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Chechens in the Russian Federation – residence registration, racially motivated violence and fabricated criminal cases

Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Moscow and St Petersburg, the Russian Federation

23 May to 5 June 2012

Copenhagen, August 2012

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Overview of Danish fact finding reports published in 2011 and 2012

Rohingya refugees in **Bangladesh and Thailand**, Report from Danish Immigration Service's Fact finding mission to Bangladesh and Thailand, 4 to 17 February 2011

2011: 1

Update on Entry Procedures at Kurdistan Regional Government (KRG) Checkpoints and Residence in Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

2011: 2

Iranian Kurdish Refugees in the Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

2011: 3

Chechens in **the Russian Federation**, Report from Danish Immigration Service's fact finding mission to Moscow and St. Petersburg, **the Russian Federation**, 12 to 29 June 2011

2011: 4

Update (2) On Entry Procedures At Kurdistan Regional Government Checkpoints (Krg); Residence Procedures In Kurdistan Region Of **Iraq (Kri)** And Arrival Procedures At Erbil And Suleimaniyah Airports (For Iraqis Travelling From Non-Kri Areas Of Iraq), Joint Report of the Danish Immigration Service/UK Border Agency Fact Finding Mission to Erbil and Dahuk, Kurdistan Region of **Iraq (KRI)**, conducted 11 to 22 November 2011

2012: 1

Security and human rights issues in South-Central **Somalia**, including Mogadishu, Report from Danish Immigration Service's fact finding mission to Nairobi, **Kenya** and Mogadishu, **Somalia**, 30 January to 19 February 2012

2012: 2

Afghanistan, Country of Origin Information for Use in the Asylum Determination Process, Rapport from Danish Immigration Service's fact finding mission to Kabul, **Afghanistan**, 25 February to 4 March 2012

2012: 3

Chechens in **the Russian Federation** – residence registration, racially motivated violence and fabricated criminal cases, Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Moscow and St Petersburg, **the Russian Federation** from 23 May to 5 June 2012

2012:4

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Introduction and disclaimer

The fact finding report at hand has been produced jointly by the Documentation and Research Division, Danish Immigration Service (DIS) and the Asylum and Repatriation Department, Danish Refugee Council (DRC) for use in the asylum determination process. The information included in the report was gathered during a joint fact finding mission to Moscow and St Petersburg, the Russian Federation, between 23 May and 5 June 2012.

The delegation to Moscow and St Petersburg comprised Andreas Rune Nielsen, Country Adviser, and Jan Olsen, Country Adviser, Documentation and Research Division, DIS and Bettina Chu, Legal Adviser, DRC.

Purpose of the mission

The purpose of the fact finding mission was to gather up-dated country of origin information regarding registration of residence, the prevalence of hate crimes and violent attacks on Chechens as well as fabrication of criminal cases against Chechens in the Russian Federation outside of the North Caucasus. Additionally, the mission sought to gather country of origin information on the presence and activities of Russian federal forces in the Chechen Republic and the prevalence of Russian language in Chechnya.

The Terms of Reference (ToR) for the mission can be found in Annex 2.

In June 2011, the DIS undertook a similar fact finding mission to St Petersburg and Moscow. The purpose of that fact finding mission was to gather country of origin information on matters related to the human rights and the general security situation in the Chechen Republic, as well as the situation for Chechens in the Russian Federation outside of the Chechen Republic. The fact finding mission report included information about Chechens' access to residence registration in the Russian Federation, as well as information about discrimination and violent attacks on Chechens living in the Russian Federation outside of the North Caucasus.¹

However, in April 2012, the DRC on its website published information obtained by the European Council on Refugees and Exiles (ECRE)² suggesting that recently registration of residence has become more difficult for Chechens, and that forthcoming legislation would further aggravate the situation.³ In addition, it was stated that the growth of xenophobia in the Russian Federation and the

¹ Danish Immigration Service, *Chechens in the Russian Federation, Report from Danish Immigration Service's fact finding mission to Moscow and St Petersburg, the Russian Federation*, September 2011. The report can be found here: <http://www.nyidanmark.dk/NR/rdonlyres/6EC0730B-9F8E-436F-B44F-A21BE67BDF2B/0/ChechensintheRussianFederationFINAL.pdf>

² The European Council on Refugees & Exiles (ECRE) is a pan-European Alliance of refugee-assisting non-governmental organisations of which the DRC is a member.

³ The information is attached as annex 1, *Opdaterede oplysningertillandeprofilvedrørendeTjetjenienfraseptember 2011*, in the DRC Country Profile regarding Chechnya from September 2011. The annex can be found here: Dansk

constant falsifying of criminal cases make Chechens extremely vulnerable in Russia's regions. The information in the annex is based on an anonymous international source and Svetlana Gannushkina, member of the Board of the Human Rights Center "Memorial" and head of the "Migration Rights" Network, head of the Civic Assistance Committee in Moscow.

With the purpose of clarifying several elements in the information provided by the two above mentioned sources, the DIS decided to undertake a follow-up fact finding mission. The DRC expressed interest in joining the mission and was able to do so with a short notice.⁴ The fact finding mission was thus conducted jointly, and the report at hand has been written jointly by the DIS and the DRC.

Methodology

In Moscow and St Petersburg, the delegation consulted Russian and Chechen non-governmental organisations (NGO), an international non-governmental organisation, an international organisation, Western embassies, Russian government officials and well-informed Chechen sources. A full list of interlocutors interviewed can be found in Annex 1. The interlocutors interviewed were identified by the delegation based on the expertise, remit and role of each interlocutor relevant to the ToR of the mission. The delegation in particular relied on contacts established by the DIS' Documentation and Research Division in 2011. In addition, ECRE recommended the delegation to consult Amnesty International (AI) in Moscow and several other interlocutors who were already included on the delegation's list of interlocutors. However, when contacted by the delegation, AI in Moscow stated that it did not consider itself able to provide information to the issues outlined in the ToR, but referred to AI's London office, and consequently the delegation did not meet AI in Moscow.

All interlocutors consulted were informed that they would have their statements forwarded for comments, corrections and approval. All interlocutors agreed to receive their statements for comments, corrections and approval. With one exception, all interlocutors approved their statements which have been included in the report at hand. One interlocutor, Abdullah Istamulov, Center for strategic studies and development of civil society in the North Caucasus (SK-Strategy), did not respond to the request for comments, corrections and final approval of his statements despite several reminders and attempts to contact him. The statements of this interlocutor are included in the report at hand as they were sent to him.

In very few cases, it was found necessary to adjust certain phrases in the approved notes for clarification purposes. Such phrases have been modified slightly in order to avoid otherwise unclear statements. In addition, few minor supplementary or explanatory clarifications are marked with a closed bracket [...].

Flygtningehjælp, *Tjetjenien*, september 2011, http://flygtning.dk/viden-fakta/publikationer/landeprofiler/?eID=dam_frontend_push&docID=7077

⁴ The DRC member of the delegation did not participate in the meeting with the FMS, as this meeting had been scheduled in advance of DRC's decision to join the fact finding mission.

It should be noted that the interlocutors use different terms to refer to members of the illegal armed groups in Chechnya and the North Caucasus, e.g. “insurgents” and “boiviki”. Some interlocutors would use the term “lessee” or “sub-lessee” while others would use “tenant”, and some interlocutors would use the term “landlord” referring to the owner of an apartment.

During the meetings all interlocutors were thoroughly informed of the purpose of the mission and all interlocutors were explicitly informed that the delegation’s report would be published on the websites of the DIS and the DRC and thus available to all stakeholders in the refugee status determination process as well as to the general public.

The fact finding mission report contains no policy or analysis, and consists of the approved interview notes unless otherwise indicated via a footnote.

The delegation would like to thank the Danish Embassy in Moscow for providing logistical support and assistance before and during the mission. Special thanks to Elena Vilenskaya, Chair of the Board, House of Peace and Non-Violence, St Petersburg, for coordinating and facilitating meetings with Chechen interlocutors in St Petersburg.

This report is available on the DIS’s website www.newtodenmark.dk (refer to publications) and the website of the DRC <http://www.drc.dk> (refer to publications). Any comments regarding this report are very welcome and should be submitted to the DRC and/or the DIS at the address/e-mail addresses on the front page of this report.

1. Xenophobia, racially motivated violence, false accusations/fabricated criminal cases

1.1 Society's attitude towards Chechens

Alexander Verkhovsky, SOVA Center for Information and Analysis, Moscow, stated that there seems to be a growing negative attitude towards people from North Caucasus. However, there is no clear explanation as to why many Russians feel uncomfortable about people from the North Caucasus and depending on the individual person asked, reasons can include perceptions of Caucasians behaving badly, being different, being violent, fighting unfairly (i.e. with knives) and the fear of terrorist acts. North Caucasians (and others) are also seen as competitors on the labour market in the big cities. It was emphasised that “bad behaviour” is the most common reason why Russians feel uncomfortable about people from the North Caucasus.

A Western embassy (A) explained that problems with xenophobia are not limited to North Caucasians. The general public does not distinguish between North Caucasians and Asians, but consider them all the same.

Representatives from the NGO Vainakh Congress, St Petersburg⁵, stated that the federal government controls the mass media in Russia, and the government decides what the mass media brings forward. When the war in Chechnya began, the government succeeded in creating a negative image of the Chechens. Now the government, for political reasons, wants to create a more positive image of Chechnya. However, the general public's negative perception of Chechens is deep-rooted and this is very difficult to change. It was added that the negative perception of Chechens is getting worse.

When asked how the government tries to change the public's perception of Chechens in a more positive direction, Representatives from the NGO Vainakh Congress, St Petersburg, explained that the government does not have any genuine positive emotions about Chechens or other nationalities from North Caucasus but rather want them “out of the Russian eyes” i.e. back in the republics in North Caucasus.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that leading up to major Russian national events, the movies and soap operas aired on Russian television would include scenes aimed to create a negative image of Chechens and Ingush people as being for example particularly lazy, violent or aggressive.

Igor Kalyapin, Chairman of Committee Against Torture (CAT), Nizhny Novgorod, stated that he did not find the present government's policy towards North Caucasians or Chechens to be problematic. Previously, the federal government would campaign against Chechens, but nowadays it is trying to

⁵ Representatives from the NGO Vainakh Congress, St Petersburg explained that the NGO was founded in 1993. In 2007 the name of the organisation changed from “Chechen Public and Cultural Centre” (Bart in Chechen) to Vainakh Congress. Bart is the Chechen word for unity. The NGO is mainly involved in cultural events involving Chechen performers, authors and musicians.

soften the rhetoric against Chechens. The negative attitude in the population against Chechens is a result of the anti-Chechen campaigns during the two wars in Chechnya. Chechens were portrayed as extremely violent and the Russian media showed pictures of human heads and hands that had been cut off by Chechens. The federal government does its best to solve the problems and transfers large sums of money to Chechnya and therefore some civil society activists as well as many Russians from other regions are of the opinion that too much money is going to Chechnya. In Chechnya, the general population is convinced that the money is going directly from Putin to Kadyrov personally. The latter claims that the money had been given to him by God.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that xenophobia against North Caucasians exists in the big cities where they have increased in numbers recently. The massive financing of Kadyrov and Chechnya from the federal budget contributes to animosity and hatred towards Chechens. Another reason is that many Chechens in high positions behave very badly in cities like Moscow. In one case, a Chechen in a limousine had tried to get in into the path of a trolley bus. When the trolley bus driver would not let the limousine pass, the Chechen in the limousine shot the bus driver in the leg. The Chechen was soon released without sanctions as he was a powerful person. According to Igor Kalyapin, there are many stories of Kadyrovtsy coming to Moscow and behaving badly. Xenophobia is a response to the ruthless behaviour of some Chechens.

A person of Chechen origin stated that although the government and the force structures of the Russian Federation no longer try to induce in the general population a sense of “common hysteria” towards the Chechen population, the hatred against Chechens in Russian society is still alive. Since the Kremlin installed Kadyrov in power in Chechnya and the Chechen independence aspirations were defeated, the federal government has quieted down on the political level. It was added that this hatred is cyclical in that it is sometimes more intense and sometimes less intense. He explained that many Russians perceive the Chechen wars to be an aggression [by the Chechens] rather than a resistance and that it is the general public opinion that terrorism stems from Chechens. These stereotypes of Chechens are still prevalent in society today. It was added that the Russian Federation consists of many nationalities, but the Chechens are special in the sense that Chechens throughout history fiercely have resisted the Russians, and today the notion of Chechens being terrorists and an enemy of the Russians is widespread amongst Russians.

When asked to elaborate on why the common hysteria had stopped, a person of Chechen origin explained that it was important to remember that the authorities’ common hysteria appeared during and between the two wars in Chechnya. Leading up to the recent parliamentary elections the government needed to create an image of a peaceful and quiet North Caucasus and to show that the war in Chechnya has been won. Now it makes no sense for the authorities to use false accusations or to plant drugs or ammunition on Chechens in order to fabricate cases against them, as this would now be noticed and the international community would react if this practice continued.

A Western embassy (C) stated that there are no longer any anti-Chechen campaigns taking place. Xenophobia against Chechens and other North Caucasians is therefore not as widespread in society

as it used to be. However, “Chechnophobia” can be found in the general population e.g. with some landlords who would be reluctant to rent apartments to Chechens. The negative perception of Chechens is also found among former Russian soldiers who fought in Chechnya and who, for instance, are now employed in the prison service or elsewhere. In addition to that, members of the various Russian nationalistic movements are obviously characterised by a negative attitude towards Chechens and other North Caucasians.

A person of Chechen origin explained that in general Russians would not be able to see whether a person is an ethnic Chechen or not, because they only know the stereotypes of Chechens being “blacks”. That is why people with dark skin are seen as the stereotype of a Chechen. It was added that Russian soldiers who fought in Chechnya do recognise Chechens immediately.

A Western embassy (C) stated that the federal government is aware that nationalistic movements are potentially dangerous to stability and therefore partly downplays the issue of nationality or ethnicity. It was emphasised that ethnic tensions in Russia, like other places, tend to increase when the society faces economic stagnation. In this respect, it is worth noticing that the nationalistic parties led an anti-Kremlin campaign up to the parliament election recently and the massive federal funding to the Chechen Republic was a cornerstone in this campaign. The campaign caught some sympathy in the general Russian public who finds it difficult to understand why the Russian regions should “feed the Caucasus” as one slogan stated.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow⁶, stated that Russian national parties have become numerous in recent years with slogans such as “Moscow for Muscovites”, “Russia for Russians” and “Caucasians out of Russia”. Ethnic or racial issues were used by many politicians in the time before the recent parliament elections. However, it was added that this is not a specific Chechen problem but part of a wider Russian problem.

A Western embassy (A) stated that the federal government is very aware of the nationalistic groups and the potential threat to stability they represent. Slogans such as “stop feeding the Caucasus” i.e. stop the massive financial support to the Chechen government were taken up by the nationalistic groups during the election campaign recently and it was estimated that approximately 50 percent of the population support that [the slogans].

A Western embassy (A) explained that xenophobia is not increasing in the Russian Federation, but the country does experience a rise in political power of nationalist groups some of which have become more acceptable by the political establishment and they are able to gather more participants in marches and other political manifestations. To illustrate this, the Western embassy (A), Moscow mentioned a case from August 2011 concerning a Dagestani martial arts champion, Rasul Mirzayev, who got into a street fight with a Russian man in Moscow. The Russian man fell and hit his head and

⁶ Khamzat Gerikhanov, Chechen Social and Cultural Association explained that the organisation was founded in 1999 and have had the present name since 2005. Khamzat Gerikhanov explained that since 2005 he has been acting as chief editor of the organisation’s newspaper.

later died of complications from the head injury. It should have been a fairly simple case of involuntary manslaughter, which Rasul Mirzayev admitted to, but the case has dragged on and the charges and decisions on whether to allow release on bail have been changed several times. The case has not been tried in court yet but is continuously delayed because nationalist groups stage protests whenever the court is ready to come to a decision.

A Western embassy (A) stated that two different groups of Chechens in Moscow can be identified. One group consists of men close to President Kadyrov who behave badly in public. They may run red lights in their cars and fire their guns up in the air at weddings. The other group comprises ordinary Chechens who come to Moscow to work.

Abdullah Istamulov, SK-Strategy, stated that the Chechen Diaspora is present all over Russia outside of Chechnya. However, it is difficult to say whether a Chechen with relatives in Moscow would be able to live and settle there without problems due to the negative attitude and xenophobia. If the person had a European appearance, behaved properly and got good grades at the university or the like, then everything might be fine, unless he met some skinheads. And if a terror attack should happen, the person would be checked. It was added that when crazy Chechens shoot in the air in the streets of Moscow, it affects the situation of the nice, young Chechen students as well.

Alexander Verkhovsky, SOVA, Moscow, stated that in the minds of many Russians, people from the Caucasus are believed to be a closely united group with ties to organised crime. Therefore, some racist or neo-Nazi groups are afraid to attack people from the Caucasus and instead go after Central Asians.

A Western embassy (C) stated that it is true that some Chechens are involved in criminal activities and to state so is not necessarily a stereotype.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that during the past several years an increasing number of young Caucasians are attending universities in Moscow. These young Caucasians are very active and open about their origin and culture and would sometimes react sharply and physically by fighting when subjected to humiliations and discrimination in what they rightfully consider to be their city, too. However, the young students from Caucasus are not hiding their cultural heritage but are openly displaying their ethnicity by dancing their traditional dance.

When asked about the general attitude towards Chechens in the Russian population, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that there is no isolated negative attitude towards Chechens, but there is some negative attitude towards all people from the Caucasus. All Caucasians are being considered as one group out of ignorance. Khamzat Gerikhanov added that Caucasians are rather proud peoples and can in some cases react sharply and even physically to discrimination or harassment. This can create conflicts among young students, and what may start as an ordinary conflict between young people could turn into an ethnic conflict.

Abdulla Istamulov, SK-Strategy, stated that when young Chechen men experience problems outside of Chechnya, it may have to do with the fact that they have been brought up during the past 20 years

without social rules. They are not accustomed to follow rules and that might create problems for them when they arrive in Moscow. Another challenge for Chechens, who want to live in Russia outside of Chechnya, is the negative attitude of the general Russian population towards Chechens. It is not long ago that Chechnya was at war with Russia and it is hard to change the stereotypes created during the past two decades. It was added that more than one million ethnic Russians participated in the wars in Chechnya and it is difficult to find a police station without veterans with a very negative attitude towards Chechens. Furthermore, the mass media is presenting a very negative image of Chechens who should stay in Chechnya, and the mass media questions why so much federal money is spent on Chechnya. This preoccupation from the mass media makes people in Russia aggressive towards Chechens. Finally, there is the image of the Chechen elite close to Kadyrov as being ill-educated, ill-mannered and violent people who get away with killing and threatening others in Moscow because the federal powers let them. Whatever Kadyrov's men do is backed by Kadyrov and he is backed by Putin. The general public is very dissatisfied with this.

Abdullah Istamulov, SK-Strategy, stated that it is very easy for a Chechen to come for a visit to Moscow. It is more difficult if the person wants to remain there. If a Chechen is trying to study, work or start a business in Moscow, he would face the negative attitude and xenophobia that has been artificially stimulated by the media. This xenophobia and negative attitude is the greatest obstacle for Chechens living in Moscow making it close to impossible for Chechens to live there permanently.

A person of Chechen origin explained that he has lived in St Petersburg for many years and that he has a permanent registration of residence in the city. He stated that nowadays he finds the most difficult thing about being a Chechen in St Petersburg to be society's general animosity against Chechens. People in the street cannot tell that he is of Chechen origin unless they hear his name, and although he is proud to be Chechen he does not want to disclose his ethnicity in public as it may lead to provocations and fights. As the source put it "the worst is not being able to say with pride: I am a Chechen".

A person of Chechen origin living in St Petersburg found that the most difficult thing about being a Chechen living in St Petersburg is the attitude of society towards Chechens. It would not be easier to live in a smaller city as Chechens would always be blamed if something happens. The source feared that the past may repeat itself.

When asked why Chechens stay in St Petersburg, Representatives from the NGO Vainakh Congress, St Petersburg, stated that it is even more difficult to live in Chechnya than in St Petersburg and that is why they choose to stay. It was added that Chechens keep arriving in St Petersburg from Chechnya looking for work. On the other hand not many Chechens residing in St Petersburg return to Chechnya. The Chechens who leave St Petersburg mostly choose to travel abroad.

A person of Chechen origin living in St Petersburg stated that there is a general distrust of Chechens in Russian civil society today. He even experiences this among his friends – especially after the incident in Moscow in December 2010 when a football fan was killed by North Caucasians.

An international organisation in Moscow stated that one cannot compare the Russian regions. Moscow and St. Petersburg are not representative of all other cities in the Russian Federation. According to the organisation, people in the largest cities are more prejudiced against migrants than the populations of other Russian cities, and that tolerance towards ethnic minorities has been found by some NGOs to be greater in Yekaterinburg or other areas in the Eastern part of Russia, possibly as they are part of historic settlement processes. It was added that in general, the population is quite tolerant when it comes to people who have had to flee from persecution in other countries.

An international organisation in Moscow stated that not only Chechens face discrimination in the large cities of Russia. While the organisation found that the discrimination is yet another obstacle faced by migrants, and all elements of an individual case should be considered, the organisation was not of the opinion that generally the discrimination would amount to persecution. It can, however, negatively influence the opportunities for Chechens to find a safe alternative to settle there.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, considered that in terms of societal discrimination against Chechens and other North Caucasians, St Petersburg is known to be the worst place in the Russian Federation. Even in Moscow discrimination is less common. The reason could be that Moscow is a centre for business and all nationalities can be found in the capital city, and that “business supersedes ethnic issues”.

When asked if the societal attitude towards Chechen was better in the southern or eastern parts of Russia, a person of Chechen origin living in St Petersburg stated that he did not agree with that. He has relatives in Volgograd in the southern part of Russia, and according to them the situation there is the same as in St Petersburg.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow⁷, stated that the level of xenophobia against Chechens is very high in Moscow. It was added that the xenophobia may actually serve to the benefit of the Chechens, who would declare “those who are feared are respected”. It was added that Chechens would tolerate xenophobia and chauvinism from the Russian police but that xenophobia from ordinary Russians would provoke an active reaction that, depending on the situation, may be physical.

