



# CHECHNYA JUSTICE PROJECT ANNUAL REPORT 2005

STICHTING  
**RUSSIAN JUSTICE INITIATIVE**

Правовая Инициатива

MOSCOW

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UTRECHT

# Chechnya Justice Project

## Annual Report 2005

STICHTING  
RUSSIAN JUSTICE INITIATIVE

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Правовая Инициатива

Moscow

Nazran

Utrecht

# CHECHNYA JUSTICE PROJECT

*The Chechnya Justice Project (the Project) is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for human rights abuses committed in Chechnya. Through its implementing partners the Stichting Russian Justice Initiative (the Netherlands) and Pravovaia Initsiativa (Ingushetia), the Project provides free legal counsel to victims of arbitrary detention, enforced disappearances and extrajudicial executions and bring these cases to the European Court of Human Rights in Strasbourg, France (the European Court, the Court or ECHR).*

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. 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.

The Chechnya Justice Project 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 Stichting 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 Project has steadily increased the number of victims it represents. In December 2004, the organization the Stichting Chechnya Justice Initiative was renamed the Stichting Russian Justice Initiative.

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

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# EXECUTIVE SUMMARY

*Representing more than 800 victims and their family members in 115 cases, 95 of them currently pending before the European Court of Human Rights, the Chechnya Justice Project has established itself as the leading organization conducting human rights litigation on cases from Chechnya. According to the Court, almost half of the applications received by the Court regarding grave human rights abuse in Chechnya have been submitted by the Project's lawyers.*

## ***Litigating Cases***

In 2005, the Project again exceeded all expectations for its litigation work. Through improved efficiency and new project targets, the Project opened 21 new cases and submitted 36 full applications to the Court. Several of the Project's cases already before the European Court made demonstrable progress in 2005. During the year, 18 of the Project's cases were communicated to the Russian government and seven were declared admissible.

## ***Milestones at the European Court of Human Rights***

In December the European Court, for the first time, conducted an oral hearing in one of the Project's cases. The case, *Bazorkina v. Russia*, concerns the disappearance of Khadzhimurat Yandiev, who was detained by Russian federal forces at a hospital in Alkhan-Kala, near Grozny, in February 2000. The case is the first disappearance case from Chechnya to be heard by the Court and will set important precedent for future cases. The first decision in one of the Project's cases is expected during the first six months of 2006.

This year the European Court handed down decisions in the first cases concerning Chechnya before the Court. In all cases, the Court found the Russian Government responsible for the death of the applicants' relatives and awarded compensation.

## ***Building capacity***

The Project devoted increased resources to developing partnerships with local legal professionals in the communities where it works. Building on many years of experience and substantial expertise in the field of ECHR litigation in Russia, the Project's staff worked to enhance the knowledge and skills of Russian lawyers in the fields of Russian law, European law, international law, and the

European Court of Human Rights. In addition, the release of several publications and the development of an online resource center in 2005 will serve as important tools for building greater local capacity to seek and receive justice.

### *Advocating change*

The Project strives to foster nuanced and informed discussions about the human rights situation in the North Caucasus. Working alone and in coalitions with like-minded NGOs and activists, the Project advocated for an end to impunity for grave human rights abuses in Chechnya, the full implementation of ECHR decisions, and the establishment of better protection mechanisms in the North Caucasus.

### *Impact*

Although no decisions have yet been issued by the European Court in cases filed by the Project, the impact of the Project's work is already evident in some offices of the Chechnya justice system. In cases in which the Project has filed applications with the Court, closed investigations have been re-opened and local courts are beginning to recognize cases of prosecutorial negligence. The Project is working with advocacy partners to ensure the swift and effective implementation of ECHR decisions by the Russian government once they are handed down.

### *Awards and recognition*

The Project received substantial recognition of its work in the area of human rights during 2005. The Project's Ingushetia director, Arsen Sakalov, received the Swedish Per Anger Prize for his efforts to promote democracy and human rights. Mr. Sakalov was nominated for the prize by the Swedish Helsinki Committee, one of the Project's partners. The Per Anger prize follows the award of the prestigious Human Rights Prize of the French Republic to the Chechnya Justice Project in 2004.



PHOTO: AP PHOTO / MUSA SADULAYEV

## CHECHNYA IN 2005

*The human rights situation in Chechnya remained dire in 2005. Although large sweep operations (in Russian, zachistka) characteristic of Russian federal forces in previous years were less frequent, arbitrary detentions at the hands of Russian and Chechen security services remained common. Abductions most often occurred during night raids on targeted Chechen homes and were usually followed by enforced disappearance, torture, or ill treatment. The Russian and Chechen security services responsible for the majority of these crimes continue to enjoy almost complete impunity.*

### ***The human rights situation***

According to the Human Rights Centre “Memorial,” which conducts monitoring in approximately one-third of the republic, between 3,000 and 5,000 people have disappeared since the beginning of the Second Chechen War in 1999. In 2005, at least 316 people were kidnapped. Of those kidnapped, 127 disappeared. According to Human Rights Watch, disappearances in Chechnya are so widespread and systematic that they constitute crimes against humanity.

While enforced disappearances were widely committed by Russian federal forces during the early stages of the second war, there are credible reports that more civilians now disappear at the hands of pro-Moscow Chechen security forces. Particularly notorious for its violent and illegal methods are the so-called *Kadyrovtsy*, an unofficial paramilitary group originating in the private bodyguard structures of the former president of Chechnya, Akhmad Kadyrov, and commanded by his son, Prime Minister of Chechnya, Ramzan Kadyrov.

