

# RUSSIAN JUSTICE INITIATIVE

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Russian Justice Initiative is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for human rights abuses committed in the North Caucasus. Together with its implementing partner, Pravovaia Initsiativa (Ingushetia), RJI provides free legal counsel to victims of human rights violations and their families. The organization's lawyers and researchers investigate incidents of arbitrary detention, torture, enforced disappearances and extrajudicial executions and bring these cases to the European Court of Human Rights in Strasbourg, France.

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# ABOUT RUSSIAN JUSTICE INITIATIVE

Our mission: to combat impunity for grave human rights abuse in the North Caucasus and promote respect for rights enshrined in the Russian Constitution and the European Convention on Human Rights.

Russian Justice Initiative (RJI) is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for human rights abuses committed in the North Caucasus. Together with its implementing partner, Pravovaia Initsiativa (Ingushetia), RJI provides free legal counsel to victims of human rights violations and their families. The organization's lawyers and researchers investigate incidents of arbitrary detention, torture, enforced disappearances and extrajudicial executions and bring these cases to the European Court of Human Rights in Strasbourg (ECtHR), France.

From its earliest days, the second armed conflict in Chechnya has been marked by large-scale grave abuses of human rights. The Russian government's persistent lack of will to guarantee the rule of law and investigate human rights abuses, regardless of the suspected perpetrator's affiliation, has perpetuated a cycle of violence in the region.

RJI emerged from a series of small litigation activities begun in 2000 as a response to the problem of impunity in Chechnya. Initially, members and volunteers of the Moscow office of Human Rights Watch put victims in contact with experienced European lawyers, who, in turn, prepared applications to the European Court on the victims' behalf. By mid-2001, as a growing number of victims requested representation, these ad-hoc efforts were no longer sufficient to meet demand.

Thus, in late 2001, a group of human rights activists founded the Chechnya Justice Initiative in the Netherlands, with an office in Moscow, and a local organization in Ingushetia now known as Pravovaia Initsiativa to jointly implement the Chechnya Justice Project. Since that time, the organization has steadily increased the number of victims it represents. In December 2004, the organization Chechnya Justice Initiative was renamed Russian Justice Initiative. In 2007, in recognition of the spreading of the conflict, the organization expanded its activities to include other republics of the North Caucasus as well.

Today, the Russian Justice Initiative has established itself as one of the leading legal representation and litigation organizations in Russia. As grave human rights abuses continue, and the climate of impunity persists, the work of the organization remains wholly relevant and crucial in its contribution to ending violence and opening the way for lasting peace in the North Caucasus.

«Once again, the Court has had to record findings of torture on account of treatment inflicted on detained persons and hold that there had been a two-fold violation of the Convention, firstly on account of the ill-treatment itself and secondly, from the procedural point of view, in that there had been no effective investigation into the allegations of torture, despite medical reports. For example, in the *Mammadov v. Azerbaijan* case, an opposition-party leader was subjected while in police custody to the practice of *falaka*, meaning that he was beaten on the soles of the feet. Another example was the *Chitayev v. Russia* case, in which two Russian brothers of Chechen origin endured particularly serious and cruel suffering.»

In his speech on the opening of the judicial year on 25 January 2008, President of the European Court of Human Rights, Jean-Paul Costa, referred to the judgment in RJI's case *Chitayev v. Russia* as one of several notable judgments in 2007.

# EXECUTIVE SUMMARY

In 2007, the European Court of Human Rights handed down positive judgments in six cases submitted by Russian Justice Initiative, bringing the total number of positive judgments to ten. These victories are tremendously important for our clients. After many years of unsuccessfully seeking justice through the Russian judicial system, victims finally achieved redress at the ECtHR, which held the Russian government responsible for violations of their rights. While the financial compensation granted to victims by the Court is often overshadowed by delayed justice, it will provide essential support to families that have often lost their primary provider.

These victories also provide hope to the hundreds of applicants with cases still pending before the Court. Several cases decided in 2007 concerned disappearances in Chechnya and set important precedent. Principles such as the burden of proof in disappearance cases, the right to compensation for relatives of the disappeared, and the obligations of the state to conduct effective investigations and cooperate with the Court have been affirmed and expanded in these cases. Other cases concerned torture and extrajudicial executions.

The human rights situation in the North Caucasus changed during 2007. While Chechnya experienced certain improvements, neighboring republics such as Dagestan, Ingushetia and Kabardino-Balkaria suffered from a continued deplorable, and in some cases, deteriorating, human rights situation. We consequently decided to increase our litigation activities in these republics

We also continued our efforts to build the capacity of local lawyers to bring applications to the ECtHR. The American Bar Association's decision to award Elena Ezhova, our lawyer and director of the Moscow office, its 2007 International Human Rights Award for her work to promote human rights in the North Caucasus demonstrates that our lawyers have developed recognized expertise in their field.

As the ECtHR delivers positive judgments in more and more of our cases, we focus more of our resources on advocacy efforts to make sure that these judgments have a lasting impact on the general human rights situation in the region. Although excruciatingly slow and frustrating, there is a dialogue between the Committee of Ministers of the Council of Europe and the Russian government about what measures the government needs to undertake for such violations to not occur again. In 2007, we submitted our recommendations to the Committee of Ministers in several cases and we will continue to do so in 2008.

For 2008 we expect further success before the ECtHR and estimate that the Court will hand down judgments in another ten to fifteen of our cases. We will also continue to submit new cases to the Court, seeking redress for grave human rights abuses in the North Caucasus.

Fatima Goygova ... **«I submitted letters to everybody I could think of, but nobody wanted to help me. The only ones that were willing to help me was the Russian Justice Initiative. I am very satisfied with the judgment. Finally a court has established what we knew all along — that my mother and brother were killed by Russian forces.»**

4 October 2007, after she learned that she had won her case at the ECtHR.

# LITIGATING CASES

By providing legal assistance to victims of grave human rights abuse in the North Caucasus, we secure legal redress and reparations to victims and set important precedent in domestic and European courts.

