

Resolution 2157 (2017)¹

Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 1738 \(2010\)](#) on legal remedies for human rights violations in the North Caucasus region and its [Resolution 1479 \(2006\)](#) “Human rights violations in the Chechen Republic: the Committee of Ministers’ responsibility vis-à-vis the Assembly’s concerns”, in which it deplored systematic human rights violations and the climate of impunity prevailing in the region.
2. The Assembly reiterates its firm condemnation of all acts of terrorism and expresses its compassion and solidarity for the families of all victims of violence in this troubled region.
3. The Assembly notes with regret that the specific recommendations addressed to the competent Russian authorities in [Resolution 1738 \(2010\)](#), which was adopted unanimously with the full support of the Russian delegation, have remained largely unimplemented. In particular:
 - 3.1. non-violent, dialogue-based methods of conflict resolution such as the work of the rehabilitation and adaptation commissions have been largely abandoned or never seriously attempted (as in the Chechen Republic); by contrast, the Ingushetian authorities and the municipal rehabilitation commissions in Derbent and Khasavyurt deserve praise for continuing their attempts at rehabilitating militants who wish to return to civilian life. Instead of seeking dialogue with Muslim groups, including those constructively pursuing reconciliation, the authorities in the Chechen Republic and Dagestan have harassed and intimidated presumed Salafis;
 - 3.2. co-operation with civil society and with lawyers remains tense and constrained. In the Chechen Republic, but also in Dagestan, human rights groups, such as the Assembly’s 2011 Human Rights Prize laureate Nizhniy Novgorod Committee against Torture with its Joint Mobile Group of Human Rights Defenders in Chechnya (JMG), the Human Rights Centre “Memorial” and MASHR, and their leaders and staff members, have been subjected to mob violence, arson, physical attacks and intimidation. It is regrettable that the JMG had to withdraw its teams from the Chechen Republic in early 2016 for security reasons. Lawyers defending victims of human rights violations have themselves become targets of aggression, intimidation and trumped-up criminal charges in reprisal for their work;
 - 3.3. threats by high-ranking local officials and political leaders, arbitrary detentions, the recent sentencing of a *Caucasian Knot* journalist to three years in prison on allegedly fabricated drug possession charges and the violent attack against a group of visiting journalists all serve to discourage journalists from exercising their profession in the Chechen Republic;
 - 3.4. members of the security forces and law-enforcement bodies still resort to illegal means such as abductions and secret detentions, extrajudicial killings, torture, collective punishment targeting family members of alleged insurgents and public humiliation, and they continue to enjoy almost complete impunity. Almost all the crimes against the persons to whom the Assembly paid tribute in [Resolution](#)

1. *Assembly debate* on 25 April 2017 (13th Sitting) (see [Doc. 14083](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Michael McNamara). *Text adopted by the Assembly* on 25 April 2017 (13th Sitting).
See also [Recommendation 2099 \(2017\)](#).



1738 (2010) are still unpunished. Recent reports of large-scale abductions, secret detentions, torture and even extrajudicial killings of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Chechnya are moreover a new and particularly grave concern;

3.5. the State-orchestrated mass persecution of a target group based on sexual orientation presents a grave concern of mass atrocities taking place within a Council of Europe member State, and compels the Council of Europe to take urgent steps and to adopt a resolution ordering a special investigation into the matter;

3.6. the implementation of the 247 judgments of the European Court of Human Rights (“the Court”) in the Khashiyev and Akayeva group of cases, involving the most serious human rights violations by members of the security forces and the failure of the competent authorities to investigate such cases, remains highly unsatisfactory, despite the application by the Committee of Ministers of the enhanced supervision procedure and the adoption of interim resolutions. In particular:

3.6.1. the “special investigative units” created especially to examine those cases in which the Court found failures to investigate have produced few results;

3.6.2. a “single and high-level body” mandated to search for missing persons and ensure the allocation of the necessary resources required for large-scale forensic and scientific work within a centralised and independent mechanism, as recommended by the Court itself, the International Committee of the Red Cross, the Parliamentary Assembly and the Committee of Ministers, has still not yet been set up, nor has the Chechen Republic been equipped with a forensic laboratory capable of carrying out bodily exhumations and professional DNA testing;

3.6.3. the inadequacy of the current set-up became painfully obvious at the end of December 2016 when 109 bodies from a mass grave were brought to Chechnya and only two families of missing persons were able to identify their relatives’ remains before the rest were rapidly buried again;

3.6.4. the authorities are increasingly relying on statute of limitations and amnesty laws to guarantee impunity to even the small number of perpetrators of human rights violations who have been identified, despite the Assembly’s and the Committee of Ministers’ exhortations to the contrary;

3.6.5. according to the action plan submitted by the Russian Government to the Committee of Ministers, investigations into almost all cases in the Khashiyev and Akayeva group have now been suspended;

