

AN UNCERTAIN FUTURE: THE CHALLENGES OF RETURN AND REINTEGRATION FOR INTERNALLY DISPLACED PERSONS IN THE NORTH CAUCASUS

UPDATE ON THE IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY THE UN SECRETARY-GENERAL'S REPRESENTATIVE ON INTERNALLY DISPLACED PERSONS FOLLOWING HIS VISIT TO THE RUSSIAN FEDERATION





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Cover photo: Displaced Chechens returning to their homes (Heidi Bradner)

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Preface

The recommendations issued by the UN Secretary-General's Representative on the Human Rights of Internally Displaced Persons following his country visits provide useful guidance for governments and other relevant actors with regard to improving their responses to situations of internal displacement. The recommendations, which are part of the mission reports submitted to the UN Human Rights Council, address outstanding issues and outline ways of strengthening the protection of the human rights of IDPs in line with the Guiding Principles on Internal Displacement.

To support the process of implementation, the Norwegian Refugee Council's Internal Displacement Monitoring Centre initiated a series of reports on progress made with regard to putting the recommendations into practice. Each report has been prepared in partnership with, and based on field research by, prominent national civil society organisations dealing with issues of internal displacement in their respective countries. This not only ensures that the wealth of information gathered by national non-governmental actors is reflected in the reports, but it also strengthens the involvement of civil society in the process of implementation of the recommendations. In the case of the Russian Federation, the implementation report was prepared in conjunction with the human rights centre "Memorial".

By publishing this series of reports, the Internal Displacement Monitoring Centre aims to raise awareness of the Representative's recommendations, take stock of progress made with regard to their implementation, and point to gaps where further action is needed. It is our hope that the reports will serve as a useful tool for governments as well as for international organisations and national civil society groups to follow up on the Representative's recommendations and develop effective responses to internal displacement that are fully in accordance with the Guiding Principles.

Elisabeth K. Rasmussen



NRC Resident Representative in Geneva
Head of Internal Displacement Monitoring Centre

Foreword

As Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, I welcome this series of reports issued by the Norwegian Refugee Council's Internal Displacement Monitoring Centre following up on missions that my predecessor and I have undertaken to countries facing serious issues of internal displacement. As this initiative recognises, my official reports to the United Nations, along with recommendations made to Governments, parties to conflict, international actors and civil society, are not intended to conclude analysis and examination of a country; much more, the reports and their accompanying recommendations should be viewed as starting a process of reflection leading to concrete improvements in the lives of the internally displaced.

As such, I am very pleased that the Internal Displacement Monitoring Centre, along with other civil society actors, has built upon a series of mission reports of former Representative Deng and myself with current field research assessing the progress made in the intervening months and years. My hope is that reviews such as this will encourage all relevant actors to take a careful inventory of the progress made and, where necessary, recalibrate and refocus future efforts. These reports will also be a useful reference for my continuing engagement with individual situations and dialogue with Governments and civil society. I therefore encourage the Norwegian Refugee Council and other partners in civil society to continue this valuable and positive work.

Prof. Walter Kälin

A handwritten signature in black ink, appearing to read 'W. Kälin', written in a cursive style.

Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons

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Executive Summary

This report is intended to assess the extent to which the government of the Russian Federation has implemented the recommendations issued in early 2004 by the UN Secretary-General's Representative on Internally Displaced Persons (IDPs), in regard to IDPs in the North Caucasus. The recommendations included a number of specific and general proposals to ensure protection of IDP rights, provision of services and creation of conditions for the return or resettlement of IDPs from the conflict in Chechnya and the earlier Ingush-Ossetian conflict.

In the two years since the Representative issued his recommendations, conditions for IDPs in the North Caucasus have improved in some respects, but overall their situation remains grim. On the positive side, access to IDPs for international and local humanitarian organisations and NGOs has improved substantially as the intensity of the conflict in Chechnya has diminished. In particular, most checkpoints for vehicles have been removed, greatly easing the transport of relief supplies. International access has been limited, due to the dangerous security situation in Chechnya and the increasing instability in other parts of the North Caucasus. Some IDPs live in areas of Chechnya that can seldom, if ever, be visited by international agencies. Relief organisations still sometimes suffer from petty harassment from various government authorities and NGO workers have been subject to serious human rights violations. Nevertheless, most IDPs have been able to benefit from international assistance.

Within Chechnya, the safety of returning IDPs is not ensured. IDPs, together with the general population, are subject to grave violations of international humanitarian law and human rights. Living conditions for IDPs are generally harsh. There is insufficient space available in the crowded Temporary Accommodation Centres, where lodging is rudimentary, often without plumbing or other utilities. Although the government has allocated and disbursed funding particularly for compensation, payments are only for those whose previous housing was totally destroyed, and the sums actually received by IDPs are often insufficient to rebuild. Despite the fact that in Chechnya pensions and some benefits are paid more or less regularly, the living conditions in Chechnya – particularly for IDPs – are bleak. There is a lack of accurate and consistent statistics on the number of IDPs in Chechnya; while the Chechen authorities acknowledge about 48,000 IDPs within Chechnya, international agencies estimate up to 180,000 IDPs within Chechnya.

Outside Chechnya, some 21,000 Chechen IDPs remain in Ingushetia, according to the Danish Refugee Council, living either in the private sector or in Temporary Settlements where living conditions are often dire. The authorities have not forcibly sent back IDPs, but have used a combination of incentives and pressures to persuade them to return to Chechnya. The closure of tent camps in Ingushetia in 2004 left many IDPs with little choice but to return. More recently, IDPs have been de-registered and there have been threats to close the Temporary Settlements. Protection concerns for IDPs in Ingushetia have grown, as instability has spread from Chechnya to neighbouring republics. In particular, IDPs have faced discrimination and problems in obtaining necessary documentation.

The IDPs remaining in Ingushetia from the 1992 Ingush-Ossetian conflict have faced a special set of problems. They were often ineligible to receive relief from international agencies, which in some instances left them in worse circumstances than IDPs from Chechnya. Many are still unable to return to their homes in North Ossetia-Alania. As a result of the Beslan tragedy and other security incidents, they have faced increased tensions and discrimination. A group of IDPs in the village of Maiskoye, inside North Ossetia, faces particular hardships. However, in 2006 Russian officials at the federal level as well as at the level of the South Federal Region focused considerable attention on the problems of IDPs originating from Prigorodny region and achieved appreciable results, including the increased return of IDPs to North Ossetia, either to their place

of original residence or to the newly established village Novy, and the agreement of international agencies to incorporate assistance to IDPs from North Ossetia in their project activities.

In essence, the problems of IDPs in Chechnya are more about human rights than relief. IDPs are subject to grave violations committed with impunity by the security forces, including disappearances, extrajudicial executions, arbitrary detention, and torture. The rule of law has not been restored in Chechnya. Although the court system has been restructured and is beginning to operate more effectively in some civil cases, albeit not in criminal cases, courts do not provide protection or redress for human rights violations and do not operate independently in such cases. The judicial system does not operate independently. Although international agencies and national NGOs have highlighted the human rights problems in Chechnya, they have been ineffective at producing change.

A positive element in these difficult circumstances has been the work of official human rights bodies, NGOs and international agencies. Government authorities have generally welcomed the efforts of these groups and have been open to consultations with them. At government insistence, however, the international agencies have ended their annual Consolidated Appeals Process and moved instead to an Inter-agency Transitional Workplan, which focuses less on relief activities, although needs remain great. A worrying issue is the extent to which the new law regulating NGOs may affect organisations involved in monitoring IDP rights and otherwise assisting IDPs.

Although some conditions for IDPs have improved since the UN Secretary-General's Representative issued his report in 2004, many of the issues he raised remain serious concerns. Regrettably, the government has not put forward a plan for resolving the IDP issue, except for its intention to induce IDPs to return, even if the conditions for returning in safety and dignity do not exist. Moreover, there has been little if any progress on the Representative's final recommendation, that the political roots of displacement be addressed through open and constructive efforts to resolve the conflicts. Despite international urging, the government has rejected all efforts to find solutions to the causes of displacement through a negotiated political settlement of the conflict in Chechnya. The government's approach on these issues raises serious questions as to whether its policies can produce durable solutions for IDPs.

Background to the Report

In September 2003 Francis Deng, who at the time was the Representative of the UN Secretary-General on Internally Displaced Persons, visited the Russian Federation at the invitation of the government. The aims of his trip were to study and acquire a better understanding of the situation of internal displacement in the Russian Federation, in particular with regard to the North Caucasus, and to have a dialogue with relevant partners with a view to ensuring effective responses to internal displacement. A further objective was to encourage the various actors to make increased use of the Guiding Principles on Internal Displacement.¹

During the visit the Representative held meetings with the government bodies, civil society organisations and representatives of UN agencies and programmes. He visited the North Caucasus and met IDPs in the Republic of Ingushetia, as well as returnees to the Chechen Republic. During his discussions with the authorities, the Representative repeatedly emphasised that his approach to IDP issues was based on constructive dialogue with the state in question, aimed at finding solutions to any outstanding problems, with full respect for state sovereignty. This sovereignty, however, includes a responsibility to assist and protect IDPs under the state's jurisdiction.

¹ The Guiding Principles can be found in United Nations document E/CN.4/1998/53/Add.2.

The Representative presented recommendations at the end of his trip.² In addition, he appealed to the government to take into consideration the concerns expressed by the UN Human Rights Committee³ and Committee on Economic, Social and Cultural Rights,⁴ and to respect IDPs' and returnees' human rights, as well as to hold perpetrators of human rights violations accountable and bring them to justice. He urged the government to cooperate closely with civil society organisations, especially with NGOs working on behalf of IDPs.

This report prepared by the Human Rights Centre "Memorial" together with the Norwegian Refugee Council's Internal Displacement Monitoring Centre provides a description of the situation of IDPs in the North Caucasus at the present time, more than two years after the Representative's visit. It reviews the recommendations set out in the Representative's report and assesses the extent to which they have been implemented. It also provides specific suggestions to improve the implementation of the recommendations.

Note on Methodology and Acknowledgements

This report was compiled by Svetlana Gannushkina, primarily based on information from the NGOs Human Rights Centre "Memorial" and the Civic Assistance Committee, both of which work together to provide assistance to IDPs in the North Caucasus.

Information was also gathered during regular visits to the North Caucasus, as well as meetings with officials of the Chechen Republic and Republic of Ingushetia between September 2005 and January 2006. These included meetings with the President of the Republic of Ingushetia Murat Zyazikov, Deputy Minister of Health Fatima Geroeva, and Deputy Minister of Economy Ruslan Gikoev, as well as members of the Ingush Parliament. In the Chechen Republic, meetings were held with Deputy Minister of Internal Affairs Asu Dudarkaev, as well as ranking representatives from the passport and migration offices. Information on the situation of IDPs across Russia was also solicited from the "Migration Rights Network", which includes NGOs located in 59 offices providing legal advice in Russia's 46 regions.

In Moscow, meetings were held with representatives of major international agencies working on IDP issues in the North Caucasus, among them the UN High Commissioner for Refugees, the Office of the Coordinator for Humanitarian Assistance, the International Committee of the Red Cross, and the Danish Refugee Council.

In addition, the report draws upon a wide variety of other sources, including official documents of the United Nations, the Council of Europe and other international organisations, as well as NGO reports, media reports, and conference documents, as cited in the footnotes. Human rights reporting by "Memorial" and Human Rights Watch were particularly useful, as were materials from the conference on "Problems of forced migration in the Russian Federation" that took place in Moscow on 19-20 April 2005. Some sources requested not to be cited.

The Internal Displacement Monitoring Centre and "Memorial" are grateful to Peter Eicher for providing valuable research input and editing the draft report. Thanks are also extended to Elena Zaks for her assistance and support in the translation process.

² The Representative's report can be found in UN document E/CN.4/2004/77/Add.2 of 24 February 2004.

³ UN document CCPR/CO/79/RUS of 6 November 2003.

⁴ UN document E/C.12/1/Add.94 of 12 December 2003.

Brief Description of the Present Situation of IDPs in the North Caucasus

IDPs from North Ossetia-Alania

At end of the Soviet period more than a million victims of discrimination and interethnic conflicts flooded Russia from other republics of the former USSR. The first major human displacements within the Russian Federation itself resulted from the Ossetian-Ingush conflict of 1992, during which more than 60,000 residents of the Prigorodny region in the Republic of North Ossetia-Alania fled to Ingushetia. The active phase of this inter-ethnic armed conflict – the only such conflict in the Russian Federation – lasted from 31 October to 6 November 1992. About 500 people were killed and more than 1,000 were wounded during that time.

To resolve the Ossetian-Ingush conflict, a Special Representative of the President of the Russian Federation was appointed. Over a period of 12 years, the Mission of the Special Representative distributed state assistance to the victims of the conflict, provided for their temporary accommodation, allocated funds for housing, regulated relations between the sides, and controlled the process of return of Ingush families to North Ossetia. Almost all Ingush displaced as a result of this conflict obtained the status of “forced migrants” in Ingushetia, which entitled them to certain government assistance. Towards 2005, the return 20,000 ethnic Ingush to their previous areas of residence was achieved, although they returned to only 13 of the 29 locations where they used to reside. In February 2005, the Special Representative’s Mission was disbanded and its functions were distributed among three bodies – the Federal Migration Service, the South Federal Region and the State Construction Commission. For a substantial period of time following this development, not a single Ingush family was able to return to the Prigorodny region, and the situation grew tense again.

