Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1479 (2006)[1]

Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns

Parliamentary Assembly

1. The Parliamentary Assembly stresses that the protection of human rights is the core task of all Council of Europe bodies and recalls its previous Resolutions 1323 (2003) and 1403 (2004), and Recommendations 1600 (2003) and 1679 (2004) on the human rights situation in the Chechen Republic.

2. The Assembly is deeply concerned that a fair number of governments, member states and the Committee of Ministers of the Council of Europe have failed to address the ongoing serious human rights violations in a regular, serious and intensive manner, despite the fact that such violations still occur on a massive scale and in a climate of impunity in the Chechen Republic and, in some cases, in neighbouring regions.

3. The Assembly reiterates its unambiguous condemnation of all acts of terrorism and expresses its understanding of the difficulties the Russian Federation faces in combating terrorism.

4. The Assembly welcomes the fact that a number of criminal cases were opened and some perpetrators were taken to court, and encourages the public prosecutor's office to intensify its efforts. Nevertheless, the Assembly notes insufficient progress of the general prosecutor's office in elucidating cases of numerous human rights violations brought to its attention in its previous reports on the human rights situation in the Chechen Republic and in achieving successful prosecutions. Impunity fosters more crime.

5. Both federal and regional law enforcement authorities must effectively investigate numerous specific and well-documented allegations of enforced disappearances, murder and torture brought to the attention of international public opinion and of the Assembly in recent months by non-governmental human rights organisations. Moreover, the authorities should authorise the publication of the reports of all visits by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and publish plans and steps taken to implement CPT recommendations.

6. Emphasis must be placed on crimes against human rights defenders, lawyers, prosecutors, judges, forensic doctors and other law enforcement officials and against applicants to the European Court of Human Rights and their family members. It is intolerable that reprisals against applicants to the Strasbourg Court take place and remain unpunished.

7. The Assembly welcomes the recent adoption of a law making it possible to set up inquiry committees and urges the Russian delegation to the Assembly to request the setting-up, within the Duma, of a committee of inquiry to investigate the failure of law enforcement structures to hold responsible perpetrators of serious human rights violations such as documented by the Assembly.

8. Moreover, the Russian authorities must take practical steps to address the issue of missing and disappeared persons, particularly through introducing effective systems for the identification and recording of bodies found and to make this information public.

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1. Assembly debate on 25 January 2006 (4th Sitting) (see Doc. 10774, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). Text adopted by the Assembly on 25 January 2006 (4th Sitting).

9. The Assembly fears that the excessively harsh manner in which the security forces act in the region in no way contributes to restoring law and order. On the contrary, it produces more desperation, violence and thus instability.

10. Recalling the Council of Europe's humanitarian and legal principles, the Assembly strongly condemns human rights violations in the fight against terrorism, which have now for well over a decade proven not only to be unlawful but also totally ineffective.

11. It stresses that in order to prevent future serious human rights violations, all law inforcement agencies active in the Chechen Republic should receive additional orders from the highest authorities to respect basic human rights in the course of the operations. This is particularly true for certain Chechen security forces.

12. Both the democratic process and the fight against impunity must benefit from the work of strong and independent non-governmental human rights organisations. The Assembly expresses concern that the recently adopted law on the legal status of civil society organisations falls short of the standards of the Council of Europe. The Assembly is also concerned about reports on administrative and judicial harassment of some non-governmental organisations, and – in line with Resolution 1455 (2005) on the honouring of obligations and commitments by the Russian Federation – reiterates its call on the Russian Government to give NGOs the possibility to do their important work by creating administrative, fiscal and political conditions for the normal functioning of Russian civil society.

13. The Assembly urges the Russian Government to fully implement all recommendations made by the bodies and mechanisms of the Council of Europe, as well as those of the UN.

14. In view of the seriousness of the human rights violations in the Chechen Republic, the Assembly is most dissatisfied with the replies of the Committee of Ministers to its recommendations. It regrets in particular that:

14.1. the Committee of Ministers' monitoring of the human rights situation in the Chechen Republic, launched by the Secretary General in June 2000, is now de facto at a standstill since the spring of 2004, despite repeated calls by the Assembly to intensify monitoring efforts;

14.2. the Committee of Ministers did not take any "specific action" by virtue of the 1994 Declaration on compliance with commitments accepted by member states of the Council of Europe, after the Assembly had formally seized it in Recommendation 1600 (2003). Such an omission is unacceptable, especially as the Assembly had used for the first time the mechanism the Committee of Ministers had itself set up for this purpose;

15. The Assembly fears that the lack of effective reaction by the Council's executive body in the face of the most serious human rights issue in any of the Council of Europe's member states undermines the credibility of the Organisation.