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COMMISSAIRE AUX DROITS DE L'HOMME



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## REPORT

**by Thomas Hammarberg**  
**Commissioner for Human Rights of the Council of Europe**

Following his visit to the Russian Federation  
(Chechen Republic and the Republic of Ingushetia)

on 2 -11 September 2009

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## Executive Summary

Commissioner Thomas Hammarberg and his delegation visited the Russian Federation from 2 to 11 September 2009. In the course of the visit the Commissioner held discussions on the most serious human rights problems in the Chechen Republic and the Republic of Ingushetia with national and local authorities, as well as non-governmental organisations. The Commissioner concluded that, in view of the extraordinary challenges which persist in this part of the North Caucasus, the effective protection of human rights in the region will require sustained efforts and a multi-pronged approach.

The present report focuses on the following major issues:

**1. Situation of human rights defenders:** The murder of Natalia Estemirova, the leading member of the NGO Memorial in Chechnya, provoked widespread condemnation, both nationally and internationally, and prompted serious concerns about the viability and safety of the work of human rights NGOs. The Commissioner was informed of efforts under way to elucidate this murder. Bringing the perpetrators to justice is absolutely crucial and would undoubtedly be interpreted as an indication of the determination of the relevant authorities to protect human rights and end patterns of impunity.

The Commissioner welcomed the efforts by the Ingush authorities to engage in a regular dialogue with human rights NGOs. However, the overall recommendation by the Commissioner on the subject was that much stronger actions are needed to protect activist members of human rights organisations.

As regards the legal environment for non-governmental organisations, the Commissioner noted the ongoing review of the Federal Law on non-profit organisations. In this context, he underlined that any legislation regulating associations should take full account of the case-law of the European Court of Human Rights, which has interpreted the permissible limitations on freedom of association very narrowly.

**2. Counter-terrorism measures:** The lifting of the decade-long counter-terrorism operation (CTO) in the Chechen Republic was not accompanied by a diminishment of activity of illegal armed groups. Federal and Chechen authorities have carried out over a hundred special operations (*“zachistki”*) in the first half of 2009.

The President of the Republic of Ingushetia was seriously injured following a suicide car-bomb attack on his motorcade in June 2009. In each of the republics, many people – including officials, members of the security forces, as well as members of the armed groups and civilians – have lost their lives in recent months.

While fully recognising that state authorities have a clear duty to protect the public from the violent actions of illegal armed groups, counter-terrorism measures should be strictly proportionate and human rights safeguards should be applied fully and systematically in all special operations, as well as in the detention of terrorist suspects and during court proceedings.

Close oversight of the different security forces in the fight against terrorism is essential for ensuring full respect of human rights obligations and for the prevention of possible extrajudicial executions and abductions. Efforts to combat corruption and improve the economic situation should continue, with a view to undercutting funding for terrorism and helping vulnerable segments of the population to resist the lure of extremism.

**3. Abductions and disappearances:** Since the end of 2008, NGOs have reported an increase in the number of abductions and disappearances in Chechnya. In some cases, the involvement of law enforcement officials has been alleged. The problem of past disappearances and missing persons who are presumed dead, most of them in connection with the armed conflicts in

Chechnya, has been one of the most painful unresolved legacies of the republic's troubled history.

During the September 2009 visit, the Commissioner once again received a number of complaints by people whose family members had disappeared. The estimate of the prosecutorial authorities is that a total of 3074 persons went missing in 2000-2009. Moreover, the Chechen authorities have located and marked some 60 graves where an estimated 3000 unidentified bodies have been buried.

The Commissioner once again appealed to the authorities at all levels to investigate past disappearances and to recover, identify and return to their families the remains of the people buried, demonstrating due sensitivity to the relatives concerned. Given the magnitude of the task, various realistic possibilities for providing sufficient forensic expertise and facilities should be explored.

**4. Combating impunity:** The lack of effective investigations into repeated human rights violations, the alleged involvement of law enforcement officials in crimes and the deficiencies of the judiciary are concerns which have been raised by the current Commissioner and his predecessor.

The European Court of Human Rights has issued a considerable body of judgments finding violations of the right to life (Article 2 of the European Convention on Human Rights) and the prohibition against torture and inhuman or degrading treatment (Article 3), many of which concern ineffective investigations. In this context, the President of the Supreme Court and the Prosecutor of Chechnya informed the Commissioner that, in the course of 2008, 164 criminal complaints concerning acts by the security forces were made, 111 of which were granted. In the first half of 2009, 52 such complaints were made, 18 of which were granted.

The Commissioner held discussions with representatives of the Investigating Committees at federal level and in the Republic of Chechnya, which are recently-created structures. The Investigating Committee in Chechnya had created a special unit for investigating past human rights violations related to judgments of the European Court of Human Rights. In Moscow, representatives of the Federal Investigating Committee and the General Prosecutor's Office referred to a comprehensive programme to ensure effective investigations into disappearances. Moreover, the Government of the Russian Federation adopted on 2 October 2009 a Witness Protection Programme for 2009-2013.

The Commissioner strongly supports further efforts to improve and strengthen the judiciary, the prosecutorial system and investigative capacity in the Chechen Republic. A well-functioning law enforcement and criminal justice system is the cornerstone of any efforts to fight impunity.

