



## Resolution 1403 (2004)<sup>1</sup>

# The human rights situation in the Chechen Republic

Parliamentary Assembly

1. The Parliamentary Assembly stresses that the protection of human rights is the primary objective of the Council of Europe and it therefore solemnly condemns all criminal acts constituting serious human rights violations committed by all sides of the conflict in the Chechen Republic.

2. This includes, in particular, the recent spate of despicable terrorist attacks beginning with the downing of two airliners on 24 August 2004, the attack by a suicide bomber near Rizhskaya station in Moscow on 31 August 2004 and finally the hostage-taking of hundreds of innocent children and their family members in Beslan which ended in a horrific bloodbath on 3 September 2004. There can be no excuse whatsoever for any such attacks on innocent civilians.

3. The Assembly also unequivocally condemns all other killings by illegal armed formations, such as that on 9 May 2004 of the President of the Chechen Republic, Akhmad Kadyrov, which also caused other losses, numerous deaths involved in the co-ordinated attacks by armed fighters in Ingushetia, the Chechen Republic and Dagestan on 22 June 2004 as well as a similar large-scale attack in Grozny on 20 August 2004. Both the death of innocent bystanders and the “targeted” killings of persons considered by terrorists as responsible for crimes left unpunished are totally unacceptable. The conflict in the Chechen Republic must be resolved by negotiation and criminals on all sides must receive their just punishment through appropriate judicial procedures.

4. The Assembly also strongly condemns the numerous violations of human rights such as murder, forced disappearance, torture, hostage-taking, rape and arbitrary detention committed by members of different federal and pro-Russian Chechen security forces during their “special” or “targeted” operations in the Chechen Republic and, increasingly, in neighbouring regions.

5. As recent events show, the human rights situation in the Chechen Republic is far from normal. Whilst the reconstruction of some of the social infrastructure and the promise of the payment of compensation to persons whose houses were destroyed is a positive factor, real economic development requires trust between the government and the people. The Assembly continues to believe that there can be no peace and no sustainable political settlement in the Chechen Republic without the ceasing of the above-mentioned human rights violations from all sides, and without the bringing to justice of at least the perpetrators of the most serious human rights violations, including, of course, acts of terrorism, and without ensuring that no further such violations will be committed in future.

6. The dramatic human rights situation in the Chechen Republic described in the texts adopted by the Assembly in April 2003 has unfortunately not improved significantly since then. The number of “special operations” or “sweeps” by security forces has in fact significantly decreased, in particular since the end of 2003. However, arbitrary detentions, often followed by the “disappearance”, torture or severe beatings of detainees and the theft or destruction of property at the hands of security forces (Chechen and federal) but also of certain rebel groups, are still occurring on a massive scale, especially as seen against the background of the small population of the Chechen Republic and the losses already suffered in previous years. A new,

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1. Assembly debate on 7 October 2004 (30th Sitting) (see [Doc.10283](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). Text adopted by the Assembly on 7 October 2004 (30th Sitting).



frightening, trend is that of taking relatives of suspected terrorists hostage in order to force them to give themselves up by threatening their relatives with torture and murder. Such methods are totally unacceptable criminal acts that must be stamped out by the federal and Chechen authorities.

7. The constitutional referendum of March 2003 and the elections for the Chechen President in October 2003 and August 2004 have given rise to new types of violations of the European Convention on Human Rights (ECHR) which now also concern the people's right to free elections (Article 3 of Protocol No. 1 to the ECHR) and to freedom of expression (Article 10 of the ECHR).

8. The climate of impunity diagnosed by the Assembly in [Resolution 1323 \(2003\)](#) and [Recommendation 1600 \(2003\)](#) appears to be spreading to Ingushetia, where a number of abuses took place in 2003 and early 2004 that are reminiscent of those taking place in the Chechen Republic and which have remained largely unpunished. The conflict in the North Caucasus appears to be spreading like an epidemic, threatening the rule of law throughout the Russian Federation.

9. Regarding the elucidation of the crimes described in the report underlying [Resolution 1323](#) and [Recommendation 1600](#), very little progress has been made and new crimes committed in the meantime have not been met with any more successful action by the Chechen and federal prosecutors.

