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Report

by Mr Alvaro Gil-Robles,
Commissioner for Human Rights,
on his visit to the Chechen Republic
of the Russian Federation

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For the attention of the Committee of Ministers
and the Parliamentary Assembly

I. During his most recent visit to Strasbourg, the President of the Chechen Republic, Mr. Alu Alkhanov, invited me to visit Chechnya one last time before the end of my mandate. I decided to accept this invitation, as well as to request a number of meetings in Moscow, not only to take leave of the Federal and Chechen authorities, and to thank them for their cooperation over the years, but also to introduce Mr. Thomas Hammarberg in his condition of Commissioner elect. I am glad that Mr. Hammarberg accepted my invitation to accompany me throughout this final visit and that he participated in all the meetings and events that took place during it.

I was particularly interested some 6 years after my first visit not just to examine the current situation, but to, as it were, take stock and reflect on the developments over this period.

II. I consequently began this last visit to Chechnya at the prison of Chernokosovo, whose immediate closure I had requested during my first visit in December 1999, at the height of the conflict, so ghastly had I found the conditions there shortly after its recapture from the Chechen authorities. The prison was not closed, but it has undergone significant improvements, so that today, the material conditions do not compare unfavorably to those I have observed elsewhere in the Federation.

The detainees I met with in private maintained that they were not ill-treated in the centre itself, but that it was not infrequent at the moment of their arrest and prior to their transfer to the facility.

Herein lay my interest in visiting the centre. Aware of such allegations prior to my visit, and the continuing pattern of disappearances, my concern was publicly to emphasise the importance of conducting law enforcement operations with the framework of the rule of law – such that all persons suspected of committing serious crimes be held in custody and transferred on remand to an official detention centre with the full respect for their rights and the guarantees enshrined in the European Convention on Human Rights and Federal Russian law.

III. Following this visit, I met with the Chechen President, Mr. Alu Alkhanov, and stressed the importance of accelerating the material, social and institutional reconstruction of the Republic and the need to combat the disappearances, which, though decreasing in relation to previous years, continue to take place with alarming frequency¹ as well as the impunity of those immediately responsible and those in command.

I emphasised the need to effectively control the activity of certain security forces, and notably those currently acting under the authority of the Chechen Government, which are accused of repetitive abuses, irregular detentions and causing disappearances. The President informed me that he was well aware of these concerns and that he was, together with his Government, considering measures to combat them.

The President again insisted on the importance of establishing a forensic laboratory in the Republic as quickly as possible, to improve the nascent criminal justice system's forensic capacity and, in particular, to identify located bodies and return them to their families. I must

¹ The NGO Memorial documented 316 reports of disappearances in 2005, of which 151 were subsequently freed, 23 found dead and 15 charged with criminal offences. The Chechen Administration statistics for the same year put the number of disappearances at 77 persons.

add that I consider this project to be of particular importance, a significant step on the long and painful process of dealing with the issue of missing persons. I am glad that the Council of Europe has so far been able to contribute to its realisation through the provision of expertise and that the European Union has expressed an interest in contributing to its funding. I very much hope that the Council of Europe will continue to play an important role in this vital area.

IV. At the end of the first day we held a long meeting with a wide variety of local NGOs in the offices of the new Regional Ombudsman, Mr. Nukhajiev, who had been elected earlier the same week. I have for some time been pushing for the creation of a proper Ombudsman institution in the region. Indeed the Office of the Representative of President of the Russian Federation for Human Rights in Chechnya - known to most as the Kalamonov Office - in which Council of Europe experts were for long present, whose creation I suggested back in 2000, is a forefather of this new and now official institution. I can only welcome the fact that the legislation providing for its creation of the Ombudsman was the first Act to be adopted by the new Parliament.

My Office has already been preparing the staff of the institution for some time and I believe it is important to continue to support an institution, which even in the current difficult circumstances, can and must play a central role in the protection of the human rights of all the inhabitants of the Republic. A full-time member of the Office of the Commissioner for Human Rights, Mr. Madaev, is currently based in Grozny, working from the Regional Ombudsman's Office and assisting him in his work. Indeed President Alkhanov and Mr. Nukhajiev, the new Ombudsman, agreed on the importance of maintaining a close collaboration with the Council of Europe and expressed their strong interest in Mr. Madaev's continued presence.

The many NGOs met with and the frankness with which they recounted the many daily problems in Chechnya in an entirely open meeting testify of, at least the beginnings, an active, indigenous civil society in the Republic. Naturally, they insisted at length on the continuing insecurity in Chechnya and the unresolved disappearances. They also complained of the passivity of the authorities whose task it was to investigate such charges and prosecute those responsible, who were primarily to be found within the local Chechen security forces.

