

REPUBLIC OF AUSTRIA
PUBLIC PROSECUTOR'S
OFFICE IN VIENNA

Landgerichtsstraße 11
Postbox 400
A-1082 Vienna

Phone: +43 (1) 40127
Fax +43 (1) 4027911

703 St 37/10s -

Hv

IMPR
ISON
MENT

Indictment

The Public Prosecutor's Office in Vienna accuses

1. Otto KALTENBRUNNER,

formerly known as Ramzan EDILOV,

born June 26 1968 in GROZNY, Russian Federation, Russian citizen (convention refugee), divorced, insurance broker, address [REDACTED] ST. PÖLTEN,

currently on remand in Vienna at the Landesgericht für Strafsachen due to this case

2. Suleyman Salmanovich DADAEV,

alias Muslim DADAEV,

born December 25 1973 in GROZNY, Russian Federation, Russian citizen (convention refugee), unmarried, unemployed, address [REDACTED] WILHELMSBURG,

- 2 -

currently on remand in Vienna at the Landesgericht für Strafsachen due to this case

3. Turpal-Ali YESHURKAEV,

born December 30 1978 in

BELORECHYE, Russian Federation,
Russian citizen (convention refugee),
unmarried, unemployed, no address
in Austria,
currently on remand in Vienna at the
Landesgericht für Strafsachen due to
this case

of having committed the following offences:

I.

Between the beginning of November 2008 and January 1st 2009 the men named below willingly and intentionally ran a criminal organisation together with Letscha BOGATIROV, whose offences are being dealt with in a separate trial. Their organisation was expected to continue for a long period of time and consisted of more than two people. Its goal was to attack Umar ISRAILOV, thereby threatening his life and freedom. He was to be kidnapped and taken out of Austria, where he was to be handed over to the authorities of the Russian republic of Chechnya. If the plan could not be carried out, murder was seen as an alternative. These acts constitute the offence of abducting and deporting a person to a foreign power according to § 103 Austrian StGB and, in the case of murder, § 75 Austrian StGB. The following men ran the organisation and took part in the named offences:

- 3 -

A. Otto KALTENBRUNNER In charge of the operation, prepared and coordinated the operation logistically, maintained contact with the Chechen leadership.

Furthermore at some point before 15.12.2008 he ordered Suleyman Salmanovich DADAEV to observe Umar ISRAILOV and find out information about his daily routines.

Numerous meetings and phone calls with Suleyman Salmanovich DADAEV and Letscha BOGATIROV in ST. PÖLTEN and other places between 5.1.2009 and 12.1.2009 were made to help plan and organise the offence. On numerous occasions between 6.1.2009 and 13.1.2009 KALTENBRUNNER let DADAEV and BOGATIROV stay in his flat in ST. PÖLTEN. The last time they stayed there was the night of the 12th to the 13th January 2009.

It was also KALTENBRUNNER who in ST. PÖLTEN on 7.1.2009 told Schamchan MAZHIDOV (against whom investigations have been closed) to buy two prepaid phone cards (BOB SIM Package). He gave one of these to Letscha BOGATIROV, and kept the other for himself. This was to enable phone calls between the group of offenders to be made anonymously and hard to track. These prepaid cards were used to make numerous phone calls to help plan and prepare the offence.

After a phone call on 13.1.2009 informed him of ISRAILOV's death he drove using Letscha BOGATIROV's five series BMW, number plate [REDACTED], from ST. PÖLTEN to SOLLENAU. Here he picked up Suleyman Salmanovich DADAEV and Letscha BOGATIROV and so helped them escape.

He then made a rough agreement with the aforementioned individuals on a statement, before seeing no other possibility than to turn himself over to the police.

B. Suleyman Salmanovich DADAEV

Took part in the planning and preparation of the offence in numerous meetings held in ST. PÖLTEN and other places, and via phone calls with Otto KALTENBRUNNER and Letscha BOGATIROV. He was in charge of spying on Umar ISRAILOV at the place where he lived. One of his tasks was then to provide direct assistance to the offenders.

- 4 -

It is clear that at least on December 15th, 19th, 22nd, 25th, 26th, 27th and 31st, 2008, and January 2nd, 3rd, 4th, 5th, 10th, 11th, and 12th, 2009 he was near Umar ISRAILOV's home in [REDACTED] VIENNA. He spent this time gathering the necessary information about ISRAILOV's daily routines to plan the offence.

Furthermore in the night from the 12th to the 13th January 2009 he met Kosum YESHURKAEV's brother Turpal Ali YESHURKAEV in Kosum YESHURKAEV's garage in SOLLENAU and recruited him for the offence. On 13.1.2009, after Umar ISRAILOV's murder, he called Turpal Ali YESHURKAEV on the phone to organise a pick up point for him and BOGATIROV. He then picked them up with his car and drove them to the car park in 1220 VIENNA, on the corner of Erzherzog-Karl-Straße and Donaustadt-Straße from where they continued their escape together.

II.

On 13.1.2009 the following men together with Letscha BOGATIROV, whose case is being dealt with separately, consciously and willingly tried to hand over Umar ISRAILOV - who lived in VIENNA at the time - against his will, to the authorities of the Russian republic of Chechnya, that is, to a foreign power. This original plan had to be dropped due to unexpected resistance on the part of the victim. Instead, ISRAILOV

- 5 -

was murdered, an option that had been considered during the planning of the offence. The following men took part:

A. Suleyman Salmanovich DADAEV He repeatedly called Turpal Ali YESHURKAEV in the morning to tell him to drive to VIENNA in his car.

He parked his car in Siegfriedgasse 9-11 in 1210 VIENNA at six thirty in the morning and stayed watching Umar ISRAILOV's home, the plan being that Letscha BOGATIROV and Turpal Ali YESHURKAEV would get hold of Umar ISRAILOV and that he would then drive off with them. In the case that something went wrong with the plan and ISRAILOV had to be killed, he would also be ready to help BOGATIROV and YESHURKAEV escape. At 11:53:12 he called Turpal Ali YESHURKAEV to tell him that ISRAILOV was leaving his house. Close by, YESHURKAEV and Letscha BOGATIROV were waiting to kidnap Umar ISRAILOV. DADAEV then immediately moved his car nearer to BOGATIROV and Turpal Ali YESHURKAEV. He then prepared himself to drive off as soon as they got into his car, and to transport ISRAILOV if he was with them.

B. Turpal Ali YESHURKAEV After being told to do so by DADAEV and BOGATIROV he positioned his car in Leopoldauer Straße 33 in 1210 Vienna near Umar ISRAILOV's home. This was to ensure that after ISRAILOV had been overpowered, he could be placed in the car.

He waited together with Letscha BOGATIROV close to Leopoldauer Straße Nr 26 where he had a handgun ready in order to overpower and kidnap Umar ISRAILOV, or, if this was not possible, kill him.

- 6 -

He and Letscha BOGATIROV then went to talk with ISRAILOV. ISRAILOV broke away and they followed him with their guns drawn and managed to stop him. ISRAILOV was able to escape for a second time but collapsed after being shot by BOGATIROV.

III.

