

CHECHNYA JUSTICE PROJECT
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CHECHNYA JUSTICE PROJECT

The Chechnya Justice Project (the Project) is a groundbreaking initiative that utilizes domestic and international legal mechanisms to seek redress for human rights abuses committed in Chechnya. The Project provides free legal counsel to victims of human rights violations and their families through its implementing partners the Stichting Russian Justice Initiative (the Netherlands) and Pravovaia Initsiativa (Ingushetia). The Project's lawyers and researchers investigate incidents of arbitrary detention, torture, enforced disappearance and extra-judicial executions and bring these cases to the European Court of Human Rights in Strasbourg, France (the Court or ECtHR).

From its earliest days, the second armed conflict in Chechnya (1999-present) has been marked by large-scale grave abuses of human rights, including torture, disappearances, and extra-judicial execution. The Russian government's persistent lack of will to guarantee the rule of law and investigate human rights abuses, regardless of the suspected perpetrator's affiliation, has perpetuated a cycle of violence in the region.

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

Thus, in late 2001, a group of human rights activists founded the Stichting Chechnya Justice Initiative in the Netherlands, with an office in Moscow, and a local organization in Ingushetia now known as Pravovaia Initsiativa to jointly implement the Chechnya Justice Project. In December 2004, the organization the Stichting Chechnya Justice Initiative was renamed the Stichting Russian Justice Initiative.

Today, the Chechnya Justice Project has established itself as one of the leading legal representation and litigation projects in Russia. Since its founding the Project has steadily increased the number of victims it represents and cases it files with the ECtHR. As grave human rights abuses continue, and the climate of impunity persists, the work of the Project remains wholly relevant and crucial in its contribution to ending violence and opening the way for lasting peace in the North Caucasus.

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EXECUTIVE SUMMARY

The Chechnya Justice Project received its first victory before the European Court of Human Rights in July 2006, when the Court issued a positive decision in the Project's first case more than six years after the application was first submitted. By the end of 2006, the Project had won four important cases before the Court.

These victories are tremendously important for the Project's clients. After many years of unsuccessfully seeking justice through the Russian judicial system, victims are finally achieving redress through the ECtHR, which has held the Russian government responsible for violations of their rights. While the financial compensation granted to victims by the Court is often overshadowed by delayed justice, it will provide essential support to families that have often lost their primary provider.

These victories provide hope to the hundreds of applicants with cases still pending before the Court. Three cases decided in 2006 concerned disappearances in Chechnya and set important precedent for the ECtHR. Issues such as the burden of evidence in disappearance cases, the right to compensation for relatives of the disappeared, and the obligations of the state to conduct effective investigations and cooperate with the Court have been affirmed and expanded in these cases.

The victories, however, were also accompanied by less positive developments. In late 2006, the Project experienced significant problems when trying to register its Moscow office under a new law on non-governmental organizations. After two rejections and several months of suspended activities, the application for registration was finally approved in February 2007. While the Project was able to follow up on all the cases that it had submitted to the Court, the suspension of the Moscow office and the additional administrative work diverted energy and resources from the Project's main activities.

Nonetheless, the Project expects further success before the Court and estimates that another six of the Project's cases will be decided in 2007. The Project will also continue to submit new cases to the Court seeking redress for grave human rights abuses in the North Caucasus.

LITIGATING CASES

Representing victims of grave human rights abuse in the North Caucasus before Russian prosecutorial and law-enforcement bodies and the European Court of Human Rights remained the main activity of the Project in 2006. The Project won four important cases before the Court, setting important precedents and providing redress to the Project's clients.

MILESTONES

In 2006, the ECtHR handed down judgments in four of the Project's cases. In all of the cases, the Court ruled in favor of the applicants on the major issues and the applicants were awarded significant compensation. The cases concerned disappearances and summary executions and the successes of these cases set important precedents for other cases from Chechnya regarding similar crimes.

BAZORKINA V. RUSSIA

On 27 July 2006, the European Court for the first time delivered a judgment in one of the Project's cases. Bazorkina v. Russia was also the first case regarding disappearances in Chechnya to be decided by the Court.

The Court considered the disappearance of Khadzhi-Murat Yandiyev, a 25-year-old Chechen, who was detained after he fled Grozny, Chechnya, together with a group of fighters on 1 February 2000. Following his detention, Yandiyev was questioned in the village of Alkhan-Kala by Colonel-General Alexander Baranov. After questioning Yandiyev, the general ordered his execution. The events, including the execution order, were filmed by several camera crews and video evidence was submitted to the Court. Neither Yandiyev, nor his body, have been found.

Despite his mother's numerous attempts to obtain information about her son and requests for an investigation, the government took no action before opening a criminal investigation in July 2001, almost eighteen months after the events. Despite the clear evidence in the case, the Russian authorities suspended the investigation six times in six years, stating that it was impossible to identify the perpetrators of the disappearance. Colonel-General Baranov was questioned for the first time in June 2004 and no charges have been brought before a Russian court in the case.

