THIRD SECTION

**CASE OF OZDOYEV AND OTHERS v. RUSSIA**

*(Applications nos. 9782/08 and 9 others –*

*see appended list)*

JUDGMENT

STRASBOURG

27 August 2019

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

In the case of Ozdoyev 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 Fatoş Aracı, *Deputy Section Registrar,*

Having deliberated in private on 9 July 2019,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1.  The case originated in ten applications against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the dates indicated in the appended table.

2.  The Russian Government (“the Government”) were informed of the applications.

3.  The Government did not comment on the assignment of the applications to a Committee.

THE FACTS

I.  THE CIRCUMSTANCES OF THE CASE

4.  The applicants are Russian nationals who, at the material time, lived either in the Chechen Republic or in the Republic of Ingushetia. Their personal details are set out in the appended table. They are close relatives of individuals who disappeared after allegedly being unlawfully detained by service personnel during special operations. The events in question took place in areas under the full control of the Russian federal forces. The applicants have not seen their missing relatives since the alleged abductions. Their whereabouts remain unknown.

5.  The applicants reported the abductions to various law‑enforcement bodies, and official investigations were opened. The proceedings were repeatedly suspended and resumed, and decisions have remained pending for several years without any tangible results being achieved. The applicants lodged requests for information and assistance in the search for their relatives with the investigating authorities and various law-enforcement bodies. Their requests received either only formulaic responses or none at all. The perpetrators have not been identified by the investigating bodies. It appears that all of the investigations are still pending.

6.  Summaries of the facts in respect of each application are set out below. Each account is based on statements provided by the applicants and their relatives and/or neighbours to both the Court and the domestic investigating authorities. The Government did not dispute the principal facts of the cases, as presented by the applicants, but questioned the involvement of service personnel in the events (see paragraph 280 below).

A.  *Ozdoyev and Tsechoyev v. Russia* (no. 9782/08)

7.  The first applicant was the father of Mr Rashid Ozdoyev, who was born in 1975. The first applicant died on 23 January 2018. On 2 October 2018 his widow, Ms Tamara Ozdoyeva, expressed her wish to pursue the application in his stead.

8.  The second applicant is the brother of Mr Tamerlan Tsechoyev, who was born in 1962.

1.  Procedure before the Court

9.  On 4 February 2008 a Moscow-based non-governmental organisation (NGO), Memorial Human Rights Centre, submitted on the applicants’ behalf a first letter to the Court expressing their wish to lodge an application concerning the abduction of their relatives.

10.  On 28 February 2008 the Court invited that NGO to submit within six months a completed application form and a power of attorney.

11.  On 22 August 2008 the NGO sent to the Court a completed application form and two powers of attorney dated, respectively, 8 May 2007 and 28 December 2007. They were signed by the applicants, but lacked the signatures of their representatives. Nevertheless, the Court accepted the documents and included them in the case file.

12.  On 17 December 2008 the applicants’ representative provided the Court with two duly signed powers of attorneys dated, respectively, 5 September 2008 and 6 September 2008.

2.  Abduction of Mr Rashid Ozdoyev and Mr Tamerlan Tsechoyev and the applicants’ attempts to locate their whereabouts

13.  At the material time Mr Rashid Ozdoyev was an assistant prosecutor at the Ingushetia prosecutor’s office in charge of the supervision of the Federal Security Service (hereinafter “the FSB”) in Ingushetia*.* On several occasions he officially criticised FSB officers for their alleged participation in unlawful activities, including arbitrary detentions, torture and extrajudicial executions. At the beginning of 2004, while on a business trip to Moscow, he reported the above-mentioned practices to the federal authorities.

14.  Mr Tamerlan Tsechoyev was the head of a local NGO and an opposition activist.

15.  On the evening of 11 March 2004 Mr Rashid Ozdoyev and Mr Tamerlan Tsechoyev were driving together from the town of Nazran to the town of Malgobek, Ingushetia in Mr Tamerlan Tsechoyev’s dark-green VAZ 21099 car. In the vicinity of the village of Verkhniye Achaluki, a white Niva car without registration plates collided with their car and blocked the road. A group of eight to ten armed men in camouflage uniforms got out of the Niva car and two more vehicles (a Gazel minivan and a silver VAZ 21099 car) that had pulled over nearby. The men opened fire, apprehended Mr Ozdoyev and Mr Tsechoyev, put them in the minivan and drove them away. Mr Rashid Ozdoyev’s car was also taken away.

16.  The incident was seen by police officers at a nearby traffic-police checkpoint. They tried to intervene, but one of the abductors introduced himself as a FSB officer and ordered the policemen to stay away.

17.  At about 10 p.m. on the same date, the armed men who had apprehended Mr Ozdoyev and Mr Tsechoyev allegedly abducted Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov (see *Yevloyeva and Tomova*, no. 14667/09; see also paragraphs 56 and 57 below).

18.  At about 11 p.m. two FSB officers, Mr M.Kh. and Mr I.B., who were on duty at FSB’s Ingushetia headquarters in the town of Magas (“the FSB headquarters"), saw a white Niva car and two VAZ 21099 cars (silver and dark-green, respectively) approaching the headquarters’ entrance gates. They had been instructed by the head of the FSB headquarters, General S.K., to let the cars in, and they followed that instruction.

19.  The next day (12 March 2004) unidentified agents of a law‑enforcement agency told the first applicant that at about 3 a.m. on that date Mr Rashid Ozdoyev and the other three men arrested in the course of the special operation of 11 March 2004 had been transported from the premises of the FSB headquarters to the town of Vladikavkaz, North Ossetia, on the orders of General S.K. and Mr A.K. (the Minister of Internal Affairs in Ingushetia at the time).

20.  In the search for his missing relative, the second applicant spoke with residents of Verkhniye Achaluki (in the vicinity of which the abduction had allegedly taken place) who had witnessed the abduction. Those residents provided him with details of the events; their accounts were similar to those given above.

3.  Official investigation into the abductions

(a)  Official investigation into the abduction of Mr Rashid Ozdoyev

21.  Immediately after the abduction the first applicant informed the authorities thereof and requested that a criminal case be opened.

22.  On 14 March 2004 the Ingushetia prosecutor’s office opened criminal case no. 04800001 under Article 126 of the Criminal Code (“the CC”) (abduction).

23.  The next day the investigators questioned the first applicant. He submitted that on the morning of 11 March 2004 Mr Rashid Ozdoyev had left home to go to work and had not come back. Two days later, the first applicant had received a telephone call from a man who had told him that Mr Rashid Ozdoyev’s car had been seen parked, covered by canvas, on the premises of the FSB headquarters. Then he had subsequently learned from his son, Mr R.O. (an FSB officer at the material time), that Mr Rashid Ozdoyev had been abducted by law-enforcement agencies acting on General S.K.’s orders.

24.  On the same date, 15 March 2004, the investigators questioned Mr R.O., who stated that during the night of 13-14 March 2004 an unidentified man had telephoned him and described the circumstances of the abduction (the description was similar to the account submitted by the applicants to the Court).

25.  On 18 and 20 March 2004 the investigators questioned three police officers who had been on duty at the traffic-police checkpoint. The officers confirmed the circumstances of the abduction, as described by the applicants.

26.  On 16 March 2004 the investigators requested the FSB headquarters to provide them with information about the alleged arrest of Mr Rashid Ozdoyev. Five days later a staff member replied that the FSB headquarters had no information about his arrest.

27.  On 2 April 2004 the criminal proceedings in respect of Mr Rashid Ozdoyev’s abduction were joined with that opened in respect of Mr Tamerlan Tsechoyev’s abduction (see paragraph 40 below), but three days later the proceedings were disjoined.

28.  On 12 April 2004 the first applicant was granted victim status in the case.

29.  The next day the investigators added to the evidence in the case file a letter of confession by an FSB officer, I.O. This letter was addressed to the Ingushetia public prosecution office. The FSB officer stated that he had worked under the command of General S.K. in a unit comprising five persons. The unit’s objective had been to arrest five people every week. During special operations, which had been carried out at night, the FSB officers had used camouflage uniforms, masks, and fake documents. After apprehending a person they would take him to the premises of the FSB headquarters, where they would torture and kill him. I.O. himself had mutilated more than fifty people and had killed thirty-five people. In early 2003 his unit had apprehended people genuinely suspected of having taken part in illegal activities, but later – in order to comply with the objectives that they had been set – they had started to arrest people randomly, on the basis of their Chechen appearance. The last special operation in had participated had been undertaken to apprehend a prosecutor who had been in possession of compromising material against the above-mentioned General S.K. I.O. had broken the legs and arms of that person and his colleagues had then killed him.

30.  On 19 May 2004 the investigators questioned an FSB officer, A.O., about the above-mentioned confession letter (his first name and surname were very similar to those of the author of that letter). A.O. told the investigators that he had not written that letter.

31.  On 8 October 2004 the first applicant provided the investigators with an audiotape recording of an account of the events provided by an FSB officer, R.S. The audiotape contained a recording of a conversation between several men, including (presumably) R.S., who stated that on an unspecified date, in the evening, on the orders of General S.K., he, with a group of other FSB officers, had taken part in the apprehension and arrest of two men riding in a dark-green VAZ 21099 car in the vicinity of the village of Achaluki in Ingushetia.

32.  On 14 March 2005 the investigators suspended the proceedings and then, following criticism by a supervising prosecutor, resumed them on 1 December 2005.

33.  On 22 December 2005 the investigators questioned General S.K., who denied his involvement in the abduction of Mr Rashid Ozdoyev.

34.  On 31 December 2005 the investigators again questioned Mr R.O. (see paragraph 23 above). He submitted that after the abduction he had inspected the FSB headquarters’ garage and had found the above-mentioned Niva car. Its left-hand side had been damaged and there had been traces of dark-green paint on the damaged parts. He had immediately asked the investigators to examine the car, but his request been refused.

35.  On 6 January 2006 the proceedings were suspended again.

36.  On 4 September 2006 the first applicant complained to the Russian Prosecutor General’s Office of the ineffectiveness of the investigation into his son’s abduction.

37.  On 30 November 2006 the investigators resumed the proceedings and questioned an FSB officer who had been in charge of the vehicles fleet at the FSB headquarters. He stated that FSB vehicles had not been involved in any car accidents in 2004. On the same day the investigators again suspended the proceedings.

(b)  Official investigation into the abduction of Mr Tamerlan Tsechoyev

38.  On 20 March 2004 the wife of Mr Tamerlan Tsechoyev (Ms P.T.) lodged an official complaint with the domestic authorities, alleging that her husband, together with Mr Rashid Ozdoyev, had been abducted on 11 March 2004.

39.  On 29 March 2004 the investigators questioned the second applicant. He submitted that according to rumours his brother had been abducted, together with Mr Rashid Ozdoyev by law-enforcement agents at the Kantyshevskiy crossroads.

40.  On 2 April 2004 the Ingushetia prosecutor’s office opened criminal case no. 04500012 under Article 126 of the CC (abduction) and joined it with that opened in respect of Mr Rashid Ozdoyev’s abduction. Three days later the proceedings were disjoined (see paragraph 27 above).

41.  In May 2004 the investigators requested various authorities, including the FSB headquarters and the Ingushetia Ministry of the Interior, to provide them with information about the alleged arrest of Mr Tamerlan Tsechoyev. Those authorities replied that they had no information about his arrest or detention.

42.  On 14 June 2004 the criminal case in respect of Mr Tamerlan Tsechoyev’s abduction was joined with criminal case no. 04500010, which had been opened on 17 March 2004, in respect of the abduction of Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov (see paragraph 65 below).

43.  On 12 July 2004 Ms P.T. was granted victim status in the criminal case and questioned by the investigators. She alleged that her husband had been abducted, together with Mr Rashid Ozdoyev, by FSB officers.

44.  On 13 October 2004 the second applicant was granted victim status in the case. The reasoning for that decision stated that Mr Tamerlan Tsechoyev had been abducted at about 10 p.m. on 11 March 2004 at the traffic-police checkpoint located at the Kantyshevskiy crossroads by a group of ten armed men wearing camouflage uniforms and balaclavas. The wording of the decision in question furthermore stated that Mr Tamerlan Tsechoyev had been abducted, along with Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov.

45.  On 30 November 2004 the investigators questioned Mr I.B., one of the FSB officer, who had been on duty at the FSB headquarters at the time of the abduction. He stated that on 11 March 2004 at about 11 p.m. a Niva car and a VAZ 21099 car of a dark colour had entered the FSB premises. The latter vehicle had had a dent on its front left-hand door.

46.  On 17 December 2004 the investigation in respect of the case was suspended for failure to identify the perpetrators. The investigation was resumed on 1 April 2005, then suspended on 1 May 2005, then again resumed on 1 December 2006 and suspended on 31 December 2006.

