



**Russian Justice Initiative**

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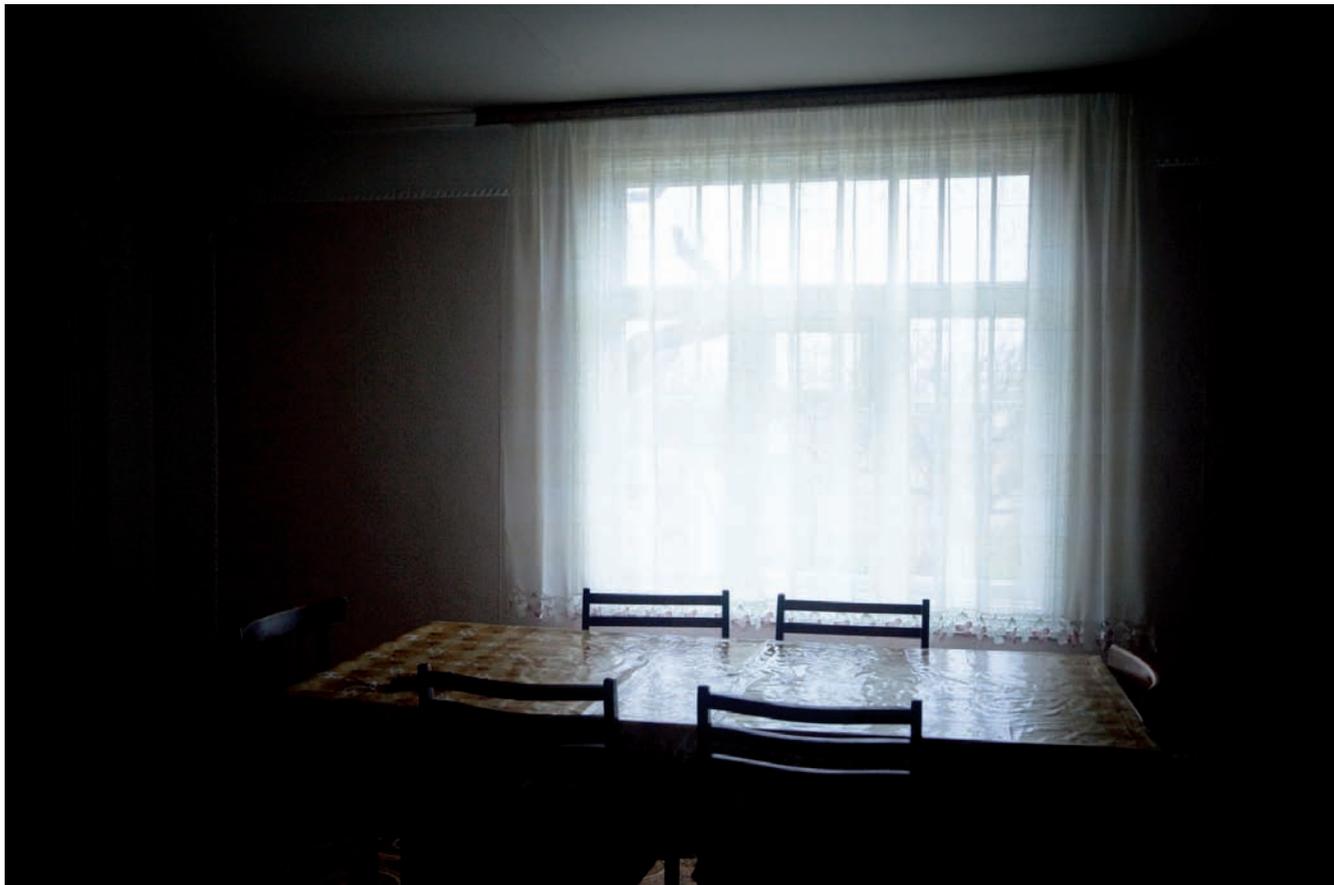
**ПРАВОВАЯ ИНИЦИАТИВА**

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**TEN YEARS 2001-2011**

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The photo was taken at the home of Magomed Rashidov, who disappeared from his home in Gubden, Dagestan, in December 2009. RJI assisted Mr. Rashidov's relatives in submitting an application to the ECtHR.

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COVER PHOTO:

Zaynap Dzhambekova holds a picture of her son, Imran Dzhambekov, who disappeared in March 2002 from his home in Grozny. The European Court found Russia responsible for Imran's disappearance in September 2009.

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## Dear Friends and Supporters, In 2011 Russian Justice Initiative marked ten years of work helping victims of human rights abuses in the North Caucasus seek justice.

During this time, RJI has grown from an ad-hoc operation with a few staff in Moscow and Ingushetia to one of Russia's leading legal aid organizations, representing over 1500 applicants from almost every republic of the North Caucasus, as well as from Georgia and South Ossetia. During its anniversary year, the European Court of Human Rights handed down its 100th ruling in favor of clients of the organization—a truly remarkable feat.

This milestone seems like an opportune time to reflect on our achievements of the decade past and on the challenges of the future. When Jan ter Laak, Egbert Wesselink and I founded the organization in 2001, we had two main objectives: 1. Achieving justice for individual victims of the Chechen conflict or their families; and 2. Forcing structural change in Russian law and policy so these kinds of abuses could never happen again with impunity.

Russian Justice Initiative has made great strides on the first objective. Since the precedent-setting judgment in *Bazorkina v Russia* in mid-2006, the Court's judgments in RJI's cases have found Russia responsible for the fate of over 220 victims who were unlawfully killed, disappeared or tortured by the authorities. Each of these judgments offered important vindication for the applicants, all of whom had unsuccessfully sought justice inside Russia before. Taken together, these judgments constitute a vital record of the egregious human rights violations Russian forces committed during the second Chechen conflict.

In the last few years, the organization has begun focusing strongly on achieving the second objective: Ensuring that the 100+ judgments result in the structural changes needed to end abusive practices by Russian law enforcement agencies in counterterrorism operations and to undo the roots of impunity that run so deep in the region. The fight for full implementation of the judgments is an integral and essential part of RJI's mission and work.