## Introduction

1. The Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, visited the Russian Federation from 2 to 11 September 2009. The main aim of the visit was to review the human rights situation in the North Caucasus, in particular the Chechen Republic and the Republic of Ingushetia in the Southern Federal District. In the course of the visit, the Commissioner held talks in Moscow with the federal authorities and civil society representatives. In addition, Commissioner Hammarberg made a keynote address on social and economic rights to a round table of Ombudsmen of the Russian Federation, organised by the Council of Europe, in St. Petersburg on 3-4 September.<sup>1</sup>
2. In Moscow, the Commissioner met with the Minister of Foreign Affairs, Sergey Lavrov, and the Minister of Justice, Aleksandr Kononov. He also held discussions with the Ombudsman of the Russian Federation, Vladimir Lukin, the Chairperson of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation, Ella Pamfilova, as well as with representatives of the Office of the General Prosecutor of the Russian Federation, the Investigating Committee at the Office of the General Prosecutor, and civil society. The Ombudsman of the Russian Federation and the Director of his Office, Natalia Mirza, accompanied the Commissioner during his visit to the Chechen Republic and the Republic of Ingushetia.
3. In the Chechen Republic, the Commissioner met the President of the Chechen Republic, Ramzan Kadyrov, the Speaker of Parliament, Dukvakha Abdurakhmanov, the Deputy Prime Minister and Head of the Presidential and Governmental Administration, Magomed Selimkhanov, the Deputy Minister for Internal Affairs, Roman Edilov, the President of the Supreme Court, Ziyavdi Zaurbekov, the Prosecutor, Mikhail Savchin, and the Ombudsman, Nurdi Nukhazhiev. The Commissioner also held discussions with representatives of the Investigating Committee of Chechnya and the Investigating Committee of the Southern Federal District, both working under the authority of the Investigating Committee at the Office of the General Prosecutor (*Prokuratura*) of the Russian Federation. Moreover, the Commissioner met with representatives of civil society and visited the Grozny Office of the Human Rights Center Memorial.
4. In the Republic of Ingushetia, the Commissioner met the President of the Republic of Ingushetia, Yunus-bek Yevkurov, the Speaker of Parliament, Makhmud Sakalev, the Deputy Prime Minister, Magomed-Sali Aushev, the Prosecutor, Yuri Turygin, the Ombudsman, Karim-Sultan Kukorkhaev, and senior officials of the Ministry for Internal Affairs. The Commissioner also held talks with representatives of civil society and addressed a Forum of Ingush and North Ossetian NGOs in Nazran.
5. The Commissioner wishes to thank the Ministry of Foreign Affairs, and in particular the Permanent Representation of the Russian Federation to the Council of Europe, for their valuable assistance in organising the visit. He would also like to extend his appreciation to the authorities of the Chechen Republic and the Republic of Ingushetia for their welcome and help in organising the visit. Finally, the Commissioner wishes to express his gratitude to the Russian Federal Ombudsman, Vladimir Lukin, for the close cooperation during the visit to Chechnya and Ingushetia.
6. During his visit, the Commissioner engaged in a fruitful dialogue with the federal, Chechen and Ingush authorities, as well as civil society representatives, in order to better understand and address the situation. He wishes to thank all his interlocutors for their availability and willingness to share their knowledge and insights with him. In particular,

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<sup>1</sup> During the visit to the Russian Federation, the Commissioner was accompanied by Ms Bojana Urumova, Deputy to the Director of the Commissioner's Office, and Mr Lauri Sivonen, Adviser.

he would like to underscore his appreciation for the constructive discussions he had in Moscow with the Minister of Foreign Affairs and the Minister of Justice, who indicated that they shared the Commissioner's concerns as regards the situation in the North Caucasus and conveyed the readiness of the Government of the Russian Federation to take determined steps to implement his recommendations.

## **I. Context of the visit**

7. From the very beginnings of the Office of the Commissioner of Human Rights in 1999, the North Caucasus has been a region of major interest and concern. Commissioner Hammarberg, like his predecessor Álvaro Gil-Robles, has closely followed the human rights situation in the North Caucasus through regular field visits. Previously, Commissioner Hammarberg visited the region in February 2006 (as Commissioner-elect), February-March 2007 and April 2008. The Republics of Chechnya, Dagestan and Ingushetia were all visited in 2008.
8. During his 2007 visit to Chechnya, the Commissioner called upon the authorities to take effective measures to put an end to impunity, urging them to carry out thorough investigations with regard to the crimes committed and to clarify the fate of the large number of people who disappeared. He expressed serious concerns about torture and ill-treatment by law enforcement officials during investigative proceedings. At the same time, he noted the efforts undertaken by the Chechen authorities to reconstruct villages and cities - in particular the capital, Grozny – and welcomed the revival of schools and hospitals. He expressed the hope that there would be continued efforts to improve the socio-economic situation of the Chechen Republic. During his visit in 2008, the Commissioner was able to observe further steps in the reconstruction of the republic as well as a substantial reduction in the number of disappearances and allegations of torture. However, certain issues remained unresolved, such as the clarification of the fate of missing persons; the lagging prosecution for past extra-judicial, summary or arbitrary executions or disappearances; the fate of persons detained or sentenced, allegedly on the basis of confessions given under torture; and the return of IDPs and support for victims of the conflicts.<sup>2</sup>
9. To date, the European Court of Human Rights has issued more than 100 judgments related to events in the context of counter-terrorism operations (CTO) in Chechnya which began in 1999. In many of the cases the Court has found violations of fundamental rights protected by the European Convention on Human Rights, including the right to life (Article 2) and the prohibition of torture and inhuman or degrading treatment (Article 3). The foregoing cases involve unlawful killings, disappearances, and torture and ill-treatment attributable to the security forces, as well as the failure to properly investigate those crimes. The Court has also delivered four judgments concerning special operations in Ingushetia, finding violations of the Convention related to forced disappearances, ill-treatment and the failure to investigate such crimes effectively (cf. paragraph 53 below). Many other cases from the region are still pending before the Court.
10. The decade-long counter-terrorism operation (CTO) regime was lifted in Chechnya on 16 April 2009; nevertheless, stability in the North Caucasus region has yet to be achieved. An increase in terrorist acts, killings and abductions has been observed in Chechnya in 2009 as compared to 2008. The situation in Ingushetia and Dagestan is also volatile. High-profile murders, attempted assassinations and violent attacks against leading government figures and human rights activists have taken place in the region in recent

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<sup>2</sup> Cf. initial conclusions of the visit of the Commissioner for Human Rights in the Chechen Republic of the Russian Federation, 27 February – 1 March 2007 (CommDH(2007)6); and 2<sup>nd</sup> Quarterly Activity Report 2008, 1 April – 30 June 2008 (CommDH(2008)17).

- months. Law enforcement authorities have been regularly targeted and killed in terrorist incidents and clashes with illegal armed groups.<sup>3</sup> Several civil society organisations defending human rights have been forced to reconsider the viability of their work and the safety of their members.
11. In response to the increased tensions in the region, a special working group on the North Caucasus was created on 22 July 2009, comprising the Chairperson of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation, Ella Pamfilova, the Ombudsman of the Russian Federation, Vladimir Lukin, journalist and Public Chamber Representative Nikolay Svanidze, and the Chairperson of the Moscow Helsinki Group, Lyudmila Alexeeva.
  12. It is obvious that extraordinary challenges persist in the North Caucasus, all of which tend to have an adverse effect upon the protection of human rights. Prior military conflicts, recurrent terrorist attacks (including suicide bombings), as well as wide-spread corruption and a climate of impunity have all plagued the region. Moreover, serious economic hardship is one of the overarching problems for the population, with an official unemployment rate amounting to 32.9% in Chechnya and 52.1% in Ingushetia.<sup>4</sup>
  13. The present report contains the Commissioner's observations as regards some of the most serious problems in terms of the protection of human rights in the two republics visited, as well as his recommendations on ways to find solutions to them.

