

## **ISRAILOV Case – Vienne trial**

### **Summary of Day 10 (19 January 2011)**

At the beginning the judge told the court that two of the eight jury members could not take part any longer in the proceedings – one because of urgent professional obligations, the other one because of health reasons – and were replaced by two substitute jury members (who also had taken part in the court for the whole time).

### **Request for Legal Aid to the Russian Prosecutor General**

At the request of the defense lawyer of Yeshurkaev, Philipp, the judge reads out the main points of the request for legal aid to the Russian Prosecutor General, which is afterwards translated to the three indicted persons. After the description of the main points of the crime and the indictments against the three persons, who are on trial at the Viennese court, there is the request to the office of the Russian Prosecutor General, to locate the witnesses Lecha Bogatirov, Shaa Turloyev und Bukharu Salamov, and to question these three, as well as Ramzan Kadyrov and Artur Kurmakaev, whether they want to testify before the Viennese jury court, whereby they should be told that they can refuse such a witness statement under reference to the Austrian code of criminal procedure, which allows a person to refuse a witness statement, should one bring oneself in the danger of criminal persecution otherwise. However, if they agree to testify, they have to do it with the obligation to tell the truth. The five persons should answer, whether they are ready to testify before the court in person at the planned continuation of the trial at the end of March 2011 (or at any other immediate date), or if they want to testify by the way of a questioning via live video. For the latter case the Russian side is also asked whether they can give supporting legal aid in that respect. The Prosecutor General is kindly asked to answer – or at least to give intermediate information – until 20 March 2011.

Regarding Ramzan Kadyrov, President of Chechnya, the court wants his witness statement in order to clarify the questions about the reason of his meeting with Otto Kaltenbrunner at the end of 2008, whether Kaltenbrunner has collected and forwarded information about Chechens residing in Austria, and whether the Chechen leadership has given an order to repatriate Umar Israilov to Chechnya or to kill him.

Regarding Artur Kurmakaev, who is said to be presumably until 6. June 2011 in the prison of Mozhaijsk in the Moscow region, the court wants to clarify the questions, if on the order of President Kadyrov he has tried in the spring 2008, to persuade Umar Israilov to return to Chechnya, whereby the issue was an allegedly embezzled amount of 300.000 USD, whether he was threatened with a gun by Israilov on 8 June 2008, and what was the content of a telephone conversation with President Kadyrov on 9 June 2008. Furthermore it should be clarified with his witness statement, whether he was in contact with Suleyman Dadaev since the summer of 2008 as is claimed by Dadaev, whether there was an assault between them in August 2008 following the attempted recruitment of Dadaev to the Russian secret service by Kurmakaev, and whether he was the wirepuller of the operation against Israilov, having given the order to Dadaev to approach Israilov or at least to surveil him.

Regarding Lecha Bogatirov the court wants to clarify the questions, what was the reason for the meetings and telephone conversations in January 2009 with the three accused persons, and whether and how he participated in the criminal action from 13 January 2009.

Regarding Shaa Turloyev the court wants to clarify the questions, if his trip to Austria in October 2008 only served his medical treatment and the making of a new artificial leg, and whether he had arranged a meeting between Kaltenbrunner and President Kadyrov at the end of 2008 and whether he has incited Kaltenbrunner to repatriate Israilov to Chechnya or to kill him.

Regarding Bukharu Salamov the court wants to clarify the question, whether there was a conversation with Kaltenbrunner and Kosum Yeshurkaev on 12 January 2009 in St. Pölten, which served as a means to prepare

the return of Salamov to Chechnya and to give Salamov a contact to President Kadyrov.