In its unanimous judgment, the Court made a number of findings:

- The detention of Yandiyev had been unlawful as Russian troops disregarded domestic legal procedures (Article 5 of the European Convention on Human Rights);
- Yandiev must be presumed dead considering the execution order that was issued against him and the fact that he has been missing for more than six

years. The Court held that the Russian government is responsible for his death (Article 2);

- The investigation into the disappearance of Yandiev has been inadequate on numerous accounts (Article 2);
- The suffering of Yandiev's mother as a result of her son's disappearance and the failure of the Russian government to take adequate steps to investigate his fate reaches the threshold of inhuman and degrading treatment (Article 3);

The Court awarded Fatima Bazorkina EUR 35,000 in compensation for the loss of her son and for the inhuman treatment she received from the Russian authorities.

"Finally, a court has been willing to properly examine my case. I now hope that the Russian authorities will make a serious effort to establish the truth about my son's fate and bring to justice those responsible."

Fatima Bazorkina

ESTAMIROV AND OTHERS V. RUSSIA

On 12 October 2006, the Court handed down its judgment in the case Estamirov and Others v. Russia, unanimously holding Russia responsible for the summary execution of five family members in February 2000.

Khasmagomed Estamirov (1933), Khozhakhmad Estamirov (1963), Toita Estamirova (1971), their son Khasan Estamirov (1999), and Said-Akhmed Masarov (1950) were killed by Russian federal forces in a suburb of Grozny during a sweep operation on 5 February 2000, several days after the federal forces had established control of the capital. The bodies were discovered the same day, burned and with wounds from several gunshots, in the backyard of their own house by a relative. Toita Estamirova, eight months pregnant at the time, had several gunshots to her chest and abdomen. Toita's one-year old child, Khasan, had gunshots to his head and leg.

Investigators at the scene of the crime collected numerous empty cartridges and recorded tracks in the ground made by armed personnel carriers used only by Russian military forces. The investigation established that the sweep operation was conducted by special police force units (OMON) from St. Petersburg and Ryazan. Yet the Russian authorities have failed to hold anyone accountable for the crime.

In its judgment, the Court concluded that the death of the applicants' relatives should be attributed to the Russian state (a violation of Article 2 of the European Convention on Human Rights). The Court noted that the Russian government had not disputed that the area was controlled by Russian federal forces at the time. The government also did not provide any explanation for its assertion that the deaths of the Estamirov family members were not linked to numerous other deaths in that area on that day. The Court also noted that the investigation into the deaths had not been completed and that the individuals responsible were not identified or indicted.

Because of this and other shortcomings in the government's response the Court found that the Russian state had also violated its obligation to conduct a proper investigation. In addition, the Court found that the applicants did not have access to an effective remedy for the violations (violation of Article 13).

The Court awarded the remaining family members EUR 227,751 in compensation.

IMAKAYEVA V. RUSSIA

In *Imakayeva v. Russia*, the ECtHR unanimously held Russia responsible for the detention, disappearance and presumed death of Said-Khuseyn Imakayev and his father, Said-Magomed.

Said-Khuseyn Imakayev was detained at a roadblock between the villages of Starye and Novye Atagi in Chechnya on 17 December 2000. Several eyewitnesses testified that they saw uniformed men throw Said-Khuseyn into a military vehicle and drive away. Said-Khuseyn has not been seen since.

Early in the morning of 2 June 2002, four months after Said-Magomed and Marzet Imakayev had filed an application with the European Court of Human Rights, approximately 20 armed military servicemen arrived on six armored personnel carriers (APC) at the Imakayev house, confiscated documents and took away Said-Magomed, telling Marzet that he would be taken to the local district center. Said-Magomed has not been seen since.

Immediately after the detention and disappearance of their son, Marzet and Said-Magomed submitted numerous complaints to prosecutor's offices and other government institutions. They visited detention centers and prisons in Chechnya and the North Caucasus looking for their son. When her husband was detained and disappeared, Marzet continued this quest on her own. The Russian government initially denied that they had detained either the father or the son. In 2004 however, the government admitted detaining the father, but claimed that he was released the same day.

Because of her efforts to find her husband and son, Marzet was subjected to several threatening interrogations and eventually sought refuge in the USA out of concern for her and her family's security.

In its judgment, the Court made a number of important findings:

- Said-Khuseyn and Said-Magomed Imakayev had been unlawfully detained by Russian security forces (Article 5);
- Said-Khuseyn and Said-Magomed must be presumed dead and the Russian authorities are responsible for their deaths (Article 2);
- The investigation into the unlawful detention and disappearance has been inadequate on numerous accounts. The Court specifically noted the lack of attempt to identify the APCs and the detachments involved in the detentions

(Article 2);

- The disappearances of Marzet's son and husband and the failure of the Russian government to take adequate steps to establish their fate, constitute inhuman treatment (Article 3);
- The lack of authorization and safeguards in connection with the search constituted a violation of the right to respect for private and family life. The authorities' general reference to special powers under the Suppression of Terrorism Act was deemed insufficient (Article 8).

