

ISRAILOV Case – Vienna trial

Summary of Day 13 (15 March 2011)

At the beginning of the hearing, the presiding judge announced that for this day the court would hear witnesses, requested by Kaltenbrunner's defense lawyer, about the Chechen cultural and sport association which Kaltenbrunner had founded or co-founded in an effort to prove that it was not a tool to spy on Chechens, as well as a witness about the meeting between Israilov and Kurmakaev at the beginning of June 2008, requested by the lawyer of the victim's family. He further said that so far there was no reply from the Russian Prosecutor General, whom he was asked to reply by 20 March.

The judge then reported to the court that the Viennese office of the LVT in the meantime sent written answers to some questions raised earlier.

- Regarding the telephone protocols of Otto Kaltenbrunner, they answered that the protocols had been only demanded from the respective telephone companies for December 2008, and that the transmitted data was fully taken over and only brought to a standardized format. From the transmitted data, including the length of the connection, when it would come to active calls, there could be drawn no exact conclusions about the netto time of the talks. With passive calls such a conclusion could be drawn.
- The question about whether any DNA test of the plastic bag (formed to a knot) was done, received a negative answer, because technically it was not possible. What was done was to determine fingerprints.
- To the question whether medical papers regarding Turlaev's physical examinations were found in Kaltenbrunner's flat, as Kaltenbrunner had stated, it was answered that no medical results about possible physical examinations were found there, but only invoices of the hospital.

The summons to several of the requested witnesses, who should be questioned about the Chechen cultural and sport association, came back because the address was not correct any more.

Additional questioning of Suleyman Dadaev

As the lawyer of Suleyman Dadaev had announced to the court that his client wanted to make further particulars, the judge asked Dadaev, whether he wanted to present the description of his participation differently than so far. Dadaev answered: „Yes, I want to briefly explain what actually happened. So far nobody was interested in that. I also want to answer some questions, which I have so far refused to answer to the police.“ After this announcement he told to the court a slightly changed version of one of the main variants of his many different descriptions of his involvement in the crime.

„This person, I mean Alikhan, has appropriated some money before he came to Austria. The point was to get back this money.“ (“From where did you have this information, that he has taken away money?“ the judge asked) „From Artur Kurmakaev.“ („When did he tell you about it?“) „The first time he indicated this in August 2008.“ („Indicated? Did he tell you, from whom he has taken away the money, that is who is the aggrieved party?“) „Yes. He said it so that he has taken it away from those who fight against the Russians. ... In Chechnya there is a person named Khusayn Gakayev, who is Chechen field commander. The money did belong to his unit.“ („How should Israilov have been in the position to take away money from this Gakayev. Because I assume that he never worked together with him?“) “Previously Israilov was a rebel, then he changed sides because of the circumstances. He has taken the money with him and some persons were afterwards arrested and killed (because of that).“ („And Kurmakaev did tell you that because he was after Israilov?“) “Yes, he spoke about it and that Israilov said ‘Go to hell’.“

The judge then said to Dadaev that so far the assumption was that Kurmakaev had stated that Kadyrov had sent him in order to pressure Israilov to return to Chechnya, and/or that Israilov had embezzled Kadyrov's money. Dadaev answered „Why should I protect my enemy?“ (on the assumption that he is a follower of Dokku Umarov, which is how he presented himself so far).

Dadaev then said that Kurmakaev contacted him in order to give him a message from Dokku Umarov, and then in the course of this also spoke about the other issue. „At the beginning he has requested that I talk to him.“ Asked why Kurmakaev could believe that Dadaev could be successful in talking to Israilov, Dadaev answered: „Well, I had already several cases where I was successful in getting people to give back the money.“ („By pressuring them?“) „In Europe one cannot pressure somebody.“ („But why should you be successful with Israilov, when he, Kurmakaev, was 'sent to hell' by him?“) „Maybe there was nobody else left to whom he could go for help.“ („Did you promise that you would do it?“) „Yes, I have promised that I would talk to him.“

(„Were there any talks then?“) „Yes, I met him then seven to eight times and talked to him.“ („When was the first time?“) „At the end of December.“ („But why was the first talk only in December, when you had the meeting with Kurmakaev already in August?“) „Well, after our meeting he went home and came back only in December... And he had a personal request from Gakayev that I should take care of this job. Apparently Kurmakaev has met Gakayev after his return and has also mentioned me ... I saw it as my duty.“ („Because you are ideologically connected to Gakayev?“) „Of course it is about ideology. Besides, I was seven to eight years with these people.“

