



## THIRD SECTION

### **CASE OF ADZHIGITOVA AND OTHERS v. RUSSIA**

*(Applications nos. 40165/07 and 2593/08)*

## JUDGMENT

Art 14 (+ Arts 2, 3, 8 and Art 1 P1) • Discrimination • Unlawful detention and ill-treatment of Avars by military servicemen of Chechen origin and failure to investigate possible motive of ethnic hatred • No evidence of racial prejudice behind searches and abductions during a military operation against an illegal armed group • No evidence of racial prejudice behind the killing and arson committed by the insurgents

Art 2 (substantive and procedural) • Life • Effective investigation • Enforced disappearance of Chechen village residents • State not responsible for killing by members of illegal armed group dressed as military personnel • Lack of effective investigation into disappearance or death

Art 3 (substantive and procedural) • Inhuman and degrading treatment • Unlawful use of force by military personnel and lack of effective investigation • Mental suffering caused by disappearance of applicants' relatives

Art 13 (+3) • Lack of effective remedy for mental suffering caused by relatives' disappearances

Art 8 • Respect for home and private life • Unlawful searches conducted by military personnel

Art 1 P1 • Peaceful enjoyment of possessions • Positive obligations • State not responsible for destruction of properties by illegal armed group dressed as military personnel • Less exacting standard for investigation met and State payment of compensation

Art 38 • Non-compliance with State obligation to furnish all necessary facilities

STRASBOURG

22 June 2021

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*



**In the case of Adzhigitova and Others v. Russia,**

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

Paul Lemmens, *President*,

Georgios A. Serghides,

Dmitry Dedov,

María Elósegui,

Darian Pavli,

Peeter Roosma,

Andreas Zünd, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 40165/07 and 2593/08) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the Russian nationals as listed in the (“the applicants”), on 10 September and 1 December 2007 respectively;

the decision to give notice of the applications to the Russian Government (“the Government”);

the decision to give priority to application no. 2593/08 (Rule 41 of the Rules of Court);

the parties’ observations;

Having deliberated in private on 25 May 2021,

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

## INTRODUCTION

1. The applications concern the operation carried out in the village of Borozdinovskaya by the Vostok Battalion in Chechnya on 4 June 2005. The applicants alleged that military service personnel unlawfully searched their houses, arrested, ill-treated and killed local men, and set four houses on fire; they also alleged discrimination on the grounds of their belonging to an ethnic group (Avar). They furthermore claimed that the domestic authorities had failed to carry out an effective investigation into those events.

## THE FACTS

2. Application no. 40165/07 was lodged by applicants nos. 1-29, as listed in the Appendix. They were represented by Ms A. Sobko, a lawyer of the European Human Rights Advocacy Centre at Middlesex University (EHRAC), a non-governmental organisation (NGO) based in London, in partnership with another NGO, the Memorial Human Rights Centre based in Moscow.

3. Application no. 2593/08 was lodged by applicants nos. 30-126, as also listed in the Appendix. They were represented by Ms O. Sadovskaya and Mr R. Radzhabov, lawyers of the Committee against Torture, an NGO based in the town of Nizhny Novgorod.

4. The Russian Government (“the Government”) were represented 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.

5. The facts of the case, as submitted by the parties, may be summarised as follows.

## I. BACKGROUND TO THE CASE

6. The applicants lived in the village of Borozdinovskaya (“the village”), in the Shelkovskoy district of Chechnya close to the border with the Russian Republic of Dagestan. It is surrounded by dense forest and was mostly inhabited by Avars (people of a north-east Caucasian native ethnic group that originates in the territories of Dagestan). Several Chechen and Russian families also lived there. According to the applicants, Avar village residents had a tense relationship with their Chechen neighbours.

7. About one hundred kilometres from the village (in the town of Gudermes) was stationed the Vostok Battalion, whose members were recruited from ethnic Chechens and which was headed by Lieutenant Colonel Sulim Y. (“Lieutenant Colonel Y.”). It was known for its active participation in the fight against illegal armed groups operating in hard-to-reach areas, such as forests or mountains.

8. At the time of the events Lieutenant Colonel Y. was on sick leave; he had been replaced by Lieutenant G.

## II. ATTACK OF 3 JUNE 2005

9. In the early hours of 3 June 2005 members of an illegal armed group killed Mr T. Akh. in the village. He was the father of a soldier in the Vostok Battalion. The perpetrators also attacked the head of the local authority and wounded a police officer and seized his firearm and his vehicle. In the late evening of the same day they killed another police officer, burned his car, and stole his identification documents and firearm.

## III. PLANNING OF THE SPECIAL OPERATION

10. Shortly after the events of 3 June 2005 the commander of military unit no. 27777, which was stationed in the settlement of Khankala, ordered subordinate military personnel to arrest the perpetrators of the attack, who were allegedly hiding in the forest next to the village.

11. The arrest operation was entrusted to two groups of Vostok Battalion soldiers. The first group was tasked with locating the attackers and arresting them; the second group was to take up its post in the forest and be ready to assist the first group if required.

12. The second group comprised thirty-three soldiers headed by Lieutenant A. Commander of military unit no. 27777 instructed him not to deviate from the set route, or to enter the village or leave the forest area.

#### IV. CONDUCT OF THE SPECIAL OPERATION

13. On the morning of 4 June 2005, the two groups left the military base in armoured personnel carriers (“APCs”), Ural lorries, UAZ all-terrain vehicles and VAZ cars.

14. At about 1.30 p.m. on the same day, on the way to the designated area, Lieutenant A. ordered the subordinate military personnel to seal off the village and search the residents’ houses for firearms or other evidence of membership of the illegal armed group. He also ordered them to arrest the male residents of the village and gather them at the local school in order to identify the people responsible for Mr T. Akh.’s death.

15. Thirty minutes later several dozen soldiers sealed off the village. Then they carried out house-to-house searches, intimidating the residents with automatic weapon and applying force to those of them who resisted. They checked the identification documents of male residents and submitted several of those men to body searches.

16. Thereafter the Vostok Battalion soldiers arrested most of the male residents, including some of the applicants (eighty-four people, according to the Government; over two hundred people according to the applicants) and transported them to the village school.

17. Eleven relatives of the applicants (Mr Kamil Magomedov, born in 1955; Mr Abakar Aliyev, born in 1982; Mr Said Magomedov, born in 1960; Mr Akhmed Magomedov, born in 1979; Mr Akhmed Madomedov, born in 1977; Mr Eduard Lachkov, born in 1986; Mr Shakhban (also spelled as Shagban) Magomedov, born in 1965; Mr Murtuz Umarov, born in 1987; Mr Magomed Isayev, born in 1969; Mr Akhmed Kurbanaliyev, born in 1978; and Mr Magomed Kurbanaliyev, born in 1982) (“the eleven men”) were among the people arrested. Nine of them were ethnic Avars, one of them was a member of the Tsez (a north Caucasian ethnic group) and one of them was Russian.

18. The detained people were placed at the school yard. The soldiers ordered the men to pull their shirts up over their faces and to lie on the ground. They were forbidden from talking or moving. They remained in that position for several hours while the soldiers checked their identities and their possible links to the illegal armed group. According to the applicants,

during the check the soldiers beat the villagers and humiliated them. Some people heard or saw soldiers taking several detained men away.

19. Between 6 p.m. and 8 p.m. military personnel released several village residents and transferred the remainder of them to the school's gym. Then they made the villagers lie on the floor and forced them to remain in that position for several hours. The applicants submitted that the soldiers had beaten the arrested men and insulted them on account of their Avar ethnic origin.

20. At about 8 p.m. Lieutenant G. and a group of subordinate military personnel arrived at the school in four vehicles.

21. According to the Government, all the detainees were released following Lieutenant G.'s order to that effect.

22. At 9.30 p.m. the members of the Vostok Battalion returned to their base in Gudermes.

23. According to the applicants, before leaving the village the soldiers set fire to four houses located at 9 and 11 Lenina Street, 9 Naberezhnaya Street and 27 Mayakovskogo Street.

#### V. ALLEGED ATTACK OF 4 JUNE 2005

24. According to the Government, members of the illegal armed group observed the special operation from a hiding place. On the evening of 4 June 2005, they put Vostok Battalion uniforms on and entered the village in order to provoke hatred against military personnel by attacking the villagers, who would wrongfully assume that the attack was being carried out by Vostok Battalion soldiers.

25. According to the Government, a group of insurgents – including Sultan Akh. (code names “Malysk” and “Killer”), A.M., Sultan Ab. (code name “Khafiz”) and men going by the code names “Ayub”, “Anbar”, “Malik” and “Bilal” entered the village from the side opposite to the location of the school.

26. Shortly thereafter they started the above-mentioned fire at 9 and 11 Lenina Street; Sultan Ab. fired no less than six shots from an AK-47 assault rifle. Then the group split up: some of the men went to the western end of the village, while others went to the southern end.

27. At the western end “Ayub” and Sultan Akh. set fire to the house at 27 Mayakovskogo Street by firing into it with an AK-47.

28. At the southern end of the village A.M. started the fire at 9 Naberezhnaya Street. Sultan Akh. fired two shots from an under-barrel grenade-launcher and at least one shot from an assault rifle. “Ayub” fired at the house with a machine gun; and Sultan A. fired no fewer than thirty shots with his assault rifle. The group also fired a red signal rocket at the house in order to set it on fire; Mr Magomazi Magomazov (“Mr Magomazov”) was

inside the house. He received numerous blast and firearms injuries and died on the spot.

29. According to the Government, Lieutenant G. and his subordinates arrived in the north-western part of the village at about 8 p.m. on 4 June 2004. Having heard gunshots and having seen the smoke from burning houses he moved to Lenina Street, and then to Mayakovskogo and Naberezhnaya Streets. He realised that the insurgents had set fire to the above-mentioned village houses. The soldiers attempted to pursue them, but the members of the illegal armed group dispersed into the forest. Eleven village residents joined them.

## VI. AFTERMATH OF THE EVENTS OF 4 JUNE 2005

### **A. Pursuit of the illegal armed group by the Vostok Battalion**

30. According to the Government, on 5 June 2005 at about 9.45 p.m. in the mountainous area near the village the Vostok Battalion pursued a group of about fifteen fleeing insurgents.

31. The next day the soldiers searched the area and found a base designed for guerrilla warfare, with two tents, a hunting gun, a flamethrower, grenades and ammunition rounds, and the identification papers of a police officer killed on 3 June 2005 (see paragraph 90 below).

### **B. Reaction of the village residents**

32. Between 4 and 9 June 2005 the village residents found the burned body of Mr Magomazov (on which gunshot wounds were visible) inside the burned-out house at 9 Naberezhnaya Street; they also found carbonised human remains at the burned-out house at 11 Lenina Street. The remains were handed over to the police.

33. On 5 June 2005 the village residents allegedly heard on the news that the Vostok Battalion had carried out a special operation in the village and had arrested eleven members of the above-mentioned illegal group. According to the radio report, the commander of the illegal armed group had been killed.

34. Shortly after that the village residents complained to the law-enforcement authorities about the special operation and the disappearance of the eleven men.

35. On 16 June 2005 a large number of village residents, including some of the applicants, left the village for neighbouring Dagestan, where they set up a makeshift camp. The families initially refused to leave the camp and to return to their homes until what had happened to the “disappeared” men had been determined. The authorities reportedly encouraged the villagers to return to the village. In July 2005 the chief of the Federal Security Service

in Chechnya and the Special Envoy of the Russian President to the Southern Federal District held a meeting with village residents and promised to investigate the incident and to punish those responsible. Most villagers had returned to it by the end of June. Subsequently many villagers left the village again.

36. The former residents of the village lodged an application with the Federal Migration Service in the Republic of Dagestan to be granted the status of internally displaced persons in 2006, but the local authorities refused that application. Appeals against that refusal lodged with the Sovetskiy District Court of Makhachkala and the Supreme Court of the Republic of Dagestan were dismissed on 7 November and 22 December 2006, respectively, for lack of evidence.

37. While the investigation into the special operation was ongoing the village residents individually and as a group repeatedly contacted various authorities between 2005 and 2007, including the Russian President, the Prime Minister of Russia and the chairman of the Russian State Duma, asking for their assistance in the investigation. Those complaints were forwarded to the investigating authorities, who replied in a summary fashion that the proceedings were under way.

### **C. Reactions of the media**

38. The local radio company and the local television companies denied that a broadcast about the military operation in the village mentioned by the applicants (see paragraph 33 above) had ever been broadcast (see paragraph 51 below).

39. In July 2005 an Internet periodical, *Gazeta.ru*, posted a copy of entry no. 535 in the crime registration log of the Chechnya Ministry of the Interior (see paragraph 64 below).

40. On 19 April 2006 an Internet periodical, *War Industry Express* (*Военно-промышленный Курьер*), published an article entitled “‘Vostok’ – is the case solved?” (*«Восток» – дело решенное?*). It suggested that the Vostok Battalion personnel had been the victims of an operation staged by an illegal armed group. The periodical mentioned a case in which Chechen insurgents in police uniforms had abducted a civilian.

## **VII. CRIMINAL INVESTIGATION**

41. On 29 June and 4 July 2011, the Court gave notice of the applications to the Russian Government and requested them to submit copies of the investigation files related to the events of 4 June 2005.

42. In reply the Russian Government declined to submit copies of the requested files in their entirety, referring to the secrecy of the pre-trial investigation.



43. The description of the investigative measures below is based on the documents in the Court's possession.

**A. The first criminal investigation**

*1. Opening of the investigation and the legal classification of the offences*

44. From 5 until 8 June 2005 investigators from the Shelkovskoy district prosecutor's office visited the village and interviewed its residents. They submitted that the special operation had been carried out by the Vostok Battalion, under the command of Lieutenant Colonel Y.

45. On various dates in June 2005 dozens of village residents formally asked the Shelkovskoy district prosecutor's office, the Chechen prosecutor's office and the Russian Prosecutor General's Office to open a criminal investigation into the events. A few village residents submitted that the perpetrators had used racist insults against Avars or had ordered them to leave Chechen territory.

46. On 6 June 2005 the Shelkovskoy district prosecutor's office instituted criminal proceedings under Articles 105 § 2 (ж) ("aggravated murder"), 126 § 2 (a), (r) and (ж) ("aggravated kidnapping"), and 167 § 2 ("aggravated intentional destruction of property") of the Russian Criminal Code ("CC"). Subsequently the applicants challenged the legal classification of the offences, but to no avail (see paragraphs 131-134 below).

*2. Transfer of the case to the military prosecutor's office and the granting of victim status*

47. By 14 June 2005 the investigators had established that the criminal acts in the village had allegedly been committed by Vostok Battalion soldiers. On the grounds of that allegation they transferred the investigation to the military prosecutor's office of the United Group Alignment of the Military Forces for Counterterrorist Operations in the Northern Caucasus Region (hereinafter "the UGA" and "the military prosecutor's office").

48. The investigators granted victim status in the criminal proceedings in question to seventy-two people. Most of the applicants were granted that status during the period of June-August 2005, when they were questioned by investigators from the military prosecutor's office. Certain residents were refused victim status in those criminal proceedings because they had been granted that status in the proceedings against Lieutenant A., or because they had not demonstrated that any damage had been caused to them (see paragraph 132 below).

*3. Summary of the investigative measures*

49. By 1 October 2005 the investigating authorities had questioned over 1,500 witnesses (including village residents and service personnel), collected DNA samples from some of the missing men's relatives, examined thirty-eight locations (including the burned-out houses, the village school and the headquarters of the Vostok Battalion), and subjected to forensic examination 629 items of firearms, the bodies of all those killed, and the remains of the burned-out houses.

50. The investigators also examined documents from the respective headquarters of the UGA and of the Vostok Battalion, the military commander's office of the Shelkovskoy district and the Shelkovskoy district police department.

51. In late 2006 the investigators asked local radio and television companies whether they had broadcast any material about the events in the village of 4 June 2005. The companies replied in the negative.

*4. Evidence given by village residents*

52. The male village residents who had been detained at the school were interviewed by the investigators in June and July 2005. According to them, on 4 June 2005 armed men speaking Chechen had arrived at the village in military vehicles, gathered all the male residents of the village aged above sixteen into the local school, collected their passports, and asked them about their ethnicity; they had then released ethnic Chechens and ordered ethnic Avars to remain on the school's premises. The armed men had questioned the Avars about the incident of 3 June 2005 and had ill-treated them until the late evening, when they had left the village, taking several village residents with them. The witnesses identified the armed men as soldiers from the Vostok Battalion, under the command of Lieutenant Colonel Y.

53. The female village residents described the events that had taken place outside the school.

54. When questioned on 8 June and on 6 July 2005 applicant no. 26 stated that on 4 June 2005, she had seen a large group of people in camouflage uniforms and balaclavas armed with automatic rifles and portable grenade launchers at Lenina Street, where she lived. She had been told by other villagers that her son, Mr Murtuz Umarov, had been taken by the armed men into the school. Other villagers had been released from the school at about 10 p.m. on that day, but not her son and his friend, Mr Eduard Lachkov. Late in the evening, she had seen a group of armed men, including Lieutenant G. (also known as "Khamzat"). Several other witnesses had seen him among the armed men who had surrounded the burning houses. According to two witnesses, he had given the order for the houses to be set on fire.