## **II. Human rights situation in the Chechen Republic**

### **1. Situation of human rights defenders**

14. Natalia Estemirova, the leading member of the NGO Memorial in Chechnya, was abducted when she left her apartment early in the morning on 15 July 2009. Unknown men grabbed her, bundled her into a car and drove off. On the same day her dead body, which displayed gunshot wounds, was found near the town of Nazran in Ingushetia. Ms Estemirova had received international awards for human rights protection in the Chechen Republic, including the Robert Schumann Medal awarded by the European Parliament in 2005, and the first Anna Politkovskaya Award in 2007 (awarded by the human rights organisation Reach All Women in War). Memorial, which is a leading civil society source of human rights information about the Chechen Republic, decided to close, at least temporarily, its office in Grozny after the killing. In his message of condolences to Memorial, the President of the Russian Federation, Dmitry Medvedev, stated that Natalia Estemirova had defended the universality and indivisibility of human rights and pledged that the crime would be investigated in the most careful manner and that the criminals responsible would be punished.
15. On 10 August 2009, a group of men entered the office of the charitable NGO "Save the Generation" in Grozny, and took Zarema Sadulayeva, the leader of the group, and her husband Alik Dzhabrailov away. On 11 August, the dead bodies of the couple, displaying multiple gunshot wounds, were found in the trunk of Mr Dzhabrailov's car. Since its founding in 2001, "Save the Generation", which received support from UNICEF, provided

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<sup>3</sup> During the three summer months of 2009 in the North Caucasus region, 142 members of the security forces were killed and 280 injured, which represents the highest figure in four years. The information, collected from the Russian media by the anti-war association "Voine.net", is summarised in the Second Information Report by Dick Marty, Rapporteur of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly (AS/Jur (2209) 43, 29 September 2009). Cf. also paragraph 22, paragraphs 47 to 49, and footnote 11 below.

<sup>4</sup> The figures cited are from the Russian Federal State Statistics Service and relate to August 2009.

- rehabilitation and support services to disabled children, orphans and other victims of the past military conflicts in the North Caucasus.
16. While in Grozny, the Commissioner was informed by the investigators of the efforts under way to elucidate these murders. A special team of investigators from the Investigating Committee of the Southern Federal District had been dispatched to investigate the case of Estemirova. The case of Sadulayeva and Dzhabrailov was being investigated by the Investigating Committee of the Chechen Republic. The Commissioner stressed that it was absolutely crucial to carry out effective, expeditious and impartial investigations into these murders, with a view to ensuring the criminal accountability and punishment of the perpetrators, in line with the procedural obligations under Article 2 of the European Convention on Human Rights. Bringing the perpetrators to justice in these cases would undoubtedly be interpreted as a strong indication of the commitment of the relevant authorities to protect human rights and end previous patterns of impunity (cf. in this regard section on Combating Impunity below).
  17. In his talks with the Chechen authorities, the Commissioner stressed that much stronger actions are needed to protect activist members of human rights organisations. He also expressed concerns about the environment in which human rights activists operate and about certain negative statements made by authorities with regard to the work of human rights NGOs.<sup>5</sup>
  18. To some extent, the Chechen authorities have recognised that NGOs could have a positive role to play, and have referred in particular to the establishment of Human Rights Protection Councils in municipal administrations pursuant to the Chechen Presidential Decree № 451 «On additional measures to protect rights and freedoms in the Chechen Republic» (6 December 2007), as well as to the new law on the Chechen Public Chamber, which is aimed at enhancing civil society participation in the supervision of public authorities. The law, which was adopted by the Chechen Parliament in April 2009, envisages that the Public Chamber will consist of 40 members, 20 of whom are appointed by the President of the Chechen Republic. In turn, the presidential appointees select the remaining 20 members among representatives of civil society.
  19. However, the Chechen authorities expressed concern about the foreign funding of many NGOs and harboured misgivings about their hierarchical structure, perceiving the local work of NGOs as being directed from their headquarters in Moscow or abroad. The Commissioner highlighted the usefulness of NGOs who monitor and report on human rights violations for societal development and human rights protection. He emphasised the need to promote safe and favourable conditions for the work of human rights NGOs and to provide them with protection, in line with the Declarations of the United Nations and the Council of Europe Committee of Ministers on Human Rights Defenders.<sup>6</sup>
  20. The Commissioner has noted that a further review of the Federal Law on non-profit organisations of 2006, which was amended in July 2009, is currently under way. This opportunity should be taken to improve the working environment and protection of civil society actors, including human rights NGOs. The Commissioner also wishes to underline that any legislation regulating associations should take full account of the case law of the European Court of Human Rights, which has interpreted the possible limitations on freedom of association contained in Article 11(2) of the European Convention on Human Rights very narrowly. In particular, such legislation "...should be accessible to the persons concerned and formulated with sufficient precision to enable them – if need be,

<sup>5</sup> See, for example, Radio Free Europe/Radio Liberty interview of 9 August 2009 with President Kadyrov.

<sup>6</sup> Cf. UN General Assembly Resolution A/RES/53/144 of 8 March 1999, adopting the Declaration on Human Rights Defenders, and the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities of 6 February 2008.

with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail; ...it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention".<sup>7</sup> The Council of Europe Conference of INGOs, including the Expert Council on NGO Law, has conducted a series of activities in the Russian Federation on the implementation of NGO legislation.<sup>8</sup> In this context, the Commissioner also encourages the Russian authorities to consider signing and ratifying the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations.

## 2. Counter-terrorism measures

21. The counter-terrorism operation (CTO) regime in Chechnya was lifted by the federal authorities (Federal Security Service) on 16 April 2009. Following the lifting of the CTO regime, the Chechen authorities bear primary responsibility for the fight against terrorism in the Republic. All the federal troops currently deployed in Chechnya on a temporary basis are expected to leave the Republic. The lifting of the CTO regime does not affect the deployment to Chechnya of some 20,000 permanently-based federal troops of the Ministry of Defence and Ministry of Interior of the Russian Federation.<sup>9</sup>
22. The lifting of the CTO regime has not been accompanied by a diminishment of activity of illegal armed groups in Chechnya. According to media reports, already in April 2009, police officers in the Shatoyskiy District were attacked by a group of insurgents. On 15 May 2009, an explosive device triggered by two suicide bombers - the first such act in recent years - near the Ministry of Internal Affairs in Grozny, killing four people and wounding five others. On 7 July 2009 an explosion took place in the Leninskiy District of Grozny which wounded nine persons including two children and two policemen. On 26 July 2009, an explosion was triggered by a suicide bomber during the evening hours near the concert hall in Grozny, killing seven people and wounding four others. On 2 August 2009 a police motorcade came under fire from grenade launchers and automatic firearms in the Itum-Kalinskiy District. Five policemen were killed and six more were wounded. On 7 August 2009 a police officer was killed by an explosion in Grozny, and two more officers were wounded. On the same day, unknown attackers fired upon a motorcade with policemen in the Shatoyskiy District, killing one person. Two days later, another policeman was injured by a land mine explosion in the Vedenovskiy District. On 21 August 2009, four police officers were killed in two separate suicide attacks in Grozny. On 25 August 2009, four more police officers were also killed in a suicide attack in the Shali District. The Commissioner was informed of similar incidents taking place during his visit.
23. Federal and Chechen authorities have carried out at least 116 special operations (commonly referred to as *zachistki*, or "cleaning up"<sup>10</sup>) between January and July 2009, as a response to terrorist activities.<sup>11</sup> The Chechen authorities informed the Commissioner that joint special operations against terrorists were carried out together with Ingush authorities in the border region between Chechnya and Ingushetia.

