

Turpal Ali YESHURKAEV was filmed by the surveillance camera outside a news agents called [REDACTED] in Leopoldauer Straße 19. He was filmed walking along the pavement in Leopoldauer Straße away from the centre of the city and towards Siegfriedgasse. He was filmed carrying a black shoulder bag over his right shoulder. Around 45 seconds later he was filmed again by the same camera coming from the opposite direction.

At some point between 08:15 and 09:10, BOGATIROV and DADAEV had changed their position, and had now parked the Volvo in the entrance of the SPAR car park in Siegfriedgasse, a side street to Leopoldauer Straße. Once again they made sure they were able to monitor the entrance to ISRAILOV's house from their new position.

During this time Turpal Ali YESHURKAEV had stayed with his vehicle and was awaiting further instructions. Shortly after

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09:00 he was filmed three times, in intervals of approximately one minute by the camera situated outside the [REDACTED] news agents: first walking away from the centre of town, then returning, and finally walking towards Ostmarkgasse. By this time he had tucked his trousers into his socks, and he no longer had his shoulder bag with him.

At 09:24, Kosum YESHURKAEV called his brother for the first time and spoke to him for 59 seconds. It can be assumed that he learned at that point at the latest, who Turpal Ali YESHURKAEV was currently with.

After this a series of important phone calls followed which clearly demonstrate Otto KALTENBRUNNER's central role. They show that he was the person responsible for coordinating communications, and consequently the head of the group of offenders.

Kosum YESHURKAEV at the very least suspected that KALTENBRUNNER's group had planned an action in which he did not want his brother involved. This led him to call Otto KALTENBRUNNER on BOB1 at 09:29 and they spoke for 245 seconds. He was trying to find out whether or not his brother was together with the other offenders. KALTENBRUNNER tried to ease his fears and told him that everything was fine.

Suleyman Salmanovich DADAEV called Turpal Ali YESHURKAEV at 09:38 Uhr, 09:57 Uhr and 11:09 and spoke with him each time for less than a minute. This leads to the conclusion that DADAEV and BOGATIROV were still sitting in KALTENBRUNNER's Volvo, while YESHURKAEV was waiting in his own car or keeping guard in Leopoldauer Straße. A few minutes after 10:00 he was filmed again passing the [REDACTED] news agents. At

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around 10:15, he finally entered the news agents, looked around, and talked a bit to the female owner as he had wanted to buy something to drink. He changed his mind as he must have realised he would not be able to pay the prices and left the shop empty-handed.

While this was going on, KALTENBRUNNER did his best to try and pretend it was a normal day in ST. PÖLTEN. He called R [REDACTED] at 10:22 and invited him to his flat to have a talk. [REDACTED] came to his place at around 10:45. KALTENBRUNNER apologised to him and [REDACTED] left about fifteen minutes later.

As Kosum YESHURKAEV had not heard any news from Turpal Ali YESHURKAEV, he called his brother once again at 10:40 and urged him to leave immediately. Directly after this call, at 10:46 and at 10:55, he phoned KALTENBRUNNER. It can be assumed that during these calls he repeated his demand that his brother should not be involved any more in the offence. After that a series of phone calls followed between KALTENBRUNNER and the other offenders.

At 10:59 he called Letscha BOGATIROV on BOB1, and they spoke for 74 seconds. Then he spoke once again to Kosum YESHURKAEV, this time for 86 seconds. Immediately afterwards he spoke to BOGATIROV for 33 seconds.

At 11:06 Kosum YESHURKAEV returned KALTENBRUNNER's call. One minute later KALTENBRUNNER then spoke to BOGATIROV.

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The same sequence repeated itself once more with calls from YESHURKAEV to KALTENBRUNNER at 11:08 and from KALTENBRUNNER to BOGATIROV at 11:14.

At 11:09 Suleyman Salmanovich DADAEV had made a short call to Turpal Ali YESHURKAEV, meaning that both were in the vicinity of ISRAILOV's home address, but not in hearing range of each other.

Immediately afterwards at 11:17, KALTENBRUNNER called DADAEV on his mobile phone (0664 [REDACTED] 8) and they spoke for 95 seconds. At 11:18 he made a short call to Kosum YESHURKAEV, this was the last time he would do so before the offence was committed.

KALTENBRUNNER made a further call to DADAEV, speaking for 105 seconds at 11:23, and to BOGATIROV at 11:27, they spoke for 132 seconds.

It is important to note that during this time all of the communications which were taking place between the offenders,

with the sole exception of DADAEV's call to Turpal Ali YESHURKAEV, were via KALTENBRUNNER. These calls must have been directly connected to the offence considering that BOGATIROV, DADAEV and Turpal Ali YESHURKAEV had already been waiting for hours for ISRAILOV to finally appear, and that Kosum YESHURKAEV clearly had a vital interest in persuading his brother to leave.

On the other hand KALTENBRUNNER, as head of the offender's group, would have needed to ensure that Turpal Ali YESHURKAEV and his vehicle stayed at the crime scene. This was essential if ISRAILOV's abduction was to run smoothly, but he also needed to ease the fears of YESHURKAEV's brother.

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At 11:30 Suleyman Salmanovich DADAEV tried unsuccessfully to reach his wife by phone. Immediately afterwards he called his brother Magamed DADAEV who at that time was attending a German language course in ST. PÖLTEN. The course would normally have gone on until 13:00.

At 11:32 Suleyman DADAEV finally reached his wife and spoke to her for 47 seconds. After that a rapid succession of phone calls were made: a call to Magamed DADAEV; one unsuccessful call; a return call from his brother that lasted 22 seconds; and another call from Suleyman DADAEV which lasted for 49 seconds.

