EHRAC

ANNUAL REPORT 2016 >

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FOREWORD

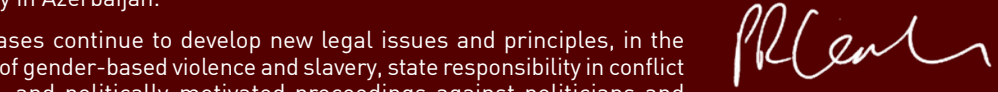
2016 was in many ways a troubling year for the human rights community, with continuing repression of our partners in Azerbaijan and Russia, political hostilities towards human rights systems in our target region and beyond, and regressive legislation adopted. Nevertheless, it is important to recognise positive trends too, and certainly EHRAC achieved a lot within the space of one year.

Five days into January we won our first case of the year, with a strongly-worded judgment from the European Court of Human Rights. It called on Russia to facilitate protest as an integral part of protecting the fundamental rights to freedom of assembly and expression, both of which are at the heart of a healthy civil society. The case set the tone for the year, as we achieved other precedent-setting decisions from the Court, finding that the treatment of human rights defenders in Azerbaijan was unlawful. Rasul Jafarov, Intigam Aliyev and Leyla and Arif Yunus were all released from prison at the end of 2015 and beginning of 2016 – they are now continuing their human rights activities, and reinvigorating civil society in Azerbaijan.

Our cases continue to develop new legal issues and principles, in the areas of gender-based violence and slavery, state responsibility in conflict zones, and politically-motivated proceedings against politicians and human rights defenders. Of course, none of our achievements would be possible without the unwavering dedication and expertise of our regional partners, both long-term – like **Memorial Human Rights Centre** and the **Georgian Young Lawyers' Association** – and newer, including the **Human Rights Education and Monitoring Centre** (Georgia) and **Pink Armenia**. We anticipate that our joint litigation with the **Ukrainian Helsinki Human Rights Union** will lead to the European Court's first decisions establishing the extent of Russian and Ukrainian State responsibility for human rights violations during the conflict in the Donbas region.

We welcomed new members to our team, including our first Programme Assistant, Sophie Rust – with 13 staff and consultants EHRAC is now the biggest it has ever been! We receive a great deal of support from Middlesex University's School of Law, and in December, we moved to a new office in a 16th century former farmhouse. The oversight provided by our Advisory Board and International Steering Committee has been invaluable in guiding our strategy, as we develop our litigation on new themes: violence against women, LGBTI rights and religious discrimination.

We are immensely grateful to all our funders, volunteers and interns – your support is indispensable and is borne out in all our successes.



Professor Philip Leach
EHRAC Director

CALM AT LAKE KAZENOY, CHECHNYA

ABOUT US

OUR VISION

Every person in the former Soviet Union has a voice, access to justice, and can hold their state to account over human rights violations.

OUR MISSION

EHRAC is an independent apolitical organisation that stands alongside victims of human rights abuses in order to secure justice. We work in support of civil society organisations to:

- challenge impunity for human rights violations by bringing strategic cases to the European Court of Human Rights and other international mechanisms in the target region;
- raise awareness of violations and means of redress for victims;
- seek implementation of judgments and decisions;
- build the capacity of our partner lawyers through mentoring on strategic cases, training and advocacy.

Each judgment we secure contributes to an objective account of human rights abuse that cannot be refuted.

"Looking back on this year, EHRAC should be proud to have substantially developed the Court's case law on politically-motivated proceedings in Rasul Jafarov's case, given that this is such a systemic issue in Azerbaijan, and elsewhere in the former Soviet Union. EHRAC's litigation will be instrumental in ensuring the fairness of domestic proceedings: the hallmark of a healthy democracy."

SAMANTHA KNIGHTS, CHAIR OF THE ADVISORY BOARD

"Alongside the ground-breaking litigation – the cases on protests, abuse and harassment of human rights defenders, discrimination against sexual, ethnic and religious minorities – EHRAC's partnership approach to case work and collaborative training has, over the last 13 years, nurtured a fantastic community of passionate human rights lawyers. At a time when civil society is being stifled by repressive governments, this cross-border network is a lifeline for human rights defenders at risk."

PROF. BILL BOWRING, CHAIR OF THE INTERNATIONAL STEERING COMMITTEE

HOW DO WE WORK?

OUR LITIGATION BY COUNTRY

The chart below represents the number of cases active in 2016 from each of our target countries at all stages of litigation - from lodging an application to advocating for the enforcement of judgments by the State.

FOR A FULL LIST OF OUR 2016 CASES, PLEASE SEE PP. 23-27

In collaboration with leading NGOs, activists and lawyers in Russia, Georgia, Azerbaijan, Armenia and Ukraine we litigate cases of grave human rights violations at the European Court of Human Rights and other international human rights mechanisms. Together, we identify strategic cases with the potential to effect systemic change. Judgments not only secure justice for individual applicants and their families (and in some cases for organisations). They may prevent similar human rights violations from taking place in the future if successful implementation leads to changes to law, policy and practice.

Mentoring has always been at the heart of how we operate; we strengthen the capacity of our partners with each case that we lodge. We conduct training seminars online and in person on procedural and thematic aspects of strategic litigation. We produce regular publications in Russian and English, raising awareness of human rights issues in our region and drawing attention to significant developments in international human rights law.

Through domestic and international advocacy, together with partners we exert pressure on states to introduce reforms and address their shortcomings in protecting, promoting and fulfilling human rights.

PARTNERS

We primarily collaborate with litigating NGOs and respond to requests from individual lawyers if cases fall within our areas of legal expertise and align with our strategic priorities. Our partners are committed experts in their fields, providing in-depth knowledge of domestic laws and the context of each case: a number of our partners, particularly in Azerbaijan and Russia, operate in very challenging circumstances.

