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Référence du point : Communication des autorités russes dans le groupe d'affaires Khashiyev contre la Fédération de Russie (**anglais uniquement**). Des informations concernant les mesures prises par les autorités de la Fédération de Russie dans le cadre de l'exécution des arrêts de la Cour européenne relatifs aux questions de violations des droits de l'homme au cours du règlement de la crise en République tchétchène.

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In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres (CM/Del/Dec(2001)772/1.4).

INFORMATION**concerning measures taken by the authorities of the Russian Federation in the course of execution of the European Court of Human Rights judgments regarding issues of violation of human rights during the crisis settlement in the Chechen Republic**

The European Court of Human Rights (hereinafter "the European Court") delivered a number of judgments finding violations of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "Convention") by the authorities of the Russian Federation in connection with the violation of nationals' rights in the course of Chechen Republic crisis settlement and the failure to conduct immediate effective investigations into the cases of violations concerned. The European Court in its judgments, in particular, emphasized that the investigations had been started with delay, then repeatedly suspended and resumed, that the victims had not been informed of the investigation progress and had not had access to materials of criminal cases, as a result, they could not effectively challenge the authorities' acts or omissions in court, that there had been no concurrence of the civil and military investigators' actions, that investigation authorities had not obtained on demand the documents necessary for clarifying the circumstances of the allegedly conducted antiterrorist operations and detentions and that no effective measures were organized in order to establish other circumstances of death or disappearances of the Chechen Republic citizens. The authorities of the Russian Federation have repeatedly informed the Committee of Ministers of the Council of Europe of (hereinafter "CMCE") and again draw its attention to the fact that the issue here is concerned with a certain group of cases. These are the cases during investigation of which, due to a number of objective reasons, including those related to the conduct of investigation in war-time conditions, when a considerable part of the Chechen Republic territory was under control of illegal armed groups and most public institutions were not operating, it was impossible to ensure fulfillment of all conventional requirements and find those responsible for the mentioned crimes. At the same time, between 2001 and 2008, the courts of the Chechen Republic, the Grozny Garrison Military Court and the Northern-Caucasian District Military Court examined approximately 600 criminal cases and subsequently rendered judgments of conviction concerning murders, robberies, culpable negligence, exceeding of power and other offences committed in the territory of the Chechen Republic. More than 500 members of the illegal armed groups and about 200 servicemen, police officers and other agents of state bodies and local administration were convicted. Effective investigation of a number of cases enabled citizens to file claims for pecuniary and non-pecuniary damage compensation under criminal and civil proceedings; these claims were subsequently sustained. Injured people in the said criminal cases were recognized as victims and granted rights provided for them by criminal procedure laws. About 30 million rubles were awarded to them by the courts under their claims.

Thus, the cases which were considered by the European Court are those in respect of which it is difficult to ensure effective investigation due to objective reasons. Given the fact that the substantial period of time has passed since the commission of the alleged

offences, the substantial volume of evidence in these cases had been irretrievably lost, therefore, it is impossible to conduct some investigation activities, including expert examinations, crime scenes inspections etc. Nevertheless, the authorities of the Russian Federation take all possible measures to ensure the conduct of effective investigation into the mentioned cases.

In the course of the European Court judgments execution, the authorities of the Russian Federation, in close cooperation with the Secretariat of CMCE, have taken a number of general measures aimed at elimination and prevention of the Convention violations, found by the European Court. [CM/Inf/DH\(2008\)33](#) [CM/Inf/DH\(2008\)33add](#) [CM/Inf/DH\(2009\)32](#) [CM/Inf/DH\(2010\)26](#) The authorities of the Russian Federation have earlier informed the CMCE of the respective measures, which were favorably received and reflected in the Interim Report [CM/Inf/DH\(2009\)32](#) and Memoranda [CM/Inf/DH\(2008\)33](#), [CM/Inf/DH\(2008\)33add](#), [CM/Inf/DH\(2009\)32](#), [CM/Inf/DH\(2010\)26](#).

At the same time, the authorities of the Russian Federation have taken a set of measures aimed at ensuring that the general measures adopted have positive effect on the investigation of particular criminal cases.

According to the Investigation Committee of the Russian Federation (the "Investigation Committee") information, now, 118 criminal cases, the circumstances of which had become the subject of the European Court's examination, are being investigated by the Investigation Department for the Chechen Republic.

