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

February 2003

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Introduction

1. This paper is an update of the previous “*UNHCR Guidelines on Asylum-Seekers from Chechnya*,” of January 2001. While the general principles as stated in the previous guidelines remain valid, given the ongoing conflict in the Chechen Republic (Chechnya¹) over the last two years and the number of individuals seeking international protection on grounds related to the current situation in Chechnya, the need has arisen for more detailed information concerning 1) the question of internal relocation, and 2) the identification of categories of persons who may be in need of international protection.

I. General situation and recent developments

2. UNHCR has not established a presence inside Chechnya but rather receives information from a variety of sources with a presence in Chechnya. These sources are consistent in reporting widespread and serious violations of human rights and humanitarian law within Chechnya.

3. Abdul-Khakim Sultygov, President Putin's human rights envoy for Chechnya confirmed that 284 people disappeared in the war-torn region between January and August 2002. He also said that efforts to end abuses against Chechen civilians by the Russian military had failed and new regulations were being prepared.²

4. According to the Council of Europe's experts' assessment of December 2002,

*(t)he security situation has clearly worsened since the hostage taking in Moscow in late October 2002. The experts could witness that military movements within the Chechen Republic have remained intensive.*³

At the beginning of November 2002, Russian forces carried out an intensive campaign against separatists throughout the territory of Chechnya. Russian Defence Minister Sergey Ivanov announced that previous plans to reduce military presence in Chechnya

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

² BBC News, Chechen Envoy Confirms Missing Toll, 5 August 2002, <http://news.bbc.co.uk/1/hi/world/europe/2174431.stm>.

³ Council of Europe, Twenty-fourth interim report by the Secretary General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Freedoms in the Chechen Republic. Period from 10 November to 4 December 2002, SG/Inf(2002)51, 9 December 2002, Human Rights and Civil Rights and Freedoms in the Chechen Republic Period from 10 November to 4 December, 2002, [http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information%5Fdocuments/2002/SGInf\(2002\)51E.asp#TopOfPage](http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information%5Fdocuments/2002/SGInf(2002)51E.asp#TopOfPage). To date, the Committee of Ministers has been seized only once on the basis of paragraph 1 of the 1994 Declaration on compliance with commitments, and this was done by the Secretary General, on 26 June 2000, with respect to the situation in Chechnya (See Council of Europe Monitor/Inf(2003)1 of 6 February 2003).

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had been suspended.⁴ Witness statements and reports by international human rights organisations provide detailed accounts regarding violations of human rights and international humanitarian law, including torture, summary executions, arbitrary detention, disappearances, rape, ill-treatment, widespread destruction and looting of property.⁵

5. Over 350,000 persons have been forced to flee from their homes since the beginning of the conflict, mostly to Ingushetia, but also to other regions of the Russian Federation and inside Chechnya itself. As at 31 December 2002, there were, according to UNHCR, some 103,000 IDPs in Ingushetia, 142,000 IDPs within Chechnya itself, 8,000 IDPs in Dagestan and 40,000 IDPs in other regions of the Russian Federation.⁶ There is also an unknown number of Chechen refugees and asylum-seekers in other parts of the former Soviet Union, in Central Europe and in Western Europe.⁷ More than 10,000 Chechens seeking protection are staying in Central Asia, the largest number of them in Kazakhstan.⁸

6. Although the security situation within Chechnya met with a series of setbacks in 2001 and 2002, the following positive developments have been observed over the same period:

- a) The protracted, full-fledged warfare along frontlines has stopped;
- b) During the period 1 January – 31 December 2002, the UN estimates that up to 40,000 persons have returned to Chechnya. These include approximately 20,000 persons who were previously shuttling between Chechnya and Ingushetia, and who are now deemed to be settled in Chechnya more permanently, 7,404 persons returned from Ingushetia organised by the Chechen Forced Migrant Committee, approximately 11,000 spontaneous returns from Ingushetia and 2,000 returns from Dagestan;

⁴ BBC News, Russia Pursues New Assault in Chechnya, 4 November 2002, <http://news.bbc.co.uk/1/hi/world/europe/2396975.stm>.

⁵ Such reports include the following: Reports by the United Nations High Commissioner for Human Rights, www.unhcr.ch; Amnesty International, Russian Federation, *Annual Report 2002, covering period from January to December 2001*, 28 May 2002. <http://web.amnesty.org>, Open and Human Rights Watch, World Report 2003, Russian Federation, 14 January 2003, <http://www.hrw.org>.

⁶ The United Nations is relying on the Danish Refugee Council (DRC)'s database for statistics on IDPs in Ingushetia. For statistics regarding Chechnya, UNHCR relies on figures provided by authorities of the Russian Federation. In both these republics, DRC is an implementing partner of, *inter alia*, UNHCR and WFP. As for Dagestan and other republics of the Federation, the figures are UNHCR's estimates. For more detailed information see also: Norwegian Refugee Council, Global IDP Database, Profile of Internal Displacement: Russian Federation, *Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council*, 28 October 2002, [http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Russian+Federation/\\$File/Russian%20Federation%20-October%202002.pdf?OpenElement](http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Russian+Federation/$File/Russian%20Federation%20-October%202002.pdf?OpenElement).

⁷ According to UNHCR statistics, some 57,153 Russian citizens sought asylum in the industrialized countries from 2000-2002. The number of asylum seekers of Chechnyan nationality is not indicated. UNHCR, *Asylum Applications Lodged in Industrialized Countries: Levels and Trends, 2000-2002*, PGDS, Division of Operational Support, Geneva, March 2003.

⁸ In addition, approximately 4,000 Chechen refugees have been registered and granted protection in Georgia and 6,000 in Azerbaijan. Over 200 Chechens have been granted refugee status in Ukraine. In Poland, the cases of nearly 1,000 Chechen asylum seekers were pending as of October 2001.

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- c) Government assistance to IDPs, returnees and socially vulnerable persons in Chechnya has increased over the last 12 months, including food and non-food items; payment of pensions and salaries has resumed; the provision of assistance by the Chechen authorities for the reconstruction of a limited number of individual houses effectively started in the summer of 2002;
- d) Some 16 temporary accommodation centres (TACs) have been established and put into use in Grozny (8), Argun (3), Gudermes (2), Sernovodsk (2) and Assinovskaya (1), housing a total of 15,074 persons / 2,770 families (as of January 2003);
- e) The number of courts of law and appointed judges has steadily increased in 2002;⁹
- f) Chechen bodies of interior, which were under the direct supervision of the Russian Federation Ministry of Interior, are now under the recently established Chechen Ministry of Interior;
- g) Progress was achieved with the resumption by local bodies of the Ministry of Interior in Chechnya of their administrative functions, and identity documents are being issued to undocumented IDPs, returnees in possession of temporary identity documents and local residents in Chechnya;
- h) On 27 March 2002, the Commander of the Joint Troop Forces in the North Caucasus Region issued Order # 80, *"On measures to Increase Involvement of Local Authorities, Population and the Russian Federation Law Enforcement Agencies to Fight Violations of Law and to Increase Responsibility of Officials for Breaches of Law and Order During Special Operations and Other Measures Conducted in the Settlements of the Chechen Republic,"* in an attempt to prevent abuses against civilians during sweep operations;¹⁰
- i) The Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in Chechnya has been successful in consolidating a number of individual complaints

⁹ Despite this positive tendency, the International Helsinki Federation for Human Rights claimed that the work of the courts was not effective and "... there were great difficulties with accessibility to courts for people living in certain districts who had to make long trips to courts, through numerous check-points notorious for their extortion practices. Also, residents of Chechnya note that judges were unwilling to consider claims against military servicemen." - International Helsinki Federation for Human Rights, *Adequate Security Conditions Do Not Exist in Chechnya to Allow the Return of Displaced Citizens - A Pattern of Increasing Disappearances 'Bordering on Genocide,'* 23 July 2002, <http://www.ihf-hr.org/appeals/020723.htm>.

¹⁰ Among other measures, Order No. 80 provides that heads of local administration, representatives of the clergy and of the councils of elders, as well as military prosecutors, shall be present during sweep operations; military officers are required to identify themselves when conducting house searches and the use of masks should be avoided, "unless it is an operational necessity." However, numerous cases were reported where sweep operations were conducted during which the requirements imposed in the Order were not met. The International Memorial Society ("Memorial"), a Russian Human Rights NGO, has cited several examples of the many occasions in May 2002 where order No. 80 of the OGV(s) Commander has been deliberately flouted. <http://www.memo.ru/eng/memhrc/texts/setout.shtml>. See also par. 7b.

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- related to human rights violations and in forwarding them to competent judicial authorities;¹¹
- j) Legal counselling mechanisms through local NGOs and through the Collegium of Independent Advocates are operating inside Chechnya (although on a limited scale);
 - k) Council of Europe observers are operating out of the premises of the Office of the Special Representative of the President of the Russian Federation for ensuring Human and Civil Rights and Freedoms in Chechnya (in Znamenskoye).

