

RUSSIAN FEDERATION AMNESTY INTERNATIONAL STATEMENT ON THE SITUATION OF CHECHEN ASYLUM-SEEKERS

Introduction

The ongoing armed conflict in the Chechen Republic – which continues to be characterized by widespread violations of human rights and humanitarian law – has led to the forced displacement of hundred of thousands of Chechens. Some have sought refuge in other parts of the Russian Federation, whereas others have fled further afield.

Many Chechen asylum-seekers are now applying for refugee status in many, mainly European, countries. Amnesty International considers that the levels of discrimination faced by Chechens in the Russian Federation render them at genuine risk of human rights violations. The ongoing application of the residence registration system (propiska) further exacerbates the problems faced by Chechens – due to arbitrary identity checks, restrictions on movement and place of residence and the denial of a range of civil rights - and further negates the possibility of an internal relocation alternative.

According to official United Nations High Commissioner for Refugees (UNHCR) statistics for January-September 2003, most asylum applications registered in 29 industrialized nations came from applicants from the Russian Federation.¹ Amnesty International considers that Chechens are fleeing the Chechen Republic, and the Russian Federation as a whole, not only because of the mass devastation and human rights violations associated with the armed conflict, but also because of the discriminatory treatment and human rights violations they are subjected to because of their ethnicity.

In this paper we will state our position on the issue of an internal flight/relocation alternative, with reference to the UNHCR Paper on Asylum-Seekers from the Russian Federation in the Context of the Situation in Chechnya, from February 2003. (bilag 136)

¹ See UNHCR paper on *Asylum Levels and Trends in Industrialized Countries, January to September 2003*, p. 6



Ethnic Discrimination, Harassment and Ill-treatment

Despite the fact that the Russian Federation is made up of a wide variety of ethnic groups, the Russian authorities have consistently failed to show the required commitment to tolerance and respect for difference. Ethnic minority groups are afforded significant protection under national and especially international law – which takes precedence over domestic legislation in accordance with the Russian constitution – but procedures and practices on the ground rarely live up to these obligations.

Problems such as racially-motivated attacks by private individuals, prejudiced policing and the discriminatory application of legislation governing freedom of movement and citizenship have been well-documented by Amnesty International.² Yet racist crimes are rarely documented and the perpetrators are hardly ever punished – creating a climate of impunity whereby minorities feel unprotected, and perpetrators feel they can get away with committing racially-motivated violations.

In March 2003, the UN Committee on the Elimination of All Forms of Discrimination (CERD) raised concern in its concluding observations on the Russian Federation “at reports of racially selective inspections and identity checks targeting people from specific minorities, including those from the Caucasus and Central Asia and Roma people”. CERD also urged Russia to “strengthen its efforts to prevent racist violence and to protect members of ethnic minorities and foreigners”.³

Research conducted by Amnesty International and Russian human rights groups has shown that discrimination towards Chechens is commonplace throughout the Russian Federation, with increased levels of harassment and racist attacks reported following bomb attacks or violent incidents, such as the Moscow theatre siege in October 2002. Law enforcement agencies have launched what can be described as targeted campaigns against Chechens which have resulted in arbitrary arrests and planting of drugs and ammunition during personal searches of Chechens or their homes.⁴

The prevailing attitude towards Chechens in the Russian Federation is summed up well by Yuri Kalinin, Deputy Justice Minister, speaking in a newspaper interview after the Moscow theatre siege of October 2002:

² See *Dokumenty! Discrimination on grounds of race in the Russian Federation* (AI Index: EUR46/001/2003)

³ UN Doc. CERD/C/62/CO/11, 21 March 2003

⁴ See *Dokumenty! Discrimination on grounds of race in the Russian Federation* (AI Index: EUR 46/001/2003, p.31)

*"The way to conquer our fear of Chechens is simply not to let them into Russia [sic] ... Our true target should be to restrict the rights and freedoms of Chechens as representatives of a people with whom we have been at war for a long time. Whichever way we look at it, they represent a potential threat to the safety of our children, and we should not close our eyes to this fact."*⁵

Residence Registration – A Basic Instrument of Discrimination

The system of residence registration, although unconstitutional, continues to be practised in many parts of the Russian Federation – including throughout Moscow city and region, St Petersburg and Leningrad region, Kaliningrad, Nizhnii Novgorod and the southern regions of Stavropol and Krasnodar – and serves as a basic instrument of discrimination. By law, all those legally resident in the Russian Federation have the right to move freely and choose their place of residence. Residence registration should merely entail informing the police of one's address', however, in many parts of the Russian Federation registration procedures require people to seek permission to live at a particular address.⁶

