THIRD SECTION

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

*(Applications nos. 10229/10 and 4 others – see appended list)*

JUDGMENT

STRASBOURG

8 October 2019

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

In the case of Nakani and Others v. Russia,

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

 Georgios A. Serghides, *President,* Branko Lubarda, Erik Wennerström, *judges,*

and Stephen Phillips, *Section Registrar,*

Having deliberated in private on 17 September 2019,

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

PROCEDURE

1.  The case originated in five 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 various dates indicated in the appended table. The application numbers and the applicants’ personal details are also listed in the appended table.

2.  The applicants were represented by the various NGOs indicated in the appended table. The Russian Government (“the Government”) were represented initially by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

3.  On various dates notice of the applications was given to the Government. In *Nakani* (no. 10229/10) and *Rashidov* (no. 22751/10) the Court also gave notice of the applications to the Government in accordance with Rule 40 of the Rules of Court, on 23 February and 26 April 2010 respectively. The first application was granted priority treatment under Rule 41 of the Rules of Court on 3 June 2010.

4.  The Government did not object to the examination of the applications by a Committee.

THE FACTS

I.  THE CIRCUMSTANCES OF THE CASE

5.  The applicants are Russian nationals who, at the material time, lived in Chechnya, Ingushetia and other regions of the North Caucasus. They are the parents of individuals who disappeared after allegedly being unlawfully detained by servicemen during special operations. The applicants have not seen their missing relatives since the alleged arrests. Their whereabouts remain unknown.

6.  The applicants reported the abductions to law‑enforcement bodies, and official investigations were opened. The proceedings have been ongoing for several years without any tangible results being achieved. The perpetrators have not been identified by the investigating bodies. It appears that all of the investigations are still ongoing.

7.  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 other witnesses to both the Court and the domestic investigative authorities.

A.  *Nakani v. Russia* (no. 10229/10)

8.  The applicant is the mother of Mr Georgiy Nakani, who was born in 1988. She and her son lived in their family house in the village of Neytrino in the Republic of Kabardino-Balkaria. The village, which has just a few hundred inhabitants, is located in the mountains, more than one and half thousand metres above sea level. A permanent police checkpoint was situated on the road leading to and from the settlement.

1.  Background information and the events preceding the abduction of Mr Georgiy Nakani

9.  According to the applicant, her family was under surveillance by law-enforcement agencies. Since 2002 to 2003 her nephew Mr V. had been under surveillance on the grounds of his religious beliefs. In 2004 the police arrested her youngest son, Mr. S., and forced him to incriminate himself. In October 2009 they unlawfully arrested and ill-treated her eldest son, Mr M.A.  In December 2009 her son Georgiy Nakani told her that an officer from the Federal Security Service (FSB), M., had been collecting information about him, and that an unidentified person had warned him that a secret surveillance operation had been set up to prepare for his arrest and that he should not leave his home at night.

2.  Abduction of Mr Georgiy Nakani

10.  At about 11.20 p.m. on 15 December 2009 the applicant’s son Georgiy went to see his cousin, Ms B., who lived about a hundred metres from his home. Some ten minutes later, Ms B. called the applicant and asked her if Georgiy had got back home. She also said that a neighbour had heard a gunshot and seen a man being forced into a silver VAZ car. That car together with a black Priora car, both without registration plates, had driven away at high speed.

3.  Subsequent events

11.  Immediately after the incident the applicant went to Ms B.’s house and talked to the neighbours. One of them, Ms L., said that she had seen Georgiy Nakani being forced into a VAZ car and crying for help.

12.  The applicant immediately reported the incident to the Department of the Interior (the police) in the nearby town of Tyrnauz. According to her, the police refused to attend and examine the crime scene straight away. The Government disputed that submission.

13.  Having heard from a neighbour that the chief of the criminal investigations unit of the police station, officer K., had participated in her son’s abduction, the applicant went to the station again.

14.  A few hours later, at about 2.30 a.m. on 16 December 2009, a police officer saw a silver Priora car entering Neytrino, stopping near the police station, taking a passenger and driving away in the opposite direction (see paragraph 35 below).

15.  At about 3 a.m. on 16 December 2009 officer K. arrived at the police station. By that time the applicant had already been there and accused him of participating in her son’s abduction. According to the applicant, officer K. was drunk and had fresh bloodstains on his shoes. When she asked about the stains, he told her that he had been hunting and that it was rabbit’s blood. In the presence of witnesses, one of the applicant’s neighbours (relatives) collected a sample of the blood from his shoes and put it in a plastic bag (in the documents submitted, the place it was collected was also referred to as the police station’s entrance).

16.  At about 3.20 a.m. the applicant, who had gone to the checkpoint situated on the road leading to and from the village with her relatives, spotted two cars leaving Neytrino. A traffic police officer tried to stop them; one car passed through without stopping, while the other stopped for a moment and then drove on. The applicant could see the face of the driver clearly.

17.  According to the applicant, her son was most probably taken from the police station through the checkpoint controlled by FSB officers. A few days later, an officer, A.E., told one of the applicant’s relatives while drunk that FSB officers had detained Georgiy Nakani to extract information from him, and had ended up shooting him in the groin. He had died of his injuries and the FSB servicemen had buried his body somewhere to ensure that his remains would not be easily found. It is not clear whether the applicant informed the investigators what officer A.E. had said.

4.  Criminal investigation

18.  On 16 December 2009 the applicant informed the authorities of the abduction, alleging that her son Georgiy Nakani had been arrested by State agents.

19.  Shortly thereafter, the police questioned several witnesses, including the applicant and Ms B. The latter alleged that Mr Nakani had been arrested by State agents driving around in a silver VAZ car and black Priora car. The applicant had informed the investigators that an FSB officer, M., had recently been making enquiries about her son (see paragraph 9 above).

20.  At around 2 a.m. officers from the police station instructed the traffic police on duty at the checkpoint between Neytrino and Nalchik to check the two cars which had been driving in the direction of Nalchik.

21.  At 3.20 p.m. the investigators examined the crime scene. They found a knitted black hat belonging to Georgiy Nakani and traces of blood, which were later positively matched with his blood type.

22.  According to the applicant, she asked officer K. to save the video recordings from the CCTV cameras at the police station showing the abductor’s cars. The officer reassured her that he had already done so and had even sent them to Nalchik for forensic examination.

23.  On 17 December 2009 the applicant complained to the Elbrus prosecutor about the police’s refusal to examine the crime scene immediately after her son’s abduction.

24.  On 17 December 2009 the Elbrus district investigations department opened criminal case no. 76/60-09 under Article 126 of the Criminal Code (abduction) into the events of 15 December 2009.

25.  On an unspecified date between 16 and 19 December 2009 the applicant’s relatives provided the investigators with the blood sample collected by them at the police station (see paragraph 15 above).

26.  On 19 December 2009 the investigators questioned officer K. He confirmed that at about 4 a.m. on 16 December 2009 he had spoken to the applicant. Having heard her complaint about her son’s disappearance, he had driven her relatives around Tyrnauz in his car searching for the abductors’ vehicles, but to no avail.

27.  On 21 December 2009 the applicant was granted victim status in the criminal proceedings.

28.  On the same day she submitted that a witness to her son’s abduction had identified officer K. as one of the perpetrators. He was afraid to confirm that statement officially out of fear of reprisal (see paragraph 31 below).

29.  On 23 December 2009 two traffic police officers, A.A. and R.Sh., were questioned. They stated that on the night of 15 to 16 December 2009 they had been manning the traffic checkpoint and had been instructed to check two cars – a black Priora car and silver VAZ car without registration plates driving in the direction of Nalchik. The applicant and her relatives had also been at the checkpoint. At about 3.40 a.m. they had seen a black and a silver Priora passing through the checkpoint. Officer A.A. had ordered them to stop. The black Priora had driven on, ignoring his order, while the silver Priora had stopped. The driver had shown him a *laissez-passer*. As soon as the applicant and her relatives had attempted to approach the car, it had driven off towards Nalchik. The officers had reported the incident to their headquarters and tried to follow the black Priora, but to no avail. The officers’ report to the headquarters was also joined to the criminal case file.

30.  On 25 December 2009, having seized footage from the CCTV cameras at the police station, the investigators found out that the recording for the period between 15 and 16 December 2009 had been deleted owing to the expiry of the seven-day storage period.

31.  On 3 January 2010 the investigators questioned Mr A.Kh. (the witness referred to by the applicant on 21 December 2009). He denied that any pressure had been placed on him by officer K. (see paragraph 28 above).

32.  On 9 January 2010 the investigators requested the traffic police to submit the CCTV recordings from the checkpoint between Neytrino and Nalchik. On 14 January 2010 the traffic police replied that the checkpoint was not equipped with CCTV.

33.  On 11 January 2010 the investigators questioned Z.N., another traffic police officer who had been on duty on the night of the abduction. According to him, the abductors’ vehicles had not been stopped at the checkpoint.

34.  On 13 January 2010 the applicant was questioned and submitted that Mr A.Kh. had witnessed the abduction and stated that one of the perpetrators had resembled officer K., but that he was afraid to provide any official confirmation of that to the investigation out of fear of reprisal.

35.  On 1 February 2010 the investigators questioned another police officer, A.O., who stated that at about 2.30 a.m. on 16 December 2009 he had seen a silver Priora car entering Neytrino, stopping near the police station, taking a passenger and driving away in the opposite direction.

36.  On 12 February 2010 the investigators ordered a forensic examination of the blood sample collected at the police station (in the order, the date it was collected was mistakenly stated as 25 September 2009). The experts could not identify the origin of the blood owing to the small size of the sample.

37.  On 7 April 2010 the applicant asked the investigators to identify FSB officer M. (see paragraph 9 above), stating that she had already asked the investigators to take that step. The investigators confirmed that an officer with that name had indeed worked for the regional FSB department.

38.  On 9 April 2010 they asked the Kabardino-Balkaria FSB to provide them with information as to whether officer M. had worked there. On 16 April 2010 the FSB replied that they were unable to comply with the request.

39.  On 7 May 2010 the investigators questioned the police officer who had interviewed the applicant on 16 December 2009. He submitted that following the applicant’s allegation against the FSB officer M., he had contacted the FSB and established that he had worked there. He had been sent there on a mission from the FSB Department in the Stavropol Region in early 2008 and had returned one month later.

40.  On 13 May 2010 the investigators asked the Stavropol regional department of the FSB to confirm or refute that information. On 17 May 2010 the FSB replied that their officers had not been sent on a mission to Kabardino-Balkaria.

41.  On 14 May 2010 the investigators questioned the FSB officer who had informed the investigators that officer M. had left the FSB in 2008. He could not recall having had that conversation with either the investigators or officer M.

42.  On 17 May 2010 the investigation was suspended for failure to identify the perpetrators. It was then resumed on 31 May 2010.

43.  On 15 August 2010 the investigators questioned Ms M. Zh., who had been at the police station on 16 December 2009. She stated that a blood sample had been taken by one of the applicant’s relatives on the police station’s entrance porch.

