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For immediate release

European Court: Russia held responsible for Chechen disappearance

Today, in the case of *Magomadova v Russia* (No. 2393/05), the European Court of Human Rights found Russia responsible for the “presumed death” of Sebigat Magomadova’s son, Ibragim Uruskhanov, in violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR). Ms. Magomadova was represented before the Court by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial.

Ms. Magomadova told the Court that on the night of 12 April 2002, she and her family were asleep at their home in Urus-Martan, Chechnya. Their flat was located near a Russian military checkpoint and a curfew was in place. At about 3am a group of armed men in camouflage uniforms forcibly entered the flat, searched it and then left taking Ibragim Uruskhanov with them “to find something out”. The applicant tried to follow them, but was prevented from doing so by the curfew. Neighbours later told her they had seen the same men who entered her house leaving in an armoured personnel carrier, and another vehicle, in the direction of the checkpoint.

The same morning Ms. Magomadova began searching for her son. She applied to various local law enforcement authorities and official bodies requesting information and help in finding her son. Despite this, Ibragim remains missing.

In its judgment the Court found that Ibragim Uruskhanov was abducted on 12 April 2002 by State servicemen during an unacknowledged security operation and that he now must be presumed dead. There was a violation of the right to life (Article 2) because the state was found responsible for his presumed death and also because the authorities failed to carry out an effective criminal investigation into the circumstances surrounding his disappearance.

There was a breach of Article 3 of the European Convention because Ms. Magomadova suffered distress and anguish as a result of the disappearance of her son and her inability to find out what happened to him. The way in which her complaints were dealt with by the authorities was found to constitute inhuman treatment contrary to Article 3. The fact that Ibragim Uruskhanov had been held in unacknowledged detention amounted to a particularly grave violation of the right to liberty and security (Article 5). The authorities also failed to provide any effective national remedy in relation to Ibragim Uruskhanov’s disappearance, in breach of Article 13 of the Convention.

The Court awarded Ms. Magomadova €35,000 (euros) in damages.

[End]