

MOSCOW NAZRAN UTRECHT

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Letter from the Governing Board

1 February 2005

Dear friends and supporters,

In late 2004 our initiative changed its name. We are now known as the Stichting Russian Justice Initiative, which, through its implementing partners, the Moscow office of the Stichting Russian Justice Initiative (registered in the Netherlands) and the Ingushetia-based organization Pravovaia Initsiativa, implements the Chechnya Justice Project. We hope that the new name serves to underline one of the main goals of our initiative: The integration of Russia into a common European legal sphere based on the European Convention on Human Rights.

Our work, on the other hand, has not changed, although the caseload continues to grow. Currently we represent more than 700 individuals in 95 cases, 72 of which have been submitted to the European Court of Human Rights. Fourteen of the cases have progressed to advanced stages of litigation before the Court, and on 20 January 2005 the Court declared our first case admissible, meaning that it will now be heard on its merits. The case, known as Imakayeva v Russia, concerns a woman, Marzet Imakayeva, whose son became victim of an “enforced disappearance” in December 2000. Marzet Imakayeva filed an application to the Court in 2002 together with her husband, Said-Magomed, who subsequently also “disappeared” after being detained by federal troops.

From the start of the project, we have placed emphasis on protecting our clients and staff, and have put in place various security procedures to that end. We were, however, unable to protect our client Said-Magomed Imakayev. His disappearance was a blow against the very idea of accountability for crimes in Chechnya. The admissibility decision in this case is therefore especially significant: The Court simply cannot tolerate that its applicants become victims of grave human rights abuses; the European legal sphere also includes Chechnya.

Unfortunately, incidents of harassment and intimidation of applicants to the Court continue to be widely reported. Persecution of human rights defenders -- a category that includes victims of human rights abuses who seek justice through the courts -- has been a consistent feature of the “second” Chechen war, and continues unabated after more than five years of armed conflict. By persecuting human rights defenders, the perpetrators aim to silence dissenting voices and impose their version of events on the conflict. To a degree this tactic has met with success: The plight of Chechnya today seldom makes the headlines.

This does not mean that the situation in Chechnya has improved. In some respects the situation is now even worse than before. The armed conflict is spreading beyond the borders of Chechnya, and so do the grave abuses associated with it. Several of the new cases are from Ingushetia,

where attacks on human rights defenders also take place with increasing frequency. In response to numerous documented incidents of harassment of applicants, in August 2004, the Court granted priority to all cases from Chechnya. The Court heard the first six cases from Chechnya, which were submitted by the Russian Human Rights Centre "Memorial," and the London-based European Human Rights Advocacy Centre in October 2004, and the decisions are due in late February 2004.

Given the overall gloom surrounding Chechnya today, there is comfort in being involved in a project that brings the hope of justice closer to our clients, and the European legal system closer to Russia. Our work in this regard has increasingly met with international recognition. In December 2004, our initiative was awarded the prestigious Human Rights Prize of the French Republic (Prix des droits de l'homme de la République Française) for its work on behalf of victims of torture. The recognition is the fruit of the hard and conscientious work of the staff of the Stichting Russian Justice Initiative, which has been made possible by our financial supporters. The board especially would like to thank outgoing executive director, Jane M. Buchanan, for her dedication and efforts during her 20 month long tenure.

*On behalf of the Stichting Russian Justice Initiative Governing Board
Aage Borchgrevink*

I. BACKGROUND AND CONTEXT

The Chechnya Justice Project is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for ongoing human rights violations in Chechnya. Together, its implementing partners—the Moscow office of the Stichting Russia Justice Initiative (Netherlands) and the Ingushetia-based organization *Pravovaia Initsiativa*—provide free legal counsel to select victims of human rights violations and their families. Chechnya Justice Project lawyers and researchers investigate incidents of arbitrary detention, torture, forced disappearances and extrajudicial executions and bring these cases to the European Court of Human Rights in Strasbourg, France.

From its earliest days, the second armed conflict in Chechnya (1999-present) has been marked by large-scale grave abuses of human rights, including torture, disappearances, and extrajudicial execution, committed by both sides of the conflict. Notably, the persistent lack of will on the part of the Russian government to guarantee the rule of law and act on abuses perpetrated by its forces in Chechnya has served to perpetuate this violence.

The Chechnya Justice Project emerged out of small litigation activities begun in 2000 as a response to this problem of impunity for abuses 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 expressed a desire to bring proceedings to Strasbourg, these ad-hoc efforts were no longer sufficient.

Thus, in late 2001, a group of human rights activists founded the Stichting Chechnya Justice Initiative in the Netherlands, with an office in Moscow, and a local organization in Ingushetia now known as *Pravovaia Initsiativa* to implement jointly the Chechnya Justice Project. Since that time, the project retained that structure and steadily increased the number of victims it represents. In December 2004, the organization's governing board took a decision to officially rename the Stichting Chechnya Justice Initiative, the Stichting Russian Justice Initiative.

In just a few years' time, Chechnya Justice Project has established itself as one of the leading legal representation and litigation projects in Russia today. As grave human rights abuses continue, and the climate of impunity persists, the work of the Chechnya Justice Project remains wholly relevant and crucial in its contribution toward ending violence and opening the way for a lasting peace and the development of genuine democracy in the Northern Caucasus.

II. EXECUTIVE SUMMARY

Human Rights Prize of the French Republic

In 2004, the Chechnya Justice Project enjoyed its most public recognition to date, when the Chechnya Justice Initiative was awarded the Human Rights Prize of the French Republic 2004 (*Prix des Droits de l'homme de la République Française 2004*) in December. The Chechnya Justice Initiative was one of five award recipients selected from a pool of 116 organizations nominated from 43 countries, and the only organization selected from Russia. The project's partner, Secours Catholique (CARITAS-France), supported CJI's nomination. The independent National Human Rights Commission selected the organization for its work on behalf of victims of torture and towards torture prevention through the Chechnya Justice Project. In addition to an engraved Human Rights Prize medal, the project received a small grant to provide additional assistance to victims and training to human rights advocates.

Leadership in Human Rights Litigation

The Chechnya Justice Project remains the only project dedicated to representing victims from the conflict in Chechnya before Russian legal institutions and the European Court of Human Rights. The project also makes important contributions to the field of human rights litigation in Russia through professional research, publications, advocacy, and training.

In 2004, the project again exceeded all expectations for its litigation before the European Court and further distinguished itself as the leading litigation project assisting victims from Chechnya. At the end of the year, the project had come to represent more than 700 victims and their family members in 95 cases. In 72 cases, the project has presented applications to the European Court of Human Rights. A total of 20 full and 21 preliminary applications were submitted in 2004 alone.

Advanced Litigation

A number of the project's cases made demonstrable progress before the European Court in 2004. The European Court has now communicated 14 of the project's cases to the Russian government, eight of them in 2004. Communication is the second stage of litigation following the initial application on the part of the applicant. At this stage, the Court invites the Russian government and the Chechnya Justice Project to present additional arguments on the admissibility and legal merits in the case. Following the Court's communication and responses, the Court will take a decision on admissibility. If the Court determines the case admissible, then a final judgment will follow.