A Western Embassy (B) stated that while the government’s attitude towards Chechens has become more positive, the general population is still sceptical. The scepticism is towards all people with dark skin, however, especially towards people from Central Asian and Africa. It was added that most Central Asians are young, single men living under poor conditions, drink a lot and are easy targets for assault.

⁷ Mohammed-Aref Abazovich Bekaev, a Chechen lawyer in Moscow explained that he studied law in St Petersburg and is now a practising lawyer in Moscow. His field of expertise is civil law, labour law and juvenile justice. He occasionally takes on cases involving Chechens in Moscow.

A Western Embassy (B) stated that the most vulnerable group right now is the Central Asians due to their large number and the general negative attitude towards them from Russians. In general, Russians do not like immigrants, because they are perceived to be taking the jobs from ethnic Russians.

A Western Embassy (B) stated that the negative perception of Chechens among Russians fluctuates. It was added that there is no significant difference in the general perception of people from the different republics in the North Caucasus and even people from Central Asian republics. The general public is sceptical of all non-ethnic Russians. However, Moscow is a melting pot with millions of non-ethnic Russians. Non-ethnic Russians are more likely to be pulled over in the traffic and stopped and searched by the police in the metro. Chechens are not singled out for identity checks than other North Caucasians.

1.2 Racially motivated violence

Alexander Verkhovsky, SOVA, Moscow, stated that there has been a general decrease of hate crimes and racially motivated attacks, beatings and killings every year since 2008. It was added that SOVA does not know the exact total number of hate crimes, as underreporting is a major issue. However, based on the information collected, the decrease in hate crimes should be considered to reflect a real tendency.

Alexander Verkhovsky, SOVA, Moscow, explained that the decrease in hate crimes is particularly visible when looking at the number of racially motivated murders. From 116 killed in 2008, the number has decreased every year, and in 2011 SOVA recorded 23 racially motivated killed persons in Russia.

Alexander Verkhovsky, SOVA, Moscow, stated that concerning the number of reported beatings or other violent attacks with a racial motive, statistics show a decrease since 2007 (from 623 reports in 2007 to 406 in 2010 and 183 in 2011). In 2011, as in previous years, most victims of xenophobic attacks were migrants from Central Asia (10 killed and 35 injured). People from the Caucasus have previously constituted the second largest group of victims based on their ethnicity (and at some point before that they had been the largest group). Alexander Verkhovsky, SOVA emphasised that the data is approximate in many respects, including ethnic classification - even more so because the crime victims tend to avoid any media contact and seldom report the crime to the police.

When asked to comment on the dramatic decrease in reported beatings in 2011, Alexander Verkhovsky, SOVA, Moscow, explained that SOVA obtains information for the statistics through their local correspondents (in some regions of Russia) who follows local and federal media reports, neo-Nazi blogs, [Internet] fora and other relevant outlets. Alexander Verkhovsky was of the impression that racially motivated beatings and other violent attacks were less interesting for the media, whereas a racially motivated murder would almost always become news. It was added that members of neo-Nazi groups appeared to have become more careful about what they write on [Internet] fora and blogs. This was due to an increasing number of arrests of neo-Nazis by the police

who are getting more professional in surveying the internet and keeping neo-Nazi groups under pressure.

Alexander Verkhovsky, SOVA, Moscow, stated that he did not believe that the huge decrease in beatings in 2011 compared to the previous year is an accurate reflection of reality. He argued that there are groups of racists unknown to the anti-extremism unit and the police that can attack people without it being noticed and reported. However, it was emphasised that the general tendency was a decrease in racially motivated violent attacks and beatings.

Alexander Verkhovsky, SOVA, Moscow, stated two main reasons for the decrease. The first reason was the increased and effective pressure from the authorities towards racist and neo-Nazi groups. The second reason was that some smaller and relatively moderate part of the radical nationalist groups increasingly prefers to take part in a political protest rather than violence and beatings.

Alexander Verkhovsky, SOVA, Moscow, stated that for the past five years, Central Asians are by far the most common victims of racially motivated attacks and killings. Of the four recorded murders so far in 2012, two were Central Asian and one was from the Caucasus. Of the 73 beatings recorded so far in 2012, 18 victims were Central Asian and two were from the Caucasus. It was added that Central Asians are considered an easy target by the perpetrators due to their low social status and poor living conditions and their reluctance to report attacks to the police due to a lack of proper residence permit or registration.

A Western embassy (A) stated that while the level of xenophobia in Russia has not risen, there is still some degree of violence against non-Russians, especially in the larger cities. Street level violence is less severe than five years ago. It was added that throughout Russia discrimination against North Caucasians is not uncommon.

Svetlana Gannushkina, Memorial and Civic Assistance Committee (CAC), stated that she recognised the picture of the statistics from SOVA, indicating that killings and violent attacks against North Caucasians have decreased, while the number concerning Central Asians have increased. She added though that while there are new groups for the police to turn their attention to, it does not necessarily mean that the xenophobia existing in general society has diminished. The general xenophobia and animosity towards North Caucasians is growing, even though the government seems to have changed attitude towards Chechens. However, it is very difficult to change the negative impression of Chechens that was caused by the two wars. Now the ordinary Russian sees that Putin and Kadyrov are on good terms, and that Russia is sending a lot of money to Chechnya. This situation offends the population additionally. Russian authorities think that Chechens should remain [in Chechnya] or go back to Chechnya and enjoy the help they are receiving from the federal government. The population is displeased by the fact that “Putin feeds the Caucasus”.

1.2.1 Authorities' response to racially motivated crimes

A Western embassy (C) confirmed that Russian police seem to investigate more cases of extremism and hate crimes than previously and the prosecutor's office brings more cases to the courts. The courts are convicting perpetrators of hate crimes for extremism and not only hooliganism.

Alexander Verkhovsky, SOVA, Moscow, stated that the anti-extremism department under the Ministry of Internal Affairs with regional departments across the country continued to prove efficient in investigating and arresting particularly neo-Nazi groups. However, it was added that other groups can be labelled as extremists, including peaceful religious groups and the liberal government opposition, and the proportions in targeting anti-extremist activity depend on the regional department of the anti-extremism department.

When asked if the police would react to someone reporting a racially motivated attack, Alexander Verkhovsky, SOVA, Moscow, stated that if the victim was a person from North Caucasus or Central Asia without the necessary papers he would in general not report to the police and in many cases would be unsuccessful if he did.

Alexander Verkhovsky, SOVA, Moscow, stated that a murder would be investigated much better than violent attacks or beatings, and the offenders are aware of this and would resort to beatings and not killings.

Alexander Verkhovsky, SOVA, Moscow, stated that the number of prosecutions and convictions of perpetrators of racially motivated attacks was around 189 persons sentenced for violent hate crimes in 2011 compared to 297 in 2010 and 130 in 2009. However, this decrease is not indicative of the general trend and the actual development, but is due to the very long investigations and court procedures in some cases meaning that the time from crime to sentence can take one or two years.

Alexander Verkhovsky, SOVA, Moscow, added that from a pure legal point of view, the system works much better than years ago. In most cases involving hate crimes, the racial or hate motive is established and the perpetrator is convicted of hate crime rather than hooliganism, as was common earlier on.

Alexander Verkhovsky, SOVA, Moscow, stated that the main problem is for the police and authorities to apprehend the perpetrators.

1.3 Authorities' attitude and discrimination

A Western embassy (C) explained that currently there seems to be an understanding between the federal government and the Chechen government which has had a positive impact on Chechens living in Russia but outside of Chechnya. Kadyrov is depending on the considerable funds allocated to him from the federal budget, and Putin on the other hand wants to see Kadyrov stabilise the security situation in Chechnya and ultimately normalise the situation in the republic. It is therefore in the interest of Kadyrov to ensure that Chechens throughout the Russian Federation behave in a manner that the federal government would approve of. In this context, Kadyrov from time to time makes critical statements addressing Chechens who have caused "a situation" for instance in

Moscow. On the other hand, the expectation from the Chechen side is that the federal authorities treat Chechens in a normal and indiscriminate manner. It was emphasised that there may not be any direct order or instruction from the Russian political top to ease the pressure on the Chechens, but civil servants everywhere are very aware of signals from the political top and they are capable of quickly adjusting their policies.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that discrimination of Chechens by government official e.g. police officers does not originate from a decree or order from the government but from personal stereotypes and mistrust of Chechens as a consequence of the two wars.

According to a person of Chechen origin living in St Petersburg, the perception of and attitude towards Chechens depend on the relationship between the Chechen Diaspora and the authorities in any given city or region.

When asked if there was any animosity in the police force or among the general population towards Chechens on account of the wars in Chechnya, Alexander Verkhovsky, SOVA, Moscow, stated that this was not the case. The war finished close to ten years ago and arguments over the war is not taking place with Chechens anymore. It was added that Chechens as a group are not more singled out than other people from the Caucasus.

When asked about the animosity of individual police officer towards Chechens based on some officers' participation in the wars in Chechnya as soldiers, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that this is no longer an issue. It was an issue during and after the wars in Chechnya. It was not so much of an issue in Moscow but in other Russian regions where more people had joined the army that fought in Chechnya. Today, many of those war veterans have left the police force because of their age, voluntary resignation, structural reforms or layoffs.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that in the case of Islam Umarpashaev some of the police officers guarding him in Nizhny Novgorod served in the army during the wars in Chechnya and their attitude towards Islam Umarpashaev is very negative. This attitude is not reflected in an obvious way, as the police do not use incorrect words or actions directly towards him or his family, but the police are spreading degrading and humiliating rumours about the family and their landlady behind their backs. It was added that the police officers are blaming Igor Kalyapin for bringing Islam Umarpashaev to Nizhny Novgorod and making them guard him.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that in the settlement in Nizhny Novgorod where Islam Umarpashaev and his family live, they once found that leaflets had been distributed in the area stating the exact address of the family and saying that a Chechen terrorist family lives there. The police had to urgently relocate the family which includes Umarpashaev, his parents and his five brothers.

A person of Chechen origin living in St Petersburg told of an incident where his relative was involved in a fight with officers in the Special Designation Police Detachment (OMON) because the

relative had been in a café in the company of three ethnic Russian women. The OMON officers insulted the women for not being with Russian men instead of a Chechen. The relative of the source was badly beaten and when the local police, who knew the Chechen man, arrived at the café to help him, the OMON officers handed him over to them with the message that they were done with him and that the local police could kill him if they wanted to.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that nowadays the constant and systematic discrimination is targeting Chechens in Russia. The purpose of the various forms of discrimination is to encourage them to return to Chechnya and to ensure that Chechens in Chechnya remain there. In schools, Chechen children are humiliated by their teachers in front of the class mates. At universities, Russian students are very negatively biased towards Chechen students because of the negative image of Chechens that has been created by the mass media. Professors are also negatively biased and Chechens have difficulties in passing their exams because of discrimination by the professors who extort money for getting good marks. It was added that no court has received or accepted any complaints from Chechen students.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that the government is not comfortable with the Chechen community in St Petersburg. That is why the government organises and finances small groups of hooligans, nationalistic groups and parties to make the life of Chechens more difficult and to apply pressure on Chechens to make them go back to Chechnya. When asked how the representatives could know this was the case, Representatives from the NGO Vainakh Congress, St Petersburg explained that a lot of representatives of the NGO worked as police officers a long time ago and therefore they know the strategy that was used before. It was added that the Soviet methods are the same as those applied today. In addition, the representatives from the NGO Vainakh Congress today have friends within the police.

According to a person of Chechen origin living in St Petersburg the situation for Chechens in St Petersburg is worse than in the southern part of Russia when it comes to the treatment by the police. According to the sources friends in Moscow, the police in St Petersburg are even worse than in Moscow.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that certain groups of football fans or hooligans are governed and financed by the special services of the Russian government to carry out attacks on people with dark skin such as those from the Caucasus and other ethnic minorities.

When asked whether he had heard about football fans being paid and organised by the security services to beat up Chechens, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that he had not heard about this and did not consider it likely. He added that football fans usually do not have to be paid to start a fight.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that anytime a national minority or Diaspora community celebrates a cultural event, the government authorities would reach out to that minority or community and ask whether the minority is experiencing any problems. The

authorities do not control the NGO but they closely observe the activities of the NGO. Anytime there is a conflict involving minorities (Chechens or Ingush), the government would turn to Vainakh Congress to find out what is going on because they know that the NGO represents the minorities they want to speak with.

A Western Embassy (B) explained that right now the focus of the federal government is not on the North Caucasus but rather on the new political opposition, and it has been so for quite a long period of time. It was added that of course the government sets the priorities for the police force, and the police are therefore not focusing on people from the North Caucasus but on the new political opposition.

A Western Embassy (B) confirmed that the pressure on the Chechens has eased lately and stated that it is important not to mix up what happened in individual cases with the general picture. There will always be many cases of mistreatment reported by organisations such as Memorial, but all their stories do not necessarily represent the overall situation for Chechens. Furthermore, the embassy found that many of the stories told by organisations such as Memorial are old, and because the situation is not improving the organisations build up a hate for the system as such, making it easy to believe that there exists a conspiracy by main power structures against Chechens.

1.3.1 Identity checks

When asked about today's extent of identity checks of Chechens in the metro or in the streets of Moscow, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that the police have shifted their attention towards people from the former Soviet republics in Central Asia, and Chechens are no longer facing the same amount of identity checks as previously. Citizens of the former Soviet republics must register within three days after arrival in Russia, whereas Russian citizens have to register within 90 days of arrival in a city. Some of the migrants from Central Asia do not manage to register within three days and the police therefore consider them an easy prey and demand bribes from them. For the police money is the short term objective and together with the fact that migrants from Central Asia are more numerous in Moscow than Chechens, Khamzat Gerikhanov considered that was the reason why police officers would rather collect bribes from this group than from Chechens.

[Concerning foreign citizen's⁸ registration of residence by letter, Svetlana Gannushkina, Memorial and CAC explained the following:] "Notification of registration (filled form) is sent to the Immigration Service, and the person keeps the receipt part of the application with stamp. But if the letters do not reach their address, the registration is not in the information database. Therefore, the police, during the inspection, consider the receipt part of the application as false and the foreign citizen [citizens of Central Asian countries e.g. Tajikistan, Uzbekistan and Turkmenistan] is sentenced to "being showed the door" [deportation]."

⁸ E.g. citizens of Tajikistan, Uzbekistan and Turkmenistan

Svetlana Gannushkina, Memorial and CAC, stated that from time to time, the police may carry out small campaigns against certain groups of people, especially during elections. She explained that the police would stop groups of people to check their identity and documents. The checks would be done in the streets and at the metro entrances, and people are singled out by the police officers in what is known as “face control”, i.e. if a person appears to be of North Caucasian or Asian background, the person is more likely to be stopped by the police, than an ethnic Russian looking person. Some Slavs also look as natives of Caucasus. As a rule police let them go at once.

When asked about the extent of police identity checks of Chechens in the streets in Moscow, Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, explained that these days Central Asians are more often stopped for identity checks than Chechens. The reason may be that Chechens often look like Europeans and that Central Asians in Moscow greatly outnumber persons who look like they are from Chechnya.

A Western Embassy (A) confirmed that Chechens are exposed to less pressure in terms of harassments in the shape of identity checks, arrests and detentions by the police and authorities in Moscow. Part of the reason could be that an informal agreement on a high level between the federal government and Kadyrov has been made to reduce the pressure. It is clear that the relationship between the federal government and the Chechen government is very friendly at the moment and this could trickle down through the system to the individual law enforcement agent in the street.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that police officers in the St Petersburg metro are singling out dark skinned people for identity checks. According to the law, such persons can be held for questioning for up to two to three hours at the metro station by the police. When asked about the extent of police identity checks of Chechens in the streets, representatives from the NGO Vainakh Congress, St Petersburg stated that this continues to happen and that nothing has changed compared to 2011.

A person of Chechen origin living in St Petersburg explained that the police stop Chechens as well as other persons from the North Caucasus merely based on their physical appearance, i.e. “face control”, to extort money from them. If the person does not have documents confirming the registration of residence or a ticket with his name on it proving that he has arrived in the city within the past 90 days, he has to pay 1500 Roubles to the police either as an administrative penalty or as a bribe. If the person does not have enough money, he must call a friend or relative to come and pay in order to be released.

A person of Chechen origin living in St Petersburg, who has lived in that city for longer periods of time since 1992, explained that when the police stop Chechens in the streets to check their documents, the police sometimes also check whether the documents i.e. their internal passports are false. According to law, the police may detain a person for up to three hours. However, sometimes people were detained for more than three hours. This was common during the first war in Chechnya. However, the police still detain Chechens for hours if they do not have the proper documents on them.

A person of Chechen origin living in St Petersburg informed that for the past couple years he has been stopped two to three times a month by police who ask to see his documents. ID controls in the daytime does not happen often unless he carries a bag or the toolbox which he uses in his work and which could be suspected of containing explosives. Most often he is stopped in the train or in the metro. If he has the necessary documentation – passport and ticket with his name proving that he has arrived in St Petersburg within the past 90 days – the check may take only 15 seconds. However, if he does not have the relevant documents or if he carries a bag, he may be taken to an office in the metro station to be questioned and have his bag searched and the check would take longer. It was added that he is not often singled out for identity checks in the metro stations he uses frequently, and neither is he often stopped by the police in the neighbourhood where he lives because he is now known by the local police officers.

A person of Chechen origin living in St Petersburg explained that he was detained by police in 2005 because his internal passport revealed that his permanent residency was in Chechnya. He was on his way to work and carried some tools in a toolbox when he was stopped by three policemen in a car. Apparently, he was singled out because of his North Caucasian appearance. He only had 400 Roubles and was therefore unable to pay the demanded bribe of 1500 Roubles. The policemen insulted him by saying that it was odd that he would be going to work, as Chechens “do not work but only blow up and kill people”. He was then taken to the Police Station No. 6 in St Petersburg where he was kept in a small cell for 10 hours before he was allowed to contact a friend who could come and pay for his release. The friend paid 1500 Roubles but received a receipt for only 150 Roubles. A month before this incident took place he had paid the official administrative fee of 1500 Roubles for not having the required temporary registration of residence via bank transfer. He subsequently attempted to have his 1500 Roubles reimbursed but was unsuccessful.

A person of Chechen origin living in St Petersburg stated that last time he was stopped for an ID- and document check was on 15 May 2012. He explained that previously, i.e. during the wars in Chechnya, he would often have to pay a bribe when he was stopped by the police, but that is no longer the case as he usually has the necessary documents. Although the police no longer insults him when he is stopped, he is often singled out at metro stations and asked to pass through a metal detector.

A Western embassy (C) emphasised that people from Central Asia are more exposed to repeated identity checks and blackmailing and corruption by Russian police officers than North Caucasians. Central Asians are much more visible than Chechens and other North Caucasians in the streets and city squares of Moscow. Central Asians are seen being stopped by the police for identity checks and they may be considered an easy prey for extortion of bribes.

Alexander Verkhovsky, SOVA, Moscow, confirmed that police would be more likely to stop and check Central Asians instead of Chechens in the street or in or near the metro. It was added that Chechens would usually have relatives that would be able to help them out of detention and that there was quite a few people from the North Caucasus in the police force. When asked if any particular

ethnic group from the Caucasus area is more often victim of racially motivated attacks and beatings, Alexander Verkhovsky, mentioned people from Dagestan and Chechens. However, it was emphasised that SOVA does not record data or produce statistics specifically on Chechens or people from Dagestan.

According to a Western Embassy (B) not many people are pulled aside for identity checks in the Moscow metro any longer. Usually, it would be non-ethnic Russians carrying bags who would be stopped and have their identity and bags checked. The official reason for these checks of identity and bags is the risk of terror attacks. However, when the identity has been checked and the bag has been searched, the person is let go if nothing is found.

A Western Embassy (B) explained that there is a clear connection between the police singling out people from the North Caucasus for identity checks and the time that have passed since the last terrorist attack in “Russia proper”, meaning that right after an attack, people from the North Caucasus are more often singled out for identity checks and control. In the period following terrorist attacks, such as the subway bombings in 2010 or the attack on Domodedovo Airport in 2011, people from Dagestan were singled out for identity checks.

When asked what would happen to a Chechen person or a person of another ethnic origin who is stopped in Moscow without registration of residence documents, a Western Embassy (B) explained that it is not necessary to have residence registration in order to visit Moscow. However, if the person was not able to provide the police with a convincing explanation as to why he did not have temporary registration, the police might take that person in for further investigation and maybe subject him to improper treatment. The embassy was not aware of what kind of improper treatment that could be. The embassy explained that racist policemen exist all over the world, but that Russian policemen would be more likely to beat a person than for instance Danish policemen. On the other hand, Russian police are not as brutal as the police in Uzbekistan. It was added though that it was not a systematic problem that Russian police would interrogate and beat a person who did not have the proper documents. Probably such persons would have to pay on the spot either an official fine or a bribe to the police officer.

1.3.1.1 Police corruption and bribes

A Western embassy (A) stated that salaries in the public sector are generally low, thereby creating an incentive for corruption.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that there are cases showing that the Russian police are very corrupt. The police do take bribes and are interested in a person facing a maximum penalty in order to extract a larger bribe from the person’s relatives. It was added that judges and prosecutors are also corrupt and the sooner relatives pay the bribe the less expensive it would be. However, for Chechens in Moscow this problem becomes less of an issue every year. This is particular the case after Putin and Kadyrov have good personal relations.

When asked if a Chechen could avoid paying bribes to police officers and other authorities by knowing and claiming one’s rights, Khamzat Gerikhanov, Chechen Social and Cultural Association,

Moscow, referred to a recent episode in which he and his son, whom he described as Caucasian looking, was stopped by a police car on a street in Moscow and ordered to show their passports. Khamzat Gerikhanov asked the police officers to introduce themselves and state the reason for stopping him and his son and demanding to see some ID. The police officer apologised and left without further actions. Before, this way of dealing with the police would not have been possible. As soon as the police get the impression that a person they have stopped knows his rights they would be less inclined in attempting to collect a bribe. However, less knowledgeable or less educated persons would of course be more vulnerable to demands for bribes by the police.