Then the judge asked Dadaev about the alleged seven meetings with Israilov between 20 December 2008 and 12 January 2009, and whether he asked Israilov directly about this money, telling him that Gakayev demands this money back. „Yes. ... He told me, there is no money, there was no money and there will be no money.“ Dadaev said that first Israilov refused to talk to him and only some days later did he tell him this about the money. „At the beginning I did not believe the whole story. But when I noticed how he gave divergent answers, I did believe Kurmakaev ... In the third or fourth meeting he said that he could not give back the money now because it is far away. I then called Kurmakaev who was again in Russia, who told me that the money was with a Russian in the Czech Republic. This man would be ready to give back the money should Alikhan personally come and tell this to him“.

(„Did you ask him directly about this?“) - „Yes, I told him that this Russian in the Czech Republic, Vladimir, would give the money back, if he would come to him and tell it to him.“ („And the answer?“) „I could not find him for a week. The last time I saw Israilov was on 12 January. He said that he did not have the intention to drive anywhere. Before that, he had already said that he would contact the police, and this time he said it again.“

Then the judge asked Dadaev about what happened the day before the killing after his last alleged meeting with Israilov. „I came back to Sankt Pölten. The wife of Kaltenbrunner had her birthday. They were sitting there and celebrated her birthday. Lecha Bogatirov also came there for the birthday. Maybe because I was drunk I did tell him about my grief, after he had asked me. He showed interest. I think that rather the money was interesting for him. And he said 'Let me talk to him.' What came then you know already.“ („You also drove to Vienne together with Bogatirov on the 12th. Why?“) „This question has to do with Kaltenbrunner. By no means does it have to do with the murder. This was about his personal business.“ („But you went to the address of Israilov?“) „A problem of Kaltenbrunner had developed, involving a woman. First we dealt with this problem, and then we drove to the address of Israilov.“ („Why?“) „Lecha said, that as we were already in Vienna, we should also talk to him ... We did not know in which flat he lived ... We were waiting there for an hour and thought that maybe he would come out.“ („And then you drove to St. Pölten and went again to Kaltenbrunner?“) „Yes.“ („And then you drove together with Kaltenbrunner to Sollenau?“) „Yes, there is a Chechen with a car service, Kosum Yeshurkaev, and there worked a man, because of whom the problem of Kaltenbrunner occurred.“

Then the judge asked Dadaev about when and why the contact with Turpal-Ali Yeshurkaev was made and when the decision was taken to drive again to the address of Israilov.

„Bogatirov had some problems with his car. I don't know when they agreed this, either in the evening, this is even likely, because then when I called him in the morning he said that he would come immediately. Most likely it was planned that he should come to Sankt Pölten to have a look at the car. Then, when we were already in Vienna, Kaltenbrunner called and said that he needed his car. He called all the time because of it. The Bogatirov said to Turpal-Ali that he should come to Vienna, so that he could come back to his car. And I should have driven back with Kaltenbrunner's car.“ („When did you and Bogatirov agree to drive to Israilov's house in the morning of the 13th?“) „At the 12th in the evening, when we were waiting in front of Israilov's house, we agreed to drive there again next morning should we fail to meet him then.“ („Why so

hastily?“) „It was not hastily, but we wanted to be there before he leaves the house so that we could get in contact.“ („Why did you assume that you could meet him in the morning? It was not so probable, he also could have slept longer.“) „We were not sure. We drove there because we were in a good spirit.“ („If it was that urgent, you could have waited some more hours the previous evening. Because on the 13th you were also waiting for hours?“) „On the 12th I saw Bogatirov for the first time and then it did not make sense to wait the whole night.“ („And you did not know, after your meetings, that he works in the night?“) „I did know that. I even knew where he works.“ („But then there was a chance that you would meet him later on the 12th, if you'd have waited some more time?“) „He did not have the same working hours every day.“