Representing victims of grave human rights abuse in the North Caucasus before Russian prosecutorial and law-enforcement bodies and the European Court of Human Rights remained our main activity in 2007. By the end of 2007, RJI represents more than 1,100 victims and their family members in 185 cases. In 137 of these cases, our lawyers have exhausted all possible domestic remedies in Russia and the cases have been submitted to the European Court of Human Rights.

The majority of the **new cases** that we submitted to the Court in 2007 concerned enforced disappearances in Chechnya. Other cases concerned extrajudicial execution, torture, and arbitrary detention. In all of the cases there are strong indications that the perpetrators of the violations belonged to Russian law-enforcement agencies.

In 2007, the ECtHR **communicated** 32 of our cases to the Russian government. Communication is the first step of the advanced stages and involves submitting to the government a statement of facts together with a number of questions.

In 2007, the ECtHR also declared fourteen of our cases **admissible**, the final stage of litigation before the Court evaluates a case on its merits and issues a judgment.

In an effort to become more effective, the ECtHR in 2006 adopted a new policy. Under this policy the Court joins the ruling on the admissibility with the ruling on merits, which will significantly reduce the time between the lodging of an application and a judgment. The Court applied this new procedure to all the 32 cases that were communicated in 2007 and judgments in these cases will therefore be delivered sooner than expected.

Cases at the Court	Progress in 2007	Total
Submitted	23	137
Communicated	32	76
Admissible	14	28
Judgments	6	10

*Table: Status of RJI's cases at the Court.*

The high success-rate of applications that RJI submitted to the ECtHR

thus far reflects the high quality of our work. Indeed, more than 90 percent of all applications submitted to the Court are refused due to procedural problems. We are pleased to report that all of our cases that have been accepted for review by the Court and all cases that have reached the communication stage have proceeded to the admissibility stage. Likewise, all cases that have reached the admissibility stage have proceeded to the final stage of the procedure, a hearing on the merits.

In 2007, the Court delivered **judgments** in six of our cases, bringing the total number of judgments to ten. In all of the judgments we have secured legal redress and reparations for our clients. The following pages contain summaries of these cases and judgments.

The Russian government **appealed** several of the judgments in 2007. In all the cases in which the appeal has been reviewed, however, the Court has dismissed the appeal and the judgments have become final.

In the cases that have become final, the Russian government has paid the compensation awarded to the applicants within the deadline.

Summaries of cases brought by RJI and others pending before the ECtHR can be found at:

<http://www.srji.org/en/legal/cases/>

# TORTURE OF THE CHITAYEV BROTHERS

## FIRST JUDGMENT REGARDING THE USE OF TORTURE IN CHECHNYA

Name: Chitayev and Chitayev v. Russia  
Number: 59334/00  
Judgment: 18 January 2007  
Main violation: Torture

On 12 April 2000, the brothers Adam and Arbi Chitayev were detained by Russian military servicemen in their home in the village Achkhoy-Martan in Chechnya, and taken to the local police-station where they were questioned about the activities of Chechen fighters. They were later taken to the Chernokozovo detention center in north-west Chechnya.

During their detention both at the Achkhoy-Martan police-station and at the Chernokozovo detention center, the brothers were subjected to a range of torture methods: they were handcuffed to a chair and beaten; electric shocks were applied to various parts of their bodies; they were forced to stand for a long time in a stretched position; their arms were twisted; they were beaten with rubber truncheons and with plastic bottles filled with water; they were strangled with adhesive tape, with a cellophane bag and a gas mask; dogs were set on them; parts of their skin were torn away with pliers and more.

The brothers were released on 5 October 2000, after almost six months in detention. The criminal proceedings against both brothers were terminated on 20 January 2001, but were later reopened. No charges have been brought against the brothers.

In its judgment of 18 January 2007, the ECtHR unanimously held that:

- The brothers were subjected to torture (violation of Article 3 of the European Convention on Human Rights);
- The Russian authorities have failed in their obligation to effectively investigate the brothers' allegations (Article 3);
- The brothers were held in unacknowledged detention for part of the detention period (Article 5);
- During the detention, the brothers suffered from violations of several safeguards guaranteed by the European Convention, such as the right to challenge the lawfulness of the detention, the authorities' obligation to have the detention sanctioned by a judge, the right to be released pending trial and the right to compensation for illegal detention (Article 5);
- The brothers did not have access to an effective remedy for the violations (Article 13).

The ECtHR awarded the brothers EUR 35.000 each in moral compensation.



*In 2005, Adam Chitayev was again detained. The prosecutor's office stated that Chitayev had been an important wanted terrorist and the detention was showed on Russian national television. Chitayev was released shortly thereafter and no charges were brought against him.*

«...the applicants were indisputably kept in a permanent state of physical pain and anxiety owing to their uncertainty about their fate and the to the level of violence to which they were subjected throughout the period of their detention. The Court considers that such treatment was intentionally inflicted on the applicants by agents of the State acting in the course of their duties, with the aim of extracting from them a confession or information about the offence of which they were suspected. In these circumstances, the Court concludes that, taken as a whole and having regard to its purpose and severity, the ill-treatment at issue was particularly serious and cruel ... and amounted to torture.»

Chitayev and Chitayev v. Russia, judgment of 18 January 2007, paras. 158-159

## THE DISAPPEARANCE OF SHAKHID BAYSAYEV

Name: Baysayeva v. Russia  
Number: 74237/01  
Judgment: 5 April 2007  
Main violation: Disappearance

On 2 March 2000, Shakhid Baysayev was on his way home from work when he was detained during a mop-up operation conducted by Russian police force units (OMON) in the village of Podgornoye in Chechnya. The OMON units had just suffered significant casualties from a friendly fire incident and were searching for rebels allegedly responsible for the incident. Baysayev was detained together with about 50 other people.