RUSSIA	Memorial Human Rights Centre
GEORGIA	Georgian Young Lawyers' Association (GYLA); Human Rights Education and Monitoring Centre (EMC); Article 42; Union Sapari
ARMENIA	Helsinki Citizens' Assembly, Vanadzor (HCAV); Legal Guide (ELA); Public Information and Need of Knowledge (PINK Armenia); Foundation Against the Violation of Law (FAVL)
UKRAINE	Ukrainian Helsinki Human Rights Union (UHHRU); Regional Centre for Human Rights
AZERBAIJAN	We work with a number of individual lawyers.

2016 IN NUMBERS

LITIGATION

59 cases progressed at all stages of European Court litigation (representing 154 applicants)

8 judgments finding violations handed down by the European Court in our cases

EHRAC won a case on behalf of former Georgian Prime Minister Ivane Merabishvili who was arrested in May 2013 on charges of misspending public money. He remained in pre-trial detention for just under nine months and was convicted in February 2014. The European Court found that his pre-trial detention was used in part to obtain leverage over an unrelated investigation into the death of the former Prime Minister. This is a ground-breaking finding as Mr Merabishvili is only the third political figure in relation to whom the Court has found such a violation. *(See p. 12 for more on our work on politically-motivated proceedings.)*

€515,000 awarded to applicants in our cases

CAPACITY BUILDING

21 lawyers mentored in Russia, Georgia, Azerbaijan, Armenia and Ukraine

23 lawyers trained on combatting violence against women and litigation at the ECtHR

21 lawyers and activists participated in 2 webinars

IMPLEMENTATION AND ADVOCACY

2 submissions to Council of Europe officials made on post-conflict property restitution in Nagorno-Karabakh

3 submissions to UN Special Rapporteurs on Violence against Women and the Independence of Judges, Lawyers and Court Officials

3 briefings with the Committee of Ministers and European diplomats on historic cases against Russia relating to abuses during the second Chechen war *(see p. 10)*

RAISING AWARENESS

48,500 visitors to the EHRAC website since its 2014 launch

2,712 followers on Facebook and a further 1,191 on Twitter (and our Director Philip Leach has over 800 followers on Twitter too)

Bumper 25th edition of the EHRAC Bulletin published, reflecting on our successes over the past 13 years and challenges for the future

EHRAC Legal Bulletin distributed to over 4,000 lawyers, NGOs, human rights centres and universities, online and in print

SINCE 2003

Judgments and settlements secured in 138 of our cases, 96% of which found one or more violations of the European Convention on Human Rights

47 training events held in the last 13 years which have been attended by over 1,000 human rights lawyers and activists.

LSDP PARTICIPANTS MEET THE COURT'S REGISTRY LAWYERS

BUILDING CAPACITY

"Even though I have ten years of experience as a lawyer, have studied in the UK and lived and worked in Strasbourg, I can clearly see the value of the partnership. Philip [Leach] and Kate [Levine] reviewed parts of UHHRU's application in the so-called jurisdiction cases [see p. 11 on the conflict in eastern Ukraine], *which have been the most difficult cases of my career to date. I simply wouldn't have been able to deal with it without their help."*

NADIA VOLKOVA, UHHRU

MENTORING

Meaningful, sustained and intensive cooperation with partners is at the heart of our work and differentiates us from other litigating NGOs. In 2016, the EHRAC Legal Team mentored 21 lawyers from our partner organisations as well as other organisations in the region. We provided advice and guidance on cases addressing strategic issues *(see pp.10-15)*, and at all stages of the litigation process. Through our joint submissions and case clinics, we nurtured a cadre of highly-skilled human rights lawyers, facilitating their ability to secure redress internationally for victims of abuse in their countries.

LEGAL SKILLS DEVELOPMENT PROGRAMME

Our annual study visit to Strasbourg convened eight lawyers from the region, including some of our newest partners. High-level meetings with Council of Europe officials, diplomats, the Commissioner for Human Rights' Office and European Court Judges were valued by both participants and experts. Olga Chernishova, a senior Russian Registry lawyer told participants: *"I find it stimulating to meet with such interested and determined professionals as this group, and the questions provide valuable feedback of the problems you face."*

"The overall programme was very productive also from the perspective of submitting applications, trends of the Court, opinions from judges and, most valuably, meeting colleagues and the EHRAC team in person."

LUSINE GHAZARYAN, PINK ARMENIA

WEBINARS

In November, we conducted two webinars drawing on the Court's practice and procedure. Director Philip Leach led a session on the relative merits of friendly settlements, unilateral declarations and striking out.* Paul Harvey (Registry Lawyer, European Court, 2005-16) led the second session on applying to the Court for emergency measures, alongside Legal Director Jessica Gavron, who provided examples from our practice such as requesting appropriate medical treatment for imprisoned Azerbaijani human rights defenders; and emergency issues arising from the conflict in the Donbas region of Ukraine.

Please see pp. 10-15 for more on our capacity-building activities.

*Means of resolving cases before the European Court at a pre-judgment stage.

LITIGATION HIGHLIGHTS >

For a full list of our 2016 litigation, please see pp. 23-27

GROSS ABUSES IN THE NORTH CAUCASUS

PHILIP LEACH CHAIRS A PANEL AT THE LAUNCH OF THE EUROPEAN IMPLEMENTATION NETWORK

Over 13 years since we started litigating flagrant human rights violations in the North Caucasus, disappearances and torture remain an endemic issue for the region, while historic cases still have not been investigated by the authorities.

DISAPPEARANCES AND MURDERS

Zarema Gaysanova, a humanitarian worker for the Danish Refugee Council in Grozny, was abducted in 2009 following a highly-publicised security operation on her street, at which the President of the Chechen Republic, Ramzan Kadyrov, was present. She has not been seen since. In May 2016, the Court, presuming Zarema to be dead, held that the Russian authorities had failed to protect her life, to take prompt and effective measures to protect her in the moments after her disappearance, and to effectively investigate her disappearance. The Court also found that Zarema's mother was herself a victim of a violation of the prohibition of torture and inhuman and degrading treatment, as she had suffered, and continues to suffer, distress and anguish on account of her daughter's disappearance and presumed death, as well as the authorities' indifference to the investigation.