Achieving this second objective is going to be a major challenge for which we need our talented staff to use the full extent of their creativity as well as the continued support of our partners and donors. It will take time but let's remember that when Russian Justice Initiative started its mission a little more than ten years ago, the challenges were enormous as well. At that time, there were no Russian lawyers with experience in the European Court of Human Rights so we hired young lawyers and trained them; most victims of serious abuses had never even heard of the court and many were afraid to press for justice; and the volatile security situation in the North Caucasus made contact with clients and collection of evidence quite difficult.

But our dedicated and talented staff and our applicants, whose desire for justice—despite their fears—was the driving force behind our work from the beginning, were able to overcome all those difficulties. This would, however, not been possible without the unwavering support of our donors and supporters who committed to the long-term endeavor of strategic litigation in the North Caucasus and stuck with us as cases wended their way through domestic litigation and the overburdened European Court. Your commitment has allowed Russian Justice Initiative's work to become a resounding success.

Our work on implementation of judgments similarly entails a long-term commitment. We want to transform the legal landscape of the North Caucasus and beyond for the better and we will continue to fight for that goal. But we cannot do so without the continued support of our partners and donors. I am extremely grateful for your commitment to justice in the North Caucasus and we hope to be able to continue to count on your support as we continue our mission.

Sincerely yours,



Diederik Lohman

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During its anniversary year, the European Court of Human Rights handed down its 100th ruling in favor of clients of the organization—a truly remarkable feat.

Diederik Lohman, founder of *Russian Justice Initiative*

Diederik Lohman and Fatima Bazorkina, applicant in *Bazorkina v Russia*, at the European Court of Human Rights.



# 04 10 YEARS, 100 JUDGMENTS

In mid-2011, RJI won its 100th case at the European Court, which testifies to the consistent quality of its legal submissions, the effectiveness of its approach to cases, and the dedication of many past and present staff, some of whom have been with the organization since its founding.

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100 judgments is a lot, too many to remember each one. But there were judgments we waited for with particular impatience. For example, there was *Imakaeva v Russia*. The parents of Said-Khusein Imakayev—Marzet and Said-Magomed—came to us very shortly after their son was detained. You could see what a happy family they had been, and that they were managing to cope with this tragedy only by supporting each other. So it was all the more horrendous to hear in 2002 that Said-Magomed had been detained by the military after submitting their case to the Court. Despite the immediate reaction by the Court and the judgment issued relatively shortly thereafter, the fate of both Imakaevs is still unknown. Marzet though has shown herself to be an extremely brave woman, and she inspired us to keep up our work ...”

Tanzila Arsamakova, Founding staff member of Pravovaia Initsiativa in Ingushetia.

## OUR MANDATE

Russian Justice Initiative is a Dutch non-profit legal aid organization founded in 2001 and based in Moscow. Since its founding, RJI has engaged in strategic litigation jointly with its domestic partner, Pravovaia Initsiativa, based in Nazran, Ingushetia. Since September 2011, due to registration problems with its former branch office in Moscow, RJI has also been working with the domestic Russian NGO “Astreya.”

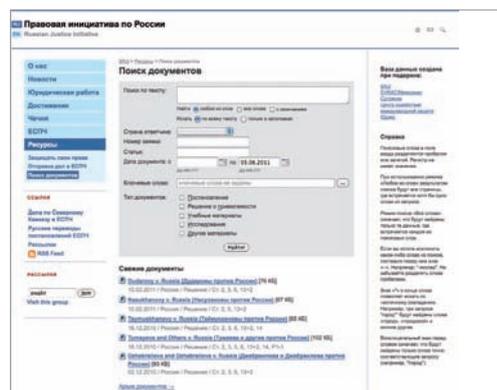
Since its founding the organization has focused on the most serious violations of the European Convention on Human Rights related to armed conflict and to post-conflict transition in Chechnya: disappearances, extra-judicial killings, torture and unfair trials. Today, RJI works in almost every republic of the North Caucasus, and since mid-2008 has also been conducting strategic litigation in Georgia and South Ossetia.

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. RJI’s work on implementation of the Court’s judgments equally serves its main objectives, combining advocacy and, in certain cases, continued litigation with the goal of bringing about systemic changes in law and practice within Russia.

“

The possibility of application to the ECtHR has inarguably provided a voice and justice ... to Russian citizens who would otherwise have been afforded neither. There are also tentative indications that Russia has been prompted to implement some military and administrative reforms in response to the Court’s jurisprudence—in the form of revisions to manual of military practice, new requirements for record keeping and registration of detentions, and guidelines for the investigation and prosecution of unlawful killing and enforced disappearance cases.

Joseph Barrett in “Chechnya’s Last Hope? Enforced Disappearances and the European Court of Human Rights” published in Harvard Human Rights Journal, vol. 22 No. 1 (2009).



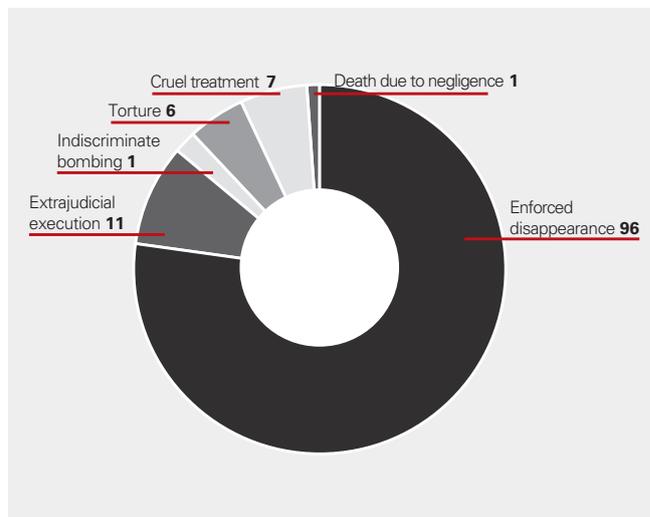
RJI’s website is today one of the most comprehensive reference tools for precedent-setting European case-law in Russian translation.