According to several witnesses, Baysayev was taken to the Staropromyslovsky Temporary District Department of the Interior (VOVD) in Grozny.

In August 2000, Baysayev's wife was contacted by soldiers who eventually sold her a video-tape of the detention for USD 1.000. Baysayev, however, disappeared without a trace.

On 5 April 2007, the ECtHR unanimously held that:

- The detention of Baysayev had been unlawful as Russian troops disregarded domestic legal procedures (Article 5);
- Baysayev must be presumed dead considering the circumstances of his detention and the fact that he has been missing for more than six years. The Court held that the Russian government is responsible for his death (Article 2);
- The investigation into the disappearance of Baysayev has been inadequate on numerous accounts (Article 2);
- The suffering of Baysayev's wife as a result of her husband's "disappearance" and the failure of the Russian government to take adequate steps to clarify his fate reaches the threshold of inhuman and degrading treatment (Article 3);
- Baysayev's wife did not have access to an effective remedy for the violations (Article 13);
- The refusal of the Russian authorities to submit the documents of criminal investigation file constitutes a failure to assist the Court in its investigation (Article 38).

The ECtHR awarded Baysayev's wife EUR 50.000 in moral compensation.



*The videotape of Baysayev's detention was one of several key pieces of evidence during the trial. The Court held the Russian authorities responsible for the illegal detention and subsequent disappearance of Shakhid Baysayeva.*

«[The conduct of the prosecutor's office and the law-enforcement authorities] in the face of the applicants' well-established complaints gives a strong presumption of at least acquiescence in the situation and raises strong doubts as to the objectivity of the investigation.»

*Baysayeva v. Russia*, judgment of 5 April 2007, para. 119



*Asmat, Shakhid Baysayev's wife, bought the videotape of her husband's detention from a Russian soldier.*



## THE DISAPPEARANCE AND EXTRAJUDICIAL EXECUTION OF SHAMIL AKHMADOV

Name: Akhmadova and Sadulayeva v. Russia  
Number: 40464/02  
Judgment: 10 May 2007  
Main violation: Disappearance

Between March 10 and 14, 2001, Russian forces conducted a major sweep operation in Argun, Chechnya, during which they detained more than 150 people, including father of five Shamil Akhmadov.

While most of the detainees were released within days, eleven of them, including Akhmadov, “disappeared.” The bodies of seven of the disappeared were discovered in two mass-graves in Chechnya, one of which was located on the edge of the main Russian military base in Chechnya, at Khankala.

More than a year after the detention, local residents discovered Akhmadov's body, badly mutilated, in a field outside of Argun.

On 10 May 2007, the ECtHR unanimously held that:

- The detention of Akhmadov had been unlawful as Russian troops disregarded domestic legal procedures (Article 5);
- Russia must be held responsible for Akhmadov's death (Article 2);

- The investigation into the disappearance and killing of Akhmadov has been inadequate on numerous accounts (Article 2);
- The suffering of Akhmadov's wife and mother as a result of Akhmadov's death and the failure of the Russian government to take adequate steps to investigate the killing reaches the threshold of inhuman and degrading treatment (Article 3);
- Akhmadov's wife and mother did not have access to an effective remedy for the violations (Article 13);
- The refusal of the Russian authorities to submit the documents of the criminal investigation file constitutes a failure to assist the Court in its investigation (Article 38).

The Court awarded Akhmadov's wife and mother EUR 20.000 each in moral compensation and EUR 15.000 jointly in material compensation.

**«The Court finds that the law-enforcement machinery's failure to take the necessary steps effectively put the «disappeared» person outside the protection of the law, a situation which is totally unacceptable in a democratic society governed by the principles of respect for human rights and the rule of law.»**

*Akhmadova and Sadulayeva v. Russia*, judgment of 10 May 2007, para. 106

**«The Court finds that the investigation can only be described as dysfunctional when it tried to establish the extent of the involvement of military or security personnel in Mr Akhmadov's abduction and subsequent death.»**

*Akhmadova and Sadulayeva v. Russia*, judgment of 10 May 2007, para. 102

**«I saw them talking to my husband, but could not make out what they told him. I do not know if he showed them his passport, but I know for sure that he had his passport with him. By the time I had run over, they had already thrown Shamil, like a roll of cloth, into the armored personnel carrier (APC), and when I reached them, they closed the APC door and drove away in the direction of Gudermes. I did not see any other civilians in the street, everyone else would have hidden away.»**

Larisa Sadulayev, Akhmedov's wife, in testimony to the Court, cited in *Akhmadova and Sadulayeva v. Russia*, no. 40464/02 of 10 May 2007, para. 11.

## MASS KILLING IN THE STAROPROMYSLOVSKY DISTRICT IN GROZNY

Name:	Goygova v. Russia
Number:	74240/OI
Judgment:	4 October 2007
Main violations:	Extra-judicial executions

On 19 January 2000, Russian federal forces launched a massive attack on the Staropromyslovsky district in the northern part of Grozny, Chechnya.

When Maryam Goygova was wounded during the attack, her son, Magomed Goygov, and two other men tried to help Maryam out of Grozny. At a checkpoint, a group of Russian soldiers shot Maryam in the head without warning and took away the three men helping her.

On 10 February 2000, Maryam Goygova's daughter discovered the dead bodies of Magomed and the two other men in a garage not far from where Maryam was killed. The bodies had numerous gunshot wounds and Magomed's right ear had been cut off.

