



Doc. 14083 – Compendium of written amendments
24/04/2017

(Final version)

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

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A. Draft Resolution

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 concern", 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 commissions" have been largely abandoned (as in Dagestan) or never seriously attempted (as in the Chechen Republic); by contrast, the Ingushetian authorities deserve praise for continuing their attempts at rehabilitating militants who wish to return to civilian life. Dialogue with Muslim groups such as the Salafi community has been replaced by harassment and intimidation, in particular in the Chechen Republic and Dagestan;

Amendment 8

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.1, replace the words "rehabilitation commissions", with the following words: "rehabilitation and adaptation commissions".

Amendment 9

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.1, delete the words: "(as in Dagestan)".

Amendment 10

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.1, after the words "Ingushetian authorities", insert the following words: "and the municipal rehabilitation commissions in Derbent and Khasavyurt".

Amendment 11

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.1, replace the last sentence with the following sentence: "Instead of seeking dialogue with Muslim groups, including those constructively pursuing reconciliation, such as the Salafi community, the

3.2. co-operation with civil society and with lawyers has remained very limited. 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", the Human Rights Centre "Memorial" and "MASHR" and their leaders and staff members have been subjected to mob violence, arson, physical attacks and intimidation. Lawyers defending victims of human rights violations have themselves become targets of aggression, intimidation and trumped-up criminal charges in reprisal for their work;

authorities in the Chechen Republic and Dagestan have harassed and intimidated presumed Salafis."

Amendment 12

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.2, replace the words "has remained very limited" with the following words: "remains tense and constrained".

Amendment 13

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.2, after the words "Nizhniy Novgorod Committee against Torture", insert the following words: "with its Joint Mobile Group of Human Rights Defenders in Chechnya (JMG)".

Amendment 14

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.2, after the first sentence, insert the following sentence: "It is regrettable that JMG had to withdraw its teams from the Chechen Republic in early 2016 for security reasons."

Amendment 15

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, after paragraph 3.2, insert the following paragraph:

"Threats by high-ranking local officials and policy makers, 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."

3.3. members of the security forces and law-enforcement bodies still resort to illegal means such as abductions and secret detentions, extrajudicial killings and torture, and they continue to enjoy almost complete impunity. Almost all the crimes against the persons to whom the Assembly

Amendment 16

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.3, replace the words "and torture" with the following words: ",

paid tribute in Resolution 1738 (2010) are still unpunished;

torture and collective punishment targeting family members of alleged insurgents, and public humiliation practices".

Amendment 1

Tabled by Mr Jonas GUNNARSSON, Mr Tobias BILLSTRÖM, Ms Carina OHLSSON, Ms Kerstin LUNDGREN, Ms Azadeh ROJHAN, Mr Markus WIECHEL, Mr Johan NISSINEN, Ms Lotta JOHNSSON FORNARVE

In the draft resolution, at the end of paragraph 3.3, insert the following sentence: "Recent reports of large-scale abductions, secret detentions, torture and even extrajudicial killings of LGBT persons in Chechnya are moreover a new and particularly grave concern;"

Amendment 33

Tabled by Mr Emanuelis ZINGERIS, Mr Kęstutis MASIULIS, Mr Jaak MADISON, Ms Sofio KATSARAVA, Ms Elisabeth SCHNEIDER-SCHNEITER, Mr Volodymyr ARIEV

In the draft resolution, after paragraph 3.3, insert the following paragraph:

"The recent reports of large-scale abductions, secret detentions, torture and extrajudicial killings of LGBT persons in Chechnya is a new challenge to the Council of Europe; The State-orchestrated mass scale persecution of a target group based on the sexual orientation presents a grave concern of mass atrocities taking place within the 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."

3.4. the implementation of the 225 judgments of the European Court of Human Rights ("the Court") in the cases belonging to the "Khashiyev group", 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. In particular:

Amendment 17

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.4, replace the number "225" with the following number: "247".

Amendment 18

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.4, after the words "enhanced supervision procedure", insert the following words: "and interim resolutions".

- 3.4.1. the “special investigative units” created especially to examine those cases in which the Court found failures to investigate have produced few results;
- 3.4.2. a “single and high-level body” mandated to search for missing persons as well as 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 (ICRC), 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 DNA testing;
- 3.4.3. the authorities are increasingly relying on limitation periods and amnesties 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;
- 3.5. 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;

Amendment 19

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.4.2, before the words "DNA testing", insert the following words: "bodily exhumations and professional".