Witness XXX, brother in law of Umar Israilov

The witness confirmed that in 2007, and for about one month he had worked in the same meat processing factory as Kaltenbrunner and that he had been living nearby Kaltenbrunners in St. Pölten, three blocks away. However, after Kaltenbrunner has quit his job there, he did not have any conversations with him and just saw him on and off-

Asked by the judge, whether he could confirm the witness statement of Malizha Sagieva, the widow of Umar Israilov, who had testified that in December 2008 the witness had spoken by phone to Israilov to let him know that he should be careful because he had a neighbor in St. Pölten who had been in Chechnya and who posed on a photograph together with Kadyrov, he answered that a phone conversation had taken place but that the content was different. He said that he only told Israilov about persons who offered to help persons who wanted to return to Chechnya, but that he did not know who these persons were. He said he only heard about the photo with Kadyrov after the murder and that he also could not tell Israilov about meetings in Kaltenbrunners home with emissaries from Chechnya because he did not know anything about it at the time. He also denied the further witness statement of Sagieva, in which she described how the police came to her home after the killing, also presenting photos of suspects, at which occasion he pointed towards the photo of Kaltenbrunner, saying that this was the man about whom he had warned Israilov.

Following this, the prosecutor vividly reminded the witness of the legal obligation to tell the truth before the court and then quoted from an police protocol from 16 January 2009 about the questioning of an (anonymous) Chechen “occasional informant”, about whom is said that he had worked together with Kaltenbrunner in a meat processing factory in Lower Austria and that he was a relative of the Israilov. Asked whether this was him, he answered that he did not know. Then the prosecutor gave him two possibilities, either that he confronts him with his statements before the police or that they would start with the questioning from the beginning, and also the judge reminded him again of his obligation to tell the truth, but the witness insisted that today he had indeed told the truth. (“Is there a reason, why you could be afraid to tell the truth here? Do you have relatives in Chechnya?”) “Yes.” („Are you afraid, that if you testify something here, that then something happens to your family in Chechnya?”) “That can be.” (“Nevertheless you are under the obligation to tell the truth her. I cannot relieve you from this obligation.”)

The witness insisted that here in court he had told everything he knows. Asked by the prosecutor that in the police questioning from 16 January 2009 he had apparently known more, he answered that this was after the killing when he knew things that he had not known before.

Therefore the prosecutor started to confront the witness with his witness statement before the police from 16 January. In the police statement, the witness had said that during the time he had worked with Kaltenbrunner the rumors said that Kaltenbrunner was sought after in Chechnya as a follower of Maskhadov, and that Kaltenbrunner saw himself always in a kind of higher position but had a low status among the Chechen diaspora in St. Pölten. In October or November 2008 he heard from other Chechens that Kaltenbrunner was in contact with two Chechen emissaries of President Kadyrov, who supposedly have discussed with Kaltenbrunner how to bring Chechens, who are wanted in Chechnya and who are living in St. Pölten, back to Chechnya, after which he informed Israilov about it, who answered ‘I am sure they are because of me in Austria.’ After the visit of these two Chechens, Kadyrov suddenly acted as a sympathizer of Kadyrov and travelled to Chechnya in December 2008, where he should have had contact with Kadyrov, also documented by photos.

In the police questioning from 16 January 2009, the witness further had told about an incident from 10 or 11 January 2009 that he had been told by another Chechen. During night Kaltenbrunner was making a telephone call in his courtyard. Two Chechens passed by and wanted, out of fun, to scare Kaltenbrunner by

sneaking up from behind. As they did so, Kaltenbrunner noticed them and pulled his gun, pointing it towards them.

Confronted with all these statements in front of the police, the witness claimed that he did not say those things. Following this, the prosecutor announced to call the police officers as witnesses who conducted the questioning of the witness and he also said to start a criminal procedure due to the wrong witness testimony of the witness.

Asked by the defense lawyer Mayer, whether he was an occasional informant of the police, he denied strongly and complained why the Austrian authorities are making problems for him. The defense lawyer said that the meaning of “occasional informant” was that one gives information to the police more often.

Asked by the defense lawyer Philipp, whether there had been talking to a police officer at all, he answered that it was only a 10-minute long conversation, which was made in the police office after he had been called by the police and picked up at the railway station.

