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# Russian Federation - Chechnya

## Country Report

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Presentation by Ms Elisa Mussayeva  
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## **1. Historical and political background**

Russia has for a long time conducted a colonial policy towards the Caucasus region, engaging in a 20 years war in the 19<sup>th</sup> century. Unofficially the war lasted much longer than 25 years and resulted in high numbers of casualties among the Caucasians, with ordinary civilians suffering most.

In 1944 Stalin drove away the entire population of Chechnya and Ingushetia to Kazakhstan. People had to leave within two hours and were transported on cattle trains. Those who could not be driven out were simply killed. Later on the Chechens could return to their country, yet they were rehabilitated but not forgiven. While the whole region can be compared to a sleeping volcano, Ingushetia remained one of the main trouble spots.

After the events of August 1991, Boris Yeltsin promised the Chechen people as much sovereignty as they would like to have. As people exploited this opportunity, Chechnya became a rebel republic. During the first war between Russia and Chechnya there was no information blockade. The second Chechen war came very unexpected for the civilian population who were still very exhausted from the first armed conflict. Figures with regard to the Chechen population vary to a considerable degree. Official Russian statistics says that before the second war 570,000 persons lived in Chechnya. The Russian government claimed that after the second conflict the inhabitants of Chechnya numbered only 350,000 the majority of whom fled the country, so that from Russia's point of view only the rebels were left in Chechnya. Prime Minister Putin asserted that about 455,000 Chechens were living in Russia. 55,000 people are said to have died during the first war, yet since there are no statistics about the victims of this war, this figure has to be treated with caution.

The second war began in September 1999 when the official 'anti-terror operation' was launched. However, the strikes were not only aimed at terrorists; rather, the federal authorities were very unselective in their actions right from the beginning. This fact could primarily be seen in the very cynical bombings of the humanitarian corridors in October, resulting in the killing of women and children. These bombings reflected the very specific attitude of the army that there was no civilian population left in Chechnya and that – as has been argued by General Shamonov – the wife of a rebel must be a bandit, otherwise she would not have stayed in the country with him. Chechen women are therefore accused of not leaving their husbands. Shamanov has said: „If they do not understand our morals, they must be liquidated. If a patient has got a problem, he must be amputated.“ General Shamanov now is a candidate for the government elections in Ulyanovsk.

In January 2000 General Victor Kazantsev, the commander of the federal troops, gave the order that men between 18 and 60 years of age may not leave Grozny anymore. Informally this order is still in force.

In Komsomolsk the entire population was locked and held hostage between the fighting forces for four days in March 2000. Women and children had to sit on the barren earth day and night. One old man died and two pregnant women lost their children as they were not allowed to go to hospital. They were told: „This way you would give birth to a bandit.“ In this situation the women were given the opportunity to leave, if they had agreed to abandon the men aged 18–60. No differentiation was being made between

bandits and refugees, otherwise the authorities would not have committed the mass killings in February 2000 when 40 people were killed in Noviye Aldi. In Grozny the military also turned on the civilian population without making any difference between Chechens, Ingushetians or Russians.

On 6 October the family Tartajev got on their way from Ingushetia to Grozny to check their house. The family locked their house and got into their car. At the same time there was a very big military vehicle nearby which then hit the car of the family. The following people were in the car: the wife of Mr. Tartajev, the 29 year old pregnant daughter and the granddaughter who was only 2 years old. They all died under this military vehicle. The people who saw this incident blocked the vehicle and tried to call the commander. The commander gave some sort of information and took something out of the vehicle. At the same time the helicopters flying over the area opened fire on the people. Just before the curfew they removed the vehicle. On the next day they gave Mr. Tartajev the following things: some flour, sugar, a little meat and rice, representing in their eyes the worth of the victims in this case, which numbered four if one includes the unborn child.

One very important fact should be considered: Chechnya is tired of the war, not having had the possibility to recover from the first war and the bandit acts between the wars. If the authorities after the wars had behaved correctly, maybe the population would have accepted them as the majority of the people want law and order. However, Russia does not give them any alternative. At the present moment the war in Chechnya is in the police stage as far as the federal authorities are concerned and in the partisan stage as far as the Chechens are concerned. There is a mine war. The Russian troops provoke the population and force them to become partisans. The young men do not have any other alternative than becoming partisans. The events in the filtration camps have become well-known now and in order not to end up there, they join the partisans. One mother of a rebel, who was illegally held, said the following: „If my son comes back unharmed, I will give him a machine gun and will send him off to fight. If my son does not come back, I will buy a machine gun for my two other sons and will send them off to fight.“

As regards the level of fighting in Chechnya, guerrilla war is waging throughout the country. The places with most intensive combat action are to be found in the mountainous areas, being hard to reach for the federal army. In this terrain the rebels can be more efficient as they feel more comfortable there.