The Chechnya Justice Project cases communicated thus far by the Court primarily concerned events in 2000 and 2001, including the large sweep operations in the Novye Aldi suburb of Grozny and Sernovodsk, as well as torture during detention in the Chernokozovo prison. Three of the cases involve more recent events, but the European Court elected to give these cases priority due to harassment of the applicants and their family members. In seven cases, the Russian government has submitted a memorandum, and the project has already responded on behalf of the applicants with counter arguments and additional information relevant to the admissibility and merits of the case. In the remaining cases, the project is currently preparing responses to the government memoranda.

Prioritization of Cases from Chechnya

In August, the European Court informed the Chechnya Justice Project that it had taken a Rule 41 decision on all cases from Chechnya, thereby prioritizing them in the Court's review process. This decision was taken at least in part as a direct result of the Chechnya Justice Project's advocacy, undertaken together with the European Human Rights Advocacy Centre and Memorial, to encourage the Court to take concrete measures to help ensure the security of applicants. With this decision, the project anticipates a somewhat expedited review process for its cases.

Sharing Litigation Expertise

Building on many years experience, the Chechnya Justice Project's staff members have now distinguished themselves as experts in the field of ECHR litigation in Russia. Three staff lawyers contributed to a book providing commentary to the European Convention of Human Rights and analyzing Russian law relevant to the convention. The lawyers examined Article 2 (right to life) using their extensive experience with cases involving extrajudicial execution and non-investigation of crimes committed by federal forces. In addition, one lawyer delivers lectures on the ECHR for advanced law students at a prominent Moscow university. Members of the staff were also asked to contribute to ECHR and Russian law trainings in Russia.

Advancing Knowledge of the ECHR

The Chechnya Justice Project made additional important contributions in 2004 to the advancement of the legal expertise of Russian lawyers, human rights advocates, and others through training, research, and publications. In October, with the support of the German Embassy, the project sponsored a group of lawyers that included project staff lawyers and lawyers from Chechnya to attend a weeklong seminar hosted by the Council of Europe and the European Court of Human Rights in Strasbourg, France. In December, the project hosted a seminar for lawyers representing applicants from Chechnya and other parts of Russia before Russian judicial bodies and the ECHR.

Building on established professional relationships with law faculties and law schools at prestigious universities, including Amsterdam University, Harvard University, and Yale University, the project produced two academic publications that analyzed important aspects of European and European Court law and practice relevant to both Russian as well as other lawyers and human rights activists working in Europe. Graduate interns produced two other publications in 2004 that examined specific practices in Chechnya that contribute substantially to the problem of impunity.

Citizen's Guide

In early 2004, the Chechnya Justice Project produced the *Citizen's Guide for Residents of the Republic of Chechnya: Defending your Rights on the Territory of the Russian Federation*. This highly practical instructional guide is the first of its kind and serves to educate victims of the conflict in Chechnya living in the Northern Caucasus about their rights under Russian and international law. The guide also provides information about the domestic and international rights protection mechanisms available to victims and their relatives, and provides detailed instructions for defending these rights. This much-needed publication has begun to fill a significant void by encouraging victims to know their rights and exercise them effectively.

Impact

The impact of the Chechnya Justice Project will be felt most clearly with decisions on the project's cases at the European Court of Human Rights, which are still forthcoming. Nevertheless, as cases proceed through advanced stages of litigation before the ECHR, the project has already begun to see an impact on the practices of domestic law enforcement agencies. Notably, the project has found that once cases reach the communication stage, the activity of the local procuracies responsible for criminal investigations increases, at times dramatically. Procuracies undertake basic investigative steps such as deposition of witnesses and relatives, inspection of the crime scene, and forensic examinations. These actions appear to be largely a result of inquiries and requests for information sent from the main civilian and military procuracies in Moscow in response to inquiries from the Russian Representative before the ECHR, who is responsible for preparing submissions to the European Court on behalf of Russia.

Although the investigative steps taken at this point are usually several years after the date of the crime and, according to the Court's case law, cannot be considered "effective" investigative actions,¹ the impact of ECHR litigation on the domestic system, even before the decision stage, is noteworthy. It is possible that at least some of these investigations will lead to a conclusion in certain cases, and possible that procuracies will begin to take active steps before waiting for inquiries from the European Court.

III. ACHIEVEMENTS OF 2004

The human rights situation in Chechnya remained dire in 2004. Although large "mopping up" operations characteristic of federal force actions in previous years were less frequent, arbitrary detentions at the hands of Russian and Chechen security services remained common. Disappearances, extrajudicial executions and torture also continued, as did the lack of accountability for those abuses.

Following up on its previous statements on the human rights situation in Chechnya, in its October 2004 Resolution, the Parliamentary Assembly of the Council of Europe reiterated its previous statement that "a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and Federal law enforcement authorities are still unwilling or unable to hold

¹ According to the Court's case law, in order for an investigation to be considered effective, it must be, inter alia, timely. The Court has found that the timeliness requirement is not met if an investigation has been pending for more than one, one and a half, or two years. Furthermore, the Court's case law clearly states that an investigation opened or activated after communication of the case by the Court to the government cannot be considered timely or effective, for the impetus for the investigation is merely the Court's inquiry and not the state's sincere desire to fulfill its obligation to investigate crimes.

accountable for their actions the vast majority of perpetrators of serious human rights violations.” In this environment, the contributions of the Chechnya Justice Project to ending impunity remain crucial.

Legal Developments and Casework

Caseload

By the end of 2004, the project had come to represent more than 700 victims and their family members in 95 cases. In 72 cases, the project has presented applications to the European Court of Human Rights. In 46 of these cases, full applications have been submitted to the European Court, and in the remaining cases preliminary applications have been sent. A total of 20 full and 21 preliminary applications were submitted in 2004 alone.

In an additional 23 cases, the project represents victims and their family members before Russian domestic judicial bodies as the cases are prepared for eventual submission to the European Court of Human Rights. The ECHR has informed the project that it represents more than 1/3 of all applicants before the Court from Chechnya.

Important progress in Chechnya Justice Project Cases

Fourteen of the project's cases have now reached the first stage of advanced litigation before the ECHR, the communication stage. Communication is the second stage in the ECHR proceedings following the initial application on the part of the applicant. At the communication stage, the Court takes an initial review of the potential for admissibility of the case. Upon a positive review, the Court then informs the Russian government of the application and requests the government to comment on the admissibility and merits in the case. The government may then submit a memorandum, to which the applicants and their representatives may respond. Following the Court's communication and the subsequent responses, the Court will take a decision on admissibility. If the Court determines the case admissible, then a final judgment will follow.

In seven cases, the project has responded to the government's memoranda with its own memoranda on the admissibility and merits. Those cases are now pending admissibility decisions. In the remaining seven cases, the project is in the process of responding to the government's memoranda. The project expects to receive communications in its cases steadily throughout the coming years, and anticipates the first admissibility decision in its cases in early 2005.

In October 2004, the European Court informed the project that it had taken a Rule 41 decision to grant priority in the Court's review process to all of the cases from Chechnya. This measure suggests that review of the cases will proceed more rapidly than in recent years. For more information on the project's communicated cases, see **Cases below**.

Legal Clinic

Another major development in the project's legal work is a new drop-in legal clinic in its Ingushetia office. Open twice a week, the clinic offers a more structured mechanism for receiving the large number of victims of human rights abuses and their relatives who seek the project's assistance. A new staff lawyer hired in Ingushetia in early 2004 helped to make the legal clinic possible. The lawyer, together with experienced project personnel, counsels victims and their relatives as to their basic rights and the domestic and international human rights protection mechanisms available to them. In some instances, the project will eventually represent these victims before domestic legal institutions and the European Court.

