

**Official Statement of the Permanent Representative
of the Russian Federation to the Council of Europe
at the meeting of the Committee of Ministers of the Council of Europe
concerning the Action Plan as regards execution by the Russian
Federation of the judgments of the European Court of Human Rights
in the cases of *Khashiyev and Akayeva v. Russia* (nos. 57942/00 and
57945/00), *Isayeva, Yusupova and Bazayeva v. Russia* (nos. 57947/00,
57948/00 and 57949/00) and *Isayeva v. Russia* (no. 57950/00)**

As the judgments of the European Court of Human Rights in the cases of *Khashiyev and Akayeva v. Russia* (nos. 57942/00 and 57945/00), *Isayeva, Yusupova and Bazayeva v. Russia* (nos. 57947/00, 57948/00 and 57949/00) and *Isayeva v. Russia* (no. 57950/00) have become final, the Russian Federation authorities hereby submit information on the process of their execution to the Committee of Ministers of the Council of Europe.

I. Just satisfaction

Sums of compensation for pecuniary and non-pecuniary damages as well as of costs and expenses awarded to the applicants by the European Court of Human Rights have been entered in bank accounts of Mr M.A. Khashiyev, Ms R.A. Akayeva, Ms M.Ch. Isayeva, Z.A. Yusupova, and Ms Z.A. Isayeva on 13 September 2005, and in the bank account of Ms L. Bazayeva, – on 20 September 2005.

II. Individual measures

Criminal cases nos. 14/00/0007-01 and 14/00/0004-01

In the light of the fact that the European Court of Human Rights had found violations of the rights of the applicants and their relatives resulting from the use of deadly weapons on 20 October 1999 near the village of Shaami-Yurt (criminal case no. 14/00/0007-01 – *Isayeva, Yusupova and Bazayeva v. Russia*) and at the beginning of February 2000 near the village of Katyr-Yurt (criminal case no. 14/00/0004-01 – *Isayeva v. Russia*), the

decrees to discontinue criminal cases instituted upon the above facts were quashed by the Head Military Procurator's Office on 14 November 2005.

The decision was taken pursuant to Articles 214 and 413 of the Russian Federation Code of Criminal Procedure and considering Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms and Recommendation of the Committee of Ministers of the Council of Europe of 19 January 2000 no. R (2000) 2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights.

On 14 December 2005 the investigations division of the Military Procurator's Office of the United Command of troops (forces) to conduct counterterrorist operations in the North Caucasian region of the Russian Federation took charge of the aforementioned criminal cases and the cases were assigned registration numbers, 34/00/0027-05 and 34/00/0026-05, respectively. Plans of investigations in the criminal cases have been drawn up considering substantive parts of the above judgments of the European Court of Human Rights.

The current status and perspectives of the investigation in the criminal cases have been discussed at the action meeting under the auspices of the First Deputy of the Chief Military Procurator. On 12 January 2006, the time-limit of investigation in the criminal case no. 34/00/0027-05 was extended up to 29 months, and the time-limit of investigation in the criminal case no. 34/00/0026-05 was extended up to 18 months, i.e. until 14 March 2006.

At present, it has been arranged to carry out procedural actions in attendance of military officials who were planning and conducting operations in 1999 – 2000, in order to check proportionality of the applied deadly weapons during the conduct of counterterrorist operations near the villages of Shaami-Yurt and Katyr-Yurt and to inquire into the issues of ensuring safety of civilians. Separate written commissions have been forwarded to territorial law enforcement agencies of the Chechen Republic and of other constituent regions of the Russian Federation. Requests to submit additional information have been forwarded to agencies of military command and bodies of local self-government. It is planned to arrange further operational tactical expert examinations upon receipt of such information.

Investigations in the aforementioned criminal cases are taken by the Chief Military Procurator's Office under its close supervision.

Criminal case no. 12038

Preliminary investigation in the criminal case no. 12038, instituted upon the fact of killings of relatives of Mr M.A. Khashiyev and Ms R.A. Akayeva by unidentified persons in January-February in the Starypromyslovsky District of the City of Grozny, was repeatedly suspended pursuant to Article 208 § 1 (1) of the Russian Federation Code of Criminal Procedure for want of establishment of a culprit to be prosecuted. On 25 January 2006 the decree to suspend preliminary investigation in this criminal case has been quashed. The investigation in the case was assigned to investigator of the Procurator's Office of the Starypromyslovsky District of the City of Grozny of the Chechen Republic. The Russian Federation Procurator General's Office is supervising the course of investigation.

III. Measures of a general character

According to the Russian Federation Procurator General's Office, since the start of the counterterrorist operations in the territory of the North Caucasian region of the Russian Federation (September 1999) agencies of the Military Procurator's Office took charge of 245 criminal cases of servicemen's crimes against residents of the Chechen Republic.

At present, investigations are completed in 160 criminal cases, 98 of which, against 127 servicemen, have been referred to military courts for trial. 62 criminal cases have been discontinued pursuant to various reasons (pursuant to an amnesty act, for want of *corpus delicti* in the actions of suspects, in view of the deaths of the accused persons). The investigation is under way in 85 criminal cases.

Military courts tried criminal cases against 117 of servicemen, 28 of whom are from among the officers' personnel.

Thus, agencies of the Military Procurator's Office and military courts are actively engaged in prosecuting and trying servicemen culpable of crimes against civilian population of the Chechen Republic.

Dissemination of judgments of the European Court of Human Rights

Translations of the judgments the European Court of Human Rights in *Khashiyev and Akayeva v. Russia*, *Isayeva, Yusupova and Bazayeva v. Russia* and *Isayeva v. Russia* shall be published in "The Bulletin of the European Court of Human Rights. Russian Edition".