## **2. Ethnicity and languages**

Discussing the question of Russian enclaves in Chechnya, it has to be said that the Russian language areas were originally those near Stavropol at the borders to Ingushetia. In these border areas a lot of Cossacks used to live who belonged to the Russian speaking population. Moreover, a lot of Russians lived in Grozny itself, a large part of whom, however, had to emigrate as a consequence of the conflict starting in 1991. When during the first war the Chechens left their villages, only the Russian speaking population was left, thus being exposed to the strikes. Also during the second war many Russians were still in Grozny. These people were helpless and vulnerable, being mainly elderly persons who did not want to move, but had decided to stay there for the rest of their days. They therefore came under fire and had to hold out in the basements.

The number of Russian speaking people has consequently dropped, with emigration having increased in between the wars and in some areas reaching a mass scale. However, the area described above is still the one with the largest Russian speaking population in comparison with the rest of Chechnya.

The Chechens at least enjoy more social protection than the Russians as they are more safeguarded by their relatives by kinship. The Russians in Grozny are mostly old, single persons who lack the support of a family.

Both Chechens and non-Chechen national minorities receive humanitarian assistance without any discrimination, if such aid is available. As I have already mentioned, non-Chechens were less protected in between the wars when banditry was wide spread in Chechnya, with people disappearing or being kidnapped by the bandits since the Chechens felt the support of people of their kinship. At present Chechens and national minorities living in Chechnya enjoy equal treatment.

As for the question of how to determine the Chechen origin of a person, I would like to point out that a number of assimilated Chechens live on the territory of Russia. Even though it is not a very widespread phenomenon, there are people amongst them who do not speak Chechen. Nevertheless, some basic words should be known by every Chechen: e.g. how to say hello or thank you. Equally a certain set of traditions and customs should be familiar to the person in question. When an older person enters a room, everyone would get up. Chechens do not shake hands of women when they meet, but exchange a light embrace.

### **3. Infrastructure**

The official representative of the Russian Federation in Chechnya is Mr. Kadyrov who is the official Chechen authority appointed by Moscow. These days Grozny is again a city where people live and where there are markets. Schools and public transport are beginning to operate again in Grozny. With these administrative structures and a health service being established, life gets slowly back to normal. People in Grozny earn some minimum wage now, so there are some private buses to take people to work. One problem is that these buses are permanently checked and controlled. This particularly affects young men. If one is found without the *propiska* (residence permission) for Grozny, one may be detained. Sometimes this affects students who come from outside Grozny and want to study in the city.

The new life is mainly being reinstated because of the efforts made by the population. In August the Mayor of Grozny informed the school principals that there is no financing for the year 2001. Money would be needed for rebuilding the schools, which are merely ruins without roofs and equipment. Of course the parents very much want their children to get an education and are therefore prepared to help restoring the schools, e.g. by simply putting sheeting in the windows. The same applies to higher education: both teachers and students are eager to work and take a lot of efforts to be able to do so.

We have been rebuilding our institutions for the second time under a puppet regime, so this process is not new to us. People outside politics – like researchers, teachers, and engineers – are working and doing all they can to support their families. Since 1991 the anti-Dudaev coalition has made up the opposition, which for a long time could not remain in the republic. Part of them have returned to the republic and they work in the government structures (e.g. Beslan Gantemirov, the Mayor of Grozny who had been imprisoned on charges of embezzlement and was reappointed in October 2000).

#### **4. The military**

According to the law it is possible that Chechens residing on the territory of RF outside of Chechnya are recruited to pass the regular military service.

However, in practice no Chechen will agree to the service in the Russian army. Who is fighting against the Chechen rebels are mainly mercenaries, but also regular Russian soldiers and troops of the Ministry of the Interior (OMON).