> *"It does not appear [...] that the authorities demonstrated an urgent and appropriate reaction with the aim of saving Ms. Gaysanova's life."*
>
> EUROPEAN COURT OF HUMAN RIGHTS IN *GAYSANOVA V RUSSIA*

The Court ruled in February 2016 in the case of Apti Dalakov, a 20-year-old Ingushetian man, who was chased, hit by a car and shot multiple times by the Ingushetia Federal Security Service (FSB) in 2007. Although a number of witnesses reported that Mr Dalakov had not offered any resistance to the officers, and that he had been unarmed, the officers of the Ingushetia FSB claimed that he had been *"'liquidated' [...] because he had offered armed resistance"*. The Court found that the Russian State failed to prevent his death, concluding that *"the actions of the authorities in respect of the planning, control and execution of the operation were not sufficient to safeguard the life of Mr Apti Dalakov."*

In 2013, Omar Valibagandov was shot in his leg whilst detained by officers from the FSB in Dagestan, and sustained other physical injuries. He was taken to hospital and discharged into the custody of police officers. He has not been seen since and is presumed dead. EHRAC and Memorial applied to the Court in October 2016, alleging that Russia violated Mr Valibagandov's right to life and the prohibition of inhuman and degrading treatment, and that the State failed to investigate his disappearance and ill-treatment. The case is pending communication to the Government.

ADVOCATING FOR CHANGE

In partnership with the Open Society Justice Initiative and the European Implementation Network, we briefed the Committee of Ministers of the Council of Europe and UK diplomats throughout 2016 on the progress of the *Khashiyev and Akayeva* group of cases, which address egregious abuses in Chechnya between 1999 and 2006. With over 247 judgments from the Court establishing Russian responsibility for aerial bombardment, extra-judicial killings, enforced disappearances and torture, our regular briefings are crucial for maintaining pressure on the Russian Government to provide redress for victims and their families.

CONFLICT AND INTERSTATE TENSIONS

A HOUSE DESTROYED BY THE WAR IN NAGORNO-KARABAKH. CREDIT: AHAD ASKEROV/SAFERWORLD

EHRAC has a large volume of pending cases which stem from interstate conflicts, raising complex legal issues regarding the extent of a state's extra-territorial jurisdiction. Evidence-gathering is particularly challenging in these cases, as official documentation is easily lost or inaccessible in conflict situations, and witness statements can be difficult to obtain because of the victims' traumatisation and remote physical location.

GEORGIANS COLLECTIVELY EXPELLED FROM RUSSIA

Following a serious breakdown in diplomatic relations between Russia and Georgia in 2006, Georgian nationals residing in Russia were subjected to identity checks, arrested, detained and expelled. In December 2016, we won two cases on behalf of 12 individuals arrested and detained in appalling conditions prior to their deportation. In one case, the applicant's husband, Tengiz Togonidze, died on arrival at a Moscow airport. The Court found that the investigation into his death was inefficient and ineffective. The Court also found that the authorities' failure to provide Mr. Togonidze with appropriate medical treatment, the general conditions of his detention, and the unventilated transportation to the airport were *"particularly inhuman and degrading"*.

EASTERN UKRAINE

EHRAC and UHHRU are litigating the first group of cases due to be decided by the European Court stemming from the conflict in eastern Ukraine, which will set the precedent for how it examines thousands more. In one case, a volunteer combatant sent by the Ukrainian authorities to fight 'separatists' in Donetsk was killed as his battalion came under heavy fire, allegedly while passing through a 'humanitarian corridor'. EHRAC's cutting-edge litigation on this conflict will not only establish the extent of Russian responsibility in this ongoing conflict, but will also strengthen the case law on the interplay between international humanitarian law (i.e. the law of armed conflict and war) and human rights law.

TENSIONS BETWEEN AZERBAIJAN AND ARMENIA

Violent clashes in Nagorno-Karabakh in April 2016 once again highlighted the pressing need to resolve this intractable conflict. Through a series of briefings, EHRAC has been instrumental in assisting the Committee of Ministers in monitoring implementation of the landmark 2015 Nagorno-Karabakh judgments: *Sargsyan v Azerbaijan* (litigated by EHRAC and Legal Guide) and *Chiragov and others v Armenia*. We outlined the international standards on post-conflict property restitution and set out recommendations that – if followed – would ensure progress towards upholding the rights of families displaced by the 28-year conflict.

Hostilities are not limited to Nagorno-Karabakh: we are also litigating the high-profile case of the early release and pardoning of Ramil Safarov, an Azerbaijani officer who decapitated an Armenian military official with an axe in Budapest. Having served part of his sentence in Hungary, Safarov was transferred to Azerbaijan, where he was granted a presidential pardon, released, promoted, and awarded salary arrears and a flat. The applicant's relatives argue that the victim was subject to an ethnically-motivated hate crime, later endorsed by the Azerbaijani authorities. We also represent the family of Mamikon Khojoyan, a 77-year-old Armenian who inadvertently crossed the border into Azerbaijan. He was allegedly held by Azerbaijani authorities for over a month, and subjected to torture and ill-treatment on the basis of his nationality and religion. He died two months after he was handed over to the Armenian authorities and returned home. Both cases are awaiting judgment at the European Court.

SHRINKING SPACE FOR CIVIL SOCIETY

RASUL JAFAROV MEETS THE EHRAC TEAM AT MIDDLESEX UNIVERSITY FOLLOWING HIS RELEASE

VILIFYING RIGHTS DEFENDERS

Political and legislative pressures, especially in Azerbaijan and Russia, pose a direct threat to civil society. In Russia, the 2012 'Law on Foreign Agents' resulted in the designation of Memorial HRC, and almost 150 other organisations, as 'foreign agents', a label detrimental to their public image and obstructive to their activities. We are challenging this label before the European Court, and submitted a series of updates in 2016 regarding the Law's effect on NGOs.*

17% of our cases tackle restrictions on civil society

Human rights defenders in the region continue to be at risk on account of their activities. In the case of human rights defender – and our colleague at Memorial HRC – Natalia Estemirova, murdered in 2009, we commissioned an expert report from a British former senior police investigator to support our argument that the crime had not been effectively investigated. We also argue the Russian authorities are responsible for her death and her murder was related to her high-profile involvement in investigating kidnappings, torture and killings in the North Caucasus. Oleg Orlov, Memorial's Chair and Founder, was accused of defamation for speaking out against Natalia's murder in 2009; in July we challenged this oppressive measure, which is aimed at silencing critical voices, before the European Court.

