

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. What is the situation in Russia at present for Caucasians, and in particular people having Ingush ancestry?
2. Anything else you feel might be relevant.

RESPONSE

1. What is the situation in Russia at present for Caucasians, and in particular people having Ingush ancestry?

Little detail was found among the sources consulted on the particular situation of people of Ingush ancestry living in Russia. Reports do indicate that persons from the Caucasus, particularly Chechens and those of obviously non-Slavic appearance, are among those groups who are more likely to be targets of racial violence; they are also more likely to be stopped and questioned by the police. There have been some instances where Ingush people have been involved in such incidents.

The most recent Minorities at Risk assessment of the Ingush found is dated December 2003. It contains little detail about the situation for people of Ingush ethnicity who are living in Russia, but does discuss the attitude of the Russian authorities towards the Ingush leadership, which is better than towards the Chechens:

The Ingush have thus far been able to avoid the disaster that has befallen their ethnic brethren to the east. There is little reason to expect this to change in the short run, for the policy of the Ingush leadership has been consistently accommodating to Moscow. However, like many of the “mountain people” of the Caucasus, the Ingush have a strong warrior tradition, and the many economic and social pressures facing the group certainly have the potential to lead to violence as this century unfolds. The violence in Chechnya sometimes spills over the border into

Ingushetia; however, the enormous burden placed on the local government by Chechen refugees has largely passed.

There are several factors mitigating the chances of Ingush rebellion in the near future. **As was mentioned above, the Ingush leadership has chosen a conciliatory strategy with Moscow. In addition, the Ingush seem satisfied with their local government, which is a more-or-less stable, functioning democracy. Lastly, the region has attracted a large amount of international attention and support for a peace settlement, and the Ingush have indicated a willingness to negotiate when problems arise.**

The outlook for the Ingushetia-North Ossetia problem is quite different. As long as the ultimate disposition of the Prigorodny region remains unsettled, there is a good chance of continued low-level violence between the Ingush and the North Ossetians. Thus far, despite transnational support for a settlement, no agreement has been reached. The renewal of fighting in Chechnya has distracted the rest of the world (and especially Moscow) from the Prigorodny problem, which has been left to fester, maintaining its position as the main grievance of the Ingush people. Tensions remain high, and low-level violence between the two groups is a common occurrence. If the North Ossetians, whose population is shrinking (while the Ingush are experiencing one of the highest birthrates in Russia), begin to feel insecure and try to reassert their authority in the region, another armed conflict is especially likely ('Assessment for Ingush in Russia' 2003, Minorities at Risk Project, 31 December, <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=36528> – Accessed 7 November 2006 – Attachment 1).

However, most sources indicate that in general those of Caucasian ethnicity are more likely to experience difficulties when living in Russia, both at official and unofficial levels. The reports below contain references to the situation of Caucasians, and some mention the Ingush specifically.

The section on 'National/Racial/Ethnic Minorities' from the 2005 US Department of State report on Russia states:

The law prohibits discrimination based on nationality; however, Roma, **persons from the Caucasus and Central Asia, and dark skinned persons and foreigners faced widespread governmental and societal discrimination, which was often reflected in official attitudes and actions** (see section 1.c.). Skinhead groups and other extreme nationalist organizations fomented racially motivated violence. Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious from ethnic motivations (see section 2.c). Human rights observers noted that racist propaganda and racially motivated violence are punishable by law, but despite some increases in law enforcement efforts, the law was employed infrequently. However, the authorities demonstrated an increased awareness of the problem. For example, on September 27, President Putin stated: "We will step up the law enforcement agencies' work in this area and will do all we can to make sure that skinheads and fascist-minded groups are no longer a part of this country's political landscape."

Federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Ethnic Azerbaijani vendors alleged that police frequently used violence against them during document checks at markets in St. Petersburg.

Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained them or fined them in amounts that exceeded legally permissible penalties. Police often failed to record infractions against minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In March the Institute for War and Peace

Reporting noted that police arrested illegal migrant workers from Central Asia and illegally took their money and then took the workers to the outskirts of Moscow instead of deporting them. This practice reportedly allowed the police to pocket the cost of the deportation and leave the workers in Moscow for future arrests...

...There was also evidence of hostility on ethnic and racial grounds within the society at large. Despite appeals for tolerance during the year by senior officials, violence and societal prejudice against ethnic and national minorities, as well as against foreigners, remained a problem. In the view of some experts and human rights leaders, this phenomenon worsened, but others insisted that it reflected better reporting and greater media attention.