As Malizha Sagieva, the widow of Israilov, was present in the courtroom, the judge used this opportunity to ask her to comment the witness statement of her brother-in-law, who claimed that it was not true what she had testified. She answered “You know, I understand him very well. All of my relatives are here in Europe, but all of his relatives are in Chechnya. He can say nothing because if he speaks today, his relatives will have problems tomorrow” Then she repeated what she had said in her witness statement earlier, that when they were shown photos after the killing by the police he had said that Kaltenbrunner was the man from whom he had warned Israilov. Her brother-in-law answered that she had misunderstood and that he only had told that the arrested person, Kaltenbrunner, had been his neighbor. However, also Sagieva insisted that it happened as she had described it.

#### Witness police officer W.P., Viennese state security police

The witness confirmed that he was taking part in the investigation from its beginning and that he also had taken part in the official act regarding Kurmakaev in the spring and summer 2008. He told the court that at 13 January 2009, in the early afternoon, he had heard about a shooting. A little bit later the information reached his office that a man had been shot and that the victim’s name was Israilov. Some police officers went there, and in the late afternoon the decision was taken that the investigation would be led by the Viennese state security police (LVT Vienna, “Landesamt für Verfassungsschutz und Terrorismusbekämpfung Wien” - “Viennese state office for the protection of the constitution and the fight against terrorism”). Kaltenbrunner, the owner of the getaway car, was arrested the same day and brought to Vienna. The questioning of Kaltenbrunner began the same day. He took part in his first questioning but later his job was to coordinate the work of his colleagues.

Asked by the lawyer of the victim’s family about Kaltenbrunner’s allegation before the court that the police applied enormous pressure on him in their questionings, the witness replied that there was no pressure. “Nowadays this does not exist any more. There were questions and he answered. Of course there was an enquiry, but for sure there was no pressure.”

He also was asked about the term “occasional informant”, and answered that this is someone, whom the police knows and whom they can ask questions without payment. When the defence lawyer Mayer insisted that he only would know a person when he had already spoken to him at least once before, he agreed.

Asked by the judge whether, through his experience with Chechen witnesses during this investigation, it was known to him that witnesses told to be afraid to testify because they have relatives in Chechnya, he answered that “it happened continuously that witnesses refused to testify, or that they testified but said that they fear repressions at home.”

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In the waiting time for the next witness, Kaltenbrunner handed over to the judge a Russian language book from Mairbek Vachagaev, entitled “Chechnya in the Caucasian War in the 19<sup>th</sup> Century”. He said that he wants to present this book to the court as a proof that his trip to Paris together with Shaa Turlaev only served the purpose of an amicable visit of a friend, namely the renowned historian Mairbek Vachagaev. He, and also Turlaev, received a copy of this book from the author personally, who also wrote a personal dedication into their copies. The court’s translator told the court that the dedication said the following: „Ramzan, I hope that this book will enable you to get to know something new from our history.“

Witness police officer R.H., Viennese state security police

Also this witness was involved in the investigation of this case from its very beginning. He also took part in many of the questionings in the course of the investigation, including of the three indicted persons. However, he told the court that he had nothing to do with Chechen case before this killing.

Asked by the judge, whether he frequently dealt with witnesses, who do not want to be named in the police protocols or who were afraid to testify, he answered that “it is usual, that no one wanted to be mentioned by his or her name, or they don’t tell anything.”

Asked about how the investigation in this case proceeded, he answered that at the beginning the get-away car could be attached to Kaltenbrunner, who could be arrested the same afternoon. Then there was the examination of the phone calls from Kaltenbrunner’s regular mobile phone and of his respective locations. Then, during the search of his flat, the folder of a prepaid sim-card – from the mobile phone company BOB – was found, and then also the one with the subsequent number. The first results of this examination with his different phone numbers they had around the 14 and 15 January 2009. In the following days they narrowed the circle of the twenty suspects they had and located them. Based on an internal discussion at 25 January, several arrests and house searches were conducted on 27 and 28 January 2009.