So Chechen soldiers in the Russian army do not serve on the territory of Chechnya. One can imagine how difficult the position of Chechen recruits in the Russian army would be given the many illegal acts committed in the army. Nevertheless, even now there is talk that the Chechens will have to serve in the army, but so far this is only service without weapons. What does that mean?

Regrettably, I am not in the position to answer the question whether newly recruited soldiers are forced to take part in the war against Chechnya. The Organisation of Soldiers' Mothers will have more information on this issue. As far as I know, as of the beginning of the year only people who had served for more than 6 months could be eligible to be sent to Chechnya. This regulation is still valid as of February 2001.

As for conscientious objectors and soldiers of the Russian army deserting because they were not willing to take part in the actions against Chechnya, some of them were subject to court proceedings. In our archives at *Memorial* we have a videotape which shows three young ex-soldiers of the Russian army who joined the Chechen troops.

The *Memorial* staff, on the other hand, do not have information of cases of ethnic Chechens in the Russian army fighting in Chechnya.

As concerns the Chechen rebel forces, service in the partisan forces is not compulsory for Chechens. At present there is a militia force in Chechnya which is made up of units co-operating with the federal authorities. Service is purely voluntary, so forced conscription does not occur.

Although rumours have it that there are mercenaries in the Chechen troops, we cannot confirm them with statistic data. While I therefore cannot give any numbers, I can positively say that there are in fact mercenaries fighting for the Chechens, yet only in small numbers.

As regards the activity of Chechen forces in Ingushetia and Dagestan, they do not officially cross any borders. Today people in Dagestan are generally opposed to the Chechens and at the same time the borders are sealed by the military. So the Chechen forces do not have access to any other republics. Nevertheless, some mass media sometimes report that the Chechen rebels are active in Ingushetia. Rumours have it that one group of rebels found their way to Ingushetia, but these rumours have not been confirmed. They are being spread by the federal authorities in order to have justification for an additional check of passports in Ingushetia, which only causes panic among the refugees.

## **5. The human rights situation**

### Detentions and disappearances

*Memorial* has been witnessing systematic and illegal detentions and disappearances – the most important thing to mention. I would like to stress the fact that the federal forces do not have the database to identify who is involved in combat action and who is not, leading to mass detention of the male population. Instead of the assumption of innocence there is the principle of collective blame in the republic. Every local civilian can be detained, can be called a rebel and be sent to the filtration camp, where the only accusation against him would be his own testimony. Yet, it is widely known how testimonies are extorted from people: through beating, violence and torture. During last winter and spring there was a lot of discussion going on about Chernokozovo camp after the public had learnt about it. The situation there has somewhat improved, not as much as was expected, but at least resulting in the semblance of law and order. What is more serious is the situation at places of detention created in military post offices (kommendatura). These places have been established under the supervision of the local internal security authority. In the Memorial archives one can find impressive information on Urus Martan boarding school in a military post office. However, what is even more serious is that in the Chechen territory there are unofficial places where people are kept, since these persons are not registered in any way, so that no one knows about them. Very often correspondence about how the rebels are taken shows that they are sent to the military base of Khankala. Yet, officially there is no incarceration place where people are detained. People who got out of this place, however, gave testimony about what is going on there: people are kept in pits or in vehicles for the transportation of prisoners. Still, officially such pits and vehicles do not exist. We know that there are such pits in some of the residential areas, e.g. in the area of Tangi Chu. On 17 September the round table was convened with attendance of representatives of Kalamonov's office, head of local administrations, representatives of force structures and human rights agencies. On the question of the human rights agency *Memorial* regarding the existence of pits, the head of Russian military in Chechnya General Babichev said that it is not true. He added: „Give me a person who was placed in such a hole or pit and let him show you where this hole is. If there is no such hole, then this person will be held responsible.“ It is natural for a person, who broke out of this hell, not to be willing to risk being detained again.

Moreover, these holes are easy to hide. Those who are placed in such areas can simply disappear, which happens very often. In the beginning of September there was this clearing-up operation in the village of Stariye Atagi. A temporary road-post was put up at one of the entries to the village. When this blockade was removed again, the locals discovered the burial places of two male corpses, bearing traces of torture. Not being local civilians, they could not be identified immediately, which was only possible after a few days. These people had left one area and had been on their way to another when they were stopped. Their car was confiscated and they were beaten and killed. The place where they were kept was this aforementioned road-post. After the detention of such people by the military and security forces the relatives normally do not learn about their whereabouts for a long time. They neither know the cause of the detention nor the place where the people are held or whether an accusation has been formally presented. It is quite understandable that these people cannot approach a lawyer. Most of those who have disappeared are found after a number of months, but in some cases there are no traces at all.

