

## **Day 9 of the Israilov Trial –Questioning of the widow and father of the victim, 3 December 2010**

On day 9 of the trial there were two witness statements, the one of Malizha Sagieva, widow of the killed Umar Israilov and the one of Sjarpuddi Israilov, the father of Umar. During both questionings the three accused persons remained in the courtroom. But during Sagieva's questioning they took place in a bench behind the seat for the witness in order to prevent eye contact (and possible provocations and/or emotional outbursts)

### Witness Malizha Sagieva, widow of Umar Israilov

Malizha Sagieva told the court that she and her husband married in July 2002, that they fled together from Chechnya in November 2004, and that her husband fled further to Austria in August 2005, and she herself joined him in November 2005. In Poland and Austria four kids were born, the last one after the killing.

Asked about the position of Israilov within the Kadyrovtsy and why he had accepted to work for Kadyrov, she answered that Israilov was still on the federal wanted list despite working for Kadyrov and then being sent as the militia commander to Mesker-Yurt, his home village. „He would have had to stain his hands with blood, and to kill people, the boyeviki. The he would have been taken off this list.“ She also confirmed that he had been tortured for three months before accepting to become a member of the security guard. They wanted to flee, but needed time in order to prepare forged (internal and external) passports for Israilov Then, when Israilov had a car accident, the pretext that he had to recover in Kislovodsk was used to flee the country. Asked, why he wanted to flee the country, Sagieva answered that Israilov did not want to work for Kadyrov, this bandit, and did not want to kill people.

Asked about the time in Poland and the telephone calls from Kadyrov she confirmed that two weeks after she and Israilov had fled from Chechnya to Poland, her father in law was illegally arrested, and then calls to Israilov were made from the phone of his detained father. During the first call Kadyrov has scolded Israilov and threatened him that his whole clan would be destroyed shouldn't he return to Chechnya. At the beginning of the second call Israilov handed the phone over to a friend of his, who was told that he should tell Israilov that he, Israilov, had been sent to Poland to hunt down other refugees. Soon, this rumor spread around the Chechen community and they decided to leave Poland.

She said that the first time her husband was threatened was in May / June 2008, when an agent from Chechen President Ramzan Kadyrov, Artur Kurmakaev (called „Arbi“) came to Austria. Under the pretext, that he was looking for Israilov because of 300.000 USD which allegedly had been stolen from him, Arbi was looking for Israilov and found him via another young man from the same village as Israilov. Sagieva said that her husband went to meet Arbi in order to find out who this man was and what he actually wanted, because Arbi's different versions about the money he described as fantasies from the beginning, assuming that Kadyrov has sent him. And the point of the different versions was that Umar was asked to come with Arbi to the Czech Republic. There were several meetings, and one discussion during a meeting on the Danube island was recorded. And during this meeting Arbi told him that he had not looked for him because of the money, but that indeed Kadyrov had sent him and that Israilov should withdraw his case from the EctHR in Strasbourg and return to Chechnya, where he would receive a good job. But he also said that there would be no second warning. He would go back and report to Kadyrov and what would happen then only Allah would know, and that in Bratislava two men from Kadyrov's security guard would wait, to whom he always would report Umar's answers and who are hungry to kill him.

Asked if her husband was then told that Kurmakaev had also contacted the police she said yes, and that they also had told him that he had been deported and would not come back to Austria. She confirmed that he was afraid that something would happen, even though he never told her so, but the fact that he bought a gun

clearly indicated that. He asked the police for protection, but then told her that they would not give him any. He told her “This will end like in an Indian film. The police will only come when I am dead.”

Asked about what had been his aim in bringing his case to the ECtHR she answered that he had seen all those people being tortured, how people were illegally held in Tsentoroi and then again brought away, some being killed. He wanted justice and that someone was held accountable for all this.

She was also asked about the working rhythm of her husband and about other regularities. She said that he usually worked in the night (in a parcel service), leaving the house around 4 pm and coming back on 10 pm and then again from 4 am till 9 am. If he was not picked up by an Arab colleague (which usually happened for the morning shift) he always walked to the right side in the direction to the public transportation, and he also turned right when he went into to an internet café which he regularly visited. Therefore it was an exception, that on this 13 January he walked to the left in order to go the supermarket, as usually it was her who did the shopping. On this day she had left the house at around 10 am, after her husband had come from his job.

She said to the court that in the week before the killing in January 2009 – but not in December 2008 – he had told her that during that week he had at least three times met a Chechen man at the street in front of their house and that on one day a car followed him with this man and another Chechen man in it. He did not tell her any name but only that the man was the one, regarding whom he was warned by his brother in law.

