

Nyt fra E u r o p a r å d e t

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Chechnya: Council of Europe Anti-Torture Committee makes a public statement

Strasbourg, 13.03.2007 - The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) today issued a public statement concerning the Chechen Republic of the Russian Federation (available at <http://www.cpt.coe.int/en>).

The CPT's public statement is made under Article 10, paragraph 2, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Article 10 (2) provides that if a Party to the Convention "fails to cooperate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

This is the third time the CPT has made a public statement concerning the Chechen Republic. The previous statements were made in July 2001 and July 2003.

CPT statement on torture and unlawful detention in the Chechen Republic of the Russian Federation "regrettable but fully justified"

Statement by Terry Davis, Secretary General of the Council of Europe

Strasbourg, 13.03.2007 – "I am very concerned about the statement by the Council of Europe Committee for the Prevention of Torture that people continue to be unlawfully detained and tortured by law-enforcement agencies and security forces in the Chechen Republic of the Russian Federation. The statement comes only days after Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe, visited the region and expressed his suspicions about widespread torture and ill-treatment in the Chechen Republic. The situation is further aggravated by the failure of the authorities to investigate allegations and bring perpetrators to justice.

The prohibition of torture in Article 3 of the European Convention on Human Rights is clear and unconditional. The role of the Committee for the Prevention of Torture is to assist our member states in complying with this prohibition. The rule of confidentiality in the work of the CPT was put in place to facilitate this assistance. It should not be used to hide the lack of cooperation by the countries concerned. It is therefore regrettable, but fully justified, that the CPT has had to resort to the exceptional measure of issuing a public statement about the situation in the Chechen Republic of the Russian Federation.

I call on the Russian government to comply immediately, fully and effectively with the recommendation put forward by the Committee for the Prevention of Torture in their statement released today."

First conclusions of the visit of the Commissioner for Human Rights, Thomas Hammarberg, in the Chechen Republic of the Russian Federation (27 February through 1 March 2007)

The Commissioner for Human Rights of the Council of Europe visited the Chechen Republic of the Russian Federation from 27 February 2007 through 1 March 2007 with a view to assess the Human Rights situation and to engage in discussions with local authorities.

In Grozny, the Commissioner visited a military base of the Chechen Ministry for Internal Affairs, a remand detention centre, a police station, a temporary accommodation centre for internally displaced people, a school, a public hospital as well as a laboratory for forensic expertise. He also held a conference at the Grozny University, which professors and over 400 students attended. The Commissioner also visited the Southern part of the Republic, namely Vedeno where he met with local authorities. He visited a secondary school and a district hospital. In the city of Chali, he also visited a school.

The programme of the Commissioner's visit included meetings with the President *ad interim* and the Prime Minister of the Chechen Republic Mr. Ramzan Kadyrov. He also met with other members of the republican government: the Minister of Internal Affairs, Mr. Ruslan Alkhanov, the Prosecutor of Chechnya, Mr. Valery Kuznetsov as well as the Ombudsman, Mr. Nurdi Nukhajiev. The Commissioner also engaged in discussions with local NGOs.

On 1 March 2007, Thomas Hammarberg made a presentation at the opening of the conference organised by the Chechen Ombudsman, entitled: "the Human Rights situation in Chechnya: first results of the activities undertaken by the Ombudsman and future perspectives". During this intervention, where members of the republican and federal authorities, judicial authorities and representatives of civil society were present, the Commissioner shared his first impressions with the participants.

Thomas Hammarberg, wished to express his compassion with the Chechen people, who have been afflicted by a bloody conflict for the past decade. He deplored the limited sense of solidarity of the Europeans during this period.

The Commissioner was pleased with the important progress made in the field of reconstruction of villages and cities, more particularly Grozny. He was also pleased to witness the revival of schools and hospitals. These are indispensable steps to be taken in order to implement one of the recommendations, aiming at economic reconstruction, expressed in reports of the first Commissioner for Human Rights, Mr. Alvaro Gil-Roblès ([CommDH\(2001\)3](#), [CommDH\(2006\)4](#)). Thomas Hammarberg expressed the hope that these first steps be followed through and that they will lead to the creation of jobs that have been unavailable to the Chechen population. This would enhance the socio-economic situation of the Chechen Republic.

The Commissioner also declared that this chapter in Chechen history could never be closed without putting an end to impunity and without a serious and methodological effort to heal the wounds of the past that remain open.

In this context, Thomas Hammarberg urged the authorities in charge to carry out thorough investigations with regard to the crimes committed and to shed light on the disappearances of a great number of people. The Commissioner declared: "the disappearance of a human being is a tragedy, a gross violation of his/her rights. It is also a crime against his/her relatives and friends – against all those who suffer from the unknown and feel ignored by the authorities. This problem must be addressed by the authorities, in order to find the truth, punish the guilty and preserve the health of society". The Commissioner thus urges the authorities to do their utmost to locate all the mass graves and open those already discovered.

The process of identification of excavated corpses should be intertwined with the establishment of a comprehensive database of those who have disappeared. Such a task can only be accomplished successfully through serious cooperation between judicial authorities, forensic experts and the relatives of the victims.

Commissioner supported the proposal that a special Commission be established to investigate and oversee the gathering of information on past disappearances. This Commission would bring together representatives of federal authorities, of republican authorities and of civil society along with professional expertise.