Human rights organizations have documented the killing of at least 51 civilians in the Staropromyslovsky district in the relevant time period. Despite numerous complaints from victims and human rights organizations that immediately documented the mass killing, the Prosecutor's Office of the City of Grozny launched a criminal investigation into the mass-killing only after Anna Politkovskaya published an article about the events in *Novaya Gazeta*.

Even though the investigation established that the military operation had been conducted by the 205th brigade from Budennovsk, no one has been held accountable for the mass killing.

The ECtHR has held Russia responsible in four cases concerning the mass-killing in the Staropromyslovsky district, including in the case *Goygova v. Russia: Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, 24 February 2005; *Goncharuk v. Russia*, no. 58643/00, 4 October 2007; and *Makhauri v. Russia*, no. 58701/00, 4 October 2007.

On 4 October 2007, the ECtHR unanimously held that:

- Russia must be held responsible for the murder of Maryam Goygova and her son (Article 2);
- The investigation into the killings has been inadequate on numerous accounts (Article 2);
- The suffering of Goygova's daughter as a result of the killings and the failure of the Russian government to take adequate steps to investigate the killings reaches the threshold of inhuman and degrading treatment (Article 3);
- Maryam Goygova's daughter did not have access to an effective remedy for the violations (Article 13).

The Court awarded Maryam Goygova's daughter EUR 40.000 in moral compensation.

«The Court notes with surprise that the prosecutors' orders submitted by the Government do not show any visible progress in the task of solving the killings of the applicant's two family members over a period of almost three years. [...] No effort has been made to establish a comprehensive picture of the events in the Staropromyslovskiy district at the relevant time. Most notably, it does not appear that the investigation was able to make any progress in the identification of the military units that had been stationed in the district at the time of the killings and the individuals responsible for the murders.»

*Goygova v. Russia*, judgment of 4 October 2007, para. 83.

## TORTURE AT CHERNOKOZOVO DETENTION CENTRE

Name:	Medov v. Russia
Number:	1573/02
Judgment:	8 November 2007
Main violation:	Torture

On 23 January 2000, servicemen from the Russian Ministry of the Interior detained Suleyman Medov and seven other men in the Staropromyslovsky district in the city of Grozny, Chechnya. Medov was initially brought to a nearby military encampment and later transferred to Chernokozovo detention centre and detention centres in Mozdok, Pyatigorsk and Stavropol. Medov was finally released on 3 May 2000 and criminal proceedings against him were dropped, officially under a 1999 amnesty.

In his application to the ECtHR, Medov complained about the conditions of detention, that he had been tortured during his detention, and that the Russian authorities had failed to properly investigate his allegations of torture.

In its judgment, the Court held that the Russian authorities had violated their obligation under article 3 of the European Convention on Human Rights to properly investigate allegations of torture. Medov filed complaints with prosecutor's offices in December 2000, but the authorities refused to open a criminal investigation into the allegations.

The Court considered that Medov's complaints should have raised a reasonable suspicion that Medov had been tortured and that the publicly available information about the widespread abuse in the Chernokozovo centre put the authorities under a «special obligation to conduct an effective investigation.»

The Chernokozovo detention centre has been severely criticized by human rights organizations, including the European Committee for the Prevention of Torture (CPT), for allegations of severe ill-treatment of detainees. In a 4 March 2000 statement to Russian officials, the CPT identified «a clear pattern of physical ill-treatment» in the Chernokozovo detention centre. The CPT has also several times criticized Russian authorities for not properly investigating allegations of torture.

The Court awarded Medov EUR 8,000 in moral compensation.

«The Court observes that the investigation into Mr Sultan Isayev's disappearance [...] was plagued by inexplicable failures to perform the most essential tasks in a situation where prompt action was vital. [...] It appears that no real effort was made by the authorities to identify the units that had participated in the operation and ultimately the whereabouts and fate of Mr Sultan Isayev.»

Khamila Isayeva v. Russia, judgment of 15 November 2007, para. 131.

## THE DISAPPEARANCE OF SULTAN ISAYEV

Name:	Khamila Isayeva v. Russia
Number:	6846/02
Judgment:	15 November 2007
Main violation:	Disappearance

Sultan Isayev, was detained by Russian military forces during a special («mop-up») operation in the village of Alkhan-Kala on 29 April 2001. Several people witnessed that the military forces placed Sultan in an armoured personnel carrier (APC) and drove him away. Isayev has been missing since.

The Russian authorities opened a criminal investigation into the disappearance, but it has failed to produce any results.

The Russian government admitted that a special operation had taken place on the day in question, but contended in the proceedings that there were no evidence that Sultan Isayev had been detained by Russian servicemen. The special operation was at the time lauded in Russian media as a successful operation.

In its unanimous judgment, the Court held that:

- The Russian authorities illegally detained Sultan Isayev (Article 5);
- Sultan Isayev must be presumed dead given the circumstances of his detention and the time elapsed since his detention and that therefore the Russian authorities are responsible for the death of Sultan Isayev (Article 2);
- The Russian authorities failed to properly investigate the illegal detention and the disappearance when it was brought to their attention (Article 2);
- The Russian authorities's indifference towards Khamila constitutes inhuman treatment (Article 3);
- Isayev's wife did not have access to an effective remedy for the violations (Article 13).

The Court awarded Isayev's wife EUR 35,000 in moral compensation and EUR 15,000 in material compensation.

«The Court considers that the applicant's complaints should have raised a reasonable suspicion that his injuries could have been caused by representatives of the State and that the matter should have been duly brought before the competent authorities. The Court also considers that the publically available information about the widespread abuse in the Chernokozovo detention centre at the relevant time put the relevant authorities under a special obligation to conduct an effective investigation satisfying the above-mentioned requirements of Article 3 of the Convention.»

Medov v. Russia, judgment of 8 November 2007, para. 120.

