



THE ISRAILOV CASE AND HUMAN RIGHTS IN CHECHNYA

Anna Jonsson & Stina Hartikainen

On November 26, 2010, the first part of the trial concerning the murder of a Chechen refugee, Umar Israilov, ended in Vienna. Israilov was killed in January 2009 in what is claimed to have been a failed kidnapping by a group of Chechen exiles. The murder is allegedly politically motivated and instigated by the Chechen leader Ramzan Kadyrov as a response to the victim's complaint to the European Court of Human Rights. The complaint implicated Kadyrov and the Chechen leadership, as well as the Russian security forces, in massive human rights violations during and after the armed conflicts in the region.

Since ratifying the European Convention on Human Rights in 1998, Russia has been one of the states most frequently brought to the European Court of Human Rights. Various human rights groups, the media and political institutions, continue to criticize Russia for failing to comply with the demands of the Court. Meanwhile, the human rights situation in Chechnya and the neighbouring regions has not improved and the regime of Ramzan Kadyrov continues to rule Chechnya with the support of the Russian leadership. The Israilov case is a clear example of the impunity towards the Kadyrov regime, but it is also symptomatic of the failure of the Russian political and judicial system to uphold basic human rights, as the case is but one recent example of the increasing disrespect for human rights in the country.

The Israilov Case

Umar Israilov, who was a member of a Chechen rebel group during the second conflict between Russia and Chechnya, was captured in 2003 by local security forces. According to the application to the European Court of Human Rights, he was then repeatedly tortured and subject to abuse by the Russian and Chechen security forces and by Ramzan Kadyrov himself. After having been detained for several months, Israilov was allegedly forced to join the private security forces of Kadyrov where he served until escaping Chechnya in 2004. He was granted status as a political refugee in Austria in 2007. The first application to the

Court was submitted in 2006 and gives a detailed account of detention, disappearances, torture and executions performed by the security forces and the Chechen leadership at the highest level. While numerous cases of human rights violations in Chechnya are submitted to the Court annually, the fact that Israilov had served in Kadyrov's private forces made him not only a victim but also an important witness to other abuse. Furthermore, Israilov was the first who filed a formal complaint against the Chechen leader to the European Court of Human Rights. Israilov's allegations of human rights abuse by the Russian and Chechen security forces has been corroborated by other witnesses, and a medical examination after his escape to Europe supports the allegations of torture.

Leading up to the murder, Umar Israilov asked for protection by the Austrian police on several occasions. In 2008, he was subject to threats by another Chechen man, who demanded that Israilov withdrew his complaint and return to Chechnya. Shortly before the murder Israilov again requested protection for him and his family, but it was declined by the Austrian police. On January 13, 2009, Israilov was shot dead on a street in Vienna.

The trial in Vienna is being monitored by a coalition of human and civil rights organisations active in the region. The three men are charged with planning to abduct and deport Israilov to Russia, and with murder. The man allegedly firing the lethal shots is not present at the trial as he is currently residing in Chechnya. According to the prosecution, the crime was ordered by Kadyrov or his close associ-



ates, a view supported by, for example, the Parliamentary Assembly of the Council of Europe. Meanwhile, Kadyrov claims that he was not involved in the murder of Israilov and maintains that he is innocent regarding the accusations made against him at the European Court of Human Rights. The prosecution in Vienna does not to date have enough evidence to indict the Chechen leader, but it has asked Kadyrov to give testimony as the trial resumes in January. However, there is no sign of Kadyrov having any intention to participate.

Chechnya at the European Court of Human Rights

Human rights violations in Chechnya have resulted in numerous applications and rulings against Russia by the European Court of Human Rights. Examples consist of the indiscriminate bombings of civilian targets, forced disappearances, abductions, torture and the execution of suspected rebels. Moreover, the extensive failure to investigate and prosecute, and to provide information, to applicants and relatives, has on several occasions been ruled to constitute inhumane treatment. Reportedly, even when the perpetrators are known or easily identifiable, the authorities have failed to prosecute or convict anyone based on verdicts from the Court. Furthermore, Russia has been criticized for failing to fully cooperate with the Court, by for example refusing to submit legal documents and files from investigations in Russia. Adding to this, the Russian authorities have contested the rulings of the Court, clearly signalling a lack of respect.

