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Legal remedies for human rights violations in the North-Caucasus Region

Recommendation 1922 (2010)

Reply from the Committee of Ministers

adopted at the 1103rd meeting of the Ministers' Deputies (19-20 January 2011)

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 1922 (2010) on "Legal remedies for human rights violations in the North Caucasus Region". The Committee shares the concern expressed by the Assembly in this recommendation and also considers it essential to ensure that human rights and the rule of law are respected in the difficult context of the North Caucasus. It supports and encourages the efforts made by the authorities of the Russian Federation to this end.
2. Bearing collective responsibility for respect for the Council of Europe's values in Europe, the Committee naturally has cause to monitor carefully the human rights situation in this region. It does so particularly in the context of the supervision by the Committee, under Article 46 of the European Convention on Human Rights, of the execution of judgments of the European Court of Human Rights. In connection with its supervision of the execution of judgments delivered by the Court regarding the activities of the security forces in the Chechen Republic, the Committee of Ministers has given priority to the issues concerning the legislative and regulatory framework applicable to internal investigations and the rights of victims, in order to ensure that this offers sufficient guarantees that investigations undertaken in response to Court judgments will be effective. Since April 2009, co-operation with the Russian authorities on these issues has been stepped up in the context of a project financed by the Human Rights Trust Fund.
3. However, the Committee of Ministers has stressed on a number of occasions that the effectiveness of these measures cannot be assessed in the abstract but will very much depend on how they are applied in practice to individual cases. The Committee of Ministers has therefore invited the Russian authorities to supply it with information on the subject as soon as possible.
4. In addition to the situation in the Chechen Republic, the Committee of Ministers has also, since March 2010, been supervising the execution of the judgment of the European Court of Human Rights in the *Medova v. Russia* case, in which the Court considered that the authorities had failed in their duty to conduct an effective investigation into the abduction of the applicant's husband in Ingushetia in June 2004 by a group of armed men who identified themselves as Federal Security Service officers. The Russian authorities have been invited to submit an action plan for execution of this judgment and others which constitute the group of Medova cases. The Committee recalls that in accordance with its decision adopted at its 1100th meeting (DH) (30 November – 2 December 2010), all cases will be placed on the agenda of each DH meeting of the Deputies until the supervision of their execution is closed, unless the Committee were to decide otherwise in the light of the development of the execution process.
5. As the Committee is closely following developments in the region, it will endeavour to use all the available mechanisms to support the authorities of the Russian Federation in their efforts to ensure respect for standards of democracy, human rights and the rule of law in the North Caucasus. Furthermore, the reports submitted to it regularly by the Commissioner for Human Rights on his visits to the Russian Federation and its examination of the reports of the Council of Europe's various monitoring bodies

concerning this country afford an opportunity to the Committee to keep a close watch on developments in the human rights and rule of law situation in the North Caucasus.

6. On this point, the Committee reiterates that it attaches great value to the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and welcomes the fact that the Russian authorities recently announced their intention to follow the general practice of lifting the confidentiality of all the reports on visits by the CPT and authorise their publication.

7. The Committee of Ministers also draws attention to the fact that, since 2004, the Council of Europe has been implementing a special co-operation programme for the Chechen Republic in co-operation with the office of the Human Rights Ombudsman of the Russian Federation. The programme aims in particular to promote the application of Council of Europe democracy and human rights standards and strengthen the rule of law. Since 2009, some of the activities undertaken under this programme have been open to other subjects of the Southern Federal District, and now of the North Caucasus Federal District, of the Russian Federation. The Committee of Ministers is prepared to consider any request for further assistance to the North Caucasus that the Russian authorities might wish to make. The Committee of Ministers furthermore underlines the importance of non-governmental activities geared towards raising awareness and establishing a rights based approach. Comments from NGOs are taken into account by the relevant institutions of the Council of Europe.

8. The Committee shares the Parliamentary Assembly's opinion as to the importance of an effort of recollection and truth in connection with human rights violations. It considers that the establishment of a record-keeping system of the type suggested by the Assembly in its recommendation would also help to combat the risk of impunity and the lack of effective investigation of alleged violations of the European Convention on Human Rights. The Committee of Ministers nevertheless considers that it is not within the Council of Europe's remit to set up such a record-keeping system, irrespective of whether it relates to the human rights situation in the North Caucasus or in other parts of Europe. A recollection and truth effort of this kind must be conducted mainly in the countries concerned, with the involvement of all the interested parties, and above all with the participation of civil society. The Committee of Ministers recommends that the Russian Federation consider taking such initiatives, to which the Council of Europe could contribute through activities which come within the Organisation's remit.