## OUR CASES

By the end of 2011 RJI had won 109 cases at the European Court of Human Rights finding Russia responsible for grave violations of human rights in Chechnya and Ingushetia. By the time RJI had reached its landmark 100th judgment, the Court was awarding 60,000 euro as moral compensation for a disappearance, almost double the original amount of awards, a development RJI had long argued for in its submissions before the Court. The total amount of moral and material compensation awarded to RJI's applicants comes to more than EUR 8 million.

Over the past ten years RJI's cases have set precedents in the area of the right to life in disappearance cases, the standards for effective investigations, the suffering of the relatives of the disappeared and the use of force in counter-terrorism operations. It also brought the first case concerning torture in Chechnya to the European Court. By the end of 2011 RJI was representing over 1500 applicants mainly from Chechnya, Ingushetia, Kabardino-Balkaria and Dagestan, and over 250 from Georgia and South Ossetia.

Many of the judgments handed down by the European Court contain strong evidence as to the identity of the perpetrators. These cases form the basis from which we continue to advocate for accountability through our advocacy and litigation work on implementation of judgments.



The chart shows the breakdown of RJI's North Caucasus cases by type of violation found by the ECHR by 30 June 2012.

## PRIZES AND AWARDS

In December 2004 Russian Justice Initiative was awarded the prestigious Human Rights Prize of the French Republic for its work on behalf of victims of torture in Chechnya. Of 116 nominations from 43 countries, RJI was one of 5 organizations selected, and the only organization from Russia.

In October 2005 the Swedish organization Forum for Living History awarded Arsen Sakalov, coordinator of Pravovaia Initsiativa in Nazran, the 2005 Per Anger Prize for his efforts to bring justice to victims of human rights abuse in connection with the conflict in Chechnya.

In August 2007 the American Bar Association awarded its International Human Rights Award to Elena Ezhova, former director and senior lawyer of the Russian Justice Initiative Moscow office. In December 2005, Ezhova was one of several lawyers from Russian Justice Initiative to present arguments before a panel of seven judges at the European Court of Human Rights in the case *Bazorkina v. Russia*, the first case that the European Court decided concerning disappearances in Chechnya.



Former staff members of RJI prepare to present oral arguments before the European Court in the *Bazorkina v. Russia* case (from left: Elena Ezhova, Ole Solvang, Andrei Nikolaev, Doina Straisteanu).

➔  
Four cases  
on following  
pages

# 06 CHECHNYA'S FIRST DISAPPEARANCE CASE

**Name:** Bazorkina v Russia

**Judgment:** 26 July 2006

**Main violation:** disappearance

**In the case of *Bazorkina v Russia***, the Court established that Mr. Khadzhi-Murat Yandiyev, a 25-year-old Chechen, must be presumed dead after he was detained on 1 February 2000 together with a group of fighters. Following his detention, Mr Yandiyev was questioned in the village of Alkhan-Kala by Colonel-General Alexander Baranov, who, at the end of the interrogation, ordered his execution. Mr. Yandiyev has been missing ever since. The interrogation and execution order was filed by a CNN film crew, whose footage was filed with the Court. The military prosecutor refused to open an investigation into the case, citing the lack of evidence as to the involvement of military servicemen. After a case was opened by the civilian prosecutor's office, the investigation was suspended several times on the grounds that it was impossible to identify the perpetrators.

**The *Bazorkina* case laid the groundwork** for the Court's approach to evaluating claims of disappearances perpetrated by federal forces in Chechnya. By the end of 2011 the Court had found Russia responsible for violations of the right to life in over 130 disappearance cases from the North Caucasus, the majority of which were brought by RJI.

**RJI has been actively following up** on the criminal investigation into Mr Yandiyev's disappearance since the entry into force of the judgment and has been reporting on progress to the Committee of Ministers since early 2007. After several unsuccessful attempts to gain access to the case files, the applicant was finally granted access in September 2011. However, RJI's request to instigate a criminal case against Colonel Baranov was dismissed on the main ground that the order he had given to execute the applicant's son could not technically be considered an order from a commander to his subordinates, and therefore was not meant to and could not have been obeyed by the servicemen under Baranov's command.

**The Committee of Ministers has paid** special attention to the progress of the investigation into Mr Yandiyev's disappearance, mentioning it in two Decisions in June and September 2011 and in its Interim Resolution of December 2011, as a case in which "key elements have been established with sufficient clarity in the course of domestic investigations, including evidence implicating particular servicemen or military units in the events."

**RJI believes that the investigation** into Mr Yandiyev's disappearance remains ineffective and continues to make submissions to the investigative authorities and to the Committee of Ministers to promote accountability in this case.

“ The soldier in charge ... can be seen questioning Khadzhi-Murat, dressed in camouflage. His words are barely audible, but there is no mistaking the general's final words: 'Take him away, damn it, finish him off there - that's the whole order. Get him out of here, damn it. Come on, come on, come on, do it, take him away, finish him off, shoot him, damn it!' Khadzhi-Murat is then being seen led away. His mother only realised he was missing when she saw his pictures on television.

From the article "A Chechen Mother's Painful Search,"  
27 July 2006.

TV Footage of Yandiev's  
interrogation and the  
order for his execution.



# DETENTION IN DUBA-YURT 07

**Name:** Khaydayeva v Russia

**Judgment:** 5 February 2009

**Main violation:** Disappearance

**On 9 June 2002**, Sayd-Salu Akhmatov, Mansur Ismailov, Suliman Malikov, Adlan and Aslan Khatuyev disappeared after being detained at a checkpoint near the village of Duba-Yurt, Chechnya. Several eyewitnesses, including two members of the special police forces employed at the checkpoint, subsequently stated to investigators that soldiers belonging to the 348th battalion of Interior Ministry troops had detained the five men. For several years the authorities denied that they had ever arrested the five men. In October 2007 the Russian government informed the Court that it had detained the five men on 9 June 2002 but that it had released them on 10 June 2002. However, it failed to produce any documents showing that the men were released. There has been no news of the five men since.