But they also spoke of other problems: of the need to address the issue of the longterm missing and the unidentified bodies buried in known locations (insisting again on the need for a local forensic laboratory); of an undiagnosed epidemic in the district of Shelkovskoy, affecting primarily women and small children, whose transfer to Moscow or abroad they requested for diagnosis or treatment. They spoke of the unaddressed ecological problems resulting from the destruction of the war and the issue of uncleared landmines, which were producing numerous victims in the countryside. Not least, they spoke of the lack of employment, the quality of healthcare and for many still the lack of adequate housing.

V. On the next day, 26th February, I addressed the Chechen Parliament and gave the speech words annexed to this report.

President Alkhanov was unable to attend owing to engagements in Moscow. Mr. Ramzan Kadyrov, then acting Prime Minister and since confirmed in office, was present, however. Following the audience with the Parliament, we met for a private meeting during which we

discussed two topics. First, the need to put an end to the illegal acts attributed to the forces under his command - in particular, the so-called “anti-terrorist security forces”, composed primarily of amnestied combatants – and the need to identify and prosecute those responsible.

Mr. Khadyrov declared that he was well aware that “there were problems of this kind”, but that measures to purge this force of uncontrollable elements were being considered at the same time as how to integrate its members into formal local or federal law enforcement structures. Concerning their general conduct, Mr. Khadyrov referred, by way of example, to an operation that he had personally led the night before that had resulted in the arrest of a group of persons, amongst which there was an individual suspected of having collaborated in the assassination of his father, who had since been handed over to the competent authorities. Mr. Khadyrov added that he did not have any secret prisons under his control.

Second, I insisted on the importance of allowing the Danish Refugee Council to resume its activities in Chechnya unhindered. Following a long explanation of the reasons, relating largely to his personal religious convictions, behind his decision to deny this possibility, Mr. Khadyrov announced that he would, after all, allow them to work again in the Republic and that he would take the necessary security measures for this to happen. I requested that he announce this publicly, which he did.

Mr. Khadyrov also requested my assistance with the extradition of a number of persons he qualified as terrorists, but it is obvious that this falls outside my mandate.

It was unfortunately not possible to visit the University, where I was due to speak and answer the questions of students, because poor weather conditions prevented the use of helicopters and obliged an earlier departure to Mineralny Vody by road.

VI. Conclusions

Without doubt, the greatest problems remain the insecurity resulting from the terrorist acts we have all witnessed, the continuing disappearances and the impunity of those behind such criminal acts. The strong suspicion remains that members of the Chechen security forces are responsible for a number of these disappearances, in addition to those committed by criminal gangs and separatist combatants.

This situation remains a cancer undermining the political and social reconstruction of the Chechen Republic and it is incumbent on the Federal and local authorities to do all that is necessary to end such crimes and the impunity of their perpetrators.

It is equally evident that a certain economic revival is taking place. It is possible to see many new and reconstructed houses and much building going on particularly outside of Grozny, markets springing up, cafes, petrol stations, restaurants and shops opening up; there is traffic and bustle in the streets. Local NGOs are establishing themselves. Unemployment, however, remains extremely high, particularly for the young, and a number of buildings, streets and infrastructures remain to be restored. Corruption remains rife, affecting even the compensation money for the reconstruction of destroyed property.

I am convinced that it is vital to encourage the development of civil society in the Republic and to support the young and the new NGOs at its forefront. It will be important to assist the work of the new Ombudsman, who must, to be respected, meet the expectations of the people and fight actively for the protection of their rights.

It is necessary to continue promoting peace and reconciliation, which will require that arms be put to rest. The promotion of peace, security and the respect for the rule of law in Chechnya and the surrounding Republics, must remain a priority not only for the Russian authorities, but also at the heart of international cooperation in the region.

The action of the Commissioner for Human Rights and the Council of Europe over these last years has been directed at offering, to the extent possible, their assistance to the people of Chechnya to overcome their suffering and to reconstruct, socially, politically and economically, the repeatedly devastated Republic, such that to talk of the effective respect for human rights should become, more than the expression of hope or goodwill, the description of an everyday reality.

This work must, now more than ever, be taken forward.

APPENDIX

Speech by Mr Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe , before the Parliament of the Republic of Chechnya

[Original: French]

Mr Speaker, Ladies and Gentlemen,

It was exactly six years ago when I entered this city for the first time, a few months after the emergency visit in December 1999 to Dagestan, Ingushetia and also Chechnya with a full armed conflict going on. It was a time of war, and of death among the civilian population, fleeing in droves to the neighbouring republics of Ingushetia and Dagestan. It was a calamity being re-run for the second time in the space of a few years and inflicting once again the most terrible suffering on the people, who were forced into a new mass exodus. I will never forget all the things I saw and heard during those days in the refugee camps. And the images of Grozny, transformed into a ghost town, virtually destroyed, with a handful of residents wandering among the ruins, are forever ingrained on my mind.

Ever since I have made a point of coming here in person as often as possible, and I have made every effort to implement all manner of initiatives to ensure that effective respect for human rights is not a term totally devoid of meaning for the thousands of victims of the war and all the acts of brutality before, during and after it.