47.  In the meantime, on 5 December 2005 the Ingushetia Ministry of the Interior issued a report stating, in particular, that Mr Tamerlan Tsechoyev was on a wanted list on suspicion of the illegal possession of firearms.

48.  On 25 April, 14 August and 11 September 2006 and on 28 March 2007 the second applicant lodged requests with the investigators, asking that they inform him of any progress made in the investigation. He also asked them to take certain investigative steps. In reply to the first request the investigators informed him that the investigation had been suspended. His second request was refused.

4.  Proceedings before domestic courts

49.  On 9 August 2006 the first applicant lodged a complaint with the Nazran District Court in Ingushetia challenging his lack of access to the criminal case file and the investigators’ failure to conduct the investigation with due diligence.

50.  On 4 October 2006 the court dismissed the applicant’s complaint. On 21 November 2006 the Ingushetia Supreme Court upheld this decision on appeal.

51.  On 1 November 2006 and 16 May 2007 the second applicant lodged a complaint with the same court challenging the decisions of 1 May 2005 and 31 December 2006 to suspend the investigation and the investigators’ inaction in the criminal case.

52.  On 4 December 2006 and 13 June 2007 the court dismissed the second applicant’s complaint On 4 August 2007 the Ingushetia Supreme Court upheld that ruling on appeal.

53.  On 2 April 2008 the Malgobek Town Court in Ingushetia declared Mr Rashid Ozdoyev dead at the request of the first applicant and members of his family.

B.  *Yevloyeva and Tomova* v. Russia (no. 14667/09)

54.  The first applicant is the mother of Mr Rasukhan Yevloyev, who was born in 1976. The second applicant is the sister of Mr Ibragim Izmaylov, who was born in 1976.

1.  Procedure before the Court

55.  The applicants lodged an application with the Court on 2 March 2009. Subsequently they provided the Court with powers of attorney from the first applicant (dated 17 February 2002) and the second applicant (dated 18 February 2009). Both documents indicated 3 March 2009 as the date of the introduction of the application. According to the applicants, there was a clerical mistake in the date of the first power of attorney, which had actually been issued on 17 February 2009.

2.  Abduction of Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov

56.  At about 10 p.m. on 11 March 2004 Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov were driving in their white VAZ 2107 car along the road from the town of Malgobek, Ingushetia. As soon as they had passed through the Kantyshevskiy crossroads and reached a traffic-police checkpoint nearby, a dark‑grey metallic VAZ 21099 car without registration plates overtook them at high speed and blocked the road. At the same time a white Niva car without registration plates approached them from behind and bumped into their car’s rear end. Ten armed men in camouflage uniforms and balaclavas jumped out of the two cars, surrounded Mr  Yevloyev and Mr Izmaylov and opened fire; the armed men then handcuffed them forced them into their VAZ 21099 and Niva cars, and drove off in the direction of the town of Nazran.

57.  A police officer on duty at the traffic checkpoint, Mr A.A., attempted to intervene; however, one of the men ordered him to stay away, waving a service identification card. Speaking unaccented Russian, the man told him that he was from the FSB headquarters in the town of Magas (“the FSB headquarters").

58.  On the same date (11 March 2004) Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov were taken to the FSB headquarters. The brother of Mr Rasukhan Yevloyev, Mr Kh.Y., went there straight away and saw a Niva car parked on the headquarters’ premises. The car had damage to its body that indicated that it had been in a collision with a white-coloured vehicle.

3.  Official investigation into the abduction

59.  On 15 and 16 March 2004 the first and the second applicants, respectively, informed the authorities of the abduction.

60.  On 16 March 2004 investigators from the Nazran district prosecutor’s office in Ingushetia examined a white VAZ 2107 car that had been left at the traffic-police checkpoint near the Kantyshevskiy crossroads. They noted that the car was damaged, its tyres were flat, its front and rear windows were broken, and the vehicle’s body had several round holes (apparently caused by gunshots). The investigators found two bullets in the car and seized them as evidence.

61.  On 17 March 2004 the Nazran district prosecutor’s office opened criminal case no. 04500010 under Article 126 of the СС (abduction) in respect of the abduction.

62.  On the same day the investigators asked the FSB headquarters and the Ingushetia branch of the Russian Ministry of the Interior to provide them with information about the alleged arrest of Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov. In late March 2003 those bodies replied that they had not arrested the said persons and did not have any information about their whereabouts.

63.  On 18 and 20 March 2004 the investigators questioned three police officers who had been on duty at the traffic checkpoint and had witnessed the abduction. Their submission regarding the circumstances of the abduction was similar to that submitted by the applicants to the Court.

64.  On 24 March 2004 the investigators ordered an expert examination of the bullets seized in the car. The experts concluded that they had been shot from one weapon – a Makarov pistol or a Stechkin automatic pistol.

65.  On 14 June 2004 the criminal case was joined with that which had been opened in respect of Mr Tamerlan Tsechoyev’s abduction (see paragraph 42 above).

66.  On 17 November and 10 December 2004 the first and the second applicants, respectively, were granted victim status in the case.

67.  The subsequent developments in the proceedings are described above (see paragraphs 43-48 above).

68.  Throughout the proceedings the applicants and other relatives of the abducted persons complained to various State officials and law-enforcement agencies about the incident.

69.  On 16 February 2005 the first applicant asked the head of the FSB headquarters to assist in the search for her son. On an unspecified date her letter was forwarded to the investigators. It is not clear if it received any reply.

70.  On 9 March 2005 Mr Ibragim Izmaylov’s father complained of his son’s arrest to the FSB headquarters. Citing witness testimony given by an unspecified FSB officer, he submitted that between 11 and 12 March 2004 his son had been detained on the headquarters premises.

71.  The above-mentioned request was forwarded to the investigators. On an unspecified date in April 2005 they replied that they had examined the allegation that Mr Ibragim Izmaylov had been arrested by FSB officers.

72.  On 8 February 2006 the first applicant lodged a request with the Russian Prosecutor General’s Office for assistance in the search for her son. Apparently, no reply was forthcoming.

73.  On 12 July 2006 the first applicant repeated her request to the Russian Prosecutor General’s Office and was informed in reply that the relevant proceedings had been suspended.

74.  On 15 November 2006 the second applicant asked the investigators to take additional investigative steps in the case. On 1 December 2006 the investigators replied that the investigation had been resumed.

75.  On 25 January 2008 the second applicant lodged a request with the Chechen President for assistance in the search for her son. Her request was forwarded to the investigators, who replied on 25 July 2008 that the investigators had failed to identify the perpetrators and had therefore on 31 December 2006 once again suspended the proceedings.

C.  *Maltsagovy v. Russia* (no. 52431/10)

76.  The applicants are close relatives of Mr Mukhadi Maltsagov, who was born in 1952. The first applicant is his wife and the other applicants are his children.

1.  Abduction of Mr Mukhadi Maltsagov

77.  At about 4 a.m. on 3 May 2000 a large group of armed men of Slavic appearance in camouflage uniforms and equipped with helmets and portable radios arrived at the applicant’s house in the village of Avtury, Chechnya, in two UAZ minivans without registration plates, four armoured personal carriers (“APCs”) and an Ural lorry. The men broke into the courtyard and shot the applicant’s barking dog. Ten of the men were in the courtyard when Mr Mukhadi Maltsagov came outside to investigate the noise. Speaking unaccented Russian they asked him his name, then tied his hands together and took him out of the courtyard to the street, where about fifty other armed men were waiting for them. They then put Mr Maltsagov in the UAZ minivan and took him to the premises of the local former poultry farm, where a Russian military base was located.

78.  All of the applicants were present at the scene and witnessed the incident. They also submitted to the Court written statements given by their neighbours, Mr C.A. and Mr Y.S., who had seen the incident from their houses. Their statements are consistent with the applicants’ account of the events.

2.  Official investigation of the abduction

79.  On 3 May 2000 the applicants went to the Shali military commander’s headquarters. The military commander told them that his subordinates had not arrested Mr Mukhadi Maltsagov and that he had no information concerning any special operation carried out by military forces on that date.

80.  Between July and August 2000 the applicants lodged abduction complaints with various authorities, including the Chechen Prosecutor and the Special Representative of the Russian President on Human Rights and Freedoms in Chechnya.

81.  On 20 August 2000 the Shali district prosecutor’s office informed the first applicant that it had opened a criminal case into the abduction. However, as can be seen from other case-file documents submitted by the Government, a criminal case was opened on 25 December 2000 under the number 22087.

82.  The Government did not provide the Court with a copy of the criminal file. From the applicants’ submissions it appears that the investigation proceeded as follows.

83.  On 5 February 2001 the investigators granted the first applicant victim status in the proceedings, but did not inform her of that decision.

84.  On an unspecified date the investigators requested military unit no. 20116, which was stationed in the town of Shali, to tell them whether Mr Mukhadi Maltsagov had been arrested by its personnel. On 5 July 2001 that military unit replied in the negative.

85.  On 1 October 2001 the Shali district prosecutor’s office replied to a request lodged by the first applicant for information, stating that the investigators were taking measures to establish the whereabouts of Mr Mukhadi Maltsagov and that they would inform the applicants of any further developments.

86.  On an unspecified date the investigators suspended the proceedings for failure to identify the perpetrators. It appears that the applicants were not informed of that decision.

87.  On 7 December 2004 the investigators notified the first applicant of the resumption of the proceedings.

88.  On 12 May 2005, without informing the applicants, the investigators suspended the proceedings.

89.  On 6 April 2006 the first applicant contacted an NGO, Edinstvo, seeking its assistance in the search for her husband. It is unclear whether the NGO lodged any complaints on the applicant’s behalf.

90.  On 8 February 2010 the first applicant complained to the investigators of the lack of any information about the progress of the case. She applied for victim status and asked the investigators for permission to review the case-file material.

91.  On 12 February 2010 the investigators informed the applicant that on 5 February 2001 she had been granted victim status in the criminal case and that the proceedings had been suspended on 12 May 2005 for failure to identify the perpetrators.

92.  On an unspecified date in 2010 the first applicant lodged a request with the Chechen Parliament’s committee for the search for missing persons for assistance in the search for her husband. On an unspecified date her request was forwarded to the Chechen Department of the Investigative Committee of the Russian Federation and then, on 2 June 2010, to the investigators. It is unclear if any reply followed.

D.  *Zanziyevy v. Russia* (no. 14182/11)

93.  The first and the second applicants are the parents of Mr Abdallakh Zanziyev, who was born in 1980. The third applicant is his sister.

1.  Abduction of Mr Abdallakh Zanziyev and subsequent events

94.  According to the applicants, on the night of 4-5 October 2000 Russian military forces conducted a special operation in the Staropromyslovskiy District of Grozny. The entire district was blocked off by military vehicles.

95.  At around 5 a.m. on 5 October 2000 an APC, two Ural lorries and two UAZ minivans arrived at the applicants’ block of flats in Grozny. Mr Abdullakh Zanziyev and the first and the third applicants were at home when a group of eight to ten armed masked men in camouflage uniforms broke into their flat. Having threatened the applicants with firearms, the men searched the premises. Following the search, they forced Mr Abdallakh Zanziyev to the floor, tied his hands behind his back and took him out of the flat. As they were leaving the flat, the men ordered the applicants and their neighbours to stay inside, threatening to shoot anyone who failed to obey. Shortly afterwards, the Ural lorry and the UAZ minivan drove off to an unknown destination.

96.  The abduction of Mr Abdallakh Zanziyev took place in the presence of several witnesses, including the applicants and their neighbours. The applicants submitted to the Court written statements given by their neighbours, Mr L.K., Ms R.A. and Mr S.L., who witnessed the incident. Their statements were consistent with the above description.

97.  On an unspecified day in 2002 a man who introduced himself as “Timur” contacted the applicants and told them that between 2001 and 2002 he had allegedly been detained in a remand prison in Krasnodar, Russia, in the same cell as Mr Abdallakh Zanziyev and fifteen other detainees, all of whom were of Chechen ethnic origin and had been abducted under various circumstances by military personnel.

2.  Official investigation into the abduction

98.  On 5 October 2000 the first applicant lodged a complaint with the Grozny town prosecutor’s office about the abduction of her son.

99.  Shortly thereafter a police officer informally interviewed the applicants’ neighbours. They stated that on 5 October 2000 a group of armed men in military uniforms had arrived at their block of flats in an APC, two Ural lorries, and two UAZ minivans. They had entered the block of flats, apprehended Mr Abdallakh Zanziyev, put him in one of the two Ural lorries and driven away.

100.  On 31 October 2000 the Grozny prosecutor’s office opened criminal case no. 12203 under Article 126 of the CC (abduction).