7. Despite these positive developments, some *major concerns remain* and new security risks have emerged with regard to personal security within Chechnya:

- a) The Russian Federation Government did not extend the mandate of the OSCE's Assistance Group, which expired on 31 December 2002. The OSCE refused the limitation to its mandate requested by the Russian Federation Government according to which the OSCE would have exclusively focused on humanitarian assistance. The original OSCE mandate, established in April 1995, provided that the mission, in parallel with humanitarian assistance, would "*pursue dialogue and negotiations, as appropriate, through participation in round-tables, with a view to establishing a cease-fire and eliminating sources of tension.*" The closing down of the OSCE mission in Chechnya started in January 2003 and it was announced by OSCE that it would be completed by 21 March 2003;¹²
- b) Guerrilla activities have intensified in the zones officially under the control of the Russian Federal forces. On 27 December 2002, suicide bombers in a military truck destroyed the headquarters of the Chechen Administration in Grozny, killing 72 persons. Government military operations in civilian areas where rebels are suspected to be in hiding regularly lead to new displacement of populations, both within Chechnya as well as to Ingushetia. Such operations include "sweeps" of villages and regularly lead to complaints of arbitrarily detention of men of fighting age and looting of homes. Military activities in southern Chechnya, in areas not under the control of the Federal forces, are causing additional casualties and new displacement of populations. Human rights organisations accuse Russian troops of deliberately ignoring the

¹¹ According to an information report provided by the Office of the Special Representative in November 2001, a total of 106 criminal cases have been investigated to date by military prosecutors in Chechnya, related to crimes committed against civilians by military personnel. Out of them, 52 investigations were completed, and 35 cases were subsequently forwarded to military courts, while 17 cases were dismissed. Out of the 35 cases submitted to military courts, 10 were for murder, one for rape, one for injuries by negligence, 12 for theft, and 11 for miscellaneous crimes. To date, military courts convicted some 17 military servicemen for offences committed against civilians in Chechnya. As Memorial claimed, further information concerning the sentences are missing: Memorial, Human Rights Center, Letter to the Head of the Special Presidential Representative for the protection of human rights on the territory of the Chechen Republic Iu. P. Puzanov, 18.06.2002,

<http://www.memo.ru/eng/memhrc/texts/puzanovu.shtml>.

¹² See: OSCE, "Chairman regrets end of OSCE mandate in Chechnya," *Press Release*, 3 January 2003, http://www.osce.org/news/generate.php3?news_id=2986.

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requirements of order no. 80 of the OGV Commander (see para. 6h) during sweep operations.¹³ On 19 December 2002, the European Court of Human Rights declared admissible six cases concerning alleged crimes committed by federal forces against civilians in Chechnya in 1999-2000. More than 120 similar cases have been submitted to the Court;¹⁴

- c) In late November 2002, Malika Umazheva, a former head of administration in Alkhan-Kala, was murdered. Umazheva had strongly criticised abuses by Russian forces in her village and had worked with human rights defenders to document them. This led to her removal from the post by the Chechnya administration and earned her the "*personal rancour of high – ranking military officials, including General Anatoly Kvashnin, chief of the General Staff of the Russian Armed forces.*"¹⁵ She was shot dead by masked soldiers;
- d) In the context of the May 2002 Action Plan for Return, concluded between the authorities of Ingushetia and Chechnya (see para. 33, below), the two tent camps in Znamenskoye (northern Chechnya), accommodating some 2,200 persons, were dismantled by the Chechen authorities. Most of the IDPs were relocated to TACs in Grozny while others found shelter with host families in the Znamenskoye area or elsewhere;
- e) The situation in the TACs remains precarious: sanitation is below acceptable standards with latrines located outside buildings, in insufficient numbers and non-accessible after curfew; some 38 % of IDP families in TACs are from apartments in destroyed buildings (unlikely to be repaired in the near future) and the rest are awaiting construction materials to repair their houses;
- f) The October 2002 hostage crisis in Moscow was followed by an intensification of military activities and of sweep operations inside Chechnya, leading to new displacements; it is estimated by UNHCR that some 4,700 persons were newly displaced from Chechnya to Ingushetia between 1 January and 30 November 2002. After the 11 November 2002 EU-Russia summit, the European Parliament adopted a resolution whereby, acknowledging the right and duty of a state to protect its population against terrorism, it appealed to Russia *to ensure that anti-*

¹³ The Memorial Human Rights Center describes a May 2002 sweep in the Grozny region "*Neither the regional nor the village administration was informed of the military operations. The soldiers, on bursting into a house, behaved disgustingly and used force with no reason against both men and women. None of the soldiers identified himself, nor did they explain the purpose of the operation. No lists of detainees were provided to the village administration, the regional commandant's office or the regional public prosecutor. None of these authorities knew anything about the arrests in Krasnostepnovskoye. The armoured vehicles involved had no numbers.*" Memorial, Human Rights Center, "*Several examples of the many occasions in May 2002 where order No. 80 of the OGV(s) Commander has been deliberately flouted,*" Ibid., 6 June 2002, <http://www.memo.ru/eng/memhrc/texts/setout.shtml>.

¹⁴ Council of Europe, *Addendum to the twenty-fifth Interim Report by the Secretary General on the presence of Council of Europe's Experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic*. Additional information provided by the Secretary General, SG/Inf(2003)2 Addendum, 24 January 2003, [http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information%5Fdocuments/2003/SGINF\(2003\)2AddE.a](http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information%5Fdocuments/2003/SGINF(2003)2AddE.asp#TopOfPage)

¹⁵ Ibid.

terrorist measures are proportionate and fully comply with the rule of law, especially as regards the rights of innocent civilians” as well as “to carry-out all military operations in Chechnya with full discipline, observing in particular Decree No. 80 which fully calls for respect for the rights of the civilian population.”¹⁶

- g) The first senior Russian officer to go on trial for crimes against civilians in Chechnya, Colonel Yuri Budanov, was recently declared to have been insane by a military court. Doctors prescribed medical treatment, according to the Interfax news agency quoting court officials, reported by Reuters, 16 December 2002. In the trial, Colonel Budanov admitted that he had murdered 18-year-old Kheda Kungalova during interrogation. As a forensic report indicated, the girl had also been raped before death. The judgement was heavily criticised by Russian human rights activists. On the basis of what appears to be procedural violations, the Russian Federation Supreme Court ordered, on 28 February 2003, the retrial of Colonel Budanov;
- h) After the Parliamentary Assembly of the Council of Europe’s (PACE) visit to Ingushetia and Chechnya, Rapporteur Lord Judd suggested on 24 January 2003 during a press conference in Moscow that the planned March 2003 referendum on the adoption of the Constitution for the Chechen Republic was untimely because of the security situation in the Republic as well as due to the insufficient political consensus and level of information among Chechens in Chechnya and in Ingushetia concerning the draft constitution.¹⁷ After his visit, on 12 February 2003, to Chechnya, Mr. Alvaro Gil-Robles, the Council of Europe’s Commissioner for Human Rights, said that “holding the referendum is a beginning.”¹⁸ At the same time, Mr. Alvaro Gil-Robles insisted that military abuses against civilians must not remain unpunished: “You cannot fight against criminal actions with criminal methods. You cannot fight against terrorism by abandoning the principles of a rule of law;”¹⁹
- i) Cases of murdered Chechen civil district administrators, claimed by rebel groups, have increased and the authorities have reported killings of ethnic Russian civilians in Grozny by Chechen fighters.²⁰ Many observers feel that the collection of information on the assassination campaign is difficult as Chechen civilians are reluctant to speak about abuses by Chechen fighters, fearing their retaliation;

¹⁶ European Parliament, Resolution on the outcome of the EU-Russia summit of 11 November 2002, (2002)0563, Provisional Edition, Strasbourg, 21 November 2002.

¹⁷ Federal News Service, Press Conference with Lord Judd, Head of the PACE Mission to Chechnya, 24 January 2003, <http://www.fednews.ru/cgi-bin/nquery.en.pl?sn=nKPE>

¹⁸ St Petersburg Times, 18 February 2003.

¹⁹ AFP, 12 February 2003.

²⁰ The Secretary General of the Council of Europe, Nineteenth interim report by the Secretary General on the presence of the Council of Europe’s experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic. Period from 10 to 30 April, 2002SG/Inf(2002)23, 17 May 2002, par. 10, [http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information_documents/2002/SGInf\(2002\)23E.asp#TopOfPage](http://www.coe.int/T/E/Secretary%5Fgeneral/Documents/Information_documents/2002/SGInf(2002)23E.asp#TopOfPage).

- j) According to UNSECOORD, the Ministry for Civil Defence and Emergencies has suspended its de-mining activities due to security constraints and there are increasing reports of mine incidents, including among returnees;
- k) Security incidents in Ingushetia, in Dagestan, in North Ossetia-Alania (Vladikavkaz) and in Karachai-Cherkessia (Cherkess) give rise to the fear that guerrilla activity might expand to neighbouring Republics;²¹
- l) Several hundreds of returnees were unable to remain in Chechnya, primarily for reasons of security or harassment, as well as for lack of shelter and infrastructure, and returned to Ingushetia;
- m) As non-ethnic Chechen judges have left Chechnya, judiciary personnel in Chechnya remains too limited in number to ensure an efficient legal process. Conflicts of jurisdiction between the civilian and military prosecutors' offices have also hampered the processing of individual complaints;
- n) Access to humanitarian agencies and humanitarian agencies' access to the population inside Chechnya has been hampered by security constraints, restrictive issuance to NGOs of permits for carrying-out and monitoring relief projects, clearance and procedures at check-points as well as by the lack of authorisation to use radio frequencies for communications;
- o) Security for aid workers has deteriorated. In November 2000 an ICRC truck was hijacked at gunpoint in Chechnya. In January 2001 the MSF Holland Programme Manager was kidnapped. (He was eventually released, after almost one month in captivity.) On 23 July 2002, a representative of the local NGO Druzhba, Mrs. Nina Davidovitch, was abducted in Chechnya. On 12 August 2002, the Chief of Mission of MSF-Switzerland in the Russian Federation, Mr. Arjan Erkel, was abducted in Dagestan. Mrs. Davidovitch was freed on 7 January 2003 during a special operation conducted by security forces, and is still missing. On 4 November 2002, two ICRC drivers were abducted in Chechnya; three days later the Chechen law enforcement authorities managed to free the two drivers and arrested the abductors.

II. The question of internal relocation and the federal policy regarding Internally Displaced Persons – IDPs

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

a) Forced migrant status

9. There is no reference, under Russian legal terminology, to the term "internally displaced person." However, the 1995 Federal Law "On Forced Migrants" envisions a similar status for forcibly displaced persons. According to Article 1 of this law:

²¹ See paras. 39-40.