Everyone knows about the detention of the Chairman of the Parliament of the Chechen Republic, Ali Khadjiyev. He was arrested on 15 May when he visited his sick mother. The house was surrounded by military facilities and installations and the military helicopters were in air. Some of his relatives and other persons were also detained. It has to be pointed out that Khadjiyev did not take part in any military action, but was simply Chairman of the Chechen Parliament during the period between the wars. He was one of the figures who could be very useful in negotiations between Russia and Chechnya. During a press conference on 25 May Colonel-General Manilov said that a number of rebels had been arrested, including Ali Khadjiyev. However, at the hearing of the State Duma on 25 September the deputy general prosecutor of the Russian Federation said that Ali Khadjiyev was not detained, but according to his information was killed in September by the Chechen rebels who had kidnapped him. The logic is clear. All the talk about Khadjiyev dying in the cell after being beaten is confirmed in an indirect way.

It has to be stated that today everyone in Chechnya can be subject to illegal detention. Sometimes one faces paradox situations: on 3 June three women, who were just walking through the centre of the city, were arrested in broad daylight by people in camouflage uniforms and masks. Men who tried to defend the women were also arrested. The Chechen police was dispersed by shots in the air. Four people were thrown into a vehicle bearing no sign. This incident happened at a time at which Grozny was supposed to be under the rule of the constitution, allegedly only violated by the rebels. The relatives of the kidnapped persons turned to the commander of the Chechen Republic, the prosecutor, the head of the federal security administration and the representative of the president. So far no one has been able to find any traces of the missing people.

#### Kidnapping and trade of people

It is generally known that between the wars there were cases of kidnapping and trading of people. It is not true that only the Russian-speaking population suffered from these acts. In fact, the Chechen population was affected as well. Banditry was aimed at everybody. At present such trade has surpassed any limits. After the clearing-up operation in Tangi-Chu one of the villagers recounted that young people were sent out of the village, while the relatives were offered machine guns, which they were supposed to first buy and then hand back over. Being a metaphor, this case still reflects the true situation. Unfortunately the price for a machine gun is not the highest one expected to be paid for the release of detained persons. Sometimes people in filtration camps are offered release for several thousand rubles or even dollars, sometimes the rate may go down to 1,000 rubles. When we talk to released people, they can give us a detailed account on what they observed at the camps, but they ask us not to mention that they were released because a ransom was paid. As people are unwilling to disclose this information, the true scope of this practice is difficult to assess.

#### Clear-up operations and torture

Today clear-up operations are carried out in the Chechen Republic. Passports are checked very regularly, yet the real nature of these operations is a punitive action. Usually a village is encircled by troops and the soldiers entering the village randomly take out all the belongings of the houses. They insult and humiliate peaceful citizens while arresting those they do not like. In early September such an operation was carried out in the Tchernorechje settlement near Grozny. Young people were sent to the area of refuelling where they were tortured. At present electric shock torture is very popular in Chechnya, termed „a call to Mashkadov“. The victim is asked whether he

would like to make such a call to Mashkadov. Then they put electric contacts to his ear and expose him to electricity. One 13-year-old boy was treated in the same way when asked if he wanted to call his mother. There are other forms of torture, too, yet electric shocks are used on a very wide scale.

Another clear-up operation took place in Stariye Atagi, a peaceful village packed with refugees. There still are residential areas which are intact and where people can live. In this particular case the military entered one of the regional hospitals where a young man from the mountains was kept, having been wounded during the bombing. He had lost his father and brother and had been moved by the federal forces to this particular village where he was hospitalised. During the mop-up operation he was snatched from the hands of the doctors and nurses and taken away to an unknown destination. After a week his body was found in a burial place, showing traces of torture.