101.  On 28 November 2000 the investigators questioned the first applicant. Her statement concerning the abduction was similar to the applicants’ submission to the Court. She also noted that the abductors had been equipped with portable radios and had spoken Russian using the call names “Baiykal” and “Omon”.

102.  On 31 December 2000 the investigation was suspended for failure to identify the perpetrators. The applicant was not informed of that decision.

103.  On an unspecified date in late 2003 or early 2004 the second applicant asked the Chechen prosecutor’s office to assist in the search for her son. His letter was forwarded to the Staropromyslovskiy district prosecutor’s office in Grozny. On 13 February 2004 the latter replied that the proceedings would be resumed after the case file had been examined by a supervising authority.

104.  On 12 February 2005 the criminal proceedings were resumed.

105.  On 14 February 2005 the investigators requested various law‑enforcement authorities, including the FSB headquaters in Chechnya, to provide information about the alleged arrest of Mr Abdallakh Zanziyev. The authorities replied that they had no such information.

106.  On 10 March 2005 the first applicant was granted victim status in the criminal case.

107.  On 12 March 2005 the investigation was suspended.

108.  On 22 February 2005 the first applicant wrote to Edinstvo, the above-mentioned NGO, to complain about the abduction of her son. She alleged that in November 2000 he had been detained in a remand prison in Krasnodar. The NGO forwarded the letter to the investigators. On 19 April 2006 the investigators replied to the first applicant, stating that operational search activities were underway.

109.  On 3 June 2005 the investigators resumed the proceedings; on 30 June 2006 they questioned the first applicant, who affirmed her previous statements and added that her son had been abducted together with his neigbours (the Amishev brothers).

110.  On 1 July 2006 the investigators questioned the mother of the Amishev brothers; she confirmed that the abduction of her sons had taken place on 5 October 2000.

111.  The next day, 2 July 2006, the proceedings were suspended.

112.  On the same day the first applicant lodged a request with the Staropromyslovskiy district prosecutor’s office for the proceedings to be resumed. Two days later he received a reply that on 4 July 2007 the decision to suspend the investigation had been overruled.

113.  Subsequently the proceedings were suspended again on 4 August 2007. After the first applicant lodged a complaint with the Staropromyslovskiy District Court in Grozny (see paragraph 121 below), that decision was overruled by the supervising authority on 19 November 2007.

114.  On 3 June 2008 the first applicant lodged a request with the investigators for her to be allowed to review the case file. On the same day her request was refused. The applicant unsuccessfully challenged that decision in court (see paragraph 122 below).

115.  Subsequently the proceedings were resumed and suspended on many occasions. Specifically, they were resumed on 6 November and 19 December 2008, 12 October 2010, 3 September 2011, 19 and 25 April and 21 May 2012, and 19 April 2013; they were suspended on 6 December 2008, 22 January 2009, 12 November 2010, 3 October 2011, 25 February and 25 May 2012, and 14 January 2013.

116.  In the meantime, on an unspecified date in 2009 the first applicant lodged a request with the Chechen Parliament’s committee for the search for missing people to help her in the search for her son. On 8 May 2009 her request was forwarded to the investigators in charge of the case. No reply was forthcoming.

117.  In October 2009 and in October 2011 the first applicant again requested the investigators to allow her to review the case file and to grant her the status of civil claimant. The requests were granted on 5 October 2009 and 3 October 2011, respectively.

118.  On 23 December 2011 the first applicant asked the investigators to intensify the search. In reply she was informed that although the proceedings had been suspended, operational search activities were underway and that she would be informed of any further developments in the case.

119.  In the meantime, there was no realisation of any tangible results that could have led to the crime being solved. The investigators examined the crime scene (apparently for the first time) on 20 April 2012. No evidence was collected during that examination. Three days later, on 23 April 2012, they obtained a sample of the first applicant’s DNA in order to compare it with samples stored in a database of DNA taken from unidentified corpses. It is unclear whether such a comparison was indeed ever carried out.

120.  On 25 May 2012 the investigators joined the proceedings in respect of the abduction of Amishev brothers (which had been instituted on 31 October 2000) with the proceedings in respect of the abduction of Mr Abdallakh Zanziyev.

3.  Proceedings against the investigators

121.  On 1 November 2007 the first applicant lodged a complaint with the Staropromyslovskiy District Court in Grozny challenging the decision of 4 August 2007 to suspend the investigation. The court dismissed the complaint on 28 November 2007 as the investigators had already resumed the proceedings on 19 November 2007.

122.  On 7 August 2008 the first applicant lodged a complaint with the Leninskiy District Court in Grozny regarding the investigators’ refusal of 3 June 2008 to grant her full access to the case file. Her complaint was dismissed as unfounded on 7 November 2008.

123.  On 24 June 2010 the first applicant again lodged a complaint with the Staropromyslovskiy District Court regarding the investigators’ decision to suspend the criminal proceedings. The court dismissed the complaint on 12 October 2010 as the proceedings had already been resumed. The Chechnya Supreme Court upheld that decision on appeal on 17 November 2010.

E.  *Tutkhanovy v. Russia* (no. 56569/11)

124.  The first and the second applicants are, respectively, the wife and the son of Mr Alaudi Tutkhanov, born in 1951.

1.  Abduction of Mr Alaudi Tutkhanov

125.  Mr Alaudi Tutkhanov worked as a night watchman at the local road maintenance department, located on the outskirts of the town of Achkhoy‑Martan. In October 2002 he complained to his colleague, Mr G.Kh, of having recently received two visits from FSB officers and said that he was afraid of being arrested.

126.  At 6 p.m. on 2 November 2002 two UAZ vehicles arrived at the road maintenance department. Armed men speaking unaccented Russian jumped out of the vehicles, apprehended Mr Alaudi Tutkhanov and drove him away. The abduction was witnessed by his colleague, Mr R.M.

2.  Official investigation into the abduction

127.  On 3 November 2002 the first applicant requested the Achkhoy‑Martan district department of the interior to find her husband, who had not returned home from work.

128.  On 29 November 2002 the Achkhoy-Martan district prosecutor’s office opened criminal case no. 63095 under Article 126 of the CC (abduction).

129.  The Government did not provide the Court with a copy of the criminal file. From the applicants’ submissions, it appears that the investigation proceeded as follows.

130.  On 16 January 2003 the first applicant was granted victim status in the criminal case.

131.  The next day (17 January 2003) the investigators questioned Mr G.Kh. He stated that Mr Alaudi Tutkhanov had been visited by FSB officers on two occasions in October 2002 and that he had been afraid of being arrested.

132.  On 17 September 2003 the investigation was suspended for the failure to identify the perpetrators of the abduction.

133.  On 1 December 2003 the Achkhoy-Martan District Court declared Mr Alaudi Tutkhanov a missing person.

134.  On 31 January 2008 the investigators informed the first applicant that the criminal investigation had been resumed.

135.  On 29 February 2008 the investigators suspended the proceedings; on 17 March 2008 they resumed them, and on 15 April 2008 suspended them again.

136.  On 17 March 2011 the first applicant requested the investigators to provide her with copies of the case-file documents.

137.  On 29 March 2011 the applicants requested that the investigators question Mr R.M., an eyewitness to the abduction.

138.  On 19 April 2011 the investigators resumed the proceedings, and two days later, on 21 April 2011, they questioned Mr R.M., who confirmed the account of the events given in the applicant’s submissions to the Court.

139.  On 29 April 2011 the investigators suspended the proceedings.

3.  Proceedings against the investigators

140.  On 25 March 2011 the first applicant lodged a complaint with the Achkhoy-Martan District Court, challenging the decision of 15 April 2008 to suspend the criminal proceedings. The applicant’s complaint was transferred to the Urus‑Martan Town Court, which had jurisdiction in respect of the matter.

141.  On 20 April 2011 the Urus-Martan Town Court dismissed the complaint because a day earlier the investigators had resumed the investigation. On 18 May 2011 the Chechen Supreme Court upheld that decision on appeal.

F.  *Makayeva v. Russia* (no. 56577/11)

142.  The applicant is the sister of Mr Mokhadi Makayev, who was born in 1970.

1.  Abduction of Mr Mokhadi Makayev

143.  At the material time Mr Makayev, whose house had been destroyed as a result of military operations in Chechnya, was living on a temporary basis in the house of an acquaintance, Mr Isa Dzhabrailov, in the village of Goy-Chu, Chechnya.

144.  At about 3 a.m. on 25 January 2003 a group of armed men in camouflage military uniforms and balaclavas arrived at Mr Isa Dzhabrailov’s house in a grey UAZ minivan. The men broke into the house and took Mr Makayev and Mr Dzhabrailovto an unknown destination (see *Dzhabrailov,* no. 4363/12; see also paragraphs 188-189 below).

2.  Official investigation into the abduction

145.  On 20 March 2003 the Urus-Martan district prosecutor’s office opened criminal case no. 34031 under Article 126 of the CC (abduction).

146.  On 18 April 2003 the applicant was granted victim status in the criminal case and questioned by the investigators. Her submissions were similar to those that she made to the Court.

147.  On 20 May 2003 the investigators suspended the proceedings for failure to identify the perpetrators.

148.  On 5 July 2003 and 12 April 2004 the applicant contacted the head of the Chechen Government’s department for cooperation with law‑enforcement agencies and the Urus-Martan military commander’s office, respectively, seeking their assistance in the search for her brother.

149.  It appears that one of the applicant’s requests was forwarded to the Urus-Martan district prosecutor’s office. The latter informed the applicant on 27 April 2004 that the criminal proceedings had been suspended but that operational search measures were being undertaken.

150.  On 26 August 2005 the applicant asked the investigators to provide her with copies of certain documents from the criminal case file. On the same day her request was granted.

151.  On 9 June 2007 the investigators asked the Urus-Martan district department of the interior (“the Urus-Martan ROVD”) to question the relatives of Mr Mokhadi Makayev, his neighbours, local officials, postmen, and other people who might be able to cast light on his whereabouts.

152.  On 17 June 2007 a police officer from the Urus-Martan ROVD questioned A.G., a police officer from the Goy-Chu police station. The latter had spoken with relatives and neighbours of Mr Mokhadi Makayev after his abduction, but they had had no information on his whereabouts.

153.  Subsequently, the proceedings were resumed on 21 February 2011, 12 February and 26 July 2014 and then suspended on 3 March 2011, 21 February and 5 August 2014 respectively.

154.  In the meantime, on 28 November 2013 the Urus-Martan Town Court at the applicant’s request declared Mr Mokhadi Makayev dead.

3.  Proceedings against the investigators

155.  On an unspecified date the applicant lodged a complaint with the Urus-Martan Town Court challenging the investigators’ inaction. On 22 February 2011 the latter allowed the applicant’s complaint in part and ordered that a thorough investigation be carried out.

G.  *Murdalova and Elmurzayev v. Russia* (no. 66832/11)

156.  The applicants are the parents of Mr Alash Elmurzayev, who was born in 1978. The second applicant was his father, who died on 12 July 2013.

1.  Abduction of Mr Alash Elmurzayev

157.  At the material time Mr Elmurzayev was working as an electrician for military unit no. 44822, which was then stationed in the village of Borzoy, Chechnya, but he wanted to get a job with the Vostok battalion of the Chechnya Ministry of the Interior.

158.  On the morning of 23 May 2005 Mr M.T., the acting commander of that battalion, ordered Mr Elmurzayev to report to the battalion’s main headquarters in the town of Gudermes to apply for a job. Mr Elmurzayev, accompanied by Mr R.B., a serviceman in the battalion, immediately went to Gudermes in a military UAZ vehicle and did not return.

2.  Subsequent events

159.  The applicants learned of their son’s disappearance on 24 May 2005. Shortly thereafter the second applicant asked the head of the Shali local authorities to help him to find his son. The latter told the second applicant that Mr Alash Elmurzayev was being detained at the Vostok battalion’s headquarters in Gudermes.

160.  The second applicant visited the Vostok battalion’s headquarters on several occasions, but was not allowed to enter.

161.  On an unspecified date at the beginning of July a woman came to the applicants’ house and handed over a note, allegedly handwritten by Mr Elmurzayev. The note stated that he had been apprehended by servicemen from the Vostok battalion and detained in a basement on the premises of the battalion’s headquarters.

162.  On an unspecified date in August 2005 two men visited the applicants’ house and told them that they had been detained with their son in the above-mentioned basement at the Vostok battalion’s headquarters. They had seen Mr Elmurzayev writing the above-mentioned note to his parents.

163.  On an unspecified date in 2005 or 2006 the applicants went to the Vostok battalion headquarters in Gudermes, where one of the servicemen confirmed that their son was being detained there. However, the applicants’ attempts to see him were to no avail.