Citing examples of societies that share similar tragic histories, the Commissioner expressed the opinion that the Chechen republic cannot escape the truth of the past as difficult and painful as this may be to face. Indeed, this truth will enable the beginning of the process of reconciliation without which a work on memory is impossible and memory is the basis of any sound democratic society respecting European values and the rule of law.

This thought led the Commissioner to bring up the problems with regard to the functioning of the judicial system, which are a cause for great concern.

Thomas Hammarberg shared the information he received when visiting the prison of Grozny. Through his conversations with the inmates, he became increasingly convinced of the existence of the use of torture and ill-treatment by the law enforcement agents, whether republican or federal, during the investigative proceedings. According to detainees, undue pressure and torture are a widespread practice used to obtain admission on guilt. These depositions are then used as a basis for the handing down of court judgments.

“I got the impression that torture and ill-treatment are widespread in Chechnya. This undermines justice. If one is coerced into telling a lie and the court takes the deposition into account, this perverts the whole judicial system. Such practices must come to an end immediately”, declared the Commissioner.

The Commissioner wishes that the procuratura and the representatives of civil society carry out frequent unannounced control visits in order to extract from the perpetrators of torture their feeling of utter impunity. In this struggle for legality, a lot depends on the leadership of the law enforcement agencies at all levels. They must encourage their subordinates to respect the law and bring the guilty to justice relentlessly.

The Commissioner conveyed these same impressions to the Prosecutor General of the Russian Federation, Mr. Yuri Chaika on 2 March 2007, during their discussion concerning his visit to Chechnya.

Following his visit to the Chechen Republic of the Russian Federation, The Commissioner for Human Rights will present a report as well as recommendations to the Committee of Ministers in Spring 2007.

Inter-state application brought by Georgia against the Russian Federation

On 26 March 2007 the Georgian authorities lodged with the Court’s Registry an application against the Russian Federation under Article 33 of the European Convention on Human Rights.

The application concerns events following the arrest in Tbilisi (Georgia) on 27 September 2006 of four Russian service personnel on suspicion of espionage. On 4 October 2006 the four servicemen were released by executive act of clemency. Eleven Georgian nationals were arrested on the same charges.

The applicant Government maintain that the reaction of the Russian authorities to this incident amounted to a pattern of official conduct giving rise to specific and continuing breaches of the Convention and its Protocols under the following provisions: Article 3 (prohibition of inhuman and degrading treatment and punishment), Article 5 (right to liberty), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination), Article 18 (limitation on the use of restrictions on rights) of the Convention; Articles 1 (protection of property) and 2 (right to education) of Protocol No. 1; Article 4 (prohibition of collective expulsion of aliens) of Protocol No. 4 and Article 1 (procedural safeguards relating to expulsion of aliens) of Protocol No. 7.

These breaches are said to derive from alleged harassment of the Georgian immigrant population in the Russian Federation, including interferences with the respect for private and family life, home and

correspondence, the peaceful enjoyment of possessions and the right to education together with widespread arrests and detention generating a generalised threat to security of the person and multiple interferences with the right to liberty on arbitrary grounds. The Georgian Government also complain of the conditions in which "at least 2,380 Georgians" had been detained. They assert that the collective expulsion of Georgians from the Russian Federation involved systematic and arbitrary interference with documents evidencing a legitimate right to remain, due process requirements and the statutory appeal process. In addition closing the land, air and maritime border between the Russian Federation and Georgia, thereby interrupting all postal communication, frustrated access to remedies for the persons affected.

Under Rule 51 of the Rules of Court, when an inter-state application is lodged the President of the Court is to give notice immediately to the respondent Contracting Party. The application is then assigned to one of the Court's five Sections. A Chamber of seven judges is subsequently constituted within the Section, including as members the judges elected in respect of the States concerned, in this case the Georgian and Russian judges. Since it was set up in 1959, the Court has delivered judgment in only three inter-state cases: Ireland v. the United Kingdom (1978); Denmark v. Turkey (2000) and Cyprus v. Turkey (2001). A further 17 inter-state applications were dealt with by the former European Commission of Human Rights, which ceased to exist in 1999.

Domme i nordiske sager ved Den Europæiske Menneskerettighedsdomstol

- 1.3.2007 Tønsberg Blad AS and Haukom v. Norway (no. 510/04): Violation of Article 10 (freedom of expression);
- 6.3.2007 Narinen v. Finland (no. 13102/03): Violation of Article 6 § 1 (length of proceedings);
- 13.3.2007 Huohvanainen v. Finland (no. 57389/00): No violation of Article 2 (right to life);
- 15.3.2007 Brøsted v. Denmark (no. 21846/04): Friendly settlement (Article 6 § 1, length of proceedings).

Høring i nordisk sag ved Den Europæiske Menneskerettighedsdomstol

- 8.3 Thiermann and Others v. Norway (no. 18712/03) - den såkaldte krigsbarn-sag (Artikel 3, 8 og 14)

Møder i april

(hvor intet andet er nævnt, holdes mødet i Strasbourg)

- 2.-5. Konference: vold, sport og racisme (Rennes)
- 3.-4. Ministerkomitéen
- 11. Ministerkomitéen
- 12.-13. Rundbordsmøde for Ombudsmænd og Europarådets menneskerettighedskommissær med deltagelse af repræsentanter fra de nationale institutter for menneskerettigheder
- 16.-20. Forårs-session i Den Parlamentariske Forsamling
- 23.-24. Konference: Dialog mellem religioner og kulturer i Europa (San Marino)
- 25.-26. International konference: Forebyggelse af terrorisme

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