



## Judgments and decisions of 12 May 2016

The European Court of Human Rights has today notified in writing two judgments<sup>1</sup> and 19 decisions<sup>2</sup>: one Chamber judgment is summarised below; for one other, in the case of *Poletan and Azirovik v. "The former Yugoslav Republic of Macedonia"* (application no. 52089/09), a separate press release has been issued;

the 19 decisions can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgment below is available only in English.*

### Gaysanova v. Russia (application no. 62235/09)

The applicant, Lida Gaysanova, is a Russian national who was born in 1946 and lives in Nazran, the Republic of Ingushetia (Russia). The case concerned the disappearance of her daughter, Zarema Gaysanova, born in 1969, following a special operation by Russian servicemen at the family home in Chechnya.

On 31 October 2009 the law-enforcement authorities launched a special operation at Lida Gaysanova's property in Kalinin, a village in the Leninskiy district of Grozny (Chechnya), aimed at eliminating members of illegal armed groups. The property was cordoned off and shelled until it caught fire. Shortly after, a man's body was recovered from the burnt down house. The operation received much publicity on the day itself, notably the Chechen President gave an interview to the local media at Lida Gaysanova's house confirming the killing of a member of an illegal armed group, the Ministry of the Interior issued an official press release and a video was released of the house burning down. Lida Gaysanova was not living at home at the time as the house, heavily damaged during a military campaign, was under reconstruction. Her daughter, however, who worked for a Dutch NGO in Grozny, regularly stayed at the house and there has been no news of her since the special operation.

During the subsequent investigation, officially opened on 16 November 2009, numerous witnesses – neighbours and construction workers at the house – confirmed that Lida Gaysanova's daughter was last seen in the area cordoned off by the law-enforcement authorities during the special operation. One neighbour in particular claimed having seen Lida Gaysanova's daughter being forced into a UAZ vehicle and taken away. It was also revealed during the investigation that the authorities suspected Lida Gaysanova's daughter of cohabiting with the man killed during the operation. A number of investigative steps were taken by the authorities including: the questioning of witnesses, notably in February 2010 of the servicemen who had participated in the special operation, and in April 2010 of a construction worker who had been present in Lida Gaysanova's house during the operation; verifying in 2011 whether Ms Gaysanova's daughter had been detained on the premises of the local police department; and obtaining in 2011 video footage of the special operation. The investigation,

<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's 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. Under Article 28 of the Convention, judgments delivered by a Committee are final.

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](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

suspended and resumed on a number of occasions following criticism by the supervising prosecutors, is however currently still pending.

Relying in particular on Article 2 (right to life) of the European Convention on Human Rights, Lida Gaysanova alleged that her daughter had been abducted by Russian servicemen during a special operation and had subsequently been killed, claiming also that the police had effectively sabotaged the ensuing investigation into her daughter's disappearance. Further relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 5 (right to liberty and security), she complained about mental suffering caused to her by her daughter's unlawful detention and disappearance. Lastly, she complained under Article 38 (obligation to furnish necessary facilities for the examination of the case) about the Government's refusal to disclose the entire contents of the investigation file into her daughter's abduction.

**Violation of Article 2** – on account of Zarema Gaysanova's presumed death

**Violation of Article 2** – on account of Russia's failure to comply with its positive obligation to protect Zarema Gaysanova's life

**Violation of Article 2** (investigation)

**Violation of Article 3** – in respect of Lida Gaysanova

**Violation of Article 5** – in respect of Zarema Gaysanova

**No violation of Article 38**

**Just satisfaction:** 60,000 euros (EUR) (non-pecuniary damage) and EUR 3,400 (costs and expenses)

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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.