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For immediate release

EHRAC secures four European Court successes

Today, the European Court of Human Rights found in favour of the applicants in four cases against the Russian Federation. The cases are about disappearances in Chechnya, the removal of a Kazakh national whose wife and minor children are Russian citizens and the length of proceedings in a case taken by a conscript seeking damages for having been wrongly drafted into the army. The applicants were all represented by the European Human Rights Advocacy Centre (EHRAC) based at London Metropolitan University and the Russian NGO, Memorial.

In the cases of *Dubayev and Bersnukayeva v Russia* (Nos. 30613/05 and 30615/05) the applicants' sons (Islam Dubayev and Roman Bersnukayev) were members of an illegal armed group in Chechnya. They surrendered to infantry regiment no. 245 of the Russian Federal Forces Group 'West' on 14 March 2000 during an amnesty and on 17 March 2000, documents were issued in their names recording the voluntary surrender of their weapons and stating that the authorities did not intend to institute criminal proceedings against them. The men subsequently disappeared.

As Russia failed to provide any evidence of the young men's detention or release the Court found that they had last been seen alive in unacknowledged State custody, which in the context of the Chechen conflict could be regarded as life-threatening. Consequently, Islam and Roman must be presumed dead and their death attributable to the State in violation of the right to life (Article 2 ECHR). A further violation of Article 2 was found as no effective investigation was conducted into the disappearances. There were also violations of Article 3 (inhuman treatment) due to the applicants' suffering at not knowing the fate of their sons for more than nine years; of Article 5 (right to liberty and security); and Article 13 (right to an effective remedy). Each applicant was awarded 60,000 EUR in damages.

In the case of *Zakayev and Safanova v Russia* (No. 11870/03) Ramzan Zakayev (a Kazakh national of Chechen ethnicity) was removed from Russia to Kazakhstan in April 2003 for breaching residence regulations. He had lived almost continuously in Russia, initially in Chechnya, since 1992, except for two periods during which the security situation in Chechnya forced him to leave for Kazakhstan. His wife, Imani Safanova, and four minor children are Russian citizens and are well integrated in Moscow. There were strong emotional ties between Ramzan and his children and the applicants submitted that their children's health has been deeply affected by their separation from their father. The Court found that Ramzan's removal:

"[...] had far-reaching negative consequences for the family life of the applicants and their children. The authorities did not give proper consideration to these issues. [...] the economic well-being of the country and the prevention of disorder and crime did not outweigh the applicants' rights under Article 8."

Consequently, it found a violation of Article 8 ECHR (right to private and family life) and awarded the applicants 9,000 EUR damages.

In *Kayankin v Russia* (No. 24427/02) the European Court found a violation of Article 6(1) ECHR (length of proceedings) as the applicant's case against the Priozersk Town Court seeking damages for his having been drafted into the army when he was seriously ill were not examined within a reasonable time. The proceedings lasted from 19 January 2000 to 2 June 2004 during which time there were substantial period of inactivity, attributable to the domestic authorities, for which the Government failed to provide any satisfactory explanation. For example:

“the Court considers it striking that it took the Town Court over a year to obtain evidence, in particular the applicant's personal file of a conscript...”

The applicant was awarded 2,000 EUR in damages. The Court rejected the applicant's complaints that he had been subjected to inhuman and degrading treatment as a result of having been drafted into the army in a very poor state of health, that he was beaten by an officer and fellow soldiers during his military service and that there had not been an effective investigation in the incidents.

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