### Religious persecution

The religious movement of Wahhabism has spread over the Chechen territory in the years 1996 – 1999. It had a very negative impact, resulting in the word 'Wahhabist' becoming a synonym for 'bandit'. The movement was quite popular and could draw many young and middle-aged people, both men and women, though women were involved to a lesser degree. While most of them formed military units and became rebels, even those who did not have such an active role could be denounced to the local commander's office as their long beards identified them as Wahhabists, which is tantamount to being called a „bandit“. Not all of the Wahhabists became rebels although many of them did. Given the current situation in Chechnya, denunciation is unfortunately a common thing to happen. Sometimes people are detained and beaten in order to denounce their neighbours and if they do not comply, they will not be released. Clearly, one can easily get into the situation of being denounced, all the more if one can be recognised as a Wahhabist. Such a person is certainly exposed to the risk of being called a bandit. The Wahhabists definitely constitute a group under high risk. What, however, has to be pointed out is that many of the negative incidents which happened in Chechnya and led to the second war have their roots in Wahhabism. Initially no measures were undertaken to curb the Wahhabi movement which therefore could boom in Chechnya and the adjacent republics.

### Collaboration

Chechens who collaborated with the Russian authorities are of course also exposed to certain risks. If a person is not involved in politics, s/he can more or less feel safe. However, the heads of administration can expose themselves to danger as they sometimes have to cooperate with the military institutions, thereby declaring themselves loyal to the Russian military. This of course provokes indignation on part of the Chechen rebels. Malika Gezimiyeva is head of the local administration of Gudermes region. She made two emotional statements of criticism of the Chechen rebels that led to attempts on her life.

In general, law and order in Chechnya hinges on the efficiency of the procurator's office and the law and order forces. However, the courts are not functioning in Chechnya. The date when they are supposed to start working is being postponed from one month to the next. The absence of a functioning judiciary leads to an increase in the duration of detention. The courts of other subjects of the Russian Federation do not consider any claims presented to them by the [Chechen] victims. Most of the refugees are in the Ingushetian Republic and the courts there are also simply unable to process all the claims brought to them.

As for the procurator's office, there is hope that it will accomplish something. However, it is not doing what it is supposed to do, it is simply inactive. In his report of 1 July the Special Representative of the Russian President on Human Rights, Vladimir Kalamonov, stated that his office has registered 5,500 applications, half of which have to do with disappearances, killings and robberies, while only 16 criminal cases were started according to Kalamonov's report. The numbers speak for themselves.

## **6. The humanitarian situation**

Most of the refugees are on the territory of Ingushetia. There is the word 'Vainach' which is a common expression to refer to the Ingush and Chechen people. The Ingush men are the only non-Chechen men Chechen women can marry, indicating the close relationship between these two peoples. The social and economical situation in Ingushetia is not very well developed, with the country being a very poor subject of the Russian Federation. Due to the incoming refugees, there was an enormous increase in the population figures. Ingushetia used to have 310,000 inhabitants while now 200,000 refugees are staying in the country. This fact places a considerable burden on the schools and the social system. The balance in Ingushetia is rather fragile. In spite of the economical difficulties the republic copes with the situation with the assistance of humanitarian agencies.

The Russian Federation, however, attempts to force people back to Chechnya. It is known that in December refugees were forcibly returned from Ingushetia to Chechnya by railway. The total number of railroad cars was 47. In Ingushetia one can see railway camps in the open fields with big concrete stones on top. I am of the opinion that people lifted them up there in order to prevent the cars from being sent back to Chechnya. However, the forcible deportation was not efficient. The Chechen refugees are exposed to another kind of pressure. At the moment the Russian government is trying to push through some of the social reforms in Chechnya to facilitate the refugees' return. Yet, the problem is not the question of how successful the social reforms are carried out, but the safety of the returnees. On 24 October one person, Mr. Agapov, suffered injuries of the head in Sernovodsk, which was declared an official security zone in Chechnya. It is the place of a temporary settlement of refugees. This person was severely wounded as he was shot in the head when he intended to catch his cow which had been following some soldiers. This incident happened only one month after he had returned home from a refugee camp he had been staying at for a year. What kind of security are we talking about? One could cite numerous similar cases, e.g. the one of a young woman who visited her mother in Grozny, was wounded by a sniper and had to be brought back to Ingushetia, being in a very serious situation.

The problem of dislocation of refugees still exists and is reflected in the following figures: according to the *Danish Council for Refugees* at present about 750,000 people are living in Chechnya. However, the humanitarian organisations working on Chechnya say the actual number is 550,000 and that the exaggeration of the figures results from the fact that some of the civilians would like to get additional humanitarian aid. According to the official data provided by the Chechen authorities more than 190,000 people are displaced, with some of them to be found close to areas where war is raging. At present there is much discussion about the building of settlement centres, but so far apart from words nothing has been achieved in this respect.