3.7. in the Chechen Republic, the authorities continue to nurture a climate of pervading fear in an atmosphere of personalisation of power. The head of the republic has made public threats against political opponents, human rights activists and their families, even in other parts of the Russian Federation and beyond. In particular, in the run-up to the September 2016 local elections in the Chechen Republic, local authorities comprehensively repressed even the mildest criticism, including dissenting opinions expressed by ordinary citizens, and viciously attacked critical Russian and foreign journalists and human rights defenders. Chechen law-enforcement and security agencies, acting directly or through apparent proxies, have increasingly resorted to unlawful detention and enforced disappearances, cruel and degrading treatment, death threats, and retaliation against family members of local critics. Moreover, the denial, trivialisation and condoning by the Chechen authorities of the recent attacks against LGBTI persons in Chechnya would appear to be in blatant conflict with the positive obligation to investigate allegations of such attacks effectively under Articles 2 and 3 of the European Convention on Human Rights (ETS No. 5);

3.8. the deterioration of the situation of women and girls in the Chechen Republic has continued. The head of the Chechen Republic actively promotes the application of rules based on Chechen customary laws, *adats*, and interpretations of Sharia that discriminate against women and girls in family law matters, in violation of Russian law. Domestic violence and purportedly “traditional” practices harmful to women and girls, such as forced, early and arranged marriages, and even so-called “honour crimes”, are widespread and tolerated by the regional authorities.

3.9. the general brutalisation of society and social practices harms not only women and girls, but also LGBTI people or those perceived to be LGBTI, as illustrated through recent reports in the media.

4. The Assembly thus observes that the situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law still remains one of the most serious in the entire geographical area covered by the Council of Europe.

5. The Assembly considers that systematic human rights violations and the impunity of their perpetrators are bound to foster the further rise of extremist movements. Endemic brutality of the security forces and a lack of justice provide fertile ground for radicalisation and weaken support for the authorities among the population at large and the readiness among militants to co-operate with the justice system in dismantling terrorist networks.
6. The Assembly welcomes the creation, by a consortium of highly respected human rights organisations led by the Norwegian Helsinki Committee, of the Natalya Estemirova Documentation Centre in Oslo, as a positive response by civil society to the Assembly's call in [Recommendation 1922 \(2010\)](#) on legal remedies for human rights violations in the North Caucasus region, for the creation of a record-keeping system for witness statements, documents and evidence substantiating human rights violations committed in the region.
7. The Assembly therefore reiterates its call on the Russian authorities to:
 - 7.1. ensure that local and regional authorities, including law-enforcement and security agencies, fully comply with Russian domestic legislation and international human rights obligations;
 - 7.2. combat terrorism with the instruments at the disposal of a State based on the rule of law, by investigating and prosecuting terrorist crimes whilst also identifying and remedying the underlying causes of the ongoing radicalisation and growing religious extremism, through intercultural and interreligious dialogue;
 - 7.3. end the climate of impunity by identifying and holding to account, in accordance with the law, all perpetrators of human rights violations, including members of the security forces;
 - 7.4. promote judicial independence in the region and provide adequate protection for judges and investigators under threat;
 - 7.5. follow the example of, and seek co-operation with, other countries which have to contend with terrorism, especially with regard to the implementation of strategies to promote the co-operation of suspects with the justice system in dismantling terrorist organisations, but also criminal networks within the security forces;
 - 7.6. co-operate closely with civil society, and in particular with human rights defenders, protect the staff of these non-governmental organisations effectively against reprisals, and foster a favourable climate for journalists and human rights defenders to work in the region;
 - 7.7. intensify co-operation with the Committee of Ministers in the implementation of the judgments of the European Court of Human Rights, in particular the implementation of:
 - 7.7.1. individual measures aimed at clearing up those cases of abduction, murder and torture in which the Court had found a lack of proper investigations, including measures to prevent statute of limitations and amnesty laws from providing impunity for the perpetrators of such crimes;
 - 7.7.2. general measures aimed at creating the conditions for adequate investigations, such as the creation of a "single and high-level body" mandated with and equipped for the search for missing persons (paragraph 3.6.2 above), the exchange of information between departments and the strengthening of the Single Database for Genomic Information;
 - 7.8. request systematically, and as early as possible, the publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concerning the North Caucasus region and intensify their co-operation with the CPT, with a view to eradicating the use of torture and inhuman or degrading treatment in this region.
8. Considering the alarming reports of abductions of hundreds of men in Chechnya based on their alleged sexual orientation, the Assembly urges the Russian Federation to carry out an immediate and transparent investigation into these reports in order to bring to justice those responsible and to ensure the safety of the LGBTI community in the North Caucasus, as well as human rights defenders and journalists reporting such violations.
9. The Assembly reiterates its call on all other Council of Europe member and observer States to:
 - 9.1. co-operate with the Russian authorities in the fight against terrorism, whilst insisting on full compliance with the European Convention on Human Rights, as interpreted by the Court, and consider submitting an inter-State application against Russia for the systematic non-implementation of the judgments in the Khashiyev and Akayeva group of cases;

9.2. provide adequate protection to refugees from the North Caucasus region and deal with any requests concerning their extradition with special care and caution.

10. The Assembly invites its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to continue paying particular attention to the human rights situation in the North Caucasus region, especially in the Chechen Republic. It pays tribute to the CPT for its action in the region and invites the CPT and the Council of Europe Commissioner for Human Rights to maintain and intensify their commitment.