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Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns

Recommendation 1733 (2006)

Reply from the Committee of Ministers
adopted at the 964e meeting of the Ministers' Deputies (10 May 2006)

1. The Committee of Ministers has carefully reviewed Parliamentary Assembly Recommendation 1733 (2006) and would like to recall that its standpoint with respect to the situation in the Chechen Republic is based on the following principles:

- full support for the territorial integrity of the Russian Federation;
- absolute denouncement of all forms of terrorism;
- only political means can lead to a long-lasting solution to the situation in the Chechen Republic;
- democracy, human rights and the rule of law must be fully respected, in accordance with Council of Europe standards;
- human rights violations must be effectively and thoroughly investigated and adequately remedied; perpetrators of crimes must be brought to justice.

2. In order to contribute to safeguarding, promoting and applying Council of Europe standards and principles in the Chechen Republic, the Committee of Ministers has supported the implementation of practical programmes of co-operation since January 2004,¹ thus giving it an opportunity to follow the development of the situation in the Chechen Republic. The Committee also recalls the various exchanges of views it held with the Ombudsman of the Russian Federation, Mr Lukin, and the President of the Chechen Republic, Mr Alkhanov; as well as the exchanges of views with the Council of Europe Commissioner for Human Rights on his visits to the Russian Federation, including Chechnya, the most recent of which took place on 15 March 2006.

3. One particularly important aspect of the co-operation activities is the support given to the creation and proper functioning of the Ombudsman institution, as one of the essential elements for the protection of human rights in the Chechen Republic. After the election of the Chechen Parliament in November 2005 and the adoption of the Law on the Regional Ombudsman, Mr Nukhajiev was elected to this function by the Chechen Parliament on 20 February 2006. The Office of the Council of Europe Commissioner for Human Rights has contributed to the establishment of the Office of the Chechen Ombudsman and the training of his staff for several months. The Committee of Ministers supports this action and hopes that the Regional Ombudsman will be rapidly able to develop fully his activities and will have the necessary means for this purpose.

¹ A report on the implementation of the Programme of co-operation activities between the Council of Europe and the Russian Federation in the Chechen Republic in 2005 is available on the Council of Europe website.

4. The Committee of Ministers is closely following the situation in the Russian Federation, in particular in the Chechen Republic, in the context of several conventional monitoring procedures in accordance with the conventions to which the Russian Federation is a party. In addition, the regular updates on the progress achieved in the implementation of the various co-operation programmes and their impact on developments in Chechnya allow useful information to be gathered and help to redress identified deficiencies. Therefore, it considers that at this stage no "specific" action by virtue of the 1994 Declaration on compliance with commitments is required.

5. As regards the public statements of the European Committee for the Prevention of Torture (CPT) on insufficient co-operation of the Russian Federation with this body, the Committee of Ministers recalls that the principle of co-operation is at the heart of the Convention establishing the CPT and stresses the need for such co-operation.² The CPT has continued to organise visits to the Russian Federation and, more specifically, to the North Caucasian region, most recently from 25 April to 4 May 2006. In this general context, the Committee of Ministers invites the Russian Federation to pursue and strengthen its co-operation with the CPT, which is an essential instrument for supporting the Russian authorities in combating any forms of ill-treatment of persons deprived of their liberty, including those in the North Caucasus region.

6. At the same time, the Committee of Ministers emphasises that confidentiality is one of the fundamental principles on which the Convention establishing the CPT is based. It is up to the State Parties concerned to request publication of visit reports, together with any comments they may wish to make. The Committee of Ministers notes that as pointed out by the CPT in its general reports, authorisation by states of the publication of CPT reports has become standard practice over the years. The Committee of Ministers therefore hopes that the Russian authorities will follow this practice and authorise the publication of the relevant CPT visit reports together with the responses provided by the Russian Government in the near future.

7. As regards the investigation into abducted and missing persons, the fight against impunity and the identification of exhumed bodies, those are important topics of the programme of co-operation between the Council of Europe and the Russian Federation in the Chechen Republic. For the Chechen people, the identification of exhumed bodies is also an important element of national reconciliation and a political settlement. In this respect, the Committee of Ministers would like to stress that in the framework of the co-operation programme mentioned above, a Conference on "Strengthening the role of justice in the protection of human rights in the Chechen Republic" was held on 28 and 29 July 2005 in Kislovodsk.

