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**Comments of the Russian Federation on the Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Russian Federation on 2-11 September 2009**

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## I. Introduction

The Report by the Commissioner for Human Right of the Council of Europe has been developed following his visit to the Chechen Republic and the Republic of Ingushetia as a part of his visit to the Russian Federation on 2-11 September 2009.

Human rights situation in the North Caucasus is an object of constant concern and attention on the part of the Commissioner for Human Right of the Council of Europe. Earlier, T. Hammarberg, like his predecessor A. Gil-Robles, has more than once visited the North Caucasus: in February 2006, February to March 2007, April 2008.

In the course of his visit to the Russian Federation on 2-11 September 2009 the Commissioner met with the Minister of Foreign Affairs of the Russian Federation, S.V. Lavrov, and the Minister of Justice of the Russian Federation, A.V. Kononov. He also held discussions with the Ombudsman of the Russian Federation, V.P. Lukin, the Chairperson of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation, E.A. Pamfilova, as well as representatives of the Office of the General Prosecutor of the Russian Federation, the Investigating Committee at the Office of the General Prosecutor of the Russian Federation (hereinafter referred to as “the Investigating Committee”), and civil society.

In the Chechen Republic, the Commissioner met the President of the Chechen Republic, R.A. Kadyrov, the Speaker of Parliament, D.B. Abdurakhmanov, the Deputy Prime Minister and Head of the Presidential and Governmental Administration, M.S. Selimkhanov, senior officials of the Ministry for Internal Affairs of the Chechen Republic, the Supreme Court of the Chechen Republic, the Prosecutor’s Office of the Chechen Republic, and the Ombudsman of the Chechen Republic N. Nukhazhiev. The Commissioner also held discussions with representatives of prosecution bodies of the Southern Federal District and the Chechen Republic.

In the Republic of Ingushetia the Commissioner met the President of the Republic of Ingushetia, Yu.-B.B. Evkurov, the Speaker of Parliament of the Republic of Ingushetia, M.S. Sakalov, the Deputy Prime Minister, M.-S. Aushev, the Prosecutor of the Republic of Ingushetia Yu. Turygin, the Ombudsman of the Republic of Ingushetia, K.-S. Kokurkhaev, and senior officials of the Ministry for Internal Affairs of the Republic of Ingushetia. The Commissioner also held talks with representatives of civil society and addressed the Forum of Ingush and North Ossetian NGOs in Nazran.

Numerous meetings with representatives of federal and regional authorities, as well as with civil society representatives helped the Commissioner to form his own clear view of changes in the human rights situation in federal subjects of the North Caucasus region.

The Report registered both successes and complications associated with the coming back to quiet peaceful life in the Chechen Republic and the development of situation in the Republic of Ingushetia.

Thomas Hammarberg draws special attention to such aspects as situation of human rights defenders, protection of human rights in the course of counter-terrorism and special-forces raids, abductions and disappearances of people, fighting of impunity.

The Commissioner appreciates efforts made by federal and regional authorities in order to amend the human right situation, which includes improvement of counterterrorism legislation, development of the legal system, improvement of efficiency of law-enforcement agencies and getting the dialogue with civil society under way.

Pursuant to the common practice, at the end of 2009 the Report was sent to competent ministries, offices and regions of the Russian Federation. At the beginning of 2010 responses of executive authorities and non-governmental institutions to issues brought up by Thomas Hammarberg in his Report were summarized.

These comments have been developed on the basis of materials submitted by the following ministries and offices in December 2009 – March 2010: the Ministry for Internal Affairs of the Russian Federation, the Ministry of Regional Development of the Russian Federation, the Ministry of Justice of the Russian Federation, the Ministry of Defense of the Russian Federation, the Office of the Representative of the Russian Federation in the European Court of Human Rights, the Office of the General Prosecutor of the Russian Federation, the Investigating Committee at the Office of the General Prosecutor of the Russian Federation, the Federal Migration Service, the Presidential and Governmental Administration of the Chechen Republic, the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation.

The comments strictly follow the structure, numbering and headings of sections in the Report by the Commissioner. Comments related to the situation in the Chechen Republic and the Republic of Ingushetia have been complemented with sections “Social and economic situation”. Quotes from the Report by Thomas Hammarberg are printed in italics.

## **II. General provisions**

The Chechen Republic and the Republic of Ingushetia are fully legitimate federal subjects of the Russian Federations. Republics have their own functioning state authorities provided by the Russian laws and the republican law: the President, the Government, the Public Gathering (the Parliament), prosecution bodies, law-enforcement bodies, higher and secondary educational institutions, health-care institutions, etc.; functioning Ombudsman offices.

High emphasis is placed on activities of non-governmental organizations aimed at reinforcement of their influence on democratic development processes and involvement with settlement of socially significant issues.

The common task for all federal subjects of the Russian Federation in the North Caucasus region is to enhance social and economic indexes of live of the population, to get over unemployment. In many respects those are the factors that contribute to existence of troubled areas and radicalization of youth.

Situation in the Chechen Republic, the Republic of Ingushetia and at the North Caucasus as a whole can be characterized by the present threat of terrorist attacks on the part of active branches of illegal armed groups functioning in the region.

Investigatory agencies of the Russian Federation conduct investigations on crimes committed against human rights defenders.

Securing of civil rights is being effected consistently. Senior officials of the Russian Federation attribute much importance to protection of rights of all people in the region in question; this issue is high on the list of priorities. They keep implementing provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, the decisions of the European Court of Human Rights and the Committee of Ministers of the Council of Europe into the legal system of the Russian Federation and immediate activities of authorized state bodies and representatives of those bodies.

They established grounds and order of use of force, weapons and specific means in the course of counterterrorism raids at the legislative level and then worked those out in detail in the Decree of the Government of the Russian Federation and official regulatory acts. Particularly, they established requirements on offering of a reasonable opportunity to fulfill lawful conditions of authorities, on adequacy of use of force in certain situations and as the last extreme measure should there be an imminent threat to life and health of people.

The system of legal guarantees for protection from illegal detention and the system for securing of registration of detained persons and prevention of abusive treatment were improved.

Specific mechanisms providing for detection and investigation of crimes committed in the course of counterterrorism raids in the Chechen Republic were developed. Decisions of the European Court of Human Rights are being consistently executed.

Fighting against abductions and tracing of missing people keep being priority tasks for law-enforcement bodies.

Senior officials of the Russian Federation attribute much importance to suppression and liquidation of corruption, to pursuing of the judiciary reform. The Order of the President of the Russian Federation specifies the set of instructions and regulations in order to improve the performance of Russian law-enforcement bodies.

In January 2010 there was established the North-Caucasus Federal District (NCFD) that embraced Dagestan, Ingushetia, Kabardino-Balkaria, Karachay-Cherkessia, North Ossetia-Alania, the Chechen Republic and the Stavropol Territory. The administrative reform is aimed at enhancement of federal and regional executive bodies' work in the North Caucasus.

A.G. Khloponin has been appointed the Deputy Chairman of the Government of the Russian Federation and Presidential Plenipotentiary in NCFD by the Order of the President of the Russian Federation.

### **III Human rights situation in the Chechen Republic**

#### **Social and economic situation**

The Chechen Republic demonstrates a steady tendency to revival of social and economic development. The total population of the republic exceeds 1230 thousand people. The Chechen Republic is at the top of the rating among other subjects of Russia by birth rate.

Federal Target Programme “Social and Economic Development of the Chechen Republic in 2008-2011” is in full force. “Strategy of social and economic development of the Chechen Republic to 2020” is undergoing the reconciliation procedure with competent federal executive bodies.

Four national projects – in the sphere of education, public health care, housing and development of the agricultural sector – are being implemented.

The Chechen Republic is an active participant of international economic forums. The republic presented 40 investment projects at the 8<sup>th</sup> International Investment Forum “Sochi-2008”. The Chechen Republic develops its international cultural and sports relations.

The top-priority task is to create more jobs taking into account the high rate of unemployment that amounts to approximately 300 thousand people. In 2009, employment agencies of the republican Ministry of Labour gave employment to more than 70 thousand people. Over 3.6 thousand people pass professional training.

In November 2009 the Parliament of the Chechen Republic passed the bill on development of small and medium entrepreneurship. At the beginning of Q4 2009 there were registered 7200 private enterprises and about 27,000 individual entrepreneurs. In the context of the Programme on support and development of small entrepreneurship in the Chechen Republic for 2006-2010, the republican budget for 2009 provided 140 million rubles for development of a proper infrastructure for support of small entrepreneurship, financial and credit support, scientific-methodological and staffing support and informational support of small entrepreneurship.

The President of the Russian Federation D.A. Medvedev issued the instruction to compile the list of investment projects to be implemented in the North Caucasian republics, as well as to take necessary measures to conduct training and advanced trainings of teachers working in postsecondary educational institutions of the North Caucasian republics.

Social and economic reforms, measures on reconstruction and building of new production, public health care, educational and cultural facilities, housing and utilities infrastructure exercise positive influence on political, social and economic situation in the Chechen Republic.

#### **1. Situation of human rights defenders Comments on paragraphs 14-16**

The Report indicates that *“The lack of effective investigations into disappearances and deaths of activists of human rights organizations”* is a source of serious concern on the part of Russian and international society.

The key task in the region is fighting against terrorism. Sad tendency of the recent period is offences and unlawful acts committed against human rights defenders, journalists and state officials in the territory of the North Caucasian republics.

Senior officials of the Russian Federation and the President of the Russian Federation D.A. Medvedev personally attribute much significance to investigation of those high-profile crimes. Proper tasks have been assigned to bodies under the jurisdiction of the Office of the General Prosecutor of the Russian Federation, the Ministry for Internal Affairs of the Russian Federation and the Federal Security Service of the Russian Federation. Investigatory bodies of the Russian Federation take all the measures provided by the laws to identify suspects and bring them to trial.

Investigations of criminal cases opened on the fact of murders of N. Estemirova, Z. Sadulayeva and her husband A. Dzhabrailov are supervised by the Office of the General Prosecutor of the Russian Federation, the Investigation Committee at the Prosecutor's Office of the Russian Federation. Information on investigation of the above-mentioned criminal cases is specified in Annex 1.

Investigations on the above-mentioned and other cases not specified in the Report are in progress. In the course of the meeting that was held on December, 15<sup>th</sup> 2009 in the Investigation Committee at the Prosecutor's Office of the Russian Federation Thomas Hammarberg was provided with materials on investigation of certain criminal cases committed in the territory of subject of the North Caucasus.

### **Comments on paragraphs 17-20**

The Report *“highlighted the usefulness of NGOs for societal development, emphasized the need to promote safe and favourable conditions for the work of human rights NGOs”*.

The Russian Federation pays much attention to activities of NGOs aimed at reinforcement of its influence on democratic development processes and involvement with settlement of socially-significant issues.

There may be observed a considerable growth in the number of NGOs, necessary funds are being allocated from the state budget for the purpose of targeted financing of those organizations: in 2006 – 500 million rubles, in 2007 – 1.25 billion rubles, in 2008 – 1.5 billion rubles, in 2009 – 1.5 billion rubles.

Senior officials of the Ministry for Foreign Affairs of the Russian Federation work on developing cooperation and creating certain mechanisms for interaction with Russian NGOs engaged in foreign policy for those to be involved with the international NGO community. Ministries and offices are in regular contact with representatives of internationally-active Russian NGOs.

