Russian Justice Initiative

ПРАВОВАЯ ИНИЦИАТИВА

ANNUAL REPORT **2010**

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A formulaic response from Moscow regarding the investigation into the disappearance of Anzor and Sulumbek Barshev, who disappeared on 23 October 2002 after being abducted from the family home.

COVER PHOTO:
This is the chair of Musa Akhmadov, who disappeared on 6 March 2002 at a check-point near Kirov-Yurt village.

Our goals are to combat impunity for grave human rights abuses in the North and South Caucasus and to increase knowledge of and promote respect for rights guaranteed by the Russian constitution and the European Convention on Human Rights, among legal professionals and the general public.

Russian Justice Initiative (RJI) is a Dutch non-profit legal aid organization founded in 2001 and based in Moscow. RJI implements strategic litigation jointly with its domestic partner, Pravovaia Initsiativa, based in Nazran, Ingushetia.

Since its founding the organization has focused on the most serious violations of the European Convention on Human Rights related to armed conflict and to post-conflict transition in Chechnya: disappearances, extra-judicial killings, torture and unfair trials. Today, RJI works in almost every republic of the North Caucasus, and since late 2008 has been working in partnership with the Tbilisi-based Georgian Young Lawyers' Association to carry out strategic litigation in Georgia and South Ossetia concerning abuses stemming from the most recent Russia-Georgia conflict.

Both our domestic and international litigation ultimately aims to end official impunity for human rights violations in the North Caucasus and to increase the viability of the Russian justice system to effectively investigate abuses. Russia has refused to address in a meaningful way the legacy of human rights violations in the North Caucasus, which has led to the need for sustainable engagement with domestic and international actors on the implementation of judgments. All aspects of RJI's work continue to contribute to the important task of promoting the rule of law in the North Caucasus and to providing a voice for those who seek justice for past crimes on the national level.

> "These judgments are very important to me personally, because I have long been monitoring the situation and have seen so many people being kidnapped or persecuted.
>
> Medina Akhmadova, mother of Musa Akhmadov and applicant in *Akhmadova and others v Russia*

The son of Rizvan Aziev at his home in Grozny, December 2009. Mr Aziev disappeared in October 2009 from the family home and has not been seen since. © Mari Bastashevski

04 FOREWORD

ACHIEVEMENTS IN 2010

In 2010 the Court systematically increased its compensation awards, thereby increasing pressure on Russia to implement reforms.

In 2010 Russian Justice Initiative continued to see the important and far-reaching results of its long-term litigation work on the international and domestic level. The Court began and then maintained a welcome change in practice as it doubled the amount of compensation awarded in each case of disappearance. The 18 positive judgments handed down in 2010 brought the total number of cases won to almost 100.

Since late 2009, RJI has expanded its staff and geographical reach, and has thus increased its capacity to effectively provide legal aid to victims of grave human rights abuses in the North and South Caucasus. In 2010 RJI succeeded in sustaining the implementation phase of its work as a central part of its mandate on the North Caucasus. Our work on implementation now allows us to systematically follow up on almost every case decided by the ECtHR with various actors on the domestic and international level, while devising particular strategies and drawing attention to cases with strong evidence. The question of implementation of judgments from the North Caucasus remained an issue of international concern, especially for the Council of Europe.

We also continued to submit cases to the ECtHR throughout the year, aiming to increase our case-load from Ingushetia and to build up a case-load from Dagestan.

The South Caucasus Justice Project completed its second successful year of litigation and has now lodged over 30 applications with the European Court from Georgia and South Ossetia, some of which have already reached the post-communication stage. It plans to renew its work with a continuing focus on post-conflict violations relating to arbitrary detentions and IDP issues.

In 2011 we expect the Court to hand down more positive judgments from the North Caucasus and to see our cases on the South Caucasus progress at the Court. Priorities for 2011 include the exploration of new directions for litigation in the North and South Caucasus and increasing coordination and advocacy initiatives related to the implementation of judgments from the North Caucasus, with the aim of increasing political pressure on Russia to implement the judgments in good faith.

By the end of 2010, RJI was representing over 1,300 clients from the North Caucasus and over 250 from Georgia and South Ossetia in domestic proceedings and before the European Court of Human Rights.

Most of the new cases from the North Caucasus submitted to the Court in 2010 concerned primarily enforced disappearances, extra-judicial killings, torture and unfair trial in Chechnya, Ingushetia, Kabardino-Balkaria and Dagestan. Cases from the South Caucasus focused on serious instances of arbitrary detention in Georgia and South Ossetia, ethnic cleansing, and the right to return. Three cases from the South Caucasus have already reached the post-communication stage, while over 200 cases are pending at the Court from the North Cacuasus.

In 2010 the Court definitively changed its practice in terms of its compensation awards in cases of disappearance, awarding between 60,000–70,000 euro in such cases, almost double its previous standard awards. RJI has long argued in its submissions to the Court for an increase in moral damage awards, given that moral damages today remain one of the only remedies for disappearances in the North Caucasus. This change may also increase pressure on Russia to carry out more full-fledged legal and practical reforms to investigate disappearances.

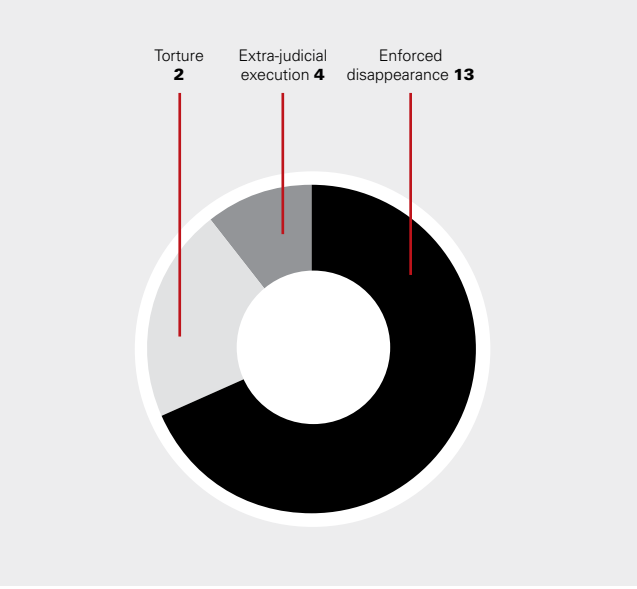
The 18 judgments handed down in 2010 entailed 53 victims and 62 applicants. The Court awarded over 1.5 million euro in moral damages and over 131,200 in material damages to the organization's clients in 2010. RJI was awarded 92,875 euro in legal costs, which it receives directly from the Government and then transfers to the organization's endowment fund.