Then the judge asked Dadaev about the day of the killing, the 13th January. He said that he has no driving license and that Bogatirov was driving the car to Vienna, and that it was „most probably“ Bogatirov who parked the car in a way that the house of Israilov could be watched from there. He added, though, that given that witnesses saw the car being parked at different places, Bogatirov must have changed the parking position of the car. („Why don't you know this exactly?“, the judge asked) „I slept only two to three hours in this night. This is why I slept there between 11 am and 11:30 am.“ („That means, as in our visit to the scene of the crime, you say that you slept most of the time?“) „Yes.“ („This is also bizarre. You slept very little, then you drive there to talk with him and sleep away the whole morning. You could have driven there in the afternoon as well.“) „You know, this physical exposure. We did not intend to sleep.“ („But why this haste? Why didn't you wait till the afternoon?“) „If one talks about sense, then this thing had no sense from the beginning, but it just came so.“

Then, the questioning focused on what they did there. Dadaev told the court that he saw between 7 and 7:30 how Israilov entered his house. He claimed that as they had parked the car so close to the entry of the house they saw him too late, only when he was already entering the house. He said it also had taken time to explain to Bogatirov that this was Israilov. After Israilov had entered the house, Dadaev wanted to leave. „Then we talked about Alikhan, Umar, and he had another nickname, Malizh, which means 'small'.“ („That means that only then you got to know that his name is Umar Israilov?“) „And I also understood that Bogatirov and Israilov are old acquaintances. I suggested to him to come again the next day or the day after that. Bogatirov answered, no, he had to talk with him now.“ Only at around 12am Bogatirov told to Dadaev that he could now drive back to St. Pölten and give back the car. Then, so Dadaev, he drove away and it happened. („That means it was shortly before 12 am? Had Israilov at this moment already left the house?“) „Well, I did not see that. But now, two years later, if one analyzes the circumstances, then it can be that he had seen him. Yes, I think so.“ Asked whether he had an explanation why Bogatirov sent him away at this moment, Dadaev answered that Bogatirov maybe wanted to send him away already earlier. „And I am nearly one hundred percent sure that he did not want to kill Umar Israilov, if one looks at the injuries. I assume that Bogatirov and Israilov had some old bills to settle. Maybe he wanted to beat him up, and if one assumes that he had a gun, maybe he wanted to shoot him into his feet.“

Asked why he returned and did not continue to drive back to St. Pölten, Dadaev answered that at this very moment, when he passed the Interspar-supermarket, Kaltenbrunner called. He answered that he would call him back immediately and parked the car to do this. At this moment he heard shots, first did not give meaning to them, but as „each Chechen has reflexes“ he got out of the car and saw something in some distance. Then he called Yeshurkaev, because he did not have Bogatirov's number in his memory, and reached him in the third or fourth try. He heard shots, asked Yeshurkaev what had happened. Yeshurkaev answered that he did not know. „He was in panic or was in a state of light shock. He said he did not understand what was going on and asked me to come there. I asked where he was and he answered that he was where I had just left. He stood there, Bogatirov came running and we drove away.“ („Did Bogatirov say anything?“) „He did not say something immediately. I asked him two or three times. Then he said that he did beat up Alikhan and that he then shot him into his leg. When I then wanted to start to struggle with him, he said that he was alive, nothing had happened.“ Then, at the next place, Dadaev stopped the car, left it and went into the direction of the tram station. Bogatirov followed.

The judge told Dadaev that what he had said to the court today, did not put him in a different light than so far. („You did not know that he should be hijacked or that he should be killed if this fails. You also said