Potential for participation of Russian NGOs in multi-profile programmes initiated by the Council of Europe grew up due to the Resolution of the Committee of Ministers of the Council of Europe on Participatory status for international non-governmental organizations with the Council of Europe adopted in November 2003. Within the period from 2003 to 2009 the Council of Europe assisted with organization and holding of several regional conferences of Russian NGOs.

In the context of Russia's chairmanship in the Committee of Ministers of the Council of Europe there was held the NGO conference “Securing of social rights and activation of a dialogue between the state and the civil society” (Moscow, September 2006).

Senior officials of the Conference of International Non-Governmental Organizations (INGOs Conference) on numerous occasions met the Chairperson of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation E.A. Pamfilova, members of the Public Chamber of the Russian Federation, officials of the Ministry for Foreign Affairs and the Ministry of Justice.

The Programme of cooperation between INGOs Conference and the Russian NGO community for 2008-2011 was reconciled and approved in 2008. In the context of its implementation, the Third Regional NGO Congress was held in the city of Penza on December 2008, that congress being an important event for further integration of Russian non-governmental organizations into European civil and political structures. There were established partnership relations between INGOs Conference and the Council of the Federation Commission on Development of Civil Society Institutions.

Establishment of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation in 2004 (reorganized Commission for Human Rights under the President of the Russian Federation that was formed in 2002), and establishment of the Public Chamber of the Russian Federation in December 2005 contributed much to development of civil society institutions.

In particular, the Council is responsible for examination of draft laws and law-enforcement practices, development of draft laws, amendments and supplements to the current legislation.

The Public Chamber of the Russian Federation is qualified to secure coordination of socially-significant interests of citizens of the Russian Federation, public associations, state authorities and local authorities for the purpose of settlement of the most urgent issues related to economic and social development, protection of rights and freedoms of citizens of the Russian Federation, the constitutional system of the Russian Federation and democratic principles of civil society development in the Russian Federation.

Russian NGOs, including members of the Council on Civil Society Institutions and Human Rights under the President of the Russian Federation (representatives of major Russian human rights organizations “Memorial”, “Civil Assistance”, etc.) carry out energetic activities in the North Caucasus, in particular, they assist with tracing of missing people.

In 2009, upon the initiative of E.A. Pamfilova, the Chairperson of the Council, there was created the Working group for monitoring and prevention of especially grave crimes against life, dignity and freedoms of citizens in the North-Caucasian republics, that group being formed by the Ombudsman of the Russian Federation V.P. Lukin, members of the Public Chamber of the Russian Federation and certain human rights organizations.

The President of the Russian Federation D.A. Medvedev attributes much attention to the public opinion on North Caucasus issues. Meetings of members of the Council and the President of the Russian Federation D.A. Medvedev (involving NGOs from the North Caucasus region) dedicated to issues on human rights situation in the North Caucasus may be considered as a specific step in the above-mentioned direction. In the course of these meetings members of the Council will submit propositions on settlement of regional issues, including those specified in the Report by T. Hammarberg, for consideration of the President of the Russian Federation.

Competent civil society organizations and structures were established in the Chechen Republic and the Republic of Ingushetia in 2007-2009 that was also registered in the Report by the Commissioner.

The Russian Federation keeps working on improvement of the national legislation regulating activities of non-profit organizations, with active participation of representatives of the civil society.

Amendments to the Federal Law “On Non-Profit Organizations” initiated by the President of the Russian Federation D.A. Medvedev and aimed at facilitation of registration procedures, financial reporting and inspections, came into force on August 1<sup>st</sup> 2009.

In November 2009 the President of the Russian Federation D.A. Medvedev introduced the draft law “Amendment of certain laws of the Russian Federation in the context of support to socially-oriented non-profit organization” to the State Duma of the Federal Assembly of Russian Federation.

Due to proposed amendments to the Federal Law “On Non-Profit Organizations” relevant amendments should be introduced into federal laws “General principles of organization of legislative (representative) and executive bodies of subjects of the Russian Federation” and “General principles of organization of local government in the Russian Federation”.

## **2. Counter-terrorism measures**

### **Comments on paragraphs 21-23**

The Report indicates that *«... state authorities have a clear duty to protect the public from the violent actions of illegal armed groups, counter-terrorism measures should be strictly proportionate and human rights safeguards should be applied fully and systematically in all special operations, as well as in the detention of terrorist suspects and during court proceeding.»*

After lifting of the counter-terrorism security regime in the Chechen Republic on April, 16<sup>th</sup> 2009, the region still experiences the high level of activity of illegal armed groups (IAG).

Total suppression of terrorists is one of the key tasks on the way to further normalization of situation in the North Caucasus. So the main efforts of the United Task Force (UTF) are focused on investigative and preventive measures aimed at suppression of illegal armed groups, detection of IAG encampment sites and weapon storage areas. To date, military elements of the Armed Forces of the Russian Federation that stayed in of the Chechen Republic on a temporary basis have already been withdrawn to their permanent location.

In 2009, there were registered 147 infringements on lives of law-enforcement officers, members of the armed forces and officials (133 infringements were registered in 2008) in the Chechen Republic.

In the course of Special Forces raids conducted in 2009, 95 active participants of illegal armed groups were liquidated, 65 arms caches were discovered, 11 IAG encampment sites were destroyed. Withdrawn from the illicit arms traffic: 222 firearms, over 44 thousand ammunition supplies, 190 shells, mines and bombs, 386 grenades and fragmentation grenades, 14 explosive devices, over 1.6 tons of explosive substances. There were detected 176 crimes related to illicit arms traffic. Citizens of the Chechen Republic voluntarily surrendered on a remuneration basis 36 firearms, over 4 thousand ammunition supplies and shells, 21 grenades, 21 shots to light anti-tank grenade and fragmentation grenade launchers, 1,566 kilos of explosive substances.

Summarizing the results of relevant inspections there were opened 102 criminal cases, 100 of those proceeding from essential elements of the offence as provided by the Section 317 “Infringement on life of a law-enforcement officer” of the Criminal Code of the Russian Federation; 2 of those proceeding from the Section 205, part 3 “Terrorist acts associated with attacks on nuclear energy sites or employing nuclear materials, radioactive substances or radioactive sources, or toxic, poisonous, intoxicating, hazardous chemical or biological substances that entailed wrongful death” of the Criminal Code of the Russian Federation.

For the purpose of effective suppression of organized criminal activities conducted by members of organized groups or criminal communities, the following amendments were introduced into criminal and criminal procedure legislation of the Russian Federation: Section 35 of the Criminal Code of the Russian Federation “Commission of a crime by a group by previous concert, an organized group or a criminal community (criminal organization)”; Section 210 of the Criminal Code of the Russian Federation “Establishment of a criminal community (criminal organization)”; as well as Section 100 of the Code of Criminal Procedure of the Russian Federation “Choosing of pre-trial restrictions to be applied to a suspect”. Proposed amendments provide for better differentiation of characteristic features of an



organized group and a criminal community, as well as for differentiation of responsibility of those belonging to organized criminal groups.

In accordance with the Decree of the Coordination meeting of senior officials of law-enforcement agencies of the Southern Federal District № 1 dated on March, 14<sup>th</sup> 2008 “Measures to improve efficiency of fighting against infringement on life of law-enforcement officers and members of the armed forces”, there was adopted a set of organizational measures: procedures on recording and analysis of crimes associated with infringement on life of law-enforcement officers were fixed, a database on cases belonging to this category was established that provided for timely suppression of negative tendencies in the performance of investigators working for Investigation Agency of the Investigating Committee in the Chechen Republic.

Law-enforcement bodies of the Chechen Republic take certain measures to prevent infringements on life of law-enforcement officers, members of the armed forces and civil population; in particular, they secure 24-hour guarding of administrative buildings, patrolling of central streets of settlements, setting-out of mobile checkpoints, etc.

The Board of the Prosecutor’s Office of the Chechen Republic on a regular basis, at the extended meetings, considers issues related to fighting against infringements on life of law-enforcement officers, members of the armed forces and civil population. In pursuance of resolutions passed at those meetings they analyze the legitimacy of consideration of reports on crimes associated with infringements on life of law-enforcement officers, members of the armed forces and civil population committed in the territory of the Chechen Republic.

Under the instructions of the Prosecutor’s Office of the Chechen Republic regional prosecutors hold meetings with senior officials of law-enforcement agencies to discuss problems arising in the course of criminal investigations and ways to settle those problems.

In order to coordinate the performance of law-enforcement agencies of the Chechen Republic in the course of investigative activities on detection of crimes associated with infringements on life of law-enforcement officers, members of the armed forces and civil population, the Prosecutor’s Office of the Chechen Republic hold interdepartmental meetings involving representatives of the Investigation Agency of the Investigating Committee in the Chechen Republic and other law-enforcement bodies, where they develop measures on prevention of such crimes.

Within the period from 2001 to 2008 courts of general jurisdiction of the Chechen Republic, Military Tribunal of the Grozny Garrison and the North-Caucasian Regional Military Tribunal considered and passed judgments of conviction under 600 criminal cases opened on the fact of murders, robbery, criminal negligence, abuse of office and other crimes committed in the territory of the Russian Federation. Over 500 members of illegal armed groups and about 200 members of the armed forces, law-enforcement officers and other state and local officials were found guilty.

Investigators of inter-regional investigative sections of the city of Grozny, the Investigation Agency of the Investigating Committee in the Chechen Republic, opened criminal cases on crimes specified in par. 22 of the Report by T. Hammarberg and other crimes committed by members of illegal armed forces, and investigations on those cases are in progress (Annex 2).

### **Comments on paragraphs 24-26**

Since Russia joined the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as “the Convention”), within the period from February 2005 to December 2009, the European Court of Human Rights (hereinafter referred to as “the European Court”)

passed 129 rulings (87 of those in 2009) establishing facts of violation of civil rights provided by the Convention that occurred in the course of settlement of crisis in the Chechen Republic and were effected by Russian authorities.

Copies of all the above-mentioned decrees were sent to competent authorities for those to be used in practice and to take measures on prevention of further violations of the Convention.

In 2009, the European Court communicated to the state authorities of the Russian Federation 53 complaints filed by citizens claiming alleged violations of rights provided by the Convention that occurred in the course of settlement of crisis and establishing of the constitutional order in the Chechen Republic.

State authorities of the Russian Federation developed and sent to the European Court proper memorandums on complaints communicated in 2009.

Summarizing the results of analysis of decrees issued by the European Court, the authorities developed certain measures to remedy violations of the Convention in the following areas:

- Improvement of legal regulation and organizational support of activities conducted by security tasks forces in the course of counterterrorism raids;
- Effective prevention and investigation of violations of the Convention;
- Development of effective legal remedies for those violations guaranteeing a compensation for moral injury and injury to property.

In actual practice they implemented the following measures:

In order to coordinate the performance of federal executive bodies, executive bodies of the subjects of the Russian Federation and local authorities, there was established the National Anti-Terrorist Committee vested with the task to develop measures on suppression of terrorism, on removal of conditions and grounds for terrorism, on protection of potential targets of terrorist attacks, as was provided by the Order of the President of the Russian Federation dated on February, 15<sup>th</sup> 2006 № 116 “Counter-Terrorism Measures”.