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*A forced migrant shall be a citizen of the Russian Federation, who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subject to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order.*²²

10. As a result of the 1994-96 conflict in Chechnya, some 162,000 IDPs, mostly of Russian ethnicity, were granted the status of forced migrant in the 79 administrative divisions of the Russian Federation. The status of forced migrant is primarily meant to facilitate the integration of displaced persons in their new place of residence, through the allocation of special allowances, assistance with housing, job placement, loans, and related support.²³

11. At the beginning of 2000 some 240,000 persons had been displaced from Chechnya. Very few of those displaced as a result of the current conflict have been granted forced migrant status. Although precise information is not available, government statistics indicate that between 30 September 1999 and 31 December 2002 some 13,232 persons were granted forced migrant status. Because of protracted procedures, this number also includes IDPs from the 1994-96 conflict granted forced migrants status in the past few years.

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

13. While the forced migrant status determination procedure is conducted by the territorial organs of the Federal Migration Service²⁴ (FMS) under the Ministry of

²² Under Point 2 of the same article, it is further stipulated that, "(...) shall be recognised as a forced migrant (...) a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation." Hence, persons who were displaced within Chechnya itself (approx. 160,000) cannot, under the current law, qualify for forced migrant status.

²³ The status of forced migrant does not preclude voluntary return to the former place of permanent residence. Indeed, Article 7.2(5) of the Law on Forced Migrants imposes upon local executive bodies the obligation to "render assistance to a forced migrant at his/her request in the return to his/her former place of residence."

²⁴ The Federal Ministry of Federal Affairs, National and Migration Policy was created by Presidential Decree No.867 of 17 May 2000, to replace the former Federal Migration Service. By another Presidential Decree of 16 October 2001, the Ministry was liquidated and those functions related to the implementation of the federal migration policy were transferred to the Ministry of the Interior.

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Interior, the official policy referred to above has been clearly stated at the federal level. Human rights groups and local NGOs have highlighted the divergence in treatment accorded to IDPs during the previous conflict, mostly of Russian ethnicity, who were broadly granted forced migrant status, and IDPs from the current conflict, most of whom are ethnic Chechens. The latter were unsuccessful in referring to massive destruction of civil infrastructure and private property as well as persistent general insecurity as grounds for being granted forced migrant status.²⁵

14. IDPs granted forced migrant status between October 1999 and December 2002 received such status in the 79 regions of the Russian Federation. While official statistics do not provide a breakdown by ethnicity, most of them, according to information available to UNHCR, are ethnic Russians. According to the statistics of the Ministry of Federation, National and Migration Policy of the Russian Federation, only 89 IDPs from Chechnya were granted forced migration status in Ingushetia during the period from 1 October 1999 to 31 December 2002. Most of the 13,232 persons from Chechnya granted forced migrant status during the period from October 1999 to December 2002 settled in regions where there are few IDPs of Chechen ethnicity: 3,530 in the Stavropol region, 689 in the Tambov region, 635 in the Saratov region, and 995 in the Krasnodar region. The fact that most of IDPs from Chechnya granted forced migrant status were not ethnic Chechens was acknowledged in the letter of the Ministry of Federation, National and Migration Policy of the Russian Federation to State Duma Deputy V. Igrunov.²⁶ However, UNHCR is also aware of ethnic Chechens who were granted forced migrant status on the above-mentioned grounds (fear of persecution by Islamic fundamentalist or "Wahabi" groups).

b) Compensation for lost property and other allowances

15. Forced migrant status provides for the right to specific integration allowances and loans, irrespective of the status of the property in the place of original residence. In compliance with the 1995 Law on Forced Migrants, Resolution No. 845 of the Government of the Russian Federation of 8 November 2000 establishes a procedure for the provision of housing to forced migrants. A complementary Act was adopted on 11 October 2002, Order No. 971 of the Ministry of Interior of the Russian Federation, for the provision of subsidies for the construction and purchase of housing by forced migrants. Both these acts exclusively concern persons who were recognised as forced migrants, therefore they remain non-applicable to the overwhelming majority of the persons displaced by the current conflict.

16. Regarding the victims of the 1994-96 conflict, the Government has taken complementary steps to provide for compensation for *lost property*. Under Russian Federation Resolution No. 510 of 30 April 1997, the Government established a procedure to compensate for the lost property of those who left Chechnya between 12 December 1994 and 23 November 1996 and who have no intention to return. Access

²⁵ Concerning restrictive practice in the granting of forced migrant status to the persons displaced by the current Chechnya conflict, see Gannushkina Svetlana, Memorial Human Rights Centre, *The internally displaced persons from Chechnya in the Russian Federation*, pp. 10-15, Moscow, 2002, <http://www.db.idpproject.org>.

²⁶ *Ibid.*, pp. 48 – 52.

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to compensation under this Resolution is based upon objective facts (proof of damage to property and proof for residence in Chechnya) and is independent from the granting of forced migrant status.²⁷

17. The Federal Government has announced its intention to establish a similar mechanism (financial compensation) for the victims of the current conflict who left Chechnya permanently. However, to date, such a compensation scheme is not yet in place. The Russian Federation Ministry for Reconstruction in the Chechen Republic established a mechanism for the provision of construction materials to affected persons within Chechnya. Several hundred families in Chechnya were assisted under this scheme in 2002. According to the federal authorities, part of the difficulty in disbursing all the funds allocated to this programme under the federal budget resides with strict financial control procedures for the channelling of funds and their disbursement by the recipient republic. In January 2002, the Parliamentary Assembly of the Council of Europe expressed its concern that “up to 70% of relief aid does not reach directly those to whom it is addressed.”²⁸ Russian media also reported on disclosed cases of embezzlement:

*Federal law enforcement agencies have found that funds allocated for the restoration of Chechnya in 2001 have been plundered, strana.ru reported on 25 February. So far, federal investigators have proved that some 91.3 million rubles (\$3 million) were misspent, often through social benefit payments to deceased residents, or 'dead souls', according to the website. While federal authorities sometime bring the perpetrators to justice, strana.ru commented that they fail to end the practice because there is no shortage of 'dead souls' in Chechnya while the war goes on.*²⁹

18. The above-mentioned schemes established by the Russian Federation Government link the provision of assistance or compensation to objective criteria (obtaining forced migrant status or proof of damage to property). Almost no displaced person was able to successfully engage the responsibility of the State, under the Russian Federation Civil Code, to obtain, before the courts of law, full and fair compensation for damage to property or for moral damage.³⁰

²⁷ Regarding restrictive administrative practice in the payment of compensation for lost property to IDPs from the 1994-96 conflict and related rulings of the Russian Federation Supreme Court, see Olga Plikina, local NGO Faith and Hope, *Overview of the legal status of internally displaced persons in the northern Caucasus*, Pyatigorsk, October 2001, as well as Gannushkina Svetlana, Memorial Human Rights Centre, *The internally displaced persons from Chechnya in the Russian Federation*, Moscow 2002, pp. 27-29, Moscow, 2002. <http://www.db.idpproject.org>.

²⁸ Council of Europe, Conflict in the Chechen Republic, Parliamentary Assembly, Resolution 1270 (2002), 23 January 2002, <http://assembly.coe.int/Documents/AdoptedText/ta02/ERES1270.htm>.

²⁹ Norwegian Refugee Council, Reported diversion of aid, Global IDP Database, Russian Federation (2001-2002) <http://www.db.idpproject.org>.

³⁰ UNHCR is aware of one single positive court case, decided by the Leninsky District Court of Stavropol Krai, on 22 March 2001, on a case related to a victim of the 1994-96 Chechnya conflict, where the Russian Federation Ministry of Defence and the Russian Federation Ministry of Interior were ordered by the court to compensate the plaintiff for moral damage (perhaps most akin to pain and suffering in so-called Anglo-Saxon legal systems) as well as for damage to property.

19. In November 2002, amendments were introduced to Russian Federation Government Resolution No. 163 of 3 March 2001, for the provision of Government assistance to IDPs in Chechnya and beyond.³¹ The Resolution makes budgetary provisions for the procurement and delivery of food and bread for IDPs, for the rental and maintenance of shelter in the TACs, for the transport of IDPs and their assets back to Chechnya, and cash allowances (RUR 20 per person per day) for IDPs returning to Chechnya after 1 November 2002 and who are renting private accommodation. This latter provision (cash allowances) represents a substantial help in enhancing the possibility for IDPs to rent private accommodation and/or to indemnify host families.³² However, it may also be seen as an inducement for IDPs to return to Chechnya, since such cash allowances are not foreseen for IDPs staying with host families in Ingushetia (where some 52,000 IDPs are staying in such private accommodation³³) or elsewhere. Also, all assistance provided under Resolution No. 163 is available only to those IDPs registered both with the local migration services (Form No. 7), as well as with the passport and visa services (PVS) of the local bodies of the Ministry of Interior (sojourn registration). UNHCR estimates that up to 40,000 IDPs in Ingushetia may not be in possession of Form No. 7 and/or sojourn registration with the PVS. Finally, it is not yet clear at this stage whether the 2003 provisional federal budget will cover expenditures related to the continued rental of TACs in Ingushetia.

c) Freedom of movement and choice of place of residence

20. The Russian Constitution states in Article 27 that:

(1) Everyone who is lawfully staying on the territory of Russian Federation shall have the right to freedom of movement and to choose the place to stay and reside. (2) Everyone shall be free to leave the boundaries of the Russian Federation. The citizens of the Russian Federation shall have the right to freely return to the Russian Federation.

21. In light of the tsarist-era restrictions on movements of the subjects of the Empire, as well as of the Soviet-era “*propiska*” regime, the Russian government found it necessary to issue a law in 1993 regarding freedom of movement.³⁴ The basic concept under this federal law has been to establish a system of registration at the place of sojourn (so-called “*temporary registration*”) or at the place of residence (so-called “*permanent registration*”), whereby citizens notify the local bodies of interior of their place of sojourn/residence, as opposed to the former “*propiska*” regime, which

³¹ Resolution No. 163, On financing the expenses on the maintenance of and food support to the citizens who temporarily left their permanent residence on the territory of the Chechen Republic and located in temporary accommodation premises on the territory of the Russian Federation, and also on covering the expenditures for the transportation of citizens and their assets to their place of residence on the territory of the Chechen Republic in 2001.

³² It also constitutes the main amendment to the original Resolution of March 2001.

³³ As of 15 February 2003, Danish Refugee Council database.

