The views and opinions stated in this report do not necessarily reflect the views of the organizers of the workshop. This paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. The statements in the report do not represent an opinion of the Austrian Red Cross on the political situation in the country.

Russian Federation

Country Report

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Russian Federation[1]

Location: Northern Asia (that part west of the Urals is sometimes included with Europe), bordering the Arctic Ocean, between Europe and the North Pacific Ocean
Area: 17,075,200 sq km
Capital: Moscow
Independence: 24 August 1991 (from Soviet Union)
Constitution: adopted 12 December 1993
Population: (July 2002 est.): 144,978,573 (0-14: 16.7%; 15-64: 70.2%; +65: 13.1%)
Suffrage: 18 years of age; universal
Ethnicity: Russian 81.5%, Tatar 3.8%, Ukrainian 3%, Chuvash 1.2%, Bashkir 0.9%, Belorussian 0.8%, Moldavian 0.7%, among others: Abkhaz, Armenians, Assyrians, Avars, Azeris, Balkars, Buryats, Chechens, Cherkess, Cossacks, Crimean-Tatars, Ingush, Kabards, Kalmyks, Karachays, Kazakhs, Khakass, Kyrgyz, Komi, Koryaks, Kumuks, Lezgins, Mordvinians, Ossetians, Saami, Tajiks, Tatars, Turks, Turkmen, Yakuts
Languages[2]: Russian; number of languages listed by ethnologue.com for Asian and European Russia is 145

Major religious groups: Russian Orthodox, Muslim, Catholic, Protestant, Buddhist, Jewish

Head of State[3]

President Vladimir Vladimirovich PUTIN, acting president since 31 December 1999, president since 7 May 2000, elected by popular vote for a four-year term
Head of government: Premier Mikhail Mikhaylovich KASYANOV (since 17 May 2000); First Deputy Premier: Aleksey Leonidovich KUDRIN (since 18 May 2000), Deputy Premiers: Aleksey Vasilyevich GORDEYEV (since 20 May 2000), Viktor Borisovich KHRISTENKO (since 31 May 1999), Valentina Ivanovna MATVIYENKO (since 22 September 1998)

Main Political Parties[4]

- **APR** Agrarnaya Partiya Rossii/Agrarian Party, leader: Mikhail Lapshin, founded in 1993, left-wing
- **Derzahva** Power, leader: Konstantin Zatulin, founded 1994, alliance of right-wing parties
- **DPR** Demokraticheskaya Partiya Rossii/Democratic Party of Russia; leader: Viktor Petrov, founded in 1990, liberal-conservative, centrist
- **DVR** Demokratichesky Vybor Rossii/Russia's Democratic Choice; leader: Yegor Gaidar, founded 1990
- **KEDR** Ekologicheskaya Partiya Kedr/Constructive Ecological Party Kedr; leader: Anatoly Panfilov, founded 1992, officially registered 1994
- **KPRF** Kommunisticheskaya Partiya Rossiiskoi Federatsii/Communist Party of the Russian Federation; leader: Gennady Zyganov; formally registered in March 1993

[1] Sources: CIA World Factbook 2002; CIA Chiefs of State, last update 20 March 2002; Pravitel'stvo Rossiyskoi Federatsii (www.government.gov.ru); UK Home Office, Russian Federation Assessment, October 2002; Europa World Year Book, March 2001
[2] Ethnologue.com: Languages of the World, Russia, last update January 2002
[3] Pravitel'stvo Rossiyskoi Federatsii (www.government.ru)
[4] CIA World Factbook 2002; NUPI Centre for Russian Studies, Political groups and parties; UK Home Office, Russian Federation Assessment, October 2002, Annex B: Main political organisations; Electionworld.org: Elections in Russia (www.electionworld.org); European Forum: The Political Landscape in the Russian Federation, July 2000 (www.europeanforum.bot-consult.se)

- **KRO** Kongress Russkikh Obshchin/Congress of Russian Communities; leader: Yurii Skokov, founded in 1993/1995
- **LDPR** Liberal'no-demokraticheskaya Partiya Rossii/Liberal Democratic Party of Russia; leader: Vladimir Zhirinovskiy, formally registered 1992, advocates a strong Russian state
- **MEDVED** Mezhregional'noe Dvizhenie Yedinstvo/Inter-Regional Movement Unity, leader: Sergey Shoygu, founded in May 2000, populist
- **NDR** Nash Dom-Rossiya/Our House Russia; leader: Viktor Chernomyrdin, founded in 1995
- **Obshchee Delo** Common Cause; leader Irina Khakamada, founded in 1993/1995; democratic and liberal
- **PES** Partiya Ekonomicheskoi Svobody/Party of Economic Freedom; leader: Konstantin Borovoi, Sergei Fedorov, founded in 1992, advocates economic liberalism
- **Pravoe Delo** Just Cause; leaders: Anatoly Chubais, Sergei Kirienko, Yegor Gaidar, Boris Nemtsov, Irina Khakamada, founded in December 1998, liberal-right reformist coalition movement, contested in 1999 parliamentary elections under the name SPS
- **PRES** Partiya Rossiyskogo Edinstvoi Soglasiya/Party of Russian Unity and Accord; leader: Sergei Shakhrai, founded in 1993, democratic bloc
- **PST** Partiya Samoupravleniya Trudakhshchikhsya/Party of Working People's Self-Government, leader: Levon Chakhmashchian
- **RKhDP** Rossiyskaya Khristiansko-Demokraticheskaya Partiya/Russian Christian-Democratic Party; leader: Aleksandr Chuyev, founded in 1990, conservative-nationalist
- **RKRP** Rossiyskaya Kommunisticheskaya Rabochaya Partiya/Russian Communist Worker's Party; leader: Viktor Tyulkin, founded in 1991
- **RNE** Russkoe Natsional'noe Edinstvo/Russian National Unity; former leader: Aleksandr Barkashov, founded in 1990, banned in 1993, re-emerged in 1994, ultra-nationalist and anti-semitic paramilitary organisation
- **RPRF** Respublikanskaya Partiya Rossiyskoi Federatsii/The Republican Party of the Russian Federation; leader: Vladimir Lysenko, founded in 1990
- **PP** Partiya Pensionerov/ Pensioner's Party; leader: Sergei Atroshenko, founded 1998
- **SB** Stalinsky Blok - Za Sovetsky Soyuz/Stalinist Bloc – For the USSR; leader: Viktor Anpilov, founded in 1999, combines several far-left organisations
- **SPR** Sotsialisticheskaya Partiya Rossii/Socialist Party of Russia; formed in 1996 by Ivan Rybkin who had been its chairman until March 2002 when the party merged with A. Podberyozkin's Spiritual Heritage movement, establishing the Unified Socialist Party
- **SPS** Sojuz Pravych Sil/Union of Right Forces; leader: Boris Yefimovich Nemtsov, coalition of small parties founded in 1998, name Union of Right Forces adopted in 1999
- **Vlast Narodu** Power to the People; leader: Nikolai Ryzhkov, founded in 1995, left-wing, nationalist
- **Vpered Rossiya!** Forward Russia!; leader: Boris Fedorov, founded in 1995, democratic
- **Vserossiiskaya Partiya "Yedinstvo i Otechestvo"** Unity and Fatherland-United Russia Party; founded in December 2001, as a merger of Yedinstvo/Unity, Otechestvo/Fatherland and All-Russia Party, pro-Putin bloc
- **Yabloko** Apple; leader: Grigoriy Alekseyevich Yavlinskiy, founded in 1993, strongest liberal movement
- **Zhenshchiny Rossii** Women of Russia; leader: Ekaterina Lakhova, founded in 1993, centrist

Parliamentary election results (elections last held 19 December 1999, next to be held December 2003)
The Gosudarstvennaya Duma (State Duma) has 450 members, elected for a four year term: Seats by parties: KPRF 113; MEDVED 72, OVR 66, SPS 29, LDPR 17, Yabloko 21, PP 1, NDR 7, KRO-DYB 1, DPA 2, RSP 1, non-partisans 106)

Social and economic data

Infant mortality rate: 19.78 deaths/1,000 live births (2002 est.)
Life expectancy at birth: total population: 67.5 years, female: 72.97 years, male: 62.29 years (2002 est.)
Unemployment rate: 8.7% (2001 est.), plus considerable underemployment
Population below poverty line: 40% (1999 est.)
Inflation rate (consumer prices): 21.9% (2001 est.)
GDP per capita: purchasing power parity - $8,300 (2001 est.)
Imports: $51.7 billion (2001 est.)
Exports: $103.3 billion (2001 est.)
Currency: Russian ruble (RUR)

Russian Federation, Republic of Chechnya[1]

Location: North Caucasus
Area: 17,000 sq km
Capital: Grozny
Independence: proclamation on 2 November 1991, not acknowledged by Russia or the UN
Status: Autonomous Republic within the Russian Federation
Constitution: 12 March 1992; at the beginning of February 2002, a draft Constitution for the Chechen Republic was presented to the Chechen Consultative Council as "Kadyrov draft".
Population: 734,000 of which 127,000 are IDPs (July 2000)[2]
Suffrage: 18 years of age; universal (Russian Federation)
Ethnic groups (2000): Chechen 97.7% (57.82%), Russian 1.3% (23.12%), Ingush 0.5% (13%), others 0.5% (7%) – note: in brackets the 1994 figures[3]
Languages: Chechen, Russian
Religions: Sunni Muslim, Russian Orthodox

Head of the republic[4]

Currently two governments claim authority over the Chechen territory: on the one hand the Russian President Putin, represented by the pro-Russian Chechen administration established with presidential decree of 8 June 2000, and on the other hand the government of the Chechen Republic Içkeriya elected in 1997. In February 2002, a draft constitution was submitted to the Chechen Consultative Council: The Chechen Republic will be governed by presidential rule, although a parliamentary republic was initially considered.

A referendum on the Chechen constitution will be held in the republic in March-April 2003. After the adoption of the constitution elections could take place before the end of 2003. The Head of the Chechen Administration, Mr Akhmad Kadyrov, indicated that he intends to put himself forward as candidate in the future presidential elections.

Pro-Russian Chechen administration[5]

Head of the administration: Mufti Akhmed KADYROV
Prime minister: Mikhail BABICH (15 November 2002)
Deputy Head of the administration: Usman MASAYEV
Deputy to the State Duma: Aslanbek ASLAKHANOV
Federal Council Representative from the Chechen Republic: Mr Akhmar ZAVGAYEV
Mayor of Grozny: Supyan MAKHCHAYEV

[1] Sources: Swiss Refugee Council / Schweizerische Flüchtlingshilfe: Die aktuelle Situation in Tschetschenien. Update zum Lagebericht vom Dezember 1999, Januar 2001
[2] Danish Refugee Council Sep 2000, as cited on the Global IDP Database homepage of the Norwegian Refugee Council Estimates range, however, from 300,000 – 800,000. The continuous fluctuation of displaced persons makes more precise statements impossible. The UN, having considered various sources of information on population figures, including government figures, Danish Refugee Council registrations, the 1989 official census, and several other factors, such as morbidity and birth rates, casualties, estimated the following figures: 350,000 – 370,000 residents and 150,000 – 170,000 IDPs in Chechnya, 320,000 residents and 160,000 – 180,000 IDPs in Ingushetia (UN Office for the Coordination of Humanitarian Affairs (OCHA), February 2001)
[3] Danish Refugee Council as cited in GLASNOST –CAUSASUS DAILY NEWS SERVICE December 24, 2000
[4] OCHA: Humanitarian action in the North Caucasus information bulletin 1 – 15 November 2002, 21 November 2002
[5] ITAR-TASS: Roundup of developments in Chechnya, 22 November 2002; RepOffice.ru: Personalia, November 2002 (www.repoffice.ru); RFE/RL: New Chechen Premier Focuses on Economic Construction, 18 November 2002; Danish Support Committee for Chechnya, 25 August 2002 (http://www.tjetjenien.dk)

Prosecutor of the Chechen Republic: Yury PONOMARYOV
Deputy Prosecutor: General Sergei FRIDINSKY
Special Representative for Human Rights in Chechnya: Abdul-Khakim SULTYGOV (appointed 12 July 2002)

Chechen Republic Içkeriya

President: Aslan MASKHADOV elected by direct popular vote on 27 Jan 1997 for a 5 year term
Prime minister: Akhmed ZAKAYEV (arrested on 30 October 2002 on Russian request by Interpol after the World Chechen Congress in Copenhagen/DK, he was taken in custody on 12 November, the Russian Prosecutor-General had been given a deadline to submit evidence of Zakayev's involvement in the theatre hostage taking until Nov 30.[6] On 3 December 2002, Denmark has released Zakayev, considering the presented evidence to be "insufficient".[7]
Deputy Prime Minister: Bislan GANTAMIROV
Military: Schamil BASAYEV - Commander of the Chechen forces

Political system

The Decree of 8 June 2000 set up a temporary Administration of the Chechen Republic, comprising the executive authorities of the Republic and the administrations of areas and districts, and provided for a Head of the Administration, for setting up the central executive authorities and the district and urban authorities of the Chechen Republic (organisation and appointment of directors).
The Head of the Administration represents the Chechen Republic in dealings with the Federation, other subjects of the Federation, and local self-governing entities. He has overall charge of the Administration's activities, while the President of the Government, who is appointed by the Head of Administration, heads the Republic's supreme executive authority.
The Head of the Administration and the Government of the Chechen Republic "*adopt decrees and orders*" on the basis, and in implementation, of the Constitution of the Federation of Russia, federal laws, and regulations issued by the President and Government of the Federation of Russia. These measures, which they adopt within the limits of their powers, "*are compulsorily enforceable in the Chechen Republic*".
The system of executive authorities in the Chechen Republic is established "*until the state authorities of the Chechen Republic are elected in accordance with the laws of the Federation of Russia*".[8]

Chechen Consultative Council:

Chechen Consultative Council, made up of pro-Russian Chechens, Chechens living abroad, intellectuals and pro-independence militants. It met for the first time in the Russian Parliament building on March 15 and was attended by some Chechens who supported the rebellion.

[6] BBC: Denmark extends Chechen's detention, 26 November 2002 http://news.bbc.co.uk/1/hi/world/europe/2514275.stm
[7] BBC: Denmark frees top Chechen envoy, 3 December 2002 http://news.bbc.co.uk/1/hi/world/europe/2539567.stm; Guardian: Denmark's release of Chechen clouds relations with Russia, 4 December 2002 http://www.guardian.co.uk/international/story/0,3604,853476,00.html
[8] Secretary-General of the Council of Europe: Addendum III to the Fourth Interim Report by the Secretary General on the presence of Council of Europe's Experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen
Additional information provided by the Secretary General SG/Inf(2000) 51Addendum III / 24 January 2001

Judicial system

"In addition to the Supreme Court of the Chechen Republic, which sits in Gudermes, there are 12 district and municipal courts in Chechnya: Gudermes, Grozny, Zavodskoi, Leninsky, Oktyabrsky, Staropromyslovsky, Naursky, Nadterechny, Urus-Martan, Shali, Vedeno and Nozhai-Yurt; according to the UN Commission on Human Rights it is intended to establish three new courts in Achkhoi-Martan, Shelkovskaya and Shatoi districts."[9]

"The dual system of jurisdiction in Chechnya involving both military and civilian prosecutors and courts, which leads to long and unacceptable delays in registering cases, resulting in a cyclical process whereby case information and the responsibility for opening investigations continue to be passed from one official to another and back, without resulting in the initiation of prosecutions."[10]

Economic and social situation

"On 28 August ICRC presented the results of the households economic security review carried out in Chechnya from April to July 2002. The report stated that 10 percent of the population fall under extreme poverty having a monthly income of less than 700 Rubles (22 USD) and 50 percent are vulnerable having an income of between 700 - 3,000 Rubles (USD 22-95) per month. The unemployment rate is as high as 60 percent. In view of a near total collapse of the economy at the household level ICRC has recommended that the present level of humanitarian assistance in Chechnya be continued or expanded."[11]

Currency: 1 Russian ruble (R) = 100 kopeks

[9] UN Commission on Human Rights (ECOSOC): Question of the Violation of Human Rights Report and Fundamental Freedoms in Any Part of the World (E/CN.4/2002/38), 26 October 2002
[10] UN Committee against Torture - Original title: "Conclusions and Recommendations of the Committee against Torture: Russian Federation (CAT/C/CR/28/4), 28 May 2002
[11] World Food Programme: Emergency Report No. 35 of 2002, 30 August 2002

Human Rights Watch: Known places of detention in Chechnya[12]

In most cases, detainees did not know the legal status of the institution where they were detained. Information on the official function and the authorities responsible for the following confirmed places of detention in most of the cases below comes from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Pre-trial detention facilities (Sledstvennyi izoliator or SIZO), under the authority of the Ministry of Justice:

- Grozny (SIZO)
- Chernokozovo (SIZO)
- Vladikavkaz (North Ossetia) (SIZO)
- Pyatigorsk (Stavropol territory) (likely *Belyi Lebed*, SIZO)
- Stavropol (SIZO) (Stavropol territory)
- Territory Hospital at Colony No. 3, Georgievsk (Stavropol Territory)

Temporary detention facilities (Izoliator vremennogo soderzhaniya or IVS), under the authority of the Ministry of Internal Affairs:

- Chervlyonnaya Station (according to Russian authorities, this facility was closed in April, 2000)
- Naurskiy District Department of Internal Affairs
- Shali District Department of Internal Affairs
- Temporary Internal Affairs Department of Grozny Selsky District (Tolstoy Yurt)
- Oktyabrskyi District Temporary Department of Internal Affairs, Grozny
- Zavodskyi District Temporary Department of Internal Affairs, Grozny
- Temporary Department of Internal Affairs, Gudermes
- Khankala Military Base of the Allied Group of Armed Forces (FSB and MVD operate temporary holding facilities in Khankala)
- Temporary Department of Internal Affairs, Shelkovskaya
- Urus-Martan; (there are three temporary holding facilities in Urus-Martan: FSB, and the district and regional MVD; at least one of them is in the Internat boarding school)
- Mozdok District Department of Internal Affairs (North Ossetia)

Places of detention whose status is unknown to Human Rights Watch:

- Former holding facility, Goryacheistochnenskoye (Tolstoy Yurt) (according to interviewees, this facility was closed in mid-February, 2000; it was empty when visited by the CPT on its first visit at the end of February)
- Solyonaia Balka military base (Grozny) (at least during January, 2000)
- Znamenskoye police station (at least during January and February, 2000)
- Ersenoi military base (at least during April and May, 2000)
- Achkhoi Martan police statio

[12] Human Rights Watch: "Welcome to Hell". October 2000 (Annex 1)
http://www.hrw.org/reports/2000/russia_chechnya4/appendix1.htm

The Russian Federation

Country Report

This report is based on the presentation by Svetlana Gannushkina, Head of the "Migration and Law" Network of the "Memorial" Human Rights Center and Head of the "Civic Assistance" Committee on 29 June 2002

I. General situation – Trends in Russian politics

The human rights situation in the Russian Federation and the situation in Chechnya are inseparable. Chechnya is affecting all spheres of our life. It is hard to imagine that in one part of the country, small as it may be, human rights could be violated and cruel crimes could be perpetrated to the extent they are violated in Chechnya, without any impact on the human rights situation across the country at large. Russian society is deeply permeated by what is perceived as the "Chechnya problem".

After the end of the first war in 1996, a second wave of hostilities broke out in Chechnya in 1999. This second wave was called an "anti-terrorist operation", while the first wave was dubbed "restoration of the constitutional order". Although both wars should be categorized as wars, the main difference lies in the altered attitude of the government and of the general population. While during the first war 60-70% of Russia's citizens did not support the war, considering it criminal, now the proportion is reverse. Even if recently society has expressed its negative attitude toward the war, the tone is not the same as before. There is no compassion for those who have suffered, the war is not regarded as criminal. Rather, it is a reprimand addressed to those in power: you have failed to win, so stop fighting. At the same time the authorities no longer feel responsible for their citizens who perished on account of the hostilities. The first war began in late 1994, and already by early 1995 initiatives were taken to provide some sort of compensation to the population of Chechnya who had lost their housing and property. These payments were very small and due to inflation their value dropped fivefold. However, they have been continuously transferred from 1995 until today. The second war has been going on since 1999, and no document has been approved so far providing for a targeted support for the population of Chechnya.