There was adopted the Federal Law dated on March, 10<sup>th</sup> 2006 “On Combating Terrorism” regulating the order of involvement of the Armed Forces of the Russian Federation with the suppression of terrorist attacks, the order of introduction of the counter-terrorism security regime, as well as the complete list of preventive measures.

In particular, the notice on introduction of the counter-terrorism security regime and the territory of its introduction should be given to the President of the Russian Federation, the Chairman of the Government of the Russian Federation, the Chairman of the Council of Federation of the Federal Assembly of the Russian Federation, the Speaker of the State Duma of the Federal Assembly of the Russian Federation, the General Prosecutor of the Russian Federation and, if necessary, other officials. Such notification of senior state officials also provides for the fairness of introduction of restrictions, for control over implementation of those restrictions and serves as a guarantee against unwarranted limitation of human and civil rights and freedoms. According to par. 12 of the Law, counterterrorism raids may be conducted only in cases when there are no other means and methods to suppress a terrorist attack.

Grounds for the use of force and order of its use in the course of planning and conducting of counterterrorism raids are specified in detail in applicable regulatory acts issued by the Government of the Russian Federation and competent ministries and offices. In particular, the Decree of the Government of the Russian Federation dated on June, 06<sup>th</sup> 2007 № 352 “Measures on implementation of the Federal Law “On Combating Terrorism” established:

1. Regulation on the use of weapons and war equipment by the Armed Forces of the Russian Federation for removal of air terrorist threats or for suppression of any such terrorist attacks;
2. Regulation on the use of weapons and war equipment by the Armed Forces of the Russian Federation for removal of terrorist threats in national waters, in territorial waters, at the continental shelf of the Russian Federation, and for ensuring of safety of national maritime traffic, including submarine traffic, or for suppression of any such terrorist attacks;
3. Regulation on the use of weapons and war equipment by the Armed Forces of the Russian Federation in the course of counter-terrorism raids.

For the purpose of implementation of the Federal Law “On Combating Terrorism” as it pertains to social protection of victims of terrorism, as well as counter-terrorists:

- By the Decree of the Government of the Russian Federation dated on January 12<sup>th</sup> 2007 № 6, there were established the Rules for social rehabilitation of victims of terrorism, as well counter-terrorists;
- There was determined the order of compensation of damage caused to life and health of persons involved with fighting against terrorism, approved by the Decree of the Government of the Russian Federation dated on February, 21<sup>st</sup> 2008 № 105;
- By the Decree of the Government of the Russian Federation dated on March, 13<sup>th</sup> 2008 № 167, there were established the Rules for indemnification of the cost of destroyed or damaged property to persons involved with counter-terrorism measures;
- By the Decree of the Government of the Russian Federation dated on April, 16<sup>th</sup> 2008 № 278, there were established the Rules for reimbursements of expenses associated with the use of transportation vehicles belonging to organizations and individuals for the purposes of counterterrorism raids;

In the context of activities aimed at harmonization of the Russian legislation with the standards of international law in combating terrorism, on July, 27<sup>th</sup> 2006 there was adopted the Federal Law “Amendment of certain laws of the Russian Federation in the context of adoption of the Federal Law “Ratification of the Council of Europe Convention on the Prevention of Terrorism” and the Federal Law “On Combating Terrorism” that introduced certain amendments to laws associated with the necessity to fulfill requirements provided by the Resolution № 1624 of the UN Security Council and the Council of Europe Convention on the Prevention of Terrorism”.

Alongside with lodging of claims against guilty parties in criminal and civil procedure, victims of the settlement of crisis in the Chechen Republic shall be entitled to get compensation for lost houses and property. Legal platform for such compensatory payments is formed by Decrees of the Government of the Russian Federation dated on April, 30<sup>th</sup> 1997 № 510 “Order of payment of a compensation for lost accommodation and/or property to victims of the settlement of crisis in the Chechen Republic that permanently left the Chechen Republic” and dated on July, 4<sup>th</sup> 2003 № 404 “Order of payment of a compensation for lost accommodation and property to victims of the settlement of crisis in the Chechen Republic residing at the territory of the Chechen Republic”. In total, as of February 2010 there have been paid 23 billion rubles to 66.5 thousand claimants under the above-mentioned decrees.

In pursuance of the Order of the President of the Russian Federation dated on December, 7<sup>th</sup> 2008 № 758-rp “Inter-departmental task group on development of propositions for legislative settlement of issues on reimbursement for damage caused to persons within the period of the settlement of crisis and establishing of the constitutional order in the Chechen Republic”, the Ministry of Justice of the Russian Federation developed the draft federal law “Reimbursement for damage caused by terrorist attacks or counterterrorism measures to individuals or property in the course of counterterrorism raids”.

The above mentioned draft law was sent for improvement of legal remedies providing for reimbursement of other types of damage, first of all, moral damage caused in the course of counterterrorism raids in cases when the investigation fails to identify offenders. At present, the draft law is being considered by competent authorities.

The Russian Federation has improved the system of legal and organizational guarantees of protection from illegal detention, for securing of registration of detained persons and prevention of abusive treatment.

Thus, prosecutors of the Chechen Republic on a daily basis monitor legitimacy of detention and keeping of individuals in temporary detention facilities, as well as systematically monitor observance of laws in investigatory isolation wards.

Within the period from 2007 to 2009, in order to remedy violations of the laws that regulate the procedure of detention and imprisonment of suspects and accused in temporary detention facilities and investigatory isolation wards, prosecutors of the Chechen Republic submitted 87 representations that were then considered and measures were taken to remedy all the disclosed violations, disciplinary proceedings were instituted against 92 guilty officials. Within the period under consideration 53 law-enforcement officers of the Chechen Republic were brought to trial and convicted for offences related to their professional duties.

Additional measures were taken to improve confinement conditions for those suspected and accused being kept in temporary detention facilities and investigatory isolation wards. Summarizing the results of his visit to the Investigatory Isolation Ward № 1 in the city of Grozny in April 2008, Thomas Hammarberg described the situation in the above-mentioned facility as “satisfactory”. In general, the Chechen Republic may be characterized by a steady tendency to reduction in number of detained persons.

Russian authorities lay special emphasis on cooperation with the Committee of Ministers of the Council of Europe. Measures undertaken by the Russian authorities in 2006-2008 in cooperation with the Committee of Ministers of the Council of Europe (hereinafter referred to as “CM”) were analyzed at four CM meetings (DH), got positive reviews and were taken into account in the revised Memorandum “Actions of the security forces in the Chechen Republic of the Russian Federation: general measures to comply with the judgments of the European Court of Human Rights” (hereinafter referred to as “the Memorandum”) approved by the Committee of Ministers in 2008.

Issues and problems to be thoroughly monitored and immediately settled by the Russian authorities are specified both in resolutions passed by the Committee of Ministers and the Memorandum. For this purpose the Committee of Ministers decided to hold bilateral consultations between the of the Council of Europe and the Russian competent authorities. In this context, the Memorandum and bilateral consultations serve as a schedule of cooperative measures on execution of decrees of the European Court and on implementation of provisions of the Convention into law-enforcement activities of Russian authorities.

Results of the above-mentioned meetings prove that those meetings are important and vital for both parties. The Secretariat of the Council of Europe has got an opportunity to have a close look at efforts taken by the Russian authorities in order to settle urgent problems, while for the Russian authorities those consultations serve as an important impulse for amendment of the current legislation and the law-enforcement practice.

To date, representatives of the Secretariat of the Council of Europe visited the Russian Federation three times, meeting in the course of their visits with the Office of the General Prosecutor of the Russian Federation, the Main Military Prosecutor Office, the Investigating Committee, the Ministry for Internal Affairs of the Russian Federation, the Supreme Court of the Russian Federation, as well as investigators, prosecutors, judges, and law-enforcement officers exercising their powers in the Chechen Republic. Results of the first two visits of representatives of the Secretariat of the Council of Europe that occurred in February and April 2009 in Moscow were submitted for consideration of the meeting of the Committee of Ministers on June, 2-5 2009. The main issues under discussion were measures undertaken by the Russian authorities in order to guarantee investigations on criminal cases and to respect the rights of

victims. The head of the delegation provided the Committee of Ministers with an interim report developed by the Secretariat of the Council of Europe. The Committee of Ministers acknowledged the said report and positively assessed the Russian approach to discussion of issues specified in the Memorandum, as well as the efforts on execution of resolutions passed by the European Court in this category of cases. The next visit was scheduled for March 2010.

Meeting of the Committee of Ministers that considered issues related to execution of resolutions of the European Court on cases opened on the fact of violation of civil rights in the course of settlement of crisis in the Chechen Republic was held on December, 1-5 2009. The Committee of Ministers acknowledged the information passed for its consideration and encouraged the Secretariat of the Council of Europe and the Russian authorities to proceed with cooperation, choosing to get back to consideration of this issue at the meeting of the Committee of Ministers in March 2010, in view of the revised Memorandum.

### **Comments on paragraphs 27-29**

In view of statements on “*collective punishment of relatives of alleged terrorists or insurgents*” made by certain non-governmental organizations and referred to in the Report, the following facts have been established.

On July, 23<sup>rd</sup> 2008 the department of internal affairs in the Kurchaloyevsky district was informed that on July, 16<sup>th</sup> 2008 in the settlement of Akhkinchu-Barzoi, the Kurchaloyevsky district, unidentified persons in camouflage and masks set on fire two houses and a car belonging to Kh. Umarov and A. Umarov.

The department of internal affairs in the Kurchaloyevsky district conducted an inquiry on the fact as provided by par. 144-145 of the Code of Criminal Procedure of the Russian Federation. Summarizing the results of the inquiry, an order to dismiss a criminal complaint was issued on August, 2<sup>nd</sup> 2008 pursuant to par. 1, part 1, Section 24, Code of Criminal Procedure (“Absence of criminal events”). Information on the arson has never been confirmed.

On November, 15<sup>th</sup> 2008 the department of internal affairs in the Shalinsky district was informed by the human rights center “Memorial” that in the night of August, 28<sup>th</sup> 2008 in the village of Mesker-Yurt, the Shalinsky district, unidentified persons set on fire the house belonging to Aliev family. The inquiry conducted by the department of internal affairs in the Shalinsky district on the above-mentioned fact has not confirmed the event of arson.

The Prosecutor’s Office of the Gudermessky district conducted an inquiry on burning of houses belonging to members of illegal armed groups that allegedly occurred on June, 18<sup>th</sup> 2009 in the village of Engel’-Yurt, the Gudermessky district. The inquiry revealed that in the middle of June 2009 two houses located in the above-mentioned village at Kh. Nuradilov Street and belonging to S.Sh. Baisuev burned down. S.Sh. Baisuev explained that both houses burned down as a result of a short-circuit failure, he never contacted any fire station and had no complaints. His wife, K.A. Baisueva provided similar explanation. Summarizing the results of the inquiry, an inquiry officer in the Gudermessky district on July, 26<sup>th</sup> 2009 issued an order to dismiss the criminal complaint pursuant to clause 1, part 1, Section 24, Code of Criminal Procedure (“Absence of criminal events”). Information on the arson has never been confirmed.