44.  On 3 July 2010 the investigators suspended the proceedings again. It appears that the investigation is still ongoing.

B.  *Rashidov v. Russia* (no. 22751/10)

45.  The applicant is the father of Mr Magomed Rashidov, who was born in 1984. At the material time, he and his son lived with other relatives in the mountain village of Gubden in Dagestan. Permanent police checkpoints were situated on the roads leading to and from the settlement.

1.  Background information and the events preceding the abduction of Mr Magomed Rashidov

46.  Mr Magomed Rashidov is a cousin of Mr M. Vagabov, allegedly the leader of an illegal armed group operating in Dagestan.

47.  On 11 December 2009 several police officers carried out a search of the applicant’s house in connection with Mr Rashidov’s suspected involvement in a recent explosion in the village. The police officers found nothing prohibited. According to the applicant, they were interested in the layout of the house and enquired about the location of the light switches, even though the search was being conducted in daytime and no lights were needed. The officers took Mr Rashidov’s foreign travel passport and left.

2.  Abduction of Mr Magomed Rashidov and subsequent events

48.  At about 12.30 a.m. on 25 December 2009 a group of seven or eight armed men in black uniforms and balaclavas forced their way into the applicant’s house. They were wearing military boots and speaking Russian. They forced the applicant and his wife (Ms U.R.), their two daughters (Ms A.R. and Ms N.R.) and Mr Rashidov’s wife (Ms B.R.) to the ground and ordered them to hand over jewellery, money and mobile telephones. Several injuries, including bruises, were inflicted on Ms U.R. Shortly afterwards, the armed men escorted Mr Rashidov outside, placed him in one of the two vehicles (a silver VAZ-2114 vehicle, and another one whose make and model the applicant could not remember) parked next to the applicant’s house and drove away. They also took several items of jewellery and mobile telephones belonging to Mr Rashidov, Ms A.R. and Ms N.R.

49.  According to the applicant, some of the abductors must have been present during the search of 11 December 2009 because they knew the layout of the rooms and the location of the light switches in the house.

50.  On 29 December 2009 the applicant received a text message from Mr Rashidov’s mobile telephone number saying that he was well and that the applicant should not worry. According to the applicant, the message was written in the Dargin dialect, which was not common in Gubden.

3.  Criminal investigation

51.  Immediately after the abduction, on 25 December 2009, the applicant went to the local police station and reported the incident to officer K. As submitted by the applicant, and not contested by the Government, officer K. refused to take any measures, telling the applicant that the police would come to his house the following day.

52.  At about 3 p.m. on 26 December 2009 police officers examined the crime scene. They collected a bloodstained bed sheet and a footwear impression. The items were joined to the case file as evidence.

53.  On 1 January 2010 the Kaspiyskiy inter-district investigations department of the Investigative Committee opened criminal case no. 0295 under Article 126 of the Criminal Code (abduction) and Article 162 (robbery). A comparison of the documents from the case file suggests that the copy furnished by the Government was missing certain pages.

54.  On an unspecified date at the beginning of January 2010 the investigators learned that Mr Rashidov had been suspected of membership of an illegal armed group.

55.  Between 3 and 7 January 2010 the applicant, Ms B.R. (Mr Rashidov’s wife), as well as Ms A.R., Ms N.R. and Ms U.R. (his two sisters and mother respectively), were granted victim status in the case and questioned. Their statements to the investigators were similar to the applicant’s account before the Court.

56.  On 5 January 2010 the investigators decided to pursue three main theories for the abduction. These included Mr Rashidov’s abduction by members of the law-enforcement authorities because of his suspected terrorist activities, his abduction by relatives of law-enforcement agents killed by members of the illegal armed group of which Mr Rashidov might have been a member, and his abduction by members of illegal armed groups.

57.  On 12 January 2010 the applicant’s legal representative asked the investigators to obtain information about telephone calls made from Mr Rashidov’s mobile telephone, starting from the date of his abduction.

58.  On 15 January, 3 February and 30 March 2010 the investigators questioned M.T., R.M. and S.Kh. (the police officers in charge of the search of the applicant’s house on 11 December 2009) about the circumstances of the search and their possible involvement in Mr Rashidov’s abduction. The officers denied any involvement therein.

59.  On 4 February 2010 the applicant asked the Dagestan Investigative Committee and the Prosecutor of Dagestan to assist in the search for his son. He stated that that the group of abductors had consisted of eight men in black uniforms who had acted in a very organised manner and had been familiar with the layout of the house, including the location of the light switches. Referring to those facts, he alleged that the perpetrators had been State agents involved in the house search on 11 December 2009. The reluctance of the investigating authorities to follow up the allegation supported that theory.

60.  It appears that the above letter was forwarded to the investigators. On 15 February 2010 they informed the applicant of the steps taken in the case.

61.  On an unspecified date in January or February 2010 the applicant complained to the Karabudakhkentskiy district prosecutor’s office, alleging that the investigation had been ineffective. On 18 February 2010 he was informed that the prosecutor’s office had ordered the investigators to remedy defects in the criminal proceedings and speed up the investigation.

62.  On 9 and 10 February, and then on 29 March 2010, the investigators asked various State authorities, detention facilities and medical facilities to inform them whether they had detained Mr Rashidov or provided him with medical treatment. They also requested information about whether a silver VAZ-2114 vehicle was used by the district police department. The replies received stated that Mr Rashidov had not been in custody.

63.  On 15 February 2010 the investigators applied to the Karabudakhkentskiy District Court in Dagestan for authorisation to obtain information from the local mobile telephone service provider about the calls made from the mobile telephones of Mr Rashidov, Ms A.R. and Ms N.R. between 24 December 2009 and 14 February 2010. On the following day, 16 February 2010, the court gave its authorisation and on 23 March 2010 the investigators obtained the information from the service provider. On 27 March 2010 they examined it, noting in particular that on 29 December 2009 a text message had been sent to the applicant from Mr Magomed Rashidov’s telephone, which had been physically located in Kaspiysk, Dagestan, a town about 50 km from Gubden.

64.  On 15 February 2010 a medical expert examined Ms U.R., recorded her injuries and concluded that they had been inflicted with a hard blunt object, possibly on 25 December 2009.

65.  On 17 February 2010 the investigators examined the crime scene again. No evidence was collected.

66.  On 18 February 2010 the investigators questioned officer M.R., whose statement concerning the search of 11 December 2009 and the subsequent abduction were similar to the applicant’s account before the Court.

67.  In March 2010 medical experts examined the bed sheet collected at the crime scene and concluded that the bloodstains on it were human and contained B and H antigens.

68.  On 12 March 2010 the investigators asked the local police to carry out operational search measures concerning Mr Rashidov’s possible involvement in illegal activities. The police replied that he had been on a list of persons suspected of membership of illegal armed groups. For two or three months in the summer of 2009 he had joined an illegal group hiding in the mountains in Dagestan.

69.  On 30 March 2010 the investigators obtained similar information from the Directorate for Combating Extremism of the Dagestan Ministry of the Interior.

70.  On 26 March 2010 the investigators questioned the applicant, Ms B.R., Ms U.R. and Ms A.R again. They stated, in particular, that several months prior to Mr Rashidov’s abduction, on 23 May 2009, he had left home without having informed anybody of his intention to leave. He had been away for about a month and a half and had then returned. In addition, the witnesses stated that they suspected that R.M., the officer in charge of the search of the applicant’s house on 11 December 2009, had been involved in the abduction of Mr Rashidov.

71.  On 27 March 2010 the investigators questioned R.M. again. He denied seizing Mr Rashidov’s travel passport and enquiring about the layout of the house and the location of the light switches.

72.  On 30 March 2010 the investigator altered the legal classification of the offences under investigation to Articles 105 (murder), 126 (abduction) and 164 (high-value theft) of the Criminal Code.

73.  On 1 May 2010 the investigators suspended the proceedings for failure to identify the perpetrators. The investigation is still ongoing.

C.  *Dzeytova v. Russia* (no. 35915/10)

74.  The applicant was the mother of Mr Khamzat Dzeytov, who was born in 1977. She died on 7 October 2013. On 7 February 2019 her husband (and son’s father), Mr Akhmet Dzeytov, expressed his wish to pursue the application in her stead.

1.  Background information and the events preceding the abduction of Mr Khamzat Dzeytov

75.  In October 2008 the applicant’s husband and Mr Khamzat Dzeytov were detained by Operational Search Bureau no. 2 of the Chechnya Ministry of the Interior. The next day the applicant’s husband was released. A few days later she learned from a lawyer that her son had been detained, allegedly because of his close relationship with his sister and brother-in-law (Mr A.M.), both of whom were on the authorities’ wanted list.

76.  Mr Khamzat Dzeytov was subsequently convicted of joining an illegal armed group and given a suspended prison sentence. According to the police, the whereabouts of his sister, who was allegedly hiding in the mountain forests of Chechnya, was unknown.

77.  After Mr Khamzat Dzeytov’s conviction, a police officer from the Sunzhenskiy district police department (“the Sunzhenskiy ROVD”), K.M., regularly visited the applicant’s house in a VAZ-21014 car, enquiring about Mr Khamzat Dzeytov.

78.  On several occasions between 5 and 7 July 2009 the applicant saw a grey VAZ-2114 car driven by officer K.M. parked next to the grain store where she worked in the village of Assinovskaya. Three other police officers from the Sunzhenskiy ROVD, M., K. and A., were in the car.

79.  On 7 July 2009 the applicant’s husband saw four police officers waiting for someone in a blue VAZ-2107 car parked next to their house.

80.  According to the statements of the chief of the criminal investigations unit in Achkhoy-Martan, at that time several special operations “involving a great number of forces and means” were being carried out in the Achkhoy-Martan, Sunzha, and Urus-Martan districts of Chechnya (see paragraph 110 below).

2.  Abduction of Mr Khamzat Dzeytov

81.  On occasion Mr Khamzat Dzeytov worked the applicant’s shifts at the grain store in Assinovskaya. At 11 a.m. on 7 July 2009 she asked him to work her shift and went to the nearby village of Bamut to collect her pension. At 2 p.m. the same day Khamzat Dzeytov called the applicant from home and she asked him to return to the grain store as she was still in Bamut. At 3 p.m. the applicant returned to the store, but her son was not there. According to another of the applicant’s sons (Mr Sh. D.), Mr Khamzat Dzeytov had left the house for the grain store at 2.30 p.m. He had tried to call his brother eight minutes later, but his telephone was switched off.

82.  According to the applicant, Mr Khamzat Dzeytov was abducted by State agents on the way to the grain store between 2.30 and 2.40 p.m. on 7 July 2009.

3.  Subsequent events

83.  On the evening of 7 July 2009 a police officer from the Sunzhenskiy ROVD told the applicant that Mr Khamzat Dzeytov was being detained at the police station and gave her the telephone number of A., the police officer allegedly responsible for his detention. When the applicant asked Mr A. about her son’s detention the following day, he denied any knowledge of it.