However, the project is not able to represent all of the victims who seek legal assistance, due to limits on the project's own capacity or because the project deems that certain cases lack perspective for European Court litigation. Thus, the legal clinic allows the project to provide additional services to a population in need, by providing important information regarding rights

and rights protection mechanisms and by helping victims and their relatives determine the best course of action given the circumstances of their case.

One important resource that the project offers victims and their relatives is its step-by-step instructional guide, *Citizen's Guide for Residents of the Republic of Chechnya: Defending your Rights on the Territory of the Russian Federation*. This guide provides fundamental information about rights and legal mechanisms available and step-by-step instructions for victims and their family members about appealing to those mechanisms and gathering evidence necessary to proceed with domestic and international litigation. The project distributes this booklet to its clients, potential clients and applicants, and to visitors of the legal clinic. Again, through this publication, the project is able to assist and inform a wider audience of people as to their rights and rights protection mechanisms available to them. Over 150 copies of the guide were distributed in 2004. For more information, see **Legal Research and Publications below**.

Legal Director

The governing board and executive director took a decision in late 2004 to establish a new senior position within the project, that of legal director, and began the search process to identify qualified candidates. Support from the Global Conflict Prevention Program (a consortium of United Kingdom government agencies) made this new position possible. The new legal director will start in early 2005 and will report to and work closely with the executive director. He or she will have the responsibility of supervising the work of the staff lawyers, monitoring the progress of all cases, ensuring quality of all written submissions, supervising research projects, and developing new legal strategies. With the establishment of this new senior position, the executive director can concentrate more effectively on management, fundraising, finances, reporting, advocacy, and strategy.

Other cases from Chechnya before the ECHR

In October 2004, the European Court heard oral pleadings in the first six cases from Chechnya before the Court. Pleadings in the cases *Khashiev v Russia*, *Akayeva v Russia*, *Isayeva v Russia*, *Yusupova v Russia* and *Isayeva v Russia* were heard together, and a final judgment will be delivered in late February 2005. The applicants allege that their family members were killed by the actions of the Russian military in 1999 and 2000. The rulings in these cases will be significant for the Chechnya Justice Project's cases pending before the ECHR, as the Court will make its first verdict on crucial issues such as exhaustion of domestic remedies in the unique context of the conflict in Chechnya.

Addressing Threats to Security

The project continued to face serious concerns over security, as clients reported additional incidents of harassment and intimidation. The project staff, board, and advisors regularly discuss security issues at their meetings, and the project has an emergency response strategy for reported threats to clients or staff. Partner organizations, including Memorial, the European Human Rights Advocacy Center, the Moscow Helsinki Group and others, as well as individuals representing victims before the European Court of Human Rights also continue to document this trend.

In the most serious of incidents, applicants before the European Court have been killed or subject to enforced disappearance. Other applicants, as well as applicants' relatives, friends, associates or witnesses, have been followed, beaten, questioned, or threatened with reprisals. The threats may be made in conjunction with an individual's application to the European Court or may be related to the victims' and relatives' attempts to pursue domestic avenues for redress.

In June 2004, the Chechnya Justice Project again marked the somber anniversary of the most serious incident involving one of its applicants, the disappearance of Said-Magomed Imakaev in June 2002. Said-Magomed and his wife are applicants to the Court regarding the disappearance of their son, Said-Hussein Imakaev, in 2000. The project currently awaits the Court's admissibility decision in this case, *Imakaeva v Russia*.

For the Imakaev case and other cases, the project has sought protection for applicants by asking the European Court to initiate an accelerated review of the cases. The Court responded by prioritizing these cases and issuing communications to the government without delay. In the cases *Akhmadova v Russia* and *Utsaeva v Russia*, federal authorities repeatedly subjected the applicants to physical violence, property damage, and other harassment to the degree that the applicants and their relatives were forced to leave their homes and relocate to other parts of the Northern Caucasus.

The project continues to maintain close and frequent contact with all applicants in order to be fully informed of any threats or harassment as well as general case information. The project also led a team including colleagues from the European Human Rights Advocacy Center and the International Helsinki Federation's Individual Rights Project, which wrote and published a document of model ethics, obligations, and security measures for legal representatives of victims from Chechnya. The authors then distributed this document among partner NGOs, participants at subsequent trainings, and to colleagues at the Council of Europe.

Legal Research and Publications

As the project encounters legal questions in Russian and European jurisprudence relevant to its litigation, the project commissions original research from prominent academic institutions. In some instances, graduate students conducting research internships in the project's Moscow office have prepared reports. Through publication and web posting, the project makes this research accessible to other lawyers and human rights activists who work on similar issues.

Research Partners

In early 2004, students from the Amsterdam University International Law Clinic together with students of the Harvard University Advocates for Human Rights completed the report, "*Victim's Access to Criminal Investigations under Russian and European Law.*" This research examined the provisions under Russian law regulating victims' access to information about investigations, including files and case materials, and determined whether these provisions meet the standards established under European Court of Human Rights case law. In addition, the researchers presented a detailed comparative analysis of the standard for victim's access to information about investigations in 12 European countries.

The project worked with several students from the Yale University Allard K. Lowenstein International Human Rights Clinic who examined the role of amicus curiae, or friend of the court, briefs in ECHR litigation and the relevance of amicus curiae briefs for the project's applications before the European Court on behalf of victims from Chechnya.² In May 2004, the clinic produced the report, "*Short Guide to Third-Party Intervention 'Amicus' Practice in the European Court of Human Rights.*" The law students involved in the research extensively reviewed relevant documents and conducted interviews with numerous prominent ECHR experts. This was the first time in many years that an examination of third-party intervention in ECHR practice had been undertaken.

In-house Research

In early 2004, the Chechnya Justice Project published a practical citizen's guide for its clients and others, titled *Citizen's Guide for Residents of the Republic of Chechnya: Defending your Rights on the Territory of the Russian Federation*. The booklet provides fundamental information about rights and legal mechanisms available and step-by-step instructions for victims and their family members about appealing to those mechanisms and gathering evidence necessary to proceed with domestic and international litigation. Topics covered in the booklet include: collecting evidence in the case of illegal detention, execution, or torture, informing the authorities

² Amicus curiae is defined as a brief filed with the court on some matter of law by someone who is not a party to the case, but who believes that the court's decision may affect its interest. In the European Court context, amicus curiae briefs have been submitted in order to present an analysis or additional information on a particular aspect of law relevant to the case.

of the incident, and appealing decisions or actions of the procuracy in court. The appendix of the booklet includes samples of letters to the procuracy regarding various steps in the investigation process or to the court regarding an appeal. The project staff distributed more than 150 copies in 2004. The response of victims and their relatives, as well as lawyers working in the region, indicated that the guide is already in widespread use.

Together with the International Helsinki Federation's Individual Rights in the Russian Federation and the European Human Rights Advocacy Center, the project authored an informational booklet, "*Chechnya and the European Court of Human Rights: Ethics and Obligations*," which was published in September 2004. Colleagues from these projects decided to collaborate on this report in response to the serious problem of threats and harassment of applicants to the European Court of Human Rights from Chechnya, Ingushetia, and other regions. The booklet advises lawyers and human rights activists of necessary security measures when working with applicants from Chechnya. The materials also inform representatives of their obligations to inform potential applicants to Russian judicial bodies and the European Court of Human Rights of the potential risks of undertaking such a course of action.

