Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15544
03 June 2022

The continuing need to restore human rights and the rule of law in the North Caucasus region

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Frank SCHWABE, Germany, Socialists, Democrats and Greens Group

Summary

In Russia's North Caucasus region, journalists, human rights defenders, LGBTI persons, women refusing to submit to the demands of "traditional values", and anyone who opposes authoritarian rule risk persecution, torture, and even losing their lives. Human rights organisations, such as Memorial, and independent media have been silenced.

Numerous cases of human rights violations documented in previous Assembly reports have not been resolved, nor have the authorities carried out effective investigations. Credible reports on kidnappings, torture, ill-treatment, enforced disappearances, extra-judicial killings, and other serious human rights violations continue to flow.

The Committee on Legal Affairs and Human Rights invites all States to carefully consider requests for asylum from the region, in particular from members of vulnerable groups. They are not safe elsewhere in the Russian Federation and may require protection even abroad.

It encourages the European Court of Human Rights to continue treating in due course the applications brought by victims of serious human rights violations allegedly committed by the Russian Federation until 16 September 2022, in particular those concerning the North Caucasus region, even in the absence of any co-operation from the Russian Government.

The committee resolves to engage with civil society in the North Caucasus in order to promote Council of Europe values, including democracy, human rights and the rule of law.

1. Reference to committee: D oc. 14382, Reference 4333 of 13 October 2017.

Contents **Page**

A. Draft resolution 3
B. Explanatory memorandum by Mr Frank Schwabe, rapporteur 5
1. Introduction 5
2. Principal areas of concern in Resolution 2157 (2017) “Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?” and other relevant resolutions 5
3. Summary of developments since the adoption of Resolution 2157 (2017) 6
3.1. Safety of journalists, human rights defenders, defence lawyers, non-governmental organisations, civil society activists 6
3.2. Criminal investigations and impunity 10
3.3. Rising extremism and risk of terrorism 10
3.4. Enforced disappearances and missing persons 12
3.5. Violence and discrimination against women and girls 13
3.6. Discrimination against LGTBI persons 14
3.7. Implementation of the judgments of the European Court of Human Rights 14
3.8. Co-operation of the Russian authorities with the Council of Europe monitoring bodies and mechanisms to improve the situation in the North Caucasus 15
4. Whether the Russian Federation has given effect to the Assembly’s recommendations 16
5. Next steps and possible recommendations 16
6. Conclusions 17

A. Draft resolution[2]

1. The Parliamentary Assembly notes with regret that since Resolution 1738 (2010) "Legal remedies for human rights violations in the North Caucasus Region" and Resolution 2157 (2017) "Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?" the situation with regard to human rights and the rule of law in the Chechen Republic, Dagestan and Ingushetia (the North Caucasus) has not improved. In particular, the climate of impunity for serious human rights abuses committed by agents of the regional and federal authorities' authoritarian rule, and widespread fear continue to prevail. With the tacit acceptance of the federal authorities, the North Caucasian republican administrations have each built up a system of persecution and collective punishment to suppress any opposition at regional level and as appropriate at State level. None of the Assembly's recommendations listed in the above-mentioned resolutions have been properly addressed by the Russian authorities.

2. Journalists, human rights defenders, LGBTI persons, women refusing to submit to the demands of "traditional values", and anyone who opposes authoritarian rule risk persecution, torture, and even losing their lives for expressing their opinions or just living their lives as they wish. Neither they nor their relatives are safe in the North Caucasus and anywhere in the Russian Federation or even abroad.

3. With the Russian Federation being no longer a member of the Council of Europe, the modest progress civil society has achieved, is being undone. The liquidation of human rights non-governmental organisations, such as Memorial, and the forcible closure of independent mass media, such as *Novaya Gazeta*, destroys the last pockets of democratic resistance to the authoritarian rulers, both in the North Caucasus and in the Russian Federation as a whole.

4. The methods of repression first used in the Chechen Republic – extrajudicial killings, abductions and enforced disappearances, torture, brutal repression of freedom of speech and assembly and sham criminal proceedings – have spread throughout the Russian Federation, and in their most brutal form, to the temporarily occupied areas of Ukraine. The role played by the Head of the Chechen Republic, Ramzan Kadyrov, and the Chechen fighters in the siege of Mariupol is symptomatic for the brutalisation of the treatment of opponents that began in the two Chechen wars.

5. The long-lasting scourge of missing persons and continuing disappearances continues to ravage the region. The Russian authorities in part deny these cases, refuse to provide information to competent bodies and persist in using ineffective methods to search for missing persons despite hundreds of judgments of the European Court of Human Rights and the recommendations of the Assembly and the Committee of Ministers inviting them to emulate good practices from other countries.

6. Numerous cases of human rights violations documented in previous Assembly reports have not been resolved, nor have the authorities carried out effective investigations or provided any other remedies. The cases of violent deaths or disappearance of personalities, mentioned in Resolution 1738 (2010), have not been elucidated by the authorities and the criminal justice system in the North Caucasus proves itself efficient only as a means of persecution through trumped-up criminal charges, not as a remedy to ensure accountability for human rights violations.

7. Credible reports on kidnappings, torture, ill-treatment, enforced disappearances, extra-judicial killings, and other serious human rights violations continue to flow from all North Caucasian republics. Hundreds have been documented in judgments of the European Court of Human Rights. The law enforcement and security agencies have continued to use exclusively repressive methods to counter extremism and radicalisation, which proved counter-productive: terrorist attacks have continued, and extremist movements have grown.

8. The situation of women and girls, LGBTI persons and other vulnerable groups has become even worse. The people in the North Caucasus continue to live in a closed, patriarchal society. Both the local and the federal authorities tolerate severe repression under the pretext that it is justified by "traditional values". This often amounts to brutal, sometimes murderous discriminatory practices against women and girls trying to escape from violent husbands, fathers, brothers, and, especially against LGBTI persons, whose very existence the Head of the Chechen Republic publicly denied.

9. There has been no tangible progress in the implementation of the Court's judgments concerning the North Caucasus region by the Russian Federation, and the authorities have failed to co-operate adequately with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT) and other Council of Europe monitoring bodies.

---

2. Draft resolution unanimously adopted by the committee on 23 May 2022.

10. Even after the expulsion of the Russian Federation from the Council of Europe, the Assembly should not ignore the dismal human rights situation in the North Caucasus. It shall persist in reminding the Russian authorities, both at federal and local levels, of their continuing international obligations to respect the fundamental rights of all persons living under their rule.

11. Therefore, the Assembly calls on the Russian Federation to:

11.1. give effect to all previous Assembly resolutions relevant to the human rights situation in the North Caucasus, in particular:

11.1.1. Resolution 1738 (2010) "Legal remedies for human rights violations in the North Caucasus Region",

11.1.2. Resolution 2157 (2017) "Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?",

11.1.3. Resolution 2230 (2018) "Persecution of LGBTI people in the Chechen Republic (Russian Federation)",

11.1.4. Resolution 2417 (2022) "Combating rising hate against LGBTI people in Europe",

11.1.5. Resolution 2425 (2022) "Ending enforced disappearances on the territory of the Council of Europe";

11.2. implement all judgments and decisions of the European Court of Human Rights and co-operate with the Committee of Ministers in identifying appropriate individual and general measures to implement existing judgments and those which the Court will still hand down following the expulsion of the Russian Federation from the Council of Europe;

11.3. co-operate with the CPT, as long as the Russian Federation remains a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treading or Punishment (ETS No. 126);

11.4. cease the persecution of human rights defenders, lawyers, journalists, independent media, non-governmental organisations, LGBTI persons, and all who oppose the authorities and express their opinions openly;

11.5. ensure respect for the rights of women and girls and their protection against domestic violence and any other form of abuse, irrespective of purported cultural traditions;

11.6. implement relevant recommendations issued by United Nations bodies, to which the Russian Federation remains a party.