84.  On or about 23 July 2009 the chief of the criminal search department of the Sunzhenskiy ROVD, officer T.M., told the applicant that her son had been arrested because of his brother-in-law, who was wanted by the authorities for involvement in illegal armed groups. Later officer T.M. told the applicant’s family that Mr Khamzat Dzeytov was being detained in the village of Khosi-Yurt, Chechnya.

85.  In April 2010 the applicant went to see the investigator, M., at the police station. He told her that he knew where her son was being detained, and that he would be released if she informed him of her daughter’s whereabouts.

86.  On an unspecified date the applicant was visited by an FSB officer, S., who asked her to give him her son’s telephone number. The applicant gave it to him and several days later he told her that on 12, 13 and 14 July 2009 several outgoing calls from that telephone had been registered in the Achkhoy-Martan district of Chechnya. On 24 July 2009 several other calls had been registered, but they had been made in the Sunzhenskiy district of Chechnya.

4.  Official investigation into the incident

87.  As submitted by the applicant, and not contested by the Government, on 8 July 2009 she went to the Sunzhenskiy ROVD to complain about her son’s disappearance, but the police officers refused to register her complaint.

88.  On 9 July 2009 the applicant complained about the police officers’ refusal to the Achkhoy-Martan inter-district investigations department (“the investigators”).

89.  On 10 September 2009 the applicant complained to the Achkhoy‑Martan inter-district prosecutor’s office about her son’s disappearance and the authorities’ inaction in that regard. She provided several theories as to her son’s whereabouts based on the information she had received from officers S. and T.M. She also mentioned rumours that her son had been taken into custody by the fourth company (military unit) headed by A.D. and stationed in Grozny.

90.  On 19 September 2009 the investigators examined the crime scene. No evidence was collected.

91.  On 28 October 2009 the investigators opened criminal case no. 85012 under Article 126 of the Criminal Code (abduction). The copy of the criminal case file submitted by the Government lacked certain documents. The material in the Court’s possession suggests that the investigation progressed as follows.

92.  On 29 October 2009 the applicant was granted victim status in the criminal proceedings and questioned. Her statement was similar to the account described above. She alleged that Mr Khamzat Dzeytov had been arrested by State agents on account of his ties with a member of an illegal armed group, Mr A.M.

93.  On 30 October 2009 the investigators questioned Mr Akhmet Dzeytov, who endorsed the statement given by his wife.

94.  On 5 November 2009 the investigators obtained a copy of the applicant’s complaint of 10 September 2009.

95.  On the same day they questioned Mr Akhmet Dzeytov again, who submitted, with reference to officer T.M., that his son was allegedly being detained in Khosi-Yurt.

96.  On 12, 14 and 30 November 2009 the investigators questioned three officers from the Sunzhenskiy ROVD (Ch.G., K.M., and M.Ch.). They submitted that in July 2009 a special operation had been carried out in the applicant’s village aimed at arresting members of an illegal armed group. The federal forces had killed Mr A.M. and his brother Mr R.M., Mr Khamzat Dzeytov’s brother-in-law. The officers stated that their unit had not arrested Mr Khamzat Dzeytov.

97.  At the questioning officer K.M. stated that he had previously worked on Mr Khamzat Dzeytov’s file. He had therefore known about his conviction and his sister’s involvement in the illegal armed group headed by Mr A.M. According to his information, Khamzat Dzeytov’s sister was hiding from the federal forces in the mountain forests. In reply to the investigators’ question about his service car, he replied that he used a grey VAZ 2114 car (the same colour and model of car had been seen next to the grain store where the applicant had been working between 5 and 7 July 2009). Like the other two officers, officer K.M. denied his involvement in the applicant’s son’s arrest. He stated that at the relevant time he had been on a service mission in Rostov-on-Don.

98.  On 30 November 2009 the investigators questioned the chief of the Sunzhenskiy ROVD, officer M.Ch., who submitted that on 7 July 2009 no special operations had been carried out in the applicant’s village.

99.  On 15 December 2009 Mr Akhmet Dzeytov was granted victim status in the criminal proceedings.

100.  On 17 December 2009 the investigators cross-examined Mr Akhmet Dzeytov and officer K.M. The latter confirmed that on 7 July 2009 he had been on a mission.

101.  On 28 December 2009 the investigation was suspended for failure to identify the perpetrators.

102.  On 14 January 2010 the deputy Achkhoy-Martan prosecutor identified several shortcomings in the investigation and ordered the investigators to rectify them. In particular, he requested that they: question the head of the local administration and the imam, as well as the shop assistant who had seen the applicant’s son shortly before his abduction; identify and question the FSB officer S.; establish whether there had been checkpoints on the road to and from Assinovskaya and what cars had passed through them; collect documents to support the alibi of officer K.M.; and obtain Khamzat Dzeytov’s telephone records for analysis.

103.  On 14 January 2010 the investigation was resumed.

104.  On 28 January 2010 the applicant was questioned again. She insisted that her son had been abducted by State agents and suggested that apparently with the help of information extracted from Mr Khamzat Dzeytov, law-enforcement agents had managed to locate Mr A.M. three days later.

105.  On 10 February 2010 officer K.M. was questioned again. On that occasion he told the investigators that on 7 July 2009 he had undergone medical treatment in Rostov-on-Don and that I.T. had been with him. They had both taken the train to get there.

106.  On 14 February 2010 the investigation was suspended for failure to identify the perpetrators.

107.  On 22 June 2010 the applicant requested that the investigators grant her access to the investigation file. Her request was refused on the grounds that access would only be allowed on completion of the investigation.

108.  On 22 August 2010 the proceedings were resumed.

109.  On 25 August and 14 September 2010 the investigators questioned officers from the Achkhoy-Martan inter-district investigations department, including T.M., who denied having told the applicant any information about her son’s whereabouts.

110.  On 16 and 17 September 2010 the applicant was cross-examined with officers T.M. and K.M. They all confirmed their previous submissions. Officer T.M. also mentioned that at that time special operations “involving a great number of forces and means” were being carried out in the Achkhoy‑Martan, Sunzha, and Urus-Martan districts of Chechnya.

111.  On 18 September 2010 the investigators searched the applicant’s house and collected her son’s shirt for forensic examination. The experts subsequently found traces of human sweat on the shirt with A antigens.

112.  On 22 September 2010 the investigation was suspended again.

113.  On 26 January 2011 the Achkhoy-Martan prosecutor noted several shortcomings in the investigation, including the investigators’ failure to establish why the applicant’s criminal complaint of 9 July 2009 (see paragraph 88 above) had not been duly registered, identify the owners of blue VAZ-2107 car, collect documents confirming officer K.M.’s alibi, and obtain Khamzat Dzeytov’s telephone records. The prosecutor stated that in order to carry out these steps, the investigators had to resume the proceedings.

114.  On 2 February 2011 the proceedings were resumed.

115.  At some point the investigators learned that after the killing of Mr A.M. by law-enforcement agents, Khamzat Dzeytov’s sister had blown herself up in Grozny, causing the death of two police officers.

116.  On 5 February 2011 several police officers were questioned. They stated that the applicant had not complained that her son had been abducted on 9 July 2009.

117.  On 2 March 2011 the investigation was suspended again. It is still ongoing.

D.  *Gazdiyev v. Russia* (no. 46142/11)

118.  The applicant was the father of Mr Ibragim Gazdiyev, who was born in 1978. On 31 March 2015 the applicant died. On 29 July 2016 his wife (and son’s mother), Ms Maddan Gazdiyeva, expressed her wish to pursue the application in the applicant’s stead.

1.  Background information and the events preceding the abduction of Mr Ibragim Gazdiyev

119.  In 2004 Mr Ibragim Gazdiyev was asked by his friend Mr. K. if he would take him and his wife by car to the local hospital. On the way there they were stopped by FSB officers, who opened fire and killed Mr. K. Mr Ibragim Gazdiyev was taken to the Karabulak police station in Ingushetia and released after being questioned.

120.  On 31 May 2007 a group of Ingushetia FSB officers arrived at the applicant’s house to conduct a search. One of them, officer A., showed the applicant the search warrant. The applicant pointed out to the officer that the name on the document was not his, but officer A. proceeded with the search anyway. Nothing of interest was found during the search and the officers left.

121.  According to the applicant’s submissions, supported by media reports from the news website the Caucasian Knot (*Кавказский узел*), a large-scale preventive operation started in Ingushetia on 25 July 2007. In the context of that operation, 2,500 servicemen were sent to the region for that mission. The operation lasted until 2 December 2007.

2.  Abduction of Mr Ibragim Gazdiyev

122.  At about 1 p.m. on 8 August 2007 the applicant’s neighbour, Mr A. Ye., was driving through the settlement of Karabulak in Ingushetia.

At a crossroads he saw five or six armed men in camouflage uniforms, balaclavas and khaki helmets standing by a white Gazel minivan. Mr Ibragim Gazdiyev was standing next to his car, a silver VAZ‑2110 parked next to the minivan, and talking to a man of Slavic appearance in civilian clothing. Mr A.Ye. stopped his car further down the road and telephoned Mr A.O., Mr Ibragim Gazdiyev’s cousin, to explain the situation. A few minutes later Mr A.Ye. returned to where he had just seen the applicant’s son, but no one was there. Mr A.O. attempted to call Mr Ibragim Gazdiyev several times, but he did not pick up. About half an hour later his telephone was switched off. Mr Ibragim Gazdiyev has not been seen since.

3.  Subsequent events

123.  On 9 August 2007 the applicant complained about his son’s disappearance to Mr B.M., a deputy of the Parliament of Ingushetia.

124.  According to the latter, on 10 August 2007, he was told by the Prosecutor of Ingushetia, Mr Yu.T., that law-enforcement agents had stopped Mr Ibragim Gazdiyev’s car for a random check. When they had realised that the passenger in the car was a member of an illegal armed group, they had shot that person dead on the spot. Mr Ibragim Gazdiyev had been taken for an identity check and then released.

125.  On 11 August 2007 the applicant and his relatives, Mr M.U. and Mr B.E., had a meeting with the President of Ingushetia, Mr M. Zyazikov. He told them that Mr Ibragim Gazdiyev had been arrested by the FSB and that there was no evidence of his involvement in any crime. He reassured the applicant that his son had not gone missing.

126.  On 15 August 2007 a staff member of the Representation of the Russian President in Ingushetia, Mr V.T., informed Mr B.M. that Mr Ibragim Gazdiyev had allegedly been arrested by the FSB on suspicion of involvement in illegal armed groups and that he had received this information from the Prosecutor, Mr Yu.T. When the deputy asked Mr Yu.T. about it, he denied having any information concerning Mr Ibragim Gazdiyev’s whereabouts.

4.  Official investigation into the incident

127.  On 8 August 2007 the applicant complained to the Karabulak prosecutor’s office in Ingushetia, alleging that his son had been abducted by unidentified security service agents of Slavic appearance.

