



ECCHR BACKGROUND PAPER

Risks for applicants to the European Court of Human Rights in Chechen cases

Numerous reports from, among others, Amnesty International, Human Rights Watch, HRC Memorial, Russian Justice Initiative, International Helsinki Federation for Human Rights and the UK Parliamentary Human Rights Group have documented the many serious ongoing human rights violations in Chechnya. Forced disappearances, extra-judicial killings and instances of torture are common, families of suspected rebels are persecuted (through threats, disappearances and punitive house burnings), the media and civil society are intimidated and the judicial system regularly fails to bring to justice anyone connected with the security forces or to the authorities. Moreover, those who try to pursue such cases often risk persecution or other repercussions directed against them or their families.

President Ramzan Kadyrov has repeatedly made negative public statements about human rights defenders, linking them to criminals that have to be punished. In an interview on TV Channel Grozny on 3 July 2010, Kadyrov declared that employees of one specific human rights organization “*are the enemies of the people, enemies of the law, enemies of the state*”.

Inside Chechnya

Disappearances of human rights defenders, their lawyers, journalists and other political opponents are not uncommon in Chechnya. On 15 July 2009, Natalya Estemirova, a well-known human rights defender working for HRC Memorial, was abducted in Grozny and was later found dead with gunshot wounds. At the time of her death she was working on a case where Chechen security forces were involved. Her co-worker on the case received threats from law enforcement officers after the case had been submitted to the European Court of Human Rights (ECtHR) and had to be moved out of Chechnya due to safety concerns.

Another case concerns the disappearance of Makhmut Magomadov, a human rights lawyer who worked with preparing complaints to the ECtHR on behalf of victims of human rights violations. The International Helsinki Federation for Human Rights found “significant grounds” to consider that Chechen security forces (the Kadyrovtsy) and the Federal Security Service were involved with the kidnapping. Ten days after his disappearance, Magomadov's wife lodged a complaint to the ECtHR. Magomadov reappeared two weeks later and claimed to have been held for one night only after which he left the republic for three weeks. NGOs believe he was under threat and therefore obliged to tell this story. The application to the ECtHR was subsequently not pursued.

The risks that applicants to the ECtHR face are well-documented. In a memorandum to the Parliamentary Assembly of the Council of Europe, the European Human Rights Advocacy Centre (EHRAC) lists 23 instances of applicants that have faced threats or coercion from officials or security forces, some of which resulted in the applicants withdrawing their



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complaints (see for further information: Doc. 11183, Appendix I, <http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc07/EDOC11183.htm>). Some applicants have also been killed.

Trying to pursue the cases in Chechnya can also be dangerous. Another torture victim, Salikh Masayev, who accused Kadyrov of being personally involved in his illegal detention, has since disappeared. He described in an interview with Novaya Gazeta personal meetings with Kadyrov when in prison (Novaya Gazeta, 10 June 2008, <http://www.novayagazeta.ru/data/2008/49/10.html>; Memorial Human Rights Centre On the situation of residents of Chechnya in the Russian Federation: Oct 2007 - Apr 2009, http://www.reliefweb.int/rw/rwb.nsf/db900sid/ADGO-7TAM7Q?OpenDocument&Click=)). He was abducted for the first time in September 2006 and released four months later, then tried to have his kidnappers brought to justice and claimed that he had been held by officials of the Chechen Ministry of the Interior. In 2008, he was abducted again and nothing has been heard from him since. His brother was made to understand that Masayev had been detained on the order of the Chechen authorities.

Outside Chechnya

Not only have those who remain in Chechnya face risks. Anna Politkovskaya, a journalist who wrote extensively about the human rights situation in Chechnya and who had heavily criticized Kadyrov, was murdered in Moscow on 7 October 2006. The investigation as to who was behind her murder has been unsuccessful.

On 19 January 2009, human rights lawyer Stanislav Markelov was murdered in Moscow while leaving a news conference. He had represented Anna Politkovskaya, as well as several victims of human rights abuses in Chechnya, including Salikh Masayev.

In addition, a number of Ramzan Kadyrov's political opponents have been killed in Dubai, Istanbul and Moscow. In the murder case of Sulim Yamadayev in Dubai, the police accused Kadyrov's close aide Adam Delimkhanov of ordering the assassination. The man who attempted to murder Sulim's brother Isa in Moscow in July 2009, Kavazh Yusupov, claimed to have been ordered to do it by President Kadyrov himself, who had then also confessed to having Isa's brothers Sulim and Ruslan killed. Yusupov had been initially contacted, and then given a weapon, by Shaa Turlayev, another close aide of Kadyrov, whose name also has also come up in the investigation of the murder of Umar Israilov. The Investigative Committee of the federal Prosecutor-General's Office identified Turlayev as having instigated the murder attempt of Isa Yamadayev and issued a warrant for his arrest, however, the Chechen authorities did not co-operate.

Many exiled Chechens have reported that they have been pressured or threatened by emissaries of the Chechen leadership to return and submit to its authority. Even though they had left Russia at the time of application, Umar Israilov and his father did not dare to supply the ECtHR with their real addresses for fear of reprisals.