8. The Council of Europe is also assisting the Chechen authorities with the setting-up of a forensic laboratory in Grozny to identify exhumed bodies. A report indicating the most appropriate solutions in terms of buildings and laboratory equipment has been prepared by a team of Council of Europe experts, including Russian experts.

9. The Committee of Ministers can assure the Parliamentary Assembly that it pays close attention to the execution of European Court of Human Rights judgments relating to violations committed in Chechnya. There are currently three cases pending before the Committee of Ministers. They concern events which took place in 1999 and 2000 (Khashiyev and Akayeva v. Russia, Isayeva, Yusupova and Bazayeva v. Russia and Isayeva v. Russia). The Court delivered judgments on these cases on 24 February 2005. The Committee of Ministers started its examination of the execution of these judgments in October 2005. It has already noted that just satisfaction has been paid to all applicants within the time-limits set.

10. During the examination of the individual measures at its 955th meeting (7-8 February 2006), the Committee of Ministers welcomed the decision of the Chief Military Prosecutor's Office taken pursuant to Article 46 of the Convention, ordering the Military Prosecutor of the Unified Army Group to conduct new investigations under the supervision of the Chief Military Prosecutor's Office on the cases of Isayeva, Yusupova and Bazayeva v. Russia and Isayeva v. Russia, and the fact that the investigations on the Khashiyev and Akayeva v. Russia case have also been reopened under the supervision of the General Prosecutor's Office. The Committee of Ministers encouraged the competent authorities to make rapid and visible progress in their conduct of new investigations, thus remedying as far as possible the shortcomings of earlier ones impugned by the judgments of the European Court.

² The Committee of Ministers recalls that on 10 July 2001 and 10 July 2003, the CPT issued two public statements concerning the Chechen Republic, the first of which was followed by a declaration by the then Chairman of the Committee of Ministers urging the Russian authorities to co-operate fully with the CPT with regard to issues referred to in the public statement and all other aspects of the Committee's activities concerning the Chechen Republic.

11. As regards the general measures needed to prevent new violations similar to those found by the Court, the Russian authorities have submitted a plan of action for implementing the Court's judgments in these cases. The measures contained in the action plan are currently being assessed by the Committee of Ministers.

12. The Committee of Ministers will continue to closely follow the adoption of both individual and general measures required by the European Court's judgments in accordance with its well-established practice in this area and taking into account its experience in numerous other cases relating to the conduct of security forces.

13. Despite some progress, much needs to be done in order to improve daily life in the Chechen Republic. This issue was discussed, in particular, during two conferences which the Commissioner for Human Rights organised in August and December 2005 with Chechen NGOs. Action by the Council of Europe and other international organisations for the development of civil society in Chechnya and the role of NGOs in re-establishing normal living conditions were discussed in this context. The Committee of Ministers attaches particular importance to this issue and is willing to consider ways and means to contribute to the long-lasting restoration of human rights, the rule of law and democracy in the Chechen Republic.

14. With regards to the bomb explosion mentioned by the Assembly, the authorities of the Russian Federation provided (in a letter dated 23 September 2003) the then Secretary General, and through him the Committee of Ministers, with information concerning the investigation of this incident of 21 April 2003. According to the letter, a criminal case No. 30056 was opened by the Office of the Public Prosecutor of Grozny on 23 April 2003 and handed over to the Investigation Department of the Office of the Federal Security Service of the Russian Federation in the Chechen Republic on 14 May 2003. The investigation conducted by the Office of the Public Prosecutor, the Office of Internal Affairs and the Federal Security Service of the Chechen Republic established that the crime was aimed at representatives of the federal forces.

15. Finally, the Committee of Ministers reiterates its willingness to pursue its co-operation with the authorities of the Russian Federation and the Chechen Republic with a view to assisting them in restoring the full enjoyment of democratic principles, human rights and the rule of law on this territory. The Committee of Ministers will keep the Parliamentary Assembly regularly informed of progress achieved in this context.