At 11:37, he called Otto KALTENBRUNNER on BOB1 and they spoke for 30 seconds. Straight after this he phoned his brother Magamed DADAEV again. Magamed DADAEV then immediately called KALTENBRUNNER on his mobile phone 0676 [REDACTED] 2. The call only lasted for one second leading to the conclusion that he did not wait for an answer. KALTENBRUNNER returned the call a few seconds later and they spoke for a short time.

It has not been possible to prove that Magamed DADAEV helped plan the offence, nor that he knew about his brother's activities. Still it can be assumed that these calls were made in connection with the offence and were at least part of the plan to generate an alibi for Suleyman DADAEV. After the calls Magamed DADAEV left his German course. It is not clear why but more than likely he did so in order to assist his brother.

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At 11:41 Kosum YESHURKAEV called his brother and they spoke for 308 seconds. He probably urged him one last time to leave. It seems that KALTENBRUNNER had assumed that after speaking so many times to the other offenders, the action against Umar ISRAILOV would undoubtedly run smoothly and no further intervention on his part were needed.

At around 11:45 he left his home to meet Schamchan MAZHIDOW, with whom he spoke on the phone for 17 seconds at 11:47. He picked MAZHIDOW up with BOGATIROV's BMW, drove with him to his flat and after a short while asked him to clean the car.

In the meantime, things were happening rapidly in VIENNA:

At 11:53, Umar ISRAILOV left his house and walked along Leopoldauer Straße away from the city centre and towards the SPAR supermarket on the other side of the street.

At 11:53:12 Suleyman DADAEV who had been watching ISRAILOV's house from his position in Siegfriedgasse, immediately called Turpal Ali YESHURKAEV to inform him of ISRAILOV's appearance. The fact that ISRAILOV began walking away from the centre of town seemed to surprise the offenders. Taking the position of Turpal Ali YESHURKAEV's car into account, it seems they assumed that he would leave in the opposite direction. This led them to drop their initial plan of

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forcing him into YESHURKAEV's car, and instead they now had to improvise.

DADAEV and Letscha BOGATIROV were waiting together in the Volvo. They agreed that they would carry out the abduction upon ISRAILOV's return to Leopoldauer Straße. While BOGATIROV and Turpal Ali YESHURKAEV were to overpower ISRAILOV, he was to move the car to a better position to be ready to pick them up. This meant they would have to use the Volvo as their main vehicle during the kidnapping.

BOGATIROV got out of the car and went over to Turpal Ali YESHURKAEV. While the two got into position in the entrance of the SPAR supermarket on Leopoldauer Straße 28, DADAEV drove the Volvo as agreed into Leopoldauer Straße. Due to the traffic, he was unable to position the car close to the two men. This led him to cross the junction with Sebastian-Kohl-Gasse and stop at one of the adjacent bus stops.

Both BOGATIROV and Turpal Ali YESHURKAEV had armed themselves with silver coloured handguns; the gun used by BOGATIROV was identified as a calibre 7.65 mm pistol.

At this stage KALTENBRUNNER used BOB1 to call DADAEV at 11:56:14. The call lasted for just four seconds, meaning that DADAEV either hung up, or the order to start the action was passed on with a single word.

At 11:59 Umar ISRAILOV paid at the till, and left the SPAR supermarket. He walked along the pavement on the left-hand side of Leopoldauer Straße and so towards the city and his

flat. He was carrying the things he had bought loosely in his hands.

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The first time ISRAILOV, BOGATIROV and YESHURKAEV met was close to Leopoldauer Straße 26 and 28.

It can be assumed that ISRAILOV immediately recognised the threat he faced. His first reaction was to throw his shopping into Letscha BOGATIROV's face and this caused a laceration beneath BOGATIROV's eye. After this ISRAILOV fled along Leopoldauer Straße towards the city, crossing the street at the junction with Siegfriedgasse. At this point he fell over and landed directly in front of a car driving away from the centre of town. He immediately got up again and continued running.

The plan to rapidly overpower ISRAILOV and force him into the car had failed. BOGATIROV and YESHURKAEV then began pursuing their alternative objective: to kill their victim.

In front of the garage entrance on Leopoldauer Straße 31, one of the offenders took his weapon and aimed at ISRAILOV. It seems the weapon jammed, on a second attempt the weapon fired but the bullet missed its target. An unused cartridge and bullet casing were found at that location during the crime scene investigation.

Subsequently both men chased ISRAILOV along Leopoldauer Straße with their weapons drawn. They were running towards the city, one was only a few steps behind ISRAILOV, whereas the other was further away on the pavement.

Close to Leopoldauer Straße 19, another shot was fired but missed ISRAILOV.

At the junction with Ostmarkgasse, they finally managed to catch up with ISRAILOV. It seems a further attempt was made

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to overpower him. One of the offenders hit ISRAILOV four times on the back of the head with the butt of his pistol to incapacitate him. This caused ISRAILOV deep lacerations and they were bleeding heavily.

Despite this ISRAILOV managed to free himself once more and continued, running into Ostmarkgasse.

BOGATIROV and Turpal Ali YESHURKAEV followed him, when they reached Ostmarkgasse 2 at least three shots were fired from behind and at close range. These hit ISRAILOV. They caused two through-and-through wounds, one to the left of his hip, and

the other to the abdominal cavity. These bullet wounds would not have damaged any of his vital organs, but they probably caused ISRAILOV to fall over. As he did so he was hit by a third bullet at a lower angle. The bullet entered his back on the left side of the spine, cut the diaphragm, passed through the spleen and stomach, and finally remained stuck underneath the skin tissue in the costal arch.