The events in Beslan, where gunmen captured a school on 1 September 2004, contributed to a further growth of inter-ethnic tension in the region. The siege lasted for three days and resulted in the deaths of more than 331 people, including 184 children. The Beslan tragedy stemmed from the war in Chechnya and was not in any way related to the Ossetian-Ingush conflict. Nevertheless, it upset inter-ethnic relations, especially since some mass media groundlessly connected it with Ossetian-Ingush relations and with the 1992 conflict. This had the practical effect of putting a halt to Ingush returns to North Ossetia. It was only in May 2005 that the return process gradually resumed, though still facing some political resistance.

In addition to the approximately 20,000 IDPs who have returned to North Ossetia, roughly the same number have since resettled in other parts of the Russian Federation or other countries of the Commonwealth of Independent States. According to various estimates, that leaves between 8,000 and 21,000 Ingush IDPs from North Ossetia who have neither returned nor permanently resettled elsewhere.⁵ These IDPs live in private residences and in 37 Collective Centres⁶ in Ingushetia, as well as in the village of Maiskoye in North Ossetia. Due to arrears in payments, gas and electricity services are often cut off, with dire results for the residents.

The year 2006 brought significant changes to the situation of IDPs from Prigorodny region. The process of return of these IDPs intensified. Towards autumn, many residents of Maiskoye village accepted a government proposal and acquired land in the village Novy in the Prigorodny region of North Ossetia and began building their homes there. Others persisted and launched a lengthy hunger strike, demanding permission to return to their original place of residence.

⁵ The Federal Migration Service (FMS) number as of 30 September 2005 was 8,479 persons, according to UNHCR. The Ingush authorities have used the number 21,000.

⁶ Various nomenclatures have been used for accommodation centres for IDPs in the North Caucasus. This paper follows the usual UNHCR terminology: “Collective Centres” for IDPs from North Ossetia in Ingushetia, “Temporary Settlements” for IDPs from Chechnya in Ingushetia, and “Temporary Accommodation Centres” for IDPs within Chechnya, including returnees to Chechnya.

IDPs from Chechen Republic

The largest category of citizens displaced within the Russian Federation is residents of Chechnya who fled as a result of two military campaigns. The exodus of the Russian-speaking population from the Chechen Republic started in 1991. When military operations began in December 1994, a large proportion of those physically able to flee did so, beginning with the residents of Grozny when the city became a principal target of bombing and shelling. From 1991 until the end of the first military campaign in 1996, the status of "forced migrant" was granted to about 150,000 persons, although at least 500,000 Chechen residents fled the territory. In contrast, from October 1999 until the end of the second military campaign in 2001, only 12,500 IDPs who fled Chechnya obtained the status of "forced migrant", virtually none of them ethnic Chechens.⁷ Although very few individuals received "forced migrant" status, official data show that about 600,000 citizens fleeing from Chechnya were registered according to "form 7" (for those arriving in emergency situations).⁸ In Ingushetia, the destination of at least half of all Chechen IDPs, "forced migrant" status was granted only to 89 people.⁹ Nonetheless, for a long time, Ingushetia remained the only safe place for Chechen IDPs. Those arriving were settled in a few tent camps and in Temporary Settlements.

Attempts to return Chechen IDPs to Chechnya began in December 1999. These efforts faced strong resistance from IDPs for two reasons, which persist: minimum conditions of safety still do not exist in Chechnya, while housing, infrastructure, places of work and social conditions are not suitable for the return of IDPs. Despite this, from November 2002 to August 2004 all tent camps in Ingushetia were abolished. In light of the lack of adequate infrastructure and conditions for safe return, the efforts at resettlement appeared more political than humanitarian. The presence of a considerable number of Chechen residents in a neighbouring region was at odds with the official position of the authorities that the situation in Chechnya was stabilising and that peaceful conditions were returning.

Both federal and local authorities assured IDPs repeatedly and publicly that they were free to remain in Ingushetia. As an alternative to return to Chechnya, IDPs were offered resettlement in Temporary Settlements. However, although many IDPs accepted the offer, these premises were unsuitable for accommodation and there was not enough room for all who wished to move there.

Meanwhile, as the authorities moved to close down existing IDP tent camps, representatives of civil society organisations worked urgently to prevent eviction of IDPs from their camps during winter due to the unusual cold weather the region was experiencing. Only one camp, "Iman" in the village of Aki-Yurt in Ingushetia, was closed abruptly at the end of November 2002, causing considerable hardship for the residents. Aside from this case, the Russian Presidential Human Rights Commission managed to have the eviction period extended for a year and a half, thus making it less traumatic. It is worth noting that the report of the UN Committee on Economic, Social and Cultural Rights specifically warned the government that it would be in violation of its obligations under the International Covenant on Economic, Social and Cultural rights if it closed down the tent camps without providing alternative lodging.¹⁰

According to official data of the Migration Department, at the beginning of 2006 there were 15,000 Chechen IDPs residing in Ingushetia.¹¹ The UN Office of the Coordinator for Humanitarian Affairs estimated the number at about 27,000.¹² The Danish Refugee Council, which has assembled a large database of IDP information, puts the number at about 21,000.¹³ An ICRC survey in early 2005 estimated that 66 per cent of about 40,000 Chechen IDPs in Ingushetia did not intend to return to Chechnya, raising the question of whether a considerable proportion of households considered IDPs have in reality become settlers without registration and requiring integration assistance.¹⁴ In any event, the number of Chechen IDPs in Ingushetia has been reduced dramatically from the large number who fled at the height of the conflict.

⁷ Ministry of Nationality official answer of 9 December 2001, No. 09/9317, "Internally Displaced Persons from Chechnya in the Russian Federation", to "Memorial" M.2002.

⁸ Ibid.

⁹ Data received from Federal Migration Service in answer to inquiry from "Memorial".

¹⁰ The UN Committee on Economic, Social and Cultural Rights, in its concluding observations of 12 December 2003 (E/C.12/1/Add.94), stated: "The Committee is concerned about the precarious situation of more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The committee emphasises in this respect its view that the closing down of tent camps without provision of alternative lodging would be in contravention of the Convention" (Paragraph 30). Representative Francis Deng, in his report, urged the government to take into consideration the concerns expressed by the Committee.

¹¹ Data received from Federal Migration Service in answer to inquiry from "Memorial".

¹² *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005, page 7.

¹³ Danish Refugee Council North Caucasus Mission statistics state that as of 31 August 2006 there were 21,564 IDPs from Chechnya in Ingushetia.

¹⁴ *Vulnerability Needs Assessment, North Caucasus, 2005*, ICRC, August 2005, page 13.

A raid by rebel fighters on the Ingushetian towns of Nazran and Karabulak on 21 June 2004, which killed nearly 100 people including senior local officials, negatively affected the situation of Chechen IDPs in the territory. The period following the raid saw an increase in human rights violations, abductions, and arbitrary action by security forces, reminiscent of incidents in Chechnya.

Despite assurances by both the administration of Ingushetia and the federal authorities that IDPs who stayed in Ingushetia would not be forced to return to Chechnya, in reality there has been substantial pressure on them to return. As early as 2004, the Migration Service began to de-register people in the Temporary Settlements, first targeting those who had received compensation or who were believed to have habitable residences in Chechnya. De-registration was intensified in 2005. In autumn 2005, federal authorities increased pressure on the Ingush administration to close Temporary Settlements. Among the pretexts used was a resolution of the Chief Sanitary Inspector of the Republic of Ingushetia, which stated that the Temporary Settlements did not comply with sanitary standards. The Mission of the Chechen Republic in Ingushetia addressed the Ingushetian President and the Chief Sanitary Inspector with a request to desist from these actions so that more than 10,000 citizens would not become homeless. NGOs made the same appeal to the Federal Migration Service. They recalled that when the tent camps in Ingushetia were closed, Temporary Settlements were offered to IDPs as an alternative to returning to Chechnya, although it was already apparent that these did not comply with sanitary norms and were not truly suitable for accommodation. The Migration Service has not forcibly evicted IDPs from the Temporary Settlements and has given private assurances that residents would be allowed to stay until the end of winter. Notably, in January 2006, Ingush President Murat Zyazikov assured representatives of "Memorial" that the tenancy contracts for the Temporary Settlements would be prolonged through the first half of 2006, which was done. Nevertheless, it is clear that the intention is to close the Temporary Settlements. The steps by the authorities to close the Temporary Settlements have undermined the trust IDPs had placed in government assurances.

The majority of IDPs who returned to Chechnya felt compelled to do so, partly having believed the promises of the authorities to pay compensation on a priority basis to those who returned first and partly out of fear of becoming homeless. Upon their return to Chechnya, however, only part of them managed to find shelter in 32 Temporary Accommodation Centres (TACs) and 15 other settlements, where about 37,000 people were registered. In reality, the existing accommodation centres for IDPs could not hold this many people, so a quarter of those registered and receiving allowances in the TACs are actually living in private sector accommodation.

Simultaneously, people who apply for compensation are withdrawn from registers of displaced persons in Chechnya, under an order of the Federal Migration Service.¹⁵ The result is that IDPs deprived of government support due to their compensation claims borrow money to live on, hoping to pay off the debts once they actually receive the compensation. When compensation is eventually paid to them, IDPs have to spend it to repay their debts as well as to provide for their current living expenses. Their housing problem therefore remains unresolved.

Decree No. 404 of the Russian Federation of 4 July 2003 determined that the compensation payment for lost housing and property in Chechnya would be 350,000 roubles (about €11,600) for a family if their home was totally destroyed. Those who own more than one home receive compensation only for one destroyed home. No compensation payments were foreseen for housing deemed reconstructable. The process of compensation is very slow and has been periodically suspended for long periods. Moreover, as officials in the administration of the Chechen Republic have openly admitted, and as is mentioned in the report of Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, in order to obtain compensation returnees may have to pay bribes amounting to 30-50 per cent of their compensation.¹⁶

¹⁵ Commission order #20/3748 of 5 June 2004 of the First Deputy Director of the FMS, I.B. Yunash.

¹⁶ Gil-Robles's report of 20 April 2005 on human rights in Russia, to the Committee of Ministers of the Council of Europe, point 350.

In 2004, the Chair of the Compensation Payments and Migration Affairs Committee of Chechnya, Abubakir Baibaturov, was dismissed in connection with numerous complaints about the activity of the Committee. Since November 2004, the First Deputy Prime Minister of Chechnya, Ramzan Kadyrov, has headed the Compensation Payments Committee. However, at the beginning of 2005 most payments were suspended. All in all, 39,000 families obtained compensation, amounting to about 15,9 billion roubles (€522 million) from the federal budget. Since the funding has not been renewed, compensation cannot be resumed. The authorities have told international agencies, however, that they intend to resume compensation payments in 2006. As of mid-2006, compensation payments had not resumed.

Although humanitarian agencies provide substantial amounts of assistance of various kinds to Chechen IDPs, a large part of the IDP population is not covered by any sort of humanitarian assistance.¹⁷

Common challenges

The problem of issuing Russian passports to IDPs both from the Prigorodny region of North Ossetia and from Chechnya has not yet been resolved, since the decree allowing IDPs to obtain passports at a place of *de facto* residence was in effect only from May 2003 to June 2004. Now IDPs have to go to their places of permanent registration to secure documents, which in some cases is unsafe and in some cases is not fruitful due to bureaucratic or other difficulties. IDPs have also faced new problems in regard to social allowances. A new Federal Law, No.122 of 22 August 2004, made the local authorities responsible for social allowances. However, these bodies do not want to assume the burden of providing for "temporary" residents from their often limited local budgets. In addition, problems connected with assignation and payment of pensions and medical care have become increasingly pressing for IDPs. Although these are not discriminatory regulations, they have an extremely grave impact on the situation of Chechen IDPs, since as a rule they do not have permanent registration in other regions and in any case the documents they need in order to obtain social support were lost during military operations.

Ingushetia's arrears in payments for electricity also present a huge problem for IDPs. The electricity debts constitute 38.6 million roubles (€1.9 million) in the Temporary Settlements of Chechen IDPs and 8 million roubles (€270,000) in the IDP camps in North Ossetia. These funds should be provided from the federal budget. Since they are not, Ingushetia is permanently in debt to RAO Unified Energy Systems.

Overall, humanitarian agencies assess that the humanitarian and socio-economic situation in the North Caucasus neither deteriorated nor significantly improved in 2005.¹⁸ However, in mid-2006, UN agencies acknowledged improvements in certain sectors such as less dependence of IDPs on emergency food aid and increased capacity of the public water provider in Grozny.¹⁹

¹⁷ Report of the Protection of Civilians Workshop, Nazran, 1-2 March 2005, UNHCR, page 3.

¹⁸ *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005, page 7.

¹⁹ *Update to the Inter-Agency Transitional Workplan for the North Caucasus*, June 2006, page 13, 18.

1. HUMANITARIAN ACCESS

1.1. Relevant recommendations from the Representative

To the government:

Guarantee that international humanitarian principles providing for the protection and safety of humanitarian workers will be respected and upheld.

1.2. Implementation

International humanitarian organisations report that in general their access to and ability to operate in the North Caucasus – especially in Chechnya – has improved over the two years since the report of the UN Secretary-General's Representative was released. This is in large part because the intensity of the conflict within Chechnya has diminished. Some personnel working for international humanitarian agencies now reside in Chechnya, and some international personnel remain there overnight, although UN personnel still do not. Despite the slightly improved conditions acknowledged by the UN, the security situation in Chechnya remains volatile and dangerous. The southern part of Chechnya is still largely inaccessible to international personnel. Many humanitarian agencies admit their presence in Chechnya is insufficient to be able to assess conditions accurately or to maintain contact with the local population, except through their local partners.

There has been a considerable reduction of the number of checkpoints in the Chechen Republic. This is a positive factor, which to a large extent facilitates travel of humanitarian organisations and the supplies they import. This has led to an increase in the number of international and national humanitarian organisations working in Chechnya. There are also local NGOs operating. Many organisations have decided to move their offices to Chechnya. Nevertheless, humanitarian organisations conveying supplies are still delayed at checkpoints for lengthy periods, especially at the checkpoint "Caucasus", where a bribe may be needed for passage. It is noteworthy, however, that towards the middle of 2006 such cases grew less frequent.