# BUILDING CAPACITY

By building capacity of local lawyers to bring cases to the European Court of Human Rights we seek to ensure that our work is sustainable and that local lawyers make use of the mechanisms of the European Convention on Human Rights in their everyday work.

The majority of cases submitted to the European Court of Human Rights from the North Caucasus is submitted by non-governmental organizations that specialize in this work. Although there are individual lawyers who make use of this mechanism, most lawyers in the region, because of lack of knowledge or other reasons, do not actively pursue this avenue for redress for their clients. In light of the persisting problems with the the legal system in the North Caucasus, increasing the knowledge and willingness of local lawyers to file applications with the ECtHR is crucial to ensure the protection of human rights in the region.

First and foremost we prioritize increasing the skills and knowledge of our own staff and lawyers. We conduct weekly conference calls during which we discuss litigation strategy and issues that affect several cases. We conduct in-house trainings on specific legal topics and we sponsor participation in external trainings for our staff.

In 2007, our staff members attended such trainings as the International Summer School of Human Rights (Helsinki Foundation for Human Rights), the International Advanced Course on Human Rights Protection (Helsinki Foundation for Human Rights), the Regional Advanced Programme on Human Rights (Raoul Wallenberg Institute), and Project Development and Management in the NGO Sector (Human Rights Education Associates).

It is a testimony to the skills and knowledge of our staff that we are often called upon to participate as speakers or experts in trainings and conferences. In 2007, Elena Ezhova, lawyer and the director of our Moscow office, was awarded the 2007 American Bar Association International Human Rights Award for her work to promote human rights in the North Caucasus.

**«In both her legal and administrative work, Elena daily demonstrates her integrity, professionalism and dedication to human rights. The ABA Section of Litigation is pleased to award her the 2007 International Human Rights Award.»**

We also actively cooperate with local independent lawyers on specific cases, either jointly representing clients before the ECtHR or providing advice on litigation strategy and legal arguments.

A precondition for submitting successful applications to the ECtHR is knowledge of the Convention and access to recent case-law. Based upon our experience we have developed an online resource center for lawyers who want to submit applications to the ECtHR. The resource center includes instructions, templates, forms and articles on how to file an application.

<http://www.srji.org/resources/>

In addition, the resource center includes Russian translations of all judgments in our cases and other judgments that set important precedent in relation to the most common violations in the region. We also publish and distribute hard-copies of select judgments.

To raise awareness of human rights and relevant human rights mechanisms among people in the North Caucasus in general, we developed and published the Citizen's Guide for Residents of the Republic of Chechnya: Defending your Rights on the Territory of the Russian Federation. This guide for victims and their family members provides basic information about human rights and available legal mechanisms, including step-by-step instructions for gathering evidence and the process for launching domestic and international litigation. We distribute this booklet to existing and potential clients. Through this publication we are able to assist and inform a wide audience about their rights and the rights protection mechanisms available to them.



Elena Ezhova (left), lawyer and the director of RJI's Moscow office was awarded the 2007 American Bar Association International Human Rights Award. The award ceremony took place in San Francisco.

# ADVOCATING CHANGE

To ensure that individual judgments have the greatest possible effect on the general human rights situation, we advocate for the full implementation of ECtHR decisions and the establishment of better protection mechanisms in the North Caucasus.

In addition to providing our clients with legal redress and reparations, ECtHR judgments often highlight systemic problems with regards to law-enforcement in the North Caucasus. In recent judgments, the ECtHR has for example noted that investigators frequently ignore orders from their superiors to undertake specific investigative measures and that consequently basic investigative steps have never been conducted.

Violations of the ECHR... **«The Committee of Ministers repeatedly noted that these judgments require significant individual measures to remedy the consequences of the violations found and general measures to prevent new similar violations.»**

Russia's complains with the European Court's judgments (Ministers' Deputies Information Document of 12 June 2007)

In addition to paying compensation, a respondent state is under the obligation to undertake individual and general measures. Individual measures usually includes conducting an effective investigation capable of leading to the identification and prosecution of the perpetrators. General measures are measures that are necessary for similar violations not to happen again. After a judgment, the Committee of Ministers of the Council of Europe is responsible for overseeing the implementation of the judgment.

After each judgment, therefore, we closely analyze the text of the judgment and based upon the findings of the ECtHR we develop our recommendations with regards to individual and general measures. We then submit these recommendations to the Committee of Ministers, which takes them into account during the implementation process. We also work actively with the media and with the governments of member-states of the Council of Europe to garner support for our recommendations.

Our cases received significant media coverage in 2007, both in international and Russian media. While the coverage in Russian media is greater than we expected, it is mainly restricted to reporting the facts and does not venture to engage in a discussion of the causes of these violations.

## IN THE NEWS

**«European Court Finds Two Chechens Were Tortured; Ruling Is Panel's First On Issue in Restive Russian Republic»**

*The Washington Post*, 19 January 2007

**«European Court of Human Rights acknowledged torture of Chechens in pre-trial detention center»**

18 January 2007

**«European rights court rules against Russia in case of missing Chechen»**

*International Herald Tribune*, 5 April 2007

**«European Court obliges Russia to pay three Chechen woman almost 200 thousand dollar»**

*Argumenty i Fakty*, 4 October 2007

**«Human rights court upholds Chechens' case against Russia»**

*RIA Novosti*, 5 October 2007

**«Former Grozny Residents Get Compensation»**

*Kommersant*, 5 October 2007

**«Russia Faulted in Three Chechen Human Rights Cases, Court Says»**

*Bloomberg*, 15 November 2007

# EVALUATING IMPACT

Our project is a long-term investment in the pursuit of justice as a peaceful means to ending grave human rights abuses. The real impact of our work will depend upon the effective implementation of ECtHR judgments. However, there are early indications that our work is already improving access to justice for victims and their families.