The mentioned cases have been studied by the Investigation Committee, the Investigation Committee Department for the Chechen Republic, and the General Prosecutor's Office of the Russian Federation and the Prosecutor's Office of the Chechen Republic. Following the results of this study and with a view of the European Court position expressed in its judgments, relevant instructions have been given to ensure effective investigation.

With due account taken for the findings of the European Court, instructions of the procedural supervision bodies and supervisory prosecutors, as well as additional information obtained during the investigation, including in the course of the meetings with the victims, the plans of investigation activities and other procedural measures were elaborated for all criminal cases.

The plans of investigation activities provide for elaboration of different investigative versions, including versions about the involvement of federal forces officers in the commitment of criminal offences. The algorithm for the investigation developed earlier, which allows to considerably reduce its drawbacks, is being constantly improved.

Since, in a number of its judgments, the European Court pointed out that the authorities of the Russian Federation had not questioned the officials of state bodies and federal forces officers, who were participants or witnesses of the events that became subjects of the Court's consideration, the investigation authorities have interrogated the relevant officials.

With due account taken of the European Court findings and additional information received in the course of investigation, victims and witnesses of the crimes were also repeatedly questioned in order to complement and clarify information about all essential circumstances that may influence further investigation. The spectrum of witnesses is systematically widened, including neighbors, acquaintances and other persons, in addition to the eyewitnesses and close relatives.

Currently, in all criminal cases, that became subject of the European Court consideration, investigators have requested archive documents of security agencies, intelligence agencies and law enforcement bodies, which units were stationed in the territory of the Chechen Republic within the time period the investigation bodies are interested in.

According to the data of the Ministry of the Interior of Russia, during 2010, the Central Archive of internal troops of the Ministry of the Interior of Russia repeatedly considered the requests of the departments of the Chechen Republic investigation bodies' investigators, to which the relevant replies were given within the established terms. In the mentioned requests, it was asked for information related to the results of special operations, positioning of military and internal troops units, personal data of head officers which conducted special operations and commanders of military groups, the transmission of military directions, orders, operations record books, maps and schemes of special operation sites, as well as for seizure of particular archive documents from the Central Archive of internal troops of the Ministry of the Interior of Russia and their inclusion into criminal case-files. There were no refusals to submitting the mentioned documents on the grounds of their classification as state and military secret in 2010.

The investigators do not restrict themselves to a standard set of investigation activities and regularly send requests to medical institutions and territorial penal bodies of the Republic and nearby subjects of the Federation, different security agencies and law enforcement bodies of the Republic concerning provision of information about special operations, in the course of which the crimes had been committed during the investigated period, as well as about the persons allegedly arrested by federal agents.

So far, in the course of investigation of the criminal cases which were subject of the European Court's consideration in connection with the violation of human rights in the Chechen Republic, no evidence giving grounds for top officers of the military, law enforcement bodies and security agencies criminal liability had been obtained. At the same time, considering recommendations of the CMCE Secretariat delegations, additional measures have been envisaged to establish the involvement of the mentioned servicemen in these crimes.

The progress and the results of investigation of criminal cases concerning violations of human rights in the Chechen Republic are under constant control. According to the General Prosecutor's Office of the Russian Federation information, decisions suspending the investigation into such criminal cases are examined by the Prosecutor's Office of the

Chechen Republic. Upon sufficient grounds, the prosecutors direct requests for cancelling unlawful and ill-founded decisions on suspension of the preliminary investigation to the heads of the investigation authorities. According to the General Prosecutor's Office, in 2010, heads of the investigation authorities executed 13 such requests. Additional investigation into the cases, where decisions suspending the investigation had been cancelled, has been organized. In the Investigation Committee of the Russian Federation the lawfulness of issued decisions suspending the investigation is examined three times: by the Investigation Department of the Investigation Committee for the Chechen Republic, by the Central office of the Investigation Committee of the Russian Federation – the Main Department of Procedural Supervision and by the Main Criminalistics Department.

One of the priority activities is the adoption of measures for protection of the rights and legitimate interests of victims at the pre-trial stage of criminal proceedings and for improving the level of cooperation between investigation authorities and victims.

