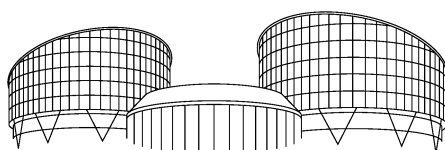


**La CEDU sulla violazione sostanziale del diritto alla vita
(CEDU, sez. III, sent. 24 settembre 2019, ric. n. 12642/13)**

La Corte EDU si pronuncia sul caso proposto da alcuni richiedenti che videro rapiti i loro parenti dalle forze militari russe. A questi non venne data alcuna spiegazione soddisfacente e convincente da parte del governo, nonostante i rapiti fossero sotto il suo esclusivo controllo. Data la mancanza di notizie attendibili, la Corte ritiene che i rapiti possono essere presumibilmente morti a seguito della loro detenzione non riconosciuta. Ricontra pertanto una violazione dell'aspetto sostanziale dell'articolo 2 della convenzione che recita: «Il diritto alla vita di ogni persona è protetto dalla legge. Nessuno può essere intenzionalmente privato della vita, salvo che in esecuzione di una sentenza capitale pronunciata da un tribunale, nel caso in cui il reato sia punito dalla legge con tale pena». I giudici di Strasburgo ravvisano anche una violazione dell'articolo 3 della convenzione - a causa della sofferenza mentale causata ai richiedenti dalla scomparsa dei loro parenti e ancor di più dalle reazioni e dagli atteggiamenti delle autorità nei confronti della situazione quando è stata posta alla loro attenzione -, ed una violazione particolarmente grave del diritto alla libertà e alla sicurezza della persona, consacrato nell'articolo 5 della convenzione, a causa della illegittimità della detenzione.



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

THIRD SECTION

CASE OF BAYSULTANOVA AND OTHERS v. RUSSIA

(Applications nos. 12642/13 and 4 others - see list appended)

JUDGMENT
STRASBOURG
24 September 2019

This judgment is final but it may be subject to editorial revision.

In the case of Baysultanova and Others v. Russia,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Georgios A. Serghides, *President,*

Branko Lubarda,

Erik Wennerström, *judges,*

and Stephen Phillips, *Section Registrar,*

Having deliberated in private on 3 September 2019,
Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in five applications against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). The application numbers and the dates on which they were lodged with the Court, as well as the applicants’ personal details, are listed in the appended table.
2. The applicants were represented by the various NGOs indicated in the appended table. The Russian Government (“the Government”) were represented initially by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.
3. Between 7 January and 23 September 2016 notice of the complaints under Articles 2, 3, 5 and Article 13 was given to the Government and the remainder of application no. 33465/13 was declared inadmissible, pursuant to Rule 54 § 3 of the Rules of Court.
4. The Government did not object to the examination of the applications by a Committee.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicants are Russian nationals who at the material time lived in the Chechen Republic. They are close relatives of individuals who disappeared in this region in 2001-2003 after allegedly being unlawfully detained by servicemen. In each of the applications the events in question took place in areas under the full control of the Russian federal forces. The applicants received no news of their missing relatives thereafter.
6. In each of the cases the applicants complained to law-enforcement bodies about the respective abduction, and an official investigation was instituted. The proceedings in respect of each case, after being suspended and resumed on several occasions, have been pending for several years without any tangible results having been attained. As can be seen from the documents submitted, no active investigative steps have been taken by the authorities other than their forwarding formal information requests to their counterparts in various regions of Chechnya and the North Caucasus. Further to such requests, the authorities generally reported in respect of each case that the involvement of servicemen in the abduction in question had not been established and that no special operations had been carried out during the relevant period. The applicants also lodged with various authorities requests for information and assistance in the search for their missing relatives but received only formal responses, if any. The identities of the perpetrators have never been established by the investigating authorities. It appears that all of the investigations are still pending.
7. Summaries of the facts in respect of each application are set out below. Each account of events is based on statements provided to the Court and to the domestic investigating authorities by the applicants, their relatives and/or neighbours, and other witnesses. The Government did not dispute the principal facts of the cases, as presented by the applicants, but contested the involvement of servicemen in the events in question.

A. Baysultanova and Others v. Russia (no. 12642/13)

8. The applicants are close relatives of five abducted men:

(1) Mr Sheikh-Akhmed Magomadov (also spelled as Magomedov), who was born in 1976. The fifth applicant is his brother and the sixth applicant is his father. The seventh applicant was his mother; she died on 23 December 2016.

(2) Mr Khamzat Israilov, who was born in 1969. The ninth applicant is his brother and the tenth applicant is his wife. The eleventh, twelfth and thirteenth applicants are his children.

(3) Mr Akhmed Baysultanov, who was born in 1962. The first, second, third and sixteenth applicants are his children. The eighth applicant is his wife.

(4) Mr Khampasha Baysultanov, who was born in 1968. The fourth and seventeenth applicants are his children. The fifteenth applicant is his wife.

(5) Mr Suliman Baysultanov, who was born in 1974. The fourteenth applicant is his mother; she is also the mother of Mr Akhmed Baysultanov and Mr Khampasha Baysultanov.

1. Special operation in Tsotsi-Yurt in December 2001 – January 2002

9. Between 30 December 2001 and 2 January 2002 Russian military forces in Chechnya conducted a special sweeping-up operation in the village of Tsotsi-Yurt in the Kurchaloy district. Servicemen cordoned off the area and surrounded the settlement with a large number of military vehicles in order to carry out identity checks of all residents.

10. A special filtration point was set up on the outskirts of the village, on the premises of a former State-owned farm. Residents detained by servicemen were taken there for further checks.

2. Abduction of Mr Sheikh-Akhmed Magomadov and Mr Khamzat Israilov

11. On 30 December 2001, during the special operation, servicemen from the 45th and 46th "ObrON" military units of the Internal Troops of the Ministry of Interior of Russia (*отдельная бригада оперативного назначения внутренних войск МВД России – ObrON*) clashed with members of illegal armed groups in the house of Mr L.I. Four servicemen were killed and eight more servicemen were wounded. All of the fighters were killed and the house was burned down.

12. After the clashes the servicemen broke into the house of the Magomadov family, situated in the neighbourhood. They ordered all the men present, including Mr Sheikh-Akhmed Magomadov and the fifth applicant, to go outside; then they forced Mr Sheikh-Akhmed Magomadov, the fifth applicant and their four relatives into the APCs (armoured personnel carriers) and took them to the filtration point.

13. The next day all of the detained people were released, except for Mr Sheikh-Akhmed Magomadov. He had been taken away by servicemen in an armoured infantry vehicle whose registration number comprised the digits "611". His whereabouts have remained unknown ever since.

14. On 30 December 2001, in the course of the same military operation in Tsotsi-Yurt, servicemen took Mr Khamzat Israilov away from his sister's house in Lomonosova Street. He was taken to the

filtration point and detained there along with the fifth applicant and about eighty other residents of the village. The whereabouts of Mr Khamzat Israilov have remained unknown since 31 December 2001, when he was last seen by the fifth applicant on the premises of the filtration point.

3. Arrest of the Baysultanov brothers

15. On 1 January 2002 a group of fifty to sixty armed military servicemen in camouflage uniforms arrived at the Baysultanov's family house in Tsotsi-Yurt in an Ural lorry, three APCs and an UAZ minivan. Having searched the premises, they took Mr Akhmed Baysultanov, Mr Khampasha Baysultanov and Mr Suliman Baysultanov to the filtration point at the outskirts of the village.

16. The whereabouts of the Baysultanov brothers have remained unknown since the date of their abduction.

4. Official investigation into the abductions

17. Three separate sets of criminal proceedings were instituted by the Argun inter-district prosecutor's office in respect of the abduction of the applicants' relatives.

18. At the beginning of January 2002 several servicemen who had participated in clashes with members of illegal armed groups were interviewed. According to their statements, all fighters who had hidden in the house of Mr L.I. had been killed; their bodies had been taken to the filtration point.

(a) Investigation into the abduction of Mr Sheikh-Akhmed Magomadov

19. On 10 January 2002 Mr Magomadov's sister, Ms S.M., asked the Special Representative of the President of the Russian Federation in Chechnya for assistance in securing the release of her brother.

20. On 12 January 2002 Mr Magomadov's brother, Mr A.M., lodged a request with the Kurchaloy district prosecutor's office for the release of Mr Magomadov. The next day Mr A.M. was questioned by the investigators; he affirmed the circumstances of abduction, as described above.

21. On 7 February 2002 the Argun inter-district prosecutor's office opened criminal case no. 75015 under Article 105 of the Criminal Code (murder).

