

## **ISRAILOV Case – Vienna trial**

### **Summary of Day 14 (25 March 2011)**

At the beginning of the hearing, the judge announced that the next court days would be: 24 May 2011, 31 May 2011 and 1st June 2011. He added that in case the procedure for taking evidence can be concluded before then, the 1st June 2011 could be dedicated to the final pleas, the deliberation of the jury and the verdict.

He reported about a phone call with the Austrian Ministry of Justice, which so far had no answer from the Russian Prosecutor General's office regarding the request for legal aid submitted on 24 January 2011. He said that the following week an urgency letter would be sent off, in which it will be stated that the hearings were postponed till the end of May, and that if no answer is received until then, it has to be assumed that no positive response had been given.

He also informed everyone that another jury member dropped out, because of a flu, and that nine jury members were left. (Note: At the beginning there were eight jury members plus four replacements.)

#### **Questioning of witness Michael H., Lawyer in Sankt Pölten; and of Otto Kaltenbrunner regarding Mr. H. 's statement**

The questioning of the lawyer from Sankt Pölten, Michael H., who was released from his professional obligation to discretion by Otto Kaltenbrunner, had been requested as a witness by Kaltenbrunner's lawyer, Rudolf Mayer, in order to prove that Kaltenbrunner talked to him about threats against him.

He told the court that the contact was originally made by Kaltenbrunner in his function of collaborator of the legal protection insurance company D.A.S., who was looking for a Russian speaking lawyer for his clients. Afterwards, in the year 2008, he came to him because he wanted to get a firearm license. H. remembered that Kaltenbrunner showed him his gas pistol, stating he wanted a real pistol. He said he organized an appointment with the department for firearms within the police of Sankt Pölten. There, he received a list of requirements with a mental aptitude test being the most important. H. wrote down the telephone numbers of respective psychologists and gave them to Kaltenbrunner, who told him the next day that he already made appointments with them. He said that the last meeting with Kaltenbrunner was on the 8 January 2009, so he stated that this issue could have been discussed relatively close before Kaltenbrunner's arrest on 13 January 2009, but he could not remember exactly. In any case, the filing of an application did not happen in the end due to the arrest of Kaltenbrunner.

Asked about the reason given by Kaltenbrunner for wanting to get a firearm license, he answered that Kaltenbrunner told him he was threatened by Islamists because of his contacts with government friendly people. H. also mentioned that when they went to the police, there was a strange atmosphere, because a person, who acted like a bodyguard, was walking behind them, but did not walk inside the building and waited at the entrance. He could not recognize the man on photos shown to him.

Asked by the judge when he went to the lawyer, Kaltenbrunner answered that he could not remember exactly, but that he thought it was in the weeks before Turlaev's visit in Austria, that is in August or September 2008. He said he got two appointments with a psychologist in Vienna, where he went. He said that an expert opinion by the psychologist came after he was arrested. He did not read it, but thought that the police had it.

Asked by the judge what reason he gave the lawyer for wanting to get a firearm license, Kaltenbrunner answered that when it became known that Shaa Turlayev would come to Austria, radical criminal Islamists stated that one could not allow that he came, and that if he came, he should be liquidated. He claimed there were concrete threats.

Asked about his security guard, Kaltenbrunner said he was forced to take one, just before the Turlaev visit, when people expressed their resentment regarding this visit. Asked if this person was Omar Ilamov, Kaltenbrunner first said he could not say, but later confirmed that it was him, although using the name Idalov. Kaltenbrunner said that Idalov worked as his bodyguard when he was working for President Maskhadov. After repeated questions by the judge and the prosecutor, Kaltenbrunner mentioned that he

gave him money when he needed some, in average 50 Euro a month. Kaltenbrunner said the man was unarmed, but himself had a gas pistol; no incidents occurred.

### **Questioning of Mag. Anna B., Diakonie Integration Centre St. Pölten and of Otto Kaltenbrunner regarding B.'s statement**

Mag. B. was called as a witness, requested by the defense lawyer of Otto Kaltenbrunner, Rudolf Mayer, in order to prove that his client spoke about his threat situation with her. She worked as an employee of the humanitarian integration centre of the Diakonie Sankt Pölten, helping refugees in the areas of job-seeking, house hunting, German language courses, etc.