Another pro-Moscow group, the so-called *Yamadavtsy*, after the commander of the Vostok battalion, Suleiman Yamadaev, was responsible for the sweep operation in the village Borozdinovskaya in June 2005, during which several houses were burned and 11 people disappeared. After the operation, the inhabitants of Borozdinovskaya fled Chechnya and attempted to settle just across the border in Dagestan. Under pressure from the authorities the villagers returned home.

In spite of overwhelming evidence that the *Yamadavtsy* conducted the operation, the 11 disappeared men were not found and no one was held accountable for their disappearance or the destruction of the village.

Terrorism and other attacks continued throughout the Northern Caucasus region in 2005. In October, armed insurgents attacked police stations, the air-

port and government buildings in Nalchik, the capital of Kabardino-Balkaria. More than 130 people were killed during the clashes, including at least 9 civilians. Although Chechen rebel leader Shamil Basayev claimed responsibility for the attacks, most insurgents appeared to be local.

Most commentators link the attacks to the repressive and violent policies of the local authorities over the last couple of years. In the wake of the events, several people were detained and tortured. The authorities also refused to return the dead bodies of suspected insurgents to their families. Denying suspected insurgents a proper burial created additional tension between the population and the authorities.

In 2005 human rights defenders and organizations working on Chechnya were increasingly targeted by the authorities. The Russian-Chechen Friendship Society faced several indictments and its members were subject to harassment, intimidation, threats, and organized smear campaigns.

In December, amendments were proposed to the law on non-governmental organizations that would bar foreign organizations in Russia and significantly increase the authorities' control over the activities of Russian non-governmental organizations. The amendments were adopted in January 2006 and, although the provision barring foreign organizations was removed, non-governmental organizations will likely be subject to far greater scrutiny and interference from the authorities in the future.

### *Accountability*

The situation of widespread impunity for serious human rights abuses in Chechnya remained unchanged. Although in most instances local prosecutors continued to launch criminal investigations based on civilian complaints of serious abuses, they routinely suspended these investigations shortly afterward, claiming that it is impossible to establish the identity of the perpetrator.

Yet, in most cases, investigators failed 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 were extremely rare, even in straightforward cases. Moreover, it was 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 and international remedies, the lack of qualified lawyers in the region, the poverty of the general population, and the lack of basic telecommunications services placed almost insurmountable obstacles before those who wished to seek justice.

In its December report, the Committee of Legal Affairs and Human Rights

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at the Parliamentary Assembly of the Council of Europe stated that “there is no end to gross human rights abuses in Chechnya, in the form of murder, enforced disappearance, torture, hostage-taking, and arbitrary detention. In addition, the climate of impunity is spreading further, beyond the Chechen and Ingush Republics, into other regions in the Northern Caucasus, including North Ossetia and more recently Kabardino-Balkaria.”

In spite of the overwhelming number of disappearances and often strong indications that representatives of law-enforcement structures were involved in the disappearances, only one person has been held accountable for a disappearance. In March 2005, Sergei Lapin, member of a special federal riot police unit (OMON) was sentenced to 11 years in prison by a court in the Chechen Republic. This is the first time a member of the Russian federal forces stood trial in Chechnya for human rights violations against the civilian population. Lapin was convicted for the torture and disappearance of 26-year-old Zelimkhan Murdalov in 2001.

Another example of one of the rare cases which made its way to court is the Ulman case, the trial of four Russian servicemen accused of killing six Chechen civilians in January 2002 near the village of Dai. Juries in the case twice acquitted the men, finding that the servicemen had indeed shot dead the driver and passengers in a civilian car in January 2002, and had then set fire to the car containing their corpses to cover up the shooting.

Nevertheless, the jury concluded that the servicemen “had not exceeded their authority” because they were acting under orders. The Supreme Court quashed the not-guilty verdict and a re-trial is expected. No charges were brought against the senior officer who issued those orders.

# LITIGATING CASES

*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 the main activity of the Project in 2005. Almost half of the cases before the European Court regarding grave human rights abuse in Chechnya have been submitted by the Chechnya Justice Project.*

## **Project methodology**

The Project receives requests for representation from people who have learned about the organization and its work from media, existing clients, or other human rights organizations.

In selecting cases, the Project gives priority to serious violations, such as extrajudicial executions, torture, arbitrary detention and disappearances. In addition, potential applicants must express the desire to seek justice for themselves or their relatives and be able to produce sufficient documentation or other evidence of the violation.

Once a case has been identified, the Project collects documentation of the violation and of all prior attempts to seek justice through the domestic legal system. The Project then assists the clients in exhausting domestic remedies, including calling for prosecutorial bodies to investigate the abuses and hold the perpetrators accountable.

In most cases, however, criminal investigations do not lead to prosecution. Once the Project establishes that a case will make no further progress in Russia, the staff lawyers prepare an application to the European Court of Human Rights.

## **Procedure at the European Court of Human Rights**

The European Court of Human Rights is an international court based in Strasbourg, France. The Court applies the European Convention on Human Rights. Its task is to ensure that States respect the rights and guarantees set out in the Convention.

It does this by examining complaints (known as “applications”) lodged by individuals or, sometimes, by States. The procedure before the Court consists of several stages.

### ***Applications***

The first stage of the procedure before the European Court of Human Rights is the submission of the application, which usually consists of two main documents. The first document, the preliminary application, contains basic information about the applicants, a short description of the alleged violations, and an outline of which articles of the European Convention have been violated according to the applicants.

The second document, the full application, includes all relevant information including detailed legal reasoning about the alleged violations.

### ***Communication***

Having received the full application, the Court takes an initial review of the potential for admissibility of the case. Upon a positive review, the Court informs the Russian government about the application and requests the government to comment on the admissibility and merits in the case. This stage is called the communication stage.