22. On 9 February 2002 Mr A.M. was granted victim status.

23. The investigators sent several requests for information to law-enforcement and military authorities. Their replies contained statements to the effect that no information about Mr Sheikh-Akhmed Magomadov was available.

24. On 20 February 2002 Ms A.G., a witness to the abduction, was questioned. She confirmed the circumstances of events, as described above, but submitted that Mr Magomadov had been taken away in an armoured infantry vehicle whose registration number, according to her, had comprised the digits "П 611".

25. On 7 April 2002 the investigation was suspended for failure to identify the perpetrators. It was subsequently resumed on several occasions and then suspended again. In particular, the investigation was resumed on 27 July 2002 and suspended on 27 August 2002, resumed again on 25 October 2002 and suspended on 25 December 2002, resumed on 22 October 2003 and suspended

on 22 November 2003, resumed on 25 May 2005 and suspended on 7 July 2005, then resumed on 4 December 2006 and suspended on 4 January 2007. The applicants were not duly informed of those procedural decisions.

26. On 30 July and 9 August 2002 the fifth and sixth applicants, respectively, were questioned separately by a police officer from the Kurchaloy district police station. Their statements regarding the circumstances of the abduction of Mr Magomadov were similar to the account of events provided by the applicants to the Court.

27. On 15 June 2005 the investigators questioned four relatives of Mr Magomadov who had been taken with him to the filtration point. They stated that during the night at the filtration point they had been questioned by servicemen, who had asked whether any residents of the village had assisted any members of illegal armed groups. The servicemen had promised to release Mr Magomadov later; his relatives did not know why he had not returned to them.

28. On 16 June 2005 the investigators examined the crime scene.

29. In 2003, 2005 and 2006 the sixth applicant complained to various authorities about the abduction of his son. In reply, he was informed that operational search measures were in progress, with the aim of establishing Mr Magomadov's whereabouts.

30. On 29 June 2007 Mr A.M. lodged a request with the investigators that he be given access to the case file. On 4 July 2007 his request was granted.

31. In April 2009 the fifth applicant lodged a request with the head of the Chechen Parliamentary Committee on the Search for the Disappeared (*Комитет Парламента Чеченской Республики по поиску лиц, без вести пропавших в период проведения контртеррористической операции*) for assistance in the search for Mr Magomadov. His request was forwarded to the investigators, who replied that the investigation had been resumed.

32. On 13 May 2009 (in the documents in the criminal case file the date was also referred to as 1 June 2009) the investigation was resumed. On 30 June 2009 it was suspended; on 10 July 2009 it was resumed again and suspended on 10 August 2009; it was resumed on 1 August 2011 and suspended on 1 September 2011. Subsequently the investigation was resumed on 26 March 2013 and suspended on 26 April 2013.

33. On 10 March 2013 a police officer from the Kurchaloy district police station reported that no links between Mr Magomadov and members of illegal armed groups had been established.

34. On 12 April 2013 the investigators ordered a forensic examination of DNA obtained from Ms S.M.'s blood for the purposes of a possible subsequent search in the database of unidentified bodies.

35. It appears that the investigation is still pending.

(b) Investigation into the abduction of Mr Khamzat Israilov

36. The Government did not submit the entire criminal case file concerning the abduction of Mr Khamzat Israilov. In particular, some records of the questioning of witnesses are incomplete.

37. On an unspecified date Mr S.I., the father of Mr Israilov, lodged a complaint about his son's abduction with the Kurchaloy district prosecutor's office and the Kurchaloy district police station.
38. On 31 December 2001 a police officer reported that he had discovered the body of a man in the courtyard of a house in Tsotsi-Yurt. A passport issued under the name of Mr Khamzat Israilov was found in his pocket. However, the body has never been formally identified.
39. On 7 February 2002 the Argun inter-district prosecutor's office opened criminal case no. 75014 under Article 105 of the Criminal Code (murder).
40. On 8 February 2002 Mr Israilov's brother, Mr A.I., was granted victim status in the criminal case.
41. The investigators lodged several requests for information with law-enforcement and military authorities. Their replies contained statements to the effect that no information about Mr Khamzat Israilov was available.
42. On 27 February 2002 a police officer from the Kurchaloy district police station reported to the investigators that he had interviewed the fifth applicant. The latter stated that he had been detained with Mr Israilov at the filtration point and had not seen him since his own release on 31 December 2001 (see paragraph 14 above).
43. On 7 April 2002 the investigation was suspended. It was resumed on 27 July 2002 and suspended again on 27 August 2002, then resumed on 25 October 2002 and suspended on 25 December 2002, resumed again on 5 May 2003 and suspended on 5 June 2003, then resumed on 21 December 2003 and suspended on 21 January 2004.
44. On 28 December 2002 and again on 5 July 2011 the tenth applicant was questioned. The full record of her questioning was not submitted by the Government to the Court.
45. On 5 May 2003 the investigators examined the crime scene.
46. On 11 July 2006 the investigation was resumed. It was suspended on 15 September 2006, resumed on 24 May 2011 and suspended again on 18 July 2011, resumed on 18 July 2012 and suspended on 20 August 2012, resumed on 26 March 2013 and suspended on 26 April 2013.
47. Between 1 and 11 July 2011 the investigators questioned the ninth applicant and two other relatives of Mr Israilov. The ninth applicant stated that Mr Israilov's father and the head of the administration of Tsotsi-Yurt had after the abduction visited a checkpoint located on the outskirts of the village. They had asked the head of the checkpoint for assistance in the search for Mr Israilov. Together with him, they had gone to the Kurchaloy district military commander's office. The head of the checkpoint had entered the premises, had stayed there for some time and then had informed Mr Israilov's father that his son had been detained at the district military commander's office. Subsequently Mr Israilov's father had visited the commander's office on several occasions, but the servicemen had denied that Mr Israilov had been detained on its premises.
48. On 12 April 2013 the investigators ordered a forensic examination of DNA obtained from the blood of Mr Israilov's father for the purpose of a subsequent search in the database of unidentified bodies.
49. It appears that the investigation is still pending.

(c) Investigation into the abduction of the Baysultanov brothers

50. On 5 January 2002 the eighth applicant lodged a complaint with the authorities about the abduction of her husband, Mr Akhmed Baysultanov, and his brothers, Mr Khampasha Baysultanov and Mr Suliman Baysultanov. In February 2002 her complaint was forwarded to the Prosecutor of Chechnya.

51. On 1 April 2002 criminal case no. 75031 was opened under Article 126 of the Criminal Code (abduction).

52. On the same date Mr E.-A.B., the elder brother of the abducted men, was granted victim status and questioned. His statements about the circumstances of the abduction were similar to the applicants' submissions before the Court. He additionally stated that his brothers had been taken away in an APC that had had a registration number comprising the digits "A-611".

53. The investigators lodged several requests for information with various law-enforcement authorities. Their replies contained statements to the effect that no information about the Baysultanov brothers was available.

54. On 29 April 2002 the eighth applicant was granted victim status and questioned. She confirmed the account of events submitted by the applicants to the Court and stated additionally that the Baysultanov brothers had been taken away by servicemen from military unit no. 33 (which had been stationed in Tsotsi-Yurt) and police officers from the Kurchaloy district police station.

55. On 1 June 2002 the investigation was suspended. It was resumed on 28 July 2002, suspended on 29 August 2002, resumed again on 28 October 2002 and suspended on 28 November 2002, then resumed on 19 October 2003 and suspended on 19 November 2003, resumed again on 25 May 2005 and suspended on 7 July 2005. The applicants were not duly informed of those procedural decisions.

56. On 9 August 2002 a police officer from the Kurchaloy district police station interviewed the fourteenth applicant. She confirmed the circumstances of the abduction of her sons, as described above.

57. On 21 October 2003 the investigators examined the crime scene.

58. On 5 January 2004 the General Command of the Internal Troops of the Ministry of Interior of Russia (*Главное командование внутренних войск Министерства внутренних дел РФ*) informed the investigators that on 20 December 2001 "ObrON" military unit no. 46 had been stationed in the Chechen Republic.

59. In 2007 the fourteenth applicant complained to the Parliament of Chechnya about the abduction of her sons. Her complaint was forwarded to the investigators, who replied that the investigation had been suspended and that the police were carrying out a search for the Baysultanov brothers.

60. On 12 August 2010 the eighth applicant asked the investigators to resume the proceedings and to grant her victim status. In reply, the investigators informed her that she had already been granted victim status and provided her with copies of the relevant documents.

61. On 15 November 2010 the eighth applicant lodged a complaint with the Chechen Parliamentary Committee on the Search for the Disappeared about the abduction of her husband and his brothers. Her complaint was forwarded to the investigators, who replied on 2 February 2011 that the investigation had been suspended but that operational search measures had been initiated with the aim of establishing the whereabouts of the Baysultanov brothers.