In August 2004, a graduate intern from Columbia University in New York working in the project's Moscow office researched and wrote a report on the ineffectiveness in Chechnya of the civil remedy of appealing the negligence of the prosecutor's office in conducting investigations. In most instances, prosecutors in Chechnya launch criminal investigations into civilians' complaints of serious abuses, but routinely suspend these investigations shortly afterwards without producing any concrete results. The only option available to victims in this scenario is to appeal the procuracy's action or inaction before a civilian court. In the project's experience, the local courts in Chechnya have been unwilling to hear these cases, and in most instances have refused to respond to the appeals. This report will be relevant for future project applications to the Court concerning the ineffectiveness of domestic remedies in violation of Article 13 of the European Convention on Human Rights.

In November and December 2004, a graduate intern from Norway working in the project's Moscow office drafted a summary report on the administrative practice of failure to investigate and failure to prosecute crimes committed in Chechnya by federal forces. This report notes that in many cases against Turkey, the Court found that the state practiced or tolerated an administrative practice of non-investigation for crimes committed by government agents against the Kurdish population living in eastern Turkey. The project believes that a similar situation exists in Chechnya, and hopes that by presenting a clear, well-argued description of that practice, the Court will recognize the administrative practice in Chechnya. Thus, the project will use this document in future applications to the Court to demonstrate that an administrative practice exists that makes domestic remedies ineffective in violation of Article 13 of the European Convention on Human Rights. The administrative practice argument is also relevant to arguments for admissibility of the case to the Court.

In examining linguistic components and narrative structure of certain conversations with victims, one staff member been able to pursue innovative topics related to her philology research. In February 2004, her report, "*Chechnya: Sphere of Violence and its Coordinates (Oral Testimony)*" was presented at the meeting of the Academic Center for Globalization and Comparative Studies at the Russian State Humanitarian University. This research further helps to expand the project's influence in broader spheres of public interest.

Training

The project continues to prioritize the training of lawyers in the fields of Russian law, European law, international law, and the European Court of Human Rights. In 2004, the project's staff had the opportunity to attend numerous trainings and seminars in Russia and in different cities in Europe. In addition, the project sponsored important trainings on European Court litigation.

In February, one of the staff lawyers attended the prestigious Winter School for Human Rights hosted by the Helsinki Foundation for Human Rights in Warsaw, Poland.

In mid-July, the Moscow representative office director attended a 10-day course on NGO management sponsored by the Moscow-based NGO School Foundation, in partnership with the British Charities Aid Foundation (CAF).

In March and again in early September, two staff members attended a seminar sponsored by the International Helsinki Federation's Individual Rights in the Russian Federation project, which provided participants with practical work on gathering evidence and presenting arguments to the ECHR, and included a mock court exercise.

Also in early September, two staff lawyers attended a seminar sponsored by Memorial and the European Human Rights Advocacy Center, which included presentations on recent case law regarding specific articles of the European Convention and also provided practical exercises on legal drafting.

Following this training, four staff members attended a round-table discussion on recent changes to the structure and practice of the European Court of Human Rights given by experts on ECHR litigation. Other specialists presented a discussion on the past and future potential media and government response to cases brought against Russia at the European Court of Human Rights.

In October, the project sponsored six participants, including four staff members and two lawyers from Chechnya, to travel to Strasbourg France for a weeklong training program at the Council of Europe and the European Court of Human Rights. All six participated in meetings with representatives from the department of execution of decisions of the European Court, the Committee for the Prevention of Torture, the secretariat of the European Social Charter, the secretariat of the Convention for the Protection of National Minorities, the department for equality, the secretariat of the Venice Commission, and others. In addition, the study trip coincided with the oral hearings on the first six cases before the Court from Chechnya, *Khashiev and others v Russia*, which the staff was able to attend. This training program proved to be one of the most significant for the project to date, as staff members were able to witness the workings of the Court, learn about the Court and the Council of Europe directly, and interact with Court and Council of Europe officials.

In early November, two staff members from the Ingushetia office attended a peace-building conference in Nalchik, Russia, sponsored by one of the project's partners, Secours Catholique (CARITAS-France). The staff then hosted members of the conference in its office to present the project's work and provide an example of a sustainable local civil society project.

On December 14-15, the project's Moscow office hosted an intensive seminar for the project's staff and the staff of the European Human Rights Advocacy Centre/Memorial. Altogether, 14 people participated. Maxim Ferschtman of the Dutch law firm Bohler Franken Koppe de Feijter Advocaten, and a former European Court of Human Rights lawyer, conducted the training.

On the first day, the participants refreshed and sharpened their skills in interviewing and gathering evidence by taking testimonies from "victims" in a hypothetical case, similar to that which participants frequently encounter in their daily work. On the basis of these interviews, they then developed a case to be presented to the ECHR, determined which articles of the European Convention on Human Rights should be cited and which additional evidence should be gathered. Finally, the participants discussed exhaustion of domestic remedies in the context of this case and more broadly.

On the second day, the participants focused on improving their understanding of and preparation for advanced stages of litigation before the ECHR. This work included examining the Court's own practice directions which provide guidelines for the form and content for submissions as well as memoranda submitted by the Russian government and the responses produced by the Chechnya Justice Project and EHRAC.

By the end of the seminar, participants reached important conclusions regarding necessary steps in exhaustion of domestic remedies and content of advanced pleadings, which will be relevant for the project's future applications and submissions to the European Court. Two important reference documents were produced for the seminar, "Collection of Evidence and Exhaustion of Domestic Remedies," and "Elements in Government and Applicant's Memoranda in Relation to Court Case Law."

Advocacy

In February, the Moscow representative office director was invited to join the Russian Federation Ombudsman's Commission on Chechnya. This working group meets regularly to present the Ombudsman with information on human rights abuses in Chechnya, request assistance with specific cases, and make recommendations for policy.

Also in February, the executive director reported to the International Helsinki Federation's executive meeting held in Moscow. In November, the executive director attended a roundtable discussion on Chechnya during the International Helsinki Federation's annual meeting also held this year in Moscow.

The executive director maintained regular contact with members of the diplomatic corps from Canada, Germany, the Netherlands, Norway, Sweden, the United States, and the United Kingdom. Through these meetings, the project is able to provide political officers and others with information about the problem of impunity in Chechnya and recent developments in the human rights situation in the Northern Caucasus. These members of the diplomatic corps can then use this information when making policy recommendations and in dialogue with Russian interlocutors.

Together with the European Human Rights Advocacy Center and Memorial, the project conducted targeted joint advocacy regarding harassment and threats against applicants through contact with Council of Europe officials. The two projects also prepared reports for the UN Special Rapporteur on extrajudicial executions as well as for the UN Special Rapporteur on violence against women. Similarly, the project provided assistance on the ground to the Special Rapporteur for violence against women during her trip to Russia in December 2004.

The project also provided assistance and information to Rudolph Bindig, Parliamentary Assembly of the Council of Europe Rapporteur for Legal Affairs and Human Rights, during his trip to Russia and in the subsequent writing of his report of 20 September 2004 "The Human Rights Situation in the Chechen Republic."

