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TWO YEARS AFTER THE MURDER OF NATALIA ESTEMIROVA: THE INVESTIGATION CONTINUES ALONG A FALSE PATH

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person.



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Natalia Estemirova at an FIDH seminar on International Justice, Tbilisi, November 2008.

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Background

The main official version of the investigation of case number #09500038 currently maintains that the kidnapping and murder of **Natalia Estemirova** was carried out by **Alkhazur Bashaev**, a member of an illegal armed group (IAG), as well as other as yet unidentified individuals. State investigators feel that enough evidence has been gathered over the course of the criminal investigation to support this conclusion. The authors of this report were able to gain access to part of the evidence gathered during the criminal investigation, to analyse it, and to conduct their own independent investigation. The results of our own analysis and investigation allows us to conclude the following:

- At present, the authorities have no credible basis to maintain that Alkhazur Bashaev was involved in the kidnapping and murder of Natalia Estemirova. On the contrary, the material in the case file which makes up the “evidence” gives reason to suspect a deliberate fabrication of evidence with the aim of creating a case against Bashaev.
- The criminal investigation did not use all of the opportunities to analyse the DNA of suspects. At the same time, several of the objects which contained the DNA of the suspects were completely consumed during analysis. As a result, it is now impossible either to prove or completely disprove the version of events that implicates Alkhazur Bashaev in committing the crime by using comparative analysis of the DNA samples in the investigation’s possession and samples of DNA from Alkhazur Bashaev’s relatives.
- The investigation has taken no steps to use comparative DNA analysis either to prove or rule out versions of events which implicate other individuals in the crime, including members of government security forces.

1. The Official version of events

On July 16th 2009, the criminal investigation of the murder of Natalia Estemirova was transferred to an investigative group headed by **I. A. Sobol**, Senior Investigator for Serious Cases of the Department for the Investigation of Serious Cases. This department is part of the Central Investigative Department of the Investigative Committee for the Prosecutor’s Office of the Russian Federation Southern Federal District.

An official request was made by the Administration of the Investigative Branch for an extension on the time allowed for the preliminary investigation of case # 0950038 (section 2, article 126; section 1, article 105; section 1, article 222, Russian Federation Criminal Code), from 15th July, 2009 to 13th January 2010.

This request indicated that the investigation had reviewed four possible versions of events surrounding the murder of Natalia Estemirova, specifically:

- 1) that it was “related to her professional activities”;
- 2) that it was “a way to discredit the offices of the administration of the Chechen Republic”;
- 3) that it was “due to personal conflicts”;
- 4) that she was “murdered by members of security forces of the Chechen Republic in connection with her exposing instances of human rights abuses.

We are using the exact wording of the versions as they are described in the request. At the same time, we feel that this list is somewhat out of order logically, since version 1 in effect covers version 4.

1.1. Version relating to “Personal Conflicts”

Whilst looking into this version of events the criminal investigation discovered attempts to challenge Natalia Estemirova’s right to occupy her apartment. However, virtually the majority of apartments in Grozny are subject to similar challenges. Over the last 20 years, Grozny has fallen under the control of different groups and most of the population has at one time or another fled the city, sometimes for lengthy periods of time. As a result, the same apartment frequently has several families who have official authorization to live there. It often takes years for the courts or other agencies to resolve these challenges. Estemirova was no exception in this regard.

In looking into this version of events the criminal investigation questioned Estemirova’s colleagues to get a sense of her interaction with them as well as other human rights defenders, and to see whether there had been any conflicts relating to finances, etc.

1.2. Version relating to “Security Forces”

The version of events that implicates the security forces was clearly based on statements provided by colleagues of Natalia Estemirova regarding kidnappings and murders, including those occurring in the Kurchaloi Region of Chechnya, in which members of the Regional Department of Internal Affairs of Kurchaloi were implicated. Natalia Estemirova had been working specifically on these cases during the last week of her life, and she was the one who first brought these facts to light.

From the materials in the case file, it is clear that, at least January 2010, the investigation tried to look into the version of events implicating members of the Regional Department of Internal Affairs of Kurchaloi in the murder. Investigators traveled to the Kurchaloi Region and conducted investigations there. As a result, in addition to the criminal investigation opened in the case of the public execution (murder) of **Rizvan Albekov** in the village of Akhinchu-Borzoi, investigator **Igor Sobol** notified the Prosecutor’s Office of the Chechen Republic at least twice about the discovery of evidence of criminal activities (under articles covering “kidnapping” and “exceeding official authority”) committed by members of the Regional Department of Internal Affairs of Kurchaloi. We do not know the results of any investigations resulting from these notifications.

1.3. DNA Evidence

It must be noted that, from the very beginning, the investigation had very important physical evidence which would have allowed them to identify the individuals who participated in the kidnapping and murder. DNA of those directly involved in Natalia Estemirova’s abduction and murder was identified as a result of the analysis of physical evidence found under her fingernails and on her clothing. This included the DNA of at least three individuals, one of whom was a woman, who the investigators were not able to identify. However, this evidence was not used in the investigation even once – the file does not include a single court order for a physical sample to be used for genetic comparative analysis with the results of the DNA analysis of the murderer. Specifically, not a single member of the Regional Department of Internal Affairs of Kurchaloi was asked for a blood sample for comparative analysis.

1.4. Version relating to “Militants”

In January of 2010, a new version of the circumstances surrounding Natalia Estemirova’s murder appeared in the case file. This version is currently considered to be the leading version of events. This theory is based on the discovery, on 13th January 2010, of a hidden cache which contained, along with other weapons, the gun used to kill Natalia Estemirova.

According to the report of Lieutenant S.D. Magamadov (Chief of Operational Investigative Department–2, for the fight against organised crime of the criminal police of the Ministry of Internal Affairs (BOP KM MVD) for the Chechen Republic), on that day, he received actionable information about an illegal store of weapons at: 24 Lermontov Street, in the village of Shalazhi (owned by the Bashaev family). Based on this information a search was conducted which uncovered the following: two guided anti-tank 9M113 missiles used by the Konkurs Mobile Anti-Tank System, a RPG – 26 rocket propelled grenade launcher, a Makarov handgun, 8 9X18 caliber bullets, a Series-T handgun home modified from a MP-654K air pistol, and 9 9X18 caliber handgun bullets. It also contained the identity card of a member of the MVD for the Chechen Republic, issued to Corporal **A. U. Elmurzayev** (deceased 19 March 2008) with a photograph of **Alkhazur Bashaev**, resident of the Village of Shalazhi, pasted into it.

Based on this evidence a criminal investigation was started under article 222 of the Russian Federation Criminal Code, on 15th January 2010. That same day, the results of a check of the federal ballistics registry indicated that the modified MP-654K was the weapon used to kill Natalia Estemirova.

As a result, on 25th January 2010, the Acting Deputy of the Chief of the Investigative Committee for the Prosecutor’s Office of the Russian Federation, **B. M. Karnaukhov**, came to the conclusion that

“during the course of the criminal investigation, sufficient evidence was obtained indicating that the kidnapping and murder of N. Kh. Estemirova was committed by a member of an illegal armed group, A. A. Bashaev, as well as other unidentified individuals, in order to discredit branches of the government of the Chechen Republic” (volume 1, lines 78-80).¹

This conclusion was based on the fact that the weapon used to kill Natalia Estemirova was found in the empty house belonging to the Bashaevs, and on the identity card with Alkhazur Bashaev’s photograph.