62. On 1 April 2011 the eighth applicant asked the investigators to resume the criminal proceedings and grant her access to the case file. On 14 May 2011 the investigators informed her that there were no grounds for resuming the investigation because all necessary investigative steps had been taken.

63. On 9 January 2013 the eighth applicant's lawyer asked the investigators to inform him of progress in the proceedings and to grant him access to the criminal case file. In reply, the investigators informed him that the investigation had been suspended in 2005 but that operational search measures had been initiated with the aim of establishing the whereabouts of the Baysultanov brothers.

64. On 1 April 2013 the fifteenth applicant asked the investigators to question two more witnesses to the abduction of the Baysultanov brothers. In reply, she was informed that the investigation had been suspended, but that it could be resumed if witnesses indicated by her could provide the investigation with official statements on the circumstances of the abduction.

65. On 6 January 2014 Materi Chechni, an NGO acting on behalf of the fifteenth applicant, asked the leader of the Communist Party of Russia to provide assistance in the search for the Baysultanov brothers. Their application was forwarded to the investigators. On 1 June 2014 the investigation was resumed, but on 10 June 2014 it was suspended again.

66. On 30 September 2014 the supervising prosecutor pointed out several defects in the investigation. In particular, he stated that the witnesses to the abduction indicated by the fifteenth applicant had not been questioned.

67. On 30 October 2014 the investigation was resumed, and on 10 November 2014 it was suspended again.

68. It appears that the investigation is still pending.

B. *Adamovy v. Russia* (no. 33465/13)

69. The applicants are close relatives of Mr Ruslan Adamov, who was born in 1983, and Mr Supyan Adamov, who was born in 1980. The first applicant is their mother, the second applicant is their sister and the third applicant is their brother.

1. Abduction of the Adamov brothers and subsequent events

70. At about 11.30 p.m. on 16 June 2001 (in the documents submitted the date was also referred to as 16 July 2001) a group of twenty armed servicemen in camouflage uniforms and balaclavas broke into the applicants' house in Selmentauzen and took Mr Ruslan Adamov and Mr Supyan Adamov away to an unknown destination. The servicemen were equipped with portable radio sets which they used to give and receive commands. They opened fire when the first applicant ran after them, asking them to leave her sons at home.

71. About fifteen days after the abduction the applicants received a note from Mr Ruslan Adamov and Mr Supyan Adamov stating in Chechen that they were being detained on the premises of the DON-2 special military unit (*подразделение Дон-2*).

72. Three months later the first applicant went to the Shali district police department, where a police officer named Musa recognised the Adamov brothers when he was shown their photographs. He told the first applicant that he had seen them several times on the premises of the Federal Security Service ("the FSB") carrying out the rubbish under escort. The applicant then spoke to a high-ranking police officer named Lechi and a driver of her acquaintance, Mr A., who both said that they had seen her sons on the FSB premises.

73. Sometime later the first applicant became acquainted with Mr A.A., who arranged a meeting between the first applicant and the FSB officer who was guarding her sons. The officer, who did not introduce himself, identified Mr Ruslan Adamov and Mr Supyan Adamov when shown their photographs and said that they were being detained on the FSB premises. He also told the first applicant that he could not help her to secure their release and added that they would soon be transferred either to Nalchik or Mozdok.

74. The whereabouts of Mr Ruslan Adamov and Mr Supyan Adamov remain unknown.

2. Official investigation into the abduction

(a) Destruction of the investigation file

75. On 17 December 2002 the building of the Vedenskiy district prosecutor's office was shelled by an illegal armed group. As a result of the ensuing fire the archives and all criminal case files contained in it were destroyed (see *Akhmadova and Others v. Russia* (dec.), no. 3026/03, 11 December 2007).

76. On 21 June 2007, the first applicant's request (see below), the acting Vedenskiy district prosecutor ordered the restoration of case file no. 37062, which concerned the abduction of the Adamov brothers.

77. The following account of events is based on copies of the original case file and other documents submitted by the applicants, as well as the documents from the restored case file submitted by the Government.

(b) Official investigation

78. On an unspecified date in 2001 the first applicant complained about the abduction to a number of law-enforcement authorities.

79. On 12 November 2001 the Chechnya prosecutor's office forwarded the applicant's complaint to the Vedenskiy district prosecutor's office.

80. On 25 November 2001 the Vedenskiy district prosecutor's office opened criminal case no. 37062 under Article 126 of the Criminal Code (abduction). The applicants were informed thereof on 31 January 2002.

81. On 28 June 2005 the Chechnya prosecutor's office forwarded the first applicant's request for assistance in the search for her sons to the Vedenskiy district prosecutor's office.

82. On 1 July 2005 a complaint lodged with the President of Chechnya by the first applicant regarding the abduction of her sons was forwarded to a military prosecutor. It is unclear whether any reply was given to this request.

83. On 15 July 2005 the Vedenskiy district police department informed the first applicant that a search file had been opened into the abduction of the Adamov brothers and that servicemen were suspected of the commission of that crime. The letter also stated that operational search activities aimed at establishing the whereabouts of the applicants' relatives and the perpetrators were ongoing.

84. On 21 June 2007 the first applicant lodged requests with the investigators for her to be granted victim status, the resumption of the proceedings, and for her to be allowed access to the investigation file. On the same date the first two requests were granted; the third request could not be granted owing to the fact that the case file had been destroyed.

85. On 28 June 2007 the first applicant was questioned. She gave statements that were similar to her submissions to the Court.

86. The investigators lodged several requests for information with various law-enforcement and military authorities. Their replies contained statements to the effect that no information about Mr Ruslan Adamov and Mr Supyan Adamov was available.

87. On 13 July 2007 the investigators questioned the third applicant and the applicants' relative, Ms P.T. They affirmed the circumstances of the abduction, as described above.

88. On 21 July 2007 the investigation was suspended for failure to identify the perpetrators. The applicants were informed thereof.

89. In February 2011 the NGO Materi Chechni requested the General Prosecutor of Russia to provide assistance in the search for the applicants' relatives. Following this request, on 5 April 2011 the investigators' superior ordered the proceedings to be resumed.

90. On 30 April 2011 the investigators again questioned the third applicant, who reiterated his earlier statements and added that when giving and receiving commands through the portable radio set, the servicemen had used the call numbers thirteen, seven and eleven.

91. On 4 May 2011 the investigators questioned the applicants' relative, Ms M.A., who had witnessed the abduction; she affirmed its circumstances, as described above.

92. On 4 and 5 May 2011 the investigators questioned Mr Lechi Kh. and Mr Musa I., who, according to the first applicant, had informed her that her sons had been seen on the FSB premises (see paragraph 72 above). Both witnesses denied that they could have seen the Adamov brothers because they had never visited the premises of the FSB; moreover, the protective fences surrounding them had been too high for them to have seen any detainees.

93. On 7 May 2011 the investigation was suspended again. On 13 July 2011 it was resumed after the investigators' superior had voiced criticism and ordered its resumption.

94. On 20 July 2011 the investigators examined the crime scene.

95. On 21 July 2011 the investigators ordered a forensic examination of DNA obtained from the first applicant's blood.

96. On 1 and 2 August 2011 the investigators organised confrontations between the first applicant and Mr Lechi Kh. and between the first applicant and Mr Musa I. All of them maintained their earlier statements (see paragraphs 72, 85 and 92 above).

97. On 13 August 2011 the proceedings were suspended again, then resumed on 7 February 2012 and suspended on 20 February 2012, resumed again on 18 December 2012 and suspended on an unidentified date. It appears that the applicants were not duly informed of those procedural decisions.

98. On 24 December 2014, as a result of a complaint lodged by the first applicant with the President of Russia, the investigation was resumed. On 31 December 2014 it was suspended again. The investigators asked the police to intensify the search for the abductors.

99. It appears that the investigation is still pending.

3. Proceedings against the investigators

100. On 13 November 2012 the first applicant brought proceedings in the Vedenskiy District Court of Chechnya, challenging the investigators' decision of 20 February 2012 to suspend the criminal investigation and their failure to take basic steps. On 19 December 2012 the court terminated the proceedings, having found that the investigation had been resumed. On 30 January 2013 the Chechnya Supreme Court upheld that decision following an appeal by the first applicant.