12. The Assembly further invites all Council of Europe member and observer States to carefully consider requests for asylum from residents of the North Caucasus region, in particular members of particularly vulnerable groups such as human rights activists, journalists, LGBTI persons and women fleeing domestic violence. The competent authorities should also take into account the fact that persecuted persons from the North Caucasus region are not safe in other regions of the Russian Federation and may require protection even in countries which have granted them asylum.

13. The Assembly calls on Interpol to be particularly vigilant when dealing with requests for Red Notices against persons from the North Caucasus region of the Russian Federation, in particular those who belong to the above-mentioned vulnerable groups.

14. The Assembly encourages the European Court of Human Rights to continue treating in due course the applications brought by victims of serious human rights violations allegedly committed by the Russian Federation until 16 September 2022, in particular those concerning the North Caucasus region, even if the Russian Government, contrary to its international obligations, refuses to co-operate. This would at least create an authoritative record of these violations, which would facilitate their reappraisal and the rehabilitation of the victims in a future democratic Russian Federation.

15. For its part, the Assembly resolves to engage with civil society in the North Caucasus in order to promote Council of Europe values, including democracy, human rights and the rule of law.

B. Explanatory memorandum by Mr Frank Schwabe, rapporteur

1. Introduction

1. On 30 June 2017, I tabled a motion for a resolution[3] to follow up on Parliamentary Assembly Resolution 1738 (2010) and Recommendation 1922 (2010) "Legal remedies for human rights violations in the North Caucasus Region", as well as Resolution 2157 (2017) and Recommendation 2099 (2017) "Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?". The committee appointed me as rapporteur on 12 December 2017.

2. The motion noted that the situation in the North Caucasus region of the Russian Federation regarding human rights and the rule of law continued to raise serious concerns. Reports on serious human rights violations attributed to law enforcement agents, ongoing violence and extremism attributed to radical insurgents, and other arbitrary acts attributed to the local authorities continued. The motion specifically referred to the continuous persecution of journalists, civil rights activists, human rights defenders, women, girls, and LGBTI persons. It noted the constant failure of the Russian Federation to execute judgments of the European Court of Human Rights, finding repetitive violations originating from the region, and called on the Assembly to continue its oversight of the situation and to offer the Russian Federation all possible assistance to restore human rights and the rule of law in the North Caucasus.

3. Consequently, the purpose of this report is to examine developments in the specific situations of particular concern to the Assembly, as set out in Resolution 2157 (2017); ascertain whether the Russian Federation has given effect to the Assembly's recommendations; and, against that background, make any further necessary recommendations for the future. To achieve this objective, extensive research has been undertaken, including several committee hearings, a fact-finding visit to the region, and interviews with experts and victims.

4. On 24 April 2018, the committee held a joint hearing with the Committee on Equality and Non-Discrimination with the participation of two experts in the framework of this report and the report for the Assembly's Resolution 2230 (2018) "Persecution of LGBTI people in the Chechen Republic (Russian Federation)". On 10 September 2018 and on 25 June 2019, the committee held further hearings with the participation of two and, respectively, four experts. On 15 November 2019, the committee authorised me to conduct separate, supplementary interviews with victims, including ones wishing to remain anonymous. On 28 January 2020, the committee held another hearing with the participation of three witnesses and one expert, specifically on the topic of the persecution of LGBTI persons. On 18 January 2022, I held a video conference with victims of human rights violations, civil society representatives, journalists from *Novaya Gazeta* and *Caucasian Knot* and members of the following non-governmental organisations: Memorial, Joint Mobile Group, Russian Justice Initiative, Civic Assistance Committee, LGBT Network, Human Rights Watch, Conflict Analysis and Prevention Centre. Some of the journalists, lawyers, and human rights defenders, including specialists in human bioarchaeology and biological anthropologists, who attended the hearings either as experts or victims, preferred to remain anonymous because of fear of persecution.

5. Between 18 and 20 September 2019, I carried out a fact-finding visit to Moscow and Grozny (the Chechen Republic), where I spoke with the federal and local authorities and gathered information on the human rights situation on the spot. Unfortunately, my second visit to Moscow, Magas (Ingushetia) and Makhachkala (Dagestan) was postponed twice because of the Covid-19 pandemic and then cancelled after the expulsion of the Russian Federation from the Council of Europe.

2. Principal areas of concern in Resolution 2157 (2017) "Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?" and other relevant resolutions

6. In Resolution 2157 (2017), the Assembly deplored systematic human rights violations and the climate of impunity prevailing in the region. It condemned all acts of terrorism while expressing its compassion and solidarity for the families of all victims of violence in the North Caucasus. The Assembly noted with regret that specific recommendations addressed to the Russian authorities in Resolution 1738 (2010) "Legal remedies for human rights violations in the North Caucasus Region" had remained unimplemented. The following areas of the Assembly's concerns have been underlined.

3. Doc. 14382.

7. The Assembly noted that the co-operation of the Russian authorities with civil society, on both federal and regional levels, is crucial for the peacebuilding process in the region. It also emphasised the continuous need for effective investigations into serious human rights violations in the region and the Russian authorities' obligation to put an end to the sense of impunity.

8. The Assembly called on the Russian Federation to stop the endemic brutality of the security forces and the systematic use of unlawful methods by law-enforcement agencies. It noted that "terrorism can only be fought while respecting fundamental rights and the tenets of the rule of law" and that violence can only lead to further violence.

9. The Assembly stressed the utmost importance of preventing enforced disappearances and finding and identifying the remains of missing persons. It strongly suggested the establishment of a high-level State committee on missing persons in co-operation with the International Committee of the Red Cross. It agreed with the Committee of Ministers about the urgent need for a humanitarian solution to the problem of missing persons instead of the so-called investigation model adopted by the Russian authorities. The Committee of Ministers also stressed the need for a single, high-level body in charge of solving disappearance cases in the region.

10. The Assembly paid particular attention to the need to protect vulnerable groups from discrimination and promote tolerance in the region. It expressed concerns about the deterioration of the situation of women and girls following rigid interpretation of religious norms and the recurrence of repressive local traditions. It also condemned attacks, persecution, and other serious violations against LGBTI persons. The Assembly deplored "egregious human rights violations committed against LGBTI people in the Chechen Republic" in its subsequent Resolution 2230 (2018) "Persecution of LGBTI people in the Chechen Republic (Russian Federation)" and Resolution 2417 (2022) "Combating rising hate against LGBTI people in Europe".

11. Last but not least, the Assembly assessed how the Russian authorities co-operated with the Council of Europe's monitoring mechanisms and how they fulfilled the unconditional obligation to execute the Court's judgments. It called on the authorities to request publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ("the CPT") and to intensify their co-operation with the Council of Europe Commissioner for Human Rights. The Assembly reiterated its call to strengthen co-operation with the Committee of Ministers in the implementation of individual and general measures needed for the execution of the judgments of the Court concerning the violations originating from the region.

3. Summary of developments since the adoption of Resolution 2157 (2017)

12. Almost twelve years have passed since the Assembly started analysing the situation in the North Caucasus region, and five years from Resolution 2157 (2017). Yet, the human rights situation in the region has not progressed but has become even worse, the argument which I will support with specific examples below, covering the period from 2017 onwards.

3.1. Safety of journalists, human rights defenders, defence lawyers, non-governmental organisations, civil society activists

13. Despite the authorities' assurances to the contrary, the environment in which journalists, human rights defenders, lawyers, non-governmental organisations, and civil society activists working in the North Caucasus is far from being safe. Threats, retaliation and hate speech seem normal reactions to expressing opinions and investigative journalism.

