



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

ENG - 2016/1

Application Form

About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria MUST be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant

A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

Gasangusenov

2. First name(s)

Murtazaali Magomedovich

3. Date of birth

0	4	0	6	1	9	7	0
D	D	M	M	Y	Y	Y	Y

 e.g. 31/12/1960

4. Place of birth

The village of Goor-Hindakh of the Republic of Dagestan

5. Nationality

Russian

6. Address

7. Telephone (including international dialling code)

8. Email (if any)

no

9. Sex ☒ male

☐ female

A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

B. State(s) against which the application is directed

17. Tick the name(s) of the State(s) against which the application is directed

- | | |
|---|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input checked="" type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

D. Representative(s) of the applicant organisation

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must be completed.

D.1. Organisation official

37. Capacity/relationship/function (please provide proof)

38. Surname

39. First name(s)

40. Nationality

41. Address

42. Telephone (including international dialling code)

43. Fax

44. Email

D.2. Lawyer

45. Surname

46. First name(s)

47. Nationality

48. Address

49. Telephone (including international dialling code)

50. Fax

51. Email

D.3. Authority

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

52. Signature of organisation official

53. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

54. Signature of lawyer

55. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

56.

The applicant in the present case is Murtazaali Magomedovich Gasangusenov, born on 4 June 1970 in the village of Goor-Hindakh of the Shamil'skiy District of the Republic of Dagestan. He currently lives in Goor-Hindakh village (attachment 1) with his spouse Patimat Khaniyevna Aliyeva.

The applicant and his wife Patimat Aliyeva are disabled.

KILLING OF THE APPLICANT'S SONS

1. The case originated from killing of the two brothers Gasangusen Murtazaliyevich Gasangusenov and Nabi Murtazaliyevich Gasangusenov from the village of Goor-Hindakh in the Shamil'skiy District of the Republic of Dagestan on 23 August 2016. They were 19 and 17 years old respectively and lived with their disabled parents. They worked as shepherds on the steading of "Lagadib" located at a distance of 3-4 kilometers from the village (attachment 2).
2. Every year the head of the village administration informs the local policemen on the pastures of every shepherd (attachment 3).
3. On 23 August 2016 at 21:32 Nabi Gasangusenov phoned his mother Patimat Aliyeva and told her that he and his brother were going home. After that time they didn't answer the calls. Their phone has never been located (attachment 2).
4. On 24 August 2016 Patimat Aliyeva asked Israil Magomedov, the uncle of Gasangusen and Nabi, to go to their pasture to look for her sons. At 06:20 he passed a quarter of the distance from the village to the pasture and saw dark spots covered by the ground, a piece of glass from a flashlight, and a piece of clothes. He looked left and down and saw two bodies lying four meters from the road in the bushes.
5. The bodies were lying face down close to each other. They were dressed in black coats with hoods on their heads. Automatic guns were lying on their backs, the gun belts were on their necks. The two killed men were barefoot. Their plastic shoes were lying nearby, as well as army boots and backpacks.
6. When Israil Magomedov put the hood away from the head of one of the men, he only saw a face covered with gore. When he raised the head of another body, he recognised Gasangusen Gasangusenov (attachment 2).
7. Israil Magomedov phoned his relatives and villagers started to arrive at the scene. At about 7 AM a group of police officers arrived. The policemen took the bodies away for conducting forensic examinations.
8. The relatives of Gasangusen and Nabi didn't recognize the coats found on the bodies, as well as the army boots and backpacks (attachment 2).