UN agencies and NGOs have also sometimes faced problems getting permits to transport supplies and conduct their operations. Government clearance is required to operate in certain areas and at certain times. Humanitarian personnel are not allowed to use radio frequencies for communication. International NGOs must apply for monthly access permits to Chechnya for international staff. Although the government has recently taken some steps to simplify procedures, the net result to date is that humanitarian agencies are not able to assist many of the Temporary Accommodation Centres for IDPs in Chechnya.

In the middle of 2004, the mobile telephone network "Megafon" started operating in Chechnya, which substantially facilitates the work of humanitarian organisations. The administration of Chechnya assists humanitarian organisations to get priority in buying telephone SIM cards. However, network operations are far from adequate. The "Megafon" network does not work in the south of Chechnya; it works only at night in the lowlands and does not work at all in the mountainous regions. The mountainous regions are unsafe and barely accessible, presenting the most difficult challenges for the distribution of humanitarian aid.

With the worsening security situation in Ingushetia after the military raids there in the summer of 2004, some humanitarian organisations believe their staff there are now less safe than two years ago.

Obtaining official registration in Ingushetia has become another problem for foreign employees of humanitarian organisations. According to new local rules, which are not set out in any legal document, the Passport and Visa Department of the interior ministry of the Republic of Ingushetia demands that foreign employees applying for registration should be interviewed.²⁰ Agencies and NGOs with offices in Ingushetia also encountered unusual government checks and administrative procedures in early 2005, which hindered their work.²¹

Meanwhile, the Coordination Council for Work with Humanitarian Organisations, an office headed until recently by Ingushetian Deputy Prime Minister Osman Uzhakhov, was created in 2005 and claims to exercise total control over the work of NGOs,²² which is unacceptable for many of them. Since many foreign organisations are still not allowed to establish themselves fully within Chechnya for security reasons, the increasing complications of work in Ingushetia restrict their ability to render efficient humanitarian aid to IDPs. However, the recent replacement of the head of the Coordination Council by Yusup Geroev is seen as a positive step towards creating improved opportunities for humanitarian organisations to operate in Ingushetia.

On the whole, the Chechen authorities, including the Presidential Administration, the interior ministry, and the Security Council, are open for cooperation with international humanitarian assistance organisations and with NGOs. Chechen authorities aspire to attract NGOs to work on their territory. They have often reiterated this desire publicly. As a rule, the authorities do not create any obstacles for the work of humanitarian organisations, with the exception of problems at checkpoints and bureaucratic problems and delays in issuing permission for the implementation of humanitarian activities in Chechnya.

Nonetheless, many NGO personnel working in the humanitarian sphere, and especially in the field of human rights, are threatened. These threats sometimes originate from ordinary soldiers or even high-ranking officers who are unhappy about having potential witnesses in their zones of activity. Some NGO employees complain about persistent "invitations" to cooperate with the FSB (federal security service). Refusing such cooperation can lead to unpleasant consequences, for instance, when an individual applies for a foreign passport. Major international humanitarian organisations, however, report that their personnel have not been subject to direct threats, neither from security forces, nor from separatist groups.

In Chechnya, NGO workers and other citizens are not secure from persecution, detention or disappearance. One example is the case of Murad Hamidovich Muradov, head of the NGO "Let's save the Generation" which takes children and adolescents for prosthesis and treatment outside Chechnya. According to witnesses, Muradov was detained in Grozny on 15 April 2005, after security forces had carried away a computer and documents from his NGO's office following a special military operation in which six insurgents and four members of the security forces were killed. Witnesses report that his car was stopped; security agents made him and his passenger lie on the ground then kicked them and beat them with rifle butts. When NGO officials later inquired about their office equipment and the status of Muradov, they were told that their equipment had been conveyed to the prosecutor and that Muradov had been released on 27 April. There has, however, been no sign of Muradov since his arrest, and in March 2006 the authorities handed over to his family what they said were the burned remains of Muradov's corpse. At the same time, the accompanying document from the prosecutor's office said there was no evidence about the victim's involvement in any crimes.

The tragedy of Murada Muradov is not an exception. On 9 April 2006 Bulat Chilaev, a driver for the medical programme of the Committee "Civil Cooperation" and the grandson of Chilaev's neighbour, Aslan Israilov, were taken away by unknown members of the security forces during a special military operation in Sernovodsk. All efforts made by the colleagues of Chilaev to determine where Chilaev and Israilov were

²⁰ Unofficial information, gathered in the field.

²¹ *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005, page 7-8.

²² Statement by Mr. Uzhakhov at meetings with NGOs. In January 2006, Mr. Uzhakhov was removed from the position and replaced by Mr. Geroev.

being held amounted to nothing. A personal meeting with Chechen President Alkhanov also did not help since at this meeting the Republican Prosecutor stated the suspects were under the jurisdiction of the military prosecutor and as such, there would not be an opportunity to interrogate them.

Ingush authorities have shown great sensitivity to criticism by NGOs. This is especially true in regard to criticism of the situation of IDPs from Chechnya in Ingushetia, and comparisons of today's situation with the greater understanding for IDP problems shown by Ingush authorities during the presidency of Ruslan Aushev. This sensitivity is explained in part by the genuine openness and generosity shown by the Ingush people in accepting large numbers of Chechen IDPs in 1999-2000, despite the huge problems they already faced with Ingush IDPs from North Ossetia.

Nevertheless, official actions by Ingush authorities sometimes amount to harassment of NGOs in ways that seriously interfere with their humanitarian work. NGOs are often subject to intrusive or unnecessary checks conducted by the fire service, sanitary and epidemiological service, the justice ministry and the Prosecutor's Office. NGO leaders note that very often these services demand documentation which is not related to them at all. NGOs have even been subject to checks by authorities on whether their computer software is properly licensed. One NGO, the Committee of National Salvation, was disrupted for a lengthy period by court hearings aimed at its liquidation.

Outstanding issues/further recommendations

The worsening security situation in Ingushetia over the past two years is troubling. Pressure on NGOs operating in Ingushetia has increased. The government should:

- Work to increase the general level of security in the areas of IDP residence in the Republic of Ingushetia and the Chechen Republic in order to promote the normal functioning of humanitarian and human rights organisations;
- Simplify the procedures and documentation needed to for NGO and international humanitarian workers to receive documents and authorisations;
- Continue to eliminate checkpoints and other obstacles to the movement of humanitarian supplies.

2. PROTECTION CONCERNS FOR IDPS RETURNING TO THE CHECHEN REPUBLIC

2.1 Relevant recommendations from the Representative

To the government:

- *Ensure that returnees are housed in conditions of greater safety and security, in particular by providing adequate physical and legal protection in Temporary Accommodation Centers as well as facilitate access to courts in cases where their human rights are violated;*
- *Provide adequate resources to help IDPs in reconstructing destroyed or damaged properties inside Chechnya where security conditions permit;*
- *Achieve improved access of the displaced to basic services.*

2.2 Implementation

Safety and security

IDPs' safety cannot be considered without looking at the precarious security situation in the Chechen Republic as a whole. Despite the fact that the UN deemed the security situation improved in Chechnya in July 2006²³, the situation remains complicated, unstable and dangerous. Every day NGOs register violations of human rights and international humanitarian law in Chechnya, including extra-judicial executions, disappearances (including of women and children), illegal arrests, torture, hostage-taking, destruction of property and looting. There remains a serious threat from landmines and unexploded ordinance. IDPs make up a large proportion of the vulnerable people in the region, especially in Chechnya.²⁴

In principle, residents of Temporary Accommodation Centres (TACs) should be safer than other residents of Chechnya, since the interior ministry posts two or three private guards at them. Nevertheless, TACs have been subjected to armed attacks. In such instances, the security guards could not send for help, as they had no portable radios and they were unable to repulse the attacks on their own. After a number of incidents in which armed attackers seized guns from the security guards at the TACs, the ministry decided not to provide the guards with guns at all. The Migration Service intended to end the practice of providing private security guards in 2006 on the basis that it did not make sense to expend funds for "inadequate security". Instead, the interior ministry hopes to provide for security, law and order in the TACs with the help of IDPs themselves. The ministry believes the funds saved this way (a private security guard costs 22,000 roubles – about 7,000 – per month) might be used on other IDP needs.²⁵

Residents of the TACs are subject to so-called "passport checks" by various security departments. As was the case previously during large-scale "mopping-up operations", the "passport checks" often turn into robberies and abductions of TAC residents.²⁶ Males, including boys as young as 14, are subjected to especially thorough checks. No exceptions are made for disabled people or the sick. Men who seem suspicious to the military are taken away for additional questioning, with no clear justifications provided. According to those who return, their pictures are taken full-face and half-face, they are finger-printed, and they are interrogated by special forces about participants in Chechen armed groups from the places where they used to live.

Every month one or two special operations take place in TACs, as a rule at night, in a manner insulting to the residents. Some residents taken away for interrogations are kept in informal detention places, where they are subjected to severe torture.

²³ UN lowers risk level for Chechnya", Prague Watchdog, 2 August 2006, www.watchdog.cz.

²⁴ Report of the Protection of Civilians Workshop, Nazran, 1-2 March 2005, UNHCR, page 3.

²⁵ Meeting of S. Gannushkina ("Memorial") with Deputy Minister of Interior Affairs of the Chechen Republic, A. X. Dudarkaev, 13 January 2006.

²⁶ See "Memorial" website: <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>.

The case of Iliyas Azimov provides one example of an illegal arrest. On the evening of 28 July 2005, Azimov was abducted from the TAC on Koltsova Street in Grozny by men wearing masks and arriving in cars without number plates. His mother, sisters and neighbours were beaten. When TAC residents blocked the Staropromyslovsky highway the next morning to demand his release, the police tried to disperse them by shooting in the air and then at the ground by their feet. After appeals from "Memorial" to Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, the Human Rights Ombudsman of Chechnya provided Azimov with a lawyer after which the latter was released without charge. The Chechen interior minister explained that he had been suspected of murder and denied that masked men or unmarked cars had been used during his arrest. In the absence of prompt outside intervention – which was possible only because a human rights conference on Chechnya was under way in Kislovodsk at the time – it is unlikely that the incident would have been resolved in a satisfactory manner.

Accommodation

Although the security situation is the gravest concern for Chechen residents, most other problems connected with living conditions remain unresolved. Officials and international humanitarian personnel acknowledge that access by IDPs to facilities and social services is problematic.²⁷ Among their concerns, accommodation and housing remains one of the most burning problems in Chechnya.

IDPs in Chechnya can be divided into three categories. The first and most numerous category – 132,000 of the registered IDPs – are those who live in private accommodation, that is with relatives or acquaintances, in privately rented apartments, or in "alternative shelters" including makeshift huts, tents or abandoned buildings.²⁸ People in this category have to provide for themselves due to the limited accommodation capacity of the TACs. To a very large extent, commitments by the authorities to render adequate assistance to these people have remained unfulfilled. The only help provided to them was the distribution of bread at a rate of six roubles (€0.18) per person, in accordance with Russian Federation government decree No. 163 of 3 March 2001, but this was cut off in August 2004. Moreover, in November 2005, this category of IDPs was removed entirely from the state register by the Federal Migration Service, according to the Department of Migration Affairs of the Chechen Republic.²⁹

The second category of IDP is those residing in accommodation with leases covered under the State Budget of the Russian Federation, on the basis of the same decree 163. This group constitutes 1,313 families or 7,432 people.³⁰ Although the government is responsible for their leases, arrears of rent payments accumulated during the last five months of 2004 amounted to 30 million roubles (€1 million). It was only at the end of April 2005 that the Federal Migration Service confirmed that decree 163 had been renewed for another year.³¹ Nonetheless, in 2005 the state did not provide the necessary funds to cover the rent for this category of IDPs in a timely fashion; by the end of 2005 three months of arrears had accumulated. Decree 163 was not renewed in 2006.

The third category of IDP comprises those registered as living in TACs. At the end of November 2005, 6,346 families, or 36,850 people, were registered and receiving allowances in 32 TACs within the Chechen Republic.³² It is noteworthy that due to the inadequate number of places in TACs, the majority of these people are receiving foodstuffs as TAC residents while actually residing in private sector accommodation. In 15 other IDP settlements (which consist of 45 buildings), an additional 1,779 families (10,376 people) are registered and receiving humanitarian assistance.

In comparison with other IDPs, residents of TACs can be considered better protected. In accordance with decree 163, IDPs residing in TACs receive foodstuffs from the Migration Service at a rate of 15 roubles (€ 0.50) per person per day. This support is not adequate, but it is nonetheless extremely important for those registered as TAC residents.

²⁷ Report of the Protection of Civilians Workshop, Nazran, 1-2 March 2005, UNHCR, page 3

²⁸ Figure received from Chechen officials by "Memorial" local members.

²⁹ Ibid.

³⁰ Ibid.

³¹ Decree No. 163 was renewed by virtue of RF Government decree No. 107 of 2 March 2005 "On the measures taken to implement the Federal Law 'On the federal budget for 2005.'"

³² Figure received from Chechen officials by "Memorial" local members.

TACs were generally occupied in 2004-2005 by the former residents of the tent camps in Ingushetia that were liquidated by emergency order. After camp residents had been resettled in TACs in Chechnya, attention to the needs of the returnees grew weaker and weaker. The immediate compensation they had been promised was not paid. According to the authorities, the Department of Migration affairs of the Chechen Republic paid special attention to the applications for compensation submitted by TAC residents.³³ However, out of the total number of IDPs residing in TACs in Chechnya – about 39,000 – only 3,600 families applied for compensation.³⁴ The homes of only 2,500 were included in the lists of destroyed housing, which was a necessary condition for the payment of compensation. And only 97 families actually received compensation.³⁵

Families which receive compensation for destroyed homes have been deprived of allowances and given short notice to leave the TACs, despite their arguments that they need time to reconstruct their former housing. However, after a number of meetings between indignant TAC residents and the authorities, as well as the intervention of human rights organisations, the evictions have been temporarily prevented.