14. *Novaya Gazeta* regularly reported about corruption and human rights violations in the North Caucasus and the Chechen Republic. Its prominent journalist, Elena Milashina, investigated the 2004 Beslan school siege, the 2006 assassination of Anna Politkovskaya, the 2008 conflict in South Ossetia, and the 2009 abduction and murder of Natalya Estemirova. Ms Milashina also reported on the so-called "anti-gay purges" in Chechnya in 2017, publishing a list of 27 persons allegedly killed by the authorities, dozens detained, intimidated, and tortured in secret prisons. In connection with these reports, *Novaya Gazeta* published a statement fearing for the safety of its reporters after Adam Shahidov, an advisor to Chechen President Ramzan Kadyrov, and several Muslim preachers accused the newspaper of defamation and threatened retaliation.

15. The Russian authorities have officially warned the newspaper of closure, and its journalists have been threatened with physical harm on many occasions. Eventually, the newspaper suspended all its publishing activities on 28 March 2022 after having received yet another warning from Russia's federal media regulator, Roskomnadzor, at this time, in connection with its publications on Russia's aggression against Ukraine.

16. In February 2020, Ms Milashina and Marina Dubrovina, a human rights lawyer, were attacked and beaten by unknown female assailants in Grozny, in the Chechen Republic.[4] In April 2020, Mr Kadyrov himself threatened Ms Milashina with death. In February 2022, *Novaya Gazeta* reported that Ms Milashina had been forced to leave the Russian Federation due to threats. Her last investigative reports concerned the retaliation of Mr Kadyrov against the family of Saidi Yangulbayev, a former Chechen judge.

17. Mr Yangulbayev's family became a target of the Chechen authorities after his son, Ibragim Yangulbayev, started reporting on human rights violations committed in Chechnya in 2015. He complained about being arbitrarily detained on politically motivated charges in 2017 and tortured by the Chechen police. His brother, Abubakar Yangulbayev, a human rights defender, was arrested and released after being questioned as a witness in December 2021 while reporting on kidnappings of the family's relatives, two of them remain in detention. In January 2022, his elderly mother, Zarema Musayeva, was secretly arrested and held in inhuman conditions without proper medical assistance.[5]

18. In June 2017, Pyotr Pliev, a correspondent for the *Rossiskaya Gazeta* in North Ossetia, was assaulted by an unknown person in Vladikavkaz shortly after publishing an investigation concerning a local North Ossetian entrepreneur in which he criticised the head of the local municipality. Two days before the assault, Mr Pliev announced that he had received threats connected to this investigation. In July 2020, a man called and threatened to kill Svetlana Anokhina, the chief editor of the Dagestani web portal *Daptar.ru* defending women's rights in the Caucasus. Ms Anokhina inferred that the threat may have been a response to the article published the day before, in which she criticised the Chechen and federal authorities for the failure to investigate the death of a Chechen woman allegedly murdered by her husband.

19. In January 2021, two men attacked the political editor of *Osnova.news*, Ruslan Totrov, in his office in Vladikavkaz, North Ossetia, threatened to kill him and demanded to stop writing "nasty things and lies about their 'brother', South Ossetian President Anatoly Bibilov". Mr Totrov is a prominent Ossetian journalist who posts political commentaries and covers alleged corruption and human rights abuses in South Ossetia. Another Ossetian journalist, Timur Mazayev and his family received public death threats from a man identifying himself as Zelimkhan Bitarov, the son of former North Ossetian ruler Vyacheslav Bitarov. The threat was published on social media as a reply to the post of *Ossetia News* featuring a satirical image of a fight between Mr Bitarov's son and the son of a leader of the so-called Liberal Democratic Party of Russia.

20. In February 2020, Tumso Abdurakhmanov, a YouTube blogger criticising the Chechen authorities while living in exile, was beaten in his apartment in Sweden by an unidentified individual of Chechen origin. The blogger attributed this incident to threats by Magomed Daudov, the Chairman of the Chechen Parliament, who declared a "blood feud" against him for criticising Akhmat Kadyrov, ex-President and father of the current Head of the Chechen Republic.

21. These are only a few examples of attacks on journalists by private individuals, apparently condoned by the authorities. However, the authorities themselves abducted and tortured bloggers. The case of Salman Tepsurkaev, a chat moderator on *1ADAT*, an opposition news channel on Telegram, is illustrative. The Commissioner for Human Rights of the Council of Europe expressed serious concerns about reports that Mr Tepsurkayev was abducted by Chechen police officers early in September 2021 and subsequently detained in police premises in Grozny, where he was allegedly subjected to sexual violence and torture.[6] The European Court of Human Rights found numerous violations, also in relation to other bloggers moderating that channel.[7]

22. Bloggers' relatives were not spared from these waves of persecution. Within just a few days in December 2021, more than sixty relatives of prominent opposition bloggers and human rights activists were reportedly abducted in the Russian Federation and the Chechen Republic. The list included Tumso

---

4. "PACE rapporteurs called on Russian authorities to protect journalist Elena Milashina as a matter of urgency".
5. "Russia: Abduction of mother of human rights lawyer Abubakar, Yangulbaev", OMCT.
6. "The Authorities of the Russian Federation Must Ensure the Safety of Salman Tepsurkaev Abducted and Subjected to Torture in Chechnya", The Commissioner calls on the Russian Investigating Authorities to Take Urgent Action in the Case of Mr Salman Tepsurkayev, Abducted in September and Subjected to Torture in Chechnya (2020).
7. *S.T. and Y.B. v. Russia*, application no. 40125/20, 19 October 2021.

Abdurakhmanov, Hasan Khalitov, Mansur Sadulaev, Minkail Malizayev, Aslan Artsuev, and other bloggers who are believed to run opposition channels on Telegram and YouTube. Reportedly, their relatives were also abducted and released only after promising to persuade the bloggers to cease criticising the authorities.

23. Transborder persecution of the North Caucasians was another phenomenon brought to my attention during the interviews with the victims and civil society activists. Several non-governmental organisations complained about the deportation of Chechen exiles from other European countries to the Russian Federation. They were then handed over to the authorities of the Chechen Republic, where they would either be charged unfairly with crimes or simply disappear. As an example, they cited the deportation of an outspoken opponent of Mr Kadyrov, Magomed Gadayev, whom the Chechen courts imprisoned for 11 years on bogus charges for possession of weapons,[8] and whom Amnesty International considered a potential victim of torture and even murder.[9] According to human rights defenders, Chechens are no longer safe anywhere in Russian Federation or abroad as they risk deportation based on bogus criminal charges.

24. Using trumped-up criminal charges as means of persecution is a common way to silence journalists, human rights defenders and anyone opposing the authorities. In the Chechen Republic, Zhalaudi Geriev, a journalist of the *Caucasian Knot*, was sentenced in 2016 to three years in prison allegedly on trumped-up charges of drug possession based only on his "confession", which he later said he was coerced into signing. Many of his fellow journalists declared that the real purpose of the charges was his activity as an independent journalist reporting on abuses and corruption across the Caucasus and southern Russia. He served his sentence in full regardless of wide media and international community protests calling for his release.

25. In June 2019, the security forces of the Republic of Dagestan arrested journalist Abdulmumin Gadzhiev, editor of the religious section of Makhachkala-based newspaper *Chernovik,* on criminal charges of participation in a terrorist organisation for allegedly wiring money to an individual suspected of financing terrorist organisations. *Chernovik's* staff strongly denied the charges and claimed that they had been falsified in retaliation for Mr Gazhiyev's work.

