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Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Michael McNAMARA, Ireland, Socialist Group

Summary

The Committee on Legal Affairs and Human Rights notes with regret that the specific recommendations addressed to the competent Russian authorities in Resolution 1738 (2010), which was adopted unanimously with the participation of the Russian delegation, have remained largely unimplemented.

In the Chechen Republic, the authorities continue to nurture a climate of pervading fear in an atmosphere of personalisation of power. The Head of the Republic has made public threats against political opponents and human rights activists, even in other parts of Russia and beyond. The deterioration of the situation of women in the Chechen Republic through the rigid enforcement of religious norms has continued. The Head of the Chechen Republic actively promotes the application of rules based on Chechen customary laws, adats, and interpretations of Sharia that discriminate against women.

The committee thus observes that the situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law still remains one of the most serious in the entire geographical area covered by the Council of Europe. Systematic human rights violations and the impunity of their perpetrators are bound to foster the further rise of extremism.

The committee welcomes the creation of the Natalya Estemirova Documentation Centre in Oslo and proposes a number of concrete recommendations to be addressed to the Russian authorities and to the member States aimed at ending the climate of impunity and rebuilding mutual trust.

1. Reference to committee: Doc. 13064, Reference 3928 of 21 January 2013.

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A. Draft resolution[2]

1. The Parliamentary Assembly recalls its Resolution 1738 (2010) on legal remedies for human rights violations in the North Caucasus region and its Resolution 1479 (2006) "Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concern", in which it deplored systematic human rights violations and the climate of impunity prevailing in the region.

2. The Assembly reiterates its firm condemnation of all acts of terrorism and expresses its compassion and solidarity for the families of all victims of violence in this troubled region.

3. The Assembly notes with regret that the specific recommendations addressed to the competent Russian authorities in Resolution 1738 (2010), which was adopted unanimously with the full support of the Russian delegation, have remained largely unimplemented. In particular:

3.1. non-violent, dialogue-based methods of conflict resolution such as the work of the "rehabilitation commissions" have been largely abandoned (as in Dagestan) or never seriously attempted (as in the Chechen Republic); by contrast, the Ingushetian authorities deserve praise for continuing their attempts at rehabilitating militants who wish to return to civilian life. Dialogue with Muslim groups such as the Salafi community has been replaced by harassment and intimidation, in particular in the Chechen Republic and Dagestan;

3.2. co-operation with civil society and with lawyers has remained very limited. In the Chechen Republic, but also in Dagestan, human rights groups, such as the Assembly's 2011 Human Rights Prize laureate "Nizhniy Novgorod Committee against Torture", the Human Rights Centre "Memorial" and "MASHR" and their leaders and staff members have been subjected to mob violence, arson, physical attacks and intimidation. Lawyers defending victims of human rights violations have themselves become targets of aggression, intimidation and trumped-up criminal charges in reprisal for their work;

3.3. members of the security forces and law-enforcement bodies still resort to illegal means such as abductions and secret detentions, extrajudicial killings and torture, and they continue to enjoy almost complete impunity. Almost all the crimes against the persons to whom the Assembly paid tribute in Resolution 1738 (2010) are still unpunished;

3.4. the implementation of the 225 judgments of the European Court of Human Rights ("the Court") in the cases belonging to the "*Khashiyev* group", involving the most serious human rights violations by members of the security forces and the failure of the competent authorities to investigate such cases, remains highly unsatisfactory, despite the application by the Committee of Ministers of the enhanced supervision procedure. In particular:

3.4.1. the "special investigative units" created especially to examine those cases in which the Court found failures to investigate have produced few results;

3.4.2. a "single and high-level body" mandated to search for missing persons as well as ensure the allocation of the necessary resources required for large-scale forensic and scientific work within a centralised and independent mechanism, as recommended by the Court itself, the International Committee of the Red Cross (ICRC), the Parliamentary Assembly and the Committee of Ministers has still not yet been set up, nor has the Chechen Republic been equipped with a forensic laboratory capable of carrying out DNA testing;

3.4.3. the authorities are increasingly relying on limitation periods and amnesties to guarantee impunity to even the small number of perpetrators of human rights violations who have been identified, despite the Assembly's and the Committee of Ministers' exhortations to the contrary;

3.5. in the Chechen Republic, the authorities continue to nurture a climate of pervading fear in an atmosphere of personalisation of power. The Head of the Republic has made public threats against political opponents, human rights activists and their families, even in other parts of the Russian Federation and beyond;

3.6. the deterioration of the situation of women and girls in the Chechen Republic through the rigid enforcement of religious norms has continued. The Head of the Chechen Republic actively promotes the application of rules based on Chechen customary laws, *adats*, and interpretations of Sharia that

2. Draft resolution adopted by the committee on 18 April 2016.

discriminate against women and girls in family law matters, in violation of Russian law. Domestic violence and purportedly "traditional" practices harmful to women and girls, such as arranged and early marriages, and even so-called honour killings, are widespread and tolerated by the regional authorities.

4. The Assembly thus observes that the situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law still remains one of the most serious in the entire geographical area covered by the Council of Europe.

5. The Assembly considers that systematic human rights violations and the impunity of their perpetrators are bound to foster the further rise of extremist movements. Endemic brutality of the security forces and a lack of justice provide fertile ground for radicalisation and weaken support for the authorities among the population at large and the readiness among militants for co-operation with the justice system in dismantling terrorist networks.

6. The Assembly welcomes the creation, by a consortium of highly respected human rights organisations led by the Norwegian Helsinki Committee, of the Natalya Estemirova Documentation Centre in Oslo, as a positive response by civil society to the Assembly's call in Recommendation 1922 (2010) on legal remedies for human rights violations in the North Caucasus region for the creation of a record-keeping system for witness statements, documents and evidence substantiating human rights violations committed in the region.

7. The Assembly therefore reiterates its call on the Russian authorities to:

7.1. combat terrorism with the instruments at the disposal of a State based on the rule of law, by investigating and prosecuting terrorist crimes whilst also identifying and remedying the causes underlying the ongoing radicalisation and growing religious extremism, through intercultural and interreligious dialogue;

7.2. end the climate of impunity by identifying and holding to account, in accordance with the law, all perpetrators of human rights violations, including members of the security forces;

7.3. follow the example of, and seek co-operation with, other countries which have to contend with terrorism, especially with regard to the implementation of strategies to promote the co-operation of suspects with the justice system in dismantling terrorist organisations, but also criminal networks within the security forces;

7.4. co-operate closely with civil society, and in particular with human rights defenders, and protect the staff of these non-governmental organisations effectively against reprisals;

7.5. intensify co-operation with the Committee of Ministers in the implementation of the judgments of the European Court of Human Rights, in particular the implementation of:

7.5.1. individual measures aimed at clearing up those cases of abduction, murder and torture in which the Court had found a lack of proper investigations, including measures to prevent limitation periods and amnesties from providing impunity for the perpetrators of such crimes;

7.5.2. general measures aimed at creating the conditions for adequate investigations, such as the creation of a "single and high-level body" mandated with and equipped for the search for missing persons (paragraph 3.4.2 above);

7.6. request systematically, and as early as possible, the publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concerning the North Caucasus region and intensify its co-operation with the CPT, with a view to eradicating the use of torture and inhuman or degrading treatment in this region.

8. The Assembly reiterates its call on all other Council of Europe member and observer States to:

8.1. co-operate with the Russian authorities in the fight against terrorism, whilst insisting on full compliance with the European Convention on Human Rights (ETS No. 5) as interpreted by the Court;

8.2. provide adequate protection to refugees from the North Caucasus region and deal with any requests concerning their extradition with special care and caution.

9. The Assembly invites its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to continue paying particular attention to the human rights situation in the North Caucasus region, especially in the Chechen Republic. It pays tribute to the CPT for its action in the region and invites the CPT and the Council of Europe Commissioner for Human Rights to maintain and intensify their commitment.

B. Draft recommendation[3]

1. The Parliamentary Assembly refers to its Resolution ... (2016) “Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?” and stresses that it still considers the situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law as one of the most serious and most delicate in the geographical area covered by the Council of Europe.

2. The Assembly therefore urges the Committee of Ministers to continue paying the utmost attention to the development of the human rights situation in the North Caucasus region, in particular in the Chechen Republic, including by availing itself of the possibility to monitor the state of democracy, human rights and the rule of law in the North Caucasus under the Declaration of the Committee of Ministers of 10 November 1994 on compliance with commitments accepted by member States of the Council of Europe.

3. Regarding the implementation of the judgments of the European Court of Human Rights concerning the North Caucasus region, the Assembly commends the Committee of Ministers for placing these cases under enhanced supervision and encourages it to continue insisting on individual and general measures to end the climate of impunity, and in particular to continue resisting the Russian authorities’ attempts to make use of statutes of limitation and amnesty laws to cement the impunity of the perpetrators of even the most egregious human rights violations.

3. Draft recommendation adopted by the committee on 18 April 2016.

C. Explanatory memorandum by Mr Michael McNamara, rapporteur

1. Introduction

1. I was appointed rapporteur on 19 March 2013. In the introductory memorandum presented in June 2013,[4] I expressed the hope that the unanimous adoption of the Assembly's last report on "Legal remedies for human rights violations in the North Caucasus Region" – which means that the delegation of the Russian Federation itself supported this text, which qualifies the human rights situation in the North Caucasus as "the most serious and most delicate"[5] in the whole Council of Europe area at the time – was not only the recognition of the excellent work accomplished by the previous rapporteur, Mr Dick Marty (Switzerland, ALDE), but also a sign that the Russian delegation was prepared to seriously consider and implement strategies for combating and preventing such human rights violations in the future.

