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Russian Federation, Chechnya: Council of Europe must take action to ensure real change for human rights

The human rights situation in the Chechen Republic is under scrutiny at the January session of the Parliamentary Assembly of the Council of Europe (PACE). Members of parliament of the 46 member states of the Council of Europe will debate a report by the Parliamentary Assembly's Committee on Legal Affairs and Human Rights. The report states that "[t]here is no end to gross human rights abuses in Chechnya" and urges the Committee of Ministers "to confront its responsibilities in the face of one of the most serious human rights issues in any of the Council of Europe's member states".

Amnesty International welcomes the fact that PACE continues to call attention to the grave human rights situation in the North Caucasus and to make recommendations to both the Russian Federation and to the bodies and mechanisms of the Council of Europe aimed at addressing them. The organization also notes the initiatives of PACE to promote dialogue with the aim of a durable solution to the conflict.

"Disappearances" and abductions, torture, arbitrary detention and incommunicado detention of individuals in both unacknowledged and official places of detention continue to take place in Chechnya and neighbouring republics in Russia's North Caucasus. Impunity remains the norm, as few perpetrators of human rights violations are identified and brought to justice.

This grave human rights situation must be urgently addressed by the Russian authorities. The Russian authorities must take immediate action to stop the human rights abuses and address the systematic and political obstacles which have prevented those responsible for such abuses from being brought to justice. The Russian authorities must implement in full the judgments of the European Court of Human Rights relating to the situation in Chechnya, not only so as to provide full redress to the victims but also to prevent further human rights violations.

In addition, before Russia assumes the leadership of the Council of Europe's Committee of Ministers in May 2006, the Russian authorities at the highest level should ensure that they demonstrate their real engagement and cooperation with the Council of Europe bodies and mechanisms. To do so they must implement the recommendations made by the bodies and mechanisms of the Council of Europe including the Parliamentary Assembly, the Commissioner for Human Rights, the Venice Commission, the European Commission against Racism and Intolerance (ECRI) and the Committee for the Prevention of Torture (CPT). The Russian authorities should also immediately authorize publication of all reports of visits to the Russian Federation, including to the North Caucasus region, by experts of the CPT. Finally Russia should take concrete measures to implement all unfulfilled commitments made when joining the Council of Europe a decade ago.

Amnesty International calls on the Council of Europe to ensure that it takes further action and offers

effective assistance to the Russian authorities in fulfilling its human rights obligations. The various bodies and mechanisms of the Council of Europe should keep the North Caucasus as a high priority, and bring appropriate pressure to bear on the Russian authorities to implement the full range of their obligations as a Council of Europe member state.

Inter alia, the Secretary General of the Council of Europe should ensure that his office monitors and regularly reports to the Committee of Ministers on the ongoing human rights situation in Chechnya, and ensures that the reports are made public.

The Committee of Ministers should continue to ensure it regularly discusses the human rights situation in Chechnya; and continue to bring appropriate pressure to bear upon the Russian authorities to implement the recommendations of the bodies and mechanisms of the Council of Europe, and to take effective individual and general measures in relation to all European Court of Human Rights judgments, in particular those relating to violations committed in the course of the armed conflict in Chechnya.

In addition, the Council of Europe should continue its cooperation activities with the relevant Russian government authorities. In particular, the Council of Europe should support the Russian federal and Chechen authorities, in taking practical steps to address the issue of missing persons and “disappeared” persons in Chechnya, particularly through introducing effective systems for identification and recording of bodies found, and improving forensic facilities in Chechnya.

Moreover, the Council of Europe should continue to work with the Russian authorities to ensure that legislation governing the work of civil society organizations is amended so as to fully respect Council of Europe standards. Independent civil society organizations play a crucial role in monitoring and publicly reporting on the human rights situation in the North Caucasus and should be supported in their valuable work.

Background

Ongoing human rights abuses in Chechnya

Human rights abuses including “disappearances” and abductions, torture, arbitrary detention and incommunicado detention in unacknowledged as well as official places of detention are continuing in Chechnya and neighbouring republics in the North Caucasus. Such violations are overwhelmingly committed with impunity, as very few perpetrators are ever identified and brought to justice. While official statistics vary, most recently in December 2005, Lema Khasuev, the Ombudsman in the Chechen Republic stated that there are 2096 cases of enforced “disappearance” by unidentified security forces in Chechnya.¹ However, Amnesty International is aware of only one conviction in connection with a “disappearance” in Chechnya, that of Sergei Lapin, convicted in March 2005 of torturing Zelimkhan Murdalov; Zelimkhan Murdalov subsequently “disappeared”.

