



Singled Out

Russia’s Detention and Expulsion of Georgians

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Summary

In October and November 2006, Russian authorities detained thousands of Georgians and expelled more than 2,300 of them to Georgia, including many Georgians residing legally in Russia. Russian authorities denied basic rights to many of the detained, including access to a lawyer or the possibility of appealing the expulsion decision taken against them. Most were given trials lasting only a few minutes. Georgians were held in sometimes appalling conditions of detention and in some cases were subjected to threats and other ill-treatment. Two Georgians died in custody awaiting expulsion.

Russian authorities have argued that the expulsions were part of an enhanced fight against irregular migration and organized crime and that they did not single out Georgians as a group. However, as this report documents, official statements and actions clearly singled out Georgians for detention and expulsion.

The Russian government's campaign against ethnic Georgians occurred in the context of pervasive racism and xenophobia in Russia. In recent years, violent racially-motivated attacks and murders, often perpetrated by ultranationalist and neo-Nazi groups have become common occurrences, especially in large cities. Although there have been some convictions in recent years for violent hate-related crimes, the Russian government has done little to effectively combat these dangerous trends. In some cases, senior officials exacerbate the situation through public statements and policies. Russian experts have documented an increase in xenophobic and nationalist language in political discourse as well as in the media. Although the government campaign against Georgians did not result in a particular increase in vigilante violence against Georgians or other minorities, the Russian government's willingness to single out an ethnic group sets a dangerous tone and indicates a government tolerance for discriminatory attitudes and actions.

The Russian government's readiness to single out members of an ethnic group in response to diplomatic conflicts is also particularly worrisome, as millions of

foreigners live in Russia and could be at risk of similar reprisals should political disputes emerge between Russia and migrants' home countries.

Following months of growing political tensions between Russia and Georgia, on September 27, 2006 Georgian officials detained four Russian military officers on charges of espionage. A day later Russia responded by withdrawing its ambassador, evacuating its embassy, and suspending issuance of all visas for Georgians. Under international pressure to stem the crisis, on October 2, Georgian authorities handed over the four Russian officers to representatives of the Organization for Security and Cooperation in Europe (OSCE). Despite the transfer, Russia initiated what amounted to economic sanctions against Georgia, beginning with a halt to all air, land, and sea traffic with the country, and began a widespread crackdown on ethnic Georgians and Georgian-owned or Georgian-themed businesses and organizations in Moscow and several other parts of Russia.

Immediately following the escalation of Russian-Georgian political tensions in late September, Russian officials made repeated public statements singling out Georgians as illegal immigrants, portraying them as criminals, and calling for measures to be taken against them. Russian television stations, the largest of which are owned or controlled by people close to the Russian government, actively supported and justified the government's singling out of Georgians through daily news programs and other programming, and often quoted senior officials making strong anti-Georgian statements

At the same time, Moscow police began to conduct widespread "document inspections" of ethnic Georgians. To more efficiently locate Georgians, some police officers targeted locations where Georgians were likely to assemble, such as the entrance to the Georgian embassy and to the Georgian Orthodox Church in Moscow. In several districts of Moscow, police demanded that schools produce lists of names of all ethnic Georgian children and their parents.

The crackdown spread to other parts of Russia, with police arbitrarily or illegally detaining thousands of ethnic Georgians. On October 6, the Ministry of Internal Affairs began expelling many of the detained Georgians to Georgia, initially sending

approximately 150 people by cargo plane from Moscow to Tbilisi. Some 2,380 Georgians were expelled in just over two months and at least 2,000 others left Russia by their own means after receiving court-ordered expulsion decisions. An unknown number of other Georgians left Russia either to rejoin family members who had been expelled, because they were no longer able to find work, or because they no longer felt welcome in Russia.

Human Rights Watch recognizes the right of governments to expel or deport people who have not been given permission to enter or remain in a country so long as they are not in need of international protection, such as asylum, and are not removed arbitrarily or without regard to their safety and dignity. Some of the Georgians detained and expelled were undocumented or had irregularities with their residency or employment status in Russia. However, among those expelled were Georgians who told Human Rights Watch they were residing in Russia in full accordance with relevant laws, including ethnic Georgians with Russian citizenship or residency permits, citizens of Georgia with valid visas and residency registrations, and with work permits, some of whom were awaiting passport or visa renewal, as well as students enrolled in Russian universities.

Moreover, in cases documented in this report, those detained were routinely denied basic rights. They had no or only perfunctory court hearings, no access to lawyers, and no opportunity to appeal their detentions or expulsion decisions; they were furthermore detained in conditions that in some cases may have constituted inhuman treatment. The authorities coerced and threatened many detained Georgians into “confessing” to being in Russia illegally, agreeing to be returned to Georgia “voluntarily,” and consenting to forfeit their right to appeal the expulsion decisions against them. Many of those expelled were Georgians from the breakaway republic of Abkhazia, most of whom had fled fighting in the region 15 or more years ago and had no current familial, economic, or other ties to Georgia proper.

The political row with Georgia coincided with contradictory developments in labor migration policy in Russia. In recent years, the Russian government has struggled to develop a consistent migration policy, apparently unable to fully reconcile the necessity of attracting foreign workers to offset rapid population decline and

meeting the needs of a booming economy with nationalist tendencies and a lack of public tolerance for minorities. Several months prior to the political crisis with Georgia, the Russian parliament had adopted new laws simplifying residency registration and other rules for migrants, including labor migrants. However, the October crisis appeared to serve as a catalyst for the Russian government to institute new laws on migration designed not only to crackdown on irregular migrants, but to place severe restrictions on migrant workers seeking to work in wholesale and retail goods markets throughout Russia. The government also introduced policies designed to attract ethnic Russians from countries of the former Soviet Union to relocate to Russia.

Russia is host to an estimated 13 to 20 million migrants. Russian officials believe that approximately half of Russia's migrants are irregular, meaning that they do not possess documents necessary for legal migration to or stay in Russia. The majority of both legal and irregular migrants in Russia come from the countries of the former Soviet Union, and up to one million come from Georgia. The vast majority of migrants working in Russia do so without work permits, at least in part due to the difficulty of obtaining such permits.

Russia is a member of the Council of Europe and party to core regional and international human rights treaties, including the European Convention on Human Rights, which guarantee fundamental rights to all persons, including irregular migrants. Among those obligations, Russia must provide due process to any non-Russian national resident whom it wishes to expel, and is prohibited from undertaking collective expulsions of non-Russian nationals. Its other obligations, include the prevention all forms of racial discrimination, a guarantee of the right to a fair trial, as well as fundamental rights of the detained, including the right to counsel, the right to have a third party of his or her choice notified of the detention, and the right to request a medical examination by a doctor of his or her choice. Russia must also prevent all forms of torture, inhuman or degrading treatment, which includes refraining from detaining people in conditions that amount to inhuman or degrading treatment.

Human Rights Watch calls on Russia to issue statements at the highest level condemning racism and xenophobia and racist statements or actions of any kind by public officials or private actors. In accordance with its obligations under the European Convention on Human Rights, Russia should immediately initiate investigations into all allegations of mistreatment of Georgians by Russian officials, into all allegations of illegal arrest and detention of Georgians and into the two deaths of Georgians in custody. Russia should undertake immediate measures to improve conditions of detention in special reception centers for foreigners to ensure conditions comply with international standards for the treatment of detainees.

Recommendations

To the Russian Government

- Cease and desist from all discriminatory statements and actions by state officials against any other national or ethnic group;
- Issue statements at the highest level condemning racism and xenophobia and racist statements or actions of any kind by public officials or private actors;
- Initiate a public information campaign, together with local government and non-governmental organizations, condemning racism in all its forms;
- In accordance with article 2 of the European Convention on Human Rights, initiate investigations into the deaths in custody of Manana Jabelia and Tengiz Togonidze and hold accountable those responsible;
- In accordance with articles 3 and 5 of the European Convention on Human Rights, initiate investigations into all allegations of mistreatment of Georgians by Russian officials and into all allegations of illegal arrest and detention of Georgians and hold accountable those responsible;
- Initiate court review of all recent expulsion orders of Georgians with a view to determining their legality and allowing Georgians with the legal right to live in Russia to return to Russia;
- Issue a standing invitation to the U.N. special rapporteur on the human rights of migrants;
- Sign, with a view to prompt ratification, the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention);
- Sign, with a view to prompt ratification, the European Convention on the Legal Status of Migrant Workers.
- Implement the recommendations of the Council of Europe's European Commission against Racism and Intolerance (ECRI) as detailed in its Third Report on the Russian Federation;
- Implement the recommendations of the Council of Europe's Parliamentary Assembly Monitoring Committee report, "Current Tensions between Georgia and Russia," of January 22, 2007, especially those related to the human rights

violations occurring in the process of detaining and expelling Georgians from Russia;

- Implement the recommendations issued by the United Nations Committee on the Elimination of Racial Discrimination following its March 2003 review of the Russian Federation;
- Implement the recommendations of the United Nations special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as detailed in the report on his June 2006 mission to the Russian Federation;
- Implement the recommendations issued by the United Nations Committee against Torture following its November 2006 review of the Russian Federation;
- Undertake a comprehensive review of the system of residence registration in order to ensure that it is in conformity with international standards, paying particular attention to addressing the discriminatory impact of the current system, both in terms of law and practice, and eliminating any provisions which might impede the right to freedom of movement and choice of place of residence within internal borders;
- Ensure that Georgian students legally residing in Russia but recently expelled from Russia have the opportunity to return to Russia to continue their education;
- To the greatest extent possible, in cooperation with the Georgian diplomatic mission in Russia, assist those Georgian citizens who had been legally expelled, as well as those who cannot or will not return, to retrieve any property remaining in Russia, or to be compensated for property remaining in Russia;
- Ensure without exception the fundamental rights of the detained, including the right to a fair trial, the right to counsel, the right to be informed of the charges against them;
- Undertake immediate measures to improve conditions of detention in special reception centers for foreigners to ensure their compliance with international standards for the treatment of detainees. Every facility should be capable of guaranteeing sufficient space in cells, proper nutrition, clean water in plentiful supply, basic sanitary conditions, medical treatment, access to light

and fresh air, regular access to exercise, regular access to attorneys, and regular family meetings.

- Consider individual claims for international protection of Georgians from Abkhazia residing in Russia and all other persons potentially in need of protection in accordance with the 1951 Convention Relating to the Status of Refugees before deporting or expelling them.

To the United Nations

- UNHCR should put additional efforts into assisting Georgia in providing for internally displaced Georgians from Abkhazia, who have been returned to Georgia.
- The special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should take into account this report's findings in his follow-up monitoring and reporting of the Russian government's implementation of the recommendations detailed in his June 2006 report.

To the Council of Europe

- The Parliamentary Assembly Monitoring Committee should make racism and xenophobia in Russia and treatment of migrants a focus of its upcoming assessment of Russia's progress in implementing its obligations and commitments stemming from its Council of Europe membership, with specific recommendations for steps to address them.

To the European Union and the United States Government

- Make Russia's immediate implementation of measures to combat the serious and menacing problems of racism and xenophobia an integral part of bilateral dialogues with the Russian government on human rights concerns.
- Provide support to NGOs engaged in monitoring and reporting on racism and xenophobia and the rights of migrants.

Methodology

This report is based on interviews conducted in Tbilisi, Georgia in December 2006 and in Moscow, Russia in December 2006 and March 2007. Human Rights Watch researchers interviewed 16 Georgians expelled from Russia and their relatives, Georgian nationals residing in Russia, Russian and Georgian human rights organizations, lawyers, staff at the Moscow office of the United Nations High Commissioner for Refugees (UNHCR), Georgian government officials, and Russian government officials. We have indicated where the names of individuals interviewed by Human Rights Watch were changed upon their request to protect their safety.

When writing this report, Human Rights Watch also referenced two reports which also documented cases of Georgians in Russia who were detained and expelled: “Report from an International Research Mission: Migrants in Russia,” published jointly by the La Fédération Internationale des Droits de l'Homme (FIDH) and Grazhdanskoe Sodestvie (Civic Assistance Committee) on July 26, 2007 and “Conclusions of the Ad Hoc Commission of the Parliament of Georgia to Study Acts committed by the Russian Federation towards Citizens of Georgia,” published in February 22, 2007.

Russia's International Obligations

As noted above, Russia is a member of the Council of Europe and a party to core regional and international human rights treaties whose provisions are directly relevant to the subject of this report. These include the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols,¹ the European Convention on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment,² the International Covenant on Civil and Political Rights (ICCPR),³ the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture),⁴ and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁵ These treaties provide for the protection of basic civil and political rights and specific guarantees relating to treatment and conditions in custody for those deprived of their liberty.

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) is another instrument relevant to the evaluation of Russia's actions against Georgians.⁶ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has also established norms regarding conditions of detention and the treatment of detainees, as described in its annual reports.⁷

¹ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11, which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively. Russia has also ratified Protocols 1, 4, and 7 of the European Convention on May 5, 1998, May 5, 1998 and August 1, 1998 respectively.

² European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), signed November 26, 1987, E.T.S. 126, entered into force February 1, 1989.

³ International Covenant on Civil and Political Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

⁵ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969.

⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

⁷ See, The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "The CPT Standards, Substantive Sections of the CPT's General Reports," CPT/Inf/E (2002) 1-Rev. 2004, <http://www.cpt.coe.int/en/documents/eng-standards-prn.pdf> (accessed July 31, 2007).

Arbitrary or unlawful detentions

The discriminatory and often arbitrary nature of the detentions of Georgians violated Russia's obligations under international law and the Russian constitution. Article 9 of the International Covenant on Civil and Political Rights (ICCPR) declares that "No one shall be subjected to arbitrary arrest or detention [or] be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."⁸ Detention is considered "arbitrary" if it is not authorized by law or in accordance with law. It is also arbitrary when it is random, capricious, or not accompanied by fair procedures for legal review. Article 5 of the European Convention on Human Rights (ECHR) also prohibits arbitrary detention.⁹

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), places particular emphasis on states' obligations to prevent discrimination and guarantee fundamental rights, such as freedom from arbitrary or illegal detention, equally to all. Under article 5 states must "undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights [including,] [t]he right to equal treatment before the tribunals and all other organs administering justice and [t]he right to security of person..."¹⁰

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) also provides similar

⁸ International Covenant on Civil and Political Rights (ICCPR). In its General Comment No. 8, the U.N. Human Rights Committee interpreted ICCPR article 9 to include "all deprivations of liberty, whether in criminal cases or in other cases such as... immigration control." United Nations Human Rights Instruments, *Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies*, HRI/GEN/1/Rev.4, February 7, 2000, p. 88, para. 1. The Universal Declaration of Human Rights similarly states that "no one shall be subjected to arbitrary arrest, detention or exile," Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

⁹Article 5 provides that: Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: (a) the lawful detention of a person after conviction by a competent court; (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfillment of any obligation prescribed by law; (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority of reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so; (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority; (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts, or vagrants; (f) the lawful arrest or detention of a person to prevent his effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

¹⁰ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

protections against arbitrary detention. According to article 16, “Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law” [and] [m]igrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.¹¹ Russia has not yet ratified the Migrant Workers Convention.¹²

Arbitrary or unlawful expulsions

As a party to the protocols of the European Convention on Human Rights, Russia has very specific obligations in relation to the rights of non-Russian national residents in the event the government wishes to expel them. Article 4 of protocol 4 sets out the unambiguous prohibition on the collective expulsion of foreigners, while article 1 of protocol 7 provides particular safeguards relating to the expulsion of foreigners legally residing in a country, and requires that decisions on expulsion be taken “in accordance with law” and that a foreigner have the right to submit reasons against his or her expulsion; have his or her case reviewed, and be represented for these purposes before the competent authority.¹³

While the basic guarantees in protocol 7 extend only to those “lawfully resident” in the country, the European Court of Human Rights has understood “lawfully resident” to encompass those who may have fallen out of status but who had been lawfully admitted onto Russian territory in the first instance for residence purposes, and who in all circumstances have a legitimate expectation to be allowed stay in the country. Under the ECHR, with the exception of extradition, any measure compelling a non-

¹¹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), adopted December 18, 1990, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force July 1, 2003.

¹² See <http://www.unhcr.ch/TBS/doc.nsf/22b020de61f10ba0c1256a2a0027ba1e/80256404004ff315c125638b005f7cb8?OpenDocument>

¹³ Article 1, Protocol 7, European Convention for the Protection of Human Rights and Fundamental Freedoms. Russia ratified Protocol 4 of the European Convention on Human Rights on May 5, 1998 and ratified Protocol 7 of the European Convention on Human Rights on August 1, 1998.

national's departure from the territory where he was lawfully resident constitutes "expulsion."¹⁴

The almost complete absence of respect for due process rights as set out in this report demonstrates how the Georgians expelled from Russia in October and November 2006, who were entitled to the rights guaranteed under protocol 7, were never allowed exercise them. While many expelled may technically have had a judicial decision ordering their expulsion, the manner in which those decisions were reached (some in group trials), the lack of representation and capacity to mount a proper case against the expulsion, and the fact that many were effectively denied the right to appeal, points to Russia's failure to comply with its ECHR obligations.

¹⁴ *Bolat v. Russia*, no. 14139/03, judgment of October 5, 2006, available at www.echr.coe.int, paras. 76 – 79. The Court found that the expulsion of the applicant, a Turkish national, in the absence of a judicial order was a violation as there had been no "decision reached in accordance with law" as required by article 1 of protocol 7.

Background

Relations between Russia and Georgia

Political tensions between Russia and Georgia have persisted since two of Georgia's regions, South Ossetia and Abkhazia, attempted to secede from the country following the collapse of the Soviet Union. Although both South Ossetia and Abkhazia defeated Georgian troops in armed conflict for independence, neither Georgia nor the international community recognizes the regions' claims to independence. Georgian authorities accuse Russia of secretly supporting the separatist movements in both regions.¹⁵ In accordance with agreements putting an end to the armed conflicts, Russia deployed peacekeepers to South Ossetia in 1992 and to Abkhazia in 1994.¹⁶ As of this writing, Russia maintains approximately 2,500 peacekeepers in both South Ossetia and Abkhazia and one military base in Georgia.¹⁷ The Georgian parliament has sought, unsuccessfully, to pressure the government to force the withdrawal of Russian peacekeepers.¹⁸

In November 2003, Georgia's president, Eduard Shevardnadze, was ousted in a bloodless public uprising that became known as the "Rose Revolution." In January 2004, voters elected as president Mikheil Saakashvili, one of the leaders of the revolution. President Saakashvili took an openly pro-Western stance, seeking political, economic, and military cooperation with the European Union (EU) and the

¹⁵ Georgia accuses the Russian government of de facto annexation of its territory through distribution of Russian Federation pensions and passports to Abkhaz residents, financial support and training of the Abkhaz military, statements in support of Abkhaz independence, and investment in and trade with the entity. International Crisis Group, "Abkhazia: Ways Forward," Europe Report No. 179, January 18, 2007, p. 5, http://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia___ways_forward.doc (accessed on May 21, 2007). See also "Full Text: Saakashvili's Address at UN General Assembly-2006," *Civil Georgia*, <http://www.civil.ge/eng/article.php?id=13622> (accessed May 22, 2007).

¹⁶ In South Ossetia Russian peacekeepers are part of the trilateral (Georgian, Russian, Ossetian) Joint Peacekeeping Forces (JPKF), while in Abkhazia, the Commonwealth of Independent States (CIS) peacekeeping mission includes Russian troops only.

¹⁷ The Russian military base at Akhalkalaki was handed over to the Georgian government on June 27, 2007. "Russia hands its military base at Akhalkalaki to Georgia," (Rossiia peredala Gruzii svoiu voennuiu bazu v Akhalkalaki), RIA Novosti, http://www.rian.ru/defense_safety/20070627/67934970.html (accessed September 10, 2007). The Russian military base in the Black Sea port of Batumi is to close before the end of 2008. "Russia resumes pullout of military bases from Georgia," RIA Novosti, April 12, 2007, <http://en.rian.ru/russia/20070412/63529616.html> (accessed May 15, 2007).