10. As regards 2003 and the beginning of 2004, detailed information was requested from the Russian authorities on prosecution activities. The replies received from official sources, whilst incomplete and in part contradictory, show that there is little progress in the prosecution of perpetrators of human rights violations by the national law enforcement bodies.

11. The Assembly is outraged that serious crimes have been committed against applicants to the European Court of Human Rights and their family members, which have not yet been elucidated. Such acts are totally unacceptable as they may deter applications to the Court, which is the centrepiece of the human rights protection mechanism established by the European Convention on Human Rights.

12. The preventive measures recommended by the Council of Europe Commissioner for Human Rights, in particular as regards the modalities of special operations or "sweeps" carried out by security forces, especially the effective identification of all participants in such operations and the rapid and strict prosecution of any violations of the rules, have yet to be implemented.

13. Consequently, the conclusions drawn by the Assembly in [Resolution 1323](#) and [Recommendation 1600](#) remain valid: a climate of impunity is prevailing in the Chechen Republic due to the fact that the Chechen and federal law enforcement authorities are still either unwilling or unable to hold accountable for their actions the vast majority of perpetrators of serious human rights violations.

14. The Assembly therefore, reiterating its exhortations in paragraphs 9 and 10 of [Resolution 1323](#):

14.1. urges the Government of the Russian Federation to take additional measures to eliminate the climate of impunity in the Chechen Republic:

- a. by vigorously investigating and prosecuting all violations of human rights, without regard to the identity of the perpetrators;
- b. by implementing the recommendations of the Council of Europe Commissioner for Human Rights;
- c. by sending a clear signal, from the highest political level, to all security and law enforcement officials enjoining them to respect human rights in the execution of their duties at all times;
- d. by providing reparation, including compensation, to victims of human rights abuses;
- e. by enabling systematic monitoring by national and international human rights organisations of human rights violations as well as of the measures taken by the competent authorities to track down and punish the perpetrators;
- f. by fully co-operating with all Council of Europe mechanisms, in particular with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- g. by taking effective measures in order to prevent any reprisals against any person in relation to the filing of an application to the European Court of Human Rights, ensuring that all allegations of such crimes are investigated promptly, thoroughly and independently and that all persons found responsible for such crimes are brought to justice;

*h.* by facilitating access to the region by the national and international news media;

14.2. urges the Government of the Russian Federation to ensure that anti-terrorism measures taken or planned are in conformity with standards of human rights and humanitarian law, including the European Convention on Human Rights, the Geneva Conventions and the Council of Europe guidelines on human rights and the fight against terrorism;

14.3. urges the Russian State Duma to set up, as a matter of urgency, a parliamentary committee of inquiry to investigate the alleged abuses by different branches of the executive, in particular the different law enforcement bodies in the Chechen Republic and in neighbouring regions such as Ingushetia, including the apparent dysfunctioning of the military prosecutor's office in charge of the region;

14.4. urges the member states of the Council of Europe to:

*a.* use every opportunity, in their bilateral and multilateral relations with the Russian Federation, to recall the need to respect human rights also in the fight against terrorism and separatism;

*b.* continue applying the Geneva Convention relating to the Status of Refugees in granting political asylum to applicants from the Chechen Republic, recalling that local human rights activists, lawyers and relatives of suspected independence fighters are among those most vulnerable to disappearance, torture and other most serious human rights abuses;

14.5. supports the recommendation made by the CPT in its public statement of 10 July 2003 that members of the federal forces and law enforcement agencies be reminded, through a formal statement emanating from the highest political level, that they must respect the rights of persons in their custody, that any violations will be the subject of severe sanctions and urges the Russian authorities to authorise without further delay publication of all reports of visits to the North Caucasus region by CPT experts;

14.6. welcomes the positive trend towards the establishment of regional ombudsmen in the Russian Federation and the initiative by the Commissioner for Human Rights of the Council of Europe and the Ombudsman for Human Rights of the Russian Federation to promote the establishment of a regional ombudsman for the Chechen Republic.

15. The Assembly decides to remain seized of this issue.