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Stichting Justice Initiative (SJI) respectfully submits the enclosed contribution in response to the OHCHR Call on Enforced Disappearances and Memorialization. This submission draws on SJI's long-standing litigation and advocacy work concerning enforced disappearances in the North Caucasus, including engagement with regional and international human rights mechanisms.

SUBMISSION BY SJI (STICHTING JUSTICE INITIATIVE) IN RESPONSE TO THE OHCHR CALL ON ENFORCED DISAPPEARANCES AND MEMORIALIZATION

ABOUT THE SUBMITTING ORGANISATION

SJI is a non-governmental, non-profit organization based in the Netherlands. Founded in 2001, SJI provides legal assistance and advocacy support to victims of serious human rights violations in the post-Soviet region. The organisation's work focuses on cases involving enforced disappearances, torture and unlawful killings, particularly in the context of armed conflicts, counter-terrorism operations and related forms of structural violence. SJI has been closely involved in litigation and follow-up advocacy concerning enforced disappearances before the European Court of Human Rights, including work related to the landmark judgment in *Aslakhanova and Others v. Russia*. Following the judgment becoming final, SJI engaged in sustained advocacy on issues of non-execution, structural deficiencies and the implementation of general measures, including through interaction with international and regional monitoring bodies[1].

SCOPE OF THIS SUBMISSION

This submission responds to questions 1, 2 and 3 of the Call, focusing on the European regional context, with particular reference to the North Caucasus and the Chechen Republic. It examines: (1) the legal framework and evolving understanding of State obligations in cases of enforced disappearances, including the role of memorialization within comprehensive reparation; (2) existing memorialization practices developed by families, communities and civil society actors in the absence of effective State initiatives; and (3) the consequences of the absence of institutional acknowledgment and memorialization, including the impact on victims and relatives and the constraints faced by those seeking to preserve memory in restrictive environments.

RESPONSE TO QUESTION 1: LEGAL OBLIGATIONS OF STATES IN THE AREA OF MEMORIALIZATION AND ENFORCED DISAPPEARANCES

[1] https://www.srji.org/en/ , https://hudoc.exec.coe.int/?i=004-9 (see: NGO submissions)

1. In this submission, memorialization is understood not merely as a symbolic policy measure, but as a practical indicator of how enforced disappearances are addressed beyond court judgments. Where disappearances remain unresolved for many years, the presence or absence of memorialization reflects not only whether they are treated as isolated incidents or as collective harms requiring public acknowledgment, but also the political position of the authorities toward the disappeared themselves. In some contexts, those who were forcibly disappeared are officially or informally portrayed as extremists, terrorists, or enemies of the state. As a result, public remembrance is discouraged or even prohibited, and memory becomes politicized and suppressed. In such circumstances, the conflict surrounding enforced disappearances is not resolved but silenced. There has been no public reckoning, no acknowledgment of wrongdoing, and no condemnation of the violations; instead, they are minimized, justified, or erased from official narratives. At the same time, security services often maintain detailed records of the disappeared and their families. Their relatives, including sons reaching the age of 17–18, may be placed under preventive surveillance as individuals allegedly "inclined toward extremism," subjected to repeated detentions, "preventive conversations," and, in some cases, coercive or violent treatment. Thus, the suppression of memory operates alongside the continuation of stigmatization and control.

2. In Europe, enforced disappearances have primarily been addressed through regional human rights mechanisms, particularly in the context of armed conflicts and counter-terrorism operations. Although the phenomenon has not reached the same scale as in some other regions, the jurisprudence of the European Court of Human Rights has played a central role in defining States' procedural obligations, including the duty to conduct effective investigations, clarify the fate of missing persons, and address the suffering of relatives. However, experience with the execution of these judgments has revealed persistent structural challenges, especially in situations involving systemic violence and limited domestic follow-up.

3. The situation of enforced disappearances in the North Caucasus illustrates these challenges in an acute and sustained form. A substantial body of judgments delivered by the European Court identified serious and recurrent violations related to disappearances, unlawful killings and ineffective investigations, many of which were subsequently grouped for long-term supervision due to their structural character[2]. These cases have remained under the supervision of the Committee of Ministers of the Council of Europe for many years, reflecting limited progress in addressing the underlying causes of the violations, including the failure to establish the fate of disappeared persons and to provide comprehensive forms of redress to their relatives. Monitoring materials indicate that payment of compensation alone has been considered insufficient to remedy the violations identified by the Court[3].