<sup>7</sup> *Koretskyy and Others v. Ukraine*, no. 40269/02, § 47, 3 April 2008.

<sup>8</sup> The Expert Council on NGO Law is a body established in January 2008 by the Conference of INGOs, which has the task of examining the legal and regulatory framework for NGOs as well as the administrative and judicial practices which affect NGOs. The Expert Council provides advice on how to bring national law and practice into line with Council of Europe standards and European good practice.

<sup>9</sup> Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Bulletin of the Memorial Human Rights Center, Spring 2009. <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>

<sup>10</sup> The word *zachistki* is sometimes translated as "mopping-up" or "sweeping-up" operations.

<sup>11</sup> According to the Chechen Ministry of Internal Affairs, 42 state agents were killed and 102 more wounded in such operations during the period preceding the Commissioner's visit in 2009. Cf. also footnote 3 above.



24. The general requirement of proportionality for counter-terrorism measures was confirmed in the 2006 Federal Law on the Suppression of Terrorism. In addition, by Decree No. 352 of 6 June 2007, the federal Government issued Rules on the use by the Armed Forces of arms, combat equipment and special means in the course of anti-terrorist operations. The Rules provide that arms, combat equipment and special means shall be used by servicemen taking part in anti-terrorist operations in a manner strictly proportionate to the situation, only in cases of imminent risk of death or serious harm, and as a last resort. Furthermore, servicemen shall give a warning of their intent to use arms, with sufficient time for the warning to be observed, unless doing so would unduly place the servicemen at risk, create a risk of death or serious harm to other persons, or would be impossible. The commanders of military units are required to inform prosecutors immediately of each case of death or bodily injury caused by the use of arms. The above-mentioned rules are largely based on the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>12</sup>
25. In principle, the Rules mentioned in the previous paragraph only cover the CTO regime; however, it is not entirely clear whether they are applicable to the special operations more generally.<sup>13</sup> The Commissioner therefore urges the Russian authorities to specify the applicable rules and safeguards for all counter-terrorism operations, including “special operations”. Particular care should be taken to prevent the possibility of extrajudicial executions through detailed and precise requirements for the strictly proportionate use of force. Human rights standards must also be strictly applied in the detention of terrorist suspects and during court proceedings. The Commissioner notes the concerns expressed by civil society representatives about the amendments made to the Criminal Procedural Code of the Russian Federation on 30 December 2008 which abolish a trial by jury for charges of terrorism. Fair trial guarantees should be respected and any evidence suspected of having been obtained through the use of torture or inhuman or degrading treatment should always be excluded from court proceedings. Terrorist suspects should be granted access to a lawyer and a doctor at the outset of custody, and records must be kept whenever a person is deprived of his liberty, regardless of the reason or the length of deprivation of liberty. In addition, places of detention should be subject to regular independent monitoring.
26. Furthermore, the Commissioner stresses that the victims of counter-terrorism operations should be offered compensation for the loss of property, death or injury. He takes note of the draft legislation prepared by the Ministry of Justice of the Russian Federation in July 2009 on the subject and encourages the authorities to establish a speedy system of adequate compensation to victims without further delay.
27. Human rights NGOs have reported on practices of collective punishment of relatives of alleged terrorists or insurgents. According to these reports, punitive house-burning has continued to be among the tactics against families of alleged insurgents. The Chechen authorities have admitted that police officers have been involved in such cases, although they have stressed that the officers concerned had acted on their own initiative.

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<sup>12</sup> The UN principles were adopted on 7 September 1990 and have been referred to in a number of ECtHR judgements. The United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted on 24 May 1989, are also relevant in this context. Cf. in this regard also “Actions 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” (First part of the revised Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights) [CM/Inf/DH\(2008\)33E / 11 September 2008](#).

<sup>13</sup> In his speech at the meeting of the PACE Committee on Legal Affairs and Human Rights on 11 September 2009, the Deputy Minister of Justice of the Russian Federation, Georgiy Matyushkin, suggested that the requirement of strict proportionality is generally applicable: “the current Russian legislation now stipulates that requirements of the usage of force must now be strictly proportionate to situation, only in cases of imminent risk of death or serious harm and as a last resort.”

28. In their discussions with the Commissioner, the Chechen authorities, including the President of the Republic, confirmed that illegal incidents of house-burning had indeed taken place. The authorities pointed out that such practices were difficult to prevent as they stemmed from prevalent customs of revenge. Nevertheless, educational efforts were under way to prevent them, with the active involvement of village elders and Muslim clerics. Moreover, the Chechen authorities indicated that compensation had been paid to many of the victims of punitive house burnings.
29. The Commissioner stresses that punitive house burnings must be stopped and that the past instances should be thoroughly investigated with the aim of bringing the perpetrators to justice. He urges the authorities to unequivocally condemn punitive house burnings and encourages them to pursue educational efforts to prevent such practices. Adequate compensation to the victims should be provided in all cases.

### **3. Abductions and disappearances**

30. During his visit in 2008, the Commissioner observed that a decline had taken place in terms of the number of abductions and disappearances in Chechnya. However, since late 2008, NGOs have once again reported an increase in the number of such cases. According to the Human Rights Centre Memorial, the total number of alleged abductions in Chechnya was 42 during the entire year 2008, whereas already in the first four months of 2009 there were 58 such cases. Of these 58 persons, 45 had been released, 2 found dead, 4 were missing and 7 had been found in police detention units.<sup>14</sup> According to the Chechen Ombudsman, 8 persons had gone missing in 2009. A new practice has reportedly been observed by NGOs, involving short-term disappearances of persons who reappear several days later, often after being subjected to violence or torture, and who refuse to speak out for fear of reprisals. While the abductors may be unknown, the involvement of law enforcement officials has been alleged in several such instances.
31. The Chechen Ombudsman and NGOs have indicated that persons who are abducted may be held in unlawful detention. According to the NGO Memorial, between January and March 2009 there were allegedly 20 instances of secret detention when law enforcement officers took young men and women away from their homes in a village in Vedenskiy District. Those taken away had returned home a few days later reportedly having been beaten and frightened. An official investigation had been opened into these cases.<sup>15</sup> The Council of Europe Committee against Torture (CPT) and the Parliamentary Assembly (PACE) Rapporteur Dick Marty have also reported on secret detention in Chechnya and the lack of effective investigations into alleged cases.<sup>16</sup>
32. The Commissioner urges the authorities to conduct effective and independent investigations into alleged abductions, disappearances, extrajudicial executions and other unlawful killings, as well as unlawful (secret) detention. The guilty should be brought to justice and a definite end should be put to such practices. Redress and compensation to

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<sup>14</sup> Memorial HRC. "The situation in the conflict zone of the North Caucasus. October 2008 – May 2009".