26. The regional authorities in the North Caucasus also turned against lawyers who defend victims of human rights violations, and the federal authorities tolerated such actions. In 2017, our colleague Ms Sabien Lahaye-Battheu (Belgium, ALDE) reported about the violent attacks against members of the Joint Mobile Group in Chechnya, attempts to disbar lawyers Marina Dubrovina and Dokka Itslaev, and the threats against Shamil Magomedov.[10] I also reviewed some older cases of persecutions reported by the Council of Bars and Law Societies of Europe concerning prosecutions, intimidations, threats and even beatings by police of defence lawyers – the cases of Mr Rustam Matsev, Ms Sapiyat Magomedova, Mr Musa Suslanov, Mr Magamed Abubakarov and Mr Vyacheslav Merzakulov. The NGO Lawyers for Lawyers reported that the Russian Federation left "insufficiently implemented" the 2018 UN Universal Periodic Review recommendations concerning the effective protection of lawyers, including those on the duty to investigate all reported attacks and threats against lawyers.[11]

27. Attacking a lawyer defending his or her client appears to remain an acceptable option for law-enforcement agents in the North Caucasus. In January 2022, Chechen law enforcement officers physically attacked lawyers Sergey Babinets, Oleg Khabibrakhmanov and Natalia Dobronravova while they provided legal assistance for their clients in Nizhny Novgorod.[12]

28. In general, human rights defenders or social activists are far from secure in the North Caucasus. For example, in December 2017, Andrei Rudomakha, Viktor Chirikov, Vera Kholodnaya, environmental activists of the NGO Environmental Watch, were brutally attacked and beaten after taking photos of what they considered an illegal construction, allegedly affiliated with high-ranking government officials in the region of Krasnodar.[13] Despite video footage of the beating, the police stalled the investigation stating that they could not identify the perpetrators.

---

8. Radio Free Europe "Chechen Asylum Seeker Deported From France To Russia Sentenced To Prison" (2021).
9. Amnesty France, "M. Macron, rapatriement immédiat pour M. Gadaev !" (2021).
10. Report Doc. 14453 of 15 December 2017, paragraph 15.
11. Lawyers for Lawyers Foundation, Russian Federation Mid-Term Report – Review of the Implementation of Recommendations with Respect to the Rule of Law and the Role of Human Rights Defenders Accepted by the Russian Federation during the UPR in 2018, January 2022.
12. HRDs Sergey Babinets, Oleg Khabibrakhmanov and WHRD Attorney Natalia Dobronravova Attacked, Mother of HRD Abubakar Yangulbaev Abducted, Front Line Defenders, 24 January 2022.
13. Human Rights Watch, Leading Environmentalists Violently Attacked in Russia.

29. The so-called "Ingush case", referred to as the largest politically motivated persecution in the Russian Federation, shook civil society.[14] In the background of this case lies the controversial regional border agreement with Chechnya, against which thousands of participants protested peacefully in Ingushetia in the fall of 2018. When the protests resumed in the spring of 2019, the authorities decided to suppress them by force, and on 27 March 2018, the RosGvardiya (Russian National Guard) forcibly dispersed the peaceful rally. As a result, the investigative committee brought a case of violence threatening life or health of government officials and extremism against the leaders and participants of the protest movement.

30. Fifty-two persons have been convicted on charges of resorting to non-life-threatening force against police and/or incitement to use such force, whilst the leaders have been accused of extremism and sentenced to lengthy prison terms.[15] The international community and human rights lawyers saw these convictions as politically motivated and largely groundless, arguing that the federal and district courts had criminalised a peaceful civic activity. Following this large-scale prosecution, many local NGOs have closed or were forced to suspend their activities.

31. Apart from coercion and tolerance of violence, the federal and North Caucasian authorities use administrative powers to impede the work of human rights defenders or simply close "inconvenient" NGOs. For example, the decision to revoke the residence permit of Vanessa Kogan, the head of the NGO Stichting Justice Initiative, on the ground of her "posing a threat to the security of the Russian Federation" forced this prominent human rights group to cease its activities in the North Caucasus.[16]

32. Another example of closing an organisation on trumped-up grounds merits special attention. I have been concerned for a long time about the vicious campaign against Memorial Human Rights Centre ("HRC Memorial"), a long-standing partner of the Assembly and the last human rights organisation to have been active in the North Caucasus. HRC Memorial was indeed the key actor, and a connecting point for other organisations and lawyers in the region. Its liquidation, decided in December 2021, based on the much-criticised "foreign agents law",[17] has left civil society and the residents in the region without any protection.

33. Memorial's persecution in the North Caucasus has a long history. In 2007, masked assailants abducted, threatened, and beat Mr Oleg Orlov, the then chairperson of HRC Memorial, and a television crew accompanying him to a journalistic investigation about the death of a child during an anti-terrorist operation in Ingushetia. In 2017, the European Court of Human Rights found violations of Mr Orlov's and other applicants' rights[18], but this did not deter the authorities from continuing to persecuting him.

34. In January 2018, the authorities orchestrated a series of attacks against the organisation's representatives and offices in Chechnya, Ingushetia, and Dagestan. On 9 January 2018, the police searched Memorial's office in Grozny, brought dubious charges of possession of illegal drugs and then detained incommunicado Mr Oyub Titiev, then head of HRC Memorial's office in the Chechen Republic[19] and laureate of the 2018 Václav Havel Human Rights Prize.[20] His lawyers, Mr Aslan Telkhigov and Mr Petr Zaikin declared that they were placed under secret surveillance, intimidated, threatened, and forced to resign from defending Mr Titiev and even had to leave the country. On 17 and 22 January 2018, Memorial's office in Ingushetia and a car belonging to Memorial in Dagestan were set on fire. On 28 March 2018, Mr Sirazhutdin Datsiev, the head of the organisation's branch in Dagestan, was attacked by unknown individuals.

35. As our colleague Mr Egidijus Vareikis (Lithuania, EPP/CD) stated in his 2018 report "Protecting human rights defenders in Council of Europe member States", the number of reprisals against human rights defenders has recently been on the rise", including in the North Caucasus.[21] Apart from LGBTI persecution in Chechnya, which I will mention below, Mr Vareikis predicted "the silencing of Memorial". Unfortunately, the Russian authorities went ahead with this, despite wide-spread protests from the international community and the Court's interim measure aimed at preventing the closure of Memorial.[22]

---

14. Caucasian Knot, Rights defenders treat "Ingush case" as largest political persecution in modern Russia.
15. Правозащитный центр «Мемориал», Дело ингушской оппозиции.
16. Human Rights Watch, Human Rights Lawyer Ordered to Leave Russia.
17. CDL-AD(2021)027-e, "Russian Federation – Opinion on the Compatibility with International Human Rights Standards of a Series of Bills Introduced to the Russian State Duma between 10 and 23 November 2020, to Amend Laws Affecting 'Foreign Agents'", adopted by the Venice Commission at Its 127th Plenary Session (Venice and Online, 2-3 July 2021), 6 July 2021.
18. *Orlov and Others v. Russia*, no. 5632/10, judgment of 14 March 2017.
19. "Rapporteurs concerned at the arrest of the head of the Memorial Human Rights Centre in the Chechen Republic".
20. Václav Havel Human Rights Prize 2018 awarded to Oyub Titiev.
21. Doc. 14567, 6 June 2018, paragraph 20.
22. AS/Jur(2022)01 rev declassified, paragraph 27.

3.2. Criminal investigations and impunity

36. The criminal justice system in the North Caucasus proves itself efficient only as a means of persecution, not as a remedy to ensure accountability for human rights violations. When journalists and human rights defenders are victims, the criminal proceedings suddenly become ineffective and are dragged out for years. According to the most recent decisions of the Committee of Ministers in its role of supervising the execution of the Court's judgments, criminal investigations in most of these cases have been suspended because of the impossibility to identify the suspects. In a few cases where the suspects have been identified, no information has been presented to the Committee of Ministers since 2016. Many criminal cases were dropped or could be closed in the future because of the statute of limitations.[23]

37. In Resolution 1738 (2010) "Legal remedies for human rights violations in the North Caucasus Region", the Assembly expressed "its bewilderment and anguish" that, at the relevant time, not one of the high-profile cases on "violent deaths or disappearance of personalities" had been elucidated by the authorities. I reviewed these cases and found that the investigation was indeed ineffective, with a sense of impunity continuing to prevail in every one of them.