³⁴ See Russian Federation Federal Law No. 5242/1, The Law of the Russian Federation on Freedom of Movement, Choice of Place of Sojourn and Residence within the Territory of the Russian Federation, 25 June 1993.

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empowered the police authorities to authorise (or deny) citizens to sojourn or reside in a given location.

22. Although federal legislation officially has abolished “*propiska*” requirements, many regional authorities of the Federation nevertheless apply restrictive local regulations or administrative practice.³⁵ Relevant in this context is the partial failure of the State organs responsible for control of the legality of administrative acts (e.g. the Russian Federation Constitutional Court and the Commissioner on Human Rights of the Russian Federation, or Ombudsman) to effectively correct the violations of federal legislation on freedom of movement perpetrated by the various constituent entities of the Federation. In its October 2000 special report “*On the Constitutional Right to Liberty of Movement and Freedom to Choose a Place of Sojourn and Residence in the Russian Federation*,” the Russian Federation Ombudsman deplores that

*violations of constitutional rights to liberty of movement and freedom to choose one's place of sojourn and residence by government bodies are due not only to regulations of constituents of the Russian Federation being contrary to federal legislation regulating this constitutional right, but also to unlawful law-enforcement practices,*³⁶

which are, by nature, more difficult to document and thus to contest before the courts of law.

23. As a result of the imperfect transition from the *propiska* regime to a registration system, local authorities throughout the Russian Federation retain the possibility to determine modalities of implementation, sometimes in a restrictive manner, of freedom of movement and choice of place of sojourn or residence. This is particularly the case in regions attempting to protect local labour markets, to control internal migration movements, or to prevent the settlement of economically or politically “*undesirable*” migrants. The impact of this on Chechen IDPs is that they continue to be severely restricted in their possibilities to reside legally (i.e., with requisite residency registration) outside Chechnya and beyond Ingushetia.

³⁵ See UNHCR, Background Paper on Freedom of Movement and the Right to Choose Place of Residence in Russia: Rulings of the Constitutional Court, Legislation and Practice, Moscow, March 2000; for an analysis of the “*propiska*” regimes in light of States’ international obligations, see Council of Europe, Parliamentary Assembly, The *Propiska* System Applied to Migrants, Asylum-seekers and Refugees in Council of Europe Member States: Effects and Remedies, 12 October 2001, <http://assembly.coe.int/Documents/WorkingDocs/doc01/EDOC9262.htm>; for an account of illegal or restrictive local regulations in Moscow, Krasnodar, Volgograd and Ingushetia, legality control (or lack of) by local courts and overall control by the Russian Federation Supreme Court, see Rudova, Ektarina, The Judicial Practice of the Supreme Court of the Russian Federation relating to the Protection of Citizens’ Right to Freedom of Movement, report submitted at the Expert Round-table on Freedom of Movement in the CIS, jointly organised by UNHCR and the Council of Europe, Moscow, October 2001.

³⁶ Ombudsman, Russian Federation On the Constitutional Right to Liberty of Movement and Freedom to Choose a Place of Sojourn and Residence in the Russian Federation, October 2000.

d) The principle of voluntary return to Chechnya

24. UNHCR and other international organisations have stressed the principle of voluntary return to Chechnya. In general, UNHCR defines the principle of voluntary return as meaning that, besides expressing their consent, IDPs be properly informed of the conditions upon return as well as being provided with a genuine alternative to return. The Russian Federation Government has declared its respect for the need to preserve the voluntary nature of return of IDPs to Chechnya. Since the events of late 1999 and early 2000, when hundreds of IDPs in Ingushetia were forcibly returned to Chechnya aboard the train wagons they were accommodated in, there have been no instances of IDPs being physically forced to return to Chechnya.

25. At the same time, the Russian Federation Government has consistently maintained the official position that IDPs should return to Chechnya. In support of this position, the Russian Federation Government argues that federal forces control most of the Chechnya territory, that Chechen IDPs should take part in the reconstruction and administration of the Republic and that IDPs constitute a destabilising factor in the host regions. Specifically regarding IDPs in tented camps in Ingushetia, the federal and local authorities, starting in 2002, expressed the strong concern that the camps were representing a health and fire hazard. Hence, while officially adopting the position of voluntariness of return, the authorities have actively pursued a policy of inducing IDPs to return to Chechnya. This policy has been particularly pursued in the Republic of Ingushetia, where the majority of the IDPs are located.

26. The pressure exercised on IDPs, in Ingushetia and elsewhere, to return to Chechnya increased markedly after the October 2002 hostage crisis in Moscow.³⁷ The hostage crisis embarrassed the authorities, revealing how Chechen fighters had been able to freely move in the country, and prepare and execute a complex terrorist operation in the capital. Subsequent measures were taken by the authorities, including a Moscow city-wide search for possible accomplices and the arrest of several suspects, the suspension of military troop cuts in Chechnya by the Ministry of Defence, and the decision to close down IDP tent camps in Ingushetia, suspected by the authorities to harbour some militants and to represent a recruitment-base for Chechen fighters.

27. Human Rights Watch insists that Russian authorities exert organised pressure on Chechen IDPs in Ingushetia to force them to leave:

*Every day, about thirty representatives from the United Headquarters
and the Federal Security Service (FSB) make the rounds at each of the*

³⁷ On 23 October 2002, some 50 armed Chechens, led by Movsar Barayev, seized a theatre in Moscow, holding some 700 persons hostage. In the night from 26 to 27 October, Federal Security Service (FSB)'s elite Alpha and Vypmel units stormed the theatre, using an incapacitating gas. Forty-one hostage takers, including 19 women, were killed during the raid. According to the Moscow City Prosecutor's office, 129 hostages died, of whom at least 118 died from gas poisoning. Chechen warlord Shamil Basayev publicly acknowledged having masterminded the hostage-taking operation.

*major tent camps in Ingushetia, going from tent to tent explaining the advantages of moving to Chechnya and the disadvantages of remaining in Ingushetia. They continuously pressure families to sign the "voluntary return" forms provided by the United Headquarters officials and promise those who sign five months of humanitarian supplies. ...In several cases, officials have threatened those reluctant to leave with arrest on false drug and weapons possession charges. ...In late October, Russian federal troops set up permanent positions near all of the major tent camps, reinforced with armoured personnel carriers with heavy weapons.*³⁸

e) Chechen IDPs in Ingushetia

28. Ingushetia and Chechnya are contiguous, and Ingushetia has generously hosted the bulk of fleeing IDPs. However, with an influx of over 240,000 IDPs in 1999-2000 for a local population of 360,000 inhabitants, the infrastructure of the Republic of Ingushetia (one of the poorest subjects of the Russian Federation) has been over-stretched. As of 31 December 2002, there were 102,000 IDPs in Ingushetia.³⁹ Some 55% of these persons are staying with host families, 27% in temporary settlements (former collective farms, abandoned factories and other privatised structures being used as shelter, where the Russian Federation Government is reimbursing the gas and electricity utilities' costs to the owners), and 18% in tent camps. Local social infrastructure has been overwhelmed with the influx of IDPs and the majority of IDPs have limited access, if any, to medical facilities and schools. Tuberculosis in camps and settlements is widespread.⁴⁰ UNHCR together with WHO have set up a medical referral system for particularly vulnerable cases (e.g., victims of torture), where cases are referred to medical institutions outside Ingushetia, as it lacks sufficient capacity. Humanitarian assistance by international organisations is continuing in order to avoid a deterioration of basic living conditions.

29. In view of the overcrowded situation in Ingushetia, the Federal Migration Services (FMS) made some attempts, in 1999 and 2000, to relocate some IDPs to other regions of the Federation. Several hundred families thus voluntarily relocated to existing temporary accommodation centres⁴¹ in Tambov and Saratov regions, with the FMS covering transport costs (vouchers for train tickets were provided by the FMS). At the end of November 2002, some 573 persons were still being accommodated in various TACs run by the Federal Migration Service (mainly in Tambov, Saratov and Moscow region). While originally the FMS intended to relocate more IDPs to other regions in central Russia, this project has not been as successful as the federal authorities expected. Firstly, most of the concerned regions do not have any sizeable Chechen community and were not enthusiastic with the prospect of having to provide

³⁸ Human Rights Watch, *Into Harm's Way: Forced Return of Displaced People to Chechnya*, Vol. 15, No. 1(D), *Human Rights Watch Publications*, January 2003, <http://hrw.org/reports/2003/russia0103/>.

³⁹ Source: Danish Refugee Council database.

⁴⁰ According to WHO, there were, in October 2001, some 1,700 registered cases of tuberculosis among IDPs in Ingushetia.

⁴¹ Such temporary accommodation centres were originally established, in the early and mid 90's, by the FMS to host forced migrants (mainly ethnic Russians) relocating to Russia from other former USSR republics.

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accommodation to Chechen IDPs. Secondly, the Chechen IDPs themselves wish to remain close to their homes in Chechnya and are reluctant to travel beyond Ingushetia to regions where they are not welcome.

30. Over time, as tensions developed between the IDPs and the local populations, the proportion of IDPs in spontaneous settlements increased as a result of evictions from host family residences -- this often occurs after IDP families exhaust their financial resources. UNHCR and NGOs are confronted daily with such evictions. To the extent possible, UNHCR has been identifying possible alternative shelter arrangements for evicted families in tent camps, providing them an alternative to return to Chechnya for lack of other options.