RJI's website provides comprehensive statistics and information on all cases decided or pending at the ECtHR from the North Caucasus brought by various representatives at http://www.srji.org/en/legal/cases.

Several cases that were decided by the Court in 2010 and had particular resonance are highlighted on the following pages.

Four cases on following pages

JUDGMENTS BY MAIN VIOLATION FOUND BY THE COURT IN 2010



The chart shows judgments by main violation of the ECHR in 2010.

> It is very important for me that the Court in its judgment clearly indicated that the Russian authorities' stance on non-involvement of Russian servicemen bears no common sense. I do not know why the investigative authorities consider it normal to label crimes committed by Russian soldiers as the ones done by 'unidentified persons'.
>
> Lidiya Alapayeva, mother of Salambek Alapayev, who disappeared in December 2004.

06 **DISAPPEARANCE** OF A YOUNG WOMAN

Name: Mutayeva v Russia
Judgment: 22 April 2010
Main violation: disappearance

Late at night on 19 January 2004, 15–20 armed servicemen arrived at the house of Luiza Mutayeva in Assinovskaya, Chechnya, for a "passport check." They ordered Luiza and her younger sister, 15-year old Madina, to put on warm clothing because they would be taken for questioning outside. Madina began crying and Luiza insisted that she go alone. Luiza's mother ran outside and begged to be taken away with her daughter, but the soldiers pushed her aside. She saw the servicemen put Luiza into a white UAZ minivan, and drive away. Luiza has not been seen since. Her mother maintains that Luiza became a victim of a targeted reprisal against the family because her older sister, Malizhi Mutayeva, had been involved in the Dubrovka Theater hostage crisis in Moscow in 2002.

Luiza's disappearance was first documented by the NGO Memorial in a June 2004 report concerning reprisals against family members of supposed combatants, and subsequently by Human Rights Watch in the report "Worse than a War: Disappearances in Chechnya—A Crime Against Humanity." The investigation into Luiza's disappearance yielded no results and many basic investigative steps were never carried out.

The Court awarded 50,000 euro to Luiza's mother in moral damages for violations of her daughter's right to life and liberty, and the failure to conduct an investigation into the disappearance.

> "…The applicant's younger daughter, fifteen-year old Madina, started crying. One of the masked servicemen told her: "Do not be afraid; we will just question you and will let you go. I promise that nothing will happen to you." Luiza Mutayeva insisted that she should be the only one to go for questioning. The servicemen let Madina stay in the house; they took Luiza outside to the vehicles.
>
> From the Court's statement of facts, para. 10.

Luiza Mutayeva, far left, with members of her family.

KILLING OF CIVILIANS IN GEKHI 07

Name: Suleymanova v Russia
Judgment: 12 May 2010
Main violation: Unlawful killing by unnecessary use of lethal force

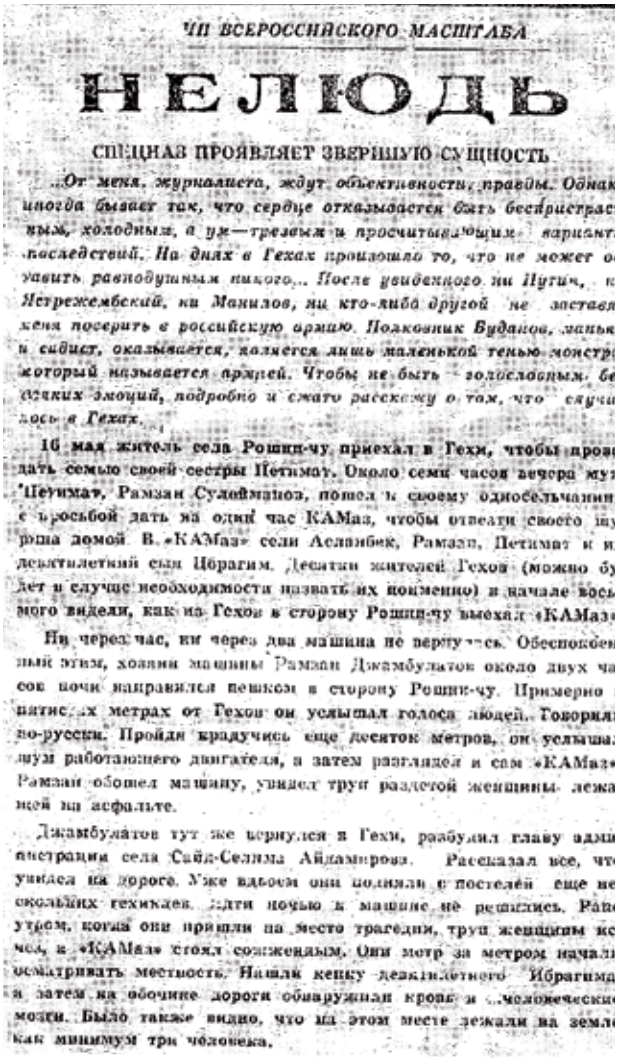
On 16 May 2000, Aslanbek Aydamirov along with his pregnant sister Petimat, her husband Ramzan and their 9 year old son Ibragim, set off from the village of Gekhi in a truck to visit a sick relative. They set off at 7 p.m. knowing the curfew was not in force until 9 p.m. On the outskirts of Gekhi, the truck came under fire from Russian troops and all four passengers were killed.

The next morning, local residents visited the scene of the attack and testified that numerous bullet holes found next to the truck and their positioning suggested that four people had been made to lie on the ground and had been shot in the head. The bodies had been removed from the scene. Several days later, remnants of all four corpses were found scattered in a field, indicating that they had been intentionally blown up by an artillery shell.

In proceedings before the Court, the Government argued that the vehicle had been driving during curfew hours on a road that was known to be a widely-used supply route for illegal armed groups. Warning flares were fired but when the vehicle failed to stop the servicemen opened fire. But the court found that the use of force could not be justified even against the background of the ongoing armed insurgency, and also shed light on the absence of a purported legislative framework in force at the material time that could have regulated the use of force against civilians during the armed conflict in Chechnya.

The Court also drew inferences regarding the legitimacy of the use of force based partly on the inadequacy of the investigation, which had stalled after supposedly establishing the identity of the serviceman who had opened fire on the civilian vehicle.

The Court awarded the mother of Ramzan Suleymanov 150,000 euro for violations of the right to life and the lack of an effective investigation.