<sup>15</sup> *Ibid.*

<sup>16</sup> 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, CPT/Inf (2007) 17 (13 March 2007); and "Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report", Explanatory Memorandum, Rapporteur: Dick Marty, Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (7 June 2007) [http://assembly.coe.int/main.asp?Link=/documents/workingdocs/emarty\\_20070608.htm#P1354\\_323262](http://assembly.coe.int/main.asp?Link=/documents/workingdocs/emarty_20070608.htm#P1354_323262).

In his Second information report "Situation in the North Caucasus Region: security and human rights" of 29 September 2009, Mr Marty also emphasised that "...extrajudicial secret detentions ... simply strengthen terrorism". Cf. [http://assembly.coe.int/CommitteeDocs/2009/ajdoc43\\_2009.pdf](http://assembly.coe.int/CommitteeDocs/2009/ajdoc43_2009.pdf).

- victims must also be provided. In addition, the Commissioner invites the authorities to sign and ratify the new UN Convention against Enforced Disappearances.<sup>17</sup>
33. The problem of past disappearances and missing persons who are presumed dead, most of them in connection with recent armed conflicts in Chechnya, has been one of the most painful unresolved legacies of the republic's troubled history. It has also been one of the key issues in the discussions between the institution of the Commissioner for Human Rights and the Chechen and federal authorities. During the September 2009 visit, the Commissioner once again received a number of complaints by people whose family members had disappeared.
  34. The prosecutorial authorities from the Southern Federal District, whom the Commissioner met in Moscow, estimated that a total of 3074 persons went missing in 2000-2009. Moreover, the Chechen authorities indicated that they have located and marked some 60 mass graves where an estimated 3000 unidentified bodies have been buried since the 1990s.
  35. Like his predecessor, Commissioner Hammarberg has repeatedly emphasised the need to establish the truth about the past disappearances and urged the authorities to excavate and identify the corpses buried in the graves. Additional forensic expertise and capacity would be necessary for achieving this aim.
  36. The Chechen authorities, as well as the Ombudsman, informed the Commissioner that no major progress had been achieved regarding the exhumation and identification of bodies buried in mass and single graves, even though requests had been made to the federal authorities. For its part, the Investigating Committee in the Chechen Republic reported to the Commissioner that eight corpses had been exhumed and analysed in the forensic laboratory of the Stavropol region in the context of on-going investigations related to judgments of the European Court of Human Rights. The Investigating Committee stressed that the current arrangements and facilities in Chechnya would not be sufficient for large-scale exhumations. The Chechen authorities referred to some 5000 cases where the families were waiting for the truth to come out about their missing relatives. Those authorities reiterated their commitment to resolving the issue while underlining the need to set up a specialised forensic laboratory in Chechnya for the purpose.
  37. The Commissioner reiterates his appeal to the authorities at all levels to carry out thorough investigations into past disappearances and to recover, identify, and return to their families the remains of people buried in the marked graves in an orderly and methodological manner, demonstrating due sensitivity to the relatives concerned. Clearly, the magnitude of such a task is considerable. In order to approach it in the best possible manner, various realistic possibilities for providing sufficient forensic expertise and facilities should be explored.
  38. Finally, the Commissioner would like to stress that a person's disappearance is a grave violation of his or her rights. Moreover, the deleterious effects of such a tragedy are far-reaching. Disappearances have a profound effect on the whole of society, starting with the individual's close family and friends, all of whom suffer from not knowing and from a sense that their plight is being ignored by the authorities. This lack of knowledge can cast those concerned in a state of perpetual distress, depriving them of the possibility to lead

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<sup>17</sup> International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly on 20 December 2006 (not yet in force).

a normal life.<sup>18</sup> It is the Commissioner's deep belief that, however painful the truth about past crimes may be, it is necessary to establish it for the process of reconciliation and the durable establishment of rule of law.

#### **4. Combating impunity**

39. The theme of impunity has been a recurring subject of the Commissioners' reports on Chechnya. The lack of effective investigations into repeated human rights violations, the alleged involvement of law enforcement officials in crimes and the deficiencies of the judiciary have been raised by the current Commissioner and his predecessor. Reference has already been made to the considerable body of judgments of the European Court of Human Rights concerning disappearances, unlawful killings, unacknowledged detentions, torture and ill-treatment, and destruction of property attributable to members of security forces, as well as in respect of the inadequacy of official investigations.
40. During the visit, the President of the Supreme Court and the Prosecutor in Chechnya informed the Commissioner of the progress made in establishing functioning institutions. They also indicated that in the course of 2008, 164 criminal complaints concerning acts by the security forces were made, 111 of which were granted. In the first half of 2009, 52 such complaints were made, 18 of which were granted.
41. The Commissioner met with representatives of the Investigating Committee in Chechnya, which is part of the recently created federal structure of Investigating Committees. Although the Federal Investigating Committee is attached to the Prosecutor General's Office, the prosecutors are no longer directly in charge of criminal investigations, but only supervise the legality of the investigations carried out by the investigating committees. It should be noted that investigations related to members of the armed forces fall within the jurisdiction of military investigators, even though the latter depend on the Investigating Committee for their operational activities. Among other cases, the regional Investigating Committee in Chechnya was conducting investigations into several terrorist attacks. It had also created a special unit for investigating past human rights violations related to judgments of the European Court of Human Rights. According to the representatives of the Committee, 20% of such earlier cases had been elucidated.
42. While in Moscow, the Commissioner met with representatives of the Federal Investigating Committee and the General Prosecutor's Office. They pointed out that in particularly serious cases, special investigation units would be sent to the regions by the Federal Investigating Committee to ensure impartiality. A comprehensive programme for 2006-2010 to prevent abductions and to ensure effective investigations into disappearances was being implemented in the Southern Federal District.
43. The above-mentioned officials also referred to available measures to protect both the investigators and witnesses to a case. In some cases, the identity of witnesses could be protected through confidentiality, and their physical safety guaranteed by security guards. A new unit for the physical safety of witnesses had been recently created within the Ministry of the Interior of the Russian Federation as well as the Federal Security Service (FSB). Exceptionally, a person could be evacuated elsewhere in the Russian Federation to ensure safety. The Government of the Russian Federation recently adopted the Witness Protection Programme for 2009-2013, which envisages allocation of around 36 million Euros for the implementation of safety measures for victims, witnesses and other participants in criminal proceedings.<sup>19</sup>

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<sup>18</sup> The European Court of Human Rights has frequently found violations of Article 3 of the European Convention on Human Rights in respect of families of "disappeared persons", due to the emotional distress and suffering they experience as a result of their relative's disappearance.