128.  On the same day the investigators examined the crime scene. No evidence was collected.

129.  On 9 August 2007 the applicant lodged the same complaint with a number of other law-enforcement agencies.

130.  On 10 August 2007 the Karabulak prosecutor’s office opened criminal case no. 27520024 under Article 126 of the Criminal Code (abduction). The Government provided the Court with a copy of the criminal case file comprising up to 285 pages. The comparison of that with the volume of the material sent to the domestic courts (708 pages, see paragraph 165 below) indicates that certain documents were missing.

131.  On 10 August 2007 the investigators also questioned Mr A.Ye. and Mr A.K. (a village resident who lived in the vicinity of the crime scene). Mr A.Ye. gave a statement similar to the applicant’s account before the Court. Mr A.K. stated that he had not heard anything about the abduction of Mr Ibragim Gazdiyev.

132.  On the next day, 11 August 2007, the applicant was granted victim status in the criminal proceedings and questioned. He described the circumstances of his son’s abduction which he had heard from his other son, Mr T.G. after he had spoken to the eyewitness, Mr A.Ye.

133.  On 12 August 2007 the investigators questioned three police officers on duty at the checkpoint in the vicinity of the Karabulak police station. They stated that neither a VAZ‑2110 car nor a Gazel minivan had passed through their checkpoint on 8 August 2007.

134.  On 10 November 2007 the criminal case was suspended for failure to identify the perpetrators.

135.  On 30 November 2007 the proceedings were resumed.

136.  On 5 December 2007 the investigators questioned Mr A.Ye. again. He submitted that he could not identify the man who had been standing next to Mr Ibragim Gazdiyev just before his abduction, but described his appearance and clothing.

137.  In the meantime the investigators sent a number of enquiries to the law-enforcement authorities with a view to establishing the whereabouts of the applicant’s son, but no relevant information was obtained.

138.  On 30 December 2007 the investigation was suspended. It was then resumed on 23 July 2008.

139.  On 25 July 2008 the investigators questioned a former member of the Parliament of Ingushetia, Mr B.M. He submitted that on 9 August 2007 (at that time he was an active member of parliament) he had received a call from the applicant complaining about his son’s disappearance. The next day the Prosecutor of Ingushetia, Mr Yu.T., had described to him the circumstances of Mr Ibragim Gazdiyev’s arrest. Five days later a staff member of the Representation of the Russian President in Ingushetia, Mr M.V., had informed him (Mr B.M.) that Ibragim Gazdiyev had allegedly been arrested by the FSB. Later Mr B.M. had invited Mr Yu.T. and a staff member of the Representation of the Russian President in Ingushetia, Mr V.T., to the Parliament, where Mr V.T. had stated that he had received the information in question from Mr Yu.T. The latter suggested that he had must have been misunderstood.

140.  On 26 July 2008 Ms Maddan Gazdiyeva was questioned. Her statement was similar to those of the applicant.

141.  On 23 August 2008 the investigation was suspended.

142.  It appears that on 28 January 2009 the proceedings were resumed, and on 29 February 2009 were suspended again.

143.  On 4 March 2009, following criticism by the investigators’ superiors on account of the investigators’ failure, amongst other things, to obtain the abducted man’s telephone records and take steps to establish the whereabouts of his car, the investigators resumed the proceedings.

144.  On 11 March 2009 the investigators opened a criminal case no. 2952007 into the car theft under Article 161 of the Criminal Code (robbery). On 12 March 2009 it was joined with the criminal case into Mr Ibragim Gazdiyev’s abduction. The new joined case was assigned the number 27520024.

145.  On 4 April 2009 the proceedings were suspended again.

146.  Four days later, on 8 April 2009, the investigators resumed the proceedings. On 8 May 2009 they were suspended again without any investigative steps being taken.

147.  On 15 June 2009 the decision to suspend the proceedings was quashed as ill-founded, in particular because the investigators had not obtained Mr Ibragim Gazdiyev’s telephone records and had failed to question either President Zyazikov or Mr V.T.

148.  On 15 July 2009 Mr V.T. was questioned. He submitted that in September 2007 he had arranged a meeting between Mr B.M. and Mr Yu.T. At that meeting Mr Yu.T. had informed the member of the Parliament of Ingushetia that the investigation into the abduction was ongoing. He had not alleged that State agents had been involved in the incident.

149.  On 15 July 2009 the investigators suspended the proceedings again.

150.  On 30 September 2009 the applicant asked the investigators to question two witnesses, Mr B.E. (Mr Ibragim Gazdiyev’s cousin) and Mr A.B.

151.  On 7 October 2009, following an order by the Karabulak District Court in Ingushetia (see paragraph 162 below), the investigation was resumed.

152.  On 15 October 2009 the investigators questioned Mr B.E. He confirmed to them that the President of Ingushetia, Mr M. Zyazikov, had told him and the applicant about Mr Ibragim Gazdiyev’s arrest by State agents.

153.  On 7 November 2009 the investigators suspended the proceedings.

154.  On 3 August 2010 the above-mentioned decision was quashed because the investigators had repeatedly failed to question President Zyazikov, and identify who had made or received calls from Mr Ibragim Gazdiyev’s telephone at the time of his abduction.

155.  On 2 September 2010 the investigators questioned the Prosecutor of Ingushetia, Mr Yu.T. He stated that he had no information about Ibragim Gazdiyev’s arrest.

156.  On 11 September 2010 the investigators reported that President Zyazikov had been working as an adviser to the Russian President and that it had been impossible to reach him by telephone.

157.  It appears that on an unspecified date the investigators obtained a sample of the applicant’s DNA (the relevant document was not submitted by the Government).

158.  On 15 September 2010 the proceedings were suspended.

159.  On 15 January 2016 the investigators asked the Ingushetia Department of the Interior (the police) to undertake operational search measures aimed at identifying the abductors.

160.  On 28 February 2016 the latter replied that the operational search measures had been unsuccessful.

161.  On 18 March 2016 the investigators repeated their request of 15 January 2016. The outcome of that request is unknown.

5.  Proceedings against the investigators

162.  On 27 August 2009 the applicant complained to the Karabulak District Court in Ingushetia about the decision of 15 July 2009 to suspend the proceedings. On 30 September 2009 the court ordered that the investigation be resumed.

163.  The applicant subsequently challenged the decision of 7 November 2009 to suspend the proceedings and on 15 March 2010 the District Court dismissed his complaint. On 24 March 2010 the applicant appealed against that decision to the Supreme Court of Ingushetia (“the Supreme Court”). On 27 April 2010 it allowed the appeal and ordered that the investigation be resumed.

164.  In November 2010 the applicant complained to the Magas District Court in Ingushetia about the decision of 15 September 2010 to suspend the investigation. On 15 November 2010 the court dismissed the complaint. On 11 January 2010 the Supreme Court upheld that decision on appeal.

165.  At some point during the proceedings before the Supreme Court, it asked the investigators to submit a copy of the criminal case file. The investigators submitted a copy, which comprised three volumes (708 pages).

E.  *Sigauri v. Russia* (no. 38378/12)

166.  The applicant is the mother of Mr Said Sigauri, who was born in 1988.

1.  Background

167.  According to Mr Said Sigauri’s relatives, he was “a person of interest” for the local law-enforcement agencies. Their officers regularly enquired about his whereabouts, stating that he might be suspected of a criminal offence.

168.  According to the information in the investigation file (see paragraph 189 below), on an unspecified date in late February to early March 2011 a search was conducted at the address of Mr Said Sigauri’s official residence in the settlement of Ordzhenikidzevskaya, Ingushetia, known from 2016 onward as the town of Sunzha. Said Sigauri had not been present during the search, because at that time he had been living with his aunt Ms M.M. in Grozny while studying at Chechnya State University.

169.  The brother of Said Sigauri, Mr A.S., was suspected of membership of an illegal armed group, killing the chief of the Sunzhenskiy district police station, and two attacks on an Orthodox Church in Chechnya. He lived at another address in Grozny with his cousin Ms Kh.M. and other relatives.

2.  Abduction of Mr Said Sigauri

170.  On the morning on 2 March 2011 the federal forces conducted a special operation to arrest Mr A.S. He, Ms Kh.M. and other relatives, were at home when a group of armed servicemen in camouflage uniforms surrounded the building and opened fire. Mr A.S. was shot dead.

171.  In the course of the operation, Ms Kh.M. and several other witnesses saw Mr Said Sigauri being detained by the police in the courtyard of the building.

3.  Subsequent events

172.  On 3 March 2011 Said Sigauri called his aunt, Ms M.M., and told her that he was in detention at the Sunzhenskiy district police station in Chechnya (“the police station”). Later the same day Ms M.M. received a text message from Said Sigauri’s mobile telephone number, which said that he was in the village of Sernovodsk, Chechnya. Mr Sigauri then called his aunt again, asking whether the body of his brother (Mr A.S.) had been returned to the family.

173.  According to the applicant, on 3 March 2011 she and her relatives went to the police station in an attempt to find her son. She was told that he had not been brought there. The applicant’s family attempted to lodge a criminal complaint, but it was not accepted because the chief of the police station was allegedly absent from his office.

4.  Official investigation into the disappearance

174.  On 9 or 10 March 2011 the applicant formally informed the Chechnya Prosecutor’s Office of the disappearance of Said Sigauri and requested that criminal proceedings be opened. Her application was registered on 10 March 2011.

175.  On 12 March 2011 the investigators arrived at the police station and seized the register of people who had been arrested between 27 February and 5 March 2011. Said Sigauri’s name was not on that list.

176.  On the same day the investigators questioned Mr I.Kh. and Mr M.B., two police officers on duty at the police station. They confirmed that Mr Said Sigauri had not been brought to the station.

177.  On 13 March and 7 April 2011 the investigators examined the flat where Mr Sigauri had been staying before his disappearance. They collected a cap and a comb belonging to him.

178.  On 16 March, 6 April and 5 July 2011 the investigators questioned Ms M.M. (Said Sigauri’s aunt). Her submissions were similar to the applicant’s account before the Court. She stated that her nephew was a person of interest, that just before his disappearance, on the date of the special operation, he had been seen detained by the police, and that following his arrest he had sent a text message and made two telephone calls to her.

179.  On 7 April and 1 July 2011 the applicant confirmed the statements made by Ms M.M.

180.  On 28 April 2011 the investigators identified Mr Sigauri’s mobile telephone number. It ended with the digits 9717 and its registered owner was Mr A.M. On the same day the investigators obtained access to the telephone records. They contained information about several connections made on the morning of 3 March 2011 from Sernovodsk, the administrative centre of the Sunzhenskiy district in Chechnya. It was submitted by the applicant, and not disputed by the Government, that the connections were registered by a mobile telephone mast located 108 metres away from the police station. According to the applicant, one of those connections was a text message sent by Said Sigauri.

181.  On 24 June 2011 the Achkhoy-Martan investigations department of the Chechnya Investigative Committee opened criminal case no. 67002 under Article 105 of the Criminal Code (murder). It appears that certain documents were missing from the criminal case file submitted by the Government to the Court. From the material in the Court’s possession it appears that the proceedings progressed as follows.