Information on some other alleged arsons communicated by individuals, as well as non-governmental human rights organizations in their requests and complaints has never been confirmed either.

At the same time, the Shalinskiy Inter-District Investigation Department, Investigation Agency of the Investigation Committee under the jurisdiction of the Prosecutor's Office of the Russian Federation at the Chechen Republic conducted an inquiry and on August, 6<sup>th</sup> 2009 opened a criminal case proceeding from essential elements of the offence as provided by the part 1 Section 139 (home invasion against the will of its occupant(s)) and part 1 Section 167 (willful destruction or willful damage to another person's property that caused severe damage) of the Criminal Code of the Russian Federation on the fact of home invasion and burning of houses belonging to Gakaev family, Estamirov family and Ospanov family.

### **3. Abductions and disappearances**

#### **Comments on paragraphs 30-33**

Fighting against abductions and tracing of missing people keep being priority tasks for law-enforcement bodies of the Russian Federation. Federal structures operating in this sphere intensely cooperate with state authorities of the Chechen Republic, as well as with human rights organizations.

The Investigating Committee created a special unit in the Chechen Republic engaged in tracing of missing people.

A set of documents that regulate procedures associated with special investigating activities and provide for more efficient cooperation on detection of crimes has been approved.

The Integrated Programme on fighting against abductions and tracing of missing people for 2007-2010 in the territory of the Southern Federal District was approved in 2007.

Republican Integrated Programme on fighting against abductions and tracing of missing people for 2006-2010 that includes the whole set of joint measures to be implemented by parties fighting this type of offences is in full force.

In the course of organization of investigatory activities on tracing of missing people and on detection of abduction-related crimes, special emphasis is placed on observance of legislative norms and securing of full-scale and non-biased investigation of all circumstances associated with crimes.

In the course of the counterterrorism operation in the Chechen Republic, there were opened 2,096 criminal cases on abductions of 2,909 people, 544 of them were found and came back home themselves:

in 2000 - 202 on abductions of 308 people,  
 in 2001 - 346 on abductions of 542 people,  
 in 2002 - 611 on abductions of 848 people,  
 in 2003 - 428 on abductions of 567 people,  
 in 2004 - 169 on abductions of 218 people,  
 in 2005 - 175 on abductions of 228 people,  
 in 2006 - 54 on abductions of 67 people,  
 in 2007 - 58 on abductions of 71 people,  
 in 2008 - 18 on abductions of 22 people,  
 over 11 months of 2009 - 35 criminal cases on abductions of 38 people.

In order to augment efforts on fighting against abductions, law-enforcement bodies developed a strategy of joint investigatory activities that provided for a comprehensive control at all stages of preparation, carrying-out and procedural implementation of results. In order to prevent violation of laws in the course of investigatory activities, law-enforcement officers have been banned from wearing masks, uniform of non-approved types and without rank badges, driving state and private cars without

registration plates.

The Prosecutor's Office of the Chechen Republic qualitatively changed the system of control over consideration of abduction-related reports filed to law-enforcement bodies, investigation of cases on such facts. Thus, in 2009 prosecutors sent 38 requests for reversal of illegal and invalid decrees on suspension of pre-trial investigations on such cases, requests were then considered and satisfied.

District prosecutors of the Chechen Republic have been vested with the responsibility to take comprehensive measures in order to guarantee that inquiries on abduction-related reports to law-enforcement bodies conducted as provided by sections 144-145 of the Code of Criminal Procedure of the Russian Federation are comprehensive, effective and conducted on a real-time basis, as well as measures on immediate inspection of legitimacy of orders to dismiss criminal complaints.

471 criminal cases on 544 people missing within the period from 2000 to 2009 were opened proceeding from essential elements of the offence as provided by the Section 105 (Murder) of the Criminal Code of the Russian Federation:

in 2000 - 42 criminal cases on 60 people missing,  
 in 2001 - 8 criminal cases on 10 people missing,  
 in 2002 - 10 criminal cases on 23 people missing,  
 in 2003 - 13 criminal cases on 15 people missing,  
 in 2004 - 7 criminal cases on 9 people missing,  
 in 2005 - 165 criminal cases on 189 people missing,  
 in 2006 - 107 criminal cases on 111 people missing,  
 in 2007 - 39 criminal cases on 43 people missing,  
 in 2008 - 10 criminal cases on 10 people missing,  
 over 11 months of 2009 - 70 criminal cases on 74 people missing, 38 of those cases – on reports filed to law-enforcement bodies in the previous years on 41 people missing.

In general, the total number of abducted people reduced more than 25 times as opposed to 2003. The measures taken resulted in the release of:

in 2005 - 5 people abducted by criminals,  
 in 2006 - 29,  
 in 2007 - 33,  
 in 2008 - 8,  
 over 11 months of 2009 - 13.

Positive results of fighting against abductions were welcomed by influential Russian and international organizations, including representatives of the European Commission in the Russian Federation that visited the Chechen Republic several times.

However, inquiries on complaints with regard to missing people revealed that in some cases allegedly missing individuals joined illegal armed groups or left their places of residence in order to avoid criminal punishment for crimes committed by them, but their relatives failed to inform law-enforcement bodies about that.

According to the information available, over 70 people allegedly missing since 2004 are members of illegal armed groups, 20 of those have been detained and arrested, over 20 of those have been identified among neutralized criminals.

Thus, on February, 20<sup>th</sup> 2009 the Gudermessky Inter-District Investigation Department, Investigation Agency of the Investigation Committee under the jurisdiction of the Prosecutor's Office of

the Russian Federation at the Chechen Republic received a report filed by Y.S. Shovkhalova, living in the village of Geldagan, the Kurchaloyevsky district, claiming that her son, M.S.-M. Shovkhalov left home on February, 9<sup>th</sup> 2001. The inquiry revealed that M.S.-M. Shovkhalov had been charged with assault related to robbery and was on the wanted list.

On April, 2<sup>nd</sup> 2005 U.Kh. Movsarov, armed insurgent, born in 1981, was detained in the city of Grozny. U.Kh. Movsarov confessed to a range of grave offenses, including the armed attack on the city of Grozny on August, 21<sup>st</sup> 2004 (registered as allegedly abducted by unidentified persons).

On April, 9<sup>th</sup> 2005 in the settlement of Ishcherskoye, the Naursky district, law-enforcement officers arrested R.Z. Dudarkayev, armed insurgent, born in 1973 (registered as allegedly abducted by unidentified persons) that was a member of I. Khadzhiyev's illegal armed group.

On September, 4<sup>th</sup> 2006, A.T. Umarov, armed insurgent, born 1971, turned himself in to law-enforcement officers in the Staropromyslovsky District Internal Affairs Division of the city of Grozny (registered as allegedly abducted by unidentified persons). He was a member of S.-E. Dadaev's illegal armed group ("brigadier"), participated in the attack on the ROVD of the Sharoyevsky district in 2003 that resulted in deaths of several law-enforcement officers, gathered information on combat activities of the federal task forces.

On May, 16<sup>th</sup> 2007 in the settlement of Khatuni, the Vedensky district, law-enforcement officers locked in and neutralized three armed insurgents, members of S. Abdullaev's illegal armed group ("abussayakh"). One of those was identified as E.M. Baysultanov, born in 1986 (registered as allegedly missing since September 2006).

On February, 5<sup>th</sup> 2009 in the settlement of Bamut law-enforcement officers arrested I.A. Dzeytov, accomplice to illegal armed groups, born in 1989 (registered as allegedly abducted by unidentified persons), and a member of A. Makhauri's illegal armed group ("yasin", killed on July, 11<sup>th</sup> 2009).

On February, 2<sup>nd</sup> 2009 in the city of Argun law-enforcement officers working on information concerning individuals that had passed training as terrorist bombers arrested A.Y. Ebiyev, armed insurgent, born in 1987 (registered as allegedly missing since August 2008), that was on the federal wanted list for the offense provided by part 2, Section 209 of the Criminal Code of the Russian Federation and was a member of Kh. Gakaev's illegal armed group.

It is telling that out of six complaints filed to the European Court of Human Rights that called for urgent measures as provided by Rules 39-41 of the Protocol of the European Court of Human Rights, in July 2009 petitioners on three cases withdrew their complaints as their relatives came back home. Moreover, those temporarily absent individuals filed statements to the European Court declaring that they had no claims against the Russian authorities.

Fighting against abductions, tracing of missing and abducted people is being supervised by the senior officials of the Chechen Republic. The parliamentary Committee for tracing of people that gone missing in the course of counterterrorism activities in the Chechen Republic was created for the purpose of more intense cooperation with non-governmental organizations and families of missing people.

Online and printed media of the Chechen Republic are being used for information support of activities aimed at fighting against abductions and tracing of missing people. They publish photos and briefing materials on abducted and missing people, contact telephone numbers, numbers of hotlines of law-enforcement bodies and sections that people may use to communicate any information staying anonymous.



With regard to complaints filed by citizens of the Chechen Republic to the European Court claiming ineffectiveness of investigation on abduction-related cases within the period from 2000 to 2004, four meetings with representatives of different structures of the Council of Europe were held in Moscow in 2009, those meetings being attended by officials of the Investigation Agency of the Investigation Committee under the jurisdiction of the Prosecutor's Office of the Russian Federation at the Chechen Republic working in this area.

#### **Comments on paragraphs 34-38**

Investigatory bodies of the Chechen Republic take proper proceedings on identification of people that died in the course of counterterrorism activities in the territory of the Chechen Republic, including but not limited to references to information of non-governmental organizations made in the Report on the fact that *"the Chechen authorities have located and marked some 60 graves where an estimated 3000 unidentified bodies have been buried"*

In particular, in October 2009 the Leninskiy Inter-District Investigation Department of the city of Grozny conducted an inquiry on the information supplied by the inter-regional non-governmental non-profit organization *Peace Mission of General Lebed (PMGL)* on the alleged mass burial of bodies of unidentified people in the city of Grozny, near *Rossiya* cinema theatre at Kirova Prospect, during the armed conflict within the period from 1995 to 2002. Investigation at the alleged crime scene conducted with the use of heavy building machinery revealed no human bodies.

Investigators of the Zavodskoy Inter-District Investigation Department of the city of Grozny conducted an inquiry on the report about the alleged mass burial of bodies of task force officers and civil citizens in the Oktyabrskiy district, the city of Grozny. The inquiry followed by investigation at the alleged crime scene conducted with the use of heavy building machinery revealed no human bodies.

In the course of his visit to the Russian Federation in January 2010 the Commissioner was informed on the intention of the Russian authorities to proceed with identification of bodies of the above-mentioned people in forensic laboratories of subjects of the Russian Federation in the North Caucasus region. A.I. Bastrykin, the Chairman of the Investigating Committee discussed with Thomas Hammarberg the possibility of establishment of special task groups under the jurisdiction of the Investigating Committee that would be assigned with the task to identify bodies found in mass burials in the territory of the Chechen Republic and other subjects of the North Caucasus region.

#### **4. Combating impunity**

The topic of *"impunity"* is being considered in the Report by T. Hammarberg in the context of *"the lack of effective investigations into repeated human rights violations, the alleged involvement of law enforcement officials in crimes and the deficiencies of the judiciary"* (**paragraphs 39-45**). In addition, the Commissioner highlights *"the necessity to take robust measures against corruption"* (**paragraph 46**).