55. When questioned on 23 June 2005 applicant no. 1 stated that on 4 June 2005 at about 2.30 p.m. a group of armed men in military vehicles had taken away her husband, Mr Kamil Magomedov, and his passport. The applicant and her relatives had gone to the village school and had remained nearby until about 7.30 p.m., when they had seen about five vehicles approaching from the south. Shortly thereafter the applicant had heard sounds of several explosions and shooting from automatic weaponry. The armed men who had guarded the school had appeared to be nervous; they had talked in Chechen between themselves and had ordered the locals away from the school. The applicant had returned home. At about 8:30 p.m. between five and seven armed men in Vostok Battalion t-shirts and armed with automatic rifles had entered her house at 27 Mayakovskogo Street. One of them had hit the applicant in the chest; another had hit her daughter-in-law. The armed men had insulted the applicant and her family and had forced them to move outside and then to move about 50 metres away from the house. They had then poured liquid from a jerry-can onto the floor of the house and fired at the house with their weapons. When they had left after 9 p.m. the applicant and her family had extinguished the flames. The applicant's husband had not returned home, and she had had no news from him since that evening.

56. When being interviewed on 23 June 2005 Mr Nazarbek M., who had lived at 9 Lenina Street in a house belonging to his son, Mr Said Magomedov, stated that at about 8 p.m. 4 June 2005 he had been standing in front of the house when a group of four or five armed men in camouflage trousers and t-shirts with the words "Vostok Battalion" had approached him. One of the men had knocked him to the ground, put the automatic rifle to his head and threatened to kill him if he moved. Then the men had dragged him along the street, with his face down on the ground. Shots had been fired, and the man who had been manhandling him had run away. He had seen the house at 9 Lenina Street on fire. Then several UAZ and VAZ vehicles had arrived and another group of armed men in camouflage uniforms had surrounded the burning house. Mr Nazarbek M. had not been able to approach his house and extinguish the fire since the armed men had threatened him with automatic rifles.

57. Applicant no. 11, who had lived at 9 Naberezhnaya Street, was questioned on 25 June 2005. She stated that at about 8 p.m. on 4 June 2005 she had been outside of her house when she had seen smoke and had heard gunfire coming from Lenina Street. The applicant had been frightened and had gone home but had been prevented from entering it by a group of armed men. Some of them had had balaclavas on their heads, Vostok Battalion t-shirts and camouflage trousers. The men had fired at the house and set it on fire. The applicant had heard her husband give a scream in the courtyard and several explosions. Then a group of twenty armed men had arrived and encircled the house, so that no one could approach it. The armed men had

left two or three hours later. On the following day the body of the applicant's husband had been found inside the burned-out house.

58. Applicant no. 10 (the daughter of applicant no. 11), was questioned on 28 June and on 4 October 2005. Her statement was similar to that of her mother. In addition, she submitted that the armed men had first checked her family's passports and had then taken her father, Mr Magomazov, into the house. She had first heard the sounds of blows and her father screaming inside the house, and then rounds of automatic gunfire and explosions. After setting the house on fire, the first group had left the place and then a larger group of armed men in camouflage and balaclavas had arrived. They had surrounded the house and had not allowed anyone to approach until the house had burned to the ground.

59. Other witnesses confirmed that they had seen armed men in Vostok Battalion t-shirts who had set fire to several houses. The witnesses also described the arrival of several cars carrying up to twenty armed men wearing camouflaged fatigues without clear insignia, who had surrounded the burning houses, preventing the residents from approaching the site or extinguishing the fires.

60. In their subsequent statements the villagers detailed the compensation paid to them in the aftermath of the events. Thus, for example, Mr Abdurakhman M. stated on 27 July 2005 that he had received 200,000 roubles (RUB) for the losses that he had sustained. He and his family had returned to the village at the end of June 2005, but after another security incident they had decided to move to Dagestan. He stated that he expected further compensation in the amount of RUB 350,000.

##### *5. Evidence by anonymous witnesses*

61. On 24 June 2005 three anonymous witnesses with the code names "Magomed Gaydarov", "Khabib Kurbanov" and "Ruslan Yelgushiyev" gave evidence about the events on Naberezhnaya Street and Lenina Street. According to them, between 7.30 and 8 p.m. three to five men in camouflage trousers and armed with automatic rifles and grenades had poured gasoline over the houses and set fire to them. One of the witnesses had seen an armed man entering the house at 9 Nabereznaya Street and had heard the sounds of gunfire and explosions coming from inside the house. The armed men had not allowed people to approach the houses. After a while they had run into the forest and a new group of men under the command of Lieutenant G. arrived. The second group had pursued the first group into the forest and had then returned. The witnesses gave detailed descriptions of the arsonists and were ready to identify them from photos.

62. On 25 June and 29 October 2005, the investigators carried out a crime-scene reconstruction at the village, assisted by "Ruslan Yelgushiyev" and "Magomed Gaydarov".

63. At various dates in 2005 “Ruslan Yelgushiyeu” identified the bodies of Sultan Akh. and Sultan Ab. He stated that those men had set on fire the houses at 9 and 11 Lenina Street. “Khabib Kurbanov” identified Sultan Ab. and A.M. as the men who had set on fire the house at 27 Mayakovskogo Street. In December 2005 and January 2006 “Magomed Gaydarov” identified two men killed on 11 December 2005 in the Kurchaloy district (see paragraph 101 below) as those who had committed arson at 9 Naberezhnaya Street.

6. *Special message, operations report and record no. 535 in the crime registration log of the Chechnya Ministry of the Interior*

64. On 6 June 2005 the Chechen Ministry of the Interior received a special message, with an operations report dated 5 June 2005 attached thereto. The documents were prepared by the duty unit of the Chechen Ministry of the Interior and were for official use only. They read as follows:

“At 8.30 p.m. on 5 June 2005 the duty unit of the Chechen Ministry of the Interior received a message from the soldier on duty at the Shelkovskoiy district police station. According to it, seventy or eighty Vostok Battalion soldiers in two APCs, three armoured Ural lorries, and six or eight UAZ vehicles carried out a special operation aimed at arresting members of an illegal armed group in [the village] between 3 p.m. and 8 p.m. on 4 June 2005. They arrested eleven men on suspicion of having committed criminal offences:

[List of the eleven men].

The aforementioned people are not registered in the database of the Chechen Ministry of the Interior.

For unknown reason a fire broke out in [the village]. It damaged the houses at the following addresses:

[List of the four houses and their owners].

The circumstances of [Mr Magomazov’s] death are the subject of the ongoing investigation ...

The arrested men are being checked for membership in an illegal armed group ...”

65. On the basis of the above report, entry no. 535 was made in the crime registration log of the Chechen Ministry of the Interior at 8.15 p.m. on 5 June 2005. It reads as follows:

“On 4 June 2005, between 3 and 8.30 p.m., the Vostok Battalion carried out a special operation in [the village]. They burned down four houses:

[List of the burned-out houses and their owners].

They also drove away to an unknown destination:

[Names of the eleven men].”

66. On 2 July 2005 the investigators questioned an officer of the Shelkovskoy district police who had visited the village shortly after the

attack. Having questioned village residents she reported to the Shelkovskoiy District police that the arson, arrests and killings had been committed “by people who had introduced themselves as Vostok Battalion soldiers”.

67. On the same day the investigators questioned the police officer from the duty unit of the Chechen Ministry of the Interior who had prepared the special message and the operations report. According to him, because he had read it in a hurry, he had misinterpreted the crime-scene report and hence had erroneously informed the Chechen Ministry of the Interior that the attack had been perpetrated by service personnel from the Vostok Battalion.

68. On 1 August 2005 the officer who wrote entry no. 535 stated that it had been formulated on the basis of the information received from the duty unit of the Chechen Ministry of the Interior.

69. Later on the same day the investigators checked the Ministry of the Interior’s database. It said that one of the eleven men, Said Magomedov, had been wanted since October 2005 on suspicion of committing fraud.

*7. Witness evidence given by military personnel and police officers*

**(a) Military commander of the Shelkovskoy district**

70. The commander stated that on the evening of 4 June 2005 he had met Lieutenant G. as he had been leaving the village with a group of soldiers. Lieutenant G. had told him that members of an illegal armed group had burned down several houses in the village and escaped to the forest. The commander had not seen any detainees in the battalion’s vehicles.

**(b) Lieutenant Colonel Y.**

71. Lieutenant Colonel Y. stated that he had been on sick leave between 2 and 7 June 2005. During that period had been replaced by Lieutenant G., who had informed him of the events of 3 June 2005. At some point later Lieutenant G. had made a telephone call to Lieutenant Colonel Y. and had told him that an illegal armed group headed by S. Akh had been responsible for the attack of 3 June 2005.

72. Between 4 and 7 June 2005 the Vostok Battalion had been ordered to take part in the special operation in the area around the village. Lieutenant Colonel Y. had not been informed of any incidents occurring during that operation; about two weeks later he had learned that Vostok Battalion personnel had carried out identity checks in the village and had detained male residents.

73. According to Lieutenant Colonel Y., on 4 June 2005 the insurgents had worn Vostok Battalion uniforms in order to incite violence against Vostok Battalion personnel.

**(c) Lieutenant G.**

74. Lieutenant G. stated that on 3 June 2005, he had gone to the village to help T. Akh's family to organise his funeral. He had been accompanied by about thirty subordinate military personnel. Local people had told him that the attack of 3 June 2005 had been perpetrated by an illegal armed group headed by S. Akh. After assisting with the funeral, the soldiers had returned to Gudermes.

75. On the same day, 3 June 2005, Lieutenant G. had received two operational instructions. In accordance with those instructions several groups of soldiers had been formed and ordered to search the area in the vicinity of the village.

76. The groups had left the duty unit of the Chechen Ministry of the Interior between 2 a.m. and 11 a.m. on 4 June 2005. One of the groups had been headed by Lieutenant A.

77. At about 8 p.m. on 4 June 2005 Lieutenant G. had arrived at the village to check the conduct of the special operation. Having determined that the Vostok Battalion soldiers under the command of Lieutenant A. had arrested village residents, he had reprimanded Lieutenant A. for exceeding his powers and ordered him to release the people. The latter had immediately complied with the order.

78. When Lieutenant G. had been at the village school, he had heard screams and seen smoke rising from the centre of the village. He had gone there with a group of soldiers under the command of Sergeant G. in two UAZ vehicles and two VAZ cars.

79. At Lenina Street he had seen two burning houses and ordered the subordinate personnel to surround them in order to prevent villagers from entering the houses. The village residents had told him that the houses had been set on fire by men in Vostok t-shirts.

80. Shortly thereafter he had seen smoke rising from other parts of the village. Together with his soldiers he had gone to Naberezhnaya Street, where he had heard automatic gunfire rounds and grenade explosions. A house had been burning. The outraged locals had told him that four or five men wearing Vostok Battalion uniforms had started the fire. Lieutenant G. had then realised that the military personnel could not have been involved in the arson, because all of them had remained at the school. He had ordered Sergeant G.'s to arrest the perpetrators.

81. After that Lieutenant G. had returned to the school. On the way there he had met the military commander of the Shelkovskoy district and had told him about the events. Once at the school, Lieutenant G. had ordered Lieutenant A.'s group to return to Gudermes. At about 9.30 p.m. the soldiers had left the village; soon afterwards Lieutenant G. had ordered the members of Sergeant G.'s group to return to their base. None of the village residents had been taken to the duty unit of the Chechen Ministry of the Interior.

**(d) Lieutenant A.**

82. Lieutenant A. acknowledged that, in breach of the order given by his commander, he had entered the village with a group of soldiers, searched the residents' houses, arrested eighty-four men and forcibly detained them in the local school for several hours.

83. Lieutenant G. had arrived at the school at about 8 p.m., scolded him for the breach of instructions and ordered him to release the local people. Lieutenant A. had complied with that order.

84. Thereafter, Lieutenant G. had seen smoke rising from the centre of the village and had gone there with a group of soldiers. He had found out that insurgents had set fire to several houses. He had returned to the school at about 9.20 p.m. Ten minutes later the soldiers had left the village. According to Lieutenant A., the soldiers had not set houses on fire or taken away local men and killed them.

**(e) Vostok Battalion personnel**

85. Twenty-seven soldiers submitted that they had visited the village together with Lieutenant G. to assist at the funeral of their colleague's father on 3 June 2005.

86. Eighteen soldiers submitted that under Sergeant G.'s command they had searched the forest surrounding the village from 2 a.m. until 7 p.m. on 4 June 2005. Lieutenant G., with a group of soldiers, had met them at about 8 p.m. on that day. Together they had gone to the local school, where Lieutenant G. had scolded the other group of soldiers for arresting village residents. Then they had seen smoke and flames rising from the centre of the village and heard screams. Lieutenant G. had ordered them to accompany him to Lenina Street, at the centre of the village, and then to Mayakovskogo and Naberezhnaya Streets. They had been told that the houses had been set on fire by men in Vostok Battalion t-shirts. From Naberezhnaya Street, they had pursued the perpetrators, but had then been recalled for security reasons. Their column had left the village at about 9.30 p.m. They had not detained anyone and had had no knowledge of the disappeared men.

87. Thirty-two soldiers, who had been at the school's premises, gave evidence that supported the account of the events submitted by their colleagues.

**(f) Police officers**

88. Several police officers who manned road checkpoints in the vicinity of the village stated that they had seen the convoy of military vehicles entering it at about 1 p.m. on 4 June 2005 and then leaving it late in the evening of the same day. They had not seen any detainees or persons in civilian clothes in the vehicles.



8. *Material and witness evidence obtained after clashes with insurgents*

**(a) Incident of 24 February 2005**

89. On 24 February 2005 three police officers were killed in the Nozhay-Yurt district of Chechnya during an exchange of fire with members of an illegal armed group. On an unspecified later date Abubakar S. was arrested and charged with carrying out an attack on federal forces. When questioned on 6 and 7 April 2006 Abubakar S. stated that he had met the leader of one of the insurgent groups – Sultan Akh. (code named “Killer”) – in June 2005. At that meeting, Sultan Akh. had been accompanied by several other members of the illegal armed group, including Shakhban Magomedov. Sultan Akh. recounted how he had staged an attack on the village and burned down several houses, while pretending to be a soldier of the Vostok Battalion. According to him, eleven men from the village had joined the illegal armed group.

**(b) Incident of 5 June 2005**

90. On 5 June 2005 at about 9.45 p.m. a group of Vostok Battalion soldiers came across members of an illegal armed group in the forest around the village and exchanged gunfire with them (see paragraph 30 above). The next day in the same vicinity military personnel found several tents belonging to the insurgents, a large amount of weapons and ammunition, and documents and a service tag belonging to the police officer killed in the village on 3 June 2005.

**(c) Incident of 13 July 2005**

91. On 13 July 2005, after an armed clash between service personnel and members of an illegal armed group near the village of Azamat-Yurt in Chechnya, two male bodies bearing gunshot wounds were found. Those bodies, apparently belonging to insurgents, were in camouflage trousers and Vostok Battalion t-shirts. A PK machine gun and other items of firearms and ammunition were found next to the bodies.

92. On 23 July 2005 three anonymous witnesses submitted that the two men whose bodies had been found had started the fires at 9 and 11 Lenina Street.

93. In September 2005 one of the deceased was identified from fingerprints as Mr Alikhan M., from the Shelkovskoy district. That person had never served in the Vostok Battalion.

94. On 12 January 2006 a forensic expert concluded that two cartridges collected at 9 Naberezhnaya Street had been fired from the machine gun found on 13 July 2005.

**(d) Incident of 28 July 2005**

95. On 28 July 2005 the village police station was attacked by members of an illegal armed group. One of the police officers died from the injuries inflicted by the attackers. During the subsequent crime-scene examination over twenty cartridges and several items were collected.

96. It was later established that some of the items bore Sultan Akh.'s fingerprints and that at least twelve of the cartridges had been fired from the same automatic rifle as forty-two cartridges collected in the village in the aftermath of the 4 June 2005 attack.

**(e) Incident of 12 August 2005**

97. On 12 August 2005 Vostok Battalion soldiers were attacked by five armed men in the vicinity of the village of Shamil-Khutor in the Vedeno district of Chechnya. Two soldiers were wounded and two attackers were killed. The latter were in black t-shirts with the words "Vostok Battalion" and "Kadyrov's special forces" (a reference to Ramzan Kadyrov, the President of the Chechen Republic) printed on them. One of the dead attackers had an AK-47 assault rifle, which was subsequently submitted for examination by a forensic expert, who concluded that several cartridges found at the village after the events of 4 June 2005 had been fired from it.

**(f) Incident of 19 October 2005**

98. On 19 October 2005 police officers shot dead two armed men who had resisted arrest in the town of Khasavyurt, Dagestan. The dead men were identified as Sultan Akh. and Sultan Ab.

99. On 28 October 2005 the anonymous witness "Ruslan Yelgushiyev" identified the dead men as the attackers who had set on fire the houses at 9 and 11 Lenina Street. Another witness, "Khabib Kurbanov", identified Sultan Ab. as the man who had set fire to the house at 27 Mayakovskogo Street.

**(g) Incident of 11 December 2005**

100. On 11 December 2005, in an exchange of gunfire with security forces, a man armed with an assault rifle was killed in the Kurchaloy district of Chechnya.

101. On 14 December 2005 the anonymous witnesses "Ruslan Yelgushiyev" and "Magomed Gaydarov" identified the dead man as a member of an illegal armed group, who was known by the code name of "Anbar". The witnesses stated that the dead man had been among those who had stood guard while their criminal partners had been setting fire to the houses at 9 and 11 Lenina Street and at 9 Naberezhnaya Street.

102. An expert examination of the assault rifle belonging to the dead attacker and cartridges found at the sites of the events of 4 June and

12 August 2005 indicated that the rifle had been used during those two attacks.

**(h) Incident of 8 August 2006**

103. On 8 August 2006 the security forces discovered a cache in Grozny. It contained an audio tape with a recording of two men speaking both Chechen and Arabic addressing a person called “Abu-Idris”. They informed him that “they had punished a traitor” in the village and burned down his house and that eleven Avars from the village had left home to join forces with the speaker. The leader of the Avars who had left the village was called Shagban.