When asked what would happen to those Chechens who are not aware of their rights and do not have the necessary documents concerning residence registration, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, explained that several years ago he was the chief editor of the Chechen Diaspora newspaper, and in the newspaper he organised articles about legal rights of Russian citizens giving Chechens a step by step instruction on what to do if they were stopped by the police in the streets of Moscow. It was added that previously Chechens would be taken to a police station and placed in detention. They would then be released with a fine or penalty which could also be a bribe to the police. However, it was added that today this has really changed for the better. All citizens including Chechens now have a feeling and the knowledge that they have the right to go and stay everywhere in the Russian Federation without it being a crime. Khamzat Gerikhanov added that he could hardly imagine someone not knowing his rights in this regard.

A Western embassy (A) stated that many North Caucasians do not consider themselves Russians first and foremost. Many will state that their identity is defined firstly by belonging to their family, then a certain Teip or clan, then by being Chechen and finally by being Russian. Therefore, they may not be very concerned about their rights as Russian citizens.

A Western embassy (A) stated that everyone has been stopped by Russian police at one point, even embassy staff. Usually, one would have to pay a bribe if stopped by the police. However, the police know what their time is worth, and if they stop a person who will make a complaint or who has someone to call for help, the police would rather move on to another person than spend too much time on a person unwilling to pay. The police could therefore be inclined to target poor immigrants from Central Asia as opposed to Russian citizens, including Chechens. The police would usually not bother Kadyrov's men if they are stopped, as the police would fear retaliation. Any Russian who is stopped by the police and claims his rights to get away without paying a bribe might end up in jail. It was emphasised that you do not refuse to pay a bribe unless you have your back covered, i.e. have somebody, your embassy for instance, you can call for help. When asked what might happen if one refuses to pay a bribe to the police, the embassy stated that it had only heard of a person being held for longer times which is generally sufficient to force the payment. Especially, if there is a threat of more charges.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that if a Chechen is stopped in the street by the police for an ID-Check and does not have his passport on him, there is a higher probability

that he would be brought to a police station than an ethnic Russian in the same situation. There is a higher possibility for a North Caucasian to become a subject of bribe than an ethnic Russian. When a person is brought to the police station there is a possibility that he would be kept in police station for a longer period of time and maybe police officers would try to convince him to confess to a minor crime that the officers could not investigate. It does not mean that it would happen for sure, but the possibility of negative consequences for a North Caucasian and Chechen is higher.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that despite the fact that there used to be terrorist enclaves in Chechnya in the past and that many of the large Russian cities have problems with crime organised by ethnic groups, this does not justify the police behaviour towards people from the North Caucasus.

A person of Chechen origin living in St Petersburg stated that he no longer pays bribes to the police. In the time during the wars in Chechnya, the police in St Petersburg would never let a person go without paying a bribe. Now he has the necessary train tickets to show that he has not overstayed the allowed 90 days, and so the police do not demand bribes from him.

A Western Embassy (B) stated that it had not heard of any recent incidents where people would be taken into the police station, if they did not have the proper documents for staying in Moscow and were unable to pay the fine or bribe of 1,500 Roubles. It would be better to consult Chechen sources on this issue. Such cases would not seem extraordinary and therefore would not get so much attention, which may be why the embassy had not heard of recent incidents. It was considered that these things happen all the time to different ethnic groups.

1.3.2 Discrimination in the judicial system

Representatives from the NGO Vainakh Congress, St Petersburg, considered that the most serious issue is the very pronounced legal discrimination against ethnic minorities that can be observed in the judicial system in St Petersburg. The media created discrimination against minorities is shaping the Russians' negative perception of Chechens and other nationalities from the North Caucasus.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that legal discrimination is at its highest in Russia. Non-Russians tend to be punished harsher than ethnic Russians charged with the same offence. Chechens would receive the maximum punishment of the law instead of the minimum punishment. As an example of that, representatives from the NGO Vainakh Congress, St Petersburg referred to a recent case where an Ingush stole a mobile phone and subsequently was sentenced to seven years in prison. A punishment of that scale would never be handed by a court to an ethnic Russian.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that the organisation tries to draw the public's attention to cases involving legal discrimination against North Caucasians. Reference was made to the explosion on the Nevsky Express train in 2009 and the following conviction of ten Ingush people. The probability of all ten Ingush being guilty was considered very low by the representatives from the NGO. If Chechen Diaspora had not made the case public, the representative of the NGO considered it likely that more innocent people would have been convicted.

It was added that luckily there are not many of that kind of cases in St Petersburg. Representatives from the NGO Vainakh Congress, St Petersburg stated that there were no similar cases involving North Caucasians in St Petersburg at the moment. However, the representatives stated that they considered the court procedure a mere protocol, as the defence of the accused was not heard and that the court trial was ethnic biased.

Representatives from the NGO Vainakh Congress, St Petersburg, referred to a case from 2006 in Kondopoga, a village in Karelia, where two people refused to pay for their meal in a restaurant. The argument developed into a large fight involving the whole village that was half Chechen and half Russian. Because Chechens were involved in the fight, one of them was sentenced to 22 years in prison for allegedly planning a murder and therefore started the fight. It was added that this case received a lot of media attention and had a negative impact on ordinary Russian's attitude towards Caucasians provoking slogans such as "Chechens should return to the mountains" and "Asians should return to the steppes".

Representatives from the NGO Vainakh Congress, St Petersburg, referred to a recent case of a young athlete from Dagestan living in Moscow. The young man hit a Russian man who insulted him and his Russian girlfriend. The man from Dagestan was very strong and apparently hit the Russian so hard that he died from his injuries. In the news it was stated that the Russian man was deliberately killed by the man from Dagestan. The man from Dagestan is held in pre-trial detention while the case is under investigation.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that in the Chechen community in St Petersburg everybody knows everyone. If Chechens need a lawyer or legal advice they could go to the NGO Vainakh Congress or others within their network. It was added that in more serious cases i.e. terrorism related cases or cases involving serious crimes, the Vainakh Congress would probably not be in a position to confront the authorities.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, confirmed that Chechens find it more difficult to be proven innocent than Russians, and if they are found guilty Chechens would often receive the maximum penalty according to the law. The basic assumption among many Russian citizens is that Chechens are criminals.

Svetlana Gannushkina, Memorial and CAC, stated that after each and every fight between natives of the Caucasus and nationalists or football fans, Caucasians always turned out to be at fault while the other side, the aggressors as a rule, is recognised to be a victim.

According to Svetlana Gannushkina, Memorial and CAC, outside the framework of any campaigns, Chechens and other natives of the Northern Caucasus and Central Asia are often indiscriminately accused of committing crimes that have actually taken place, but with which they have had nothing to do. Policemen find a victim in their district, and put all the blame on him or her. Investigators work out a version involving the Chechens, and obtain a confession by subjecting them to torture. When asked on e-mail to clarify what is meant by torture in this context, Svetlana Gannushkina replied:

“Beatings, electrical torture, rape or threat of rape. The public prosecutor’s office supports the investigation, and sends the case to the court. The courts ignore all legal deficiency of the investigation and pronounce an unconditional sentence. It is the way investigation and the judicial system work in Russia currently.”

Human Rights Watch (HRW) in Moscow would not agree to the expression “legal discrimination” when talking about Russian authorities’ discrimination against Chechens or other North Caucasians, but would rather describe the situation as “ethnic profiling”. Even though the situation has changed for the better compared to the situation around the beginning of the second war in Chechnya, discrimination by Russian police officers against Chechens persists. In general, law enforcement agencies have no trust in North Caucasians. The claim that Chechens would always be sentenced maximum penalties should be based on the analysis of relevant statistics with a random selection of criminal cases concerning Chechens.

A Western embassy (C) referred to some recent well-known trials concerning violent clashes involving members of nationalistic movements, North Caucasians and the police. In December 2010, a fight between a group of Russian football fans and a group of North Caucasians led to the death of one of the Russian fans. A couple of days later, a nationalist demonstration on the Manege Square in Moscow turned into a large scale riot between members of nationalistic movements and Russian law enforcement agencies. Subsequently, a number of North Caucasians were found guilty of complicity to murder and sentenced to four years in prison, and one person was found guilty of the murder of the Russian football fan and was sentenced to twenty years in prison. As to the riots on Manege Square, several members of nationalistic movements were sentenced from two and a half to five and a half years in prison. It was emphasised that apart from the murderer, the punishments of the North Caucasians and the Russians were roughly equal in length. It was added that violence is in general punished quite hard in Moscow regardless of nationality, and everywhere in Russia the penalty for murder is in general higher than in Western Europe. However, the embassy does not possess any comparative study of penalties and ethnicity. It may be that North Caucasians are punished harder than Russians, but there is no available hard data to support this presumption.

1.3.3 False accusations/fabricated criminal cases

Svetlana Gannushkina, Memorial and CAC, stated that all migrants and especially Chechens are at risk of being falsely accused of having committed a crime. Chechens are often blamed and would be given the harshest sentence and treated very badly in prisons.

When Svetlana Gannushkina, Memorial and CAC, was asked if she knew of cases where drugs were planted on Chechens in order to make false accusations against them, she explained that such acts by the police existed as a “campaign” ten years ago, as it was an easy way to send a person to prison – irrespective of ethnic background. Today, such incidents emerge rather often, but they do not look like a campaign against all Chechens. She added that there would not be enough room in prisons for all Chechens. Nevertheless, today it seems that such a campaign has been reopened recently.

Memorial and CAC have many complaints concerning false accusations and fabricated [criminal] cases against Chechens.

Svetlana Gannushkina, Memorial and CAC, added by e-mail that [the police try to] “minimize the number of ethnical North Caucasus people in the area for which they are responsible, and this is approved and encouraged by the police leadership. In some cases, the encouragement stretches as far as placement of narcotics or accusation for a crime, which have been conducted nearby (thievery, robbery, and others). This is this done in order to close (solve) the criminal case and fulfil the work assignment, or just to increase the number of solved cases, in order to receive a bonus. Citizens of Central Asia are also often victims of such false accusations. In all such cases, the case ends in court and ends with a guilty verdict. There are minimal exceptions from this. [In this context Svetlana Gannushkina referred to] one case, when two brothers from Chechnya were not convicted, even though they were arrested, accused for that they in a car ran down a motorcyclist and robbed him. The basis for arrest was the fact that the car, which was used in the crime, was found near the dormitory, where the two Chechens were living. There was no proof that the car belonged to them. The dormitory security just informed the investigator that two Chechens are living at the dormitory. Right away, we [Memorial/CAC] sent lawyers to them, started making noise, send the press. During the first court hearing regarding continued arrest for 72 hours, the judge said to the investigator: “You are making a mistake”, but ruled not in favour of the Chechens. After 72 hours, the investigator, who was still not able to find any proof, released the brothers. But the lawyers are not able to receive the decision of their release for arrest for now several days. The number of falsified accusation has recently been growing, even though the level of 1999-2002 has not been reached. This concerns people from North Caucasus (non Slavs) and Central Asia.”

Svetlana Gannushkina, Memorial and CAC, stated that on June 16, 2012, a meeting set up by members of State Duma from Chechnya was held. Memorial’s lawyer Rosa Magomadova visited this meeting. Participants discussed methods of collective resistance to such incidents [false accusations and fabricated cases]. From Memorial’s point of view, the main problem lies in the fact that these pro-Kadyrov deputies would not defend people who are not Kadyrov sympathisers. Memorial’s lawyer was recommended to come in traditional clothing. She did not fulfil this demand.

A person of Chechen origin explained that it was important to remember that the authorities’ common hysteria appeared during and between the two wars in Chechnya. Leading up to the recent parliamentary elections the government needed to create an image of a peaceful and quiet North Caucasus and to show that the war in Chechnya has been won. Now it makes no sense for the authorities to use false accusations or to plant drugs or ammunition on Chechens in order to fabricate cases against them, as this would now be noticed and the international community would react if this practice continued.

A person of Chechen origin living in St Petersburg was not aware of recent incidents where police officers have planted drugs, ammunition or explosives on Chechens while conducting ID or

document checks and falsely accusing a Chechen of being in possession of these items. That method of harassment was common practice by the police some years ago, but not any longer.

A person of Chechen origin had not heard of recent cases where Chechens are falsely accused of having committed serious criminal offences, but he was certain that such accusations still occurred. He informed that he had heard of imprisoned Chechens being raped. For further information, a person of Chechen origin referred to a Chechen lawyer in Moscow who would be more knowledgeable about this specific subject.

A person of Chechen origin explained that the use of false accusations is still employed by federal authorities. However, it is a method that is used against high ranking political enemies regardless of ethnic background.

A person of Chechen origin stated that some years ago, it was not uncommon that the police would place drugs, weapons or other illegal items in the pockets of Chechens when they were stopped in the streets. The purpose was to falsely accuse the Chechen person of criminal activities. In order to avoid this, Chechens would sew their pockets together so that it would not be possible for the police to slip anything into the pockets. A person of Chechen origin explained that today it is no longer common for Chechens to sew together their pockets. He emphasised though, that if the police would come to search the house of a Chechen or another person from the North Caucasus, it would be very important to follow the police closely around the apartment, as there could be a risk that the police would place items that could incriminate the person living there.

According to a Western embassy (C), false accusations against Chechens in terms of police planting drugs, ammunition or explosives on Chechens are now few and far between, and this definitely does not take place in a systematic way. There is no longer any anti-Chechen campaigns taking place and such campaigns would not serve the government's interest. It was added that fabrication of cases against Chechens may occur, but this applies also to people of other nationalities, including Russians. However, there are reports that this may take place in cases involving young Muslims from North Caucasus and Central Asia.

When asked about the extent of false accusations and fabricated cases against Chechens where drugs, ammunition or weapons are planted on Chechens by police officers, Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that it happens now and then, but not as often as it used to. Now the police use other methods to frame Chechens for less serious crimes. Reference was made to a recent case where a young Chechen man was falsely accused of having committed a crime. The young man had come to Moscow to work for the summer holidays in a McDonald's restaurant. He was walking in the streets with some friends when they were approached by the police who accused them of having stolen a bag from a young woman. The young woman later told the lawyer that she would not be able to tell who had stolen her bag, and that the police had forced her to say that it was the young Chechen men. The young men received conditional sentences. The lawyer explained that such cases of false accusations are much fewer today than in the periods after the Chechen wars.

When asked about the prevalence of false accusations and fabricated cases against Chechens, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that this does not take place to the same extent today as it did years ago. Today, there is no longer any objective for the authorities for doing so. In the past, authorities and the government would speak out about Chechen criminals and the Ministry of Internal Affairs put a lot of pressure on Chechens. This is not the case today.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that if the authorities want to make false accusation or fabricate a case against a Chechen today, they would have to prepare the case thoroughly and be certain that they would succeed. The reason being that today such cases would come 'under a magnifying glass' and the good lawyers would be provided. Thus, the risk of someone discovering what is going on is bigger than years ago. However, it was added that a new unit for combating ethnic groups involved in organised crime has been set up in the police. Khamzat Gerikhanov expressed concern that this unit would be under pressure to produce results and be given certain target figures to meet in terms of cases and arrests. This could lead to cases being falsified against ethnic groups such as Ingush, Georgians and Chechens if the police are not able to fulfil their target figures through regular investigations. Only when target figures have been met, are substantial bonuses paid to the individual police officers.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, considered that after recent police reforms in 2009-2011 officers would be more careful about carrying out illegal activities as the risk of being discovered and losing the job was greater after the reform. It was added that after a number of serious police crimes had been exposed, more reforms had been announced.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that it was his impression that somewhere on a high level it had been decided unofficially that the police should reduce the pressure on Chechens outside of Chechnya and this could be the reason for the decline in the number of falsified cases and accusations. According to Khamzat Gerikhanov, Ramzan Kadyrov needs to prove that Chechnya is a quiet place and that Chechens are not more criminal than other citizens.

According to Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, the Russian-Georgian war in 2010 shifted all the attention to Georgians instead of Chechens. It was added that the new police unit to fight crime organised by ethnic groups was initially applied to Georgian criminal gangs. In order to justify the war, the unit's main task was to show that Georgian criminal gangs had major networks in Moscow.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that she had not heard of cases involving false accusations or fabricated cases against Chechens in St Petersburg during the past year.

Representatives from the NGO Vainakh Congress, St Petersburg, referred to a case from the summer of 2011 in St Petersburg involving a Chechen athlete who, on his way back from practice, was hit by

an ethnic Russian. The Chechen athlete hit back so hard that the Russian man dropped his cell phone. As a result the phone broke. Two police officers witnessed the incident and arrested the Chechen athlete, took him to the No. 14 Police Department, district Kirovsky, handcuffed him to the radiator and beat him up. Afterwards, the police officers fabricated a case against the Chechen athlete claiming that he was responsible for the incident and that he had a knife. The Chechen athlete could risk being sentenced up to seven years in prison. According to Representatives from the NGO Vainakh Congress, St Petersburg, when a complaint about police brutality was instigated, the police erased the names in the files of the officers responsible for the arrest.

When asked how the NGO became involved in the cases [concerning Chechens], Representatives from the NGO Vainakh Congress, St Petersburg, explained that they did not take official part in the cases but they provided interpretation in the court and assisted with preparing the documents. Representatives from the NGO also had conversations with the families of the arrested persons.

Representatives from the NGO Vainakh Congress, St Petersburg, referred to a case involving a man from Uzbekistan that was killed by a Russian boxer. The Russian man was sentenced only two years in prison which, according to the representatives from the NGO, was because the police fabricated a story that the Uzbek man had attempted to rape the Russian boxer's son.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that dark skinned people also risk being arrested outside of the metro stations in St Petersburg and that police officers have been known to plant illegal items in their pockets, usually drugs. It was added that compared to during the wars in Chechnya such incidents of police planting illegal items on dark skinned persons have declined. During the wars in Chechnya, special operations took place regularly in St Petersburg during which people from the Caucasus would risk being arrested and interrogated. These special operations also exist today, but they are only conducted when something has happened i.e. a terrorist attack and to a much lesser extent than previously.

HRW in Moscow stated that false accusations, fabrication of criminal cases and use of torture to force confessions still exist in Chechnya based on HRW findings from 2011 and 2012. It was added that HRW is closely familiar with such cases in Chechnya, Ingushetia, Dagestan, and Kabardino-Balkaria, but the problem of police torture and fabrication of criminal cases is relevant for the country as a whole.

A Western Embassy (B) stated that incidents where the police would systematically plant drugs, bullets or explosives etc. in the pocket of Chechens to make false accusations and fabricate cases have not occurred in some years. Today the majority of cases of bribe-taking are based on false accusations or threats of a fine in for instance traffic violations.

A Western Embassy (B) confirmed that if there is a conflict between a Chechen and an ethnic Russian, the Chechen is more likely to be blamed and to be given maximum sentence. It was added that such treatment is not limited to Chechens, but includes all non-ethnic Russians.

A Western Embassy (B) stated that while the government controls the police, it does not control the individual police officers and commanders. During Medvedev's time as president, there was an

attempt to modernise the police and to bring back confidence in the police corps. The name was even changed from “militsia” to “politsia” as of 1 January 2011. During the modernisation, tens of thousands of police officers, generals, etc. were fired and had to re-apply for their position. Although the results were not drastic, it was an honest attempt to improve the system. However, the challenge of controlling endemic corruption is too great. There does seem to be a tendency of the police, in general, acting more responsibly and less prone to violence.

1.4 Employment

Representatives from the NGO Vainakh Congress, St Petersburg, explained that it is difficult for Chechens to find jobs in the formal sector as the authorities would keep an eye on companies with Chechen employees and subject them to extra control, e.g. tax control. Some companies might fire or decide not to hire Chechens in order to avoid this extra unwanted attention from the authorities. It was added that the organisation was aware of Chechens working unofficially for a company, so that it would appear to the authorities that the company did not employ Chechens. Not many Chechens are employed in the public sector.

Abdullah Istamulov, SK-Strategy, stated that very few Chechens are employed in public offices, government and municipal administrations. However, it was added that there are few Chechens working in the federal police forces in Moscow, but that is for the purpose of combating crime organised by Chechen groups.

According to Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, one of the greatest challenges for Chechens arriving in Moscow would be to find a job – especially jobs within the governmental structures. Therefore, Chechens would look to private enterprises, and through personal connections they would eventually find jobs and housing in Moscow.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that Chechens do not experience problems in accessing their rights as Russian citizens in terms of access to health care, housing and education. It was reiterated that the main problem is to find a job.

When asked about the potential problems facing Chechens that would arrive in Moscow without any network or relatives, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that employment for recently graduated young Chechens is difficult in Moscow. In Chechnya, the rate of unemployment is very high so many young Chechens look for a job in Moscow. However, if the employer becomes aware that the applicant is a Chechen, he or she would most likely not get the job. According to Khamzat Gerikhanov, this is a problem due to the many Chechen students in Moscow, and the organisation would intervene in some cases where they identify obvious discrimination against Chechens. The Chechen Social and Cultural Association would attempt to find a solution together with the employer.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that Chechens would rarely work within the Moscow city administration or within the higher positions of the

government administration. It was added that one Chechen was the exception to the rule, as the head of government administration and deputy prime minister is now a Chechen.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, referred to a case in which he represented 12 Chechen minivan drivers working for a Moscow company. The drivers were fired on the grounds that they were redundant, although the company continued to employ other drivers. The explanation given by the company was that they had experienced problems with the security services asking them a lot of questions about the Chechen drivers.

Svetlana Gannushkina, Memorial and CAC, referred to a case concerning a Chechen employee who was fired from his job in one of Moscow's airports. The employer told him that he was sacked, because he was Chechen. The formal reason for terminating the employment contract, given in written form, declared that the employee's skills did not comply with his position. Svetlana Gannushkina is certain though, that lack of registration was the real reason. Memorial wanted to take the case to the courts, but in the end Memorial considered it too difficult to prove that discrimination was the real reason for terminating the contract. It was added that when the employee is an ethnic Russian, usually residence registration is not checked by the employer.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that a female Chechen lawyer changed her name in order to find a job and was successful in being employed by the central bank in Moscow.