The authorities of the Russian Federation act on the premise that, in accordance with the *Universal Declaration of Human Rights* of December, 10, 1948; the *Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power* (adopted by the *UN General Assembly Resolution* no. 40/34 on November, 29, 1985), the Recommendation of the Committee of Ministers of the Council of Europe *On the Position of the Victim in the Framework of Criminal Law and Procedure* no. R (85) 11 of June , 28, 1985, other CMCE Recommendations, and Russian law, the most important function of criminal justice is protection of the victim's legitimate interests, respect his or her dignity, increasing the victim's trust in criminal justice.

At present time, the Investigation Department of the Investigation Committee for the Chechen Republic has developed and is implementing a complex programme of organization of cooperation with the victims. Victims are provided with necessary information on the conduct of main investigation activities and supplied with the copies of procedural documents in a manner prescribed by criminal procedure laws. In order to respect the individual rights in accordance with provisions contained in a number of the Constitutional Court of the Russian Federation and the European Court rulings, the victim is granted access to relevant information required for immediate lodging a complaint with the court. In each case of investigator's making a procedural decision on suspending or resuming preliminary investigation, victims receive notices thereof, reflecting the results of investigation into the criminal case and measures taken to solve the crime. In addition, upon the victim or his or her representative motion, the investigator provides information regarding the progress of criminal investigation and operational search actions performed to establish the whereabouts of abducted persons and their abductors.

Having considered the established requirements to the organization of the investigation into similar crimes and the experience learned during the visit of the Russian Federation authorities to Great Britain, additional measures have been adopted to ensure the rights of victims and their notification of investigation progress to the extent possible, namely: - the practice of holding meetings with the victims has been introduced, which

includes their informing about organization of work on investigation of criminal cases of the category in question; measures of special control over the completeness and effectiveness of the investigation; problems faced by the investigation (including refusal of witnesses and victims to give testimony, corruption or lack of information provided, etc.) and the ways of their solving; issues of the victims' concern are discussed and considered; an inquiry form has been prepared for victims in criminal cases, which is completed on the basis of the results of the meetings with the victims. It envisages finding out the victims' opinion regarding quality and results of the investigation, their comments and proposals; the practice of providing to victims a detailed report regarding investigation progress and its results is being realized. According to the Investigation Committee, the victims in more than fifty criminal cases have been provided with such reports on the investigation progress and its results under Order of the Head of the Investigation Department for the Chechen Republic no. 44/216-2-r of 14 April 2010 "*On the Procedure for Preparation of Reports for the Victims on the Work Performed in the Criminal Cases being the Subject of Consideration by the European Court of Human Rights*". Copies of the reports forwarded to the victims are attached.

Persons recognized as victims, as well as other parties in criminal proceedings, are provided with remedies necessary for the protection of their rights from unlawful and unreasonable acts (omissions) and decisions of interrogating officers, investigators and prosecutors. Article 119 of the Code of Criminal Procedure of the Russian Federation provides that persons taking part in criminal proceedings have the right to file motions to an inquiry officer, investigator or court requesting to conduct procedural actions or to make procedural decisions to ascertain circumstances that are of importance for the criminal case and securing their rights and legitimate interests. A decision to grant a motion or to deny one fully or in part shall be processed in a ruling rendered by an inquiry officer, investigator or judge or in a finding rendered by a court, which shall be communicated to the person who has filed the motion. A decision on a motion can be complained against in accordance with the procedure set by the law on criminal procedure (Article 122 of the Code of Criminal Procedure of the Russian Federation). Article 124 of the Code of Criminal Procedure of the Russian Federation provides persons taking part in criminal proceedings with an opportunity to appeal to a prosecutor or a head of investigation authority against acts (omissions) and decisions of an agency of inquiry, interrogator, head of an agency of inquiry, investigator, head of investigation authority or a prosecutor. Article 125 of Code of Criminal Procedure of the Russian Federation establishes the right of persons taking part in criminal proceedings to appeal to a court against decisions of an inquiry officer, investigator and a head of the investigation authority or prosecutor on refusal to institute criminal proceedings, on termination of criminal case, as well as other decisions and acts (omissions) of an inquiry officer, an investigator, a head of the investigation authority or a prosecutor, which may affect constitutional rights and freedoms of persons taking part in criminal proceedings, or may hinder the citizen's access to justice.