182.  On 24 June 2011 the deputy head of the Achkhoy-Martan investigations department gave written instructions to the investigators. In particular, he stated that they should order a forensic examination of the evidence, question the head of the local administration and the local imam about Mr Sigauri’s lifestyle, obtain the telephone records from his mobile telephone, take DNA samples from his relatives to compare them with those from the database of unidentified remains, and undertake other measures.

183.  On 26 June 2011 the father of Mr Sigauri, Mr B.S., was granted victim status in the criminal proceedings. His statement was similar to the applicant’s account before the Court. He also confirmed that his son had been using telephone number ending with the digits 9717.

184.  On 6 August 2011 the investigators questioned Ms Kh.M. She submitted, in particular, that on 2 March 2011 she had seen Mr Sigauri surrounded by police officers during the special operation in the courtyard.

185.  In late August to early September 2011 the investigators questioned several neighbours, who gave positive reports about Said Sigauri’s character.

186.  On 24 September 2011 the investigation was suspended for failure to identify the perpetrators. It was subsequently resumed on 15 November 2011 and 24 January 2013, and then suspended on 15 December 2011 and 3 February 2013 respectively.

187.  In the meantime, on 12 December 2011 the investigators ordered a forensic examination of the item collected from Mr Said Sigauri’s flat.

188.  On 13 December 2011 the investigators reported to their superiors that the officers of the police station had refused to provide any information on the circumstances surrounding the alleged arrest of Mr Said Sigauri without the consent of the chief of the station. The investigators attempted to contact him, but to no avail.

189.  On an unspecified date in 2012 the investigators obtained information about a search which had been carried out at Said Sigauri’s address in Ingushetia.

190.  In late 2012 to early 2013 (the document is undated) the investigators prepared a summary report concluding that Said Sigauri could have joined an illegal armed group in revenge for his brother’s killing, or gone into hiding to avoid criminal prosecution. The investigators stated that the applicant’s allegation of abduction by State agents was rebutted by the case material. In particular, the telephone calls to Ms M.M. could have been made by third parties, and the telephone records had contained no information about the text message sent from Mr Sugauri’s telephone number.

191.  On 24 January 2013 the investigators resumed the proceedings.

192.  Having requested the local police to identify the relatives and acquaintances of Said Sigauri, they suspended the proceedings again on 3 February 2013. The investigation is still ongoing.

II.  RELEVANT DOMESTIC LAW AND INTERNATIONAL MATERIAL

193.  For a summary of the relevant domestic law and international and domestic reports, see *Makayeva,*cited above, §§ 67-77; *Aslakhanova and Others v. Russia* (nos. 2944/06 and 4 others, §§ 80-84, 18 December 2012); and *Akhmadova and Sadulayeva v. Russia* (no. 40464/02, §§ 67-69, 10 May 2007).

THE LAW

I.  JOINDER OF THE APPLICATIONS

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

II.  *LOCUS STANDI*

195.  The Court notes that in *Dzeytova* (no. 35915/10) and *Gazdiyev* (no. 46142/11) the applicants died and that their spouses, Mr Akhmet Dzeytov and Ms Maddan Gazdiyeva respectively (the surviving parents of the abducted men) expressed the wish to pursue the applications. The Government left the issue to the Court’s discretion.

196.  The Court normally permits the next of kin to pursue an application, provided they have a legitimate interest, where the original applicant died after lodging the 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, see *Sultygov and Others v. Russia*, nos. 42575/07 and 11 others, §§ 381-86). Having regard to the subject matter of the applications and all the information in its possession, the Court considers that the spouses of the deceased applicants (the surviving parents of the abducted men), Mr Akhmet Dzeytov and Ms Maddan Gazdiyeva, have a legitimate interest in pursuing the applications and that they thus have the requisite *locus standi* under Article 34 of the Convention.

III.  THE GOVERNMENT’S PRELIMINARY OBJECTIONS

A.  The parties’ submissions

197.  In *Rashidov* (no. 22751/10) the Government alleged that the applicant had lost contact with his representative before the Court. They argued that the applicant’s passport was not valid and that his passport signature did not resemble his signature in other documents submitted by the applicant to the Court. In *Nakani* (no. 10229/10) the Government contended that the applicant’s complaints should be declared inadmissible for being premature, as the investigation into the disappearance of Mr Georgiy Nakani had not yet been completed. The Government further argued in *Nakani* (no. 10229/10), *Rashidov* (no. 22751/10) and *Dzeytova* (no. 35915/10) that it had been open to the applicants to lodge complaints with the supervising investigating authorities or the courts about any acts or omissions on the part of the investigators.

198.  The applicants contested the Government’s submission. In particular, the applicant’s lawyer in *Rashidov* (no. 22751/10) argued that contact with his client had not been lost, that the applicant’s passport issued on 7 December 2002 had not been invalidated and that the applicant’s signatures in the passport and other documents did not differ. Those allegations were supported by a copy of the applicant’s passport certified by a notary on 6 June 2019. As regards the remainder of the Government’s objections, the applicants stated that the only supposedly effective remedy, the criminal investigation, had proved to be ineffective. They relied on the cases of *Aslakhanova and Others* (cited above, §§ 123 and 153), and *Esmukhambetov and Others v. Russia* (no. 23445/03, § 128, 29 March 2011), and pointed out various shortcomings in the criminal investigations into the disappearance of their relatives.

B.  The Court’s assessment

199.  The Court considers that the Government’s allegation in the case of *Rashidov* (no. 22751/10) is rebutted by the evidence submitted by the applicant. The recent copy of his passport demonstrates that it has not been invalidated or confiscated by the authorities and that the applicant is in contact with his representative. Given that the Court is not an expert in graphology, it is unable to make a conclusion on the veracity of the applicant’s signature in the documents in its possession, particularly bearing in mind that the signature may have changed to some extent over the years between the issuance of the applicant’s passport in 2002 and the present day. In the absence of an expert conclusion on the issue, it cannot accept the Government’s argument in that regard. The Court further considers that their objection raises issues concerning the effectiveness of the investigation which are closely linked to the merits of the applicants’ complaints. It therefore decides to join this objection to the merits of the case and considers that the issue falls to be examined below.

IV.  THE COURT’S ASSESSMENT OF THE EVIDENCE AND THE ESTABLISHMENT OF THE FACTS

A.  The parties’ submissions

1.  The applicants’ submissions

200.  The applicants alleged that State agents had taken away their relatives and subsequently killed them. In support of their complaints they referred to the following facts.

201.  In *Nakani* (no. 10229/10) the applicant submitted that the perpetrators’ vehicle had been seen picking up a passenger at the local police station and had then passed freely through the checkpoint, that its driver had had a special *laissez-passer*, which only State agents could have had, and that shortly after the incident bloodstains had been seen by numerous witnesses on the shoes of officer K., who only a couple of hours earlier had allegedly been involved in the abduction.

202.  In *Rashidov* (no. 22751/10) the applicant pointed out that the group of abductors had consisted of eight men in black uniforms who had acted in a very organised manner and had been familiar with the layout of the house, including the location of the light switches. They had to have been the State agents who had searched the house several days prior to the abduction. The reluctance of the investigating authorities, in particular, their failure to block the road from the settlement, supported that version.

203.  In *Dzeytova* (no. 35915/10) the applicant drew the Court’s attention to the fact that at the time of the abduction a special operation was being carried out in the region. Several days before the abduction and on that very day a police car belonging to officer K.M. had been seen at the applicant’s house and the grain store where the applicant’s son had last been seen. The applicant further submitted that several officials had confirmed that her son Khamzat Dzeytov had been arrested and allegedly taken into custody on account of his ties with Mr A.M., a member of an illegal armed group wanted by the police. Several days after Khamzat Dzeytov’s arrest law‑enforcement agents had managed to locate and kill Mr A.M.

204.  In *Gazdiyev* (no. 46142/11) the applicant stated that Mr Ibragim Gazdiyev had been abducted during a large-scale special operation being carried out in the region and that the President of Ingushetia had confirmed that he had been taken away by State agents.

205.  In *Sigauri* (no. 38378/12) the applicant referred to the fact that the last time Mr Said Sigauri had been seen, he had been surrounded by State agents, and that he had subsequently made a call to his relatives while being detained at the Sunzhenskiy district police station.

206.  The applicants submitted that they had made a prima facie case that their relatives had been abducted by State agents and that their version of events had not been rebutted by the Government. They stressed that their relatives had disappeared in life-threatening circumstances, that they had been missing for a long period of time and that they therefore had to be presumed dead.

207.  The applicants further argued that the investigations into the abductions had been ineffective. In particular, they alleged that the investigators either had failed to take a number of crucial investigative steps or had taken important steps with major delays and deficiencies (see paragraphs 232-238 below).

208.  Relying on Articles 34 and 38 of the Convention, the applicants in *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) also noted the Government’s failure to submit the criminal case files in their entirety in spite of the Court’s request to that effect.

2.  The Government’s submissions

209.  The Government stated that the domestic investigation had obtained no evidence to suggest that any State agents had been involved in the alleged abduction of the applicants’ relatives.

210.  In *Nakani* (no. 10229/10) the Government stated that officer K. had denied that there had been bloodstains on his shoes. The submitted that the applicant’s assertion that immediately after the abduction she had asked officer K. to save the CCTV recordings from the police station for further examination was unsubstantiated. According to the Government, the investigators had decided to do so of their own motion, only several days later. Lastly, referring to the only witness statement in the criminal case file, the Government submitted that the road from the village had been properly blocked and that the perpetrators had been unable to drive through the checkpoint and leave the settlement (see paragraph 33 above).

211.  In *Rashidov* (no. 22751/10) the Government submitted that the search of the applicant’s house which had taken place before the abduction had been lawful, and that the fact that the abductors had been wearing camouflage uniforms was not sufficient proof that the perpetrators had been State agents. According to the Government, the applicant’s son had been involved in criminal activities and, therefore, could have been abducted by his criminal associates.

212.  In *Dzeytova* (no. 35915/10) and *Gazdiyev* (no. 46142/11) the Government stated that the complaints were ill-founded. In the latter case, they noted that the applicant’s allegation was primarily based on the fact that the perpetrators had been in uniforms, which was insufficient to conclude that State agents had been involved in the incidents.

213.  In *Sigauri* (no. 38378/12) the Government argued that there was no strong evidence of the applicant’s son’s arrest by State agents. The telephone calls received by the applicant and her relatives might not have been made by her son, but by someone else (the applicant and her relatives had been anxious and could have made a mistake about the identity of the caller). Moreover, the telephone records on which the applicant had relied to support her allegation of Said Sigauri’s detention at the Sunzhenskiy district police station had contained no information about the text message mentioned by the applicant. Lastly, Ms Kh.M., who had seen Mr Sigauri surrounded by State agents, had not told the investigators that she had seen the servicemen detained him by force.

