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Russian Federation: First ruling of the European Court of Human Rights against "disappearances" in Chechnya

Amnesty International welcomes the first decision relating to a "disappearance" in Chechnya released today by the European Court of Human Rights.

In the case of Bazorkina v Russia the European Court ruled today that the Russian Federation had violated the right to life, the prohibition of inhuman treatment and the right to liberty and security as well as the right to an effective remedy (Articles 2, 3, 5 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms). The case was brought by Fatima Bazorkina, following the "disappearance" of her son, Khadzhi-Murat Yandiev, in February 2000, during the early stages of the second Chechen conflict.

"Today's decision shows that there can be no impunity. It is up to the Russian authorities now to fulfil their international obligations; to identify and bring the perpetrators to justice and to take concrete steps to ensure such violations cannot happen again," said Halya Gowan, deputy director of Amnesty International's Europe and Central Asia Programme.

"The decision highlights yet again the seeming inability -- or unwillingness -- of the authorities to organize a prompt, effective and independent investigation into a serious human rights violation. The authorities must address the systematic weaknesses of the investigating agencies."

Khadzhi-Murat Yandiev was detained by Russian federal forces near Grozny, Chechnya's capital. A Russian general searched Khadzhi-Murat Yandiev, interrogated him, and then gave an order to "finish him off". Nobody has seen or heard from Khadzhi-Murat Yandiev since. His mother learned about her son's detention from the television news, thanks to a CNN reporter who was at the time embedded with the military forces and filmed the encounter between Khadzhi-Murat Yandiev and the general.

The European Court of Human Rights ruled that the Russian Government should be held liable for the fact that Khadzhi-Murat Yandiev must be presumed dead following unacknowledged detention. The Court criticized the investigation into the events, saying it was plagued by inexplicable delays - the Russian general identified as having interrogated Khadzhi-Murat Yandiev was only questioned four years and four months after the events in question. Other servicemen involved were not identified or questioned at all. Moreover, the Court ruled that Fatima Bazorkina had suffered, and continues to suffer, distress and anguish as a result of the "disappearance" of her son and of her inability to find out what happened to him. The Court stated that the manner in which her complaints had been dealt with by the authorities must be considered to constitute inhuman treatment.

"At last I can hope to see justice done for the 'disappearance' of my son here in Russia. I hope that the mothers of other people who shared the fate of my son will be able to find justice in Russia," Fatima Bazorkina told Amnesty International after she heard the Court's ruling.

However, human rights abuses including "disappearances" and abductions, torture, arbitrary detention and incommunicado detention in unacknowledged as well as official places of detention are continuing in Chechnya and neighbouring republics in the North Caucasus.

Amnesty International calls on the government of the Russian Federation to implement the judgment of the European Court of Human Rights without delay. The organization calls on the Russian authorities to take concrete steps to address the problem of "disappearance".

"As a first step the Russian authorities must ensure that all detentions in the North Caucasus are carried out in full accordance with Russian and international law," Halya Gowan said.

"As a member of the Human Rights Council, Russia must push at the UN General Assembly for the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance."

"In order to ensure transparency, the authorities should publish detailed statistics of investigations, prosecutions and convictions and other disciplinary measures taken against members of the military and law enforcement officials for serious human rights violations including 'disappearances'."

Background

The Russian non-governmental organization (NGO) Memorial has estimated that between 3,000 and 5,000 people have gone missing in the Chechen Republic following what they term as abductions, arbitrary arrests and detentions since 1999 when the second Chechen conflict began.

In December 2005, Lema Khasuev, the Human Rights Ombudsman in the Chechen Republic, stated that there are 2,096 cases of enforced disappearance by unidentified security forces in Chechnya.

Throughout the armed conflict in the Chechen Republic, Amnesty International has been concerned about the prevailing climate of impunity and has called on the Russian authorities to bring to justice perpetrators of human rights violations. However, very few effective measures have been taken. Only very few cases of "disappearance", torture and ill-treatment or extrajudicial execution have reached the courts.

Many Chechen civilians have decided to turn to the European Court of Human Rights as the Russian judicial system has failed to show real commitment to investigate cases thoroughly and to bring to justice those who have committed human rights violations and violations of international humanitarian law in the North Caucasus. However, applicants to the European Court of Human Rights have faced serious reprisals in relation to their applications, including intimidation, threats, killing and "disappearance".

The European Court of Human Rights ruling is available in full at: www.echr.coe.int/echr

Further information is available from the Russian Justice Initiative at

<http://www.srji.org/en/legal/bazorkina/>

See also: *Russian Federation: European Court of Human Rights rulings on six cases from the Chechen Republic*, AI Index: EUR 46/006/2005, <http://web.amnesty.org/library/index/engneur460062005>

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