ЧП ВСЕРОССИЙСКОГО МАСШТАБА

НЕЛЮДЬ

СПЕЦНАЗ ПРОЯВЛЯЕТ ЗВЕРИНУЮ СУЩНОСТЬ

...От меня, журналиста, ждут объективности, правды. Однак иногда бывает так, что сердце отказывается быть беспристрас ным, холодным, а ум—трезвым и просчитывающим варианты последствий. На днях в Гехах произошло то, что не может о увить равнодушным никого... После увиденного ни Путин, н Нетрежембский, ни Манилов, ни кто-либо другой не заставя жения посерить в российскую армию. Полковник Буданов, напык и сидист, оказывается, является лишь маленькой тенью монстр который называется армией. Чтобы не быть голословным, бе ских эмоций, подробно и сжато расскажу о том, что случи лось в Гехах.

16 мая житель села Рошни-чу приехал в Гехи, чтобы прове дать семью своей сестры Петимат. Около семи часов вечера муж Петимат, Рамзан Сулейманов, попал к своему односельчанин с просьбой дать на один час КАМаз, чтобы отвезти своего зя роша домой. В «КАМаз» сели Асланбек, Рамзан, Петимат и и десятилетний сын Ибрагим. Десятки жителей Гехов (можно бу лет и случае необходимости назвать их поименно) в начале вось мого видели, как из Гехов в сторону Рошни-чу выехал «КАМаз»

Но через час, ни через два машина не вернулась. Обеспокоен ный этим, хозяин машины Рамзан Джамбулатов около двух ча сов ночи направился пешком в сторону Рошни-чу. Примерно пятистах метрах от Гехов он услышал голоса людей. Говорил по-русски. Пройдя крадучись еще десяток метров, он услыша шум работающего двигателя, а затем разглядел и сам «КАМаз» Рамзан обошел машину, увидел трупы раздетой женщины лежа щей на асфальте.

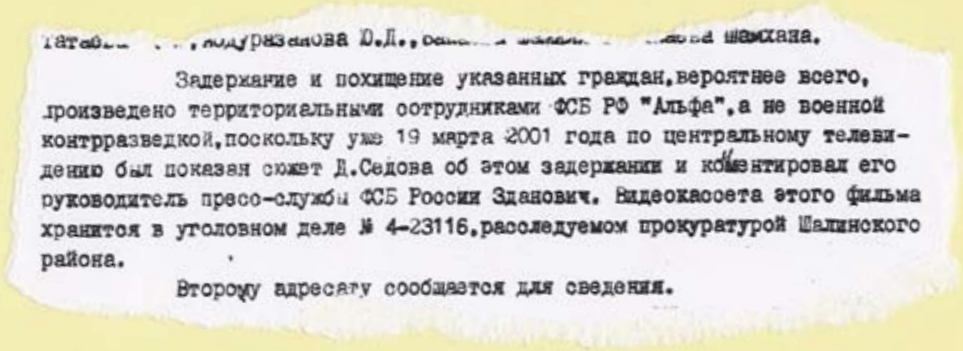
Джамбулатов тут же вернулся в Гехи, разбудил главу адми нистрации села Сайд-Селима Айдамирова. Рассказал все, чт увидел на дороге. Уже вдвоем они поднялись с постелей еще не скольких техников. Идти ночью к машине не решились. Рано утром, когда они пришли на место трагедии, трупы женщины ис чез, а «КАМаз» стоял сожженным. Они метр за метром начали осматривать местность. Нашли кепку девятилетнего Ибрагима а затем на обочине дороги обнаружили кровь и ...человеческие мозги. Было также видно, что на этом месте лежали на земл как минимум три человека.

An article published in a local paper describing the events in Gekhi begins "What's expected of me, a journalist, is objectivity and truth. But sometimes the heart refuses to be apathetic and the mind refuses to soberly count out the various possible versions of events. What happened in Gekhi a few days ago could not leave anyone indifferent..."

> "... If according to the Government's submission the investigation had established who had opened the fire on the applicant's relatives, it is unclear why the authorities did not finish the investigation and why the proceedings have been pending for almost ten years. In such circumstances, the Court cannot conclude that the use of lethal force against the applicant's relatives was based on an honest belief which was perceived, for good reasons, to be valid at the time.
>
> Suleymanova v Russia, para. 85

08 RAID ON DUBA-YURT

Name: Vakayeva v Russia
Judgment: 10 June 2010
Main violation: extra-judicial killing



Задержание и похищение указанных граждан, вероятнее всего, произведено территориальными сотрудниками ФСБ РФ "Альфа", а не военной контрразведкой, поскольку уже 19 марта 2001 года по центральному телевидению был показан сюжет Д.Седова об этом задержании и комментировал его руководитель пресс-службы ФСБ России Зданович. Видеокассета этого фильма хранится в уголовном деле № 4-23116, расследуемом прокуратурой Шалинского района.

Второму адресату сообщается для сведения.

Materials from the Vakayeva domestic case file indicate that the "Alfa" detachment of the local FSB carried out the kidnappings.

On March 15, 2001, a group of about 30 servicemen drove into Duba-Yurt, Chechnya, in two APCs, and opened fire on the Vakayev residence. Shamil Vakayev and several others were seriously wounded. After the shooting ceased, the servicemen burst into the house and started beating everyone inside, including the wounded men. The servicemen then dragged Shamil and Shamkhan Vakayev, Ramzan Dudayev, Salambek Tatayev and Yunus Abdurazakov into their vehicles and drove away in the direction of the Dachu-Borzoy military base.

Four days later, on 19 March 2001, the spokesperson for the Federal Security Service officially confirmed that five men had been arrested at Duba-Yurt. Approximately two months following the detention, on 14 May 2001, the Russian state-owned television channel RTR broadcast a video-recording of the operation during which the applicants' relatives were detained.

On 2 April 2005, three months after the applicants appealed to the European Court, a group of soldiers abducted Shamsudi Vakayev, the husband of one of the applicants and the father of the disappeared Shamil and Shamkhan Vakayev. A similar group of armed men had that same night detained members of the Elmurzaev family, also residents of Duba-Yurt and applicants in the case *Bitiyeva and others v Russia*, decided on 23 April 2009. Although the domestic investigation into the disappearances produced no tangible results, the European Court noted that domestic prosecutorial and investigative bodies on several occasions indicated the high probability that state officials bore responsibility for the crimes, notably the regional FSB.

The Court awarded the applicants 300,000 euro in moral damages for violations of their relatives' right to life and liberty, the failure of the investigation, and the lack of an effective domestic remedy for the main violations suffered.