The judge said that he asked because Bogatirov was able to flee the country and that Yeshurkaev was questioned as a witness, but not as an accused. The witness answered that the identification of Yeshurkaev as a suspect only was made possible by the analysis of the other phones.

Asked what was the major kind of evidence in the investigation, the witness answered that it was the data about the locations of the different mobile phones and the behavior of the persons making the phone calls. That not only the phone numbers but also the phones themselves could be attached to persons was particularly important in the case of Dadaev, whose claim that he had forgotten his mobile phone in Kurmakaevs (or Kaltenbrunner’s) car could be refuted by this means.

Asked by the defence lawyer Mayer whether there was anything manipulated in Kaltenbrunner’s car and whether his regular registration plate was on the car, he answered that the car was not manipulated and that it had its regular registration plate. Asked what was found inside the car, he could only recall a plastic bag that was formed to a knob. He said that the analysis of what was found inside the car was done by another group. He further confirmed that the police received its information about the mobile phone numbers, including about the locations from where the phone-calls were made, from the mobile phone companies and that they were transmitted via different means including electronically. Asked whether the originals of the answers of the phone companies are still available he answered that he has to check this. Following this, the defense lawyer Mayer made the motion to bring forward the originals to see the whole list of phone calls which Kaltenbrunner conducted, for example with his BOB sim card. To this the prosecutor commented that in the case of the BOB sim card the list shown in the trial was exhaustive.

## **Summary of Day 11 (24 January 2011)**

### Questioning of police officer XX, state security police St. Pölten

The first witness of the day was the police officer from the state security police (LVT) from St. Pölten, who knew Otto Kaltenbrunner from before the arrest and who also was actively taking part in having him arrested on 13 January 2009

### Questioning of police officer YY, state security police St. Pölten

The second witness of the day was the police officer who had questioned the brother-in-law of Umar Israilov, who had repudiated statements which he done according to a police protocol from 16 January 2009 between 19:30 and 21:30 (in ON 57). The police confirmed that if course the questioning indeed took place as was described in the protocol.

### Questioning of witness Mr. F, human rights activist and friend of Umar israilov

At the beginning the judge told the court that two of the eight jury members could not take part any longer in the proceedings – one because of urgent professional obligations, the other one because of health reasons – and were replaced by two substitute jury members (who also had taken part in the court for the whole time).

At the beginning the witness clarified that he was not a refugee carer as was written in the indictment, but a human rights activist and between the end of 1997 and the end of 2007 a staff member of the International Helsinki Federation for Human Rights (IHF), tasked in the years 2003-2007 to coordinate the North Caucasus projects of the IHF. Asked by the judge, how long he knew Umar Israilov, the witness answered that he got to know Israilov in December 2005, when he came into the office of the IHF in order to meet a Russian colleague of Mr. F. In the following year Mr. F and Israilov slowly got to know each other better, and in the end they were friends. All his contacts with and help for Israilov were conducted outside his regular work for the IHF.

Asked about when he first contacted the Viennese state security police (LVT) he answered that this was in January or February 2007, when he tried to get the support of this unit, in order to get the permission for the family of Israilov to move from the refugee pension to a private accomodation. The justification for this request was already then his security situation, and being placed in a refugee pension (with several other Chechens being in the same pension) he could be easily found by Kadyrov's people. Moreover, he lived in a room in the groundfloor with a window to the garden. At this meeting with the state security police officer, already handed over a copy of his case at the European Court on Human Rights in Strasbourg, which had be brought in November 2006.