As multiple targeted shots were fired from close range, it is clear that the person who fired the shots had intended to cause Umar ISRAILOV lethal injuries.

The evidence which is currently available is insufficient to conclusively determine each man's individual actions. It was then not possible to determine which actions were undertaken by BOGATIROV, and which by Turpal Ali YESHURKAEV. Be that as it may, it is certain that both men actively took part in the chase, and that they both carried firearms.

Even though witness statements highlight the fact that both BOGATIROV and Turpal Ali YESHURKAEV used their firearms during the pursuit, the vast majority of evidence supports the allegation that it was Letscha BOGATIROV who caused ISRAILOV's head injuries and fired the lethal shots.

Forensic evidence also confirms that all of the shells and bullets originated from the same firearm. Gunshot residues found on the camouflage jacket left behind at the scene during the escape, demonstrate that it was worn by the person who fired the shots. A mixed DNA trace was found on the jacket, fragments of which belong to the person identified as Letscha BOGATIROV. The majority of the witnesses described the person wearing the camouflage jacket as the taller and stronger of the two men, which once again clearly implicates BOGATIROV.

ISRAILOV collapsed on the street after being shot. One of his attackers went over to him for a short moment, to ensure he had completed his plan: to cause the victim lethal injuries. Immediately afterwards, both of the men ran along the right-hand side of Leopoldauer Straße, and away from the centre of town. BOGATIROV was in front, followed by Turpal Ali YESHURKAEV a few metres behind. The chase and the gunshots had roused a considerable furore in the neighbourhood, and as the two men were running along Leopoldauer Straße, one of the witnesses took the following picture:



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One of the neighbours immediately ran over to ISRAILOV in order to administer first aid. ISRAILOV was still responsive for a short time and said he did not know who had shot him. In spite of rapid intervention by the emergency services, being transported to hospital (SMZ Ost) and treated in intensive care, ISRAILOV died at 14:11 from massive internal injuries.

While BOGATIROV and YESHURKAEV were following ISRAILOV in KALTENBRUNNER's Volvo, Suleyman Salmanovich DADAEV, had decided to change position. He must have realised the events were shifting away from his location and into town, and so he decided to try and follow the men in his car. He probably thought that, if they had been successful in overcoming ISRAILOV, he would have been able to get him into the car or, at least help his accomplices in their escape.

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This seems to have been misunderstood by Letscha BOGATIROV who apparently assumed that DADAEV would be waiting at the agreed location. After arriving and not being able to find the Volvo, BOGATIROV seems to have decided he needed to get hold of another vehicle.

He then left Leopoldauer Straße and turned into Siegfriedgasse. Turpal Ali YESHURKAEV was still following him

a few metres behind. Once again the two men were photographed by a neighbour:



On the junction of Bertlgasse, BOGATIROV tried twice to seize possession of a passing car. At first, he ripped open Elfriede [REDACTED]'s car door, pointed his gun at her and said something she understood to be "hand bag". In fact it was probably "maschine", the Russian word for car. She began screaming he then gave up and instead tried to seize control of the next car. This attempt also proved unsuccessful. Turpal Ali YESHURKAEV took no part in these actions.

The first emergency call was made to the police at 12:02:46, during the time in which the men were running along Siegfriedgasse. Further calls followed shortly after that. This points to a time frame of around 3 minutes between the offenders' first contact with ISRAILOV and their escape.

After the two failed attempts to steal a car, BOGATIROV and Turpal Ali YESHURKAEV ran out of Siegfriedgasse to the car park in front of the SPAR supermarket. They crossed it, probably to see whether DADAEV was waiting in the Volvo.

At 12:02:45 DADAEV made his first call to Turpal Ali YESHURKAEV to organise a pick up point. At 12:04:23 he managed to reach him and inform him of his whereabouts. They spoke for 45 seconds. YESHURKAEV then agreed to meet DADAEV and BOGATIROV in Siegfriedgasse.

BOGATIROV, obviously unaware of this agreement, tried again to steal a car - this time in the car park in front of the SPAR. He opened the driver's door of Hermine [REDACTED]'s car. He did this as she and her husband Walter [REDACTED] were getting ready to leave after doing their shopping. As he did so Hermine [REDACTED] started shouting over to her husband. YESHURKAEV then

took advantage of the situation and told BOGATIROV about the plan he had arranged with DADAEV.

They then went back to Siegfriedstraße. At about the same time DADAEV arrived in his car. The two men jumped in and he backed the car away at high speed until Andreas-Hofer-Straße. There, he turned around and continued towards Satzingerweg.

Witnesses were able to identify the number plate of the escape vehicle and informed the police. Consequently the investigation began by concentrating on Otto KALTENBRUNNER, the registered owner of the vehicle.

In the meantime, Kosum YESHURKAEV had probably realised that he would not be able to convince his brother to leave BOGATIROV and DADAEV. At 12:07 he called his contact at LVT Vienna and told him that he had still not been able to find out when Shakya TURLAEV would be returning to Austria. He did not mention a single word about the events in which his brother had been involved.

At 12:11 he called Otto KALTENBRUNNER once again. At this time, both of them were still unaware of the events that had just taken place. Kosum YESHURKAEV discovered what had happened for the first time at 12:14 when he called his brother, after which he immediately called KALTENBRUNNER on BOB1 and spoke to him for 72 seconds.