Amendment 20

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, after paragraph 3.4.2, insert the following paragraph:

"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;"

Amendment 22

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.4.3, replace the words "limitation periods" with the following words: "statute of limitation".

Amendment 21

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, after paragraph 3.4.3, insert the following paragraph:

"according to the action plan submitted by the Russian Government to the Committee of Ministers, investigations into almost all cases falling under the "Khashiyev group" have now been suspended;"

Amendment 23

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, at the end of paragraph 3.5, insert the following sentences: "In particular, in the run-up to the September 2016 local elections in the Chechen Republic, local authorities comprehensively repressed even the

mildest criticisms, 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, increased the practices of unlawful detention and enforced disappearances, cruel and degrading treatment, death threats, and retaliation against family members of local critics."

Amendment 2

Tabled by Mr Jonas GUNNARSSON, Ms Azadeh ROJHAN, Ms Kerstin LUNDGREN, Mr Tobias BILLSTRÖM, Ms Carina OHLSSON, Mr Niklas KARLSSON, Mr Markus WIECHEL, Mr Johan NISSINEN, Ms Lotta JOHNSSON FORNARVE

In the draft resolution, at the end of paragraph 3.5, insert the following sentence: "Moreover, the denial, trivialisation and condoning by the Chechen authorities of the recent attacks against LGBT persons in Chechnya would appear to be in blatant conflict with the positive obligation to investigate such allegations effectively under Articles 2 and 3 of the European Convention on Human Rights;"

- 3.6. the deterioration of the situation of women and girls in the Chechen Republic through the rigid enforcement of religious norms 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 arranged and early marriages, and even so-called honour killings, are widespread and tolerated by the regional authorities.

Amendment 24

(If adopted, amendment 5 falls)

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 3.6, first sentence, delete the following words: "through the rigid enforcement of religious norms".

Amendment 5

(Falls if amendment 24 is adopted)

Tabled by Mr Morten WOLD, Ms Lise CHRISTOFFERSEN, Mr Snorre Serigstad VALEN, Mr Frank J. JENSSEN, Ms Ingjerd Schie SCHOU

In the draft resolution, paragraph 3.6, after the words "religious norms", insert the following words: "and a general brutalisation of society as a result of prolonged conflict and repression".

Amendment 3

Tabled by Mr Jonas GUNNARSSON, Ms Carina OHLSSON, Ms Kerstin LUNDGREN, Mr Tobias BILLSTRÖM, Ms Azadeh ROJHAN, Mr Niklas KARLSSON, Mr Markus WIECHEL, Mr Johan NISSINEN, Ms Lotta JOHNSSON FORNARVE, Ms Béatrice FRESKO-ROLFO, Mr Jean-Charles ALLAVENA, Ms Filiz KERESTECİOĞLU DEMİR, Ms Gülsün

BİLGEHAN, Ms Pascale CROZON, Ms Maria Edera SPADONI, Mr Manuel TORNARE, Ms Miren GORROTXATEGI, Mr Salih FIRAT, Ms Alice-Mary HIGGINS

In the draft resolution, paragraph 3.6, last sentence, replace the words "arranged and early marriages" with the following words: "forced, early and arranged marriages".

Amendment 4

Tabled by Mr Jonas GUNNARSSON, Ms Carina OHLSSON, Ms Kerstin LUNDGREN, Mr Tobias BILLSTRÖM, Ms Azadeh ROJHAN, Mr Markus WIECHEL, Mr Johan NISSINEN, Ms Lotta JOHNSSON FORNARVE, Ms Béatrice FRESKO-ROLFO, Mr Jean-Charles ALLAVENA, Ms Filiz KERESTECİOĞLU DEMİR, Ms Gülsün BİLGEHAN, Ms Maria Edera SPADONI, Mr Piet De BRUYN, Mr Salih FIRAT, Ms Alice-Mary HIGGINS

In the draft resolution, paragraph 3.6, last sentence, replace the words "so-called honour killings" with the following words: "crimes committed in the name of so-called "honour" ".