2. I should like to recall that the task at hand is to assess the implementation of the specific recommendations addressed to the Russian federal and regional authorities by the Assembly. These include, *inter alia,* recommendations to combat terrorism using exclusively the instruments compatible with the principle of the rule of law; to eradicate impunity by bringing to justice those responsible for grave human rights violations, including members of law-enforcement bodies; to guarantee free and effective access to legal remedies to victims of human rights abuses; to co-operate more intensively with the Council of Europe on the execution of the judgments of the European Court of Human Rights ("the Court"); to implement "measures conducive to the suspects' co-operation with the justice system in dismantling the terrorist networks and criminal entities"; to co-operate with and protect non-governmental organisations specialising in the defence of human rights in the region; to promote the socio-economic reconstruction of the North Caucasus region; and to strengthen inter-cultural and inter-religious dialogue.

3. Unfortunately, my work as rapporteur could not be carried out in accordance with the original timeline because the fact-finding visit to the North Caucasus region was delayed several times and never materialised despite the extension of the duration of the mandate. The committee authorised me to carry out such a visit following the invitation extended by our Russian colleagues in June 2013, when the committee discussed my introductory memorandum and held a memorable exchange of views with three young defence lawyers from the North Caucasus region. I was subsequently informed that the general suspension of co-operation with the Assembly decided by the Russian delegation after the adoption of sanctions because of the annexation of Crimea by Russia also excluded the organisation of my fact-finding visit.

4. Meanwhile, I have asked a number of well-known, reliable non-governmental organisation (NGO) partners (including the Norwegian Helsinki Committee and, through them, the "Natalya Estemirova Documentation Centre",[6] the Human Rights Center "Memorial" and the International Crisis Group in Moscow; the Stichting Russian Justice Initiative; Amnesty International, Human Rights Watch and the Nizhniy Novgorod Committee against Torture – the laureate of the Assembly's 2011 Human Rights Prize) to provide me with up-to-date information on the implementation of the main recommendations contained in Resolution 1738 (2010). These recommendations, which have not lost any of their relevance, concern in particular:

– the need for effective legal remedies for human rights violations and the eradication of impunity, including full and unconditional execution of the judgments of the European Court of Human Rights;

– the use of less violent instruments for conflict resolution than those frequently used at the time of the preparation of the 2010 report;

– the need to address specific concerns including the situation of human rights NGOs and civil society, co-operation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the International Committee of the Red Cross (ICRC), and the situation of women.

5. In December 2014, I presented an interim information report to the committee.[7] This report summed up the input received from our NGO partners and some other new developments of which I had been made aware since the presentation of the introductory memorandum in June 2013. The interim report recalled that

4. Document AS/Jur (2013) 26 dated 18 June 2013.
5. Resolution 1738 (2010), paragraph 4.
6. The Natalya Estemirova Documentation Centre (NEDC) provided me with a detailed, solidly documented set of replies to my questions (totalling over 100 pages), which includes contributions from the Centre's "information donors". I am particularly grateful for the NEDC's and its partners' huge effort. The full text of the contribution, to which I have referred in different parts of this report, is available from the secretariat.
7. Document AS/Jur (2014) 38 dated 2 December 2014.

the dramatic human rights problems in the North Caucasus region have not gone away and that we remain duty-bound to continue keeping them on our agenda until peace can flourish throughout the region – a lasting peace based on justice and fair compromise.

6. Throughout 2015, the suspension, by the Russian delegation, of co-operation with the Parliamentary Assembly persisted and it was therefore not possible for me to carry out a fact-finding visit to the region. Instead, I organised two more hearings with experts before the committee, during the meetings in May 2015 and in January 2016. The contributions made by leading representatives of HRC "Memorial", Human Rights Watch and the Russian Justice Initiative[8] and the ensuing discussions with committee members have provided us with valuable insights. I nevertheless regret that the official representatives from the region – the Ombudsman of the Chechen Republic, Mr Nurdi Nukhadyiev, and the Deputy Interior Minister of Dagestan in charge of security and reconciliation, Mr Ramazan Djafarov, whom I invited on three occasions – for the hearing in Yerevan in May 2015, for the committee's November 2015 meeting, and again in January 2016 – did not use the opportunity to make the views of the authorities heard. Likewise, I regret that I did not receive any answers to the factual questions I addressed in early February 2016 to the Prosecutor General's offices and Investigative Committees at both the Federal and the Republican levels, in Moscow, Grozny, Makhachkala and Magas.[9]

2. Summary of developments since the adoption of Resolution 1738 (2010)

2.1. Non-violent methods of conflict resolution and the evolution of terrorism casualties

7. In his report on "Legal remedies for human rights violations in the North Caucasus region", Mr Marty noted – rightly, in my view – that "[b]rute force can never overcome terrorism. While criminal repression is vital, other avenues must also be explored, for example understanding the causes of so much violence, attempting political dialogue with the moderate forces of rebellion and implementing strategies to divide the rebel forces".[10] The risk of re-launching and feeding the spiral of violence, which is particularly dangerous in a region where ancient traditions of blood feud are still rife, should indeed be avoided to the extent possible.

2.1.1. What role for the "commissions on adaptation"?

8. One of the most significant examples of such strategies was the establishment of so-called "commissions on adaptation of militants to peaceful life", first in Dagestan in 2010, and in 2011-2012 in Ingushetia and in Kabardino-Balkaria, which were also hit by an outburst of violence since 2010, and finally in Karachay-Cherkessia. These "commissions on adaptation" had different forms, status and working methods. Their role, impact and level of publicity differ according to each republic, but they are all aimed at bringing "repenting" militants back to peaceful life. In two republics where these commissions reportedly had the most tangible results, Dagestan and Ingushetia, they operated under the direct patronage of the Heads of the Republic and guaranteed the respect of procedural rights to those who applied. The commissions could also request judges to reduce criminal penalties when the repenting militants were tried before a court. I was informed that dozens of militants peacefully left the underground after the establishment of these commissions.

9. According to the information I received in November 2014, this encouraging trend was reversed in 2013. On 28 January 2013, the Head of Dagestan, Mr Magomedsalam Magomedov, was replaced by Mr Ramazan Abdulatipov, who in February closed the rehabilitation commission, marking the end of transparent public rehabilitation mechanisms and the start of repression against Dagestan's Salafi community. A commission with a broader mandate and unclear procedures replaced the commission for rehabilitation of surrendering fighters that had just begun to gain trust among those who wished to abandon the rebellion.

10. I was informed that the commissions in Kabardino-Balkaria and Karachay-Cherkessia created in early 2012 never started their activities. According to my information, the only republic where a rehabilitation commission continues its activities in a constructive manner is Ingushetia.

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8. Yerevan, 20 May 2015: Kyrill Koroteev (HRC "Memorial"), Vanessa Kogan (Russian Justice Initiative); Strasbourg, 28 January 2016: Tanya Lokshina (HRW) and Olga Gnezdilova (Russian Justice Initiative).

9. In the absence of any Russian delegation in 2016, these letters were sent through the Russian Permanent Representative to the Council of Europe. I received a formal answer referring to the absence of the Russian delegation from the Assembly.

10. See report by Mr Dick Marty (Switzerland, ALDE) on "Legal remedies for human rights violations in the North-Caucasus Region", Doc. 12276 ("Marty report"), paragraph 53.

11. The Sufi-Salafi dialogue in Dagestan was suspended after the killing of Dagestan's most prominent Sufi sheikh, Said Affandi Atsaev (Cherkeysky), by a female suicide bomber in August 2012. The republic's authorities have reportedly done little to contain subsequent violence by private and official actors against Salafis.

12. In February 2014, the Winter Olympic Games were held in and around the city of Sochi on the Black Sea. The proximity of the Olympic area to the North Caucasus made the Russian federal authorities pay particular attention to stability and security in the region. Despite several terrorist attacks in Volgograd between October and December 2013, which claimed the lives of 34 people, the Russian authorities succeeded in ensuring the security of Sochi for the duration of the Games. But in this process, numerous human rights violations were reportedly committed by the authorities. Human Rights Watch, for instance, criticised the detention of environmental activists campaigning against the Sochi Games, including Evgeny Vitishko, who was placed in administrative detention for the duration of the Olympics for "swearing in public".[11] After the Games, the well-known ecologist was sentenced to a term of imprisonment of three years. In December 2015, he was released from prison after a court replaced the remaining term of the sentence with non-custodial restrictions of freedom.[12] According to NGO interlocutors, whilst the unprecedented security measures and harsh policies implemented in the North Caucasus ahead of the Sochi Olympic Games in February 2014 succeeded in ensuring peaceful games, they are also likely to inflict serious long-term damage on the prospects of stabilisation in the region.

13. In Chechnya, the repression against "bearded men"[13] – including systematic arrests and ill-treatment in detention – reportedly became generalised later in 2014 and 2015 after an incident in Tsenteroy (Khosy-Yurt), the home village of the Head of the Chechen Republic, Mr Ramzan Kadyrov, where a wall was painted with the logo of the "Islamic State".

14. In Dagestan, starting with the run-up to the Olympic Games, and throughout 2014 and 2015, police carried out numerous raids on mosques and cafés frequented by Salafis. Salafi Muslims have been placed on special watch lists colloquially referred to as "Wahhabi registration lists". Individuals on those lists were subjected to repeated questioning, abusive searches, harassment, photographing, fingerprinting etc. Some persons on these lists suffered abduction-style detentions and were targeted by apparently fabricated criminal charges.[14] The authorities also closed down Salafi schools and businesses. Experts interviewed by the "Caucasian Knot" in November 2015 and in February 2016 consider that the pressure on members of the Salafi community is constantly increasing in Chechnya and in Dagestan and that this results in the further radicalisation of the Muslim faithful.[15] The "anti-terrorist operation" in the town of Vremennyy (Dagestan), from 18 September to 26 November 2014, is another example for the repressive methods adopted by the Dagestani authorities: all inhabitants were gradually forced to leave their homes, many of which were razed to the ground, after being plundered. Even public buildings (schools, hospitals) were destroyed, and the inhabitants were granted no temporary shelter or compensation for lost property, although this is provided for by law. One of the persons detained disappeared, but the investigative authorities remained inactive.[16]

15. In sum, it would appear that non-violent methods of conflict resolution, such as the work of the "commissions on adaptation", have been largely abandoned, at least in the Chechen Republic and in Dagestan. The question arises what was the impact of the even more repressive policies pursued in these two republics (and beyond) on the incidence of terrorist acts in the region.