Ingushetia's view is in no way contradictory to the policy of the central government. If its aim is to bring back the refugees to Chechnya, Ingushetia does not have any objections. The Minister of Emergencies, Mr. Kuksa, addressed the humanitarian agencies with the request to discuss with the sponsors the possibilities of re-

immigration/repatriation of the Chechen refugees starting in March. There was the need for funding for transportation, especially for gasoline, since people had left their homes with all their belongings. Ingushetia has no intention to send people out of the country by force. Still, the question arises of how long Ingushetia will be able to bear the burden of having so many refugees. According to the words of the President, Ingushetia will withstand the pressure as long as necessary.

In August there was a lot of talk that the Chechen refugees in Ingushetia had to go back to Chechnya by October. At an official meeting held by Mr Kazantsev, head of Presidential Envoy in the southern region of the country, with the refugees on 1 October they were told: „By 10 October you have to be back in Chechnya. Why do you not return? What is hindering you?“ The Chechen refugees find themselves in a true pressure situation where people keep asking them why they do not go back. The main reasons are not hunger or anything else, but security and safety. When the Russian officials were confronted with these issues, they simply closed their eyes to them and did not react in any way.

The new deadline is 31 March 2001. However, there is no official document containing this date; it is only an official policy. Still, the politicians orientate towards this date in their wish that the Chechens return by then.

## **7. Chechens in Russia**

Russia lost the first war because there was a lot of reporting on the war. During the second war the federal authorities therefore acted much more cleverly, trying to form an anti-Chechen opinion among the population. In this respect no difference was made outside Chechnya and Ingushetia, e.g. everybody is being searched at the Kabardino - Balkaria border checkpoint to the neighbouring republic. So the population has very anti-Chechen sentiments now, leading to discrimination against Chechens in all of Russia. This fact has been confirmed at a seminar which I recently attended and at which I met Siberian and other representatives of *Migration and Human Rights*, an NGO working throughout the whole Federation. They told me that in practically every region this anti-Chechen attitude can be observed. The media are just hysterical, spreading that the explosions in the buildings are also traced back to the Chechens. This discrimination is found in both the big cities and the rural areas.

As far as the situation of Armenians, Kurds and other minorities who fled Chechnya is concerned, it has to be underlined that today Russia is in a social and economical crisis, which does not make it a very favourable country for refugees. To put it simple: hungry men will not treat refugees very well. Very frequently those Chechens who did not go to Ingushetia, but went to Russia are not treated very well. This does not mean that they are confronted with anti-Chechen sentiments, but they face limits in receiving social benefits.

I can also report about a case which *Memorial* was dealing with in its office in Nazran where we also have a legal expert working with asylum seekers. It was the case of a young man sent to Kaliningrad by his father. Even though he had perfectly proper documents, he came into detention just because he offered money through a middleman. After spending the night in prison, a criminal proceeding was opened against him on the next day. He escaped only because he could offer the money. This incident reflects the situation of the Chechens in Russia.

There are of course a number of Chechen-Russian mixed couples. Historically speaking, Chechen women have very rarely been marrying men of other nationalities. On the other hand, it happened quite often that Chechen men married women of other nationalities. Depending on the place of residence, the family will either follow the

Chechen way of life or will live according to the cultural background of the wife. If such a family lives outside Chechnya, very frequently the children do not speak Chechen. Still, on the territory of Russia they will be deemed Chechens. After the explosions in Russia there were large-scale operations against Chechens which in some cases also affected the children of such families.

*Memorial* dealt with one case in which an ethnic Chechen named Boris, who has been residing in Moscow for a long time and who is completely assimilated and married to an ethnic Russian wife, was arrested on coming back home from work. He was released after public intervention.

Looking at the situation of people expressing criticism on Russia's actions/policy in Chechnya, one has to differentiate. In Russia critical comments are of no importance today. Since there is war, critical voices are hard to hear as the media are not publishing or broadcasting such comments. Somebody expressing criticism within Russia and managing to get his criticism to the newspapers or one of the TV channels, nevertheless, will be safe thanks to the existence of some form of democracy there. On the other hand, people criticising the military inside Chechnya expose themselves to considerable danger. Given that the power lies completely with the military there, being in conflict with the authorities means risking one's life.

