



**For immediate release
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European Court: Russian ‘pinpoint’ air strike indiscriminately bombed Chechen village killing five and destroying homes

Today, in the case of *Esmukhambetov & Others v Russia* (No. 23445/03), the European Court of Human Rights ruled that Russia indiscriminately bombed the village of Kogi, Chechnya, on 12 September 1999, resulting in the death of three young children and two women in violation of the right to life (Article 2 ECHR). The villagers’ homes were also destroyed in breach of the duty to protect property (Article 1 of Protocol 1). The 27 applicants, all former residents of Kogi, were represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC. The applicants were awarded a total of 1,491,000 euros in damages

Before the attack Kogi was inhabited by around thirty ethnic Nogai families, who made their living from agriculture. On 12 September 1999, most of the adult villagers were working in the fields while most of the children were at school. At about 5.15pm two aircraft resembling Russian military SU-25 planes circled the village at low altitude. The planes fired upon and bombed the village. The first bomb killed Mautali Esmukhambetov’s two sons, Elmurat, aged eight, and Eldar, aged two. A second bomb hit his house. Shrapnel from a third bomb fatally wounded Mautali’s wife, who died in his arms.

Houses, sheds, livestock and haystacks were destroyed and burnt down as the planes carried out four sweeps shooting and bombing indiscriminately. The villagers fled in panic. They found the body of Dzhamilya Mankayeva’s mother in the village, as they left. Later that day, Mautali Kartakayev found his mother’s body in a field near the village killed by shrapnel. His seventeen-month-old son was found crying nearby unhurt.

On several occasions in the following days some villagers returned to collect belongings. They found Russian federal servicemen in the village collecting shrapnel and unexploded bombs and demolishing houses. Most of the applicants have not returned to the village since.

The Government justified the attack by saying that it had ‘reliable’ and ‘sufficient’ information that illegal fighters were in the vicinity of the village and that ground troops could not have been used in the operation. It asserted that the attack was of a ‘pinpoint’ nature directed against military targets. No documentary evidence in support of this was submitted.

The Court found the Government’s arguments ‘inadequate’ and ‘unconvincing’. It considered the indiscriminate nature of the bombing to have been ‘manifestly disproportionate’ given the “*absence of any reliable evidence that any unlawful violence was threatened or likely.*” Neither had the authorities taken any measures to avoid or minimise the risk to villagers’ lives by warning them in advance of the attack or evacuating them. Therefore, Russia had failed to protect the applicants’ relatives’ lives in direct violation of Article 2 ECHR (right to life).

There was a further violation of the right to life on account of the authorities’ failure to conduct a thorough and effective investigation into the deaths. In particular, the Court was struck by the authorities’ ‘indifference’ towards an event involving the deaths of minor children and women and the destruction of an entire village. Criminal proceedings were opened with a delay of over two years and it was ‘highly doubtful’ that the deaths were ever duly investigated.

Violations were also found of the right to respect for private and family life (Article 8) and for property (Article 1 of Protocol 1) on account of the destruction of the applicants’ homes and property. Mautali Esmukhambetov’s suffering as a result of the death of his wife and two sons breached Article 3 (inhuman and degrading treatment) and the applicants had been deprived of an effective remedy (Article 13 ECHR).

Zina Elmamboteva reacted to the judgment:

“When I heard the news about the ECHR decision, tears welled up in my eyes, sadness and joy mixed together. My mother, Nadezhda Abdurakhmanova, didn’t live to see this day. I felt joy because you helped see justice finally done after 12 years. And sadness, because we lost our relatives. Thank you”.

Koshali Aliyev was also moved by the court ruling:

“It took me a long time to pull myself together after I’d heard the news about the ECHR decision. At first I couldn’t even believe that it’s really true. I thought that, for the first time in the age-old history of our people, justice has been done when the state has committed a crime and violated our rights”.

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