2.1.2. The evolution of terrorism statistics

16. It is difficult to compare the outcomes of the different policies in terms of limiting the numbers of terrorism victims. The "Caucasian Knot" website published, in February 2016, very solidly based and well-presented casualty statistics for the North Caucasus Federal District between 2010 and 2015, broken down for each year by federal region (including Chechnya, Ingushetia and Dagestan),[17] and by victim categories

11. Human Rights Watch, Sochi Olympics: Thin Ice, 18 February 2014.
12. http://freevitishko.org/?p=287.
13. More precisely, men with full beards and shaved moustaches (which are seen as a sign that a person is a "Wahhabist"). The Head of the Chechen Republic, Mr Ramzan Kadyrov, reportedly stated in January 2014 that Muslims are not forbidden to wear beards, as prescribed in the Sunnah. But, he went on to say, "we are against those who grow beards trying to imitate the Wahhabists".
14. Human Rights Watch, "Invisible War", Russia's abusive response to the Dagestan Insurgency".
15. "Human rights defenders associate arsons of ziyarts in Chechnya with pressure on Salafis", Source: http://eng.kavkaz-uzel.ru/articles/33708/ © Caucasian Knot; and "Experts explain escalation of conflict in southern Dagestan by pressure on Salafis", Source: http://southosetia.eng.kavkaz-uzel.ru/articles/34645/ © Caucasian Knot.
16. NEDC reply (footnote 6 above), at note 303.

(civilians, members of law-enforcement bodies and militants).[18] These statistics show on the one hand the persistence of a high level of terrorist activity in the entire region, which has seen a terrifying 6 074 casualties (3 278 killed and 2 796 wounded) over these six years. The statistics also show a clear trend of reduction of casualties over time, throughout the region (total population: 9.5 million in 2010), from 1 705 in 2010 to 1 375 in 2011, 1 225 in 2012, 986 in 2013, 525 in 2014 and "only" 258 in 2015. In terms of casualties in relation to the total population, Chechnya (one killed for every 3 103 of its 1 269 million inhabitants) has actually fared better than Dagestan (one killed for every 1 574 of its 2 946 million inhabitants) and Ingushetia (one killed for every 1 363 of its 492 000 inhabitants). However, Dagestan, which adopted harsh policies as of 2013, has continued to occupy the sad first place in the macabre ranking through 2015 (153 casualties in Dagestan, 48 in Chechnya, and 21 in Ingushetia. An analysis of official statistics by "Memorial" based on the evolution of casualties among members of law-enforcement bodies confirms this trend, though Memorial points to contradictions in the official statistics: whilst the National Anti-Terrorist Committee reports that the activities of illegal armed groups have fallen to a very low level, the statistics of the Prosecutor's Office show a sharp increase of offences of a "terrorist character".[19] In any case, the region became increasingly radicalised and "islamicised" following the deliberate elimination of the original lay nationalist leaders of the Chechen rebellion. Today's terrorist leaders consider the entire North Caucasus region as their "khalifate" and carry out their attacks without regard to regional boundaries. The fact that the focus of the "jihadists" has for the time being shifted away from the North Caucasus region towards the Middle East also offers an explanation for the recent lull in terrorism casualties in the region.

2.2. Co-operation with human rights defenders and civil society and the situation of lawyers in the region

17. Another instrument that can facilitate peaceful conflict resolution and help with preventing and remedying human rights violations is the effective co-operation of the authorities with human rights defenders and civil society initiatives that work on the ground. Firstly, such co-operation can provide first-hand information and testimonies, identifying shortcomings in the work of the authorities and, in particular, of the law-enforcement agencies in their fight against terrorism. Since the authorities also have an interest in correcting such shortcomings, they ought to consider human rights defenders, and more generally civil society as a whole, as their partners, and not as an encumbrance or annoyance, as is often the case.[20] Secondly, co-operation with civil society can also help to rebuild trust between citizens and the law-enforcement bodies, without which durably successful police work is impossible. Where this trust has been undermined by years of violence and human rights violations, such a spirit of co-operation is all the more necessary.

18. In 2010, the Assembly not only called on the Russian authorities to co-operate more closely with civil society organisations, but also "to protect their staff members effectively against possible reprisals".[21] Threats, intimidation and violence directed against human rights defenders, lawyers and journalists, sometimes resulting in their violent death and disappearance, must not remain unpunished. The Assembly paid tribute to Anna Politkovskaia, Natalia Estemirova, Magomed Yevloyev, Maksharip Aushev, Zarema Gaisanova, Zarema Sadulayeva, Rashid Ozdoyev and other personalities who were speaking up about human rights violations in the region and lost their lives as a consequence.[22]

19. According to the information received in November 2014, human rights defenders still put themselves or their family members at great risk if they criticise the authorities and expose human rights abuses. There is a distinct development, especially in the Chechen Republic but, worryingly, of increasing prevalence

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17. As well as Kabardino-Balkaria, the Stavropol region, North Ossetia-Alania and Karachaevo-Cherkesia, which I did not attempt to cover in this report as the Assembly's 2010 report had also limited itself to Chechnya, Ingushetia and Dagestan.
18. Available at: http://eng.kavkaz-uzel.ru/articles/statistics_victims_2010_2015.html?l=en; the interactive graphic summaries are very user-friendly. The statistics are based on the Caucasian Knot's own data and open sources.
19. See Bulletin of Human Rights Centre "Memorial", Situation in the North Caucasus conflict area: human rights activists' assessment, Winter 2014/2015, NEDC reply (footnote 6 above), Appendix V.
20. Dick Marty witnessed in his report that there was a lack of the much needed co-operation between the State authorities and civil society in the North Caucasus: "We can only encourage the authorities to be more heedful of these non-governmental organisations, involved as they are in promoting the fundamental rights of their fellow citizens. Although some of our interlocutors told us that they co-operated with the NGOs, we often noticed an attitude of condescension towards these organisations, a lack of any real desire to establish genuine dialogue." Doc. 12276 of 4 June 2010, *Legal remedies for human rights violations in the North Caucasus Region*, report of the Committee on Legal Affairs and Human Rights (rapporteur: Mr Marty, Switzerland, ALDE), paragraph 52.
21. Resolution 1738 (2010), paragraph 13.1.6.
22. Another activist known for his work on the North Caucasus, Stanislav Markelov, was killed by ultra-nationalists, who were identified by the authorities and punished. It was established that his murder was motivated by Mr Markelov's anti-fascist activities rather than his work on the North Caucasus.

elsewhere in the region, that local organisations refrain from criticising recent events, do not publish their criticism in the media, and do not represent victims and their relatives in national courts or before prosecution services as actively as they used to do previously. This makes legal remedies for human rights violations even less accessible.[23]

20. In Ingushetia, as reported by Human Rights Watch on 6 November 2015, law-enforcement officials acting on behalf of the Chief Department for Investigation in Russia's North Caucasus federal district searched the home of Magomed Mutsolgov and the office of MASHR, a local human rights organisation under his leadership, alleging that Mr Mutsolgov and his group were anti-Russian saboteurs,[24] acting in the interests of the United States, Georgia, Ukraine and the Syrian opposition.

21. Regarding the Chechen Republic, NGO interlocutors told me in 2014 that there was only one organisation left which was still able to provide effective legal assistance to victims of human rights violations: the Committee against Torture from Nizhniy Novgorod and its Joint Mobile Group (JMG) – the winner of the first Human Rights Prize of the Parliamentary Assembly, in 2011. This organisation sent activists to Chechnya from other regions of Russia for fixed-time periods by way of rotation. As they had no relatives inside the Chechen Republic, it was more difficult for the regional authorities to put pressure on them. Unfortunately, the capacity of the JMG project had always been limited, and it was recently forced to suspend its activities altogether. JMG activists were subjected to vicious harassment and threats. Mobs of pro-government demonstrators first destroyed the JMG's office in Grozny in December 2014. The Chairperson of the Committee on Legal Affairs and Human Rights, James Clappison, joined by the rapporteurs on the situation of human rights defenders and on inappropriate restrictions on NGO activities, Mailis Reps and Yves Cruchten as well as by myself, expressed our worries about the campaign of intimidation directed against human rights defenders in Chechnya and called on the Russian authorities to ensure a "prompt, full and effective investigation into these incidents".[25] It would appear that the authorities did not carry out an effective investigation into those attacks. These had followed a formal complaint lodged by the JMG's head, Mr Igor Kalyapin, regarding public threats by Ramzan Kadyrov against relatives of insurgents that their homes would be destroyed – subsequently, Chechen security forces indeed destroyed more than a dozen houses belonging to relatives of alleged insurgents.[26] In June 2015, the JMG's office in Grozny was once again destroyed by an armed mob. This time, the Assembly's President Anne Brasseur strongly condemned this vicious attack and expressed the Assembly's solidarity with Russia's embattled human rights defenders, and in particular the JMG headed by Igor Kalyapin.[27] The JMG felt obliged to temporarily suspend its activities when it was registered as a "foreign agent", on the initiative of the Ministry of Justice, under the law that was the subject of strong criticism by the Assembly in Resolution 2096 (2016).[28]

22. Regarding official human rights institutions in the Chechen Republic, I was told by NGO experts that these are reduced to "window dressing". According to numerous credible reports, representatives of local NGOs are often summoned by the authorities to speak in support of Ramzan Kadyrov and his policies in televised broadcasts. I regret that the Chechen Ombudsman, Mr Nurdi Nukhadyiev, did not follow the invitations I repeatedly addressed to him in order to present his own views on these matters.