The prosecutor and the judge read out a part of the email correspondence between an Austrian friend of the family and an officer of the anti-terrorism police. The first email is dated 22 December and reports about Israilov's observation that starting with the week before he regularly noticed another Chechen at the street in front of his house who passes him and who gave the impression to be strained. He had seen him before in St. Pölten and thinks his name is something like Zurko. In the answer from 27 December the officer asked whether Israilov was addressed and whether there was any kind of a threat, also commenting that he could not see any reconnoitering, because this would happen secretly. On 29 December and again on 6 January there are two follow-up emails from the friend of the family who reports from more observations from Israilov. In the evening of 4 January the same Chechen followed his family the whole way from Israilov's home to the railway station in Vienna Floridsdorf. And in the evening of 5 January he again saw the same Chechen together with another Chechen waiting in a car in front of a pizzeria not far from his home what again looked for him as if they would spy on him. Sagieva commented that her husband only told her in the week before he was killed that he felt to be monitored. She thinks that he did not want to worry her.

Asked about the relative peace from the end of 2005 till the middle of 2008 she said that he had launched the appeal to the ECtHR only in 2007. The lawyer of the victim's family, Nadja Lorenz, explained that there is an international arrest warrant against Israilov dated December 2007, in which there is still the PO box in the USA mentioned as the likely place where the Grozny prosecutors office (which initiated the warrant) assumed he would live. Then, in January 2008 there was the start of the request for legal assistance to the Austrian authorities, which means that then at the latest they knew that he was living in Austria.

Sagieva spoke about a long telephone conversation which Israilov had in December 2008 with her brother in law, who lived in the neighborhood of Kaltenbrunner in St. Pölten and who warned Israilov about Kaltenbrunner, because he knew that Kaltenbrunner had been in Chechnya and had been photographed together with Kadyrov there. She also said that Kaltenbrunner has told colleagues that he would cancel his job in order to drive to Chechnya to earn some easy money, but she could not remember if she heard this before or after the death of Israilov and from whom.

She also said that in March 2001 a Chechen woman approached her and offered her 100.000 Euro as a help from Kosum Yeshurkaev, telling her that Kosum wanted her to know that his brother was innocent because he had been fooled by Kaltenbrunner, whom he would personally kill should he manage to get out of prison.

She told the court the first name of this woman and said that she claimed to be the wife of a friend of Yeshurkaev. She rejected the offer, telling the court "I am not taking any money from the killers of my husband." Asked why she thinks that he was involved, she answered that this was her personal opinion: "Even if has nothing directly to do with the killing, it is enough for me that he knew about it."

The defense lawyer of Kaltenbrunner questioned her about the presence of Bukhari Salamov (Baraev) at the funeral, who is the father of Movsar Baraev, who led the mass hostage taking of more than 800 persons in the Dubrovka theatre in October 2002. She answered that Salamov had approached her and emphasized that it was clear that the Kadyrovtsi killer her husband. However, one week after the funeral he showed up in Chechnya at the side of Ramzan Kadyrov.

He also questioned her what happened to the filed case in Strasbourg and told her that he asks her this despite one witness telling the court that Kadyrov would not care about such lawsuits. She answered "If you tell me that Kadyrov does not care about such legal complaints, why then has he sent Arbi?" Then, Nadja Lorenz, who represents the Victim's family in this trial (but not in the Strasbourg case) explained to the court that after the initial sending of the case to the ECtHR there had been a communication problem because of the PO box address in the USA, which had been installed as a communication interface for security reasons. In the meantime the complaint was again communicated to the ECtHR but there was no decision yet about its admission.

#### Witness Sharpuddi Israilov, father of Umar Israilov

Asked about why his son became a rebel and what were his political aims, Sharpuddi Israilov answered that Umar (born 1981) was a kid when the war began and that when he became a young man, he and his peers could not accept what was going on in Chechnya. Literally, young men were hunting targets for the Russian military, and there were those frequent clean-up operations and arbitrary controls at check-points, after which many people disappeared, were tortured or extrajudicially executed. Therefore they were looking for ways to fight against this. Therefore he became a rebel.

However, in 2003 Umar was arrested by Kadyrovtsy, at a time when he, Sharpuddi, was working in the neighboring Dagestan. He immediately drove back to Grozny and started to look for him, to no avail. At the place, where he was held, he was also told that Umar is not there but that it was dangerous to look for him and that he should not come back. „If Ramzan will get to know about it, the same might happen to me.“ Then, after two months, he got a note from his son that he should not take any measures and that everything would depend on himself. One month later I was told that he is in the personal guard of Ramzan Kadyrov.