A person of Chechen origin living in St Petersburg explained that when he first arrived in St Petersburg in 1992 it was difficult to find work. Now that people know him, it is easier. He explained that he has recently been promised a job in a bakery. However, he has only spoken with the employer on the phone and he fears that when the employer sees him and realises that he is Chechen, the job would no longer be available.

Svetlana Gannushkina, Memorial and CAC, stated that according to Russian law citizens have the right to live and work wherever they want, regardless of residence registration. However, many employers would not employ a person, if the person is not registered. The reason for that is that employers are threatened with fines by the police. Employing a person with no residence registration is not an administrative offense, and such fines would be illegal. The authorities are aware of this, and they would not fine Memorial in such a case, because the organisation would immediately take it to the courts. However, less resourceful individuals could be faced with a demand to pay a fine, or the police would conduct additional investigation looking to find evidence of some other violations.

A Western Embassy (B) considered that it is difficult for Chechens to be employed in state structures and even in the police. Ethnic Russians constitute the vast majority of the police force although more and more non-ethnic Russians are now being employed in the police force. Likewise the number of women police officers is also increasing though from a low starting point. It would not be more difficult for a Chechen to find employment in the police compared to other North Caucasians. However, in general the police would be sceptic towards people from the North Caucasus. This scepticism extends to all non-Russians and even non-Muscovites.

2. Registration of residence

A Western embassy (A) stated that the problems in terms of access to residence registration facing Chechens and other North Caucasians coming to Moscow are a combination of corruption, bigotry and demography. Concerning demography, Moscow is an overcrowded city with increasingly limited employment and housing opportunities, and that is why the authorities would create obstacles in terms of residence registration for all newcomers. In addition, more and more foreigners arrive in Moscow which adds to the bigotry in the general public. A western Embassy (A) stated that Moscow and St Petersburg are the most difficult places in Russia for any person to register residence and find a job. There are also problems with access to residence registration and jobs in other cities across the Russian Federation but those problems are not on the same scale as in Moscow and St Petersburg.

Observations were offered by UNHCR in Moscow in the context of a recent study on the impact of registration regulations on the integration prospects of asylum seekers and refugees. This would allow a conclusion that registration of residence in Moscow is difficult for everyone, and not only, for example, for Chechens.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, agreed that it may be easier for Chechens to live in smaller cities than in St Petersburg or Moscow, because in small cities people know each other better. On the other hand, it is much easier to keep a low profile in the bigger cities.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained that some Chechens who are living in the Russian Federation but outside of North Caucasus and who fear Kadyrov would refrain from registering their residence because they could be found by Kadyrov, if they were considered important enough.

According to an international organisation, the regulations concerning registration make it difficult for anyone, who may harbour fear of abuse of power from local authorities in federal subjects, to find a safe place for a medium or longer term period in other regions of Russia. Once a person is registered, the authorities would be more likely to find that person.

When asked where the majority of Chechens outside of Chechnya reside, a person of Chechen origin living in St Petersburg stated that most Chechens live in Moscow followed by St Petersburg, Yaroslavl, Astrakhan and Tyumen.

A Western Embassy (B) stated that there are many Chechens living in Moscow. Though the embassy did not know the exact number, it was estimated that it was in the hundreds of thousands.

Approximately half of the Chechen pre-war population lives outside of Chechnya. Most of those live in the Moscow region and Stavropol Krai. Other major Chechen populations can be found in St Petersburg, Yaroslavl, Volgograd and Astrakhan, but some also live in Western Europe. The embassy presumed that most Chechens in Chechnya would have family or relatives in “Russia proper”, and that Chechens have a wide definition of what constitutes family. It was added that the family is more important to Russians than to people in many other western societies. Every Russian knows his second and third cousin, and they help each other if needed. This is even more pronounced in clan-

based societies like Chechnya. It was concluded that it is most certainly the case that everybody in Chechnya knows somebody in “Russia proper”.

Abdullah Istamulov, SK-Strategy, estimated that there is somewhere between 100,000 and 200,000 Chechens living in Moscow. There is almost the same number of Chechens living elsewhere in Europe. Some 70,000 Chechens are registered in Moscow and 50,000 are registered in Yaroslavl.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, explained that outside of Chechnya, Moscow is home to the largest Chechen population. He added that solidarity is important to Chechens, as it would help them survive.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, considered it difficult to imagine that a Chechen would have no relatives or friends in Moscow or St Petersburg. It could not be ruled out that some Chechens from remote rural areas in Chechnya may not know anyone in those cities, but this would be an exception.

Mohammed-Aref Abazovich Bekaev, a Chechen lawyer in Moscow, did not believe that it would be a problem for a Chechen to register residence in Moscow. However, it would be difficult for the person to find a job. It was added that employers have no right to demand that a person is registered in a certain area.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that when considering migrating, Chechens would look for an area where they can make money and find employment. Nizhny Novgorod is not attractive in that regard as it has a lot of high technology industries that are typically not attractive for Chechens who prefer working with trade and business in the central regions of Russia or in the agricultural sector in the southern regions such as Krasnodar, Stavropol, Volgograd, Astrakhan, Rostov on Don and Pyatigorsk.

Representatives from the NGO Vainakh Congress, St Petersburg, estimated 20,000 to 30,000 Chechens live in St Petersburg and St Petersburg Region.

When asked about whether or not the 20,000 to 30,000 Chechens living in St Petersburg are registered, Representatives from the NGO Vainakh Congress, St Petersburg, stated that 5,000-7,000 have been living legally with permanent registration for 10, 20 or 30 years. Many have lived in St Petersburg since Soviet times and some have married ethnic Russians. The rest of the Chechens in St Petersburg are going back and forth to other regions in Russia, including Chechnya, and some are leaving for Europe. This group could either have temporary registration in St Petersburg or live illegally without registration. However, some of them would buy bus or train tickets to proof that they have only stayed in St Petersburg within the 90 days that is allowed for without registration.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that they did not know the exact numbers of Chechens with temporary residence registration in St Petersburg.

When asked about how Chechens find a place to stay in St Petersburg, Representatives from the NGO Vainakh Congress, St Petersburg, stated that most Chechens would know someone in St

Petersburg they can contact for a place to stay. However, it was added that sometimes Chechens arrive in St Petersburg without knowing anyone.

A person of Chechen origin did not see many new people arriving from Chechnya to St Petersburg during the past three to four years. In the past three to four years Chechens arriving from Chechnya to St Petersburg do not come to visit the source when they arrive in the city. Previously, many newly arrived Chechens came to visit him. He was of the opinion that Chechens in general wanted to leave Russia and go to Europe and many Chechens are in fact leaving St Petersburg for Western Europe.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that the majority of Chechens asking the organisation for help came to the organisation immediately after the first and second war in Chechnya. At that time, Chechens faced problems with residence registration, studying outside of Chechnya and pressure and harassment by the police. Whenever there was a terrorist attack, the situation in Moscow would become more aggravated and the police would put more pressure on Chechens. That was the reason why many Chechens came to the organisation for help and assistance. The organisation had Chechen lawyers involved and contact to human rights organisations, and the Chechen Social and Cultural Association helped many Chechens obtain residence registration, jobs, access to health care, in court cases, with issuance of visas and external passports.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that as the years went by after the second Chechen war, the life of Chechens outside of Chechnya improved slightly and many Chechens also returned to Chechnya. Khamzat Gerikhanov added that during the past years, fewer and fewer Chechens ask the organisation for help and assistance with obtaining residence registration, jobs, access to health care, in court cases, with issuance of visas and passports and the organisation therefore turned its activities towards cultural aspects and the organisation is now primarily focusing on providing cultural activities for Chechen children born outside of Chechnya, including teaching of Chechen language, history, ethics and traditional music and dancing.

When asked if Chechens today would turn to the Chechen Social and Cultural Association in case they need legal assistance or assistance with residence registration, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that occasionally Chechens do come to the organisation and ask for help with legal problems and they would be referred to Chechen lawyers in Moscow known to the organisation. In terms of access to medical care, Khamzat Gerikhanov had not heard of problems in this regard for Chechens and explained that the official representative of the Chechen republic in Moscow had signed an agreement with the Russian Ministry of Health stipulating that all Chechens would be given necessary medical treatment in Moscow and that the costs would be paid by the Chechen republic.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that there is a very small Chechen community in Nizhny Novgorod. He was not sure of the exact number, but it could be around 100 persons.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that the government cannot write a law that keeps people from the Caucasus in their home republic because of the rights enshrined in the constitution and international human rights laws. However, if the government could make such a law they would do it.

According to an international organisation, Russians who are not registered or do not obtain temporary residence registration in a second location may run into legal problems, and some may be particularly negatively affected by that, even though the regulations are not directed specifically against certain groups.

Observations were offered by UNHCR in Moscow in the context of a recent study on the impact of registration regulations on the integration prospects of asylum seekers and refugees. Firstly, they [persons who have no residence registration] will be fined. Furthermore, although the registration is not necessary to enjoy some social and economic rights, such as access to the labour market, some other rights are connected to registration, i.e. pensions (for internal migrants), social allowances, medical coverage beyond emergency services, secondary education and most recently, basic education in (Moscow) schools.

UNHCR stated that from the start of its operations in the North Caucasus in the late 90s, its humanitarian work has limited its humanitarian operation to the affected North Caucasian republics and purposely not covered Chechens who left Chechnya for parts of Russia outside the North Caucasus region. The organisation is therefore not in a position to comment on issues related to Chechens living in the Russian Federation outside of Chechnya.

When asked about his knowledge on registration of residence in Moscow, Abdullah Istamulov, SK-Strategy, stated that North Caucasus is his field of expertise. However, he stated that there are definitely fewer problems with registration of residence and the life in general for Chechens, when compared to the time after the hostage taking in Beslan in 2004 and other terrorist attacks in Russia.

HRW in Moscow stated that its focus is very much on the situation in North Caucasus. For that reason HRW does not consider itself to be in a position to provide information about residence registration in the Russian Federation.

2.1 Responsible authority

FMS stated that FMS is the sole authority responsible for registration of residence. Registration is done at local FMS offices throughout the country. However, until 2014 residence registration can also be conducted at the municipal authorities. It is thus easy for a Russian citizen to register residence either at a FMS office or at the municipal authorities close to his or her home. In addition, hotels are responsible for registering their guests and inform FMS of their guests and hospitals are responsible for registering patients that require longer hospitalisation and treatment. After 2014 registration of residence will be conducted only at FMS offices.

FMS stated that more than 25 million registrations per year in various areas are handled by FMS offices in the Russian Federation.

A Western Embassy (B) stated that the procedure of temporary registration of residence has become easier in the past years, and that it is possible to register residence by mail to the FMS. FMS and the local passport offices in the municipal structure are the only competent authorities in this respect.

When asked if the police or the FMS is responsible for residence registration, Representatives from the NGO Vainakh Congress, St Petersburg, stated that it used to be the police but it is now the FMS. It was added that everything concerning registration of residence takes place at the FMS office and FMS is easily accessible.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that nowadays the procedure for obtaining temporary residence registration has been simplified compared to some years ago. It is now no longer necessary to go to a police station, but instead one has to go to the passport office within the municipal structure. The passport office would then make the necessary notifications of the police.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, explained that previously registration of residence would involve long queues at the police and some Chechens would even have their fingerprints taken, although this was not required according to the law. During 2003 and 2004, the Chechen Social and Cultural Association protested against this procedure concerning fingerprints and the procedure were gradually eased. Nevertheless, the police would sometimes try to find a pretext to obtain fingerprints of Chechens, and even now the issue of fingerprints becoming a part of the residence registration procedure is raised from time to time, but so far with no specific outcome. Fingerprinting is not a requirement according to the official procedure and it is not used anymore.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that before the procedure concerning temporary residence registration was simplified it involved two steps. Firstly, one should go to the local passport office that would be situated in the municipal or communal structure and would typically be found in the apartment block or as an office within a group of apartment buildings. Secondly, one had to go to the local police station to register at the passport police department. Now, it is no longer necessary to go to the police station and the procedure concerning temporary residence registration is really simple. The relevant forms are filled out and submitted to the passport office of the municipal authorities and after several days the loose leaflet containing the temporary registration is ready to be picked up at the same office.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that the local passport office within the municipal or communal structure can also supply one with the necessary reference stating how many people are registered on the address on which one wants to register.

According to UNHCR, there is a difference of approach in Russia between government departments that have security as their main priority and government departments that are more oriented towards civil service. The FMS have recently been delinked from the Ministry of the Interior and is now a civil organisation by law.

2.2 Rules and procedure

The International Organization for Migration (IOM) in Moscow stated that Russians enjoy their rights as citizens regardless of residence registration, and legislation strives to follow the Constitution and federal law. The main piece of legislation in relation to residence registration is Russian Government Decree #713 of 17/07/1995. According to the decree permanent registration is the place where a citizen live permanently or mostly, where a citizen own or rent property or live in a communal apartment, “social rent”, i.e. has been provided an apartment by the state. Temporary residence is defined as the place where a citizen does not live constantly. The citizen should register temporary residence within 90 days of arrival.⁹

Resolution No. 713 of July 17, 1995 is attached as annex 3.¹⁰

IOM in Moscow explained that the procedure of temporary residence registration is that the citizen/tenant submits an application where it is stated that he or she wishes to register at a specific address. In addition, the citizen must provide either a document that proves the right of residence e.g. a rental agreement, or prove that the citizen owns the apartment or house. If the person residing in the house or apartment is himself or herself a tenant, the owner of the property must submit a form or a letter approving the new tenant’s registration at the address. The documents are usually submitted to the local municipal authorities, and never to the police, but in the end it is the FMS that is notified of the registration.

IOM in Moscow stated that if a house or apartment has several owners, all must submit the form or paper where the tenant’s registration at the address is approved (except cases with underage persons). When a person residing in a house or an apartment of “social rent” wants to register a tenant, the state structures or the municipal authorities as owners of the apartment must give their approval. Such persons can easily register close relatives permanently at the address. More distant relatives and friends can be registered temporarily. It was added that there may be different “house codes” regulating who may be registered at an address. IOM in Moscow did not know whether it would be possible to permanently register a friend if the tenant lived in social housing, and added that it depends on the concrete case, but temporary registration of friends is allowed. However, since 1992 many apartments were privatised, i.e. given for free to its residents, and the majority of Russian

⁹ IOM in Moscow explained that its project in Chechnya currently includes 70 Chechen families, or more than 200 persons, who have opted to return voluntarily to Chechnya from Austria. Additional 48 families are expected to join IOM’s program that is finalised by the end of 2012. IOM has a close cooperation with two local NGOs in Chechnya who are responsible for assisting returnees. During the process IOM in Moscow is informed about the situation of each family. It was added that besides its program in Chechnya IOM in Moscow could provide assistance to many other Russian citizens who return to various locations in the Russian Federation.

¹⁰ Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) *On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration*. Unofficial translation. The text has been translated from Russian to English by a Russian native speaking person with a legal background.

citizens now own their apartments. Social rent is cheaper in terms of maintenance compared to ownership.

IOM in Moscow stated that Russian citizens who have no personal documents would need to register with various authorities and be issued a number of documents. This includes registering with the FMS and receiving an internal passport which could take approximately 10 days, registering with a pension fund which could take an additional 10 days and finally registering with the tax service and receives a tax number which should take only one day. It was added that the public health insurance is valid throughout the country and it is not a requirement that the person has a job. It was mentioned that it sounds complicated for a person with no personal documents to register and obtain the essential personal documents, but in reality it is quite simple, even though a person in that situation would need some time to sort it out. In Chechnya, IOM's NGO partner would assist Chechens in that situation.

FMS explained that the Propiska system was abandoned in 1993. Two main pieces of law regulate residence registration and freedom of movement in the Russian Federation i.e. Resolution No 713 from 17 July 1995 and Law of the Russian Federation No. 5242-1 of 25 June 1993 (amended 2 Nov. 2004) on the Rights of Citizens of the Russian Federation to the Freedom of Movement, the Choice of a Place of Stay and Residence Within the Russian Federation.

FSM confirmed that Russian citizens are allowed to stay anywhere in the Russian Federation without registering residence for 90 days after which they are required to register.

FMS stated that Russian citizens can register their residence by mailing a copy of their internal passport, a residence registration application form stating the new address and the reason why they want to change residence and a letter of consent from the owner of the apartment accepting the registration at the address and a rental agreement. It was added that usually people prefer to submit their residence registration papers by showing up in person at the FMS office and most people opt to pick up the papers at the FMS office once the registration is done.

FMS stated that it is possible to fill out the forms required for temporary registration (Form No. 1) or permanent registration (Form No. 6) with the utility service office that are usually found in large apartment buildings. Both the owner and the person who rents an apartment are required to submit a written consent of the registration. On Form No. 6 there is a dedicated section for the owner where he or she gives consent to the registration. It was added that in the absence of the owner of an apartment he or she could give consent to the registration in writing.

FMS explained that in apartment buildings owned by the municipal authorities, state owned apartment buildings or private apartment buildings utility service offices can be found who can receive and forward documents concerning residence registration to the FMS.

According to FMS six days are needed for processing the residence registration divided between three days for the utility service office to confirm the authenticity of documents and the identity of

the persons involved in the registration and three days for the FMS to conduct the actual registration and prepare the papers to the citizen.

FMS stated that if one wants to register in a privately owned apartment one will need the consent from the owner to register. If one wants to register with someone who is renting a private owned apartment or house one would also need the consent to register from all other tenants above 16 years of age who are registered at the address. If any such tenants object to the registration the registration would be turned down by the FMS.

However, if the apartment is not private owned but is owned by the state or the municipal authority i.e. social rent there is no requirement concerning consent to the registration from the owner. Nor is the consent of the municipality or state required for the registration of family members or persons below the age of 18 in such apartments.

FMS emphasised that registration of residence is an administrative procedure of notification. If one has submitted all documents required by law the authorities are obliged to register that person accordingly.

FMS stated that the aim is to further simplifying the procedures of registration and deregistration of residence.

FMS stated that if a citizen does not provide the required documents when registering residence registration is not denied but would take longer. Instead of three days it would take eight days as the FMS would need additional five days to gather the necessary information from other authorities, e.g confirm ownership of an apartment.

FMS stated that it is the responsibility of the FMS to gather the relevant information necessary for a person to register if that information is electronically available via other authorities. Since 2000 many Russian citizens have bought their apartments from the state or the municipal authorities. This means that from 1 July 2012 people do not have to submit rental agreements when registering residence because the FMS can access this information electronically. If a person buys an apartment he or she is not required to submit proof of ownership to the FMS when registering residence as FMS is able to confirm the ownership electronically with the relevant authority.

FMS added that it is extremely difficult to terminate a rental agreement if the tenant has a permanent residence registration at the address, and if the tenant opposes to move out of the apartment the case would be dealt with by a court. On the other hand if a tenant registered on temporary basis the owner can easily terminate the rental agreement and deregister the tenant from the address.

FMS stated that in some cases many people are registered at the same address and currently the law does not put any limits on this. Some owners increase their income by allowing many people to register in the same apartment. It was added that the State Duma is working on establishing a limit on the number of people allowed to register at the same address. Resolution No 713 from 17 July 1995 mention a minimum requirement of six square meters of living space per person but this requirement was later cancelled by the Constitutional Court of the Russian Federation. Today the only limits to

residence registration are the ones specified in Article 8 of Law of the Russian Federation No. 5242-1 of 25 June 1993 i.e. in border areas, in closed cantonments, in closed administrative-territorial formations, in zones of ecological disaster etc.

When informed that some Russian citizens claim that registration of residence could involve paying a fee, FMS stated that there are no fees or costs involved at any stage in the registration procedure. It was emphasised that the law guarantees that registration of residence is free of charge and that no one has the right to demand a fee at any stage in the process. It was added that the procedure cannot be expedited by paying a fee.

As reported by different experts [who requested anonymity and who are familiar with registration of residence issues], variations in the procedure of registering residence could be attributed to the fact that not all employees in the FMS or the municipal authorities are always fully aware of the procedures and document requirements. It was added that even though a small incentive could sometimes be needed to expedite residence registration, both corruption and ethnically based discrimination happens on a case by case basis and is not institutionalised as such.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that temporary registration can range from three months and up to a maximum of five years.

2.2.1 Registration by postal service

IOM in Moscow stated that it is possible to register residence by the use of ordinary mail and it is no longer necessary to appear in person at the office of the FMS or the municipal authorities. However, IOM in Moscow had never heard of anybody actually doing so, because the post system in Moscow is very slow and in reality it is easier to go to the FMS or the municipal authority and hand in the form and other documents or through the Internet portal.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that according to the law registration of residence is a notification of the FMS and not an application and it can be done by mail. However, in reality a person wishing to register his residence would be asked to appear at the FMS office.

When asked if it is possible to print the registration form from the Gosuslugi website and mail the documents to the FMS through ordinary post, Svetlana Gannushkina, Memorial and CAC, agreed that by law it is indeed allowed, but the reality is a different matter. She explained that one risk waiting in vain for a response from the FMS, who may say that they have never received the letter. Currently, postal service in Russia is extremely poor and letters addressed to the FMS are delivered more slowly than other mail, it is therefore very likely that the FMS would actually not have received the registration form. Most Russians know how poor the postal service in Russia is. Therefore, no Russians would send a letter to FMS by post. People prefer to go to a FMS office and submit their registration documents themselves.

2.2.2 Online registration through the Common Portal– Gosuslugi

FMS explained that the electronic web portal Gosuslugi will make it possible for all Russian citizens to register residence and apply for passports online. Gosuslugi was introduced in 2010 and is currently 50% implemented. In order to register residence or apply for an internal passport via Gosuslugi it is necessary to register a user account. It is not required to actually submit in electronic form the relevant documents e.g. a rental agreement or proof of ownership of an apartment but it is sufficient to state that one has this documentation. Once the required information has been submitted the user of the portal receives an invitation to show the original documents at a certain date and time at the nearest FMS office. Once the original documents have been shown at the FMS office, registration will take place on the spot. That means that the loose leaflet containing a temporary residence registration is handed to the person by the FMS official or that a permanent residence registration is stamped into the internal passport.

