



**22 April 2010**  
**For immediate release**

### **European Court: Russia responsible for 'presumed death' of disappeared Chechen**

Today the European Court of Human Rights found Russia responsible for the 'presumed death' of Sultan Khatuyev in the case of *Khatuyeva v Russia* (No. 12463/05) in violation of Article 2 (right to life) of the European Convention on Human Rights (ECHR). The applicant, Sultan's wife, was awarded 70,000 EUR in damages. Whilst the case was pending before the Court the applicant received threats seeking her to withdraw the case. She was represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Memorial HRC.

The applicant and her husband lived in the Ordzhonikidzevskaya settlement for internally displaced persons from Chechnya in Ingushetia. At around 8 am on 2 August 2004, security forces carried out a large operation in the settlement. Servicemen ordered Sultan into their car and told the applicant he was being taken to the Sunzhensky District Department of the Interior (ROVD) for an identity check. Six neighbours were also detained.

The applicant went to the ROVD and saw the seven men being taken into the building. The next morning at the ROVD she was told that Sultan had been taken to the Federal Security Service (FSB) office in Magas. An officer there confirmed that they were holding Sultan, however by 4pm the applicant was told that Sultan had already been released together with another man, U.I. U.I.'s relatives found him at a rubbish dump in an extremely poor condition. U.I. stated that he had been detained in a cell next to Sultan's and that he heard Sultan being beaten. There has been no news of Sultan since, despite the applicant's repeated attempts to obtain information about his whereabouts and fate from various public bodies.

The Court ruled that Sultan's unacknowledged detention by unidentified servicemen could be regarded as life-threatening, particularly given the passage of five years. He must therefore be presumed dead and his death was attributable to the State in violation of the right to life (Article 2 ECHR). A further violation of the right to life was found due to the authorities' failure to conduct an effective investigation into Sultan's disappearance - almost two years after the events, the investigation had not even questioned the servicemen who were directly involved in detaining Sultan Khatuyev.

Russia was also found to have violated Article 3 (prohibition of inhuman and degrading treatment) due to the applicant's suffering at not knowing her husband's fate; Article 5 (right to liberty and security) on account of Sultan being held in unacknowledged detention; and Article 13 (right to an effective remedy).

EHRAC's Director, Prof. Philip Leach said:

*"In this case, the applicant requested the Court to order Russia to conduct an independent investigation into her husband's abduction. The Court declined. Past experience shows that in these circumstances the only thing the applicant will receive is monetary compensation. This, in our opinion, does not constitute adequate redress."*