Again, a little later, around the beginning of August 2003 he could meet him in the boxing club in Gudermes, but of course Umar could not explain anything as his superior remained standing next to them when they had their conversation. However, he noticed bruises in his face and he had lost weight. „I understood that he had not been treated well.“ His son was the only one of the group without weapons. During the next meeting in his flat in Grozny, when Umar was again accompanied by his colleagues, they again could not talk. He said that actually he only had found out about how he was pressured into the rank of Kadyrovtsy when he himself was taken as a hostage in 2004, after Umar and his wife had fled the country. „I was told that when Umar was tortured he did not cry nor whine and even laughed. The Kadyrovtsy told Ramzan Kadyrov about this and so Ramzan became interested and started to personally torture him. The bruise in Umar's face stems from a gunshot directed to in front of Umar's feet. There was also torture with electrical devices.“ Only when he was threatened that all the females of his family would be brought here and raped in front of his eyes he gave in and accepted to become a Kadyrovtsy.

He said it was him who convinced Umar to flee from Chechnya in November 2004. He had heard that Umar was named the head of the militia in his home village Mesker-Yurt and did not like this at all. „I understood why they are doing this. They sent him, because Umar knew all the young people in the village. And with the

Kadyrovtsy it is like that, that everyone has to make a 'blood test', which means that the person is first forced to kill someone. This is done in order to prevent the person to leave the Kadyrovtsy structures." Sharpuddi told his son to come to him and explained him why they had sent him to his home village and what he will have to do there. He answered that he would not do that, to which his father replied that in this case the Kadyrovtsy would destroy him. The only way out was to flee the country. First Umar did not want to agree, because he understood that this would be dangerous for those family members who stayed behind in Chechnya, but then his father convinced him. Sjarpuddi took care of organising forged documents for his son, but this of course needed time and money.

He did not want to flee himself, because it was expensive to organise everything for a flight and because he wanted to stay in Grozny with his family (wife and three kids). While he then was illegally detained, they also stole all his documents and all his money (6.000 USD) which he had because he had sold a piece of land some days before and wanted to buy a flat in Grozny.

Two weeks after Umar and his wife had left Chechnya, a group of Kadyrovtsy came to his workin place and took him with them. In the car there was already his wife waiting and in Tsentoroi, where he was brought to, he also saw that also the sister of Umar's wife had been taken. He was then held as a Geisel for more than 11 months. In the beginnig he was asked again and again where his son was, but then they stopped asking him because via his mobile phone they had found out that Umar was in Poland. He was held for four days in Tsentoroi and for the rest of the time in Gudermes.

He was, unexpectedly, set free in October 2005. „When they let me out I did not know where to go to. I could not sleep and had nightmares. I had to do something. After I have seen, what is taking place behind those walls, I cannot call those people humans any more, just dogs.“ With the help of human rights organisations he could organise his flight, but his main interest was to bring the perpetrators to justice and he wanted to this via the European Court of Human Rights in Strasbourg. He was also promised to get help in that endeavour. After all the documents had been prepared he and his family fled to Norway in May 2006. The case to the EctHR was then submitted in 2007 because a lot of time was needed for its preparation.

Asked about his contacts with his son, he answered that after his son had left Chechnya he could not see him, and that they only had weekly phone conversations. „I only came to Vienna to bury him.“ His son told him about the threats which were delivered by Kurmakaev in the early summer of 2008, but he usually did not tell him all the details. At that time, he wanted that his son and his family move to Norway, but this was not possible for legal reasons. The last phone call was two or three days before the killing and he told him that he felt being followed.

The defense lawyer also asked Sharpudi Israilov about the participation of Bukhari Baraev (Salamov) at the funeral, and Israilov answered that Salamov was from the same village as he, and that it was normal in Chechnya that as long as the father is not at the place of the death (and he arrived only two days later) he has to ask an elder from the same village to take care of the preparations for the funeral. However, when he arrived in Vienna, he took over to care about the funeral preparations. After the funeral, when he was already back in Norway, he read in the internet that Salamov had travelled to Chechnya and let himself be seen at the side of Kadrov.

Asked by the defence lawyer of Yeshurkaev about the submission of his case in Strasbourg he clarified that now his son's and his own case ar emerged into one case and that this was again submitted to the ECtHR.