31. In 2000, UNHCR negotiated with the Federal Government to build additional tent camps in Ingushetia to accommodate newly arriving IDPs as well as those IDPs accommodated in remote, unsafe or unhealthy temporary settlements. The Federal Government insisted that such camps should be built inside Chechnya before finally agreeing. Although UNHCR and NGOs remain active in the shelter sector and have been able to replace damaged tents, the Government overall remained reluctant to allow provision of additional tent capacity in Ingushetia. UNHCR fears that in the near future IDP families evicted from host families or spontaneous settlements may have no realistic alternatives other than return to Chechnya, remaining illegally (without residency registration) in another region of the Federation, or seeking asylum elsewhere.⁴²

32. The federal authorities have made various attempts to induce the return of IDPs from Ingushetia to Chechnya. On 17 December 1999, under Order No. 110, the Federal Migration Service instructed the Regional Migration Services of Dagestan, Stavropol, Ingushetia and North Ossetia-Alania to suspend registration under Form⁴³ No. 7 of all new IDP arrivals and to facilitate their return to their place of origin in Chechnya or, alternatively, to safe areas in Chechnya.⁴⁴ Subsequently, on 20 January 2000, the Ministry for Civil Defence and Emergencies of the Republic of Ingushetia issued an instruction according to which IDPs coming from regions under the control of federal authorities should be *"deprived from all kind of allowances they were entitled to on the territory of their present accommodation."*⁴⁵

⁴² This is compounded by the financial situation of many IDPs, who have exhausted their savings and who are not in a position to move elsewhere or to seek alternative rented accommodation.

⁴³ Form No. 7 is being issued in accordance with a Federal Migration Service Letter of Instruction No. 19, dated 31 March 1997 (internal document). It is being used by the migration authorities, in charge of accommodation of, and care to IDPs, for the purpose of statistics as well as planning and provision of humanitarian assistance. Form No. 7 is not an identity document and does not replace identity documents, which are required for the purpose of sojourn or residence registration by the local bodies of the interior.

⁴⁴ The safe areas in Chechnya were listed in Order No. 110 as follows: "Shelkovskoi district (all towns and villages), Naurski district (all towns and villages), Nadterechni district (all towns and villages), Grozny district (Tolstoi-Yurt, Vinogradnoye, Ksen-Yurt, Goryachi Istochnik), Gudermes district (Gudermes, Engels-Yurt, Suvorov-Yurt), Shalinski district (Argun, Shali), Achkoi-Martani district (Achkoi-Martani, Sernovodsk, Assinovskaya, Samashki, Katyr-Yurt, Valerik, Chemulga)."

⁴⁵ The ministerial instruction expressly referred to Naurski, Shelkovskoy and Nadterechny districts, as well as Assinovskaya and Sernovodsk, *"since places for accommodation of IDPs are prepared there."*

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33. The ban imposed by Federal Order No. 110 on registration of new arrivals was implemented with varying levels of strictness in Ingushetia and eventually was ignored in practice, before being re-enforced. There has been a succession of similar federal orders and instructions, immediately followed in the field by rumours and fears among the IDPs as to possible implications.⁴⁶ Such uncertainty has characterised the federal policy regarding registration of IDPs, adding to the insecurity of their situation. In April 2001, the Ingush territorial organ of the Ministry of Federal Affairs, Nationality and Migration Policy suspended registration (under Form No. 7) of all new IDP arrivals. Without registration by the migration authorities, IDPs do not have access to Government assistance, including accommodation in Government managed camps and food. It is estimated by UNHCR that there are currently some 42,000 IDPs in Ingushetia not in possession of Form No. 7.⁴⁷ (See also paragraph 38 below concerning recent developments in respect to Form No. 7 and sojourn registration in Ingushetia).

34. Recent events in the northern Caucasus include the resignation of Ingush President Aushev in December 2001, the election of President Zyazikov in April 2002, the signature in May 2002 of a 15 point the Action Plan for Return⁴⁸ for the return of IDPs from Ingushetia to Chechnya, the re-deployment of federal troops to Ingushetia, and the increase of ID checks by federal forces inside Ingushetia. These indicate a pattern whereby the federal and local authorities are determined to accelerate the return movement of IDPs to Chechnya. Pressure for this return movement was increased after the October 2002 hostage crisis in Moscow.

35. Most of the provisions of the May 2002 Action Plan for Return relate to creating additional reception capacity in temporary accommodation centres in Chechnya and the provision of construction materials for self-help home repairs, thus ensuring smooth transition from TACs to homes. UNHCR acknowledged the need for shelter for returnees in Chechnya, but is concerned that such reception capacity might develop into IDP settlements of indefinite duration. The creation of safe conditions in Chechnya (entrusted to the Federal Security Service, or FSB) is envisaged, but not yet established.

36. UNHCR has observed that point No. 5 of the Action Plan provides for the suspension of humanitarian aid in Ingushetia to those IDPs who receive state allowances (i.e., pensions and child allowances) inside Chechnya. This could amount to a measure limiting the IDPs' freedom of choice to stay or return. Point 14 foresees the closing of "*temporary accommodation settlements*" in Ingushetia, as IDPs return to Chechnya.

⁴⁶ See, e.g., Federal Migration Service Order No. 15 of 25 February 2000, addressed to the regional migration services in those regions bordering Chechnya (Dagestan, Stavropol, Ingushetia and North Ossetia-Alania), to suspend, as of 1 March 2000, registration of IDPs under Form No. 7 and to assist with their return to Chechnya.

⁴⁷ According to the DRC database, there were, as at 30 September 2002, 110,813 IDPs physically present in Ingushetia; according to official governmental statistics, there were, as at 18 October, some 68,822 IDPs in Ingushetia in possession of form No. 7.

⁴⁸ Action Plan signed on 29 May 2002 between Minister Elagin and Presidential Plenipotentiary Kazantsev, and counter-signed by Mr. Zyazikov, President of the Republic of Ingushetia, and Mr. Kadyrov, Head of Administration of the Chechen Republic.

37. Following the signature of the Action Plan, representatives of the Chechen Administration, Ingush Migration Service and Federal Migration Service conducted an intensive campaign among IDPs in the tent camps in Ingushetia. As of 31 December 2002, some 7,404 IDPs from tent camps had returned in an organised manner, with the assistance of the Chechen Administration.

38. In parallel with the implementation of the Action Plan for return, the control of the "legality" of the sojourn of IDPs by local bodies of interior in Ingushetia was intensified. IDPs attempting to register their sojourn with the passport and visa services (PVS) of the local bodies of the Ministry of Interior are routinely denied registration if they are not in possession of Form No. 7, issued by the local migration service. Since Form No. 7 is foreseen under a 1997 internal instruction of the Federal Migration Service and is not among the documents otherwise required under federal legislation pertaining to registration, its possession, as a prerequisite for the issuance of sojourn registration, can be called into question. However, local NGOs attempting to challenge the legality of such requirements were unsuccessful in the courts.⁴⁹ Among other obstacles, IDPs not in possession of sojourn registration in Ingushetia are currently not able to officially register the birth of children born in Ingushetia. IDPs not in possession of form No. 7 were recently denied accommodation in temporary settlements by the private owners of such settlements on the grounds that they are reimbursed gas and electricity utilities costs from the Federal Migration Service only for those IDPs in possession of form No. 7.

39. In September 2002, the first serious military confrontation between federal forces and Chechen fighters on Ingush soil took place. During a 26 September 2002 rebel incursion of some 180 fighters from Georgia's Pankisi gorge to Ingushetia, a military helicopter was shot down near the village of Galashi, in southern Ingushetia. The incident was followed by several days of fighting in the surrounding mountain forests. Galashi villagers as well as several hundreds Chechen IDPs who were residing in the area consequently fled to central and northern parts of Ingushetia. While those surviving Chechen fighters were presumed by the Russian authorities to have fled to Chechnya and to the Pankisi gorge, some were suspected by the said authorities to have possibly managed to hide in other parts of Ingushetia.⁵⁰

40. As a consequence of the October 2002 hostage crisis, the federal authorities reiterated their determination to close all tent camps in Ingushetia.⁵¹ The Federal Migration Service in November 2002 requested international organisations and NGOs, including UNHCR, to stop the replacement of torn tents. Between 30 November and 2 December 2002, the authorities completely dismantled the "Imam" tent camp, near the village of Aki-Yurt (district of Malgobek), that had been

⁴⁹ Local NGOs have reported that the local courts – which are otherwise overwhelmed – either keep such cases pending or simply refuse to register the complaints.

⁵⁰ For more details see: World Food Programme, Emergency Report no. 39, Russian Federation (Caucasus), 27 September 2002, <http://www.wfp.org/index.asp?section=2>, and Washington Post, Russian Troops, Rebels Clash in Fierce Battle Near Chechnya, 27 September 2002, <http://www.washingtonpost.com>.

⁵¹ National TV footages showing IDP families in tented camps in Ingushetia expressing their moral support to the hostage takers made a very negative impression on the public opinion.

accommodating some 1,500 IDPs. UNHCR estimates that approximately half returned to Chechnya where they found shelter with host families or were accommodated in TACs. The rest remained in Ingushetia, in self-made mud-brick houses on the site of the former camp, in temporary settlements or with host families in the district of Malgobek or elsewhere in Ingushetia. The United Nations (through its Under-Secretary-General for Humanitarian Affairs), UNHCR and the European Union all expressed concern regarding the voluntary nature of returns, since the Aki-Yurt "Imam" tented camp was dismantled without the IDPs being provided alternative accommodation by the Government, in Ingushetia or elsewhere.

41. Eventually, after the organised return by the authorities of IDPs to Chechnya took place, the Government agreed to UNHCR's deploying some box-tents in Ingushetia to accommodate some of the former Aki-Yurt camp residents who had remained in that republic. In light of the pending closure of remaining tent camps after the winter 2002-2003, and of the planned organised return of camp residents to Chechnya, UNHCR obtained, at the end of December 2002, approval from both the federal and Ingush migration services for pre-positioning additional box-tents on alternative relocation sites selected by the authorities in Ingushetia. However, in February 2003 the Ingush Government ordered the suspension of erection of temporary and/or movable shelter units (including UNHCR's box-tents) by aid agencies until it is determined whether such units meet the technical requirements under the local construction code.

f) Chechen IDPs in other regions of the northern Caucasus

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

43. The Republics of Dagestan, Kabardino-Balkaria and Karachai-Cherkessia are multi-ethnic and are regularly confronted with tensions among the various communities. The current conflict in Chechnya was sparked with the infiltration of Chechen rebel groups into Dagestan followed by military confrontation with Dagestani and federal armed forces. Dagestan is currently hosting approximately 8,000 IDPs. Since the beginning of the conflict, Chechen fighters have used the mountainous areas of Dagestan, which borders Chechnya, as base camps. Dagestan has been reluctant to receive any additional IDPs from Chechnya.⁵² In May 2002, a powerful anti-personnel mine was detonated at a military parade in the town of

⁵² Concerning non-respect of federal legislation on forced migrants and on freedom of movement in Dagestan as well as by other northern Caucasus Republics, see V. Golovach, Legal Counsellor, *Appealing Against Actions of Officials on Criminal, Civil and Administrative Offences in Problems of Victims of Warfare in the Chechen Republic: Mechanism for the Execution of Court Judgements and Implementation of Prosecution Response Measures*, Memorial, Human Rights Centre, Moscow, 2001, <http://www.memo.ru/hr/refugees/sem8en/index.htm>.