As it has already been mentioned herein, since Russia joined the Convention for the Protection of Human Rights and Fundamental Freedoms and to December 2009 the European Court of Human Rights passed 129 rulings establishing facts of violation of civil rights provided by the Convention that occurred in the course of settlement of crisis in the Chechen Republic and were effected by the Russian authorities.

The European Court recognized investigations on a certain group of cases ineffective. Cases under consideration were initially investigated without regard to requirements set in the Convention and did not result in identification of offenders that was associated with certain objective reasons, including the ones related to wartime.

The Russian authorities take all necessary measures to remedy all violations of the Convention disclosed by the European Court and to recover violated rights of petitioners under the cases that have not been effectively investigated due to objective reasons.

Investigations on criminal cases that were recognized ineffective by the European Court were later reactivated and followed by extra investigatory activities. Alongside with that the Russian authorities developed and brought to the attention of investigators instructions on top-priority activities to be conducted at the opening of a criminal case, taking into account conclusions of the European Court and requirements of the Code of Criminal Procedure.

The Prosecutor's Office of the Chechen Republic has organized the monitoring of supervisory activities with regard to procedures of investigatory bodies and sections, they systematically analyze all aspects of investigations related to murder, abduction, as well as infringement on lives of law-enforcement officers, analyze the quality of investigatory activities.

Prosecutors studied materials of inquiries that resulted in issuance of orders to dismiss criminal complaints, thereupon issued 52 decrees on forwarding of those materials to senior officials managing investigatory bodies of the Investigation Agency of the Investigation Committee under the jurisdiction of the Prosecutor's Office of the Russian Federation in the Chechen Republic for them to settle issues on termination of orders to dismiss criminal complaints. Decrees in question were considered and satisfied.

Within the period under consideration prosecutors sent 25 requests for reversal of illegal and invalid decrees on suspension of pre-trial investigations on missing-people cases, requests were then considered and satisfied.

Legitimacy and soundness of legal proceedings taken by investigators within the scope of preset terms and procedures is being supervised by the Prosecutor's office, both upon requests of prosecution bodies and upon complaints of parties to a trial.

In this context, the information letter sent by senior officials of the Office of the General Prosecutor of the Russian Federation and focused on encouragement of prosecutors to apply requirements set by the Convention while monitoring legitimacy of legal proceedings, got positive reviews from the Committee of Ministers.

The Investigating Committee and its departments in subjects of the Russian Federation, including the Chechen Republic, were established in September 2007. There were developed new mechanisms of detection and investigation of crimes committed in the course of counterterrorism activities in the Chechen Republic. Special investigatory units and high-profile cases units were created in prosecution bodies.

All the measures resulted in remedying of lack of cooperation between agencies, provided for improvement of quality of investigations, as well as for securing of independence of investigations. There was observed more active and successful implementation of mechanisms of prosecutor's supervision and judicial control over compliance with legislation and respect for rights of victims in the course of pre-investigation inquiries and investigation of criminal cases. There was organized the prompt monitoring of legitimacy and soundness of procedural decisions.

There were held training events, seminars and conferences, including international ones, on advanced and professional training of investigators taking into account the case-law of the European Court.

In June 2009, in the context of cooperation with the Secretariat of the Council of Europe Russian investigators, including those working in the Chechen Republic, conducted a study visit to Strasbourg

where they met lawyers and Russian judges of the European Court, officials from executive bodies of the Committee of Ministers. Both parties assessed the results of that visit as positive.

In the course of bilateral consultations representatives of Russian law-enforcement bodies demonstrated keen interest in practice of other countries on cooperation and information exchange with families of victims. That interest took shape in the information letter sent by the Office of the General Prosecutor to subordinate prosecutors in May 2009.

There are few positive examples of measures undertaken by the Russian authorities in order to remedy violations of the Convention disclosed by the European Court and to recover violated rights of petitioners. Thus, as for the case *Salatkhanova and Salatkhanov v. Russia*, Russian authorities provided the European Court with documents that certified that the investigation had been completed, the person guilty of murder had been identified, brought to trial and convicted. The European Court studied the materials submitted for its consideration and then decided that identification and punishment of the guilty person not only confirmed the effectiveness of investigation but also provided petitioners with an opportunity to obtain a reimbursement of damage adjudged by the national court. The European Court interpreted the fact that petitioners first filed and then withdrew their petition as a waiver of compensation so petitioners ceased to be victims in terms of the Convention.

Certain measures on improvement of Russian legal remedies against violation of provisions of the Convention and development of new human rights mechanisms were adopted in the context of general measures on execution of the decrees issued by the European Court and taking into account its practice.

As provided by Sections 123-126 of the Code of Criminal Procedure of the Russian Federation, victims, as well as other persons whose rights on access to justice have been violated, shall be entitled to appeal against actions, inactions and decisions made or taken by agencies of inquiry and agencies in charge of pretrial investigation to the head of an investigatory agency in question or to the court. In the course of bilateral consultations the Supreme Court of the Russian Federation and the Office of the General Prosecutor of the Russian Federation demonstrated statistics and numerous examples of effective application of the above-mentioned section of the Code of Criminal Procedure of the Russian Federation, including those referring directly to the Chechen Republic, to representatives of the Secretariat of the Council of Europe.

Taking into account practice and case-law of the European Court, including its “pilot” judgment on the case “Burdov v. Russia (2)”, Russian authorities kept working on development of effective legal remedies against violations related to slow and lengthy legal proceedings, as well as to non-enforcement (or slow enforcement) of domestic judicial decisions in the Russian Federation.

In the context of its activities, the above-mentioned task group assisted by representatives of competent authorities developed the draft federal law “Compensation for violation of the right to a trial and enforcement of a judicial decision without undue delay”.

The draft law grounds on conventional principles that have more than once been acknowledged by the case-law and practice of the European Court and documents of the Committee of Ministers. The draft law provides for adjudication and payment of a compensation for violation of the right to a trial and enforcement of a judicial decision “without undue delay”.

As for duration of judicial proceedings, it should be noted that the draft law refers not only to judicial proceedings in the court but also to pre-trial proceedings on criminal cases. Thus, the draft law allows for human rights mechanisms that will provide claimants with the right to compensation of damage incurred due to undue delay in investigation and judicial proceedings on criminal cases, as well as in enforcement of judicial decisions passed in their favor.

Cases on adjudication of compensation allowed for by the draft law shall be considered by the court as provided by the procedural legislation that will be amended in parallel to adoption of the Federal Law on Compensation; those amendments will be aimed at acceleration and optimization of applicable procedures.

The draft law in question was positively assessed by the Department for the Execution of Judgments of the European Court of Human Rights (DGHL, Secretariat of the Council of Europe), and then refined pursuant to recommendations. At present, the draft law is being considered by the Government of the Russian Federation.

Russian authorities have an ambition to provide greater visibility into information related to inquiries on reports about crimes and investigation of criminal cases for the civil society and this is an important aspect of activities conducted by the Russian authorities in order to enforce judgments of the European Court. Thereupon, one should note the Agreement between the Investigation Agency of the Investigating Committee in the Chechen Republic and the Ombudsman of the Chechen Republic executed on April, 15<sup>th</sup> 2009.

The programme of cooperation between the Russian Federation and the Council of Europe on enhancement of the democratic process in the Chechen Republic that has been implemented since 2004 is a key element of assistance rendered to the authorities of the Chechen Republic in order to secure human rights. V.P. Lukin, the Ombudsman of the Russian Federation is its Russian-side coordinator. In 2009, there were the following key areas of activity in the context of the above-mentioned programme: training of officers working in law-enforcement agencies, penal institutions and the Office of the Ombudsman of the Chechen Republic on implementation of the European Convention on Human Rights, as well as working with local authorities of the Chechen Republic on different local administration issues.

The annual report of the Secretariat of the Council of Europe on implementation of the programme for the Chechen Republic in 2009 and plans for 2010 was presented at the meeting of the Committee of Minister's Rapporteur Group on Democracy (GR-DEM) on February, 25<sup>th</sup> 2010. The progress in implementation of the programme was positively assessed by the Secretariat of the Council of Europe. In 2010, general sections of the programme will stay the same. As for the first section (human rights protection), it will be focused on the access to justice. As for the second section (local administration and efficient management at the local level), it will be concentrated on the needs of local authorities of the Chechen Republic. Ten themed seminars will be organized to cover these two sections.

Senior officials of the Russian Federation constantly supervise issues related to **improvement of performance of law-enforcement bodies**. Following the Address of the President of the Russian Federation D.A. Medvedev to the Federal Assembly delivered on November, 12<sup>th</sup> 2009, in December the President signed the Order "On Measures for improvement of performance of law-enforcement bodies of the Russian Federation". The above-mentioned document contains a set of instructions aimed at improvement of staffing, financial and administrative support to law-enforcement agencies, as well as at improvement of their performance in general.

**Judicial reform** is in progress. At the first stage (1990s), the main focus was on legislative and organizational provision of independence of judicial authorities and judges. The Federal Target Programme "Development of the judicial system in 2002-2006" made a considerable contribution to this process. The Federal Target Programme "Development of the Russian judicial system in 2007-2011" provided for settlement of many issues in the sphere of justice.

The Federal Law "Provision of access to information about functioning of courts of the Russian Federation" coming into force on July, 1<sup>st</sup> 2010 was adopted in December 2008 in the context of implementation of the constitutional provision concerning transparency of information about functioning of state authorities. The law regulates certain issues related to transparency and free access to information

about courts, judicial activities, as well as to judicial acts, both at courts and online. It guarantees the civil right to attend open court sessions.

The Law of the Russian Federation “Status of judges in the Russian Federation” was amended in December 2008, those amendments setting additional requirements for judges and nominees for the position of judge, in order to guarantee transparency of the judicial system and fighting against corruption in that sphere.

The Federal Law “Status of judges in the Russian Federation” was amended in July 2009, those amendments providing for elimination of the procedure of initial appointing of federal judges for the term of three years. Thus, now the term of tenure of federal judges is only limited by the maximum age for serving as a judge that is an extra guarantee to the principle of independence of judges.

For the purpose of reduction in duration of judicial proceedings on civil cases, in June 2008 the Code of Civil Procedure of the Russian Federation, the Code of Arbitration Procedure of the Russian Federation, the Code of Administrative Offences of the Russian Federation, as well as some other regulatory acts were amended, those amendments providing for the liability for violation of terms and order of delivery and serving of court correspondence, as well as the liability of experts working in state forensic institutions for violation of terms of delivery of forensic reports.

The Federal Constitutional Law “Judicial Disciplinary Tribunal” regulating the order of establishment, competence and procedures of the Judicial Disciplinary Tribunal (JDT) was signed on November, 9<sup>th</sup> 2009. JDT is a judicial body that considers cases associated with complaints against judgments of the Higher Qualification Panel of Judges of the Russian Federation and qualification panels of judges of subjects of the Russian Federation on early termination (on refusal of early termination) of powers of judges in view of disciplinary offences committed by them.