On 25th January 2010, the following three criminal cases were combined into a single case:

- Criminal Case #09500038 regarding the murder of N. Estemirova (contrary to section 2, article 126; section 1, article 105; section 1, article 222 Russian Federation Criminal Code (RF CC)), under investigation by the investigative group of I. Sobol;
- Criminal Case #89009 charging Alkhazur Bashaev with organizing an illegal armed group (contrary to section 2, article 208 RF CC), opened by the Federal Security Service (FSB) Branch for the Chechen Republic on 22nd September 2009, and suspended in November 2009. According to official notification, on 13th November 2009, Alkhazur Bashaev was killed during a special operation. The special operation was headed personally by **Adam Delimkhanov**. The militants, who were traveling in a Ural model vehicle, were eliminated by a missile strike from the air. According to information reported by Chechen television, authorities were able to establish that Alkhazur Bashaev was among the dead because his passport was found among the remains of the militants. However, on 21st January 2010, Criminal Case #89009 was reopened *“due to evidence uncovered during the investigation of the murder of*

1. Decision regarding the combining of criminal cases dated 25 January 2010, authorized by Acting Deputy Chief of the Investigative Committee for the Prosecutor’s Office of the Russian Federation, B. M. Karnaukhov.

N. Estemirova indicating that the crime was committed by A. Bashaev".² On the same day the case was removed from the jurisdiction of the Investigative Department of the FSB of the Russian Federation for the Chechen Republic. On 25th January 2010 Acting Deputy Chief of the Investigative Committee for the Prosecutor's Office RF, B.M. Karnaukhov, transferred the criminal case to Sobol.

- Criminal Case #27503, initiated as a result of the discovery in Shalazhi of a cache of weapons (part 1, article 222 RF CC), including the handgun which had been used in the murder of N. Estemirova.

The combined criminal case which incorporated these three criminal cases was identified as Criminal Case #09500038. The investigation was assigned to the same I. Sobol.

1.5. Version relating to “Militants” - Motive for the murder

According to this latest version of events, the motive behind the murder of Natalia Estemirova was the following:

In March-April 2009, at least six residents of the village of Shalazhi (young people who had known each other since childhood) joined the militant group Shalazhi Jamaat under the command of **Islam Uspakhadzhiev**.

In early May 2009, Natalia Estemirova and a colleague from the Human Rights Center “Memorial” traveled from Grozny to Shalazhi to investigate a claim that a resident of Shalazhi, **Akhmed Asmerzaev**, had been robbed and that his son, **Yunus Asmerzaev**, had been kidnapped by militants belonging to Shalazhi Jamaat in order to hold him for ransom. Akhmed Asmerzaev, and **Said-Husain Bashaev**, the father of **Rizvan Bashaev**, one of the young men who had joined the militants, had both publicly accused Alkhazur Bashaev of recruiting for the militant group.

Based on the information collected in Shalazhi, and on interviews with local residents, Natalia Estemirova and other members of HRC Memorial in Grozny, prepared three reports published in the Memorial “Chronicles” in May 2009, and subsequently posted on Memorial’s web site. The “Chronicles” also reported that on 7 May 2009, **Anzor Bashaev**, the brother of Alkhazur Bashaev, had also “gone into the woods”. This report included a version of the disappearance of Yunus Asmerzaev which differed from that reported by his father; specifically, that Akhmed Asmerzaev’s son had not in fact been kidnapped, but had “gone into the woods” voluntarily to join the militants.

According to the investigation of Criminal Case #09500038, it was these reports which were the motive for the murder of Natalia Estemirova on 15th July 2009: the crime was committed as revenge for the fact that Natalia Estemirova had named Alkhazur Bashaev as the recruiter for the militants.

1.6. Version relating to “Militants” - Evidence

Part of the evidence for this official version of events, are statements given by Rizvan Bashaev, Alkhazur Bashaev’s cousin and a former member of Shalazhi Jamaat. These were included in the case file. However, we are not aware of the contents of these statements provided by Rizvan Bashaev.

We are also unaware of whether Yunus Asmerzaev, who according to his father was kidnapped by the militants, but is currently living in Moscow, was ever questioned.

2. From the Decision to reopen the preliminary investigation, dated 21 January 2010, authorized by Investigator of the Investigative Department of the FSB RF Branch for CR, **A.A. Sokolnikov**.

In the parts of the case file on Natalia Estemirova's murder investigation that we were able to obtain, there was also no evidence that Akhmed Asmerzaev himself was ever questioned. In our opinion, Akhmed Asmerzaev should have been a key witness in this version of events. Nor does the case file contain any evidence that there was ever an investigation opened in response to the robbery of Akhmed Asmerzaev, or the kidnapping of Yunus Asmerzaev in April of 2009. There is also no indication of investigations into the participation by Rizvan Bashaev in an illegal armed group, or of his subsequent voluntary return from the group and receipt of amnesty. Rizvan Bashaev is currently living with his father in Grozny.

Clearly investigations should have been initiated; however, according to the case file for the Estemirova murder investigation, only a single criminal investigation was opened. On 22nd September 2009, Senior Investigator for the ID FSB RF for the CR, and Captain of the Judiciary **K.S. Smirnov**, having reviewed information and found evidence of criminal activity under Section 2, Article 208 of the RF CC, registered, the opening of a criminal investigation against Alkhazur Bashaev for voluntarily joining an illegal armed group, in Volume 1 of the records of the Russian Federation for the Chechen Republic. Until January 2010, the case had been suspended due to the fact that the whereabouts of the suspect could not be determined, and a warrant had been issued for Alkhazur Bashaev.

The following is a list of the main pieces of evidence that the criminal investigation considers to be proof of Alkhazur Bashaev's involvement in the murder of Natalia Estemirova:

1. The discovery of a cache of weapons in his home in Shalazhi including a series T handgun, modified from an air pistol, which was the weapon used to kill N. Estemirova.
2. Witness statements from **Vakhabov**, who Bashaev had asked to hide the weapons.
3. Witness statements from **Magomadov**, a member of the Chechen police, who had received the information about the hidden cache.
4. Witness statements from Rizvan Bashaev to the effect that:
 - a) it was precisely Alkhazur Bashaev who had influenced him to join the IAG;
 - b) Alkhazur Bashaev was in possession of the identity card of a member of the police force into which his photograph had been pasted; and
 - c) in May-June Alkhazur Bashaev acquired a white model VAZ-2107 vehicle, which he used to travel around the Republic and beyond.
5. Forensic expert analysis identifying Alkhazur Bashaev as the individual in the photograph pasted into the credentials of police officer, Elmurzaev, who had died in March 2008.
6. The discovery in February of 2010 of a VAZ-2107 model vehicle in an underground garage in the City of Grozny, with government license plates V 515 UN 95. This license plate lead to the identification of the previous owner of the vehicle as being **U. Yu. Malsagov**.
7. Witness statements from U. Yu. Malsagov and a record of his identification of A. Bashaev as the individual who had shown him police identity card, and to whom he sold the vehicle.
8. The discovery in the VAZ-2107 of a silencer and expert forensic evidence indicating that a fragment of the rubber compound from a silencer found at the scene of Natalia Estemirova's murder was molecularly identical to the one found in the vehicle.
9. Forensic expertise indicating a biological match between the plant material found at the place of Natalia Estemirova's murder and the plant material found on the undercarriage of the VAZ-2107.

2. Version relating to “Militants” - Analysis of evidence

We were not given access to the witness statements of Vakhabov, Magomadov, Bashaev and Malsagov.

However, we were able to obtain the following forensic reports:

- the forensic analysis performed on the silencer found in the cab of the VAZ-2107;
- the forensic analysis of the vehicle, model VAZ-2107; and
- the expert forensic evidence identifying the photograph of Alkhazur Bashaev pasted into the identity card of Police Sergeant Elmurzaev, which indicate signs of there being a photo array.

