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**European Committee for the Prevention of Torture and
Inhuman or Degrading Treatment or Punishment (CPT)**

**Public statement concerning the Chechen Republic
of the Russian Federation**

(made on 10 July 2003)

This public statement is made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

**EUROPEAN COMMITTEE FOR THE PREVENTION OF
TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT (CPT)**

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1. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out six visits to the Chechen Republic since the outbreak of the conflict which began in October 1999. During these visits, the Committee has interviewed in private hundreds of persons about their experiences whilst detained, and held talks with scores of federal and republican officials.

The CPT has witnessed for itself the extreme difficulties confronting the federal and republican authorities in their efforts to restore the rule of law and achieve a lasting reconciliation in this part of the Russian Federation. Acts causing great loss of life and human suffering have been, and continue to be, committed by combatants opposing federal power structures. The CPT condemns these acts and fully understands the need for a strong response from State institutions. However, that response must never degenerate into acts of torture or other forms of ill-treatment; a State must avoid the trap of abandoning civilised values.

2. On 10 July 2001, the CPT issued a public statement concerning the Chechen Republic. It was prompted by the Russian authorities' failure to cooperate with the Committee in relation to two matters: the carrying out of a thorough and independent inquiry into events at the Chernokozovo detention facility during the period December 1999 to early February 2000; and action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the current conflict.

Subsequently, some steps forward have been made. The Russian authorities have issued a number of orders and instructions aimed at reinforcing control over the operations conducted by the federal forces. The structures of the civil and military prosecutors' offices have been developed, and mechanisms for better co-ordination between them introduced. In the law enforcement sphere, there has been a progressive transfer of functions to Chechen Internal Affairs structures. Reference can be made to the gradual restoration of the court system and the resumption of lawyers' activity. The CPT also wishes to highlight that in the course of its most recent visits, hardly any allegations were received of ill-treatment by staff working in Ministry of Justice establishments in the Chechen Republic, namely SIZO No 2 in Chernokozovo and the recently re-opened SIZO No 1 in Grozny.

3. However, in spite of sustained efforts by the CPT over the last two years, the Russian authorities have failed to tackle effectively major problems related to the Committee's mandate. There is continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic. Further, the action taken to bring to justice those responsible is slow and – in many cases – ultimately ineffective. Consequently, the CPT has been obliged to make this second public statement.

4. In the course of the CPT's visits to the Chechen Republic in 2002 and, most recently, from 23 to 29 May 2003, a considerable number of persons interviewed independently at different places alleged that they had been severely ill-treated whilst detained by law enforcement agencies. The allegations were detailed and consistent, and concerned methods such as very severe beating, the infliction of electric shocks, and asphyxiation using a plastic bag or gas mask. In many cases, these allegations were supported by medical evidence. Some persons examined by the delegation's doctors displayed physical marks or conditions which were fully consistent with their allegations. Documentation containing medical evidence consistent with allegations of ill-treatment during periods of detention in law enforcement agencies was also gathered.

The allegations of ill-treatment received by the CPT concerned law enforcement establishments (Departments of Internal Affairs and certain Federal Security Service facilities) throughout the territory of the Chechen Republic and related to both official and unofficial places of detention. As regards the latter, the Military Base at Khankala was referred to repeatedly.

5. One establishment stands out in terms of the frequency and gravity of the alleged ill-treatment, namely ORB-2 (the Operative and Search Bureau of the North Caucasus Operations Department of the Chief Directorate of the Russian Ministry of Internal Affairs in the Southern Federal District) in Grozny.

ORB-2 has never appeared on any official list of detention facilities provided to the CPT. However, persons certainly are being held there, on occasion for very lengthy periods of time. In the course of its visits in 2002, the CPT received a large number of allegations of ill-treatment concerning this establishment which were supported in several cases by clear medical evidence gathered by its delegation. During the CPT's most recent visit to the Chechen Republic, in May 2003, further allegations were received, once again supported in some cases by medical evidence.

When the CPT re-visited ORB-2 in May 2003, it was holding 17 persons, some of whom had been there for several months. The persons detained were extremely reluctant to speak to the delegation and appeared to be terrified. From the information at its disposal, the CPT has every reason to believe that they had been expressly warned to keep silent. All the on-site observations made at ORB-2, including as regards the general attitude and demeanour of the staff there, left the CPT deeply concerned about the fate of persons taken into custody at the ORB.

The CPT has repeatedly recommended that a thorough, independent inquiry be carried out into the methods used by ORB-2 staff when questioning detained persons; that recommendation has never been addressed in a meaningful manner. To argue that "a formal, written complaint is required for action to be taken" is an indefensible position to adopt given the climate of fear and mistrust which currently pervades the Chechen Republic, and constitutes a dereliction of responsibility. The CPT calls upon the Russian authorities to put a stop to ill-treatment at ORB-2 in Grozny.

6. In the course of its visits to the Chechen Republic in 2002 and 2003, the CPT has gathered a considerable amount of information pointing to human rights violations during special operations and other targeted activities conducted by federal power structures, involving ill-treatment of detained persons and forced disappearances.