*9. Finding of remains and forensic examinations*

**(a) Remains found at 11 Lenina Street**

104. On 14 and 15 June 2005 the investigators found at 11 Lenina Street burned human remains, as well as five cartridges. An expert forensic examination of the remains was carried out on 15 September 2005. The expert concluded that the remains belonged to no fewer than two people, and that some of the bones had belonged to a man. The remains had been damaged by fire to such an extent that their identification from DNA was impossible. Medical information obtained by the investigators suggested that it was not possible that the remains belonged to any of the eleven men or to Mr Magomazov.

**(b) Remains of Mr Magomazov**

105. On 23 June 2005 Mr Supyan G. described the fire at 9 Naberezhnaya Street, which had started at around 8 p.m. on 4 June 2005 after several rounds of automatic gunfire and explosions, which he had heard. Several hours later, after the fire had been extinguished, Supyan G. had entered the house and seen the dead body of Mr Magomazov, with gunshot wounds on the back, and with cartridges lying around it.

106. A forensic expert examination of the dead body carried out on 26 June 2005 indicated that Mr Magomazov’s death had been caused by numerous gunshot and shrapnel wounds to the torso. An additional expert report of 17 March 2007 concluded that the injuries could have occurred as a result of grenade explosions.

107. On 23 December 2005 forensic experts concluded that the DNA identification of the remains was impossible. A subsequent expert report dated 25 January 2006 on the same set of remains stated that it was not possible to establish if the remains belonged to one or more people. The most recent expert report (dated 30 March 2007) was unable to conclude with certainty whether the remains belonged to Mr Magomazov.

*10. Ballistic expert reports*

108. In July 2005 the investigators collected and sent for ballistic examination bullets and cartridges fired from the Vostok Battalion's firearms. The experts were asked to compare them with the cartridges collected at the burned-out houses. The latter were either unsuitable for examination or did not match the Vostok Battalion's samples.

109. An expert forensic examination of the shells and explosives collected in the village at 11 Naberezhnaya Street was performed on 13 December 2005. It determined that the items were standard army ammunition.

110. A forensic expert examination of fifty cartridges found in the village was carried out on 30 December 2005. It determined that none of them had been discharged from Vostok Battalion firearms. Other ballistic expert reports concluded that some of the cartridges found in the village on 5 and 6 June 2005 had been discharged from guns presumably belonging to members of an illegal armed group (see paragraphs 94 and 96 above).

*11. Information about the disappeared men*

111. The Government alleged that the eleven men had joined the illegal armed group. They referred to the following evidence.

112. On 7 April 2006 the investigators questioned Mr Abubakar S., who was subsequently found guilty in Dagestan of membership in an illegal armed group. He stated that between 10 and 14 June 2005 he had been at the group's base in the forest in the Nozhay-Yurt district of Chechnya. During that time, he had met with a group of insurgents under the command of Sultan Akh. (code name "Killer"). Sultan Ab. (code name "Khabiz") had been a member of that group. Abubakar S. had known him personally. The witness had overheard insurgents talking about an attack that they had staged on the village, after which eleven men from the village had joined them.

113. On 25 August 2006 the investigators questioned a member of an illegal armed group active in the Kurchaloy district of Chechnya, Mr Adam B. He stated that in spring 2006 he had encountered three Avar men from the village – Magomed, Said and Shagban. He provided a detailed description of their appearances and identified them from photographs as, respectively, Mr Magomed Isayev, Mr Said Magomedov and Mr Shakhban Magomedov.

114. According to an expert forensic report dated 21 November 2006, in the federal database of unidentified remains there were no DNA samples matching those of the eleven men's relatives.

115. On 30 November 2007 the eleven men were put on the wanted list on account of their alleged membership in the illegal armed group.

*12. Information about the burned-out houses*

**(a) 9 and 11 Lenina Street**

116. The house at 11 Lenina Street was owned by Mr Said Magomadov; the house at 9 Lenina Street was owned by his daughter, Ms B. Magomedova.

117. The two houses were entirely destroyed by fire. The fire experts concluded on 27 June 2005 that both houses had been deliberately set on fire, given the fact that both fires had simultaneously started in a number of places. The charred human remains found therein could not be identified. The cartridges found at the sites had been either unsuitable for identification, or had not been discharged from Vostok Battalion firearms (see paragraph 110 above).

**(b) 27 Mayakovskogo Street**

118. The house was owned by Mr Kamil Magomedov. It was partially destroyed by the fire, which, according to forensic experts, had been started deliberately (flammable material was ignited by bullets shot from firearms). Four cartridges found outside the fence enclosing the building had been shot from the firearm found after the incident on 12 August 2005 in the Vedeno district (see paragraph 97 above).

**(c) 9 Naberezhnaya Street**

119. The house belonged to Mr Magomazov. An expert fire report dated 26 June 2005 concluded that the house had been mostly destroyed by fire, which had been started intentionally by igniting flammable liquid poured over several places. A number of cartridges and parts of explosive devices were found at the site and examined by ballistics experts. None of the cartridges had been shot from Vostok Battalion firearms. Some of the cartridges had been identified as having been shot from various firearms, some of which had been found on 13 July 2005 in the Gudermes district and others on 12 August 2005 in the Vedeno district (see paragraphs 94 and 97 above).

*13. The conduct of the investigation*

120. On 6 April 2007 the military prosecutor's office concluded that there had been no *corpus delicti* in the actions of the Vostok Battalion personnel. The murder of Mr Magomazov, the abduction of the eleven men and the burning down of four houses in the village had been committed by members of the illegal armed group who had subsequently been killed by military personnel. In the light of those findings it was decided to close the investigation.

121. On 20 November 2007 the military prosecutor's office quashed the above decision as premature and ill-founded. The investigation was resumed on 30 November 2007 and then suspended on 19 February 2009. The decision to suspend the investigation allegedly contained extracts from classified military documents; and accordingly, no copy was furnished to the applicants or their representatives. Subsequently the investigators' refusal to provide applicant no. 123 with a copy of that document was successfully challenged in court (see paragraph 135 below).

122. On an unspecified date the investigation was resumed. It was then suspended on 5 October 2011. The investigation is still ongoing. According to the applicants, in recent years they have not been informed of any new developments in the proceedings.

### **B. The second investigation**

123. On 27 July 2005 the military prosecutor's office instituted criminal proceedings against Lieutenant A. The investigation was assigned the number 34/00/0018-05.

124. On 23 September 2005 the investigating authority indicted Lieutenant A. for exceeding in an aggravated manner his official authority, in breach of Article 286 § 3 (a) and (б) of the CC.

125. At the pre-trial stage of the proceedings Lieutenant A. acknowledged his guilt and lodged an application with the Grozny Garrison Court for his case to be examined under the "simplified procedure", without a court hearing being held. The victims had not objected to the use of that procedure, so the court granted the application.

126. On various dates in September 2005 applicants who had victim status in the criminal proceedings were informed that the case had been transferred by the investigating authorities to the Grozny Garrison Military Court in order for it to be examined on the merits.

127. On 4 October 2005 the Grozny Garrison Court found that Lieutenant A. had been responsible for the carrying out of unlawful searches and passport checks, and the arrests of village residents (including the eleven men) and their forced detention in the local school.

128. Specifically, the court held that it had been established that service personnel under Lieutenant A.'s command had unlawfully searched the houses of applicants nos. 5, 13, 22, 27, 33, 40, 52, 54, 55, 61, 66, 71, 74, 78, 80, 83, 88-90, 93, 96, 99, 111, 117, 122 and 125. During the search they had used their weapons and "special means" of restraint. Furthermore, the military personnel had carried out body searches and arrests of applicants nos. 2, 3, 6, 7, 12-17, 21, 22, 24, 27, 28, 32, 43-46, 52, 53, 55, 61-64, 66, 68, 70, 88-93, 105, 106, 111, 112, 119, 122, 123 and 125, after employing physical force against them. The military personnel had beaten up applicants nos. 2, 7, 13, 14, 21, 22, 27, 28, 32, 33, 43, 45, 46, 52-55, 61, 63,

64, 68, 70, 90, 91-93, 105, 106, 109, 112, 120, 122 and 125, who had refused to follow their orders while being detained in the school. Moreover, at the local school's premises the military personnel had beaten up applicants nos. 3, 6, 13, 14, 22, 27, 28, 33, 43, 46, 61, 62, 64 and 68 in order to extract information from them. Those actions amounted to the exceeding of official authority in an aggravated manner. Lieutenant A. was found guilty of that offence and sentenced to three years' imprisonment, suspended for one year.

129. On 16 December 2006 the Military Prosecutor's Office in Chechnya – apparently in reply to a query lodged by several village residents – informed those residents that the criminal case against Lieutenant A., had been examined on the merits on 4 October 2005. According to the applicants, they were not formally informed of the sentence delivered by the court. It was published on the Internet, and only some families managed to find information about the outcome of the proceedings. They passed the news to several other families. On 20 March 2007 thirty-two village residents lodged an application with the Grozny Garrison Court to obtain copies of the case-file documents. The outcome of that request is unknown.

130. According to the Government, the applicants did not challenge the sentence and the case-file material was destroyed after the expiry of the statutory time-limit for their retention on 4 March 2009.

## VIII. PROCEEDINGS AGAINST THE INVESTIGATORS' DECISIONS

### A. Legal classification of the offences

131. On 1 July 2006 several village residents lodged a claim with the Grozny Garrison Military Court against the investigators. The claimants alleged that the investigators had failed to consider the possibility that the perpetrators of the above-mentioned actions had been motivated by hatred of ethnic Avars. According to the claimants, the case should have been opened under Article 105 § 2 (л) of the CC ("killing committed on the basis of ethnic or racial hatred against the victim"). Applicants nos. 25 and 67 also complained of the fact that they had not been given victim status in the criminal proceedings. The claimants asked the court to examine their complaints in their absence.

132. On 2 November 2006 the Grozny Garrison Military Court dismissed the claim, asserting that the investigators had been independent and free of any kind of influence. Applicants nos. 25 and 67 had been refused victim status because there had been no prima facie evidence that they had sustained any damage. According to the mother of applicant no. 25, the latter had been in the town of Kizlyar at the time of the attack.

The court also found that applicant no. 29 had already been granted victim status.

133. The applicants did not appeal against the above decision. According to them, on 4 November 2006 they had been informed of the court hearing of 1 November 2006, but not about its outcome.

134. On 20 March 2007 they asked the court to provide them with a copy of the final judgment in their case. The outcome of the request is unknown.

#### **B. Access to the decision of 19 February 2009**

135. On 15 July 2009 the Military Court of Grozny Garrison, following the lodging of a complaint by applicant no. 123, held that the investigators' decision not to furnish him with a copy of the decision of 19 February 2009 had been ill-founded, because the impugned decision had repeated almost verbatim the decision of 30 November 2007, to which the victims had had access.

### **IX. CIVIL PROCEEDINGS**

136. On 19 December 2006 thirty-six village residents (including applicants nos. 13, 43-46, 53, 55, 56, 61-64, 66, 68, 71, 77, 78, 80, 88, 90, 91-93, 96, 99, 102, 105, 106, 109, 111, 117, 119, 120, 122 and 125) lodged a civil claim with the Presnenskiy District Court in Moscow seeking compensation from the Russian Ministry of the Interior for non-pecuniary damage caused by the ill-treatment and abduction of village residents on 4 June 2005. On an unspecified date in 2006 or 2007 applicant no. 33 lodged a similar claim with the same court.

137. On 25 January and 20 February 2007, the Presnenskiy District Court of Moscow dismissed the claims lodged, respectively, by applicant no. 33 and by the thirty-six village residents. With respect to the alleged ill-treatment, the court held that it had been Lieutenant A., and not the authorities, who had been responsible for the unlawful acts. The court dismissed the claims for compensation in respect of non-pecuniary damage caused by the enforced disappearance of the village residents, because the criminal investigation into the matter had not yet reached any final conclusion. At both hearings the applicants were represented by a lawyer.

138. The thirty-six village residents challenged the decision of 20 February 2007 on appeal before the Moscow City Court. The appellate court dismissed the claim on 26 July 2007, having endorsed the finding of the lower-instance court.

139. In the meantime, another group of village residents, including applicants nos. 4 and 42, lodged a claim for compensation against the State Treasury with the Tver District Court of Moscow. The latter rejected the



claim on 28 September 2006 for lack of territorial jurisdiction. An appeal lodged by the applicant against that decision with the Moscow City Court was dismissed on 30 January 2007.

## X. COMPENSATION FOR BURNED-OUT HOUSES

140. On 26 October 2006 the Shelkovskoy district administration informed the military prosecutor's office that several village residents had been awarded compensation in the amount of RUR 350,000 (approximately 10,000 euros ("EUR")) for their destroyed houses. The remains of the houses were bought by the authorities. Their owners received RUB 200,000 (approximately EUR 5,800) for the transfer of their titles to the authorities. Applicants nos. 10 and 85 received that amount jointly. According to information from the the Shelkovskoy district administration, the amounts paid to the applicants significantly exceeded the market value of the houses.

## RELEVANT LEGAL FRAMEWORK AND INTERNATIONAL MATERIAL

### I. LEGAL FRAMEWORK

141. For a summary of the domestic legal framework see *Turluyeva v. Russia* (no. 63638/09, §§ 56-64, 20 June 2013).

### II. COUNCIL OF EUROPE MATERIAL

#### **A. The public statement by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("the CPT") of 10 July 2003 no. CPT/Inf (2003) 33**

142. The public statement by the CPT of 10 July 2003 in its relevant part reads as follows:

"4. In the course of the CPT's visits to the Chechen Republic in 2002 and, most recently, from 23 to 29 May 2003, a considerable number of persons interviewed independently at different places alleged that they had been severely ill-treated whilst detained by law enforcement agencies... The allegations of ill-treatment received by the CPT concerned law enforcement establishments (Departments of Internal Affairs and certain Federal Security Service facilities) throughout the territory of the Chechen Republic and related to both official and unofficial places of detention...

6. In the course of its visits to the Chechen Republic in 2002 and 2003, the CPT has gathered a considerable amount of information pointing to human rights violations during special operations and other targeted activities conducted by federal power structures, involving ill-treatment of detained persons and forced disappearances ...

In its visit report, the CPT recommended that immediate measures be taken to exercise due control over all special operations and targeted activities in the Chechen

Republic. In this connection, the Committee stressed the need for civil and military prosecutors to exercise close supervision, for complete lists to be drawn up of all persons detained for checks, and for information about their whereabouts to be provided without delay to their relatives.

7. The information at the CPT's disposal indicates that serious problems remain in this area. According to reports received by the Committee, including via the Council of Europe's experts based in Chechnya, the Prosecutor of the Chechen Republic has assessed that from among the 565 criminal cases concerning abductions opened in 2002, there exists evidence in approximately 300 of the involvement of members of the federal forces ...

8. As regards action taken to bring to justice those responsible for acts of ill-treatment, illegal detention and disappearances on the territory of the Chechen Republic, to date it has proven largely unproductive. A considerable number of cases have been opened in relation to crimes committed by members of the federal forces and law enforcement agencies. However, from the information provided by the Russian authorities to the CPT, it is clear that only a low proportion of cases have resulted in judicial proceedings, and that very few have led to sentences ...”

#### **B. The Public statement by the CPT of 13 March 2007 no. CPT/Inf (2007) 17**

143. The Public statement by the CPT of 13 March 2007 in its relevant part reads as follows:

“15. In the course of the visits to the North Caucasian region in 2006, the CPT's delegation once again received many credible allegations of recent ill-treatment of detained persons by members of law enforcement agencies and security forces in the Chechen Republic ...

...

27. The CPT has received in the past a large number of reports about abductions (forced disappearances) and the related problem of unlawful detention in the Chechen Republic as well as other parts of the North Caucasian region. In the report on its visit in November/December 2004, the Committee called upon the Russian authorities to spare no effort in putting an end to the problem of abductions, and highlighted in this context the need to ensure that no illegal detention facilities are operated in the Chechen Republic. During the 2006 visits, the CPT's delegation sought, but was not able to obtain, specific statistics concerning abductions. However, it is evident from the information at the CPT's disposal that they continue to constitute a troubling phenomenon in the Chechen Republic and in many cases involve an element of unlawful detention ...”

#### **C. Execution of the *Khashiyev and Akayeva* group of cases**

144. The *Khashiyev and Akayeva* group of cases (see *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, 24 February 2005) concern mainly violations resulting from, or relating to, the actions of the Russian security forces during anti-terrorist operations in North Caucasus (mostly in the Chechen Republic) between 1999 and 2006 (including killings or presumed killings, the unjustified use of force, disappearances,

unacknowledged detentions, torture and ill-treatment, unlawful search-and-seizure operations, the destruction of property, and the failure to cooperate with the Convention organs), and the lack of effective investigations into the alleged abuses and the absence of effective domestic remedies in this respect.

145. In the case of *Aslakhanova and Others v. Russia* (nos. 2944/06 and 4 others, 18 December 2012), the Court provided some guidance under Article 46 on certain measures that had to be taken, as a matter of urgency, by the Russian authorities in order to address the systemic failure to investigate disappearances in the Northern Caucasus region – in particular, on the one hand, to address the problem of searching for missing persons (notably through the creation of a single, sufficiently high-level body in charge of solving disappearances in the region – see §§ 223-28), and, on the other hand, to effectively investigate known or presumed deaths of individuals and to punish those responsible (see §§ 229-37).

