 22015 - had been forwarded to the *SIU*.¹²³

86. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Tupchiyeva*

87. The applicants submit that despite the ECtHR's finding that the applicant's son must be presumed dead following unacknowledged detention by State servicemen¹²⁴, the investigation undertaken by the authorities after the ECtHR judgment has not officially established the involvement of the state agents in the crime in question.

Questions

- a) Has the investigation questioned the local military commander about those who could have obtained his permission to drive around during curfew hours?¹²⁵
- b) Has the investigation questioned the servicemen who were on duty at the ROVD on 3 January 2003?¹²⁶
- c) Has the investigation established the identity of the owners of the UAZ vehicle with tinted windows used by the abductors?¹²⁷
- d) Has the investigation questioned the applicant's relatives who were present during the abduction?¹²⁸
- e) Has the investigation questioned the applicant's son and the taxi drivers saw the abductors' vehicle driving onto the premises of the ROVD shortly after the events?¹²⁹

(xviii) Seriyevy v. Russia: Update on Correspondence

88. On 14 January 2011, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been sent to the Military Investigating Department of the NCMD and that RJI would be informed further about progress made in the investigation.¹³⁰

89. On 2 February 2011 in reply to RJI's letter, the Military Investigating Department for the Southern Military District informed RJI that RJI's letter regarding the investigation into the applicants' case – No 36076 - had been forwarded to the *SIU*.¹³¹

90. RJI has not yet received a reply to its letter from the *SIU*.

Questions on *Seriyevy*

91. The applicants submit that despite the ECtHR's finding that the applicants' relative must be presumed dead following unacknowledged detention by State servicemen¹³², the investigation undertaken by the

¹²² In January 2011 the structure of the military investigating organs has been reformed, in the result of which, it seems that the Military Investigating Department for Southern Military Circle replaced the Military Investigating Department of the NCMD and UGA. See in this regard: 'Aleksandr Bastrikin reforms structure of military investigating organs', *Rossyskaya Gazeta*, available at: <http://www.rg.ru/2011/01/31/sledstvie.html>, last accessed on 20 April 2011 (in Russian only).

¹²³ See letter of 2 February 2011 attached.

¹²⁴ *Tupchiyeva v. Russia* (no. 37461/05), para 62.

¹²⁵ *Tupchiyeva v. Russia* (no. 37461/05), para 72.

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*, paras 31, 72.

¹³⁰ Letter of 14 January 2011 on file with RJI.

¹³¹ Letter of 2 February 2011 on file with RJI.

¹³² *Seriyevy v. Russia* (no. 20201/05), para 85.

authorities after the ECtHR judgment has not officially established the involvement of the state agents in the crime in question.

- a) Have the investigation questioned the Russian federal servicemen who had been on duty at the checkpoints on the day of the abduction?¹³³
- b) Has the investigation questioned the applicants' neighbors, apart from Serbiyev V., who could have also witnessed the abduction?¹³⁴
- c) Have the authorities questioned local law-enforcement or military officers about their possible involvement in the abduction?¹³⁵

(xiv) Suleymanova v. Russia: Update on Correspondence

92. On 14 January 2011, in reply to RJI's letter, the Military Prosecutor's Office of the NCMD and UGA informed RJI that its letter had been sent to the Military Investigating Department of the NCMD and UGA and that RJI would be further informed about progress made in the investigation.¹³⁶

93. On 20 January 2011, in reply to RJI's letter, the Military Investigating Department for Southern Military District informed RJI that the investigation into the applicants case – No 34/00/0009-10 – which was opened on 19 May 2000, had been repeatedly suspended and re-opened. The case was most recently suspended on 12 May 2010 on account of a failure to identify the perpetrators, but operational search measures were still underway. No explicit mention was made of the kind of measures undertaken by the authorities.¹³⁷

Questions on *Suleymanova*

94. The applicant notes that despite the ECtHR's finding that the applicant's relatives were subjected to an unlawful use of lethal force, and despite the findings of the civilian authorities that military servicemen had been implicated in the crime,¹³⁸ the authorities continue to deny the involvement of military and security personnel in the crime in question.

- a) What was the outcome of the findings made by the civilian authorities, such as the inspection of the scene of the incident, the seizure of fragments of cartridges and other evidence at the crime scene, and the questioning of the local residents, which were taken within the first months of the investigation?¹³⁹
- b) Have the authorities granted victim status to the applicant?¹⁴⁰

C. Concluding General Observations of the Applicants and their representatives

95. With regard to foregoing overview of the correspondence between the applicants, their representatives and the Russian authorities, we would like to draw the Committee's attention to the following:

- (i) As we have noted in our previous submissions, the authorities continue to rely on the practice of repeatedly "suspending" and "re-opening" domestic investigations, a practice that has been consistently criticized by the ECtHR. In *Khatsiyeva, Elsiyev and Others, Taysumov*,

¹³³ *Seriyevy v. Russia* (no. 20201/05), para 98.