The Court stated that it was struck by the lack of accountability or any acceptance of direct responsibility by the officials involved in the events.

In addition, the Court rebuked the Russian authorities for not cooperating with the Court by failing to submit documents requested by the Court (Article 38). The Russian authorities consistently reject requests from the Court for documents in cases related to Chechnya claiming that they contain state secrets.

The Court awarded Marzet Imakayeva EUR 90,000 for the disappearance of her son and husband.

LULUYEV AND OTHERS V. RUSSIA

In *Luluyev and Others v. Russia* the Court unanimously held the Russian government responsible for the detention and murder of Nura Luluyeva whose body was found in Chechnya's largest known mass grave.

On 3 June 2000 a group of military servicemen appeared at the market where 40-year-old mother of four, Nura Luluyeva, worked. They detained her, along with several others, including two of her cousins. Eyewitnesses to the detention report that the military servicemen arrived on APCs, which are only used by Russian federal forces.

Luluyeva's body and the bodies of her cousins were later found among fifty-one dead bodies in a mass grave in February 2001. The grave was located in the village of Dachny, which is less than a kilometre from the main military base at Khankala in Chechnya. Most of the recovered bodies were in civilian clothing, some were blindfolded, and many had their hands or feet bound. Several of the people whose bodies were discovered were last seen alive in the custody of Russian federal forces.

In its judgment, the Court made a number of important findings:

- Luluyeva had been unlawfully detained by Russian security forces (Article 2);
- The investigation was inadequate on a number of accounts and among other things "plagued with delays in taking even the most trivial steps" (Article 2);
- The disappearance and death of Luluyeva and the failure of the Russian government to take adequate steps to investigate the case constitute inhuman treatment (Article 3);

- Luluyeva was held in unacknowledged detention, which constituted a particularly grave violation of the right to liberty and security (Article 5).

In its judgment, the Court also noted that the investigations into the deaths of other people whose bodies were discovered in the mass grave had been ineffective. In a 2001 report about the discovery of the mass grave, Human Rights Watch heavily criticized Russian authorities for failing to identify the majority of the bodies, record and preserve important evidence and conduct adequate autopsies. No one has been held accountable for these 51 murders. The Projects represents the families of several other people whose bodies were found in the same mass grave.

CASELOAD

In addition to the victories in the above-mentioned cases, the Project saw important progress in its other cases. A number of new applications were lodged with the Court.

By the end of 2006, the Project represents more than 900 victims and their family members in 135 cases. In 114 of these cases, the Project's lawyers have exhausted all possible domestic remedies in Russia and the cases have been submitted to the European Court of Human Rights.

APPLICATIONS

The majority of the new cases that the Project submitted to the Court in 2006 concerned enforced disappearances in Chechnya. Other cases concerned extra-judicial execution, torture, and arbitrary detention. In all of the cases there are strong indications that the perpetrators of the violations belonged to Russian law-enforcement agencies.

Compared to previous years, the Project experienced an increase in the number of requests for legal assistance in torture cases, most of them recent.

In 2006, the Project discontinued its practice of submitting preliminary applications to the Court and instead focused on immediately submitting high-quality full applications. The practice of preliminary applications was necessary during the first years of the Project because of logistical and security challenges to operating in the North Caucasus. As the experience and expertise of the Project's staff has grown, this practice is no longer necessary, greatly reducing the time before an application is submitted to the Court.

The Project submitted 31 full applications in 2006.

COMMUNICATIONS

In 2006, the ECtHR informed the Russian government of twelve cases submitted to the Court by the Chechnya Justice Project. In an effort to increase the Court's effectiveness, it adopted a new policy in 2006 that combines the Court's admissibility ruling with its decision on the merits. We expect that this new practice

will lead to judgments in our cases earlier than expected.

ADMISSIBILITY DECISIONS

In 2006 the Court declared seven of the Project's cases admissible, the final stage of litigation before the Court evaluates a case on its merits and issues a decision. The total number of admissible cases is 14.

The high success-rate of applications submitted to the ECtHR by the Project thus far reflects the high quality of the applications submitted by the Project's staff. Indeed, more than 90 percent of all applications submitted to the Court are refused due to procedural problems. The Project is pleased to report that all of its cases have been accepted for review by the Court and all cases that have reached the communication stage have proceeded to the admissibility stage. Likewise, all cases that have reached the admissibility stage have proceeded to the final stage of the procedure, a hearing on the merits.

The Project's cases at the Court	Progress in 2006	Total
Submitted	31	114
Communicated	12	44
Admissible	7	14
Favorably decided	4	4

Table: Status of the Project's cases at the Court.

BUILDING CAPACITY

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

PROFESSIONAL TRAINING AND RESOURCES

From 24 – 26 March 2006 the Project hosted its second seminar on 'Litigation before the European Court of Human Rights' in Nazran, Ingushetia. The seminar was the second in a series of educational programs organized by the Project aimed at capacity-building for lawyers from the North Caucasus.