today that you did not know what Bogatirov wanted. Is that correct?“ I did not know that he was to be killed in an extreme case. I did not know anything about it.“ („But what did you think when you left head over heels from St. Pölten? Did you think that something could happen to him, that he could be brought to the Czech Republic?“) „I already explained that it is absurd that two persons abduct an athletic adult man.“ („Did you, at any point, think that he could be treated with force or that he would be massively put under pressure? Or did you think that it would be a friendly talk?“) „Certainly it would not have come to a friendly talk, if one thinks about what Israilov suggested he was about to do. I wanted a clear answer whether he wants to give back the money or not.“ („But this clear answer he had given you already?“) „Yes, this he told me on the 12th and this was the reason why I told everything to Bogatirov. This with the 13th was the wish of Bogatirov to speak to him once again.“ („You said that you did not assume that it would be a friendly talk. So did you assume that Bogatirov would proceed with force or with the threat to use force?“) „I thought that there would not be any injuries. But I thought that the two would quarrel, scolding and humiliating each other, maybe beating, but not more.“ („And why are you telling us about this preliminary events with Kurmakaev and Gakaev only today, for the first time?“) „I don't know how I can answer this question. But during this trial it was very badly spoken about Kadyrov and maybe I liked this. In any case everybody has heard what kind of person he is.“ („And today you find it right to whitewash him, that he has nothing to do with the killing of Israilov?“) „Well, not to whitewash him. I am already two years in prison and I have only now understood the whole seriousness of the situation. And there are innocent people with me in prison.“ („But how do you know that Yeshurkaev did not maybe help Bogatirov to chase Israilov? How do you know that he was not read into it from Bogatirov? And why do you so strongly believe that Kaltenbrunner did not know anything about it?“) „About Yeshurkaev: After we had left I saw in which state he was. Also before. I don't want to insult him, but he is a sick person, he had withdrawal symptoms before this happened. And after it happened he could not control his emotions. All the time he asked Bogatirov in the car 'What happened there, what happened there'. That means that he did not see what happened around him. And after we had left with the car he did not understand anything. About Kaltenbrunner: We used his car only because there was no gasoline in Bogatirov's car. In the morning, when we left, the gasoline stations on St. Pölten are all closed.“ („But again: why did you have to drive at this time. At 8 am it would not have been a problem.“) „But when we are there only at 10 am, then everybody is already at work.“ („Not if they work in the night, as you knew that Israilov would do it.“) „I did not know how it was this time. And I said already that we went there on the off chance.“

The judge then interrupted the questioning of Dadaev because the witness had arrived in the meantime.

Questioning of witness Hasan Dogan

Hasan Dogan, who is a social counselor for the humanitarian NGO “Volkshilfe” and member of the municipal council of Sankt Pölten, was questioned about what he knows about the “Chechen cultural and sport association Grozny”, founded by Otto Kaltenbrunner.

He said that in the course of a normal visit at the counseling centre of the humanitarian NGO he is working for – “Volkshilfe” – he advised Otto Kaltenbrunner about how to found an NGO, which forms to use and how to send it to which authority. He denied that there was any talk of founding such an NGO jointly, as Kaltenbrunner had indicated in his questioning at one point. Dogan first said to the court that he thinks this visit was at the beginning of 2008, whereby in a first meeting Kaltenbrunner came alone and two or three weeks later with a second person, “who looked like a kind of bodyguard for Kaltenbrunner”. Asked by the judge, Kaltenbrunner said this man might have been Rustam Usaev.

Then, when Dugan was further questioned about whether he had known Kaltenbrunner already before these meetings, he said that sometimes they crossed each other in town or saw each other at migrants feasts. “And once there was a big brawl between Turks and Chechens in Sankt Pölten, where I also was in contact with him. There was a meeting between me, him and the police.”

Further asked why Kaltenbrunner had been asked to play such a mediating role, Dogan answered that Kaltenbrunner simply was the last Chechen, with whom he had had contact before the brawl (but that he had indeed the impression that Kaltenbrunner played a conciliative role). As it could be clarified that the brawl already took place on 26 June 2007, Dogan corrected that the meetings about how to found an NGO in Austria took place shortly before and shortly after this date.

The lawyer of Kaltenbrunner then showed a letter by the “Chechen cultural and sport association ‘Grozny’”

to the NGO office from June 2007, and the confirmation by this office that the NGO can start operating from July 2007.

Asked by the judge if after the founding of this NGO he had heard anything about activities of the NGO like cultural feasts, Dogan said that after these talks he heard nothing about the NGO.

Kaltenbrunner's lawyer Rudolf Mayer asked his client how the NGO developed after its founding in July 2007. Kaltenbrunner answered that after the "events between Turks and Chechens" they spoke with Hasan Dogan and others to discuss what can be done so that intercultural relations are friendly, that integration proceeds normally. He said that he asked Dogan, who was member of the municipal council and asked him for his help to get rooms cheaper to hold meetings. He further said that they collected names of persons who wanted to become member of this cultural association, including also some Turks, Armenians and other ethnic groups. As the financial situation of the Chechens was very difficult, they could not be asked to contribute, so Kaltenbrunner, and what they found as possible meeting rooms was too expensive for them. ("That means no activities of this NGO developed because no meeting rooms and no according financial support could be found?") "Yes, besides, I had a job and had no time to deal with that."