'ENEMIES OF THE PEOPLE'†

Following Azerbaijan's unprecedented civil society crackdown since 2014, we are striving to support our partners to continue their essential litigation at a time when they face considerable professional and personal threats. Though Rasul Jafarov, Intigam Aliyev, Leyla and Arif Yunus – whom we represent before the European Court – were all released, civil society is unable to thrive because of corruption and repressive legislation.

We achieved two precedent-setting judgments on behalf of Rasul Jafarov, Leyla and Arif Yunus, all formerly imprisoned for their human rights activism. In the first judgment of its kind, the Court found in March that Rasul Jafarov's arrest and detention were politically motivated as punishment for his human rights work. Three months later, the Court ruled that the authorities' failure to provide adequate medical treatment to Leyla and Arif Yunus during their pre-trial detention constituted inhuman and degrading treatment – the first such finding of a violation against Azerbaijan.

We are representing two lawyers – Khalid Bagirov and Alayif Hasanov – in European Court cases challenging their disbarment and harassment by the authorities. In March, we organized a study visit to London for three of our partner lawyers. As well as holding an intensive one day case clinic, EHRAC arranged for them to meet high-level representatives of the UK legal system – including barristers at the Old Bailey, the Bar Human Rights Committee and the International Bar Association – which provided an invaluable opportunity to seek support for their work, away from Azerbaijan's hostile human rights environment.

* An organisation perceived to be involved in 'political activity' and receiving funding from abroad can be labelled as a 'foreign agent'. Our group of cases was sent to the Russian Government by the Court in March 2017.

† https://goo.gl/eMBHOG

PROTEST RIGHTS

POLICE FORCE DEMONSTRATORS BACK AT 2012 BOLOTNAYA SQUARE PROTEST. PHOTO BY TATIANA KASOMOVA

Citizens' rights to protest peacefully are frequently under threat in the region, with disproportionate use of force by police sometimes resulting in deaths, arrests, detention, ill-treatment and other sanctions often aimed at deterring demonstrators. Many of our protest cases contain a discrimination element, for example on the basis of sexual orientation or religion *(see p. 15)*.

BOLOTNAYA SQUARE, MOSCOW

At the start of the year, the Court ruled in the first of our cases concerning the 2012 Bolotnaya Square demonstration against parliamentary and presidential election results. Evgeny Frumkin was arrested, detained and convicted for failing to obey a police order, while peacefully taking part in the protest. In a particularly strongly-worded judgment, reflecting its wide-reaching implications, the Court noted that Russia is obliged to protect freedom of assembly, and that the sanctions imposed on the applicant and many other demonstrators had a chilling effect on open political debate in Russia. We are taking a series of other protest-related cases, including one challenging the arrest and conviction of protesters outside a Moscow court during the 2014 verdict on the prosecution of the original Bolotnaya Square demonstrators.

"The Court rejected the narrative put forward by the State that restrictive measures were necessary to keep the peace, and robustly upheld the right to freedom of assembly at a time when it is under threat in Russia."

JESSICA GAVRON, EHRAC LEGAL DIRECTOR, SPEAKING AFTER THE *FRUMKIN* JUDGMENT

1 MARCH 2008, YEREVAN

The demonstrations that took place in Yerevan following a contested presidential election shook Armenia: the authorities' use of lethal force against peaceful protestors quickly became a key issue on the human rights agenda. We represent the relatives of eight civilians and a conscripted soldier (deployed to police the protest) who were killed during the protests; we responded to the Government's observations on the case in September. The applicants complain of their relatives' deaths and the State's failure to investigate them. A positive judgment in this case will be of great political and public importance not only for the families of the victims, but also the wider public.

PANORAMA TBILISI CONSTRUCTION PROJECT

In July 2015, several hundred protesters gathered near Tbilisi City Council to oppose plans backed by former Prime Minister Bidzina Ivanishvili to redevelop the Old Town. The police arrested Giorgi Makarashvili for holding an "obscene" sign directed towards the developers of Panorama Tbilisi. Following this, nine other protesters who copied his sign in solidarity were also arrested. We are representing a number of those arrested before the European Court, complaining of breaches of their rights to freedom of expression, assembly and association.

VIOLENCE AGAINST WOMEN

PARTICIPANTS AT OUR REGIONAL SEMINAR ON COMBATTING VIOLENCE AGAINST WOMEN

Violence against women is an endemic problem in our region, with domestic violence often considered a private issue. Strategic litigation has been under-used as a tool to address the issue and effect change. EHRAC and partners are at the forefront of litigating violence against women cases from our region before international mechanisms, an approach which is already bearing fruit. Not only do positive judgments help victims achieve justice, but they are powerful advocacy tools for civil society to address gaps in domestic legislation, and shortcomings in law enforcement agencies' approaches to victims and survivors.

SLAVERY IN A MOSCOW SUBURB

Together with Memorial, we lodged an application on behalf of four young women trafficked from Uzbekistan and Kazakhstan to Moscow, where they were kept in servitude and forced to work unpaid in a grocer's shop for up to ten years. They were routinely physically and sexually abused. We argue that the women were subjected to torture, forced labour, discrimination (on the basis of gender, ethnicity and socio-economic position), and that the State failed to protect them, or to investigate or remedy the situation. If successful, this case will substantially develop the Court's case law on the interaction between violence against women and slavery and forced labour.