214.  In *Nakani* (no. 10229/10) the Government further claimed that the investigation had met the Convention requirement of effectiveness, as all possible measures available under national law were being taken to have the crime solved. In the remainder of the cases the Government did not comment on the effectiveness of the investigations.

B.  The Court’s assessment of the facts

1.  General principles

215.  For a summary of general principles, see *Khava Aziyeva and Others* (no. 30237/10, §§ 62-65, 23 April 2015, with further references).

2.  Application of the principles to the present case

216.  The Court notes that in reply to its request for an entire copy of the investigation files into the abduction of the applicants’ relatives, the Government submitted relevant documents. In *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) the investigation files were not submitted in full (see paragraphs 91, 130 and 181 above). However, regard being had to the material in its possession, the Court considers that the lack of certain documents does not preclude it from examining the issues raised in those applications.

217.  Keeping in mind the parties’ submissions, the Court’s task is to decide whether the circumstances of the cases at hand could warrant the conclusion that State agents were responsible for the abduction of the applicants’ sons.

218.  The Court notes that, even though in each of the cases at hand the abductors used civilian vehicles – unlike in numerous other cases concerning abductions by State agents perpetrated several years prior to the events in question (see, for example, *Giriyeva and Others v. Russia*, no. 17879/08, 21 June 2011; *Kosumova and Others v. Russia*, no. 27441/07, 7 June 2011; *Malika Alikhadzhiyeva v. Russia*, no. 37193/08, 24 May 2011; *Matayeva and Dadayeva v. Russia*, no. 49076/06, 19 April 2011; and *Nasukhanovy v. Russia*, no. 1572/07, 10 February 2011) – the material before it demonstrates the validity of the applicants’ allegations concerning the State agents’ involvement in their sons’ abduction for the following reasons.

219.  Firstly, it should be taken into account that the abductions took place in the North Caucasus after the large-scale counterterrorist operation in Chechnya had ended, but while isolated incidents of enforced disappearances continued to occur (see, among many examples, *Alikhanovy v. Russia*, no. 17054/06, 28 August 2018; *Tsakoyevy v. Russia*, no. 16397/07, 2 October 2018; *Turluyeva v. Russia*, no. 63638/09, 20 June 2013; *Khava Aziyeva and Others,* cited above; *Makayeva v. Russia*, no. 37287/09, 18 September 2014; and *Askhabova* *v. Russia*, no. 54765/09, 18 April 2013).

220.  Secondly, it is not disputed by the parties that prior to the abductions, the disappeared men or their close relatives were under surveillance or at least at the focus of attention of the law-enforcement agencies (see paragraphs 9, 47, 75-79, 119-120, and 167-169 above).

221.  Thirdly, the particularities of each case as highlighted by the applicants suggest that State agents were the perpetrators of the crimes. Thus, in *Nakani* (no. 10229/10) the perpetrators made a stop at the local police station and then passed unrestrictedly through the checkpoint showing a special *laissez-passer*, and several hours later the police officer who had been absent from the police station at the time of the abduction returned with traces of blood on his shoes (see paragraphs 15, 29, 35 and 43 above). In *Rashidov* (no. 22751/10) the abductors arrived in several vehicles and acted as an organised group. Moreover, just like the police officers who had searched the house several days earlier, they knew the layout and the location of the light switches in the house (see paragraphs 48 and 49 above). In *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) the abductions occurred at a time when special operations were being carried out in the area (see paragraphs 110, 121 and 170 above). Moreover, in *Dzeytova* (no. 35915/10) several police officers had been seen waiting for someone near the applicant’s house on the day of her son’s disappearance (see paragraph 79 above). In *Gazdiyev* (no. 46142/11, and *Sigauri* (no. 38378/12) the applicants’ relatives disappeared after having been seen surrounded by a group of armed men in camouflage uniforms (see paragraphs 122 and 171 above). In *Nakani* (no. 10229/10), *Dzeytova* (no. 35915/10), and *Gazdiyev* (no. 46142/11) various law-enforcement officers or State officials confirmed unofficially to the applicants or their relatives that their sons had been arrested by State agents (17, 84, 85, 124, 125, and 126 above).

222.  Furthermore, the investigators took no meaningful steps to check whether the abductions could have been perpetrated for other reasons, such as a blood feud, ransom, drugs or hostility. No serious steps were taken to verify those theories (contrast *Zubayrayev v. Russia*, no. 67797/01, § 81, 10 January 2008).

223.  Lastly, the reluctance of the police to actively investigate the matter, along with the applicants’ consistent allegations that State agents were involved in the incidents, provide the Court with grounds to conclude that the applicants each have made a prima facie case that their sons were abducted by State agents.

224.  The Government’s statement that the investigators found no evidence proving the involvement of members of the law-enforcement authorities in the disappearances is insufficient to discharge them from the above-mentioned burden of proof.

225.  The Court notes that in only one case, *Rashidov* (no. 22751/10), did the Government provide an alternative explanation for the events in question, claiming that Magomed Rashidov could have been abducted by his criminal associates (see paragraph 211 above). Having regard to the absence of any evidence in support of that theory, the Court rejects it.

226.  In the lack of any plausible explanation for the events in question, the Court finds that the applicants’ sons Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri were arrested by State servicemen.

227.  There has been no reliable news of them since their disappearance, which occurred between 2007 and 2011. The Government have not submitted any plausible explanation as to what happened to them afterwards.

228.  The Court finds that, in a situation where a person is detained by unidentified police officers without any subsequent acknowledgment of the detention and is then missing for several years, that situation can be regarded as life-threatening. The absence of the applicants’ sons or of any news of them a number of years supports this assumption.

229.  Accordingly, the Court finds that the evidence available permits it to establish to the requisite standard of proof that Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri must be presumed dead following their unacknowledged detention by State agents.

V.  ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

230.  The applicants complained under Article 2 of the Convention that their relatives had been abducted and subsequently deprived of their lives by State agents and that the domestic authorities had failed to carry out effective investigations into the incidents. Article 2 reads:

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

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

(a)  in defence of any person from unlawful violence;

(b)  in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c)  in action lawfully taken for the purpose of quelling a riot or insurrection.”

A.  The parties’ submissions

231.  The Government contended that the domestic investigations had obtained no evidence to suggest that the applicants’ relatives were dead or that any State agents had been involved in their abduction.

232.  In *Nakani* (no. 10229/10) the Government further claimed that the investigation had met the Convention requirement of effectiveness, as all possible measures available under national law were being taken to have the crime solved. In the remainder of the cases the Government did not comment on the effectiveness of the investigations.

233.  The applicants argued that their sons had been abducted by State agents and subsequently killed and that the ensuing investigations had been ineffective.

234.  In particular, they alleged in *Nakani* (no. 10229/10) that the authorities had failed to block the road from the village effectively, establish where the *laissez-passer* shown at the checkpoint had come from and obtain CCTV recordings from the police station before their deletion;

235.  In *Rashidov* (no. 22751/10) the applicant contended that the investigation had not attained any tangible results and that many important investigative steps had been inexplicably protracted.

236.  In *Dzeytova* (no. 35915/10) the applicant drew the Court’s attention to the initial refusal of the investigators to accept the abduction complaint, the numerous suspensions of the criminal proceedings and the investigators’ failure to undertake important investigative measures.

237.  In *Gazdiyev* (no. 46142/11) the applicant referred to the belated opening of the criminal case, numerous suspensions of the ensuing criminal proceedings, and the investigators’ failure to collect mobile telephone data, question a number of important witnesses and locate Mr Ibragim Gazdiyev’s car.

238.  In *Sigauri* (no. 38378/12) the applicant noted the investigators’ refusal to register her complaint and delay in opening the criminal case, as well as their failure to question officers involved in the special operation during which Mr Sigauri had disappeared, examine the courtyard where Mr Sigauri had been seen the last time, identify the recipients of the telephone calls made from Said Sigauri’s number after his abduction, comply with the instructions of 24 June 2011, and take other important steps.

B.  The Court’s assessment

1.  Admissibility

239.  The Court considers, in the light of the parties’ submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. Further, the Court has already found that the issue concerning the exhaustion of domestic remedies should be joined to the merits of the complaint (see paragraph 199 above). The complaint under Article 2 of the Convention must therefore be declared admissible.

2.  Merits

(a)  Alleged violation of the right to life

240.  The Court has already found that the applicants’ sons must be presumed dead following their unacknowledged detention by State servicemen. In the absence of any plausible justification put forward by the Government, the Court finds that their deaths can be attributed to the State and that there has been a violation of the substantive aspect of Article 2 in respect of Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri.

(b)  Effectiveness of the investigations

(i)  General principles

241.  For a summary of the general principles see *Khava Aziyeva and Others* (cited above, §§ 77-81, with further references).

(ii)  Application of those principles to the present case

242.  In the present case, each of the abductions was investigated. The Court must assess whether those investigations met the requirements of Article 2 of the Convention.

243.  After examining the material submitted by the parties, the Court is led to the conclusion that the investigations carried out into the abductions were ineffective for the following reasons.

(α)  *Nakani v. Russia* (no. 10229/10)

244.  The Court observes that the applicant reported the abduction to the authorities within a few hours of the incident and from the very beginning claimed that her son might have been arrested by State agents. The Court notes that in response, the authorities promptly blocked the road from the settlement. However, it appears that that measure was carried out in a way which deprived it of its efficiency – according to the police officers on duty, one of the suspected cars ignored the police order to stop and drove on regardless, while another stopped, but was then allowed to proceed as soon as its driver showed a *laissez-passer* (see paragraph 29 above)*.*

245*.*The Court notes that as submitted by the applicant, and not disputed by the Government, no prompt measures, such as examination of the crime scene, were carried out by the police following the complaint of abduction and the allegation of arrest by State agents. Given the nature of the accusation and the importance of taking urgent steps to find the culprits, the Court considers such a delay unacceptable (see paragraph 51 above).

246.  The Court is also struck by the investigators’ failure to obtain the video recordings from the CCTV cameras installed at the police station prior to their being deleted upon the expiration of the one-week storage period. Those recordings were of the utmost importance as they were key evidence which could have either confirmed or refuted the applicant’s allegation that officers from that police station might have been involved in her son’s abduction (see paragraph 30 above)*.*

247.  The Court further takes note of the reluctance of the investigators to establish the origin of the blood sample collected by the applicant’s family either on the premises of the local police station or from officer K.’s shoes. No genuine attempts to cast light on the related circumstances were made by the investigators.

248.  The Court cannot overlook other shortcomings on the part of the investigative authorities, such as their failure to properly follow up information concerning the *laissez-passer* shown by the alleged abductors at the checkpoint, and their inexplicable reluctance to cross-examine witnesses who had given contradictory evidence (for instance, the applicant and officer K., the applicants’ family and the police officers who had been on duty at the checkpoint on the night of the abduction). Lastly, unlike in many similar cases (see, for instance, *Makhmudova and Others v. Russia* [Committee], no. 22983/10 and 9 others, §§ 46, 89, and 145, 12 March 2019; *Kukurkhoyeva and Others v. Russia* [Committee], no. 50556/08 and 9 others, § 125, 22 January 2019; and *Tazuyeva and Others v. Russia* [Committee], no.36962/09 and 9 others, §§ 23, 101, 120 and 200, 22 January 2019) the investigators, for some reason, did not obtain a blood sample from the applicant or her relatives to register it in a special database and compare it with samples collected from unidentified remains found by the police.