Since 1999 a sharp aggravation of the human rights situation in Russia can be observed. In response, public organizations held the All-Russian Emergency Congress in Support of Human Rights in January 2001. The participating organizations were publicly voicing their concern about the crucial human rights situation in Russia and how rapidly it is deteriorating. Resolutions were sent out to all power bodies, but they were ignored and no response was issued. The only consequence was that some leaders of public organizations were summoned to the Presidential Administration. There we were reasoned with in such a way that when I was asked: "Do you understand where you are?", I was about to answer: "I thought I was at Ilyinka (this is the name of the street where the Administration is housed), but it looks like I am at Lubyanka" (the street where the KGB Headquarters are situated).

In November 2001, on initiative of the Presidential Administration and with the participation of Russian NGOs a Civil Forum was conducted. According to the President the aim of this forum was to form a civil society controlled by the state, without regard to the fact that some elements of a civil society already existed in Russia.

Many representatives of internationally recognized NGOs and civic organizations were invited to participate at the forum, in order to create the appearance of cooperation between authorities and NGOs. An agreement was reached about organizing regular working meetings of representatives of the government and NGOs. More than twenty working groups were created, including one on migration and one on Chechnya. Unfortunately, some of these groups are working very inefficiently as, for instance, the working group on migration issues. One of the reasons why the group on migration has not worked efficiently is the fact that the Migration Department is not used to cooperating with NGOs. The working group on Chechnya has continued to work until now and the five meetings that have taken place so far can be assessed as being fair.

On 20 and 21 June 2002, the All-Russian Emergency Congress on Migrants' Rights took place. Since the situation of migrants has dramatically deteriorated over the last years, we were forced to participate in this meeting. So far it is unclear whether there will be any positive conclusions. However, one positive development can be observed: the establishment of the so-called Governmental Commission on Migration Politics, in which next to governmental staff (deputy ministers) two representatives of NGOs and several experts should participate. If this commission and the expert-consultative mechanism really started to work, conditions for a successful cooperation could not be better.

Unexpectedly, the head of the Federal Migration Service of the Interior Ministry and former KGB Lieutenant-General, Mr. Viktor Ivanov, joined the All-Russian Emergency Congress, although, until then, he had refused any cooperation not only with representatives of NGOs but also with representatives of the Russian government. Although the governmental Working Group for the Development of Migration Legislation, headed by Mr Ivanov, has been working for one year, that way, it works and the results of its work are unknown to the public, the NGOs, and many government officials. Even the deputy head of the government Department of Social Issues, Valentina Ivanovna Matvyenko, was not aware of what was happening in this commission and what they were doing.

During Mr Ivanov's speech on the All-Russian Emergency Congress it became clear that he was neither familiar with the concept of the Russian Federation migration policy nor with illegal migration, the issue he is actually in charge of. For instance, he tremendously exaggerated the number of illegal migrants in the Russian Federation. At the parliamentary hearings in April 2002 illegal migration was described as a national catastrophe. In fact, it is not the 'illegal migration' that should be called a national catastrophe, but rather the treatment of migrants by the Russian authorities. Moreover, there is a serious demographic crisis in Russia and the authorities do not take into account the benefits of immigration. They are not considering that, according to scientific research, in twenty to thirty years there will not be enough taxpayers to financially support the people who are retired.

Trends in Russian politics – Interest groups

One of the key characteristics of the general situation in Russia is the decreasing influence of the society and NGOs on state structures and political and social developments. This can be observed not only in the above mentioned field of migration policy, but also in the fields of ecology, social issues and legislation. Governmental departments and ministries are becoming more and more detached from control by the civil society. State institutions are working separately from each other and only for their own benefit. One of the consequences of this so called 'establishment of interest groups' is an increasing level of corruption in state structures and the militia. The latter, for example, are less interested in maintaining law and order than in getting money into their own pockets. Therefore, a situation is evolving in which society is separated from the government, and the question is: how can a state like this be governed?

RAO EC-Russia (Russian Joint Stock Company - Unified Energy System of Russia), the state-owned enterprise in charge of energy supply, headed by Anatoly Chubais, is operating rather as a business than a branch of government. For that reason, electricity cut-offs in hospitals, in production plants, in institutions for children and even in whole regions of the Russian Federation are possible. Gazprom, which is in charge of natural gas supplies, also runs its own business. Why does Gazprom need to buy a TV station or a theater? Owning a TV station is at least understandable because via TV they can circulate propaganda for their corporation. In general, state departments in Russia are operating as businesses instead of as branches of government.

The phenomenon of interest groups can also be observed on regional level. The different administrative subjects of the Russian Federation adopt their own regional laws and regulations in order to secure benefits for themselves or to pursue their own regional political agendas. Often, regional regulations contradict federal laws.

For instance, in the region of Krasnodar discrimination against minorities and migrants is widespread. Discriminatory laws are issued by the authorities and the implementation of these orders is often worse than the orders themselves. The head of Krasnodar Kray, Katchev, passed legislation which absolutely contradicts federal law and under which migrants are not even allowed to enter the region of Krasnodar. In addition, Katchev announced to forcibly expel everyone with a family name of non-Russian origin, including Armenians, Meshketian Turks, Kurds and Georgians, from the territory of Krasnodar. In the middle of these events, President Putin visited the Krasnodar Region, but the problems of migration were not even discussed by the political leaders. What can be done if the President is not willing to fight such illegal actions and, instead, pays a visit to the head of the local authority who is responsible for the violation of the law?

As in the region of Krasnodar, regional regulations which contradict federal laws can also be observed in Moscow. Last year, after several NGOs had filed a complaint, at least ten documents issued in the city of Moscow were considered to be in contradiction with federal law and thus should have been declared void. Among these laws is the law on registration and residence permits.

The current political and social situation in the Russian Federation can only be understood by looking back to the situation at the time of the Soviet Union. The Soviet government declared the construction of a strong state, in particular victory and predominance over other countries in the fields of space travel, atomic energy, and defense, a top priority. Human predominance over nature was considered a symbol for the power of the Soviet Union. The slogan "All for the people, all for the sake of the people!" had became exemplary at that time.

After the fall of the Soviet Union, the Russian population expected that the new democratic power would positively affect their personal ways of life. Instead, the distance between the people and the government has increased. In this context, it is understandable why people are disappointed in "democratic values" and are losing more and more confidence in democracy. A strict separation of rich and poor, an increasing crime rate, or the fact that education suddenly had to be paid for, are new developments for the Russian people. They feel abandoned and humiliated; they loose their self-respect and the respect for their country. The older generation is living on memories regarding the powerful Soviet Union and the youth is trying to find fulfillment in joining extreme movements as for instance, the fascist Russian National Unity Party.

Another noteworthy phenomenon is the metamorphosis of President Putin. Depending on the political or social environment, he is changing his image by adopting the appropriate language and behavior. Putin is already considered to be a man of world, someone who can "use a knife and fork", as it has recently been said in Germany. There he spoke German fluently with Prime Minister Gerhard Schröder and went tobogganing with him. In the United States he went horse-riding with President Bush, tapped him fraternally on the shoulder and was able to conduct a conversation in English.

At the same time, however, when he is speaking about Chechnya, he changes his language on the spot by switching to the criminal jargon. For example, at the beginning of the second Chechen war President Putin did not only say "we will kill the Chechen bandits", but he urged to "flush the bandits down the toilet".

Yet, compared to the situation in Belarus, which is governed by de-facto dictator Lukashenko, no strong central power has been established in Russia since the fall of the Soviet Union. In Belarus dissidents and members of the political opposition are detained for no reasonable grounds.

II. Russian Federation

II.1.Human rights abuses

II.1.1. Freedom of movement

Registration – propiska – corruption

Under the old system of 'propiska' (dating back to before the Soviet Union) the administration would authorize people to reside in a certain place rather than another. The question if that person was to leave was also subject to the authorization of the

administration. The system was changed in 1993 when a law on freedom of movement was adopted. Now the citizen simply notifies the administration of a change of address. Unfortunately, in practice authorities are still enforcing the old registration system. There are a lot of abuses and misinterpretations of the law that have been noted by the federal government branches entrusted with monitoring the local police.

Basically, there are two types of violations: one occurs when local authorities pass their own registration laws which are not compliant with the federal law and which resemble the old 'propiska' system – a system which gives them the right to demand payment (fees for registering, fines for not being properly registered, etc.).

The second type of violation, which is more difficult to address, involves the absence of a local law protecting the rights of residents in case the local authorities entrusted with registration do not act according to federal law. Frequently, there are documented cases where people are not even being given access to the procedure of registration. Not being properly registered, they are then found to be in breach of the rules on registration and may be subjected to administrative fines, detention, eviction from apartments, or even expulsion from city boundaries.

On a more practical level, the outrageous arbitrariness of the militia and corruption that persist throughout the Russian Federation also affect the implementation of new regulations concerning registration and help to inhibit the replacement of the propiska with the notification-type procedure (stipulated by the law). Why would the militia want to catch criminals, why would they want to bring order to the streets, when it is enough for their comfortable living to stop strangers, check their registration certificates and empty their pockets? Why should the Passport and Visa Service not take bribes for issuing registration certificates? Moscow is swarming with commercial firms which provide registration at the place of sojourn, both temporary and permanent, together with Russian citizenship. They have websites and open addresses, and no measures are taken to check whether their activities are legal. Registration for a few days can be purchased at a railway terminal. Thinking that this is illegal would be a wrong assumption. The mechanism is simple – the firms are partners of the militia and the latter can register anyone anywhere, at their own address, provided the apartment's size allows it. However, irrespective of where they are registered, most people would stay with their relatives whose apartments are usually too small and do not meet the registration norms. It may be possible that one day you incidentally learn about a virtual inhabitant in your apartment.

In our practice, we come across such cases where apartment owners, after having learnt about such virtual settlers, seek help from the same militia unit that has previously sold registration to the "virtual inhabitant". As a rule, the offender is prosecuted, his/her registration permit is withdrawn and he/she is charged with forgery. Normally we succeed in defending the registration purchaser, whereas I am not aware of a single case when the true offenders – the ones who forged the registration certificates - were punished.

Particularly in Moscow, the unlawful registration system is still being enforced even though the Memorial Network appealed against it in court. The Prosecutor's Office not only supported our claim, it also appealed against the above mentioned registration

system in court. Yet, when it came to the hearing, the prosecutor had to withdraw the claim. Memorial received a decision in our favor, which was also supported by the Supreme Court, but the system still exists.

II.1.2. Freedom of speech

In theory, there is freedom of speech in the Russian Federation, people consider themselves to have freedom of speech and many prominent citizens speak out without any reprisal. However, this is usually declared by those who have housing and a more or less decent job, like in an NGO supported by sufficient grants. But most are aware that this freedom of speech has strict limitations, particularly when it comes to certain issues or if someone's interests are affected.

Regarding the war in the Chechen Republic the freedom of speech is limited to a certain degree as interests of various and numerous groups are connected with it. TV and other media release only a tiny fraction of carefully filtered information.

Furthermore, whenever serious environmental problems arise, those who voice criticism are automatically labeled spies. There are at least five spy cases, two "spies" have been acquitted, two are awaiting trial and one was sentenced to four years of hard labor after the Supreme Court turned down his appeal. His name is Grygory Pasko. Mr. Pasko was sentenced on the basis of order No. 055, an order released by the Defense Ministry which lays out broad terms for items that could be considered state secrets, including special data on the Armed Forces of the Russian Federation. Mr. Pasko paid a high price for pointing out the consequences of nuclear waste being discharged by the Russian Pacific Fleet.

II.1.3. Freedom of religion

The statements in this chapter are based on an interview with Lev Levinson[1], assistant to the well-known human rights activist and deputy S.A. Kovalev.

Legislation on "Freedom of Conscience and on Religious Associations"

The new Law "On the Freedom of Conscience and On Religious Associations" came into force in late 1997. The deadline for re-registration of organizations that were registered under the old law of 1990 "On the Freedom of Religious Beliefs" was extended to 2000.

The law makes a distinction between "traditional" religious organizations and "new" religious organizations. The law limits the rights, activities and status of those religious groups which do not have written proof "confirming their existence on the Russian territory for a period of no less than 15 years" and requires that religious groups exist for 15 years before they can qualify for "organization" status. Thus, religious groups that

[1] His e-mail address is kovalev_sa@duma.gov.ru

are new in the country are seriously disadvantaged by making it difficult for them to register as religious organizations (and thus obtain the status of a juridical person).[2]
On the whole, the problem of re-registration was resolved by a judgment of the Constitutional Court. A Solomonic solution was reached: Article 27, imposing the restrictions, and some other discriminatory articles (e.g. the ban on the activities of so-called foreign religious organizations, namely their missions and agencies) were annulled for religious organizations registered before October 1997, i.e. before the new law came into force. In fact, all religious organizations registered earlier than October 1997 are still active.

Regarding the implementation of the provisions of the new law and the discrimination against certain religious groups, there are more problems on the local and regional levels than on the federal level. For instance, Jehovah's Witnesses and the Unification Church are accepted on the federal level.

Jews

Currently, there is no official discrimination by the government against the Jewish population. Under the Soviet Union, there was no legal basis for anti-Semitism, either, although it was widespread throughout society.

However, Jews were and are under special observation, and whenever any racist trends appear in Russia, Jews will be affected. They are therefore not subjected to persecution by state agents or state structures, yet cannot rely on adequate protection, either, like the rest of the population.

Jehovah's Witnesses

In general, an official list of destructive churches does not exist in Russia. However, there is a black list of religious confessions which is given to journalists, Orthodox and non-Orthodox anti-culturalists and to the authorities. Such lists were disseminated by the General Prosecutor's Office as early as 1998. Last year, the State Department of the Execution of Punishment affiliated with the Ministry of Justice circulated a letter to regional departments containing a list of those entities that can be called "totalitarian" and also the reasons why they can be called totalitarian. All data had been gathered from one source: Alexander Dvorkin, the anti-sectarian ideologist of the Russian Orthodox Church and Fedor Kondratjev, professor from the Serbski Institute, notorious not only for promoting the "brain washing" theory in the so-called sects, but also for participating in the expert examination of Colonel Budanov.[3]

Both the Jehovah's Witnesses and the Church of Unification of the Rev. Mun are on the black list and are considered not to be genuine Russian churches. But what can "of non-

[2] Unregistered groups lack the juridical status necessary to establish bank accounts, own property, invite foreign guests, publish literature, or conduct worship services in prisons, state-owned hospitals, and among the armed forces. However, persons affiliated with unregistered faiths generally may rent facilities for holding religious services as individuals. (US State Department: Religious Freedom Report 2002 – Russia, 7 October 2002 http://www.state.gov/g/drl/rls/irf/2002/13958.htm)
[3] Self-described "sectomania" expert and Moscow psychiatrist Fedor Kondratyev (US State Department: Country Reports on Human Rights Practices 1999 – Russia, 23 February 2000 http://www.state.gov/g/drl/rls/hrrpt/1999/356.htm)

Russian origin" mean in this context? The history of Jehovah's Witnesses living in the Russian Federation goes back over 100 years and, nowadays, about 250,000 people avow themselves Jehovah's Witnesses. As in the Ukraine there are thousands of hereditary Jehovah's Witnesses, whose grandmothers and grandfathers had been exiled to Siberia under Stalin and Khrushchev. All of those who had suffered repression under the Soviet regime have received certificates identifying them as victims of political repression. Now, Jehovah's Witnesses are once again discriminated against by the Russian authorities.

In addition, the Mormons, Hare Krishnas, and the Scientologists are included in the black list.

In general, no cases are known of people who were arrested for their religious beliefs. Yet, taking into account the law "On the Alternative Civil Service" as it has been adopted in the second reading, it may be possible that Jehovah's Witnesses go to jail for their religious beliefs. According to the law, the decision whether to serve in a civil environment or in a military institution is taken by the recruiting commission. Therefore, members of the Jehovah's Witnesses are not in a position to choose where to perform their alternative service. Since Jehovah's Witnesses are not allowed to serve in military organizations at all, not even in a unit where they do not have to carry arms, they cannot accept the law on civil service. In practice, regarding the law on alternative civil service, Jehovah's Witnesses face the risk of being detained for religious reasons.

In addition, the new law "On Combating Extremism", which recently has been passed in the second reading, will target the so-called New Religious Movements, like the Jehovah's Witnesses. For almost three years, Moscow's Prosecutor's Office has been seeking to ban Jehovah's Witnesses. Although the Prosecutor lost the first trial, now the local Jehovah's Witnesses organization faces dissolution as under the new law the Prosecutor and the judiciary are allowed to suspend any disagreeable religious or public organization pending the court ruling.

Regarding the new law "On Combating Extremism", many NGOs feel that the vague wording of the new law would allow the authorities to label anyone a terrorist. One NGO, which is actively involved in the protection of the rights of the Meshketian Turks in Krasnodar Kray, has already been threatened that the new law would be "tried out" on them.

Mun's Unification Church

The Mun's Unification Church, which is estimated to have about two hundred members, has not enjoyed any political support yet. In the beginning of the 1990s, the Unification Church has been free to a certain extent and has not been subjected to discrimination. Yet since 1993/94 they have been constantly under attack. In 1995, a year-long inquisition-like trial began in St. Petersburg, resulting in the suspension of the registration of their youth organization CARP (Association of Higher Educational Institutions to Study the Principle).

CARP had published textbooks which were used at some schools in the early 1990s as alternative teaching material. There are definitely no destructive doctrines in these

books. It is only an anthology of human thoughts, an attempt to form a syncretic philosophy or world outlook. On the one hand, these books are now assessed as being dangerous by the authorities and discussions are being held whether to ban these textbooks. On the other hand, in 2002 a textbook inciting anti-Semitism and other forms of religious and ethnic intolerance was published and was recommended by the Ministry of Education for high school students. "Fundamentals of Russian Orthodox Culture" by A.V. Borodin seems to me like a revival of the Black Hundreds.[4] The book is full of ethnic and religious hatred and contradicts the constitutional separation of church and state in the field of education.

Russian Orthodox Church

Although the Russian Orthodox Patriarchate does not enjoy any special official status and the constitution provides for the separation of church and state, violations of these principles are widespread in the Russian Federation. For instance, the 1992 law "On Education", which guarantees the secular character of education, or the law "On the Status of Military Men", which prohibits religious propaganda in the Russian army, are regularly violated. Moreover, the Russian Orthodox Church obviously exerts its influence in the country's different detention centers. While in almost every prison churches and chapels can be found, no mosques or religious institutions of other confessions do exist. Other forms of cooperation and linkages between the state and the Orthodox Church could be mentioned, but I prefer not to go into detail.

Regarding persecution for heresy and for criticizing the Russian Orthodox Church, I am aware of three cases. One of these is the case of Avdey Ter-Oganyan who in 1998 cut copies of orthodox icons into pieces during his performance "The Young Godless" on the Moscow Manezh square.[5] After being sentenced to four years in prison, Ter-Oganyan fled from Russia. Currently, he is living in the Czech Republic where he had applied for political asylum three years ago. His case seems to be delayed by the Czech authorities and although some movement has been observed in the past few months, it cannot be said in which direction the case will move. The Human Rights Commissioner in Russia, S. A. Kovalev, personally addressed the Czech president Vaclav Havel regarding the case of Avdey Ter-Oganyan. In addition, representatives of human rights organizations launched an appeal, which has been signed among others by Larisa Bogoraz (Refugee and IDP Civic Assistance) and Gleb Yakunin (Committee for Defense of Freedom of Conscience).

Oleg Mavromatti, who crucified himself for a film and another "anti-Christian" performance in a club is another case of persecution for heresy that came to my knowledge.[6] It is important to stress that the authorities treated all these cases as criminal offences.