FEMICIDE AND DOMESTIC VIOLENCE IN GEORGIA

EHRAC and GYLA jointly lodged an application in September in the case of Salome Jorbenadze, a 20-year-old woman shot and killed by her police officer husband in 2014. Despite Salome and her family's repeated reports of domestic violence to the police, none of the preventive and protective measures required by law were taken. Given that Salome's husband used his service weapon to kill her, we argue that the State was responsible for her murder and failed to respond with due diligence to the threats against her. This case will be crucial in developing the Court's case law on State responsibility in preventing and responding to violence against women as it is among the first cases lodged against Georgia on this issue.

We have been engaged in joint efforts with Georgian civil society to pressurise the government to implement the CEDAW* Committee's recommendations in our domestic and sexual violence case, *X and Y v Georgia* (taken with the NGO Article 42 of the Constitution). EHRAC attended consultations with civil society organised by the UN Special Rapporteur on violence against women in Tbilisi in February. In April EHRAC and three Georgian NGOs made a joint written submission to the Special Rapporteur containing recommendations for the Georgian Government. This case is the first CEDAW decision on Georgia and was nominated for a Gender Justice Uncovered award by Women's Link Worldwide, in light of its potential impact on addressing gender inequality.

SEMINAR: COMBATTING VIOLENCE AGAINST WOMEN THROUGH LITIGATION

In June, we gathered 15 women's rights lawyers and activists in Warsaw for our biennial regional seminar, this year on the theme of litigating strategic domestic and sexual violence cases before the European Court and CEDAW Committee. Experts from the Human Dignity Trust, Protection International and TRIAL International presented on intersectional discrimination, security issues and working with vulnerable victims.

*CEDAW is the United Nation's Convention on the Elimination of all forms of Discrimination against Women.

MINORITY RIGHTS

AN LGBTI ACTIVIST IN TBILISI HOLDS A SYMBOLIC RAINBOW STOOL, WHICH WAS LATER REMOVED BY POLICE. CREDIT: LIBERALI.GE

Discrimination against LGBTI* people and religious minorities is rife in our target region, and activists frequently face intimidation. Often law enforcement agencies fail to prevent discrimination and attacks during protests or perpetrate abuse against the minorities themselves.

RESPECT FOR LGBTI RIGHTS

The International Day against Homophobia, Transphobia and Biphobia (IDAHO) is an annual celebration of diversity across the globe, but sadly LGBTI activists in the region are routinely targeted by the authorities. With EMC and GYLA, we are litigating two Georgian cases concerning homophobic violence and attacks on demonstrators at the 2013 and 2016 IDAHO marches. In 2013, the Women's Initiative Support Group (WISG) organised a silent twenty-minute flash mob in Tbilisi, for which they received serious threats. On the day, counterdemonstrators – separated from the activists only by a thin police cordon – shouted homophobic insults and violent threats at them. We argue that the State should have taken steps to protect them, given that the IDAHO event had been met with similar hostility the previous year. In November we lodged an application on behalf of seven LGBTI activists who were detained and convicted of a misdemeanour for a graffiti protest after the usual IDAHO 2016 event was not authorised.

In Russia our cases challenge a range of issues affecting the LGBTI community, including police treatment of LGBTI protestors and registration of LGBTI organisations. We collaborated in 2016 with the International Commission of Jurists and ILGA-Europe to intervene in a case regarding the refusal of the Russian authorities to register two organisations, including the Movement for Marriage Equality, on the basis that homosexuality was immoral.

*Lesbian, gay, bisexual, trans and intersex

"The significance of your support in validating and analysing difficult and controversial aspects of a case needs to be recognised. Your assistance in the process of improving and refining the structure [of the application] is also highly important."

TAMTA MIKELADZE, EMC, ON EHRAC MENTORING IN THE MOKHE CASE

RELIGIOUS DISCRIMINATION

We lodged our first case with our new partner EMC concerning hate crimes against the Muslim community in Mokhe village, Georgia. During demonstrations against Government plans to convert a former Mosque into a cultural centre, some of the Muslim protesters were arrested, beaten, detained and subjected to hate speech by the police on the basis of their religion. The case was progressed by the Court less than six weeks after it was lodged, underscoring the gravity of the authorities' actions. Although anti-discrimination legislation exists in Georgia, it is not effectively implemented and prosecutions against State officials, such as the police, are rare.

WHO ARE WE? >

OUR TEAM

EHRAC TEAM OUTSIDE THEIR NEW HOME - CHURCH FARM HOUSE, MIDDLESEX UNIVERSITY

RAMUTE REMEZAITE, EHRAC LEGAL CONSULTANT, AT THE EUROPEAN IMPLEMENTATION NETWORK LAUNCH RECEPTION

FINANCE AND GRANTS OFFICER	VICTORIA ARMFIELD (PAMELA HARLING, INTERIM COVER)
PROGRAMME AND FINANCE ADVISOR	TINA DEVADASAN
LEGAL DIRECTOR (JOB-SHARE)	JOANNA EVANS AND JESSICA GAVRON
LEGAL CONSULTANTS	VAHE GRIGORYAN, RAMUTE REMEZAITE
DIRECTOR	PROFESSOR PHILIP LEACH
LAWYERS	KATE LEVINE (JARLATH CLIFFORD, MATERNITY COVER), JOANNE SAWYER
PROGRAMME SUPPORT OFFICER	OKSANA POPOVA
PROGRAMME ASSISTANT	SOPHIE RUST
PROGRAMME MANAGER	LAURE TREBOSC (JANE DRAPKIN, MATERNITY COVER)
PR AND DEVELOPMENT OFFICER	SABRINA VASHISHT

INTERNS & VOLUNTEERS

We are extremely grateful for the invaluable contribution made by interns and volunteers to all areas of our work, from translation and administrative support to legal research and creating resources.

LEGAL INTERNS

LINDSAY CUMMING
ANASTASIA DENISOVA
OLGA GRYGOROVSKA
AIGERIM KAMIDOLA
SHONA MACKAY
EMIL SAHAKYAN

PROGRAMME INTERNS

KRISTINE DINHA
MAHA KHURRAM
KATRINA MARINA
IVAN MUSO
TEO PASTOR

We would also like to express our sincere appreciation for the support of the following legal experts for our case work:

ALEXANDER HALBAN
DREW HOLLINER
DARYL HUTCHEON
JENNIFER MACLEOD
IAIN PESTER
CHARLOTTE THOMAS
RHODRI WILLIAMS

"The trust and support that I felt during my internship at EHRAC from the staff made me understand how important EHRAC's role is in mentoring lawyers of partner organisations. This experience shaped my determination to pursue a career in international litigation and the protection of human rights and I would strongly recommend this experience."