## IMPACT ON THE BENEFICIARIES

Judgments in our cases bring concrete results to our clients. In all of our cases, the Court ruled in favour of our clients on major issues. After more than six years of fruitless battle for their rights in the Russian judicial system, the ECtHR established that the Russian authorities had violated their rights. It is difficult to overestimate the importance of this acknowledgement for the people who are affected.

In addition to recognizing that their rights had been violated, the ECtHR also awarded significant compensation to our clients. For families that have lost their primary provider, this compensation is of immense value.

Arbi Chitayev ... «I didn't believe that there was justice possible for me anywhere in the world. Not in Russia, not in Europe, not anywhere. When they told me that we had won our case I felt happy. I was able to believe again that justice is possible. I think that this decision can help other people in Chechnya also know that there is justice. That they can go through the court and use civilized methods to find justice.»

11 April 2007

## IMPACT ON DOMESTIC INVESTIGATIONS

While the judgments have had a positive impact on the lives of our clients, their full impact on the general human rights situation in the North Caucasus is still to be realized. In connection with each judgment, the respondent state has an obligation to undertake measures to ensure that the victims' rights are restored as far as possible and that similar violations do not occur again. Together with the clients, we develop recommendations on these measures and advocate for their adoption by the Russian government, including through the Council of Europe and its member states.

There are, however, early indications that these cases have an impact on the human rights situation even before they are fully implemented.

In Chechnya, the human rights situation has changed significantly over the last couple of years. There are fewer large-scale military operations than before. There are also fewer reported extrajudicial executions and disappearances than there used to be. April 2007 was the first month without a registered disappearance in Chechnya since the second Chechen war started in 1999.

At the same time, the human rights situation in neighboring republics such as Dagestan, Ingushetia and Kabardino-Balkaria has remained dire or in some cases even deteriorated. Violations such as disappearances and extra-judicial executions, previously associated with Chechnya, have become regular occurrences in other republics as well. Torture is widespread in all republics, including Chechnya.

An important precondition to improving the human rights situation in the North Caucasus is effective criminal investigations that lead to perpetrators of grave human rights abuse being held responsible. In 2007, there were three cases in which police and military servicemen were convicted for human rights violations:

- In June, the North Caucasus District Military Court sentenced four soldiers, including their commander Eduard Ulman, to prison sentences ranging from nine to fourteen years. In January 2002, the soldiers opened fire on a civilian vehicle at a checkpoint in Chechnya and killed the survivors, including a pregnant woman. Three of the defendants, including Ulman, however, failed to appear before the court for the announcement of the sentence and are still at large.
- In November, riot police-officer Sergey Lapin was again sentenced to a lengthy prison sentence for the murder of Zelimkhan Murdalov in Grozny in January 2001. Lapin was sentenced for the first time in 2005, but the case was sent back for re-trial after a successful appeal.
- In December, officers from the Ministry of Interior Evgeny Khudyakov and Sergey Arakcheev were sentenced to seventeen and fifteen years in prison respectively for killing three construction workers in Chechnya in 2003.

Neither of these cases have been brought before the European Court of Human Rights. It seems clear, however, that the renewed focus on human rights violations in Chechnya that accompany ECtHR judgments has increased the pressure on the authorities to demonstrate that they do investigate and prosecute perpetrators of such abuses.

Although these convictions are welcome, they are exceptions and too few to break the virtual impunity that still exists. In the vast majority of cases, Russian law enforcement agencies are unable or unwilling to prosecute representatives of the state even when there is overwhelming evidence that state agents were responsible for the abuses. Usually, prosecutor's offices suspend or close investigations because it is «impossible to identify the perpetrators.»

Bringing a case to the ECtHR, however, usually prompts a more serious investigation. In many of our cases the Russian government reopens closed investigations once the government receives notification from the ECtHR that an application has been filed. Frequently a notification by the Court, referred to as a communication, prompts renewed investigative activity in a case, including interviews of witnesses, identification of possible perpetrators and other crucial investigative steps.

When prosecutor's offices demonstrate a blatant unwillingness to undertake a serious investigation, we file a negligence complaint with local courts. A few local courts in Chechnya have recently agreed to hear and, in some cases, have supported our complaints. This is a significant change from the past when almost all complaints of this type went ignored. While these court rulings have not yet succeeded in bringing new cases to trial or holding perpetrators accountable, they are steps in the right direction.

*«The Court notes with great concern that a number of cases have come before it which suggest that the phenomenon of «disappearances» is well known in Chechnya... In the context of the conflict in Chechnya, when a person is detained by unidentified servicemen without any subsequent acknowledgement of detention, this can be regarded as life-threatening.»*

*Baysayeva v. Russia, judgment of 5 April 2007, para. 119.*

## IMPACT ON ECtHR CASE-LAW

Judgments in cases from Chechnya, brought by Russian Justice Initiative and others, have already contributed to clarifying important issues such as what constitutes inhuman treatment of relatives, under what circumstances it is possible to hold that a disappearance is a violation of the right to life, and what are the obligations of a respondent state when it comes to cooperating with the ECtHR.

### Inhuman treatment of relatives

In all cases concerning disappearances and extra-judicial executions we argue that the close relatives of the victim have suffered a violation of Article 3 of the Convention (inhuman treatment). We argue that not properly investigating a person's disappearance or murder for more than several years, sending form letters in response to pleadings for an effective investigation and endlessly referring relatives to other government bodies constitute inhuman treatment of the relatives.

The Court has agreed with this argument in all the disappearance cases and it has found that the relatives' rights under Article 3 have been violated.

## Disappearances and right to life

Cases involving disappearances have long been a challenge for judicial systems. The frequent lack of evidence concerning the fate of the victim and the identity of the perpetrators makes it difficult for a court to hold individuals responsible for the disappearance of a person.