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Kaspiisk, killing 45 persons. The authorities blame Chechen rebel commander Rappani Khalilov for this attack.

44. The situation in the republics of Kabardino-Balkaria and Karachai-Cherkessia is characterised by ethnic tensions and political rivalries between the two constituent nationalities (Kabards vs. Balkars and Karachais vs. Cherkess). These two republics are mainly concerned with maintaining the equilibrium among their respective constituencies. This equilibrium is particularly fragile in Karachai-Cherkessia, where a terrorist bombing occurred on 24 March 2001 in Agidehabl village. The Federal authorities blamed Chechen fighters for the incident. Kabardino-Balkaria has been regularly cited by the Ombudsman of the Russian Federation for violating the Constitution as well as federal legislation on freedom of movement and choice of place of sojourn and residence of citizens.⁵³ Pursuant to a 1994 resolution adopted by the Parliament of Kabardino-Balkaria (amended in 1997), a direct ban (still in force) was imposed on the sojourn or residence in Kabardino-Balkaria of Russian citizens from other regions of the Federation who do not have close family ties with Kabardino-Balkaria residents.

45. Both the Stavropol and Krasnodar regions have been sanctioned several times by the Russian Federation Constitutional Court, as well as cited by the Ombudsman of the Russian Federation, for violating constitutional and federal legislative provisions related to freedom of movement and freedom to choose a place of sojourn or residence.⁵⁴ In particular, the Russian Federation Ombudsman in the October 2000 Special Report "*On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation*," notes that

the Law of Krasnodar Krai on the Registration Procedure Relating to Sojourn and Residence in Krasnodar Krai implies that a person who arrives in the territories of [this constituent] of the Russian Federation and who does not have kinship or ethnic and cultural ties [in Krasnodar Krai] will face considerable difficulties in realising his/her right to freely choose his residence in [this territory].

46. The problem for Chechen IDPs who wish to settle or even sojourn in these two regions is not limited to restrictive local regulations. Historically, these two regions have been the bases for Russian expansion and conquest of the Caucasus. There are traditionally strong Russian nationalistic feelings among the local population of these two regions, where Cossack groups as well as the far right Russian Nationalist Union (RNU) are well established and organised. IDPs from the previous 1994-96 conflict present in these regions (where they were granted forced migrant status) are generally ethnic Russians and some of them are actively engaged in anti-Chechen campaigns.

⁵³ See Special Report of the Ombudsman of the Russian Federation, *On the Constitutional Right to Freedom of Movement and Freedom to Choose a Place of Sojourn and Residence in the Russian Federation*, October 2000.

⁵⁴ See Constitutional Court decision of 4 April 1996 (for Stavropol Krai) and the above-referred Special Report of the Ombudsman of the Russian Federation, *On the Constitutional Right to Freedom of Movement and Freedom to Choose a Place of Sojourn and Residence in the Russian Federation*, October 2000, (for Stavropol Krai and Krasnodar Krai).

Stavropol Krai has been targeted by various terrorist acts presumably connected to the Chechnya conflict and the July 1995 attack, during which a group led by Shamil Basayev seized 1,500 hostages in the Budenovsk town's hospital (Stavropol Krai), remains a traumatic memory for the resident population.

47. The situation is different in North Ossetia-Alania. It is not so much local restrictive *regulations* on residence registration but rather local restrictive *administrative practice* that is preventing Chechen IDPs from sojourning in that republic. The Republic of North Ossetia-Alania is a Caucasian Republic composed essentially of Ossets (Caucasian people mainly of Christian faith) and ethnic Russians, with a significant Ingush (Muslim) minority. Most of the 35,000 Ingush were driven out of North Ossetia-Alania (to Ingushetia) during the 1992 inter-ethnic riots in Prigorodny district. More than half of them has returned since then, but returnees are encountering various obstacles with their re-registration at their place of former residence in Prigorodny. There are approximately 7,000 Chechen IDPs in North Ossetia-Alania, most of whom reside in the district bordering Chechnya (Mozdok). This is a cause of concern for local authorities who fear that the presence of Chechens puts at risk the ethnic balance in the district.

g) Chechen IDPs in other parts of the Russian Federation

48. According to Russian Government sources, there are several hundred thousand ethnic Chechens in Moscow. Most of them are not IDPs. However, those Chechens displaced because of the current conflict and who have come to Moscow have encountered serious problems regarding their legal status, residence, and sometimes face vigorous and repeated security checks, eviction from their apartments and harassment by other groups of the local population. For example, the 21 September 1999 Resolution No. 875 of the Moscow City Government, expressly referring to recent "*terrorist acts that caused the deaths of many civilians*," instituted a re-registration procedure for all non-Muscovites staying in the capital. As a result of this regulation, thousands of persons previously registered in Moscow City could not re-register with the authorities. In practice, it became almost impossible for new arrivals, especially IDPs from Chechnya, to register in Moscow.⁵⁵

49. Another Moscow Mayoral decree of 28 September 1999 stipulates that in order to apply for forced migrant status, the concerned applicants must be in possession of a registration document issued by the competent body of the Federal Ministry of Interior valid for a term of not less than six months. In practice, however, it has been almost impossible for Chechen IDPs to obtain sojourn registration in Moscow. They need sojourn registration to apply for forced migrant status,⁵⁶ but

⁵⁵ Despite being ruled unconstitutional by the Russian Federation Constitutional Court (cf. Russian Federation Constitutional Court ruling No. 9-II of 4 April 1996 "On the case concerning the verification of the constitutionality of a number of normative acts of Moscow city and Moscow region, Stavropol Territory, Voronezh region and Voronezh city, regulating the procedure for registering citizens arriving permanent residence in the said regions"), the Moscow regulations on registration as well as the administrative practice have remained restrictive. Upon judicial appeals from some local human rights NGOs, a few positive court decisions on individual IDP registration cases were reached. However, enforcement of judicial decisions has remained problematic, in Moscow and elsewhere.

⁵⁶ Such requirement is not envisaged in the 1995 Law on Forced Migrants.

sojourn registration is denied in practice. Local NGOs reported numerous instances where Chechen IDPs applying for forced migrant status were told by local migration officers to return to "safe areas" in Chechnya.⁵⁷ Instances were reported where legally resident individuals in Moscow who vouched for IDPs, guaranteeing them housing to facilitate their registration with the authorities, were themselves fined for violating registration regulations.

50. The restrictive rulings of the mayor of Moscow City should be viewed in the wider context of massive internal migration to Moscow from Russia's economically and ecologically devastated regions in the East and the Far East, as well as from the Caucasus. The city authorities claim that several hundred thousand non-Muscovites are staying or working illegally in Moscow. Each year, the local bodies of the interior are reported to expel (by train) several thousand illegal residents outside the city boundaries. Chechen IDPs, however, must also confront prejudice stemming from the activities of the so-called "Chechen Mafia" said to occupy a prominent role in drug trafficking and organised crime. Public discrimination and targeting by police also result from acts of terrorism committed in Moscow, such as the August 1999 apartment bombings resulting in the loss of hundreds of lives, blamed on terrorists of Chechen origin, as well as the hostage taking in Moscow's Dubrovka theatre, in October 2002.

51. The October 2002 hostage crisis in Moscow triggered a number of measures by the federal and local authorities, countrywide, aimed at enhancing security and public order. Both the Ministry of Interior and the General Prosecutor's Office initiated investigations concerning the circumstances of the infiltration into Moscow City by Chechen fighters. After the raid, a city-wide search was launched to capture possible accomplices and dozens of suspects were arrested. Law enforcement officers increased and tightened ID checks in Moscow with the objective of identifying persons without sojourn registration. Such control measures are taking place in a context where the Moscow City police were blamed, officially as well as by the media, for not being able to prevent the hostage taking, thus inciting the police authorities to exercise particular zeal in the on-going investigations. In this context, ethnic Chechens with identity documents indicating permanent residence in Chechnya are particularly at risk of being fined, detained and expelled from the city.

52. The local NGO "Civic Assistance," providing legal and social counselling to IDPs and forced migrants in Moscow, has reported an increase in police harassment cases on ethnic Chechens, including Chechen IDPs, in Moscow City, in the aftermath of the October 2002 hostage crisis. In particular, cases of apartment searches, administrative detention, denial of sojourn registration, expulsion from schools and sacking from jobs were documented by Civic Assistance.⁵⁸ What transpires from the

⁵⁷ According to statistics from the Ministry of Federal Affairs, National and Migration Policy, 153 IDPs from Chechnya (representing 69 cases or families) were granted forced migrant status between 1 October 1999 and 30 June 2001 in Moscow. (No breakdown is available concerning the number of ethnic Chechens among them, or how many are IDPs from the current conflict as opposed to IDPs from the 1994-96 conflict who obtained their status only recently).

⁵⁸ See Civic Assistance, *Prosecution of Chechens and Other People from the Caucasus after the Terrorist Attack on the Theatre Centre at Dubrovka in Moscow on October 23, 2002*, Moscow, December 2002, for the period 24 October – 26 November 2002. The report contains a chronology and

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Civic Assistance's report is that, beyond preventive and/or repressive actions carried-out by law enforcement agencies, prejudice and mistrust vis-à-vis ethnic Chechens have openly increased among the public, leading to discriminatory attitudes by other institutions such as schools.