For example, Chechen security forces reportedly arbitrarily detained and tortured several individuals from the village of Novie Atagi, Chechnya, in September 2005, and one man is reported to have “disappeared”. Large numbers of armed men wearing camouflage uniform reportedly arrived in the village during the nights of 12-14 September and detained ten men; according to relatives, the armed men did not produce any arrest warrants or any form of identification to indicate which official body they were from.

On 15 September and for several days thereafter, villagers blocked the Kavkaz main road near Novie Atagi demanding to know where those detained had been taken, and for them to be released. During this period, some of the men who had been detained were set free. Allegedly some of them had been severely beaten while in detention, but did not dare to go to a hospital in Chechnya for treatment, travelling instead to neighbouring republics in the North Caucasus. The picket lasted for several days until it was established that four of the remaining detained men were being held in the police detention facility (known as IVS from its initials in Russian) in Shali district police station in connection with the murder of a policeman. One of the four named as Ruslan Khalaev, aged 21, was detained at 3am on 14 September. According to reports, Ruslan Khalaev was tortured including being beaten with batons, having water poured over him and being tortured with electric shock until he agreed to sign a “confession” of guilt.

However, the whereabouts of a fifth man detained during the raid, Islam Bakalov, were not established and it is feared that he has been “disappeared”.

According to the office of the General Procurator, a preliminary investigation has established that unidentified staff of special military regiment no. 2 of the Chechen Republic Internal Affairs ministry “seized” seven men in Novie Atagi, including Islam Bakalov, “unlawfully and in violation of procedures”. At least three men have been “disappeared” or abducted so far in different regions in Chechnya in 2006, according to the NGO Russian-Chechen Friendship Society (RCFS). RCFS has also reported that the practice of carrying out detentions in which security forces are masked and do not identify themselves continues.

Reports of targeted killings of civilians by Chechen armed opposition groups also continue. For example, Memorial Human Rights Centre reported in December 2005 that an armed opposition group had targeted and killed three civilians in the village of Avturi in Shali district, allegedly as a reprisal for what they viewed as “collaborating” with the Russian federal authorities. Such actions are in direct violation of international humanitarian law.

The human rights situation in other North Caucasus republics

There is violence and unrest in other North Caucasus republics, increasingly accompanied by reports of human rights violations such as arbitrary detention, torture, “disappearances” and abductions.

Amnesty International continues to receive reports of people being detained in Ingushetia and transported to neighbouring republics such as North Ossetia, where they have been subjected to torture. For example, according to reports received by Amnesty International, on the morning of 30 November 2005, Ruslan Tsechoev, Muslim Tsechoev, Magomed Tsechoev and Yusup Khashiev were detained in Nazran, Ingushetia by Russian federal law enforcement officials and transported to the premises of the Regional Department for the Fight against Organized Crime (RUBOP) in Vladikavkaz. During interrogation sessions there it is alleged that they were beaten and subjected to electric shock treatment. Muslim Tsechoev, Magomed Tsechoev and Yusup Khashiev are reported to have been released late that evening, having been made to sign statements that they had no complaints about their treatment, and also a record of the interrogation session without being able to read it first.ⁱⁱ Following their release they are reported to have submitted complaints to the procuracy about their detention and torture, and to have had medical examinations that have confirmed their testimonies of being tortured.

Ruslan Tsechoev was charged with “Banditry” and remains in detention in Vladikavkaz. In a statement he sent from detention, Ruslan Tsechoev reported that while detained at the RUBOP in Vladikavkaz he was tortured repeatedly, including while a lawyer was present: he was beaten with truncheons and round his head with a book, subjected to electric shock treatment, and threatened that he would be killed unless he made statements and gave information. He stated he has lost his hearing and he feared his kidneys had been damaged due to the beatings, but that he was being denied medical assistance. (A lawyer, hired on his behalf by his relatives, has submitted a complaint about the alleged torture.)