Asked by the judge, the witness Hasan Dogan confirmed that Kaltenbrunner, like representatives of many other NGOs, asked him whether the city could offer meeting rooms, but that he had told him that this was not possible, but that there should be membership fees, requests for financial support for concrete activities. He further advised him that there be an ethnically mixed membership because this was good for the integration and that, for example a Pakistani coming from the local Emmaus-society was interested to become member.

Questioning of witness Mr. K.

Mr. K. was questioned as a witness in meetings between Umar Israilov and Artur Kurmakaev in the summer of 2008.

Asked by the judge, whether he took part in such meetings and how the meetings happened, K. confirmed his participation and explained that he came as a friend of a friend of Israilov, who had been telephonically asked by Israilov to take part in the meeting. The name of this friend was A., and according to K., A. told him on the way to the first meeting in a car in front of the Westbahnhof, that the meeting was about an alleged debt of Umar amounting to 300.000 or 400.000 USD. In the meeting it was not mentioned whose money this was, and Israilov denied of having taken any money. It seemed to K. that it was Kurmakaev's money. However, he also said that he could not remember exactly what was said by whom but that this conversation was recorded and was in the internet.

K. was also present at another meeting near the mosque at the Danube. He said that he thinks that the meeting was arranged by Israilov and Kurmakaev and he took part via his friend A.. At the beginning they were again talking about the money, then they were quarreling and Israilov demanded that Kurmakaev should stop looking for him. Then, according to K., Israilov and Kurmakaev talked in private 50 meters away from him and A. for half an hour. K. said he had the impression that they were speaking out, and when they came back they were making jokes and agreed with each other to meet again. He thinks, that A. told him that the next day Israilov and Kurmakaev were arrested by the police.

The prosecutor then confronted K. with his testimony vis-a-vis the police, where he had stated the following: "Then Alikhan (=Israilov) said to Arbi (=Kurmakaev), you know exactly that I did not take your money, and Arbi answered, yes, I know it. Then Arbi said that he was sent by Ramzan Kadyrov in order to convince him, Alikhan, in a peaceful way to return to Chechnya. ... Arbi said to Alikhan, that if he does not trust him, he could call Ramzan Kadyrov and Alikhan could talk to him. Kadyrov could guarantee him, that he would not be threatened in Chechnya. If he does not come voluntarily with Arbi to Chechnya then Kadyrov would send other tough guys to liquidate Alikhan." K. confirmed this, saying that there was also a recording of this meeting.

The prosecutor also confronted him with the contradiction that he first stated that he did not meet Israilov after the summer 2008, but when being asked by the police he had said the opposite. K. marginalizes: „I already told you that we met to unload furniture, before or after June 2008 I didn't know.“ The prosecutor read out extracts from the telephone protocols of K. with contacts to Israilov on 22 December at 19:41 and

19:44, on 27 December and on 29 December, and from Mr. F.'s e-mail to the police from 29 December: "As Israilov has told me in another telephone conversation, Beslan ... called him on 22 December roughly five minutes after he had met this Chechen, in order to first ask where he was and then if he had the number of another Chechen. Beslan was ... present in the meeting at the Danube between Israilov and Kurmakaev on 8 June, in which Kurmakaev clearly said what he wanted. In this meeting Kurmakaev also mentioned in the direction of Beslan and A. that those who help him to carry out his order can count on a lot of money." At the question of if he remembered that such telephone conversation took place and whether the dangerous situation of Israilov was a topic, K. answered he could not remember the telephone calls nor the conversation between Israilov and him about Israilov's security situation. „The topic was that he wanted to help finding me a job at the company where he worked. And it was also about my wish to move.“

K. was then questioned about his relationship to Dadaev. He answers that as asylum seekers they lived in the same pension, that they were neighbors meeting each other two to three times a week.

Asked about the meeting between Israilov and Kurmakaev at the Danube he confirmed that with a mobile phone both a recording was made and a photograph of Kurmakaev. He said he showed this photograph to Dadaev probably two or three days after the meeting, because he thought that Dadaev might know one of the persons who met there. He also told Dadaev that there was some discussions about stolen money. K. claimed having been concerned about his own security as he believed that Kurmakaev might be here because of him. Dadaev did not know any of the persons, said it was not about him, but gave him the advice to stay away from these people. („But you had the recording which confirmed that Kurmakaev mentioned the money but then admitted that it was only a pretext, and that he had the order from Kadyrov to bring Israilov back?“ asked the judge) - „And?“ („Was it like that?“) „Yes, they quarreled and then Arbi said that, yes, Kadyrov has sent him. Then Arbi has said that he wanted to speak for half an hour with Alikhan. After that time they came back and even made jokes.“ He said that his overall impression was that in reality it was about money and based this on his perception that after the talk about Kadyrov they stepped aside, talked privately and came back in a good mood.