IOM in Moscow explained that the Internet portal of government services “Gosuslugi” is designed to make communication between the citizens and the state more effective. On Gosuslugi, citizens can fill in the form concerning registration of residence and submit it electronically. If all forms have been filled in correctly and all necessary documents submitted, the citizen receives via e-mail a confirmation of receipt and can then via Gosuslugi make an appointment with the registration authorities, ideally avoiding waiting in line. If the form has not been filled in correctly, the citizen will receive a rejection stating which documents are missing or are not filled in correctly. It was added that it is very simple to become a registered user of Gosuslugi. Personal information such as name, internal passport number, tax number and pension/insurance number is submitted. After two to four weeks, a “key” is provided by ordinary mail i.e. the password needed for accessing Gosuslugi. The key could also be received within one day, for a reasonable fee.

A Western embassy (A) explained that although FMS states that a person can register residence online, the person will not receive the registration instantaneously. The FMS will send an e-mail stating that the information has been received and that the case is under review. It has become common to use an intermediary in order to get things done, i.e. to semi-officially pay the bribe when registering residence.

Svetlana Gannushkina, Memorial and CAC, stated that the FMS may claim that online registration of residence is now possible for Russian citizens. However, the reality is that people still have to go to an office to register. Svetlana Gannushkina did not have additional information about online residence registration.

2.2.3 Experiences with registration

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained that two to three years ago she had one of her Chechen friends temporarily registered at her apartment. At that time, the registration procedure had become easier than previously. The friend used to have a permanent residence registration in St Petersburg with one of his friends in the suburbs of St Petersburg. Now he has no registration at all and Elena Vilenskaya has proposed to arrange it at her apartment again.

Elena Vilenskaya did not know whether or not he had to pay any bribes in order to get his permanent registration.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained about the procedure when her Chechen friend registered temporarily at her apartment. The documents needed were a proof of ownership of the apartment or proof that she was renting her apartment and the internal passports of herself and her friend. In the office of the passport department at the local municipal authority, Elena Vilenskaya was given a form in which she accepted to register her Chechen friend at her apartment. The friend also had to fill in a form. Neither she nor her friend was interviewed. It was added that many people go through this procedure every day and such interviews would be very time consuming.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained that the documents including the forms were approved and stamped on the spot by the chair of the passport department of the local municipal authority. As far as she remembered, the Chechen friend also went to the local passport department at the police with the forms. Elena Vilenskaya did not know how the procedure was at the passport department of the police, but her Chechen friend picked up his temporary registration some days after submitting the required documents at the passport department of the local municipal authority.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that her friend and his three brothers all had temporary residence registration at her apartment for different periods of time.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that the first time she registered one of her Chechen friends she did not own her apartment, but the procedure was exactly the same as when she later, as the owner of her apartment, registered other Chechens. Her apartment back then was owned by the state or the municipality. It was added that when registering a Chechen at one's rented apartment and if the landlord is a private company or a private person, the permission of the owner is probably required.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that in reality both the person who wishes to register residence and the apartment owner or landlord have to appear in person at the FMS office.

Svetlana Gannushkina, Memorial and CAC, explained that while it has become easier for foreigners to register residence in Russia, it has not become much easier for Russians to register. It is a requirement that all adults who are permanently registered at the address must come to the FMS office together with the owner, if relevant, and the person who is registering.

A person of Chechen origin living in St Petersburg explained that five years ago he had a temporary registration in St Petersburg, but that he is not registered at present. At that time, he went to the passport department of the municipality together with the landlord. It was neither the police nor the FMS who processed his registration. He had to bring his internal passport and a copy of the internal passport together with proof that the landlord owned the apartment.

A person of Chechen origin living in St Petersburg is currently living in his brother's apartment. Even though his brother owns the apartment, it has not been possible for the source to register residence there with the municipal authorities. When trying to register in 2008, he and his brother were asked to show their military cards, although there is no such requirement in the law. As his brother was unable to find his military card, the registration was denied.

When asked about whether a military card is necessary when registering for residence, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, explained that it depends on the kind of registration. Concerning residence registration for up to six months, the authorities cannot demand to see the military card. For registration for more than six months, a person would have to show the military card and be registered at the local military office.

When asked why this was also the case for Chechens who had not served in the federal army for years, Khamzat Gerikhanov, Chechen Social and Cultural Association explained that according to a special decree Chechens are not supposed to serve in the federal army. However, if they wish, they can voluntarily choose to serve in the Chechen army divisions only deployed in Chechnya.

IOM in Moscow explained that persons who are obligated to military service should inform the military if the temporary registration exceeds three months. This is not part of the registration process, but is something that is done after the registration. If such a person changes his place of permanent registration, the military is automatically informed. It was added that all males are issued military paper (*pripisnoye svidetelstvo*) when they reach the age of 14, and by the age of 18 the red military book (*voennyi billet*) is issued if the person is drafted to the army or got exemption from the military service. In any case, the military book should be received when the person reach the age of 27. All Russian citizens who are obligated to perform military service have a military book. If the military book is lost, it is very easy to receive a new one from the military authorities.

Svetlana Gannushkina, Memorial and CAC, referred to a case five years ago concerning an ethnic Chechen employed by Memorial who attempted to register residence for a period of five years. A police officer, who was in charge of the registration back then, demanded that the Chechen submitted documents proving that she was employed. The police officer threatened to fine Memorial, which had employed her, if she did not provide such documentation. Since that case the police have not bothered Memorial with such questions.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained that it is not uncommon that every district in the city has its own practices. Although, according to law, it is not necessary to provide the military card in order to register residence with the local authorities, some local districts may have the practice of requiring this. She explained that people are not likely to bring such an issue to court as there is a general lack of confidence in the Russian court system.

A person of Chechen origin living in St Petersburg explained that in December 2011 he tried to register his permanent residence at a friend's apartment, but as there was a debt in the apartment from the previous tenant, the authorities would not allow his friend to have anyone registered at the apartment until the debt was paid.

When asked to describe the procedure of temporary residence registration in detail, Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, explained that recently in 2012 he registered his son in his apartment. The documents needed were his internal passport, his son's internal passport, a reference of how many people were living and registered in his apartment and a document stating who was paying for the apartment and the necessary application form. Khamzat Gerikhanov submitted the documents on a Monday and received the temporary registration leaflet on the following Friday. The presence of his son was not necessary at any time, because Khamzat Gerikhanov was the owner of the flat and his wife was the only other person registered at the time. It was added that the procedure may have gone so smoothly because he was the owner of the flat and the person registering was his son. In other cases, the whole family, i.e. all residents with permanent registration in the apartment, as well as the tenant should probably show up at the passport office of the municipal authorities.

2.2.4 Legal stay without registration

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that all Russian citizens can stay anywhere in the Russian Federation for up to 90 days without registering. However, if people have serious plans for the future and want to study or work in a certain city, they would get temporary registration. This registration would not pose a problem for ordinary law abiding citizens.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that it is possible to stay for up to 90 days without registration of residence and that it could be documented by presenting bus or train tickets. It was added that a lot of Chechens do so.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that when a person arrives in St Petersburg he or she can stay for 90 days before temporary registration of residence is required by law. If they do not register within those 90 days, they would be issued a fine.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that having a registration is no longer so important, as Russian citizens can stay in any Russian city for up to 90 days before registering. Many people without registration would buy a ticket showing that they have arrived within 90 days. Such people would usually be singles and not families with children.

A person of Chechen origin living in St Petersburg explained that the police do not accept a train or bus ticket as proof of arrival to St Petersburg within the past 90 days, unless the ticket shows the name of the person. A ticket with no name on it is not accepted by the police as a valid proof of recent arrival to St Petersburg.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that some Chechens would use ad hoc excuses for not having temporary registration when stopped by the police, and would explain that they have arrived in St Petersburg by car, and that is the reason why they do not have any tickets to prove that they arrived recently.

When asked whether it is illegal if a landlord has a person living without registration for more than three months, Svetlana Gannushkina, Memorial and CAC, explained that a person can stay for up to

three months without registering. If the person stays for more than three months, in theory the landlord may face problems, but she had not heard any specific examples of this. The problems could be solved by paying a bribe.

2.3 Discrimination by the authorities

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that when Chechen families come to a region in the Russian Federation outside of Chechnya, they would not as a rule be exposed to severe violations of their rights according to federal law.

A person of Chechen origin stated that the federal authorities would use any pretext to avoid having Chechens register residence outside of Chechnya.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that the civil servants have no right to deny a Chechen residence registration and they definitely would register him in the end. However, during the process the civil servants would undoubtedly display a negative attitude towards Chechens.

A Western embassy (C) stated that although residence registration has become easier, it could still prove difficult in some places. For instance, apartments and renting is very expensive in Moscow and it is more expensive to pay bribes [in Moscow]. Anybody in Russia could face difficulties in connection with registration, and it may be necessary to pay bribes to one or more persons. However, everybody who is ready to pursue the matter would most likely in the end succeed in getting his or her registration, i.e. submit the documents that are requested by the authorities.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that if the owner of the apartment or house does not mind having Chechens registered, the FMS authorities cannot refuse it, according to law.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that if a civil servant was threatened with a lawsuit or a court case, the civil servant would definitely register anyone who had the right to register.

When asked if the registration of residence might be refused based on ethnic discrimination, Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that she did not know about this, but that it might happen. Elena Vilenskaya added that she had never heard of complete denials of residence registration, but issuance of temporary registration for only three months could be a sign of harassment, as the person repeatedly would have to hand in new forms together with the landlord. It was emphasised that today temporary registration is usually issued for one year.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that a Chechen registering his residence in Nizhny Novgorod would be exposed to some discrimination but not to violence. It was added that in general the government, officials in Nizhny Novgorod fulfil their duties in terms of residence registration. CAT has registered Chechens and found apartments and jobs for them in Nizhny Novgorod. But usually, relatives would be the ones who assist newcomers to find accommodation, a job and submit residence registration documents.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that in 2003, a friend of his registered a Chechen at his apartment. The friend was approached by the police officer, responsible for the area, who asked questions about the person he had registered. His friend talked back to the police officer and stated that the police did not have the right to deny the Chechen registering in his flat. It was added that the registration itself went through without any problems. When asked if there are more recent examples from Nizhny Novgorod of what would happen during registration of a Chechen, Igor Kalyapin stated that he did not have any such information at the moment.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, explained that the consent from the owner of the apartment is needed in order to register. The registration procedure does not pose a problem and in general there are few problems with discrimination of Chechens by civil servants. They may ask a few questions but it would in general not prevent a Chechen from registering according to his rights.

When asked how the police are notified that Chechens live in a place, Svetlana Gannushkina, Memorial and CAC, explained that although registration of residence takes place at the local passport office of the FMS and not at a police office, in reality the two offices are often placed in the same premises. Four or five years ago, registration of residence was conducted by the police. It was added that the FMS, by order, must inform the police if a Chechen or a person from North Caucasus is registering residence, as the police must know where the person lives. It was emphasised that if the person is being investigated based on a suspicion of involvement in some criminal activity, this exchange of information is not problematic as such. However, the problem is that certain ethnic groups, e.g. Chechens, are singled out as potential suspects. If the person is a Chechen or was born in Chechnya, the authorities would initiate some kind of inquiry. If the person turns out to be an ethnic Russian from Chechnya, further investigation is stopped. It was added that the internal passport does not contain information about ethnicity or nationality, but the place of birth is stated in the passport. Very often a family name indicates the ethnicity of a person. For instance, it is clear that Ivanov is ethnic Russian, and Aslakhavov is ethnic Chechen, however, some names are neutral. That is why a closer examination is necessary to filter out ethnic Russians from Chechnya. It was emphasised that only the FMS is in charge of registering residence.

Svetlana Gannushkina, Memorial and CAC, explained that there are three reasons why the police create problems for Chechens who try to rent an apartment and register their residence. The first reason is that the police would have to take on more work, as they would have to go and check the places where Chechens live or telephone the landlords. The police are really not interested in taking on additional work, and therefore they expect to be paid, i.e. bribed. It was added that it is not stated in law that the police have to carry out these checks, but it is ordered by their superiors who have received such instructions from their superiors. If such actions were not ordered from above, the police would not do it. The second reason for creating problems for Chechens is that many federal police officers took part in the wars in Chechnya, and therefore have a personal negative attitude towards Chechen people. This sentiment, among Russian veterans of the war, exists not only within the police structures but also in other administrative areas and in the prison system. For that reason, Chechens in Russian prisons are treated much worse than any other ethnic group. Chechen prisoners

are being humiliated, beaten severely, tortured and there are reports that some have died in prison. It was added that in every place where there are Russian veterans of the Chechen wars there may be problems for Chechens. The third reason why police harass Chechens is corruption. When the police go to check who lives in an apartment, or when the FMS registers a person, it rarely happens without bribes being paid. Corruption is pervasive in Russian society, and it is a very sophisticated system of giving and taking bribes. It is done by everyone and for everything if there are any complications in a case, or if there is a pretext for the authorities to demand a bribe. She explained though, that in the case where Memorial's lawyer had to register, a bribe was not paid, as the lawyer was registering with friends who refused to pay. Because the police did not receive any money, they started to come more often to the apartment, looking to find evidence of some real offenses based on which fines could be collected.

2.4 Landlords and housing

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that registration of residence for Chechens is easier than actually finding a place to live. It can be difficult to find a person who is willing to rent an apartment to a Chechen. It was added that the general public's perception of Chechens is difficult to change, and this includes landlords' [perception] as well.

Svetlana Gannushkina, Memorial and CAC, explained that it is still difficult for Chechens to find a place to rent and to register residence. Although rules have been simplified, in reality there has not been any improvement. The main problem is that landlords are unwilling to rent out to Chechens and often advertise available rooms as being only for Russians and Slavs. Chechens may therefore try to conceal their ethnicity when contacting a landlord.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that despite of the difficulties, Chechens ultimately find accommodation in Moscow and Chechens are not living as homeless in Moscow. It was added that even if a person have no registration, he or she would still have to medical treatment.

A Western Embassy (B) confirmed that it may be difficult for all North Caucasians but especially Chechens to find a place to rent in Russia. If a Chechen has money, people would automatically think that he may be involved in criminal activities. Basically, Russians are afraid of Chechens. The embassy referred to an example with an employee of the embassy who had moved to Moscow with his family and had found a nice but expensive apartment for rent. A Chechen person was also interested in the same apartment and offered the landlord to pay a higher rent. The landlord chose to let the employee from the embassy rent the apartment, because the landlord feared that the Chechen had to be a criminal, when he could afford to pay the expensive rent.

A Western Embassy (B) stated that it would be difficult to find a place to live in Moscow for anyone who is not from the city. Due to lack of apartments in Moscow, the rent is very high.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that permanent registration of residence is unproblematic if one buys an apartment or a house as he or she is automatically registered as a permanent resident.

UNHCR stated that while registration regulations apply generally, Moscow and other attractive cities are known to have been difficult, even if the regulations are not directed against particular groups. Registration requires purchase of housing which is very expensive in St Petersburg or Moscow and often advertised with restrictive notions such as ‘for Slavs only’; alternatively, in the case of rented accommodation, registration requires the cooperation of the landlord in the registration process through formal declaration of the tenants. In the latter case, multiple reasons influence the process: from the landlord’s attitude to the administrative consequences of the declaration (increased local services taxes), to the personal situation of the tenant which may include their origin, and other considerations.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that discrimination against Chechens and other North Caucasians in Nizhny Novgorod is very slowly improving. However, it is definitely more difficult for Chechens and other North Caucasians to find an apartment than for ethnic Russians, but it does not constitute a major problem in Nizhny Novgorod.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that the increasing number of people from the North Caucasus moving to the large cities in Russia is not seen in Nizhny Novgorod. Therefore, the situation concerning discrimination against Chechens and access to housing is not as bad in Nizhny Novgorod as in other cities.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that it remains difficult for Chechens to find accommodation or housing in St Petersburg due to their origin. It is common that when someone is renting out a room or apartment it would be spelled out in the advertisement that it is only rented out to Russians. However, it was added that there are also some Russians in St Petersburg who do not mind to rent out rooms or apartments to Chechens, especially if the tenant is somebody whom they know or if they have common friends. In most cases Chechens would find a place to stay by using their Chechen network.

2.4.1 Intimidation of landlords

Svetlana Gannushkina, Memorial and CAC, explained that there are two reasons why landlords do not want to let people register residence at their address. One reason is that the landlords do not want to pay taxes, and therefore they are unwilling to let anyone register residence, whether the person is ethnic Chechen or ethnic Russian. The other reason is that if a landlord agrees to let a Chechen person register residence, a district inspector would visit the landlord and ask questions about the Chechen person, i.e. who the person is, what he is doing, his way of life, why the landlord allowed a Chechen to be registered here, etc. Such an inquiry is obligatory and policemen find it vexatious. For this reason, the district inspectors are often unfriendly with landlords who have Chechen tenants. They advise landlords not to have Chechen tenants, and even threaten them or explain that Chechens are bad and dangerous persons. Svetlana Gannushkina added that some police officers may tell the landlord that Chechens are enemies of Russia and dangerous people, and should anything happen in the neighbourhood, such as a terror attack or even a simple robbery, both the Chechen person and the landlord would be summoned to the police station where they would be interrogated and requested to

provide an explanation in writing. It was added that the Chechen tenant and the landlord would not necessarily be accused of having committed any criminal offense, and that the interrogation is informal. The purpose of these actions by the police is to scare potential landlords from letting Chechens register, and subsequently reduce the number of Chechens and other Caucasians as well as Asians in Moscow. Nevertheless, there were numerous cases of accusation also. In recent time, such cases became more frequent. When asked on e-mail to clarify what the tenants and landlords are accused of, if they in fact are convicted, and if the above mentioned increase in accusations would involve any particular group or groups, Svetlana Gannushkina replied: "Interrogation, or more correctly, interview with the lessees (tenants) and owners of the real estate is conducted officially and is part of the obligation (work) of the police inspector, responsible for the area where they reside. But no official report is prepared. This demand is only valid for citizens from North Caucasus, for most from Chechnya Republic. This extra obligation is not something the police are happy for. Besides, they are also smitten by racism. Therefore, they try to scare the owners of the real estate, thereby forcing them not to lease to the people from Caucasus and discontinue the agreements with existing tenants. In such a way, they minimize the number of ethnical North Caucasus people in the area for which they are responsible and this is approved and encouraged by the police leadership."

When asked, a Western embassy (C) confirmed the existence of rumours that the police would telephone landlords who are registering Chechens or other North Caucasians. However, specific cases of intimidation and harassment by the authorities in relation to residence registration may not reflect the full picture. It was added that some NGOs and human rights activists who are often approached by individuals encountering problems with registration could be influenced by this, and it could be that their perception of the scale of the problem is somehow exaggerated.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that she was not contacted by the authorities during the registration process of her Chechen friends at her apartment. However, years later and after she had notified the authorities that he should no longer be registered at her apartment, she did receive several telephone calls from the criminal department of the police about one of Chechens friends. Once she was asked where her friend formerly registered at her apartment was. She answered that she did not know this and she asked if the friend had committed any crimes. The police officer replied, "No, but his special origin...". Then Elena Vilenskaya gave the police officer a lecture about the times of fascism in Germany in the 1930'ies and the 1940'ies. The police officer apologised and ended the telephone conversation. It was added that on another occasion, the police called her regarding another of her Chechen friends registered at her apartment. The police stated that some crime had been committed in the district and that her friend looked like the person who committed the crime. However, the case did not progress beyond that.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that whether or not an act constitutes intimidation depends on the individual person. Some landlords would find it intimidating to receive a telephone call from the police. Elena Vilenskaya did not personally find that intimidating.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that some people are reluctant to register Chechens because they expect there would be problems, even though there might not be any.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that it is not uncommon to see advertisements with places to rent but only to Russians and Slavs and [the advertisements] are as such not specifically targeted against Chechens.

A Western embassy (A) explained that registration of residence is difficult for everybody and not only for people from the North Caucasus. However, on the Internet one can find rental advertisement specifically not for Caucasians.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, confirmed that it is difficult for Chechens to find a landlord who will register Chechens. Russians might be reluctant to allow Chechens to register, because there have been examples of the police contacting them and telling them that they would be held responsible if for instance a terrorist act should take place in the city. When terrorist acts have been committed, the police have come to landlords or others who have registered Chechens and questioned the landlords about the identity and knowledge of their Chechen tenants. Khamzat Gerikhanov explained that even if he rents his own flat to Chechen relatives and allows them to register, the police would ask him questions about the identity of those relatives and their whereabouts.

Svetlana Gannushkina, Memorial and CAC, explained how a Chechen lawyer who collaborates with CAC (his wife is the accountant of Memorial/CAC) was looking for a place to live. He had approached an older Russian woman who advertised a place to rent, even though the advertisement said that only Russians and Slavs could rent the place. The woman took a liking to this Chechen lawyer and agreed to let him a flat. But the landlady did not want to register the lawyer's family with him at the place he rented, so the family had to register on the address of one of the lawyer's colleagues from Memorial/CAC. It is not uncommon that people are residing at one place and are registered on another address. It was added that sometimes neighbours may notify the police that a Chechen without registration is living next door. In such a case, a lot of problems arise not only for a tenant but also for an owner of the flat. When asked on e-mail to specify what kind of problems the tenant and the owner of the apartment would experience, Svetlana Gannushkina replied: "Further to all listed problems there is also the problem of living without a registration, which leads to penalties for living without the registration, summons to the police in order to give explanation and demands that the tenants leave the housing premises. All mentioned is made worse by constant extortion (corruption) for lifting the accusations or just for that there are no problems."