During 2010, the unit for special cases investigation of the Investigation Department of the Investigation Committee of the Russian Federation for the Chechen Republic received 81 motions from the parties in criminal proceedings upon the category of cases at issue, concerning primarily execution of investigation activities (witness interrogations, performing additional expert examinations, confrontation), resuming preliminary investigation into criminal cases; a number of motions concerned the provision of criminal case files copies and study of the criminal cases materials. 45 motions of these motions were granted, 23 – fully dismissed, 12 – partially dismissed, explanations were given in response to 4 motions. All motions were examined in full accordance with the law on criminal procedure.

During 2010, 3 complaints concerning investigators' acts (omissions) and decisions were lodged with the heads of investigation authorities. None of them were granted.

According to the information from the Main Military Prosecutor's Office, 30 applications have been lodged with the Military Investigation Department for the Northern-Caucasian military District. In response to 24 of these applications, explanations were given, 6 applications were granted, 1 application was fully dismissed.

For example, on 30 June 2010, the application of advocate M.S. Abubakarov from the Chechen Republic lawyer bar "Nizam" and victim R.S.-Kh. Rasaev was lodged with the Military Investigation Department of the Investigation Committee of the Russian Federation for the Northern-Caucasian military District. The application concerned the information on the state of the preliminary investigation and measures taken with regard to criminal case № 34/00/0016-10 (complaint № 38003/03 «Rasaev and Chankaeva v. Russia»).

After consideration of this application, the applicants were fully informed about the state and results of the investigation.

On 17 December 2010, the application of advocate M.D. Magomadov, representing Mrs F.U. Chatueva and M.A. Dzeytova was lodged with the Military Prosecutor's Office of the United Group Alignment (forces), which is conducting counter-terrorist operation in the North-Caucasian region of the Russian Federation (hereinafter UGA (f)). The application concerned criminal case № 34/00/0008-10 regarding the abduction of A.D. Chatuev and included the request to provide with a copy of the molecular-genetic forensic examination.

This application was granted, the applicant was given a response with a copy of the report on the said molecular-genetic forensic examination attached.

According to the information provided by the courts of the Chechen Republic, during 2009 and 2010, 242 complaints regarding acts (omissions) and decisions of investigators and prosecutors were examined under Article 125 of the Code of Criminal Procedure of the Russian Federation.

For example, in 2010, under Article 125 of the Code of Criminal Procedure of the Russian Federation the courts received 10 complaints from victims in criminal cases regarding violation of human rights in the course of crisis settlement in the Chechen

Republic, that are the subject of consideration of the European Court, 4 of them were granted. According to the Investigation Committee of the Russian Federation, investigation authorities immediately remedied all recognized violations following the court rulings granting the complaints of the victims and their representatives.

The availability of rights realization through lodging an application with the court is illustrated by the decision of the Grozny Garrison Military Court, delivered on 30 October 2009, which granted the complaint of advocate U.A. Kostanov, against actions of the Deputy Chief of Military Investigation Department for UGA (f), who had dismissed the complainant's petition regarding the study of the criminal case № 34/00/0026-05 materials containing secret data, and providing with a copy of the decision terminating the criminal case.

The decision of the first instance court remained unchanged by the finding of the North-Caucasian District military court delivered on 3 December 2009 and entered into force.

Copies of the court decisions demonstrating the effectiveness of remedies for the victims are attached.

The measures taken to increase the effectiveness of the investigation into the criminal cases concerned have already led to some positive results. Thus, under the application *Salatkhanovy v Russia* the authorities of the Russian Federation provided the European Court with the documents confirming the investigation completion, prosecution and conviction of the person who inflicted death to the applicants' relative. Having examined provided materials, the European Court found that the establishment and punishment of the guilty person not only indicated the effectiveness of the investigation conducted, but also enabled the applicants to claim compensation for sustained damage in a national court. The fact that the applicants, at first, filed and then withdrew the relevant claim was considered by the European Court as refusal from the right to compensation, therefore the applicants ceased to be victims in the sense of the Convention. The outcome of investigation into the criminal case initiated upon the death of Mr V.A. Trapeznikov in 2000 in Grozny (application no. 21539/02 *Trapeznikova v Russia*), was the establishment of the guilty person. The victim, Ms L.A. Trapeznikova, studied the case file and expressed her gratitude to the investigator for the measures taken to establish the person who killed her husband. The victim's representative, Mr S.V. Trapeznikov, also studied the case file and thanked in writing for professional actions of the investigation group, asking to discontinue the criminal case (the copies of relevant documents are attached). At present time, the involvement of particular military units servicemen in the crimes committed has been determined in 9 cases. Investigation into these cases is continued by military investigation authorities of the Investigation Committee of the Russian Federation. In addition, similar information is obtained for the criminal cases regarding the abduction of Musa Mausurovich Akhmadov (application no. 3026/03 *Akhmadova and Others v Russia*) and the abduction of Kharon Bisaevich Khumaidov and Magomed Kharonovich Khumaidov (application no. 32059/02 *Akhiyadova v Russia*), which are