THE COUNTER-TERRORIST OPERATION

9. According to the official version on 23 August 2016 law enforcement officers carried out operative search activities in the "Khorda-bak" area located at a distance of 2 kilometers from the village of Goor-Hindakh (attachment 5). At 21:30 Gasangusen and Nabi started to shoot at the officers and were killed when the officers returned fire.
10. At 10 PM the Acting Head Interior of the Shamil'skiy District Department of Interior Mr I.G. Aliev called the head of the administration of Goor-Khindakh. He said that counter-terrorist operation was announced and nobody was to leave the village (новая газета).
11. On the same day Mr I.G. Aliev issued a report. He stated that on 23 August 2016 at 21:25 the officers of the Investigative Operational Group – 5 (hereinafter – IOG-5) of the Federal Security Service of Russia (hereinafter – the FSS) department for the Republic of Dagestan and of the Center for Counteracting Extremism of the Ministry of Interior in the Republic of Dagestan had carried out operative search activities (attachment 4). The "Novaya Gazeta" newspaper sent a request to the FSS to confirm this information. On 23 August 2016 the deputy head of the FSS department for the Republic of Dagestan denied having conducted any operative search activities.
12. "Novaya Gazeta" sent two requests to the Minister of Interior in the Republic of Dagestan Mr Magomedov. The first request was devoted to the reasons of such an unusual way to carry out the alleged counter-terrorist operation. Some unidentified people had moved the bodies and had left them till the morning, besides that there had been no cordon on the place of the alleged operation. The press-service of the Ministry of Interior said that the request was lost. Later it was said that they had nothing to answer (attachment 3).
13. The second request was devoted to the contradictions between the report of Mr Aliev and the answer of Mr Nazarov. Minister Magomedov answered that the criminal case was initiated and all the questions were to be addressed to the

Statement of the facts (continued)

57. Investigative Committee. Moreover he stated that Mr Aliev hadn't issue any report (attachment 3).

FORENSIC EXAMINATIONS

14. On 24 August 2016 the criminal case No. 63545 was initiated with reference to articles 317 (attempt at life a law-enforcement official) and 222 (2) (illegal acquisition, transfer, sale, storage, transportation, or bearing of firearms, its basic parts or ammunition) (attachment 5).

15. On 24 August 2016 investigator Ibragimov ruled to carry out ballistic and trace evidence forensic examinations of the 7,62 mm caliber automatic gun with No. 275..., 10 cartridges and 13 spent cases of alleged 7,62 mm caliber; 5,45 mm caliber automatic gun with No. 6330388, 10 cartridges, 1 bullet and 5 spent cases of alleged 5,45 mm caliber, found on the site (attachment 6).

16. On 18 September 2016 the expert found that only one of the 13 sleeves of 7,62 mm caliber had been shot from 7,62 mm caliber automatic gun with No. 275.... (attachment 7).

On 19 September 2016 the expert found that neither the bullet, nor the 5 spent cases of 5,45 mm caliber were shot from the 5,45 mm caliber automatic gun with No. 6330388 (attachment 8).

17. By 21 September 2016 forensic examination of the blood from the ground, the clothes of Gusangusenov brothers, the two backpacks, and tactical load carrying vest ("TLCV") found on the site was made. The expert found that blood of AB blood type was found on all the objects except the TLCV. Due to the fact that the both brothers had AB blood type, the expert concluded that the blood could come from any of them (attachment 9).

18. On 24 October 2016 chemical examination of the 7,62 mm caliber automatic gun with No. 275.... was finished. On 25 October 2016 chemical examination of 5,45 mm automatic gun with No. 6330388 was finalized. The expert found that after the last cleaning the both guns were fired (attachments 10, 11).

19. By 7 November 2016 medical forensic examinations devoted to the wounds on the bodies of Gusangusen and Nabi Gusangusenov were carried out. They didn't include medical forensic examinations of the bodies and were based on the case files. The experts revealed and described 13 wounds on the body of Gasangusen Gasangusenov. Three of them penetrated into abdominal cavity (attachment 12).

16 wounds were located on the body of Nabi Gasangusenov. Two of them penetrated into abdominal cavity. Two wounds in the upper third of outer surface of the right shoulder and in the right armpit were connected with a mutual wound canal (attachment 13).

Before medical forensic examinations of the bodies were carried out, it was impossible to establish the nature of the wounds and time and cause of death.

20. On 18 November 2016 forensic examination of the clothes of the applicant's sons was completed. Damages on the clothes were found to have approximately corresponded to the wounds on the bodies (attachment 14).

21. On 7 December 2016 chemical forensic examination of the swabs of faces and hands of Gasangusen and Nabi Gusangusenov, their subungual content, cuts of nails and cuts of hair was made. The expert found traces of antimony (Sb), which entered into the composition of gun residues, on the swabs of faces and hands. No gun residues were found in subungual content and cuts of hair. Besides that, no traces of drugs were found in the cuts of nails (attachment 15).