EMIL SAHAKYAN, LEGAL INTERN

"As a legal intern I was involved in the ongoing cases before the European Court of Human Rights, as well as doing a lot of research on a wide range of human rights issues. The EHRAC team also organises many interesting events with opportunities to meet high-level experts and learn about new and emerging trends in the region."

OLGA GRYGOROVSKA, LEGAL INTERN

"I really enjoyed interning with EHRAC. The Russian-speaking NGO Management Skills internship allowed me to develop my translation, research and administrative skills, as well as to be a part of such a dynamic team. I still follow EHRAC's news on Twitter and the website, and I am very happy that I had the chance to be a part of a team that is so dedicated to their work."

KATRINA MARINA, RUSSIAN SPEAKING NGO SKILLS INTERN

"My internship at EHRAC has really challenged me and given me an insight into the world of a professional translator. It was a valuable experience where I got to apply what I learnt at university whilst also learning new skills. EHRAC has helped me to choose the next direction in my career."

KRISTINE DINHA, TRANSLATION INTERN (BA INTERPRETING AND TRANSLATION, MIDDLESEX UNIVERSITY)

EHRAC AND MIDDLESEX UNIVERSITY

"The symbiotic relationship between staff and students, and the highly-skilled professionals at EHRAC is clear: having EHRAC within the Law School provides Law School students with real-world examples of what they can aspire to when they graduate and the far-reaching impact that strategic litigation can have on the lives of individuals worldwide."

PROF. JOSHUA CASTELLINO, DEAN OF THE SCHOOL OF LAW AND THE BUSINESS SCHOOL OF MIDDLESEX UNIVERSITY, AND A MEMBER OF EHRAC'S ADVISORY BOARD.

EHRAC has been based at Middlesex University Law School since 2013, where we receive support from both staff and students, some of whom have interned with us *(see p. 18)*. Professor Joshua Castellino, the Dean of the Law School, is an invaluable member of our UK-based Advisory Board.

ROUND TABLE ON REGIONAL HUMAN RIGHTS LITIGATION

In April EHRAC and Middlesex University Law School jointly piloted a one-day round table event for academics and practitioners litigating human rights in the UK and internationally. The four panels covered: emergency orders issued by the Court; transitional justice – new tendencies of the Inter-American Court; violence against women; and settlement and negotiation. The event provided a valuable forum for experts litigating before different regional and international human rights tribunals to compare experiences and share expertise.

AUDIENCE MEMBERS SIGN THE GQUAL DECLARATION AT GENDER PARITY PANEL DISCUSSION

GENDER PARITY IN THE JUDICIARY

In May, EHRAC and the Law School jointly convened a panel discussion, hosted by the Law Society, on challenges faced domestically and internationally regarding gender equality and gender-balanced representation within the judiciary and other decision-making bodies. The panel, chaired by Legal Director Joanna Evans, brought together Viviana Krsticevic (Centre for Justice and International Law), former High Court Judge Mrs Justice Laura Cox DBE and Deputy High Court Judge Karon Monaghan QC, as well as academics who have been at the forefront of the gender equality debate. Many attendees signed the GQUAL Campaign for gender parity in international representation, the aim of which is to pressure governments to develop mechanisms, guidelines and standards to promote the equal representation of men and women in the judiciary.

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UK ADVISORY BOARD

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STATEMENT OF FINANCIAL ACTIVITIES

The summary financial statement for EHRAC below represents the period 1 January to 31 December 2016.

The information is derived from a schedule of EHRAC income and expenditure prepared on a cash basis which has been subject to an agreed upon procedures review undertaken by independent external auditors, BDO LLP. The reviewed underlying primary figures have been adjusted in the statement of financial activities for the timing of recognition of the income and expenditure.

EHRAC is a centre within Middlesex University. Middlesex University's audited financial statements for the year ending 31 July 2016 can be found at:

www.mdx.ac.uk/about-us/policies/financial-statements

INCOMING RESOURCES	UNRESTRICTED FUNDS	RESTRICTED FUNDS	TOTAL JAN-DEC '16
Grants b/f		£128,014	£128,014
Grants and donations		£529,538	£529,538
Other income	£46,509		£46,509
TOTAL INCOMING RESOURCES	£46,509	£657,552	£704,061
RESOURCES EXPENDED			
Fundraising and publicity costs		£34,096	£34,096
CHARITABLE EXPENDITURE			
Regional programme (Russia, Georgia, Armenia, Azerbaijan, Ukraine):		£184,412	£184,412
Litigation and advocacy		£323,549	£323,549
Capacity building		£64,547	£64,547
Raising awareness and disseminating information		£52,579	£52,579
Support costs		£6,000	£6,000
Management and administration		£12,345	£12,345
TOTAL RESOURCES EXPENDED		£677,528	£677,528
NET OUTGOING RESOURCES	£46,509	£19,976	£26,533

*Income from grants spanning more than one financial year are allocated as income in proportion to grant period

