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**For immediate release**

### **European Court makes finding of ineffective investigation in Chechen disappearance case**

Today, in the case of *Mutsayeva v Russia* (No. 24297/05), the European Court of Human Rights found Russia responsible for the disappearance of Khizir Tepsurkayev in August 2001 and that it had failed to conduct an effective and adequate investigation into his disappearance. Both findings amount to a violation of Article 2 (right to life) of the European Convention on Human Rights and help to explain the scepticism of those who assert that Russia is either unwilling or unable to conduct an independent and effective investigation into the death of Natalia Estemirova, the Chechen human rights activist who was murdered last week. The applicants, Khizir's parents, were represented before the Court by the European Human Rights Advocacy Centre (EHRAC) based at London Metropolitan University and the Russian NGO, Memorial.

Khizir Tepsurkayev was detained by servicemen from military unit 6779 from Bashkortostan on the morning of 27 August 2001, during a mopping up operation that took place in the centre of Urus-Martan. Two of Khizir's acquaintances (both police officers) were in the vicinity and immediately reported Khizir's detention to their superiors at the District Department of the Interior. Witnesses also saw Khizir being beaten by soldiers prior to his detention. Khizir's parents learnt of his detention the same morning and began searching for him straight away. Despite applying to various official bodies in person and in writing they have not been able to establish his whereabouts or fate.

The Court ruled that Khizir must be presumed dead following his detention "by State servicemen during an unacknowledged security operation" and that his death was attributable to the State in violation of Article 2 of the European Convention.

It further held that the authorities had failed to carry out an effective criminal investigation into the circumstances surrounding Khizir's disappearance and that during the course of the domestic investigation, which was repeatedly suspended and resumed over a period of several years, a number of crucial investigative steps were either significantly delayed or never taken at all.

Violations were also found of Article 3 (inhuman and degrading treatment) on account of the applicants' suffering at the authorities' poor conduct of the investigation; Article 5 (right to liberty and security) as Khizir was held in unacknowledged detention in circumstances that were "incompatible with the very purpose of Article 5"; and Article 13 (right to an effective remedy) as the investigation was so ineffective that it undermined the effectiveness of any other remedy that might have existed. The Court awarded the applicants €35,000 (euros) in damages.

EHRAC's Senior Lawyer, Joanna Evans said that:

*"At a time when the eyes of the world are watching as to whether the Russian Federation is able to conduct an effective investigation into the kidnapping and murder of Natalia Estemirova, this judgment provides a sobering reminder of the consistent failure of the Russian authorities to adequately investigate serious human rights violations in Chechnya."*

*Khizir Tepsurkayev disappeared in August 2001. Despite eyewitness accounts indicating precisely which military unit was responsible for his detention, as well as the name of the commanding officer of that unit, throughout the course of a domestic investigation pending for more than six years it appears that no significant measures were ever taken to identify those responsible for the kidnapping."*