Asked by the judge, Mag. B. said that Kaltenbrunner came to her several times in 2008 in order to get advice on integration matters regarding himself and his family. The Chechen cultural centre was no topic of discussion. She said that in his last visit, on 1 December 2008, he mentioned his threat situation, but that it was the first time that this meeting was about something else. He asked her, under what circumstances it was legal to have a gun, and said that he felt threatened by the Islamists, without being concrete. She advised him to go to the police, and he answered that they could not help. It seemed to her that when he asked her, he had no information about the topic. She made a print-out with general information about the requirements for a firearm license.

Asked by the judge, whether he was already informed about the topic of firearms by the lawyer Michael H., when he went to this meeting with B., Kaltenbrunner answered that he could not say exactly when he talked with Hofbauer about it, but that he first talked about it with Brandstetter before going to Hofbauer.

Therefore the judge concluded that Kaltenbrunner's effort to get a firearm license happened only after the Turlaev visit - contradicting what Kaltenbrunner had said before. Confronted with this, Kaltenbrunner answered: "Your Honor, before the Turlaev's visit there were only verbal threats. After his visit there were real concrete threats. If those would not have happened, I would not have needed a gun in a hundred years."

Asked about the difference between verbal and concrete threats, Kaltenbrunner answered that before the Turlaev visit there were only verbal threats via telephone. A concrete threat occurred, so Kaltenbrunner, when a close acquaintance of his reported to him on 11 January 2009 that a relative informed him about a concrete decision of a group to do something against Turlaev and Kaltenbrunner. This relative advised the man that he should stay away from them. "There was a decision to kill Turlaev or me if the opportunity presented itself. Or to shoot at us. There would have been concrete actions." Kaltenbrunner said he could give the name of this man, but not in front of the public.

The judge asked Kaltenbrunner in response, which groups had decided to liquidate or shoot at Turlaev or him. Kaltenbrunner answered that he could not say that because Chechen customs don't allow that. Even when his own lawyer asked him, he answered that he could not say it, because then the Chechen who told him about it would get into trouble. (Judge: "But the question was not about the messenger, but about the group who took the decision.") – "There are many groups." ("That's why I am asking.") – "The threat came from a radical islamist group." ("And you cannot tell us, from which one?") – "You know, there is a special anti-terror department (in Austria), who knows that better than me." (Prosecutor: "I do not understand why you protect your political adversaries and blood enemies?") - "I know who these people are." (Prosecutor: "But I don't understand why you are not telling it?") (Judge: „It's pointless, he will have his motives.”)

### **Questioning of witness Mr. S., member of the Chechen cultural association in Sankt Pölten**

The judge said before the questioning of this witness that from the six summoned witnesses regarding the Chechen cultural association only two came.

Asked by the judge whether he was member of the "Chechen sport and cultural association 'Grozny'", the witness first said no, but then clarified that he was an ordinary member but not a board member or organizer of the group. He said that a man with the first name Lom-Ali came to him to sign a membership form. He was told that a cultural association should be formed for recreational activities and that the kids could make sports. He found the idea good and signed. There was no talk about membership fees. He said he would have

been ready to pay something, if the association would have done something. He thought the signature was for the purpose of founding the association, but later was never told if the association was in fact founded or not. He assumed it was an association only for Chechens, but it would not have bothered him, if there would have been also Turks or Austrians in the association.

Asked by a man from the jury whether he was told about any ideology of the association, that is whether it was government-friendly or islamist-friendly, he answered that there was no ideology involved. He also said he did not know that Kaltenbrunner had a leading role in the association; from his point of view, he was a normal fellow countryman.

The defense lawyer of Kaltenbrunner, Rudolf Mayer, read out to the court what was written on the membership form. "There is written: membership number 33, date of enlistment 15 July 2007, first name, family name, birth date, citizenship, address at home and in Austria." Asked whether he felt spied on him, the witness said no. Mayer said that all members signed the membership form within two weeks in the year 2007.

### **Questioning of witness Mr. D., member of the Chechen cultural association in Sankt Pölten**

The witness affirmed that he signed the membership form for the Chechen cultural association in Sankt Pölten. He said his family and five more families in his city were told by Kaltenbrunner that a cultural centre was to be founded, where one can meet at celebratory occasions and where children could do sports. He thought it would be predominantly a place for Chechens to meet but that it also would be open to other ethnic groups. His understanding was that a certain number of signatures was needed to found a cultural association. After that, he heard nothing about it anymore. When he asked at one point about the state of the cultural centre he was told that they were looking for premises. He was asked if he was afraid that information about the members of the cultural association would be handed over to president Kadyrov in Chechnya. He responded: "I don't know what I should say." ("In any case, you did not ask yourself this back then?") – „No, back then, no.“

Asked by Kaltenbrunner's lawyer whether he was asked about his activities back in Chechnya in the course of signing the membership form, he said "no".