23. A recent dissenting opinion by one of the judges of the Supreme Court of the Chechen Republic, Ms Polina Daurkina, may offer hope: Ms Daurkina disagreed with the majority of the Court upholding the judgment of the lower court in a libel suit won by the Chechen Ministry of Internal Affairs against an alleged torture victim, Mr Murad Amriev, and his defenders. The case is likely to eventually end up before the European Court of Human Rights.[29]

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23. See also Amnesty International, 2015/2016 Report on the Russian Federation (North Caucasus chapter).
24. "Russia: officials harassing Ingushetia rights defender": https://www.hrw.org/news/2015/11/10/russia-officials-harassing-ingushetia-rights-defender.
25. "Harassment of PACE Human Rights Prize winner needs urgent investigation".
26. Source: https://www.hrw.org/news/2015/06/03/joint-statement-human-rights-watch-amnesty-international-and-front-line-defenders). JMG supporters also came under attack. In mid-January 2015, five men forcibly entered one of the Chechnya offices of HRC "Memorial" and pelted the staff with eggs, screaming, "This is for [supporting] Kalyapin [head of JMG]!" (source: https://www.hrw.org/news/2015/01/15/dispatches-thugs-eggs-and-intimidation-chechnya.)
27. "Anne Brasseur condemns attack on human rights prize winner".
28. Report by Yves Cruchten (Luxembourg, SOC) on "How to prevent inappropriate restrictions on NGO activities in Europe?", Doc. 13940. The JMG are continuing their work in a different legal form; they became again victim of an aggression in Ingushetia on 9 March 2016 (see the statement of 10 March 2016, published jointly by myself and the rapporteur on the situation of human rights defenders, Ms Mailis Reps).
29. "Judge of Chechen SC disagrees with verdict on MIA's lawsuit against rights defenders", 19 October 2015, http://eng.kavkaz-uzel.ru/articles/33438/ © Caucasian Knot.

24. In this situation where allegations of human rights abuses committed by law-enforcement agents are widespread, and where torture appears to be used systematically to secure confessions, the role of lawyers is particularly important. Still, human rights defenders report intimidation and physical attacks against lawyers by law-enforcement agents. An excellent report by Amnesty International provides detailed information on how "[l]awyers who confront the circle of injustice in the North Caucasus often themselves become its victims".[30] Procedural obstructions, threats addressed to lawyers or their family members, acts of violence and even the killing of Dagestani lawyer Omar Saidmagomedov are presented in this report in impressive detail.

25. The situation of lawyers in the North Caucasus is indicative of the overall system of justice in the region: if lawyers, whose profession it is to defend others, are unable to protect themselves from such human rights violations, then what hope is there for their clients?

26. We have had the opportunity, during our meeting on 25 June 2013, to hear short presentations from three lawyers working in the region: Ms Sapiyat Magomedova from Dagestan, Mr Rustam Matsev from Kabardino-Balkaria and Mr Batyr Akhilgov from Ingushetia. All three lawyers worked on sensitive cases of victims of human rights violations by law-enforcement agents (such as enforced disappearances, abduction and unlawful detention, and torture) seeking to obtain justice before the courts. Their work regularly exposes them to pressure, harassment and threats from certain members of the law-enforcement agencies. Ms Magomedova was physically assaulted by police officers, and Mr Matsev received direct threats against his life and that a criminal case would be fabricated against him. Their testimony has, I believe, impressed us all, including our Russian colleagues who were present at the hearing and engaged in a constructive dialogue with them. However, I was informed in early 2014 that all three of them had run into new, serious difficulties, which obliged two of them to seek temporary protection abroad. In April 2014, I wrote a joint letter with Mailis Reps, the Assembly's rapporteur on the situation of human rights defenders, to the Dagestani authorities urging them to ensure that Ms Magomedova can continue her important work unimpeded. We have not received any reply. In 2011, Ms Magomedova filed an application with the European Court of Human Rights, on the grounds that the criminal case against the policemen who used violence against her had been closed, thus depriving her of the opportunity to obtain judicial consideration of the case and the punishment of those responsible for her injuries, which necessitated a long hospital stay. Four years later, on 21 April 2015, she applied to the Strasbourg Court again, to ask for her application finally to be communicated to the Russian authorities.[31]

27. In Dagestan, lawyers who represent Salafi suspects have been subjected to threats and violence. Human Rights Watch has documented the severe beating in February 2015 of Murad Magomedov, a defence lawyer affiliated with Human Rights Center "Memorial". The authorities did not carry out an effective investigation into this case and did not even question the victim. Journalists in Dagestan who report on abuses against Salafis are also at risk. In 2013, an unknown gunman shot and killed Akhmednabi Akhmednabiev, a reporter for Caucasian Knot and the local independent newspaper *Novoe Delo,* known for his reporting on counter-insurgency-related human rights abuses and government corruption. The official investigation into the murder has yielded no tangible results. Law-enforcement and security officials have subjected the few human rights defenders who accept work on human rights abuses related to the counter-insurgency campaign to extensive surveillance and harassment. In 2014, the authorities repeatedly threatened to close such an NGO in Dagestan and coercively obtained a DNA sample from its director. The group was finally forced to shut down in 2015. Two human rights defenders who worked closely with the Salafi community were repeatedly threatened and pressured by law-enforcement agents and finally chose to suspend their work and leave Dagestan, following fresh death threats they received in 2014. Finally, a member of the human rights group "Pravozaschita", Zarema Bagavutdinova, was sentenced to five years in prison for allegedly encouraging another individual to join the insurgency, following a trial qualified by observers as politically motivated and unfair.[32]

2.3. Follow-up on selected individual cases

28. During the work on the report on "Legal remedies for human rights violations in the North Caucasus Region", Mr Marty compiled a list of 28 individual cases "selected in relation to the status of the victims – journalists, well-known human rights activists or emblematic political figures –, cases in which there subsisted tangible and convergent indications implicating members of the law-enforcement agencies"[33] and submitted

30. Amnesty International, Confronting the circle of injustice: Threats and pressure faced by lawyers in the North Caucasus, 2013, p. 42. The report is available at: www.amnesty.org/en/library/info/EUR46/003/2013/en.

31. "Sapiyat Magomedova repeatedly complains to ECtHR about police's inaction in case of her beating", 22 April 2015, http://eng.kavkaz-uzel.ru/articles/31510/ © Caucasian Knot.

32. See Human Rights Watch, "Invisible War" (footnote note 14 above).

the list to the Russian authorities with a request for information on the progress of the investigations. Such information was never received. Since 2010, the European Court of Human Rights has pronounced judgments on several cases on Mr Marty's list, finding each time that there had indeed been a lack of effective investigation.[34] The reply received from the NEDC updates the information on each of the 28 emblematic cases. Only one of them – the double murder of Stanislav Markelov, a lawyer, and Anastasia Baburova, a journalist, can be regarded as resolved until now.[35] In addition to these 28 cases, the NEDC has also documented a large number of other, more recent cases where similar crimes (abduction, torture, extrajudicial executions) have remained similarly unpunished. The special report by the NGO "Committee against Torture/ Joint Mobile Groups" attached to the NEDC reply[36] provides a well-documented explanation for the apparent lack of success of the Chechen law-enforcement bodies in elucidating such crimes, namely the frequent refusal of the police (or regional Interior Ministry) officials to carry out investigative acts requested by the investigative bodies or prosecutors. In one extreme case, armed men in police uniforms even threatened to shoot dead a prosecutor who tried to establish their identity and the status of the injured person the armed men were guarding in the hospital, who later "disappeared". The report, based on correspondence of the JMG with the authorities and public statements of the authorities themselves, provides a detailed picture of the problems besetting law enforcement in the Chechen Republic, especially in the cases in which there are grounds to believe that members of the security forces are themselves involved.

29. I was informed throughout my own mandate as rapporteur that police officers still routinely apply torture in order to obtain confessions, which remain the principle basis of guilty verdicts by courts. In some cases, the accused had explicitly complained in court that their confession had been extracted by torture, for example in the cases of Ruslan Kutayev,[37] Alvi Abdurakhmanov and Suleiman Edigov. Regarding Mr Kutayev's case, the Assembly's President received an appeal signed by numerous representatives of Russian civil society. According to the signatories, Mr Kutaev had been "punished" by trumped-up drug possession charges for having protested against the change, decided by Ramzan Kadyrov, of the date of the official remembrance day for the deportation of the Chechen people by Stalin during the Second World War. In Mr Edigov's case, the judge, Vakhid Abubakarov, withdrew from the case on the grounds that a man presenting himself as Chechen Interior Minister Ruslan Alkhamov had phoned and instructed him to find Mr Edigov guilty.[38]

30. A case of temporary abduction and torture of an opponent of Ramzan Kadyrov reportedly took place in August 2014 in Strasbourg. The attack on Said-Emin Ibragimov, an exiled former Chechen Minister and international law professor, was reported in detail by TIME Magazine.[39] I have spoken at length with Mr Ibragimov, an elderly gentlemen who said he was "taken to the forest"[40] a few kilometres from the Palais de l'Europe, after having complained repeatedly, also to the French authorities, about threats he had received.