2.1. Forensic analysis of silencer

The case file contains two forensic analyses performed on the same day, 16 February 2010. These analyses were performed in the Forensic Analysis Center of the Stavropol Regional Center for Internal Affairs (volume 22, lines 195-204 and volume 22, lines 57-68). The first forensic analysis indicates that the silencer found in the car and the fragment of the silencer found at the place of death of N. Estemirova are molecularly identical (i.e., they were created from identical rubber). The second forensic analysis indicates that it is impossible to state with absolute certainty whether the fragment and the silencer found in the vehicle were both part of the same whole “*due to the lack of a matching physical fit*”.

Volume 22, lines 135-141 also contain the ballistic forensic examination performed on 9 March 2010, with the following results: “*The bullets collected in conjunction with the criminal investigation #09500038, were NOT fired through the silencer collected on 02/08/2010 in the vehicle model VAZ-2107.*”

In other words, the silencer found in the vehicle was not used in the murder of Natalia Estemirova.

2.2. Forensic analysis of vehicle

Numerous forensic analyses of the vehicle model VAZ-2107 show that there is no physical evidence indicating that this is the specific vehicle used to abduct Natalia Estemirova.

There was no evidence of blood found either on the seats or the mats of the vehicle.

There was no trace of Natalia Estemirova’s sweat found in the vehicle.

There was no trace of Natalia Estemirova’s fingerprints, hair, or pieces of the clothing she was wearing when she was abducted.

Analysis of the soil samples from the location of the crime and from where the automobile was discovered, could not establish a common origin.

Only one of the results from the forensic analysis – the biological analysis (v. 22, l. 69) – showed

indications that the suspension of the vehicle carried fragments of plants, Galium and Hordeum, which were related to two of the six types of plant, collected in 2009 from the location where Estemirova's body was discovered.

If we assume that it was indeed this VAZ-2107 vehicle that was used to kidnap Natalia Estemirova, **then the logic of the criminals becomes somewhat confusing. Before abandoning the car, they must have tried to thoroughly destroy all of the evidence. However, for some reason, they left the vehicle's government license plate in the trunk, allowing the car to be traced immediately to the previous owner, who according to his testimony, sold the car specifically to Alkhazur Bashaev.**

Moreover, it would have been IMPOSSIBLE to completely eradicate all traces of the kidnapping from the car. The negative results from the forensic analysis allow us to come to what seems like an obvious conclusion: it is unlikely that the discovered vehicle was used in the kidnapping of Natalia Estemirova.

2.3. Forensic analysis of identity card

The "natural development" of the version of events implicating Bashaev in the murder of Natalia Estemirova is also cast into doubt by the identity card that had Bashaev's picture pasted into them. These were found in the cache of weapons, next to the gun used to kill Estemirova, and had been issued in the name of a Police Sergeant Elmurzaev, who had been killed in 2008.

The forensic analysis (v. 22, l. 141-149) established that the "*photograph in the official identity card issued to the name of A. U. Elmurzayev had been prepared by combining the image of the head from a request form for a passport # 1P for A. A. Bashaev, with an image of the uniform of a member of the MVD.*" In other words, it can be assumed that **Bashaev was not the only one who could have doctored the photograph pasted into the police officer's identity card; rather, anyone who had access to his Bashaev's 1P request form could have done so.**

Based on these facts, we have a well founded doubt regarding the evidence included in the Decisions to extend the timeframe of the investigation and implicating Alkhazur Bashaev in the murder of Natalia Estemirova.

3. Independent investigation

Over the course of two years, the criminal investigation and the Russian Federation's court system, have systematically violated the rights of Natalia Estemirova's sister, **Svetlana Estemirova**, who is a victim in Natalia's murder. They have not allowed her representatives to access all of the materials in the case file, thus infringing on her legal right to actively participate in the course of the investigation. Consequently, we were forced to conduct our own independent investigation into the circumstances surrounding Natalia Estemirova's murder, including a review of whether the official version of the investigation had its basis in fact.

3.1. Findings of genetic expert

Over the course of our investigation we were able to locate Anzor Bashaev, Alkhazur Bashaev's biological brother, who has resided in France since 7 July 2009. We were also able to establish contact with the police and attorneys in France and experts in Switzerland.

In the presence of the legal representatives of Svetlana Estemirova; the marshal of the Republic of France; the attorney for Anzor Bashaev; and a number of human rights defenders, a deposition was conducted of Anzor Bashaev, and a biological sample was voluntarily provided by him.

The biological samples were used to obtain Anzor Bashaev's DNA as the biological brother of Alkhazur Bashaev. This was in order to conduct a comparison of the DNA with the forensic analysis of the various samples of DNA included in the case file, which belong to the suspected participants in the crime. It facilitated an expert finding on the circumstances related to the murder of Natalia Estemirova.

We are aware that the Investigative Committee of the Russian Federation attempted to conduct similar actions, and made a request for cooperation to the law enforcement authorities of the Republic of France. However, after a review of the materials in the request for cooperation, French authorities declined the request based on a lack of evidence indicating the involvement of Anzor Bashaev in the murder of Natalia Estemirova.

French laws governing the obtaining of biological samples from individuals located in France, allow French law enforcement officials to obtain, or French citizens to provide, samples for subsequent DNA analysis *only* on the basis of a court order. In keeping with French law, a judge can order DNA analysis only for someone who has been accused in a criminal investigation. However, the Investigative Committee of the Russian Federation did not provide sufficient evidence for such a court order to be issued.

Despite the fact that Anzor Bashaev voluntarily agreed to provide Svetlana Estemirova's attorney with his biological information, we were also forced to conduct this analysis outside the confines of France, specifically in Switzerland. There, the law allows citizens to provide biological samples for DNA analysis without a court order.

As a result, we were able to legally obtain a genetic analysis of the DNA of Anzor Bashaev, conducted in a Swiss laboratory in accordance with methodology that is accepted in the Russian Federation, amongst other countries.

We subsequently turned to an independent laboratory in Russia and received an analysis from a specialist of the highest order, Professor of Biology, **Ph. Igor Kornienko**, one of the most well-known Russian geneticists.

In order to obtain his expert opinion and comparative analysis, we provided Kornienko with the forensic genetic analysis from with the DNA profiles of the possible killers of Natalia Estemirova from the case file, as well as the DNA profile of Anzor Bashaev. This was provided so that Kornienko could identify possible points of concurrence or lack of thereof, to either confirm or contradict the version of events which accuses Alkhazur Bashaev of being directly involved in the kidnapping and murder of Natalia Estemirova.

In an effort to get the most objective finding and to protect the expert from potential conflict with the law enforcement system of the Russian Federation, we did our utmost to make all of the forensic analyses in the case file as anonymous as possible. We removed all of the factual information regarding the criminal investigation of the murder of Natalia Estemirova and left only the information necessary for a forensic evaluation.

As a result, we provided the expert with DNA profiles from objects # 1, 2, 6, 9, 10, 16, 31 and 33 to get a genetic comparison.

Object #1 – DNA profile obtained from the sweat of a person, extracted from a comb found at the home where, according to the investigation’s theory, Alkhazur Bashaev had been residing.

Object #31 – DNA profile extracted during the analysis of the sweat stains of a person found on the blouse Natalia Estemirova had been wearing at the time of the murder.

Object #9 and 10 – DNA profiles which had been extracted during the analysis of the material found under the fingernails of the body of Natalia Estemirova, where there was a mixing of the blood of two different individuals, and most likely Estemirova herself.