subject to further examination. *In whole, of 136 cases of the group concerned, 67 cases are currently being investigated; 2 cases were terminated, 1 of them due to death of the suspect, the rest of cases are suspended due to the failure of detection of the persons to be criminally prosecuted as suspects or accused.*

At the same time, the authorities of the Russian Federation emphasize that the suspension of a case does not mean the termination of activity regarding it. Operational search activities are being continued for all suspended cases in order to solve the crimes and to prosecute the guilty. The Department of the Investigation Committee for the Chechen Republic is taking comprehensive measures in order to perform all investigation actions possible to conduct in the absence of accused in most of the cases in question. Upon the receipt of any information making possible carrying out such activities, the investigation into suspended cases is immediately resumed in accordance with the established procedure.

A copy of the note regarding the progress of investigation into 10 particular cases, the list of which was determined in the course of bilateral consultations between the authorities of the Russian Federation and the representatives of the CMCE Secretariat delegations, is also attached.

The authorities of the Russian Federation continue to take additional general measures for elimination of the Convention violations identified by the European Court under applications regarding the violations of the human rights in the course of crisis settlement in the Chechen Republic

In order to establish additional guarantees for human rights and freedoms, including in the course of counterterrorist operations and at the stage of investigation of criminal cases on violations of human rights, the authorities of the Russian Federation are continuously working on the improvement of national law. Currently, the draft Federal Law *On Police* is being examined by the State Duma of the Federal Assembly of the Russian Federation. Federal Law no. 403-FZ of December, 28 2010 *On the Investigation Committee of the Russian Federation* has been adopted. At the same time, amendments to the Code of Criminal Procedure of the Russian Federation have been made, which, *inter alia*, enhanced the powers of prosecutor with respect to supervision over preliminary investigation.

On April, 30, 2010 Federal Law no. 68-FZ *On Compensation for the Violation of Right to Hearing Within Reasonable Time Or Right to Enforcement of Court's Act Within Reasonable Time* (hereinafter "the Law on Compensation"), introduced by the President of the Russian Federation, was adopted, as was a legislative package regarding amendments to certain legislative acts of the Russian Federation in connection with epy adoption of the Law on Compensation. These laws came into force on May, 4, 2010. The purpose of these laws is to improve national law and national judicial system in order to transfer the burden of Russian citizens rights' protection to national bodies and reducing the number of applications to the European Court. The adopted laws are based on the principles of the

Convention repeatedly confirmed by the case law of the European Court and reflected in the Committee of Ministers of the Council of Europe documents.

The Law on Compensation provides for awarding and payment of compensations in case of violation of the right to hearing and enforcement of judicial acts within reasonable time. As to the length of proceedings, it should be noted that the adopted law applies not only to the period of case examination by courts, but also to pre-trial investigation into criminal cases. Therefore, the laws ensure the establishment of human rights protection mechanisms which enable victims of crimes to claim compensation for damage inflicted by excessive length of investigation and judicial examination of their criminal cases.

In order to ensure the court's proper and unified application of criminal procedure law provisions regulating participation of a victim in criminal proceedings and protection of his or her rights and legitimate interests, the Plenum of the Supreme Court of the Russian Federation adopted Ruling no. 17 *On the Practice of Applying Provisions Regulating the Participation of Victims in Criminal Proceedings by courts* (a copy thereof is attached). By the mentioned Ruling, the Supreme Court interpreted for the courts of the Russian Federation issues of victims' participation in criminal proceedings, protection of their rights and legitimate interests.

