

Open Society Justice Initiative Files Request for Priority Treatment in Roma Village Demolition Case

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For nearly five years, the applicants in [Bagdonavichus v. Russia](#) have been waiting for the European Court of Human Rights (ECHR) to take action. The application for priority treatment, filed this week pursuant to Article 41 of the Rules of the Court, seeks to put an end to this unfortunate delay, by capitalizing on the Court's newly published [Priority Policy](#). The court announced that alleged violations posing threats to life, health and the well-being of children should be considered on a priority basis. *Bagdonavichus v. Russia* presents a compelling case for expediency.

In 2006, Russian authorities razed every Roma house in the village of Dorozhnoe, near Kaliningrad City in far western Russia. This drastic measure was not an isolated event in Russia. Rather, the Russian government [was recently condemned by the UN Committee on the Elimination of Racial Discrimination](#) (CERD) for its repeated use of forced evictions against Roma. The Russian government's action is also not without painful irony: the Roma community had lived in Dorozhnoe village since they were forced to settle there by Soviet decree in 1956.

The Justice Initiative first intervened before the demolition, appealing to the ECHR for interim measures on behalf of 33 applicants in May 2006. The Court denied this request and the demolition began just ten days later. A video of the demolition and further commentary on the living conditions the families face as a result of their forced eviction can be found on the [Open Society blog](#).

A full application to the ECHR followed in November 2006, alleging that the conduct of the Russian authorities had endangered the applicants' lives (in violation of Article 2 of the European Convention on Human Rights), subjected them to inhuman and degrading treatment (Art.3) and destroyed their family life (Art.8), for which there had been no effective recourse to the courts (Art.6) or adequate remedy (Art.13). These actions also unlawfully interfered with the applicants' peaceful enjoyment of their possessions – in this case, the only homes many of them ever knew (Art. 1, Protocol 1). The applicants further alleged that they were treated this way on account of their Roma ethnicity (Art.14, taken in conjunction with Arts. 2, 3, 8, 6 and 13 of the European Convention, and Art. 1, Protocol 1).

By the following year, after the families endured a winter living in makeshift homes and abandoned railway coaches, two applicants were dead. In March 2007, the applicants filed a supplementary memorandum informing the Court of the grave threats to life, health and family unity experienced by the evicted Roma families. The Court has taken no action in response to this submission.

[The Rule 41 application](#) filed this week informs the Court that two additional applicants have died. Of the original six applicant families, only four are now intact. The only remaining family member of one of the applicant families is 11-year-old Kristina Kasperavichus, who now lives in the Kaliningrad orphanage.

Two applicants have disappeared, one of whom is believed to be dead by the local police, who refuse to investigate her whereabouts further without a bribe. Her daughter, Lyubov' Matulevich, now 18, was effectively an orphan after her mother disappeared on the day of the demolition in 2006. Lyubov' has never attended school and lives with her ailing grandmother in a freezing shack, without plumbing or heat. Her grandmother earns money by begging for alms in the street.

Most of the applicants in *Bagdonavichus* now live in temporary housing in primitive shacks meant for camping in the summer months. The conditions are paralyzing in the winter. The walls are thin plywood with no insulation; often the only source of heat is a wood-burning stove. As a direct result of these conditions, many of the applicants experience chronic illnesses.

Because their "homes" do not meet basic building codes, the families cannot register at a permanent address, a prerequisite for access to healthcare, employment and other public benefits. Their inability to register compounds the immediate threats to life and health resulting from their living conditions, leaving the applicants in a state of perpetual vulnerability and marginalization.

The deaths, disappearances and crushing living conditions have splintered each of the original six families. Children are separated from their relatives and cannot attend school. As they reach adolescence and adulthood, they will face countless obstacles to improving the circumstances they have endured over the last five years. Without the Court's intervention, these obstacles will continue to prevent all the former residents of Dorozhnoe village from enjoying any meaningful recovery from the Russian government's cruel and deliberate assault on their community.