



Russian authorities failed to protect life of young man apprehended in Chechnya

In today's Chamber judgment in the case of [Turluyeva v. Russia](#) (application no. 63638/09), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

three violations of Article 2 (right to life) of the European Convention on Human Rights on account of Sayd-Salekh Ibragimov's presumed death, on account of the State's failure to protect his life, and, on account of the failure to conduct an effective investigation into his disappearance;

a violation of Article 3 (prohibition of torture and of inhuman or degrading treatment), on account of Ms Turluyeva's suffering resulting from her inability to find out about what happened to her son;

a violation of Article 5 (right to liberty and security), on account of Sayd-Salekh Ibragimov's unlawful detention, and,

a violation of Article 13 (right to an effective remedy) in conjunction with Article 2.

The case concerned the disappearance of a young man after last having been seen at the premises of a police regiment in Grozny (Chechnya) in October 2009.

The Court underlined that the Russian authorities were sufficiently aware of the gravity of the problem of enforced disappearances in the North Caucasus and its life-threatening implications, and that they had lately taken a number of steps to make investigations of this type of crime more efficient. The Court therefore found, in particular, that the authorities should have taken, but had failed to take, appropriate measures to protect the life of Ms Turluyeva's son once they had learned of his disappearance.

Principal facts

The applicant, Raisa Turluyeva, is a Russian national who was born in 1970 and lives in Goyty, Urus-Martan District, Chechnya, Russia.

On 21 October 2009, her son, Sayd-Salekh Ibragimov, aged 19 at the time, was detained in Grozny by the police, following an armed skirmish in Goyty, during which the family's house was burnt down. Sayd-Salekh was last seen on that day by his uncle at the premises of the external guards regiment (the so-called "oil regiment") of the police, with signs of beatings on his face. According to the uncle's submission, the police told the men that one police officer had been killed during the operation, for which the family

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

would face retribution. Sayd-Salekh could save his life by cooperating; otherwise they would kill him. Sayd-Salekh admitted to having had contacts with illegal armed groups and promised to cooperate. The family has had no news of Sayd-Salekh since.

On 1 November 2009, Ms Turluyeva informed the district prosecutor's office that she had not had any news of her son since he had been apprehended. On 2 December 2009, she lodged a written complaint with the district investigating committee. Some days later, the investigator obtained additional evidence that on 21 October 2009 Sayd-Salekh Ibragimov had been seen at the police premises with signs of ill-treatment. It was not known what had happened to him. In particular, the investigator took a number of witness statements, including from Sayd-Salekh's uncle. Nevertheless, on 17 December 2009, the local district investigating committee decided not to open proceedings.

On 28 December 2009 the proceedings were opened by a district investigative committee in Grozny, on suspicion of murder. In February 2010, Ms Turluyeva was granted victim status. On a number of occasions in 2010, the investigators questioned several police officers who had taken part in the operation of October 2009 and the head of their regiment. The investigation was adjourned on one occasion and subsequently reopened. According to the latest submission from the Russian Government, it was still pending.

The Government acknowledged the basic facts as submitted by Ms Turluyeva. They confirmed that a special operation had been carried out in Goyty on 21 October 2009, during which one officer of the external guards regiment had been killed. According to the Government, Sayd-Salekh Ibragimov had been taken to the regiment's headquarters in the late evening of 21 October 2009 and had been released within several hours. No records of his detention, questioning or release were drawn up.

According to Ms Turluyeva's submissions, her brother-in-law, Sayd-Salekh's uncle, was harassed and threatened by the head of the police regiment following the lodging of her complaint.

Complaints, procedure and composition of the Court

Relying on Article 2 (right to life), Ms Turluyeva maintained that her son had been killed by Russian servicemen and complained that the authorities had failed to investigate this complaint. She further complained of a breach of Article 3 (prohibition of torture and of inhuman or degrading treatment) and of Article 5 (right to liberty and security), on account of her mental suffering caused by the disappearance of her son and on account of the unlawfulness of his detention. Finally she complained that she did not have an effective remedy in respect of her complaints, in breach of Article 13 (right to an effective remedy).