The seminar was attended by lawyers and human rights defenders from several republics of the North Caucasus: Chechnya, Ingushetia, Kabardino-Balkariya, Karachaevo-Cherkessia and North Ossetia. The participants were selected on a competitive basis and are all involved in criminal law practice.

The first day of the program included lectures and trainings on the history of the European Convention on Human Rights and the European Court of Human Rights, as well as on the preparation of applications to the ECtHR, Court procedures and issues of application admissibility (Article 35 of the European Convention). During the second day participants completed an in-depth study of the specific rights provided for in Article 2 (right to life) and Article 3 (prohibition of torture) of the Convention. Finally, on the last day participants took part in a moot court and role-playing exercises, which gave them the opportunity to practice argumentation.

In connection with its new web-site, the Project developed an on-line resource center for Russian lawyers interested in submitting applications to the ECtHR. The resource center includes instructions, templates, forms and articles on how to file an application.

In 2006, the Project also added a searchable database of ECtHR judgments translated into Russian to its website. From 1 August 2006, the resource center, including the database, was visited 2,311 times, of which 1,617 came from Russia.

RIGHTS EDUCATION

To raise awareness of human rights and relevant human rights mechanisms among people in the North Caucasus, the Project published the *Citizen's Guide for Residents of the Republic of Chechnya: Defending your Rights on the Territory of the Russian Federation*. This guide for victims and their family members provides basic information about human rights and available legal mechanisms, including step-by-step instructions for gathering evidence and the process for launching domestic and

international litigation. The Project distributes this booklet to its existing and potential clients. Through this publication the Project is able to assist and inform a wide audience about their rights and the rights protection mechanisms available to them. Over 150 copies of the guide were distributed in 2006.

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

RAISING AWARENESS AND SHARING BEST PRACTICES

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

ADVOCATING CHANGE

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

GOVERNMENTS

The Project conducts significant advocacy activities directed at mostly European governments on issues related to the effectiveness and operation of the European Court and changing the human rights situation in Chechnya. The Project maintains regular contact with members of the Moscow-based diplomatic corps from Canada, Germany, the Netherlands, Norway, Sweden, the United States, and the United Kingdom. The Executive Director held meetings with members of the parliaments in Sweden and Norway, members of the foreign offices of Norway, Sweden, the Netherlands and the United Kingdom, and with representatives from the Council of Europe.

MEDIA

The Project received enormous media attention in 2006 in connection with the four judgments at the Court. As the first ECtHR judgment concerning disappearances in Chechnya, *Bazorkina v. Russia* received especially wide coverage. The judgment was referenced in most major newspapers in Europe and North America and was extensively covered by the BBC. Also Russian media covered these cases extensively.

In 2006, the Project and its cases were mentioned more than 250 times in international and Russian media.

BUILDING COALITIONS

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

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

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

EVALUATING IMPACT

The Chechnya Justice Project is a long-term investment in the pursuit of justice as a peaceful means to ending grave human rights abuses. The real impact of the Project's work will be dependent upon the effective implementation of decisions by the European Court of Human Rights. However, there are early indications that the Project's work is already improving access to justice for victims and their families.

CASE LAW

Despite having only four of its cases decided by the Court in 2006, the Project has had a considerable impact on the Court's case law. All four cases provided fertile ground for the Project and the Court to further develop case law in the areas of inhuman treatment of relatives, disappearances and the right to life, and the obligations of the respondent state.

INHUMAN TREATMENT OF RELATIVES

The Project has argued that the close relatives of the victim have suffered a violation of Article 3 of the Convention (inhuman treatment). We argue that not properly investigating a person's disappearance or murder for more than several years, sending form letters in response to pleadings for an effective investigation and endlessly referring relatives to other government bodies constitutes inhuman treatment of the relatives and indifference towards their suffering.

In all four of the Project's cases decided by the Court, judges accepted this argument and found that the relatives' rights under Article 3 had been violated. This firmly establishes that the respondent state has an obligation to properly investigate serious allegations of similar violations and a failure to do so is inhuman treatment of the relatives and will result in a violation of the Convention.

DISAPPEARANCES AND RIGHT TO LIFE

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

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

In Imakayeva, however, the Court went further. While previously the Court held that the specific situation of the detention of the disappeared person must have been life-threatening (as in Bazorkina where the General gives an execution order) in order for the Court to find a violation of Article 2, in Imakayeva the Court holds that being held in unacknowledged detention in Chechnya is in and of itself a life-threatening situation. This finding shows that the Court recognizes the extent of the problem of disappearances in Chechnya. These findings will prove important in future cases regarding Chechen disappearances.

OBLIGATIONS OF THE RESPONDENT STATE

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

The Project has consistently argued that this refusal violates Russia's obligations to fully cooperate with the Court and that it hampers the applicants' access to justice.

In both Bazorkina and Estamirov, the Court warned that a failure to produce these documents could lead to a violation of Article 38 (obligation to cooperate with the Court). However, the Court found that it was able to draw inferences with regards to the substantive issues from the government's failure to produce these documents without finding a violation of Article 38.