¹⁸ See, for example, "Georgian Parliament Votes to Boot Russian Peacekeepers from South Ossetia," EurasiaNet, February 15, 2006 <http://www.eurasianet.org/departments/insight/articles/eavo21506.shtml> (accessed August 1, 2007); and Vladimir Socor, "Georgian Parliament Calls for Replacing Russian Peacekeepers with International Police Contingent," Eurasia Daily Monitor, July 20, 2006 http://www.jamestown.org/edm/article.php?article_id=2371292 (accessed August 1, 2007).

United States (US), including membership in NATO.¹⁹ Russia openly opposes Georgia's NATO aspirations.²⁰

In late March 2006, citing health concerns, Russia initiated a series of import restrictions on goods from Georgia, beginning with Georgian wine, vegetables, and fruits. In April Russia banned sparkling wine and brandy, and in May, prohibited Georgian mineral water.²¹ At midnight on July 8, 2006, Russia abruptly closed the only overland legal border crossing point with Georgia, allegedly due to reconstruction of the post, effectively halting Georgian exports to Russia.²² Some suspect that the blockades were designed to punish Georgia for not supporting Russia's bid to join the World Trade Organization.

On September 27, 2006 the political confrontation escalated further when Georgian police arrested four Russian military-intelligence officers, whom it accused of espionage. Russia responded by recalling its ambassador for consultations and evacuating personnel from its embassy in Tbilisi. Russian President Vladimir Putin invited Abkhaz and South Ossetian leaders to his residence in Sochi on September

¹⁹ In September 2006 NATO offered Georgia an Intensified Dialogue, in recognition of Georgia's aspirations to join the organization. However, Georgia will move on to the next step of the NATO ascension process (the Membership Action Plan (MAP)) only if it implements reforms. See NATO Parliamentary Assembly, "24 April 2007 – Georgia Moves Closer to NATO Membership, but Reforms Must Continue [Press Communiqué]," April 24, 2007, <http://www.nato-pa.int/Default.asp?SHORTCUT=1191> (accessed May 15, 2007), and NATO, "NATO-Georgia Relations," May 2, 2007, <http://www.nato.int/issues/nato-georgia/index.html> (accessed May 15, 2007).

²⁰ In its 2007 foreign policy statement, Russia noted that, "The enlargement plans of NATO (including accelerated admission of Georgia and Ukraine), moving its military infrastructure closer to Russian borders (setting up bases in Romania and Bulgaria), and its non-ratification of the Agreement on Adaptation of the CFE Treaty inevitably complicate our relations." See, Ministry of Foreign Affairs of the Russian Federation, "A Survey of Russian Federation Foreign Policy," http://www.mid.ru/Brp_4.nsf/arh/89A30B3A6B65B4F2C32572D700292F74?OpenDocument (accessed May 15, 2007).

²¹ Georgian wine and other goods continued to be imported by the EU and the US. Russia also initiated blockades on Moldovan wine at this time. Nearly 90 percent of Georgian revenues from wine sale came from the Russian market. As of May 2007, Georgians had lost US\$50 million as a result of the wine ban and US\$13 million dollars from the ban on mineral water. However, economists predicted that Russian importers and retailers would also suffer and stood to lose US\$700 million from the alcohol embargo alone. "Russia Extends Georgian, Moldovan Wine Ban," Radio Free Europe/Radio Liberty (RFE/RL), April 6, 2006, <http://www.rferl.org/featuresarticle/2006/04/f813834f-6fd6-4b60-a6c8-77e2a48d5553.html> (accessed May 16, 2007); Maria Levitov, "Russian Ban on Georgian Mineral Water," *St. Petersburg Times*, May 12, 2006, http://www.sptimes.ru/index.php?action_id=2&story_id=17547 (accessed May 16, 2007); "Bans Cost Georgia \$100M," *The Moscow Times*, May 16, 2007, available at: <http://www.themoscowtimes.com/stories/2007/05/16/061.html> (accessed May 16, 2007).

²² Jeffrey Thomas, "US Calls on Russia to Re-open Georgia Border Checkpoint," USINFO, July 14, 2006 <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2006&m=July&x=200607141359571cjsamohto.2296259> (accessed August 1, 2007).

30, further raising tensions and prompting Georgian officials to again accuse President Putin of openly supporting Georgia's separatist regions.²³

On October 1, during a meeting with the State Security Council and representatives of the Central Bank and Finance Ministry, President Putin said Georgia's arrests of the alleged spies recalled the policies of Lavrenti Beria, the head of the Soviet KGB under Stalin, and claimed Georgia was acting under the protection of "foreign sponsors" to provoke Russia.²⁴ The Russian government temporarily halted the process of withdrawing military personnel from its military installations on Georgian territory. Andrei Popov, head of Russian forces in the South Caucasus, announced that troops in Georgia were on high alert.²⁵

On October 2, Georgian authorities handed over the four Russian military officers to representatives of the Organization for Security and Cooperation in Europe (OSCE). Despite the transfer, Russia effectively introduced sanctions against Georgia, beginning with a halt to all air, land, and sea traffic as well as postal communication between the two countries.²⁶ The Russian embassy in Georgia stopped issuing visas to Georgians.²⁷ Russian police undertook widespread inspections and closures of Georgian businesses and stopped, detained, and expelled thousands of ethnic Georgians, as described in this report.²⁸ Tensions between the Russian and Georgian governments remained high in the months following the conflict. Georgian Foreign

²³ "Georgia Accuses Putin of Supporting Separatists," RFE/RL, October 1, 2006, <http://rferl.org/featuresarticle/2006/10/1393E223-11CC-4C7D-899A-5EF82224D995.html> (accessed March 8, 2007).

²⁴ "Putin compared Georgia's actions with the policies of Beria," (Putin sravnil deistvia Gruzii s politikoi Berii), *Gazeta.ru*, October 1, 2006, <http://gazeta.ru/2006/10/01/na1159704360.shtml> (accessed March 8, 2007). Beria was the Georgian-born head of the notorious Soviet secret police during the height of Stalinist repression. Then called the People's Commissariat for Internal Affairs (NKVD), this body was the precursor of the KGB and, later, the FSB, which President Putin headed before entering politics.

²⁵ "Russian forces in Georgia put on high alert," (Rossiiskie voennie v Gruzii privedeny v sostoianie povishennoi boegotovnosti), NEWSru.com, October 1, 2006, <http://www.newsru.com/world/01oct2006/gruvo.html> (accessed March 8, 2007).

²⁶ The Russian government claimed that it had not issued sanctions, but that the blockade was commercially justified owing to, among other things, Georgian violations of international and bilateral agreements and debts in the airline industry. See "Transportation blockade of Georgia," (Transportnaya blokada Gruzii), *Kommersant* No. 184 (3515), October 3, 2006, <http://www.kommersant.ru/doc.aspx?DocID=709686> (accessed August 1, 2007); and "How the Russian government explains the introduction of sanctions against Georgia," (Kak rossiiskie vlasti obiasniaiut vvedenie sanktsii protiv Gruzii), *Kommersant* No. 184 (3515), October 3, 2006, <http://www.kommersant.ru/doc.aspx?DocID=709684&print=true> (accessed August 1, 2007).

²⁷ Prior to the ban, Russia had issued approximately 100,000 visas per year to Georgians. "Vizi dobroii voli," (Visas of good will), *Vremya Novostei* (Time for News), July 20, 2007, <http://www.vremya.ru/2007/127/5/183126.html> (accessed August 2, 2007); and "Russia Partially Resumes Visas for Georgia," *Civil Georgia*, May 29, 2007, <http://www.civil.ge/eng/article.php?id=15185> (accessed June 25, 2007).

²⁸ For details on Russia's numerous retaliatory actions taken against Georgians, see "Anti-Georgian campaign," (Antigruzinskaia kampania), *Lenta.ru*, <http://lenta.ru/story/antigeorgia/> (accessed April 17, 2007).

Minister Gela Bezhushvili visited Moscow on November 2, with the aim of diffusing the diplomatic crisis. Bezhushvili made public the news that Russia's state-controlled natural gas company, Gazprom, intended to more than double the price of gas supplies to Georgia for 2007.²⁹ In late December Georgia accepted the increase in gas prices after Gazprom threatened to cut off supplies.³⁰

On January 18, 2007, the Russian ambassador to Georgia was returned to Tbilisi. On May 29, Russia resumed issuing visas to certain categories of Georgian citizens, including those whose family members live in Russia and are Russian citizens as well as Georgian citizens who had Russian temporary residence permits.³¹ Presidents Putin and Saakashvili met on June 10, at the Commonwealth of Independent States (CIS) summit in St. Petersburg, where President Putin promised to gradually lift the trade and visa restrictions against Georgia.³² Senior Russian government officials traveled to Tbilisi on June 14 to initiate discussions on slowly reopening the market for Georgian wines,³³ and on July 19, Russia began issuing student, business, work and transit visas to Georgians.³⁴ Although the Russian media had reported that Russia might resume air and other links with Georgia, as of this writing, the two governments had failed to reach an agreement on resumption of flights between the two countries.³⁵ Political conflict continued between the Russian and Georgian governments about the separatist regions of Abkhazia and South Ossetia.³⁶

²⁹ Gazprom wanted to charge Georgia US\$230 per 1,000 cubic meters of gas, compared to the existing price of US\$110 per 1,000 cubic meters of gas. Gazprom claims that it is looking to stop subsidizing economies in the former Soviet Union and will charge prices closer to its European export prices. Many analysts believe Russia is using gas prices as a political weapon in political disputes with its neighbors. Similar disputes have occurred with Ukraine, Moldova, and Belarus. Neil Buckley, "Russia Threatens to Double Gas Price to Georgia," *Financial Times*, November 2, 2006, <http://www.ft.com/cms/s/2c275652-6a58-11db-83d9-0000779e2340.html> (accessed August 6, 2007); "Gazprom to Double Georgia Charges," BBC News, November 2, 2006, <http://news.bbc.co.uk/2/hi/business/6108950.stm> (accessed August 6, 2007); and, for example, Peter Finn, "Russia, Ukraine Quarrel over Gas," *Washington Post*, December 17, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/16/AR2005121601848.html>.

³⁰ "Georgia 'Agrees Russia Gas Bill,'" BBC News, December 22, 2006, <http://news.bbc.co.uk/2/hi/business/6203721.stm> (accessed August 6, 2007).

³¹ "Russia Partially Resumes Visas for Georgia."

³² "Saakashvili Upbeat After Talks With Putin," *Civil Georgia*, June 10, 2006, <http://www.civil.ge/eng/article.php?id=15251> (accessed August 2, 2007).

³³ Vladimir Socor, "Russia Hints at Gradual Return of Georgian and Moldovan Wines to its Market," *Eurasia Daily Monitor*, July 2, 2007, http://www.jamestown.org/edm/article.php?article_id=2372267 (accessed August 2, 2007).

³⁴ "Visas of good will," (Vizi dobroji voli).

³⁵ "No Agreement on Tbilisi-Moscow Charter Flights," *Civil Georgia*, August 2, 2007 <http://www.civil.ge/eng/article.php?id=15536> (accessed August 2, 2007).

³⁶ There have been numerous violent outbursts in the disputed regions. For example, in June 2007 a group of ethnic Georgians confronted Russian peacekeepers in South Ossetia after peacekeepers allegedly prevented the Georgians from building bypassing roads to cities that were otherwise blockaded. See, Mikhail Vignanskii, "Let us pass," (Daite dorogu) *Vremya Novostei*, June 29, 2007, <http://www.vremya.ru/2007/112/5/181671.html> (accessed August 6, 2007). Russia and Georgia

Racism and Xenophobia in Russia

The October and November 2006 crackdown on ethnic Georgians emerged in the course of an evolving political crisis between Russia and Georgia, and took place amid pervasive racism and xenophobia in Russian society, which the Russian government has failed to adequately prevent or combat.³⁷ In a report on a June 2006 visit, the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, noted, “Russian society is facing an alarming trend of racism and xenophobia.”³⁸ Violent racially-motivated attacks and murders have become common occurrences in Moscow and St. Petersburg as well as in smaller cities. Ethnic minorities of non-Slavic appearance, including university students, migrant workers, and even children have been targeted. Experts have found that “[p]articularly high levels of racist violence are directed toward people from the Caucasus.”³⁹ According to the SOVA Center for Information and Analysis, a Moscow-based NGO that monitors hate crimes, from January 1 – July 31, 2007, there were at least 310 racially-motivated attacks, and 37

blame each other for an alleged helicopter attack on three settlements in the Khodori gorge, the only part of Abkhazia which is not under de facto Abkhaz authority. See Marc Champion, “Georgia Incident Deepens Russia Rift,” *The Wall Street Journal*, July 4, 2007, http://online.wsj.com/article/SB118350332439357187.html?mod=googlenews_wsj (accessed August 6, 2007). Georgia continues to obstruct Russia’s World Trade Organization (WTO) accession, maintaining its “no” vote on Russian ascension to the WTO due to Russia’s alleged involvement in Abkhazia and South Ossetia. As a condition for changing its vote, Georgia is demanding that Russia stop trading with Abkhazia and South Ossetia and that goods entering Abkhazia and South Ossetia from Russia pass through border points overseen by the central Georgian government. Georgia has also cited the Russian ban on Georgian wine and mineral water as reasons for its “no” vote. “Russia Meets Trade Powers in New Push to Join the WTO,” *International Herald Tribune*, July 23, 2007, <http://www.iht.com/articles/ap/2007/07/23/business/EU-FIN-ECO-WTO-Russia.php> (accessed August 6, 2007).

³⁷ The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” For an analysis of Russian attitudes towards national identity and minorities conducted by the Levada Center see Dmitry Polikanov, “Nationalism in Moderation,” *Russia Profile*, August 1, 2007, <http://www.russiaprofile.org/page.php?pageid=Culture+%26+Living&articleid=a1185962119> (accessed August 10, 2007).

³⁸ “Russian society is facing an alarming trend of racism and xenophobia, the most striking manifestations of which are the increasing number of racially motivated crimes and attacks, including by neo-Nazi groups, particularly against people of non-Slav appearance originating from the Caucasus, Africa, Asia or the Arab world; the growing level of violence with which some of these attacks are carried out, resulting in some cases in the death of the victim; the extension of this violence to human rights defenders, intellectuals and students engaged in the combat against racism; the climate of relative impunity that the perpetrators of such acts enjoy from law enforcement agents, despite a substantial increase, in recent months, of prosecutions and convictions for acts including racial hatred or enmity as a motivating factor; the rise of anti-Semitism as well as other forms of religious intolerance, in particular against Muslims; [and] the existence and the increasing importance of political parties with racist and xenophobic platforms ...” “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation,” A/HRC/4/19/Add.3, May 30, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/Go7/127/01/PDF/Go712701.pdf?OpenElement> (accessed August 1, 2007).

³⁹ This may be “in part in response to the war in Chechnya and associated terrorist attacks in Russian towns and cities.” Paul LeGendre, “Minorities under Siege.” *Human Rights First*, June 26, 2006, <http://www.humanrightsfirst.info/pdf/06623-discrim-Minorities-Under-Siege-Russia-web.pdf> (accessed April 23, 2007). See also footnote 38.

victims died as a result.⁴⁰ In 2006 there were at least 439 racially-motivated attacks, including the stabbing of a nine-year-old Tajik girl. Forty-four of these attacks resulted in the victim's death.⁴¹ Most often the perpetrators of these violent acts are groups of young men and women who profess a neo-fascist ideology and are known as "Neo-Nazis" or "skinheads." There is no official figure on the number of "skinheads" in Russia, but in 2005 the Moscow Bureau for Human Rights, a non-governmental organization studying discrimination and hate crimes, put the figure at over 50,000.⁴²

In one striking series of events in the northern Russian town of Kondopoga in early September 2006, hundreds of local residents attacked ethnic minorities and thousands participated in anti-immigrant rallies. The events were prompted by the death of two ethnic Russian men, residents of Kondopoga, following an altercation with Chechen men in a restaurant on August 30. In subsequent days, thousands of local residents and nationalist supporters from other regions staged public protests calling on the local authorities to "stop the domination of Caucasians," especially of local markets. Some demonstrators engaged in arson attacks against the property of people from or believed to be from the Caucasus. At least eight people from or believed to be from the Caucasus were injured in the violence.⁴³

Violent, vigilante attacks on minorities are one manifestation of racial, ethnic, and national discrimination in Russia. The expulsions of Georgians, however, were directed by the government, and it is important to note in this light that racist, xenophobic, and nationalist rhetoric is increasingly common among political leaders and during political campaigns.⁴⁴ According to the SOVA Center, much of the Russian

⁴⁰ "Statistics of racist and neo-Nazi crimes in Russia," Sova Center, August 3, 2007, <http://xeno.sova-center.ru/6BA2468/6BB41EE/99ACBo5> (accessed August 23, 2007).

⁴¹ Galina Kozhevnikova, "Autumn 2006: Under the Kondopoga Banner," Sova Center, <http://xeno.sova-center.ru/6BA2468/6BB4208/884A3C7#r13> (accessed April 23, 2007). In February 2004, another nine-year-old Tajik girl was the victim of a stabbing attack and died as a result. See Carl Schreck, "Girl, 9, Stabbed to Death in St. Pete," *The Moscow Times*, February 11, 2004, <http://www.moscowtimes.ru/stories/2004/02/11/002.html> (accessed August 1, 2007).

⁴² The Moscow Bureau for Human Rights, "Racism, xenophobia, anti-Semitism, and ethnic discrimination in the Russian Federation in 2005," (Rasizm, ksenofobia, antisemitizm, etnicheskaya discriminatsia v Rossiiskoi Federatsii v 2005g.), http://www.antirasizm.ru/publ_o6o.doc (accessed April 2, 2007).

⁴³ Aleksei Ivlev, "Karelian order," (Karelskii poriadok), *Vremya Novostei*, No 159, September 4, 2006 <http://www.vremya.ru/2006/159/51/160162.html> (accessed August 1, 2007); and Galina Kozhevnikova, "Autumn 2006: Under the Kondopoga Banner."

⁴⁴ The political party "Movement against Illegal Immigrants" is one of the most obvious manifestations of this trend, although racist discourse is also common among mainstream politicians and political parties. See European Commission against Racism

media propagates racial stereotypes.⁴⁵ Apartment owners routinely demand to know the race of prospective tenants.

Police place additional arbitrary and illegal barriers to visibly identifiable members of certain minority groups, including Russian citizens, when they seek to obtain their mandatory residency permits.⁴⁶ Police in some cases also refuse to issue the permits to minorities at all, thereby denying them access to certain public services, forcing them to live in violation of residency laws, and making them subject to a fine.⁴⁷ (For more detailed information residency permits, see below, Migration and Migration Policy in Russia.) Many police then exploit this situation and regularly target visibly identifiable minorities for arbitrary document inspections on the street; police most often claim to be checking for proper residency registration.⁴⁸ Such inspections rarely produce evidence of a violation, and are often a pretext for the extortion of small bribes.⁴⁹ A 2006 study by the Open Society Institute and the Moscow-based nongovernmental organization JURIX determined that police in the Moscow metro engaged in widespread racial profiling and conducted document inspections of people of non-Slavic appearance 21.8 times more often than those of Slavic appearance. The study found that this “disproportion is massive and cannot be explained on non-discriminatory, legitimate law enforcement grounds.”⁵⁰

and Intolerance (ECRI), “Third Report on the Russian Federation,” adopted December 16, 2005, paras. 133-136, 160, http://www.coe.int/t/e/human_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry_approach/russian_federation/Russian%20ofFederation%20third%20report%20-%20cri06-21.pdf (accessed May 21, 2007).

⁴⁵ See for example, “Hate speech: after Kondopoga. Analysis of the results of monitoring of hate speech in the Russian mass media: September-December 2006,” (Iazyk vrazhdi: posle Kondopogi. Analiz rezultatov monitoringa iazika vrazhdy v rossiiskikh SMI (sentiabr-dekabr 2006g.) SOVA Center, <http://xeno.sova-center.ru/213716E/21728E3/92BF3AA> (accessed June 6, 2007).