38. The European Court of Human Rights acknowledged that the investigation of Anna Politkovskaya's murder failed to look properly into who commissioned the crime.[24] It also found a failure to properly investigate the assassination of Natalia Estemirova.[25]

39. Questions remain open about the *modus operandi* in the murder cases of Stanislav Markelov and Anastasia Baburova, whose deaths, in the opinion of *Novaya Gazeta*, should be attributed to "the Russian security services or rogue elements within these services" instead of the convicted killers.[26] The fact that these killers had no fair trial[27] casts nothing but doubt on the official version of the authorities about how the crime was perpetrated.

40. The police officer who killed Magomed Yevloyev was found guilty of causing death by negligence, sentenced to a mere two years in prison and released conditionally. The killing of Mr Yevloyev was related to the assassination of Maksharip Aushev, a well-known Ingush businessperson, as well as to other homicides, attempted murders, and disappearances of relatives and persons from their inner circle, with no effective investigation from the authorities.[28]

41. Similarly, the authorities failed to conduct an effective investigation into the circumstances in which Zarema Gaysanova disappeared and was presumed dead at the hands of State agents.[29] Ms Milashina in *Novaya Gazeta* wrote about the disappearance and death of civil activists Alik Djabrailov and Zarema Sadulayeva, stating that none of these cases was investigated. Another case, that of Rashid Ozdoyev and Tamerlan Tsechoyev's abduction and disappearance has also reached the European Court of Human Rights,[30] raising similar questions.

42. The Court has already found systemic violations of Article 2 of the Convention in respect of both the disappearances of persons as a result of detention by unidentified members of the security forces and the failure to conduct an effective investigation.[31] The Committee of Ministers continues to supervise the execution of numerous judgments, but with no tangible success. I have not found one positive example to illustrate progress in conducting an effective investigation or ensuring accountability of perpetrators.

3.3. Rising extremism and risk of terrorism

43. It has been difficult to assess the situation of fighting terrorism in the North Caucasus due to media censorship and contradictory opinions, some of them contesting the credibility of official crime statistics. For example, Russian academic research showed a trend of intensification of internal and external terrorist activity

---

23. Committee of Ministers, Decision CM/Del/Dec(2021)1411/H46-31, *Khashiyev and Akayeva Group v. Russian Federation*, 16 September 2021.
24. Mazepa and Others v. Russia, application no.15086/07, judgment of 17 June 2018.
25. Estemirova v. Russia, no. 42705/11, judgment of 31 August 2021.
26. Felgenhauer, "The Russian Security Services—The Prime Murder Suspect "', *Eurasia Daily Monitor* (2009).
27. Tikhonov and Khasis v. Russia, applications nos. 12074/12 and 16442/12, judgment of 16 February 2021.
28. Dobriyeva and Others v. Russia, application no. 18407/10, judgment of 19 December 2013.
29. *Gaysanova v. Russia*, application no. 62235/09, judgment of 12 May 2016.
30. Ozdoyev and Tsechoyev v. Russia, no. 9782/08, communicated on 23 September 2016.
31. Aslakhanova and Others v. Russia, nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10, 18 December 2012.

in the Northern Caucasus based on statistics from 2010 to 2015, whilst the Russian official statistics reported a 26% decrease of terrorist crimes in 2016.[32] I could not check the official statistics and did not receive an official response from the Russian authorities for the reasons described above.

44. Though reports on alleged terrorist incidents continue to flow from the North Caucasus, it is difficult to draw reliable conclusions about the general security situation on the basis of these reports. This is all the more difficult because the authorities can choose how to report on these incidents, either as ordinary crimes or security operations. Media and human rights defenders classify many such incidents as abuses by the authorities and grave human rights violations, not linked to preventing terrorism.

45. *Novaya Gazeta* published a list of 27 men abducted and extrajudicially executed in the custody of the authorities in Grozny during one night in January 2017 as retribution for clashes with police officers in December 2016, alleging that the number of victims could be as high as 56. In March 2021, the journal interviewed a former police officer who took part in these retributions and confirmed the deaths of many persons from the list. Despite these reports, no proper criminal investigation followed;[33] on the contrary, the local authorities denied everything and turned against the newspaper, the witness, and his family, declaring that they destabilised the situation and interfered in the fight against extremism.

46. In 2018, conflicting reports about many other clashes with security forces continued but without any common denominator between the authorities and human rights defenders. For example, it was difficult to attribute reported incidents such as the shooting to death of a village police chief in Chechnya on 3 January, the killing of a man suspected of an attack on a police station on 4 January, shooting to death by unknown radicals of the imam in a closed Salafi mosque in Dagestan on 6 January, killing by police of a suspected terrorist in Dagestan on 15 January and of two suspected terrorists in Ingushetia on 10 February, etc. On 20 August 2018, a series of attacks, some of them carried out by minors, were directed against police officers in Grozny and Shali District. And many such examples could follow.

47. The authorities, however, have never analysed the root causes, tendencies, or developments of extremism in the region. Such an analysis was mainly carried out by non-governmental organisations and internationally assisted projects, which speak about the risks of increasing and transforming Caucasian extremism. For example, Memorial warned about an increasing number of young people and persons never suspected of being part of the insurgency becoming tempted by extremism, which "is no longer a consequence of the previous conflicts in Chechnya" but a result of oppressive governance.[34] Their analysis of the statistics confirmed that among 72 militants killed in 2015-2018, almost 90% were young people.

48. The unofficial statistics[35] continued to report clashes and special operations resulting in deaths among the alleged militants, civilians, and law enforcement officers. 175 persons reportedly "fell victim to armed conflicts" in 2017, of whom 134 were killed and 41 wounded. In comparison with the statistics of 2016, these numbers decreased in Dagestan but increased in Chechnya. It was also reported that many killed persons were "militants". However, civilians, law enforcement officers and security personnel also lost their lives in the fight against terrorism. 108 persons were reported as victims in 2018, with Dagestan leading; 46 and 56 victims were reported in 2019 and 2020, respectively. In 2021 the numbers reported in the statistics decreased.

49. The federal and local administrations announced that terrorism and extremism in the North Caucasus had finally been confined. In January 2021, the Chechen law enforcement authorities intervened in force and killed the leader and six members of the so-called "Aslan Byutukayev's group". Ramzan Kadyrov proudly presented it as a successful law enforcement operation to erase the last pocket of resistance in the North Caucasus, therefore accomplishing the task of President Vladimir Putin to put an end to the insurgency in the region.[36]

50. Yet, experts warned that heavy security crackdowns had done nothing but stimulated radicalisation in the North Caucasus[37] and increased militant activity in the Russian Federation overall.[38] Indeed, the general statistics of terrorism crimes in Russia sky-rocketed in 2020 and 2021, after a brief decrease in 2018 and

---

32. Korobeev et al., "Fighting Terrorism and Extremism in the Russian Federation and Worldwide: Common Issues", 34 *Opción* (2018).
33. Committee against Torture, "Concluding Observations on the Sixth Periodic Report of the Russian Federation", CAT/C/RUS/CO/6 (2018), paragraph 48.
34. Bulletin of the HRC Memorial "The Situation in the conflict zone in the North Caucasus: assessment by the human rights defenders", Winter 2020-2021, page 30.
35. *Caucasian Knot*, "North Caucasus – Statistics of Victims".
36. *kommersant.ru*, "Кадыров доложил Путину о полной победе над бандподпольем" (2021).
37. Chambers, "Spiralling Radicalisation in the North Caucasus", *Riddle Russia* (2021).