146. The group of cases has been pending before the Committee of Ministers of the Council of Europe for more than fifteen years. The most recent Decision of 3 December 2020 CM/Del/Dec(2020)1390/H46-21 reads, in its relevant part, as follows:

“As regards individual measures

3. [The Deputies] noted the information provided by the authorities but expressed their gravest concern that, since the Committee’s last consideration of this issue, not one of the over 500 remaining disappearances of 1999-2006 from this group has been elucidated;

As regards general measures

4. took note of the measures reported by the authorities aimed at improving the search for missing persons, such as the strengthening of inter-departmental cooperation and the holding of various meetings at federal and regional levels; the creation of working groups; joint operative search activities; the analysis of the progress in criminal investigation cases and the search for missing persons, as well as the issuing of various instructions and information letters based on the results; additional inspections by prosecutors of operative casefiles providing specific instructions for improvement; the entry of data in the Federal Genomic Information Database and its use in the search for missing persons; financial support for the activities of DNA laboratories;

...

6. at the same time expressed profound regret that the measures taken so far have not led to the location of any further missing persons and the elucidation of their fate, thus not providing the answers for which victims’ families have been waiting, some for a very long time;

7. stressed therefore once again, in line with their previously expressed position, *inter alia*, in Interim Resolution CM/ResDH(2015)45, the urgent necessity of a humanitarian solution to provide such answers and the importance of giving renewed consideration to the creation of a single and high-level body mandated to search for persons reported as missing as a result of counter-terrorist operations in the North

Caucasus; encouraged the authorities, in this context, to take inspiration from the work and mandates of bodies responsible for the search of missing persons in other member States;

8. strongly encouraged the authorities also to organise detailed bilateral consultations on the ways forward with the Secretariat, possibly also with the authorities of the Chechen Republic (once feasible in the light of the Covid-19 pandemic);

9. reiterated their call for continued consideration of further means to provide redress to the families of the missing, such as psychological and medical treatment, rehabilitation programmes, educational benefits, as well as a scheme for the payment of compensation by the State to the families of disappeared persons, and stressed in this respect the importance of ensuring that such compensation can be awarded before any possible criminal investigation is completed; ...“

## THE LAW

### I. JOINDER OF THE APPLICATIONS

147. 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*

148. The Court observes that several applicants listed in the Appendix died after their applications had been lodged with the Court. All of them, except applicant no. 31, had spouses, children, grandchildren, parents or other relatives who expressed a wish to pursue the proceedings in their stead. The Government did not question the *locus standi* of those relatives.

149. The Court normally permits the next of kin to pursue an application, provided that 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 in Chechnya, see *Sulygov and Others v. Russia*, nos. 42575/07 and 11 others, §§ 381-86, 9 October 2014).

150. Having regard to the subject matter of the applications and all the information in its possession, the Court considers that the relatives of the deceased applicants listed in the Appendix have a legitimate interest in pursuing the respective applications and that they thus have the requisite *locus standi* under Article 34 of the Convention.

151. As regards the complaints raised by applicant no. 31, the Court notes that no one has expressed his or her wish to pursue proceedings in respect of her complaints. Given that the Court will continue to examine the other applicants' complaints, which are based mostly on the same facts, no particular circumstance relating to respect for the rights guaranteed by the

Convention or its Protocols requires it to continue the examination of the application in respect of the thirty-first applicant (see, for example, *Grigoryan and Sergeyeva v. Ukraine*, no. 63409/11, § 45, 28 March 2017; *Burlya and Others v. Ukraine*, no. 3289/10, §§ 74 and 75, 6 November 2018; and *Brūzītis v. Lativa* (dec.), no. 15028/04, §§ 50-52, 26 August 2014). The Court accordingly finds that, as far as that applicant is concerned, the conditions in which a case may be struck out of its list, as provided in Article 37 § 1 of the Convention, are satisfied and decides to strike the relevant part of the application out of its list.

### III. COMPLIANCE WITH ARTICLE 38 OF THE CONVENTION

152. The preliminary issue that the Court needs to deal with before embarking on the examination of the admissibility and merits of the applicants' complaints is whether or not the Government have complied with their procedural obligation under Article 38 of the Convention to submit the evidence that the Court has requested from them. Article 38 reads as follows:

“The Court shall examine the case together with the representatives of the parties and, if need be, undertake an investigation, for the effective conduct of which the High Contracting Parties concerned shall furnish all necessary facilities.”

153. When giving notice of the applications that gave rise to the instant case, the Court requested the Government to produce copies of the entire investigation files in respect of the criminal cases relating to the special operation of 4 June 2005.

154. In reply, in a letter dated 25 October 2011, the Government declined to submit copies of the criminal case-files material in their entirety, as requested. Instead they submitted a selection of documents for the period between June 2005 and November 2007. They referred to Article 161 of the Russian Code of Criminal Procedure, which stipulated that the material adduced during the pre-trial investigation could be made public only with the consent of the investigating authority and only if that disclosure did not interfere with the course of the investigation and with the rights of other participants in the criminal proceedings.

155. Applicants nos. 30-126 have drawn the Court's attention to the Government's failure to furnish the documents requested.

156. The Court will examine the matter in the light of the general principles concerning compliance with Article 38 of the Convention as they have been summarised in *Janowiec and Others v. Russia* ([GC], nos. 55508/07 and 29520/09, §§ 202-06, ECHR 2013).

157. Being master of its own procedure and of its own rules, the Court is free to decide what kind of evidence the parties are required to produce for due examination of a case. It is sufficient that the Court regards the evidence contained in the requested material as necessary for that purpose (*ibid.*,

§ 208). The question of whether certain documents or evidence should or should not be submitted to the Court is not a matter that can be decided by the respondent Government, who are obliged, as a party to the proceedings, to comply with the Court's requests for evidence (see *Davydov and Others v. Ukraine*, nos. 17674/02 and 39081/02, § 171, 1 July 2010, and *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, § 89, 9 April 2019).

158. The Court cannot accept the Government's argument, for several reasons. Firstly, it notes that the Government failed to specify the nature of the documents and the grounds on which they could not be disclosed (see, for similar conclusions, *Mikheyev v. Russia*, no. 77617/01, § 104, 26 January 2006). Secondly, in a number of comparable cases reviewed and pending before the Court, similar requests have been made to the Russian Government and the documents from the relevant investigation files have been submitted without a reference to Article 161 of the Code of Criminal Procedure (see, for example, *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, § 46, 24 February 2005). Thirdly, nothing prevented the Government from requesting the application of Rule 33 § 2 of the Rules of Court, which permits a restriction on the principle of the public character of documents deposited with the Court for legitimate purposes, such as the protection of national security and of the private life of the parties, and in the interests of justice. No such request has been made in this case. The Court furthermore notes that the provisions of Article 161, to which the Government refer, do not preclude the disclosure of documents in a pending investigation file, but rather set out a procedure for and limits to such disclosure (see *Imakayeva v. Russia*, no. 7615/02, § 123, ECHR 2006-XIII (extracts)). The Court cannot overlook the fact that the domestic courts quashed the investigators' decision not to furnish applicant no. 123 with a copy of the decision of 19 February 2009 – which, however, had not been submitted to the Court (see paragraph 135 above). The Government's refusal to submit the complete investigation file to the Court was not subject to some form of proceedings before a domestic body competent to review the reasons for the decision to refuse and the relevant evidence (see *Danilov v. Russia*, no. 88/05, § 79, 1 December 2020; see, by contrast, *Yam v. the United Kingdom*, no. 31295/11, § 81, 16 January 2020).

159. Referring to the importance of a respondent Government's cooperation in Convention proceedings and mindful of the difficulties associated with the establishment of facts in cases of such a nature, the Court finds that the Government fell short of their obligations under Article 38 of the Convention on account of their failure to submit copies of the requested documents.

#### IV. ASSESSMENT OF THE EVIDENCE AND ESTABLISHMENT OF THE FACTS

##### A. The parties' submissions

160. The parties did not dispute that on 4 June 2005 the Vostok Battalion had blocked the village, searched many houses, unlawfully arrested village residents and detained them for several hours. At the end of the military operation a group of people in the Vostok Battalion uniforms had set several houses on fire and killed Mr Magomazov. The next day eleven of the arrested men had gone missing.

161. The Government stated that members of an illegal armed group pretending to be military personnel had set houses on fire and killed Mr Magomazov. They had done so in order to incite hatred against the Vostok Battalion. The Government also submitted that the Vostok Battalion soldiers had released all of the arrested men. When the soldiers had left the village, eleven village residents had, of their own volition, joined the insurgents. Subsequently, they had participated in several attacks on federal forces (see paragraphs 89 and 113 above).

162. The applicants contested the above explanations. They stated that the entire village had been under control of the Vostok Battalion soldiers, who had therefore been responsible for the enforced disappearances, incidents of arson and Mr Magomazov's death. The insurgents could not have been able to enter the village without being noticed by the soldiers securing the perimeter. Moreover, numerous witnesses had confirmed that the acts complained of had been perpetrated by armed men who had appeared to be Vostok Battalion soldiers.

##### B. The Court's assessment

###### 1. General principles

163. For a summary of relevant general principles relating to the evaluation of facts, see *El Masri v. "the former Yugoslav Republic of Macedonia"* ([GC], no. 39630/09, §§ 151-53, ECHR-2012), and, as concerns evaluation of allegations of disappearances in the North Caucasus, *Sultygov and Others* (cited above, §§ 393-96), with further references.

###### 2. Application of the general principles in the instant case

###### (a) The eleven men

164. The applicants have shown that their missing relatives listed in paragraph 17 above fell under the control of the authorities. The Government did not dispute that they had been unlawfully arrested by Vostok Battalion soldiers during the special operation of 4 June 2005 and

had gone missing as soon as the operation was over. According to the special message of 5 June 2005 and record no. 535 in the crime registration log of the Chechnya Ministry of the Interior, the missing men had been taken away from the village by military personnel (see paragraphs 64 and 65 above).

165. Bearing in mind the above the Court considers that the applicants were in a position to make a prima facie case that their relatives had been abducted by military personnel. The court also takes note of the CPT's public statements concerning forced disappearances in Chechnya (see paragraphs 142 and 143 above).

166. Accordingly, the burden of proof is on the Government to provide a satisfactory and convincing explanation of the relevant events. Regard being had to a number of cases adjudicated by this Court where the involvement of the Vostok Battalion soldiers was reported in the abductions perpetrated between 2003 and 2006 (see *Vitayeva and Others v. Russia*, no. 27459/07, §§ 13-19, 29, 114 and 122, 7 June 2011; *Umayevy v. Russia*, no. 47354/07, §§ 16 and 79, 12 June 2012; *Petimat Ismailova and Others v. Russia*, nos. 25088/11 and 11 others, §§ 163, 369-71 and 394, 18 September 2014; *Yanadayeva and Others v. Russia* [Committee], nos. 5374/07 and 9 others, §§ 70, 74 and 250, 4 December 2018; *Ozdoyev and Others v. Russia* [Committee], nos. 9782/08 and 9 others, §§ 159-63, 167, 172, 176-77, 286 and 290, 27 August 2019; and *Ganatova and Others v. Russia* [Committee], nos. 44776/09 and 9 others, §§ 210-11, 278 and 281, 24 September 2019) the Court will apply particular scrutiny to the explanations provided by the Government.

167. The Government submitted that at the end of the special operation the military personnel had released the detainees. When the service personnel had left the village, eleven men from the village had, of their own volition, joined the group of insurgents. The Government mainly referred to the statements of military personnel (see paragraphs 70-87 above), two arrested members of illegal armed groups (see paragraphs 112-113 above) and audio recordings found in a cache in Grozny (see paragraph 103 above).

168. In the Court's view, the Government's account of the events and the evidence submitted cannot explain in a convincing manner the fate of the applicants' missing relatives. Their assertion that the Vostok Battalion soldiers released the eleven men is chiefly based on the submissions made by the military personnel involved in the special operation – that is to say the alleged perpetrators of the enforced disappearance. Such evidence is not sufficiently credible, as the soldiers in question potentially had an interest in covering up the alleged enforced disappearance and the subsequent fate of the missing men (compare *Zalyan and Others v. Armenia*, nos. 36894/04 and 3521/07, § 250, 17 March 2016). None of the village residents questioned by the investigators said that they had seen the eleven men returning home from the school, and neither did their families.



169. Furthermore, there is no explanation as to why the eleven village residents suddenly decided (as alleged by the Government) to join the Chechen separatists who had attacked their village. The Government did not refer to their motives or personal backgrounds. Nothing suggests that those men had participated in illegal armed groups before or had previously given assistance to the insurgents. The moment at which they joined the group of attackers is also unclear. According to the Government they did so after the military personnel had left the village (see paragraph 161 above). If that is so, the village residents must have found the illegal armed group hiding from the pursuit of Sergeant G.'s group (see paragraphs 80-81 above) in the forest at dusk. The Court doubts that it was possible for unequipped men to have located members of the illegal armed group ahead of the service personnel. Even if they had done so, or had joined the insurgents while those insurgents had been in the village, the fact that none of the eleven men was killed or arrested during the following fifteen years up until the time when the military conflict in Chechnya ceased raises further serious doubts about this version.

170. As regards the statements of two witnesses, to which the Government referred, they were given by people under arrest – that is to say in a vulnerable position – and it is unclear whether they maintained those submissions at later stages of the proceedings. The witness statements were formulated in rather general terms, lacked details and were not corroborated by any other evidence. It is also important to note that only three of the eleven men were identified on photographs.

171. The Court observes that the Government did not refute the content of the operations report, the special message or entry no. 535 in the crime registration log of the Chechnya Ministry of the Interior (see paragraphs 64-65 above). That evidence explicitly stated that the Vostok Battalion had arrested eleven men and placed them in custody and that those men were being checked for their participation in the activities of the above-mentioned illegal armed group. The drafter of the special message (the document that served as a basis for entry no. 535 in the crime registration log of the Chechnya Ministry of the Interior) stated that the indication that military personnel had actually arrested certain villagers had been a result of the erroneous misinterpretation of the message from his colleague who had visited the village (see paragraph 67 above). Even if the Court was ready to accept such an explanation for the first part of the special message about incidents of arson, which apparently recounted information acquired at the crime scene, it cannot accept that the second part of the message about the arrests also resulted from a misinterpretation of the information received from the village. The last phrase of the message (“The arrested men are being checked for membership in an illegal armed group”) clearly stated that the arrested men were being screened for membership in an illegal armed group at the time when the special message was drafted. That phrase

referred to the activity of the investigating authorities, and it obviously originated from internal sources – not from the village. It therefore rebuts the Government’s assertion that the Vostok Battalion soldiers released the eleven men before leaving the village.

172. Lastly, the audio recording of unknown men (see paragraph 103 above) does not seem to constitute sufficiently credible evidence as to overturn the presumption of an abduction having taken place. The circumstances in which the audio recording was found are unclear. The Government did not submit a transcript of the recording, explain the purpose of the recording or identify the people who had made it.

173. In the light of the above, the Court concludes that the Government have failed to discharge their burden of proof (compare with *Magomedov v. Russia*, no. 68004/01, § 97, 12 July 2007). The Court therefore finds that the applicants’ eleven missing relatives were taken into custody by State agents during the special operation in the village on 4 June 2005 and that there is no evidence to support that they were released. Given the lack of any reliable news of them since their detention and given the life-threatening nature thereof, Mr Kamil Magomedov, Mr Abakar Aliyev, Mr Said Magomedov, Mr Akhmed Magomedov, Mr Akhmed Madomedov, Mr Eduard Lachkov, Mr Shakhban Magomedov, Mr Murtuz Umarov, Mr Magomed Isayev, Mr Akhmed Kurbanaliyev and Mr Magomed Kurbanaliyev should be presumed dead following their unacknowledged detention.

**(b) Incidents of arson and killing of Mr Magomazov**

174. The fact that Mr Magomazov was killed and that four houses burned down by men in military uniforms at the same time that a special operation was carried out in the village gives rise to a prima facie case that the Vostok Battalion soldiers were responsible for those incidents. Accordingly, the burden of proof is on the Government, who must provide a satisfactory and convincing explanation for those events.

175. The Government alleged that the arsons and killing had been perpetrated by insurgents who had attacked the village when the special operation had been ongoing. They had been wearing military uniforms in order to incite hatred against the Vostok Battalion. The Government supported that version of events by referring to the material gathered during criminal investigation, including statements given by military personnel (see paragraphs 71-87 above), three anonymous witnesses (see paragraphs 61-63 above) and arrested members of an illegal armed group (see paragraphs 89 and 112 above), as well as material evidence adduced by the investigators (see paragraphs 90, 91, 95, 96, 97, 102 and 103 above).

176. The Court accepts the proposed explanation. Although the evidence obtained from the military personnel and the arrested members of the above-mentioned illegal armed group and as the audio recording from the

above-mentioned cache in Grozny does not appear to be particularly convincing for the reasons given in paragraphs 168, 170 and 172 above, the remainder of the evidence appears sufficiently credible to satisfy the requisite burden of proof. In particular, the Court notes that the above-mentioned anonymous village residents recognised the arsonists among the bodies of insurgents killed on 11 December 2005 (see paragraphs 61-63 above). The Court also gives credence to material evidence – namely, the Vostok Battalion uniforms and rifles found among the killed members of the illegal armed group. The insurgents' firearms matched the cartridges found in the village after the events of 4 June 2005 (see paragraphs 94, 96 and 110 above). The forensic experts concluded that the cartridges collected at the burned-out houses had not been fired from Vostok Battalion firearms (see paragraph 108 above). There was no significant contradiction between any elements of the body of evidence gathered, which was consistent and supported the Government's explanation of events. It appears not to have been the only time that members of illegal groups dressed up in the uniforms of law-enforcement personnel (see paragraph 40 above).

177. The applicants' argument that it was impossible for the insurgents to have entered the village (given that it had been blocked by service personnel at the time of the special operation) is to be dismissed. In the Court's view it does not appear impossible for a small group of people familiar with the surroundings and dressed in camouflage uniforms to have done so, particularly if their actions had not been anticipated by those servicemen. The Court further takes into account the general situation prevailing in the region at the time of the alleged events (see *Tagayeva and Others v. Russia*, nos. 26562/07 and 6 others, § 481, 13 April 2017).

