



8 January 2009
For immediate release

European Court: Chechen father of three died in unacknowledged detention by Russian military

Today, the European Court of Human Rights ruled that Chechen father of three Ayndi Dzhabayev died following his unacknowledged detention by Russian servicemen in 2002 and that the authorities' poor investigation into the detention contributed to his eventual disappearance. It awarded the applicants, Mr Dzhabayev's wife, Nurzhan Abdulkadyrova, and their three children, 45,000 EUR in damages. The applicants were represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University and the Russian NGO, Memorial.

At around midday on 8 September 2002, military servicemen in armed personnel carriers arrived in the street of the Dzhabayev family home in Urus-Martan, Chechnya. A serviceman wearing a balaclava and armed with an automatic weapon entered the courtyard of their house. The children ran out into the street. When they returned their father was not there, things had been thrown out of the wardrobes and their furniture and clothes were covered with bullet holes. Despite many efforts Nurzhan has been unable to ascertain Ayndi's fate or whereabouts.

The Court found that the applicants had made a *prima facie* case that Ayndi was arrested by State servicemen during an unacknowledged security operation. It also considered it established beyond reasonable doubt that Ayndi subsequently died in detention putting Russia in violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR).

As regards the investigation into the disappearance the Court regretted that there had been:

"no thorough investigation of the relevant facts by the domestic prosecutors or courts. The few documents submitted by the Government from the investigation file do not suggest any progress in five and a half years and, if anything, show the incomplete and inadequate nature of those proceedings. [...] The authorities' conduct in the face of the applicants' well-substantiated complaints gives rise to a strong presumption of at least acquiescence in the situation and raises strong doubts as to the objectivity of the investigation."

The Court held that the applicants' suffering as a result of Ayndi's disappearance and their inability to find out his fate constituted inhuman treatment in violation of Article 3 ECHR, particularly as Ayndi's three young children were eyewitnesses to their father's arrest. It also found a particularly grave violation of Article 5 (liberty and security) and violations of Articles 8 (respect for home), 13 (effective remedy) and Article 1 of Protocol 1 (property).

EHRAC's Director, Prof. Philip Leach said:

"Important as it is, this judgment in itself does not end the family's suffering as they still do not know what actually happened to their husband and father. Therefore, it is essential that the Russian authorities now conduct an effective investigation into Ayndi's disappearance and identify those responsible."

[End]