3.  Official investigation into the abduction

164.  For a certain period of time the applicants abstained from lodging any official complaints with the investigating authorities, fearing for their lives and the life of their son.

165.  On 21 April 2008 the first applicant formally complained of her son’s abduction to the head of the Chechen Parliament. Her complaint was forwarded to the Chechen Ministry of the Interior, and then to the Shatoy District Department of the Interior.

166.  On 18 May 2008 the second applicant was questioned about the circumstances of his son’s abduction. His submission was similar to submitted by the applicants to the Court.

167.  After a preliminary inquiry, the police officer in charge of the case prepared a report dated 20 May 2008. He stated that Mr Alash Elmurzayev had been taken to the Vostok battalion’s headquarters and detained there and that his relatives had contacted various authorities, seeking their assistance in the search for Mr Alash Elmurzayev, but to no avail.

168.  Then the case was transferred to the Gudermes District Department of the Interior, which forwarded it to the Gudermes Inter-district Investigative Department of the Investigative Committee of the Russian Federation on 31 May 2008.

169.  On 10 June 2008 the latter authority declined to initiate criminal proceedings in respect of the incident.  It appears that on an unspecified date that decision was overruled, and criminal case no. 44028 under Article 105 of the CC (murder) was opened on 4 July 2008.

170.  On the same date the first applicant was questioned by the investigators. Her statement was similar to the description of the events submitted by the applicants to the Court.

171.  On 7 July 2008 the second applicant was granted victim status and questioned. He confirmed the circumstances of the case, as described above.

172.  On 7 July 2008 the investigators questioned Mr A.M, a colleague of Mr Alash Elmurzayev. He stated that on 23 May 2005 Mr Alash Elmurzayev had told him that he was waiting for military personnel from the Vostok battalion who were to take him to their headquarters in Gudermes so that he could apply for a job there.

173.  On 12 July 2008 the investigators questioned Mr Alash Elmurzayev’s superior at work. He confirmed that the latter had applied to take leave on 23 May 2005.

174.  In the meantime, on 8 July 2008 the investigators seized the above-mentioned note (allegedly handwritten by Mr Elmurzayev – see paragraph 161 above). A subsequent comparison of that note with a sample of Mr Alash Elmurzayev’s handwriting showed that the note had been prepared by a different person.

175.  On 6 October 2008 the investigation was suspended for failure to identify the perpetrators. On 19 October 2008 that decision was overruled by the supervising authority as premature and unlawful and the proceedings were resumed.

176.  On 23 October 2008 the Gudermes police reported to the investigators that operational search measures had indicated the involvement of Mr R.B., a serviceman from the Vostok battalion, in the abduction of Mr Alash Elmurzayev. According to the information obtained, the abduction had been ordered by the head of the Vostok battalion, Mr S.Ya.

177.  On 9 November 2008 the investigators questioned Mr R.B. He stated that in May 2005 Mr M.T. (using the call name “The Tenth”) had called him and ordered that Mr Alash Elmurzayev be brought to the Vostok battalion’s headquarters. Mr R.B. had carried out the order. He had arrived at Mr Alash Elmurzayev’s residence in a UAZ vehicle and invited him to come with him to the battalion’s headquarters in order that he might apply for a job. Having taken him to the headquarters, Mr R.B. had shown him the way to the Urus-Martan military commander’s office. He had not seen Mr Alash Elmurzayev since that incident. Mr R.B. noted that he had spoken with the investigators before, on the premises of the Vostok battalion’s headquarters. On that occasion he had denied his involvement in the incident, because he had been afraid that the head of the battalion, Mr S.Ya. – who was a relative of Mr M.T. – would kill him.

178.  On 20 November 2008 the investigation in respect of the case was suspended. It was subsequently resumed on 25 November 2008, 31 March and 13 May 2009, 17 March 2010, and 3 July 2015, and suspended on 26 January, 4 May and 18 June 2009, 18 March 2010 and 3 August 2015, respectively.

179.  In the meantime, on 27 May 2009, Mr M.T. was placed on the wanted list as a suspect in the criminal case.

180.  On 10 June 2009 and 21 January and 25 March 2010 the first applicant requested the investigators to grant her access to the criminal case file. The requests were refused.

181.  On 17 March 2010, at the first applicant’s request, the investigators granted her victim status in the case.

182.  On 22 April 2011 the first applicant was granted access to the contents of the investigation file.

4.  Proceedings against the investigators

183.  On 1 March 2010 the first applicant lodged a complaint with the Gudermes Town Court regarding the investigators’ failure to take basic steps and her lack of access to the investigation file. The outcome of the proceedings in respect of that complaint is unknown.

H.  *Dzhabrailov v. Russia* (no. 4363/12)

184.  The applicant is the brother of Mr Isa Dzhabrailov, who was born in 1969.

1.  Background events

185.  In 2002 servicemen often conducted identity checks in the village of Goy-Chu, Chechnya, where Mr Isa Dzhabrailov lived.

186.  During one of those operations, A., an FSB officer, saw a gold‑coloured VAZ-21099 car with the registration number x968ax 95. The officer liked the vehicle and asked Mr Isa Dzhabrailov to sell him the car. Mr Isa Dzhabrailov refused. Thereafter, the officer visited him on several occasions, unsuccessfully asking him to sell the car.

187.  On 24 January 2003 Mr Isa Dzhabrailov visited the applicant and told him that A. had been enquiring about his (Mr Isa Dzhabrailov’s) activities and level of income. The applicant invited Mr Isa Dzhabrailov to move into his home in Urus-Martan, but Mr Dzhabrailov refused.

2.  Abduction of Mr Isa Dzhabrailov

188.  At about 3 a.m. on 25 January 2003 a group of armed men in camouflage uniforms abducted Mr Isa Dzhabrailov and Mr Mokhadi Makayev. The circumstances of the events, as submitted by the relatives of Mr Mokhadi Makayev, are described above (see paragraph 144 above).

189.  The applicant provided further details. He stated that according to village residents, the abductors had arrived at the village of Goy-Chu in two UAZ vehicles. One of them had apparently belonged to A., the FSB officer, as he had used it during his visits to the village. After being apprehended, Mr Isa Dzhabrailov and Mr Mokhadi Makayev had been put into UAZ vehicles and driven away. The abductors had also taken Mr Dzhabrailov’s VAZ-21099 car.

3.  Subsequent events

190.  On 25 January 2003 the applicant arrived at his brother’s house. In the courtyard he found footprints left in the snow by military boots. In the house he found indications that a fight had taken place; he also found there bloodstains.

191.  On the same day the applicant went to the Urus-Martan military commander’s headquarters and the Urus-Martan ROVD to ask about his brother’s possible arrest and detention by officers based there. The officials denied having arrested or detained Mr Isa Dzhabrailov.

192.  On 10 May 2003, and again on an unspecified date in June 2003, the applicant saw Mr Isa Dzhabrailov’s car, bearing its official number plates, being driven out of the premises of the Urus-Martan military commander’s office. Later, in June 2003, the applicant’s other brother, Mr M. Dzh., saw the official number plates from Mr Isa Dzhabrailov’s car on another vehicle, a VAZ-2107, which was also being driven out of the premises of the Urus‑Martan military commander’s office. The applicant informed the investigators of both incidents.

4.  Official investigation of the abduction

193.  At 10 a.m. on 25 January 2003, a police investigator from the Urus‑Martan ROVD – apparently following the lodging of a complaint about the abduction of Mr Isa Dzhabrailov and Mr Mokhadi Makayev – examined the crime scene. It was noted that a door in Mr Isa Dzhabrailov’s house had been knocked off its hinges and that there were footprints and a bloodstain on the floor. No evidence was collected.

194.  On 28 January 2003 the applicant requested that the Urus-Martan military commander’s headquarters and the Special Representative of the Russian President on Human Rights and Freedoms in Chechnya take steps to establish Mr Dzhabrailov’s whereabouts.

195.  On 18 February 2003 the Urus-Martan prosecutor’s office opened criminal case no. 34024 under Article 126 of the CC (abduction).

196.  On 15 April 2003 the applicant was granted victim status in the criminal case and questioned. He submitted that he had learned of the abduction on the morning of 25 January 2003 and that according to neighbours, Mr Dzhabrailov had been abducted by men in a grey UAZ minivan, who had also taken his car.

197.  On 18 April 2003 the investigation was suspended for failure to identify the perpetrators.

198.  On 15 October 2003 the applicant requested that the investigators expedite the search for his brother’s whereabouts.

199.  On 25 October 2003 they resumed the criminal proceedings.

200.  On 28 and 31 October 2003 the investigators questioned Mr Isa Dzhabrailov’s relatives. They stated that in May 2003 they had seen a UAZ minivan bearing the registration number x968ax 95 leaving the premises of the Urus‑Martan military commander’s headquarters. They added that later, two other members of Isa Dzhabrailov’s family had seen the same registration plates on other vehicles.

201.  On 6 November 2003 the investigators questioned the Urus‑Martan military commander. He could give them no relevant information as he had only started his work in that post in July 2003 – after the incident in question.

202.  On 25 November 2003 the investigators suspended the proceedings. Subsequently, the proceedings were resumed on 13 June 2006 and 23 August 2011 and then suspended on 13 July 2006 and 23 September 2011, respectively.

203.  In the meantime, between 2003 and 2007 the applicant on several occasions requested information about the investigation. In reply he was informed that the relevant proceedings were in progress.

204.  On 20 April 2010 the applicant lodged a request with the investigators to be granted access to the case file and for the proceedings to be resumed. He was informed in reply that the case file had been forwarded for examination to a supervising body and that his request would be granted shortly after the completion of that examination.

205.  On 28 September 2010 the applicant reiterated his request for access to the case file and the resumption of the criminal proceedings. In reply, on 20 October 2010 he was informed that his request had been refused.

5.  Proceedings against the investigators

206.  On 3 November 2010 the applicant lodged an appeal with the Achkhoy-Martan District Court against the refusal on 20 October 2010 of his request. On 18 November 2010 the court ordered that the applicant be allowed access to the case file but ruled that the proceedings had been suspended lawfully. On 22 December 2010 the Chechnya Supreme Court upheld that decision on appeal.

207.  On 18 August 2011 the applicant appealed against the investigators’ decision of 13 July 2006 to suspend the investigation. On 24 August 2011 the Urus‑Martan Town Court dismissed his complaint because the investigation had been resumed the day before. On 12 October 2011 the Chechnya Supreme Court upheld that decision on appeal.

I.*Tayubova v. Russia* (no. 20191/12)

208.  The applicant is the mother of Mr Makhran Tayubov, who was born in 1982.

1.  Abduction of Mr Makhran Tayubov

209.  At about 4 p.m. on 8 August 2002 the applicant and her son, Mr Makhran Tayubov, were driving in a VAZ 2106 car along the Rostov‑Baku highway. In the car with them were Mr I.Ts. and Mr M.Ch., two acquaintances of Mr Makhran Tayubov from the Staropromyslovskiy District Department of the Interior. A group of about ten armed men in camouflage uniforms and balaclavas stopped their car at a mobile checkpoint near the town of Gudermes. The men were in an APC and an UAZ minivan without registration plates; one of them was of Slavic appearance, spoke unaccented Russian and was equipped with a portable radio set.

210.  Having stopped the car, the armed men searched its occupants, forced Mr I.Ts., Mr M.Ch. and the applicant’s son into the UAZ minivan, blindfolded and tied them, and drove off in the direction of Gudermes. The applicant followed them in a VAZ 2106 car driven by an armed man who used the call name “Lada-6”. At some point the cars stopped; the perpetrators then questioned the men that they had detained before leaving all of them, except for Mr Makhran Tayubov, on the road. They then drove off with Mr Makhran Tayubov to an unknown destination.

2.  Subsequent events

211.  On 10 August 2002 the local police identified and stopped the UAZ minivan in which Mr Makhran Tayubov had been taken away two days earlier. The vehicle was occupied by FSB officers, who showed their service identity cards to the police. After a phone conversation with the Gudermes district military commander, K., who ordered the immediate release of the FSB officers, the latter were allowed to leave.

3.  Official investigation into the abduction

212.  Immediately after the abduction the applicant and Mr M.Ch. complained about it to the Gudermes district prosecutor’s office.

213.  On 9 August 2002 the Gudermes district prosecutor’s office opened criminal case no. 57063 under Article 126 of the CC (abduction).

214.  Between 9 and 12 August 2002 the investigators questioned I.Ts., Mr M.Ch. and the applicant. Their account of the events was similar to those submitted by the applicant to the Court.

215.  In late August and September 2002 the investigators lodged requests with various law-enforcement authorities (including district departments of the interior and the FSB headquaters in Chechnya) for information about the alleged arrest of Mr Makhran Tayubov and his whereabouts. Those authorities replied that they did not have any information about his detention or whereabouts.