On 13.1.2009, the following men assisted Letscha BOGATIROV, whose case is being dealt with separately, in the premeditated killing of Umar ISRAILOV, after they had failed in their original plan to kidnap him. It had already been agreed that if this should occur, ISRAILOV was to be killed. BOGATIROV then fired several shots at his victim who was attempting to escape. Some of these shots went right through the victim's left hip and abdominal cavity, another one entered his back, whereas another bullet remained stuck in the abdominal cavity. The last bullet entered his body to the left of the spine, passed through the thorax, cut through the diaphragm and injured the spleen and stomach. This caused fatal internal bleeding in the abdominal and thoracic cavities. The offence of murder was then committed by:

A. Suleyman Salmanovich DADAEV

due to his actions described in part I.A. and II.A.

B. Turpal Ali YESHURKAEV

due to his actions described in part II.B.

IV.

Otto KALTENBRUNNER in ST. PÖLTEN and in other places, because at some point between October 2008 and 13.1.2009 he gave Suleyman Salmanovich DADAEV and Letscha BOGATIROV the order to kidnap Umar ISRAILOV, take him from Austria, and hand him over to the authorities of the

- 7 -

Russian republic of Chechnya, or, should this fail, to murder him.

On 13.1.2010 (Translators note: 2009), he gave his aforementioned Volvo 944 GLE car, registered under his name, number plate [REDACTED] to enable them to commit the crime. Furthermore, during the morning he was in constant telephone contact with Letscha BOGATIROV and Suleyman Salmanovich DADAEV, both of whom were waiting near to Umar ISRAILOV's home, together with Turpal Ali YESHURKAEV, ready to watch over and coordinate the planned attack.

He also repeatedly turned down Kosum YESHURKAEV's requests to let his brother Turpal-Ali YESHURKAEV leave the scene of the offence, although YESHURKAEV phoned him a number of times and tried to convince him to do so. KALTENBRUNNER then called Letscha BOGATIROV a number of times telling him to make sure Turpal Ali YESHURKAEV and his car stayed where they were. Moreover he was ready to help the aforementioned escape after the offence.

In addition it was KALTENBRUNNER who decided that the offence should be committed by Suleyman Salmanovich DADAEV and Letscha BOGATIROV (case being dealt with separately). He helped commit the following offences:

- A. the offence described under II.B.
- B. the offence described under III.

- 8 -

This proves that

Otto KALTENBRUNNER

concerning I.A.

Committed the offence of establishing a criminal organisation according to § 278, Abs 1 Austrian StGB.

concerning IV.A.

Committed the offence of attempting to abduct and deport a citizen to a foreign power according to §§ 12 second case, 15, 103 Abs 1 Austrian StGB.

concerning IV.B.

Committed the offence of murder according to §§ 12, second case, 75 Austrian StGB.

Suleyman Salmanovich DADAEV

concerning I.B.

Committed the offence of establishing a criminal organisation according to § 278, Abs 1 Austrian StGB.
concerning II.A.

Committed the offence of attempting to abduct and deport a citizen to a foreign power according to §§ 15, 103 Abs 1 Austrian StGB.

concerning III.A.

Committed the offence of murder according to §§ 12, third case, 75 Austrian StGB.

Turpal Ali YESHURKAEV

concerning II.B.

Committed the offence of attempting to abduct and deport a citizen to a foreign power according to §§ 15, 103 Abs 1 Austrian StGB.

concerning III.B.

Committed the offence of murder according to §§ 12, third case, 75 Austrian StGB.

All of the following are to be punished pursuant to § 28 Abs 1 Austrian StGB, that is

- 9 -

Otto KALTENBRUNNER

in accordance with § 75 Austrian StGB.

Suleyman Salmanovich DADAEV

Taking into account the decision by *Landesgericht St. Pölten* from 7.1.2010, case number 13 Hv 89/09i in accordance with §§ 31 Abs 1, 40 Austrian StGB, in accordance with § 75 Austrian StGB.

Turpal Ali YESHURKAEV

Taking into account the decision by *Bezirksgericht Favoriten* from 4.2.2010, case number 32 Hv 172/06g, in accordance with §§ 31 Abs 1, 40 Austrian StGB, in accordance with § 75 Austrian StGB.

- 10 -

The public prosecutor in Vienna requests:

1.) Principal proceedings be held at Vienna *Landesgericht für Strafsachen* in the form of a jury trial.

2.) In accordance with § 173 Abs 6 StPO the accused, who are to remain on remand, should be present at the principal proceedings.

3.) The following witnesses are to be summoned

In conjunction with the planning and preparation of the offence and the actions of the accused after the offence:

R [REDACTED]
M [REDACTED]
S [REDACTED]
M [REDACTED]
P [REDACTED]

M [REDACTED]
M [REDACTED]
G [REDACTED]
S [REDACTED]
A [REDACTED]

I [REDACTED]
K [REDACTED]

In conjunction with the crime scene:

Claudia [REDACTED]
Renata [REDACTED]
Joanna [REDACTED]
Hermine [REDACTED]
Walter [REDACTED]
Monika [REDACTED]
Elfriede [REDACTED]

- 11 -

Franz [REDACTED]
Elisabeth [REDACTED]
Zsolt [REDACTED]
Thomas [REDACTED]
Andreas [REDACTED]
Johann [REDACTED]
Oliver [REDACTED]
Gerhard [REDACTED]

Investigating officers:

Wolfgang [REDACTED]
Robert [REDACTED]
p.A. LVT Vienna;
CI [REDACTED]
p.A. LKA Vienna, Crime scene team 4;
KI Gerald [REDACTED]
Insp [REDACTED]
Insp [REDACTED]
p.A. PI Donaufelder Straße;
BI Johannes [REDACTED]
p.A. PI ST. PÖLTEN/Government quarter;

4.) That those involved privately and their representatives are summoned;

5.) That sworn Chechen and Russian court interpreters are provided;

6.) That the relevant experts are summoned
Assistant Professor Nikolaus [REDACTED],
Dr. Christa [REDACTED];

7.) That the offence is reconstructed and demonstrated.

8.) in accordance with § 252 Abs 2 StPO:

- 12 -

That the documents and reports from the police investigation,, the extracts from the record of convictions, expert's reports as well as the files on previous convictions are read to the court.

- 13 -

Explanatory statement

In the course of the events leading up to the collapse of the Soviet Union (USSR) the then Chechen president, Dschochar DUDAJEW, unilaterally declared the sovereignty of the until then autonomous Soviet republic of Chechnya. Neither the Soviet Union nor its successor the Russian Federation recognised this declaration. Between December 1994 and August 1996, during the first Chechen war, Russia tried to bring the breakaway republic militarily back under its control. This proved difficult, because the Chechen fighters had retreated into the mountains from where they led a guerrilla war. Finally, in August 1996, the Chechens managed to retake GROZNY. Russia then signed a peace treaty with Chechnya, a treaty which left the issue of Chechnya's sovereignty untouched. The Russian troops withdrew and Chechnya was de facto left to govern itself. Aslan MASCHADOW, initially considered moderate, became president in 1997. But he was unable to withstand the growing pressure from extremist Islamist groups (Wahabists). From inside Chechnya they also attacked the bordering Russian republic of Dagestan. It was these terrorist attacks on Russian soil, combined with the heavy fighting that accompanied the incursion of Wahabist troops led by Schamil BASSAJEW into Dagestan, which triggered the second Chechen war. It began on 1.10.1999. Unlike the first Chechen war Russia only needed a matter of months to successfully bring large parts of Chechnya militarily under its control. The Chechen government around MASCHADOW together with the Islamist groups retreated into the inaccessible mountains in the south of the country and again began applying guerrilla warfare tactics. They directed their attacks against Russian troops,

but a number of spectacular attacks were also led against civilian targets.