<sup>19</sup> Decree No. 792 of 2 October 2009.

44. Impunity cannot be tolerated and any action of the authorities and law enforcement agencies must strictly comply with the guarantees of the rule of law. The police and security forces must fully honour their duty of guaranteeing the security of all, and the allegations of unlawful conduct on their part must be thoroughly elucidated. Prosecutors and judges must fulfil their task with impartiality, irrespectively of the position and rank of the persons implicated in the alleged events.
45. The Commissioner strongly supports further efforts to strengthen the judiciary, the prosecutorial system and investigative capacity in the Chechen Republic. A well-functioning law enforcement and criminal justice system is the cornerstone of any efforts to fight impunity. The judiciary must be independent, impartial and devoid of political interference or other undue influence. Serious attention should be given to the training of lawyers, judges, investigators and police officers in order to foster professionalism, integrity and human rights awareness. The Commissioner considers that the protection of witnesses is especially important, and encourages the authorities to make full use of the available protection measures.
46. In addition, the Commissioner highlights the necessity to take robust measures against corruption. The report of the Group of States against corruption (GRECO) on the Russian Federation makes a number of recommendations to address corruption among the law enforcement system and the judiciary; the Commissioner urges the authorities to implement those recommendations.<sup>20</sup> Coordinated and sustained efforts between different authorities are required to combat impunity and corruption. Civil society organisations can play a central part in these endeavours by reporting on any cases of corruption, advising on strategies for combating corruption and monitoring the implementation of anti-corruption measures.

### **III. Human rights situation in the Republic of Ingushetia**

#### **1. Counter-terrorism measures**

47. On 22 June 2009, the President of the Republic, Yunus-bek Yevkurov, was seriously injured following a suicide car-bomb attack on his motorcade in Nazran. After a period of intensive medical treatment in Moscow, the President resumed his work, returning to Nazran in August 2009. Special counter-terrorism measures have been applied in Nazran following the attack on President Yevkurov.<sup>21</sup>
48. During the summer of 2009, several other murders and violent attacks against high-level officials took place in Ingushetia. On 10 June 2009, Asa Gazgariyeva, Deputy President of the Supreme Court of Ingushetia, was shot and killed. On 13 June 2009, Bashir Aushev, a former Deputy Prime Minister of the Republic who continued to work for the Government, was murdered. On 12 August 2009, Ruslan Amerkhanov, Minister of Construction of Ingushetia, was shot dead in his office in Magas.
49. On 17 August 2009, a vehicle full of explosives was driven by suicide bombers into the gates of the Nazran Department of the Ministry of Interior (GUVD), triggering an explosion in the yard where police officers had lined up for their morning briefing. At least

<sup>20</sup> Evaluation Report on the Russian Federation – Joint First and Second Evaluation Rounds, adopted by GRECO at its 40<sup>th</sup> Plenary Meeting, 5 December 2008 (Greco Eval I-II Rep (2008) 2E).

<sup>21</sup> On 13 October, the Federal Security Service announced that four participants in the attack against President Yevkurov were killed in the course of anti-terrorist operations in June and August 2009, and that two more (including one of the organisers) were placed on the Federal wanted list (<http://www.itar-tass.com/level2.html?NewsID=14427312&PageNum=2>).

- 25 persons were killed and more than 250 were reported to be injured. The total number of armed attacks on law enforcement and military officers was reported by the media as amounting to 58 during the first half of 2009, with 37 persons killed and 79 wounded.
50. The authorities of Ingushetia, including the President of the Republic, informed the Commissioner about the strategy applied in counter-terrorism measures. The Directorate of the Federal Investigating Committee in the Southern Federal District and the regional Investigating Committee in the Republic of Ingushetia were investigating the terrorist incidents. The authorities classified terrorist and illegal armed groups into three categories: well-armed and trained mercenaries with foreign elements operating in the mountains; local armed groups operating in the flat-lands; and associates who were helping armed groups for fear of reprisals or for monetary reward. Special operations continued to be carried out against the armed groups, some of which resulted in "liquidations" of their members by the security forces. Joint special operations were also carried out with Chechen authorities in parts of the border region between the republics.
51. The authorities stressed that special operations were being carried out in a highly targeted manner, so as to avoid civilian casualties and other damage, and with close attention being paid to human rights requirements. Operational headquarters for counter-terrorism operations had been set up to coordinate such operations. A CTO (counter-terrorist operation) regime with the presence of the Prosecutor's Office was instituted in areas where special operations took place. The authorities pointed out that a lenient approach was possible towards repentant members of the illegal armed groups, with the aim of reintegrating them into society, especially if the person concerned had not committed murders. Meetings between the authorities and families of persons who had been killed in clashes with illegal armed groups had also taken place in order to pacify the situation. It is also noteworthy that reconciliation meetings between rival clans have been organised under the auspices of President Yevkurov, as a means of ending the tradition of "blood feuds". The Commissioner was informed that 180 such reconciliations have taken place.
52. The authorities of Ingushetia also made reference to the connection between corruption and organised crime. Corrupt officials had reportedly channelled some state funds for the benefit of illegal armed groups and criminal organisations. There were also strong suppositions that some of the recent killings of state officials had been related to their serious efforts to investigate and combat corrupt activity. The authorities stressed that corruption had to be fought in a coherent manner, through improved control over state funds, a proper selection of persons to high office, allowing only those whose moral standing had not been impugned, and systematic prosecution of those officials who received bribes or misused state funds. A telephone helpline and a reception office had also been created for complaints by the public about maladministration. More generally, efforts were being pursued to encourage the economic and social development of the republic, with about a hundred development projects on the way, as a means of addressing the root causes of terrorism and corruption.
53. As of the end of September 2009, the European Court of Human Rights has issued four judgments concerning special operations in Ingushetia, finding violations of Article 2 and Article 3 of the European Convention on Human Rights. Two of the cases where the Court found a violation of Article 2 involved disappearances, and one case (which also led to a finding of a violation of Article 2) concerned the use of lethal force during a special operation. Each of the Article 2 cases also found that the authorities had directly been responsible for the fatality itself, as well as being in breach of Article 2 for having failed to investigate the matter adequately. In two cases the Court established that the applicants had been ill-treated, finding violations of Article 3. One of the disappearance cases also led to a finding of a violation of Article 3, due to the distress experienced by