[4] The Black Hundreds were monarchist gangs organized by the tsarist police to fight the revolutionary movement; they were involved in assassinations of revolutionaries, progressive intellectuals and in the organization of pogroms against Jews. [Encyclopedia of Marxism, Glossary of organizations http://www.marxists.org/glossary/orgs/b/l.htm]

[5] Way to Russia Net: http://www.waytorussia.net/WhatIsRussia/Art.html

[6] 1996-2000 - works in collaboration with Artificial Dreams Laboratory on "3D hypnotic-program visualization". Since 1995 - Leader of SUPERNOVA - filmmakers union - Svetlana Baskova, Aleksander Maslaev, Sergej Pahomov, Vladimir Epifantsev, Sergej Salnikov. Since 1995 - Leader of "Sect of Absolute Love" - group of radical actionists and performers, Emperor Vava, Dimitrii Pimenov, Farid Bogdalov, Tatiana Nikitina & Mihail Nikitin. 1993-1995 - Member of "Necezejudik" - together with Aleksander Brenner, Anatolii Osmolovski, Dimitrii Pimenov, Sendi Revizorov, Aleksander Zubarzuk. 1991 - Member of ETI - Expropriation of Art Territory - together with Dimitrii Pimenov, Grigorii Gusarov,

Christians in Chechnya

In general, members of the Christian minority are more or less tolerated. Nevertheless, there are examples of harassment of and discrimination against Christians. One of these cases is the story of Victor Popkov, a Russian Orthodox novice from the Rogozhsky Monastery, who has been living in Chechnya for a long time, working as a humanitarian aid worker there. Due to his typical Russian clerical look he was tolerated and treated with respect. One day, when Victor was driving to the mountains together with Doctor Rosa Muzarova to provide the villages there with medication, they were shot by a bandit who could escape without being observed by the security forces of the nearest check-point. Victor Popkov and the doctor, however, both injured, were controlled at the check-point for almost two hours, regardless of their critical state of health. Victor Popkov finally died of apoplexy.

II.2. Migration policy, citizenship

NGOs cannot take over the role of the state in the field of migration and refugee policy simply because they do not have sufficient funds. For instance, Russia fails to carry out its obligations under the 1951 Geneva Convention. Until today, only 500 people who came from territories outside the former Soviet Union have been granted refugee status. Another 400 people from foreign countries have been granted humanitarian status. Furthermore, the number of citizens of the former Soviet Union enjoying refugee status in Russia has decreased from 300,000 in 1996 to 16,000 in 2002. On the one hand, this is the result of a growing number of people who have obtained the citizenship of the Russian Federation. On the other hand, the reduction can be traced back to the increase in expirations of the humanitarian status.

Furthermore, on the basis of the "Presidential Decree on the Provision of Political Asylum"[7] no one has been granted political asylum until now. Similarly, a decreasing number of Russian citizens who are entitled to the status of forced migrants are in reality granted this kind of status.

New law on citizenship

According to the new law on citizenship, people can apply to obtain Russian citizenship if they have had permanent residence in Russia for five years, and if they can provide the registration document (propiska). Those who lack registration are not considered to be

Alexandra Obuhova, Anatolii Osmolovski (Hard & Soft Perrformance: Oleg Mavromatti and Svilen Stefanov, http://jove.prohosting.com/~10market/pages/kino.htm); see also Way to Russia Net: http://www.waytorussia.net/WhatIsRussia/Art.html

[7] "In order to give effect to article 63 (on political asylum and non-refoulement) and article 89 (on the President's prerogative to grant political asylum) of the Russian Constitution, (then) President Yeltsin promulgated a Decree "On the Approval of the Regulations on the Procedure for Granting Political Asylum in the Russian Federation" on 26 July 1995. At the end of 1996, the Federal Migration Service adopted instructions for the implementation of this Decree" (UNHCR: Background information on the Situation in the Russian Federation in the Context of Returned Asylum-Seekers, October 2000). In 1997, the 1995 decree was replaced with a new presidential decree "On the manner of granting political asylum in the Russian Federation" (Human Rights Watch: World Report 1998 – Russian Federation, 1998).

permanently residing in the Russian Federation and therefore cannot apply for Russian citizenship. In addition, applicants have to present documents showing that they have sufficient funds to support themselves and that they are working. It is, however, not defined what the legitimate sources of existence are. If, for example, a woman has married - is her husband her legitimate source of existence or is he not? Or must she show proof of an own salary? The main drawback of the new law is, according not only to the experts from NGOs, but also to the Legal Department of the State Duma, that terms are used which are not known in our legislation. In addition, there is no clear definition of special policies and procedures which can be applied to individual cases under the new law and the rights of the applicant are not determined. In practice, the law on citizenship cannot be implemented as residence permits are simply not given to anybody.

Regarding people with former Soviet Union citizenship, the new law on citizenship provides that former USSR citizens residing permanently in Russia at the time of the dissolution of the Soviet Union are de facto Russian citizens. Yet, only those who can show proof of proper registration can obtain citizenship of the Russian Federation.

Armenians from Azerbaijan

Armenian refugees from Azerbaijan who had fled to the Russian Soviet Federated Socialist Republic (RSFSR) in 1989-1990 were issued so called "refugee cards", which were annually prolonged and entitled them to refugee status. After the fall of the Soviet Union they have also been recognized by the authorities of the Russian Federation as legal refugees. When the new law on Russian citizenship came into force in June 2002 the Armenian refugees from Azerbaijan were "de-legalized" by calling the refugee cards "certificates of an unidentified type".

Due to the provisions of the new law on Russian citizenship these Armenians are not recognized as Russian Federation citizens. Under the new law, the former citizenship must be denounced before Russian citizenship can be acquired. For ethnic Armenian refugees from Azerbaijan this means that they would first have to give evidence of their Azerbaijani citizenship and then have to denounce it. It is, however, almost impossible for them to call on the embassy of Azerbaijan now, being ethnic Armenian and twelve years having passed after their expulsion from Azerbaijan. Thus, Armenian refugees from Azerbaijan have two possibilities. On the one hand, they can apply for Azerbaijani passports that will be issued by the consulate of Azerbaijan in Moscow or, on the other hand, for certificates of statelessness. According to the provisions of the new law on citizenship the latter can also only be issued by the authorities of the former country of residence. Thus, a situation was created where people who for twelve years have been living legally on the territory of the Russian Federation, are labeled illegal migrants now. In reference to the term "refugees sur place", the Russian Federation has created the new term "illegal persons sur place". This term comprises those citizens of a former Soviet country whose passports are no longer being recognized in the Russian Federation. These kinds of passports will become void in the RF within one year. Besides Armenians from Azerbaijan, Meshketian Turks from Uzbekistan or Georgians from Abkhazia are subjected to this kind of legal discrimination: they are neither able to obtain the citizenship of the Russian Federation nor refugee status.

Many Armenians tried to appeal in court, but until now, no consistent jurisdiction has been established.

In my opinion, the best way to assist these people is to help them to leave the Russian Federation. The United States, for example, reopened a kind of resettlement program for Armenians from Azerbaijan living in the Russian Federation without citizenship, housing and registration. Unfortunately, we have not been able to improve their living conditions, e.g. to stop endless delays in the payment of pensions and evictions of old people from their houses or apartments, and to enforce access to health care.

II.3. Racism/Xenophobia

Xenophobia and racism in Russia are increasing rapidly. In many cases, the police are more sympathetic to extremist youth groups (skinheads) which commit crimes against Chechens or Africans than to the victims. Often, the authorities do not want to prosecute these cases at all. If a case does go to court, the authorities do their best to get reduced sentences and decrease the time of imprisonment or the level of punishment. Therefore Memorial feels a great need to protest against this practice and act in such cases.

One example is the case of Paul Massa Mayoni, an Angolan asylum-seeker, who was beaten to death by a group of skinheads in broad daylight close to the entrance of the UNHCR office in Moscow. For several months no action was taken to arrest the teenagers who had committed the crime. Eventually, when a few months later the Moscow authorities were forced to give attention to the matter, the criminals were caught very easily following a plan developed by our lawyer.

At the trial, the first forensic expert testified that the man had been killed by a blow to the head because he was beaten by a youth with a wooden stick. In the course of the investigation a second forensic expert was involved stating that Mayoni was possibly killed when he fell down and his head hit the asphalt road, so that the cause of death was a shock to the head. As the judge later followed the second expert's reasoning this incident is an example of how a case of murder was reduced simply to a case of hooliganism.

II.4. Police /organized crime

Protection by the police

There is no question that there is organized crime in the Russian Federation and also in other countries of the former Soviet Union. The question is, whether a person who runs into trouble with a mafia organization in some region could turn to the police and would be effectively protected.

There are many news articles about how the Minister of the Interior is taking action against organized crime, but it is important to discern whether this is just propaganda or whether something is really being done to solve the problem. From my point of view in reality people cannot get any protection from the law enforcement agencies.

In a survey on Russian TV, in which people were asked whom they feared more, the police or the Mafia, an enormous number of answers - more than 22,000 - were given. Out of those 20,000 stated that they fear the militia more, 2,000 were undecided, and about 500 were more afraid of bandits. This general mistrust is one of the reasons why people do not want to file charges with the courts and why organizations like Memorial .have to convince them to register a formal legal complaint. This is a common problem, particularly with African clients, who often assume that the lawyer is somehow affiliated with the system, with the police or the prosecutor's office, and is therefore not going to defend the client's rights.

Recently, skinheads killed an Afghan translator who worked with the migration service in Moscow. It happened in broad daylight in a busy place and before the eyes of the militia. On the same day, at two o'clock in the morning, the police knocked on the door of the victim's wife. She refused to open and so the police threatened to break the door. It is obvious that, after being threatened by security forces, the wife of the murdered man will not insist on a serious investigation, simply because she is frightened.

To a certain extent, the militia seems to be more sympathetic to skinheads than to foreigners, who tend to be quite reluctant to turn to the militia for help and protection.

Regarding the question whether it is possible to change the place of residence in order to flee persecution by the mafia, I would like to respond with the following story. One of my acquaintances from Volgograd was found by the mafia in Moscow. He created a mathematical model of a correct stock exchange game and made the mistake to talk about it in public. He was called by unknown people who invited him to work for them. He refused, because by that time he had already found a job in a bank. However, he was subsequently arrested and beaten until he confessed that he had committed a crime – a crime which had been committed two years ago and not by him. In fact, he was beaten so severely that he became blind and is now, at the age of 27, an invalid.

I managed to employ one of the best lawyers, to alert the press, to use the influence of deputies of the Duma, and I informed independent observers from Geneva. Yet, the maximum we could achieve was a conditional sentence of five years of imprisonment.

The effectiveness of moving away in order to flee persecution depends on the importance of the targeted persons for the persecutors. In practice, however, changing the place of residence is not a real alternative for Russian citizens due to the problems involved in finding a new job, adequate housing and obtaining registration.

Corruption and organized crime

Concerning the question of organized crime in the Russian Federation, it is difficult to ascertain what the extent of its actual influence is. There have been several inexplicable incidents which seem to have occurred after some people had become involved in human rights advocacy. It is not possible to say for sure whether these incidents were connected to their activities, but there are several cases where children of human rights activists were killed in car accidents.

It is difficult to judge whether the entire police system is corrupt. Unlawful actions committed by the police can be found at all levels of law enforcement, even in the police department that is in charge of combating organized crime. For example, there was a case where employees of the police department responsible for fighting organized crime confiscated a car from a Chechen man. When his grandmother called the police demanding the car back, the officer asked her what her nationality was. After answering that she was Chechen, the police advised her to keep quiet and to give up every further attempt to get the car back. Nevertheless, with the assistance of a deputy of the Duma, we managed to get the car back in this case.

On the other hand, there certainly are police units, even military units, that act according to their mandate and stay within the confines of the law although they seem to be the rather than the rule. This is different from region to region and from city to city and therefore something that cannot be generalized across Russia.

There are, for instance, Russian soldiers in Chechnya who are assisting ethnic Chechens in their daily life. In contrast to cases, like the one involving Colonel Budanov (see under "Impunity"), friendly relations between military units and the local population are possible. For instance, we heard about the story of a Russian commander of a military unit who lent a car plus several soldiers to the inhabitants of a Chechen village to collect firewood for a school.

While frequently receiving reports that police fabricated criminal charges against Chechens by planting drugs on them we became also witnesses to the following story: A district militia man came to the house where a Chechen family lived without registration. After being asked to open the refrigerator, our clients were convinced that this would be the end. They suspected that the militia had clandestinely put half a kilo of drugs into it before, would open the refrigerator, find the drugs and would arrest one or more members of the Chechen family. Yet instead, the district militia man looked into the refrigerator, saw that there was nothing in it and therefore left them two bags of food. Of course, such romantic stories are rather Christmas fairy tales than the rule and happen very rarely.

Moreover, old staff who for years have honestly been fulfilling their work are now leaving the militia. Thus, for example, the former deputy chief of the Passport and Visa Service of the Ministry of Interior, Vladimir Krivtsov, left the Ministry of Interior in 1999, at the height of the practice of placing drugs on suspects and the appearance of the whole series of unlawful Moscow resolutions. Krivtsov called everything that was happening arbitrary, submitted an application for resignation and left. Now he works at the General Procurator's Office, supervising the legitimacy of legal acts. When we appealed against illegal judgments before court, the Procurator's Office initially filed an application together with us. The court united our complaints and was supposed to consider them together. However, when the case came to court, the Procurator's Office cancelled its application. In this situation, Vladimir Krivtsov was obliged to declare the rejection of the complaint in public. It was an emotional scene because it was so difficult for him to read this document.

Regional differences

There are parts of the country where violations by the police are much more severe than in Moscow, and also regions where the situation is much better than in Moscow. Some regions, like Saratov, are quiet calm. It is more or less an old communist area where the rules of Soviet times are still valid. In Nizhegorodskaya area the situation is also considered to be good. In contrast, the situation in the Primorsky Kray is apparently quite bad. The region of Krasnodar is known as a region where not only the militia, but also the Cossacks act with impunity to maintain order, all with the consent of the authorities. The situation does not only depend on the security forces and militia operating in the concerned region, but also on the governor of the district. It is obvious that the law enforcement personnel quite often work for those who pay best.

Impunity: case of Colonel Budanov

The case of Colonel Yuri Budanov, who kidnapped, raped and then killed a Chechen girl, is one of the best known cases highlighting the climate of impunity in the Russian Federation. The incident happened in the night of 27 March 2000. On the same day the officer Roman Bagreev was beaten and thrown into a pit by Budanov because he disobeyed Budanov's command to shoot at a peaceful village.

So far, everything has been done by the authorities to help Budanov to forego a court trial. In November 2001, he underwent a psychiatric examination by Professor Pechernikov at the State Research Center of Social and Forensic Psychiatry, named after V.P. Serbski. According to this medical expert, Budanov committed the murder in a state of temporary insanity. So he could not be found guilty and was allowed to undergo ambulant treatment. Quite interestingly, Professor Pechernikov is a man who was responsible for the imprisonment of nonconformists and dissidents in psychiatric hospitals as mentally ill during the 1970s. Only because we criticized this in such a strong manner and informed the Western public, the Prosecutor's Office was forced to replace the State Prosecutor and the psychiatric expert.

Now Budanov is under trial again, but it is expected that the court will release him on the grounds of the expert opinion indicating his temporary insanity when the crime was committed.

III. Chechnya

III.1. Human rights situation in Chechnya

Ethnic Russians in Chechnya

Talking about the conditions concerning ethnic Russians living in Chechnya one might think that to some extent, the response should be similar to the one regarding the situation of Christians in Chechnya. Yet actually, this is not the case. The question is whether the person concerned believes in religion or not, for due to their cultural and religious background Chechens do respect believers very much. Therefore, Russian Christians in Chechnya are certainly treated in a better way than Russian atheists.

Discrimination against ethnic Russians

Persecution of ethnic Russians in Chechnya was most common during the presidency of Dudaev. On the one hand, just as in other former Soviet Republics the desire for national self-affirmation was on the rise and therefore discrimination of ethnic non-Chechens was widespread. Dudaev did not succeed in protecting ethnic minority groups against harassment and violence. In Chechnya, strong family connections were and are considered to be more important than an efficient law enforcement system. As ethnic Russians in Chechnya, in contrast to the Chechen population, do not have their own clans – so called 'taips' – they are not efficiently protected. The situation has not changed under President Maskhadov. However, living within a clan does not mean that its members are not at risk of being persecuted at all, either.

In my opinion, with the onset of the war in Chechnya the growing ethnic conflict between Russians and Chechens was halted. Without distinction, bombs hit the whole population, irrespective of its ethnic affiliation, and shells laid the homes of everybody in ashes. As lack of family support made Russians more vulnerable, a growing number of people felt sympathy for them. Currently, I do not observe any negative attitude toward Russians living in Chechnya or Ingushetia on the part of ethnic Chechens.

Nowadays, hostility against Russians in Chechnya is not expressed by ethnic Chechens, but in particular by members of the Russian army operating in Chechnya. According to representatives of the Russian army, ethnic Russians who have been living for so many years among Chechens must have adopted the Chechen way of life and therefore must have turned into enemies themselves. Numerous incidents of violence against Russians have been reported, including extrajudicial killings of persons accused of being traitors. Meanwhile, one such case was referred to the European Court of Human Rights in Strasbourg.

Harassment by their own compatriots was absolutely unexpected for Russians and it makes them more vulnerable than Chechens. While ethnic Russians fleeing from Chechnya before and during the first war were likely to be entitled to refugee status and to receive financial compensation, they currently face the same problems as their Chechen neighbors in their efforts to be granted refugee status in other parts of the Russian Federation.

<u>Chechens in the Russian army</u>

Military service in Chechnya basically means war service. Conscription of young internally displaced ethnic Chechens into the Russian army contradicts the guiding principles regarding the treatment of IDPs. A group of young sportsmen who had been drafted into the Russian army told me, as it might be expected, that the group of Chechen recruits was discriminated by other soldiers of the same unit. Subsequently, an ethnically motivated clash between the Chechen and the Russian recruits took place. After this incident, the Chechens were sent back to Chechnya. As far as I know, they were not prosecuted.

Usually, however, they are separated into different detachment units where they are subjected to harassment and mistreatment by recruits of other ethnic origin and/or by senior servicemen.

With the help of a deputy we made an inquiry concerning the conscription of ethnic Chechens into the Russian army. The inquiry was forwarded to the administration of the Chechen Republic. What we received was a very Soviet-style response: as young Chechen men are full of patriotism they are at all times prepared to serve in the Russian army. In addition, the deputy via whom we made the request was advised by the authorities not to come under the influence of those who claim to be the defenders of the Chechen people, in other words, not to come under our influence. In any case, the risk to be drafted into the Russian army is not the main problem for young Chechen men. The main problem is to be deported to one of the filtration camps from where they will never return alive.

III.2. Human rights violations in the Chechen Republic

Military operations

The process of negotiations between non-governmental organizations and the authorities regarding the situation in Chechnya began in 2001. Since then, five meetings have been held at a fairly high level. They yielded only one outcome, namely Order #80 of 27 March 2002, issued by the leader of the United Armed Group in Chechnya, General Moltenskoy.

It is meant to address the issue of how special operations should be carried out. The fundamental aim of Order #80 is to prevent human rights violations during "mopping up" operations, including disappearances in detention, unpunished robberies and murders carried out by those in positions of authority. The order contains the following provisions, which human rights organizations have been demanding for a long time: all military vehicles taking part in cleansing operations are required to have a clearly visible identification number on them; soldiers are instructed not to use masks during the special operations (this is allowed only in exceptional cases) and to prove their identity properly. Furthermore, operations must be carried out in the presence of members of the local administration and the procurator; and lists of those detained in the course of the operations must be shown to the public and to the head of the local administration.

Human rights organizations noted with satisfaction that minimum standards for the protection of human rights were set in this order. Memorial and others were reporting publicly about it and President Putin mentioned Order #80 during negotiations with Western governments. However, not one of the many “mopping-up” operations that have taken place since then was carried out in accordance with the provisions of Order #80. The so-called Anti-Terrorist operation is going on, accompanied by severe human rights violations, including murdering, kidnapping and torturing of people.