The application was lodged with the European Court of Human Rights on 2 December 2009.

Judgment was given by a Chamber of seven judges, composed as follows:

Isabelle **Berro-Lefèvre** (Monaco), *President*,
Mirjana **Lazarova Trajkovska** ("The former Yugoslav Republic of Macedonia"),
Julia **Laffranque** (Estonia),
Linos-Alexandre **Sicilianos** (Greece),
Erik **Møse** (Norway),
Ksenija **Turković** (Croatia),
Dmitry **Dedov** (Russia),

and also Søren **Nielsen**, *Section Registrar*.

Decision of the Court

Article 2

On the basis of the parties' submissions and the documents before it, the Court found it sufficiently established that Sayd-Salekh Ibragimov had been taken by servicemen to the regiment's headquarters in Grozny in the late evening of 21 October 2009. Although some officers had alleged that he had subsequently been released, he had not been seen and his family had not had any news of him since. The criminal investigation had not acquired any evidence of his alleged release. In view of the passage of time and the life-threatening nature of such unrecorded detention in the region, the Court found that Sayd-Salekh Ibragimov could now be presumed dead.

The Russian Government's argument that the investigation was unfinished did not refute Ms Turluyeva's allegation that the State was responsible for her son's death, as the Government had failed to provide any plausible explanation of what had happened to him following his detention and disappearance more than three years ago. The Russian authorities had not relied on any exceptions to the right to life in Sayd-Salekh Ibragimov's case. Consequently **the liability for his presumed death was attributable to the Government, which constituted a violation of Article 2.**

The Court noted that the Russian authorities were sufficiently aware of the problem of enforced disappearances in the North Caucasus and its life-threatening implications for detained individuals, given its numerous previous judgments and international reports. As the Government had informed the Council of Europe's Committee of Ministers, in order to comply with the Court's judgments, they had lately taken a number of specific actions to make investigations of this type of crime more efficient, in particular by creating a special unit within the Investigating Committee of the Chechen Republic.

The relevant authorities had become aware no later than 2 December 2009 that Sayd-Salekh Ibragimov had become the victim of unlawful deprivation of liberty in a life-threatening situation. However, some key measures which could have been expected in such circumstances had not been taken; in particular there had been no immediate inspection of the premises or efforts at collecting perishable traces, possibly left by the missing person or his ill-treatment, or video records from CCTV cameras at the police premises. Those omissions were particularly regrettable given that the exact location of the suspected crime was known to the authorities. The Court underlined that the fact that the suspects were police officers did not relieve the investigating authorities of their obligations. In conclusion, by not having acted rapidly and decisively, the authorities had failed to take appropriate measures to protect Sayd-Salekh Ibragimov's life. There had accordingly been **a violation of Article 2 also on account of the failure to protect his life.**

As to the adequacy of the investigation, the Court observed that it had been plagued by numerous delays. In particular, the investigators had taken statements from the relevant police officers only months after the events in question, thus increasing the risk of collusion, and records of the CCTV camera at the police premises had been lost. Furthermore, the investigation had not had any impact on the police officers' continued service and their ability to put pressure on other actors of the investigation, including witnesses. The Court noted with particular concern the lack of cooperation with the investigators and allegations of threats to Ms Turluyeva's brother-in-law. Those aspects led the Court to conclude that the **investigation had been ineffective, which constituted a further violation of Article 2.**

Other articles

Furthermore, the Court found that there had been a violation of Article 3, on account of the distress and anguish which Ms Turluyeva had suffered and continued to suffer as a result of her inability to find out about the fate of her son and the authorities' reaction to her complaints. There had moreover been a particularly grave violation of Article 5 on account of her son's detention without any legal grounds or official acknowledgement. Finally, the Court found a violation of Article 13 in conjunction with Article 2, on account of the lack of legal remedies available to Ms Turluyeva, underlining that where a criminal investigation of a disappearance had been ineffective any other remedy that might have existed, including civil remedies, was undermined.

Just satisfaction (Article 41)

The court held that Russia was to pay Ms Turluyeva 60,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.