> "…The domestic investigative authorities themselves suggested on several occasions that the applicants' relatives were detained in the course of a special operation. For instance, in July 2002 military prosecutors relinquished jurisdiction over the case to civilian prosecutors for the reason that the men had "most probably" been arrested by FSB servicemen, not the military […]
>
> Vakayeva v Russia, para. 129

TORTURE, OKTYABRSKII VOVD, GROZNY **09**

Name: Sadykov v Russia
Judgment: 7 October 2010
Main violation: Torture

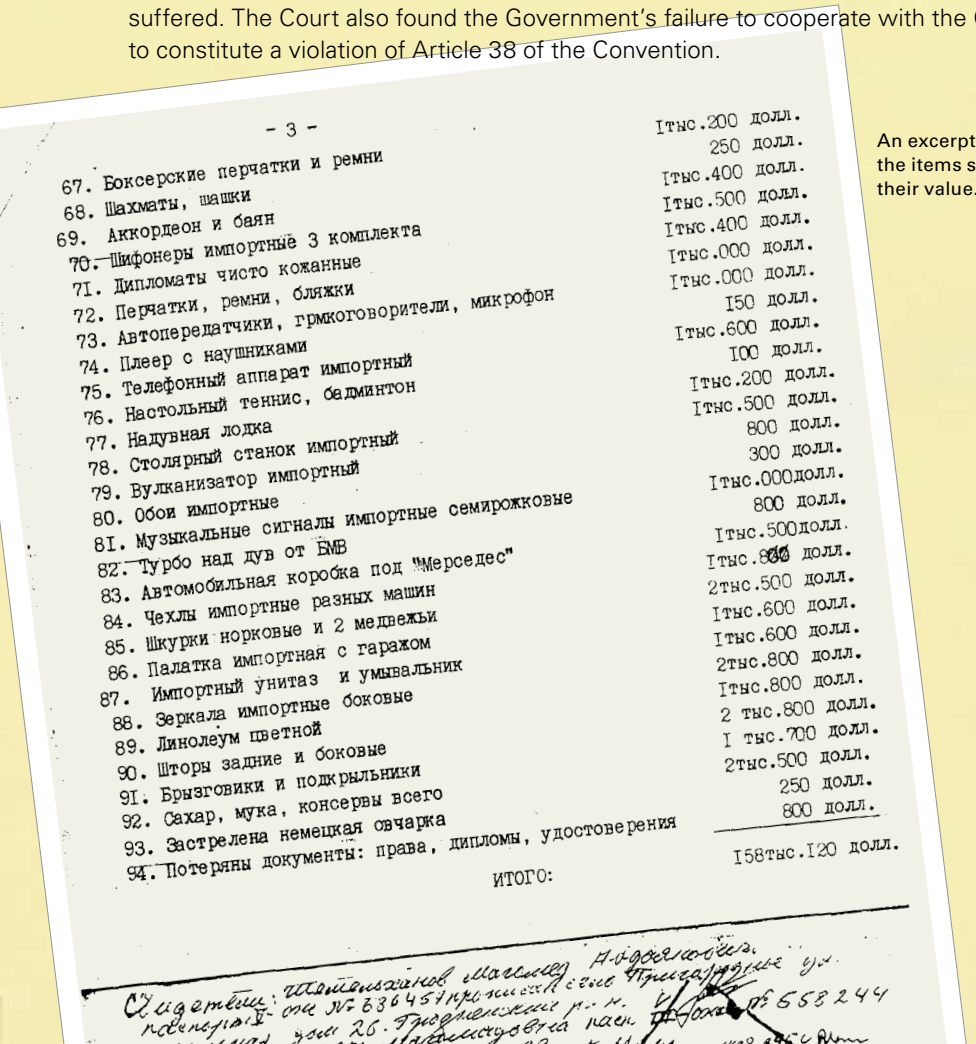
Alaudin Sadykov, a school teacher by profession, was at the time of his detention in March 2000 working in a "burial group" for the Emergencies Ministry and was also fetching and distributing water and supplies for the residents of the Oktyabrskii district of Grozny. At around 10 a.m. one morning, Alaudin was distributing drinking water to residents when a group of Russian servicemen in two vehicles pulled up and asked Alaudin to get in the car and give them directions. Instead he was abducted and taken to the Temporary Office of the Interior (VOVD) of the Oktyabrskiy District.

During Alaudin's detention, which lasted a little less than three months, the VOVD officers forced him to chew and swallow his own hair, severely burned the palm of his right hand, broke his nose and ribs, kicked out several of his teeth, and finally, cut off his left ear. Alaudin also had over three million rubles' worth of property stolen and looted from his house during his detention.

With the assistance of the Nizhny Novgorod Committee Against Torture, RJI obtained a large amount of materials from the criminal case file, which revealed that the identity of the likely perpetrators was known, and that various investigative measures aimed at establishing their involvement had been ordered, yet the investigation had made no progress.

In its judgment the European Court voiced sharp criticism of the ineffectiveness of the investigation, pointing to "remarkable shortcomings" in the course of the investigation which it deemed "absurd" and which highlighted a severe lack of professionalism and the unwillingness of the authorities to bring the perpetrators to justice.

Alaudin was awarded 79,800 euro in material and moral damages for the violations suffered. The Court also found the Government's failure to cooperate with the Court to constitute a violation of Article 38 of the Convention.



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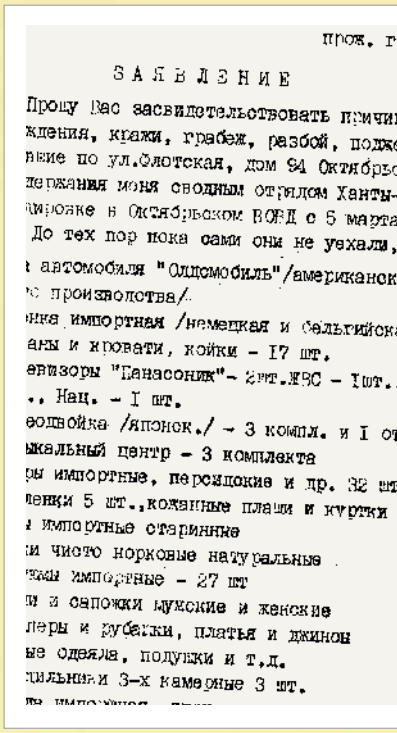
67. Боксерские перчатки и ремни	Iтыс.200 долл.
68. Шахматы, шашки	250 долл.
69. Аккордеон и баян	Iтыс.400 долл.
70. Шифонеры импортные 3 комплекта	Iтыс.500 долл.
7I. Дипломаты чисто кожанные	Iтыс.400 долл.
72. Перчатки, ремни, бляжки	Iтыс.000 долл.
73. Автопередатчики, грмкоговорители, микрофон	Iтыс.000 долл.
74. Плеер с наушниками	I50 долл.
75. Телефонный аппарат импортный	Iтыс.600 долл.
76. Настольный теннис, бадминтон	I00 долл.
77. Надувная лодка	Iтыс.200 долл.
78. Столярный станок импортный	Iтыс.500 долл.
79. Вулканизатор импортный	800 долл.
80. Обои импортные	300 долл.
8I. Музыкальные сигналы импортные семирожковые	Iтыс.000долл.
82. Турбо над дув от БМВ	800 долл.
83. Автомобильная коробка под "Мерседес"	Iтыс.500долл.
84. Чехлы импортные разных машин	Iтыс.[illegible] долл.
85. Шкурки норковые и 2 медвежьи	2тыс.500 долл.
86. Палатка импортная с гаражом	Iтыс.600 долл.
87. Импортный унитаз и умывальник	Iтыс.600 долл.
88. Зеркала импортные боковые	2тыс.800 долл.
89. Линолеум цветной	Iтыс.800 долл.
90. Шторы задние и боковые	2 тыс.800 долл.
9I. Брызговики и подкрыльники	I тыс.700 долл.
92. Сахар, мука, консервы всего	2тыс.500 долл.
93. Застрелена немецкая овчарка	250 долл.
94. Потеряны документы: права, дипломы, удостоверения	800 долл.
ИТОГО:	I58тыс.I20 долл.