Russia responded to the Chechen guerrilla with a broad "antiterror campaign". In its course several leading figures of the Chechen resistance were killed, among them Aslan MASCHADOW, who was killed in March 2005.

The Chechen presidential elections in October 2003 took place under Russian control. The elections were overshadowed by accusations of manipulation and were won by the pro-Russian candidate Achmad KADYROW, who was later assassinated in May 2004.

His son Ramzan Achmatowitsch KADYROW, who was born in 1976 first became well known as a commander of the armed group called "Kadyrowzy". This group has been repeatedly accused of committing crimes against civilians. In March 2006 Ramzan KADYROW became Chechnya's prime minister and in March 2007, after his thirtieth birthday he was appointed president. Since then Ramzan KADYROW has promoted the reconstruction of Chechnya. Massive Russian financial aid is financing this effort and he now officially encourages the return of the Chechen diaspora which fled to many parts of the world due to the conflicts. Nonetheless he is suspected of having ordered the assassination of several exiled Chechen leaders. In the last couple of years the situation in Chechnya has stabilised; the number of terrorist attacks and incidents of armed fighting have declined. Despite this a number of rival rebel groups with sometimes quite differing ideologies and aims continue to exist. Currently the most well known of these is the group of Wahabi Islamist fighters led by Doku Umarow.

He has claimed responsibility for the terrorist attacks on the Moscow underground on 29.3.2010 and is a former companion of Aslan MASCHADOW.

Otto KALTENBRUNNER, the first of the accused, was born on June 26 1968 in the Chechen capital of GROZNY. He was born as Ramzan EDILOV, but changed his name on 31.1.2006. Among Chechens he is known as Shurik.

KALTENBRUNNER is a Russian national. On 6.5.2005 he illegally entered Austria seeking political asylum, which he was granted on 29.12.2005.

While married to M [REDACTED] had three children, two of whom are still minors. He is now divorced. Recently he worked as a self-employed insurance broker and second-hand car dealer, and according to his own estimates, he earned a monthly net income of around [REDACTED]. He has no criminal record.

It is believed that between 1998 and 1999 KALTENBRUNNER was employed as the director of finances of President MASCHADOW's presidential guards.

During his asylum application he stated that between 2000 and 2004 was repeatedly arrested and tortured by Russia's domestic secret service (FSB). He stated that the FSB had hoped he would be able to lead them to MASCHADOW. He also stated that after he had been severely abused and seen his brother murdered, he decided to flee Chechnya with his family. Nevertheless KALTENBRUNNER was soon known among Chechens as a follower of the Chechen president Ramzan KADYROW, and the diaspora believed

- 16 -

he had been ordered to collect information on Chechens living in Austria.

His activities demonstrate that he at least indirectly supported KADYROW's regime. In summer 2008 he founded the *Tschetschenischer Kulturverein* (Chechen cultural association). Ostensibly the association was set up to organise cultural events and meetings for members of the Chechen diaspora. Nonetheless, in spite of his diametrically opposed political views, individuals such as Suleyman Salmanovich DADAEV were able to become members of the association's organising committee.

In reality it seems KALTENBRUNNER only started the association, because he hoped it would help him collect information on Chechens living in and around ST. PÖLTEN, information which he would then pass on to the Chechen government. Demonstrative of this is the way in which he tried to make other Chechens join his association. So for example he called R. [REDACTED] 21 times between 2.10.2008 and 31.10.2008, with the aim of winning him over for his association - [REDACTED] never called back during this time. Between 26.11.2008 and 9.12.2008 several more calls were made between the two - [REDACTED] only made one of these calls. Yet when he did so it was only to call KALTENBRUNNER back moments after the two had spoken with each another - more than likely the line had been cut during their previous conversation. This suggests that it was extremely important for KALTENBRUNNER to win [REDACTED]'s support.

Photographs found on KALTENBRUNNER's mobile phone prove that not only does he know KADYROW, but that they are actually friends. The photographs show him in a warm embrace with KADYROW clearly in a private setting. **Suleyman Salmanovich DADAEV** is the second of the accused and was born on 25.12.1973 in GROZNY. When dealing with the Austrian authorities

- 17 -

his record shows he has until now, used the alias Muslim DADAEV, claiming his date of birth to be 25.12.1980. Among Chechens he uses the nicknames *Surcho* and *Bumerang*. DADAEV is not married but lived with his girlfriend Sazita [REDACTED] in [REDACTED] WILHELMSBURG. They have two children, both of whom are minors. He received approximately [REDACTED] in monthly state benefits and has no other income or assets.

DADAEV was convicted twice under his alias. He was convicted on 6.11.2005 by the *Landesgericht* in Wiener Neustadt; the decision became legally binding on 13.3.2006. He was sentenced to a four month conditional suspended prison sentence for threatening behaviour in accordance with § 107 Abs 1 Austrian StGB (case number 38 Hv 98/05h). On 7.1.2010 he was sentenced by the *Landesgericht* in St. Pölten to a 10 month conditional suspended sentence in accordance with § 288 Abs 1, Abs 4 Austrian StGB (case number 13 Hv 89/09i) for making a false statement. §§ 31 Abs 1, 40 Austrian StGB stipulates that this sentence be taken into account in this case. Because of its relevance the details of that case will be discussed later. As to his biography, DADAEV stated that he studied at GROZNY's petroleum university after which he attended WOLGOGRAD's military college. He stated that after the first Chechen war he began working for Chechnya's police or secret service. In 1998 he was invited by Dokku UMAROV to take part in a Taliban training camp in PESCHAWAR in Pakistan. There he said he learnt "how to kill without being killed". He also learnt to drive military vehicles and fly a helicopter. He claims he had no contact with Al-Qaeda. He received intelligence training from former KGB agents.

- 18 -

He alleged that after the second Chechen war he worked for MASHADOW and UMAROV in a special unit belonging to the Republic of Chechnya's highest court of Sharia law. In 2003, as the best man of his unit, he was sent on a special mission to Western Europe: 25 million US Dollars had been transferred from Saudi Arabia to help the fighters in Chechnya, but only 15 million had ever arrived and he was to find out what had happened to the money. His investigations brought him to the Czech Republic, where he was detained for six months waiting to be deported. Finally he travelled to NICE (France), where he had located the intermediary. They agreed that if the intermediary were to hand over the money, nothing would happen to him. To ensure this could happen DADAEV said he even killed a member of a command group sent by Dokku UMAROV to torture and kill the intermediary in Nice. After DADAEV had completed his mission he said he had wanted to return home, but UMAROV told him to stay on in Europe. This led him to apply for political asylum in Austria using the fake identity Muslim DADAEV. Over time he managed to bring his brothers, girlfriend

and children to Austria. Much of his account is probably false, although it seems safe to say that he did receive some kind of military or secret service training. DADAEV is classed as a strict follower of Dokku UMAROV's fighters and a declared opponent of KADYROW.

