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For immediate release

European Court finds Russia responsible for two 'presumed deaths' in Chechnya

Today, in the cases of *Maayevy v Russia* (No. 7964/07) and *Malika Alikhadzhiyeva v Russia* (37193/08), the European Court of Human Rights found Russia responsible for the 'presumed deaths' of Isa Maayev and Ruslanbek Alikhadzhiyev in violation of Article 2 (right to life) ECHR. Ruslanbek was the brother of Ruslan Alikhadzhiyev, the speaker of the Parliament of the Chechen Republic of Ichkeria from 1997-99, who disappeared in May 2000. The applicants, Malika Maayeva and Suleyman Maayev (Isa's parents) and Malika Alikhadzhiyeva (Ruslanbek's wife) were represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC. In each case the applicants were awarded 60,000 euros in damages.

Isa was abducted from his family home in Urus Martan at around 2 a.m. on 10 March 2003. Around 10 masked men in camouflage uniforms carrying sub-machine guns burst into his parents' bedroom and held them at gunpoint while they removed Isa from the house. His mother heard someone being thrown into a vehicle and the vehicle being driven away. Despite the incident being reported to the local police the same morning Isa was never found.

On 20 April 2005, Ruslanbek drove to Gudermes from his home in Shali. At about noon his car was stopped at a Russian military checkpoint near Mesker-Yurt. A man in a passing minibus witnessed a man fitting Ruslanbek's description being forcibly handcuffed and led into the checkpoint building. This man wrote down the car number plate and eventually traced Ruslanbek's family. Malika has had no news of Ruslanbek since despite complaining to various State authorities about his disappearance.

Despite Government assertions to the contrary, the European Court found that Isa and Ruslanbek had been abducted by State agents. Given the context of the Chechen conflict, the unacknowledged nature of the men's detention and the absence of any news from them for many years, the Court ruled that they must be presumed dead and their deaths attributable to the State in violation of Article 2 (right to life) ECHR. Further violations of Article 2 were found in both cases as 'delays', 'procrastination' and the omission of 'crucial investigative steps' rendered the domestic criminal investigations into the disappearances ineffective.

The applicants were found to have been subjected to treatment contrary to Article 3 (prohibition of inhuman and degrading treatment) on account of the authorities' inadequate reaction and attitude towards investigating the men's disappearance. A 'particularly grave' violation of Article 5 (right to liberty and security) was found due to the unacknowledged nature of the victims' detention, which had failed to safeguard them from disappearance. The ineffective criminal investigation had undermined any other remedy that might have been available to the applicants and therefore led to a violation of Article 13 (right to an effective remedy).

Malika Maayeva reacted to the Judgment handed down by the court:

"My son, who was abducted, has left three children behind. I see them every day, and it's very difficult for me, knowing that my husband and I were unable to do anything to get our son released. Now it will be less hard for me, as our grandchildren will see that we have done everything possible to save their father, that we even applied to the European Court. We plan to leave the entire amount of compensation to our grandchildren. Without your help, we wouldn't have been able to do anything, as we had never even heard of the European Court. You have alleviated our pain."

Alikhadzhiyeva also found comfort in the court ruling:

"First, we lost my brother-in-law, Ruslan Alikhadzhiyev. Then Rustam was detained, and he disappeared. It was a very hard time for us. Now the European Court has issued its judgment, and at least this is some form of justice. My relatives and I are extremely grateful to everyone at Memorial who has helped us through this most difficult time in our lives. We are grateful to you for seeing justice done."

EHRAC's Director, Prof. Philip Leach said:

"The European Court continues to hand down judgments identifying serious flaws in the domestic investigations into gross human rights violations in Chechnya yet we do not see these being addressed as part of the implementation process. It is time for states to call Russia to account for this and the Committee of Ministers' new 'infringement procedure' would be one means to do so."