Significant reference is made in the UNHCR paper to the continued application of these restrictive registration procedures, commonly known as "*propiska*", and the way that this system disproportionately affects minority groups, and especially Chechens. UNHCR acknowledges that it has become "*almost impossible*"⁷ for Chechens to obtain registration in Moscow, suggesting that a similar situation prevails throughout the Russian Federation, barring Chechnya and Ingushetia:

*"The impact ... on Chechen IDPs is that they continue to be severely restricted in their possibilities to reside legally (i.e., with requisite residency registration) outside Chechnya and beyond Ingushetia."*⁸

When applied by agents of the state who discriminate against ethnic minorities, the residence registration system becomes a powerful tool. NGOs from the Russian Federation attending the UN World Conference against Racism in 2001 identified the "*system of registration and its derivatives as a basic instrument of discrimination and a basic prerequisite for discriminatory practices*". It is within this context that members of ethnic or national minorities are most disproportionately targeted, often leading to arbitrary detention or ill-treatment. People who do not have the correct documentation can be fined, and sometimes serially if they are not able to obtain a copy of the document acknowledging that they have already paid the fine.

⁵ Quoted in newspaper *Moskovskii Komsomolets*, 30 October 2002

⁶ For more information see *Rough Justice: The law and human rights in the Russian Federation* (AI Index: EUR 46/054/2003), Chapter 4 and *Dokumenty! Discrimination on grounds of race in the Russian Federation* (AI Index: EUR 46/001/2003), Chapter 4.

⁷ *UNHCR Paper on Asylum Seekers from the Russian Federation in the context of the situation in Chechnya*, Paragraph 48, February 2003

⁸ *Ibid*, Para 23

Chechens living in Moscow have especially suffered from the punitive effects of the application of the residence registration system, especially since residential buildings in Moscow were bombed in September 1999, killing 300 people. "Operation Whirlwind"⁹ was launched by the authorities immediately after the 1999 bombings, which required all non-Muscovites to immediately register with the authorities. Up to 20,000 people were rounded up by the Moscow police, and Amnesty International has collected testimonies from Chechens and other minorities in Moscow, who said that they had been arbitrarily detained, ill-treated and tortured in custody, and then forcibly expelled from the city.

At the time of writing, an explosion in the Moscow metro on 6 February 2004 – which claimed at least 41 lives – has once again prompted a wave of hostility towards Chechens and other people from the Caucasus region. According to reports received by Amnesty International, minority ethnic groups from the Caucasus region have become the target of racially-motivated revenge attacks, discriminatory rhetoric and arbitrary document checks and searches. Although no-one has as yet claimed responsibility for the metro blast, senior Russian government officials, including President Vladimir Putin, have been quick to blame Chechens. In the wake of the bombing, Dmitri Rogozin – the Duma Deputy who heads the Russian Federation delegation to the Parliamentary Committee of the Council of Europe (PACE) – has described Chechens as an "ethnic criminal community that evidently supports the terrorists coming to Moscow, owns property in Moscow and imposes its will on the authorities". New tougher legislation concerning the unconstitutional residence registration system is currently being drafted in the capital, allegedly aimed at combating "illegal migration". Furthermore, it has been reported that an extremist organization has been calling upon people to attend a public meeting, under the slogan "Cleanse Moscow of Chechen bandits!". Amnesty International is concerned that this may amount to incitement of hatred on grounds of nationality and incitement to racially-motivated violence. Prominent Russian human rights groups have also expressed their concern regarding the demonstration.

The discriminatory application of the residence registration system has not escaped the notice of other members of the international community. In March 2003, the UN CERD expressed concern:

*"...about numerous reports that residence registration is used as a means of discriminating against certain ethnic groups, and that the lack of residence registration is used to deny a number of political, economic and social rights."*¹⁰

⁹ See *Rough Justice: The law and human rights in the Russian Federation* (AI Index: EUR 46/054/2003), page 44.

¹⁰ UN Doc. CERD/C/62/CO/11, 21 March 2003

In November 2003, the UN Committee on Economic, Social and Cultural Rights echoed the concerns of the UN CERD about residence registration and the denial of basic rights. Research conducted by Amnesty International and other human rights groups has shown that those denied permanent registration are often arbitrarily deprived of their liberty in the context of police checks as previously mentioned, and are frequently denied access to citizenship of the Russian Federation, pensions, child benefits and education. Difficulties are also experienced in registering official house and vehicle purchases, marriages and deaths.