In order to free space in the TACs, a Chechen government committee examined the state of housing IDPs occupied before the onset of military operations. This work was carried out using lists of housing provided by the Department of Migration Affairs. As a result of the examination of 3,287 addresses, acts were drawn up stating that 1,098 of the housing units examined were suitable for accommodation.³⁶ However, the results of an NGO check showed that immediately before leaving Chechnya many of the IDPs lived in housing abandoned by other people or in their relatives' houses, rather than in accommodation they had occupied before the onset of the armed conflict. Some of these houses are now occupied by their original owners. Thus, many inhabitants of the TACs do not own the houses at the addresses at which they are registered and therefore they can neither reconstruct them nor occupy them. Moreover, the accuracy of the examination by the Department of Migration Affairs raises doubts. For instance, a family dormitory in the Mayakovsky cantonment of Grozny, razed to the ground in the course of military operations, where a mosque has now been erected, is on the list of the housing suitable for accommodation.

TACs are primarily located in former brick dormitories that were reconstructed. TACs are much more suitable for living than camps but they still present very harsh living conditions. The housing conditions in TACs have not changed significantly since people were placed in them in great haste. Families of six or more persons reside in rooms of not more than 15 square meters, under cramped and unsanitary conditions. Members of the family have to sleep on the floors. In this tiny accommodation they have to cook, eat, wash, do laundry and carry out their other daily activities. Most TACs have neither a drainage system, nor showers nor laundry facilities. Due to the absence of water supplies or drainage systems, people must carry their water upstairs to their rooms and also bring down the used water. The Department of Migration Affairs of the Chechen Republic, realising the gravity of this problem, has provided transport to take people to a bath-house once a week, but this schedule is often violated.

The water supply to the TACs regularly fails; sometimes there is no water for several days. When this occurs, people have to obtain water from remote sources themselves. There are no containers for safe water storage in some TACs, and people often use water from service water barrels for drinking or cooking. Previously water was delivered to TACs twice a day, but recently people have often been without any water for several days at a time.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

All TACs are supplied with electricity and gas. However, the electric voltage is very low, making it impossible to use electric ovens for cooking when the gas is cut off. Subsoil water has seeped into the basements of many TACs, resulting in dampness and unpleasant smells on the ground floors.

When opening TACs, the authorities did not take into account Chechen cultural practices. For instance, a grown son cannot stay in a cramped room together with his parents and sisters. As a result, young men try to find an alternative place to stay overnight, including outside the TACs, which can in some cases mean risking their lives.

International humanitarian workers report that conditions in some TACs are adequate by local standards. In many TACs, however, they report that conditions are grim and unhealthy.³⁷ Moreover, because of the general difficulty of operating in Chechnya, international humanitarian groups have not been able to have regular access to many TACs. As difficult as the situation is in the TACs, it is worth reiterating that IDPs who have been unsuccessful in securing lodging in TACs often live in much worse conditions.

On 19 April 2006, Chechen Prime Minister Ramzan Kadyrov conducted a meeting with the director of the Department of Migration Affairs, Asu Dudarkae, and the superintendents of TACs. At the meeting Kadyrov announced plans to close all TACs since they are, in his words, "nests of crime, drug addiction and prostitution".³⁸ Kadyrov continued that those occupying the TACs have become lazy and do not care to renovate their original homes. He cited information from military servicemen, who alleged that members of illegal armed groups spend the night at TACs.

This decision was quickly brought into force as several TACs in Gudermes and Grozny were closed by early autumn 2006, while others were in the process. Persons leaving these TACs are not offered permanent housing.

Social conditions

The Russian Federal authorities have taken positive steps to assist IDPs, including providing pensions and children's allowances in the Chechen Republic, trying to create a functioning system of education and health care, allocating funds for the reconstruction of housing, and paying compensation to those whose houses were completely destroyed. Nevertheless, these efforts have not been enough to produce substantial change. Compensation payments have been suspended. Few jobs are being created. Grozny still presents a picture of chaotic ruins, though it is noteworthy that during the first half of 2006, significant construction had taken place in Chechnya. For example, several central streets of Grozny have been restored.

The low level of living standards and high unemployment rate among IDPs was underscored by a public opinion poll conducted by the Department of Migration Affairs among 1,259 TAC residents. The data obtained are not comforting. Of the persons interviewed, only 15 per cent have working family members. Forty-five per cent stated they had applied for compensation, but only 3 per cent had received it. Of those interviewed, 25 per cent had not owned any housing before the military campaign, and 37 per cent of those whose housing was partly destroyed reported that government assistance was not available for its reconstruction.³⁹ Conditions for IDPs in Chechnya are in general even worse than for the population at large, the vast majority of whom live below the poverty line with some 63 per cent earning less than €15 a month.⁴⁰

The general state of the health care system in Chechnya is not adequate to provide full care to IDPs. Medical establishments lack medication and equipment⁴¹.

³⁷ See, for example, *International Activity Report 2005, Russian Federation/North Caucasus*, Médecins sans Frontières.

³⁸ "Kadyrov demands liquidation of all camps for refugees in the Chechen Republic", *Caucasian Knot*, 19 April 2006, www.kavkaz.memo.ru.

³⁹ Figures received from Chechen officials by "Memorial" local members.

⁴⁰ "World Hunger – Russian Federation (Caucasus)", *World Food Programme*, August 2005, www.wfp.org.

⁴¹ See, for example, *L'Accès aux Soins en République de Tchétchénie*, February 2005, Médecins du Monde.

IDP children often do not attend school. There are various reasons: some parents have insufficient funds for school supplies; other children have left school because of gaps in their education; some parents do not let their children attend remote schools due to concern for their security. There have been cases in which children have found themselves in minefields or combat zones; some children have been run over by military traffic. Schools are overcrowded; hence teachers are not able to provide high-quality education. Many schools suffer from shortages of textbooks. Official promises to build schools at TACs were not implemented.

Relief – medical, psychological, social and legal assistance, as well as food supplies – for IDPs is best organised in areas where international and other NGOs work. Unfortunately, many NGOs have not begun to operate within Chechnya.

Nonetheless, international humanitarian agencies are undertaking a range of activities with local partners to alleviate conditions for IDPs in Chechnya. Programmes have included assistance to IDPs for accommodation, heating, sanitation, nutrition, clothing, health care, education, demining and other fields. Some humanitarian agencies assess that living and social conditions have improved noticeably over the past two years; others assert that the socio-economic situation is stagnant or even deteriorating. One such assessment concluded that while the incidence of poverty of IDPs and returnees in Chechnya has been reduced, in Grozny there has been a significant increase in poverty among IDPs and returnees, who nonetheless are generally better off than their rural counterparts.⁴² There is general agreement, however, that while international assistance has been invaluable in sustaining those who received it, it has not been sufficient to result in a fundamental change in living conditions for IDPs.

Outstanding issues/further recommendations

The safety of IDPs returning to the Chechen Republic is still not ensured. Many returnees have not returned voluntarily, without pressure. Accommodation and social conditions for IDPs in the Chechen Republic are still far from adequate. To improve the safety and security of those who have returned, and to improve conditions, the government should:

- Conduct regular training for security forces on how to work constructively with the population;
- Allocate and increase funding for the reconstruction of housing and infrastructure in Chechnya;
- Ensure that persons whose homes have been partially destroyed in the conflict can also benefit from compensation;
- Ensure that families receiving compensation can remain in a TAC and continue to receive social support until they purchase new housing or until the end of the construction of new housing;
- Provide more TAC housing to alleviate the suffering of IDPs residing in even worse accommodations;
- Improve social services, including access to health care and education.

⁴² *Vulnerability Needs Assessment, North Caucasus, 2005*, ICRC, August 2005, pages 9-10.

3. PROTECTION CONCERNS FOR CHECHEN IDPS OUTSIDE THE CHECHEN REPUBLIC

3.1. Relevant recommendations from the Representative

To the governments of the Russian Federation and Ingushetia, with the support of humanitarian workers, if necessary:

- To openly and publicly confirm their commitment to the right of IDPs in Ingushetia to voluntary return in safety and dignity and make their commitment to this principle known to the IDPs themselves;*
- To provide IDPs with complete, accurate and reliable information about the situation in Chechnya in order for them to be able to make an informed choice. This should include information on conditions of safety, the standards of housing, and the timeline for the receipt of the promised compensation. In addition, other actors, such as NGOs, should be given the opportunity also to provide information to IDPs, provided it meets the same criteria of clarity, objectivity and accuracy;*
- Ensure that IDPs are informed about, and actually given various options of, returning, waiting in areas of displacement in dignified circumstances until conditions in Chechnya become convincingly improved, integrating locally, or seeking alternative settlement elsewhere in the country;*
- Provide adequate resources to assist IDPs in accessing better temporary shelters in displacement areas outside Chechnya;*
- Ensure that all persons whose property was damaged or destroyed have equal and fair access to compensation regardless of whether they choose to return, and that this compensation is provided without further delay;*
- Ensure that the human rights of the displaced, as well as those of returnees, are respected;*
- Achieve improved access of the displaced to basic services, greater protection of IDPs from discrimination and threats to their personal security, and the development of sustainable solutions, in particular voluntary return in accordance with national and international standards of safety and dignity.*

3.2. Implementation

Right to voluntary return and access to information on available choices

The Constitution of the Russian Federation provides for freedom of movement and choice of place of residence. Government authorities have stated publicly that there will be no forced returns to Chechnya. In practice, the authorities have both provided incentives for IDPs to return to Chechnya and have applied various forms of pressure to persuade reluctant IDPs to return. In some cases, IDPs may have felt they had little choice but to return. The closure of the IDP camps in Ingushetia in 2002-2004 was a particular instance of official action which sharply limited the options available to IDPs. The current government policy of moving rapidly toward the closure of Temporary Settlements will have the same effect for many of the remaining IDPs in Ingushetia. Nevertheless, international humanitarian agencies assess that since 2002, most IDP returns to Chechnya have been essentially voluntary rather than forced, even if they have sometimes been reluctant and pressured.

In general, there is adequate information available on current conditions in Chechnya to help IDPs make informed choices about return. Information from official sources is heavily skewed to emphasise the benefits

of return. At the same time, however, NGOs and humanitarian agencies are available to provide additional information to those who seek it out. Informal networks among IDPs are also often a source of reliable information on conditions for returnees in Chechnya. Still, some IDPs have certainly returned believing that conditions inside Chechnya would be better than they are or that support and assistance from official sources would be more readily available. Government information undoubtedly contributed to these misperceptions, often highlighting the assistance returning IDPs were officially entitled to, although in practice this assistance was not always available or forthcoming to returnees.

In practice, most IDPs have not been given realistic options of returning, waiting in areas of displacement in dignified circumstances, integrating locally, or seeking alternative settlement elsewhere in the country, as recommended by the Representative of the UN Secretary-General. Other IDPs have been successful settling in other regions of Russia, either as independent settlers or as forced migrants. However, the majority of IDPs from Chechnya have only two options – to stay in Ingushetia under extremely difficult conditions, or return to Chechnya. In this sense, Ingushetia – which became an island of salvation for IDPs from Chechnya in 1999 – no longer provides a guarantee of safety for IDPs.

Accommodation

After the tent camps in Ingushetia were abolished in 2002-2004, Temporary Settlements were created with the help of international organisations. These small settlements, 67 in number, are in some cases located in non-residential premises: garages, workshops of former industrial plants, and former livestock-farms. According to one international humanitarian organisation, most IDPs in Ingushetia live “in derelict buildings roughly equipped for human habitation. Their living conditions vary from difficult to unbearable, in overcrowded, dank, dilapidated buildings that enable diseases such as tuberculosis and pneumonia to flourish.”⁴³

Security conditions for Chechen IDPs have grown considerably worse since the armed attacks on Nazran and Karabulak on 21 June 2004. Following the attacks, security forces carried out a few “special operations” of the type often conducted in Chechnya, despite assurances by the Ingushetian president that he would not permit illegal actions by law enforcement agencies on the territory of the Republic.

One such operation was conducted at an IDP Temporary Settlement on 23 June, in the village of Altievo. More than 100 Ingushetian security force troops, together with a mobile detachment of the Russian Federation interior ministry, surrounded the IDP camp. All the residents of the camp were subjected to a check, which was accompanied by beatings and harassment, including of women and minors. All men were taken to the laundry, stripped naked, searched and beaten. In the evening the mobile detachment officers left the camp, taking with them a few dozen IDP men. After the media began inquiring about the operation, interior ministry officials from Nazran invited NGO representatives to monitor the operation, from which point on the policemen behaved correctly. Law enforcement agencies detained about 60 IDPs on that day – men, women and adolescents – who were held in temporary detention cells. Eventually all of those detained were released. Nine individuals against whom criminal charges were filed on suspicion of participation in the raid on Ingushetia were released after intervention by a lawyer provided by the Human Rights Centre “Memorial”.

In autumn 2005, it became clear that the authorities intended to close down the IDP Temporary Settlements in Ingushetia without providing the residents with any alternative accommodation in Ingushetia or in other regions of the Russian Federation. Following a resolution of the Ingushetian Chief Sanitary Inspector “On closing down Temporary Settlements of IDPs from the Chechen Republic on the territory of the Republic of Ingushetia”,⁴⁴ the owners of the properties on which the Temporary Settlements are situated received

⁴³ *International Activity Report 2005, Russian Federation/North Caucasus*, Médecins sans Frontières.