The government may then submit a memorandum, to which the applicants and their representatives may respond.

### ***Admissibility***

Following the Court's communication and the subsequent responses, the Court makes a decision on admissibility. At this stage, the representatives of the applicants and the respondent government submit detailed legal reasoning concerning the admissibility of the case. If the Court determines that the case is admissible, a final judgment will follow.

If the Court finds that there has been a violation of the European Convention, it may award the applicant "just satisfaction," a sum of money in compensation for certain forms of damage. In addition to paying compensation, the government is obliged to undertake measures to fully restore the rights of the applicant and to prevent similar violations from happening again.

### **The Project's cases**

The majority of new cases that the Project submitted to the Court in 2005 concerned enforced disappearances in Chechnya. Other cases concerned extrajudicial killing, torture, arbitrary detention and disproportionate or careless use of force resulting in the needless death of civilians. In most cases there are strong indications that the perpetrators of the violations belonged to Russian law-enforcement agencies.

Recognizing that the conflict in Chechnya and the associated human rights violations were spreading to other republics in the North Caucasus, the Project in 2005 decided to open select cases from North Caucasian republics other than Chechnya in cooperation with local lawyers. Through such cooperation the Project hopes to continue its practice of building local capacity to better seek and receive justice.

In 2005 the Project began work on three cases from Nalchik, the capital of Kabardino-Balkaria, where more than 130 people were killed in October 2005 when armed insurgents attacked local police stations, the airport and other government buildings. One of these cases concerns the authorities' refusal, on the basis of the federal law "On the fight against terrorism," to return for proper burial the bodies of certain persons killed during the October events. The refusal to return bodies for proper burial raises several issues such as infringement on freedom of religion, presumption of innocence, and right to a fair trial. The Project also represents two people detained after the events in Nalchik and subsequently subjected to especially cruel torture.

For a description of some of the Project's cases, see appendix.

### **Caseload**

At the time of this report the Project represents more than 800 victims and their family members in 115 cases. In 95 of these cases the Project's lawyers have exhausted all possible domestic remedies in Russia and the cases have been submitted to the European Court of Human Rights.

### ***Applications***

The Project focused on improving the efficiency and quality of its filings with the Court in 2005. Steps were taken to shorten the time period between initial filing of an application to the Court and the Project's submission of the full application. The time between filings was reduced from one year to six weeks. Twenty-one new cases and 36 full applications were submitted to the Court in 2005.

### ***Communication***

Due to a 2004 decision by the European Court to give all cases from Chechnya priority, the Project has seen its cases proceed to the advanced stages of litigation more rapidly than expected. Thirty-two of the project's cases have now reached the second stage of litigation at the Court, at which point the respondent government is officially informed of the application.

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***Admissibility***

In 2005 the Court declared seven of the Project’s cases admissible - the final stage of litigation before the Court evaluates a case on its merits and issues a decision. The first decision on the merits in one of the Project’s cases is expected during the first half of 2006.

The high success-rate of applications submitted to the European Court by the Project thus far reflects the high quality of the applications and submissions by the Project’s staff. Indeed, more than 90 percent of all applications submitted to the Court are refused due to procedural problems.

The Project is pleased to report that all of its cases 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.

***The project’s cases at the European Court***

	Progress in 2005	Total
Preliminary applications	21	95
Full applications	36	83
Communicated	18	32
Admissible	7	7

**Milestones at the European Court of Human Rights in 2005**

In 2005 the Project participated in its first oral hearing before the European Court, held on 8 December in the case *Bazorkina v. Russia*. Although oral hearings are rare, the Court occasionally requests that representatives of the applicant and the respondent government appear before a panel of judges to respond to the Court’s inquiries.

The case *Bazorkina v. Russia* concerns Khadzhimurat Yandiev, who was detained by Russian federal forces at a hospital in Alkhan-Kala, near Grozny, in February 2000. Video footage of the detention submitted to the prosecutor shows a Russian officer questioning Yandiev and then ordering his execution. Yandiev has not been seen since. Russian prosecutors refused to investigate the case properly and no one has been held accountable for Yandiev’s arrest and disappearance. The Project filed an application with the European Court on behalf of Fatima Bazorkina, Yandiev’s mother, in April 2001. The case was declared admissible on 15 September 2005.

At the hearing four members of the Project's staff presented the applicant's arguments and answered the Court's questions before a panel of seven judges. Of particular concern for the Court was the Russian government's refusal to disclose documents from the investigation file (see also *Advocating Change*).

Access to the investigation file is crucial for evaluating whether a government has fulfilled its obligation to properly investigate allegations of abuse. In cases where the authorities were responsible for the actual abuse, the investigation file often contains crucial information about the abuse itself.

In spite of numerous requests, however, the Russian government has refused to disclose the investigation file in this and many other cases pending before the Court, relying on arguments that the disclosure of the investigation file would have a negative effect on the investigation.

The Project has strongly objected to such arguments, maintaining that the Russian government is under an obligation to disclose the entire investigation file. In anticipation of the oral hearing, the Russian government finally submitted the investigation file three weeks before the hearing. The Court's decision in the case will clarify the government's responsibilities on this issue.

The case is also of great importance because it is the first case to deal with disappearances in Chechnya. The Court's decision will set important precedent for the dozens of other disappearance cases pending before the Court. A decision in the case is expected during the first six months of 2006.

### ***First European Court of Human Rights decisions on Chechnya***

In February 2005, the ECHR delivered decisions in the first three cases concerning violations in Chechnya. In all three cases, the applicants, represented by the European Human Rights Advocacy Centre/Memorial, alleged that their family members were killed by the actions of the Russian military in 1999 and 2000.

