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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 2001)

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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Since the beginning of the current conflict in the Chechen Republic, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has visited the North Caucasian region on three occasions. For the last eighteen months, the Committee has striven to maintain a constructive and sustained dialogue with the Russian authorities on various issues related to the treatment of persons deprived of their liberty in that part of the Russian Federation. Following an exchange of detailed correspondence in May and June 2001, it has become clear that this dialogue has reached an impasse on at least two issues of great concern to the CPT*. Those issues relate to:

- I. events in the early stages of the conflict in a detention facility located at Chernokozovo, a village in the north-west of the Chechen Republic;
- II. 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 conflict.

I. The information gathered by the CPT during its visits to the North Caucasian region in late February/early March and in April 2000 strongly indicated that many persons were physically ill-treated in a detention facility at Chernokozovo during the period December 1999 to early February 2000. Ever since the beginning of March 2000, **the CPT has been urging the Russian authorities to carry out a thorough and independent inquiry into events at this detention facility during that period.** To date, an inquiry of the kind requested by the CPT has not been carried out and the Russian authorities have now made it clear that they have no intention of organising such an inquiry. A particularly disturbing aspect of the Russian authorities' current position is their contention that no facilities intended for accommodating detainees were established by public authorities in the area of Chernokozovo during the period referred to by the CPT.

It is an indisputable fact that a detention facility operated at Chernokozovo during the period December 1999 to early February 2000, prior to the formal setting up in that village of a pre-trial establishment (SIZO N° 2) by a Ministry of Justice Order dated 8 February 2000. The CPT's delegation interviewed many persons who stated that they had been held in a detention facility at Chernokozovo during that period. Numerous Russian officials (prosecutors, investigators, custodial staff) met by the delegation confirmed that the establishment designated as from 8 February 2000 as SIZO N° 2 had prior to that date been used as a detention facility. The CPT is in possession of a copy of the medical journal of the establishment covering the period 8 November 1999 to 12 February 2000, in which the day by day arrival of detainees (and any injuries they bore) was recorded; the staff who completed that journal referred to the establishment first as an "IVS" (temporary detention facility) and at a later stage as a "temporary reception and distribution centre". The Russian authorities have themselves, in earlier correspondence, provided to the CPT written statements signed by officers attesting to the fact that they worked in the detention facility during the period December 1999 to early February 2000 as well as written statements signed by persons who certified that they were held at Chernokozovo during that period.

The Russian authorities' contention that no detention facilities were established by public authorities at Chernokozovo during the period in question (and that, as a result, an inquiry of the kind requested can serve no purpose) is clearly untenable and constitutes **a failure to cooperate with the CPT.**

* The CPT reserves the right to publish that exchange of correspondence if this were to become appropriate.

II. Quite apart from the specific question of the detention facility at Chernokozovo, the information gathered by the CPT's delegation in the course of its February/March and April 2000 visits indicated that a considerable number of persons deprived of their liberty in the Chechen Republic since the outset of the conflict had been physically ill-treated by members of the Russian armed forces or law enforcement agencies. In the report on those two visits, **the CPT recommended that the Russian authorities redouble their efforts to uncover and prosecute all cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the conflict.** The Committee made a number of remarks of a practical nature intended to clarify the precise form those efforts might take. More generally, the CPT stressed that it was essential for the Russian authorities to adopt a proactive approach in this area.

The response of the Russian authorities to this key recommendation was very unsatisfactory. No concrete information was provided as regards the action taken by the Russian authorities - and in particular by the prosecutorial services - to step up inquiries into the treatment of persons deprived of their liberty by members of the Russian armed forces or law enforcement agencies and to bring to justice those responsible for ill-treatment.

As was stressed in a letter sent to the Russian authorities on 10 May 2001, the CPT's concerns in this regard are all the greater given that in the course of the Committee's most recent visit to the Chechen Republic, in March 2001, numerous credible and consistent allegations were once again received of severe ill-treatment by Federal forces; in a number of cases, those allegations were supported by medical evidence. The CPT's delegation found a palpable climate of fear; many people who had been ill-treated and others who knew about such offences were reluctant to file complaints to the authorities. There was the fear of reprisals at local level and a general sentiment that, in any event, justice would not be done. It was emphasised to the Russian authorities that they must spare no effort to overcome this deeply disturbing state of affairs.