An excerpt from a list drawn up by the applicant detailing the items stolen from his home during his detention and their value.



ЗАЯВЛЕНИЕ

Прошу Вас засвидетельствовать причи
ждения, кражи, грабеж, разбой, подж
вкие по ул.Слотская, дом 94 Октябрь
держания меня сводным отрядом Ханты-
Мансийске в Октябрьском ВОВД с 5 марта
До тех пор пока сами они не уехали,
автомобиля "Олдсмобиль"/американск
производства/
ния импортная /немецкая и бельгийск
аны и кровати, койки - I7 шт.
евизоры "Панасоник"- 2шт.УВС - Iшт.
., Нац. - I шт.
еодойка /японск./ - 3 компл. и I о
ыкальный центр - 3 комплекта
ры импортные, переодские и др. 32 шт
ленки 5 шт.,кожанные плащи и куртки
импортные старинные
и чисто норковые натуральные
тки импортные - 27 шт
и и сапожки мужские и женские
леры и рубашки, платья и джинсы
ые одеяла, подушки и т.д.
тильники 3-х камерные 3 шт.

> "The Court is particularly struck by the incident of 11 March 2000, when a police officer of the Oktyabrskiy VOVD cut off the applicant's left ear. It finds this to be an especially grave and abhorrent form of ill-treatment inflicted on the applicant … The Court finds it shocking that such a horrid act of violence was committed by a police officer who was, furthermore, a representative of the State seconded to the Chechen Republic to maintain constitutional order in the region and called upon to protect the interests of civilians.
>
> Sadykov v Russia, para. 236

10 THE SOUTH CAUCASUS JUSTICE PROJECT

RJI and the Georgian Young Lawyers´ Association (GYLA)

The work of the SCJP continues to highlight the general lack of willingness of both sides to investigate abuses and the need for strategic litigation to address the lack of a systemic framework for dealing with the legacy of the conflict.

Since mid-2008, the South Caucasus Justice Project, implemented as a partnership between RJI and the Georgian Young Lawyers´ Association, has built up a caseload concerning human rights violations committed during and in the immediate aftermath of the 2008 Georgia-Russia conflict—such as civilian deaths resulting from indiscriminate bombings and ethnic cleansing—as well as serious post-conflict abuses that continue to impact the lives of civilians on both sides, such as unlawful detention of civilians on both sides of the Administrative Boundary Line (ABL) and interference with property rights.

The SCJP completed a successful second year of domestic and international litigation in 2010. It remained the only legal aid initiative taking cases to the ECtHR from South Ossetia, a region which still remains closed to almost all international monitors and where knowledge of domestic and international legal mechanisms for rights protection remains extremely limited.

THE GOALS OF THE SCJP ARE:

- *To contribute to the development of lasting peace in South Ossetia by providing redress for victims of human rights violations committed during the August 2008 conflict and its aftermath;*
- *To contribute to the prevention of future violations through strategic litigation, highlighting systemic shortcomings in Georgian and Russian legislation and military practices.*

> The detention [of the four South Ossetian men] was absolutely illegal and ... against Georgian and any international law...
>
> Former SCJP Lawyer Nino Khaindrava, "RIGHTS GROUPS ACCUSE GEORGIA OVER DETENTIONS," Radio Free Europe, 7 December 2009

THE GEORGIAN OFFENSIVE AGAINST TSKHINVALI

One of the project's cases to have reached the post-communication stage is *Sipols v Georgia*, which concerns the death of the applicant's mother and aunt during the Georgian offensive against Tskhinvali on the afternoon of August 9, 2008, when an artillery shell exploded in the garden of the applicant's family home, fatally injuring the applicant's relatives. From a ballistics analysis of the shell fragments, the applicant found strong evidence that the shell was likely fired from the vicinity of the Georgian firing position in Ergneti. The applicant complains of alleged violations of the right to life on behalf of his relatives, as the use of force employed against a residential area of the city was disproportionate, and also complains about the lack of an effective investigation into the circumstances that led to their deaths.

A view from the applicant's house after the artillery attack.

THE DISAPPEARANCE OF A SOUTH OSSETIAN CIVILIAN

In September 2010 Council of Europe Human Rights Commissioner Thomas Hammarberg in his report on missing persons concluded that a South Ossetian civilian, Radik Ikayev, disappeared at the hands of the Georgian military in late August 2008. Ikayev was captured and detained by Georgian military personnel on 8 August in or near the village of Bakati-Kau in the Znauri District. He was then taken to one of the lock-up wards of the Gori Police station, where he remained for a few days and was then transferred to the Georgian military barracks located in Vaziani. He was last seen alive on 22 August 2008, and was in Georgian custody at the time. The applicants in this case include the mother and wife of Ikayev, who complain of alleged violations of the right to life of their relative and the lack of an effective investigation into his disappearance.

Several of those who went missing in the immediate aftermath of the conflict were captured on video during their detention.

> “The experts consider that the queries submitted by GYLA contain a number of very pertinent ideas for generating information about the three missing persons, which would have warranted thorough follow-up. However … the criminal investigation file did not contain any information which would confirm that GYLA’s queries were answered or, indeed, that any action had been taken in response to some of GYLA’s most significant recommendations or suggestions (e.g., expert analysis of the video, identification of military and police forces stationed in the area of interest, etc.)
>
> CoE Human Rights Commissioner Thomas Hammarberg, September 2010

ARBITRARY DETENTION ALONG THE ADMINISTRATIVE BOUNDARY LINE (ABL)

One of the most disturbing post-conflict trends in the region of the ABL in both Georgian and South Ossetia is the arbitrary detention of civilians, which severely and disproportionately impacts the population’s freedom of movement. Throughout 2010, up to eight ethnic Georgians were imprisoned in Tskhinvali for months at a time for illegal border crossing or fabricated charges of weapons possession. At the time of writing this report, all but one of the ethnic Georgian detainees had been released, but all the applicants maintain their claims before the Court of unlawful detention, unfair trial and inhuman and degrading conditions of detention in Tskhinvali prison.

