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For immediate release

European Court finds Russia responsible for ‘presumed death’ of two Chechen brothers

Today the European Court of Human Rights found Russia responsible for the ‘presumed deaths’ of Magomed-Salekh and Magomed-Ali Ilyasov in the case of *Ilyasova v Russia* (No. 26966/06) in violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR). The applicant, Dugurkhan Ilyasova (their mother), was awarded 120,000 EUR in damages. She was represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC.

On the night of 12 November 2002, Dugurkhan and her family were at home in Katyr-Yurt, Chechnya. At about 4 a.m. two armoured personnel carriers (APCs) and two cars arrived in the applicant’s street and a group of armed men in camouflage uniforms got out. The applicant and her daughter-in-law were in the kitchen preparing a Ramadan meal when some of the men broke into the house. They took Magomed-Ali and Magomed-Salekh away in one of the APCs. During the operation one of the armed men also hit the applicant with a rifle butt causing her to lose consciousness and threatened to shoot the applicant’s daughter-in-law.

Dugurkhan has had no news of her missing sons since that day, despite repeated attempts to obtain information about their whereabouts and fate from various public bodies.

The Court ruled that in this context, Magomed-Ali and Magomed-Salekh’s unacknowledged detention by unidentified servicemen could be regarded as life-threatening, particularly given the passage of so many years. They must therefore be ‘presumed dead’ and their deaths attributable to Russia in violation of the right to life. A further violation of the right to life was found due to the authorities’ failure to conduct an effective investigation into the disappearances. In particular the Court criticised the two-month delay in local police informing the district prosecutor’s office of the abduction and the investigators’ failure to make genuine attempts to identify the vehicles used in the abduction or verify information provided by the servicemen questioned.

Russia was also found to have violated Article 3 (prohibition of inhuman and degrading treatment) due to Dugurkhan’s suffering at not knowing the fate of her sons; Article 5 (right to liberty and security) on account of the brothers having been held in unacknowledged detention; and Article 13 (right to an effective remedy).