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What the European Court of Human Rights means to me

In the 50 years since it is in operation, the European Court of Human Rights has delivered some 10,000 judgments finding that a state has failed to honour its obligations under the European Convention on Human Rights.

Five of those who were involved in winning cases at the court told Amnesty International what those judgments meant to them.

Kevin Gillan, together with Pennie Quinton, was stopped near a protest against an arms fair in London in 2003 by police acting under the Terrorism Act 2000, which allows senior police officers to authorize police to stop and search individuals within a specified area, without reasonable suspicion that they have been or will be engaged in criminal conduct, for the purpose of looking for articles which could be used in connection with terrorism. In January 2010 the European Court of Human Rights ruled that the use of these powers by the UK violated the right to respect for private and family life. Kevin Gillan said:

“We have been through the UK courts and it took a number of years. The problem was that the UK courts could not just turn around and say that this piece of legislation, the 2000 Terrorism Act, was badly written and misused repeatedly against all sorts of groups. The European Court of Human Rights was the only place to turn to partly because it was not in the power of the British courts to say that this was a bad piece of legislation.

I think that an outside view from Europe and a vigorous application of the European Convention on Human Rights was absolutely vital in our case to get a sensible verdict. The case was never about how we are personally aggrieved by the use of the Terrorism Act – we have both been stopped and searched by police at demonstrations. We were annoyed at being stopped and searched in the street but we took our case to the court because it was so obvious that these powers were used systematically against protestors. The case is important because it is about the right to protest, the right to assembly in a public place and say that we disagree with what the government is doing. This is a vital democratic right which is enshrined in human rights legislation for a very good reason. The only way to defend it was to go through the European Court and thankfully that was successful at that level.

As Europe is expanding the countries have become more diverse, they have different legal structures and some of the legal structures do not offer the protections that we expect in the UK. One of the things that is important about judgments of the European Court is that precedents are set that other people can utilize in arguments with their own governments. We took the UK to court on a piece of UK legislation. We have won and the government will have to revise it. But it is going to sit there in international case law and potentially be a tool that can be used by people across Europe.”

Belarusian musician and activist Igor Koktysh was released on 1 February 2010 from detention in the Ukraine after two and a half years. The Ukrainian authorities had planned to extradite him to Belarus where he was wanted on charges for which he had been previously acquitted. Igor Koktysh was released from detention in Ukraine after the European Court of Human Rights ruled that his extradition to Belarus would violate the European Convention on Human Rights, as he would be at serious risk of torture or other ill-treatment.

Igor Koktysh told Amnesty International:

"If it were not for the European Court, I would have been extradited and nobody would have taken interest in my case. The Court's judgment was the only possible fair outcome and it saved my life. If I were to be extradited to Belarus I would have faced torture at best and murder at the worst.

The European Court is the only objective institution where one can apply when all other possibilities to find justice have been exhausted.

I think that this judgement will be very useful in other cases similar to mine because here in Ukraine the judicial authorities did not try even to get acquainted with my case. Nobody listened to my statements that I am being persecuted for political reasons. The European Court is the only institution that can put some pressure on the authorities here. Its judgement helps not only me but other people in similar situations. It would have been much better if Ukraine complied with her obligations under the European Convention on Human Rights."

Natalia Estemirova of the Russian NGO Human Rights Centre Memorial told Amnesty International in London in 2008 about her work helping to bring cases on behalf of people who suffered human rights violations in Chechnya to the European Court of Human Rights. On 15 July 2009, she was abducted in Grozny, the Chechen capital. Her body was found later the same day with shot wounds in neighbouring Ingushetia.

"For the first time we told people they can go to the European Court of Human Rights in 2000. Our first applicants were people who suffered from bombings... Refugees caught up in a bombing near Shami-Yurt, those being targeted in the Staropromyslovski district of Grozny when the Russian troops were moving in. Also those who were dying from the 'aftermath bombardments' when militants, having left Grozny, were going through the villages... This is how it was... The militants leave the village - then it is bombed. These were our first cases. Another early case was the murder of the civilians in Novye Aldy.

I remember the faces of the applicants who had won the case. There was no joy on their faces. They were told that the Government will be punished. Financially. That did not make them happy. The main thing they wanted was the punishment of the criminals.

But there was hope in their faces. They are still hoping now that the Government will have to find those who killed, those who are guilty, and that they will finally be able to look in the eyes of those who were humiliating them then.

So far, we have won more than 30 cases. And it is very important for people. This court gives hope that the crimes will be investigated. And that is the most important thing - that it won't happen again. The European Court of Human Rights is very important for the people of Chechnya.

As of February 2010 more than 120 cases related to Chechnya have been ruled on by the European Court of Human Rights.

Marzet Imakaeva brought a case to the European Court of Human Rights against the Russian Federation over the enforced disappearances in Chechnya of her son Said-Khusein and husband Said-Magomed Imakaev, after the authorities failed to provide her with information about their fate.

The Court ruled in November 2006 that the Russian authorities had violated the right to life, to liberty and security of Said-Khusein and Said-Magomed Imakaev and had failed to effectively investigate their subsequent enforced disappearances. Following the Court's ruling Marzet Imakaeva said:

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.

Jakob Finci and Dervo Sejdook had lodged a complaint against Bosnia and Herzegovina to the European Court of Human Rights for prohibiting them because of their ethnicities, a Jew and a Roma, from standing for election to the Presidency of Bosnia and Herzegovina and parliament. The Court ruled in December 2009 that the prohibition breaches their electoral rights and amounts to discrimination.

"In situation when national judicial system is not able to overcome a problem, last chance for individuals is Court in Strasbourg, and thank God that such institution exists. Let's hope that next 50 years will be even more successful than a first 50, and only working together we can overcome injustice on the field of human rights, at least in Europe."

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