In Imakayeva, the Court finally found that the government had violated Article 38 by not providing the Court with the requested documents. This finding puts significant pressure on the government to provide these documents in future cases. A failure to do so could lead to the Court finding a violation of Article 38. As a result of this finding, the applicants to the Court and the Court itself will now be more likely to get access to the documents of the criminal investigation file and can properly evaluate the effectiveness of the investigation that the Russian government has conducted.

IMPACT ON THE BENEFICIARIES

With the first judgments in the Project's cases, our clients have seen concrete results from the Project's work. In the four cases decided by the Court in 2006, the Court ruled in favour of our clients on all major issues. After more than six years of fruitless battle for their rights in the Russian judicial system, the European Court established that their rights had been violated by the Russian authorities. It is difficult to overestimate the importance of this acknowledgement for the people who are affected.

In addition to recognizing that their rights had been violated, the ECtHR also awarded significant compensation to our clients. For families that have lost their

primary provider, this compensation is of immense value.

IMPACT ON THE GENERAL SITUATION

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

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

RE-OPENING INVESTIGATIONS

The Project has documented several individual cases in which the Russian government has reopened closed investigations once the government receives notification from the ECtHR that an application has been filed related to the investigation. Frequently a notification by the Court, referred to as a communication, prompts renewed investigative activity in the cases, including interviews of witnesses, identification of possible perpetrators and other crucial investigative steps. In Bazorikina, the Project obtained the criminal case file submitted to the Court by the Russian government. The criminal case file demonstrated that most of the investigative steps in the case were taken only after the case was communicated. In fact, a flurry of investigative activity was initiated when the Court requested an oral hearing in the case in September 2005.

CHANGING THE BEHAVIOR OF LOCAL COURTS

A few local courts in Chechnya have recently agreed to hear and, in some cases, have supported the Project's complaints of prosecutorial negligence. This is a significant change from the past when almost all complaints of this type were ignored by the courts. While these court rulings have not yet succeeded in bringing new cases to trial or holding perpetrators accountable, they are steps in the right direction for the judiciary.

CHALLENGES TO ACHIEVING THE PROJECT'S GOALS

The Project continued to face serious concerns about security, as clients reported additional incidents of harassment and intimidation. The Project staff, board and advisers regularly discuss security issues at their meetings, and the Project has an emergency response strategy for reported threats to clients or staff. Partner organizations, including the Human Rights Centre "Memorial," the European Human Rights Advocacy Centre, the Moscow Helsinki Group and others, as well as

individuals representing victims before the European Court of Human Rights, also continue to document such threats.

In the most serious of incidents, applicants before the European Court have been killed or subjected to enforced disappearance. Other applicants, as well as applicants' relatives, friends, associates or witnesses, have been followed, beaten, questioned or threatened with reprisals. It is often unclear whether these threats are in response to an applicant's communication with the ECtHR or are in retaliation for a victim's or relative's efforts to pursue domestic remedies. The Project continues to maintain close and frequent contact with all applicants in order to be fully informed of any threats or harassment.

NGOS UNDER PRESSURE IN RUSSIA

A controversial new law on non-governmental organizations came into force in April 2006 and proved to have a direct impact on the Project. Despite numerous consultations with the Federal Registration Service (FRS) and outside consultants, the Project's Moscow office was denied registration on technical grounds in November 2006. The FRS argued that the application for registration had not been filled out properly. Having complied with all the requirements, the office submitted a new application in January 2007. This application was also rejected, this time because the office allegedly should have tried to register as a branch office and not as a representative office. The FRS had not raised this issue in previous consultations.

The third application was finally approved on 20 February 2007 and the Moscow office immediately resumed activities in Russia. As a result of the rejections, however, the Moscow office's activities were suspended for several months and human and financial resources were diverted from the Project's substantive activities to filing applications and other related administrative work. We are concerned that the new law on non-governmental organizations and increased government attention to the activities of non-governmental organizations will occupy limited resources also in the future.

Other organizations were also subject to pressure. The relentless attacks on the Russian-Chechen Friendship Society culminated in early 2007 with the Supreme Court of Russia upholding the decision to liquidate the organization.

PROJECT PLAN FOR 2007

PROJECT OBJECTIVES

The overriding goal of the Chechnya Justice Project remains to secure legal redress and reparations for victims of serious human rights abuses committed during the ongoing war in Chechnya and to promote respect for rights guaranteed by the Russian Constitution and the European Convention on Human Rights. The Project believes that its work will contribute to promoting justice for all victims of serious crimes in Chechnya by addressing key failures of the justice system through both domestic and international legal remedies. In particular, the project seeks to hold perpetrators accountable for specific violations by representing its clients before Russian authorities and bringing cases to the European Court of Human Rights. The long-term goals of the project include:

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

PROJECT ACTIVITIES

LITIGATING CASES

The Chechnya Justice Project anticipates another ambitious and productive year in 2007. The Project will continue to represent the interests of over 900 applicants in 135 cases – in 114 cases already presented to the ECtHR and in 21 cases currently in review for potential submission to the Court.