During the year numerous racially motivated attacks took place against members of minority groups and foreigners, particularly Asians and Africans. In some cases, observers believed the attacks were racially motivated. According to MVD statistics, 11,100 crimes were committed against foreign citizens and persons without citizenship from January to October... The city administration appeared to have begun to take hate crimes more seriously, but law enforcement agencies did not do enough to address the issue, in part because they lacked the necessary resources and, in some cases, because some working-level staff sympathized with the nationalistic causes.

Private individuals or small groups that espoused racial hatred generally carried out such attacks. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. During the year members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police investigations of such cases were frequently ineffective and authorities were often reluctant to acknowledge the racial or nationalistic element in the crimes. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or experienced indifference on the part of police.

Skinhead activity continued to be a serious problem. **Skinheads primarily targeted foreigners and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments and hostility toward adherents of "foreign" religions** (see section 2.c.). According to the MVD, neofascist movements have approximately 15 thousand to 20 thousand members, of which over 5 thousand were estimated to live in Moscow. According to the MHBR, there were approximately 50 thousand skinheads in 85 cities. Skinhead groups were particularly numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. According to one report, from January to early December skinheads attacked 125 people in Moscow, and 8 of the victims died.

There were indications that the authorities were increasingly willing to acknowledge racial, ethnic, or religious motivations for such criminal acts. For example, in St. Petersburg authorities have recently been willing to acknowledge the role of ethnic hatred in such crimes. Between January and July, 13 physical attacks were officially declared to have been motivated by racial or ethnic hatred. In all cases the attackers wore skinhead attire or proclaimed nationalist slogans. In September, for the first time, a Primorskiy Kray jury convicted a defendant of a crime motivated by ethnic hatred. Skinhead leader Ivan Nazarenko was found guilty of murder motivated by ethnic hatred for the killing of a Korean man in September 2004 and sentenced to 13 years' imprisonment. The same jury acquitted Nazarenko of the 2004 murder of a Chinese citizen.

In August five skinheads were convicted of murdering migrants in Surgut, Khanty-Mansiysk Okrug. Two of the teenage defendants were sentenced to 9 years, the rest to 8 1/2 years for murdering an Azeri and four Tajiks in separate incidents December 2003 and September 2004. The skinheads reportedly attacked and beat to death or stabbed people of a non-Slavic appearance on the streets with the aim of "cleansing the city." They allegedly confessed to the killings during the investigation but withdrew their confessions in court.

Also in August three skinheads were sentenced to one year imprisonment for assaulting ethnic Yakuts in Yekaterinburg. According to media reports, this was the first conviction for a hate crime in Sverdlovsk Oblast. In St. Petersburg, the trials of eight young men accused of attacking a Tajik family of three in 2004 continued, stabbing a 9-year-old Tajik girl to death. Only one of the men alleged to have been involved was being tried for murder.

In June 2004 Nikolay Girenko, an expert on hate crimes and senior researcher of the Museum of Anthropology and Ethnography at the Russian Academy of Sciences, was killed in his apartment in St. Petersburg. Shortly after his killing, a previously unknown organization, "Russian Republic," pronounced a death sentence on Girenko on its website and announced that the sentence had been carried out. St. Petersburg prosecutors reportedly issued a summons to the authors of the "Russian Republic" website, but according to an NGO, those behind the website had decided to ignore the summons. There continued to be no indication that the authorities had arrested any suspects in connection with Girenko's killing.

In March Pavel Ivanov resumed publication of *The Russkoye Veche*, a Velikiy Novgorod newspaper that printed articles hostile to minorities. Ivanov had been charged in 2002 with inflaming ethnic hatred and in February 2004 the court found him guilty and banned him from publishing for three years. Ivanov appealed the ruling and the ban was replaced with a \$350 (10 thousand rubles) fine (US Department of State 2006, *Country Reports on Human Rights Practices 2005: Russia*, 8 March – Attachment 2).

Both Amnesty International and Human Rights Watch produced major reports in 2003 on the situation of ethnic minorities in Russian, including those from the Caucasus.

Amnesty states that:

Discrimination on grounds of race is a reality for many members of ethnic or national minority groups in the Russian Federation. Victims whose cases have come to the attention of Amnesty International are predominantly students, asylum seekers and refugees from Africa, but also include citizens of the Russian Federation (including ethnic Chechens and Jews) as well as people from the south Caucasus, from South, Southeast and Central Asia, from the Middle East and from Latin America...