Object #6 – DNA profiles which had been extracted during the analysis of the material found under the fingernails of the body of Natalia Estemirova, where there was a mixing of the blood of three individuals, two male and one female, but which do not include the blood of Estemirova herself.

Object #2 – DNA profile obtained from the saliva on a cigarette butt found during the search of the VAZ-2107 vehicle.

Object #16 – DNA profile obtained from the remains exhumed at the location of the special operation carried out on 13 November 2009, during which, according to the official law enforcement version of events, Alkhazur Bashaev had been killed along with other militants as a result of an airstrike targeting a truck.

Object #33 – DNA profile of Anzor Bashaev.

Kornienko’s analysis found a complete lack of concurrence between the DNA profile of Anzor Bashaev and any of the DNA profiles found on any of the objects. He also found that **“it is highly unlikely that objects 16, 1 and 31 have the DNA of an individual who is the biological brother of the DNA on object 33. This is indicated by a low level of combined relationship index for objects 16, 1, and 31 in relation to object 33 (0.000199, 0.0087, and 0.0133 respectively).”** In other words, **neither the DNA extracted from the exhumed remains, nor the DNA obtained from the traces of sweat on Natalia Estemirova’s blouse, or the DNA obtained from the sweat on the comb, belong to the genotype of Alkhazur Bashaev.**

Based on the information presented above, the following can be stated with a high level of certainty:

- the material extracted from the analysis of the comb found in the house where, according to the investigation’s theory, Alkhazur Bashaev had lived, did not contain Alkhazur Bashaev’s DNA;**
- a comparative analysis of the DNA of Alkhazur Bashaev’s brother and the DNA of the exhumed remains of the individuals killed during the special operation on 13 November 2009, excludes the presence of any fragments of the body of Alkhazur Bashaev among these remains;**
- a comparative analysis of the DNA of Alkhazur Bashaev’s brother and the DNA of the unidentified individual who left traces of his sweat on the blouse of N. Estemirova, and who was suspected of being involved in her kidnapping, indicates that this individual was not Alkhazur Bashaev, nor his brother Anzor Bashaev.**

Kornienko established a partial concurrence of markers in the DNA profile of Anzor Bashaev and the DNA profile from object #2, specifically:

“The combined relationship index for objects 2 and 33 is 7.08. The result indicates that as compared to a randomly chosen male the DNA on objects 2 and 33 are 7 times more likely to come from biological brothers. From the point of view of population genetics, a 7.08 on the index is not considered very high. In classification terms, looking at a graph of the coefficient

of the likelihood of being related by blood, it can be classified as ‘evidence of a low level of probability that the particular group is related to the subject under investigation.’ In other words, it cannot be confirmed or excluded that the DNA on objects 2 and 33 come from individuals who may be related in a way as would a brother to a brother” (i.e. that they have common biological parents) based on the 13 microsatellite markers of the CoDIS genotyping system. To obtain a higher level of identification certainty it is necessary to analyze additional polymorph markers on the Y-chromosome and mitochondrial DNA.”

In other words, there is a small likelihood that the DNA obtained from the saliva extracted from the cigarette butt, may match the genotype for Alkhazur Bashaev. However, additional analysis would be necessary to confirm or exclude this possibility. We are ready to conduct this additional analysis on the condition that the criminal investigation conducts further forensic analysis of the DNA obtained from the saliva. Any further comparison would be impossible without this additional analysis.

Based on the information outlined above it can be stated that the comparison of the DNA profiles of Anzor Bashaev and the DNA extracted from the cigarette butt found in the car does not confirm that the latter belonged to Alkhazur Bashaev, although it cannot completely exclude that possibility either. Further analysis of the saliva from the cigarette butt is necessary.

Whilst conducting a comparison between the genotype of Anzor Bashaev and the genotypes of those involved in Estemirova’s kidnapping and murder, obtained from the matter extracted from underneath her fingernails, **we discovered two serious omissions by the criminal investigation. These omissions can be termed catastrophic.**

First of all, there was an INADEQUATE EXAMINATION of the genotypes obtained whereby only the type of the killers’ DNA was identified, whilst no analysis of the STR-markers of the Y-chromosome was conducted. This omission could have been overcome had the material (fingernails) been even partially preserved for possible follow up analysis after the single analysis conducted on it. Unfortunately, **the material was completely consumed as a result of the analysis.** This makes it impossible to establish whether the DNA of Alkhazur Bashaev and the DNA of the killer did or did not match, by analyzing the DNA of Anzor Bashaev and that of his mother, also Alkhazur Bashaev’s biological mother. We feel, and we are supported by the laws of the Russian Federation regarding forensic analysis, in stating that **this kind of treatment of the most critical of physical evidence in this case is careless and unprofessional.**

Based on the information presented above, it can be stated that it is impossible to either confirm or exclude the presence of Alkhazur Bashaev’s DNA in the material found under the fingernails of the victim, Natalia Estemirova, without additional forensic analysis. This, however, is impossible due to the fact that the evidence was completely consumed in the analysis already conducted.

Thus, because of the unprofessional actions of the criminal investigation, it is impossible to identify the DNA of the killers with the help of the DNA of Anzor Bashaev, the biological brother of the suspect, Alkhazur Bashaev. It will only be possible to identify the DNA of the killers by comparing it with the DNA of individuals suspected of participation in the murder. However, it will not be possible to identify it using the DNA of relatives. In other words, the DNA obtained from the material found under the fingernails is still highly important for identification purposes, but it is severely limited because of its inadequate level of analysis.

However, due to the fact that none of the comparative analyses conducted by Kornienko found that there was a high degree of likelihood that Alkhazur Bashaev was directly involved in the murder of Natalia Estemirova, we feel that the criminal investigation must subpoena all members of the Kurchaloi Regional Office of the MVD, along with the individuals who the investigation listed as witnesses in the criminal investigation of the murder, to give their DNA

samples for a comparison. Otherwise, the criminal investigation cannot be considered to be objective or to have been carried out in a professional manner.

From the point of view of objectivity and professionalism, it is hard to understand what the governing factors were in decisions, such as for example, requiring a forensic medical analysis of the witness Rizvan Bashaev to provide testimony regarding injuries potentially inflicted on him during the murder Natalia Estemirova (v. 21, l 71-75). The point being that the medical examination of Rizvan Bashaev was conducted on 7th February 2010, while the murder of Natalia Estemirova occurred in July of 2009 – even if Rizvan Bashaev did sustain scratches or other injuries from Natalia Estemirova, as purported by the investigation, to try and find them seven months after the murder seems somewhat absurd.

On the other hand, for some reason the investigation didn't think of comparing the DNA of Rizvan Bashaev with the DNA of the murderers. In general, it seems that this method of identification only came to mind for the investigators on one occasion, and that was exclusively when it came to Anzor Bashaev and his mother, both residing in France.

Based on the information provided above, it can be stated that:

- **the investigation made no effort to use comparative DNA analysis to either prove or disprove the participation in the crime of any other individuals, including any members of government security services; and**
- **the investigation is still capable of conducting a direct comparison between the results of the DNA analysis from the material extracted from the fingernails and blouse of the murdered Natalia Estemirova with the DNA of other individuals suspected of potential involvement in this crime (aside from Alkhazur Bashaev). The investigation is obliged to locate these potential suspects (for example, the members of the Kurchaloi ROMVD) and to obtain samples of their biological material.**

3.2. Anzor Bashaev's version of events

Below is the content of the deposition of Anzor Bashaev, conducted with him in December of 2010.