⁴⁶ All persons living in Russia are required by law to register their permanent or temporary place of residence with the local police. Registration appears as a stamp, indicating the place of residence, in the identity document. European Commission against Racism and Intolerance (ECRI), “Third Report on the Russian Federation,” adopted December 16, 2005, paras. 155- 157.

⁴⁷ Under Russian law, the only social services requiring proof of registration are pensions and other state allowances. However, public officials in some cases refuse people without registration access to social services such as insurance, medical care, including emergency medical assistance, and education. ECRI, “Third Report on the Russian Federation,” para. 159. See also, “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation.”

⁴⁸ Under Russian legislation, every person who arrives in Russia or lives in Russia regardless of citizenship, has an obligation to register with a local Ministry of Interior office at the place of permanent or temporary residence. Failure to obtain registration results in an administrative fine. See below, Migration and Migration Policies in Russia, for a detailed discussion.

⁴⁹ ECRI, “Third Report on the Russian Federation,” para. 158, and Open Society Justice Initiative, “Ethnic Profiling in the Moscow Metro,” Open Society Institute Justice Initiative, http://www.justiceinitiative.org/db/resource2?res_id=103244 (accessed April 23, 2007). The U.N. Committee on the Elimination of Racial Discrimination (CERD) expressed its concern about “racially selective inspections and identity checks targeting members of specific minorities, including those from the Caucasus...” Committee on the Elimination of Racial Discrimination (CERD), Concluding observations of the Committee on the Elimination of Racial Discrimination on the Russian Federation CERD/C/62/Co/7, 62nd session, March 21, 2003.

⁵⁰ Open Society Justice Initiative, “Ethnic Profiling in the Moscow Metro.”

The Russian Constitution prohibits discrimination on any grounds,⁵¹ as do the European Convention on Human Rights, the ICCPR, and the ICERD. The ICERD specifically calls on governments to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms...” Governments should themselves refrain from any “act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”⁵²

The Russian authorities’ efforts to stop racial discrimination and violence against minorities have been inadequate at best. The Committee of Ministers of the Council of Europe, in a May 2007 resolution, noted that “the Russian Federation has still not adopted comprehensive anti-discrimination legislation offering effective remedies for victims of discrimination.”⁵³ Police and prosecutors often do not take action in response to allegations of racially-motivated crimes. Although convictions for hate-related violent crimes have increased in recent years, the number of crimes far exceeds the number of convictions, and convictions remain rare in cities with the highest levels of hate-related crimes.⁵⁴ In many cases when perpetrators of violence against minorities are apprehended, the Russian judiciary downplays racially-motivated violence by prosecuting the attackers for “hooliganism” rather than charging them for inciting hatred or enmity despite relevant provisions in the Russian criminal code.⁵⁵

⁵¹ “The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance,” article 19.2, Constitution of the Russian Federation, Adopted December 12, 1993, <http://www.russianembassy.org/RUSSIA/CONSTIT/index.htm> (accessed July 31, 2007).

⁵² Article 2, section 1, ICERD.

⁵³ Committee of Ministers of the Council of Europe, Resolution CM/ResCMN(2007)7 on the implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation, adopted May 2, 2007, [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResCMN\(2007\)7&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/ResCMN(2007)7&Sector=secCM&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75) (accessed May 7, 2007).

⁵⁴ Galina Kozhevnikova, “Radical Nationalism in Russia and Efforts to Counteract it in 2006,” (Radikalnii natsionalizm v Rossii i protivodeistvie emu v 2006 godu), SOVA Center, available at <http://xeno.sova-center.ru/29481C8/8F76150#r3> (accessed September 6, 2007).

⁵⁵ Ibid. The Russian Duma has been reviewing legislation to forbid journalists to mention the ethnicity of criminals and victims when reporting on crimes. Human rights activists and others fear that this law would serve to hide hate crimes from the public. Brian Whitmore, “Russia: Critics Fear Draft Bill Will Cover up Hate Crimes,” RFE/RL, March 22, 2007, <http://rferl.org/featuresarticle/2007/03/1b58f41c-0684-4b76-b4c1-814bbe36c232.html> (accessed March 23, 2007); and Paul LeGendre, “Minorities under Siege.”

President Putin has promised that the government “will always keep track of the fight against anti-Semitism and the manifestations of other extreme trends—extremism and xenophobia—including the manifestation of chauvinism and anti-Russian sentiments.”⁵⁶ Other senior government officials have also acknowledged racism and xenophobia to be problems.⁵⁷ However, both President Putin and other senior government officials have also made statements in the context of the anti-Georgian campaign and migration policy in general, which referred to minorities in derogatory terms. (see below, Migration and Migration Policy in Russia, and The Campaign against Georgians).

In 2002, Russia adopted a major anti-discrimination law, the Law on Countering Extremist Activities, aimed at the disclosure, prevention and suppression of extremist activities by organizations or individuals.⁵⁸ It is not within the purview of this report to assess the law’s effectiveness in fighting racism and racist violence. The law has drawn criticism for its broad definitions of “extremist activities” that have been used against many lawful, non-violent non-governmental organizations (NGOs), as well as against human rights activists and political opponents of the current administration.⁵⁹ Experts fear that amendments to the Law on Countering Extremist Activities signed by President Putin on July 26, 2007, could provide additional pretexts for the government to silence lawful, non-violent, but critical voices.⁶⁰

⁵⁶ Paul LeGendre, “Minorities under Siege.” Putin has made other statements condemning racism and xenophobia. See for example, “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation,” footnote 3.

⁵⁷ See, for example, “First deputy PM admits Russia has problems with xenophobia,” ITAR-TASS, in Russian, as carried in BBC Monitoring, July 28, 2007.

⁵⁸ Federal Law on Countering Extremist Activities, No. 114 FZ, July 25, 2002, with amendments.

⁵⁹ Paul LeGendre, “Minorities under Siege,” and “David Nowak, “Skinhead Law Being Applied to Liberals,” *The Moscow Times*, June 8, 2007 <http://www.themoscowtimes.com/stories/2007/06/08/002.html> (accessed June 8, 2007). For an analysis of the Russian government’s misuse of extremism laws, see SOVA Center, “Misuse of Anti-Extremism Legislation: Short Analysis and Recommendations,” May 7, 2007, <http://xeno.sova-center.ru/29481C8/926AD2F> (accessed August 1, 2007).

⁶⁰ See Committee to Protect Journalists, “In Russia, Putin Signs Restrictive Amendments on ‘Extremism,’” July 26, 2007, <http://www.cpj.org/news/2007/europe/russia26july07na.html> (accessed July 31, 2007); and Alexander Privalov, “On extremism without borders,” (Ob extremism bez beregov), Expert No. 26 (567), <http://www.expert.ru/columns/2007/07/09/raznoe/> (accessed July 31, 2007).

Migration and Migration Policy in Russia

Russia's targeting of Georgians coincided with the government's enactment of new policies affecting all migrants, some of which restricted migration and others that sought to simplify registration and work authorization processes. In the face of population decline, the Russian government needs and seeks foreign workers to maintain its vibrant economy, but struggles to reconcile this need with nationalist tendencies and intolerance toward minorities.⁶¹ Although figures vary widely, the World Bank estimates that in 2000, the total number of migrants in Russia was 13,259,000, with some 1.5 million of them irregular.⁶² The Russian Federal Migration Service estimated in 2006 that at least 20 million migrants were living in Russia, with approximately half of them irregular migrants.⁶³ In March 2007, a Russian Ministry of Foreign Affairs official told Human Rights Watch that the number of irregular immigrants is between 10 and 12 million.⁶⁴ According to the Federal Migration Service, in 2006, only one million foreigners worked in Russia legally.⁶⁵

The majority of both legal and irregular migrants in Russia come from the countries of the former Soviet Union.⁶⁶ Between 400,000 and one million Georgians were living in Russia in 2006,⁶⁷ including many Georgians who fled to Russia following the 1992-

⁶¹ Russian officials predict that the country's population will decrease by one million annually over the next 20 years. See Claire Bigg, "Russia: Putin Asks Parliament to Ease Citizenship Rules," RFE/RL, December 2, 2005, <http://www.rferl.org/featuresarticle/2005/12/a21e8be2-fa3c-41a1-bcao-8112fc9006ea.html> (accessed April 23, 2007). The World Bank estimates that to maintain the population level of 1995, Russia would need net migration of 24.9 million from 2000-2050. To maintain the same size working-age population would require 35.8 million migrants. Ali Mansoor and Bryce Quillin, "Migration and Remittances Eastern Europe and the Former Soviet Union," (The World Bank, Washington, DC: 2007), http://siteresources.worldbank.org/INTECA/Resources/257896-1167856389505/Migration_Chapter1.pdf (accessed May 22, 2007).

⁶² Mansoor and Quillin, "Migration and Remittances Eastern Europe and the Former Soviet Union."

⁶³ "Russia loses over \$9 bln/yr from illegal immigration-govt," *RIA Novosti*, November 3, 2006, <http://en.rian.ru/russia/20061103/55351198.html> (accessed April 23, 2007).

⁶⁴ Human Rights Watch interview with Mikhail Lebedev, deputy director, Department for Humanitarian Affairs and Human Rights, Ministry of Foreign Affairs, Moscow, March 28, 2007.

⁶⁵ "Foreigners in Russia are forbidden to sell at markets," (Inostrantsam v Rossiii zapretili trgovat na rynkakh), BBCRussian.com, April 1, 2007, http://news.bbc.co.uk/1/hi/russian/russia/newsid_6515000/6515613.stm (accessed August 1, 2007).

⁶⁶ According to the World Bank, of the more than 425,000 immigrants to Russia in 2000-2003, 75 percent come from the countries of the CIS. Mansoor and Quillin, "Migration and Remittances Eastern Europe and the Former Soviet Union."

⁶⁷ "Georgia: Hundreds Stranded After Deportations from Russia," EurasiaNet, October 21, 2006, <http://www.eurasianet.org/departments/insight/articles/pp102106a.shtml> (accessed August 1, 2007). Approximately 100,000 Georgians were living in Moscow as of October 2006. This was two times more than the number registered in the 2002 population census. "Georgian Moscow," (Gruzinskaia Moskva), *Kommersant*, No. 185, October 4, 2006, <http://www.kommersant.ru/doc.html?docId=709919> (accessed May 15, 2007).

1993 war in Abkhazia.⁶⁸ Remittances from private individuals working in Russia are significant and constitute an important part of the economies of many countries in the region. In October 2006, the Russian Central Bank reported that private individuals sent over US\$3.25 billion to countries of the CIS using postal money transfers in 2005 and has estimated that an additional US\$10 billion is transferred by other means. Georgia ranked eighth in terms of overall remittances in the second quarter of 2006.⁶⁹

Russian government policies related to migration and employment for migrants have changed frequently in recent years and are generally complex. It is not within the scope of this report to fully analyze the history or recent developments in Russian migration policies. Such analyses can be found in other expert reports.⁷⁰ Discussion in this report will be limited to those policies most directly relevant to the October and November 2006 expulsion of Georgians from Russia.

Until 2001, Georgians, like all other former citizens of the Soviet Union and citizens of countries of the CIS, could travel freely to Russia and live in Russia legally without Russian citizenship or residency permits. Like Russian citizens, CIS citizens were required to register their place of residence, irrespective of the length of visit, with local Ministry of Internal Affairs offices. In 2001, apparently to address government concerns that rebel Chechen fighters were entering Russia via Georgia, Russia announced that any Georgian citizen traveling to Russia was required to obtain a visa.⁷¹ The law did not apply to Georgians from Abkhazia, most of whom had never applied for Georgian or Russian citizenship, and were considered stateless. Other

⁶⁸ "Georgia: Hundreds Stranded After Deportations from Russia," RFE/RL. Approximately 100,000 Georgians were living in Moscow as of October 2006. This was two times more than the number registered in the 2002 population census. "Georgian Moscow," (Gruzinskaia Moskva).

⁶⁹ In the second quarter of 2006, Uzbekistan ranked first in receipt of private remittances from Russia, followed by Ukraine, Tajikistan, Armenia, Moldova, Kyrgyzstan, and Azerbaijan, "How much money is sent from Russia to the CIS," (Skolko deneg shlyut iz Rossii v SNG), *Kommersant*, No. 184 (3515), October 3, 2006, <http://www.kommersant.ru/doc.aspx?DocID=709683> (accessed August 1, 2007).

⁷⁰ See for example, "Report from an International Research Mission: Migrants in Russia," published jointly by the La Fédération Internationale des Droits de l'Homme (FIDH) and Grazhdanskoe Sodeistvie (Civic Assistance Committee), July 26, 2007, [http://refugee.memo.ru/C325678F00668DC3/\\$ID/90119D01A56DAEA5C325732500476C85](http://refugee.memo.ru/C325678F00668DC3/$ID/90119D01A56DAEA5C325732500476C85) (accessed July 30, 2007) and Olga Antonova, "Data Sources on International Migration," United Nations Secretariat Department of Economic and Social Affairs, November 2006, ESA/STAT/AC.119/17.

⁷¹ Igor Rotar, "Moscow Introduced Full Visa requirements for Georgians," *Prism*, Vol. 7, Issue 3 (March 30, 2001), http://www.jamestown.org/publications_details.php?volume_id=8&issue_id=443&article_id=3801 (accessed May 3, 2007). According to Georgian Border Guard officials, introduction of the visa regime with Georgia severely curtailed the movement of people between the countries, especially from Georgia to Russia. "A Wall of Mistrust," *Civil Georgia*, December 19, 2002 <http://www.civil.ge/eng/article.php?id=2852> (accessed May 9, 2007).

citizens of the CIS, except for citizens of Turkmenistan, who also became subject to visa requirements in 1999, continue to enjoy visa-free travel with Russia, although laws regulating their stay, as described below, have changed several times in recent years.

In 2002, Russia introduced two new laws, the Law on Citizenship of the Russian Federation, and the Law on the Legal Status of Foreign Citizens in the Russian Federation, which, among other things, abruptly ended the permanent residency and citizenship rights of hundreds of thousands of former Soviet citizens, including many Georgians from Abkhazia, the majority of whom had been residing lawfully in Russia.⁷² The Law on the Legal Status of Foreign Citizens in the Russian Federation for the first time subjected these categories of migrants to the same requirements as existed for other foreigners regarding the maximum length of temporary residency.⁷³ Also in 2002, a new Code of Administrative Offenses increased the punishments for violation of the laws of residency or working illegally to include the possibility of expulsion, in addition to a fine.⁷⁴

All foreigners—regardless of whether they were from countries of the former Soviet Union—were also now required to register their residency with the relevant Ministry

⁷² Federal Law “On Citizenship of the Russian Federation,” No. 62 FZ, May 31, 2002, and Federal Law “On the Legal Status of Foreign Citizens in the Russian Federation,” No. 115 FZ, July 25, 2002. Amnesty International, “Open Letter from a Coalition of Non-Governmental Organizations to Vladimir Vladimirovich Putin, President of the Russian Federation,” EUR 046/051/2003, May 21, 2003, <http://web.amnesty.org/library/index/engeur460512003> (accessed May 1, 2007). See also Oganeg Sarkisov, “New Law on the Legal Status of Foreign Citizens in Russia,” <http://strategis.ic.gc.ca/epic/site/imr-ri.nsf/en/gr113718e.html> (accessed May 16, 2007). The 2002 citizenship law changed citizenship requirements, requiring applicants to have lived in Russia for at least five years, pass a Russian language exam and have a job. The previous law required only three years of residence and no language test. Subsequent amendments attempted to relax the impact of some of the restrictions on migrants from former Soviet countries, and in November 2003, a law was passed to allow all former Soviet citizens living in Russia legally to apply for fast-track citizenship before the end of 2005, and in December 2005 the period was prolonged for two more years till the end of 2007. Claire Bigg, “Russia: Putin Asks Parliament to Ease Citizenship Rules.”

⁷³ The law also introduced the migration card, which all foreigners entering Russia must fill out and carry with them for the duration of their stay. The migration card contains personal information and proves legal entry to Russia. After the 2002 law, all foreigners could obtain residency registration only if they were in possession of a migration card, as residency registration is affixed on the migration card. Foreigners not subject to the visa regime could stay in Russia for a maximum of 90 days without obtaining a permanent or temporary residency permit unless he or she had a job contract, in which case stay was granted for up to one year. See “Immigration to the Russian Federation,” Baker and McKenzie, November 2006, <http://www.bakernet.com/BakerNet/Practice/Employment/Areas/GlobalMigration/CountryGuidelines/ImmigrationRussia.htm> (accessed August 6, 2007).

⁷⁴ Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions, art. 18, parts 8 and 10. Prior to introduction of this law, administrative expulsion was possible, but rarely used. See also Parliamentary Assembly of the Council of Europe Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, “Current Tensions between Russia and Georgia,” AS/Mon(2006)40 rev, January 22, 2007, p. 8.

of Internal Affairs office within three working days of arrival. To register with the Ministry of Internal Affairs, an individual produced a passport, a letter of request for registration, and a document proving the right to accommodation at a specific address, such as a lease or letter from the homeowner. Often, foreigners entering Russia were not able to meet these requirements, as three days is often insufficient time for migrants to find accommodation. Frequently migrants were unaware of the rules, and landlords were reluctant to help potential tenants, as the process is bureaucratically difficult and registering an individual in some cases led to additional utilities charges or taxes for the landlord. (As will be described below, a law that went into effect in January 2007 simplified this process).

Ministry of Interior officials also demanded additional documentation or other requirements from some applicants or simply deny residency registration to some applicants. The European Committee on Racism and Intolerance found that “in the vast majority, if not all cases of arbitrary refusal or unlawful additional requirements relating to the registration system, the victims are visible minorities.”⁷⁵ The Russian constitution guarantees freedom of movement; Russian courts have ruled the practice of denying residency registration to anyone requesting it to be unconstitutional.⁷⁶

In July 2006 parliament passed further amendments to the Law on the Legal Status of Foreign Citizens in the Russian Federation and a new Law on Recording the Migration of Foreign Nationals and Stateless Persons, which took effect on January 15, 2007. The laws primarily impact the legal status of migrants from the CIS entering Russia under the visa-free regime. Although the changes are too numerous to detail

⁷⁵ ECRI, “Third Report on the Russian Federation,” para. 157.

⁷⁶ In 1998, the Russian Constitutional Court found that “... the registration authorities are only entitled to certify the freely expressed will of a citizen in his choice of... residence. This is why the registration system may not be permission-based and it shall not entail a restriction on the citizen's constitutional right to choose his place of... residence. Therefore the registration system in the sense compatible with the Russian Constitution is only a means... of counting people within the Russian Federation which is notice-based and reflects the fact of a citizen's stay at a place of his temporary or permanent residence.” The Constitutional Court emphasized that, upon presentation of an identity document and a document confirming the person's right to reside at the chosen address, the registration authority should have no discretion and should register the person concerned at the address indicated. The requirement to submit any additional document might lead to “paralysis of a citizen's rights.” As cited in European Court of Human Rights, *Tatishvili v Russia*, no. 1509/02, judgment of February 22, 2007, available at www.echr.coe.int, para 31. In its February 2007 judgment in the case *Tatishvili v Russia*, the European Court of Human Rights found that the Russian government had violated Larisa Tatishvili's right to freedom of movement by denying her application to be registered at her place of residence in Moscow in 2000. Tatishvili was born in Georgia, held a USSR passport, and lived in Moscow. See also “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, Mission to the Russian Federation,” para. 76.

here, some of the main improvements include a simplified procedure for obtaining a temporary residence permit as well as the option for an individual to obtain a work permit directly from the migration authorities before finding work (previously, a worker obtained a work permit only through his or her employer). The registration regime still requires that foreigners submit proof of accommodation, although employers have the option of registering employees at the place of employment. The law also empowers the government to issue quotas on foreign employment for certain categories of individuals, for certain economic sectors, or in certain regions of Russia.⁷⁷

The government initiated further significant changes to its migration policies at the time of the political crisis with Georgia in late 2006. In an October 5 speech, President Putin called on the government to take immediate decisions to regulate foreign workers in the nation's thousands of markets by making market owners accountable for workers' violations of migration laws in order "to protect the interests of Russian producers and population, the native Russian population."⁷⁸

On November 5, 2006 President Putin signed amendments to the Code of Administrative Offences which provide for harsher penalties for foreigners who violate immigration regulations or the rules of entry and stay in the Russian Federation as well as for workers and employers who violate the rules regulating the employment of foreign nationals.⁷⁹ Also in November 2006, the government established quotas for foreign workers in 2007.⁸⁰ Governmental Decree no. 683 of

⁷⁷ Federal Law on the Legal Status of Foreign Citizens in Russia, July 25, 2002, N115-F3, with all additions and amendments. See also, "Overview of Changes to the Legislation on the Status of Foreign Nationals in the Russian Federation," Baker and McKenzie, November 2006, <http://www.bakerinfo.com/NR/rdonlyres/5FA5B1E3-5B54-4B2B-80Co-951BA20F3B11/0/MoscowLaborLANovo6.pdf> (accessed August 7, 2007).