31. A positive sign – signalling the will of the Federal authorities to end impunity for torture – could be the report, in November 2015, by the Investigating Committee of the Russian Federation on the detention, in North Ossetia, of two staff members of the Criminal Investigation Department of Vladikavkaz on suspicion of abuse of power and use of violence against Vladimir Tskaev, who, according to his relatives, had died under torture.[41] Similarly, in its contribution to the NEDC reply, HRC "Memorial" reported on two examples of "relatively successful criminal investigations" against police officers in Karabulak (Ingushetia) and Chegem (Kabardino-Balkaria), who were prosecuted and convicted for torturing detainees.[42]

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33. Doc. 12276, paragraph 26. The list of the cases can be found in the Appendix I to the report.
34. *Ilayeva and others v. Russia*, Application No. 27504/07, judgment of 10 July 2012; *Finogenov and others v. Russia*, Applications Nos. 18299/03 and 27311/03, judgment of 20 December 2011; *Kagirov v. Russia*, Application No. 36367/09, judgment of 23 April 2015; and *Makayeva v. Russia*, Application No. 37287/09, judgment of 18 September 2014.
35. NEDC reply (footnote 6 above), at note 46: two neo-fascists were convicted of these murders, which were found to be an act of revenge for the disclosure by the two victims of a network of violent ultra-nationalists.
36. Report of the Interregional Non-Governmental Organisation "Committee against Torture", 2014, NEDC reply (footnote 6 above), at notes 322 pp.
37. For extensive information on this case, see Caucasian Knot, Kutaev's case: chronology and details, and the NEDC reply (footnote 6 above), at notes 285 pp.
38. For a discussion of these cases and the State of Chechen Justice, see Yegor Skovoroda, "Rough justice in Chechnya", at opendemocracy.net. See also Caucasian Knot reporting on the case: http://eng.kavkaz-uzel.ru/articles/27788/ and Civil Rights Defenders, Unique action of a Supreme Court judge in a region of impunity, 18 November 2013;
39. http://time.com/putin-secret-agents/.
40. A form of abuse and intimidation notoriously common in the Soviet Union consisting in abducting the victim, taking him blindfolded to a secluded location ("in the forest"), beating and verbally abusing him, simulating an execution and then deserting him.
41. "Two law enforcers detained in case of Vladimir Tskaev's death of Vladikavkaz", 4 November 2015, http://eng.kavkaz-uzel.ru/articles/33550/ © Caucasian Knot.
42. NEDC reply (footnote 6 above), at notes 306 pp.

2.4. The Natalya Estemirova Documentation Centre

32. A particularly important element of follow-up given to Resolution 1738 (2010) is the creation, by an impressive array of international and Russian NGOs, of the Natalya Estemirova Documentation Centre (NEDC). The Centre is named after a leading staff member of the Grozny office of the Memorial Human Rights Centre, who was abducted by unknown persons on 15 July 2009 in Grozny. Her body was later found in Ingushetia. Ms Estemirova had actually been scheduled to give testimony before our committee at its September 2009 meeting.

33. In my view, the NEDC is a key tool in the fight against impunity. It systematically collects and preserves documentation, including victim and witness testimonies and other forms of evidence on crimes that have gone unpunished due to the competent authorities' inability or unwillingness to carry out proper investigations. The Assembly had invited the Committee of Ministers to consider establishing such a documentation centre as an intergovernmental initiative, but the necessary consensus could not be found. I am therefore pleased that civil society has taken up this proposal and keeps the evidence safe, to the extent possible, until the political will emerges in the Russian Federation to go after the perpetrators of these crimes – whoever they may be.

34. The achievements of the Centre are impressive: it has developed a cutting-edge database customised to hold relevant information and evidence on grave human rights abuses, which may amount to international crimes. Over 20 000 documents have been included with references to victims, witnesses, suspects, geography, time grid, institutions involved, etc. Over 500 000 files have been transferred to the Centre from partner organisations, and a fast-growing international team of analysts, IT experts and specialised criminal lawyers and historians has been established.

35. I have made use of the NEDC myself in order to collect information on selected cases raised by the Assembly.[43]

2.5. The situation of women

36. In Resolution 1738 (2010), the Assembly expressed its concern at the deterioration of the situation of women in the Chechen Republic, where the rigid interpretation of religious norms was giving rise to degrading treatment of women. A 2011 report by Human Rights Watch[44] contains a detailed description of how the "modest dress-code" was enforced by the authorities, as part of the more general "virtue campaign", launched in Chechnya in 2006. Women who do not dress "modestly" enough in public became victims of harassment, threats and violent acts (such as paint-ball shootings), allegedly carried out by law-enforcement agents and explicitly supported by the Chechen authorities, including the Head of Chechnya, Ramzan Kadyrov. Women who do not wear headscarves cannot work in public institutions and are not allowed into schools and universities. Progressively, this "headscarf rule" started to be applied in entertainment venues and outdoor areas. Organised attacks on women without headscarves by members of the Chechen law-enforcement bodies have now ceased, according to observations by HRC Memorial and Human Rights Watch. However, female employees of State institutions can still only go to work wearing strict, long dresses and a head covering. The same applies to University students. In practice, an "Islamic" dress code is also introduced in schools in the guise of mandatory school uniforms. Girls have to wear headscarves as from elementary school.

37. During recent months, however, the Chechen authorities have been concerned that many girls wear clothes that seem similar to the clothing of "Wahhabitki" (a derogative term, literally meaning: Wahhabi women). According to the authorities, women should wear a headscarf covering the neck but not the chin.

38. In October 2015, the United Nations Committee on Discrimination against Women discussed the implementation by Russia of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[45] The report highlights the precarious situation of women's rights in the Northern Caucasus. An alternative report on Russia's compliance with the Convention was submitted by "Russian Justice Initiative" (RJI) and the "Chechnya Advocacy Network". In their shadow report, the human rights defenders have pointed out four major problems, including the imposition of religious rules on clothing for women and girls, discrimination against women in the spheres of marriage and family violence against women, as well as so-called traditional practices harmful to women such as early marriage and female genital

43. See, for example, paragraphs 14, 16, 28 and 31.
44. Human Rights Watch, "You Dress According to Their Rules. Enforcement of an Islamic Dress Code for Women in Chechnya", March 2011.
45. www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16662&LangID=E.

mutilation, and so-called honour killings.[46] The report draws attention to several cases currently pending before the European Court of Human Rights and the Committee of the CEDAW, including *Timagova v. Russia*, a Chechen woman complaining that the sentence imposed on her ex-husband for the use of brutal violence against her had been disproportionately lenient, and *Borkhoeva v. Russia*, which deals with the failure to investigate the circumstances that resulted in the young Ingushetian woman falling into a coma two months after she was allegedly forced into marriage.[47]

39. In August 2015, the German Heinrich Böll foundation published the study «Life and the Status of Women in the North Caucasus»,[48] which was based on field research carried out in the autumn of 2014, in four North Caucasus Republics – Chechnya, Ingushetia, Kabardino-Balkaria and Dagestan. The survey's aim was to assess the situation of women with regard to family life, violence, general level of satisfaction with life and everyday problems. According to the survey, 24% of Chechen women have limited or no access to the family budget and are not involved in financial decisions. 11% indicated that they are sometimes subject to beatings, 28% get slapped "occasionally" and 8% said that they had been raped or otherwise forced to have sex.

40. In May 2015, a middle-aged Chechen police chief married a 17-year-old girl, apparently under at least some form of duress, in what appeared to be a polygamous marriage, with the public backing of the Head of Chechnya, Ramzan Kadyrov. Russian law forbids polygamous marriages and marriage before the age of 18. Despite a strong media outcry and statements by human rights advocates, the authorities did nothing to protect the girl.[49] A prominent Russian investigative journalist, Elena Milashina of *Novaya Gazeta*, received death threats after she reported the story. The authorities failed to carry out an effective investigation into her complaint.[50]

41. Both speakers at the hearing before the committee on 18 January 2016 also stressed the difficult situation of women and girls in the North Caucasus region in the face of harmful "traditional practices" which violate Russian law and are nevertheless tolerated by the authorities and even the local courts. Reportedly, Ramzan Kadyrov publicly stated that "Sharia law is more important than Russian law". According to one of the experts, customary and religious law in Chechnya has not only pushed secular law to the margins, but local authorities spend budgetary funds to support bodies such as the Chechen muftiyat (Islamic high council), which is empowered to decide on family matters, including those related to domestic violence and custody over children, purposely and systematically keeping such matters out of the secular courts.

42. To date, the Russian authorities appear reluctant to tackle these discriminatory practices in the North Caucasus region.

2.6. Strasbourg Court judgments and their implementation

43. Since 2000, the Court has received well over 700 individual complaints concerning violations of core human rights in the North Caucasus, concerning alleged violations of Articles 2 (right to life), 3 (prohibition of torture) and 5 (right to liberty and security) of the European Convention on Human Rights (ETS No. 5, "the Convention"). The majority of the complaints came from Chechnya and concerned the periods of military and counter-terrorist operations from the late 1990s until the first half of the 2000s, but more and more cases relating to recent violations, also in Ingushetia and Dagestan in addition to the Chechen Republic, are being received by the Court. About a dozen complaints about more recent enforced disappearance cases (2011-2012) concern Dagestan. Up to the time of the Assembly's last report in June 2010, the Court had ruled against Russia in over 150 cases concerning human rights violations in the North Caucasus region.

2.6.1. New judgments (after 2010)

44. As of September 2015, this number increased to 225 judgments, still concerning mainly Chechnya, finding Russia responsible for grave violations, by the security forces, in particular of the right to life and the right to be free from torture, as well as the failure to conduct effective investigations into these violations. This group of "clone cases" was joined together as the "*Kashiyev and Akayeva and other similar cases group*"

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46. Russian Justice Initiative "RJI submits shadow report to UN Women's Committee on Women's Rights in the North Caucasus", 13 October 2015.
47. Caucasian Knot "Rights defenders specify major women's rights violations in Northern Caucasus", http://eng.kavkaz-uzel.ru/articles/33353/, 16 October 2015.
48. Heinrich-Böll-Stiftung, "Life and the Status of Women in the North Caucasus", Report summary by Irina Kosterina, 20 August 2015.
49. Human Rights Watch, "Dispatches: Will Russia Protect A Child Bride?", 13 May 2015.
50. Human Rights Watch, "Russian investigative journalist facing death threats", 10 June 2015.