- the family members of the disappeared.<sup>22</sup> About twenty more cases from applicants in Ingushetia have been communicated to the Russian Government.
54. According to reports by the NGOs Memorial and Mashr, five persons were abducted in Ingushetia during the first four months of 2009. Two of them were killed, two were regarded as “disappeared” and one had been found in police custody. In 2008, 22 persons had been abducted. In addition, civil society representatives and relatives informed the Commissioner that extrajudicial executions had taken place in 2009 as a result of the use of lethal force during special operations.
55. The Commissioner stresses that while state authorities have a clear duty to protect the public from terrorism and the actions of illegal armed groups, counter-terrorism measures should be carried out in full compliance with human rights norms. The use of force in special operations should be strictly proportionate and the human rights safeguards of the CTO regime should be carefully applied. Any allegations of extrajudicial executions, abductions and disappearances must be effectively investigated, in accordance with the standards for effective investigations contained in the case-law of the European Court of Human Rights. Moreover, the Commissioner considers that the authorities’ oversight of different security forces in the fight against terrorism is essential for ensuring full respect of human rights obligations and for the prevention of extrajudicial executions and abductions.
56. Finally, the Commissioner encourages the authorities of Ingushetia to persevere in their efforts to combat corruption and improve the economic situation in the republic. Such measures can effectively cut funding from terrorism and strengthen social cohesion to help vulnerable segments of the population to resist the lure of extremism.

## 2. Situation of human rights defenders

57. In 2008, several human rights activists in Ingushetia were subjected to violent attacks. On 11 May 2008, the Deputy Chair of the Committee for the Defence of the Rights of Forced Migrants, Yakha Oligova, was seriously injured from shots fired by gunmen who were approaching her house. On 25 July 2008, Zurab Tsechoyev, the editor of the website of the human rights organisation *Mashr*, was abducted, severely beaten and left by a road near Magas. On 13 August 2008, the head of *Mashr*, Magomed Mutsolgov, was targeted by unidentified persons, one of whom reportedly wore a police uniform. A shot fired by the attackers flew above Mr Mutsolgov’s head, leaving him unscathed. On 31 August 2008, the owner of the opposition web-site Ingushetiya.ru, Magomed Yevloyev, was arrested at the Magas airport and taken away in a police car, inside which he was shot and killed. According to the initial official version, Mr Yevloyev’s behaviour was aggressive, resulting in a scuffle during which the pistol of one of the police officers was triggered accidentally. Subsequently, the courts ruled that the arrest of Yevloyev had been unlawful, and criminal proceedings are under way to determine the responsibility for his death.
58. The authorities of Ingushetia informed the Commissioner that they had established regular contacts with human rights NGOs. A new institution created under the President of the Republic in December 2008, the Public Commission for Human Rights, included representatives of NGOs, Parliament and law enforcement authorities. The authorities and civil society representatives met regularly, including in the format of public question-

<sup>22</sup> *Khatsiyeva and Others v. Russia*, no. 5108/02, 17 January 2008, *Khalidova and Others v. Russia*, no. 22877/04, 2 October 2008; *Medova v. Russia*, no. 25385/04, 15 January 2008; and *Khadisov and Tsechoyev v. Russia*, no. 21519/02, 5 February 2009. The cases relate to events occurring between 2000 and 2004.

and-answer sessions. The Commissioner was able to observe one such meeting directly. The event in question was a Forum of NGOs from Ingushetia and North Ossetia organised in Nazran during the Commissioner's visit. During the event, there were open and frank discussions between the President of the Republic and civil society representatives as well as various individuals making complaints about killings and abductions of family members. In his replies to the complainants, the President referred to the investigations and court procedures under way to address their cases. Moreover, he reiterated his resolve to fight corruption in the republic.

59. The Commissioner welcomes the efforts by the Ingush authorities to engage in a regular dialogue with human rights NGOs. However, whenever human rights activists are subject to violent attacks or intimidation, such incidents should be duly investigated and the perpetrators brought to account.

### **3. Situation of Internally Displaced Persons**

60. The Ingush authorities informed the Commissioner that over 800 internally displaced persons (IDPs) from Chechnya were still living in temporary places of accommodation known as "compact residence centres" in different parts of Ingushetia, including Nazran, the Malgobek District, and the Ordzhonikidzevskaya settlement. The leadership of the Ingush and Chechen Republics discussed in early 2009 the situation of those IDPs and it was agreed that accommodation for them would be made available in Chechnya. Further to those discussions, representatives of the Ingush and Chechen authorities, together with the Federal Migration Agency, visited residence centres, encouraging IDPs to return to Chechnya. However, according to information received during the visit, accommodation for those IDPs who agreed to return had not - in fact - been made available in Chechnya; therefore, they were obliged to go back to Ingushetia once more. Unfortunately, the persons concerned were no longer eligible for social assistance associated with IDP status, since they were "de-registered" as IDPs when they undertook to return to Chechnya. The Commissioner was also informed of hardships faced by IDPs in connection with evictions from a residence centre on grounds of inadequate fire safety in the month preceding the visit (August 2009).
61. According to civil society representatives, undue pressure had been applied by the authorities upon the IDPs in question, including by threatening to discontinue the social benefits of those unwilling or reluctant to return to Chechnya. Allegations have also been made that the withdrawal of persons from the special register of IDPs had been carried out fraudulently. The IDPs concerned had lodged a collective complaint with the Prosecutor's Office of the Republic of Ingushetia, claiming that their applications for removal from the IDP register had been forged. The Ombudsman of Ingushetia, who also expressed misgivings about possible coercion of the IDPs involved, informed the Commissioner that the IDPs would most likely not be immediately returned to Chechnya, as this would disrupt the schooling of children whose school year had just started.
62. The Commissioner wishes to emphasise that the choice of individual displaced persons has to be respected, in accordance with the 1998 United Nations Guiding Principles on Internal Displacement. The options must be made clear to the individual: voluntary, safe and dignified return; voluntary resettlement in another part of the country; or local integration. Displaced persons should not be coerced, either directly or indirectly, to return to their former homes; on the contrary, they have the right to be protected against forcible return or resettlement. The right to return is an individual one, and it is up to the person concerned to elect whether to exercise it or not. The Commissioner calls upon the responsible authorities to ensure that the foregoing principles are respected without exception.