2019.[39] This tendency is explained by the authorities' over-criminalisation policies and coercive methods in the fight against extremism. For example, Memorial reported a criminal case initiated for membership in an Islamist organisation, inactive since the 1970s.[40] I was informed about a hidden database containing personal data of persons classified as "potential extremists" used to fabricate criminal cases, whose existence the Dagestani authorities deny. Recently, the European Court of Human Rights confirmed the tendency to over-criminalise in the case of two brothers, shepherds in Dagestan, killed in suspicious circumstances during a spontaneous security operation.[41]

3.4. Enforced disappearances and missing persons

51. For 15 years, the Assembly and the Committee of Ministers have emphasised the urgent need to resolve the problem of enforced disappearances and search for missing persons in the North Caucasus. Unofficial statistics on disappearances continue to grow[42] while the Russian authorities continue to deny this data and submit no relevant information. Without reliable information, it is difficult to evaluate the current situation, and the lack of official data is in itself capable of raising serious concerns.

52. It appears that the only way to assess the Russian authorities' actions would be to refer to the work of the Committee of Ministers on the supervision of the execution of the Court's judgments.[43] During the meetings with civil society and human rights defenders, I heard that no progress was made in the search for their relatives, who were victims of enforced disappearances. These statements were enough to cast doubt on the Russian authorities' goodwill to resolve the problem.

53. Neither the local nor the Russian federal authorities implemented the Assembly's and the Committee of Ministers' recommendation to set up a central co-ordination mechanism dealing with this problem. Instead, they continued to act as before, namely by using individual criminal investigations as a means to search for disappeared persons, which had been already proven ineffective. Furthermore, the Russian authorities reported no actions whatsoever to prevent further enforced disappearances.

54. In 2020, the Committee of Ministers noted that the information provided by the Russian authorities did not dispel its "concerns in view of the credible reports of continuing disappearances and unacknowledged detention in the North Caucasus region, particularly in the Chechen Republic." It "deplored the lack of sufficient progress to improve the situation" and invited the authorities to continue sending information.[44] According to the last information submitted by the Russian authorities, the remains of only two persons had been identified, whilst the last identification of a missing person had taken place in 2015.

55. In 2021, the Committee of Ministers reiterated the lack of any significant progress searching for missing persons. It firmly insisted on "the urgent need to redouble the efforts to find the missing persons … and to address the deficiencies in the criminal investigations... as far as possible." The Russian Federation was urged to create a humanitarian body to search for missing persons "using modern scientific knowledge in a procedure complementary to investigations and taking inspiration from the work and mandates of bodies responsible for that search of missing persons in other member States." The Russian authorities were invited to submit a concrete time-bound strategy to that effect, as well as to inform the Committee of Ministers about the investigation of recent complaints about kidnappings.[45]

56. The Assembly, in its Resolution 2425 (2022) "Ending enforced disappearances on the territory of the Council of Europe", referred to "the slow and incomplete execution of the numerous judgments of the Court finding procedural violations of Article 2 on the grounds that there has been no serious investigation into enforced disappearances in several States, particularly in the North Caucasus region in the Russian Federation."

---

38. Saif Islam, "Terrorism in Russia: An Enduring Phenomenon", *GSI.*
39. "Number of Crimes of Extremist Nature Registered in Russia from 2010 to 2021", Statista.
40. Bulletin of the HRC Memorial "The Situation in the conflict zone in the North Caucasus: assessment by the human rights defenders", Winter 2020-2021, page 31.
41. *Gasangusenov v. Russia*, application no. 78019/17, judgment of 30 March 2021.
42. *Caucasian Knot*, "Chechnya in North-Caucasian Lead in Number of Missing People", 17 December 2021.
43. Committee of Ministers, *Khashiyev and Akayeva v. Russia*, Application N°: 57942/00, judgment of 24 February 2005, Latest Decision: CM/Del/Dec(2021)1411/H46-31.
44. Committee of Ministers, Decision CM/Del/Dec(2020)1377bis/H46-31 *Khashiyev and Akayeva Group v. Russian Federation*, 3 September 2020.
45. Committee of Ministers, *supra* note 23.

3.5. Violence and discrimination against women and girls

57. The situation of women and girls in the North Caucasus has continued to deteriorate. Forced marriages are still a frequent practice in the region, and a North Caucasian woman living abroad risks being abducted and forced to marry back in Dagestan or Chechnya. The *Bopkhoyeva* case[46] was illustrative of such practices when even the woman's own family had not provided her with shelter but returned her and forced her to live in the abductor's custody.

58. Unfortunately, many such cases exist in the North Caucasus, in which the authorities even played an active role. In September 2021, Human Rights Watch stated that women fleeing domestic violence in the North Caucasus were often captured with the help of law enforcement authorities and handed back to their families.[47] The story of a young LGBTI woman from Chechnya, Khalimat Taramova, describing her attempt to escape violence and her forced return, illustrates that situation.[48]

59. Moreover, the authorities not only tolerated and contributed to violence against women, but they also forced the victims to hide their grief. In 2020, the investigative authorities decided to exhume a body of a Chechen woman who died in suspicious circumstances involving domestic violence. A few days later, after Ramzan Kadyrov criticised the exhumation as contrary to religious traditions and stated that beatings were something normal during a marriage, the authorities refused to pursue the criminal investigation, and the victim's mother was obliged to apologise for "having listened to rumours".[49]

60. Even more disturbing reports were brought to my attention about a case of a nine-year-old girl subjected to female genital mutilation at a medical clinic in Magas, Ingushetia, in 2019. Her father took her to a doctor and paid for the crippling surgery, stating this was necessary "so that she doesn't get turned on". However, the authorities charged only the doctor with causing light bodily harm, punishable by a fine. The victim's lawyers from Stichting Justice Initiative requested more severe charges, but pointed out that Russian law did not even outlaw female genital mutilation or consider it as a serious crime. In a 2016 report, SJI strongly criticised the authorities' tolerance of the widespread practice of female genital mutilation, mainly in the majority-Muslim areas of the North Caucasus, where some of the religious leaders supported it, as they said, to reduce "depravity of all women".[50]

61. In my interviews with victims and civil rights activists, I heard many complaints about the extremely difficult socio-economic situation in which North Caucasian women find themselves, the ongoing pressure, and the impossibility to flee from abuse. Fleeing to another region is not an option as it may result in a forceful return or, in some cases, lead to "honour" killings. Fleeing abroad is almost impossible because, as I was told, a woman under 30 in Chechnya cannot even apply for travel documents without a man, her next of kin, guaranteeing her return.

62. Perhaps the most comprehensive account of women's and girls' rights in the North Caucasus is found in the last documents of the United Nations Committee on Discrimination against Women, which expressed its deep concern "about the prevalence of harmful practices against women and girls in the North Caucasus region, including femicide, killings in the name of so-called honour, child marriage, forced marriage, abduction of women and girls for forced marriage and female gentile mutilation". It noted with concern "the lack of effective implementation of federal legislation on the investigation, prosecution and punishment of such crimes against women in the region." The UN Committee also noted with concern "[r]eports of polygamy and the lack of legal and economic protection of women in polygamous unions, and the application of discriminatory religious and customary laws on divorce and inheritance and the denial of child custody to women, particularly in the North Caucasus region", including "[r]eports of bride kidnapping, leading to child marriage or forced marriage".[51]

---

46. *Bopkhoyeva v. Russia*, application no. 25414/14, 20 February 2018.
47. Human Rights Watch, "Updated Submission to the Committee on the Elimination of Discrimination against Women on Russia" (2021).
48. *The Guardian*, "How public 'apologies' are used against domestic abuse victims in Chechnya".
49. Human Rights Watch and T. Lokshina, "Chechnya's Leader Hinders Justice for Domestic Violence Victim", 26 June 2020.
50. D. Welle (www.dw.com), "Russia's First Trial on Female Genital Mutilation Restarts after Coronavirus Lockdown" (2020).
51. CEDAW, "Concluding Observations on the Ninth Periodic Report of the Russian Federation" (Adopted at the 80th Session) (2021).