DADAEV, BOGATIROV and Turpal Ali YESHURKAEV then discussed their next move. They were correct in assuming that the events at the scene of the crime, and those surrounding their getaway vehicle had attracted a great deal of attention, and that they would have to dispose of the car.

For the time being they continued their escape using the same car, and travelled in a south-easterly direction, passing the Donauzentrum and along Donaustadtstraße. On the junction of Donaustadtstraße and Erzherzog-Karl-Straße they drove into a car park belonging to the Penny supermarket chain where they parked the Volvo.

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BOGATIROV threw his jacket into a waste bin. This was the same one he had been wearing at the time he fired the shots.

They then continued their escape via tram line 26, travelling towards SMZ Ost.

At 12:29 Kosum YESHURKAEV called his brother again and they spoke for 88 seconds. At the time of the call he was in BADEN. After finishing the call he drove to SOLLENAU.

The men disembarked the tram in Langobardenstraße, got into a taxi and asked the driver to take them to BADEN.

At 12:38 still in Langobardenstraße, Suleyman Salmanovich DADAEV then called Otto KALTENBRUNNER to quickly tell him what had happened. They agreed that KALTENBRUNNER would have to actively assist them in their escape and that he should pick them up somewhere in the region of BADEN/SOLLENAU.

Straight after this call KALTENBRUNNER phoned Schamchan MAZHIDOW and told him to return immediately with BOGATIROV's BMW. He claimed he had an urgent meeting he with his lawyer.

At 12:40 another short call was made between KALTENBRUNNER and Kosum JESHURKAEV.

At 12:41:49 DADAEV called KALTENBRUNNER once again to discuss their next steps. By now he was already in Erdberger Mais, 1030 Vienna, meaning that they were moving southwards along the A23 (along the Südosttangente).

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Shortly afterwards BOGATIROV used BOB2 to call KALTENBRUNNER on BOB1. The conversation lasted 93 seconds.

While this was happening Kosum YESHURKAEV was speaking to his brother who was at Holeyplatz, 1100 VIENNA. This is demonstrated by the call data record: he was logged by the distribution frame at Favoriten. At the same time, KALTENBRUNNER called Schamchan MAZHIDOW to tell him to hurry up.

At 12:53 Letscha BOGATIROV used BOB2 to call KALTENBRUNNER on BOB1. The conversation lasted 27 seconds.

In the meantime Kosum YESHURKAEV had departed for BADEN. At 12:55 he called Turpal Ali YESHURKAEV, at 12:59 he spoke to Otto KALTENBRUNNER, and at 13:03 he called his brother again who was logged in TRAIISKIRCHEN.

During this time Otto KALTENBRUNNER used BOB1 to make several calls to Russia. At 12:48:43 he made a 15 second call to the Russian number +79 [REDACTED] 9. At 13:03, he made a 40 second call to the number +79 [REDACTED] 8. It is not known to whom he spoke during either of these calls. At 13:06, he dialled the number +79 [REDACTED] 2 which has been identified as belonging to Shakya TURLAEV. It should be assumed that all of these calls were about the crime, and that he was passing on information about its successful completion.

At 13:08 Kosum YESHURKAEV called BOB1 once again and he spoke to KALTENBRUNNER for one minute.

After these calls, neither BOB1 nor the prepaid card 0650 [REDACTED] 6 used by Turpal Ali YESHURKAEV were to be used again. This clearly indicates that this was part of a consciously thought out plan, and was intended to prevent their calls from being monitored. It is also noteworthy that the last calls made from both BOB1 and Turpal Ali YESHURKAEV were to Kosum YESHURKAEV. Yet it is unlikely that he ordered the disposal of the numbers, since he also tried to call BOB1 after it was no longer in use.

During this time KALTENBRUNNER had apparently become quite nervous. At 13:05 and 13:10 he called MAZHIDOW to demand the return of BOGATIROV's BMW.

At around 13:20, BOGATIROV, DADAEV, Turpal Ali YESHURKAEV and Kosum YESHURKAEV arrived in the centre of BADEN.

Kosum YESHURKAEV met his brother there (and possibly the others) and went with him to WIENER NEUSTADT. He was logged here from 14:17. Still, it is not clear if he was driving or took DADAEV and BOGATIROV part of the way to SOLLENAU. The two men then went to SOLLENAU and waited there for KALTENBRUNNER.

At 13:45 KALTENBRUNNER finally departed, after MAZHIDOW had given him BOGATIROV's BMW. At 13:59 BOGATIROV used BOB2 to call BOB1, but by then it had already been deactivated. After that he also got rid of his own SIM card, throwing it out of the window. He then put his old card (0676 [REDACTED] 1) in the same unit and called KALTENBRUNNER at 14:27 on his D.A.S. phone, probably to agree on a meeting point.

As described above, KALTENBRUNNER, the registered owner of the escape vehicle, was already the focus of enquiries. At approximately 14:15, the police in ST. PÖLTEN (SPK) were informed about the case and asked to help locate KALTENBRUNNER. An officer then contacted KALTENBRUNNER's wife who stated that her husband had left their flat half an hour ago. KALTENBRUNNER was then called by a police officer whom he knew. The officer used a pretext to persuade KALTENBRUNNER to return to his flat, and although KALTENBRUNNER immediately agreed, he continued his journey to SOLLENAU.

At 14:30 he finally met BOGATIROV and DADAEV. At this point, BOGATIROV took over the wheel and they began the journey back to ST. PÖLTEN via Triestingtal.

