

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

(January 2002)

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Introduction

1. This paper is updating the previous “UNHCR guidelines on asylum-seekers from Chechnya” dated 21 August 2000. The general principles stated in the previous guidelines remain valid. However, over the last year, given the ongoing nature of the conflict in the Chechen Republic (Chechnya¹) and the increasing number of asylum-seekers seeking international protection on grounds related to the current situation in Chechnya, the need has arisen for more detailed information concerning 1) the question of internal relocation as well as 2) the identification of categories of persons who may not be in need of international protection.

I. General situation and recent developments

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

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

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

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

- a) The protracted, full-fledged warfare along frontlines has stopped;

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

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

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

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

- a) guerrilla activities have intensified in the zones officially under the control of the Russian Federal forces and military operations by the latter in civilian areas where rebels are suspected to be in hiding have led to new displacement of populations, both in Chechnya as well as to Ingushetia;
- b) military activities in southern Chechnya, in areas not under the control of the Federal forces are causing additional casualties and new displacement of populations. In 2001, the number of new arrivals to Ingushetia was higher than the number of returns to Chechnya;
- c) the Chechnya administration has not been able, for security reasons, to fully establish itself in the Republic's capital, Grozny. Part of the

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

Chechnya Government is still located in Gudermes, which recently faced a major assault by Chechen fighters;

- d) cases of murder of Chechen civil district administrators, claimed by rebel groups, have increased and cases of murder of ethnic Russian civilians in Grozny by Chechen fighters have been reported by the authorities;
- e) according to UNSECOORD, the Ministry for Civil Defence and Emergencies has suspended its de-mining activities due to security constraints and there are increasing reports of mine incidents, including among returnees;
- f) security incidents in Ingushetia, in North Ossetia-Alania (Vladikavkaz) and in Karachai-Cherkessia (Cherkess) give rise to the fear that guerrilla activity might expand to neighbouring Republics;
- g) a number of returnees were unable to remain in Chechnya, primarily for reasons of security or harassment, as well as for lack of shelter and infrastructure, and returned to Ingushetia;
- h) judiciary personnel in Chechnya remains limited in number to ensure an efficient functioning of legality control mechanisms; due to the absence of judges in Chechnya, serious crimes have to be tried outside the republic; conflicts of jurisdiction between the civilian and military prosecutors' offices have hampered the processing of individual complaints;
- i) access to humanitarian agencies and humanitarian agencies' access to the population inside Chechnya has been hampered by security constraints, clearance and procedures at check-points as well as by the lack of authorisation to use radio frequencies for communications. In November 2000 an ICRC truck was hijacked at gunpoint in Chechnya and in January 2001 the MSF Holland Programme Manager was kidnapped. He was eventually released, after almost one month in captivity.

7. An expert delegation led by the Director of the OSCE Office for Democratic Institutions and Human Rights visited Chechnya on 13-14 June 2001 to assess the human rights situation. The summary findings in their mission report were as follows⁴:

- a) "Against the background of a complex and precarious security situation, the human rights situation remains problematic, with a steady level of new violations, including "disappearances" being reported.
- b) The official response to past human rights violations remains inadequate. There appears to be an absence of will to diligently and systematically convict perpetrators of crimes against the civilian population.
- c) The situation of IDPs in Chechnya is relatively stable, albeit the security situation prevents international relief organisations from establishing offices inside Chechnya. The Chechen administration sees return of IDPs from Ingushetia as a key sign of growing normalisation, and is making efforts to promote this. However, as long as the security situation does not improve substantially the return process will not start.

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

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

II. The question of internal relocation and the Federal Policy regarding Internally Displaced Persons – IDPs

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

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

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

a) Forced migrant status

11. There is no reference, under Russian legal terminology, to the term “internally displaced person”. However, the 1995 Federal Law “On Forced Migrants” envisions a similar status for forcibly displaced persons. According to Article 1 of this law: “A forced migrant shall be a citizen of the Russian Federation, who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subject to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile

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

campaigns with regard to individual persons or groups of persons, mass violations of public order"⁶. As a result of the 1994-96 conflict in Chechnya, some 162,000 IDPs were granted the status of forced migrant, in approximately 80 regions (subjects) of the Russian Federation. The status of forced migrant is primarily meant to facilitate the integration of such persons in their new place of residence, through the allocation of special allowances, assistance with housing, job placement, loans, and related support.⁷

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

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

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

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

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

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

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

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

b) Compensation for lost property

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

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

c) Freedom of movement and choice of place of residence

18. In light of the tsarist-era restrictions on movements of the subjects of the Empire, as well as of the Soviet-era “propiska” regime, the Russian government found it necessary to edict a law in 1993.¹² The basic concept under this Federal law

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

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

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

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

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

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

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

d) The principle of voluntary return to Chechnya

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

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

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

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

e) Chechen IDPs in Ingushetia

23. Ingushetia and Chechnya are contiguous, and Ingushetia has generously hosted the bulk of fleeing IDPs. However, with an influx of over 240,000 IDPs in 1999-2000 for a local population of 360,000 inhabitants, the infrastructure of the Republic of Ingushetia (one of the poorest subjects of the Russian Federation) has been over-stretched. It is estimated that there are currently 150,000 IDPs in Ingushetia. Two third of these persons are staying with host families and one third are accommodated in tented camps and spontaneous settlements (collective farms, abandoned factories and other structures being used as shelter). Local social infrastructure has been overwhelmed with the influx of IDPs and the majority of IDPs have limited access, if any, to medical facilities and schools. Tuberculosis in camps and settlements is wide spread¹⁴. UNHCR together with WHO have set-up a medical referral system for particularly vulnerable cases (e.g. victims of torture), under which cases are referred to medical institutions outside Ingushetia, as this Republic does not have the capacity to address such cases. Humanitarian assistance by international organisations is continuing, in order to avoid a deterioration of basic living conditions.