22. From 19 to 24 January 2017 examinations of seven automatic guns withdrawn from the Center for Countering Extremism for the Republic of Dagestan and the Ministry of Interior in Shamilskiy District were conducted. The experts found that all the withdrawn guns were in working condition. They didn't answer the question whether the spent cases found on the site were shot from any of these guns, because the cases had already been sent to the Forensic Center of the Ministry of Interior of the Russian Federation (attachments 16-22).

23. On 11, 17 and 19 April 2017 examinations of another three guns withdrawn from the Center for Countering Extremism for the Republic of Dagestan and the Ministry of Interior in Shamilskiy District were made. The experts concluded that all the three guns were in working condition and the spent cases found on the site hadn't been shot from any of them (attachments 24, 27, 28).

24. On 2 February 2017 forensic examination of a spent case of 7,62 mm caliber found during an additional on site inspection was finalized. The expert found that the sleeve had been shot from 7,62 mm caliber automatic gun Kalashnikov and was suitable for identifying the specific gun, it had been shot from (attachment 23).

25. On 14 April 2017 medical forensic examinations devoted to the wounds on the bodies of Gusangusen and Nabi Gusangusenov were carried out again (see para. 19 of SF). The reports repeated conclusions of the examinations of 7 November 2016 (attachments 25, 26).

26. On 20 April 2017 the expert report into the blood from the clothes of the Gusangusenov brothers, the two backpacks and TLCV repeated conclusions of the examination of 21 September 2016 (attachment 29).

Statement of the facts (continued)

58.

ATTEMPTS OF THE APPLICANT'S REPRESENTATIVES TO GET ACCESS TO THE INVESTIGATION

27. On 21 February 2017 the applicant's lawyers sought access to the criminal investigation file (attachment 30).

28. On 1 March 2017 the investigator refused access, arguing that Gasangusen and Nabi didn't have formal status of suspect or accused. The criminal investigation was opened against "unidentified persons". No official decision to refuse access was taken, the investigator just wrote a letter (attachment 31).

29. On 3 March 2017 representative of the applicant's lawyer moved to interrogate 19 witnesses (attachment 32). They were interrogated, but neither the applicant, nor his representatives could obtain access to the questioning records.

30. On 16 March 2017 the lawyers complained to the Sovetskiy District Court of Mahachkala against the refusal of 1 March 2017 to obtain access to the case file (attachment 33).

31. On 31 March 2017 judge Makhatilova heard the case. On 3 April 2017 the complaint of 31 March 2017 was granted (attachment 34).

32. The prosecutor appealed. He argued that Gasangusenov brothers didn't express their will to be represented by lawyers Shamil Magomedov and Murad Magomedov. He further stated that the court was empowered to recognize illegal action/inaction or decision of the investigator, but not the content of his letter. (attachment 35).

33. On 10 April 2017 the applicant applied to investigator Safaraliev to familiarize him with the case files referring to the judgment of the Sovetskiy District Court of 3 April 2017 (attachment 36). On the same day the application was granted (attachment 37).

34. On 6 June 2017 the Supreme Court of the Republic of Dagestan upheld the first instance court's judgment (attachment 38).

ATTEMPTS OF THE APPLICANT TO INITIATE CRIMINAL PROCEEDINGS INTO KILLING OF HIS SONS

35. On 31 January 2017 the applicant applied to the head of the Investigation Department of the Investigative Committee for the Republic of Dagestan asking to open criminal proceedings into killing of his sons (attachment 39).

36. On 3 February 2017 investigator Safaraliev answered the applicant that that on 24 August 2016 the criminal case No. 63545 under articles 317 and 222(2) of the Criminal Code of Russia had already been initiated. He further submitted that the applicant's version of events would be verified during the investigation (see attachment 40).

37. The applicant sought judicial review of the inaction of the investigator before the Sovetskiy District Court of Mahachkala. He stated that the investigator Safaraliev had failed to rule on his application of 31 January 2017.

38. On 23 March 2017 judge Gadjiev heard the applicant's complaint. He found that the inaction of the investigator was illegal, because the investigator had to rule on the applicant's application in three days' time (attachment 40).