Arbitrary detentions were also practiced by the Georgian side throughout 2009 but became less frequent in 2010. The SCJP is representing 5 ethnic Ossetians at the ECtHR who complain of arbitrary detention and unfair trial during their detention in Georgia.


Detention facility in Tskhinvali.

12 BUILDING CAPACITY AND RAISING AWARENESS

RJI strives to empower various actors within the local population of the North Caucasus—including victims and their relatives, local lawyers and law enforcement officials—to understand and make use of the legal mechanisms available for human rights protection and to document abuses.

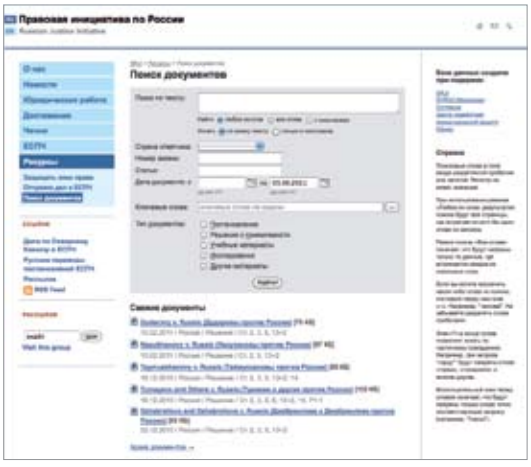
RJI raises awareness about and promotes the observance of ECtHR case-law in various ways among legal professionals and the general public with the aim of strengthening domestic legal remedies for human rights violations, and also prioritizes supporting professional development among its staff and transferring knowledge within the organization. In 2010, RJI staff also continued to increase their knowledge and capacities by attending several trainings hosted by partner organizations dealing with aspects of international litigation as well as outreach and awareness-raising among victims of human rights abuses.

Close supervision by RJI's senior staff over the work of organization's field lawyers allows them to develop the skills and knowledge necessary to make use of European human rights mechanisms. This commitment has allowed RJI to build up a case-load from Dagestan in 2010, despite the difficulties of pursuing litigation in this region.

RJI also maintains an extensive resource section on its website, which hosts a database of all cases pending before the ECHR from the North Caucasus, as well as Russian translations of the Court's decisions, and electronic versions of RJI's publications for clients, *Defending Your Rights in the Russian Federation and After the Judgment—What Next?* The public's interest and use of this unique reference tool is evidenced by the growth of traffic to our website, which we continue to observe from year to year.

RJI's work also consistently serves to increase knowledge of international legal mechanisms among local professionals, such as lawyers, judges and prosecutors. Local and regional judges and prosecutors are exposed to RJI's legal submissions both prior to and subsequent to judgments rendered by the ECtHR. RJI's post-judgment submissions on behalf of applicants make use of domestic legal mechanisms in a novel way and advocate redress for investigative and other shortcomings indicated by the ECtHR, thus requiring investigators, prosecutors and judges to actively engage with the legal consequences of the Court's judgments.

Researcher Tanzila Arsamakova of the Nazran office of RJI makes a presentation during a "training for trainers" for advocates working on the problem of enforced disappearances worldwide in Venice, January 2010.



RJI's website is today one of the most comprehensive reference tools for precedent-setting European case-law in Russian translation.

RJI's work on implementation of the Court's judgments combines awareness-raising and, in certain cases, continued litigation on the domestic level with the goal of bringing about systemic changes in law and practice within Russia.

"In accordance with paragraph 74 of the decision of the European Court of Human Rights of October 2, 2008 the investigative organs did not inform the victim of investigative activities ... and thus did not provide him with the requisite level of public control over the course of the investigation. Thus the refusal to grant access to the criminal case, which has been ongoing for more than eight years, has impeded the victim's access to justice, as it does not allow him to realize the constitutional right to present a reasoned complaint against a public official.

From the decision of the Grozny Garrison Court following RJI's intervention post-judgment in the case Rasayev and Chankayeva v Russia

"We expected that if our cases were decided favorably by the European court that the Government would investigate these criminal cases, but that's not happening so far...

From a letter signed by 14 applicants, requesting RJI to follow up on their cases with the domestic authorities post-judgment

By the end of 2010, over 100 cases from the North Caucasus were on the agenda of the Committee of Ministers of the Council of Europe (CoM) for monitoring post-judgment implementation on the domestic level. RJI views the effective implementation of judgments as a central part of its mandate to provide redress and reparations to victims of human rights violations. Our post-judgment work builds upon the Court's extensive case-law, which often provides striking examples of investigatory negligence, even in the face of compelling evidence.

In 2010 RJI made significant strides in its implementation work both in terms of domestic follow-up, reporting, and advocacy. We focused particular attention on decided cases with very strong evidence as to the identity of the perpetrators in order to force a re-opening of the domestic investigation in these cases by submitting motions, appeals and requests for judicial review of prosecutorial decisions.

We also ensured systematic follow-up to each decision issued by the Court by sending out legal analyses, as well as Russian translations of the judgments, to the relevant investigative authorities. Renewing correspondence with the authorities post-judgment allows us to gauge the progress of implementation in individual cases, which we relay to the Committee of Ministers.

In 2010 we prepared three submissions to the Committee of Ministers and continued to raise awareness about the status of implementation in Strasbourg and Moscow with diplomats and partners from the Council of Europe. We believe our combined efforts on the domestic and international level have led to several small but crucial improvements in the monitoring process and have contributed to keeping the issue of implementation of the Court's judgments from the North Caucasus on the broader agenda of the Council of Europe. Our renewed domestic litigation, while it has not yet led to genuinely effective investigations, has also allowed applicants to continue seeking justice on the domestic level and in some cases has provided applicants and victims with case materials to which they were previously denied access.

14 EVALUATING IMPACT

As the Court's case-law continues to grow, we continue to push for full redress for victims and reform of law enforcement practices.

INCREASING PRESSURE FOR REFORM

While the Court handed down judgments at a slower pace than previous years, the amount of compensation awarded in disappearance cases nearly doubled, creating an increased financial burden for Russia. The increase in moral damages is of huge significance for our clients, both practically—many have often lost their main breadwinners—and symbolically—the higher award acknowledges the gravity of the violation suffered as well as the fact that Russia has not addressed systemic failures which have perpetuated the applicants' suffering at the hands of the authorities. In 2010 the Court awarded over 1.5 million euro in moral and material damage to our applicants.