### **Questioning of Otto Kaltenbrunner about the founding of the "Chechen cultural and sport association 'Grozny'"**

Asked by the judge about how the Chechen cultural association in Sankt Pölten was founded, Kaltenbrunner answered that the idea emerged after the conflict between Chechens and Turks, with 150 persons on each side. He asked Hassan Dugan about the forms for the members, and then brought them to the police in Sankt Pölten.

Told by the judge that it was clear from the beginning that the city of Sankt Pölten could not provide them with premises for free, and how it was conceivable to pay for premises, if they did not want to ask for any membership fee, Kaltenbrunner replied that after the conflict many people promised to give support, and that he did not count on free premises. He said he and Aktar Bey had looked at two or three premises but they were too expensive. He said he wanted a kind of small café where people could meet and talk, and a salesroom, which would have funded the cultural association and also would have given him a material basis. He also said that as long as he did not find a sponsor to provide the means for activities, he could not do anything.

Asked by the prosecutor, whether questions regarding this cultural centre, particularly financial ones, were discussed in meetings with Turlaev or in Chechnya in meetings with Kadyrov, Kaltenbrunner answered that in the year 2009 there was a decree by the Russian president about help and support for cultural centres of the diaspora outside Russia. "If this would not have happened, everything would have been different. In October 2010 there was the Chechen World Congress in Grozny with representatives of twelve EU countries including Poland, Austria and Belgium", he added. Asked again the same question he answered that he did

talk to Turlaev and Kadyrov about the problems he was confronted to in Austria, but that his plan was to first conclude the next visit of Turlaev on 20 January with a medical treatment, and that only after that he would deal with the cultural centre.

Asked why there was no financial help, when he had told the court that Kadyrov was interested to improve the image of Chechnya within the Chechen diaspora, Kaltenbrunner answered that they only briefly discussed this, because he had not enough time as he had to organise a lot in connection with Turlaev's visit. He said having also discussed the question of a Chechen World Congress, which would serve as a means for "people, who did not want to sit at one table, to start negotiating with each other".

Asked specifically whether Kadyrov found it a good initiative to found a cultural centre or whether he thought that it did not make any sense, and what he told Kaltenbrunner when he was informed about the difficulties of the association, Kaltenbrunner answered: "He said, it is very well, and that in difficult times he will not let us stand alone there."

Asked by the lawyer of the victim's family, Nadja Lorenz, whether Kadyrov was not interested to disseminate information about the successful reconstruction in Chechnya via the Chechen cultural association, Kaltenbrunner answered that he himself wanted that, and that he wanted to show a documentary in the cultural centre to enable a discussion. ("But the question was whether Kadyrov thought of this as a good idea or if he suggested it?") "He did not say it and he did not need to. I knew myself what I had to do."

Asked by his own lawyer, Rudolf Mayer, why they stopped looking for members after July, finding all together 97 members, Kaltenbrunner answered that he had thought that this was enough to found an association. The lawyer then commented that if he had wanted use the cultural association as a platform to spy on members, he would have continued to look for members.

### **Questioning of Witness Urdi Ahmadov (or Ahmakov)**

The questioning of the witness Urdi Ahmadov (or Ahmakov), who is serving a prison sentence at the moment, was requested by the lawyer of Suleyman Dadaev in order to prove that Artur Kurmakaev was in Vienna in December 2008.

Asked by the judge how he got to know Suleyman Dadaev, the witness answered that he and Dadaev were from the same village, and that they met again in Austria in 2006 or 2007. He said that he was not familiar with the name Artur Kurmakaev but that he knew a person named "Arbi" (one of the nicknames of Kurmakaev). He said that in mid December a friend with the name "Ahmed" had asked him to join him for a meeting at the Westbahnhof. There he spoke only shortly with this man named "Arbi", basically exchanging welcome greetings, and then his friend and "Arbi" spoke in private in some distance. Two weeks after the meeting his friend "Ahmed" returned to Chechnya. The witness claimed that he could remember the face of Kurmakaev and his nickname "Arbi", despite the fact that he saw him so briefly in a meeting that did not matter to him. Ahmadov claimed that he knew his friends and the friends of friends and that he generally remembers faces very well.