In all three cases, the European Court found the Russian armed forces responsible for the death of the applicants' relatives and ordered the Russian government to pay compensation to the applicants. The Russian government's appeal to the Grand Chamber of the European Court was rejected and the government paid compensation to the relatives in October 2005.

These decisions are important indicators for the Chechnya Justice Project's own cases before the European Court. The Court held in these first three cases, for example, that the criminal investigations into the alleged violations had lacked "sufficient objectivity and thoroughness" and that the Russian government therefore had violated Article 13, the right to an effective remedy.

The Project is applying similar arguments in its own cases and expects the Court to reject, as it has in these initial cases, the Russian government's argument that applicants have failed to exhaust all domestic remedies prior to filing applications with the Court.

### **Legal clinic**

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 determines that a case is unsuitable for European Court litigation.

To address the concerns of those the Project is unable to assist at this time, a drop-in legal clinic was established in 2004. The legal clinic allows the Project to provide additional services to the local population by distributing important information on rights and rights protection mechanisms.

The clinic's staff, including legal professionals, assists victims and their relatives and determine the best course of action within the limits of their case. In 2005, the legal clinic conducted more than 300 consultations with victims and their relatives.



PHOTO: AP PHOTO / MUSA SADULAYEV

## BUILDING CAPACITY

*The Project expanded its activities aimed at enhancing the knowledge and skills of Russian lawyers in the fields of Russian law, European law, international law, and the European Court of Human Rights. The Project's staff organized and attended trainings and seminars and the Project initiated the development of an online resource center for Russian lawyers.*

### **Professional training**

The Project's Moscow office hosted a five-day training session from 21-25 November 2005 for five lawyers from Chechnya and Ingushetia. The session included intensive training on the European Convention on Human Rights and the European Court of Human Rights. The participants studied the history and organization of the Court, the function of the Court, criteria for submitting an application, the articles of the European Convention and more. They were also provided with examples of applications written by the Project's lawyers. The first two days of the session were led by Chechnya Justice Project staff, Doina Ioana Straisteanu, Andrey Nikolaev and Dokka Itslaev.

The remainder of the session was held at the Moscow Research Centre and provided advanced discussions on Articles 9 (religious freedom), 13 (right to effective remedy) and 14 (right to non-discrimination). The five participating lawyers from Chechnya and Ingushetia were joined by the Project's staff and staff from the European Human Rights Centre/Memorial.

A total of seventeen people participated in the training, which was conducted by Andrea Coomber of the International Centre for the Legal Protection of Human Rights – Interights, Samantha Knights from the law firm Matrix Chambers, and Project staff members. Participants surveyed relevant articles of the Convention and applicable case law, as well as engaged in role-play exercises using specific case scenarios.

In connection with its new website, the Project developed an online resource center for Russian lawyers interested in submitting applications to the European Court. The resource center includes instructions, templates, forms and articles on how to file an application. In 2006 a searchable database of important European Court decisions translated into Russian will be added.

Also in 2005 the Project contributed to a training manual for Russian lawyers, which is being written by Philip Leach of the European Human Rights

Advocacy Centre. The manual is due to be published in February 2006 and will be distributed for free to lawyers who are interested in submitting applications to the European Court.

### ***Rights education***

To raise awareness of human rights and relevant human rights mechanisms among the people in the North Caucasus, the Project 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. The Project distributes this booklet to its clients, potential clients and applicants, and to visitors of the legal clinic. Through this publication the Project is able to assist and inform a wide audience about their rights and the rights protection mechanisms available to them. Over 200 copies of the guide were distributed in 2005.

Together with the European Human Rights Advocacy Centre/Memorial and the European Council on Refugees and Exiles, the Project translated and published the Court's decisions in the first six cases from Chechnya. The book will be distributed for free and provides non-English speakers access to these important decisions.

### ***Raising awareness and sharing best-practices***

Project staff participated in numerous seminars and trainings in Russia and Europe raising awareness of the Project's work in the North Caucasus, sharing strategies for appealing to domestic and international protection mechanisms, and developing the Project's own capacity through additional training programs.

Project staff participated in the following events:

- "Taking cases to the European Court of Human Rights," held by the European Human Rights Advocacy Centre/Memorial, Moscow, Russia. The Project's Executive Director was a speaker on a panel on Chechnya;
- "Roundtable on the harassment of human rights defenders and applicants to the ECHR in the North Caucasus," Stockholm, Sweden. The Project's Ingush-etia Coordinator was a featured speaker;

- “Cooperation between NGOs, law-enforcement and executive bodies in Chechnya,” organized by the International Projects and Programmes Centre Addressing Federal Relations and Regional Policy, Moscow, Russia;
- “Practical Training on Non-Discrimination and Minority Rights,” hosted by the Netherlands Helsinki Committee and Interights, Soesterberg, the Netherlands;
- “The Second Training for Human Rights Lawyers,” sponsored by the Swedish Helsinki Committee, Sarajevo, Bosnia and Herzegovina;
- “Fifth International Summer School for Human Rights,” organized by the Russian State University of Humanities, Moscow, Russia.

# ADVOCATING CHANGE

*The Chechnya Justice Project strives to foster a nuanced and informed discussion about the human rights situation in the North Caucasus. In 2005 the Project advocated for an end to impunity for grave human rights abuses in Chechnya, the full implementation of ECHR decisions, and the establishment of better protection mechanisms in the North Caucasus.*

## **Governments**

The Project conducts significant advocacy activities directed at mostly European governments on issues related to the effectiveness and operation of the European Court and changing the human rights situation in Chechnya.

