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A matter of concern for the whole of Europe: Human rights violations in the North Caucasus

Amnesty International calls on all members of the Parliamentary Assembly of the Council of Europe (PACE) to adopt at its forthcoming plenary session a strong Resolution and Recommendation concerning the ongoing human rights violations in the North Caucasus and to ensure that the Assembly continues its dedicated monitoring and public reporting on the human rights situation in the region.

Grave human rights violations in the North Caucasus and a climate of impunity continue to feed “the nefarious spiral of violence” in the region, as highlighted in a recent report adopted by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE).

Based on the report on *Legal remedies for human rights violations in the North Caucasus Region*, prepared by **Dick Marty** – a Swiss Parliamentarian – on behalf of the Committee on Legal Affairs and Human Rights, the Parliamentary Assembly will debate on 22 June a Resolution and a Recommendation on the human rights situation in the North Caucasus.

Dick Marty's report echoes many of the concerns Amnesty International has voiced. Over 15 years Amnesty International has consistently researched and brought to light cases of human rights abuses, including war crimes, in the North Caucasus. Efforts have been made by the Russian authorities to create stability and to address the destruction caused by the armed conflict in Chechnya. However, impunity for human rights violations and the absence of the rule of law remain major obstacles to real and lasting stability in the region. The civilian population remains subject to violence from both sides, armed opposition groups as well as law enforcement bodies, and continues to be deprived of access to justice. Torture and ill-treatment, enforced disappearances, indiscriminate killings and arbitrary detention are pervasive. Investigations into human rights abuses are ineffective and flawed, often resulting in impunity for the perpetrators, perpetuating a lack of trust in state institutions and the justice system as a whole. The gagging of civil society, the indifference with regard to the murder of prominent human rights defenders and threats against journalists and human rights activists, which forced many to leave the country or to end their activities aimed at promoting and protecting human rights and ensuring justice, have seriously impacted on the right to freedom of expression

The authorities must stop the harassment and intimidation of independent journalists, civil society activists and human rights defenders and demonstrate a strong political will that perpetrators of such crimes will be brought to justice. They should engage in a constructive dialogue with human rights organizations and independent journalists working in the North Caucasus; and set up mechanisms to cast light on the violations against many victims of abductions and enforced disappearances, provide access to information on investigations into mass graves and set up databases on missing persons. Judgments of the European Court of Human Rights must be fully implemented and complainants protected against harassment and threats. Normalization in the North Caucasus is impossible without full accountability for human rights violations and the re-establishment of the rule of law.

It is the primary responsibility of the Russian authorities to end the ongoing human rights violations and bring those responsible for past violations to justice. But at the same time – as **Dick**

Marty points out – it is “not an exclusively Russian problem, but one which concerns the whole European community”.

Amnesty International shares this view. Grave violations of fundamental human rights and the virtual impunity that prevails in the region must be a matter of concern to the Council of Europe and all its member states. Both Parliamentarians as well as governments across Europe must take action. It is their shared responsibility to send a clear signal to the Russian authorities that they must tackle the problem of violence by armed opposition groups as well as law enforcement officials in full compliance with their obligations under the European Convention on Human Rights and other Council of Europe standards.

In view of the forthcoming debate of the Parliamentary Assembly, Amnesty International calls on all members of the Assembly:

- to support Dick Marty's recommendations and to ensure that the Assembly adopts a strong Resolution that sends a clear message to the Russian authorities. The Russian Federation must comply with its obligations under the European Convention on Human Rights and other international and regional human rights standards and bring to an end the ongoing human rights violations in the North Caucasus. The authorities must ensure that those responsible for human rights violations are brought to justice in fair proceedings, that victims and family members of deceased victims receive reparation, and take effective steps to prevent similar violations in future.
- to ensure that the human rights situation in the North Caucasus remains prominently on the agenda of the Parliamentary Assembly, also beyond the debate later this month. Amnesty International considers that the Assembly should continue its dedicated and public reporting on the human rights situation in the North Caucasus until the Russian authorities take effective steps to end impunity and ongoing human rights violations in the region.

It will also be vital that the Council of Europe's Committee of Ministers takes action to ensure that the Russian Federation complies with its obligations under the Council of Europe's human rights standards. As recommended by Rapporteur Dick Marty, such action by the Committee of Ministers should include:

- the creation – within the Council of Europe – of a record-keeping system for witness statements, documents and evidence. Such a system could make an important contribution to combatting impunity for serious human rights violations committed in the region;
- the (re-)opening of a monitoring procedure (in accordance with the Committee of Ministers Declaration on compliance with commitments accepted by member states of the Council of Europe) in relation to the situation in the North Caucasus; and
- insisting that the Russian Federation not only pays compensation to successful applicants to the European Court of Human Rights, but also implements the individual measures required to put an end to the violations found and address their consequences as well as takes the necessary general measures to effectively prevent similar violations in future.

Background

The Parliamentary Assembly of the Council of Europe (PACE), which meets four times a year in Plenary sessions in Strasbourg, is composed of members of national parliaments of the 47 Council of Europe member states.

At its meeting on 31 May, the Assembly's Committee on Legal Affairs and Human Rights adopted the report prepared by Dick Marty on behalf of the Committee: *Legal remedies for human rights violations in the North Caucasus Region*, Doc. 12276, <http://assembly.coe.int/Documents/WorkingDocs/Doc10/EDOC12276.pdf>. On 22 June 2010, the plenary of the Assembly will debate and vote on a Resolution and a Recommendation based on this report.

The last PACE Resolution and Recommendation on the human rights situation in the North Caucasus dates back to January 2006. Since that time Amnesty International has campaigned for the Assembly's public and dedicated monitoring of the human rights situation in the North Caucasus to continue and has called on the Russian authorities to facilitate the work of the Assembly's Rapporteurs.

The Council of Europe's Committee of Ministers is composed of representatives of governments of the 47 member states of the organization. It is the main decision-making body of the Council of Europe and also supervises the implementation of judgments of the European Court of Human Rights by member states.

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