Then the prosecutor asked how this witness was found, and the judge asked Dadaev why he assumed that the witness had seen Kurmakaev. Dadaev answered that he had met Ahmadov in prison and that he had helped him to understand the trial related documents better, because he himself was not so fluent in German. In this context they stumbled over the name "Arbi" and Ahmadov told him that he had seen this man too.

### **Continuation of the questioning of the Suleyman Dadaev**

A jury member asked Dadaev about a contradiction in his statements: on the one side he stated that he never drinks alcohol, but on the other hand he said that he did drink alcohol sometimes. Dadaev answered that he only drunk alcohol twice in his life, and that it might have been due to the alcohol that he told Bogatirov about his "problem" in the night from 12 to 13 January 2011.

Another jury member asked him about another contradiction: on one hand he claimed that on 13 January he did not drive the car to Vienna because of the absence of a driving license, but on the other hand he said he

wanted to drive back to Sankt Pölten. Dadaev answered that he was forced to drive back himself, because Bogatirov had said he could leave with the car and nobody else could come to drive the car.

Then a jury member asked Dadaev to explain further what he meant when he told the court that only a brawl against Israilov was planned. Dadaev answered: "I had no plan to beat him or to kill him. The plan was to make him come to the Czech Republic."

The prosecutor confronted Dadaev with the fact that he knew about the conversation between Israilov and Kurmakaev at the Danube, in which Kurmakaev clearly stated that he had been sent by Kadyrov, and that during the last court hearing it was the first time that Dadaev mentioned that the money belonged to the rebel field commander Gakayev. Dadaev answered that first he had been told by Kurmakaev that the money was stolen from Kadyrov, but then he asked back, why in this case he would contact him, Dadaev. Then they started talking and Kurmakaev said that the money in fact was stolen from Gakayev. "And I fully believed this after I had talked several times with Israilov, because he started to give divergent answers to clear questions" he added. He said that Kurmakaev came again to Austria after having been back to Chechnya, bringing a written note from a certain person who acknowledged this. ("From whom?") – "From Gakayev."

The prosecutor then confronted Dadaev with the fact that during the investigation he had told the police and the prosecutor that he cooperated with Kurmakaev because he had been compelled or threatened by him. Dadaev answered that Kurmakaev did not threaten him particularly strongly, because in such a case he "would have kicked Kurmakaev in his ass". He said he had some problems in Russia because he took part in the war, and Kurmakaev said he would tell the Russian authorities where he lived. "And why shouldn't one help if someones money is stolen? ... And there was no talk about violence or murder", he added. (Prosecutor: "So you want to tell me that you wanted to help because of pure friendship or because of a pursuit for justice?") "No, not because of friendship or the pursuit for justice. It is just that I fought for quite some time in the war. The war is going on, and the soldiers have empty stomachs, and the money would have been for them." ("Couldn't it be that he told you the story in this way, and to others in another way? You could not check, if the signature of Gakayev was authentic?") - "Of course I am not so naïve to believe in a sheet of paper. I did not tell yet that Gakayev called me personally. I did not want that this would count as a contact with a terrorist, and he is regarded to be a terrorist." ("But why did you tell something different during the investigation procedure?") - "I think this question is out of place. If you look at my testimonies, starting with 27 March or 2 April, then you will remember that it was not a political murder, but that it was about stolen money. And during this trial there were so important witnesses present that there was no time to say this." (Judge: "Given that you were already questioned for several hours during this trial, this is a somewhat bold statement that there was no time to describe your responsibility.") - "There were already thirteen days of trial, and I liked how Kadyrov was described."

Then the prosecutor confronted Dadaev with the fact that the person of Kurmakaev was a kind of constant in his statements during the investigation and the trial, but that this was the only constant. ("For example you referred for some time to an observation activity, but never to personal meetings with Israilov. Why?") - "That was a kind of self-preservation reflex. This man was killed, and if one learns that I had contact with him, then this is not nice." (But via your telephone directory it was anyway evident that you were there. That means it would not have made any difference, would not have created any other image?") No answer.