The third of the accused, **Turpal-Ali YESHURKAEV** (also: JESCHURKAYEV or YESHURKAEW) was born on 30.12.1978 in BEORECHYE, GUDERMES in the Russian republic of Chechnya. He is unmarried, has no children or family members to care for, is unemployed and has neither income nor assets. Kosum YESHURKAEV, alias JESCHURKAEW, is his older brother. The part his brother played will be discussed later. On 1.2.2009 or 2.2.2009 Turpal Ali YESHURKAEV left Austria

- 19 -

for Chechnya and therefore no longer has an address in Austria. He was tried *in absentia* on 12.2.2009 under 32 U 172/06g by the *Bezirksgericht* in Favoriten and sentenced on drug charges in accordance with § 27 Abs 1 Z 1 first and second case, Abs 2 SMG, for burglary and attempted burglary in accordance with §§ 127, 15 Austrian StGB and for an offence under § 50 Abs 1 Waffenges. He was fined an equivalent of 80 days imprisonment rated at €2 per day. Alternatively, or in the event that he refused to pay, he was to be sentenced to 40 days imprisonment. This sentence is also related to the current case, and in accordance with §§ 31 Abs 1, 40 Austrian StGB, it should also be taken into account.

Very little of YESHURKAEV's biography is known, especially concerning his political or military past. Although it is clear that he regularly used drugs during his time in Austria.

Letscha BOGATIROV, whose case is being dealt with separately, was born on 14.3.1975 in ATSCHKOI, Chechnya. Little is known about his life. In his asylum application he stated that he had actively taken part in the first Chechen war. During the second war, he had "helped whoever had needed help". According to unconfirmed information he was viewed by Chechen politicians as their "man for the dirty work". Apparently he was involved in all kinds of acts of violence including contract killings.

On 6.6.2005, BOGATIROV came to Austria and applied for political asylum. A court ruling rejected his appeal for asylum and he was to be deported. He then appealed against this decision at the *Verwaltungsgerichtshof*. During his time in Austria, BOGATIROV stayed in the region close to STEYR where he lived with his family. He fled

- 20 -

from Austria on 17.1.2009 and has been in Chechnya ever since.

Schamchan MAZHIDOW, whose case has been closed, was born on 1.9.1974 in GERMENCHUK in Chechnya. He has been in Austria since 2004 and has convention refugee status. MAZHIDOW was always close to KALTENBRUNNER and his inner circle, and KALTENBRUNNER used him as an "errand boy" for various jobs. It is possible, although doubtful, that MAZHIDOW was not directly involved in the planning and preparation of the murder. Instead he may have only done what he had been instructed to do by KALTENBRUNNER, without having knowledge of the reasons behind his orders.

Kosum YESHURKAEV (also known as JESCHURKAEV OR JESCHURKAYEV), whose case is being dealt with separately, was born on 5.3.1972 in GUDERMES, Chechnya. He arrived in Austria in December 2003 and applied for political asylum. This was granted in the second instance on 19.11.2007. YESHURKAEV operated a car dealership in SOLLENAU near Wiener Neustadt with a car park and a workshop for repairs. During the course of the investigation it was soon suspected that he had played some role in the offence. In the days leading up to the offence numerous phone calls had been made between him and Otto KALTENBRUNNER, and the two also often met each other during this time. His car park was used by the offenders as a meeting point, as described below.

Kosum YESHURKAEV had previously worked as an informer for the LVT Vienna. He had provided information on Shakya TURLAEV's visit to KALTENBRUNNER in October 2008. On 23.1.2009, after saying that he was going to Belgium, he left for Chechnya and Azerbaijan. During his time on the run he repeatedly contacted the officers investigating this case and finally returned

- 21 -

to Austria on 16.11.2009, to await his trial. Although it seems likely that at the very least he took part in the planning stages of the murder, there is not enough evidence to bring charges against him.

Umar ISRAILOV, the victim, was born on 19.11.1981 in MESKER-JURT in Chechnya. He was married to Maliza BAGIEVA in a Muslim marriage and leaves behind three children, all of whom are minors. He and his family lived in [REDACTED] Vienna and he worked in a warehouse.

It is believed ISRAILOV joined the Chechen separatist fighters in 2001. In April 2003 he was arrested and detained by pro-Russian Chechen security forces acting under Ramzan KADYROV's orders. During his detainment he was tortured, sometimes by KADYROV himself. It seems then that ISRAILOV was coerced into working for KADYROV as a bodyguard for several months. He has been accused of committing acts of violence during this time, and of ordering others to do so.

In November 2004 ISRAILOV allegedly decided to stop working for KADYROV. He left Chechnya and fled to Poland with his

wife. On 7.9.2005 he reached Austria via Slovakia, and was granted asylum in the summer of 2007.

In 2006 Umar ISRAILOV and his father filed claims before the European Court for Human Rights (ECHR) against the Russian Federation for human rights violations in Chechnya. The proceedings were discontinued after the plaintiffs failed to meet the deadline specified by the court.

- 22 -

ISRAILOV had enemies both among KADYROW's followers and opponents. This was because he had switched sides several times, and due to the acts of violence he is alleged to have committed.

On 31.5.2008 ISRAILOV was contacted in VIENNA by the Russian citizen **Artur KURMAKAEV**, formerly known as DENISULTANOV, nicknamed Arbi, via his acquaintance T [REDACTED]. KURMAKAEV claimed to be a businessman from ST. PETERSBURG and directly accused ISRAILOV of embezzling 300.000 US Dollars. He also claimed that ISRAILOV still had this money. Later he revealed the real reason for his presence, explaining to ISRAILOV that he knew of his "problems" with Ramzan KADYROW and that he could help him solve them. The only thing ISRAILOV had to do was withdraw the accusations made before the European Court of Human Rights.

In June 2008 the two met several times within a couple of days. KURMAKAEV tried to convince ISRAILOV to travel with him to the Czech Republic.

On 8.6.2008, ISRAILOV agreed to meet KURMAKAEV on Danube Island in Vienna. He went there with his two acquaintances Anzor and Beslan. He told KURMAKAEV not to contact him again and even threatened him with a pistol to stress his demands. KURMAKAEV answered by telling him that KADYROW had sent him to reach an agreement concerning the claims ISRAILOV had filed before the ECHR. He claimed that ISRAILOV would be given money and work if the charges were withdrawn. KURMAKAEV told him that KADYROW had informed KURMAKAEV that he did not want ISRAILOV's family in Chechnya to "run into trouble". Finally KURMAKAEV warned ISRAILOV that there were two people in Slovakia

- 23 -

"yearning to kill" ISRAILOV and that he should consider all the options before making a decision.

