

## **General allegation**

**114th session (5–9 February 2018)**

### **Russian Federation**

27. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in the Russian Federation.

28. The European Court of Human Rights (hereafter, ECtHR or the Court) has to date passed judgments holding that nearly 300 individuals were forcibly disappeared from the territory of the Chechen Republic and wider North Caucasus region from 1999 to 2006. The source's information further points to larger numbers of likely instances of enforced disappearance and jurisprudence before the Court is ongoing.

29. The ECtHR has held that, by virtue of these enforced disappearances, the Russian Federation committed violations of the right to life and the right to be free from torture. It also held that the authorities' treatment of the relatives of the disappeared caused suffering that amounted to inhuman and degrading treatment. In almost all instances, this suffering was ongoing due to the lack of any effective investigation at domestic level over many years, which has contributed to a climate of impunity for grave human rights violations.

30. Although the Russian Federation has denied responsibility, the ECtHR nevertheless held that evidence had established the disappearances "beyond reasonable doubt." In each case, Russian authorities have complied with their obligation to pay financial compensation to the victims and their families, as required by the Court. However, despite the Court's rulings spanning more than a decade, in every instance, the Russian authorities have failed to carry out an effective investigation into the disappearances to identify and prosecute perpetrators, and to provide meaningful information to the families of the disappeared individuals. Consequently, the fate has been established of only a very limited number of the 300 individuals believed to be forcibly disappeared.

31. Furthermore, family members of disappeared individuals have encountered intransigence, obstruction, and hostility when attempting to pursue the fate of their loved ones with domestic authorities. The ECtHR, as well as the Parliamentary Assembly of the Council of Europe, has recognized the serious and repeated obstacles confronting relatives seeking information on presumably disappeared family members. For example, investigations have been hampered by inexplicable delays or the complete failure by the authorities to undertake such basic steps as the opening of investigations, conduct of autopsies or forensic medical tests, and identification or questioning of obvious witnesses and suspects. Security services have repeatedly refused to provide law enforcement agencies with necessary information and facilities (such as laboratories capable identifying bodies) and to provide applicants with meaningful access to case files. Even when apparent suspects have been identified, higher authorities responsible for chain-of-command decisions have not. While investigations have stagnated, authorities have made it clear that domestic statute of limitations of 10 to 15 years will be applied.