The Court's 18 unanimous judgments in 2010 found Russia responsible for substantive violations of the right to life or the right to be free from torture in all but one case. The Court found in each case that the investigation had been inadequate and that the manner in which the applicants had been treated by the authorities in the majority of cases constituted a violation of Article 3. Many of the Court's judgments also continue to highlight strong evidence regarding the identity of perpetrators in specific cases and to point out investigatory shortcomings, which is key to conducting effective post-judgment advocacy, litigation and monitoring.

RJI Executive Director Vanessa Kogan signs the founding document for the creation of the Natalia Estemirova Documentation Centre in Oslo, September 2010.

> "It's clear that the obligation of justice and Russia's obligation is to punish the perpetrators named in the judgments. But for me, as a representative of Russian Justice Initiative, the most important goal is not to keep on punishing those who simply carry out the orders, but to change the system—to severely punish commanding officers, and those who bury the cases and sabotage the investigation.

Former RJI Legal and Program Director Roemer Lemaitre, quoted in Esquire magazine, August 2010

> The Assembly therefore calls upon the Russian central and regional executive and judicial authorities to intensify co-operation with the Council of Europe in enforcing the judgments of the Court, especially where they concern reinforcement of the individual measures to clear up the cases of, in particular, abduction, murder and torture in which the Court has ascertained a lack of proper investigation.
>
> PACE Resolution 1738 (2010),
> "Legal Remedies for Human Rights
> Violations in the North Caucasus"

ADVOCATING CHANGE

Over the past year as a result of our legal interventions, 12 criminal investigations were re-opened both pre- and post-judgment. We have also seen concrete improvement in providing clients access to case materials, especially subsequent to a judgment by the ECtHR.

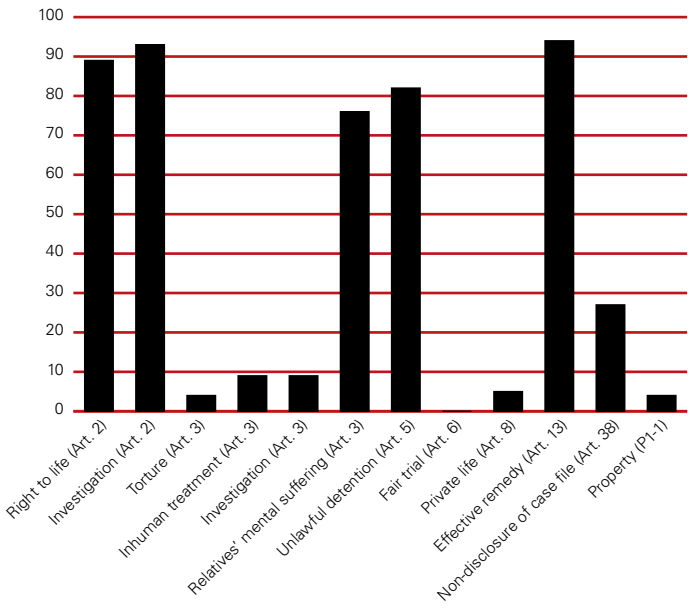
Materials in two cases were provided following motions submitted to the domestic authorities following ECtHR judgments, and in one case a local court in Grozny found that the refusal of access had been unlawful citing both domestic law and the European Court's findings. Access to case files is one important indicator that the authorities may be more willing to submit to public scrutiny.

Following the June 2010 meeting of the Committee of Ministers, the CoM Secretariat released an updated version of their 2008 memorandum concerning Russia's implementation of the Chechen cases, which emphasized that Russia was still under the obligation to provide concrete evidence of how its reforms have improved access to justice in practice. The Memorandum also referred to RJI's submissions to the Committee in its assessment of Russia's current compliance.

The Court's case-law on the North Caucasus and the sustained attention to failing legal remedies in the region has spurred new civil society initiatives focused on human rights issues in the North Caucasus, in which RJI has been invited to take part. In October 2010 RJI became a founding member of the newly founded Oslo-based Natalia Estemirova Documentation Center, which is designed to provide comprehensive and centralized resources on human rights abuses in the North Caucasus over the past two decades.

Throughout 2010 there have been indicators that Russia's overall outlook on the Council of Europe and the ECtHR has positively improved. In January Russia finally undertook to ratify Protocol 14 to the ECtHR. In June, the Russian delegation to the Parliamentary Assembly of the CoE did not vote against the harshly critical PACE Resolution concerning the legal and human rights situation in the North Caucasus, which in part called upon Russia to intensify efforts to implement the Court's judgments. In March the Head of Russia's Investigatory Committee announced that a special department had been set up in Chechnya to investigate cases of abductions, and Chechen prosecutorial authorities spoke up openly about the lack of political will on the federal level to investigate serious human rights violations in the North Caucasus.

Number of violations found per article (by 31 Dec 2010)



NORTH CAUCASUS

As we move forward with our litigation work in 2011 we expect to be representing almost 1,500 clients on both the domestic and international level, both pre-and post-judgment. In addition to continuing the central aspects of our mandate regarding litigation and implementation, we expect to strengthen our awareness-raising capacity by partnering on a new project that will involve conducting trainings for victims and local law students in the North Caucasus.

The novelty of the implementation process for many strategic litigation NGOs has increased the need for greater coordination and cooperation among civil society initiatives, and in 2011 we will continue to consult with our partners to implement the most effective implementation strategies which combine advocacy with continued litigation.

The current pattern of human rights abuses in the North Caucasus highlights the importance to continue litigation in a strategic manner, aiming to assist the most vulnerable populations. In 2011 we will therefore continue to examine and re-evaluate our legal priorities and strategies in order to ensure that we address the problem of impunity in the North Caucasus in the most effective manner.

Relatives of disappeared men in Chechnya call for their return.

SOUTH CAUCASUS

We plan to continue the SCJP into 2011 in order to ensure follow-up on previously submitted cases and to bring new cases before the ECtHR concerning post-conflict violations which continue to impact the lives of civilians. We aim to retain a focus for new cases on post-conflict violations such as arbitrary detentions along the Georgian-South Ossetian ABL and in border villages. The continuing practice throughout the past year of lengthy periods of arbitrary detention, especially by the de facto South Ossetian authorities, highlights the need for resort to international mechanisms.

We also plan to conduct an assessment in Abkhazia and the Alkhalgori region of South Ossetia to determine the possibility of bringing cases from these regions. This will entail monitoring of the human rights situation in Georgia, South Ossetia and Abkhazia.

We also expect to strengthen the capacity-building aspect of the project in both Georgia and South Ossetia for civil society actors who are involved in local or international litigation, and for regional law enforcement and other state officials.

A burnt car on the Zarskaya Road leading out of South Ossetia into North Ossetia, on which many civilians were killed while trying to escape the shelling of Tskhinvali.