In its early case law, therefore, the ECtHR treated disappearances solely as a violation of Article 5 (right to liberty). The Kurdish Human Rights Project pushed the development of this issue so that the Court also reviewed Article 2 in connection with disappearances and found a violation if the person had been detained and must be presumed dead.

One of the preconditions for finding a violation of Article 2 in disappearance cases, however, is that the detention of the person must have taken place in circumstances that can be described as life-threatening. Such circumstances can be detention accompanied by the use of violence or threats of execution.

Because of the significant number of disappearance cases that have been submitted to the ECtHR from Chechnya, the Court has established that unacknowledged detention in Chechnya is in and of itself a life-threatening situation. This finding, which will be important for future disappearance cases from Chechnya shows that the Court recognizes the extent of the problem of disappearances in Chechnya.

### Obligations of the respondent state

A contentious issue relating to all cases from Chechnya pending before the Court has been access to documents of the criminal investigation file. In most cases, the Court has requested these documents, considering them necessary for the proper examination of the case. The Russian government has consistently refused to provide full access by citing a provision in the Russian Code for Criminal Procedure.

In several cases the Court has held that the Russian government has violated Article 38, the obligation to cooperate with the Court. In other cases, the Court has shifted the burden of proof to the government if the applicants made a prima facie case and then found a violation when the government has refused to provide the requested material. The issue of cooperation with the Court will continue to be contentious also in 2008.

**«The manner in which their complaints have been dealt with by the authorities must be considered to constitute inhuman treatment within the meaning of Article 3.»**

*Akhmadova and Sadulayeva v. Russia, judgment of 10 May 2007, para. 112.*



59 men from Kabardino-Balkaria are on trial for participation in an armed insurgency in Nalchik, the capital of Kabardino-Balkaria, in October 2005. Human rights organizations have received credible reports that many defendants were subjected to severe torture during the investigation. In 2008 we will file applications to the ECtHR on behalf of several of the defendants who were tortured.

## OBJECTIVES

The overriding goal of Russian Justice Initiative remains to secure legal redress and reparations for victims of serious human rights abuses committed in the North Caucasus and to promote respect for rights guaranteed by the Russian Constitution and the European Convention on Human Rights.

We believe that our work will contribute to promoting justice for all victims of serious crimes in the North Caucasus by addressing key failures of the justice system through both domestic and international legal remedies. In particular, we seek to hold perpetrators accountable for specific violations by representing clients before Russian authorities and bringing cases to the European Court of Human Rights. The long-term goals of the project include:

- Securing legal redress and reparations for victims of serious human rights abuses committed during the current conflict in Chechnya when domestic proceedings proved ineffective;
- Contributing to a peaceful resolution of the Chechnya conflict by establishing accountability for serious human rights abuses, which it is hoped will decrease tensions and provide a model for resolving disputes through legal means rather than through violent conflict;
- Strengthening capacity in the North Caucasus and throughout Russia by supporting local NGOs and training lawyers and human rights defenders in human rights litigation;
- Publishing accessible resource materials, specific to the Chechen context and to Russian law, that will allow private citizens and human rights advocates to bring cases independently to the ECtHR;
- Addressing the lack of effective domestic remedy for serious human rights abuses committed both in Chechnya and in other regions of Russia and compelling Russian authorities to halt widespread abuses in Chechnya and provide adequate domestic remedies that hold perpetrators accountable;
- Contributing to the development of ECtHR case-law that will clarify Russian obligations under the European Convention, thus setting a framework for reform of the Russian judiciary and law enforcement structures;
- Assisting the Council of Europe Committee of Ministers, as stipulated in the Convention, in supervising the implementation of ECtHR rulings and taking measures to prevent further violations.

## ACTIVITIES

### Litigation

We anticipate another ambitious and productive year in 2008. We will continue to represent the interests of over 1,100 applicants in 185 cases – in 137 cases already presented to the ECtHR and in 48 cases currently in review for potential submission to the Court.

We will dedicate an ever-increasing proportion of our work to the advanced stages of ECtHR litigation. We anticipate submitting pleadings on behalf of applicants in response to 20 government memoranda received in the communication stage, as well as to 12 admissibility decisions.

Because of the deteriorating human rights situation in Dagestan, Ingushetia and Kabardino-Balkaria, we also anticipate that a significant part of our resources will be allocated to undertaking litigation from these republics.

### Building Capacity

In 2008 we will continue our work on transferring skills and knowledge about the Court and Convention to local lawyers in the North Caucasus. We will further develop the online resource center, which will provide lawyers with the necessary tools for submitting applications to the Court. In addition, we will conduct a series of internships for lawyers from the North Caucasus and the rest of Russia to provide them with the tools necessary to use the mechanisms connected with the European Convention.

### Advocating Change

To ensure that individual judgments have the greatest possible effect on the general human rights situation we develop recommendations for general measures after each judgment. As more cases are decided in 2008, more of our resources will be allocated to develop meaningful recommendations to target systemic deficiencies in Russian law-enforcement. In 2008 we will continue to advocate for the adoption of these recommendations with the Council of Europe and its member-states and we will make strategic use of Russian and international media to garner support for these recommendations.



# STAFF, BOARD AND COMMITTEES

## STAFF

Pravovaia Initsiativa (Ingushetia)

Arsen Sakalov, Director

Tanzila Arsamakova, Research assistant

Anastasia Maltseva, Staff lawyer

Dokka Itslaev, Staff lawyer (part-time)

Stichting Russian Justice Initiative (Netherlands)

Ole Estein Solvang, Executive Director

Roemer Lemaître, Legal Director

Elena Ezhova, Director Moscow office/ Staff lawyer

Olga Ezhova, Office manager/ Legal Assistant

Andrei Nikolaev, Senior lawyer

Ludmila Polshikova, Legal Assistant

## COMMITTEE OF RECOMMENDATION

The committee of recommendation consists of individuals from around Europe who have made significant contributions in the field of human rights. This committee, which demonstrates the support enjoyed by the Chechnya Justice Project in the international community, has no governing or advisory responsibilities in the organization. Rather, the committee recommends the Chechnya Justice Initiative by virtue of its members' high standing as internationally recognized human rights activists, journalists, policymakers, and others in positions of moral authority.