Svetlana Gannushkina, Memorial and CAC, stated that when people register in one place and live in another, there is a risk that the police may cancel the registration, although that would be illegal. Therefore, people who let Chechens register at their place would hang some clothes and maybe place some extra shoes outside the door to signal that their tenant is actually living in the place.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that in the past, he did meet Chechens who had trouble registering their residence with the authorities in Moscow. He would then contact the authorities and ask for a written explanation. That usually helped the Chechens obtain their registration. He confirmed that Chechens today are faced with problems finding a place to live, and a landlord who is willing to let them register residence. It was added that a couple of years ago, it might also happen that the police would try to intimidate landlords who were actually willing to let a Chechen register in his place, but he did not know if this is still the case today.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that it is difficult for Chechens arriving in St Petersburg to register their residence. The representatives of the NGO explained that although it is not written down anywhere, Chechens are subjected to a special routine when they want to register their residence in St Petersburg. First, it is necessary to find a landlord or an apartment in order to register. The owner of the apartment fills out a form, and the tenant fills out another form. Then they both go to the office of FMS to hand in the forms. Often the tenant is told to come back in a week to collect the registration. During that week, the police would call the owner of the apartment and inform him or her that the tenant is a terrorist, and that the owner of the apartment would be held responsible for any criminal acts committed by the tenant. This would in many cases deter apartment owners from allowing Chechens to register residence in their apartments. The owner of the apartment may also be asked by the police to report on the Chechen registered at his or her apartment.

When asked if the police would interfere in the registration process Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that it is the duty of the police or the FMS to get familiar with a case and therefore they may ask the apartment owner or landlord whether or not he is aware that a person is registering in his apartment and if the apartment owner or landlord has agreed to this. If the owner or landlord has agreed, there is no problem in obtaining temporary registration of residence for a Chechen.

Svetlana Gannushkina, Memorial and CAC, explained that the police not only have a legal right but is obliged to call on the landlord and ask questions about the people he or she has registered. And though most likely nothing would happen to the landlord, he or she would feel uneasy and scared.

Svetlana Gannushkina, Memorial and CAC, explained that when renting out a place to a Chechen person, Chechen landlords are exposed to a more severe pressure by the police than Russian landlords. Therefore, some Chechen landlords may conceal their ethnic origin by changing their Chechen name into a Slavic name. A former staff member of Memorial changed the first names of her children to conceal their ethnic background.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that two years ago federal police officers have informed him that, by internal instruction, the police have to keep track of all Chechens registered in an area, regardless of whether they have a temporary or permanent registration. However, he did not believe this to be relevant any longer, as the police have now turned their focus to Georgians since the conflict with Georgia in 2008.

A person of Chechen origin stated that many Chechens in St Petersburg are not registered as residents of the city, and they would be the first ones to be detained should any incident, i.e. an act of terrorism, occur. The reason why many Chechens do not register residence is that it is difficult to find a person who is willing to let a Chechen register residence at his or her apartment. The source knew from a person working with the Federal Security Service (FSB) that families who let a Chechen register address at their apartment are “kept under control” by the FSB, meaning that if something happens, the police or FSB would search for Chechens at the addresses where they are registered. He explained that a landlord who has a Chechen registered may be threatened with being held responsible for the Chechen tenant’s actions or suspected criminal activities, when the police or FSB come searching for a Chechen at his address. According to the source, the FSB knows the names of all landlords, irrespective of the ethnic background, who have a Chechen registered at their address, and that the FSB may wiretap the telephone of these landlords.

2.4.2 Tax issue

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that due to the societal attitude towards Chechens in the general population, some persons would not rent out apartments to Chechens. Tax is also an issue in the sense that some landlords would prefer not to register tenants, regardless of the tenant’s nationality or ethnicity, in order to avoid paying taxes of the income generated by the rent. Paying such taxes would increase the rent, making the apartment even more expensive. It was added that both Chechen tenants and Russian tenants could have an interest in not being registered where they live, because their rent in that case would be cheaper.

IOM in Moscow mentioned that, in practical terms, it might be difficult to convince landlords to register their tenants. This is applicable to tenants of all nationalities and it is closely related to the fact that landlords, in general, are reluctant to register tenants, because they do not want to pay tax of the income generated by the tenants, and that many advertisements in the Internet specifically state that the landlords only want ethnic Russians as tenants.

Svetlana Gannushkina, Memorial and CAC, explained that registration and paying tax on rental income are two different issues. Registration of residence lies on the tenant, whereas paying tax on rental income lies on the landlord. If a landlord does not pay rental tax and this fact was found out, the police would come, and most likely bribes would have to be paid. If a landlord has one or more persons living as tenants without registering them, in most cases the police would not bother the landlord. Should the police come, the matter would be dealt with on the spot by paying a rather heavy sum. [When asked on e-mail to indicate approximately how much the landlord would be required to pay, Svetlana Gannushkina did not reply.] Registration itself is not expensive at all, but after registration a tenant has to pay for water, gas, garbage disposal and so on; and these payments are rather large.

2.5 Importance of network

According to a Western embassy (C) an obstacle for residence registration is to find a landlord who is willing to register the person. As is the case in most Western European countries, ethnic

discrimination is an element and some landlords would reject to rent an apartment to ethnic minorities. However, if a person has a network, this would radically change the picture and for such a person it would be far easier to find a place to rent.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that if a Chechen does not have any relatives or friends in Moscow and is not in a position to buy an apartment, registration of residence would be difficult. The problem is that Russians in Moscow generally prefer not to rent apartments to Chechens or register Chechens. This is evident in rental advertisements that often state 'no Caucasians' or 'only Russians'. However, it was added that in the past years, this problem has become less acute when compared to the very difficult situation for Chechens in Moscow during and right after the two wars in Chechnya when the general image of Chechens was very negative.

Svetlana Gannushkina, Memorial and CAC, confirmed that Chechens who arrive in Moscow would usually be assisted by their relatives. It would be unproblematic for a Chechen to register at the address of a friend or relative who has already permanent registration in Moscow. Nevertheless, the police would still visit them, demanding bribes and threaten them. However, the situation is very different for a Chechen who is not well-off or who has no relatives or network in Moscow. Even well-off Chechens living in Moscow would often not be willing to assist every Chechen in need, unless they are friends or relatives. Memorial is sometimes able to convince landlords to let Chechens register at their address, but most often it is Memorial's staff and friends who let people register with them. Svetlana Gannushkina added that it is easier to convince landlords to register migrants from Central Asia than North Caucasians.

A Western embassy (A) stated that it is easier to register if a person has family and network. If Chechens have family in Moscow, they would usually be able to register residence with the family. It was added that it is unlikely that people from the Caucasus would go to a place in Russia where they had no relatives. It was considered to be part of the mentality of people from the Caucasus always to move to an area where they would have some relatives.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, emphasised that when talking about difficulties in terms of temporary residence registration it is important to distinguish between Chechens that would register other Chechens and other Muscovites trying to avoid registering Chechens.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, explained that Chechens in Diaspora, e.g. in Moscow, and some nationalities from the former Soviet republics such as Azerbaijan and Armenia who own flats in Moscow are for some reason not afraid of encountering problems with the police by renting out to Chechens families and registering them. On the other hand, ethnic Russians in Moscow in general want to avoid any problems with the police authorities and therefore avoid registering Chechens.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, explained that Chechens usually have large families and that the term family goes beyond sons, daughters and brothers and sisters.

Therefore Chechens would choose to come to cities where they have some kind of relatives. It was added that it is not a common situation for a Chechen person not to have some kind of relatives in Russia outside of Chechnya. A Chechen person would be able to count on the help and assistance of relatives.

A Western Embassy (B) explained that North Caucasians and Armenians have very strong communities in Moscow, and newcomers may be able to receive support from these communities. It was added that when compared to the other nationalities from the North Caucasus, many Chechens have connections in the power structures in Moscow. This is not the case for people from Central Asia who are here on their own and without any connections to power structures.

When asked if Chechens could approach Vainakh Congress in case they needed help in finding a place to register their residence in St Petersburg, Representatives from the NGO Vainakh Congress, St Petersburg, stated that their organisation provides this kind of assistance to Chechens. It was added that the organisation would contact Chechens who may have a spare room and be able to register another person at their address. When asked how many times Chechens ask the organisation for assistance of residence registration and housing, Representatives from the NGO Vainakh Congress, St Petersburg stated that it was not less than a thousand each year. However, it was added that the organisation was not in a position to help everybody obtain residence registration and a place to stay in St Petersburg.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that the NGO provides help and assistance to Chechens and Ingush in St Petersburg and St Petersburg Region. Every day Chechens come to the NGO for assistance finding work and accommodation..It was added that the Chechen and Ingush should technically be considered as one nationality and that is why these people call themselves “Vainakh”, as this word can be translated as “our people”.

A person of Chechen origin explained that most Chechens living in the Russian Federation outside of Chechnya would let their relatives arriving from Chechnya register residence at their address.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that acquiring temporary or permanent registration of residence has been significantly simplified for those Chechens who have close relatives including cousins and friends in Moscow.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that it would be unproblematic for a Chechen to register at the address of a friend or relative who has already permanent registration in St Petersburg. It was added that the FMS would not deny that person registration. However, if a person has no friends or relatives in St Petersburg, registration of residence is difficult for the reasons explained previously [i.e. find an apartment and persuade the owner to submit the registration form regardless of attempts by the police to deter or intimidate the owner of the apartment].

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that a Chechen person with no family or network in St Petersburg would experience difficulties in finding work and housing and consequently registering residence.

A Western Embassy (B) stated that apparently the many Chechens in Moscow have found a place to live. There are many successful Chechen businessmen and politicians in Moscow. It was emphasised, however, that it is difficult for a person to find a place to live and be registered in Moscow if he has neither money, employment nor a network of friends or relatives.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that it is easier for Chechen students in St Petersburg to register their residence at university accommodation facilities or other places, because the universities or other educational institutions will take care of the registration process with the authorities.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that parents in Chechnya would prefer that their children study in Russia outside of North Caucasus, as the education available here is better than in Chechnya. When deciding on where to study, Chechens would choose a place where they have relatives. Elena Vilenskaya considered it almost impossible that a Chechen family would allow their children to go to a city in Russia without any relatives present. This would be particularly unlikely for young girls, as Chechen families would prefer there were relatives to keep an eye on them. For young Chechen men it is possible, but not desirable, that they could go to a city with no relatives. However, young men risk being subjected to violence from extremists i.e. hate crimes or being apprehended by the police and Chechens would prefer, for safety reasons, to have relatives in the city that could help in securing their release.

2.6 Corruption during registering residence

A Western embassy (A) stated that although the system of “propiska” has formally been abolished, the process of obtaining registration remains difficult in reality because of corruption in the system. A person will not be denied registration but will be told to come back again later or that more documents are needed, unless he pays a bribe. It was added that without registration a person cannot marry and work and the children cannot go to school. According to the embassy, landlords may also take bribes to allow registration at their address. The residence registration system was described as opaque and as a covert system of denials.

A Western embassy (A) stated that the system of registration is arbitrary. It is dependent on landlords, the police, etc. as to who will be given a registration. It may be required that the person shows evidence of an address and employment in order to register. However, it is easy to get by if the person pays a bribe. The amount depends on how fast the person needs the registration. There is no discrimination of people who can pay bribes. However, it was added that people from the Caucasus may need to apply for extension of the temporary registration more often than other Russian citizens because they are often registered for only three months instead of for instance one year.

Svetlana Gannushkina, Memorial and CAC, stated that one reason why police harass Chechens is corruption. When the police go to check who lives in an apartment, or when the FMS registers a

person, it rarely happens without bribes being paid. Corruption is pervasive in Russian society, and it is a very sophisticated system of giving and taking bribes. It is done by everyone and for everything if there are any complications in a case, or if there is a pretext for the authorities to demand a bribe. She explained though, that in the case where Memorial's lawyer had to register, a bribe was not paid, as the lawyer was registering with friends who refused to pay. Because the police did not receive any money, they started to come more often to the apartment, looking to find evidence of some real offenses based on which fines could be collected.

A person of Chechen origin stated that he did not have detailed information about the procedures of registration of residence, but he knew that everything can be achieved by the way of bribes.

According to Representatives from the NGO Vainakh Congress, St Petersburg, it is usually possible to obtain the necessary registration by paying a bribe of 30.000 Roubles.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that a "no" in Russia could be an invitation to negotiate about money in order to change the "no" to a "yes".

When asked whether the perception of people from the North Caucasus would deny Chechens access to residence registration, a Western Embassy (B) stated that it was obvious that not every Chechen has been denied registration, because there are Chechens moving to and living in Moscow who are registered. The embassy presumed it would be harder for Chechens to get this registration in the sense that they would have to pay a larger bribe, but not more so than any other group from the North Caucasus area. The level of corruption in Russia is very high. However, people who are making a living off corruption are aware of the possible danger of losing their job if "messing with the wrong person". For instance, if a police officer stops someone in a nice car, the police officer cannot know if the person has powerful friends. Therefore, the police would most often take the bribe where it is easiest to get, i.e. for example from a Central Asian guest worker, even though the bribe collected would be less. It was explained that Central Asians are considered to be an easy target for extortion. It was added that there is around two and half million central Asian guest workers in the Moscow region.

2.7 New and forthcoming legislation

An international organisation in Moscow stated that while some may find that registration procedures have become simpler during the past years, the control oriented spirit in which they are implemented in most locations, and additional new regulations in other sectors may in fact make things more difficult for internal migrants.

IOM Moscow confirmed that President Putin had made statements leading up to the recent parliamentary elections concerning the need for authorities to do something about the situation where hundreds of people are registered at one address. Those statements were connected with the fact that some apartments, in for instance the Moscow Region, could have up to 400 or 500 persons, who actually live and rent in Moscow, registered at one address. This is not illegal, according to federal law, although for social rent the maximum number of persons that can be registered is one person for

every 18 square meters. It was added that some people make money by allowing someone to be registered in their house. However, in the end the police will always have the option of checking out such an address if they want to.

It was added by IOM in Moscow that it is extremely difficult to change the residence registration laws and IOM in Moscow was not aware of any specific changes in the law in the immediate future.

Svetlana Gannushkina, Memorial and CAC, pointed out that an order from the Federal Ministry of Education of 7 May 2012 declares that only children with residence registration have access to school.

When informed that Svetlana Gannushkina had stated that an order from the federal Ministry of Education on 7 May 2012 declares that only children with residence registration have the possibility to go to school, IOM in Moscow complemented [added] that the problem has been that far too many school children have been signed up with certain schools even though these schools could be located far from the habitual residence of the parents and children. On the other hand, other schools were left with very few children. In order to spread the pressure more equally amongst schools, the federal Ministry of Education has ordered that children must be attached to schools nearby the habitual residence of the children and their parents. It was emphasised that no child would be denied access to school regardless of their residence registration status.

According to UNHCR a new decree from May 2012 states that children have to attend school in the district where they are registered. In theory, this could mean that those who are not registered will not have access to schools. UNHCR reports that until 2000, people without registration could not enter their children into schools in Moscow. This was changed in large cities like St. Petersburg and Moscow following advocacy and pressure from non-governmental organisations which led to municipal regulations liberalising the access. Until the decree of May 2012, no child could be denied access to education. The wording of the new decree is negating this practice, and the organisation is concerned that, depending on how the decree is implemented, children without registration may no longer have access to education. Concerned about its potential impact on migrant and asylum seeker children, UNHCR will closely monitor how the decree is implemented, having shared information about the risks with the Federal Migration Service and other relevant authorities.

Khamzat Gerikhanov, Chechen Social and Cultural Association, Moscow, stated that the law concerning how many individuals that can be registered in an apartment has recently been changed. Now there can be one person registered pr. 18 square meters as opposed to one person pr. 9 square meters before.

Mohammed-Aref Abazovich Bekaev, a Chechen Lawyer in Moscow, stated that a landlord may register as many persons in his apartment as he wants to. However, this practise may be limited by new legislation.

A Western embassy (A) explained that the FMS has changed attitude towards migration considerably over the last year. Whereas earlier, the opinion might be “Russia for Russians”, the new attitude is

more positive when it comes to migration to Russia, because of the low birth rate and the high death rate.

According to a Western embassy (A), the FMS is worried about the low birth rate in Russia and FMS is now interested in facilitating immigration. The FMS is expected to actively facilitate the prosecution of cases where too many people are registered at one address, sometimes as many as 300. However, at present the FMS has neither the manpower nor the prosecutorial expertise to do anything about it and FMS may prefer not to take on this role. It was added that no new legislation regarding residence registration has been signed. However, there might be a migration policy reform in the future. The changes would most likely concern employment issues and it is possible that it will become easier to register. However, the mindset of the current administration is that foreigners can come to Russia for a period to work and afterwards they must go back again. Therefore, a reform may entail permits for foreigners to stay longer periods of time, but not permission to remain.

2.8 Temporary registration in St Petersburg in order to apply for external passport

Representatives from the NGO Vainakh Congress, St Petersburg, explained that a lot of Chechens travel to St Petersburg from Chechnya and are registered as temporary residents in St Petersburg. Once they have a temporary residence for a minimum of one year in St Petersburg, they can apply for an external passport. The reason is that it is difficult to be issued an external passport in Chechnya.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that it is difficult to be issued an external passport in Chechnya, and it was suggested that the Chechen authorities may have instructed local authorities to limit the issuance of external passports in order to prevent Chechens from leaving Chechnya.

A person of Chechen origin had heard of Chechens who arrive in St Petersburg and register temporary residence for one year with the purpose of being issued an external passport. However, he did not know of any specific persons who had done so. He explained that the reason for this may be that they do not want Chechen authorities to know that they want to obtain an external passport. It was added that it may take a very long time for a Chechen to be issued an external passport outside of Chechnya. He knew of a person who applied for an external passport about three years ago. After waiting for the passport for more than a year, the person went to the chief of the passport department and threatened to spread the word and publicly write about the lengthy procedure of getting a passport. Shortly after, and after promising to pay a bribe, the passport was issued.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod stated that although Chechens should be able to settle anywhere in the Russian Federation, the Chechen government is pursuing an unhealthy policy of isolating Chechnya from the other republics in the Russian Federation and letting Chechnya develop into a mono-national/mono ethnic republic. Since 2009 foreign visitors have had to follow/adhere to a strict interpretation of Islamic rules. This was not the case in the time before the first war in Chechnya when religion did not play the same kind of prominent role in Chechen society.

Representatives from the NGO Vainakh Congress, St Petersburg, stated that a draft law is currently being debated that would allow every Russian citizen to be issued an external passport. However, it is not possible to say if and when this law will be a reality.

Representatives from the NGO Vainakh Congress, St Petersburg, explained that now a person has to be temporarily registered for at least one year, before it is possible to be issued an external passport. Previously, one had to be registered for five years to be issued an external passport.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that she did not know about the procedure regarding issuance of external passports. However, there is only one office in St Petersburg where one can be issued an external passport and the queues are very long and people wait in line for hours.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, stated that she has friends in Chechnya who were issued external passport without any problems. Elena Vilenskaya had not heard of Chechens coming to St Petersburg solely to be issued an external passport. It was added that in Chechnya one could save the money for the travel to St Petersburg and instead pay a bribe to the Chechen authorities and be issued an external passport without any problems [even] if they have temporary registration in St Petersburg.

Elena Vilenskaya, House of Peace and Non-Violence, St Petersburg, speculated that some Chechens might go to St Petersburg and apply for the external passport there in order to avoid that the Chechen authorities would notice they were applying for an external passport. It was added that Kadyrov on several occasions has declared that Chechens residing outside of Chechnya should return to Chechnya. This is an element in Putin's and Kadyrov's wish to create an image of a safe and prosperous Chechnya.

A Western embassy (A) explained that Chechens may come to St Petersburg to register temporary residence for one year in order to be issued an external passport, because in Chechnya the bribes to be paid are much higher than in St Petersburg and the case processing time in Chechnya may take more than a year, whereas it is much faster in St Petersburg where many people are travelling abroad for various purposes. The embassy was not of the opinion though, that Kadyrov would not let Chechens travel abroad. Kadyrov wants to appear cosmopolitan and accepted internationally, and therefore will allow Chechens to travel abroad and encourages ethnic Russian experts to return to Chechnya.

3. Internal passports

FMS stated that the 10 digit passport number in the internal passport consist of three groups of numbers. The first group consisting of two digits identifies the subject of the Russian Federation where the passport was issued. The next group, also consisting of two digits, state the year of issuance of the passport. The third and last group consisting of six digits is a regular order number.

FMS stated that the six digit code in the FMS stamp inside the internal passport identify which specific FMS office issued the internal passport. For instance 900-001 is the number of the FMS federal headquarters in Moscow. FMS has more than 2000 sub-divisions in charge of passport issuance in the Russian Federation, each of which has its own code. The code of sub-division in the stamp must correspond with the first two digits in the ten digit passport number identifying the subject of the Russian federation where the passport was issued.

FMS explained that if a person loses his or her internal passport a new one is issued by FMS. During the processing of the new internal passport the person is issued a temporary passport the Form No. 2P. Form No. 2P has an expiration date but no date of issuance. The date of issuance is only found in the register of the FMS. It was added that a new internal passport is usually issued within 10 day if the application is submitted to the FMS office where the person has his or her residence registration. If the application is submitted to a FMS office elsewhere the processing time could be up to two months because the FMS would need to confirm the identity of the person though usually it is done much faster. It was added that in the near future the date of issuance would be specified on Form No. 2P.

4. Russian federal authorities' activities in Chechnya

HRW in Moscow stated that it had heard of Russian FSB officers joining Chechen police and other security agencies in actual security operations, and it is likely that Russian FSB officers would occasionally be present when Chechens suspected of supporting or otherwise being affiliated with the illegal armed groups are questioned in detention facilities. They are mostly reported to be watching though, not actively participating, when Chechens are being subjected to torture.

HRW in Moscow stated that federal FSB officers and ordinary federal police in Chechnya are fewer today than five years ago, and only few of them bring their families to live in Chechnya while they are posted there. Russian military personnel and persons working in the investigative committees and in the prosecutors' office in Chechnya usually bring their families to Chechnya where they live in special fenced compounds. It was added that five years ago, Chechnya was almost completely ethnic homogeneous. However, as the general security situation has improved, ethnic Russians, Uzbeks and Vietnamese as well as other people are seen in Chechnya doing business.

Recent observers stated that Chechnya has become a largely mono-ethnic society and although there are foreigners in the republic, they are only there to work and not to stay. UNHCR informed that it is now debated in newspapers whether ethnic Russians who left during the years of conflict can return to Chechnya.