Mopping-up operations

From 25 to 30 April 2002, an 'ethnic cleansing' operation was carried out in Alkhan-Kala, in which it was clear that the requirements of Order No. 80 were not being met. The head of the local administration was forced to sign a paper confirming that in the course of the military operation no violence had been used and no human rights abuses had occurred. Several people who had been severely beaten also had to sign this paper. After the paper had been signed, the Russian forces stayed in the village of Alkhan-Kala for two more days, beating, torturing, and killing people, even going into the houses and killing them in their beds, according to testimonies of villagers who survived.

From 21 May to 11 June 2002, a special operation was carried out in Mesker-Yurt. The village was blocked for 20 days and no one could leave or enter it. People were tortured, raped, and beaten. Reports of people from Mesker-Yurt, who came to our office after the blockade was lifted, indicated that many of the 20 corpses which were returned to their relatives were mostly bones and body parts. Apparently, a new method was used to kill people, whereby a bomb was put inside the body and the bomb was exploded. In addition, twenty more people were missing without a trace.

On 26 May 2002, Svetlana Mudarova, an elementary school teacher, was ordered by the military to leave her house at seven o'clock in the evening. She opened the door and left her house only dressed with a housecoat and slippers. Svetlana Mudarova was taken away by soldiers and disappeared. Her disfigured body with signs of torture on it was found on 2 June in a village cellar.

In June 2002, a cleansing operation was carried out in Chechen-Aul, which is said to be as violent as the operation in Mesker-Yurt. Memorial's staff described in detail about 400 cases of disappearances of civilians in Chechnya. In all those cases it can be asserted that the people had been kidnapped by the Russian armed forces. The Prosecutor's Office initiated the investigation of 450 cases, but now most of these cases are suspended due to failure to find the perpetrators. The only case that has been taken to court so far is the above-mentioned case of Colonel Yuri Budanov.

Memorial compiled a list of violations of Order #80 that was sent to the commanders of the Russian armed forces. We never received a response.

A number of human rights organizations, including "Memorial" and "Civic Assistance", addressed the Assistant to the President and Head of the Apparatus of the Presidential Representative on Human Rights in Chechnya, Sergei Yastrzhembsky, stating that they decided to cancel all further negotiations in order not to help legitimize and cover up the human rights abuses which are going on in Chechnya. The final meeting was set for early July 2002.

The deputy of the legislative assembly of the Ivanovskaya Oblast, Sergei Valkov, who played an important role in the observance of human rights in Chechnya, came heavily under pressure by the local administration of the Ivanovskaya Oblast and by the Federal Administration after he had written a letter to the Prosecutor.

In general, President Putin stated that the special operations in Chechnya must be suspended completely, but that now it was not the right time to do that. Radical changes of the official Russian policy regarding Chechnya cannot be expected and therefore Chechens will continue to apply for political asylum outside the Russian Federation.

Disappearances

For years, we have constantly been demanding to compile a list of all persons detained in the course of special operations in Chechnya. A list with the names of officially detained persons was provided by the Special Representative of the President for Human Rights in Chechnya, Vladimir Kalamanov. Some of these people could be found by "Memorial". However, in cases where people were taken to military compounds, kept there illegally, tortured and killed no lists are available.

Memorial also maintains a list of disappeared persons which is regularly shared with the authorities. Currently, this list contains 400 names. At the same time, we are collecting information on criminal cases in connection with the disappeared persons registered by us. So far, only one case has come to court, the above-mentioned case of Colonel Budanov.

However, there is evidence of another case coming to court. This is the case of Lapin, a member of the OMON unit in Khanty-Mansiysk, who is accused of committing crimes in the Oktyabrsky district of Grozny. Only after the journalist Anna Politkovskaya had written an article on Lapin and the crimes reportedly committed by him, the authorities began to act.

Furthermore, there is the so-called Daysk case, which our lawyer is in charge of. In this case the accused persons stopped a car and raped and killed the driver and the other passengers. Due to their drunkenness the offenders stayed at the site of the crime and could immediately be detained by local police forces.

In March 2002, a military operation was carried out in the village of Proletarskoy near Grozny. Nineteen people were taken away by the Russian security forces, but only seventeen returned. One of the disappeared, Adam, only recently returned to Chechnya from Ingushetia, where he had been living in a refugee camp. There is no evidence that he could have participated in any anti-Russian military operations. In cooperation with the Procurator's Office we tried to free him. Though the Procurator's Office is able to fight against decisions taken by the militia, it is not in a position to exert influence on military structures. Therefore, we did not succeed. Adam's family could obtain information about his death after having paid substantial bribes to Russian officers.

Responding to the question whether the presence of the Russian army on the territory of the Chechen Republic can be considered a destabilizing factor, I would like to point out once again that the situation depends on the commander of the respective military unit. There is a significant difference in the behavior of contracted army personnel and called-up soldiers, who are drafted for two years. The attitude of the Chechen population toward the latter is much more positive and I deeply respect the Chechens for distinguishing between these two groups and for not accusing all Russian soldiers of the human rights abuses committed by the Russian army in Chechnya. To clarify the

difference between the contracted army personnel and the called-up soldiers, there are, on the one hand, persons like Budanov, who rape Chechen girls, but also Russian boys, young soldiers who are in a poor state of health, hungry and ill. On the other hand, there are these poor boys, who during identity controls often ask for something to eat. I heard this from a Chechen woman who helped young Russian recruits with food and from medical doctors who treated them after being raped.

III.3. Refugees

Situation in Ingushetia

We are deeply concerned about the recently signed agreement between Murat Zyazikov, the President of Ingushetia, Akhmad Kadyrov, the head of Chechnya's regional government, Valdimir Elagin, Russia's Minister for the Restoration of Chechnya, and Viktor Kazantsev, the presidential envoy to the Southern Federal district. This so-called agreement on "Friendship and Cooperation" is actually nonsensical as Ingushetia has already been providing fraternal assistance to Chechnya and has had to live with a doubled population for the last two years.

One of the provisions included in this friendship agreement was an action plan for the voluntary repatriation of Chechen refugees from Ingushetia to Chechnya. According to this plan the repatriation is intended to take place before October 2002. The authorities gave us assurances not to forcibly return Chechen refugees. Yet unfortunately, there are no grounds to believe this expressed warranty, in particular if taking into account that the resettlement program will be conducted by the Ministry of Interior. Firstly, it should be remembered what voluntary meant in Soviet times, when actually everything the population did was voluntary. Secondly, the repatriation deadline date of October is absolutely unrealistic due to the failure to provide accommodation in Chechnya for all returnees and due to the precarious security situation in Chechnya.

Despite the above-mentioned reassurances not to return Chechen refugees forcibly, we heard about pressure being exerted on refugees to leave Ingushetia. For instance, refugees in Ingushetia told us that they have been threatened with special operations harsher than those carried out in Chechnya if they would not leave.

Temporary Accommodation Centres, Filtration camps

The living conditions in the refugee camps and the so-called temporary accommodation centres (TACs) in Ingushetia are disastrous. In summer, the temperature in the tents is very high and in winter very low. Only very few people have a job and therefore the majority of refugees is fully dependent on humanitarian aid. At the same time, in Chechnya, pensions and child benefits are paid, and attempts are being made by the authorities to provide people with financial compensation in order to support the rebuilding of houses and the local infrastructure.

However, the fact that people refuse to return to Chechnya speaks for itself. Chechnya is a place where death is permanently around you.

Across the whole territory of the Chechen Republic special curfews are being imposed. Thus, everyone can be shot when he or she leaves the house during a curfew. Moreover, you can be killed when being stopped by a drunken soldier for an identity check simply because he considers you to be suspicious or does not like your face or, in the worst case, his finger accidentally slips from the trigger. In any case, the killing will be dismissed as an accident.

Use of violence against the local population is widespread in Chechnya, although the authorities are aware of these abuses. Recent human rights reports on acts of violence in Chechnya are full with accounts of killings of civilians and cleansing operations in Chechen villages. What in fact involves the detention, torture and killing of people for no apparent reason is officially labeled "control of identity documents".

Situation of Chechens outside Chechnya

We are concerned about the situation of ethnic Chechens in other parts of the Russian Federation. In addition to the general harassment of people of Caucasian origin, economic discrimination of ethnic Chechens can also be observed. Actually, this cannot be applied to Chechen businessmen like Umar Jabrailov, a millionaire living in Moscow, who due to his fortune has close contacts to criminal groups and corrupt law enforcement authorities. However, most of the small and medium-sized Chechen businesses on the territory of the Russian Federation have almost completely been eliminated. Measures which were taken to destroy Chechen business life included threats against landlords or businessmen cooperating with Chechen business partners. In addition, we heard about cases in which Chechens were dismissed by their employers. Most of the employers felt obliged to act this way. Once, the head of a housing cooperative in Moscow called me asking if she, as a Russian patriot, does have the right not to evict a Chechen family. She was convinced that it was her obligation to evict the family, although she did not want to do that.

In general, many Chechens living outside the Republic of Chechnya lost the possibility to earn money.

On the whole, in the eyes of the Russian authorities every person of Chechen origin is under suspicion. Even if the head of a Chechen family worked with the Russian security forces and was killed during a military operation or in a revenge attack, his family neither receives financial compensation nor any other kind of assistance. The family members of pro-Russian Chechen militiamen are as suspicious as the family members of Chechen rebels. We learnt about many cases where families of Chechens working for the Russian administration were subjected to harassment and repression. Unfortunately, in the public opinion Chechens are put on a level with militants and bandits.

Regarding the question whether, in particular, Chechens wearing any specific clothes or a beard draw the attention of the Russian militia on them, I cannot give a clear response. Actually, there are very few flashily-dressed Chechens. While it would undoubtedly be dangerous for young Chechen people to wear a beard, a long grey beard and a noble-looking appearance would most likely make a positive impression.

Situation of women without male support

In addition to these observations on the general living conditions of Chechens in other parts of the Russian Federation, it is important to particularly focus on the situation of Chechen women living outside Chechnya without male support.

Usually, when a Chechen woman lives together with her family, regardless of whether with or without her husband, in other parts of the Russian Federation, particularly in Moscow, she automatically becomes the head of the family. As women are considered to be less suspicious than their male counterparts, they are, in general, less often controlled by the militia. For women it is much easier to find a job than for a man as they can easily work as home helps or nurses. On the whole, it is usually women who bear the responsibility for their families. Therefore, the question on the living conditions of women without male support is pointless. In fact, men have ceased in the current context to be a support and have even become, in a physical sense, a burden – a situation that is very difficult for them to accept.

Normally, no woman living outside Chechnya will tell anybody that her husband or brother is fighting in Chechnya or was killed in the Chechen war. Very rarely, women come to our office and tell us about the whereabouts and the activities of their male relatives. Yet, this is hardly ever the case, and if so, they tell it voluntarily without being asked to do so by our staff members. This shows a great degree of trust towards us.

Family names

Among Chechen family names there are several which are obviously connected with well-known rebels as for example, Dudaev and Maskhadov. Therefore, it can be dangerous for Chechen civilians to bear one of these family names. Still, as these family names are very common in Chechnya, they cannot be taken as an indicator for any involvement in terrorist operations. Currently, I do not know of any list compiling all these names of potentially dangerous people, and I think that there is no such list available as a systematic structure would have been necessary – something that is almost impossible in Chechnya.

Financial compensation

Chechens who left the Republic of Chechnya during the second war (starting 1999) have not received any compensation so far. Only one case came to my knowledge where the Ministry of Defense and the Ministry of Interior were obliged to pay compensation for the destruction of a person's house and property. There, a Russian pilot fleeing from Chechnya during the first war to seek safety in another part of the Russian Federation filed a complaint with a court in the region of Stavropol. One of the reasons why he could receive a decision in his favor was that he was able to give evidence that the destruction of his house definitely was caused by bullets of Russian troops.

Another case where we have filed a complaint in order to get compensation concerns a person who fled from his home city when it had been under fire. After returning he found his house occupied by Russian OMON troops. This case is still going on and will

probably come to the European Court of Human Rights in Strasbourg as a resolution of this case in Russia seems to be impossible.

Regarding the compensation issue, those people who lost all their money in the Chechen branch offices of the Russian Sberbank have to be mentioned as well. Until now, Sberbank has refused to bear the responsibility for these financial losses and has not returned any money to its clients.

Relevant identity documents

Quite interestingly, international passports are easier to get than internal identity documents. This can be traced back to a decision taken by the Constitutional Court stating that international passports must be issued to Russian citizens at any place of soujourn, regardless of their registration. Certainly, people who apply for a new passport always will face problems, but with the support of non-governmental organizations it is indeed possible to obtain or renew one's passport.

Unfortunately, the procedure for the issuance of internal identity documents has recently been changed and Chechens can get internal passports only within the Republic of Chechnya. At the age of 25 and again of 45, a new photograph was supposed to be glued into the Soviet passport by rule – but actually, this was hardly ever being done. On these grounds, many Chechens now find themselves without a valid passport; but without a valid internal identity document one cannot get an international one. Moreover, it can be expected that this problem will increase after the renewal of passports will be completed by the end of next year.

III.4. Wahhabism

As already mentioned above, bad living conditions and dissatisfaction trigger extremist movements. While in Moscow the youth tends to join radical groups of skinheads, in Chechnya Wahhabism is a vent for the frustrated and discontent. I cannot say which movement is more dangerous.

Yet, it is important to bear in mind that Russia is a huge country with a heterogeneous population and at least one third of its population is Muslim. For this reason, it is extremely inaccurate and dangerous to associate the word Islamic with a negative connotation. For example, organizations like the Islamic Relief provide humanitarian aid to Chechen refugees in Chechnya and Ingushetia without demanding proselytizing or proof of Islamic faith of aid recipients. It simply works like any other humanitarian organization.

Wahhabism began to spread actively in Chechnya during the 1994-96 war, when volunteers arrived from the Middle East. Wahhabits came to Chechnya in order to assist their co-religionists in restoring the Islamic faith among the Chechens, which were considered not to be genuine Muslims because of all the different influences they had been subjected to during their history.

At the time when Wahhabism began to spread in Chechnya, there was no functioning state structure, no applicable law and no solid economic basis. Educational establishments had to be closed due to lack of money to pay the salaries of teachers. In order to guarantee the education of one's children during this time, parents in Chechnya had to pay the salaries of the teachers out of their own pockets. However, there was a possible alternative – Wahhabi schools, where children were not only educated, but were also dressed and provided with food. The boys attending the Wahhabi schools were taught the strong principles of Islam with the only goal of establishing an Islamic brotherhood, to participate in the Jihad and to die as martyr in the holy war. As a consequence of the doctrinarian Islamic education the students started to condemn close relatives who were not willing to live in accordance with Islamic principles. During the time of Maskhadov Sharia law was imposed and Sharia courts were established in Chechnya.

The climate in Chechnya during this time can be compared with the narratives by Berthold Brecht on fascist life in Germany: radicalization of certain groups of the population due to bad living conditions. A woman - an engineer - told me that her 12 year-old son left after a dispute with his father and they were extremely worried whether he had met only with friends or whether he had gone to the Sharia Court to denounce them.

The best fighters in the second Chechen war were fanatic young people who were willing to give up their lives in service of their religion. One of our employees in Chechnya used to be a member of a Wahhabi group. He had joined the movement in 1996 just after finishing school. He grew up in poverty. His mother had left the family and found refuge with her relatives in another part of the Russian Federation. Our employee was left to his own devices and subsequently had joined a Wahhabi group where he was welcomed like a brother. After being obliged to study the principles of Islam he became increasingly critical of the radical and narrow understanding of Islam preached by the Wahhabis and therefore left the movement.

At the beginning of the war, most of the young radical Islamists considered it to be a holy Jihad. This radicalization was fostered by Russia's Chechnya policy which was rather aimed at destroying than laying the foundations for a normal life in the Republic of Chechnya.

Annex 1:

About Memorial

The "Migration and Law" Network embraces 50 counseling units for forced migrants on the territory of Russia. Three of them are located in Chechnya, and thus deal more with monitoring issues than with direct legal assistance, as quite frequently the rule of law is not guaranteed.

Monitoring of developments in Chechnya can be found on the first page of the Memorial's web-site www.memo.ru. Reports and surveys produced by the Network, collections of legal documents, addresses of counseling units, information about the Network's activities and court cases with participation of its activists can be found on the same site on the refuge.memo.ru page.

The "Civic Assistance" Committee was, in all probability, the first Russian organization to offer assistance to refugees. It serves both a multi-functional Moscow-based office open to forced migrants and a public counseling center of the "Migration and Law" Network in Moscow. Its Internet address is www.refuge.ru. To address Ms. Gannushkina please contact sgannush@mtu.ru .

Memorial's 2002 report "The Internally Displaced Persons from Chechnya in the Russian Federation" describes mechanisms of discrimination of Chechnya residents who were driven out by hostilities to other cities, towns and settlements in Russia. The report has been translated into English and German. The German version can be found on the Internet at Bernhard Clasen's address http://www.clasen.net/gannuschkina/refugee-d.html. Bernhard Clasen has volunteered to translate the report free of charge. The Russian and English texts can be accessed via the homepage of the "Migration and Law" Network.

UNHCR Paper
on Asylum Seekers from the Russian Federation
in the context of
the situation in Chechnya

(January 2002)

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Introduction

1. This paper is updating the previous "UNHCR guidelines on asylum-seekers from Chechnya" dated 21 August 2000. The general principles stated in the previous guidelines remain valid. However, over the last year, given the ongoing nature of the conflict in the Chechen Republic (Chechnya[1]) and the increasing number of asylum-seekers seeking international protection on grounds related to the current situation in Chechnya, the need has arisen for more detailed information concerning 1) the question of internal relocation as well as 2) the identification of categories of persons who may not be in need of international protection.

I. General situation and recent developments

2. UNHCR has not established a presence inside of Chechnya but is informed by reliable sources about alleged widespread serious violations of human rights and humanitarian law within the conflict area. These reports indicate that parties to the conflict have committed and continue to commit abuses against the civilian population.[2] Statements of witnesses indicate a pattern of violence directed at non-combatants, including torture, summary executions, arbitrary detentions, disappearances, rape, ill-treatment, widespread destruction and looting of property.

3. Over 350,000 persons have been forced to flee from their homes, mostly to Ingushetia, but also to other regions of the Russian Federation and inside Chechnya itself. As of September 2001, according to Government and non-governmental sources and UNHCR's own field observations, the number of people in the Russian Federation displaced as a result of the conflict in Chechnya is as follows: 150,000 in Ingushetia; 160,000 within Chechnya itself; 5,000 in Dagestan and 30,000 in other regions of the Russian Federation.

4. There are also a number of Chechen refugees and asylum-seekers in other parts of the former Soviet Union, in Central Europe and in Western Europe. More than 10,000 Chechens seeking protection are staying in Central Asia, the largest number of them in Kazakhstan. Approximately 7,000 Chechen refugees have been registered and granted protection in Georgia and 6,000 in Azerbaijan. Over 200 Chechens have been granted refugee status in Ukraine. In Poland, the cases of nearly 1,000 Chechen asylum seekers were pending as of October 2001. In Moldova, 224 Chechens applied for refugee status.

5. Although met with a series of setbacks, the following positive developments have been observed throughout the year 2001:

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[1] Article 65 of the Constitution of the Russian Federation, listing the 89 subjects of the Federation, refers to the "Chechen Republic". In the context of this paper, both terms "Chechen Republic" and "Chechnya" are used interchangeably.