⁴⁴ Resolution #8 of 11 November 2005.

notice that they would no longer receive rent payments from the Department of Migration Affairs of the Ingushetian interior ministry, which would also stop paying bills for electricity, water and gas. Hence the life support systems for IDPs would be cut off even before they left the Temporary Settlements. As noted above, after international appeals the Migration Department gave private assurances that the Temporary Settlements would not be closed before the end of the winter. UNHCR has received an assurance that the authorities will consult with it before closing the Temporary Settlements.

Nevertheless, the official government position is that the Temporary Settlements should be closed. In this regard, it is worth recalling the concluding observations of the UN Human Rights Committee, which the UN Secretary-General's Representative on IDPs urged the government to take into consideration. The Committee noted the reports of undue pressure on displaced persons living in camps in Ingushetia to make them return to Chechnya and enjoined the government to ensure that IDPs in Ingushetia were not coerced into returning to Chechnya, including by ensuring the provision of alternative shelter in case of closure of camps.⁴⁵

Outside Ingushetia, in other parts of the Russian Federation, the situation of IDPs has not improved for the past few years. According to NGO expert evaluations based on official data, half a million Chechens were or remain IDPs.⁴⁶ This includes all individuals forced to flee Chechnya from 1991 until the present. A considerable proportion of them have been unable to integrate into society in Russia and have failed to collect the papers necessary for receiving compensation. Conditions for Chechen IDPs in Dagestan are reported to be particularly grim.

About 1,000 Chechen IDPs were settled in Temporary Settlements outside the North Caucasus, in other parts of the Russian Federation. In 2005, the groups managing these Temporary Settlements repeatedly filed suits against IDPs aiming at their eviction, without providing them with alternative housing. The suits brought differing results. Still, almost all Chechen IDPs outside the North Caucasus have now been deprived of food assistance.⁴⁷ Members of this group have been urged to return to Chechnya. The fact that the residents of these Temporary Settlements are primarily Russian-speakers has not led to improved treatment.

In Tverskoy oblast the court rendered a decision to evict 9 families, or 42 people, from the Temporary Settlement "Serebryaniki". A specially armed contingent carried out the eviction in April 2006.

Many of those evicted rejected offers of temporary accommodation from the Department of Migration Affairs since they considered the offers unacceptable. For example, Nina Galkina, who has three sons, was offered a room in a communal apartment that measured 15 square metres. The elderly and disabled Valery Shayapov rejected the room offered to him since he discovered the owner of the room was serving a sentence for murder and that there were heirs to the room. After being evicted from the Temporary Settlement, Shayapov now sleeps at the train station.

Compensation

The state considers itself obliged to render assistance with the construction and the purchase of housing only to the relatively few IDPs who have been granted the status of "forced migrants".⁴⁸ This has severely limited the possibility for IDPs to obtain compensation, particularly since for the past few years an increasing number of IDPs have had their forced migrant status withdrawn before they were provided with housing.

The funds allocated annually to improve housing conditions of forced migrants have been reduced by almost 75 per cent since 2002.⁴⁹ Altogether there are 49,000 families on the register of destitute persons. The Russian Federal Migration Service is able to compensate 2,000 families per year at the current level of funding. Thus it will take the state 25 years to meet their obligations in regard to compensation.

⁴⁵ UN Human Rights Committee concluding observations of 6 November 2003 (CCPR/CO/79/RUS), paragraph 16.

⁴⁶ Ministry of Nationality official answer of 9 December 2001, No. 09/9317, "Internally Displaced Persons from Chechnya in the Russian Federation", to "Memorial" M.2002.

⁴⁷ Information from "Memorial's" Migration Rights Network.

⁴⁸ The Law on Forced Migrants covers most IDPs, but is limiting in some ways, particularly by not including those who have been displaced and remain within the territory of the same subject of the Russian Federation, e.g., displaced Chechens still within the Chechen Republic. Moreover, Chechens displaced during the second phase of the conflict generally were not granted "forced migrant" status that would formally entitle them to state housing assistance.

⁴⁹ Federal Migration Service information; conference papers, "Problems of Forced Migration in the Russian Federation", 19-20 April 2005, Moscow.

Decree No. 510 of the Russian Federation government, of 30 April 1997, stipulated that the maximum compensation payment for lost housing was 120,000 roubles. At the time, this sum was the equivalent of about €20,000. After the collapse of the rouble's value, however, it is equivalent to only about €4,000, which is not enough to purchase housing for a family. Only those who decided to resettle permanently outside Chechnya - mostly non-Chechens - were eligible under this scheme.

On 4 July 2003 a new decree was issued, No. 404, which raised the maximum compensation payment to 300,000 roubles (€10,000) for a completely destroyed house in the Chechen Republic, plus 50,000 roubles (€1,600) for lost property. This decree concerns only those residing in Chechnya. Families whose former housing is not evaluated as at least 80 per cent destroyed are not entitled to compensation. International humanitarian officials assess that the new level of compensation would be sufficient to enable a family to build a very basic accommodation if they received the entire payment (in other words, if they did not had to pay bribes or kickbacks) and if they did not have to use part of the compensation payment to repay debts or for day-to-day living expenses. Thus, although the government has allocated substantial funding for reconstruction of housing - about 15.9 billion roubles (€522,000,000) for almost 40,000 payments - until 2006 the compensation programme had not led to a massive rebuilding programme. This new decree targeted returnees and IDPs within Chechnya.

Point 10 of decree No. 404 directed the concerned ministries to develop the necessary changes within two months in regard to the amount of compensation for lost housing and property and the terms of compensation payments. This raised hopes among many IDPs that compensation amounts would be increased. In the end, however, after two years - rather than the stipulated two months - a new decree issued on 4 August 2005 cancelled point 10 of decree No. 404.⁵⁰

Beyond the relatively low level of compensation, another serious problem has been that the actual payments under decree No. 510 have been very slow in coming. Since 1997, only 36,792 families have obtained compensation totalling 4.5 billion roubles.⁵¹ The result is that thousands of families of former residents of the Chechen Republic remain homeless throughout Russia, regardless of their nationality.

Another disturbing factor has been the difference between the amount of compensation for lost housing and property paid to those who have returned to the Chechen Republic and the amount paid to those who have chosen not to return. From 1997 to 2003, no compensation at all was paid to those inside Chechnya, while after 2003 the amount paid to IDPs in Chechnya has been more than two and a half times the compensation granted to those resettling elsewhere. Since the majority of people who have left Chechnya permanently are ethnic Russians, those who speculate on the nationalist motives of the compensation policy note that this raises a question of discrimination against the ethnic Russian population in comparison to ethnic Chechens. Beyond the issues of equity and non-discrimination, this situation could lead to resentment against the Chechen community in Russian public opinion.

In addition to compensation payments by the federal government, a number of international agencies have been providing assistance to IDPs to build housing.

Discrimination and access to documentation

Representatives of law enforcement agencies and other authorities continue to demonstrate a negative attitude towards IDPs from Chechnya. This is due in large part to the image of Chechens as "the enemy" that has developed over the course of ten years of conflict. This image has been reinforced by the mass media and has solidified a grip on popular consciousness. The monstrous terrorist act in Beslan contributed to a drastic worsening of the already negative attitude of the local population towards migrants from

⁵⁰ Point 19 of decree No. 489 of 4 August 2005 cancelled point 10 of decree No. 404 of 4 July 2003.

⁵¹ Federal Migration Service information of 09.01.2006 received by Memorial.

Chechnya. Policemen and representatives of local administrations do not even try to conceal their hostile attitude to Chechens. One of the lawyers of the Human Rights Centre "Memorial" cited a very typical statement to him by a local official: "Why are you mixing with Chechens? They are all terrorists, enemies of Russian people, you can't trust them." It is noteworthy that the negative attitude toward migrants from Chechnya appears to apply to ethnic Russians as well as ethnic Chechens.

One of the most pressing and traumatic problems for migrants from Chechnya is registration with interior affairs bodies. Absence of registration limits the possibilities for seeking employment, as well as limiting access to medical care, education, social allowances, and pension payments. There is a secret directive that restricts the registration of Chechens in many regions of Russia.⁵² The Moscow region, Krasnodar Territory and Kabardino-Balkaria can be characterised as having the toughest special regimes. According to an international humanitarian agency active in the North Caucasus, the authorities in Dagestan refuse to register IDPs from Chechnya, following a directive from the central authorities.

In July 2004, a new law came into effect "On measures of prevention of illegal migration into Krasnodar territory".⁵³ According to Article 1 of the Law, "arrival of Russian citizens, foreign citizens and stateless persons from other states and subjects of the Russian Federation in Krasnodar Territory and (or) in residence on its territory in violation of the order set by federal laws is declared illegal migration". The Prosecutor's Office of Krasnodar Territory had protested a 2003 law to the same effect as not complying with the requirements of the federal legislation.⁵⁴ It is clear that the new law does not meet these requirements either.

On 29 April 2004, the administration of the city of Nalchik, in Kabardino-Balkaria, issued a decision "On temporary measures for limiting registration of citizens arriving at the city of Nalchik for permanent residence". In accordance with this decision, which remains in effect, registration at a place of residence, registration of transactions with property, and registration of marriages and births of children are forbidden for all newly-arrived persons in Nalchik. The Registration Board of the Ministry of Justice of Kabardino-Balkaria started issuing written denials of registration of property sale contracts to certain migrants demanding they should first obtain permission from the Migration Commission in the administration of the city of Nalchik, which usually denies such permission to all "non-natives of Kabardino-Balkaria".

Chechen migrants are generally refused assistance everywhere in Kabardino-Balkaria at their first approach, both in state or municipal bodies and in educational or medical establishments. In addition, they are denied the issuance or extension of medical insurance, which makes it impossible for them to obtain medical assistance. Pensions are neither charged nor re-calculated. Applications for passports for foreign travel have been suspended indefinitely. Often, IDPs have to pay bribes even to obtain a written denial of services.

Chechens living in the Moscow region are under informal surveillance by the police, as well as being subject to discrimination.

One of the main persisting problems for IDPs is obtaining official identity documents, particularly passports. In a positive move, an interior ministry order of 24 May 2003⁵⁵ granted Russian citizens the possibility of obtaining a passport at their actual place of residence rather than at their place of permanent registration ("*propiska*"). This potentially offered an important opportunity for Chechen IDPs to obtain a passport without having to return to Chechnya. In practice, however, this order was not widely applied. At the local level, passport service employees often did not inform IDPs that such a possibility existed or even refused to accept applications from Chechens. Another serious complication was that the order required that the passports be sent from the place of permanent registration. Because of the difficulties in communication with the Chechen Republic, the issuance of passports under the order was often delayed or never occurred

⁵² NGO workers and Chechens have heard from local interior ministry officials on numerous occasions that such a directive exists.

⁵³ Law #735 of Krasnodar Territory.

⁵⁴ Protest of 15 April 2003, # 7/4-27-18-2002, against the law "On arrival and residence on the territory of Krasnodar Territory".

⁵⁵ MVD Order #347.

⁵⁶ MVD order # 347 was cancelled in MVD order # 415.

at all. Further, on 6 June 2004, the order allowing IDPs to obtain a passport at their place of actual residence was cancelled.⁵³ Most Chechens were never able to benefit from it.

At present, all citizens registered as residents of Chechnya must return to Chechnya in order to obtain internal passports. This may put their lives at risk. In addition, because of the prevalence of corruption in Chechnya, it is almost impossible to obtain a passport there without a bribe.

Outstanding issues/further recommendations

Although there has been some progress, the problems of accommodation, compensation and adequate living conditions for IDPs from Chechnya remain unresolved. In addition they remain subject to discrimination and face serious difficulties in obtaining necessary documentation. The government authorities, with the support of humanitarian agencies if necessary, should:

- Ensure that Temporary Settlements are not closed before alternative accommodation has been made available to IDPs;
- Ensure that if the Temporary Settlements are closed, any IDPs who do not wish to return to Chechnya are given alternative accommodation;
- Ensure that persons in the Temporary Settlements are not victims of unreasonable or illegal actions by security forces;
- Provide the allotted compensation payments on an equal, non-discriminatory basis to those who choose to return to Chechnya and to those who choose not to return. Persons who choose not to return to Chechnya should be provided with the opportunity to settle in the region of their choice;
- Provide compensation payments without further delay;
- Give priority to eliminating discriminatory practices within state and local agencies;
- Work vigorously to counter myths about the "enemy" status or criminal mentality of some ethnic groups;
- Abolish any special rules or practices by state or local governments or agencies that violate federal rules or discriminate against Chechens or prevent them from getting necessary residence documents;
- Provide access to social and medical care, as well as to education and work places, for IDPs;
- Reinststate the right of IDPs to obtain all the necessary documents at their actual place of residence.

International organisations allocating funds for the reconstruction of the Chechen republic should establish strict control over the use of these funds to ensure they are used in accordance with the intended purposes.

4. PROTECTION CONCERNS FOR IDPS FROM THE REPUBLIC OF NORTH OSSETIA-ALANIA

4.1. Relevant recommendations from the Representative

To the Government, with the assistance of other actors as necessary:

- Provide humanitarian assistance to Ingush IDPs from North Ossetia whose conditions are no less compelling than those of Chechen IDPs;*
- Identify durable solutions for all;*
- Address problems relating to the property in North Ossetia of IDPs fairly and adequately;*
- Provide measures aimed at improving relations between ethnic and national groups in areas of integration.*

4.2. Implementation

The issue of IDPs still in Ingushetia from the 1992 Ossetian-Ingush conflict has yet to be fully resolved. As noted above, according to various estimates, there are between 8,000 and 21,000 persons in this group who have not returned or resettled elsewhere on their own. Although the conditions under which they live are similar to those of Chechen IDPs in Ingushetia, their cases have been handled through different procedures and by different government bodies than Chechen IDPs. Efforts to find a political solution to their problems have been extremely difficult. Until early 2005, these efforts were led by the Mission of the Special Representative of the President of the Russian Federation in the zone of the Ossetian-Ingush conflict, which also oversaw assistance to the IDPs from the Ossetian-Ingush conflict. Since this office was disbanded, reconciliation efforts have been continued by other official structures and by NGOs.