⁷⁸ "Opening Address at the Session of the Council for the Implementation of Priority National Projects and Demographic Policy 5 October 2006," President of Russia website, http://www.kremlin.ru/eng/speeches/2006/10/05/1156_type82913_112091.shtml (accessed April 24, 2007).

⁷⁹ Fines for migrants are 2,000-5,000 rubles (approximately US\$78-\$196); fines for employers are 40,000-50,000 rubles (approximately US\$1,570-\$1,963); and fines for companies are 400,000-500,000 rubles (approximately US\$15,707-\$19,634). Any person, government official or legal entity providing accommodation to a migrant who is not in full compliance with the laws is also subject to heavy fines. Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions, articles 18.8, 18.9, and 18.10.

⁸⁰ Decree no. 682 allowed for six million work permits to be issued to labor migrants from the CIS countries not subject to visa requirements and decree no. 665 allowed for 308,842 work permits for foreign workers from all other countries. "Russian government decree of November 15, 2006 no. 682, Moscow, on the establishment of quotas for work permits for foreign workers, not required to hold a visa to enter the Russian Federation, for 2007." (Postanovlenie Pravitelstva Rossiskoi Federatsii ot 15 noiabria 2006 N 682 g. Moskva Ob utverzhdenii na 2007 god kvoti na vydachu razreshenii na rabotu inostrannim gradzhdanam pribyvshim v Rossiiskuiu Federatsiiu v poriadke, ne trebuiushem polucheniia vizi), *Rossiiskaya Gazeta*,

November 15, 2006 restricted foreigners from retail sales of alcohol and pharmaceuticals as of January 15, 2007, and banned foreigners from working as sellers in market stalls and kiosks as of April 1, 2007.⁸¹ The bans did not apply to foreigners working as supervisors, renters, wholesalers, haulers, and cleaners in the retail markets or to those working in stores, cafes, restaurants, or bars. The bans are in place through the end of 2007, when the government may extend, change, or cancel them.⁸² Russian authorities undertook widespread inspections of the country's markets to ensure compliance with the new rules.⁸³

Also in January 2007, a new program came into effect to encourage voluntary repatriation to Russia of ethnic Russians living in other countries, as directed by President Putin in a June 2006 decree.⁸⁴ Speaking about Russian migration policy in the Federation Council, the upper house of the Russian parliament, in May 2006, President Putin stated, "As far as perfecting our migration policy is concerned, the priority here remains bringing our compatriots home from abroad. In this, it is necessary to intensify the influx of qualified migration into the country-- people who are educated and law-abiding. People coming to Russia from abroad should respect Russian culture and our national traditions."⁸⁵

After the new migration laws came into full force on April 1, 2007, thousands of small shops and market stalls across Russia stood empty and prices for some goods had

November 16, 2006, and "Russian government decree of November 11, 2006, no. 665, Moscow, on the establishment of quotas for issuing invitations to foreigners to enter the Russian Federation for employment in 2007," (Postanovlenie Pravitelstva Rossiiskoi Federatsii ot 11 noyabrya 2006 g. N 665 g. Moskva Ob utverzhdenii na 2007 kvoti na vydachu inostrannym grashdanam priglashenii na vezd v Rossiiskuiu Federatsiiu v tseliakh osushchestvleniia trudovoi deiatelnosti), *Rossiiskaya Gazeta*, November 16, 2006.

⁸¹ From January 15 to April 1, 2007 foreigners could only constitute 40 percent of market workers. "Russian government decree of November 15, 2006, on the establishment of a quota of foreign workers allowed to be involved in retail sales on the territory of Russian Federation in 2007 (No. 683, Moscow)," (Postanovlenie Pravitelstva Rossiiskoi Federatsii ot 15 noiabria 2006 g. N. 683 g. Moskva ob ustanovlenii na 2007 god dopustimoi doli inostrannykh rabotnikov ispolzuemykh khoziaistuiuschimi sub"ektami osuschestvliaiuchimi deiatelnost v sfere roznicnoi trgovli na territorii Rossiiskoi Federatsii), *Rossiiskaya Gazeta*, November 16, 2006.

⁸² "Foreigners in Russia are forbidden to sell at markets."

⁸³ "Russia begins inspections of markets and migrants," (Rossiya nachinaet proverku rynkov i migrantov)," BBC Russian.com, January 15, 2007, http://news.bbc.co.uk/hi/russian/russia/newsid_6262000/6262081.stm (accessed August 1, 2007).

⁸⁴ Decree of the President No. 637 of June 22, 2006 "On Measures to provide assistance to voluntary resettlement into the Russian Federation of compatriots living abroad."

⁸⁵ "Speech to the Federation Council," May 10, 2006, President of Russia website, http://www.kremlin.ru/appears/2006/05/10/1357_type63372type63374type82634_105546.shtml (accessed August 7, 2007).

increased sharply.⁸⁶ Employers posted notices appealing to farmers with Moscow residency registration to sell food.⁸⁷ At a Moscow city hall meeting on April 4, 2007, a city official said that 10,000 stalls were now vacant, but claimed that this had little effect on sales.⁸⁸ The Federal Migration Service began conducting inspections of markets and other businesses throughout Russia and issued fines of up to 800,000 rubles (approximately US\$31,415) to employers found to be in violation of the new migration laws.⁸⁹ According to one expert on migration, however, as of July 2007, in many cases employers continue employing migrants, even in the prohibited jobs, paying bribes to police and other officials responsible for enforcing the law.⁹⁰

⁸⁶ Prices for some foods increased, sometimes as much as by 200 percent. Tai Adelaja, "Markets Bear the Brunt of New Immigration Policies," *The St. Petersburg Times*, February 6, 2007, http://www.sptimes.ru/index.php?action_id=2&story_id=20280 (accessed May 10, 2007).

⁸⁷ Tai Adelaja and Daan van der Schriek, "Markets Unable to Find Vendors," *The Moscow Times*, April 9, 2007, available at: <http://www.themoscowtimes.com/stories/2007/04/09/001.html> (accessed April 9, 2007). The Association of Russian Peasant (Private) Farms and Agricultural Cooperatives (AKKOR) said the idea of filling the empty stalls with "native farmers" is absurd. Lyudmila Butuzova, "Russia Cracks Down on Illegal Labor Migration," *Moscow News*, December 1, 2006, <http://english.mn.ru/english/issue.php?2006-46-1> (accessed April 24, 2007).

⁸⁸ Adelaja and van der Schriek, "Markets Unable to Find Vendors."

⁸⁹ "Russia Home to Some 10m Illegal Migrants- Federal Migration Service," Interfax news agency, May 25, 2007, as quoted in BBC Monitoring Former Soviet Union, in English.

⁹⁰ Human Rights Watch interview with Svetlana Gannushkina, head of Grazhdanskoe Sodestvie, Moscow, July 31, 2007.

The Campaign against Georgians

For several weeks beginning in early October 2006, the Russian government carried out a campaign that targeted Georgians for detention and expulsion, apparently in response to the political dispute between the two countries. Russian courts issued expulsion decisions against more than 4,600 Georgians, and the authorities forcibly expelled 2,300 Georgians, including some residing legally in Russia. At least 2,000 Georgians departed Russia by their own means because they had been issued expulsion decisions. The authorities denied basic rights to many of the detained, including access to a lawyer or consular representation or the possibility of appealing the expulsion decision taken against them. Most were given hearings lasting only a few minutes, and that were conducted in groups. Many Georgian detainees were held in appalling conditions of detention and many were subjected to threats and other ill-treatment. Two Georgians died in custody awaiting expulsion.

Some state agents recognized that the government had taken unnecessary and illegal measures against Georgians. Russia's state human rights body, the Council on Civil Society Institutions and Human Rights headed by Ella Pamfilova, criticized the campaign against Georgians, saying in a November 8 statement that "administrative and legal measures applied [against Georgians] are unfounded: businesses employing ethnic Georgians are being closed down, visas and registration papers legally obtained by Georgian nationals are being cancelled, people are being illegally detained and [expelled] from Russia."⁹¹

Most government officials, however, claimed that they were initiating new measures to curb irregular migration generally and were not targeting Georgians specifically. A Ministry of Foreign Affairs official told Human Rights Watch that on October 5 the government began paying greater attention to the problems related to trade in the nation's farmers' markets, but that there was no focus on violations of migration laws by Georgians.⁹² The same official told Human Rights Watch, that there were no

⁹¹ "Russia's State Human Rights Body Blasts Anti-Georgian Campaign," RIA Vesti, November 8, 2006, as carried in BBC monitoring.

⁹² Human Rights Watch interview with Mikhail Lebedev, deputy director, Department for Humanitarian Affairs and Human Rights, Ministry of Foreign Affairs, Moscow, March 28, 2007.

orders to pay particular attention to Georgians when conducting expulsions.⁹³ The deputy director of the Federal Migration Service told Human Rights Watch that there had been only a strengthening in the work related to the fight against illegal migrants, and there were no other factors considered.⁹⁴ Officials acknowledged that there were some violations during these operations, but only because lower level officials took measures too far. Lebedev told Human Rights Watch, “It is possible that, maybe, in the course of these operations [to identify violations of migration laws] that there were individual violations,” and blamed local officials for any rights violations.⁹⁵

Many officials, including President Putin, attempted to counter accusations that Georgians had been targeted in October and subsequent months by quoting statistics apparently about large numbers of citizens from countries other than Georgia who had been expelled in 2006.⁹⁶ Requests by Human Rights Watch to government officials to provide monthly statistics of administrative expulsions, including for October, November, and December 2006 went unanswered.⁹⁷

However, public statements by senior Russian government officials, television broadcasts and newspaper articles, and official written and verbal orders from that period all reveal the government’s clear focus on Georgians. In a rare public statement, the European Commission against Racism and Intolerance acknowledged

⁹³ Ibid.

⁹⁴ Human Rights Watch interview with Vyacheslav Postavnin, deputy director, Federal Migration Service, Moscow, March 30, 2007.

⁹⁵ Human Rights Watch interview with Mikhail Lebedev, deputy director, Department for Humanitarian Affairs and Human Rights, Ministry of Foreign Affairs, Moscow, March 28, 2007.

⁹⁶ For example, in an October 25 hotline with the press, President Putin stated that “15,300 citizens from one [unnamed] republic were expelled from Russia, and about 13,400 citizens, I believe, from another republic, And Georgians - five thousand. Do you see the difference? And therefore to say that the process is selective [against Georgians] is wrong. That is not true.” President Putin did not explain which period these figures covered. “Putin on the line- 2006,” (Putin na line- 2006), lenta.ru, <http://lenta.ru/articles/2006/10/25/putin/> (accessed June 12, 2007). In an interview with Human Rights Watch, a Ministry of Foreign Affairs official stated that for the first 10 months of 2006, there were 5,622 decisions on administrative expulsion against Georgians, and 1,151 Georgians were expelled from Russia. In comparison, more than 2,000 citizens of Tajikistan and 1,700 citizens of Uzbekistan were expelled. He could not specify how many Georgians were expelled in October or November 2006. Human Rights Watch interview with Mikhail Lebedev, deputy director, Department for Humanitarian Affairs and Human Rights, Ministry of Foreign Affairs, Moscow, March 28, 2007.

⁹⁷ Human Rights Watch interview with Mikhail Lebedev, deputy director, Department for Humanitarian Affairs and Human Rights, Ministry of Foreign Affairs, Moscow, March 28, 2007 and Human Rights Watch letter to the Ministry of Internal Affairs, April 4, 2007 (see Appendix A). Human Rights Watch made a subsequent phone call to the Ministry of Internal Affairs regarding the letter, but the ministry declined to provide any substantive information.

that the campaign against Georgians was “directed by certain public authorities specifically at a particular ethnic group.”⁹⁸

Official Statements

Immediately following the escalation of Russian-Georgian political tensions in late September 2006, Russian officials made repeated public statements singling out Georgians as illegal immigrants, portraying them as criminals, and calling for measures to be taken against them (for additional statements by government officials, see below, Media Campaign). On September 29, Deputy Head of the Federal Migration Service Vyacheslav Postavnin claimed that compared to labor migrants from other countries, Georgians were much more likely to work illegally. According to Postavnin, of the one million Georgians working in Russia, only one percent work legally, compared to 10-15 percent of labor migrants from Tajikistan, Uzbekistan and Ukraine, or 35-45 percent from China and Vietnam. Postavnin was quoted as saying, “In relation to Georgian migrants stronger measures will be taken. It is possible that there will be deportations, expulsions...”⁹⁹ Postavnin was also quoted as saying “Of course [this focus on Georgians] is at the same time a political decision in light of Georgian-Russian conflict. It is a response to the actions of the Georgian authorities.”¹⁰⁰

On October 5, Deputy Head of the Federal Migration Service Mikhail Tyurkin said that his agency “had closely analyzed the quotas on employment and came to understand that the regions do not need specialists from Georgia.”¹⁰¹ Also on October 5, when discussing Federal Migration Service policies, the deputy head of the service’s press department stated, “We are not prioritizing [certain groups] here,

⁹⁸ European Commission against Racism and Intolerance, “European Commission against Racism and Intolerance on recent events affecting persons of Georgian origin in the Russian Federation (adopted on 15 December 2006 at ECRI’s 41st plenary meeting),” December 15, 2006, <https://wcd.coe.int/ViewDoc.jsp?id=1074551&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE> (accessed September 6, 2007).

⁹⁹ Ivan Buranov, “Georgian migrants are following right behind the wine,” (Gruzinskie migranty poshli vsled za vinom), *Kommersant*, No. 183 (3514), September 30, 2007 <http://www.kommersant.ru/doc.aspx?DocsID=709006> (accessed August 1, 2007). In the same article, the vice-president of the Society of Georgians in Russia stated that the figures regarding Georgian labor migrants were inaccurate.

¹⁰⁰ Ibid.

¹⁰¹ Nikolai Sergeev, Ivan Tyazhlov, Ander Chevrakov, “The law wasn’t wasted on Georgians,” (Na gruzin ne pozhaleli zakon) *Kommersant*, No. 186 (3517) October 5, 2006, <http://www.kommersant.ru/doc.aspx?DocsID=710392> (accessed July 31, 2007).

but every hundredth Georgian commits crimes, meaning he's involved in criminal activities.¹⁰²

In an October 5 speech President Putin called for measures to crack down on illegal migrant workers and illegal activities in the country's markets, comments that were seen by many as targeting ethnic Georgians,¹⁰³ whom the media and officials portrayed as the main perpetrators of crime in Russia (see below, Media Campaign). In his speech, President Putin claimed that people working in the markets "act like racketeers and ... force farmers to hand over their products for nothing. What happens sometimes in trade markets can be defined by a single word: an outrage. Criminal groups, [some of them ethnic], play a major role in markets."¹⁰⁴ The official presidential website claims that in his speech President Putin said only, "Criminal groups play a major role in markets."¹⁰⁵ However, independent media reported that President Putin actually specified "ethnic" groups, apparently in a veiled reference to Georgians, and that the presidential website deliberately changed the language in the official posted version.¹⁰⁶

Media Campaign

Much of the Russian broadcast media, the majority of which is owned or controlled by the government, helped fuel the government's crackdown on Georgians by portraying them in a negative light.¹⁰⁷ The SOVA center, which monitors racism in

¹⁰² Ibid.

¹⁰³ According to the New York Times, "Officials' remarks ... have left little doubt that they have singled out Georgians for enforcement." Steven Lee Meyers, "Russia Departs Georgians and Increases Pressures on Businesses and Students," *New York Times*, October 7, 2006, p. 8. See also, "Putin orders a government-scale ethnic cleansing from the marketplaces," (Putin velel nachat etnicheskuiu chistku gosudarstvennovo mashtaba s rynkov), NEWSru.com, October 5, 2006, <http://www.newsru.com/russia/05oct2006/rynok.html> (accessed March 8, 2007).

¹⁰⁴ "Opening Address at the Session of the Council for the Implementation of Priority National Projects and Demographic Policy 5 October 2006," President of Russia website, http://www.kremlin.ru/eng/speeches/2006/10/05/1156_type82913_112091.shtml (accessed April 24, 2007).

¹⁰⁵ Ibid.

¹⁰⁶ Interfax reported that Putin used the word "ethnic" in his speech. "Putin wants immediate steps to regulate retail markets," Interfax, October 5, 2006, http://www.interfax.ru/e/B/politics/28.html?id_issue=11599826 (accessed May 23, 2007); *The Moscow Times* noted that on the Presidential website the word "ethnic" was eliminated. See, Nabi Abdullaev, "Tougher Migrant Laws Proposed," *The Moscow Times*, October 6, 2006, <http://www.themoscowtimes.com/stories/2006/10/06/001.html> (accessed April 23, 2007). See also Fred Weir, "Putin Taps into a Growing Anti-Minority Fervor," *The Christian Science Monitor Europe Edition*, October 10, 2006, <http://www.csmonitor.com/2006/1010/p01s04-woeu.html> (accessed May 23, 2007) and Steven Lee Meyers, "Russia Departs Georgians and Increases Pressures on Businesses and Students."

¹⁰⁷ The Russian government effectively controls the major media outlets in Russia, including the three largest television networks- Channel One, RTR and NTV- and the newspapers with the largest circulation. See Yevgenia Albats, "A Dead Man Still Walking," Global Integrity website, January 31, 2005, <http://www.globalintegrity.org/reports/2004/default6efd.html?act=22>

Russia, documented a sharp rise in racist statements against Georgians in the Russian media in October 2006, and linked this phenomenon directly to the anti-Georgian campaign.¹⁰⁸ Coverage frequently emphasized stereotypes of Georgians or other ethnic groups from the Caucasus as inherently criminal people and linked to criminal gangs.¹⁰⁹ According to a Federal Migration Service document of November 1, 2006, (see below, Official Orders to Target Georgians), “200 publications appeared in federal and regional mass media, about [the] problem [of the legality of Georgians residing in Russia].”¹¹⁰

At the beginning of October, the editorial boards of several major newspapers, including *Komsomolskaya Pravda*, *Moskovskii Komsomolets*, and *Tvoi den'*, openly supported the Russian government's actions against Georgians, while other newspapers questioned the anti-Georgian campaign. Some newspapers emphasized stories involving Georgians in their “chronicles of crime.”¹¹¹ An October 5 *Komsomolskaya Pravda* article, in direct reference to ethnic groups from the Caucasus, including Georgians, accused foreigners in Russia of living by the “laws of the mountains,” rather than Russian laws.¹¹²

Russian television stations actively supported and justified the government's singling out of Georgians through daily news programs as well as weekly analytic

(retrieved June 7, 2007); Owen Matthews and Anna Nemtsova, “War with the Media: Moscow's crackdown on independent news outlets harkens back to the dark days of the Soviet era,” *Newsweek International*, July 2-9, 2007, <http://www.msnbc.msn.com/id/19388715/site/newsweek/> (accessed August 9, 2007); and Alex Nicholson, “New Concerns on Russia Media Freedom,” *Guardian Unlimited*, May 19, 2007 <http://www.guardian.co.uk/world/latest/story/0,,-6645425,00.html> (accessed June 5, 2007).