53. In the absence of temporary registration, IDPs in Moscow have not been able to exercise basic social and civil rights, such as access to legal employment, medical care and education. Instances of confiscation of internal passports by the police, detention, and extortion of money have also been reported. The International Helsinki Federation for Human Rights claims that

on the streets of Moscow and other major cities of the Russian Federation, police, along with other law enforcement agencies, adopt blatantly racist attitudes towards Chechens, ethnic groups from the Caucasus and other minorities. Resorting to racial profiling, police stop dark-featured people, including Chechens and other ethnic minorities on the street on the pretext of identity checks. In some cases, the detained persons have reported being forced by police to pay a bribe for some perceived irregularity in their identity or registration papers. In numerous other reported cases, Chechens and other Caucasus nationalities have complained that police planted drugs or weapons on their person and then demanded a bribe to secure their release. In detention, detainees also complain of being subjected to torture and ill-treatment with the reported aim of extracting a confession.⁵⁹

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

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

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

account of individual cases reported to, or investigated by Civic Assistance, for the period 24 October – 26 November 2002.

⁵⁹ International Helsinki Federation for Human Rights, Backlash feared against ethnic Chechens and other minorities following the hostage-taking of 23 October - 26 October 2002, Memorandum to the OSCE, 28 October 2002, <http://www/ihf-hr.org/appeals/021030osce.htm>.

- b) There is a lack of information concerning the possible violation of federal rules on freedom of movement by eastern and far-eastern regions of the Federation as well as on the control of the legality of local regulations in those regions by federal organs. However, the Russian Federation Ombudsman has documented such violations in some instances;⁶⁰
- c) Some border regions of the Federation have specific concerns regarding illegal migration and are very sensitive regarding the movement and status of populations on their territory (e.g. those regions sharing the 6,000-km long "transparent" border with Kazakhstan, and eastern regions faced with legal and illegal migration flows from China.);⁶¹
- d) Most importantly, a very strong anti-Chechen feeling has developed in many parts of the Russian Federation.⁶² This feeling, already present during the previous Chechnya conflict in 1994-96, has re-emerged after the terrorist bombings of August 1999 in Moscow and been reinforced by the October 2002 hostage crisis in Moscow. It has been exacerbated by some national and local media as well as by the relatively high level of casualties among federal troops serving in the military and in the Ministry of Interior special forces deployed to Chechnya, which is randomly affecting soldiers' families throughout the Federation;⁶³
- e) Finally, the 11 September 2001 terrorist attacks in the USA have led some Government officials and media members to draw parallels with the "anti-terrorist operation" in Chechnya, which is likely to contribute to increased suspicion towards Chechens in general.

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

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

57. Federal authorities assert that several hundred thousand ethnic Chechens legally reside (i.e., have registered residence) in Moscow or other larger cities of the

⁶⁰ See above-referred ruling of the Russian Federation Constitutional Court No. 9-II of 4 April 1996 (f/n 58), concerning Moscow city, Moscow region, Stavropol Krai, Voronezh city and Voronezh region, as well as the special report of the Ombudsman of the Russian Federation, *On the constitutional right to freedom of movement and freedom to choose a place of sojourn and residence in the Russian Federation*, October 2000 concerning, e.g., Adygea Republic, Amur region, Arkhangelsk region, Chuvashia, Kabardino-Balkaria, Kaliningrad, Kazan region, Krasnodar Krai, Kurgan region, Leningradskaya region, Mari-El Republic, Nizhni-Novgorod, Moscow city, Moscow region, Murmansk region, Smolensk region, Stavropol Krai, St Petersburg, Tatarstan, Volgograd and Yaroslav region.

⁶¹ Some local officials in southern Russia have unofficially expressed concern that Chechen rebels are possibly using western Kazakhstan to set-up training camps.

⁶² For an account of incidents suffered by ethnic Chechens and other minorities in various regions of Russia since the beginning of the conflict, see Union of Councils for Soviet Jews, *Ethnic persecutions of Chechens in the Russian Federation*, 9 July 2001, www.fsmonitor.com.

⁶³ According to the Law on Military Service, military service in the Russian Federation is compulsory and for a period of 24 months. Conscripts may be sent to conflict zones after six months of military service.

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Federation outside of Chechnya. Those ethnic Chechens who hold *residence* registration outside Chechnya are by law and practice allowed to reside in such locations similar to other residents. For the purpose of obtaining registration from the local bodies of the Ministry of Interior, the place of residence is defined under Russian Federation Government Resolution No. 713 of 17 July 1995, point 3, paragraph 2 as

the place where a citizen resides permanently or primarily as a landowner, a lessee, a sub-lessee, a renter or in any other capacity provided by the Russian legislation. It could be a residential house, an apartment, official living quarters, special residential places (a dormitory, a shelter, a home for elderly and single people, a boarding house for the disabled, veterans, etc.), as well as other living premises.

58. Ethnic Chechens with registered residence in Moscow or elsewhere may be persons who were born there, who were granted forced migrant status as a consequence of the 1994-96 conflict and who subsequently obtained residence registration in their new place of residence (after de-registering from their place of former residence), or who settled outside of their place of former residence for any other reason (e.g., business activities) and who eventually obtained residence registration in their new place of residence.

59. Those regions that apply restrictive regulations or restrictive administrative practices on sojourn registration are at the same time and *a fortiori* also restricting the issuance of residence registration to non-residents. To the extent that such restrictions are adopted by the concerned regions in order to prevent access to the territory to certain groups of persons,⁶⁴ or to protect the distribution of local resources (e.g. access to the local labour market), residence registration is usually more difficult to obtain than simple sojourn registration. Once in possession of residence registration in a given location, however, holders of such registration are allowed to reside and, in case they left to sojourn in another region or abroad, to return to that location.

60. The *place of sojourn* is defined under the above-referred Russian Federation Government Resolution No. 713 as

a place where a citizen stays temporarily, such as a hotel, a sanatorium, a rest home, a boarding house, a camping site, a tourist centre, a hospital or any other similar location, as well as living premises where a citizen does not reside permanently.

As mentioned in paragraph 23 and 24 above, while registration at the place of sojourn should be obtained by simple notification to the competent local organs of the interior, this is usually not the case in practice, and in many instances, the interior organs accord themselves a *de facto* right to issue or deny registration at the place of sojourn.

61. Violations of the federal laws and rules on registration at the place of sojourn by local authorities have given rise to numerous decisions of the Russian Federation

⁶⁴ In the context of anti-terrorist prevention measures, persons from the northern Caucasus, and Chechens in particular, are often targeted in practice.

Constitutional Court as well as concerns of the Russian Federation Ombudsman on the matter. Violations range from pure refusals to issue sojourn registration to administrative obstacles in issuing sojourn registration. In particular, the Russian Federation Constitutional Court has criticised the practice of issuing registration at the place of sojourn for a limited period.⁶⁵

62. Such restrictions are commonly applied, and sojourn registrations are often delivered for periods from one month to six months. Such an illegal practice is difficult to eradicate, as it is reportedly often linked to the payment of "fees" to local officials not provided for under any law or by-laws. Many instances have been documented in Moscow, where non-Moscow residents have to renew their sojourn registration every month or so, with periods of undue non-extension, leaving the concerned persons at the discretion of the local bodies of interior. Legal remedies have shown to be lengthy and uncertain due to the scope of the problem and the limited staffing capacity of the judiciary. In those cases where illegal practices have been sanctioned, problems have often occurred with the execution of judicial decisions.⁶⁶

IV. Relevant identity / travel documents

63. From the age of 14 all Russian citizens should, in principle, be in possession of an identity document⁶⁷ called the "Passport of the Citizen of the Russian Federation" (or of the Passport of the Citizen of the USSR, including mention of citizenship of the Russian Federation⁶⁸). This is not a travel document, but an identity document. It is issued by the local bodies of interior, for the purpose of recording identity and family details as well as registration (at the place of residence and, when relevant, place of sojourn). Children below the age of 14 are registered under the passport of their parents.

⁶⁵ See Russian Federation Constitutional Court Decision No. 6-P of 17 February 1998: *"The period of stay in this or that place of sojourn should be defined by the citizen himself. Its definition by the State is unacceptable, as that would mean the restriction of freedom of will in choosing the place of sojourn."*

⁶⁶ Regarding problems related to execution of judicial decisions in Moscow and elsewhere and more generally regarding registration-related problems for IDPs, see Human Rights Watch/Helsinki, *Moscow: Open Season, Closed City*, September 1997, <http://www.hrw.org/reports/1997/russia/>; Gannushkina, Svetlana, *Violation of international norms and the Russian legislation on the rights of refugees and forced migrants*, Memorial, Human Rights Centre, Moscow, 1998, <http://www.memo.ru/hr/refugees/refsem/sem3-0.htm> and Memorial, Human Rights Group, *Problems of victims of warfare in the Chechen Republic. Mechanism for the execution of court judgements and implementation of prosecution response measure*, Moscow, 2001, <http://www.memo.ru/hr/refugees/sem8en/index.htm>.

⁶⁷ See Instruction of the Russian Federation Government, No. 828 of 8 July 1997, On approval of the regulations on the passport of the citizens of the Russian Federation, the form specimen and the description of the passport of the citizen of the Russian Federation. Point 1 of the Regulations reads: *"The Passport of the citizen of the Russian Federation shall be the principal document of identification of the citizen of the Russian Federation on the territory of the Russian Federation. Every citizen of the Russian Federation who has reached the age of 14 years of age and is resident in the territory of the Russian Federation shall be obliged to have a passport."*

⁶⁸ The "old" USSR internal passports are still valid documents, until 31 December 2004, after which date all Russian citizens (aged 14 and above) should be in possession of the "new" Russian Federation passports. According to the Presidential Commission on Citizenship, some 35 million citizens have been issued with Russian Federation passports as of September 2001.