On April, 28, 2010 the Investigation Committee of the Russian Federation held an interagency meeting on the improvement of the activity regarding obtaining information and materials of so-called «Chechen cases» by investigators, with the participation of representatives of the Main Military Prosecutor's Office, the Ministry of Defense, the Ministry of the Interior, the Ministry of Justice and the Federal Security Service of Russia. On the basis of the meeting results, it was decided that organization within the central office of the Investigation Committee of a permanent Working Group is required. This Working Group is to arrange activities on obtaining information related to the use of special measures in the territory of the Chechen Republic and to ensure the cooperation among the archive departments of the relevant ministries and agencies. A permanent working group was organized in the Investigation Committee of the Russian Federation by Directive no. 73/206-r of June, 2, 2010 of the Investigation Committee of the Russian Federation Chairman in order to deal with the arrangement of investigation into criminal cases being subject of consideration of the European Court, which is entrusted with the analysis of activity regarding investigation of the criminal cases concerned and establishment of cooperation between relevant ministries and agencies. To improve activity regarding investigation into the crimes of the said category, the Investigation Committee has issued Order no. 54 of 20 September 2010 *On Amendments to Order no. 33 of 17 March 2008 of the Investigation Committee at the Prosecutor's Office of the Russian Federation 'On Determination of Competence of Special Investigation Bodies of the Investigation Committee of the Prosecutor's Office of the Russian Federation'*, according to which investigation of crimes committed by unidentified persons in the

territory of the North-Caucasian Federal District, upon the availability of sufficient data indicative of such persons affiliation to military servicemen, shall be conducted by military investigation bodies of the Investigation Committee of the Russian Federation. On May, 22, 2010 the First Deputy General Prosecutor of the Russian Federation – the Chairman of the Investigation Committee of the Prosecutor’s Office of the Russian Federation issued the Order no. 23 *On the Enhancement of Control over the Compliance with Procedural Terms in the Course of Pre-Trial Procedure.*

On April, 6, 2010 the meeting of the Board of the Investigation Committee of the Russian Federation took place, where the results of analysis of the state of preliminary investigation, taking into account defects pointed out by the European Court, were discussed.

Following the results of the Board work, additional measures to increase the effectiveness of the work of investigation subdivisions were envisaged. An information letter with analysis of the violations noted by the European Court, drawing attention to the need of prompt measures for preventing such violations in future was sent to territorial investigation departments.

A set of additional measures to eliminate violations revealed by the European Court with regard to unlawful apprehensions and detention of persons suspected of perpetrating crimes and to detention conditions was also taken. On May, 17, 2010 the Board of the Investigation Committee discussed the results of generalization about the practice of application of a restraint measure in the form of detention by investigators of the Investigation Committee. Heads of investigation departments of the Investigation Committee are instructed that conditions of lawfulness and compliance with the time-limit of investigation are the main criteria for assessment of effectiveness of activities of investigation bodies’. The information letter regarding the application of a restraint measure in the form of detention, prepared on the basis of the generalized materials was forwarded to the heads of investigation authorities on June, 30, 2010.

According to the Ministry of the Interior of the Russian Federation, in 2010 the bodies of the Ministry for the Chechen Republic continued the work on ensuring proper registration of arrested persons and making the detention conditions in Temporary Containment Cells (hereinafter “TCC”) compliant with the requirements of federal laws and the European Convention for the Prevention of Tortures and Inhuman Treatment of Detained Persons. In the meantime, in the course of implementation in 2008-2010 of the Comprehensive Programme on Prevention of Rights Violations in the Chechen Republic, 13 TCC have been rebuilt. Under the 2008-2011 Programme of Social and Economic Development of the Chechen Republic, it is planned to construct 8 modern detention facilities within departments of the interior sets of buildings. The special-purpose working commission, together with representatives of the Human Rights Commissioner in the Chechen Republic and non-governmental human rights organizations, have organized monitoring over respect of rights and proper detention conditions of suspects and accused in TCC’s. In 2010, no substantial violations of detained persons’ rights were found. During

the last year, the General Prosecutor's Office of the Russian Federation has consolidated the decisions of the European Court finding violations of the Convention provisions related to tortures and other inhuman treatment of arrested and detained persons, following which on September, 15, 2010 the information letter *On Violations of the Rights of Russian Citizens Related to Use of Force During the Pre-Trial Stage of Criminal Proceedings, as Recognized by the European Court of Human Rights* was sent to the prosecutors of the Russian Federation constituent entities. This document draws attention to the legal positions expressed in the judgments of the European Court and directs prosecutors to organize, within their competence, the adoption of comprehensive measures aimed at ensuring conduction of effective investigation into circumstances of use of force and body injuries infliction to arrested and detained persons.