63. Before proceeding with returns, it should be ensured that adequate accommodation is available at the receiving end. Care should also be taken to ensure the availability of essential services for the returning IDPs, including education, as well as income-generating possibilities. Allegations of irregular practices, such as removing persons from the special register of IDPs or discontinuing the social allowances to which they are entitled, should be investigated.

#### **IV. Conclusions and Recommendations**

64. The Commissioner regrets that stability in the North Caucasus region has yet to be achieved. Increased activity by illegal armed groups, the lack of effective investigations into disappearances and killings, and murders of human rights activists are of particular concern. Patterns of impunity persist, even though there are indications of serious efforts to reinforce the rule of law. The difficult economic situation is one of the destabilising factors, and the need for economic development and further social reconstruction is evident.
65. It is clear to the Commissioner that the effective protection of human rights in the region will require a multi-pronged approach, which combats terrorism effectively while ensuring full respect of human rights standards; guarantees effective investigations into killings, abductions and past disappearances, ending the pattern of impunity for the perpetrators of such crimes; fosters the rule of law by strengthening the judiciary and the law enforcement system; creates a propitious environment for human rights activists; continues to take decisive strides against corruption; and promotes economic and social development to achieve social cohesion and reconciliation.
66. The Commissioner stresses that while state authorities have a clear duty to protect the public from terrorism and the actions of illegal armed groups, counter-terrorism measures should be carried out in full compliance with human rights norms. The Commissioner urges the Russian authorities to specify the applicable rules and human rights safeguards for all counter-terrorism operations. Particular care should be taken to prevent the possibility of extrajudicial executions through provision and implementation of precise guidelines governing the use of force.
67. The response to terrorism must never be allowed to degenerate into acts of torture or ill-treatment. Human rights standards must be strictly applied in the detention of terrorist suspects and during court proceedings. Terrorist suspects should be granted access to a lawyer and a doctor at the outset of custody, and records must be kept whenever a person is deprived of his liberty, regardless of the reason or the length of deprivation of liberty. In addition, places of detention should be subject to regular independent monitoring. Fair trial guarantees should be respected and any evidence suspected of having been obtained through the use of torture or inhuman or degrading treatment should always be excluded from court proceedings.
68. The Commissioner urges the authorities to conduct effective and independent investigations into alleged abductions, disappearances, extrajudicial executions and other unlawful killings, as well as unlawful (secret) detention, in accordance with the case-law of the European Court of Human Rights. Eliminating the recurrence of such practices will not be possible without an unequivocal determination to bring those guilty of them to justice. Moreover, the Commissioner considers that the close oversight by the authorities of different security forces in the fight against terrorism and illegal armed groups is essential for ensuring respect of human rights obligations and the prevention of extrajudicial executions and abductions.

69. Collective punishment of relatives of alleged terrorists or members of illegal armed groups is contrary to agreed human rights standards and the rule of law. Any punitive house burnings carried out by members of law enforcement forces - such as those which have been reported in Chechnya - must be stopped, and past instances should be thoroughly investigated with the aim of bringing the perpetrators to justice and providing adequate compensation to the victims. The reconciliation of rival clans with a view to ending "blood feuds" should continue to be pursued in Ingushetia. More generally, the Commissioner points out that the civilian victims of counter-terrorism operations should be offered compensation for the loss of property, death or injury. He notes that federal legislation on the matter is being prepared and encourages the authorities to establish a speedy system of adequate compensation to victims without further delay.
70. The Commissioner highlights the importance of carrying out thorough investigations into past disappearances and identifying the dead bodies buried in the known graves in Chechnya. It is essential that the exhumation of corpses takes place in an orderly and methodological manner, demonstrating due sensitivity to the relatives concerned. All realistic possibilities for providing sufficient forensic expertise and facilities for the task at hand should be considered, including the possibility of benefiting from international expertise for the purpose. The Commissioner underlines that obtaining the truth about past crimes is necessary for the process of reconciliation and the durable establishment of the rule of law.
71. A well-functioning law enforcement and criminal justice system is the cornerstone of any policy against impunity. The judiciary must be independent, impartial and devoid of political interference or other undue influence. Serious attention should be given to the training of lawyers, judges, investigators and police officers in order to foster professionalism, integrity and human rights awareness. While noting the establishment of the Investigating Committee structures as well as the measures to consolidate the judiciary and the prosecutor's offices in the region, the Commissioner considers that further steps should be taken to ensure that the structures now in place will lead to the desired result of more effective investigations. Further, sustained efforts should be pursued to combat corruption in the judiciary and law enforcement agencies. The Commissioner also considers that the protection of witnesses during investigations and court cases is especially important, and encourages the authorities to make full use of established protection measures.
72. NGOs which monitor and report on human rights violations are highly useful for societal development and human rights protection. The Commissioner strongly emphasised the need to promote safe and favourable conditions for the work of human rights NGOs and to provide them with protection, in line with international standards. The recent murders and violent attacks against human rights activists in the region must be investigated effectively, expeditiously and impartially with a view to ensuring the criminal accountability and punishment of the perpetrators. There should be a regular dialogue between the authorities and human rights NGOs. Moreover, the Commissioner encourages the Russian authorities to use the on-going review of the Federal Law on non-profit organisations of 2006, which was amended in July 2009, to improve the working environment and protection of civil society actors, including human rights NGOs.
73. The Commissioner highlights the necessity to take robust and coordinated measures against corruption. This is also essential for preventing and curtailing terrorism and organised crime, which thrive in an environment where corruption is present. Civil society organisations can play a central part in these endeavours by advising on strategies for combating corruption and monitoring the implementation of anti-corruption measures. The Commissioner urges the Russian authorities to implement the recommendations contained in the recent evaluation report on the Russian Federation of the Group of States against corruption (GRECO).

74. The Commissioner encourages the authorities to persevere in their efforts to improve the economic situation in the region. While noting the important progress made in Chechnya in reconstruction, the high level of unemployment both in Ingushetia and Chechnya must be addressed to ensure an adequate standard of living to all people in the republics. Full enjoyment of social and economic rights is also an important means of strengthening social cohesion, and may well undermine efforts by extremists to lure recruits. In addition, the improvement of the economic situation would be an important factor which could stimulate the voluntary return of persons displaced from the region.
75. Finally, the Commissioner wishes to stress that he will continue to follow closely the situation in the North Caucasus and give his support, in accordance with his mandate as an independent and impartial institution of the Council of Europe, in order to promote the effective implementation of the Council of Europe standards related to human rights protection. The Commissioner stands ready to continue a frank and constructive dialogue to assist the Russian authorities in their efforts to improve the situation in light of the recommendations made in the present report.