216.  On 9 October 2002 the investigation was suspended for failure to identify the perpetrators. It appears that the applicant was not informed of that decision.

217.  On 18, 19 and 23 July 2007 the applicant contacted the President of Russia, the prosecutor’s office of the Chechen Republic and the Russian Prosecutor General’s Office, respectively, seeking their assistance in the investigation.

218.  On 3 August 2007 the proceedings were resumed.

219.  On 16 August 2007 the applicant was granted victim status in the criminal case.

220.  On 3 September 2007 the investigators suspended the proceedings. However, on 10 September 2007 the investigators examined the crime scene. No evidence was collected.

221.  On 30 November 2007 the Gudermes deputy district prosecutor’s office examined the investigation file and noted several flaws in the proceedings and ordered the investigators to rectify them. In particular, he ordered the questioning of (i) the road traffic-police officers who had been on duty at the road checkpoint at the time of the abduction, and (ii) the Gudermes district military commander, who had ordered the release of the FSB officers driving the above-mentioned UAZ minivan on 10 August 2002 (see paragraph 211 above).

222.  On 6 December 2007 the investigators replied that the criticism was unfounded and that they had carried out all the necessary measures – in particular, sending various requests for information to the military authorities.

223.  On an unspecified date in 2009 the applicant requested the investigators to provide her with information about the progress of the case. On 14 May 2009 they replied that the proceedings had been suspended, but that operational search measures were underway.

224.  On 19 November 2010 the applicant lodged complaints with the Russian Prosecutor General’s Office, the Investigative Committee of the Russian Federation and the President of Chechnya regarding her son’s abduction and the alleged ineffectiveness of the investigation.

225.  On 7 February 2011 the investigators resumed the proceedings.

226.  On 4 March 2011 they obtained a DNA sample from the father of Mr Makhran Tayubov in order to compare it with the database of DNA collected from unidentified bodies. It appears that no DNA matches were found.

227.  On 9 March 2011 the proceedings were suspended. Subsequently they were resumed on 7 June 2011, 4 February and 6 May 2013 and 15 August 2014; they were again suspended on 7 July 2011, 14 February and 16 May 2013 and 25 August 2014, respectively.

4.  Proceedings against the investigators

228.  On various dates, including 16 November and 3 December 2007 and 3 July 2008, the applicant lodged complaints with the Gudermes Town Court, asking that court to declare the investigators’ inaction unlawful and to award her compensation for non-pecuniary damage.

229.  On 30 July 2008 and 20 August 2009 both of her complaints were dismissed. On 17 February 2010 the Supreme Court of Chechnya quashed the decision of 20 August 2009 on procedural grounds and remitted the case for new consideration to the Gudermes Town Court.

230.  On 4 March 2010 the court again examined the complaint that had been dismissed on 20 August 2009 and allowed it in part. It ruled that the investigators’ inaction had been unlawful and ordered them to rectify the shortcomings in the investigation. The remainder of the complaint (including the claim for non-pecuniary damage) was dismissed.

231.  In the meantime, on an unspecified date in 2010 the applicant lodged a further complaint with the Gudermes Town Court. It was similar to those lodged previously. On 1 March 2010 the court allowed the complaint in part and ordered that the investigation be resumed.

5.  Civil proceedings for compensation

232.  On 7 July 2010 the applicant lodged a civil claim seeking compensation for non-pecuniary damage incurred in connection with the alleged failure by the authorities to effectively investigate her son’s abduction. On 10 June 2011 the Leninskiy District Court in Grozny dismissed the claim as unfounded. On 13 February 2012 the Chechnya Supreme Court upheld the above-mentioned decision on appeal.

J.  *Yunusova v. Russia* (no. 24365/12)

233.  The applicant is the wife of Mr Akhmed Abdulkerimov, who was born in 1952, and the mother of Mr Abu-Shakhid Abdulkerimov, who was born in 1983.

1.  Abduction of Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov

234.  At the time in question Mr Akhmed Abdulkerimov was the head of the local authorities of the village of Ersenoy, Chechnya.

235.  On the night of 28 November 2002 (in the documents submitted the date was also referred to as 29 November 2002) a convoy of seven or eight military vehicles, including APCs and tanks, arrived at Ersenoy. Having left the vehicles at the outskirts of the village, armed men in camouflage uniforms entered the settlement on foot. At about 4.45 a.m., when the applicant and her family were at home, they broke into their house. The servicemen wore balaclavas and spoke unaccented Russian. Having threatened the family members with firearms, they forced Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov outside and took them away on foot to the outskirts of the village, where the convoy of military vehicles was waiting. Then they drove off in the direction of the Vedeno military unit.

236.  The applicant submitted written statements by Ms M.A. (the daughter of Mr Akhmed Abdulkerimov) and the sister of Mr Abu-Shakhid Abdulkerimov, and the written statements of three village residents, Mr V.A., Ms Z.N. and Mr A.V., who confirmed the account of the events described above.

2.  Official investigation into the abduction

237.  On 29 November 2002 the applicant lodged a complaint with the Vedeno district prosecutor’s office about the abduction of her relatives.

238.  On 6 December 2002 the Vedeno district prosecutor’s office opened criminal case no. 73124 under Article 126 of the CC (abduction).

239.  On 9 December 2002 the applicant was granted victim status.

240.  On 17 December 2002 the investigation file was destroyed by a fire on the premises of the public prosecutor’s office.

241.  On 27 October 2004 the case file was reassembled. From the documents submitted by the Government it follows that the investigation proceeded as follows.

242.  On 11 February 2003 the proceedings were suspended for failure to identify the perpetrators. It appears that the applicant was informed of that decision on 5 February 2004.

243.  On 24 March 2003 the applicant lodged a request with the investigators for them to take steps to establish the whereabouts of her relatives and ensure their release from detention, but no reply was forthcoming.

244.  On 29 January 2004 the applicant lodged a request with the deputy head of the Chechen Government for assistance in the search for her relatives. On 16 February 2004 her request was forwarded to the investigators. On 21 February 2004 the investigators informed the applicant that the proceedings had been suspended but that operational search activities were continuing.

245.  On 25 February 2004 the applicant contacted the Special Representative of the Russian President on Human Rights and Freedoms in Chechnya, asking for his help in the investigation.

246.  On 27 October 2004 the investigators resumed the investigation, but on 27 November 2004 they suspended it. It appears that the applicant was not informed of the decision to suspend the investigation.

247.  On 7 February 2008 the applicant requested the investigators to inform her about the progress of the proceedings and to allow her to review the case file. Her requests were granted on 14 February 2008.

248.  On 28 April 2010 the applicant’s daughter lodged a request for assistance in the search for her father and brother with the Chechen Parliament’s committee for the search for missing people. Her request was forwarded to the investigators, but no reply was forthcoming.

249.  On 5 March 2011 the investigators resumed the proceedings.

250.  On 10 March 2011 the investigators questioned the applicant’s other son. His statements were similar to the account submitted by the applicant to the Court.

251.  On 25 March 2011 the investigators obtained a DNA sample from the applicant in order to compare it with a database of DNA taken from unidentified corpses, but no matches were found.

252.  Subsequently the proceedings were suspended on 5 April and 25 June 2011, and then resumed on 20 June 2011 and 27 October 2011, respectively.

3.  Proceedings against the investigators

253.  On an unspecified date the applicant lodged a complaint with the Vedeno District Court challenging the investigators’ decision to suspend the investigation on 5 April 2011 and their failure to take basic steps. On an unspecified date in June 2011 the court dismissed the complaint on the grounds that the investigators had resumed the proceedings on 20 June 2011.

254.  On 25 October 2011 the applicant lodged with the same court a similar complaint concerning the decision on 25 June 2011 to suspend the proceedings. On 28 October 2011 the applicant’s complaint was dismissed, as the court had learned that a day earlier, on 27 October 2011, the proceedings had been resumed again.

II.  RELEVANT DOMESTIC LAW AND INTERNATIONAL MATERIAL

255.  For a summary of the relevant domestic law and international and domestic reports on disappearances in Chechnya and Ingushetia, 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

256.  In accordance with Rule 42 § 1 of the Rules of Court, the Court decides to join the applications in view of their similar factual and legal background.

II.  PRELIMINARY ISSUES

A.  Compliance with the relevant practice directions and the dates of introduction of the applications

1.  Ozdoyev and Tsechoyev v. Russia (no. 9782/08)

257.  In the case of *Ozdoyev and Tsechoyev* (no. 9782/08) the Government noted that the initially submitted powers of attorney dated 8 May and 28 December 2007 lacked the signatures of the applicants’ representatives (see paragraph 11 above). The Government accordingly alleged that the application should be declared inadmissible for failure to comply with the practice directions on the institution of proceedings.

258.  The Court observes at the outset that the applicants’ first letter of 4 February 2008 constituted “the first communication from the applicant[s] setting out, even summarily, the object of the application” (Rule 47 § 5 of the Rules of Court, as worded at the relevant time). It also notes that, in accordance with Rule 47 § 5, as in force at the time, the date of a first communication was as a general rule considered to be the date of the lodging of the application in question, thus interrupting the six-month time-limit set by Article 35 § 1 of the Convention. The Court takes note of the Government’s reference to the Practice Direction, which set a time-limit of six weeks for a completed application form to be returned to the Registry. However, that time-limit was indicative, rather than obligatory. It aimed to ensure that applicants pursued their applications “with reasonable expedition” (see *Smertin v.* *Russia*, no. 19027/07, §§ 26-28, 2 October 2014). The Court furthermore notes that subsequently both of the applicants and their representatives duly signed and submitted power of attorneys to the Court (see paragraph 12 above). For those reasons, the Court finds that the date on which the application was lodged, 4 February 2008, should stand (see *Khadzhimuradov and Others v. Russia*, nos. 21194/09 and 16 others, §§ 54-58, 10 October 2017).

2.  Yevloyeva and Tomova v. Russia (no. 14667/09)

259.  In *Yevloyeva and Tomova* (no. 14667/09) the Government noted that a power of attorney had been issued on 17 February 2002 – that is to say two years before the alleged abduction of the first applicant’s relative. They submitted that the first applicant’s complaint should therefore be declared inadmissible for failure to comply with the practice directions regarding the institution of proceedings.

260.  The applicants stated that the date on the first applicant’s power of attorney constituted no more than a clerical error and that the actual date of its issuance had been 17 February 2009 (see paragraph 55 above).

261.  Taking into account the fact that the first applicant had not lodged any other applications with the Court and that the impugned power of attorney indicated 3 March 2009 as the date of the introduction of the relevant complaint (which coincides with the date of the introduction of the present case), the Court accepts the explanation put forward by the applicants. Accordingly, it dismisses the objection lodged by the Government.

B.  *Locus standi*

262.  The Court furthermore notes that the first applicant died after the case had been communicated to the Government, and that his widow, Ms Tamara Ozdoyeva, expressed her wish to pursue the application in his stead (see paragraph 7 above). The Government left the issue of her participation to the Court’s discretion.

263.  The Court normally permits next of kin to pursue an application, provided that they have a legitimate interest in so doing, where the original applicant died after lodging the respective application with the Court (see *Murray v. the Netherlands* [GC], no.10511/10, § 79, 26 April 2016, and *Maylenskiy v. Russia*, no. 12646/15, § 27, 4 October 2016; for cases concerning abductions in Chechnya see *Sultygov and Others v. Russia*, nos. 42575/07 and 11 others, §§ 381-86, 9 October 2014). Having regard to the subject matter of the application and all the information in its possession, the Court considers that the first applicant’s widow, Ms Tamara Ozdoyeva, has a legitimate interest in pursuing the application and that she thus has the requisite *locus standi* under Article 34 of the Convention.

III.  COMPLIANCE WITH THE SIX-MONTH RULE

A.  The parties’ submissions

1.  The Government

264.  In their observations, the Government argued that the applicants had lodged their applications with the Court several years after the abductions of their relatives and either (i) more than six months after the date by which they ought to have become aware of the ineffectiveness of the ensuing investigation, or (ii) more than six months after the most recent decision of the investigators. They also submitted that the applicants had remained passive and had not maintained contact with the investigating authorities for significant amounts of time.