The other individuals present took photographs that show KURMAKAEV and ISRAILOV talking to each other. The whole conversation between ISRAILOV and KURMAKAEV was recorded. On 10.6.2008 KURMAKAEV contacted the Austrian police. He informed the LVT Vienna that he was working for the Chechen

president Ramzan KADYROW. He said he was working for a "new department" in charge of repatriating Chechens living abroad. He said KADYROW had ordered him to find Umar ISRAILOV and to return him. ISRAILOV, he had been told, had stolen money, killed two Russian secret service agents (FSB) and four members of Chechnya's presidential guard, and had sold weapons he had been entrusted with. KURMAKAEV then stated that he had travelled illegally to Austria and got hold of ISRAILOV's phone number from the Chechen diaspora. After meeting ISRAILOV several times, KURMAKAEV claimed he had convinced ISRAILOV to return to Chechnya. KURMAKAEV said two members of Chechnya's presidential guard had accompanied him. If necessary it would have been their job to kidnap ISRAILOV and return him to Chechnya, but KURMAKAEV claimed he had not needed their services and had sent them back to Chechnya. On 9.6.2008 KADYROW allegedly called him and told him that "the situation had changed" and that it was no longer necessary to return ISRAILOV to Chechnya. He also told KURMAKAEV that he was now free to decide what he wanted to do. He claims he was unable to decide and so contacted the Austrian authorities for help. On 19.6.2009 KURMAKAEV was arrested on immigration charges and on 20.6.2008, according to his own wishes,

- 24 -

was put on board a flight to MOSCOW. His current location is unknown.

On 05.08.2008 **Suleyman Salmanovich DADAEV**, using his alias Muslim DADAEV made a statement at Wilhelmsburg police station. He alleged that on 04.08.2008 he had been contacted in WILHELMSBURG by a Russian citizen using the nickname Arbi, and two other individuals, who were also clearly Russian. He said he had been told to work for the Russian secret service, either in Austria or in Chechnya, if he did not do so Arbi had threatened to kill him or his family. He also said that Arbi had threatened him with a knife. DADAEV said he had managed to grab the knife and stab Arbi in the left forearm. One of Arbi's companions had then attacked him, but DADAEV stabbed him in the breast, severely injuring him. DADAEV said he then fled, and had seen his attackers drive off in a car.

There are several inconsistencies in his account. So for example no blood was found at the location where the attack supposedly took place. DADAEV explained this by claiming his attackers were members of the Russian secret service, and so would obviously have been able to clean up traces of blood using sulphuric acid.

Further investigations demonstrated a connection between the incident described above, and KURMAKAEV and ISRAILOV. On 09.08.2008 DADAEV gave the Lower Austrian LVT a memory card

claiming there were pictures of Arbi on it. Before the images on the card were inspected, he was shown a number of other photos.

- 25 -

Among these was a picture of KURMAKAEV taken during questioning. DADAEV said he recognised the man but denied that he had been attacked by him. When the photographs on the memory card were inspected it became clear that they had been taken on the Danube island, on 08.06.2008, during KURMAKAEV's meeting with ISRAILOV. It could not be determined how DADAEV had managed to get hold of these photographs, nor is it clear why he made up this incident. While it raised suspicion against KURMAKAEV, DADAEV also denied that KURMAKAEV had attacked him. It was this accusation which led to his sentencing by *Landesgericht St. Pölten* for false testimony.

By this time the police already suspected DADAEV had made up the incident in order to present himself as the victim. He was later to use this event to justify the violent acts he went on to commit.

His responsibility for the crimes dealt with in this case, in which Artur KURMAKAEV plays a central role, must also be seen in this light.

On 22.10.2008 a Chechen "delegation" consisting of **Shaa (also: Shakya) TURLAEV** and Umar SUGAIPOV arrived in Austria. TURLAEV used to be a resistance fighter. Since then it seems he has become one of Ramzan KADYROW's closest confidants. Among Chechens he is revered as a war hero, mostly due to him

- 26 -

loosing a leg in the war. SUGAIPOV also worked as an advisor to Ramzan KADYROW, in spite of having been granted political asylum in the UK.

The two men were received at Vienna's Schwechat airport by Otto KALTENBRUNNER, Schamchan MAZHIDOW and Letscha BOGATIROV among others. This was the first time Letscha BOGATIROV could be connected to the circle around KALTENBRUNNER. KALTENBRUNNER had organised a reception committee consisting of several people, and brought three cars. TURLAEV then stayed at KALTENBRUNNER's home in ST. PÖLTEN. The fact that TURLAEV stayed with KALTENBRUNNER was seen by the Chechen community as a clear signal of KALTENBRUNNER's importance and demonstrative of his loyalty to Ramzan KADYROW.

On 25.09.2008 KALTENBRUNNER, MAZHIDOW and TURLAEV took the train to PARIS. The reason for this trip was to contact

leading Chechen figures living there. MAZHIDOW had already returned home on 26.10.2009 due to familial reasons. TURLAEV and KALTENBRUNNER then travelled on to STRASBOURG, another "stronghold" of the Chechen diaspora, from where they then also returned home.

Officially TURLAEV came to Austria to have a prosthetic leg manufactured. Nonetheless there are several reasons to believe TURLAEV was actually sent by KADYROW to promote Chechen repatriation. The plan was to make members of the Chechen diaspora return home - if necessary by force. The large number of visits he received from Chechens living in Austria during the time he stayed with KALTENBRUNNER underline this fact.

- 27 -

It seems likely that a further reason why TURLAEV visited KALTENBRUNNER was the failure of Artur KURMAKAEV's mission: meaning it was KALTENBRUNNER who was now responsible for ISRAILOV's "return" to Chechnya.

The idea was to hand over Umar ISRAILOV to the authorities of the Russian republic of Chechnya. After KURMAKAEV had failed to convince ISRAILOV to return (more or less without resorting to violence) it was seen as necessary to take him - if necessary by force - over land to the Russian Federation, via the Czech Republic and Poland. From the outset it was clear that this was a risky plan. Due to KURMAKAEV's contact with ISRAILOV it was known that ISRAILOV possessed a gun and that he would probably put up considerable resistance against his own kidnapping. This led them to decide that if the primary plan of kidnapping ISRAILOV were to fail, ISRAILOV would have to be killed.

It has not been possible to determine whether Schakya Turlaev was the driving force behind the offence or whether he only acted as KADYROW's emissary and passed on orders. Be that as it may, he is one of KADYROW's closest political companions and belongs to the leadership of the Russian republic of Chechnya. It can therefore be assumed that he ordered the offence on behalf of the Chechen Republic.

KALTENBRUNNER knew that he would need accomplices to commit the offence so he chose a number of individuals from his closest circle, including - at the very least - Letscha BOGATIROV, and Suleyman Salmanovich DADAEV: KALTENBRUNNER considered DADAEV

- 28 -

a close confidant, who for some reason was indebted to him, whereas BOGATIROV seemed a suitable choice because of his political views, and his past. As described above KALTENBRUNNER had already relied on the services of Schamchan

MAZHIDOW, but he was considered to be too "soft" and not willing enough to use violence.

This led KALTENBRUNNER, DADAEV and BOGATIROV to form a criminal organisation with the aim of planning, preparing and committing the offence described above. Their group was characterised by a high degree of organisation, intensive collaboration, and was designed to enable specific tasks to be distributed between the various parties: Otto KALTENBRUNNER bore the main responsibility for planning and orchestrating the offence, as well as the contact to political leaders in Chechnya, whereas DADAEV and BOGATIROV were responsible for directly carrying out the offence.

It is likely that the planning began directly after TURLAEV's visit.

In November 2008 Otto KALTENBRUNNER travelled to Eastern Europe for the very first time. This was only a few days after Shaa TURLAEV's departure. Towards the end of November, he returned to Austria, but was outside of the country again between 9.12.2008 and 4.1.2009.