Amnesty International Position on Internal Flight Alternative

Our general position is that the forcible return of Chechens to the Russian Federation is not recommended and not safe. As mentioned before, the failure of the state to protect Chechens from discrimination and the authorities frequent complicity in incidents of racially-motivated violations are a serious cause for concern. The involvement of state actors in abuses calls into question the ability and willingness of the Russian authorities to provide effective protection for Chechens within the Russian Federation. As stated by UNHCR in their briefing paper on Chechen asylum-seekers from the Russian Federation from February 2003:

"...the possibility of internal relocation cannot be a relevant consideration where the feared agent of persecution is a state agent."¹¹

If returned to the Russian Federation, most rejected asylum-seekers will be sent to/ via Moscow - where the problems of discrimination faced by Chechens and other minority groups from the Caucasus region are well-documented. Reportedly, deported asylum-seekers are often subjected to interviews by the authorities on their return, and in some cases have had money and/or clothing confiscated. Amnesty International does not have specific cases of Chechens being subjected to human rights violations on the basis of their ethnicity from all over the Russian Federation, but the large-scale involvement of the state in such violations leads us to assert that there is no internal protection/flight alternative for Chechens anywhere in the Russian Federation for those fleeing the armed conflict.

UNHCR have done more detailed research into the internal protection alternative issue, and reference should be made to their comments and recommendations in this area. They acknowledge that *"a very strong anti-Chechen feeling has developed in many parts of the Russian Federation"*¹², and allude to existing ethnic tensions and restrictive legislation concerning freedom of movement, residence and sojourn including in republics of the North Caucasus, such as Kabardino-Balkaria, Karachai-Cherkessia, North Ossetia-Alania, Stavropol Territory and Krasnodar Territory. According to UNHCR, ethnic Chechens rarely reside in areas of Russia other than these republics, and the major cities of western Russia. Amnesty International considers that these conditions amount to a situation where the fear of persecution is indeed *"well-founded"*¹³.

¹¹ *UNHCR Paper on Asylum Seekers from the Russian Federation in the context of the situation in Chechnya*, Paragraph 76, February 2003

¹² *Ibid*, Paragraph 55d

¹³ *Ibid*, Paragraph 76.

UNHCR considers that when assessing the question of internal relocation, "*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 other parts of the Russian Federation*". Amnesty International considers that there is no internal flight alternative for either group.

In spite of the fact that many Chechens have sought refuge in tent camps in Ingushetia, Amnesty International does not consider this to be a viable internal relocation alternative. Internally displaced persons (IDPs) in tent camps in Ingushetia have had to endure unhygienic and overcrowded conditions for years, although many have now returned to Chechnya. However, the voluntary nature of such returns continues to be called into question -- respected organizations such as the UNHCR and the Memorial human rights centre have produced credible and consistent reports of intimidation, harassment and curtailment to essential utility supplies in order to pressure the IDPs into leaving.

Since mid-2003 military raids have been taking place in Ingushetia, with the participation of Russian federal troops as well as forces allegedly under the control of President Kadyrov. Numerous credible reports of abductions and "disappearances" have been received by Amnesty International from the respected Russian human rights organization, Memorial. Like UNHCR, Amnesty International has serious human rights concerns regarding the security situation in Ingushetia and does not consider it to be a reasonable relocation alternative.

Amnesty International acknowledges that certain categories of Chechens -- such as those who have been, or who could be deemed to have been involved in rebel activities, or their relatives -- could be seen as being at particularly high risk. Nevertheless, it is more a question of the *ethnic identity* of the asylum-seeker as a Chechen that is the key factor to take into consideration in light of the discrimination they face within the Russian Federation. This means that even Chechens who had resided legally in parts of the Russian Federation other than Chechnya still would be at risk of serious human rights abuses on return.

Conclusions

- Amnesty International considers that Chechens are at risk of serious human rights violations because of the mass human rights violations associated with the armed conflict. Amnesty International also considers that Chechens are at risk of discriminatory treatment and human rights violations, including arbitrary detention and torture and ill-treatment, throughout the Russian Federation because of their ethnicity.
- Amnesty International considers that there is no evidence of the existence of an internal protection/flight alternative for Chechens anywhere in the Russian Federation for those fleeing the armed conflict. This is the case even for ethnic Chechens who have residence registration in parts of the Russian Federation outside the Chechen Republic, or who have never lived in the Chechen Republic.

- Amnesty International's call on the Russian Federation to keep the Ingushetian IDP camps open does not indicate that the organization considers these camps to be "safe" in terms of providing safety, dignity and full respect for the human rights of returning rejected asylum-seekers or other displaced Chechens.