[2] See reports of the UN High Commissioner for Human Rights www.unhchr.org, Reports by Human Rights Watch and Amnesty International of 1999, 2000 and 2001, available on UNHCR's REFWORLD database on CD ROM and www.unhcr.org and reports from Memorial Human Rights Centre on www.memo.ru/eng/memhrc/index.shtml.

a) The protracted, full-fledged warfare along frontlines has stopped;
b) Freedom of movement of persons between Chechnya and Ingushetia has improved, and several thousand IDPs shuttle monthly between the two Republics to visit relatives, check on property, to trade, and for other reasons;
c) Government assistance to IDPs, returnees and socially vulnerable persons in Chechnya has increased over the last 12 months, including food, non-food items; payment of pensions and salaries has resumed;
d) the judiciary is being gradually re-established in Chechnya and currently some 30 judges are working in 12 out of 15 district courts as well as in the Supreme Court of the Republic;
e) the Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in Chechnya has been successful in consolidating a number of individual complaints related to human rights violations and in forwarding them to competent judicial authorities;[3]
f) legal counselling mechanisms through local NGOs and through the Collegium of Independent Advocates are operating inside Chechnya (although at a low scale);
g) progress was achieved with the resumption by local bodies of the Ministry of Interior in Chechnya of their administrative functions, and identity documents are being issued to undocumented IDPs and local residents in Chechnya (see para. 54 below);
h) Council of Europe observers are operating out of the premises of the Office of the Special Representative of the President of the Russian Federation for ensuring Human and Civil Rights and Freedoms in Chechnya (in Znamenskoye), and the Assistance Group of the OSCE re-established its presence in Chechnya (also in Znamenskoye) in May 2001;

6. Despite these positive developments, some major concerns remain and new security risks have emerged:

a) guerrilla activities have intensified in the zones officially under the control of the Russian Federal forces and military operations by the latter in civilian areas where rebels are suspected to be in hiding have led to new displacement of populations, both in Chechnya as well as to Ingushetia;
b) military activities in southern Chechnya, in areas not under the control of the Federal forces are causing additional casualties and new displacement of populations. In 2001, the number of new arrivals to Ingushetia was higher than the number of returns to Chechnya;

[3] According to an information report provided by the Office of the Special Representative in November 2001, a total of 106 criminal cases have been investigated to date by military prosecutors in Chechnya, related to crimes committed against civilians by military personnel. Out of them, 52 investigations were completed, and 35 cases were subsequently forwarded to military courts, while 17 cases were dismissed. Out of the 35 cases submitted to military courts, 10 were for murder, one for rape, one for injuries by negligence, 12 for theft, and 11 for miscellaneous crimes. To date, military courts convicted some 17 military servicemen for offences committed against civilians in Chechnya.

c) the Chechnya administration has not been able, for security reasons, to fully establish itself in the Republic's capital, Grozny. Part of the Chechnya Government is still located in Gudermes, which recently faced a major assault by Chechen fighters;
d) cases of murder of Chechen civil district administrators, claimed by rebel groups, have increased and cases of murder of ethnic Russian civilians in Grozny by Chechen fighters have been reported by the authorities;
e) according to UNSECOORD, the Ministry for Civil Defence and Emergencies has suspended its de-mining activities due to security constraints and there are increasing reports of mine incidents, including among returnees;
f) security incidents in Ingushetia, in North Ossetia-Alania (Vladikavkaz) and in Karachai-Cherkessia (Cherkess) give rise to the fear that guerrilla activity might expand to neighbouring Republics;
g) a number of returnees were unable to remain in Chechnya, primarily for reasons of security or harassment, as well as for lack of shelter and infrastructure, and returned to Ingushetia;
h) judiciary personnel in Chechnya remains limited in number to ensure an efficient functioning of legality control mechanisms; due to the absence of judges in Chechnya, serious crimes have to be tried outside the republic; conflicts of jurisdiction between the civilian and military prosecutors' offices have hampered the processing of individual complaints;
i) access to humanitarian agencies and humanitarian agencies' access to the population inside Chechnya has been hampered by security constraints, clearance and procedures at check-points as well as by the lack of authorisation to use radio frequencies for communications. In November 2000 an ICRC truck was hijacked at gunpoint in Chechnya and in January 2001 the MSF Holland Programme Manager was kidnapped. He was eventually released, after almost one month in captivity.

7. An expert delegation led by the Director of the OSCE Office for Democratic Institutions and Human Rights visited Chechnya on 13-14 June 2001 to assess the human rights situation. The summary findings in their mission report were as follows[4]:

a) "Against the background of a complex and precarious security situation, the human rights situation remains problematic, with a steady level of new violations, including "disappearances" being reported.
b) The official response to past human rights violations remains inadequate. There appears to be an absence of will to diligently and systematically convict perpetrators of crimes against the civilian population.
c) The situation of IDPs in Chechnya is relatively stable, albeit the security situation prevents international relief organisations from establishing offices inside Chechnya. The Chechen administration sees return of IDPs from Ingushetia as a key sign of growing normalisation, and is making efforts to

[4] Russian Federation: Chechen Republic - ODIHR Assessment Visit to the Chechen Republic, 13-14 June 2001, Findings and Follow Up", 21 September 2001.

promote this. However, as long as the security situation does not improve substantially the return process will not start.

d) The political objective of the Russian Government appears to be to restore constitutional order through the re-establishment of public administration (including local administration and the court system), the pre-eminence of civilian authority over the military, and the return of IDPs. However, the objective seems not to include any political negotiations with the rebels, but rather an elimination of rebel leaders."

II. The question of internal relocation and the Federal policy regarding Internally Displaced Persons - IDPs

8. With regard to the potential for relocating internally (the so called "internal flight alternative"),[5] should consideration of this be contemplated, such a possibility must be reviewed as part of a full and fair refugee status determination procedure. It is not appropriate to use this concept when deciding whether a claim can be admitted into the refugee status determination procedures. It is also not appropriate to use this concept to channel asylum applications into accelerated procedures for dealing with manifestly unfounded claims.

9. It is, rather, a factor or possibility to be analysed in the course of status determination in some individual cases. In general, there is a rebuttable presumption that the state is able to act throughout the country and that, therefore, the possibility of internal relocation cannot be a relevant consideration where the feared agent of persecution is a state agent. Where internal relocation is an issue, the judgement to be made is whether the risk of persecution that an individual experiences in one part of the country can be successfully avoided by living in another part of the country. If it can, and if such relocation is both possible and reasonable for that individual, this has a direct bearing on decisions related to the well-foundedness of the fear of persecution. In the event that there is a part of the country where it is both safe and reasonable for the asylum-seeker to live, the "well-founded fear" criterion may not be fulfilled.

10. The following paragraphs describe in more detail the situation of persons displaced by the conflict in Chechnya within the Russian Federation and are therefore relevant when assessing internal relocation possibilities.

a) Forced migrant status

11. There is no reference, under Russian legal terminology, to the term "internally displaced person". However, the 1995 Federal Law "On Forced Migrants" envisions a similar status for forcibly displaced persons. According to Article 1 of this law: *"A forced migrant shall be a citizen of the Russian Federation, who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of*

[5] In reviewing the issue of internal relocation, reference should be made to UNHCR's Position on "Relocating Internally as a Reasonable Alternative to Seeking or Receiving Asylum" of 9 February 1999.

being subject to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order"[6]. As a result of the 1994-96 conflict in Chechnya, some 162,000 IDPs were granted the status of forced migrant, in approximately 80 regions (subjects) of the Russian Federation. The status of forced migrant is primarily meant to facilitate the integration of such persons in their new place of residence, through the allocation of special allowances, assistance with housing, job placement, loans, and related support.[7]

12. Subsequent to the renewal of hostilities in September 1999, there were, at the beginning of 2000, some 240,000 persons displaced out of Chechnya. Very few of those displaced as a result of the latest round of violence have been granted forced migrant status. Although precise information is not available, government statistics indicate that, between 30 September 1999 and 30 June 2001, some 11,851 persons were granted forced migrant status. Because of protracted procedures, this number also includes IDPs from the 1994-96 conflict who were granted forced migrants status in 1999, 2000 and 2001.

13. According to information available to UNHCR from local NGOs and implementing partners, most of the forced migrant status applications based on allegations of mistreatment by federal forces, lost property and/or "mass violation of public order" were rejected by the competent migration authorities on the grounds that the on-going "anti-terrorist campaign" as waged by the Russian government, by definition, do not constitute a "mass violation to public order", nor can the federal forces who conduct such campaign be considered as committing such violations to public order. Most of the IDPs who were granted forced migrant status reported fear of persecution from Islamic fundamentalist groups and not from the federal troops.

14. While the forced migrants status determination procedure is conducted by the territorial organs of the Ministry for Federal Affairs, National and Migration Policy,[8] the official policy referred to above has been clearly stated at the federal level. Human rights groups and local NGOs have highlighted the divergence in treatment accorded to IDPs from the previous conflict, who were broadly granted forced migrant status, and IDPs from the current conflict, most of whom are ethnic Chechens, who have been refused status after alleging massive destruction of civilian

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[6] Under Point 2 of the same article, it is further stipulated that, "(...) shall be recognised as a forced migrant (...) a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation". Hence, persons who were displaced within Chechnya itself (approx. 160,000) cannot, under the current law, do not qualify for forced migrant status.

[7] The status of forced migrant does not preclude voluntary return to the former place of permanent residence. Indeed Article 7.2(5) of the Law on Forced Migrants imposes upon local executive bodies the obligation to "render assistance to a forced migrant at his/her request in the return to his/her former place of residence".

[8] The Federal Ministry of Federal Affairs, National and Migration Policy was created by Presidential Decree No.867 of 17 May 2000, to replace the former Federal Migration Service. By another Presidential Decree of 16 October 2001, the Ministry was liquidated and those functions related to the implementation of the federal migration policy were transferred to the Ministry of the Interior.

infrastructure and property by the federal forces as a ground for being granted forced migrant status.[9]

15. IDPs who were granted forced migrant status between September 1999 and June 2001 received such status in some 79 regions of the Russian Federation. While official statistics do not provide a breakdown by ethnicity, most of them, according to information available to UNHCR, are ethnic Russians. However, UNHCR is also aware of ethnic Chechens who were granted forced migrant status on the above-mentioned grounds (fear of persecution by Islamic fundamentalist or "Wahabi" groups).

b) Compensation for lost property

16. Forced migrant status provides for the right to specific integration allowances and loans, irrespective of the status of the property in the place of original residence. The Government has taken complementary steps to provide for compensation for lost property to the victims of the 1994-96 Chechnya conflict. Under Russian Federation Resolution No.510 of 30 April 1997, the Government established a procedure to compensate for lost property those persons who left Chechnya between 12 December 1994 and 23 November 1996 with no intention to return. Access to compensation under this Resolution is based upon objective facts (proof of damage to property and proof for residence in Chechnya) and is independent from the granting of forced migrant status.[10]

17. The Federal Government has announced its intention to establish a similar mechanism for the victims of the current conflict who left Chechnya permanently (cash payments), as well as a compensation system for affected persons within Chechnya itself (provision of shelter materials for self-help reconstruction). However, to date, none of these compensation schemes have been implemented.[11]

c) Freedom of movement and choice of place of residence

18. In light of the tsarist-era restrictions on movements of the subjects of the Empire, as well as of the Soviet-era "propiska" regime, the Russian government found it necessary to edict a law in 1993.[12] The basic concept under this Federal law

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[9] See Olga Plikina, local NGO "Faith, Hope and Love": "Overview of the legal status of internally displaced persons in the northern Caucasus", Pyatigorsk, October 2001. In Moscow, the local NGO "Civic Assistance", which is providing legal and social counselling to IDPs and refugees, is aware of only one instance of forced migrant status being granted to an ethnic Chechen IDP family (mixed Chechen/Georgian couple), by the court of law, after being denied status by the Moscow migration authorities.

[10] Regarding restrictive administrative practice in the payment of compensation for lost property to IDPs from the 1994-96 conflict and related rulings of the RF Supreme Court, see Olga Plikina, local NGO Faith and Hope, "Overview of the legal status of internally displaced persons in the northern Caucasus", Pyatigorsk, October 2001.

[11] According to Russian Federation Government officials, this is partly due to difficulties in designing safe and reliable modalities of bank transfers from the federal budget to Chechnya and to the regions.

[12] See Federal Law No.5242/1 titled "The Law of the Russian Federation on Freedom of Movement, Choice of Place of Sojourn and Residence within the Territory of the Russian Federation" of 25 June 1993.

has been to establish a system of registration at the place of sojourn (so-called "temporary registration") or at the place of residence (so-called "permanent registration"), whereby citizens notify the local bodies of interior of their place of sojourn/residence, as opposed to the former "propiska" regime, which empowered the police authorities to authorise (or deny) citizens to sojourn or reside in a given location.

19. Although federal legislation officially has abolished "propiska" requirements, many regional authorities of the Federation do apply restrictive local regulations or administrative practice.[13] What is relevant, in this context, is the partial failure of the State organs responsible for control of the legality of administrative acts (e.g. the Russian Federation Constitutional Court and the Commissioner on Human Rights of the Russian Federation, or Ombudsman) to effectively correct the violations of the Federal legislation on freedom of movement perpetrated by the various subjects of the Federation. In its October 2000 special report "On the constitutional right to liberty of movement and freedom to choose place of sojourn and residence in the Russian Federation", the Russian Federation Ombudsman deplores that "(…) violations of constitutional rights to liberty of movement and freedom to choose one's place of sojourn and residence by government bodies are due not only to regulations of constituents of the Russian Federation being contrary to federal legislation regulating this constitutional right, but also to unlawful law-enforcement practices", which are, by nature, more difficult to document and thus to contest before the courts of law.

20. As a result of the imperfect transition from the *propiska* regime to a registration system, local authorities throughout the Russian Federation retain the possibility to determine modalities of implementation, sometimes in a restrictive manner, of freedom of movement and choice of place of sojourn or residence. This is particularly the case in regions attempting to protect local labour markets, to control internal migration movements, or to prevent the settlement of economically or politically "undesirable" migrants. The impact of this on Chechen IDPs is that they have been and continue to be restricted in their possibility to reside legally outside Chechnya and beyond Ingushetia (See also paragraphs 20 to 40 for more detailed information by regions.)

d) The principle of voluntary return to Chechnya

21. UNHCR and other international organisations have stressed the principle of voluntary return to Chechnya. The Russian Federation government has declared its

[13] See UNHCR background paper on "Freedom of movement and the right to choose place of residence in Russia: Rulings of the Constitutional Court, Legislation and Practice", Moscow, March 2000; for an analysis of the "propiska" regimes in light of States' international obligations, see "The propiska system applied to migrants, asylum-seekers and refugees in Council of Europe member states: effects and remedies", Parliamentary Assembly of the Council of Europe, 4 April 2001; for an account of illegal or restrictive local regulations in Moscow, Krasnodar, Volgograd and Ingushetia, legality control (or lack of) by local courts and overall control by the RF Supreme Court, see Ekatarina Rudova, "The judicial practice of the Supreme Court of the Russian Federation relating to the protection of citizens' right to freedom of movement", report submitted at the Expert Round-table on Freedom of Movement in the CIS, jointly organised by UNHCR and the Council of Europe, Moscow, October 2001.

respect for the need to preserve the voluntary nature of return of IDPs to Chechnya. Since the events which occurred in the late 1999 and early 2000, when hundreds of IDPs in Ingushetia were forcibly returned to Chechnya aboard the train wagons they were accommodated in, there has been no instance of forced return of IDPs to Chechnya.

22. At the same time, the Russian Federation Government has consistently maintained the official position according to which IDPs should return to Chechnya. In support of this position, the Russian Federation Government argues that federal forces control most of the Chechnya territory, that Chechen IDPs should take part in the reconstruction and administration of the Republic and that IDPs constitute a destabilising factor for the regions that are hosting them. Hence, while officially adopting, at the Moscow level, the position of voluntariness of return, federal authorities outside Moscow have actively pursued a policy inducing IDPs to return to Chechnya. This federal policy has particularly been pursued in the Republic of Ingushetia, where the majority of the IDPs are located.

e) Chechen IDPs in Ingushetia

23. Ingushetia and Chechnya are contiguous, and Ingushetia has generously hosted the bulk of fleeing IDPs. However, with an influx of over 240,000 IDPs in 1999-2000 for a local population of 360,000 inhabitants, the infrastructure of the Republic of Ingushetia (one of the poorest subjects of the Russian Federation) has been over-stretched. It is estimated that there are currently 150,000 IDPs in Ingushetia. Two third of these persons are staying with host families and one third are accommodated in tented camps and spontaneous settlements (collective farms, abandoned factories and other structures being used as shelter). Local social infrastructure has been overwhelmed with the influx of IDPs and the majority of IDPs have limited access, if any, to medical facilities and schools. Tuberculosis in camps and settlements is wide spread[14]. UNHCR together with WHO have set-up a medical referral system for particularly vulnerable cases (e.g. victims of torture), under which cases are referred to medical institutions outside Ingushetia, as this Republic does not have the capacity to address such cases. Humanitarian assistance by international organisations is continuing, in order to avoid a deterioration of basic living conditions.

24. In view of the overcrowded situation in Ingushetia, the (former) Federal Migration Services (FMS) made some attempts, in 1999 and 2000, to relocate some IDPs to other regions of the Federation. Several hundreds families thus relocated voluntarily to existing temporary accommodation centres[15] in Tambov and Saratov regions, with the FMS covering transport costs (vouchers for train tickets were provided by the FMS). As of end of September 2001, some 975 persons (300 families) were still being accommodated in the Saratov and Tambov temporary accommodation centres (most of whom being ethnic Chechens and a minority being

[14] According to WHO, there were, in October 2001, some 1,700 registered cases of tuberculosis among IDPs in Ingushetia.

[15] Such temporary accommodation centres were originally established, in the early and mid 90's, by the FMS to host forced migrants (mainly ethnic Russians) relocating to Russia from other former USSR republics.

ethnic Russians), according to information provided by the Ministry of Federal, National and Migration Policy. While originally the FMS intended to relocate more IDPs to other regions in central Russia, this project has not been as successful as expected by the federal authorities, first, because most of the concerned regions do not have any sizeable Chechen community and were not enthusiastic with the prospect of having to provide accommodation to Chechen IDPs; and second, because of the Chechen IDPs themselves wishing to remain close to their homes in Chechnya and being reluctant to travel beyond Ingushetia to un-welcoming regions.

25. Over time, as tensions have developed between the IDPs and the local population, the proportion of IDPs in tented camps has increased, as a result of evictions from host family residences - often this occurs after IDP families had exhausted their financial resources - or from private spontaneous settlements. UNHCR and NGOs are daily confronted with cases of evictions from host families and from spontaneous settlements. To the extent possible, UNHCR has been identifying possible alternative shelter arrangements for evicted families in tented camps, providing them an alternative to return to Chechnya under duress.

26. For months, in 2000, UNHCR negotiated with the Federal Government the possibility of building an additional tented camp in Ingushetia, to accommodate newly arriving IDPs as well as those IDPs accommodated in remote, unsafe or unhealthy spontaneous settlements. The Federal Government insisted that such camp should be built inside Chechnya. It remains very reluctant to allow provision of additional tent capacity in Ingushetia, and UNHCR fears that in the near future IDP families evicted from host families and spontaneous settlements may have no realistic alternative other than return to Chechnya, remaining illegally in another region of the Federation, or seeking asylum elsewhere.[16]

27. There have been various attempts made by the federal authorities to induce the return of IDPs from Ingushetia to Chechnya. On 17 December 1999, under Order No.110, the Federal Migration Service instructed the Regional Migration Services of Dagestan, Stavropol, Ingushetia and North Ossetia-Alania to suspend registration under Form No.7 [17] of all new IDP arrivals and to facilitate their return to their place of origin in Chechnya or, alternatively, to safe areas in Chechnya.[18] Subsequently, on 20 January 2000, the Ministry for Civil Defence and Emergencies of the Republic of Ingushetia issued an instruction according to which IDPs coming from regions under

[16] This is compounded by the financial situation of many IDPs, who have exhausted their savings and who are not in a position to move elsewhere or to seek alternative rented accommodation.

[17] Form No.7 is being used by the migration authorities, in charge of accommodation of, and care to IDPs, for the purpose of statistics as well as planning and provision of humanitarian assistance. Form No.7 is not an identity document and does not replace identity documents, which are required for the purpose of sojourn or residence registration by the local bodies of the interior.