C. *Dangiriyev v. Russia (no. 71383/13)*

101. The first applicant is the wife of Mr Takhir Dangiriyev, who was born in 1956. The second applicant is his son.

1. Abduction of Mr Takhir Dangiriyev and subsequent events

102. On the night of 27-28 July 2002 Mr Takhir Dangiriyev and his family were at home at 22 Nuradilova Street in Geldagan, Chechnya. Between midnight and 1 a.m. a group of about ten armed servicemen wearing camouflage uniforms and balaclavas broke into their house. The servicemen spoke unaccented Russian; one of them was not wearing a balaclava and was of Slavic appearance. The servicemen searched the premises, then forced Mr Dangiriyev outside and took him away to an unknown destination.

103. In June 2005 a Chechen man contacted the applicants' relative, Mr S.D., and gave him a list of seven persons who had allegedly been abducted by the Russian federal forces and were being held in detention in Grozny. Mr Dangiriyev's name was on the list. The applicants submitted this information to the investigators (see below).

104. The whereabouts of Mr Dangiriyev remain unknown. His abduction took place in the presence of his family members.

2. Official investigation into the abduction

105. On 29 July 2002 the first applicant informed the authorities of the abduction and requested that a criminal case be opened. She was interviewed straight away. Her statement was similar to

the account of events submitted by the applicants to the Court. In addition she told the investigators that after the abduction she had learned from some neighbours that the perpetrators had arrived in the village in three APCs and that before breaking into her house they had left the military vehicles somewhere nearby.

106. On the same date, 29 July 2002, the Kurchaloy district prosecutor's office opened criminal case no. 75073 under Article 126 of the Criminal Code (abduction).

107. On 2 August 2002 the cousin of Mr Dangiriyev, Mr S.D., complained about the abduction to the Chechnya prosecutor. In his letter he stated, in particular, that the perpetrators had arrived in two APCs, which they had left 100 metres away from the Dangiriyevs' house.

108. On the same date the investigators questioned Mr S.D. His statement about the circumstances of the abduction was similar to the applicants' account of the events.

109. On 19 September 2002 the first applicant was granted victim status and questioned. Her statement to the investigators was similar to that provided to the Court.

110. The investigators lodged several requests for information with the law-enforcement authorities. Their responses contained statements to the effect that no information about Mr Dangiriyev was available.

111. On 29 September 2002 the investigation was suspended for failure to identify the perpetrators. That decision was quashed on 5 July 2005 by the investigators' supervisors after the first applicant lodged a complaint with the Kurchaloy district prosecutor's office, and the investigation was resumed.

112. On 5 July 2005 the investigators again questioned Mr S.D. He confirmed his previous statements and informed the investigators of a meeting that he had had in June 2005 with a Chechen man who had informed him that Mr Dangiriyev was alive and was being detained by a federal law-enforcement agency in Grozny (see above).

113. On 16 July 2005 the first applicant was questioned again. She reiterated her previous statements concerning the circumstances of the abduction.

114. On 17 July 2015 the investigators examined the crime scene.

115. On 5 August 2005 the investigation was suspended again.

116. On 20 July 2010 the second applicant requested that the investigators inform him of any progress in the proceedings. In reply, he received a letter stating that the investigation had been suspended but that operational search activities were being carried out with the aim of establishing the identity of the perpetrators.

117. On 15 October 2010 the first applicant requested that the investigation be resumed and that she be granted access to the criminal case file. The investigators declined to resume the proceedings but allowed her access to the criminal case file.

118. On 10 May 2011 the NGO Materi Chechni, acting on behalf of the applicants, asked the head of the Chechen Parliamentary Committee on the Search for the Disappeared for assistance in the

search for Mr Dangiriyev. On 27 June 2011 the investigators replied that operational search activities were being undertaken in order to establish his whereabouts.

119. On 1 August 2011 the investigation was resumed. The next day the supervising prosecutor pointed out several defects in the investigation and ordered that they be remedied.

120. On 18 August 2011, at her request, the first applicant was allowed access to the criminal case file.

121. On 23 August 2011 the investigators questioned the second applicant; his statements concerning the circumstances of the abduction were similar to those given by the first applicant.

122. On 24 August 2011 the investigators ordered that blood samples be obtained from the second applicant and that a forensic examination of DNA obtained from the blood be undertaken.

123. On 29 August 2011 the investigators questioned the applicants' neighbours, Mr R.Sh. and Ms L.M., who stated that on the night of the abduction they had been at home and had not heard the sound of military vehicles or any other sounds indicating the presence of military personnel in the area. Ms L.M. additionally stated that some of the village residents living on the nearby street had heard the sound of an APC on the night of the abduction.

124. On 1 September 2011 the investigation was suspended and then resumed on 13 September 2011.

125. Between 27 September and 4 October 2011 the investigators questioned eyewitnesses to the abduction, Mr M.D., Mr A.D. and Mr R.D. Their statements to the investigators were similar to the accounts submitted by the applicants to the Court.

126. On 29 September 2011 and on 16 February 2012 respectively the first applicant and the second applicant were questioned again. They reiterated their previous statements.

127. On 13 October 2011 the investigation was suspended. It was resumed on 23 January 2012, then suspended on 24 February 2012, resumed again on 20 March 2014 and suspended on 31 March 2014, then resumed on 2 February 2015 and suspended on 12 February 2015. It is unclear whether the applicants were duly informed of those procedural decisions.

128. On 15 August 2014 the Shali Town Court of the Chechen Republic, at the second applicant's request, declared Mr Takhir Dangiriyev dead.

129. On 27 January 2015 the first applicant lodged a request with the investigators, asking them to question two neighbours, Ms S.S. and Ms Z.M. On 29 January 2015 her request was granted.

130. On 3 February 2015 the investigators questioned the applicants' neighbour, Ms Z.M. She stated that on 28 July 2002 she had learned from another neighbour that servicemen had arrived during the night in military vehicles and had taken Mr Dangiriyev away in an APC.

131. On 4 February 2015 the investigators questioned another neighbour, Ms S.S. She stated that at around 11 p.m. on 27 July 2002 she had seen a group of servicemen arrive in two APCs and an Ural lorry. They had left their vehicles not far from the applicants' house; then they had put Mr Dangiriyev into one of the APCs and had driven off to an unknown destination. Later Ms S.S. had heard that he had been taken to the military commander's office in Kurchatoy.

132. It appears that the investigation is still pending.

3. Proceedings against the investigators

133. On 17 October 2011 and 11 June 2013 respectively the applicants lodged a complaint with the Gudermes Town Court challenging the investigators' decisions of 1 September 2011 and 24 February 2012 to suspend the proceedings and their failure to take basic steps. On 23 November 2011 and 16 July 2013 the court terminated the respective sets of proceedings, having found that the investigators had earlier quashed the decisions in question and resumed the proceedings. On 13 August 2013 the Chechnya Supreme Court upheld the decision of 16 July 2013 on appeal.

4. Civil proceedings for compensation of non-pecuniary damage

134. On an unspecified date the first applicant lodged a civil claim with the Leninskiy District Court of Grozny seeking compensation for non-pecuniary damage caused by the abduction and murder of Mr Dangiriyev, together with the ineffective investigation thereof, in the amount of 3,000,000 Russian roubles (RUB).

135. On 13 May 2015 the District Court, having examined the criminal case-file documents, including witness statements, found that Mr Dangiriyev had been abducted and killed by State agents. It allowed the claim in part and awarded the first applicant RUB 1,000,000 (about 17,510 euros (EUR) at the time). The judgment became final on 15 June 2015.

D. *Ibragimov v. Russia* (no. 78616/13)

136. The first applicant is the wife of Mr Movlid (also spelled Mavlid) Ibragimov, who was born in 1954. The second, third and fourth applicants are his daughters.

1. Abduction of Mr Movlid Ibragimov

137. At about 3 a.m. on 21 March 2002 a group of ten to fifteen armed servicemen in camouflage uniforms and balaclavas arrived at the applicants' house at 18 Sportivniy Lane in Achkhoy-Martan in an UAZ vehicle and an UAZ minivan (*tabletka*). Having broken into the house, the servicemen checked Mr Ibragimov's passport, then forced him outside, put him into the UAZ minivan and drove off in the direction of Katyr-Yurt. The men spoke unaccented Russian and Chechen.

138. The whereabouts of Mr Ibragimov remain unknown. His abduction took place in the presence of the applicants and their neighbours.

2. Official investigation into the abduction

139. Immediately after the abduction Mr Ibragimov's brother, Mr M.I., informed the authorities thereof and requested that criminal proceedings be opened.

140. On 31 March 2002 the investigators examined the crime scene and seized two bullet shells.

141. On 1 April 2002 the Achkhoy-Martan inter-district prosecutor's office opened criminal case no. 63024 under Article 127 of the Criminal Code (unlawful deprivation of liberty).

142. On the same date the first applicant was granted victim status in the case and questioned. Her statements were similar to the account of events submitted by the applicants to the Court.