OUR CASES 2016 >

EHRAC LITIGATION IN 2016

CASE	PARTNER ORGANISATION/ LAWYER	STATUS IN 2016	RELEVANT HUMAN RIGHTS PROVISIONS	NUMBER OF APPLICANTS	OVERVIEW OF THE FACTS AS ARGUED BY APPLICANTS
ARMENIA					
Khojoyan & Vardazaryan v Azerbaijan	Foundation Against the Violation of Law	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy; Prohibition of discrimination	3	Torture and death of a 77-year-old Armenian who inadvertently crossed Azerbaijani border while picking grapes.
Mkrtchyans v Armenia	Helsinki Citizens' Assembly Vanadzor	Replied to Government's observations	Right to life; Right to a fair trial; Right to an effective remedy	2	Death of child at school while teacher was absent from the classroom.
Farmanyan & others v Armenia	Individual lawyer	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	9	The use of lethal force in the dispersal of the 1 March protests in 2008.
Makuchyan & Minasyan v Azerbaijan & Hungary	Individual lawyer	Replied to Government's observations	Right to life; Prohibition of discrimination	2	Murder of Armenian army officer by Azerbaijani officer in Budapest.
Arakelyan v Azerbaijan	Legal Guide	Replied to Government's observations	Right to peaceful enjoyment of property; Right to respect for private and family life; Right to an effective remedy; Prohibition of discrimination	1	Displacement of Armenian family from formerly Armenian enclave within Azerbaijan near Nagorno-Karabakh region.
Sargsyan v Azerbaijan	Legal Guide	Implementation	Right to peaceful enjoyment of property; Right to respect for private and family life; Right to an effective remedy	1	Property rights of family displaced following heavy bombing by Azerbaijani forces near Nagorno-Karabakh.
AZERBAIJAN					
Alayif Hasanov v Azerbaijan	Individual lawyer	Submitted ECtHR application	Right to a fair trial; Freedom of expression; Limitation on use of restrictions on rights	1	Criminal defamation case of high-profile human rights lawyer.
Babayeva v Azerbaijan	Individual lawyer	Submitted ECtHR application	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	1	Physical violence and death of applicant's brother in police custody.
Intigam Aliyev (III) v Azerbaijan	Individual lawyer	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to liberty and security; Right to a fair trial; No punishment without law; Freedom of assembly and association; Right to an effective remedy; Limitation on use of restrictions on rights; Freedom of movement; Right not to be tried or punished twice	1	Court proceedings leading to human rights defender's conviction.
Rasul Jafarov (II) v Azerbaijan	Individual lawyer	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to liberty and security; Right to a fair trial; No punishment without law; Freedom of assembly and association; Right to an effective remedy; Limitation on use of restrictions on rights; Right to peaceful enjoyment of possessions; Right not to be tried or punished twice	1	Court proceedings leading to human rights defender's conviction.
Khalid Bagirov (II) v Azerbaijan	Individual lawyer	Replied to Government's observations	Right to respect for private and family life; Freedom of expression; Limitation on use of restrictions on rights	1	Human rights lawyer's disbarment in December 2014.
Rasul Jafarov & others v Azerbaijan	Individual lawyer	Replied to Government's observations	Freedom of assembly and association	4	Inability of Human Rights Club to acquire state registration, inhibiting the organisation's ability to function within the law.

Rasul Jafarov v Azerbaijan	Individual lawyer	Judgment	Right to liberty and security; Limitation on use of restrictions on rights	1	Unlawful and politically-motivated pre-trial detention of well known human rights defender.
Yunusova & Yunusov v Azerbaijan	Individual lawyer	Judgment	Prohibition of torture and ill-treatment	2	Pre-trial detention conditions and denial of access to adequate medical assistance of high-profile human rights defenders.
GEORGIA					
Zurashvili v Georgia	Individual lawyer	Submitted additional information	Prohibition of torture and ill-treatment; Freedom of assembly and association; Right to liberty and security	1	Ill-treatment of protester after opposition rally in Tbilisi May 2011.
Aghdgomelashvili & Japaridze v Georgia	n/a	Submitted additional information	Prohibition of torture and ill-treatment; Right to respect for private and family life; Right to an effective remedy; Prohibition of discrimination	2	Police raid on LGBTI organisation and denigrating treatment towards and search of its staff.
Chelishvili & Satseradze v Georgia	GYLA	Submitted ECtHR application	Right to life; Prohibition of torture and ill-treatment; Prohibition of discrimination	2	Murder of a woman by her police officer husband.
Kvirikashvili v Georgia	GYLA	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to liberty and security	1	The applicant was stopped by police for a traffic violation and subjected to ill-treatment.
Dzerkhorashvili & others v Georgia	EMC	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to liberty and security; Right to respect for private and family life; Freedom of assembly and association; Right to an effective remedy; Prohibition of discrimination	7	LGBT activists detained and convicted of misdemeanour for protest (spray painting) as LGBT community could not assemble for usual IDAHO celebrations.
Kerdikoshvili v Georgia	GYLA	Communicated	Protection of property; Right to a fair trial	1	Payment of prohibitively high court fees and failure to compensate for the loss of seized goods.
Megrelishvili v Georgia	GYLA	Communicated	Right to a fair trial	1	Challenge to fairness of criminal proceedings regarding conviction on drug charges.
Studio Monitor & Zuriashvili v Georgia	GYLA	Communicated	Freedom of expression	2	Journalists' denial of access to criminal case materials.
Peradze & others v Georgia	GYLA	Communicated	Freedom of expression; Freedom of assembly and association	7	Arrest and detention of protesters demonstrating against Panorama Tbilisi construction project.
Mikeladze & others v Georgia	EMC	Communicated	Prohibition of torture and ill-treatment; Right to respect for private and family life; Right to an effective remedy; Prohibition of discrimination	4	Hate crime against Muslim community by law enforcement authorities at a rally against demolition of an old mosque.
Ochigava v Georgia	GYLA	Replied to Government's observations	Prohibition of torture and ill-treatment	1	Severe and sustained physical abuse by prison officers.
Women's Initiative Support Group & others v Georgia	GYLA	Replied to Government's observations	Prohibition of torture and ill-treatment; Freedom of expression; Freedom of assembly and association; Prohibition of discrimination	16	Homophobic violence and attacks on LGBTI demonstrators on the International Day Against Homophobia.
Ugulava v Georgia	Individual lawyer	Replied to Government's observations	Right to liberty and security; Limitation on use of restrictions on rights	1	Politically motivated arrest and detention of former Mayor of Tbilisi.
Dzidzava v Russia	GYLA	Judgment	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	1	Death of a Georgian national during 2006 deportation from Russia.