Between 14:30 and 15:00, KALTENBRUNNER received several calls from the police and was asked to come to the police station. It is likely that KALTENBRUNNER and his accomplices then discussed their next move. Although he understood he had been contacted by the police under a pretext, he understood he had no realistic chance of escape. He then decided to surrender,

whilst enabling BOGATIROV and DADAEV to escape. They then agreed on a rudimentary statement, and that KALTENBRUNNER would pretend to be heavily intoxicated with alcohol, deny any involvement in ISRAILOV's murder, and refuse to reveal the identity of his accomplices.

Otto KALTENBRUNNER left the car in BERNDORF, while BOGATIROV and DADAEV continued the journey by themselves. KALTENBRUNNER went to the [REDACTED] car dealers and asked the owner, M[REDACTED], to call him a taxi to take him to ST. PÖLTEN. He gave her his mobile phone and at 15:06 [REDACTED] ordered a taxi from City Taxi Vöslau. She stated that she had seen no signs that KALTENBRUNNER had drunk alcohol.

When the taxi arrived KALTENBRUNNER asked the driver (Phillip [REDACTED]) to take him to ST. PÖLTEN. While driving along the B18 KALTENBRUNNER asked him to stop at a petrol station in ST. VEITH in a place called an der Triesting. He bought three small bottles of spirits and drank them one after the other. This was clearly an attempt to strengthen his alibi by ensuring he would later show signs of alcohol intoxication.

At 15:25 and still during the journey, an officer called him using his daughter's mobile phone. His daughter's name is [REDACTED] (formerly [REDACTED]). He told them he was travelling by taxi and shortly afterwards the officers were able to speak to the taxi driver. He was told to stop at the A1 services and to leave the car, after claiming he needed to use the toilet. [REDACTED] stated that KALTENBRUNNER had seemed calm during the journey and that he had not seen any signs of alcohol consumption.

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[REDACTED] did as instructed and stopped at KIRCHSTETTEN services. As he stepped out of the car, KALTENBRUNNER told him he knew what was about to happen but was grateful nevertheless for the lift.

At 16:20 Otto KALTENBRUNNER was arrested on a warrant which had been issued shortly before. Meanwhile BOGATIROV and DADAEV had driven towards ST. PÖLTEN, and DADAEV had left the car close to PYHRA.

Letscha BOGATIROV continued his journey to LINZ where he stayed until 22:00. He then drove to STEYR, but did not spend the night at his home. Over the next few days he made several calls to Schamchan MAZHIDOW, and they met on 15.01.2009 in ST. PÖLTEN. On the same evening BOGATIROV rang Kosum YESHURKAEV for the first time. More calls were to follow the next day. This was the first contact the two men had with each other. It is likely that at this point BOGATIROV was already working intensively on his escape plan.

On 17.01.2009 BOGATIROV approached Z [REDACTED] alias S [REDACTED]. He asked him to drive with him to Poland in his BMW, under the pretext that his mother was ill, and that he needed to visit her in Russia. Afterwards [REDACTED] was to drive it back to Austria.

[REDACTED] agreed and drove BOGATIROV out of the country that same day. Since then BOGATIROV has probably been in Russia, most likely in Chechnya.

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After **Suleyman Salmanovich DADAEV** left BOGATIROV on the afternoon of 13.01.2009, he visited his friend G [REDACTED] in PYHRA for a few hours. It seems the latter knew nothing about the incident.

It was only a matter of hours after the incident when DADAEV realised his involvement in the offence would soon be uncovered. He then began making arrangements with his family and came up with an alibi based on a supposed stay abroad. In order to strengthen his alibi, he departed for Poland at 22:00, and returned on 15.01.2009 at 20:00. To further support his alibi, he bought a new SIM card that same day and used it in his mobile phone. He was so convinced of the solidity of his alibi that even after being questioned as a witness - but not as a suspect - on the 19.01.2009, he made no plans for escape. On 26.01.2009 he was arrested on entering his apartment.

Turpal Ali YESHURKAEV was first brought to EBREICHSDORF via SOLLENAU by his brother. After this Kosum YESHURKAEV also drove to SOLLENAU. Both of them probably realised that it would be dangerous to leave the Opel at the scene of the offence. Later that afternoon both of the men went back to VIENNA. However, it is not clear whether Kosum YESHURKAEV travelled together with his brother or if they had chosen to go separate ways. At 18:25 both arrived in Leopoldauer Straße. Turpal Ali YESHURKAEV then took the car and drove back to SOLLENAU via the ring road and the southern motorway. Kosum YESHURKAEV took the motorway along the banks of the Danube.

Over the next few days, both began making plans to leave Austria. Kosum YESHURKAEV continued to have contact with the LVT Vienna, and on the 19.01.2009 he was questioned as a witness and especially about his contact to Otto KALTENBRUNNER. The statement he made at this time contains no details of relevance. On 23.01.2009 he stated that he was leaving for Belgium in order to buy material for his garage. In reality he went to Poland via the Czech Republic where he met B [REDACTED] and they continued on to Chechnya.

Turpal Ali YESHURKAEV stayed in Austria until February 2009. Even before becoming a suspect in the case, he had escaped to Poland. It is not clear why, but instead of continuing his escape further to the east he remained in Poland. A European arrest warrant was then issued and he was arrested in Warsaw on the 19.01.2009.

This case is then based on the results of a comprehensive criminal investigation, and the statements of the accused who have fully or partly confessed to their involvement in the crime.