¹⁰⁸ The SOVA center documented a general increase in hate speech in the media from September-December 2006, and determined this to be related to the anti-Georgian and anti-migrant campaigns as well as to events in Kondopoga. Galina Kozhevnikova, “Hate speech: after Kondopoga,” (lazik vrazhdy: posle Kondopogi).

¹⁰⁹ The SOVA center's monitoring in September-December 2006, found that when the Russian media spoke about the criminality of an ethnic or religious group, more than 57 percent of the time it referred either to Caucasians as a whole, Chechens, or other groups from the Caucasus, including Georgians. Over forty percent of “degrading or offensive” references to ethnic groups targeted Caucasians as a whole, Chechens, or other groups from the Caucasus, including Georgians. Galina Kozhevnikova, “Hate speech: after Kondopoga,” (lazik vrazhdi: posle Kondopogi).

¹¹⁰ The document was about actions taken towards Georgians in response to a Ministry of Internal Affairs order. Summary Note on the Situation as of 3 p.m., November 1, 2006, (Obzornaia Spravka po sostoyaniyu na 01 noiabria 2006g. 15.00 chas), Federal Migration Service of Russia, on file with Human Rights Watch.

¹¹¹ “Criminal: Who are the Georgian “thieves-in-law?” (Kriminal: Kto takie gruzinskie ‘vory v zakone?’) *Komsomolskaya Pravda*, October 12, 2006. <http://www.kp.ru/daily/23789.3/58488/> (accessed June 6, 2006); and Galina Kozhevnikova, “Hate speech: after Kondopoga,” (lazik vrazhdy: posle Kondopogi).

¹¹² “Portrait of the phenomenon,” (Portret iavleniia), *Komsomolskaya Pravda*, October 5, 2006, <http://www.kp.ru/daily/23785/58177/> (accessed June 6, 2006).

and political programming and special series.¹¹³ For example, one-sided news coverage in early October on the government-owned Channel One exclusively presented the position of government officials and agencies and regularly connected Georgians to violations of the law, including organized crime. An October 6 news broadcast about Moscow police inspections of restaurants and casinos stated that “the majority of institutions inspected are run by Georgian citizens” and that the inspections of these businesses found “violations of the law.”¹¹⁴ Another broadcast referred to the Georgian embassy’s allegedly illegal use of the hotel, Guesthouse ‘Tbilisi’, which is located on its grounds.¹¹⁵ Yet another emphasized that one gaming house under inspection was run by a “criminal authority, an arrival from Georgia [who] had been arrested five years ago for murder and kidnapping.”¹¹⁶

Weekly news programs helped publicize the government position by quoting senior officials making strong anti-Georgian statements. On October 7, NTV aired a segment on the weekly program “Maksimum” (Maximum) about Georgian criminal activities including police raids on casinos. The program quoted a senior Ministry of Internal Affairs official stating, “Georgian society has a very strong criminal tradition, stronger than that of any other [group] at this time.”¹¹⁷ “Postscript,” a weekly program on the channel TV-Center, quoted an official saying, “Today Georgian citizens are a risk group. That is [they are] more inclined to crime, say, and violations of Russian laws.”¹¹⁸ The NTV program, “Honest Confession” (Chistoserdechnoe priznanie), aired a series titled “Guests,” which opened by talking about attacks on Russians by “migrants from the south,” and went on to portray Georgians as primarily responsible for a number of different crime rings in Russia, as well as for criminal

¹¹³ Galina Kozhevnikova, “Hate speech: after Kondopoga,” (Iazyk vrazhdy: posle Kondopogi).

¹¹⁴ “Moscow police prepares to conduct new inspections in restaurants and casinos,” (Moskovskaya militsia gotovitsya provesti novye proverki v restoranakh i kazino), Channel One, October 6, 2006, http://www.1tv.ru/owa/win/ort6_main.main?p_news_title_id=94579&p_news_razdel_id=7 (accessed June 8, 2007).

¹¹⁵ “As a result of inspections by law enforcement agencies, a casino in Moscow was closed,” (Rezultatom proverki pravookhranitelnykh organiov stalo zarkytie kazino v Moskve), Channel One, October 3, 2006, http://www.1tv.ru/owa/win/ort6_main.main?p_news_title_id=94467&p_news_razdel_id=1 (accessed June 8, 2007).

¹¹⁶ “In St. Petersburg, inspections of gaming houses, controlled by Georgian criminal groups,” (V Peterburge proveriaut igrovye kluby, kontroliryemye gruzinskimi gruppirovkami), Channel One, October 6, 2006, http://www.1tv.ru/owa/win/ort6_main.main?p_news_title_id=94604&p_news_razdel_id=7 (accessed June 8, 2007)

¹¹⁷ Igor Vyatkin, the head of Department for the Fight against Ethnic Criminal Groups of the Main Administration of the Ministry of Internal Affairs for the Central Federal District, stated, “V gruzinskoj srede ochen silnye vorovskie traditsii, kak ne v kakoi drugoi v nastoiashnee vremya.” “Gruzinskie grazhdane eto kategoria gruppi riska, to est, naibolee podverzheni [k] prestupnosti, skazhem tak, i narusheniyam rossijskogo zakonodatelstva.” <http://xeno.sova-center.ru/213716E/21728E3/922A24B> (accessed May 23, 2006).

¹¹⁸ Ibid.

activities in the markets. Intertwined with these themes are images and commentary about Georgians being expelled from Russia.¹¹⁹

Popular Channel 3 television commentator Andrei Dobrov dismissed the arguments made by those who opposed the anti-Georgian campaign as themselves racist against Russians and supported the government's position that its campaign sought only to identify illegal residents or criminals. In an October 12 program he quoted a Moscow intellectual, who claimed that "As soon as the hunt for Georgian criminals started in Russia—criminals only—local intellectuals raised a hue and cry: Oh, how terrible, ethnic purges. This is how matters stand: if you join an ethnic gang and kill Russians, that's fine, this is a democratic process. If you have been detained by the authorities on the territory of a foreign country where you are illegally residing, that's it, scream [bloody] murder, racism and Russian fascism."¹²⁰

Official Orders to Target Georgians

Several Russian government agencies issued specific written and verbal instructions to target Georgians. These instructions served as the foundation for many of the actions taken by police and other officials. The Ministry of the Internal Affairs issued written orders instructing police, the Federal Migration Service, courts and other agencies to take the necessary actions to identify and expel Georgians living irregularly in Russia. The document referred exclusively to Georgians, and did not make reference to any other group of migrants. The Russian newspaper *Kommersant* reported that early in the campaign, the Ministry of Internal Affairs issued oral instructions to "act maximally harshly [and] pay attention to even tiny violations, to which you had previously turned a blind eye."¹²¹

¹¹⁹ A thorough search of NTV's website could not locate this program. The program was posted on the popular website YouTube, however. See http://www.youtube.com/watch?v=XoirEpZ_Uzo (accessed May 2, 2007).

¹²⁰ "TV Commentator ridicules Russian opponents of anti-Georgian campaign," BBC Monitoring October 12, 2006.

¹²¹ "Georgians in Moscow where shown 'The Elephant and Moska:' An anti-Georgian campaign has begun in Russia," (Gruziniam pokazali "Slona i Mosku:" v Rossii nachalas antigruzinskaia kampania), *Kommersant*, No. 185, October 4, 2006, <http://www.kommersant.ru/doc.html?docId=709919> (accessed May 15, 2007). The title of the article refers to a Russian fairytale in which a small dog, "Moska," barks loudly at an elephant, who pays no attention to the noisy but non-threatening creature. Protestors outside of the Georgian embassy in Moscow put on a performance of this fairytale. One protestor wore a NATO soldier's uniform and carried a little "Moska" dog labeled "Georgia," while another protestor wore an elephant costume with the label "Russia."

On November 1, 2006, the Federal Migration Service issued a document regarding actions taken in respect of Georgians (See Appendix B). According to this document, among other actions taken, courts issued 2681 decisions on administrative expulsion of Georgians in the period from September 29 to November 1, 2006. As a result, 1,194 Georgians were expelled. In addition, thousands of applications from Georgians for citizenship, temporary residency, and permanent residency were suspended. Georgians who had already obtained citizenship, temporary residency, and permanent residency were also investigated to determine the legality of the means by which they obtained their status. In this period, officials inspected over 5,700 businesses employing foreigners, including Georgians, and closed 58.¹²²

Order No. 0215 issued on October 2 by the Main Department of Internal Affairs (GUVD) of St. Petersburg goes further, requiring that all resources be put into massive operations coordinated between the Ministry of Internal Affairs, the Federal Migration Service, and the courts. The order called on police to “conduct large-scale operations to detect and deport a maximum number of citizens of Georgia illegally residing in the territory of Russia” and “to initiate [court] decisions *only* on deportation of this category of citizens.”¹²³ (See Appendix C) This order, however, specified that the Ministry of Internal Affairs had agreed in advance with the local courts to issue expulsion decisions exclusively, although the law stipulates punishment for such violations to be a fine “with or without administrative expulsion from the Russian Federation.”¹²⁴ A separate order issued the same day instructed officials to document daily the number of Georgians breaking specific laws relating to weapons and drugs and to indicate the “amount of ammunition, number of weapons, and narcotics” confiscated from Georgians.¹²⁵ (See Appendix D)

During the height of the crackdown on ethnic Georgians, at least two Moscow police districts also ordered public schools to produce lists of Georgian children. One such letter from the Taganskii District Department of Internal Affairs requested that school

¹²² Summary Note on the situation as of 3 p.m., November 1, 2006, (Obzornaia spravka po sostoyaniyu na 01 noiabria 2006g. 15.00 chas), Federal Migration Service of Russia, on file with Human Rights Watch.

¹²³ Emphasis added.

¹²⁴ Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions, art. 18, parts 8 and 10.

¹²⁵ On file with Human Rights Watch.

authorities provide the names, birth dates, and addresses of all Georgian students and their parents, as well as parents' places of employment and information on "disobedience of Georgian children towards their teachers, cases of bad social behavior and unlawful acts."¹²⁶ (See Appendix E) In response to a similar letter, Aleksandr Engels, director of school No. 169 of the Western district [*okrug*] of Moscow, rebuffed the request by replying, "[R]egistration of students according to nationality does not take place in this school."¹²⁷ (See Appendix F) On October 6, the spokesperson for the Moscow Department of Education stated that his agency viewed the orders from the Ministry of Internal Affairs negatively and confirmed that all children have the right to study in Moscow schools.¹²⁸ Many school directors complied with the directives, however, citing fears of confrontation with the Ministry of Internal Affairs.¹²⁹

Targeting Georgian Businesses and Georgian Workers

Beginning on October 2, Russian police, including officials from the departments for economic crimes, organized crime, and terrorism, and often in cooperation with special forces troops, conducted widespread raids and inspections of Georgian-owned and Georgian-themed businesses, shutting many of them down or pressuring their owners to do so "voluntarily." Russian officials also inspected and pressured businesses and employers who employed Georgians. The police ultimately closed at least six Georgian-run casinos in Moscow and numerous restaurants and raided the hotel, Guesthouse 'Tbilisi.'¹³⁰ Moscow police also raided the Georgian cultural center Mziuri. Grigory Chkhardtshvili, an ethnic Georgian who lives in Russia and authors popular mystery novels written under the pseudonym Boris Akunin, stated that the tax police questioned his publisher about income from the novels. Russian officials

¹²⁶ On file with Human Rights Watch.

¹²⁷ On file with Human Rights Watch.

¹²⁸ "Moscow department of education stands up for Georgian children," (Department obrazovaniya Moskvi zastupilsia za gruzinskikh detei) *Lenta.ru*, October 6, 2007, <http://lenta.ru/news/2006/10/06/departament/> (accessed April 17, 2007).

¹²⁹ See Maria Zheleznova, Evgenia Pismennaia, Artyom Vernidub, and Alesandr Raskin, "Werewolves in tiger skins," (Oborotni v tigrovikh shkurakh) *Russian Newsweek*, No. 40 (118) October 16-22, 2006, <http://www.runewsweek.ru/rubrics/?rubric=country&rid=1403> (accessed March 19, 2007).

¹³⁰ Within a few weeks, most of the casinos were again open for business. One restaurant, Genatsvale, was closed for just one day. "The majority of casinos closed by the police are open," (Bolshinstvo zakritikh militsii kazino otkrilis), *Lenta.ru*, October 25, 2007, <http://lenta.ru/news/2006/10/25/open/> (accessed May 15, 2007).

claimed that casinos, restaurants, and other businesses had violated health or other regulatory standards.¹³¹

In the wake of the massive operations against Georgian businesses and Georgian workers, many Georgians across Russia felt compelled to shut down their market stalls and businesses out of fear of being raided and expelled from the country.¹³² Gia Kandelaki, an ethnic Georgian, had lived in Russia for 15 years, was a Russian citizen, and owned a Georgian restaurant in the center of Moscow called “Tsaritsa Tamara.” On October 2, after learning that Georgian restaurants were being raided by the police, he closed the restaurant for one week. The day after re-opening his restaurant, a group of police officers came to his restaurant at 9 p.m. on October 10 to conduct an inspection that lasted five hours. After allegedly finding numerous violations, they took US\$7,000 from him.¹³³

The next day Kandelaki was called into the Ministry of Internal Affairs Department for the Fight against Organized Crime. Kandelaki described the experience to Human Rights Watch: “I went into the office and the officer told me, ‘We won’t let you continue working. ... Either change your name, or quit as the director, or change the name of the restaurant.’”¹³⁴ “On that same day, that night ... I went to the airport [to leave for Georgia]. I am a Russian citizen. They didn’t have the right to deport me, but I am a Georgian and so I wasn’t able to work in my [restaurant], where I still had a ten-year lease.... [I felt that] they forced me to leave [because they closed my restaurant]. That’s it. I am left with absolutely nothing.”¹³⁵

At the time of her interview with Human Rights Watch, Ana A., whose husband, Givi G., was expelled from Russia, continued to work in a Moscow market, but did so with fear and felt pressured to quit. “I go to work [at the market] and when an inspection

¹³¹ Steven Lee Meyers, “Russia Deports Georgians and Increases Pressures on Businesses and Students.” Private actors also took actions against Georgians. The Web server “GarantHost.ru” cut ties with 16 web pages and one web design studio run by Georgians. On October 21, unknown individuals attacked the Marat Gelman gallery in Moscow which was showing the work of the Georgian artist Aleksandr Jikia. “Conclusions of the Ad Hoc Commission of the Parliament of Georgia to Study Acts committed by the Russian Federation towards Citizens of Georgia,” February 22, 2007, on file with Human Rights Watch.

¹³² David Nowak, “Fearful Georgians Shut Down Stalls and Eateries,” *The Moscow Times*, October 9, 2006, <http://www.themoscowtimes.com/stories/2006/10/09/014.html> (accessed April 23, 2007).

¹³³ Human Rights Watch interview with Gia Kandelaki, Tbilisi, December 5, 2006.

¹³⁴ The restaurant’s name, Tsartisa Tamara, is a reference to a Georgian queen. Human Rights Watch interview with Gia Kandelaki, Tbilisi, December 5, 2006.

¹³⁵ Human Rights Watch interview with Gia Kandelaki, Tbilisi, December 5, 2006.

commission comes, they try to say, “You Georgians, get out. They try to make it so that I don’t show up there, as if I’m a fascist, as if I killed someone. ... I try not to look anyone in the eye...”¹³⁶

Arbitrary and Illegal Detention and Expulsion of Georgians

In October and November, police detained Georgians with a view to expelling them for allegedly violating migration, residence, and employment laws. As indicated above, at the time of the expulsions, under Russian law, Georgian citizens in Russia should have been in possession of a visa or a temporary or permanent residency permit, a valid migration card, and a valid residency registration stamped either in the passport or on the migration card. If an individual was employed, he should have been in possession of an official work permit.

In many cases researched by Human Rights Watch and by other organizations and the Georgian ad hoc parliamentary committee examining the expulsions, the arrests and detentions of Georgians were done without cause. As described above, international law prohibits arbitrary arrest, detention and expulsion. Article 22 of the Russian constitution also prohibits arbitrary arrest and detention.¹³⁷ Police targeted individuals whom they suspected were Georgian on the basis of their appearance, stopped them on the street in order to check the validity of their passports or other documents described above, and subsequently detained them often irrespective of the legality of their documents. In other cases, individuals were detained at their places of work or in their homes.

Police also detained many ethnic Georgians who were either Russian citizens or legal migrants in possession of the necessary, legal documents. In still other cases, police detained Georgians who had up until that point been known to be living in Russia without a visa or other necessary documents, but had not been subject to arrest or expulsion. Police often destroyed detainees’ documents and denied detainees many

¹³⁶ Human Rights Watch interview with Ana A. Out of concerns for her safety, pseudonyms for the interviewee and her husband are being used at the interviewee’s request. Moscow, December 18, 2006.

¹³⁷ Article 22 of the Constitution of the Russian Federation states, “ 1. Everyone shall have the right to freedom and personal inviolability. 2. Arrest, detention and keeping in custody shall be allowed only by an order of a court of law. No person may be detained for more than 48 hours without an order of a court of law.” Constitution of the Russian Federation, Adopted December 12, 1993, <http://www.russianembassy.org/RUSSIA/CONSTIT/index.htm> (accessed July 31, 2007).

basic rights, including the right to appeal the expulsion, the right to counsel, and the right to notify a family member or other close person of their detention. Detained Georgians were held in special detention facilities for foreigners (in Russian, *priemnik-raspreditel* or *spetspriemnik*) awaiting their expulsion.

Russian authorities expelled more than 2,300 of the Georgians detained in October and November. Most Georgians who were expelled, including those interviewed for this report, were accused of violating migration and registration rules, including failure to follow procedures for registration, which are administrative offenses. Many Georgians were also found to be in violation of the rules of engagement and use of foreign labor in the Russian Federation. According to article 18 of the Russian Code of Administrative Offences punishment for such violations is a fine “with or without administrative expulsion from the Russian Federation.”¹³⁸ In February 2007, in its concluding observations of Russia’s fourth periodic report, the UN Committee against Torture expressed its concern about the Russian government’s “widespread and broad use of administrative expulsion according to article 18.8 of the Code of Administrative Offences for minor violations of immigration rules.”¹³⁹ Human Rights Watch is not aware of any Georgians being subject to deportation, a rarer procedure, during October and November 2006.¹⁴⁰

In the initial days of the campaign against Georgians, Moscow police focused on locations where large numbers of Georgians were likely to gather, such as the Georgian embassy and the Georgian Orthodox church. Speaking from his office at

¹³⁸ Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions, articles 18.8 and 18.10.

¹³⁹ Committee against Torture, “Conclusions and recommendations of the Committee against Torture, Russian Federation,” CAT/C/RUS/CO/4, February 6, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/G07/403/38/PDF/G0740338.pdf?OpenElement> (accessed August 1, 2007), paragraph 18.

