

**Press Release**

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European Human Rights Advocacy Centre (EHRAC)
 Research Institute for Human Rights and Social Justice
 Ladbroke House
 62-66 Highbury Grove
 London N5 2AD
 Telephone +44 (0) 20 7133 5087
 Facsimile +44 (0) 20 7133 5173
 Email EHRAC@londonmet.ac.uk

www.londonmet.ac.uk/EHRAC

European Court finds Russia responsible for killing Chechen civilians

The European Court of Human Rights delivered three judgments today in the first cases brought against Russia arising out of the situation in Chechnya¹. The applicants are represented by lawyers from the London-based *European Human Rights Advocacy Centre* (EHRAC)², together with the Russian human rights organisation, *Memorial*³.

In each case, the Court has found Russia responsible for killing the applicants' relatives, in violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR), and that the authorities failed to carry out an adequate investigation into the deaths (also violating Article 2). The Court found that Article 13 had been violated because of the failure to provide any effective remedy before the Russian courts.

The cases of Khashiyev and Akayeva⁴ concern the deaths of five of the applicants' relatives⁵ in Grozny at the end of January 2000. The mutilated bodies of the applicants' relatives were found with numerous stab and gunshot wounds in the Staropromyslovskii district of Grozny. The European Court found that their relatives were killed by Russian soldiers in violation of Article 2 ECHR. Articles 2, 3 (prohibition of torture and inhuman and degrading treatment) and 13 were also violated because of the numerous inadequacies in the investigation of the killings and the failure to provide any effective remedy. The Court awarded the two applicants total damages of €35,000 (euros), plus €10,927 (euros) in legal costs.

The cases of Isayeva, Yusupova and Bazayeva⁶ arose from the Russian military's aerial bombing of a convoy of civilian cars, as the residents of Grozny tried to avoid the fighting there on October 29, 1999. The attack was carried out by two SU-25 military planes, firing air-to-ground rockets. As a result of the bombing, the first applicant was wounded and her two children and daughter-in-law were killed⁷; the second applicant was wounded by shells in the neck, arm and hip; and the third applicant's car containing her family's possessions was destroyed. The Court found violations of Articles 2 and 13, and Article 1 of Protocol 1 (peaceful enjoyment of possessions). The Court awarded the applicants damages of €57,000 (euros), plus €10,926 (euros) in legal costs.

The case of **Isayeva** concerned the Russian military's aerial and artillery bombardment of the village of Katyr-Yurt on 4 February 2000. As a result of the bombing, the applicant's son and her three nieces were killed⁸. The attack was carried out by two SU-25 planes, firing FAB-250 bombs.

The Court found violations of Articles 2 and 13 and awarded damages of €43,710 (euros), plus €10,926 (euros) in legal costs.

Philip Leach (Director of EHRAC and one of the applicants' legal representatives) said:

"These landmark judgments highlight the use of grossly disproportionate force by the Russian military in Chechnya, with utter disregard for the risk to civilian life. In view of the lack of international oversight in the region, it is extremely important that the European Court has called Russia to account, and that it will continue to do so."

The judgments are available on the Court's website (<http://www.echr.coe.int>).

A press conference will be held by Memorial/EHRAC in Moscow at 12 noon on 25 February at the Independent Press Centre, Tverskoy avenue, 20. This will be hosted by Oleg Orlov (Chair of the Board, HRC Memorial), Dina Vedernikova (lawyer, EHRAC), Tatiana Kasatkina (Executive Director, HRC Memorial) and Roza Akayeva (applicant). The press conference will be followed at 1pm by a roundtable on the judgments and their implications: Dina Vedernikova (EHRAC), Elena Ezhova (Chechnya Justice Initiative) and Jane Buchanan (Chechnya Justice Initiative).

Photographs of some of the applicants are available from EHRAC's London office.

¹ There are six cases, but the Court has delivered three judgments, because the cases concern three separate incidents. The cases are: Khashiyev v Russia (no. 57942/00), Akayeva v Russia (no. 57945/00), Isayeva v Russia (no. 57947/00), Yusupova v Russia (no. 57948/00), Bazayeva v Russia (no. 57949/00), Isayeva v Russia (no. 57950/00). There was an oral hearing before the European Court on 14 October 2004.

² Based at London Metropolitan University, EHRAC provides expert advice and assistance to NGOs and lawyers in Russia in bringing international human rights cases. EHRAC is funded by the European Commission and the Foreign and Commonwealth Office. See www.londonmet.ac.uk/ehrac

³ Memorial is one of the foremost human rights organisations in the Russian Federation, devoted to investigating and publicising human rights abuses. See www.memo.ru

⁴ Magomed Khashiyev v Russia (no. 57942/00) & Roza Akayeva v Russia (no. 57945/00).

⁵ The first applicant's sister, Lidiya Khashiyeva and nephew, Anzor Taymeskhanov; the first applicant's brother, Khamid Khashiyev and a second nephew, Rizvan Taymeskhanov; and the second applicant's brother Adlan Akayev.

⁶ Medka Isayeva v Russia (no. 57947/00), Zina Yusupova v Russia (no. 57948/00) & Libkan Bazayeva v Russia (no. 57949/00).

⁷ Her 16 year old daughter, Ilona Isayeva, her 9 year old son, Said-Magomed Isayev, and her daughter-in-law Asma Magomedova.

⁸ Her 23 year old son, Zelimkhan Isayev, and her nieces: Zarema Batayeva (15), Kheda Batayeva (13) and Marem Bateyeva (6).