His second trip could be traced with the help of the call data record from his mobile phone. He passed through Poland, where he was logged on the 10.12.2008, and went on to Belarus and was there between 11.12.2008 and 12.12.2008. No further data is available until the 3.1.2009, when his mobile phone was logged in Poland. This leads to the conclusion that KALTENBRUNNER

- 29 -

did not stay in Belarus all the time, but went on to Russia and specifically to Chechnya. No roaming agreements exist for these areas.

It is clear that at least one of the two trips led him to Chechnya, and that KALTENBRUNNER met the Chechen president Ramzan KADYROW there. Two image files were found on KALTENBRUNNER's mobile phone showing him and KADYROW in a friendly and warm embrace. It is probable that the pictures were taken in one of KADYROW's residences. Both KALTENBRUNNER and KADYROW are dressed casually, and a cleaning lady can be seen in the background. She obviously has no relation to the two men. One picture which was clearly made at the same time is time-stamped as being taken on the 21.11.2008 at 22:15:02, the other one was taken on the 24.12.2008 at 12:07:22. Both sets of data correspond with the journeys made by KALTENBRUNNER. The photos were most likely made on the 21.11.2008. The later date could be the result of subsequent editing, leading to the conclusion that KALTENBRUNNER in fact had actually been in Chechnya at least during his first trip.

The photos demonstrate that KALTENBRUNNER is personally and intimately acquainted with and probably a close friend of KADYROW. If this were not the case he would not have been permitted to meet him in such private circumstances.

It is certain that planning of the offence began on the 15.12.2008. It was this day, shortly after KALTENBRUNNER had gone abroad again, that Suleyman DADAEV began the regular and systematic

- 30 -

surveillance of Umar ISRAILOV's home address in [REDACTED] VIENNA. His mobile phone's call data record demonstrates that he was in the direct vicinity of ISRAILOV's home at least on the following dates and times: 15.12.2008 from 16:42 to 17:54; 19.12.2008 at 15:06; 22.12.2008 from 19:13 to 21:12; 25.12.2008 from 15:14 to 20:28; 26.12.2008 at 18:39; 27.12.2008 from 18:53 to 19:25; 31.12.2008 from 20:09 to 22:59; 2.1.2009 from 18:41 to 18:50; 3.1.2009 from 17:40 to 19:04; 4.1.2009 from 17:18 to 18:26; 5.1.2009 from 11:24 to 20:50; 10.1.2009 from 10:20 to 10:25; 11.1.2009 from 14:23 to 19:53; and 12.1.2009 from 18:58 to 19:53. This surveillance was supposed to provide concrete data about ISRAILOV's daily habits and routines in order to plan the offence accordingly. The surveillance did not go unnoticed by Umar ISRAILOV, and he informed his refugee support officer FRANK, that he was being observed by a certain *Surcho*, the name by which DADAEV is known among Chechens. This information was also passed on to the LVT Vienna by [REDACTED].

After KALTENBRUNNER's return to Austria on 4.1.2009 a number of activities were set in motion which marked the start of the direct planning stage of the offence.

In fact even on the day before, b on the 3.1.2009 KALTENBRUNNER had already called Kosum YESHURKAEV during his journey through Poland. On the next day, the two tried to contact each other again numerous times, and spoke at least once.

- 31 -

Although Suleyman Salmanovich DADAEV had not tried to call KALTENBRUNNER at all during his second stay abroad, he called him on 4.1.2009 at 19:19. This was only 20 minutes after crossing the Austrian border. This can only mean that he had detailed knowledge of KALTENBRUNNER's travel itinerary. That same evening he visited KALTENBRUNNER at his home address, probably in order to inform him of the results of the surveillance measures.

On 5.1.2009, KALTENBRUNNER and BOGATIROV met for the first time since his return. At 17:17 BOGATIROV phoned

KALTENBRUNNER, presumably to inform him that he was about to arrive - as he was also logged close to KALTENBRUNNER's home address in ST. PÖLTEN. He then stayed there until at least 19:30, after which he began his journey home travelling towards Steyr. At around 09:00 the next day he then left again, and travelled towards St. Pölten.

On the same day (5.1.2009), after KALTENBRUNNER had asked him to do so, Schamchan MAZHIDOW picked up KALTENBRUNNER's Volvo 944 GLE at Kosum YESHURKAEV's garage in SOLLENAU. KALTENBRUNNER had brought it in for repairs in the time between his two stays abroad.

On 6.1.2009 KALTENBRUNNER was with Schamchan MAZHIDOW in SOLLENAU where he met Kosum YESHURKAEV, both men's phones were logged by the same mobile phone mast at that time. BOGATIROV Letscha was probably also present at this meeting as he was logged on the route between St. Pölten and Sollenau at the same time as KALTENBRUNNER. Later he was logged in St. Pölten again at almost the same time as KALTENBRUNNER, and close to his flat. BOGATIROV

- 32 -

probably stayed there over night on 7.1.2009 as well.

On 6.1.2009 Suleyman Salmanovich DADAEV and Alchazur MAZAJEV travelled to BRATISLAVA. According to his own account, he had tried unsuccessfully to purchase a weapon. It is not clear whether MAZAJEV knew about his plan, but without evidence to suggest otherwise, it must be assumed that he did not. After his companion had left him in HINTERBRÜHL, he continued on to ST. PÖLTEN to meet KALTENBRUNNER, with whom he had spoken during his visit to Slovakia. It should be assumed that KALTENBRUNNER knew about the purpose of the journey and that DADAEV had informed him about it afterwards.

On 7.1.2009, KALTENBRUNNER twice withdrew €500 from his bank account with the Volksbank Niederösterreich Mitte, account no. [REDACTED]. This was the first withdrawal made from this account since the beginning of December 2008. It then seems likely that this money represents the "operational budget".

That same day KALTENBRUNNER asked Schamchan MAZHIDOW to buy two anonymous prepaid mobile phone cards. Specifically, he asked him to buy two "starter packages" costing 40€ which came with 20€ credit. He gave him 100€ in cash in order to do so, and told him that he would need the two cards for his children.

As usual MAZHIDOW carried out the task without asking too many questions and bought two prepaid "BOB SIM Package" cards that afternoon. The two cards he received were ascribed the following consecutive phone numbers -

██████████04 and ██████████05. He gave KALTENBRUNNER the cards directly afterwards.

Because of the central importance of these prepaid cards to the whole case, from now on the phone number ██████████05 will be referred to as "BOB1", and the phone number ██████████04 as "BOB2". These cards are also referenced as such in the case files.

On the same evening KALTENBRUNNER gave the prepaid card "BOB2" to Letscha BOGATIROV who once again stayed with him in ST. PÖLTEN, this time until around 19:45. He then returned to STEYR. The prepaid card was activated on Jusup ██████████'s mobile phone on 7.1.2008 at 22:23. KHALADOV is one of BOGATIROV's acquaintances. Afterwards BOGATIROV used it in his mobile phone (IMEI number ██████████) instead of his old SIM card with the phone number of 0676██████████6.

By this time KALTENBRUNNER had already activated "BOB1". He used it at 19:51 for the first time, clearly in order to summon Suleyman DADAEV to his place. DADAEV then left for ST. PÖLTEN, where he stayed until around midnight.