In its letter of 10 May 2001, the CPT called upon the Russian authorities to provide a full account of action taken to implement the above-mentioned recommendation. In that connection, it requested details of measures apparently envisaged to reinforce the different prosecutorial services involved in investigating allegations of ill-treatment, to improve cooperation between those services, and to ensure a better follow-up of complaints of unlawful actions by military forces and law enforcement agencies. The CPT also made proposals designed to reinforce the support provided to the criminal justice system by the forensic medical services in the Chechen Republic. Further, the CPT requested up-to-date information from both the Chechen Republic Prosecutor's Office and the Military Prosecutor's Office concerning cases which involve allegations of ill-treatment of persons deprived of their liberty in the Chechen Republic. More specifically, the CPT asked for a detailed account of progress made concerning the criminal investigation into the deaths of those persons (apparently 53 in number) whose bodies were found on a datcha estate not far from Khankala in February 2001. According to the information gathered during the March 2001 visit, there were clear indications on some of the bodies that the deaths were the result of summary executions; further, certain of the bodies had been identified by relatives as those of persons who had disappeared following their detention by Russian forces. The CPT underlined that this case could be seen as a test of the credibility of the criminal justice system vis-à-vis events in the Chechen Republic.

In their reply forwarded on 28 June 2001, the Russian authorities indicate that they are not willing to provide the information requested or to engage in a discussion with the CPT on the matters indicated above; they assert that such matters do not fall within the Committee's purview under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Such an approach is inconsistent with the object and purpose of the international treaty establishing the CPT and can only be qualified as **a failure to cooperate with the Committee.**

It is axiomatic that one of the most effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will quickly come to believe that they can act with impunity. It is therefore not only legitimate but even essential that the CPT, a body set up with a view to strengthening the protection of persons deprived of their liberty from torture and other forms of ill-treatment, take a direct interest in the activities of the authorities empowered to conduct official investigations and bring criminal charges in cases involving allegations of ill-treatment.

In the light of the Russian authorities' reply, it is also necessary to recall what is meant in Article 2 of the Convention by the expression "any place within [a State's] jurisdiction where persons are deprived of their liberty by a public authority". Such a place may be a formally established and recognised detention facility; it may also be a railway carriage, a van, a shed, a garage, a warehouse, or any other improvised facility used by members of a public authority for the purpose of depriving someone of their liberty. The CPT's mandate and its powers under the Convention cover the treatment of persons while they are deprived of their liberty in any such place.

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The CPT is fully aware of the extremely difficult and perilous circumstances confronting the Russian authorities as a result of the conflict in the Chechen Republic and has kept those circumstances constantly in mind. The CPT is also aware that grave crimes and abuses have been committed by combatants opposing the Russian forces; those acts should be strongly condemned. However, State authorities must never allow their response to such a situation to degenerate into acts of torture or other forms of ill-treatment; to refrain from resorting to such acts - and to take active steps to stamp them out when they emerge - is one of the hallmarks of a democratic State.

In ratifying the major human rights instruments of the Council of Europe, the Russian Federation has demonstrated that it subscribes to the above-mentioned principle. Bearing that in mind, the CPT calls upon the Russian authorities to work in a constructive manner with the Committee in the context of its activities in the Chechen Republic. The Russian authorities have always shown good co-operation as regards security and transport arrangements during the CPT's visits to the Chechen Republic; the same level of co-operation should apply as regards the action taken upon the Committee's findings and recommendations.

The CPT regrets that it was found necessary to make this public statement. The Committee hopes that it will stimulate the efforts of both parties - acting in co-operation - to strengthen the protection of persons deprived of their liberty in the Chechen Republic from torture and inhuman or degrading treatment or punishment. The CPT remains fully committed to continuing its dialogue with the Russian authorities.