64. Information pertaining to the citizen's registration is indicated on page 5 of the passport (page 14 for USSR passports) under "place of residence" ("место жительства"). The registration is stamped onto the relevant page, with mention of the place of residence (i.e., name of the constituent subject of the Federation where the persons reside permanently), the address of the passport holder and the date of registration. Where a citizen of the Russian Federation is *sojourning* in a place other than his place of residence, a (one-page) document to that effect is issued by the relevant local body of interior generally entitled "certificate of registration at the place of sojourn" ("свидетельство о регистрации по месту пребывания"), which the holder should keep and present, together with his/her passport, during identification checks. While federal law does not foresee any specific length for the sojourn, local authorities usually issue registration at the place of sojourn for limited periods of time, subject to renewal. In Moscow, for example, the standard sojourn ranges from 45 days to six months.
65. Russian citizens are normally required to be in possession of their passport at all times for possible identity checks. This document (including indication of registration) is also required for accessing the social welfare system (enrolment at schools, admission in hospitals, payment of social allowances, pensions, etc). Local bodies of interior at the place of residence of the citizens are responsible for the issuance and renewals of passports. According to the above-referred Regulations approved by Russian Federation Government Instruction No. 828, "*Citizens without a place of residence shall have their passport issued and renewed by the local bodies of interior at the place of sojourn*" (Point 10 of the Regulations).
66. An internal instruction was reportedly issued by the Federal Ministry of Interior in November 1999 not to issue or renew identity documents to IDPs from Chechnya, allegedly to prevent possible Chechen militants or infiltrators from obtaining official documents. This measure limited freedom of movement for undocumented IDPs outside Chechnya, given the registration regime applicable in Russia, which requires all Russian citizens to register with the local bodies of the Ministry of Interior if they sojourn outside their place of permanent residence. Undocumented IDPs were also unable to return to, or visit, Chechnya, for fear of being detained at military checkpoints.
67. In June 2000, a mobile team from the Federal Ministry of Interior started issuing temporary identity documents and sojourn registration for Chechen IDPs in Ingushetia. These temporary identity documents are provided for under Russian Federation Government Regulation No. 821 of 8 July 1998 "*On approval of the statute of the passport of the citizen of the Russian Federation,*" and are referred to as the *Temporary Certificate of Citizen of the Russian Federation* (so-called Form No. 2-II). Form No. 2-II is issued to serve as a provisional identity document where a citizen's passport is lost or damaged. The temporary certificate is valid for a period of up to six months, during which period the citizen is expected to be issued with a new passport at their place of permanent residence.
68. In September 2000, the mobile team of the Federal Ministry of Interior suspended its mission in Ingushetia and handed over the task to the Ingush Ministry of

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Interior. Issuance of temporary identity documents in Ingushetia greatly improved the situation of many undocumented IDPs with regard to travelling to and from Chechnya. Although the total figure of temporary documents issued is not available, it has been indicated that 4,000 - 5,000 persons have been issued such documents in Ingushetia during the period from June to December 2000. A provisional office of the Passport and Visa Service (PVS) of the Chechen Ministry of Interior was established in Ingushetia and started to issue and/or renew (internal) passports to/for IDPs from Chechnya. Also, in the first quarter of 2001, with the local bodies of interior inside Chechnya resuming their administrative functions, (internal) passports gradually started to be issued to citizens in Chechnya. Government sources have advised that 80,000 new passports have been issued in Chechnya since.

69. Form No. 7, entitled "*Registration of a family arriving under emergency situations*," is issued by the local migration bodies for the purpose of statistics and distribution of Government's humanitarian assistance. It is provided for under Letter of Instruction No. 19 of 31 March 1997 issued by the Federal Migration Service. It is not an identity document. It is meant to be used by the migration authorities during situations of mass influx and reception, on the territory of the Russian Federation, of citizens who left their place of permanent residence for reasons stipulated under Article 1 of the Russian Federation Law "*On Forced Migrants*." Form No. 7 is issued to all members of a family including children above the age of 14 years. Persons who are under 14 years of age are recorded on their parents' form.

70. The travel document issued to Russian citizens to *travel abroad* is the *Passport*. It is issued by the local bodies of Ministry of Interior and, under certain circumstances, by the Ministry of Foreign Affairs. Russian citizens can travel to CIS countries without a visa,⁶⁹ using their "internal" passport (i.e., the Passport of the Citizen of the Russian Federation).

V. Situation of non-ethnic Chechens leaving Chechnya

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

72. The Federal Migration Service of the Russian Federation assessed that some 450,000 persons fled the 1994-96 conflict in Chechnya. It is further estimated that most non-Chechen IDPs did not return to Chechnya after that conflict. According to estimates, in the beginning of 2000, some 240,000 persons were displaced outside of Chechnya (some of whom returned to Chechnya since then), including some 30,000 ethnic Ingush, who fled to neighbouring Ingushetia and who are still staying in that

⁶⁹ Except to Turkmenistan and Georgia, for which visa requirements were introduced (under bilateral agreement dated 17 July 1999 with Turkmenistan, and on 1 March 2001 with Georgia, after Russia renounced the Bishkek Agreement on visa-free circulation within the CIS).

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Republic. The Ingush Government has declared on several occasions its willingness to facilitate the local integration of ethnic Ingush IDPs from Chechnya. Some projects have started, with the support of UNHCR, to facilitate the local integration of (primarily ethnic Ingush) IDPs from Chechnya.

73. Official statistics provided by the Federal Migration Service indicate that 13,232 IDPs from Chechnya were granted forced migrant status in some 79 regions of the Russian Federation between 1 October 1999 and 31 December 2002. According to information available to UNHCR, from its implementing partners as well as from local human rights NGOs, those IDPs from Chechnya who were granted forced migrant status as a result of the current conflict are almost all ethnic Russians. Such information is partly corroborated by looking at the regions where forced migrant status was granted. For the most part, these are regions where traditionally there is no Chechen resident community. At the same time, UNHCR is aware of isolated instances where Chechens displaced by the current conflict were granted forced migrant status (having claimed fear of persecution from Islamic fundamentalists).⁷⁰

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

VI. UNHCR's Position on the "Internal Flight Alternative"⁷¹

75. The possibility of internal relocation (the so-called "internal flight alternative") must be reviewed as part of a full and fair refugee status determination procedure. This concept is not applicable when deciding whether a claimant may be admitted into the refugee status determination procedure. Neither is it acceptable to apply "internal flight alternative" to channel asylum applications into accelerated procedures for dealing with manifestly unfounded claims.

76. In general, there is a rebuttable presumption that the state is able to act throughout the country and that, therefore, the possibility of internal relocation cannot be a relevant consideration where the feared agent of persecution is a state agent. *Only where there is clear evidence that this is not the case* will it be appropriate to consider whether the individual applicant could have found safety through internal relocation.

⁷⁰ UNHCR is aware of one case in Pyatigorsk (Stavropol Krai) where an ethnic Chechen, Lieutenant Colonel in the Russian Federal forces, was granted forced migrant status on such grounds by the court of law, after being denied status by the local migration service in a first instance administrative decision.

⁷¹ In reviewing the issue of internal relocation, reference should be made to UNHCR, Position Paper. Relocating Internally as a Reasonable Alternative to Seeking Asylum (The so-called "Internal Flight Alternative" or "Relocation Principle"), February 1999, http://www.unhcr.ch/cgi-bin/texis/vtx/home/+DwwBmeTFsH_wwwnwwwwwwwhFqA72ZR0gRfZnIFqrpGdBnqBAFqA72ZR0gRfZnCFqAGncdqwBoDtDzmxwwwwww/opendoc.pdf. An update of this paper is expected in May 2003.

Where internal relocation is an issue, the judgement to be made is whether the risk of persecution that an individual experiences in one part of the country can be successfully avoided by living in another part of the country. If it can, and if such relocation is both possible and reasonable for that individual, this has a direct bearing on decisions on whether the fear of persecution is "well-founded."⁷² In the event that there is a part of the country where it is both safe and reasonable for the asylum-seeker to live, the "well-founded fear" criterion may not be met.

VII. Summary of Background Information

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

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

79. In other administrative districts of the Russian Federation, the combination of local restrictive regulations on freedom of movement and freedom of choice of place of sojourn/residence, anti-Chechen feelings among the public, and concerns among local authorities to contain ethnic tensions and to prevent terrorist acts, deprives Chechen IDPs of a genuine internal relocation alternative.

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

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

82. When determining the need for international protection as well as the availability of internal relocation possibilities for Chechen asylum seekers, an

⁷² Ibid.

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essential distinction needs to be made between ethnic Chechens displaced from Chechnya proper and ethnic Chechen (permanent) residents of other regions of the Russian Federation, as discussed in this paper.

VIII. Recommendations

83. Upon admission, those in need of international protection should, like all other asylum seekers, be afforded access to regular refugee status determination procedures, where such are available, for consideration of their claims on a case by case basis. UNHCR recommends that claims be processed through the normal refugee status determination procedure.

84. Where individuals in need of and deserving international protection are unable to obtain the protection of the 1951 Convention relating to the Status of Refugees, it is recommended that they be given access to complementary forms of protection, at least on a temporary basis. At a minimum, this should include respect for the principle of *non-refoulement* and basic human rights, as well as treatment in accordance with internationally recognised standards such as those outlined in EXCOM Conclusion No. 22 of 1981, on the protection of asylum-seekers in situations of large-scale influx,⁷³ until such time as they can exercise their right to return home in safety and with dignity.

85. While Ingushetia has been liberally admitting IDPs from Chechnya and accepts their continuing presence in the Republic, the situation of Chechen IDPs there became precarious after the adoption of the May 2002 Action Plan for return and following the October 2002 hostage crisis in Moscow. IDPs in Ingushetia risk pressure to return to Chechnya according to federal policy. Proximity to the conflict area as well as the continuation of military activities in Chechnya has also exacerbated this situation. For these reasons, *UNHCR would strongly advise against considering Ingushetia as a reasonable relocation alternative for ethnic Chechen asylum-seekers originating from Chechnya.*

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⁷³ For more information, see UN document "Complementary Forms of Protection: Their Nature and Relationship to the International Refugee Protection Regime," EC/50/SC/CRP.18, 9 June 2000.