- *In 2009 [members of the Urus-Martan ROMVD] detained my brother Alkhazur and one of our relatives, **Baudi Avtokhanov**, on suspicion that they were transporting food to the militants. When I found out that he had been detained, I got all of my relatives to go to the Urus-Martan ROMVD, and in the evening they called us in and told us what he was suspected of doing. Alkhazur and Baudi were detained while they were in a "six series" [meaning not the VAZ-2107, which was referred to in the previous section, but a different car]. This was my brother's car. The car had a bucket of herring and ten kilograms of potatoes.*
- *Did you use this car?*
- *Yes.*
- *Were there any weapons in this car?*
- *There was an air pistol in it which I'd bought, which shot bee bee's. I bought it in 2008 at a store in Grozny next to the Tri Bogatirya [a monument in the center of Grozny]; you can freely buy those kinds of weapons there and you can carry them around without a permit. It's not a firearm and can't hurt anyone.*
- *Why did you buy it?*
- *Just for fun.*
- *Who knew that you had this gun?*
- *A lot of people in the village did.*
- *Can you convert this weapon into a firearm?*
- *I don't think so.*
- *After your relatives were released from the Urus-Martan ROMVD, was the gun returned to you?*

- *No. We were told to come the next day to get the gun and the phone back. I came back with my brother and they gave us the phone but not the gun.*
- *Do you know the members of the ROMVD, who were involved in detaining your brother and Avtokhanov?*
- *Yes, I could identify them; the guy in charge of the whole thing was nicknamed "Rem."*
- *What was the condition of your brother and Baudi Avtokhanov when they were released?*
- *I put them in the car myself because they had trouble moving.*
- *How long were they in the ROMVD?*
- *6-7 hours.*
- *What happened next?*
- *On Monday we had to go and check in with my brother at the ROMVD, we went to the Avtokhanovs', but his mother was crying saying that her son wasn't there. I figured he got picked up again.*
- *When did you realize that this was not the case?*
- *When my brother went into the woods. It was on March 31st, 2009, a few days after he got detained.*
- *Did you file a complaint about the illegal detention and beating of your brother?*
- *I wanted to, I even went to the hospital for a note, but they wouldn't give me a note like that there, the doctors were forbidden from doing it.*
- *How did you find out that your brother went into the woods?*
- *Two weeks later I saw his photograph on the Imam-TV site. My friend told me about it; I don't want to give his name.*
- *Had you suspected that your brother went into the woods?*
- *I suspected it, but I wasn't 100% sure.*
- *Do you think that your brother and Baudi Avtokhanov going into the woods was somehow related to their detention by the members of the Urus-Martan ROMVD?*
- *Yes.*
- *Did anyone else from your village go into the woods around this time?*
- *My second cousin **Rizvan Bashaev**. He went into the woods. Six months prior to that he and his father – **Said-Husain** (that's my father's cousin) – had a business buying up metal. They were well off, lived well. They [Kadyrov's people] took all of that away from them; Rizvan Bashaev was taken to Khosi-Yurt [Tsentoroy, Kadyrov's village].*
- *Do you know why Rizvan Bashaev went into the woods?*
- *I have a video of him in the woods, where he says: "They take our money, they take our houses, they torture us here, you have to fight against these people."*
- *Where did you get this video from? Do you have it now?*
- *Said-Husain [Bashaev], Rizvan's father, accused me, that it was my brother who took them all into the woods. That's when I went into the woods to try to bring them back.*
- *Who was the first of the residents of Shalazhi who went into the woods?*
- *Baudi Avtokhanov, then Rizvan Bashaev, then my brother Alkhasur Bashaev. That's exactly why my uncle accused him of recruiting all of them. He went right to the Urus-Martan FSB and told them that they all went into the woods.*
- *Who is **Akhmed Adamovich Asmerzaev**?*
- *He lives on our street in the village Shalazhi, he lives close to us. He came to me and told me that his son had been kidnapped.*
- *What is his son's name?*
- ***Yunus Asmerzaev**.*
- *When was he kidnapped?*
- *In April or May 2009. He came to us and threatened us that he was going to take care of our whole family because it was, like, our relatives who kidnapped his son. But the law enforcement authorities came to his house and didn't note any traces of robbery or the kidnapping.*
- *How do you know that?*

- Said-Husain Bashaev told me about it.
- What do you know about Akhmed Asmerzaev?
- During the first and second wars he helped the militants with weapons, money, food. The village knew that he helped them.
- Why didn't the security services go after him?
- **He had FSB credentials and a lot of money.**
- **Did you see these credentials yourself?**
- **Yes, I saw it. It was in 2002 or 2003, when I was riding in the car with his son Yunus, who I know well.**
- It was Yunus who according to his father had been kidnapped?
- Yes. After that Akhmed Asmerzaev came to us and demanded that his son be returned. He accused us; that my brother forced his son to go with him.
- Why was it your brother who was being accused of being the recruiter?
- Because my uncle, Said-Husain said that in front of everyone. So that his son isn't blamed, he had to put the blame on someone else. He did it to save his own son. Akhmed Asmerzaev told me and my family to go into the woods to the militants, to bring his son back from the woods.
- Did you go into the woods?
- Yes.
- When?
- In May 2009.
- How did you do that?
- There was no contact or communication. I was told that a lot of militants were seen at the place where people gather wild leeks. I know the woods because I grew up there. When I went there a militant stepped out behind me and asked me for my documents. I didn't have my documents but another militant came up and said that I was from Shalazhi. I didn't know him. Then I saw Yunus Asmerzaev, my second cousin Rizvan Bashaev, Baudi Avtokhanov, **Adam Shakhbiev, Islam Shakhbiev** – they're also residents of Shalazhi.
- Yunus Asmerzaev and Rizvan Bashaev were there as prisoners or as full-fledged members of the group?
- They were armed, and I was surprised; I asked my brother – did he go himself, or was he forced? My brother said that Yunus came on his own and also brought some weapons from home into the woods. There were several machine guns, handguns, and a sniper rifle "Vz'lomschik", a very powerful one. I uploaded a video on Imam-TV of them shooting this weapon. **I saw this weapon before at Asmerzaev's house. There was a wedding at the house, and they were showing it off to the whole village.**
- How were you able to leave the woods?
- No one tried to stop me.
- Were you able to bring back your relatives, Yunus Asmerzaev, and the others?
- No. I took a picture of them – all four of them. Yunus, my brother, Rizvan, and Islam Shakhbiev.
- Do you still have the photograph?
- No, I was told to delete it by my uncle Said-Husain; he said that if someone sees it, I can get into trouble. I have the video of Rizvan Bashaev, where he says that he went into the woods voluntarily, that their land is being taken away, and their business and that you have to fight the security forces. He had a business with his father – they dealt scrap metal. A man from Khosi-Yurt, one of Kadyrov's men, came and took away the business, and took away the son to Tsentoroy [Kadyrov's village]; his father bought him back. The father kept this secret from everyone in the village, not even telling his relatives until his son went into the woods. That's when I found out about it.
- After you came back from the woods, who did you meet with?
- The first person I went to see was Said-Husain, and showed him the picture, and told him that no one was taken away by force. Then Duduk came to see me (Akhmed Asmerzaev's nickname), and I told him that his son Yunus went voluntarily, and I