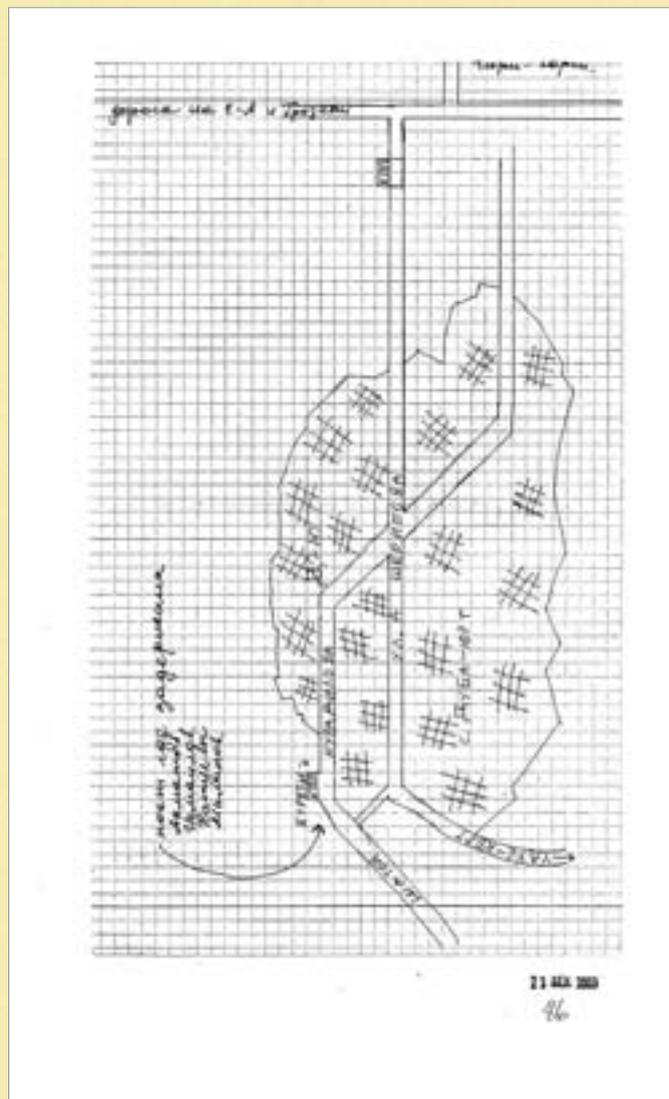
**The Court's judgment found Russia responsible** for the presumed death of the five men and noted several evident shortcomings in the investigation, such as the failure to question witnesses, the failure to identify the military unit involved in the abduction, despite information in this regard, and the lack of information available to the victims' relatives about the conduct of the investigation.

**In late 2010 RJI assisted the applicants** in lodging an appeal for judicial review against the actions of the investigative authorities, who had refused to carry out requested investigative measures in light of the judgment of the ECtHR and who refused to grant the applicants access to the case materials.

**In April 2011 the Grozny Garrison Court** granted the applicants' appeal in part. In relation to investigative shortcomings identified by the European Court, the court concluded that they should be rectified accordingly, on the basis that ECtHR judgments have direct effect on the territory of the Russian Federation – an extremely progressive interpretation of the role of ECtHR judgments within the Russian legal system.

**RJI continues to follow up on the judgment** *Khaydayeva v Russia* in order to compel the investigating authorities to implement the ECtHR's judgment in full.

“ The Court considers it necessary to point out that in accordance with Article 15(4) of the Russian Constitution ... international treaties form an integral part of Russia's legal system. If an international agreement signed by Russia contains other norms than those set out in domestic law, the norms in the international agreement prevail ... courts should apply the European Convention taking into account the practice of the European Court in order to avoid violations of the Convention.



A map submitted by the applicants shows the checkpoint where their relatives were abducted near Duba-Yurt.

# 08 TORTURE AT OKTYABRSKII VOVD, GROZNY

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

**Mr Sadykov was held and tortured** in the Temporary Office of the Interior (VOVD) of the Oktyabrskiy District for approximately three months in the year 2000. During his detention, the VOV D 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.

Materials from the criminal case file 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. The European Court pointed 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.

**Many of the officers identified** by the investigation as implicated in the torture belonged to an OMON regiment from Khanty-Mantsisk, which became infamous for cruelty at the Oktyabrskiy VOV D during this period. One officer, Sergey Lapin, was later prosecuted for the torture and disappearance of Zelimkhan Muralov, a Chechen student, who was detained at the VOV D one year after Mr Sadykov.

**The Russian authorities took several steps** towards ensuring accountability for the crimes committed against Mr Sadykov when they arrested one of the perpetrators in September 2011 and began investigating him for exceeding official powers and participation in the causing of grave bodily harm. However, in December 2011 the authorities applied an amnesty act, which precludes the possibility of prosecution. Other suspects identified by the investigation remain at large.

**RJI continues its work on Sadykov v Russia** by representing the applicant in the ongoing domestic investigation and by appealing the application of the amnesty act.

ПРОШ.  
З А Я В Л Е Н И Е  
Прошу Вас засвидетельствовать при  
ждения, кражи, грабеж, разбой, по  
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ры импортные, периодические и др. 32  
тенки 5 шт., кожаные плащи и куртки  
и импортные старинные  
и чисто норковые натуральные  
ткни импортные - 27 шт  
и и сапожки мужские и женские  
перы и дубашки, платья и джинсо  
не одежды, подушки и т.д.  
ильники 3-х камерные 3 шт.  
ля импортная

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



“ [The Committee] notes with interest the efforts reported by the Russian authorities with a view to remedying the shortcomings of the initial investigations, establishing the facts as well as the identities of those responsible, including servicemen and other representatives of federal forces who might have been involved in the events described in the judgments... [and] that these efforts have resulted in the identification of particular servicemen in a number of cases and in the arrest of one of the perpetrators in the Sadykov case.

An article published in a Chechen periodical entitled "The non-repentant" describes the legacy of the Khanty-Mantsisk OMON in Grozny in 2000-2001.

Interim Resolution on the Chechen Cases, Committee of Ministers of the Council of Europe, 2 December 2011.