## **8. Documents**

### **Passports**

Only a very low percentage of the population in Chechnya has got passports. Due to the fact that during the war between Russia and Chechnya no passports were issued, there is now a generation who do not have any passports, who leave the country and primarily stay in Ingushetia without any such documents. Furthermore, the war situation led in many cases to passports being lost or burnt or to similar consequences. In order to get a passport one has to go back to Chechnya, yet without a passport it is impossible to cross borders. In addition, crossing a border requires money as one has to bribe people. Only 40,000 people have returned to Chechnya by now, so the passport issue remains a big problem for Ingushetia. *Memorial* contributed to efforts directed at solving this problem. Now the order has been given that passports be issued by the Ingushetian authorities.

A second very important factor lies in the fact that those people who left Chechnya during the first war got the official IDP status, whereas this has not been the case for the second war. So the question was whether the Russian regions would grant the Chechens official refugee status. The answer was: only to the Russians and only if there has not been any violence. Otherwise they have to produce evidence that the official troops were involved in violent actions. It is very difficult to come up with such evidence. This practice can be explained by the Russians not wanting to let anybody out of the country right from the beginning. General Shamonov ordered that the borders be closed as they did not want to allow any refugee to leave the country. The official order was: „The Chechen population must stay in the republic.“ Thanks to a personal initiative of Mr. Aushev, the President of Ingushetia, the borders were then opened, so that the Chechens could get to Ingushetia, yet without being granted refugee status since the official view was and is that they have to go back.

The 'propiska' (residence permission)

As for Chechens elsewhere in the Russian Federation outside Chechnya, it is impossible for a young man to live in Russia without a so-called 'propiska', i.e. residence permission. He can get registered only if he has got relatives [in the respective area]. If he manages to get the propiska, he then has to serve in the army. While every Chechen has the right to get the propiska with his relatives, it is still a very complicated and time-consuming procedure. In some areas the regional laws are in contradiction to the constitution. According to some of these regulations, a person has to live in the region for several years in order to get the propiska. Nonetheless, the propiska at the relatives' place of residence is possible by law, even if it is accompanied by great difficulties and the need for bribery.

Yet, even if one has the propiska in the Russian Federation, one will not enjoy any legal protection. After the explosions in Moscow, the temporary registration was simply revoked. People would simply shred the papers into pieces. This not only affected Chechens, but also people from Ingushetia. In Moscow the local population would seal their pockets in order to avoid others dropping compromising materials, like bullets etc. People would pay any ransom to have their friends and relatives released from detention and saved from accusations of drug trafficking etc.

It is also legally possible to detain a person for the mere reason of checking his/her documents. Yet, within three days the person has to be presented with an accusation. This period may also be extended up to ten days.

**9. Annex**Louise Druke:

When we distributed our paper [UNHCR guidelines on asylum seekers from Chechnya] on 21 August 2000 in Geneva we believed - given the overwhelming majority of people leaving the Russian Federation - that these persons requesting asylum outside the Russian Federation must be admitted – not into an accelerated procedure, but a regular refugee status determination procedure. If they are not found to deserve protection under the Geneva Convention, they should be at least given access to a complementary form of protection, at least on a temporary basis. In paragraph 5 the question of potential for internal relocation is addressed. We have very clearly concluded that this point is a very difficult issue for Chechens within the Russian Federation. We have further elaborated on this matter in paragraph 6 where we referred to e.g. the 1994 Moscow Regulations determining that only those who have relatives in Moscow can actually apply for and will obtain permission to reside there. Moreover, as is stated in paragraph 7, the situation of IDPs in other locations within the Russian Federation remains very vulnerable as well, reflected in very strict police controls of population movements etc.

We have therefore concluded that because of the dependence on the propiska registration, to which the Chechens are particularly subject since they do not get the same documents as Russians do, the movement within the Russian Federation is very difficult as is the possibility to leave the federation and have access to other countries and to asylum procedures there. Beside them not having an IFA, Russia has repeatedly indicated that the refugees should go back to Chechnya soon.

Both the High Commissioner and the Director of Protection have been to the region recently, finding not only the problem of winterization. The host families, who have been accommodating the refugees, have also all reached a state of saturation, so that the situation is becoming increasingly difficult from both a material and protection related point of view.

All these complicating factors the Chechen refugees face in attaining protection have to be born in mind.