[18] The safe areas in Chechnya were listed in Order No.110 as follows: "Shelkovskoi district (all towns and villages), Naurski district (all towns and villages), Nadterechni district (all towns and villages), Grozny district (Tolstoi-Yurt, Vinogradnoye, Ksen-Yurt, Goryachi Istochnik), Gudermes district (Gudermes, Engels-Yurt, Suvorov-Yurt), Shalinski district (Argun, Shali), Achkoi-Martan district (Achkoi-Martan, Sernovodsk, Assinovskaya, Samashki, Katyr-Yurt, Valerik, Chemulga)".

the control of federal authorities[19] should be *"deprived from all kind of allowances they were entitled to on the territory of their present accommodation"*.

28. The ban imposed by the Federal Order No.110 on registration of new arrivals was implemented with more or less zeal in Ingushetia and eventually was ignored in practice, before being re-enforced. There has been a succession of similar federal orders and instructions, immediately followed in the field by rumours and fears among the IDPs as to possible implications.[20] Such uncertainty has characterised the Federal policy regarding registration of IDPs, adding to the insecurity of their situation.[21] More recently, in April 2001, the Ingush territorial organ of the Ministry of Federal Affairs, Nationality and Migration Policy suspended registration (under Form No.7) of all new IDP arrivals. Without registration by the migration authorities, IDPs do not have access to Government assistance, including accommodation in Government managed camps and food. It is estimated by UNHCR that there are currently 10,000 to 15,000 IDPs not in possession of Form No.7.

29. Over the last months there has been a tendency of the federal authorities to intervene more directly in Ingushetia for alleged security reasons. The federal forces have conducted a number of security related operations in IDP settlements and camps, in search of weapons and drugs.[22] arresting a number of persons suspected to belong to Chechen rebel groups. In this respect, young males are particularly exposed. At the political level, the conflict has grown more openly between the President of Ingushetia, General Aushev, and the Federal Government, with the latter accusing the former of using the presence of IDPs and the subsequent international aid to re-enforce his political position in the Republic and in the region[23].

f) Chechen IDPs in other regions of the northern Caucasus

30. For the purpose of examining the availability of internal relocation beyond Chechnya elsewhere in the northern Caucasus, one should differentiate between those regions where the majority of the population is non-Slavic or of Muslim faith (Dagestan, Kabardino-Balkaria and Karachai-Tcherkessia) and those regions where the majority is Slavic or of Christian faith (North Ossetia-Alania, Stavropol Krai and Krasnodar Krai).

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[19] The ministerial instruction expressly referred to Naurski, Shelkovskoy and Nadterechny districts, as well as Assinovskaya and Sernovodsk, "since places for accommodation of IDPs are prepared there".

[20] See for instance Federal Migration Service Order No.15 of 25 February 2000, addressed to the regional migration services in those regions bordering Chechnya (Dagestan, Stavropol, Ingushetia and North Ossetia-Alania), to suspend, as of 1 March 2000, registration of IDPs under Form No.7 and to assist with their return to Chechnya.

[21] The head of the FMS has changed three times between September 1999 and May 2000 (The FMS was dissolved in May 2000 by presidential decree and its functions transferred to the newly created Ministry of Federal Affairs, National and Migration Policy.)

[22] The Ingush authorities are themselves concerned that the drug route (which follows the old silk route) from Afghanistan, through Central Asia, Chechnya, to Central and Western Europe, is now spreading into Ingushetia.

[23] Similar grievances were expressed by the (Moscow-appointed) Chechen Government who in several occasions has accused President Aushev of "fixing" the IDPs in Ingushetia. Chechen officials regularly visit IDPs in camps and settlements, to encourage them to return to Chechnya.

31. The Republics of Dagestan, Kabardino-Balkaria and Karachai-Cherkessia are multi-ethnic and are regularly confronted with tensions among the various communities. The current conflict in Chechnya sparked with the infiltration of Chechen rebel groups into Dagestan followed by military confrontation with Dagestani and federal armed forces. Dagestan is currently hosting 10,000 IDPs, including 5,000 from Chechnya and 5,000 Dagestani IDPs. Since the beginning of the conflict, the mountainous areas of Dagestan, bordering Chechnya, have been reportedly used by Chechen fighters as camp bases, and Dagestan has been very reluctant to receive any additional IDPs from Chechnya.[24]

32. The situation in the Republics of Kabardino-Balkaria and Karachai-Cherkessia is characterised by ethnic tensions and political rivalry between the two constituent nationalities (Kabards vs. Balkars and Karachais vs. Cherkess). These two republics are mainly concerned with maintaining the equilibrium between the respective constituencies. This equilibrium is particularly fragile in Karachai-Cherkessia, where a terrorist bombing occurred on 24 March 2001 in Agidehabl village. The Federal authorities accused Chechen fighters of responsibility for the incident. Kabardino-Balkaria has been regularly pointed-at by the Ombudsman of the Russian Federation, for violating the Constitution as well as federal legislation on freedom of movement and choice of place of sojourn and residence of citizens.[25] In a 1994 resolution adopted by the Parliament of Kabardino-Balkaria (amended in 1997), a direct ban (which remains in force) is imposed on the sojourn or residence in Kabardino-Balkaria of Russian citizens from other regions of the Federation who do not have close family ties with Kabardino-Balkaria residents.

33. Both Stavropol and Krasnodar regions have been sanctioned several times by the Russian Federation Constitutional Court, as well as reported by the Ombudsman of the Russian Federation, for violating constitutional and federal legislative provisions related to freedom of movement and freedom to choose a place of sojourn or residence.[26] In particular, the Russian Federation Ombudsman in the October 2000 Special Report "On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation", notes that *"Therefore (...) the Law of Krasnodar Krai on the Registration Procedure Relating to Sojourn and Residence in Krasnodar Krai implies that a person who arrives in the territories of [this constituent] of the Russian Federation and who does not have kinship or ethnic and cultural ties [in Krasnodar Krai] will face considerable difficulties in realising his/her right to freely choose his residence in [this territory]".*

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[24] Concerning non-respect of federal legislation on forced migrants and on freedom of movement by Dagestan as well as by other northern Caucasus Republics, see "Appealing against actions of officials on criminal, civil and administrative offences" by V. Golovach, Legal Counsellor, in "Problems of victims of warfare in the Chechen Republic: Mechanism for the execution of court judgements and implementation of prosecution response measure", Memorial Human Rights Centre, Moscow, 2001.

[25] See Special Report of the Ombudsman of the Russian Federation "On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation", October 2000.

[26] See Constitutional Court decision of 4 April 1996 (for Stavropol Krai) and the above-referred Special Report of the Ombudsman of the Russian Federation "On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation", of October 2000 (for Stavropol Krai and Krasnodar Krai).

34. The problem for Chechen IDPs who wish to settle or even sojourn in these two regions is not limited to restrictive local regulations. Historically, these two regions have been the base for Russian expansion and conquest of the Caucasus. There are traditionally very strong Russian nationalistic feelings among the local population of these two regions, where Cossack groups as well as the Russian Nationalist Union (RNU – far right party) are well established and organised. IDPs from the previous 1994-96 conflict present in these regions (where they were granted forced migrant status) are generally ethnic Russians and some of them are actively engaged in anti-Chechen campaigns. Stavropol Krai has been traumatised by various terrorist acts presumably connected to the Chechnya conflict and the July 1995 attack, during which a group led by Shamil Basaev seized 1,500 hostages in the Budenovsk town's hospital (Stavropol Krai), remains a tragic memory for the resident population.

35. The situation is somehow different in North Ossetia-Alania. It is not so much local restrictive regulations on residence registration but rather local restrictive administrative practice that is preventing Chechen IDPs from sojourning in that republic. The Republic of North Ossetia-Alania is a Caucasian Republic composed essentially of Ossets (Caucasian people of mainly Christian religion), and ethnic Russians, with a significant Ingush (Muslim) minority. Most of the 35,000 Ingush were driven out of North Ossetia-Alania (to Ingushetia) during the 1992 inter-ethnic riots in Prigorodny district. Nearly half of them have returned since then to Ingushetia, but returnees are encountering various obstacles with their re-registration at their place of former residence in Prigorodny.

36. At the same time, North Ossetia-Alania is hosting some 38,000 ethnic Osset refugees from Georgia, who came to seek refuge in that republic as a result of the 1991-92 armed conflict in South Ossetia, Georgia. North Ossetia-Alania is struggling to integrate locally these refugees in a very bleak economic context. Tensions are high between some ethnic Osset Georgian refugees and ethnic Ingush IDP returnees, especially in the Prigorodny district, where some Georgian refugees have settled. In this volatile context, Chechen IDPs (who are ethnic kin to the Ingush) are perceived as a possible destabilising factor. On 10 November 2001, a bomb explosion in an outdoor market in the republic's capital, Vladikavkaz, killed five civilians. This incident, which local officials said was likely a terrorist act, has further increased the tension after an armed man on 30 October 2001 burst into a children's clinic and took 19 hostages before releasing them and escaping with a RUR 2 millions (USD 67,000) ransom.

g) Chechen IDPs in other parts of the Russian Federation

37. According to Russian Government sources, there are hundreds of thousand ethnic Chechens staying in Moscow. Most of them are not IDPs (see paragraphs 41-48 below). However, those Chechens displaced because of the current conflict and who have come to Moscow have encountered serious problems regarding their legal status, residence, and sometimes faced vigorous and repeated security checks, eviction from their apartments and harassment by other groups of the local population. For example, the 21 September 1999 Resolution No.875 of the Moscow City Government, expressly referring to recent "terrorist acts that caused the death of many civilians" instituted a re-registration procedure for all non-Muscovites staying

in the capital. As a result of this regulation, thousands of persons previously registered in Moscow City could not re-register with the authorities. In practice, it became almost impossible for new arrivals, especially IDPs from Chechnya, to register in Moscow.[27]

38. Another decree of the Mayor of Moscow city, of 28 September 1999, stipulates that, in order to apply for forced migrant status, the concerned applicants must be in possession of a registration document issued by the competent body of the Federal Ministry of Interior valid for a term of not less than six months. In practice, however, it has been almost impossible for Chechen IDPs to obtain sojourn registration in Moscow. Hence, they find themselves in a "vicious circle" where they need sojourn registration to apply for forced migrant status[28] and where sojourn registration is denied in practice. Local NGOs reported numerous instances where Chechen IDPs applying for forced migrant status were told by local migration officers to return to "safe areas" in Chechnya.[29] Instances were reported where legally resident individuals in Moscow, who vouched for IDPs, guaranteeing them housing to facilitate their registration with the authorities, were themselves fined for violating regulations on registration.

39. The restrictive rulings of the mayor of Moscow City should be viewed in the wider context of massive internal migration to Moscow from Russia's economically and ecologically devastated regions in the east and the Far East, as well as from the Caucasus. The city authorities claim that several hundreds of thousand non-Muscovites are staying or working illegally in Moscow. Each year, the local bodies of the interior are reported to expel (by train) several thousand illegal residents outside the city boundaries. Chechen IDPs are faced with double stigma: because of the so-called "Chechen mafia", which is said to occupy a prominent role in drug trafficking and organised crime, and because of the August 1999 apartment bombings, which resulted in the loss of hundreds of lives, and which are suspected to have been carried out by terrorists of Chechen origin.

40. In the absence of temporary registration, IDPs in Moscow have not been able to exercise basic social and civil rights, such as access to legal employment, medical care and education. Instances of confiscation of passports by the police, detention, and extortion of money have been reported.

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[27] Despite being ruled un-constitutional by the RF Constitutional Court (cf. RF Constitutional Court ruling No.9-П of 4 April 1996 "On the case concerning the verification of the constitutionality of a number of normative acts of Moscow city and Moscow region, Stavropol Territory, Voronezh region and Voronezh city, regulating the procedure for registering citizens arriving permanent residence in the said regions"), the Moscow regulations on registration as well as the administrative practice have remained restrictive. Upon judicial appeals from some local human rights NGOs, a few positive court decisions on individual IDP registration cases were reached. However, enforcement of judicial decisions has remained problematic. Enforcement of judicial decisions in Russia is not a problem limited to Moscow.

[28] Such requirement is not envisaged in the 1995 Law on Forced Migrants.

[29] According to statistics from the Ministry of Federal Affairs, National and Migration Policy, 153 IDPs from Chechnya (representing 69 cases or families) were granted forced migrant status between 1 October 1999 and 30 June 2001 in Moscow. (No breakdown is available concerning the number of ethnic Chechens among them, or how many are IDPs from the current conflict as opposed to IDPs from the 1994-96 conflict who obtained their status only recently).

41. According to information available from local human rights groups, the situation in Russia's second largest town, St Petersburg, is similar concerning restrictive practice in issuing sojourn registration to Chechen IDPs. In the absence of sojourn registration, Chechen IDPs have no legal access to social welfare. However, the Chechen community in St Petersburg is much smaller than in Moscow and it is acknowledged by human rights groups that police harassment, fines and administrative detention of unproperly registered persons is not as acute as in Moscow.

42. The situation of Chechen IDPs in the remaining parts of the Russian Federation is not as well documented as in the regions of the Federation mentioned above. However, based upon information available to UNHCR, the following can be said:

a) Ethnic Chechens are traditionally not established or residing in areas beyond the northern Caucasus republics and the larger western Russian cities. Chechen IDPs are reluctant to travel to areas where there is no resident Chechen community with whom they could stay, even illegally.

b) There is scarcity of information concerning the possible violation of federal rules on freedom of movement by eastern and far-eastern regions of the Federation as well as on the control of the legality of local regulations in those regions by federal organs. However, the RF Ombudsman has documented such violations in some instances.[30]

c) Some border regions of the Federation have specific concerns regarding illegal migration and are very sensitive regarding the movement and status of populations on their territory (e.g. those regions sharing the 6,000 km long "transparent" border with Kazakhstan, and eastern regions faced with legal and illegal migration flows from China.)[31]

d) Most importantly, a very strong anti-Chechen feeling has developed in many parts of the Russian Federation.[32] This feeling, already present during the previous Chechnya conflict in 1994-96, has re-emerged after the terrorist bombings of August 1999 in Moscow. It has been exacerbated by some national and local

[30] See above-referred ruling of the Russian Federation Constitutional Court No.9-П of 4 April 1996, concerning Moscow city, Moscow region, Stavropol Krai, Voronezh city and Voronezh region, as well as the special report of the Ombudsman of the Russian Federation "On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation" of October 2000 concerning i.a. Adygea Republic, Amur region, Arkhangelsk region, Chuvashia, Kabardino-Balkaria, Kaliningrad, Kazan region, Krasnodar Krai, Kurgan region, Leningradskaya region, Mari-El Republic, Nizhni-Novgorod, Moscow city, Moscow region, Murmansk region, Smolensk region, Stavropol Krai, St Petersburg, Tatarstan, Volgograd and Yaroslav region.

[31] Some local officials in southern Russia have unofficially expressed concern that western Kazakhstan is possibly being used by Chechen rebels to set-up training camps.

[32] For an account of incidents suffered by ethnic Chechens and other minorities in various regions of Russia since the beginning of the conflict, see "Ethnic persecutions of Chechens in the Russian Federation", Union of Council for Soviet Jews, 9 July 2001, www.fsumonitor.com

media as well as by the relatively high level of casualties among federal troops serving in the military and in the Ministry of Interior special forces deployed to Chechnya, which is randomly affecting soldiers' families throughout the Federation.[33]

e) Finally, the 11 September tragic events in the USA have led some Government officials as well as some media to draw parallels between the terrorist acts perpetuated in the USA and the "anti-terrorist operation" in Chechnya, which is likely to contribute to increased suspicion towards Chechens in general.

III. Situation of ethnic Chechens originating from, or residing in, other regions of the Russian Federation other than Chechnya

43. All ethnic Chechens, regardless of their place of origin or current residence, as well as all Russian citizens in general, may have, in the context of the current hostilities in the Chechen Republic, individual grounds to qualify as refugees according to the definition of Article 1A of the 1951 Convention relating to the Status of Refugees. It is the position of UNHCR that all asylum-seekers should be granted access to individual refugee status determination procedures.

44. For those persons for whom the question of internal relocation is being raised, a distinction should be made between ethnic Chechens whose residence registration (so-called "permanent registration") is in Chechnya, and ethnic Chechens who have residence registration in another region of the Russian Federation. The information elaborated above primarily applies to ethnic Chechens whose permanent registration and residence is in Chechnya.

45. Federal authorities assert that several hundred thousands ethnic Chechens legally reside (i.e. hold residence registration) in Moscow or other larger cities of the Federation outside of Chechnya. Those ethnic Chechens who hold residence registration outside Chechnya are by law and practice allowed to reside in such locations similar to other residents. For the purpose of obtaining registration from the local bodies of the Ministry of Interior, the place of residence is defined under Russian Federation Government Resolution No.713 of 17 July 1995, point 3, paragraph 2 as *"the place where a citizen resides permanently or primarily as a landowner, a lessee, a sub-lessee, a renter or in any other capacity provided by the Russian legislation. It could be a residential house, an apartment, official living quarters, special residential places (a dormitory, a shelter, a home for elderly and single people, a boarding house for the disabled, veterans, etc.), as well as other living premises*".

46. Ethnic Chechens having residence registration in Moscow or elsewhere may be persons who were born there, who were granted forced migrant status as a consequence of the 1994-96 conflict and who subsequently obtained residence registration in their new place of residence (after de-registering from their place of

[33] According to the Law on Military Service, military service in the Russian Federation is compulsory and for a period of 24 months. Conscripts may be sent to conflict zones after six months of military service.

former residence), or who settled outside of their place of former residence for any other reason (e.g. business activities) and who eventually obtained residence registration in their new place of residence.

47. Those regions which apply restrictive regulations or restrictive administrative practices on sojourn registration are at the same time and a fortiori also restricting the issuance of residence registration to non-residents. To the extent that such restrictions are adopted by the concerned regions in order to prevent access to the territory to certain groups of persons,[34] or to protect the distribution of local resources (e.g. access to the local labour market), residence registration is usually more difficult to obtain than simple sojourn registration. This being said, it remains that, once in possession of residence registration in a given location, holders of such registration are allowed to reside and, in case they left to sojourn in another region or abroad, to return to that location.

48. The place of sojourn is defined under the above-referred Russian Federation Government Resolution No.713 as *"a place where a citizen stays temporarily, such as a hotel, a sanatorium, a rest home, a boarding house, a camping site, a tourist centre, a hospital or any other similar location, as well as living premises where a citizen does not reside permanently"*. As mentioned in paragraph 17 above, while registration at the place of sojourn should be obtained by simple notification to the competent local organs of the interior, this is usually not the case in practice, and in many instances, the organs of interior accord themselves *de facto* a right to issue or deny the registration at the place of sojourn.

49. Violations of the federal laws and rules on registration at the place of sojourn by local authorities have given rise to numerous decisions of the Russian Federation Constitutional Court as well as concerns of the Russian Federation Ombudsman on the matter. Violations range from pure refusals to issue sojourn registration to administrative obstacles in issuing sojourn registration. In particular, the Russian Federation Constitutional Court has criticised the practice of issuing registration at the place of sojourn for a limited period.[35]

50. Such restrictions are commonly applied, and sojourn registrations are often delivered for periods from one month to six months. Such illegal practice is difficult to eradicate, as it is reportedly often linked to the payment of "fees" to local officials not provided for under any law or by-laws. Many instances have been documented in Moscow, where non-Moscow residents have to renew their sojourn registration every month or so, with periods of undue non-extension, leaving the concerned persons at the discretion of the local bodies of interior. Legal remedies have shown to be lengthy (given the scope of the problem and the limited staffing capacity of the judiciary),

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[34] In the context of anti-terrorist prevention measures, persons from the northern Caucasus and Chechens in particular, are often targeted in practice.

[35] See Russian Federation Constitutional Court Decision No.6-P of 17 February 1998: "The period of stay in this or that place of sojourn should be defined by the citizen himself. Its definition by the State is unacceptable, as that would mean the restriction of freedom of will in choosing the place of sojourn".

uncertain and, in those cases where illegal practices have been sanctioned, problems have often occurred with the execution of judicial decisions.[36]

IV. Relevant identity / travel documents

51. All Russian citizens should, from the age of 14, in principle be in possession of an identity document[37] called the **Passport of the Citizen of the Russian Federation** (or of the Passport of the Citizen of the USSR, including mention of citizenship of the Russian Federation[38]). This is not a travel document, but an identity document. It is issued by the local bodies of interior, for the purpose of recording identity and family details as well as registration (at the place of residence and, when relevant, place of sojourn). Children below the age of 14 are registered under the passport of their parents.