...As in many other countries, law enforcement agencies in the Russian Federation often relect rather than challenge discriminatory attitudes in society at large. Amnesty International's research indicates that many racist attacks are not reported to the police because victims fear further abuses by the police themselves. Racist attacks are often dismissed as the actions of drunken teenagers which the police then fail to register as racially motivated or to investigate. The result is that victims of racist crime rarely see justice done, that police and members of the public feel that racism is tolerated, and that members of ethnic minorities feel they have no one to turn to (Amnesty International 2003, *'Dokumenty!': Discrimination on grounds of race in the Russian Federation*, EUR 46/001/2003, 19 March, p.11 – Attachment 3).

Of those of Caucasian ethnicity in particular, Amnesty states in 'Chapter 5: Prejudiced policing' that "**Chechens and other people from the Caucasus living in the rest of the Russian federation have experienced increasing, if varying, levels of racist attacks and police harassment**", and goes on to give case details. An incident quoted in 'Chapter 6: Racist application of citizenship laws' is of not as it indicates that Russian citizenship is not always a protection against racist attack (Amnesty International 2003, *'Dokumenty!': Discrimination on grounds of race in the Russian Federation*, EUR 46/001/2003, 19 March, p.11 – Attachment 3).

The Amnesty report also contains a few scattered references to the Ingush including:

- ‘Chapter 2: Ethnicity and nationality in the Russian Federation’ mentions that the Ingush were one of the ethnic groups that were forcibly re-located to other territories by Joseph Stalin during the Second World War (p.15).
- The European Commission against Racism and Intolerance published a report on Russia in 2001 which included “Ingush refugees”, amongst several others, as persistent targets of discrimination, racism and xenophobia (Amnesty International 2003, ‘*Dokumenty!*’: *Discrimination on grounds of race in the Russian Federation*, EUR 46/001/2003, 19 March, p.23 – Attachment 3).

A 2003 Human Rights Watch report does not mention the Ingush, but comments that after the Moscow theatre hostage incident of 2002, Moscow police “stepped up identity checks and arbitrarily detained hundreds of Chechens, and then solicited bribes from them in exchange for not pressing charges”. Incidents of human rights abuse are listed, including police planting drugs and weapons, obstructing Chechens from registering, and encouraging landlords to evict Chechens (Human Rights Watch (HRW) 2003, *On the situation of Ethnic Chechens in Moscow*, 24 February, <http://www.hrw.org/background/eca/russia032003.htm> – Accessed 1 April 2003 – Attachment 4).

A 2002 report by the UN Committee on Elimination of Racial Discrimination contains references to the Ingush in Russia:

57. 3) Fabrication of criminal accusations. In July-November 1999, a number of Chechens and a few **Ingushes** were detained and charged under article 222 (illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, ammunition, explosives and explosive devices) and 228 (illegal manufacturing, acquisition, storage, dispatching or sale of drugs and psychotropic substances) of the RF Criminal Code. In the mid-September the Chechnia President’s Representative in the Russian Federation informed about 150 Chechens who were arrested under this pretext in the previous month while the figures, given by the Moscow-based Chechen public associations, exceeded 500 people. The Memorial Human Rights Centre and the ‘Civil Assistance’ Committee made up their own list, where there were 51 names by the end of 1999. The arrested people, their relatives and acquaintances witnessing the arrests, state that the drugs and ammunition were intentionally planted on the accused during either detention, or personal search in the street or at home, or at the police stations by the police officers. There are enough evidences to suspect mass fabrication of these accusations. The same practice restarted in Moscow and the Moscow oblast in March 2000. Since then, this practice has become a routine....

...**145. 2) Refusals to register by place of stay.** In the first half of 1999, several Chechens were refused registration by their places of stay in Moscow. Personnel of the passport offices openly explained their refusal by referring to the applicants’ ethnic affiliation. After the apartment bombings in Moscow on 9 and 13 September 1999 during the compulsory re-registration of all ‘newcomers’ around 20,000 people were refused; many of them obtained written orders to leave Moscow. Later on, **refusals to register the Chechens and Ingushes** became massive, though not total. Police officers check up the premises where Chechens are registered, and if they do not find the registered Chechens there, they cancel registration (see the section pertaining to the Article 2, clause 1 ‘a’). Since 2000, the Chechens systematically are not registered by place of stay in many Russian regions. (Memorial 2002, *Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination: An NGO report to the UN Committee on Elimination of Racial Discrimination (62nd session, March 2003)*, December. (<http://www.memo.ru/eng/hr/dscr0212e/> – Accessed 1 May 2006 – Attachment 5)

A 2005 paper by the European Council on Refugees and Exiles examines the situation of Chechens in Russia and their claims to refugee status in Europe. In general, the paper takes the position that Chechen asylum seekers in Europe are entitled to protection. On other asylum seekers from Russia, it recommends treating them on a case-by-case basis:

Applications for asylum from ethnic Russians, those from an ethnically mixed background as well as from **those of non-Russian and non-Chechen ethnic backgrounds (e.g. Ingush)**, should be considered on an individual basis (European Council on Refugees and Exiles 2005, *Guidelines on the treatment of Chechen internally displaced persons (IDPs), asylum seekers & refugees in Europe*, June – Attachment 6).