24. In view of the overcrowded situation in Ingushetia, the (former) Federal Migration Services (FMS) made some attempts, in 1999 and 2000, to relocate some IDPs to other regions of the Federation. Several hundreds families thus relocated voluntarily to existing temporary accommodation centres¹⁵ in Tambov and Saratov regions, with the FMS covering transport costs (vouchers for train tickets were provided by the FMS). As of end of September 2001, some 975 persons (300 families) were still being accommodated in the Saratov and Tambov temporary accommodation centres (most of whom being ethnic Chechens and a minority being

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

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

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

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

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

27. There have been various attempts made by the federal authorities to induce the return of IDPs from Ingushetia to Chechnya. On 17 December 1999, under Order No. 110, the Federal Migration Service instructed the Regional Migration Services of Dagestan, Stavropol, Ingushetia and North Ossetia-Alania to suspend registration under Form No. 7¹⁷ of all new IDP arrivals and to facilitate their return to their place of origin in Chechnya or, alternatively, to safe areas in Chechnya.¹⁸ Subsequently, on 20 January 2000, the Ministry for Civil Defence and Emergencies of the Republic of Ingushetia issued an instruction according to which IDPs coming from regions under

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

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

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

the control of federal authorities¹⁹ should be “*deprived from all kind of allowances they were entitled to on the territory of their present accommodation*”.

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

29. Over the last months there has been a tendency of the federal authorities to intervene more directly in Ingushetia for alleged security reasons. The federal forces have conducted a number of security related operations in IDP settlements and camps, in search of weapons and drugs.²² arresting a number of persons suspected to belong to Chechen rebel groups. In this respect, young males are particularly exposed. At the political level, the conflict has grown more openly between the President of Ingushetia, General Aushev, and the Federal Government, with the latter accusing the former of using the presence of IDPs and the subsequent international aid to re-enforce his political position in the Republic and in the region²³.

f) Chechen IDPs in other regions of the northern Caucasus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g) Chechen IDPs in other parts of the Russian Federation

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

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

38. Another decree of the Mayor of Moscow city, of 28 September 1999, stipulates that, in order to apply for forced migrant status, the concerned applicants must be in possession of a registration document issued by the competent body of the Federal Ministry of Interior valid for a term of not less than six months. In practice, however, it has been almost impossible for Chechen IDPs to obtain sojourn registration in Moscow. Hence, they find themselves in a “vicious circle” where they need sojourn registration to apply for forced migrant status²⁸ and where sojourn registration is denied in practice. Local NGOs reported numerous instances where Chechen IDPs applying for forced migrant status were told by local migration officers to return to “safe areas” in Chechnya.²⁹ Instances were reported where legally resident individuals in Moscow, who vouched for IDPs, guaranteeing them housing to facilitate their registration with the authorities, were themselves fined for violating regulations on registration.

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

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

²⁷ Despite being ruled un-constitutional by the RF Constitutional Court (cf. RF 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. Enforcement of judicial decisions in Russia is not a problem limited to Moscow.

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

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

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

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

- a) Ethnic Chechens are traditionally not established or residing in areas beyond the northern Caucasus republics and the larger western Russian cities. Chechen IDPs are reluctant to travel to areas where there is no resident Chechen community with whom they could stay, even illegally.
- b) There is scarcity of information concerning the possible violation of federal rules on freedom of movement by eastern and far-eastern regions of the Federation as well as on the control of the legality of local regulations in those regions by federal organs. However, the RF Ombudsman has documented such violations in some instances.³⁰
- c) Some border regions of the Federation have specific concerns regarding illegal migration and are very sensitive regarding the movement and status of populations on their territory (e.g. those regions sharing the 6,000 km long "transparent" border with Kazakhstan, and eastern regions faced with legal and illegal migration flows from China.)³¹
- d) Most importantly, a very strong anti-Chechen feeling has developed in many parts of the Russian Federation.³² This feeling, already present during the previous Chechnya conflict in 1994-96, has re-emerged after the terrorist bombings of August 1999 in Moscow. It has been exacerbated by some national and local

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Relevant identity / travel documents

51. All Russian citizens should, from the age of 14, in principle be in possession of an identity document³⁷ 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 Federation³⁸). This is not a travel document, but an identity document. It is issued by the local bodies of interior, for the purpose of recording identity and family details as well as registration (at the place of residence and, when relevant, place of sojourn). Children below the age of 14 are registered under the passport of their parents.

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

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

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

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

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

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

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

55. In June 2000, a mobile team from the Federal Ministry of Interior started issuing temporary identity documents and sojourn registration for Chechen IDPs in Ingushetia. These temporary identity documents are provided for under Russian Federation Government Regulation No. 821 of 8 July 1998 “On approval of the statute of the passport of the citizen of the Russian Federation”, and are referred to as **Temporary Certificate of Citizen of the Russian Federation** (so-called Form No. 2-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 citizens are expected to be issued with a new passport at their place of permanent residence.

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

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

³⁹ See footnote 8, above.

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

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

V. Situation of non-ethnic Chechens leaving Chechnya

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

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

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

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

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

VI. Summary of main conclusions

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

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

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

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

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

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

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

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

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

UNHCR
January 2002.

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