4. While this submission focuses on the European regional context, the issues identified are consistent with broader international understandings of State obligations in cases of enforced disappearances. Universal standards emphasise that reparation must be comprehensive and victim-centred, encompassing not only investigations and compensation but also measures of satisfaction, acknowledgment and guarantees of non-recurrence. Comparative international practice has long recognised that prolonged denial of truth and the absence of public recognition

[2] Khashiyev and Akayeva v. Russia, nos. 57942/00 and 57945/00, 24 February 2005, Aslakhanova and Others v. Russia, nos. 2944/06, 8300/07, 50184/07, 332/08 and 42509/10, 18 December 2012, Decision of the Committee of Ministers, adopted at the 1500th meeting (September 2024): https://hudoc.exec.coe.int/eng?i=HEXEC%282024%2918-RUS-KHASHIYEV-AND-AKAYEVA-GROUP-ENG

[3] https://hudoc.exec.coe.int/?i=004-9

exacerbate the harm suffered by relatives of disappeared persons and undermine prospects for accountability[4].

5. Against this background, the European experience — and in particular the situation in the North Caucasus — highlights how, even in the presence of extensive judicial findings, forms of public acknowledgment and institutional engagement with the legacy of disappearances may remain limited. Despite repeated international assessments identifying unresolved disappearances and the ongoing suffering of families, no State-led initiatives aimed at preserving memory, establishing archives or publicly acknowledging responsibility have been developed at the national level.

6. In December 2019, SJI submitted a Rule 9.2 communication to the Committee of Ministers in the *Khashiyev and Akayeva* group of cases, which concern long-standing enforced disappearances in the North Caucasus. The submission presented findings from an original pilot information project involving interviews and surveys with relatives of disappeared persons, underscoring the profound impact of unresolved disappearance cases on families and the centrality of establishing the fate of the missing. Of particular relevance to issues of investigation and institutional response, the SJI submission highlights that a significant proportion of applicants placed knowing the fate of their disappeared relative above other forms of redress, including accountability. The testimony collected repeatedly demonstrates that relatives sought *information* from State authorities about the fate and whereabouts of missing persons, but were met with silence, non-disclosure or absence of substantive investigative engagement. This documented "ambiguous loss" — the limbo of not knowing whether a loved one is dead or alive — directly points to the failure of domestic investigative mechanisms to provide answers or closure, and reinforces the argument that without effective authorities capable of clarifying the fate of the disappeared, efforts at memorialization and psychological closure remain severely constrained[5].

RESPONSE TO QUESTION 2: PRACTICAL AND INCLUSIVE APPROACHES TO MEMORIALIZATION BY STATES, VICTIMS AND CIVIL SOCIETY

7. In the absence of State-led initiatives, memorialization in Chechnya has developed almost entirely at the private and community levels, through family practices and limited civil society efforts operating under constraint. Relatives have sought to document cases, compile lists of names and advocate for memorials, yet no publicly accessible State-maintained registry or "book of memory" exists. For many families, religious acts of remembrance have become the primary socially acceptable form of mourning, effectively substituting for the absence of public or institutional acknowledgment.

8. The pattern described above is documented in the report *"Never Healing Wound: Long-Term Consequences of Enforced Disappearances for the Families of Missing People in Chechnya"* (qualitative interviews conducted in July–August 2023 with 21 relatives of disappeared persons, all applicants with positive ECtHR judgments).Families have developed forms of remembrance rooted in culture and religion that function as informal memorialisation practices. Families frequently mark the date of disappearance through Islamic rituals, which serve both spiritual and commemorative purposes. These include giving *sadaka* (charitable donations) in the name of the disappeared person or organizing prayer gatherings (*Movlid or Zikr*). Another common practice is the ritual sacrifice of a cow or sheep, with the meat distributed to the poor. "*We wanted them*

[4] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced , Inter-American Court of Human Rights Case of *Velásquez-Rodríguez v. Honduras* Judgment of July 29, 1988 (Merits)

[5] https://rm.coe.int/native/090000168098fc11

to feel good wherever they were — on earth or in heaven. In case they feel bad, or they get sick, doing the ritual on their behalf is a great benefit."[6]

9. While religious in form, families explicitly link these acts to the memory of the disappeared relative. These acts transform private grief into a socially recognised expression of remembrance and solidarity. These rituals represent a localised and culturally meaningful mode of memorialisation, especially important where public commemoration is impossible.