Violence and unrest has spread also to the Republic of Kabardino-Balkaria. On 13 October 2005 a group of up to 300 gunmen launched attacks on government installations in and near Nalchik, capital of Kabardino-Balkaria, including the building of the Federal Security Service (FSB), police stations, the TV centre and the airport. There were reports that gunmen took at least two civilians hostage. More than 100 people, including at least 12 civilians, were reported to have been killed during the ensuing shooting between law enforcement officials and the gunmen; many were wounded. The raid was reportedly in response to months of persecution of practising Muslims in the region, including arbitrary detention and torture by law enforcement officials, and wholesale closure of mosques. Following the raid, law enforcement officials detained dozens of people; many of the detainees were reportedly tortured, including former Guantánamo Bay detainee Rasul Kudaev. The investigator in charge of the case from the General Procurator’s department in the Southern Federal District suspended Rasul Kudaev’s lawyer

from the case after she filed a formal complaint about Rasul Kudaev's treatment at the hands of law enforcement officials while in detention in Nalchik (see AI Index: EUR 46/041/2005 and AI Index: EUR 46/061/2005).

Precarious situation for internally displaced people in Ingushetia and Chechnya

In Ingushetia, conditions in the camps for those displaced by the conflict in Chechnya remain generally cramped and unsuitable. The conditions at a camp on the site of a former dairy farm are particularly harsh. However, during a visit to the camps in September 2005, the people living in these conditions who met with the Amnesty International delegates stated that they are afraid to take their families back home to Chechnya while the violence and abuses continue, and while it remains impossible for them to rebuild their destroyed homes.

According to information available to Amnesty International, the conditions in the temporary accommodation centres in Grozny which house people displaced from the conflict, including those who returned to Chechnya following the closure of the tent camps in Ingushetia in 2004, are uncomfortable and unsafe. There is no hot or cold water, they are cramped, and those living there are reportedly subject to constant document checks, harassment, intimidation, and detention by Chechen security forces.

Civil Society

Independent verification of violations has frequently been gravely hampered by the security situation in the North Caucasus, in particular in Chechnya, and obstacles to access imposed by the Russian authorities on international human rights monitors, as well as domestic and foreign journalists seeking to operate in Chechnya. In such circumstances, the work of local independent civil society organizations in monitoring and publicly reporting on events is particularly important. These organizations often provide legal assistance to victims of serious human rights abuses, and their families, and undertake humanitarian initiatives for those affected by the conflict. However, far from creating the conditions supportive for such work, in some cases the Russian authorities seem to be harassing such organizations.

For example, Amnesty International has expressed its concern at an apparent campaign of harassment and prosecution aimed at members of the Russian-Chechen Friendship Society (RCFS), reportedly in response to the organization's work on human rights. The RCFS is a non-governmental organization that monitors human rights violations in Chechnya and other parts of the North Caucasus, and undertakes humanitarian initiatives for individuals affected by the conflict in the North Caucasus, for example organizing medical assistance and holiday breaks in other parts of the Russian Federation for children affected by the conflict. Stanislav Dmitrievskii, the Executive Director of RCFS, is being prosecuted on charges of "inciting racial hatred" for his publication of articles by Chechen separatists calling for a peaceful end to the conflict. The prosecution is viewed by many as in response to the organization's human rights work. Amnesty International is concerned that the criminal prosecution is a violation of his right to freedom of expression, and part of a campaign of administrative harassment aimed at closing down the work of the RCFS.

Amnesty International fears that the recently adopted law on civil society organizations will make working conditions for independent human rights monitors, in particular those working on sensitive areas such as human rights violations in the North Caucasus even harder. Despite amendments to the law following domestic and international outcry, it still contains restrictive and vague provisions which raise serious concerns about freedom of association in Russia. For example, the authorities will be able to deny registration to civil society organizations if the organization's name "offends public decency or ethnic and religious feelings". They will also have unlimited power to send officials to any "event" organized by Russian and foreign civil society organizations, without necessarily having reasonable grounds to believe Russian law is being breached. They will also have unprecedented powers of scrutiny of sources of funding, as well as planned and actual spending.

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ⁱSpecial report of the Human Rights ombudsperson in the Chechen Republic, *Grozniy-Inform*, 9 December 2005, citing information from the Committee for the defence of Constitutional Rights of citizens at the Chechen government

ⁱⁱReports from the Memorial Human Rights Centre and the International Helsinki Federation

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