(β)  *Rashidov v. Russia* (no. 22751/10)

249.  In the present application the Court notes the investigators’ inexplicable refusal to examine the crime scene immediately after the applicant had reported the abduction (see paragraphs 51 and 52 above), which inevitably resulted in the loss of perishable evidence, such as the perpetrators’ fingerprints or DNA.

250.  The Court notes that even though a bloodstained blanket and footwear impression were collected from the scene (see paragraph 52 above), the investigators failed to order an examination of the impression to identify the type of footwear and its owner. They also failed to follow up the blood test results in order to establish whether it could have come from the perpetrators.

251.  The Court also takes note that the investigators failed to obtain information concerning the passage of the abductors’ vehicle through the checkpoints located around the village. They neither attempted to question any of the police officers who had manned the checkpoints nor checked whether those stations had been equipped with CCTV cameras.

252.  Furthermore, the Court cannot overlook the investigators’ failure to obtain more detailed information concerning the text message sent from the abducted man’s telephone, which at the time of sending had been located in the town of Kaspiysk (see paragraphs 50 and 63 above). It does not appear that the authorities made any attempts to identify the mobile telephone mast via which the message was sent or verify whether the number was used after 14 February 2010.

253.  The documents submitted show that the investigators failed to take any steps to elucidate contradictions in the evidence obtained, by cross-examining the witnesses, including members of the applicant’s family and the police officers who had searched their house prior to the abduction.

254.  Finally, for some reason, the investigators failed to take a blood sample for subsequent DNA testing and comparison with unidentified remains.

(γ)  *Dzeytova v. Russia* (no. 35915/10)

255.  In the case at hand the authorities refused to accept the abduction complaint submitted by the applicant the day following the incident (8 July 2009) and failed to open a criminal case into that serious allegation until 28 October 2009 (see paragraphs 87 and 91 above). The Court finds the investigators’ attitude, which resulted in a delay of almost four months in the opening of the case, particularly deplorable (see *Khava Aziyeva and Others*, cited above, § 83, and *Askhabova*, cited above, § 151, where the Court criticised similar delays of ten and fourteen days respectively).

256.  The Court notes with regret that the crime scene was not examined until 19 September 2009, that is to say more than two months after the incident had taken place (see paragraph 90 above). Such a delay stripped that important investigative measure of any effectiveness.

257.  The Court further notes that the investigators failed to comply with the instructions of the supervising authority to carry out important investigative steps (see paragraphs 102 and 113 above). In particular, they did not question the shop assistant (the last person to see the applicant’s son before the abduction), the head of the local administration or the imam. They also failed to establish whether there had been checkpoints on the road leading to and from the village, identify the owner of blue VAZ-2107 car and obtain any documents concerning officer K.M.’s alibi.

258.  From the documents in the Court’s possession it is unclear whether the investigators obtained Khamzat Dzeytov’s telephone records. In any event, it appears that they took no proper steps to follow up those instructions (see paragraph 113 above).

259.  Like in the other cases under examination, the investigators failed to take a blood sample from the applicant or other relatives of Khamzat Dzeytov for comparison with samples obtained from unidentified remains.

260.  As regards the overall conduct of the proceedings, the Court notes that, having been opened on 28 October 2009, the investigation was already suspended by 29 December 2009, without the necessary steps having been taken. It was then suspended again on 14 February and 22 September 2010 (see paragraphs 106 and 112 above). Such premature suspensions in a situation in which vital steps had not been taken undermined the investigators’ ability to identify and prosecute the perpetrators (see *Ögur v. Turkey* [GC], no. 21954/93, §§ 88, ECHR 1999-III, and *Khava Aziyeva and Others,* cited above, § 86).

(δ)  *Gazdiyev v. Russia* (no. 46142/11)

261.  The Court observes that the investigators opened a criminal case into the abduction without undue delay. However, the key witness, who personally informed the applicant of his son’s abduction by State agents, President Zyazikov, was not questioned, despite repeated orders to this effect by the supervising authority (see paragraphs 147, 154 and 156 above). Other important witnesses, Mr B.M. and Mr V.T., who had valuable information about the perpetrators’ identities, were questioned with an inexplicable delay of more than eleven months from the opening of the case.

262.  The Court also notes the conspicuous reluctance of the investigators in obtaining the applicant’s son mobile telephone records. On both 4 March and 15 June 2009 the supervising authority pointed that mistake out and ordered that it be remedied (see paragraphs 143 and 147 above). From the documents submitted it does not appear that those orders were complied with. In any event, it appears that the location of the mobile telephone of Ibragim Gazdiyev after his abduction was not established.

263.  Furthermore, the Court finds it regrettable that the investigators failed to cross-examine the witnesses who had given contradictory evidence (for instance, members of the applicant’s family and the officials who had confirmed to them that Ibragim Gazdiyev had been arrested by State agents).

264.  The Court also cannot overlook that although the investigators obtained a DNA sample from the applicant, they failed to proceed further to compare it with possible matches in the database of unidentified remains.

265.  Lastly, the manner in which the criminal proceedings were conducted calls into question whether the investigators aimed at having the crime solved. Having been launched on 10 August 2007, the proceedings were already suspended by 10 November 2007, without crucial investigative steps being taken. The proceedings were then resumed on many occasions, including on 30 November 2007, 23 July 2008, 28 January, 8 April and 7 October 2009, and then suspended on 30 December 2007, 23 August 2008, 4 April, 15 July and 7 November 2009 and 15 September 2010. Each of those suspensions was subsequently criticised for being premature and ill-founded (see paragraphs 134, 135, 138, 141-143, 145-147, 149, 151, 153 and 154 above).

(ε)  *Sigauri v. Russia* (no. 38378/12)

266.  As submitted by the applicant, and not contested by the Government, the local police were informed of her son’s abduction on 3 March 2011, but refused to register that information (see paragraph 173 above). The Court finds their attitude towards such a serious allegation unacceptable. Moreover, following the formal complaint by the applicant lodged on 9 March 2011, the investigators protracted the opening of the investigation for months (see paragraphs 174 and 181 above). The investigators’ reluctance undermined the effectiveness of the ensuing criminal proceedings.

267.  The Court finds reprehensible the investigators’ failure to examine the spot where the applicant’s son was seen for the last time while surrounded by men in camouflage uniforms (a similar defect was criticised by the Court in *Tsakoyevy,* cited above, § 123).

268.  It further notes with regret that the investigators failed to question a number of important witnesses: the detainees being held at the police station when Said Sigauri was allegedly detained there (see paragraph 175 above), the relatives of Mr A.S. who had been at his home when the special operation aimed at his arrest had been conducted, and the officers involved therein. Ms Kh.M., one of the most important witnesses, was not given an opportunity to confirm the circumstances as described or possibly identify the men who had surrounded Said Sigauri before his disappearance (see paragraph 184 above).

269.  The Court cannot overlook that the investigators made no genuine attempts to identify the persons who had Said Sigauri’s mobile telephone after his abduction and made or received calls on it.

270.  Furthermore, the investigators failed to take DNA samples from Mr Sigauri’s relatives, despite the direct order of 24 June 2011 to do so (see paragraph 182 above).

271.  Lastly, the Court is struck by the behaviour of the police officers at the Sunzhenskiy district police station, who refused to cooperate with the investigators, consciously hampering the investigation (see paragraph 188 above).

(ζ)  Conclusion

272.  In the light of the above, taking into account the absence of any tangible results in the investigations, the Court considers that it is highly doubtful that any complaints by the applicants against the investigators’ decisions would have had any prospects of spurring the progress of the investigations, or effectively influencing their conduct, particularly given the reluctance of the investigators to actively pursue the proceedings. Accordingly, the Court finds that the remedy cited by the Government was ineffective in the circumstances of the present case and dismisses their objection as regards the applicants’ failure to exhaust domestic remedies within the context of the criminal investigations.

273.  In the light of the foregoing, the Court holds that the authorities failed to carry out effective criminal investigations into the circumstances surrounding the disappearance of Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri, in breach of Article 2 in its procedural aspect.

VI.  ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

274.  The applicants in *Nakani* (no. 10229/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) relied on Article 3 of the Convention, submitting that as a result of the disappearances and the State’s failure to investigate them properly, they had endured mental suffering in breach of Article 3 of the Convention, which reads as follows:

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

A.  The parties’ submissions

275.  The Government disagreed with the applicants’ allegations, and argued that the investigations into the incidents had been adequate and could not have inflicted suffering amounting to treatment prohibited by Article 3 of the Convention. In *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) to support that argument the Government noted that the applicants had not witnessed the abduction of their sons. Moreover, they submitted that in *Sigauri* (no. 38378/12) the applicant had not had a close relationship with her missing son, who had lived with his aunt and had contacted her, not his mother, after the abduction. The Government also pointed out that the criminal proceedings had been opened at the request of the abducted man’s aunt and not the applicant, who had demonstrated a passive attitude towards the investigation.

276.  The applicants maintained their submissions. In *Sigauri* (no. 38378/12) they contested the Government’s allegation, insisting that the applicant had had a good relationship with her son Said Sigauri. He had only been living with his aunt in Grozny because he had been a full-time student at Chechnya State University and it had been easier for him to get there from his aunt’s house. His parents had lived in a village located about sixty-six kilometres from Grozny. He had visited them every weekend. The applicant also submitted that the Government’s claim that Mr Said Sigauri’s aunt had reported the abduction to the police was erroneous, because she had filed the abduction complaint herself.

B.  The Court’s assessment

1.  Admissibility

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

2.  Merits

278.  The Court has found on many occasions that in a situation of enforced disappearance, the close relatives of the victim may themselves be victims of treatment in violation of Article 3. The essence of such a violation does not mainly lie in the fact of the “disappearance” of the family member but rather concerns the authorities’ reactions and attitudes to the situation when it is brought to their attention (see *Orhan v. Turkey*, no. 25656/94, § 358, 18 June 2002, and *Imakayeva v. Russia*, no. 7615/02, § 164, ECHR 2006‑XIII (extracts)).

279.  Having considered the Government’s argument in the case of *Sigauri* (no. 38378/12) concerning the allegedly indifferent attitude of the applicant towards her missing son, the Court dismisses it. The quality of the relationship between a son and his mother does not depend on the sole fact of them living together. The applicant provided a sound and convincing explanation of why her son had been living separately from her. Moreover, she had shown an active stance in the criminal proceedings. The case file documents show that she (and not Said Sigauri’s aunt as suggested by the Government) reported the abduction to the police. The sole fact that Mr Sigauri attempted to contact his aunt from custody is not sufficient to conclude that he had a bad relationship with the applicant and that she, as his mother, could not presumably suffer following his abduction.