The executive director also traveled to the Council of Europe in October 2004 to attend the hearings on the first 6 cases from Chechnya and met with ECHR officials to discuss the progress of the project's cases. She also met with Council of Europe officials to discuss the situation in the Northern Caucasus and the continuing climate of impunity for crimes committed by federal forces.

Cooperation

During the project period, the project worked closely with the European Human Rights Advocacy Center and the Human Rights Center Memorial to conduct advocacy with officials from international organizations (see above). These projects' lawyers also met to discuss domestic and ECHR legal strategies and developments in the procuracy and judiciary in Ingushetia and Chechnya and participated in a joint training in December 2004.

Throughout 2004 the project maintained close contact with the Human Rights Center Memorial offices in Moscow, Nazran, Grozny and Urus-Martan in analyzing current trends in the human rights situation.

The project also met frequently with colleagues from Human Rights Watch, Moscow Helsinki Group, the European Human Rights Advocacy Center and the International Helsinki Federation Individual Rights Project. A frequent topic of discussion was security issues in the Northern

Caucasus and ways of managing increased pressure from government agencies on the activities and institutions of human rights advocates, particularly on those living and working in the region.

Together with the International Helsinki Federation and the European Human Rights Advocacy Center, the project wrote and published an informational booklet, "Chechnya and the European Court of Human Rights: Ethics and Obligations."

The project provided assistance to Amnesty International during its 2004 research trips to Moscow and Ingushetia and in preparation of the reports, "Chechen Republic: Normalization in Whose Eyes?" and "The Risk of Speaking Out. Attacks on Human Rights Defenders in the Context of the Armed Conflict in Chechnya."

Other important partner organizations include Secours Catholique, Federation International des Ligues des Droits de l'Homme (FIDH), Pax Christi Netherlands, the World Organization Against Torture (OMCT), the Norwegian Helsinki Committee, the Swedish Helsinki Committee and the Chechnya Advocacy Network (CAN).

IV. PROJECT PLAN FOR 2005

Project Objectives

The overriding goal of the Chechnya Justice Project remains to secure legal redress and reparations for victims of serious human rights abuses committed during the ongoing war in Chechnya and to promote respect for rights enshrined in the Russian Constitution and the European Convention on Human Rights. The project believes that its work will contribute to promoting justice for all victims of serious crimes in Chechnya by addressing key failures of the justice system through both domestic and international legal institutions. In particular, the project seeks to hold perpetrators accountable for specific violations by representing its 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 have been ineffective;
- Contributing to a peaceful resolution of the Chechnya conflict by establishing accountability for serious human rights abuses, which, it is believed... will decrease tensions and provide a model for resolving disputes through legal means rather than through violent conflict;
- Strengthening local capacity in the Northern 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 European Court;
- 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;
- Developing a body of ECHR 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, and contributing to the international legal system for the protection of human rights;

- Instituting reforms in Russian legislation and law enforcement to protect rights and freedoms enshrined in the Convention;
- Requiring the Council of Europe Committee of Ministers, as stipulated in the Convention, to supervise the implementation of the European Court's rulings and take measures to prevent further violations.

Project Activities

Legal Developments and Casework

The Chechnya Justice Project anticipates another ambitious and productive year in 2005. The project will continue to represent the interests of over 700 applicants in 95 cases: in 72 cases already presented to the European Court and in 23 cases currently in review for potential submission to the European Court.

The project will dedicate an ever-increasing portion of its work to the advanced stages of European Court litigation, including the communication stage and the admissibility stage. The project anticipates submitting pleadings on behalf of applicants in response to 15 government memoranda received in the communication stage as well as to a few admissibility decisions in its first cases.

The project will also present not less than 19 full applications to supplement preliminary applications submitted to the European Court in 2003 and 2004, and anticipates submitting 12 preliminary applications in 2005.

With the increased capacity provided by the Ingushetia lawyer and the legal director, the project will continue to respond to the ongoing need for legal representation for victims of serious abuses of human rights by taking on new cases. The project will represent approximately 10 new cases that have strong potential for success at the European Court.

Training

Chechnya Justice Project staff will continue to increase their expertise and qualifications through participation in trainings sponsored by human rights and international organizations both in Russia and elsewhere in Europe. Following on the success of the Council of Europe and European Court of Human Rights training program in 2004, the project hopes to sponsor a similar trip to allow additional staff members and other human rights activists and lawyers to attend.

In response to the specific needs of its staff lawyers, the project will again organize in-house seminars for intensive trainings on topics most relevant to the current work of the organization, including new ECHR case law, developments in Russian law, tools for submission of advanced ECHR pleadings, and preparation of ECHR oral arguments.

Research and Publications

The *Citizen's Guide* proved to be a highly functional and important document for the project's work with applicants from Chechnya and other parts of the Northern Caucasus. The project will revise the *Citizen's Guide* and publish additional copies to be distributed among existing and potential applicants as well as others who come to the project's offices seeking legal advice and assistance.

The project will publish a second practical guide, which will provide practical, step-by-step information for lawyers and human rights activists representing victims from Chechnya before Russian law enforcement bodies and the European Court of Human Rights. The booklet will draw on the success of the *Citizen's Guide* in transferring the project's expertise to a wider audience.

Many lawyers and human rights activists have participated in trainings and seminars related to ECHR and Russian litigation. Nevertheless, the training may remain incomplete, as representatives of victims often lack appropriate resource materials to assist them in their daily legal work. This practical guide for lawyers aims to fill that void.

As needed, the project will also commission research or conduct in-house research in order to produce reports on legal topics relevant to the project's Russian and European Court of Human Rights litigation.

Advocacy

The Chechnya Justice Project will continue to maintain established contacts with members of the diplomatic corps in Moscow and seek other opportunities for engaging in productive dialogue with foreign government officials. The Moscow representative office director will contribute advice and ideas to the work of the Russian Ombudsman's Committee on Chechnya. The project staff will also remain in frequent communication with members of the Russian and international media to ensure attention to the progress on cases from Chechnya before the European Court of Human Rights.

Cooperation

Drawing on productive relationships established in recent years with domestic and international organizations, the Chechnya Justice Project looks forward to continued productive cooperation with our many important partners. Joint advocacy will remain a priority, particularly on the topic of security of applicants.

V. CASES BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

For security reasons, only those cases that have reached the communication stage of ECHR litigation are included here.

The Disappearance of Idris Abdulazimov, Islam Utsaev, Masud Tovmerzaev, and Movsar Taisumov

Early in the morning of 2 June 2002, Russian troops on armored personnel carriers and other military vehicles drove to the village Novye Atagi for a targeted military operation. The soldiers burst into the Utsaev home, detained Islam Utsaev, and drove him away in an APC. The troops then proceeded to detain Movsar Taisumov, Idris Abdulazimov and Masud Tovmerzaev in their respective homes. On this same day, troops also detained Said-Magomed Imakaev (see below). None of the men have been seen or heard from since. Authorities within the procuracy have provided only perfunctory responses in reply to the families' exhaustive inquiries as to the whereabouts of their relatives and the investigations into their disappearances. Beginning in July 2004, one of the families in the case suffered repeated raids on their home, during which federal forces beat one elderly applicant severely, threatened other family members with violence and death, and stole the vast majority of the family's household possessions. The family was forced to leave their home and relocate to another village, but continue to fear for the safety of their relatives. The original full application in the case had been submitted in December 2003, to the Chechnya Justice Project on behalf of the families. The Court prioritized the case *Utsaeva and others v Russia* as a result of the security incidents and communicated the case in October 2004, and the project will respond to the government's memorandum in early 2005.