Then the prosecutor asked Dadaev how the alleged meetings with Israilov took place. Dadaev claimed not to have known in which flat Israilov was living, but that he knew in which internet café Israilov was going. He claimed to have met Israilov on some occasions near Israilov's company, on some other occasions during the night in the internet café or near Israilov's house. ("Were the meetings agreed upon, or were you just waiting for example in front of his house?") - "No, we never agreed to meet but just met by chance. If I would have known exactly in which flat he was living, or if I had had his phone number, then I would not have had to spend so much time there." ("You talked at some point about eight meetings. Apparently there was a lot to talk about. And if that is correct, then it would seem natural to exchange telephone numbers?") – "No, he even reported me to the police. It was out of question to exchange telephone numbers." ("And how did the meetings proceed?") "The meetings proceeded in an unfriendly atmosphere. First he had a very aggressive approach towards me. Maybe he wanted to intimidate me, I don't know. But then he became more gentle and we began to talk about everything. Finally he agreed to drive to the Czech Republic. And then, on 12

January, he suddenly said no.” (“But how did you tell it to him? You have embezzled 300.000 USD, we want the money back? How did you do it?”) “I do not remember exactly what words I said or what he answered. But on the first day there was a ten to fifteen minute long conversation to get to know each other. When I spoke about this issue, Israilov told me that a man contacted him already once on the same topic. I told him that I know the man and the story. He told me that he does not have the money, and if he had it, he would not return it.”

Before this first meeting, so Dadaev, he was waiting three or four days near Israilov’s house, which Kurmakaev had shown him. (Prosecutor: “But why didn’t Kurmakaev himself talk with him?”) “Yes, he told me that he did talk with him but then was reported to the police.” (“But if he told you this, why did Kurmakaev believe that you would have more success? Would you have applied other methods?”) “Well, I wanted to have a talk with Israilov, to know if he would say 'yes' or 'no', so that I could report to Kurmakaev, who could then leave Austria.” (“But why did he contact you and believe that you would be more successful than himself?”) “Well, this is a question for Kurmakaev. Maybe he had reasons. I cannot know that with 100 percent security.” (“How did he come to you?”) “Via acquaintances, via Gakayev. I have many acquaintances and from the talks with him I saw that knew them as well.” (“So it seemed to you that Gakayev recommended you?”) “I did not ask him. I can only assume it, yes.” („And did you regularly report about the progress or lack of progress?“) “There were of course no written reports, but short reports about what and how the conversations went.”

The prosecutor continued confronting Dadaev with the idea that if Kurmakaev failed in a first attempt and then contacted Dadaev for a second attempt towards Israilov, it only makes sense if Dadaev had another way to proceed. Dadaev repeated that he did not want to enforce any results but just wanted to hear what Israilov had to say. He added that it was not so unrealistic to convince him by speech to give the money back. “In Europe and countries of Central Asia there is a lot of money that was stolen from the fighters. And there are very many cases, where the money was given back, without a fight or a murder”, Dadaev said. (Prosecutor: “Were you involved in prior cases?”) - “Yes, I took part in such talks, but I insist that I am not a Mafiosi.” (“But how does one succeed in getting people to voluntarily give stolen money back? It would be interesting to know, as it would reinforce your credibility.”) - “There are people who took money, and then the money was fruitful, it grew, so that some persons want to give it back. However, others do not even want to give one dollar back.” (Judge: “But how do you handle the others? How do you appeal to them? Let’s take Israilov. He had taken money from the rebels whom you support. How could you convince him, when Kurmakaev had failed?”) „I certainly would have tried it with persuasion. If I did not manage to succeed, I would go to the next Alikhan. But the Alikhan who has taken it, does not have a good life.” (“What do you mean by that?”) “Imagine we are not in Austria. No police. One will not let the matter rest. Then there will be other means.“ („You mean that if you report to Kurmakaev that it does not work, he then would find other means?“) “Of course.” („And who guarantees us that it is not already you who count as such another means?“) “My gurantee is that everybody knows that I did not kill him. Because then I would be here in a different function.” (“But it is a fact that it happened. Israilov was killed in broad daylight. And the jury members have to make a decision if you took part in something of a next instance. And you say that if Kurmakaev would have heard of such a failure that he would then have applied other means. Kurmakaev knew that exactly since August 2008. Who tells us that you were not part of this second instance? This is connected with the question, why Kurmakaev should use the same means twice, why wouldn’t he step up his choice of means?“) - “To your first question: If I really was the second instance, then I would not have told you about this, then you wouldn’t have come to know anything. The question about Kurmakaev: Back then I did not think about it for a long time. Between the first meeting and the thing that happened only one month passed, a short period of time. Now, after 26 months, I think that Kurmakaev planned to take the money and trick those whose money it was.”