Russia has been heavily criticized by various sources for its failure to comply with its obligations to the Court. The Parliamentary Assembly of the Council of Europe recently adopted a resolution criticizing the conduct of Russian authorities regarding human rights violations in the North Caucasus, stating that while some positive development has occurred, it is not enough to satisfy the demands of the Court. The lack of an effective legal system in the region often makes the Court the only way to move forward with legal claims, something both the UK Parliamentary Human Rights Group and even President Medvedev have highlighted as a major problem.

Actions Speak Louder Than Words: The Russian Responsibility

The responsibility of Russia when ruled against in the European Court of Human Rights often consists of two parts: monetary compensations to be paid to the victims and policy changes. While Russia tends to pay the financial compensation in a timely manner, there is a clear lack of policy implementation to prevent the continuation of human rights violations. Some actions have however been taken by the Russian authorities to comply with the demands of the Court. A special commission was set up in 2007 to enable independent investigations into cases of human rights violations. Unfortunately, the commission has yet to produce satisfying results. The Law on Compensation for Violation of the Right to Trial within a Reasonable Time or the Right to Judgment Enforcement within a Reasonable Time was adopted in 2010, designed to quicken the processes and investigations after a ruling from the Court. However, the wording of the law is vague and while it is too soon to judge its impact, it still does not provide the substantial policy change needed to improve the situation.

The lack of a substantial change in Russia's policy not only violates its commitment to the European Convention on Human Rights but also prevents development in Chechnya and the wider region. Without a functioning rule of law and mechanisms for demanding accountability from the regime, the social and economic situation will be increasingly difficult to improve. Furthermore, the brutality of the Kadyrov regime and the lack of accountability have increased extremism in Chechnya and the North Caucasus region. Effective legal and political changes have been deemed by various organizations, such as Human Rights Watch, as one of the most important measures to prevent the continuation of human rights abuse. Substantial policy changes involve dealing with the regime of Ramzan Kadyrov and the trial in Vienna provides a chance to do just this. The Russian leadership should first of all ensure that all relevant parties in Russia, regardless of position, cooperate fully with the Court in Vienna. At a minimum, all suspects and potential witnesses should be made available to the Court for questioning. Moreover, Kadyrov should be pressured to comply with the demands of the Court and give testimony as the trial resumes.



Finding the balance between countering extremist forces and maintaining essential human rights is at present a problem not only in Russia but worldwide. In Chechnya, the lack of basic human security and the impunity towards the actions of the Kadyrov regime does not, in any way, constitute a balancing act by the Russian authorities. Instead, the Russian leadership continues to allow Kadyrov to control the region by any means necessary, using the threat of terrorism as a pretext. As long as Moscow prioritizes short-term control of the region over long-term development and stability, it will continue to support the Chechen leadership. However, failing to recognize the link between continued human rights violations and the increased support of extremist forces may instead serve to segment and increase insecurity in the region and Russia as a whole.

Concluding Remarks

The murder of Umar Israilov is not only a reflection of the human rights situation in Chechnya but it also mirrors the failure of the Russian political as well as judicial system to effectively handle the human rights situation in the country. A clear demonstration of this is the continuous flow of new applications and extensive list of pending cases against Russia at the European Court of Human Rights. The trial in Vienna provides an opportunity for Russia to show it is truly committed to its obligations under the European Convention on Human Rights, regardless of the position or power of the perpetrators. Most would agree this is well overdue.

Anna Jonsson is a Senior Research Fellow with the Institute for Security and Development Policy. Stina Hartikainen is an intern with the Institute for Security and Development Policy.

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The Institute for Security & Development Policy

Västra Finnbodavägen 2, SE-13130 Stockholm - Nacka
E-mail: info@isdpeu / Tel: +46(0)8-41056953
Website: www.isdp.eu

Directors:

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