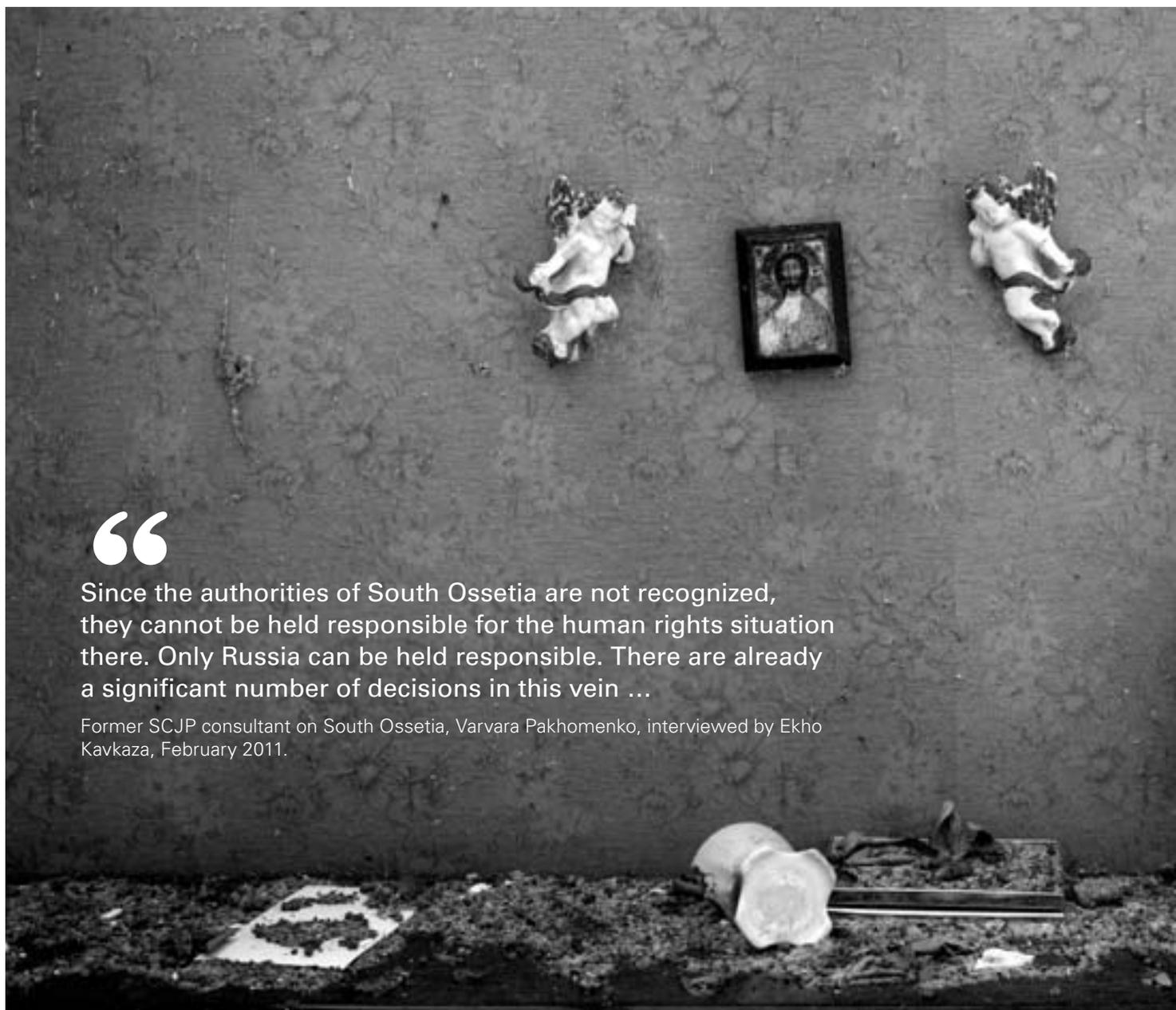
# 10 THE SOUTH CAUCASUS JUSTICE PROJECT

## Taking cases from Georgia and South Ossetia

**Despite the efforts of the international community since the 2008 Russia-Georgia conflict, including expert analysis on specific cases of serious human rights violations committed during the conflict, neither side has shown a willingness to investigate conflict-related abuses, giving rise to 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 Lawyer's Association, has submitted approximately 35 applications concerning violations committed during and in the immediate aftermath of the 2008 Georgia-Russia conflict. In addition to litigating some of the most serious conflict-related abuses such as civilian deaths resulting from indiscriminate bombings, disappearance and ethnic cleansing, the SCJP has also documented post-conflict abuses that have had the most serious impact on the lives of civilians, such as unlawful detention on both sides of the Administrative Boundary Line (ABL), and interference with property rights.

The inside of the remains of Gela Chlikadze's house, which was burnt down by Ossetian militias in August 2008. Gela himself was killed. RJI and GYLA are representing his relatives before the ECtHR, alleging violations of the right to life, among others.



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Since the authorities of South Ossetia are not recognized, they cannot be held responsible for the human rights situation there. Only Russia can be held responsible. There are already a significant number of decisions in this vein ...

Former SCJP consultant on South Ossetia, Varvara Pakhomenko, interviewed by Ekho Kavkaza, February 2011.

“

In the case of Khachirov, Khugaev, and Pliev, the experts found that very little activity had taken place to investigate this case in spite of prompting by EUMM, the Georgian Young Lawyers Association (GYLA) and the parents of the missing persons during the period of almost a year and a half which had elapsed since the disappearance. For instance, the police on duty in the area at the time of the disappearance had not been questioned. Neither was there any documented canvass of the residents in the relevant neighbourhoods.