The Project maintains regular contact with members of the Moscow-based diplomatic corps from Canada, Germany, the Netherlands, Norway, Sweden, the United States, and the United Kingdom. The Executive Director also held meetings with members of the parliaments in Sweden and Norway, members of the foreign offices of Norway, Sweden, the Netherlands and the United Kingdom, as well as with representatives from the Council of Europe.

On the occasion of the visit of the UN High Commissioner for Human Rights, the Executive Director, together with other leading Russian human rights organizations, participated in a roundtable discussion briefing the High Commissioner on the human rights situation in Chechnya.

## **The Court**

Together with the European Human Rights Advocacy Centre/Memorial, the Project submitted a letter to the Court emphasizing the importance of access to the Russian criminal case file in cases before the Court.

The Russian government generally refuses to disclose the investigation file despite repeated requests from the Court. Since the submission, the Court has adopted a more insistent position with the Russian government on the issue of disclosure.

The Project believes that the joint letter and the Russian government's refusal to disclose the investigation files greatly influenced the Court's decision to hold an oral hearing in the case of *Bazorkina v. Russia*.

### ***Media***

The Project works with journalists in Russia and abroad to generate interest in and attention to the situation in the North Caucasus and the work of the European Court on these issues.

In 2005 the Project received significant media attention. The award of the Per Anger Prize to the Project's Ingushetia Coordinator was widely covered in Sweden and Russia. The coverage included interviews with the Executive Director and the Ingushetia Coordinator on Swedish television.

The oral hearing in the Project's case *Bazorkina v. Russia* was covered by all major newswires and subsequently picked up by numerous media outlets throughout Europe and Russia. The oral hearing was also mentioned in a CNN feature on the case, which included an interview with the applicant in the case and the Project's Executive Director.

### ***Building coalitions***

The Project works with like-minded NGOs and activists to share information and develop common strategies to address the human rights crisis in the North Caucasus. The Project works to monitor cases and note trends and new developments in the region to share with prominent advocacy organizations working within and outside of Russia and the North Caucasus.

The Project, together with Human Rights Watch, organized a strategy meeting with other human rights NGOs at the European Human Rights Advocacy Centre in London. The meeting's purpose was to begin developing an advocacy strategy to ensure that once the European Court issues Chechnya-related decisions, the Russian government is prepared and willing to undertake measures to prevent future abuses.

Attendees, including representatives from Amnesty International, the European Human Rights Advocacy Centre, the International Helsinki Federation, and the Russian organization Demos, agreed to continue to share advocacy goals and challenges in a common effort to ensure the effective implementation of ECHR decisions.

## EVALUATING IMPACT

*The Chechnya Justice 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 the Project's work will be dependent upon the effective implementation of decisions by the European Court of Human Rights. However, there are early indications of the Project's work is improving access to justice for victims and their families.*

### ***Re-opening investigations***

The Project has documented several individual cases in which the Russian government re-opens closed investigations once they are notified by the European Court that an application has been filed related to the investigation. Frequently the notification by the court, referred to as communication, prompts renewed investigative activity in the cases, including interviewing witnesses, identifying possible perpetrators and other crucial investigative steps.

In one such case, *Bazorkina v. Russia*, the Project obtained the criminal case file submitted to the Court by the Russian government, which indicated that most of the investigative steps in the case were taken only after the case was communicated. In fact, a flurry of investigative activity was initiated when the Court requested an oral hearing in the case in September 2005.

Similarly, in the case of bodies not returned to families in Nalchik after violent clashes that left 130 people dead, the authorities ignored the pleadings of the relatives to return the bodies for weeks. After the Court informed the Russian government that an application had been submitted regarding this issue, the deputy prosecutor of the Russian Federation traveled to Nalchik to talk to the relatives.

### ***Changing the behavior of local courts***

A few local courts in Chechnya have recently agreed to hear and, in some cases, have supported the Project's complaints of prosecutorial negligence. This is a significant change from the past when almost all complaints of this type were ignored by the courts. 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 for the judiciary.

### **Challenges to achieving the Project's goals**

The Project continued to face serious challenges concerning security, as clients reported additional incidents of harassment and intimidation. The Project staff, board and advisers 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 the Human Rights Centre "Memorial," the European Human Rights Advocacy Centre, the Moscow Helsinki Group and others, as well as individuals representing victims before the European Court of Human Rights, also continue to document such threats.

In the most serious of incidents, applicants before the European Court have been killed or subjected to enforced disappearance. Other applicants, as well as applicants' relatives, friends, associates or witnesses, have been followed, beaten, questioned, or threatened with reprisals.

It is unknown whether these threats are in response to applicants' communication with the European Court or are in retaliation for victims' and relatives' efforts to pursue domestic remedies. The Project continues to maintain close and frequent contact with all applicants in order to be fully informed of any threats or harassment.

### ***NGOs under legal attack in Russia***

In 2005 the Russian government's harassment of human rights organizations working on Chechnya increased significantly. The relentless attacks on the Russian-Chechen Friendship Society, the debate around the new NGO law and the increasingly hostile attitude towards NGOs on the part of the authorities gives cause for concern with regards to the situation for human rights NGOs working on Chechnya.

# PROJECT PLAN FOR 2006

## **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 guaranteed by 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 will decrease tensions and provide a model for resolving disputes through legal means rather than through violent conflict;
- Strengthening 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;

- Contributing to the development 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;
- Assisting the Council of Europe Committee of Ministers, as stipulated in the Convention, in supervising the implementation of the European Court's rulings and taking measures to prevent further violations.

