

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CPT/Inf (2000) 22

Preliminary observations

**made by the delegation of the European Committee
for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
which visited the North Caucasian region
of the Russian Federation**

from 26 February to 4 March 2000

The Russian authorities have authorised the publication of these preliminary observations.

Strasbourg, 3 April 2000

Statement made on 4 March 2000 by Mr Zdeněk HÁJEK (Head of delegation) to the Deputy Minister of Justice, Mr Yuriy KALININ, and other senior Russian officials, at the end of the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the North Caucasian region of the Russian Federation

Dear Deputy Minister, Gentlemen,

Allow me at the outset to thank you most sincerely for the very good co-operation provided to the delegation by the Russian authorities during its visit to the North Caucasian region. As a result of that co-operation, the delegation has been able to carry out its mandate in the manner foreseen by the CPT's Convention, despite the highly unfavourable security situation in parts of the region.

The delegation would like at this stage to make the following remarks on matters of substance. I shall begin by the situation in SIZO N° 2 in Chernokozovo¹.

The delegation is satisfied that, at present, persons detained in this establishment are not being physically ill-treated. Further, although conditions of detention in the SIZO leave much to be desired, the delegation has noted that genuine efforts have been made in recent times - and continue to be made - to improve those conditions.

However, the information gathered by the delegation strongly indicates that many persons detained at Chernokozovo were physically ill-treated in the establishment during the period December 1999 to early February 2000. In different locations, the delegation has interviewed individually and in private a considerable number of persons who were held at Chernokozovo during that period. A clear pattern of physical ill-treatment of prisoners by custodial staff emerged. The ill-treatment alleged consisted essentially of kicks, punches and truncheon blows to various parts of the body (excluding the face). The ill-treatment was said to have been inflicted principally in the central corridor of the detention facility, usually when prisoners were taken to an investigator's room for questioning or when they were returned to their cells after such questioning; apparently, prisoners were also on occasion physically ill-treated in the investigators' rooms. Investigators were said to have been fully aware of the ill treatment being inflicted, and some prisoners affirmed that it was inflicted at their instigation. In certain cases, the delegation has gathered medical evidence which is consistent with the allegations of ill-treatment made by the prisoners concerned.

It is also noteworthy that practically all the prisoners interviewed who had been held at the establishment in Chernokozovo during the period January to February 2000 stressed that there had been a distinct change for the better in early February, at the same time as a changeover of staff began to occur. The beatings stopped; further, other improvements had been made, in particular as regards food. Moreover, no allegations of physical ill-treatment were made by prisoners interviewed who had arrived in the establishment after the first week of February 2000.

The delegation welcomes the improvement in the situation at Chernokozovo. However, it is also of crucial importance, in the interests of the prevention of ill-treatment, for what happened in the establishment during the period December 1999 to early February 2000 to be the subject of a thorough and independent inquiry and for appropriate sanctions to be imposed on those responsible for ill-treatment. In application of Article 8, paragraph 5, of the Convention, the delegation requests that such an inquiry be carried out without delay and that the Russian authorities inform the CPT of its outcome within three months. Further, the delegation calls upon the Russian authorities to remain particularly vigilant with regard to the manner in which prisoners are treated at Chernokozovo.

¹ Explanatory note: A SIZO is a pre-trial establishment under the authority of the Ministry of Justice.

The delegation would also like to be informed within three months of the steps taken to repair the heating system at SIZO N° 2 in Chernokozovo. It would add that it welcomes the prompt action taken to remedy the unacceptable conditions of detention in cell N° 12 and the adjacent disciplinary cell.

Of course, the delegation did not limit its attention to the situation at Chernokozovo. It has gathered a considerable amount of information concerning other aspects of the treatment of persons deprived of their liberty in the Chechen Republic in recent months. When assessing that information, the delegation will take fully into account the extremely difficult and perilous circumstances faced by the Russian authorities as a result of the armed conflict in the region. The delegation must nevertheless stress that no circumstances whatsoever can justify the infliction of torture or inhuman or degrading treatment or punishment upon persons who are in the custody of State authorities. In the light of all the information gathered in the course of its visit, the delegation recommends that members of the Russian military forces and law enforcement agencies involved in the operation in the North Caucasus be reminded of their duty to respect this fundamental principle.

The delegation must also refer to the existing IVS facility at Chervlyonnaya Station²². As you are aware, conditions of detention in this facility are extremely poor. In application of Article 8, paragraph 5, of the Convention, the delegation requests the Russian authorities:

- to take immediate steps to increase the amount of food and water provided to persons held in the IVS at Chervlyonnaya Station;
- to close this facility as soon as possible, and no later than mid-April 2000.

The delegation would like to receive within three months an account of the steps taken in response to this immediate observation.

The observations I have just made will be forwarded to you in writing in the course of next week. The information provided by the Russian authorities in response to those observations will be taken fully into account when the visit report is drafted. In the meantime, the CPT will continue to follow closely developments in the North Caucasian region of the Russian Federation and may, if it considers it necessary, carry out further visits to the region.

² Explanatory note: An IVS is a facility for temporary detention under the authority of the Ministry of Internal Affairs.