There are plans for establishment of appeals instances in the courts of general jurisdiction (first stage, from January, 1<sup>st</sup> 2012 – for civil cases, from January 1<sup>st</sup> 2013 – for criminal cases). In the context of fulfillment of the above-mentioned task, on December, 28<sup>th</sup> 2008 the President of Russia D.A. Medvedev passed the draft constitutional law “Courts of general jurisdiction in the Russian Federation” for consideration of the State Duma of the Federal Assembly of the Russian Federation. The draft law sets the order of establishment, competence and structure of Russian courts of general jurisdiction, apart from military tribunals and justices of peace, as the order of establishment, competence and structure of those is provided by other legislative acts. The draft law provides for establishment of the procedure of appeal proceedings on judicial decisions that have not yet come into force and for this purpose there should be established appeals instances in all types of courts.

There is also a proposition to authorize panels of judges of the Supreme Court of the Russian Federation to hear appeals against judicial decisions that have not yet come into force and have been passed by supreme courts of republics, territorial and regional courts, courts of federal cities, court of the autonomous region and courts of autonomous districts.

There is a proposition to establish the Board of Appeal of the Supreme Court of the Russian Federation (as an alternative to the Cassation Board of the Supreme Court of the Russian Federation that is going to be eliminated) that will hear appeals on civil cases, cases related to administrative offenses and criminal cases, when judgments on those cases are being passed by the Panel of Judges for Administrative Cases of the Supreme Court of the Russian Federation, the Panel of Judges for Civil Cases of the Supreme Court of the Russian Federation, the Panel of Judges for Criminal Cases of the Supreme Court of the Russian Federation and the Military Collegium of the Supreme Court of the Russian Federation as courts of first instance. The Presidium of the Supreme Court of the Russian Federation will be vested with the authority to reopen cases in the exercise of supervisory and cassation power.

Yet another significant area of improvement of the Russian legislation is **fighting against corruption**.

The Russian Federation ratified the UN Convention against Corruption (UNCAC) and the Council of Europe's Criminal Law Convention on Corruption dated January, 27<sup>th</sup> 1999, and on February, 1<sup>st</sup> 2006 became the member of the Group of States against Corruption (GRECO). On December, 1-5 2008 Strasbourg hosted the 40<sup>th</sup> meeting of GRECO that approved its Joint First and Second Round Evaluation Report on the Russian Federation that focused on whether the Russian anticorruption system complied with standards of the Council of Europe and the Council of Europe's Criminal Law Convention on Corruption. Experts of GRECO addressed a set of recommendation to the Russian Federation; one part of those has already been completely or partially implemented, while another part requires further consideration and implementation

The most fundamental regulatory acts in the sphere of fighting against corruption in the Russian Federation are the National Anti-Corruption Plan approved by the Order of the President of the Russian Federation on July, 31<sup>st</sup> 2008 № Pr-1568, the Federal Law № 273-FZ "On Combating Corruption" dated December, 25<sup>th</sup> 2008, the Federal Law № 172-FZ "Anti-Corruption Examination of Regulatory Acts and Draft Regulatory Acts" dated July, 17<sup>th</sup> 2009, the Criminal Code of the Russian Federation.

Civil society institutes and citizens may conduct an independent anti-corruption examination of draft regulatory acts, as provided by regulatory acts of the Russian Federation.

Severe and consistent state policy on fighting against corruption in state authorities is also conducted at the level of republics.

Thus, the President of the Chechen Republic has approved the Order on combating corruption in state authorities of the Chechen Republic. The Parliament of the Chechen Republic approved the Law "On Combating Corruption in the Chechen Republic" that determined tasks, principles, key areas and forms of fighting against corruption. The Programme has been approved; the Plan of anti-corruption measures within the state authorities of the Chechen Republic in 2008-2011 has been developed, approved and is now in progress.

The Prosecutor's Office of the Chechen Republic has developed a set of organizational and regulatory documents, including the instruction "On improvement of organization of the prosecutor's supervision over enforcement of anti-corruption laws" and the instruction "On preparation of quarterly reports in the sphere of prosecutor's supervision over enforcement of anti-corruption laws".

The Board of the Prosecutor's Office of the Chechen Republic considers anti-corruptions issues in the course of its meetings.

City and district Prosecutors' Offices get procedural guidelines "Criminological methods of prosecutor's supervision over certain corruption-related offences" and "Supervision over enforcement of laws in the course of investigatory activities on operation materials and cases showing signs of corruption".

The Prosecutor's Office of the Chechen Republic has a "24/7 anti-corruption hotline" that citizens may use to report on the facts of corruption.

In pursuance of resolutions that had been passed earlier, the Prosecutor's Office of the Chechen Republic and the Investigation Agency of the Investigating Committee in the Chechen Republic issued the joint regulation "Order of inter-departmental cooperation of investigators and prosecutors on criminal cases being corruption-related, as well as being difficult to investigate and having high social significance".

Prosecution bodies of the Chechen Republic maintain constructive cooperation relations with mass media, including with regard to real-time coverage of prosecutor's inspections, unveiled violations of anti-corruption laws and corruption-related criminal cases.

As of the end of 2009, law-enforcement bodies of the Chechen Republic registered 271 reports on corruption-related offences and upon the consideration of those reports opened 156 criminal cases. 69 criminal cases against 76 individuals were taken to courts of the Chechen Republic, 75 criminal cases against 80 individuals were adjudged. The total amount of material damage under corruption-related criminal cases that have been taken to court in 2009, measures up to 8 million rubles.

#### **IV. Human rights situation in the Republic of Ingushetia**

##### **Social and economic situation**

The total population of the Republic of Ingushetia amounts to approximately 490 thousand people, the urban population constitutes 42%.

The Republic of Ingushetia is an agrarian and industrial, mostly rural republic. The production sector depends on the condition of the transport infrastructure and supply of raw materials from other regions of the Russian Federation. The key segments of industry in the Republic of Ingushetia are the following: fuel industry, power engineering industry, construction materials producing industry.

Future of the industrial development of the Republic of Ingushetia is associated with construction of high-tech enterprises utilizing in-house raw materials and creating new attractive jobs. Future of the oil sector in the region is associated with further oil-field exploration and creation of oil processing enterprises. The agricultural sector is one of the most important industries of the Republic of Ingushetia.

Social and economic development of the Republic of Ingushetia goes within the scope of the Federal Target Programme “The South of Russia (2008-2012)”.

The Federal Target Programme “Social and Economic Development of the Republic of Ingushetia in 2010-2016” is in full force and provides for allocation of 32 billion rubles for implementation of 103 projects, creation of 18 thousand new jobs, reduction of unemployment by 1.5 times (7.9%).

Federal and republican authorities are working on measures for implementation of top-priority national projects. Programme for mitigation of consequences of the Ingush – North Ossetian conflict in 1992 is in progress.

The Republican Federal Programme “Reentry and housing of Russian-speaking former residents of the Republic of Ingushetia in 2004-2010” is also in full force.

The official rate of unemployment is 24% (approximately 43 thousand people). In the issue of employment, state authorities mainly count on development of small business, taking into account specific characteristics of the region. Senior officials of the republic take certain measures to increase an investment activity. The Agreement on implementation of measures for reduction of tension at the labour market (amount of financing – 254.3 million rubles) was signed in October 2009. It provides for creation of four thousand new jobs at public works and organization of self-employment for two thousand people. The Republic of Ingushetia presented 10 projects focused on processing of local raw materials and development of an infrastructure that will secure favourable conditions for investors, at the 8<sup>th</sup> International Investment Forum “Sochi-2008”.

Notwithstanding positive changes in the social and economic sphere, the republic faces reduction in production and construction works, slowdown in investment inflow, increase in the unemployment rate.

##### **1. Counter-terrorism measures**

The Republic of Ingushetia is characterized by the highest level of violence against law-enforcement officers and civil citizens among all the subjects of the North Caucasus region. In 2009, the number of terrorism-related offences grew up approximately 3 times in comparison with 2008.



In 2009, officers of the Ministry for Internal Affairs in the Republic of Ingushetia in cooperation with law-enforcement units based in the territory of the Republic of Ingushetia neutralized 85 leaders and members of illegal armed groups, 69 of those were killed, 16 were arrested.

The crime committed against the President of the Republic of Ingushetia, Yunus-bek Yevkurov, in June 2009 was detected, and its organizers were neutralized in the course of the special task force operation. M. Chibiev, charged with aiding to the attack of suicide bombers at the building of Nazran Department of the Ministry of Interior in August 2009 when 20 people were killed, was arrested.

Criminal cases opened on the facts of murders of Asa Gazgariyeva, Deputy President of the Supreme Court of Ingushetia, Ruslan Amerkhanov, Minister of Construction of Ingushetia, and Bashir Aushev, a former Deputy Prime Minister of the Republic, are being supervised by the Investigating Committee.

In order to suppress activities of illegal armed groups, bodies of the Ministry for Internal Affairs in the Republic of Ingushetia in cooperation with units of other law-enforcement agencies implement the whole set of special investigatory measures. Special attention is paid to protection of human rights in the course of special operations.

As of the end of September 2009, the European Court of Human Rights issued four judgments concerning special operations in Ingushetia, finding violations of Article 2 and Article 3 of the European Convention on Human Rights. Copies of the above-mentioned judgment have been sent to state authorities of the Russian Federation for them to take measures to remedy violations disclosed by the European Court.

In 2009, the European Court communicated to the state authorities of the Russian Federation 3 complaints filed by citizens of the Republic of Ingushetia.

Law-enforcement bodies have opened criminal cases and conduct investigations on all the facts specified in paragraphs **47-56** of the Report, and there are certain positive results.

In view of reports by certain NGOs on abductions of people and alleged extrajudicial executions effected by law-enforcement bodies of the Republic of Ingushetia, the authorities conduct inquiries as provided by the Code of Criminal Procedure of the Russian Federation.

In general, it should be noted that information about time, place and nature of offences supplied by human rights organizations and specified in the Report is either inaccurate or is not completely true. As with the Chechen Republic, alleged disappearances of people in certain cases serve as a justification for long-term absence of people at places of their permanent residence.

This method is being actively used by members of illegal armed groups and their relatives for further legalization of members of illegal armed groups as law-abiding citizens.

In particular, on April, 13<sup>th</sup> 2009 M.M. Tsoloev filed a report on disappearance of his son, M.G. Tsoloev, with the Malgobek city Investigation Department, Investigation Agency of the Investigation Committee in the Republic of Ingushetia.

The inquiry on the report revealed that M.G. Tsoloev joined an illegal armed group. Later on, on June, 8<sup>th</sup> 2009 in the village of Muzhichi in the Sunzhenskiy district of the Republic of Ingushetia, M.G. Tsoloev accompanied by other identified individuals attacked officers of the Ministry for Internal Affairs of the Chechen Republic. The case against M.G. Tsoloev was taken to the Sunzhenskiy District Court for trial on the merits.

On July, 13<sup>th</sup> 2009 the Investigation Department of the Sunzhenskiy district registered the report filed by K.Kh.-A. Albakova on the fact of abduction of her son, B.M. Albakov, that allegedly occurred on July, 10<sup>th</sup> 2009. The procedural inquiry on this report revealed that on July, 21<sup>st</sup> 2009 B.M. Albakov together with other individuals participated in infringement on lives of law-enforcements officers of the Chechen Republic and the Republic of Ingushetia, and was liquidated in the course of the operation on suppression of illegal actions.