Asked by the lawyer of the victim's family, Nadja Lorenz, whether he gave the recording to Dadaev, he answered that they jointly listened to it, and he added: „If he has also taken it I do not know.“ Lorenz said that vis-a-vis the police he had clearly stated: „I showed him the photos but dubbed the recording.“ He then said that it could have been like that. He could not remember whether he had been asked by Dadaev to give him the recording, but could remember that they did not discuss the content of the recording.

Asked whether Dadaev could recognize any voices in the recording, K. said 'no'. However, in the police interrogation from 17 March 2009 he had stated that Dadaev had recognized the voice of Kurmakaev and that it was the same voice that has threatened him by telephone and that they had a brawl or something similar.

Then the judge asked Dadaev whether K.'s description was accurate. Dadaev said it was, but that he wanted to straighten some data. He said the meeting at the Danube was at the beginning of June. Then, around one week after the meeting K. let him hear the recordings and showed him the photos, but back then he did not attach importance to it, because he had neither known who Alikhan nor who Kurmakaev was. Only one week after his own meeting with Kurmakaev in August 2008 he remembered about it, went back to Dadaev and took it. At this occasion he told Kurbanov that it was this voice who threatened him on the phone. („But when then Kurmakaev told you the story with the money, why, although you knew about this recording, you did not tell him: 'You yourself have told Israilov that it is not about money and that you were sent by Kadyrov'?“) - „I did confront him with that. And he explained me why he mentioned the name Kadyrov and not the name Umarov in this meeting. ... When he would ask directly about money he is sent to the devil, but if he mentions the names Kadyrov or Umarov then this sounds different.“ („But this does not explain why he said there that he knew that Israilov did not owe any money?“) „Well, I don't know what he thought. Maybe it was because there were unwanted witnesses and that was why he said it.“

After hearing Dadaev's comments, the judge asked K. why he did not describe two different meetings and discussions with Dadaev at different times about the recordings. „Well, he was at my home, he has called first, I think. Then he came and picked it up.“ („But why didn't you tell us this before, that this was not right

after the meeting at the Danube, but only months later?“) „I cannot remember. It has happened a long time ago.“

Questioning of witness R., Russian-German interpreter in Sankt Pölten

R. was questioned, because she was translating for Shaa Turlaev during his visit in Austria in October 2008. She said that she was asked by Kaltenbrunner's wife to act as a translator whom she has known via Kaltenbrunner's children. She said that Turlaev wanted to get an artificial limb in Austria. The doctor in Sankt Pölten told Turlaev that he had to drive to a private hospital near Vienna, where she also accompanied him. At the hospital, the doctors checked his leg and told him, which artificial limb they recommended. They told him that once the artificial limb would be ready, he had to stay some weeks there. Turlaev agreed but no date could be set, because Turlaev said he first had to get another visa. She could not remember which hospital this was, but only that it was a rehabilitation centre near Vienna.

Questioning of witness Mr. B.

Mr. B. was asked by the judge about telephone conversations with Otto Kaltenbrunner in March or April 2008. He was told by Kaltenbrunner that Umar Sugaipov and Shaa Turlayev would come to him and that the three of them wanted to talk to him. He asked what the meeting would be about and Kaltenbrunner answered that B. should talk to his brother and that he, his brother and his nephew should return to Chechnya. „I told him that I would not come.“ The judge then asked B. what Kaltenbrunner had given as the reason why he should return, recalling that in the police questioning he had stated: “The situation has calmed down and one should return as long as there is the possibility.” He answered that, it was maybe indeed like that.

