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Russian Federation: European Court ruling in two cases from the Chechen Republic

Amnesty International welcomes today's judgments by the European Court of Human Rights on two cases from the Chechen Republic of the Russian Federation. The Court ruled that the Russian Federation had violated among others the fundamental right to life and the right to redress of the applicants in these cases.

In the case of *Imakayeva v. Russia* and in the case of *Luluyev and Others v. Russia*, the European Court ruled that the Russian authorities had violated the right to life, to liberty and security of Said-Khusein and Said-Magomed Imakaev (or Imakayev) and Nura Said-Aliyevna Luluyeva and had failed to effectively investigate their subsequent "disappearances". The Court found that the applicants, who were relatives of the "disappeared", were subjected to inhuman and degrading treatment and that in the case of *Imakayeva vs. Russia*, the applicant's right to private and family life had been violated. The Court also criticized the Russian authorities in this case for its failure to cooperate with the Court, as the authorities had not submitted relevant documents. In both cases the applicants had been denied access to an effective remedy within the Russian justice system.

Amnesty International has been in close contact with Marzet Imakaeva, the mother of Said-Khusein and wife of Said-Magomed Imakaev, over recent years and has campaigned for an effective investigation into the "disappearance" of Said-Khusein and Said-Magomed Imakaev. The organization learned from Marzet Imakaeva how she struggled to receive information about the state of the investigation and how the authorities had opened and closed the criminal case into the "disappearance" of her relatives over and over again without ever conducting a proper investigation according to the law. Because she did not give up and insisted on seeing justice done, she received numerous anonymous threats against her life and the lives of her other children and she was accused of allegedly having links with terrorists. In the end she decided to leave the Russian Federation in order to save the lives of her two other children but continued her application to the Court in Strasbourg.

Today, she told Amnesty International: "I am glad that there is justice. However, what I wanted and was hoping for was that the Russian authorities would return my son and husband alive. For me, today's ruling is not a joyous occasion -- it is proof that my son and husband are dead."

Amnesty International is concerned that many people from the Russian Federation who have submitted cases to the European Court of Human Rights, including those whose cases have now been decided in Strasbourg, have been subjected to threats and reprisals and several applicants had to seek asylum abroad. The Russian authorities have so far failed to fully implement decisions made by the European

Court of Human Rights.

"The Russian authorities must implement the judgments of the European Court of Human Rights without delay. This also means that they have to carry out thorough, prompt and effective investigations into all allegations of human rights violations and bring those responsible to justice in a court of law," said Nicola Duckworth, Europe and Central Asia Programme Director at Amnesty International.

"The Russian authorities must take effective measures to prevent any threats and reprisals against people who seek justice at the European Court of Human Rights. Moreover, they must also ensure that all such allegations are effectively investigated."

The cases

On 17 December 2000, Said-Khusein Imakaev did not return home from a trip to the bazaar to his parent's house in the village of Novye Atagi in Chechnya. Eye-witnesses told the family his car had been stopped by armed men in what looked like military vehicles. He was dragged into another car which drove off. His family turned to all available organizations in Chechnya and to the federal authorities in order to find Said-Khusein but to no avail. They filed a complaint with the European Court of Human Rights in February 2002. In June 2002, Said-Khusein's father, Said-Magomed Imakaev, was taken from his home by members of the Russian federal forces. He, together with four other men from the same village, have "disappeared" since then.

On 3 June 2000 a group of military servicemen appeared at a market in the Chechen capital of Grozny where 40-year-old mother of four Nura Luluyeva worked. They detained her along with several other people including two of her cousins. N. Luluyeva's body and the bodies of her cousins were found among 51 dead bodies in a mass grave in Chechnya in February 2001. The mass grave was located in the village of Dachny, which is less than a kilometre from the main military base at Khankala in Chechnya. Most of the bodies were in civilian clothing, some were blindfolded, and many had their hands or feet bound. Several of the people whose bodies were discovered were last seen alive in the custody of Russian federal forces. The Russian authorities launched an investigation into N. Luluyeva's death which in spite of specific evidence produced no results. Investigations into the deaths of other people whose bodies were discovered in the mass grave have been equally ineffective.

See:

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=&sessionId=9237724&skin=hudoc-pr-en>
<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=&sessionId=9237724&skin=hudoc-pr-en>

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