## 2. Situation of human rights defenders

Investigations on the violent attacks on NGOs' activists in the Republic of Ingushetia that have been referred to in the **paragraph 57** of the Report reveal the following:

On July, 23<sup>rd</sup> 2008 unidentified persons came to 10 'a' Kurortnaya Street, the village of Troitskaya in the Sunzhenskiy district of the Republic of Ingushetia and took Z.S. Tsechoev to an undisclosed location. The same day, his body showing signs of bodily injuries was found at the highway between the city of Magas and the village of Ekazhevo, the Nazranovskiy district of the Republic of Ingushetia. The Investigation Department of the Sunzhenskiy district, Investigation Agency of the Investigation Committee in the Republic of Ingushetia, opened a criminal case on the above-mentioned fact proceeding from essential elements of the offence as provided by the Section 286, 3a ("Abuse of office with use of force or threat of force"), the Criminal Code of the Russian Federation. The pre-trial investigation on the above-mentioned case was suspended on December, 12<sup>th</sup> 2009 due to the fact that it was impossible to identify an offender. Legitimacy of this procedural decision is being examined by the Prosecutor's Office of the Republic of Ingushetia.

On May, 14<sup>th</sup> 2009 the same investigatory body opened a criminal case on the fact of infringement on life of Ya.Kh. Oligova committed at 3, Shosseynaya Street, the village of Troitskaya, the Sunzhenskiy district of the Republic of Ingushetia on May, 13<sup>th</sup> 2009, proceeding from essential elements of the offence as provided by the Section 30 part 3, Section 105 part 1, and Section 222 part 1 of the Criminal Code of the Russian Federation. The supposition that infringement on life of Ya.Kh. Oligova was associated with her participation in activities conducted by the Committee for Protection of Rights of Internally Displaced Persons was examined by the investigation but it was impossible to identify offenders so on October, 14<sup>th</sup> 2009 the investigation on that case was suspended. Legitimacy of this procedural decision is being examined by the Prosecutor's Office of the Republic of Ingushetia.

On August, 31<sup>st</sup> 2008, near cafeteria *Tusholi* located at the federal highway "Kavkaz" ("Caucasus") between the village of Yandare and the village of Gazi-Yurt, the Nazranovskiy district of the Republic of Ingushetia, M.Ya. Evloev while being transported in a car of the law-enforcement agency as a witness made an attempt to seize a government-issue weapon from a law-enforcement officer and as a result died of a wound to the head. The Investigation Agency of the Investigation Committee in the Republic of Ingushetia opened a criminal case on the above-mentioned fact proceeding from essential elements of the offence provided by the Section 109 part 2 (manslaughter caused by negligence) of the Criminal Code of the Russian Federation. On October 23<sup>rd</sup> 2009 the case in question was taken to the Karabulakskiy District Court of the Republic of Ingushetia for trial on the merits. On December 11<sup>th</sup> 2009, the court found I.D. Evloev, law-enforcement officer, guilty of that crime and sentenced him for 2 years of imprisonment.

At the same time, the report on the head of the non-governmental organization "MASHR", M.A. Mutsolgov, being shot at on August, 13<sup>th</sup> 2008, was not registered by the Prosecutor's Office of the Republic of Ingushetia. The Ministry for Internal Affairs of the Republic of Ingushetia conducts an inquiry on the above-mentioned fact as provided by Sections 144-145 of the Code of Criminal Procedure of the Russian Federation.

### 3. Situation of Internally Displaced Persons

In the course of the crisis in the Chechen Republic up to 300 thousand people of different nationalities left its territory. They mostly stayed in the territory of other subjects of the Russian Federation and they were provided with the state support guaranteed by current regulatory acts, notwithstanding their nationality.

At present, the term “Internally Displaced Persons” is used exclusively with regard to Russian citizens that have temporarily left places of their permanent residence in the Chechen Republic and are now living in temporary places of accommodation in the territory of the Russian Federation, that have been duly registered by the form № 7 “Registration of a family that arrived at emergency situation” and are willing to go back to places of their former residence.

Internally Displaced Persons are fully legitimate citizens of the Russian Federation with all the rights guaranteed by the Constitution of the Russian Federation, federal laws in housing, social, criminal and other spheres, legislative and regulatory acts of subjects of the Russian Federation, as well as by local authorities that provides enough ground for settlement of issues related to this category of internal migrants.

The Russian Federation has established and maintains the system of state support to internally displaced persons from the Chechen Republic; it has accumulated a considerable amount of positive expertise working with this category of people.

Persons belonging to this category and duly registered by territorial bodies of the Federal Migration Service of Russia, are entitled to receive the state support as provided by the decree of the Government of the Russian Federation № 163 “Financing of costs related to support and alimentation of citizens that have temporarily left places of their permanent residence in the Chechen Republic and are now living in temporary places of accommodation in the territory of the Russian Federation, as well as traveling costs and luggage transportation costs incurred during traveling to places of residence in the territory of the Chechen Republic in 2001” that was adopted on March, 3<sup>rd</sup> 2001 and is being renewed every year.

Pursuant to the Order of the President of the Russian Federation on July, 11<sup>th</sup> 2001 № Pr-1277, there were created favourable conditions for voluntary and dignified return of internally displaced persons to places of their permanent residence in the Chechen Republic.

Funds from the federal budget were used for financing of reconstruction and proper functioning of comfortable hostels with power and gas supply systems, brought-in water and heating systems, for the purpose of accommodation of people coming back to the Chechen Republic.

Securing of the safety of residence, rendering of the state assistance to housing and accommodation, as well as stable functioning of social support systems, first of all those related to retirement insurance, education and public health care, as well as payment of child allowances, contributed much to returning of internally displaced persons to the Chechen Republic.

Pursuant to a set of measures aimed at revitalization of economic and social sphere of the Chechen Republic, state authorities proceed with financing of social benefits guaranteed by federal laws, including “On Welfare for Disabled Persons in the Russian Federation”, as well as financing of employment support measures, unemployment allowance, organization of sanatorium rehabilitation for children and other measures of social support.

One of the types of the state support to people returning to the Chechen Republic is the Decree № 797 adopted by the Government of the Russian Federation on November, 2<sup>nd</sup> 2002 that provide for

compensation of the cost of food and temporary accommodation to people that left the Republic of Ingushetia after November, 1<sup>st</sup> 2002 and stayed in private houses in the territory of the Chechen Republic, those compensations being paid from the federal budget.

Additional support to people residing in the territory of the Chechen Republic that have lost their houses and property in the course of the settlement of crisis, has been provided by implementation of the decree № 404 “Order of payment of compensations for lost houses and property to permanent residents of the Chechen Republic who have suffered from the settlement of crisis in the Chechen Republic” (applies to internally displaced persons coming back to the Chechen Republic)” approved by the Government of the Russian Federation on July 4<sup>th</sup> 2003.

Compensations for lost houses and property in the Chechen Republic have been paid from the federal budget since 2003.

Restoration of vital infrastructure within the period from 2002 to 2006 was conducted in the context of the Federal Target Programme “Economic and Social Recovery of the Chechen Republic (2002 and subsequent years)” approved by the decree of the Government of the Russian Federation № 889 dated December, 21<sup>st</sup> 2001.

In November 2007, the Government of the Chechen Republic assumed obligations on support and accommodation of people returning to the Chechen Republic, as was provided by regulations of the Government of the Chechen Republic № 181-r dated April, 21<sup>st</sup> 2006 and № 387-r dated October, 17<sup>th</sup> 2007. Buildings and premises of temporary residence centers reconstructed from federal budget resources were passed to the Government of the Chechen Republic and got the status of family hostels.

In the context of implementation of the Federal Target Programme “Economic and Social Recovery of the Chechen Republic” and the Decree of the Government of the Russian Federation № 404 dated July, 4<sup>th</sup> 2003, state authorities proceeded with its work on housing of people living in hostels and residence centers providing them with alternative permanent accommodation facilities, land lots, compensations for lost houses and property. The President of the Chechen Republic passed proper instructions to the Government and heads of local administrations of the Chechen Republic.

At the same time, internally displaced persons still have the right for integration at the place of their temporary residence or resettlement in another part of the Russian Federation, thus exercising their rights for freedom to travel and freedom of residence.

The fact that the Decree of the Government of the Russian Federation № 1087 dated December, 24<sup>th</sup> 2009 approved the Federal Target Programme “Social and Economic Development of the Republic of Ingushetia in 2010-2016” that provides for settlement of issues on accommodation of forcibly displaced persons, including those who have suffered as a result of the settlement of crisis in the Chechen Republic and the Ingush - North Ossetian conflict, and willing to stay in the Republic of Ingushetia, may serve as an example of respect for the rights of internally displaced persons not willing to return to places of their permanent residence in the Chechen Republic.

All the through the period of working with internally displaced persons, representatives of international organizations, first of all the Office of the United Nations High Commissioner for Refugees (UNHCR) and its executive partners that rendered considerable assistance and support to executive bodies of the Russian Federation in settlement of problems of IDPs, had a free access to IDPs.

According to data supplied by the Federal Migration Service of the Russian Federation, at present territorial bodies of the Federal Migration Service of Russia in the North-Caucasus Federal District (and across the Russian Federation in general) have no records on internally displaced persons duly registered by the form № 7 “Registration of a family that arrived at emergency situation”.

Status of “forcedly displaced persons” is being regulated by the Law of the Russian Federation “On Forcedly Displaced Persons” (dated February, 19<sup>th</sup> 1993 № 4530-1).

The above-mentioned law was adopted in order to settle problems of forcedly displaced persons and provided economic in the territory of the Russian Federation in accordance with the Constitution of the Russian Federation, generally recognized principles and standards of international law, and international agreements of the Russian Federation.

As of December, 1<sup>st</sup> 2009, consolidated IDP registers kept by territorial bodies of the Federal Migration Service of Russia had records on 7458 families (22 093 people), including:

- in the Republic of Ingushetia - 1826 families (5987 people),
- in the Republic of North Ossetia-Alania - 3655 families (10873 people),
- in the Stavropol Territory - 884 families (1660 people),
- in the Republic of Dagestan - 236 families (694 people),
- in the Republic of Kabardino-Balkaria - 12 families (24 people),
- in the Republic of Karachaevo-Cherkessia - 8 families (19 people),
- in the Inter-Regional Department of the Federal Migration Service of Russia (located in the city of Vladikavkaz) - 837 families (2836 people).

People that have got the status on forcedly displaced persons as provided by the laws, including those who have left the territory of the Chechen Republic, shall be provided with accommodation in the context of implementation of an applicable Federal Target Programme.

Since 2006, forcedly displaced persons have been provided with accommodation by executive bodies of subjects of the Russian Federation and local authorities in the context of the sub-programme “Fulfillment of state obligations on housing of citizens belonging to categories established by the federal laws” of the Federal Target Programme “Housing” for 2002-2010, approved by the Decree of the Government of the Russian Federation № 865 “Additional measures on implementation of the Federal Target Programme “Housing” for 2002-2010” dated December, 31<sup>st</sup> 2005.

In order to create extra conditions for integration and adaptation of forcedly displaced persons in the territory of the Russian Federation and to complete measures on their housing, competent federal authorities work on the ways to accelerate the process of settlement of this problem following the Order of the President of the Russian Federation.