B. then received another call from Kaltenbrunner on 21 October in which he was asked whether he had already taken a decision, to which he answered that neither he nor his brother nor his nephew would return to Chechnya. („What did he answer to that?“) „Normal. Then you don't need to come to this meeting.“ („Did he also tell you that you should regard this conversation as if it had never taken place?“) „Yes.“ Then, in the middle of December there was another call from Kaltenbrunner, in which he again offered assistance should B. want to return, to which he answered „I found my way to Austria by myself, I will find my way back by myself.“

Asked what he thought the reason was for Turlaev's visit to Austria, B. first answered that he did not know and that he only heard that he wanted an artificial limb. („But in the questioning of the police you clearly stated that in your opinion he was sent by Kadyrov to convince people to return?“) „Yes, such work has also been done, not only by Shaa Turlayev but also by others. And there is propaganda on TV.“ („But you also said that Turlaev was for example in Azerbaijan in 2007 with such a task. That means that you thought that he was chosen to lead such talks?“) „The persons who are sent to do this are persons who are known in the Chechen Republic. If I am sent nobody will listen ... Well, I know Shaa Turlaev and also Ramzan Edilov personally. We worked together for several years, we also know the parents of each other.“ (Did you have the impression that you were pressured, with the telephone calls, to return?“) „Well, on the phone I did not have the feeling to be pressured. The pressure is applied back home.“ („In the police questioning you also said: ‘After three days of time for consideration I rejected the offer. I said that if something happens to my family in Chechnya, then also something would happen to his family. Then Kaltenbrunner stated that I should regard this conversation as not having happened and that he does not need me any longer in Sankt Pölten.’ Why did you think you had to say something like this?“) „I did not say that. What I did say was that if my refusal had any consequences, then there would be also consequences for his family.“ (“You further said: ‘After this conversation I felt neither threatened nor endangered, because he is a coward and only a henchman of others’. Did you say this?“) “When I was asked by the police if he was capable of killing someone I said that he could not do such a thing ... And that if he was involved, then he was used by others. Maybe there was pressure applied on his relatives in Chechnya.”

Asked by the prosecutor whether Kaltenbrunner's open performance as an advocate of Kadyrov was surprising for him, he answered 'no', and that if someone calls him from Chechnya and wants to speak to him about whether he wants to return or not, he would speak to this person. But that he had no intention to return.

„There I would be either killed or I would be forced to work for the authorities and kill others.“ („But I asked you whether you were surprised about the conversion of Ramzan Edilov?“) „I told you already, that if I have relatives at home, and it still happens that security officers come to them every two or three months. If that happens, then I will speak with those people“ („Are you suggesting that his conversion was done under pressure, which was applied to his family members in Chechnya?“) „Well, the influence of people can be translated in different ways, one of them via the family members.“ („Does this mean you just took it as a fact that he now was on the side of Kadyrov?!) „Yes“.

The lawyer of the victim's family, Nadja Lorenz, then asked the witness if he could remember having asked Ramzan Edilov on the phone, whether he forwarded data of persons, who had worked for Maskhadov, to the FSB. And why. „There was a conversation and in the course of this talk I have addressed him with the fact, that during the second Chechnya war lists of members of the Presidential Guard ended up in the hands of the FSB, allegedly such lists done in the course of financial transactions. He answered that this was not true and that he had destroyed the lists.“ She also asked the witness if it was correct that he had told the police in the interrogation that Kadyrov makes his captives work for him or that they would pay with their death if they reject. „Yes, of course, the whole world knows this.“

Kaltenbrunner's lawyer, Rudolf Mayer, asked the witness, if Kaltenbrunner put pressure on him or blackmailed him after his refusal to return. The witness answered negatively.

The judge then asked Kaltenbrunner whether it was right that between August and December 2008 there were several phone calls and meetings, in which he wanted to convince the witness to talk to Turlaev or to return together with his brother and nephew to Chechnya. Kaltenbrunner answered: „We are friends, we worked together. Back then, when Shaa Turlayev was coming to Vienna to get an operation, I was calling my friend with whom I have shared the bread. At that time his brother was in Turkey and Azerbaijan and needed serious medical treatment. His brother is a person who commands respect in Chechen circles. Because of this, I offered him this help in order to be able to return to Chechnya.“ („But the witness clearly indicated to you that he did not want to return. Nevertheless you made another attempt to convince him to return to Chechnya?“) „Listen, you complicate things. This was a normal Chechen conversation. With us Chechens this is normal.“ („And how do you comment his statement that Turlaev was under Kadyrov's order to convince Chechens residing in Austria to return home?“) „He did not try to convince anybody. First, he came here for his medical treatment. Secondly, he had practically no time. It was very difficult for me to manage that he had at least one week devoted to his medical treatment. Because so many persons wanted to see him.“