10. Collective but informal community practices of remembrance include religious commemorations on anniversaries and charitable acts in the name of the missing. As one participant explains, "*This is a day of mourning for us… When this day comes, everyone in the family can finally open up this pain and talk about it.*" Respondents also articulate the absence of any public remembrance for the disappeared: "*They speak about those who were killed, but why does no one remember those who disappeared… at least mention the disappeared during some public events.*" Others describe the absence of even minimal public space for relatives to meet and be heard: "*They could at least create a small room in Grozny… but the authorities do not want to publicise this, to speak about the missing*."[7]

11. Independent organisations and activists have attempted to preserve memory and document disappearances despite an increasingly restrictive environment. Their activities illustrate alternative memorialisation strategies. They focus on documentation and testimony collection through research projects that help record the experiences of relatives of the disappeared, preserving personal narratives that would otherwise be lost. These testimonies serve as historical record and symbolic acknowledgment of suffering.

12. Some of the examples include:

- Publications by human rights organisations and individual actors. Among these - a series of books documenting the disappeared produced by the Human Rights Center Memorial , including titles like "People Live Here" *("Zdes' zhivut Lyudi")*[8], consolidating testimony and archival research, or recent independent researches on the implications of enforced disappearances on the families of the disappeared – one of them is published by the Memory project and the other one is produced by an independent researcher Melissa Port. [9]

- The database of Human Rights Center Memorial, which contains around 3,000 individual records documenting all known circumstances of disappearances[10].
- Online memorial by the Memory Project that present names and photographs of over 300 disappeared persons in Chechnya, and provide short case histories[11].

- A database with over a million materials that document grave human rights violations in the North Caucasus by the Natalia Estemirova Documentation Center (NEDC)[12].

[6] https://memory-project.org/2024/04/18/never-healing-wound/
[7] https://memory-project.org/9ba188f1-ffab-414d-9ab5-bc7799293b40
[8] https://memohrc.org/ru/books/zdes-zhivut-lyudi-chechnya-hronika-nasiliya-chast-1-iyul-dekabr-2000-goda
[9] https://memory-project.org/2024/04/18/never-healing-wound/ , https://www.abandonedresearch.info/
[10] https://old.memo.ru/hr/hotpoints/caucas1/prop/index.htm
[11] https://memory-project.org/memorial/
[12] https://www.nedc-nhc.org/en/what-we-do/

- Launched by European Human Rights Advocacy Centre (EHRAC) a legal database on the enforced disappearances, which includes over 200 case summaries drawn from the European and Inter-American Courts of Human Rights [13]

13. Within the existing restrictive space in Chechnya and Russia, digital platforms have become one of the viable solutions for collective remembrance. . Digital formats allow memory to be preserved beyond geographic and political constraints while ensuring accessibility to diaspora communities[14].

14. Among other activities, civil society organisations and activists hold annual online events to commemorate the International Day of Enforced disappearances. These bring together families, activists, and researchers to honor the disappeared and maintain public attention. Once such example includes the annual streams organized by the Memory Project in partnership with prominent Russian media projects[15].

15. Another strategy employed is creative initiatives, including visual storytelling through animation and actor readings of testimonies of the relatives of the disappeared. Such projects allow the relatives to remain anonymous in a hostile environment and, at the same time,make statistical accounts of disappearance more personal, enable intergenerational transmission of memory, and reach audiences internationally where local expression may be restricted. The two most recent such projects include animations made by the Memory Project and EHRAC[16], actor readings recorded by the Memory Project[17]

RESPONSE TO QUESTION 3: CHALLENGES AND LEGAL PROTECTION FOR PERSONS, CIVIL SOCIETY, MEMORIALS, AND MEMORIALIZATION INITIATIVES

16. The question of memorialization of victims of enforced disappearances in the Chechen Republic remains highly sensitive and politically charged. While approaches of federal and regional authorities have not been identical from the beginning. In his early years in office, Ramzan Kadyrov reportedly sought from the federal center either an investigation into the circumstances of enforced disappearances in Chechnya, or at least the establishment of DNA laboratories to assist in identifying bodies found in mass graves — an indication of his public pronouncements about the need to address disappearances, even if later developments shifted away from the issue. Federal and regional policies have been shaped by a shared unwillingness to subject past disappearances to systematic public scrutiny, reflecting entrenched political and institutional interests rather than a deliberate trade-off in favor of stability[18].

17. At the federal level, disappearances connected to the North Caucasus have predominantly been framed through legalistic and counter-terrorism narratives. Criminal investigations have formally been opened but frequently suspended due to “the inability to identify suspects”. Although substantial monetary compensation has been paid following ECtHR judgments, acknowledgment has remained financial in nature and has not been accompanied by memorial, symbolic or institutional measures.