143. The investigators lodged several requests for information with the law-enforcement authorities. The responses contained statements to the effect that no information about Mr Ibragimov was available.

144. On 5 April 2002 the investigators ordered an expert ballistics examination of the bullet shells found at the crime scene.

145. The expert ballistics examination established that the bullet shells had formed part of a cartridge designed for a Kalashnikov machine gun of 5.45 mm calibre.

146. On 1 June 2002 the investigation was suspended for failure to identify the perpetrators. It was resumed on 27 February 2003 and suspended again on 27 March 2003.

147. On 1 March 2003 the investigators questioned Mr M.I. He stated that he had seen Mr Ibragimov being taken away by a group of armed servicemen in camouflage uniforms. Mr M.I. had tried to stop them, but the servicemen had fired at his feet. Then he had followed the servicemen's vehicles, but had been unable to keep up with them.

148. On the same date the investigators questioned Mr Ibragimov's mother, who had witnessed the abduction. She affirmed the account of events submitted by the applicants to the Court.

149. Between 3 and 25 March 2003 the investigators questioned several neighbours of the applicants and other residents of Achkhoy-Martan. Some of them had witnessed the abduction; they affirmed the circumstances of events, as described above. Others had learned from neighbours that during the early morning on 21 March 2002 (in the documents submitted the date was also indicated as 20 March 2002) armed servicemen in camouflage uniforms had broken into the Ibragimov's family house and had taken Mr Ibragimov away to an unknown destination in an UAZ vehicle.

150. On 25 January 2007 the first applicant requested the investigators to resume the proceedings and inform her of any progress in the investigation. On the same date the investigators granted her request.

151. On 29 January 2007 the investigation was resumed.

152. On 5 and 6 March 2007 the investigators questioned a number of the applicants' neighbours. All of them had learned from various sources that Mr Ibragimov had been taken away by a group of armed servicemen on the night of 21 March 2002.

153. On 28 February 2007 the investigation was suspended. It was subsequently resumed on 18 October 2007 and suspended on 23 November 2007, then resumed on 10 June 2008 and suspended on 11 July 2008. The applicants were not duly informed of those procedural decisions.

154. On 20 January 2012 the investigators resumed the proceedings following the first applicant's request to grant her "civil claimant" status in the criminal case. Her request was granted, and on 21 January 2012 the proceedings were suspended again.

155. On 20 April 2012 the Achkhoy-Martan District Court of the Chechen Republic, at the first applicant's request, declared Mr Movlid Ibragimov dead.

156. On numerous occasions in 2002, 2003, 2005 and 2011 the first applicant asked various State officials and law-enforcement agencies for assistance in the search for her husband. Her applications were forwarded to the investigators. In reply, she received letters informing her that operational search activities were in progress with the aim of establishing her husband's whereabouts.

157. It appears that the proceedings were resumed on 2 July 2013 and that they are still pending.

3. Proceedings against the investigators

158. On 22 May 2013 the first applicant lodged a complaint with the Achkhoy-Martan District Court challenging the decision of 20 January 2012 to suspend the proceedings and the investigators' failure to take basic steps. On 3 July 2013 the court terminated the proceedings, having found that on 2 July 2013 the investigators had quashed the decision in question and resumed the proceedings. On 18 September 2013 the Chechnya Supreme Court upheld that decision on appeal.

4. Civil proceedings

159. On 30 October 2012 the Leninskiy District Court of Grozny dismissed as unsubstantiated a civil claim for financial aid lodged by the first applicant civil claim against the State. On 26 February 2013 the Chechnya Supreme Court upheld that judgment on appeal.

E. *Astamirova and Israilov v. Russia (no. 69031/14)*

160. The applicants are the aunt (the first applicant) and the father (the second applicant) of Mr Lom Israilov, who was born in 1981.

1. Abduction of Mr Lom Israilov

161. At about 3 a.m. on 1 March 2003 a group of ten armed servicemen in camouflage uniforms arrived at the applicants' house at 36 Chkalova Street in Katyr-Yurt, Chechnya, in two UAZ cars without registration plates. The servicemen wore balaclavas and spoke unaccented Russian. They searched the premises, checked the identities of all those present in the house, then forced Mr Lom Israilov outside and took him away to an unknown destination.

162. The whereabouts of Mr Israilov remain unknown. His abduction took place in the presence of the applicants, other family members and neighbours.

2. Official investigation into the abduction

163. On 1 March 2003 the first applicant lodged a complaint about the abduction with the Achkhoy-Martan district prosecutor's office. Investigators immediately examined the crime scene and discovered that on the night of the abduction the perpetrators had shot dead a dog belonging to the applicants' neighbour, Mr U.Kh. A bullet shell and a bullet, which were found in the courtyard of Mr U.Kh.'s house, were seized as evidence.

164. On the same date another neighbour, Mr I.Kh., was interviewed. He submitted, in particular, that at about 2.30 a.m. on 1 March 2003 he had been disturbed by a noise outside and had gone out to check up. He had seen an UAZ car and an UAZ minivan (*tabletka*) passing by his house in the direction of the motorway.

165. On 3 March 2003 the Achkhoy-Martan district prosecutor's office opened criminal case no. 44022 under Article 126 of the Criminal Code (abduction).

166. On 5 March 2003 the second applicant was granted victim status in the case and questioned. His statements to the investigators were similar to the applicants' submissions before the Court.

167. On the same date the investigators ordered an expert ballistics examination of the bullet shell and bullet found at the crime scene.

168. The expert ballistics examination established that the bullet shell and the bullet had formed part of a cartridge designed for a gun of 9 mm calibre.

169. On 6 March 2003 Ms B.I., a witness to the abduction, was questioned. She affirmed the circumstances of events, as described above.

170. On 7 March 2003 the investigators questioned a neighbour, Mr U.Kh., who submitted that at about 3 a.m. on 1 March 2003 he had seen a group of about ten armed men in camouflage uniforms and balaclavas in the courtyard of his house. The men had shot dead his dog, which had been barking at them; then they had threatened him with firearms and ordered to show them the way to the Israilov family's house. He had taken them through his garden to their house and had then returned home. Several minutes later he had seen two UAZ cars driving away.

171. Between 27 April and 2 May 2003 and in June and July 2008 the investigators questioned several residents of Katyr-Yurt. Their statements about the circumstances of the abduction were similar to the account of events submitted by the applicants to the Court.

172. On 3 May 2003 the investigation was suspended for failure to identify the perpetrators. This decision was quashed on 17 June 2008 by the supervisors, and the investigation was resumed. It was suspended again on 17 July 2008 and resumed on 18 May 2014, then suspended on 29 May 2014 and resumed on 8 August 2014. The applicants were not duly informed of those procedural decisions.

173. On 29 July 2007 the investigators again questioned the second applicant. He reiterated his previous statements about the circumstances of the abduction; however, he added that the perpetrators had been in APCs and a VAZ-2109 vehicle.

174. On 10 February 2010 the NGO Materi Chechni, acting on behalf of the applicants, lodged a request with the head of the Chechen Parliamentary Committee on the Search for the Disappeared for assistance in the search for Mr Lom Israilov. Its request was forwarded to the investigators, who replied that the criminal case had been forwarded to another department.

175. On 21 February 2012 the first applicant requested that the investigators inform her of any progress in the investigation and allow her access to the case file. It is unclear whether she received any reply.

176. On 5 March 2012 the first applicant requested that the investigators grant her victim status in the case. The request was refused.

177. On 15 August 2014 the investigators ordered a forensic examination of DNA obtained from the blood of Ms R.D., Mr Israilov's mother.

178. On 18 August 2014 the investigation was suspended.

179. It appears that the proceedings are still pending.

3. Proceedings against the investigators

180. On 5 May 2014 the first applicant lodged a complaint with the Achkhoy-Martan District Court challenging the decision of 17 July 2008 to suspend the proceedings and the investigators' failure to take basic steps. On 19 May 2014 the court terminated the proceedings, having found that on 18 May 2014 the investigation had already been resumed. On 25 June 2014 the Chechnya Supreme Court upheld that decision on appeal.

II. RELEVANT DOMESTIC LAW AND PRACTICE AND INTERNATIONAL MATERIALS

181. For a summary of the relevant domestic law and practice and for international and domestic reports on disappearances in Chechnya and Ingushetia between 1999 and 2006, see *Aslakhanova and Others v. Russia* (nos. 2944/06 and 4 others, §§ 43-59 and §§ 69-84, 18 December 2012).

THE LAW

I. JOINDER OF THE APPLICATIONS

182. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. VICTIM STATUS

183. The Government contested the victim status of Ms Imani Dangiriyeva, the first applicant in *Dangiriyevy v. Russia* (no. 71383/13), arguing that the domestic courts had awarded her substantial compensation in connection with the abduction of her husband and the ineffectiveness of the investigation into this incident (see paragraphs 134 and 135 above).