("*Kashiyev* group")[51] by the Committee of Ministers for implementation purposes, thus recognising the systemic nature of these violations. The majority of these judgments concern disappearances and extra-judicial killings, a smaller number torture or inhuman treatment and deaths resulting from aerial bombardments.[52] In almost every case concerning a disappearance, and in several other Article 2 (right to life) cases, the Court found that close relatives of the direct victims have themselves been subjected to inhuman and degrading treatment due to the government's indifference and passivity following their complaints. Violations of Article 13 of the Convention – the right to an effective domestic remedy – have been found in every case. In addition, several cases raise issues of destruction and confiscation of property under Article 1 of Protocol No. 1 to the Convention (ETS No. 9), and the absence or inefficiency of domestic mechanisms in this respect (see *Khamzayev and Others v. Russia*, Application No. 1503/02, judgment of 3 May 2011; *Salamov v. Russia*, Application No. 5063/05, judgment of 12 January 2016).

45. In most of these cases, the Court repeatedly stated that the Russian authorities had failed to conduct an effective investigation. In *Aslakhanova and others v. Russia,*[53] the Court specifically and explicitly noted that the Russian Federation had systemic problems with investigating disappearances, in particular those that occurred in Chechnya and Ingushetia between 1999 and 2006. The Court indicated two groups of measures needed in order to remedy to these systemic failures.

46. The first group of measures concerned the situation of victims' families who suffer a sense of acute helplessness and confusion. Besides the allocation of greater resources to the forensic and scientific work during the investigations, the key proposal was to "create a single, sufficiently high-level body in charge of solving disappearances in the region, which would enjoy unrestricted access to all relevant information and would work on the basis of trust and partnership with the relatives of the disappeared. This body could compile and maintain a unified database of all disappearances, which still appears to be lacking". A similar recommendation was made by the Assembly in Resolution 1738 (2010), based on earlier recommendations of the ICRC. According to my information,[54] such a body has still not been created.

47. The second group of measures concerns the effectiveness of investigations. The Court stressed the need to eradicate impunity and underlined the "continuing obligation to investigate the situations of known or presumed deaths of individuals, where there was at least prima facie evidence of State involvement". In this respect, the Court reaffirmed its position in the judgment in *Varnava and Others v. Turkey* (Application No. 16064/90 et al., judgment of 18 September 2009), where it was noted that "insufficient evidence resulting from delay in investigating could not absolve the State from making the requisite investigative efforts; a preference for a 'politically-sensitive' approach to avoid drawing attention to the circumstances of the disappearances could have no bearing on the application of the Convention; and investigations should be prompt, independent, under public scrutiny, and capable of leading to a determination of whether the death was caused unlawfully and, if so, to the identification and punishment of those responsible".[55] The Court also considered it possible to ensure accountability of the anti-terrorist and security services without compromising the legitimate need to combat terrorism and to maintain the necessary level of confidentiality, and insisted on the urgent need for effective co-operation between the investigative organs and police and military agencies.

48. Several other judgments of the Court also appear as indicative of the evolution of the human rights situation in the North Caucasus. First, the cases of *Suleymanov v. Russia* (Application No. 32501/11, judgment of 22 January 2013), *Askhabova v. Russia* (Application No. 54765/09, judgment of 18 April 2013) and *Turluyeva v. Russia* (Application No. 63638/09, judgment of 20 June 2013) show that grave violations continue to take place in the Chechen Republic also after the official lifting of the counter-terrorist operation. These decisions point to the primary responsibility of local law-enforcement, and not of the federal agencies, as had been the case during the period 1999-2006. The occurrence of disappearances in the more recent past also in other regions of the North Caucasus and beyond (for example in Saint Petersburg) is a worrying development. As the exact circumstances could not be determined, no breaches of the substantive guarantee of Article 2 were established by the Court, but the deficiencies of the investigations, in particular in the first days and weeks after the disappearances have been reported, have led to findings of procedural violations of Article 2 (see *Dobriyeva and Others v. Russia*, Application No. 18407/10, judgment of 19 December 2013; *Buzurtanova and Zarkhmatova v. Russia*, Application No. 78633/12, judgment of 5 November 2015; *Salikhova and Magomedova v. Russia*, Application No. 63689/13, judgment of 26 January 2016).

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51. A list of these cases is available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805af9c4h.
52. See H/Exec(2016)5: Group of cases Khashiyev and Akayeva v. Russia.
53. Applications Nos. 2944/06, 332/08, 42509/10 et al., judgment of 18 December 2012.
54. Last confirmed by Ms Gnezdilova (SRJI) at the hearing on 28 January 2016.
55. Information Note on the Court's case law No. 158, December 2012.

49. In September 2014, in the case of *Makayeva v. Russia*,[56] the European Court of Human Rights found Russia responsible for the illegal detention and presumed death of Apti Zeynalov. His mother, the applicant, had heard that a young man matching her son's description had turned up in a hospital in Chechnya with signs of having been tortured and was being held under guard. With the support of Natalya Estemirova, of the local Human Rights Centre "Memorial", she appealed to the district prosecutor for information. Having then gone to the hospital, she witnessed her son being taken out through an emergency exit by men in camouflage uniforms, and driven away in a "Volga" car. He has not been seen since. The Court found violations of the right to life, as the prosecutor had not reacted appropriately to the "life-threatening context of unacknowledged detention in this region" and the disappearance had not been thoroughly, objectively and impartially investigated. Ms Makayeva was also recognised as having suffered distress and anguish amounting to a violation of Article 3 of the Convention (inhuman and degrading treatment).

50. In July 2014, in the cases of *Amadayev v. Russia*[57] and *Antayev and Others v. Russia*,[58] the Court found violations of Article 3 with respect to nine persons of Chechen origin, who were found to be victims of racial discrimination in other parts of Russia. For example, Mr Amadayev had been attacked in front of his house by a large group of men, who shot him in both knees and beat him with baseball bats. No serious investigations were undertaken. In the *Antayev* case, the applicants (of Chechen origin) were savagely beaten and abused verbally by police during a search at their home in the Kurgan region, in 2006. Since then, a criminal investigation keeps being suspended and reopened without having identified the police officers responsible for the attack.

51. In January 2014, in the case of *Akhmatov and Others v. Russia*,[59] the Court held Russia responsible, *inter alia*, for the disappearance of 14 men in the Chechen Republic. In this judgment, the Court had joined seven applications submitted by 27 family members of 14 men abducted between 2001 and 2005 by unidentified servicemen, who had subsequently disappeared.

52. Also in January 2014, in the cases of *Zalov and Khakulova v. Russia*[60] and *Arkhestov and Others v. Russia*,[61] the Court found that the blanket refusal to return to their families the bodies of the applicants' relatives (who were among the dozens killed by security forces in Kabardino-Balkaria as alleged participants in a terrorist attack on the city of Nalchik on 13 October 2005) constituted a violation of their right to respect of family life (Article 8). Several leading cases on this issue were decided in June 2013 – *Sabanchiyeva and Others v. Russia* (Application No. 38450/05) and *Maskhadova and Others v. Russia* (Application No. 18071/05).

53. In October 2015, in the case of *Abakarova v. Russia*,[62] the Court found that the operation in Katyr-Yurt, while legitimate, had not been "planned and executed with the requisite level of care to safeguard the lives of the civilian population", including Ms Abakarova and her family, and constituted a violation of the State's obligation to protect the right to life.[63] This judgment followed the findings in the previous judgments of Isayeva v. Russia and Abuyeva and Others v Russia (No.27065/05, 2 December 2010), where the Court concluded that "the State should adopt individual and general measures aimed at drawing lessons from the past, raising awareness of the relevant legal and operational standards, and deterring new violations of a similar nature. The Court urged the Committee of Ministers to pay due regard to its conclusions when determining the particular measures to be taken by the State."

2.6.2. Execution of Strasbourg Court judgments concerning the North Caucasus region

54. Judgments of the Court usually provide for the payment of a sum of money for compensation of pecuniary and/or non-pecuniary losses. In addition, in order to fully implement a judgment, the State has to take so-called individual measures – designed to stop the violation of the Convention and/or erase its negative consequences for the applicant – and/or general measures – designed to prevent similar violations in the future. Where the Court found a violation of the procedural aspect of Articles 2 or 3 of the Convention due to the failure to conduct an effective investigation – such cases are particularly numerous in the North Caucasus – the respondent State is required to at last carry out an effective investigation in order to put an end to the

56. Application No. 37287/09, judgment of 18 September 2014.
57. Application No. 18114/06, judgment of 3 July 2014.
58. Application No. 37966/07, judgment of 3 July 2014.
59. Applications Nos. 38828/10, 2543/11, 2650/11 et al., judgment of 16 January 2014.
60. Application No. 7988/09, judgment of 16 January 2014.
61. Application No. 22089/07, judgment of 16 January 2014.
62. Application No. 16664/07, judgment of 15 October 2015.
63. European Human Rights Advocacy Center "European Court: Russian State must hold to account perpetrators of Katyr-Yurt bombing and provide redress for victims", 16 October 2015.

violation. While compensation is usually paid quite satisfactorily by the Russian Federation,[64] the execution of individual measures requiring new, effective investigations is problematic, to the point that the question arises whether there is a real political will to identify and prosecute perpetrators of human rights violations belonging to the security forces.

55. In Resolution 1738 (2010), the Assembly had welcomed "the specific efforts made by the Russian authorities not only to promptly pay financial compensation which the Court awards victims …, but also genuinely to actuate investigations in cases where the Court has ascertained neglect in that respect."

56. The Assembly paid particular attention to the work of the "special investigative units" established in 2007-2009 in the framework of the Investigative Committee in the Chechen Republic to inquire exclusively into the cases of grave violations allegedly committed by law-enforcement agents during the anti-terrorist operation that gave rise to successful applications to the Court. The work of these two units set up in response to the Strasbourg Court's judgments (Special Investigative Unit and Special Supervising Unit) includes investigations and their supervision of the cases in question, the analysis of the case law of the European Court of Human Rights, and training and study visits to the Council of Europe. The work of these two units was given a high degree of priority by the Russian authorities. It is supervised by the Central Office of the Investigative Committee of the Russian Federation. As of 2010, 143 cases were pending before the special units.[65]

57. Nevertheless, according to information received in November 2014 from NGO sources, in only one of the 225 cases pending before the Committee of Ministers for execution have the authorities apprehended and charged a suspect (who was later amnestied), despite the fact that in a significant number of cases, there is concrete evidence as to the identities of the perpetrators or the military units to which they belonged.