## **Project Activities**

### ***Litigating cases***

The Chechnya Justice Project anticipates another ambitious and productive year in 2006. The project will continue to represent the interests of over 800 applicants in 115 cases – in 95 cases already presented to the European Court and in 20 cases currently in review for potential submission to the European Court. The project will dedicate an ever-increasing proportion of its work to the advanced stages of European Court litigation.. The project anticipates submitting pleadings on behalf of applicants in response to 15 government memoranda received in the communication stage, as well as to six admissibility decisions. The project will also present not less than 20 full applications to supplement preliminary applications submitted to the European Court in 2005, and anticipates submitting 20 preliminary applications in 2006.

### ***Building capacity***

In 2006 the Project will increase its work on transferring skills and knowledge about the European Court and Convention to local lawyers in the North Caucasus. A series of trainings and the further development of the online resource center will provide lawyers with the necessary tools for submitting applications to the Court.

### ***Advocating change***

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.

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# STAFF, BOARD AND COMMITTEES

## Staff

*Pravovaia Initsiativa (Ingushetia)*

**Arsen Sakalov**, *Director*

**Tanzila Arsamakova**, *Research assistant*

**Suleiman Katsiev**, *Staff lawyer*

**Anastasia Maltseva**, *Staff lawyer*

**Dokka Itslaev**, *Staff lawyer (part-time)*

*Stichting Russian Justice Initiative (Netherlands)*

**Ole Estein Solvang**, *Executive Director*

**Doina Ioana Straisteanu**, *Legal Director*

**Elena Ezhova**, *Director Moscow office/ Staff lawyer*

**Olga Ezhova**, *Office manager/ Legal Assistant*

**Andrei Nikolaev**, *Staff 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.

### *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*

### **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**, *Writer*

**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)*

### **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**, *Chechen human rights activist*

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## FINANCES AND SUPPORTERS

The Chechnya Justice Project is fortunate to have received generous support for its work from a variety of donors in 2005.

DONOR	COMMENT	CONTRIBUTION
Global Conflict Prevention Pool	Part of a three-year commitment for 2004-2007	€ 99,430
Royal Netherlands Ministry of Foreign Affairs	Part of a three-year commitment for 2003-2006	€ 65,000
Swedish Helsinki Committee	From the Swedish International Development Agency (SIDA)	€ 59,670
Royal Norwegian Ministry of Foreign Affairs	Renewed for the third time	€ 50,000
Open Society Institute	Renewed for the third time	€ 34,897
United Nations Voluntary Fund for Victims of Torture	Renewed for the third time	€ 31,472
United Nations High Commissioner for Refugees (Moscow)	To support the Ingush implementing partner, <i>Pravovaia Initsiativa</i>	€ 18,743
Republic of France	For the Prix des droits de l'homme 2004. To support capacity building projects.	€ 15,000

### **The Project is pleased to announce among its supporters for 2006:**

The Global Conflict Prevention Pool, the Royal Netherlands Ministry of Foreign Affairs, the Royal Norwegian 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.

**EXPENDITURES JANUARY-DECEMBER 2005**

Personnel, including salaries, benefits, staff development:	€ 166,449
Administration, including rent:	€ 55,060
Equipment and Capital Purchases:	€ 15,769
Consultants, Honoraria, Translations:	€ 38,843
Publications:	€ 2,418
Travel:	€ 50,513
Training:	€ 13,081
Emergency:	€ 2,942
Allocated to Liability Fund:	€ 7,700
<b>Total:</b>	<b>€ 352,779</b>

## ACKNOWLEDGEMENTS

The Chechnya Justice Project gratefully acknowledges its financial supporters during 2005: 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 Voluntary Fund for Victims of Torture, the United Nations High Commissioner for Refugees, and the Republic of France.

The project thanks the individuals who offered their time and assistance as interns during 2005, Daria Boyarchuck and Jardar Ostbo. Daria Boyarchuck spent three months working in the project's Moscow office. She assisted the Project's lawyers in preparing applications to the European Court, drafted an application to the Court, and examined provisions under European and Russian law in response to the growing problem of racial discrimination in Chechnya. Jardar Ostbo joined the Project as an intern in September 2005.

He assisted the project's lawyers in preparing applications to the European Court and drafted an application to the Court. In addition, he conducted research on ECHR case-law with regards to Article 41 of the European Convention (just satisfaction), translated legal documents, and was in charge of updating the Project's website.

The Project's work in 2005 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 Centre, the Human Rights Centre "Memorial," Human Rights Watch, and the International Helsinki Federation's Individual Rights Project, 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 the development of the project.

Others who have offered special assistance to the Project in 2005 include: Olga Amsheyeva, Bill Bowring, Jane Buchanan, Andrea Coomber, Maxim Ferschtman, Aleksey Krasnov, Samantha Knights, Philip Leach, Tanya Lokshina, Alexander Petrushev, Maria Pulzetti, the Norwegian Bar Association (Knut Rognlien, Christopher Hansteen, and Bent Endresen), the staff at Amnesty International-Netherlands, and numerous others who, for security reasons, cannot be named here.

## APPENDIX

### **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 following cases were communicated in 2005.<sup>1</sup>*

#### ***The disappearance of Islam Dombaev***

On 28 June 2000 a Russian Ministry of Interior unit detained then fifteen-year-old Islam Dombaev and two of his friends, Murat Lianov and Timur Tabzhanov. Dombaev's mother has been looking for her son ever since.

Russian prosecutors opened a criminal investigation into the disappearance but have failed to question key witnesses. Although the investigation established the units involved in the boys' detention, prosecutors did not identify any suspects in the disappearance and the investigation was subsequently suspended. The Project filed an application with ECHR on behalf of Rashan Alieva, Dombaev's mother, in July 2001. The case was communicated in January 2005.

#### ***The destruction of the property of Valentin Dunaev***

In the morning of 8 January 1995, Russian federal troops destroyed by artillery shelling a building in Grozny, in which Valentin Dunaev owned an apartment. Dunaev applied numerous times to receive compensation for lost property, but to no avail.