178. In the light of the above the Court concludes that the State agents cannot be held responsible for Mr Magomazov's killing and the burning down of the four houses (compare *Nuri Kurt v. Turkey*, no. 37038/97, §§ 96-105, 29 November 2005).

#### V. ALLEGED VIOLATIONS OF ARTICLES 2 AND 13 OF THE CONVENTION ON ACCOUNT OF Mr MAGOMAZOV'S MURDER, THE ABDUCTION OF THE VILLAGE RESIDENTS AND THE LACK OF AN EFFECTIVE INVESTIGATION

179. Some of the applicants listed in the Appendix complained under Articles 2 and 13 of the Convention that their eleven missing relatives had been abducted and killed by State agents, who had also killed Mr Magomazov, and that the authorities had failed to safeguard their lives, to ensure an effective investigation of the events or to provide them with effective domestic remedies.

180. Relying on Article 8 of the Convention some of the applicants listed in the Appendix complained about the investigators' failure to inform them of the results of forensic medical examination of human remains which had been found at the burned-out houses. The Court considers that the complaints fall to be examined under Articles 2 and 13 of the Convention, which read in the relevant parts as follows:

**Article 2**

“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 ...”

**Article 13**

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

**A. Admissibility**

181. The Government submitted that the complaints are inadmissible, because the military servicemen had not been involved in the acts complained of. The eleven men from the village joined the illegal armed group, and the members of that group killed Mr Magomazov. The Government also argued that the domestic investigation satisfied the requirements of Article 2 of the Convention and that the applicants had at their disposal effective domestic remedies.

182. The applicants maintained their complaints.

183. The Court notes that those 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.

**B. Merits**

*1. General principles*

184. For a summary of relevant general principles see *Mustafa Tunç and Fecire Tunç v. Turkey* ([GC], no. 24014/05, §§ 169-82, 14 April 2015), *Isayeva and Others v. Russia* (nos. 57947/00 and 2 others, §§ 147 and 149, 24 February 2005), *Tagayeva and Others* (cited above, §§ 496-97), and *Mazepa and Others v. Russia* (no. 15086/07, §§ 69-70 and 74, 17 July 2018).

2. *Application of the general principles in the instant case*

(a) **Alleged violation of the right to life**

(i) *The parties' submissions*

185. The parties repeated their arguments concerning the identities of the attackers. According to the applicants, Vostok Battalion personnel killed Mr Magomazov and abducted the village residents, whereas, according to the Government, those acts had been perpetrated by members of the illegal armed group.

(ii) *The Court's assessment*

186. The Court has already held that the eleven men who disappeared on 4 June 2005 must be presumed dead following their unacknowledged detention by State agents. The liability for their presumed deaths rests with the respondent State (see paragraph 173 above). On the other hand it has concluded that the State agents are not responsible for Mr Magomazov's death, because he was killed by members of the illegal armed group (see paragraph 178 above).

187. Accordingly, there has been a violation of the right to life in respect of Mr Kamil Magomedov, Mr Abakar Aliyev, Mr Said Magomedov, Mr Akhmed Magomedov, Mr Akhmed Magomedov, Mr Eduard Lachkov, Mr Shakhban Magomedov, Mr Murtuz Umarov, Mr Magomed Isayev, Mr Akhmed Kurbanaliyev and Mr Magomed Kurbanaliyev, and there has been no violation of the right to life in respect of Mr Magomazov.

(b) **Effectiveness of the investigation**

(i) *The parties' submissions*

188. The applicants pointed out a number of specific shortcomings in the investigation. In particular, they noted that the inspection of the Vostok Battalion premises carried out on 24 June 2005 had been belated, that the investigators had failed to identify all of the burned human remains found in the village, take DNA samples from relatives of two disappeared men (Mr S. Magomedov and Mr E. Lachkov), question military personnel in the presence of the village residents, or consider that none of the witnesses had seen the eleven men returning home from the local school. Besides, the investigation remains unresolved for many years without any final conclusion being achieved. The applicants furthermore stated that they had not been duly informed of the progress of the investigation and that the investigators responsible for the proceedings had not been independent or impartial.

189. The Government averred that the domestic investigation was thorough. The investigating authorities questioned several hundred witnesses, checked witness evidence at the crime scene, ensured dozens of

forensic expert examinations and carried out all the investigative measures required. The applicants were duly informed of the results of the expert examinations. Furthermore, the authorities identified a person responsible for ill-treatment of the applicants, their arrests and searches at their houses. That person (Lieutenant A.) had been found guilty of the aggravated exceed of official authority and received a criminal sentence, which had not been challenged on appeal and became final.

(ii) *The Court's assessment*

190. The Court reiterates that a criminal investigation does not constitute an effective remedy in respect of disappearances occurring in Chechnya between 1999 and 2006 in particular, and that such a situation constitutes a systemic problem under the Convention (see *Aslakhanova and Others*, cited above, § 217).

191. The material before the Court demonstrates that although certain efforts were made to establish the circumstances of the attack in its immediate aftermath, the investigation has been ongoing for a number of years without bringing about any significant developments as to identifying the perpetrators or discovering the fate of the applicants' missing relatives. While the obligation to investigate effectively is one as to means and not results, the Court notes that the criminal proceedings have been plagued by a combination of defects similar to those enumerated in the *Aslakhanova and Others* judgment (cited above, §§ 123-25). For instance, no meaningful steps were taken to confront the servicemen's accounts of the eleven men being released with those of the village residents, or to inquire into the motives of their alleged joining the insurgents.

192. The investigation was prematurely terminated, resumed and then suspended on several occasions. It has been ongoing for over fifteen years without any final conclusion being made. In this aspect it resembled several hundreds of other similar cases which had been pending for years before competent authorities without any progress, in particular as regards the fate of the missing persons (see paragraph 146 above).

193. The Court notes the applicants' allegation that they did not have access to the case file documents and were not updated of the progress of the investigation. That argument had not been rebutted by the Government. As can be seen from the fragments of the case file documents in the Court's possession, the investigators prevented the applicants' access to their decisions referring to the classified information contained therein (see paragraph 121 above). Subsequently, the investigators' refusal to allow the victims' access to certain documents had been quashed by the domestic court, which found it to be unjustified (see paragraph 135 above). Since late 2009 the applicants received no news from the competent authorities. In view of the above, the Court concludes that the public scrutiny aspect of the investigation was breached. That breach was particularly regrettable in this

case, because it undermined public confidence in the independence and effectiveness of the investigation and gave the appearance of collusion in, or tolerance of, unlawful acts (compare *Tagayeva and Others*, cited above, §§ 528-38).

194. In the light of the foregoing, regard being had to the important humanitarian dimension of the question of missing people (see paragraph 146 above) the Court considers that the investigation into the circumstances of the eleven men's disappearance and Mr Magomazov's killing was not thorough or open to public scrutiny. These shortcomings alone justify the finding of a procedural breach of Article 2 of the Convention. In such circumstances, the Court does not find it necessary to examine whether the investigation was sufficiently independent or impartial (see *Gaysanova v. Russia*, no. 62235/09, § 133, 12 May 2016).

195. Having regard to the above, there is also no need to examine separately the merits of the complaints under Article 13, taken in conjunction with Article 2 of the Convention (see *Shaipova and Others v. Russia*, no. 10796/04, § 124, 6 November 2008, *Kagirov v. Russia*, no. 36367/09, § 130, 23 April 2015; and *Gaysanova*, cited above, § 142).

**(c) Alleged failure to safeguard the lives of the village residents**

*(i) The parties' submissions*

196. The applicants submitted that the military personnel had failed to properly plan the special operation, or implement it in line with their positive obligations under Article 2 of the Convention, in particular, to prevent unlawful actions of insurgents at the village territory which was at the time under exclusive control of the Vostok's battalion.

197. The Government did not comment on the merits of the complaint.

*(ii) The Court's assessment*

198. The Court has already found that the respondent State is responsible for the enforced disappearance of the eleven village residents who are presumed dead following their unlawful detention in custody (see paragraph 173 above). In the light of that finding there is no need to examine as to whether there has been a violation of the positive obligation to safeguard the lives of the eleven men.

199. As regards Mr Magomazov's death, the Court recalls its finding that the State agents had not been responsible for his death (see paragraph 178 above). The Court will therefore examine whether the military servicemen could be held liable for not protecting him against the attack by the members of the illegal armed group.

200. In connection with that the Court reiterates that Article 2 of the Convention may imply a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk

from the criminal acts of another individual (see *Osman v. the United Kingdom*, 28 October 1998, § 115, *Reports of Judgments and Decisions* 1998-VIII). For the Court to find a violation of the positive obligation to protect life, it must be established that the authorities knew, or ought to have known at the time, of the existence of a real and immediate risk to the life of identified individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk (see *Paul and Audrey Edwards v. the United Kingdom*, no. 46477/99, § 55, ECHR 2002-II; *Medova v. Russia*, no. 25385/04, § 96, 15 January 2009; *Tsechoyev v. Russia*, no. 39358/05, § 136, 15 March 2011; and *Tagayeva and Others*, cited above, §§ 481-83).

201. In the present case nothing suggests that the authorities knew, or ought to have known about the possible attack on the village by the members of the illegal armed group, not to say about the aims of that attack or any risk to Mr Magomazov's life. Therefore they could not be responsible for failure to prevent that attack (compare *Finogenov and Others v. Russia* (dec.), nos. 18299/03 and 27311/03, § 173, 18 March 2010; *Yaman v. Turkey* (dec.), no. 48292/11, §§ 45-48, 8 January 2019; and *Raynovi v. Bulgaria* (dec.), no. 53304/18, §§ 30-38, 2 June 2020). From the witness evidence it follows that as soon as the military personnel saw the fire at Mr Magomazov's house, they immediately went there (see paragraph 86 above). When they arrived Mr Magomazov had already been dead (see paragraph 106 above); and there is no allegation that they had ignored any information that could lead to safeguarding his life.

202. Accordingly, there has been no violation of the positive obligation to safeguard Mr Magomazov's life.

## VI. ALLEGED VIOLATION OF ARTICLES 3 AND 13 OF THE CONVENTION ON ACCOUNT OF THE APPLICANTS' ILL-TREATMENT, THEIR MENTAL SUFFERINGS AND THE LACK OF EFFECTIVE REMEDY

203. Some of the applicants listed in the Appendix complained under Articles 2, 3 and 13 of the Convention of being ill-treated by military servicemen, of the ineffectiveness of the investigation carried out into that ill-treatment (including the deficiency of Lieutenant A.'s trial), of the mental suffering that they had endured in the light of the disappearance of their relatives, and of the lack of effective domestic remedies at their disposal in respect of those complaints. Those complaints fall to be examined under Articles 3 and 13 of the Convention which read as follows:

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



## A. Admissibility

### 1. *The parties' submissions*

204. The Government submitted that the applicants had not exhausted the available domestic remedies. They had neither challenged Lieutenant A.'s conviction, nor lodged a civil claim against him. As regards the mental suffering caused by the alleged abduction of the eleven men, the Government stated that State agents had not been implicated in the incident and could not be held responsible for it. Lastly, the Government submitted that the applicants still had at their disposal effective domestic remedies.

205. The applicants submitted that their complaints were admissible. According to them, in the absence of any meaningful investigation into the matter the civil proceedings would be ultimately unsuccessful and that they therefore could not constitute a remedy to be exhausted. They also stated that they had been unaware of Lieutenant A.'s trial and that they had therefore been unable to challenge his sentence or to lodge a civil claim within the context of the criminal proceedings. Moreover, according to them, participation in those proceedings would have put their lives in danger.

### 2. *The Court's assessment*

#### (a) **Exhaustion of domestic remedies**

206. The Court observes that the authorities opened two investigations into the events of 4 June 2005. The first proceedings concerned the abduction of eleven village residents, the killing of Mr Magomazov and incidents of arson. The second proceedings concerned unlawful searches, arrests and the alleged ill-treatment of village residents. While the first investigation remains unresolved, the second investigation ended with Lieutenant A.'s conviction on 4 October 2005.

207. The Court cannot accept the Government's non-exhaustion plea, because the proceedings against Lieutenant A. were incapable of remedying the alleged violations of Article 3 of the Convention, owing to the limited scope of the investigation. They were focused on the responsibility of one serviceman – Lieutenant A. – and did not address wider concerns about the conduct of subordinate military personnel. The investigators did not identify the military personnel who had beaten the applicants, and they did not assess the individual circumstances of each of the incidents or the gravity of the injuries inflicted on the victims (compare *McKerr v. the United Kingdom*, no. 28883/95, §§ 133-37, ECHR 2001-III). Furthermore, the Court has already noted the applicants' limited involvement in the criminal proceedings against Lieutenant A. (see paragraphs **Error! Reference source not found.** and **Error! Reference source not found.** above) and in such circumstances it doubts that bringing a civil claim against him, as the

Government suggest, would be an effective remedy in the present case. Finally, it cannot be overlooked that their civil claims against the State authorities were in any event dismissed by domestic courts (see paragraphs 137 and 138 above).

208. In the light of the above, the Court holds that the applicants did not have to pursue the remedies suggested by the Government.

**(b) Compliance with the six-months rule**

209. In the absence of any effective remedy the applicants had to lodge their applications with the Court as soon as they realised, or ought to have realised, that there had been no effective investigation. The issue of identifying exactly when this point in time arises necessarily depends on the circumstances of the case, and it is difficult to determine it with precision.

210. In establishing the extent of this duty of diligence on applicants who wish to complain of the lack of an effective investigation into deaths or ill-treatment, the Court has been largely guided in recent years by the case-law on the duty of diligence imposed on applicants who complain about the disappearance of individuals within the context of international conflict or a state of emergency within a country (see *Mocanu and Others v. Romania* [GC], nos. 10865/09 and 2 others, § 267, ECHR 2014 (extracts), with further references).

211. The Court has rejected as out of time applications where there had been excessive or unexplained delay on the part of applicants once they had, or ought to have, become aware that no investigation had been instigated or that the investigation in question had lapsed into inaction or become ineffective and that, in any of those eventualities, there was no immediate, realistic prospect of an effective investigation being undertaken in the future. The Court has held, however, that so long as there is some meaningful contact between relatives and authorities concerning complaints and requests for information, or some indication (or realistic possibility) of progress in investigative measures, considerations of undue delay on the part of applicants will not generally arise (see *Varnava and Others v. Turkey* [GC], nos. 16064/90 and 8 others, § 165, ECHR 2009).

212. In the present case the applicants informed the authorities of the events of 4 June 2005 (including their ill-treatment) shortly after that date (see paragraph 34 above). Subsequently they remained in contact with the investigators: indeed, all of them, participated in the criminal proceedings against Lieutenant A., which concerned their ill-treatment by military personnel (see paragraphs 128 and 132 above). When the proceedings ended the applicants continued to raise complaints regarding the events of 4 June 2005 (see paragraph 37 above). Many of them lodged civil claims against the authorities seeking compensation for non-pecuniary damage (see paragraph 136 above). Given the acknowledgment by the domestic courts of the applicants' ill-treatment (which was reflected in Lieutenant A.'s

conviction) and the complexity of the investigation, the applicants could reasonably expect further progress to be made in that investigation, particularly given the fact that the first investigation (which also concerned the events of 4 June 2005) remained ongoing and that their allegations concerned a major incident involving dozens of civilian victims (see, *mutatis mutandis*, *Abuyeva and Others v. Russia*, no. 27065/05, § 180, 2 December 2010).

213. The applicants lodged their applications with the Court on 10 September and 1 December 2007 respectively – less than two years and four months after the special operation in the village and less than two years after Lieutenant A.’s conviction. Given the time that had elapsed since events in question and in the light of the active stance taken by the applicants, they cannot be criticised for waiting for too long (compare *Pitsayeva and Others v. Russia*, nos. 53036/08 and 19 others, §§ 386-93, 9 January 2014; *Sulygov and Others*, cited above, §§ 375-80; and *Sagayeva and Others v. Russia*, nos. 22698/09 and 31189/11, §§ 58-62, 8 December 2015).

214. In the light of the foregoing, the Court considers that the applications have not been lodged out of time.

**(c) Other grounds for inadmissibility**

215. The Court reiterates that allegations of ill-treatment contrary to Article 3 must be supported by appropriate evidence. To assess such evidence, the Court adopts the standard of proof “beyond reasonable doubt”, but adds that such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar un rebutted presumptions of fact (see, among other authorities, *Bouyid v. Belgium* [GC], no. 23380/09, § 82, ECHR 2015).

216. The Court observes that applicants nos. 25 and 29 did not provide the Court with medical evidence or other credible proof that would support their allegations of ill-treatment. The domestic authorities did not find that they had been ill-treated by military servicemen. Moreover, it was established that applicant no. 25 had not been in the village at the time of the special operation (see paragraph 132 above). The Court therefore considers that the complaints lodged by applicants nos. 25 and 29 are manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

217. The Court concludes that the complaints of the remainder of the applicants mentioned in paragraph **Error! Reference source not found.** above are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. They must therefore be declared admissible.

## **B. Merits**

### *1. The parties' submissions*

218. The applicants maintained their complaints.

219. The Government argued that the eleven men and Mr Magomazov had not been ill-treated by Vostok Battalion personnel. According to the Government, the applicants had had at their disposal effective domestic remedies, which they had failed to use.

### *2. The Court's assessment*

#### **(a) General principles**

220. For a summary of relevant general principles, see *Gäfgen v. Germany* ([GC], no. 22978/05, §§ 115-19, ECHR 2010), *Bouyid* (cited above, §§ 81-90, and *Lyapin v. Russia*, (no. 46956/09, §§ 125-27, 24 July 2014).