2. Anything else you feel might be relevant.

Additional reports are attached which provide useful background material to this case.

A recent study by the Open Society Institute examined the extent of racial profiling by the Moscow police by conducting a monitoring exercise on the Moscow Metro system. It does not mention the Ingush in particular, but does comment that those of non-Slavic ethnicity, or who are perceived to be such, are far more likely to be stopped and questioned by the police in Moscow:

The Moscow Metro Monitoring Study found that persons of non-Slavic appearance made up only 4.6% of the riders on the Metro system but 50.9% of persons stopped by the police at Metro exits. In other words, non-Slavs were, on average, 21.8 times more likely to be stopped than Slavs. At one station, non-Slavs were 85 times more likely than Slavs to be stopped by the police. By comparison, the highest rates detected in the United States and United Kingdom show that minorities are four or five times more likely than non-minorities to be stopped (Open Society Institute 2006, *Ethnic Profiling in the Moscow Metro*, p.9 <http://www.justiceinitiative.org/> – Accessed 13 November 2006 – Attachment 7).

Two recent documents examine the situation of internal migrants within the Russian Federation:

- A 2005 report by the Refugee Studies Centre examines the situation of Chechens and other Caucasians in Moscow, though it does not mention Ingush in this context. It does provide some background on relations between the Chechens and the Ingush in the Caucasus (Refugee Studies Centre 2005, *RSC Working Paper No.22: The Outside Inside: Chechen IDPs, Identity Documents and the Rights to Free Movement in the Russian Federation*, March – Attachment 8).
- An October 2006 issue of the *Russian Analytical Digest* contains several articles about migration within the Russian Federation (International Relations and Security Network 2006, *Russian Analytical Digest No. 7*, 3 October <http://www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=24150> – Accessed 13 November – Attachment 9).

A 1997 academic paper is attached which provides information on the history and customs of the Ingush. It mentions that the Ingush “call themselves Ghalghaaj” rather than “Ingush” (Nichols, Johanna 1997, *The Ingush (with notes on the Chechen): Background information*, University of California, Berkeley http://ingush.berkeley.edu:7012/ingush_people.html – Accessed 31 October 2006 – Attachment 10).

List of Sources Consulted

Internet Sources:

Search Engines

Google search engine

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. 'Assessment for Ingush in Russia' 2003, Minorities at Risk Project, 31 December, <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=36528> – Accessed 7 November 2006.
2. US Department of State 2006, *Country Reports on Human Rights Practices 2005: Russia*, 8 March.
3. Amnesty International 2003, '*Dokumenty!*': *Discrimination on grounds of race in the Russian Federation*, EUR 46/001/2003, 19 March.
4. Human Rights Watch (HRW) 2003, *On the situation of Ethnic Chechens in Moscow*, 24 February, <http://www.hrw.org/backgrounder/eca/russia032003.htm> - Accessed 1 April 2003.
5. Memorial 2002, *Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination: An NGO report to the UN Committee on Elimination of Racial Discrimination (62nd session, March 2003)*, December. (<http://www.memo.ru/eng/hr/dscr0212e/> – Accessed 1 May 2006)
6. European Council on Refugees and Exiles 2005, *Guidelines on the treatment of Chechen internally displaced persons (IDPs), asylum seekers & refugees in Europe*, June.
7. Open Society Institute 2006, *Ethnic Profiling in the Moscow Metro*, <http://www.justiceinitiative.org/> – Accessed 13 November 2006.
8. Refugee Studies Centre 2005, *RSC Working Paper No.22: The Outside Inside: Chechen IDPs, Identity Documents and the Rights to Free Movement in the Russian Federation*, March.
9. International Relations and Security Network 2006, *Russian Analytical Digest No.7*, 3 October <http://www.isn.ethz.ch/pubs/ph/details.cfm?lng=en&id=24150> – Accessed 13 November.
10. Nichols, Johanna 1997, *The Ingush (with notes on the Chechen): Background information*, University of California, Berkeley http://ingush.berkeley.edu:7012/ingush_people.html – Accessed 31 October 2006.