The prosecutor then told the court that Dadaev had said something during the fifth interrogations by the police on 20 March 2009, which is in connection with this discussion about a second instance. The prosecutor read out this description which Dadaev had given without being asked for it: “In the year 2003 a bank transfer of 25 million USD should have come from Saudi-Arabia, but only 15 million came via the liaison man Islam Astamirov. I got a photo and the information about his place of residence and had the order to look for him and to talk about the money. I was withdrawn from my unit and sent to Europe. I was chosen

because I was the best in my detachment. This detachment was a special detachment of the Supreme Sharia Court of the Republic of Chechnya ... The instruction was not to kill him but to retrace the flow of the money. Maskhadov was still president and Doku Umarov was my direct superior. I traveled via Slovakia to Austria, then to Paris.” Later, in June 2004, Umarov allegedly told Dadaev that Astamirov was in Nice, where he could indeed find him. “There I talked to him and he told me that he forwarded all the money which he had received. This information I transferred to Umarov. He told me that it would become a dirty business and that I should not make my hands dirty, he would send somebody to finish the business and I should only pass on information. After that, three Chechens came and abducted Astamirov. When I saw him the next day I could see torture traces. His mouth was stick together with an adhesive tape, and he said that it did not matter because he would be killed anyway. He said he would tell me where the money was. I told him that it was not mine or his money but the money for the fighters. I swore him that he would come free if he would give the money. He told me where the money was, and I went to the others and told them that they should let him go. They told me that my authority has ended and that I should take care of the money. Their order was to kill him. At this moment they were two, as the third was away picking up food. I sent one of the two away, killed the other and let Astamirov go. The killed person was removed and was found one month later and transferred to Chechnya. At the address, which he gave me, I found 3 million USD and sent this money home. Astamirov then told me that he had further 2.5 million USD but I knew that he did not have them. Then I wanted to return home and called my brother. He told me that it was not good to come home, because everybody knew that I had killed an agent. I should remain in Europe because it was assumed that I acted in collusion with Astamirov.” The prosecutor concluded: “A story from your life, true or not. But what one can see in this story, is that you are not always the lesser measure.” Dadaev answered that he did not know what all this was about. We are here talking about 2.5 million USD, and he did not commit murder here nor was present when a murder happened. He claimed that in this questioning he told the true story, but that what “they” made out of it was not true.

He claimed now in front of the court that he had told Astamirov that everything would be forgiven if he gave back the money. Astamirov was not abducted by the three Chechens to Nice, but only “forced to drive there”, and “they did not plan to kill him but to severely intimidate him”. He said he did not see torture traces on his body the next day and also not that his mouth was glued, because he did not see him the next day. But he knew that later a dead corps was found there and sent to Chechnya, but this man was neither killed by him nor by one of the three other Chechens.

The prosecutor then continued to confront Dadaev with some more contradictions in his testimonies. For example Dadaev said in the seventh interrogation on 27 March 2009, in which he, the prosecutor, was questioning him for the first time: “since approximately 15 December 2008, I was told to observe the wife of Israilov and to write down what she was doing and how their life proceeded”. This contradicts other statements Dadaev made. Dadaev answered: “I am one hundred percent sure that I did not say this”, and after the judge told him that the prosecutor was present and could remember it, he weakened his rejection to “I don’t know, I cannot remember having said this. Maybe the investigating officer has mixed up something.”

The judge continued with reading out from Dadaev’s testimony from 27 March 2009: “Actually, Kurmakaev is the wirepuller in the whole story. But he has a representative in Austria who is ‘Aslan’ (Kosum Yeshurkaev). He was the organizer of the abduction. Kurmakaev was the wirepuller, and he was once waiting for me in my car in Sankt Pölten ... He showed me a photo of Israilov and a photo of my family in Chechnya and of my children in Austria. I refused to participate, but then ‘Aslan’ came to me. He was a fighter in Chechnya and told me that people are interested in this case who fight against the Russians. This convince me to take part. To me the case was portrayed as it was a story of the separatists. Why ‘Aslan’ and Kaltenbrunner are in contact I cannot say. I only know that ‘Aslan’ always tried to involve Kaltenbrunner. The purpose of Israilov’s abduction would have been, that he gives 300.000 USD to a man in the Czech Republic, which only he personally knew. They said that this was the money of Doku Umarov. But I was convinced that it was Kadyrov’s money.” Dadaev answered that first he did not know that Kosum Yeshurkaev was called ‘Aslan’, and the rest was “absolute rubbish”. (Judge: “But why then did you tell it to the prosecutor?”) - “I cannot remember having said this.” (“One thing interests me. This story which you told is a totally different one than the one you told today. Why is that so?”) - “I told you that I don’t want to hide anything. I have changed my testimony one time, due to important reasons. Regarding the rest I do not have any explanation, because I did not say or state this.” (Prosecutor: „You did not change your testimony only

once, but you changed your story practically a each questioning. You first denied everything categorically, and then you presented always new stories.”) - “They are not new statements, everything is connected with each other. And I mentioned Kurmakaev from the beginning.”