#### **(b) Application of the general principles in the instant case**

##### *(i) Ill-treatment of the applicants*

221. It has been established by the Grozny Garrison Court that the Vostok Battalion personnel unlawfully applied force against the applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 53, 55, 61-64, 66, 68, 70, 71, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125 (see paragraph 128 above), who brought complaints of ill-treatment. The Government did not dispute that such treatment reached the minimum level of severity prohibited by Article 3 of the Convention, or that the use of force against the applicants had not been strictly necessary. Having regard to the circumstances of the case, and its case-law on the matter (see *Bouyid*, cited above, §§ 100-101, and *Castellani v. France*, no. 43207/16, no. 43207/16, §§ 53 and 66, 30 April 2020), the Court considers that it amounted to inhuman or degrading treatment. Accordingly, there has been a substantive violation of Article 3 of the Convention in respect of the above applicants.

##### *(ii) Effectiveness of the investigation*

222. The Court reiterates that an “effective investigation”, as required by Article 3 of the Convention, should be “capable of leading to” the identification and – if appropriate – punishment of those responsible (see *Labita v. Italy* [GC], no. 26772/95, § 131, ECHR 2000-IV, and *Jeronovičs v. Latvia* [GC], no. 44898/10, § 105, 5 July 2016). Where there has been a use of force by State agents, any deficiency in an investigation that undermines its ability to establish the circumstances of the case in question or the person responsible will risk falling foul of the required standard of effectiveness (see *Armani Da Silva v. the United Kingdom* [GC],

no. 5878/08, § 233, 30 March 2016). In particular, the investigation's conclusions must be based on a thorough, objective and impartial analysis of all relevant elements. Failing to follow an obvious line of inquiry undermines to a decisive extent the investigation's ability to establish the circumstances of the case and the identity of those responsible. The nature and degree of scrutiny that satisfy the minimum threshold of the investigation's effectiveness depend on the circumstances of the particular case and must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work (*ibid.*, § 234).

223. The Court has already noted the limited scope of the first investigation and its inability to address the conduct of the military servicemen during the special operation (see paragraph 207 above). From the material before the Court it appears that the investigating authorities did not attempt in a meaningful manner to establish the identities of the soldiers involved in the ill-treatment of village residents, the individual circumstances surrounding each incident, or the injuries inflicted therein. No legal assessment was made of the soldiers' conduct. The Court finds that such an approach on the part of the domestic authorities to be particularly unacceptable. Failure to pay any regard to the accountability of military personnel has fostered a sense of virtual impunity in respect of State agents and has rendered ineffective in practice the general legal prohibition of torture and inhuman and degrading treatment, despite its fundamental importance.

224. In the light of the above the Court concludes that there has been a violation of the procedural obligation under Article 3 of the Convention in respect of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 53, 55, 61-64, 66, 68, 70, 71, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125.

225. Accordingly, there is no need to examine separately the merits of their complaints under Article 13, taken in conjunction with Article 3 of the Convention (see *Polonskiy v. Russia*, no. 30033/05, § 127, 19 March 2009, and *Shestopalov v. Russia*, no. 46248/07, § 71, 28 March 2017).

*(iii) Mental suffering*

226. The Court has found on many occasions that a situation of enforced disappearance gives rise to a violation of Article 3 of the Convention in respect of the close relatives of the victim. The essence of such a violation does not lie mainly 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*, cited above, § 164). Where the news of a missing person's death has been preceded by a sufficiently long period during which he or she has been deemed to have disappeared, there exists a distinct period during which the applicants have suffered the uncertainty,

anguish and distress characteristic of the specific phenomenon of disappearances (see *Luluyev and Others v. Russia*, no. 69480/01, § 115, ECHR 2006-XIII (extracts)).

227. The Court reiterates its findings regarding the State's responsibility for the abductions of the applicants' relatives and the failure to carry out meaningful investigations into the incident. For more than fifteen years the applicants had neither any reliable news of their missing relatives nor any plausible explanation about what had become of them following their arrest and detention at the local school. Therefore, applicants nos. 1, 4, 5, 12, 18, 20, 23, 26, 40, 56, 77 and 102, who are relatives of the abducted men, must be considered victims of a violation of Article 3 of the Convention on account of the distress and anguish that they suffered, and continue to suffer, as a result of their inability to ascertain the fate of their missing family members and of the manner in which their complaints have been dealt with. There has accordingly been a violation of Article 3 of the Convention in respect of the applicants.

*(iv) Existence of effective domestic remedies*

228. In line with its well-established case law (see *Sulygov and Others*, cited above, § 470, and *Murdalovy v. Russia*, no. 51933/08, § 100, 31 March 2020) the Court considers that applicants nos. 1, 4, 5, 12, 18, 20, 23, 26, 40, 56, 77 and 102 did not have at their disposal an effective domestic remedy through which to complain of the mental suffering that they had experienced as a result of the disappearance of their relatives. There has accordingly been a violation of Article 13 in conjunction with Article 3 of the Convention in that respect.

VII. ALLEGED VIOLATIONS OF ARTICLES 3 AND 13 OF THE CONVENTION ON ACCOUNT OF THE EXODUS FROM THE VILLAGE AND LIVING CONDITIONS IN THE MAKESHIFT CAMP

229. Citing Article 3 of the Convention, some of the applicants indicated in the Appendix complained of their forced exodus from the village, poor living conditions and the lack of medical aid in the above-mentioned makeshift camp. They also alleged that they had not had at their disposal effective domestic remedies, as required by Article 13, by which to complain of those violations.

**A. The parties' submissions**

230. The Government did not explicitly comment on the issue.

231. The applicants maintained their complaints.

## B. The Court's assessment

232. The Court observes that the Vostok Battalion personnel neither destroyed the applicants' houses nor evicted the applicants from their dwellings. Accordingly, no issue arises under Article 3 of the Convention in respect of the applicants' allegation of forced eviction (compare, *mutatis mutandis*, *Nuri Kurt*, cited above, §§ 96-107; and contrast with *Doğan and Others v. Turkey*, nos. 8803/02 and 14 others, § 143, ECHR 2004-VI (extracts)).

233. As regards the applicants' living condition in the makeshift camp, the Court reiterates that Article 3 does not entail any general obligation to give financial assistance to enable a person to maintain a certain standard of living (see, *mutatis mutandis*, *B.G. and Others v. France*, no. 63141/13, § 76, 10 September 2020; and *Müslim v. Turkey*, no. 53566/99, § 85, 26 April 2005).

234. Turning to the present case, the applicants described their living conditions in the makeshift camp in rather general terms, without giving sufficient details of individual situations, including medical conditions and the dates of each applicant's arrival and departure from the camp. Even assuming that the living conditions were poor, and the applicants complied with the six-month rule, the circumstances in which they had found themselves did not appear to give rise to an issue under Article 3 of the Convention. The Court also notes the reaction of the authorities, who immediately opened a criminal investigation into the incident, paid compensation to the owners of the burned-out houses, and encouraged the applicants to return to the village (see paragraphs 35, 44 and **Error! Reference source not found.** above). Given the above, it cannot be said that there existed any imminent and real threat preventing the applicants' return to the village.

235. The Court is therefore of the opinion that the applicants' complaints under Articles 3 and 13 are manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and therefore inadmissible, pursuant to Article 35 § 4.

## VIII. ALLEGED VIOLATION OF ARTICLES 8 AND 13 OF THE CONVENTION ON ACCOUNT OF THE UNLAWFUL SEARCHES

236. Some of the applicants listed in the Appendix complained of unlawful searches carried out by service personnel and the lack of effective domestic remedies in that respect. They relied on Articles 8 and 13 of the Convention. Article 8 reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

## **A. Admissibility**

### *1. The parties' submissions*

237. The parties reiterated their arguments under Articles 3 and 13 of the Convention (summarised in paragraphs **Error! Reference source not found.** and 205 above).

### *2. The Court's assessment*

238. The Court observes that the complaints by applicants nos. 8-11, 19, 23 and 25 were not supported by evidence that would satisfy the required standard of proof. The Court therefore considers that their complaints under Article 8 of the Convention are manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

239. In the absence of any arguable claims under Article 8 of the Convention, the complaints of the aforementioned applicants under Article 13 of the Convention are also manifestly ill-founded and must be declared inadmissible, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

240. The Court finds that applicants nos. 5, 7, 13, 14, 21, 22, 27, 28, 33, 52, 54, 55, 61, 66, 70, 74, 78, 80, 83, 88-90, 93, 96, 99, 111, 117 and 125 supported their allegations that unlawful searches had been conducted by referring to the findings of the Grozny Garrison Court in the case of Lieutenant A. (see paragraph 128 above).

241. Their complaints are therefore not manifestly ill-founded. They are not inadmissible on any other grounds. They must therefore be declared admissible.

## **B. Merits**

### *1. The parties' submissions*

242. The applicants maintained their complaints.

243. The Government did not comment on the merits of the applicants' complaints.



## 2. *The Court's assessment*

### (a) **General principles**

244. For a summary of relevant general principles see *Rachwalski and Rerenc v. Poland* (no. 47709/99, §§ 68-70, 28 July 2009).

### (b) **Application of the general principles to the present case**

245. The Court observes that the Grozny Garrison Court confirmed that there had been unlawful searches in respect of applicants nos. 5, 7, 13, 14, 21, 22, 27, 28, 33, 52, 54, 55, 61, 66, 70, 74, 78, 80, 83, 88-90, 93, 96, 99, 111, 117 and 125, carried out by Vostok Battalion personnel (see paragraph 128 above). The Government did not dispute the facts underlying the applicants' complaints. The Court therefore considers that there was an interference with the applicants' right under Article 8 of the Convention; that interference was unlawful and thus fell short of Article 8 requirements (compare *Alpatu Israilova v. Russia*, no. 15438/05, § 83, 14 March 2013, and *Izhayeva and Others v. Russia* [Committee], no. 53074/12 and 4 others, § 283-85, 14 January 2020). There has accordingly been a violation of Article 8 of the Convention in respect of applicants nos. 5, 7, 13, 14, 21, 22, 27, 28, 33, 52, 54, 55, 61, 66, 70, 74, 78, 80, 83, 88, 89, 90, 93, 96, 99, 111, 117 and 125.

246. In the light of the above and taking into account the Court's conclusion regarding the ineffectiveness of the investigation into the unlawful acts of military personnel (see paragraphs 222-**Error! Reference source not found.** above), there is no need to examine separately the applicants' complaints under Articles 8 and 13 of the Convention that there was no effective investigation into the unlawful searches.

## IX. ALLEGED VIOLATIONS OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION AND OF ARTICLE 13 ON ACCOUNT OF THE DESTRUCTION OF PROPERTY AND LACK OF AN EFFECTIVE INVESTIGATION

247. Some of the applicants listed in the Appendix complained that the military servicemen had burned down their houses. They also claimed that there had been no effective domestic remedies at their disposal through which to complain about that. They cited Articles 13 of the Convention and Article 1 of Protocol No. 1 thereto. The Court will examine the claims under the latter provision, which reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”

## A. Admissibility

### 1. *The parties' submissions*

248. The Government pleaded that the applicants had failed to exhaust the available domestic remedies (for a detailed explanation, see paragraph **Error! Reference source not found.** above).

249. The applicants submitted that they had had no effective domestic remedies to exhaust.

### 2. *The Court's assessment*

250. For the reasons given in paragraphs 206-**Error! Reference source not found.** above, the Court finds that the applicants had no effective remedies to exhaust in respect of their complaints under Article 1 of Protocol No. 1 to the Convention. The complaints at hand are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. They are not inadmissible on any other grounds. They must therefore be declared admissible.

## B. Merits

### 1. *The parties' submissions*

251. The applicants asserted that Vostok Battalion personnel had set fire to their houses.

252. The Government contested that assertion. They stated that the applicants' houses had been burned down by members of an illegal armed group.

### 2. *The Court's assessment*

#### (a) **General principles**

253. For a summary of the general principles see *Blumberga v. Latvia* (no. 70930/01, §§ 64 and 67, 14 October 2008).

#### (b) **Application of the general principles in the instant case**

254. The Court has established that members of an illegal armed group set fire to the village houses. Accordingly, there has been no violation of Article 1 of Protocol No. 1 to the Convention under its substantive limb (compare *Nuri Kurt*, cited above, §§ 96-107, and *Sadykov v. Russia*, no. 41840/02, §§ 260-61, 7 October 2010).

255. Turning to the applicants' allegation that the investigation into the arsons was ineffective, the Court accepts that given the criminal nature of the arsons the authorities were required to investigate them (see *Blumberga*, cited above, § 67, and *Kurşun v. Turkey*, no. 22677/10, § 121, 30 October

2018). The Court reiterates, however, that the obligation to investigate crimes involving property is less exacting than with regard to more serious ones which would fall within the scope of Articles 2 and 3 of the Convention (see *Blumberga*, cited above, *ibid*, and *Abukauskai v. Lithuania*, no. 72065/17, § 56, 25 February 2020). Although the investigation into the acts of military personnel during the events of 4 June 2005 or the circumstances of Mr Magamazov's death was ineffective (see paragraphs **Error! Reference source not found.** and **Error! Reference source not found.** above), the circumstances surrounding the arsons were sufficiently elucidated, and it was established that the perpetrators belonged to a group of insurgents (see paragraphs **Error! Reference source not found.**-**Error! Reference source not found.** and **Error! Reference source not found.**-**Error! Reference source not found.** above). Given that the obligation to conduct an effective investigation is not an obligation of the result, but of means and that it must be applied realistically (see *Hanan*, cited above, §§ 200-02), the Court cannot criticise the Government for the investigators' failure to arrest the members of the illegal armed group, who burned down the applicants' houses (compare *Abukauskai*, cited above, §§ 62-73, where the Court found no violation of Article 1 of Protocol No. 1 to the Convention on account of inconclusive criminal investigation into arson of the applicants' house).

256. Bearing in mind that the procedural obligation under Article 1 of Protocol no. 1 is an element of a broader positive obligation under that Article (see *Blumberga*, cited above, *ibid*), and that it therefore should be assessed against its background, the Court notes that the former owners of the houses which had been burned down, received compensations for their loss of property from the State on the basis of seemingly no-fault administrative arrangements in 2005 (see paragraph **Error! Reference source not found.** above).

257. In light of all foregoing considerations, Court finds that there has been no violation of Article 1 of Protocol No. 1 of the Convention under its procedural limb.

#### X. ALLEGED VIOLATION OF ARTICLE 14 ON ACCOUNT OF RACIAL DISCRIMINATION

258. Relying on Article 14 of the Convention – taken in conjunction with Articles 2, 3, 5 and 8 of the Convention, as well as Article 1 of Protocol No. 1 thereto – some of the applicants listed in the Appendix argued that the military personnel had subjected them and their relatives to discriminatory treatment on account of their Avar ethnicity. Article 14 of the Convention provides:

“The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language,

religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

## **A. Admissibility**

### *1. The parties' submissions*

259. The Government claimed that the applicants' allegations were manifestly ill-founded, because the military personnel had arrested people disregarding their ethnicity.

260. The applicants maintained their complaints. In particular they argued that the majority of the abducted men had been Avars and that the Vostok Battalion personnel had released from detention at the local school Chechens and Russians as soon as they had learned of their ethnicity, whereas Avars had been subjected to prolonged detention and ill-treatment. Moreover, only the houses of Avars had been put on fire.

### *2. The Court's assessment*

261. Having regard to the lack of credible evidence that applicants nos. 25 and 29 were ill-treated or unlawfully detained by military personnel, the Court considers that their complaints under Article 14, in conjunction with Articles 3 and 5 of the Convention, are manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

262. The Court further observes that applicant no. 71 did not furnish credible evidence of his detention by military personnel (unlike other applicants who referred to the domestic court's finding confirming their account of events). The Court therefore considers that the complaint concerning his detention on discriminatory grounds is manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

263. The Court finds that the remainder of the complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. They are not inadmissible on any other grounds. They must therefore be declared admissible.

## **B. Merits**

### *1. The parties' submissions*

264. The parties repeated the arguments summarised in paragraphs 259-260 above.

## 2. *The Court's assessment*

### (a) **General principles**

265. For a summary of the relevant general principles see *Nachova and Others v. Bulgaria* ([GC], nos. 43577/98 and 43579/98, §§ 145-47, ECHR 2005-VII); *Biao v. Denmark* ([GC], no. 38590/10, §§ 88-94, 24 May 2016); and *Timishev v. Russia* (nos. 55762/00 and 55974/00, §§ 53-57, ECHR 2005).

### (b) **Application of the general principles to the present case**

#### (i) *Mr Magomazov's killing and the incidents of arson*

266. The Court has already concluded that State agents did not kill Mr Magomazov or set fire to the village houses (see paragraph 178 above). Accordingly, there has been no breach of the State's negative obligations under Article 14 in conjunction with Article 2 of the Convention or Article 1 to Protocol No. 1 thereto.

267. As regards the procedural obligation to investigate the allegedly discriminatory motives for those acts, the Court notes that the applicants did not submit (either to the domestic authorities or to the Court) a prima facie argument that Mr Magomazov's killing or the incidents of arson had been racially motivated. Nothing suggests that the insurgents killed Mr Magomazov on account of his ethnicity or set fire to the houses simply because they belonged to Avars. It does not appear that they used racist insults when committing those crimes. Accordingly, the Court cannot conclude that the investigating authorities had an obligation under Article 14 to investigate whether those offences were motivated by ethnic hatred (compare *Mižigárová v. Slovakia*, no. 74832/01, §§ 122-23, 14 December 2010).

268. It follows that there has been no violation of Article 14, taken in conjunction with Article 2 of the Convention or Article 1 of Protocol No. 1 thereto.