The authorities of the Russian Federation continue the activity on training and advanced training of the officers engaged in execution of counterterrorism operations, prevention and investigation into cases of human rights violations and taking measures for their prevention in the future.

Training programmes, educational and methodological recommendations are elaborated and different conferences, workshops, round tables and working meeting are held for successful implementation of this trend of activity. Investigators and inquiry officers, judges, prosecutors, bodies of the interior' and penal system' officers regularly improve their skills and study international experience in the course of held on a regular basis trainings and workshops organized by relevant agencies. Studying of particular European Court judgments are included into educational programs elaborated for each category of students. Workshops and conferences, including international ones, with the participation of leading scientists, judges, officers of the European Court Secretariat, the Directorate General of Human Rights and Legal Affairs of the Council of Europe are held during the mentioned education events. In August 2010, the Investigation Committee of the Russian Federation Institute for Advanced Training was established under the Order of the Investigation Committee of the Russian Federation Chairman on the basis of the instruction of the Government of the Russian Federation. Official opening ceremony of this Institute was held on November, 1, 2010. Training under special programmes, designed with the consideration of the European Court case law and the law application practice of Russian law enforcement bodies is organized in the Russian Academy of Justice, the Russian Law Academy, the Institute for Advanced Training of Management Personnel of the Academy of the General Prosecutor's Office of the Russian Federation, the All-Russian Institute for Advanced Training of the Russian Ministry of the Interior, Institute for Advanced Training of the Investigation Committee of the Russian Federation.

According to the Investigation Committee of the Russian Federation, it has recently been decided to complement educational programmes of the Investigation Committee training centres with a course of lectures and practical lessons dedicated to investigation

of crimes in the light of international law standards. Necessary activity in this respect has been arranged. The programme of compliance with laws of bodies of the interior officers of the Russian Federation in the framework of vested authority has been prepared and is being put into practice. Pursuant to Order of the Russian Ministry of the Interior no. 490 of June, 29, 2009 *On Approval of Instruction On Organization of Professional Training of Officers of the Bodies of the Interior*, regular lessons with personnel regarding the issues of compliance with law and observance of official discipline, are held in the territorial subdivisions of the Ministry of the Interior of the Russian Federation. Before going to the Chechen Republic, Ministry of the Interior officers of the internal troops undergo a special training of the International Committee of the Red Cross, receiving a certificate of international standard upon its completion. About 200 officers of the internal troops of the Russian Ministry of the Interior attended such courses. On May, 15 and 29, 2010 2 working meeting regarding issues of joint lectures and workshops with personnel were held in the Ministry of the Interior for the Chechen Republic with the chairmen of veteran organizations of the Ministry of the Interior for the Chechen Republic bodies and subdivisions, the International Committee of the Red Cross (hereinafter "ICRC"), representatives of Religious Board of Muslims of the Chechen Republic, the Regional Non-Governmental Organization *Stimul* Human Rights Centre, the Regional Committee Against Tortures, members of the Social Council at the Ministry of the Interior for the Chechen Republic, the youth movement. On May, 24, 2010 the working meeting of the Ministry of the Interior for the Chechen Republic and the representatives of ICRC in the Chechen Republic took place. During the meeting there the ways of cooperation were developed, the draft version of bilateral agreement was signed, the plan for study room preparation and introduction of modern computer hardware into the process of personnel training at the stage of initial training was elaborated. On February, 27 and May, 29, 2010, the Days of Professional Training were held in the Ministry of the Interior for the Chechen Republic dedicated to the topic: *Protection of Human Rights in the course of Performance of Operational Official Tasks by the Officers of the Bodies of the Interior of the Chechen Republic*. Representatives of non-governmental human rights organizations of the Republic, including Social Council at the Ministry of the Interior for the Chechen Republic, the human rights protection Centre of the Chechen Republic, interregional non-governmental organization Committee Against Tortures, and the Religious Board of Muslims in the Chechen Republic took part in these events. The Federal Security Service of the Russian Federation has complemented the programme of operational and combat training of its subdivisions servicemen with the topic *Armed Conflict and International Law*, in the course of which the law of armed conflicts and legal guarantees of civil population protection in the course of armed conflicts settlement are studied. Training sessions are planned for the officers of the subdivisions of the Russian Federal Security Service, in order to study the Convention provisions, case law of the European Court regarding examination of applications "about the violations of human rights in the course of crisis settlement in the Chechen Republic", and the enforcement of the European