184. The applicant submitted that the domestic award was much lower than the amount she had claimed and that it was not comparable to the Court's awards in similar disappearance cases.

185. The Court reiterates that a decision or measure favourable to the applicant is not in principle sufficient to deprive him of his status as a "victim", unless the national authorities have acknowledged – either expressly or in substance, and then afforded redress for – the breach of the relevant Convention right or freedom (see *Öztiirk v. Turkey* [GC], no. 22479/93, § 73, ECHR 1999-VI). Redress so afforded must be appropriate and sufficient, failing which a person can continue to claim to be a victim of the violation in question (see *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 181, ECHR 2006-V).

186. In the present case, even assuming that the domestic court's finding of Mr Dangiriyev's unlawful abduction by State agents constituted, in substance, an acknowledgment of the violation of Articles 2, 3, 5 and 13 of the Convention, the Court is not satisfied that the amount of EUR 17,510 constituted adequate and sufficient redress for the breach of the applicant's rights. The award was by no means comparable to what has been awarded under Article 41 of the Convention in similar cases (see *Scordino*, cited above, §§ 181 and 202; *Umarova and Others v. Russia*, no. 25654/08, § 125, 31 July 2012, and *Aslakhanova and Others v. Russia* (nos. 2944/06 and 4 others, § 260, 18 September 2012). Furthermore, in the civil proceedings referred to by the Government, the domestic courts

were unable to conduct an investigation capable of leading to the identification and punishment of those responsible for the abduction – that is to say providing adequate redress (see *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, § 121, 24 February 2005). To find otherwise would render the State's obligations under Articles 2 and 13 of the Convention illusory. The Government's objection regarding the first applicant's victim status should therefore be dismissed.

III. COMPLIANCE WITH THE SIX-MONTH RULE

A. The parties' submissions

1. The Government

187. The Government submitted that the applicants had lodged their applications with the Court several years after the abduction of their relatives and more than six months after the date on which they ought to have become aware of the ineffectiveness of the pending investigations. They argued that the applicants had remained passive and had not been interested in finding their missing relatives. Moreover, in each of the cases there had been considerable periods of inactivity on the part of the applicants when the respective investigations had been dormant. The applicants had therefore failed to show due diligence and to comply with the six-month time-limit for lodging their respective complaints with the Court.

2. The applicants

188. The applicants in all the applications submitted that they had complied with the six-month rule. They had taken all possible steps within a reasonable time to initiate a search for their missing relatives and to assist the authorities in the proceedings. They alleged that there had been no excessive or unexplained delays in lodging their applications with the Court, which had been lodged as soon as they had considered the respective domestic investigation to have proved to be ineffective.

189. The applicants furthermore submitted that they had lodged complaints with the authorities shortly after all of the incidents in question and had hoped that the criminal investigations initiated thereafter would produce results. In respect of each case, throughout the proceedings they had maintained regular contact with the authorities and had actively cooperated with the respective investigation. The applicants furthermore maintained that the armed conflict in Chechnya had led them to believe that investigative delays were inevitable and that only with the passage of time and the lack of information from the domestic authorities had they begun to doubt the effectiveness of the respective investigations. They had lodged their applications with the Court after realising that the domestic investigations had proved to be ineffective. All of the applicants except for those in *Astamirova and Israilov* (no. 69031/14) also referred to their "legal illiteracy" and their attempts to carry out an unofficial search for their missing relatives.

B. The Court's assessment

1. General principles

190. A summary of the principles concerning compliance with the six-month rule in cases involving violations of Article 2 of the Convention allegedly perpetrated by military servicemen may be found in *Sulygov and Others v. Russia*, nos. 42575/07 and 11 others, §§ 369-74, 9 October 2014, and *Dudayeva v. Russia*, no. 67437/09, § 71, 8 December 2015.

2. Application of the principles to the present case

191. Turning to the circumstances of the applications at hand, the Court notes that in each case the applicants lodged their complaints with the Court within eleven years and several months of the respective incidents, and that in each case the authorities became aware of the abductions without there being any undue delays. In respect of each of the cases, investigations were formally pending at the time at which the applications were lodged with the Court. The criminal proceedings in respect of all the cases were suspended and resumed on several occasions throughout the periods concerned. The applicants maintained reasonable contact with the authorities, cooperated with each investigation, and, where appropriate, took steps to inform themselves of the progress of the proceedings and to speed them up, in the hope of securing a more effective outcome (see paragraphs 29, 31, 116, 117, 150 and 175 above). Given the time that passed between each of the abductions and the initiation of the relevant criminal proceedings – as well as the active stance taken by the applicants in respect of the proceedings – the Court is satisfied that the applicants lodged their applications within a reasonable amount of time (see *Varnava and Others v. Turkey* [GC], nos. 16064/90 and 8 others, § 166, ECHR 2009).

192. In the application *Baysultanova and Others* (no. 12642/13), which was lodged eleven years and two months after the abduction, the Court notes that there was a significant lull in the investigation between July 2005 and October 2014, during which time the investigation into the abduction of the Baysultanov brothers was dormant. It observes, however, that the applicants remained active in trying to establish the whereabouts of their relatives throughout the entire period and consistently complained to various authorities about the abduction (see paragraphs 59, 61 and 65 above). Moreover, in 2010 and 2011 they asked the investigators to resume the criminal proceedings (see paragraphs 60 and 62 above), and in 2013 lodged a request for the investigators to question two more witnesses to the abduction of their relatives (see paragraph 64 above), but to no avail. The Court also notes that the applicants gave power of attorney to lawyers from a non-governmental organisation, Stichting Russian Justice Initiative, in September 2011 but that it was not until February 2013 that the latter lodged their application with the Court. Given the overall time frame between the incident and the lodging of the application with the Court – as well as the applicants' active stance in the proceedings – the above lull in the investigation cannot be interpreted as their failure to show due diligence and comply with the six-month requirement.

193. As for the application *Adamovy* (no. 33465/13), lodged eleven years and nine months after the abduction, the Court observes that the applicants took an active stance from the beginning; they informed the authorities about the abduction and carried out an unofficial search for their relatives (see paragraphs 72-73 and 78 above). There was a discernible lull in the investigation between January 2002 and June 2007 comprising five and a half years. Such a long period of inactivity on the part of the authorities could have cast doubt on the effectiveness of the pending investigation. The Court notes however that in 2005 the first applicant contacted the authorities who informed her that operational search activities were carried out (see paragraphs 81-83 above). Moreover, the prosecutor ordered the restoration of the investigation file destroyed by fire in December 2002 and to resume the proceedings only after the first applicant lodged a request therefor with the investigators in June 2007 (see paragraph 84 above). Subsequently the investigation was suspended and then resumed on several occasions as a result of, *inter alia*, the

applicants' complaints to the domestic authorities and the courts (see paragraphs 89 and 98 above). Taking into account the applicants' explanations concerning their compliance with the six-month rule and their efforts to revive the dormant proceedings, and having regard to the complexity of the case and the nature of the alleged violations, the Court concludes that it was reasonable for the applicants to wait for developments that could have resolved crucial factual or legal issues (see *El-Masri v. the former Yugoslav Republic of Macedonia* [GC], no. 39630/09, § 142, ECHR 2012). Therefore, the Court considers that the lulls that occurred in the domestic investigation cannot be held against the applicants or be interpreted as constituting a failure to show due diligence and to comply with the six-month requirement (see *Sagayeva and Others v. Russia*, nos. 22698/09 and 31189/11, §§ 58-61, 8 December 2015).

194. Accordingly, the Court finds that the applicants complied with the six-month time-limit.

IV. COMPLIANCE WITH THE EXHAUSTION RULE

A. The parties' submissions

195. In respect of the application *Dangiriyevy* (no. 71383/13) the Government argued that the second applicant had failed to exhaust the domestic remedies. In their view, it had been open to him to claim compensation in the domestic courts for non-pecuniary damage caused by the abduction of his father and the ensuing investigation.

196. The applicants, relying on the Court's case-law, submitted that they had not been obliged to apply to the civil courts because the civil proceedings referred to by the Government had proved to be ineffective in other similar cases.

B. The Court's assessment

197. The Court has previously concluded that a civil action to obtain redress for damage sustained as a result of alleged illegal acts or unlawful conduct of State agents cannot be regarded as an effective remedy in the context of claims brought under Article 2 of the Convention (see *Khashiyev and Akayeva*, cited above, §§ 119-21, and *Estamirov and Others v. Russia*, no. 60272/00, § 77, 12 October 2006). Accordingly, the Court confirms that the second applicant in *Dangiriyevy* (no. 71383/13) was not obliged to pursue civil remedies. The preliminary objection in this regard is also dismissed.