CoE Human Rights Commissioner Thomas Hammarberg, September 2010

## THE DISAPPEARANCE OF THREE SOUTH OSSETIANS

On 13 October 2008, three young Ossetian men, Alan Khachirov, Alan Khugaev and Soltan Pliev were taken into the custody of Georgian forces and subsequently disappeared. Alan Khachirov was not yet 16 years old at the time. Before trace of them was lost, witnesses described seeing the three men being beaten in Koshka village by Georgian soldiers. The men were last seen on the road between the villages of Kvemo Korkula and Khelchua. In 2010 the Council of Europe Commissioner for Human Rights sent two experts to Georgia to provide support to the investigation into several disappearances including Khachirov, Khugaev and Pliev. They concluded that the investigation on the whole had been ineffective. GYLA and RJI have been representing the three men's families before Georgian law enforcement bodies since January 2009. They allege that their relatives were ill-treated and ultimately killed by the Georgian authorities.



Alan Khugaev was one of three men who disappeared after being taken into custody by Georgian troops in October 2008.

## FREEDOM OF EXPRESSION IN SOUTH OSSETIA

Political opposition parties in South Ossetia have often encountered difficulties in having their views heard—their members may be harassed or worse if they speak out against the ruling party or powerful politicians. This is the backdrop of the case of Fatima Margiyeva, a member of the People's Party of South Ossetia, who after running as a candidate in the parliamentary elections in 2009 was arrested on charges of possession of weapons and spent several months in inhuman conditions in Tskhinvali prison. She applied to the ECtHR alleging that the trial was politically motivated and designed to halt her political activities, and complained further of inhuman and degrading treatment during her detention.

## ARBITRARY DETENTION ALONG THE BOUNDARY LINE

One of the most disturbing post-conflict trends in the region of the ABL in both Georgia and South Ossetia is the arbitrary detention of civilians, which severely and disproportionately impacts the population's freedom of movement. While detentions by the Georgian side tapered off in 2010, throughout 2010 and 2011, 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. In 2011 one of these cases, *Kobaladze and others v Russia*, reached the communication stage. *Kobaladze* concerned the detention for over two years of four ethnic Georgians in Tskhinvali, their fabricated trial and inhuman treatment. The men were exchanged for South Ossetian prisoners in February 2011 and returned home.

The SCJP is also representing 5 ethnic Ossetians at the ECtHR who complain of arbitrary detention and unfair trial during their detention in Georgia.



## 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, students and law enforcement officials—to understand and make use of the legal mechanisms available for human rights protection.**

RJI believes that transfer of knowledge to various sectors of the local community is one of the most effective ways to promote the viability of legal mechanisms for human rights protection. In 2011, we continued to build the capacity of our own staff and also implemented new approaches to capacity-building for legal professionals, students and human rights activists.

In one initiative aimed at young professionals with a legal background, and carried out in cooperation with the employment center in Nazran, interns worked under the supervision of RJI lawyers in Nazran and Moscow to prepare applications to the ECtHR. In another initiative carried out in partnership with Pax Christi Belgium, RJI organized a two-day training on the European system of human rights protection for law students of Chechen State University, which was led by RJI staff as well as several Russian human rights scholars. Two students who participated in the training were selected to participate in a one-month internship program at the organization's Moscow office in early 2012.

The training at Chechen State University concluded in the signing of a memorandum of understanding between the University and RJI to continue to foster awareness of international human rights law through the planning of future joint seminars and trainings.

In 2011 as part of RJI's efforts to expand into the field of protection of women's rights in the North Caucasus, we actively built partnerships with various women's rights organizations and independent lawyers in Chechnya, Ingushetia and Dagestan, and provided consultations in applying to the European Court in cases of domestic violence and child custody. RJI also organized a roundtable focused on the challenges of human rights litigation on women's rights issues in the North Caucasus for several local women's rights organizations. This event served the dual purpose of drawing attention to different kinds of systemic human rights violations taking place in the North Caucasus, as well as exposing more local activists to international human rights mechanisms.

RJI's website also remains the most comprehensive resource for ECtHR judgments from the North Caucasus. 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.



Mr. Gleb Bogush of Moscow State University lectures on the court's key case-law on the right to life during the project's training for law students at Chechen State University (Grozny).

## **Full implementation of the Chechen judgments within Russia is crucial to lessening the climate of impunity throughout the North Caucasus. RJI continues its work on cases after a judgment from the ECHR through advocacy and continued litigation.**

In 2011 RJI continued to lead work in the area of implementation of judgments from the North Caucasus through its follow-up of cases on the domestic level, reporting to the Committee of Ministers and advocacy in Moscow and Strasbourg.

In April 2011 RJI launched, together with Human Rights Watch, a Moscow-based diplomatic working group devoted to discussion of implementation of ECtHR judgments from the North Caucasus, as well as other groups of cases of significant importance for Russia's observance of fundamental human rights.

The initiative was aimed partly at improving coordination between Strasbourg and Moscow diplomats in their strategies for approaching Russia on the execution of ECtHR judgments. In late 2009 Human Rights Watch had advocated for the creation of such a group in its report on implementation of the Chechen judgments, *Who Will Tell Me What Happened to My Son*, which would use as its basis input from "NGOs representing victims in these cases or otherwise engaged on implementation of European Court judgments on Chechnya." After over a year of gathering the requisite support for the forum, the group met three times in 2011 to discuss progress on the implementation of the Chechen judgments, based on submissions and presentations made by RJI, Memorial and the Committee Against Torture.

In parallel to Moscow-based advocacy, RJI made comprehensive submissions to the Committee of Ministers on the progress of implementation in the Chechen cases, including an analytical paper on the application of statutes of limitation as a potential bar to domestic prosecutions, which was submitted jointly by RJI, Memorial and the European Human Rights Advocacy Centre.

In 2011 our combined advocacy and reporting work led to significant results - four out of seven of the cases eventually chosen by the Committee of Ministers for follow-up at the September and December DH Meetings were reported on by RJI in Moscow and Strasbourg throughout 2011.



**Full implementation of measures to comply with the court's judgments is crucial to put an end to abuses that continue to this day both in Chechnya and in other parts of Russia's troubled North Caucasus. With at least 150 additional cases from the North Caucasus pending before the court and new applications lodged with the court's registry on a regular basis, full implementation carries perhaps the single most significant potential to produce lasting improvements in the human rights situation in this region.**

Human Rights Watch, *Making Justice Count in Chechnya*, November 2011.