STAFF

PRAVOVAIA INITSIATIVA (NORTH CAUCASUS)

Arsen Sakalov, *Director*
Tanzila Arsamakova, *Senior Legal Assistant*
Farida Chemurziyeva, *Legal Assistant*
Magomed Barakhoev, *Staff Lawyer (part-time)*
Shamil Isayev, *Staff Lawyer (part-time)*

RUSSIAN JUSTICE INITIATIVE (MOSCOW)

Vanessa Kogan, *Executive Director*
Roemer Lemaître, *Legal and Program Director*
Andrey Nikolaev, *Senior Lawyer*
Daria Boyarchuk, *Staff Lawyer*
Grigor Avetisyan, Staff Lawyer for Implementation
Galina Sergeeva, *Grants and Finance Manager*
Ludmila Polshikova/Julia Dilmukhambetova, *Legal Assistant*
Olga Ezhova, *Office Manager/Legal Assistant*
Varvara Pakhomenko, *Consultant on South Ossetia (part-time)*

SOUTH CAUCASUS JUSTICE PROJECT, TBILISI

Nino Khaindrava/Natia Katsitadze, *Project Lawyer*
Tamta Mikeladze, *Legal Assistant*

COMMITTEE OF RECOMMENDATION

The committee of recommendation consists of individuals from around Europe who have made significant contributions in the field of human rights. This committee, which demonstrates the support enjoyed by the Russian Justice Initiative in the international community, has no governing or advisory responsibilities in the organization. Rather, the committee recommends the Russian Justice Initiative byvirtue 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*
Rainer Eppelmann, *Member, German Bundestag (CDU/CSU)*
André Glucksman, *Philosopher*
Erik Jurgens, *Vice-president, Senate of the Dutch Parliament,* and Member, *Parliamentary Assembly of the Council of Europe*
Nataša Kandic, *Humanitarian Law Center, Belgrade*
Markus Meckel, *Member, German Bundestag (SDP)*
Nathalie Nougayrede, *Le Monde*
Lord Russell-Johnston, *Member, Parliamentary Assembly of the Council of Europe (formerly President)*

GOVERNING BOARD

The Governing Board is charged with the overall direction and governance of the Russian Justice Initiative. Members of the board lend professional expertise to the organization, assist in fundraising endeavours, and act as a public face for the organization.
CHAIR: Egbert G.Ch. Wesselink, *IKV Pax Christi Netherlands.*
TREASURER: Ole Solvang, *Human Rights Watch*
MEMBERS: Aage Borchgrevink, *Norwegian Helsinki Committee*
Jane Buchanan, *Human Rights Watch*
SENIOR ADVISOR TO THE BOARD:
Diederik de Savornin Lohman, *Human Rights Watch*

ADVISORY COMMITTEE

In order to ensure the highest quality work, the Russian Justice Initiative 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*
Professor William Bowring, *Faculty of Law, London Metropolitan University*
Professor André Nollkaemper, *Faculty of Law, University of Amsterdam*
Gareth Peirce, *Birnberg, Peirce and Partners, London*
Maria K. Pulzetti, *Founding Executive Director, Chechnya Justice Project*
Ruslan Yandarov, *Lawyer*

18 STATEMENT OF FINANCIAL ACTIVITIES 2010

(North and South Caucasus)

January–December 2010 (all figures in euro)

INCOME	
Individual contributions	1,000
Grants	667,780
Reimbursement of expense	214,498
Other Income	18,018
Total Income	**901,296**

EXPENSE	
Equipment and Capital Purchases	2,683
Personnel (incl. taxes and all benefits)	389,405
Consultants, honoraria and translations	92,722
Administration, including rent	71,932
Publications	1,051
Travel	45,606
Other	43,371
Reimbursement to lawyer	4,750
Subgrant to GYLA – SCJP	42,673
Total Expense	**694,193**

Total Assets, Beginning of Year	301,185
Change in assets (income – expenses)	207,103
Total Assets, End of Year	198,048

NOTES ON THE ACCOUNTS

These accounts represent a summary of the information contained in our Statement of Financial Activities and the BalanceSheet.

The listed income category "reimbursement of expense" represents the funds paid to the organization by the Russian Government pursuant to the costs and expenses award of the European Court of Human Rights. These funds belong to the organization's endowment fund.

RJI's financial statements are subject to a yearly audit which examines all organizational financial records from Ingushetia, Moscow and Utrecht. The results of our audit are communicated to the Governing Board and to our financial supporters.

The 2010 audit was carried out by the Auditing Firm "S.A.P" LLP in Moscow.

The 2010 audit conclusion was unreservedly positive.

SUPPORTERS AND ACKNOWLEDGEMENTS

The Russian Justice Initiative gratefully acknowledges its financial supporters during 2010:
The Global Conflict Prevention Pool, the Swedish Helsinki Committee, the Royal Netherlands Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Open Society Institute, the United Nations High Commissioner for Refugees, and the United Nations Voluntary Fund for Victims of Torture.

We are pleased to announce among our supporters for 2011:
The Conflict Pool, the Open Society Institute, the United Nations High Commissioner for Refugees, the United Nationals Voluntary Fund for Victims of Torture, Civil Rights Defenders and the Sigrid Rausing Trust. Applications with the Royal Norwegian Ministry of Foreign Affairs, the Royal Netherlands Ministry of Foreign Affairs and the Oak Foundation are pending.

Our work would not be possible without the help and support of our Ingushetia security team, who ensure the safety of our staff and clients when in Ingushetia. Many people and organizations provided myriad forms of support in 2010 and we are grateful to all of them. They include but are not limited to:
The European Human Rights Advocacy Centre, the Human Rights Centre "Memorial," the Georgian Young Lawyers Association, Human Rights Watch, Amnesty International, Aim for Human Rights, the Norwegian Helsinki Committee, and Civil Rights Defenders. We also wish to thank for their special assistance Esselein van Eerten, Aleksey Ponomarev, Daria Trenina, Tanya Lokshina, Allison Gill, Anna Sevortian, Rona Peligal, Aleksey Ovcharuk, Tina Devadasan, Bill Bowring, Philip Leach, Jan de Vries, Boel Stier, Jeffrey Denis Jackson, Ekaterina Sokirianskaia, Julia Taranova, Orlane Varesano, Yonko Grozev, and many others who, for security reasons, cannot be named here.

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Graphic Design: Susanna Janz, *Griller Grafisk Form*, Sweden.

“The prosecutor’s office is well aware of who took my sons away, I’ve been there at least a hundred times. But they never have time for me—they are at lunch, or have to go somewhere.

Satsita Israilova, applicant in Sasita Israilova and others v Russia, 28 October 2010

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