Judge: “I read out to you what you have said about the course of the action: ‘Because we had originally planned to abduct Israilov when he was leaving his house, Turpal-Ali’s car was parked there. When Israilov’s wife left the house, Lecha considered to abduct him out of his flat. But I was against it, because the children were at home.’ So the reason you gave in this statement for not wanting to abduct him in front of his flat was not that you did not know where his flat was, but that the kids were home. Moreover, you do not describe the rest of the story as you tell it now, like that you did not notice the killing. You said: ‘Israilov then left the house, and did not walk as planned in the direction of Angerer Strasse but to the Eurospar supermarket. Lecha jumped out of the car, told me to park the car at the parking area of the Eurospar and walked to Turpal-Ali. They positioned themselves close to the entrance of Israilov’s house and I parked the car ... Because of the traffic it was not possible to turn around Turpal-Ali’s car quickly enough ... Lecha planned to walk together with Turpal-Ali towards Israilov as soon as he has left the supermarket, where he wanted to incapacitate him with an electro shocker. In addition he could incapacitate him with a beat. So I was sitting in the car and was waiting for Israilov. As the others told me, he then unexpectedly came out of the parking area and there was a shooting. I saw in my rear mirror how the two of them crossed the street slowly running. One or two minutes later there were shots. I thought that Israilov had used his gun. We knew that he had one. I heard several shots. It was my sense that there were two guns. I then tried to find the two with the car and called Turpal-Ali several times to ask where they were ... To pick them up I was driving somewhere against a one-way street and finally found them ... Lecha had a strongly bleeding wound in his face, most likely in the area of his left cheek. He tried to stop the bleeding with a T-shirt. I cannot say if the shots were at different places. They were done in different intervals. I guess the first shot was 50 meter away from me.’ And then you said: ‘I turned the car around and drove back the Siegfriedgasse. We then drove to Kagran, but arrived there by chance. We wanted to drive away from Vienna. I wanted to go to Sankt Pölten. Turpla-Ali and Lecha were constantly making phone-calls during the escape. Lecha was shouting at Turpal-Ali. He complained that he was not running after Israilov. Turpal-Ali replied that he was not a sportsman and could not run. But they thought that he was still alive. It was quite a panic situation. Turpal-Ali spoke several times with Aslan. Lecha also made several phone-calls but I did not recognize with whom. I could learn from the talking between Turpal-Ali and Lecha that both shot at Israilov. It emerged that one said he shot twice and the other that he shot three times. One said that the bullet did not come out of his gun. I think that Turpal-Ali said this. Because I was screaming at them, complaining that it was never agreed upon that Israilov would be injured, I drove the car to the parking area of a Penny supermarket and told them that I don’t want to have anything to do with them any longer.’ What do you say to this?”) – „I never said that the two of them said who shot how many times. The talk was so, that Lecha said to Turpal-Ali that he had heard three shots, the other heard two”, said Dadaev (Judge: “But why is it written so explicit, that both of them shot?”) – “Maybe I expressed myself unclearly, or someone wrote it down incorrectly.”

The prosecutor continued with reading out from the same 27 March 2009 testimony: “Lecha told that both were fighting with Israilov who was lying on the ground, despite the fact that Israilov was already injured. He added that they were forced to kill him.” And: “Lecha told that with the first shot he only hit his arms or legs. He then further said that they were then forced to kill him. The last shot was when he was already lying.” Therefore, so the prosecutor, he never said that HE shot but that THEY shot. Dadaev answered: “He said ‘we’ and meant also me, because we all were at the spot.”

The judge then said that Dadaev described three options in his 27 March statement: “One of the options was to abduct him directly out of his flat. The second option was to abduct him on the way to a Turkish internet café. But this did not work out two or three times, from what I heard in talks between Aslan and Lecha. Option three was similar. There were attempted abductions already since the summer. But I was not involved at that time. The first abduction attempt took already place on 7 or 8 January 2009. I was not with them at that time, but I understood this took place from discussions between Letcha and Aslan ... The planning for the abductions are from Lecha, whereby I think it is Aslan who is behind it. I also know that it was Aslan who undertook the attempted abduction on 7 January. The motive for my participation in this was that, because I did not bring back the 2.5 million USD, I was demoted. Aslan promised me that I would earn back my soldiers honors if I participate. I don’t know how the abduction should have ended, but as Kurmakaev



said from the beginning that it should happen without a killing, I was relieved. I thought that my role would have been limited to Israilov's transport in the car."