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

A. The parties' submissions

1. The Government

198. The Government did not contest the essential facts underlying each application, but submitted that there was no evidence proving beyond reasonable doubt that State agents had been involved in the alleged abductions of the applicants' relatives.

2. The applicants

199. The applicants submitted that it had been established "beyond reasonable doubt" that the men who had taken their relatives had been State agents. In support of that assertion, they cited

evidence contained in their submissions and documents from the criminal investigation files submitted by the Government. They also stated that they had each made a prima facie case that their relatives had been abducted by military servicemen, and that the essential facts underlying their complaints had not been challenged by the Government. Given (i) the fact that they had not had any news of their relatives for a long time and (ii) the life-threatening nature of unacknowledged detention in Chechnya at the relevant time, they asked the Court to consider their relatives dead.

B. The Court's assessment

1. General principles

200. A summary of the principles concerning the assessment of evidence and the establishment of facts in disappearance cases and the life-threatening nature of such incidents can be found in *Sultygov and Others* (cited above, §§ 393-96).

2. Application of the above principles to the present case

201. Turning to the circumstances of the applications before it, and taking account of all the material (including the documents from the criminal-investigation files provided by the Government), the Court finds that the applicants have made prima facie cases that their relatives were abducted by State agents under the circumstances described above.

202. The Court notes that in *Baysultanova and Others* (no. 12642/13) the applicants' relatives were abducted in the course of a special sweeping-up operation in Tsotsi-Yurt after clashes between Russian military forces and members of illegal armed groups (see paragraphs 9-11 and 27 above). The fact that Mr Sheikh-Akhmed Magomadov and Mr Khamzat Israilov were taken to the filtration point and detained there along with other residents of the village was confirmed by eyewitness statements (see paragraphs 12-14, 26-27 and 42 above). The Court also notes the involvement of special military vehicles – namely, APCs – in the abduction of the Baysultanov brothers (see paragraphs 15 and 52 above).

203. Turning to the application *Adamovy* (no. 33465/13), the Court notes that the alleged abductors were equipped with portable radio sets which they used to give and receive commands. The possibility to use a special communications channel was at that time available only to the military or security personnel (see *Aslakhanova and Others*, cited above, § 99). The Court furthermore notes that (i) the police suspected that servicemen had been involved in the abduction (see paragraph 83 above) and that (ii) the applicants' allegations that their relatives had been detained on the FSB premises were not contested by the Government.

204. In *Dangiriyevy* (no. 71383/13) the domestic courts, having examined the criminal case file, established that Mr Takhir Dangiriyev had been abducted and killed by State agents (see paragraphs 134-135 above).

205. As regards the applications *Ibragimovy* (no. 78616/13) and *Astamirova and Israilov* (no. 69031/14), the Court notes that Mr Movlid Ibragimov and Mr Lom Israilov were taken away by armed men in camouflage uniforms and balaclavas after those armed men had checked their identity documents (see paragraphs 137, 149, 161 and 169 above). It also notes that at the material time Achkhoy-Martan was under the full control of federal military forces and that

checkpoints were located on the roads leading to and from the settlement (see, *mutatis mutandis*, *Umarova and Others*, cited above, § 6). Moreover, the abductors of Mr Israilov spoke unaccented Russian.

206. Having regard to the numerous previous cases concerning disappearances in Chechnya and Ingushetia that have come before it, the Court has found that in the particular context of the conflict in the region, when a person is detained by unidentified State agents without any subsequent acknowledgment of that detention, this may be regarded as life-threatening (see, among many authorities, *Aslakhanova and Others*, cited above, § 101).

207. Lastly, the Court observes that the Government did not provide a satisfactory and convincing explanation for the events in question. They have therefore failed to discharge their burden of proof (see, among many authorities, *Avşar v. Turkey*, no. 25657/94, § 392, ECHR 2001-VII (extracts)).

208. In summary, the facts, as submitted in all of the applications, contain sufficient evidence to enable the Court to find that the applicants' relatives were taken into custody by State agents during security operations and remained under the State's exclusive control. Given the lack of any reliable news of them since their detention – and the life-threatening nature of that detention – the Court finds that Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov may be presumed dead following their unacknowledged detention.

VI. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

209. The applicants complained under Article 2 of the Convention that their relatives had disappeared after being detained by State agents and that the domestic authorities had failed to carry out effective investigations into the matter. Article 2 reads as follows:

“1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.”

A. The parties' submissions

1. The Government

210. In the case of *Baysultanova and Others v. Russia* (no. 12642/13) the Government contended that Article 2 of the Convention was inapplicable to the applicants' complaint of abduction, which had to be examined under Article 5 of the Convention. They referred to the case of *Kurt v. Turkey* (25 May 1998, §§ 101-09, *Reports of Judgments and Decisions* 1998-III) in that respect.

211. The Government submitted that in any event the complaints should be rejected because the applicants had failed to substantiate their allegations of enforced disappearances.

212. The Government further argued that no evidence had been obtained in the course of the domestic investigations to suggest that the applicants' relatives had been held under State control or that they had been killed.

213. Lastly, the Government submitted that the mere fact that the investigations had not produced any specific results, or had produced only limited ones, did not mean that they had been ineffective. All necessary steps had been taken to comply with the positive obligation under Article 2 of the Convention.

2. *The applicants*

214. The applicants maintained their complaints, alleging that their relatives had been abducted and deprived of their lives, in violation of Article 2 of the Convention. They furthermore argued that the investigations into the incidents had fallen short of the standards set out in the Convention and pointed out that the Government failed to submit copies of some of the investigation files to the Court.

B. The Court's assessment

1. *Admissibility*

215. The Court notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It furthermore notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

2. *Merits*

(a) Alleged violation of the right to life of the applicants' relatives

216. It is undisputed by the parties that the whereabouts of the applicants' relatives have been unaccounted for from the time of their abduction to the lodging of the applications with the Court. The question arises as to whether, as the Government submit, Article 2 of the Convention is applicable to the applicants' situations.

217. The Court notes that it has already examined the same objection lodged by the Government in similar cases concerning alleged abductions by State agents and dismissed it (see, for example, *Sultygov and Others*, cited above, §§ 441-42, and *Dzhabrailov and Others v. Russia*, nos. 8620/09 and 8 others, §§ 317-18, 27 February 2014). Accordingly, it finds that Article 2 of the Convention applies and that the Government's objection in this respect should be dismissed.

218. On the basis of the above considerations and noting that it has already been found that the applicants' relatives may be presumed dead following their unacknowledged detention by State agents (see paragraph 208 above), the Court finds, in the absence of any form of justification put forward by the Government, that the deaths of the applicants' relatives can be attributed to the State. It concludes that there has been a violation of the substantive aspect of Article 2 of the Convention in respect of Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov.

(b) Alleged inadequacy of the investigations into the abductions

219. The Court considers that the alleged failure of the Government to submit certain documents contained in the investigation files does not preclude it from examining the effectiveness of the relevant criminal proceedings.

220. The Court has previously found that the ineffective investigation of disappearances that occurred in Chechnya and Ingushetia between 1999 and 2006 constituted a systemic problem and that criminal investigations were not an effective remedy in this respect (see *Aslakhanova and Others*, cited above, § 217). In the case at hand, as in many previous similar cases examined by the Court, the respective investigations have been pending for many years without any significant developments occurring as to the identities of the perpetrators or the fate of the applicants' missing relatives.

221. The Court observes that each set of criminal proceedings has been plagued by a combination of defects similar to those enumerated in the *Aslakhanova and Others* judgment (cited above, §§ 123-25). In each of the cases several decisions have been taken to suspend the respective investigation; those suspension were followed by periods of inactivity, which further diminished the prospects of the crimes being solved. No meaningful steps have been taken to identify and question servicemen who could might witnessed, made a record of or participated in the operations.

222. In the light of the foregoing, the Court finds that the authorities failed to carry out effective criminal investigations into the circumstances of the disappearance of Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov. There has accordingly been a violation of Article 2 of the Convention under its procedural limb.

VII. ALLEGED VIOLATION OF ARTICLES 3, 5 AND 13 OF THE CONVENTION

223. All of the applicants complained of a violation of Article 3 of the Convention on account of the mental suffering caused to them by the disappearance of their relatives and of a violation of Article 5 of the Convention on account of the unlawfulness of their detention.

224. Moreover, all of the applicants alleged that no domestic remedies existed regarding the alleged violations in respect of their complaints under Article 2 of the Convention.

