



**3 July 2008**  
**For immediate release**

### **European Court: Russia liable for presumed deaths of Chechen men**

Today, the European Court of Human Rights found Russia liable for the presumed deaths of two Chechen men, Yakub Iznaurov and Magomed Umarov in violation of Article 2 (right to life) of the European Convention on Human Rights. They disappeared following their unacknowledged detention by State servicemen in 2000. The applicants, Yakub's mother, Khapta Musayeva, and Magomed's father, Ruslan Umarov, were awarded a total of 100,000 EUR in damages. They were represented before the Court by the European Human Rights Advocacy Centre (EHRAC) based at London Metropolitan University, and the Russian NGO, Memorial.

On 5 February 2000, Yakub was detained near his mother's house in Grozny. He was forced to kneel on tram rails with his hands tied behind his back with metal wire for two hours. He was then taken away in a military vehicle for "questioning" and has not been seen since. He was 34 years old, married and had five children.

In the early morning of 27 May 2000, the Umarov family were asleep at home in Grozny. A group of men in camouflage uniforms forced entry into, and searched the house, and kicked and beat Ruslan with rifle butts. Magomed, then aged 25, was also beaten and then thrown into a truck and driven away.

In both cases the Court found that the applicants had made *prima facie* cases that their relatives were detained by Russian State servicemen:

"The Court finds that the fact that a large group of armed men in uniform, equipped with military vehicles and able to move freely through military roadblocks, proceeded to check identity papers and apprehend several persons at their homes in a town area strongly supports the applicant's allegation that these were State servicemen."

It found the men's unacknowledged detention by unidentified servicemen to be "life-threatening" and in violation of "the very purpose" of Article 5 (right to liberty and security):

"His detention was not acknowledged, was not logged in any custody records and there exists no official trace of his subsequent whereabouts or fate. [...] this fact in itself must be considered a most serious failing, since it enables those responsible for an act of deprivation of liberty to conceal their involvement in a crime, to cover their tracks and to escape accountability for the fate of a detainee."

The unexplained delays and omissions in the official investigations into the disappearances were also criticised as demonstrating a lack of the requisite diligence and promptness:

“The Court finds it particularly appalling that the crime scene was examined four and five years after the events, when such an inspection was clearly futile.”

The Court also found violations of Article 3 (inhuman and degrading treatment) in respect of Yakub’s treatment before he disappeared, the beating endured by Ruslan Umarov, and on account of the applicants’ ongoing distress and anguish due to the disappearance of their children and their inability to find out what happened to them.

EHRAC’s Director, Professor Philip Leach said that:

“The European Court has yet again found Russia responsible for the disappearance and ‘presumed death’ of persons detained during the Chechen conflict. While the events of the past cannot be changed it is within the State’s power to conduct effective investigations into these atrocities and in so doing provide some form of redress to the relatives of the disappeared. After 37 European Court judgments finding gross human rights violations in Chechnya, and as negotiations for a new EU-Russia agreement start this week, the EU must take steps to ensure there is accountability for these abuses”