- told Duduk not to come back anymore and to stop accusing me. But Asmerzaev came back again and suggested that we come up with a way to bring them all back.
- Did you tell him about the weapons that Yunus brought into the woods?
 - Yes. He said that he was going to have problems if that's found out. **He said that "why don't you drag your brother and my son back, and I'll help smooth everything over, so that the security forces don't pick them up and jail them."**
 - While this was happening, did human rights defenders come to your village regarding this situation?
 - Yes, two women came. But at the time I didn't know where they were from. They said that they defend people's rights and that they could help.
 - Were you having problems because of your trip into the woods?
 - Yes, as soon as I left, it was announced that I also went to join the militants. Then the information reached the officials, and I had a visit from **Apti** (I don't know his last name) from the Grozny office of BOP. He came to see me before, told me to drag my brother back and there'd be no problems. I explained everything to him. I told him that I was forced to go into the woods, that I went and talked to the militants, saw all of them and came back. Apti said, "no problem, I'll say that you didn't join the militants." And said, "we'll see what Asmerzaev does."
 - Sometime after that you left Russia anyway. Why?
 - Because I knew that sooner or later the security forces would pick me up. Also, I was tortured in Gekhi [in May 2009] with electric shock, they were trying to find out where the militants' base was and where my brother was. I think that it was Akhmed Asmerzaev that did this. Because he was the one who called me to come to this meeting. When I was on my way, I got picked up. After that, I decided to leave. I had a foreign travel passport [for my whole family], when I was in Poland.
 - Did you maintain contact with your brother after your meeting with him in the woods?
 - Yes, mostly through AeroChat; one time I called him. One time we spoke in Chechnya, mostly we spoke already in Poland. He sent me his pictures from the woods, in his uniform. From July 7th, 2009 on, when I hooked up my Internet in Poland, I spoke with my brother every day, including on July 13th, 14th, 15th, 16th, and 17th. Those were my first few days in France; that's why I remember it well.
 - Up to when did you have contact with him?
 - The last time I had contact with him was November 12th, 2009. Then I saw on-line that a Ural was blown up in Shalazhi with groceries. That's what I was told when I called home to the village: Akhmed Asmerzaev loaded the car up with groceries, drove it to the militants and gave it to them, then the car blew up. And when it blew up some of the militants were killed – first they said that it was 20 militants, then 9. It was the 13th or the 14th of November, 2009. After that I didn't receive any more information about my brother.
 - Did anyone send you their condolences for your brother's death?
 - Yes. Including Akhmed Asmerzaev, who, when he came here (to France), gave me his condolences for the death of my brother.
 - When was he here?
 - In December 2009.
 - How did you find out that he traveled to France?
 - This one guy [a member of the Chechen Diaspora in Strasbourg] called me and set up a meeting. He introduced himself, that he was from the village Gekhi-Chu, in the Urus-Martan Region, his name was **Khasan**. When I came to the meeting, **Akhmed Asmerzaev was waiting there for me. That's when we talked. He wanted to know whether I knew anything about how many people died in the truck and what I knew about the whole thing in general. He offered me money, an apartment in Moscow, he suggested that I come home. At first he suggested it, and then he said it like a threat – you still have relatives at home.**
 - What do you think was his goal?
 - To get me home. I refused to have anything to do with him. I also got a call from Yunus Asmerzaev, trying to talk me into coming home. That was after his father

left France. Yunus was home in Moscow. His father got him back from the woods, and he'd been home for a long time. That had happened before I had left Russia. Another person, Rizvan Bashaev, is also living at home in Grozny. He also left the woods. That also happened before I left Russia.

- *What do you know about Rizvan Bashaev?*
- *His father himself took him to the Urus-Martan FSB office after the son came back from the woods, and gave him up to the authorities - to the FSB officials. He was let out in about a month, and he's been living all right, at home. Same as Yunus. His father told me about that. And Yunus called me himself and told me that he's living at home and that he hasn't had any problems. I found out about Rizvan Bashaev when I called home myself.*
- *Is there any information that Yunus Asmerzaev and Rizvan Bashaev are somehow connected to the security forces?*
- *I was told that Adam Delimkhanov³ frequently visits the Bashaevs, and several days ago [prior to the deposition] Rizvan Bashaev and his father were detained and beaten.*
- *Can you give us details of your detention in Gekhi? When did that happen?*
- *It was the end of May. Akhmed Asmerzaev invited me to come over and to talk with somebody who promised to resolve my problems regarding my brother. We were supposed to go to the main office of the State Traffic Police for Urus-Martan, I stopped in Gekhi and was waiting for Akhmed. I saw his car, he gave me nod, to follow him. I was on my brother's car. He was driving an import and going really fast. When I started following him two cars blocked my way, from the front and the rear. I had to stop, they dragged me out of the car and put me into theirs. They took me to a village not far from Grozny; there was a pond there, a reservoir. Akhmed told me not to tell anyone where I was going and who I was going to meet. But I told my relatives that it was Akhmed who called me. They told me not to go, but I said that I wanted to go and talk. Then, when they brought me to the reservoir, they dragged out a generator and hooked up wires to it and hit me with electric shock. But their generator went out, then they took out some sort of a device and continued to torture me. They wanted to know where my brother was, and how to find him in the woods. Then Akhmed called them and they left me there and took off. That was the day that A. Mamuev was killed in Grozny – he was a militant.*
- *How do you know him?*
- *Mamuev was also from the village of Shalazhi, and he was also in the Shalazhi Jamaat. When I came home, it turned out, that the things that, like, had been taken from Asmerzaev's home, had been found with Mamuev. I figured out that they wanted to implicate me in this murder. My uncle, Said-Husain Bashaev, called Akhmed Asmerzaev and told him: "I know that you took my nephew and I know that he went with you. And if anything happens to him, you are responsible for my nephew." And that's when they let me go, that's what I think.*
- *When did you find out that your brother was being investigated as a suspect in connection with the murder of Estemirova?*
- *From the internet. There was an article. That's when I remembered, how Akhmed Asmerzaev came to see me here and that a little while after he came to France my home was broken into (in Shalazhi – HRC Memorial) and that they found weapons there – that was in January. The house was empty, and no one was living there. I heard that they found a cache there. I figured that they did that to pay me back for refusing to come back to Russia. Until I saw the article on-line I never connected it with the murder of Estemirova. The request from the Russian Prosecutors about me to the French Authorities only came in after I stated that my brother had nothing to do with this murder. I made the statement so that people*

3. A member of the Duma of the Russian Federation and a former Vice Premier of the Chechen Republic for Security Services, he maintains operational control over them even after his resignation from his post – see section 2.3.

would know that neither I nor my brother were connected with this murder. I wanted to prove it.

Follow up questions were asked by one of the attorneys representing the victim, Svetlana Estemirova:

- *Where and when were you born?*
- *I was born on November 16th, 1984 in the Urus-Martanovsk Region, in the village of Shalazhi.*
- *How many times were you in the woods, where the militants were?*
- *One time.*
- *Were you involved in combat operations?*
- *I was only there for three hours.*
- *Did you bring them any food or weapons?*
- *When I went into the woods, I was on foot, I had a back pack with food, I left it for them.*
- *Would you like to make an official statement to the French authorities regarding this matter?*
- *I'm planning on doing that, and I would like to do that very soon. I think that I will be able to prove that I had no involvement and that my brother was not involved in the murder either.*

3.3. Special Operation that never happened?

The case file mentions several times the special operation carried out on 13th November 2009 under the command of **Islam Uspakhadzhiev** to destroy the military group.

Adam Delimkhanov personally oversaw this special operation. The Interfax wire service, referring to the President of the Chechen Republic, **Ramzan Kadyrov**, carried the following report:⁴

“Grozny, November 13th, INTERFAX.RU – The President of the Chechen Republic Ramzan Kadyrov thinks that a militant leader, Doku Umarov, may be among those destroyed in the Achkhoy-Martan Region.