3.6. Discrimination against LGTBI persons

63. The situation of LGBTI persons in the region remains critical. Despite wide-spread condemnation by the international community and calls on the Russian Federation to investigate or allow an international investigation of the crimes against LGBTI persons in Chechnya, the authorities continue to deny the problem. The Assembly deplored the so-called "anti-gay purges" in Chechnya in February and March 2017, which resulted in many forced disappearances, secret abductions, incommunicado detentions, imprisonments, torture, and extrajudicial killings of persons based on their perceived sexual orientation.[52] I am afraid that these "purges" have never ended.

64. In January 2019, during the new wave of attacks on the LGBTI community in Chechnya, two persons were reportedly tortured to death and around 40 were detained by the authorities. Our colleague Piet De Bruyn (NR, Belgium), General Rapporteur on the rights of LGBTI people, and I condemned these attacks.[53] Later, during my visit to the Russian Federation in September 2019, I was discouraged by the federal authorities from speaking about the LGBTI persecution in Chechnya, and the local authorities in Chechnya yet again claimed that such a community did not exist there. During the same visit, I heard a disturbing statement from the federal Ombudsperson Tatyana Moskalkova, who claimed that the situation in Chechnya was no worse than anywhere else in the Russian Federation.

65. During committee hearings of 28 January 2020, an LGBTI person testified about his unlawful detention and torture in March 2017 and his family being persecuted by the authorities in order to make them, literally, "get rid of their gay relative". He had to flee the country because LGBTI persons are not safe anywhere in Russian Federation as they can be forcefully returned to their families or even prosecuted under fake criminal charges. In February 2021, as Human Rights Watch reported, two gay men were forcibly returned to Chechnya on charges of aiding and abetting an illegal armed group.[54] Furthermore, apart from State-sponsored large-scale persecution, the Chechen authorities refuse to investigate complaints of abduction and ill-treatment based on sexual orientation.[55]

3.7. Implementation of the judgments of the European Court of Human Rights

66. Human rights breaches reported in the region eventually reach the Court and then the Committee of Ministers, in its role of supervising the implementation of the Court's judgments. Both have already recognised that most such violations carry a systemic character. During 15 years of continuous supervision, the list of cases and violations continued to grow, seemingly without any prospects of execution.

67. The Committee of Ministers currently supervises the execution of 315 cases[56] in the *Khashiyev and Akhayeva* group under the "enhanced procedure", which is applied for particularly significant cases or groups of cases. These cases include violations with the regard to persons disappeared between 1999 and 2006, with outstanding issues relating to lack of investigation, compensation, and impunity;[57] the military attack on the village of Katyr-Yurt in February 2000;[58] and abductions by law enforcement officers and subsequent disappearance of the applicants' relatives after 2006, with a continuing lack of effective investigations.[59]

68. The execution of these cases has always been a burdensome process, mainly due to the lack of cooperation from the Russian authorities. In Resolution 2157 (2017), the Assembly reiterated its concerns about the lack of progress in the implementation of the judgments of this group and focused on specific recommendations of the Committee of Ministers, including its recommendations from Resolution 1738 (2010). The Assembly's recommendations were ignored by the Russian authorities, and, as observed from the described above developments, the violations grew in numbers and became more severe.

---

52. Resolution 2230 (2018) "Persecution of LGBTI People in the Chechen Republic (Russian Federation)".
53. "Two rapporteurs condemn the latest alleged murder, torture and illegal detention of LGBTI persons in Chechnya" (coe.int).
54. Human Rights Watch, "No End to Chechnya's Violent Anti-Gay Campaign", 31 August 2021.
55. *Lapunov v. Russia*, application no. 28834/19, 14 November 2019.
56. At the time of writing this report.
57. The *Aslakhanova and others* sub-group of judgments, applications nos. 2944/06, 8300/07, 42509/10, 50184/07 and 332/08, judgment of 18 December 2012.
58. The *Isayeva*, *Abuyeva and others* and *Abakarova* sub-group of judgments, application no. 27065/05, judgment of 2 December 2010, and application no.16664/07, judgment of October 2015.
59. The sub-group of cases includes various cases such as *Umarovy v. Russia*, application no, 2546/08, judgment of 12 June 2012; *Askhabova v. Russia*, application no. 54765/09, judgment of 18 April 2013; etc.

69. In 2020, the Committee rapporteur on the implementation of judgments of the European Court of Human Rights, Mr Constantinos Efstathiou (Cyprus, SOC) concluded that the Russian Federation implements the Court's judgments ineffectively, being unable to provide effective remedies and unwilling to remedy the lack of investigation into cases of ill-treatment and torture, as well as other serious human rights violations. He also noted that "the important period during which the Russian Federation distanced itself from the Assembly (between January 2016 and June 2019) was lost from the perspective of implementation of the Court's judgments", which is also the period for the assessment in the present report. The rapporteur concluded that "it [became] more difficult to recover the time lost, bearing in mind the structural problems [that the Russian Federation faces]", one of which is "various violations of the Convention relating to the actions of the security forces in the Chechen Republic" all connected to the *Khashiyev and Akhayeva* group of cases.[60]

70. The last 2021 Decision[61] of the Committee of Ministers concerning this group of cases stated again that the Russian authorities were either unco-operative or failed to submit information. The language of this decision is self-explanatory as it reiterated the same recommendations mentioned in Assembly Resolution 2157 (2017).

71. It is worth mentioning that the *Khashiyev and Akhayeva* group of cases is not the only one that includes judgments finding violations originating from the region. For example, the group of *Dobriyeva and others*[62] about the inefficiency of investigations into killings and disappearances in Ingushetia has been pending execution since 2014 without progress. The case of *Nagmetov* concerning the death resulting from the use of a tear grenade by Dagestani police at a peaceful demonstration also awaits an action plan or information from the authorities since 2017.[63] Other groups of cases of violations of freedom of expression and assembly involving the persecution of human rights defenders and journalists, for example, the *Novaya Gazeta* case,[64] are also still awaiting implementation, many of them for many years.

3.8. Co-operation of the Russian authorities with the Council of Europe monitoring bodies and mechanisms to improve the situation in the North Caucasus

72. The Russian authorities have remained unco-operative in all matters concerning the North Caucasus. The refusal to co-operate with the CPT is an illustrative example.

73. A quick look at the CPT statistics reveals the lack of co-operation of the Russian authorities and, sometimes, even an implied refusal to co-operate. The CPT visited the North Caucasus, in particular the Chechen Republic, 12 times, issuing four "Public Statements", the last one in March 2019.[65] The Russian Federation is one of the persistent objectors to publishing the CPT visit reports; it authorised publication of 4 out of 28 reports (none concerning the North Caucasus). 40% of the CPT time spent visiting the Russian Federation was dedicated to the North Caucasus.

74. The last CPT public statement, the fourth in a row, reads that "notwithstanding the efforts [the CPT] has made over the last 20 years, torture of detained persons in the Chechen Republic has remained a deep-rooted problem". The CPT continued to reiterate that the widespread practice of police ill-treatment, including torture, is not unique to the Chechen Republic, but it is seen in other republics of the North Caucasian region. "This speaks not only to a dereliction of duty at the level of the Republic's authorities but also to a failure of effective oversight and control at the federal level", the CPT concluded.