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[13] https://edld.ehrac.org.uk/
[14] Among others: https://www.nedc-nhc.org/en/what-we-do/?utm
[15] https://www.youtube.com/watch?v=4v9hH0MB7hI, https://www.youtube.com/watch?v=VdVZgZKljug&t=3s, https://www.youtube.com/watch?v=CfyjKco6XJc&t=4772s
[16] https://www.youtube.com/watch?v=wW4M4eJkDxs , https://www.youtube.com/watch?v=V-UNgQak7EA
[17] https://www.youtube.com/watch?v=K0rY50ffOqM, https://www.youtube.com/watch?v=7r43QKmilXQ, https://www.youtube.com/watch?v=Jg48xij9FwE
[18] https://novayagazeta.ru/articles/2025/09/02/dialog-s-rossiei-poka-eshche-vozmozhen?utm

- Structural deficiencies and the "Special Investigative Unit"

18. The structural deficiencies affecting investigations into enforced disappearances in the North Caucasus were comprehensively documented in a series of submissions made to the Committee of Ministers in the early 2010s, including multiple communications by SJI, among them a detailed submission in 2011[19].

19. At that time, the authorities referred to the creation of a "Special Investigative Unit" (SIU) within the Investigative Committee of the Chechen Republic as a general measure aimed at improving the effectiveness of investigations in cases examined by the European Court of Human Rights. While the establishment of a specialised unit was, in principle, an appropriate institutional response, contemporaneous monitoring revealed that its creation did not result in tangible improvements. Submissions to the Committee identified persistent structural obstacles, including: repeated suspension and reopening of criminal cases without substantive progress; failure to question identified military and security officials despite findings of the European Court; lack of effective inter-agency cooperation; refusals by federal archives to disclose operational documents; limited transparency vis-à-vis victims; and the transfer of cases involving military personnel to military investigative bodies whose jurisdiction and independence were unclear. In addition, concerns were raised regarding the absence of departmental control over investigations, delayed initiation of criminal proceedings, and systemic non-cooperation from [other] security agencies, resulting in perpetrators evading accountability and the fate of disappeared persons remaining unestablished. The issue of statutes of limitation was also identified as posing a structural risk of terminating investigations in serious human rights cases if not addressed at the highest institutional level.

20. More than a decade after its creation, the structural deficiencies identified in relation to the Special Investigative Unit remain unaddressed. There is no publicly documented case in which the Unit has clarified the fate of a disappeared person or secured accountability within the Khashiyev and Akayeva group. The establishment of a specialised body did not translate into structural reform: investigations continue to be characterised by prolonged inactivity, fragmented jurisdiction, and a persistent unwillingness to pursue allegations implicating military or security personnel. As a result, the investigative framework has failed to function as an effective mechanism for addressing enforced disappearances as a systemic problem, leaving accountability absent and the humanitarian consequences for families unresolved.

- State Silence, Ongoing Abuses and the Closure of Civic Space

21. At the regional level, official commemorative practices focus on post-conflict rebuilding and figures associated with restoration of order, while memory related to civilian suffering and enforced disappearances has remained marginal. Memorials predominantly commemorate members of law enforcement and security services; no dedicated public spaces, museums or memorial sites acknowledge civilians who disappeared. References to responsibility are often displaced onto federal security structures of the early 2000s.

22. At the same time, distancing from past abuses has coincided with the emergence of new allegations of enforced disappearances and abductions attributed to regional security structures. International human rights organisations and independent media have documented cases in which individuals critical of the regional authorities, as well as their relatives, were subjected to abduction, incommunicado detention or collective punishment. Public statements by the Head of the Chechen Republic, Ramzan Kadyrov, have in several instances reinforced this climate. In

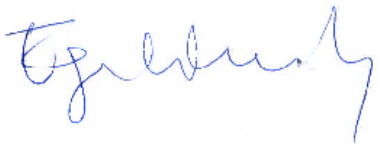
[19] https://hudoc.exec.coe.int/?i=DH-DD(2011)422E

high-profile cases involving relatives of critics and human rights defenders, the leadership publicly endorsed punitive measures against family members, including threats of detention or violence, framing such actions as justified responses to "support for extremism" or disloyalty[20].

23. Civil society organisations that documented violations or commemorated victims have been closed and silenced[21]; prominent initiatives were forced to cease activities or relocate abroad. Documentation and memorialisation efforts continue only with limited visibility and under security constraints.

Respectfully,

Egbert Wesselink



Chairman of the Board

[20] https://www.amnesty.org/ru/latest/research/2022/01/pravozashhitnye-organizaczii-obratilis-k-vladimiru-putinu-po-faktu-pohishheniya-rodstvennikov-kritikov-glavy-chechni/

[21] https://ovd.info/express-news/2021/09/24/minyust-potreboval-likvidirovat-obedinenie-advokatov-i-pravozaschitnikov , https://www.bbc.com/russian/features-59266099