The above judgments of the European Court of Human Rights and their translations to Russian have been forwarded to the Russian Federation Procurator General's Office, the Russian Federation Supreme Court, the Russian Federation Ministry of Defence, the Russian Federation Ministry of the Interior, the Russian Federation Federal Security Service, and the Russian Federation Ministry of Justice.

In its turn, the Russian Federation Procurator General's Office informed the Procurator of the Chechen Republic and the Military Procurator of the United Command of troops (forces) to conduct counterterrorist operations in the North Caucasian region of the Russian Federation of the judgments delivered by the European Court of Human Rights. Moreover, the above judgments have been sent, on 17 December 2005 (outgoing no. 35-968-2005), to all procurators of the constituent regions of the Russian Federation, equal-status military procurators and chief procurators of other specialised procurators' offices to be used in their oversight activities, in investigations into crimes and law education work with law enforcement officers and servicemen.

Simultaneously, procurators of the constituent regions of the Russian Federation, equal-status military procurators and chief procurators of other specialised procurators' offices were suggested to arrange for subscription to "The Bulletin of the European Court of Human Rights. Russian Edition" and "Russia's Justice" journal in an effort to systematically inform officials of the procurator's office of the activity of the European Court of Human Rights and judgments rendered by it.

The Russian Federation Ministry of Defence has placed translations of the aforementioned judgments the European Court of Human Rights on its official Internet web-sit with a view to inform the personnel of the Armed Forces of the Russian Federation of the activity of the European Court of Human Rights and judgments rendered by it.

Moreover, informing the commanding officers and servicemen of the Armed Forces of the Russian Federation on law-related issues, including on the activity of the European Court of Human Rights, is carried out as a part of the system of servicemen's law-related education developed in the Armed Forces of the Russian Federation; the main tasks of the system are:

- raising the level of legal awareness of servicemen and civilian personnel of the Armed Forces of the Russian Federation;

- studying laws of the Russian Federation and norms of the international humanitarian law.

Law-related education is aimed at mastering of the set minimum of legal knowledge by all categories of servicemen and civilian personnel of the Armed Forces of the Russian Federation with a view to carry out day-to-day service activities properly, to comply with the requirements of legality, to raise the level of legal awareness and legal upbringing.

Law-related education in the commanding bodies, military formations, units and organisations of the Armed Forces of the Russian Federation is carried out in mandatory and optional forms:

officers, army and navy warrant officers undergo relevant training in the system of commanding officers' training;

conscripted servicemen undergo relevant training in the system of training in the matters of society and state and during the hours of character building work;

cadets of the institutions of higher learning of the Russian Federation Ministry of Defence undergo relevant training while studying law disciplines: "Military law", "Military administration", "Basics of Legislation";

trainees of army and navy warrant officers' schools, schools of military training formations and units to drill junior specialists undergo relevant training while studying law-related disciplines.

Moreover, systematic briefings on law are held for servicemen (they are held for generals and officers of military commanding bodies on a quarterly basis; they are held for officers of military units and navy ships on a monthly basis; they are held for soldiers and seamen, sergeants and sergeant-majors on a weekly basis); also, lectures, talks on law by military lawyers, series of legal awareness lectures at the officers' clubs (on a quarterly basis), question-and-answer round tables (on a quarterly basis) and other activities of law-related nature are arranged for servicemen.

The 1999 Directive of the Russian Federation Minister of Defence no. D-6 has set mandatory legal minimums for all categories of servicemen and civilian personnel envisaging *inter alia* study of issues related to observance of human rights and freedoms.

Issues of compliance with requirements of legality, observance of rights and freedoms of citizens, maintenance of legal order, and ways to secure the above are studied in the classes "Legal Training" and "International Humanitarian Law" in the system of training of all categories of servicemen in the matters of society and state. Officials of state legal offices, agencies of the Military Procurator's Office, military

courts, territorial law enforcement agencies, and educational establishments are actively engaged in this work.

Video films on law, including those on compliance with the norms of the international humanitarian law, textbooks, guidances for servicemen and other materials have been published as part of methodological provision of the courses on law subjects.

A revised Manual on the international humanitarian law for the Armed Forces of the Russian Federation is in the phase of its completion.

A programme of partnership of the Russian Federation Ministry of Defence and the delegation of the International Committee of Red Cross in the Russian Federation in the field of awareness of the norms of the international humanitarian law is approved annually.

The Russian Federation Ministry of the Interior has sent recommendations to the ministries of the interior, head directorates and directorates of the interior of the constituent regions of the Russian Federation suggesting advisability of subscription to “The Bulletin of the European Court of Human Rights. Russian Edition” and “Russia’s Justice” journal.

It is also necessary to note that the course “European Law” and particularly its section on the activity of the European Court of Human Rights are introduced as part of the curriculum in the Russian Academy of Justice. Lectures on the subject are read at the Institute of Continuing Legal Education for senior officials of the Russian Federation Procurator General’s Office.

At present, a procedure to pay compensation on account of ineffective investigations into the facts of violations of human rights in the course of counterterrorist operations conducted in the territory of the North Caucasian region of the Russian Federation is being worked out.

Thus, the Russian Federation authorities suggest that the judgments of the European Court of Human Rights in the cases of *Khashiyev and Akayeva v. Russia* (nos. 57942/00 and 57945/00), *Isayeva, Yusupova and Bazayeva v. Russia* (nos. 57947/00, 57948/00 and 57949/00) and *Isayeva v. Russia* (no. 57950/00) have been executed as regards just compensation and individual measures. As regards measures of general character, the latter are now in the phase of active implementation.