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For immediate release

European Court: Chechen died as a result of torture by Russian State agents

Today, in the case of *Isayev & Others v Russia* (No. 43368/04) the European Court of Human Rights found Russia responsible for the death of 25 year-old Zelimkhan Isayev in May 2004 in violation of Article 2 (right to life) of the European Convention on Human Rights following his torture by State agents. The applicants, four of Zelimkhan's relatives, were represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC. They were awarded a total of 78,000 euros in damages.

On the evening of 9 May 2004, Zelimkhan Isayev was at home in the village of Goi-Chu, Chechnya, with his sister-in-law Lipa Dudusheva. At around 8.30 p.m. a group of armed men wearing masks burst into their courtyard, apprehended Zelimkhan and handcuffed him. He offered no resistance. The men searched the house looking for weapons, but found nothing. They took Zelimkhan away in a vehicle, which his relatives tried to follow in vain.

On 10 May 2004, the applicants were informed that Zelimkhan was being held in the Urus-Martan District department of the interior (ROVD) and that he had been transferred there from the Urus-Martan FSB (Federal Security Service). An FSB officer told them that Zelimkhan was unwell and had been injured during his detention as he had resisted arrest.

On 12 May 2004, Zelimkhan was transferred to hospital where his brothers managed to photograph his injuries. Zelimkhan told his relatives that following his detention on 9 May 2004, FSB officers had tortured him all night (including through the application of an electric current to his genitals, cigarette burns and beating with truncheons) to make him tell them "*everything he knew*". On 10 May 2004, he agreed to sign documents without reading them and was transferred to the ROVD. On 16 May 2004 Zelimkhan's health deteriorated severely and he died that night from acute renal insufficiency, anuria, pulmonary oedema and other injuries.

Although the Government contended that Zelimkhan was not detained until the morning of 10 May 2004, in the light of its refusal to provide any supporting documents, the Court found the applicants' '*coherent*' account of the arrest on 9 May to be true. No evidence was submitted to support the argument that Zelimkhan offered resistance during arrest and as the Government "*failed to provide any plausible or satisfactory explanation*" for Zelimkhan's death Russia was found responsible for this death in violation of Article 2 (right to life).

A further violation of Article 2 was found on account of the ineffective investigation into Zelimkhan's death. The investigation was only opened more than three years after the events and the Court found it '*particularly alarming*' that the investigators had never interviewed the FSB officers who participated in Zelimkhan's arrest or the witnesses to it. Neither was a post-mortem conducted.

The Court found that the ill-treatment inflicted upon Zelimkhan was "*particularly cruel and severe since it resulted in his death*" and amounted to torture in violation of Article 3 (prohibition of torture). A violation of Article 13 (right to an effective remedy) was also found as the ineffective criminal investigation had undermined any other remedies that might have existed.

[End]