The Disappearance and Summary Execution of Shamil Akhmadov

During a March 2001 sweep operation in Argun, Russian federal forces detained Shamil Akhmadov, along with at least ten other men. Although the dead bodies of four of the men were found days later outside the Khankala military base, Akhmadov's relatives searched for him for over a year. In May 2002, they found his remains, bearing signs of extrajudicial execution, in a vacant lot on the outskirts of Argun. The Chechnya Justice Project filed a full application with the European Court of Human Rights on behalf of Tamusa Akhmadova and Larisa Sadulaeva in

August 2003. Following the harassment of one of the applicants and her family, the project submitted a letter in November 2003 to the European Court detailing the {these?} incidents. The European Court responded by prioritizing the case, *Akhmadova and Sadulaeva v Russia* and communicated the application to the Russian government on December 15. The project responded to the case in October 2004.

The Arbitrary Killing of Kazbek Akiev and Khamid Khatsiev

On 6 August 2000, without apparent reason, a Russian military helicopter opened fire, at a group of men who were mowing grass in the hills near the Ingush village of Arshty (just across the border with Chechnya). Two of the men were killed. The military prosecutor's office opened a criminal investigation, but the investigation has not been meaningful. In December 2001, the Chechnya Justice Project filed an application with the European Court of Human Rights on behalf of Khazman Akieva and Laila Khatsieva, mothers of the deceased, as well as a number of other close relatives. The Court communicated the case *Khatsiyeva and Akiyeva v Russia* in October 2004, and the project is currently preparing a response to the government's memoranda on the admissibility and merits of the case.

The Disappearance of Shakhid Baisaev

Russian federal troops detained Shakhid Baisaev during a sweep operation in Pobedinskoe (near Grozny) on 2 March 2000. Baisaev's wife, Asmart Baisaeva, has been looking for her husband ever since. In August 2000, armed masked men sold her a videocassette containing footage of her husband's detention. Russian prosecutors opened a criminal investigation, but failed to take basic and necessary steps to determine the perpetrators of the crime. The Chechnya Justice Project submitted the videotape to the prosecutor's office with a request to identify the individuals on the videotape and question them, but never received a response. In April 2002, the project filed an application to the European Court of Human Rights on behalf of Baisaeva. The case *Baisaeva v Russia* was communicated to the Russian government in February 2004, and the project submitted its memoranda in response in July.

The Unlawful Detention and Torture of Arbi and Adam Chitaev

Russian federal troops detained Arbi and Adam Chitaev in April 2000. The brothers were held in the Chernokozovo detention facility until their release in September of that year, and both men suffered ill treatment and torture. Criminal charges against them were dropped shortly after their release. Memorial Human Rights Center filed a complaint on behalf of the brothers to the European Court of Human Rights in July 2000. In summer 2001, both sides requested that the Chechnya Justice Project represent the brothers in further proceedings. The project initiated appropriate action in the domestic legal system and filed an additional submission in the case *Chitaev and Chitaev v Russia* to the European Court in November 2002. The European Court communicated the case to the Russian government on 28 August 2003. The Chechnya Justice Project received the government's observations and responded with its own memorandum in May 2004.

The Summary Execution of Five Members of the Estamirov Family

On 5 February 2000, Russian federal troops summarily executed five members of the Estamirov family in the Novye Aldi suburb of Grozny. Among the victims were a one-year-old boy and a woman who was eight months pregnant. The criminal investigation into the killings failed to secure physical evidence at the scene of the crime or conduct full forensic medical examinations of the bodies, and neglected to question witnesses." London-based barrister Gareth Peirce of the firm Birnberg, Peirce and Partners filed an application with the European Court on behalf of the Estamirov family in August 2000. The Chechnya Justice Project team provided additional submissions to the European Court in 2001 and 2002. On 18 June 2003, the European Court communicated the case to the Russian government, and *Estamirov v. Russia* was the first Chechnya Justice Project case to be communicated. In late October 2003, the project submitted a response to the government's memorandum of 9 September. The case is currently awaiting admissibility.

The Summary Execution of Mariam and Magomet Goigov

In January 2000, Russian federal troops summarily executed fifty-nine-year-old Mariam and thirty-one-year-old Magomet Goigov in the Staropromyslovskii district of Grozny. A medical examination by an Ingush forensic expert shows that Magomet Goigov was severely tortured before his death. Russian prosecutors opened a criminal investigation into the summary executions, but the investigation has not been meaningful. In September 2001, the Chechnya Justice Project filed an application with the European Court of Human Rights on behalf of Petimat Goigova and her four children. The case *Goigova v Russia* was communicated in August 2004, and the project is preparing a response to the government's memorandum.

The Disappearance of Said-Khusein and Said-Magomed Imakaev

On 17 December 2000, twenty-three year old Said-Khusein Imakaev was driving home from the market when a group of armed men stopped his car and detained him. Said-Khusein subsequently disappeared. Investigators failed to question key witnesses and soon suspended the investigation. In February 2002, Said-Khusein's parents filed an application with the European Court of Human Rights. Four months later, on 2 June 2002, Russian federal forces detained Imakaev's father, Said-Magomed Imakaev, at his home. Said-Magomed subsequently also "disappeared." The official investigation failed to follow leads that could help identify the officers who detained Imakaev. That same month, the Chechnya Justice Project filed an application regarding the second disappearance to the European Court. In response to a request from the European Court about the father's disappearance, the Russian government asserted that, most likely, rebel fighters disguised as federal forces had detained Said-Magomed Imakaev. The Chechnya Justice Project submitted a large body of evidence of Russian federal troops' involvement in the disappearance to the European Court. The European Court communicated the case on 4 July 2003, and the project prepared a response to the government's memorandum of 26 September on the admissibility and merits of the case. The project is currently awaiting the Court's admissibility decision.

The Disappearance of Sultan Isaev

On 29 April 2001, Russian troops conducted a sweep operation in Alkhan-Kala. In the course of the operation, they detained eleven men, including Sultan Isaev, who subsequently disappeared. Isaev's wife, Khamila Isaeva, has since sought to establish the whereabouts of her husband, but to no avail. At the request of the Chechnya Justice Project, Professor Bill Bowring of London Metropolitan University filed an application with the European Court on behalf of Isaev's wife in December 2002. The Court communicated the case *Isayeva v Russia* to the government in October 2004, and the project received the government's response two months later. The project will now prepare a response on behalf of the applicant.

The Disappearance of Aпти Isigov and Zelimkhan Umkhanov

During a 2 July 2001 sweep operation in Sernovodsk, Russian troops detained hundreds of men, including Aпти Isigov and Zelimkhan Umkhanov. Most men were released the same evening, but Isigov and Umkhanov "disappeared." Their relatives have since unsuccessfully sought to establish their whereabouts. A criminal investigation was opened but later suspended on the grounds of failure to identify a suspect, despite the fact that the procuracy questioned several servicemen who participated in the sweep operation and even members of the APC crew that detained the two men. The Chechnya Justice Project filed a preliminary application with the European Court on behalf of the relatives of the two men in December 2001. The case *Isigova and Umkhanova and others v Russia* was communicated in November 2004, and the project awaits the government's memorandum.