A promising process of roundtables and other events was begun in Ingush and Ossetian schools. Regrettably, these were ended by the terrorist attack in Beslan. They have now begun again, and one such event occurred in July 2006. The Committee "Civil Cooperation" organised a camp on the outskirts of Moscow for children and their teachers from troubled Ossetian and Ingush settlements. It was necessary to secure the support of the Ministry of Education of North Ossetia to gain the participation of the Ossetian school children. The camp was a positive experience, which confirmed that such camps should be repeated for other Ossetian and Ingush settlements.

Returns

According to the official data of the Mission of the Special Representative in the zone of the Ossetian-Ingush conflict, by 1 January 2005 federal assistance had been rendered to 4,044 returning families (21,823 people).⁵⁷ This data differs significantly from that of the Ingushetian State Committee on Refugees and Forced Settlers, which asserts that 11,988 people had returned to 13 settlements of the Prigorodny region in the republic of North Ossetia-Alania by 1 January 2004.⁵⁸ The discrepancy occurs because the Special Representative considered as a returnee everyone who had received state support for return in the form of opened bank accounts or temporary accommodation, regardless of whether the family actually returned to North Ossetia or not. The State Committee, on the other hand, counted only those who had actually returned to Prigorodny region.

⁵⁷ Website of RNO-A Parliament, <http://parliament.rno-a.ru/math.php?id=8&action=show>.

⁵⁸ Information received from Ingush officials by local members of "Memorial".

In October 2004 the Special Representative was dismissed and soon afterwards the Mission was disbanded. Its functions were handed over to the office of the Permanent Representative of the President of the Russian Federation in the South Federal Region and the Interregional Department of the Federal Migration Service dealing with the Ossetian-Ingush conflict. In the summer of 2005, the State Committee on Refugees and Forced Migrants was abolished in Ingushetia. It was replaced by the Ministry of Public and International Relations in August 2005.

In May 2005, on the initiative of the Permanent Representative, Dmitry Kozak, a Plan of Action was devised to resolve the consequences of Ossetian-Ingush conflict of October-November 1992. The Plan provides for the return of Ingush forced settlers to their former places of residence in North Ossetia by 1 January 2007.

In accordance with this Plan, the exact number of forced migrants was to have been defined by 10 June 2005 and before the end of 2006 their return to settlements in the Prigorodny region was to be completed, with the help of federal funding. The Plan also envisages issuing passports, taking measures to execute court decisions, and preparing psychological conditions for the coexistence of Ingush and Ossetians, including through mixed classrooms in all educational establishments and joint participation in community work and management.

Within the framework of the Plan, all the IDPs from Northern Ossetia residing on the territory of Ingushetia were to be re-registered. A preliminary total of over 11,000 people have been identified as entitled to return to North Ossetia. However, this figure is not final since the Ossetian government did not agree to it, and the re-registration of IDPs in Ingushetia is not yet complete. From May to December 2005, just 389 people returned to the Prigorodny Region out of this indefinite number of IDPs.⁵⁹

The return of Ingush IDPs to Prigorodny region and the suburbs of Vladikavkaz intensified substantially in 2006. According to information of the Ministry of Ethnic Affairs of North Ossetia-Alania, 272 families (or 1247 persons) returned and this was organised at both the federal and republican level. The Federal Migration Service organised the return of those with forced migrant status, among which 99 families (or 408 persons) were returned to their place of previous residence, while 105 families (or 502 persons) were settled in the village Novy. The local government bodies of North Ossetia assisted the return of 12 families (or 59 persons) to their previous or temporary place of residence and the return of 56 families (or 278 persons) to the village Novy.

It is noteworthy that the compensation offered to IDPs from Prigorodny region is at least twice as much as that paid to IDPs from Chechnya. Moreover, according to a decision of the South Federal Region authorities, this compensation is granted not only to those who resided permanently in Prigorodny region, but also to residents of dormitories in Prigorodny region and to those without registration who proved to the court that they resided permanently in Prigorodny region before the beginning of the conflict.

The case of Maiskoye

In a positive move, all IDPs from North Ossetia were granted the status of "forced migrant" by the migration bodies of Ingushetia. However, IDPs from Prigorodny region did not receive this status from the migration bodies in other regions of Russia.

This has led to hardships for about 1200 persons who organised a camp in Maiskoye village, in North Ossetia near the border with Ingushetia. This camp should be supplied by the North Ossetian authorities. However, the migration bodies of North Ossetia have not granted this camp official status and are not registering its

⁵⁹ Ibid.

residents because they do not meet the definition of forced migrants. As a result, gas and electricity to the camp is frequently cut off, depriving the people of life support.

The legal definition of a "forced migrant" does not extend to persons who have been displaced from their homes but who remain within the same constituent part of the Russian Federation. Therefore, IDPs who remained within the borders of North Ossetia do not benefit from forced migrant status, even if they were forced from their homes.

The Republic of Ingushetia granted these persons forced migrant status, but since the IDP camp is not located on the territory of Ingushetia, the Ingush authorities could not provide these IDPs with funds from the state budget.

Ossetian authorities are unhappy at the existence of a camp that was set up without their sanction and have repeatedly tried to close it by means other than promoting the safe return of its inhabitants to their original homes. On 12 December 2005, all camp residents were given personal notifications by the administration of the Prigorodny Region to leave the camp by 13 December, the next day. The notification read as follows: "The land you are occupying is municipal property intended for agricultural use (pasture). The settlement in which you are residing has no legal status and your unauthorised occupation of the land is violating the interests of the citizens of the village of Maiskoye." It was of course impossible to meet the demand to vacate the camp within one day, and the incident was temporarily settled by the office of Permanent Representative Kozak. Nevertheless, in February 2006, the administration again demanded that the residents of the camp depart, although they are still not able to return to their original homes.

At the beginning of July 2006 the majority of IDPs (216 families) living in Maiskoye agreed to move to the village Novy in Prigorodny region, where land had been allotted to them. The remaining 70 families refused to move and in a sign of protest, eleven people launched a hunger strike, which ended only at the beginning of August 2006. In the end it was agreed that they would legally own the houses constructed at their new residence, but that their passport would show them as being registered at the address of their previous residence in Prigorodny region.

International humanitarian assistance

Forced settlers from North Ossetia-Alania had no access to free medical care for many years. There remains a great need for mobile medical facilities and hospitals to cater for these IDPs, including in the remote Malgobeksky region, both for regular care and for diagnosing chronic diseases. IDPs are in need of essential medication, as well as examinations to detect cases of tuberculosis. In addition there is a need for nutrition programmes to support pregnant women, most of whom suffer from anaemia, and new-born babies, as well as nutrition programmes for schoolchildren.

After 1994, the Ossetian-Ingush conflict was largely forgotten by the international community against the background of the continuing military conflict in Chechnya. No regular humanitarian aid was provided by international agencies for IDPs from North Ossetia-Alania. After the beginning of the second military campaign in Chechnya, Chechen IDPs settled near the existing Ingush IDP settlements. Humanitarian organisations provided assistance to the new Chechen IDPs but ignored the needs of Ingush IDPs since they were not included in their mandates or budgets.

Since 2002, and after the visit of Francis Deng to Ingushetia, humanitarian organisations have begun to pay attention once again to Ingush IDPs from the Prigorodny region. UNHCR oversaw construction of 13 cottages for IDPs from North Ossetia-Alania within the framework of a joint Russian-Swiss programme. The Danish Refugee Council and the International Committee of the Red Cross are distributing foodstuffs and

sanitary kits and clothes for schoolchildren. They have also arranged water supply in some camps. In spring 2005, the Russian Red Cross distributed 440 coats/overalls among the three- and four-year-old IDP children from North Ossetia. For the past three to four years the "Civic Assistance Committee" has been distributing flour, clothes, footwear, school bags, New Year presents and toys for schoolchildren. And in 2005, a first-aid post was set up in the village of Maiskoye with the help of the Committee, where patients now receive well-qualified medical assistance and free medication. Those who come from other cities can have their travel costs reimbursed. This work is carried out together with Caritas France with funding from the European Commission. Nonetheless, the conditions in which many of these IDPs live remain grim and they continue to need substantial assistance.

Outstanding issues/further recommendations

Although there has been progress in the return of IDPs to North Ossetia, there remains a need for assistance to and reintegration of IDPs from the 1992 Ossetian-Ingush conflict. The government, together with humanitarian organisations, should:

- Intensify efforts towards the reconstruction and normalisation of Ossetian-Ingush relations;
- Avoid policies and statements that politicise inter-ethnic tensions;
- Continue to encourage coexistence through the creation of common workplaces, schools and communities;
- Ensure that IDPs within North Ossetia-Alania have access to services and support even if they do not meet the formal definition of "forced migrant";
- Provide funds from the federal budget to assist IDPs from North Ossetia-Alania in Ingushetia.

5. ACCOUNTABILITY FOR CRIMES AGAINST CIVILIANS AND JUDICIAL REMEDIES

5.1. Relevant recommendations from the Representative

To the government:

- *Ensure the human rights of the displaced, as well as those of the returnees;*
- *Ensure that perpetrators of human rights violations are held accountable and brought to justice;*
- *Facilitate access to courts in cases where the human rights of IDPs are violated.*

5.2. Implementation

The human rights of IDPs, together with those of other residents of the North Caucasus, continue to be negatively affected by the prevailing conditions of insecurity. The years of armed conflict in the region have led to a breakdown of law and order. There is a general lack of confidence in the security forces and law enforcement officials, in large part because their personnel are often the perpetrators of human rights violations, including grave violations such as arbitrary arrests and disappearances. In such instances, victims lack proper legal protection. Although domestic law guarantees the rights of the population, these rights are often not implemented in practice. Protecting the rights of IDPs and returnees will require restoring the rule of law. As a result of the serious shortcomings in the law enforcement system, a climate of fear prevails in Chechnya.⁶⁰

Abductions, murders and disappearances

An analysis of statistics from 2004 to 2006 indicates a decrease in the number of murders. According to the data of the Human Rights Centre "Memorial", which was obtained through monitoring approximately 30 per cent of the territory of Chechnya, 192 persons were murdered in 2005. Of this number 78 were civilians, 44 were employees of security forces, eight were officials and 44 were members of Chechen armed groups. Eighteen people were not identified and buried as unknown people. Compared to 2004, when 310 deaths were registered, the number of murders decreased by 38 per cent.

The number of abductions in 2005 also decreased in comparison with 2004, according to the data of "Memorial". However, the number is still high. In 2005, "Memorial" recorded 316 abductions of which 151 people were later released by their abductors or ransomed by their families, 127 people disappeared without a trace, and the bodies of 23 persons were later found with signs of violent death. Whereas 448 people were abducted in 2004, the number of recorded abductions decreased in one year by 30 per cent.

According to the same data, 47 people had been murdered during the first six months of 2006. Eighteen of these victims were civilians, 11 were members of the security forces and eight were members of Chechen armed groups. The remaining ten were not identified and buried as unknown people.

Despite this decrease in abductions and murders, it would be premature to draw far-reaching conclusions about a significant improvement of the security situation. It is likely that relatives of the missing turn to human rights organisations and law enforcement agencies much more rarely now, fearing for their lives and not counting on effective help. In cases of documented violations, "Memorial" informs the Prosecutor's Office, which very rarely opens active investigations or criminal cases. Investigations are often suspended on the basis that "the relevant authorities have failed to find a person to be brought to justice".

⁶⁰ This was the conclusion of the UN High Commissioner for Human Rights. Statement on her visit to Russia, 24 February 2006.

In the opinion of journalist Anna Politkovskaya,⁶¹ currently ten per cent of abductions in Chechnya are committed by federal forces, five per cent by rebel fighters, and the remaining 85 per cent by “Kadyrovtsy”, that is units reporting to Deputy Prime Minister Ramzan Kadyrov, which are formally a part of the Chechen interior ministry, in the service of the Chechen president. The “Kadyrovtsy” have been given virtually uncontrolled powers in Chechnya. People are well aware of the situation but dare not complain for fear of their own safety. An additional negative element of this situation is its association with certain clans within Chechnya. This situation, sometimes referred to as the “Chechenisation” of the conflict, leads to its protraction and lays a foundation for hostile inter-clan relationships for many years into the future.

In October 2005, Chechen President Alu Alkhanov stated at a session with the heads of security force structures: “Statistical data show that the number of abductions has increased for the last year. Since the beginning of the year, 143 cases of abduction have been registered in the Republic. Last year the figure was 128 people for the same period of time”. The president stressed that “the number of robberies and other grave crimes have increased by 50 per cent”.⁶² Recognising the seriousness of the problem of missing persons, the Chechen parliament created a commission on missing persons in 2005, which has unfortunately not improved the situation.

The Council of Europe has expressed concern over the issue of abducted and missing persons in Chechnya in connection with the Russian Federation’s obligations under European human rights conventions. The Council offered support for an investigation into abducted and missing persons in Chechnya, including assistance in setting up a forensic laboratory in Grozny.⁶³

Judicial system

Formally, the legal system of the Chechen Republic has been totally reconstructed. In practice, however, the judicial system does not function as an independent institution.