280.  The Court further notes that for several years the applicants in all the cases have not had any news of their missing sons or any plausible explanation or information about what became of them following their arrests. The Court’s findings under the procedural aspect of Article 2 are also of direct relevance here.

281.  The Court therefore concludes that there has been a violation of Article 3 of the Convention in respect of the applicants in *Nakani* (no. 10229/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12).

VII.  ALLEGED VIOLATION OF ARTICLE 5 OF THE CONVENTION

282.  The applicants submitted that their sons had been detained in violation of the guarantees contained in Article 5 of the Convention, the relevant parts of which read as follows:

“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.”

A.  The parties’ submissions

283.  The Government asserted that no evidence had been obtained by the investigators to suggest that the applicants’ relatives had been arrested or detained by the law-enforcement authorities.

284.  The applicants reiterated their complaints.

B.  The Court’s assessment

1.  Admissibility

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

2.  Merits

286.  The Court has found on a number of occasions that unacknowledged detention is 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)). Furthermore, the Court confirms that since it has been established that Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri were detained by State agents, apparently in the absence of any legal grounds or acknowledgement of such detention, this constitutes a particularly grave violation of the right to liberty and security of persons enshrined in Article 5 of the Convention in respect of them.

VIII.  ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

287.  The applicants complained that they had been deprived of effective remedies in respect of their complaints under Article 2 of the Convention. In *Rashidov* (no. 22751/10) and *Sigauri* (no. 38378/12) they also alleged that there had been no effective remedies for their complaints under Article 5 of the Convention. Furthermore, in the latter case the applicant alleged that there had been no effective remedies for her complaint under Article 3 of the Convention, contrary to Article 13 of the Convention, which provides:

“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

288.  In *Nakani* (no. 10229/10), *Rashidov* (no. 22751/10) and *Dzeytova* (no. 35915/10) the Government contended that the applicants had had effective remedies at their disposal as required by Article 13 of the Convention, stating that they had had the opportunity to challenge the acts or omissions of the investigating authorities in court.

289.  The applicants reiterated their complaint.

B.  The Court’s assessment

1.  Admissibility

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

2.  Merits

291.  The Court observes that the applicants’ complaints under Article 13 in connection with Article 2 of the Convention concern the same issues as those examined above under the procedural limb of Article 2. Having regard to its conclusion above under Article 2 (see paragraph 273 above), the Court considers it unnecessary to examine those issues separately under Article 13 (see *Gaysanova v. Russia*, no. 62235/09, § 142, 12 May 2016; *Fanziyeva v. Russia*, no. 41675/08, § 85, 18 June 2015; *Perevedentsevy v. Russia*, no. 39583/05, § 126, 24 April 2014; and *Shumkova v. Russia*, no. 9296/06, § 123, 14 February 2012).

292.  The Court considers that the applicant in *Sigauri* (no. 38378/12)did not have at her disposal an effective domestic remedy for her grievances under Article 3, in breach of Article 13.

293.  As regards the alleged breach of Article 13, read in conjunction with Article 5, as submitted by the applicants in *Rashidov* (no. 22751/10) and *Sigauri* (no. 38378/12), the Court has already stated in similar cases that no separate issue arises in respect of Article 13, read in conjunction with Article 5 (see *Zhebrailova and Others v. Russia*, no. 40166/07, § 84, 26 March 2015, and *Aliyev and Gadzhiyeva v. Russia*, no. 11059/12, § 110, 12 July 2016).

IX.  APPLICATION OF ARTICLE 41 OF THE CONVENTION

294.  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

295.  The applicants in all of the cases except *Nakani* (10229/10) claimed compensation for loss of financial support by the breadwinners.

296. The applicant in *Rashidov* (no. 22751/10) made his calculations on the basis of the UK Ogden Actuary Tables using domestic subsistence levels and inflation rates.

297.  The applicants in *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) based their calculations on the amount of the minimum wage in Russia.

298.  In *Dzeytova* (no. 35915/10) the Government claimed that if the Court concluded that Mr Akhmet Dzeytov had *locus standi*, it should not award him compensation for pecuniary damage, because he was not a victim of the alleged violations.

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

2.  Non-pecuniary damage

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

301.  In *Dzeytova* (no. 35915/10) the Government claimed that if the Court concluded that Mr Akhmet Dzeytov had *locus standi*, it should not award him compensation for non-pecuniary damage, because he was not a victim of the alleged violations.

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

B.  Costs and expenses

303.  All of the applicants claimed compensation for costs and expenses. The amounts are indicated in the appended table. All of them asked the awards to be transferred into the bank accounts of their representatives. The applicants in *Nakani* (no. 10229/10), *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) asked the award to be converted into pounds sterling (GBP).

304.  The Government left the issue to the Court’s discretion.

C.  The Court’s assessment

305.  The Court reiterates that there must be a clear causal connection between the damages claimed by the applicants and the violation of the Convention, and that this may, where appropriate, include compensation in respect of loss of earnings. The Court further finds that loss of earnings applies 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)).

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

307.  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).

308.  Having regard to the conclusions and principles set out above and the parties’ submissions, 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 are to be paid into the representatives’ bank accounts, as indicated by the applicants.

D.  Default interest

309.  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.

X.  ARTICLE 46 OF THE CONVENTION

310.  The applicants in *Dzeytova* (no. 35915/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12) asked the Court to indicate that there is an obligation on the respondent Government to identify and prosecute those responsible for the abduction of their sons, and that an award in respect of non-pecuniary damage should be coupled with a decision by the Court that a fresh investigation should follow the entry into force of the Court’s judgment. The applicants also asked 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 sons and return them to the family members, and provide the applicants with access to the entire investigation files. Moreover, in each of the cases the applicants submitted a list of the investigative measures which should be taken by the authorities.

311.  The Government did not comment on this part of the applicants’ submissions.

312.  Article 46 of the Convention provides as far as relevant:

“1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.”

313.  Keeping in mind its findings in *Aslakhanova and Others* (cited above, §§ 220-38) concerning the systemic problem of ineffective investigations into disappearances in the region at the material time, along with its findings in a number of similar cases in which it has decided, with reference to its established principles, that it was most appropriate to leave it to the respondent Government to choose the means to be used in the domestic legal order with a view to discharging their legal obligation under Article 46 of the Convention (see, among other authorities, *Mutsolgova and Others v. Russia*, no. 2952/06, § 168, 1 April 2010, and *Sultygov and Others*, cited above, § 504), the Court does not see any exceptional circumstances which would lead it to reach a different conclusion in the present case.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1.  *Decides* to join the applications;

2.  *Decides* that in *Dzeytova* (no. 35915/10) and *Gazdiyev* (no. 46142/11) Mr Akhmet Dzeytov and Ms Maddan Gazdiyeva respectively have *locus standi* in the proceedings before the Court;

3.  *Declares* the applications admissible;

4.  *Holds* that there has been a substantive violation of Article 2 of the Convention in respect of the applicants’ relatives – Mr Georgiy Nakani, Mr Magomed Rashidov, Mr Khamzat Dzeytov, Mr Ibragim Gazdiyev and Mr Said Sigauri;

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

6.  *Holds* that there has been a violation of Article 3 of the Convention in respect of the applicantsin *Nakani* (no. 10229/10), *Gazdiyev* (no. 46142/11) and *Sigauri* (no. 38378/12), on account of their mental suffering caused by 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, on account of their unlawful detention;

8.  *Holds* that that there is no need to examine 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 *Sigauri* (no. 38378/12);

10.  *Holds*that no separate issue arises under Article 13 of the Convention in conjunction with Article 5 of the Convention in *Rashidov* (no. 22751/10) and *Sigauri* (no. 38378/12);

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 as indicated by the applicants;

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

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

Done in English, and notified in writing on 8 October 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

 Stephen Phillips Georgios A. Serghides
 Registrar President

Appendix

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| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Application no.Lodged on | ApplicantDate of birthPlace of residenceKinship with the abducted person (s) | Abducted person(s) | Represented by | Pecuniary damage | Non-pecuniary damage | Costs and expenses |
| 1 | 10229/1018/02/2010 | **Ms Aminat NAKANI**23/10/1957Neytrino,Republic of Kabardino-Balkariamother | Mr Georgiy NAKANI | EHRAC/MEMORIAL HUMAN RIGHTS CENTRE | Sought by the applicant  |
| - | In the amount to be determined by the Court | GBP 1,793(EUR 2,135) |
| Awarded by the Court |
| - | EUR 80,000 (eighty thousand euros) | EUR 2,000 (two thousand euros) |
| 2 | 22751/1023/04/2010 | **Mr Abdurashid RASHIDOV**05/05/1952Gubden,Republic of Dagestanfather | Mr Magomed RASHIDOV | SRJI/ASTREYA | Sought by the applicant |
| RUB 302,916(EUR 4,225) | In the amount to be determined by the Court | EUR 4,348 |
| Awarded by the Court |
| EUR 2,000(two thousand euros) | EUR 80,000 (eighty thousand euros) | EUR 2,000 (two thousand euros) |
| 3 | 35915/1029/06/2010 | **Ms Tamara DZEYTOVA**13/03/1960Assinovskaya,Chechen Republicmother(passed away, Mr Akhmet Dzeytov23/11/1955pursued the application in her stead) | Mr Khamzat DZEYTOV | EHRAC/MEMORIAL HUMAN RIGHTS CENTRE | Sought by the applicant |
| EUR 16,300 | In the amount to be determined by the Court | EUR 6,00 and GBP 916 (EUR 1,144) |
| Awarded by the Court |
| EUR 8,000 (eight thousand euros) | EUR 80,000 (eighty thousand euros) to Mr Akhmed Dzeytov | EUR 2,000 (two thousand euros) |
| 4 | 46142/1110/07/2011 | **Mr Mukhmed GAZDIYEV**15/02/1943Karabulak,Republic of Ingushetiafather(passed away, Ms Maddan Gazdiyeva24/09/1951 pursued the application in his stead) | Mr Ibragim GAZDIYEV | EHRAC/MEMORIAL HUMAN RIGHTS CENTRE | Sought by the applicant |
| EUR 8,640 | In the amount to be determined by the Court | EUR 2,700 |
| Awarded by the Court |
| EUR 4,500 (four thousand and five hundred euros) | EUR 80,000 (eighty thousand euros) to Ms Maddan Gazdiyeva | EUR 2,000 (two thousand euros) |
| 5 | 38378/1215/06/2012 | **Ms Ayshat SIGAURI**13/01/1962Sunzha(formerOrdzhonikidzevskaya), Republic of Ingushetiamother | Mr Said SIGAURI | EHRAC/MEMORIAL HUMAN RIGHTS CENTRE | Sought by the applicant |
| EUR 16,320 | In the amount to be determined by the Court | EUR 2,300 and GBP 616 (EUR 721) |
| Awarded by the Court |
| EUR 8,000(eight thousand euros) | EUR 80,000 (eighty thousand euros) | EUR 2,000 (two thousand euros) |