58. In Resolution 1738 (2010), the Assembly regretted that these special units "have not yet succeeded in solving the problems of collaboration and co-ordination between the various services".[66] In my final letter to the competent authorities,[67] I asked how many of the cases investigated by the special units had now been resolved. As indicated above, I received no answer to my letter. But the information gleaned from the case-by-case table summing up the state of investigations in the "Kashyiv group" provided by the Russian authorities to the Committee of Ministers in January 2015[68] shows that the investigations are still largely ineffective – in almost all the cases, the indication given on the state of the investigations is that they are "suspended".

59. This critical assessment has been confirmed by a senior Russian investigator in an article entitled "Problems in the Investigation of Criminal Cases subject to examination by the European Court of Human Rights" in the Journal of the Investigative Committee. Mr Pashayev, former Deputy Head of the Investigative Directorate of the Chechen Republic, identifies several problems that significantly hamper the effective investigation of crimes committed by security forces in the North Caucasus, such as:

– the inability of investigators to gain access to the archives of the Ministry of Defence and the Federal Security Service (the FSB) regarding the conduct of special operations;

– the lack of effective interdepartmental co-operation in the course of investigations;

– the absence of suitable forensic laboratories in Chechnya able to conduct genetic and molecular tests;

– the absence of a genetic and molecular database of missing persons in connection with the counter-terrorist operation in Chechnya, among other problems.[69]

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64. Supervision of the executions of judgments and decisions of the European Court of Human Rights. 6th Annual Report of the Committee of Ministers, 2012, Council of Europe, 2013.
65. For details on the Special Investigative Units see CM/Inf/DH(2010)26, Action of the security forces in the Chechen Republic of the Russian Federation: general measures to comply with the judgments of the European Court of Human Rights. Update of the Memorandum CM/Inf/DH(2008)33. Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights (DG-HL).
66. Resolution 1738 (2010), paragraph 7.
67. See paragraph 6 above.
68. https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2664412&SecMode=1&DocId=2222100&Usage=2.
69. "Problems in the Investigation of Criminal Cases subject to examination by the European Court of Human Rights," Journal of the Investigative Committee No. 2(8) 2010 (Пашаев, С.М., "Проблемы расследования уголовных дел, ставших предметом рассмотрения в Европейском Суде по Правам Человека," Вестник Следственного Комитета при Прокуратуре Российской Федерации No 2(8) – 2010).

60. Following this article's publication in 2010, the Russian Government had indicated that it was in the process of establishing a genetic database of victims of the counter-terrorist operation in the North Caucasus, but according to observations by the Russia Justice Initiative in 2015 and confirmed by a representative of Human Rights Watch in early 2016, this initiative was still not implemented effectively.[70]

61. So far, according to information received in November 2014 and confirmed in January 2016, no laboratory in the Chechen Republic is capable of identifying bodies that are decomposed. In order to carry out a DNA analysis, the bodies must be transported to other regions of Russia. However, some relatives of missing persons were given the opportunity to provide blood samples for a DNA data bank. As a result, it has been possible to identify the remains of Ruslanbek Alikhadzhiyev, whose disappearance was the subject of a complaint to the European Court of Human Rights in *Malika Alikhadzhiyeva v. Russia* (Application No. 37193/08, judgment of 24 May 2011).

62. The execution of the Court's judgments in a large number of cases concerning the actions by security forces during anti-terrorist operations in Chechnya in 1999-2004 is under "enhanced supervision" by the Committee of Ministers (in particular, the *Khashiyev* group, see paragraph 44 above). Judgments under enhanced supervision involve structural or complex problems. Their implementation is closely followed and their execution is subject to specific decisions and interim resolutions. The "Chechen cases" under enhanced supervision mainly concern the excessive use of force, enforced disappearances, unacknowledged detentions, torture and ill-treatment and unlawful searches. In relation to this group of cases, the Committee of Ministers especially concentrates on the legislative, regulatory and practical framework surrounding the effective investigation, notably on the progress made in the domestic investigations into the grave human rights violations found by the Court in the aforementioned judgments.

63. In 2011, the Committee of Ministers adopted an interim resolution[71] on the execution of the judgments of the Court in the (then) 154 cases belonging to the *Khashiyev* group. At its September 2012 meeting, it expressed its deep concern that no decisive progress had been made in these investigations.[72] It also drew the attention of the Russian authorities to the "Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations" and expressed grave concern about amnesties decreed for certain violations. The Committee of Ministers resumed consideration of the issues in this group of cases at its 1208th meeting in September 2014.[73] On 17 July 2015, the Russian Government submitted another revised Action Plan,[74] discussed by the Committee of Ministers at its September 2015 meeting. The Committee of Ministers addressed a number of questions to the Russian authorities and decided to return to the issue in February 2016 in light of further submissions.[75] In their July 2015 submission, the Russian authorities point to the existence of the "Republican Forensic Medical Examination Bureaus" of the ministries of health care of the relevant republics in all constituent entities of the Russian Federation of the North Caucasus Federal District, including in the Chechen Republic, and to the fact that DNA testing facilities are available to investigators at several specialised facilities located in the North Caucasus federal district. Ongoing work based on the recently created "Single Database of Genomic Information" had already produced results in several more recent cases of missing persons, but had not yet contributed to the elucidation of any of the cases covered by the *Khashiyev* group. The Russia Justice Initiative's comments on the Russian submission[76] point out that the competences for the investigation of disappearances in the North Caucasus region are still split between at least four different bodies and that the examples given of bodies identified with the help of the "Single Database" are misleading in that the identity of most of the persons concerned had been known all along and even noted in the Court's judgments.

64. According to information received in November 2014 and January 2016, it can still not be said that the authorities have made real efforts to conduct effective investigations following relevant judgments of the Court, including the *Khashiyev* group of cases.[77] In fact, most of the problems that rendered investigations

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70. See paragraph 64 below.
71. Interim Resolution CM/ResDH(2011)292, Execution of the judgments of the European Court of Human Rights in 154 cases against the Russian Federation concerning actions of the security forces in the Chechen Republic of the Russian Federation, adopted by the Committee of Ministers on 2 December 2011 at the 1128th meeting of the Ministers' Deputies.
72. 1150th (DH) meeting, 24-26 September 2012 – Decision concerning cases No. 19 – Khashiyev and Akayeva group, Isayeva Abuyeva and others against Russian Federation.
73. 1193th (DH) meeting, 6 March 2014 – Decision concerning cases No. 17 – Khashiyev and Akayeva group.
74. www.srji.org/upload/medialibrary/caa/govt-07-2015.pdf.
75. https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2015)1236/16&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383.
76. On 2 September 2015, the Russia Justice Initiative published detailed comments on the revised Action Plan (www.srji.org/upload/medialibrary/9d9/20150902-reply-to-govt.pdf).

ineffective prior to their examination by the Court continue into the post-judgment phase, and may be further exacerbated. For example, the special investigative units created to investigate and supervise cases that had been subject to the Court's scrutiny actually sanctioned the infamous practice of continually re-opening and suspending criminal investigations by declaring these decisions "legal and reasonable".

65. Committee of Ministers Interim Resolution CM/ResDH(2011)292 and later decisions largely reflect the major obstacles in the path of the implementation of the Chechen cases. Here is a brief overview of the most important issues, namely prescription through passage of time and downgrading of the criminal charges, the latter followed by amnesties.

66. In at least two cases, including *Khadisov* and *Tsechoyev*, investigations have been terminated due to the expiry of the limitation period for prosecution. The majority of crimes in cases from the *Khashiyev* group were committed between the years 1999 and 2006, most of them between 2000 and 2003. In most of the cases in this group, a criminal investigation is "ongoing" or "suspended"; in no case have perpetrators actually been prosecuted. The issue of prescription is crucial because the majority of crimes into which investigations have been opened on the domestic level – including abuse of official powers, torture, murder and kidnapping – carry statutes of limitations of 10 or 15 years. In the majority of cases, criminal investigations are pending into crimes which occurred as far back as 14 years ago and which ostensibly carry statutes of limitation of 10 or 15 years, and for which no one has yet been brought to justice. If and when the limitation period for "ordinary crimes" runs out, the only remaining possibility – that of seeking prosecutions for war crimes and crimes against humanity – will place a significant burden on the prosecutorial authorities due to even higher evidentiary thresholds required to prove the commission of such crimes and their subjective elements. In a significant number of cases in the *Khashiyev* group, strong evidence already exists as to the identity of the perpetrators, who can and should be brought to justice for acts already criminalised under domestic legislation.

67. The Russian Government has made clear in several submissions to the Committee of Ministers and in correspondence with the applicants' representatives that the authorities intend to apply limitation periods in cases belonging to the *Khashiyev* group. The Russian authorities' position is that limitation periods will not serve to terminate ongoing investigations, but merely to release identified perpetrators from criminal responsibility. This amounts to an acceptance of impunity.

68. In August 2012, the Russian Government informed the Committee of Ministers that two perpetrators identified in the case of *Sadykov v. Russia* – the only case in which suspects have been brought into custody following a judgment by the Court – had been amnestied. The applicant's legal representatives concluded that the two suspects, in whose regard ample evidence existed that they had engaged in acts of torture against the applicant, had had their charges subsequently downgraded by the authorities so that they were covered by an amnesty law.

