**1. The use of criminal charges under domestic law in Russia which a) fail to reflect the entirety of the relevant criminality in cases of enforced disappearance and b) lead to total impunity by virtue of the operation of statutes of limitations under domestic law**

As of March 2015, when the Russian Federation was last required to provide data on this point (to the Committee of Minister of the Council of Europe), of the approximately 300 enforced disappearance cases which the European Court of Human Rights has held to have taken place in the North Caucasus region during the years 1999-2006, in all bar approximately 20 cases, the statute of limitations for domestic criminal proceedings has now expired. Of those remaining 20 cases, the remaining statute of limitations will expire between 2019-2024. However in only 38 of these cases has the fate of the relevant disappeared individual been established.

The relevant supporting documentation on this point can be found here: <https://hudoc.exec.coe.int/ENG#{>"EXECIdentifier":["DH-DD(2015)23E"]} and <https://rm.coe.int/1680592a3b>

**2. A selection of examples of obstacles and difficulties encountered in the investigation and prosecution of enforced disappearances within the North Caucasus:**

The following are a selection of examples of deficiencies in the investigation of ED cases identified by the European Court of Human Rights:

a) inexplicable delays or a complete failure by the authorities to undertake basic investigative steps including the opening of investigations, the conduct of autopsies or forensic medical tests[[i]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn1)

b) failure to identify or question obvious witnesses/suspects.[[ii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn2)

c) the refusal of security services to provide law-enforcement agencies with necessary information;[[iii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn3)

d) the failure to provide necessary facilities (such as a laboratory within the Chechen Republic that is capable of identifying decomposed bodies) for investigation within the region;[[iv]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn4)

e) the perpetual suspension or prolongation of investigations without meaningful results[[v]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn5) - even in cases where apparent suspects had been identified***[[vi]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn6)***

f) the failure to establish the identity of those higher up the chain of command making operational decisions

g) authorities repeatedly preventing applicants from gaining meaningful access to case files[[vii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn7)

h) the application of  domestic criminal limitation periods of 10-15 years will be applied to these cases.[[viii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn8)

It has also been noted by the former Deputy Head of the Investigative Directorate of the Chechen Republic has confirmed that the investigation of crimes committed by security forces in the North Caucasus are significantly hampered by problems which include: “*the inability of investigators to gain access to the archives of the Ministry of Defence and the Federal Security Service (the FSB) regarding the conduct of special operations; the lack of effective interdepartmental co-operation in the course of investigations; the absence of suitable forensic laboratories in Chechnya able to conduct genetic and molecular tests and the absence of a genetic and molecular database of missing persons in connection with the counter-terrorist operation in Chechnya”.****[[ix]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_edn9)***

[[i]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref1) See Aslakhanova v Russia, Application No. 2944/06 and others, judgment of 18 December 2012; Khatsiyeva and others v Russia, Application No. 5198/02, judgment of 7 July 2008

[[ii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref2) See Aziyevy v Russia Application No. 77626/01, judgment of 20 March 2008 and even extending to instances where the authorities were in possession of video footage showing the individuals responsible for the disappeared individual’s arrest yet failed to question them – see Baysayeva v Russia Application No.74237/01 judgment of 5 April 2007

[[iii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref3) See Aslakhanova v Russia, Application No. 2944/06 and others, judgment of 18 December 2012

[[iv]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref4) In June 2016, PACE noted that “*according to information received in November 2014 and confirmed in January 2016, no laboratory in the Chechen Republic is capable of identifying bodies that are decomposed.” -* PACE Doc. 14083 ‘Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?’ paragraph 61. The authors of this submission are not aware of any change to this position at the current date.

[[v]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref5) Russian Federation case table providing details as to the state of investigations in the Khashiyev group of cases, January 2015 cited in PACE Doc. 14083 ‘Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?’ paragraph 58; In June 2016, PACE noted that once again *“in most of the cases in this group, a criminal investigation is ‘ongoing’ or ‘suspended’ ; in no cases have perpetrators actually been prosecuted” -* PACE Doc. 14083 ‘Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?’ paragraph 66

[[vi]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref6) See Khatsiyeva and others v Russia, Application No. 5108/02, judgment of 7 July 2008

[[vii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref7) See Aslakhanova v Russia, Application No. 2944/06 and others, judgment of 18 December 2012 and more recent interviews with applicants

[[viii]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref8) PACE noted in its 2016 report that *“The issue of prescription is crucial because the majority of crimes into which investigations have been opened on the domestic level …carry statutes of limitations of 10 to 15 years. In the majority of cases, criminal investigations are pending into crimes which occurred as far back as 14 years ago and which ostensibly carry statutes of limitation of 10 or 15 years and for which no one has yet been brought to justice.”*

[[ix]](https://mail.google.com/mail/u/0/%22%20%5Cl%20%22_ednref9) See “Problems in the Investigation of Criminal Cases subject to examination by the European Court of Human Rights” Journal of the Investigative Committee No. 2(8) 2010, cited in PACE Doc. 14083 ‘Human Rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?’ paragraph 59

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