The project will dedicate an ever-increasing proportion of its work to the advanced stages of ECtHR litigation.. The project anticipates submitting pleadings on behalf of applicants in response to 15 government memoranda received in the communication stage, as well as to six admissibility decisions.

BUILDING CAPACITY

In 2007 the Project will increase its work on transferring skills and knowledge about the Court and Convention to local lawyers in the North Caucasus. We will further develop the online resource center, which will provide lawyers with the necessary tools for submitting applications to the Court.

In addition, the Project will conduct a series of internships for lawyers from the North Caucasus and the rest of Russia to provide them with the tools necessary to use the mechanisms connected with the European Convention.

ADVOCATING CHANGE

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

STAFF, BOARD AND COMMITTEES

STAFF

PRAVOVAIA INITSIATIVA (INGUSHETIA)

Arsen Sakalov, *Director*
Tanzila Arsamakova, *Research assistant*
Suleiman Katsiev, *Staff lawyer*
Anastasia Maltseva, *Staff lawyer*
Dokka Itslaev, *Staff lawyer (part-time)*

STICHTING RUSSIAN JUSTICE INITIATIVE (NETHERLANDS)

Ole Estein Solvang, *Executive Director*
Doina Ioana Straisteanu, *Legal Director*
Elena Ezhova, *Director Moscow office/ Staff lawyer*
Olga Ezhova, *Office manager/ Legal Assistant*
Andrei Nikolaev, *Staff lawyer*
Ludmila Polshikova, *Legal Assistant*

GOVERNING BOARD

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

Chair

Jan ter Laak, *Netherlands Helsinki Committee*

Treasurer

Egbert G.Ch. Wesselink, *Pax Christi Netherlands*

Members

Aage Borchgrevink, *Norwegian Helsinki Committee*

Holly Cartner, *International Helsinki Federation and Human Rights Watch*

Senior Advisor to the board

Diederik de Savornin Lohman, *Human Rights Watch*

COMMITTEE OF RECOMMENDATION

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

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

Rainer Eppelmann, *Writer, former Member, German Bundestag (CDU/CSU)*

André Glucksman, *Philosopher*

Erik Jurgens, *Vice-president, Senate of the Dutch Parliament, and Member, Parliamentary Assembly of the Council of Europe*

Nataša Kandić, *Humanitarian Law Center, Belgrade*

Markus Meckel, *Member, German Bundestag (SDP)*

Nathalie Nougayrede, *Le Monde*

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

ADVISORY COMMITTEE

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

Anne Bouillon, *Avocats sans Frontières France*

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

Professor William Bowring, *Faculty of Law, London Metropolitan University*

Professor André Nollkaemper, *Faculty of Law, University of Amsterdam*

Gareth Peirce, *Birnberg, Peirce and Partners, London*

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

Ruslan Yandarov, *Lawyer*

FINANCES AND SUPPORTERS

The Chechnya Justice Project is fortunate to have received generous support for its work from a variety of donors in 2006.

Donor	Contribution
Global Conflict Prevention Pool	86,394
Royal Netherlands Ministry of Foreign Affairs	20,000
Swedish Helsinki Committee	59,600
Royal Norwegian Ministry of Foreign Affairs	50,000
Open Society Institute	40,769
Open Society Institute Internship Initiative	12,751
United Nations Voluntary Fund for Victims of Torture	29,782
United Nations High Commissioner for Refugees (Moscow)	14,234

The Project is pleased to announce among its supporters for 2007: The Global Conflict Prevention Pool, the Royal Netherlands Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Open Society Institute, the Swedish Helsinki Committee, the United Nations High Commissioner for Refugees, and the United Nations Voluntary Fund for Victims of Torture.

Expenditures January-December 2006:

Personnel, including salaries, benefits, and staff development	223,811
Administration, including rent	57,035
Equipment and capital purchases	5,114
Consultants, honoraria, translations	63,706
Publications	2,245
Travel	30,998
Conferences and other	12,737
Total:	395,648

ACKNOWLEDGMENTS

The Chechnya Justice Project gratefully acknowledges its financial supporters during 2006: 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 would like to especially thank Doina Ioana Straisteanu, our outgoing legal director, for her dedication and contribution to the Project. Doina's knowledge and expertise greatly contributed to the development of the Project and its cases.

The Project thanks the individuals who offered their time and assistance as interns and consultants during 2006, Damelya Aitkhozhina, Vanessa Kogan, and Ninke Liebert. Damelya spent twelve months with the Project under the Open Society Internship Initiative program. She assisted the Project's lawyers in preparing applications to the European Court, drafted two applications regarding disappearances in Chechnya, and conducted invaluable research into the Court's case-law with regards to just satisfaction. Vanessa spent six months in the Project's Moscow office, sponsored by the Third Millennium Foundation. Vanessa assisted the Project's lawyers in preparing applications to the Court, drafted applications and significantly developed the Project's website. Ninke prepared several high-quality applications to the Court regarding disappearances in Chechnya.