Lyudmila Alekseeva, President, Moscow Helsinki Group and International Helsinki Federation

Rainer Eppelmann, Member, German Bundestag (CDU/CSU)

André Glucksman, Philosopher

Erik Jurgens, Vice-president, Senate of the Dutch Parliament, and

Member, Parliamentary Assembly of the Council of Europe

Nataša Kandić, Humanitarian Law Center, Belgrade

Markus Meckel, Member, German Bundestag (SDP)

Nathalie Nougayrede, Le Monde

Lord Russell-Johnston, Member, Parliamentary Assembly of the Council of Europe (formerly President)

## GOVERNING BOARD

The Governing Board is charged with the overall direction and governance of the Chechnya Justice Project. Members of the board lend professional expertise to the organization, assist in fundraising endeavours, and act as a public face for the organization.

### Chair

Jan ter Laak, Netherlands Helsinki Committee

### Treasurer

Egbert G.Ch. Wesselink, Pax Christi Netherlands

### Members

Aage Borchgrevink, Norwegian Helsinki Committee

Holly Cartner, International Helsinki Federation and Human Rights Watch

### Senior Advisor to the board

Diederik de Savornin Lohman, Human Rights Watch

## ADVISORY COMMITTEE

In order to ensure the highest quality work, the Chechnya Justice Project regularly consults with experts on Russian law, the European Convention on Human Rights, and proceedings before the European Court. The Project has established an advisory committee comprised of legal academics and experienced international lawyers who take an active role in advising the project on legal issues.

Anne Bouillon, Avocats sans Frontières France

Jane M. Buchanan, Former Executive Director, Chechnya Justice Project and Human Rights Watch

Professor William Bowring, Faculty of Law, London Metropolitan University

Professor André Nollkaemper, Faculty of Law, University of Amsterdam

Gareth Peirce, Birnberg, Peirce and Partners, London

Maria K. Pulzetti, Founding Executive Director, Chechnya Justice Project

Ruslan Yandarov, Lawyer

# FINANCES AND SUPPORTERS

## STATEMENT OF FINANCIAL ACTIVITIES 2007

	TOTAL
<b>INCOME</b>	
Individual contributors	6,798.40
Grants	403,995.56
Interest	677.91
Legal costs and expenses	56,677.88
<b>Total Income</b>	<b>468,149.75</b>
<b>EXPENSES</b>	
Personnel, including salaries, benefits, and staff development	237,469.14
Administration, including rent	59,136.51
Equipment and capital purchases	4,137.00
Consultants, honoraria, translations	71,308.38
Publications	386.62
Travel	31,693.19
Other	2,588.08
<b>Total expenses</b>	<b>406,718.92</b>
<b>Total assets, beginning of year</b>	<b>24,162.20</b>
Change in assets (income – expenses)	61,430.83
<b>Total assets, end of year</b>	<b>85,593.03</b>

## SUPPORTERS

We are pleased to announce among our supporters for 2008: the Royal Netherlands Ministry of Foreign Affairs, the Open Society Institute, the Swedish Helsinki Committee, the United Nations High Commissioner for Refugees, and the United Nations Voluntary Fund for Victims of Torture. Applications with the Global Conflict Prevention Pool and the Royal Norwegian Ministry of Foreign Affairs are pending.

# ACKNOWLEDGEMENTS

The Russian Justice Initiative gratefully acknowledges its financial supporters during 2007: The Global Conflict Prevention Pool, the Swedish Helsinki Committee, the Royal Netherlands Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Open Society Institute, the United Nations High Commissioner for Refugees, and the United Nations Voluntary Fund for Victims of Torture.

We thank the individuals who offered their time and assistance as interns and consultants during 2007, Ninke Liebert, Vanessa Kogan, Natalia Szablewska and Andrea Algård.

Our work in 2007 would not be possible without the contributions of our Ingushetia security team, which protects the safety of the our staff and clients when in Ingushetia. We are also indebted to our colleagues at the European Human Rights Advocacy Centre, the Human Rights Centre «Memorial,» the Nizhny Novgorod «Committee Against Torture,» Human Rights Watch, Amnesty International and the International Helsinki Federation, who are generous with their wisdom and friendship. The guidance and backing of the members of our Advisory Committee and Committee of Recommendation continue to contribute meaningfully to our work.

Others who have offered special assistance to us in 2007 include: Bill Bowring, Jane Buchanan, Maxim Ferschtman, Aleksey Krasnov, Philip Leach, Tanya Lokshina, Alexander Petrushev, Maria Pulzetti, Dmitri Vitaliev, the staff at Amnesty International-Netherlands, and numerous others who, for security reasons, cannot be named here.



Cover photos: Natasha Estamirova, Memorial

Russian Justice Initiative is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for human rights abuses committed in the North Caucasus. Together with its implementing partner, Pravovaia Initsiativa (Ingushetia), RJI provides free legal counsel to victims of human rights violations and their families. The organization's lawyers and researchers investigate incidents of arbitrary detention, torture, enforced disappearances and extrajudicial executions and bring these cases to the European Court of Human Rights in Strasbourg, France.

**«I submitted letters to everybody I could think of, but nobody wanted to help me. The only ones that were willing to help me was the Russian Justice Initiative. I am very satisfied with the judgment. Finally a court has established what we knew all along — that my mother and brother were killed by Russian forces.»**

Fatima Goygova, 4 October 2007



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