The court system does not provide residents of the Chechen Republic with protection or redress from crimes. According to the Chairman of the State Council, Taus Dzhabrailov, 1,814 criminal cases have been opened concerning the violent disappearances of 2,090 people.⁶⁴ According to estimates by Human Rights Watch and “Memorial”, the number of disappearances is between 3,000 and 5,000 people. These persons were often declared “missing” even though there are witnesses confirming the participation of either federal forces or Chechen forces in their disappearance. The Prosecutor’s Office generally does not go beyond opening search files in such cases. “Memorial” assesses that only 565 criminal cases have been opened concerning kidnapping.

The military Prosecutor’s Office has accepted about 150 criminal cases for consideration in regard to crimes committed by the military affecting residents of Chechnya. Sixty of these cases have been referred to courts martial, including the cases of 11 officers. One third of the cases have been suspended or dropped. The majority of those convicted were given suspended sentences.

A noteworthy example is the well-known events in stanitsa (village) Borozdinovskaya of the Shelkovskoy region of Chechnya, where a special operation aiming at destruction of illegal armed groups was conducted on 4 June 2005.⁶⁵ The operation was conducted by the military battalion “East”, comprising 70-80 men led by Khamzat Gaerbekov, whom the residents recognised. The military burned down four houses, with 70-year-old Magomaz Magomazov in one of them, and abducted 11 civilians. Residents of the stanitsa fled their homes and set up a camp in a field in Dagestan. At first these actions impressed the authorities and a criminal case was opened against the military, by those from Borozdinovskaya who were persuaded to

⁶¹ “All Chechnya in the family circle”, *Novaya Gazeta*, 9 June 2005.

⁶² NTV, 7 October 2005, <http://news.ntv.ru/74567/>.

⁶³ Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to the Chechen Republic of the Russian Federation 25-26 February 2006”, Commissioner for Human Rights of the Council of Europe, 15 March 2006.

⁶⁴ “Worse Than a War: ‘Disappearances’ in Chechnya – a Crime Against Humanity”, Human Rights Watch, March 2005, <http://hrw.org/backgrounder/eca/chechnya0305/>.

⁶⁵ The essential information regarding this incident is from record #535 made at 8:15 p.m. on 5 June 2005 in the record book of the UVD (Department of Interior Affairs) of the Shelkovskoy region.

return. But in the fall of 2005 the investigation was suspended "due to the impossibility of determining that the perpetrators be brought to justice..." After this decision, about 200-300 people returned to the frozen field in Dagestan, where they continue to demand justice and the bodies of their relatives. No one has been punished.

The only two officers who have been given adequate sentences for crimes against civilians in Chechnya are Colonel Yuri Budanov, who abducted and killed a young girl named Elsa Kungaeva, and Ensign Sergey Lapin, who tortured Zaurbek Murdalov, leading to his death. In both cases the lawyers of the victims undertook extraordinary efforts to secure the sentences. These two cases have not advanced through the court.

In civil cases – in contrast to criminal cases related to human rights violations – there are signs of some improvement in judicial operations. The growing number of civil cases brought before the courts on such issues as labour law, salary disputes and compensation claims suggest that more people are willing to attempt to seek judicial remedies. The growing number of cases probably also reflects the growth of legal counselling centres established and supported by NGOs and international agencies.

International protection

A number of Chechen residents who have not obtained protection through the national judicial system have turned to international human rights protection mechanisms. As of June 2006, several dozen cases have been filed with the European Court of Human Rights (ECHR) concerning violations of the rights of citizens in Chechnya, 30 of them with the support of "Memorial". Of those, seven have already been decided in favour of the plaintiffs. Lawyers from "Memorial" represented six of the claimants, while the other case regarding abduction was defended by "Rights Initiative of Russia". While the Russian authorities have paid the compensation ordered by the ECHR, they have not taken adequate measures to redress the consequences of violations or to prevent similar violations in future.

Moreover, some pressure has been exercised on the applicants to the ECHR during the past two years. Some applicants have been threatened, both by officials and by private "well-wishers". They have been told to withdraw their applications, offered money to do so, and threatened with reprisals for themselves and their relatives if they do not withdraw their cases. Some applicants left Russia for fear of reprisals. The Parliamentary Assembly of the Council of Europe has called it "intolerable" that reprisals are taken against applicants to the ECHR and that these reprisals remain unpunished.⁶⁶

In many cases, the judicial system is used unfairly to prosecute Chechens. For example, Zaurbek Talkhigov was convicted in connection with the 2002 incident in which Chechen gunmen took hundreds of people hostage at a theatre in Dubrovka, in Moscow. Talkhigov went to the theatre at the request of State Duma Deputy Aslanbek Aslakhonov to offer himself in exchange for the hostages. Under federal security services supervision, Zaurbek negotiated with the terrorists for the release of a few foreigners. His good deed resulted in an eight-year sentence for being an accomplice in the crime, because he was said to have passed some useful information to the terrorists. After Talkhigov appealed his case to the ECHR, the authorities filed an application to toughen his sentence; this action may be seen as a reprisal for filing a case with the ECHR. In June 2006, Talkhigov was forbidden from meeting with journalists before the decision of his case was rendered by the ECHR. At the time of writing, Zaurbek Talkhigov was seriously ill and was not receiving the required treatment, which is especially worrying.

In addition to the ECHR, the UN Human Rights Committee has also reminded the government that it is responsible for ensuring that human rights "violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist

⁶⁶ "Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns", Parliamentary Assembly of the Council of Europe Resolution 1733 of 25 January 2006.

operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated and their perpetrators prosecuted and victims or their families compensated".⁶⁷

In September 2004, the International Committee of the Red Cross (ICRC) suspended its protective visits to places of detention in Chechnya and elsewhere in the Russian Federation because the government would no longer agree to its standard modalities for visits to places of detention. This removed an important element of protection for detainees.

The UN High Commissioner for Human Rights, Louise Arbour, visited the North Caucasus in February 2006, as part of a continuing show of international concern about human rights conditions in the region. Among the conclusions of her visit were that the Chechen Republic has not yet been able to move from a society ruled by force to one governed by the rule of law. She expressed particular, serious concern regarding the integrity of the law enforcement institutions, saying there could be little doubt that law enforcement agencies used torture to extract confessions and information, and that these agencies intimidated those who made complaints against public officials.⁶⁸ The High Commissioner was in the process of establishing a presence within the UN Office in the Russian Federation in 2006.

Other human rights concerns

There have been many bogus criminal cases against Chechens. In 1999-2000, there appeared to be a campaign of falsified criminal cases based on drugs, guns or explosives planted on Chechens, in order to remove and isolate them from society. Over the past few years there have been many dubious and unsubstantiated cases in which Chechens have been charged with terrorist activity inside and outside the Chechen Republic.

In one such case the innocence of the accused – a Chechen girl named Zara Murtazalieva – was actually proved, but she was nevertheless convicted and given an 8.5-year sentence for possession of explosives and preparing a terrorist act. Murtazalieva was under surveillance and everything happening in the apartment she was occupying was recorded. She had no connections with terrorist organisations, individuals involved with terrorist organisations or separatist groups. Before her arrest, legal authorities proved that Murtazalieva had not committed any crime and that the explosives in her handbag had been planted there at the police department. However, this did not prevent her conviction. The conditions of her confinement are difficult and she is periodically forbidden from sending correspondence.

Dozens of young Chechens have found themselves in prison in similar circumstances. Official confirmation of this was provided in a 6 April INTERFAX interview with Chechen President Alu Alkhanov, who was reported as saying: "It is no secret to everybody that for several years Chechens in Moscow and some other cities had to go out into the street with all their pockets sewn up in order to avoid having drugs or guns planted on them. I consider it necessary to ask for a thorough review of the cases against Chechens who were detained and convicted on these grounds." At a meeting with "Memorial", Alkhanov confirmed his intention to address the federal authorities with a request to set up a special commission to review such cases.⁶⁹ No such commission has been established.

⁶⁷ Human Rights Committee concluding observations of 6 November 2003 (CCPR/CO/79/RUS). The Representative of the Secretary-General on IDPs urged the government to take these recommendations into consideration and to ensure that the human rights of IDPs and returnees are respected.

⁶⁸ UN High Commissioner for Human Rights. Statement on her visit to Russia, 24 February 2006.

⁶⁹ Meeting with S. Gannushkina, 25 April 2005.

Outstanding issues/further recommendations

Not only are residents of Chechnya deprived of the protection of an independent judicial system, but in many instances the law enforcement bodies and the judicial system are complicit in violation of their rights. The government should:

- End discrimination and arbitrary action against residents of Chechnya within the judicial system;
- Initiate a review of all cases in which there may be grounds to suspect that the charges were falsified. NGOs should continue to send information to the Prosecutor's Office for that purpose;
- Vigorously pursue cases of human rights violations by security forces in order to hold perpetrators accountable and bring them to justice;
- Identify and close down all illegal places of detention;
- Ensure the civilian population can address the law enforcement agencies, NGOs, and domestic and international courts without fear of reprisal;
- Accept the offer of the Council of Europe to support an investigation into abducted and missing persons in Chechnya, including assistance in setting up a forensic laboratory in Grozny.

6. CONSULTATION AND COORDINATION WITH OFFICIAL HUMAN RIGHTS BODIES, INTERNATIONAL AGENCIES AND CIVIL SOCIETY

6.1. Relevant recommendations from the Representative

To the government, in cooperation with the United Nations, the donor community and NGOs:

- *Organise a consultation involving the above-listed actors, to seek to identify strategies to help alleviate the plight of IDPs in the Russian Federation and enhance coordination;*
- *Improve the strategy to determine the needs of IDPs in Chechnya and bordering regions;*
- *Work closely with civil society, especially with NGOs working on behalf of the displaced, in responding to the situation of IDPs.*

6.2. Implementation

Consultations

Following the visit to Russia by the UN Secretary-General's Representative, the government acted promptly upon one of his recommendations: to organise a consultative meeting to address the issues of internal displacement. The Representative welcomed the fact that a working level meeting had been convened on 9 February 2004 and encouraged a further process of consultation.

In April 2005, UNHCR, the Human Rights Centre "Memorial" and the Human Rights Ombudsman organised a Conference on Migration in the Russian Federation. Officials of the Federal Migration Service took an active part in the Conference and provided all materials requested by the participants. The Conference unanimously adopted a concluding document which contains a recommendation to pass special laws protecting the rights of IDPs in line with the UN Guiding Principles on Internal Displacement. Unfortunately, this intensive process of consultations has not had a significant impact on the situation of IDPs in Russia, since the most important policy decisions affecting IDPs are taken at a different level, which to date has not heeded the Conference recommendations. NGOs intend to continue the process of consultation as well as organising meetings and round table discussions.

Official human rights protection bodies

The Russian Presidential Commission on Human Rights, which was transformed in November 2004 into the Presidential Council on Civil Society Institutions and Human Rights, has been monitoring the development of the situation in Chechnya since 2002 in cooperation with human rights organisations.

President Vladimir Putin met the Commission on Human Rights on 10 December 2002 and committed his administration to forming a working group to look into the situation of IDPs from Chechnya. Following this meeting, a working group was formed of three Commission members (Ella Pamfilova, Lyudmila Alexeyeva and Svetlana Gannushkina) who visited Chechnya and Ingushetia repeatedly to familiarise themselves with the situation in Temporary Settlements for IDPs from the Chechen Republic. The Russian Minister for Chechen Affairs, Stanislav Iliyassov and the First Deputy Head of the Federal Migration Service of Russia Igor Yunash took a very active part in the work of the group. The working group issued a report approved by the officials, which resulted in actions that made the closures of camps slightly less traumatic for IDPs.

It is possible to receive official answers concerning human rights violations in Chechnya through the Russian Presidential Council and Human Rights Ombudsman. While this is welcome, it is unfortunate that neither of these two state structures, nor human rights NGOs, is in a position to exercise much influence over developments in Chechnya.

International agencies

A range of international humanitarian organisations has contributed to providing various types of assistance to IDPs in the North Caucasus, in coordination with NGOs and with the government.

UNHCR in particular has been actively involved in assisting IDPs from Chechnya and returnees to the Republic since the start of the first military campaign, developing its assistance strategies in close cooperation with Russian and international NGOs. In 1995, UNHCR started providing funding to Russian NGOs working with IDPs. Distribution of food and clothing was organised in camps in Ingushetia on a regular basis. UNHCR offices in the North Caucasus – first in Vladikavkaz and later in Nazran and Grozny – have conducted regular consultations with NGOs concerning their humanitarian and legal work with IDPs. Such consultations have also been conducted in Moscow. UNHCR helped establish local NGOs to work in the zone of conflict, which continue to operate under its guidance. In its work, UNHCR also takes into account the experience of well-known Russian NGOs which have been working in the North Caucasus for many years. UNHCR's mediating role has assisted NGOs in building a cooperative relationship with state structures, along the same lines on which UNHCR itself cooperates actively with government structures. In addition, UNHCR regularly organises training sessions, round tables and conferences – including international conferences – devoted to discussions of the problems and protection mechanisms for IDPs from Chechnya. UNHCR assesses that its ability to work with the authorities, and in particular with the Chechen authorities, has improved markedly in the past two years.

Unfortunately, until recently the problems of IDPs from the Prigorodny region of North Ossetia were not included in UNHCR's sphere of activities. Its involvement in addressing these issues and attracting funds for their solution could provide a significant boost for progress toward a successful solution to their problems.

Other UN agencies have also cooperated closely with NGOs in their activities in the North Caucasus, notably the Office for the Coordination of Humanitarian Assistance. NGOs were actively involved in helping to draw up the Inter-agency Transitional Workplan for the North Caucasus for 2006, through a series of consultations. NGOs participate in – and sometimes lead – the sector working groups to build strategy on humanitarian issues including education, health and sanitation, as well as other issues. Coordination mechanisms also exist on the ground in the North Caucasus for international agencies and NGOs working in various sectors.