The Disappearance and Extrajudicial Execution of Nura Lulueva

On 3 June 2000, armed masked men on an armored personnel carrier detained Nura Lulueva, her cousins and several other people at the Northern market in Grozny, where they had been

selling strawberries. In March 2001, Lulueva's body and those of her cousins were discovered among those retrieved from a mass grave in Dachny village, outside Grozny. Russian prosecutors failed to conduct a meaningful investigation. No full forensic examination was conducted on the body, and physical evidence, including clothing and blindfolds, was not saved as material evidence. Nearly three years after the discovery of the body, the investigation has led to no results. The Chechnya Justice Project filed an application with the European Court on behalf of Lulueva's family in March 2001, and the case *Luluev v Russia* was communicated on 17 November 2003. In July 2004, the project responded to the Russian government's memorandum.

The Unlawful Detention and Torture of Suleiman Medov

Russian federal troops detained Suleiman Medov in January 2000. Medov was held in a variety of detention centers, including Chernokozovo, for the next three months. During this period, Medov was tortured and beaten frequently. Members of the Chechnya Justice Project team gathered evidence of Medov's ill treatment and corresponded with the prosecutor's office regarding his case. By June 2001, domestic remedies had been exhausted. At the project's request, Maxim Ferschtman of the Dutch law firm Böhler, Franken, Koppe, Wijngaarden Advocaten filed an application to the European Court of Human Rights on behalf of Suleiman Medov in December 2001. The Court communicated the case *Medov v Russia* in September 2004, and the project is waiting for the government's memorandum.

The Disappearance of Khadzhimurat Yandiev

On 2 February 2000, Russian federal troops detained a wounded Khadzhimurat Yandiev at a hospital in Alkhan-Kala. Video footage of the detention submitted to the prosecutor showed how a Russian officer questioned Yandiev, and then ordered his execution. Yandiev's mother has been looking for her son ever since. Russian prosecutors have refused to open a criminal investigation into Yandiev's disappearance and have not identified the officer clearly visible on the video footage. The Chechnya Justice Project team filed an application with the European Court on behalf of Fatima Bazorkina, Yandiev's mother, in April 2001, and submitted a supplement to the application in September 2002. The case *Bazorkina v Russia* was communicated on 17 November, and Chechnya Justice Project responded to the government's memorandum in July 2004.

VI. STAFF, BOARD, AND COMMITTEES

Staff

INGUSHETIA

Tanzila Arsamakova, *research assistant*
Arsen Sakalov, *Ingushetia coordinator*
Suleiman Katsiev, *lawyer*
Dokka Itslaev, *lawyer (part-time)*
Anastasia Maltseva, *lawyer*

MOSCOW

Jane M. Buchanan, *executive director*
Elena Ejova, *Moscow representative office director and lawyer*
Olga Ejova, *office manager/ legal assistant*
Andrei Nikolaev, *lawyer*
Ludmila Polshikova, *legal assistant*

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 endeavors, and act as a public face for the organization. The board meets four times a year and delegates responsibility for day-to-day operations to the staff. The executive director reports to the governing board.

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*
SENIOR ADVISOR TO THE BOARD
Diederik de Savornin Lohman, *Human Rights Watch*

Committee of Recommendation

The Chechnya Justice Project also maintains a committee of recommendation, which 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 literally “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, *Dutch Senator and member of the 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 of the Parliamentary Assembly of the Council of Europe (formerly President)*

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, made up 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*
Professor William Bowring, *London Metropolitan University Faculty of Law*
Professor André Nollkaemper, *University of Amsterdam Faculty of Law*
Gareth Peirce, *Birnberg, Peirce and Partners, London*
Maria K. Pulzetti, *Founding Executive Director, Chechnya Justice Project*
Ruslan Yandarov, *Moscow Bar Association*

VII. FINANCES AND SUPPORTERS

The Chechnya Justice Project is fortunate to have received generous support for its work from a variety of donors again in 2004. The project secured funding from both existing and new supporters and secured several important multi-year commitments from major donors.

New donors:

- The Global Conflict Prevention Pool, a consortium of United Kingdom government agencies, awarded the project its largest grant to date of 225.000GBP (€322.000) for 2004-2007. A portion of those funds was distributed in late 2004 for 2004 and 2005 expenditures.
- The Swedish Helsinki Committee, a new donor to the project, committed substantial support for the project for 2004-2006. A sum of €65.000 was provided for 2004. This funding is made possible through a grant from the Swedish International Development Cooperation Agency (SIDA).

- The United Nations High Commissioner for Refugees (UNHCR) Moscow office awarded the project US\$20.959 for support of the Ingushetia office.
- Secours Catholique (CARITAS- France) provided the project with a €20.000 emergency grant in early 2004.
- The Embassy of the Republic of Germany in Moscow awarded the project €9.007 for training.

Continuing supporters:

- The Royal Netherlands Ministry of Foreign Affairs granted the project €210.000 for 2004-2006 project expenses. €47.250 was distributed for 2004.
- The Royal Norway Ministry of Foreign Affairs renewed its funding from 2003 and provided €60.000 for project expenses in 2004.
- Renewing the 2002-2003 and 2003-2004 grants, the Open Society Institute awarded the project €33.456 for 1 July 2004- 30 June 2005 project expenses.
- The United Nations Voluntary Fund renewed the 2003 grant and provided the project US\$50.000 for work with victims of torture and their families in 2004.

Expenditures January-December 2004

TOTAL: € 260.001,19

Personnel, including salaries, benefits, staff development: **€ 123.703,08**

Administration, including rent: **€ 46.489,31**

Equipment: **€ 12.509,21**

Consultants, Honoraria, Translations: **€ 32.070,05**

Publications: **€ 1191,77**

Travel: **€ 26.986,77**

Training: **€ 351**

Emergency: **€ 6.700**

Allocated to Liability Fund: **€ 10.000**

The Project is pleased to announce among its supporters for 2005: Amnesty International Netherlands, the Republic of France (for the Prix des droits de l'homme 2004), the Royal Netherlands Ministry of Foreign Affairs, the Open Society Institute, the Swedish Helsinki Committee (from the Swedish International Development Cooperation Agency), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Voluntary Fund for Victims of Torture.

ACKNOWLEDGEMENTS

The Chechnya Justice Project gratefully acknowledges its financial supporters during 2004: Amnesty International Netherlands, the Embassy of the Republic of Germany in Moscow, the Royal Netherlands Ministry of Foreign Affairs, the Royal Norway Ministry of Foreign Affairs, the Open Society Institute, Secours Catholique (CARITAS-France), the Swedish Helsinki Committee (from the Swedish International Development Agency), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Voluntary Fund for Victims of Torture.

The project thanks the individuals who offered their time and assistance as interns during 2004, Ole Solvang and Lene Wetteland. Ole Solvang is a graduate student in international affairs and human rights at the School for International and Public Affairs at Columbia University. He spent 3 months working in the project's Moscow office in the summer of 2004. Ole assisted the project's lawyers in preparing applications to the European Court, drafted two applications to the European Court, updated the project's website, and completed a research project on the effectiveness of appealing through the Chechen courts the negligence of the procuracy. Lene Wetteland is a graduate student at the University of Bergen in Norway. During her internship in September-December 2004, she also assisted the project's lawyers in preparing applications to the European Court, helped prepare the project's December training seminar, and researched the problem of non-investigation of crimes in Chechnya.

