



8 April 2010
For immediate release

Russia responsible for three North Caucasus disappearances and criticised over prison conditions in Far East

The European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC, have secured four European Court of Human Rights judgments finding Russia in violation of the European Convention on Human Rights (ECHR). Three cases are about disappearances in the North Caucasus and the fourth case concerns the conditions of the applicant's detention in Yuzhno-Sakhalinsk and a failure to observe her right to a fair trial.

In *Mutsolgov & Others v Russia* (No. 2952/06), Bashir Mutsolgov disappeared from near his home in Karabulak, Ingushetia, on 18 December 2003. According to witnesses, he was forcibly placed in a vehicle by a group of armed men in masks and camouflage uniforms. The driver of the vehicle produced a special permit prohibiting a search when stopped by a police officer. Although the local law enforcement agencies told Bashir's family that they had not arrested him, they were approached by people presenting themselves as FSB officers offering information about Bashir's whereabouts in exchange for money.

In *Abayeva & Others v Russia* (No. 37542/05), Magomed-Ali Abayev and Anvar Shaipov were stopped at a checkpoint by Russian servicemen whilst walking in the street near Magomed-Ali's house in Urus-Martan, Chechnya, at about 4pm on 13 September 2000. Neighbours saw the servicemen take their passports and escort them into a nearby factory building. Having learnt of this Magomed-Ali's mother and wife asked at the checkpoint why the men had been arrested. Whilst they were at the checkpoint a grey military vehicle arrived, drove into the factory yard and then left again. Magomed-Ali's mother and wife were then told that the men had been released from the other side of the building; however they were not seen by someone who had been waiting at that exit for two hours.

In *Sadulayeva v Russia* (38570/05) the applicant's son, Aslan Sadulayev, was detained by Russian servicemen after a car he was travelling in between the villages of Alkhazurovo and Urus-Martan, Chechnya, was stopped on 9 December 2002 for identity checks to be conducted. A man, who was detained with Aslan, told the applicant that he had been taken, along with her son to the Urus-Martan district military commander's office, but that he himself had been released on arrival.

Despite concerted efforts to find their relatives and numerous complaints to various authorities, none of the applicants have been able to ascertain the fate of their loved ones. In all the cases the Court was satisfied that the abductors were State agents and that the men should be presumed dead given that they had been held in unacknowledged detention by State agents and no news had been received from them for a number of years. In the absence of any justification for the use of lethal force or another explanation for their deaths Russia was found to have violated Article 2 ECHR (right to life). A further violation of Article 2 was found in each case as no effective investigation was conducted into the disappearances. There were also violations of Article 3 (inhuman treatment) due to the applicants' suffering at not knowing the fate of their relatives for many years; of Article 5 (right to liberty and security); and Article 13 (right to an effective remedy). The applicants in *Mutsolgov & Others* were

awarded 70,000 EUR in damages, in *Abayeva & Others* 132,000 EUR, and in *Sadulayeva* 60,000 EUR.

In *Gulyayeva v Russia* (No. 67413/01), the applicant, who was the Head of the Department of Justice of the Sakhalin Region, was detained and later convicted of embezzlement, forgery and abuse of power. She complained that the conditions of her pre-trial detention, including a refusal of medical examination and assistance, had amounted to inhuman and degrading treatment contrary to Article 3 of the ECHR. The Court agreed concluding that the applicant's distress on account of the cumulative effects of the conditions in her cell, including exposure to cigarette smoke, and the potential impact of these on her health had exceeded the unavoidable level of suffering inherent in detention. The Court also found violations of Article 5 (right to liberty and security) as there had been no lawful basis for a particular period of her pre-trial detention from 25 October 2000 to 4 November 2000 and the grounds on which the authorities extended her pre-trial detention were not "sufficient". The applicant was awarded 10,000 EUR in damages.

[End]