¹⁴⁰ A deportation order is issued by the Federal Migration Service against a foreigner in three cases: in the event that a foreigner does not voluntarily depart Russia within the specified time frame if his or her permission to stay in Russia has been shortened or his or her temporary or permanent residency permit has been annulled, in accordance with article 31 of the Federal law on the legal status of foreigners in the Russian Federation; in the event of a decision taken on the undesirability of a particular foreigner entering or staying in Russia in accordance with article 25.10 of the Law on the Exit from the Russian Federation and the Entry into the Russian Federation; and in the event of a denial of refugee status in accordance with the Federal Law on Refugees. “Ministry of Internal Affairs of the Russian Federation Order of August 26, 2004 No. 533, Moscow. On the organization of the activities of organs of internal affairs of the Russian Federation and the Federal Migration Service on deportation or administrative expulsion of foreigners or stateless persons from the Russian Federation.” (Prikaz Ministerstva vnutrennikh del Rossiiskoi Federatsii ot 26 avgusta 2004 g. N 533 g. Moskva Ob organizatsii deyatelnosti organov vnutrennikh del Rossiiskoi Federatsii i Federalnoi migratsionnoi sluzhby po deportatsii libo administrativnomu vydvoreniyu za predely Rosiiskoi Federatsii inostrannogo grazhdanina ili litsa bez grazhdanstva). The media and many of those expelled frequently mistakenly used the term ‘deportation,’ when referring to the administrative expulsions of Georgians.

the embassy, the Georgian Consul to Russia, Zurab Pataradze told Human Rights Watch,

[The police] detained people who had come to the consular office in order to leave for Georgia and wanted to receive the necessary travel documents. The Russian OMON [riot police] set themselves up right here. [On October 7,] I came to work at 9 a.m., but people, who had come [to the consulate], our visitors, citizens of Georgia had been detained ... right from here. From the [consulate] courtyard. ... When I came to work, I immediately instructed [my colleagues] to open the doors and let in anyone who was waiting so that they wouldn't detain anyone else.¹⁴¹

Ultimately, four Georgians were detained from outside the Georgian embassy that day.¹⁴²

On October 7, police similarly targeted the Georgian Orthodox Church in Moscow. According to a Georgian Orthodox Church in Moscow representative, Father Miron,

It was Saturday and on Saturday at five o'clock our evening services begin. Father Maxim and I arrived at three o'clock and we noticed two plain-clothed police officers and two uniformed police officers who had stopped one of our regular church-goers. She is a citizen of Russia... They bothered her for a long time but in the end let her go, apparently because we were standing near by and waiting ... Then at five o'clock ... we were preparing for the service ... but our choir members weren't there.. And someone said that the police were detaining them. We went out and, indeed, there, across the street these same plain-clothed police officers were standing and were checking ... documents. And our choir members were standing there. [I know] that all of our choir members have official visas, invitations from

¹⁴¹ Human Rights Watch interview with Zurab Pataradze, Consul of Georgia to Russia, Moscow, November 28, 2006 and December 14, 2006.

¹⁴² Ibid.

the Patriarch, [Moscow residency] registration; that is, all of their documents are in order. ... And [then] I saw that they [the police] started to turn and walk in the direction of the metro together with our choir members; that is, they were detaining them. We crossed the road and asked what was happening. [The police said], “Everything is fine this is just a planned inspection. We are inspecting [all Georgians].”¹⁴³

Only after a local television reporter approached the police with a video camera did the police release the choir members.¹⁴⁴

Officials repeatedly cited official orders as the justification for detentions and expulsions of Georgians. For example, when Moscow police came to detain David Latsabidze on October 10 while he was at work on a construction site, they told him, “There is an [official] order to deport all Georgians.”¹⁴⁵ On September 30, 2006, a police officer came to Gocha Khmaladze’s boss and told him that there was “an official order [and] you must fire all Georgians.”¹⁴⁶ During his court hearing, police also told Khmaladze, “[T]here is an [official] order to expel all Georgians.”¹⁴⁷

Gocha Khmaladze worked as a driver for a minibus company in Moscow. He had been working legally for over four years and had a visa valid through August 30, 2007, a migration card, a work permit, and Moscow registration. However, police detained him in a group of Georgians and three weeks later expelled him to Georgia. He described his detention to Human Rights Watch:

On the night of October 9 they checked my documents. They said that everything was fine with my registration and that I shouldn’t worry. But on the next day I was just standing on the street, taking care of my car when they [the police] asked to see my documents. They took my

¹⁴³ Human Rights Watch interview with Father Miron, Moscow, December 13, 2006.

¹⁴⁴ Ibid.

¹⁴⁵ Human Rights Watch interview with David Latsabidze, Tbilisi, December 4, 2006.

¹⁴⁶ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

¹⁴⁷ Ibid. In one incident reported by *The Moscow Times*, in exchange for a bribe, a police officer allowed the Georgian driver of a Canadian businessman to escape deportation. The police officer admitted, “Ethnically based? Of course it is ethnically based. We are taking in all Georgians. This should teach them some respect for their neighbors.” David Nowak, “Fearful Georgians Shut down Stalls and Eateries,” *The Moscow Times*, October 9, 2006, <http://www.themoscowtimes.com/stories/2006/10/09/014.html> (accessed April 23, 2007).

passport and went into the dorm. I figured that they will come out soon... I knew that everything was fine [with my documents] and that I had nothing to worry about. But then they came out, they had taken another ten guys from our dorm and were pushing them into a car. They had taken only Georgians. ... They took us to the police department No. 44 in Vykhino and they immediately started telling us 'We must deport you.' No matter what, they would deport everyone. All Georgians.¹⁴⁸

Moscow police detained Arthur and Andrei Sarkisian and their father on October 9 as they were walking on the street towards the metro. As police stopped them, they tore out the Moscow residency registration and the work permit pages in Arthur's passport and then demanded that the three men go with them to the police station. The father's passport had expired. After two hours in the police station they were taken to a special detention facility for foreigners before being brought to a judge. The brothers believed that their detention was not registered, since upon entry to the special detention facility, the authorities did not take photographs or fingerprints from either of the men. They were not allowed to call a lawyer or their family members to inform them of their whereabouts. Their family called numerous detention facilities in the city searching for the young men and their father, but the authorities denied that the men had been detained.¹⁴⁹

Ana A. and her husband Givi G. had lived in Moscow. Givi G. worked as a seller in a Moscow market. He had been working for almost ten years and had always obtained a visa, registration, and work permit. On October 4, Givi G. did not go to work, as he had heard a warning that Georgians should not come to the market. In the evening he decided to go to the market to close down his stall, to protect it from possible theft. The police detained him immediately and told him that the receipt he had obtained after submitting his passport for a visa renewal was "not a valid document." They detained Givi G. together with four other Georgian men and three

¹⁴⁸ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

¹⁴⁹ The brothers believed that the other 20 people detained with them in the cell of the special detention facility also had not been brought before a judge. Human Rights Watch interview with Arthur and Andrei Sarkisian, Tbilisi, December 4, 2006.

Georgian women from the same market. He was eventually expelled and forced to leave behind his wife, who is ill and receives treatment in Moscow.¹⁵⁰

Tamar T. had lost her passport when her purse had been stolen. When Moscow police detained her, she possessed a certificate from the Moscow police stating that she had lost her passport. She planned to go to the Georgian consulate with the certificate in order to receive a new passport when she was detained. A court later issued a decision to expel her for illegally living in Moscow. She had the decision overturned on appeal.¹⁵¹

During the detention and expulsion campaign, Russian police elected to detain some Georgians whom the authorities knew to be living in Russia without a visa or other necessary documents. Abram Givishvili had lived in the same small village in southwestern Russia for over six years. Although he did not have a visa or migration card, local police officials never seemed concerned about his migration status, and Givishvili engaged in small business activities. On October 10, 2006, the police came to Givishvili's home and told him to go to the police department for an inspection of his passport. The next day he was taken to court, where a judge issued an order for his expulsion.¹⁵² Otar and Manana Palodze worked in a café in a small town outside of Moscow. Although their Russian visas had already expired, the local police knew them and did nothing about their expired visas. Police detained them soon after the order came down to detain and expel Georgians.¹⁵³

Police destroyed some detainees' documents upon arrest. Russian NGOs reported several cases of police destroying Russian passports of ethnic Georgians.¹⁵⁴ In an interview with Human Rights Watch, Gocha Khmaladze stated that the police threw out his migration card while he was in detention and that he was forced to sign a document stating that he had violated the law by not having a registration stamp.¹⁵⁵ According to Ana A., when police detained her husband, "They threw out [the receipt

¹⁵⁰ Human Rights Watch interview with Ana A., Moscow, December 18, 2006.

¹⁵¹ Human Rights Watch interview with Tamar T. Out of concerns for her safety, a pseudonym is being used at the interviewee's request. Moscow, December 11, 2006.

¹⁵² Human Rights Watch interview with Abram Givishvili, Tbilisi, December 4, 2006.

¹⁵³ Human Rights Watch interview with Otar and Manana Palodze, Tbilisi, December 5, 2006.

¹⁵⁴ Svetlana Gannushkina, Press Conference, Moscow, October 10, 2006.

¹⁵⁵ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

stating that a visa was being processed in his passport] and [during the court hearing] said, ‘he doesn’t have any [documents].’”¹⁵⁶ When Moscow police arrested David Latsabidze, they tore out the registration page in his passport and then asked him, mockingly, “Where is your registration?”¹⁵⁷

Coerced “confessions”

Human Rights Watch interviewed a number of Georgians who had all of the proper documentation to reside in Russia legally, but whom Russian authorities, including police and judges, coerced into signing documents stating that they had violated residency laws. The authorities would threaten detainees with punishments, such as prolonged detentions, for refusing to sign. Detainees often were unable to familiarize themselves with the documents before signing. On the basis of these forced confessions, many individuals were expelled from the country. As Gocha Khmaladze described to Human Rights Watch,

First in the police lock-up we started to sign [documents]... They started preparing documents, writing something, and told everyone, ‘Well, let’s go! Sign!’ We were forced to sign that we didn’t have any money with us in order to pay a fine. But I told them, ‘... I do have money ...!’ But it was useless to talk to them- [they just demanded,] ‘Sign! I asked them to let me read what was written, but [the only response was,] ‘Sign!’ They had written that I didn’t have a registration or visa, and that I was living in Moscow without work. I told them, that I worked and that I could show all of my documents. But they said ‘It doesn’t matter, sign this or else. If you don’t sign, you will just have to sit in the “monkey cage” (in Russian, *obyazannik*, a slang term used to denote a police lock-up).’¹⁵⁸

A similar situation occurred the next day when Khmaladze and others were brought before a judge. The judge had a document for Khmaladze to sign stating that he did not have proper authorization to live and work in Moscow. Khmaladze explained that,

¹⁵⁶ Human Rights Watch interview with Ana A., Moscow, December 18, 2006.

¹⁵⁷ Human Rights Watch interview with David Latsabidze, Tbilisi, December 4, 2006.

¹⁵⁸ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

at the moment of his arrest, he had all the necessary documentation. The judge looked at his documents and asked the police officers responsible for his detention, “Why did you bring this citizen here? [His documents] are all in order.” In the presence of the judge, the police told Khmaladze, “Sign [the document] or else you’ll sit in the “monkey cage” again and you’ll have plenty of time to think about it ... there is an [official] order to expel all Georgians.” Khmaladze felt resigned to the situation. “I already realized, that [to reason] with them was useless. I said, ‘Give me [the document] and I will sign it under the gun. I don’t care, just so long as I can get out of here,’” he told Human Rights Watch.¹⁵⁹

The officials told Khmaladze that once he agreed to the expulsion, he would be released from detention and given 10 days to depart Russia of his own accord. “For this reason, I agreed to sign everything: in 10 days I’ll buy myself a ticket and fly out myself. But they didn’t [allow me to] do this.” Instead, Khmaladze spent three weeks in abysmal detention conditions, described below.¹⁶⁰

Ana A. told Human Rights Watch that officials also convinced her husband to sign a document stating that he was in Russia without proper documentation by claiming that he would then be released and have 10 days to leave Russia. However, he was not released and on the next day he was expelled to Georgia.¹⁶¹

Moscow police illegally detained David Latsabidze, who had all of the necessary documentation to live and work legally in Moscow. Authorities at the detention facility told him, “If you want to get out of here, then pay us money. US\$500 per person.” He did not have the possibility of paying and was expelled from Russia, even after he refused to sign any document “confessing” to violating the law.¹⁶²

Police detained Genadii Voronov on October 6 outside of the Georgian consulate in Moscow while he was waiting for a document necessary to process his application for permanent residency in Russia. He had lived in Russia for over 10 years and is married to a Russian. At the time of his detention, he had a valid visa and

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Human Rights Watch interview with Ana A., Moscow, December 18, 2006.

¹⁶² Human Rights Watch interview with David Latsabidze, Tbilisi, December 4, 2006.

registration. Although he refused to sign a document stating that he was in Moscow illegally, the judge told him, “[If you don’t], things will get even worse for you.”¹⁶³

Violation of the rights to counsel and to inform a person of the fact of detention

Georgian detainees repeatedly told Human Rights Watch that despite, in many cases, frequent requests, they were routinely denied legal and consular representation, in violation of both Russian and international law.¹⁶⁴ In many cases, officials dissuaded Georgian detainees and their relatives from obtaining lawyers, leading them to believe that doing so would be fruitless or ultimately worse for the detainee. Some detainees also told Human Rights Watch that authorities denied them the opportunity to notify their families of the detention.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has determined that, as a fundamental safeguard, “Immigration detainees should—in the same way as other categories of persons deprived of their liberty—be entitled, as from the outset of their detention, to inform a person of their choice of their situation and to have access to a lawyer and a doctor. Further, they should be expressly informed, without delay and in a language they understand, of all their rights and of the procedure applicable to them.”¹⁶⁵ The Body of Principles for the Protection of all Persons in any form of Detention also provides that all detainees should have the right to counsel.¹⁶⁶ The Vienna Convention on Consular Relations guarantees detainees the right to request that their consulate be informed of their arrest, and guarantees consular officers the right to visit their

¹⁶³ Human Rights Watch interview with Genadii Voronov, Tbilisi, December 5, 2006.

¹⁶⁴ Article 48.2 of the Russian constitution guarantees that “every person who has been detained, taken into custody or charged with a crime shall have the right to legal counsel (defense attorney) from the moment of, respectively, detention or indictment.” Constitution of the Russian Federation, Adopted December 12, 1993. The Code of Administrative Offenses guarantees that, at the request of a detainee, the authorities will inform his relatives, his place of employment or study, and a lawyer of the detainee’s whereabouts. Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions, article 27.3.3.

¹⁶⁵ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “The CPT Standards, Substantive Sections of the CPT’s General Reports,” p. 42, para. 30.

¹⁶⁶ Principle 17: 1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it. 2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles).

national citizens who are detention, converse and correspond with them, and arrange their legal representation.¹⁶⁷

Following their detention together with their father, police refused requests by Arthur and Andrei Sarkisian to call their families or contact a lawyer. When their father appeared before the judge he was denied access to counsel.¹⁶⁸ Immediately upon his detention, Gocha Khmaladze requested, “Give us a lawyer; give us a representative of our country. We are foreigners and have the right to call our embassy. Please give us the opportunity.” The police officers refused. A subsequent request to contact his embassy was met with cursing from the police officers on duty. When brought before the judge, he again requested a lawyer, but officials again rebuffed his request.¹⁶⁹

When Ana A. considered hiring a lawyer for her husband, Givi G., a police official convinced her not to pursue this. Ana A. told Human Rights Watch,

The inspector [named] Galina said that it’s not necessary [to hire a lawyer], since nothing could help [my husband] now. She said that [if I hire a lawyer, then my husband] will be detained here, and it’s better [for him] to leave. She said it in such a way, that nothing would help, and I believed her. She said that it’s better to leave quickly, otherwise people can be detained for two to three months. So we decided that that [leaving] was better than writing an appeal or something similar.... I believed her because I came to her for advice because they [officials] know the law better than we do, and we had never been in this kind of situation before.¹⁷⁰

Similarly, Abram Givishvili told Human Rights Watch that when police detained him he considered getting a lawyer, but the authorities convinced him otherwise. “I didn’t have [a lawyer] and I didn’t try to get one because they told me that there was no point to getting a lawyer,” he said.¹⁷¹

¹⁶⁷ Vienna Convention on Consular Relations, adopted April 24, 1963, U.N.T.S 596, entered into force on March 19, 1976.

¹⁶⁸ Human Rights Watch interview with Arthur and Andrei Sarkisian, Tbilisi, December 4, 2006.

¹⁶⁹ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

¹⁷⁰ Human Rights Watch interview with Ana A., Moscow, December 18, 2006.

¹⁷¹ Human Rights Watch interview with Abram Givishvili, Tbilisi, December 4, 2006.

Violation of the right to a fair hearing

As noted above, under article 1 of protocol 7 of the European Convention on Human Rights all lawfully resident foreigners enjoy due process rights in expulsion proceedings. In addition, all individuals accused of breaking the law also have rights to a fair and proper hearing before an independent tribunal. If they face allegations of criminal acts, they are entitled to a fair trial. This right includes the presumption of innocence until proven guilty. Under article 47 of the Russian Constitution, “No one may be denied the right to having his or her case reviewed by the court and the judge under whose jurisdiction the given case falls under the law.”¹⁷² Article 6 of the ECHR provides “In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”¹⁷³ Article 14 of the ICCPR reiterates this right.¹⁷⁴

In cases researched by Human Rights Watch and in similar cases identified by others, the cursory conduct of the hearings and the failure by judges to make any effort to hear detainees’ testimony violated these principles. After detaining Georgians, police almost always brought them to local courts. However, in most cases researched by Human Rights Watch, Georgian detainees appeared before a judge for only a few minutes or were not actually brought before a judge at all. In such cases, judges never asked for any more information than the detainee’s name or address. Trials were often held in groups. In the vast majority of cases, judges issued decisions finding an administrative violation with a punishment of expulsion from Russia. Some judges issued fines of 1000 rubles (US\$38) in addition to expulsions. Judges and court officials often pressured detainees to sign documents without allowing them to familiarize themselves with their contents. Only later did people realize that the documents that they had signed were expulsion orders. People were rarely given copies of the documents.

¹⁷² Constitution of the Russian Federation, Adopted December 12, 1993.

¹⁷³ European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁷⁴ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

The police who detained Genadii Voronov accused him of having a fake visa and passport. Although he demanded an expert examination to determine the validity of the documents, the police took him to the court on charges of violating Moscow's registration requirements. He described his brief appearance before a judge on October 6 to Human Rights Watch:

I saw the judge for literally two minutes. ... There was this small room with a table and a computer ... [where the judge] sat. I go in and he asks me, "Last name, first name?" I give him my name and date of birth, and he types something into the computer, gives me a paper and says, "Sign this." ... The judge issued a decision that I should be [expelled] ... I say that I will not sign it or any other document. The judge says, "It will be even worse for you." I was trying to explain that I wasn't just simply living in Moscow, but that I had a family to take care of... He didn't care.¹⁷⁵

Tamar T. described to Human Rights Watch a similar situation. She appeared before a judge in a court in Moscow's Cheremushkinskii district, together with several other Georgians in early October. The judge asked for the detainees' names and as they all stood he told them, "You are expelled." Each detainee then signed four documents that they were not allowed to read.¹⁷⁶

David Latsabidze appeared before the judge together with five other Georgians who worked with him on a construction site. When David asked the judge for a lawyer, the judge said, "You will now go to the special detention facility. You will wait there. There will be a plane, and they will send you to Georgia."¹⁷⁷

Court officials also pressured Khatuna Dzadzamia to sign documents that she was not allowed to read. Dzadzamia, a Georgian refugee from Abkhazia, was a student in her last year at the Moscow Foreign Language Institute and had paid her tuition for the fall semester. Although she had a visa and registration valid through February

¹⁷⁵ Human Rights Watch interview with Genadii Voronov, Tbilisi, December 5, 2006.

¹⁷⁶ Human Rights Watch interview with Tamar T., Moscow, December 11, 2006.

¹⁷⁷ Human Rights Watch interview with David Latsabidze, Tbilisi, December 4, 2006.