Amendment 6

Tabled by Mr Morten WOLD, Ms Lise CHRISTOFFERSEN, Mr Snorre Serigstad VALEN, Mr Frank J. JENSSEN, Ms Ingjerd Schie SCHOU

In the draft resolution, after paragraph 3.6, insert the following paragraph:

"The general brutalisation of society and practises does not only harm women and girls, but also LGBTI or perceived LGBTI people 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 for co-operation 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. 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 causes underlying the ongoing radicalisation and growing religious extremism, through intercultural and interreligious dialogue;

7.2. 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;

7.3. 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;

7.4. co-operate closely with civil society, and in particular with human rights defenders, and protect the staff of these non-governmental organisations effectively against reprisals;

7.5. 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:

Amendment 25

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, before paragraph 7.1, insert the following paragraph:

"ensure that local and regional authorities, including law enforcement and security agencies, fully comply with Russian domestic legislation and international human rights obligations;"

Amendment 27

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, after paragraph 7.2, insert the following paragraph:

"promote judicial independence in the region and provide adequate protection for judges and investigators under threat;"

Amendment 26

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, at the end of paragraph 7.4, insert the following words: ", and foster a favourable climate for journalists and human rights defenders to work in the region."

- 7.5.1. 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 limitation periods and amnesties from providing impunity for the perpetrators of such crimes;
- 7.5.2. 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 3.4.2 above);
- 7.6. 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 its co-operation with the CPT, with a view to eradicating the use of torture and inhuman or degrading treatment in this region.
8. The Assembly reiterates its call on all other Council of Europe member and observer States to:
- 8.1. co-operate with the Russian authorities in the fight against terrorism, whilst insisting on full compliance with the European Convention on Human Rights (ETS No. 5) as interpreted by the Court;
- 8.2. provide adequate protection to refugees from the North Caucasus region and deal with any requests concerning their extradition with special care and caution.

Amendment 28

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, paragraph 7.5.1, replace the words "limitation periods" with the following words: "statute of limitation".

Amendment 29

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft resolution, at the end of paragraph 7.5.2, insert the following words: ", the exchange of information between departments and the strengthening of the "Single Database for Genomic Information"".

Amendment 7

Tabled by Mr Morten WOLD, Ms Lise CHRISTOFFERSEN, Mr Snorre Serigstad VALEN, Mr Frank J. JENSSEN, Ms Ingjerd Schie SCHOU

In the draft resolution, after paragraph 7, insert the following paragraph: "Considering the alarming reports of abductions of hundreds of men based on their alleged sexual orientation in Chechnya, the Assembly urges the Russian Federation to carry out an immediate and transparent investigation of 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."

Amendment 30

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft resolution, at the end of paragraph 8.1, insert the following words: "and consider submitting an Inter-State application against Russia for the systematic non-implementation of the judgments under the "Khashiyev" group of cases".

9. 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.

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2016) "Human rights in the North Caucasus: what follow-up to Resolution 1738 (2010)?" and stresses that it still considers the situation in the North Caucasus region with regard to safeguarding human rights and upholding the rule of law as one of the most serious and most delicate in the geographical area covered by the Council of Europe.
2. The Assembly therefore urges the Committee of Ministers to continue paying the utmost attention to the development of the human rights situation in the North Caucasus region, in particular in the Chechen Republic, including by availing itself of the possibility to monitor the state of democracy, human rights and the rule of law in the North Caucasus under the Declaration of the Committee of Ministers of 10 November 1994 on compliance with commitments accepted by member States of the Council of Europe.
3. Regarding the implementation of the judgments of the European Court of Human Rights concerning the North Caucasus region, the Assembly commends the Committee of Ministers for placing these cases under enhanced supervision and encourages it to continue insisting on individual and general measures to end the climate of impunity, and in particular to continue resisting the Russian authorities' attempts to make use of statutes of limitation and amnesty laws to cement the impunity of the perpetrators of even the most egregious human rights violations.

Amendment 31

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Ms Gabriela HEINRICH, Ms Ute FINCKH-KRÄMER

In the draft recommendation, paragraph 2, after the words "in the Chechen Republic", insert the following words: "and in Dagestan".

Amendment 32

Tabled by Mr Frank SCHWABE, Mr Pieter OMTZIGT, Mr Yves CRUCHTEN, Mr Christoph STRÄSSER, Ms Ute FINCKH-KRÄMER

In the draft recommendation, paragraph 3, after the words "under enhanced supervision", insert the following words: " and issuing resolutions".