#### (ii) *Searches and abductions*

269. The Court has established that State agents unlawfully searched the applicants' houses and abducted their relatives. However, the fact that the village contained inhabitants belonging to an ethnic minority is not of itself sufficient to conclude that discrimination was exercised against the applicants or their abducted relatives.

270. The Court observes that military servicemen searched the village houses in a blanket, indiscriminate manner (see paragraphs 14-15 above) and that not all of the missing men were Avars (see paragraph 17 above). The material before the Court demonstrates that racial prejudice was not a causal factor behind the military operation. It was not the Avar community,

but individual people – alleged members of an illegal armed group – who were the main targets of the operation (see *Beganović v. Croatia*, no. 46423/06, §§ 95-98, 25 June 2009; also contrast *Linguar v. Romania* [Committee], no. 48474/14, § 74, 16 April 2019). The Court cannot therefore conclude that the searches and the enforced disappearances were the result of any different treatment of village residents on account of their ethnicity (compare *M.F. v. Hungary*, no. 45855/12, §§ 65-69, 31 October 2017).

271. Lastly, from the documents in the Court's possession it cannot be seen that the applicants have made a prima facie case that the searches or abductions were discriminatory in nature. Such a motive was not clearly formulated in the complaints and requests lodged by the respective applicants for the opening of criminal proceedings. The domestic authorities therefore had no obligation under the Convention to investigate it.

272. There has accordingly been no violation of Article 14, in conjunction with Articles 2 and 8 of the Convention, on account of the searches or enforced disappearances.

*(iii) Arrests and ill-treatment*

273. The Court observes that Vostok Battalion personnel arrested village residents, ill-treated and unlawfully detained them. The unlawful detention of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 52, 53, 55, 61-64, 66, 68, 70, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125 was established by the Grozny Garrison Court (see paragraph 128 above), and there is no reason to question it. From the case-file material it can be seen that the service personnel arrested the village men in a blanket manner, disregarding their ethnic origin. However, as submitted by the applicants (and not disputed by the Government), at the school they interviewed the village residents and released only those of them who were of Chechen or Russian ethnicity. The Avars were kept in the school and beaten for several hours. The beatings were accompanied by racist comments (see paragraph 19, 45 and 52 above).

274. In the absence of any explanation from the Government, and taking into account the reported tension between Chechens (who staffed the Vostok Battalion) and Avars (who comprised part of the village's population – see paragraph 6 above), the Court concludes that the applicants' ethnic origin was among the causal factors for their unlawful detention and ill-treatment (compare *Antayev and Others v. Russia*, no. 37966/07, § 127, 3 July 2014).

275. Turning to the State's procedural obligation under Article 14 of the Convention, the Court notes that in the complaints that they lodged with investigating authorities in June 2005 several applicants explicitly mentioned racist insults that had allegedly been made against them by

military personnel at the time of their detention and ill-treatment at the local school (see paragraph 45 above).

276. The Court reiterates that where evidence comes to light of racist verbal abuse being uttered by law-enforcement agents within the context of the alleged ill-treatment of detained persons from an ethnic or other minority, a thorough examination of all the facts should be undertaken in order to discover any possible racial motives (see *Nachova and Others*, cited above, § 164).

277. In the present case, the complaint that the applicants were subjected to racist insults during their discriminatory detention and ill-treatment constituted a sufficient trigger for the State's procedural obligation to ensure an effective investigation into the alleged ethnic hatred.

278. The Court observes, however, that no thorough examination of any possible racial motives was undertaken. On the contrary, the investigation ignored any possibility that the crimes may have been motivated by ethnic hatred. There is nothing to suggest that the investigators who questioned military personnel and village residents asked them about any possible racist background to the incident (compare *Makhashevy v. Russia*, no. 20546/07, §§ 143-46, 31 July 2012, and *Antayev and Others*, cited above, §§ 125-30; and contrast with *R.R. and R.D. v. Slovakia*, no. 20649/18, § 210, 1 September 2020). As a result, the motive of hatred was not included in the legal classification of the crimes. When several applicants' challenged in court that failure to include the motive of hatred, their complaints were dismissed in a summary fashion (see paragraphs 131-134 above).

279. There has accordingly been a violation of Article 14, taken in conjunction with Article 3 of the Convention, in respect of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 53, 55, 61-64, 66, 68, 70, 71, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125, and taken in conjunction with Article 5 of the Convention in respect of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 52, 53, 55, 61-64, 66, 68, 70, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125.

## XI. OTHER COMPLAINTS

280. Some of the applicants indicated in the Appendix also submitted various complaints under Articles 2, 3, 5, 6 and 8 and Article 1 of Protocol No. 1 thereto.

281. The Court finds that, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. Accordingly, these complaints are manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

## XII. APPLICATION OF ARTICLE 41 OF THE CONVENTION

282. 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**

283. The applicants claimed compensation for pecuniary and non-pecuniary damage in the amounts indicated in the Appendix.

284. The Government submitted that the finding of a violation would in itself constitute adequate just satisfaction for the applicants. They also submitted that the sums claimed by the applicants in respect of pecuniary and non-pecuniary damage were excessive and unsubstantiated. Lastly, they mentioned that the applicants were entitled to receive social benefits on account of the loss of their breadwinners, but they had not applied for them.

285. The Court reiterates that, in line with the principle of *ne ultra petitem* (“not beyond the request” or “not beyond the scope of the dispute”), it does not award, as a rule, an amount exceeding that claimed by the applicant (see *Nagmetov v. Russia* [GC], no. 35589/08, § 71, 30 March 2017; *Gerasimov and Others v. Russia*, nos. 29920/05 and 10 others, § 191, 1 July 2014; and *Timurlenk v. Turkey*, no. 37758/08, § 39, 28 January 2020). Having regard to the material before it and the above-cited principle, the Court awards the applicants the amounts indicated in the Appendix in respect of non-pecuniary damage, plus any tax that may be chargeable.

286. Regard being had to the finding under the substantive aspect of Article 1 of Protocol No. 1 to the Convention (see paragraph 254 above), the Court dismisses the applicants’ claims in respect of pecuniary damage.

**B. Costs and expenses**

287. The applicants in application no. 40165/07 represented by EHRAC jointly claimed 11,283.54 pounds sterling (GBP) for the costs and expenses incurred before the domestic courts and in the proceedings before the Court. In support of their claim they furnished a calculation of the total legal costs that they owed that was based on the representatives’ hourly rates, as well as invoices for translation and administrative expenses. They asked that the award be paid in pounds sterling into the representatives’ bank account indicated by the applicants.

288. The applicants in application no. 2593/08 stated that each of them (except for five people to whom legal services had been rendered on a *pro bono* basis) had signed legal service agreements with their two representatives; under those agreements each applicant apart from the five



applicants mentioned) had paid each representative 1,000 euros (EUR). The total amount of costs and expenses under those agreements was EUR 184,000. It was to be paid by the applicants only if the Court awarded them the amounts claimed in respect of costs and expenses. The applicants then acknowledged that the amount of costs and expenses was excessive and asked the Court to award them a total of EUR 95,000 under that head. They asked for that amount to be split between the two lawyers in equal parts.

289. The Government submitted that the claims were excessive.

290. As regards the applicants in application no. 40165/07, the Court awards applicants nos. 1-18, 20-24 and 26-28 the sum of EUR 13,275 jointly in respect of costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to them, to be converted into GBP at the rate applicable on the date of settlement, and to be paid into the bank account of the applicants' representative as indicated by them. It dismisses the claims submitted by applicants nos. 19, 25 and 29 in respect of whom no violations of the Convention have been found (see *Denisov v. Ukraine* [GC], no. 76639/11, § 146, 25 September 2018).

291. As regards the applicants in application no. 2593/08, the Court finds it reasonable to award the sum of EUR 500 to each of applicants nos. 33, 40, 43-46, 52-56, 61-64, 66, 68, 70, 71, 74, 77, 78, 80, 83, 88-93, 96, 99, 102, 105, 106, 109, 111, 112, 117, 119, 120, 122, 123 and 125 for costs and expenses incurred in the proceedings before the Court, plus any tax that may be chargeable to them, to be converted into the currency of the respondent State at the rate applicable at the date of settlement. It dismisses the claims submitted by applicants nos. 32, 41, 42, 110 and 114, who received legal services free of charge, and by applicants nos. 30, 31, 34-39, 41, 42, 47-51, 57-60, 65, 67, 69, 72, 73, 75, 76, 79, 81, 82, 84-87, 94, 95, 97, 98, 100, 101, 103, 104, 107, 108, 110, 113-116, 118, 121, 124 and 126 in respect of whom no violations of the Convention have been found.

### **C. Default interest**

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

**FOR THESE REASONS, THE COURT, UNANIMOUSLY,**

1. *Decides* to join the applications;
2. *Decides* that the next-of-kin of the deceased applicants listed in the Appendix have *locus standi* in the proceedings before the Court;

3. *Decides* to strike application no. 2593/08 out of its list of cases in respect of the complaints lodged with the Court by applicant no. 31;
4. *Holds* that the respondent State failed to comply with their obligations under Article 38 of the Convention;
5. *Declares* the complaints indicated as such in the Appendix admissible and the remainder of the applications inadmissible;
6. *Holds* that there has been a violation of Article 2 of the Convention in respect of Mr Kamil Magomedov, Mr Abakar Aliyev, Mr Said Magomedov, Mr Akhmed Magomedov, Mr Akhmed Madomedov, Mr Eduard Lachkov, Mr Shakhban Magomedov, Mr Murtuz Umarov, Mr Magomed Isayev, Mr Akhmed Kurbanaliyev and Mr Magomed Kurbanaliyev on account of their enforced disappearance, and the lack of an effective investigation into that disappearance or into Mr Magomazov's death;
7. *Holds* that there has been no violation of Article 2 of the Convention on account of Mr Magomazov's death or the alleged failure of the State to safeguard his life;
8. *Holds* that there has been a violation of Article 3 of the Convention on account of the ill-treatment of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 53, 55, 61-64, 66, 68, 70, 71, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125; on account of the lack of an effective investigation into their ill-treatment; and on account of the mental suffering of applicants nos. 1, 4, 5, 12, 18, 20, 23, 26, 40, 56, 77 and 102 caused by the disappearance of their relatives;
9. *Holds* that there has been a violation of Article 13, in conjunction with Article 3 of the Convention, in respect of applicants nos. 1, 4, 5, 12, 18, 20, 23, 26, 40, 56, 77 and 102, on account of the lack of an effective domestic remedy for their grievances under Article 3 concerning the mental suffering caused to them by their relatives' disappearance;
10. *Holds* that there has been a violation of Article 8 of the Convention on account of the unlawful searches conducted in respect of applicants nos. 5, 7, 13, 14, 21, 22, 28, 27, 33, 52, 54, 55, 61, 66, 70, 74, 78, 80, 83, 88-90, 93, 96, 99, 111, 117 and 125;
11. *Holds* that there has been no violation of Article 1 of Protocol No. 1 to the Convention under its substantive or procedural limbs on account of the incidents of arson and related investigation;

12. *Holds* that there has been no violation of Article 14, in conjunction with Articles 2 or 8 of the Convention, or in conjunction with Article 1 of Protocol No. 1 thereto;
13. *Holds* that there has been a violation of Article 14, in conjunction with Article 3 of the Convention, in respect of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 53, 55, 61-64, 66, 68, 70, 71, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125, and in conjunction with Article 5 of the Convention in respect of applicants nos. 2, 3, 6, 7, 13-17, 21, 22, 24, 27, 28, 32, 33, 43-46, 52, 53, 55, 61-64, 66, 68, 70, 88-93, 105, 106, 109, 111, 112, 119, 120, 122, 123 and 125;
14. *Holds* that there is no need to examine separately the merits of the complaints under Article 2 concerning the breach of the State's positive obligation to safeguard the lives of the missing village residents; the complaints under Article 8 of the Convention concerning effectiveness of the investigation into the searches of the applicants' homes; and the complaints under Article 13, taken in conjunction with Articles 2, 3 and 8 of the Convention, on account of the fact that the applicants did not have at their disposal effective remedies through which to complain of the abduction of their relatives, Mr Magomazov's killing, their ill-treatment, and the unlawful searches;
15. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final, in accordance with Article 44 § 2 of the Convention, the following amounts:
    - (i) in respect of non-pecuniary damage, the amounts indicated in the Appendix, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;
    - (ii) in respect of costs and expenses incurred in the proceedings before it, plus any tax that may be chargeable to the applicants: EUR 13,275 (thirteen thousand two hundred and seventy-five euros) for applicants nos. 1-18, 20-24 and 26-28, jointly, to be converted into GBP at the rate applicable on the date of settlement and to be paid into the bank account of the applicants' representative indicated by them; and EUR 500 (five hundred euros) for applicants nos. 33, 40, 43-46, 52-56, 61-64, 66, 68, 70, 71, 74, 77, 78, 80, 83, 88-93, 96, 99, 102, 105, 106, 109, 111, 112, 117, 119, 120, 122, 123 and 125, each, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(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;

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

Done in English, and notified in writing on 22 June 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova  
Deputy Registrar

Paul Lemmens  
President

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Appendix

	Applicant's name Place of residence Year of birth Kinship with dead/missing person Date of death (if applicable)	Person wishing to pursue the proceedings, kinship with the applicant, date of birth	Complaints raised by the applicant (admissible complaints marked with asterisk)	Compensation for pecuniary and non-pecuniary damage sought by the applicant	Just satisfaction for non-pecuniary damage awarded by the Court
1	<b>Ms Zukhrakhan ADZHIGITOVA</b> Novonikolayevka / Borozdinovskaya 1952 wife of Mr Kamil Magomedov	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: in the amount of EUR 16,250	EUR 60,000 (sixty thousand euros)
2	<b>Mr Arsen ABAKAROV</b> Kizlyar 1990	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
3	<b>Mr Aslanbek ABAKAROV</b> Yubileynoye 1964	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
4	<b>Mr Abdurakhman ALIYEV</b> Shushanovka 1938 father of Mr Abakar Aliyev	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros)

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5	<b>Ms Zuizhat BILALOVA</b> Terechnoye 1970 wife of Mr Said Magomedov	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (unlawful house search)*; Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: EUR 16,250	EUR 60,000 (sixty thousand euros)
6	<b>Mr Zakarya IBRAGIMOV</b> Uritskiye Dachi / Borozdinovskaya 1969	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
7	<b>Mr Ilyas IDRISOV</b> Yubileynoye 1986	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful search)*; Art. 13*; Art. 14*; Art. 1 Prot No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
8	<b>Mr Akhmed MAGAMAZOV, also spelled as MAGOMAZOV</b> Kizlyar 1963 son of Mr Magomazi Magomazov  Died on 23/01/2011	Ms Gulisat SALIKHOVA, (wife) 1966	Art. 2 (killing of Mr Magomazov, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (ill-treatment of Mr Magomazov, lack of effective investigation into that ill-treatment); Art. 8 (unlawful house search); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: in the EUR 16,250 for applicants nos. 8 - 11 jointly	See the award for applicant no. 10
9	<b>Ms Ayshat MAGOMAZOVA</b> Kizlyar 1959 daughter of Mr Magomazi Magomazov	-	Art. 2 (killing of Mr Magomazov, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (ill-treatment of Mr Magomazov, lack of effective investigation into that ill-treatment); Art. 8 (unlawful house search); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: in the amount of EUR 16,250 for applicants nos. 8 - 11 jointly	See the award for applicant no. 10

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<b>10</b>	<b>Ms Ayzanat MAGOMAZOVA</b> Kizlyar 1965 daughter of Mr Magomazi Magomazov	-	Art. 2 (killing of Mr Magomazov, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (ill-treatment of Mr Magomazov, lack of effective investigation into that ill-treatment); Art. 8 (unlawful house search); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: EUR 16,250 for applicants nos. 8 - 11 jointly	EUR 26,000 (twenty-six thousand euros) to Ms Gulisat SALIKHOVA, Ms Ayshat MAGOMAZOVA, Ms Ayzanat MAGOMAZOVA and Ms Zukhra MAGOMAZOVA jointly
<b>11</b>	<b>Ms Zukhra MAGOMAZOVA</b> Kizlyar / Borozdinovskaya 1940 wife of Mr Magomazi Magomazov	-	Art. 2 (killing of Mr Magomazov, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (ill-treatment of Mr Magomazov, lack of effective investigation into that ill-treatment); Art. 8 (unlawful house search); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (destruction of property by arson)*	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: EUR 16,250 for applicants nos. 8 - 11 jointly	See the award for applicant no. 10
<b>12</b>	<b>Mr Abubakar MAGOMEDOV</b> Malaya Areshevka 1985 brother of Mr Akhmed Magomedov 1979  Died on 19/02/2017	Mr Gamzat MAGOMEDOV (brother) 1989  Mr Abdurakhman MAGOMEDOV (father) 1957  Ms Ayshat MAGOMEDOVA mother (1959)	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros) to Mr Gamzat MAGOMEDOV, Mr Abdurakhman MAGOMEDOV, Ms Ayshat MAGOMEDOVA and Patimat GARUNOVA jointly
<b>13</b>	<b>Mr Ali MAGOMEDOV</b> Yasnaya Polyana 1939  Died on 24/12/2016	Mr Ramazan MAGOMEDOV (son) 1962	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)