*‘According to the information coming in, up to 20 militants may have been wiped out. The bodies of three of them have been identified. They include **Umarov’s** closest comrade in arms Islam Uspakhadzhiev, **Rustam Akuev**, and **Alkhazur Bashaev**. Uspakhadzhiev was the person closest to Umarov, they moved together and maintained radio communication. Based on that, it is possible that Doku Umarov may be among those killed’ – they say.”*

The circumstances surrounding this special operation are not contained in the case file made accessible to us; it is only known that the militants were moving in a Ural model vehicle, and that they were destroyed by an air strike from a helicopter.

This is probably the operation that Anzor Bashaev refers to in his deposition.

Chechen television showed the location of the explosion, where fragments of bodies were strewn around, whilst also showing a **completely clean passport, with no traces of dirt or blood, belonging to Alkhazur Bashaev.**

In order to identify the remains of Alkhazur Bashaev within the scope of Estemirova’s murder investigation, the remains of the militants killed on 13th November were exhumed, and the close relatives of members of the Shalazhi Jamaat were made to give biological samples in order to conduct comparative analyses.

4. Taken from the official Interfax site.

As a result, some amazing circumstances were uncovered, which were, however, discounted by the investigation.

First of all, it turned out that compared to the number of militants claimed to have been killed, there was only half the volume of remains. Moreover, only one of the individuals was able to be identified, by method of DNA extraction. However, this **DNA did not match any of the samples taken from the residents of the village of Shalazhi.**

In the course of the independent investigation, as described above, we carried out a comparative analysis of the DNA of Alkhazur Bashaev's brother, and the DNA from the exhumed remains of the people killed during the special operation carried out on 13th November 2009. The result of this analysis determined that the remains of Alkhazur Bashaev were not present in the fragments of the remains.

Based on our evidence, not a single actual member of the militant group, Shalazhi Jamaat, was killed in this special operation. According to some evidence received, we have reason to suspect, that the Ural model vehicle that was blown up, was loaded with the bodies of the murdered residents of the town of Arguna.

At the end of October or beginning of November 2009, members of security forces were abducted – these were members of the Chechen Police: **Khavazh Husainovich Kosumov**, and his brothers **Bislan** and **Ramzan**. Before the Kosumov brothers were kidnapped, their uncle and cousin had also been kidnapped from Bachi-Yurt; however, they were released the day after the Kosumov brothers were captured. There is also evidence that another security forces member, **Sultan Buluev**, disappeared around the same time together with his brother **Akhmed** (nicknamed “Ebi”), the former commander of the personal security detachment of Ramzan Kadyrov in the city of Argun. Also, one of Kadyrov's bodyguards, nicknamed “Mamka” (first name Magomed; we were not able to verify his last name) was detained along with his brother. One other resident of Argun, police officer **Akhmed Said-Akhmedovich Ozdarbaev**, born in Khidi-Khutor, also disappeared.

According to information obtained, including from members of the investigative group handling the investigation into the murder of Natalia Estemirova (which was interested in the details of this special operation), we may be talking about the destruction of the bodies of members of the police department of the city of Argun, involved in a conspiracy against Ramzan Kadyrov, under the guise of a strike against militants.

To investigate this version, it would be necessary to obtain DNA analyses from residents of Argun and compare this with that of object #16, identified by the forensic analysis carried out on 8th November 2010, as part of the criminal investigation of the murder of Natalia Estemirova. In other words, such DNA would have to be compared with the DNA profile which was obtained from the remains exhumed at the site of the special operations on 13th November 2009.

It is necessary to depose all of the individuals involved in the special operation to clarify how exactly Alkhazur Bashaev's passport wound up at the location of the operation.

It is also necessary to depose Akhmed Asmerzaev, a resident of Shalazh, regarding the circumstances of this special operation and his involvement in it.

Conclusions

During the first year after the murder of Natalia Estemirova, the head of the Investigative Committee, A. Bastrykin, repeatedly stated that the investigation of this crime is nearing its end. In July 2010, he announced that the investigation is aware of the identity of the individual responsible, including even his whereabouts, and that he is going to be detained shortly. At the same time, “leaks” were coming from the departments involved in the investigation to the Media, identifying Rizvan, Anzor and Alkhazur Bashaev as the suspects.

Time continues to go by but to date there has been no official announcement of the identity of the individual responsible, nor has anyone been detained.

For the last year, the Investigative Committee of the RF has been silent regarding the progress and the results of the investigation into the murder of Natalia Estemirova, our colleague and friend.

These facts have forced us to prepare this report.

Of course, our brief report cannot in itself serve as a substitute for a thorough, objective and official investigation; this must be conducted by the law enforcement authorities of the Russian Federation.

Through this report we are asking questions of the investigation, and we feel that these questions have to be answered fully.

Combining the material that we were able to access in the case file with the evidence provided by Anzor Bashaev, we can come to a conclusion about the direct involvement of the Federal Security Service (FSB) in the investigation of the murder of Natalia Estemirova.

The Investigative Committee has the legal authority to request operational assistance from the FSB in any criminal investigation, if it is necessary.

However, in this case, it seems that from the earliest stages of the investigation, the efforts of the security services were put into creating a cover-up version of events which would lead the investigation away from Natalia Estemirova’s true killers.

The very chronology of how the “Shalazhi Jamaat version” of Natalia Estemirova’s murder came about points to this conclusion.

In **May 2009**, Natalia Estemirova and another colleague from Memorial visited the village of Shalazhi.

On **May 20th**, Memorial’s web site (www.memo.ru) published a brief unsigned report of what had happened in Shalazhi.

This was the Memorial report from Chechnya that was closest to the day of Estemirova’s murder on **15th July 2009**, which could be presented as a “motive” for the murder.

A question arises: how exactly could Alkhazur Bashaev have found out that the author of the unsigned report was Natalia Estemirova herself? Even in the Memorial offices in Grozny, not everyone was aware that she was the one who traveled to Shalazhi to gather information about the mass defection of residents into the woods. Memorial already had access to information from Shalazhi without traveling to the village, via the relatives and friends of other workers.

Another important circumstance is that after Natalia Estemirova’s murder, her notebook computer disappeared from the murder site, and her work computer was subsequently seized by the criminal investigation. From an analysis of the hard-drives of these computers, it would have been possible to identify Natalia Estemirova as the author of the “Shalazhi Jamaat report.”

Shalazhi Jamaat in and of itself is a rather strange illegal armed group. We are aware of at least two members of Jamaat – Rizvan Bashaev and Yunus Asmerzaev - who were connected with local security services, including the FSB itself. Both of these individuals **left the Jamaat and came home in the summer of 2009. There were no consequences for them for belonging to the armed group of Islam Ispakhadzhiev, one of Doku Umarov’s closest field commanders; something that is very unusual for Chechnya.** That leads us to suspect that either, Shalazhi Jamaat was to a large degree under security control, or that the individuals who came back “from the woods” provided some sort of significant assistance to the security services.

On 22 September 2009 the FSB for the Chechen Republic opened a criminal investigation into Alkhazur Bashaev’s participation in an IAG. We are not aware of whether similar investigations were opened into other members of the Jamaat, who had joined the militants at the same time as Alkhazur Bashaev. In particular, were there any investigations opened regarding Rizvan Bashaev and Yunus Asmerzaev? We are also not aware of the reasons for which the criminal investigation into Alkhazur Bashaev was opened in September 2009 - six months after he went “into the woods.” Who was it that provided the information about Alkhazur Bashaev’s participation in an IAG? These questions could be answered by Captain of the Judiciary, Smirnov, a member of the FSB of the Russian Federation for the Chechen Republic who signed the decree opening the criminal investigation.