2007, on October 9, 2006 university officials demanded that she go to the local passport agency because there were allegedly problems with her passport. She was instructed to go to court and appear before a judge the next day. Dzadzamia told Human Rights Watch, “I went in and the judge only asked for my name and my address, that’s it. Then he stood up and left. Then they gave me ten copies of the judge’s decision to sign... I said to them, ‘Let me read [these documents].’ But they replied, ‘You can read them later. You can read it from beginning to end. Sign it first and then we’ll give it to you.’ ... [T]hey didn’t tell me, what was written there, but then said, ‘You are to be expelled. Tomorrow there is a flight [to Georgia] and you will fly out.’ She was never given a copy of the expulsion order.”¹⁷⁸

Arthur and Andrei Sarkisian were not brought before a judge at all. Their father, whose Georgian passport had expired and was thus in violation of the law, was brought before a judge, but his hearing lasted not more than 10 minutes. According to their father, the judge refused to sign an expulsion order for Arthur Sarkisian and Andrei Sarkisian because he did not believe that they had violated any laws. But, because the police had torn out the registration and work permit from his passport, Arthur Sarkisian understood that it would be difficult to get a new registration, and in the meantime, police would detain him for a few hours at a time and force him to pay fines. Thus, the brothers departed with their father for Georgia, leaving behind their mother and younger brother in Moscow.¹⁷⁹

Violation of the right to appeal

Some Georgian detainees were able to appeal the decisions taken against them, including the finding of a violation and the decision to expel them. However, in many cases identified by Human Rights Watch, Russian authorities denied Georgians the right to appeal, either denying detainees lawyers or the paper and writing instruments necessary to submit the appeal themselves, expelling them before the 10-day period granted for submission of an appeal, or dissuading detainees from appealing by threatening them with prolonged detention.¹⁸⁰

¹⁷⁸ Human Rights Watch interview with Khatuna Dzadzamia, Tbilisi, December 2, 2006.

¹⁷⁹ Human Rights Watch interview with Arthur and Andrei Sarkisian, Tbilisi, December 4, 2006.

¹⁸⁰ Article 50 of the Russian constitution guarantees, “Everyone sentenced for a crime shall have the right to have the sentence reviewed by a higher court according to the procedure instituted by the federal law, and also the right to plea for clemency or mitigation punishment.” Constitution of the Russian Federation, adopted December 12, 1993. Article 30.1 of the Code of

During his two-minute court hearing, the judge told Genadii Voronov that he had the right to appeal the expulsion decision within 10 days. For unknown reasons, his lawyer encouraged him to write the appeal himself. However, the detention center officials refused to give him any paper and told him, “Well, ok, you can write it later, you still have time.” However, at 6 a.m. the following morning officials took Voronov to the airport in order to expel him. Although Voronov was denied the opportunity to write an appeal of the expulsion order himself, his lawyer had submitted an appeal, which the court upheld, sending the case back to the lower level court for further review. Voronov’s lawyer frantically attempted to come to the airport with the court decision that would have prevented his expulsion. However, the authorities failed to provide accurate information to the lawyer, telling him that they were taking Voronov first to one airport and then another. According to Voronov, “I asked them where we were going, so my lawyer could come. First they said, ‘to Chkalovskii’ [airport]. Then [they said,] ‘to Vnukovo’ [airport]. The lawyer went here and then there but didn’t make it [before I was expelled]. They tricked him.” Voronov was expelled, leaving his wife and four-month old daughter in Moscow.¹⁸¹

Khatuna Dzadzamia’s parents learned that they had 10 days to appeal their daughter’s expulsion order. However, Dzadzamia felt she had no choice but to agree to the expulsion. “They told me that it’s possible [to appeal] in principle, but that I would have to sit in the detention facility [isolator] for two months,” Dzadzamia told Human Rights Watch. “So, I voluntarily signed, stating that I agreed to be sent back to [Georgia]. ... I signed [a document] stating that I would not appeal. I couldn’t wait [in detention] for two months. ... Furthermore, the situation was such that, they said that all Georgians ... to the last—would be expelled.” Dzadzamia was expelled to Georgia five days later. Her sister and parents remained in Moscow.¹⁸²

Deaths of Georgians in Custody

Forty-eight-year-old Tengiz Togonidze and 51-year-old Manana Jabelia were subjected to harsh conditions of detention, were denied proper medical care, and died in

Administrative Offences reiterates this right and article 30.3 allows 10 days for the appeal to be submitted. Code of Administrative Offences of the Russian Federation, No. 195-FZ of December 30, 2001, with Amendments and Additions.

¹⁸¹ Human Rights Watch interview with Genadii Voronov, Tbilisi, December 5, 2006.

¹⁸² Human Rights Watch interview with Khatuna Dzadzamia, Tbilisi, December 2, 2006.

custody during the campaign against Georgians. There were also reports that at least two additional ethnic Georgians were denied medical care because of their nationality and died as a result. There were no investigations opened into the deaths. The Russian authorities are obligated to promptly and effectively investigate every death and serious injury in custody. This obligation is based on the requirement to protect the right to life and the right to bodily integrity, particularly as it relates to persons in custody. For example, article 2 (the right to life) of the European Convention on Human Rights imposes a positive obligation on governments to ensure that the law adequately protects the right to life and imposes strict requirements in relation to the investigation of fatal incidents, especially when considered together with article 13, the right to an effective remedy. The European Court has held that the same applies in article 3 (prohibition on ill-treatment) cases, where a detainee has “an arguable claim that he has been seriously ill-treated by the police or other such agents of the State.”¹⁸³

Tengiz Togonidze, a Georgian citizen, died on October 17 at the Domodedovo airport in Moscow after being transported by bus from St. Petersburg together with 26 other Georgians who were to be expelled to Georgia. Tongidze suffered from multiple ailments, including asthma. The Georgian Consul to Russia, Zurab Pataradze, was called to the airport and witnessed Togonidze’s death. He described the scene to Human Rights Watch:

Seeing the bus [with Georgians arrive] from St. Petersburg, I immediately boarded the bus and saw him [Togonidze]. He looked extremely ill and he [suffered] like a fish that has been taken out of water ... He begged, “Take me outside into the air.” ... I personally asked the guards to allow us to take him off the bus ... because he was very sick ... As we were taking him to the terminal, together with Russian police, he thanked us, but at that moment I had to step away. ... [After just a few minutes] one of my colleagues called me to say that Togonidze was feeling very bad and that he urgently needed an ambulance. We called the ambulance and called a doctor, but

¹⁸³ For European Court findings specifically related to effective investigation into alleged violations of article 3, see *Assenov and others v. Bulgaria*, no. 24760/94, judgment of October 28, 1998, para. 102; and *Sakik and others v. Turkey*, no. 31866/96, judgment of October 10, 2000, para. 62, all available at www.echr.coe.int.

unfortunately they could not save him. That was the actual situation with this person. ... If you saw the autopsy report, you would see that he was a walking corpse. ... To detain him in such [poor] conditions was unacceptable and to transport him was also unacceptable.¹⁸⁴

Both the conditions of Togonidze's 12-day detention and the conditions of transport from St. Petersburg to Moscow apparently contributed to his death. According to the Georgian Ministry of Foreign Affairs, Russian authorities detained Togonidze on October 3, and denied him medical treatment and fresh air during the period of his detention.¹⁸⁵ As described below, OMON riot police refused to allow Togonidze and his fellow passengers to exit the bus for fresh air or open the bus windows for the duration of the nine-hour bus ride from St. Petersburg to Moscow unless they paid a bribe.¹⁸⁶ According to Nikoloz Gvaramia, the chair of the ad hoc Georgian parliamentary commission set up to examine the expulsions, Russian authorities refused to allow Georgian representatives to participate in the autopsy and issued an autopsy report claiming that 30 minutes before his death Togonidze had taken a large dose of methadone. The authorities did not explain how Togonidze, who had been in Russian custody until the moment of his death, obtained the methadone.¹⁸⁷ The Georgian parliamentary commission report on the expulsions stated that the Moscow Department of Health's autopsy of Togonidze's body found six broken ribs caused by a blow by a dull, heavy object.¹⁸⁸ Human Rights Watch has no information about the cause or timing of these injuries.

Manana Jabelia, an ethnic Georgian refugee from Abkhazia, died in a detention center in Moscow on December 2, eight weeks after she was detained by police and two days after a court overturned the decision for her expulsion. Manana Jabelia had lived in Russia legally with her husband and three children for 13 years, after fleeing

¹⁸⁴ Human Rights Watch interview with Zurab Pataradze, Consul of Georgia to Russia, Moscow, November 28, 2006 and December 14, 2006.

¹⁸⁵ Ministry of Foreign Affairs of Georgia, "Statement of the Ministry of Foreign Affairs of Georgia," October 17, 2006, http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=36&info_id=2504 (accessed May 13, 2007).

¹⁸⁶ Human Rights Watch interview with Zurab Pataradze, Consul of Georgia to Russia, Moscow, November 28, 2006 and December 14, 2006.

¹⁸⁷ Human Rights Watch interview with Nikoloz Gvaramia, Chair of the Ad Hoc Parliamentary Commission of Georgia to Study Acts Committed by the Russian Federation towards Citizens of Georgia, Tbilisi, December 1, 2006.

¹⁸⁸ "Conclusions of the Ad Hoc Commission of the Parliament of Georgia to Study Acts committed by the Russian Federation towards Citizens of Georgia," February 22, 2007, on file with Human Rights Watch.

the war in Abkhazia in 1993. Russian authorities detained Jabelia on October 4 at the Domodedovo market where she worked. She had an official certificate from the Georgian consulate stating that the consulate was preparing a new passport for her. On October 5 the authorities brought her to the Nagatinskii District Court in Moscow, which, during a 20-minute closed hearing of five individuals including Jabelia, ordered her expulsion to Georgia. According to her son, who spoke with Jabelia following the hearing, Jabelia was not allowed to speak during the hearing and did not receive a copy of the court decision. Jabelia refused to sign a document admitting that she lived in Russia illegally and agreeing to be expelled, but an official forged her signature.¹⁸⁹

Russian authorities held Jabelia in special detention facility No. 2 in Moscow while her family appealed the decision. Her family had submitted a petition requesting that Jabelia be released pending the appeal, due to poor health associated with high blood pressure and other ailments. Although the Nagatinskii District Court authorities confirmed receipt of the petition, they never responded to the request. According to her son, while in detention, officials pressured Jabelia to withdraw her petition, saying, “You won’t win [your appeal] anyway. Not a single Georgian has won. You’ll be leaving [Russia] anyway, why torture yourself here [in detention].”¹⁹⁰

The Moscow City Court heard the Manana Jabelia’s appeal on November 30 and overturned the expulsion order, issuing her a fine instead for failure to have a valid Moscow residency registration stamp. The judge refused to release Jabelia from detention that day, stating that the decision must first be sent to the judge issuing the lower court decision on December 1, the next day, after which Jabelia would be released. Jabelia accepted these circumstances, and, according to her husband, told him, “I already sat in detention for two months. It’s not like I can’t sit for three or four more days? What’s the worse that could happen to me?” Her husband told Human Rights Watch, “She said she was overjoyed that the truth had been found and satisfied that she would be with us soon.” Although her family went to the Nagatinskii District Court on December 1 to ensure the decision was implemented, the court claimed that it had not received the decision and so could not authorize

¹⁸⁹ Human Rights Watch interview with Noko Kvatatshelia and David Kvatatshelia, Moscow, December 8, 2006.

¹⁹⁰ Human Rights Watch interview with Noko Kvatatshelia, Moscow, December 8, 2006.

Jabelia's release. The family later learned that the decision had indeed arrived on December 1, but the court did not acknowledge this fact to Jabelia's family.¹⁹¹

Jabelia fell ill early the next morning, on December 2. According to her relatives, a fellow cellmate unsuccessfully attempted to revive Jabelia. She apparently died from heart failure. Jabelia's family was informed of the death only at 3 p.m., and when they went to the special detention facility to find out what had happened were told by a guard on duty, "It's no big deal. It was a natural death."¹⁹²

Inhuman and Degrading Treatment

The Russian authorities subjected many detained Georgians to inhuman and degrading treatment in violation of the Russian constitution and Russia's international legal obligations. Some detainees complained of racist insults. Many detainees were subjected to inhuman treatment as a result of the poor conditions of detention and expulsion. Detainees were held in overcrowded cells, and denied food and water. More than 100 Georgians were expelled from Russia on a Russian government cargo plane.

Article 21 of the Russian constitution prohibits "torture, violence or any other harsh or humiliating treatment or punishment." The European Convention on Human Rights,¹⁹³ the European Convention on the Prevention of Torture and Inhuman and Degrading Treatment or Punishment,¹⁹⁴ the International Covenant on Civil and Political Rights,¹⁹⁵ and the Convention against Torture]¹⁹⁶ all prohibit inhuman and degrading treatment. The European Court of Human Rights has held, including in cases against Russia, that detaining persons in sub-standard conditions of detention as well as ill-treatment of detainees will violate the prohibition on inhuman or degrading treatment.¹⁹⁷

¹⁹¹ Human Rights Watch interview with Noko Kwartatshelia and David Kwartatshelia, Moscow, December 8, 2006.

¹⁹² Ibid.

¹⁹³ Article 3, European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁹⁴ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

¹⁹⁵ Article 7, International Covenant on Civil and Political Rights.

¹⁹⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

¹⁹⁷ See, *Kalashnikov v. Russia*, no. 47095/99, judgment of July 15, 2002. See also, *inter alia*, *Peers v. Greece*, no.28524/95, judgment of April 19, 2001; *Dougoz v. Greece*, no. 40907/98, judgment of March 6, 2001; *Melnik v. Ukraine*, no. 72286/01, judgment of March 28, 2006; *Nevemerzhitsky v. Ukraine*, no. 54825/00, judgment of April 5, 2005; *Khokhlich v. Ukraine*, no.

Conditions of detention

Gocha Khmaladze described being held in a two-by-three meter holding cell in a police station. “There were about 15 or 16 people and during the night they added a few more... We had to stand all night. There was even a woman in there with us, together with her two [adult] children. We begged them to let her go home ... but [the answer was], ‘No!’” The police officers denied the detainees food and water. When detainees asked for water, the police answered, “There’s a bathroom. [When we take you there,] drink from the toilet.” Later in the day, having received no food or water for nearly 36 hours, the detainees believed they were expected to drink from the toilet if they wanted water.¹⁹⁸

A police van transferred Gocha Khmaladze and the other detainees from the police lock-up to a special detention facility for foreigners. On the way, the van encountered very slick roads due to a heavy rain and rolled over. Khmaladze told Human Rights Watch, “One guy even cut his head a bit; he banged up his head. And we were forced to get out and help them turn the van upright. Then they took us to the holding facility and I told them that this one guy had hurt his head. But they said, “That’s ridiculous. It’s nothing [serious], just a little cut.”¹⁹⁹

Khmaladze was initially put into a cell designed for 12 people but holding approximately 50 people from Georgia, Tajikistan, and Uzbekistan. There were no mattresses on the 12 metal beds where he spent his first night. The next day, he was moved to a cell for 12 people that was not crowded. He stayed there for three weeks. The cell was extremely dirty. He described the experience to Human Rights Watch:

They put us in there like pigs. It was a dirty place. Everywhere was dirty. We started to ask them [the guards], “Look, we are civilized people..., just treat us as people would treat people; we aren’t savages. Give us a broom and we’ll clean [the cell] ourselves.” But they told us, “We don’t have a broom.” We sat there until lunchtime and only at lunch

41707/98, judgment of April 29, 2003; and *Mathew v. the Netherlands*, no. 24919/03, judgment of 29 September 2005, all available at www.echr.coe.int.

¹⁹⁸ Human Rights Watch interview with Gocha Khmaladze, Tbilisi, December 4, 2006.

¹⁹⁹ *Ibid.*

did they bring us food. It was already the third day, and we were really hungry. They brought us food and brought us water. There were 12 of us [in the cell] but they only brought us [food] for nine people. We said, “What is this? Give us some more, so people can eat.” But they said, “There isn’t anymore.” This affected our psychology a bit.²⁰⁰

The detainees demanded more food and eventually the head of the facility came and provided them with 12 portions of food and a broom. The detainees cleaned out the cell themselves. Khmaladze reported that for the three weeks in this facility before being expelled, he and his cellmates continued to have difficulties exercising their rights and getting food, water, or access to toilet facilities. When Khmaladze threatened to commit suicide, the guards told him, “If you complain too much, we’ll call the doctor right now, give you some injections and send you off to the mental hospital, and there you can go and show them your rights.”²⁰¹

Arthur and Andrei Sarkisian described to Human Rights Watch the conditions in an overcrowded cell in the special detention facility. There were not enough beds in the room for all of the detainees and not even enough room for all of the detainees to lie on the floor at the same time. “[Sleep] happened in turns,” they said. “Standing, sitting, each found a way.”²⁰² When Ana A.’s husband Givi G. was brought to a detention facility, the guards used hoses to wash him and other detainees.²⁰³

Authorities in Moscow detained Tamar T. for two months while appeals of her expulsion order were pending. During those two months she only had two opportunities to take a shower. In an attempt to stay clean, she would try to wash using water from the sink when guards took her to use the toilet. Detainees were allowed to use the toilet only three times a day, according to a strict schedule. Tamar T. described the food provided by the guards as barely edible. When one of Tamar T.’s cellmates fell ill, Tamar T. and the other detainees banged on the cell door asking the guards to take her out. The guards initially refused to take her to the toilet, saying, “Why are you banging like that? Now we won’t open the door at all. And you’ll

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Human Rights Watch interview with Arthur and Andrei Sarkisian, Tbilisi, December 4, 2006.

²⁰³ Human Rights Watch interview with Ana A., Moscow, December 18, 2006.

have to use a bucket [as a toilet]!” Only after more efforts banging on the door, did the guards let the ill woman use the toilet. A woman from this same cell, Manana Jabelia, died on December 2 (see above, Deaths of Georgians in Custody).²⁰⁴

The authorities detained David Latsabidze in Moscow’s Serpukhovo special detention facility for foreigners for one week before he was expelled to Tbilisi. For the first three days, none of the detainees were taken out of his cell to use a toilet, but were forced to use a bucket in the cell. The authorities provided food only once per day. When the authorities removed Latsabidze from the cell in order to take him to the airport, they refused to return the money in his possession at the time he entered the facility. They told him that different staff members were on duty and he could get his possessions only by waiting for the next staff change.²⁰⁵

After police detained Khatuna Dzadzamia and took her to the court to receive her expulsion order, they kept her in the police station until midnight. They then drove her around Moscow for much of the night attempting to find a place for her in a detention facility. She told Human Rights Watch,

The police drove me around Moscow because they didn’t know where to take me because every place [of detention] was overfilled. There were Georgians detained everywhere. They took me first to the temporary holding cells, to the place where men are detained. [The guards] there told them, “We don’t accept females.” Then they took me to [the] Butyrka [pre-trial detention facility]. [The guards] there told them, “She’s not a criminal,” and they also wouldn’t accept me. And then they took me to where the psychiatric patients are kept, but they also refused to take me. And then they didn’t know where else to take me. [Eventually] they brought me to the temporary detention facility where women were detained. I entered there at about 6 a.m. I spent all night in the [police] car. And my parents followed us the whole time in another car. They didn’t know where [the police] were taking me.²⁰⁶

²⁰⁴ Human Rights Watch interview with Tamar T., Moscow, December 11, 2006.

²⁰⁵ Human Rights Watch interview with David Latsabidze, Tbilisi, December 4, 2006.

²⁰⁶ Human Rights Watch interview with Khatuna Dzadzamia, Tbilisi, December 2, 2006.

Conditions of expulsion

On October 6, the Russian government expelled a group of approximately 150 Georgians from Moscow to Tbilisi on a Ministry of Emergency Situations (MES) cargo plane. The Georgian government protested this transport and on October 8 denied permission for any future MES flights to land in Georgia. As a compromise, Georgia allowed an MES cargo plane equipped with passenger seats for 119 Georgians to travel from Moscow to Tbilisi on October 9.²⁰⁷ Otar and Manana Palodze, husband and wife, were among the passengers on the cargo plane on October 6. Police had detained the couple the day before for having expired visas. Manana Palodze described the cargo plane to Human Rights Watch, “When I entered the plane, I nearly lost my mind. There were wires and things coming out of the walls and there were ... only these beams to sit on ... rows of benches. And they were all full of people. ... There were about 15 children and some elderly people. We were all crying. The plane was awful, just awful...”²⁰⁸

In many cases, Russian authorities coerced detainees into buying their own tickets to depart Russia. Following four days in detention, Abram Givishvili called and asked a friend to buy him a plane ticket to Georgia. The police had told Abram, “You will sit [in detention] for a long time, so long as [Georgian President Mikheil] Saakashvili doesn’t buy you a ticket.”²⁰⁹ Like others, he was forced to travel through Armenia to Georgia because Russia had suspended all airplane travel between Russia and Georgia. While in a Moscow detention facility for foreigners, the authorities told Arthur and Andrei Sarkisian, “Either you buy a ticket, because no one is going to get you out of here, or you will be forced to do some labor to earn some money for the tickets.” The authorities refused to give the two access to a court hearing until they had purchased the tickets. They were not brought before a judge in any case.²¹⁰

²⁰⁷ “Saakashvili refuses to accept [Russian] Ministry of Emergency Situations flights carrying Georgians expelled from Russia,” (Saakashvili zapretit primat samoleti MChS s vyslanami iz RF gruzinami), *Lenta.ru*, October 8, 2007, <http://lenta.ru/news/2006/10/08/cargo/> (accessed April 17, 2007); and “Georgia agrees to accept Russian Ministry of Emergency Situations flights,” (Gruzia soglasilas prinyat samoleti MChS Rossii), *Lenta.ru*, October 10, 2007, <http://lenta.ru/news/2006/10/10/planes/> (accessed April 17, 2007).