In the absence of an effective legal remedy, Dunaev himself wrote an application to the European Court. The case was communicated in February 2005. Having received the government's memorandum in August 2005, Dunaev requested legal assistance from the Project. Project members are now preparing the applicant's comments to the memorandum.

#### ***The arbitrary detention and torture of Salambek Khadisov and Islam Tsechoev***

On 23 September 2001 Salambek Khadisov and Islam Tsechoev were taken from their homes in the Sunzha district of Ingushetia by Russian police. After a day in an Ingush police cell, a military helicopter transported them to the Khankala military base in Chechnya where they were held for several weeks.

Russian guards brutally beat them with rifle butts, extinguished cigarettes on

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<sup>1</sup> Cases communicated before 2005 are available on the project's web-site.

their skin, and forced them to sign documents denying that any mistreatment occurred. The Project submitted an application to ECHR on behalf of the two men in April 2003. The case was communicated in April 2005.

***The arbitrary detention, ill-treatment and forced disappearance of Sharani Askharov***

On 18 May 2001 Russian forces conducting a sweep operation detained Sharani Askharov and eight other men in the town of Serzhen-Yurt. Witnesses reported seeing Askharov and others being beaten as they were led away by armed men. Of the men detained, six were released, one was found dead from gunshot wounds, and Askharov and one other man remain missing. Russian prosecutors failed to open an investigation into Askharov's disappearance until October 2001. Articles in the Russian press reported that Askharov was killed during the operation, but prosecutors have failed to investigate this version of Askharov's detention and reported death.

The Project submitted an application to ECHR on behalf of Askharov's wife and children in March 2003. The case was communicated in April 2005.

***The arbitrary detention and forced disappearance of Magomed Debizov and Iznovr Serbiev***

During a 14 January 2001 sweep operation in Starye and Novye Atagi, Russian federal forces detained Iznovr Serbiev and Said-Magomed Debizov, who worked at an auto repair shop. Their relatives have not been able to establish their whereabouts or fate.

The prosecutor opened a criminal case into their disappearance, but no effective investigation was ever carried out. The Project and Netherlands-based law professor Menno Kamminga filed an application with ECHR in March 2002. The case was communicated in April 2005.

***The disappearance of Abdulkasim Zaurbekov***

On 17 October 2000 Abdulkasim Zaurbekov entered the temporary police precinct in the October district of Grozny to collect his pay for work done at the precinct as a car mechanic. Zaurbekov never exited the police precinct and remains missing to this day. Zaurbekov's wife, Roza Yusupova, has unsuccessfully looked for her husband ever since. Russian prosecutors launched a criminal investigation, but the investigation has yielded no results. The Project filed an application with ECHR on behalf of Roza Yusupova in May 2002. The case was communicated in May 2005.

***The arbitrary detention and torture of Alaudin Sadykov***

Police detained Alaudin Sadykov on 5 March 2000, and held him in the temporary police precinct in the October district of Grozny for over two months. During those months, police cut off one of his ears, broke several ribs and caused numerous other physical injuries.

Sadykov was eventually released in May 2000. He reported the ill-treatment in June 2000 to the prosecutor's office. However, the official investigation has failed to identify any suspects. Sadykov continues to seek justice by appealing to the procuracy and other authorities.

The Project filed an application with ECHR on behalf of Sadykov in April 2002. The case was communicated in May 2005.

***The arbitrary detention and forced disappearance of Ramzan Kukuev***

On 3 May 2001, during a special operation in the village of Tsa-Vedeno, Russian federal forces detained Ramzan Kukuev. After his detention, his wife appealed to various authorities in an attempt to establish his whereabouts or his fate, but all of her attempts were in vain.

The procuracy opened a criminal investigation into his disappearance, but failed to conduct a thorough and effective investigation. In June 2003, the Project filed a full application with ECHR on behalf of Kukuev's wife, Mariam Atabaeva. The case was communicated in June 2005.

***The disappearance of Magomed and Kharon Khumaidov***

On 12 February 2002 Russian federal forces surrounded the Khumaidov home in the village of Makhetai, broke into the courtyard, detained Magomed Khumaidov and his father, Kharon Khumaidov, and drove them away to the military base in Khattuni. At the base, federal servicemen told relatives that the two men had been transferred to the military base at Khankala.

All subsequent efforts to establish their whereabouts have yielded no results. Law enforcement agencies never adequately investigated the disappearances. In August 2002 the Project filed an application with ECHR on behalf of Esila Akhiatova, Magomed's wife. The case was communicated in June 2005.

***The arbitrary detention and forced disappearance of Vakhid Musikhanov***

At 3 o'clock in the morning on 9 November 2002, several members of the Russian armed forces entered a home in the village of Urus-Martan where they conducted an illegal search, checked the documents of each family member, and detained twenty-six year old Vakhid Musikhanov.

He was driven away in a military vehicle and has not been seen or heard from since. The criminal investigation into his disappearance has been suspended and re-opened repeatedly, but the investigation has not produced any meaningful results.

The project submitted an application to ECHR on behalf of the Musikhanov family in July 2003. The case was communicated in June 2005.

***The arbitrary detention and forced disappearance of Issa Zaurbekov***

At 3 o'clock in the morning on 11 February 2003, approximately fifteen Russian soldiers entered an apartment shared by Isa Zaurbekov and his sister Mariam Zaurbekova in Grozny. After threatening Miriam and tying her hands and mouth, the soldiers woke and detained Zaurbekov and stole his computer and other personal belongings. Witnesses saw three armed personnel carriers and two other military vehicles drive away from the apartment building immediately thereafter.