52. Information pertaining to the citizen's registration is indicated on page 5 of the passport (page 14 for USSR passports) under "place of residence" (место жительства). The registration is stamped onto the relevant page, with mention of the place of residence (i.e. name of the constituent subject of the Federation where the persons does reside permanently), the address of the passport holder and the date of registration. Where a citizen of the Russian Federation has sojourned in a place other than his place of residence, information to that effect is stamped by the relevant local body of interior onto the same page (and possibly the following pages, in case of successive sojourns.) While Federal law does not foresee any specific length for the sojourn, local authorities usually issue registration at the place of sojourn for limited periods of time, subject to renewal. In Moscow, for example, the standard sojourn ranges from 45 days to six months.

53. Russian citizens are normally required to be in possession of their passport at all times for possible identity checks. This document (including indication of registration) is also required for accessing the social welfare system (enrolment at schools, admission in hospitals, payment of social allowances, pensions, etc). Local bodies of interior at the place of residence of the citizens are responsible for the issuance and renewals of passports. According to the above-referred Regulations

[36] Regarding problems related to execution of judicial decisions in Moscow and elsewhere and more generally regarding registration-related problems for IDPs, see "Moscow: open season, closed city", Human Rights Watch/Helsinki, September 1997; "Violation of international norms and the Russian legislation on the rights of refugees and forced migrants", Memorial Human Rights Centre, 1998; and "Problems of victims of warfare in the Chechen Republic. Mechanism for the execution of court judgements and implementation of prosecution response measure", Memorial Human Rights Centre, Moscow, 2001.

[37] See Instruction of the Russian Federation Government, No.828 of 8 July 1997, "On approval of the regulations on the passport of the citizens of the Russian Federation, the form specimen and the description of the passport of the citizen of the Russian Federation". Point 1 of the Regulations reads: "The Passport of the citizen of the Russian Federation shall be the principal document of identification of the citizen of the Russian Federation on the territory of the Russian Federation. Every citizen of the Russian Federation who has reached the age of 14 years of age and is resident in the territory of the Russian Federation shall be obliged to have a passport".

[38] The "old" USSR internal passports are still valid documents, until 31 December 2004, after which date all Russian citizens (aged 14 and above) should be in possession of the "new" Russian Federation passports. According to the Presidential Commission on Citizenship, some 35 million citizens have been issued with Russian Federation passports as of September 2001.

approved by Russian Federation Government Instruction No.828, *"Citizens without a place of residence shall have their passport issued and renewed by the local bodies of interior at the place of sojourn"* (Point 10 of the Regulations).

54. A (non-public) instruction was reportedly issued by the Federal Ministry of Interior in November 1999, not to issue or renew identity documents to IDPs from Chechnya, allegedly to prevent possible Chechen militants or infiltrators from obtaining official documents. This measure limited freedom of movement for undocumented IDPs outside Chechnya, given the registration regime applicable in Russia, which requires all Russian citizens to register with the local bodies of the Ministry of Interior if they sojourn outside their place of permanent residence. Undocumented IDPs were also unable to return to, or visit, Chechnya, for fear of being detained at military checkpoints.

55. In June 2000, a mobile team from the Federal Ministry of Interior started issuing temporary identity documents and sojourn registration for Chechen IDPs in Ingushetia. These temporary identity documents are provided for under Russian Federation Government Regulation No. 821 of 8 July 1998 "On approval of the statute of the passport of the citizen of the Russian Federation", and are referred to as **Temporary Certificate of Citizen of the Russian Federation** (so-called Form No.2-П). Form No.2-П is issued to serve as a provisional identity document where a citizen's passport is lost or damaged. The temporary certificate is valid for a period of up to six months, during which period the citizens are expected to be issued with a new passport at their place of permanent residence.

56. In September 2000, the mobile team of the Federal Ministry of Interior suspended its mission in Ingushetia and handed over the task to the Ingush Ministry of Interior. Issuance of temporary identity documents in Ingushetia greatly improved the situation of many undocumented IDPs with regard to travelling to Chechnya and back. Although the total figure of temporary documents issued is not available, it has been indicated that 4,000 - 5,000 persons have been issued such documents in Ingushetia during the period June – December 2000. Also, in the first quarter of 2001, with the resumption by the local bodies of interior inside Chechnya of their administrative functions, (internal) **passports** gradually started to be issued to citizens in Chechnya. Government sources have advised that 80,000 new passports have been issued in Chechnya since then.

57. **Form No.7**, entitled "Registration of a family arriving under emergency situations", is issued by the local migration bodies for the purpose of statistics and distribution of Government's humanitarian assistance. It is being provided for under Letter of Instruction No.19 of 31 March 1997 issued by the (former) Federal Migration Service.[39] It is not an identity document. It is meant to be used by the migration authorities during situations of mass influx and reception, on the territory of the Russian Federation, of citizens who left their place of permanent residence for reasons stipulated under Article 1 of the Russian Federation Law "On Forced Migrants". Form No.7 is issued to all members of a family including children above

[39] See footnote 8, above.

the age of 14 years. Persons who are under 14 years of age are recorded on their parents' form.

58. The travel document issued to Russian citizens to travel abroad is the **Passport**. It is being issued by the local bodies of Ministry of Interior and, under certain circumstances, by the Ministry of Foreign Affairs. Russian citizens can travel to CIS countries without a visa,[40] using their "internal" passport (i.e. the Passport of the Citizen of the Russian Federation as referred to under paragraph 50 above).

V. Situation of non-ethnic Chechens leaving Chechnya

59. In November 1991, when independence was unilaterally proclaimed, Chechnya-Ingushetia still formed a single Republic, with a population of approximately 1,270,000 persons. According to the 1989 census, some 16 nationalities were represented in that Republic, including 734,000 Chechens, 293,000 Russians and 163,000 Ingush (all three nationalities representing 94% of the total population, and each of the other nationality components representing 1% or less of the population).

60. The former Federal Migration Service of the Russian Federation assessed that some 450,000 persons had fled the 1994-96 conflict in Chechnya. It is further estimated that most non-Chechen IDPs did not return to Chechnya after that conflict. According to estimates, in the beginning of 2000, some 240,000 persons were displaced outside of Chechnya (some of whom returned to Chechnya since then), including some 30,000 ethnic Ingush, who fled to neighbouring Ingushetia and who are still staying in that Republic. The Ingush Government has declared on several occasions its willingness to facilitate the local integration of ethnic Ingush IDPs from Chechnya.

61. Official statistics provided by the Ministry of Federal Affairs, National and Migration Policy, indicate that 12,464 IDPs from Chechnya were granted forced migrant status in some 79 regions of the Russian Federation, between 1 October 1999 and 30 September 2001. According to information available to UNHCR, from its implementing partners as well as from local human rights NGOs, those IDPs from Chechnya who were granted forced migrant status as a result of the current conflict are almost all ethnic Russians. Such information is partly corroborated by looking at the regions where forced migrant status was granted. For the most part, these are regions where there is traditionally no Chechen resident community. At the same time, UNHCR is aware of isolated instances where Chechens displaced by the current conflict were granted forced migrant status (having claimed fear of persecution from Islamic fundamentalists).[41]

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[40] Except to Georgia and Turkmenistan, for which visa requirements were introduced (under bilateral agreement dated 17 July 1999 with Turkmenistan, and on 1 March 2001 with Georgia, after Russia renounced the Bishkek Agreement on visa-free circulation within the CIS).

[41] UNHCR is aware of one case in Pyatigorsk (Stavropol Krai) where an ethnic Chechen, Lieutenant Colonel in the Russian Federal forces, was granted forced migrant status on such grounds by the court of law, after being denied status by the local migration service in a first instance administrative decision.

VI. Summary of main conclusions

62. Legislative mechanisms and related assistance that would facilitate the settlement of IDPs beyond Chechnya and Ingushetia are not available or not yet in place. Forced migrant status can only be obtained on the basis of individual fear of persecution from Islamic fundamentalists and is not available to the majority of IDPs. Compensation for lost property is not yet available for IDPs who fled Chechnya.

63. While Ingushetia has been liberally admitting IDPs from Chechnya and accepts their continuing presence in the Republic, the situation of Chechen IDPs there remains very precarious, both in terms of humanitarian assistance and protection. IDPs in Ingushetia are at the mercy of volatile federal policy, which is more or less firmly implemented, inducing return to Chechnya. The proximity to the conflict area as well as the continuation of military activities in Chechnya can only exacerbate this situation. For these reasons, UNHCR would strongly advise against considering Ingushetia as a reasonable relocation alternative for ethnic Chechen asylum-seekers.

64. Chechen IDPs from the current conflict have had virtually no access or possibility to sojourn legally in Kabardino-Balkaria and Karachai-Cherkessia. In the Republics of North Ossetia-Alania, Stavropol Krai and Krasnodar Krai, the very low number of Chechen IDPs can be explained both by restrictive regulations and practice preventing the sojourn of the concerned persons, as well as by the reluctance of the IDPs themselves to venture into regions where the authorities and local residents hold a hostile attitude towards them.

65. The combination of local restrictive regulations on freedom of movement and freedom of choice of place of sojourn/residence, anti-Chechen feelings among the public, and genuine concerns among local authorities to contain ethnic tensions and to prevent terrorist acts, deprives Chechen IDPs from genuine internal relocation alternative beyond Chechnya and Ingushetia.

66. As opposed to persons holding residence registration, there is currently no assurance in practice that a person holding registration at the place of sojourn will be issued an extension of such registration or that, in case of travel or stay abroad, such registration will be extended upon return at the place of sojourn.

67. It has been reported by some local NGOs defending the rights of forced migrants that ethnic Russian IDPs are frequently not well received by the local population and local authorities in their areas of destination. Many of them have reported difficulties in obtaining issuance or renewal of sojourn registration. However, there is no indication of widespread police harassment, as is the case in many regions for Chechen IDPs. In those regions that condition sojourn registration upon the presence in that territory of close relatives, ethnic Russian IDPs may be able to rely upon the presence of family members displaced during the previous 1994-96 conflict.

68. When determining the need for international protection as well as the availability of internal relocation possibility for Chechen asylum seekers, one essential distinction needs to be made between ethnic Chechens displaced from

Chechnya proper and ethnic Chechens residents of other regions of the Russian Federation, as discussed in this paper.

69. Upon admission, those in need of international protection should, like all other asylum seekers, be afforded access to regular refugee status determination procedures, where such are available, for consideration of their claims on a case by case basis. UNHCR recommends that claims be processed through the normal refugee status determination procedure. Following the review, those against whom there are serious reasons for considering that they have committed acts mentioned in Article 1F of the 1951 Geneva Convention relating to the Status of Refugees should be excluded from international protection.

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UNHCR
January 2002.

The Russian Federation

Annex 3:

Presentation by Jean-Paul Cavalieri, Senior Protection Officer, UNHCR BO Moscow - Questions & Answers

Humanitarian situation / IDPs

Q: Regarding the IDPs in Ingushetia, recent reports stated that the assistance has been suspended, including the supply of electricity. What is the situation like now?

A - JPC:
On a mission to Ingushetia at the end of June 2002 we found that there is water, electricity and gas in the camps in Ingushetia. In the camps in Chechnya on the other hand these supplies have indeed been cut. In the IDP camps north of Grozny (in Znamenskoye) gas and electricity have been suspended. People have been exposed to a number of pressures. The government has established a few temporary accommodation centres (TACs) in Grozny, telling the people: "Go back now to these places". Alternatively, they would loose the right to get a flat or a room in these TACs. Therefore people have registered and gone to the TACs. Unfortunately they are not ready: there is no water, no sewage system, and no toilets inside. After eight o'clock there is a curfew. The result is quite concentrated tension in the IDP camps inside Chechnya. UNHCR is worried that this pressure is going to increase when there is less presence of the international community.
Unfortunately in the worst case scenario this situation could be an indication of what could happen in Ingushetia. The situation for IDPs is not improving there. So far electricity and gas have not been cut in the camps in Ingushetia. Yet, as for food deliveries to the camps, they are certainly becoming increasingly irregular and have to be sustained by the international community. UNHCR has great difficulty to find alternative shelter for persons asked to leave their host families or the spontaneous settlements. In cooperation with the Ministry for Emergencies, UNHCR has contributed to the establishment of three separate tented camps for up to 15,000 persons. However, the authorities are increasingly reluctant to have these people coming into the tented camps and would rather see them going to Chechnya.
As mentioned by Ms Gannushkina, the President of Ingushetia Zvyazikov and the head of the local administration Kadyrov signed an action plan for the return of IDPs, which was counter-signed by the federal Minister of Reconstruction Elagin, and the representative of President Putin for Sector South, Gal Kazantzev. This action plan is set in a line of a number of measures, orders, instructions since the beginning of the conflict, stating that people originating from certain areas should not receive assistance in Ingushetia or return by a certain day. It has to be seen in the context of the following recent developments:
First of all, President Aushev, who had his own conflict with the federal Moscow authorities, eventually has left power. At the presidential elections in Ingushetia the third candidate has been found not to be eligible by the federal authorities. The current

President Zvyazikov was elected; he is a former KGB officer and is said to be close to the authorities in Moscow.
The 58th army corps from North Ossetia has been deployed in Ingushetia. Officially this corps has been deployed there to reinforce the border with Georgia. After the US military instructor came to assist Georgia with its combat against banditry and terrorism the Russian government is concerned that, if the combat is effectively launched in the Pankisi gorge, this could possibly lead to a movement of Chechen refugees, including combatants, back to Ingushetia. Some of the elements of this corps are deployed in the vicinity of the IDP sites. There has already once been an instance of unfortunate interface, unnecessarily raising tension and anxiety. It took place recently when suddenly a patrol came to an IDP camp in the middle of the night, asking for water. The IDP population was of course wondering what was going on. The night afterwards all the youths of the camp had gone. Clearly, such incidents have the intentional or unintentional effect of creating a feeling of insecurity in Ingushetia.
As regards forced return of IDPs to Chechnya, so far there has been one quite dramatic instance in the winter 1999/2000 when overnight people were just shifted across the border to Chechnya. This incident provoked a very strong reaction from UNHCR, the NGO Committee and other international agencies placed in Ingushetia due to the fact that these persons had just been forced without their consent to go back to an area that was not safe. Since then there has been no instance of such a manifestly forced collective mass return of IDPs to Chechnya.
With regard to the action plan, UNHCR raised a number of concerns to the government because this plan is based on the assumption that everyone wants to go back from Ingushetia to Chechnya. Yet, this is not the case. Asked why they still are in Ingushetia, the overwhelming majority of IDPs say that they want to go home ultimately and are not interested in seeking asylum elsewhere. However, at the very moment they do not intend to return due to security reasons. On our mission we met with a family who came back from Grozny after having taken their chance of registration to be allocated a room in a TAC. They informed us that the young head of the family had been arrested twice in the near vicinity of the TAC. He was kept for a few hours and asked a few questions. He was not tortured, but scared, being "gently bruised", as he put it himself. After the second arrest he did not want to wait for another arrest which could have been worse. When asked whether he went to Grozny downtown, he replied that he was not a hero to go to Grozny downtown, but had stayed in the vicinity of the TAC. This case is not an isolated instance of people trying to make it back to Chechnya, trying to recover their property, but failing to settle and coming back to Ingushetia because of the foremost concern for safety. The paradox is that there are efforts from the civilian authorities to try to get people back to Chechnya and to rebuild the infrastructure and then in these TACs military authorities keep coming in and carrying out ID checks. The population is terrorized by so-called mop-up or sweep-up operations in the villages. There have been some instances of soldiers visiting TACs at night, being drunk and wishing to carry out ID checks. All this happens at the place where people were promised by the government to have shelter, food, safety. This type of negative instances of course spread quite quickly and many people hence do not want to go back to Chechnya.

Q: Are there any international NGOs present in Chechnya at the moment?

A - JPC:
A few international NGOs are trying to operate there. They are not directly based inside Chechnya, but doing some cross-border assistance. These NGOs include MSF, ACF (Action contre la Faim - Action against Hunger), DRC, one big NGO that is a UNHCR and WFP implementing partner, bringing WFP food to IDPs. Moreover, there are also a few local NGOs. (**A – Svetlana Gannushkina:** Chechnya and Ingushetia can only manage to survive because of the international NGO assistance.) Still, the situation is far from the Bosnia context where there were hundreds of international NGOs.

Q: Is it possible to have a list of the organisations currently working there?

A - JPC:
I suggest looking into the Consolidated Inter-Agency Appeal for Chechnya, accessible on the OCHA website on Internet: http://www.reliefweb.int/ or http://www.ocha.ru/. The full list of NGOs and international organisations operating in Chechnya and Ingushetia can be found there.

Q: Can people displaced within Chechnya obtain forced migrant status?

A - JPC:
The law defines a forced migrant as someone who has left one subject of the Russian Federation for another subject of the Federation. Therefore persons who might have been displaced within Chechnya itself according to article 1 of the Law on Forced Migrants do not qualify for forced migrant status. They need to cross administrative borders and to find themselves in another subject of the RF to be able to apply.

Q: Who benefited from the compensation scheme after the first conflict?

A - JPC:
Human rights observers and NGOs argue that the reason why there has been a successful or semi-successful compensation scheme during the first conflict is that the victims of that conflict were essentially those who remained outside Chechnya and were permanently settled elsewhere. Those enjoying compensation were mainly ethnic Russians who eventually never returned to Chechnya. There is some feeling that the reason why the government is not so keen on establishing such a scheme now is that it favours the return of IDPs (primarily ethnic Chechens) to Chechnya.

Q: Why does it take a special decree to reimburse or to allow IDPs to be able to have compensation for lost property? Why can they not just go to court and claim compensation for the damages the state has been responsible for?

A - JPC:
There indeed is such a possibility in the civic code and there have been numerous actions of people going to court. What is the advantage they see in the civic code procedure? The court would assess the damage and reimburse it in its entirety as opposed to the decree which is an ad-hoc document and has a ceiling and a threshold for compensation.

However, people who went to court to have additional opportunity to get full compensation were not able to get this from the court. The general principle that the responsibility of the state can be engaged, based on the administration's fault, is not so well elucidated in the Russian judicial system. In Russia the state cannot be seen as guilty for damages it made in the fight against terrorism. As an exception to this rule, a lawyer of the Memorial Network in Stavropol Kraj has obtained compensation through the court in 2001. However, this has not become a precedent, but rather remained an isolated case.

Military

Q: What is the UNHCR position on the situation of Chechens who have been conscripted in the Russian federal army and become deserters? Should their situation be differentiated from the situation of Russian deserters?

A - JPC:
If a Chechen asylum seeker comes to a third country and wants to seek asylum on the ground that he became a draft evader or deserter because of not wanting to serve in an army which is in conflict with his ethnic kin, this case would certainly be a ground under any European legislation for the application of alternative service. Unfortunately, in the case of Russia alternative service is not available in practice, although it is provided for under the Constitution. One could imagine that Chechens having evaded the draft would certainly have a well-founded fear of being at least prosecuted in case of return to their country of origin.

Filtration camps

Q: We observe a tendency of rumours spreading that those Chechens who have gone through filtration camps will be accepted. What is the situation right now in the filtration camps?

A - JPC:
Not only with regard to filtration camps, but all sorts of detention centres, records are rather incomplete. For more information on the filtration camps inside Chechnya please see Ms Gannushkina's presentation.
As far as resettlement of IDPs who went through filtration camps is concerned, there is no in-country resettlement provided by any embassy or by the UN. The USA and Canada would have resettlement projects, but for refugees.

Women / family members

Q: What is the situation of Chechen women who have fled Chechnya after their husbands have disappeared or were killed because they were considered to be rebels? Are family members in general also targeted by the Russian authorities?