²⁰⁸ Human Rights Watch interview with Manana Palodze, Tbilisi, December 5, 2006.

²⁰⁹ Human Rights Watch interview with Abram Givishvili, Tbilisi, December 4, 2006.

²¹⁰ Human Rights Watch interview with Arthur and Andrei Sarkisian, Tbilisi, December 4, 2006.

Detainees also faced ill-treatment during their transport from detention facilities to the airports where their expulsions would take place. OMON riot police escorted the detainees on the buses. Genadii Voronov told Human Rights Watch that on the trip from Moscow to the Domodedovo airport, on the southern outskirts of Moscow, “someone asked to go out to toilet, but the guards were unwilling to stop the bus and let anybody out, in case someone might run away.”²¹¹ According to Consul Zurab Pataradze, who interviewed 26 detainees whom police brought by bus from St. Petersburg to Moscow for their expulsion on October 17, “the fellow passengers uniformly told me ... on the road from St. Petersburg to Moscow [the guards] did not let the passengers get off the bus, for physical needs, for the whole nine hours [of the trip] unless they paid a bribe. The guards [also] refused to allow the passengers to open the windows ...”²¹² This bus included 48 year-old Tengiz Togonidze, who died almost immediately upon arrival at the airport (see above, Deaths of Georgians in Custody).

As noted above, Georgians who were expelled in later weeks were forced to undertake long, indirect routes through Armenia or Azerbaijan in order to reach Georgia due to the Russian blockade on transport between Georgia and Russia. Abram Givishvili stated that he was sent by plane from Saratov to Yerevan, the capital of Armenia. He told Human Rights Watch, “They sent me to Yerevan. I told them that I’m not Armenian, so why are you sending me to a different country? They sent me using my own money. I called a friend who bought me a ticket using my money. He brought me the ticket [while I was in detention] ... they detained me on the border, at the customs point in Armenia, when the plane arrived. They detained me for 24 hours. Employees from the Georgian embassy met me. I spent the night in the hotel and then they gave me permission to enter the country, my homeland. I also came [to Georgia from Yerevan] using my own money.”²¹³

²¹¹ Human Rights Watch interview with Genadii Voronov, Tbilisi, December 5, 2006.

²¹² Human Rights Watch interview with Zurab Pataradze, Consul of Georgia to Russia, Moscow, November 28, 2006 and December 14, 2006.

²¹³ Human Rights Watch interview with Abram Givishvili, Tbilisi, December 4, 2006.

Expulsion of Georgian Refugees from Abkhazia

Human Rights Watch did not examine whether Russian authorities violated the government's obligations under international refugee law in the campaign against Georgians. It is worth noting, however, that the expulsions of Georgians posed an additional hardship for the large numbers of ethnic Georgians from Abkhazia who have few, if any, family or economic ties to the rest of Georgia and little possibility of effective integration in the country. Approximately 250,000 Georgians were displaced from Abkhazia as a result of the conflict between ethnic Abkhaz separatist forces and Georgian troops in 1992-1993.²¹⁴ According to the Georgian consulate in Moscow, some 50,000 Georgians from Abkhazia settled in Russia, where most lived legally using their Soviet passports until the 2002 law on the legal status of foreign citizens made Soviet passports obsolete. Many Georgians from Abkhazia sought and received Georgian passports to help legalize their status. Very few sought refugee status in Russia, because they did not have the necessary documents, were unwilling to commit time and resources to the difficult bureaucratic process of receiving refugee status, or believed that they would not receive the status if they applied.²¹⁵

The vast majority of displaced Georgians from Abkhazia, including the large number of them in Russia, has no possibility to return to Abkhazia because the de facto Abkhaz government is not able to provide basic security or other necessary prerequisites for the displaced to return.²¹⁶ There is also no real alternative of living in other parts of Georgia, where the situation for the internally displaced remains fragile, since the Georgian government has done little to help them integrate.²¹⁷ Many of the people interviewed by Human Rights Watch for this report were originally from Abkhazia, but had moved to Moscow during or soon after the war there.

²¹⁴ The actual numbers are disputed. See International Crisis Group, "Abkhazia: Ways Forward."

²¹⁵ For more information and an analysis of the shortcomings of Russia's refugee laws and policy, please see, "Report from an International Research Mission: Migrants in Russia," published jointly by the La Fédération Internationale des Droits de l'Homme (FIDH) and Grazhdanskoe Sodestvie (Civic Assistance Committee), July 26, 2007, [http://refugee.memo.ru/C325678F00668DC3/\\$ID/90119D01A56DAEA5C325732500476C85](http://refugee.memo.ru/C325678F00668DC3/$ID/90119D01A56DAEA5C325732500476C85) (accessed July 30, 2007).

²¹⁶ In recent years approximately 45,000 Georgians have returned to the Gali region of southern Abkhazia, but no large-scale returns have happened in any other parts of Abkhazia. In addition to lack of security guarantees, major problems for returnees include the lack of property rights and restitution of their homes, as well as access to Georgian-language schools. International Crisis Group, "Abkhazia: Ways Forward," pp. 19-23.

²¹⁷ Ibid, p. 18.

Khatuna Dzadzamia, also a student, moved with her family from Abkhazia to Moscow in 1993, immediately after the war. The Russian authorities returned her to Georgia, while her parents and sister remained in Moscow. She described her life in Tbilisi following her expulsion, “I live with relatives. First one, then another. I don’t have a permanent place to live.”²¹⁸ She had been in her final year of foreign language university studies and was hoping to resume her studies in Georgia. “I have been here for over a month. I submitted a lot of petitions [to resume my studies]. I’ve written and I’m waiting for an answer. ... There have been no answers so far from anywhere.”²¹⁹

The experience of one Georgian from Abkhazia, Dato D., who was forcibly returned to Georgia from Moscow just prior to the Russian government’s campaign, also illustrates the difficulties for Georgians from Abkhazia who are forced out of Russia. Border guards detained Dato D., a 20-year-old law student enrolled in a Russian university, at the airport on September 12 when he arrived from Georgia together with his sister to begin the school year. Dato D. had a valid passport and student visa, yet the border guards detained him and sent him back to Tbilisi.²²⁰

Dato D. told Human Rights Watch that he and his family lived for 14 years as displaced people in different Georgian cities, before going to Moscow in search of work and educational opportunities in 1999. He said that since his expulsion, his family remains in Moscow, and that he is in Zugdidi, a town in Western Georgia, struggling to maintain a basic existence. Dato D. told Human Rights Watch, “I am living here somehow. I have no money, no apartment, no classes.” He has made efforts to enroll in a Georgian university to resume his studies. “I appealed to the [Georgian] ombudsman, but they only sent a letter to the Ministry of Education asking that they accept me ... But there has been no answer whatsoever. I must go there myself and clarify things, but it’s very difficult to clarify things, because everywhere here I am different [chuzhoi],” he told Human Rights Watch. Dato D.’s parents planned to leave Moscow to join him in Georgia, but he worried that the

²¹⁸ Human Rights Watch interview with Khatuna Dzadzamia, Tbilisi, December 2, 2006.

²¹⁹ Ibid.

²²⁰ Human Rights Watch interview with Dato D. Out of concerns for his safety, a pseudonym is being used at the interviewee’s request. Tbilisi, December 2, 2006.

situation would be similarly difficult for them. “And what are they going to do here?” he said.²²¹

²²¹ Ibid.

Conclusion

By late November 2006, the Russian government's campaign against Georgians had largely subsided. Although short-lived, the crackdown nevertheless significantly affected Georgians in Russia. According to the Georgian embassy in Russia, by January 15, 2007, Russian courts had taken 4,634 decisions on the expulsion of Georgians. On the basis of these decisions, Russian authorities expelled 2,380 Georgians,²²² and the remaining 2,254 Georgians receiving expulsion orders departed Russia by their own means.²²³ An unknown number of other Georgians left Russia either to rejoin family members who had been expelled, because they were no longer able to find work, or because they no longer felt welcome in Russia. Russian authorities continued to pursue more aggressive measures against irregular immigrants and employers hiring immigrant workers without work permits, reporting on May 25, 2007, that 56,000 irregular immigrants had been expelled from the country since the changes to the law on migration came into effect on January 15, 2007.²²⁴

On March 26, 2007 the Georgian government filed an interstate complaint against Russia before the European Court of Human Rights. Although the European Court most frequently decides on applications lodged by individuals against states that have ratified the European Convention on Human Rights, article 33 of the ECHR allows states to bring complaints against other states.²²⁵ In addition, 13 Georgian individuals filed a European Court application against Russia with the assistance of

²²² "Conclusions of the Ad Hoc Commission of the Parliament of Georgia to Study Acts committed by the Russian Federation towards Citizens of Georgia," February 22, 2007, on file with Human Rights Watch.

²²³ Human Rights Watch phone interview with Zurab Pataradze, Consul of Georgia to Russia, Moscow, September 5, 2007.

²²⁴ "Since the beginning of the year about 56 thousand foreigners have been expelled from Russia- FMS [Federal Migration Service]," (S nachala goda iz Rossii vydvoreny okolo 56 tys. innostranikh grazhdan- FMS), Interfax, May 25, 2007, http://www.interfax.ru/r/B/politics/2.html?id_issue=11754561 (accessed May 28, 2007).

²²⁵ "Inter-state application brought by Georgia against the Russian Federation," European Court of Human Rights press release, March 27, 2007, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=814710&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> (accessed June 11, 2007). The European Court has taken decisions in only three interstate cases, since the establishment of the European Court in 1959. The Georgian government alleges that the actions of the Russian authorities in late 2006 "amounted to a pattern of official conduct giving rise to specific and continuing breaches of the [ECHR]," including the prohibition of inhuman and degrading treatment and punishment, the right to liberty, the right to respect for private and family life, prohibition of discrimination, right to education, prohibition of collective expulsion of aliens and procedural safeguards relating to expulsion of aliens.

the Georgian Young Lawyers' Association, a Georgian NGO. The application is currently pending.²²⁶

²²⁶ *Chokheli and others v. Russia*, (no. 16369/07).

Acknowledgements

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The report was edited by Rachel Denber, deputy director of the Europe and Central Asia Division and by Iain Levine, director of the program office of Human Rights Watch. Bill Frelick, Refugee Policy Program director at Human Rights Watch, Allison Gill, director of the Russia Office of Human Rights Watch, and Svetlana Gannushkina, director of the Russian non-governmental organization, Grazhdanskoe Sodestvie, read the report and provided comments. Veronika Szente Goldston, Europe and Central Asia Division advocacy director, read and provided comments on the summary and recommendations. Aisling Ready, Senior Legal Advisor at Human Rights Watch, conducted the legal review. The report was translated into Russian by Igor Gerbich. Production assistance was provided by Anna Lopriore, Andrea Holley, Grace Choi, and Fitzroy Hepkins.

Human Rights Watch thanks all of the individuals who agreed to be interviewed for this report. Their willingness to share their experiences with us made this report possible. We also thank Svetlana Gannushkina and other staff members at Grazhdanskoe Sodestvie for their generous and timely assistance at various stages of the report research and writing.

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Appendix A

April 4, 2007

S. I. Gladkin

Director of the Organization for International Cooperation
Ministry of Internal Affairs, Russian Federation

Via facsimile: +7-495-230-2580

Dear Sergei Ivanovich,

Please accept my regards on behalf of Human Rights Watch.

As you may know, Human Rights Watch is an international nongovernmental organization headquartered in New York. It has been monitoring the human rights situation in around 70 countries on every continent since 1978. You can familiarize yourself with our reports and other materials on our website: www.hrw.org. Our representative office in Russia was first registered in Moscow in 1993.

I would like to request your assistance in coordinating meetings between our organization and officials from the Ministry of Internal Affairs. In the past months, Human Rights Watch staff has conducted research surrounding the expulsion of Georgian citizens from Russia. We spoke with dozens of Georgian citizens expelled from Russia and members of their families both in Russia and in Georgia. We also met with officials in Tbilisi and in Moscow; and in particular with staff of the Ministry of Internal Affairs of the Russian Federation, the Ministry of Justice, the Federal Migration Service, and other departments.

According to a statement from Georgian authorities from October 2006, more than 2,300 people were illegally expelled from Russia. As a result, many of them lost their jobs and were separated from their families. The Georgian government even initiated an investigation on the matter with the European Court of Human Rights. Russian officials stated that all of the expulsions were based on judicial rulings and that

there was no special “anti-Georgian campaign”, as deemed by Georgians authorities, and that the administrative exile of Georgian citizens was within the framework of the regular process of eliminating illegal immigrants. Stricter immigration policies, which the Russian government started to undertake at the end of last year, affect citizens from other countries, such as Azerbaijan, Uzbekistan, China, Vietnam, and others equally, but attention from the press and public opinion was focused on Georgia due to worsening relations with Russia in the last year.

As you see, the two sides are highly disparate. This is precisely why we would like to hear the opinion of the officers responsible for the matter within the ministry. We would also be very grateful for statistical data for expulsions in 2006 by month, which would give us an idea of the quantity of expulsions to Georgia and other countries. This data would be an excellent illustration of the events we are researching.

Thank you in advance for your assistance. You may contact our Russian representation via telephone or fax at 495-737-8955. In my absence, you may contact Alexander Petrov, deputy director of Human Rights Watch’s representation in Russia.

Sincerely,



Allison Gill
Director of Russian Office
Human Rights Watch

Appendix B

Summary Note

(The status as of 3p.m. on November 1, 2006)

In carrying out Ministry of Internal Affairs of Russia order No. 849 of September 29, 2006, the Federal Migration Service has organized actions for strengthening control of the legality of Georgian citizens' arrival on the territory of the Russian Federation. The status as of 3 p.m. November 1, 2006:

1. 5777 (+140) inspections of employers hiring foreign workers, including Georgians were conducted. As a result of the inspections the activities of 58 (+0) organizations, which had committed violations, were suspended.
2. As a result of operational actions, proceedings were initiated against 5387 (+54) Georgians, found to be in violation of articles 18.8-18.11 of the Code of Administrative Violations. Courts issued 2681 (+54) decisions on administrative expulsion of these individuals. 1194 (+29) Georgians were actually expelled from the Russian Federation.
3. As a result of inspections conducted by the organs of the Ministry of Internal Affairs of the Russian Federation 19 cases were sent for a decision on opening a criminal case under part one, article 322.1 of the Criminal Code of the Russian Federation.
4. The processing of documents for Georgian citizens were suspended:
 - for application for Russian citizenship- 1988 (+2)
 - for invitations- 3924 (+4)
 - for temporary residency permits- 1307 (+7)
 - for permanent residency permits- 291 (+2)
5. Inspections were conducted as to the legality of issuance:
 - of Russian citizenship- 6448 (+124)
 - of invitations- 8609 (+41)
 - of temporary residency permits- 4177 (+47)
 - of permanent residency permits- 2431 (+41)

57 violations of the law were identified and actions were taken against those violating the law, in accordance with existing laws.

6. 2342 (+5) other crimes committed by Georgians and against them were identified.
7. 220 (+2) articles [or programs] on this topic were carried in federal and regional mass media.

YIK FMS [Federal Migration Service Directorate of Immigration Control] of Russia

Appendix C

St. Petersburg GUVV [Main Department of Internal Affairs] 122721/08 02/10 17:00

To heads of divisions of the GUVV apparatus and city district Internal Affairs organs of St. Petersburg and Leningrad oblast.

In order to increase the effectiveness of carrying out the orders of GUVV [Main Department of Internal Affairs] order N. 0215 of September 20, 2006 (p.p. 6.1, 6.2, 7.)

I request:

1. From October 2- 4, 2006, in cooperation with territorial divisions of the St. Petersburg and Leningrad oblast UFMS [Departments of the Federal Migration Service] with the participation of employees from all structural divisions, conduct large-scale operations to detect and deport a maximum number of citizens of Georgia illegally residing in the territory of Russia
2. During court reviews of cases of violations of the rules of arrival for foreign citizens, initiate decisions only on deportation of this group of citizens, with detention in the OPR GUVV [Detention centers for foreigners of the Main Department of Internal Affairs]. The conduct of these operations is done with the agreement of the St. Petersburg UFMS and with the St. Petersburg and Leningrad oblast courts.
3. I inform you of your personal responsibility for the organization and results of conducting these operations.

Acting St. Petersburg and Leningrad oblast GUVV [Main Department of Internal Affairs] head

General-mayor of police

V. Yu. Piotrovskii

[Signature]

Appendix D

St. Petersburg 122721/17 03/10 1300=

Heads of St. Petersburg and Leningrad Oblast MOB [Public Safety Police] [and] city district Internal Affairs organs

In order to prepare reports to the DOON MVD [Ministry of Internal Affairs], I request that you submit every day at 12p.m. to the OIKKDP MOB IAU [Information Directorate of the Public Safety Police] of the GUV D [Main Department of Internal Affairs] headquarters the following information:

1. The number of Georgian citizens, detained for committing crimes in the street and in public places broken down by articles and examples.
2. The number of Georgian citizens, detained for committing administrative violations broken down by articles.

Number of Georgian citizens detained for violation of passport rules _____.

3. The amount of ammunition _____;

The number of weapons _____;

Narcotics (gr) _____ confiscated from Georgian citizens.

The information should be submitted daily without a running total. The first report should be submitted by 3p.m. October 2, 2006, indicating the results of work on October 1 and 2 of this year.

Acting head of the GUV D [Main Department of Internal Affairs] headquarters

Colonel of the internal service

V.D. Kudryavtsev

[Signature]

Appendix E

In order to enforce law and order, prevent terrorist acts and aggressive attitudes among children of Moscow residents and children of Georgian nationality, I request that you submit to Moscow's Taganskii district OVD [Division of Internal Affairs] the following information:

- Surname, patronymic, and name, date and place of birth and place of residence of children of Georgian nationality and which grade they attend;
- Surname, patronymic, and name, date and place of birth and place of residence of their parents, location of work and position, and the composition of the family;
- Relations between children of Georgian nationality with other students, cases of hostile relations between children, as well as in relation to them, cases of disobedience by Georgian children toward their teachers, and cases of bad social behavior and unlawful acts.

I ask that you send the requested information to us by October 9, 2006 (Moscow, Vederikov lane, d. 9).

Head of the Division of Internal Affairs
Taganskii District of Moscow
Police Colonel
G.S. Zacharov

[Signature]

Appendix F

MOSCOW CITY DEPARTMENT OF EDUCATION
MOSCOW INSTITUTE FOR OPEN EDUCATION GENERAL EDUCATION SCHOOL NO. 169
119415, Moscow ul Ydaltsova, 21 Tel: (095) 138-39-68

October 4, 2006

Vernadskii prospect OVD [Division of Internal Affairs]

In response to your inquiry of October 3, 2006, regarding submission of lists of pupils of Georgian nationality, we inform you that registration of students according to nationality does not take place in this school.

In order to collect this kind of information (which is confidential in nature) and submit it to a different agency, we must receive a relevant order from a more senior authority- the Moscow City Department of Education

With respect,

Director of School No. 169 MIOO [Moscow Institute for Open Education]

[Signature]

A.S. Engels

[Stamp]