The next contact with the state security was in June 2008, when Kadyrov's agent Artur Kurmakaev came to Austria in order to lure Israilov with an invented story about 300.000 USD, that allegedly had been stolen from him and handed over to someone with the name Umar Israilov - to the Czech Republic and to Slovakia (from where Israilov presumably – with violent means - would have been brought further to Chechnya). At a meeting on 8 June 2008, Kurmakaev then admitted that he had been sent by Kadyrov in order to „solve the problem with Israilov“, and that in the case he is not successful, two men would be waiting in Bratislava, who are „hungry to kill him“. After this meeting, Mr. F brought Israilov's family to a safe place in a tourist destination, where they stayed for the next two weeks, except for meetings in Vienna, where Israilov would come to Vienna just for that meeting. Mr. F contacted the state security officer, whom he knew from the previous occasion, on 5 June, but as this officer was on vacation, he could meet someone from the Federal state security (BVT) only on 9 June. It was planned that Israilov agrees to another meeting on 10 June in a

cafe at the main railway station Westbahnhof, where then the police would search the cafe, and therefore also Kurmakaev. However, surprisingly, the police officer who led the operation, got a phone call, 15 minutes prior to this meeting and was told that a Chechen man had contacted the state security. He answered that this probably is the man, later known to be Kurmakaev, and that they should keep him in the office until he gets back to the office. It turned out, that he indeed was Kurmakaev, and so a police protocol was made with both Kurmakaev and Israilov. Kurmakaev was told to go back to Slovakia, from where he had entered the Austrian border illegally, having only the papers as an asylum seeker there. After he had entered Austria a second time he was deported to Russia.

Then, in July 2008, Israilov noticed a bus with several men in the middle of the night, who were apparently watching his kitchen from a parking place in the street parallel to Leopoldauer Strasse, where his flat was. This incident was told to Nadja Lorenz, who had been Israilov's lawyer since some months, who then wrote a letter to the state security to formally ask the Austrian state for protection measures for Israilov. This letter never was answered.

And then, in December 2008, Mr. F wrote some e-mails to the state security (LVT), describing that Israilov had noticed a Chechen man who passed him every evening roughly at the same time near his house. Mr. F wrote that Israilov had told him that he had seen this man in St.Pölten twice and this name could be something like „Zurko“, but he emphasized that he remembers having argued with Israilov about the name that he gave to him, telling Israilov – in the belief that it is a regular first name he gave - that such a name sounds too strange, and therefore he was not sure, if the name written was the same that he gave. Moreover he was not sure, whether the spelling of the name was so, as it would sound in German or in English language. The idea of Israilov and Mr. F was that the police at least could make a personal control of this man, which then was not pursued by the police.

#### Film about the reconstruction of the crime at the scene of the crime

In the afternoon, the film about the reconstruction of the crime at the scene of crime – conducted by the investigating police unit guided by the responsible prosecutor - was shown, which was conducted on 19 February 2009. The film, mainly consisting of statements from witnesses who had been at the scene of the crime on 13 January 2009, was shown in several portions, usually one witness per scene. Following each scene the main content of the statements of the respective witness before the court was presented by the judge and then translated into Russian for the three indicted men.

## **Summary of Day 12 (25 January 2011)**

This day's hearings consisted in a visit to the scene of the crime together with the jury.

In the course of the on-site inspection on the scene of the crime in the Leopoldauer Strasse in Vienna-Floridsdorf, there was first the questioning of four police officers in the "Gasthaus Wagner" in Leopoldauer Strasse 20. One police officer was from the department for securing evidence, two were from the police car, who was the first at the scene of the crime, and one was from the local police station, who came shortly after the two.

### **Questioning of Police Officer 1**

The police officer, who was securing evidence at the scene of the crime, thinks that he arrived 30 or 40 minutes after the crime had happened. He was first securing the traces of the crime in the Ostmarkgasse, which lasted for around 1.5 to 2 hours. He said that a bullet casing, a projectile and a puddle of blood were found and secured.

In the area in front of the tobacconist, at the roadside, they also found another bullet casing.

They also secured traces, by making abrasions for DNA traces, in a car at the parking area in front of the Eurospar supermarket, which the fleeing men were trying to hijack. But they did not find any gun in any of the dustbins there.