International agencies report that in general government officials, both at national level and in the North Caucasus, have welcomed the presence of international agencies and have exhibited a willingness to consult and work with them. While petty harassment by some authorities persists, most major international agencies assess that it has decreased in the two years since Francis Deng issued his report. Local authorities have also made some efforts to consult IDPs as part of their planning process. In 2005, for example, it was noteworthy that a congress was convened by the authorities in Chechnya to involve IDPs more directly in decision-making on issues of concern to them.⁷⁰

⁷⁰ Report of the Protection of Civilians Workshop, Nazran, 1-2 March 2005, UNHCR, page 4.

In 2004, Russian authorities made clear to international agencies that they were no longer willing to have a United Nations Consolidated Appeal Process (CAP) for the North Caucasus. This decision appeared to be more political than substantive. Many humanitarian agencies and major donors were left with the impression that the Russian authorities did not want the stigma of being a significant recipient of humanitarian relief, in particular as it was trying to portray the situation in Chechnya as returning to normal and as it anticipated taking on the leadership of the G-8 industrial countries in 2006. At UN suggestion, the government and international agencies deployed a joint assessment mission to the North Caucasus, which concluded that there was still a need for humanitarian assistance. In light of this, the UN and the government agreed to replace the CAP with an "Inter-Agency Transitional Workplan for the North Caucasus" in 2006.⁷¹ In actuality, the Workplan can be considered a CAP by another name. The Workplan was drawn up in close consultations with NGOs, whose programmes are included in the \$88 million appeal. The Workplan includes most of the same activities that were conducted under the CAP, and judges that "the need for humanitarian assistance and protection remains the same as in 2005, or might even increase slightly".⁷²

At the same time, however, the Workplan does acknowledge that in addition to humanitarian assistance there is also a need for recovery and reconstruction assistance. It thus includes new sectors such as economic infrastructure and governance, and foresees a greater role for development agencies such as UNDP. These new activities explain why the projected cost of the Workplan is about 30 per cent higher than the last CAP. Humanitarian agencies are watching closely to see how donors will respond to the recovery elements of the appeal. Some NGOs have expressed concern that the Workplan reflects an "exit strategy" under which vulnerable IDPs may be left without adequate assistance before their conditions of life have been stabilised. Some Russian NGOs perceive a decrease in donor interest in the problems of Russian IDPs over the past two years. The major humanitarian agencies and donors, however, assert that donor interest remains strong and that their appeals for the North Caucasus through 2005 were among the best funded in the world.

International agencies have expressed frustration that despite their sizeable protection and assistance efforts on behalf of IDPs, the government does not appear to have a comprehensive strategy or plan to deal with the problems of the North Caucasus or with IDP issues.⁷³ The driving government goal seems to be to resolve the IDP issue by persuading or inducing IDPs to return to their former homes, rather than by giving them genuine options or by addressing the roots of the problem and ensuring that they can return in safety and dignity. Moreover, some agencies privately fault the government for not taking on its responsibilities to provide even the most basic services for IDPs, such as water and medical care.

Non-governmental organisations

Over the past two years, cooperation between Russia's governing bodies and NGOs has become more difficult. In April 2004, the Government Migration Policy Commission, an advisory body comprising five representatives of non-governmental structures, ceased operating. An expert body on IDPs at the Federal Migration Service was never established, although it has been discussed since 2001. During the second half of 2005, NGO cooperation with the Federal Migration Service grew more complicated. This was perhaps because a new head of the Service was appointed on 20 June 2005 and had not been fully briefed on the NGO role.

In early 2006, President Putin signed a controversial new law regulating the registration and operations of domestic and international NGOs working in the Russian Federation. The law, which came into effect in April 2006, provides additional levers of government control. Its adoption has been widely criticised by NGOs. They are convinced that its provisions could be used by authorities to interfere with their work, or even to close them down. This includes NGOs working on humanitarian and human rights issues with

⁷¹ *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005.

⁷² *Ibid.*, page 4.

⁷³ *Ibid.*, pages 6, 7.

IDPs in the North Caucasus. International humanitarian agencies are concerned with the possible effects of the new law, and in particular that local authorities may interpret it in ways that could complicate operations for their agencies or their local partners. They will be watching closely how it is implemented. The Parliamentary Assembly of the Council of Europe has expressed concern that the law falls short of the standards of the Council of Europe.⁷⁴

On 7 February 2006, the United Nations Office in the Russian Federation received a letter from the Chechen deputy prime minister recommending that the Danish Refugee Council (DRC) suspend its activities in Chechnya, ostensibly for its own safety in the wake of the controversy surrounding the publication of cartoons of the Prophet Mohammed in Danish newspapers.⁷⁵ The DRC itself received no official notification that it should suspend operations. Nonetheless, in view of the letter to the UN office, the DRC temporarily suspended its operations in Chechnya. The DRC is one of the largest humanitarian NGOs in the North Caucasus and a key UN partner there, with over 300 staff and a projected assistance budget of \$18.6 million for 2006. DRC activities include the distribution of food to up to 195,000 individuals, including especially IDPs, as well as a broad range of other assistance activities.⁷⁶ A prolonged suspension of its operations would cause hardship for a large number of people. According to press reports, the Russian President's Representative in the Southern Federal Region has asked prosecutors to evaluate the Chechen government action that led to the suspension of the DRC's activities. At the end of February 2006, some Chechen officials were making more conciliatory public statements about the status of the DRC. The DRC soon thereafter resumed its work.

⁷⁴ "Human rights violations in the Chechen Republic: the Committee of Ministers' responsibility vis-à-vis the Assembly's concerns", Parliamentary Assembly of the Council of Europe Resolution 1733 of 25 January 2006.

⁷⁵ UN Office in the Russian Federation, Press Release, 7 February 2006.

⁷⁶ See *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005, pages 57-59, and Danish Refugee Council North Caucasus Mission Report, January 2006.

Outstanding issues/further recommendations

A good basis has been established for cooperative work among government agencies, international organisations and NGOs to advance the rights and welfare of IDPs in the Northern Caucasus, and a great deal of good work has been done. Nevertheless, there have been some problems or setbacks and there remains room for improvement. Official human rights protection institutions have not been effective in resolving the most serious human rights issues in the North Caucasus or in ensuring human rights protections for IDPs. The government should:

- Restore disbanded institutions for providing consultations on IDP problems, in particular the Expert Council of the Federal Migration Service of Russia and the combined governmental and civil working groups on topical problems;
- Fulfil the recommendation of the 2005 Conference on Migration in the Russian Federation to pass special laws protecting the rights of IDPs in line with the Guiding Principles on Internal Displacement;
- Establish conditions for effective human rights monitoring in the North Caucasus by both official human rights bodies and NGOs;
- Ensure constructive cooperation by the civil authorities and security forces with NGOs, with a view to establishing a partnership to advance the rights of IDPs;
- Ensure that the new NGO law is not implemented in a way that negatively affects NGOs assisting IDPs or monitoring the rights of IDPs in the North Caucasus;
- Ensure that major humanitarian organisations such as the Danish Refugee Council are not prevented from continuing their good work on behalf of IDPs.

International organisations and in particular the United Nations should:

- Continue to provide funding, assistance and programmes to meet the needs of IDPs in the Northern Caucasus.

7. RESOLVING THE CONFLICTS

7.1. Relevant recommendations from the Representative

To all parties:

– Address root causes of displacement, through the intensification by all parties of open and constructive efforts towards a peaceful resolution of the conflicts.

7.2. Implementation

With regard to Chechnya, Russian policy has been to refuse any negotiations with parties supporting independence. All forces opposing the federal authorities are charged with criminal intent and terrorism. The government essentially takes the position that the conflict is over and that a legitimate, popularly-elected government is restoring peace and normal conditions to Chechnya. At a January 2006 meeting of the Parliamentary Assembly of the Council of Europe, for example, the Russian Delegation argued that there was no war in Chechnya, only “terrorism on a massive level”.⁷⁷

This Russian government position is at odds with many of the realities on the ground in Chechnya. Even the Inter-agency Transitional Workplan, which is a very mild document, paints a grim picture:

“Despite slight improvements in the security environment in Chechnya in 2005, general human insecurity in this republic continues, and there is now a trend of increasing insecurity in neighbouring republics. Criminal activities, skirmishes between non-state armed groups and security forces, and serious human rights violations take place daily within a persisting climate of impunity. Bombings, ambushes, sweep operations, and targeted killings and abduction in Chechnya remain a significant cause of human suffering and an obstacle to recovery. The civilian population too often is targeted.... Disappearances have decreased but continue at alarming levels, as do torture, kidnapping for ransom, and extra-judicial executions.... Insecurity also makes recovery and rebuilding in Chechnya problematic. It also prevents the return of IDPs, both those who are currently outside of Chechnya and those displaced within the republic itself. It keeps them in a state of vulnerability, wherein their daily lives involve encounters with corruption, lawlessness, the proliferation of weapons, arbitrary detention and overall lack of protection.... [C]orruption, nepotism, and monopoly of power by regional leaders [are] hindering development and leading to a situation ripe for the growth of extremism.”⁷⁸

Moreover, the elections for both the president and the Parliament of Chechnya were judged by international organisations as falling far short of international standards, raising questions about the representativeness of the Chechen parliament.⁷⁹

The Russian government’s denial that a political conflict exists has undercut attempts to establish a dialogue between the government and opposition groups in Chechnya. Progress toward a peaceful political solution to the conflict will depend to some extent on the willingness of the government to differentiate between the notions of separatism and terrorism. Advocacy of separatism does not necessarily imply support for violence or terrorism. Allowing the emergence of a peaceful political opposition – even one with separatist views – would at least provide a potential negotiating partner for a political solution to the conflict. Under the government’s current approach, it is difficult to imagine how an effective dialogue toward peace could emerge.

⁷⁷ “Chechnya: Europe Lashes Moscow”, Caucasus Reporting Service, Institute for War and Peace Reporting, 2 February 2006, http://www.iwpr.net/?p=crs&s=f&o=259245&apc_state=henpcrs.

⁷⁸ *Inter-Agency Transitional Workplan for the North Caucasus 2006*, 7 December 2005, pages 10-11.

⁷⁹ See, for example, “European Parliament resolution on Chechnya after the elections and civil society in Russia” of 19 January 2006, P6_TA-PROV(2006)0026, which regretted that “during the preparation and conduct of the parliamentary elections in Chechnya an opportunity for a truly political and democratic process involving all sections of Chechen society was missed”.

European institutions continue to call publicly for a negotiated settlement of the conflict in Chechnya. As a practical matter, however, they have more or less abandoned their efforts to promote peace in the face of relentless opposition and pressure from the Russian government. The Organisation for Security and Cooperation in Europe gave up its efforts at peace-making in Chechnya and closed its Assistance Group to Chechnya at the start of 2003. The Council of Europe acknowledges that its monitoring of the human right situation in Chechnya has been at a *de facto* standstill since the spring of 2004.⁸⁰ As recently as January 2006, the European Parliament adopted a resolution reaffirming that “there cannot be a military solution to the conflict in Chechnya and call[ing] for the start of a real peace process geared to bringing about a negotiated political settlement which is based on dialogue between all the democratic components of Chechen society”.⁸¹ The Parliament called on the European Council and the Presidency-in-Office to make further efforts to assist Russia in finding a peaceful solution to the conflict, including through EU mediation, but did so with no real expectation that the Russian government would accept the offer. In a speech to the Chechen Parliament in February 2006, Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, told the lawmakers that the time had come to develop political solutions to the conflict.⁸² He also reminded his listeners that there could be no peace or lasting reconciliation in Chechnya without justice and an accounting for disappeared persons.

Although international agencies have included some peace and tolerance activities in the Inter-Agency Transitional Workplan, these do not directly address the resolution of the conflict.

The Ossetian-Ingush conflict is fundamentally different from the conflict in Chechnya and thus may be more amenable to solution. In the first instance, armed conflict flared up only briefly, in 1992, and there has been no Ingush-Ossetian military conflict since that time. Secondly, there is no armed separatist movement. At present, the problem is regaining attention, which might lead to some progress towards its resolution. Unfortunately, the Public Council established at the Office of the South Federal Region is not operating at the moment; its reactivation could provide a boost to the process of negotiations.

Outstanding issues/further recommendations

Ultimately, durable solutions to the problems of IDPs will require that the root causes of their displacement, which are inherently political, be effectively addressed. The impetus for this must lie primarily with the government. The government should:

- Consider and encourage all possible avenues to a political solution to the conflict in the Chechen Republic;
- Allow the emergence of a peaceful political opposition in the Chechen Republic;
- Reconsider accepting an international role in mediation of the conflict;
- With regard to North Ossetia, intensify discussions of the problems of IDPs’ return to the Prigorodny region.

⁸⁰ “Human rights violations in the Chechen Republic: the Committee of Ministers’ responsibility vis-à-vis the Assembly’s concerns”, Parliamentary Assembly of the Council of Europe Resolution 1733 of 25 January 2006.

⁸¹ “European Parliament resolution on Chechnya after the elections and civil society in Russia” of 19 January 2006, P6_TA-PROV(2006)0026.

⁸² “Human rights violations in the Chechen Republic: the Committee of Ministers’ responsibility vis-à-vis the Assembly’s concerns”, Parliamentary Assembly of the Council of Europe Resolution 1733 of 25 January 2006.

The Human Rights Centre “Memorial”

Memorial is a historical and educational non-governmental association based in the Russian Federation with a significant part of its work dedicated to the protection of human rights. In 1991 Memorial’s Human Rights Centre was established to organise and coordinate its human rights work. Memorial also operates a Migrants Rights Network which provides free legal assistance and counseling to refugees and forced migrants across the Russian Federation.

The Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based IDMC runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries. Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards. The IDMC also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.