A Western embassy (A) stated that Russian military forces in Chechnya are largely confined to their bases. However, it is not unlikely that the Russian FSB officers or Russian police officers might join the Kadyrovtsy as observers or advisors on raids, in detention facilities and interrogation of suspected insurgents or supporters of insurgents in Chechnya. It was added though, that there is no hard evidence of this. The majority of the counter-insurgency operations are conducted by Chechen soldiers.

Referring to publicly available information, a Western embassy (C) stated that previously the 42nd Division under the South military district of Russian Department of Defence had 15,000 to 16,000 men, but it has now been split up into three brigades. There is uncertainty about the numbers, but it has been stated that each brigade has approximately 3,500 men, and they are stationed in military bases in Khankala near Grozny, Shali and Borzoi. These soldiers serve on a contractual basis. The source is not familiar with Chechens serving in these brigades today. In addition, there is a fourth brigade under the Ministry of Interior. This brigade has several subdivisions each carrying out special functions. The brigade comprises primarily Russians, but also some Chechens, including the army battalions “North” and “South”. The subdivisions under this brigade are posted throughout Chechnya and are engaged in police work and in anti-insurgency operations in the woods.

A Western embassy (C), referring to publicly available information, explained that Russian military are present in Chechnya. They have their bases and they are operative, i.e. they are visible when they drive around in Chechnya, and they have their own mobile check points along the forest belt. In addition to that, they are operating the helicopters that are used in anti-insurgency operations. According to reports, Russian soldiers may work alongside Chechen soldiers when they try to locate active insurgents in the woods and the mountains. However, to the Chechen soldiers the Russians are only guests. Likewise, the Russian soldiers do not fully trust their Chechen counterparts. It was added that reports of Russian casualties are very rare. Most often reported casualties are with the Chechen soldiers and this is not because they are incompetent soldiers, but because they are the ones who are by far the most active in the anti-insurgency operations. It was emphasised that if any Russian soldiers participate in security operations against low profile persons in Chechnya, i.e. supporters of members of the illegal armed groups by providing shelter, food or transportation, it would most likely be soldiers in the fourth brigade under the Ministry of Interior. In March 2012, a large number of Russian soldiers were transferred from Chechnya to Dagestan. One source has estimated that two thousand soldiers were transferred, but it is clear that the federal government wants to have some federal Russian soldiers stationed in Chechnya.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that he has regularly visited Chechnya since 1996.¹¹ When asked if ethnic Russians would be involved in security operations together with

¹¹ CAT is a member of the Joint Mobile Group of Russian human rights organisations in Chechnya (JMG) set up to monitor the human rights situation in Chechnya. The JMG was formed after the murder of Natalia Estemirova, a member of the Human Rights Centre “Memorial” in Grozny, in July 2009, and has been active in Grozny since the fall of 2009. The JMG comprise NGOs and human rights defenders from across Russia. Igor Kalyapin is the founder and President of the JMG.

the Kadyrovtsy, i.e. the Chechen OMON, Neftepolk/Oil Regiment or Patrol-Post Militia Service (PPSM) regiments, Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that it happens often. However, the general trend is that Russian federal forces are less and less involved in joint operations with Chechen forces. The Chechen force structures are very successful in fighting the illegal armed groups, and they consider Russian participation in such operations an unnecessary risk factor. Igor Kalyapin made reference to the case of Islam Umarpashaev as an example of the kind of unwanted attention of Russian participation in operations in Chechnya that the Chechen and Russian governments want to avoid.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that the staff of the investigative committee in Chechnya would be composed of two thirds Chechens and one third Russians.

A Western embassy (C) explained that Kadyrov is completely in control of security issues in Chechnya and the federal Russian military presence in Chechnya is partly symbolic.

Abdullah Istamulov, SK-Strategy, stated that for the past two to three years the Russian federal military forces have only had minimal influence in Chechnya.

Referring to publicly available information, a Western embassy (C) stated that it is Chechen security agents who carry out security operations in Chechnya involving low profile persons, i.e. persons who are suspected of supporting the illegal armed groups by providing shelter, food or transportation, and persons who are not publicly supporting Kadyrov. Deployed Russian police officers or Russian FSB are only involved in collecting intelligence. They are most likely involved when suspected members or supporters of the illegal armed groups are being questioned. It was emphasised that Russian security agents do not have to be involved in the day to day security operations in the field to obtain intelligence. It was added that according to reports, distances between cities and villages in Chechnya are quite short and often Chechen security agents wear masks during security operations because they would otherwise be recognised. They would only carry out security operations unmasked if they operate in places where they would not be recognised. The reports show that Chechen security agents may use their private cars during operations and the cars would often have no license plates.

An anonymous source with knowledge about Chechnya and Chechen Diaspora societies explained that asylum seekers from Chechnya may claim that they have been apprehended in Chechnya by masked Russian speaking persons in uniform. This claim by the asylum seekers may not be correct, but understandable. There may be different reasons for giving such an explanation. One reason may be that the asylum seeker believes that there is a greater chance of being granted refugee status if claiming that the persecutors are federal authorities. Another reason may be that the asylum seeker fears that referring to Chechen forces as persecutors may cause problems for his or her family who is still in Chechnya. It is believed that federal authorities would not seek revenge on the family as Chechen forces are known to do.

Abdullah Istamulov, SK-Strategy, stated that it is unlikely that Russian federal forces themselves conduct security operations in Chechnya. They would not be allowed to do so. However, there are

some special federal military task units or sub-units who are supposed to participate together with Chechen forces when searching for and arresting insurgents in the mountains. The Russian federal forces would not be involved in house searches in the villages and in the arrest of insurgent supporters in those villages.

Abdullah Istamulov, SK-Strategy, had not heard of cases in which Russian federal units would participate in the arrest of a young supporter of the insurgents in their house in the villages, as that would be the job of the Chechen units under the Chechen Ministry of Interior, but it could not be ruled out that such cases might exist. It was explained that if a young Chechen man was apprehended for actively supporting the insurgents through writings on the Internet or by providing other kind of assistance such as food or shelter for the insurgents, Chechen forces would be responsible. If a real insurgent, a so called “boiviki” is apprehended, it would be in a joint action with Chechen and federal forces.

A Western Embassy (B) stated that in Chechnya, military operations would usually be carried out by Chechen forces.

Abdullah Istamulov, SK-Strategy, explained that the Chechen and the federal forces may act together in the village if an operation is complicated. When undertaking operations in the mountains, the federal forces would always be backed by the Chechen forces. It was added that the majority of the Chechen forces are former insurgents or boivikis and therefore know the mountains well. They want to be a part of a federal operation for this reason, and because they want to be paid. It was added that Russian federal forces have access to better equipment.

A Western Embassy (B) explained that there is a large Russian military base in Chechnya where federal Russian soldiers are stationed. To the embassy’s knowledge, these soldiers are not involved in security operations either alone or in conjunction with Chechen forces. However, the embassy added that it believed that various federal Russian special forces, i.e. special forces of the Ministry of Interior and the Ministry of Defence, may be involved in military operations in Chechnya and in other republics in the North Caucasus. According to the embassy, there is a system of rotation within federal Russian police, and some ordinary police officers, including traffic police, would at one point have to work in North Caucasus.

4.1 Use of Russian language

A Western embassy (C) stated that Chechen children are taught Russian in school. Russian is the official and administrative language in Chechnya. A number of programs on Chechen television are in Chechen but news broadcasts are often in Russian with some interviews in Chechen. People in the streets in Grozny mostly speak Chechen. Unless a Chechen has lived in Russia outside of Chechnya for many years, many Chechens would be able to tell when a Chechen speaks Russian. The source, who speaks Russian but is not a native Russian speaker, is able to tell if a person speaking Russian is not a native Russian. It was emphasised that many Chechens would also definitely be able to tell.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that in Chechnya there are two Chechen language television channels and several radio channels broadcasting in Chechen.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that all civil servants in the Chechen government would speak Russian perfectly well. On some professional topics and in business life the language would also be Russian. It was added that Igor Kalyapin had observed that when government officials spoke to each other it would be a mix between Russian and Chechen language. Some words do not exist in the Chechen language and the Russian words are then used.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, explained that the members of the police and force structures are usually between 20 and 30 years of age and have therefore not received any systematic education. Consequently, many do not speak, understand or read Russian and if they do it would be only very basic Russian.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, stated that the term Kadyrovtsy is used to describe several departments within the Chechen force structures that are all organised by the Chechen Ministry of Interior (MVD). The OMON, the Neftepolk/Oil regiment and the PPSM (Special Purpose police Division) all fulfil functions that are not carried out by the ordinary police in Chechnya. The members of these units were in the past members of the illegal armed groups. The majority of the members of these units come from the mountainous part of Chechnya, also called Ichkeria. Kadyrov has adopted a special recruitment policy to these units that is limited to so-called pure or clean families. In order to become a member of these units, a person must be an ethnic Chechen from the mountains and his relatives should not be involved with Russian security forces or so-called Wahhabists. There are some exceptions to this rule, especially for high positions in the police. For example, the head of regional MVD Apti Alautdinov is ethnic Chechen, but spent many years working in Stavropol police. The present vice-premier in charge of force tasks Magomed Daudov was the leader of Wahhabists earlier. These are exceptions that are made by Kadyrov personally for his close friends. Members of such regiments, the Kadyrovtsy, are absolute illiterate as a consequence of almost 20 years without a functioning education system in Chechnya. They have very limited education and they do not believe they need any education. All they need is the words of Islam and the love to their leader Ramzan Kadyrov. It was added that the Kadyrovtsy would not be knowledgeable about police laws, ministry regulations etc.

Svetlana Gannushkina, Memorial and CAC, believes that Kadyrovtsy could be speaking Russian during raids, house searches or interrogations, but as a rule their Russian is spotted [detected]. Besides, she found it quite possible that Russian officers of federal forces or soldiers join Kadyrov's men on security operations, when they round up Chechens suspected of insurgents supporting [supporting the insurgents]. These police officers or soldiers may wear uniform and masks and speak Russian. A Chechen would be able to tell whether a masked soldier speaking Russian is a Russian or a Chechen. The day to day security operations in Chechnya are conducted by Chechens alone. It was added that the federal FSB can hardly work in Chechnya in a way it worked earlier, as there is great animosity between the federal FSB and the Chechen FSB. In reality, federal law absolutely does not work in Chechnya.

Igor Kalyapin, Chairman of CAT, Nizhny Novgorod, considered that every Chechen would be able to distinguish between a Chechen person speaking Russian and a Russian person speaking Russian.

HRW in Moscow suggested that a Chechen might not always be able to tell from the language whether or not a Russian speaking person is a Russian or a Chechen. It was added that Chechen police officers or other Chechen security officer could be speaking in Russian to pretend that they belong to the federal forces, and thus place the blame for harsh treatment or torture of detainees on the Russian federal forced. However, it cannot be excluded that federal FSB and federal police officers actually participate in security operations in Chechnya.

Abdullah Istamulov, SK-Strategy, stated that it may happen that Chechen forces speak Russian during an operation in order to blame the federal forces. It is a known military trick. Abdullah Istamulov, SK-Strategy was not sure if all Chechens, based on the accent, would be able to distinguish between Russians and other Chechens. It was added that a simple reason why a Chechen soldier may want to pretend that he is Russian is that everything comes to an end – even the conflict in Chechnya. The soldier may want to hide his identity to avoid acts of revenge against him or his family. That is also why many soldiers wear masks during operations.

HRW in Moscow explained that people in Grozny and other towns in Chechnya generally spoke Russian. However, many young people especially from smaller villages, especially in the mountains, do not speak or understand Russian very well.

Annex 1 - Sources interviewed by the delegation

An international organisation

A person of Chechen origin

A person of Chechen origin living in St Petersburg

Abdulla Istamulov, SK-Strategy

Alexander Verkhovsky, Director, SOVA, Moscow

An anonymous source with knowledge about Chechnya and Chechen Diaspora societies

Elena Vilenskaya, Chair of the Board, House of Peace and Non-Violence, St Petersburg

Experts who requested anonymity and who are familiar with registration of residence issues

Federal Migration Service, Moscow

Human Rights Watch, Moscow

Igor Kalyapin, Chairman of the Committee against Torture, Nizhny Novgorod

International Organization for Migration, Moscow

Khamzat Gerikhanov, Chairman of the Board, Chechen Social and Cultural Association, Moscow

Mohammed-Aref Abazovich Bekaev, Chechen lawyer, Moscow

Representatives of the NGO Vainakh Congress, St Petersburg

Svetlana Gannushkina, member of the Board of the Human Rights Center "Memorial" and head of the "Migration Rights" Network, head of the Civic Assistance Committee, Moscow

UNHCR, Moscow

Western embassy (A), Moscow

Western embassy (B), Moscow

Western embassy (C), Moscow

Annex 2 - Terms of Reference

Documentation and Project Division



UDLÆNDINGESTYRELSEN
DANISH IMMIGRATION SERVICE

Date: 14 May 2012

Draft ToR - DK fact finding mission to RF

1. Registration of domicile/residence
2. Chechens' access to housing in the Russian Federation outside of Chechnya
3. Russian police officers' use of false accusations against Chechens/North Caucasians in RF
4. Xenophobia/discrimination against Chechens/North Caucasians in RF
5. Use of Russian language in Chechnya by Chechens authorities
6. Russian security forces' presence and activities in Chechnya

Annex 3 - Glossary of abbreviations and acronyms

AI	Amnesty International
CAC	Civic Assistance Committee
CAT	Committee against Torture
DRC	Danish Refugee Council
DIS	Danish Immigration Service
ECRC	European Council on Refugees and Exiles
FMS	Federal Migration Service
FSB	Federal Security Service
HRW	Human Rights Watch
IOM	International Organization for Migration
JMG	Joint Mobile Group
NGO	Non Governmental Organisation
OMON	<i>Otryad militsii osobennogo naznacheniya</i> /Special Designation Police Detachment
PPSM	<i>Patrul'no-postovaya sluzhba militsii</i> /Patrol-Post Militia Service
SK-Strategy	Center for Strategic Studies and Civil Society Development in North Caucasus
SOVA	Center for Information and Analysis
ToR	Terms of Reference

Annex 4 - Resolution No. 713 of July 17, 1995

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

THE GOVERNMENT OF THE RUSSIAN FEDERATION

RESOLUTION No. 713

July 17, 1995

ON APPROVAL OF THE RULES OF REGISTRATION AND STRIKING OFF THE REGISTER OF CITIZENS OF THE RUSSIAN FEDERATION AT THE PLACE OF STAY OR RESIDENCE WITHIN THE RUSSIAN FEDERATION AND OF THE LIST OF THE OFFICIALS RESPONSIBLE FOR REGISTRATION

(with the amendments by the Government of the Russian Federation, Resolution No. 512 of April 23, 1996; No. 172 of February 14, 1997; No. 231 of March 16, 2000; No. 599 of August 14, 2002; No. 825 of December 22, 2004; No. 220 of March 28, 2008; No. 688 of September 08, 2010; No. 885 of November 11, 2010; No. 869 of October 26, 2011; No. 312 of April 16, 2012; as amended by Resolution No. 290 of the Government of the Russian Federation dated March 12, 1997 and Resolution No. 4-П of the Constitutional Court of the Russian Federation dated February 02, 1998)

In accordance with the Law of the Russian Federation “On the Right of Citizens of the Russian Federation to Freedom of Movement, Choice of Place of Stay and Residence within the Russian Federation” (Vedomosti Syezda Narodnykh Deputatov Rossiiskoi Federatsii i Verkhovnogo Soveta Rossiiskoi Federatsii [Gazette of the Congress of People’s Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation], No. 32, item 1227, 1993) the Government of the Russian Federation resolves:

1. To approve the enclosed Rules of registration and striking off the register of the citizens of the Russian Federation at the place of stay or residence within the Russian Federation and the list of officials responsible for registration.
2. The Ministry of Internal Affairs of the Russian Federation, in agreement with relevant federal executive authorities, shall issue, within 3 months, instructions on application of the Rules of registration and striking off the register of the citizens of the Russian Federation at the place of stay or residence within the Russian Federation, stated in the present Resolution.
3. The Ministry of Internal Affairs and the Ministry of Justice of the Russian Federation shall submit, in accordance with the established procedure, within 3 months, submit proposals bringing the legislative acts of the Russian Federation in conformity with the Law of the Russian Federation “On the Right of Citizens of the Russian Federation to Freedom of Movement, Choice of Place of Stay and Residence within the Russian Federation”.
4. The federal executive authorities and executive authorities of the constituent entities of the Russian Federation shall bring their decisions into conformity with the Law of the Russian Federation “On the Right of Citizens of the Russian Federation to Freedom of Movement, Choice of Place of Stay and Residence within the Russian Federation” and the present Resolution.
5. To amend the following Resolutions of the Government of the Russian Federation accordingly:

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

a paragraph is repealed - Resolution No. 231 of the Government of the Russian Federation dated March 16, 2000;

item 2 of the Resolution No.2278-p of the Government of the Russian Federation dated December 07, 1992 the following words are to be deleted:

“The Ministry of Security of Russia and the Ministry of Internal Affairs of Russia shall, from January 1, 1993 and until further order, provide special rules for entry to and passage in Zabaykalsky administrative district of Chitinskaya oblast”.

Prime Minister
of the Russian Federation
Chernomirdin V.

Attachment

Approved
by the Government of the Russian Federation
Resolution No. 713
July 17, 1995

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

THE RULES

REGISTRATION AND STRIKING OFF OF CITIZENS OF THE RUSSIAN FEDERATION FROM THE REGISTER OF PLACE OF STAY AND RESIDENCE WITHIN THE RUSSIAN FEDERATION

(with the amendments by the Government of the Russian Federation, the Resolutions No. 512 of April 23, 1996; No. 172 of February 14, 1997; No. 231 of March 16, 2000; No. 599 of August 14, 2002; No. 825 of December 22, 2004; No. 220 of March 28, 2008; No. 688 of September 8, 2010; No. 885 of November 11, 2010; No. 869 of October 26, 2011; No. 312 of April 16, 2012; as amended by the Resolution No. 290 of the Government of the Russian Federation dated March 12, 1997 and the Resolution No. 4-II of the Constitutional Court of the Russian Federation dated February 2, 1998)

I. General Provisions

1. The present Rules, in conformity with the Constitution of the Russian Federation, the Law of the Russian Federation "On the Right of Citizens of the Russian Federation to Freedom of Movement and Choice of Place of Stay and Residence within the Russian Federation", housing, civil and other legislation of the Russian Federation, regulate the procedure of the registration and striking off the register of place of stay and residence within the Russian Federation (hereinafter called "registration") of citizens of the Russian Federation (hereinafter called "citizens").

The registration is established in order to provide the necessary conditions for the citizens to exercise their rights and freedoms and also to comply with their obligations in respect to other citizens, the state and society.

2. The registration bodies in cities, towns, villages, closed military settlements, and also in settlements situated in the border regions or closed administrative-territorial entities, are the local bodies of the Federal Migration Service, if such exists, and in other settlements the registration bodies are the bodies of local self-government.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

3. The place of stay is the place where a citizen is staying temporarily — a hotel, health center, holiday home, vacation hotel, camping, hospital, tourist center or other similar facilities, or the residential premises, which are not the citizen's permanent place of residence.

The place of residence is the place where a citizen lives permanently or most of time as an owner, as a lessee (sub-lessee), under social lease or in any other capacity, stated by the legislation of the Russian Federation: a residential house, an apartment, official residence, a specialized housing (a hostel, a charity lodging, a house of the maneuver (temporary) housing fund, a home for single and aged people, a home for disabled persons and invalids, a home for veterans, etc.) as well as other residential premises.

(as amended by Resolution No. 172 of the Government of the Russian Federation dated February 14, 1997; Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002)

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

4. The registration of citizens at the place of stay or residence is entrusted to the officials who occupy, permanently or temporarily, positions that are connected to organizational, managerial or administrative functions relating to the control of observance of the rules of use of housing premises and premises of social designation.

Citizens are obliged to register at the place of residence and place of stay with the relevant registration bodies and to observe rules stated in the present Resolution.

Federal Migration Service, its local bodies and the internal affairs bodies control that the present Rules are observed by citizens and officials.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

5. The following documents, which identify a citizen of the Russian Federation (hereinafter "identification documents"), are required for registration:

passport of a citizen of the Russian Federation, which identifies a citizen of the Russian Federation within the Russian Federation;

passport of a citizen of the USSR, which identifies a citizen of the Russian Federation, until it's replaced by passport of a citizen of the Russian Federation;

birth certificate, for citizens under 14 years of age;

passport, identifying a citizen of the Russian Federation abroad, for citizens whose permanent place of residence is abroad.

(as amended by Resolution No. 599, item 5 of the Government of the Russian Federation dated August 14, 2002)

6. Forms of applications, certificates, notifications and other documents certifying the registration of citizens at the place of stay or residence and of corresponding stamps are approved by the Federal Migration Service. Forms of statistical records and the procedure of passing the documents between the registration bodies and statistical bodies are approved by the Federal Migration Service in agreement with the Federal State Statistics Service.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008; Resolution No. 855 of the Government of the Russian Federation dated November 11, 2010)

7. Registration of citizens at the place of stay or residence is made with regard to the restrictions established by the Federal Law in: border regions, closed military settlements, closed administrative-territorial entities, zones of ecological disaster, areas or settlements where special conditions of living and of economic activities have been introduced due to a threat of spreading mass infectious or non-infectious diseases or poisoning of people, areas where an emergency situation or martial law has been introduced, and also in other cases envisaged by the Federal Law.

(as amended by Resolution No. 512 of the Government of the Russian Federation dated April 23, 1996)

8. Violation of the present Rules entails the liability of officials and citizens in accordance with the legislation of the Russian Federation.

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

II. Registration of citizens at the place of stay

9. A citizen who comes to stay temporarily on housing premises, which are not his place of residence, for a period over 90 days, has to, within 90 days, present following documents to the persons responsible for conducting the registration:

(as amended by Resolution No. 825 of the Government of the Russian Federation dated December 22, 2004)

identification document;

an application, using the approved standard application, for registration at the place of stay;

document that form the basis for his temporary stay on the housing premises (lease (sublease) contract, social lease contract of housing premises, certificate of the State registration of rights of housing premises or an application from a person who provides the housing premises to the citizen). (as amended by Resolution No. 172 of the Government of the Russian Federation dated February 14, 1997; Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002; Resolution No. 869 of the Government of the Russian Federation dated October 26, 2011)

If the registration at the place of stay is based on social lease contract of housing premises, concluded in accordance with the housing legislation of the Russian Federation, or certificate of State registration of right to housing premises, the citizen has the right not to submit the abovementioned documents, but only to state the relevant requisites in the application for registration at the place of stay.