2.  The applicants

265.  The applicants submitted that they had complied with the six‑month rule. They had taken all possible steps within a reasonable time frame to initiate the search for their missing relatives and to assist the authorities in the proceedings. They submitted that there had been no excessive or unexplained delays in their lodging their applications with the Court, which had been lodged as soon as they had concluded that the domestic investigations had been ineffective. According to them, the armed conflict that had been taking place in Chechnya at the material time had led them to believe that investigative delays were inevitable. Owing to their lack of legal knowledge and financial means to hire a lawyer, and in the absence of any domestic legislation providing for free legal assistance for victims of enforced disappearances, they had been unable to assess the effectiveness of the investigations. It had only been with the passage of time and a lack of information from the investigating authorities that they had begun to doubt the effectiveness of the investigation and had started looking for free legal assistance in order to assess the effectiveness of the proceedings and then, subsequently, to lodge their applications with the Court without undue delay.

266.  The applicants in *Maltsagovy v. Russia* (no. 52431/10) also submitted that in 2002, and on several subsequent occasions, the first applicant had met representatives of the NGO Human Rights Watch, who had promised her that they would lodge an application with the Court in respect of her husband’s abduction. The first applicant had given them power of attorney and believed that they had lodged an application on her behalf. For several years she had assumed that the case was pending before the Court.

267.  The applicants in *Zanziyevy v. Russia* (no. 14182/11) submitted, *inter alia*, that they did not have the financial means to hire a lawyer and that they had been misled by the investigators, who had showed them voluminous case file and had promised that their missing relative would be found soon. Moreover, parallel to the official investigation the applicants had attempted to establish the whereabouts of Mr Abdallakh Zanziyev on their own.

B.  The Court’s assessment

1.  General principles

268.  A summary of the principles concerning compliance with the six‑month rule in disappearance cases may be found in *Sultygov and Others* (cited above, §§ 369‑74).

2.  Application of the principles to the present cases

269.  Turning to the circumstances of the instant cases, the Court observes that in all of the cases save those of *Maltsagovy* (no. 52431/10) and *Zanziyevy* (no. 14182/11) the applicants lodged their complaints with the Court within less than ten years of the respective incidents and the initiation of the related investigations. In the cited two cases the applicants lodged their complaints around ten years and four months after the abductions of their relatives.

270.  The Court furthermore observes that in respect of each case save those of *Maltsagovy* (no. 52431/10) and *Murdalova and Elmurzayev* (no. 66832/11) the authorities opened criminal proceedings in respect of the abductions within a reasonable period of time, which did not exceed one or two months following the incidents in question (see paragraphs 15, 22, 40, 56, 61, 95, 100, 126, 128, 144, 145, 188, 195, 209, 213, 235 and 238 above). In *Maltsagovy* (no. 52431/10) they instituted criminal proceedings almost eight months after the abduction in question and in *Murdalova and Elmurzayev* (no. 66832/11) almost three years and two months after the incident in question (see paragraphs 77, 81, 158 and 169 above). The fact that significant delays subsequently arose cannot be held against the applicants, as they informed the authorities of the abductions of their relatives immediately after they occurred (see paragraphs 79, 80 and 159 above; for a similar approach see *Kukurkhoyeva and Others v. Russia* [CTE], nos. 50556/08 and 9 others,§§ 164 and 212, 22 January 2019). The Court also finds that the delay in lodging a formal complaint in the second case was justified because the applicants did not remain passive, but rather actively attempted to establish the whereabouts of their son, tried to obtain evidence which would give them hope of succeeding in finding their son (see paragraphs 159-163 above). Moreover, the Government did not dispute the circumstances of the abduction as presented by the applicant to the Court.

271.  The Court notes that in all of the cases the investigations were formally pending at the time at which the applications were lodged with the Court. In each case the criminal proceedings were suspended and resumed on numerous occasions at various points throughout the periods concerned. Resumptions often followed criticism of the investigation in question by supervisors, or requests for such a resumption lodged by the applicants. The applicants were not always duly informed of decisions to suspend the respective investigations (see paragraphs 83, 86, 88, 102, 216 and 246 above).

272.  The documents provided by the parties in *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova* (no. 14667/09), *Maltsagovy* (no. 52431/10), *Zanziyevy* (no. 14182/11), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11), *Dzhabrailov* (no. 4363/12), *Tayubova* (no. 20191/12) and *Yunusova* (no. 24365/12) show that the applicants maintained a reasonable level of contact with the authorities, cooperated with the respective investigations and, where appropriate, took steps to acquaint themselves with the progress of the respective proceedings and to speed them up, in the hope of securing a more effective outcome.

273.  More specifically, the Court notes that despite the significant lulls that occurred in the investigations in respect of the cases of *Makayeva* (no. 56577/11) (see paragraphs 149 and 153 above), *Yunusova* (no. 24365/12) (see paragraphs 246 and 249 above), *Dzhabrailov* (no. 4363/12) (see paragraph 202 above), *Tayubova* (no. 20191/12) (see paragraphs 216 and 218 above) and *Zanziyevy* (no. 14182/11) (see paragraphs 102 and 104 above), the applicants and their relatives in those cases did not remain passive during those lulls. They contacted the investigators and other authorities in order to check whether the respective investigation was still active and urged that further steps be taken (see paragraphs 103, 150, 151, 203, 217, 247 and 248 above). In respect of *Yevloyeva and Tomova* (no. 14667/09) the Court does not observe discernible lulls that could, along with the applicants’ lack of contact with the authorities, have negatively influenced their compliance with the admissibility criteria (see paragraph 75 above and the appended table). In *Ozdoyev and Tsechoyev* (no. 9782/08) and *Murdalova and Elmurzayev* (no. 66832/11) the most significant gaps amounted to about one and half years (see paragraphs 37 and 178 and the appended table). Even if some of the applicants did not maintain contact with the authorities at those particular periods, they cannot be reproached for that, as overall they demonstrated an unfailing interest in the proceedings.

274.  In the remainder of the cases – that is to say *Maltsagovy* (no. 52431/10) and *Tutkhanovy* (no. 56569/11) – the Government, despite a request by the Court for them to do so, did not provide copies of the relevant investigation files, which would have allowed the Court to assess the applicants’ stance in the criminal proceedings and the level of their contact with the authorities (see paragraphs 82 and 129 above). The Court considers that that failure to comply with its request should not give rise to a disadvantage for the applicants. Regard being had to the absence of any information to the contrary, the Court considers that they maintained sufficient contact with the investigators throughout the proceedings.

275.  In the light of the above it could not be said that any of the applicants failed to show the requisite diligence by waiting for the pending investigation to yield results (see, *mutatis mutandis, Abuyeva and Others v. Russia*, no. 27065/05, § 179, 2 December 2010).

276.  The Court thus considers that an investigation, albeit a sporadic one, was being conducted during the periods in question in each of the cases, and that the applicants did all that could be expected of them to assist the authorities (see *Varnava and Others v. Turkey*, nos. 16064/90 and 8 others, § 166, 10 January 2008). In the light of the foregoing, the Court finds that the applicants complied with the six‑month time-limit.

IV.  COMPLIANCE WITH THE EXHAUSTION RULE

A.  The parties’ submissions

1.  The Government

277.  In *Maltsagovy* (no. 52431/10) the Government argued that it had been open to the applicants to challenge in court any decisions, actions or omissions on the part of the investigating authorities, but that the applicants had failed to do so. They furthermore noted that the second applicant in *Tutkhanovy* (no. 56569/11) had not requested the investigators to grant him victim status, which would in turn have allowed him to challenge the investigators’ actions in court. Accordingly, the Government alleged that the applicants had not exhausted the available domestic remedies and that their complaints should therefore be declared inadmissible.

2.  The applicants

278.  The applicants stated that lodging complaints against the investigators would not have remedied the shortcomings in the proceedings.

B.  The Court’s assessment

279.  The Court has already concluded that the ineffective investigation of disappearances that occurred in Chechnya between 2000 and 2006 constitutes a systemic problem, and that criminal investigations do not constitute an effective remedy in this regard (see *Aslakhanova and Others*, cited above, § 217). In such circumstances, and noting the absence of tangible progress in any of the criminal investigations into the abductions of the applicants’ relatives, the Court concludes that this objection must be dismissed, since the remedy relied on by the Government would not have been effective in the circumstances. (For similar reasoning see *Ortsuyeva and Others v. Russia*, nos. 3340/08 and 24689/10, § 79, 22 November 2016).

V.  ASSESSMENT OF THE EVIDENCE AND THE ESTABLISHMENT OF THE FACTS

A.  The parties’ submissions

1.  The Government

280.  The Government did not contest the essential facts underlying each application. In *Maltsagovy* (no. 52431/10), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11), *Dzhabrailov* (no. 4363/12), *Tayubova* (no. 20191/12) and *Yunusova* (no. 24365/12) the Government submitted that the applicants’ allegations were based on mere assumptions, as there was no evidence proving beyond reasonable doubt that State agents had been involved in the alleged abductions, or that the applicants’ relatives were dead.

2.  The applicants

281.  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 referred to evidence contained in their submissions and documents from the criminal investigation files disclosed by the Government. They also submitted that they had each made a prima facie case that their relatives had been abducted by State agents, and that the essential facts underlying their complaints had not been challenged by the Government. Given the lack of any news about their relatives for a long time and 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

282.  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 may be found in *Sultygov and Others* (cited above, §§ 393‑96).

2.  Application of the above principles to the present cases

283.  Turning to the circumstances of the cases presently before it, and in view of all the material – including the copies of the documents from the relevant criminal case files submitted by the parties – the Court finds that the applicants have presented prima facie cases that their relatives were abducted by State agents in the circumstances set out above. The Court notes that each of the abductions took place in areas under the control of the State.

284.  According to the applicants’ submissions and the witness evidence, the abductions in all of the cases were perpetrated by armed men in camouflage uniforms.

285.  In *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova* (no. 14667/09) and *Tayubova* (no. 20191/12) the abductions took place in the vicinity of checkpoints. In the first two cases, the road police officers on duty attempted to intervene, but one of the perpetrators stopped them, showing an FSB officer identification card (see paragraphs 16, 56, 57 and 209 above). Moreover, in *Ozdoyev and Tsechoyev* (no. 9782/08) there was witness evidence confirming that the car of the abducted persons had entered the premises of the FSB headquarters in the town of Magas (see paragraph 18 above). In *Tayubova* (no. 20191/12) the armed men in question were in an APC and an UAZ minivan, spoke unaccented Russian and were equipped with portable radio sets (see paragraphs 209 and 210 above).

286.  In *Tutkhanovy* (no. 56569/11) and *Murdalova and Elmurzayev* (no. 66832/11) the applicants’ relatives were abducted from their workplaces. In the first case the abduction was carried out by a group of men in two UAZ vehicles who spoke unaccented Russian. Prior to the incident the applicant’s relative had shared with a colleague his fear of being arrested by FSB officers, who had twice visited him a short time previously (see paragraphs 125 and 126 above). In *Murdalova and Elmurzayev* (no. 66832/11) the applicants received a note allegedly written by their abducted son, saying that he had been arrested and detained at the headquarters of the Vostok battalion. Subsequently, an officer from that battalion confirmed that he had taken their son to the battalion’s headquarters and left him on its premises (see paragraphs 161 and 177 above).

287.  In the remainder of the cases – *Maltsagovy* (no. 52431/10), *Zanziyevy* (no. 14182/11), *Makayeva* (no. 56577/11) *Dzhabrailov* (no. 4363/12), and *Yunusova* (no. 24365/12) – the perpetrators took the applicants’ relatives from their homes. In each case, the culprits arrived in military vehicles (APCs and/or Ural and/or UAZ vehicles – see paragraphs 77, 95, 144, 189 and 235 above). In *Maltsagovy* (no. 52431/10) and *Yunusova* (no. 24365/12) they spoke unaccented Russian (see paragraphs 177 and 235 above). In *Maltsagovy* (no. 52431/10) and *Zanziyevy* (no. 14182/11) they used portable radio sets (see paragraphs 77 and 101 above). In *Dzhabrailov* (no. 4363/12) and *Makayeva* (no. 56577/11) village residents stated that one of the abductors’ vehicles had belonged to the FSB officer A. Subsequently, the victim’s car, which had disappeared at the time of his abduction, was seen leaving the premises of the Urus-Martan military commander’s headquarters; its registration plates were allegedly seen on other vehicles driving out of the headquarters (see paragraph 192 above).

288.  The Court notes that in the cases at hand, the investigating authorities themselves accepted as fact the main versions of events presented by the applicants and took steps to verify, by sending requests or information to the relevant authorities, whether State service personnel had indeed been involved therein.

289.  In their submission to the Court, the Government provided neither a satisfactory and convincing explanation for the events in question nor a plausible alternative version of those events. They have therefore failed to discharge their burden of proof.