Alongside BOB1, KALTENBRUNNER also continued to use a mobile phone registered to the D.A.S. legal expenses insurance company, where he had worked until 25.07.2008 as an insurance salesman. The phone's number is 0676██████████3 (VPN, identical to phone number 0676██████████2).

It is assumed that BOB1 and BOB2 were bought with the aim of concealing the communication between Otto KALTENBRUNNER, as head of the group of offenders, and Letscha BOGATIROV as

the main figure responsible for carrying out the offence. This leads to the conclusion that by this point, the offence had already at least been partially planned. This was probably due to the knowledge gained by the surveillance carried out by DADAEV.

In this context it appears astonishing that DADAEV had not been given an anonymous prepaid card, but instead continued to use his own mobile phone with the number 0664██████████8. This phone is registered in his wife's name - J. ██████████. The reasons for this are unknown; it is possible that DADAEV was either not considered especially worthy of protection, or that he felt secure as he was not going to be at the scene of the offence itself.

On that same day (7.1.2009), Turpal Ali YESHURKAEV bought a car - an old Opel Astra (translator's note: Vauxhall Astra). This vehicle was used for the actual offence, afterwards it was deregistered and it has not been located since. It is unlikely that the purchase of the car was linked to the offence, as otherwise Turpal Ali YESHURKAEV would not have registered it in his own name. Furthermore, there is no evidence which suggests that he had already been part of the group of offenders by this point.

On 8.1.2009, KALTENBRUNNER and MAZHIDOW travelled once more to SOLLENAU. At around 15:10 they met Kosum YESHURKAEV there. They stayed until around 17:15 after which they returned to ST. PÖLTEN. At around 21:00 KALTENBRUNNER went to WIENER NEUSTADT once more, this time accompanied by Suleyman DADAEV. KALTENBRUNNER was in SOLLENAU again the next day, at least between 19:20 and 19:40. This time he was accompanied by Letscha BOGATIROV, who had come

- 35 -

to KALTENBRUNNER's home in ST. PÖLTEN at around 14:00, just before their departure. He did not use his phone until after his return from their journey. Therefore it was impossible to determine his location, but it was more than likely SOLLENAU. Later that evening BOGATIROV visited KALTENBRUNNER once again and stayed until shortly before midnight: his mobile phone was logged in the same area as KALTENBRUNNER's home address in ST. PÖLTEN.

In the middle of the night between the 9.1.2009 and 10.1.2009, KALTENBRUNNER went to WIENER NEUSTADT to meet Kosum YESHURKAEV once again. During the journey there he spoke to Letscha BOGATIROV at 02:34, whom he called again at 07:30 the next morning. During the call he was logged close to Kosum YESHURKAEV's home address. It can therefore be assumed that he stayed there over night. Letscha BOGATIROV, on the other hand, stayed at R [REDACTED]'s flat in BADEN.

On the morning of the 10.1.2009, KALTENBRUNNER, Suleyman Salmanovich DADAEV and Kosum YESHURKAEV met in YESHURKAEV's garage in SOLLENAU. Their mobile phones were logged in this area at roughly the same time, between 10:20 and 10:25.

DADAEV drove back to WILHELMSBURG at around 14:40. He took a detour passing through central ST. PÖLTEN, meaning KALTENBRUNNER was with him and that he had been dropped off on the way.

After a short stay at home, he drove back to Umar ISRAILOV's address in Vienna to continue his observation. On the way to Vienna he had passed through HINTERBRÜHL and stopped at Alchazur MAZAJEV's home. The surveillance was to last until

22:30. On the way back KALTENBRUNNER called him to check how it had gone. The log data shows that DADAEV

- 36 -

stayed over night at MAZAJEV's home as the last call he made in the evening of 10.1.2009, and the first call he made the next morning were made from HINTERBRÜHL. Shortly after midday on 11.1.2009, he travelled again to VIENNA, this time with MAZAJEV in order to continue the surveillance of ISRAILOV's home address. He stayed there until around 20:00. It is not clear whether MAZAJEV was informed of the purpose of the surveillance, nor is it clear if he participated in it, but without evidence to suggest otherwise it must be assumed that he did not.

On 12.1.2009 DADAEV went once again to VIENNA. This time the aim was not only to observe ISRAILOV, but also to meet an unknown individual in the home for refugees in [REDACTED] VIENNA. After that his mobile phone was switched off until around 15:00, when he switched it on again in ST. PÖLTEN and immediately called Otto KALTENBRUNNER on BOB1.

Furthermore, on the 12.1.2009 Letscha BOGATIROV left ST. PÖLTEN at 14:40 for IMBERG. During the journey he made three calls to unknown individuals in the Czech Republic. The context leads to the conclusion that these calls were to coordinate ISRAILOV's transfer to the Czech Republic or at least served as part of its preparation. At around 16:30, BOGATIROV was once again close to KALTENBRUNNER's home address.

Between 15:03 and 15:10, KALTENBRUNNER made a total of 12 calls to Kosum YESHURKAEV from the mobile phone registered in his name (0699 [REDACTED] 4). Each time he cut the connection only after a matter of seconds, and then called YESHURKAEV's girlfriend Inna [REDACTED]. This can only mean

- 37 -

that KALTENBRUNNER wanted to talk to YESHURKAEV about a very urgent matter. It is likely that he had already managed to pass this on to YESHURKAEV, as at 15:30 YESHURKAEV tried to call him back on BOB1. After KALTENBRUNNER had tried to call him back twice, they finally spoke at 15:38. KALTENBRUNNER asked Kosum YESHURKAEV to come to his place. This is evident in the fact that immediately after the call YESHURKAEV drove to ST. PÖLTEN passing through Helenental and ALTLENGBACH on his way. He arrived at around 16:20. As he called BOB1 once again at 16:57, it can be assumed that he did not meet KALTENBRUNNER until after this time.

According to YESHURKAEV, he came to KALTENBRUNNER accompanied by B [REDACTED] [REDACTED] had wanted to use KALTENBRUNNER's

contacts to KADYROW in order to arrange a private meeting with him. He stated that neither BOGATIROV nor DADAEV were present at the meeting. But as both were logged close to KALTENBRUNNER's address at this time, it is more than likely that they were, and that the meeting had had a very different purpose than the one claimed by YESHURKAEV.

Kosum YESHURKAEV stayed at KALTENBRUNNER's until around 18:30 at the latest, as KALTENBRUNNER tried to call him via BOB1 at 18:41 during his journey to VIENNA. On the way he passed through PYHRA and PURKERSDORF. BOGATIROV and DADAEV departed together at around 18:00, leaving ST. PÖLTEN for Umar ISRAILOV's home in VIENNA in order to familiarise themselves with the local conditions for one last time. During the journey and their stay in ST. PÖLTEN, BOGATIROV used BOB2 to call KALTENBRUNNER several times on BOB1. This leads to the conclusion that

- 38 -

they were discussing the last details and clearing up any unresolved questions regarding the offence. After completing this last surveillance, both returned directly to KALTENBRUNNER's place where they arrived at around 22:00. It seems likely that the decision to carry out the offence on the next day was made at this point, at the latest.

After a short stay of about 45 minutes at KALTENBRUNNER's, all three drove together to SOLLENAU where they arrived at Kosum YESHURKAEV's car park at around midnight.