Reiterating the importance of respect for the fundamental values of democracy and the inalienable rights of any human being has been no easy task. But this endeavour has been backed by the concentrated input of the whole of the Council of Europe and the priceless collaboration of non-governmental organisations, whose day-to-day recording has ensured that intolerable silence has not prevailed, together with the work of the national Ombudsman, currently Mr Lukin, the National Human Rights Commission chaired by Mrs Pamfilova and other Russian Federation authorities.

But we are here to talk not about the past but about the present and future and everything that remains to be done; and once again, I think of the words of the Spanish poet Antonio Machado: "The path is made by walking".

As members of Parliament elected by your fellow citizens, you have a substantial path to walk before the way is clear for reconstruction of a Chechnya where everyone has their rightful place and those who persist in imposing their ideas on others through armed force and not by freely expressed arguments and reasoning will be excluded by their own doing.

I used the word "reconstruction" and not for the first time. It is something I have said repeatedly for several years. We must all - Russians, Chechens, local authorities, federal authorities and the international community - cooperate in a real reconstruction of this Republic, in both material and social and political terms.

Material reconstruction because its citizens need to be able to properly rebuild their lost homes and return there with dignity, industries have to re-establish themselves so that the people have work, and essential education, health and other services must be restored and made fully operational.

But it is necessary above all to rebuild the social fabric on the basis of good relations between all the inhabitants of the Chechen Republic and the rest of the Federation, to allow reconciliation that will facilitate living in peace and respect for human rights. But that is not possible while violence subsists in this land, with so many disappearances and unexplained deaths. It is vital to cut out this social gangrene and bring those who committed these crimes before the courts. We cannot resign ourselves and tolerate impunity for the perpetrators and instigators of criminal acts like these. The security forces must fully honour their role of guaranteeing the security of all, and the allegations of unlawful conduct on their part must be fully elucidated; the *prokuratura* and the courts must fulfil their task showing no complacency as regards the alleged wrong-doers, regardless of their origin and situation. In short, any action of the authorities and law enforcement agencies must strictly comply with the guarantees of the rule of law.

Without justice there is no peace. Without justice, there can be no forgiveness or lasting reconciliation. Only true justice enables people to be magnanimous while never forgetting the past, as a permanent reminder for future generations of what must never be allowed to happen again. It is justice alone that prevents hatred and vengefulness passing from generation to generation. After everything that has happened, you and your children deserve a peaceful future. And as you work towards that peace you will have to do whatever is necessary to return the missing - both alive and dead - to their families.

And I have to reiterate that in the process of democratic reconstruction it is essential to foster an active, critical and participatory civil society. It is important in this context to recognise and promote the positive role of non-governmental organisations operating within a framework of transparency and responsible freedom, free of indirect pressure from the public authorities, persecution through the courts threatening legal sanctions or any other pressure aimed at limiting their freedom of action.

It is also necessary to rebuild the political institutions, and setting this Parliament in motion was an important step towards the normality so deeply craved by a people so weary of violence, hatred and destruction. Efforts must be in everyone's interest. Bridges must be built between enemies so that there can be a future in which no one of good faith could feel excluded from the common national reconstruction effort. The time has come to devise political solutions and silence the guns for good.

As one of your very first decisions, you approved the Law on the Ombudsman, showing your resolve to give a strong signal of support for respect for human rights. It is a powerfully symbolic act, which I very much welcome, and crowns these years of work by the Office

which Mr Kalamonov started up with the support and active involvement of Council of Europe experts to protect the human rights of this Republic's citizens. Now this new institution must become a useful and effective tool for all citizens.

I said it then and I repeat today that the international community must become involved in the consolidation of democracy in Chechnya and the Caucasus in general, and I believe that the European Union and the Council of Europe are truly and staunchly committed to this course of action. The fact that the United Nations High Commissioner for Human Rights was here a few days ago speaks volumes in this respect. There is an international community participating in the reconstruction effort, not to preach but to freely share experience and also to condemn any abuses or departures from the path of democratic reconstruction and respect for human rights. Real friends are the ones who can show us our mistakes and not pass over them in silence.

I think I have already gone on too long. But I would not like to close what is a deeply moving chapter for me without telling you that, although I will have completed my term as Commissioner in a few weeks' time, I will always hold Chechnya most dear in my heart, along with those I have had the honour of knowing and who are no longer with us today. If I can be of some further service to you in the future, you know that you can always count on me.

But I would also point out that there will be no interruption of normal service, and a man of extraordinary understanding, great expertise and long years of experience in human rights protection, Thomas Hammarberg, has been elected as the new Commissioner for Human Rights. He did not have a moment's hesitation in accepting the invitation to be here with you, to see for himself the reality that is your own and to continue to strive, alongside you, for effective respect of human rights. I am sure that in him you will find a loyal, demanding and generous friend.

Thank you all very much.

Grozny, 26 February 2006