39. After the judgment was adopted, the applicant applied to the head of the Investigation Department of the Investigative Committee of the Republic of Dagestan. He asked to provide him the decision on his application of 31 January 2017 and the files of pre-investigative inquiry on the basis of which the decision was made (attachment 41). No decision has been received until now.

40. Investigator Safaraliev appealed. He argued that the applicant's application to open criminal proceedings didn't contain elements of an alleged crime. Thus, the investigator concluded that he was not under any obligation to rule on it (attachment 42).

41. The prosecutor appealed on the same grounds as the investigator (attachment 43).

42. On 2 May 2017 the Supreme Court of the Republic of Dagestan upheld the judgment of the Sovetskiy District Court of Mahachkala of 23 March 2017 (attachment 44).

43. The deputy Prosecutor of the Republic of Dagestan appealed on points of law. On 27 July 2017 the single judge of the Supreme Court of the Republic of Dagestan dismissed the application (attachment 45).

44. Nevertheless, there is still no decision on the applicant's application to open criminal investigation.

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

59. Article invoked	Explanation
Article 2 under its procedural limb	<p>1. Failure to initiate criminal proceedings into killing of the applicant's sons As the Court points in <i>Lyapin v. Russia</i>, a pre-investigation inquiry alone is not capable of establishing the facts and leading to the punishment of those responsible since the opening of a criminal case and a criminal investigation were prerequisites for bringing charges which could then be examined by a court. (no. 46956/09, 24 July 2014, paras. 132-136) In the present case the applicant filled an application to initiate criminal proceedings into the killing of his sons on 31 January 2017. He didn't receive any Decision on the issue until now. The investigator only sent him letters, answering that on 24 August 2016 the criminal case No. 63545 under articles 317 and 222(2) of the Criminal Code of Russia was initiated. He further submitted that the applicant's version would be verified during the investigation (paras. 35-44 of the SF). Not to mention failure to initiate criminal proceedings, no pre-investigation inquiry of the applicant's application was carried out.</p> <p>2. Obstacles in participation in the investigation for the applicant and his representatives In <i>Rantsev v. Cyprus and Russia</i> the Court found that the Cypriot authorities had failed to ensure that the applicant had been able to participate effectively in the proceedings, despite his strenuous efforts to remain involved (No. 25965/04, 07/01/2010, para. 249). This fact became one of the six reasons to constitute violation of Article 2 under its procedural limb by Cyprus (No. 25965/04, 07/01/2010, para. 242). The applicant and his spouse Ms Patimat Aliyeva, the mother of the killed brothers were not granted a formal victim status. Moreover, the applicant's representatives were not able to get access to the case files until 10 April 2017, that is 1 month and 20 days after the request and only after initiating judicial review proceedings against the investigator (paras. 27-34 of the SF). The applicant also has information that the witnesses of defence were interrogated. Nevertheless, he is not able to get access to the interrogation reports.</p> <p>3. Failure to resolve contradictions in evidence and to verify the alleged implication of the FSS of Russia In <i>Rantsev v. Cyprus and Russia</i> the Court noted that there was conflicting testimony which the Cypriot investigating authorities appeared to have taken no steps to resolve. This fact became one of the reasons for establishing violation of Article 2 in its procedural limb (No. 25965/04, 07/01/2010, paras. 236, 242). In <i>Tahsin Acar v. Turkey</i> the Court found that there was no indication in the case file that attempts had ever been made to obtain a statement from Mehmet Aça or any other persons who might have witnessed this alleged incident. It became one of the reasons to constitute violation of Article 2 in its procedural limb (No. 26307/95, 08/04/2004, paras. 232, 234). In the present case the issue of conducting an alleged counter-terrorism operation remained unsolved. According to the report of the Acting Head of the Shamilskiy District Department of Interior Mr. Aliev operational search activities in Goor Hindakh village took place on 23 August 2016. At the same time the deputy head of the FSS department for the Republic of Dagestan Mr V.A. Nazarov denied that (paras. 9-13 of the SF). The investigation failed to resolve these contradictions. None of the abovementioned persons was interrogated. Besides that, the FSS of Russia are those potentially implicated, so their stance should be treated by the investigation with caution. In <i>Semsi Onen v. Turkey</i> the Court found it to be violation under the Convention that rather than carrying out a serious and effective investigation in the preliminary phase, the competent authorities appeared to have proceeded on the assumption that it had been the PKK, not the State security forces/Gendarmes, who were responsible for the killings (No. 22876/93, 14/05/2002, para. 88). In the present case the investigation didn't pay attention on alleged implication of the FSS.</p>

