



Strasbourg, 6 March 2007

CommDH(2007)6

Or. French

## **First conclusions of the visit of the Commissioner for Human Rights in the Chechen Republic of the Russian Federation**

(27 February through 1 March 2007)

The Commissioner for Human Rights of the Council of Europe visited the Chechen Republic of the Russian Federation from 27 February 2007 through 1 March 2007 with a view to assess the Human Rights situation and to engage in discussions with local authorities.

In Grozny, the Commissioner visited a military base of the Chechen Ministry for Internal Affairs, a remand detention centre, a police station, a temporary accommodation centre for internally displaced people, a school, a public hospital as well as a laboratory for forensic expertise. He also held a conference at the Grozny University, which professors and over 400 students attended. The Commissioner also visited the Southern part of the Republic, namely Vedeno where he met with local authorities. He visited a secondary school and a district hospital. In the city of Chali, he also visited a school.

The programme of the Commissioner's visit included meetings with the President *ad interim* and the Prime Minister of the Chechen Republic Mr. Ramzan Kadyrov. He also met with other members of the republican government: the Minister of Internal Affairs, Mr. Ruslan Alkhanov, the Prosecutor of Chechnya, Mr. Valery Kuznetsov as well as the Ombudsman, Mr. Nurdi Nukhajiev. The Commissioner also engaged in discussions with local NGOs.

On 1 March 2007, Thomas Hammarberg made a presentation at the opening of the conference organised by the Chechen Ombudsman, entitled: "the Human Rights situation in Chechnya: first results of the activities undertaken by the Ombudsman and future perspectives". During this intervention, where members of the republican and federal authorities, judicial authorities and representatives of civil society were present, the Commissioner shared his first impressions with the participants.

Thomas Hammarberg, wished to express his compassion with the Chechen people, who have been afflicted by a bloody conflict for the past decade. He deplored the limited sense of solidarity of the Europeans during this period.



The Commissioner was pleased with the important progress made in the field of reconstruction of villages and cities, more particularly Grozny. He was also pleased to witness the revival of schools and hospitals. These are indispensable steps to be taken in order to implement one of the recommendations, aiming at economic reconstruction, expressed in reports of the first Commissioner for Human Rights, Mr. Alvaro Gil-Roblès. Thomas Hammarberg expressed the hope that these first steps be followed through and that they will lead to the creation of jobs that have been unavailable to the Chechen population. This would enhance the socio-economic situation of the Chechen Republic.

The Commissioner also declared that this chapter in Chechen history could never be closed without putting an end to impunity and without a serious and methodological effort to heal the wounds of the past that remain open.

In this context, Thomas Hammarberg urged the authorities in charge to carry out thorough investigations with regard to the crimes committed and to shed light on the disappearances of a great number of people. The Commissioner declared: “the disappearance of a human being is a tragedy, a gross violation of his/her rights. It is also a crime against his/her relatives and friends – against all those who suffer from the unknown and feel ignored by the authorities. This problem must be addressed by the authorities, in order to find the truth, punish the guilty and preserve the health of society”. The Commissioner thus urges the authorities to do their utmost to locate all the mass graves and open those already discovered.

The process of identification of excavated corpses should be intertwined with the establishment of a comprehensive database of those who have disappeared. Such a task can only be accomplished successfully through serious cooperation between judicial authorities, forensic experts and the relatives of the victims.

Commissioner supported the proposal that a special Commission be established to investigate and oversee the gathering of information on past disappearances. This Commission would bring together representatives of federal authorities, of republican authorities and of civil society along with professional expertise.

Citing examples of societies that share similar tragic histories, the Commissioner expressed the opinion that the Chechen republic cannot escape the truth of the past as difficult and painful as this may be to face. Indeed, this truth will enable the beginning of the process of reconciliation without which a work on memory is impossible and memory is the basis of any sound democratic society respecting European values and the rule of law.

This thought led the Commissioner to bring up the problems with regard to the functioning of the judicial system, which are a cause for great concern.



Thomas Hammarberg shared the information he received when visiting the prison of Grozny. Through his conversations with the inmates, he became increasingly convinced of the existence of the use of torture and ill-treatment by the law enforcement agents, whether republican or federal, during the investigative proceedings. According to detainees, undue pressure and torture are a widespread practice used to obtain admission on guilt. These depositions are then used as a basis for the handing down of court judgments.

“I got the impression that torture and ill-treatment are widespread in Chechnya. This undermines justice. If one is coerced into telling a lie and the court takes the deposition into account, this perverts the whole judicial system. Such practices must come to an end immediately”, declared the Commissioner.

The Commissioner wishes that the procuratura and the representatives of civil society carry out frequent unannounced control visits in order to extract from the perpetrators of torture their feeling of utter impunity. In this struggle for legality, a lot depends on the leadership of the law enforcement agencies at all levels. They must encourage their subordinates to respect the law and bring the guilty to justice relentlessly.

The Commissioner conveyed these same impressions to the Prosecutor General of the Russian Federation, Mr. Yuri Chaika on 2 March 2007, during their discussion concerning his visit to Chechnya.

Following his visit to the Chechen Republic of the Russian Federation, The Commissioner for Human Rights will present a report as well as recommendations to the Committee of Ministers in Spring 2007.