In December 2009, Alkhazur’s brother, Anzor Bashaev, living in France, was visited by a resident of his home village, Akhmed Asmerzaev (who, according to Anzor’s deposition, is an agent of the FSB and an arms dealer). Asmerzaev tried to coerce Anzor Bashaev into returning to Russia.

As it turned out later, this trip preceded the Chechen MVD providing the criminal investigation with a series of dubious items of evidence pointing at the participation of militants in the murder of Natalia Estemirova. It is likely that this version of events revolved around Alkhazur Bashaev playing the key role, as the only “killer” that the investigation was able to identify.

On 13th January 2010, the investigation received information from the MVD for the Chechen Republic about the discovery of a hidden cache in the empty home of the Bashaev’s, which contained doctored credentials and the weapon used to kill Natalia Estemirova.

From that point on the investigation was less than objective, to put it mildly, in its analysis of this evidence, as well as of the two antitank rockets 9M113 Konkurs, and the RPG-26 grenade launcher also found in the cache.

The investigation must check whether Akhmed Asmerzaev had any connection with these particular weapons and their discovery in the Bashaev home, located in the same village in which Akhmed Asmerzaev lives.

On 7th February 2010 the investigation discovered a vehicle, which was purportedly used in the abduction of Natalia Estemirova. We do not have information about how the investigation received this information. The forensic analysis did not find any traces of the abduction of Estemirova in the vehicle. However, the trunk of the vehicle did contain a license plate which allowed the identification of an owner, who identified Alkhazur Bashaev as the individual to whom he sold the vehicle. A silencer for a handgun was also discovered in the vehicle, but according to forensic findings, was NOT used in the murder.

For some reason, all of this evidence was used by the investigation as proof of Alkhazur Bashaev’s guilt. But this evidence is more indicative of a very crude attempt to construct a version of the crime implicating the militants of Shalazhi Jamaat, and leading the criminal investigation down a false trail. Indeed, the criminal investigation is gladly following this trail, ignoring the findings of their own experts with regard to the evidence discovered.

At this time, the investigation is in possession of only one real piece of physical evidence in this case. That is the gun used to kill Natalia Estemirova and found in the hidden cache in the home of the Bashaev's.

This raises a question: **how was it that this particular piece of evidence fell into the hands of those who are trying to direct the investigation down a false path?**

Forensic analysis conducted in the course of Estemirova's murder investigation, of DNA samples from objects which may contain the DNA of individuals involved in the crime, have not yet given the investigation any basis to identify anyone involved in the crime. However, the investigation has not implemented all of the currently available options to analyze the DNA of potential suspects, whilst at the same time having completely used up some of the objects containing such DNA during the analysis. As a result, it is now impossible either to prove or disprove the involvement of Alkhazur Bashaev in Estemirova's murder by using comparative analysis of the DNA from the physical evidence in the case file with the DNA of Alkhazur Bashaev's relatives.

And yet, the use of comparative DNA analysis still gives the investigation substantial possibilities. However, the investigation has not chosen to take any action to use comparative analysis of DNA to prove or disprove the involvement of other individuals (aside from Alkhazur Bashaev) in the crime, including the possible involvement of members of government security services.

During an independent investigation, a comparative DNA analysis was conducted of the DNA of Anzor Bashaev, the brother of Alkhazur Bashaev, and the DNA profiles in the case file. At this point, the results do not allow us to either confirm or disprove the version implicating Alkhazur Bashaev in the murder. What can be said with certainty at this time is that the unidentified individual who left traces of sweat on N. Estemirova's blouse and who is suspected of being involved in her abduction, was not Alkhazur Bashaev, Anzor Bashaev's brother.

We believe that we have laid down a sufficient foundation of doubt in the version currently put forth by the official investigation of the case of Natalia Estemirova.

We feel that an effective investigation into the murder of Natalia Estemirova can only be conducted with the active participation of the representatives of the victim.

That kind of participation is provided for not only in Criminal Procedural Code of the Russian Federation, but in the standards of international law.

However, over the course of the last year, the investigative agencies and the court system of the Russian Federation have systematically denied the victim, Svetlana Estemirova and her representatives the ability to review the materials contained in the case file. This especially includes materials on the investigation into the public execution in Ahkinchu-Borzoi. It is precisely the publicising of information about this crime by Natalia Estemirova a week before her death that we believe was the real motive for her murder.

As a result of the refusal to share materials from the investigation into the murder in Ahkinchu-Borzoi, Svetlana Estemirova's attorney was forced to file a complaint with the European Court of Human Rights.

We demand that the administration of the Investigative Committee stop violating the standards of the Russian Criminal Procedural Code and the rights of the victim.

We turn to the President of the Russian Federation, Dmitry Medvedev, with a request to personally assure that the investigation into the murder of Natalia Estemirova be conducted in accordance with the law.

Establishing the facts – Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1 500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

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FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

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FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

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FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

This report has been produced with the support of the European Union. Its content is the sole responsibility of FIDH and should in no way be interpreted as reflecting the view(s) of the European Union.

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Human Rights Center Memorial

Memorial began in 1987 as a movement to preserve the memory of victims of political terror in the USSR. Today it is a community of dozens of organizations throughout Russia, Kazakhstan, Latvia, and Ukraine that carry out research, human rights, and educational work.

Memorial studies the history of repressive organs like the Gulag and the Cheka-OGPU-NKVD-MGB-KGB and examines the history of political repression under Stalin and of the dissident resistance under Khrushchev and Brezhnev.

Since almost the very beginning, this organization has worked with groups of observers to collect factual material on human rights violations in hot spots throughout the former Soviet Union and to verify, analyze, and publish this information.

Memorial also provides legal, and sometimes material, aid to elderly people in need who passed through Soviet prisons and political camps.

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Novaya gazeta

Novaya gazeta, which has been published since 1993, was founded by a group of journalists who left Komsomolskaya Pravda because they disagreed with a proposal to turn the newspaper into a tabloid.

Novaya gazeta is dedicated to shedding light on the political situation in the country, reporting from hot spots, and covering pressing problems in contemporary society.

Published three times a week, the paper has a circulation of 280,000. The regular audience for the website www.novayagazeta.ru amounts to over six million users a month.

Fundamental liberal and humanistic values are at the core of Novaya gazeta's activities. The paper welcomes collaboration with anyone who cherishes the ideas of humanism, freedom, justice, and human rights.

Prizes and awards that Novaya gazeta has won include the Free Press of Eastern Europe Prize, the Gerd Bucerius Prize, the Best European Newspaper Award, the Henri Nannen Award, the Olof Palme Prize, and others. In 2009, Novaya gazeta was named best Russian newspaper in the Zolotoy Gong [Golden Gong] professional competition.

Sadly, Novaya gazeta also sits at the top of a tragic list of journalists who lost their lives in the line of duty. In 2000, columnist Igor Domnikov was murdered for a series of exposés about corruption in Lipetsk Oblast. Deputy Editor-in-Chief Yuri Shchekochikhin died under strange circumstances in 2003. On October 7, 2006, Anna Politkovskaya was shot five times at close range and killed in the entry to her own building. Stanislav Markelov, a lawyer for the paper, and freelance correspondent Anastasia Baburova were killed in broad daylight in the center of Moscow on January 19, 2009. Finally, Natalya Estemirova, a member of the human rights center Memorial and a correspondent for Novaya gazeta, was kidnapped and killed in Chechnya in July 2009.

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FIDH represents **164** human rights organisations on **5** continents



Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

ABOUT FIDH

- FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

- A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

- A universal movement

FIDH was established in 1922, and today unites 164 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

- An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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Find information concerning FIDH's 164 member organisations on www.fidh.org