### **Questioning of Police Officer 2**

The second police officer, who was questioned, was from the local police station and said that he came to the scene of the crime, because he had heard everything via radio. He arrived slightly after the two officers from the radio car "Ullrich 5", which was around 20 minutes after the crime. He said that the emergency car had been there already for ten minutes and the victim was already in the car and had lost consciousness.

He helped securing the first traces. One bullet casing was beneath a car which was parked in front of Ostmarkgasse 2. Another bullet casing was found on the Leopoldauer Strasse, on the opposite side of the intersection with the Ostmarkgasse, in front of the house Leopoldauer Strasse 19 at the roadside.

The puddle of blood was also in front of the Ostmarkgasse 2, in the middle of the road. Therefore one of the bullet casings was found only 2 to 2.5 meters from the puddle of blood, so the police officer.

### **Questioning of Police Officer 3**

The third police officer who was questioned was in the first police car which was at the scene of the crime. He said that they arrived around one minute before the emergency car. They found the victim lying in the Ostmarkgasse, in the middle of the road, in the area of house number 2. He said that the victim was covered with a blanket, when they arrived. The victim had his eyes open and he could move himself but he could not say anything.

He said it was chaotic in the beginning. It was not even clear to them that there had been an exchange of fire, and also not that the events had started in front of the Eurospar supermarket. He said there was only this radio signal that there had been a car theft or so.

### **Questioning of Police Officer 4**

The fourth police officer came together with the third. He said that when they arrived, there were some people standing around the victim. He also confirmed what his colleague had said.

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After that, the on-site inspection began. First the group moved to the place where the victim was found in the middle of the road with the head pointing towards Ostmarkgasse 2, and where a bullet casing was found beneath a car parked in front of the same house.

Then the group moved to the other side of the Leopoldauer Strasse, where a second bullet casing was found on the roadside in front of the house Leopoldauer Strasse 19, where “BETA-wellness” is written.

Then the group continued to the house XXX, in which the flat of Israilov had been. A non-exploded cartridge and a projectile was found between Leopoldauer Strasse 29 and 31, where apparently the first shot happened.

### Questioning of Suleyman Dadaev

Then the group moved to the parking area of the Eurospar supermarket, where also the intersection with the Sebastian-Kohl-Gasse can be seen, and the judge started to ask questions to Suleyman Dadaev. He asked him, where the Volvo (from Kaltenbrunner) was parked when they arrived there between 8 and 8:15, after they had picked up Turpal-Ali Yeshurkaev from the gasoline station in the Floridsdorfer Hauptstrasse. Dadaev answered he could not remember because he was sleeping at this time. While he still was awake when they picked up Yeshurkaev he fell asleep before they parked the car. Asked where the car was parked, when he woke up, he said that it was in the street, where the cars were sold. After repeated questions it turned out, that Dadaev meant it was parked in the Siegfriedgasse, on the right side in the direction to the Leopoldauer Strasse around six car lengths away from the intersection with Leopoldauer Strasse, with a view to Israilov’s house. He claimed, that while he was sleeping, he noticed that the car was repeatedly moved.

Asked if he was awake, or if had seen, that Turpal-Ali Yeshurkaev had parked the car in the Leopoldauer Strasse, he said he could not remember exactly. He woke up at some points, but then again fell asleep.

The prosecutor then confronted Dadaev that so far he never had said that he was sleeping, to which Dadaev first replied that he had never been asked this question, and then that he had been questioned but that he could not remember so well.

Asked by the judge, Dadaev said that when he woke up , he was on the co-driver’s seat and was alone in the car. He got out of the car and went into the “Gasthaus Wagner” in Leopoldauer Strasse to drink a coffee. There he was for around half an hour. When he came back to the car, it had been parked at another position, still in Siegfriedgasse, but only two car lengths from the intersection with Leopoldauer Strasse. The car was still unlocked and the key was plugged. He said he got into the car and waited for Bogatirov, again on the co-driver’s seat.