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<b>14</b>	<b>Mr Arsen MAGOMEDOV</b> Rassvet / Plodopitomnik 1988	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
<b>15</b>	<b>Mr Bashir MAGOMEDOV</b> Yubileynoye / Borozdinovskaya 1960	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
<b>16</b>	<b>Mr Magomedibir MAGOMEDOV</b> Pitomnik / Borozdinovskaya 1965	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
<b>17</b>	<b>Murad MAGOMEDOV</b> Yubileynoye / Kizlyar 1985	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
<b>18</b>	<b>Mr Payzula MAGOMEDOV</b> Malaya Areshevka 1959 father of Mr Akhmed Madomedov 1977	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros)
<b>19</b>	<b>Ms Patimat MAGOMEDOVA</b> Averyanovka 1970	-	Art. 8 (unlawful house search); Art. 1 Prot. No. 1 (looting of her property)	Non-pecuniary damage: in an amount to be determined by the Court  Pecuniary damage: in the amount of EUR 5,000	-



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20	<b>Mr Georgiy SHNAYDER</b> Kizlyar 1937 grandfather of Mr Eduard Lachkov  Died on 17/10/2007	Ms Aset MAILOVA (the applicant's niece, the aunt of Mr Eduard Lachkov) 1964	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1 (looting of the house)	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros) to Ms Aset MAILOVA
21	<b>Mr Dunay MIKMAGOMEDOV</b> Yubileynoye / Borozdinovskaya 1961	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
22	<b>Mr Idris MIKMAGOMEDOV</b> Rassvet / Borozdinovskaya 1972	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
23	<b>Ms Absirat MURTAZALIYEVA</b> Kochubey 1976 wife of Mr Shakhban Magomedov	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (unlawful house search); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros)
24	<b>Mr Zaynudin SHAVRUKHANOV</b> Prigorodnyy / Komsomolskiy 1959	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)

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25	<b>Mr Aslan UMAROV</b> Novonikolayevka 1968  Died on 19/03/2015	Ms Aza UMAROVA (sister) 1969  Ms Izakhat UMAROVA (mother) 1940	Art. 3 (ill-treatment of the applicant and the lack of effective investigation); Art. 5 (unlawful detention); Art. 8 (unlawful house search); Art. 13; Art. 14; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	-
26	<b>Ms Tamum UMAROVA</b> Kizlyar 1969 mother of Mr Murtuz Umarov	-	Art. 2 (abduction of the relative and failure to safeguard his life)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 3 (ill-treatment of the adducted relative and failure to investigate that ill-treatment); Art. 8 (failure to conduct proper examination of the human remains and inform the applicant thereof); Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 60,000 (sixty thousand euros)
27	<b>Mr Mukhtar YUNUSOV</b> Shushanovka 1951  Died on 24/11/2014	Ms Rainat YUNUSOVA, (daughter) 1990	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
28	<b>Mr Isa ZAGIROV</b> Kizlyar / Averyanovka 1989	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 8 (unlawful search)*; Art. 13*; Art. 14*; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	EUR 26,000 (twenty-six thousand euros)
29	<b>Mr Shaykhulislam ZAGIROV</b> Kizlyar 1954	-	Art. 3 (ill-treatment of the applicant and the lack of effective investigation); Art. 5 (unlawful detention); Art. 13; Art. 14; Art. 1 Prot. No. 1	Non-pecuniary damage: in an amount to be determined by the Court	-

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30	<p><b>Ms Khalimat ABDURAKHMANOVA</b> Razyezd 1979</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
31	<p><b>Ms Aminat ABDUKHALIKOVA,</b> Ukrainskoye 20/02/1949</p> <p>Died on an unknown date</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home in the village and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
32	<p><b>Mr Shakhmurad ABULIYEV</b> imprisoned 1989</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 3 (poor living conditions); Art. 5 (unlawful detention); Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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33	<p><b>Mr Uzeyru ABULIYEV</b> Retlob 1966</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
34	<p><b>Ms Zulpat ABULIYEVA</b> Kizlyar Region 1969</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions); Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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35	<p><b>Ms Muslimat ALIGADZHIYEVA</b> Kizlyar Region 1961</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
36	<p><b>Ms Patimat ALIGADZHIYEVA</b> Kizlyar Region 1984</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
37	<p><b>Mr Shamil ALIYEV</b> Kizlyar Region 1969</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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38	<b>Ms Ashurat ALIYEVA</b> Kosyakino 1979	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for violation of Art. 1 Prot. No. 1;	-
39	<b>Mr Khaybula GADZHIYEV</b> Kizlyar Region 1956	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
40	<b>Ms Patimat GARUNOVA</b> Kizlyar Region 1986 wife of Mr Akhmed Magomedov 1979	-	Art. 2 (abduction of the relative, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 5 (unlawful detention of the relative); Art. 6, Art. 13*	Non-pecuniary damage: EUR 45,000 for violations of Art. 2, 3, 5, 6 and 13	See the award to applicant no. 12

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41	<p><b>Mr Kurban GAZIMAGOMEDOV</b> Kimyatli 1974</p> <p>Died on 27/01/2011</p>	<p>Ms Patimat MAGOMEDOVA (wife) 1976</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
42	<p><b>Ms Kipayat IMANOVA</b> Kizlyar Region 1900</p> <p>Died on 03/12/2010</p>	<p>Mr Askhab KURBANALIYEV (grand-son) (the only successor) 1985</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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43	<p><b>Mr Abdula ISAYEV</b> Kizlyar Region 1985</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant)*; Art. 3 (lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
44	<p><b>Mr Akhmed ISAYEV</b> Kizlyar Region 1963</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>



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<p><b>45</b></p>	<p><b>Mr Magomed ISAYEV</b> Kizlyar Region 1950</p> <p>Died on 10/04/2014</p>	<p>Mr Adam ISAYEV (son) 1995</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
<p><b>46</b></p>	<p><b>Mr Magomed ISAYEV</b> Kizlyar Region 1988</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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47	<b>Ms Alipat ISAYEVA</b> Kizlyar Region 1974	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
48	<b>Ms Khalisat ISAYEVA</b> Kizlyar Region 1971	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
49	<b>Ms Khanipat ISAYEVA</b> Kizlyar Region 1954	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-

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50	<b>Ms Rayipat ISAYEVA</b> Kizlyar Region 1962	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
51	<b>Mr Magomed KADIYEV</b> Makhachkala 1930	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-

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52	<p><b>Mr Magomedrovkhan KADIYEV</b> Adzhi-Dada 1976</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 5 (unlawful detention)*; Art. 8 (unlawful house search)*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for violation of Art. 1 Prot. No. 1;</p>	<p>EUR 1,300 (one thousand and three hundred euros)</p>
53	<p><b>Mr Magomedkhabib KHABIBOV</b> Kizlyar 1968</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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54	<p><b>Mr Abdurakhman KURBANALIYEV</b> Chatli 1963</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 500 (five hundred euros)</p>
55	<p><b>Mr Ramazan KURBANALIYEV</b> Kizlyar 1983</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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56	<p><b>Mr Ramazan KURBANALIYEV</b> Kizlyar 1957 father of Mr Magomed Kurbanaliyev</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 2 (abduction of the relative, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 5 (unlawful detention of the relative); Art. 6; Art. 13*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village);</p> <p>EUR 45,000 for violations of Art. 2, 3, 5, 6 and 13</p>	EUR 45,000 (forty-five thousand euros)
57	<p><b>Mr Zhabrail KURBANALIYEV</b> Kizlyar 1965</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
58	<p><b>Ms Khadizhat KURBANALIYEVA</b> Kizlyar 1963</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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59	<p><b>Ms Mariyat KURBANALIYEVA</b> Kizlyar 1978</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
60	<p><b>Ms Patimat KURBANALIYEVA</b> Kizlyar 1967</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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<p><b>61</b></p>	<p><b>Mr Abdurazak LABAZANOV</b> Kizlyar 1952</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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62	<p><b>Mr Ramazan LABAZANOV</b> Kizlyar 1978</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
63	<p><b>Mr Gasan MAGAMEDOV (also spelled MAGOMEDOV)</b> Kizlyar 1962</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation* poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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64	<p><b>Mr Abdulgamid MAGOMEDOV</b> Kizlyar 1979</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
65	<p><b>Mr Akhmed MAGOMEDOV</b> Kizlyar 1977</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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<p><b>66</b></p>	<p><b>Mr Guseyn MAGOMEDOV</b> Kizlyar 1966</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
<p><b>67</b></p>	<p><b>Mr Israpil MAGOMEDOV</b> Kizlyar 1957  Died on 30/07/2013</p>	<p>Mr Abdulgamid MAGOMEDOV (son)</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>-</p>

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68	<p><b>Mr Magomednakyshubandi MAGOMEDOV</b> Kizlyar 1980</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
69	<p><b>Mr Pakhrudin MAGOMEDOV</b> Kizlyar 1963</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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70	<p><b>Mr Ramazan MAGOMEDOV</b> Kizilyurt 1959</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 8 (unlawful search)*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 500 for a violation of Art. 8 (unlawful house search);  EUR 800 for a violation of Art. 5 (unlawful detention);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
71	<p><b>Mr Ramazan MAGOMEDOV</b> Kizlyar 1940</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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72	<b>Tagir MAGOMEDOV</b> Kizlyar 09/05/1956	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
73	<b>Ms Aminat MAGOMEDOVA</b> Borozdinovskaya 1961	-	Art. 2, 3, 8 and Art. 1 Prot. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
74	<b>Ms Ayshat MAGOMEDOVA</b> Kizlyar 1974	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	EUR 500 (five hundred euros)

ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

75	<b>Ms Khapisat MAGOMEDOVA</b> Bondarenovka 1964	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
76	<b>Ms Khava MAGOMEDOVA</b> Kizilyurt 1971	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
77	<b>Maryam MAGOMEDOVA</b> Kosyakino 1980 wife of Mr Akhmed Kurbanliyev	-	Art. 2 (abduction of the relative, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 5 (unlawful detention of the relative); Art. 6, Art. 13*	Non-pecuniary damage: EUR 45,000 for violations of Art. 2, 3, 5, 6 and 13	EUR 45,000 (forty-five thousand euros)
78	<b>Ms Patimat MAGOMEDOVA</b> Kizlyar 1960	-	Art. 2, 3, and 8 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);	EUR 500 (five hundred euros)

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79	<p><b>Ms Patimat MAGOMEDOVA</b> Averyanovka 1964</p> <p>Died on 06/08/2017</p>	<p>Mr Izrail SHEYKHIYEV (also spelled SHAYKHIYEV) (husband) 1964</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
80	<p><b>Ms Patimat MAGOMEDOVA</b> Chatli 1982</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	EUR 500 (five hundred euros)
81	<p><b>Ms Suvaybat MAGOMEDOVA</b> Kosyakino 1972</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1</p>	-



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82	<p><b>Ms Umukus MAGOMEDOVA</b> Kizlyar 1963</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1</p>	-
83	<p><b>Ms Zharadat MAGOMEDOVA</b> Kizlyar 1982</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 500 (five hundred euros)</p>
84	<p><b>Ms Zubarzhath MAGOMEDOVA</b> Kizlyar 1980</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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85	<p><b>Ms Zukhra MAGOMEDOVA</b> Komsomolskoye 1974</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
86	<p><b>Mr Makhach MUKHUDINOV</b> Kizlyar 1936</p> <p>Died on 27/04/2013</p>	<p>Ms Khalisat MUKHUDINOVA (daughter) 1970</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
87	<p><b>Ms Yazikhat MUSAYEVA</b> Stolsk 1973</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

88	<p><b>Mr Abdula OMAROV</b> Kizlyar 1968</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13* Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

89	<p><b>Mr Kadimagomed OMAROV</b> Kizlayr 1950</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 3 (ill-treatment of the applicant and the lack of effective investigation)*; Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

90	<p><b>Mr Kuramagomed OMAROV</b> Kizlyar 1963</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

<p>91</p>	<p><b>Mr Kurban OMAROV</b> Kizlyar 1949</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

92	<p><b>Mr Magomed OMAROV</b> Kizlyar 1979</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 800 for a violation of Art. 5 (unlawful detention);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
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ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

<p><b>93</b></p>	<p><b>Mr Omarashhab OMAROV</b> Kizlyar 1966</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
<p><b>94</b></p>	<p><b>Ms Bilkisti OMAROVA</b> Kizlyar 1956</p>	<p>-</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>-</p>



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95	<b>Ms Kalimat OMAROVA</b> Kizlyar 1969	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: in an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  EUR 1,000 for violation of Art. 2;  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
96	<b>Ms Khadizhat OMAROVA</b> Kizlyar 1969	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	EUR 500 (five hundred euros)
97	<b>Ms Khalisat OMAROVA</b> Kizlyar 1977	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-

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98	<b>Ms Khatimat OMAROVA</b> Shaumyan 1961	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
99	<b>Ms Patimat OMAROVA</b> Udok 1947	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 500 for a violation of Art. 8 (unlawful house search);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	EUR 500 (five hundred euros)
100	<b>Ms Rukiyat OMAROVA</b> Kizlyar 1972	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-

ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

101	<b>Ms Rayganat OMDIYEVA</b> Mutsal-Adi 1953	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
102	<b>Ms Zagra OSMANOVA</b> Shushanovka 1971 wife of Mr Magomed Isayev	-	Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 2 (abduction of the relative, failure to safeguard his life and the lack of effective investigation)*; Art. 3 (mental suffering on account of the abduction of a relative)*; Art. 5 (unlawful detention of the relative); Art. 6; Art. 13*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village);  EUR 45,000 for violations of Art. 2, 3, 5, 6 and 13	EUR 45,000 (forty-five thousand euros)
103	<b>Ms Zaynab OSMANOVA</b> Shushanovka 1962	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-

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104	<p><b>Ms Marzhanat PAKHRUDINOVA</b> Novomonastyrskoye 1959</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
105	<p><b>Mr Ismail RADZHABOV</b> Kizlyar 1955</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

ADZHIGITOVA AND OTHERS v. RUSSIA JUDGMENT

106	<p><b>Mr Abdusalam RAMAZANOV</b> Novomonastyrskoye 1972</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
107	<p><b>Mr Gadzhimurad RAMAZANOV</b> Averyanovka 1986</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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108	<b>Mr Gasan RAMAZANOV</b> Areshevka 1986	-	Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)	Non-pecuniary damage: EUR 1,000 for violation of Art. 2  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	-
109	<b>Mr Magomed RAMAZANOV</b> Kizlyar 1959	-	Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*	Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;	EUR 26,000 (twenty-six thousand euros)

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110	<p><b>Mr Nuri RAMAZANOV</b> Averyanovka 1947</p> <p>Died on 20/04/2011</p>	<p>Mr Abdulgamid RAMAZANOV (son) 1977</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
111	<p><b>Mr Shamil RAMAZANOV</b> Kosyakino 1978</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	EUR 26,000 (twenty-six thousand euros)

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112	<p><b>Mr Shamsudin RAMAZANOV</b> Matsevka 1967</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
113	<p><b>Mr Zakarya RAMAZANOV</b> Areshevka 1959</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-



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114	<p><b>Aminat RAMAZANOVA</b> Ukrainskoye 1958</p> <p>Died on 02/03/2008</p>	<p>Ms Patimat MAGOMEDOVA (daughter) 1988</p>	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
115	<p><b>Ms Ayshat RAMAZANOVA</b> Bondarenovka 1985</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
116	<p><b>Ms Khalisat RAMAZANOVA</b> Averyanovka 1975</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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117	<p><b>Ms Patimat RAMAZANOVA</b> Malaya Areshevka 1975</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective); Art. 8 (unlawful house search)*; Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 500 (five hundred euros)</p>
118	<p><b>Mr Badrudin RASULOV</b> Kosyakino 1969</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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<p><b>119</b></p>	<p><b>Ali SHAYKHIYEV</b> Bandarenovka 1967</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
<p><b>120</b></p>	<p><b>Mr Ramazan SHAYKHIYEV</b> Bondarenovka 1962</p>	<p>-</p>	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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121	<p><b>Ms Kalimat SHAYKHOVA</b> Areshevka 1975</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-
122	<p><b>Mr Khizri UVAYSOV</b> Kizlyar 1958</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>

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123	<p><b>Mr Magomed UVAYSOV</b> Terutli 1950</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;  EUR 25,000 for violation of Art. 3 (ill-treatment);  EUR 800 for a violation of Art. 5 (unlawful detention);  EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
124	<p><b>Ms Ravzanat UVAYSOVA</b> Terutli 1977</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2  In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);  Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1;</p>	-

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125	<p><b>Mr Idris YUNUSOV</b> Kizlyar 1963</p>	-	<p>Art. 2 (positive obligations to ensure adequate living conditions and access to medical care after the exodus from the village); Art. 3 (ill-treatment of the applicant*, lack of effective investigation*, poor living conditions); Art. 5 (unlawful detention); Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings); Art. 8 (unlawful house search)*; Art. 8 and Art. 1 Prot. No. 1 (forced to leave home, loss of property); Art. 13*; Art. 14*</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2;</p> <p>EUR 25,000 for violation of Art. 3 (ill-treatment);</p> <p>EUR 800 for a violation of Art. 5 (unlawful detention);</p> <p>EUR 500 for violation of Art. 6 and Art. 13 in conjunction with Art. 2 and 3 (unfair civil and/or criminal proceedings);</p> <p>EUR 500 for a violation of Art. 8 (unlawful house search);</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for violation of Art. 1 Prot. No. 1</p>	<p>EUR 26,000 (twenty-six thousand euros)</p>
126	<p><b>Ms Zaynab ZAGIROVA</b> Kizlyar Region 1960</p>	-	<p>Art. 2, 3, 8 and Art. 1 Prot. No. 1 (forced to leave home and to live in poor conditions without access to medical care; the investigation of the incident was not effective)</p>	<p>Non-pecuniary damage: EUR 1,000 for violation of Art. 2</p> <p>In an amount to be determined by the Court for a violation of Art. 3 (lack of effective investigation, poor living conditions);</p> <p>Pecuniary damage: EUR 37,500 for a violation of Art. 1 Prot. No. 1</p>	-