The offenders' primary aim was not murder, instead they intended to abduct and deport ISRAILOV to the authorities of the Republic of Chechnya. This is supported by the following facts. First, even before the offence took place, Artur KURMAKEAV had been ordered to persuade ISRAILOV to return to Chechnya. It then seems logical to assume that the Chechen government was still interested, for reasons unknown, in having ISRAILOV returned to Chechnya. Furthermore, the following evidence demonstrates that the crime was politically motivated: TURLAEV's visit to Austria; KALTENBRUNNER's stays abroad made after this visit, at least one of which, if not both led him to Chechnya where he contacted KADYROW and probably other high-ranking politicians; and finally the planning which took place afterwards, such as KALTENBRUNNER's calls to TURLAEV, and to further unknown Russian numbers immediately after the offence.

If their primary aim had been to kill ISRAILOV, it would not have been necessary to prepare as comprehensively as they did. It would not have been necessary to observe the victim over a period of weeks, nor would three people and two cars have been needed at the scene of the crime.

Still it is clear that from the outset killing ISRAILOV was considered an alternative, and that this decision was consciously made by all of the individuals involved in the offence. This can be seen in the fact that BOGATIROV and YESHURKAEV both took the precaution of equipping themselves with firearms. Furthermore, after their primary plan had failed, they did not leave the scene but instead immediately made use of their weapons. BOGATIROV then fired several shots clearly demonstrating his intent to murder the victim. Importantly BOGATIROV's accomplices did not abandon him at this point, instead they actively supported his escape.

The results of the telephone surveillance - from both the accused, and further individuals - provide a further important body of evidence which demonstrate the crime was planned, prepared and so premeditated. They document the numerous phone calls and the extensive personal contact which existed between Otto KALTENBRUNNER, Suleyman DADAEV, Letscha BOGATIROV and

Kosum YESHURKAEV. The contact the men had between the period after KALTENBRUNNER's return from his second trip abroad, and the day the offence was committed, far exceeds the contact they had had before this time.

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Whereas this clearly demonstrates that Otto KALTENBRUNNER organised and masterminded the crime, this same conclusion is also backed up by a great deal of further evidence: he ordered the BOB pre-paid cards to be bought; he permitted his vehicle to be used for the crime; the way he behaved while speaking on the phone on the morning the offence (this alone demonstrates that he was the important link in the chain of communications); as well as the support he gave to DADAEV and BOGATIROV during their escape.

Otto KALTENBRUNNER, when questioned for the first time, denied any involvement in the incident. He claimed that on 12.01.2009 he had been at home with his family and was drunk. He stated that at around midnight he had sat in his car and began listening to music until his family had found him and brought him back to his flat. He said that he had woken up in the early hours of 13.01.2009 during darkness, drank a considerable amount of vodka, and gone back to sleep. It was not until after 12:00 that he had woken up, after which he ate breakfast and drank more vodka. He claims he consumed around 470ml of vodka on 13.01.2009. According to his statement, at 13:00 he departed in a taxi towards SOLLENAU in order to see some cars. He stated that he had ordered a taxi and returned as soon as the the police had called him. He was unable to comment on the location of his vehicle.

The results of the investigation clearly contradict KALTENBRUNNER's claim to have consumed so much alcohol. Several people who had contact with him during the relevant period described him as either sober, or as only showing minimal signs of alcohol intoxication. After his arrest, two alcohol tests were made.

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The first one, at 21:46, pointed to 0.25 mg/l, and the second one, made at 21:49 to 0.27 mg/l.

The police doctor who examined him during his detention, then also concluded that KALTENBRUNNER would have showed no signs of intoxication during the time at which the offence was committed.

When KALTENBRUNNER was confronted with the contradictions between his statement and the investigative results, he refused to make any further comment and continued to do so for a long period of time. It was only after he had read the

entire case file, including the statements made by DADAEV and Turpal Ali YESHURKAEV, that he decided to make a further statement detailing his responsibility.

Yet he still continued to deny any involvement in the planning of the offence against Umar ISRAILOV, and stuck by his story that he had been drunk at the time.

However, he admitted to having told Schamchan MAZHIDOW to buy the BOB pre-paid cards, but denied that this purchase was related to the incident. This is despite the fact that the vast majority of the calls made with the cards were related to the offence, and that they were destroyed immediately after it took place. Instead he stated he had actually bought them for himself and his children. He claimed that it was a coincidence that BOGATIROV had used one of the cards - KALTENBRUNNER said he had given BOGATIROV a card simply because BOGATIROV had asked for one.

KALTENBRUNNER also admitted that BOGATIROV and DADAEV had stayed in his flat the days before the incident, and during the afternoon and night of the 12.01.2009. He stated that they had behaved normally and that he had accompanied them to a meeting with Kosum YESHURKAEV on the night of the 12th to the 13th of January. As he was drunk he had not noticed what they had been talking about.

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He claimed not to have known that DADAEV and BOGATIROV had driven off with his car on the morning of 13.01.2009. He denied that the numerous calls made on the morning of 13.01.2009 with Kosum YESHURKAEV, Muslim DADAEV and Letscha BOGATIROV had any relation to the offence. He said that DADAEV had called him at 12:30 and that he had wanted to be picked up with BOGATIROV in SOLLENAU. Once again he stated that he had not been told why they needed picking up, and claimed to know nothing about Umar ISRAILOV's murder. He stated that despite having consumed a considerable amount of alcohol, he did as asked and drove to SOLLENAU. During the journey he was called by the police, and when BOGATIROV realised with whom he was speaking, he kicked him out of the car.

KALTENBRUNNER was not able to plausibly explain why he did not make this statement at the time of his arrest, especially after stating an interest in solving the crime.

It is important to remember that he was unwilling to make a statement for several months, and that during questioning he read the statements made by his co-accused. It can therefore be assumed that his final statement was made after careful consideration of those of his co-accused. They did not incriminate him.