“Then Bogatirov came and told me that he had to deal with something in connection with business and that I should drive back to Sankt Pölten. ... So I changed the seat and drove away”, Dadaev said. He said that he was driving till the bus station immediately behind the Interspar supermarket and the crossing with the Sebastian-Kohl-Gasse. He said that when he heard a shot, he first stopped the car and got out of it, but as another car was behind it he parked the car at the end of the bus station and got out again. “I got out of the car, looked around, the people were running back and forth. It was panic outside.” His first thought was that Israilov had shot at Bogatirov. He began to try to reach Yeshurkaev on the phone and with the second or third try he succeeded. He then reversed the car some meters, drove against the one-way street Sebastian-Kohl-Gasse, then turned right and arrived again there where there is the exit of the Eurospar parking area to the Siegfriedgasse.

Asked by the prosecutor whether Bogatirov said anything about the business which he was dealing with, Dadaev said no. Then he said “Bogatirov came because of my thing, saw Israilov and the two of them apparently were old acquaintances.” A little bit later he specified that with this notion he did not mean that they were good acquaintances but also old enemies. (Prosecutor: “But how could you get this impression? You never saw the two of them together?”) “Well, I knew the two of them quite well, or well enough that I could analyse this.”

The prosecutor summed up Dadaev's testimony of this day as: "You come, you sleep, you wake up, you go into a café to drink a coffee, you again sit in the car, then Bogatirov explains to you that he has still to do something and you drive away, and immediately afterwards you hear a shot." Dadaev's answer: "Yes, right."

He denied having made any observations around the house and said that he had met Israilov at different places, at the subway station, at his working place, etc.

Asked whether he noticed anything, when he turned right from the Siegfriedgasse into the Leopoldauer Strasse, he said no. When he had to stop at the intersection he had to let some cars pass, which was why it took a bit longer. Asked whether he had seen any of the three others (Israilov, Bogatirov or Yeshurkaev) he first said no, and then, that yes, he saw Yeshurkaev sitting in his car, waving at him.

#### Questioning of Turpal-Ali Yeshurkaev

The group moved to the exit of the parking area in front of the Eurospar supermarket where Yeshurkaev was questioned. He answered to nearly every question that he did not remember. He only confirmed that at some point in the Siegfriedgasse he and Bogatirov entered the car.

The lawyer of the victim's family, Nadja Lorenz, asked him if it was correct, that he once told that he also sat in the Volvo for a short time. He could remember that he was indeed in the Volvo for around ten to fifteen minutes, and said that the car at that time was parked in the parking area of the Eurospar supermarket, that nobody was in the car when he was going there. He was curious about the car and started the engine, and then parked the car at the Siegfriedgasse outside the parking area, on the right side in the direction of the Leopoldauer Strasse. He said that he then left the car to look for the others in order to tell them that he had to leave. He thought that he was walking till the Leopoldauer Strasse. Then he saw the two others and Israilov. "First I did not understand what is there. I then was running along the Leopoldauer Strasse in the direction to the Angerer Strasse", he said. (Judge: "Was this the direction from which the shots came?") "I did not understand from which direction the shots came. I saw how Lecha Bogatirov was running in my direction."

The group moved to the Leopoldauer Strasse, and Yeshurkaev confirmed that Bogatirov was running in the direction to him on the side of the "Gasthaus Wagner" and that he was in Siegfriedgasse or somewhere between Siegfriedgasse and "Gasthaus Wagner", when he heard the shots.

The prosecutor then confronted Yeshurkaev that his description of this day of the chain of events was impossible, because it was clear that the events started near the entrance of the Eurospar supermarket and then moved along the Leopoldauer Strasse in the direction of the Ostmarkgasse with a chase with several shots and the stopping of several cars. "That had to cause a stir. If what you told us now is true, then all of this has happened right in front of your eyes."

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Asked by Kaltenbrunner's lawyer, Rudolf Mayer, the police officer from the department for securing evidence said that all the found bullet casings were shot from the same gun.