Court judgments. The General Prosecutor's Office of the Russian Federation and the Main Military Prosecutor's Office of the Russian Federation cooperate with the Russian Academy of Justice European human rights law department in the framework of joint study of the issues of compliance with the principles of international law during criminal proceedings. In order to improve professional training of military servicemen of the North-Caucasian Region, with direct participation of the Main Military Prosecutor's Office, the theses of the lecture with the topic *Compliance with the Norms of the International Law in the Situation of Use of Military Forces in the North Caucasus*, which were sent to all district and navy military prosecutor's offices for use in the course of organization of legal training of prosecutors and investigators. In the framework of performing coordination activity of the military prosecutor's office and executive power bodies where federal laws provide for military service, for the same purposes the theses of lecture were sent to the Russian Ministry of Defense, command of the Russian Ministry of the Interior internal troops and the Border Service of the Russian Federal Security Service. According to information of the said ministries and agencies, lessons on this topic are included into training programmes and used during the training of military servicemen.

According to the Ministry of Defense of the Russian Federation information, the education programme for training on social and state issues provides studying of the topic *International Humanitarian Law and Protection of Victims of Armed Conflicts. Prohibited Ways and Means of Military Operations* for servicemen serving under contract, and the topic *Main Provisions of the International Humanitarian Law* study for servicemen serving under draft.

In addition, the Ministry of Defense of the Russian Federation issued Instruction no. 205/2/844 of December, 26, 2010, concerned with the organization of study of the European Court judgments in subordinated military units and organizations; permanent control over the progress of judicial acts enforcement and application of disciplinary measures to officers violating the procedures of judicial acts enforcement in the prescribed manner.

In order to improve the quality of investigation into the cases concerned, the activity on the elimination of the Convention violations, revealed by the European Court is performed by competent state authorities and local administrations in close cooperation with non-governmental organizations.

Thus, the Main Command of the Russian Ministry of the Interior of the Russian Federation internal troops continues cooperation with the ICRC and Mr. Mario Katushitch, its regional delegate on cooperation with military and security forces on the issues of protection and support of socially vulnerable categories of people affected during the armed conflicts.

In the framework of implementation of the signed agreements with the Religious Board of Muslims in the Chechen Republic, the Office of the Human Rights Commissioner in the Chechen Republic and human rights organizations with the

participation of representatives of the Ministry of the Interior of the Russian Federation for the Chechen Republic and the Social Council at the Ministry of the Interior for the Chechen Republic, on May, 29, 2010 the interregional conference on *The Promotion of Regional Stability Through the Cooperation of the Youth and Officers of the Bodies of the Interior Subdivisions* took place in Grozny. This conference was organized by the *Dialog* youth movement. The representatives of the President of the Russian Federation Advisor for the North-Caucasian Federal District, the President of the Chechen Republic, the Social Council at the Ministry of the Interior for the Chechen Republic, the *International Non-Violence* organization, the Public Chambers and the bodies of the interior also took part in the event. On June, 25, 2010 the *Grozny-Inform* information agency held a press conference with the participation of the Investigation Department at the Ministry of the Interior for the Chechen Republic Head, the Human Rights Commissioner in the Chechen Republic, representatives of the prosecutor's office and other agencies, which was coincided with the International Day In Support of Victims of Tortures. The issues of human rights observation during interrogation and preliminary investigation conduction by law enforcement bodies were discussed during the meeting.

The authorities of the Russian Federation will continue their comprehensive work on the elimination of the Convention violations related to the human rights violations in the course of crisis settlement in the Chechen Republic, revealed by the European Court, prevention of violations in the future and ensuring the investigation of particular criminal cases brought before the European Court.