The authorities failed to open a criminal investigation into the detention until June 2003. Despite the family's regular appeals to the procuracy, the authorities have provided no information on the whereabouts of Zaurbekov or results of the investigation.

Dokka Itslaev of the Urus-Martan office of Memorial filed an application with ECHR on behalf of the Zaurbekov family in June 2003. The family has since been represented by Itslaev in cooperation with the Project and the case was communicated in June 2005.

***The arbitrary detention, ill-treatment and subsequent disappearance of Magomed Dokuev***

On 14 February 2001, at 6 o'clock in the morning, Russian soldiers seized Magomed Dokuev and his father, Vakhid Dokuev, from their home in the village of Novye Atagi. Vakhid Dokuev was released on the following day, but Magomed Dokuev has not been seen since.

A former detainee later informed the family that Magomed died in detention and was buried on a Russian military base, but the family has not been granted access to the purported burial site.

The Project, together with Maxim Ferschtman of the Dutch law firm Böhler, Franken, Koppe, Wijngaarden Advocaten, filed an application regarding this case with ECHR in February 2003. The case was communicated in September 2005.

***The disappearance of Musa Akhmadov***

On 6 March 2002 Russian federal forces detained Musa Akhmadov as he was driving to see his father in the village of Makheti. The soldiers brought Akhmadov to the military base in the village of Khattuni. The next day, military servicemen told his relatives that he had been transferred to Khankala military base.

Akhmadov's family has not been able to obtain any further information about his whereabouts or fate. The official investigation into the disappearance has not been effective. In August 2003, the project filed an application with ECHR on behalf of Akhmadov's wife. The case was communicated in September 2005.

***The unlawful detention and disappearance of nine young men from Starye Atagi***

Between 6 and 11 March 2002, Russian federal forces conducted a large-scale special operation in the village of Starye Atagi. Several young men were removed from their homes and taken to a so-called filtration point, sometimes with the use of unprovoked violence on the part of the soldiers.

Following the special operation, 11 young men never returned home. Several burned bodies were discovered in the area shortly afterwards, but the authorities refused to conduct examinations or have them identified. An investigation was launched, but no one has been held accountable.

In early September 2002, lawyers from the Project sent an application to ECHR regarding the disappearance of Amir Pokaev, Islam Chagaev, Said-Selim Kanaev, Aslan Akhmadov, Magomed Isambaev, Ibragim Magomadov, Adlan Baisarov, Timur Khadzhiev and Abdul-Naser Zakev. ECHR communicated the case to the Russian government in September 2005.

***Indiscriminate shelling resulting in the death of three members of the Taisumov family***

A military bombardment began late in the evening on 7 September 2002 in the village Chechen-Aul, located not far from the Russian military base at Khankala.

A total of 15 mortar shells struck the village that night. The first three shells landed on the home of Supyan Taisumov, completely destroying the house and killing his son, Kazbek Taisumov, his daughter-in-law, Zulpat Eskirkhanova, and his three year-old granddaughter, Aishat Eskirkhanova. Only Supyan and his six-month old granddaughter survived the attack.

A criminal investigation into the attack was opened the next day, but, to date,

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no perpetrators have been identified and Supyan has received no information regarding the case. At Supyan's request, the Project submitted an application to ECHR in June 2003. The case was communicated in October 2005.

***The unlawful detention of Isa and Muslim Nenskaev and the disappearance of Muslim Nenskaev***

In the village of Urus-Martan during the early morning hours of 8 June 2002, approximately two dozen armed members of the Russian federal forces detained twenty-year-old Muslim Nenskaev and his brother, Isa Nenskaev. The brothers were held in a military detention facility together for 24 hours, at which time the authorities released Isa. His younger brother Muslim has not been seen since.

In numerous attempts to determine the fate of their son, the Nenskaev parents approached local and federal authorities, some of whom admitted that federal forces had indeed detained Isa and Muslim. Nevertheless, the criminal investigation into Muslim's disappearance has not led to the identification of the perpetrators. The Project submitted an application to ECHR in March 2003. The case was communicated in October 2005.

***The killing of Akhmad Gekhaev and Zalina Mezhidova***

On 27 October 2001 Zalina Mezhidova and Amkhad Gekhaev were driving home from a turnip field in Komsomolskoe when military helicopters opened fire on their car. Although soldiers took them away alive, though injured, the military returned their dead bodies, both missing limbs, to the families several days later.

The official investigation has failed to identify any suspects in the case and the military procuracy informed the applicants that no wrongdoing had been found in the 27 October operation. The Project filed an application with ECHR in April 2002. The case was communicated in November 2005.

***The arbitrary detention and killing of Said-Rakhman Musaev, Odes Mitaev and Magomed Magomadov***

During a 10 December 2000 targeted-operation in Raduzhnoe and Dolinskii villages, masked men in military vehicles detained 21 men, including Magomed Magomadov, Said-Rakhman Musaev, and Odes Mitaev.

While 18 of the detainees were released in subsequent weeks, the bodies of Magomadov, Musaev and Mitaev, each with clear signs of extrajudicial execution, were found in the Dachny village mass grave on 21 February 2001.

The official investigation into the men's deaths failed to conduct a full forensic autopsy on the bodies or to save physical evidence, such as the clothing and bindings found on the bodies, as material evidence.

The Project filed an application with ECHR on behalf of the three families in February 2002. The case was communicated in November 2005.

## **STICHTING RUSSIAN JUSTICE INITIATIVE**

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**COVER PHOTO: AN ELDERLY CHECHEN WOMAN CRIES AT RUINS AT A  
CEMETARY IN DOWNTOWN GROZNY. (AP PHOTO / MUSA SADULAYEV)**