Suleyman Salmanovich DADAEV began by giving the alibi he had already prepared: he claimed that on the 12th and 13th January 2009 he had gone to Poland with his cousin. He gave no further details.

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He went on to state that he had left the mobile phone identified as belonging to him in KALTENBRUNNER's car on 11.01.2009. This claim could be refuted as his mobile phone was found during the search of Muslim DADAEV's apartment. Similarly no notable differences were found in the call data record after January 11th and the period preceding it.

It was not until his questioning on 20.03.2009, and those which followed that he was to admit a peripheral involvement in the offence.

He stated he was a member of a group which had planned to use violence to overpower Umar ISRAILOV and to kidnap and deport him to Chechnya. ISRAILOV was then to be forced to hand over approximately USD 200.000 to 300.000 which he had been given by Ramzan KADYROW and had embezzled during his escape to Austria. A close associate in Chechnya known only as "Vladimir" had the money, and would only release it if told to do so personally by ISRAILOV. DADAEV did not provide an answer as to whether the money was to be returned to the rightful owner or whether the offenders intended to keep it or divide it between themselves and/or a third party. He made no comment as to whether Umar ISRAILOV was to be released after the money had been recovered, or if he was to be killed.

According to DADAEV, it was Artur KURMAKAEV who had masterminded the crime and incited the others to get involved. Specifically this would mean that he must have met KURMAKAEV on numerous occasions between the summer of 2008 and January 2009, and especially from the beginning of December 2008. KURMAKAEV must then have forced him to observe

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ISRAILOV over a period of several weeks in order to learn more about his routines and find out if he had contact to "Vladimir". Letscha BOGATIROV, Kosum YESHURKAEV, and Turpal Ali YESHURKAEV were also involved. He firmly denied any involvement of the part of Otto KALTENBRUNNER.

He stated that, as of the 3rd and 4th of January 2009, KURMAKAEV no longer participated in the crime and that Kosum YESHURKAEV had taken over leadership of the operation.

On the evening of 12.01.2009 a "co-ordination meeting" had taken place in SOLLENAU, at which Kosum YESHURKAEV, Letscha BOGATIROV and Muslim DADAEV were all present. Although Otto

KALTENBRUNNER was also there DADAEV claims KALTENBRUNNER was drunk and had not been able to follow the conversation. During the meeting a fight had occurred between Kosum YESHURKAEV and BOGATIROV: BOGATIROV had complained that Kosum YESHURKAEV was moving too slow and had wanted to take over the "matter" himself.

Furthermore he stated that on the morning of 13.01.2009 BOGATIROV and DADAEV took KALTENBRUNNER's car without his knowledge. He drove from ST. PÖLTEN to ISRAILOV's apartment in VIENNA. Turpal-Ali YESHURKAEV also arrived but it was BOGATIROV who had asked him to come. They had been waiting since the early hours of the morning to overpower ISRAILOV. Shortly before midday ISRAILOV had left his apartment, and so BOGATIROV and YESHURKAEV positioned themselves in front of the house's entrance. DADAEV moved the car and waited with it. After this he claims to have seen very little of the events which followed and to have only heard the gunshots. After the incident, BOGATIROV and YESHURKAEV got into the car and he drove off with them.

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DADAEV based the following account of the events on what he was told by BOGATIROV. He claimed that ISRAILOV had taken the two men by surprise and attacked them while they were waiting for him. This led the situation to escalate. In the end BOGATIROV had chased ISRAILOV, fired several shots at him, and killed him. DADAEV did not know whether Turpal-Ali YESHURKAEV had also used his weapon.

After the incident they had asked KALTENBRUNNER to pick them up in BADEN to where they had fled in a taxi. KALTENBRUNNER did so but had no knowledge of what had happened. They drove together to BERNDORF, but when KALTENBRUNNER received a call from the police, BOGATIROV ordered him to leave the car.

DADAEV's description of the way in which the incident developed, the persons present, and the escape route are all substantiated by the results of the investigation. Be that as it may, it can be assumed that DADAEV strongly plays down his own role and involvement in the incident. Furthermore, the role he ascribes to Artur KURMAKAEV was in fact taken on by Otto KALTENBRUNNER.

The results of the investigation then do not confirm DADAEV's description of KURMAKAEV's involvement in the offence. There is no evidence to suggest that KURMAKAEV had been in Austria between the middle of December 2008 and the beginning of January 2009. Not a single phone call points to his involvement. Furthermore the extensive personal contact, and the two meetings which supposedly took place directly in front of ISRAILOV's house are particularly implausible.

DADAEV's aim to play down his own involvement in the offence is clearly demonstrated by the fact that he also denied responsibility for recruiting Turpal Ali YESHURKAEV.

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Instead DADAEV claimed that on the morning of 13.01.2009, it was Letscha BOGATIROV using DADAEV's phone, who made several calls to Turpal Ali YESHURKAEV to make him to come to VIENNA. Yet his statement is refuted by YESHURKAEV's own quite plausible statement, and by the fact that BOGATIROV used BOB2 to call DADAEV almost at the same time as the other call was being made.

During his first questioning **Turpal-Ali YESHURKAEV** admitted he had been at the crime scene. He went on to state that Suleyman Salmanovich DADAEV and Letscha BOGATIROV were also present. On the night of the 12th and 13th of January 2009 DADAEV had asked him to lend him his car, supposedly without telling him what he needed it for. He stated that he had not wanted to lend him the car, but agreed to drive them instead. He had assumed that they needed his help and, as is normal among Chechens, had offered them his assistance. On the morning of 13.01.2009 DADAEV woke him up and asked him to join them. On the morning after his brother called him several times and told him to come immediately to his house.