225. In addition, the applicants in *Dangiriyevy* (no. 71383/13) and *Ibragimovy* (no. 78616/13) complained of the lack of effective domestic remedies in respect of the alleged violations of Articles 3 and 5 of the Convention. The applicants in *Astamirova and Israilov* (no. 69031/14) also argued that, contrary to Article 13 of the Convention, there had been no domestic remedies available in respect of their complaints under Article 5 of the Convention. The relevant parts of these Articles read as follows:

Article 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 5

“1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

...

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

...

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.”

Article 13

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A. The parties' submissions

226. The Government contested the applicants' claims, arguing in particular that the applicants' mental suffering had not reached the minimum level of severity required for it to fall within the scope of Article 3 of the Convention. They also argued that domestic legislation afforded the applicants with effective remedies in respect of their complaints.

227. The applicants reiterated their complaints.

B. The Court's assessment

1. Admissibility

228. The Court notes that the applicants' complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It furthermore notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

2. Merits

(a) Alleged violation of the right not to be subjected to inhuman or degrading treatment

229. The Court has found on many occasions that a situation of enforced disappearance gives rise to a violation of Article 3 of the Convention in respect of the close relatives of a victim. The essence of such a violation lies not so much in the fact of the “disappearance” of the family member, but rather in the authorities’ reactions and attitudes to the situation when it is brought to their attention (see *Orhan v. Turkey*, no. 25656/94, § 358, 18 June 2002, and *Imakayeva v. Russia*, no. 7615/02, § 164, ECHR 2006-XIII (extracts)).

230. The Court reiterates its findings regarding the State’s responsibility for the abductions of the applicants’ relatives and the failure to carry out meaningful investigations into their fates. It finds that the applicants, who are close relatives of the abducted persons, must be considered victims of a violation of Article 3 of the Convention on account of the distress and anguish they have suffered, and continue to suffer, as a result of their inability to ascertain the fate of their missing family members and of the manner in which their complaints have been dealt with. The Court therefore finds a violation of Article 3 of the Convention in respect of all the applicants.

(b) Alleged violation of the right to liberty and security

231. The Court has found on many occasions that unacknowledged detention constitutes a complete negation of the guarantees contained in Article 5 of the Convention and discloses a particularly serious violation of its provisions (see *Çiçek v. Turkey*, no. 25704/94, § 164, 27 February 2001, and *Luluyev and Others v. Russia*, no. 69480/01, § 122, ECHR 2006-XIII (extracts)).

232. Since it has been established that the applicant’s relatives were detained by State agents, apparently without any legal grounds or acknowledgment of such detention (see paragraph 208 above), this constitutes a particularly serious violation of the right to liberty and security of person enshrined in Article 5 of the Convention. The Court accordingly finds a violation of this provision in respect of the applicants’ relatives in all applications (on account of their unlawful detention).

(c) Alleged violation of the right to an effective remedy

233. The Court reiterates its findings regarding the general ineffectiveness of criminal investigations in cases such as those under examination. In the absence of any results of a criminal investigation, any other possible remedy becomes inaccessible in practice. The Court thus finds that the applicants in all the applications did not have at their disposal an effective domestic remedy for their grievances under Article 2 of the Convention, in breach of Article 13. In addition, the applicants in *Dangiriyevoy* (no. 71383/13) and *Ibragimovoy* (no. 78616/13) did not have an effective domestic remedy for their grievances under Article 3, in breach of Article 13 of the Convention.

234. The Court furthermore notes that according to its established case-law, the more specific guarantees of Article 5 §§ 4 and 5 of the Convention, being a *lex specialis* in relation to Article 13, absorb its requirements. In view of its finding of a violation of Article 5 of the Convention (see paragraph 232 above), the Court considers that no separate issue arises in respect of Article 13 read in conjunction with Article 5 of the Convention, given the circumstances of the present case (see *Bantayeva and Others v. Russia*, no. 20727/04, § 121, 12 February 2009, and *Zhebrailova and Others v. Russia*, no. 40166/07, § 84, 26 March 2015).

VIII. APPLICATION OF ARTICLE 41 OF THE CONVENTION

235. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

1. Pecuniary damage

236. The applicants in all the applications claimed compensation for the loss of financial support that had been provided by their families' respective breadwinners.

237. The applicants in *Baysultanova and Others v. Russia* (no. 12642/13) made their calculations on the basis of the UK Ogden Actuary Tables, using domestic subsistence levels and the applicable inflation rates. All the other applicants based their calculations on the level of the minimum wage in Russia and its expected growth in the future.

238. The Government submitted that the applicants in all the applications, except for those in *Baysultanova and Others v. Russia* (no. 12642/13), had failed to prove that their disappeared relatives had been their family's breadwinners. The Government also contested the applicants' calculation of the financial losses and pointed out that it was open to them to apply for social allowances to make up for the loss of their families' respective breadwinners. As for the application *Baysultanova and Others* (no. 12642/13), the Government left the matter of the award to the Court's discretion.

2. Non-pecuniary damage

239. The amounts claimed by the applicants under that head are indicated in the appended table.

240. The Government left the matter to the Court's discretion.

B. Costs and expenses

241. The amounts claimed by the applicants are indicated in the appended table. They asked that the respective amounts awarded be paid into the bank accounts of their representatives.

242. The Government argued that the compensation sought by the applicants was excessive because their complaints fell under the well-established case-law of the Court.

C. The Court's assessment

243. The Court reiterates that there must be a clear causal connection between the damages claimed by applicants and the respective violation of the Convention, and that this may, where appropriate, include compensation in respect of loss of earnings. The Court furthermore finds that damages in respect of loss of earnings may be claimed by close relatives of disappeared persons, including spouses, elderly parents and minor children (see, among other authorities, *Imakayeva*, cited above, § 213).

244. Wherever the Court finds a violation of the Convention, it may accept that the applicants have suffered non-pecuniary damage that cannot be compensated for solely by the finding of violations and may accordingly make a financial award.

245. As to costs and expenses, the Court has to establish firstly whether the costs and expenses were actually incurred and, secondly, whether they were necessary and reasonable as to quantum (see *McCann and Others v. the United Kingdom*, 27 September 1995, § 220, Series A no. 324).

246. Having regard to its conclusions, the principles enumerated above and the parties' submissions, as well as the domestic award in *Dangiriyevy v. Russia* (no. 71383/13), the Court awards the applicants the amounts set out in the appended table, plus any tax that may be chargeable to them in respect of those amounts (see, for a similar approach, *Grigoryev and Igamberdiyeva v. Russia* [Committee], no. 10970/12, § 32, 12 February 2019). The awards in respect of costs and expenses are to be paid into the representatives' bank accounts, as indicated by the applicants.

D. Default interest

247. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Holds* that in the application *Dangiriyevy v. Russia* (no. 71383/13) Ms Imani Dangiriyeva has victim status in relation to her complaints under Articles 2, 3, 5 and 13 of the Convention;
3. *Declares* the applications admissible;
4. *Holds* that there has been a violation of Article 2 of the Convention under its substantive limb in respect of Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov;
5. *Holds* that there has been a procedural violation of Article 2 of the Convention in respect of the failure to investigate the abductions of Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov;
6. *Holds* that there has been a violation of Article 3 of the Convention in respect of the mental suffering caused to the applicants;

7. *Holds* that there has been a violation of Article 5 of the Convention in respect of Mr Sheikh-Akhmed Magomadov, Mr Khamzat Israilov, Mr Akhmed Baysultanov, Mr Khampasha Baysultanov, Mr Suliman Baysultanov, Mr Ruslan Adamov, Mr Supyan Adamov, Mr Takhir Dangiriyev, Mr Movlid Ibragimov and Mr Lom Israilov on account of their unlawful detention;

8. *Holds* that there has been a violation of Article 13 of the Convention in conjunction with Article 2 of the Convention in respect of all applicants;

9. *Holds* that there has been a violation of Article 13 of the Convention in conjunction with Article 3 of the Convention in *Dangiriyevy v. Russia* (no. 71383/13) and *Ibragimovy v. Russia* (no. 78616/13);

10. *Holds* that no separate issue arises under Article 13 of the Convention in conjunction with Article 5 of the Convention in *Dangiriyevy v. Russia* (no. 71383/13), *Ibragimovy v. Russia* (no. 78616/13) and *Astamirova and Israilov v. Russia* (no. 69031/14);

11. *Holds*

(a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, plus any tax that may be chargeable to the applicants, to be converted into the currency of the respondent State at the rate applicable at the date of settlement. The awards in respect of costs and expenses are to be paid directly into the bank accounts of the applicants' representatives, as indicated by the applicants;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

12. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 24 September 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stephen Phillips

Georgios A. Serghides