75. Following this statement, I stressed that the CPT only makes public statements in certain exceptional circumstances – only nine in its 30-year history, and as stated, four concern the North Caucasus. The CPT found that the Russian Federation failed to co-operate and refused to improve the situation, contrary to its treaty obligations.[66] This view was supported during a joint meeting of our committee, the Monitoring Committee, and the President of the CPT.[67] Yet, the authorities in Chechnya treated the CPT's statements as unfounded and unsubstantiated.[68]

---

60. "Information Note. Implementation of the Judgments of the European Court of Human Rights, 10th Report: Russian Federation", AS/Jur(2020)05.
61. Committee of Ministers, *supra* note 23.
62. Committee of Ministers, *Dobriyeva and Others v. Russia*, application no. 18407/10, judgment of 19 December 2013, latest decision: 14 April 2014.
63. Committee of Ministers, *Nagmetov v. Russia*, application no. 35589/08, judgment of 5 November 2015.
64. *RID Novaya Gazeta and ZAO Novaya Gazeta v. Russia*, application no. 44561/11, 11 May 2021, included in the group of cases *Dmitriyevskiy v. Russia,* application no. 42168/06, judgment of 3 October 2017.
65. CPT, "Public Statement on the Russian Federation Concerning the Chechen Republic and Other Republics of the North Caucasian Region", 11 March 2019.
66. "Rapporteur Reacts to CPT Public Statement on Torture in the North Caucasus Region", 12 March 2019.

4. Whether the Russian Federation has given effect to the Assembly's recommendations

76. I consider the human rights violations described above as only the tip of the iceberg. Violations have been approved, tolerated, or even incited by politicians and public officials in the North Caucasus and in Moscow. Their public speeches, social network posts or official statements in reaction to the human rights defenders' outcry have never changed. It seems that human rights are a mere nuisance to those politicians and officials, not matters of concern to them.

77. Neither the federal nor the local republican authorities have properly considered the Assembly's recommendations. Contrary to the Assembly's recommendations Magomed Daudov, the Chairman of the Chechen Parliament, called in late December 2017 for the persecution of human rights defenders, blaming them for international sanctions against Chechen politicians, while Ramzan Kadyrov described human rights defenders as "enemies of the people" to be banned from the Chechen Republic and called for reprisals against them. This attitude continued to grow and spread throughout the Northern Caucasus region.

78. Most strikingly, the federal authorities have chosen to ignore or refrain from interfering, as they call it, in the "internal affairs" of the Caucasian Republics.

79. For example, in January 2022, Ramzan Kadyrov commented on the calls to release the abducted mother of prominent human rights defender Abukadar Yangulbayev. He stated that the whole family should be either jailed or buried in the ground.[69] Adam Delimkhanov, a Chechen parliamentarian in the Russian State Duma, posted a video recording him threatening every member of Mr Yangulbayev's family with execution by "ripping off their heads". Such violent hate speech was completely ignored by the federal and local authorities. Sergei Peskov, the press secretary of President Putin, implied that the Kremlin declined to get involved, calling the threats a "personal opinion" and preferring, as he said,"not to believe such reports [about the abduction] without confirmation".[70]

80. The Assembly had warned against extreme violence spreading from the Chechen Republic to other parts of the North Caucasus region and beyond.[71] Now, it appears that not only extremism has continued to flourish and spread to neighbouring republics of the Northern Caucasus, but also the climate of violence and tolerance for abuses committed by the authorities has spread to the Russian Federation as a whole, and beyond. The role played by Ramzan Kadyrov and his Chechen fighters in the brutal siege of Mariupol clearly requires further investigation, but I fear that it is symptomatic for the general trend of brutalisation originating in the North Caucasus region.

5. Next steps and possible recommendations

81. The Russian Federation was expelled from the Council of Europe on 16 March 2022.[72] This has brought any effective co-operation with the Russian authorities to an end. The Committee of Ministers announced that it would continue to support and co-operate with civil society, and it would not stop supervising the implementation by the Russian Federation of the Court's judgments. The Court decided that the Russian Federation would remain bound by the Convention until 16 September 2022 and that in would continue to deal with all applications alleging violations of the Convention occurring up until this date.

82. Irrespective of its membership in the Council of Europe, Russian Federation remains bound by its international obligations, including those under the United Nations human rights instruments, of which the Russian Federation remains a Party.

---

67. "Eradicating torture in Europe: Council of Europe anti-torture Committee holds exchange of views with members of the Parliamentary Assembly", 2019, (coe.int).
68. TACC (tass.ru), "В Чечне считают безосновательными заявления Совета Европы о пытках на Северном Кавказе".
69. OMCT Russia: "Abduction of mother of human rights lawyer Abubakar, Yangulbaev".
70. "Песков прокомментировал похищение Заремы Мусаевой" (newsnn.ru); "Песков: Мусаева не в заложниках, а Путин не намерен разбираться в ситуации" (Vot Tak Tv).
71. Resolution 1479 (2006) "Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns".
72. Decision 2022CM/Del/Dec(2022)1428ter/2.3 on the consequences of the aggression of the Russian Federation against Ukraine (adopted by the Committee of Ministers on 16 March 2022 at the 1428ter meeting of the Ministers' Deputies).

83. I hope that the Russian Federation will one day abide by these obligations and implement in good faith the judgments of the European Court of Human Rights, including those yet to come. As recommended by the Assembly many times, the Russian authorities should develop a constructive attitude in relation to civil society, human rights defenders, victims of human rights abuses, LGBTI persons, and others.

84. The Russian Federation is expected to co-operate constructively with the CPT, while it remains a Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treading or Punishment (ETS No. 126).[73]

85. As shown by numerous examples in this report, human rights activists, lawyers, journalists, LGBTI persons, and women and girls fleeing domestic violence are frequently victims of killings, abductions, beatings, threats against family members, and trumped-up criminal charges. We have also seen that persecuted persons from the North Caucasus region are not safe in other regions of Russian Federation, and in some cases even abroad. For these reasons, I suggest that we recommend to all member and observer States of the Council of Europe to examine asylum applications emanating from persons from the North Caucasus, especially those belonging to the above-mentioned vulnerable groups, with particular care. Member States should also take into account the fact that refugees from this region do not have a viable internal flight alternative. Once they are granted asylum in one of our member or observer States, such persons should also be given adequate protection.[74]

86. Finally, given the frequent abuses of the Interpol Red Notice system already pointed out in two earlier reports of the Assembly,[75] I believe that the Assembly should also call on Interpol to be particularly careful when checking requests for Red Notices against persons from the North Caucasus region.

6. Conclusions

87. The situation with regard to human rights and the rule of law in the North Caucasus has not improved since the Assembly's last Resolution 2157 (2017) and the authorities of the Russian Federation have not implemented any of the Assembly's recommendations. Civil society is being persecuted to the point that it has practically ceased to function in the region; LGBTI persons, women and girls, are subjected to extreme violence and fear; the sense of impunity persists and extremism grows. Those fleeing from persecution in the North Caucasus region are not safe anywhere else in the Russian Federation and even abroad, as Chechen security services have extended their reach beyond the borders of the Russian Federation.

88. Even with the Russian Federation no longer being a member of the Council of Europe, the Assembly should continue to observe the situation in the North Caucasus. The Russian authorities should be reminded at every opportunity of their continuing international responsibilities with regard to human rights, including those flowing from relevant UN instruments such as the International Covenant on Civil and Political Rights and other international conventions to which the Russian Federation remains a State Party.

---

73. See Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe (adopted by the Committee of Ministers on 23 March 2022 at the 1429bis meeting of the Ministers' Deputies); Statement from the CPT President of 31 March 2022.

74. Exiles from the North Caucasus were murdered, for example, in Vienna and in Berlin; a report on extraterritorial repression is currently under preparation in the Committee on Legal Affairs and Human Rights (Rapporteur: Sir Christopher Chope, United Kingdom, EC).

75. See Doc. 14997 (2021) "Interpol reform and extradition proceedings: building trust by fighting abuse" (rapporteur: Alexander Pociej, Poland, EPP/CD) and Doc. 14277 (2017) "Abusive use of the Interpol system: the need for more stringent legal safeguards" (rapporteur: Bernd Fabritius, Germany, EPP/CD).