Dadaev's answered: "Regarding Aslan I say it again that I don't know that Kosum Yeshurkaev's name is 'Aslan'. Regarding the conversation between Kosum and Lecha I have already said ten times that the reason for the meeting in Sollenau was that Lecha had beaten an employee of Kosum." (Judge: „But why is 'Arbi' written there?“) - "I don't know, I think I talked about 'Arbi' ... Maybe I meant 'Arbi' and then was misspeaking, because those interrogations sometimes last ten to fourteen hours." ("But you said repeatedly, that there was a plan for an abduction, but that 'Aslan' has assured you that it would happen without a murder?") - "Yes, I confirm this. Regarding the abduction the plan was to force him to drive to the Czech Republic." ("Why are you only admitting this now and not before?") - "Look, if one talks about an abduction and about forcing someone to enter a car, these are two different things." ("What is an abduction for you? What is the difference?") - „I mean, before you can abduct a person you have to disable him that means to make him unconscious ... How do I understand the phrase 'forcing to come with someone'? I mean to intimidate someone so that he enters the car." („With a threat or with active violence? What is interesting is that you did not have any problem with the notion 'abduction' when you were questioned by the prosecutor during the investigation contrary to now?“) - "I did not notice it back then. I do not know how it sounds in German. In Russian there are two different words." („How is it called in Russian, if one forces someone with a threat to enter a car and to bring the person against his will in another country. Is that only coercion or also an abduction?“) - „In my opinion it is called coercion.“ ("But you knew that he should be forced with massive threats to enter the car to be brought to the Czech Republic?")- "Yes."

The judge then read out that Dadaev said he was forced to participate, because Kurmakaev was breathing in his neck. ("How could he pressure you or your family?") - "Well, I don't know, but it is possible to assume he could." ("Apparently you were assuming something very concrete. Because you said that you planned to kill Kurmakaev to save you and your family, that you were forced to participate and deliver information.") „Well, the statement about killing Kurmakaev was only an emotional statement." („And your concluding remark is: You don't understand this. This is not your war, this is our war. 'I will have some peace and quiet only when I am dead'.“) - "I meant with this that it is really hard to understand because I belong to a different people. In this war, lasting already for seventy years, not only the Kadyrov camp but also his opponents are divided. To be able to analyse this one has to know the aims of the different parties."

The prosecutor then confronted Dadaev with the fact that Kurmakaev seems to be a phantom, that there are no data of telephone calls, that there was nothing with the exception of today's witness. (Prosecutor: "How did he find you, how did the contacts were made?") - "Well, I did not meet Kurmakaev so often, maybe altogether ten times including the meetings in August. He came at some points to my house and also called me." ("In the questioning from 2 April, in which you differentiate very well between 'Arbi' and 'Aslan' you said that the meeting points were always specified by 'Arbi'. At one point there was a break in the meetings, and then there were not daily but many meetings. You also said the following: 'We talked about many things, also how good it is now at home. I think he lives in St. Petersburg but is regularly in Chechnya. He also told me about his principal or boss 'Lord' (first name Timur). He had information which he could only have gotten from 'Lord'. If he is his direct superior I don't know but he gets his orders from him. He has direct access to Kadyrov. I also know Shaa Turlayev who is an adviser of Kadyrov, recruiting fighter. He is intellectually superior to 'Lord' but does not have his influence. 'Lord' is simply more brutal.' So there is nothing about the separatists here?“) - „I only reproduced my conversation with Kurmakaev. But even if Kadyrov and Kurmakaev are in contact with each other, there are thousand other groups, and one can never know, who gets his orders from whom. Kurmakaev really told me that he was sent by Kadyrov, but in another talk he mentioned the name Gakayev. Regarding Kadyrov there was not even his air present.“ („And there was also the recording from the Danube which you also knew, and in which a reference to Kadyrov was clearly made, and in which the talk about the money was left out?“) - "There are three recordings and I listened to only one. Apart from these recordings there were a lot of talks. Only based on the recording one cannot understand what happened there."