Chokheli & others v Russia	GYLA	Judgment	Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy; Prohibition of collective expulsion of aliens	13	Arrest, detention and collective expulsion of Georgian citizens in 2006 from Russia.
Merabishvili v Georgia	Individual lawyer	Judgment	Right to liberty and security; Limitation on use of restrictions on rights	1	Arrest and detention of opposition politician on politically motivated charges.
X & Y v Georgia	Article 42	Implementation	Prohibition of discrimination against women; Modification of discriminatory customs and practices	2	Failure to prevent and effectively investigate domestic and sexual violence.
RUSSIA					
Musabayeva & others v Russia	Memorial HRC	Submitted ECtHR application	Prohibition of torture and ill-treatment; Prohibition of slavery and forced labour; Right to an effective remedy; Prohibition of discrimination	4	Ill-treatment and forced labour of migrant/trafficked women in Moscow.
Shchyolov v Russia	Memorial HRC	Submitted ECtHR application	Freedom of expression; Freedom of assembly and association	1	Non-authorisation of a picket to draw attention to human rights violations ahead of the Sochi Winter Olympics.
Valibagandov v Russia	Memorial HRC	Submitted ECtHR application	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Abduction and disappearance in Dagestan in 2013.
Gadzhieva v Russia	Memorial HRC	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to respect for private and family life; Protection of property	5	Security operation by Russian forces in 2014 which led to widespread destruction and looting in Vremenniy village.
Andreyeva v Russia	Memorial HRC	Communicated	Right to fair trial; Freedom of expression; Freedom of association; Right not to be punished twice	10	Arrest of protesters outside public hearing of criminal case against Bolotnaya Square demonstrators.
Ozdoyev & Tsechoyev v Russia	Memorial HRC	Communicated	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	2	Abductions by state agents in Ingushetia.
S.N. v Russia	Memorial HRC	Communicated	Prohibition of torture and ill-treatment; Right to respect for private and family life	1	Forced sexual acts on a female minor and failure to properly investigate and prosecute.
Sigauri v Russia	Memorial HRC	Communicated	Right to life; Right to liberty and security; Right to an effective remedy	1	Abduction of applicant's relative in Ingushetia.
Estemirova v Russia	Memorial HRC	Replied to Government's observations	Right to life; Right to effective remedy	1	Abduction and killing of prominent human rights activist in Chechnya.
Ilupin v Russia	Memorial HRC	Replied to Government's observations	Prohibition of torture and ill-treatment; Right to a fair trial; Freedom of assembly and association	1	Detention of a demonstrator protesting after the 2011 state Duma elections.
Karelskiy & others v Russia	Memorial HRC	Replied to Government's observations	Right to liberty and security; Right to a fair trial; Freedom of expression; Freedom of assembly and association	10	Arrest of protesters outside public hearing of criminal case against Bolotnaya Square demonstrators.
Kukurkhoyeva v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Abduction and disappearance in Ingushetia.
Kulbuzheva v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	1	Ill-treatment and death of applicant's husband in Ingushetia after being seized by police.
Makhauri v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to an effective remedy	1	Abduction and disappearance in Chechnya.
Saynaroyev & Saynaroyeva v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	2	Abduction and disappearance of an elderly man from Ingushetia during a special operation.

Sigauri v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Abduction of applicant's son in Chechnya.
Sultan Magomedov & others v Russia	Memorial HRC	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	7	Abduction and disappearance of a man from Chechnya, witnessed by his wife.
Technologies of 21st Century v Russia	Memorial HRC	Replied to Government's observations	Right to a fair trial; Right to an effective remedy; Protection of property	1	Failure to enforce domestic court judgment.
Dzeytova v Russia	Memorial HRC	Replied to Government's observations	Right to life; Right to liberty and security	1	Abduction of applicant's son in Chechnya.
Orlov & Memorial v Russia	Memorial HRC	Replied to Government's observations	Freedom of expression	2	Defamation proceedings against the applicants following publication of statement on the murder of Natalia Estemirova.
Dalakov v Russia	Memorial HRC	Judgment	Right to life	1	Fatal shooting of 20-year-old Ingushetian, by the Ingushetia Federal Security Service.
Frumkin v Russia	Memorial HRC	Judgment	Right to liberty and security; Right to a fair trial; Freedom of assembly and association	1	Arrest and detention of protester at Bolotnaya Square demonstration.
Gaysanova v Russia	Memorial HRC	Judgment	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security	1	Abduction and disappearance of humanitarian worker in Chechnya during a security operation.
Khashiyev & Akayeva group of cases*	Memorial HRC	Implementation	Right to life; Prohibition of torture and ill-treatment		Aerial bombardment, extra-judicial killings, enforced disappearances and torture during the conflict in Chechnya, between 2000-2006.
UKRAINE					
Klikh v Ukraine & Russia	UHHRU	Submitted ECtHR application	Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Unlawful detention and torture of applicant in Russia.
Sydorenko v Ukraine & Russia	UHHRU	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Disappearance and death of applicant's husband in the 'Luhansk People's Republic'.
Obukhivska v Ukraine & Russia	UHHRU	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Death of applicant's husband following shelling of his army unit in the 'Donetsk People's Republic'.
Vakhovska v Ukraine & Russia	UHHRU	Replied to Government's observations	Right to life; Prohibition of torture and ill-treatment; Right to liberty and security; Right to an effective remedy	1	Death of applicant's husband, a volunteer combattant against the separatist movement in 'Donetsk People's Republic', following artillery fire on a humanitarian corridor.
			Total applicants:	154	

* This group represents 247 cases under enhanced supervision by the Council of Europe Committee of Ministers

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EHRAC relies on grants and charitable donations. Your generous support could enable us to represent more victims of human rights abuse at the European Court of Human Rights, continue mentoring lawyers in Russia, Ukraine and the South Caucasus, and translate and disseminate vital human rights resources.

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Cover Image: Opposition activists hold up their fists as they take part in a protest in central Yerevan on March 1, 2014 to commemorate the events of March 2008, when ten people, according to official estimates, died in violent post-election unrest. Credit: Getty Images/AFP

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