The Project's work in 2006 would not be possible without the contributions of our Ingushetia security team, which protects the safety of the Project's staff and clients when in Ingushetia. We are also indebted to our colleagues at the European Human Rights Advocacy Centre, the Human Rights Centre "Memorial," Human Rights Watch, Amnesty International and the International Helsinki Federation, who are generous with their wisdom and friendship.

The guidance and backing of the members of our Advisory Committee and Committee of Recommendation continue to contribute meaningfully to the development of the Project.

Others who have offered special assistance to the Project in 2006 include: Olga Amsheyeva, Bill Bowring, Jane Buchana, Maxim Ferschtman, Aleksey Krasnov, Philip Leach, Tanya Lokshina, Alexander Petrushev, Maria Pulzetti, Dmitri Vitaliev, the Norwegian Bar Association, the staff at Amnesty International-Netherlands, and numerous others who, for security reasons, cannot be named here.

APPENDIX

CASES BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

For security reasons, only those cases that have reached the communication stage of ECtHR litigation are included here. The following cases were communicated in 2006:

THE DETENTION AND DISAPPEARANCE OF KURBIKA ZINABDIYEVA AND AMINAT DUGAYEVA

In the early morning of 16 May 2003 about 20 armed Russian servicemen forcibly entered the home of Sulimovna Gekhayeva, binding her eyes, nose and mouth. After she was freed by her neighbors later that night, her house was in disarray and her daughter, Kurbika Zinabdiyeva, and another female visitor, Aminat Dugayeva, were missing. Aminat was 15 years old at the time and since birth had suffered from various medical problems. The Russian media reported on the kidnapping and, citing official sources, stated that the women had been abducted by federal forces. In the course of the investigation into the women's disappearance, various law-enforcement bodies denied the involvement of federal forces in the kidnapping. Despite the applicants' active search for their relatives, and the examination of their case by the Russian Human Rights Commission, the investigation into the kidnappings was suspended without having established any concrete information as to the perpetrators of the crime. The Project filed an application on behalf of the relatives of Kurbika and Aminat to the ECtHR in November 2003.

THE DETENTION AND DISAPPEARANCE OF IMRAN DJAMBEKOV, MAGOMED SOLTymORADOV, RIZVAN TATARIEV, AND SHAPRUDI VISAITOV

This case concerns the detention of four men: Imran Djambekov, Shaprudi Visaitov, Rizvan Tatariev and Magomed Soltymoradov, as well as the subsequent targeting of their relatives by Russian authorities. Djambekov was detained at his home in Urus-Martan in the middle of the night on 20 March 2002. The other three men were detained early in the morning of 22 December 2001; Visaitov and Tatariev were taken in Urus-Martan and Soltymoradov in Gekhi. After their detention all four disappeared. Two days after Visaitov's abduction, Russian troops again visited his family's house and threatened to take away others unless the family could give the troops weapons.

The families of these four men have since worked together to search for their missing relatives and advocate for effective investigations into their disappearances. In December 2002 some of the applicants – all relatives of the disappeared men – took

part in a peaceful demonstration against disappearances in Chechnya. They were subsequently illegally detained in unsanitary conditions for four days during which they were refused legal representation and barely fed. After their release they were denied a legal remedy for their unlawful detention and refused compensation. In 2003 the relatives established a non-governmental organization “Families of War Victims.”

None of the investigations opened into any of the disappearances have yielded concrete results regarding the whereabouts of the missing men or the identity of the perpetrators. The Project lodged applications with the ECtHR in 2003 and 2004 on behalf of these families.

THE DETENTION AND DISAPPEARANCE OF APTI AND MUSA ELMURZAYEV

In the early morning of 9 June 2002 the Elmurzayev’s house in Martan-Chu was surrounded by Russian servicemen traveling in armored cars. The servicemen blind-folded Aпти Elmurzayev and led him away, shooting at another family member as they left. Aпти’s family, in particular his brother Musa, actively began searching for him. Although a criminal case was opened to investigate the disappearance, it did not establish the perpetrators of the crime or provide any concrete information as to Aпти’s whereabouts. On 27 January 2003 Russian servicemen again surrounded the family’s house and detained Musa Elmurzayev. The fate of both brothers remains unknown. Despite the family’s active appeals to law enforcement agencies, the investigation into Musa’s disappearance similarly proved fruitless. The Project lodged an application to the ECtHR on behalf of family members of the Elmurzayev brothers in January 2004.

THE DETENTION AND DISAPPEARANCE OF ABU KHASUYEV

On 31 August 2001 approximately ten masked men in military uniforms stormed into the house of the Khasuyev family in Urus-Martan. They aggressively searched the house and then detained Abu Khasuyev, claiming he had a grenade. On orders from one of the soldiers, Abu Khasuyev was driven away in a military vehicle towards “the base.” He has not been seen since. The applicant, Abu Khasuyev’s mother, took her case to the Chechen Supreme Court, which denied her request for access to the materials of the criminal case opened to investigate her son’s disappearance. SRJI sent an application to the ECtHR on behalf of Abu Khasuyev’s mother in July 2003.

