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For immediate release

European Court: Russia tortured two Ingush brothers resulting in death of one

Today, in the case of *Velkhiyev & Others v Russia* (No. 34085/06) the European Court of Human Rights found that Russian State agents had tortured Bekhan and Bashir Velkhiyev in Ingushetia in July 2004 in violation of Article 3 (prohibition of torture) of the European Convention on Human Rights. Bashir died as a result of this torture leading to a violation of Article 2 (right to life). The applicants, Bekhan and Bashir's wife and five children, 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 130,000 EUR in damages.

Bekhan was at Bashir's family home in Barsuki, Ingushetia on the morning of 20 July 2004. At around 8.30 a.m. around 30 servicemen in camouflage uniforms carrying automatic weapons burst into the yard and held Bashir's children at gunpoint. The servicemen searched the house without producing a warrant and took around 9,300 GBP (10,300 EUR) in cash and other valuables. Bekhan and Bashir were taken away by car to the Organised Crime Unit at the Ministry of the Interior in Nazran.

After initial questioning Bekhan and Bashir were separated. Bekhan told the Court that he was tortured by officers, including beating with rubber truncheons, kicks to the spine, and the use of an electric current on his groin onto which water had been poured. The officers wanted him to provide information about a recent attack on Nazran by rebel fighters. Bekhan heard the screams of other people being tortured. He lost consciousness. When he regained consciousness he was taken to a cell from where he was later transferred to another cell in the Nazran Department of the Interior.

At about 8.10am the following day an investigator from the Nazran Prosecutor's Office released Bekhan and told him that Bashir had not survived the torture inflicted upon him. The investigator had been searching for the brothers ever since their relatives had informed him of their detention. A forensic examination of Bashir's body detailed multiple bruises caused by repeated blows from hard, blunt instruments such as truncheons, abrasions to the wrists and a puncture wound to the thorax caused by a syringe. The injuries were sustained in the 24 hours preceding death and caused traumatic shock resulting in death.

The Government conceded that there had been a violation of Bashir's right to life (Article 2); however it argued that the investigation conducted into his death had been effective. The Court found otherwise (and consequently a second violation of Article 2), as the investigation had not been "*capable of leading to the identification and punishment of those responsible*" and had not even inspected the crime scene. In the Court's view:

"... where both the domestic investigating authorities and the courts have established the responsibility of federal agencies, a failure to identify the individuals responsible may only be attributed to the reluctance of the prosecuting authorities to pursue the investigation."

The Court held that the treatment inflicted on Bashir and Bekhan had amounted to torture in violation of Article 3 as "*particularly cruel forms of violence*" had kept them in "*a permanent state of physical pain and anxiety*" and were used intentionally with a view to extracting a confession from them. It also found a violation of Article 5 (right to liberty and security) on account of the brothers' unacknowledged detention.

The Court did not consider it necessary to find a separate violation of Article 3 (prohibition of inhuman and degrading treatment) in respect of Bashir's wife and children's suffering as a result of the events. The Russian Judge however dissented on this point believing that:

"it is difficult to imagine that the loss of a close relative in the tragic circumstances of this case cannot form the basis for finding a separate violation of Article 3 of the Convention."