YESHURKAEV's statements are not contradicted by the results of the investigation and this evidence does not suggest that he was involved in planning the offence.

Be that as it may, his denial of involvement in actually carrying out the crime is quite implausible. His statements with regard to this are quite contradictory. He claimed that he was behind the wheel of the Volvo, whereas BOGATIROV and DADAEV had chased Umar ISRAILOV. He stated that he only got out of the car to look for them, and did not meet BOGATIROV until after hearing the shots, after which he then followed BOGATIROV.

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He stated that he had not seen DADAEV at this time. Yet he also claimed that he got into the Volvo first and was the one behind the wheel. Shortly after that, DADAEV joined them again and told him to move over to the passenger seat. He continued by stating that they then began their escape. His description of their escape is essentially the same as DADAEV's, at least until his brother picked them up in BADEN.

His account of his behaviour during the offence does not coincide with the clear statements of several witnesses. According to witnesses, ISRAILOV was followed by two people who had run away after ISRAILOV had been shot and collapsed.

In Siegfriedgasse a Volvo approached, stopped and the men got into the car. The pictures taken during their escape on which YESHURKAEV even identified himself, also contradict his statement. Once again this leads to the conclusion that he is attempting to play down the importance of the role he played during the offence.

The fact that Turpal-Ali YESHURKAEV's statement, as far as it is possible to follow, does not incriminate Otto KALTENBRUNNER, is explained by the fact that the two men never actually had direct contact.

From a legal perspective it should be noted that: the offence of forming a criminal organisation according to § 278 Austrian StGB Abs 1 requires an association of at least 3 individuals and an that the group existed over a period of time, the minimum being several weeks (see 13 Os 24/05m). The organisation's aim can be restricted to a single offence, in this case any of those defined in paragraph 2, as long as it required a high degree of planning and preparation (Plöchl in WK2, § 278 Austrian StGB RZ 13). In accordance with

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the first and second cases defined in § 278 Abs 3 of the Austrian StGB and the general clause regarding participation in a criminal organisation of the same, participation includes any behaviour that supports the aims of that organisation. This includes logistical support, courier or transport services and providing accommodation to the person or persons who are to carry the planned offence (see Plöchl in WK2, § 278 Austrian StGB RZ 39). The laws of real competition are applicable to all of offences that the organisation aims to carry out.

BOGATIROV (whose case is being treated separately), KALTENBRUNNER and DADAEV have committed the offence of forming a criminal organisation according to § 278 Abs 1 Austrian StGB - fulfilling the requirements of both *actus reus* and *mens rea*. The case is based on the facts that the men formed a group to collectively plan, prepare and carry out the abduction and deportation of Umar ISRAILOV to the authorities of the Russian republic of Chechnya, or if this were not possible, his premeditated murder.

The offence of abducting and deporting an individual to a foreign power in accordance with § 103 Abs 1 Austrian StGB, includes using violence to transfer a person who was in Austria at the time of the offence to a foreign power, without their consent.

A foreign power is defined as a political power, namely an authority, political party or similar organisation. This definition is not limited to state entities but embraces all actors which effectively govern a specific and defined

territorial area. A state like entity such as the Russian republic of Chechnya, and its leading politicians are embraced by this definition. It is not a requirement of the law that the foreign power itself orders the abduction. Instead an offence is committed under this act when the offenders intend to deport a person into a foreign power's sphere of control so as to provide it with access to the victim.

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Violence must have been used during the abduction and it must have occurred against the victim's will. The victim must have been in Austria at the time of the offence, the citizenship of both the offender(s) and victim(s) are irrelevant.

As has already been described in detail, it is clear that the accused's primary objective was to use violence to kidnap the victim and in following to deport him from Austria and place him in the sphere of control of the political leadership of Chechnya. This constitutes intent in accordance with § 103 Abs 1 Austrian StGB.

This offence was further underlined by the the arrival of the second and third individuals accused, as well as Letscha BOGATIROV, at Umar ISRAILOV's apartment on the morning of 13.01.2009. The offence is especially clear from this point on, as the offenders were by now ready to kidnap their victim.

Although the premeditated murder of Umar ISRAILOV was actually the secondary and alternative plan of all those involved, and was only to be carried out if they were not able to kidnap him, everything they did to plan for ISRAILOV's kidnapping, must also be seen as contributing to, and so constituting, the planning of the offence of murder according to § 75 Austrian StGB. This is clearly the case as it was this planning which led to the murder which was committed by Letscha BOGATIROV. The preparation and planning of ISRAILOV's kidnapping then essentially led to the situation in which BOGATIROV was able to fire the lethal shots.

Otto KALTENBRUNNER ordered and contributed to the offence of attempting to abduct and deport a person to a foreign power according to §§ 15, 103 Abs 1 Austrian StGB, and to the offence of murder according to § 75 Austrian StGB. Here the offence of contributing to the crime also includes ordering

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the murder. The fact that he himself also contributed to the offence on numerous occasions must also be taken into account in sentencing (see Fabrizio, StGB, Rz 15 to § 12 Austrian StGB mwN).

After a preliminary trial and the presentation of the evidence, the accused are to be sent to a main trial in accordance with the charges stated in this indictment and are to be punished according to their involvement in the offence.

~ (official in charge: public Prosecutor Mag. Leopold BIEN)

The Public Prosecutor's Office in Vienna 16th August 2010

Dr Michael SCHARF
(produced electronically)