**The issue of statutes of limitation for prosecution has become crucial because the majority of crimes into which proceedings have been opened on the domestic level—including abuse of official powers, torture, murder and kidnapping—carry statutes of limitation of a maximum of 10 or 15 years.**

From a submission to the Committee of Ministers authored by RJI and submitted jointly by RJI, Memorial and the European Human Rights Advocacy Center in November 2011.

# 14 EVALUATING IMPACT

**Our work has helped to bring about several positive developments at the local level in connection with victims' rights and compensation, and has also influenced the course of the Council of Europe's monitoring of implementation of ECHR judgments from Chechnya.**

## PROMOTING SYSTEMIC CHANGE

Four years after the ECtHR handed down its first decision in a disappearance case from Chechnya, much progress remains to be made in investigation and prevention of serious human rights violations. However, certain developments signal a move in the right direction. We have observed a significant improvement, for example, in regard to victim's rights during investigations. Victims are now much more likely to receive access to case materials at all stages of the proceedings on the local level. We have seen several progressive judgments by local courts concerning implementation of ECtHR judgments and more willingness to satisfy applicants' motions regarding investigative actions such as questioning witnesses and possible suspects. The local investigative authorities also began a systematic effort to collect DNA samples from relatives of the disappeared to be used for building a DNA bank for identifying remains.

In 2011 we have also seen local courts hand down the first five judgments in civil cases for compensation for disappearances and deaths caused by federal forces, based on the ECtHR's case-law on Chechnya.

In 2011 the Court has handed down 11 judgments finding Russia responsible for disappearances and extra-judicial killings in Chechnya between the years 2001 and 2006, and awarded applicants nearly 830,000 euro in moral and material damages.

In nine of 2011's eleven unanimous judgments, the Court found Russia responsible for substantive violations of the right to life in cases of disappearances and extra-judicial killings in Chechnya between the years 2001-2006. In ten cases the Court also found procedural violations of the right to life due to the government's failure to conduct an effective investigation. Substantive violations of the right not to be subjected to inhuman treatment (Art. 3) were found in nine cases on behalf of the victims' relatives.

“

Queries regarding servicemen who are capable of giving testimony on specific criminal cases have been sent out throughout the past three years ... in the past six months this work has speeded up significantly due to the tightening of supervision over the implementation of European Court judgments.”

The Chechen Investigative Committee, July 2011.



RJI Legal Director Anastasia Kushleyko leads a roundtable discussion to discuss the challenges of working on the legal protection of women's human rights in the North Caucasus in Grozny with representatives of local women's rights organizations.

“

[The Committee not[es] with concern that despite the efforts made by the Investigative Committee and by other competent authorities, more than six years after the first judgments of the Court, in the vast majority of cases, it has not yet been possible to achieve conclusive results and to identify and to ensure the accountability of those responsible, even in cases where key elements have been established with sufficient clarity in the course of domestic investigations, including evidence implicating particular servicemen or military units in the events...

Committee of Ministers' Interim Resolution on the Chechen cases, December 2011.

## ADVOCATING FOR IMPLEMENTATION AT NATIONAL LEVEL

Over the past several years, in its work on the implementation phase of judgments, RJI has advocated closer scrutiny by the Committee of Ministers on specific cases as an effective approach to implementation. In 2011 the Committee of Ministers began to adhere to this approach more consistently, which has in turn generated more information from the Government on specific cases.

The Committee of Ministers issued two decisions criticizing Russia's lack of progress in domestic investigations examined by the European Court in June and September 2011. The decisions cited four of RJI's submissions made to the Committee over the past two years. The decisions and Interim Resolution issued in December indicated in total seven specific cases for specific follow-up by the Committee, all of which have strong evidence as to the identity of the perpetrators and about which RJI has provided information in its submissions and advocacy over the past two years.

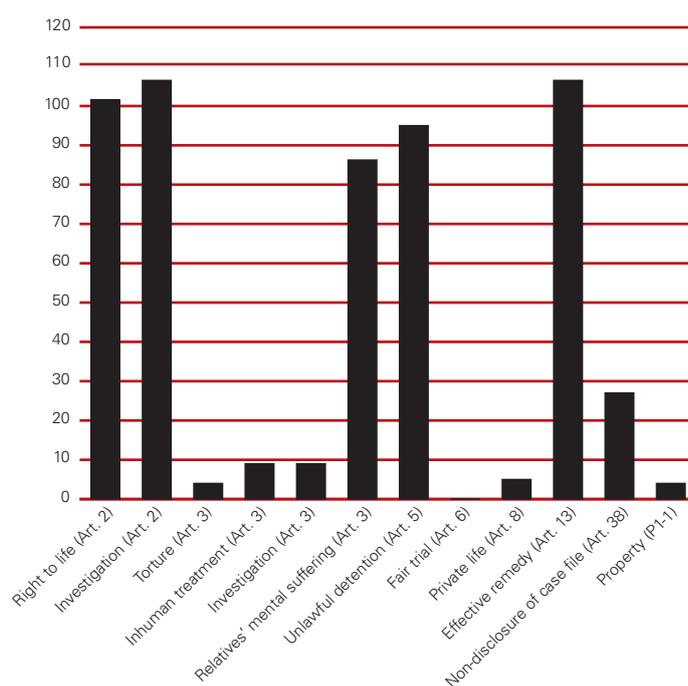
Other Committee documents from 2011 also showed that delegations have utilized RJI's submissions as a basis for soliciting specific information on cases from the Russian delegation.

The December 2011 Interim Resolution of the Committee of Ministers was the first to directly address the continuing ineffectiveness of domestic investigations in 154 "Chechen cases" and to set forth many of the major obstacles to meaningful implementation, and continued an important trend of identifying specific cases for follow-up, all of which have strong evidence as to the identity of the perpetrators, rather than focusing exclusively on general problems. It also mentioned the importance of bringing perpetrators to justice before the expiry of statutory limitation periods, a crucial issue which RJI has put at the center of its advocacy efforts in Moscow and Strasbourg.



Executive Director Vanessa Kogan and the Dean of the Law Faculty of Chechen State University sign a memorandum of cooperation to continue promoting education in human rights.