The project's work in 2004 would not be possible without the contributions of our Ingushetia security team, which protects the safety of the project's staff and clients when in Ingushetia. We are also indebted to our colleagues at the European Human Rights Advocacy Center, Memorial, Human Rights Watch, and the International Helsinki Federation's Individual Rights Project, who are generous with both their wisdom and their friendship.

The guidance and backing of the members of our advisory committee and committee of recommendation continue to contribute meaningfully to the development and sophistication of the project.

Others who have offered special assistance to the project in 2004 include: Johannes Ahlefeldt, Olga Amsheyeva, Frederike Behr, Anna Berezova, Chris Bowers, Bill Bowring, Kimberly Burstein, Miriam Carrion-Benitez, Mark Alan Brown, Gaelle Feneloux, Maxim Ferschtman, Dokka Itslaev, Aleksei Krasnov, Philip Leach, Roemer LeMaitre, Tanya Lokshina, Sanne Lowenhardt, Anna Olin, Ludmila Polshikova, Maria Pulzetti, Sanja Relic, Timothy Richardson, Stephan Sonnenberg, Natasha Tiurina, Victoria Webb, the staff at Amnesty International-Netherlands, the staff at Secours-Catholique, and numerous others who, for security reasons, cannot be named here.

APPENDIX

Update on the situation in Chechnya

The human rights situation in Chechnya remained dire in 2004. Although large “mopping up” operations (in Russian, *zachistki*) characteristic of federal force actions in previous years were less frequent, arbitrary detentions at the hands of Russian and Chechen security services remained common. Abductions most often occurred during nighttime raids on targeted Chechen homes and were usually followed by enforced disappearance, torture, and ill treatment. The Russian and Chechen security services responsible for the majority of these crimes continue to enjoy almost complete impunity.

According to the Russian Human Rights Center Memorial, which conducts monitoring in approximately one-third of the republic, at least 396 residents were kidnapped in Chechnya in 2004. Of those kidnapped, 175 “disappeared.” In addition, 293 residents were killed during the year. The ITAR-TASS news agency quoted Chechen Security Council head Rudnik Dudayev as stating that approximately 500 people were kidnapped in Chechnya in 2004.

Terrorism and other attacks contributed to a dangerous destabilization of the whole of the Northern Caucasus region. The President of the Chechen Republic, Akhmed Kadyrov, was assassinated while attending World War II victory day celebrations in Grozny on 9 May 2004. On June 22, armed fighters carried out a coordinated raid in Ingushetia, causing at least 45 casualties. Armed fighters also conducted a large-scale attack on 20 August in Grozny. On September 1-3 a group of hostage takers held thousands of children and adults hostage in a school in Beslan, Northern Ossetia. The siege resulted in the massacre of 330 schoolchildren, their teachers, and parents. This hostage taking was preceded in late August by the downing of two airliners in Russia, apparently by suicide bombers, and a suicide bomb attack outside a Moscow metro station.

In response to these events, the Russian authorities proposed sweeping changes in the political and electoral systems across Russia. The Prosecutor General of the Russian Federation, Vladimir Ustinov, proposed extreme measures to curb the rebel attacks that included a call to detain relatives of prominent Chechen fighters as hostages in an attempt to force the rebels to surrender. Human rights groups denounced this proposal as contradicting international human rights treaties, which clearly forbid hostage taking. Memorial reported in December that forces loyal to the Moscow-backed Chechen government detained eight relatives of rebel leader Aslan Maskhadov.

Following the assassination of Akhmed Kadyrov, special elections were held in late August to elect a new president. Several prominent candidates, including Moscow-based lottery tycoon Malik Saidullayev, who enjoy popularity among Chechen civilians were excluded from running on the basis of technicalities and other unfair practices. The official Chechen election commission reported that the Kremlin-backed candidate, Chechen Interior Minister Alu Alkhanov, won over 73% of the votes with voter turnout of over 80%. Journalists and election monitors from Russian NGOs reported a starkly different picture of deserted streets and empty polling stations, and the US State Department called the elections “seriously flawed.” Akhmed Kadyrov’s son, Ramzan Kadyrov, who commands the presidential security force known as the “Kadyrovtsy,” was appointed Deputy Prime Minister. There are numerous credible reports accusing “Kadyrovtsy” of abducting and torturing Chechen civilians. Nevertheless, Ramzan Kadyrov was awarded the “Hero of Russia” medal in December for courage and heroism displayed during the discharge of official duties.

Throughout the year, the Russian government succeeded in pressuring thousands of Internally Displaced People (IDPs) still living in official camps in Ingushetia to return to Chechnya. Following the 22 June rebel attack on Ingushetia, the International Helsinki Federation and the Moscow Helsinki Group reported an increase in police operations targeting the camps. These operations involved mass detention, beatings and intimidation and left many IDPs without a choice but to return home, and the authorities subsequently closed the remaining tent camps. According to the

Norwegian Refugee Council, in August 2004, the number of IDPs still residing in Ingushetia was 46,000, a considerable decrease from a total of 66,000 estimated present in January 2004.

Amnesty International reported in November that Russian and Chechen security forces were increasingly targeting human rights defenders and activists as well as applicants to the European Court of Human Rights. The organization reported cases of extra-judicial executions, disappearances, torture and ill treatment against these persons and their close relatives. Some human rights activists were forced to cease working or leave Russia out of fear for their safety.

Accountability in Chechnya

Widespread impunity for serious human rights abuses in Chechnya remained unchanged in 2004. In only one case in the Chechnya Justice Project's entire caseload was there an arrest or trial of a suspect, and not a single indictment. Although the Russian government states that the procuracy and court systems are fully functional in Chechnya, there remains an indefensible lack of progress on criminal cases. In one of the few cases that have gone to trial, a jury acquitted four Russian servicemen accused of murdering six Chechen civilians. The jury found that, while the men had indeed shot dead the driver and passengers in a civilian automobile in January 2002, and had then set fire to the automobile with their corpses to cover up the shooting, the officers "had not exceeded their authority" because they were acting under orders. No charges have been brought against the senior officer who issued those orders.

Following up on its previous statements on the human rights situation in Chechnya, the Parliamentary Assembly of the Council of Europe stated in its October 2004 Resolution, "there is little progress in the prosecution of perpetrators of human rights violations by the national law enforcement bodies" and reiterated its previous statement that "a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and Federal law enforcement authorities are still unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations."

Although in most instances local prosecutors continue to launch criminal investigations into civilians' complaints of serious abuses, they routinely suspend these investigations shortly afterwards, claiming it is impossible to establish the identity of the perpetrator. Yet, in most cases, investigators fail to take even the most basic investigative steps of questioning eyewitnesses, visiting the scene of the crime, or collecting physical evidence. As a result, prosecutions are extremely rare, even in straightforward cases.

Moreover, it is exceedingly difficult for individuals in Chechnya to pursue protection of their rights on their own. The unstable security conditions, the lack of information on rights and on domestic or international remedies, the lack of qualified lawyers in the region, the poverty of the general population, and the lack of basic telecommunications services place almost insurmountable obstacles before those who would wish to do so.