¹³⁴ *Ibid*, paras 54, 98.

¹³⁵ *Ibid*, 98.

¹³⁶ See letter of 14 January 2011 attached.

¹³⁷ See letter of 20 January 2011 attached.

¹³⁸ *Ibid*, para 44.

¹³⁹ *Suleymanova v. Russia* (no. 9191/06), paras 35, 37 – 40, 95.

¹⁴⁰ *Ibid*, para 96.

Yusupova and Others, Karimov and Others, the investigation has been repeatedly re-opened and suspended after the ECtHR's judgment became final.

Yet in some of these cases, it would clearly not have been difficult for the authorities to determine the identity of the perpetrators. In *Khatsiyeva*, for example, the Court noted that it was "highly unlikely that the identity of those involved in the operation of 6 August 2000 was unknown to the authorities or that it was impossible to establish it immediately thereafter" (para. 147).

Similarly, in *Taysumov*, the Court noted that "it is highly unlikely that the identity of those responsible for the artillery guns within the military units located in the vicinity of Chechen-Aul and involved in the attack was unknown to the authorities or that it was impossible to establish it immediately thereafter" (para. 102).

- (ii) The authorities continue to deny the involvement of the military/security personnel in the crimes committed against the applicants. In the cases *Khatsiyeva and Others v. Russia* (no. 5108/02), *Taysumov and Others v. Russia* (no. 21810/03), *Khasuyeva v. Russia* (no. 28159/03), *Yusupova and Others v. Russia* (no. 5428/05), *Karimov and Others v. Russia* (no. 29851/05), *Khantiyeva and Others v. Russia* (no. 43398/06), *Iriskhanova and Iriskhanov v. Russia* (no. 35869/05), *Suleymanova v. Russia* (no. 9191/06) investigations have been suspended on account of a failure to identify the perpetrators. Such decisions were made despite the ECtHR's conclusions of state involvement in the crimes committed against the applicants, in certain cases based on strong evidence as to the identity of the perpetrators. Therefore the applicants consider such suspensions as a continuing denial of state involvement in the violations established by the ECtHR.
- (iii) The applicants' representatives have been provided only basic information by the authorities concerning steps taken in the course of the investigation in all above cases.
- (iv) The applicants express their particular concern over a possible emerging practice of not providing the applicants with copies of the decisions made by the investigators. In at least two cases (*Khatsiyeva and Others* and *Elsiyev and Others*) reported on above, the applicants were not provided with copies of the decisions made by investigators to suspend the investigation in their cases.¹⁴¹
- (v) This situation creates an additional administrative burden for the applicants, who under Russian law are entitled to challenge only the decision itself, not the information regarding the decision. In order to receive a copy of the decision, the applicants must apply to the investigating body, which for various obvious reasons hampers the applicants' ability to challenge procedural decisions in their cases.

96. We also draw the Committee's attention to the fact that a number of cases from the above list are being referred and investigated by military investigative departments within the Investigative Committee of the Russian Federation (cases *Khatsiyeva and Others v. Russia*, *Taysumov and Others v. Russia*, *Yusupova and Others v. Russia*, *Zabiyeva and Others v. Russia*). In light of this, given the consistent information provided by the Russian government that all criminal cases which gave rise to violations established by the ECtHR have been assigned to the newly created Special Investigative Unit (the *SIU*) the following questions arise:

- a) To what extent is the SIU capable or authorized to investigate and initiate criminal proceedings against military or security personnel?

¹⁴¹ At paras. 8 and 11 above.

- b) Is the *SIU* entitled to investigate a case until it determines the involvement of military/security personnel, at which point it must transfer the case to the military investigative authorities?

97. During the course of the applicants' recent correspondence with the authorities, they were informed of the creation of a) the *Special Investigating Department within the Military Investigating Department of the NCMD and UGA* on 5 April 2010, which focuses on the investigation of past crimes committed against the civilian population¹⁴² and b) the *Third Department on Investigation of Important cases* within the Directorate of the Investigating Committee of the Chechen Republic.¹⁴³ It follows from their correspondence that these units are also involved in the investigation of the applicants' cases.

98. In this regard, we would note the lack of official public information about these units, their method of operation and their cooperation with the SIU. Therefore we would request the Government for such information, as well as for general information regarding inter-agency cooperation on this category of cases between the above departments and other relevant civilian and military bodies.

¹⁴² At para. 19 above.

¹⁴³ At para 78 above and *supra n.* 111.