People who have suffered as a result of the Ingush – North Ossetian conflict in October-November 1992 and who have got the status of forcedly displaced persons have the right to obtain the state support pursuant to the Decree of the Government of the Russian Federation № 274 “Rendering of the state support to citizens of the Russian Federation who have lost their homes as a result of the Ingush – North Ossetian conflict in October-November 1992” adopted on March, 6<sup>th</sup> 1998.

The Federal Migration Service of Russia in cooperation with state authorities of the Republic of Ingushetia and the Republic of North Ossetia-Alania solves the problem of housing of this category of people providing them with alternative types of the state support.

Measures set by obligations assumed with regards to this category of forcedly displaced persons will supposedly be fully implemented in 2010. Necessary funds from the federal budget have been allocated.

## Annex 1

Information on investigation of the criminal cases opened on the fact of murders of N. Estemirova, Z. Sadulayeva and A. Dzhabrailov

The pre-trial investigation on the criminal case № 66053 revealed that on July, 15<sup>th</sup> 2009 at about 07.35 a.m. Natalia Khusainovna Estemirova, expert of the representative office of human rights center “Memorial” in the city of Grozny, left her apartment and went to a bus stop to get to her place of work - human rights center “Memorial” located in the city of Grozny at 84, Mayakovskogo Street. Near the house № 133, building № 10 at the B. Khmel'nitskogo Street she was attacked by unidentified persons who put her in the white car VAZ-2107 using physical force and took her to an undisclosed location.

On July, 15<sup>th</sup> 2009 the Leninskiy Inter-District Investigation Department at the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the above-mentioned fact under the Section 126 part 2 a, c (Abduction) of the Criminal Code of the Russian Federation.

On the same day July, 15<sup>th</sup> 2009, the body of N.Kh. Estemirova with two gunshot wounds to the head and two gunshot wounds to the body was found in the woods near the village of Gazi-Yurt, the Nazranovskiy district, the Republic of Ingushetia, in 200 meters from the federal highway “Kavkaz” (“Caucasus”) at 4.30 p.m. There was also found the passport of N.Kh. Estemirova, as well as her bag with personal belongings, including two switched-off mobile phones.

On the same day the Nazranovskiy Inter-District Investigation Department at the city of Nazran, Investigation Agency of the Investigation Committee in the Republic of Ingushetia opened a criminal case on the above-mentioned fact under the Section 105 part 1 (“Murder”) and Section 222 part 1 (“Illegal purchase, transfer, disposal, keeping, transportation or carrying of weapons, principal elements of weapons, ammunition, explosive substances and devices”) of the Criminal Code of the Russian Federation. On July, 16<sup>th</sup> 2009 criminal cases were transferred to the Central Investigation Agency of the Investigation Committee in the Southern Federal District and were integrated into one proceeding.

There were conducted investigations at: crime scenes, territory near the house № 133, building № 10, B. Khmel'nitskogo Street in the city of Grozny, the place where the body was found, premises of the representative office of human rights center “Memorial” in the city of Grozny, place of residence of N.Kh. Estemirova, that resulted in detection of material evidence that is now being analyzed by forensics.

In addition, 362 persons have been examined as witnesses. The whole range of investigatory and operational procedures is being implemented in order to identify offenders.

On August, 11<sup>th</sup> 2009 the Leninskiy Inter-District Investigation Department in the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of abduction and murder of Z.A. Sadulayeva, head of the non-governmental charity organization “Let's Save the Generation”, and her husband A.L. Dzhabrailov, proceeding from essential elements of the offence as provided by the Section 126 part 2 a, h (“Abduction of two or more persons by a group of persons by previous concert”).

The investigation revealed that on August, 10<sup>th</sup> 2009 unidentified persons with shotguns came to the office of the regional non-governmental charity organization “Let's Save The Generation” located at the address: 86, Mayakovskogo Street, apartment 8, Leninskiy district, the city of Grozny, and using no force took away Z.A. Sadulayeva, the head of the above-mentioned organization, and A.L. Dzhabrailov, whose bodies showing signs of violent death were then found on August, 11<sup>th</sup> 2009 in a car trunk to the south of the central entrance to the republican “Rehabilitation Center” located at the address: Mamsurova Street, Grozny.

Over 40 persons, including workers of the regional non-governmental charity organization “Let’s Save the Generation”, were examined as witnesses on the case. The investigation revealed that Z.A. Sadulayeva had no enemies or haters, while A.L. Dzhabrailov was detained by officers of the Operational Investigation Bureau № 2 of the Principal Department of the Ministry for Internal Affairs of Russia in the Southern Federal District, on December, 10<sup>th</sup> 2005 on suspicion of participation in an illegal armed group, storing and carrying of firearms, infringement on lives of law-enforcement officers, as well as the murder of M.U.Abdurakhmanova.

On May, 25<sup>th</sup> 2006 the Oktyabrskiy District Court of the city of Grozny found A.L. Dzhabrailov guilty of crimes provided by the Section 208 part 2 (“Participation in an illegal armed group”), Section 222 part 2 (“Illegal purchase, transfer, disposal, keeping, transportation or carrying of weapons, principal elements of weapons, ammunition, explosive substances and devices by a group of persons by previous concert”), Section 222 part 1 (“Illegal purchase, transfer, disposal, keeping, transportation or carrying of weapons, principal elements of weapons, ammunition, explosive substances and devices by a group of persons by previous concert”) of the Criminal Code of the Russian Federation, and sentenced him to 4 years of imprisonment in a minimum security (general regime) correctional colony.

The version that murders of A.L. Dzhabrailov and Z.A. Sadulayeva were associated with professional activities of Z.A. Sadulayeva was recognized unlikely, as the organization presided by Z.A. Sadulayeva was charity-oriented, operated in accordance with its Charter and was not engaged in political activities. Moreover, criminals were interested in A.L. Dzhabrailov, while Z.A. Sadulayeva expressed willingness to go with her husband to be sure of his safety.

## **Annex 2**

Information on investigation of criminal cases on crimes specified in paragraph 22 of the Report by T. Hammarberg and other crimes committed by members of illegal armed forces

On April, 20<sup>th</sup> 2009 the Groznenskiy Inter-District Investigation Department, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of the armed clash that occurred on April, 16<sup>th</sup> 2009 near the settlement of Dai of the Shatoyskiy district between members of illegal armed groups and officers of the Ministry for Internal Affairs of Russia and servicemen of the Military Commandants Office, proceeding from essential elements of the offence as provided by the Section 317 (“Infringement on life of a law-enforcement officer”), Section 222 part 1 of the Criminal Code of the Russian Federation. Pre-trial investigation of the case was suspended on July, 20<sup>th</sup> 2009 pursuant to Section 208 part 1 paragraph 1 of the Code of Criminal Procedure of the Russian Federation.

On June, 5<sup>th</sup> 2009 the Unit № 1 for investigation of high-profile cases, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of explosion of an improvised explosive device (IED) that occurred on May, 15<sup>th</sup> 2009 near the building of the Ministry for Internal Affairs of the Chechen Republic, proceeding from essential elements of the offence as provided by the Section 205 part 3 of the Criminal Code of the Russian Federation. Pre-trial investigation of the case was suspended on July, 20<sup>th</sup> 2009 pursuant to Section 208 part 1 paragraph 2 of the Code of Criminal Procedure of the Russian Federation (person suspected or charged absconded during the investigation or his/her location has not been identified for some other reasons).

On July, 8<sup>th</sup> 2009 investigators of the Leninskiy Inter-District Investigation Department in the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of triggering of an unidentified explosive device that occurred on July, 7<sup>th</sup> 2009 in Grozneftegaz Park in the Leninskiy district of the city of Grozny, proceeding from essential elements of the offence as provided by the Section 317, Section 30 part 3, Section 105 part 2 «a», «e» (“Attempted homicide of two or more persons committed using socially-dangerous methods”), Section 222 part 1,

Section 223 part 1 (“Illegal manufacturing or repairing of firearms and its components, as well as illegal manufacturing of ammunition, explosive substances and devices”) of the Criminal Code of the Russian Federation. The above-mentioned case is now in progress.

On July, 26<sup>th</sup> 2009 the Leninsky Inter-District Investigation Department at the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of triggering of an explosive device by a suicide bomber on July, 26<sup>th</sup> 2009 near the concert hall “TKZ” in the city of Grozny, proceeding from essential elements of the offence as provided by the Section 317, Section 222 part 1, Section 105 part 2 «a» «c», Section 30 part 1 of the Criminal Code of the Russian Federation. On July 28<sup>th</sup> 2009 the above-mentioned case was passed for further investigation to the Unit № 1 for investigation of high-profile cases, Investigation Agency of the Investigation Committee in the Chechen Republic. Investigation is in progress.

On August, 3<sup>rd</sup> 2009 the Groznensky Inter-District Investigation Department, Investigation Agency of the Investigation Committee in the Chechen Republic, opened a criminal case on the fact of the shooting attack conducted by unidentified persons against the consolidated group of the Ministry for Internal Affairs of Russia and OVD of the Shatoyskiy district near the settlement of Tazbichi, the Itum-Kalinsky district, on August, 2<sup>nd</sup> 2009, proceeding from essential elements of the offence as provided by the Section 222 part 1, Section 317 of the Criminal Code of the Russian Federation. Pre-trial investigation of the case was suspended on November, 3<sup>rd</sup> 2009 pursuant to Section 208 part 1 paragraph 1 of the Code of Criminal Procedure of the Russian Federation.

On August, 7<sup>th</sup> 2009 investigators of the Leninsky Inter-District Investigation Department at the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of triggering of an unidentified explosive device that occurred on August, 7<sup>th</sup> 2009 in the Leninsky district of the city of Grozny and resulted in death of a law-enforcement officer, proceeding from essential elements of the offence as provided by the Section 317, Section 222 part 1 of the Criminal Code of the Russian Federation. Investigation is in progress.

On August, 9<sup>th</sup> 2009 the Shalinskiy Inter-District Investigation Department, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of triggering of an improvised explosive device (IED) that occurred August, 8<sup>th</sup> 2009 while law-enforcement officers conducted an investigation at the encampment site of an illegal armed group located at mountainous-wooded territory near the settlement of Belgatoy-Dargo of the Vedensky district, proceeding from essential elements of the offence as provided by the Section 317, Section 222 part 2 of the Criminal Code of the Russian Federation. Pre-trial investigation of the case was suspended on November 9<sup>th</sup> 2009 pursuant to Section 208 part 1 paragraph 1 of the Code of Criminal Procedure of the Russian Federation.

On August, 25<sup>th</sup> 2009 the Shalinsky Inter-District Investigation Department at the city of Grozny, Investigation Agency of the Investigation Committee in the Chechen Republic opened a criminal case on the fact of the terrorist attack committed by a suicide bomber in the Shalinsky district on August, 25<sup>th</sup> 2009, proceeding from essential elements of the offence as provided by the Section 317 of the Criminal Code of the Russian Federation. Investigation on the criminal case is in progress.

Law-enforcement bodies of the Republic have not registered any reports on a shooting attack against a police convoy in the Shatoyskiy district on August, 7<sup>th</sup> 2009, have not opened any criminal cases on the above-mentioned fact, thereupon the district prosecutor has been instructed to conduct a proper inquiry.