

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR.46/009/2007 (Public)
News Service No: 050
14 March 2007

Russian Federation must end torture, ill-treatment, “disappearances” and arbitrary detention in Chechnya

Amnesty International calls on the Russian Federation to take immediate concrete steps to eradicate torture and other ill-treatment, arbitrary detention and “disappearances” in the Chechen Republic and to tackle impunity for these violations. Amnesty International makes this call following the unprecedented third public statement by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) relating to torture and ill-treatment in Chechnya, published on 13 March along with excerpts of its findings of its visits in 2006 to the region.

Russia has a duty under national and international law to safeguard detainees in Chechnya against torture and other ill-treatment. The concrete steps it must take to do this, set out by international bodies and mechanisms such as the CPT, the UN Committee against Torture, and the Parliamentary Assembly of the Council of Europe, include:

- o Ensuring that detainees have access to legal counsel immediately following detention and throughout the time they are detained, and that they are not questioned without their lawyer being present;
- o Providing detainees with medical checks on detention and on transfer, and access to a doctor of their choice;
- o Ensuring notification of relatives of the fact of detention of their relative, and the place of detention, and of any subsequent transfers;
- o Ensuring detainees are brought promptly before a judge;
- o Closing all unofficial places of detention;
- o Establishing a system for unannounced visits to all places of detention, including police custody and pre-trial detention centres, by credible impartial investigators;
- o Ensuring that all investigations of allegations of torture and arbitrary detention in Chechnya are independent, effective, thorough and prompt; the General Procuracy should develop criteria for ensuring investigations meet these standards.

The CPT’s statement of 13 March 2007 is unprecedented as it is the first time that the CPT has issued a public statement of this nature three times in respect of one country. The CPT works on the basis of confidentiality between itself and the state parties, and is only authorized to make public statements when a country “fails to co-operate or refuses to improve the situation in the light of the Committee’s recommendations.” The fact the CPT has again felt obliged to resort to a public statement, additionally releasing with it detailed excerpts of its report and the Russian authorities’ comments, indicates that the CPT considers Russia is failing to effectively tackle torture in Chechnya.

This conclusion is supported by the Commissioner for Human Rights of the Council of Europe, who visited Chechnya, including detention centres there, at the end of February and beginning of March this year. He stated that he had “got the impression that torture and ill-treatment are widespread in Chechnya” and added that perpetrators of torture had a feeling of “utter impunity”.^[1]

Amnesty International has researched and documented numerous instances of serious human rights violations, including alleged arbitrary detention and torture and ill-treatment in official and unofficial places of detention in the North Caucasus over the course of the second Chechen conflict, and continues to receive allegations of torture in the region.

For example, Amnesty International documented the case of one man, who was reportedly tortured in January 2006 while held at the ORB-2 detention facility in Grozny.^[2] At this facility, according to the CPT, there is a “palpable climate of fear” among detainees. He later told his lawyer that he had been subjected to electric shock treatment there; his arms and legs had been bent back into painful positions; he was beaten with truncheons; and was threatened that he would “disappear” if he did not confess to being a member of an armed opposition group. After eight or nine days of such treatment he decided to admit under duress to having given food and shelter to members of an armed opposition group. At no stage of the questioning did he have access to a lawyer. When he was subsequently transferred to a

different detention facility and retracted his so-called confession, he was twice returned back to ORB-2 and subjected to further ill-treatment, in order to force him to repeat his “confession”.

Such violations are overwhelmingly committed with impunity as investigations are ineffective and the prosecution of the handful of cases that have reached the courts is flawed. The CPT’s report from its 2006 visits to Chechnya highlights gross inadequacies in many of the investigations opened into allegations of torture, including the investigations into ORB-2. The CPT report is also critical of the Russian authorities’ response to the allegations the CPT received in 2006 of unlawful detention of individuals in unofficial detention facilities in Chechnya.

Russia must cooperate with the CPT, by implementing its recommendations and authorizing publication of all its reports on the Russian Federation. Russia must also implement the recommendations of the UN Committee against Torture, and moreover cooperate with the UN Special Rapporteur on torture by immediately facilitating his visit to Russia on his standard terms of reference. In October 2006 the Special Rapporteur postponed his visit to Russia, set to focus on the North Caucasus, because the Russian authorities had said his standard conditions of such visits – in particular, arriving unannounced at places of detention and interviewing detainees in private – contravened Russian law.

Given the ongoing serious problem of torture in Chechnya, Amnesty International calls on the other 45 member states of the Council of Europe and its bodies and mechanisms to work with the Russian authorities to ensure they meet their obligations to eradicate torture and other ill-treatment, “disappearances” and arbitrary detention, to ensure prompt, independent and thorough investigations of these allegations and to end the targeted reprisals of those who seek redress for such violations. Amnesty International calls on the Committee of Ministers and the Secretary General of the Council of Europe to take concrete and decisive action to ensure Russia meets these obligations.

Background

The CPT works by undertaking visits to places where people are deprived of their liberty, talking to detainees and others, making detailed written reports with recommendations to the authorities, and holding confidential talks with the regional and federal authorities. When Russia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1998 it committed itself to cooperating with the CPT, including giving it access to any place within its territory where people are deprived of their liberty.

The CPT has visited Russia 16 times, including Chechnya, and issued reports and recommendations on each visit to the Russian authorities. The CPT last visited Chechnya on 25 April to 4 May 2006 and 4 to 10 September 2006.

Although Russia has generally permitted the CPT to visit places where people are deprived of their liberty, there have been significant failures regarding its cooperation with the CPT, namely in relation to Chechnya. The CPT issued public statements on 10 July 2001 and 10 July 2003 and a News flash on 9 May 2006 in response to these failures.

Moreover, Russia has yet to authorize publication of 12 out of 13 of the CPT’s reports. Russia is the only Council of Europe member state not to regularly authorize the publication of the CPT’s reports. While Russia does not have an obligation to do so, it has become established practice of Council of Europe member states to do so. Both the Secretary General of the Council of Europe and the Parliamentary Assembly have repeatedly called on Russia to authorize the publication of the CPT’s reports.

The CPT’s statements on the Russian Federation are available at <http://cpt.coe.int/en/>.

End Notes

[1] First conclusions of the visit of the Commissioner for Human Rights in the Chechen Republic of the Russian Federation,

[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2007\)6&Sector=secCommDH&Language=lanEnglish&Ver=original&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2007)6&Sector=secCommDH&Language=lanEnglish&Ver=original&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679).

[2] Operative and Search Bureau, under the Ministry of Internal Affairs of the Russian Federation