69. Regarding the execution of the *Aslakhanova* judgment (paragraph 45 above), the Russian Government submitted an Action Plan to the Committee of Ministers in September 2013. According to experts, this plan was deficient and alarming in several respects:

– it contained no "time-bound general strategy" to deal with the systemic problem of non-investigation of disappearances, and mainly regurgitated previously reported information;

– the submission refers to the "creation of new and improvement of existing domestic remedies", yet fails to elaborate on any actual new remedies;

– the submission cites as part of its implementation strategy two highly controversial mechanisms: amnesty legislation (as "an instrument of peaceful settlement of the situation and establishing the constitutional order in the region") and statutes of limitation (to release identified perpetrators from criminal liability).

70. In March 2014, the Committee of Ministers urged Russia to, *inter alia*, consider including in their strategy measures aimed at creating a "single and high-level body" mandated with the search for missing persons as well as ensuring the allocation of the necessary resources required for large-scale forensic and scientific work within a centralised and independent mechanism; and to reinforce their efforts aimed at improving the procedures for payment of compensation by the State to the victims' families.

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77. See paragraph 28 above (only one of 28 emblematic cases raised with the authorities by Mr Marty in 2010 has been successfully resolved).

71. In July 2014[78] and December 2014,[79] the government submitted revised Action Plans,[80] which were discussed in the Committee of Ministers in March 2015. In the resulting interim resolution,[81] the Committee of Ministers regretted that the measures taken did not produce any significant results in terms of establishing the fate of the applicants' missing relatives. The Russian authorities were once again urged to create a "single and high-level body" mandated to search for persons reported as missing as a result of counterterrorist operations in the North Caucasus, as recommended by the Court in the *Aslakhanova* judgment itself. It also invited the Russian authorities to provide information on the concrete work carried out by forensic institutions and additional information on the fate of missing persons and urged them again to ensure that the domestic law and practice concerning the applicability of the statute of limitations take into account the Convention standards. As regards individual measures, the Committee of Ministers once again requested information on the outcome of criminal proceedings.[82]

72. Our committee was given an impression of the political will – or lack thereof – to properly investigate human rights violations allegedly perpetrated by members of the security forces during the hearing on 28 June 2012 with a representative of the Russian authorities organised by the rapporteur on execution of the Court's judgments, Mr Klaas de Vries. Mr Dmitry Vyatkin, a former committee member, found that investigations in the "Chechen cases" produced "negative reactions" in Russian society, due to the "threats to the tranquillity of the individuals having served in special units and their families". The main concern of the Russian authorities was now to maintain peace in the Chechen Republic.[83] Whilst possible acts of vengeance by the victims' families must of course be prevented by appropriate protection measures, such threats cannot justify granting impunity to the perpetrators.

73. Another emblematic case illustrating the difficulty of executing judgments of the Court given the realities in the region is *Tangiyev v. Russia,* (Application No. 27610/05), which became final in April 2013. In this case, the Court found violations of Articles 3 (torture) and 6 (fair trial) in the applicant's criminal conviction, which was based in a significant part on statements made by the applicant under torture. The Court found the applicant's conviction, as well as the investigation into the applicant's case as a whole, unfair because of the proven use of torture against the applicant. The applicant became the first person from the Chechen Republic to have their conviction overturned by the Supreme Court of the Russian Federation in view of the findings of the European Court of Human Rights. But when he was retried in the Chechen Republic, he faced severe intimidation and threats before and during the retrial – including by the same official who had tortured him during the original proceedings against him in 2003/2004 – which led him to self-harm. In the new trial, which ended in October 2014, the original sentence was not significantly revised. Despite its obvious procedural flaws, the new judgment was upheld by the Supreme Court in March 2015. Furthermore, Mr Tangiyev's courageous requests to investigate the torture (which had been recognised by the European Court of Human Rights) that he was subjected to in 2003/2004, as well as the threats against him during the retrial in 2014, have been systematically denied.[84]

74. In June 2014, the Committee of Ministers referred to the *Tangiyev* case in its decision on the *Mikheev* group of cases concerning ill-treatment in custody (five other cases of the *Mikheev* group also concern applicants from the North Caucasus region[85]), noting "the allegations … about intimidation when exercising his right to seek the re-opening of the criminal proceedings in which he was found by the European Court to have been convicted on the basis of evidence obtained through torture and urged the Russian authorities to provide necessary clarifications".

75. In my view, Mr Tangiyev's case illustrates the practical difficulty of making legal remedies work in the context of the climate of impunity prevailing in the North Caucasus region. Even his legal victories before the European Court of Human Rights and once before the Russian Supreme Court have not helped him, so far, after some 13 years of proceedings.

78. DH-DD(2014)892E.
79. DH-DD(2015)23E.
80. Available on the Committee of Ministers website.
81. CM/ResDH(2015)45.
82. Addendum to the report "Implementation of judgments of the European Court of Human Rights (8th report)".
83. See minutes of the meeting on 28 June 2012, item 11 (AS/Jur (2012) PV 05).
84. "RJI submits observations to the Committee of Ministers concerning execution of the judgment Tangiyev v. Russia", 29 July 2015.
85. *Sheydayev* (Dagestan), *Lolayev* (North Ossetia), *Fanziyeva* (Kabardino-Balkariya), *Antayev and others* (Chechnya), and *Shamardakov* (North Ossetia).

2.7. CPT visits

76. The CPT has a strong track record following up on torture allegations in the Chechen Republic and elsewhere in the North Caucasus. The report on the CPT's 2011 visit to the region, published in 2013,[86] provides a powerful illustration of the wide-spread use of torture in places of detention in the region. The following extracts from the report give a good indication of the realities.

> *"Further, several inmates interviewed in the SIZOs visited were clearly afraid to speak with the delegation, and some of them (in particular in Makhachkala and Grozny) stated that they had been warned by staff not to make any complaints to the delegation.[87] ... In the course of the visit, a significant proportion of the detained persons interviewed by the CPT's delegation made allegations of recent ill-treatment by law-enforcement officials. The ill-treatment alleged was frequently of such severity as to amount to torture; this was particularly the case in the Republic of Dagestan and the Chechen Republic, although some very serious allegations were also received in the Republic of North Ossetia-Alania. In the vast majority of cases, the torture/severe ill-treatment was said to have been inflicted at the time of questioning by operational officers, either during the initial period of deprivation of liberty or (and) during periods when remand prisoners were returned to the custody of law-enforcement agencies for further investigative purposes, with a view to obtaining confessions or information. Consistent and often highly-detailed accounts of such treatment were received from persons interviewed individually who had had no possibility of contacting each other. It should also be noted that a number of the persons interviewed by the delegation were clearly reluctant to speak about their experiences whilst in the custody of law-enforcement agencies or other security structures, and only did so after much hesitation.[88] … In a considerable number of cases, the delegation gathered medical evidence … that was fully consistent with recent torture or other forms of severe ill-treatment.[89] … The CPT finds it deeply disturbing that more than 10 years after the Committee's first visit to the North Caucasian region of the Russian Federation, findings such as those mentioned in the preceding paragraphs continue to be made."[90]*

77. I look forward to the publication of the report on the most recent visit in the North Caucasus region, which the CPT carried out in February 2016.[91]

3. Conclusion

78. It has come as no surprise that in the six years since the Assembly last discussed the human rights situation in the North Caucasus region, the problems in this troubled region have not gone away. But I must say that the general trend resulting from information collected since 2010 is rather troubling. It would appear, in particular, that impunity still prevails and that even in the cases already decided by the European Court of Human Rights, the Russian authorities, as indicated in their official submissions to the Committee of Ministers, seem to be waiting for the expiry of the statute of limitations, which is looming in a large number of cases, including cases of torture and murder.

79. I am particularly saddened that an earlier attempt at rebuilding trust and peacefully reintegrating persons who had "been taken into the forest" was reversed in Dagestan as of 2013, and was never seriously attempted in Chechnya. By contrast, according to NGO reports, the Head of Ingushetia, Yunus-Bek Yevkurov, maintained a more dialogue-oriented policy, which Mr Marty had already positively assessed in his 2010 report.

80. Statistics show that Chechnya and Dagestan do not fare worse than Ingushetia in terms of numbers of terrorism victims. However, as I explained above (paragraph 16), this does not mean that all-out repression, without regard for human rights, is a viable option. Firstly, such an approach is wrong as a matter of principle, as the Assembly has consistently affirmed; and secondly, it is not at all sure that the recent reduction in casualties – which are still intolerably high, at 6 074 persons killed and wounded since 2010, 258 of whom in 2015 alone – is due to the success of repression.

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86. Report to the Russian Government on the visit to the North Caucasian region of the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 April to 6 May 2011, CPT/Inf(2013)1, 24 January 2013, www.cpt.coe.int/documents/rus/2013-01-inf-eng.htm#_Toc345485496.
87. Ibid., paragraph 8.
88. Ibid., paragraph 13.
89. Ibid., paragraph 14.
90. Ibid., paragraph 19.
91. See press release of 19 February 2016, Council of Europe anti-torture Committee returns to the North Caucasian region of the Russian Federation.

81. Six years on, I should therefore like to conclude by quoting a paragraph from Dick Marty's report on this topic, which is as pertinent as ever, also in light of the recent terrorist challenges faced by many other countries:

> *"Religious extremism, in this case the violent forms of Islamic fundamentalism, is not an exclusive problem for the North Caucasus but is a potential threat to all countries. … Extremism needs a specific type of soil to take root and grow. This requires us to extend our analysis to all situations worldwide in which entire generations have known nothing but humiliation and injustice. The fight against terrorism is also, and above all, a fight against universal injustice. When democracies resort to illegal action to combat terrorism they are admitting an initial failure, a preliminary victory for the terrorists, whose aim is precisely to destroy our democratic institutions. Abductions (also known as "extraordinary renditions"), torture (others use the euphemism of "reinforced interrogation techniques") and secret prisons negate justice and the rule of law. They transform the criminals into fighters and give them the legitimacy to oppose states which resort to illegal methods. Institutions which combat terrorism by the same means as the terrorists are only creating and fuelling a groundswell in their favour, which can only strengthen them and give them martyr status – which is exactly what they want."*