THE DETENTION OF MUSA AND MAGAMED GAITAYEV AND THE DISAPPEARANCE OF MUSA GAITAYEV

In the middle of the night on 24 January 2003, Musa and Magamed Gaitayev were both detained at their houses in Urus-Martan by a group of armed masked men. During the detention Magamed recognized the Urus-Martan military commander as one of the abductors. Magamed was released the same day after being beaten and drugged; however Musa has since disappeared. Despite Musa’s family’s efforts to

locate him, the investigation into his disappearance has been inconclusive and is currently suspended. Although several security checks were carried out on the night of Musa's disappearance by federal forces, the authorities denied that those forces arrested Musa. The Project first intervened on behalf of the applicants, relatives of Musa Gaitayev, in June 2003 and submitted an application to the ECtHR in January 2004.

THE REFUSAL TO RETURN BODIES FOR BURIAL TO RESIDENTS OF THE CITY OF NALCHIK, KABARDINO-BULKARIA

Early in the morning of 13 October 2005, law enforcement officers in the city of Nalchik were attacked, reportedly by armed insurgents. Around 135 people were killed in the ensuing battle, and dozens of unidentified bodies were taken to the town morgue. Each applicant lost a relative during the fighting and claims that Russian authorities unlawfully interfered with his or her right to privacy and family life by refusing to return bodies to family members, instead keeping them in the town morgue under appalling conditions. Although the relatives of the dead appealed to the authorities for the release of the bodies, they were told that the bodies would be released only after the conclusion of criminal investigations opened in connection with the armed attack on Nalchik. Several applicants appealed this decision in the courts, but their applications were rejected as premature. The Project represents the 50 applicants in the case, and submitted an application to the ECtHR on their behalf in October and November 2005.

THE DETENTION AND DISAPPEARANCE OF RIZVAN IBRAGIMOV

In the early morning of 29 December 2002, a group of five armed men entered the home of Rizvan Ibragimov. Without explanation they searched the house and led Rizvan away, threatening his relatives with death if they tried to follow them. Many neighbors witnessed Rizvan being led away and put into a military vehicle that drove away in the direction of Urus-Martan. Rizvan subsequently disappeared. Rizvan's family actively appealed to local and federal authorities for assistance, but still do not possess any information about the fate of their relative or the progress of the investigation into his disappearance. The Project submitted an application to the ECtHR on behalf of the applicants, Rizvan's parents and siblings, in August 2004.

THE DETENTION AND DISAPPEARANCE OF RAMZAN RASAYEV

On 25 December 2001 Russian troops arrived in the village of Chechen-Aoul to carry out a special operation. At midday, soldiers entered the home of Ramzan Rasayev, searched Rasayev and his family and drove him away, promising they would release him after verifying his documents. His brother witnessed the detention and claimed that Ramzan, who is deaf in one ear, was detained because he had failed to react when soldiers ordered him to stop while he was walking home. Other residents of Chechen-Aoul reported seeing Ramzan that evening at a detention camp on the outskirts of town. He has not been seen since. Although authorities have not denied

that Ramzan was detained by federal servicemen during the course of a special operation, the applicants have received no concrete information about their relative or the course of the investigation, which is now suspended. The Project first intervened on behalf of the applicants, Ramzan's mother and brother, in December 2003 and submitted an application to the ECtHR in September 2004.

THE DETENTION AND DISAPPEARANCE OF ASLANBEK ASTAMIROV

In the early morning of 5 August 2002, a group of armed men arrived at the Astamirov family's house in Gekhi village and led away Aslanbek Astamirov without any explanation. He was driven away in an unknown direction and has not been seen since. The Urus-Martan prosecutor's office did not begin officially investigating his disappearance until December 2002, despite his family's immediate and persistent appeals for assistance. His family's many oral and written appeals to various law enforcement bodies, as well as the criminal case eventually opened in connection to the disappearance, have not led to an effective investigation. The Project submitted a preliminary application to the ECtHR on behalf of the applicants, all relatives of the disappeared, in July 2003.

THE DETENTION AND DISAPPEARANCE OF LEOMA MESHAYEV AND BISLAN SAIDAYEV

In the early morning of 17 December 2002, Leoma Meshayev and Bislan Saidayev, both residents of the village of Martan-Chu, were detained by federal forces and subsequently disappeared. A group of armed men entered Leoma's house, knocked his wife unconscious, and led Leoma away. Around the same time, a group of approximately 30 armed men broke into Bislan Saidayev's home and drove him away in the direction of Urus-Martan. Both men's families immediately appealed to law enforcement agencies but criminal cases to investigate their disappearances were opened only two weeks after Leoma's disappearance and three months after Bislan's disappearance. After the Project intervened on behalf of the applicants, all relatives of the disappeared, the Urus-Martan prosecutor's office joined the two cases together. In an examination of the documents from the criminal case opened to investigate Leoma's disappearance, the applicants discovered that many necessary investigative measures had not been carried out. The Project submitted a preliminary application to the ECtHR in July 2003.