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

60. Article invoked	Explanation
Article 2 under its substantive limb	<p>The investigation acknowledges that on 23 August 2016 operational search activities were carried out in Goor-Hindakh village. According to the its version, Gasanguseinov brothers shot at unknown officers of law enforcement bodies and were killed by them in self-defence (para. 9 of the SF).</p> <p>The authorities failed to provide the applicant for satisfactory explanation of the circumstances in which his sons died.</p> <p>The state acknowledges that operational search activities in Goor Hindakh village took place on 23 August 2016. It is relevant that the officers at whom the applicants' sons were alleged to have been shooting have never been identified. The evidence of phone calls between the applicants' sons and their family members and the statements by the latter testify that the applicant's sons were looking after cattle on the night of the murder and were unarmed.</p> <p>Second, there are pieces of evidence, showing that the officers who killed Gasangusen and Nabi tried to conceal the circumstances of what really had happened. The traces of blood located by Israil Magomedov, the uncle of the killed brothers, showed that the bodies had been moved. Moreover, they were left to lie on the ground for the whole night. According to the relatives of Gasangusen and Nabi, their bodies were dressed in coats, that didn't belong to them.</p>
Article 13 in conjunction with Article 2	<p>In the present case the Sovetskiy District Court of Makhachkala adopted a judgment in favour of the applicant. On 23 March 2017 it stated that investigator Safaraliev had to decide on the applicant's application to initiate criminal proceedings into killing of his sons of 31 January 2017 and issue a Decision. The judgment was upheld by the Supreme Court of the Republic of Dagestan. The single judge of the Supreme Court of the Republic of Dagestan dismissed the application of the Vice Prosecutor of the Republic of Dagestan for supervisory review of the judgments. Nevertheless, the applicant didn't receive any decision on his application.</p>
Article 8	<p>In <i>Kyriakides v. Cyprus</i> the applicant served as a senior officer in the Cypriot Police Force. His employment was terminated after an Independent Investigating Commission had found that the applicant had engaged in torture practices against certain suspects in order to obtain confessions. The Court found that as a result of the circumstances of the applicant's dismissal, not only his good name had been injured but he was also marked in the eyes of society as a person who had allegedly allowed the ill-treatment of suspects by officers under his command. It found that the Supreme Court had denied the applicant equitable relief in respect of damage caused by an unlawful administrative act, without sufficient explanation. The Court reiterated the importance of protecting an individual's moral and psychological integrity and reputation, as guaranteed by Article 8 of the Convention (No. 39058/05, 16/10/2008, paras. 52, 54)</p> <p>In the present case the applicant didn't have an ability to prove innocence of his sons and to protect their good names. The investigator didn't conduct pre-investigation inquiry of the applicant's application to initiate criminal proceedings into the killing of his sons. No criminal proceedings were initiated. The applicant faced difficulties even trying to take part in the investigation in the criminal case No. 63545 initiated against his sons. This latter case was not dropped because of the applicant's sons' death, so the applicant is unable to claim the innocence of his sons by way of judicial review of the investigator's decisions.</p>

G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

61. Complaint	Information about remedies used and the date of the final decision
Articles 2, 13 and 8	<p>There is no final judgment in the present case. The set of proceedings which ended by the appeal judgment of the Supreme Court of the Republic of Dagestan of 2 May 2017 concerned the failure to conduct a pre-investigation inquiry and insofar as the applicant's claims were granted, action was required on behalf of the investigators. However, 6 months after the said appeal judgment the applicant is not aware of any inquiry or investigation opened into his allegations.</p> <p>Final judgment - The appeal judgment of the Supreme Court of the Republic of Dagestan of 2 May 2017</p> <p>Previous judgment - The judgment of the Sovetskiy District Court of the Republic of Dagestan of 23 March 2017</p>

62. Is or was there an appeal or remedy available to you which you have not used?

☐ Yes

☒ No

63. If you answered Yes above, please state which appeal or remedy you have not used and explain why not

<div></div>

H. Information concerning other international proceedings (if any)

64. Have you raised any of these complaints in another procedure of international investigation or settlement?

☐ Yes

☒ No

65. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

<div></div>

66. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

☐ Yes

☒ No

67. If you answered Yes above, please write the relevant application number(s) in the box below.

<div></div>

I. List of accompanying documents

You should enclose full and legible copies of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You MUST:

- arrange the documents in order by date and by procedure;
- number the pages consecutively; and
- NOT staple, bind or tape the documents.

68. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found.

1.	Copy of the applicant's passport	p.	1
2.	Article "Killing of shepherds in Dagestan" in "Caucasus Knot" of 3 May 2017	p.	2
3.	Article "Our children are killed by mistake" in "Novaya Gazeta" of 4 September 2017	p.	6
4.	Report of the Acting Head of the Division of the Ministry of Internal Affairs for the Shamil District Mr I.G. Aliev of 23 August 2016	p.	12
5.	Ruling of investigator Ibragimov to initiate criminal proceedings under articles 317 and 222(2) of the Criminal Code of Russia of 24 August 2016	p.	13
6.	Rulings of investigator Ibragimov to carry out complex ballistic and tracological forensic examinations of the guns of 24 August 2016	p.	15
7.	Expert opinion No. 1/81-16, 3/63-16 of 18 September 2016	p.	21
8.	Expert opinion No. 1/80-16, 3/62-16 of 19 September 2016	p.	38
9.	Expert opinion No. 261 of 21 September 2016	p.	57
10.	Expert opinion No. 1312/3 of 24 October 2016	p.	62
11.	Expert opinion No. 1310/3 of 25 October 2016	p.	66
12.	Expert opinion No. 492 of 7 November 2016	p.	70
13.	Expert opinion No. 493 of 7 November 2016	p.	75
14.	Expert opinion No. 446-447 of 18 November 2016	p.	80
15.	Expert opinion No. 1553/3 of 7 December 2016	p.	85
16.	Expert opinion No. 9 of 19 January 2017	p.	89
17.	Expert opinion No. 10 of 19 January 2017	p.	94
18.	Expert opinion No. 11 of 19 January 2017	p.	99
19.	Expert opinion No. 3 of 23 January 2017	p.	104
20.	Expert opinion No. 6 of 23 January 2017	p.	110
21.	Expert opinion No. 7 of 23 January 2017	p.	115
22.	Expert opinion No. 8 of 24 January 2017	p.	120
23.	Expert opinion No. 01/10-17 of 2 February 2017	p.	125
24.	Expert opinion No. 50 of 11 April 2017	p.	130
25.	Expert opinion No. 157 of 14 April 2017	p.	136

Any other comments

Do you have any other comments about your application?

69. Comments

Declaration and signature

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

70. Date

0	2	1	1	2	0	1	7
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

The applicant(s) or the applicant's representative(s) must sign in the box below.

71. Signature(s) ☐ Applicant(s) ☒ Representative(s) - tick as appropriate

Confirmation of correspondent

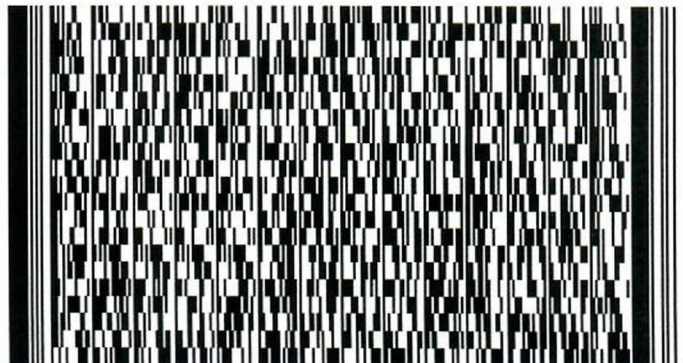
If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

72. Name and address of ☐ Applicant ☒ Representative - tick as appropriate

Bakhareva Daria
Human Rights Centre "Memorial"
Maly Karetny pereulok, 12
127051, Moscow
Russia

The completed application form should be signed and sent by post to:

The Registrar
European Court of Human Rights
Council of Europe
67075 STRASBOURG CEDEX
FRANCE



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