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For immediate release

European Court: Russia failed to properly investigate abduction and murder from police custody

Today, in the case of *Tsechoyev v Russia* (No. 39358/05), the European Court of Human Rights ruled that Russia failed to conduct an effective investigation into the murder of Suleyman Tsechoyev following his abduction from police custody in Kabardino-Balkaria, Russia, in August 1999 in violation of Article 2 (right to life) of the European Convention on Human Rights. The applicant, Suleyman's brother, Ruslan Tsechoyev, was represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC. He was awarded 15,000 euros in damages

On 23 October 1998, Suleyman Tsechoyev was arrested from his home in Sagopshi, Ingushetia by unidentified men who the Government later contended were officers of the North Caucasus Regional Department for the Fight Against Organised Crime (RUBOP). No reasons were given for the applicant's arrest or detention at this time and for some days his family were unaware where he had been taken or if he was alive or dead.

During the course of the European Court proceedings the Government submitted documents stating that on 3 November 1998, Suleyman had been charged with aiding and abetting a kidnapping. However, this information was not provided to the applicant when on 6 November 1998 he met with the Malgobek Deputy Prosecutor who was only prepared to state that Suleyman had been arrested on his orders by RUBOP officers and was being detained in Nazran. He refused to state on what charges the applicant's brother was being held or exactly where he was being detained.

The applicant later discovered that his brother was being detained at the temporary detention centre (IVS) of the Malgobek district police department and in early December 1998, the applicant met again with the Deputy Prosecutor who he states made an offer to release Suleyman for 6,000 USD threatening that Suleyman would be severely ill-treated if the money was not paid. The applicant refused to pay and in February 1999 his brother was moved from this detention centre.

Ruslan had no further news of his brother until March 1999 when the family were contacted by a man stating that he had been detained with Suleyman in Nalchik and he had been in poor health. The following day, the applicant and his lawyer went to the detention centre in Nalchik and saw Suleyman themselves. He was indeed in poor health and without access to medical treatment. The applicant also received a statement from the head of the medical unit at the detention centre saying that Suleyman had been brought there with numerous bruises, abrasions, scratches on his limbs and injuries to the chest. The applicant again visited Suleyman in July 1999 who told him he had been severely beaten in the building of the RUBOP in Nalchik.

On 23 August 1999, Suleyman was taken from the Nalchik detention centre by four men in police uniforms who identified themselves as officers of the Malgobek ROVD and were said to have produced documents authorising Suleyman's transfer to another detention centre. The following day, Suleyman's dead body was found in Kabardino-Balkaria with gunshot wounds to the head.

Although the parties agreed that the four men had used false identities and forged documents to kidnap Suleyman from the detention centre in Nalchik, the applicant submitted on the evidence that the men were nonetheless State agents. This was refuted by the Government. Although the Court commenting on "the

lingering suspicion of possible involvement of law enforcement personnel" it concluded that there was insufficient evidence to establish the identity of the men in question and found no violation of the State's positive obligation to protect the victim's right to life. However the Court did conclude that the investigation into Suleyman's murder had been affected by a number of irregularities. Crucially, it had failed to explore the possible complicity of law-enforcement staff in the applicant's brother's abduction and *"failed to follow an obvious line of inquiry to an extent which undermined its ability to establish the circumstances of the case and person or persons responsible."* For this reason, the Court found a breach of the procedural aspect of the right to life.

[End]