A - JPC:
When I was in Orenburg (Urals) two years ago I visited one of these temporary accommodation centres for forced migrants, former USSR citizens wishing to settle in Russia. The female head of one Chechen family household stated that they had no difficulty with the management of the centre. Yet, the management of the centre, while giving them shelter, at the same time presumed that there were a number of Chechen training camps in Kazakhstan. This family was very reluctant to leave the premises and to go down town Orenburg, fearing harassment based on their Chechen origin.

Even in Ingushetia the authorities are saying: "We feed these women, but where are their husbands?", illustrating the high degree of suspicion that the combatants filter back to Chechnya. The assumption that the husbands are presumably fighting in the mountains while their families are being fed by the government can sometimes be heard. This attitude causes considerable psychological pressure. There have been a few check-up operations in the camps during which the tents were searched for weapons and drugs. Ingushetia and Chechnya are located on the traditional silk route, which unfortunately is also a drug route. The matter of criminalisation of the conflict may also be used as a pretext to accuse groups to be involved in drug trafficking, affecting also women.

Organized crime

Q: Can the mafia be considered an agent of persecution?

A - JPC:
The difficulty with regard to organized crime is that once one identifies it as an agent of persecution, which it is not only in Russia, the question would be: what is the nexus between the well-founded fear of persecution in the case of absence of protection by state organs and the ground on which you fear persecution (which is the other element of the refugee issue)? Would the mafia persecute someone on one of the five grounds of the Geneva Convention or can one define someone who cannot freely exercise economical activities because he is being racketed, threatened, at risk of persecution by the mafia and not getting any protection from the police as some sort of special social group? It would certainly not be a matter of political opinion, race or religion. As for the risk of persecution, it is not possible to generalise, but one may encounter instances where there is indeed a risk of persecution and a lack of protection. Still, one then needs to establish the link with one of the five grounds of the Geneva Convention for granting refugee status.

Q: Is there generally no protection from the authorities against organised crime?

A - JPC:
As a UNHCR staff I have to say that it is a matter of case by case analysis. Protection can be bought individually as well. In light of the financial constraints the police are confronted with they are susceptible to financial offers and these may come from various sides.

People affiliated with organized crime as well as combatants would be referred to article 1f of the Geneva Convention. It cannot be excluded that people who have participated in combats on the rebel side in Chechnya may have been associated to war crimes and crimes against humanity which may lead to the exclusion from the protection of the Convention. The same applies to serious non-political crimes in the country of origin that may be found accusable under the Geneva Convention.

IFA

Q: Is there an internal flight alternative for Chechens in other parts of Russia?

A - JPC:
With some exceptions the conclusion of the UNHCR Guidelines on Asylum Seekers from Chechnya is that currently there is no genuine internal flight alternative for Chechen IDPs from Chechnya in the rest of the Russian Federation. The term 'genuine' refers to the fact that someone is able to fully enjoy his/her citizen's rights and to expect minimum protection from the authorities and absence of harassment. In the UNHCR's opinion such a genuine alternative is not available. Further UNHCR documents conveying this view are available.
An even more recent paper deals with the same topic from the practitioner's angle: this is the recent January 2002 UNHCR Paper on Asylum-seekers from the Russian Federation in the context of the situation in Chechnya. It covers also the issue of IDPs from Chechnya outside Chechnya.
Not all the reports are available on the internet, but all are obtainable through UNHCR RO Moscow. [1]

Q: Is it necessary to distinguish between ethnic Chechens and ethnic Russians from Chechnya?

A - JPC:
It is clear that, when it comes to the possibility to reside elsewhere in Russia, ethnic Russians from Chechnya are subject to the same registration system. The rule is the same for everyone, i.e. notification of one's residence is required, unless one can pay one's way through. Yet, there is a certain prejudice against Russians from Chechnya. Basically people from the Caucasus, including Russians from the Caucasus, are seen as less proper to integrate elsewhere. So this prejudice adds to the restrictive local regulations that are there for everyone. Indeed there is likely to be intolerance especially in regions that are predominantly Russian regions towards ethnic Russian IDPs from Chechnya. On the other hand, it is a fact that those few who were able to obtain forced migrant status happened to be ethnic Russians. Clearly, there is a difference between ethnic Russians and ethnic Chechens, which does not mean that there is an internal flight alternative for each and every ethnic Russian. As a general principle it has to be borne in mind that any refugee application has to be considered on its own merits.

[1] Comment by Bettina Scholdan:
The Council of Europe / ECRI in its Second Report on the Russian Federation, which is contained in the seminar folder, comes to the same conclusion as UNHCR.

Residence registration plays an important role. A Chechen coming to a country of asylum with his passport showing that he has his permanent registration in Moscow would obviously not be at risk to go back to Chechnya as it is not his place of residence. The question would remain to which extent he may be subjected to specific discrimination, harassment etc. in his place of residence, being Moscow in this case. This leads back to the case-by-case determination, but at least the element that this person would legally be authorised to reside in Moscow would be established. Nevertheless, he may have a claim on other grounds.

Documents

Passports

JPC:
The assessment of documents and establishment of the identity and citizenship of an applicant creates difficulties for any eligibility officer in the world. Every citizen of the Russian Federation has a so-called internal passport (which is the common identity document for all Russian citizens) that allows him/her only to travel inside Russia. This document is issued at the age of 14 years. While they may not have an international passport and/or a birth certificate, each Russian citizen above the age of 14 should have this national passport. It is up to the individual officer to decide whether the fact that a person has not got this document is an element in favour of or against him/her in the credibility assessment. However, one should be aware that from the first conflict on and between the two conflicts the administration collapsed and thus there has been no or only very irregular issuing of documents. Therefore teenagers who turned 15 during that period may very well find themselves without passports. Right now there are teenagers in Ingushetia who do not have any ID and are not even in the position to go back to Chechnya as they would be stopped at the first checkpoint. This exception related to the age limit should be kept in mind. It of course constitutes an element of complexity in the determination process.

Registration

Q: Does the registration system and practice limit the access to housing and working?

A - JPC:
The Constitutional Court has reminded once and for all that registration or absence of registration should not be linked to the enjoyment of rights. So in theory one does not have to show one's registration to be able to get medical care, but in practice it does not work this way. To enrol one's children at school one needs to have registration. An employer cannot employ someone who is not registered; eventually the registration is asked for by any potential employer. Hence, in practice most of the basic civic rights are linked to the possession of registration. If someone's place of residence registration is Grozny and he wants to register his sojourn somewhere else, but the authorities do not want to register him there, basically he is not only a second class citizen, but - using the absurd neologism - an illegal citizen. Difficult as this situation is to imagine, it is the sad reality for many IDPs.

Q: Is there any timeframe within which Russian citizens have to be registered?

A - JPC:
By law there is no timeframe for registration. The only difference between residence registration and sojourn registration is that residence registration refers to the place where one resides permanently or predominantly whereas the place of sojourn is where one stays temporarily, for various reasons like studies, job, etc. The law itself does not say that this registration has to be temporary or for a given specified period. The constitutional court has reminded that registration at the place of sojourn should not be limited in time. In practice, with or without local law in force, it is the usual practice for the police to set a deadline: A sojourn registration may be valid for one, three or six months. A legal or illegal fee that has to be paid to obtain this sojourn registration might be linked to this duration. According to the Constitutional Court this practice is illegal. Nonetheless, it is being managed this way in practice by law enforcement bodies for a number of reasons. Above all, it is also a matter of control. In consideration of the events outside Chechnya having started with the bombing of apartments and 300 dead in Moscow and elsewhere in Russia, all the authorities, regardless of the prejudices they may have against Chechens, are seriously concerned about potential terrorist acts. This explains why all the regions are extremely strict on persons passing by.

Q: Is there freedom of movement in North Ossetia?

A - JPC:
Although the borders in the region are administrative ones, there are permanent police checkpoints and often the military police monitors the movement in the region. Cars with number plates from Chechnya are being stopped and people have to show their IDs (i.e. internal passports), registration and have to answer questions like: "Why do you come here? Where do you go?" There is absolutely no guarantee that a car coming from Chechnya would be allowed to pass the administrative border. Given that all the republics of the region - North Ossetia, Kabardino-Balkaria and Karachay-Cherkessia - have been the area of terrorist incidents the situation is tense, regardless of what the federal law on freedom of movement guarantees.

Bibliography – Russian Federation

Selected publications
(Period: January – November 2002)

Amnesty International <http://www.amnesty.org>

- Amnesty International: Annual Report 2002 (Covering events from January – December 2001), 28 May 2002
- Amnesty International/Special Reports:
  - The Russian Federation: Denial of Justice, 29 October 2002
  - Justice for everybody: Human Rights in the Russian Federation, 29 October 2002
  - Russian Federation: Torture and ill-treatment in detention. A case file, 14 August 2002
- Amnesty International/Appeals/News Releases:
  - Disappearances in Chechnya, 29 October 2002
  - Ethnic minorities under attack, 29 October 2002
  - Violence against women, 29 October 2002
  - Children's rights abused, 20 October 2002
  - Russian Federation: Journalist and environmental activist Grigory Pasko to be nominated for the Sakharov Prize 2002, 23 September 2002
  - Journalist and environmental activist Grigory Pasko remains imprisoned, 25 June 2002
  - Russian Federation: Women and girls victims of human rights abuses, 25 January 2002
  - Women and girls – daily victims in the cycle of violence and impunity, 25 January 2002
  - Russian Federation: Summary of concerns on the human rights of women and girls, 25 January 2002
- Amnesty International/Urgent Actions:
  - UA 338/02: 5 students, accused of raping a young man, held in prison colonies in Belgorod/ the young men were allegedly tortured by police in order to make confessions, 19 November 2002
  - UA 285/02: 2 boys reportedly subjected to torture and ill-treatment in a pre-trial detention centre in order to force them to confess to a crime, which they claim they have not committed, 20 September 2002
  - UA 164/02: 5 men taken from their homes by members of the Russian security forces and another disappeared/ there are concerns for the men's safety, as Chechen civilians are frequently tortured, ill-treated or killed in detention, 5 June 2002
  - UA 16/02: Civilian population of the village of Tsotsin-Yurt in the Chechen Republic reportedly subjected to torture and ill-treatment by russian forces/ 11 people disappeared, 5 April 2002
  - EXTRA 15/02: Concerns for the safety of up to 19 ethnic Chechens, who are at risk of being forcibly returned to Russia following their failed attempts to

gain refugee status/ if returned they would be at risk of discrimination, detention, torture and ill-treatment, 15 February 2002

Canadian Immigration and Refugee Board <http://www.irb.gc.ca>

- Responses to individual information requests (REFINFO):

  - RUS40381.E (18 October 2002): Whether a person born to Soviet citizen parents in territory that is currently Russian, held Soviet citizenship and never renounced it, migrated to Israel in 1992, acquired Israeli citizenship, and was able to visit Russia without a visa, would be considered a Russian citizen under the new (July 2002) citizenship law (Follow-up to RUS39865.E of 1 October 2002)
  - RUS40073.E (24 September 2002): Update of RUS37011.E of 28 May 2001 on the treatment of ethnic Ukrainians; whether they encounter discrimination and/or attacks by nationalists; availability of state protection; reports of attacks on Ukrainians in Nizhnevartovsk by Kazaks (January 2000-Sept 2002)
  - RUS39865.E (1 October 2002): Whether a person born to Soviet citizen parents in territory that is currently Russian, held Soviet citizenship and never renounced it, migrated to Israel in 1992, acquired Israeli citizenship, and was able to visit Russia without a visa, would be considered a Russian citizen under the new (July 2002) citizenship law
  - RUS38772.E (20 September 2002): Availability of fraudulent or illegally obtained identity documents (1992-Sept. 2002)
  - RUS39396.E (30 July 2002): Update to RUS36174.E of 22 January 2001 on the situation of ethnic Germans; treatment by state or other agents; treatment in the military; areas of high demographic concentration
  - RUS39374.E (12 July 2002): Whether a spouse and/or child of a Russian citizen can apply for Russian citizenship without an official marriage or birth certificate issued by the country in which the marriage or birth took place; whether a statutory declaration or any other document would be acceptable to the authorities as proof of and in lieu of the marriage or birth certificate
  - RUS39096.E (6 June 2002): The law of "lustration" in Chechnya after Aslan Maskhadov came to power; whether the individuals who had been working as government employees under the Zavgayev regime were fired and/or harassed under this law (1996-1997)
  - RUS39035.E (10 May 2002): Possibility for someone drafted or called up for military service to obtain a passport and leave Russia; restrictions placed on people who have been called up in obtaining travel documents; enforcement of these restrictions (1999-May 2002)
  - RUS38876.E (24 April 2002): Democratic Russia, including its organizational structure, leadership and current address (April 2002); reports that Democratic Russia is targeted by the current government and the Special Detachment Riot Police (OMON); investigation into the November 1998 killing of Galina Starovoitova, the former leader of Democratic Russia; reports of the killing of Alexander Kovalyov, a member of Democratic Russia
  - RUS38957.E (30 April 2002): Recruitment of Caucasians into the Russian Army; whether service requirements are the same as for Slavic recruits

- RUS39005.E (3 May 2002): Update of RUS32518.E of 4 August 1999 on the treatment of Azerbaijanis, particularly in Moscow
- RUS38763.E (16 April 2002): A list of amnesties for all criminal offences granted by the authorities, including the terms of these amnesties (September 2000-January 2001)
- US38646.E (5 April 2002): Treatment of members of the Union of the Committees of Soldiers' Mothers of Russia (UCSMR) by the authorities (1998-April 2002)
- RUS38788.E (5 April 2002): Treatment of ethnic Armenians in Russia and availability of state protection, in particular in St. Petersburg (2001-2002)
- RUS38626.E (6 March 2002): Possibility for someone born in 1981 in what was then Leningrad to obtain a duplicate copy of their birth certificate during a stay in the Republic of Abkhazia (1992-February 2002)

Council of Europe <http://www.coe.int>

- Interim reports by the Secretary General on the presence of Council of Europe experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human and Civil Rights and Freedoms in the Chechen Republic
  - 22nd interim report (Period from 10 September to 10 October 2002), 22 October 2002
  - 21st interim report (Period from 12 July to 9 September 2002), 17 September 2002
  - Twentieth interim report (Period from 1 May to 6 June 2002), 11 June 2002
  - Nineteenth interim report (Period from 10 April to 30 April 2002), 27 May 2002
  - Eighteenth interim report (Period 1 March to 10 April 2002), 18 April 2002
  - Seventeenth interim report (Period 20 January 28 February 2002), 13 March 2002

FIDH - International Federation for Human Rights <http://www.fidh.org>

- Terror and impunity: A planned system, 3 March 2002

Human Rights Watch <http://www.hrw.org>

- Human Rights Watch/Country Reports
  - Conscription through detention in Russia's armed forces, 21 November 2002
  - Last Seen: Continued 'Disappearances' in Chechnya, 15 April 2002
  - Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya, 28 February 2002
- Human Rights Watch/Press releases
  - New Killings and Disappearances in Chechnya, 23 March 2002
  - Memorandum to the United Nations Commission on Human Rights on the Human rights Situation in Chechnya, 18 March 2002
  - Russia: Investigate Sexual Violence by Troops in Chechnya, 10 March 2002

IWPR - Institute of War and Peace Reporting <http://www.iwpr.net>

IWPR provides analysis and background information on conflicts in the Caucasus and Chechnya.

- New Chechen Terror Wave?, 28 October 2002
- Chechnya Servicemen Demand Backpay, 24 October 2002
- Chechen Census Fiasco, 17 October 2002
- Ingush Leader's Refugee Pledge, 4 October 2002
- Chechnya: Russia Counts The Cost, 23 August 2002
- Chechnya: Is Kremlin Preparing to Negotiate?, 1 August 2002
- Chechen Refugees Fear Forced Return, 20 June 2002
- Maskhadov Seeks Negotiations, 13 June 2002
- Chechen Civilian Head Challenges Army, 23 May 2002
- Moscow Skinheads Target Southerners, 2 May 2002
- Death of a Warlord, 2 May 2002

International Helsinki Federation for Human Rights <http://www.ihf.org>

- Human Rights in the OSCE Regions: The Balkans, the Caucasus, Europe, Central Asia and North America, 28 May 2002

Medecins du Monde <http://www. mdm-international.org>

- Report on Chechnya, July 2002-11-25

Medecins sans Frontieres <http://www.msf.org>

- Chechnya/Ingushetia: Vulnerable persons denied assistance, January 2001

Memorial Human Rights Center <http://www.memo.ru>

- The Internally Displaced Persons from Chechnya in the Russian Federation, Moscow 2002
- Several examples of the many occasions in May 2002 where order No. 80 of the OGV(s) Commander has been deliberately flouted, 06 June 2002
- 'Mopping-up' in the village Alkhan-Kala 25-30th April 2002. Order number 80 - only empty words?! 14 May 2002
- Communique on the third meeting of non-governmental Human Rights Organisations and Representatives of State Authorities of the Chechen Republic, 30 April 2002
- Letter to the Commanding OGV in the Chechen Republic General-Lieutenant V. I. Molentskoi and to the Prosecutor of the Chechen Republic V. G. Chernov, 25 April 2002
- "Mopping-up" in the village Alkhan-Kala 11-15th April 2002, 19 April 2002
- "Mopping-up" in the village of Tstotsin-Iurt (25th March – 1st April 2002), 08 April 2002
- Concerning the order Commanding United Group Forces in the Chechen Republic Number 80, 27 March 2002

- Republic of Chechnya: Argun "Disappearances" of detainees, "Disappeared" found in unmarked graves, 14 March 2002
- Mopping Up in Tsotsin Yurt. February 12-13, 2002, 14 February 2002

Moscow Helsinki Group <http://www.ihf-hr.org>

- Human Rights in Russian Regions 2001, May 2002

Norwegian Refugee Council <http:www.db.idpproject.org>

- Profile of Internal Displacement, 28 October 2002

ReliefWeb <http://www.reliefweb.int>

ReliefWeb is a project of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA); daily updated information on the Russian Federation – Chechnya.

UK Home Office <http://www.ind.homeoffice.gov.uk>

- Country Information & Policy Unit: Country Assessment – Russia, October 2002

UN Committee against Torture <http://www.unhcr.org>

- Conclusions and Recommendations of the Committee against Torture: Russian Federation, (CAT/C/CR/28/4), 28 May 2002

UN Commission on Human Rights (ECOSOC) <http://www.unhchr.ch>

- Report of the Special Representative of Secretary-General: Promotion and Protection of Human Rights, Human Rights Defenders (E/CN.4/2002/106), 27 February 2002
- Report of the High Commissioner of Human Rights: Question of the Violation of Human Rights Report and Fundamental Freedoms in Any Part of the World (E/CN.4/2002/38), 26 February 2002

UNHCR <http://www.unhcr.org>

- UNHCR urges Poland, Lithuania not to turn away Chechens, 14 November 2002
- Analysis of the courts practice in the Russian Federation as pertaining to refugee status determination, June 2002
- UNHCR Paper on Russian Asylum Seekers from the Russian Federation in the Context of the Situation in Chechnya, January 2002

US Committee for Refugees <http://www.refugees.org>

- World Refugee Survey: Country Report: Russian Federation 2002, 13 June 2002

US Department of State <http://www.state.gov>

- International Religious Freedom Report 2002 – Russia, 7 October 2002
- Country Reports on Human Rights Practices 2001 – Russia, 4 March 2002

Writenet <http://www.unhcr.org>

- John B. Dunlop: Russian Federation: The situation of IDP`s in Chechnya, 1 May 2002

Latest news on the Russian Federation/Chechnya can be found on

Eurasianet.org <http://www.eurasianet.org>

IWPR – Institute for War and Peace Reporting <http://www.iwpr.net>

Prague Watchdog <http://www.watchdog.cz>

ReliefWeb <http://www.reliefweb.int>

RFE/RL <http://search.rferl.org>

The Moscow Times <http://www.themoscowtimes.com>

The St Petersburg Times <http://www.times.spb.ru>

TOL Transition Online <http://www.tol.cz>

ecoi.net Topics & Issues File: Russian Federation
<http://www.ecoi.net/backgroundIndex.php?country=RU&iflang=en>