During the May 2002 visit, the CPT's delegation met public prosecutors, military commandants and members of the local administration in Argun, Kurchaloy and Urus-Martan. They stated that large-scale special operations took place according to the provisions of Order No 80 of 27 March 2002 by the Commander of the Allied Group of Forces for the conduct of "anti-terrorist operations" in the North Caucasian region, with the participation of prosecutors, and that there were no complaints about illegal detention and subsequent disappearances. However, a certain number of targeted activities by unidentified forces were apparently conducted without prior notification to the local military commanders and prosecutors. The delegation's interlocutors spoke of the appearance at night of units, whose members wore masks and drove in vehicles without number plates, and who took away Chechen inhabitants to unknown locations. Prosecutors said that they were powerless to find out who had performed such activities and to locate the whereabouts of the persons detained. Some of the detained persons subsequently reappeared, but were apparently so terrified that they refused to talk about what had happened to them, let alone lodge complaints; others had disappeared without trace or their bodies, frequently mutilated, had subsequently been found.

In its visit report, the CPT recommended that immediate measures be taken to exercise due control over all special operations and targeted activities in the Chechen Republic. In this connection, the Committee stressed the need for civil and military prosecutors to exercise close supervision, for complete lists to be drawn up of all persons detained for checks, and for information about their whereabouts to be provided without delay to their relatives.

7. The information at the CPT's disposal indicates that serious problems remain in this area. According to reports received by the Committee, including via the Council of Europe's experts based in Chechnya, the Prosecutor of the Chechen Republic has assessed that from among the 565 criminal cases concerning abductions opened in 2002, there exists evidence in approximately 300 of the involvement of members of the federal forces. This matter was expressly raised with the Prosecutor by the CPT's delegation when it met him in May 2003, and he did not contest the assessment attributed to him. As regards 2003, senior members of the Chechen Administration spoken to indicated that the problem of "disappearances" continued unabated (the figure of 233 being mentioned for the first four months of the year), and that there was evidence of the involvement of members of federal forces in a significant proportion of those cases. The Military Prosecutor of the Allied Group of Forces also acknowledged that there were cases of human rights violations by members of federal forces, including abductions during targeted activities; he referred to one specific case in January 2003, in respect of which trial proceedings would soon be opened. However, he emphasised that these violations were crimes by individual officers and were not a reflection of State policy.

The fact that the existing orders and instructions are not always respected is explicitly acknowledged in Order No 98/110 of 23 April 2003 by the Commander and Military Prosecutor of the Allied Group of Forces. Hopefully, this latest text will prove more effective than its predecessors. It is incumbent upon the Russian authorities to take adequate steps to ensure that operations by their forces are conducted in accordance with the law and standing orders and instructions, and that any violations committed during such operations are thoroughly and expeditiously investigated. In this connection, the CPT wishes to emphasise the importance of prosecutors being present not only during large-scale special operations but also when targeted activities are carried out; for the time being, such a presence is not guaranteed.

8. As regards action taken to bring to justice those responsible for acts of ill-treatment, illegal detention and disappearances on the territory of the Chechen Republic, to date it has proven largely unproductive. A considerable number of cases have been opened in relation to crimes committed by members of the federal forces and law enforcement agencies. However, from the information provided by the Russian authorities to the CPT, it is clear that only a low proportion of cases have resulted in judicial proceedings, and that very few have led to sentences. Specific reference should be made to the investigations into violations committed by members of federal power structures during the special operations in Alkhan-Kala in April 2001, and Sernovodsk and Assinovskaya in July 2001; they have been slow and inconclusive, apparently due to the inability to identify the specific perpetrators. This can only contribute to a sense of impunity.

The CPT calls upon the Russian authorities to provide the Offices of the Prosecutor of the Chechen Republic and the Military Prosecutor of the Allied Group of Forces for the conduct of “anti-terrorist operations” in the North Caucasian region with the staff, resources and facilities necessary for the effective investigation of cases involving allegations of ill-treatment, illegal detention and disappearances.

In this connection, the need to substantially reinforce the forensic medical services in the Chechen Republic must be highlighted. At the present time they are not able to provide the support required by the criminal justice system to deal with the problems referred to above. The Forensic Medical Bureau of the Chechen Republic faces enormous limitations in terms of resources, equipment and staff, and there are still no possibilities to perform full autopsies on the territory of the Republic. The CPT calls upon the Russian authorities to take the necessary steps, as a matter of priority, to enable the Forensic Medical Bureau of the Chechen Republic to function adequately.

9. On numerous occasions in the course of its dialogue with the Russian authorities, the CPT has stressed the importance of members of the federal forces and law enforcement agencies in the Chechen Republic being reminded, through a formal statement emanating from the highest political level, that they must respect the rights of persons in their custody (including those detained during special operations and targeted activities) and that the ill-treatment of such persons will be the subject of severe sanctions. A direct message of this kind from that level would provide crucial - much needed - support to existing measures designed to counter ill-treatment in the Chechen Republic. As far as the CPT can ascertain, such a message has not yet been delivered in a clear manner; it should be, without further delay.

10. In making this public statement, the CPT remains fully committed to continuing its dialogue with the Russian authorities. The Committee is determined to pursue its co-operation with the Russian authorities in order to assist them to abide, both in the Chechen Republic and elsewhere in the Russian Federation, by the fundamental principle that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. Failure to comply with that principle will render it impossible to create the climate of confidence which is an essential prerequisite for rebuilding civil society in the Chechen Republic.