290.  Bearing in mind the general principles enumerated above, the Court finds that the applicants’ relatives were taken into custody by State agents in the course of special operations. Given the lack of any reliable news of Mr Rashid Ozdoyev, Mr Tamerlan Tsechoyev, Mr Rasukhan Yevloyev, Mr Ibragim Izmaylov, Mr Mukhadi Maltsagov, Mr Abdallakh Zanziyev, Mr Alaudi Tutkhanov, Mr Mokhadi Makayev, Mr Alash Elmurzayev, Mr Isa Dzhabrailov, Mr Makhran Tayubov, Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov since their unacknowledged detention and the life‑threatening nature thereof, they may be presumed dead.

VI.  ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

291.  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...”

A.  The parties’ submissions

292.  In *Zanziyevy* (no. 14182/11) and *Yunusova* (no. 24365/12) the Government contended that Article 2 of the Convention was not applicable to the applicants’ complaints of abductions, which they asserted should instead be examined under Article 5 of the Convention. In this respect they referred to the case of *Kurt v. Turkey* (25 May 1998, §§ 101‑09, *Reports of Judgments and Decisions* 1998‑III).

293.  In *Maltsagovy* (no. 52431/10), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11), *Dzhabrailov* (no. 4363/12), *Tayubova* (no. 20191/12) and *Yunusova*(no. 24365/12) the Government submitted that the respective complaints should be dismissed because the applicants had failed to substantiate their allegations. Furthermore, the Government submitted that the domestic investigation had adduced no evidence that the applicants’ relatives had been held by the State or that they had been killed.

294.  In *Zanziyevy* (no. 14182/11) the Government submitted that the mere fact that the investigations had not produced any specific results (or at best only limited ones) did not mean that they had been ineffective. The Government claimed that all necessary steps had been taken to comply with their positive obligation under Article 2 of the Convention.

295.  In *Ozdoyev and Tsechoyev* (no. 9782/08) and *Yevloyeva and Tomova* (no. 14667/09) the Government did not comment on the merits of the applications.

296.  The applicants maintained their complaints, alleging that their relatives had been abducted and intentionally deprived of their lives in circumstances that had violated Article 2 of the Convention. They furthermore argued that the investigations into the respective incidents had fallen short of the standards set out in the Convention and by national legislation. Lastly, the applicants in *Yevloyeva and Tomova v. Russia* (no. 14667/09) noted that the Government had not complied with their obligation to protect life by taking measures aimed at preventing the abduction of their relatives.

B.  The Court’s assessment

1.  Admissibility

297.  The Court considers, in the light of the parties’ submissions, that the complaints raise serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The complaints under Article 2 of the Convention must therefore be declared admissible.

2.  Merits

(a)  Alleged violation of the substantive aspect of the right to life

(i)  The State’s responsibility for a violation of the right to life

298.  The Court observes that it is undisputed by the parties that the whereabouts of the applicants’ relatives remained unaccounted for from the time of their abduction until the lodging of the respective applications with the Court. A question arises as to whether, as the Government submitted, Article 2 of the Convention is not applicable to the applicants’ situations.

299.  The Court has already examined the Government’s objection 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, the Court finds that Article 2 of the Convention applies and that the Government’s objection in this respect should be rejected.

300.  On the basis of the above – and noting that it has already been found that in all of the applications under examination the applicants’ relatives may be presumed dead following their unacknowledged detention by State agents (see paragraph 290 above) – the Court finds (in the absence of any justification put forward by the Government) that the deaths of the applicants’ relatives can be attributed to the State and that there has been a violation of the substantive aspect of Article 2 of the Convention in respect of Mr Rashid Ozdoyev, Mr Tamerlan Tsechoyev, Mr Rasukhan Yevloyev, Mr Ibragim Izmaylov, Mr Mukhadi Maltsagov, Mr Abdallakh Zanziyev, Mr Alaudi Tutkhanov, Mr Mokhadi Makayev, Mr Alash Elmurzayev, Mr Isa Dzhabrailov, Mr Makhran Tayubov, Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov.

(ii)  Alleged failure to protect the right to life

301.  The Court notes that in *Yevloyeva and Tomova v. Russia* (no. 14667/09) the applicants’ complaint under Article 2 of the Convention also encompasses an allegation of failure to take measures to protect their two relatives against a known risk to their lives.

302.  The Court finds that in the light of its above-mentioned conclusions concerning the State’s responsibility for the deaths of Mr Rasukhan Yevloyev and Mr Ibragim Izmaylov (see paragraph 290 above), there is no need to examine this complaint separately. (For the same approach see *Aliyev and Gadzhiyeva v. Russia*, no. 11059/12, § 89, 12 July 2016).

(b)  Alleged violation of the procedural aspect of the right to life

303.  The Court notes that despite its requesting them to do so, the Government failed to submit copies of the investigation files in respect of *Maltsagovy* (no. 52431/10) and *Tutkhanovy* (no. 56569/11). However, considering the volume of the material provided by the applicants, the Court considers that it has enough documentation to enable it to examine the raised in the applications.

304.  The Court has already found that a criminal investigation does not constitute an effective remedy in respect of disappearances that occurred, in particular, in Chechnya between 1999 and 2006, and that such a situation constitutes a systemic problem under the Convention (see paragraph 279 above). In the cases at hand, as in many previous similar cases reviewed by the Court, the respective investigations have been pending for many years without bringing about any significant developments regarding the identities of the respective perpetrators or the fate of the applicants’ missing relatives.

305.  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* *v. Russia* judgment (cited above, §§ 123‑25). Each set of proceedings was subjected to several decisions to suspend the respective investigation, followed by periods of inactivity, which further diminished the prospects of solving the crimes. No timely and thorough measures were taken to identify and question service personnel who might have witnessed or participated in the respective abductions.

306.  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 and death of Mr Rashid Ozdoyev, Mr Tamerlan Tsechoyev, Mr Rasukhan Yevloyev, Mr Ibragim Izmaylov, Mr Mukhadi Maltsagov, Mr Abdallakh Zanziyev, Mr Alaudi Tutkhanov, Mr Mokhadi Makayev, Mr Alash Elmurzayev, Mr Isa Dzhabrailov, Mr Makhran Tayubov, Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov. Accordingly, there has been a violation of the procedural aspect of Article 2 of the Convention.

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

307.  All the applicants, except for those in *Tayubova* (no. 20191/12) and *Yunusova* (no. 24365/12), complained of a violation of Article 3 of the Convention on account of the mental suffering that they had suffered as a result of the disappearance of their relatives.

308.  The applicants in all of the applications, except for *Tayubova* (no. 20191/12), also complained of a violation of Article 5 of the Convention on account of the unlawfulness of their relatives’ detention.

309.  The applicants in all of the applications also argued that, contrary to Article 13 of the Convention, they had no effective domestic remedies in respect of the alleged violation of Article 2 of the Convention.

310.  Furthermore, the applicants in *Zanziyevy* (no. 14182/11), *Makayeva* (no. 56577/11) and *Murdalova and Elmurzayev* (no. 66832/11) alleged a lack of effective domestic remedies in respect of their complaints under Article 3 of the Convention.

311.  Lastly, the applicants in *Zanziyevy* (no. 14182/11), *Murdalova and Elmurzayev* (no. 66832/11) and *Yunusova* (no. 24365/12) alleged a lack of effective domestic remedies in respect of their complaints under Article 5 of the Convention.

312.  The Articles relied on read, in so far as relevant:

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

313.  The Government contested the applicants’ claims. They stated, in particular, that (i) the applicants’ mental suffering had not reached the minimum level of severity necessary for it to fall within the scope of Article 3 of the Convention, particularly given the fact that some of the applicants were so young that they could not have suffered so badly, and (ii) under Article 5, there was no evidence of the applicants’ relatives’ having been arrested by State agents. Lastly, in respect of Article 13, they averred that domestic legislation, including Articles 124 and 125 of the Russian Code of Criminal Procedure, had provided the applicants with effective remedies for their complaints.

314.  The applicants maintained their complaints.

B.  The Court’s assessment

1.  Admissibility

315.  The Court notes that those 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

316.  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, irrespective of his or her age (see *Aslakhanova and Others*, cited above, § 133; and *Dzhabrailov and Others*, cited above, §§ 326-27).

317.  Given the above findings regarding the State’s responsibility for the abductions of the applicants’ relatives and the failure to carry out meaningful investigations into the incidents (see paragraphs 306 above), the Court finds that the applicants in *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova* (no. 14667/09), *Maltsagovy* (no. 52431/10), *Zanziyevy* (no. 14182/11), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11) and *Dzhabrailov* (no. 4363/12) must be considered victims of a violation of Article 3 of the Convention on account of the distress and anguish they 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.

318.  The Court has found on a number of occasions that unacknowledged detention constitutes a complete negation of the guarantees contained in Article 5 of the Convention and discloses a particularly grave 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)). The Court furthermore confirms that since it has been established that the applicants’ relatives were detained by State agents, apparently without any legal grounds or acknowledgement of such detention, this constitutes a particularly grave violation of the right to liberty and security of persons, as enshrined in Article 5 of the Convention, in respect of the applicants’ relatives in *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova* (no. 14667/09), *Maltsagovy* (no. 52431/10), *Zanziyevy* (no. 14182/11), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11), *Dzhabrailov* (no. 4363/12), and *Yunusova* (no. 24365/12).

319.  The Court reiterates its findings regarding the general ineffectiveness of criminal investigations in cases such as those under examination. In the absence of the results of a criminal investigation, any other possible remedy becomes inaccessible in practice.

320.  In the light of the above and taking into account the scope of the applicant’s complaints, the Court finds that the applicants in all the cases did not have at their disposal an effective domestic remedy in respect of their grievances under Article 2, in breach of Article 13 of the Convention.

321.  In addition, the applicants in *Zanziyevy* (no. 14182/11), *Makayeva* (no. 56577/11) and *Murdalova and Elmurzayev* (no. 66832/11) did not have at their disposal an effective domestic remedy for their grievances under Article 3 of the Convention, in breach of Article 13 of the Convention.

322.  As regards the alleged breach of Article 13, read in conjunction with Article 5 of the Convention – as submitted by the applicants in *Zanziyevy* (no. 14182/11), *Murdalova and Elmurzayev* (no. 66832/11) *and Yunusova* (no. 24365/12) – the Court has already stated in similar cases that no separate issue arises in respect of Article 13, read in conjunction with Article 5 of the Convention (see *Zhebrailova and Others v. Russia*, no.40166/07, § 84, 26 March 2015, and *Aliyev and Gadzhiyeva*, cited above, § 110).

VIII.  APPLICATION OF ARTICLE 41 OF THE CONVENTION

323.  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

324.  The applicants in all of the cases except for *Makayeva* (no. 56577/11) and *Dzhabrailov* (no. 4363/12) claimed compensation for the loss of the financial support that had been provided by their respective family breadwinners.

325.  The applicants in *Yevloyeva and Tomova* (no. 14667/09), *Maltsagovy* (no. 52431/10), *Murdalova and Elmurzayev* (no. 66832/11) and *Yunusova* (no. 24365/12) made their calculations on the basis of the UK Ogden Actuary Tables, using domestic subsistence levels and the applicable inflation rates.

326.  The first applicant in *Ozdoyev and Tsechoyev* based his calculations on the level of the average national monthly salary and his own life expectancy.

327.  The applicants in *Zanziyevy* (no. 14182/11), *Tutkhanovy* (no. 56569/11) made their calculations on the basis of the national minimum monthly wage and its predicted growth in future.

328.  The applicant in *Tayubova* (no. 20191/12) based her calculation on the estimated amount of money that she had allegedly spent to bring up the two children of her abducted son.

329.  In respect of *Ozdoyev and Tsechoyev* (no. 9782/08) and *Yevloyeva and Tomova* (no. 14667/09) the Government stated that the first applicant had not proved that the applicants’ missing relative had been the family breadwinner, but that even if that had been the case, it remained open for them to apply for social benefits to compensate for the loss of family breadwinner. Therefore, according to the Government, the applicants’ claim should be rejected. They furthermore argued that Ms Tamara Ozdoyeva was not a victim of the alleged violations and that no compensation should therefore be awarded to her.

330.  In the remainder of the cases the Government left the issue to the Court’s discretion.

2.  Non-pecuniary damage

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

332.  In respect of *Ozdoyev and Tsechoyev* (no. 9782/08) the Government submitted that no compensation should be awarded to Ms Tamara Ozdoyeva, given that she was not the victim of the alleged violations. In the remainder of the cases the Government left the issue to the Court’s discretion.

3.  The applicants’ request for investigation

333.  The applicants in *Ozdoyev and Tsechoyev* (no. 9782/08) also requested the Court to indicate that a fresh investigation leading to the prosecution and punishment of those responsible for the abductions in question should follow the entry into force of the Court’s judgment. The applicants also invited the Court to indicate that, irrespective of the outcome of the investigation, the respondent Government should undertake all possible measures to locate the bodies of their abducted relatives and return them to their family members.