(paragraph inserted by Resolution No. 869 of the Government of the Russian Federation dated October 26, 2011)

In this case, the registration body requests the state bodies and the bodies of local self-government for the information, stated in the documents listed in present item, paragraph 5 and register the citizen at the place of stay not later than 8 workdays upon submission of the application for registration at the place of stay and the identification document in accordance with the legislation of the Russian Federation.

(paragraph inserted by Resolution No. 869 of the Government of the Russian Federation dated October 26, 2011)

In the absence of housing-management bodies, when a citizen is moving to the residential premises owned by another individual or a legal entity, the mentioned documents are presented to this individual or the representative of the legal entity, who bears the responsibility for control of the use of the residential premises.

Citizens has a right to notify the registration body of the date and place of his staying by post or in electronic form through data telecommunications networks of public services including the Internet and including the federal state information system "The Common Government Service Portal of Russian Federation" of government and municipal services (services) (hereinafter called "the Common Portal").

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

(paragraph inserted by Resolution No.885 of the Government of the Russian Federation dated November 11, 2010)

10. The registration of a citizen at the place of stay on housing premises, which is not his place of residence, is valid for a period determined by agreement with:

the lessee and all members of his family who live together with the lessee, including temporarily absent members of his family, if they are living in a state-owned or municipal residential building; (as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

the owner of the residential premises;

the management of a home building or housing cooperative, if cooperative members do not own the premises.

(as amended by Resolution No. 599, item 10 of the Government of the Russian Federation dated August 14, 2002)

11. Public officials, who are responsible for conducting the registration, as well as physical persons and legal entities, who own residential premises and lease them out, must, within 3 days from the day the citizen has presented the relevant documents, submit the documents, listed in item 9 of the present Rules, to the registration bodies.

12. The registration bodies must, in accordance with the set procedure, register the citizen at the place of stay, which are not his place of residence, and provide him with a certificate testifying to his registration within 3 days from receiving the documents, or in case mentioned in paragraph 5 and 6 of item 9 of present Rules, not later than 8 workdays from submission of the application for registration at the place of stay and the identification document.

(as amended by Resolution No. 869 of the Government of the Russian Federation dated October 26, 2011)

At a citizens own wish, the registration bodies can forward the certificate of registration at the place of stay by post, to the address of residential premises in accordance with the application. A notification of registration of the citizen is forwarded within 3 days to the owner (lessee) of residential premises.

(paragraph inserted by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010)

Children who haven't come of age are registered at the place of stay of their parents (adopter, guardian) regardless of the consent of the persons listed in paragraph 2-4 of item 10 of the present Rules.

(item 12 inserted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002)

13. deleted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

14. Registration of a citizen at the place of stay in a hotel, health center, holiday home, vacation hotel, camping, hospital, tourist center or other similar facilities is conducted upon his arrival by the administration of the listed facilities on the basis of the identification document.

15. The registration of the citizen at temporary place of stay does not mean that the citizen will be stricken off the register at the place of residence.

III. Registration of citizens at the place of residence

16. A citizen who has changed his place of residence must, within 7 days from his arrival to the new place of residence, present following documents to the officials responsible for conducting the registration:

identification document;

paragraph deleted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002;

an application, using the approved standard application, for registration at the place of residence;

document that, according to the housing legislation of the Russian Federation, gives the right to move in housing premises.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

In the absence of housing-management bodies, when a citizen is moving to the residence premises owned by another individual or a legal entity, the mentioned documents are presented to this individual or the representative of the legal entity, who bears the responsibility for control of the use of the residential premises.

A citizen has a right not to submit the document which forms the basis for his right to move in the housing premises (social lease contract, lease contract of housing premises in a state-owned or municipal residential building, agreement which has been state registered, or other documents which contain the terms of the transaction of the real estate, certificate of the State registration of right to housing premises or other documents), if the information contained in the above mentioned documents are at disposal of the state bodies and the bodies of local self-government. In this case the registration body apply to the state bodies and the bodies of local self-government for the relevant documents (the information the document contains), an extract from the corresponding register, other information in accordance with the legislation of the Russian Federation and register the citizen at the place of residence not later than 8 workdays upon submission of the application for registration at the place of residence and the identification document in accordance with the legislation of the Russian Federation.

(paragraph inserted by Resolution No.869 of the Government of the Russian Federation dated October 26, 2011)

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

An application, using the approved standard application, for registration at the place of residence in a form of an electronic document as well as digital copy of documents, listed in present item can be submitted through the Common Portal.

(paragraph inserted by Resolution No.885 of the Government of the Russian Federation dated November 11, 2010)

17. Public officials, who are responsible for conducting the registration, as well as physical persons and legal entities, who own residential premises and lease them out, must, within 3 days from the day the citizen has presented the relevant documents, submit the documents, listed in item 16 of the present Rules, together with “the address list of arrival” and the relevant statistical forms, to the registration bodies.

18. The registration bodies must within 3 days from receiving the documents register the citizen at the place of residence, except situation described in paragraph 6 of item 16 of the present Rules. A citizen under 14 years of age gets a note in his passport or a certificate confirming the registration at the place of residence at the same day the registration bodies receive the identification document and the document which forms the basis for his right to move in the housing premises.

(as amended by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010; Resolution No. 869 of the Government of the Russian Federation dated October 26, 2011)

19. deleted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002.

20. repealed by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008

21-22. deleted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002.

IV. Registration at the place of stay or residence of specific groups of citizens

23. Military personnel are registered:

at the place of residence — according to general rules (except soldiers, sailors, sergeants and first sergeants, who are conscripted to service);

at the place of stay – if he is in possession of a leave permit or certificate proving that he is travelling due to his service (if duration is over 90 days).

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

Contracted military personnel, conscripted officers and members of their families, before they are provided housing premises, are registered by the registration bodies at the place of deployment of their military unit according to set procedure.

24. A citizen not registered at the place of residence, is registered at the place of stay, in accordance with the procedure given by the present Rules.

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

The local branch of the Federal Migration Service in accordance with the present Rules registers a person of no fixed abode at the place of stay. The person of no fixed abode is registered at the address of a social service institution for persons of no fixed abode on the basis of an application, using the approved standard application for registration at the place of stay and an identification document, the person is issued a certificate on registration at the place of stay. In absence of an identification document, and until it is issued, the registration of mentioned persons is conducted on the basis of an application, using the approved standard application for registration at the place of stay.
(paragraph inserted by Resolution No. 688 of the Government of the Russian Federation dated September 8, 2010)

A validity of registration of a person of no fixed abode at the place of stay is determined upon the mutual agreement between the person and administration of a social service institution for persons of no fixed abode.
(paragraph inserted by Resolution No. 688 of the Government of the Russian Federation dated September 8, 2010)

25. A citizen who lives on the territory of a monastery, church or other religious premises is registered according to the present Rules, on submission of an application, using the approved standard application, and identification documents.

26. A citizen whose occupation or duty presupposes permanent moving or traveling (sea or river ship, geological, prospecting or exploring expedition, line construction and mounting units, mobile mechanical divisions and other) is registered at the location of a corresponding shipping agency, organization or institution.

26(1). A citizen of the Russian Federation, who is a member of indigenous ethnic minority, who leads a nomadic and (or) semi-nomadic life without a place of residence or a place where the citizen lives most of the time, is registered at the place of residence in a settlement (at the choice of the citizen) within the municipal district, where the nomadic routes are located, taking into consideration the list of traditional nomadic routes and traditional economic activity of indigenous ethnic minorities, confirmed by the Government of the Russian Federation. The citizen is registered at the address of the local administration of the settlement.

For registration at the place of residence, the above mentioned citizen submits to a registration body following documents:

- an application, using the approved standard application, for registration at the place of residence;
- passport or another equal document, which identifies a citizen;
- a document, issued by self-governing body of the relevant municipal district, in a standard approved by authorized executive federal body, confirming citizen's nomadic and (or) semi-nomadic life.

(item 26(1) inserted by Resolution No. 312 of the Government of the Russian Federation dated April 16, 2012)

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

27. A citizen, who applies to the Federal Migration Service or its local branches asking to recognize him as a forced migrant, is registered at the place of stay on the basis of a warrant for temporary residence issued by these authorities.

(as amended by Resolution No. 231 of the Government of the Russian Federation dated March 16, 2000; Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002; Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

Forced migrants are registered at the place of residence on the basis of documents listed in item 16 of the present Rules.

(as amended by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002)

28. A citizen under 14 years of age (who has not come of age) who lives with his parents (adopter, guardian) is registered at the place of residence on the basis of identification documents of parents (adopter) or a document testifying to guardianship, and the citizen's birth certificate by entering the citizens data in the house (apartment) register or file card of his parents (adopter, guardian). The citizen receives a certificate confirming the registration at the place of residence.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

A paragraph is repealed by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010

29. A citizen under 14 years of age (who has not come of age) is registered at the place of stay on the basis of the identification documents of his parents (adopter, guardian) or close relatives, who are accompanying him and the his birth certificate. The citizen receives a certificate confirming the registration at the place of stay.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

A paragraph is repealed by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010

V. Striking citizens off the register at the place of stay or residence

30. A citizen is considered to be taken off the register at the place of stay on the housing premises, which are not his permanent place of residence, upon expiration of the term of stay established in the application for registration at the place of stay, and in case of hotel, health center, holiday home, vacation hotel, camping, hospital, tourist center or other similar facilities — upon citizen's leaving.

(as amended by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002)

In case of early departure of a citizen from the temporary housing premises, which is not his place of residence, the citizen or a person, who has provided the housing premises to the citizen,

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Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

submits an application in free form for striking the citizen off the register at the place of stay, stating the date of departure (if known), or forward an application by post, or through the Common Portal to a registration body, which has registered the citizen at the place of stay.

(paragraph inserted by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010)

In case of receiving a notification of registration at the place of stay of a citizen, who has been registered without his consent, an owner (lessee) of housing premises can submit an application in free form for annulment of the registration at the place of stay of the relevant citizen to the registration body, which has registered the citizen.

(paragraph inserted by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010)

Striking of the register of citizens, who has not been recognized as forced migrant by the territorial authorities of the Federal Migration Service, is conducted on the basis of the decision of the Federal Migration Service to deny the citizens the status of forced migrants.

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

31. A citizen is taken off the register at the place of residence by the registration bodies in the following cases:

a) changing the place of residence – on the basis of a citizen's application for registration at a new place of residence and an application, in a written or electronic form, for striking him off the register at the last place of residence. If a citizen has not been stricken off the register at the last place of residence, the registration body responsible for registration at the new place of residence must within 3 days send a relevant notice to the registration body at the last place of residence to strike the citizen off their register;

(as amended by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002; Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010)

b) a citizen is called up to military service – on the basis of notice from enlistment office;

c) a citizen has been sentenced to imprisonment – on the basis of a valid court verdict;

d) a citizen has disappeared – on the basis of a valid court ruling;

e) death or a court ruling to consider a citizen dead – on the basis of a death certificate,

formalized in accordance with the procedure established by the legislative acts;

f) eviction from the housing premises or if a citizen is recognized to have lost the right to use the housing premises – on the basis of a valid court ruling;

g) it has been found that the data or documents on basis of which a citizen has been registered is false, or that the actions of the officials during the registration process were in violation of relevant legislation – on the basis of a valid court ruling.

h) a citizen, mentioned in item 26(1) of the present Rules, that changes the nomadic routes so that the routes are found outside of the municipal district, where the citizen has been registered at the

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Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

place of residence at an address of a local administration– on the basis of citizen’s application in a written form together with a document confirming citizen’s nomadic and (or) semi-nomadic life; (sub-item “h” inserted by Resolution No. 312 of the Government of the Russian Federation dated April 16, 2012)

i) a citizen, mentioned in item 26(1) of the present Rules, discontinues nomadic and (or) semi-nomadic life– on the basis of citizen’s application in a written form.

(sub-item “i” inserted by Resolution No. 312 of the Government of the Russian Federation dated April 16, 2012)

32. When striking a citizen off the register of the place of residence on the grounds listed in sub-item *c, d, e, f* and *g* of item 31 of present Rules, the relevant documents can be submitted by concerned parties, physical persons or legal entities.

If concerned physical persons or legal entities do not present a death certificate, the registration body applies to the civil registry office for information regarding the registration of death in the records of civil registration in accordance with the legislation of the Russian Federation.

(paragraph inserted by Resolution No.869 of the Government of the Russian Federation dated October 26, 2011)

33. The registration bodies strike citizens off the register at the place of residence on the basis of submitted documents within 3 days.

A relevant note is made in the passports of citizens who have been taken off the register at the place of residence on the day of receiving of documents by the registration body.

(item 33 amended by Resolution No. 885 of the Government of the Russian Federation dated November 11, 2010)

34. deleted by Resolution No. 599 of the Government of the Russian Federation dated August 14, 2002.

Approved
Resolution No. 713
by the Government of the Russian Federation
July 17, 1995

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Resolution No. 713 of the Government of the Russian Federation dated July 17, 1995 (as amended on April 16, 2012) On Approval of the Rules of Registration and Striking Off of Citizens of the Russian Federation from the Register of Place of Stay and Residence within the Russian Federation and of the List of Officials Responsible for Registration

LIST OF OFFICIALS RESPONSIBLE FOR REGISTRATION

(as amended by Resolution No. 220 of the Government of the Russian Federation dated March 28, 2008)

1. Officials exercising, according to the housing legislation of the Russian Federation, control over the use and preservation of the housing fond of the Russian Federation, the housing fond of constituent entities of the Russian Federation and the municipal housing fond, are responsible for registration at residential premises of the state and municipal housing fond.

2. Owners who manage independently their premises and persons authorized by a condominium or a management organization are responsible for registration at housing premises of the private housing fond.

3. Persons authorized by the managerial bodies of housing and homebuilding cooperatives, are responsible for registration at premises located in housing buildings and homebuilding cooperatives.

4. Authorized employees are responsible for registration at hotels, camping areas, tourist centers, health centers, holiday homes, vacation hotels, hospitals, hostels for disabled persons, veterans, lonely and aged persons, shelters and other socially-oriented institutions.

Unofficial translation. The text has been translated from Russian to English by a native Russian speaking person with a legal background.

Annex 5- Law No. 5242-1 of June 25, 1993¹²

LAW
OF THE RUSSIAN FEDERATION
NO. 5242-1 OF JUNE 25, 1993
ON THE RIGHT OF CITIZENS OF THE RUSSIAN FEDERATION
TO THE FREEDOM OF MOVEMENT, THE CHOICE OF A PLACE OF STAY
AND RESIDENCE WITHIN THE RUSSIAN FEDERATION*
(with the Amendments and Additions of November 2, 2004)

Article 1. The Right to the Freedom of Movement, the Choice of a Place of Stay and Residence within the Russian Federation.

In accordance with the Constitution of the Russian Federation and the international human rights acts every citizen of the Russian Federation shall have the right to the freedom of movement, the choice of a place of stay and residence within the Russian Federation.

The right of citizens of the Russian Federation to the freedom of movement, the choice of a place of stay and residence within the Russian Federation may be limited only on the basis of a law.

Persons who are not citizens of the Russian Federation and who stay on its territory on a lawful basis shall have the right to the freedom of movement, the choice of a place of stay and residence within the Russian Federation in conformity with the Constitution and laws of the Russian Federation and its international treaties and agreements.

Article 2. Basic Concepts

For purposes of the present Law the place of stay and residence shall be understood to mean the place of sojourn and residence.

The place of sojourn is a hotel, sanatorium, holiday home, holiday hotel, camping-site, tourist base, hospital and any other similar institution, and also living quarters, which is not the place of residence of a private citizen and in which he resides for the time being.

The place of residence is a dwelling house, apartment, official living quarters, specialized house (a hostel, hotel-shelter, house for maneuverable stock, special house for single aged people, boarding house for disabled persons, labour and war veterans, etc.), and also any other living accommodation in which a private citizen lives permanently or chiefly as its owner, under a contract for lease of housing (sublease), a contract of tenancy or on any other grounds provided for by the legislation of the Russian Federation.

Federal Law No. 127-FZ of November 2, 2004 amended Article 3 of this Code. The amendments shall enter into force as of January 1, 2005

* Source : www.legislationline.org

¹²The text can be found on www.legislationline.org

Article 3. Registration of Citizens of the Russian Federation According to the Place of Stay or Residence within the Russian Federation

In order to provide the necessary conditions for the realization by a citizen of the Russian Federation of his rights and freedoms, and also for the performance of his duties to other citizens, the State and society, registration of citizens of the Russian Federation shall be introduced according to the place of stay or residence within the Russian Federation.

Citizens of the Russian Federation shall be obliged to get registered in the place of stay or residence within the Russian Federation. Registration or non-registration may not serve as a ground or condition for the implementation of the rights and freedoms of citizens, provided for by the Constitution of the Russian Federation, the laws of the Russian Federation, the Constitutions and laws of the Republics within the Russian Federation.

Citizens of the Russian Federation shall be registered free-of-charge at the location and place of residence thereof within the limits of the Russian Federation.

The rules for the registration and for striking citizens of the Russian Federation off the register according to the place of stay or residence within the Russian Federation, and also the list of officials responsible for registration shall be approved by the Government of the Russian Federation.

The Rules for Registering and for Striking Off the Register the Citizens of the Russian Federation by the Place of Stay and by the Place of Residence Within the Boundaries of the Russian Federation and the List of the Official Persons, Responsible for the Registration were approved by Decision of the Government of the Russian Federation No. 713 of July 17, 1995

Control over the observance by citizens of the Russian Federation and officials of the rules for registration and striking such citizens off the register according to the place of stay or residence within the Russian Federation shall be exercised by the organs of internal affairs.

Article 4. Bodies of Registration of Citizens of the Russian Federation in the Place of Stay or Residence within the Russian Federation

Bodies of registration of citizens of the Russian Federation according to the place of stay or residence within the Russian Federation shall comprise the organs of internal affairs in cities, townships, rural settlements, closed cantonments, and also in populated localities in border areas or in closed administrative-territorial formations, in which there are organs of they interior, and shall cover the local administration in all the rest of the populated centres.

Article 5. Registration and Striking off the Register of Citizens of the Russian Federation in the Place of Stay

Registration of a citizen of the Russian Federation in the place of stay shall be made without striking off the register in the place of residence.

The registration and striking off the register of a citizen of the Russian Federation in the place of stay in a hotel, sanatorium, holiday home, boarding hotel, camping site, tourist base, hospital and any similar institution shall be effected upon his arrival or exit by the management of the respective institution.

In other cases the registration and striking off the register of a citizen in the place of stay shall be made by a registration body in accordance with the rules approved by the Government of the Russian Federation.

Article 6. Registration of a Citizen of the Russian Federation According to the Place of Residence

A citizen of the Russian Federation who has changed his place of residence shall be obliged within seven days since his arrival at a new place of residence to apply to the official responsible for registration with a statement of a stipulated form. He or she shall present the following documents:

- passport or any other document replacing it and certifying the personality of a citizen;
- document serving as a ground for moving a citizen into living quarters (a warrant for living accommodation, contract for lease, statement of the person who has given living quarters or any other document) or its properly certified copy.

The registration body shall be obliged to register a citizen in the place of residence within three days since the day of presenting documents for registration.

Article 7. The Striking off the Register of a Citizen of the Russian Federation According to the Place of Residence

Citizens of the Russian Federation shall be struck off the register in the place of residence by a registration body in the following cases:

- change of a place of residence - on the basis of a citizen's statement about the registration in a new place of residence;
- conscription to military service - on the basis of a deliverance from the local military commissariat;
- conviction to deprivation of liberty - on the basis of the court's sentence that has entered into legal force;
- recognition as missing without a truce - on the basis of the court's decision that has entered into legal force;
- death or the court's declaration as deceased - on the basis of a death certificate drawn up in a statutory manner;
- eviction from the occupied living quarters or recognition as invalid of the right to use the living accommodation - on the basis of the court's decision that has entered into legal force;
- discovery of false information or documents that served as a ground for registration on the unlawful actions by officials in the process of registration - on the basis of the court's decision that has entered into legal force.

Article 8. Grounds for Restricting the Right of Citizens of the Russian Federation to the Freedom of Movement, the Choice of a Place of Sojourn or Residence within the Russian Federation

The right of citizens of the Russian Federation to the freedom of movement, the choice of a place of sojourn or residence within the Russian Federation may be restricted according to the laws of the Russian Federation:

- in a border area;
- in closed cantonments;

- in closed administrative-territorial formations;
- in zones of ecological disaster;
- in separate territories or populated localities where special conditions and regimes of living and economic activity have been introduced in case of danger of infections and mass non-infectious diseases and poisoning;
- in territories where a state of emergency or martial law has been introduced.

Article 9. The Protection of the Right of Citizen of the Russian Federation to the Freedom of Movement, the Choice of a Place of Stay or Residence within the Russian Federation

Actions or inaction by state and other bodies, enterprises, institutions, organizations, officials and other juridical and natural persons affecting the right of citizens of the Russian Federation to the freedom of movement, the choice of a place of stay or residence within the Russian Federation may be appealed against by citizens with a higher organ or a higher official or directly with a court of law.

Article 10. Responsibility for Violating the Requirements of the Present Law

Violations of the requirements of this Law shall entail responsibility of officials and private citizens in compliance with the legislation of the Russian Federation.

Article 11. The Application of Standards of International Law

If an international treaty or agreement of the Russian Federation establishes rules other than those contained in the present Law, the rules of this international treaty or agreement shall be applied.

President of the Russian Federation

Boris Yeltsin

Moscow, the House of Soviets of Russia

No. 5242-1

June 25, 1993

Annex 6 - Map of Western part of Russia¹³

¹³ The University of Texas at Austin, Perry-Castañeda Library Map Collection, http://www.lib.utexas.edu/maps/commonwealth/comm_indep_states_ref_00.jpg