YESHURKAEV had been in VIENNA until around 23:15, but had not approached the area close to ISRAILOV's home address. Further surveillance can therefore be ruled out. By the time KALTENBRUNNER's group arrived in SOLLENAU, he was also there.

A large group of Chechens had gathered at the car park, including S [REDACTED] and Turpal Ali YESHURKAEV.

There is no conclusive evidence which suggests the actual purpose of KALTENBRUNNER's, DADAEV's, and BOGATIROV's trip to SOLLENAU. But the fact that they made the long journey there and back, in the middle of the night preceding the offence, nevertheless provides a strong indication that the meeting with YESHURKAEV played an important role in the run up to the offence.

Assuming that Kosum YESHURKAEV was not involved in planning the offence, it is plausible to assume that the offenders were trying to work out

- 39 -

whether he knew of their plans, and if so, to make sure he would not inform the police. Another indication that points in this direction is the fact that Letscha BOGATIROV suddenly and for no apparent reason hit S [REDACTED] several times. The real target of his aggression seems to have been Kosum YESHURKAEV. When YESHURKAEV tried to intervene and separate the two, BOGATIROV is said to have completely lost control of himself and begun shouting and accusing everyone of being spies, claiming that there were bugging devices everywhere.

The second reason for the trip, which is possibly related to the account described above, could be that the offenders wanted to integrate Kosum YESHURKAEV's brother, Turpal Ali YESHURKAEV, into the group or at least to get hold of his vehicle to use it for the offence. This was probably as an additional insurance policy in relation to Kosum YESHURKAEV; Turpal Ali YESHURKAEV's drug addiction and his relatively weak physical fitness, must have made him appear a bad candidate to choose for the actual kidnapping: instead he would have more than likely been considered a security risk.

Suleyman Salmanovich DADAEV asked Turpal Ali YESHURKAEV to lend him the Opel Astra he had bought on 7.1.2009 for the next day. DADAEV evaded the question as to why he needed it, only telling him that he would need it in VIENNA in the morning. As YESHURKAEV did not want to lend DADAEV his car, he instead agreed to bring it to VIENNA the next day and to drive it.

On the 13.1.2009 at 01:00, KALTENBRUNNER, BOGATIROV and DADAEV returned to ST. PÖLTEN and stayed over night

- 40 -

at KALTENBRUNNER's flat. Kosum YESHURKAEV and Turpal Ali YESHURKAEV both arrived at their respective home addresses in WIENER NEUSTADT, and UNTERWALTERSDORF at around 01:30. At 01:41 Kosum YESHURKAEV called his brother once again.

It can be assumed that Otto KALTENBRUNNER drank alcohol on the evening of the 12.1.2009. It is very likely that he was drinking in order to gather up the nerves to commit the offence. Still, it should not be assumed that he was heavily intoxicated nor was he in a state which could lead to a claim of diminished responsibility.

As an example, R [REDACTED] came to KALTENBRUNNER's place on the night of 13.1.2009 at around 02:50. He accused him of using his cultural association as a pretext to collect data on Chechens, and of then passing this information on to Chechnya. Several short phone calls were made between the two between 02:53 and 03:07 as KALTENBRUNNER had refused to let [REDACTED] into his house, and instead had put him off until the next morning. This leads to the conclusion that either a planning meeting was taking place at the time, or that KALTENBRUNNER

did not want to reveal the presence of DADAEV and BOGATIROV. Although during his calls to [REDACTED], KALTENBRUNNER did show signs of having drank alcohol, he still seemed completely focussed.

On the 13.1.2009, at around 05:00 in the morning, Letscha BOGATIROV and Suleyman Salmanovich DADAEV left ST. PÖLTEN for VIENNA. It was on this day that they had planned to carry out their actions against Umar ISRAILOV. They had made an agreement with KALTENBRUNNER to use the Volvo 944 GLE, with the number plate [REDACTED] registered to him, whereas

- 41 -

BOGATIROV's car, a BMW 5 series with the number plate [REDACTED], was left with KALTENBRUNNER.

Despite the fact that BOGATIROV's BMW was more modern, had more space and a better engine, it can be assumed that they chose KALTENBRUNNER's car because it had darkened windows in the rear and was therefore more suited for the planned abduction. They had constructed a gag out of plastic bags in order to keep ISRAILOV quiet and had it in the car.

It was not until 05:08 while Suleyman Salmanovich DADAEV was on his way to VIENNA, that he called Turpal Ali YESHURKAEV. This was the first time he called him. He asked him to come and meet them as they had agreed the night before. This was the first call in which 0650 [REDACTED] 6, the number used by Turpal Ali YESHURKAEV, had appeared in a connection relevant to the case; before that, no calls had been made to or from the numbers belonging to the other individuals involved in the offence.

It is clear that Turpal Ali YESHURKAEV did not immediately follow DADAEV's request because he was still logged at his home address in UNTERWALTERSDORF when DADAEV called him again at 06:01:50.

Immediately before this call was made to Turpal Ali YESHURKAEV, Letscha BOGATIROV called his wife from BOB2 at 06:00:19. The call lasted for 75 seconds and ended at 06:01:34.

When DADAEV called YESHURKAEV once again at 06:31, he and BOGATIROV had already arrived at ISRAILOV's home address in [REDACTED] VIENNA. By now YESHURKAEV was already driving to VIENNA

- 42 -

in his Opel Astra. Immediately after this call, DADAEV made two short calls to his wife S [REDACTED] [REDACTED] from the same number.

This sequence of calls clearly demonstrates that it was BOGATIROV who was using BOB2, whereas DADAEV made all of his outgoing calls from his own mobile phone.

At 07:06 DADAEV called YESHURKAEV once again. YESHURKAEV was already in the vicinity of the crime scene. As he did not know their exact destination, he was picked up by BOGATIROV and DADAEV at the Shell petrol station in Floridsdorfer Straße 17, 1210 VIENNA. From there, he was guided to ISRAILOV's place where they arrived shortly before 08:00.

This is the latest point at which Turpal Ali YESHURKAEV could have been informed about - at the very least - the basic plan, if he had not already been informed about it the night before.

DADAEV and BOGATIROV told him to park his vehicle in a no-parking zone located in front of Leopoldauer Straße [REDACTED]. This is around 40 metres towards the city as seen from the front entrance of Umar ISRAILOV's house.

After the briefing, YESHURKAEV, BOGATIROV and DADAEV parked their Volvo at the car park in Leopoldauer Straße [REDACTED] providing them with a good view of the entrance to ISRAILOV's house. Then would then know immediately if he left the house. The two men remained in the vehicle, BOGATIROV was behind the wheel. At around 08:15, the vehicle was spotted by the witness Johann [REDACTED], who owns a sausage stand situated in the car park. He was able

- 43 -

to positively identify BOGATIROV as the one sitting in the driver's seat.

That they chose such a conspicuous position for YESHURKAEV's car leads to the assumption that they had planned to overpower ISRAILOV directly in front of his home address, and force him into the vehicle.

At this stage, KALTENBRUNNER's car was probably only to be used for observation purposes and was not to appear directly at the crime scene. In this way the police search would have focussed on the Opel. But as explained above, although BOGATIROV's BMW had also been available, the Volvo had been the preferred option, this then leads to the conclusion that they had planned to change cars at a secure distance from the site of the kidnapping, in order to make it more difficult to reconstruct the sequence of events surrounding the offence.