The chart shows the number of violations per article found by the ECtHR in RJI's cases.



# 16 2012 OBJECTIVES AND ACTIVITIES

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## **NORTH CAUCASUS**

In 2012 we will be representing more than 1600 clients on the domestic and international level, both pre- and post-judgment. While continuing the central aspects of our mandate regarding litigation and implementation of ECtHR Court judgments, we plan to review our working methodology in several regions with the goal of working on more newer cases of serious human rights violations, as well as attempting to progress in our efforts to litigate cases concerning women's rights and discrimination.

We hope to continue capacity-building initiatives begun in 2011, including trainings at Chechen State University and an internship program, as well as providing training and support to women's rights organizations in the North Caucasus.

We will likely attempt to shift resources no longer spent on certain kinds of cases towards more sustained follow-up of cases post-judgment in domestic courts, and towards broader domestic and international advocacy.

## **SOUTH CAUCASUS**

We plan to continue the SCJP into 2012 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, as well as on civil and political rights in South Ossetia.

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 law enforcement or other officials.



## STAFF

### PRAVOVAIA INITSIIATIVA (NORTH CAUCASUS)

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

### RUSSIAN JUSTICE INITIATIVE (MOSCOW)

Vanessa Kogan, *Executive Director*  
 Anastasia Kushleyko, *Legal and Program Director*  
 Alexey Ponomarev, *Senior Lawyer*  
 Daria Boyarchuk, *Staff Lawyer*  
 Grigor Avetisyan, *Staff Lawyer for Implementation*  
 Galina Sergeeva, *Grants and Finance Manager*  
 Ludmila Polshikova/Julia Dilmukhambetova/ Ludmila Sakalova, *Legal Assistant*  
 Olga Ezhova, *Office Manager/Legal Assistant*  
 Vissarion Aseev, *Consultant on South Ossetia (part-time)*

### SOUTH CAUCASUS JUSTICE PROJECT, TBILISI

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 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*  
**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**, *Pax Christi Netherlands*  
**TREASURER: Ole Solvang**, *Human Rights Watch*  
**MEMBERS: 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*  
**Jane M. Buchanan**, *Former Executive Director, Chechnya Justice Project and Human Rights Watch*  
**Professor William Bowring**, *Faculty of Law, London Metropolitan University*  
**Professor André Nollkaemper**, *Faculty of Law, University of Amsterdam*  
**Gareth Peirce**, *Birnberg, Peirce and Partners, London*  
**Maria K. Pulzetti**, *Founding Executive Director, Chechnya Justice Project*  
**Ruslan Yandarov**, *Lawyer*

# 18 STATEMENT OF FINANCIAL ACTIVITIES 2011

(North and South Caucasus)

January–December 2011 (all figures in euro)

<b>INCOME</b>	
Individual contributions	1,000
Grants	770,377
Reimbursement of expense	25,211
Other Income	8,053
<b>Total Income</b>	<b>804,641</b>

<b>EXPENSE</b>	
Equipment and Capital Purchases	5,836
Personnel (incl. taxes and all benefits)	458,535
Consultants, honoraria and translations	98,160
Administration, including rent	87,353
Publications	446
Travel	42,351
Reimbursement to lawyer	1,287
Subgrant to GYLA – SCJP	37,627
<b>Total Expense</b>	<b>731,595</b>

Total Assets, Beginning of Year	198,048
Change in assets (income – expenses)	73,046
Total Assets, End of Year	339,103

## NOTES ON THE ACCOUNTS

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

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 2011 audit was carried out by the Auditing Firm “S.A.P” LLP in Moscow.

The 2011 audit conclusion was unreservedly positive.

# SUPPORTERS AND ACKNOWLEDGEMENTS

## **The Russian Justice Initiative gratefully acknowledges its financial supporters in 2011:**

The Conflict Pool, the Open Society Institute, the United Nations High Commissioner for Refugees, the United Nations Voluntary Fund for Victims of Torture, IKV Pax Christi Belgium, The Royal Netherlands Ministry of Foreign Affairs, The Royal Norwegian Ministry of Foreign Affairs, Civil Rights Defenders, the Sigrid Rausing Trust and the Oak Foundation.

## **We are pleased to announce among our supporters for 2012:**

The Conflict Pool, the Open Society Institute, the United Nations Voluntary Fund for Victims of Torture, the Royal Norwegian Ministry of Foreign Affairs, Civil Rights Defenders, the Oak Foundation and the Sigrid Rausing Trust.

*Over the past year we were especially grateful to our donors and partners for their unwavering support in the face of the challenges posed by RJI's Moscow branch office being struck out of the registry of NGOs in February 2011. Staff in Moscow and Nazran also showed commitment and solidarity which ensured that these difficulties did not damage our ability to carry out our work. In particular we would like to thank: Tatiana Morschakova, Galina Sergeeva and Grigor Avetisyan of RJI's Moscow office, Marina van Riel in Utrecht, and Ramil Akhmetgaliev of Association AGORA in Kazan.*

Many people and organizations provided myriad forms of support in 2011 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," NGO "Public Verdict," the Georgian Young Lawyers Association, Human Rights Watch, Pravozaschita Dagestana, Caucasian Knot, Amnesty International, Queens College New York, the Norwegian Helsinki Committee, and Civil Rights Defenders. We also wish to thank for their special assistance Esselein van Eerten, Tanya Lokshina, Anna Sevortian, Aleksey Ovcharuk, Annemarie Gielen, Gleb Bogush, Uziyir Mamadov, Philip Leach, Boel Stier, Jeffrey Denis Jackson, Almut Rochowanski, and many others who may not be named here.

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“ They helped, they searched together with me, they inquired, they called all kinds of organizations. They really worked very hard, not only on my behalf but also on behalf of other women who were looking for their sons, their fathers, their daughters.

Fatima Bazorkina, applicant in Bazorkina v Russia,  
interviewed by Radio Free Europe.



The sign on the table reads "applicant."

**STICHTING RUSSIAN JUSTICE INITIATIVE**

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