334.  The Government did not comment on this request.

335.  The Court notes that in several similar cases it has decided that it is most appropriate to leave it to the respondent Government to choose the means to be used under the domestic legal order to discharge their legal obligations under Article 46 of the Convention (see, among other authorities, *Tsakoyevy v. Russia*, no. 16397/07, §§ 158-160, 2 October 2018; *Gisayev v. Russia*, no. 14811/04, §§ 181-83, 20 January 2011; *Mutsolgova and Others v. Russia*, no. 2952/06, § 168, 1 April 2010; and *Kukayev v. Russia*, no. 29361/02, §§ 131-34, 15 November 2007). It does not see any exceptional circumstances that would lead it to reach a different conclusion in the present case.

B.  Costs and expenses

336.  The applicants in all of the cases claimed the reimbursement of costs and expenses. The amounts are indicated in the appended table. All of the applicants, save for the applicant in *Tayubova* (no. 20191/12), asked for any awards to be transferred to the bank accounts of their respective representatives.

337.  In respect of *Mezhiyev and Others v. Russia* (no. 63000/14), *Yevloyeva and Tomova* (no. 14667/09) and *Yunusova* (no. 24365/12)the Government stated that the amounts claimed were excessive.

338.  In respect of the remainder of the cases the Government left the issue to the Court’s discretion.

C.  The Court’s assessment

339.  The Court reiterates that there must be a clear causal connection between the damages claimed by the 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 compensation in respect of loss of earnings may apply to close relatives of disappeared persons, including spouses, elderly parents and minor children (see, among other authorities, *Imakayeva v. Russia*, no. 7615/02, § 213, ECHR 2006‑XIII (extracts)).

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

341.  As to costs and expenses, the Court has to establish whether they were actually incurred and 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).

342.  Having regard to the conclusions and principles set out above, the parties’ submissions and the principle of *ne ultra petitum* (“not beyond the request” or “not beyond the scope of the dispute”), the Court awards the applicants the amounts detailed in the appended table, plus any tax that may be chargeable to them on those amounts. The awards in respect of costs and expenses in respect of all cases save for *Tayubova* (no. 20191/12)are to be paid into the representatives’ bank accounts, as indicated by the applicants. In *Tayubova* (no. 20191/12)the award is to be paid into the bank account indicated by the applicant.

D.  Default interest

343.  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.  *Decides* that in the application *Ozdoyev and Tsechoyev v. Russia* (no. 9782/08) Ms Tamara Ozdoyeva has *locus standi* in the proceedings before the Court;

3.  *Declares* the applications admissible;

4.  *Holds* that there has been a violation of Article 2 of the Convention in respect of the applicants’ relatives Mr Rashid Ozdoyev, Mr Tamerlan Tsechoyev, Mr Rasukhan Yevloyev, Mr Ibragim Izmaylov, Mr Mukhadi Maltsagov, Mr Abdallakh Zanziyev, Mr Alaudi Tutkhanov, Mr Mokhadi Makayev, Mr Alash Elmurzayev, Mr Isa Dzhabrailov, Mr Makhran Tayubov, Mr Akhmed Abdulkerimov and Mr Abu-Shakhid Abdulkerimov;

5.  *Holds* that there has been a violation of Article 2 of the Convention on account of the failure to investigate effectively the disappearance of the applicants’ relatives;

6.  *Holds* that there has been a violation of Article 3 of the Convention in respect of the applicants in *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova v. Russia* (no. 14667/09), *Maltsagovy v. Russia* (no. 52431/10), *Zanziyevy v. Russia* (no. 14182/11), *Tutkhanovy* *v. Russia* (no. 56569/11), *Makayeva* *v. Russia* (no. 56577/11), *Murdalova and Elmurzayev* *v. Russia* (no. 66832/11) and *Dzhabrailov v. Russia* (no. 4363/12), on account of their relatives’ disappearance and the authorities’ response to their suffering;

7.  *Holds* that there has been a violation of Article 5 of the Convention in respect of the applicants’ relatives in *Ozdoyev and Tsechoyev* (no. 9782/08), *Yevloyeva and Tomova* (no. 14667/09), *Maltsagovy* (no. 52431/10), *Zanziyevy* (no. 14182/11), *Tutkhanovy* (no. 56569/11), *Makayeva* (no. 56577/11), *Murdalova and Elmurzayev* (no. 66832/11), *Dzhabrailov* (no. 4363/12) and *Yunusova* (no. 24365/12);

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

9.  *Holds* that there has been a violation of Article 13 of the Convention, in conjunction with Article 3 of the Convention, in respect of the following applications: *Zanziyevy* (no. 14182/11), *Makayeva* (no. 56577/11) and *Murdalova and Elmurzayev* (no. 66832/11);

10.  *Holds*that no separate issue arises under Article 13 of the Convention, in conjunction with Article 5 of the Convention, in respect of the following applications: *Zanziyevy* (no. 14182/11), *Murdalova and Elmurzayev* (no. 66832/11)and *Yunusova* (no. 24365/12);

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 into the representatives’ bank accounts, except for the award made in the case of *Tayubova* (no. 20191/12), which is to be paid into the applicant’s bank account.

(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 27 August 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

 Fatoş Aracı Georgios A. Serghides
 Deputy Registrar President

Appendix

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Application no. and date of introduction | ApplicantDate of birthPlace of residenceKinship with the abducted person(s) | Abducted person(s) | Represented by | Pecuniary damage | Non-pecuniary damage | Costs and expenses |
| 1. | 9782/0804/02/2008 | **1) Mr Boris OZDOYEV**15/03/1944Malgobek, IngushetiaFather of Mr Rashid OZDOYEV (deceased); his widow, Ms Tamara OZDOYEVA, born on 04/02/1951, wished to pursue the application in his stead**2) Mr Zurab TSECHOYEV** (also spelled Zourab TSECHOEV)17/08/1963Bordeaux, FranceBrother of Mr Tamerlan TSECHOYEV | 1) Mr Rashid OZDOYEV2) Mr Tamerlan TSECHOYEV | MEMORIAL HUMAN RIGHTS CENTRE | Sought by the applicants: |
| EUR 20,696 to the first applicant | In an amount to be determined by the Court | 13,126  pounds sterling (GBP) |
| Awarded by the Court: |
| EUR 10,000 (ten thousand euros) to Ms Tamara OZDOYEVA | EUR 80,000 (eighty thousand euros) each to Ms Tamara OZDOYEVA and the second applicant  | EUR 2,000 (two thousand euros) |
| 2. | 14667/0902/03/2009 | **1) Ms Lida YEVLOYEVA**20/02/1951Ekazhevo, IngushetiaMother of Mr Rasukhan YEVLOYEV**2) Ms Roza TOMOVA**03/12/1964Nazran, IngushetiaSister of Mr Ibragim IZMAYLOV | 1) Mr Rasukhan YEVLOYEV2) Mr Ibragim IZMAYLOV | SRJI/ASTREYA | Sought by the applicants: |
| RUB 637,176 (EUR 10,140) to each of the applicants | In an amount to be determined by the Court | EUR 2,835 |
| Awarded by the Court: |
| EUR 5,000 (five thousand euros) to the first applicant and EUR 2,000 (two thousand euros) to the second applicant  | EUR 80,000 (eighty thousand euros) to each of the applicants | EUR 2,000 (two thousand euros) |
| 3. | 52431/1031/08/2010 | **1) Ms Mukhazhar MALTSAGOVA**06/12/1954Avtury, ChechnyaWife**2) Mr Ibragim MALTSAGOV**16/11/1972Avtury, ChechnyaSon**3) Mr Dukvakha MALTSAGOV**28/09/1973Avtury, ChechnyaSon**4) Ms Eliza MALTSAGOVA**11/08/1980Serzhen-Yurt, ChechnyaDaughter**5) Ms Maret MALTSAGOVA**13/04/1984Avtury, ChechnyaDaughter | Mr Mukhadi MALTSAGOV | SRJI/ASTREYA | Sought by the applicants: |
| RUB 296,715(EUR 3,883) to the first applicantRUB 16,203(EUR 212) to the fifth applicant | In an amount to be determined by the Court | EUR 4,438 |
| Awarded by the Court: |
| EUR 2,000 (two thousand euros) to the first applicantEUR 100 (one hundred euros) to the fifth applicant | EUR 80,000 (eighty thousand euros) to the applicants jointly | EUR 2,000 (two thousand euros) |
| 4. | 14182/1128/01/2011 | **1) Ms Zara ZANZIYEVA**12/12/1949Grozny, ChechnyaMother**2) Mr Adam ZANZIYEV**20/11/1948Grozny, ChechnyaFather**3) Ms Elina ZANZIYEVA**20/01/1979Grozny, ChechnyaSister | Mr Abdallakh ZANZIYEV | MATERI CHECHNI | Sought by the applicants: |
| EUR 5,000 to the applicants jointly | EUR 70,000 to the applicants jointly | EUR 7,614  |
| Awarded by the Court: |
| EUR 3,000(three thousand euros) to the applicants jointly | EUR 70,000 (seventy thousand euros) to the applicants jointly | EUR 1,000 (one thousand euros) |
| 5. | 56569/1122/08/2011 | **1) Ms Kulyush TUTKHANOVA**24/08/1955Achkhoy-Martan, ChechnyaWife**2) Mr Rizvan TUTKHANOV**29/04/1981Achkhoy-Martan, Chechnya,Son | Mr Alaudi TUTKHANOV | MATERI CHECHNI | Sought by the applicants: |
| EUR 20,827 to the applicants jointly | EUR 80,000 (eighty thousand euros) to the applicants jointly | EUR 10,276 |
| Awarded by the Court: |
| EUR 5,000 (five thousand euros) to the applicants jointly | EUR 80,000 (eighty thousand euros) to the applicants jointly | EUR 1,000 (one thousand euros) |
| 6. | 56577/1103/09/2011 | **Ms Zeynep MAKAYEVA**05/10/1952Goy-Chu, ChechnyaSister | Mr Mokhadi MAKAYEV | Mr V.BASAYEV | Sought by the applicant: |
| - | In an amount to be determined by the Court | EUR 3,117 |
| Awarded by the Court: |
| - | EUR 80,000 (eighty thousand euros) | EUR 2,000 (two thousand euros) |
| 7. | 66832/1121/10/2011 | **1) Ms Zulay MURDALOVA**09/10/1946Duba-Yurt,ChechnyaMother**2) Mr Sait-Khasen****(also spelled as Said-Khasen) ELMURZAYEV**08/01/1947Duba-Yurt,ChechnyaFather (deceased) | Mr AlashELMURZAYEV | SRJI/ASTREYA | Sought by the applicants: |
| RUB 245,684 (EUR 3,640) to the first applicantRUB 239,821 (EUR 3,553) to the second applicant | In an amount to be determined by the Court | EUR 5,869 |
| Awarded by the Court: |
| EUR 2,000 (two thousand euros) to the first applicant | EUR 80,000 (eighty thousand euros) to the first applicant | EUR 2,000 (two thousand euros) |
| 8. | 4363/1223/12/2011 | **Mr Arbi DZHABRAILOV**30/05/1954Goy‑Chu, Chechnya,Brother | Mr Isa DZHABRAILOV | Mr D. ITSLAYEV | Sought by the applicant: |
| - | EUR 1,000,000 | EUR 5,016 |
| Awarded by the Court: |
| - | EUR 80,000 (eighty thousand euros) | EUR 2,000 (two thousand euros) |
| 9. | 20191/1212/03/2012 | **Ms Kuza TAYUBOVA**20/05/1961Gudermes, ChechnyaMother | Mr Makhran TAYUBOV | Mr R. KHUSNUTDINOV | Sought by the applicant: |
| RUB 1,000,000(EUR 23,585) | RUB 20,000,000(EUR 471,689) | RUB 225,319.14 (EUR 5,442) |
| Awarded by the Court: |
| - | EUR 80,000 (eighty thousand euros) | EUR 850(eight hundred and fifty euros) |
| 10. | 24365/1203/02/2012 | **Ms Markha YUNUSOVA**28/05/1954Kalinovskaya, ChechnyaWife of Mr Akhmed ABDULKERIMOVand mother ofMr Abu-Shakhid ABDULKERIMOV | 1) Mr Akhmed ABDULKERIMOV2) Mr Abu-Shakhid ABDULKERIMOV | SRJI/ASTREYA | Sought by the applicant: |
| RUB 667,748 (EUR 9,413) | In an amount to be determined by the Court | EUR 1,756 |
| Awarded by the Court: |
| EUR 5,000 (five thousand euros) | EUR 160,000 (one hundred and sixty euros) | EUR 1,756 (one thousand seven hundred and fifty-six euros) |